

City Council-Regular Meeting

Date: 02/18/2025

Initiated By: Ramon Chavez, Assistant City Manager

Initiated By: Juan Elias Garcia and Wilda M. Garcia, Owners, Graciela Ojeda, Representative

Staff Source: Vanessa Guerra, Planning Director

SUBJECT

Public Hearing and Introductory Ordinance amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a Conditional Use Permit for an Auto Body Repair (Paint and Body Shop) on Lot 7 and Lot 8, Block 2084, Eastern Division, located at 1802 and 1804 Milk Street.

The Planning and Zoning Commission recommended **approval** of the proposed conditional use permit with the addition to include a condition of an expiration date of 3 years. However, staff **did not support** the application.

ZC-001-2025

District II

PREVIOUS COUNCIL ACTION

On November 6, 2023, City Council tabled the conditional use permit due to the denial of the zone change.

BACKGROUND

On November 6, 2023, City Council tabled the conditional use permit due to the denial of the zone change. The Planning and Zoning Commission recommended denial of the proposed conditional use permit and staff did not support the application.

Council District: II - Cm. Ricardo Rangel

Proposed use: The proposed use is an auto body repair (paint and body shop).

Current Zoning District: R-3 (Mixed Residential District) zoning district. However, the applicant is in the process of applying for a B-1 zoning district.

Site: The site is currently occupied by an auto body repair (paint and body shop).

Citations:

- On August 13, 2024, the applicant was issued 3 citations from zoning enforcement. The citations include the following:
 1. Using lots as a vehicle holding yard in a residential zone
 2. Operating an auto repair/auto body shop/auto paint in a residential zone
 3. Using public property for commercial gain by storing/displaying vehicles on property owned by the City of Laredo
- On May 6, 2024, the applicant was issued a citation from zoning enforcement. The citation includes the following:
 1. Operating an auto repair/auto body shop/auto paint in a residential zone

- On January 25, 2024, the applicant was issued a citation from zoning enforcement. The citation includes the following:
 1. Operating an auto repair/auto body shop/auto paint in a residential zone
- On June 1, 2022, the applicant was issued a citation from the Department of Environmental. The citation includes the following:
 1. Filling within the floodplain without approval
 - No person shall fill any land within the one-hundred-year floodplain without obtaining written consent from the City of Laredo floodplain administrator for compliance. (Chapter 33, Article III, Section 33-43.3)
- On April 28, 2022, the applicant was issued 2 citations from zoning enforcement. The citations include the following:
 1. Using lots as a vehicle holding yard in a residential zone
 2. Operating an auto repair/auto body shop/auto paint in a residential zone

Surrounding land uses: To the north of the site is mixed residential uses, an A/C Service business, and Gates Street. To the east of the site is mixed residential uses, vacant undeveloped land, and Chacon Creek. To the south of the site is Milk Street and vacant undeveloped land. To the west of the site is South Tapeyste Avenue and mixed residential uses.

Comprehensive Plan: The Future Land Use Map recognizes this area as High Density Residential.

<https://www.cityoflaredo.com/LaredoPlanning/wp-content/uploads/2021/03/viva-laredo-city-of-laredo-comprehensive-plan.pdf#page=39>

Transportation Plan: The Long Range Thoroughfare Plan does not identify Milk Street and South Tapeyste Avenue.

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

Letters sent to surrounding property owners: 21

Inside 200' Radius: In Favor: 0 Opposed: 0

Outside 200' Radius: In Favor: 0 Opposed: 0

COMMITTEE RECOMMENDATION

The Planning and Zoning Commission recommended **approval** of the proposed conditional use permit with the addition to include a condition of an expiration date of 3 years.

STAFF RECOMMENDATION

A Conditional Use Permit is intended to provide for those land uses where additional regulation is necessary to protect the property and surrounding area. It is primarily intended for property located in older section of the city and is intended to promote development and/or redevelopment of such property, which is consistent with the land use patterns of surrounding property. The property is zoned R-3.

