



**AGENDA
PLANNING & ZONING COMMISSION
TUESDAY, JUNE 10, 2014**

The Planning and Zoning Commission will convene into a Regular Meeting at 7:00 p.m. in the City Hall Chambers at the Municipal Center, 4000 Main Street, Rowlett, at which time the following items will be considered:

A. CALL TO ORDER

B. CONSENT AGENDA

1. Minutes of the Planning and Zoning Commission Meeting of May 27, 2014.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Elect Chairman and Vice-Chairman.
2. Conduct a public hearing and make a recommendation on a request for a Special Use Permit to allow a "Massage Establishment" in the General Commercial/Retail Zoning District, C-2. The subject property is a 1,500+/- square foot existing lease space located at 5101 Rowlett Road, Suite 5115, being part of a 2.96 acre portion of Tract 6.2 in the U Matthusen Survey, Abstract No. 1017, Page 470, City of Rowlett, Dallas County, Texas. (SUP14-714)

D. ADJOURNMENT

NOTE: THE PLANNING AND ZONING COMMISSION MAY RETIRE AND CONVENE INTO EXECUTIVE, CLOSED SESSION ON ANY MATTER RELATED TO ANY OF THE ABOVE AGENDA ITEMS FOR THE PURPOSES OF PRIVATE CONSULTATION WITH THE CITY ATTORNEY UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

NOTE: THE CITY OF ROWLETT MEETING ROOMS ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR FURTHER INFORMATION.

A handwritten signature in black ink, appearing to read "Garrett Langford".

Garrett Langford, Principal Planner

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 7:00 P.M., MAY 27, 2014**

PRESENT: Chairman Rick Sheffield, Commissioners Karl Crawley, Michael Lucas, Jonas Tune, Alternate James Moseley

ABSENT: Vice-Chairman Greg Landry, Commissioners Gregory Peebles, Clayton Farrow, Alternates Gabriela Borcoman, Thomas Newsom

STAFF PRESENT: Director of Development Services Marc Kurbansade, Principal Planner Garrett Langford, Development Services Coordinator Lola Isom

A. CALL TO ORDER

Chairman Rick Sheffield called the meeting to order at 7:00 p.m.

B. CONSENT AGENDA

1. **Minutes of the Planning and Zoning Commission Meeting of May 13, 2014**
2. **Consider and take action on a final plat request for a property located at 8014 Garner Road, being further described as a .500-acre tract of land in the Charles Merrill Survey, Abstract No. 957, City of Rowlett, Dallas County, Texas. (FP14-707)**

Commissioner Karl Crawley made a motion to approve the Consent Agenda. Commissioner Jonas Tune seconded the motion. The Consent Agenda passed with a 5-0 vote.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. **Consider and make a recommendation to City Council regarding a tree mitigation plan and related tree removal permit application for more than three trees associated with Four Square Addition. The subject property is located at 2817 Main Street, further described as being 8.051-acres tract of land in the Thomas Collins Survey, Abstract No. 332 and the U. Matthusen Survey, Abstract No. 1017, City of Rowlett, Dallas County, Texas. (DP14-705)**

Garrett Langford, Principal Planner, came forward to present the case. He presented a location map and gave a brief background on the case. Mr. Langford presented and summarized the Tree Mitigation and Preservation Plan. He provided a visual which displayed the location of the proposed tree removal request. He explained the staff analysis and stated that staff recommends approval of the item.

There was a brief discussion amongst the Commission regarding the types of trees.

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Alternate James Moseley made a motion to recommend approval. Commissioner Karl Crawley seconded the motion. The item passed 5-0.

- 2. Conduct a public hearing and take action on a request for a replat for property located at 3706 Toler Road and 3610 Lily Lane, further described as Lot 10, Block 4 of the Rowlett Ranch Estates Second Section and a 2.267 acre tract of land in the Reason Crist survey, Abstract #225, City of Rowlett, Dallas County, Texas. (RP13-680)**

Garrett Langford came forward to present the case. He presented a location map and gave a brief background on the case. Mr. Langford clarified the definition of a flag lot. He presented site photos. He provided information regarding the Rowlett Code of Ordinances flag lot standards. Mr. Langford presented the proposed replat and highlighted the new lot and access easement. Mr. Langford summarized the staff analysis and stated that staff recommends approval.

