



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: September 20, 2017

NAME OF PROJECT: Alcohol Dispensing Establishment

NAME OF APPLICANT: John Platt

AGENDA ITEM: Conditional Use Permit

LOCATION OF ITEM: 99 East Main

ZONING DESIGNATION: C-3

ITEM: 5

John Platt is applying for a Conditional Use Permit for an alcohol dispensing establishment. The restaurant will be called the Midway Mercantile and is located at 99 East Main. The property is 0.22 acres in size and is located the C-3 zone.

BACKGROUND:

John Platt is requesting a Conditional Use Permit for and alcohol dispensing establishment. He and business partner Sandra Perala along with two LLCs recently purchased the Midway Mercantile building located at 99 East Main. The property is in the C-3 zoning and restaurants are permitted uses in that zone. If the conditional Use is granted and local consent is approved then they will need to apply with the Department of Alcoholic Beverage Control (DABC) for state approval.

If they receive City consent, the applicant will apply for a Full Service Restaurant Liquor License. They plan to offer beer, wine, and hard liquor, as well as non-alcoholic beverages in a friendly, neighborhood style restaurant that will feature contemporary

comfort food. Regarding the restaurant, there will be approximately 100 seats, spread among the main dining room (60% of the seating), a sports lounge with TVs and full meal service as well as snack foods (30% of seating) and a small bar (10% of seating).

The approval of a CUP is an administrative act but, as per State Code, the approval of the ability to sell alcohol is a legislative act and the City has broad discretion in that decision. We do know tourism does generate business and taxes and some would argue that limiting beer licenses could damage tourism in the City.

Currently the City has approved the following licenses:

Tarahumara
Café Galleria
Zermatt Resort
Homestead Resort
7-11
Main Street Station
Ridley's
Blue Boar Inn

If the CUP is recommended for approval to the City Council and the City Council approves it, separate City Council agenda items will be required for Local Consent and for a Local Consent for Proximity Variance. The front door of Midway Mercantile to the front door of The Big Red After Schoolhouse located at 145 East Main Street is about 515' walking distance. State Code requires a minimum walking distance of 600' or a minimum straight-line measurement of 200' for a license to be granted without a variance by the City. Therefore, since the distance is less than the requirements, the City will also have to grant a "Local Consent for Proximity Variance".

The State will hold a public hearing in Midway City before the State can either grant or deny the request.

Another item of discussion is signage related to alcoholic beverages. The City code does allow illuminated product signs which does include alcoholic beverage signs. Staff is concerned about any alcohol related signage in the Midway Mercantile building for several reasons. First, the structure is very visible from Main Street, the City's main transportation corridor, because the structure is nonconforming to the required front setback. Second, 100 East is the school crossing on Main Street and children are present in the area often and they would be exposed to the signage each time they went or returned from school. Third, The Big Red After Schoolhouse is also located in the area and it is a child oriented business. Staff would not like the restaurant to have a bar appearance with alcoholic beverage signs because of the three items listed above.

This item has been noticed in the local newspaper for two weeks and in the State's website for the Planning Commission meeting. Mailed notice will be sent out to all property owners within 600' before the public hearing before the City Council.

ANALYSIS:

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

1. 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 district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not have a significant impact on the neighborhood.*
2. The proposed use is consistent with the General Plan; *no issues have been identified.*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the applicant shall obtain approval of the CUP, Local Consent and Consent for Proximity Variance from the City Council and obtain and comply with all applicable state licensing requirements of the DABC.*
4. 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.*
5. 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 is consistent with the historic commercial use.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the proposal is suitable based on the existing approved use and typical events.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety; *no detrimental impacts have been identified.*

POSSIBLE FINDINGS:

- The proposed license would allow the sale of beer, wine, and liquor at the Midway Mercantile restaurant
- The property is not within 600' walking distance of public property
- The property is within 600' walking distance of The Big Red After Schoolhouse
- The property is next to a school crossing of Main Street
- The State will require a proximity variance because of the location of The Big Red After Schoolhouse
- The State does regulate this type of alcohol license

