



MEETING DATE: June 23, 2025

PRESENTED BY: Xavier Cervantes, AICP, CPM – Director of Planning

AGENDA ITEM: Conduct a public hearing and consideration of a Conditional Use Permit for a Home Occupation for the sale of firearms – Guns & More in a (R-1A) Large Lot Single Family District, being Lot 19, Monaco Subdivision, located at 2208 Monaco Drive, Applicant: Robert D. Russell, Adoption of Ordinance #_____ - Cervantes

NATURE OF REQUEST:

Project Timeline:

- May 13, 2025 – Application for Conditional Use Permit (“CUP”) submitted to the City.
- June 4, 2025 – In accordance with State and local law, notice of required public hearings was mailed to all property owners within 200 feet of the subject tract, and notice of public hearings was published in the Progress Times.
- June 18, 2025 – Public hearing and consideration of a Conditional Use Permit by the Planning and Zoning Commission.
- June 23, 2025 – Public hearing and consideration of a Conditional Use Permit by the City Council.

Summary:

- The subject site is located 820' west of Shary Road along the south side of Monaco Drive, in a gated private street.
- Per Code of Ordinance, a home occupation requires the approval of a Conditional Use Permit by the City Council.
- The applicant would like to keep his Federal Firearms License active and one of the requirements is for him to have permission from the City to utilize his home address for the business. The applicant has a Federal Firearms license, which allows him to process paperwork for the issuance of the firearms, if first approved by the Federal Bureau of Alcohol, Tobacco and Firearms.
- The home has a 100-foot-long driveway that leads to a detached 3-car garage, thus having plenty of space for 2 off-street parking spaces for residential areas. The applicant has his office next to the front foyer where he would conduct business. The applicant will be the only person operating the business and there will be no advertising on the premises. The proposed gun sales will be strictly via online sales and by appointment only; walk-ins are not welcome but will happen on occasion. The applicant makes the majority of his sales at Gun Shows.
- Staff notes that a conditional use permit was approved for a home occupation - sale of Firearms for this same location on September of 2011 for a period of 1 year. Shortly after his approval, the applicant moved his business to a commercial location. In 2018, the applicant closed his business due to health reasons. The applicant obtained a letter

from the Monaco Homeowners Association stating that he was approved to move his ATF license to his residence.

- The applicant's home has an alarm system, and the firearms are safely stored in a safe.
- In an effort to comply with the ATF requirements and to keep his license current for at least 2 more years he would like the board's consideration of his request.
- Staff notes that during his CUP tenure there were no complaints filed.
- The P&Z Commission has seen and approved a similar request for 2706 E. 28th Street.
- The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out (17) legal notices to surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Council may impose requirements and conditions of approval to ensure that a use requested by a Conditional Use Permit is compatible and complementary to adjacent properties.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the following conditions:

1. 1 year approval to assess this new operation
2. Compliance with Section 1.56-1 (Home Occupations) of the Zoning Ordinance
3. Acquire a business license
4. CUP is not transferable to others

Departmental Approval: Approval

Advisory Board Recommendation: Approval

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____