

By: Mark Whisenhunt
Introduced: May 21, 2018
Public Hearing: June 4, 2018
Action: Approved

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-18

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AN ALCOHOLIC BEVERAGE PACKAGE STORE WITHIN A CONVENIENCE STORE, AT 4644 NORTH TRUNK ROAD, TAX ID# 18N01E24D011; LOCATED WITHIN TOWNSHIP 18 NORTH, RANGE 1 EAST, SECTION 24; SEWARD MERIDIAN.

WHEREAS, an application has been received from Matt Gittlein of KG Enterprises, LLC, for a conditional use permit for the operation of an alcoholic beverage package store within a convenience store at 4644 N. Trunk Road (Tax ID# 18N01E24D011); within Township 18 North, Range 1 East, Section 24, Seward Meridian; and

WHEREAS, the land uses along Palmer Fishhook Road and Trunk Road consist of residential, commercial, and recreational uses; and

WHEREAS, the closest package store to the proposed use is approximately 2.8 miles away at the intersection of East Palmer-Wasilla Highway and North Stringfield Road (formerly known as Old Trunk Road); and

WHEREAS, large parcels to the west and northwest range from ten to 60 acres in size and contain wetlands, streams, farm lands and residential home sites. The property to the north contains wetlands that have been fill with gravel, but no other development.

To the east of Palmer Fishhook Road are parcels ranging from five to 33 acres in size with residential homes. To the south of Trunk Road are parcels ranging from one to 37 acres in size. Almost all of the parcels to the south are developed with residential homes; and

WHEREAS, the proposed use will access Trunk Road and Palmer Fishhook Road; and

WHEREAS, Trunk Road is classified as a major collector, which is capable of accommodating traffic generated by several commercial retail businesses; and

WHEREAS, Palmer Fishhook Road is classified as a major collector, which is capable of accommodating traffic generated by several commercial retail businesses; and

WHEREAS, the proposed building is approximately 4,800 square feet in size, with the alcoholic beverage package store occupying approximately 1,300 square feet. The remainder of the building will be occupied by convenience market with gas pumps; and

WHEREAS, the proposed use is not within a developed residential subdivision; and

WHEREAS, according to the application material, the proposed hours of operation are 8:00 a.m. to 12:00 a.m., daily; and

WHEREAS, the site will be landscaped along the south and east sides of the parking lot, which face the public rights-of-way; and

WHEREAS, the building's exterior is similar to other commercial buildings built by the applicant; and

WHEREAS, KG Enterprises, LLC (dba Valley Country Store) operates two other package stores; and

WHEREAS, the borough has no record of complaints filed under MSB 8.40 Liquor License Referrals, against any of the other Valley Country Store operations; and

WHEREAS, the nearest school (Colony High School) is approximately 9,000 feet south of the site. State regulations preclude package store licenses within 200 feet of a school; and

WHEREAS, the applicant is actively working with the Alaska Department of Transportation (ADOT) to develop a safe access plan which meets ADOT requirements; and

WHEREAS, the applicant has provided a Limited Traffic Impact Analysis for the proposed use; and

WHEREAS, the Limited Traffic Impact Analysis indicates the proposed use will generate more than 100 vehicles during morning and afternoon peak hours; and

WHEREAS, the Limited Traffic Impact Analysis makes the following findings/recommendations: 1) The driveways be constructed in accordance with Alaska Highway Preconstruction Manual (PCM); 2) Minimum corner clearance for both approaches shall be 340 feet; 3) Speed-change lanes are not required; 4) No sight distance obstruction mitigation is required; and

WHEREAS, the applicant is actively working with USACE to obtain proper permitting to development within designated wetlands; and

WHEREAS, according to the application material, a runoff catchment plan is being developed to prevent potential oil and gas spills from penetrating the ground or reaching wetlands; and

WHEREAS, the applicant has requested a plan review with State of Alaska Fire Marshal's office to ensure the development is in compliance with the applicable fire code; and

WHEREAS, the subject parcel is approximately 9.52 acres in size; and

WHEREAS, the proposed structure is approximately 129 feet from the Palmer Fishhook Road right-of-way, 119 feet from the Trunk Road right-of-way, 321 feet from the west side lot line, and 633 feet from the north side lot line; and

WHEREAS, the proposed structure is approximately 361 feet from Carnegie Creek; and

WHEREAS, the gas pump canopy is approximately 38 feet from the Trunk Road right-of-way, and approximately 43 feet from the Palmer Fishhook Road right-of-way; and

WHEREAS, the proposed package store will be located within the convenience store with gas pumps; and

WHEREAS, there will be separate cashier counters for the alcoholic beverage package store and convenience store; and

WHEREAS, the closest residential structure is approximately 450 feet south of the proposed use; and

WHEREAS, the applicant is not proposing and outdoor amplified sound activities; and

WHEREAS, the operation must comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 - Noise, Amplified Sound and Vibration; and

WHEREAS, signs will be limited to the fuel canopy and the building itself; and

WHEREAS, the Trunk Road and Palmer Fishhook Road intersection was upgraded to accommodate higher volumes of traffic in 2013; and

WHEREAS, the Matanuska-Susitna Borough Long Range Transportation Plan, was adopted in 2017 and lists Trunk Road and Palmer Fishhook Road at a Level of Service (LOS) of "C or better"; and

WHEREAS, according to the site plan, a total of 24 customer parking spaces will be provided; and

WHEREAS, according to the site plan, 3 customer parking spaces designated for persons with disabilities will be provided; and

WHEREAS, there will be one parking space for every 200 square feet of floor area for the entire building; and

WHEREAS, there is no information available to determine where the individuals involved in the alcohol-related accidents obtained the alcoholic beverages; and

WHEREAS, a package store does not serve liquor on the premises; and

WHEREAS, consumption on site is prohibited; and

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

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

WHEREAS, the Alcoholic & Marijuana Control Office (ABC) has no record of violations by KG Enterprises, LLC; and

WHEREAS, staff has no information indicating the applicant, KG Enterprises, LLC (dba Valley Country Store) is untrustworthy or unfit to conduct business in the borough or that the applicant 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 17.61; and

WHEREAS, the Planning Commission conducted a public hearing on June 4, 2018 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 18-18:

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 will be 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 will not 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 an alcoholic beverage package store within a convenience market with gas pumps, 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 operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 17.61.080 - Noise Standards and MSB 8.52 - Noise, Amplified Sound and Vibration.
4. Prior to operation, a copy of the final approval for access issued by ADOT, including site plans, shall be provided to the MSB Development Services Division. All access shall be developed as approved by ADOT.
5. Prior to operation, a copy of the approved permit(s) issued by USACE shall be provided to the MSB Development Services Division.
6. Prior to operation, the site shall be designed to capture all storm water runoff, in order to prevent pollution from the site from entering the adjacent wetlands. More specifically, storm water runoff from parking area and fueling stations shall be captured by an on-site treatment system. All storm water management and treatment systems shall be designed by a qualified professional engineer register to practice in the State of Alaska. Also prior to operating, a copy of the final plans related to this condition shall be provided to the MSB Development Services Division.


7. Prior to operating, a copy of the approval issued by ADEC for the on-site septic system shall be provided to the MSB Development Services Division.
8. Provide a copy of the approved State of Alaska package store license #302, within 30 days of its issuance.
9. Provide a copy of the approved State of Alaska Fire Marshal plan review, within 30 days of its issuance.
10. The hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. daily.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 4th day of June, 2018.



COLLEEN VAGUE, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



YES: Vague, Chesbro, Elder, and Mossanen

NO: Anderson and Patterson