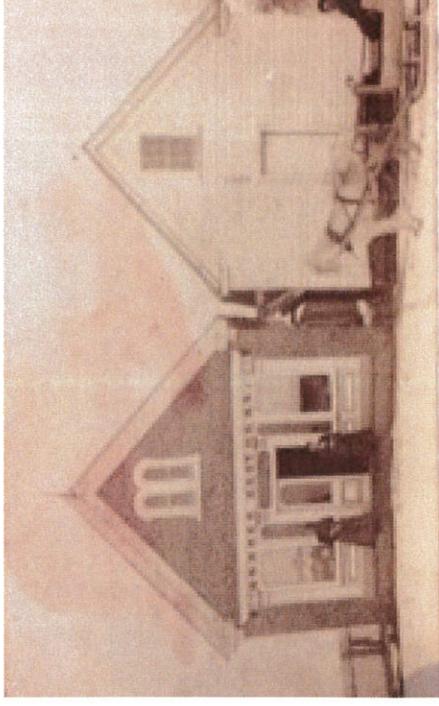
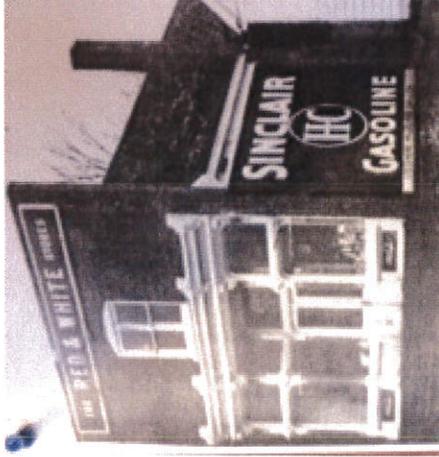
ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission 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 Planning Commission 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. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

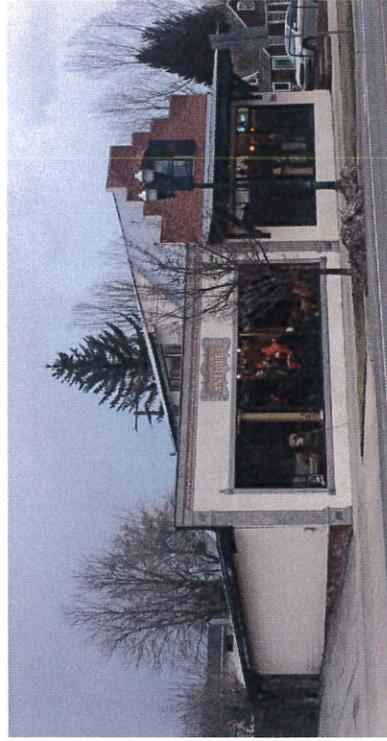
POSSIBLE CONDITION:

1. No alcohol related signage is located within 10' of any of the south windows of Midway Mercantile





historical photos



existing photos



the Mercantile

restaurant remodel
99E Main Street, Midway



southeast perspective

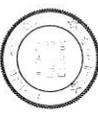
the Mercantile
restaurant remodel
99E Main Street, Midway



southwest perspective

the Mercantile
restaurant remodel
99E Main Street, Midway





- SITE DEVELOPMENT NOTES**
1. GRADING SHALL BE A MINIMUM OF 6" FOR THE FIRST 14'-0" AWAY FROM THE BUILDING, AND 4" SITE CONCRETE TO BE 4" CONCRETE SLAB OVER 4" COMPACTED GRANULAR FILL. ALL PAVEMENT SHALL DRAIN AWAY FROM THE BUILDING.
 2. COORDINATE CROSS SLOPE WITH ARCHITECT.
 3. PATIO SHALL HAVE A TURNED DOWN GRADE BEAM FOUNDATION TO PROVIDE A MINIMUM OF 4" OF FINISHED GRADE ABOVE THE BOTTOM OF THE FOUNDATION. ALL PATIOS SHALL BE 4" O.C. DEPTH. MINIMUM DISTANCE FROM TOP OF FOUNDATION TO FINISHED GRADE TO BE 4". MAX DISTANCE TO BE 17".
 4. MAXIMUM ACCESS MUST HAVE 2% SLOPE MAX. ADJUST ASPHALT AS NECESSARY EXCEPT AS REQUIRED FOR OTHER.
 5. EXISTING ASPHALT FOR PARKING AREA TO REMAIN UNLESS OTHERWISE NOTED.
 6. EXISTING ASPHALT FOR PARKING AREA TO REMAIN UNLESS OTHERWISE NOTED.

