

## **ITEM# 1.8**

### **TABLED**

**CONDITIONAL USE PERMIT:** Home Occupation – Sale of Firearms  
3106 Granite Drive  
Lot 14, Stonegate Subdivision  
R-1  
David Balderas

### **REVIEW DATA**

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.

OM

SHARY RD. (F.M.49)

295

CAPISTRANO SUBDIVISION

IGLESIA DE CRISTO

WATER TOWER

EL TIGRE No. 27

MANGIN

WELLY

LOT 1

MENDOZA

SKALLEY

SITE LOCATION

SAN LUIS

E. 2 MILE RD.

CANTU DEL RIO

284

283

PALACIOS SUB 1

STONEGATE SUBDIVISION

STONEGATE DR.

PHASE II

FLAMINGO AVE.

GRANITE DR.

RD. (F.M.494)

DOVE AVE.

SHARY ST.

WOODFORD CRT

FOREST CRT

HACKBERRY AVE.

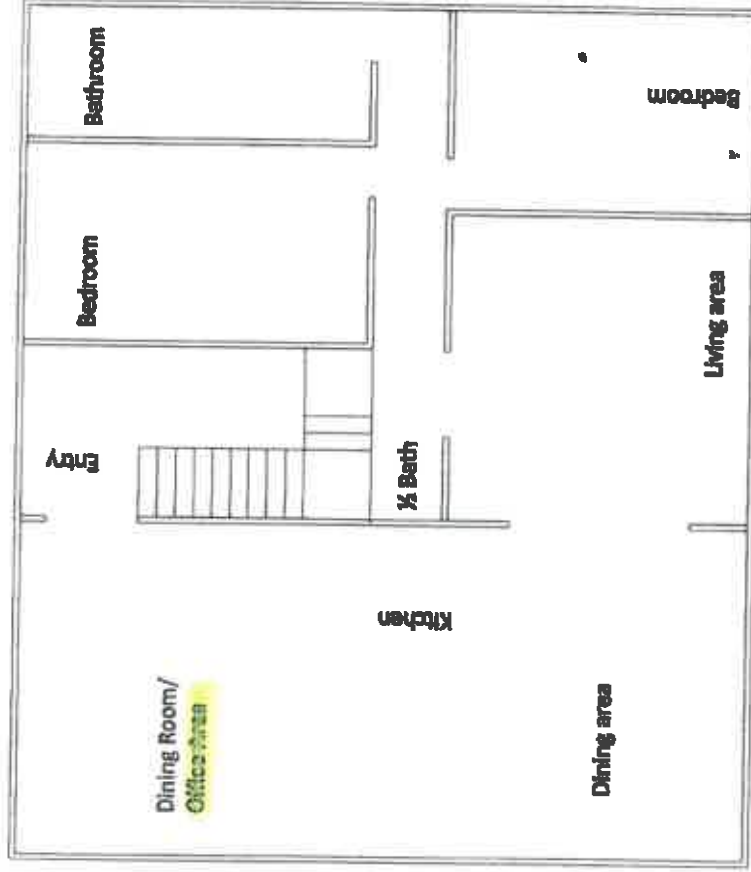


CITY OF MISSION  
BIDALGO COUNTY, TEXAS  
1201 E. 1st Street  
MISSION, TX 78702  
TEL: (512) 588-5872  
FAX: (512) 588-4600

