



STAFF REPORT

PC Meeting Date:	November 3, 2021
Agenda Title:	Special Use Permit #SUP2021-00032, Mystikos Armament LLC Home Business
District Impact:	Brentsville Magisterial District
Requested Action:	Recommend Approval of Special Use Permit #SUP20221-00032, Mystikos Armament LLC Home Business, subject to the conditions dated October 14, 2021
Department:	Planning Office
Case Planner:	Emilie Wolfson

EXECUTIVE SUMMARY

This is a request for a special use permit (SUP) to allow a home business for firearm manufacturing, gunsmithing and buying and selling of firearms with in-person customers by appointment only in a single-family dwelling.

It is the recommendation of staff that the Planning Commission recommend approval of Special Use Permit #SUP2021-00032, Mystikos Armament LLC Home Business, subject to the conditions, dated October 14, 2021.

BACKGROUND

- A. Request: This is a request for a special use permit (SUP) to allow a home business for firearm manufacturing, gunsmithing and buying and selling of firearms with in-person customers by appointment only.
- B. Site Location: The subject property is located on the south side of Indigo Bunting Court, approximately 0.2 miles east of Wood Thrush Way, and is addressed as 14013 Indigo Bunting Court. The site is identified on County maps as GPIN 7396-62-7550.
- C. Comprehensive Plan: The site is designated SRL, Suburban Residential Low, in the Comprehensive Plan.
- D. Zoning: The site is zoned PMR, Planned Mix Residential.
- E. Surrounding Land Uses: The subject site is surrounded by residential uses to the north, south, east, and west. To the north is open space and Rollins Ford Road, which is a four-lane road. On the other side of the road are residential units.

STAFF RECOMMENDATION

Staff recommends approval of Special Use Permit #SUP2021-00032, Mystikos Armament LLC Home Business, subject to the conditions dated October 14, 2021, for the following reasons:

- As conditioned, the Applicant shall maintain all local, state, and federal permits and/or licenses that are required for firearm service and repair. The appropriate federal firearms license (FFL) and all other applicable licenses or permits that are required from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) shall be maintained by the Applicant for this proposed use. The Applicant must provide proof of such required licenses and permits to obtain zoning approval for the proposed home business.
- The conditions successfully mitigate the impact of the proposed use. The conditions prohibit firearms usage and discharge of ammunition.
- There will be no more than one customer allowed on site at one time and every customer shall have a set appointment time. As conditioned, the customer times will be staggered to ensure that there is only one customer vehicle arriving or departing from the site at a time.

Comprehensive Plan Consistency Analysis

Long-Range Land Use: The scope of this project is limited to the request for a home-based firearm manufacturing, gunsmithing, and buying and selling home business. The site is designated as SRL, Suburban Residential Low, in the Comprehensive Plan, and the site has a residential use. The home business will not change the primary residential use or impact the long-range land use.

Level of Service (LOS): The proposed SUP for the home-based firearm manufacturing, gunsmithing, and buying and selling home business will not have an impact on the existing levels of service. Outdoor storage for a home business is prohibited on a single-family residential lot.

Strategic Plan

Resilient Economy: The proposed special use permit is favorably aligned with the County's Resilient Economy objective to continue efforts to preserve and expand the commercial tax revenue base. The special use permit for a home business will result in an opportunity to provide a scalable business as a secondary use to the primary residential use of the Property.

Community Input

Notice of the special use permit application has been transmitted to property owners within 500 feet of the site. As of the date of this report, there have not been any calls, emails, or in-person visits related to this application. The Applicant has reached out to the homeowner's association about the proposed home business and safety measures used to protect the community. The homeowner's association (HOA) has provided a letter acknowledging the submission of this application and offered no specific objection to its filing.

As conditioned, the Applicant shall not discharge any firearms associated to the home business on site.

Other Jurisdiction Comments

The subject site is located outside of the required notification area of any other jurisdiction.

Legal Issues

If the special use permit is approved, home-based firearm manufacturing, gunsmithing, and buying and selling firearms would be allowed pursuant to the SUP. Legal issues resulting from the Planning Commission's action are appropriately addressed by the County Attorney's Office.

