

DRAFT

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

March 28, 2023

Addison Treehouse
14681 Midway Road, Suite 200, Addison, TX 75001
6:00 p.m. Executive Session & Work Session
7:30 Regular Meeting

Present: Mayor Joe Chow; Deputy Mayor Pro-Tempore Lori Ward; Council Member Tom Braun; Council Member Darren Gardner; Council Member Guillermo Quintanilla; Council Member Eileen Resnik

Live Stream: Mayor Pro-Tempore Kathryn Wheeler

Call Meeting to Order: Mayor Chow called the meeting to order at 6:00 PM.

Pledge of Allegiance: Mayor Chow lead the Pledge of Allegiance.

EXECUTIVE SESSION

Closed (Executive) Session of the Addison City Council pursuant to authorization contained in Texas Government Code as follows:

- *Section 551.087(1)*. Deliberation Regarding Economic Development Negotiations - to discuss commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, state, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.
 - Transit Oriented Development (TOD) Project

Mayor Chow closed the regular session at 6:02 PM to convene the City Council into Closed Executive Session.

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 regular open session at 6:44 PM. No action taken as a result of Closed Executive Session.

WORK SESSION

1. **Present and Discuss a Status Update on the Unified Development Code Project.** *[Ken Schmidt, Development Services Director]*

This work session item was presented at the request of Mayor Pro Tempore Wheeler and Council Member Resnik. The purpose of this item is to provide a status update on the Unified Development Code (UDC) project. Proposed schedule and completion of project:

NUMBER	PROJECT TITLE	TASKS	COMPLETION DATE(S)
1	Project Orientation	<ul style="list-style-type: none"> • Background Research • Project Orientation Meeting & Tour • Initial Advisory Committee Meeting 	Complete Complete Complete
2	Assessment	<ul style="list-style-type: none"> • Draft Assessment 	Complete
3	Prepare Draft UDC	<ul style="list-style-type: none"> • Part 1: Districts & Uses • Part 2: Development & Design Standards • Part 3: Administration & Procedures • Part 4: Signs • Consolidated Draft • Adoption Draft 	Complete Complete March – July 2023 April – July 2023 August – November 2023 August – November 2023
4	Adoption	<ul style="list-style-type: none"> • Executive Summary • Public Meetings • Final UDC 	December 2023 – February 2024

No action taken. Information only of this ongoing program.

2. **Present and Discuss the Results of Phase II of the Facilities Utilization Study.** *[Hamid Khaleghipour, Executive Director of Business Performance and Innovation;]*

Erica Bish, TSK Architecture, updated the City Council. In January of 2022 the Town of Addison hired MPI to study the utilization of Town facilities, and to make recommendations for the efficient use of existing facilities, as well as alternates including consolidation. Due to the continued growth in population, increased business density along Dallas North Tollway and Belt Line Road, increased tourism and activities; and with daily Addison visitors estimated to be 150,000 people, the town is concerned if current facilities will continue to serve the citizens and public well.

Review, updates and recommendations included: (1) analysis of the existing facilities utilization; (2) recommendations for repurposing existing facilities; (3) suggestions for improving delivery of city services to the community; (4) improvement of functional department adjacencies and efficiencies; (5) implementation of a covid & global health response protocol; and (6)

recommendations for a strategic location of city services in a central facility or adjacent facility. No action taken. Information only for this ongoing program.

REGULAR MEETING

Announcements and Acknowledgments Regarding Town and Council Events and Activities

Discussion of Meetings / Events

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.*

The following individuals addressed the City Council: Ryan Barnett, 3030 N. Josey Lane, Suite 150, Carrollton, TX.; and Jason Hoar, 900 Westbrook Drive, Plano - Opposed to Town's prohibition of Cannabis/Hemp being sold at Reggae Festival. Requested reconsideration of policy.

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 March 14, 2023 City Council Meeting.**
 4. **Consider Action on a Resolution Approving a Contract Services Agreement with Mike Sandone Productions for Tent Rentals and Services for Addison Special Events and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$258,235.**
 5. **Consider Action on a Resolution Approving a Contract Services Agreement with Big D Party Rentals for Furniture Rentals and Services for Addison Special Events and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$89,617.06.**
 6. **Consider Action on a Resolution Approving an Entertainment Agreement Between the Town of Addison and BLG Touring, Inc. to Provide Entertainment at the Taste Addison Event and Authorizing the City Manager to Execute the Agreement in the Amount Not to Exceed \$55,000.**
 7. **Consider Action on a Resolution Approving a Purchase Order with Affiliated Communications Inc. for the Purchase and Installation of New Telephone System**
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Equipment and Authorizing the City Manager to Execute the Purchase Order in an Amount Not to Exceed \$128,204.28.

