

By: Mark Whisenhunt  
Introduced: June 4, 2018  
Public Hearing: June 18, 2018  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 18-20**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A RESTAURANT WITH FULL BAR SERVICE, AT 5120 S. BIG LAKE ROAD, TAX ID# 9068000U00A; LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 3 WEST, SECTION 28, SEWARD MERIDIAN.

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WHEREAS, an application has been received from C. Sherman Weinberger-Caruthers on behalf of Aardvark Catering/Pizza Thyme, for a conditional use permit for the operation of a restaurant with full service bar at 5120 S. Big Lake Road (Tax ID# 9068000U00A); 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 South Port Marina building was constructed in 1997 according to the Borough assessment records; and

WHEREAS, the South Port Marina building has been commercially used since its construction in 1997. Commercial uses have included retail, recreational/boat sales and service, and a restaurant; and

WHEREAS, the proposed use will occupy approximately 2,630 square feet of the South Port Marina building, which is approximately 12,260 square feet in size; and

WHEREAS, the remainder of Parcel 2 (9068000L000), is used for the internal drive system, parking, storage, and residential condominium units; and

WHEREAS, the parcel has been used commercially since the late 1970's; and

WHEREAS, the residential condominium units on Parcel 2 (9068000L000) were constructed in 2006 and 2008; and

WHEREAS, Big Lake abuts the property to the north. South Big Lake Road abuts the property to the south. A portion of the property straddles the South Big Lake Road. A storage facility sits on the parcel south of the road. The owner of South Port Marina lives south of South Big Lake Road across from the proposed use. Big Lake South State Recreation Site and boat launch is to the east. Sunset View Resort is located to the west; and

WHEREAS, the closest residential structure is approximately 570 feet east of the proposed use; and

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

WHEREAS, South Big Lake Road has commercial, recreational, and residential uses on its frontage; 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 proposed use will access West Tammy Yunti Court, which is a private road that services the South Port Condominium; and

WHEREAS, South Port Condominium has its own private road system; 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 retail businesses; and

WHEREAS, the State of Alaska Fire Marshal has issued Plan Review 2018Anch1224 for the renovation and remodel associated with 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, the Alcoholic & Marijuana Control Office (AMCO) has no record of violations by Aardvark Catering / Pizza Thyme within the last 12 months; and

WHEREAS, the existing structure is approximately 90 feet from Big Lake, 345 feet from South Big Lake Road, 121 feet from the west side lot line, and 1,000 feet from the east side lot line; and

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

WHEREAS, signs for the commercial uses at South Port Condominium have downward directional lighting which do not cause glare; and

WHEREAS, the applicant is not proposing any 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, ITE Trip Generation 9th Edition shows a "Quality Restaurant" of 2,300-square feet in size is expected to produce 20 trips per peak PM hour, which does not require a traffic impact analysis; and

WHEREAS, there is room for more than 70 parking spaces on site; and

WHEREAS, according to the site plan, 2 customer parking spaces designated for persons with disabilities will be provided; and

WHEREAS, there will be one parking space for every 170 square feet of floor area for the entire building; and

WHEREAS, the proposed use a restaurant with full service bar;  
and

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

WHEREAS, there has been no information submitted indicating  
the applicant, Aardvark Catering / Pizza Thyme 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  
17.70; and

WHEREAS, the Planning Commission conducted a public hearing  
on June 18, 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 18-20:

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 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 a restaurant with full bar service, 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. The hours of operation shall be limited to 8:00 a.m. - 12:00 a.m., daily.

5. Provide a copy of the approved State of Alaska beverage dispensary license #1034, within 30 days of its issuance.
6. The hours of operation may be extended to 2:00 a.m. on January 1, in observance of the New Year holiday.

ADOPTED by the Matanuska-Susitna Borough Planning Commission  
this 18<sup>th</sup> day of June, 2018.

  
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COLLEEN VAGUE, Chair

ATTEST

  
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MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Anderson, Patterson, Chesbro, Elder, MASHAN,*  
*and Mossanen*  
NO: