

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.

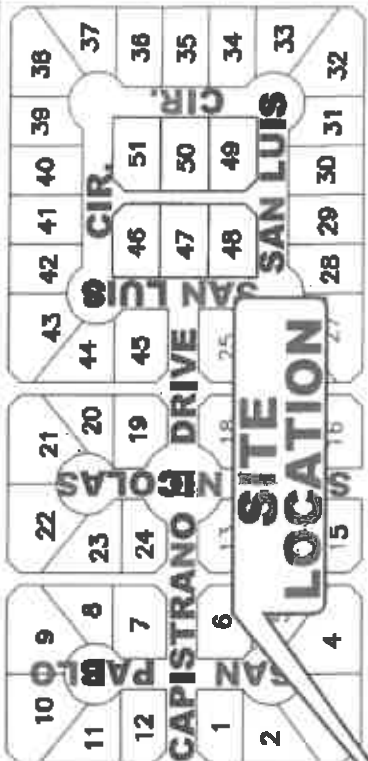
RECOMMENDATION: Based on the substantial amount of opposition staff is seeking direction.

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

295

CAPISTRANO SUBDIVISION



SHARY RD. (F.M.49)

294

IGLESIA DE CRISTO

WATER TOWER

EL TIGRE No. 27

MANGIN

WELLY

MENDOZA

SKALLEY

E. 2 MILE RD.

284

CANTU DEL RIO

PALACIOS SCR 1

SANDSTONE DR.

STONEGATE SUBDIVISION

STONEGATE DR.

PHASE II

GRANITE DR.

FLAMINGO AVE

PHASE I

DOVE AVE.



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1000 N. W. Street
 MISSION, TX 78149
 TEL: (512) 283-8872
 FAX: (512) 283-8889

No.

