

Started: 6:17 p.m.

Ended: 6:57 p.m.

Item #1.8

Tabled Conditional Use Permit:

Home Occupation – Sale of Firearms

3106 Granite Drive

Lot 14, Stonegate Subdivision

R-1

David Balderas

Ms. De Luna went over the write-up stating the subject site is located approximately 342' north of Stonegate Drive along the east side of Granite Drive. - **vicinity map**. The applicant has his single-family residence thereon with a paved driveway off of Mile 2 Road. A 6' wooden fence is in place along the residence and covers the backyard. Mr. Balderas has his office in the dining area where he proposes to use as a Firearm Licensing Business. This business will only be used for online fulfillment and order of gun accessories. No customers would be visiting the home. The firearms would be stored in a safe at his home but will only be sold in trade shows. Mr. Balderas long term goals is to move into a commercial location once he has the funds to do so.

- **Hours of Operation:** Monday - Saturday from 1 pm to 6 pm
- **Staff:** Mr. Balderas will be the only person running the operation
- Must continue to comply with Sec. 1.56-1, Zoning Code (Home Occupation regulations)

REVIEW COMMENTS: Mr. Balderas is in the process of obtaining a type 01 (Firearms Dealers License) which would allow him to buy and sell firearms, do repairs and/or custom work on the firearms for customers, sell at gun shows and do online sales. However, before Mr. Balderas is issued a license, he is required to have the approval from the City for a home occupation. Staff mailed out 14 notices to property owners within 200' radius to get any comments in favor or against the request. Staff received one call in opposition to this request. In staff's assessment, the proposed service will not increase traffic and there will be no signage indicating that the site is anything else other than a residence. Staff notes that the City has approved three other Firearms Dealers License in the past for the sale of firearms without any issues.

During the March 22, 2023 P&Z meeting staff received a petition reflecting 50% opposition to the CUP request of property owners within the 200' radius. Staff notes that this petition also included other residents within the Stonegate Subdivisions but are outside the 200' radius. The concerns voiced in the petition refer to their being no infrastructure to support a commercial enterprise, draw additional traffic to the subdivision which only has a single outlet and no through traffic, increasing danger for children and pets, no available parking for business, business hours would increase burden on neighborhood, disrupt the peace and quiet neighborhood, and finally the gun shop would adversely affect the value of the homes.

RECOMMENDATION: Based on the substantial amount of opposition staff is seeking direction.

Note: If the P&Z Board is incline to approve the request, staff would recommend the following: 1) 6-month re-evaluation in order to assess this new operation, 2) Must comply with all City Codes (Building, Fire, etc.), 3) Compliance with Section 1.56-1 of the Zoning Ordinance, and 4) Must acquire a business license after securing the Firearm License.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mrs. Nancy Loughheed who resides at 3105 Granite Drive stated she was in opposition. She stated that the last petition that was submitted to the Planning department included the last three homes within the 200' radius. She mentioned that her neighborhood doesn't want this type of business in their quiet subdivision. She added that internet sales require customers to pick up firearms and that is what they're trying to avoid, Mission has better locations for this type of business.

Mrs. Thelma Garza who resides at 3203 San Pablo stated that she was in opposition. She stated that she was a realtor and that Mission has 37 commercial properties for lease some as low as a dollar per sq. ft. She mentioned that there was no reason for this subdivision to turn into commercial.

Mrs. Sylvia Riddle who resides at 2703 Pebble stated that she was in opposition. Her main concern were guns all over the news. She added that she prefers this type of business be taken to a storefront location and not a residential one.

Mrs. Bertha Serrano who resides at 3103 Granite Drive stated that she has lived in that subdivision for five years and would like for this subdivision to remain a quiet neighborhood.

Mrs. Maria Sandoval who resides at 3201 San Pablo stated that she was in opposition. She added that mixing residential with commercial was not a good idea.

Mr. Deal Loughheed who resides at 3105 Granite Drive stated he was in opposition. He stated that he walked around the neighborhood and spoke to the neighbors, and everyone said they were against this request. He added that this business would cause more traffic to the neighborhood and it wouldn't be safe for kids.

Mr. Dario Rivas who resides at 2204 Pebble Drive stated that he was in opposition. He stated that if we give permission to the applicant to sell firearms that it would be like gas stations popping up everywhere.

