

# CITY OF LAREDO

CITY COUNCIL MEETING  
A-2004-S-05  
CITY COUNCIL CHAMBERS  
1110 HOUSTON STREET  
LAREDO, TEXAS 78040  
MAY 3, 2004  
5:30 P.M.

## SUPPLEMENTAL AGENDA

### I. PUBLIC HEARINGS


1. **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 bar on Lot 1, Block 5, Del Mar Village Subdivision, located at 120 W. Village Blvd.; providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the proposed Conditional Use Permit.
2. **Public hearing and introductory ordinance** amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 4, Block 1, Summerwind Subdivision, Unit 1, located north of Jacaman Road and east of Bartlett Ave., from R-1 (Single Family Residential District) to B-3 (Community Business District); providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the proposed zone change.
3. **Public hearing and introductory ordinance** amending the City of Laredo FY 2003-2004 Bridge System Construction Fund by appropriating \$750,000.00 for the Bridge II expansion project. Funding will be provided by appropriating a draw down of \$370,531.00 from the construction fund opening balance and a transfer in from operating fund in the amount of \$379,469.00.

### III. EXECUTIVE SESSION

The City Council hereby reserves the right to go into executive session at any time during this public meeting, if such is requested by the City Attorney or other legal counsel for the City, pursuant to his or her duty under Section 551.071(2) of the Government Code, to consult privately with his or her client on an item on the agenda, or on a matter arising out of such item.

### IV. ADJOURNMENT

This notice was posted at the Municipal Government Offices, 1110 Houston Street, Laredo, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, April 30, 2004 at 5:30 p.m.

  
Gustavo Guevara, Jr.  
City Secretary



**COUNCIL COMMUNICATION**

<b>Date:</b> 05/03/04	<b>SUBJECT: PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE</b> Amending the Zoning Ordinance (Map) of the City of Laredo by authorizing the issuance of a Conditional Use Permit for a bar on Lot 1, Block 5, Del Mar Village Subdivision, located at 120 W. Village Blvd.; providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the proposed Conditional Use Permit.	ZC-06-2004
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<b>Initiated by:</b> Sanlin Properties Ltd.	<b>Staff source:</b> Keith Selman, Planning Director Cynthia Collazo, Asst. City Manager
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**Prior action:** On 04/19/04, Council postponed this item.

**BACKGROUND**  
**Council District:** VI – Gene Belmares

**Proposed use:** Commercial. (a bar) The applicant notes that the prospective tenant wishes to operate, within the allotted 1000 square feet, a “piano bar or a classy bar, a pub or businessman’s bar.” The bar will open from approximately 4:00 pm through the evening hours. The applicant further states the bar should require at most 3 employees. (See Exhibit B)

**Site:** The site is zoned B-1 (Limited Commercial District) and is currently occupied by a the Regency Square Shopping Center whose current occupants include three restaurants, a realty company, a nail salon, a beauty salon, a computer store, an accessory’s store, an attorney’s office, as well as, the applicant’s offices.

**Surrounding land uses:** The area north of the site is occupied by Del Mar Blvd., a shopping center, the KGNS studios, Citgo/Circle K, and Mary Help of Christian School. East of the site are located several condominium complexes. The area south of the site is occupied by Village Blvd., the Tesoro Medical Building, the Springfield Medical Plaza, the Banda Commercial Complex and a vacant lot. West of the site lay Springfield Ave., the Del Mar Plaza Shopping Center and Laredo Bar and Grill.

**Comprehensive Plan:** The Future Land Use Map recognizes this area as Retail/Office.

**Transportation Plan:** The Long Range Thoroughfare Plan identifies Springfield Avenue as a Minor Arterial.

**CUP letters sent to surrounding property owners:** 119                      In Favor: 1                      Opposed: 6  
**Zone change letters sent to surrounding property owners:** 119                      In Favor: 3                      Opposed: 7

**STAFF COMMENTS**  
 Staff does not support the issuance of the proposed Conditional Use permit. By definition a bar requires a B-4 designation and is an “establishment whose primary business is the serving of alcoholic beverages for public consumption on the premises, whether or not entertainment, dancing, or limited food items are also provided. This does not include bona fide restaurants (serving alcohol)...” which require a B-1 zone. The operation of a bar at this location would be inconsistent with the standards for conditional use permit issuance as set forth in Laredo Land Development Code section 24.94.6.C, which requires that a conditional use shall “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.” The site directly abuts a residential district to the east, which may not be adequately buffered from the proposed use’s negative impacts, though the use technically meets the minimum required separation distances.

