

City Council-Regular Meeting

Date: 4/22/2025

Initiated By: Jose A. Valdez Jr., Assistant City Manager/City Secretary
Initiated By: Sosahar Enterprises, LLC, Owner; Valbri Foods Enterprises, LLC, Applicant; and Francisco and Marisela Vallejo, Representative
Staff Source: Vanessa Guerra, Planning Director

SUBJECT

Public Hearing and Introductory Ordinance 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 Lot 1, Block 1, Alexander Commercial Subdivision, Phase XIV, located at 1119 Fenwick Drive, Suite 201 (1552 square feet)

The Planning and Zoning Commission recommended **approval** of the proposed special use permit and staff **does not support** the application.

ZC-023-2025

District V

PREVIOUS COUNCIL ACTION

1. On September 18, 2023 City Council made a motion to approve a special use permit for a restaurant serving alcohol.
 - The Planning and Zoning Commission recommended approval of the special use permit for a restaurant serving alcohol and staff did not support the application
2. On November 16, 2020, City Council made a motion to approve a special use permit for a restaurant serving alcohol.
 - The Planning and Zoning Commission recommended approval of the special use permit for a restaurant serving alcohol and staff supported the application.

BACKGROUND

Council District: V – Ruben Gutierrez, Jr.

Proposed use: The proposed use is for a restaurant serving alcohol at suite 201 (Toastique)

Minimum Zoning Required for Proposed Use without an SUP: B-4 (Highway Commercial District) zoning district.

Current Zoning: The current zoning at this location is a B-3 (Community Business District) zoning district.

Site: The site is currently occupied by a commercial plaza that includes Eye Care of Laredo, Reyes Dental, Laredo Optical, Mulas Restaurant, De La Fuente Insurance, Honey- Beauty Spa, Laredo Medical Center, and Las Barricas Restaurant.

Surrounding land uses: To the north of the site is Fenwick Drive, vacant developed land, and Zacate Lake. To the east of the site is North Bartlett Avenue, single-family residential uses, and vacant undeveloped land. To the south of the site is Villas Laredo (multi-family residential uses), Community Home Care, Inc. and a commercial plaza that includes Remax real estate services, Party Place Wacky World, Motto Mortgage, Guerra Centre, Dream Big Mortgage, Rocks Discount Vitamins N More, and Livis Mexicue restaurant. To the west of the

site is vacant undeveloped land, and vacant developed land.

Comprehensive Plan: The Future Land Use Map recognizes this area as Neighborhood-Mixed Use.

https://www.openlaredo.com/planning/2017_Comprehensive_Plan-Viva_Laredo.pdf#page=39

Transportation Plan: The Long Range Thoroughfare Plan identifies Bartlett Avenue as a Major Collector, but does not identify Fenwick Drive.

www.laredompo.org/wp-content/uploads/2021/05/2021-Future-Thoroughfare-Plan_2021.02.11.pdf

Letters sent to surrounding property owners: 16 In Favor: 0 Opposed: 0

COMMITTEE RECOMMENDATION

The Planning & Zoning Commission in a 5 to 0 vote recommended **approval** of the zone change.

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, and B-3 districts that wish to serve alcoholic beverages. The property is in a B-3 (Community Business District) zoning district.

Staff **does not support** the proposed special use permit for the following reasons:

1. The site does not meet the minimum distance requirement of 300 feet as per the Laredo Land Development Code Section 24.93.7, subsection (1). The measurement is to be made from the front door of the establishment serving alcohol to the nearest property line (by shortest route) to the front door of the church, public school, entrance to the public park, front door of the residential structure or zoning district boundary and in a direct line across intersections wherever they occur and consistent with the measurement methodology as has been adopted by the Texas Alcoholic Beverage Commission.
 - The distance to the nearest residential zoning district is approximately 288 feet.
2. The proposed use does not meet the required parking requirement as per the Laredo Land Development Code Section 24-78.83
 - Total parking required for the commercial plaza including the proposed restaurant = 144 parking spaces
 - Proposed restaurant requires: 19 parking spaces
 - Remaining commercial plaza requires: 125 parking spaces
 - Actual amount identified on the site plan: 93 parking spaces

General Comments:

1. The approval of the special use permit does not guarantee the issuance of the building permit.
2. The use authorized by the special use permit is required to abide by all relevant municipal codes.

If approved, Staff suggests the following conditions:

1. The Special Use Permit is issued to Francisco Vallejo Marisela Vallejo, and may only be transferred upon application to and with the express permission of the City Council.
2. The Special Use Permit is restricted to 1552 square feet located within suite 201, as per Exhibit A, which is made part hereof for all purposes.
3. The hours of operation shall be limited to, from Monday through Sunday 7:00 a.m. to 5:00 p.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.
6. 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 in 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.
7. Establishments must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
8. Signage shall be consistent with the City's Sign Ordinance and TABC rule or regulation.
9. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
10. 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. Any outdoor music shall be at the decibel levels stated in the City of Laredo Code of Ordinances, Article XI, *Noise Nuisances*.
11. At all times the restaurant is open to the public for business, it shall continually maintain and serve food from its full-service menu.
12. The restaurant shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load.
13. 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.
14. The restaurant shall undergo an annual Fire Inspection.
15. 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.
16. Owner shall comply with, Building, Health, Safety, and all applicable codes and regulations as required.
17. The restaurant shall maintain and comply with the BLUE Gun Sign regulations as per TABC (not exceed the required alcohol sales percentage).
18. The restaurant shall provide the City of Laredo, Building Development Services Department with a copy of the current TABC License to include but not limited to any renewals or amendments as they occur.
19. A business entity, which has been granted an SUP, is required to report (on a form approved by the Building Official of designee) any change in the entity's ownership status which occurs by virtue of the transfer of a majority of its stock or a majority of its

membership interest to the City of Laredo Building Services Building Official or designee. Any change in ownership interest shall be deemed a transfer of the business and shall require Council approval of the transfer of the existing SUP.

20. Failure to comply (# 19 condition) above, shall render the existing SUP null, void and of no force or effect.
21. The approval of the special use permit does not guarantee the issuance of the building permit.
22. The use authorized by the special use permit is required to abide by all relevant municipal codes.

Staff **does not support** the application.

IMPACT ANALYSIS

Is this change contrary to the established land use pattern?

No. The zone will not change.

Would this change create an isolated zoning district unrelated to surrounding districts?

No. The zone will not change.

Will change adversely influence living conditions in the neighborhood?

Possibly.

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.

Attachments

Comp Plan Alignment

Maps

Narrative and Tenant List

Site Plan

Zone Change Signage

Draft Ordinance