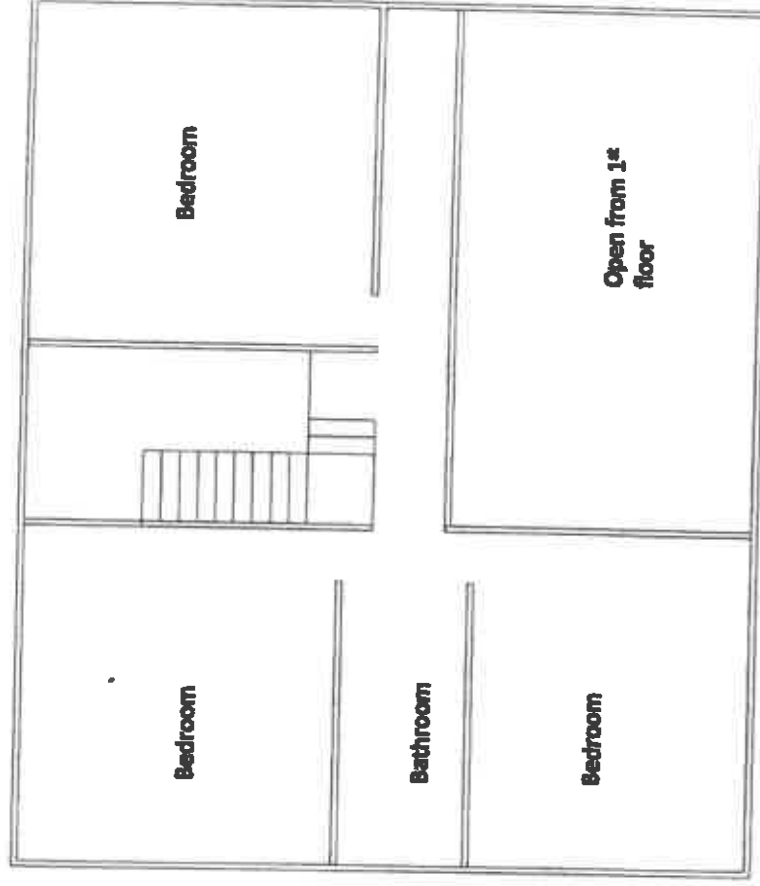
No.



First Floor  
3106 Granite Drive  
Mission, TX 78574



2nd Floor



RECEIVED  
4/19/23

Dean + Nancy L. Kirkhead  
956-212-5197

5:15 PM

March 18, 2023

**This petition is against the request for a Conditional Use permit for home occupation – sale of firearms at 3106 Granite Drive, lot 14, in the Stonegate Subdivision, submitted by David Balderas.**

**We, the neighboring residents, oppose this Conditional Use Permit for the following reasons:**

**This is a residential neighborhood with no infrastructure to support a commercial enterprise.**

**The address on Granite Drive would draw additional traffic to a neighborhood that has only a single outlet and no through traffic, which would pose an increased danger to children and small pets in the area.**

**There is no available parking/infrastructure to support a business, and the business patrons would likely block neighboring houses and driveways and potentially trespass on neighbors' property to find parking.**

**The business hours would also likely correspond to times when neighboring residents and their families would be home, such as evenings and weekends, further increasing the burden on the limited infrastructure in the neighborhood.**

**The homeowners in the neighborhood purchased their residences because of the quiet, established nature of the subdivision and do not want to see a commercial enterprise disrupt that.**

**The addition of a gun shop within the neighborhood would also adversely affect home prices in the area at the very least because of the increased traffic, potentially imposing an undue economic burden on some residents.**

**NAME:**

Melina Ruiz Gonzalez  
Gabriel Gonzalez

**ADDRESS:**

3205 San Pablo Mission  
3205 San Pablo Mission, Tx 78577



March 18, 2023

RECEIVED  
4-17-23  
CB

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**NAME:**

**ADDRESS:**

Maria Teresa Sandoval

3201 San Pablo St.

Rolando Perez / R. -

3206 N Shady Rd.

3 (Thelma Garcia)

3203 San Pablo St

Alexandra Garcia

3203 San Pablo St

Amando Garcia

3203 San Pablo St Mission, TX

Original set

Item # 1.8 Petition

Received  
3/20/23  
①

March 18, 2023

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**NAME:**

**ADDRESS:**

Dean & Nancy Hughes (Fair Petition)