Mr. Langford stated that 72 public hearing notices were sent; two were returned in favor.

There was discussion amongst the commission regarding the owners of the subject property and surrounding properties, addressing, and setback requirements.

Chairman Rick Sheffield opened the public hearing.

The following speaker came forward:

**Jerry McDonald
3706 Toler Road
Applicant**

He stated his intent for the property and said that he is present and happy to answer any questions.

There was further discussion regarding the property location and the platting intent with agricultural exemptions.

Chairman Rick Sheffield closed the public hearing.

Commissioner Karl Crawley made a motion to approve the request. Commissioner Michael Lucas seconded the motion. The item passed 5-0.

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- 3. Conduct a public hearing and take action on a request for a replat for properties located at 2517 Dalrock and 8501 McGuire Lane, being a replat of all Lot 1, Block 1, Zion Baptist Church, all of Lot 1, Block 1 of Benavidez Addition, and two tracts of land William Crabtree Survey, Abstract No. 346, City of Rowlett, Dallas County, Texas. (RP14-708)**

Garrett Langford came forward to present the case. He presented a location map and gave a brief background on the case. He presented the proposed replat and stated that the plat request is not for development at this time; only to consolidate the properties owned. Mr. Langford summarized the staff analysis and stated that staff recommends approval.

Mr. Langford stated that 51 public hearing notices were sent; one was returned in opposition.

Chairman Rick Sheffield opened the public hearing.

No speakers came forward.

Chairman Rick Sheffield closed the public hearing.

Commissioner Karl Crawley made a motion to approve the request. Alternate James Moseley seconded the motion. The item passed 5-0.

4. Elect Chairman and Vice Chair

Commissioner Karl Crawley made a motion to table the item to the June 10, 2014 meeting. Commissioner Jonas Tune seconded the motion. The item passed 5-0.

D. ADJOURNMENT

Chairman Sheffield adjourned the meeting at 7:28 p.m.

Chairman

Secretary



City of Rowlett

Staff Report

Planning & Zoning Commission

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 06/10/2014

AGENDA ITEM: C.2

AGENDA LOCATION:

Individual Consideration

TITLE

Conduct a public hearing and make a recommendation on request for a Special Use Permit to allow a "Massage Establishment" in the General Commercial/Retail Zoning District, C-2. The subject property is a 1,486 square foot existing lease space located at 5101 Rowlett Road, Suite 5115, being part of a 2.96 acre portion of Tract 6.2 in the U Matthusen Survey, Abstract No. 1017, Page 470, City of Rowlett, Dallas County, Texas. (SUP14-714)

STAFF REPRESENTATIVE

Garrett Langford, Principal Planner

SUMMARY

The new owner of Enjoy Foot Spa, Xiao Dong, is requesting a Special Use Permit to continue to allow the operation of a foot reflexology business at 5101 Rowlett Road, 5115 Rowlett Road (Attachment 1 – Location Map). The previous owner, Huizha Pu, was granted a Conditional Use Permit on March 26, 2013, to allow the foot reflexology business. Per the Rowlett Development Code, a Conditional Use Permit is not transferable to a new owner. On May 21, 2013, the Rowlett Development Code was amended to replace Conditional Use Permits with Special Use Permits. Therefore, the new owner is applying for a Special Use Permit in order to continue to operate the foot reflexology business at this location.

It should be noted that the business is continuing to operate under new ownership while this request is being pursued. The applicant has acknowledged that should the SUP be denied, they will have to cease operation and vacate the property.

BACKGROUND INFORMATION

The subject property is a 1,486 square foot shopping center lease space addressed as 5115 Rowlett Road. It is located on the southwest corner of Lakeview Parkway and Rowlett Road. Current tenants include a flower shop, a donut shop, restaurants, a beauty supply shop and a game supply shop (Attachment 2 – Site Photos). This shopping center is zoned General Commercial/Retail Zoning District, C-2.

The applicant, Xiao Dong, submitted a Certificate of Occupancy application due to a change in ownership of a foot reflexology business called Enjoy Foot Spa. The Planning and Zoning Commission approved a Conditional Use Permit on March 26, 2013, to allow Enjoy Foot Spa owned and operated by Huizha Pu to open a foot reflexology business. The Rowlett Development

Code does not allow for the transfer of a Conditional Use Permit from one owner to another. As a result, the new owner, Xiao Dong, must obtain Special Use Permit approval. On May 21, 2013, the Rowlett Development Code was amended to replace Conditional Use Permits with Special Use Permits. Therefore, the new owner is applying for a Special Use Permit in order to continue to operate the foot reflexology business at this location. The applicant plans to continue the operation as is with no changes to the operation or to floor plan (Attachment 3 – Floor Plan).

