



DATE: April 6, 2022

TO: Planning Commission Chair and Commissioners

FROM: Jessica Jagoe, City Planner

SUBJECT: Planning Case # 22-003 – Public Hearing Required
Applicant: Richard Spicer
Property Location: 1682 Wedgewood Circle
Request: Conditional Use Permit

Requested Action

Richard Spicer (“Applicant”) has submitted an application for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 1682 Wedgewood Circle. The Applicant is the sole owner and operator of Crimsontech Industries, LLC, a business related to repair, maintenance, and restoration of firearms including online sales. A home occupation is allowed in residential zoning districts, but a Conditional Use Permit is required when there is the delivery of products other than those delivered by private passenger vehicle. The Applicant anticipates one to two deliveries per week by a commercial courier which triggered the Class II designation requiring a Conditional Use Permit.

Background

1. Existing Site Conditions:

1682 Wedgewood Circle (“Subject Property”) is zoned R-3, Townhouse and Low Density Multiple Dwelling District, and is designated for Medium Density Residential Uses in the 2040 Comprehensive Land Use Plan. The Subject Property is the site of a single-family dwelling owned by Wendy Wei Wang. All surrounding parcels are also zoned R-3, Townhouse and Low Density Multiple Dwelling District, and designated for Medium Density Residential Uses in the 2040 Comprehensive Land Use Plan.

2. Site Data

| | |
|-----------------------------------|--|
| 2040 Future Land Use Plan: | MDR – Medium Density Residential |
| Existing Land Use: | Single Family Dwelling |
| Zoning: | R-3 Townhouse and Low Density Multiple Dwelling District |
| Lot Size: | 0.38 acres |

Proposed Use:

The Applicant submitted a Conditional Use Permit application to allow a Class II Accessory Home Occupation on the Subject Property for the operation of Crimsontech Industries, LLC. Crimsontech Industries, LLC is a Minnesota registered limited liability company (the “Company”) that was opened on February 16, 2022. The company’s business activities are related to the repair, maintenance, and restoration of firearms via an online portal. In addition, the online store shall carry a small amount of inventory for sale. All customer communications and business activity is conducted online and through deliveries to the subject property, up to one per day. No advertisement shall be placed on the property. The company is a small scale operation and is solely owned and operated by the Applicant, CEO and Owner Richard Spicer.

Approvals:

1. Conditional Use Permit

A Conditional Use Permit is required for Class II Accessory Home Occupations. A home occupation is allowed in residential zoning districts as an accessory use, but it becomes a Class II Home Occupation when there is the delivery of products other than those delivered by private passenger vehicle. City Code Section 1355.04 Subd. 3 of the Arden Hills Zoning Code lists the criteria for evaluating a Conditional Use Permit. The Planning Commission and City Council should consider the effect of the proposed use upon the health, safety, convenience and general welfare of the owners and occupants of the surrounding land and the community, in general, including but not limited to the following factors:

1. Existing and anticipated traffic and parking conditions;
2. Noise, glare, odors, vibration, smoke, dust, air pollution, heat, liquid or solid waste, and other nuisance characteristics;
3. Drainage;
4. Population density;
5. Visual and land use compatibility with uses and structures on surrounding land;
6. Adjoining land values;
7. Park dedications where applicable;
8. Orderly development of the neighborhood and the City within the general purpose and intent of the Zoning Code and the Comprehensive Development Plan for the City.

Under state law, a conditional use is a use that is generally allowed in a designated district upon showing by the applicant that the standards and criteria stated in the ordinance will be satisfied. Conversely, if the applicant is unable to show that the ordinance standards are met, the application can be denied, but because the use is listed as permitted, the City’s discretion is more limited in these matters than in a comprehensive plan or rezoning application.

Plan Evaluation

1. Chapter 13, Zoning Code Review

Section 1325 – General Regulations, 1325.02 Accessory Uses, Subd. 3 Home Occupations

