

## MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION AGENDA

Vern Halter, Mayor

PLANNING COMMISSION  
Mary Anderson, Vice-Chair, District 1  
Jason Ortiz, District 2  
Patricia Chesbro, District 3  
Colleen Vague, Chair, District 4  
Chris Elder, District 5  
Stafford Glashan, District 6  
Sassan Mossanen, District 7



Michael Brown, Borough Manager

PLANNING & LAND USE  
DEPARTMENT  
Alex Strawn, Planning & Land Use Director  
Kim Sollien, Planning Services Manager  
Mark Whisenhunt, Acting Development  
Services Manager  
Fred Wagner, Platting Officer  
Karol Riese, Planning Clerk

*Assembly Chambers of the  
Dorothy Swanda Jones Building  
350 E. Dahlia Avenue, Palmer*

June 7, 2021  
REGULAR MEETING  
6:00 p.m.

Ways to participate in Planning Commission meetings:

**IN PERSON:** Should you wish to testify in person, please adhere to a 6-foot distance between yourself and others.

**IN WRITING:** You can submit written comments to the Planning Commission Clerk at [planning@matsugov.us](mailto:planning@matsugov.us).

### TELEPHONIC TESTIMONY:

- Dial 1-855-290-3803; you will hear “joining conference” when you are admitted to the meeting.
- You will be automatically muted and able to listen to the meeting.
- When the Chair announces audience participation or a public hearing you would like to speak to, press \*3; you will hear, “Your hand has been raised.”
- When it is your turn to testify, you will hear, “Your line has been unmuted.”
- State your name for the record, spell your last name, and provide your testimony.

- I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PLEDGE OF ALLEGIANCE
- IV. CONSENT AGENDA

*Items on the consent agenda are considered routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of*

*these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.*

- A. MINUTES
  - 1. May 17, 2021 Regular Meeting Minutes.
- B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
  - None
- C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS
  - 1. **Resolution PC 21-12**, A Resolution Of The Matanuska-Susitna Borough Planning Commission Requesting The Assembly Adopt And Fund A Transportation Infrastructure Package That Includes Projects Listed In The MSB Long Range Transportation Plan (LRTP), The MSB Official Streets And Highways Plan (OSHP), The MSB/MSBSD Safe Routes To Schools Plan And To Complete The Projects Approved By Voters In The 2013 & 2018 Bond Packages, As Well As Other Prioritized Projects, All Of Which Will Reduce Traffic Congestion, Support Economic Development, Improve Connectivity, Enhance Pedestrian And Vehicle Safety, Increase Reliability, And Provide Transportation Choices For Residents (Staff: Kim Sollien, Planning Services Manager and Brad Sworts, Pre-Design and Engineering Division Manager).
- V. COMMITTEE REPORTS
- VI. AGENCY/STAFF REPORTS
- VII. LAND USE CLASSIFICATIONS
- VIII. AUDIENCE PARTICIPATION (*three minutes per person, for items not scheduled for public hearing*)
- IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS (*public hearings shall not begin before 6:15 p.m.*)

***Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.***

*The Planning Commission members may submit questions or request more information to the Planning Commission Clerk concerning the following matters at the time of introduction. All questions and requests submitted by the Commission shall be in writing, and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing.*

- A. **Resolution PC 21-11**, A Conditional Use Permit Modification In Accordance With MSB 17.70 - Regulation of Alcoholic Beverage Uses; Allowing For The Expansion

Of The Beverage Dispensary (Bar And Beer Garden) Associated With Moonstone Farm At 2141 S. Church Street; Tax ID #17N01E16C012; Within Township 17 North, Range 1 East, Section 16, Seward Meridian (Applicant: Michelle Church dba Moonstone Farm; Staff: Peggy Horton).

*In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an interested party. See MSB 15.39.010 for the definition of "Interested Party." The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, available on the Borough website, [www.matsugov.us](http://www.matsugov.us), Borough Clerk's office, or at various libraries within the Borough.*

- X. PUBLIC HEARING: LEGISLATIVE MATTERS
- XI. CORRESPONDENCE & INFORMATION
- XII. UNFINISHED BUSINESS
- XIII. NEW BUSINESS
- XIV. COMMISSION BUSINESS
  - A. Upcoming Planning Commission Agenda Items
- XV. DIRECTOR AND COMMISSIONER COMMENTS
- XVI. ADJOURNMENT (*Mandatory Midnight*)

**Disabled persons needing reasonable accommodation in order to participate at a Planning Commission Meeting should contact the Borough ADA Coordinator at 861-8432 at least one week in advance of the meeting.**

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# **MINUTES**

## **May 17, 2021**

(Pages 5-10 )

# **MINUTES**



**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION MINUTES**

**REGULAR MEETING  
May 17, 2021**

The regular meeting of the Matanuska-Susitna Borough Planning Commission was held on May 17, 2021, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 6:00 p.m. by Chair Colleen Vague.

**I. CALL TO ORDER, ROLL CALL, AND DETERMINATION OF QUORUM**

Planning Commission members present and establishing a quorum:

Mr. Jason Ortiz, Assembly District #2  
Ms. Patricia Chesbro, Assembly District #3  
Ms. Colleen Vague, Assembly District #4, Chair  
Mr. Chris Elder, Assembly District #5

Planning Commission members absent and excused were:

Ms. Mary Anderson, Assembly District #1, Vice-Chair  
Mr. Stafford Glashan, Assembly District #6  
Mr. Sassan Mossanen, Assembly District #7

Staff in attendance:

Mr. Alex Strawn, Planning & Land Use Director  
Ms. Denise Michalske, Assistant Borough Attorney  
Mr. Mark Whisenhunt, Acting Development Services Manager/Planner II  
Ms. Peggy Horton, Planner II  
Ms. Karol Riese, Planning Commission Clerk

**II. APPROVAL OF AGENDA**

Chair Vague inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objection.

**III. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Mr. Mark Whisenhunt.

**IV. CONSENT AGENDA**

**A. Minutes**

1. May 3, 2021, regular meeting minutes

**B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS  
(None)**

**C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS**

1. **Resolution PC 21-11**, A Conditional Use Permit Modification In Accordance With MSB 17.70 – Regulation of Alcoholic Beverage Uses; Allowing For The Expansion Of The Beverage Dispensary (Bar And Beer Garden) Associated With Moonstone Farm At 2141

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION MINUTES**

**REGULAR MEETING  
May 17, 2021**

S. Church Street; Tax ID #17N01E16C012; Within Township 17 North, Range 1 East, Section 16, Seward Meridian. Public Hearing: June 7, 2021 (Applicant: Michelle Church dba Moonstone Farm; Staff: Peggy Horton)

GENERAL CONSENT: The consent agenda was approved as amended without objection.

**V. COMMITTEE REPORTS**

*(There were no committee reports.)*

**VI. AGENCY/STAFF REPORTS**

*(There were no Agency/Staff Reports.)*

**VII. LAND USE CLASSIFICATIONS**

*(There were no land use classifications.)*

**VIII. AUDIENCE PARTICIPATION (Three minutes per person.)**

*(There were no persons to be heard.)*

**IX. PUBLIC HEARING: QUASI-JUDICIAL MATTERS**

- A. **Resolution PC 21-10**, A Conditional Use Permit In Accordance With MSB 17.60 – Conditional Uses; Allowing For the Operation Of A Marijuana Cultivation Facility, Located Along The North Shore Of Big Lake (No Site Address); Tax ID #17N04W25D005; Within Township 17 North, Range 4 West, Section 25, Seward Meridian (Applicant: Casey Wilkins for Northern Alliance; Staff: Peggy Horton).

Chair Vague read the resolution title into the record.

Ms. Horton provided a staff report:

- staff recommended approval of the resolution with conditions.

Commissioners questioned staff regarding:

- The Fire Marshall Permit Status and how a fire would be put out when there is no ice road.

Chair Vague invited the applicant or their representative to provide an overview of their application.

Mr. Casey Wilkins, applicant, stated that he had nothing further to add and would answer questions.

Commissioners questioned the applicant regarding:

- Year-round care taker and transporting product.

Chair Vague opened the public hearing

There being no one to be heard, Chair Vague closed the public hearing and discussion moved to the Planning Commission.

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION MINUTES**

**REGULAR MEETING  
May 17, 2021**

MOTION: Commissioner Chesbro moved to approve Resolution PC 21-10. The motion was seconded.

Discussion ensued

VOTE: The main motion passed without objection.

**X. PUBLIC HEARING LEGISLATIVE MATTERS**  
*(There were no legislative public hearings.)*

**XI. CORRESPONDENCE AND INFORMATION**  
*(There was no correspondence and information.)*

**XII. UNFINISHED BUSINESS -** *(There was no unfinished business.)*

**XIII. NEW BUSINESS -** *(There was no new business.)*

**XIV. COMMISSION BUSINESS**

- A. Adjudicatory
- B. Upcoming Planning Commission Agenda Items *(Staff: Alex Strawn)*
  - *Commission Business was presented, and no comments were noted.*

**XV. DIRECTOR AND COMMISSIONER COMMENTS** – *No comments were made.*

**XVI. ADJOURNMENT**

The regular meeting adjourned at 6:28 p.m.

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COLLEEN VAGUE, Planning Commission  
Chair

ATTEST:

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KAROL RIESE, Planning Commission Clerk

*Minutes approved:* \_\_\_\_\_

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# **INTRODUCTION FOR PUBLIC HEARING LEGISLATIVE**

## **Resolution No. PC 21-12**

Transportation Infrastructure Package

(Pages 11 - 18)

# **INTRODUCTION FOR PUBLIC HEARING**





This <b>DRAFT</b> list is a compilation of transportation infrastructure projects for consideration for potential bonding														
Label	Projects	Description	Assembly District	Cost Estimate (need to update)	Design	Length (miles)	Functional Classification	Average Daily Traffic (ADT)	School Access	Improves Access-Safety	Previous Bond Project	Multi-Modal /Pathway	2035 L RTP	2007 OSHP
	Old Glenn Pathway Phase 2	Project would extend the pathway from Sodak Circle to Knik River	1	\$ 1,800,000	65% (ROW acquisition also underway)	1.2	Minor Arterial			Y	2011	Y		
	Trunk Road Connector/Katherine Drive	Project would complete design and construct a collector road from Springfield Road to Trunk Road and Trunk to Manhattan Way providing access to a new school site and the Midtown Estates Subdivision.	1	\$ 2,200,000	75%	0.4	Minor Collector		Y	Y	2013 & 2018	Y	Y	
	Smith Road Extension Upgrade and Paved Pathway	This project will upgrade the MSB owned segment of Smith Road providing improved and safer residential and recreational trailhead access.	1	\$ 1,800,000		0.9	Minor Collector			Y	2018	Y	Y	Y
	Hemmer Road Extension South	This project will improve safety and access to the Valley Pathways School and a large residential subdivision by extending Hemmer Road south of the Palmer Wasilla Highway.	2	\$ 4,500,000		1.0	Major Collector		Y	Y	2018	Y	Y	Y
	Irwin Road Upgrade & Pathway	This project will upgrade this road to collector standards and provide pedestrian/bike path for several large subdivisions.	2	\$ 1,500,000		0.4				Y				
	Nelson Road Extension North	This project would provide major collector road access from the Nelson Road/Withers Road intersection to Fairview Loop and include an at-grade rail crossing.	3	\$ 5,000,000		0.4	Major Collector			Y		Y	Y	Y
	Point MacKenzie Road Reconstruction MP 0-7	This project would add shoulders, reconstruct the embankment and pave Pt. MacKenzie Road from KGB Road to Ayrshire Road providing improved/safer access to Port MacKenzie, the Goose Creek Correctional Center and the Point MacKenzie Agricultural District.	5	\$ 10,000,000	Geotech Complete	7.0	Major Arterial			Y		N	Y	Y
	Burma Road Reconstruction	Burma Road would be reconstructed to a collector level road from Ayrshire Road to Purinton Parkway providing all development in the Point MacKenzie area an improved/safer secondary access route.	5	\$ 6,000,000	15%	4.5	Major Collector			Y		N	Y	Y
	Aspen Ridge Rd. Extension East	Extend Aspen Ridge Road to Palmer Fishhook Road providing another outlet for traffic currently adding to the traffic congestion on Engstrom Road.	6	\$ 5,500,000		1.3	Minor Collector			Y	2018	N	Y	Y

	Charlie Drive-Caribou Street Upgrade	Project would widen and upgrade this heavily used corridor to a borough collector level from Bogard Road to Wasilla Fishhook.	6	\$ 3,500,000		2.3	Minor Collector			Y		N		Y
	Edgerton Road-Mtn. Trails Drive Upgrade & Pathway	Project would upgrade Ederton Road from Palmer Fishhook Road to Mountain Trails Drive with pathway extending to GPRA Parking Lot.	6	\$ 2,800,000	35%	Rd. 1.0 Path 2.0	Minor Collector			Y		Y		
	Engstrom Road Extension to Trunk Road	Project would provide connection from Engstrom to Trunk Road connecting to a segment of Homestead Road north of the Trunk-Bogard roundabout reducing heavy traffic on Engstrom Road.	6	\$ 2,500,000		0.9	Minor Collector			Y		N	Y	
	Lucille Street and Pathway Upgrade	Project would upgrade Lucille Street and pathway from Spruce Street to Seldon Road and add turn lane for Tanaina Elem. School	6	\$ 3,500,000	65%	1.0			Y	Y	2013	Y		
	MSSD Shaw Elementary	Add left-turn lane on the southbound lane of Wasilla Fishhook for safer access to Shaw Elementary.	6	\$ 500,000		0.1	Minor Arterial		y	y				
	Tex-Al Drive Upgrade and Extension and Pathway	Connect east & west segments of Tex-Al, upgrade the rest of the corridor and provide a pedestrian pathway.	6	\$ 5,500,000	25%	3.0	Minor Collector			Y	2018	Y	Y	Y
	Seldon Rd. Upgrade Ph. 1 - Scrock Rd. to Lucille Street	Project would design, purchase ROW and relocate utilities to upgrade Seldon Road between Schrock Road and Lucille Street to Arterial level road with pathway. This segment of road carries one of the borough's highest average daily traffic volumes (5,000+ ADT).	6	\$ 9,500,000		1.5	Major Collector			Y		Y	Y	Y
	Cheri Lake Drive/Karen Avenue/King Arthur Drive	Corridor upgrade/improvements - City of Houston nomination.	7	\$ 7,000,000	35%	3.1	Minor Collector			Y	2018	N		
	Oilwell Road Upgrade MP 0-6	Petersville Road to Kroto Creek Bridge -Upgrade to Borough Collector level standards	7	\$ 6,500,000	100%	6.0	Major Collector			Y		N	Y	Y
	Yoder Road Upgrade MP 0-4	Pave Yoder Road from Talkeetna Spur to Montana Creek Bridge	7	\$ 3,500,000		4.0	Minor Collector			Y		N		Y
	Museum Drive Extension West	This project extends Museum Drive from Museum Place (Parks Hwy. MP 47.5) to Silvan Road creating access for a large commercial district and numerous subdivisions.	7	\$ 4,500,000	100%	1.5				Y		N	y	
	Gunflint Trail (Road)	Project would upgrade Gunflint from King Arthur Road to Powder Drive.	7	\$ 650,000	95%	1.3	Minor Collector							Y
	Caswell Lakes Rd./Bendapole Rd./Passthebait Ave. Paving	Pave from Caswell Lakes Road down Benapole Road to Hidden Hills Road.	7	\$ 810,000		3.5	Major Collector							Y
	Hidden Hills & Passthebait Ave. Reconstruction	Reconstruct Hidden Hills Road from the Parks Highway to Caswell Loop and Passthebait Avenue to Bendapole.	7	\$ 3,600,000		3.6	Major Collector							Y



	Charlie Drive-Caribou Street Upgrade	Project would widen and upgrade this heavily used corridor to a borough collector level from Bogard Road to Wasilla Fishhook.	6	\$ 3,500,000		2.3	Minor Collector			Y		N		Y
	Edgerton Road-Mtn. Trails Drive Upgrade & Pathway	Project would upgrade Ederton Road from Palmer Fishhook Road to Mountain Trails Drive with pathway extending to GPRA Parking Lot.	6	\$ 2,800,000	35%	Rd. 1.0 Path 2.0	Minor Collector			Y		Y		
	Engstrom Road Extension to Trunk Road	Project would provide connection from Engstrom to Trunk Road connecting to a segment of Homestead Road north of the Trunk-Bogard roundabout reducing heavy traffic on Engstrom Road.	6	\$ 2,500,000		0.9	Minor Collector			Y		N	Y	
	Lucille Street and Pathway Upgrade	Project would upgrade Lucille Street and pathway from Spruce Street to Seldon Road and add turn lane for Tanaina Elem. School	6	\$ 3,500,000	65%	1.0			Y	Y	2013	Y		
	MSSD Shaw Elementary	Add left-turn lane on the southbound lane of Wasilla Fishhook for safer access to Shaw Elementary.	6	\$ 500,000		0.1	Minor Arterial		y	y				
	Tex-Al Drive Upgrade and Extension and Pathway	Connect east & west segments of Tex-Al, upgrade the rest of the corridor and provide a pedestrian pathway.	6	\$ 5,500,000	25%	3.0	Minor Collector			Y	2018	Y	Y	Y
	Seldon Rd. Upgrade Ph. 1 - Scrock Rd. to Lucille Street	Project would design, purchase ROW and relocate utilities to upgrade Seldon Road between Schrock Road and Lucille Street to Arterial level road with pathway. This segment of road carries one of the borough's highest average daily traffic volumes (5,000+ ADT).	6	\$ 9,500,000		1.5	Major Collector			Y		Y	Y	Y
	Cheri Lake Drive/Karen Avenue/King Arthur Drive	Corridor upgrade/improvements - City of Houston nomination.	7	\$ 7,000,000	35%	3.1	Minor Collector			Y	2018	N		
	Oilwell Road Upgrade MP 0-6	Petersville Road to Kroto Creek Bridge -Upgrade to Borough Collector level standards	7	\$ 6,500,000	100%	6.0	Major Collector			Y		N	Y	Y
	Yoder Road Upgrade MP 0-4	Pave Yoder Road from Talkeetna Spur to Montana Creek Bridge	7	\$ 3,500,000		4.0	Minor Collector			Y		N		Y
	Museum Drive Extension West	This project extends Museum Drive from Museum Place (Parks Hwy. MP 47.5) to Silvan Road creating access for a large commercial district and numerous subdivisions.	7	\$ 4,500,000	100%	1.5				Y		N	y	
	Gunflint Trail (Road)	Project would upgrade Gunflint from King Arthur Road to Powder Drive.	7	\$ 650,000	95%	1.3	Minor Collector							Y
	Caswell Lakes Rd./Bendapole Rd./Passthebait Ave. Paving	Pave from Caswell Lakes Road down Benapole Road to Hidden Hills Road.	7	\$ 810,000		3.5	Major Collector							Y
	Hidden Hills & Passthebait Ave. Reconstruction	Reconstruct Hidden Hills Road from the Parks Highway to Caswell Loop and Passthebait Avenue to Bendapole.	7	\$ 3,600,000		3.6	Major Collector							Y