Comments continued....

<b>P&amp;Z COMMISSION RECOMMENDATION:</b> The P & Z Commission, in a 9 to 0 vote, recommended denial of the Conditional Use Permit.	<b>STAFF RECOMMENDATION:</b> Staff <u>does not support</u> the proposed Conditional Use Permit.
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## COUNCIL COMMUNICATION

### STAFF COMMENTS CONTINUED:

Though not in support of the proposed Conditional Use Permit, Staff recommends the following conditions:

1. Signage for the bar limited to that which is allowed in a B-1 district.
2. The Conditional Use Permit shall be issued to Sanlin Properties Ltd. and is nontransferable.
3. All relevant City of Laredo development requirements, including parking, shall apply to the entire conditional use permit site.
4. Bar activities shall be limited to the 1000 square feet of the site identified as suite #103 on attached Exhibit A.
5. Exhibit "A", is made a part hereof for all purposes

**CITY OF LAREDO ORDINANCE NO. 2004-O-**

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR A BAR ON LOT 1, BLOCK 5, DEL MAR VILLAGE SUBDIVISION, LOCATED AT 120 W. VILLAGE BLVD.; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a request has been received to authorize the issuance of a Conditional Use Permit for a bar on Lot 1, Block 5, Del Mar Village Subdivision, located at 120 W. Village Blvd.; 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 March 18, 2004; and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **denial** 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 May 3, 2004, on the request and finds the Conditional Use Permit amendment appropriate and consistent with the General Plan of the City of Laredo.

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.

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 a bar on Lot 1, Block 5, Del Mar Village Subdivision, located at 120 W. Village Blvd.

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

1. Signage for the bar limited to that which is allowed in a B-1 district.
2. The Conditional Use Permit shall be issued to Sanlin Properties Ltd. and is nontransferable.
3. All relevant City of Laredo development requirements, including parking, shall apply to the entire conditional use permit site.
4. Bar activities shall be limited to the 1000 square feet of the site identified as suite #103 on attached Exhibit A.
5. Exhibit "A", is made a part hereof for all purposes

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.

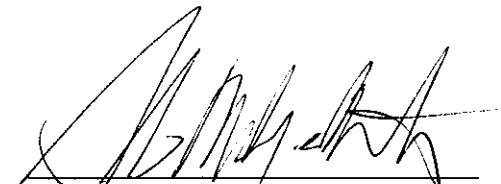
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

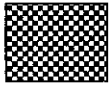
\_\_\_\_\_  
ELIZABETH G. FLORES  
MAYOR

ATTEST:

