ORDINANCE NO. 2022-O-084

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AUTHORIZING THE ISSUANCE OF A SPECIAL USE PERMIT FOR A RESTAURANT SERVING ALCOHOL, ON LOTS 1 AND 2, BLOCK 3 KHALEDI HEIGHTS SUBDIVISION, UNIT 3 AND ON LOT 3, BLOCK 3, KHALEDI HEIGHTS SUBDIVISION, UNIT 2, LOCATED AT 3902, 3910, AND 3920 EAST DEL MAR BOULEVARD (RESPECTIVELY), SUITES 205-206 (4,100 SQUARE FEET) PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a request has been received for the issuance of a Special Use Permit for Lots 1 and 2, Block 3 Khaledi Heights Subdivision, Unit 3 and on Lot 3, Block 3, Khaledi Heights Subdivision, Unit 2, located at 3902, 3910, and 3920 East Del Mar Boulevard (respectively), Suites 205-206 (4,100 square feet) and,

WHEREAS, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on April 21, 2022, and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the issuance of the Special Use Permit; and,

WHEREAS, notice of the Special Use Permit request was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on May 16, 2022, on the request and finds the Special Use Permit appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Zoning Map of the City of Laredo be and is hereby amended by authorizing a Special Use Permit (SUP) for a Restaurant Serving Alcohol, located on Lots 1 and 2, Block 3 Khaledi Heights Subdivision, Unit 3 and on Lot 3, Block 3, Khaledi Heights Subdivision, Unit 2, located at 3902, 3910, and 3920 East Del Mar Boulevard (respectively), Suites 205-206 (4,100 square feet); and

Section 2: The Special Use Permit is further restricted to the following provision herewith adopted by the City Council:

1. The Special Use Permit is issued to Ernesto Trevino.

2. The Special Use Permit is restricted to Suites 205-206 and limited to 4,100 square feet as per site plan "Exhibit A", which is made part hereof for all purposes.
3. The hours of operation shall be limited to, from Monday to Sunday, 11:00 a.m. to 2:00 a.m.
4. Lighting of property shall be screened to avoid adverse impact on adjacent residential neighborhoods.
5. Landscaping shall be provided in accordance with the City of Laredo Land Development Code. The owner shall provide an opaque fence or wall of not less than 7 (seven) feet in height along any side or rear property lines which abut or adjoin property containing a residential use or residential zoning district. Apartment complexes, residential condominiums or residential townhomes shall be similarly screened irrespective of which zoning district they occur in.
6. Establishments must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
7. Signage shall be consistent with the City's Sign Ordinance and TABC rule or regulation.
8. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
9. Outdoor music and speakers are prohibited. There shall be no ground vibrations created or sustained on the site which are perceptible without instruments at any point on any property adjoining the subject property.
10. At all times the restaurant is open to the public for business, it shall continually maintain and serve food from its full-service menu.
11. The restaurant shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load.
12. The restaurant shall, during all hours of operation, maintain, free from obstruction or impediment to full instant use in the case of fire or other emergency, all exit accesses, exits or exit discharges.
13. The restaurant shall undergo an annual Fire Inspection.
14. All permits, licenses, certifications and inspections required by the codes and ordinances of the City of Laredo shall be kept up to date and current including but not limited to: a. Food Manager License (annual), b. Food Handler's Permit (annual), c. Certificate of Occupancy with Occupant Load. Occupant Load being the approved capacity of a building or portion thereof.
15. Owner shall comply with, Building, Health, Safety, and all applicable codes and regulations as required.
16. The restaurant shall maintain and comply with the BLUE Gun Sign regulations as per TABC (not to exceed the required alcohol sales percentage).
17. The restaurant shall provide the City of Laredo, Planning Department with a copy of the current TABC License to include but not limited to any renewals or amendments as they occur.

Section 3: This ordinance shall be published in a manner provided by Section 2.09(D) of the Charter of the City of Laredo.

Section 4: This ordinance shall become effective as and from the date of publication specified in Section 3.

Section 5: The Special Use Permit authorized by this ordinance shall be revoked pursuant to the Laredo Land Development Code, section 24.94.10, entitled "Revocation," according to the criteria and procedures described therein and below:

1. Enforcement and Revocation of Special Use Permit

(a) Any Special Use Permit, authorized by City Council, shall be considered in noncompliance and shall be suspended or revoked and removed from the City of Laredo Zoning Map if:,

A. A court having jurisdiction or a jury find the holder of the Special Use Permit guilty of a violation or if a holder of an SUP pleads guilty of violating:
   1. Any requirement or term or condition of the Special Use Permit or has not conformed, at any time, with any or all of the requirements or terms or conditions as set in the Special Use Permit as approved by the City Council.

B. The activity authorized by the Special Use Permit commences prior to the institution of all conditions imposed by the Special Use Permit.

C. The use for which the special use for a period of six (6) consecutive months of the effective date of the Special Use Permit.
   1. An extension of up to six months may be granted, for good cause shown, by the Building Development Services Director upon petition of the SUP holder.

D. The use of which the Special Use Permit is authorized is discontinued for a period of six (6) consecutive months.

E. In the event of discontinuance or failure to commence as stipulated in Subsection 24.93.12 of this Ordinance, Zoning Enforcement Staff will issue written notification of same. Ten days after issuance of Zoning Enforcement notification of discontinuance or failure to commence, The Planning Director shall then issue the permit holder written notification of the Special Use Permit's official revocation and removal from the City of Laredo Zoning Map.

2. Procedures

Should City of Laredo Enforcement Official inspection reveal noncompliance with Laredo Land Development Code, Subsection 24.94.10, Special Use Permit revocation procedures shall commence as below stipulated:

A. A Zoning Officer shall, upon discovery of Special Use Permit noncompliance as per Subsection 24.94.10, issue a written warning, granting a grace period of a minimum of ten (10) working days, within which time the use may be brought into compliance with the current City Council approved Special Use Permit for that location.

B. If noncompliance persists after the conclusion of the warning grace period, a Zoning Enforcement Official shall issue a written citation.

C. Should the citation result in a guilty verdict, the City of Laredo shall consider the Special Use Permit revoked and proceed with its removal from the City of Laredo Zoning Map.

D. The Planning Director shall then issue the permit holder written notification of the Special Use Permit's official revocation and removal from the City of Laredo Zoning Map.