	Engstrom Road Extension North	Aspen Ridge Road to Tex-Al. This project would provide a collector road for access for residents on the north end of Engstrom who currently use residential subdivision roads as well as a more complete secondary road network for accessing arterials such as Palmer-Fishhook, Wasilla-Fishhook, and Bogard Roads.	1,3	\$ 2,500,000	35%	1.0	Minor Collector			Y		N	Y	Y
	Green Forest Drive Upgrade	This project will upgrade Green Forest Drive to Borough collector level standards to more adequately carry the heavy traffic load.	1,3	\$ 1,200,000		1.2	Minor Collector			Y		N		Y
	Boyd Road to Norman Avenue	Project would provide a collector level road connection from Palmer-Fishhook Road to Norman Avenue via a Hermann Avenue extension and upgrade providing secondary access for many subdivisions.	1,6	\$ 3,000,000		2.2	Minor Collector			Y		N		Y
	Fern Street Upgrade & Pathway	This project would upgrade Fern Street to borough collector level road standards and include a paved pathway between KGB Road and Fairview Loop. City of Wasilla nomination.	3,4	\$ 4,500,000		1.6	Minor Collector			Y		Y	Y	
	Seward Meridian Parkway-Tambert Traffic Signal	Project would provide safe crossing of Seward Meridian Parkway for students and pedestrians living to the east.	3,6	\$ 1,500,000		N/A			Y	Y				
	Foothills Blvd./Paddy Place/Betina Way Upgrade	This project would upgrade the road corridor to collector standards from KGB Road to Museum Drive.	4,5	\$ 1,700,000		3.0	Minor Collector			Y		N	Y	Y
	Johnson Road Upgrade	This project would upgrade Johnson Road between Hollywood Road and the Parks Highway	5,7	\$ 2,500,000		2.3	Minor Collector			Y		N		Y
	Right-of-way Acquisition	Project will purchase ROW for road extensions or roads that need upgraded to collector level standards.	1-7	\$ 2,500,000						Y				
	Paving Package	Repave \$1M worth of roads in each Assembly district.	1-7	\$ 7,000,000						Y				
	MSB School District 2018 Pedestrian Projects	Safe Routes to Schools Implementation: -Big Lake Elementary, Machetanz Elementary, Larson Elementary, Dena'ina Elementary and Redington Highschool, Colony Middle School, and Talkeetna Elementary.	1,3,5,6,7	\$ 2,000,000		Varies			Y	Y	2018	Y		
	Collector Road Pavement Replacement COP & COW	Repave roads in partnership with COP & COW	1,2,3,4	\$ 5,000,000						Y				
										Y				
	PATHWAY PROJECTS (within State Hwy. ROWs)													
	Sutton to Palmer Pathway along Glenn Hwy.	This project would provide a pathway connection between Eska Street in Sutton to Auklet Avenue in Palmer	1	\$ 5,200,000		13.0	Interstate			Y		Y	y	



	Inner Springer Loop Pathway	Cope Industrial Way to the Glenn Highway	2	\$ 480,000		1.2				Y		Y	y	
	Main Street-Bogard Road Pathway	Adjacent to Main Street & Bogard Rd. to S.M.P	4	\$ 1,320,000		3.3	Minor Arterial			Y		Y	y	
	Palmer Fishhook Separated Pathway	Glenn Hwy. to Little Susitna River Bridge	1,6	\$ 3,400,000		8.5	Minor Arterial			Y		Y	y	
	Wasilla Fishhook Separated Pathway	Palmer Fishhook Road to Seldon Road	6	\$ 3,600,000		9.0	Minor Arterial			Y		Y	y	
	Pittman Road Pathway	Seldon Road to Parks Highway	7	\$ 920,000		2.3	Major Collector			Y		Y	y	
	Parks Hwy. Pathway	Talkeetna Spur to Willow Fishhook Rd.	7	\$ 11,000,000		27.5	Interstate			Y		Y	y	
	Knik Goose Bay Rd. Connectivity NW	From KGB along Vine Road to Parks Highway	4,5,7	\$ 2,000,000	10%	3.4	Major Arterial			Y		Y	y	
	Church Road Pathway	Seldon Road to Spruce Avenue	4,6,7	\$ 400,000		1.0	Major Collector			Y		Y	y	
										Y				
	TRANSIT PROJECTS - that help address the traffic congestion issue in and around Wasilla													
	Big Lake Rd. & Parks Hwy. Park and Ride Facility	Commuter vehicle parking and bus drop-off/pick-up facility to reduce traffic congestion	(5) & 7	\$ 3,500,000						Y			Y	
	Share-A-Ride Program Support	Provide funding for 6 Share-A-Ride Vans to reduce traffic congestion. The majority use of this program is from Mat-Su residents that commute to Anchorage or the military bases.	1-6	\$ 525,000						Y			Y	
	Multi-modal Wasilla Depot	This project would provide for land acquisition and site preparation for a new transit facility which would act as a commuter, bus & passenger rail hub for the core area of the borough reducing traffic congestion. <i>(The acquired property and site improvements will be transferred to the City of Wasilla. )</i>	1-7	\$ 1,500,000	10%					Y			Y	
	Pittman Rd. & Parks Hwy. Park and Ride Facility	Commuter vehicle parking and bus drop-off/pick-up facility to reduce traffic congestion	7	\$ 3,500,000						Y			Y	

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# **PUBLIC HEARING QUASI- JUDICIAL**

## **Resolution No. PC 21-11**

Michelle Church dba Moonstone  
Farm

(Pages 19 - 92)

# **PUBLIC HEARING**







## MATANUSKA-SUSITNA BOROUGH

### Planning and Land Use Department

### Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822

[www.matsugov.us](http://www.matsugov.us)

## DEVELOPMENT SERVICES DIVISION STAFF REPORT

**Date:** May 25, 2021

**File Number:** 177020210001

**Applicant:** Michelle Church (dba Moonstone Farm)


**Property Owner:** David and Michelle Church

**Request:** Planning Commission Resolution 21-11

A Conditional Use Permit modification in accordance with MSB 17.70 – Regulation of Alcoholic Beverage Uses, allowing for the expansion of the beverage dispensary (bar and beer garden) associated with Moonstone Farm.

**Location:** 2141 S. Church Road, Tax ID# 17N01E16C012, within Township 17 North, Range 1 East, Section 16, Seward Meridian

**Size of Property:** 30 acres

**Reviewed by:** Alex Strawn, Planning & Land Use Director 

**Staff:** Peggy Horton, Planner II

**Staff Recommendation:** Approval with conditions

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## EXECUTIVE SUMMARY

Ms. Michelle Church submitted a conditional use permit application requesting to modify the existing conditional use permit operation of an alcoholic beverage dispensary (bar and beer garden) associated with Moonstone Farm. The applicant is proposing to replace the former cabin and small outdoor beer garden with a 10' x 50' railcar and 50' x 28' outdoor beer garden for the operation. This change was made to make it safer from COVID-19 for both employees and patrons. The proposed use will increase from approximately 900 square feet to 1,900 square feet in size.

MSB 17.70.030 allows a property owner to apply for a modification of a conditional use permit. This review and recommendation is limited to the scope of the request and will not address the operation as a whole. Should this request be denied, the existing Conditional Use Permit #177020190004, approved through Planning Commission Resolution 20-13, will remain in effect as is. In the event the request is approved, it will be a modification of the existing Conditional Use Permit as detailed in Planning Commission Resolution 21-11.

## **HISTORY**

The subject property was first developed as a homestead farm by colonists in 1935. That use continues today. In 2018, the property owner, who is the grandson of the original colonists, began operating farm tours during the summer months. The tours offer education, information, and promotion of Alaska grown products. On June 8, 2020 the conditional use permit for an alcoholic beverage dispensary became effective. The owners planned for 2021 season by increasing the size of the beverage dispensary and increasing the size of the beer garden to make it safer in light of the COVID-19 pandemic.

## **LAND USE**

### **Existing Land Use:**

The subject property is 30 acres in size and is currently a homestead farm that offers farm tours during summer months.

### **Surrounding Land Uses:**

Land uses to the northwest, north, and northeast are a mix of residential, commercial, and a recreational vehicle (RV) park. In 2020, a residential subdivision recorded abutting the property directly east, with plans for additional lots. Older residential subdivisions abut the property to the south and west, with lots ranging from approximately one to five acres in size.

## **REVIEW OF APPLICABLE CRITERIA AND FINDINGS**

### **MSB 17.03 – Public Notification**

Notices were mailed to all property owners within 600 feet of the site and to the Gateway Community Council. A total of 45 notices were mailed on April 15, 2021. The public hearing notice was published in the April 16, 2021 Frontiersman. The application material was also posted on the Borough's website on April 12, 2021. The public notice, application material, and a request for comments were emailed to the Gateway Community Council on April 12, 2021. Staff did not receive any comments from the Community Council or the public.

### **Section 17.61.020 Intent.**

(A) *This ordinance is intended to promote the positive effects of development while insuring the public health, safety, order, prosperity and general welfare of the core area by establishing a review process for commercial and industrial land use activities with the following impacts:*

- (1) *Any commercial or industrial use that generates noise beyond the boundaries of the lot line of the site on which it is located in excess of the levels permitted by MSB 17.61.080;*

**Findings of Fact:**

1. The proposed modification will be approximately 265 feet from the west property line, 185 feet from the Leslie Circle right-of-way, and more than 1,000 feet from the east and south side lot lines.
2. There are no outdoor speakers or public announcement systems associated with the modification.

**Conclusion of Law:** The use will not exceed sound levels set forth in MSB 17.61.080 and noise levels exceeding the levels in MSB 17.61.080 are prohibited. As such, a Core Area Conditional Use Permit is not required under this standard (MSB 17.61.020(A)(1)).

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*(2) Any commercial or industrial use that generates traffic in excess of 100 vehicles during the morning or afternoon peak hour, or more than a total of 750 vehicles per day (measured from 12 a.m. to 12 p.m.).*

**Findings of Fact:**

1. According to the application material, the modification will not produce increased traffic beyond what already occurs from people traveling to the farm to purchase produce, flowers, hay or participate in farm tours.
2. The proposed use is considered a “Drinking Place (Land Use Code 925)” in the Trip Generation, 10<sup>th</sup> Edition, published by the Institute of Transportation Engineers.
3. The Trip Generation, 10th Edition, published by the Institute of Transportation Engineers, notes the average PM (afternoon) peak hour rate to be 15.53 trips per 1,000 square feet of the gross floor area.
4. The existing alcoholic beverage dispensary area is contained within a 144 square foot cabin and 756 square foot beer garden for a total use area of 900 square feet.
5. The proposed modification would expand the alcoholic beverage dispensary with a 500 square foot rail car and a 1,400 square foot beer garden, with a total proposed use area of approximately 1,900 square feet.
6. The average PM (afternoon) peak hour rate for the proposed use is calculated to be 30 trips.

**Discussion:** Currently the Trip Generation, 10th Edition does not contain data for daily trip averages for a “Drinking Place.” With consideration of the low volume (30 trips) of the peak hour trip rate, staff concludes that the proposed use will not produce more than 750 trips per day.

**Conclusion of Law:** Based on the above findings, since the use will not exceed 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles a day, as specified in MSB 17.61.090, Traffic Standards, a Core Area Conditional Use Permit is not required under this standard (MSB 17.61.020(A)(2)).

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(3) *Any commercial or industrial use involving processing, manufacturing, or storage of hazardous substances over thresholds established by federal or state community right-to-know laws and regulations (40 CFR 370, AS 29.35.500), any use which generates combustible dust produced in sufficient quantity to produce an explosion or combustion hazard, any use involving the storage and handling of combustible fiber in quantities greater than 100 cubic feet (2.8 m<sup>3</sup>), and any use which involves generation or management of more than 2,200 pounds of hazardous waste per month as defined by federal regulations (40 CFR 261, 262). Note that these facilities would also be subject to significant federal/state regulatory requirements. Among other obligations, facilities that exceed community right-to-know thresholds are required to submit annual reports to the state and to the local emergency planning committee (LEPC), and facilities that exceed hazardous waste limits are required to notify the environmental protection agency and comply with requirements for waste storage and disposal.*

**Finding of Fact:**

1. The proposed modification does not involve processing, manufacturing, or storing hazardous substances identified in MSB 17.61.020(A)(3).

**Conclusion of Law:** Since the proposed use does not involve processing, manufacturing, or storing hazardous substances beyond the thresholds identified in MSB 17.61.020(A)(3), a Core Area Conditional Use Permit is not required under this standard (MSB 17.61.020(A)(3)).

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(4) *Any use that generates contaminated water runoff or other discharges that are likely to violate state water quality standards or negatively impact groundwater or surface water quality beyond adjacent property lines.*

**Findings of Fact:**

1. The proposed modification is commercial/retail in nature and will not generate contaminated water runoff.
2. According to the application material, the 10' x 50' x 11' railcar is serviced with a Department of Environmental (DEC) approved septic system.
3. According to the application material, a handicap accessible bathroom will be available for patron use.
4. According to the application material, hand-washing stations will be available outside the railcar.

**Conclusion of Law:** The proposed modification will not generate contaminated water runoff or other discharges that are likely to violate state water quality standards or negatively impact groundwater or surface water quality beyond adjacent property lines. As such, a Core Area Conditional Use Permit is not required under this standard (MSB 17.61.020(A)(4)).

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**Section 17.70.100 Standards.**

(A) *A conditional use may be approved only if it meets the general requirements of this section in addition to any other standards required by this chapter:*

(1) *Findings. In granting a conditional use permit the planning commission must make the following findings:*

(a) *The conditional use is compatible with and will preserve or not materially detract from the value, character and integrity of the surrounding area.*

**Findings of Fact:**

1. The property location, parcel size, and street access are not changing with the proposed modification.
2. According to the application material, the hours of operation are not changing due to the modification. The hours will continue to be 12:00 p.m. to 8:00 p.m., daily from May 15 through October 15 in conjunction with farm tour activities.
3. In 2018, the property owner began operating farm tours during the summer months; the tours offer education, information, and promotion of Alaska grown products.
4. In 2020, the applicant obtained a Conditional Use Permit to operate an alcoholic beverage dispensary within the subject property.
5. According to the application material, the proposed modification of the dispensary building and outdoor beer garden was made to accommodate recommended social distancing due to COVID-19.
6. The existing alcoholic beverage dispensary area is contained within a 144 square foot cabin and 756 square foot beer garden for a total use area of 900 square feet.
7. The proposed modification would expand the alcoholic beverage dispensary with a 500 square foot rail car and a 1,400 square foot beer garden, with a total proposed use area of approximately 1,900 square feet.
8. Land uses to the northwest, north, and northeast are mixed with residential, commercial, and a recreational vehicle (RV) park. In 2020, a residential subdivision recorded abutting the property directly east, with plans for additional lots. Older residential subdivisions abut the property to the south and west, with lots ranging from approximately one to five acres in size.
9. The closest residential structure, not owned by the applicant, is approximately 350 feet west of the use.
10. The proposed modification will be approximately 265 feet from the west property line, 185 feet from the Leslie Circle right-of-way, and more than 1,000 feet from the east and south side lot lines.
11. There are no outdoor speakers or public announcement systems associated with the modification.

**Conclusions of Law:** Based on the above findings, and with conditions, the proposed modification 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)).

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(b) *That granting the conditional use permit will not be harmful to the public health, safety, convenience and welfare.*

**Findings of Fact:**

1. The property location, parcel size, and street access are not changing with the proposed modification.
2. The Central Mat-Su Fire Marshal's office is currently evaluating the applicant's Plan Review application.
3. The existing alcoholic beverage dispensary area is contained within a 144 square foot cabin and 756 square foot beer garden for a total use area of 900 square feet.
4. The proposed modification would expand the alcoholic beverage dispensary with a 500 square foot rail car and a 1,400 square foot beer garden, with a total proposed use area of approximately 1,900 square feet.
5. According to the application material, the proposed modification of the dispensary building and outdoor beer garden was made to accommodate recommended social distancing due to COVID-19.
6. The nearest school (Machetanz Elementary School) is approximately 6,200 feet southwest of the site. State regulations preclude beverage dispensary (bar) licenses within 200 feet of a school.
7. The operation is required to conduct business in accordance with Alaska laws and statutes, which include but are not limited to, mandatory alcohol server education.
8. Alaska Statute 04.16.030 specifically prohibits the sale of alcoholic beverages to drunken persons.
9. The Alcoholic & Marijuana Control Office (AMCO) has no record of violations by the applicants within the last 12 months.
10. According to the application material, the hours of operation are not changing due to the modification. The hours will continue to be 12:00 p.m. to 8:00 p.m., daily from May 15 through October 15 in conjunction with farm tour activities.
11. The proposed modification does not involve processing, manufacturing, or storing hazardous substances identified in MSB 17.61.020(A)(3).

**Discussion:** The Fire Marshal determined the previous structure did not require a plan review due to its size. The applicant turned in a request for Fire Marshal Plan Review for the modification and is waiting on the outcome of that decision. Staff suggests placing a condition of approval that the alcoholic beverage dispensary obtain a Fire Marshal Plan Review or a determination that one is not needed prior to operating.

**Conclusions of Law:** Based on the above findings, and with conditions, the proposed modification will not be harmful to the public health, safety, convenience, and welfare (MSB 17.70.100(A)(1)(b)).

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*(c) That sufficient setbacks, lot area, buffers or other safeguards are being provided to meet the conditions listed in subsections (A) and (B) of this section.*



**Findings of Fact:**

1. The nearest school (Machetanz Elementary School) is approximately 6,200 feet southwest of the site. State regulations preclude beverage dispensary (bar) licenses within 200 feet of a school.
2. The property location, parcel size, and street access are not changing with the proposed modification.
3. The proposed modification will be approximately 265 feet from the west property line, 185 feet from the Leslie Circle right-of-way, and more than 1,000 feet from the east and south side lot lines.
4. The closest residential structure, not owned by the applicant, is approximately 350 feet west of the modified use.
5. Previous structural setback violations within this parcel have been resolved.

**Discussion:** The Conditional Use Permit approved July 8, 2020 had a condition of approval that required “the structure labeled as the “equipment shed” in the application material shall be moved or removed to comply with the minimum setback requirements detailed in MSB 17.55 on or before October 2, 2020.” According to the application material, and confirmed by staff during a site visit on April 23, 2021, the setback violations have been resolved. One of the two structures was moved to the east side of the existing driveway off of Leslie Circle and the other has been dismantled.

**Conclusions of Law:** Based on the above findings, and with conditions, sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.70.100(A)(1)(c)).

