

# City Council Agenda Item Memo

**From:** Ryan Miller, City Planner

**City Council Meeting:** May 27, 2025 / June 10, 2025

**Subject:** Ordinance 25-019: Conditional Use Permit – Major Home Occupation Gunsmithing – Tyler Brockel 2505 Larkspur Ridge Drive

**Presenter:** Mike Struck, Community Development Director

## **Summary and Recommended Action:**

Tyler Brockel has applied for a Conditional Use Permit to operate a gun manufacturing business as a Major Home Occupation in a residential district. The Planning Commission voted 9-0 recommending approval with conditions. Staff recommends approval with the following conditions:

- The Conditional Use Permit is valid only for the current applicant, Mr. Tyler Brockel at the address of 2505 Larkspur Ridge Drive and is nontransferable.
- Build or assembly classes shall be prohibited at the residence at 2505 Larkspur Ridge Drive.
- The applicant must submit proof of all relevant licensing renewals every three years.

## **Item Details:**

The applicant resides at 2505 Larkspur Ridge Drive, which is a single-family dwelling owned by the applicant's mother. The property is zoned Residence R-2 Two-Family District, and directly abuts Dakota Prairie Elementary School to the rear. The applicant runs a business known as Havoc Engineering, which describes itself as an AR-15 rifle manufacturing business. The applicant obtains the necessary materials for the assembly of AR-15 rifles from outstate suppliers. The applicant then advertises and coordinates build classes for the final assembly process.

The assembly process has previously taken place at a leased location in the South Dakota State University Research Park, which is where the applicant's Type 07 Federal Firearms License (FFL) is currently addressed (2301 Research Parkway Suite 130). Type 07 FFL includes the manufacturing of firearms. The applicant will no longer be leasing space at the Research Park location and needs to move his FFL license to another address.

Section 94-362 of municipal code regulates home occupations in the City of Brookings. Subsection E describes the regulations for major home occupations, which includes gunsmithing per subsection F. Major home occupations are treated as Conditional Uses, which are regulated under Chapter 94 Article V. Section 94-211 states the City

Council may authorize by Conditional Use Permit the uses designated in this chapter when located in a zoning district allowing such use. The City Council shall impose such conditions as a part of the Conditional Use Permit as are appropriate and necessary to ensure compliance with the Comprehensive Plan and to protect the public health, safety, and general welfare. Unless expressly modified by the Board of Adjustment, all regulations of the zoning district in which the conditional use is located shall apply.

The applicant will be required to update and maintain all required state and federal licensing and submit proof or renewals.

Staff reached out to the Brookings School District. The School District wanted to ensure all state and federal laws are adhered to. Staff consulted with the City Attorney to confirm applicability of all state and federal laws.

**Legal Consideration:**

The City Attorney has reviewed the application.

**Strategic Plan Consideration:**

Economic Growth – The City of Brookings will support effective diversified community investment and equitable opportunities for prosperity.

**Financial Consideration:**

None.

**Supporting Documentation:**

Ordinance

Notice – City Council

Notice – Planning Commission

Planning Commission Minutes

Conditional Use Permit Application

Major Home Occupation Checklist

Location Map

Site Plan