#### **ORDINANCE NO. 2015-O-039**

AMENDING ORDINANCE 2006-O-019 OF THE CITY OF LAREDO AUTHORIZING A CONDITIONAL USE PERMIT FOR A KIOSK/FOOD STAND BY ADDING A MEAT MARKET TO THE EXISTING GROCERY STORE ON LOT 12, BLOCK 446, EASTERN DIVISION, LOCATED AT 202 W. SAN CARLOS STREET; PROVIDING FOR EFFECTIVE DATE AND PUBLICATION.

WHEREAS, a request has been received for the issuance of an amendment to a Conditional Use Permit for a kiosk/food stand by adding a meat market to the existing grocery store on Lot 12, Block 446, Eastern Division, located at 202 W. San Carlos Street; 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 February 18, 2015; and,

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

WHEREAS, notice of the zone change 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 March 16, 2015, on the request and finds the Conditional Use Permit appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, all conditions imposed by the Conditional Use Permit, and all pertinent requirements the Laredo Land Development Code shall be met before the activity sanctioned by the Conditional Use Permit may commence; 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 the amendment of a Conditional Use Permit for a kiosk/food stand by adding a meat market to the existing grocery store on Lot 12, Block 446, Eastern Division, located at 202 W. San Carlos Street.

<u>Section 2</u>: The Conditional Use Permit is further restricted to the following provision herewith adopted by the City Council:

- 1. The C.U.P. shall be issued to Deyanira Villarreal and Ralph A. Hase, and is nontransferable.
- 2. The C.U.P. is restricted to the activities describe in letter, Exhibit "A", which is made part hereof for all purposes.

- 3. The C.U.P. is restricted to the site plan, Exhibit "B", which is made part hereof for all purposes.
- 4. Signage is limited to that allowed in an R-3 District.
- 5. A seven (7) foot opaque fence shall be provided abutting residential zones.
- 6. No outdoor sitting area is permitted.
- 7. No outdoor music is permitted.
- 8. No outdoor activities are permitted.

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

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

Section 5: The Conditional 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. Criteria

Any Conditional Use Permit, authorized by City Council, shall be considered in noncompliance and shall be revoked and removed from the City of Laredo Zoning Map, in the event a court of law finds the use in violation of any of the following conditions:

- A. The use established on site does not conform, at any time, with any or all permit condition(s) approved by the City Council and or any local, state, or federal law.
- B. The activity authorized by the Conditional Use Permit commences prior to the institution of all conditions imposed by the Conditional Use Permit.
- C. Discontinuance of the Council approved conditional use for a period of six (6) consecutive months.
- D. The use of which the Conditional Use Permit was authorized does not commence within six months of City Council's final approval date.

#### 2. Procedures

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

- A. A Zoning Officer shall, upon discovery of conditional 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 Conditional 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 Conditional 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 Conditional 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 Conditional 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 TH	E
PASSED BY THE CITY() thy DAY OF	April	, 2015.			

PETE SAENZ MAYOR

ATTEST:

GUSTAVO GUEVARA, JR. CITY SECRETARY

APPROVED AS TO FORM: RAUL CASSO, CITY ATTORNEY

KRISTINA LAUREL HALE ASSISTANT CITY ATTORNEY

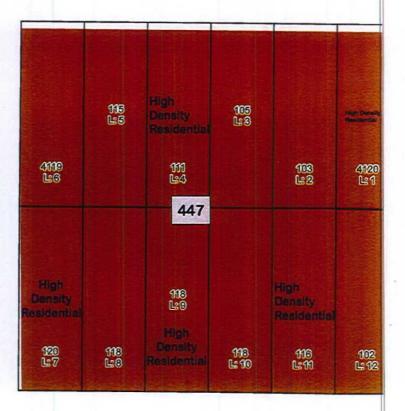
#### W BUSTAMANTE ST 55.56'



VALENCIA AVE 55.56'

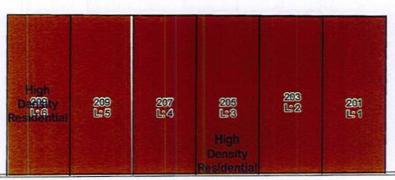
High 217 L:4 203 L:2 Density Residential 219 L:6 217 217 41110 446 High. 203 L:9 220 L:8 2009 L: 10 204 L:11 Density 220 L:7

