

PC 26-28. Special Land Use PSP 26-05 - 30159 Brush St. - Major Home Occupation (Dog Boarding)

MOTION MADE BY COMMISSIONER MARSH, SECONDED BY COMMISSIONER OLSON THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY RECOMMENDS THAT CITY COUNCIL DENY SPECIAL LAND USE REQUEST NUMBER PSP 26-05 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A DOG BOARDING BUSINESS AT 30159 BRUSH STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a dog boarding Major Home Occupation at 30159 Brush Street.
2. The Planning Commission held a public hearing for PSP 26-05 at their August 25th, 2026 special meeting.
3. The proposed dog boarding Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The use is not designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, the neighborhood, or the general welfare of the neighbors and noise in the general area.
 - c. The use is incompatible with the surrounding neighborhood.
4. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.

Voting Yea: Mayor Haines, Commissioner Fleming, Commissioner Marsh, Commissioner Oglesby, Commissioner Olson

Voting Nay: Chair Champagne, Commissioner Fox

Motion carries 5-2.

Special Land Use PSP 26-06 - 26126 Groveland St. - Major Home Occupation (Licensed Massage Therapy)

Conflict of Interest Recusal: Commissioner Cliff Oglesby declared a conflict of interest because he resides directly adjacent to the subject property. Commissioner Oglesby recused himself and left the room at 6:00 p.m.

City Planner Lonnerstater introduced the request for Special Land Use approval submitted by Tonya Cole (represented by Martino Tomas) to operate a major home occupation for a licensed massage therapy business within a detached accessory shed in the rear yard of 26126 Groveland Street. The property features a single-family home with a detached garage and is zoned R-3 Single-Family Residential.

Per the applicant's application, the massage therapy services would be conducted on a one-on-one, appointment-only basis inside the detached shed. Proposed hours of operation were 8:00 a.m. to 9:00 p.m., with 4 to 8 clients per day, parking on the driveway, and one employee (the applicant). Because the business involves routine client visits and operates out of an accessory structure, staff classified it as a Major Home Occupation.

Planner Lonnerstater reported an extensive code enforcement and violation history on the property as detailed in the packet. He also clarified the requirements under the Zoning Ordinance, "licensed massage therapists" as opposed to Unlicensed massage therapists. Ms. Cole provided the required state license and American Bodywork and Massage Professionals Association membership.

Chair Champagne opened the floor for public comment at 6:15 p.m.

Letters Read into the Record: City Clerk Daley read written correspondences received in opposition to the application from the following who requested them to be read aloud:

Shari Macleod
Kim Derocher
Wendell Smith

It was also noted that additional letters of opposition were printed and provided to the Commission from: Mr. & Mrs. Barrett, Mr. Elliot Bedell, and an anonymous resident. Letters are attached to the minutes.

Seeing no further speakers, Chair Champagne closed the public comment portion at 6:35 p.m.

Chair Champagne invited the applicant, Tonya Cole, to the podium to address the Planning Commission. Speaking on her behalf was Martino Tomas. He spoke favorably on the applicant and highlighted her licensing.

Discussion continued surrounding the zoning and permitting history of this property.

Assistant City Attorney Burns reported on the legal and prosecution history involving the applicant. He advised the Commission that they are legally permitted to consider an applicant's past actions and record of compliance when evaluating their credibility to follow Special Land Use conditions.

PC 26-29. Special Land Use PSP 26-06 - 26126 Groveland St. - Major Home Occupation (Licensed Massage Therapy)

MOTION MADE BY MAYOR HAINES, SECONDED BY COMMISSIONER FOX THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY RECOMMENDS THAT CITY COUNCIL DENY SPECIAL LAND USE REQUEST NUMBER PSP 26-06 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A LICENSED MASSAGE THERAPY BUSINESS AT 26126 GROVELAND STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a massage therapy Major Home Occupation at 26126 Groveland Street.
2. The Planning Commission held a public hearing for PSP 26-06 at their August 25th, 2026 special meeting.
3. The proposed massage therapy Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that are inconsistent with the ordinances.
 - b. The use is incompatible with the surrounding properties, neighborhood, and vicinity in the following manners:
 - i. Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;

- ii. Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
- 4. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.
- 5. The use does not satisfy the use-specific standards for Major Home Occupations as contained in Section 7.03.18 of the Zoning Ordinance
 - a. It is not located within the principal dwelling.
 - b. There would be a negative impact on surrounding residential properties.

Voting Yea: Chair Champagne, Mayor Haines, Commissioner Fleming, Commissioner Fox, Commissioner Marsh, Commissioner Olson

Abstaining: Commissioner Oglesby
Motion carries.

MEMBER UPDATES:

Commissioner Fox commended Council's actions at their last meeting regarding the Data Center moratorium.

PLANNER UPDATES:

Planner Lonnerstater updated the Planning Commission on the one-year data center moratorium. This will allow Staff one year to research and draft a zoning amendment.

ADJOURNMENT:

Chair Champagne adjourned the meeting at 6:50 p.m.