PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING:	November 10, 2026
NAME OF PROJECT:	Alcohol Dispensing Establishment
NAME OF APPLICANT:	Megan Dial
OWNER:	Daniel Luster
NAME OF RESTAURANT:	Charolais
AGENDA ITEM:	Conditional Use Permit
LOCATION OF ITEM:	615 East Main Street, Midway, Utah
ZONING DESIGNATION:	C-2

ITEM: 2

Megan Dial, agent for Dan Luster, is applying for a Conditional Use Permit (CUP) for an alcohol dispensing establishment at Southill that will be called Charolais. Southill is located at 615 E. Main and is in the C-2 Zone.

BACKGROUND:

Megan Dial, agent for Daniel Luster, is proposing a conditional use permit that would allow Charolais, a French Steakhouse, to serve alcohol. The restaurant is under construction and is on Lot F of Plat A in the Southill Development.

Per the current application,

> "*We are opening a French Steakhouse at Southill, called Charolais. The conditional use is requested to allow Charolais to operate as a full-service restaurant offering a thoughtfully curated selection of alcoholic beverages alongside its food and beverage service. The intent is to provide a welcoming dining experience that complements the restaurant's culinary offerings and contributes to the character and vitality of the community."*

The property is in the C-2 zone. Restaurants are permitted uses in that zone although alcohol dispensing establishments must be approved for a conditional use permit to serve alcohol. If they receive City consent, the applicant will apply for a Full-Service Restaurant Liquor License from the Utah Department of Alcohol Beverage Services (UDABS).

The approval of a CUP is an administrative act but, per State Code, the approval of the ability to sell alcohol is a legislative act, and the City has broad discretion in that decision. Tourism does generate business and taxes and some might argue that limiting alcohol licenses could inhibit tourism in the City.

The City has approved many alcohol licenses, including the following:

Café Galleria
Zermatt Resort
Homestead Resort
7-11
Market at Midway
Market Express (convenience store)
Blue Boar Inn
Midway Mercantile
Montblu
Lola's
Harvest Restaurant
Hidden Peak Provisions

This item has been noticed on the City's website and on the State's website for the Planning Commission meeting. Mailed notices will be sent to all property owners within 600' in anticipation of the public hearing before the City Council.

ANALYSIS:

Section 16.26.120 of the Midway Municipal Code governs Conditional Use Approvals and Regulations. This provision provides that the Planning Commission shall:

"recommend the granting or denying of the conditional use permit based upon the standards set forth in this Section. The Planning Commission may also recommend conditions to be imposed on the use if the permit is granted."

The comments in italics represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the City Council must make in considering this request. Section 16.26.120 requires specifically the City Council 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 as long as special events comply with Midway City Code and are held with the proper permitting.*

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 obtain and comply with all applicable state licensing requirements of the UDABS.*

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 commercial uses in the commercial zone of the City.*

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 proposed use. Special events will need to receive the proper City approvals that will look specifically at noise and traffic impacts of any proposed events.*

7. 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.*

Signage: The current sign code does not allow illuminated product signs. This structure is highly visible from Main Street, the City's main transportation corridor, partly because of the 10' setback that is allowed in the commercial zones. Consistent with past CUP and local consent for alcohol, staff recommends that no alcohol related signage be visible on the exterior of the building or on the inside, visible from the outside, including from Main Street/Midway Lane.

POSSIBLE FINDINGS:

- 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, Business License, Alcohol License, and obtain and comply with all applicable state licensing requirements of UDABS;

- The proposed license would allow the sale of alcohol at Charolais for on-site consumption.

- The restaurant property is not located within 200' of a public park, school, library, church, or other facility which might limit granting of an alcohol license.

- The State does regulate this type of alcohol license.

POSSIBLE ACTIONS

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission determines 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 determines that there are unresolved issues.

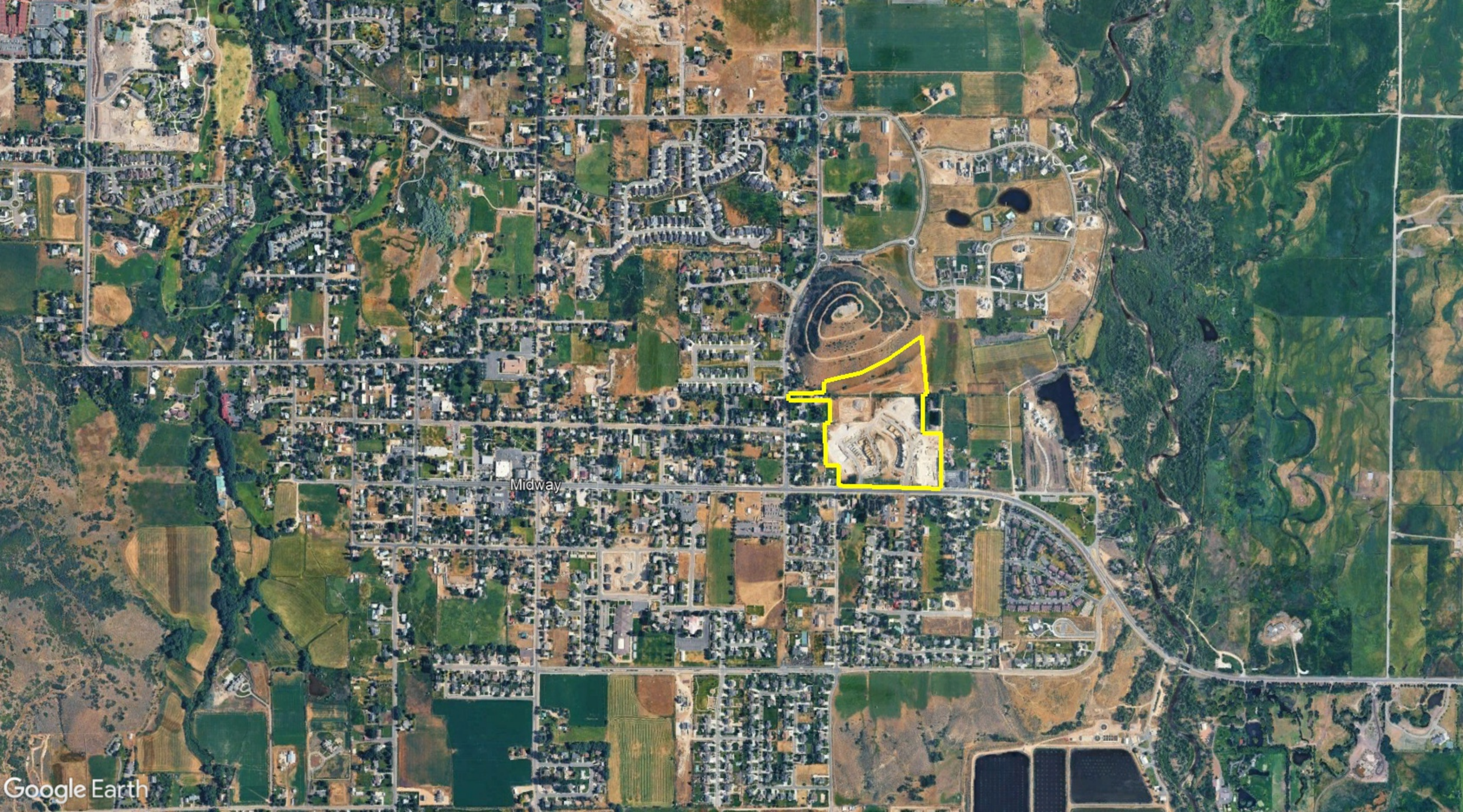
    a. Accept staff report
    b. List accepted findings
    c. Reasons for continuance
        i. Unresolved issues that must be addressed
    d. Date when the item will be heard again

3. Recommendation of Denial. This action can be taken if the Planning Commission determines that the request does not meet the intent of the ordinance.

    a. Accept staff report
    b. List accepted findings
    c. Reasons for denial

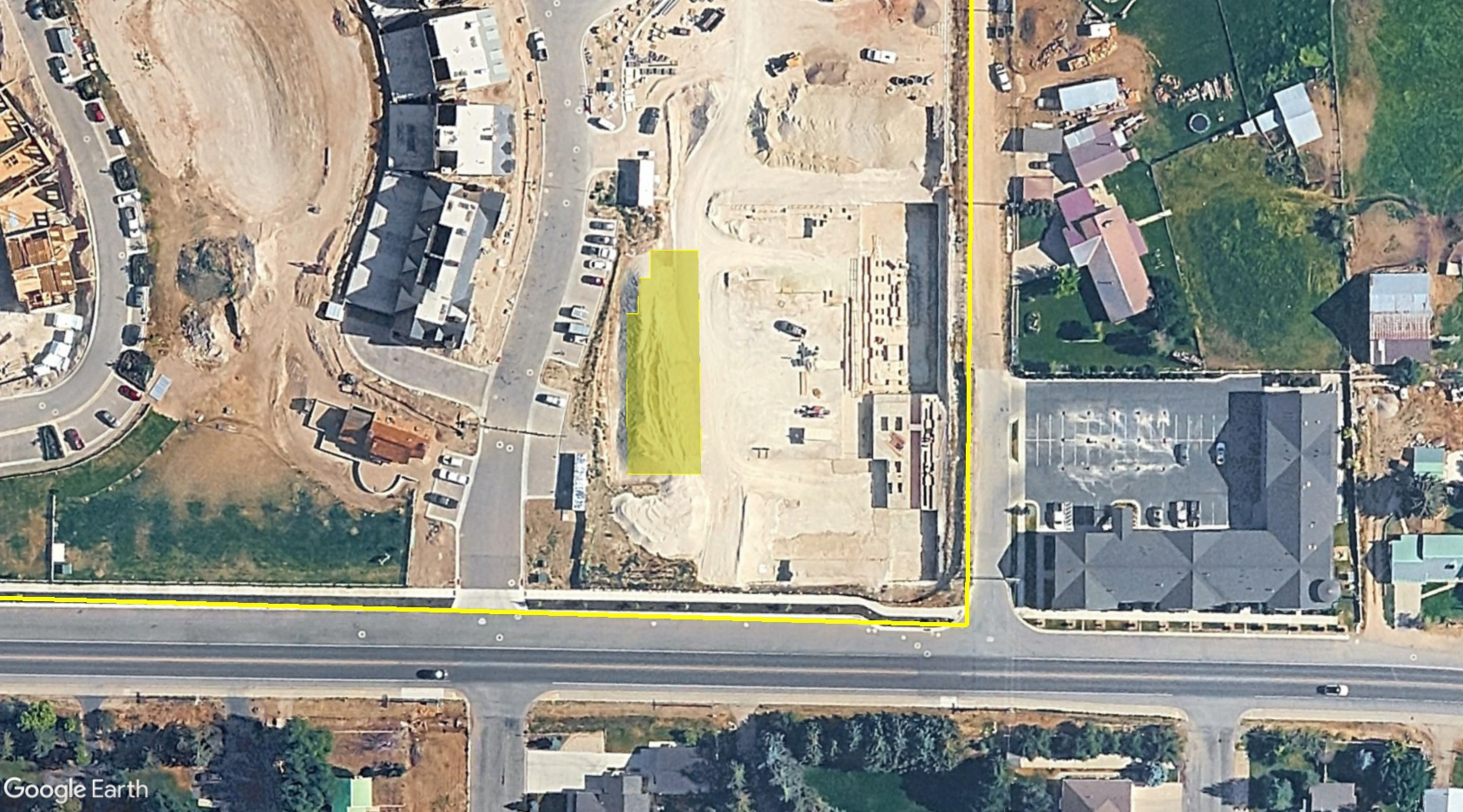
PROPOSED CONDITION:

1. No alcohol related signage to be visible on the exterior of the building or on the inside, visible from the outside, including from Main Street.


Midway
Google Earth


Google Earth


Google Earth


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