

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 7:05 P.M., MAY 25, 2010**

PRESENT: Chairman Rick Sheffield, Commissioner Joe Charles, Charles Alexander, Chris Cigainero

ALSO PRESENT: Alternate Robert Kittrell, Karl Crawley

ABSENT: Vice-Chairman Greg Peebles, Commissioner Greg Landry

STAFF PRESENT: Planning Manager Erin Jones, Planner II Marc Kurbansade, Sr. Administrative Assistant Kendra Frederick

A. CALL TO ORDER

Chairman Rick Sheffield called the meeting to order at 7:05 p.m.

B. CONSENT AGENDA

1. Minutes of the March 30, 2010 Joint Work Session and Minutes of the Regular Meeting of May 11, 2010.

Commissioner Charles Alexander made a motion to approve the minutes of the March 30, 2010 Joint Work Session. Alternate Karl Crawley seconded the motion. Motion carried with a 5-0-1 vote with Commissioner Chris Cigainero abstaining from voting since he was not present at the March 30, 2010 Joint Work Session Meeting.

Commissioner Cigainero made a motion to approve the minutes of the Regular Meeting of May 11, 2010. Commissioner Charles Alexander seconded the motion. Motion carried with a 5-0-1 vote with Alternate Karl Crawley abstaining from voting since he was not seated at the dais at the May 11, 2010 meeting.

C. REGULAR ITEMS

1. Conduct a Public Hearing to consider and take appropriate action on a Conditional Use Permit (CUP) application for a 1,545± square foot financial institution. The subject property is located at 5000 Rowlett Road, Suite 106, located in the Rowlett Business Park 3 Subdivision, Lot 1, Block 1. (Case Number CUP10-451)

Planner II, Marc Kurbansade came forward and presented a request for a Conditional Use Permit (CUP) for a financial institution. He stated that all financial institutions require a CUP in C-2 zoning. He stated that the proposed use includes granting short term, unsecure loans. Mr. Kurbansade pointed out the criteria that must be met in order to have approval for a Conditional Use Permit. The criteria includes: 1. The proposed use is consistent with the comprehensive plan and other infrastructure-related plans, all applicable provisions of this Code, and applicable state and federal regulations; 2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located; 3. The proposed use is consistent with any applicable use-specific standards set forth in subchapter 77-303; 4. The use as proposed is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts); 5. The proposed use is compatible with city council goals related to the corridor upon which it is proposed, as applicable; 6. Any significant adverse impacts anticipated to result from the use will be

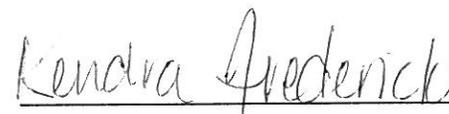
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mitigated or offset to the maximum extent practicable; and 7. The proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities. The proposed use generally meets the intent for the approval of the CUP. Mr. Kurbansade stated that staff was informed late last week that the Mayor Pro Tem in Sachse, TX is requesting the support of surrounding cities and asking them to adopt a resolution in support of State legislation that would require stricter regulations for the payday loan/car title loan industry. Staff was informed that a resolution will be considered by the Rowlett City Council on June 15th, 2010. To date, there are no plans to revise the Development Code to specifically define these uses; however, staff will request Council direction on this matter at the June 15th meeting. Commissioner Charles Alexander inquired about the signage that would be put on site. Chairman Rick Sheffield stated that in order for this question to be answered, the public hearing would need to be opened. Alternate Karl Crawley asked Staff if there was a specific use category for a Pawn Shop and Planning Manager Erin Jones replied by stating that a pawn shop is considered general retail which would be allowed by right in commercial zoning. Mr. Sheffield opened the public hearing. At that time, applicant Kevin McGrath at 215 Scenic Dr., Heath, TX came forward to answer Mr. Alexander's question regarding signage. Mr. McGrath stated that he will be replacing the existing sign with signage similar to what is current on the lease space. Mr. McGrath stated that he is not opposed to stricter guidelines from the state legislation and that if anyone would like to look at his accounting books, he would be more than happy to offer those. He also clarified that his business will not be doing check cashing. Mr. Crawley asked if the applicant has any other locations and the applicant stated that he has no other locations that this would be his first venture into this type of business though he had worked with a friend in a similar business for several months. Mr. Crawley asked if the applicant would offer car title loans and the applicant stated that a car title loan will not be offered. Commissioner Chris Cigainero asked if he had spoken with any of the neighbors in the strip center where the space will be leased and he said he had spoken to a few. Mr. Cigainero stated that he is concerned because these types of establishments are typically located in deteriorating parts of a town and there was some opposition from the adjacent lease spaces. Mr. Crawley asked what type of security will be used and the applicant stated that there will be panic buttons, cameras, and an alarm system. With no other speakers, Mr. Sheffield closed the public hearing. Mr. Crawley asked Staff if the Commission could prohibit check cashing and Staff stated that it could be made as a condition to the approval of the Conditional Use Permit. Mr. Crawley asked, if the owner were to sell his business, would the new owner need a new CUP and Staff clarified that they would need to obtain a new Certificate of Occupancy, which would trigger the CUP requirement. Commissioner Chris Cigainero made a motion to deny the item as written. Commissioner Charles Alexander seconded the motion. The motion failed with a 1-5 vote. A second motion made by Alternate Karl Crawley to approve the Conditional Use Permit with the following conditions: 1. the hours shall be limited to 10:00 am to 6:00 pm (Monday – Friday), 10:00am – 2:00pm (Saturday), and closed on Sunday; 2. Check cashing shall be prohibited. Commissioner Charles Alexander seconded the motion. The motion carried with a 5-1 vote with Commissioner Chris Cigainero casting the opposing vote.

D. ADJOURNMENT

Chairman Rick Sheffield adjourned the meeting at 7:32 p.m.


Chairman


Secretary