



**AGENDA
PLANNING & ZONING COMMISSION
TUESDAY, NOVEMBER 25, 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

1. Update Report from Director of Development Services.

B. CONSENT AGENDA

1. Minutes of the Planning and Zoning Commission Meeting of November 11, 2014.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Remove the item from the table, conduct a public hearing and make a recommendation on a request for a Special Use Permit to operate a licensed massage and day spa establishment at a property located at 8809 Lakeview Parkway, Suite 100, within Lakepoint Shopping Center Addition, City of Rowlett, Rockwall County, Texas. (SUP14-745)

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 blue ink that reads "Erin L. Jones".

Erin L. Jones, Senior Planner

**MINUTES OF THE MEETING
OF THE PLANNING & ZONING COMMISSION
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE MUNICIPAL CENTER
4000 MAIN STREET, AT 6:15 P.M., NOVEMBER 11, 2014**

PRESENT: Chairman Karl Crawley, Vice-Chairman Michael Lucas, Commissioners Jonas Tune, Clayton Farrow, James Moseley, Thomas Finney, Chris Kilgore, Alternates Lisa Cain, Christe Cavaness, Gabriela Borcoman

STAFF PRESENT: Assistant City Manager Jim Proce, Director of Development Services Marc Kurbansade, Principal Planner Garrett Langford, Urban Designer Daniel Acevedo, Development Services Coordinator Lola Isom, Development Services Technician Lorie Strickland

WORK SESSION

i. Call to Order

Chairman Karl Crawley called the work session to order at 6:15 p.m.

ii. Community Investment Program Task Force Presentation

Jim Proce, Assistant City Manager, gave an overview of the Community Investment Program Task Force initiative. He explained that it is an Ad-Hoc committee with sunset provisions. He presented a list of the members, summarized the responsibilities of the Task Force, defined the capital improvement process, presented upcoming challenges for the initiative, and displayed some Rowlett project needs.

Alternate Borcoman entered at 6:24 p.m.

Mr. Proce explained that City Council's direction is for a balanced slate of projects consisting of existing infrastructure projects, planning for growth/capacity projects, and quality of life projects.

Mr. Proce provided history regarding the 2006 Bond Election. He stated that the 2015 Bond Initiative is estimated to be \$25M with a three-year implementation. He said that the 2015 initiative will be the first step in a series of initiatives and that the goal is to pursue this effort with no tax increase.

He presented the Existing Debt Service Schedule, Future Bonding Capacity, and a web link for citizens to provide input. He summarized the content on the CIPTF web page, presented the Project Identification Form, and encouraged citizen outreach.

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Chairman Crawley asked if there was a collaborative effort with Dallas County. Mr. Proce explained that Rowlett works actively to stay engaged with both counties; Dallas and Rockwall.

iii. Discuss items on the regular agenda

There was discussion regarding Regular Meeting Agenda Item C.2. regarding the Realize Rowlett 2020 Health Living District and the Major Warrants being proposed. Marc Kurbansade, Director of Development Services, stated that staff stands by the adopted policies as approved by City Council, the public hearing will provide perspective on the case, and said that the Commission could vote on all five separate warrants separately, if desired. Mr. Kurbansade provided emphasis on the public realm. There was further discussion amongst the Commission regarding the access road, public realm vs. privacy concerns for the hospital, feedback from property owners, public right-of-way vs. access, pedestrian orientation vs. vehicular orientation, traffic counts, and the north parking lot.

Commissioner Moseley expressed interest in breaking the Major Warrants out into separate votes.

There was further discussion amongst the Commission regarding what would happen if the warrants did not pass. Mr. Kurbansade deferred to the upcoming public hearing responses to be heard in the Regular Meeting.

There was discussion regarding Regular Meeting Agenda Item C.5. Garrett Langford, Principle Planner, gave an overview of the Planned Development request. There was discussion amongst the Commission regarding the request for the oversized monument sign.

iv. Adjourn

Chairman Karl Crawley adjourned the work session at 7:02 p.m.

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REGULAR MEETING

A. CALL TO ORDER

Chairman Karl Crawley called the meeting to order at 7:04 p.m.

1. Update Report from Director of Development Services.

An update was given to the Commissioners during the work session.