---

(2) *General Standards. In considering whether the general standards are satisfied, the planning commission may weight factors contributing or detracting from the development of a safe, convenient and attractive community, including, but not limited to:*

(a) *Any potential negative effect upon other properties in the area due to such factors as dust, noise, obtrusive advertising and glare.*

**Findings of Fact:**

1. The property location, parcel size, and street access are not changing with the proposed modification.
2. The proposed modification will be approximately 265 feet from the west property line, 185 feet from the Leslie Circle right-of-way, and more than 1,000 feet from the east and south side lot lines.
3. The closest residential structure, not owned by the applicant, is approximately 350 feet west of the modified use.
4. According to the application material, exterior lighting will consist of a single yard light on both the north and south sides of the rail car.
5. The modification does not involve any change to the signage.

6. There are no outdoor speakers or public announcement systems associated with the modification.
7. According to the application material, the parking area will be watered as needed for dust control.
8. The operation must comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 – Noise, Amplified Sound and Vibration.

**Conclusions of Law:** Based on the above findings, and with conditions, 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)).

---

*(b) Any potential negative effect on the safe, efficient flow of traffic on any highway arterial, collector or street from which access to and from the establishment is obtained.*

**Findings of Fact:**

1. The property location, parcel size, and street access are not changing with the proposed modification.
2. There is a large parking area on site, which can accommodate more than 10 parking spaces and multiple buses.
3. The proposed use is considered a “Drinking Place (Land Use Code 925)” in the Trip Generation, 10<sup>th</sup> Edition, published by the Institute of Transportation Engineers.
4. The Trip Generation, 10<sup>th</sup> Edition, published by the Institute of Transportation Engineers, notes the average PM (afternoon) peak hour rate to be 15.53 trips per 1,000 square feet of the gross floor area.
5. The existing alcoholic beverage dispensary area is contained within a 144 square foot cabin and 756 square foot beer garden for a total use area of 900 square feet.
6. The proposed modification would expand the alcoholic beverage dispensary with a 500 square foot rail car and a 1,400 square foot beer garden, with a total proposed use area of approximately 1,900 square feet.
7. The average PM (afternoon) peak hour rate for the proposed use is calculated to be 30 trips.
8. The proposed modification does not involve a significant change of land use or traffic, therefore does not require any change to the two existing, approved driveway permits.

**Conclusions of Law:** Based on the above findings, the proposed modification 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)).

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*(c) The effectiveness of any measures to reduce any negative effect upon adjacent and nearby properties by property line buffers and arterial buffers,*



*planted berms, landscaping, reduction or elimination of obtrusive or garish signing or other features, lowered building elevation, clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exists onto highways, arterials and collectors, and where the surrounding area is predominantly residential in character, site and building design features that contribute to the residential character of the development.*

**Findings of Fact:**

1. Land uses to the northwest, north, and northeast are a mixture of residential, commercial, and a recreational vehicle (RV) park. In 2020, a residential subdivision recorded abutting the property directly east, with plans for additional lots. Older residential subdivisions abut the property to the south and west, with lots ranging from approximately one to five acres in size.
2. The subject property was first developed as a homestead farm by colonists in 1935. That use continues today.
3. According to the application material, the hours of operation are not changing due to the modification. The hours will continue to be 12:00 p.m. to 8:00 p.m., daily from May 15 through October 15 in conjunction with farm tour activities.
4. The property location, parcel size, and street access are not changing with the proposed modification.
5. The proposed modification will be approximately 265 feet from the west property line, 185 feet from the Leslie Circle right-of-way, and more than 1,000 feet from the east and south side lot lines.
6. The closest residential structure, not owned by the applicant, is approximately 350 feet west of the modified use.
7. According to the application material, exterior lighting will consist of a single yard light on both the north and south sides of the rail car.
8. The modification does not involve any change to the signage.
9. There are no outdoor speakers or public announcement systems associated with the modification.

**Conclusions of Law:** Based on the above findings, measures will be in place to reduce any negative effect upon adjacent and nearby properties (MSB 17.70.100(A)(2)(c)).

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*(d) Whether there are adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit.*

**Finding of Fact:**

1. There is a large parking area on site, which can accommodate more than 10 parking spaces and multiple buses.
2. According to the site plan, 2 customer parking spaces designated for persons with disabilities will be provided.

**Conclusion of Law:** Based on the above findings, adequate parking is provided (MSB 17.70.100(A)(2)(d)).

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*(e) Whether access to the premises will create an unreasonable traffic hazard.*

**Findings of Fact:**

1. The property location, parcel size, and street access are not changing with the proposed modification.
2. The proposed use is considered a “Drinking Place (Land Use Code 925)” in the Trip Generation, 10<sup>th</sup> Edition, published by the Institute of Transportation Engineers.
3. The Trip Generation, 10th Edition, published by the Institute of Transportation Engineers, notes the average PM (afternoon) peak hour rate to be 15.53 trips per 1,000 square feet of the gross floor area.
4. The proposed modification does not involve a significant change of land use or traffic, therefore does not require any change to the two existing, approved driveway permits.
5. The existing alcoholic beverage dispensary area is contained within a 144 square foot cabin and 756 square foot beer garden for a total use area of 900 square feet.
6. The proposed modification would expand the alcoholic beverage dispensary with a 500 square foot rail car and a 1,400 square foot beer garden, with a total proposed use area of approximately 1,900 square feet.
7. The average PM (afternoon) peak hour rate for the proposed use is calculated to be 30 trips.
8. According to the application material, the proposed modification of the dispensary building and outdoor beer garden was made to accommodate recommended social distancing due to COVID-19.

**Conclusion of Law:** Based on the above findings, access to the premises will not create an unreasonable traffic hazard (MSB 17.70.100(A)(2)(e)).

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*(f) Whether a reasonably expected increase in traffic will overtax existing road systems.*

**Findings of Fact:**

1. The property location, parcel size, and street access are not changing with the proposed modification.
2. The proposed use is considered a “Drinking Place (Land Use Code 925)” in the Trip Generation, 10<sup>th</sup> Edition, published by the Institute of Transportation Engineers.
3. The Trip Generation, 10th Edition, published by the Institute of Transportation Engineers, notes the average PM (afternoon) peak hour rate to be 15.53 trips per 1,000 square feet of the gross floor area.
4. The average PM (afternoon) peak hour rate for the proposed use is calculated to be 30 trips.

5. The existing alcoholic beverage dispensary area is contained within a 144 square foot cabin and 756 square foot beer garden for a total use area of 900 square feet.
6. The proposed modification would expand the alcoholic beverage dispensary with a 500 square foot rail car and a 1,400 square foot beer garden, with a total proposed use area of approximately 1,900 square feet.
7. According to the application material, the modification will not produce increased traffic beyond what already occurs from people traveling to the farm to purchase produce, flowers, hay or participate in farm tours.
8. The proposed modification does not involve a significant change of land use or traffic, therefore does not require any change to the two existing, approved driveway permits.

**Conclusion of Law:** Based on the above findings, traffic will not overtax existing road systems (MSB 17.70.100(A)(2)(f)).

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*(g) Whether the use is incompatible with the character of the surrounding neighborhood.*

**Findings of Fact:**

1. The property location, parcel size, and street access are not changing with the proposed modification.
2. Land uses to the northwest, north, and northeast are a mixture of residential, commercial, and a recreational vehicle (RV) park. In 2020, a residential subdivision recorded abutting the property directly east, with plans for additional lots. Older residential subdivisions abut the property to the south and west, with lots ranging from approximately one to five acres in size.
3. The nearest school (Machetanz Elementary School) is approximately 6,200 feet southwest of the site. State regulations preclude beverage dispensary (bar) licenses within 200 feet of a school.
4. The proposed modification will be approximately 265 feet from the west property line, 185 feet from the Leslie Circle right-of-way, and more than 1,000 feet from the east and south side lot lines.
5. The closest residential structure, not owned by the applicant, is approximately 350 feet west of the modified use.
6. The subject property was first developed as a homestead farm by colonists in 1935. That use continues today.
7. In 2018, the property owner began operating farm tours during the summer months; the tours offer education, information, and promotion of Alaska grown products.
8. According to the application material, the proposed modification of the dispensary building and outdoor beer garden was made to accommodate recommended social distancing due to COVID-19.



9. There are no outdoor speakers or public announcement systems associated with the modification.
10. According to the application material, the hours of operation are not changing due to the modification. The hours will continue to be 12:00 p.m. to 8:00 p.m., daily from May 15 through October 15 in conjunction with farm tour activities.

**Conclusion of Law:** Based on the above findings, and with conditions, the proposed modification is compatible with the character of the surrounding area (MSB 17.70.100(A)(2)(g)).

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*(3) The commission shall deny the application if it does not meet the application standards.*

**17.70.110 Special Standards for Liquor Uses.**

*(A) In addition to the general standards, a commercial use shall only be approved if it meets the requirements of this section.*

*(B) An application shall be denied if the planning commission finds, based on the evidence presented, that one or more of the following are applicable.*

*(1) There is, or the use would tend to result in, a high crime rate or a high incidence of alcohol-related accidents in the area.*

**Findings of Fact:**

1. The Alcoholic & Marijuana Control Office (AMCO) has no record of violations by the applicants within the last 12 months.
2. The operation is required to conduct business in accordance with Alaska laws and statutes, which include but are not limited to, mandatory alcohol server education.
3. Persons under the age of 21 are prohibited from being served alcoholic beverages.
4. Alaska Statute 04.16.030 specifically prohibits the sale of alcoholic beverages to drunken persons.

**Conclusion of Law:** Based on the above findings, and with conditions, the proposed modification will not increase the crime rate in the area or increase alcohol-related accidents (MSB 17.70.110(B)(1)).

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*(2) The applicant or a person with an interest in the application has had an interest in a liquor license which was suspended or revoked in the 12 month preceding the application.*

**Finding of Fact:**

1. The Alcoholic & Marijuana Control Office (AMCO) has no record of violations by the applicants within the last 12 months.

**Conclusion of Law:** Based on the above finding, the applicant has not had a liquor license suspended or revoked in the 12 months preceding the application (MSB 17.70.110(B)(2)).

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*(3) The applicant or person with an interest in the application demonstrated that the person is untrustworthy or unfit to conduct the operation of a licensed business, or is a potential source of harm to the public.*

**Finding of Fact:**

1. There has been no information submitted indicating the applicants, David and Michelle Church of Moonstone Farm, LLC are untrustworthy or unfit to conduct business in the borough or that the applicants are a potential source of harm to the public.
2. The Alcoholic & Marijuana Control Office (AMCO) has no record of violations by the applicants within the last 12 months.

**Conclusion of Law:** Based on the above finding, the applicant is trustworthy and 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)).

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**STAFF RECOMMENDATIONS**

Staff recommends approval of the request to modify Conditional Use Permit #177020190004 which was issued June 8, 2020 for the expansion of a beverage dispensary (bar and beer garden) at 2141 S. Church Road, Tax ID# 17N01E16C012. The proposed operation, as modified and with conditions, meets all the standards of MSB 17.70.100 and 17.70.110. Staff recommends adopting the following conditions to supersede Planning Commission Resolution 20-13 to read as follows:

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 12:00 p.m. – 8:00 p.m., daily.
5. A Fire Marshal Plan Review or determination that one is not necessary is required prior to operation of the alcoholic beverage dispensary.

If the Planning Commission chooses to deny this permit, findings for denial must be prepared by the Commission.

