

6.03: Public Hearing: Consider Request to Amend a Home Occupation Permit for Peace Keepers, Inc. at 6025 177th Ln NW; Case of Derek Trout

Public Hearing

Chairperson Bauer called the public hearing to order at 9:42 p.m.

Presentation

Community Development Director Hagen presented the staff report stating that City staff does not have a recommendation based on the regulations identified in City Code.

Commissioner VanScoy asked if the building inspection would include inspection of the safety procedures for the firearms.

Community Development Director Hagen replied that a building inspection would only inspect the building.

Commissioner VanScoy stated that this would expand from online sales to in-person sales and asked if the intention would be to allow both types of sales.

Community Development Director Hagen stated that the permit could outline what is allowed online and what is allowed in person. He stated that the applicant could provide more details on what is intended.

Citizen Input

Derek Trout, applicant, stated that he has been the President and owner of the company since 2018, noting that the company was started in 2016 by a retired police officer. He stated that the business is owned by an army veteran and provided details on the licensing and registration that his business has and maintains annually. He stated that he would continue to primarily online sales with a small amount of in person transfers and sales. He stated that he is not looking to expand greatly noting that the business would transition from a 200 square foot space in the home to a 400 square foot space outside the home. He stated that the building is steel and would meet all regulations for weapons storage. He noted that a member of the Commission inspected the building yesterday.

Community Development Director Hagen confirmed that City Planner McCann conducted a site visit to get a better understanding of the setup.

Mr. Trout provided additional details on the security of the building, noting that the garage and sales portion would be completely separate and noted that he has 24/7 surveillance of the property. He stated that there are no signs posted on the property and many Ramsey residents were unaware that the business was there because that is their intention.

Commissioner VanScoy commented that it sounds like there is a lot of equipment on the site and asked what would happen if power were lost.

Mr. Trout replied that they have battery backup, so they would never lose power and would always have security.

Commissioner VanScoy asked how often the carry training would be done and how many people would be involved.

Mr. Trout replied that most of the training is done offsite but they would like the capability to host onsite at times, estimating a class of up to ten people once a month or every other month. He noted that all shooting is done at Total Defense or at another offsite location.

Commissioner VanScoy asked for details on the steel building and codes that it meets.

Mr. Trout replied that the steel building meets the requirements of the FBI and ATF, noting that there are additional gun safes inside the building.

Commissioner VanScoy stated that he would personally like to see the Chief of Police inspect the building to verify those statements and would like that added as a condition.

Chairperson Bauer asked and received confirmation that the class would have ten people participating at one time.

Kelly Schmidt, 6000 177th Lane, stated that she sent a 60- or 70-page document to the City for review. He stated that this came about because of recent complaints, noting that she made several complaints to the code official for the City that the business was no longer operating in the house and was operating in the pole barn. She stated that in September 2019, the initial Home Occupation Permit was approved, noting that was done administratively between Mr. Trout and the City staff. He noted that she now finds out that this is a running gun shop and noted that not all the sales occur online. She stated that in January of 2022, the letter was sent to Mr. Trout in response to complaints and he then applied for the upgraded Home Occupation Permit. She stated that the staff members previously involved in the permit have since left the City. She noted that the original permit was approved by one staff member with the clause that there be no exterior evidence of the business activity. She stated that as a resident she does not believe there should be a gun shop in the neighborhood. She noted that Total Defense already offers these services nearby in a commercial area. She stated that the residential area should remain residential and not have a visible gun shop. She stated that in February 2019 there were resolutions passed for a riding arena, horse barn and camp within proximity to this location. She noted that her statements are easily proven through Mr. Trout's security footage, own admittance, and social media posts. She noted that the videos have since been removed. She requested that the Home Occupation Permit be denied and that the original permit be revoked because of ongoing violations. She believed the City's vague and inadequate requirements prevented residents from being notified of this business request. She stated that Mr. Trout has been operating out of the pole barn for the past year. She commented that automatic weapons are hanging on the wall with open ammunition and without trigger locks. She acknowledged that the initial level one permit language was so vague that it most likely allowed the applicant to think this activity was okay. She stated that if the business is expanding, it should be moved to a commercial location. She stated that the business is being conducted in the pole barn. She provided a list of complaints and did not believe Mr. Trout resides at the property. She did not believe the conditions in the original Home Occupation Permit have been met and asked that the request be denied along with revocation of the original permit.