Timing

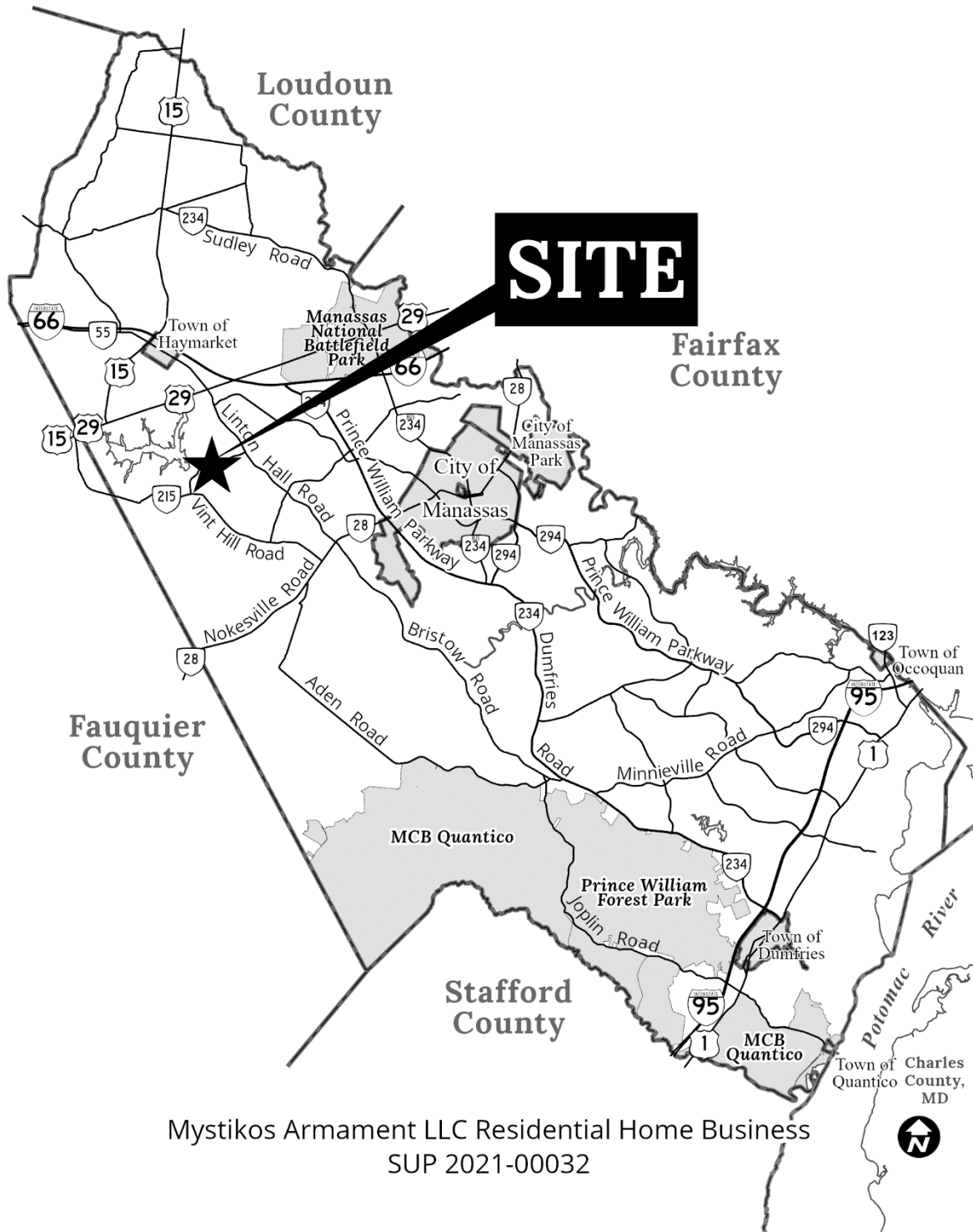
The Planning Commission has until February 1, 2021, which is 90 days from the first public hearing date, to take action on special use permit proposal. A recommendation to approve or deny the special use permit application would meet the 90-day requirement.