3105 Granite Dr, Mission

Dominica Esperanza Flores

2313 Sandstone Dr, Mission, TX

Bertha & Jorge Serrano

3103 Granite Dr Mission

Tammy and Joseph Castillo

3102 Granite Dr Mission

Mario Del Bosque

3100 Granite Dr. Mission

DON & LIZ WHITSON

2305 STONEGATE DR, MISSION

Raul & Lizette Acevedo

3104 Fleming Ave, HMO

March 18, 2023

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**NAME:**

**ADDRESS:**

Amalia Granados

3004 Granite Dr.

Luis Reynaga

3002 Granite Dr.

Filberto Rodriguez

3006 Granite Dr.

Victor Duro

2310 Pebble St.

Khonda Sakina

2308 Pebble St.

Kristle East

2301 Pebble St

Carrie Jones

2300 Pebble St



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**NAME:**

Rocio Juarez  
[Signature]  
[Signature]  
[Signature]  
Dulany Lopez  
David Rivera Jr.  
Chris Ladee  
Sofia Ladee

**ADDRESS:**

2200 Stonegate  
2201 Stonegate  
3083 Dove Ave  
2202 Pebble Dr.  
2204 Pebble Dr.  
2303 Pebble Mission  
2303 Pebble Mission

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**NAME:**

**ADDRESS:**

Carin M. Goyale

3100 Flamingo Ave, Mission TX 78574

Guillermo Gonzalez

3100 Flamingo Ave

MANUEL CADILTA

3102 Flamingo Ave

Juan Treviño

2208 Stonegate Dr.

Rocio Ramirez

2207 Stonegate Dr.

Arley Delgado

2204 Stonegate Dr.

Greg & Blanca Martinez  
Sarah M. M.

2205 Stonegate Dr. Mission TX 78574

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**NAME:**

**ADDRESS:**

Richard Dany  
Felipe Almaraz  
Wayne Pearson  
Belan McKinnery  
Luis Almaraz  
G  
Philo Dany

3105 FLAMINGO  
~~2200~~ 2307 Sandstone Dr.  
2309 Sandstone Dr.  
3104 Granite Dr Mission  
3005 Granite Dr Mission  
3006 Granite Dr Mission  
3006 Flamingo Ave., Mission

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**NAME:**

**ADDRESS:**

Raymond Juarez

2211 Pebble St.

Kenneth Westerman

2210 Pebble St.

Isabel Sabal

2209 Pebble St.

2209 Pebble St

Travis Lester

3002 FURNIGO AVE.

Jessica Lester  
AARON HELLER

3002 FURNIGO AVE  
3003 GRANITE DR

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**NAME:**

**ADDRESS:**

Kelley Hellen  
Dana Nelson  
John Truitt  
Rumaldo Guerra, Jr  
Antonio Jones  
Cory Abbott  
Anna N. Gonzalez

2311 Pebble Dr. Mission, TX 78574  
2306 Pebble Dr. Mission 78574  
2207 Pebble Dr. Mission TX 7857  
2205 Pebble St Mission, TX 78574  
2200 PEBBLE ST. MISSION, TX  
3001 DOVE AVE. MISSION, TX  
3004 Dove Ave. Mission, TX

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**NAME:**

**ADDRESS:**

Agnes Lanza  
Jeff Responder  
Quita J Responder  
Angela M. Lanza  
✓ Jeff Lanza  
Jeff Lanza  
Quella Lanza

3007 Dove Ave. - Mission TX.  
2203 Stonegate Dr. Mission  
2203 Stonegate Dr. Mission TX  
2211 Stonegate Dr. TX  
22301 Stonegate Dr. TX  
2300 STONEGATE DR. MISSION TX.  
2303 Stonegate Dr. Mission

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NAME:

Roy M. Infante

fd

Marin D.R. Amide

Thomas K. K. Jr

Carol Blosser

Jim Blosser

Hannah McKinney

ADDRESS:

2305 Sandstone Dr.

2208 Pebble St. Mission, TX

2206 Pebble St. Mission, TX

2206 Stonegate Dr. Mission, TX

3101 Granite, Mission

3101 Granite Dr. Mission

3104 Granite Dr. Mission, TX

**CITY OF MISSION  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Planning and Zoning Commission will hold a Regular Meeting on **March 22, 2023 at 5:30 p.m.** at the **Mission Council Chambers, 1201 E. 8<sup>th</sup> Street, Mission, Texas** to consider the following Conditional Use Permit.

