ORDINANCE NO. 2006-O-310

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR A CHILD DAYCARE ON LOT 9, BLOCK 2, TOWN EAST SUBDIVISION PHASE I, LOCATED AT 3417 WEST FIESTA LOOP; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a request has been received for the issuance of a Conditional Use Permit for a child daycare on Lot 9, Block 2, Town East Subdivision Phase I, located at 3417 West Fiesta Loop; and,

WHEREAS, the required written notices were sent to surrounding property owners at least ten (10) days before the public hearing held before the Planning and Zoning Commission on October 19, 2006; and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **approval** of the Conditional Use Permit; and,

WHEREAS, notice of the zone change request was advertised in the newspaper at least fifteen (15) days prior to the public hearing held before the City of Laredo City Council on this matter; and,

WHEREAS, the City Council has held a public hearing on November 20, 2006, on the request and finds the Conditional Use Permit amendment appropriate and consistent with the General Plan of the City of Laredo; and,

WHEREAS, all conditions imposed by the Conditional Use Permit, and all pertinent requirements the Laredo Land Development Code shall be met before the activity sanctioned by the Conditional Use Permit may commence; and,

WHEREAS, the City Council does not consider the impact, if any, of private covenants and deed restrictions on the subject property with the adoption of this ordinance; and,

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The Zoning Map of the City of Laredo be and is hereby amended by authorizing the issuance of a Conditional Use Permit for child daycare on Lot 9, Block 2, Town East Subdivision Phase I, located at 3417 West Fiesta Loop.

Section 2: The Conditional Use Permit is further restricted to the following provision herewith adopted by the City Council:

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.

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.

Section 3: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 4: This ordinance shall become effective as and from the date of publication specified in Section 3.

Section 5: The Conditional Use Permit authorized by this ordinance shall be revoked pursuant to the Laredo Land Development Code, section 24.94.10, entitled "Revocation," according to the criteria and procedures described therein and below:

1. Criteria

Any Conditional Use Permit, authorized by City Council, shall be considered in noncompliance and shall be revoked and removed from the City of Laredo Zoning Map, in the event a court of law finds the use in violation of any of the following conditions:

A. The use established on site does not conform, at any time, with any or all permit condition(s) approved by the City Council and or any local, state, or federal law.
B. The activity authorized by the Conditional Use Permit commences prior to the institution of all conditions imposed by the Conditional Use Permit.
C. Discontinuance of the Council approved conditional use for a period of six (6) consecutive months.
D. The use of which the Conditional Use Permit was authorized does not commence within six months of City Council's final approval date.

2. Procedures

Should City of Laredo Enforcement Official inspection reveal noncompliance with Laredo Land Development Code, Subsection 24.94.10, Conditional Use Permit revocation procedures shall commence as below stipulated:

A. A Zoning Officer shall, upon discovery of conditional use permit noncompliance as per Subsection 24.94.10, issue a written warning, granting a grace period of a minimum of ten (10) working days, within which time the use may be brought into compliance with the current City Council approved Conditional Use Permit for that location.
B. If noncompliance persists after the conclusion of the warning grace period, a Zoning Enforcement Official shall issue a written citation.

C. Should the citation result in a guilty verdict, the City of Laredo shall consider the Conditional Use Permit revoked and proceed with its removal from the City of Laredo Zoning Map.
D. The Planning Director shall then issue the permit holder written notification of the Conditional Use Permit's official revocation and removal from the City of Laredo Zoning Map.
E. In the event of discontinuance or failure to commence as stipulated in Subsection 24.94.10.1 D and E of this Ordinance, Zoning Enforcement Staff will issue written notification of same. Ten days after issuance of Zoning Enforcement notification of discontinuance or failure to commence, the Planning Director shall then issue the permit holder written notification of the Conditional Use Permit's official revocation and removal from the City of Laredo Zoning Map.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE 4th DAY OF December, 2006.