\_\_\_\_\_  
GUSTAVO GUEVARA, JR.  
CITY SECRETARY

APPROVED AS TO FORM:  
JAIME FLORES  
CITY ATTORNEY

  
\_\_\_\_\_  
BY: ANTHONY C. MCGETTRICK  
ASSISTANT CITY ATTORNEY

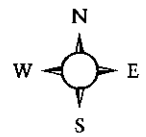
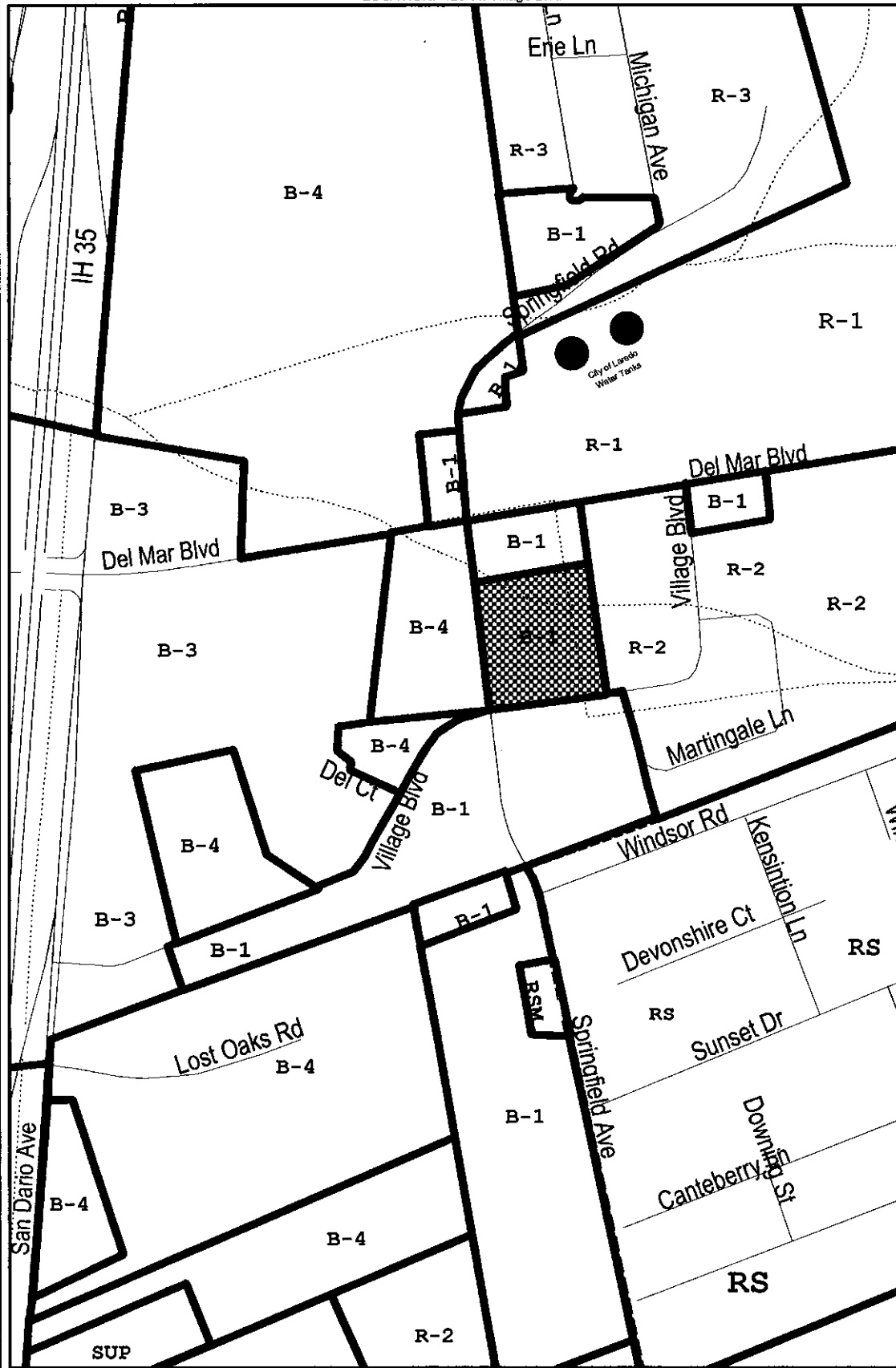
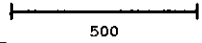


Rezone from B-1 (Limited Business District)  
To B-4 (Highway Commercial District)

City of Laredo  
Planning Department  
Feet

LOCATION: 120 W. Village Blvd

ZC - 06 - 2004



City of Laredo  
Zoning Map



SITE PLAN  
120 VILLAGE BLVD

EXHIBIT A SPRINGFIELD RD.

