

By: Rick Benedict
Introduced: April 17, 2023
Public Hearing: May 1, 2023
Action: ADOPTED

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 23-09**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT FOR THE OPERATION OF A BAR WITH TWO OUTDOOR BEER GARDENS, LOCATED AT 13625 E. MAIN STREET; TAX ID'S 7000B12L020-1, 7000B12L019, 7000B12L018, AND 4139B12L001A; WITHIN TOWNSHIP 26 NORTH, RANGE 5 WEST, SECTION 24, SEWARD MERIDIAN.

WHEREAS, an application has been received from Hans Axellson of Ronja LLC, for a conditional use permit modification to operate a bar, known as the Fairview Inn, with two outdoor beer gardens located at 13625 E. Main Street; Tax ID's 7000B12L020-1, 7000B12L019, 7000B12L018, AND 4139B12L001A; within Township 26 North, Range 5 West, Section 24, 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 Fairview Inn is a historic establishment in downtown Talkeetna, founded in 1921; and

WHEREAS, in 1984 the Borough issued pre-existing legal nonconforming status (grandfather rights) for the operation of the Fairview Inn's beverage dispensary license; and

WHEREAS, the beer garden was permitted in 1995 with the conditions that no amplified music be played within it, and it

only be operated seasonally during the months of May through September; and

WHEREAS, the 2013 conditional use permit allowed amplified music to be played within the beer garden and required that the operations comply with the maximum permissible sound limits allowed, per MSB 8.52 - Noise, Amplified Sounds, and Vibration; and

WHEREAS, the 2013 conditional use permit allowed the beer garden to operate seasonally between the months of May through September; and

WHEREAS, according to the application material, the proposed new beer garden fronting East Main Street will be open for business seasonally between the months of May through September, seven days a week from 10:00 a.m. to 10:00 p.m.; and

WHEREAS, according to the application material, the original beer garden will be open year-round, seven days a week from 10:00 a.m. to 3:00 a.m.; and

WHEREAS, in 1999 a setback variance was approved for a cooking structure that was constructed in the original beer garden less than ten feet from the side lot line; and

WHEREAS, according to the application material, the proposed use will occupy the entire building approximately 3,800 square feet in size. In addition, the proposed use will occupy two outdoor beer gardens totaling approximately 6,700 square feet; and

WHEREAS, the subject properties are a combined .43 acres in size; and

WHEREAS, the subject properties are located within the Talkeetna Comprehensive Plan planning area; and

WHEREAS, the subject properties are located within the Matanuska-Susitna Borough Comprehensive Development Plan area; and

WHEREAS, the Fairview Inn is located within the Main Street Talkeetna District, as described in MSB 17.25 - Talkeetna Special Land Use District; and

WHEREAS, according to the application material, Lot 1A will provide a minimum of eight parking spaces for Fairview Inn patrons. A minimum of one parking space will be provided with accessibility standards that comply with the Americans with Disabilities Act (ADA); and

WHEREAS, according to the application material, Lot 18 provides two employee parking spaces at the rear of the business as required by the Main Street Talkeetna District; and

WHEREAS, the Fairview Inn currently holds an alcohol license issued by the State of Alaska for a Beverage Dispensary (bar); and

WHEREAS, the Fairview Inn provides lodging services with the availability of seven rooms on-site for overnight accommodations; and

WHEREAS, the Fairview Inn is located on the corner of East Main Street and South D Street in downtown Talkeetna; and

WHEREAS, the properties surrounding the Fairview Inn are a mix of commercial and residential uses; and

WHEREAS, there are several lodging facilities (Talkeetna Roadhouse, bed and breakfasts, and rental cabins) in the vicinity of the Fairview Inn; and

WHEREAS, the Talkeetna Village Park is east of the Fairview Inn and provides many additional parking spaces serving the downtown area; and

WHEREAS, the Alaska Railroad and Talkeetna Spur Road are east of the Fairview Inn; and

WHEREAS, the closest residential structure is located approximately 75 feet north-west of the proposed use; and

WHEREAS, according to the application material, patron parking currently located on Lots 18 and 19 adjacent to E. Main Street will be relocated to Lot 1A on the corner of North Alley and S. D Street; and

WHEREAS, according to the application material, relocating the parking lot is intended to reduce vehicular traffic along East Main Street to address public safety concerns related to pedestrian and bicycle traffic, in addition to restoring the character of the Main Street District by adding a 3-foot picket fence with flower boxes; and

WHEREAS, according to the application material, amplified music will not be played in the proposed new beer garden fronting E. Main Street; and

WHEREAS, the owner and/or operator of the Fairview Inn must comply with the maximum permissible sound level limits per the requirements of MSB 8.52 - Noise, Amplified Sound, and Vibration; and