**Site Visit photos taken by Mark Whisenhunt,  
MSB Planner II, during a site visit on April 23, 2021**

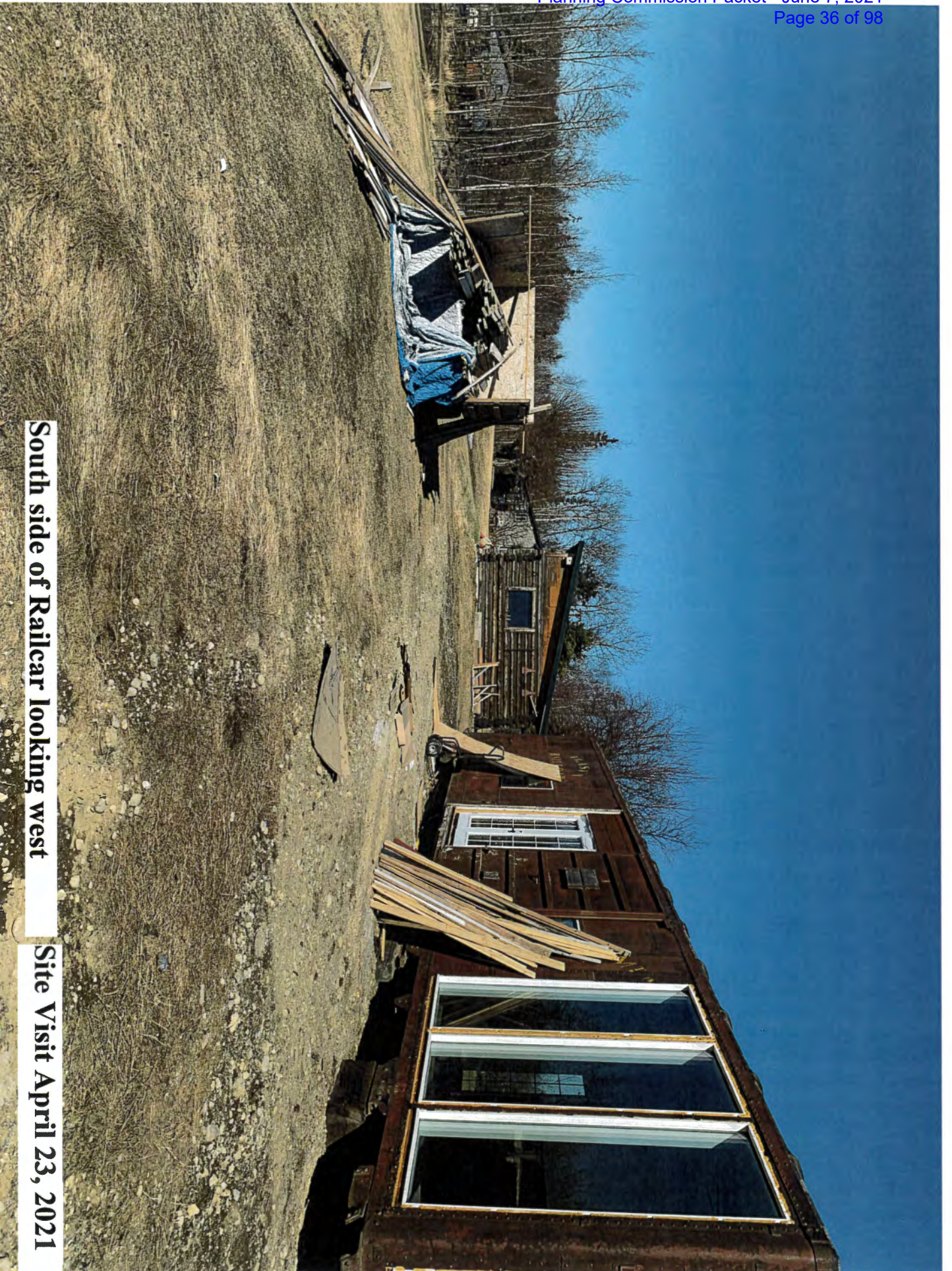




South side of Railcar

Site Visit April 23, 2021

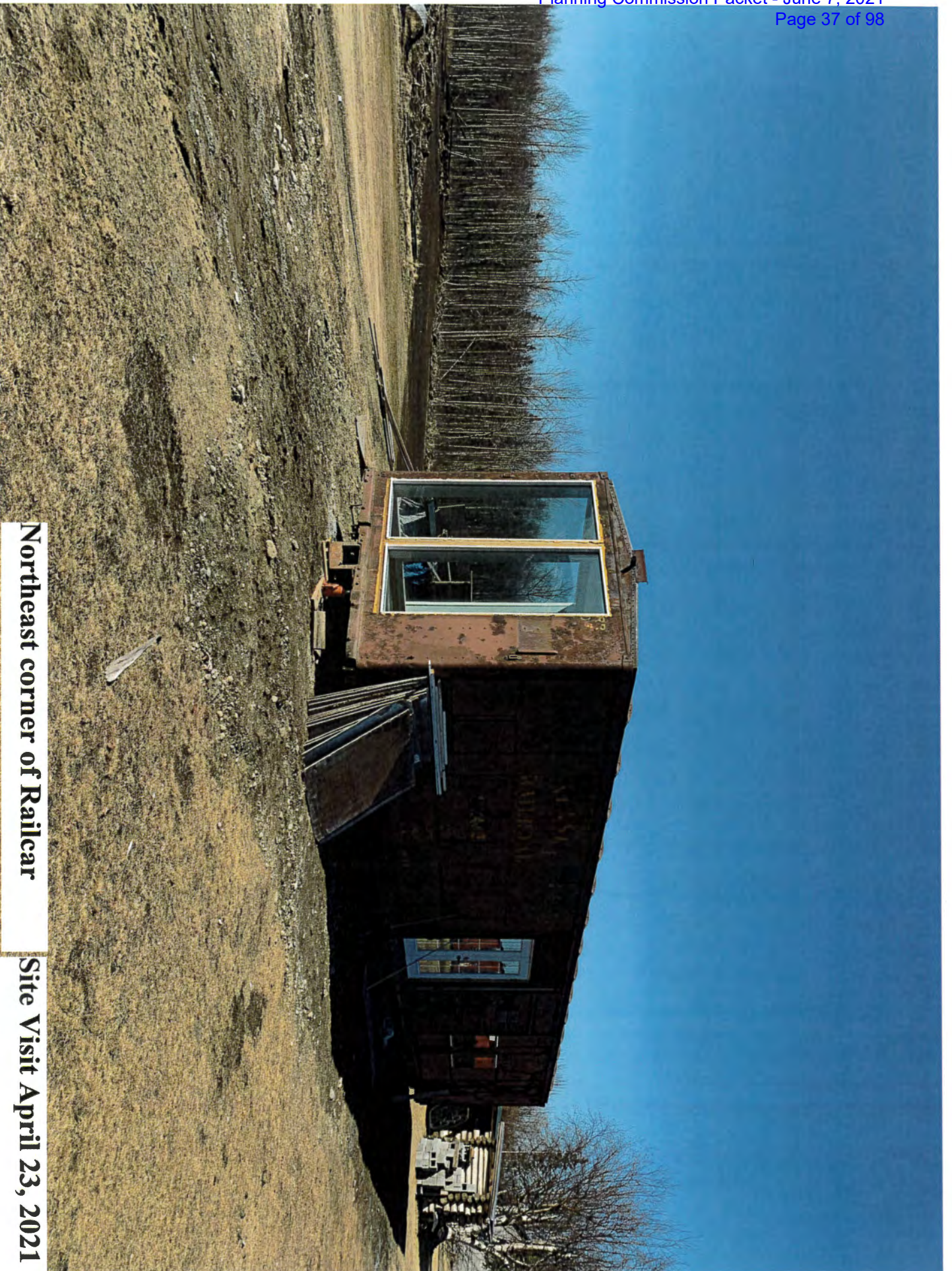




South side of Railcar looking west

Site Visit April 23, 2021

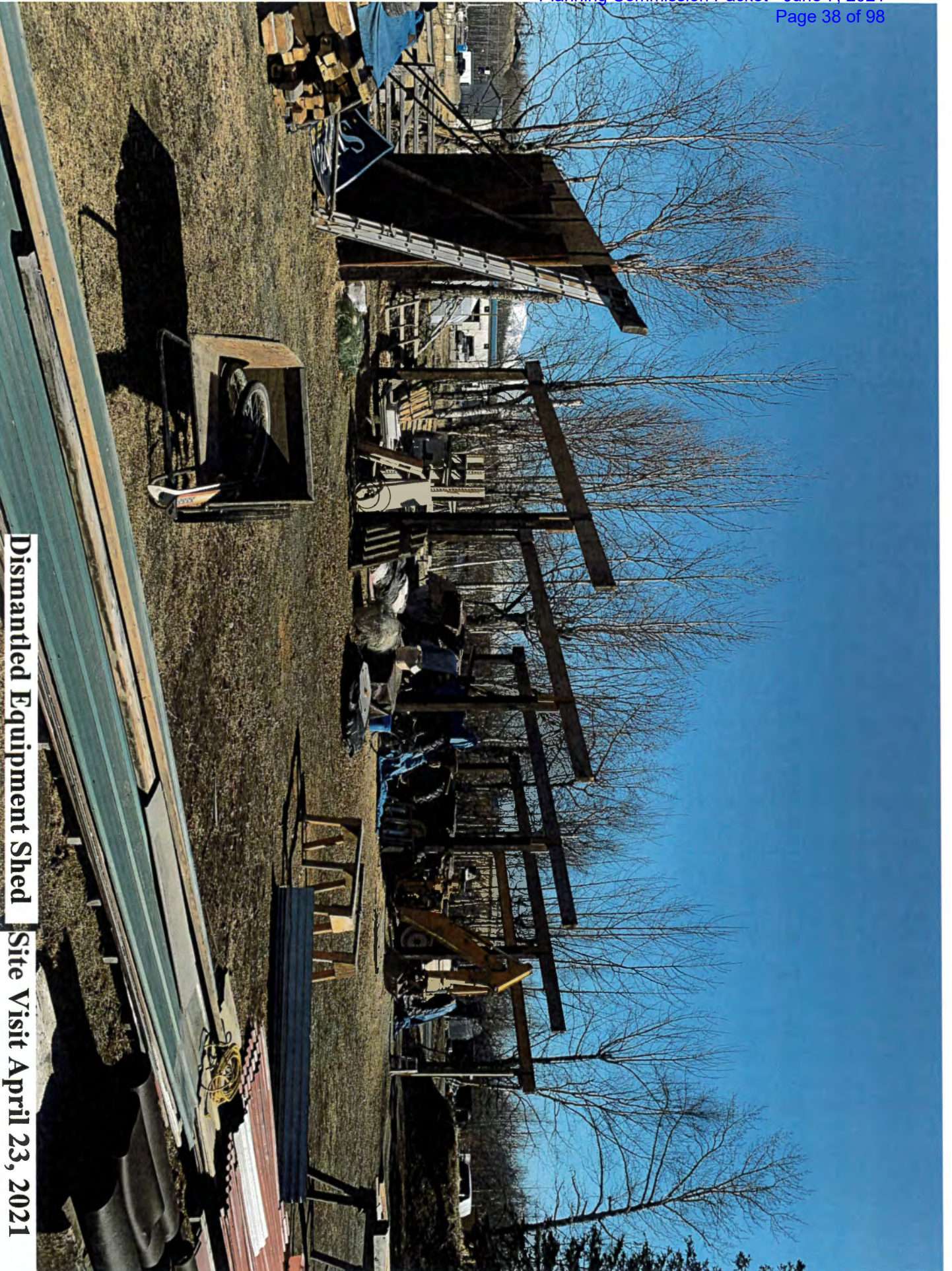




Northeast corner of Railcar

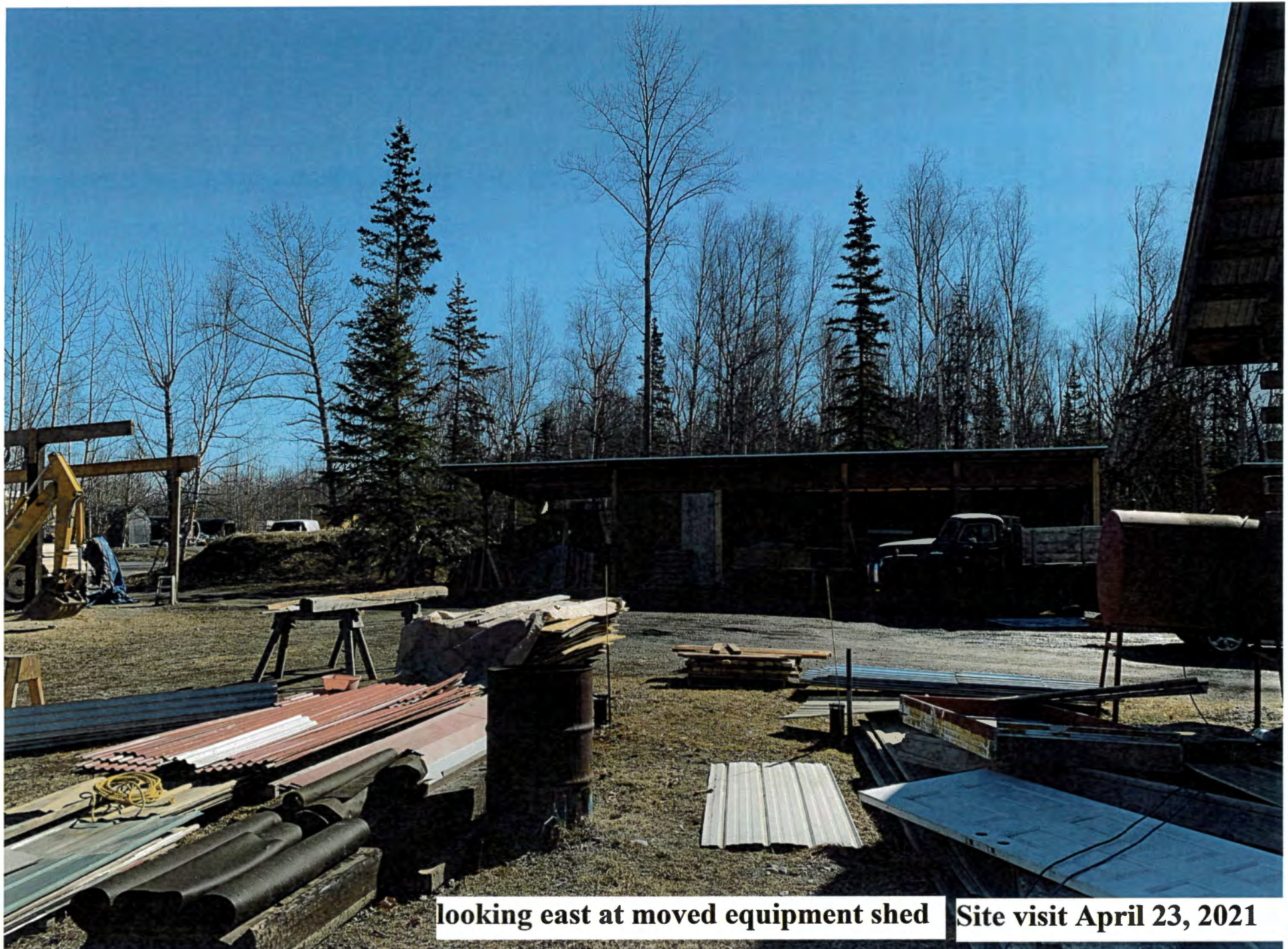
Site Visit April 23, 2021





Dismantled Equipment Shed Site Visit April 23, 2021





**looking east at moved equipment shed    Site visit April 23, 2021**



## Drinking Place (925)

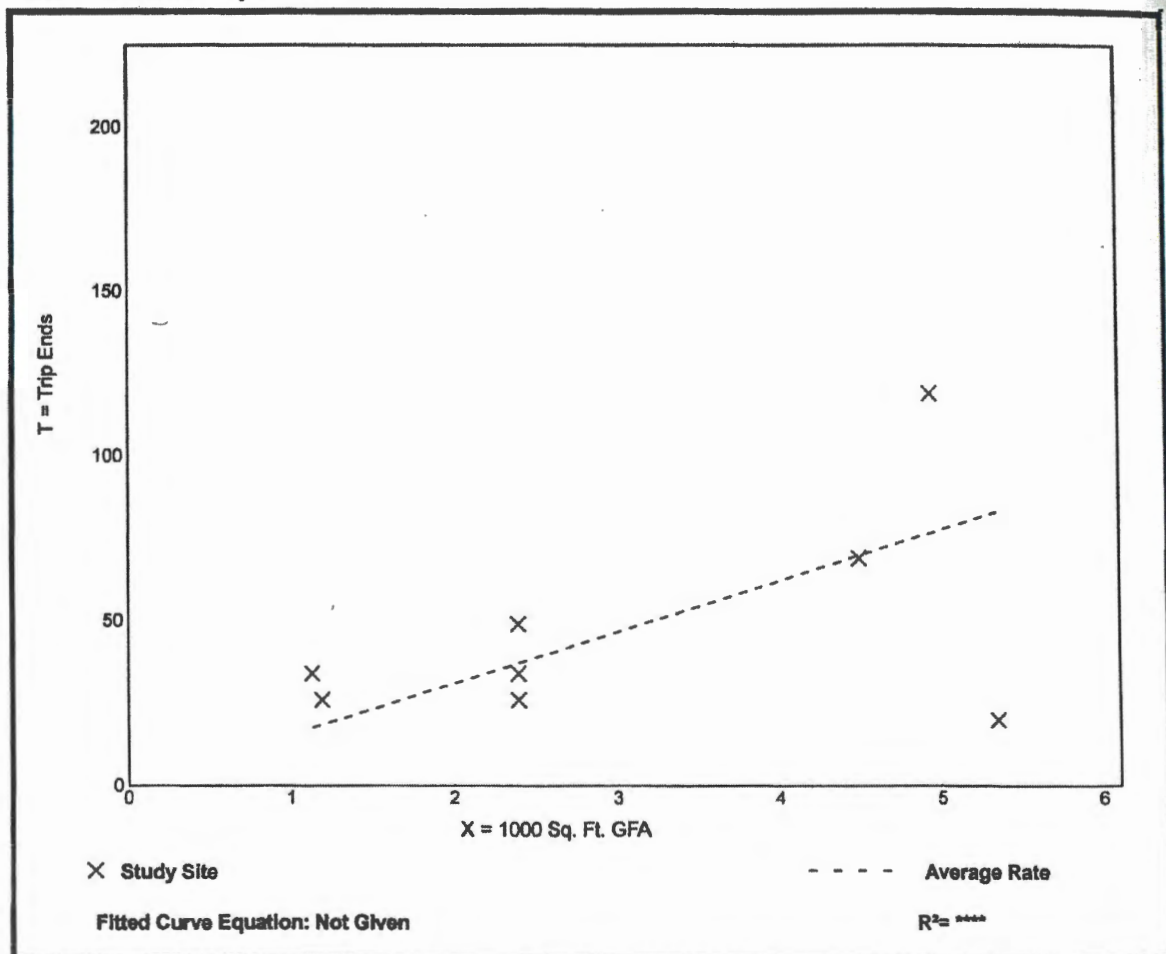
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA  
On a: Weekday,  
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban  
Number of Studies: 8  
1000 Sq. Ft. GFA: 3  
Directional Distribution: 68% entering, 32% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
15.53	3.74 - 30.09	8.42

### Data Plot and Equation



# **Frontiersman**

*Growing with the Valley since 1947.*

5751 E. MAYFLOWER CT.  
Wasilla, AK 99654

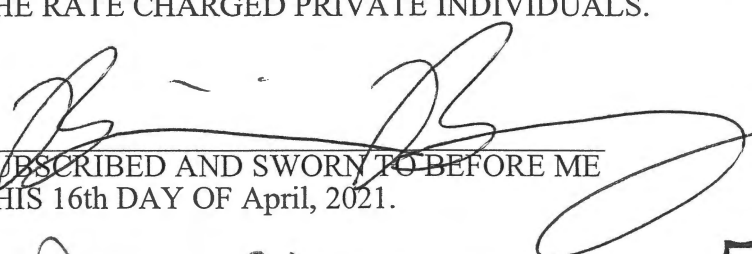
(907) 352-2250 ph  
(907) 352-2277 fax

## **AFFIDAVIT OF PUBLICATION**

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DIVISION  
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, THIS DAY  
PERSONALLY APPEARED BEFORE **BENJAMIN BORG** WHO, BEING  
FIRST DULY SWORN, ACCORDING TO LAW, SAYS THAT HE IS THE  
LEGAL AD CLERK OF THE **FRONTIERSMAN**  
PUBLISHED AT WASILLA AND CIRCULATED THROUGH OUT MATANUSKA  
SUSITNA BOROUGH, IN SAID DIVISION THREE AND STATE OF ALASKA  
AND THAT THE ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE  
COPY, WAS PUBLISHED ON THE FOLLOWING DAYS:

**04/16/2021**

AND THAT THE RATE CHARGED THEREIN IS NOT IN EXCESS OF  
THE RATE CHARGED PRIVATE INDIVIDUALS.

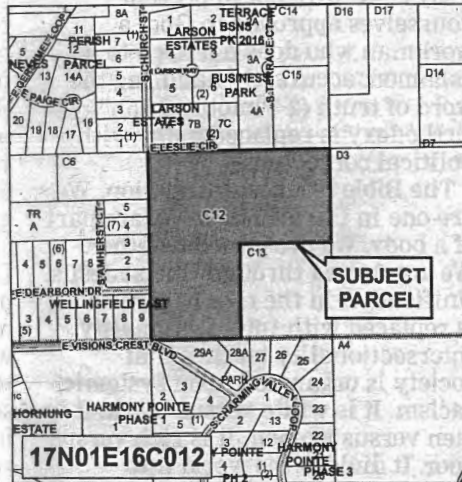
  
SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 16th DAY OF April, 2021.

  
NOTARY PUBLIC FOR STATE OF ALASKA

NANCY E. DOWNS  
Notary Public  
State of Alaska  
My Commission Expires  
August 25, 2023

MAT-SU BOROUGH/PAGE  
4.16  
ACCOUNT NUMBER 405249

## PUBLIC HEARING



The Matanuska-Susitna Borough Planning Commission will conduct a public hearing concerning the following application to modify a conditional use permit on Monday, **June 7, 2021**, at 6:00 p.m. in the Borough Assembly Chambers located at 350 E. Dahlia Avenue in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend.

An application to modify an existing conditional use permit under MSB 17.70 – Regulation of Alcoholic Beverage Uses, has been submitted for the expansion of the beverage dispensary (bar and beer garden) associated with Moonstone Farm located at 2141 S. Church Street (Tax ID# 17N01E16C012); within Township 17 North, Range 1 East, Section 16, Seward Meridian.

**Please Note: Due to the ongoing Coronavirus/ COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough website. The public is encouraged to check the Borough website prior**

**to attending the public hearing for any changes to the meeting schedule or method.**

**In Person Participation:** Should you wish to attend in person, please adhere to a 6-foot distance between yourself and others. **Telephonic Testimony:** Dial 1-855-290-3803; you will hear "Joining Conference" when you are admitted to the meeting. You will be muted and able to listen to the meeting. When the Chairperson announces audience participation or a public hearing you would like to speak to, press "3"; you will hear "Your hand has been raised." When it is your turn to testify you will hear "Your line has been unmuted." State your name for the record, spell your last name, and provide your testimony.

The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information through the Clerk, from the applicant at the time of introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

Application material may be viewed online at [www.matsugov.us](http://www.matsugov.us) by clicking on "All Public Notices & Announcements." For additional information, you may contact Peggy Horton, Planner II, at 861-7862. Written comments can be mailed to: MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. You may e-mail comments to [peggy.horton@matsugov.us](mailto:peggy.horton@matsugov.us). In order to be eligible to file an appeal from a decision of the Planning Commission, a person must be designated an "interested party." See MSB 15.39.010 for the definition of "interested party." The procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough home page: [www.matsugov.us](http://www.matsugov.us), in the Borough Clerk's office, and at various libraries within the borough.

Written comments are due on or before **May 7, 2021** and will be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received from the public after that date will not be included in the staff report, but will be provided to the Commission at the meeting.

Publish Date: April 16, 2021

04-19-21





## Certificate of Bulk Mailing — Domestic

### Fee for Certificate

Up to 1,000 pieces (1 certificate for total number)

For each additional 1,000 pieces, or fraction thereof

Duplicate Copy ☐

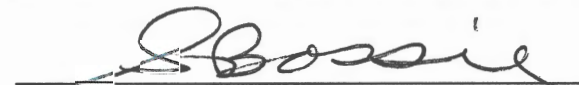
Number of Identical Weight Pieces <b>45</b>	Class of Mail <b>1st</b>	Postage for Each Mailpiece Paid <input type="checkbox"/> Verified	Number of Pieces to the Pound <b>50</b>
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Total Number of Pounds <b>14.602</b>	Total Postage Paid for Mailpieces <b>22.95</b>	Fee Paid <b>8.80</b>
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Mailed For <b>Dev Services</b>	Mailed By <b>N.K.K.</b>
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### Postmaster's Certification

It is hereby certified that the number of mailpieces presented and the associated postage and fee were verified. This certificate does not provide evidence that a piece was mailed to a particular address.

