

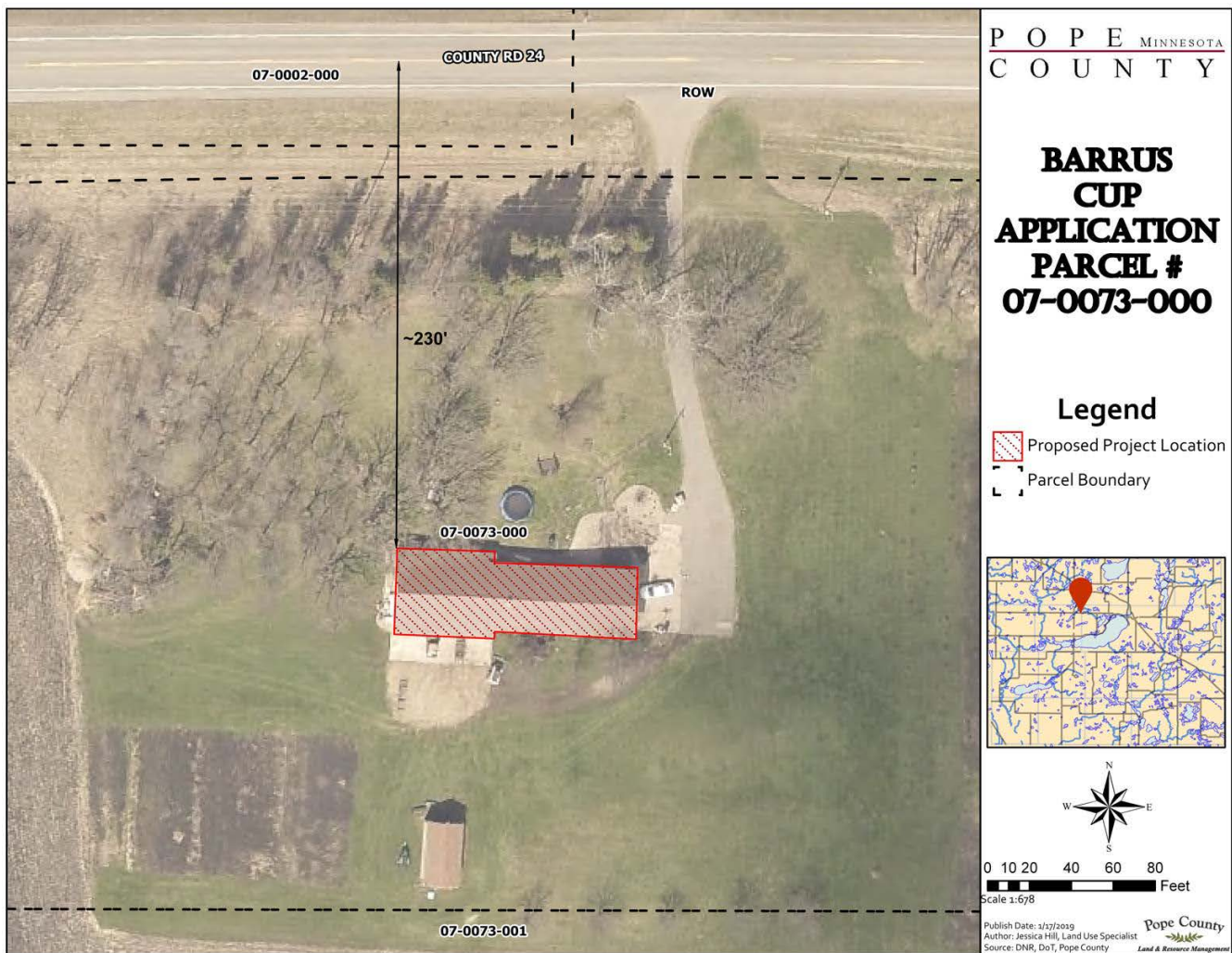
PLANNING ADVISORY COMMISSION

STAFF REPORT

Applicant: Michael Barrus

Application: Conditional use permit to locate a home occupation of a firearms business at 28559 County Rd 24. The home is located on a 67-acre site in White Bear Lake Township. Most of the parcel is zoned as an Agriculture Protection (A-2) district.

Business Location: Part of the Northeast quarter (NE ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼), Section 12, Township 125 (White Bear Lake), Range 39, Pope County, Minnesota.



Background: The applicant proposes to operate a small firearms and related accessories business based out of his rented property. The business will consist of buying and selling (transferring) of small arms and accessories. This business venture will require a Federal Firearms License. The applicant anticipates that business activities will take place between 4pm and 8pm on weekday evenings and selected weekends unless by appointment and therefore not have an impact to traffic or existing surrounding land uses. The site is already equipped with security and safety measures.

Applicable Regulations:

- This application is subject to the criteria and procedures as prescribed in section 11.5 Conditional Use Permit of the Pope County Land Use Controls Ordinance.
- The proposed land use is being considered as a conditional use on agriculture protection designated land as per Pope County Land Use Controls Ordinance Section 7.3(I).

Staff Comments: Based on the review of the application, Staff offers the following comment:

The Pope County Land Use Controls Ordinance, section 7.3.A. allows for home businesses to be considered as a Conditional Use in the Agriculture Protection zoning district. Also, section 7.3.F. allows for Game Farms, Shooting Ranges and Commercial Hunting Establishments to be considered as a Conditional Use in the Agriculture Protection zoning district. While the proposed use does not fit exactly into either of these categories, Section 7.3.I. allows for “Other uses of the same general character...”. Therefore, this application is processed as a use that is consistent with other allowable uses as described in Section 7.3 of the Pope County Land Use Controls Ordinance.

Staff Recommendation: *Approve with Conditions*

Based on the findings of fact presented in this report the Staff recommends approving the application with the following conditions:

1. Hours of operation will be 4pm to 8pm weekday evenings and weekend days unless by appointment.
2. All outside lighting must be hooded and directed straight down.
3. Any sign advertising the business must be located outside of the right-of-way, may be no larger than 48 sq. ft. on each side, and may be no more than 15 ft. in total height. The sign may not be lighted.
4. Any change in the use (other than the permitted uses in the zoning district or what is included in this permit), hours of operation, or expansion of the business (including construction of additional buildings) shall require a conditional use permit.
5. All other state and local permits and approvals shall be obtained for the operation of the business.

Staff Findings: The Staff offers the following findings:

1. **The project is in compliance with the setback and other provisions of this ordinance unless a variance has been granted:** Existing structures where business operations will take place meet all setback requirements.
2. **The use is not in conflict with the County Comprehensive Land Use Plan:** The proposed use does not conflict with the comprehensive plan. The Comprehensive Plan recognizes that there is a diverse use of land in Pope County.
3. **That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish or impair neighborhood property values in the area, and will not interfere with the best interest of the surrounding area or the community as a whole:** The home-based commercial business being proposed on the property should not create an interference with future development on adjacent properties, nor is it expected to diminish or impair neighboring property values.
4. **The use will not create an excessive burden on parks, schools, streets, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve in the area:** This land use is not expected to have a negative impact on public infrastructure.
5. **The structure and sites shall have an appearance that will not have an adverse effect on adjacent properties:** The site is expected to remain neat and orderly in appearance.
6. **The road on which the project is proposed is adequate to handle increased traffic during construction and operation, and that the use will not cause traffic hazards or congestion:** The permitting of the home-based commercial business at this location is not expected to significantly increase traffic or create a hazard beyond that that already exists.
7. **Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, odor, or general unsightliness:** There are no nearby businesses that will be adversely affected by locating a home-based onsite commercial business on this parcel.
8. **That the establishment of the use will not impede the normal and orderly development and improvement of surrounding vacant property uses predominant to the area:** The predominant neighboring land uses are agricultural in nature. The proposed home-based onsite commercial business will not interfere with that use.

9. **That adequate utilities, drainage and other necessary facilities have been or are being provided:** Adequate utilities already exist on site.

10. **That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise, and vibration in order that none of these will constitute a nuisance, and that adequate measures have been or will be taken to prevent negative impacts on surface water, groundwater, and air quality, and that measures have been taken to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result:** The site is expected to remain neat and orderly in appearance. As such, the use of the site for a home-based commercial business will not create a nuisance and therefore should not create a negative impact on neighboring properties.

Report Appendix

- **Routing Sheet** (*Comments, concerns and conditions*)
- **Public Notice**
- **Supplemental Information**
 - **Attachment 1:** *Request for Conditional Use Permit - Narrative (Michael Barrus, January 2019)*

Routing Sheet Comments, concerns and conditions

County Department

Assessor	No Comments Received
Attorney	No Comments Received
E911/IT	<i>COMMENTS: Addressing: No conditions as property already has address assigned.</i>
Emergency Mgt	<i>COMMENTS: L.E./E.M. Have no issues with this project.</i>
Recorder	No Comments Received

Township

White Bear Lake	No Comments Received
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Other Comments Received

No Comments Received

**POPE COUNTY LAND & RESOURCE MANAGEMENT
POPE COUNTY COURTHOUSE
130 E. MINNESOTA AVENUE, SUITE 113
GLENWOOD, MINNESOTA 56334
(320) 634-7791**

**POPE COUNTY PLANNING ADVISORY COMMISSION
NOTICE OF PUBLIC HEARING FOR
CONDITIONAL USE REQUEST**

Notice is hereby given that a Public Hearing will be held in the Community Room of the Pope County Courthouse, 130 East Minnesota Ave, Glenwood, MN 56334 at 6:00 pm or shortly thereafter on Thursday, February 28th, 2019, where the Pope County Planning Advisory Commission will consider a conditional use request per Pope County Land Use Ordinance sec. 11.5.

Description of Request: Conditional Use hearing on the application by Michael Barrus, if granted would permit applicant to locate a home occupation of a firearms business in an Agriculture Protection (A-2) zoning district per Pope County Land Use Controls Ordinance section 7.3.A. and 7.3.F.

Legal Description/Site Location: Part of the Northeast quarter (NE ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼), Section 12, Township 125 (White Bear Lake), Range 39, Pope County, Minnesota.

Dated: February 11, 2019

By: Jessica Hill
Land Use Specialist
Land & Resource Management

Supplemental Information Attachment 1:
Request for Conditional Use Permit - Narrative (Michael Barrus, January 2019)

Request for Conditional Use Permit

28559 County Road 24, Starbuck, MN 56381

Owners: James & Judy Anderson

Renter: Daughter & Son-in-Law Michael & Lynette Barrus

Mr.Green,

I am writing to obtain a Conditional Use Permit for a Home Business to be conducted at the above address.

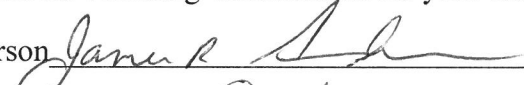
Business Description:

I, Michael Barrus, the Renter with full permission of the landlords James and Judy Anderson, intend to start doing business with a Federal Firearms License. This will consist of the sale of, buying of and transferring of small arms and related accessories, including Class 3 NFA items such as sound suppressors. Services offered will be minor gunsmithing and transfer paperwork as required by state and federal law. The majority of the business will take place in less than 25% of the home. All safety measures as required by the BATFE will be applied. Safes and outside cameras are already in place and will be added as necessary. Hours of operation will be limited to weekday evenings 4pm to 8pm and selected weekends as well as by appointment. The majority of the product to be sold will be used firearms acquired by myself from individuals and from firearms shows. Secondary to that will be simple paperwork transfers and storage of NFA items as proper approval is acquired. A website will be used to display inventory and services. We do not foresee any noticeable increase in traffic, parking issues or disruption to surrounding homes. There will not be an impact on the local environment. Though not a shooting range per se, there will be occasional test firings of some firearms. This will not be open for public use at any time. All test ammunition to be used will be lead free.

Again, this has the full permission of the owners James & Judy Anderson.

Thank you and the Planning Commission for your time and consideration in this matter.

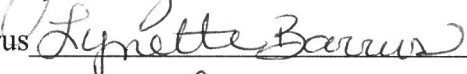
James Anderson



Judy Anderson



Lynette Barrus



Michael Barrus

