

CITY OF PLANO
MINUTES OF PLAN COMMISSION/ZBA
April 4, 2016
7:00 PM

The regular meeting of the Plan Commission/Zoning Board of Appeals was called to order on Monday, April 4, 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
Kim Droysen
Cliff Oleson
Eric Oleson

Members Absent:

Kurt Dreisilker

2. Approve March 7, 2016 Minutes

A motion was made by Member C. Oleson, seconded by Member E. Oleson to adopt the minutes of the meeting of March 7, 2016 as printed.

Roll Call:

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

Voting "Nay":

Absent: Dreisilker

Abstain: Droysen

Motion Carried

3. Text amendment changes to 5-8A-1, 5-8A-3, 5-8B-1, and 5-8B-3

A motion was made by Member Brummel, seconded by Member E. Oleson to open a public hearing.

Roll Call:

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

Voting "Nay":

Absent: Dreisilker

Abstain:

Motion Carried

Tom Karpus explained the proposed text amendments to M-1 Zoning District, 5-8A-1 Uses Permitted.

Member Brummel asked if the “storage of flammable liquids” would pertain to a gas station with fuel storage underground. Mr. Karpus stated that this would not be a gas station and that it does not belong in the M1 which is along Main St. and along Rt. 34. Member Brummel asked where it would be put. Mr. Karpus stated he is proposing it is moved to M2.

The Members all agreed that Residential Uses should be deleted from the uses permitted in the manufacturing district.

Tom Karpus explained the proposed text amendments to M-1 Zoning District, Section 5-8A-3, Special Uses Permitted. The Members did not have any questions, and agreed with the proposed text amendments to this section.

Tom Karpus explained the proposed text amendments to M-2 Zoning District, Section 5-8B-1, Uses Permitted.

Member C. Oleson stated that he does not believe that the fortune tellers and psychic readers are quite the same as the unlicensed massage parlors, but that they are two different classes/types of businesses.

Member Carter asked if tattoo parlors, fortune tellers, and psychic readers are currently only allowed as a special use in M2. Tom Karpus stated that is correct, they are special uses in M2, and currently sexually oriented businesses are a permitted use in M1.

Member E. Oleson asked if the sexually oriented businesses could be moved to M2 under special uses rather than under permitted uses.

Member Droysen stated that she does not have an issue with a tattoo parlor being a permitted use in M1, but said she agrees that the sexually oriented businesses should be moved to M2 as a special use.

Member C. Oleson stated that he could see the tattoo parlors and fortune tellers in M1, but the sexually oriented businesses would need to be in M2.

Member Carter stated that he does not have any issues with putting sexually oriented businesses in M2 as a special use as long as there will be no issues with restricting it that much.

Member E. Oleson stated that he agrees with moving sexually oriented businesses to M2, and thinks it should be a special use.

Member C. Oleson stated that he thinks the sexually oriented businesses should be in M2 whether it is a permitted or a special use.

Member Brummel also agreed with moving sexually oriented businesses to M2 as a special use.

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

Roll Call:

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

Voting "Nay":

Absent: Dreisilker

Abstain:

Motion Carried

A motion was made by Member Brummel, seconded by Member E. Oleson to recommend to the City Council approval of the proposed text amendments with the change of moving the Sexually Oriented Businesses to M2 Special Use.

Roll Call:

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

Voting "Nay":

Absent: Dreisilker

Abstain:

Motion Carried

4. ICHOR LLC – Special Use to allow a massage parlor – 901 W. US Hwy 34 Suite 103

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

Roll Call:

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

Voting "Nay":

Absent: Dreisilker

Abstain:

Motion Carried

Member Droysen asked if this would be a licensed facility. Tom Karpus stated that the facility being requested will be a licensed facility.

Richard Healy of 25 Oak Leaf Ln. Plano was sworn in. Mr. Healy stated that he wanted to clarify the type of facility that is being petitioned for. He stated that the facility for which this special use is being requested is not a massage "parlor", but it will be a practice for a licensed massage therapist. Mr. Healy stated that the local college –Waubonsee Community College – offers a massage therapy certificate taught by a fully licensed professor, and that this has become a very large industry. Mr. Healy stated if this person meets the requirements for full licensure, then he believes the special use permit for this facility should be approved.

Member Brummel asked Mr. Healy if this will be just a one-person operation or if there would be other massage therapists as well. Mr. Healy stated he is not sure if there will be other massage therapists on staff or not, but stated that if there are, they all have to be licensed by the state.

Member Carter stated he does not have a problem with the facility, but asked who is in charge of verifying that the facility/therapist is licensed. Tom Karpus stated it is not the responsibility of the ZBA to check/verify licenses.

Chairman Teckenbrock stated that he does not have any issues with the special use for a licensed massage facility.

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

Roll Call:

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

Voting "Nay":

Absent: Dreisilker

Abstain:

Motion Carried

Standards for Special Use: No special use shall be recommended by the Plan Commission unless the Plan Commission shall find:

1. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Member Oleson stated the establishment will not be detrimental to or an endangerment to the public. The Members all agreed that it will not.

Unanimous Yes

2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

Chairman Teckenbrock stated that he does not see where it would diminish or impair any property values in the area. The Members all agreed.

Unanimous Yes

3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

The Members agreed that the special use will not impede on the normal and orderly improvement of surrounding property.

Unanimous Yes

4. That adequate utilities, access roads, drainage or other necessary facilities have been or are being provided.

Chairman Teckenbrock stated that this is an existing property, so this does not apply here. The Members all agreed.

Unanimous Yes

5. That adequate Measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

Member Teckenbrock stated they have a large parking lot with good ingress/egress, so this is not a problem. The Members all agreed.

Unanimous Yes

6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Plan Commission. (Ord. 1994-16, 6-27-94)

Unanimous Yes

A motion was made by Member C. Oleson, seconded by Member Carter to recommend to the City Council approval of the requested B3 Special Use at 901 W. Rt. 34 Ste. 103.

Roll Call:

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

Voting "Nay":

Absent: Dreisilker

Abstain:

Motion Carried

There being no other business to come before the Commission, a motion was made by Member E. Oleson, seconded by Member Brummel to adjourn the meeting. A unanimous "Aye" voice was heard. The meeting adjourned at 7:55 p.m.

Kiara Beckman, Recording Secretary