



---

Phone (507) 238-9461

CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031  
[www.fairmont.org](http://www.fairmont.org) ♦ [citygov@fairmont.org](mailto:citygov@fairmont.org)

Fax (507) 238-9469

---

**To:** Planning Commission

**From:** Peter Bode, Planner & Zoning Official

**Subject:** **Agenda – Regular Meeting**  
**Tuesday, June 4, 2024 at 5:30 p.m.**  
**City Council Chambers, City Hall, 100 Downtown Plaza**

---

- 1) Approval of Agenda
- 2) Approval of Minutes – May 21, 2024

New Business

- 3) Public Hearing – HOP – 175 W Interlaken Rd

Old Business

None

- 4) Adjournment

## MINUTES OF THE FAIRMONT PLANNING COMMISSION

### Special Meeting

May 21, 2023 at 5:30 p.m.

City Council Chambers, City Hall, 100 Downtown Plaza

**Members present:** Tyler Benschoter, Angie Grafstrom, Tom Mesich, Doug Pederson, Council Liaison Britney Kawecki

**Members absent:** Rin Porter

**Staff present:** Planner & Zoning Official Peter Bode

Chair Mesich called the meeting to order at 5:30 p.m.

**Approval of Agenda:** Motion by Grafstrom and second by Benschoter to approve the agenda as presented. Motion carried.

**Approval of Minutes:** Motion by Benschoter and second by Grafstrom to approve the October 3, 2023 meeting minutes as presented. Motion carried.

**Election of Officers:** Grafstrom nominated Mesich for chair. Members discussed the nomination. There were no further nominations. Mesich was elected chair.

Mesich nominated Grafstrom for vice chair. Members discussed the nomination. There were no further nominations. Grafstrom was elected vice chair.

**Public Hearing – CUP Request – 1100 Indus St:** Chair Mesich opened the public hearing. Bode presented a Conditional Use Permit request by Recovery in Motion at 1100 Indus Street to operate a rehabilitation center. Bode stated that staff's findings support approval of the CUP with conditions.

Zach Blanchard, applicant, spoke in favor of the request.

There were no further public comments.

Motion by Benschoter and second by Grafstrom to close the public hearing. Motion carried.

Members discussed the proposal.

Motion by Benschoter and second by Grafstrom to approve Planning Commission Resolution 2024-1 recommending approval of the request with conditions. On roll call: Benschoter: yes, Grafstrom: yes, Mesich: yes, Pederson: yes. Motion carried.

**Public Hearing – Emerald Fire Addition:** Chair Mesich opened the public hearing. Bode presented the Emerald Fire Addition preliminary and final plat. Bode stated that staff's findings support approval of the plats with conditions.

Jeff Greischer, applicant, spoke in favor of the request.

There were no further public comments.

Motion by Grafstrom and second by Benschoter to close the public hearing. Motion carried.

Members discussed the proposal.

Motion by Grafstrom and second by Pederson to approve Planning Commission Resolution 2024-2 recommending approval of the rezone request to City Council with one condition. On roll call: Benschoter: yes, Grafstrom: yes, Mesich: yes, Pederson: yes. Motion carried.

**Old Business:** *None*

**Adjournment:** There were no additional agenda items. Chair Mesich adjourned the meeting at 6:06 p.m.

*Respectfully submitted,  
Peter Bode*



## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Peter Bode, Planner & Zoning Official  
**DATE:** June 4, 2024  
**RE:** 175 W Interlaken Rd – HOP for a Firearms Dealing and Transfers Business

### Background

Ben Hoppe, owner of Red Mist Shooting Supplies, has applied for a home occupation permit (HOP) to operate a firearms dealing and transfers business out of his home at 175 West Interlaken Road. Zoned R-1 Single Family Residential, the single family lot is surrounded by other homes and a golf course behind. Mr. Hoppe has operated the business out of his home since 1988 without any complaints recorded in the property's public file. This request for a HOP in 2024 was precipitated by Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) conducting a local requirements compliance check with City staff to make sure modern day permitting requirements are met for those licensed by ATF.

Mr. Hoppe does not keep a stock of firearms for retail sale, nor does he facilitate the firing of weapons at the site. Instead, individual firearms are purchased and then sent directly to Mr. Hoppe so that he can complete the sale and paperwork involved with the customer. Staff have been in communication with ATF and the site is managed safely as required by ATF licensing regulations.

The Fairmont Police Department is aware of the business which is licensed by ATF and the department has no complaints or concerns about the use.

Fairmont's Chapter 26, Article IX Home Occupations code lists permitted and prohibited occupations which may and may not be conducted inside a residence and in a residential zone. Prohibited occupations are generally ones that are considered to be undesirable in a residential neighborhood and involve lots of traffic, retail sales, and loud noise or outside storage. Any occupation which the Planning Commission finds meets the code's specific performance standards is permitted. Staff review the standards below.

### Home Occupation Standards

*(a) No more than one (1) person other than a member of the immediate family occupying the dwelling shall be employed on the premises at any one (1) time.*

**The applicant states that they will have no more than 1 employee other than the applicant on the site at any given time. The proposal complies with this standard.**

*(b) Identification signs shall conform with provisions of article X.*

**The applicant states that they will have no outdoor signage. The proposal complies with this requirement.**



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031

Phone (507) 238-9461

[www.fairmont.org](http://www.fairmont.org)

Fax (507) 238-9469

(c) *In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, advertising signs, or by the emission of sounds, odors, noises, vibrations, heat, glare or electrical disturbances.*

**The applicant states that the home has not and will not be modified to facilitate the business. The proposal complies with this requirement.**

(d) *Home occupations which require entrance of the general public shall comply with all applicable regulations of the Uniform Building and Fire Codes as adopted by the state.*

**The applicant states that the home is compliant with building and fire codes. Staff have no concerns about the structure's conformity with the Minnesota State Building Code. The proposal complies with this requirement.**

(e) *Home occupations shall be an accessory use of the principal structure and shall not occupy more than two (2) rooms within the building.*

**The applicant states that no more than 2 rooms will be used for the business. Business operations are proposed to only conducted in the interior of the home. The proposal complies with this requirement.**

(f) *The use shall not create substantial traffic. More than twenty (20) vehicles coming to the dwelling unit for service or products during any one (1) day shall be considered substantial additional traffic. Any need for parking shall be met off the street and other than in a required front yard.*

**The applicant states that less than 20 customer vehicles will use this business per day. The proposal complies with this requirement.**

(g) *No home occupation shall cause an increase in sewer or water usage so that the combined total use for dwelling and home occupation purposes exceeds the normal range for residences in the city.*

**The applicant states that there will be no increase in sewer or water use outside the normal range for residences in the city. The proposal complies with this requirement.**

(h) *There shall be no storage or display of any kind connected with the home occupation visible from the outside of the dwelling unit.*

**The applicant states that no business storage or display of any kind is visible from the outside of the home. The proposal complies with this standard.**



CITY OF FAIRMONT – 100 Downtown Plaza – Fairmont, MN 56031

Phone (507) 238-9461

www.fairmont.org

Fax (507) 238-9469

- (i) *Any construction, alteration, electrical or mechanical equipment, or chemicals or materials, shall not change the fire rating of the structure or the fire district in which the structure is located.*

**The applicant states that no construction or alteration is needed for the business. The proposal complies with this standard.**

- (j) *The operation of the home occupation shall begin no earlier than 6:00 a.m. and end no later than 10:00 p.m.*

**The applicant states that no business is proposed to be conducted before 6:00 a.m. and 10:00 p.m. The proposal complies with this standard.**

- (k) *Home occupations shall not be permitted in any building containing three (3) or more dwelling units.*

**The applicant states that the residence is a single-family home. The proposal complies with this standard.**

- (l) *Discontinuance of a home occupation for more than a six-month period shall void the permit.*

**The proposal complies with this standard.**

- (m) *Any other standard deemed necessary by the zoning administrator to preserve the residential character of the neighborhood shall apply.*

**The proposal complies with this standard. Staff do not apply any additional standards.**

### **Recommendation**

Staff find the proposed home occupation meets all of the performance standards required by the code in order to maintain the residential character of the neighborhood. Staff recognize the ongoing ATF and FPD approval of the use. Staff recommend the permit be granted.

Home occupation permit issuance is final at the Planning Commission level. Staff have prepared a resolution for the Commission's consideration. The Commission may approve or deny the resolution by motion, or amend it.

*Respectfully submitted,  
Peter Bode, Planner & Zoning Official*

**Attachments:** Planning Commission Resolution 2024-3  
Application for HOP  
Satellite photo of area

**CITY OF FAIRMONT  
PLANNING COMMISSION  
RESOLUTION 2024-3**

**APPROVING A HOME OCCUPATION PERMIT FOR A FIREARMS DEALING AND TRANSFERS  
BUSINESS AT 175 W INTERLAKEN RD**

**Whereas**, Benjamin Hoppe has applied for a home occupation permit to operate a firearms dealing and transfers business at 175 West Interlaken Road (PIN 23.149.0190), and;

**Whereas**, City staff recommend the request be approved, and;

**Whereas**, the Fairmont Planning Commission held a public hearing on the topic June 4, 2024 and have reviewed the proposal.