STAFF CONTACT INFORMATION

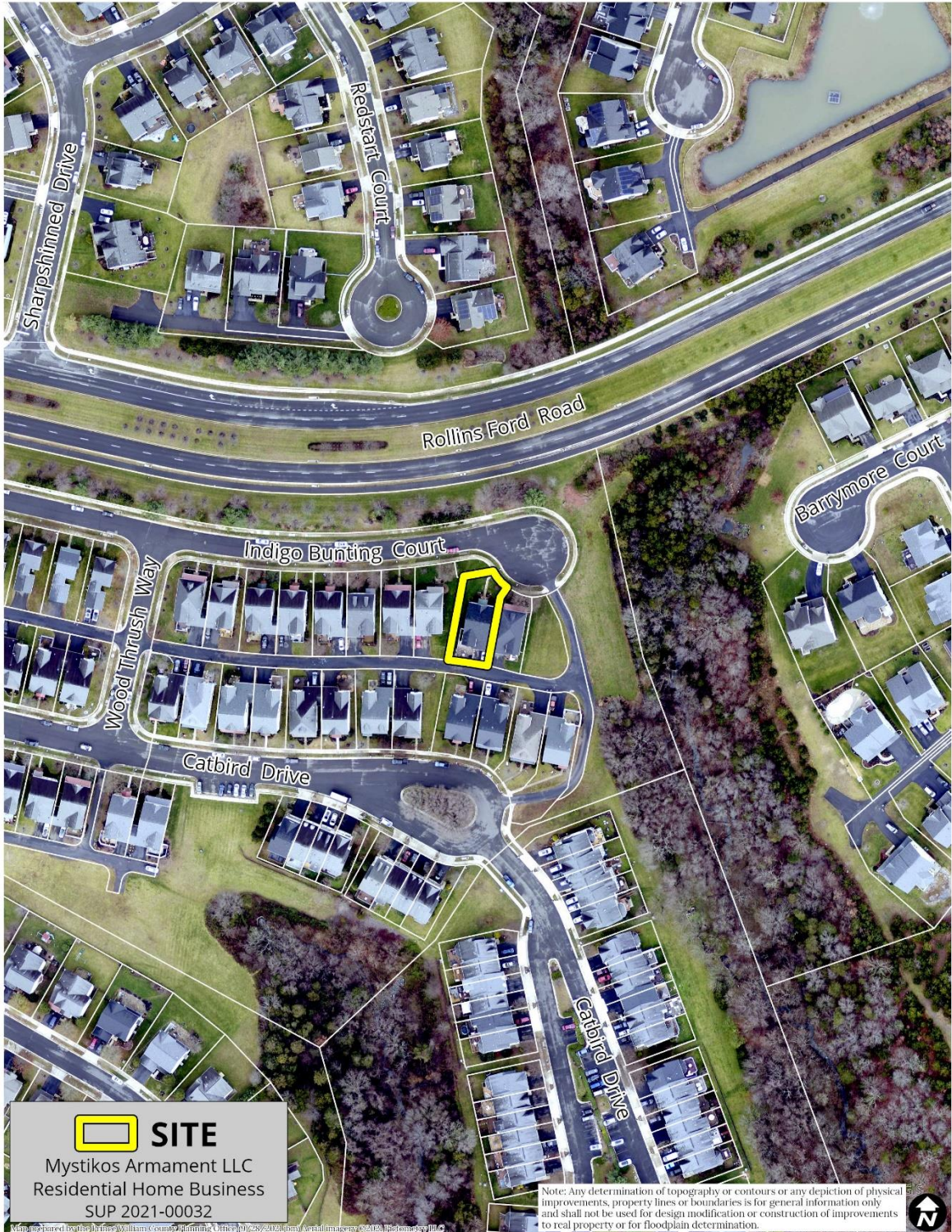
Emilie Wolfson | (703) 792-7128
ewolfson@pwcgov.org