E. In the event of discontinuance or failure to commence as stipulated in Subsection 24.94.10.1 D and E of this Ordinance, Zoning Enforcement Staff will issue written

notification of same. Ten days after issuance of Zoning Enforcement notification of discontinuance or failure to commence, the Planning Director shall then issue the permit holder written notification of the Special Use Permit's official revocation and removal from the City of Laredo Zoning Map.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE 6th DAY OF June, 2022.

PETE SAENZ
MAYOR

ATTEST:

JOSE A. VALDEZ JR.
CITY SECRETARY

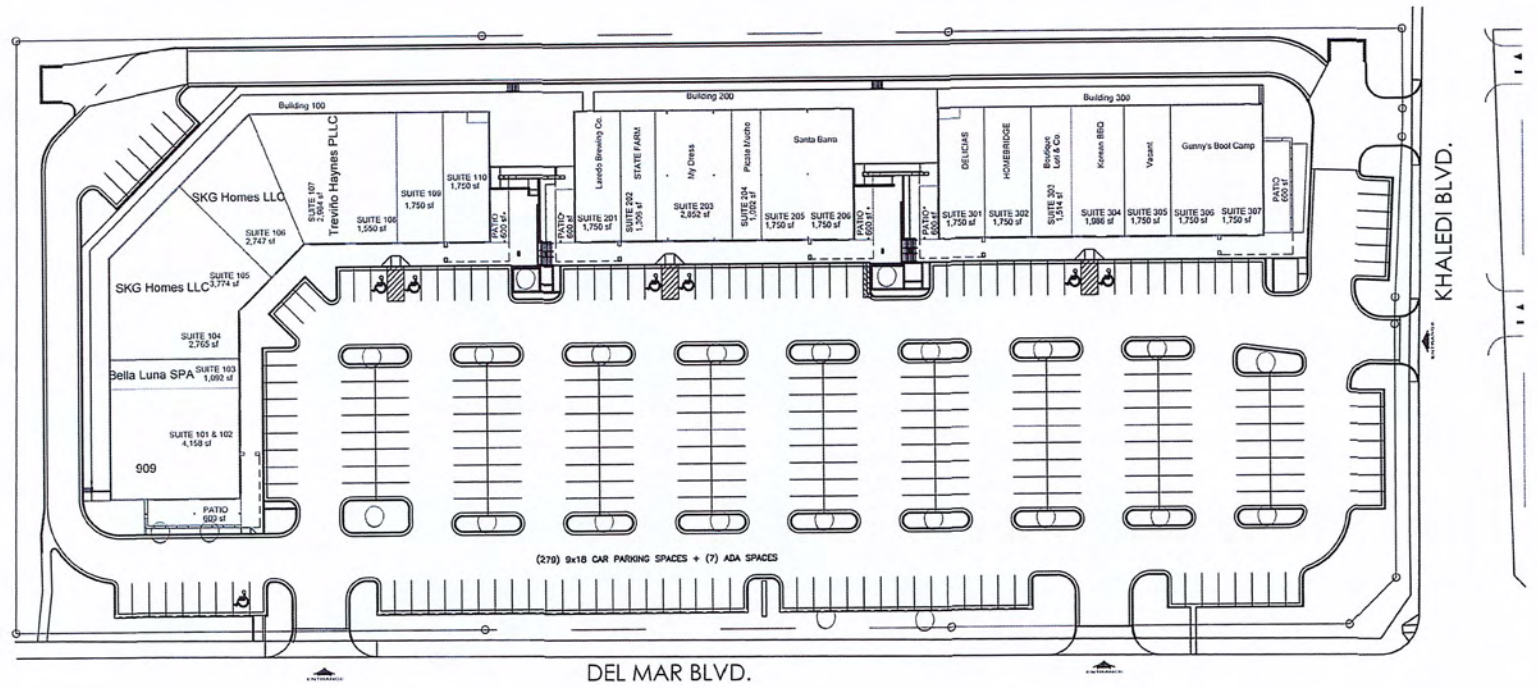
CITY OF LAREDO, TEXAS

APPROVED AS TO FORM:

DAVID H. ARREDONDO, JR.
ASSISTANT CITY ATTORNEY

Exhibit A

KHALEDI HEIGHTS PLAZA
SITE PLAN
3910 E. DEL MAR LAREDO TX. 78045



1
A2.0

Warehouse - FLOOR PLAN
1/64" : 1'-0" (when printed on 11x17)

Exhibit B

KHALEDI HEIGHTS PLAZA

SUITE #	BUSINESS NAME	HOURS OF OPERATION				
SUITE 101-102	909 HOME	MON-FRI	10:00 AM - 7:00 PM			
SUITE 103	BELLA LUNA DAY SPA	TUE-FRI	10:00 AM - 6:00 PM	SAT 10AM-3PM		
SUITE 104-105	SKG HOMES LLC	MON-FRI	8:00 AM - 5:00 PM			
SUITE 106	SKG HOMES LLC	MON-FRI	8:00 AM - 5:00 PM			
SUITE 107	TREVINO HAYNES PLLC	MON-FRI	8:30 AM - 5:30 PM			
SUITE 108	VACANT					
SUITE 109	VACANT					
SUITE 110	VACANT					
SUITE 201	LAREDO BREWING COMPANY	THUR-SAT	7:00 PM - 11:00 PM			
SUITE 202	LUIS ESTRADA INSURANCE	MON-FRI	9:00 AM - 5:00 PM			
SUITE 203	MY DRESS	MON-SAT	11:00 AM - 7:00 PM			
SUITE 204	PICATE MUCHO	WED-THUR	5:30 PM - 10:00 PM	FRI 5:30PM-11PM	SAT 1PM-11PM	SUN 1PM-9PM
SUITE 205-206	SANTA BARRA (Proposed Use)	MON-SUN	11:00 AM - 2:00 AM			
SUITE 301	LAS DELICIAS DE LA TIERRA	TUE-THUR	8:00 AM - 9:00 PM	SAT 8AM-9PM	SUN 9AM-5PM	
SUITE 302	HOMEBRIDGE FINANCIAL SERVICES	MON-FRI	8:00 AM - 5:00 PM			
SUITE 303	LOTI	MON-SAT	11:00 AM - 7:00 PM			
SUITE 304	KOREAN BBQ	TUE-SAT	5:00 PM - 10:00 PM			
SUITE 305	VACANT					
SUITE 306-307	GUNNY'S BOOT CAMP	MON-THUR	5AM-7AM & 6PM-8PM	FRI 5AM-7AM & 5:30PM-7PM		

Exhibit C

Special Use Permit (SUP)

Mr. Shahram Khaledi/ Khaledi Heights Plaza Llc

Mr. Ernesto Trevino/ ENF Intertaiment Inc./ Santa Barra

Santa Barra located at 3910 E Del Mar Blvd Ste 205-206 will open Monday to Sunday

From 11am to 2am, we will have 6 employees.