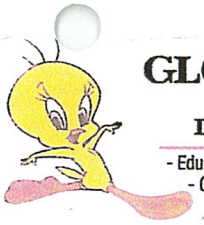
RAUL G. SALINAS
MAYOR

ATTEST:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
VALERIA ACEVEDO
ACTING CITY ATTORNEY

BY: ANTHONY C. MCGETTRICK
ASSISTANT CITY ATTORNEY



GLORIA'S DAYCARE

"RAISING PROUD KIDS"

Licensed Child-Care Home

- Educational Activities
- CPR-First Aid
- CCMS Accepted
- Certified caregivers
- Nutritional Meals
- Family Environment

Elsa Gloria Cantu

Owner / Director

3201 E. Fiesta Loop
Laredo, Texas. 78043

Ph. & Fax. (956) 725-1316
Cell. (956) 286-1552

September 27, 2006

To Whom It May Concern:

This letter is to inform you about our services in our child-care home. Actually, we are taking care of 12 children in our home starting from 0 months to 13 years old.

As a licensed daycare, we comply with all minimum standard rules. We are providers for the Southwest Human Development Services(Child and Adult Care Food Program), serving hot home-made meals for the children, and for the Child Care Services program. Our schedule is from 7:00am to 6:00pm.

It is my intention, as an owner/director of this child daycare, to open a more spacious and comfortable environment for children in a new location. I am planning to receive approximately 25-30 children and employ at least 3 caregivers.

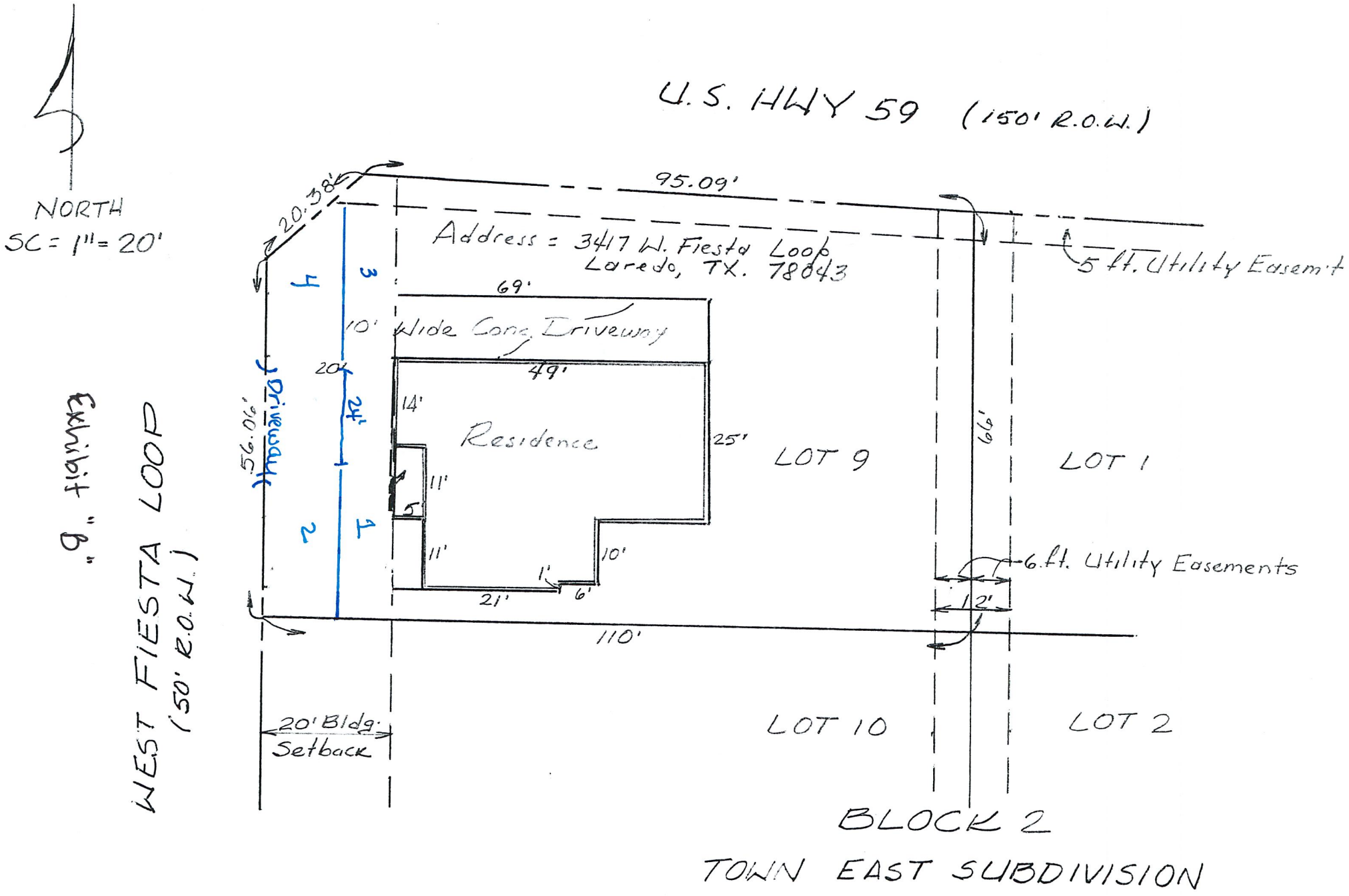
For this reason, I am asking your permission to make a change in this location, 3417 W. Fiesta Loop, to start Gloria's Daycare complying with all City of Laredo requirements.