8. **Consider Action on a Resolution Approving an Agreement Between the Town of Addison and Felix Construction Company for the Surveyor Pump Station Electrical Improvements and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$620,100.**
9. **Consider Action on an Ordinance Approving a Developer Participation Agreement with Sky Squared, LLC for the Construction of Certain Public Improvements within Addison Airport to a Portion of the Airport Vehicle Service Road along Taxiway Alpha; Providing for the Town's Participation in the Costs of the Improvements in Conformance with Chapter 212 of the Texas Local Government Code; and, Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$314,985.**
10. **Consider Action on a Resolution Approving an Agreement Between the Town of Addison, Texas and Lynndom Holdings, LLC dba TriVAN Roofing for Roof Restoration Work at 4581 Claire Chennault Drive and 4551 Glenn Curtiss Drive at Addison Airport and Authorizing the City Manager to Execute the Agreement in an Amount Not to Exceed \$170,170.**

MOTION: Deputy Mayor Pro-Tempore Ward moved to adopt CONSENT AGENDA Items 3-10 as presented. Council Member Resnik seconded the motion. Motion carried.

Resolution No. R23-026: Agreement Mike Sandone Productions -Tent Rentals Special Events

Resolution No. R23-027: Agreement Big D Party Rentals – Furniture Special Events

Resolution No. R23-028: Agreement BLG Touring, Inc. – Entertainment Special Events

Resolution No. R23-029: Purchase/Installation phone system, Affiliated Communications, Inc.

Resolution No. R23-030: Agreement Felix Construction Co., Surveyor Pump Station Electrical

Resolution No. R23-031: Agreement Lynndom Holdings, LLC dba TriVAN Roofing, 4581 Claire Chennault Dr/4551 Glen Curtiss Drive

Ordinance No. O23-17: Developer Participation Agreement Sky Squared, LLC

Regular Items

11. **Present, Discuss, and Consider Action on a Resolution Approving the Installation of a Public Art Piece Created by Artist Pascale Pryor to be Located at the Vitruvian Park Amphitheatre.** *[Janna Tidwell, Park & Recreation Director]*

Addison Arbor Foundation President Dr. Jay Ihrig and Vice President Barbara Papas presented the artist concept of a new public art sculpture consisting of five (5) glass and steel fish to be located in Vitruvian Park at the amphitheater.

The Addison Arbor Foundation (AAF) is a 501(c)(3) nonprofit organization with a mission to promote and enhance landscaping, public art, public parks and parks and recreation programs for the Town of Addison.



MOTION: Council Member Resnik moved to approve artwork and location as presented. Council Member Braun seconded the motion. Motion carried unanimously.

Resolution No. R23-032: Vitruvian Park Amphitheatre Public Art by Artist Pascale Pryor

12. **Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception to Chapter 62 of the Code of Ordinances for Sweetgreen and Postino, Located at 5280 Belt Line Road, to Allow the Conversion of an Existing Single-Tenant Detached Pole Sign to a Multi-Tenant Detached Pole Sign by Allowing a Reduction of the Required Height, Effective Area, Sign Cabinet Dimensions, Sign Supports, and Setbacks for a Multi-Tenant Detached Pole Sign. (Case MR2023-1/5280 Belt Line Road - Sweetgreen/Postino).** [Lesley Nyp, Planning & Development Manager]

Sweetgreen and Postino are two new restaurants, located at the southwest corner of Belt Line Road and Montfort Drive. Sweetgreen is nearing completion, while Postino is still under construction. It was determined during the sign permit review process that the request did not comply with the Town's sign code. The property owner, Northwood Development Group, is requesting a Meritorious Exception to the Town's Sign Ordinance in order to utilize an existing pole sign on site for the new restaurants.

The existing pole sign is defined as a detached sign by the Town's Sign Ordinance. The sign was initially designed and constructed for a single-tenant pole sign and the property owner is requesting to convert it to a multi-tenant pole sign. A multi-tenant pole sign must be 20 feet in height and have an effective area of 72 square feet, with the prescribed sign cabinet dimensions of 6'-10" wide by 11'-6" high by 12" deep, with dual sign supports. Additionally, the setback requirement is 20 feet from the adjacent right-of-way curbs.