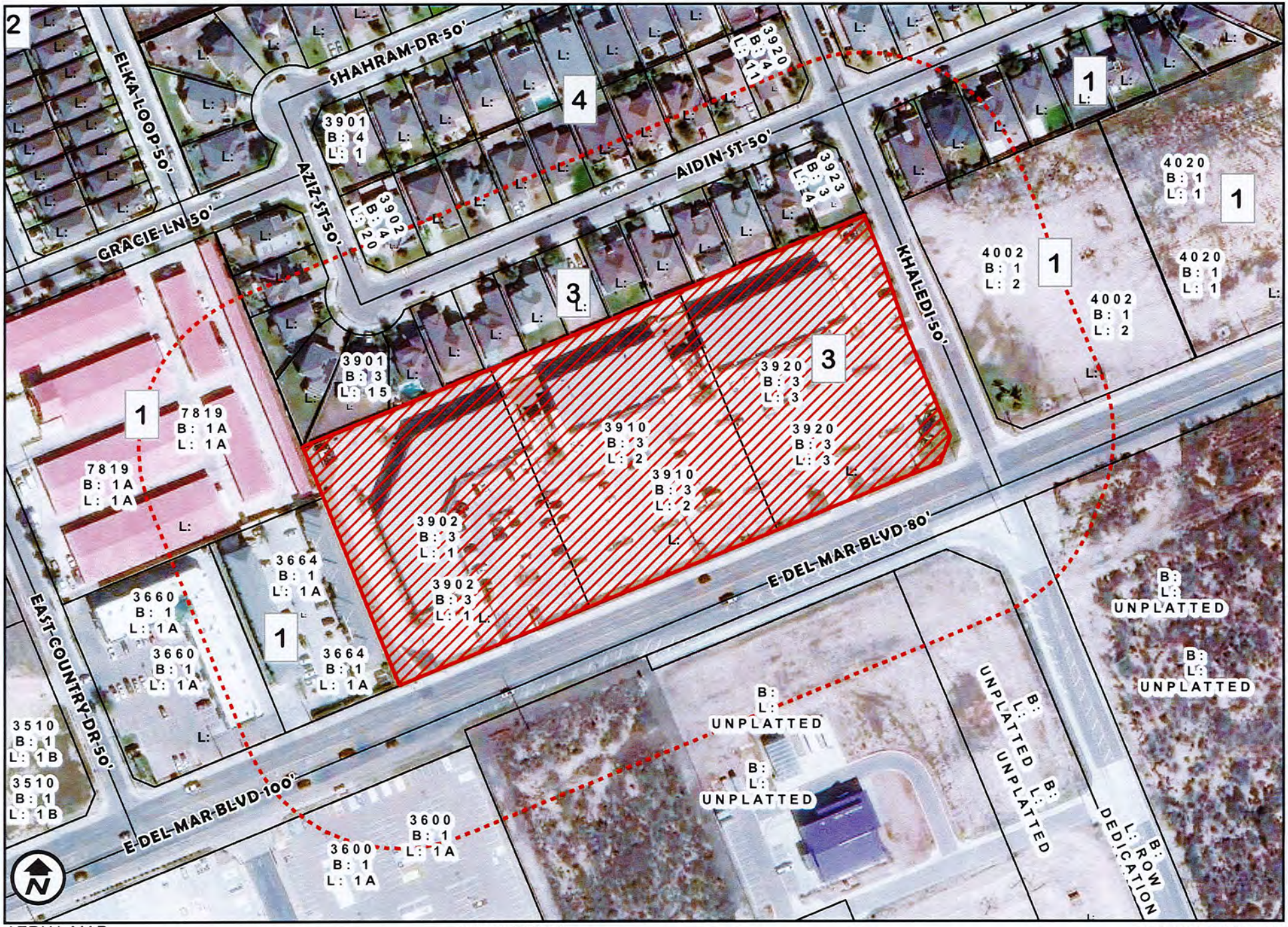
Our goal is to provide the best customer service, great food, the best drinks and a nice clean atmosphere for the whole family.

We hope you will consider approving our request for the Special Use Permit.