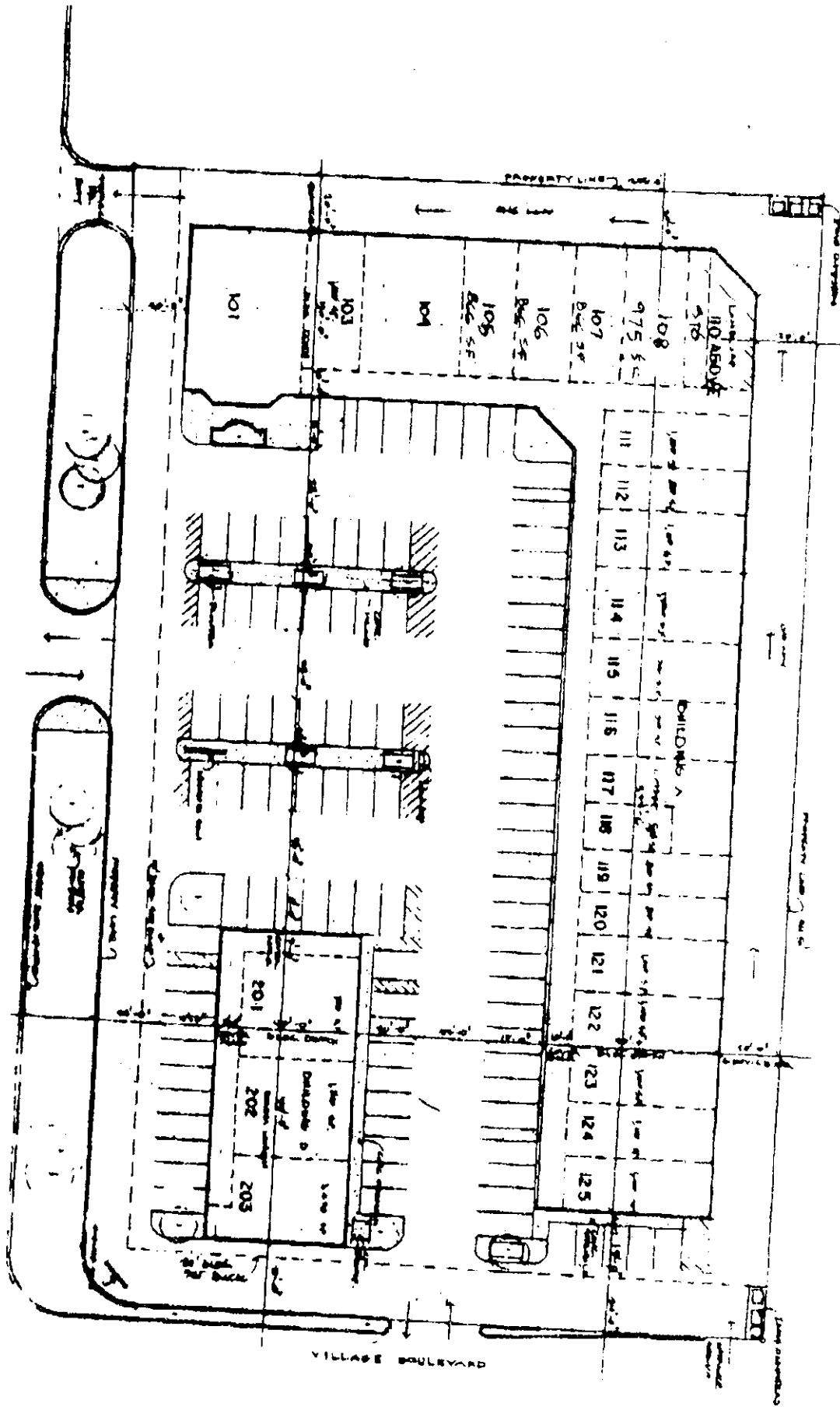


EXHIBIT  
A

February 12, 2004

**TO: PLANNING AND ZONING DEPT.**  
**FROM: LINDA GUTIERREZ**  
**SANLIN PROPERTIES**  
**RE: AMENDMENT TO PETITION FOR RE-ZONING**  
**(REQUEST FOR CONDITIONAL USE PERMIT)**

This letter serves to amend my original petition dated 1-15-04, and request a conditional use permit instead for 120 W. Village, site for Regency Square shopping strip. The following is the required narrative to complete the application for a conditional use permit.

**NARRATIVE FOR PROPOSED USE**

My intended use of this site is as follows:

I plan to lease one of the units left at Regency Square to a tenant who desires to do a "piano bar" or a classy bar, or pub or businessman's bar. I currently lease to three restaurants in this shopping strip, a realty company, a nail salon, a beauty salon, a computer store, an accessory's store, a bank, a bridal shop, a mortgage company, an investment company, and an attorney's office. I have my own corporate office in this location. The two lease spaces which are vacant right now and that I am currently completing the finish-out for are the intended lease units which I am seeking the conditional use permit for. I hope to find a tenant who is willing to run a small upscale bar.