Chairperson Bauer asked staff to explain when a permit can be approved administratively and when a public hearing is required.

Community Development Director Hagen stated that generally an administrative review is for low use that would have little impact to the area. He noted that more intense uses that would still be compatible for the area often include a public hearing and review by the Commission and/or City Council.

Darrin Wong, 14600 Iodine Court NW, stated that his white truck is often in the driveway noting that he has personal property at the location and often assists Mr. Trout. He referenced the mentioned Facebook videos as he runs the Facebook component and confirmed videos were deleted by Facebook. He stated that he did put a sign up because the neighbor that just spoke verbally complained to them about people parking on the street and they wanted those people to park in the actual spot. He noted that all the licensing is up to date.

Mike Schmidt, 6000 177th Lane, stated that he opposes this request. He commented that this is a residential area and there is plenty of commercial area where a gun shop could be located. He stated that if the business is growing, it should be moved to the appropriate location.

Michael Maas, 5936 177th Lane NW, stated that he also opposes this. He stated that he is a gun owner but lives in a neighborhood. He stated that if he wanted to live by a gun shop, he would have selected a location near a commercial area. He did not believe this business fits within a residential area.

Michael Kemp, 6003 178th Lane, stated that he has nothing against guns, but the property is zoned residential and should remain as such. He stated that the neighborhood is full of empty nesters and young families with one way in and one way out, therefore there should not be commercial activity.

Arnie Cox, 6001 177th Lane, stated that he is an immediate neighbor and has seen the barn be constructed and vehicles coming and going. He commented that the applicant does not care if vehicles block other drivers that live there. He believed that the entire neighborhood should have been notified. He stated that when the original permit was requested, gun sales should have triggered a public hearing. He asked if the Commission members would want this next to their home. He stated that he was only allowed to build a small accessory building and was questioned about his drain field, yet Mr. Trout was allowed to construct a large building with vehicles driving over the drain field. He stated that the City policies should be straightened out as this activity should not be allowed in a residential area. He stated that other businesses are required to operate in commercial areas, as this should be. He stated that people drive in and out of their neighborhood at all times in order to go to this business. He commented that it was outrageous that a permit was obtained to sell guns out of the house and the barn. He asked why the City did not follow up on the permit after issuance.

Chairperson Bauer commented that City staff does not have the capacity to follow up on every permit issued and therefore relies on complaints.

Mr. Cox asked if the type of business is specified on the permit application.

Chairperson Bauer confirmed that the application does include the type of business. He provided additional details on how violations occur and the process that is followed once complaints are received.

Mr. Cox commented that gun sales is much different than a salon or electrical business.

Deb Kemp, 6003 178th Lane NW, stated that she would not have even known about this tonight if a neighbor did not tell her. She stated that this building has had activity for months and months with strange vehicles coming and going. She noted that the development only has 20 homes and therefore seeing strange vehicles makes the residents nervous. She commented that there are not streetlights, sewer and water and there should not be commercial activity. She was disappointed that someone has not paid closer attention to this and that it has been allowed for this length of time. She stated that the business has a website with the residential address listed already. She believed that all the neighbors should have been notified of the request. She stated that this area was intended for residential and should remain as such.

Chairperson Bauer referenced the notice, which was sent to properties within 350 feet, noting that distance is set by State statute.

Ms. Kemp stated that people live outside the 350 foot area and yet they care and are disappointed and angry.

Brian Heigl, 17826 Potassium Street, stated that in the last few years there has been drastic increases in firearms break ins and thefts for gun shops. He noted that most shops are in well-lit commercial areas that are visible. He stated that this is a location on a small side street in a building setback from the driveway with no streetlights, which does not seem like a good location. He stated that there will also be a camp and riding arena using the one entrance to the neighborhood. He noted that this is already off a dangerous part of TH 47 and there should not be a businesses added that increases traffic. He stated that this is not the right location for this type of business.