  
(Postmaster or Designee)

**Postage:** Mailers must affix meter, PC Postage®, or (uncanceled) postage stamps here in payment of total fee due.

Acceptance employee must affix (by round-date) at ti

If payment of total fee due is being paid by Permit Imprint, include the *PostalOne!*® Transaction Number here: \_\_\_\_\_



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AFFINITO RUDY T  
6190 E DEARBORN DR  
PALMER AK 99645

58049B03L003 2  
ARCTIC DEVCO INC  
PO BOX 3489  
PALMER, AK 99645-3489

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BLAKE KYLE A  
2027 S CHURCH ST  
PALMER AK 99645-8450

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BOOKER ROGER E & MARIAN W  
2406 COACHMAN DR  
CONROE TX 77384-3349

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BREEDEN TIMOTHY RAY  
BREEDEN KIMBERLY MARIE  
3378 S CHARMING VALLEY LOOP  
PALMER AK 99645

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BROCKMAN CHRISTOPHER J  
5240 E TIGERWOOD CIR  
WASILLA AK 99654-4450

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CHURCH DAVID D&MICHELLE R  
2141 S CHURCH ST  
PALMER, AK 99645

55399B01L003 8  
CLEDENIN BRIANNA  
ZWEIFEL BRADLEY  
6246 E VISIONS CREST BLVD  
PALMER AK 99645

58049B03L004 9  
DAVIDS INVESTMENTS LLC  
PO BOX 877021  
WASILLA AK 99687

58049000T00A 10  
EAGLE UTILITIES INC  
PO BOX 3489  
PALMER, AK 99645-3489

52464B06L008 11  
EDDY DAVID JESSE  
2268 S AMHERST CT  
PALMER AK 99645

52464B07L004 12  
EDWARDS FAMILY TR  
#528  
7362 W PARKS HWY  
WASILLA AK 99623

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FENGER THOMAS  
3318 S CHARMING VALLEY LOOP  
PALMER AK 99645-7730

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GAMBLE CARL M & STEPHANIE M  
3298 S CHARMING VALLEY LOOP  
PALMER AK 99645

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GRIZZLY ENTERPRISES LLC  
2900 BORLAND DR  
ANCHORAGE AK 99517-2468

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HAMMAN DANIEL T  
2191 S AMHERST CT  
PALMER AK 99645-7729

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HARDY SCOTT C & PAMELA  
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PALMER AK 99645

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HILTON TERRY L & E C  
6220 E DEARBORN DR  
PALMER, AK 99645

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HORNUNG LINDA CHRISTENE  
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PALMER AK 99645-7706

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KG ENTERPRISES LLC  
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LOOP INDUSTRIES LLC  
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WASILLA AK 99654

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LUCE KELSEY  
LUCE SHANDA  
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PALMER AK 99645-5904

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MALONE KEITH L & DONNA G  
PO BOX 671092  
CHUGIAK, AK 99567-1092

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MALONE KEITH L & DONNA G  
PO BOX 671092  
CHUGIAK, AK 99567-1092

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MARSINEK GEO M  
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WICKLIFFE, OH 44092-1713

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19205 MOUNT MAGNIFICENT CIR  
EAGLE RIVER, AK 99577-8399

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NESS PAMELA L  
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PALMER, AK 99645

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OKESON MARK  
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PERKINS WM O & M JEANETTE  
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PALMER, AK 99645



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PROBST KENNETH D  
HALL JUDIE M  
PO BOX 871925  
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REUER EUGENE W JR  
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SPRENGER WANDA A  
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WASILLA AK 99687

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STAHL ALAN L & TEAL T  
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PALMER, AK 99645

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STEWART ENTERPRISES INC  
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% BAILEYS FAM LLC  
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ANCHORAGE AK 99518

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SWANSON PAUL J  
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WAGNER CHAS M & HEATHER S  
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PALMER, AK 99645

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WILKERSON JAMES B  
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WASILLA, AK 99654

52464B05L008 44  
WILLIAMS TRAVIS A  
10117 EAGLE RIVER LN  
EAGLE RIVER AK 99577

45  
GATEWAY COMMUNITY COUNCIL  
PO BOX 578  
PALMER, AK 99645

tara0609 0  
45  
4/13/2021 2:17:25 PM

Matanuska-Susitna Borough  
Development Services Division  
350 E. Dahlia Avenue  
Palmer, Alaska 99645

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4/13/2021 2:17:25 PM

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The Planning Commission of the Matanuska-Susitna Borough will consider the following:

**Applicant:** Michelle Church for Moonstone Farm  
**Location:** 2141 S. Church Street (Tax ID # 17N01E16C012);  
within Township 17 North, Range 1 East, Section 16, Seward Meridian  
**Request:** An application to modify an existing conditional use permit under MSB 17.70 – Regulation of Alcoholic Beverage Uses, has been submitted for the expansion of the beverage dispensary (bar and beer garden) associated with Moonstone Farm at the above location.

The Planning Commission will conduct a public hearing concerning the application for a conditional use permit on Monday, **June 7, 2021 at 6:00 p.m.** in the Borough Assembly Chambers, 350 E. Dahlia Avenue, in Palmer. This may be the only presentation of this item before the Planning Commission and you are invited to attend. **Please Note: Due to the ongoing Coronavirus/COVID-19 Pandemic, the method in which this meeting is being conducted may change. If a change to the meeting is necessary, it will be posted on the Borough website. The public is encouraged to check the Borough website prior to attending the public hearing for any changes to the meeting schedule or method.** The Planning Commission members may submit questions to the Planning Commission Clerk concerning the matter or request for more information from the applicant at the time of introduction. All questions and requests submitted by the Commission shall be in writing and copies will be provided to the applicant and made available to all interested parties and the public upon request. Answers to questions and additional material requests will be addressed in the staff report for the public hearing. Planning Commission members may not receive or engage in ex-parte contact with the applicant, other interested parties in the application, or members of the public concerning the application or issues presented in the application.

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**Name:** \_\_\_\_\_ **Mailing Address:** \_\_\_\_\_

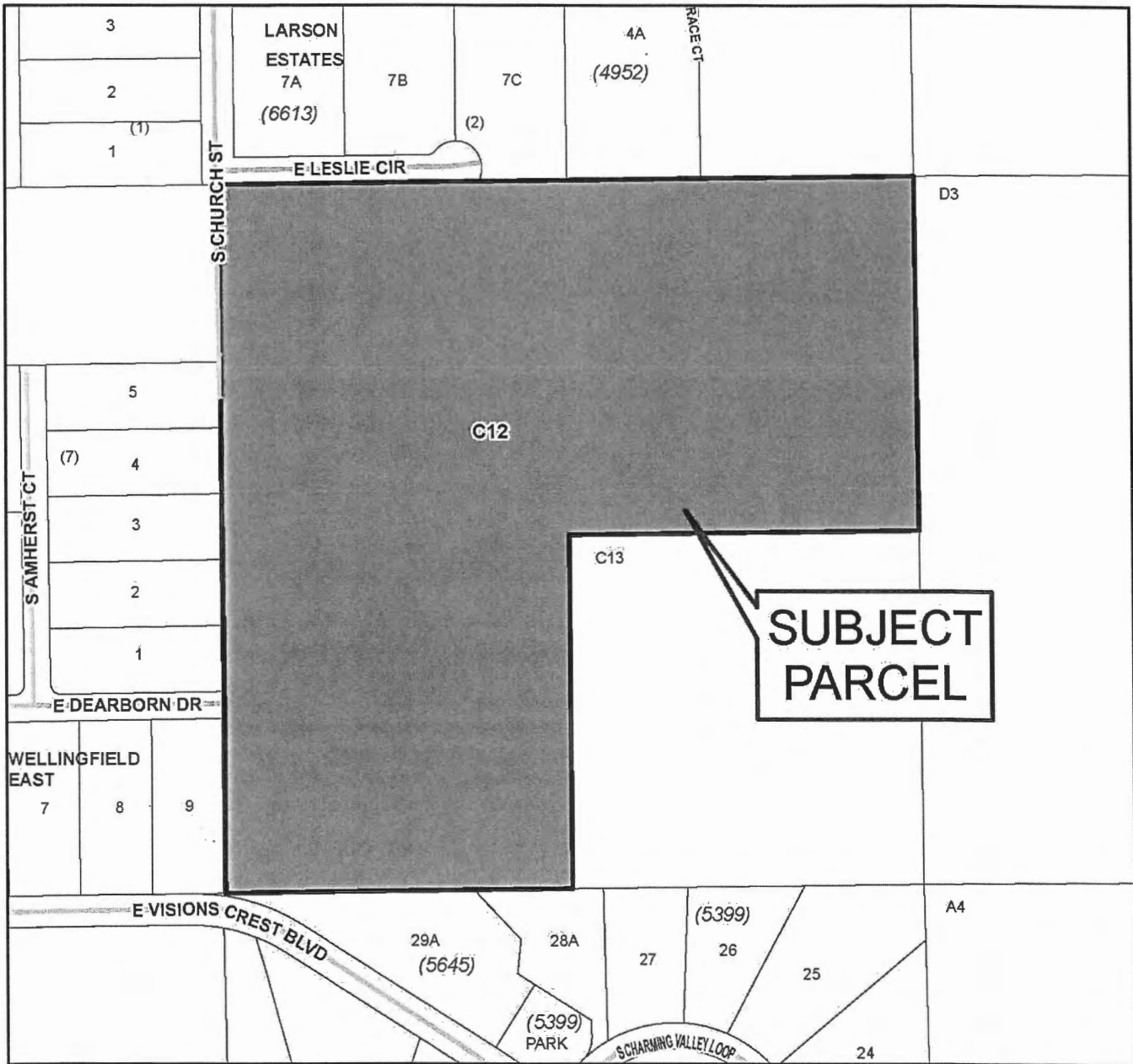
**Location/Legal Description of your property:** \_\_\_\_\_

**Comments:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*Note: Vicinity Map Located on Reverse Side*

# VICINITY MAP



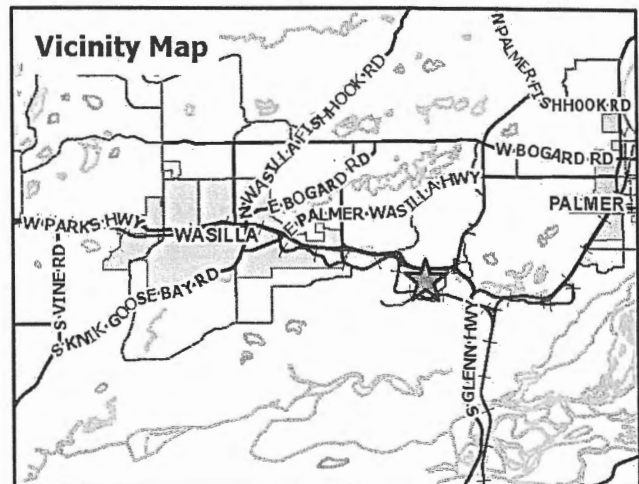
**17N01E16C012**



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7801.




MSB Information Technology/GIS  
December 20, 2019

0 1,000  
Feet





# Imagery

-  Roads
-  Moonstone Farms
-  Parcels



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7801.

Date: 5/6/2021  
By: MSB Development  
Services Division

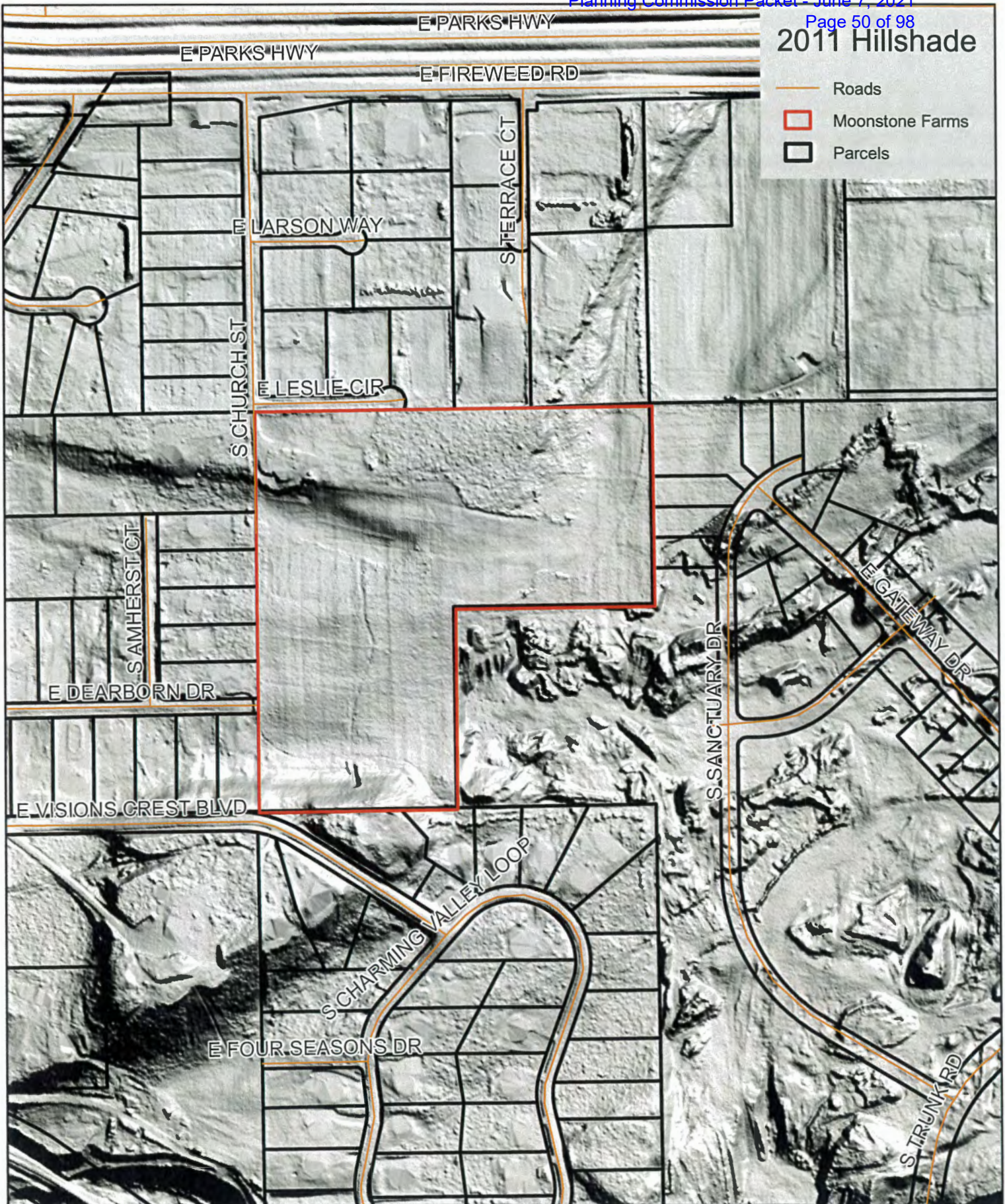
1 inch = 400 feet

0 400 800 Feet





# 2011 Hillshade

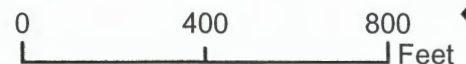


- Roads
- Moonstone Farms
- Parcels

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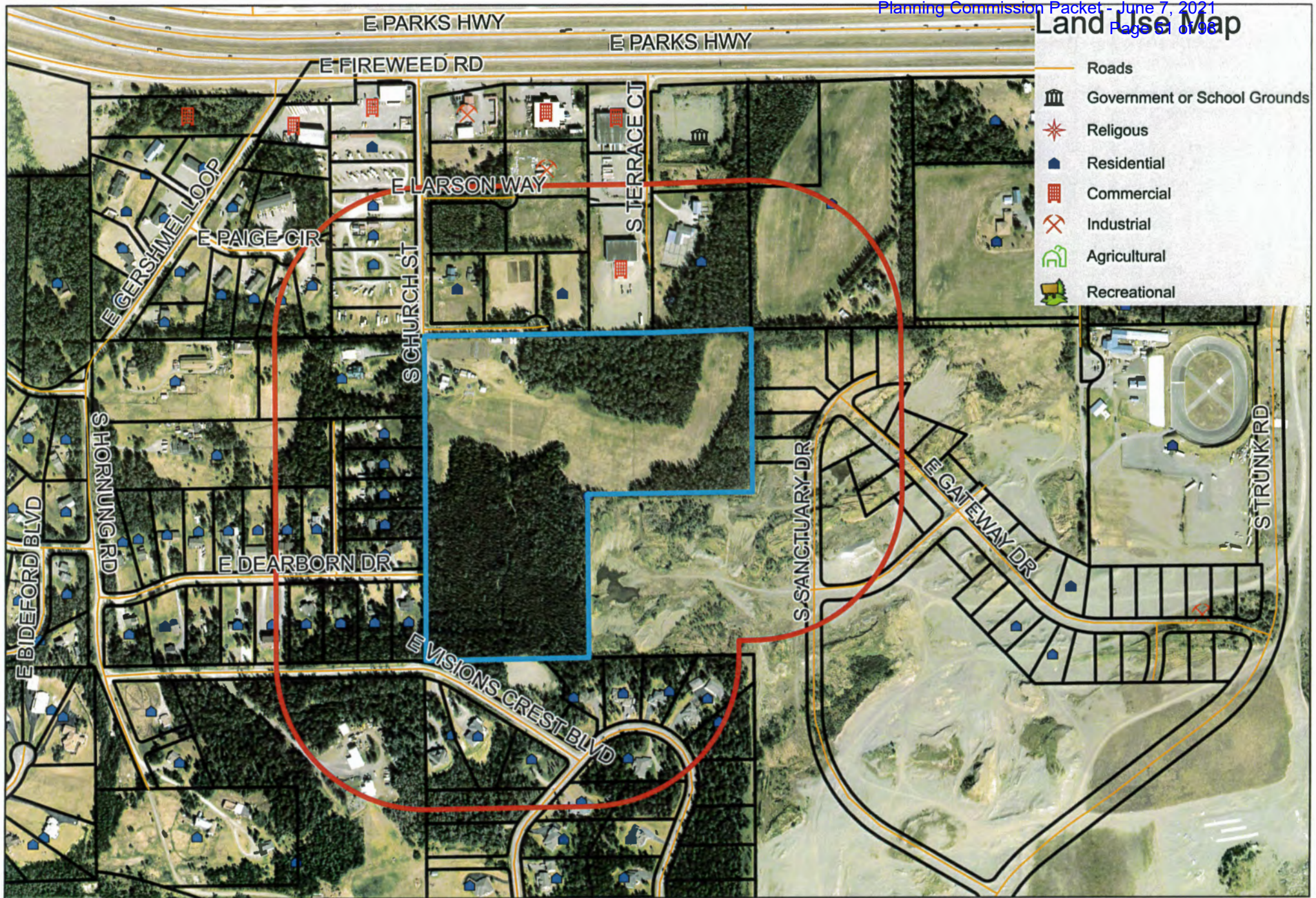
Date: 5/6/2021  
By: MSB Development  
Services Division

1 inch = 400 feet





# Land Use Map



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7801.