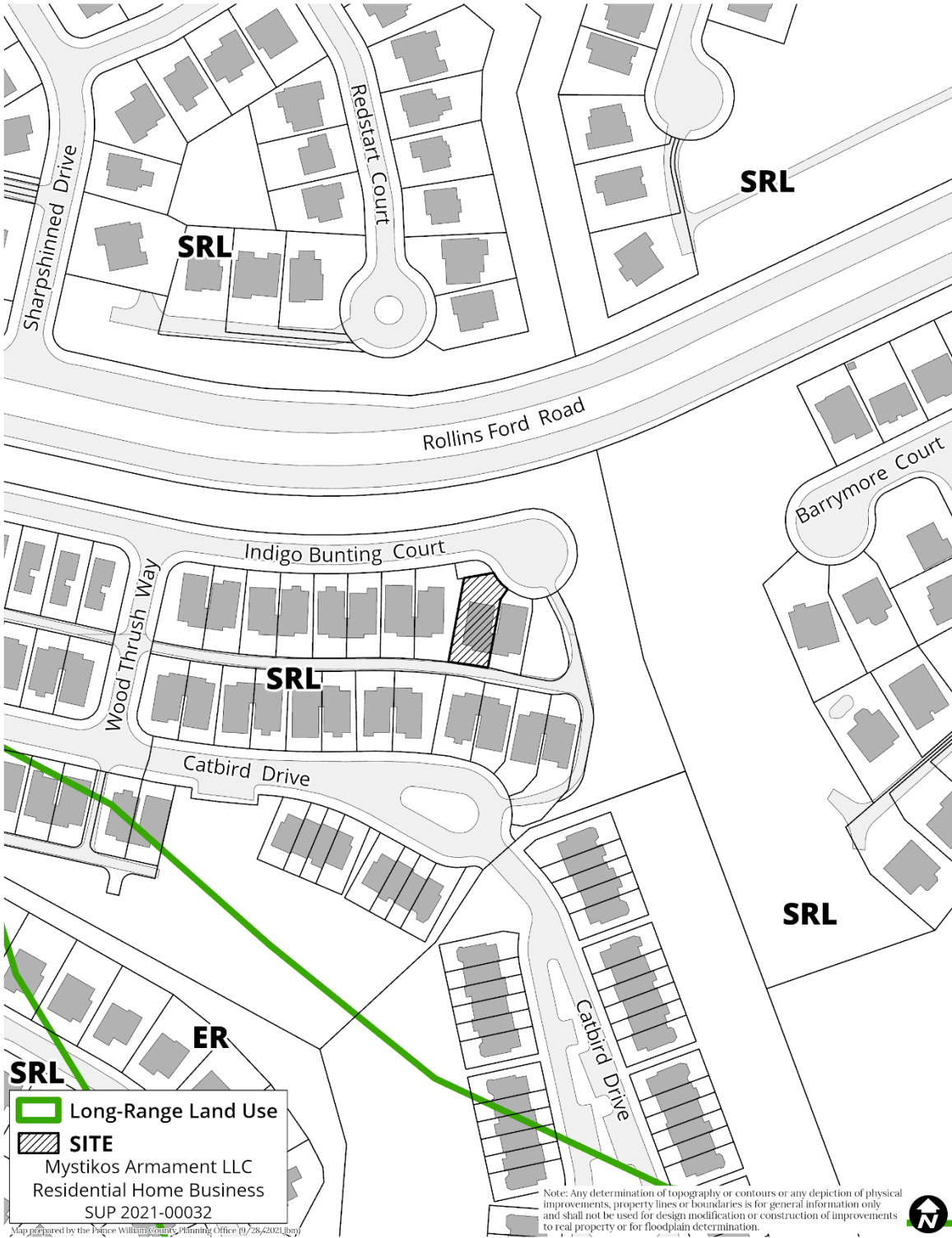
ATTACHMENTS

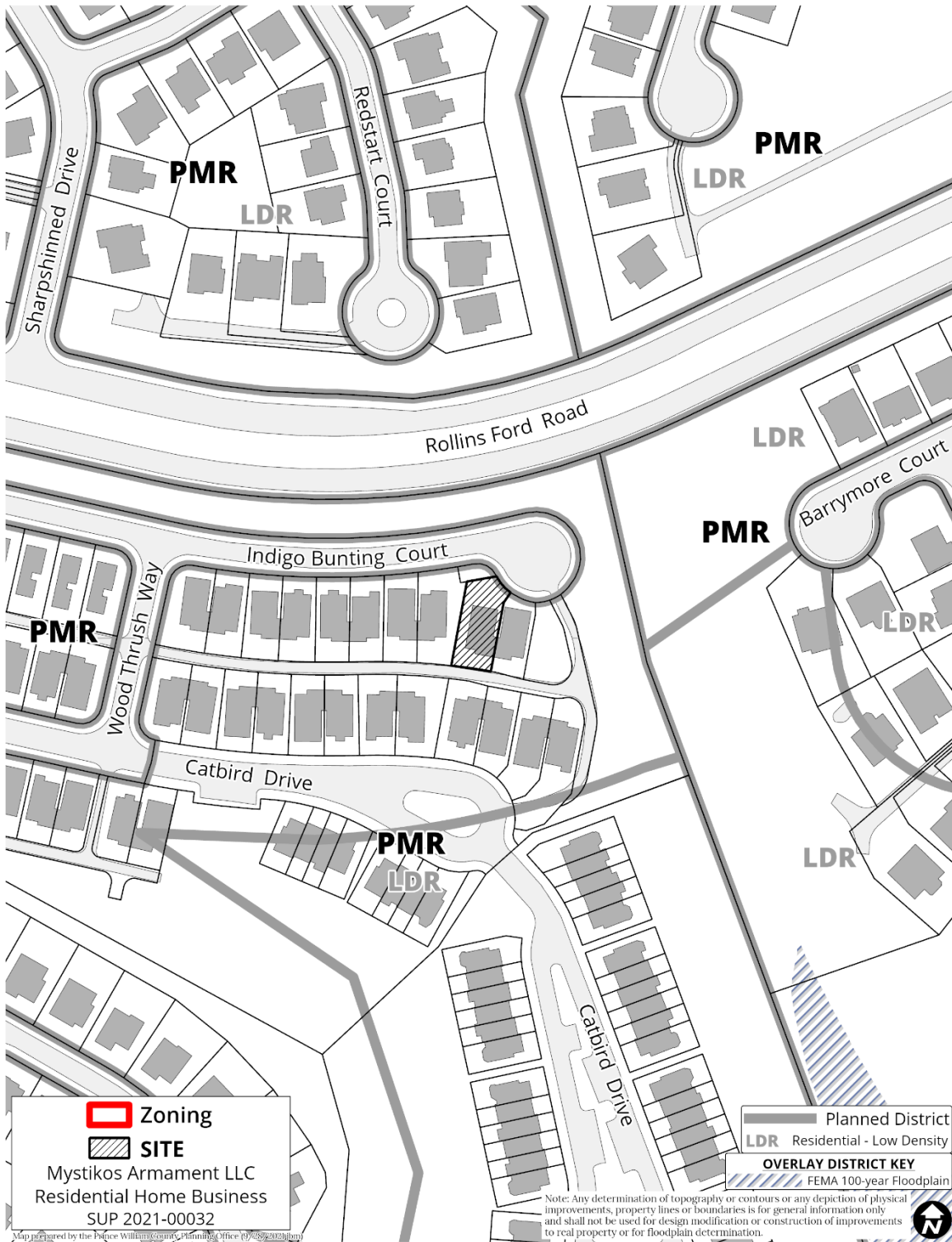
Vicinity Map
Aerial Map
Long-Range Land Use Map
Zoning Map
Staff Analysis
Conditions
House Location Survey
Interior Layout
Correspondence from Homeowners Association



Mystikos Armament LLC Residential Home Business
SUP 2021-00032







Part I. Summary of Comprehensive Plan Consistency

Staff Recommendation: APPROVAL

This summary analysis is based on the relevant Comprehensive Plan action strategies, goals, and policies. A complete analysis is provided in Part II of this report.

