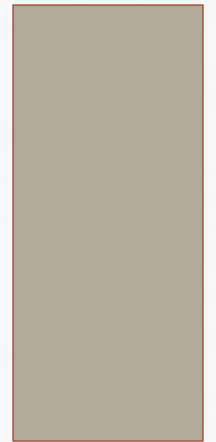
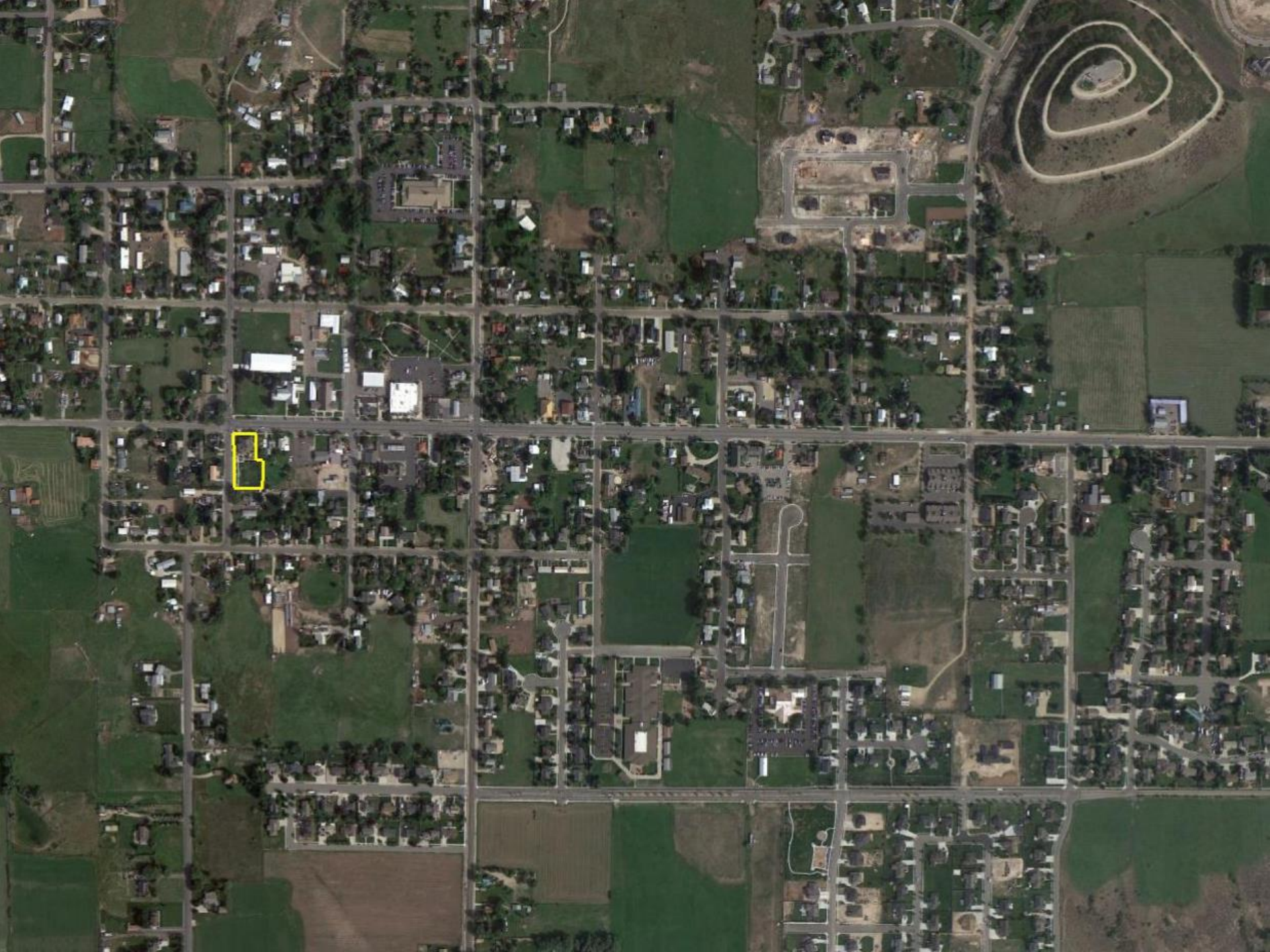
