

City Council- Regular Meeting

Meeting Date: 06/24/2024

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

Initiated By: SKG KHP, LLC, Owner; Barra 83,
LLC, Renata M. Trevino &
Lebriam, LLC, Representative

Staff Source: Vanessa Guerra, Interim Planning Director

SUBJECT

2024-O-116 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 Lots 1 and 2, Block 3 Khaledi Heights Subdivision, Unit 3 and Lot 3, Block 3, Khaledi Heights Subdivision, Unit 2, located at 3902, 3910, and 3920 East Del Mar Boulevard (respectively), Suites 101, 102, and outdoor patio only (4,758 square feet).

ZC-039-2024
District VI

PREVIOUS COUNCIL ACTION

On June 10, 2024, the item was introduced by City Council.

BACKGROUND

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

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

Proposed use: Restaurant Serving Alcohol

Site: The site is occupied by a commercial building, Khaledi Heights Plaza.

Surrounding land uses: To the north of the site is single family reduced area residential uses. To the east of the site is Khaledi Boulevard and vacant land. To the south of the site is East Del Mar Boulevard and Alexander High School. To the west of the site is East Country Village Apartments, mini storages and East Country Plaza, which includes Habibi's Snack Shack, Stitch-N-Print Embroidery and Promotional Goods, La Vida Fit Meals, and Sergio Leyva: Allstate Insurance.

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_Comprehensive_Plan-Viva_Laredo.pdf#page=39)

Transportation Plan: The Long Range Thoroughfare Plan identifies East Del Mar Boulevard as a Modified Major Arterial and does not identify Khaledi Boulevard.

[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: 59

In Favor: 1 **Opposed:** 0

COMMITTEE RECOMMENDATION

The Planning and Zoning Commission in a 7 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 restaurants located in R-O, B-1, or B-3 districts that wish to serve alcoholic beverages. The property is in a B-1 (Limited 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.
 1. The distance to the nearest residential district is approximately 232 feet.
2. The primary use is compatible with the comprehensive plan, but does not meet the performance standard under the Laredo Land Development Code. Please refer to comment 1.

*Please note: The parking calculations were determined at the time the certificate of occupancy was issued by Building Development Services.

If approved, Staff suggests the following conditions:

1. The Special Use Permit is issued to Renata M. Trevino, 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 4,768 square feet located within Suites 101,102, 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 8:00am to 8:00pm, Tuesday to Thursday 8:00am to 12:00am (midnight), and Friday to Saturday 8:00am to 2:00am.
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.

Staff **does not support** the application.

Is this change contrary to the established land use pattern?

No. There are similar uses (restaurants serving alcohol: Korean BBQ, Laredo Brewing Company, & Santa Barra) 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

Zone Change Signage

Final Ordinance
