

City Council-Regular Meeting

Date: 08/05/2024

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

Initiated By: Ceferino N. Garza, Owner

Staff Source: Vanessa Guerra, Interim Planning Director

SUBJECT

2024-O-143 An ordinance amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a Conditional Use Permit for Building Material Sales (Cabinet and Countertop Shop Manufacturing) with Outside Storage (Accessory Use) on Lots 2 and 3, Commerce Plaza Development, Unit 1, located at 1602 and 1702 Commerce Drive.

ZC-035-2024

District V

PREVIOUS COUNCIL ACTION

On July 22, 2024, the City Council made a motion to introduce the item.

BACKGROUND

Council District: VI - Cm. Ruben Gutierrez, Jr.

Proposed use: Building Material Sales (Cabinet and Countertop Shop Manufacturing) with Outside Storage (Accessory Use)

Site: The site is currently occupied by a commercial structure (Larcon Works, LLC.) and a daycare facility (My Kids Learning Center).

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

Citations: The applicant has received 6 citations at this location. The following citations have been issued:

- On February 18, 2022, a citation was issued for "operating a stone/marble/granite manufacturing shop in a commercial zoning B-3 district and is prohibited according to the City of Laredo Land Development Code Book Article Section 24.63.2".
- On February 18, 2022, a citation was issued for "operating a business without a Certificate of Occupancy and that is a violation of the City of Laredo Code of Ordinances Article V, Sec 18-22 and in violation with the ICC Building Code Sec. 111".
- On April 25, 2023, a citation was issued for "operating a stone/marble/granite manufacturing shop in a commercial zoning B-3 district and is prohibited according to the City of Laredo Land Development Code Book Article Section 24.63.2".
- On April 25, 2023, a citation was issued for "operating a business without a Certificate of Occupancy and that is a violation of the City of Laredo Code of Ordinances Article V, Sec 18-22 and in violation with the ICC Building Code Sec. 111".
- On January 14, 2024, a citation was issued for "operating a stone/marble/granite manufacturing shop in a commercial zoning B-3 district and is prohibited according to the City of Laredo Land Development Code Book Article Section 24.63.2".
- On January 14, 2024, a citation was issued for "operating a business without a Certificate of Occupancy and that is a violation of the City of Laredo Code of Ordinances Article V, Sec 18-22 and in violation with the ICC Building Code Sec. 111".

Surrounding land uses: To the north of the site is Commerce Drive, Amor Counseling, and Grand Palace Events. To the east of the site is Kristi-Lin's Academy, Little People's Bright Beginning, and McPherson Road. To the south of the site is single family residential uses and Violeta Court. To the west of the site is single family residential uses, Jacaranda Court, and a commercial structure which includes, Dancers Edge Dance Studio and Astro Vending of Laredo.

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

Transportation Plan: The Long Range Thoroughfare Plan does not identify Commerce Drive.

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

Letters sent to surrounding property owners: 41

In Favor: 0

Opposed: 0

COMMITTEE RECOMMENDATION

The Planning & Zoning Commission in a 6 to 0 vote recommended **approval** of the conditional use permit.

STAFF RECOMMENDATION

A Conditional Use Permit is intended to provide for those land uses where additional regulation is necessary to protect the property and surrounding area. It is primarily intended for property located in older section of the city and is intended to promote development and/or redevelopment of such property which is consistent with the land use patterns of surrounding property.

Staff **does not support** the application as originally submitted for outside stone cutting. However, the applicant has then changed to have the stone cutting inside a wholly enclosed structure and staff **supports** the application.

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

1. The property abuts a large area of R-1 to the south and west of the site.
2. The intensity of the proposed use is out of character with the surrounding neighborhood or area.
3. The proposed use may not be compatible and may have a negative impact on the surrounding uses abutting the proposed site.
 - The cutting of materials outside may pose a noise nuisance to the daycare facilities in the area and the residential areas south and west of the site.
 - The dust created when cutting materials outside may pose as a nuisance to the daycare facilities in the area and the residential areas south and west of the site.

If approved, Staff suggests the following conditions:

1. The hours of operation shall be limited to, Monday to Saturday, 8:00 A.M. to 7:30 P.M.

2. All work activities, cutting of stone and any building materials, pertaining to the business shall be operated in a wholly enclosed building.
3. All parking pertaining to the business shall be provided within the property boundaries, including but not limited to customer parking, employee parking, or business vehicle parking or portion, therefore.
4. Head-in parking shall be prohibited as per the Laredo Land Development Code.
5. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
6. No hazardous materials shall be stored in the facility. Hazardous occupancy and the storage of hazardous materials shall be prohibited on the premises. The determination of a hazardous occupancy or material shall be made by the Fire Chief as per the Laredo Land Development Code, Section 24.74.3(d). Hazardous materials shall be defined as stated in the City of Laredo Code of Ordinances, Sec. 33-20.
7. Lighting of property shall be directed away from any residential uses and towards the property to avoid adverse impact on adjacent residential neighborhoods.
8. Landscaping shall be provided in accordance with the City of Laredo Land Development Code.
9. The owner shall provide a block or cement fence 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.
10. The establishment shall be kept in a sanitary condition.
11. The establishment must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
12. Signage shall be consistent with the City's Sign Ordinance.
13. The proposed use shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load issued to the CUP business holder.
14. The proposed use 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.
15. The proposed use shall undergo an annual Fire Inspection.
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. 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.
19. Outside storage shall be prohibited with the exception of the storage of stone slabs.

Staff **does not support** the application as originally submitted for outside stone cutting. However, the applicant has then changed to have the stone cutting inside a wholly enclosed structure and staff **supports** the application.

Is this change contrary to the established land use pattern?

There are several residential uses in the vicinity, and the proposed use is not compatible with the surrounding neighborhood or area.

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??

The proposed zone change may be anticipated to negatively impact the surrounding neighborhood and area.

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

Yes, the existing zone does not allow for building Material Sales (Cabinet and Countertop Shop Manufacturing) with Outside Storage (Accessory Use) as intended by the applicant.

Attachments

Maps
Narrative
Site Plan
Citations
Zone Change Signage
Final Ordinance