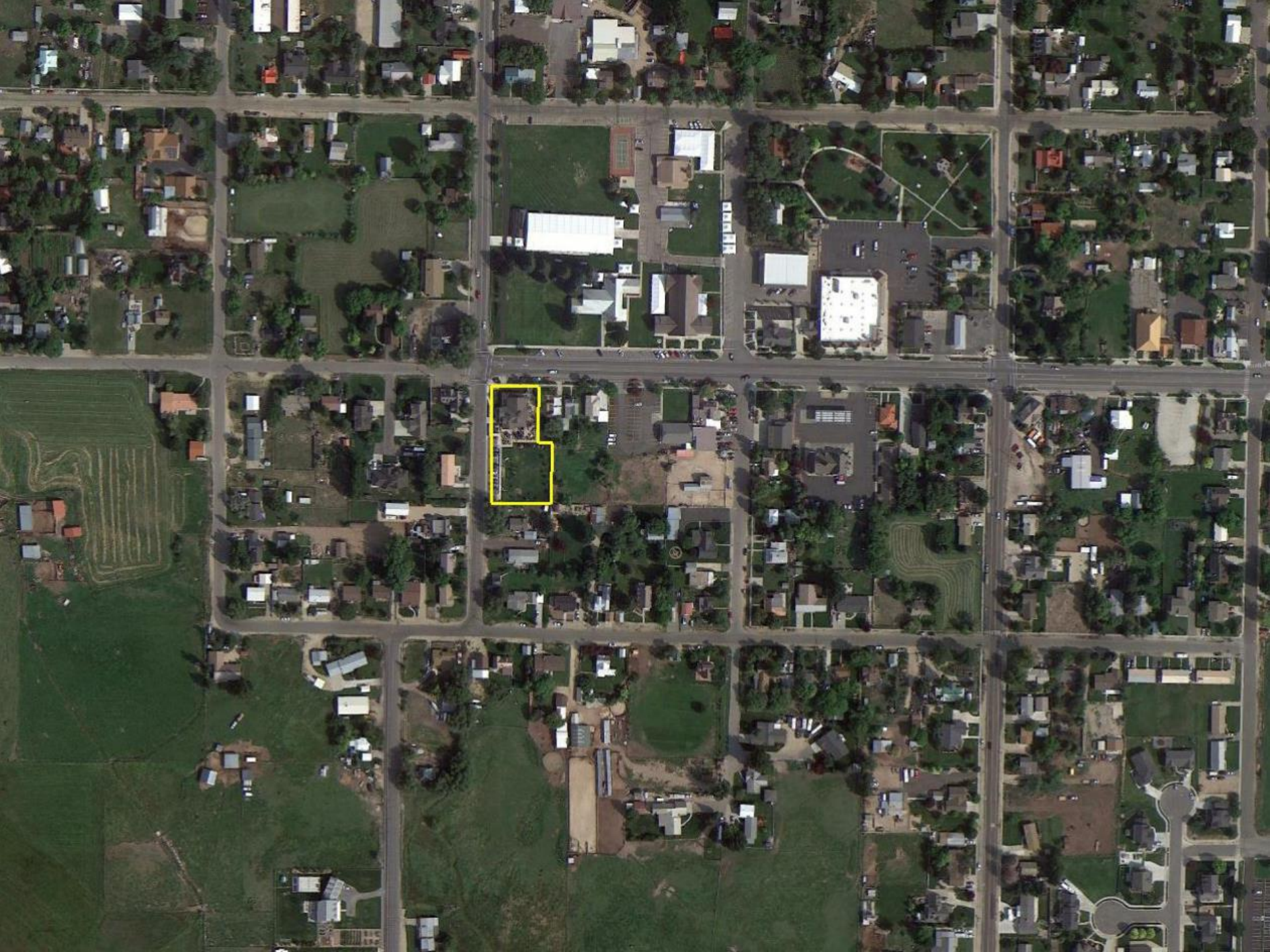