The hours of operation for this bar will be afternoon and night hours (post 4:00 pm) with perhaps a 3:00 pm opening for maintenance and preparation activities by employees. The small size of the bar (1000sf) will probably call for few employees, perhaps 3 at most. This bar will complement the other tenants at the shopping strip well because of the later hours of operation. Parking will not be an issue either since most of the establishments at this shopping strip are closed by 5 pm and the only ones which remain open are the restaurants.

I would like to add that across the street from Regency Square is the Laredo Bar and Grill which is closer to the residential area, and closer to the medical offices in this area and closer to all the other commercial office buildings located in the vicinity. I mention this to point out that we have never had a problem with this particular bar located across the street from Dr. Santiago Gutierrez' medical office (which is also our property) and other medical offices and commercial businesses close to The Laredo Bar and Grill which we also own. Therefore, we do not expect to have a problem with an a small bar and one which will be even farther away from these respectable businesses .

over

**EXHIBIT B**

In addition, the Regency Square which I am requesting a special use permit for is closer to Del Mar Blvd, closer to the corner where Circle K is at, and directly across the street from the Del Mar Plaza (my other property which is a B4).

In short, I request a conditional use permit for the above reasons. Thanking you in advance for your favorable decision, I remain

Respectfully,



Linda Gutierrez  
Owner and General Manager  
SanLin Properties, LTD  
Linor Management, LLC  
(956) 725-0572  
(956) 206-3880 cell

EXHIBIT B



10 54 PM

ZC-06-04



## COUNCIL COMMUNICATION

<b>Date:</b>  05/03/04	<b>SUBJECT: PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE</b> Amending the Zoning Ordinance (Map) of the City of Laredo by rezoning Lot 4, Block 1, Summerwind Subdivision, Unit 1, located north of Jacaman Road and east of Bartlett Ave., from R-1 (Single Family Residential District) to B-3 (Community Business District); providing for publication and effective date. The Planning and Zoning Commission has recommended denial of the proposed zone change. <span style="float: right;">ZC-11b-2004</span>								
<b>Initiated by:</b> Norgua Ltd.	<b>Staff source:</b> Keith Selman, Planning Director Cynthia Collazo, Asst. City Manager								
<b>Prior action:</b> On 04/19/04, Council postponed the item for two weeks.									
<b>BACKGROUND</b>  <p><b>Council District:</b> V – Eliseo Valdez, Jr.</p> <p><b>Proposed use:</b> Commercial (no specific use given)</p> <p><b>Site:</b> The site is vacant.</p> <p><b>Surrounding land uses:</b> Summerwind Subdivision, Unit 1 lays to the northeast; Bartlett Ave., a large condominium complex, the North Village Apartments, Ambulance Service of Laredo, a commercial building under construction and a large vacant area lay to the northwest; J.A.M. Construction, the Body Factory, a large vacant area and Jacaman Road lay to the south of the site.</p> <p><b>Comprehensive Plan:</b> The Future Land Use Map recognizes this area as Low Density Residential.</p> <p><b>Transportation Plan:</b> The Long Range Thoroughfare Plan identifies both Jacaman Road and Bartlett Ave. as Major Collectors.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Petition:</b></td> <td style="width: 25%;">In Favor: 0</td> <td style="width: 25%;">Opposed: 49</td> </tr> <tr> <td><b>Letters sent to surrounding property owners:</b> 22</td> <td>In Favor: 0</td> <td>Opposed: 15</td> </tr> </table>				<b>Petition:</b>	In Favor: 0	Opposed: 49	<b>Letters sent to surrounding property owners:</b> 22	In Favor: 0	Opposed: 15
<b>Petition:</b>	In Favor: 0	Opposed: 49							
<b>Letters sent to surrounding property owners:</b> 22	In Favor: 0	Opposed: 15							
<b>STAFF COMMENTS</b>  <p>The proposed zone change is inappropriate at this location. The change is inconsistent with the Comprehensive Plan’s designation for this area and the primarily residential land use character of the area northwest of Bartlett and Jacaman. The zoning boundaries are clear and to date show no intrusion of incongruous zoning northwest of said intersection.</p> <p>Furthermore, the Summerwind Subdivision, Unit I, recorded plat stipulates that “Lots 1 thru 4, Block 1, and Lots 36 thru 42, Block 4, shall be restricted from having access through Jacaman Rd.” The plat further states that, “Lots 4 thru 14, Block 1, shall be restricted from having access through Bartlett Ave.” The aforementioned results in conditions under which all traffic associated with any future allowed commercial use would necessarily have to travel through the residential subdivision in order to access the site. The proposed change may therefore create circumstances wherein excess noise and traffic could negatively impact the surrounding residential area.</p>									
<b>P&amp;Z COMMISSION RECOMMENDATION:</b> The P & Z Commission, in a 9 to 0 vote, recommended denial of the zone change.		<b>STAFF RECOMMENDATION:</b> Staff <b><u>does not support</u></b> the proposed zone change.							