Mr. Sergio Garcia who resides at 2010 E. 29th Street stated that he didn't believe what they were arguing was valid. He mentioned that no traffic was going to be created since everything was done online. He added that all equipment would be stored in safes, and no firearms would be displayed. He stated that the whole purpose of this license was to sell online legally and at trade shows.

Mrs. Isabel Balderas who resides at 3106 Granite Drive stated that this was a conditional use permit not commercial property permit. She added that this would only be an online store, and no signage would be posted that guns are for sale. She mentioned that her main entrance is on mile 2 where all the traffic is at.

The applicant David Balderas who resides at 3106 Granite Drive stated that he is not the only person with an FFL License. He stated he is not selling to just any individual and he makes sure they have a clean record. He mentioned he is trying to be responsible and have everything right. He added that eventually he would like to have a business in a commercial area.

Mr. Joe Gonzalez who resides at 3007 Dove Ave stated that his main concern was that this was made public that he has firearms at his house.

Mr. Albert Balderas who resides at 3106 Granite Drive stated that everyone had a misconception of selling guns out of our home. He mentioned that all his guns are stored safely in safes. He mentioned that his sons license would be used for online sales and trade shows only.

Mr. Manuel Cadriel who resides at 3102 Flamingo stated that he likes firearms as well. His main concern is that it was a residential neighborhood and accidents can happen everywhere. He added that this business should be away from the public.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Sanchez motioned to close the hearing. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Garza asked that if other residents within the 1- or 2-mile radius to his location have permits?

Ms. De Luna stated not to his residence. She mentioned that the only two that are active are the one on Monoco and Mimosa.

Mr. Barrera asked that if the other FFL License holders have had problems like break ins?

Ms. De Luna stated that no problems have been addressed. She mentioned that the existing license holders didn't have opposition when presented.

Ms. Garza stated that she just wanted clarification from the applicant. She asked when a customer purchases a firearm where would the customer pick it up.

Mr. David Balderas stated that the customer would pick it up. He added that he wouldn't have that service that he would only use it for tradeshow. He mentioned that at tradeshow he would have his laptop and run his orders. He mentioned that he would only ship to other FFL license holders.

Mr. Sanchez asked that if a customer wants to see the firearm he wants to purchase, can the customer go to the applicant's house?

Mr. David Balderas stated that the customer could but he wouldn't offer those services. He added that he would only show at tradeshow or online.

Ms. De Luna stated that she spoke to ATF and stated that at one point the customer has to contact the seller to sign all paper work.

Mr. Sanchez asked that if the signature had to be a wet one.

Ms. De Luna stated that it had to be a signature. She added that it didn't have to be at the residence but at one-point contact had to be made.

Ms. Garza asked that if Mr. Balderas was not allowing customers to his residence, what were his plans for delivery.

Mr. David Balderas stated that he would ship out to another FFL license holder only. He mentioned if someone in Las Vegas wanted a firearm, he could only ship it to an FFL license holder.

Mr. Sanchez asked hypothetically if I would purchase a firearm from you where would I pick it up.

Mr. David Balderas stated that he would go to a store that holds an FFL license and tell them I want to order a firearm through Mr. Balderas.

Mr. Sanchez asked that where would the paper work that needs to be signed, where would I sign it.

Mr. David Balderas stated at the store where you're at, where I would ship the firearm too.

Mr. Sanchez stated that if at tradeshow everything would be onsite.

Mr. David Balderas stated that everyone has a booth and sets up. He added that he would run a background check and once everything was clear, the exchange would happen.

Mr. Sanchez stated if I purchase a firearm and wanted shipped to point blank, I would pick it up there.

Mr. David Balderas stated "yes".

Mr. Sanchez stated that what if he didn't want to go through that process and wanted to pick up the firearm at Mr. Balderas residence.

Mr. Balderas stated that he could but wouldn't offer those services.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to approve the conditional use permit subject to 1) Limit to online & gun show sales; 2) 6-month re-evaluation; 3) No direct person sales; 4) No signage; 5) Must comply with all City Codes (Building, Fire, etc.); 6) Compliance with Section 1.56-1 of the Zoning Ordinance; and 7) Must acquire a business license after securing the Firearms License; Mr. Alanis seconded the motion. Upon a vote, the motion passed unanimously.