Thank you

Shahram Khaledi/ Khaledi Heights Plaza Llc/ Landord _____ 3/16/22

Trevino/ ENF Entertainment Inc./ Santa Barra/Tenant _____



AERIAL MAP

1 inch = 150 feet

ZC-44-2022

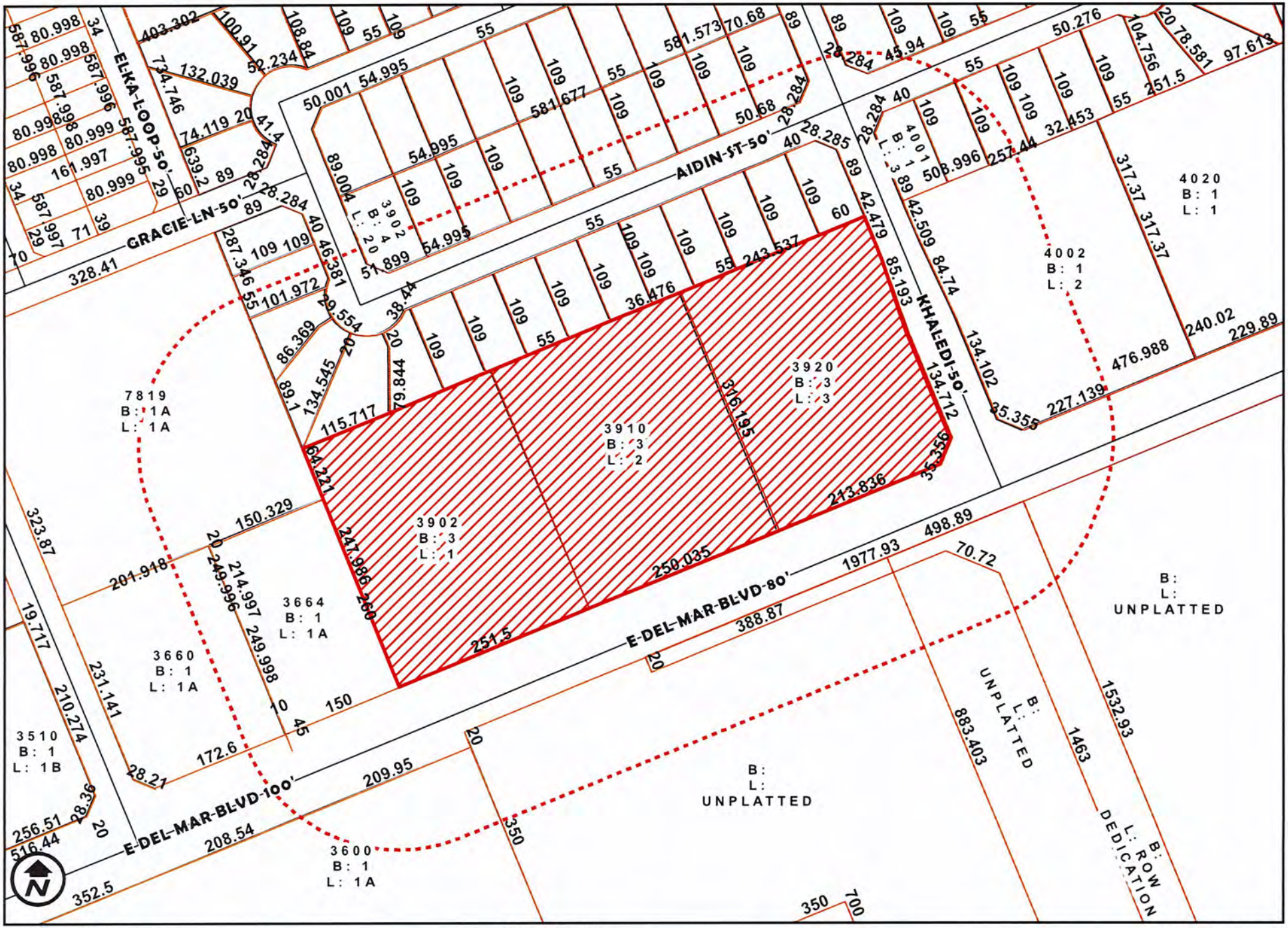
COUNCIL DISTRICT 6

KHALEDI HEIGHTS PLAZA - 3910 E DEL MAR BLVD STE 205-206

APPLICATION FOR

B-3 (COMMUNITY BUSINESS DISTRICT)