Foot reflexology is not a use specifically listed in the Rowlett Development Code (RDC). Per Section 77-301.D of the RDC, the Director of Development Services has authority make interpretations regarding classification of new or unlisted uses. The Director has determined this use most closely falls into the category of “Massage Establishment”. Per the amendment to the RDC adopted on May 21, 2013, a Special Use Permit (SUP) is required for a massage establishment in the C-2 zoning district.

The Texas Department of State Health Services (DSHS) describes reflexology as “energy work on the hands and feet only which involves holding or touching on the energy points. It does not involve manipulating soft tissue, stroking, rubbing, tapping, stretching, bathing, scrubbing, or the use of oils or lotions.” DSHS does not require a massage therapist license for reflexology of the hands and feet. A person cannot touch any other part of the body unless they have a State issued massage therapist license. Consideration and approval of this Special Use Permit request is limited to foot reflexology.

DISCUSSION

Section 77-206.D of the Rowlett Code of Ordinances lists the criteria for approval of Special Use Permits. Recommendations and decisions on special use permits shall be based on consideration of the criteria below. Staff has added additional comments in bold italics where applicable.

1. The proposed special use permit is consistent with the comprehensive plan and other infrastructure-related plans, all applicable provisions of this Code, and applicable state and federal regulations;

The subject property is not in any of the 13 identified opportunity areas in the Realize Rowlett 2020 Comprehensive Plan. As such, the existing zoning and guiding principles should inform development.

The application can be interpreted to address Guiding Principle 2, “Grow the City’s economy through diversification of job and business opportunities,” and Guiding Principle 8, “Create centers with a mix of activities at key locations in Rowlett,” of the Realize Rowlett 2020 Comprehensive Plan.

Based on the Realize Rowlett 2020 Comprehensive Plan, a foot reflexology business would be a compatible use.

2. The proposed special use permit is consistent with the purpose and intent of the zoning district in which it is located;

The zoning district is C-2. Per Section 77-203.B.5 of the RDC, the C-2 district “is intended for the conduct of retail type uses, with only a subordinate percentage of a development associated with other retail and office uses.” A massage establishment would be consistent with the zoning district.

3. Whether the proposed special use permit meets the challenge of some changing condition, trend, or fact;

Foot reflexology is a growing business type throughout the Dallas Fort Worth area. It is best categorized as a “Massage establishment” based on the RDC even though no massage licenses are required by the state. This type of use exists in other similar shopping centers in Rowlett and in surrounding cities.

4. Whether the proposed special use permit will protect or enhance the health, safety, morals, or general welfare of the public;

The proposed use should not negatively affect the health, safety, morals, or general welfare of the public.

5. Whether the municipality and other service providers will be able to provide sufficient transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development;

The property has access to Lakeview Parkway (SH 66), a Type A+ thoroughfare based on the Master Thoroughfare Plan and access to Dalrock Road, a Type A thoroughfare based on the Master Thoroughfare Plan. In addition, water and sewer services are already available at the site.

6. Whether the proposed special use permit is consistent with or will have significant adverse impacts on other property in the vicinity of the subject tract; and

The property should not have any adverse impacts on other property within the vicinity. The shopping center contains numerous personal service and retail establishments including a donut shop, a flower shop, a game store, a restaurant, and a beauty supply store.

7. The suitability of the subject property for the existing zoning and the proposed use sought by the special use permit.

The subject property is already developed as a shopping center with retail and personal service uses. The proposed foot reflexology business would complement these existing uses and provide neighborhood-based services oriented to local customers. This meets the intent of the C-2 zoning district and should be compatible with surrounding uses.