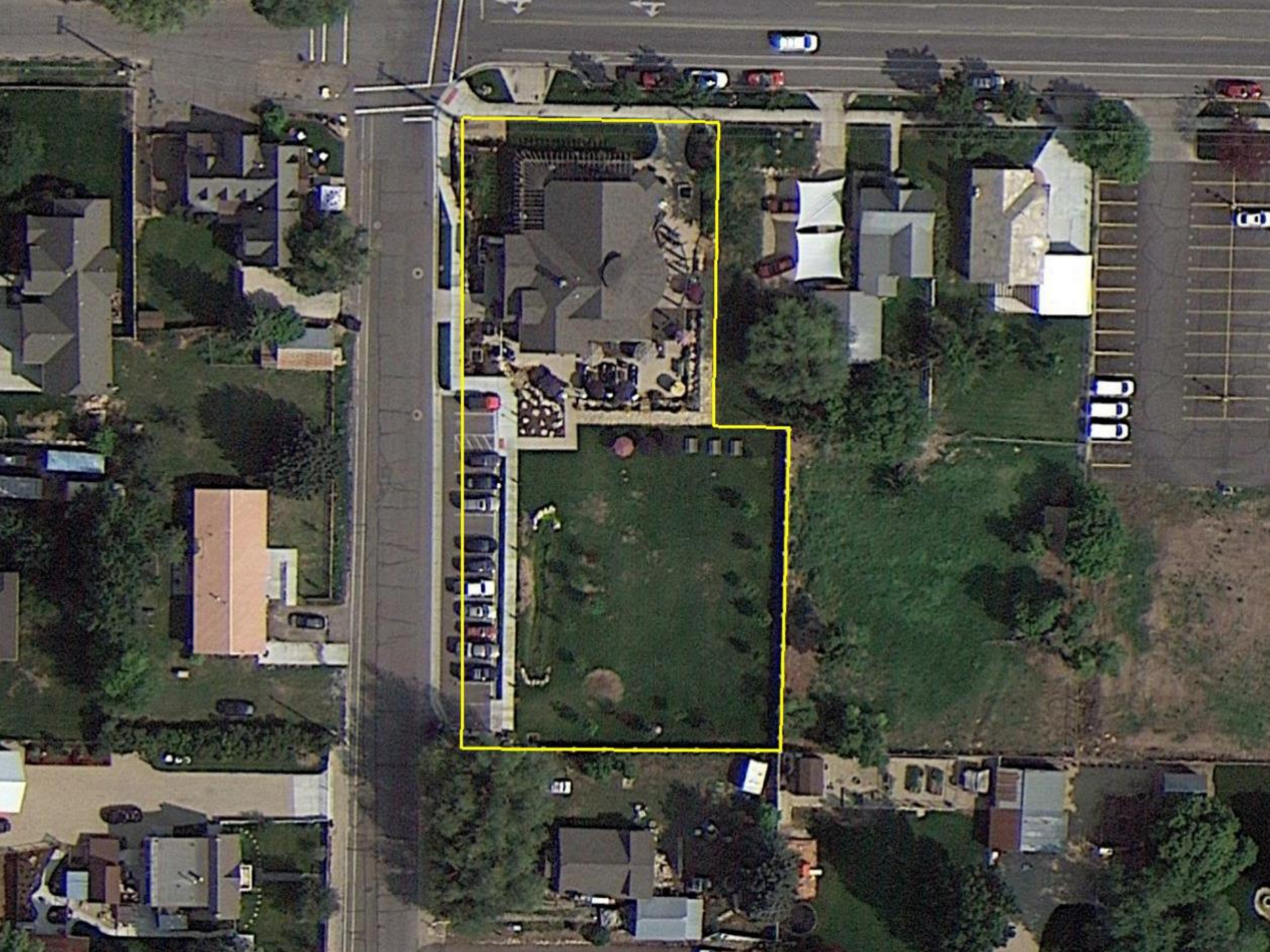
HARVEST MIDWAY

CONDITIONAL USE PERMIT &
LOCAL CONSENT FOR ALCOHOL









HARVEST MIDWAY

- Proposal is for local consent to serve alcohol
 - City Council has broad discretion to issue approval
 - Utah Department of Alcoholic Beverage Control will accept an application once City has approved local consent
- Condition Use Permit
 - Allows conditions to be required to mitigate impacts

