

MUNICIPALITY OF ANCHORAGE



Planning Department
Current Planning Division

Phone: 907-343-7901
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Mayor David Bronson

July 1, 2022

Northern Hospitality Group, Inc. dba 49th State Brewing @ The Rail
Attn: Jason Motyka
645 W. 3rd Avenue
Anchorage, AK 99501

SUBJECT: Special Land Use Permit for Alcohol, Case 2022-0077

Dear Applicant:

The Planning Department has reviewed the application for a special land use permit for alcohol for the property located at 721 Depot Drive. The property is zoned PC (Planned Community) District. The application was reviewed in accordance with Anchorage Municipal Code (AMC) 21.03.040. Based upon the submitted plans, the Department finds that the site is large enough to handle the intensity of a restaurant, serving beer and wine only.

The Department determined that the restaurant or eating place license, in an existing building, generally satisfies the requirements of AMC 21.03.080D and does not have a permanent negative impact substantially greater than that anticipated from permitted development for the following:

- pedestrian and vehicular traffic circulation and safety; and
- the demand for and availability of public services and facilities; and
- noise, air, water or other forms of environmental pollution; and
- the maintenance of compatible and efficient development patterns and land use intensities.

The Planning Department **APPROVES** the request subject to the following conditions:

1. A notice of zoning action shall be filed with the State Recorder's Office within 120 days of this approval. Proof of filing shall be submitted to the Planning Department.
2. All uses shall conform to the plans and narrative submitted with this special land use permit for alcohol review, except that the licensee may change the hours of operation listed on the application, including the hours of alcohol service, in accordance with all applicable laws without having to modify this approval. Alcohol sales are limited to 50% of gross receipts in accordance with AS 04.11.110.
3. This is a special land use permit for alcohol in the PC, Planned Community District, with approximately 2150 internal square feet and 1777 external square feet of restaurant area, on a lot containing 47,298 square feet, located within USS 1170, Lot 2; USS 408, Block 122, Lot 1, & Downtown Edge, Tract 1, ARR # 20422, generally located south of West 1st Avenue, west of Christensen Drive, north of West 2nd Avenue and east of L Street.

4. Upon demand, the applicant shall demonstrate compliance with a "Liquor Server Awareness Training Program," approved by the State of Alaska Alcoholic Beverage Control Board, such as or similar to, the program for Techniques in Alcohol Management (TAM).
5. The use of the property by any person for the permitted purposes shall comply with all current and future federal, state, and local laws and regulations including, but not limited to, laws and regulations pertaining to the sale, dispensing, service and consumption of alcoholic beverages and the storage, preparation, sale, service, and consumption of food. The owner of the property, the licensee under the Alcoholic Beverage Control license and their officers, agents, and employees, shall not knowingly permit or negligently fail to prevent the occurrence of illegal activity on the property.
6. A copy of the conditions imposed by the Planning Department in connection with this approval shall be maintained on the premise at a location visible to the public.

NOTICE OF APPEAL: This decision is final upon the date of this letter, unless appealed within 15 days to the Assembly. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the petition site. If the appeal is filed timely, the Assembly shall hold a public hearing at the next available meeting.

Sincerely,



Craig H. Lyon
Director, Planning Department

Attachment: Department Findings
cc: Alcoholic Beverage Control Board
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

Barbara Jones, Municipal Clerk




For Official Use Only

Case Number:	2022-0077
Reviewer:	Paul Hatcher
Submittal Date:	June 24, 2022
Due Date:	July 1, 2022

MUNICIPALITY OF ANCHORAGE
*PO Box 196650 Anchorage, Alaska 99519-6650 * 907-343-7900*
Planning Department
**SPECIAL LAND USE PERMIT FOR ALCOHOL
RESTAURANT OR EATING PLACE LICENSE
REVIEW CHECKLIST**

The following is a checklist which will be followed when reviewing a special land use permit for alcohol (restaurant/eating place serving beer and wine) application to the Municipality of Anchorage Planning Department. Planning staff will review applications using this checklist. Staff comments may be provided to further define any incompleteness.

PETITIONER: Northern Hospitality Group. Inc.		
PROPERTY OWNER: Ship Creek Property LLC, Alaska Railroad		
SITE LEGAL DESCRIPTION: USS 1170, Lot 2; USS 408, Block 122, Lot 1, & Downtown Edge, Tract 1, ARR # 20422		
SITE STREET ADDRESS: 721 Depot Drive, Anchorage, AK 99501		
SITE TAX ID: 001-021-11-003		
PETITIONER REPRESENTATIVE CONTACT INFORMATION: Name: Jason Motyka Mailing Address: 645 W. 3 rd Avenue, Anchorage, AK 99501 Phone: 907-229-5151 Fax: N/A E-mail: jmotyka@nh6alaska.com		
Restaurant Name: 49 th State Brewing @ The Rail		
Restaurant/Eating Place Serving Beer and Wine License Number: 6034		
APPROVED:	X	REVIEWER SIGNATURE: 
		DATE: 6/22/22
DENIED:		REVIEWER SIGNATURE:
		DATE:

ADMINISTRATIVE SITE PLAN REVIEW - GENERAL INFORMATION WITH APPLICATION			
#	REQUIRED ITEM	COMMENTS	COMPLIES/ DOES NOT COMPLY
1.	Property owner's name, address, and telephone number.	Yes	Complies
2.	Letter of authorization from property owner.	Yes	Complies
3.	Petitioner's name, address, and telephone number.	Yes	Complies
4.	Representative name, address, and telephone number.	Yes	Complies
5.	Restaurant name used for license	49 th State Brewing @ The Rail	Complies
6.	Tax map, block, and parcel	001-021-11-003 USS 1170, Lot 2; USS 408, Block 122, Lot 1, & Downtown Edge, Tract 1, ARR # 20422	Complies
7.	Zoning district.	PC Planned Community District (AO 2006-46)	Complies
8.	Use permitted: Restaurant serving beer and wine only.	Yes	Complies
9.	ABC floor plan, drawn to scale with scale noted. With photos of building showing elevations.	Floorplan with ABC application	Complies
10.	Location Maps / Photos / Diagram	In Application	Complies
11.	Square footage of restaurant or added space	2150 internal square feet and 1777 external square feet	Complies
12.	Public notice in paper	Yes	Complies
13.	ABC permit applied for	Yes, copy is in the file	Complies
14.	Days/Hours of Operation	Sunday - Thursday 11 AM – 10 PM, Friday and Saturday 11 AM – 11 PM	Complies
15.	Ratio of Food Sales to Alcohol Sales	70.8% food and 18.4% alcohol	Complies
16.	Proposed Entertainment	Recorded Music	Complies
17.	Number of Active Liquor License within 1,000 Feet	19	Complies
18.	Parking:	The restaurant is located within the Planned Community (PC) district (AO 2006-46 (S)). All parking for the PC district is shared and common therefore the required 39 parking spaces, 2 need to be ADA parking spaces, with 1 being Van Accessible. The available parking meets these criteria.	Complies

SPECIAL LAND USE PERMIT FOR ALCOHOL REVIEW STANDARDS, AMC 21.03.080D.			
#	REQUIRED ITEM	COMMENTS	COMPLIES/ DOES NOT COMPLY
1.	The proposed use is consistent with the comprehensive plan and all applicable provisions of this title and applicable state and federal regulations.	The site is designated as “Potential Open Space Alternative” in the <i>Anchorage 2040 Land Use Plan</i> . The site is located within the PC Planned Community District (AO 2006-46 (S)).	Complies
2.	The proposed use is consistent with the purpose and intent of the zoning district in which it is located, including any district-specific standards set forth in chapter 21.04.	This is a restaurant (a permitted principal use in the PC Planned Community District) that will sell beer and wine as accessory to the restaurant use. There are no applicable district-specific standards.	Complies
3.	The proposed use is consistent with any applicable use-specific standards set forth in chapter 21.05.	The proposed restaurant use is consistent with applicable use specific standards in AMC 21.05.020, <i>Uses Involving the Retail Sale of Alcoholic Beverages</i> .	Complies
4.	The site size, dimensions, shape, location, and topography are adequate for the needs of the proposed use and any mitigation needed to address potential impacts.	The proposed alcoholic beverages license will be in a restaurant in an existing building. The site is adequate for the proposed restaurant and no mitigation is needed to address negative impacts.	Complies
5.	The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district.	This is a restaurant in the PC Planned Community District. Restaurants are a permitted use. The introduction of a restaurant/eating place license to this location does not appear to negatively impact neighboring uses.	Complies
6.	The proposed use is compatible with uses allowed on adjacent properties, in terms of its scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts.)	The introduction of a restaurant/eating place license to this existing location does not appear to negatively impact neighboring uses.	Complies
7.	Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent feasible.	No negative impacts from the proposed use are anticipated.	Complies
8.	The proposed use is appropriately located with respect to the transportation system, including but not limited to existing and/or planned street designations and improvements, street capacity, access to collectors or arterials, connectivity, off-site parking impacts, transit availability, impacts on pedestrian, bicycle, and transit circulation, and safety for all modes.	No negative impacts from the proposed use are anticipated. The proposed restaurant or eating place license will be located within an existing building.	Complies
9.	The proposed use is appropriately located with respect to existing and/or planned water supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services.	All the required utilities are already in place.	Complies

FINDINGS:

- The petitioner provided proof of application to the Alcoholic Beverage Control Board.
- The restaurant will be selling beer and wine only.
- The Planning Department provided proper notification to surrounding residents. 134 notices were mailed on June 2, 2022. Two (2) responses were received from the public. The Downtown Community Council did not comment.

CONDITIONS OF APPROVAL:

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Reviewed by:

Prepared by:



Craig H. Lyon
Director, Planning Department



Paul Hatcher
Associate Planner

(Case 2022-0077; Tax ID: 001-021-11-003)

CC: Barbara Jones, Municipal Clerk
Glen Klinkhart, Alcoholic Beverage Control Board