

DRAFT



Approved: May 4, 2022

**CITY OF ARDEN HILLS, MINNESOTA
PLANNING COMMISSION
WEDNESDAY, APRIL 6, 2022
6:30 P.M. - ARDEN HILLS CITY HALL**

CALL TO ORDER/ROLL CALL

Pursuant to due call and notice thereof, Chair Paul Vijums called to order the regular Planning Commission meeting at 6:30 p.m.

OATH OF OFFICE

Chair Vijums administered the Oath of Office to reappointed Commissioner Jonathan Wicklund and to newly appointed Commissioners Shelley Blilie and Arlene Mitchell.

ROLL CALL

Present were: Chair Paul Vijums, Commissioners Shelley Blilie, Marcie Jefferys, Arlene Mitchell, Kurt Weber, Jonathan Wicklund

Absent: Commissioners Joshua Collins, Steven Jones (Alternate) and Clayton Zimmerman (Alternate).

Also present were: City Planner Jessica Jagoe and Councilmember Fran Holmes.

APPROVAL OF AGENDA – APRIL 6, 2022

Commissioner Wicklund moved, seconded by Commissioner Jefferys, to approve the April 6, 2022, agenda as presented. The motion carried unanimously (6-0).

APPROVAL OF MINUTES

December 8, 2021 – Planning Commission Regular Meeting

Commissioner Wicklund moved, seconded by Commissioner Weber, to approve the December 8, 2021, Planning Commission Regular Meeting as presented. The motion carried 4-0-2 (Commissioners Blilie and Mitchell abstained).

PLANNING CASES

A. Planning Case 22-003; 1682 Wedgewood Circle – Conditional Use Permit – *Public Hearing*

City Planner Jagoe stated 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.

City Planner Jagoe reported 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.

City Planner Jagoe reviewed the surrounding area, the Plan Evaluation and provided the Findings of Fact for review:

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.

City Planner Jagoe stated staff recommends 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.

City Planner Jagoe reviewed the options available to the Planning Commission on this matter:

1. Recommend Approval with Conditions
2. Recommend Approval as Submitted
3. Recommend Denial
4. Table

Chair Vijums opened the floor to Commissioner comments.

Commissioner Wicklund asked if it was common for conditions to exceed the requirements within City Code. He indicated the applicant could have one employee per City Code, but staff is recommending no employees be allowed, except the applicant.

City Planner Jagoe reported City Code does state as part of the Conditional Use Permit review that one employee not living on the property may be employed, and this was something the Planning Commission can review. She explained the applicant has indicated they do not have any employees nor does he intend to have employees. In this recommendation, the condition was drafted to match the current scope of the home occupation because we have not reviewed parking or other neighborhood impacts if there were to be an employee. The ordinance language provides a mechanism for that to occur, but the applicant would need to apply for a CUP Amendment to add an employee the way the condition is drafted currently.

Commissioner Wicklund questioned what type of monitoring would the City be doing for this type of CUP.

City Planner Jagoe stated the applicant would have to provide the City with evidence of the licensing. She reported the City was complaint based for code enforcement matters and if a concern were to arise at this property, the City would then respond.

Commissioner Weber inquired who would follow up on complaints received by the City.

City Planner Jagoe stated the City's Building Inspector was also the Code Enforcement Officer.

Commissioner Weber asked how long the CUP would remain in effect.

City Planner Jagoe reported conditional use permits run with the property.

Commissioner Weber questioned if staff was aware of any other residential rental properties in the City that have CUP's in place for home occupations.

City Planner Jagoe stated she had not researched this. She noted that the home occupation ordinance states the business is conducted by an occupant of the residence so that would apply to an Owner or Renter. She added that the land use application and home occupation license forms require the Property Owner signature if they are not the applicant.

Commissioner Weber indicated he watched one of the videos that was posted online by the applicant. He stated the applicant appears to be very competent. He requested the applicant speak to the manner in which he handles, cleans and stores firearms.

Richard Spicer, 1682 Wedgewood Circle, explained how safety was of the utmost importance to him. He reported he stores his firearms in a safe with ammunition locked in a secure area in a different part of the dwelling. He described how he keeps ammunition away from his work area. He indicated he tests his firearms at the Bald Eagle Sportsman Association in Hugo, Minnesota.

Commissioner Weber inquired how long Mr. Spicer has lived at this address.

Mr. Spicer indicated he has lived in this home for almost two years.

Commissioner Weber asked who else lived in the home.

Mr. Spicer reported he lives in the rental home with his wife and 11 year old daughter. He explained they have both have access to his work space, but do not have access to the secured areas or safes. He commented further on the requirements that were in place for his firearms safe.

Commissioner Weber questioned if the applicant had ever held a federal firearms license.

Mr. Spicer stated he had not, but noted he has a license to carry, which meant he had gone through an extensive background check.

Commissioner Jefferys requested further information regarding the security service that would be in place for the property.

City Planner Jagoe deferred this question to the applicant.

Mr. Spicer stated he has hired ADT to monitor his property 24 hours a day. He noted the windows have vibration detection which then sets off the alarms. He indicated the ATF as part of the FFL license would require him to report the loss of a stolen firearm. He provided the

Commission with a handout on the reports from the ATF for the past five years for crimes related to FFL's.

Further discussion ensued regarding the security system that was in place on the home.

Commissioner Jefferys explained she was curious to learn what the Ramsey County Sheriff's office thought about this request.

City Planner Jagoe stated she had sent the application to them for review and noted staff will follow up as part of this process to see if they have any comment before the City Council meeting. She indicated that as part of the FFL licensing paperwork there is a section for local law enforcement that the applicant will have to complete as part of the federal review.

Chair Vijums commented this was a sensitive topic for many people. He reported there has to be a thorough review of this topic by the City and it appears this has been done. He felt confident that this type of business will not alter the neighborhood in any manner. He appreciated the security and mitigation measures that were put in place on the property.

Commissioner Weber agreed.

Chair Vijums opened the public hearing at 7:05 p.m.

Chair Vijums invited anyone for or against the application to come forward and make comment.

Renee Crumpton, 1680 Wedgewood Circle, noted she has lived in her home for the past 22 years. She indicated the neighboring home became a rental three years after she built her home and there has been nothing but problems. She explained the neighboring home has been broken into on two different occasions. She stated she pays taxes on her property and Mr. Spicer does not because he was a renter. She reported the proposed home business made her afraid and she feared people would break into her neighbors house to steal the weapons onsite. She encouraged the City to not approve this home occupation CUP.

JoAnn Cirks, 1687 Wedgewood Circle, commented she was concerned about the proposed home occupation. She indicated she lives on a cul-de-sac and there has been packages stolen at times. She feared that the residents in her neighborhood would have a hard time selling their homes if the CUP were approved. She anticipated the home occupation would devalue her home. She recommended the Planning Commission not approve the requested CUP.

Tom Coffey, 1693 Wedgewood Circle, stated he has a number of questions. He indicated he was concerned with the fact the applicant was a renter. He explained he pays a great deal in property taxes to live in Arden Hills, while the applicant does not. He questioned why the City had not run a report on CUP's to see how many others were renters running home occupations. He believed that Richard Spicer was a nice person, but did not believe a rental home was the right place for this type of business. He anticipated that most homeowners would not allow a renter to operate this type of business out of their home. He noted the applicant also runs another business out of the home that deals with the retail sale of toys.

Mr. Coffey reported he has used an FFL in the past to purchase a gun online and he had to go to the home to fill out the paperwork and take possession of the weapon. He noted this was in a residential neighborhood in Blaine. He questioned if the process had changed. He asked if the work space for the home business was being done in a three season porch. He believed that this was not a secure workspace.

There being no additional comment Chair Vijums closed the public hearing at 7:16 p.m.

Chair Vijums requested the applicant respond to the questions that were raised by the neighbors.

Mr. Spicer described the “how-to” videos he posts online. He discussed how he would only be conducting online sales and the product gets shipped to another local FFL certified business for handling of paperwork and pickup. He explained shipment of firearms can only be done between two registered FFL’s. He explained background checks would then be handled by that local FFL. He reported his address would not be shared with purchasers. He commented his workshop was located in the basement, on the interior of the three season porch.

Chair Vijums asked if firearms were delivered directly to the applicants home.

Mr. Spicer reported UPS and FedEx deliver firearms only to FFL license holders and signatures are required.

Commissioner Weber questioned if the applicant would allow people to bring guns to him for maintenance and cleaning.

Mr. Spicer explained he amended his proposal so as not to have this type of gunsmithing coming to him.

Chair Vijums asked if there was a robbery in the applicants home in 2018.

