

Midway City Council
18 September 2018
Regular Meeting

Midway Mercantile /
Conditional Use Amendment to
Serve Alcohol



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: September 18, 2018

NAME OF PROJECT: Alcohol Dispensing Establishment

NAME OF APPLICANT: John Platt

AGENDA ITEM: Conditional Use Permit Amendment

LOCATION OF ITEM: 99 East Main

ZONING DESIGNATION: C-3

ITEM: 9

Midway Mercantile / Conditional Use Amendment to Serve Alcohol (John Platt – Approximately 10 Minutes) – Discuss and possibly amend the conditional use permit for the Midway Mercantile Restaurant, located at 99 East Main Street, to serve alcohol (Zoning is C-3)

BACKGROUND:

John Platt is requesting that his approved Conditional Use Permit (CUP) for an alcohol dispensing establishment, Midway Mercantile, is amended to allow him to sell alcohol later than the conditional approval granted that limited sales until 10 p.m. The basis for his proposal is that recently another alcohol dispensing establishment, The Corner Restaurant, was approved with no condition limiting hours of sales except for the State mandated hour limits. The State limits the hours of selling alcohol to the following:

Licensed restaurants may sell heavy beer and wine from 11:30 a.m. to 11:59 p.m. Monday through Friday. On Saturday and Sunday, legal holidays and private parties, the hours are 10:30 a.m. to 11:59 p.m. The hours of beer sales are the same, except beer may be sold until 12:59 a.m.

When the City Council discussed the approval of the CUP for The Corner Restaurant, the subject of consistency was discussed because the Midway Mercantile had been approved with a serving of alcohol hour restriction. The suggestion was made in that meeting that the owners of Midway Mercantile could come back to the City Council and petition for an amendment of their approval. They have now officially made that petition.

Staff has received no complaints regarding the serving of alcohol at Midway Mercantile.

POSSIBLE FINDINGS:

- Staff has received no complaints regarding the serving of alcohol at Midway Mercantile
- Amending the CUP to allow the sale of alcohol to the hours limited by the State would allow the sale of alcohol to be the same for Midway Mercantile and the Corner Restaurant

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council feels that the proposed amended condition is acceptable.
 - 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