Comprehensive Plan Sections	Plan Consistency
Long-Range Land Use	Yes
Community Design	Yes
Fire and Rescue	Yes
Police	Yes
Transportation	Yes

Part II. Comprehensive Plan Consistency Analysis

The following table summarizes the area characteristics (see maps in Attachment A):

Direction	Land Use	Long Range Future Land Use Map Designation	Zoning
North	Open space and Rollins Ford Road	SRL	PMR
South	Single-family attached homes	SRL	PMR
East	Attached single-family home	SRL	PMR
West	Single-family attached homes	SRL	PMR

Long-Range Land Use Plan Analysis

Through wise land use planning, the County ensures that landowners are provided a reasonable use of their land while the County is able to judiciously use its resources to provide the services for residents and employers’ needs. The Long-Range Land Use Plan sets out policies and action strategies that further the County’s goal of concentrating on population, jobs, and infrastructure within vibrant, walkable, mixed-use centers serviced by transit. In addition to delineating land uses on the Long-Range Land Use Map, the Plan includes smart growth principles that promote a countywide pattern of land use that encourages fiscally sound development and achieves a high-quality living environment; promotes distinct centers of commerce and centers of community; complements and respects our cultural and natural resources, and preserves historic landscapes and site-specific cultural resources; provides adequate recreational, park, open space and trail amenities that contribute to a high quality of life for county residents; and revitalizes, protects, and preserves existing neighborhoods.

The site is designated SRL, Suburban Residential Low, in the Comprehensive Plan and is located within the Development Area of the County. The following table summarizes the land use patterns/densities intended within the SRL designation:

Long-Range Land Use Map Designation	Intended Uses and Densities
Suburban Residential Low (SRL)	The purpose of the Suburban Residential Low classification is to provide for housing opportunities at a low suburban density. The housing type in this classification is single-family detached, but up to 25 percent of the total land area may be single-family attached. The density range in SRL projects is 1-4 units per gross acre, less the ER designated portion of a property. Cluster housing and the use of the planned unit development concept may occur, provided that such clustering and planned district development furthers valuable environmental objectives as stated in EN-Policy 1 and EN-Policy 4 of the Environment Plan, the intent stated in the Cultural Resources Plan and preserves valuable cultural resources throughout the County.

Proposal’s Strengths

- Zoning/Long-Range Land Use Compatibility – The property is designated SRL, Suburban Residential Low, in the Comprehensive Plan, and zoned PMR, Planned Mix Residential. The proposed “home business” is permitted by SUP in the district.
- Proper Mitigation of Impacts – As conditioned, the proposed home-based firearm manufacturing, gunsmithing, and buying and selling firearms business will be limited to only one customer allowed on site at one time and every customer shall have a set appointment time. As conditioned, the customer times will be staggered to ensure that there is only one customer vehicle arriving or departing from the site at a time. For safety purposes, no large capacity firearms or ammunition will be available to purchase or use on site. The proposed conditions mitigate the impacts associated with this proposed firearm sales home business.
- No Outdoor Activity – Outdoor storage is prohibited for a home business by the Zoning Ordinance.

Proposal’s Weaknesses

- None identified.

On balance, this application is found to be consistent with the relevant components of the Long-Range Land Use Plan.

Community Design Plan Analysis

An attractive, well-designed County will attract quality development, instill civic pride, improve the visual character of the community, and create a strong, positive image of Prince William County. The Community Design Plan sets out policies and action strategies that further the County's goals of providing quality development and a quality living environment for residents, businesses, and visitors, and creating livable and attractive communities. The Plan includes recommendations relating to building design, site layout, circulation, signage, access to transit, landscaping and streetscaping, community open spaces, natural and cultural amenities, stormwater management, and the preservation of environmental features.

Proposal's Strengths

- Visual Perception/Maintaining Residential Character – In order to maintain the residential character of the dwelling unit and the neighborhood, there should be no indication that the dwelling contains a home business use. As conditioned, there shall be no signage permitted on the exterior of the residential dwelling, thus the residential character of the dwelling unit and the neighborhood will be maintained.

Proposal's Weaknesses

- None Identified

On balance, this application is found to be consistent with the relevant components of the Community Design Plan.

Fire and Rescue Plan Analysis

Quality fire and rescue services provide a measure of security and safety that both residents and businesses have come to expect from the County. The Fire and Rescue Plan sets out policies and action strategies that further the County's goal of protecting lives, property, and the environment through timely, professional, humanitarian services essential to the health, safety, and well-being of the community. The plan includes recommendations relating to siting criteria, appropriate levels of service, and land use compatibility for fire and rescue facilities. The plan also includes recommendations to supplement response time and reduce risk of injury or death to County residents, establishment of educational programs, such as cardio-pulmonary resuscitation (CPR) training, automatic external defibrillators (AED), and encourages installation of additional fire protection systems—such as sprinklers, smoke detectors, and other architectural modifications.

