



Planning Commission Staff Report

To: Planning Commission
Respectfully Submitted: Klara Beck, Community Development Manager
Date: September 26, 2022
Subject: CUP-2022-6

REQUESTED ACTION

Approve a Conditional Use Permit for the “conditional sale of firearms” in a home located at 1233 Northern Ave.

GENERAL INFORMATION

Applicant	Chyenne Military, Police & Security Training/ Steve NaSalle	Planning Commission Hearing	September 26, 2022
Property Owner	STEVEN & POLLYANNA NASALLE	City Council Meeting	October 3, 2022
Address	1233 NORTHERN AVE	Application Date	September 10, 2022
Parcel Number(s)	71002991010000	60-Day Expiration Date	November 9, 2022
Zoning	R-2		

BACKGROUND

The City of Fergus Falls was contacted by Mr. Steve NaSalle after he purchased a home in Fergus Falls. Mr. NaSalle operates as Chyenne Military, Police & Security Training, a company that facilitates gun sales/ transfers and also offers firearm trainings (ex, through Community Ed). The Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF, is the federal body under which Mr. NaSalle’s business is licensed. In order to shift his license to his new address in Fergus Falls, the City must report zoning compliance to ATF.

In consultation with the City Administrator, City Attorney, Chief of Public Safety, and Building Official, it was agreed that due to the nature of Mr. NaSalle’s business, he would be asked to apply for a CUP rather than a Home Occupation Permit in order to place certain conditions on his operations:

- Designated showroom/sales area; only homeowner or possible employee shall have immediate access to the guns and/or ammunition
- Safe storage of Guns and Ammunition, Vault or accepted alternate lock and key
- All gunsmiths and gun sales locations shall have an alarm system, with optional to be connected to the police department if enforced by jurisdiction. The type of alarm system is subject to the review and approval of the police department
- Video Surveillance system (optional per code, but recommended)
- Gunsmiths and retail gun sales shall comply with all applicable local, state, and federal laws.

Site Information & Current Conditions

1233 Northern Ave is a single-family home located in an R-2, one & two family residence district and adjacent solely to R-1 and R-2 zones.

Public Notification & Comments

A notice of the public hearing was published in the *Daily Journal* on September 17, 2022. A copy of the public hearing notice was mailed to property owners within 350' on September 14, 2022. As of publishing the staff report no public comments were received.

RECOMMENDED ACTION

Staff recommend **approval with conditions** of Mr. NaSalle's Conditional Use Permit application:

- Designated showroom/sales area; only homeowner or possible employee shall have immediate access to the guns and/or ammunition
- Safe storage of Guns and Ammunition, Vault or accepted alternate lock and key
- All gunsmiths and gun sales locations shall have an alarm system, with optional to be connected to the police department if enforced by jurisdiction. The type of alarm system is subject to the review and approval of the police department
- Video Surveillance system (optional per code, but recommended)
- Gunsmiths and retail gun sales shall comply with all applicable local, state, and federal laws.
- The home occupation shall be clearly secondary to the residential use of a dwelling unit.
- The home occupation shall not change the character of the dwelling or have any exterior evidence of the home occupation.
- The home occupation shall not exceed one-third of the habitable floor area of a dwelling.
- The home occupation shall be carried on or conducted by members of the family residing in the dwelling and immediate family of the resident(s).
- One non-resident/non-familial employee shall be permitted as a part of the home occupation.
- No more than nine clients/customers a day shall be permitted to visit the home occupation. Hours for client/customer visits shall be between 8:00 a.m. and 8:00 p.m.
- Deliveries and pickups shall be those normally associated with residential uses and shall occur only between 7:00 a.m. and 8:00 p.m.
- Outside storage of heavy equipment or material in conjunction with the home occupation shall be prohibited.
- No excessive generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.

ATTACHMENTS

1. Context Map