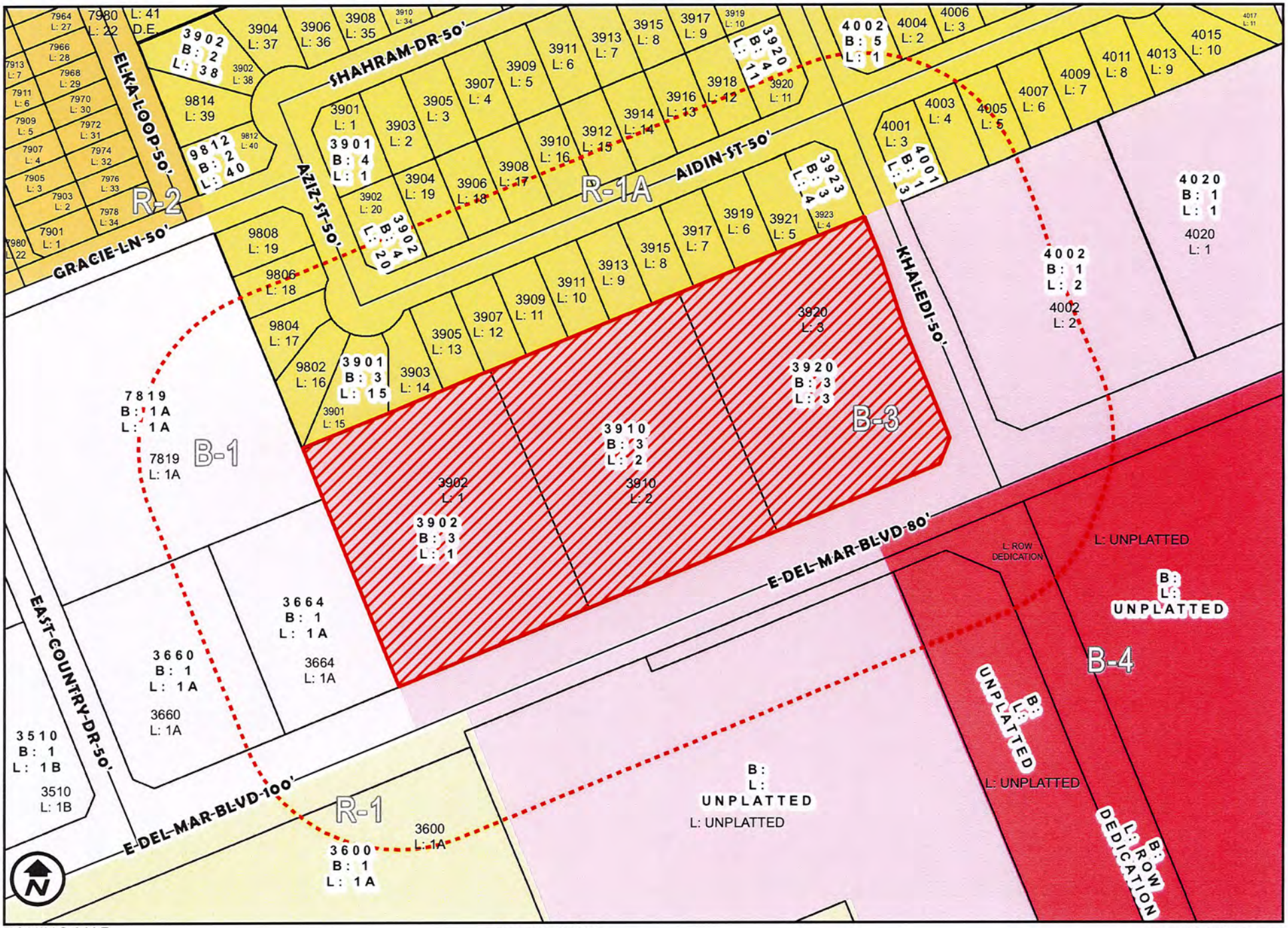
S.U.P FOR RESTAURANT SERVING ALCOHOL



DIMENSIONS MAP
1 inch = 150 feet

ZC-44-2022
COUNCIL DISTRICT 6
KHALEDI HEIGHTS PLAZA - 3910 E DEL MAR BLVD STE 205-206

APPLICATION FOR
B-3 (COMMUNITY BUSINESS DISTRICT)
S.U.P FOR RESTAURANT SERVING ALCOHOL



ZONING MAP

1 inch = 150 feet

ZC-44-2022

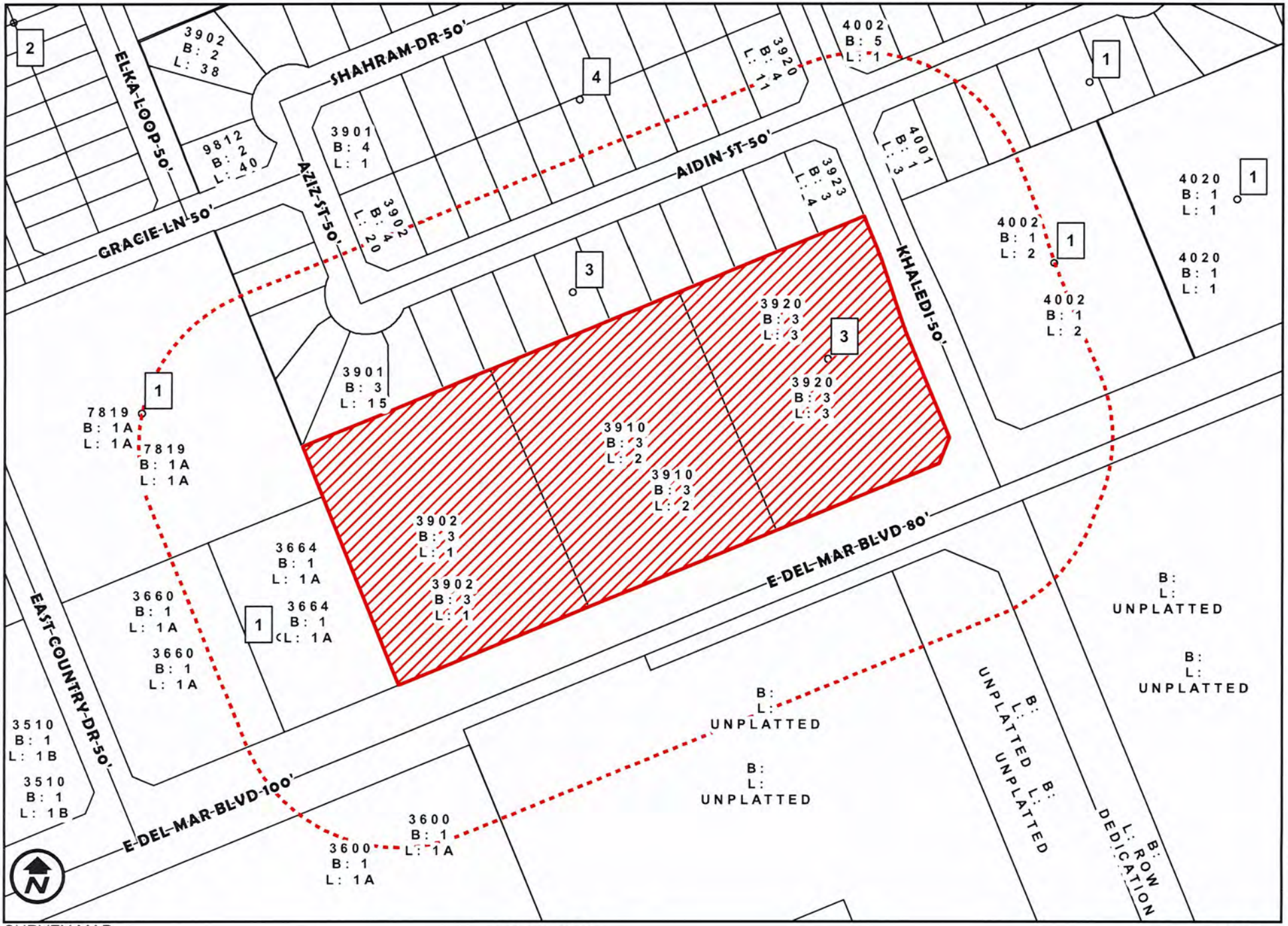
COUNCIL DISTRICT 6

KHALEDI HEIGHTS PLAZA - 3910 E DEL MAR BLVD STE 205-206

APPLICATION FOR

B-3 (COMMUNITY BUSINESS DISTRICT)