Fire/Rescue Station #4 (Gainesville/Haymarket) is the first due fire/rescue resource for the subject property. The site is outside the required 4.0-minute travel time for Basic Life Support and Fire and is inside the 8.0-minute travel time for Advanced Life Support. In FY 2019, Fire/Rescue Station #4 responded to 4,138 incidents, with a workload capacity of 4,000 incidents. There are currently no Capital Improvement Program (CIP) projects in this vicinity that would affect the capacity and response information.

Proposal's Strengths

- Inside of 8.0-Minute Travel Time – The site is located within the recommended 8.0-minute travel time for advanced life support.
- No Storage or Sales of Ammunition – As conditioned, there will be no storage or sales of ammunition to the public at this location. The Prince William County Fire Prevention Code does not permit storage or reloading of ammunition except for “personal” use. This location is in a residential area and the requirement is made for safety of the community.

Proposal's Weaknesses

- Outside of 4.0-Minute Travel Time – The site is located outside the 4.0-minute travel time for fire suppression and basic life support.
- Station Workload – The most recent figures indicate that Fire/Rescue Station #4 (Gainesville/Haymarket) is currently operating above capacity. There are currently no Capital Improvement Program (CIP) projects in this vicinity that would affect the capacity and response information.

On balance, this application is found to be consistent with the relevant components of the Fire and Rescue Plan.

Police Plan Analysis

Residents and businesses expect a high level of police service for their community. This service increases the sense of safety and protects community investments. The Police Plan is designed to promote Prince William County's public safety strategic goal to continue to be a safe community, reduce criminal activity, and prevent personal injury and loss of life and property, as well as to ensure effective and timely responses throughout the County. This Plan encourages funding and locating future police facilities to maximize public accessibility and police visibility as well as to permit effective, timely response to citizen needs and concerns. The Plan recommends educational initiatives, such as Neighborhood and Business Watch, and Crime Prevention through Environmental Design (CPTED), which encourages new development to be designed in a way that enhances crime prevention. The Plan also encourages effective and reliable public safety communications linking emergency responders in the field with the Public Safety Communications Center.

At this time, the Police Department does not believe this application will create significant impact on calls for service. The Applicant should coordinate with the Police Department as the site develops, and apply the various Crime Prevention Through Environmental Design (CPTED) principles, which can be found at the following: <http://www.pwcgov.org/government/dept/police/Pages/CPTED.aspx>

Proposal's Strengths

- Minimal Impacts to Levels of Service: The Police Department does not believe this application will create a significant impact on calls for service. The Applicant has scheduled a Home Security Assessment with the Crime Prevention Unit. The Applicant has a home security system that is provided through ADT, and the Applicant will be installing a camera that overlooks the garage door for extra security. In addition, the Applicant has an existing gun safe internal to the home that will store firearms. A Home Security Assessment is essential to identifying weaknesses in physical security that might provide an easy opportunity for a crime to occur.

Proposal's Weaknesses

- None identified

On balance, this application is found to be consistent with the relevant components of the Police Plan.

Transportation Plan Analysis

By providing a multi-modal approach to traffic circulation Prince William County promotes the safe and efficient movement of goods and people throughout the County and surrounding jurisdictions. The Transportation Plan sets out policies and action strategies that further the County's goal of creating and sustaining an environmentally friendly, multi-modal transportation system that meets the demands for intra- and inter-county trips, is integrated with existing and planned development, and provides a network of safe, efficient, and accessible modes of travel. The Plan includes recommendations addressing safety, minimizing conflicts with environmental and cultural resources, maximizing cost effectiveness, increasing accessibility of all travel modes, minimizing projected trip demand, and providing sufficient network capacity. Projects should include strategies that result in a level of service (LOS) of "D" or better on all roadway, corridors and intersections, reduce traffic demand through transportation demand management strategies, dedicate planned rights-of-way, provide and/or fund transit infrastructure, pedestrian and bicycle pathways, and improved and coordinated access to transit facilities.

The proposed use will not generate significant traffic and will have minimal impacts to the surrounding road network.

Proposal's Strengths

- Parking – As conditioned, one on-site parking space must remain available for the customers to utilize during hours of operation. The designated parking space must be located in the Applicant's driveway.
- Staggered Arrival & Departure Times –The operating hours for the home business are Saturday and Sunday, 9:00-3:00 PM. Only one "by appointment" customer is allowed at the business at one time, with an expected maximum of one customer a day.

Proposal's Weaknesses

- None identified

On balance, this application is found to be consistent with the relevant components of the Transportation Plan.

