



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** May 5, 2026

**NAME OF PROJECT:** Hidden Peak Provisions

**NAME OF APPLICANT:** Thomas Thibodeau

**OWNER:** Thomas Thibodeau

**AGENDA ITEM:** Alcohol Dispensing Establishment Conditional Use Permit and Local Consent – expansion from beer only to include wine and hard cider

**LOCATION OF ITEM:** 93 West Main

**ZONING DESIGNATION:** C-2

### **ITEM: 8**

Thomas Thibodeau is applying for an expansion to his previously granted Conditional Use Permit for an alcohol (beer only) dispensing establishment and Local Consent to sell alcohol (beer) to allow sales of wine and hard cider in addition to beer. The restaurant is located at 93 West Main Street and is in the C-2 zone.

## **BACKGROUND:**

The applicant, Thomas Thibodeau, was granted a Conditional Use Permit (CUP) for an alcohol (beer only) dispensing establishment and Local Consent to sell alcohol (beer) by City Council motion dated December 6, 2022. The applicant operates Hidden Peak Provisions, a sandwich and deli located at 93 West Main Street in the C-2 zone.

The applicant has operated under this CUP and Local Consent since 2022. The applicant is seeking to expand the license to allow sales of wine and hard cider as well as beer.

In his application, the applicant provided the following:

*Hidden Peak Provisions has served the Midway community for over three years, promoting a family-friendly atmosphere and welcoming all visitors to our town. We currently hold a license to sell beer on site and are seeking authorization to add wine to our menu. This change will allow us to feature more local products and offer additional beverage options to complement our handcrafted food offerings. We do not anticipate any alterations to our community-focused operations or clientele. The addition of wine will simply expand the choices available to our guests.*

In describing the reason for the Conditional Use sought, the applicant provided the following:

*Applying for a limited service license. Currently have a beer only. We would like to add wine to the menu along with hard cider.*

The property is in the C-2 zone, and restaurants are permitted uses in this zone, although alcohol dispensing establishments must be approved for a conditional use permit if they are allowed to serve alcohol. If they receive City consent, the applicant will apply for an expanded license from the Department of Alcoholic Beverage Services (DABS).

The City Council conditioned the existing CUP for beer sales as follows:

- Less than 30% of all restaurant sales could be alcohol.
- Any customer wishing to purchase alcohol would also have to purchase prepared food.
- Approval from DABS required.
- No alcohol related signage would be visible on the exterior of the building or on the inside, visible from the outside from 100 West.
- The applicant would not have the ability to receive approval for an onsite beer garden.

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:

Lupita's  
Café Galleria  
Zermatt Resort  
Homestead Resort  
7-11  
Ridley's  
Ridley's Market (convenience store)  
Market at Midway  
Market Express (convenience store)  
Blue Boar Inn  
Midway Mercantile  
Lola's  
The Corner Restaurant  
Heirloom Common Restaurant and Market  
Harvest Restaurant  
Hidden Peak Provisions

This item has been noticed on the Midway City website and on the State's website for the Planning Commission meeting. Mailed notice will be sent out to all property owners within 600 feet for the public hearing that will be held by 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 italicized 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, Business License, Alcohol License, and obtain and comply with all applicable state licensing requirements of the DABS.*
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. Additionally Hidden Peak Provisions has been operating in its current location and serving alcohol (beer) for three years.*
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 Hidden Peak Provisions has been operating in its current location for three years.*
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, and Hidden Peak Provisions has been operating in its current location for three years.*

**Signage:** The current Midway sign code does not allow illuminated product signs. Currently the property has an illuminated sign in its front window, which is incompatible with City Code. There is a chalkboard style A-frame sign near the entrance to the building which meets code, but there is a second A-frame sign in the parking lot which does not meet sign code requirements as to materials, placement or number. The nonconforming signs should be removed as a condition of any approval.

This property is visible from Main Street and 100 West. 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 and 100W.

**PLANNING COMMISSION RECOMMENDATION:**

**Motion by Commissioner Lineback:** “I’ll make a motion that we amend the current conditional use permit for Hidden Peak Provisions that will expand its approved sale of beer to also include wine and hard cider. Restaurant is located at 93 West Main Street and is in the C2 zone, and we accept the conditions and findings.”

**Second:** Commissioner Probst

**Ayes:** Commissioners: Probst, Facer, Lineback, Winegar, Knight, Nokes

**Nays:** None

**Motion:** Passed

**POSSIBLE FINDINGS:**

1. The proposed CUP and Local Consent would allow the applicant to apply to the state for licensure to sell wine and hard cider in addition to beer.
2. The State regulates this type of license and approval from the Department of Alcoholic Beverage Services is required.
3. 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;
4. The proposed use is consistent with the General Plan.
5. Consistent with the findings for the existing CUP, the property is not located within 300’ of a public park, school, library, church, or other facility which might limit granting of an alcohol license. Centennial Park is further away than this minimum, and the Town Square is not considered a park.
6. The property has existing sign violations, including a neon sandwich sign in the window and an A-frame which does not comply with material requirements, location, content, or number. Sign violations must be brought into compliance as a condition of any approval.

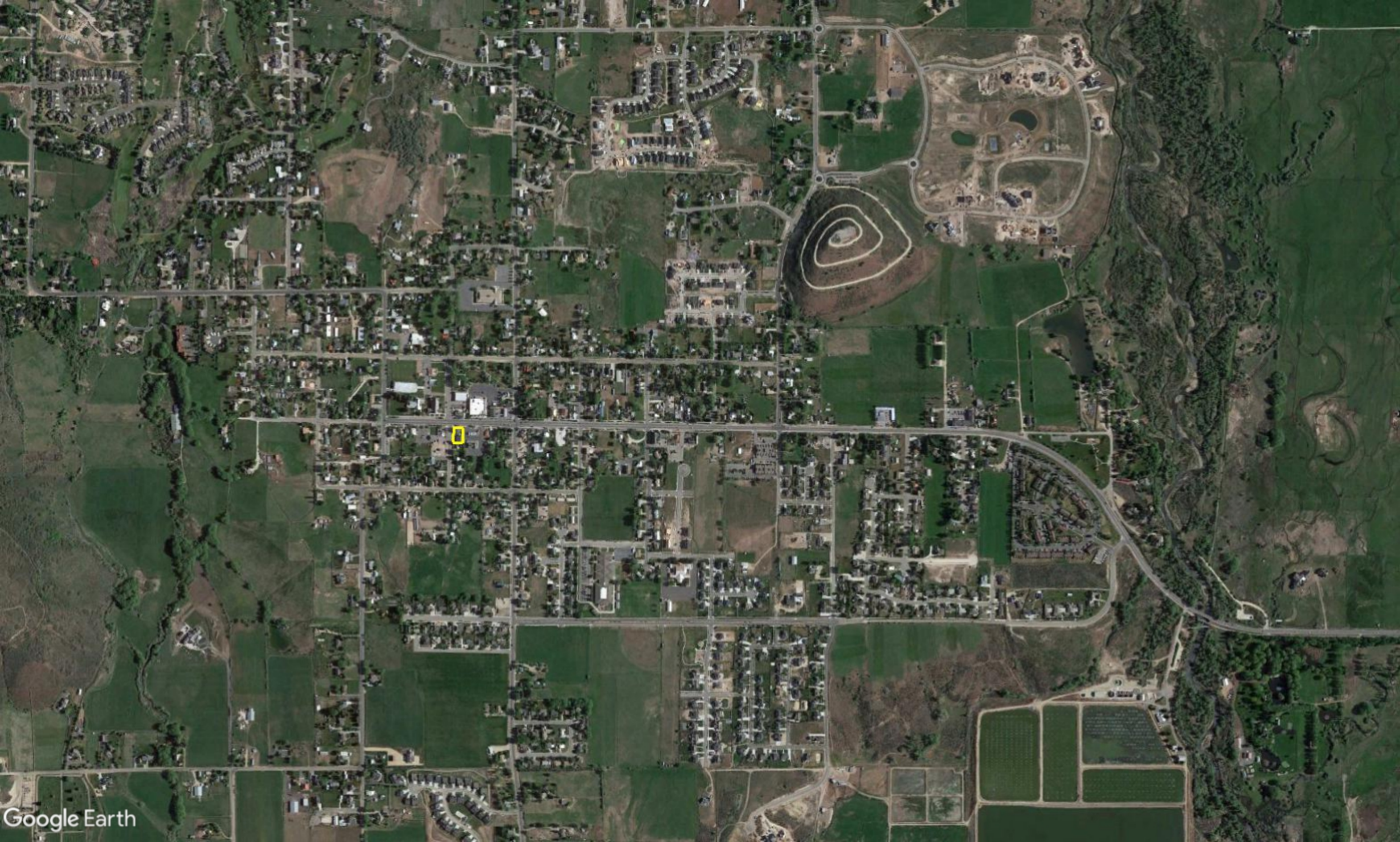
**ALTERNATIVE ACTIONS:**

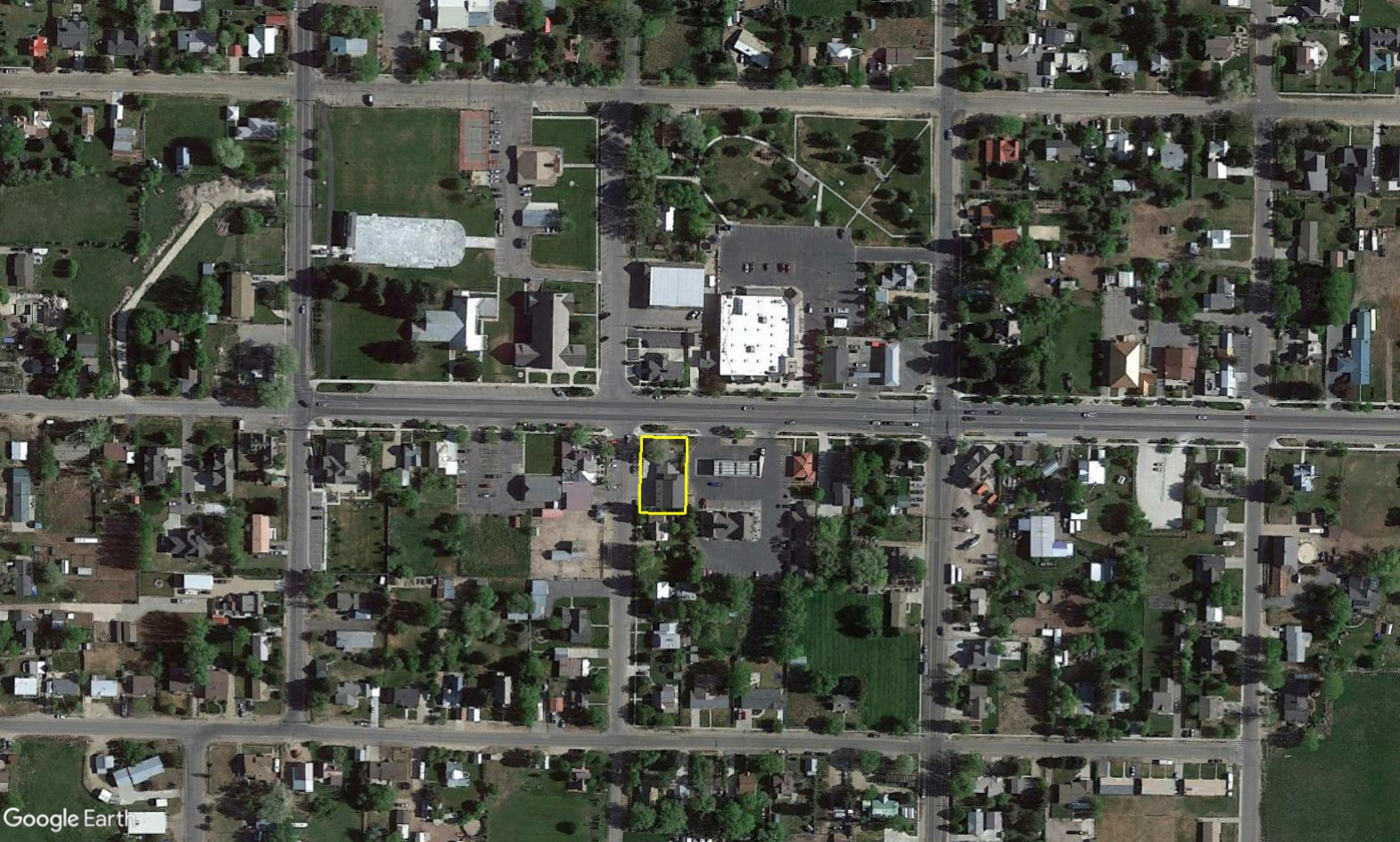
1. Approval (conditional). This action can be taken if the City Council finds that conditions placed on the approval can resolve any outstanding issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)

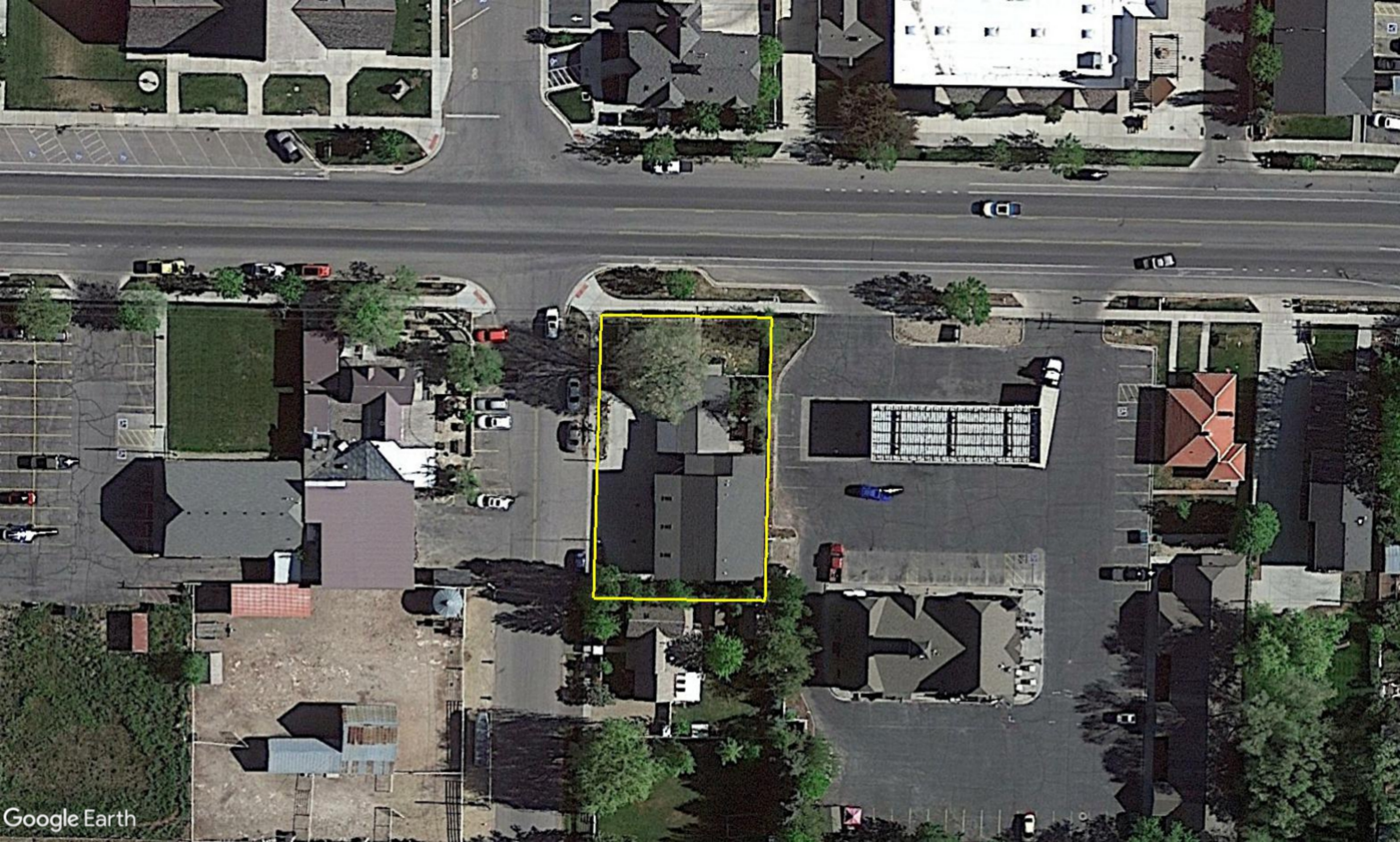
2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
  
3. Denial. This action can be taken if the City Council finds that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

- No alcohol related signage to be visible on the exterior of the building or on the inside, visible from the outside, from Main Street or 100 West.
  
- All noncompliant signs, including but not limited to the existing neon window sign and parking lot A-frame sign, shall be removed/remedied as a condition of any approval.







COOL  
TIME



WISKEY PEAK  
PROVISIONS  
HOT SOUPS  
SANDWICHES  
FRESH SALADS  
FERMENTED  
FOODS  
GIFTS



OPEN

HIDDEN PEAK PROVISIONS

Private Fairway TRACKMAN  
PARKING LEFT OF PILLAR  
←

HIDDEN PEAK PROVISIONS  
HOURS  
11.00 - 5.00PM  
CLOSED  
11.00 - 5.00PM  
11.00 - 5.00PM  
11.00 - 4.30ISH  
9.315.3373  
HIDDENPEAKPROVISIONS.COM

TODAY IS A GREAT DAY FOR:  
SOUP: Winter Spiced Cabbage and Pork  
Sando: Portobello Flatbread, balsamic roasted veg, kale fennel salad, white bean spread  
SNACKS: • Mini Chicken Pot Pie  
• Chicken Salad Soup w/ Crust

