

# **DRAFT**

## **OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL**

**March 8, 2022**

**6:30 p.m. Executive Session & Work Session  
7:30 p.m. Regular Meeting**

**Addison TreeHouse  
14681 Midway Rd., Addison, TX 75001**

The Addison City Council conducted its Regular Council Meeting on Tuesday, March 8, 2022, 2021, at the Addison TreeHouse with a quorum of the City Council physically present. Limited seating for members of the public was available using CDC recommended social distancing measures. The Town utilized telephone and videoconferencing to facilitate participation in the meeting. Interested parties were able to make public comments and address the Council via emailed comments submitted to the City Secretary at [iparker@addisontx.gov](mailto:iparker@addisontx.gov) by 3:00 pm on the meeting day. Members of the public were also entitled to participate remotely via Toll-Free Dial-in Number: 877.853.5247; Meeting ID: 409.327.0683 Participant ID: #. Detailed instructions on how to participate in this meeting were available on the Town's website on the Agenda Page. The meeting was live streamed on Addison's website at [www.addisontexas.net](http://www.addisontexas.net)

**Present:** Mayor Joe Chow; Mayor Pro Tempore Guillermo Quintanilla; Deputy Mayor Pro Tempore Paul Walden; Council Member Lori Ward; Council Member Kathryn Wheeler; Council Member Marlin Willesen.

**Absent:** Council Member Tom Braun

---

**Call Meeting to Order:** Mayor Chow called the meeting to order.

---

**Pledge of Allegiance:** Mayor Chow led the Pledge of Allegiance

---

### **EXECUTIVE SESSION**

**Closed (Executive) Session of the Addison City Council pursuant to:**

- **Section 551.087, Texas Government Code, to discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect or business prospects that the City Council seeks to have locate, stay, or expand in or near the territory of the Town of Addison and with which the City Council is conducting economic development negotiations, and/or to deliberate**

**the offer of a financial or other incentive to such business prospect or business prospects:**

- Discuss master developer proposals for the Town's Transit Oriented Development Project

Mayor Chow closed the Open Session to convene the City Council into Closed Executive Session at 6:32 p.m.

**Reconvene into Regular Session: In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.**

Mayor Chow reconvened the City Council into Open Session at 7:15 p.m. No action was taken as a result of Executive Session.

---

## WORK SESSION

**1. Present and Discuss the Format for the Town Meeting on April 14, 2022.**

Communications Director Mary Rosenbleeth reviewed that the Town Meeting is scheduled for April 14, 2022 at the Renaissance Hotel. She provided the Council a list of topics for the presentations that included transportation, economic development, Silver Line railway, transit oriented development, Citizen's Survey and Sam's Club development. Council Members discussed the list and determined who will do the presentations at the Town Meeting.

**2. Present and Discuss the 2021 Resident Survey Results.**

Mayor Chow advised that this item will be discussed later in the Regular Meeting.

*\*\*\* A brief recess was taken \*\*\**

---

## REGULAR MEETING

---

### Announcements and Acknowledgements regarding Town and Council Events and Activities

---

#### Discussion of Events/Meetings

---

**Public Comment:** *The City Council invites citizens to address the City Council on any matter, including items on the agenda, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing starts. Citizen comments are limited to **three (3) minutes**, unless otherwise required by law. To address the Council, please fill out a **City Council Appearance Card** and submit it to a staff member prior to the Public Comment item on the agenda. The Council is not permitted to take any action or discuss any item not listed on the agenda. The Council may choose to place the item on a future agenda.*

---

Several residents requested to speak during Public Comment as follows:

1. Burk Burkhalter, 3824 Waterford Dr.: expressed concerns regarding taxpayer dollars being wasted on vehicle use and non-existent flooding issues. Voiced support of Case 1846-Z/4150 Beltway Drive – Addison Reserve Townhomes.
2. Jay Ihrig, 3737 Chatham Court: spoke in favor of FixIt App and work done by Code Enforcement Personnel. Addressed concerns with commercial vehicle parking.
3. Item 7 – Case 1846-Z/4150 Beltway Drive – Addison Reserve Townhomes.
  - a. FOR: Jim Ross, 4152 Towne Green Circle; Al Cioffi, 14867 Towne Lake Circle; Kathryn Eriksen, 14876 Towne Lake Circle; Laura Vest, 4154 Towne Green Circle (did not speak); Joshua Nichols, Cobalt Homes.
  - b. AGAINST: Steven Griggs, attorney for property owners @ 14837 Midway Rd. #200; Alex McCutchin, COO, VVI, Inc.