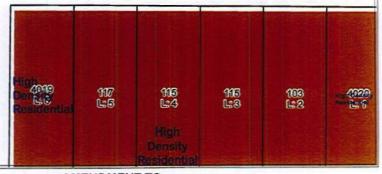
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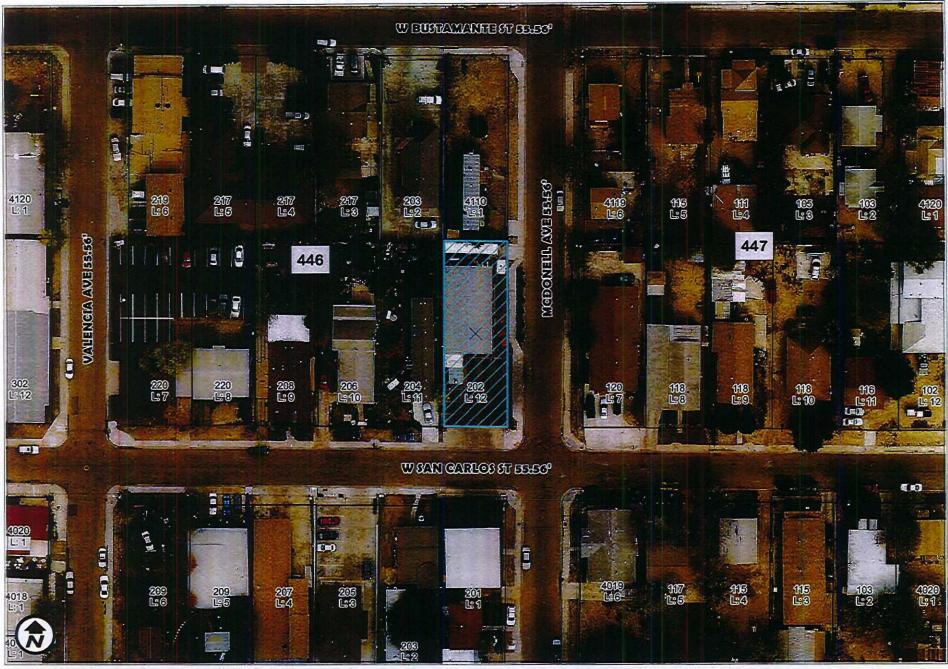
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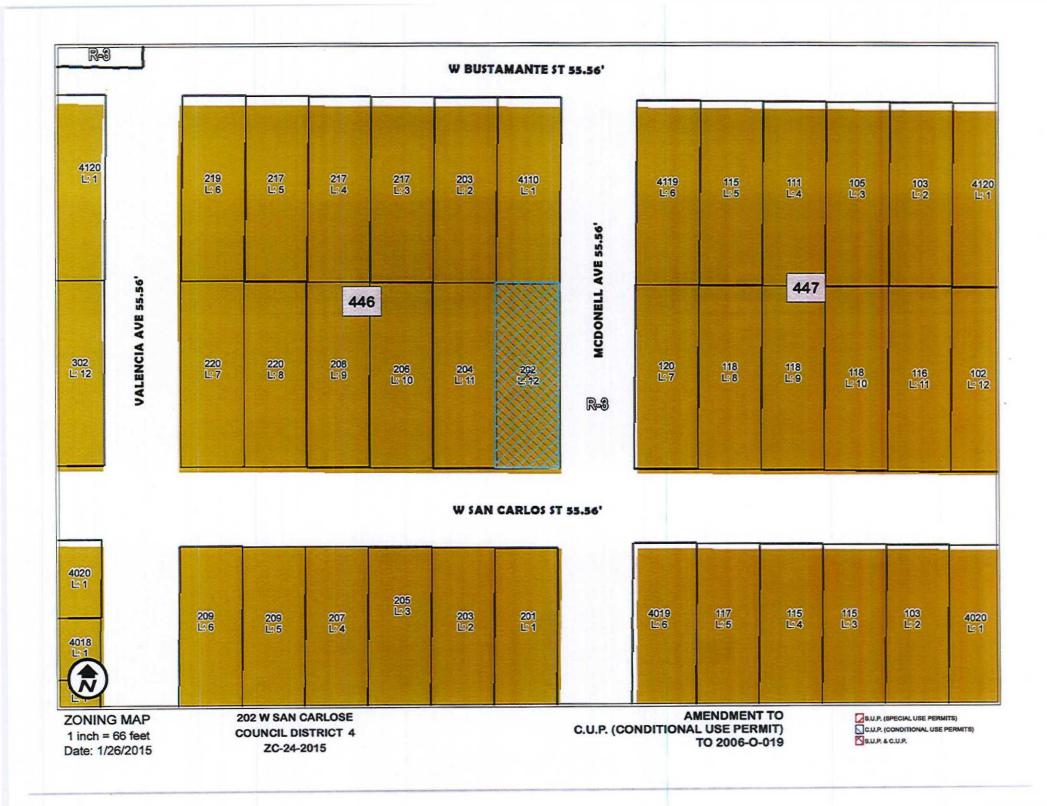
FUTURE LANDUSE MAP 1 inch = 66 feet Date: 1/26/2015 202 W SAN CARLOSE COUNCIL DISTRICT 4 ZC-24-2015 AMENDMENT TO C.U.P. (CONDITIONAL USE PERMIT) TO 2006-O-019



AERIAL MAP 1 inch = 66 feet Date: 1/26/2015

202 W SAN CARLOSE COUNCIL DISTRICT 4 ZC-24-2015

AMENDMENT TO C.U.P. (CONDITIONAL USE PERMIT)
TO 2006-0-019



Attn: Susana Huerta Planning Department

#### La Tiendita Groceries

#### **Description of Business Operation for Meat Market and Kiosk**

#### The Company

La Tiendita Groceries is established as a limited liability company owned by its founder. The store will be managed and directed by Deyanira Villarreal, a business owner with experience in business/sales.

#### Overview

La Tiendita Groceries, is a startup convenience store which will be launching a meat market and kiosk in the coming year. The meat market will sell a wide menu of meats to customers including medium- and low-income residents in the Laredo area. Hours of operation: Monday – Sunday 8:00 am to 10:00 pm. The number of employees will be limited to two-three people. The number of vehicles is estimated to be 2-3 on the property.

#### **Meat Market Products and Service**

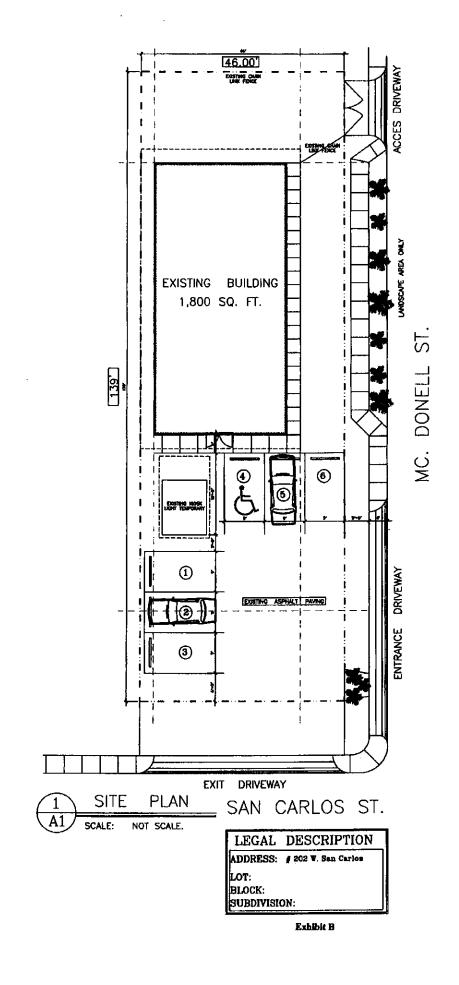
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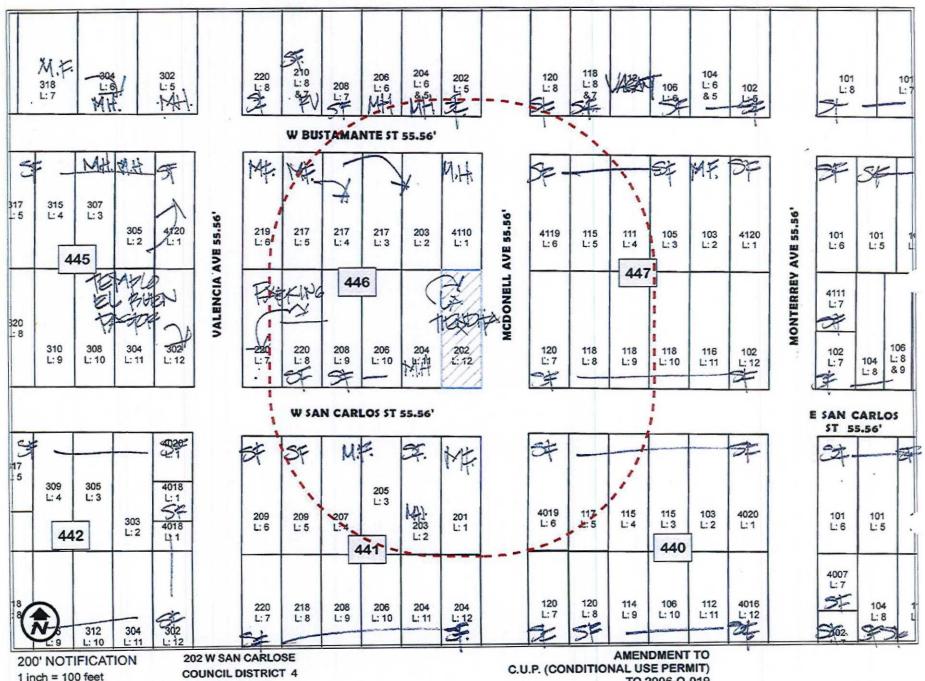
The store will sell a wide range of beef, poultry, and fresh pork. Upon request, the store will sell other specially requested items as well. The products will be purchased from suppliers within a 200 to 300 mile radius of the store to maintain product freshness. Products will be purchased as whole animals and butchered in the store by a trained butcher.