B. CONSENT AGENDA

1. Minutes of the Planning and Zoning Commission Meeting of October 28, 2014.

Commissioner James Moseley made a motion to approve the Consent Agenda. Commissioner Jonas Tune seconded the motion. The Consent Agenda passed with a 7-0 vote.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider and take action on a development plan for the Briarwood Armstrong Addition located at 2801 Lakeview Parkway, further described as a 12.608-acre tract of land from the Reason Crist Survey, Abstract No. 225 and the U. Matthusen Survey, Abstract No. 1017, City of Rowlett, Dallas County, Texas. (DP14-736)

Principal Planner Garrett Langford came forward to present the case. He presented a location map of the property. Mr. Langford gave a brief background on the case. He presented the Site Plan, Landscape Plan, Lighting Plan, and Building Elevations. Mr. Langford summarized the staff analysis and stated that staff recommends approval.

Commissioner Kilgore inquired about Sprout's policy/schedule on loading stock and expressed concerns regarding adequate buffering. Mr. Langford stated that he was unaware of Sprout's schedule for loading, but stated that there will be a screening wall with an incompatibility buffer.

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

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Commissioner Thomas Finney made a motion to approve the item. Commissioner James Moseley seconded the motion. The item passed with a 7-0 vote.

- 2. Conduct a public hearing and make a recommendation on a request for a Major Warrant pertaining to open space, continuous building frontage, roadway dedication, primary entry location and ceiling heights requirements for Lake Pointe Medical Center located at 6800 Scenic Drive, further described as Lot 5R, Block 4 of the Heritage on the Lake Tract N Addition, City of Rowlett, Rockwall County, Texas.**

Daniel Acevedo, Urban Designer, came forward to present the case. He stated that this case was for five separate Major Warrant requests. He presented a location map of the property, the Healthy Living District Regulating Plan, pictures of the existing site condition, and details on the Phased Development Plan. He also provided a definition of Major Warrants.

He presented the following Major Warrant requests:

- 1. Exemption from construction and dedication of the C2 roadway on the north side of the property as required in the Healthy Living Regulating Plan (adopted November 6, 2012)*
- 2. Exemption from the 10% requirement and/or Fee in lieu of Public Open Space (FBC 2.4.2.f).*
- 3. Exemption from requirement for 80% continuous building frontage (FBC 2.4.3.b.).*
- 4. Reduction in ceiling height requirement from 12' to 9' on the first floor (FBC 2.8.6.b.5).*
- 5. Exemption from the requirement to provide functioning entries on primary facades.*

Mr. Acevedo stated that 48 public hearing notices were sent; two responses were returned in favor and one was returned in opposition.

He stated that staff recommends denial of the first four Major Warrant requests, but recommends approval of the fifth request.

Chairman Crawley opened the public hearing.

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The following speaker came forward:

Brett Lee
CEO of Lake Pointe Hospital
6800 Scenic Drive

Mr. Lee stated that the hospital was expanding due to extreme growth. He responded to the first major warrant request regarding the thoroughfare by stating that there were little to no traffic patterns outside the hospital affiliates, expressed safety concern, and quietness concerns with the roadway. He also stated that the parking lot is to be expanded.

He responded to the third, street frontage warrant request by stating that due to the current facility and land configuration, it creates a hardship for them to meet the requirement. He stated that their intent is to maximize their street frontage to the best of their ability.

He responded to the second, open space warrant request by stating that the facility is landlocked. He stated that their future expansions will need to adhere to the code parking standards and they are discouraging structured parking.

He responded to the fifth, façade warrant request by stating that the hospital is concerned with orienting the building to face Scenic Drive because he stated that it would decrease patient access. He stated that they want to minimize the walking path for the patients.

He responded to the fourth, floor to ceiling height warrant request by stating that it would greatly increase the cost of the space and put the hospital at a competitive disadvantage.

There was discussion amongst the Commission regarding Realize Rowlett 2020 involvement, potential hospital future development, the access road, and neighboring properties.

Another speaker came forward:

Peter Phillips
2828 Ridge Street
Dallas, Texas
PM Realty

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There was discussion with the Commission regarding the price per square foot for a medical office building compared to other commercial buildings. Mr. Phillips stated that medical office buildings typically run \$75.00 to over \$100.00 per square foot and other commercial finish outs can be as low as \$40.00 per square foot. Mr. Phillips clarified the ceiling height details. There was discussion amongst the Commission regarding the fee in lieu of the open space requirement.

No additional speakers came forward.

Chairman Crawley closed the public hearing.