S.U.P FOR RESTAURANT SERVING ALCOHOL



SURVEY MAP

1 inch = 150 feet

ZC-44-2022

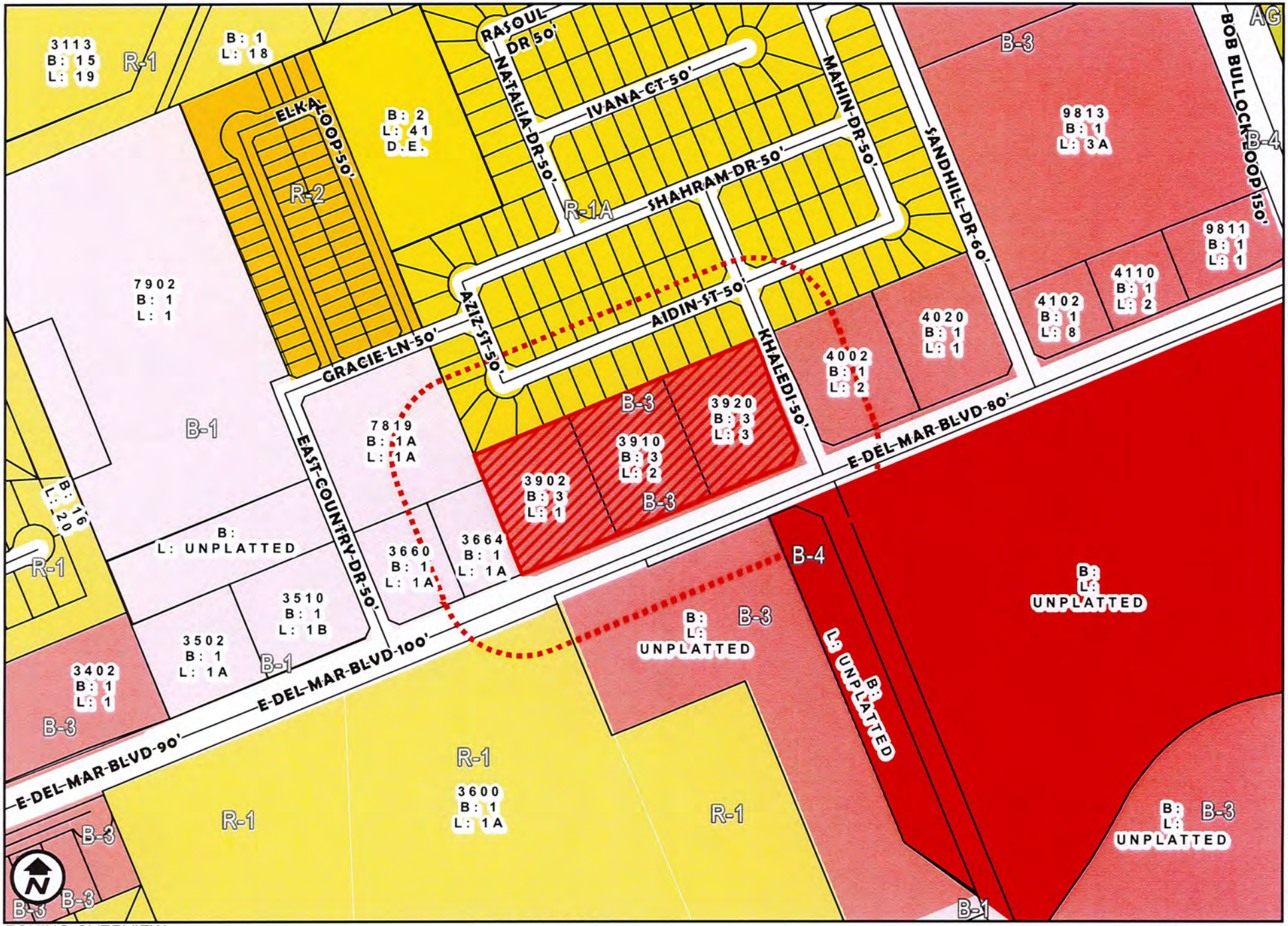
COUNCIL DISTRICT 6

KHALEDI HEIGHTS PLAZA - 3910 E DEL MAR BLVD STE 205-206

APPLICATION FOR

B-3 (COMMUNITY BUSINESS DISTRICT)

S.U.P FOR RESTAURANT SERVING ALCOHOL



ZONING OVERVIEW

1 inch = 300 feet

ZC-44-2022

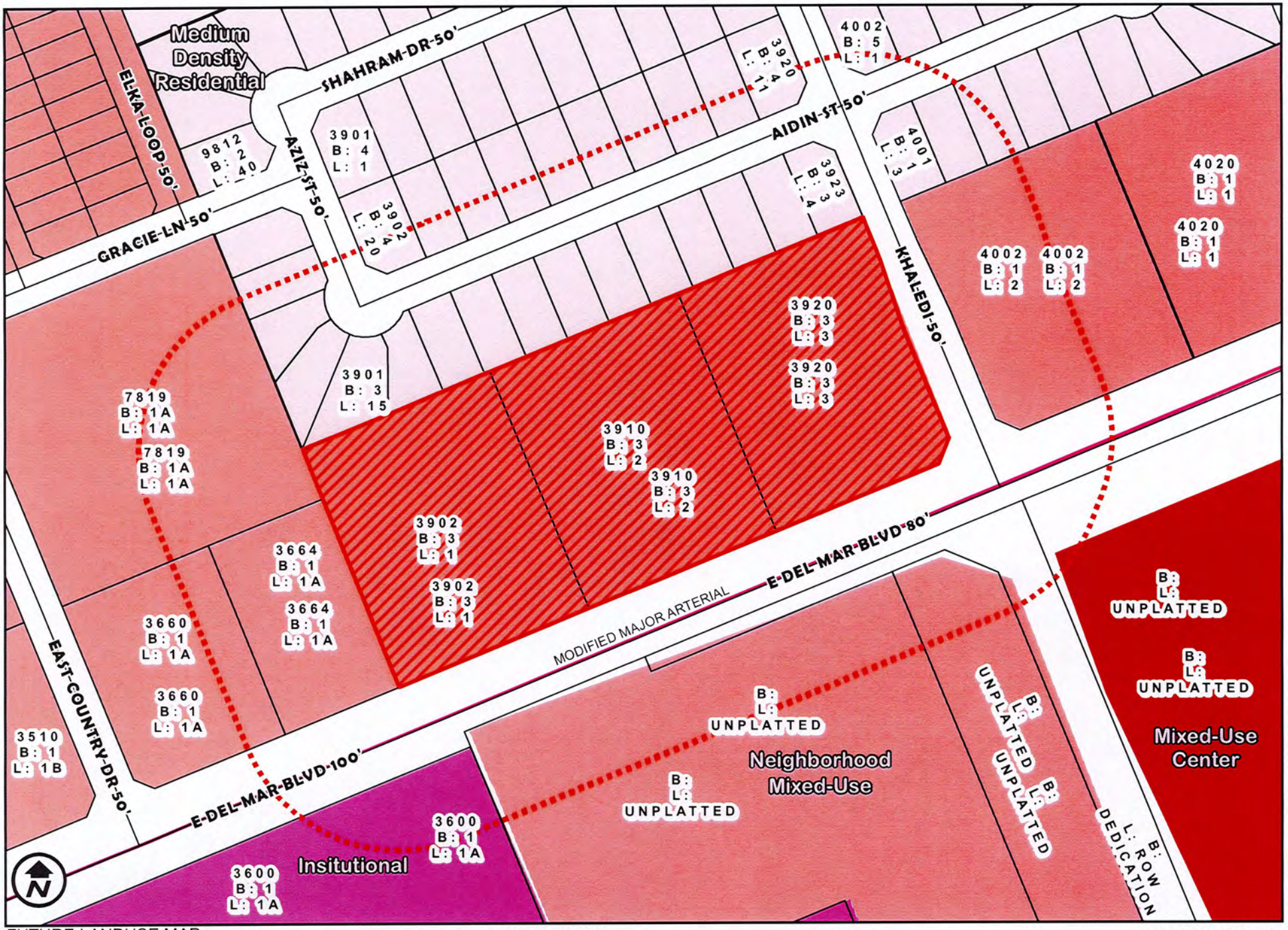
COUNCIL DISTRICT 6

KHALEDI HEIGHTS PLAZA - 3910 E DEL MAR BLVD STE 205-206

APPLICATION FOR

B-3 (COMMUNITY BUSINESS DISTRICT)