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Exhibit A

Willamal Dayanirà Villamen 01-16-15



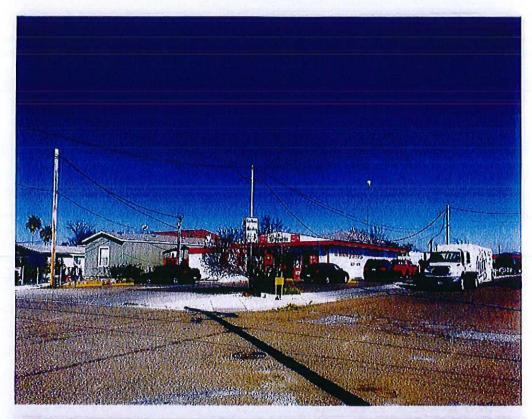


Date: 1/26/2015

ZC-24-2015

TO 2006-O-019

ZC--24-2015 202 W. San Carlos St. Amendment to C.U.P. (Conditional Use Permit)





ZC--24-2015 202 W. San Carlos St. Amendment to C.U.P. (Conditional Use Permit)





ZC--24-2015 202 W. San Carlos St. Amendment to C.U.P. (Conditional Use Permit)



#### ORDINANCE NO. 2015-O-

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	ID APPROVED BY THE MAYOR ON THIS THE
DAY OF	, 2015.
	PETE SAENZ
	MAYOR
ATTEST:	
GUSTAVO GUEVARA, JR. CITY SECRETARY	
APPROVED AS TO FORM:	
RAUL CASSO, CITY ATTORNEY	
KRISTINA LAUREL HALE	
ASSISTANT CITY ATTORNEY	

# Public Hearings (also Intro Ord) 5.

City Council-Regular

Meeting Date: 03/16/2015

Initiated By: Horacio De Leon, Assistant City Manager

Initiated By: Ralph A. and Maria C. Hase, owners; Deyanira Villarreal, applicant

Staff Source: Nathan R. Bratton, Planning Director

#### SUBJECT

**Public hearing and introductory ordinance** amending Ordinance 2006-O-019 of the City of Laredo authorizing a Conditional Use Permit for a kiosk/food stand by adding a meat market to the existing grocery store on Lot 12, Block 446, Eastern Division, located at 202 W. San Carlos Street; providing for publication and effective date.

Staff is in support of the application and the Planning and Zoning Commission recommends approval of the amendment to the Conditional Use Permit. District IV

#### PREVIOUS COUNCIL ACTION

None

#### **BACKGROUND**

Council District: IV - Juan Narvaez

Proposed use: The addition of a meat market to the existing grocery store with

kiosk/food stand

Site: The site is currently La Tiendita Grocery Store.

**Surrounding land uses:** The land north of the site includes single-family residences, manufactured homes, and apartments. To the east of the site are single-family residences. South of the site are apartments, single family residences and manufactured homes. To the west of the site are single family residences, Templo El Buen Pastor, and manufactured homes. To the east of the site are single family residences and manufactured homes.

**Comprehensive Plan:** The Future Land Use Map recognizes this area as High Density Residential.

**Transportation Plan:** The Long Range Thoroughfare Plan does not identify San Carlos Street.

Letters sent to surrounding property owners: 33 In Favor: 2 Opposed: 1

#### STAFF COMMENTS

The Laredo Land Development Code (Section 24.63: Permitted Uses) meat markets in zones A-E, CBD, B-1, B-3, B-4, M-1, M-2 and MXD. This property is currently zoned R-2. The applicant is applying for a Conditional Use Permit. Section 24.94.5(A) (2): Conditional Use Permit Application Submittal Criteria states that "Applications for properties currently zoned, A-G, RS, R-1, R-1A, R-1MH or RSM, may only seek conditional use status for those uses permitted by zones RS, R-1, R-1A, R-1MH, RSM, R-2, R-3, R-O, or B-1, of higher intensity."

# Staff supports the amendment of the existing CUP at this location for the following reasons:

1. The proposed use is compatible with the existing grocery store use.

#### **IMPACT ANALYSIS:**

# Is this CUP contrary to the established land use pattern?

Yes. The established land use pattern is single-family residential in nature.

# Would this CUP create an isolated zoning district use unrelated to surrounding districts?

Yes, the surrounding zoning is R-3.

# Will issuance of a CUP adversely influence living conditions in the neighborhood?

No, the amendment is compatible with the existing grocery store use.

# Are there substantial reasons why the property cannot be used in accord with existing zoning?

Yes, the existing zoning only allows for single-family residential uses.

Staff suggests the following conditions:

- 1. The C.U.P. shall be issued to Deyanira Villarreal and Ralph A. Hase, and is nontransferable.
- 2. The C.U.P. is restricted to the activities describe in letter, Exhibit "A", which is made part hereof for all purposes.
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- 5. A seven (7) foot opaque fence shall be provided abutting residential zones.
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#### COMMITTEE RECOMMENDATION

The P & Z Commission, in a <u>6</u> to <u>0</u> vote, recommended <u>approval</u> of the Conditional Use Permit.

