

ORDINANCE NO. 2014-O-015

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AUTHORIZING A SPECIAL USE PERMIT FOR A RESTAURANT SELLING ALCOHOL ON LOTS 10, 11 AND 12, BLOCK 891, EASTERN DIVISION, LOCATED AT 1618 AND 1620 CHIHUAHUA STREET; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the owner of Lots 10, 11 and 12, Block 891, Eastern Division, located at 1618 and 1620 Chihuahua Street, has requested a Special Use Permit for a restaurant selling alcohol; and,

WHEREAS, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on December 19, 2013; and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the Special Use Permit request; and,

WHEREAS, notice of the request was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on January 21, 2014, on the request and finds the proposed Special Use Permit appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: A Special Use Permit is granted for a restaurant selling alcohol on Lots 10, 11 and 12, Block 891, Eastern Division, located at 1618 and 1620 Chihuahua Street.

Section 2: The Special Use Permit is restricted to the following provisions:

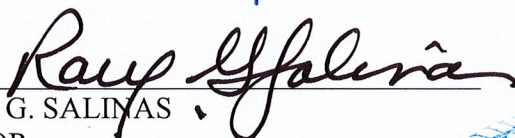
1. The Special Use Permit is issued to Donaciano Aldrete, III and Richard & Jaqueline Geissler, and is non-transferable.
2. The Special Use Permit is restricted to the site plan, Exhibit "A", which is made part hereof for all purposes.
3. The Special Use Permit is restricted to the activities described in the letter, Exhibit "B", which is made part hereof for all purposes.
4. The establishment must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
5. Signage shall be consistent with the City's Sign Ordinance and TABC rule or regulation.
6. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
7. 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.

8. At all times the restaurant is open to the public for business, it shall continually maintain and serve food from its full service menu.
9. The restaurant shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load.
10. 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.
11. The restaurant 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 Food Manager License (annual), Food handler's Permit (annual), and Certificate of Occupancy with Occupant Load, Occupant Load being the approved capacity of a building or portion thereof.
13. Landscaping of property shall be provided in accordance with the City of Laredo Land Development Code.
14. Owner shall comply with Building, Health, Life and Safety, and all applicable codes and regulations as required.
15. Must provide written contract or agreement demonstrating permitted use of additional parking across the street from Mendiola Avenue.

Section 3: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

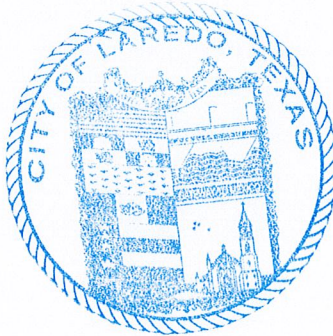
Section 4: This ordinance shall become effective as and from the date of publication specified in Section 2.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE 3rd
DAY OF February, 2014.

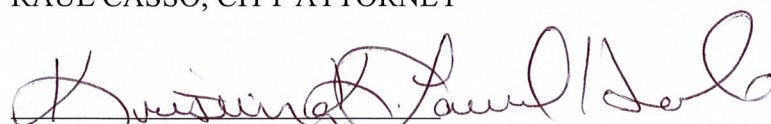

RAUL G. SALINAS
MAYOR

ATTEST:


GUSTAVO GUEVARA, JR.
CITY SECRETARY



APPROVED AS TO FORM:
RAUL CASSO, CITY ATTORNEY


KRISTINA K. LAUREL HALE
ASSISTANT CITY ATTORNEY

1618-1620 CHIHUAHUA ST
COUNCIL DISTRICT 3
ZC-13-2014

APPLICATION OF SUP (SPECIAL USE PERMIT)



*C = Conditional Use Permit (CUP)
*S = Special Use Permit (SUP)

FUTURE LAND USE

1 inch = 75 feet
Date: 12/4/2013

CHANOS

Chanos will be a small family style take out restaurant with an outdoor patio for dinning under big beautiful shade trees, the menu will be hand formed burgers , brisket, chicken and are all fresh and smoked or grilled on pecan wood. We will be serving food, drink and one of kind dinning experience

Chano has been a chef for 25yrs and has a deep passion for great food and a great time!

So let me share this beautiful JEWEL with all of Laredo.

Chano will be open Thursday thru Sunday 11amto9pm
3employees

Law office Monday thur Friday 9/12am 2/5pm
3employees

Insurance office Monday thur Friday 9am/5pm
3employees

Thank you
Donaciano Aldrete
Chef Chano

Exhibit A



ZC - 14 - 2013
1618 & 1620 CHIHUAHUA STREET
PROPOSAL: B-1 (LIMITED COMMERCIAL DISTRICT) WITH S.U.P. (SPECIAL USE PERMIT)



