



Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800

FAX: 952-896-3333

WEB: www.larkinhoffman.com

August 19, 2015

Bloomington Planning Commission
Attn. Glen Markegard, Planning Manager
City of Bloomington
1800 West Old Shakopee Road
Bloomington, Minnesota 55431

Re: Max Guns & Ammo, LLC/Countryside Center
Conditional Use Permit Application

Dear Planning Commission Members:

Our firm represents Reserve Company, LLC ("Reserve") as owner of Countrywide Center "the Center"), a mixed-use retail center at the corner of West Old Shakopee Road and Bloomington Ferry Road in the City of Bloomington. We are writing on behalf of Reserve and in support of the application for a Conditional Use Permit from Max Guns and Ammo, LLC ("Max") for retail sales of firearms and related products at the Center. We strongly encourage you to approve the CUP as recommended by City staff in its memorandum dated July 21, 2015 (updating a prior planning memorandum dated July 17, 2015).

Under well-settled caselaw, a CUP is a permitted use under designated zoning districts, subject to reasonable conditions regulating the use. City staff has confirmed Max's full compliance with the general standards applicable to a CUP. In addition, City staff has proposed reasonable conditions pertaining specifically to the Max use in furtherance of the City's obligation to protect public health, safety and welfare. Max has or will comply with staff's recommended conditions. As such, Max is entitled to approval of the pending CUP application.

Max has investigated through the City Police Department and federal law enforcement sources the appropriate safety standards for a gun shop; the plan proposed to the City incorporates those standards most applicable to the specific store location. Subsequent to the public hearing on this matter, the City Police Department was contacted to determine what other practices could be considered for ensuring the safe operation of a gun shop. Max will fully cooperate with the City Police Department to ensure it operates in accordance with recommended practices. We are not otherwise aware of any facts in the record that suggest Max is not in full compliance with applicable public safety standards pertaining to the proposed use.

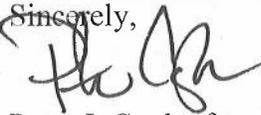
We understand that there was opposition to the Max CUP application at the Planning Commission meeting. Our review of the record relating to the meeting, including the minutes, does not disclose any fact-based objections to the proposed use. Rather, the objections were

generally articulated based on the proximity of the use to other established residence and institutional uses. Local opposition, by itself, is not a lawful basis upon which to deny a CUP application; any such action must advance an articulated City policy to protect public health, safety and welfare and be supported by specific objective information in the record. In our opinion, nothing in the record supports denial of the CUP. As confirmed by the staff report, the location of the Max use is consistent with the City's applicable regulatory policies as articulated in its Comprehensive Plan and Zoning Ordinance. Max has satisfied federal requirements as enforced by the Bureau of Alcohol, Tobacco and Firearms.

Max has previously agreed to the following actions to secure its retail area and ensure the safety of its use: (1) not purchase used firearms brought to the store by a member of the public; (2) cooperate with the federal, state and local law enforcement agencies to help track stolen or missing firearms; (3) install security cameras to monitor the store including during overnight hours; (4) restrict access to its inventory of firearms either through secure storage vaults when the store is closed or placement of displayed merchandise in a safe and secure manner (all long guns will be displayed with trigger locks and hand guns will be displayed only in a locked cabinet accessible only by an employee). In addition, Max will secure the perimeter walls of the store by ensuring the demising walls extend from the floor to the ceiling of the Center building, including in the rear vestibule and bathroom area.

Based on the record before the Planning Commission, we strongly urge approval of the pending application for a CUP for Max Guns and Ammo, LLC. Please include this letter in the record of this matter.

Sincerely,



Peter J. Coyle, for
Larkin Hoffman

CC: Max Guns and Ammo, LLC
Reserve Company, LLC
Bloomington City Attorney