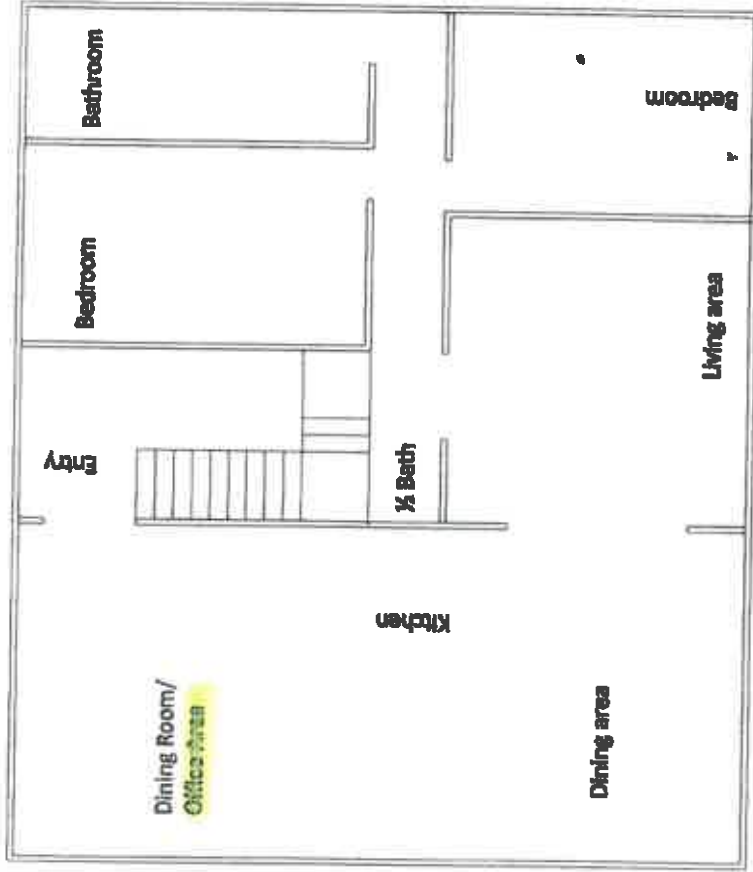


**SITE
LOCATION**

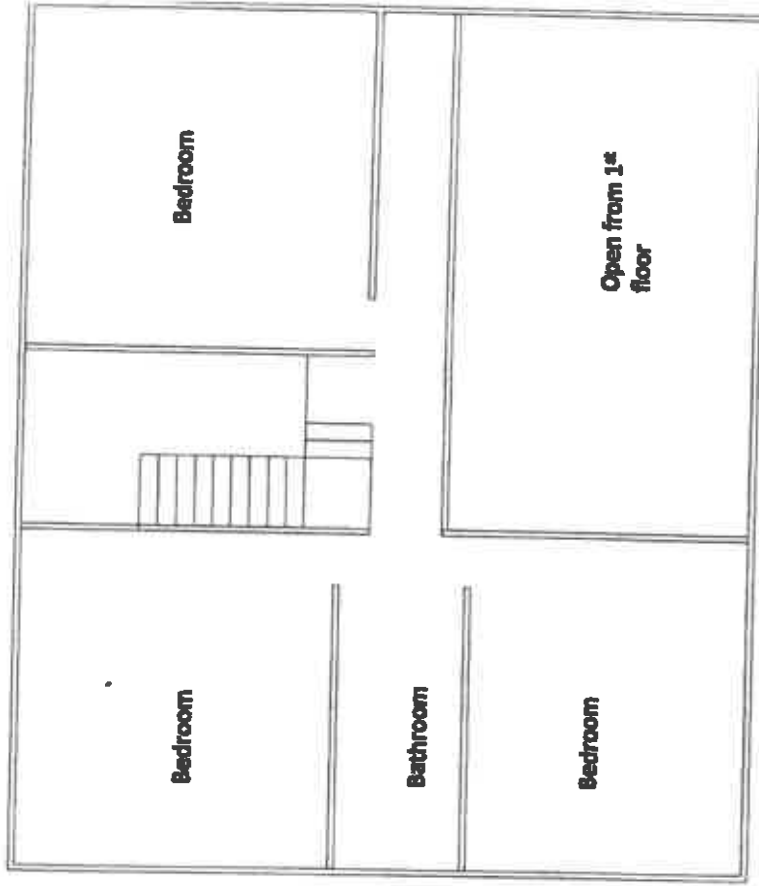
SHARY RD. (F.M. 494)

E. 2 MILE ROAD

First Floor
3106 Granite Drive
Mission, TX 78574



2nd Floor



RECEIVED
3/18/23

Dean + Nancy Lirkhead
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 Paul Gonzalez

Gabriel Gonzalez

ADDRESS:

3205 San Pablo Mission L. Mission
T.X. 78577

3205 San Pablo Mission Tx
78573

RECEIVED
4-17-23
CG

March 18, 2023

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NAME:

ADDRESS:

Maria Teresa Sandoval

3201 San Pablo St.

Rolando Perez / R. -

3206 N Shantel Dr.

3 (Thelma Garcia)

3203 San Pablo St

Alexandra Garcia

3203 San Pablo St

Armando Garcia

3203 San Pablo St Mission, TX

Original set

Item # 1.8 Petition

Received
3/22/23


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NAME:

ADDRESS:

<u>Dean & Nancy Knight (Fair Petition)</u>	<u>3105 Granite Dr, Mission</u>
<u>Dominica Esperanza Flores</u>	<u>2313 Sandstone Dr, Mission, TX</u>
<u>Bertha & Jorge Serano</u>	<u>3103 Granite Dr Mission</u>
<u>Tammy and Joseph Castillo</u>	<u>3102 Granite Dr Mission</u>
<u>Mario Del Bosque</u>	<u>3100 Granite Dr. Mission</u>
<u>DON & LIZ WHITSON</u>	<u>2305 STONEGATE DR, MISSION</u>
<u>Raul & Lizette Acevedo</u>	<u>3104 Fleming Ave, MISSION</u>

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NAME:

ADDRESS:

Amalia Granados

3004 Granite Dr.

Luis Reynaga

3002 Granite Dr.

F. Roberto Rodriguez

3006 Granite Dr.

Victor Duro

2310 Pebble St.

Khonda Sakina

2308 Pebble St.

Kristle East

2301 Pebble St

Tommy Young

2300 Pebble St

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NAME:

ADDRESS:

Rocio Jimenez
[Signature]
[Signature]
Delany Lopez
David Rojas Jr
Chris Ledee
Sofia Bebie

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

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NAME:

ADDRESS:

Carin M. Goyalez

3100 Flamingo Ave, Mission TX 78574

Guillermo Gonzalez

3106 Flamingo Ave

MANUEL CADRETA

3102 Flamingo Ave

Juan Treviño

2208 Stonegate Dr.

Rocio Ramirez

2207 Stonegate Dr.

Archy 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 Alvarez
Way Bean
Belan McKinney
Luis Alvarado
G
Gisela Dany

3105 FLAMINGO
~~2020~~ 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.

Jacob Sabal

2209 Pebble St.

2209 Pebble St

Travis Lester

3002 FURBERG AVE.

Jessica Lester
AARON HELLER

3002 FURBERG AVE.
3003 GRANITE DR

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NAME:

ADDRESS:

Kelley Hellewell

2311 Pebble Dr. Mission, TX 78574

Jayla Nelson

2306 Pebble Dr Mission 78574

Jh. Luna

2207 Pebble Dr. Mission, TX 78574

Rumaldo Guerra, Jr

2205 Pebble St Mission, TX 78574

Antonio Jones

2200 PEBBLE ST. MISSION, TX

Capo Albert

3001 DOVE AVE. MISSION, TX

Alma N. Gonzalez

3004 Dove Ave. Mission, TX

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NAME:

ADDRESS:

Agnes Sanchez
Jeff Respondek
Yvita J Respondek
Angela M. Sanchez
✓ Jeff. Ugueta
Jeff. Ugueta
Jewell Lee

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

page 8 of 9

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NAME:

ADDRESS:

Roy M. Lugo

2305 Sandstone Dr.

fd sc

2208 Pebble St. Mission, TX

Maria D.R. Lunde

2206 Pebble St. Mission, TX

Thomas Hobbs

2206 Stonegate Dr. Mission, TX

Carol Blase

3101 Granite, Mission

Jim Blase

3101 Granite Dr. Mission

Hannah McKinney

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. 8th 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
Susana De Luna,
Planning Director

3/10/23

Date

City of Mission
Planning Dept.

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

oppose having David Baldemar
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 hours of day and night.
- ③ Enough traffic and noise with the trailer
park & the El Signe 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!

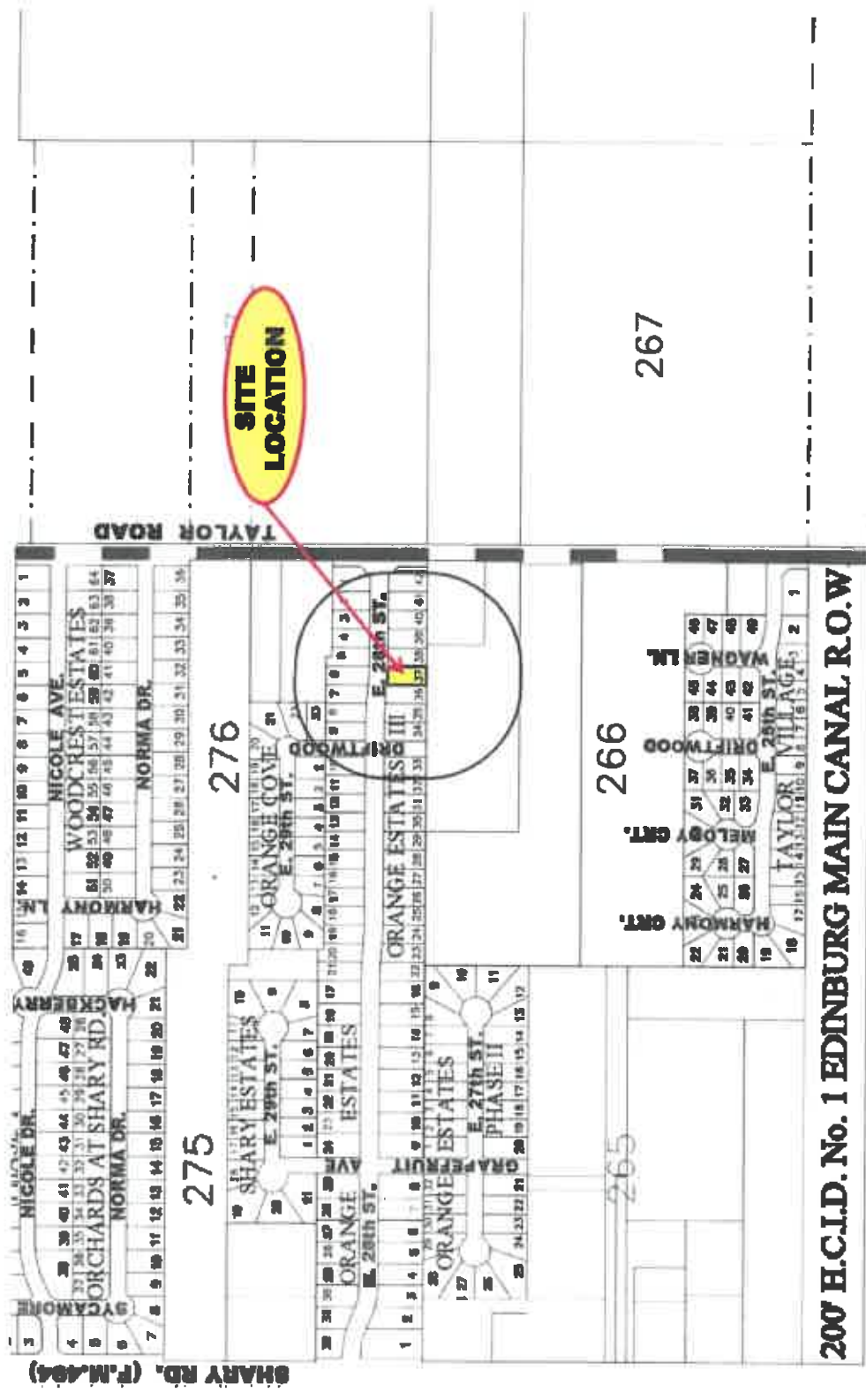
Esperanza Flores (94) 279 6215
Domingo Flores 956 802 2730