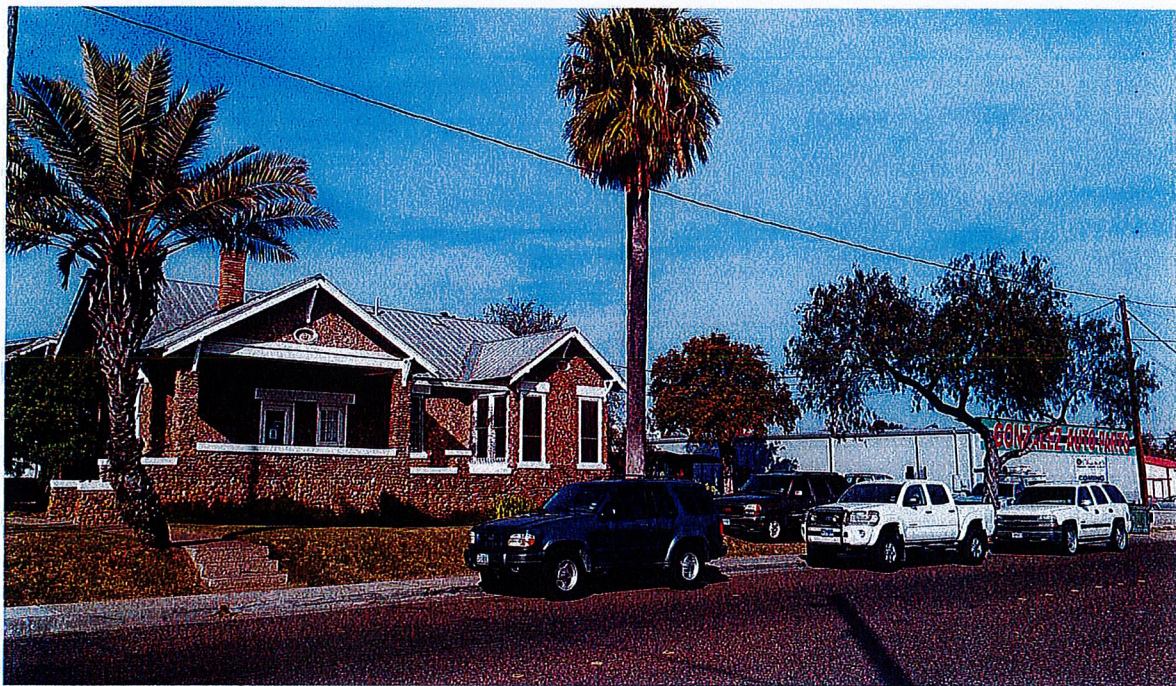
ZC - 14 - 2013
1618 & 1620 CHIHUAHUA STREET
PROPOSAL: B-1 (LIMITED COMMERCIAL DISTRICT) WITH S.U.P. (SPECIAL USE PERMIT)



ZC - 14 - 2013
1618 & 1620 CHIHUAHUA STREET
PROPOSAL: B-1 (LIMITED COMMERCIAL DISTRICT) WITH S.U.P. (SPECIAL USE PERMIT)



ZC – 14 – 2013
1618 & 1620 CHIHUAHUA STREET
PROPOSAL: B-1 (LIMITED COMMERCIAL DISTRICT) WITH S.U.P. (SPECIAL USE PERMIT)



Final Reading of Ordinances

City Council-Regular

Meeting Date: 02/03/2014

Initiated By: Donaciano Aldrete III, applicant, Richard & Jacqueline Geissler, owners

Staff Source: Nathan R. Bratton, Planning Director

SUBJECT

2014-O-015 Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Special Use Permit for a restaurant selling alcohol on Lots 10, 11 and 12, Block 891, Eastern Division, located at 1618 and 1620 Chihuahua Street; providing for publication and effective date.

PREVIOUS COUNCIL ACTION

This item was introduced by the Honorable Alejandro "Alex" Perez, Jr. at the regular meeting of January 21, 2014.

BACKGROUND

Council District: III – The Honorable Alejandro "Alex" Perez, Jr.

Proposed use: Restaurant selling alcohol

Site: Law Offices and Alpha Sure Insurance

Surrounding land uses: West of the site are Melrose, Guajardo Village and Pizza Hut. To the north are Gonzalez Auto Parts, Dairy Queen, Popeye's, Orlando & Gaby Canizalez Gym, a vacant lot, Church's Chicken and Cash America Pawn. To the east are BS Beauty Salon, Sweet Dreams Child Care, Border Insulation, Heights Plaza and Cantu Interiors. South of the site are Valero, single-family residences, 7B Mesquite Apartments and Subway.

Comprehensive Plan: The Comprehensive Plan identifies this area as Light Commercial.

Transportation Plan: The Long Range Thoroughfare Plan identifies Chihuahua Street as an Industrial Collector.

Letters sent to surrounding property owners: 19 In Favor: 1 Opposed: 4

STAFF COMMENTS

A Special Use Permit (SUP) 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 is not in support of the proposed SUP due to the limited parking available on the site for the two existing office uses and the proposed restaurant.

Should the Commission recommend approval of the proposed SUP, staff suggests the following conditions:

1. The Special Use Permit is issued to Donaciano Aldrete, III and Richard & Jaqueline Geissler, and is non-transferable.
2. The Special Use Permit is restricted to the site plan, Exhibit "A", which is made part hereof for all purposes.
3. The Special Use Permit is restricted to the activities described in the letter, Exhibit "B", which is made part hereof for all purposes.
4. The establishment must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
5. Signage shall be consistent with the City's Sign Ordinance and TABC rule or regulation.
6. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
7. 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.
8. At all times the restaurant is open to the public for business, it shall continually maintain and serve food from its full service menu.
9. The restaurant shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load.
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13. Landscaping of property shall be provided in accordance with the City of Laredo Land Development Code.
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15. Must provide written contract or agreement demonstrating permitted use of additional parking across the street from Mendiola Avenue.

COMMITTEE RECOMMENDATION

The P & Z 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.

Fiscal Impact

Fiscal Year:

Budgeted Y/N?:

Source of Funds:

Account #:

Change Order: Exceeds 25% Y/N:

FINANCIAL IMPACT:

N/A

Attachments

Ordinance

Maps, pictures and exhibits