## COUNCIL COMMUNICATION

### IMPACT ANALYSIS

**B-3 (Community Business District):** The purpose of the B-3 District is to provide for those businesses and services serving a trade area larger than a neighborhood, but smaller than the entire city and located primarily along minor or principal arterial streets, as classified in the Transportation Plan of the City of Laredo. It is intended for this zoning classification to exist primarily abutting minor or principal arterial streets while preserving established residential neighborhoods along such streets.

**Is this change contrary to the established land use pattern?**

Yes, this subdivision is completely residential.

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

Yes, the adjoining zoning districts are R-1 and B-1.

**Will change adversely influence living conditions in the neighborhood?**

Yes, the commercial uses allowed by the proposed zone could negatively impact the surrounding neighborhood.

**Are there substantial reasons why the property can not be used in accord with existing zoning?**

No, the present zoning allows for sufficient and compatible uses.

**CITY OF LAREDO ORDINANCE NO. 2004-O-**

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REZONING LOT 4, BLOCK 1, SUMMERWIND SUBDIVISION, UNIT 1, LOCATED NORTH OF JACAMAN ROAD AND EAST OF BARTLETT AVE., FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO B-3 (COMMUNITY BUSINESS DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, a zone change has been requested by the owners of Lot 4, Block 1, Summerwind Subdivision, Unit 1, located north of Jacaman Road and east of Bartlett Ave., from R-1 (Single Family Residential District) to B-3 (Community Business District); 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 March 18, 2004, and,

WHEREAS, the Planning and Zoning Commission, after a public hearing, has recommended **denial** of the proposed zone change; 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 May 3, 2004, on the request and finds the zone change appropriate and consistent with the General Plan of the City of Laredo; 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 rezoning Lot 4, Block 1, Summerwind Subdivision, Unit 1, located north of Jacaman Road and east of Bartlett Ave., from R-1 (Single Family Residential District) to B-3 (Community Business District).

Section 2: This ordinance shall be published in a manner provided by Section 2.09 (D) of the Charter of the City of Laredo.

Section 3: This ordinance shall become effective as and from the date of publication specified in Section 2.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

\_\_\_\_\_  
ELIZABETH G. FLORES  
MAYOR

ATTEST:

\_\_\_\_\_  
GUSTAVO GUEVARA, JR.  
CITY SECRETARY

APPROVED AS TO FORM:  
JAIME FLORES  
CITY ATTORNEY

  
\_\_\_\_\_  
BY: ANTHONY C. MCGETTRICK  
ASSISTANT CITY ATTORNEY

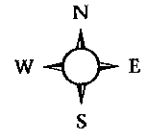
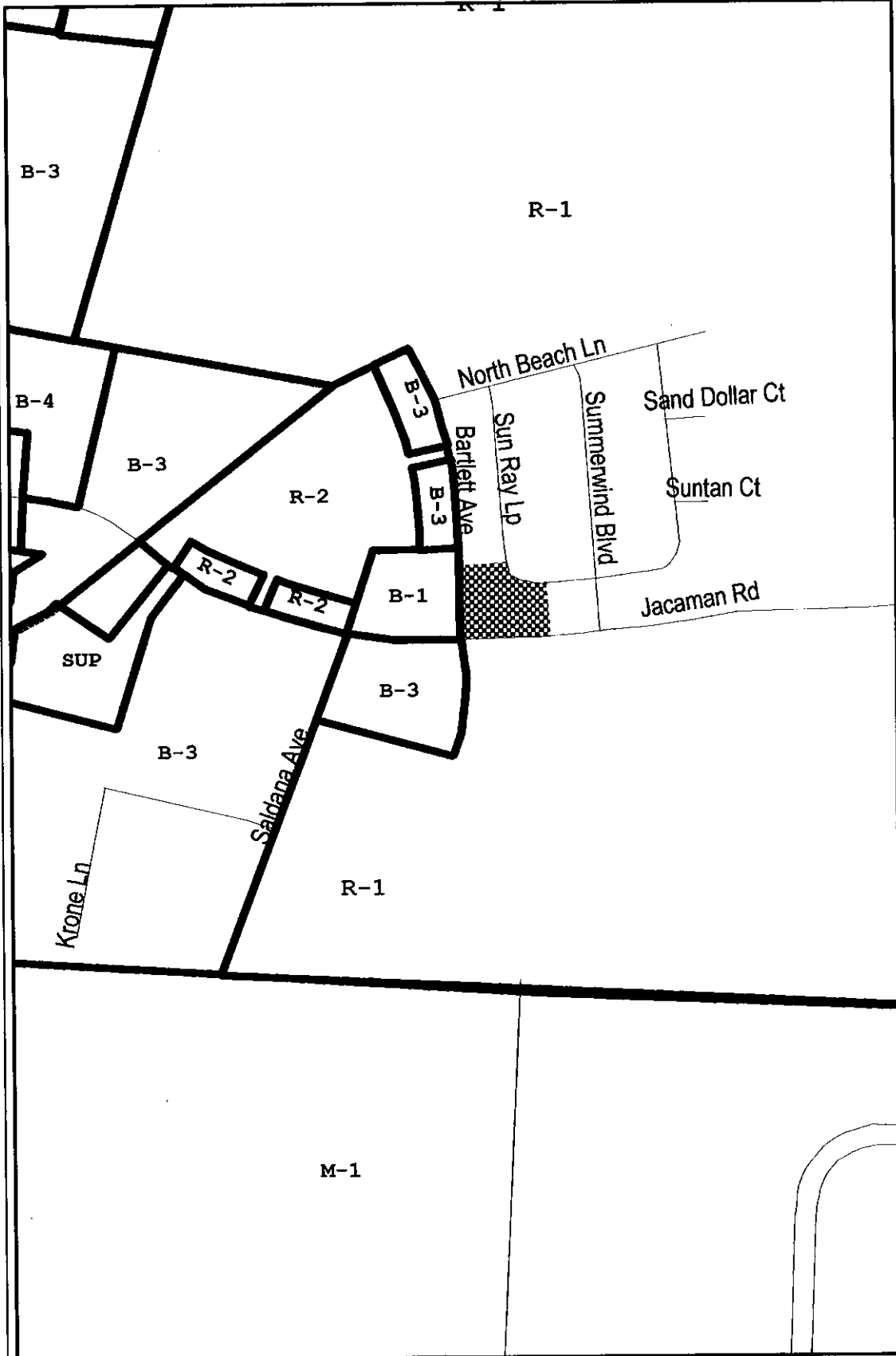
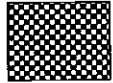
**Rezone from R-1 (Single Family Residential District)  
To B-3 (Community Business District)**

City of Laredo  
Planning Department  
Feet

LOCATION: Sun Ray Loop

ZC - 11 - 2004

500



**City of Laredo  
Zoning Map**



BARTLETT AVE.

N 00°38'33" E 191.88'

N 85°47'18" E  
130.73'

20.79'  
S 04°12'42" E

CL=127.27'

20.92'  
EAST

20' BLDG. SETBACK

129.18'  
NORTH

S 89°21'27" W 180.68'

35.36'  
N 44°21'27" W JACAMAN RD. CL=34.36'