Mr. Spicer stated there was not. He went on to state that he understands this was a sensitive subject for his neighbors. He indicated in one of his conversations with a neighbor he explained he would be willing to discuss the negative concerns and may have to adjust what he was doing with his business.

Commissioner Weber commented he paid a lot of money in property taxes as a homeowner and anticipated that renters were contributing to property taxes as well through their rent. He noted he did have concerns about issuing a CUP to an applicant that was renting a home, especially for this type of use, knowing that he could move away and the CUP would remain in place.

Chair Vijums questioned if the owner of the home understood what type of business would be operating out of the home.

Mr. Spicer stated the property owner was fully aware of his proposal.

Commissioner Weber inquired if the property owner had to sign off on the CUP proposal or require a notary.

City Planner Jagoe stated the City does not require the Property Owner signature to be notarized. She noted the property owner did sign the land use application for the CUP and home occupation, and the signature was reviewed with the rental registration paperwork on file with the City.

Chair Vijums indicated the CUP that was outlined by staff was very thorough and passed all relevant areas. He noted that the CUP process was started because of the deliveries. He commented on the safety measures that had been put in place by Mr. Spicer. He appreciated the fact that Mr. Spicer's firearms were kept in a safe. He anticipated Mr. Spicer's property was more safe than some of the homes on his block where guns may not be kept in a safe.

Commissioner Jefferys explained she would like to see that Mr. Spicer has the maximum security measures in place and suggested another condition be added to address this concern. She suggested this condition read: The City is assured that the level of security provided at this residence matches the potential risk due to the nature of the business and shall be approved by the Ramsey County Sheriff.

Chair Vijums commented this condition could be added but questioned who would determine what the proper level would be.

Commissioner Wicklund stated he appreciated these comments and suggested Condition 8 be amended to require the applicant to provide contracted video security services. He indicated this would provide a definition or measurement as to what type of security should be provided.

Commissioner Weber suggested this motion for a condition be amended in order to have the security provided be approved by the Sheriff's Department.

Commissioner Jefferys stated she would like to keep her condition separate from Condition 8. She stated she did not know what the proper level of security would be or what measures should be put in place or not be put in place and would like the sheriff's department to make this determination.

Councilmember Holmes recalled the City requested feedback from the County Sheriff on security at E Street Flats and we did get their recommendation on appropriate level of security and this same request could be made of the Sheriff's Department for this property.

Chair Vijums suggested the condition read: The level of security is approved at this residence as determined by the County Sheriff in coordination with City staff.

Commissioner Jefferys indicated she would like her language to remain as is in order to address the level of risk this business potentially may bring into the neighborhood. She recommended Condition 9 read: The level of security is adequate to address the potential risks as determined by the Ramsey County Sheriff.

Commissioner Jefferys moved, seconded by Commissioner Weber, to add Condition 9 to read as follows: The level of security is adequate to address the potential risks as determined by the Ramsey County Sheriff. The motion carried unanimously (6-0).

Commissioner Weber moved and Commissioner Wicklund seconded a 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 the submitted plans, as amended by the nine (9) conditions in the April 6, 2022, report to the Planning Commission. The motion carried unanimously (6-0).

UNFINISHED AND NEW BUSINESS

None.

REPORTS

A. Report from the City Council

Councilmember Holmes provided the Commission with an update from the City Council. She welcomed Shelley Blilie and Arlene Mitchell to the Planning Commission. She welcomed the Planning Commissioners back after a three month hiatus and discussed how important the work of the Planning Commission was to the City Council. She then discussed the issues that Council has discussed over the past three months. She noted a roundabout was being proposed by the County at County Road E and Old Snelling Avenue. She anticipated this project would be completed in 2023. Also, review is being done on a trail from County Road E to Highway 96 on Old Hwy 10 in conjunction with the County road work. She noted the Council was considering reducing the speed limit in residential areas to 25 miles per hour and a public hearing would be held this spring and there would also be upcoming public discussion on food trucks. She explained polling places were approved for 2022. Further discussion ensued regarding Round Lake project and dredging that would occur around the lake.

B. Planning Commission Comments and Requests

None.

ADJOURN

Commissioner Wicklund moved, seconded by Commissioner Jefferys, to adjourn the April 6, 2022, Planning Commission Meeting at 7:58 p.m. The motion carried unanimously (6-0).