

CITY OF PLANO
MINUTES OF PLAN COMMISSION/ZBA
March 7, 2016
7:00 PM

The regular meeting of the Plan Commission/Zoning Board of Appeals was called to order on Monday, March 7, 2016 at 7:00 PM by Chairman Dave Teckenbrock at City Hall.

1. Roll Call:

Members in Attendance:

Dave Teckenbrock, Chairman
Cara Brummel
Ed Carter
Kurt Dreisilker
Cliff Oleson
Eric Oleson

Members Absent:

Kim Droysen

2. Approve February 1, 2016 Minutes

A motion was made by Member Carter, seconded by Member Dreisilker to adopt the minutes of the meeting of February 1, 2016 with the following correction:

On Page 4, Member Eric Oleson should be included with the Roll Call as Voting "Nay" for the motion to recommend approval of the request for a variation from the Zoning Ordinance to allow an accessory structure with an overall structure height exceeding 27' measured to the ridge.

Roll Call:

Voting "Aye": Teckenbrock, Carter, Dreisilker, C. Oleson, E. Oleson

Voting "Nay":

Absent: Droysen

Abstain: Brummel

Motion Carried

3. Text amendment changes to 5-7A-3, 5-7B-2, 5-7B-3, 5-7C-2, 5-7C-3, 5-7D-2, 5-7D-3, 5-7E-2, 5-7E-3, and 5-17-4.

A motion was made by Member C. Oleson, seconded by Member Dreisilker to open a public hearing.

Roll Call:

Voting "Aye": Teckenbrock, C. Oleson, Dreisilker, Carter, Brummel, E. Oleson

Voting "Nay":

Absent: Droysen

Abstain:

Motion Carried

Tom Karpus explained that the text has needed updating for some time and had recently caused a problem, which was why the amendments are being proposed.

Member Dreisilker asked if this would impact anything that is ongoing currently, and Member Brummel asked what the issue was that brought this about. Tom Karpus stated that anyone who has filed a petition would not be affected by this as it would need to go through the normal channels for approval before being implemented, so best case scenario, the changes would go into effect sometime in the beginning of April. Mr. Karpus said we would get to the issue that brought this about shortly.

Tom Karpus explained if something is a permitted use in B1, it is allowed in B2, B3, B4 and B5 as well. Mr. Karpus went through the zoning districts and explained the proposed text amendments.

Mr. Karpus explained that he received a request to put in a massage spa in a building zoned B5. After not finding anything in the ordinance under B5 or B4 that would cover a massage parlor, he did come across the following permitted uses in B3: reducing salon/masseur/steam bath/health club/gymnasium/physical culture and health services. As these all tie in with a massage parlor, the request was approved as a permitted use in B5. After reviewing the B2 zoning district, it was found that massage parlors are a permitted special use in B2, so it would also be a permitted special use in B5.

Member Brummel asked what the difference between the massage parlor allowed in B2 and the masseur allowed in B3 is, as they seem to be the same thing. Tom Karpus stated that is exactly what the issue is and why the text needs updating. Member Brummel stated it seems like a lot of the wording is loose ended.

Member Cliff Oleson asked if the massage parlor would be a permitted special use in B3. Tom Karpus stated it will be a permitted special use in B3.

Rich Healy suggested differentiating between a massage parlor and certified massage therapist as they are different services. He stated that alternative health services is a current trend, so the ordinances need to be clear enough as these health services do require certification/licensure to practice. Tom Karpus stated that there is an adult use ordinance in place –this is under Section 5-17 “sexually oriented business”.

Member Brummel asked if the terminology in B3 could be changed to read “Licensed Massage Therapy”. Tom Karpus stated that it could be changed, but the problem is that there are other kinds of services out there that need to be considered as well.

Member Dreisilker suggested eliminating “massage parlor” from the special uses permitted, but asked if doing so would upset any existing zoning. Tom Karpus stated that it would not upset any of the existing zoning, and said that it can be eliminated as it could fall under the Physical Culture and Health Services category.

Tom Karpus asked the Members if they were in agreement that Massage or similar personal service shop should be removed from the special uses permitted in B3 and Licensed Massage Therapy and Physical Culture and Health Services. Member Carter asked if it is necessary for a massage parlor to be a special use. Member Teckenbrock stated they need to consider if it is something that needs to come in front of the Zoning Board or if it can just be a permitted use. The Members all agreed that a massage parlor does not need to be a special use, and should just be a normal permitted use.

Tom Karpus explained the list of permitted uses proposed for B3.

Member Dreisilker stated that it makes sense that the list is being updated/modernized.

Member Cliff Oleson asked if all the categories that were deleted from the list but still could be relevant were fit in elsewhere so they are still covered. Mr. Karpus said that they were fit in elsewhere.

Member Dreisilker asked if there are other sections in the ordinance that need reviewing/updating as well. Mr. Karpus stated that the manufacturing district needs updating, and it will be something to get on the calendar to go over.

Rich Healy stated that it is important to get the ordinance updated, especially from a Marketing standpoint so it can be easily communicated where new businesses may be able to open in the City.

Under Section B5, Tom Karpus recommended deleting Mobile Home Sales as a special use – there were no objections from the Commission.

Under Section 5-17-4 Sexually Oriented Businesses, Tom Karpus recommended replacing “M-1 Limited Manufacturing District” with “M-2 General Manufacturing District” as he does not think it was intended to be under M-1. There were no objections from the Commission.

A motion was made by Member Carter, seconded by Member E. Oleson to close the public hearing.

Roll Call:

Voting “Aye”: Teckenbrock, Carter, E. Oleson, Brummel, Dreisilker, C. Oleson

Voting “Nay”:

Absent: Droysen

Abstain:

Motion Carried

Tom Karpus summarized the revisions to the proposed text amendments that were discussed, and the Members agreed:

-Delete the Massage or similar personal shop in B2

- Add Licensed Massage Therapy and Physical Culture and Health Services to the permitted uses in B3
- Delete the addition of Massage or similar personal service shop in the Special Uses Permitted in B3
- Delete Mobile Home Sales from the special uses in B5
- In 5-17-4 delete M1 and insert M2

A motion was made by Member Cliff Oleson, seconded by Member Eric Oleson to recommend to the City Council approval of the proposed text amendments of 2/16/16 with the revisions as discussed during the meeting.

Roll Call:

Voting "Aye": Teckenbrock, C. Oleson, E. Oleson, Carter, Dreisilker, Brummel

Voting "Nay":

Absent: Droysen

Abstain:

Motion Carried

There being no other business to come before the Commission, a motion was made by Member Dreisilker, seconded by Member E. Oleson to adjourn the meeting. A unanimous "Aye" voice was heard. The meeting adjourned at 8:14 p.m.

Kiara Beckman, Recording Secretary