Public Notice

On May 23, 2014, a total of 19 notices were sent to property owners within 200 feet. In addition, notice ran in the Rowlett Lakeshore Times on May 29, 2014. Notice was posted at the property and at City Hall on May 29, 2014. As of Wednesday June 4, 2014, one response has been received in favor of the request. (Attachment 4)

FISCAL IMPACT/BUDGET IMPLICATIONS

N/A

RECOMMENDED ACTION

Staff recommends the Planning and Zoning Commission make a favorable recommendation to City Council with the following stipulations:

1. The Special Use Permit shall be limited to reflexology of the feet and shall not include any other unlicensed massage services.

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Site Photos

Attachment 3 – Floor Plan

Attachment 4 – Returned Public Notice



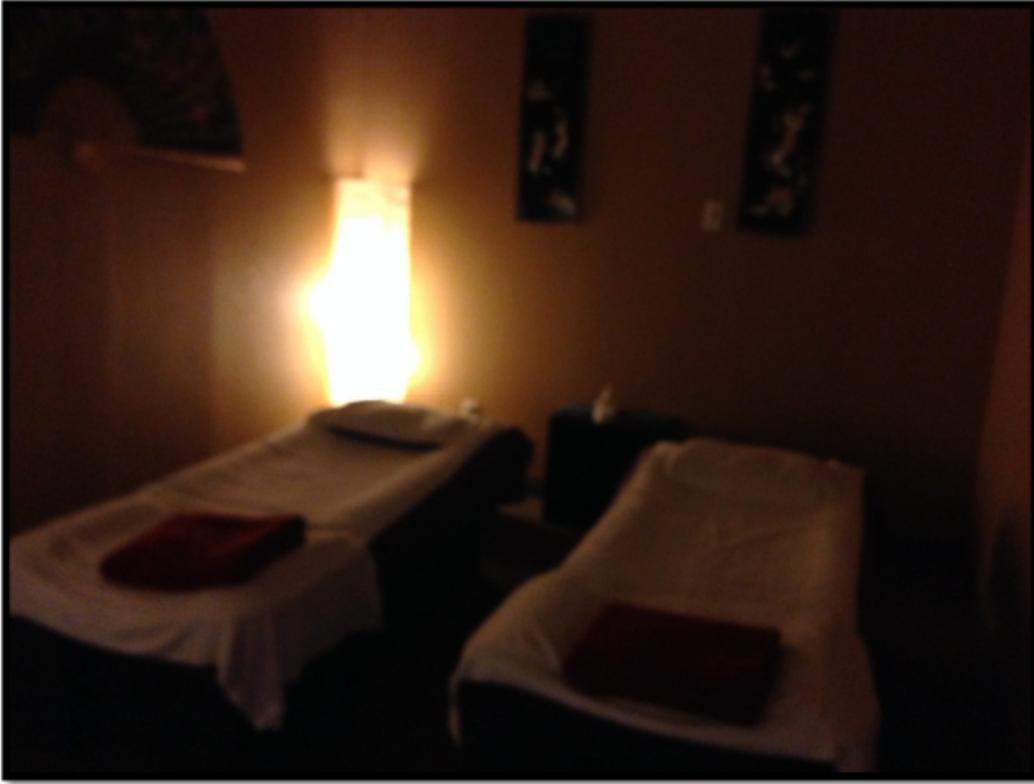
Enjoy Foot Spa Site Photos



Enjoy Foot Spa Site Photos



Enjoy Foot Spa Site Photos



Enjoy Foot Spa

5115 Rowlett Rd.
Rowlett, TX, 75088

We will operate as Foot ^{Reflexology} ~~Massage~~ in above address. The approximate of 1,460 sqt.

The hours of operation is from: Monday to Sunday, 10:00AM to 10:00PM.

My contact number is: ~~214-436-3976~~ or 469-359-0067.
626-417-3921

My contact name is: ~~Huizhu Pu or Shirui Zhu~~
Xiao Dong

My contact Email address is:
rayzhu19850624@gmail.com .

Owner of business:

Xiao Dong
~~Huizhu Pu~~

BC
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TEENANT IMPROVEMENT PROJECT FOR:
ENJOY FOOT SPA
 5115 ROWLETT ROAD,
 ROWLETT, TX 75088



REVISIONS

NO.	DATE	DESCRIPTION

ISSUE DATE FOR PERMIT: 02/21/13
 PROJECT NO.: 2013-28B-01
 DESCRIPTION: FLOOR PLAN
 SHEET: **A-1**

GENERAL NOTES:

- CONTRACTOR SHOULD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO THE START OF CONSTRUCTION.
- ANY DISCREPANCY BETWEEN THE DRAWINGS AND ACTUAL SITE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER AND THE BUSINESS OWNER PRIOR TO PROCEEDING WITH THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR CORRECTING ANY ERRORS AFTER THE START OF CONSTRUCTION.
- THE CONTRACTOR IS RESPONSIBLE FOR PROTECTING ANY ON-SITE UTILITIES FROM DAMAGE DURING CONSTRUCTION.
- DO NOT SCALE DRAWING IF THE PLANS ARE NOT FULL SIZE PAPER. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE DIMENSIONS.
- TEMPORARY POWER, WATER, AND TEMPORARY TOILET FACILITIES, PARKING AND OTHER STORAGE SHALL BE PROVIDED BY THE OWNER.
- ANY DRILLING OR NOTCHING ON STUDS FOR ELECTRICAL WIRING, UTILITY LINES, BRACING, ETC. SHALL CONFORM TO APPLICABLE CODE SECTIONS.

LEGENDS:

- == EXISTING FRAMED WALL TO REMAIN (SITE VERIFY)
- == EXISTING FRAMED WALL TO BE REMOVED (SITE VERIFY)
- == PROPOSED INTERIOR PARTITION WALL UP TO CEILING
- == EXISTING STOREFRONT WALL TO REMAIN

EXISTING AND NEW DOOR SCHEDULE

MARK	DOOR SIZE	QUANTITY	LOCATION	HARDWARE
(A)	3'-0" x 7'-0"	1	EXTERIOR - EXISTING FRONT ENTRANCE DOOR TO REMAIN	KEY LOCK, DOOR CLOSER, AND PANIC DEVICE
(B)	3'-0" x 7'-0"	8	INTERIOR - EXISTING WOOD FRAMED DOOR TO REMAIN	DOOR CLOSER, PRIVATE KEY FOR RESTROOM ONLY
(C)	2'-6" x 6'-8"	1	INTERIOR - NEW WOOD FRAMED DOOR - UTILITY ROOM	
(D)	3'-0" x 7'-0"	1	EXTERIOR - EXISTING STEEL BACK DOOR TO REMAIN	KEY LOCK, DOOR CLOSER, AND PANIC DEVICE
TOTAL		11		