#	KEYNOTE LEGEND	DESCRIPTION
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EXTENT PAVEMENT FOR THIS STALL

EXISTING PLANTER AREA TO REMAIN

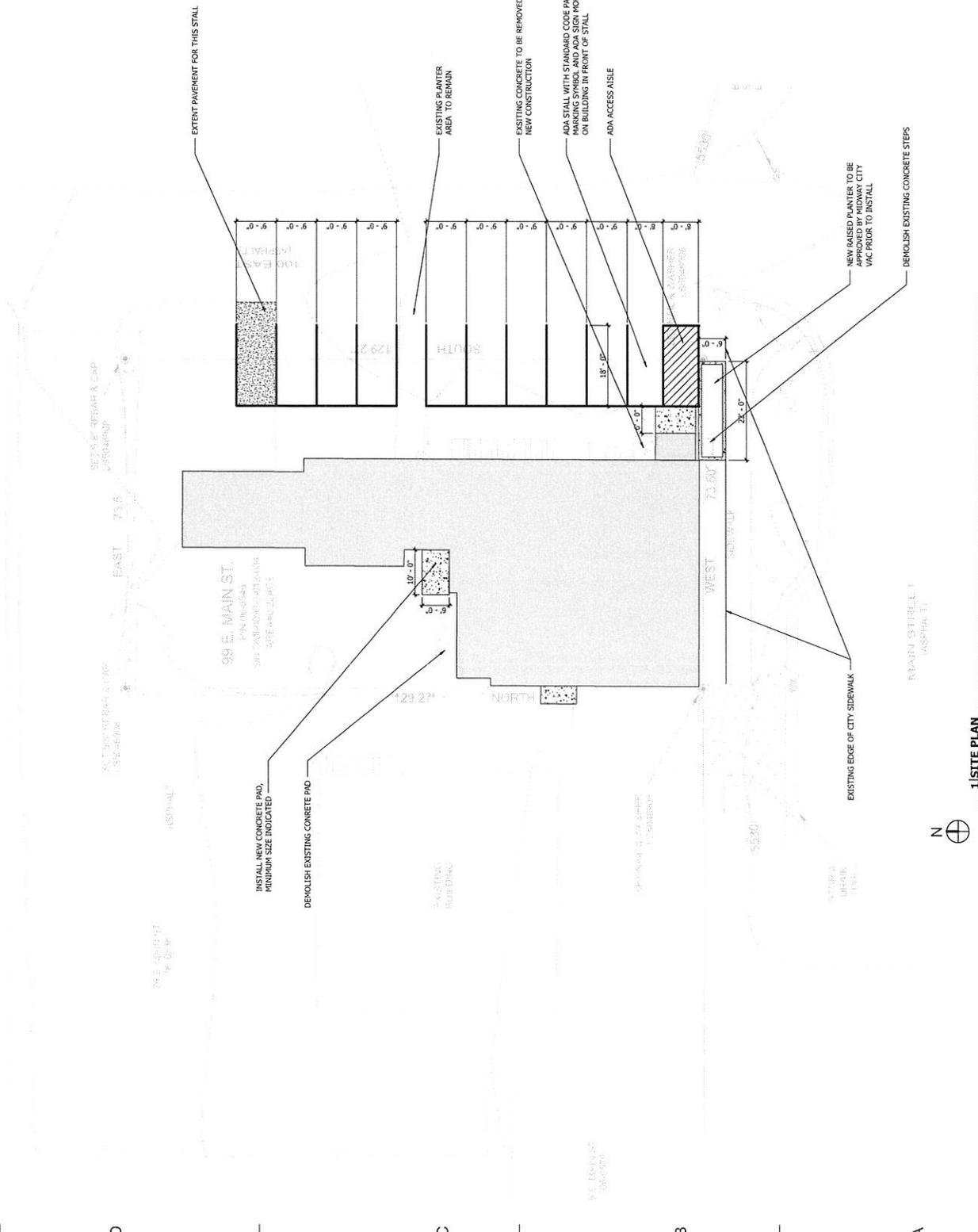
EXISTING CONCRETE TO BE REMOVED WITH NEW CONSTRUCTION

ADA WALL WITH STANDARD CODE PAVEMENT MARKING SYMBOL AND ADA SIGN MOUNTED ON BUILDING IN FRONT OF STALL

ADA ACCESSIBLE

NEW RAISED PLANTER TO BE APPROVED BY MIDWAY CITY VAC PRIOR TO INSTALL

DEMOLISH EXISTING CONCRETE STEPS



1 SITE PLAN
A001 | 1" = 10'-0"

Midway MERCANTILE
restaurant

99 E Main Street