**Now therefore**, be it resolved that the Fairmont Planning Commission makes the following findings of fact:

1. **The applicant states that they will have no more than 1 employee other than the applicant on the site at any given time.**
2. **The applicant states that they will have no outdoor signage.**
3. **The applicant states that the home has not and will not be modified to facilitate the business.**
4. **The applicant states that the home is compliant with building and fire codes. Staff have no concerns about the structure's conformity with the Minnesota State Building Code.**
5. **The applicant states that no more than 2 rooms will be used for the business. Business operations are proposed to only conducted in the interior of the home.**
6. **The applicant states that less than 20 customer vehicles will use this business per day.**
7. **The applicant states that there will be no increase in sewer or water use outside the normal range for residences in the city.**
8. **The applicant states that no business storage or display of any kind is visible from the outside of the home.**
9. **The applicant states that no construction or alteration is needed for the business.**
10. **The applicant states that no business is proposed to be conducted before 6:00 a.m. and 10:00 p.m.**
11. **The applicant states that the residence is a single-family home.**
12. **The zoning administrator has not applied any additional standards.**
13. **The applicant demonstrates that the proposal will comply with City Code Chapter 26 Article IX governing home occupations.**

**Be it further resolved** that the Fairmont Planning Commission approves the home occupation permit for a firearms dealing and transfers business at 175 West Interlaken Road.

Passed and adopted by the Planning Commission of the City of Fairmont on this 4<sup>th</sup> day of June, 2024

---

Tom Mesich, Chair

Attest:

---

Planner



**CITY OF FAIRMONT**  
**Planning & Zoning**  
**Application Form**

**NOTE TO APPLICANT:** This is a comprehensive application form. Only those items related to your specific type of development are to be completed. All items applicable must be included prior to acceptance of the application.

Name of Applicant: Ben Hoppe Address: 175 W Interlaken Rd Phone: 

Street Address of Proposal: 175 W Interlaken Rd

Legal Description of Property: \_\_\_\_\_

Existing Use of Property: Residential

Proposed Use of Property: \_\_\_\_\_

Type of Application	Fee	Submission Requirements (Attached)
<input type="checkbox"/> Appeal/Code Amendment	\$150.00	7
<input type="checkbox"/> Administrative Appeal	50.00	8
<input type="checkbox"/> Conditional Use Permit	150.00	4, 6(d-g)
<input checked="" type="checkbox"/> Home Occupation Permit	30.00	9
<input type="checkbox"/> Minor Plat	90.00	2(a), 5 (a-b)
<input type="checkbox"/> Planned Unit Development	150.00	1, 4, 6(d-g)
<input type="checkbox"/> Preliminary Plat	150.00	5 (b), 6
<input type="checkbox"/> Rezoning	150.00	1
<input type="checkbox"/> Variance	90.00	2,3

I HEREBY CERTIFY THAT THE INFORMATION AND EXHIBITS HERewith SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Benjamin T. Hoppe  
 Owner's Name(Printed)

Benjamin T. Hoppe  
 Owner's Signature

Benjamin T Hoppe  
 Applicant's Name (Printed)

Benjamin T. Hoppe  
 Applicant's Signature

City Staff Use Only
DATE FILED: _____
DATE FEE PAID: _____
MEETING DATE: _____
NOTICES SENT (DATE): _____
NOTIFICATION OF EXTENSION (LETTER SENT): _____

Home Occupation Permit Application  
Red Mist Shooting Supplies  
Ben Hoppe

175 West Interlaken Road  
Fairmont Mn

I am a Federal Firearms Licensee. I can purchase and sell firearms and provide the proper paperwork to complete firearm transactions per the BATFE requirements. I intend to conduct this business out of my home at the address listed above.

## Sec. 26-705 Performance Standards

- (a) I will have no more than one (1) employee other than myself at any given time.
- (b) I have no outdoor signage.
- (c) The house has not and will not be modified to facilitate this business. The major part of the business is completing and recording paperwork so there will be no noise, odors, etc.
- (d) My home is compliant with building and fire codes.
- (e) No more than two (2) rooms will be required for this business.
- (f) I will never have more than twenty (20) vehicles at this business in a single day.
- (g) There will be no increase in sewer and water usage.
- (h) Nothing pertaining to this business is visible from outside.
- (i) There will be no construction, alteration, of any sort and the fire rating of the structure will not change either.
- (j) There will be no business conducted before 6:00 am or after 10:00 pm.
- (k) This address is a single family residence.
- (l) I have no intention of discontinuing business.
- (m) I have no intention of changing the residential character of the neighborhood.

230391870

231490050

231490060

231490070

231490140

231490100

231490150

231490090

231490160

231490092

231490170

231490095

231490180

231490190

231490200

231490210

231490220

231490230

30420010

230391890

230420020

230420030

230420040

10

231