

City Council-Regular Meeting

Date: 12/01/2025

Initiated By: Ramon Chavez, Assistant City Manager

Initiated By: P&F Properties, LLC, Owner; Geronimo Trevino Jr.,
Applicant/Representative

Staff Source: Vanessa Guerra, MPA, AICP, Planning Director

SUBJECT

2025-O-234 Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a special use permit for a Smoking Establishment (Cigar Lounge with On-Premise Alcohol Consumption) on Lot 3B, Block 1, Laredo Arena Subdivision, Unit 4, located at 2411 Jacaman Road, suite 400 (approximately 1,469 square feet).

ZC-076-2025

District V

PREVIOUS COUNCIL ACTION

On November 17, 2025, City Council made a motion to introduce the item.

BACKGROUND

Council District: V – Cm. Ruben Gutierrez

Proposed use: The proposed use is for a Smoking Establishment (Cigar Lounge with On-Premise Alcohol Consumption).

*****City of Laredo Land Development Code***:**

Definitions:

- Smoking establishment - shall mean an establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances and includes any establishment that allows both: (1) the payment of consideration by a customer to the establishment in exchange for on-site delivery of tobacco, tobacco accessories or similar legal substances and products to the customer; and (2) the on-site smoking of tobacco or other substances. These establishments are required to have isolated HVAC systems to remove smoke and odors. This definition shall be construed to include establishments known variously as, cigar lounges, hookah cafes, tobacco clubs, tobacco bars, and similar establishments, but shall not include an establishment that derives fifty (50) percent or more of its gross revenue on a quarterly basis (i.e., three (3) months) from the sale of alcoholic beverages for on-premise consumption or food sales.

- Tobacco Shop - shall mean an establishment whose main purpose is the sale of tobacco products (i.e. cigars, cigarettes, chewing and dipping tobacco, e-cigarettes, e-cigarette related products, and related tobacco smoking accessories) and in which the sale of other products is merely incidental and does not account for more than forty-five percent (45%) of the establishment's gross revenue. (Added Ord. No. 2014-O-153, 11/17/14)

- Drug and Tobacco Paraphernalia Shop (a/k/a Head Shop) - shall mean any premises or establishment having a substantial or significant portion of its stock in trade in drug paraphernalia or which has as its main purpose the offering for sale, or that presents or, displays for sale, drug paraphernalia, or items, equipment or products commonly used,

intended to be used or commonly known to be used for the ingestion, inhalation, preparation or injection of illegal substances. (Added Ord. No. 2014-O-153, 11/17/14)

- Bar - shall mean an establishment whose primary business is the serving of alcoholic beverages for public consumption on the premises whether or not entertainment, dancing, or food items are also provided. For purposes of this definition, "primary business" means the establishment derives in excess of fifty percent (50%) of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code (as amended), for on-premise consumption. This definition does not include bona fide restaurants, hotels, motels, or sports related facilities such as golf courses, bowling alleys or sports arenas, or the serving of alcoholic beverages at publicly or privately sponsored events such as weddings, public celebrations, quinceaneras or the like." (Amended 2/4/13, Ord. No. 2013-O-005)

*****City of Laredo Code of Ordinances***:**

Chapter 15 – Health and Sanitation, Article VI - prohibits smoking in public places such as restaurants, bars, and places of employment (Ord. 2004-O-332). Only limited exceptions apply, such as tobacco specialty retail stores with isolated HVAC systems, outdoor areas set back from entrances, and private residences/clubs.

Definitions:

Bar - means any area devoted to the serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is only incidental to the serving of alcoholic beverages. Although a restaurant may contain a bar, the term "bar" shall not include the dining area

*****Texas Local Government Code – 211***:**

Sec. 211.013. CONFLICT WITH OTHER LAWS; EXCEPTIONS. (a) If a zoning regulation adopted under this subchapter requires a greater width or size of a yard, court, or other open space, requires a lower building height or fewer number of stories for a building, requires a greater percentage of lot to be left unoccupied, or otherwise imposes higher standards than those required under another statute or local ordinance or regulation, the regulation adopted under this subchapter controls. If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls.

Current Zoning District: B-4 zoning (Highway Commercial District)

Site: The site is currently occupied by a commercial plaza, which includes a restaurant and vacant suites.

Surrounding land uses: To the north of the site is Jacaman Road, commercial plazas and businesses, undeveloped land, and residential uses. To the east of the site is a commercial plaza, which includes, Fantasy Nail Bar, Republic Finance, BurgerIM, V&V Roofing, Endo Laredo Dispensary, Beltone, and AB Activewear Collection. To the south of the site is Eduardo's BBQ Steak and Mexican Grill, Military Wings, Hal's Restaurant Bar, FitClub Laredo, and TumbleQueen. To the west of the site is a commercial parking lot, a vacant commercial structure (previously a movie theater), and Sinatra Parkway.

Comprehensive Plan: The Future Land Use Map recognizes this area as Mixed-Use Center. <https://www.cityoflaredo.com/LaredoPlanning/wp-content/uploads/>

Transportation Plan: The Long-Range Thoroughfare Plan identifies Jacaman Road as a Major Collector.