SCALE: 1"=50'  
DATE: 03-05-2004

# SUMMERWIND SUBDIVISION UNIT I

LOT 4, BLOCK 1

# PORRAS ENGINEERING CO.

P.O. BOX 1670  
78044

ENGINEERS ~ SURVEYORS  
LAREDO, TEXAS

OFFICE 724-3097  
HOME 724-7597



11 12:58 PM

ZC-11-2004



## COUNCIL COMMUNICATION

<b>DATE:</b> 05/03/04	<b>SUBJECT: PUBLIC HEARING AND INTRODUCTORY ORDINANCE</b>  Amending the City of Laredo fiscal year 2004 Bridge System Construction Fund by appropriating \$750,000.00 for the Bridge II Expansion project. Funding will be provided by appropriating a drawdown of \$370,531 from the Construction fund opening balance and a transfer in from operating fund in the amount of \$379,469.		
<b>INITIATED BY:</b> Larry Dovalina, City Manager		<b>STAFF SOURCE:</b> Rafael Garcia Jr., Bridge System Director	
<b>PREVIOUS COUNCIL ACTION:</b> None			
<b>BACKGROUND:</b> The expansion and enhancements on Bridge II will increase capacity and ensure the safe and expedient crossing of vehicular traffic. The proposed widening enhancements to Bridge II will support Homeland Security efforts as well as complement the City's efforts to promote economic growth, tourism and sustainable development through the next thirty (30) years. This expansion will also compliment Custom initiation of the northbound Sentry Lane.  Estimated expense for this project is \$750,000.00. Funding is available in the following bridge accounts:			
Fourth Bridge Tax Exempt Bond Issue Balance		\$215,740.00	
Bridge Construction Fund Savings		\$370,531.00	
General Fund Administrative Charge Savings		<u>\$163,729.00</u>	
Bridge II Expansion Estimated Cost		\$750,000.00	
<b>FINANCIAL IMPACT:</b>			
	BUDGET	AMENDMENT	PROPOSED BUDGET
OPENING BALANCE	\$370,531	\$ -370,531	0
<b>REVENUES:</b>			
Transfer from Operations	\$ 473,509	\$ 379,469	\$ 852,978
<b>EXPENSES:</b>			
BII Expansion Project	0	\$ 750,000	\$ 750,000
<b>COMMITTEE RECOMMENDATION:</b> N/A		<b>STAFF RECOMMENDATION:</b> To conduct the Public Hearing and to Introduce the Ordinance.	

ORDINANCE 2004-O-\_\_\_\_

AMENDING THE CITY OF LAREDO FISCAL YEAR 2004 BRIDGE SYSTEM CONSTRUCTION FUND BY APPROPRIATING \$750,000 FOR THE BRIDGE II EXPANSION PROJECT. FUNDING WILL BE PROVIDED BY APPROPRIATING A DRAW DOWN OF \$370,531 FROM THE CONSTRUCTION FUND OPENING BALANCE AND A TRANSFER IN FROM OPERATING FUND IN THE AMOUNT OF \$379,469.

WHEREAS, on September 22, 2003, City Council adopted the fiscal year 2004 annual budget: and

WHEREAS, on May 3, 2004, City Council held a public hearing and introduced this ordinance; and

WHEREAS, in order to provide the necessary funding for the Bridge II Expansion project the following budget amendment is necessary.

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

Section 1: Bridge Construction Fund is hereby amended as follows:

	Annual Budget FY 2004	Proposed Amendment	Amended Budget FY 2004
<b>Bridge System – Construction Fund</b>			
Opening Balance	370,531	(370,531)	0
Transfer in - Operations	473,509	379,469	852,978
Bridge II – Expansion Project	0	750,000	750,000

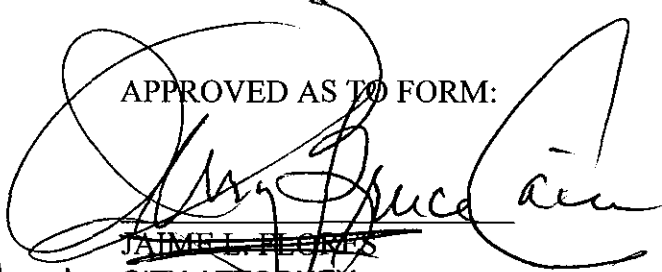
PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004

\_\_\_\_\_  
ELIZABETH G. FLORES,  
MAYOR

ATTEST:

\_\_\_\_\_  
GUSTAVO GUEVARA, JR.,  
CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JAIME L. FLORES  
ASS'Y CITY ATTORNEY