

City Council- Regular Meeting

Meeting Date: 10/07/2024

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

Initiated By: Falcon International Bank Owner, Border Foundry Restaurant, Applicant, Richard Mims,
Representative

Staff Source: Vanessa Guerra, Planning Director

SUBJECT

2024-O-203 Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a Special Use Permit for a restaurant serving alcohol on Lot 3, Block 1, Del Mar North Filing Number 1, located at 7718 McPherson Road, Building 2, Suite 2 (expansion of 2,795 square feet only).

ZC-066-2024

District V

PREVIOUS COUNCIL ACTION

On September 16, 2024, the City Council made a motion to introduce the item.

BACKGROUND

Council District: V - Cm. Ruben Gutierrez, Jr.

Zoning District: B-3 (Community Business District) zoning district.

Proposed use: Expanding the square footage of an existing restaurant serving alcohol by 2,795 feet. The proposed special use permit is for the expansion of an existing legal non-conforming restaurant serving alcohol.

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

Surrounding land uses: The site is currently occupied by Falcon Bank, Tensai Laredo, LLC, Border Foundry (proposed restaurant expansion), Select Argentinean Cuisine, LLC, Law off of Brenda Anderson P.C., Gateway City Title, LLC, Quintanilla Law, Colmena Bar & Grill, Club Pilates, Anytime Fitness, Dunkin Donuts, and other commercial businesses.

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 McPherson Road as a Major Arterial

[www.laredompo.org/wp-content/uploads/
2021/05/2021-Future-Thoroughfare-Plan_2021.02.11.pdf](http://www.laredompo.org/wp-content/uploads/2021/05/2021-Future-Thoroughfare-Plan_2021.02.11.pdf)

Letters sent to surrounding property owners: 33

In Favor: 1 **Opposed:** 0

COMMITTEE RECOMMENDATION

The Planning and Zoning Commission in a 7 to 0 vote recommended **approval** of the special use permit.

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-3 (Community Business District) zoning district.

Staff **supports** the following special use permit for the following reasons:

1. The proposed special use permit is for the expansion of an existing legal non-conforming restaurant serving alcohol.
2. The expansion of the existing restaurant serving alcohol will only be indoors.
3. No citations have been issued at this location. However, conditions have been created to mitigate negative impacts to the surrounding area or neighborhood, including but not limited to outdoor noise, lighting, and fencing. Please refer to the conditions listed below.
4. Although it does not meet the minimum distance requirement of 300 feet from the restaurant entrance to the nearest residential district, it has been operating prior to the restaurant serving alcohol ordinance on the effective date of February 2013.

If approved, Staff suggests the following conditions:

1. The Special Use Permit is issued to Border Products, Inc./Richard Mims (President), 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 2,795 square feet located within Suite 2, not including the outdoor patio, as per Exhibit A, which is made part hereof for all purposes.
3. The hours of operation shall be limited to, from Tuesday to Saturday, from 11:00 a.m. to 12:00 a.m.
4. Lighting of property shall be screened to avoid adverse impact on adjacent residential neighborhoods.
5. Landscaping shall be provided in accordance with the City of Laredo Land Development Code.
6. 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.
7. Establishments must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
8. Signage shall be consistent with the City's Sign Ordinance and TABC rule or regulation.
9. Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.
10. 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. Any outdoor music shall be at the decibel levels stated in the City of Laredo Code of Ordinances, Article XI, *Noise Nuisances*.
11. At all times the restaurant is open to the public for business, it shall continually maintain and serve food from its full-service menu.
12. The restaurant shall not exceed the "Occupant Load" as set forth in the Certificate of Occupancy with Occupant Load.

13. 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.
14. The restaurant shall undergo an annual Fire Inspection.
15. 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.
16. Owner shall comply with, Building, Health, Safety, and all applicable codes and regulations as required.
17. The restaurant shall maintain and comply with the BLUE Gun Sign regulations as per TABC (not to exceed the required alcohol sales percentage).
18. 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.
19. 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.
20. Failure to comply (#19 condition) above, shall render the existing SUP null, void and of no force or effect.

Staff **supports** the application.

Is this change contrary to the established land use pattern?

No. There are similar uses (restaurants serving alcohol such as Sal Tilmos) on 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?

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

Zone Change Signage

Final Ordinance