**David Balderas desires a Conditional Use Permit for a Home Occupation – Sale of Firearms at 3106 Granite Drive, being Lot 14, Stonegate Subdivision**

**(See Vicinity Map)**

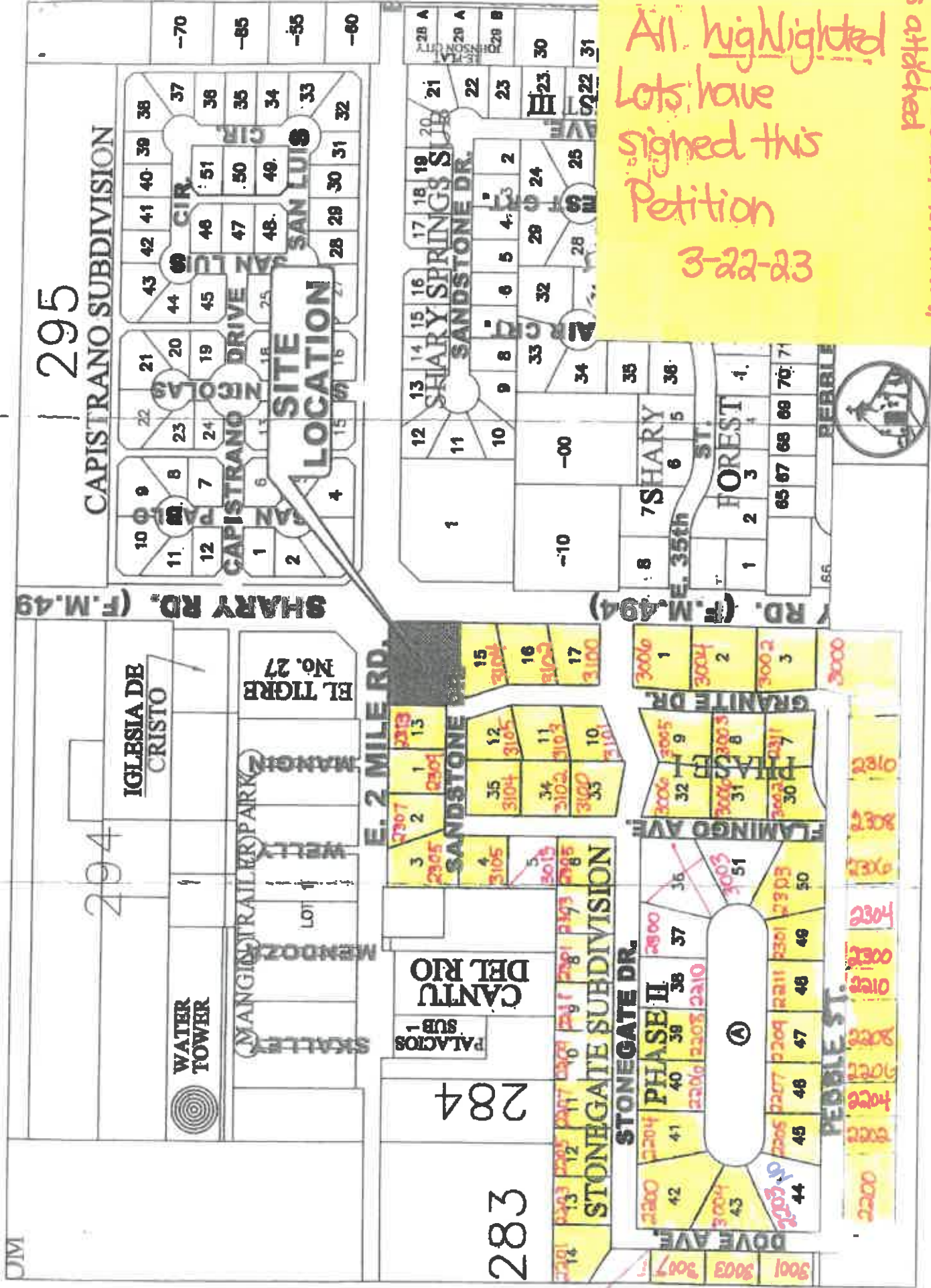
**CUP23-18**

Thereafter, the **Mission City Council** will decide whether to approve or disapprove the Conditional Use Permit on **April 10, 2023 at 4:30 p.m.** at the same **City Hall's Council Chambers or by Teleconference**. The **Mission City Council** is the final authority as to the approval or disapproval of the Conditional Use Permit.

For additional information, please call the Planning Department at 580-8672.

  
**Susana De Luna,**  
**Planning Director**

3/10/23  
Date



All highlighted  
lots have  
signed this  
Petition  
3-22-23

Stonegate Subdivision Map  
is attached



City of Mission  
Planning Dept.

Both Domingo + Esperanza Flores  
living at: 2313 Sandstone Dr  
Mission Tx 78574

oppose having David Balderr  
be given a conditional use permit  
for a time occupation sale of  
fire arms at 3106 Granite Dr., being  
lot 14, Stonegate Subdivision -

Reasons being:

- ① It's a residential neighborhood
- ② Too much nightly traffic between our home  
and his home - people + cars passing  
thru the easement between both houses  
at all times of day and night.
- ③ Enough traffic and noise with the trailer  
park + the El Sige gas station across  
the street.
- ④ There is only 1 entrance into the  
neighborhood and the traffic will double.
- ⑤ Gun sales belong in a business not a residence!

