

City Council- Regular Meeting

Meeting Date: 05/20/2024

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

Initiated By: Richard Geissler, Owner, Marco Solis, Applicant/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 a special use permit for a restaurant serving alcohol on Lots 10, 11, and 12, Block 891, Eastern Division, located at 1618 and 1620 Chihuahua Street (3,399 square feet).

The Planning and Zoning Commission recommended **approval** of the proposed special use permit with the amendment of condition number ten (10) 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-038-2024

District III

PREVIOUS COUNCIL ACTION

- On February 3, 2014, City Council made a motion to approve a special use permit (Ordinance 2014-O-015) for a restaurant serving alcohol.
 - The Planning and Zoning Commission recommended **approval** of the special use permit and staff **did not support** the application.
 -
- On February 1, 2021, City Council made a motion to approve a special use permit (Ordinance 2021-O-033) for a restaurant serving alcohol.
 - The Planning and Zoning Commission recommended **approval** of the special use permit and staff **supported** the application. However, staff identified concerns regarding overflow parking.

BACKGROUND

Council District: III - Cm. Melissa R. Cigarroa

Zoning District: B-1 (Limited Business District) zoning district.

Proposed use: Restaurant Serving Alcohol (Noble's Restaurant)

Site: The site is currently occupied by LowPoint Barbecue (proposed restaurant), Texas Provider Care, LLC, and Right at Home Primary Home Care.

Surrounding land uses: To the north of the site is Guadalupe Street, Gonzalez Auto Parts, Heights Fire Station, Church's Chicken, and Popeyes. To the east of the site is North Mendiola Avenue, Dairy Queen, Jumpstart Preschool, and a vacant residential structure. To the south of the site is Chihuahua Street, Circle K, and residential uses. To the west of the site is North Meadow Avenue, Melrose Department Store, Pizza Hut, Maribella's Unisex Salon, and Liberty Tax.

Comprehensive Plan: The Future Land Use Map recognizes this area as Neighborhood Mixed Use.

Transportation Plan: The Long Range Thoroughfare identifies Chihuahua Street as an Industrial Collector, but does not identify North Mendiola Avenue.

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

Letters sent to surrounding property owners: 22 **In Favor:** 0 **Opposed:** 0

COMMITTEE RECOMMENDATION

The Planning and Zoning Commission in a 7 to 0 vote recommended **approval** of the special use permit with the amendment of condition number ten (10) to allow outdoor music at the decibels stated in the City of Laredo Code of Ordinances, Article XI, *Noise Nuisances*.

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 restaurants located in R-O, B-1, or B-3 districts that wish to serve alcoholic beverages. The property is in a B-1 (Limited Business District) zoning district.

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

1. The site does not meet the minimum distance requirement of 300 feet between the proposed use and the nearest residential structure or residential zoning district, public park, public school, or church as per the Laredo Land Development Code Section 24.93.7. The measurement is to be made from the front door of the establishment serving alcohol to the nearest property line (by shortest route) to the front door of the church, public school, entrance to the public park, front door of the residential structure or zoning district boundary and in a direct line across intersections wherever they occur and consistent with the measurement methodology as has been adopted by the Texas Alcoholic Beverage Commission.
 - The distance to the nearest residential zoning district is approximately 179 feet.
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 restaurant and existing uses = 37 parking spaces.
 - Proposed restaurant requires = 17 parking spaces
 - Required remaining uses = 20 parking spaces
 - Actual amount identified on site plan = 25 parking spaces
 - Therefore, the proposed site would need an additional 12 parking spaces.
 - *** The parking calculations include the leased parking lot area which includes the daycare (use) located on that lot.
 - *** Please note the 14 parking spaces identified in the lease agreement do not meet the parking requirements as per the Laredo Land Development Code.
 - *** Please note the restaurant is being identified as a fast food service restaurant. If the restaurant changes to a sit-down restaurant, then it would require more parking spaces.
3. The primary use is compatible with the comprehensive plan, but does not meet the performance standards under the Laredo Land Development Code. Please refer to comments 1 and 2.

If approved, Staff suggests the following conditions:

1. The Special Use Permit is issued to Marc Solis/LowPoint Barbecue and may only be transferred upon application to and with the express permission of the City Council.
2. The Special Use Permit is restricted to 3,399 square feet 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 Thursday to Saturday, 11:00 a.m. to 12:00 a.m. (midnight) and Sunday, 11:00 a.m. to 5 p.m.
4. The Special Use Permit is limited to Lots 10, 11, and 12, Block 891, Eastern Division.
5. No required parking areas can be provided for in a manner that will only be temporary. The business must have an interest (i.e., a lease agreement which shall be renewed or verified on an annual basis as a condition of authorization to continue the business and shall be in effect until the uses cease, title, or legal share) in off-premises parking.
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 and TABC rule or regulation.
11. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
12. 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.
13. At all times the restaurant is open to the public for business, it shall continually maintain and serve food from its full-service menu.
14. The restaurant shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load.
15. 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.
16. The restaurant shall undergo an annual Fire Inspection.
17. 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.
18. Owner shall comply with, Building, Health, Safety, and all applicable codes and regulations as required.
19. The restaurant shall maintain and comply with the BLUE Gun Sign regulations as per TABC (not to exceed the required alcohol sales percentage).
20. The restaurant 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.
21. A business entity, which has been granted an 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 shall be deemed a transfer of the business and shall require Council approval of the transfer of the existing SUP.
22. Failure to comply (#21 condition) above, shall render the existing SUP null, void and of no force or effect.

Staff **does not support** the application.

Is this change contrary to the established land use pattern?

No, there are similar uses (restaurants serving alcohol - Pizza Hut) within the vicinity.

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?

Possibly.

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 restaurant serving alcohol.

Attachments

Maps

Narrative

Site Plan

Tenant List

Lease Agreement

Ordinance 2014-O-015

Ordinance 2021-O-033

Zone Change Signage

Draft Ordinance