---

**Consent Agenda:** *All items listed under the Consent Agenda are considered routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be pulled from the Consent Agenda and discussed separately.*

3. **Consider Action on the Minutes from the February 22, 2022 Regular City Council Meeting.**
4. **Consider Action on a Resolution Authorizing the City Manager to Execute such Subdivision Election and Release Forms as may be Required by the Texas Attorney General In Connection with the Town's Participation in the Opioid Litigation Settlement Previously Authorized by the City Council with the Passage of Resolution R21-093.**

Mayor Chow asked if there were any requests to remove an item from the Consent Agenda for separate discussion. There were none.

**MOTION:** Council Member Ward moved to approve Consent Agenda Items 3 and 4 as submitted. Council Member Willeesen seconded the motion. Motion carried unanimously.

**Resolution No. R22-014:** Authorize Opioid Litigation Settlement Subdivision Election and Release Forms

---

## Regular Items

5. **Present, Discuss, and Consider Action on the Recently Updated Residential Commercial Vehicle Parking Ordinance.**

Chief of Police Paul Spencer presented this item. He advised the Town received an increasing number of resident concerns about the parking of commercial vehicles in residential areas in late 2021. On December 14, 2021, a Council Work Session was held to discuss this matter. Council provided Staff with direction to make amendments to the applicable parking Ordinance. Council

passed the Ordinance amendments on January 11, 2022. Since enforcement efforts began, residents, property owners, and staff have encountered questions and concerns about the revised Ordinance.

The Ordinance language is as follows:

Sec. 78-175. - Overnight parking of certain vehicles within residential areas prohibited.

The city council hereby declares its purpose in enacting this section is to reduce hazardous traffic conditions and protect the health, safety, and welfare of the residents by prohibiting the overnight parking of commercial vehicles in and adjacent to residential areas within the city.

(a) The following definitions shall apply to this section:

*Commercial vehicle* means any vehicle with a manufacturer's rating in excess of one (1) ton that is designed, intended, or used to transport passengers or property, other than a private passenger vehicle. The term shall include, but is not limited to, a trucktractor, road-tractor, semitrailer, bus, motor home, camper trailer, special mobile equipment, truck, or trailer.

*Private passenger vehicle* means a motor vehicle which is used solely for private transportation and not used for the transportation of persons or property directly or indirectly in connection with a business or for compensation.

(b) It shall be an offense for any person to park or stand a commercial vehicle upon any public or private street, highway, alley, parking lot, driveway, or other property located within, or immediately adjacent to, an area of the city classified by the comprehensive zoning ordinance for residential use, including any residential area located within a planned development, mixed-use, or other special zoning district, at any time from 12:00 a.m. (midnight) until 6:00 a.m.

(c) It shall be a defense to prosecution under subsection (b) of this section if:

- (i) the commercial vehicle is parked for the purpose of expeditiously loading or unloading passengers, freight, or merchandise; or
- (ii) the commercial vehicle is lawfully parked on private property and enclosed in a building or fully concealed from view by a fence or other lawful erected structure.

Chief Spencer advised that enforcement issues include:

1. The types of vehicles identified as violations (i.e., privately owned work vehicles and take-home work vehicles) used and owned by residents, especially within the multi-family areas, are highly differentiated and it has been difficult to simply use the 1-ton (2,000 pound) capacity metric to guide enforcement decisions.
2. Adjacency language added during the ordinance revision is capturing commercial properties that border residential areas, placing those businesses vehicles in violation of the ordinance.
3. The Town's zoning maps are difficult for patrol personnel to clearly identify which areas are covered by the ordinance.
4. Over 60 residents and property owners have expressed frustration that the Town is prohibiting most work vehicles used and /or owned by residents.

Chief Spencer requested feedback on whether Council is comfortable with the current definition of a commercial vehicle given the impacts to residents that own or use a work vehicle as their primary source of transportation, and whether Council is comfortable with the adjacency language as written.

Several council members expressed their concerns over the ordinance language as it is written and discussed ways that it might be revised. Council members noted that the intent of the ordinance was to maintain the integrity of residential neighborhoods. It was suggested that a map be created that would help officers use their discretion on parking situations. It was also recommended that staff survey other cities to determine what works well there in regard to commercial vehicles parking on the street. Staff will present findings at a future meeting. City Manager Wes Pierson advised that the ordinance will not be enforced until further evaluation and decisions are made on the matter.

**6. Present, Discuss and Consider Action on Matters Related to the Les Lacs Park Outdoor Fitness Court.**

Prior discussion on this item, Council Member Walden suggested this item be tabled until after the upcoming City Council election. Mayor Pro Tempore Quintanilla agreed. Council Members Willesen, Ward, and Wheeler were in favor of addressing the matter at this meeting. Mayor Chow advised Council should hear the presentation and then decide.

Janna Tidwell, Director of Parks and Recreation, presented this item. She reviewed that on September 14, 2021, Council approved a resolution confirming the Town's intent to participate in the 2021 National Fitness Campaign Grant Program for \$25,000 towards the purchase of fitness equipment to be installed at Les Lacs Park. Also approved was a resolution to grant the purchase of outdoor fitness court equipment from National Fitness Campaign in an amount not to exceed \$124,265. Following approval by Council, staff purchased of the equipment with 2019 bond funds. The equipment is in the possession of the Town awaiting installation. Staff is currently reviewing proposals from contractors to install the concrete pad for the equipment installation.

Ms. Tidwell advised that in November - December 2021, residents approached Council and staff with concerns about the installation of the equipment at the proposed location at Les Lacs Park and provided a petition with 108 signatures, requesting the Town cease all planning and implementation at Les Lacs Park and consider relocating to a more suitable site. Mayor Chow and Deputy Mayor Pro Tempore Walden asked that this topic be placed on a Council meeting agenda for discussion. Staff made a presentation to Council on February 8, 2021 that gave an overview of the residents' concerns and provided background information regarding the selection of the location for fitness court and equipment at Les Lacs Park to help aid Council's discussion. As a result of that discussion, staff was asked to bring this item back to Council and to provide information regarding potential alternative site locations for the outdoor fitness court and the cost to relocate the fitness court in order to facilitate further discussion. She reviewed that the original location is adjacent to the playground at Les Lacs Park.

Ms. Tidwell presented alternate sites for the fitness equipment. A location adjacent to the Les Lacs Park volleyball court and a location near a parking area at Vitruvian Park were presented as possible locations. Specific details such as visibility, usage, security, pros, and cons of each as they compare to the original site were discussed. It was noted that the two alternate sites would require some additional expense, including a shade structure.

City Manager Pierson reminded Council that in regard to usage, the target age should be inclusive for all in the future.

Ms. Tidwell responded to a Council question in regard to a timeframe to begin the project. She advised that the equipment is currently stored outdoors at the Addison Athletic Facility. If the project is delayed after May, it could be moved temporarily to another location. She advised that she plans to bring a construction contract to Council at the next meeting for the cement pad.

Council Member Willesen inquired whether staff considered locating the equipment on the other side of the creek at Vitruvian Park. Ms. Tidwell responded that the Town does not own enough property in that area.

Council Member Willesen and Council Member Ward spoke in favor of the Vitruvian Park location. Deputy Mayor Pro Tempore Walden spoke in favor of the originally proposed location at Les Lacs Park.

**MOTION:** Council Member Willesen made a motion to direct staff to move forward with the Vitruvian Park location. Council Member Wheeler seconded the motion. Motion carried with a vote of 5 to 1 with Deputy Mayor Pro Tempore Walden voting against the motion.

7. **Hold a Public Hearing, Present, Discuss, and Consider Action on an Ordinance Changing the Zoning for a 1.804-Acre Property Located at 4150 Beltway Drive, from Planned Development (PD) through Ordinance 083-039, to a new Planned Development (PD) District to Allow a Townhome Development Comprised of ~~33~~ 31 Townhome Lots and Associated Open Space and Common Area Lots. Case 1846-Z/4150 Beltway Drive (Addison Reserve Townhomes).**

Ken Schmidt, Director of Development Services, presented this item. He advised this request is to consider approval to rezone property located at 4150 Beltway Drive to allow a townhome development. The location and background of the property was provided. He advised this property previously was the location for a Super 8 Motel that was damaged by a fire in 2018 and subsequently demolished. Mr. Schmidt advised that Cobalt Homes is the rezoning applicant.

Mr. Schmidt reviewed the development plan includes 31, three-story townhomes. All units will have three bedrooms, with typical floor plans having 2,100 square feet of space. Each unit will front on a public street or open space and will have ground floor access through a private patio area or stoop. A 10-foot trail will be located on the west side in accordance with the Town's Master Trails Plan. The plan also includes a parkland dedication and park furnishings. Mr. Schmidt advised that there will be a 67-foot building setback on the western boundary, and 118-foot setback to Towne Lake homes. The public access to the site will be from Beltway Drive. The project will be served by internal private streets and a private street at the eastern edge that will be converted to a public street in the future. Based on current adjacencies, temporary fencing and access gates are proposed at the eastern and southern project boundaries. An agreement has been proposed to allow the Town to remove these temporary features to provide unconstrained connectivity to adjacent sites in the future.



Mr. Schmidt reviewed the parking, open space, landscape, and streetscape proposed for the development. He advised that there will be a 57-foot-wide greenbelt and 10-foot trail dedicated as public open space at western edge of the site. There will be 3,817 square feet of private open space provided internally to the site. Six of seven Beltway Drive mature trees will be preserved, with a six-foot-wide sidewalk provided at the street frontages. Nine new canopy trees and thirty new ornamental trees are included. Enclosed courtyards will be provided for Beltway Drive ground floor units and enclosed courtyards will be provided at the western buffer area.

Mr. Schmidt advised that the development plan complies with the 2013 Comprehensive Plan, the Addison Housing Policy, the Town's Transportation Policy, and the Parks and Trail Master Plans. This area is subject to the Sam's Club Area Study which is currently on-going.

Mr. Schmidt advised that the Sam's Club Study goal is to have 100 feet of residential transition zone and the applicant is proposing a 57-foot open space and 67-foot building setback, resulting in 118-feet of setback to the nearest Towne Lake building. Mr. Schmidt advised that there is a private easement between the subject property and an adjacent property owner that should be addressed.

Mr. Schmidt advised that a community outreach meeting was conducted on February 1, 2022. Following that meeting, refinements to the plan were made and are incorporated into this application.

Mr. Schmidt advised that 47 public notices were sent to adjacent property owners within 200 feet. One response in favor was received and one response against the project was received. Mr. Schmidt advised that a written protest was received from VVI, Inc., which represents over 20 percent of the land area within 200 feet of the site. Due to that, a super-majority vote of the Council (6 of 7) is required to approve this request. In addition, six letters of support, three letters of opposition, and one neutral letter sharing concerns about the Beltway frontage was received.

Mr. Schmidt advised that the Planning and Zoning Commission met on February 15, 2022 and voted 6 – 1 to recommend approval subject to the following conditions:

1. 10-foot-wide shared use trail to extend east along the Beltway Drive frontage and terminating with a bi-directional ramp at the western edge of One Reserve Street.
2. The masonry wall along Beltway Drive shall not be removed until construction is ready to commence on the townhome units adjacent to the wall.
3. Prior to issuance of a building permit, the applicant/owner shall provide the City written notification that the 24' access and utility easement (as recorded in the Dallas County Real Property Records on February 1, 1993, Volume 93020, Page 3255) encumbering the eastern, southern, and western boundaries of the property has been fully released and abandoned.
4. Installation of public parkland landscape, trail, and site furnishings are the obligation of the developer and shall be maintained by the Town upon inspection and acceptance.
5. Installation of any required public street improvements are the obligation of the developer and shall be maintained by the Town upon inspection and acceptance.

