

By: Rick Benedict
Introduced: January 16, 2023
Public Hearing: February 6, 2023
Action: ADOPTED

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 23-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A RESTAURANT WITH FULL-SERVICE BAR, AT 5120 S. BIG LAKE ROAD, TAX ID# 9228000U012; LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 3 WEST, SECTION 28, SEWARD MERIDIAN.

WHEREAS, an application has been received from Whitney Dow of Big Lake Brewing Company, LLC, for a conditional use permit to operate a restaurant with full-service bar at 5120 S. Big Lake Road (Tax ID#9228000U012); within Township 17 North, Range 3 West, Section 28, Seward Meridian; and

WHEREAS, MSB 17.70.020 requires a conditional use permit for the operation of an alcoholic beverage dispensary (bar); and

WHEREAS, the building currently housing Big Lake Brewing Company (formerly known as the South Port Marina Building), was constructed in 1997 according to Borough assessment records; and

WHEREAS, the building has been commercially used since its construction; and

WHEREAS, prior commercial uses of the subject building or property have included retail, recreational/boat sales and service, restaurants, and brewery; and

WHEREAS, the proposed use will occupy the entire building, which is approximately 18,500 square feet in size; and

WHEREAS, the subject property has been used commercially since the late 1970's and is 3.44 acres in size; and

WHEREAS, South Big Lake Road has residential, commercial, recreational, and vacant land uses along its frontage; and

WHEREAS, Big Lake has commercial, recreational, vacant, and residential uses on its shorefronts; and

WHEREAS, there are no complaints from the public on record regarding the operation of a beverage dispensary at this location; and

WHEREAS, the remainder of South Port Condominiums is used for the internal driveway system, parking, storage, and residential condominiums; and

WHEREAS, the closest residential structures are condominiums located approximately 470 feet east of the proposed use; and

WHEREAS, according to the application material, Big Lake Brewing Company will be open for business seven days a week. The proposed hours of operation are 11:00 a.m. to 10:00 p.m., Sunday - Wednesday, and 11:00 a.m. to 12:00 a.m. Thursday - Saturday; and

WHEREAS, according to the application material, there will be indoor and outdoor amplified music. The operation will use noise monitoring equipment to maintain noise levels to within permissible levels of MSB 8.52; and

WHEREAS, according to the application material and landscape plan, the indoor/outdoor music stage and beer garden is located on the west-side of the subject property; and

WHEREAS, according to the application material, the use of natural land features such as trees, and a minimum six-foot privacy fence will be installed to reduce the effects of noise; and

WHEREAS, according to the application material, music events will be restricted to one performance per week; sometimes two on holiday weekends; and

WHEREAS, Big Lake abuts the subject property to the north. South Big Lake Road abuts the overflow parking area to the south. A commercial use storage facility sits on a parcel south of South Big Lake Road. The State of Alaska Department of Natural Resources owns and operates Big Lake South Recreation Site and Boat Launch, located to the east. Sunset View Resort is located to the west and is used commercially for vacation rentals and special events; and

WHEREAS, the proposed use will access West Tammy Yunti Court, which is a paved private road that services the South Port Condominiums; and

WHEREAS, West Tammy Yunti Court connects to South Big Lake Road, which is classified as a major collector, and is capable of accommodating traffic generated by several commercial uses; and

WHEREAS, the State of Alaska Fire Marshal has issued Plan Reviews 2021Anch1759 and 2021Anch1760 for the foundation and framing for the proposed use; and

WHEREAS, the nearest school (Big Lake Elementary School) is approximately 4,500 feet northeast of the site. State regulations preclude beverage dispensary (bar) licenses within 200 feet of a school; and

WHEREAS, the operator of the proposed use is required to operate in accordance with Alaska laws and statutes, which include but are not limited to, mandatory alcohol server education; and

WHEREAS, Alaska Statute 04.16.030 specifically prohibits the sale of alcoholic beverages to drunken persons; and

WHEREAS, persons under the age of 21 are prohibited from being served alcoholic beverages; and

WHEREAS, the existing structure is approximately 92 feet south of Big Lake, 109 feet from the south lot line, 121 feet from the west side lot line, and 33 feet from the east side lot line; and

WHEREAS, the Alcohol & Marijuana Control Office (AMCO) has no record of violations by the applicant or persons with interest within the prior 12 months; and

WHEREAS, according to the application material, any exterior lighting will be low glare, and downward directional; and

WHEREAS, according to the application material, commercial signage for Big Lake Brewing Company which is viewable from S. Big Lake Road has downward directional lighting; and

WHEREAS, the Institute of Transportation Engineers (ITE) Trip Generation, 11th Edition, shows a "Drinking Place" of 18,500-square feet in size is expected to produce approximately 131 trips per peak PM hour based on average trip start/end generation rates; and

WHEREAS, according to the application material and landscape plan, evergreen and deciduous trees will be planted on the north and west sides of the subject property; and

WHEREAS, according to the application material, the existing building is finished with materials and colored to complement the surrounding properties; and

WHEREAS, the operation recently paved the driveway and parking lot with asphalt; and