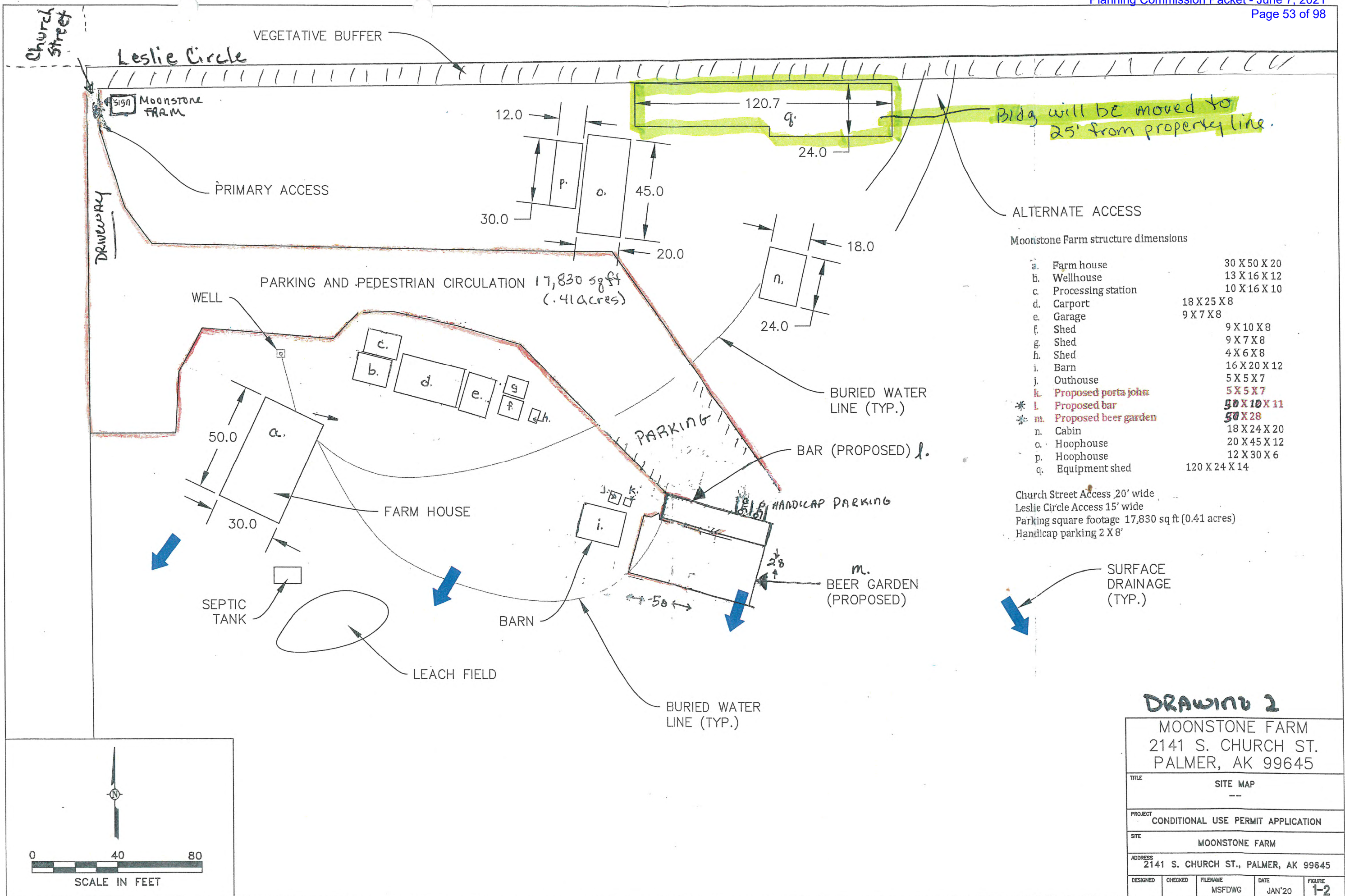
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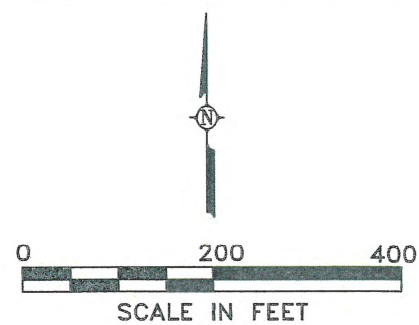
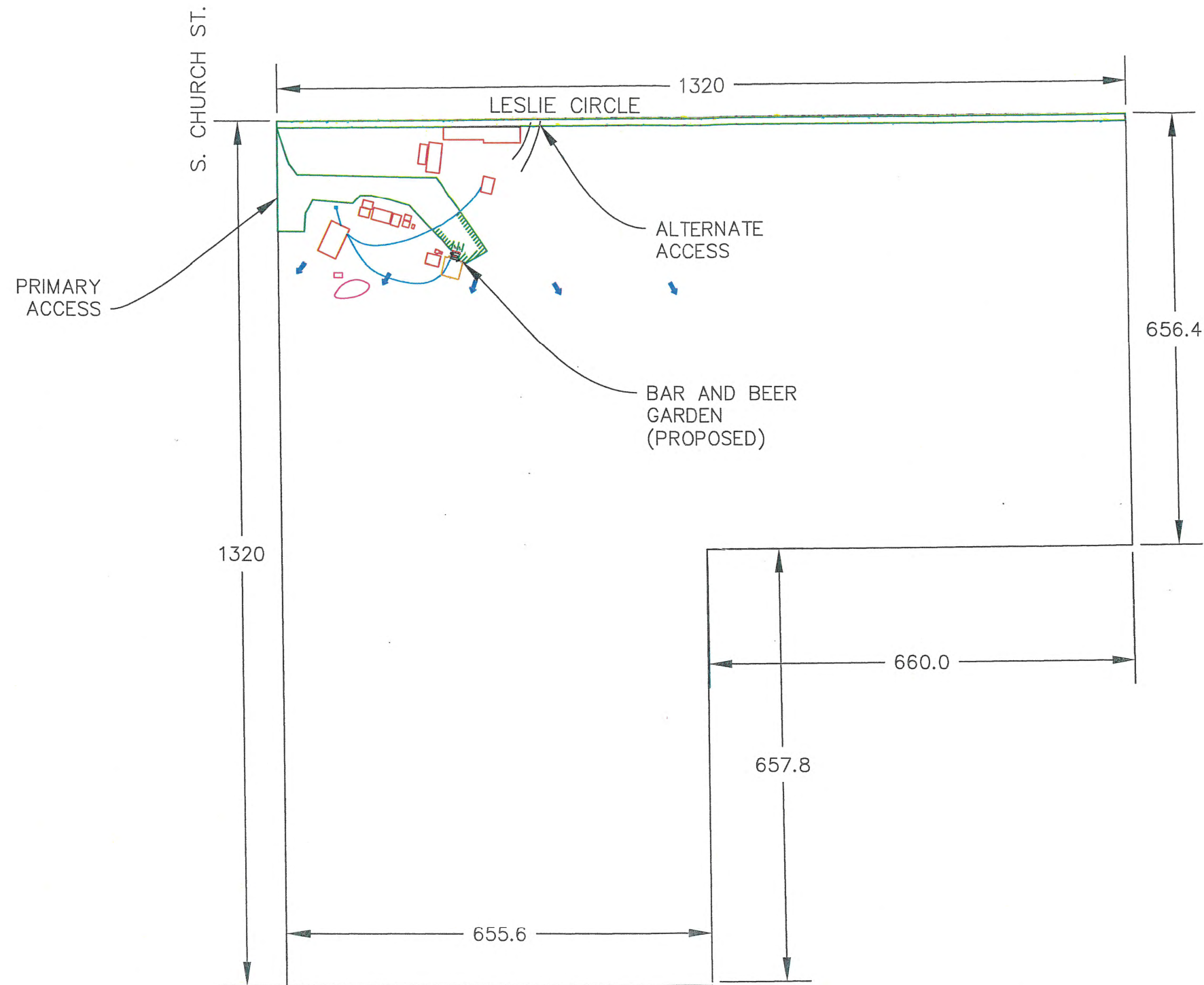
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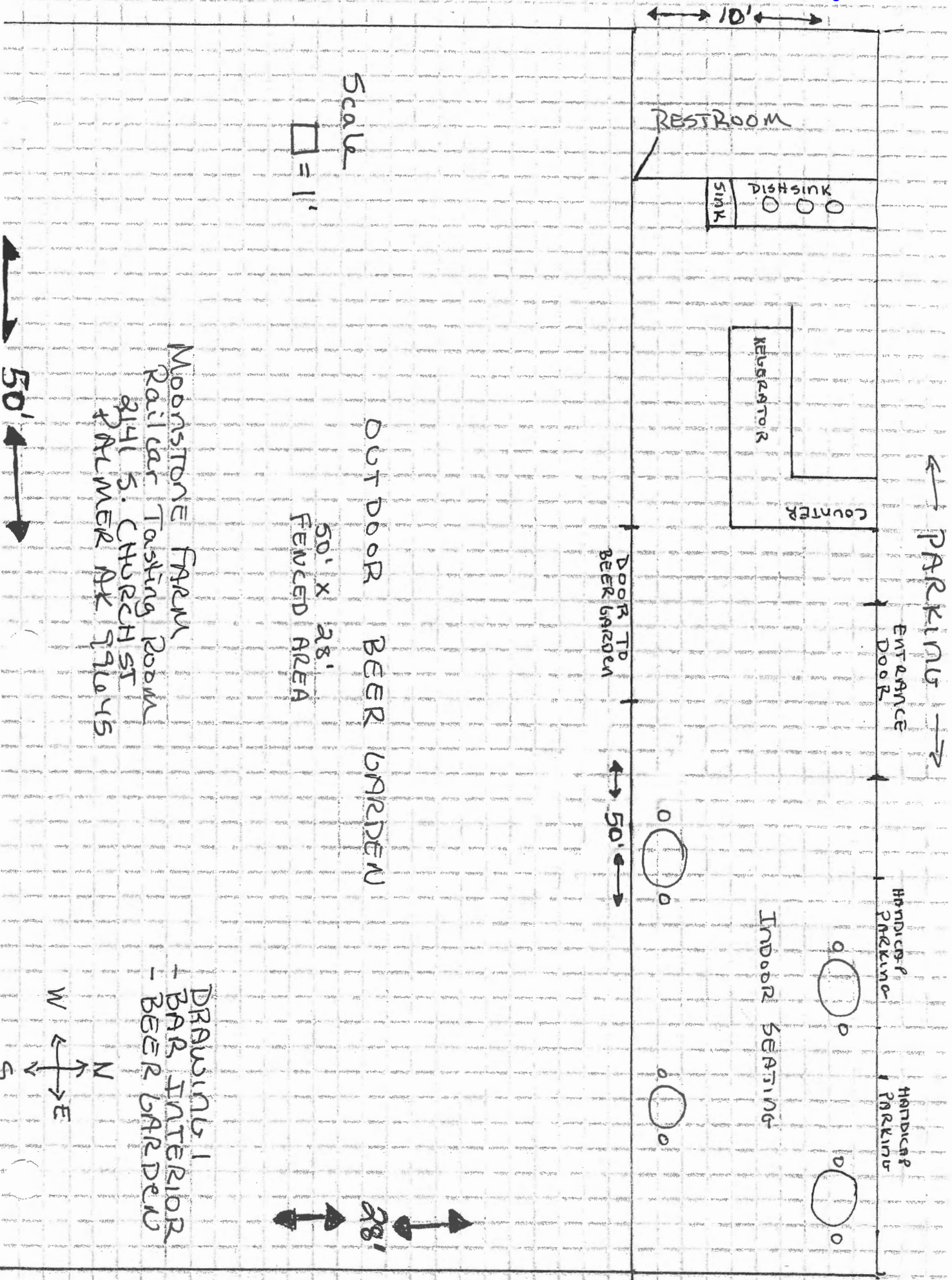
# **SITE PLAN**





MOONSTONE FARM 2141 S. CHURCH ST. PALMER, AK 99645				
TITLE PROPERTY MAP --				
PROJECT CONDITIONAL USE PERMIT APPLICATION				
SITE MOONSTONE FARM				
ADDRESS 2141 S. CHURCH ST., PALMER, AK 99645				
DESIGNED	CHECKED	FILENAME MSFDWG	DATE JAN'20	FIGURE 1-1





# **APPLICATION MATERIAL**





# MATANUSKA-SUSITNA BOROUGH

## Planning and Land Use Department Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-8158

Email: [permitcenter@matsugov.us](mailto:permitcenter@matsugov.us)Matanuska-Susitna Borough  
Development Services

MAR 22 2021

Received

### APPLICATION FOR A CONDITIONAL USE PERMIT REGULATION OF ALCOHOLIC BEVERAGE USES – MSB 17.70

Carefully read instructions and applicable borough code. Fill out forms completely. Attach information as needed. Incomplete applications will not be processed.

Application fee must be attached:

☒ \$1,000 for Liquor Beverage Dispensary☐ \$1,000 for Liquor Package Store

Prior to the public hearing, the applicant must also pay the mailing and advertising fees associated with the application. Applicants will be provided with a statement of advertising and mailing charges. Payment must be made prior to the application presentation before the Borough Planning Commission.

**Subject Property** Township: 17N, Range: 1E, Section: 16, Meridian 5MMSB Tax Account # 17N01E16C012

SUBDIVISION: \_\_\_\_\_ BLOCK(S): \_\_\_\_\_, LOT(S): \_\_\_\_\_

STREET ADDRESS: 2141 S Church St Palmer AK 99645BUSINESS NAME Moonstone Farm

**Ownership** A written authorization by the owner must be attached for an agent or contact person, if the owner is using one for the application. Is authorization attached? ☐ Yes ☐ No ☐ N/A

**Name of Property Owner**David ChurchAddress: 2141 S. Church St  
Palmer AK 99645Phne: Hm 7450130 Fax \_\_\_\_\_

Wk \_\_\_\_\_ Cell \_\_\_\_\_

E-mail moonstonefarm05@  
gmail.com**Name of Agent/ Contact for application**Michelle ChurchAddress: 2141 S Church St  
Palmer AK 99645Phne: Hm 7450130 Fax \_\_\_\_\_Wk \_\_\_\_\_ Cell 354-1887 (907)E-mail moonstonefarm05@  
gmail.com

In order to grant a conditional use permit under MSB 17.70, the Planning Commission must find that each of the following requirements have been met. Explain the following in detail:	Attached
1. Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?	
2. Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?	

3. Are sufficient setbacks, lot area, buffers and other safeguards being provided?	
4. Is there any potential negative effect upon other properties in the area due to such factors as dust, noise, obtrusive advertising and glare?	
5. Is there any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector or street from which access to and from the establishment is obtained?	
6. What measures are being proposed to reduce any negative effect upon adjacent and nearby properties by property line buffers and arterial buffers, planted berms, landscaping, reduction or elimination of obtrusive or garish signing or other features, lowered building elevation, clustering with other commercial establishments and use of frontage roads to reduce the number of entries and exits onto highways, arterials and collectors and where the surrounding area is predominantly residential in character, site and building design features that contribute to the residential character of the development?	
7. Are there adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit?	
8. Will access to the premises create an unreasonable traffic hazard?	
9. Will a reasonably expected increase in traffic overtax the existing road system?	
10. Is the use compatible with the character of the surrounding neighborhood?	
11. Is there or would the use tend to result in, a high crime rate or a high incidence of alcohol-related accidents in the area?	
12. Does the applicant or a person with an interest in the application have an interest in a liquor license which was suspended or revoked in the 12 months preceding the application?	
13. Has the applicant or person with an interest in the application demonstrated that the person is untrustworthy or unfit to conduct the operation of a licensed business, or is a potential source of harm to the public?	

<b>Supplemental Information – Explain in Detail</b>	<b>Attached</b>
1. Maximum occupancy capacity of facility as determined by Fire Marshall	
2. Number of employees proposed to work on largest work shift.	
3. Number of regular parking spaces provided.	
4. Number of handicapped parking spaces provided.	
5. Is the use a sole occupant in a building or a tenant in a building?	
6. Total square footage of space in building occupied by this use.	
7. Hours of operation.	
8. Noise mitigation measures	



<b>SITE PLAN – Attach a detailed, to scale, site plan clearly showing the following information:</b>	<b>Attached</b>
1. Proposed and existing structure(s) on the site. Indicate which structure(s) will be used for the liquor use. Draw lot dimensions and indicate setback distance of structure(s) from the lot lines, rights-of-way, and waterbodies.	
2. Dimensions of all structures	
3. Interior floor plans (specific location of the use or uses to be made of the development)	
4. Signage – Existing and Proposed	
5. Location and dimensions for all access points to and from the site to public rights-of-way or public access easements.	
6. Proposed contouring	
7. Vegetation and any landscaping	
8. Buffering – Fences, trees, topography, or berms	
9. Drainage	
10. Vehicular and pedestrian circulation patterns	
11. Exterior site lighting	
12. Distance(s) to the nearest intersection in all directions from proposed permit site along roads adjacent to the site.	
13. Location and dimensions of parking areas to be provided	
14. Boundary protection	
15. Scale and north arrow.	

**OWNER'S STATEMENT:** I am owner of the following property:

MSB Tax parcel ID #(s) 17N01E16C012 and,  
I hereby apply for approval an alcoholic beverage use conditional use permit on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.70 and with all other applicable borough, state or federal laws.

I understand that other rules such as local, state and federal regulations, covenants, plat notes, and deed restrictions may be applicable and other permits or authorization may be required. I understand that the borough may also impose conditions and safeguards designed to protect the public's health, safety and welfare and ensure the compatibility of the use with other adjacent uses.

I understand that it is my responsibility to identify and comply with all applicable rules and conditions, covenants, plat notes, and deed restrictions, including changes that may occur in such requirements.

I understand that this permit and zoning status may transfer to subsequent owners of this land and that it is my responsibility to disclose the requirements of this status to the buyer when I sell the land.

I understand that changes from the approved conditional use permit may require further authorization by the Borough Planning Commission. I understand that failure to provide applicable documentation of compliance with approved requirements, or violation of such requirements will nullify legal status, and may result in penalties.

I grant permission for borough staff members to enter onto the property as needed to process this application and monitor compliance. Such access will at a minimum, be allowed when the activity is occurring and, with prior notice, at other times necessary to monitor compliance.

The information submitted in this application is accurate and complete to the best of my knowledge.

Michelle Church      Michelle Church      3/22/21  
Signature: Property Owner      Printed Name      Date

\_\_\_\_\_  
Signature: Agent      Printed Name      Date

MOONSTONE FARM  
ALCOHOL BEVERAGE DISPENSARY  
CONDITIONAL USE APPLICATION

Applicants:

Michelle and David Church  
Owners  
Moonstone Farm  
2141 S Church Street  
Palmer, AK 99645  
Moonstonefarm05@gmail.com  
(907)354-1887

Dear Mr Whisenhunt:

Following is a renewed CUP application made in response to the COVID-19 pandemic. We received initial approval by the PC effective 6/8/20, Permit#177020190004 for an Alcohol Dispensary operation. All aspects of the original application remain the same with the exception of the building and beer garden footprint. The dimensions of the bar have changed from a 12X12 structure with a 27X28 outdoor beer garden to a 50X10 structure with a 50X28 beer garden.

The 50X10 railcar is serviced with a DEC approved septic system. A handicap accessible bathroom is available for patron use. In addition, there will be hand-washing stations available outside the railcar.

1. Is the conditional use compatible with and will it preserve or not materially detract from the value, character and integrity of the surrounding area?

Moonstone Farm is a market farm owned and operated by the grandson of the colonists who built the homestead in 1935. Farm tours have been occurring on the farm since 2018 with limited participation during 2020 because of the pandemic. The purpose of obtaining an alcohol license is to allow diversification of revenue sources for the farm and augmentation of the ongoing tourist related activities providing introduction, education and promotion of Alaska grown products, beer, wine, cider and spirits produced in Alaska. The bar will be operated in conjunction with current ongoing farm activities which include produce, flower and hay sales, and farm tour opportunities. The bar will keep in character with the small family run farm operation. The bar will be located in a refurbished rail car that is 50X10. A designated fenced in "beer garden" where the majority of consumption will occur is 50X28. See DRAWING 1 and 2. Traffic will consist of buses, vans and private vehicles of individuals already coming to the farm as well as potential foot traffic from patrons of a neighboring RV Park. Bar hours will be limited to noon to 8:00pm daily to serve tour operations.



2. Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?

Operation of the bar will be conducted in full compliance of all state and local laws. Staff serving alcohol will be property credentialed. Alcohol consumption will occur primarily in designated outdoor area with limited indoor seating available and will be strictly monitored by staff. The purpose of the bar is to provide tasting opportunities for tour groups and farm patrons.

3. Are sufficient setbacks, lot area, buffers and other safeguards being provided?

See PROPERTY MAP.

During the original CUP application process, staff informed us of a setback violation on the northern border of the property off of Leslie Circle. Two pole barn/sheds were built within the 25' required setback. One of the structures has been moved to the east side of the existing driveway off of Leslie Circle and is no longer in violation. The second larger building will be moved forward to the south approximately 15' to correct the setback violation this spring. Applicant understands this setback issue must be resolved prior to operation of the CUP activity. Completion of this setback remediation was delayed so we could focus on getting the new bar building done. Having a larger building to serve customers will make it safer from COVID-19 for both employees and patrons. Because we do all the work ourselves we had to push moving the pole barn back. There is no negative impact on the public with the delay as we own the property both east and west of the offending building. We will notify staff as soon as this last building move has been completed.

4. Is there any potential negative effect upon other properties in the area due to such factors as dust, noise, obtrusive advertising and glare?

There will not be any lighted signage. Hours of operation are limited to usual hours of farm tours, anticipated to be noon to 8:00 pm. Both Church Street and Leslie Circle are now paved, the road dead ends at the subject property off Church Street. Parking area will be kept watered if needed for dust control. There will be no amplified sound system within the bar area. Prior farm and tour activities have not resulted in any issues addressed here and all activity will continue to operate in the same way with the added opportunity to taste test local brews and spirits.

5. Is there any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector or street from which access to and from the establishment is obtained?

Traffic to the property will not increase beyond what is already occurring other than potential foot traffic from the neighboring RV park. Farm tour patrons currently arrive at the property in buses and vans operated by licensed tour companies. Church Street dead ends at the subject property so traffic is limited to people coming to the farm with no pass through traffic occurring.

6. What measures are being proposed to reduce any negative effect upon adjacent and nearby properties....

The subject property is 30 acres in total. No homes or businesses are within 100' of the property lines. The bar will be housed in a small structure within the property (see DRAWING 1) with a fenced "beer garden" where the majority of consumption will occur. No lighted signage or amplified sound systems will be used. Hours of operation are limited to 12:00noon to 8:00pm daily.

7. Are there adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit?

See PROPERTY MAP and DRAWING 1. Parking is located via the permitted driveway to the property off Church Street and via the permitted driveway off Leslie Circle. 2 ADA Handicapped parking spaces will be located immediately to the north east end of the bar and proper signage will be posted. Local farm tourists are transported to the farm in vans and buses so the number of vehicles traveling to the property is limited. Parking can occur on the gravel and grass areas accommodating anywhere from 10 to 50 vehicles. We are estimating a normal parking requirement of 20 vehicles. There are two permitted driveways into the property via Church Street and via Leslie Circle that will be utilized.

8. Will access to the premises create an unreasonable traffic hazard?

Church Street dead ends at the subject property so there are no through-traffic issues. Traffic to the property consists of individual customers who come to the farm to buy produce, flowers and hay independent of the proposed CUP activities. One to two tour buses or vans are scheduled to come in sporadically throughout the week and are not anticipated to create any additional traffic issues.

9. Will a reasonable expected increase in traffic overtax the existing road system?

There is no increased traffic anticipated beyond what already occurs from people traveling to the farm to purchase produce, flowers, hay or participate in farm tours.

10. Is the use compatible with the character of the surrounding neighborhood?

The bar will be incorporated into the ongoing activities of a historical family farm. It will meld into the character of the farm and will simply augment ongoing activities designed to celebrate and educate the public on Alaska grown and Alaska produced products. Consumption of alcohol will be limited to taste tasting and consumption will be closely monitored to maintain a family friendly atmosphere. Bar hours will end at 8:00pm.

11. Is there or would the use tend to result in a high crime rate or a high incidence of alcohol-related accidents in the area?

Alcohol consumption will be closely monitored by staff who will be family members living on the farm. Anyone serving alcohol will be properly credentialed by the state and all laws concerning the serving of alcoholic beverages will be strictly adhered to. Consumption is for taste testing and refusal to serve anyone who is inebriated will be strictly enforced.

12. Does the applicant or a person with an interest in the application have an interest in a liquor license which was suspended or revoked in the 12 months preceding the application?

No.

13. Has the applicant or person with and interest in the application demonstrated that the person is untrustworthy or unfit to conduct the operation of a licensed business, or is a potential source of harm to the public?

No.

#### SUPPLEMENTAL INFORMATION

1. Maximum occupancy capacity of facility as determined by Fire Marshall.

The structure that will serve as the bar is under renovation and will be inspected by the Fire Marshall as soon as it is completed, estimated to occur spring 2021. All alcohol will be purchased and served in the bar building with consumption occurring primarily in a designated 50 X 28 outdoor area. The proposed bar building and outdoor beer garden were expanded from the original CUP to accommodate recommended social distancing due to COVID-19. Maximum capacity of the bar will be determined by the Fire Marshal. There will be smoke and CO2 detectors and a fire extinguisher.

2. Number of employees proposed to work on largest work shift

Two (2)



3. Number of regular parking spaces provided

20 (20) (see DRAWING 1)

4. Number of handicapped parking spaces provided

Two (2) (DRAWING 1 and 2)

5. Is the use a sole occupant in a building or tenant in a building?

Yes

6. Total square footage of space in building occupied by this use

500 sq feet (50X10)

7. Hours of operation

12:00 noon to 8:00pm Monday through Sunday coinciding with scheduled farm tours

8. Noise mitigation measures

None required

#### SECURITY PLAN:

The bar will be on a family owned market farm. Two family members or farm workers will be present during bar hours. The purpose is to provide tasting opportunities for farm tour participants and farm guests. Alcohol service and consumption will be monitored by the host/farm guide as well as the server in the bar. Signage will be prominently placed at the entrances stating that no minors will be allowed in the beer garden or consumption of alcoholic beverages outside the designated area as required by state law.

The area designated for consumption of alcoholic beverages is an outside "beer garden" design delineated on all sides by a 3 foot wooden fence. An area 23X8 in the eastern end of the railcar will be designated for indoor seating once applicant determines risk to employees from COVID-19 infection is at an acceptable level. There will be a single point of entry/exit via the door on the north side of the railcar. Entrance into the beer garden will occur via the south door of the railcar. We will have cameras monitoring activity both inside and outside the railcar. All individuals serving alcohol will hold current TAP cards.

Signage will be posted stating that alcoholic beverages are prohibited outside the railcar and beer garden.

SITE PLAN:

1. Proposed and existing structures on site. DRAWING 2.
2. Dimensions of all structures. DRAWING 1 and 2.
3. Interior floor plans. See DRAWING 1.
4. Signage – The farm has a 3X3 Moonstone Farm sign painted on a large rock at the entrance of the property. The bar building will have an unlighted sign on the outside of the north side of the building. Signage will not be visible off property.
5. Location and dimensions for all access points to and from the site to public rights of way or public use easements. See PROPERTY MAP. THERE ARE NO PUBLIC OR PRIVATE USE EASEMENTS ON THE PROPERTY.
6. Proposed contouring – There will be no contouring or landscaping done regarding the bar activity.
7. Vegetation and any landscaping – Existing vegetative buffers consist of a tree line along the entire property as well as significant tree stands to the east and the south, clearly visible on the attached aerial photo of the property.
8. Buffering – fences, trees, topography or berms - The bar will not have additional vegetative buffering added around the structure. No lighting or signage will be visible offsite.
9. Drainage- Natural surface drainage occurs southward of the subject building, indicated on the DRAWING 2. No persons or property will be impacted by placement of the CUP structure as we own the 20+ acres of land to the south of the bar building.
10. Vehicular and pedestrian circulation patterns – see PROPERTY MAP and DRAWING 2.
11. Exterior lighting – none
12. Distance to the nearest intersection in all directions from proposed permit site along roads adjacent to the site. The bar is 330' from the nearest intersection which is Church Street and Leslie Circle.
13. Location and dimensions of parking areas to be provided – see PROPERTY MAP and DRAWING 2.
14. Boundary protection –
15. Scale and north arrow – indicated on PROPERTY MAP and DRAWING 2.

Adopted: 08/18/20

**MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 20-085**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY TEMPORARILY  
WAIVING FILING FEES FOR MODIFICATIONS TO EXISTING ALCOHOL AND  
MARIJUANA RELATED CONDITIONAL USE PERMITS.

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WHEREAS, on March 11, 2020, the Governor declared a public health disaster emergency under AS 26.23.020 due to the spread of COVID-19; and

WHEREAS, the United States Center for Disease Control and the Alaska State Department of Health and Social Services have warned that COVID-19 is highly contagious and that physical distancing is paramount to containing the spread of the virus; and

WHEREAS, the State has instituted public health mandates requiring that individuals maintain physical distance from people who are not members of a person's household; and

WHEREAS, the mandates allow for the continued operation of businesses where people can maintain the required social distance when inside; and

WHEREAS, it is necessary to take every possible step to protect the health and safety of patrons and employees by allowing opportunities for businesses to continue functioning while maintaining social distance; and



WHEREAS, the State has temporarily suspended provisions of Alaska Statute to allow for curbside pickup and delivery of alcohol and marijuana; and

WHEREAS, the State has temporarily allowed alcohol drinking establishments to make alterations or expansions to their licensed premises without specific approval from the Alcohol and Beverage Control Board in order to comply with state health mandates; and

WHEREAS, the Planning Commission adjudicates permits for marijuana and alcohol related businesses in accordance with MSB 17.60 and MSB 17.70; and

WHEREAS, both MSB 17.60 and MSB 17.70 require that the Planning Commission review modifications or expansions to existing permits; and

WHEREAS, both MSB 17.60 and MSB 17.70 require a \$1000 filing fee for this review; and

WHEREAS, the Borough recognizes the negative economic impact the COVID-19 virus is having on local businesses; and

WHEREAS, waiving the fees for conditional use permit modifications and expansions will allow businesses to modify their existing operations to comply with state mandates, while ensuring the public process is maintained and that the modifications are compatible with adjacent land uses.


NOW, THEREFORE, BE IT RESOLVED, the Assembly hereby waives filing fees for modifications to existing alcohol and marijuana related conditional use permits.

BE IT FURTHER RESOLVED, this ordinance shall expire June 30, 2021.

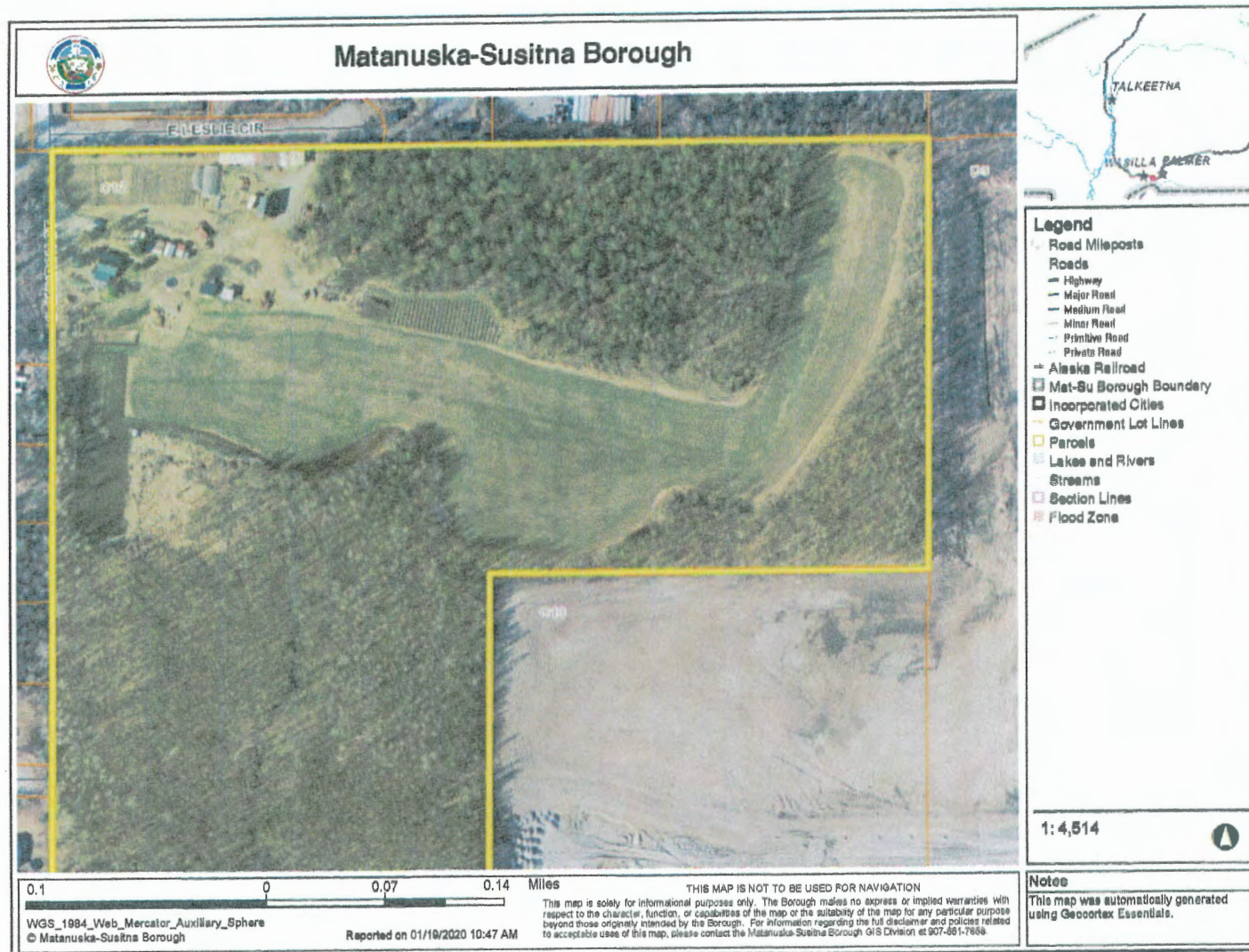
ADOPTED by the Matanuska-Susitna Borough Assembly this 18 day of August, 2020.

  
VERM HALTER, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk  
(SEAL)

PASSED UNANIMOUSLY: Hale, Nowers, McKee, Leonard, Mayfield, Sumner, and Boeve







0 300 600ft



## Peggy Horton

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**From:** Michelle Church <akherbandorganics@gmail.com>  
**Sent:** Thursday, April 8, 2021 5:01 PM  
**To:** Peggy Horton  
**Subject:** Re: CUP Application for Moonstone Farm  
**Attachments:** REQUEST FOR ADDITIONAL INFORMATION.docx

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Dear Ms Horton;

Attached is a response to your request for additional information regarding our CUP Application for Alcoholic Beverage Use. We are completely confident in having met all the requirements of the CUP prior to a public hearing in June. Because the CUP operation will occur during the summer season, it is important to go ahead and start the public notification process and get on the Planning Commission docket.

If you have any other questions please let me know. Thank you.

Michelle Church  
Moonstone Farm  
(907)354-1887

> On Apr 7, 2021, at 2:29 PM, Peggy Horton <Peggy.Horton@matsugov.us> wrote:  
>  
>

Matanuska-Susitna Borough  
Development Services

REQUEST FOR ADDITIONAL INFORMATION  
CUP APPLICATION FOR ALCOHOLIC BEVERAGE USE  
2141 S CHURCH STREET (TAX ID# 17N01I16C012)

APR - 9 2021

Received

1. As stated in our CUP application, we are aware that the setback violation must be resolved PRIOR to the CUP activity taking place. We are in the process of moving the second building. We do not foresee any problem having this accomplished prior to June.
2. Drawing 2 submitted on March 22, 2021 shows all existing buildings on the property, including the rail car. Dimensions of ALL the buildings are provided on the drawing in a text box on the right side of the drawing. The rail car dimensions are included (50X10X11 – 50' long, 10' wide, 11' high). This is the exact drawing that was submitted and approved by the Planning Commission in 2020 with the update of the rail car in place of the original 12X12 cabin. The rail car location is provided on Drawing 2 and is to scale.
3. We will contact the Fire Marshall to schedule a Plan Review. We will provide the review as soon as we receive it.
4. Exterior lighting will consist of a single yard light on both the north and south side of the rail car. Lighting issues off site will not be a problem. As the CUP operation will only be occurring May through October, it is not anticipated there will ever be a need for lighting during business hours.
5. We are not planning on utilizing the port-a-john after all.
6. An outside hand washing station will be located on the northwest side of the railcar.
7. The Moonstone Farm sign is a painted rock.
8. As our liquor license is a seasonal license, we will be operating May 15 through October 15.



# COMMENTS

Agency Comments

## Peggy Horton

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**From:** Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>  
**Sent:** Monday, April 19, 2021 2:10 PM  
**To:** Peggy Horton  
**Cc:** Alcohol Licensing, CED ABC (CED sponsored)  
**Subject:** RE: Moonstone Farm Beverage Dispensary

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hello,

David Church, Michelle Church, and Moonstone Farm do not have interest in a liquor license that was suspended or revoked in the 12 months and they do not have any violations.

Thank you,

## Olivia Frank

Occupational Licensing Examiner  
Alcohol and Marijuana Control Office  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)



Please consider the environment before printing this e-mail.

*Any guidance provided by this electronic communication is not a binding legal opinion, ruling, or interpretation that may be relied upon, but merely guidance concerning existing statutes and regulations. There may be other unique or undisclosed facts, circumstances, and information that may have changed any guidance provided in this communication.*

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**From:** Peggy Horton <Peggy.Horton@matsugov.us>  
**Sent:** Monday, April 12, 2021 10:45 AM  
**To:** Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>  
**Subject:** Moonstone Farm Beverage Dispensary

Good Morning,

Our office has received an application for Conditional Use Permit to enlarge an alcoholic beverage dispensary (bar) associated with Moonstone Farm tourism, located at 2141 S. Church Road, Palmer AK (MSB Tax ID# 17N01E16C012). Our code, MSB 17.70.110(B)(2) & (3), requires us to find out the if applicant or a person with an interest in the application has had an interest in a liquor license which was suspended or revoked in the last 12 months preceding the application.

Can you please let me know if the following individuals have interest in a liquor license which was suspended or revoked in the 12 months or whether there have been any record of violations by the applicants within the last 12 months.



1. David Church
2. Michelle Church
3. Moonstone Farm

Please let me know if you have any questions. Thank you for your time and consideration on this matter.

Peggy Horton  
Matanuska-Susitna Borough  
Development Services Division  
Planner II  
907-861-7862

## Peggy Horton

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**From:** Theresa Taranto  
**Sent:** Tuesday, April 13, 2021 1:22 PM  
**To:** Peggy Horton  
**Subject:** RE: Request for Review and Comments: Moonstone Farm Alcoholic Beverage Dispensary CUP Modification

FIRM 8120, X Zone  
No other comments.

