

EXECUTIVE SUMMARY – CUP – 1987 KELLIE DRIVE

The applicant is requesting a Conditional Use Permit (CUP) to conduct private firearm sales from his residence. The proposed use is not a retail gun store open to the general public; rather, the applicant conducts limited sales, primarily to local law enforcement.

The subject property is zoned **RM – Residential Medium Density**. Although located within the RM District, the property is surrounded by land zoned **A/CH – Agricultural/Commercial Highway**, providing a degree of separation from more densely residential areas.

Based on the nature and scale of the proposed activity, as well as previous CUP applications considered by the City, the proposed use is most appropriately classified as a **Home Occupation**. Pursuant to **Section 703.04(1)** of the Zoning Ordinance, "*Home occupations and home professional offices*" are listed as **Excepted Uses** within the RM District and require approval of a Conditional Use Permit.

The City has previously considered similar requests. A CUP for a comparable home-based firearm sales operation was approved and subsequently renewed for a residence located on North 23rd Street in 2015 and 2016. Conversely, a similar request within the 66 Heights neighborhood was denied by the City Council on September 13, 2022. Council records indicate neighborhood opposition, with eleven neighboring property owners speaking against the request during the public hearing.

The applicant currently holds a valid **Federal Firearms License (FFL)** issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The license will remain valid beyond the requested CUP term. Federal law requires persons engaged in the business of dealing firearms to obtain and maintain an FFL.

The applicant has said that all firearms will be stored in secure safes and protected by alarm systems, providing secure storage.