

City Council-Regular Meeting

Date: 12/02/2024
Initiated By: Jose A. Valdez Jr., Assistant City Manager
Initiated By: Blazac Trinity Investments, LLC; La Parroquia, Applicant; Carlos Valencia, Representative
Staff Source: Vanessa Guerra, Planning Director

SUBJECT

2024-O-263 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 Building 1G, Falcon Centre out of Lot 3, Block 1, Del Mar North Filing Number One, located at 7718 McPherson Road, Suite 106 (2,348 square feet).

ZC-079-2024

District V

PREVIOUS COUNCIL ACTION

On November 18, 2024, the item was introduced at City Council.

BACKGROUND

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

Proposed use: The proposed use is an existing restaurant trying to obtain a special use permit for a restaurant serving alcohol.

Minimum Zoning Required for Proposed Use: B-4 (Highway Commercial District) zoning district.

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

Site: The site is currently occupied by Dunkin Donuts, Anytime Fitness, and La Parroquia (proposed restaurant serving alcohol).

Surrounding land uses: To the north of the site are primarily single-family residential uses, Andrew Circle, Andrew Lane, and Trinity Court. To the east of the site are McPherson Road, H-E-B, H-E-B Fuel, McDonald's, Tremendo Taco, Starbucks Coffee, Crumbl Cookie, Snow Ice Cream & Tea, Mattress Firm, Cricket, GNC, Woof gang Bakery & Grooming, H&R Block, Lira's Restaurant, and other commercial businesses. To the south of the site are Del Mar Boulevard, Valero, Dos Maria Kitchen, Wendy's, Tono's Bar & Grill, The Sweet Pastry Shoppe, Bank of America, Chipotle Mexican Grill, and other commercial businesses. To the west of the site are Eden Lane, United Middle School 6th Grade Campus, and United ISD baseball and football fields.

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 McPherson Road as a Major Arterial.

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

Letters sent to surrounding property owners: 33

In Favor: 0

Opposed: 0

COMMITTEE RECOMMENDATION

The Planning & Zoning Commission in a 7 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, or B-3 districts that wish to serve alcoholic beverages. The property is in a B-3 (Community Business District) zoning district.

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

1. The site meets 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.
 1. The distance to the nearest residential structure is approximately 1,617 feet.
2. The proposed use is in conformance with the comprehensive plan.
3. The proposed use is compatible at the location since there are similar uses within the vicinity, such as Tensai, Border Foundry, and Sal Tilmos.

General Comments:

1. The approval of the zone change does not guarantee the issuance of the building permit, certificate of occupancy, or any other permit which may be required.
2. Any use allowed under the current zone or proposed zone change is required to abide by all relevant municipal codes.

If approved, Staff suggests the following conditions:

1. The Special Use Permit is issued to Carlos Valencia/La Parroquia, 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 2,348 square feet located within Suite 106, as per Exhibit A, which is made part hereof for all purposes.
3. The hours of operation shall be limited to, from Monday to Sunday, from 8:00 a.m. to 3:00 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. 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 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.
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?

No. There are similar uses (restaurants serving alcohol such as Sal Tilmos, Tensai) near 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 as intended by the applicant.

Attachments

Maps

Narrative

Site Plan – Tenant List

Zone Change Signage

Final Ordinance