Esperanza Flores (94) 279 6215  
Domingo Flores 956-8022730

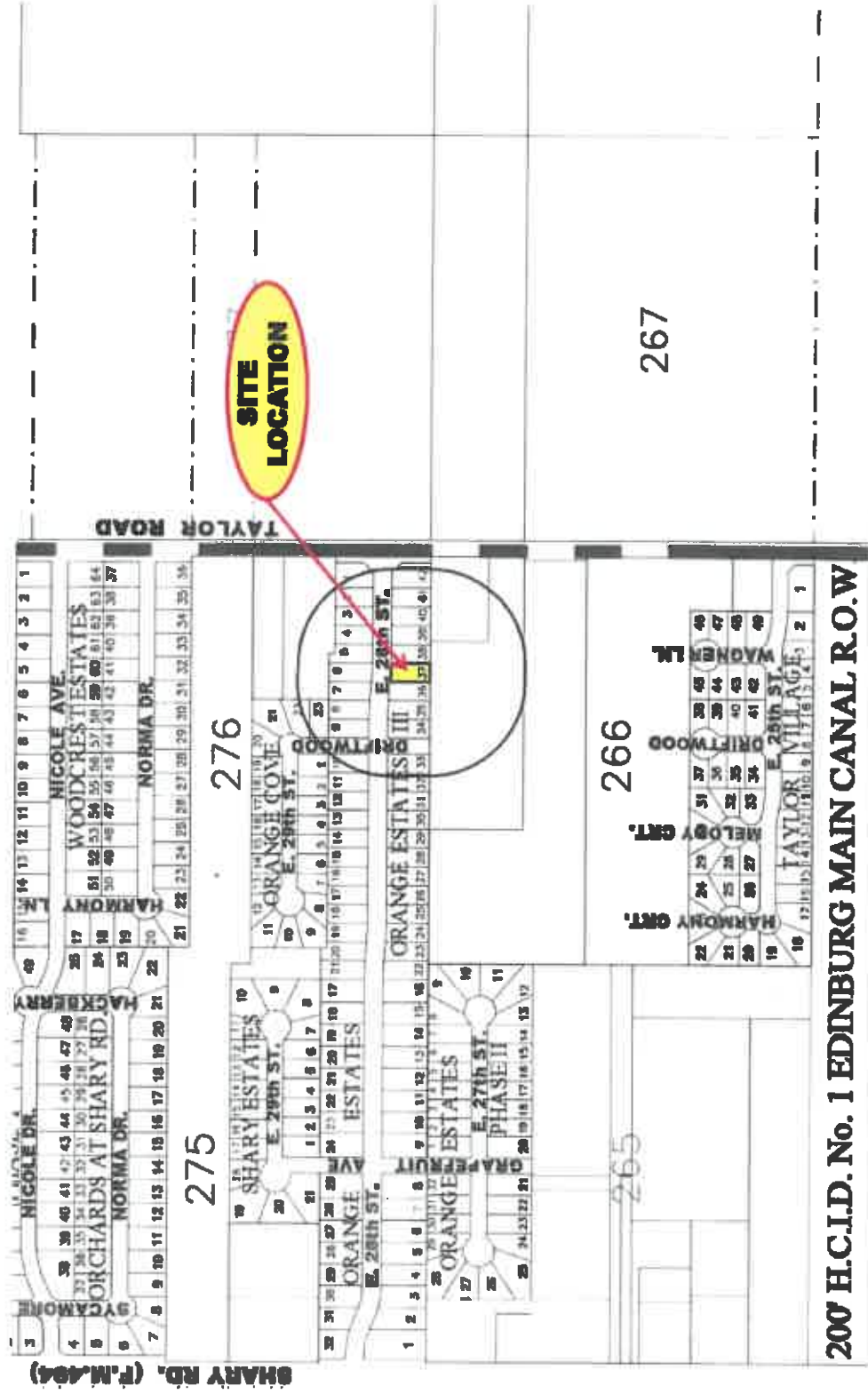


# HOME OCCUPATION DATABASE - FIREARM BUSINESSES

	Applicant	Address	Legal Description	Conditional Use Permit Request	Zone	P&Z
1	John Elmer	2407 Mirrosa	Lot 72, Tierra Grande Estates	Home Occupation - Firearm Business (John's Guns)	R-1	Prior to Ordinance Adoption
2	George Slaga, Jr.	2706 E. 28th Street	Lot 37, Orange Estates Ph. III	Home Occupation - Small Hunting Supply Shop	R-1	1/14/2004 No Opposition
				Renewal - Home Occupation Small Hunting Supply Shop		12/8/2004 No Opposition
3	Robert D. Russell	2208 Monaco Drive	Lot 19, Monaco Subdivision	Home Occupation - Operate a Federal Firearm Licensed Business	R-1A	9/14/2011 No Opposition
4	Rogelio Diaz	503 Olano Street	Lot 71, Bouganville Estates	Home Occupation - Gunsmithing Operation	R-1	12/12/2008 No Opposition
5	David Balderras	3106 Granite Drive	Lot 14, Stonegate Subdivision	Home Occupation - Operate a Federal Firearm Licensed Business	R-1	4/26/2023