### STAFF RECOMMENDATION

Staff <u>supports</u> the proposed Conditional Use Permit.

**Fiscal Impact** 

Fiscal Year:

**Bugeted Y/N?:** 

**Source of Funds:** 

Account #:

Change Order: Exceeds 25% Y/N:

**FINANCIAL IMPACT:** 

N/A

**Attachments** 

Ordinance

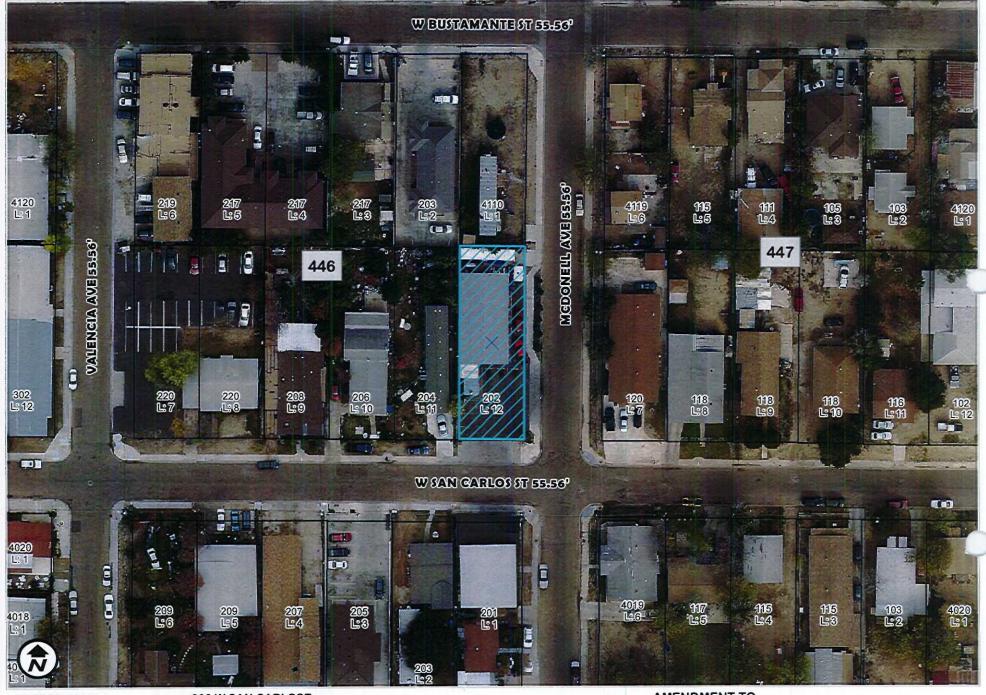
Zoning Map

Aerial Map

Future Land Use Map

Exhibits, survey & pictures





AERIAL MAP 1 inch = 66 feet Date: 1/26/2015 202 W SAN CARLOSE COUNCIL DISTRICT 4 ZC-24-2015 AMENDMENT TO C.U.P. (CONDITIONAL USE PERMIT) TO 2006-O-019

#### W BUSTAMANTE ST 55.56' L:4 L: 2 L:5 L: 3 **MCDONELL AVE 55.56**' L: 1 L:6 L:5 L:3 L:1 L:6 L:4 L: 1 L: 2 VALENCIA AVE 55.56 L:8 L: 9 L: 10 L: 11 L:9 L: 12 L: 7 L:7 L:8 L: 10 L:11 L: 12 W SAN CARLOS ST 55.56' L: 1 High D 209 L; 6 L43 L: 2 L:5 L:4 L:3 L: 2 L:3 L: 5 L:4 L:1 L: 1 **AMENDMENT TO** 202 W SAN CARLOSE **FUTURE LANDUSE MAP** C.U.P. (CONDITIONAL USE PERMIT) **COUNCIL DISTRICT 4** 1 inch = 66 feet TO 2006-O-019 ZC-24-2015 Date: 1/26/2015

AHn: Susana Huerta Planning Department

#### La Tiendita Groceries

# Description of Business Operation for Meat Market and Kiosk

### The Company

La Tiendita Groceries is established as a limited liability company owned by its founder. The store will be managed and directed by Deyanira Villarreal, a business owner with experience in business/sales.

#### Overview

La Tiendita Groceries, is a startup convenience store which will be launching a meat market and kiosk in the coming year. The meat market will sell a wide menu of meats to customers including medium- and low-income residents in the Laredo area. Hours of operation: Monday — Sunday 8:00 am to 10:00 pm. The number of employees will be limited to two-three people. The number of vehicles is estimated to be 2-3 on the property.

#### **Meat Market Products and Service**

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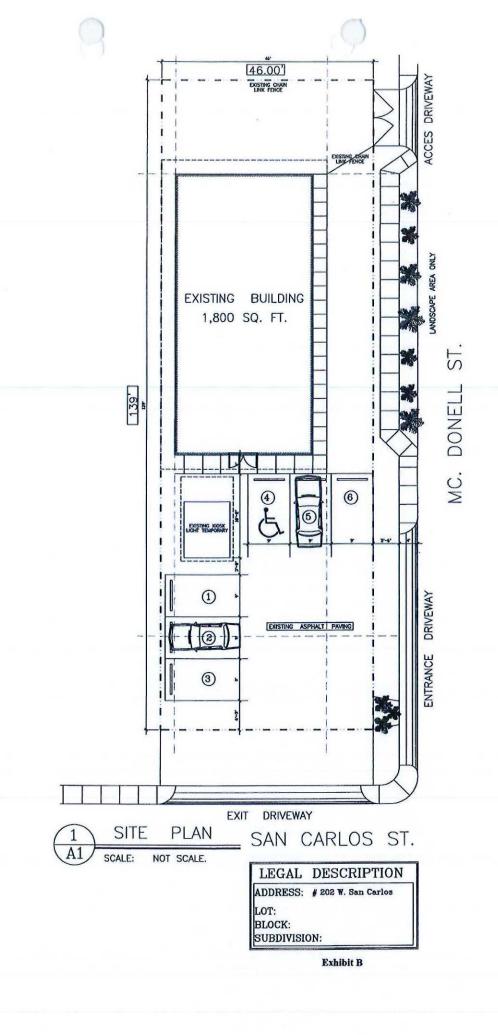
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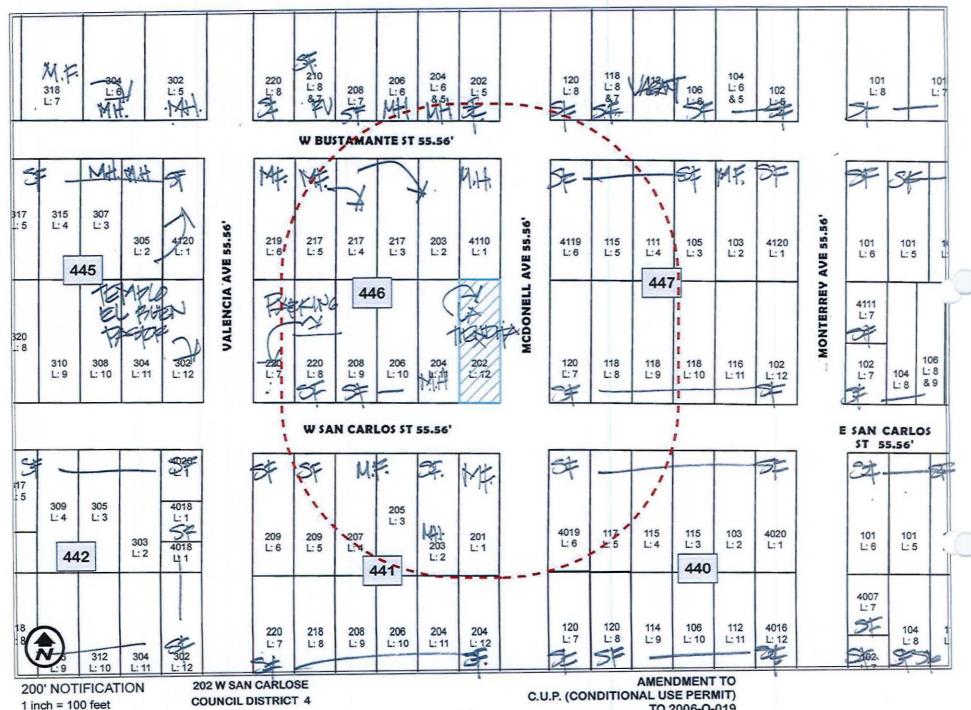
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Exhibit A