Strategic Plan

This section of the report is intended to address the project's alignment with the outcomes provided within the County's Strategic Plan. The 2021-2024 Strategic Plan was developed through extensive community input, research of county policies and services and interviews with the Board to collect input on strategic priorities for the County over the next 4 years. The Plan envisions Prince William County as a diverse community striving to be healthy, safe, and caring with a thriving economy and a protected natural environment. In an effort to implement this vision, the Strategic Plan Team developed seven strategic focus areas to guide Board actions: "Health, Wellbeing & Human Services," "Safe and Secure Community," "Resilient Economy," "Quality Education & Workforce Development," "Environmental Conservation," "Sustainable Growth," and "Transportation and Mobility." It is important to note that no single area is viewed as more critical than another. Rather, each are interrelated and have a direct impact on each other. Collectively, these goal areas impact the quality of life in all facets of the community issues raised during the review of the proposal, which are not directly related to the policies, goals, or action strategies of the Comprehensive Plan, but which are materially relevant to the County's responsibilities in considering land use issues. The aspects of the proposal applicable to the Strategic Plan are as follows:

Resilient Economy: The proposed special use permit is favorably aligned with the County's Resilient Economy objective to continue efforts to preserve and expand the commercial tax revenue base. The special use permit for a home business will result in an opportunity to provide a scalable business as a secondary use to the primary residential use of the Property.

Materially Relevant Issues

This section of the report is intended to identify issues raised during the review of the proposal, which are not directly related to the policies, goals, or action strategies of the Comprehensive Plan, but which are materially relevant to the County's responsibilities in considering land use issues. The materially relevant issues in this case are as follows:

There is a distinction that should be made between the Zoning Ordinance definition of manufacturing and the expectations of the HOA regarding the specific functions of this home business. Per the attached correspondence from the HOA, manufacturing within the community is prohibited by Covenant. However, the Zoning Ordinance defines manufacturing as the processing and converting of raw, unfinished materials, or products, into articles or substances of different character, or for a different purpose. While the Applicant is not forging raw materials, drilling of lower receivers will take place, which according to the AFT is classified as manufacturing. As such,

Staff has used the term manufacturing within the use and area limitations of Condition #1, but in order to respect the intent of the HOA covenants, staff has qualified the specific functions of manufacturing to be only “firearm part fabrication and assembly.”

Home businesses are allowed in the PMR district, subject to SUP approval. Home businesses are subject to standards as stipulated by Zoning Ordinance Section 32-300.07, Paragraph 2, which limits many of the items that are conditioned for this use such as: no signs shall be permitted, no employees shall be permitted to work on the premises, except for family members residing in the dwelling unit, and no outside storage shall be permitted.

Modifications / Waivers

The following waivers and/or modifications to the requirements of the Zoning Ordinance are being requested and are incorporated into this SUP request:

- None identified

Agency Comments

The following agencies have reviewed the proposal and their comments have been summarized in relevant comprehensive plan chapters of this report. Individual comments are in the case file in the Planning Office:

- PWC Building Official
- PWC Planning Office: Case Planner,
- PWC Police - Crime Prevention
- PWC GIS
- PWC Fire Marshal's Office
- PWC Transportation

Proposed Conditions
Applicant/Lessee: Neal Roddy
Zoning: PMR, Planned Mixed Residential
Acreage: ±0.13 acres
GPIN: 7396-62-7550 ("Property")
District: Brentsville
SUP2021-00032, Mystikos Armament LLC Home Business
October 14, 2021

The following conditions are intended to offset the impacts of the proposal and to render the application consistent with the applicable chapters of the Comprehensive Plan and the surrounding areas. If the conditions of this Special Use Permit are in conflict with the Zoning Ordinance, and/or the Design and Construction Standards Manual (DCSM), the more restrictive standards shall apply, except as specifically allowed by this special use permit. Prior to the commencement of the home-based firearm manufacturing, gunsmithing, and buying and selling of firearms home business, the Applicant shall obtain Zoning Approval for the home-based business within one (1) year of approval of this Special Use Permit by the Board of County Supervisors, and if the Applicant does not obtain said Zoning Approval within one (1) year of approval of this Special Use Permit, then the SUP shall be void.

1. Use Parameters:

- a. Use & Area Limitations – The home business shall be limited to firearm manufacturing, gunsmithing and buying and selling of firearms. Related to the firearm manufacturing use, the Applicant shall provide firearm part fabrication and assembly, which meets the County's definition of manufacturing in accordance with the Bureau of Alcohol, Tobacco, Firearms and Explosives regulations. The home business shall be limited to the garage area of the residence, as shown on the Mystikos Armament LLC Home Business- Residence Exhibit, dated October 23, 2019.
- b. Use & Storage Prohibitions – The sale, manufacturing, and reloading of ammunition as well as the sale of large capacity firearms shall be prohibited with this home business use. The Applicant shall not discharge any firearms associated with the home business on the property. Explosives used in ammunition, including smokeless propellant, black powder, and small arms primers, shall not be permitted to be stored on the property, unless it is for personal use. Any smokeless propellant, black powder, and small arms primers that are stored on the property for personal use shall adhere to all applicable County, State, and Federal regulations laws, codes, ordinances, and requirements.
- c. Hours of Operation for customers shall be limited to – 9:00 AM – 3:00 PM Saturday and Sunday.
- d. Employee(s) – There shall be no non-resident employees for the home business.

Conditions

- e. Primary Residential Use – The Applicant shall continue to occupy the dwelling as their primary residence as long as the home business operation is active. The home business shall be clearly secondary to the primary residential use of the Property.
- f. Customers – There shall be no more than one customer on the Property at one time. All customers shall be seen by “Appointment Only” and the appointment times shall be staggered to ensure that there is no more than one customer vehicle arriving or departing from the Property at a time.
- g. Customer Parking – The Applicant shall maintain one designated parking space which shall be in the driveway for customers to utilize during the hours of operation.
- h. Compliance – The Applicant shall maintain all local, State, and Federal required permit(s) and licenses required for the service and repair of firearms. The Applicant shall obtain and maintain the appropriate federal firearms license (FFL) and any other applicable licenses or permits that are required from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) prior to the commencement of this home-based firearm manufacturing, gunsmithing, and buying and selling of firearms home business. The Applicant shall provide proof of such ATF licenses and/or permits to Zoning Administration staff prior to requesting the zoning approval for the gunsmithing home business. The Applicant shall abide by all local, State, and Federal laws, codes, ordinances, requirements, and regulations regarding the purchase, possession, carrying, use, storage, and service/repair of firearms.
- i. Building Code Requirements – Prior to zoning approval, the Applicant shall comply with the applicable Building Code requirements for the home business, unless modified by Building Development through the approval of waivers of Building Code requirements.

2. Community Design

- a. Signs – No related signage related to this firearm manufacturing, gunsmithing and buying and selling of firearms home business shall be allowed on the outside of the home or on the Property at any time.
- b. Outdoor Storage – Outdoor storage of any equipment or materials associated with this home business use on the Property shall be prohibited. Said equipment and/or materials associated with this home business use shall be stored inside the dwelling unit.

Interior Layout



Correspondence from Homeowners Association

RB REES BROOME, PC

ATTORNEYS AT LAW

1900 Gallows Road, Suite 700
Tysons Corner, Virginia 22182
Phone: (703) 790-1911
Fax: (703) 848-2530
www.reesbroome.com

FOUNDERS
Joel M. Birken
Jonathan J. Broome, Jr.
James M. Rees (1941-1986)

Erik W. Fox
Shareholder
Admitted: VA, WV

efox@reesbroome.com

August 27, 2021

VIA E-MAIL: NDROODYI@GMAIL.COM

Neal Roddy
14013 Indigo Bunting Court
Gainesville, VA 20155

Re: Home Business License Approval, Clarification.

Dear Mr. Roddy:

As you know this firm serves as legal counsel to the Meadows at Morris Farm Homeowners Association. Thank you for your request to the Board of Directors for approval to operate a home-based business doing firearm part fabrication and assembly, gunsmithing, and buying and selling firearms with walk-in customers by appointment only. As you are aware, the Association's covenants prohibit the use of lots for any business, commercial, manufacturing, storage, sales, or other similar purposes, but provides that an owner may maintain an office or home business in the dwelling on their lot if:

1. You or a member of your household residing on the lot operates the business;
2. There are no displays or signs indicating the lot is being used other than as a residence;
3. The office does not generate significant traffic or parking usage (as may be determined by the Board of Directors) by customers, or other persons related to the business;
4. No equipment or other items related to the business are stored or kept outside of your approved enclosure (at this point your dwelling is the approved enclosure);
5. You must obtain any required approvals for the proposed use from the local government agency; and
6. The activity must be consistent with the residential nature of the Property.

The Board approves your request, contingent upon:

- a. Your continued compliance with all the above provisions;
- b. Your compliance with the Association's other covenants, some of which are listed below;
- c. Your compliance with all existing or future covenants, laws, resolutions, or ordinances governing your business or lot; AND

TYSONS

BETHESDA

LEESBURG

Correspondence from Homeowners Association



Neal Roddy
August 27, 2021
Page 2

d. Your payment of any increase in common area insurance coverage incurred because of your business.

Please be specifically aware of these covenants governing your property:

1. Lots may be used for residential purposes and ancillary purposes allowed by the Declaration and the local zoning ordinance or regulations. However, no use shall be permitted which will increase the rate of insurance for the Common Area, without the consent of the Board. A use which would cause the cancellation of the Association's Common Area insurance is also not permitted.
 - a. We are investigating whether your business would have an impact on the Association's insurance for the common area. If it does, you would have to cease operations.
2. No noxious, improper, offensive, or unlawful use shall be made of the property, nor shall anything be done which may be, or may become an annoyance or nuisance to the neighborhood, and all laws, zoning ordinances, and regulations of all governmental agencies shall be observed.
3. No sign advertising the business shall be posted on the property without the Board's approval.
4. No discharge of firearms is permitted in the neighborhood without the Board's permission.

In closing, the Board wishes you well in your endeavor, and asks that you keep any merchandise that may be at your property in a secured safe.

Sincerely,

REES BROOME, PC

By: 

Erik W. Fox

cc: Property Manager
Christopher Perez, cperez@pwcgov.org