Sherry Johnson, 17757 Potassium Street, stated that she was not notified, and she only lives one house down from the subject property. She stated that the properties in this area are large, therefore 350 feet does not even cover a yard. She stated that the applicant has been selling out of the pole barn for well over a year, sells ammunition, and holds conceal and carry classes. She stated that this is a quiet neighborhood with one way in and out and the people coming in are the people that live there and should not be gun shop customers. She stated that having a gun shop in the neighborhood makes the neighborhood more susceptible for unwanted activity. She stated that she has no problem with the applicant wanting to make a living selling guns, but this residential setting is not the right place for that business. She stated that everyone in the neighborhood has wondered why the applicant was allowed to build a pole barn of that size when no one else has been allowed to construct something that large.

Mrs. Schmidt stated that the residents that have spoken have stated their names and addresses and asked that there be no retaliation as a result of speaking their opinions.

Eric Renna, 6112 178th Lane, stated that he is opposed to this request. He noted that his backyard overlooks the pole barn. He stated that he moved out to Ramsey to be away from activity because

he has two disabled children. He stated that he does not oppose the business itself but does not believe it should be in this area.

Mr. Trout commented that this is not an unregulated, unlicensed business operating out of a backdoor. He stated that they have held licenses with the FBI, ATF, and Chief Local Law Enforcement Officer for about eight years. He stated that everyone has to be up to code and is highly regulated. He stated that his business meets all of the regulations. He stated that while hours of availability are listed, people must schedule an appointment. He stated that neighbors told him they had no idea his business existed until they received the letter. He was unsure how they disrupted the neighborhood when people did not know they existed. He stated that his license is active and is renewed every three years. He stated that the sign was posted to bring people into the house. He commented that there was a bridal shower at the home for his fiancé, who drives the red car Mrs. Schmidt mentioned that comes and goes from the property, as they are getting married in three months. He stated that he also just returned from deployment in Kuwait and therefore people are coming and going to visit because he was gone.

Chairperson Bauer asked if there are trigger locks on the guns and whether ammunition is open.

Mr. Trout stated that photographs are taken on display and the guns are then returned to the safes. He stated that the building is secured and locked and meets all the storage requirements, but they go above that in storing the guns in the locked cabinets/safes. He stated that the City Inspector came to visit the pole barn to verify it met City Code.

Commissioner Walker asked the applicant to reference the claim that there is a bazooka on premise.

Mr. Trout stated that there is a Halloween decoration that is a piece of plastic and another that is fiberglass and are display pieces that are unable to be reloaded or used. He stated that he is a weapons instructor with the Army for the last ten years.

Commissioner Walker referenced a claim that Mrs. Schmidt also made related to automatic weapons and stated that he would assume they are semi-automatic weapons.

Mr. Trout stated that every weapon they carry is legal with full background check. He confirmed that there are no fully automatic weapons. He stated that one member made a post to the Ramsey community Facebook page stating that they could not believe this activity was allowed in Ramsey, which has since been deleted. He stated that post had over 100 comments of support for the business.

Commissioner Gengler stated that the neighbors have stated that activity has been occurring in the pole barn, although the original permit did not allow for that. She asked if the applicant was aware that the business needed to stay within the home.

Mr. Trout stated that the permit was vague, and he was not aware he could not expand to the pole barn. He stated that once the complaint was received, he immediately filed for the new permit. He stated that once he was aware that he was in violation, he took immediate action to correct that.

Commissioner VanScoy stated that the verbiage in the case states that it is okay to run a business in the pole barn. He asked if a residence is considered the property or whether there is a difference between the home and pole barn.

Senior Planner Anderson replied that the City Code regulations would allow for home occupation to occur in a residence and/or accessory building. He stated that the permit itself would look at the proposal and then specify where the home occupation would be conducted on the property. He assumed that the permit was drafted specific to the home because that was how the initial proposal came forward. He noted that since that time an accessory building was added and operations were shifted to that building, which would be in conflict with the previously issued permit.

Mr. Trout referenced the claim that gunshots were heard in the area and noted that did not come from his property. He stated that they have never fired weapons on the property and all testing is done offsite.