6. An agreement shall be established between the Town and Developer addressing the potential future removal of the proposed temporary perimeter fencing.
7. Future site development plans and proposed parkland and street right-of-way dedications shall conform to the attached conceptual site, landscape, façade, floor plans, and development standards.

Mayor Pro Tempore Quintanilla expressed his appreciation to the Planning and Zoning Commission for their diligence on this matter. He inquired how staff can ensure that the mature trees along Beltway Drive will not be impacted by the six-foot sidewalk. Mr. Schmidt responded that if Council desires, staff could have the flexibility to reduce the width of the sidewalk by one foot and that would alleviate the possibility of tree damage. Mayor Pro Tempore Quintanilla also inquired regarding the taxable value of this property. Mr. Schmidt advised that the unimproved land is appraised by the Dallas Central Appraisal District at \$942,000 which results in approximately \$6,000 to the Town in ad valorem tax. The townhome values will be between \$550,000 and \$600,000. With 31 units, the ad valorem tax to the Town would be approximately \$105,000 (before exemptions.) Mayor Pro Tempore Quintanilla commented that this section of the development will be the most difficult to develop and inquired if Mr. Schmidt is aware of similar projects in other towns. Mr. Schmidt responded that townhomes built along Katy Trail are similar.

Council Member Ward commented that the development including parking feels cramped. She confirmed with Mr. Schmidt that parking is not allowed on Beltway Drive. Mr. Schmidt also stated that most development in Addison is re-development and at times it can be challenging to strike a balance.

Council Member Willesen spoke in favor of the project, particularly in regard to the trail connection that will be included.

Mayor Chow opened the public hearing.

The applicant, Joshua Nichols, advised he has been working on this project since 2020 and his experience working with Town staff has been positive. In response to questions from Council, Mr. Nichols advised that “rolling” construction of the project would be done; not all buildings would be in the same stage of construction at the same time. He advised the project should take approximately 30 months to complete. He also advised that the existing wall will not be removed until necessary. Mayor Chow inquired about the temporary gates. Mr. Nichols advised they are for security of the residents there.

Midway Meadows resident Vickie Ballou inquired if this project will be under construction at the same time as Midway Road. City Manager Pierson advised that Midway south of Belt Line is being done first and does not think it will overlap this project.

Adjacent property owner Ben McCutchin advised that he prefers this section of the Sam’s Club Area Study property be developed at the same time as the remainder of the property and conform to the Study.



Mayor Chow closed the public hearing.

**MOTION:** Council Member Ward moved to approve Item 7 as stated, and to add ensuring preservation of the Beltway Drive trees with staff having the flexibility to adjust the width as discussed. Deputy Mayor Pro Tempore Walden seconded the motion. Motion carried unanimously with a vote of 6-0.

**Ordinance No. O22-8:** Approve PD District Case 1846-Z/4150 Beltway Drive (Addison Reserve Townhomes).

**8. Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception to Chapter 62 of the Code of Ordinances for Addison Grove, a Mixed Use Multifamily Development Located at 4150 Belt Line Road, in Order to Exceed the Permitted Maximum Quantity of Detached Signs per Frontage and to Reduce the Permitted Minimum Distance Between Detached Signs. Case MR2022-01/Addison Grove.**

Ken Schmidt, Director of Development Services, presented this item. He advised this request is for approval of a meritorious exception for an additional detached sign for Addison Gove. Depictions of the proposed sign and location were provided.

Mr. Schmidt advised that the Town's Code of Ordinances states that the maximum number of detached signs per frontage is limited to one. Multi-family developments are allowed an additional detached sign per 500 feet of frontage in excess of 750 feet. Additionally, the allowable minimum distance between detached signs is 150 feet.

