

City Council-Regular

Meeting Date: 03/03/2025

Initiated By: Ramon Chavez, Assistant City Manager

Initiated By: M Solis Corp., Owner; Alfonso Rivas,
Applicant/Representative

Staff Source: Vanessa Guerra, Planning Director

SUBJECT

2025-O-42 amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a special use permit for a Tobacco Shop on Lot 1, Block 1, North America Industrial Park, Phase I, located at 102 North America Road, Suite Number 4 (833.35 square feet).

ZC-002-2025

District VII

PREVIOUS COUNCIL ACTION

On February 18, 2025, City Council made a motion to introduce the item.

BACKGROUND

Council District: VII - Cm. Vanessa Perez

Proposed use: The proposed use is a Tobacco Shop.

Site: The site is currently occupied by a newly developed commercial structure.

Minimum Zoning Required for Proposed Use: B-3 (Community Business District) zoning district.

Current Zoning District: M-1 (Light Manufacturing) zoning district.

Surrounding land uses: To the north of the site is Danny Herman Trucking, Flecha Lane, and Laredo Trailer Supply. To the east of the site is Mines Road and vacant land. To the south of the site is North America Road, a new commercial plaza structure, and USDA/APHIS/VS Quarantine Pens. To the west of the site is vacant land.

Comprehensive Plan: The Future Land Use Map recognizes this area as Light Industrial.

[https://www.openlaredo.com/planning/
2017 Comprehensive Plan-Viva Laredo.pdf#page=39](https://www.openlaredo.com/planning/2017%20Comprehensive%20Plan-Viva%20Laredo.pdf#page=39)

Transportation Plan: The Long Range Thoroughfare Plan identifies FM 1472 as an Expressway and does not identify North America Road.

[www.laredompo.org/wp-content/uploads/
2021/05/2021-Future-Thoroughfare-Plan_2021.02.11.pdf](http://www.laredompo.org/wp-content/uploads/2021/05/2021-Future-Thoroughfare-Plan_2021.02.11.pdf)

Letters sent to surrounding property owners: 10 In Favor: 0 Opposed: 0

COMMITTEE RECOMMENDATION

The Planning & Zoning Commission in a 5 to 0 vote recommended approval of 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 tobacco shops located in B-3, B-4, M-1, or M-2.

Staff supports the proposed special use permit for the following reasons:

1. The proposed site is predominately surrounded by industrial warehousing.
2. The proposed use is not anticipated to have a negative impact on the surrounding area or neighborhood as the proposed use is surrounded by industrial areas. The proposed use is also located along an expressway.

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 Alfonso Rivas, and shall be non-transferral.
2. The Special Use Permit is restricted to 833.35 square feet located within Suite 4 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 Monday to Friday, 10:00 a.m. to 11:00 p.m. and Saturday and Sunday, 12:00 p.m. to 10:00 p.m.
4. No person under 18 years of age shall be permitted to enter the establishment or purchase any products from the establishment unless accompanied by an adult parent or guardian.
5. The establishment shall post a sign conspicuously on each public entrance or near each public entrance notifying the public that no person under the age of eighteen years of age may enter the establishment unless accompanied by an adult parent or guardian.
6. Lighting of property shall be screened to avoid adverse impact on adjacent residential neighborhoods.
7. Landscaping shall be provided in accordance with the City of Laredo Land Development Code.
8. 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.

9. Establishments must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
10. Signage shall be consistent with the City's Sign Ordinance for a B-1 Zoning District.
11. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
12. 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.
13. The establishment shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load.
14. The establishment shall undergo an annual Fire Inspection.
15. The establishment 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.
16. 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.
17. Owner shall comply with, Building, Health, Safety, and all applicable codes and regulations as required.
18. Nothing herein, including but not limited to the issuance of a Special Use Permit, is intended to, nor shall it be interpreted as legalizing or applying to the delivery, furnishing, transferring, possessing or manufacture of drug paraphernalia or any use otherwise prohibited by state or federal law, including without limitation, Tex. Health & Safety Code §481.125.
19. Tobacco Shops shall be required to submit, at the request of the City, an audit or allow an audit, of their gross revenue to insure that not more than 45% of the establishments gross revenue is derived from the sale of Drug paraphernalia.
20. A business entity, which has been granted an SUP, is required to report (on a form approved by the Building Official or 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 (occurring by virtue of the transfer of a majority of its stock or a majority of its membership

interest) shall be deemed a transfer of the business and the existing SUP shall be null, void and of no force or effect. In every instance of transfer of ownership a new SUP application is required to be submitted and shall be processed as a new SUP request.

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 **supports** the application.

Is this change contrary to the established land use pattern?

There are no similar uses in the area. However, the area is predominately surrounded by light industrial uses.

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?

No.

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 Tobacco Shop.

Attachments

Maps

Narrative

Site Plan

Zone Change Signage

Final Ordinance
