

City Council- Regular Meeting

Meeting Date: 02/20/2024

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

Initiated By: Zapata Convent, Ltd., Owner;
Daniel Lopez, Danny's Restaurant
6, Applicant; Roberto Gonzalez,
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 the issuance of a Special Use Permit for a restaurant serving alcohol on Lot 18, Block 12, Lomas del Sur Subdivision, Unit V, located at 3604 South Ejido Avenue (4, 984 square feet).

The Planning and Zoning Commission recommended **approval** of the proposed special use permit and staff **does not support** the application.

ZC-019-2024

District II

PREVIOUS COUNCIL ACTION

None.

BACKGROUND

Council District: II - Cm. Ricardo Richie Rangel, Jr.

Existing Zone: B-1 (Limited Business District)

Proposed use: Restaurant Serving Alcohol (Danny's Restaurant)

Site: The site is currently vacant undeveloped land.

Surrounding land uses: To the north of the site is Lomas del Sur Boulevard, vacant undeveloped land, and single family residential uses. To the east of the site is South Ejido Avenue, single-family residential uses, and Variety Meats Market. To the south of the site is the proposed Cigarroa Middle School, and single-family residential uses. To the west of the site is the proposed Cigarroa Middle School and 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 identifies South Ejido Avenue as a Minor Arterial.
www.laredompo.org/wp-content/uploads/2021/05/2021-Future-Thoroughfare-Plan_2021.02.11.pdf

Letters sent to surrounding property owners: 12

In Favor: 0 **Opposed:** 0

COMMITTEE RECOMMENDATION

The Planning and Zoning Commission in a 7 to 1 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 district use, park, school, or church as per the Laredo Land Development Code Section 24.65.15.
 - The distance to the nearest residential district use is approximately 136 feet.
 - The distance to the nearest park, school, or church is approximately 565 feet (proposed Cigarroa Middle School).
2. The proposed use does not meet the required parking requirement as per the Laredo Land Development Code Section 27.78.3.
 - Total parking spaces required for the proposed restaurant and commercial plaza = 83 parking spaces.
 - Proposed restaurant requires = 60 parking spaces
 - Required remaining commercial plaza = 23 parking spaces
 - Actual amount identified on site plan = 73 parking spaces
 - Therefore, the proposed use would need an additional 10 parking spaces.
3. The primary use is compatible with the comprehensive plan, but does not meet the performance standards under the Laredo Land Development Code. Please refer to comments 1 and 2.

If approved, Staff suggests the following conditions:

1. The Special Use Permit is issued to Danny's Dinning, Inc., 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 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 Sunday, 7:00 a.m. to 11:00 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. Outdoor music and speakers are prohibited. There shall be no noise, no music, or no ground

vibrations created or sustained on the site which are perceptible without instruments at any point on any property adjoining the subject property.

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, Planning 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, the zone will not change.

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

Signage

Draft

Ord.
