

By: Peggy Horton
Introduced: May 2, 2022
Public Hearing: May 16, 2022
Action: Adopted

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 22-11

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO OPERATE AN ALCOHOLIC BEVERAGE PACKAGE STORE WITHIN A CONVENIENCE MARKET AT 3068 SOUTH TRUNK ROAD, TAX ID# 8150000L001B; LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 1 EAST, SECTION 16; SEWARD MERIDIAN.

WHEREAS, Matt Gittlein of KG Enterprises, LLC, submitted a conditional use permit application to operate an alcoholic beverage package store within a convenience market at 3068 South Trunk Road, Tax ID# 8150000L001B; within Township 17 North, Range 1 East, Section 16, Seward Meridian; and

WHEREAS, land uses to the east include a private airstrip, residential, and vacant land on large parcels ranging from 10 to 51 acres. South and further west of the subject lot is a partially developed 160-lot residential master plan development, with a community water system serving mostly one-half-acre lots. The adjacent lot to the north and west is a 12-acre parcel, largely cleared of vegetation that includes a residence and commercial uses. Further to the north are residential and commercial lots ranging in size from 0.8 to seven acres; and

WHEREAS, the proposed use will access South Trunk Road; and

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

WHEREAS, there is a mixture of industrial, residential, and commercial uses with frontage on South Trunk Road; and

WHEREAS, according to the application material, the building is approximately 4,467 square feet in size, with the alcoholic beverage package store occupying approximately 1,167 square feet. The remainder of the building will be occupied by convenience market with gas pumps; and

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

WHEREAS, the applicant provided an exterior lighting design plan with downward directed and shielded fixtures to mitigate light spillage onto nearby properties; and

WHEREAS, the applicant constructed a six-foot tall chain-link fence with privacy slats along the south property boundary, and plans for landscaping with trees along the south and east sides of the property; and

WHEREAS, the one-story market is flat-roofed with lowered shed roof overhangs on three sides, covered in red lap siding on the upper portion, and buff colored T1-11 below; and

WHEREAS, the applicant is actively working with the Permit Center and Public Works Engineer to finalize the driveway permits; and

WHEREAS, the nearest school (Machetanz Elementary) is approximately 8,700 feet southwest of the site. State regulations preclude package store licenses within 200 feet of a school; 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 Alcohol and Marijuana Control Office (AMCO) has not suspended or revoked any alcohol licenses in the last 12 months relating to KG Enterprises, LLC; and

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

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

WHEREAS, the Traffic Impact Analysis indicates the proposed use will generate less than 250 vehicles during morning and afternoon peak hours; and

WHEREAS, the Traffic Impact Analysis makes the following findings/recommendations: 1) Approaches shall be permitted and constructed in accordance with MSB guidelines; 2) Because the posted speed limit is below 50 MPH and furthermore that peak hour

site traffic volumes are less than 100 vehicles at both approaches, speed-change lanes are not required; 3) Because driveway sight distances exceed minimum distances, no sight distance obstruction mitigation is required; and

WHEREAS, according to the application material, the applicant will provide a retention basin constructed between the gas pumps and the eastern property line to capture any potential contaminated runoff leaving the site; and

WHEREAS, the applicant submitted Matanuska-Susitna Borough Deputy Fire Marshal approved plan reviews for the store (#2022-007), fuel tank or dispensing system (#2022-008), the fuel canopy (#2022-009), and the propane tank or dispensing system (#2022-012), to ensure the development is in compliance with the applicable fire code; and

WHEREAS, the subject parcel is approximately 3.01 acres in size; and

WHEREAS, according to the application material, the structure is approximately 147.5 feet from the South Trunk Road right-of-way, 294 feet from the south property line, 40 feet from the west property line, and 98.3 feet from the north property line; and

WHEREAS, the closest residential structure is approximately 350 feet south of the proposed use; and

WHEREAS, according to the application material, the proposed alcoholic beverage package store will be located within the convenience market; and

WHEREAS, according to the application material, the proposed store design includes separate cashier counters for the alcoholic beverage package store and convenience market; and

WHEREAS, the applicant has paved the area around the convenience market and fuel station, which will control the dust; and

WHEREAS, the lighting design includes exterior lights mounted under the overhangs of the store, downward-directed lights in the fuel canopy, and 25-foot tall pole lights focusing on the driveways and various ancillary uses of the site; and

WHEREAS, according to the application material, signs will be limited to a 36-foot tall lighted sign near the northern driveway, on the fuel canopy, and on the building itself; 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, the South Trunk Road extension was constructed in 2017 to address increased development and growth south of the Parks Highway as well as traffic congestion; and

WHEREAS, the project engineer determined the north and south driveway intersections with South Trunk Road have a Level of Service of A; and

WHEREAS, according to the site plan, the project will provide 20 customer parking spaces; and

WHEREAS, according to the site plan, the applicant will provide two customer parking spaces designated for persons with disabilities; and

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

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

WHEREAS, there is no information available to determine where individuals involved in an alcohol-related accident obtained alcoholic beverage(s); and

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

WHEREAS, consumption on site is prohibited; and

WHEREAS, according to the application material, if a customer is seen consuming alcohol on the premises, they will be asked to leave, and if necessary, State Troopers may be called; 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 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 May 16, 2022 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 22-11:

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 to operate 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. Prior to operation, obtain approved driveway permits for both driveways onto the site.
4. 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.

5. 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.

6. Provide a copy of the approved State of Alaska package store license #1241, within 30 days of its issuance.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 16th day of May, 2022.

Patricia Chesbro

PATRICIA CHESBRO, Vice-Chair

ATTEST

Karol Riese

KAROL RIESE, Planning Clerk

(SEAL)

YES: (6) Commissioner Kendig, Glenn, Chesbro, Allen,
Seoggin, Ruben

NO: (0)