Mr. Schmidt advised that that the maximum number of permitted detached signs per public street frontage would be exceeded in this case due to an existing detached sign being located at the Belt Line Road frontage. He advised that the proposed sign also does not meet the 150-foot separation from the existing sign as it is only 71 feet from the existing sign. Photos of the location were provided.

Mr. Schmidt reviewed that in accordance with Chapter 62 of the Code of Ordinances, *"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."* Mr. Schmidt advised that this proposal meets the hardship criteria and noted that strict application of the sign code is less practical for a project of this size and with such a unique access design. Based on this, staff is recommending approval. In response to questions from Council, Mr. Schmidt advised that this proposed sign would not impact drivers viewing the existing stop sign, and that the sign would be illuminated.

**MOTION:** Deputy Mayor Pro Tempore Walden moved to approve. Council Member Willeesen seconded the motion. Motion carried unanimously.

**Ordinance No. O22-9:** Approve Case MR20220-01/Addison Grove Meritorious Exception for Signage at 4150 Belt Line Road

**9. Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception to Chapter 62 of the Code of Ordinances for Dutch Bros Coffee, a Drive-Thru Restaurant Located at 14280 Marsh Lane, in Order to Exceed the Permitted Maximum Quantity, Cumulative Sign Area, and Logo Height for Attached Commercial Tenant Identification Signs and to Reduce the Permitted Minimum Distance Between Adjacent Attached Signs. Case MR2022-02/Dutch Bros Coffee.**

Ken Schmidt, Director of Development Services, presented this item. He advised that Dutch Bros Coffee is a drive-thru coffee shop that is currently under construction at 14280 Marsh Lane and is projected to be completed in early spring. As the project nears completion, the owner has begun the permitting process for signage for the site, which includes signs for the drive-thru service and walk-up window. During the permit review process, staff determined that the proposed attached wall signage did not comply with the Town's sign code. Specifically, the quantity of requested attached wall signs does not comply with the Vitruvian Park Special District sign standards.

In 2011, City Council approved an amendment to the Town's sign code in order to establish Special District sign standards for Vitruvian Park (Ordinance No. 011-001, and as amended by Ordinance No. 011-038). This special district applies to the more than 120 acres owned by UDR, which includes the Brookhaven Village Shopping Center, where Dutch Bros Coffee will be located.

The sign provisions for the Vitruvian Park Special District were tailored to address a walkable mixed use development context, where buildings are oriented to directly engage the streetscape, and where building features are designed to support a more active pedestrian environment. The sign standards outlined in this special district were not tailored to address freestanding buildings with drive-thru service, which is the development context approved for Dutch Bros Coffee.

Mr. Schmidt reviewed the Vitruvian Park Special District sign regulations, attached commercial tenant signs are permitted as follows:

Town of Addison Code of Ordinances, Chapter 62 (Signs)

Section 62-289. – Special Districts

(g)(1.) Attached Commercial Tenant Identification Sign:

- a. Each commercial tenant may have one sign per 50 lineal feet of building frontage, with a maximum of two signs spaced a minimum of 25 feet apart.
- b. The sign area is limited to one square foot of sign per lineal foot of building frontage up to a maximum of 200 square feet of total sign area with no individual sign exceeding 100 square feet in area.
- c. The sign may project more than 18 inches from the building facade.
- d. Signs projecting more than 18 inches from the building facade shall be located a minimum of eight feet above grade.
- e. Signs shall be placed on exterior facades common with the tenant space.
- f. Letters and logos below 36 feet above grade may have a maximum height of 26 inches.

Mr. Schmidt advised that the proposed Dutch Bros Coffee signs are generally consistent with signs that may be found on other freestanding commercial buildings in Addison where drive-thru service is provided. The signs proposed include a tenant identification sign on the upper portion of the north, south and east building facades, a logo sign on the west facades, and multiple menu signs on lower portions of the north and south facades, adjacent to the drive-thru line and walk-up order window. Due to its unique model of service, Dutch Bros Coffee does deviate from a typical drive-thru service concept by providing additional menu signs to maximize communication with their customers. This condition results from Dutch Bros practice of having staff members traversing the site to take customer orders, in lieu of the traditionally used drive-thru speaker, while also accommodating walk up service. The additional menu signs are requested to best accommodate vehicle and walk-up customer orders.

