

City Council-Regular

Meeting Date: 06/10/2024

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

Initiated By: Ramgon Management, LLC, Owner; Bolillos Cafe, LLC, Applicant; Amanda Montoya, Representative

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, San Isidro/McPherson No. 1 Subdivision, located at 9902 McPherson Road, Suites 14 and 15.

The Planning and Zoning Commission recommended **approval** of the proposed special use permit and staff **supports** the application.

ZC-047-2024

District VI

PREVIOUS COUNCIL ACTION

None.

BACKGROUND

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

Proposed use: Restaurant Serving Alcohol

Site: The site is currently occupied by a commercial plaza.

Zoning District: B-1 (Limited Business District) zoning district.

Surrounding land uses: To the north of the site is United Day School and Rayados Soccer Academy. To the east of the site is McPherson Road and a commercial plaza that includes Geo Mortgage Service, EOG Resources, San Isidro Management, L.C., Nolan Transportation Group, Allied Universal, Sal Engineering Co. Inc., and Slay Architecture. To the south of the site is Sonterra Drive Taco Palenque, Pizza Hut, and multi-family residential uses. To the west of the site is 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 Plan identifies McPherson Road as a Major Arterial and does not identify Sonterra Drive.

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

Letters sent to surrounding property owners: 35 In Favor: 0 Opposed: 0

COMMITTEE RECOMMENDATION

The Planning & 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.

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.
 - The distance to the nearest residential district is approximately 330 feet.
2. The proposed use is compatible with the comprehensive plan, and it is not anticipated to negatively impact the surrounding area.
3. The proposed use is anticipated to complement the surrounding uses within the vicinity of the site. There are similar uses south of the site (Taco Palenque and Pizza Hut).

* Please note, parking alternatives, including shared parking or off-street parking, shall be met by the time the applicant receives the Certificate of Occupancy.

If approved, Staff suggests the following conditions:

1. The Special Use Permit is issued to Magdalena Ramos, 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 3,366 square feet located within Suites 14 and 15 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 Saturday, 7:00am to 10:00pm and Sunday, 8:00am to 3:00pm.
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 a 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 **supports** the application.

Is this change contrary to the established land use pattern?

No. There are similar uses south of the site (Taco Palenque and Pizza Hut).

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?

It is anticipated to complement the existing uses in the area.

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
Measurement Map
Narrative
Site Plan
Tenant List
Zone Change Signage
Draft Ordinance