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

1. The proposed use is not in conformance with the Comprehensive Plan's designation as High Density Residential, which includes mixed residential uses only.

2. The proposed use is not compatible with the residential uses in the surrounding area or neighborhood.
3. The intensity of the proposed use is out of character with the surrounding neighborhood or area.
4. The proposed use may have a negative impact on the surrounding area or neighborhood abutting the proposed site.
 - The proposed use of an auto body shop (paint and body shop) may create fumes, dust, noise, and traffic. This may pose as a nuisance to the surrounding area and neighborhood.
5. The proposed use may pose consequences if flooding were to occur. (Refer to attached FEMA map identifying the proposed site in the floodplain).

Additional Comments:

1. The applicant has been advised they are not allowed to park, display, or store vehicles on City of Laredo property south of the proposed site. Citations have been issued.
2. The applicant has been advised they are not allowed to park, display, or store vehicles west of the proposed site as the zoning is an R-3. The applicant would need to apply for a zone change and/or conditional use permit to allow the parking, displaying, or storing of vehicles.

General Comments:

1. The approval of the conditional use permit does not guarantee the issuance of the building permit.
2. The use authorized by the conditional use permit is required to abide by all relevant municipal codes.

If approved, Staff suggests the following conditions:

1. The Conditional Use Permit is restricted to the site plan, "Exhibit A", which is made part hereof for all purposes.
2. The hours of operation shall be limited to, Monday to Saturday from 8:00 am to 6:00 pm.
3. Lighting of property shall be screened to avoid adverse impact on adjacent residential neighborhoods.
4. Landscaping shall be provided and maintained for the complete duration in accordance with the City of Laredo Land Development Code.
5. 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.
6. The establishment must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.

7. Signage shall be consistent with the City's Sign Ordinance.
8. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
9. The proposed use shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load issued to the CUP business holder.
10. The proposed use 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.
11. The proposed use shall undergo an annual Fire Inspection.
12. 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.
13. Owner shall comply with Building, Health, Safety, Fire, Environmental, and all applicable codes and regulations as required.
14. The establishment shall be kept in a sanitary condition.
15. The establishment shall follow proper protocols in handling and disposing of hazardous waste.
16. No hazardous materials shall be stored on site. Hazardous occupancy and the storage of hazardous materials shall be prohibited on the premises. The determination of a hazardous occupancy or material shall be made by the Fire Chief as per the Laredo Land Development Code, Section 24.74.3(d). Hazardous materials shall be defined as stated in the City of Laredo Code of Ordinances, Sec. 33-20.
17. The establishment shall store automotive fuel, lubricant and fluids, materials, equipment, and auto parts in proper storage areas within the property. Storage on the roof of any structure is prohibited. Storage outside the property boundaries is prohibited.
18. The display or storage of vehicles shall be kept within the property boundaries. Parking, displaying, or storing vehicles on city property is prohibited.
19. Floodplain development permit shall be obtained and approved by the Floodplain Administrator prior to operation.
20. The repair of Truck/Heavy Equipment/Recreational Vehicles shall be prohibited.
21. Each lot shall have either direct access to an improved public street, or access by a private driveway easement which shall be a minimum of twenty (20 feet in width, and not longer than one hundred and fifty (150) feet in depth.
22. The approval of the conditional use permit does not guarantee the issuance of the building permit.
23. The use authorized by the conditional use permit is required to abide by all relevant municipal codes.

Staff **does not support** the application.

Is this change contrary to the established land use pattern?

Yes. The proposed use is out of character with the surrounding area. The area is predominately for residential 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 neighborhood?

The proposed use may not be compatible with the surrounding neighborhood and area.

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

Yes, the underlying zone requires the CUP overlay to allow for an auto body repair (body shop) as intended by the applicant. The applicant is in the process of a zone change request.

Attachments

Maps

FEMA Map

Narrative

Site Plan

Zone Change Signage

Citations

Draft Ordinance