WHEREAS, according to the site plan and application materials, there will be 42 parking spaces on the north and east sides of the structure. Four are designated as Americans with Disabilities Act (ADA) compliant; and

WHEREAS, according to the site plan and application materials, two overflow parking areas are located south of the building. The first is located on the subject parcel, south of the building, and provides approximately 13,000 square feet of parking

space accommodating up to approximately 43 vehicles. The second is located on a 5.83-acre parcel south of the subject parcel and provides approximately 26,000 square feet of parking space accommodating up to approximately 86 vehicles; and

WHEREAS, according to the application material, the brewery owns and maintains two floating docks connected to the subject parcel which allows access to the business from Big Lake and provides up to 28 slips for boaters; and

WHEREAS, the Big Lake Brewing Company building is located on Unit 12; and

WHEREAS, the proposed use is a restaurant with full bar service. The business will operate and conduct its operations throughout the entire building; and

WHEREAS, Big Lake Brewing Company currently holds alcohol licenses issued by the State of Alaska for restaurant/eating place and brewpub; and

WHEREAS, no information has been submitted indicating that any person/party associated with this application is untrustworthy, unfit to conduct business in the borough, or is a potential source of harm to the public; and

WHEREAS, the State of Alaska Department of Transportation and Public Facilities (ADOTPF) was solicited for comments. ADOTPF responded recommending the site plan be reconfigured to not block

public access, and to contact the Alaska Department of Natural Resources (ADNR) to request vacations of, or encroachments onto Section Line Easements; and

WHEREAS, the Borough's Pre-Design and Engineering Division recommended a civil or environmental engineer design an approved drainage plan due to the potential of contaminated stormwater runoff negatively impacting the water quality of Big Lake; and

WHEREAS, the Planning Commission has reviewed this application with respect to applicable standards set forth in MSB 17.70; and

WHEREAS, the Planning Commission conducted a public hearing on February 6, 2023 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 23-01:

1. The proposed use is compatible with and will preserve or not materially detract from the value, character and integrity of the surrounding area (MSB 17.70.100(A)(1)(a)).
2. The proposed use will not be harmful to the public health, safety, convenience, and welfare (MSB 17.70.100(A)(1)(b)).

3. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.70.100(A)(1)(c)).
4. There will not be any negative effects upon the properties in the area due to such factors as dust, noise, obtrusive advertising, and glare (MSB 17.70.100(A)(2)(a)).
5. The proposed use will not negatively affect the safe, efficient flow of traffic on any highway, arterial, collector or street from which access to and from the establishment is obtained (MSB 17.70.100(A)(2)(b)).
6. Measures will be in place to reduce any negative effect upon adjacent and nearby properties (MSB 17.70.100(A)(2)(c)).
7. Adequate parking is provided (MSB 17.70.100(A)(2)(d)).
8. Access to the premises will not create an unreasonable traffic hazard (MSB 17.70.100(A)(2)(e)).
9. Traffic will not overtax existing road systems (MSB 17.70.100(A)(2)(f)).
10. The proposed use is compatible with the character of the surrounding area (MSB 17.70.100(A)(2)(g)).
11. The proposed use is not expected to increase the crime rate in the area or increase alcohol-related accidents (MSB 17.70.110(B)(1)).

12. The applicant has not had a liquor license suspended or revoked in the 12 months preceding the application (MSB 17.70.110(B)(2)).

13. The applicant is trustworthy or fit to conduct business in the borough and the applicant is not a potential source of harm to the public (MSB 17.70.110(B)(3)).

BE IT FURTHER RESOLVED, the Planning Commission finds this application does meet the standards of MSB 17.70 and does hereby approve the conditional use permit for the operation of a restaurant with full-service bar, with the following conditions:

1. The operation shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. The alcohol services provided by the licensed premises shall not exceed that of Alaska Statue AS 04.11.100(g)(2); or exceed any special restrictions placed on the licensed premises by the State of Alaska Alcoholic Beverage Control Board (AMCO).

4. The hours of operation shall be limited to 11:00 a.m. to 10:00 p.m., Sunday - Wednesday, and 11:00 a.m. to 12:00 a.m. Thursday - Saturday.
5. The operation shall comply with the maximum permissible sound level limits allowed per the requirements of MSB 8.52 - Noise, Amplified Sound and Vibration.
6. A mixture of evergreen and deciduous trees shall be planted according to the application material by September 15, 2023. The Borough shall be notified upon completion of the planting.
7. A privacy fence at least six feet in height shall be installed according to the application material by September 15, 2023. The Borough shall be notified upon completion of the fencing.
8. Fencing shall not be installed within Section Line Easements (SLE) without first obtaining an encroachment permit from the Alaska Department of Natural Resources (ADNR) or having the Section Line Easement vacated.
9. Big Lake Brewing Company shall use a civil or environmental engineer to develop a drainage plan for the subject property. The engineer shall partner with the Borough's Pre-Design and Engineering Division to design an approved plan by March 31, 2023.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 6th day of February, 2023.



William Kendig - Chair

ATTEST



Karol Riese, Planning Clerk

(SEAL)

SEAL

YES: (1) Commissioner Kendig, Scoggin, Rubeo, Glenn, Koan, Fernandez,
Allen

NO: (0)