There was further discussion amongst the Commission regarding the public hearing feedback, the public notice map not having street names in the packet, comparison to the church on Main Street and their 80% requirement, the Phased Master Plan procedures, the superblock, and the building orientation.

Commissioner Kilgore made a motion to recommend approval of all five Major Warrant requests. Commissioner James Moseley seconded the motion. The motion carried with a 6-1 vote. Commissioner Tune voted in opposition.

3. Conduct a public hearing and make a recommendation on a request to amend Planned Development Ordinance #028-04 to allow additional land uses at a property located at 1800 Dalrock Road further described as Lot 1, Block A, Shafer Plaza Addition to the City of Rowlett, Rockwall County, Texas. (PD14-737)

Garrett Langford came forward to present the case. He presented a location map of the property. Mr. Langford gave a brief background on the case. He presented the Concept Plan and site photos. He summarized the requested changes to the Planned Development. Mr. Langford summarized the staff analysis and stated that staff recommends approval.

He stated that seven public hearing notices were sent out, but no responses were received.

Chairman Crawley opened the public hearing.

No speakers came forward.

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Chairman Crawley closed the public hearing.

There was discussion amongst the Commission regarding public safety concerns for the pedestrian activity across the adjacent railroad.

Commissioner Tune made a motion to recommend approval of the amendment. Vice-Chairman Lucas seconded the motion. The recommendation passed with a 7-0 vote.

- 4. Conduct a public hearing and make a recommendation on a request for a Special Use Permit to operate a licensed massage and day spa establishment at a property located at 8809 Lakeview Parkway, Suite 100, within Lakepoint Shopping Center Addition, City of Rowlett, Rockwall County, Texas. (SUP14-745)**

Commissioner Finney made a motion to table this item until the November 25, 2014, meeting. Commissioner Farrow seconded the motion. The motion passed with a 7-0 vote.

- 5. Conduct a public hearing and make a recommendation on a request for a Planned Development to allow a convenience store with retail filling at a property located at 5001 Lakeview Parkway, further described as being a tract of land located in the Thomas Lumley Survey, Abstract No. 789, being part of a 4.2840 acre tract of land described in deed to NEC Liberty Grove/66, Ltd. as recorded in Volume 2003184, Page 8883, Deed Records, Dallas County, a portion of said tract being all of Lot 1, Block 1 Chancon Autos Ltd. Addition, an addition to the City of Rowlett, Dallas County, Texas. (PD14-731)**

Mr. Langford came forward to present the case. He presented a location map of the property. Mr. Langford gave a brief background on the case. He presented the Boundary Survey, Concept Plan, and site photos. He summarized the Planned Development request. He provided detail on the proposed monument signs and presented site photos. Mr. Langford summarized the staff analysis and stated that staff recommends approval of the proposed use and all of the requested modifications except for the oversized monument signs.

He stated that seven public hearing notices were sent out and two were received in favor of the request.

There was discussion amongst the Commission regarding landscaping.

Chairman Crawley opened the public hearing.

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The following speaker came forward:

JD Dudley
Real Estate Project Manager for Quik Trip
1120 North Industrial
Eules, Texas 76039

Mr. Dudley provided detail on the buffer, landscaping, and provided a handout to the Commissioners regarding the signage request. He discussed the sign location, the sign visibility, and the brick casing of the proposed sign.

There was discussion amongst the Commission regarding the Quik Trip sign off Dexham Road and the durability of the proposed alternative building materials.

No additional speakers came forward.

Chairman Crawley closed the public hearing.

There was further discussion amongst the Commission regarding the sign visibility, cross-access, setbacks, and surrounding signage and landscaping.

Commissioner Finney made a motion to recommend approval of the Planned Development as requested. Commissioner Moseley seconded the motion. The recommendation passed with a 7-0 vote.