<https://www.cityoflaredo.com/home/showpublisheddocument/17680/638703100333370000>

Letters sent to surrounding property owners: 12 In Favor: 0 Opposed: 0

COMMITTEE RECOMMENDATION

The Planning & Zoning Commission in a 5 to 0 vote recommended approval of the special use permit for a Smoking Establishment (Cigar Lounge ONLY - NO ON PREMISE ALCOHOL CONSUMPTION).

The Commission also recommended approval of the applicant's request to amend Conditions Number 3, 4, and 5 as follows:

- Condition Number 3: Amend the hours of operation to extend Thursday hours from 9:00 a.m. to 11:00 p.m.
- Condition Number 4: Amend the minimum age requirement for patrons from 18 years old to 21 years old.
- Condition Number 5: Amend the minimum age requirement for patrons from 18 years old to 21 years old.

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.

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

1. The site does not meet the minimum distance requirement of 800 feet as per the Laredo Land Development Code Section 24.93.6, subsection (5). The measurement shall be made in a straight line, without regard to intervening structure or objects, from the nearest portion of the building or structure used to house the establishment to the nearest property line of the premises of a church or public or private elementary, middle or high school, a day care licensed by the state, a college or a university, public playgrounds, parks, or stadiums.

- The building or structure that houses the establishment is approximately 466 feet from the nearest residential zoning district.

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 smoking establishment and commercial structure = 60 parking spaces

- Proposed smoking establishment requires = 7 parking spaces

- Required remaining commercial structure = 53 parking spaces

- Actual amount identified on site plan = 57 parking spaces

- Therefore, the proposed site would need an additional 3 parking spaces.

3. Furthermore, smoking establishments with alcohol sales, alcohol serving, and on-premise alcohol consumption is prohibited, as per the City of Laredo Code of Ordinances, Chapter 15, Article VI.

Notice to the owner/applicant:

1. The approval of the special use permit does not guarantee the issuance of a building permit and requires full compliance with all applicable municipal codes and regulations.

If approved, Staff suggest the following conditions (smoking establishments with alcohol sales, alcohol serving, and on-premise alcohol consumption is prohibited):

1. The Special Use Permit is issued to Geronimo Trevino Jr, and shall be non-transferal.

2. The Special Use Permit is restricted to 1,469 square feet located within Suite 400 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 ~~Thursday~~ Wednesday, 9:00am to 9:00pm, Thursday ~~Friday~~ to Saturday, 9:00am to 11:00pm, and Sunday, 12:00pm to 8:00pm.

4. No person under 21 ~~48~~ years of age shall be permitted to enter the establishment or purchase any products from the establishment unless accompanied by an adult parent or guardian.

5. The establishment shall post a sign conspicuously on each public entrance or near each public entrance notifying the public that no person under the age of ~~eighteen~~ twenty-one years of age may enter the establishment unless accompanied by an adult parent or guardian.

6. Lighting of property shall be screened to avoid adverse impact on adjacent residential neighborhoods.

7. Landscaping shall be provided in accordance with the City of Laredo Land Development Code.

8. 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.

9. Establishments must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.

10. Signage shall be consistent with the City's Sign Ordinance for a B-1 Zoning District.

11. Off-street parking shall be provided in accordance with the City of Laredo Land

Development Code.

12. 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.

13. The establishment shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load.

14. The establishment shall undergo an annual Fire Inspection.

15. The establishment 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.

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. Nothing herein, including but not limited to the issuance of a Special Use Permit, is intended to, nor shall it be interpreted as legalizing or applying to the delivery, furnishing, transferring, possessing or manufacture of drug paraphernalia or any use otherwise prohibited by state or federal law, including without limitation, Texas Health & Safety Code §481.125.

19. Establishment shall have an isolated HVAC systems to remove smoke and odors.

20. Smoking establishments with alcohol sales, alcohol serving, and on-premise alcohol consumption is prohibited, as per the City of Laredo Code of Ordinances, Chapter 15, Article VI.

21. A business entity, which has been granted a special use permit, is required to report (on a form approved by the Building Official or designee) 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 Building Official or designee. Any change in ownership interest (occurring by virtue of the transfer of a majority of its stock or a majority of its membership interest) shall be deemed a transfer of the business and the existing special use permit shall be null, void and of no force or effect. In every instance of transfer of ownership a new special use permit application is required to be submitted and shall be processed as a new special use permit request.

22. Any use allowed under the current zone or proposed special use permit is required to abide by all applicable municipal codes.

IMPACT ANALYSIS

Is this change contrary to the established land use pattern?

The surrounding area does not contain any comparable or related uses.

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 neighborhoods?

The proposed change is not anticipated to adversely influence living conditions in the surrounding neighborhoods.

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

Yes. The underlying zone requires the special use permit overlay to allow for a smoking establishment.

Attachments

Maps

Distance Map

Site Plan

Narrative

Set of Plans

Signage

Final Ordinance