Willameal Dayanva Villameal

01-15-15

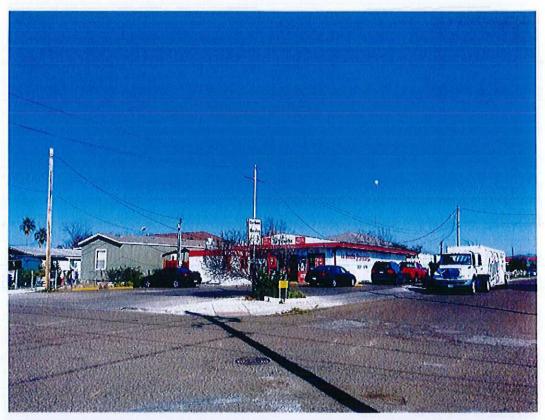




ZC-24-2015 Date: 1/26/2015

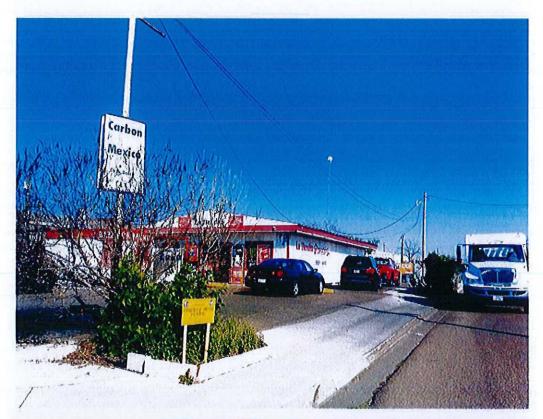
TO 2006-O-019

ZC--24-2015 202 W. San Carlos St. Amendment to C.U.P. (Conditional Use Permit)





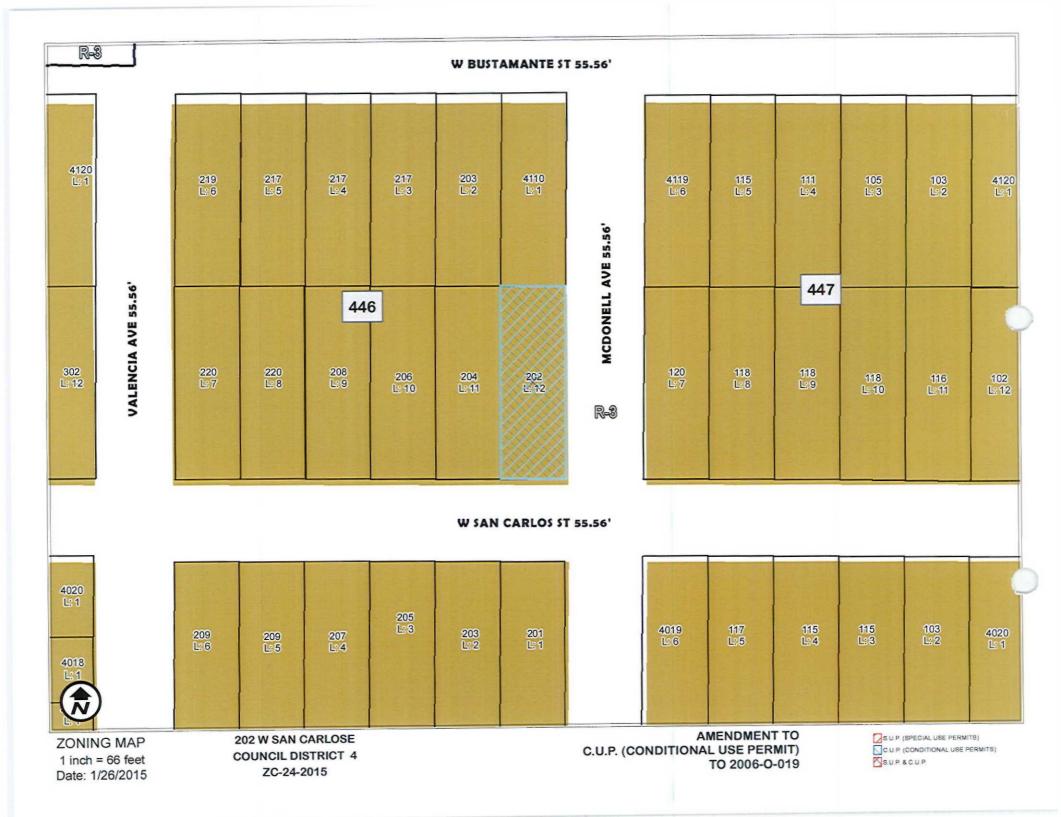
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AERIAL MAP 1 inch = 66 feet Date: 1/26/2015