S.U.P FOR RESTAURANT SERVING ALCOHOL



FUTURE LANDUSE MAP

1 inch = 150 feet

ZC-44-2022

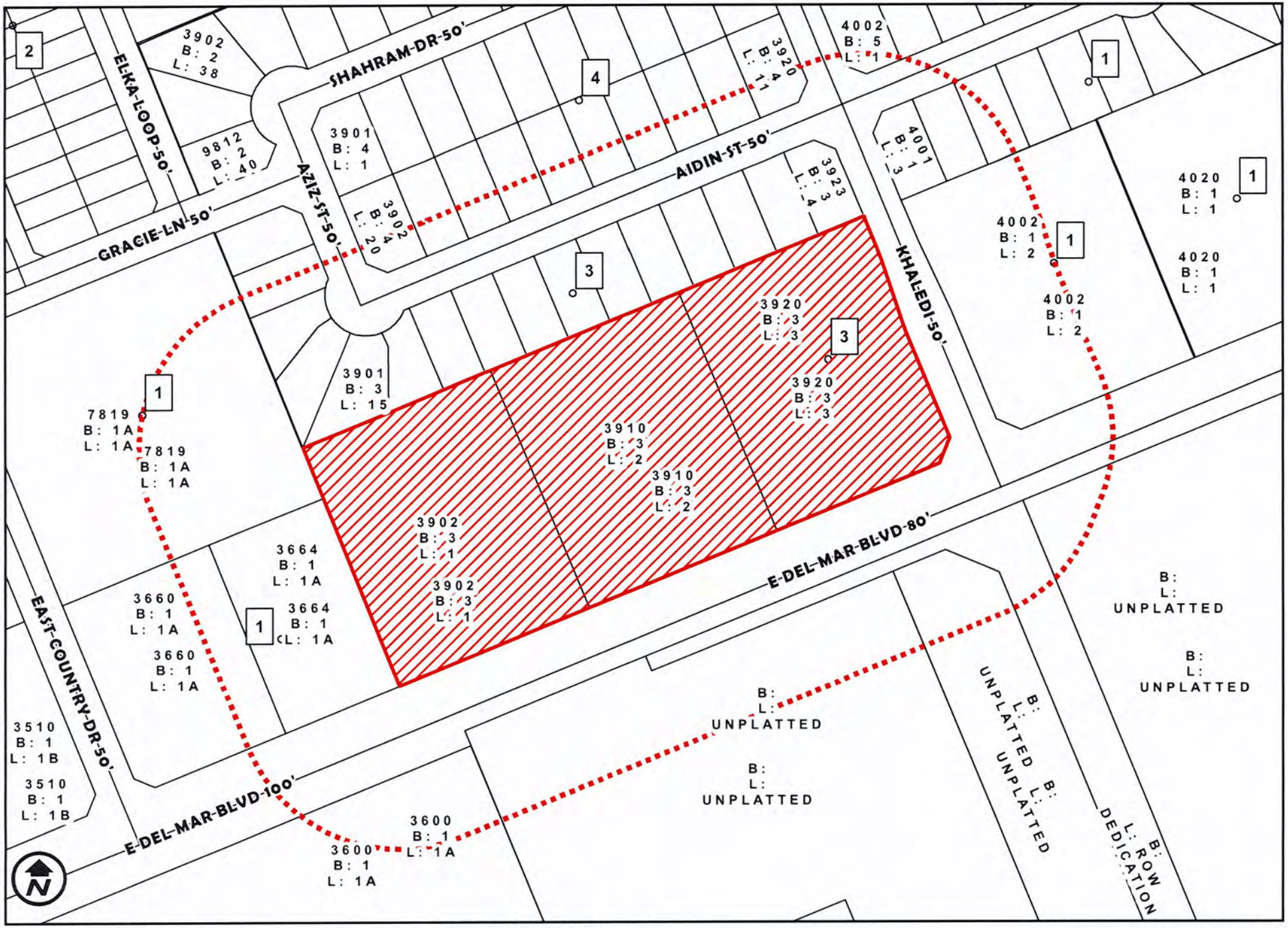
COUNCIL DISTRICT 6

KHALEDI HEIGHTS PLAZA - 3910 E DEL MAR BLVD STE 205-206

APPLICATION FOR

B-3 (COMMUNITY BUSINESS DISTRICT)

S.U.P FOR RESTAURANT SERVING ALCOHOL



200' NOTIFICATION
1 inch = 150 feet

ZC-44-2022
COUNCIL DISTRICT 6
KHALEDI HEIGHTS PLAZA - 3910 E DEL MAR BLVD STE 205-206

APPLICATION FOR
B-3 (COMMUNITY BUSINESS DISTRICT)
S.U.P FOR RESTAURANT SERVING ALCOHOL

City Council-Regular
Meeting Date: 06/06/2022
Initiated By: Riazul Mia, Assistant City Manager
Initiated By: Khaledi Heights Plaza LLC, Owner; ENF Entertainment Inc / Ernesto Trevino, Applicant/Representative
Staff Source: Orlando D. Navarro, Planning Director

SUBJECT
2022-O-084 Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a Special Use Permit for a restaurant serving alcohol on Lots 1 and 2, Block 3 Khaledi Heights Subdivision, Unit 3 and on Lot 3, Block 3, Khaledi Heights Subdivision, Unit 2, located at 3902, 3910, and 3920 East Del Mar Boulevard (respectively), suites 205-206 (4,100 square feet).

ZC-044-2022
District VI

PREVIOUS COUNCIL ACTION
This item was introduced at the City Council meeting of May 16, 2022.

BACKGROUND
Council District: VI - Cm. Dr. Marte A. Martinez

Proposed use: Restaurant serving alcohol, Santa Barra.

Site: The site is occupied by a commercial building, Khaledi Heights Plaza.

Surrounding land uses: To the North of the site is single family reduced area residential use. To the east of the site is Khaledi Boulevard and vacant land. To the south of the site is East Del Mar Boulevard and Alexander High School. To the west of the site is East Country Village Apartments, mini storage and East Country Plaza, which includes Habibi's Snack Shack, Stitch-N-Print Embroidery and Promotional Goods, La Vida Fit Meals, and Sergio Leyva: Allstate Insurance.