HOME OCCUPATION DATABASE - FIREARM BUSINESSES

Applicant	Address	Legal Description	Conditional Use Permit Request	Zones	P&Z
1 John Elmer	2407 Mirman	Lot 72, Terra Grande Estates	Home Occupation - Firearm Business / John's Guns	R-1	Prior to Ordinance Adoption
2 George Sligo, Jr.	2706 E. 28th Street	Lot 37, Omega Estates Ph. III	Home Occupation - Small Hunting Supply Shop Renewal - Home Occupation Small Hunting Supply Shop	R-1	1/14/2004 No Opposition 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 Olego Street	Lot 71, Bougainville Estates	Home Occupation - Gunsmithing Operation	R-1	12/12/2006 No Opposition
5 David Batiers	3106 Granite Drive	Lot 14, Stonegate Subdivision	Home Occupation - Operate a Federal Firearm Licensed Business	R-1	4/26/2023

Note: 11/18/1981 Zoning & Home Occupations Ordinance was adopted

2706 E. 28th Street

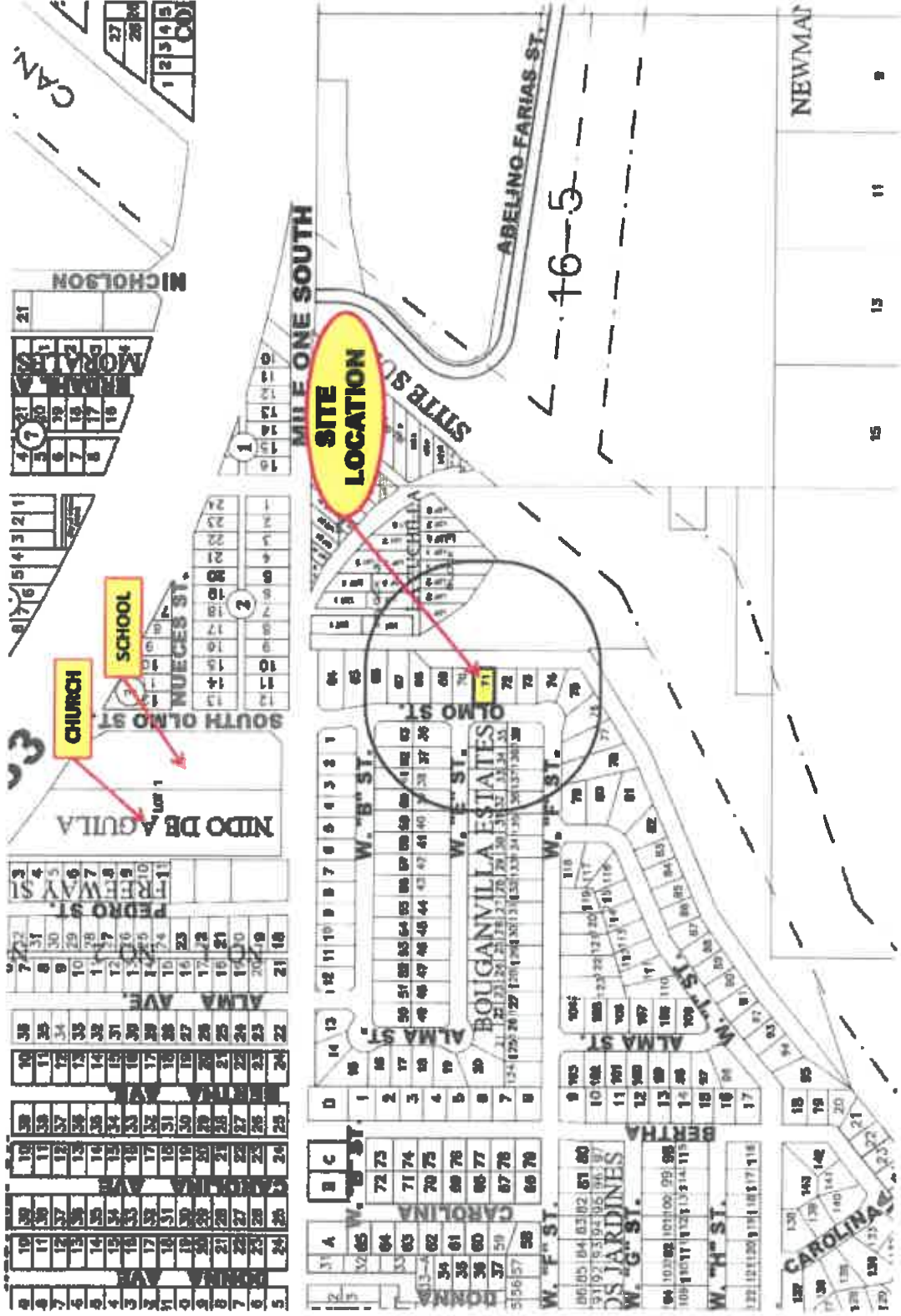


200 H.C.I.D. No. 1 EDINBURG MAIN CANAL R.O.W





503 OLMO STREET



15	15	11	9
NEWMAI			





**SITE
LOCATION**

**ADULT
DAY CARE**

MIMOSA AVE.

GRIFFIN PARKWAY

N. SHARY RD.

00% 00/130



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@missiontexas.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
3206 N SHARY RD
MISSION TX 78574

S8450-00-000-0011-00 (291015)
SERRANO BERTHA L & JORGE A
3103 GRANITE DR
MISSION TX 78574

S8450-00-000-0012-00 (291018)
PEHRSON-FOIX NANCY MAE
3106 GRANITE DR
MISSION TX 78574

S8450-00-000-0013-00 (291017)
FLORES DOMINGO & ESPERANZA L
2313 SANDSTONE DR
MISSION TX 78574

S8450-00-000-0014-00 (291018)
BALDERAS MA ISABEL & ALBERTO
3106 GRANITE DR
MISSION TX 78574

S8450-00-000-0015-00 (291019)
CONFIDENTIAL
3104 GRANITE DR
MISSION TX 78574

S8450-00-000-0016-00 (291020)
CASTILLO JOSEPH & TAMMY
3102 GRANITE DR
MISSION TX 78574

S8450-02-000-0001-00 (291022)
PEARSON WAYNE GORDON
2309 SANDSTONE DR
MISSION TX 78574

S8450-02-000-0035-00 (291056)
ACEVEDO RAUL & LIZETTE
5010 HAVEN PL APT 302
DUBLIN CA 94568

M0630-00-000-0001-05 (617482)
MANGIN RICHARD ALLEN & MICHELLE C
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