



City Council Meeting

Item Number: 20
Meeting Date: April 13, 2021
To: City Council / City Manager
From: Valerie A. Sherman, Senior Planner
Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR THE NORTH HALF OF LOT 11 AND ALL OF LOT 12, BLOCK 187, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST FLORIDA AVENUE AND SOUTH BAIRD STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A BAR FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Purpose:

Jorge Ramos is requesting a Specific Use Designation with term, for the property located at 200 E. Florida Avenue to be able to sell all alcoholic beverages for on premises consumption, within a bar. The property is zoned RR, Regional Retail District, which allows for the sale and on premises consumption of alcoholic beverages with the approval of a Specific Use Designation.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the City.

Discussion:

Surrounding Zoning and Land Use:

The property is located at 200 E. Florida Avenue, in the RR, Regional Retail District. The property to the north, across E. Florida Avenue is zoned RR, Regional Retail District, and the location of a retail store. The property to the east is zoned RR, Regional Retail District, and the location of a bakery. The property to the south is zoned RR, Regional Retail District, and the location of a vacant lot. The property to the west, across S. Baird Street, is zoned RR, Regional Retail District, and the location of a car wash facility.

Discussion:

Jorge Ramos is requesting a Specific Use Designation with term, for the property located at 200 E. Florida Avenue to be able to sell all alcoholic beverages for on premises consumption, within a bar. The property is zoned RR, Regional Retail District, which allows for the sale and on premises 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 3058 square feet, with an alcohol serviceable area of 1,600 square feet.

The proposed site plan provides adequate access and internal circulation.

The restaurant has the following hours of operation and alcohol service:

Monday through Saturday from 10:00 a.m. to 12:00 a.m. (midnight)
Sunday from 12:00 p.m. (noon) to 12:00 a.m. (midnight)

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.

This request has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Engineering: (Approved)

No objection.

Building Code: (Approved with Conditions)

The SUD for La Cantina is acceptable. The property must adhere to the maximum occupant load of 106 persons. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Their floor plans state that their occupancy is 130 but based on the standard code of dividing the serviceable area sq ft by 15, it is only a 106 occupancy.

Fire: (Approved)

No objections.

Transportation: (Approved)

No objections.

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 was recommended for approval at the March 15, 2021 Planning and Zoning Commission Meeting.

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 bar, subject to Conditions A through F.

Conditions:

A. That the serviceable area of the bar shall be limited to approximately 1,600 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 11:00 a.m. to 2:00 a.m., of the following day.

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.**
- F. That in accordance with Section 9.07.E.3 of the zoning ordinance, the restaurant shall be in operation within 120 days from the final adoption date of this ordinance.**

Letters of Objection:

As of April 7, 2021, staff has not received any letters of objections.

Attachments:

Floor Plan (Exhibit A)
Application
Maps
Ordinance No. 10000



City Manager's Office