City Council- Regular Meeting

Meeting Date: 08/19/2024

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

Initiated By: Amazing Kids Learning Center, Owner; Edilberto Ramirez, 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 amending Ordinance 2006-O-310, which authorized a conditional use permit for a child daycare on Lot 9, Block 2, Towne East Subdivision, Phase 1, located at 3417 West Fiesta Loop, in order to remove Elsa Gloria Cantu as the party whom the permit is issued.

The Planning and Zoning Commission recommended **approval** of the proposed conditional use permit amendment, and staff **supports** the application.

ZC-055-2024
District IV

PREVIOUS COUNCIL ACTION

On November 20, 2006, the City Council made a motion to approve a conditional use permit (Ordinance 2006-O-310) for a child daycare.

BACKGROUND

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

Zoning District: R-1 (Single Family Residential District) zoning district

Proposed use: The proposed use is child day care.

Site: The site is currently occupied by a daycare center.

Surrounding land uses: To the north of the site is US Highway 59 and the Casablanca Ballroom. To the east of the site is East Fiesta Loop and single-family residential uses. To the south of the site is mixed residential uses. To the west of the site is West Fiesta Loop, residential uses, and Garcia's Auto Repair.

Comprehensive Plan: The Future Land Use Map recognizes this area as Low-Density Residential.
https://www.openlaredo.com/planning/2017_Comprehensive_Plan-Viva_Laredo.pdf#page=39

Transportation Plan: The Long Range Thoroughfare Plan does identifies US Highway 59 as an Expressway, but does not identify West Fiesta Loop.
www.laredompo.org/wp-content/uploads/2021/05/2021-Future-Thoroughfare-Plan_2021.02.11.pdf

Letters sent to surrounding property owners: 23 **In Favor:** 0 **Opposed:** 0

COMMITTEE RECOMMENDATION

The Planning and Zoning Commission in a 7 to 0 vote recommended **approval** of the proposed conditional use permit amendment. However, one (1) commissioner abstained from the vote.

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 sections 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 **supports** the proposed conditional use permit for the following reasons:

1. There are more intense uses to the west of the site.
   - Approximately one block to the north from the proposed site is Garcia's Auto Repair.
2. The proposed use is not out of character at this location.

If approved, Staff suggests the following conditions:

~~1. The Conditional Use Permit shall be issued to Elsa Gloria Cantu and is nontransferable.~~
2. ~~The Conditional Use Permit is restricted to the letter, Exhibit "A", which is made part hereof for all purposes.~~ *The hours of operation shall be limited to, Monday to Friday, 7:00 A.M. to 7:00 P.M.*
3. The Conditional Use Permit is restricted to the site plan, Exhibit "B", which is made part hereof for all purposes.
4. The site shall comply with all parking requirements of the Laredo Land Development Code.
5. The site shall provide trees and shrubs in compliance with the Laredo Land Development Code.
6. A seven-foot opaque fence shall be erected adjacent to the residential uses. *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. *All parking pertaining to the business shall be provided within the property boundaries, including but not limited to customer parking, employee parking, or business vehicle parking or portion therefore.*
8. *Lighting of property shall be directed away from any residential uses and towards the property to avoid adverse impact on adjacent residential neighborhoods.*
9. *The establishment shall be kept in a sanitary condition.*
10. *The establishment must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.*
11. *Signage shall be consistent with the City's Sign Ordinance.*
12. *Off-street parking shall be provided in accordance with the City of Laredo Land Development Code.*
13. *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.*
14. *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.*
15. *The proposed use shall undergo an annual Fire Inspection.*
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*

Staff **supports** the application.

Is this change contrary to the established land use pattern?
No. There are more intense uses within the vicinity of the 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 conditional use permit is not anticipated to negatively impact the surrounding neighborhood and area.

Are there substantial reasons why the property cannot be used in accordance with existing zoning?
Yes. The existing zone does not allow for a day care as intended by the applicant.

Attachments

Maps
Narrative
Site Plan
Ordinance 2006-O-310
Zone Change Signage
Draft Ordinance