

City Council- Regular Meeting

Meeting Date: 05/20/2024

Initiated By: Jose A. Valdez, Jr. Assistant City
Manager/City Secretary

Initiated By: Killam Development, Ltd., Owner;
Gastro Group, LLC, Applicant;
Adib Name, Applicant

Staff Source: Vanessa Guerra, Interim Planning Director

SUBJECT

Public Hearing and Introductory Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a special use permit for a restaurant serving alcohol on Lot 1, Block 1, Winfield Commercial Subdivision, Phase 12 and 13, located at 3402 East Del Mar Boulevard, Suite 100 and 110 and outdoor patio only (4,131 square feet).

The Planning and Zoning Commission recommended **approval** of the proposed special use permit with the amendment of condition number three (3) to change the hours of operation from Sunday to Wednesday, 11:00am to 11:00pm and Thursday to Saturday, 11:00am to 1:00am and the amendment of condition number ten (10) to allow outdoor music pursuant to the City of Laredo Code of Ordinances, Article XI, *Noise Nuisances*. However, staff **does not support** the application.

ZC-037-2024

District VI

PREVIOUS COUNCIL ACTION

- On June 15, 2016, City Council made a motion to approve of a special use permit (Ord. 2016-O-057) for a restaurant serving alcohol (Anise Kitchen & Market Restaurant) located at 3402 Del Mar Boulevard (Suite 220).
 - The Planning and Zoning Commission recommended **approval** of the special use permit and staff **did not support** the application.
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- On June 15, 2016, City Council made a motion to approve of a special use permit (Ord. 2016-O-058) for a restaurant serving alcohol (Trattoria Mia Restaurant) located at 3402 Del Mar Boulevard (Suite 100).
 - The Planning and Zoning Commission recommended **approval** of the special use permit and staff **did not support** the application.
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- On June 15, 2016, City Council made a motion to approve of a special use permit (Ord. 2016-O-059) for a restaurant serving alcohol (Sushi Madre Restaurant) located at 3402 Del Mar Boulevard (Suite 300).
 - The Planning and Zoning Commission recommended **approval** of the special use permit and staff **did not support** the application.
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- On September 3, 2019, City Council made a motion to approve of a special use permit (Ord. 2019-O-147) for a restaurant serving alcohol (La Republica Restaurant) located at 3402 Del Mar Boulevard (Suite 220).
 - The Planning and Zoning Commission recommended **approval** of the special use permit and staff **did not support** the application.

BACKGROUND

Council District: VI - Cm. Dr. David Tyler King

Zoning District: B-3 (Community Business District) zoning district.

Proposed use: Restaurant Serving Alcohol (Noble's Restaurant)

Site: The proposed site is currently occupied by a commercial plaza that includes the following: Pura Labs (Pura Nutrition), Carolinda, UPS Store, Luxury Nails, Manrique Custom Vision, Dollz Boutique, Shop 195, Skintology Spa, La Republica, Dr. Davenport, A&R Orthodontics, and Sushi Madre.

- The proposed site has 2 current special use permits for restaurants serving alcohol.
 - Sushi Madre - Ordinance 2016-O-059
 - La Republica - Ordinance 2019-O-147

Surrounding land uses: To the north of the site is single family residential uses and Persimmon Court. To the east of the site is East Country Drive, Orange Theory, Casa Yoga and vacant undeveloped land. To the south of the site is East Del Mar Boulevard, Alexander High School, and vacant undeveloped land. To the west of the site is Winfield Parkway, vacant undeveloped, and single family residential uses.

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 identifies East Del Mar Boulevard as a Modified Major Arterial and Winfield Parkway as a Major Collector.

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

Letters sent to surrounding property owners: 21 **In Favor:** 0 **Opposed:** 0

COMMITTEE RECOMMENDATION

The Planning and Zoning Commission in a 7 to 0 vote recommended **approval** of the special use permit with the amendment of condition number three (3) to change the hours of operation from Sunday to Wednesday, 11:00am to 11:00pm and Thursday to Saturday, 11:00am to 1:00am and the amendment of condition number ten (10) to allow outdoor music at the decibels stated in the City of Laredo Code of Ordinances, Article XI, *Noise Nuisances*.

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 **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 between the proposed use

and the nearest residential structure or residential zoning district, public park, public school, or church as per the Laredo Land Development Code Section 24.93.7. 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 district use is approximately 196 feet.
 - The distance to the nearest school (Alexander High School) is approximately 240 feet.
2. The proposed use does not meet the required parking requirement as per the Laredo Land Development Code Section 27.78.3.
- Total parking spaces required for the proposed restaurant and commercial plaza = 258 parking spaces
 - Proposed restaurant requires = 50 parking spaces
 - Required remaining commercial plaza = 208 parking spaces
 - Actual amount identified on site plan = 235 parking spaces
 - Therefore, the proposed site would need an additional 23 parking spaces.
3. The primary use is compatible with the comprehensive plan, but does not meet the performance standards under the Laredo Land Development Code. Please refer to comments 1 and 2.

If approved, Staff suggests the following conditions:

1. The Special Use Permit is issued to Adib Name, 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 4,131 square feet located within Suites 100 and 110 and outdoor patio as per the site plan, Exhibit A, which is made part hereof for all purposes.
3. The hours of operation shall be limited to, from Sunday to Thursday, 11:00 a.m. to 10:00 p.m. and Friday to Saturday, 11:00 a.m. to 11:00 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 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. Outdoor music and speakers are prohibited. There shall be no noise, no music, or no ground vibrations created or sustained on the site which are perceptible without instruments at any point on any property adjoining the subject property.
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 to 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 Director of Building Services) 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 Director. 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.

Staff **does not support** the application.

Is this change contrary to the established land use pattern?

No. There are similar uses (restaurants serving alcohol - Sushi Madre and La Republica) on the proposed site.

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

Maps

Narrative

Site Plan

Tenant List

Ordinance 2016-O-057

Ordinance 2016-O-058

Ordinance 2016-O-059

Ordinance 2019-O-147

Zone Change Signage

Draft Ordinance
