

City Council-Regular Meeting

Date: 7/27/2026

Initiated By: Ramon Chavez, Assistant City Manager

Initiated By: Fernando Galvan, Owner and Applicant; George J. Algelt, 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 a plant nursery on Lots 5, 6, 7, and 8, Block 911, Western Division, located at 2001 Baltimore Street.

The Planning and Zoning Commission recommended **denial** of the proposed conditional use permit. Staff **supports** the application.

ZC-019-2026

District VIII

PREVIOUS COUNCIL ACTION

None.

BACKGROUND

Council District: VIII – Cm. Alyssa Cigarroa

Proposed use: The proposed use is for a plant nursery.

Site: The site is currently occupied with the plant nursery and a single family residential home.

Citations, Warnings, and/or Complaints:

1. On 4/16/2025 a 311 complaint was submitted to the Building and Zoning Department regarding the operation of a business within a residentially zoned district (R-3 zoning district). No citation was issued; the property owner was advised to contact the Planning and Zoning Division to pursue the appropriate process for operating the business in compliance with the zoning regulations.
2. On 4/16/2025 a 311 complaint was submitted to Environmental Services alleging the pesticide used at the plant nursery was adversely affecting neighboring residents' animals. An investigation was conducted over several consecutive days. No citation was issued, as no violations, unusual odors, or unauthorized discharges were identified.
3. On 12/23/2024 a 311 complaint was submitted to the Building and Zoning Department concerning the operation of a plant nursery within an R-3 residential zoning district. Following the investigation, a citation was issued.
4. On 12/23/2024 a 311 complaint related to a nuisance/code compliance matter was submitted to the City Community Development Department. No citation was issued.
5. On 10/1/2024 a 311 complaint was submitted to the Building and Zoning Department regarding the operation of a business within a residential zoning district. No citation was issued; the property owner was advised to contact the Planning and Zoning Division to pursue the appropriate process for operating the business in compliance with the zoning regulations.
6. On 11/16/2020 a 311 complaint was submitted to the Health Department regarding concerns about a significant mosquito presence in the area. Upon investigation, no significant mosquito activity was observed. As a result, no citation was issued.
7. On 11/16/2020 a 311 complaint was submitted to the Building and Zoning Department regarding mosquito-related concerns. Upon investigation, no significant mosquito activity was

observed. As a result, no citation was issued.

8. On 1/17/2020 a 311 complaint was submitted to the City Solid Waste Department regarding branch collection services. No citation was issued.

9. On 1/4/2019 a 311 complaint was submitted to the City Solid Waste Department regarding branch collection services. No citation was issued.

10. On 5/9/2018 a 311 complaint was submitted to the Building and Zoning Department for investigation. No citation was issued.

11. On 6/10/2016 a 311 complaint was submitted to the City Solid Waste Department regarding branch collection services. No citation was issued.

12. On 5/24/2011 a 311 complaint was submitted to the City Solid Waste Department regarding branch collection services. No citation was issued.

Surrounding land uses: To the north of the site is Baltimore Street, Imperial Equipment Industries, Inc. (forklift dealer), Union Pacific Railroad, and single family residential uses. To the east of the site is Vidaurri Avenue, single family residential uses, vacant developed land, and a grocery store. To the south of the site is Lafayette Street, single family residential use, and vacant developed land. To the west of the site is Union Pacific Railroad, Santa Isabel Avenue, single family residential uses, and manufactured homes.

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

[https://www.openlaredo.com/planning/2017 Comprehensive Plan-Viva Laredo.pdf#page=39](https://www.openlaredo.com/planning/2017%20Comprehensive%20Plan-Viva%20Laredo.pdf#page=39)

Transportation Plan: The long Range Thoroughfare Plan identifies Baltimore Street as a Local Street.

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

Letters sent to surrounding property owners: 25

Inside 200': In Favor: 0 Opposed: 3 Outside 200': In Favor: 0 Opposed: 3

COMMITTEE RECOMMENDATION

The Planning & Zoning Commission in a 7 to 1 vote recommended **denial** of the conditional use permit.

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 a R-3 (Mixed Residential District) zoning district.

Staff **supports** the conditional use permit for the following reasons:

1. The proposed site is located in proximity to the Mixed-Use Development District (MXD), where surrounding commercial development supports light commercial activity. Additionally, the site's adjacency to the Union Pacific Railroad contributes to the existing land use character and development pattern of the area.
2. According to the submitted narrative, the proposed plant nursery will not be open to the public and will operate exclusively for growing plants. No retail sales will occur on-

site; therefore, traffic generation is expected to be limited to employees and a vehicle associated with the loading and unloading of plants. (See attached narrative identifying the proposed business's operating characteristics.)