Mr. Schmidt advised that due to this building only having 36.7 feet of building frontage on Marsh Lane, Dutch Bros Coffee is only allowed one attached sign with a maximum area of 36.7 square feet. With this request, Dutch Bros seeks a total of ten attached signs which comprise a total sign area of 138.8 square feet, exceeding the maximum by 102.1 square feet. The north and south facades are proposed to include four signs each, while the east and west facades are proposed to include one sign each. Due to the size of this building, where multiple signs are provided on a façade, the 25 feet of separation required by code is not achieved. Additionally, the logo sign on the west facade (Dutch Bros Coffee windmill logo) exceeds the maximum logo height of 26 inches by 33.5 inches.

As a result, the applicant is seeking a meritorious exception to allow for the following deviations from the Vitruvian Park Special District sign regulations:

1. Allowance of nine additional attached signs;
2. Allowance for spacing of signs less than 25 feet apart in accordance with the proposed plans;
3. Allowance of an additional 102.1 square feet of cumulative sign area; and
4. Allowance of an additional 33.5 inches of logo height for the logo sign on the west facade (Dutch Bros windmill logo).

The applicant is pursuing a Meritorious Exception to the sign code in accordance with the code provisions stated below:

Town of Addison Code of Ordinances, Chapter 62 (Signs)

Section 62-33. – Meritorious exceptions.

(d)(3) 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.

Mr. Schmidt advised that staff believes that the hardship criteria of the Meritorious Exception requirements is met for some of the proposed signs due to the challenges presented by applying the Vitruvian Park Special District sign regulations to a freestanding building with drive-thru services.

Mr. Schmidt stated that the quantity of proposed menu signs is more than the standard signage that would be permitted at any other drive-thru facility in Town. The applicant has indicated that in addition to standard menu signs, the additional menu signs will be used for the promotion of monthly drink specials and charitable fundraising programs.

Staff believes that due to the nature of service operations a single free-standing informational sign is appropriate at the north and south facades. Allowance of additional attached signs would not be consistent with conditions at other drive-thru facilities in Town. Mr. Schmidt advised that staff is recommending approval with the condition that freestanding attached informational signage is limited to no more than one sign at the northern and southern facades.

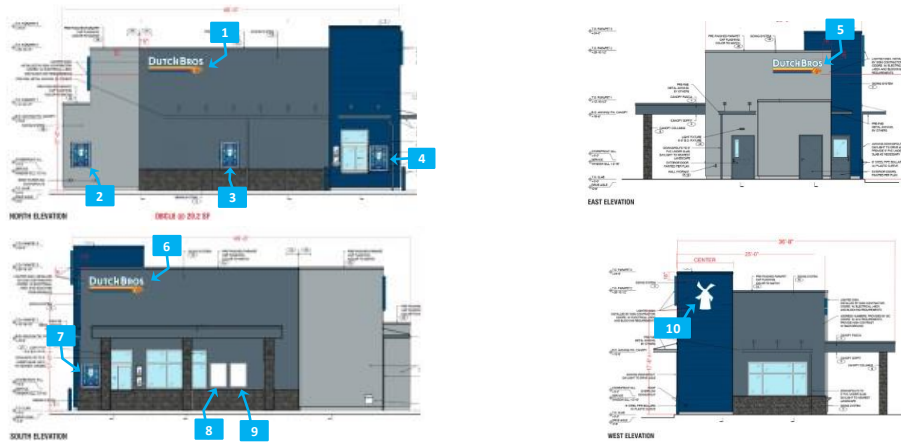
Council discussion followed to clarify the proposed sign locations and types. Applicant Nick Johnson was present via teleconference. He explained the types and locations of the proposed signs, adding that the signs are standardized for Dutch Bros Coffee across the country. He provided photos of other buildings currently under construction and explained further the reasoning for the number of signs requested.