202 W SAN CARLOSE COUNCIL DISTRICT 4 ZC-24-2015

AMENDMENT TO C.U.P. (CONDITIONAL USE PERMIT) TO 2006-O-019

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High Density Residential 219 L:6	207 L:5	217 L:4	207 L:3	203 L:2 High Density Residential	4110 L:1
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High 115 L:5 105 L: 3 High Densil Residential Density Residential 4119 L:6 111 L:4 103 L: 2 4120 L: 1 447 High High 118 L:9 Density Density Residential Residential High Density 120 L: 7 118 L:8 118 L: 10 116 L:11 102 L: 12 Residential

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MCDONELL AVE 55.56'

tigh Density Residential

4120 L: 1

> High Density Residential

302 L: 12

High De 1998 Residential	209 L:5	207 L:4	205 L:3 High	203 L:2	201 L:1
			Density Residential		

High Den 2019 117 115 115 103 1020, Residential High Density Residential

FUTURE LANDUSE MAP

**VALENCIA AVE 55.56**'

1 inch = 66 feet Date: 1/26/2015 202 W SAN CARLOSE COUNCIL DISTRICT 4 ZC-24-2015 AMENDMENT TO C.U.P. (CONDITIONAL USE PERMIT) TO 2006-0-019 Altn: Susana Huerta Planning Department

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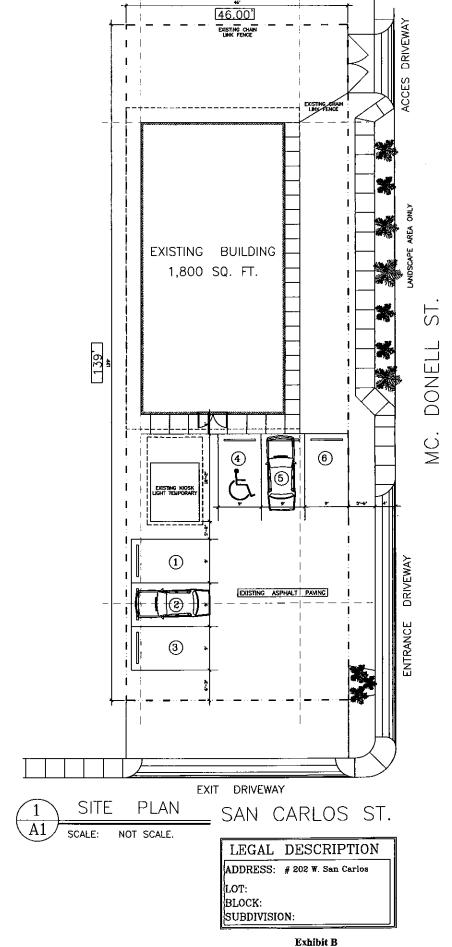
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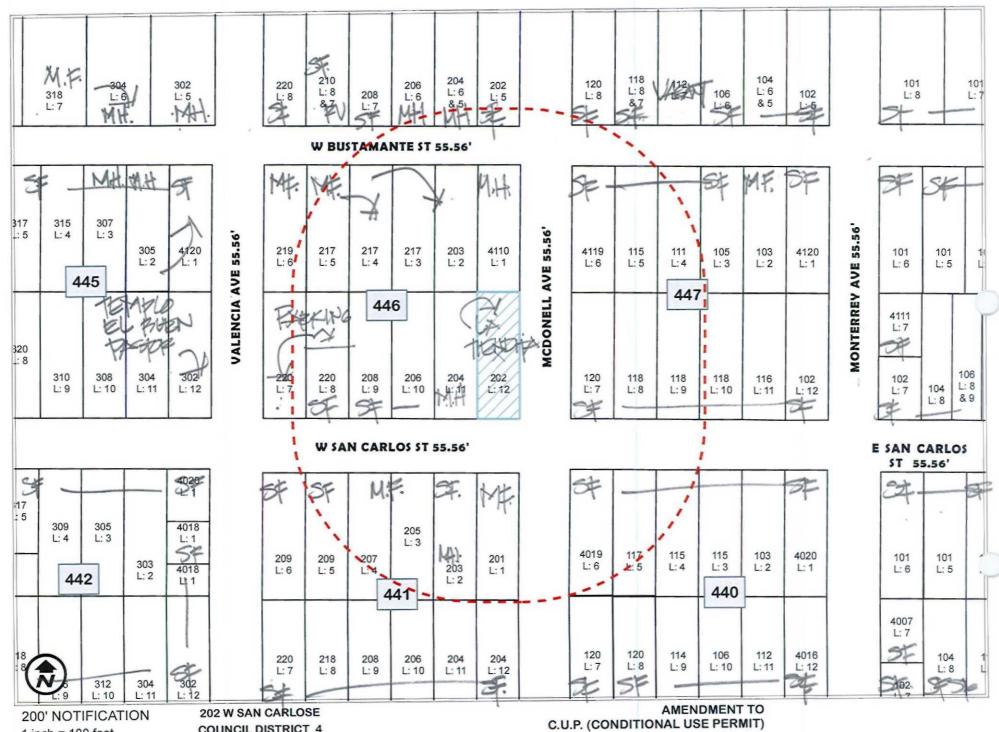
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Willamal
Deyanira Villamen

01-16-15





1 inch = 100 feet Date: 1/26/2015

**COUNCIL DISTRICT 4** ZC-24-2015

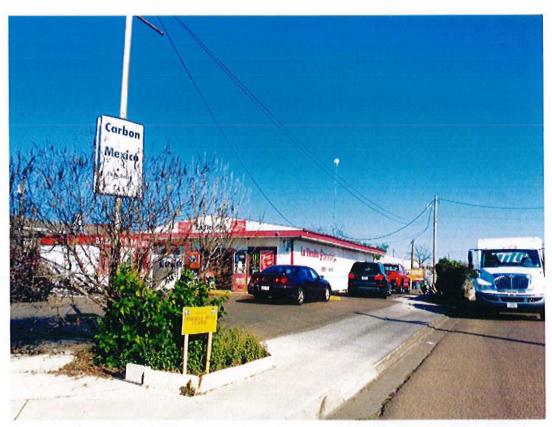
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ZC--24-2015 202 W. San Carlos St. Amendment to C.U.P. (Conditional Use Permit)





ZC--24-2015 202 W. San Carlos St.