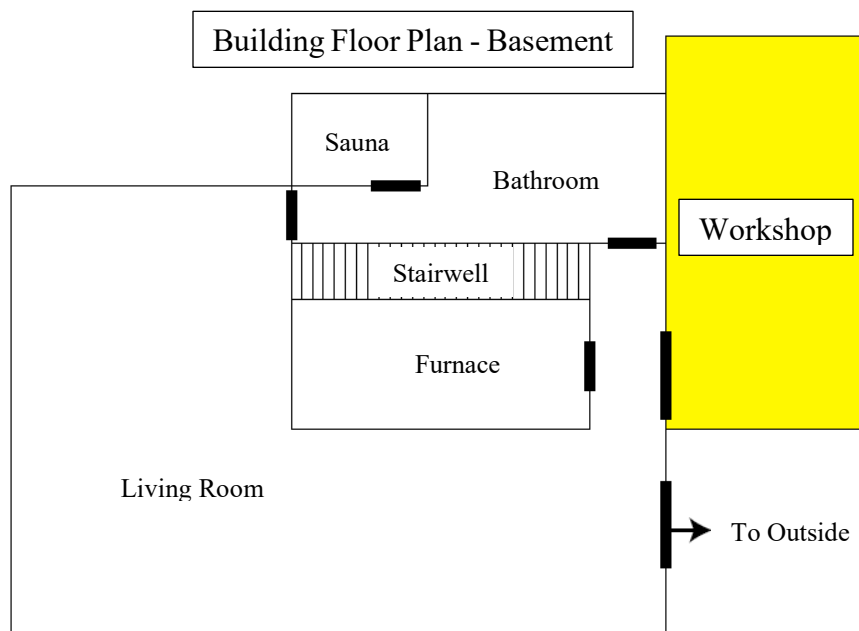
A. Home occupations are allowed as either accessory uses or conditional uses depending on the characteristics of the operation. All home occupations shall comply with the following conditions:

1. *It shall not result in traffic, parking, noise, light, fumes and odors to such an extent that it is noticeable that the property is being used for non-residential purposes.*

The proposed home occupation will not result in increased traffic or a need for additional parking. All business is completed through an online portal. From the initial contact all the way to the end delivery of product, there is no in-person interaction and customers will not be visiting the subject property. The Class II Home Occupation allows only one delivery to be made per day. The Company is a small-scale business. As repairs could possibly take a week or more to perform, a large volume of deliveries is not required. The Applicant expects one to two deliveries per week by FedEx or UPS.

2. *It shall be conducted entirely within the dwelling.*

Repair, maintenance, and restoration of the firearms is conducted entirely within the dwelling. The Applicant will perform the business operations in a dedicated workshop in the basement of the dwelling. A floor plan is included below.



3. *There is no exterior evidence of the home occupation.*

All business operations will take place inside the dwelling. All advertisement of services will be conducted online only, through Google Ads and SEO. No advertisement shall be placed on the property noting that there is a business being operated on the property. Photos of the exterior dwelling are included as an attachment.

4. *It does not require any special entrances to the dwelling.*

The proposed home occupation will not require any additional entrances to the dwelling.

B. Class II Conditional Accessory Home Occupations. Home occupations may be allowed by Conditional Use Permit as regulated in Section 1355.04 Subd 3.C.1 if they meet the conditions stipulated above for all Home Occupations and the following conditions:

1. *The primary business activity shall be conducted by an occupant of the residence;*
The Applicant is an occupant of the Subject Property and is the sole owner and operator of Crimsontech Industries, LLC.
2. *One person not residing in the residence may be employed to assist in the business activity;*
The company is a small scale operation and does not employ any persons not residing in the residence. Furthermore, the company does not have any employees other than Mr. Spicer.
3. *It does not occupy more than thirty-three (33) percent of the floor area of the dwelling;*
The total floor area of the dwelling is 2,665 square feet. The proposed home occupation will occupy 231 square feet of the dwelling, or 8.7%. The Applicant will perform the business operations in a dedicated workshop in the basement of the dwelling.
4. *It has a limited number of patrons visiting the premises;*
All company business is conducted solely through an online portal and no customers will be visiting the subject property. There is no in-person interaction between the Applicant and business patrons.
5. *Off-street parking for no more than two (2) additional vehicles other than those required by the occupants shall be permitted. On-street parking shall not be used to satisfy required parking; and,*
The proposed home occupation will not result in the need for any off-street parking. All business is completed through an online portal. From the initial contact all the way to the end delivery of product, there is no in-person interaction and customers will not be visiting the subject property. The company is solely operated by the Applicant.
6. *It requires delivery of products to the premises no more than once per day.*
The Company is a small-scale business. As repairs could possibly take a week or more to perform, a large volume of deliveries is not required. The Applicant expects one to two deliveries per week by FedEx or UPS.

C. Class II Conditional Accessory Home Occupations. Applications for a Class II Home Occupation as stipulated by Section 1355.04 Subd 3.C.2 shall be accompanied by the following information:

1. A photograph of the residence. ***Included in submission***

2. A floor plan indicating the floor area to be used by the home occupation along with a tabulation of the total floor area and the floor area to be used for the home occupation. ***Included in submission***
3. A statement describing the home occupation and the compliance with the required conditions. ***Included in submission***
4. A copy of the state or county license or permit if such a license or permit is required by the state or county for the proposed home occupation. ***Recommended condition of approval. For the proposed home occupation, the Applicant would be required to obtain a Federal Firearms License (FFL) from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The Applicant as part of the FFL application process is required to comply with applicable local regulations within 30 days of the ATF approval. Due to the processing time for the Conditional Use Permit review, the Applicant is seeking City approval in advance of submitting the FFL paperwork. The Applicant is aware of the FFL licensing requirements and will satisfy all federal procedures and regulations necessary for the issuance of the license.***

2. Sign Code – Chapter 12

This approval does not include signs. Staff recommends adding a condition that prohibits signage as part of the approval.

Additional Review

Ramsey County Sheriff's Department

The Ramsey County Sheriff's Department has been forwarded the land use application and is currently reviewing the materials.

Suggested Findings of Fact

Staff offers the following findings of fact for consideration:

1. The subject property located at 1682 Wedgewood Circle is zoned R-3, Townhouse and Low Density Multiple Dwelling District and is designated for Medium Density Residential uses on the 2040 Comprehensive Plan.
2. A home occupation is allowed in residential zoning districts, but a Conditional Use Permit is required when there is the delivery of products.
3. The Applicant is the sole owner and operator of Crimsontech Industries, LLC, a business related to repair, maintenance, and restoration of firearms including online sales.
4. Crimsontech Industries, LLC is a Minnesota registered limited liability company that was opened on February 16, 2022.
5. All company business is conducted through an online portal and no customers will be visiting the subject property. There is no in-person interaction between the Applicant and business patrons.
6. The company requires only one delivery per day.
7. The company is a small scale operation and is solely owned and operated by the Applicant, CEO and Owner Richard Spicer.

8. Repair, maintenance, and restoration of the firearms is conducted entirely within the dwelling.

Options and Motion Language

Staff has provided the following options and motion language for this case. The Planning Commission should consider providing additional findings of fact as part of the motion to support their recommendation for approval or denial.

1. Recommend Approval with Conditions: Motion to recommend *approval* of Planning Case 22-003 for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 1682 Wedgewood Circle, based on the findings of fact and submitted plans, subject to the following conditions:
 1. The Applicant shall obtain, maintain, and provide evidence upon request of applicable County, State or Federal licensing for the proposed home occupation following City Council approval.
 2. The Applicant shall for the duration of the Conditional Use Permit continue to provide evidence to the City of issuance of FFL renewal licenses and/or Letters of Authorization from the Federal Firearms Licensing Center prior to the expiration of the federal firearms license.
 3. The number of daily deliveries associated with the home occupation shall be limited to one per day.
 4. No exterior evidence of the home occupation shall be permitted.
 5. No exterior signage shall be permitted.
 6. The home occupation shall be conducted only by the occupants of the premises and may not employ any person not residing in the residence.
 7. There shall be no patrons visiting the premises and all home occupation engagement and sales must be exclusively conducted online.
 8. The premises shall at all times be protected by a contracted security service and all firearms and ammunition shall be kept secured in heavy duty gun safes.
2. Recommend Approval without Conditions: Motion to recommend *approval* of Planning Case 22-003 for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 1682 Wedgewood Circle, based on the findings of fact and submitted plans in the April 6, 2022, Report to the Planning Commission.
3. Recommend Denial: Motion to recommend *denial* of Planning Case 22-003 for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 1682 Wedgewood Circle based on the following findings of fact: *the Planning Commission should identify findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
4. Table: Motion to *table* Planning Case 22-003 for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 1682 Wedgewood Circle for the following reasons: *the*

Planning Commission should identify a specific reason and/or information request should be included with a motion to table.

Notice and Public Comments

Notice was published in the *Pioneer Press* on March 22, 2022. Notice was prepared by the City and mailed to property owners within 1000 feet of the subject property. As of March 30, 2022, staff has received one public comment that was not in favor of the Conditional Use Permit due to the proximity to their residence.

Deadline for Agency Actions

The City of Arden Hills received the completed application for this request on March 9, 2022. Pursuant to Minnesota State Statute, the City must act on this request by May 8, 2022 (60 days), unless the City provides the petitioner with written reasons for an additional 60 day review period. The City may, with the consent of the applicant, extend the review period beyond the initial 120 days.

Attachments

- A. Land Use Application
- B. Accessory Home Occupation Permit Application
- C. Location Map
- D. Application Narrative
- E. Building Floor Plans
- F. Exterior Photos