WHEREAS, according to the application material, the Fairview Inn's customer base is generated by a mixture of pedestrian and bicycle traffic, tourists arriving via the Alaska Railroad, and visitors from neighboring communities who arrive by motor vehicle; and

WHEREAS, according to the application material, the Fairview Inn has signage to identify patron parking areas, "No Parking" zones, and alleyways cannot be blocked; and

WHEREAS, the Fairview Inn has operated in compliance with all applicable Alaska Statutes and Alcohol Control Board regulations and requirements; and

WHEREAS, according to the application material, the State of Alaska Fire Marshal has approved the new maximum occupant loads concerning the proposed use allowing for 58 occupants within the Fairview Inn building, 246 occupants in the original beer garden, and 200 occupants in the proposed new beer garden fronting E. Main Street; and

WHEREAS, there are no complaints from the public on record with the borough regarding the operation of a beverage dispensary, or the playing of amplified music at this location; and

WHEREAS, the proposed use will access East Main Street, South D Street, and North Alley, which are paved public roads, classified as residential, and service the Talkeetna Main Street District; and

WHEREAS, the nearest school is Talkeetna Elementary School, which is approximately 1,700 feet southeast of this site. State regulations preclude beverage dispensary licenses within 200 feet of a school, and

WHEREAS, persons under the age of 21 are prohibited from being served alcoholic beverages; 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, according to the application material, Fairview Inn employees will monitor for legal consumption of alcohol in all areas of the bar and outdoor beer gardens; and

WHEREAS, according to the application material, signs will be posted at all entry/exit ways of the beer gardens stating that "No Alcohol is Allowed Beyond the Outdoor Seating Areas"; and

WHEREAS, Alaska Statute 04.16.030 specifically prohibits the sale of alcoholic beverages to drunken persons; 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, public access into the beer gardens is from the Fairview Inn's main building, or an entry gate attached to the proposed new beer garden fence located on Lot 19 fronting East Main Street; and

WHEREAS, the original beer garden is already in place, no new structures are proposed with this permit modification; and

WHEREAS, for purposes of minimum setback distances, the proposed 3-foot-high picket fence for the new beer garden is not considered a structure per borough code MSB 17.125.010; and

WHEREAS, no additional signage or outside lighting is proposed; and

WHEREAS, according to the application material, the original beer garden area is covered with grass to limit the amount of dust that is generated; and

WHEREAS, according to the application material, the proposed new beer garden will have gravel walking surfaces to limit the amount of dust that is generated; and

WHEREAS, the Fairview Inn is an established business and has operated continuously with a conditional use permit since 1984; and

WHEREAS, the applicant has applied for driveway permits for lots in which vehicles access borough roads; and

WHEREAS, the original beer garden area is surrounded by a wooden fence; and

WHEREAS, fencing for the proposed new beer garden fronting East Main Street will be installed along the southern perimeters of Lots 18, 19, and 20, and along the west portion of Lot 18; and

WHEREAS, the downtown Talkeetna district has low-speed limit zones. Any increase in traffic generated by the modification of this conditional use permit is not expected to create traffic hazards; and

WHEREAS, according to the application material, the proposed use is a bar with two outdoor beer gardens. In addition, lodging services are provided on-site for overnight accommodations. The business will operate and conduct its operations throughout the entire building; 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 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 May 1, 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 23-09:

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 modification for the operation

of a bar with two outdoor beer gardens, with the following conditions:

1. The owner and/or operator 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. If the operation expands or alters, an amendment to the conditional use permit shall be required.
3. The alcohol services provided by the licensed premises shall not exceed that of Alaska Statute 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. Ten parking spaces shall be maintained year-round on the subject properties.
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. The hours of operation for the original beer garden on the back (north) side of Lots 18, 19, and 20-1, shall be limited to 10:00 a.m. to 3:00 a.m., seven days a week, year-round.

7. The hours of operation for the new beer garden fronting E. Main Street, on the southern portions of Lots 18, 19, and 20-1, shall be limited to 10:00 a.m. to 10:00 p.m. annually during the months of May through September.
8. Signage shall be maintained on the subject properties to identify Fairview Inn parking areas and shall indicate that the alleyway cannot be blocked.
9. Employee parking shall be maintained in accordance with the Main Street Talkeetna District requirements as defined by MSB 17.25.
10. The conditional use permit issued in 2013 shall become null and void and be replaced with this conditional use permit.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 1st day of May, 2023.



William Kendig - Chair

ATTEST



Karol Riese, Planning Clerk

(SEAL)

YES: 7 Commissioners Kendig, Allen, Scoggin, Koan, Rubeo, Glenn,
Fernandez
NO: \emptyset