Note: 11/18/1961 Zoning & Home Occupation Ordinance was adopted

# 2706 E. 28th Street



200' H.C.I.D. No. 1 EDINBURG MAIN CANAL R.O.W



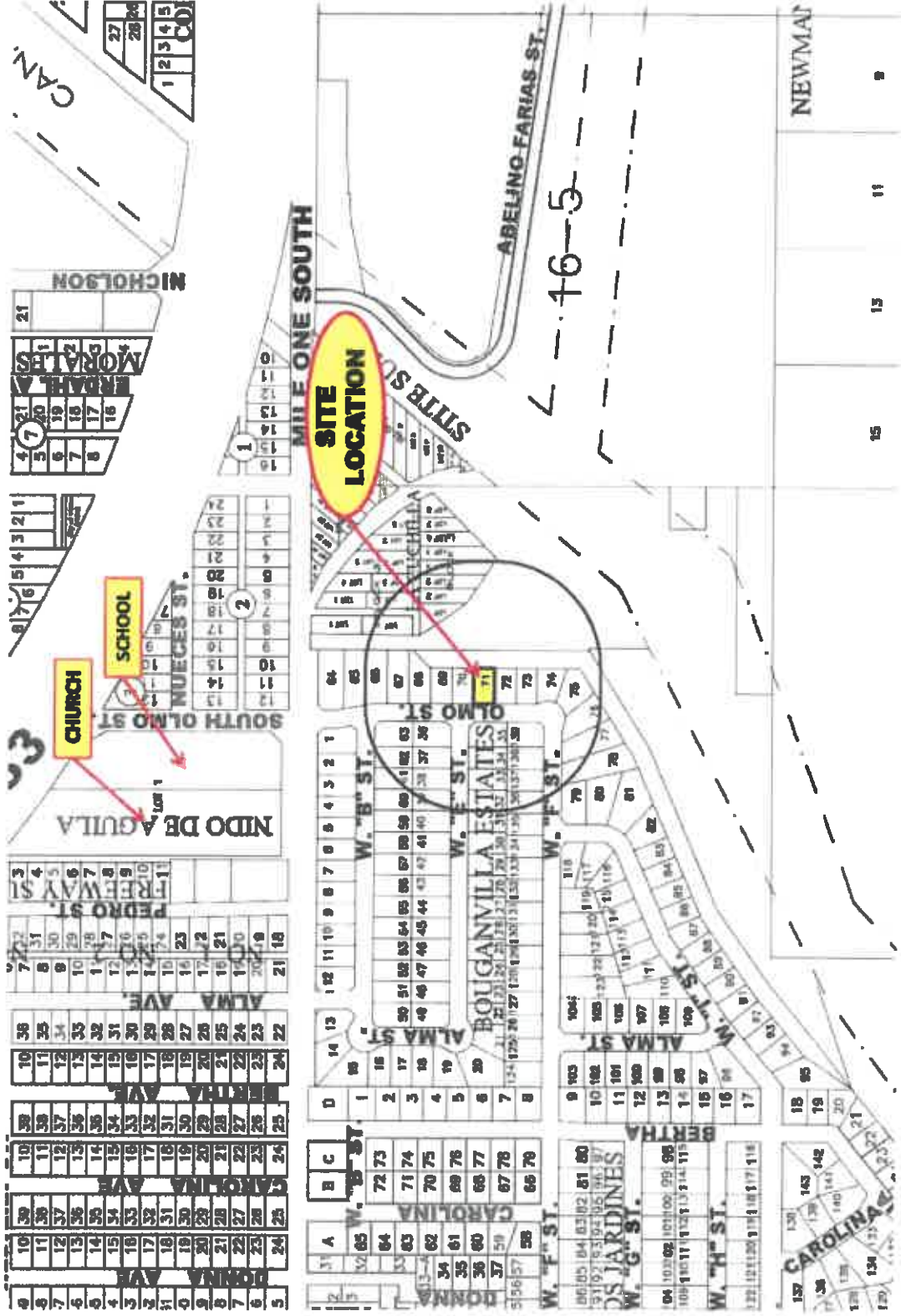


[illegible]





# 503 OLMO STREET









200' H.C.I.D. No. 1 EDINBURG MAIN CANAL R.O.W.

256

**SITE  
LOCATION**

TAYLOR SENIOR VILLAGE











## **Susie De Luna**

---

**From:** Munoz, Carmelita M (ATF) <Carmelita.Munoz@atf.gov>  
**Sent:** Monday, April 10, 2023 9:16 AM  
**To:** Susie De Luna  
**Subject:** RE: David Balderas - 3106 Granite Drive

Morning,

Here is a list of the home dealers I have for the Mission area. There are not too many. If there is anything else you need please let me know.