Commissioner VanScoy stated that many of the concerns seem to result from excessive parking and asked if that was related to business activity.

Mr. Trout replied that when they first moved to the driveway, they did not have a large driveway and therefore friends visiting their home, unrelated to the business, would park on the road. He stated that they have since received the permit to expand the driveway and if they held a class, vehicles would be parked on the driveway.

Mrs. Schmidt stated that she pulled the original permit request which included the requirements and conditions. She reviewed the requirements and conditions listed which she believed were violated. She stated that the permit states that he must reside at the property to operate his business, regardless of whether he is away from the home on active duty. She stated that if he is away on active duty, he should not be operating the permit. She stated that she is not complaining about the safety of the building. She noted that now the residents are aware of the business and want to stop the new request and request that the original permit also be revoked.

Chairperson Bauer commented that the applicant had a permit to operate his business under the conditions listed. He stated that the applicant was in violation of that and has since submitted a new application for consideration. He stated that if the permit is denied, the original permit would remain in place and Mr. Trout could operate under those conditions.

Mr. Schmidt stated that he is a witness that weapons have been fired on the applicant's property more than once. He commented that when the incidents occurring there were no other people around and believed the firing of the weapon came from inside the pole barn.

Commissioner Peters asked if the resident called the police.

Mr. Schmidt replied that he did not.

Commissioner Peters asked why the resident did not phone the police.

Mr. Schmidt stated that he is not aware of what the deal is at the property.

Commissioner Peters stated that if it is such a concern, the police should have been called.

Mr. Wong commented that he does not know what Mr. Schmidt is referring to. He noted that he is at the property quite a bit with his children, ages seven and three months, and he would never allow gunshots near his children. He stated that the white truck that was mentioned is his truck. He noted that his boat is stored at the property, and he works on the boat at that location. He noted that if he would have heard gunshots in his neighborhood, he would have called the police. He stated that he can confidently say that there are not gunshots coming from this property, which can be backed up with security camera footage.

Ms. Johnson asked why the original permit would be allowed to remain if the conditions were violated.

Chairperson Bauer commented that a permit can be revoked if there are violations, or the permit holder can come into compliance to continue.

Senior Planner Anderson confirmed that is correct. He stated that violations were identified, and notification was provided to the permit holder. The permit holder then has the opportunity to respond to those violations, noting that this request tonight is one path to take. He stated that this request will be reviewed by the City Council as well and if denied, the terms of the original permit would need to be followed or a revocation can be considered that would include a public hearing process.

Ms. Johnson commented that she made the post on the Ramsey community Facebook page and believed that most the comments were made in a joking manner. She confirmed that she deleted the post.

Ms. Kemp asked the clientele that would be attracted with toy bazookas.

Mr. Trout commented that 80 percent of his customers are current military members while another ten percent are active or retired police officers. He stated that the majority of his sales are made to military members that have thorough background checks. He noted that the nonmilitary people that he conducts sales with are people that he knows, like his dad or grandpa. He noted that everyone has to pass the required background checks. He stated that the people that come to his property are clean and cannot have a criminal record. He stated that if someone has a drunk driving charge, they are denied a weapon, therefore it is not criminals and drug dealers coming to his property. He stated that no one even knew his business existed outside of people that he trusts. He stated that this is not the only home-based FFL gun seller in Ramsey. He stated that it is approved by the ATF to conduct this business in a home or pole barn. He stated that he is the owner of the home and resides at the property. He commented that he is only away from the home when he is called to active duty. He stated that they screen everyone that attempts to make an appointment as he does not allow someone to come to his home that he does not know.

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to close the public hearing.

A roll call vote was performed:

Commissioner Peters aye

Commissioner Walker	aye
Commissioner Gengler	aye
Commissioner VanScoy	aye
Commissioner Anderson	aye
Chairperson Bauer	aye

Motion Carried.

Chairperson Bauer closed the public hearing closed at 10:58 p.m.

Commission Business

Chairperson Bauer clarified that the Commission is a recommending body that will make a recommendation to be reviewed by the City Council.