If approved, Staff suggests the following conditions

1. The C.U.P. shall be issued to Fernando Galvan and Mireya Galvan, and shall be transferable only with the approval of the City Council, and shall be subject to all conditions of the initial approval, and such other conditions as the City Council may require.
2. The hours of operation shall be limited to, Saturday and Sunday, from 6:00 a.m. to 6:00 p.m.
- Loading and unloading activities associated with the plant nursery shall be permitted to a maximum of three (3) hours per day between 8:00 a.m. and 6:00 p.m.
3. The plant nursery shall be limited to the growing and cultivation of plants. Retail sales, wholesale sales, and customer transactions conducted on the premises shall be prohibited unless otherwise approved by the City through a separate permit or authorization.
4. The property owner shall implement and maintain a mosquito abatement procedures. Standing water shall not be permitted to remain on the property for more than seventy-two (72) hours unless actively managed through circulation, approved larvicide treatment, or other mosquito-control measures.
5. All fertilizers, pesticides, herbicides, and other materials shall be stored in covered and secured areas designed to prevent exposure to precipitation and stormwater runoff. Soil, mulch, compost, and similar materials shall be stored in an orderly manner and shall not create odor, dust, insect, or rodent nuisances for adjacent properties.
6. The property owner shall maintain the site free of litter, debris, dead vegetation, and other materials that may create visual blight, harbor pests, or negatively impact adjacent properties. All outdoor storage areas shall be maintained in an orderly condition at all times.
7. The establishment must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
8. All plant waste, landscaping debris, dead vegetation, soil materials, and related nursery byproducts shall be collected and disposed of properly on a regular basis. There shall be no outdoor burning of materials, and all waste shall be managed in a manner that prevents the accumulation of standing water, odors, insects, rodents, or other nuisances to adjacent properties.
9. There shall be no hazardous chemical storage on the property. The determination of hazardous material shall be made by the Fire Chief as per the Laredo Land Development Code, Section 24.74.3(d). Hazardous materials are defined as stated in the City of Laredo Code of Ordinances, Sec. 33-20.
10. The proposed use shall be limited to one (1) box truck. The box truck may be parked on the subject property or along the public right-of-way adjacent to the property's frontage and shall be used solely for the loading, unloading, and transportation of plants

associated with the proposed use. No additional commercial vehicles shall be permitted as per the City of Laredo Land Development Code, Section 24-65.0(a), General Supplemental Provisions, Residential.

- No commercial vehicle exceeding sixteen thousand (16,000) pounds manufacturer's Gross Vehicle Weight Rating (GVWR) or having more than two (2) axles, and no commercial or farm trailer exceeding twelve (12) feet in length, shall be parked or stored on the subject property.
- No commercial vehicle exceeding one (1) ton manufacturer's GVWR, having more than two (2) axles, or any commercial, farm, or utility trailer shall be parked or stored within the public right-of-way adjacent to the subject property.

11. Parking on the sidewalk is prohibited.

12. Lighting of property shall be screened to avoid adverse impact on adjacent residential uses or neighborhoods.

13. Landscaping shall be provided and maintained for the entire duration of the proposed use in accordance with the City of Laredo Land Development Code.

14. 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.

15. The proposed use shall comply with the City's Sign Ordinance, as per Sections 28-38.a, Permitted Sign Dimensions-Freestanding and 28-38.b Permitted Sign Dimensions-, Attached, and shall be limited to the sign types and dimensions permitted within the R-3 zoning district for church, public park, public recreational facility school, library, art gallery, or cultural facility.

- Electronic Message Display signs and CEVMS shall be prohibited.

16. The property owner must comply with all City Noise Ordinances provisions of the City of Laredo Code of Ordinances.

17. The operating characteristics of the use shall not create a nuisance and the impacts of the use on surrounding properties shall be minimized with respect to noise, odors, vibrations, glare, and any other similar conditions.

- All equipment and activities must be operated/conducted in a manner that minimizes noise impacts to surrounding residential uses to the maximum extent practicable.

18. The proposed use shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy.

19. 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.

20. The proposed use shall undergo an annual Fire Inspection.

21. 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.

22. Owner shall comply with Building, Health, Safety, Fire, Environmental, and all applicable codes and regulations as required.

Notice to the owner/applicant:

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

IMPACT ANALYSIS

Is this change contrary to the established land use pattern?

Yes, while there are no other plant nurseries in the area, the site is located adjacent to a more intensive commercial use to the north (a forklift sales dealer).

Would this change create an isolated zoning district unrelated to surrounding districts?

The zoning will not change.

Will change adversely influence living conditions in the neighborhood?

The proposed use is not anticipated to have a negative impact in the surrounding area or neighborhood.

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

Yes, the existing R-3 does not allow for a plant nursery as intended by the applicant and requires a conditional use permit to obtain the proposed use.

Attachments

Comp Plan Alignment

Maps

Narrative

Draft Ordinance
