



# Planning and Zoning Commission

Approved for Agenda:  
Cristina Odenborg Burns

**MEETING DATE:** March 1, 2021

**TO:** PLANNING AND ZONING COMMISSION

**FROM:** Elizabeth Shaughnessy, Senior Planner

**SUBJECT:** Hold a public hearing and consider a request by Ana M. Armendariz for a Specific Use Designation with Term for the Sale of all alcoholic beverages, for on premises consumption in a restaurant, on a 1,166 square foot portion of Lot 1, Block 27, Original Town, City and County of Midland, Texas. (Generally located on the southwest corner of the intersection of W. Ohio Avenue and N. Colorado Street. Council District 2)  
(DEVELOPMENT SERVICES)

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## Recommended Planning and Zoning Commission Action:

☒ **Approve**      ☐ **Deny**      ☐ **Directional/Informational**

## Current Zoning:

CB, Central Business District.

## Details of Request:

The applicant is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant at 305 W. Ohio Avenue Midland, Texas 79705.

## Surrounding Zoning and Land Use:

The property is located at 305 W. Ohio Avenue, in the CB, Central Business District. The properties to the north, east, south, and west are zoned CB, Central Business District, and the location of an office building, parking lots, and a vacant building

## Analysis:

Cora's Bistro is requesting a Specific Use Designation for the property located at 305 W. Ohio Avenue to be able to sell all alcoholic beverages for on premises consumption, within a restaurant. The property is zoned CB, Central Business District, which allows

the consumption of alcoholic beverages with the approval of a Specific Use Designation.

The restaurant is currently in operation. The floor plan attached hereto as "Exhibit A" illustrates that the establishment will have a total square footage of 1,166 square feet, with an alcohol serviceable area of 583 square feet.

The restaurant has the following hours of operation:

**Monday through Friday from 7:00 a.m. to 2:00 p.m.**  
**Saturday from 8:00 a.m. to 12:00 p.m. (noon)**

The applicant is proposing the following hours for alcoholic beverage service:

**Monday through Saturday from 7:00 a.m. to 12:00 a.m. (Midnight)**  
**Sunday from 12:00 p.m. (noon) to 9:00 p.m.**

Per Midland City Code, Section 5-4-4, Prohibited Places of Business:

*The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public school, public school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.*

There are no schools or churches within 300 feet of the property.

**Engineering: (Approved)**

No objection.

**Fire: (Approved)**

No objections.

**Transportation: (Approved)**

No objection to zone change.

**Code Administration: (Approved)**

The SUD for Cora's is acceptable. The property must adhere to the occupant load of 38 persons. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

**Planning:**

This request is in compliance with the Tall City Tomorrow Comprehensive plan, Chapter 6 Character Plan - Goal 4, "Encourage the development of places where Midland residents can gather and socialize to build connections" (Tall City tomorrow, page 137).

This request meets all requirements; therefore, staff recommends approval of the Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, subject to Conditions A through E.

**Conditions:**

- A. That the serviceable area of the restaurant shall be limited to approximately 583 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.**
- B. That the days and hours of alcoholic beverage sales and consumption shall be limited to:**
  - Monday through Saturday from 7:00 a.m. to 12:00 a.m. (Midnight)**
  - Sunday from 12:00 p.m. (noon) to 9:00 p.m.**
- C. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**
- D. That the establishment shall meet all requirements of the Fire Department and Code Administration.**
- E. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**

**Letters of Objection:**

As of February 24, 2021, staff has not received any letters of objections.

**Attachments:**

Floor Plan (Exhibit A)  
Site Plan  
Application  
Maps