Commissioner Walker asked staff to provide details on the size of the pole barn on the subject property versus what others were allowed to build.

Senior Planner Anderson stated that he did some checking of City Code when those comments were made. He noted that the subject property is roughly 2.2 acres in size which would make it eligible for detached accessory buildings totally 2,400 square feet in size. He commented that based on the dimensions in the building permit, the pole barn would be 2,016 square feet which falls under that allowance. He reviewed the eligibilities for total square footage of detached accessory buildings compared to lot size. He noted that if someone has a property similar in size, they would be allowed a similar square footage of accessory buildings. He noted that if a property has existing detached accessory buildings, that would reduce the footprint for an additional building.

Commissioner Walker asked if staff could check previous building permit applications for that area to review what was denied versus accepted.

Mr. [REDACTED] stated that he has lived on his property for 32 years and provided an example of limitations that were placed upon an accessory buildings. He noted that stick garages were required rather than a pole building.

Commissioner VanScoy stated that he has been on the Planning Commission for many years, and he cannot recall denial of applications of that manner.

Commissioner Walker stated that it would be helpful for staff to research that in order to provide the documentation at the City Council review.

Chairperson Bauer asked that any residents in attendance that were denied a pole barn contact City staff to make that process easier.

Commissioner VanScoy asked if there is a legal definition of residence. He stated that he spent a year in Vietnam and that did not mean he lived there, his residence remained in Minnesota.

Community Development Director Hagen stated that he does not have the definition in front of him. He believed that the situation would be different if a property owner is deployed rather than spending time at a second property they own or rent. He stated that the focus could remain on the number of employees and permit conditions rather than residency.

Chairperson Bauer agreed that residence remains as one's home during deployment.

Senior Planner Anderson noted that he can also gain the opinion of legal counsel prior to the Council meeting.

Community Development Director Hagen stated that if the Commission recommends approval, he would encourage the Commission to list any specific conditions it feels appropriate.

Motion by Commissioner Anderson, seconded by Commissioner Gengler, to recommend that City Council deny an Amended Home Occupation Permit for a firearms business at 6025 177th Lane NW.

Further discussion

Commissioner VanScoy commented that if the Commission recommends denial and the Council overrides that, he would like to see a condition added that the site be inspected by the appropriate authority (Chief of Police) to ensure the safety conditions are met. Senior Planner Anderson suggested that be added as a condition to the Home Occupation Permit, therefore even if the motion to recommend denial is approved, the language would still move forward. Councilmember Woestehoff suggested that the Commission provide input on conditions it would want to see included, should the permit ultimately be approved. Commissioner Walker stated that he would worry that specifying a number of business trips would interfere with friends and family that may be visiting the home as Mr. Trout returned from deployment as the residents in the neighborhood will not be able to distinguish between business visitors and home visitors. He commented that Mr. Trout has a lot of people visiting after a year of deployment. Commissioner Gengler commented that regardless of the type of business a Home Occupation Permit is to allow a small business to exist without generating a lot of trips back and forth. She stated that if more trips are needed, the business should be in a commercial space. Chairperson Bauer asked if the maker and seconder of the motion would be acceptable to amending the motion to include the conditions requiring inspection with a limitation on business trips to four per day with the exception of permit to carry classes to be held once per quarter. Commissioners Anderson and Gengler agreed. Commissioner VanScoy asked if the selling of firearms is allowed as a home business. Community Development Director Hagen confirmed that the sale of firearms is not prohibited. Commissioner Walker received confirmation that the motion before the Commission is to deny the requested permit.

A roll call vote was performed:

Commissioner Peters	nay
Commissioner Walker	nay
Commissioner Gengler	aye
Commissioner VanScoy	aye
Commissioner Anderson	aye

Chairperson Bauer aye

Motion Carried.

Senior Planner Anderson clarified that the Planning Commission provided a recommendation of denial of the Home Occupation Permit, but the recommendation including adding two conditions to the permit as discussed, should the City Council choose to approve the permit.

Commissioner Walker commented that even though the Commission recommended denial of the permit, he personally would like for the business owner and neighbors to try to work something out.