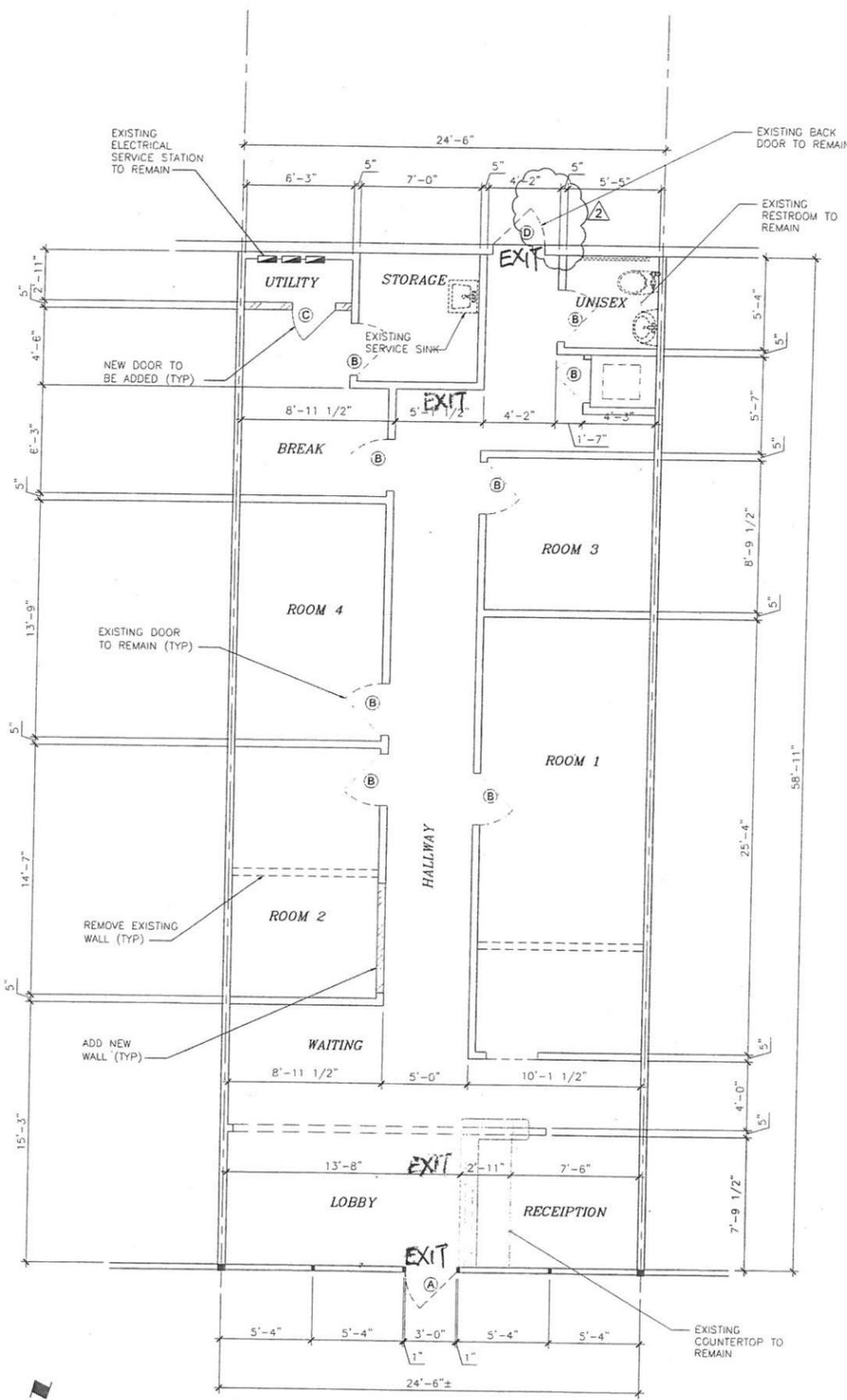
- NOTES:**
- CONSULTING WITH BUSINESS OWNER FOR INTERIOR FINISHING, DOOR HARDWARES, AND RESTROOM/BREAK ROOM/SERVICE ROOM PLUMBING FIXTURES.
 - ALL DOORS AND HARDWARES TO BE SELECTED AND INSTALLED PER LOCAL CODE REQUIREMENTS AND TAS-ADA SPECIFICATIONS.
 - ALL EXISTING STOREFRONT WINDOW WALL TO REMAIN.
 - IF ANY, ALL INTERIOR WINDOWS, GLASS WALLS, AND GLASS DOORS TO BE SAFETY GLAZING.
 - A DOOR HARDWARE REQUIRED PER TAS-ADA STANDARDS.
 - THE DOOR HARDWARE MAY BE FROM "SCHLAGE" LEVER MODEL 626 OR APPROVED EQUAL.

ROOM FINISH SCHEDULE

ROOM NAME	FLOOR	4" BASE	WALL	CEILING	REMARKS
LOBBY	CERAMIC TILE	TILE	DRYWALL & TEXT PLASTER	VINYL COATED SOLID AT 9'-0"	EXISTING
WAITING	CERAMIC TILE	TILE	DRYWALL & TEXT PLASTER	2X4 ACOUSTICAL TILE, 9'-0" AFF	EXISTING
RECEPTION	CERAMIC TILE	TILE	DRYWALL & TEXT PLASTER	2X4 ACOUSTICAL TILE, 9'-0" AFF	NEW FLOOR
ALL 4 ROOMS	CARPET	VINYL	DRYWALL & TEXT PLASTER	2X4 ACOUSTICAL TILE, 9'-0" AFF	EXISTING
HALLWAY	CARPET	VINYL	DRYWALL & TEXT PLASTER	2X4 ACOUSTICAL TILE, 9'-0" AFF	EXISTING
RESTROOM - UNISEX	CERAMIC TILE	TILE	4 FEET FRA WALL OR NEW CERAMIC TILED WALL	2X4 ACOUSTICAL TILE, 9'-0" AFF	VERIFY LOW WALL
BREAK/STORAGE/UTILITY	CERAMIC TILE	TILE	DRYWALL & TEXT PLASTER	2X4 ACOUSTICAL TILE, 9'-0" AFF	FIELD VERIFY