#### PLANNING AND ZONING COMMUNICATION

Date:		RECOMMENDATION OF AN ORDINANCE ity of Laredo authorizing a Conditional Use Permit for a
2/18/15 Item VII. E.		to the existing grocery store on Lot 12, Block 446, East-
Initiated b		Staff source:
Ralph A. an	nd Maria C. Hase	Nathan R. Bratton, Planning Director
		Horacio De Leon, Assistant City Manager
Prior actio	on: None	
BACKCR	OUND	

# BACKGROUND

Council District: IV – Juan Narvaez

**Proposed use:** The addition of a meat market to the existing grocery store with kiosk/food stand

Site: The site is currently La Tiendita Grocery Store.

Surrounding land uses: The land north of the site includes single-family residences, manufactured homes, and apartments. To the east of the site are single-family residences. South of the site are apartments, single family residences and manufactured homes. To the west of the site are single family residences, Templo El Buen Pastor, and manufactured homes. To the east of the site are single family residences and manufactured homes.

Comprehensive Plan: The Future Land Use Map recognizes this area as High Density Residential.

Transportation Plan: The Long Range Thoroughfare Plan does not identify San Carlos Street.

Letters sent to surrounding property owners: 33 In Favor: 0 Opposed: 0

#### STAFF COMMENTS

The Laredo Land Development Code (Section 24.63: Permitted Uses) meat markets in zones A-E, CBD, B-1, B-3, B-4, M-1, M-2 and MXD. This property is currently zoned R-2. The applicant is applying for a Conditional Use Permit. Section 24.94.5(A) (2): Conditional Use Permit Application Submittal Criteria states that "Applications for properties currently zoned, A-G, RS, R-1, R-1A, R-1MH or RSM, may only seek conditional use status for those uses permitted by zones RS, R-1, R-1A, R-1MH, RSM, R-2, R-3, R-O, or B-1, of higher intensity."

#### Staff supports the amendment of the existing CUP at this location for the following reasons:

1. The proposed use is compatible with the existing grocery store use.

P&Z COMMISSION RECOMMENDATION:	STAFF RECOMMENDATION:
The P & Z Commission, in a to vote, recommended of	Staff <b>supports</b> the proposed Conditional Use
the Conditional Use Permit.	Permit.

#### PLANNING AND ZONING COMMUNICATION

# STAFF COMMENTS (CONTINUED)

#### **IMPACT ANALYSIS:**

# Is this CUP contrary to the established land use pattern?

Yes. The established land use pattern is single-family residential in nature.

Would this CUP create an isolated zoning district use unrelated to surrounding districts? Yes, the surrounding zoning is R-3.

Will issuance of a CUP adversely influence living conditions in the neighborhood? No, the amendment is compatible with the existing grocery store use.

Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes, the existing zoning only allows for single-family residential uses.

Staff suggests the following conditions:

- 1. The C.U.P. shall be issued to Devanira Villarreal and Ralph A. Hase, and is nontransferable.
- 2. The C.U.P. is restricted to the activities describe in letter, Exhibit "A", which is made part hereof for all purposes.
- 3. The C.U.P. is restricted to the site plan, Exhibit "B", which is made part hereof for all purposes.
- 4. Signage is limited to that allowed in an R-3 District.
- 5. A seven (7) foot opaque fence shall be provided abutting residential zones.
- 6. No outdoor sitting area is permitted.
- 7. No outdoor music is permitted.
- 8. No outdoor activities are permitted.



# CITY OF LAREDO

#### PLANNING DEPARTMENT

February 5, 2015

Dear Property Owner:

The zoning ordinance for the City of Laredo requires that when a Conditional Use Permit is requested for any property, owners within 200 feet of that property be notified and offered the opportunity to express their opinions regarding the request.

A request has been received for an amendment to a Conditional Use Permit, on Lot 12, Block 446, Eastern Division located at the following address 202 W. San Carlos Street.

The existing zoning designation for this property is R-3 (Mixed Residential District) and requires a Conditional Use Permit for a Grocery Store with Kiosk and Meat Market.

A public hearing will be held by the Planning and Zoning Commission on Wednesday, February 18, 2015, at 6 p.m. at City Hall, City Council Chambers, 1110 Houston Avenue, Laredo, Texas. The Commission will give a recommendation to the City Council who will, at a public hearing scheduled at a later date, decide the fate of the application. You are invited to attend this hearing and express your opinions concerning this Conditional Use Permit request.

If you wish to object or support the proposed Conditional Use Permit, it is requested that you sign and detach the form below and send it to the Planning Department Office. Your objection or support will be conveyed to the Planning and Zoning Commission and the City Council.

If you have any questions, please telephone or come by this office and contact Mrs. Susana Huerta-Ramos at 956-794-1602 or by email at sramos1@ci.laredo.tx.us.

	; R-3 to CUP for Gro 02 W. San Carlos St	<u>DETACH HERE</u> <u></u>	
I	Name	ofAddress	
object	/ support	the proposed zone change for the following rea	ison:
<del></del>			
(Telepho	one)	Signature	Date



# CITY OF LAREDO

#### PLANNING DEPARTMENT

5 de Febrero del 2015

Estimado Sr. Propietario:

La ley de Zonificación de la Ciudad de Laredo ordena que, cuando un Permiso de Uso Condicional es solicitado para cualquier propiedad; los dueños de propiedades a una distancia de 200 pies seran notificados y se les ofrece la oportunidad de expresar sus opiniones con respecto al Permiso de Uso Condicional.

Una solicitud ha sido recibido para un Permiso de Uso Condicional en Lote 12, Cuadra 446, Eastern Division, localizado en la siguiente dirección. Calle San Carlos Oeste #202.

La propiedad actualmente tiene el uso de R-3 (Distrito Residencial Mixto) y se solicita el Permiso de Uso Condicional para: tienda de comestibles con quiosco y carniceria.

La Comisión de Zonificación celebrará una audiencia pública el miercoles, 18 de Febrero del 2015, a las 6:00 p.m. en City Hall, City Council Chambers, Avenida Houston #1110, Laredo, Texas. La Comisión de Zonificación hará su recomendación al Concilio de la Ciudad en audiencia pública, que se celebrará en fecha próxima, para tomar una decisión final sobre esto. Queda usted invitado a asistir a esta audiencia y expresar sus opiniones con respecto a esta solicitud de Permiso de Uso Condicional.

Si desea oponerse o respaldar el Permiso de Uso Condicional propuesto, necesitamos que firme la forma adjunta a este aviso y la envie a la Oficina de Planeación. Su objeción o respaldo será entregado a la Comisión de Planeación y Zonificación y al Concilio de la Ciudad.