**Russell Development Inc (dba) Guns & More**  
2208 Monaco Dr, Mission, TX 78573  
(956)627-0789

**John Charles Ebner (dba) John's Guns**  
2407 Mimosa, Mission, TX 78574  
(956)458-8859

**Andres Trevino (dba) 3V Firearms**  
408 Tangerine Dr, Mission, TX 78573  
(956)566-4193

**Reynaldo Trevino**  
6845 West Military Rd, Mission, TX 78572  
(956)227-0638

**Pablo Enrique Cantu (dba) Cantus Guns**  
8855 Western Ave, Mission, TX 78574  
(956)534-3376

Thank you,

*Carmelita Muñoz*

Industry Operations Investigator  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
McAllen Field Office  
Cell Phone (956)566-5320

**From:** Susie De Luna <sdeluna@misslontexas.us>  
**Sent:** Monday, April 10, 2023 8:28 AM  
**To:** Munoz, Carmelita M (ATF) <Carmelita.Munoz@atf.gov>  
**Subject:** [EXTERNAL] RE: David Balderas - 3106 Granite Drive

Good Morning Mrs. Muñoz,

**Susie De Luna**

---

**From:** Munoz, Carmelita M (ATF) <Carmelita.Munoz@atf.gov>  
**Sent:** Monday, April 24, 2023 9:39 AM  
**To:** Susie De Luna  
**Subject:** Home business firearm dealers

Morning,

I spoke with my supervisor and he said that if zoning does not renew the conditional use permit after we issue a firearms license, it would be best for zoning to contact us directly and we will flag the license and we will not renew the license unless they fix the zoning issues. Once the license expires, they will not be able to conduct business. The licenses are good for 3 years and require a renewal application prior to expiration and a renewal fee.

Thank you,

*Carmelita Muñoz*

Industry Operations Investigator  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
McAllen Field Office  
Cell Phone (956)566-5320

C1525-00-000-0002-00 ( 537839)  
GARZA ARMANDO & THELMA  
3203 SAN PABLO ST  
MISSION TX 78573

C1525-00-000-0003-00 ( 537840)  
SANDOVAL ELIAMAR L & MARIA T  
3201 SAN PABLO ST  
MISSION TX 78573

S2950-00-000-0285-00 ( 281461)  
PENA ROLANDO M & OLIVIA R  
3208 N SHARY RD  
MISSION TX 78574

S6450-00-000-0011-00 ( 291015)  
SERRANO BERTHA L & JORGE A  
3103 GRANITE DR  
MISSION TX 78574

S6450-00-000-0012-00 ( 291016)  
PEHRSON-FOIX NANCY MAE  
3105 GRANITE DR  
MISSION TX 78574

S6450-00-000-0013-00 ( 291017)  
FLORES DOMINGO& ESPERANZA L  
2313 SANDSTONE DR  
MISSION TX 78574

S6450-00-000-0014-00 ( 291018)  
BALDERAS MA ISABEL & ALBERTO  
3106 GRANITE DR  
MISSION TX 78574

S6450-00-000-0015-00 ( 291019)  
CONFIDENTIAL  
3104 GRANITE DR  
MISSION TX 78574

S6450-00-000-0016-00 ( 291020)  
CASTILLO JOSEPH & TAMMY  
3102 GRANITE DR  
MISSION TX 78574

S6450-02-000-0001-00 ( 291022)  
PEARSON WAYNE GORDON  
2309 SANDSTONE DR  
MISSION TX 78574

S6450-02-000-0035-00 ( 291056)  
ACEVEDO RAUL & LIZETTE  
5010 HAVEN PL APT 302  
DUBLIN CA 94568

M0630-00-000-0001-05 ( 617492)  
MANGIN RICHARD ALLEN & MICHELLE I  
1706 OAKLAND DR  
MISSION TX 78573

S2974-00-000-0001-00 ( 701322)  
SHARY 2 MILE RETAIL PARTNERS LTD  
1207 ANTOINE DR  
HOUSTON, TX 77065

E4924-27-000-0001-00 ( 717116)  
MMC PROPERTIES INC  
2106 REMINGTON AVE  
EDINBURG TX 78539