

City Council-Regular Meeting

Date: 9/02/2025
Initiated By: Ramon Chavez, Assistant City Manager
Initiated By: H & Sons, LLC, Owner/Applicant
Staff Source: Vanessa Guerra, Planning Director

SUBJECT

2025-O-164 Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a special use permit for a Tobacco Shop on Lot 5, Block 2, Santa Rita Commercial Subdivision, located at 5618 US Highway 83 South, Unit 1 (1,000 square feet).

ZC-056-2025

District II

PREVIOUS COUNCIL ACTION

On August 18, 2025, City Council made a motion to introduce the item.

BACKGROUND

Council District: II- Ricardo “Richie” Rangel, Jr.

Proposed use: The proposed use is for a tobacco shop.

Site: The site is currently commercial suites, which contains an amusement redemption machine establishment (maquinitas).

Minimum Zoning District Required for Proposed Use: B-3 (Community Business District) with a special use permit.)

Current Zoning District: B-4 (Highway Commercial District)

Surrounding land uses: To the north of the site is Doc Sigi Perez Loop, vacant, developed land, an apartment complex, and Don Camilo Boulevard. To the east of the site is US Highway 83 and vacant undeveloped land. To the south of the site is vacant undeveloped land and single family residential uses. To the west of the site is vacant, developed land, Tesis Drive, Bilbao Drive, and single family 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

Transportation Plan: The Long Range Thoroughfare Plan identifies Doc Sigi Perez Loop as a Local Street and identifies US Highway 83 as an Expressway.

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

Letters sent to surrounding property owners: 14 **In Favor:** 0 **Opposed:** 0

COMMITTEE RECOMMENDATION

The Planning and Zoning Commission in a 5 to 0 vote recommended approval of the special use permit. However, two (2) Planning & Zoning Commissioners abstained.

STAFF RECOMMENDATION

A Special Use Permit 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. A Special Use Permit is required for those tobacco shops located in B-3, B-4, M-1, or M-2.

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 140 feet from the nearest residential zoning district.

2. The proposed use does not meet the required parking requirement as per the Laredo Land Development Code Section 27.78.3.

- Total parking spaces required for the proposed tobacco shop and commercial structure = 45 parking spaces

- Proposed tobacco shop requires = 5 parking spaces

- Required remaining commercial structure = 40 parking spaces

- Actual amount identified on site plan = 43 parking spaces

- Therefore, the proposed site would need an additional 2 parking spaces.

General Comments:

1. While parking doesn't exist in the vicinity of the site, if they proposed shared parking, the shared parking must be located within 1,000 feet from the principal use, as per the Laredo Land Development Code, Section 24-78.2(i).3.

2. The approval of the special use permit does not guarantee the issuance of the building permit, certificate of occupancy, or any other permit which may be required.

3. Any use allowed under the current zone or proposed special use permit is required to abide by all relevant municipal codes.

If approved, Staff suggest the following conditions:

1. The Special Use Permit is issued to Pablo Ramon Mendivil, and shall be non-transferable.

2. The Special Use Permit is restricted to 1,000 square feet located within Unit 1 as per the site plan,

Exhibit A, 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 11:00 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, Texas 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 insure 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 special use permit, is required to report (on a form approved by the Building Official or designee) 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 Building Official or designee. 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 special use permit shall be null, void and of no force or effect. In every instance of transfer of ownership a new special use permit application is required to be submitted and shall be processed as a new special use permit request.

21. Any use allowed under the current zone or proposed special use permit is required to abide by all relevant municipal codes.

IMPACT ANALYSIS

Is this change contrary to the established land use pattern?

There is one commercial use within the vicinity of the site. However, the site primarily surrounded by vacant, undeveloped land and residential uses.

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

No. The zoning will not change.

Will change adversely influence living conditions in the neighborhood?

Possibly due to the location of the proposed use. It does not meet the distance requirement.

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

Yes. The underlying zone requires the special use permit overlay to allow for a Tobacco Shop.

Attachments:

Comp Plan Alignment

Maps

Narrative

Site Plan

Zone Change Signage

Final Ordinance
