



Planning and Zoning Commission

Approved for Agenda:
Cristina Odenborg Burns

MEETING DATE: March 1, 2021

TO: PLANNING AND ZONING COMMISSION

FROM: Valerie A. Sherman, Senior Planner

SUBJECT: Hold a public hearing and consider a request by Cung Lian Ni for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant, on a 1,881 square foot portion of Block 1, less the 250-foot by 150-foot northwest corner and less the 224-foot by 150-foot southwest corner, Replat of Block 1 and 2, Imperial Heights Addition, City and County of Midland, Texas. (Generally located on the south side of W. Wadley Avenue, approximately 277 feet east of N. Midkiff Road. Council District 3) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

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

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

The property is located at 3211 W. Wadley Avenue, Suite 3A, in the RR, Regional Retail District. The property to the north across W. Wadley Avenue is zoned SF2, Single-Family Dwelling District, and the location of residences. The property to the east is zoned PD, Planned Development District for a Housing Development, and the location of duplex residences. The property to the south is zoned SF-2, Single-Family Dwelling District and the location of residences. The property to the west is zoned RR, Regional Retail District and the location of Whataburger and Walgreens.

Analysis:

Cung Lian Ni is requesting a Specific Use Designation for the property located at 3211 W. Wadley Avenue, Suite 3A, to be able to sell all alcoholic beverages for on premises consumption, within a restaurant. The property is zoned RR, Regional Retail District,

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

The floor plan attached hereto as "Exhibit A" illustrates that the establishment, will have a total square footage of 1,881 square feet, with an alcohol serviceable area of 723 square feet.

The applicant is requesting the following hours of operation and alcohol service:

Monday through Sunday from 10:00 a.m. to 3:00 p.m. and from 5:00 p.m. 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.

Departmental Review:

Engineering: (Approved)

No objections.

Building Code: (Approved with Conditions)

The SUD for Tokyo 1 is acceptable. The property must adhere to the current maximum occupant load of 53 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Fire: (Approved)

No objections.

Transportation: (Approved)

No objection to zone change.

Code Administration: (Approved)

No comments.

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 723 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 beverages sales and consumption shall be limited to:

Monday through Sunday from 10:00 a.m. to 3:00 p.m. and from 5:00 p.m. 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 received one letter of objections.

Attachments:

Floor Plan (Exhibit A)
Application
Maps
Letter of Objection