BACKGROUND

- The Heirloom Common received a CUP and local consent on 9-6-2022 with the following condition:
 - No alcohol related signage would be visible on the exterior of the building or on the inside, visible from the outside including from 200 West.
- Ownership has changed and the new owners must receive approval from Midway and the State

BACKGROUND

- Harvest Midway Restaurant is located at 195 West Main Street, 0.28 acres in size, and in the C-2 zone.
- Per the current application,

“Harvest Midway will continue this tradition, featuring a full-service restaurant (Level 1), a bakery and grab-and-go area (basement), and a significantly enhanced outdoor space. The restaurant will initially offer breakfast and lunch (8 am – 3 pm) with plans for dinner service, emphasizing locally sourced and scratch-made food. This project will create new jobs and further enhance the community experience.”

BACKGROUND

- The City has approved the following alcohol licenses to date:

Lupita's

Café Galleria

Zermatt Resort

Homestead Resort

7-11

Ridley's & Ridley's Market (convenience store)

Market at Midway & Market Express (conv. store)

Blue Boar Inn

Midway Mercantile

Lola's

The Corner Restaurant

Heirloom Common Restaurant and Market

POSSIBLE FINDINGS

- The proposed use is conditionally permitted within the Land Use Title and would not impair the integrity and character of the intended purpose of the subject zoning districts;
- The proposed use is consistent with the General Plan. No issues to the contrary have been identified;
- The approval of the conditional use permit for the proposed use complies with the requirements of state, federal and Midway City regulations. The applicant shall obtain approval of the CUP, Local Consent, Business License, Alcohol License, and obtain and comply with all applicable state licensing requirements of the UDABS;
- There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored. No issues have been identified;

POSSIBLE FINDINGS (CONT.)

- The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City. The proposed use and associated traffic are consistent with commercial uses in the commercial zone and consistent with prior uses at this location. A dumpster enclosure approved by the VAC is required for the dumpster at the location and a business license shall not be granted by the City until the enclosure is completed;
- The subject site is physically suitable for the type and density/intensity of the proposed use and has been used for a comparable use in the past. Special events will need to receive the proper City permitting/approval and comply with Midway City Code, including but not limited to light and noise ordinances;

POSSIBLE FINDINGS (CONT.)

- There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and safety. No detrimental impacts have been identified;
- The proposed license would allow the sale of alcohol at Harvest Midway.
- The restaurant property is located within 200' of public property.
- The State does regulate this type of alcohol license.
- Special events on site would be required to comply with Midway City Code.

PROPOSED CONDITIONS

1. No alcohol related signage would be visible on the exterior of the building or on the inside, visible from the outside including from 200 West and Main Street.
2. Signage not in compliance with Midway City Code must be removed.
3. A dumpster enclosure, reviewed and approved by the Vision Architectural Committee, must be constructed to mitigate the visual impact of the dumpster for neighbors and for passing motorists prior to issuance of a business license.

PLANNING COMMISSION RECOMMENDATION

At its regularly scheduled meeting held December 10, 2024, the Planning Commission made the following motion:

Motion: Commissioner Garland: I make a motion that we recommend approval of a Conditional Use Permit and Local Consent for an alcohol dispensing establishment for Harvest Restaurant. The restaurant is located at 195 West Main Street. The property is .28 acres in size and is in the C-2 zone. We accept staff findings and conditions listed in the report.

Seconded: Commissioner Nokes

Commissioner Nicholas: Any discussion on the motion? No
Commissioner Nicholas: All in favor. 6 Ayes: Commissioners:
Wardle, Osborne, Knight, Nokes, Lineback, and Garland
Nays: None Motion: Passed

POSSIBLE ACTIONS

1. Approval (conditional). This action can be taken if the City Council feels that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

2. Continuance. This action can be taken if the City Council feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial