

City Council-Regular Meeting

Date: 04/15/2024

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

Initiated By: Luis A. Gonzalez, Owner/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 the issuance of a Conditional Use Permit for a Car Lot (Auto Dealer) on Lots 1 and 2, Block 1950, Eastern Division, located at 3101 Clark Boulevard.

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

ZC-032-2024

District IV

PREVIOUS COUNCIL ACTION

None.

BACKGROUND

Council District: IV - Cm. Alberto Torres, Jr.

Proposed use: Car Lot (Auto Dealer)

Site: The site is currently vacant undeveloped land.

- On March 18, 2013, the City Council approved of Ordinance 2013-O-028, which was a Conditional Use Permit for a tutoring center.
- On November 3, 2014, the City Council approved of Ordinance 2014-O-138, which was a Conditional Use Permit amendment to the site plan for the tutoring center.
- On August 21, 2023, the City Council approved of Ordinance 2023-O-161, which was a B-1 zone change.

Surrounding land uses: To the north of the site is Clark Boulevard, O'Kane Street, North Smith Avenue, North India Avenue, and mixed residential uses. To the east of the site is North Smith Avenue and mixed residential uses. To the south of the site is East Gustavus Street and mixed residential uses. To the west of the site is North India Avenue, vacant undeveloped land, and mixed residential uses.

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

<https://www.cityoflaredo.com/LaredoPlanning/wp-content/uploads/2021/03/viva-laredo-city-of-laredo-comprehensive-plan.pdf#page=39>

Transportation Plan: The Long Range Thoroughfare Plan identifies Clark Boulevard as a Modified Major Arterial, but does not identify North India Avenue.

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

Letters sent to surrounding property owners: 34

In Favor: 0

Opposed: 0

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 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 B-1 and would require a B-3 zone or a CUP.

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

1. While the site is located along a modified major arterial, the property abuts two residential uses. The proposed site is located between Canada Avenue and Ejido Avenue, which is predominately zoned R-3.
2. The proposed use is not in conformance with the Comprehensive Plan since uses under B-3 zoning districts are not allowed in High Density Residential.
3. The proposed use may alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties.
4. The proposed use is incompatible with the character of predominately neighboring residential uses.
5. The proposed use may not enhance the mixture of complementary uses and activities in the immediate vicinity.
6. The proposed use of a car lot will not provide a complementary use to the surrounding neighborhood or area, as per the Comprehensive Plan, which states the importance of encouraging neighborhood retail to increase housing amenities such as coffee shops, restaurants, and grocery stores.

If approved, Staff suggests the following conditions:

1. The Conditional Use Permit is restricted to the site plan, "Exhibit A", which is made part hereof for all purposes.
2. The hours of operation shall be limited to, Monday to Friday from 10:00 am to 6:00 pm and Saturday 10:00 am to 5:00 pm.
3. The parking of all vehicles shall be kept within the property.
4. The use shall only be for the sale of passenger vehicles (trucks, cars, suvs, and vans).
5. The use of auto interior shop, auto body repair, auto body paint shop, auto muffler shop, auto tire repair, tire sales, auto glass repair/tinting, auto repair (general), and auto repair as associated use to retail sales, car wash (self-service), commercial car wash (detail shop), quick lube/oil change shall be prohibited.
6. The storage of automotive fuel, lubricant and fluids, materials, equipment, and auto parts shall be prohibited within the property.
7. The parking of junk/wrecked cars shall be prohibited on the property.
8. Air inflatables, balloons, flags, and banners used for advertising shall be prohibited.
9. The parking or storage of Truck/Heavy Equipment/Recreational Vehicles (18 wheelers) shall be prohibited.
10. Music and speakers are prohibited. There shall be no noise, no music, or ground vibrations created or sustained on the site which are perceptible without instruments at any point on any property adjoining the subject property.
11. Lighting of property shall be screened to avoid adverse impact on adjacent residential neighborhoods.

12. Landscaping shall be provided in accordance with the City of Laredo Land Development Code.
13. 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. The required opaque or wall fence shall comply with the Laredo Land Development Code, Section 24.79. Plywood, sheet metal, and corrugated steel fencing is prohibited.
14. The establishment must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
15. Signage shall be consistent with the City's Sign Ordinance.
16. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
17. 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.
18. 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.
19. The proposed use shall undergo an annual Fire Inspection.
20. 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.
21. The establishment shall be kept in a sanitary condition.
22. Owner shall comply with Building, Health, Safety, Fire, Environmental, and all applicable codes and regulations as required.

Staff **does not support** the application.

Is this change contrary to the established land use pattern?

Yes. The proposed use is dissimilar to the surrounding residential uses.

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

The zone will not change.

Will change adversely influence living conditions in the neighborhood?

Possibly. The proposed use may negatively impact 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 for a car lot as intended by the applicant.

Attachments

Maps
Narrative
Site Plan
Zone Change Signage
Draft Ordinance
