



Planning and Zoning Commission

Approved for Agenda:
Elizabeth Shaughnessy

MEETING DATE: July 19, 2021

TO: **PLANNING AND ZONING COMMISSION**

FROM: Joseph Marynak, Planner

SUBJECT: Hold a public hearing and consider a request by Joann Cervantes for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a vendor market, on a 5,790 square foot portion of a 0.4-acre tract of land out of the SW/4 of Section 33, Block 39, T-1-S, T&P RR Co Survey, City and County of Midland, Texas. (Generally located on the southwest side of the intersection of West Wall Street and Bankhead Highway. Council District 2) (DEVELOPMENT SERVICES)

Recommended Planning and Zoning Commission Action:

Approve **Deny** **Directional/Informational**

Current Zoning:

RR, Regional Retail District

Departmental Review:

Surrounding Zoning and Land Use:

The properties to the north, south, and west are zoned RR, Regional Retail District, and the location of car dealerships. The property to the east are zoned C, Commercial District and the location district.

Analysis:

The property is located in the RR, Regional Retail District. This zoning district permits the sale and on premises consumption of alcoholic beverages in a vendor market, with the approval of a Specific Use Designation with Term.

The site is located at 3201 W Wall St, and does not currently have a Specific Use Designation for sale and on premises consumption of alcoholic beverages. The serviceable area will have a

maximum indoor floor area of 5,790 square feet. The applicant will only be using the first floor of the location. As such, the site currently exceeds the parking requirement of 20 parking spaces. The site has adequate restroom facilities. The applicant is requesting alcohol service hours the same as their hours of operations which are as the following:

Tuesday through Saturday, 9:00 a.m. to 6:00 p.m. and Sunday, 12:00 p.m. (noon) to 6:00 p.m.

Per Midland City Code 5.4.4. –Prohibited place 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 churches, private schools, public schools, public school grounds, athletic stadium, public hospital within 300 feet measurement along the property lines of the street fronts, and from the front door in a direct line across intersection where they occur within this site.

This project has been circulated to all City departments for review. Below are the department comments.

Fire: (Approved)

No objections.

Engineering: (Approved)

No objections.

Traffic: (Approved)

No objection to zone change.

Building Code: (Approved)

The SUD for One More Round is acceptable. The property must adhere to the current maximum occupant load of 386 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The 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). One More Round will create a vibrant atmosphere where residents can browse and shop with local small businesses while enjoying alcoholic beverages.

This request meets all requirements; therefore, staff recommends approval of the request of the

Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a vendor market, subject to Condition A through H.

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 5,790 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

B. That use of the second floor shall be prohibited unless a new floor plan is adopted delineating said use.

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 the days and hours of alcoholic beverages sales and consumption shall be limited to:

Tuesday through Saturday, from 9:00 a.m. to 11:00 p.m. and Sunday from 12:00 p.m. (noon) to 6:00 p.m.

G. That the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.

H. 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 July 14, 2021, staff has not received any letters of objection.

Attachments:

Application
Site Plan (Exhibit A)
Floor Plan (Exhibit A)
Lease Agreement
Maps