



ADDISON

MERITORIOUS EXCEPTION APPLICATION

To be completed by Town staff:

Application date: May 30, 2019 Application/Fee Received: _____ Fee paid: \$300.00

APPLICANT CONTACT

I hereby certify that the information in this application is true and correct to the best of my knowledge.

Name: (printed) Kenner Phiffer

Company name: Albrite Sales and Service

Address: _____

Phone: _____

Email: _____

Status of Applicant: ☐ Property Owner ☐ Tenant ☒ Contractor ☐ Other: _____

Applicant's Signature: _____

INFORMATION ABOUT THE REQUEST

Address or location: Addison Town Center, SEC East Belt Line Rd. & Marsh Lane

Reasons for Meritorious Exception: _____

Please see attached Letter of Justification and Exhibits

SUBMITTAL REQUIREMENTS

You must submit 2 paper copies (11x17) and a PDF of the following items:

- Site Plan showing:
 - Lot Lines
 - Names of Adjacent Streets
 - Location of Existing Buildings and Signs
 - Setbacks from the Proposed Sign/s
- Sign Plans of All Proposed Signs with:
 - Scales
 - Dimensions
 - All Letter/Logo Heights
 - Total Square Footage

INFRASTRUCTURE &
DEVELOPMENT SERVICES

16801 Westgrove Drive
Addison, TX 75001

P.O. Box 9010
Addison, TX 75001

phone: 972.450.2880
fax: 972.450.2837

ADDISONTEXAS.NET

IT ALL COMES
TOGETHER.

Variation Letter of Justification

Ross Dress For Less

Addison Town Center
Addison, TX

Background:

Ross Stores, Inc. currently operates over 40 Ross Dress For Less stores in the greater Dallas/Fort Worth area. These stores have proven to be an asset to the communities they serve. Opening the new Ross Dress For Less store at Addison Town Center is evidence of Ross' plans to partner with the City of Addison, but they find that they need to bolster their identity by increasing the signage entitlements dictated by the City's zoning ordinance. Therefore, as agents of Ross Stores, Inc., we are applying for a variance requesting an increase in the maximum sign area in order to overcome limitations caused by site and regulatory hardships.

The new Ross Dress For Less store will occupy the 21,067 sq. ft. in the now vacant Office Depot space. Their lease provides for a 118'-0" frontage. They will be employing around 50 full and part time employees. Section 62-163 of Addison's sign ordinance establishes a maximum sign area of 1 square foot of sign area per linear foot of frontage not to exceed 100 sq. ft. The proposed ROSS is 72" hi and the DRESS FOR LESS letters are 39" hi, and when by encapsulating the ROSS and DRESS FOR LESS separately is 270.75 sq. ft. There are also two small oval pedestrian-oriented wall plaques and one under-canopy sign.

Section 62-33 of the sign ordinance provides for Meritorious Exceptions, stating that "The council may consider appeals on the basis that such regulations and/or standards will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship or on the basis that the proposed improvement although falling under the definition of a "sign," constitutes art that makes a positive contribution to the visual environment."

The term "variance" is not defined in Chapter 211 of the Texas Local Government Code. A "variance" is defined by the Sixth Edition of Black's Law Dictionary, however, as "[p]ermission to depart from the literal requirements of a zoning ordinance by virtue of unique hardship due to special circumstances regarding [a] person's property. The purpose of a variance is to prevent the unconstitutional application of the zoning ordinance. It is in the nature of a waiver of the strict letter of the zoning law upon substantial compliance with it and without sacrificing its spirit and purpose. variance actually sanctions violations of the strict technical terms contained in a zoning ordinance.

Petitioner Justification (typical variance criteria)

- 1. The existence of exceptional and extraordinary physical circumstances.**

Sign ordinances are generally written with consideration that most retail businesses abut the street frontage in the traditional manner of retail development. In this case, the store is set back from the East Belt Line Rd. over 750 feet. This unique condition must be taken into account when considering the resulting size and proportion of the primary wall sign.

Furthermore, the required method of calculating sign area in a single, 4-sided box unfairly counts background area as sign area. If we were to box the ROSS and DRESS FOR LESS in separate boxes, the actual sign area would be 270.75 sf, rather than the 458.25 sf using the required method.

We feel that the required 132.48 sq. ft. maximum ROSS DRESS FOR LESS sign will look disproportionately small from such a long distance. We have prepared a photo-rendering to illustrate this dilemma.

2. Strict application of the zoning code would cause undue hardship.

Part of the purpose of the request for a meritorious exception from the sign regulations is that a larger sign will assure Ross Stores, Inc. and the City of Addison that the business will be seen and therefore improve their prospects of success.

3. The hardship is not self-imposed.

Addison Town Center is an existing development. Therefore the site conditions are inherited.

4. Granting the meritorious exception would not adversely affect adjacent properties.

The adjacent properties are exclusively retail, so the proposed variance would be consistent with the designated land use and not out of character of the area.

5. Granting the meritorious exception would not change the character of the zone district.

The essential character of Addison Town Center is retail. What Ross is proposing is not inconsistent with the existing appearance or purpose.

6. Granting the meritorious exception would not adversely affect health safety, and welfare.

Granting of the meritorious exception would not have any impact on the community's health, safety, and welfare. As a matter of fact, the Small Business Administration has documented how undersized signs actually lead to more traffic incidents because drivers are known to make unsafe moves if they can't find what they are looking for.

7. Granting the meritorious exception would not impair the purpose of the zoning code.

Section 62-33 states that the following procedures apply to the meritorious exception:

- (1) In the development of the sign criteria a primary objective has been to ensure against the kind of signage that has led to low visual quality. On the other hand, an equally primary objective has been guarding against overly controlled signage.
- (2) It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly not conforming to this chapter and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also making a positive contribution to the visual environment.
- (3) The Council may consider appeals on the basis of such regulations and/or standards will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship or on the basis that the improvement although falling under the definition of a “sign” constitutes art that makes a positive contribution to the visual environment.

(Underlines added by applicant)

Summary:

With this variance request, Ross Stores, Inc. is seeking to balance the visual perception of a sign that appears smaller than those closer to the traffic corridors. It would also signify the relative importance Ross Stores Inc. will play in the local economy. We believe that those businesses that have little or no setback from the retail traffic corridors of Addison actually have a special privilege. We are not asking for special privilege as much as we are asking that Ross Dress For Less, which is set back such a long distance, be given extra consideration regarding sign size.

We appreciate the opportunity to present our reasoning behind our request for limited relief from the City of Addison’s sign regulations. We feel that the purposes and intent of the ordinance and General Plan would be advanced by the requested deviations from the requirements, and the benefits of such a deviation will substantially outweigh the detriment that would result from ineffective identification.

Notes:

- ROSS CONTRACTOR TO PROVIDE:
- ADEQUATE ACCESS BEHIND LOGO LETTERS FOR INSTALLATION AND MAINTENANCE, PER ARTICLE 600 OF THE N.E.C.
 - ONE (1) 20 AMP 120V ISOLATED SIGN CIRCUIT AND JUNCTION BOX TO AREA BEHIND SIGN LETTERS CONNECTED TO THE ENERGY MANAGEMENT SYSTEM
 - AT LEAST 1/2" THICK PLYWOOD BACKING BEHIND ALL E.I.F.S. WALL SYSTEMS FOR SIGN AND BANNER SUPPORT

SIGN FASCIA TO BE FREE OF JOINTS & REVEALS, AND OF A LIGHT COLOR (MINIMUM 80% L.R.V.) TO PROVIDE HIGH CONTRAST AND VISIBILITY FOR THE SIGN.

COLOR APPEARANCE MAY BE ALTERED BY PRINTING, SEE APPROVED FINAL CONSTRUCTION DRAWINGS FOR COLOR SPECIFICATIONS.

A 72"H INDIVIDUAL "ROSS" PAN CHANNEL LETTER-LOK LOGO LETTERS:
FACES: TUF-GLAS SG 21210-E4 MATTE BLUE
RETURNS: 8"D ALUM. W/ WHITE FINISH
TRIM CAP: 2" WHITE JEWELITE
LETTER BACKS: ALUMINUM
LEDS: INSEM SS-KDL2CL-RW 9000K WHITE
MOUNTING: 1/4"-20 GALV. THRU BOLTS
PEG OFF: 1/2" SPACERS

B 39"H INDIVIDUAL "DFL" LOGO LETTERS:
ALL CALLOUTS SAME AS "ROSS" EXCEPT:
RETURNS: 5"D ALUM. W/ WHITE FINISH
TRIM CAP: 1" WHITE JEWELITE

C 23"H X 46"W X 10"D DOUBLE-FACE INTERNALLY ILLUMINATED UNDER-CANOPY SIGN, SEE SHEET UC FOR DETAILS.

D 24"H X 48"W X 1"D SINTRA OVAL "ROSS" LOGO WALL PLAQUE TWO (2) REQUIRED AS SHOWN, SEE SHEET EL FOR DETAILS.

1 SIGN FASCIA BY ROSS CONTRACTOR, SEE NOTES



SIGN AREA CALCULATION




ROSS
DRESS FOR LESS
11.75' x 39.0' = 458.25 SF

GROSS FACADE AREA = 3,785.1 SF
SIGN AREA ALLOWED:
3,785.1 X .035 = 132.48 SF
TOTAL PROPOSED SIGN AREA:
458.25 SF

1 STOREFRONT • SOUTH • EAST BELT LINE ROAD • ELEVATION

SCALE: 3/32" = 1'- 0"