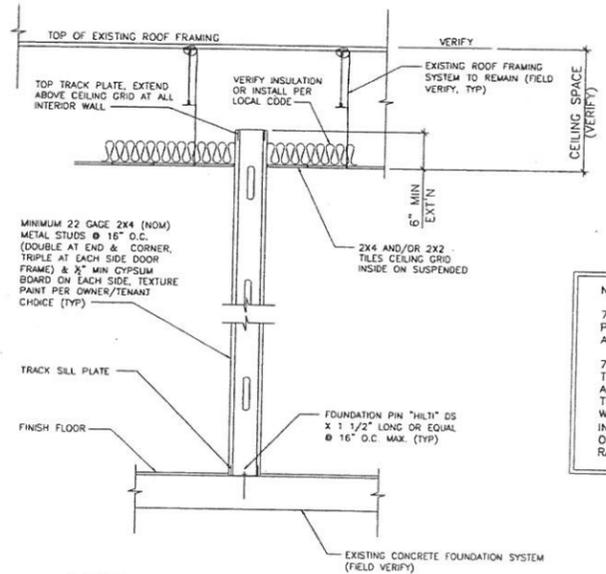
SUITE #5113 - SOUTHERN SHAOLIN KUNG-FU MUAY-THAI

SUITE #5117 - ROWLETT GOLD & SILVER EXCHANGE



01 FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 [SUITE 1515]

- NOTES:**
- EXISTING LIGHTING AND FIXTURES TO REMAIN.
 - EXISTING POWER OUTLETS ON THE WALL/CEILING TO REMAIN.
 - EXISTING H.V.A.C. SYSTEM AT SUITE TO REMAIN.
 - EXISTING PLUMBING LINE AND FIXTURES, INCLUDING RESTROOM AND FACILITIES, TO REMAIN.



A TYPICAL PARTITION WALL SECTION
 NOT TO SCALE

NOTES PER IBC 2009 SECTIONS:

712.3.1.1 FIRE-RESISTANCE-RATED ASSEMBLIES. PENETRATIONS SHALL BE INSTALLED AS TESTED IN AN APPROVED FIRE-RESISTANCE-RATED ASSEMBLY.

712.3.1.2 THROUGH-PENETRATION FIRESTOP SYSTEM. THROUGH PENETRATIONS SHALL BE PROTECTED BY AN APPROVED PENETRATION FIRESTOP SYSTEM INSTALLED AS TESTED IN ACCORDANCE WITH ASTM E 814 OR UL 1479, WITH A MINIMUM POSITIVE PRESSURE DIFFERENTIAL OF 0.01 INCH (2.49 Pa) OF WATER AND SHALL HAVE AN F RATING OF NOT LESS THAN THE REQUIRED FIRE-RESISTANCE RATING OF THE WALL PENETRATED.



Department of Development Services

NOTICE OF PUBLIC HEARING

MAY 26 2014

TO: Property Owner
RE: Application for a Special Use Permit
LOCATION: A 1,500+/- square foot existing lease space at 5101 Rowlett Road, Suite 5115, being part of a 2.96 acre portion of Tract 6.2 in the U Matthusen Survey, Abstract No. 1017, Page 470, City of Rowlett, Dallas County, Texas.
EXPLANATION OF REQUEST: The applicant requests a Special Use Permit (SUP) to operate a foot spa, considered a "Spa or massage establishment" by the Rowlett Development Code at the subject property. (SUP14-714)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: I am in favor for foot spa only, not a massage parlor.

SIGNATURE: [Signature] ADDRESS: 3405 Enterprise Dr 6-3-14 11:30 AM

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on June 10, 2014, and that the City Council will hold a public hearing at 7:30 p.m. on July 1, 2014, both at the Municipal Center, 4000 Main Street, Rowlett, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Planning Department by 5 pm on Wednesday, June 4, 2014, for your comments to be included in the Planning and Zoning Commission packet. All responses received by June 25, 2014, will be forwarded to the City Council as well; it is not necessary to respond twice. Responses received after the times noted above shall not be counted in the record of responses.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property. If protest in the form of opposition are received from property owners within 200 feet of the subject property, and the property owners own a combined minimum of 20 percent or more of the land area, approval by the City Council shall only occur with a concurring vote of at least three-fourths of the full membership of the City Council.

If you have any questions concerning this request, please contact the Planning Division Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com RETURN BY FAX OR MAIL City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099