

City Council-Regular Meeting

Date: 05/20/2024

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

Initiated By: SKG KHP, LLC, Owner; CMR Investments Group, LLC,
Applicant, Roberto Castaneda Jr., Representative

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 the issuance of a Conditional Use Permit for a Bar on Lots 1 and 2, Block 3 Khaledi Heights Subdivision, Unit 3 and on Lot 3, Block 3, Khaledi Heights Subdivision, Unit 2, located at 3902, 3910, and 3920 East Del Mar Boulevard (respectively), suites 109, 110, and outdoor patio (ONLY).

The Planning and Zoning Commission recommended approval of the proposed conditional use permit with the amendment of condition number nine (9) to allow outdoor music pursuant to the City of Laredo Code of Ordinances, Article XI, Noise Nuisances. However, staff does not support the application.

ZC-036-2024

District VI

PREVIOUS COUNCIL ACTION

None.

BACKGROUND

Council District: VI - Cm. Dr. David Tyler King

Proposed use: Bar

Site: The site is occupied by a commercial building, Khaledi Heights Plaza.

- The proposed site includes 3 operating special use permits for restaurants serving alcohol.
 - Korean BBQ - Ordinance No. 2017-O-154
 - Laredo Brewing Company - Ordinance No. 2021-O-074
 - Santa Barra - Ordinance No. 2022-O-084

Surrounding land uses: To the north of the site is single family reduced area residential uses. To the east of the site is Khaledi Boulevard and vacant land. To the south of the site is East Del Mar Boulevard and Alexander High School. To the west of the site is East Country Village Apartments, mini storages and East Country Plaza, which includes Habibi's Snack Shack, Stitch-N-Print Embroidery and Promotional Goods, La Vida Fit Meals, and Sergio Leyva: Allstate Insurance.

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 East Del Mar Boulevard as a Modified Major Arterial and does not identify Khaledi Boulevard.

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

Letters sent to surrounding property owners: 59

In Favor: 0

Opposed: 2

COMMITTEE RECOMMENDATION

The Planning & Zoning Commission in a **5 to 2** vote recommended **approval** of the conditional use permit with the amendment of condition number nine (9) to allow outdoor music at the decibels stated in the City of Laredo Code of Ordinances, Article XI, Noise Nuisances.

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.

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

1. The proposed use does not meet the required parking requirement as per Laredo Land Development Code Section 27.78.3.
 - Total parking spaces required for the proposed bar and commercial plaza = 360
 - Proposed bar requires = 68 parking spaces
 - Required remaining commercial plaza = 292 parking spaces
 - Actual amount identified on site plan = 289
 - Therefore, the proposed site would need an additional 71 parking spaces.
 - If approved, Staff recommends changing the opening hours of operation for the proposed bar from 4:00pm to 5:00pm to eliminate the overlapping of business hours to accommodate parking. If the applicant does not amend the opening hours of operation, the applicant shall comply with off-street parking in accordance with the City of Laredo Land Development Code, Section 24-78.
2. The proposed bar's site plan and narrative identifies the use of the outdoor patio. The narrative also identifies the outdoor patio will host acoustic live music. Therefore, the proposed use may not be compatible and may have a negative impact on the residential uses abutting the proposed site.
 - Music, noise, and speakers may pose a noise nuisance to the residential areas north of the site.

If approved, Staff suggests the following conditions:

1. The Conditional Use Permit is restricted to 4,100 square feet located within Suites 109, 110, and the outdoor patio as per the site plan, "Exhibit A", which is made part hereof for all purposes.
2. The hours of operation shall be limited to, from Tuesday to Wednesday, 5:00 p.m. to 12:00 a.m. and Thursday to Saturday, 5:00 p.m. to 2:00 a.m.
3. Lighting of property shall be screened to avoid adverse impact on adjacent residential neighborhoods.
4. Landscaping shall be provided 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 establishments 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 and TABC rule or regulation.
8. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
9. Outdoor music and speakers are prohibited. There shall be no noise, no music, or no ground vibrations created or sustained on the site which are perceptible without instruments at any point on any property adjoining the subject property.
10. 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.
11. 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.
12. The proposed use shall undergo an annual Fire Inspection.
13. 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.
14. Owner shall comply with, Building, Health, Safety, and all applicable codes and regulations as required.
15. The proposed use shall provide the City of Laredo, Building Development Services Department with a copy of the current TABC License to include but not limited to any renewals or amendments as they occur.

Staff **does not support** the application.

Is this change contrary to the established land use pattern?

The proposed use is not compatible with the residential uses abutting the proposed 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 does not allow a bar as intended by the applicant.

Attachments

Maps

Narrative

Site Plan

Tenant List

Zone Change Signage

Executed Ordinance 2017-O-154

Executed Ordinance 2021-O-074

Executed Ordinance 2022-O-084

Draft Ordinance