RB-E

 bill moore & associates	1057 solano ave. p.o. box 6153 albany, ca 94706-0153 510/526-0296 fax 526-6092 www.billmoore.com	 MEMBER California Sign Association ISA	 DRESS FOR LESS	2156 ADDISON Addison Town Center SEC East Belt Line Road & Marsh Lane Addison, TX	drawn 10/23/17 Exhibit J 01/31/18 rev per AE2-1 12/20/18 Revised sign calc 01/08/19 SM- 39" DFL 02/21/19 SM - sign area calc. 5/17/19	SHEET S1⁷²39
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A 48"H INDIVIDUAL "ROSS" PAN CHANNEL LETTER-LOK LOGO LETTERS:
FACES: TUF-GLAS SG 21210-E4 MATTE BLUE
RETURNS: 8"D ALUM. W/ WHITE FINISH
TRIM CAP: 2" WHITE JEWELITE
LETTER BACKS: ALUMINUM
LEDs: INSEM SS-KDL2CL-RW 9000K WHITE
MOUNTING: 1/4"-20 GALV. THRU BOLTS
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2 TYPICAL ARCHITECTURAL LIGHTING BY ROSS CONTRACTOR

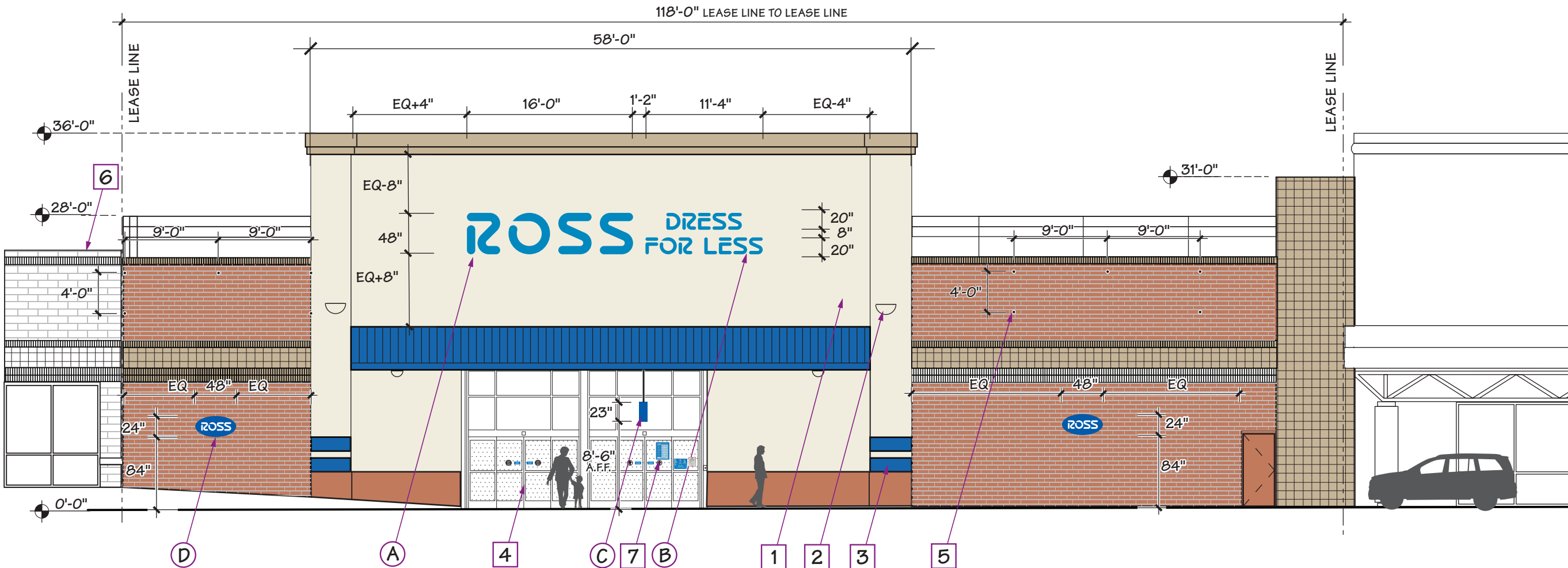
3 TYPICAL ROSS BLUE IDENTITY BANDS BY ROSS CONTRACTOR

4 CLEAR ANODIZED ALUMINUM STOREFRONT & DOORS BY ROSS CONTRACTOR

5 SET OF FIVE (5) EYE-BOLTS FOR BANNER ATTACHMENT BY ROSS CONTRACTOR. TWO (2) SETS REQUIRED AS SHOWN.

6 ADJACENT PARAPET MAY NOT BE HIGHER THAN ROSS BASE BUILDING

7 STORE HOURS, ENTRY/EXIT, ETC. DECALS BY ROSS STORES



1 STOREFRONT • SOUTH • EAST BELT LINE ROAD • ELEVATION

CODE COMPLIANT :



ROSS/DFL 4'H x 26.5'W =114.5 sf

SIGN AREA **ALLOWED** : 132.48 SF
SIGN AREA **USED** : 114.50 SF

SCALE: 3/32" = 1'- 0"

RB-E



bill moore & associates

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510/526-0296 fax 526-6092
www.billmoore.com



2156 ADDISON
Addison Town Center
SEC East Belt Line Road & Marsh Lane
Addison, TX

drawn	10/23/17
Exhibit J	01/31/18
rev per AE2-1	12/20/18
Revised sign calc	01/08/19
SM- 39" DFL	02/21/19
SM - sign area calc.	5/17/19

SHEET
S1⁴⁸20