Sincerely,

Elsa Gloria Cantu

Elsa Gloria Cantu
Owner/Director

Exhibit "A"

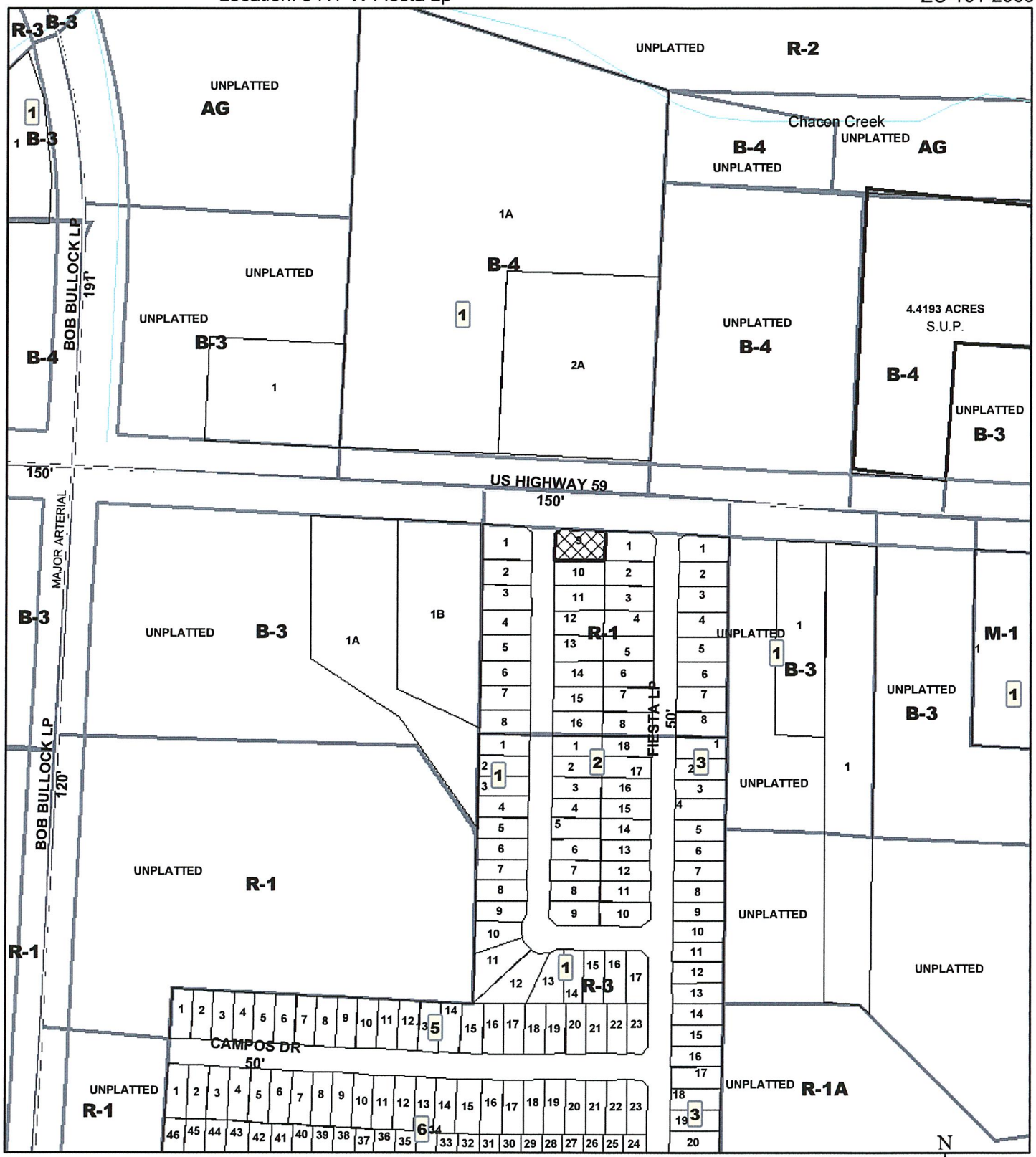

NORTH
SC = 1" = 20'
U.S. HWY 59 (150' R.O.W.)
95.09'
20.38'
Address = 3417 W. Fiesta Loop
Laredo, TX. 78043
5 ft. Utility Easem't
69'
10' Wide Conc. Driveway
49'
14'
Residence
25'
56.06'
Driveway
24'
11'
5
11'
10'
1'
6'
21'
LOT 9
LOT 1
66'
6 ft. Utility Easements
12'
110'
20' Bldg. Setback
LOT 10
LOT 2
BLOCK 2
TOWN EAST SUBDIVISION
WEST FIESTA LOOP
(50' R.O.W.)
Exhibit "B"

Request for C.U.P. (Conditional Use Permit)

City of Laredo
Planning & Zoning

Location: 3417 W Fiesta Lp

ZC-101-2006



ZONE DISTRICTS

- Zone Districts
- Overlays
- PROPOSED REZONE

N
W E
S

1 inch equals 300 feet

2
10
1
9
FIESTA UP
ISP
1

COUNCIL COMMUNICATION

Date:	SUBJECT: FINAL READING OF ORDINANCE NO. 2006-O-310
12/04/06	Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing a Conditional Use Permit for a child daycare on Lot 9, Block 2, Town East Subdivision Phase I, located at 3417 West Fiesta Loop; providing for publication and effective date. ZC-101-2006

Initiated by:	Staff source:
Elsa Gloria Cantu	Keith Selman, Planning Director Rafael Garcia, Assistant City Manager

Prior action: This item was introduced by Hector J. Garcia at the City Council Meeting of 11/20/06.

BACKGROUND

Council District: II – Hector J. Garcia

Proposed use: Child daycare

Site: The site is currently a single-family residence.

Surrounding land uses: The surrounding uses to the north include the Casa Blanca Ballroom, Texas Auto Wholesale, Jack in the Box and Shell gas station. To the south are single-family residences, vacant lots and manufactured homes. To the west are single-family residences, vacant lots, Aluminum Lamp & Patio Furniture and Laredo Iron Imports. To the east are single-family residences, Income Tax/Notary and another commercial establishment.

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

Transportation Plan: The Long Range Thoroughfare Plan does not identify West Fiesta Loop.

Letters sent to surrounding property owners: 23 In Favor: 1 Opposed: 0

STAFF COMMENTS

Staff supports the issuance of the proposed Conditional Use Permit at this location. A child daycare, requires a B-1 designation, rather than the current R-1 zoning district. While a B-1 designation is unwarranted at this location, conditional use status is appropriate as the proposed use "will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed as allowable in the underlying zoning districts." Staff recommends 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.
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.

P&Z COMMISSION RECOMMENDATION:	STAFF RECOMMENDATION:
The P & Z Commission, in a **7** to **0** vote, recommended **approval** of the conditional use permit.	Staff **supports** the proposed conditional use permit.