Comprehensive Plan: The Future Land Use Map identifies this area as Neighborhood Mixed Use.
https://www.cityoflaredo.com/LaredoPlanning/wp-content/uploads/2021/03/viva-laredo-city-of-laredo-comprehensive-plan.pdf#page=39

Transportation Plan: The Long Range Thoroughfare Plan identifies East Del Mar Boulevard as a Modified Major Arterial and does not identify Khaledi Boulevard.
www.laredompo.org/wp-content/uploads/2021/05/2021-Future-Thoroughfare-Plan_2021.02.11.pdf

Letters sent to surrounding property owners: 43 In Favor: 0 Opposed: 0

COMMITTEE RECOMMENDATION
The Planning & Zoning Commission is a 7 to 0 vote recommended **approval** of the Special Use Permit, and one (1) person abstained from voting for the Special Use Permit.

STAFF RECOMMENDATION

A Special Use Permit is used for those types of uses that warrant individual attention on a case by case basis and should not be categorized in a zoning district. A Special Use Permit is basically an overlay on top of the existing zoning designation and can be limited in many respects such as time, fencing, setbacks, landscaping, etc. A Special Use Permit is required for those restaurants located in R-O, B-1, or B-3 districts that wish to serve alcoholic beverages. The property is in a B-3 (Community Business District) zoning district.

Staff **supports** the proposed Special Use Permit at this location for the following reasons:

1. The proposed use is in conformance with the Comprehensive Plan's Neighborhood Mixed-Use designation, which does allow B-3 zones.
2. The site does meet the minimum distance requirement of 300 feet between the proposed use and the nearest residential district use, park, school, or church as per the Laredo Land Development Code Section 24.65.15. The distance to the nearest residential district use is about 492 feet.
3. Although, the proposed use does not meet the required parking as per the Laredo Land Development Code Section 27.78.3, most existing uses and hours of operations do not overlap, and there are some vacant suites available. The commercial plaza has a total of 289 parking spaces.The total amount of spaces needed for the proposed restaurant and the commercial plaza are 323 parking spaces as per the Laredo Land Development Code Section 27.78.3.
    - Proposed restaurant requires = 50 parking spaces
    - Remaining commercial plaza requires = 273 parking spaces

If approved, Staff suggests the following conditions:

1. The Special Use Permit is issued to Ernesto Trevino.
2. The Special Use Permit is restricted to the site plan, which is made part hereof for all purposes (Suites 205-206, 4,100 square feet).
3. The hours of operation shall be limited to, from Monday to Sunday, 11:00 a.m. to 2:00 a.m.
4. Lighting of property shall be screened to avoid adverse impact on adjacent residential neighborhoods.
5. Landscaping shall be provided in accordance with the City of Laredo Land Development Code. The owner shall provide an opaque fence or wall of not less than 7 (seven) feet in height along any side or rear property lines which abut or adjoin property containing a residential use or residential zoning district. Apartment complexes, residential condominiums or residential townhomes shall be similarly screened irrespective of which zoning district they occur in.
6. Establishments must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
7. Signage shall be consistent with the City's Sign Ordinance and TABC rule or regulation.
8. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
9. Outdoor music and speakers are prohibited. There shall be no ground vibrations created or sustained on the site which are perceptible without instruments at any point on any property adjoining the subject property.
10. At all times the restaurant is open to the public for business, it shall continually maintain and serve food from its full-service menu.
11. The restaurant shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load.
12. The restaurant shall, during all hours of operation, maintain, free from obstruction or impediment to full instant use in the case of fire or other emergency, all exit accesses, exits or exit discharges.
13. The restaurant shall undergo an annual Fire Inspection.

14. All permits, licenses, certifications and inspections required by the codes and ordinances of the City of Laredo shall be kept up to date and current including but not limited to: a. Food Manager License (annual), b. Food Handler's Permit (annual), c. Certificate of Occupancy with Occupant Load. Occupant Load being the approved capacity of a building or portion thereof.
15. Owner shall comply with, Building, Health, Safety, and all applicable codes and regulations as required.
16. The restaurant shall maintain and comply with the BLUE Gun Sign regulations as per TABC (not to exceed the required alcohol sales percentage).
17. The restaurant shall provide the City of Laredo, Planning Department with a copy of the current TABC License to include but not limited to any renewals or amendments as they occur.

Staff **supports** the application.

Is this change contrary to the established land use pattern?
No, the zone will not change. The zone will remain a B-3. Therefore, the land is in conformance with the Comprehensive Plan's Neighborhood Mixed-Use designation, which does allow B-3 zones.

Would this change create an isolated zoning district unrelated to surrounding districts?
No, the zone does not change. The zone will remain a B-3, but if approved, an SUP overlay will be added for the proposed use.

Will change adversely influence living conditions in the neighborhood?
No, there are commercial uses already adjacent to the property. There is no negative impact towards the influence of the living conditions.

Are there substantial reasons why the property cannot be used in accordance with existing zoning?
Yes, the underlying zone requires the SUP overlay to allow for a restaurant serving alcohol.

Fiscal Impact

Fiscal Year:
Bugeted Y/N?:
Source of Funds:
Account #:
Change Order: Exceeds 25% Y/N:
FINANCIAL IMPACT:
N/A

Attachments

Maps
Site Plan
Hours
Narrative
FINAL Ordinance

Legals/Public Notices

Legals/Public Notices

ORDINANCE NO. 2022-6-035

AMENDING THE ZONING ORDINANCE MAP OF THE CITY OF LAREDO BY AMENDING ORDINANCE

AND EFFECTIVE DATE

DATE

L-38

ORDINANCE NO. 2022-6-036

AMENDING THE ZONING ORDINANCE MAP OF THE

L-38

ORDINANCE NO. 2022-6-037

L-38

ORDINANCE NO. 2022-6-038

AMENDING THE ZONING ORDINANCE MAP OF THE CITY OF LAREDO BY RE-ZONING LOT 24, BLOCK 16, ELDORA SUBDIVISION, UNIT 4, LOCATED AT 5216 SOUTH EDDY AVENUE, FROM A-8, LIMITED BUSINESS DISTRICT AND A-8 COMMUNITY UNIT DEVELOPMENT OVERLAY DISTRICT TO C-2, COMMUNITY BUSINESS DISTRICT; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE

L-38

City of Laredo
Planning Division
Public Notice

City of Laredo
Planning Division
Public Notice