Thank you,

*Theresa Taranto*  
Mat-Su Borough  
Development Services  
Administrative Specialist

350 E Dahlia Ave.  
Palmer, Alaska 99645  
907-861-8574  
[www.matsugov.us](http://www.matsugov.us)

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**From:** Peggy Horton <[Peggy.Horton@matsugov.us](mailto:Peggy.Horton@matsugov.us)>  
**Sent:** Monday, April 12, 2021 4:25 PM  
**To:** mearow@matanuska.com; row@mtasolutions.com; row@enstarnaturalgas.com; GCI ROW ([ospdesign@gci.com](mailto:ospdesign@gci.com)) <[ospdesign@gci.com](mailto:ospdesign@gci.com)>; Fire Code <[Fire.Code@matsugov.us](mailto:Fire.Code@matsugov.us)>; Cindy Corey <[Cindy.Corey@matsugov.us](mailto:Cindy.Corey@matsugov.us)>; Terry Dolan <[Terry.Dolan@matsugov.us](mailto:Terry.Dolan@matsugov.us)>; Jim Jenson <[James.Jenson@matsugov.us](mailto:James.Jenson@matsugov.us)>; Jamie Taylor <[Jamie.Taylor@matsugov.us](mailto:Jamie.Taylor@matsugov.us)>; Charlyn Spannagel <[Charlyn.Spannagel@matsugov.us](mailto:Charlyn.Spannagel@matsugov.us)>; MSB Farmers <[MSB.Farmers@matsugov.us](mailto:MSB.Farmers@matsugov.us)>; Planning <[MSB.Planning@matsugov.us](mailto:MSB.Planning@matsugov.us)>; Alex Strawn <[Alex.Strawn@matsugov.us](mailto:Alex.Strawn@matsugov.us)>; Fred Wagner <[Frederic.Wagner@matsugov.us](mailto:Frederic.Wagner@matsugov.us)>; Permit Center <[Permit.Center@matsugov.us](mailto:Permit.Center@matsugov.us)>; Mark Whisenhunt <[Mark.Whisenhunt@matsugov.us](mailto:Mark.Whisenhunt@matsugov.us)>; Theresa Taranto <[Theresa.Taranto@matsugov.us](mailto:Theresa.Taranto@matsugov.us)>; Andy Dean <[Andy.Dean@matsugov.us](mailto:Andy.Dean@matsugov.us)>; John Aschenbrenner <[John.Aschenbrenner@matsugov.us](mailto:John.Aschenbrenner@matsugov.us)>; George McKee <[George.McKee@matsugov.us](mailto:George.McKee@matsugov.us)>; [gatewaycommunitycouncil@gmail.com](mailto:gatewaycommunitycouncil@gmail.com); [davemtp@mtaonline.net](mailto:davemtp@mtaonline.net)  
**Subject:** Request for Review and Comments: Moonstone Farm Alcoholic Beverage Dispensary CUP Modification

**PROJECT:** Conditional Use Permit for expansion of an alcoholic beverage dispensary  
**LOCATION:** 2141 S. Church Street (Tax ID# 17N01E16C012);  
within Township 17 North, Range 1 East, Section 16, Seward Meridian  
RSA 9 Midway  
**APPLICANT:** Michelle Church for Moonstone Farm

An application to modify an existing conditional use permit under MSB 17.70 – Regulation of Alcoholic Beverage Uses, has been submitted for the expansion of the beverage dispensary (bar and beer garden) associated with Moonstone Farm at the above location. The Planning Commission will conduct a public hearing on this request on **June 7, 2021**.

Application materials may be viewed online at [www.matsugov.us](http://www.matsugov.us) by clicking on "All Public Notices & Announcements." A direct link to the application material is here:

[Matanuska-Susitna Borough - Moonstone Farm – Conditional Use Permit Modification \(matsugov.us\)](http://www.matsugov.us)

Comments are due on or before **May 7, 2021** to be included in the Planning Commission packet for the Commissioner's review and information. Please be advised that comments received after that date may not be included in the staff report to the Planning Commission but will be available as a handout.

Thank you for your review,  
Peggy Horton  
Matanuska-Susitna Borough  
Development Services Division  
Planner II  
907-861-7862



## Peggy Horton

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**From:** Kelsey Anderson  
**Sent:** Friday, May 7, 2021 2:37 PM  
**To:** Peggy Horton  
**Subject:** RE: Request for Review and Comments: Moonstone Farm Alcoholic Beverage Dispensary CUP Modification

Hi Peggy,

The Planning Division has no comment on the CUP modification for Moonstone Farm.

Best,

Kelsey

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**From:** Peggy Horton <Peggy.Horton@matsugov.us>  
**Sent:** Monday, April 12, 2021 4:25 PM  
**To:** mearow@matanuska.com; row@mtasolutions.com; row@enstarnaturalgas.com; GCI ROW (ospdesign@gci.com) <ospdesign@gci.com>; Fire Code <Fire.Code@matsugov.us>; Cindy Corey <Cindy.Corey@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Taylor <Jamie.Taylor@matsugov.us>; Charlyn Spannagel <Charlyn.Spannagel@matsugov.us>; MSB Farmers <MSB.Farmers@matsugov.us>; Planning <MSB.Planning@matsugov.us>; Alex Strawn <Alex.Strawn@matsugov.us>; Fred Wagner <Frederic.Wagner@matsugov.us>; Permit Center <Permit.Center@matsugov.us>; Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; George McKee <George.McKee@matsugov.us>; gatewaycommunitycouncil@gmail.com; davemtp@mtaonline.net  
**Subject:** Request for Review and Comments: Moonstone Farm Alcoholic Beverage Dispensary CUP Modification

**PROJECT:** Conditional Use Permit for expansion of an alcoholic beverage dispensary  
**LOCATION:** 2141 S. Church Street (Tax ID# 17N01E16C012);  
within Township 17 North, Range 1 East, Section 16, Seward Meridian  
RSA 9 Midway  
**APPLICANT:** Michelle Church for Moonstone Farm

An application to modify an existing conditional use permit under MSB 17.70 – Regulation of Alcoholic Beverage Uses, has been submitted for the expansion of the beverage dispensary (bar and beer garden) associated with Moonstone Farm at the above location. The Planning Commission will conduct a public hearing on this request on **June 7, 2021**.

Application materials may be viewed online at [www.matsugov.us](http://www.matsugov.us) by clicking on “All Public Notices & Announcements.” A direct link to the application material is here:

[Matanuska-Susitna Borough - Moonstone Farm – Conditional Use Permit Modification \(matsugov.us\)](http://www.matsugov.us)

Comments are due on or before **May 7, 2021** to be included in the Planning Commission packet for the Commissioner’s review and information. Please be advised that comments received after that date may not be included in the staff report to the Planning Commission but will be available as a handout.

Thank you for your review,  
Peggy Horton  
Matanuska-Susitna Borough

Public Comments

Staff received no public comments for this  
Conditional Use Permit



# **PLANNING COMMISSION RESOLUTION**

By: Peggy Horton  
Introduced: May 17, 2021  
Public Hearing: June 7, 2021  
Action:

**MATANUSKA-SUSITNA BOROUGH**  
**PLANNING COMMISSION RESOLUTION NO. PC 21-11**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT MODIFICATION ALLOWING FOR THE EXPANSION OF THE BEVERAGE DISPENSARY, LOCATED AT 2141 S. CHURCH ROAD, TAX ID# 17N01E16C012; WITHIN TOWNSHIP 17 NORTH, RANGE 1 EAST, SECTION 16, SEWARD MERIDIAN.

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WHEREAS, an application has been received from Michelle Church, dba Moonstone Farm requesting to modify the existing conditional use permit allowing for the expansion of the alcoholic beverage dispensary in association with Moonstone Farms at 2141 S. Church Road, Tax ID# 17N01E16C012; within Township 17 North, Range 1 East, Section 16, Seward Meridian; and

WHEREAS, in 2020, the applicant obtained a Conditional Use Permit to operate an alcoholic beverage dispensary at the subject property; and

WHEREAS, MSB 17.70.030 allows a property owner to apply for a modification of a conditional use permit; and

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, an alcoholic beverage dispensary is declared to be a public nuisance; and

WHEREAS, according to the application material, the proposed modification of the dispensary building and outdoor beer garden

was made to accommodate recommended social distancing due to COVID-19; and

WHEREAS, the existing alcoholic beverage dispensary area is contained within a 144 square foot cabin and 756 square foot beer garden for a total use area of 900 square feet; and

WHEREAS, the proposed modification would expand the alcoholic beverage dispensary with a 500 square foot rail car and a 1,400 square foot beer garden, with a total proposed use area of approximately 1,900 square feet; and

WHEREAS, according to the application material, the 10' x 50' x 11' railcar is serviced with a Department of Environmental (DEC) approved septic system; and

WHEREAS, according to the application material, a handicap accessible bathroom will be available for patron use; and

WHEREAS, according to the application material, hand-washing stations will be available outside the railcar; and

WHEREAS, the alcoholic beverage dispensary location, parcel size, and street access is not changing with the proposed modification; and

WHEREAS, the subject property was first developed as a homestead farm by colonists in 1935. That use continues today; and

WHEREAS, in 2018, the property owner began operating farm tours during the summer months. The tours offer education, information, and promotion of Alaska grown products; and



WHEREAS, the proposed modification is commercial/retail in nature and will not generate contaminated water runoff; and

WHEREAS, the proposed modification does not involve processing, manufacturing, or storing hazardous substances identified in MSB 17.61.020(A)(3); and

WHEREAS, land uses to the northwest, north, and northeast are mixed with residential, commercial, and a recreational vehicle (RV) park. In 2020, a residential subdivision recorded abutting the property directly east, with plans for additional lots. Older residential subdivisions abut the property to the south and west, with lots ranging from approximately one to five acres in size; and

WHEREAS, the closest residential structure, not owned by the applicant, is approximately 350 feet west of the proposed modification; and

WHEREAS, the proposed modification will be approximately 265 feet from the west property line, 185 feet from the Leslie Circle right-of-way, and more than 1,000 feet from the east and south side lot lines; and

WHEREAS, the nearest school (Machetanz Elementary School) is approximately 6,200 feet southwest of the site. State regulations preclude beverage dispensary (bar) licenses within 200 feet of a school; and

WHEREAS, the modification does not involve any change to the signage; and

WHEREAS, there are no outdoor speakers or public announcement systems associated with the modification; 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, according to the application material, exterior lighting will consist of a single yard light on both the north and south sides of the rail car; and

WHEREAS, the Central Mat-Su Fire Marshal's office is currently evaluating the applicant's Plan Review application; and

WHEREAS, previous structural setback violations within this parcel have been resolved; and

WHEREAS, the hours of operation are not changing due to the modification. They are 12:00 p.m. to 8:00 p.m., daily from May 15 through October 15 in conjunction with farm tour activities; and

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

WHEREAS, the Alcoholic & Marijuana Control Office (AMCO) has no record of violations by the applicants within the last 12 months; and

WHEREAS, the proposed modification is considered a "Drinking Place (Land Use Code 925)" in the Trip Generation, 10<sup>th</sup> Edition, published by the Institute of Transportation Engineers; and

WHEREAS, the Trip Generation, 10th Edition, published by the Institute of Transportation Engineers, notes the average PM (afternoon) peak hour rate to be 15.53 trips per 1,000 square feet of the gross floor area; and

WHEREAS, the average PM (afternoon) peak hour rate for the proposed use is calculated to be 30 trips; and

WHEREAS, there is a large parking area on site, which can accommodate more than 10 parking spaces, and multiple buses; and

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

WHEREAS, according to the application material, the parking area will be watered as needed for dust control; and

WHEREAS, there has been no information submitted indicating the applicants, David and Michelle Church of Moonstone Farm, LLC are untrustworthy or unfit to conduct business in the borough or that the applicants are a potential source of harm to the public; and



WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.70.100 and 17.70.110; and

WHEREAS, the Planning Commission conducted a public hearing on June 7, 2021 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 21-11:

1. The proposed modification 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 modification 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 modification 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 modification does not involve a significant change of land use or traffic, therefore does not require any change to the two existing, approved driveway permits.
11. The proposed modification is compatible with the character of the surrounding area (MSB 17.70.100(A)(2)(g)).
12. The proposed use will not increase the crime rate in the area or increase alcohol-related accidents (MSB 17.70.110(B)(1)).
13. The applicant has not had a liquor license suspended or revoked in the 12 months preceding the application (MSB 17.70.110(B)(2)).

14. 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, that the Planning Commission finds this application does meet the standards of MSB 17.70 and does hereby modify the conditional use approved on June 8, 2020 for the operation of an alcoholic beverage dispensary (bar), by approving the following conditions to supersede conditions one through five of Planning Commission Resolution 20-13:

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 12:00 p.m. - 8:00 p.m., daily.



5. A Fire Marshal Plan Review or determination that one is not necessary is required prior to operation of the alcoholic beverage dispensary.

ADOPTED by the Matanuska-Susitna Borough Planning Commission  
this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
COLLEEN VAGUE, Chair

ATTEST

\_\_\_\_\_  
KAROL RIESE, Planning Clerk

(SEAL)

YES:

NO:

# **COMMISSION BUSINESS**

## **Upcoming PC Agenda Items**

(Pages 93 - 98)

# **COMMISSION BUSINESS**







**MATANUSKA-SUSITNA BOROUGH**  
**Planning and Land Use Department**  
350 East Dahlia Avenue • Palmer, AK 99645  
Phone (907) 861-7822  
[www.matsugov.us](http://www.matsugov.us)

## MEMORANDUM

DATE: May 27, 2021

TO: Planning Commissioners

FROM: Alex Strawn, Planning and Land Use Director

SUBJECT: Items tentatively scheduled for future PC Meetings and Updates on PC items sent to the Assembly

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**June 21, 2021** (*MSB Assembly Chambers*)

**Introduction for Public Hearing: Quasi-Judicial**  
(None)

**Introduction For Public Hearing: Legislative**  
(None)

**Agency/Staff Reports**  
(None)

**Land Use Classifications**  
Land Classification And Recommendation For Assembly Approval (For Purpose Of Inclusion In Future Land Sales) (Staff: Nancy Cameron).

**Public Hearing: Quasi-Judicial**  
(None)

**Public Hearing: Legislative**  
(None)

**Unfinished Business**  
(None)

**New Business**  
(None)

## Commission Business

- Upcoming Planning Commission Agenda Items

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## Upcoming PC Actions

### Quasi-Judicial

- D&S Alaskan Trail Rides, Inc. – Denali SpUD, 29N05W33D012 and 29N05W33D028 (Staff: Mark Whisenhunt)
- QAP – Sylvan Pit – Conditional Use Permit For Earth Materials Extraction, 17N02W10C001 (Staff: Mark Whisenhunt)
- Alaskan Originals – Marijuana Retail Facility, 5060B01L001A (Staff: Mark Whisenhunt)
- Bad Gramm3r – Modification to Conditional Use Permit for Marijuana Retail Facility, 1068000L020 (Staff: Mark Whisenhunt)
- BAM Alaska, Inc. – Marijuana Cultivation Facility – 2080B02L007 (Staff: Peggy Horton)
- 2nd Amendment, LLC – Marijuana Cultivation Facility – 17N04W35C001 (Staff: Peggy Horton)
- Green Degree (Clapp) – Marijuana Retail Facility – 1011B01T001-2 (Staff: Peggy Horton)
- CC Enterprises – Conditional Use Permit For Earth Materials Extraction – 5369B01L004 (Staff: Peggy Horton).
- Toussaint – Variance Application – 6258000L004 (Staff: Peggy Horton)
- Aldeman – Multi-family Development Application – 17N01W18B011 (Staff: Peggy Horton)

### Legislative

- Lake Management Plan Update (Staff: Kelsey Anderson)
- Historical Preservation Plan (Staff: Adam Bradway)
- Municipal Separate Storm Sewer System (Staff: Ted Eischeid)
- Metropolitan Planning Organization (Staff: Kim Sollien)
- Capital Improvement Program (CIP) (Staff: Kelsey Anderson)
- Official Streets And Highway Plan (Staff: Kim Sollien)
- MSB Borough-Wide Comprehensive Plan (Staff: Kim Sollien)

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## PC Decisions Currently Under Appeal

- **Resolution PC 20-29**, A Resolution Of The Matanuska-Susitna Borough Planning Commission Adopting Findings Of Fact And Conclusions Of Law Supporting The Denial Of PC Resolution 20-18 Concerning A Request For A Variance From MSB 17.55 To Allow An Existing Single-Family Residence To Encroach Into The Required 75-Foot Waterbody Setback At 5782 S. Big Lake Road Tax ID# 6142000L006; Within Township 17 North, Range 3 West, Section 29, Seward Meridian (Applicant: Dennelle Seetomona on behalf of Janice Ellsworth; Staff: Mark Whisenhunt).  
**BOAA Case # 20-03**  
**The decision of the Planning Commission was upheld.**  
**Filed in Superior Court.**

- Resolution PC 20-47**, A Resolution Of The Matanuska-Susitna Borough Planning Commission Approving The Modification Of An Existing Conditional Use Permit For the Operation Of A Marijuana Retail Facility At 3361 West Machen Road, Tax ID# 2420B02L001; Within Township 17 North, Range 1 West, Section 7, Seward Meridian (Applicant: Kerby Coman, Green Degree; Staff: Mark Whisenhunt).  
**BOAA Case # 21-03**  
**BOAA Hearing: April 22, 2021 @ 10:00 a.m.**  
**BOAA omitted the Planning Commission decision regarding hours of operation in condition number 4 of PC Resolution No. 20-47, page 7 of 8, of “8 a.m. to 12 a.m.” daily and insert in its place, “8 a.m. to 5 a.m.”**

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**Updates on PC items before the Assembly (Pending/Complete)**

<b>Reso</b>		<b>ORD/Reso #</b>	<b>IM</b>
<b>Resolution PC 21-03</b> , A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Amending MSB 17.55 To Exempt Signs From Setbacks To Rights-Of-Way And Property Lines (Staff: Alex Strawn).		ORD # 21-019	IM # 21-047
Actions:	03/15/21 – PC Introduction 04/05/21 – PC Public Hearing – Approved 05/04/21 – Assembly Introduction 05/18/21 – Assembly Public Hearing		
<b>Reso</b>		<b>ORD/Reso #</b>	<b>IM</b>
<b>Resolution PC 21-07</b> , A Resolution Of The Matanuska-Susitna Borough Planning Commission Recommending Approval Of An Ordinance Adopting MSB 17.31 Supplemental Wetlands Mitigation Provisions For Large-Scale Projects Requiring United States Army Corps Of Engineers Individual Permits Under Section 404 Of The Clean Water Act; And Amending MSB 1.45.100 Schedule Of Fines For Infractions (Staff: Ted Eischeid).		ORD # 21-025	IM # 21-051
Actions:	04/05/21 – PC Introduction 05/03/21 – PC Public Hearing 05/18/21 – Assembly Introduction 06/01/21 – Assembly Public Hearing		



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