## Case MR2022-02 Dutch Bros Coffee



### Number of Attached Signs

- Exceeds maximum allowed by nine. Total of ten attached signs are proposed.



**MOTION:** Council Member Willesen moved to approve this item to include staff's recommendation. Council Member Ward seconded the motion. No action taken.

Prior to the vote there was discussion to clarify which signs are included. City Manager Pierson clarified that this would be in addition to the branding signs on the upper facades of the building.

**MOTION:** Council Member Willesen amended his motion to approve this item to include staff's recommendation with an amendment to allow signs 2, 4 and 7 allowing one sign on one

side of the building and two signs on the other, in addition to the branding signs on the upper facades of the building. Council Member Ward seconded the amended motion. Motion carried unanimously.

**Ordinance No. O22-9:** Approve Case MR2022-02/Dutch Bros Coffee as amended for a Meritorious Exception For Signage at 14280 Marsh Lane.

**10. Present, Discuss, and Consider Action on the Acceptance of the Fiscal Year 2021 Annual Comprehensive Financial Report (ACFR).**

Steven Glickman, Chief Financial Officer, presented this item. He reviewed that the Addison Town Charter requires that staff prepare an Annual Comprehensive Financial Report (ACFR) that shows the status of the Town's finances. The ACFR is required to be prepared in accordance with generally accepted accounting principles. The Charter also requires that the Town's financial statements be audited annually by an independent external auditing firm. The results of the independent external audit are included in the ACFR.

The Town of Addison Finance Department has prepared the ACFR for the fiscal year ended September 30, 2021. The ACFR is a report of the Town's overall financial results. The Town's financial statements have been audited by BKD, LLP, an independent firm of licensed certified public accountants. BKD has issued an unmodified or "clean" opinion, which means that financial statements are presented fairly, in all material respects, and in accordance with applicable financial reporting framework.

Rachel Ormsby with BKD, LLP provided the ACFR results. She advised that three Opinions were issued:

- Independent Auditor's Report on Basic Financial Statements
- Report on Internal Control over Financial Reporting and on Compliance and Other Matters based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards.
- Report on Compliance for the Major Federal Program; Report on Internal Control Over Compliance; and Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance.

Ms. Ormsby advised this is the 45<sup>th</sup> year the Town has been recognized by the Government Financial Officers Association for excellence in financial reporting.

Accounting updates for the future from Government Account Standards Board were provided. The status of the Town's various funds was reviewed.

City Manager Pierson expressed his appreciation to Mr. Glickman, Controller Amanda Turner and other Finance staff members.

**MOTION:** Council Member Willesen moved to accept the report. Mayor Pro Tempore Quintanilla seconded the motion. Motion passed unanimously.

**\*\*\* ITEM #2 \*\*\***

**Present and Discuss the 2021 Resident Survey Results.**

Jason Morado, ETC Institute, presented this item. He noted this is the second survey done for the Town of Addison by ETC Institute. He reviewed the purposes to conduct a Resident survey, as well as the methodology used to conduct the survey. Of the surveys mailed to residents, 401 were returned.

Mr. Morado advised that the results of the survey indicated that residents have a positive perception of the Town, and that the Town is moving in the right direction. He noted that satisfaction in Addison is higher than in other cities, particularly in regard to services and customer services. The top overall priorities reflected in the responses include traffic flow and congestion movement, street maintenance, and public safety. Specific ratings for these categories were provided. Above average satisfaction ratings compared to state and national averages were reviewed.

In response to Mayor Pro Tempore Quintanilla's question, Mr. Morado advised the surveys were conducted in December 2021 and January 2022.

Positive comments from Council were received.

---

**Adjourn Meeting**

There being no further business to come before the Council, Mayor Chow adjourned the meeting.

**TOWN OF ADDISON, TEXAS**

---

Joe Chow, Mayor

**ATTEST:**

---

Irma G. Parker, City Secretary