

City Council-Regular

Meeting Date: 06/10/2024

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

Initiated By: Susana V. Garcia, Owner, Alfonso Garza, Applicant

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 Tobacco Shop (E-Cigarette Sales) on the south 2/3 of Lots 11 and 12, Block 204, Eastern Division and approximately 2,572.12 square feet tract of land, as further described by metes and bounds in attached Exhibit A, located at 1516 South US Highway 83, Suite C (528 square feet).

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

ZC-034-2024

District II

PREVIOUS COUNCIL ACTION

None.

BACKGROUND

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

Proposed use: Tobacco Shop (E-Cigarette Sales)

Site: The site is currently occupied by a commercial structure with 3 suites and an apartment located on the second floor.

Zoning District: B-3 (Community Business District) zoning district.

Surrounding land uses: To the north of the site is Santa Barbara Street and a commercial plaza, which includes Steel Magnolias Unisex Salon, Rincon Mexico Restaurante, Hands of Angels Home Care, and Tacos al Carbon. To the east of the site is Zapata Highway (US Highway 83). To the south of the site is Santa Clara Street, La Chueca Paeteria, Family Cuts by Elena, and Tacos Monterrey. To the west of the site is mixed 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](https://www.openlaredo.com/planning/2017%20Comprehensive%20Plan-Viva%20Laredo.pdf#page=39)

Transportation Plan: The Long Range Thoroughfare Plan identifies South US Highway 83 as an Expressway and does not identify Santa Clara Street.

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

Letters sent to surrounding property owners: 24 In Favor: 0 Opposed: 0

COMMITTEE RECOMMENDATION

The Planning & Zoning Commission in a 6 to 1 vote recommended **approval** of the special use permit.

STAFF RECOMMENDATION

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 31 feet from the nearest residential zoning district.
2. There are no similar uses (tobacco shops, drug and tobacco paraphernalia shops, and smoking establishments) in the area.

*Please note: The parking calculations were determined at the time the certificate of occupancy was issued by Building Development Services.

If approved, Staff suggests the following conditions:

1. The Special Use Permit is issued to Christian Contreras, and shall be non-transferral.
2. The Special Use Permit is restricted to 528 square feet located within Suite C as per the site plan, Exhibit B, which is made part hereof for all purposes.
3. The hours of operation shall be limited to, from Monday to Sunday, 10:00 a.m. to 9:00 p.m.

4. No person under 18 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 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, Tex. Health & Safety Code §481.125.
19. Tobacco Shops shall be required to submit, at the request of the City, an audit or allow an audit, of their gross revenue to ensure that not more than 45% of the establishments gross revenue is derived from the sale of Drug paraphernalia.
20. 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 (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 SUP shall be null, void and of no force or effect. In every instance of transfer of ownership, a new SUP application is required to be submitted and shall be processed as a new SUP request.

Staff **does not support** the application.

Is this change contrary to the established land use pattern?

Yes. There are no similar uses in the area. The property abuts residential uses to the west of the site.

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 have a negative impact on the surrounding area or neighborhood.

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 Tobacco Shop (E-Cigarette Sales).

Attachments

Maps

Measurement Map

Survey

Narrative

Site Plan

Signage

Draft Ordinance