The request includes a reduction of the sign height to 17 feet, a reduction of the overall effective area to 33 square feet, and a reduction of the overall sign cabinet dimensions to 6'-0" wide by 5'-6" high by 12" deep. The sign would utilize the existing single masonry wrapped support, rather than the required dual supports. The existing sign does not meet the required 20-foot setback and the following exceptions are also requested to allow an 8'-6" setback from the curb of Belt Line Road and a 14'-7" setback from the curb of Montfort Drive.

The applicant is pursuing a Meritorious Exception to the sign ordinance based on the following code provision:

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.

Staff believes that the hardship criteria of the Meritorious Exception requirement is met for the existing detached pole sign. The detached pole sign has existed on site since the 1980s and has served as a single-tenant sign for several restaurants that have occupied the site. In May 2022, City Council approved a Special Use Permit (SUP) to allow the division of the building for two new restaurant concepts, while generally retaining the overall site layout. The applicant is requesting to utilize the existing sign as a multi-tenant sign without modifications to the height, effective area, cabinet dimensions, or setbacks. Strict compliance of the sign ordinance would require the property owner to construct a new, larger sign, that would interfere with other existing site improvements including parking and emergency access.

MOTION: Council Member Braun moved to approve Meritorious Exception to Allow the Conversion of an Existing Single-Tenant Detached Pole Sign to a Multi-Tenant Detached Pole Sign Case MR2023-1/5280 Belt Line Road - Sweetgreen/Postino as presented. Council Member Quintanilla seconded the motion. Motion carried unanimously.

Ordinance No. O23-18: Case MR12023-1/5280 Belt Line Road, Sweetgreen/Postino

13. **Present, Discuss, and Consider Action on an Ordinance Granting a Meritorious Exception to Chapter 62 of the Code of Ordinances for Zoli's NY Pizza, Located at 14910 Midway Road, to Exceed the Maximum Permitted Letter/Logo Height for an Attached Sign. (Case MR2023-02/14910 Midway Road - Zoli's NY Pizza).** [Lesley Nyp, Planning & Development Manager]

Zoli's NY Pizza is an existing restaurant, located at 14910 Midway Road. The business has been operating since 2017. The applicant contacted staff to request new signage and staff determined that the proposed new sign did not comply with the Town's sign ordinance. The proposed sign is 36 inches tall and 180 inches long, with an effective sign area of 45 square feet. The bottom of the sign will be situated appropriately 20 feet above grade. The sign letters are 30 inches tall, and the logo is 36 inches tall. The sign includes the business name and logo and will be internally illuminated with white LED lights. The applicant is seeking a meritorious exception to allow the proposed sign to exceed the maximum permitted letter/logo height. Per the Sign Code, the maximum permitted letter/logo height is 16 inches, with up to 50 percent of the sign letters permitted to be up to 25 percent taller, achieving a maximum height of 20 inches. The proposed 36-inch-tall sign exceed the maximum height requirement by 16 inches.

The applicant is pursuing a Meritorious Exception to the sign ordinance based on the following code provision:

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.

Zoli's ownership has shared their belief that the Midway Road Revitalization Project has created a hardship for their business. While major roadway projects do impact adjacent businesses and residents, infrastructure maintenance is an essential duty of municipalities. More appropriate justification for a hardship related to this request is its location as the southernmost Addison property at the east frontage of Midway Road. As you traverse further south in the corridor you see much larger, more visible signage on Farmers Branch properties, which makes the current sign on the Zoli's west facade appear poorly scaled and out of character with the eastern frontage of the Midway corridor. The proposed sign is appropriately scaled for the building and the corridor and will provide additional visibility from Midway Road.

MOTION: Deputy Mayor Pro-Tempore Ward moved to approve Meritorious Exception to for Zoli's NY Pizza, located at 14910 Midway Road, to Exceed the Maximum Permitted Letter/Logo Height for an Attached Sign. (Case MR2023-02/14910 Midway Road - Zoli's NY Pizza) as presented. Council Member Gardner seconded the motion. Motion carried unanimously.

Ordinance No. O23-19: Approve Meritorious Exception Case MR2023-02/14910 Midway Road - Zoli's NY Pizza.

Adjourn Meeting

There being no further business to come before the City Council, Mayor Chow adjourned the meeting at 8:32 PM.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

Irma G. Parker, City Secretary