D. ADJOURNMENT

Chairman Karl Crawley adjourned the meeting at 8:40 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: 11/25/2014

AGENDA ITEM C.1

AGENDA LOCATION:

Individual Consideration

TITLE

Remove the item from the table, conduct a public hearing and make a recommendation on a Special Use Permit to allow a licensed massage establishment in a Planned Development District Ord. 3-5-96D zoning district. The subject property is located at 8809 Lakeview Parkway, further described as Suite 100 within the Lakepoint Shopping Center Addition, City of Rowlett, Rockwall County, Texas. (SUP14-745)

STAFF REPRESENTATIVE

Marc Kurbansade, AICP, Director of Development Services

SUMMARY

The subject property is located in Suite 100 within the Tom Thumb Shopping Center on the northeast corner of Dalrock Rd. and State Highway 66 (Attachment 1- Location Map, Attachment 2-Concept Plan). The shopping center is zoned Planned Development (Ord. 3-5-96D) with a base zoning district of Limited Commercial/Retail (C-1). The Rowlett Development Code (RDC) requires a specific use permit (SUP) for licensed massage establishments located in the C-1 zoning district. The purpose of this item is for the Planning and Zoning Commission to conduct a public hearing and provide a recommendation to City Council regarding a SUP request for Sensation Day Spa.

BACKGROUND INFORMATION

The applicant, Mi Sun Kim, is a licensed massage therapist with the State of Texas and desires to open a day spa in Rowlett (Attachment 3- Credentials and Letter of Recommendation). As previously noted, a massage establishment requires a SUP within C-1 zoning. In addition to the grocery store anchor, the shopping center contains a variety of neighborhood serving commercial/retail uses including but not limited to a coffee shop, pet supply store, and restaurants. As further described below, it is staff's professional opinion that the proposed use is compatible with the surrounding uses.

DISCUSSION

Section 77-206.D of the Rowlett Code of Ordinances lists the criteria for approval of SUPs. Recommendations and decisions on SUPs 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 decisions.

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 the proposed use is consistent with the intent for the area.

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

The existing zoning is C-1, which allows for general commercial/retail uses. Per Section 77-203.B.5 of the RDC,

"The C-1 district is intended for the conduct of retail trade and personal service uses to meet the needs and for the convenience of the community. These shops and stores may be an integral part of the neighborhood closely associated with residential uses."

Based on the intent of the C-1 zoning district, a massage establishment would be a compatible use.

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

Day Spas and massage establishments continue to be a growing business type throughout the Dallas Fort Worth area. 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. No additional transportation or utility services are required to accommodate the proposed use.

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 proposed use should not have any adverse impacts on other property within the vicinity. The shopping center contains numerous personal service and retail establishments. The proposed use is compatible with the other uses in the center.

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

The subject lease space is within an established shopping center with personal service uses. The proposed massage establishment would complement these existing uses and provide neighborhood based services oriented to local customers. This meets the intent of the C-1 zoning district and should be compatible with surrounding uses.

A valid concern was raised prior to the meeting. Since SUPs run with the land there is a risk of automatically approving an unlicensed establishment in the future if this applicant goes out of business. Unlicensed “foot reflexology” establishments have been interpreted as “massage establishments” in recent years. The Rowlett Development Code does not currently have a specific use category for “foot reflexology”. As such, staff interprets them to fit most closely under the “massage establishment” use category, thus requiring a SUP for approval. Given the above information, the concern is valid. However, in speaking to the City Attorney, this concern can be mitigated by providing a condition in the final ordinance linking the SUP to licensed massage establishments only, specifically prohibiting unlicensed foot reflexology establishments without a separate SUP review and approval process. With that condition, if the current applicant goes out of business and a foot reflexology business applies for a certificate of occupancy, then they would be required to follow the SUP process, giving the Council the opportunity to approve or deny the application based on its own individual merits. **Should the Commission chose to recommend approval of this item, then Staff recommends that this condition be included in the recommendation.**

Public Notice

On November 10, 2014, a total of 21 notices were sent to property owners within 200 feet. In addition notice ran in the Rowlett Lakeshore Time on October 30, 2014, and was posted on the property and at City hall on October 31st. As of Thursday November 20, 2014, no responses have been returned.

FISCAL IMPACT/BUDGET IMPLICATION

N/A

RECOMMENDED ACTION

Based on compatibility with the shopping center and meeting the criteria in the RDC, staff recommends the Planning and Zoning Commission make a favorable recommendation to City Council with the condition that the SUP be tied to a licensed massage establishment only.

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Concept Plan

Attachment 3 – Credentials and Letter of Recommendation



Subject Property

200' Notification Area



SUP Licensed Massage Establishment
8809 Lakeview PKWY
Map Created: November 10, 2014



SUP14-745
200 FT NOTIFICATION AREA

21 notices mailed on Nov. 10, 2014



Mi Sun Kim

1152 Indian Run Dr. Carrollton, TX 75010
Tel: (469)3151107 email: mezz7868@gmail.com

OBJECTIVE

Aesthetician/Massage therapist

Experienced skin care specialist wanting to utilize my training and schooling in a productive Salon/Spa environment. Extremely skilled in all aspects of day spa operation and management.