Si usted tiene preguntas sobre esto, favor de comunicarse con la Sra. Susana Huerta-Ramos al telefono (956)

794-1602, por mensaje electrónico a sramos1@ci.laredo.tx.us o pasar a esta oficina.

-----DESPEGUE AQUI-----ZC-24-2015; R-3 a CUP para tienda de comestibles con quiosco y carniceria; Lote 12, Cuadra 446, Eastern Division, localizado en Calle San Carlos Oeste #202. de

me opongo al	/ respaldo	el cambio de zona propuesto por las siguientes razones	
-			
Telefono		Firma	Fecha

Nombre

Direccion



Date: 1/26/2015

ZC-24-2015

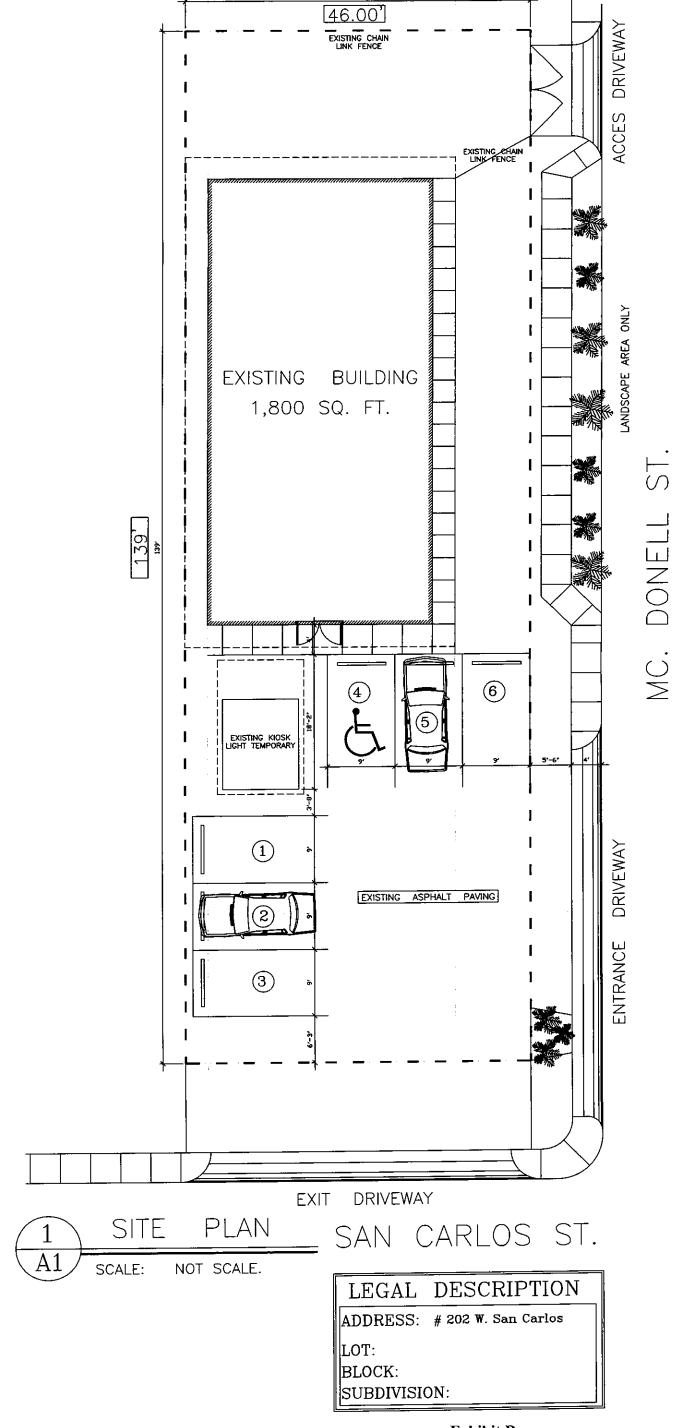
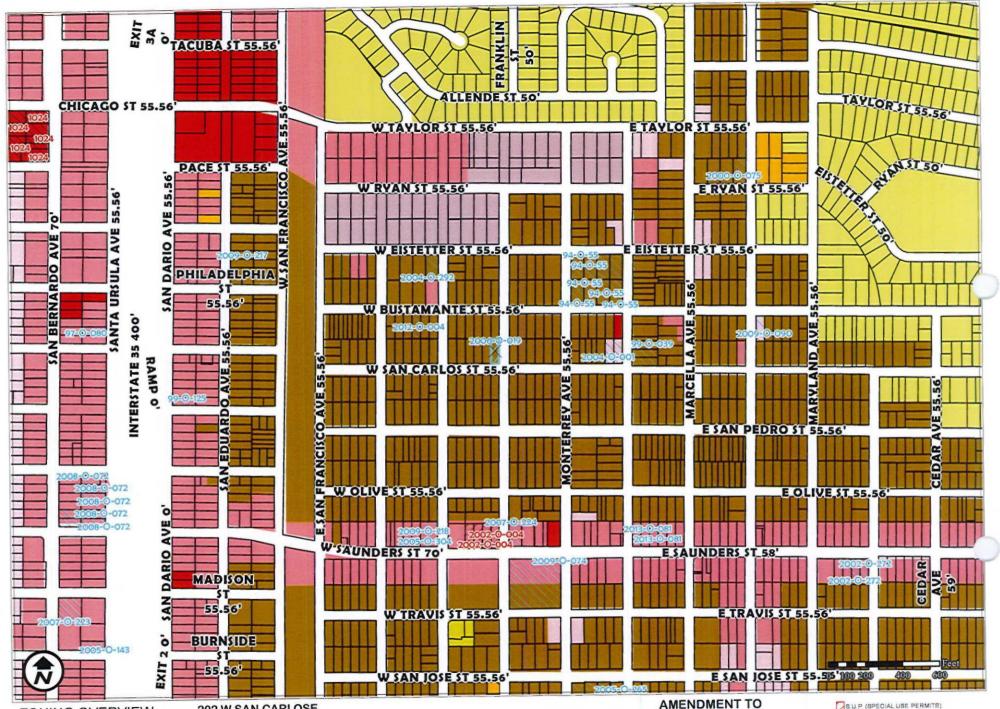


Exhibit B



ZONING OVERVIEW 1 inch = 500 feet

Date: 1/26/2015

202 W SAN CARLOSE COUNCIL DISTRICT 4 ZC-24-2015 AMENDMENT TO C.U.P. (CONDITIONAL USE PERMIT) TO 2006-0-019 SUP (SPECIAL USE PERMITS)
CUP (CONDITIONAL USE PERMITS)
SUP & CUP