QUALIFICATIONS

- **Manager of Day spa.**
- **Licensed skin care and body massage.**
- **Aromatherapy, anti-aging and acne facials.**
- **Specialized in facial acupressure and sinus relief, glycolic peels.**
- **Reflexology, lymphatic drainage massage**

WORK HISTORY

2004 -2013: : Esthetician, Rehoboth Spa New York, NY

Duties: Performed all aspects of skin care, maintained appropriate professionalism at all times, attended training sessions to increase knowledge of products available for sale, informed guests of products available for retail sales, provided the best possible facial, skin care, and empathized with guests as needed. Beauty consultant on skin care and facial treatments; strong abilities in coloring and make-over.

CERTIFICATES

- Licensed Cosmetologist – State of Texas
- Licensed massage therapist – State of Texas
- Licensed Cosmetologist – State of New York

References available upon request

TEXAS DEPARTMENT OF LICENSING AND REGULATION
P.O. Box 12157
Austin, Texas 78711-2157
1-800-803-9202 (512) 463-6599
<http://www.license.state.tx.us>



TEXAS COSMETOLOGIST
ATTACHMENT 3

OPERATOR

MI SUN KIM

License Number: 1560183

License Expires: JULY 23 2015

Fold Here

TEXAS DEPARTMENT OF LICENSING AND REGULATION
P.O. Box 12157
Austin, Texas 78711-2157
1-800-803-9202 (512) 463-6599
<http://www.license.state.tx.us>

The person named on the reverse
is licensed by the

The license below must be prominently displayed
at your workstation.

If you cut around the border of the license it will
fit in a standard 5" x 7" frame.

MI SUN KIM
1152 INDIAN RUN DR APT 1313
CARROLLTON TX 75010-1184

You may wish to laminate the
pocket identification card above to
preserve it.

10-08-14A11:12 RCVD

Frank Denton
Chair

Mike Arismendez
Vice Chair



LuAnn Morgan
Fred N. Moses
Lilian Norman-Keeney
Ravi Shah
Deborah Yurco

TEXAS COSMETOLOGIST

OPERATOR

MI SUN KIM

License Number: 1560183



The person named above is licensed by the Texas Department of Licensing and Regulation

License Expires: JULY 23 2015

William H. Kuntz
Executive Director



Texas Department of State Health Services

DOES HEREBY CERTIFY THAT

Ali Sun Kim

meets the qualifications established in Texas Occupations Code, Chapter 455 to practice the profession of massage therapy and is authorized to employ the title

Licensed Massage Therapist

in the State of Texas, so long as this certificate is not revoked or suspended and is renewed according to applicable law and rules.

License Number MT120798

Effective 8/22/2014

INVALID WITHOUT CURRENT RENEWAL CARD

A handwritten signature in cursive script, appearing to read "David L. Lakey".

David L. Lakey, M.D. Commissioner of Health

Joanne Oh
President
Cold Springs Salon Company
312 Columbus Ave
New York, NY 10023

Erin Jones - Senior Planner
City of Rowlett
3901 Main Street
Rowlett, TX 75088

Re: Recommendation for Mi Sun Kim

Dear Ms. Jones,

I am pleased to write a letter of recommendation for Mi Sun Kim. I highly recommend Mi Sun for Esthetician - Massage Therapy Establishment Operator.

I have known Mi Sun for Three (3) years. I became acquainted with her when She worked as a Asthetician/Massage therapist in my firm for number of years.. During that time, I found her to be hard working, honest and reliable. Over the time that I have known her, I have witnessed tremendous growth in Mi Sun and am certain that the skills and abilities she has developed will allow her to excel at any endeavor.

At our salon, Ms. Kim demonstrated very good work ethics and stood out from the others. She was a very dedicated and serious professional. She took great pride in her work and has set great example for the other fellow workers. I can verify that there has not been a single complaint submitted against her practice. I hope she will be approved as the owner of a welcomed establishment as I am convinced that she will be an asset to the City of Rowlett.

In short, I recommend Mi Sun enthusiastically and without reservation. If you have any further questions with regard to her background or qualifications, please do not hesitate to contact me.

Sincerely,

Joanne Oh
President
(917) 8589112

