

By: Susan Lee
Introduced: May 16, 2016
Public Hearing: June 6, 2016
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-20**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A LIQUOR PACKAGE STORE AT THREE BEARS, LOCATED ON Lot 11, HOLLYWOOD HEIGHTS, 14468 W. HOLLYWOOD ROAD, WITHIN TOWNSHIP 17 NORTH, RANGE 3 WEST, SECTION 21, SEWARD MERIDIAN.

WHEREAS, an application for a conditional use permit under the requirements of MSB 17.70 was submitted by Three Bears Alaska, Inc. for the operation of a liquor package store on Lot 11, Hollywood Heights, 14468 W. Hollywood Road, within Township 17 North, Range 3 West, Section 21, Seward Meridian; and

WHEREAS, a liquor package store is only permitted upon the issuance of a conditional use permit; and

WHEREAS, the Planning Commission conducted a public hearing on June 6, 2016 on this matter; and

WHEREAS, the Planning Commission reviewed the application, associated materials, and the staff report containing findings of fact and conclusions of law; and

WHEREAS, the proposed 1,907 square foot liquor store will be located within a 4,572 square foot building that also includes a 2,177 square foot convenience store; and

WHEREAS, there will also be a convenience store and fuel station operating on the same property as the proposed liquor package store; and

WHEREAS, the property is located at the intersection of Hollywood Road, Big Lake Road, and Big Lake Lodge Road; and

WHEREAS, developed properties in the vicinity on Big Lake Road are mostly commercial; however, the area is not zoned commercial; and

WHEREAS, the Big Lake Library, post, office, and fire station are north of the proposed facility and the adjacent lots on the east side of the proposed facility are developed with residences; and

WHEREAS, there are three other liquor stores located within one mile of this site; and

WHEREAS, the property is located within the Big Lake Comprehensive Plan (2009) planning area, which does not specifically address commercial liquor uses; and

WHEREAS, the Big Lake Comprehensive Plan Guide Map shows this as the "Town Center", which is defined as "walkable, mixed-use development"; and

WHEREAS, the comprehensive plan states the "Town Center" area is intended to be the center of Big Lake life and desired characteristics include: mixed use shops, food, retail goods, and services, housing, including higher density housing, within

walking distance of shops and services. A central area for library, schools, fire station, community center, parks, etc. Pedestrian friendly, walking access. An alternative to strip commercial development.

WHEREAS, the proposed liquor package store is consistent with the Big Lake Comprehensive Plan as the property is located within an area that is already developed with commercial uses. Other land uses in the area are a mix of commercial (retail sales and services), residential and undeveloped properties, the library, fire station, and post office; and

WHEREAS, the property is also located within the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) planning area, which does not specifically address alcoholic beverage uses; and

WHEREAS, the proposed liquor package store is consistent with the following land use goals and policies: Goal LU-1: Protect and enhance the public safety, health, and welfare of Borough residents. Policy LU1-2: Provide for consistent, compatible, effective and efficient development within the Borough. Goal LU-2: Protect residential neighborhoods and associated property values. Policy LU2-1: Development and implement regulations that protect residential development by separating incompatible uses, while encouraging uses that support such residential uses including office, commercial and other mixed-use development that are shown to have positive

cumulative impacts to the neighborhood. Goal LU-3: Encourage commercial and industrial development that is compatible with residential development and local community desires. Policy LU3-1: Development and implement regulations that provide for non-residential development.

WHEREAS, the proposed liquor package store meets the goals and recommendations of the Borough-wide comprehensive plan, as it is consistent with the existing development patterns; and

WHEREAS, the developed properties along South Big Lake Road are predominantly commercial; and

WHEREAS, the nearest other operating package store in the Big Lake area is located across Hollywood Road from this proposed facility and there are two other liquor package store located within one mile of this proposed facility; and

WHEREAS, the adjacent properties to the east of this lot are developed with residences, which may be visible from this site; and

WHEREAS, written comments were submitted stating that a fourth liquor store should not be allowed in the Big Lake area; and

WHEREAS, the site is in an area where uses are continuing an established trend of a commercial center development along the South Big Lake Road; and

WHEREAS, commercial uses along Big Lake Road serve a broad market that is not limited to the immediate area; and

WHEREAS, the borough does not limit the number of these types of liquor licenses in a given area; and

WHEREAS, Three Bears Alaska, Inc. operates three other liquor package stores in the borough; and

WHEREAS, the borough has no record of complaints filed under MSB 8.40 Liquor License Referrals, against any of the other Three Bears liquor store operations; and

WHEREAS, the nearest school is Big Lake Elementary which is about 1,000 feet south of the site; and

WHEREAS, the nearest church is about 1,500 feet east of the site; and

WHEREAS, state regulations preclude package store licenses within 200 feet of a school or church; and

WHEREAS, the bike path does not run by this site; and

WHEREAS, the lot is 3.71 acres in size; and

WHEREAS, the building will be located in the northeast corner of the lot, closer to Hollywood Road and the fuel station will be behind the store, closer to Big Lake Road; and

WHEREAS, the proposed building will be set back over 100 feet from the east side yard lot line, which is where the adjacent residences are located; and

WHEREAS, the site will be landscaped on the north and west sides, adjacent to Hollywood Road and Big Lake Road; and

WHEREAS, liquor store patrons will have to enter the convenience store, then go through a separate entrance into the liquor store; and

WHEREAS, the liquor store will have a pull down gate and is a store within a store; and

WHEREAS, there will be separate cashier counters for the liquor store and the convenience store; and

WHEREAS, the applicant has stated that the hours of operation for the proposed liquor store may be 9 a.m. to midnight during summer/high season and potentially shorter hours during the rest of the year. The convenience store will open earlier than the liquor store and both stores will likely close at the same time; and

WHEREAS, the applicant has submitted driveway permit applications to the State of Alaska, Department of Transportation; and

WHEREAS, the site plan depicts the area around the convenience store and fuel station will be paved, which should control the dust; and

WHEREAS, there will be lighted building mounted signs; and

WHEREAS, there will be a pole sign for the fuel station, which will advertise fuel prices; and

WHEREAS, there will not be any advertising for the package store on the fuel station sign; and

WHEREAS, there will be building mounted exterior lights around the store. In addition, the fuel canopy will provide lighting for the site. There will be a pole light at each driveway entrance; and

WHEREAS, exterior lighting will not shine onto adjacent properties or roadways; 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, access to the site will be via one driveway off of Hollywood Road and one off of Big Lake Road; and

WHEREAS, there are not any turn lanes on Hollywood Road or Big Lake Road into this site; and

WHEREAS, according to the ITE Trip Generation Manual, 7th Edition, the convenience store and gas station would generate 137 trips during the peak P.M. hour and the addition of the package store would generate 10 additional trips during the peak P.M. hour, for a total of 147 trips during the peak P.M. hour; and

WHEREAS, there will be 14 regular parking spaces and one handicapped accessible space; and

WHEREAS, there will be one parking space for every 327 square feet of floor area for the entire building; and

WHEREAS, most of the vegetation on the site has previously been cleared and the remaining strip of vegetation on the east side of the lot has also been cleared for this construction; and

WHEREAS, staff obtained accident data for one square mile around the site for the years 2011 - 2012 and during that time period there were 23 accidents in the area of which two were alcohol-related; and

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

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

WHEREAS, the Alcoholic Beverage Control Board (ABC) has no record of violations by Three Bears Alaska, Inc.; and

WHEREAS, staff has no information indicating the applicant is untrustworthy or unfit to conduct business in the borough or that the applicant is a potential source of harm to the public.

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 No. 16-20:

1. The conditional use is compatible with and will preserve or not materially detract from the value, character and integrity of the surrounding area (MSB 17.70.100(A)(1)(a)).
2. No evidence has been submitted indicating that this conditional use will 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. There should not be any negative effect on the safety, 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 are in place to reduce any negative effect upon adjacent and nearby properties, as the package store will be located within a convenience store, driveway permits have been submitted to the Alaska Department of Transportation for approval, signs will

be building mounted, and there will be landscaping adjacent to Hollywood Road and Big Lake Road (MSB 17.70.100(A)(2)(c)).

7. Adequate parking is being provided (MSB 17.70.100(A)(2)(d)).

8. Access to the premise should not create an unreasonable traffic hazard (17.70.100(A)(2)(e)).

9. Traffic should not overtax existing road systems (MSB 17.70.100(A)(2)(f)).

10. The proposed liquor package store is compatible with the character of the surrounding neighborhood (MSB 17.70.100(A)(2)(g)).

11. There is no evidence that the operation of a package store at this location will increase the crime rate in the area or increase alcohol-related accidents (MSB 17.70.110(B)(1)).

12. The applicant has not had a liquor license suspended or revoked in the 12 months preceding the application (MSB 17.70.110(B)(2)).

13. There has been no information submitted indicating that the applicant is untrustworthy or unfit to conduct business in the borough or that the applicant is a potential source of harm to the public (MSB 17.70.110(B)(3)).

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby finds this application does meet the standards of MSB 17.70.100 and 17.70.110 and hereby approve the conditional use permit for the operation of a liquor package store with the following conditions:

1. The owner and/or operator shall comply with all other applicable federal, state, and local regulations.
2. If the operation expands or alters from the information submitted in the application, an amendment to the conditional use permit shall be required.
3. Signage and lighting shall be limited to that which does not directly shine onto the adjacent properties or thoroughfares.
4. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 - Noise, Amplified Sound and Vibration.
5. The landscaping and lawn as indicated on the site plan, shall be maintained.
6. Three Bears Alaska, Inc. shall obtain driveway permits from the State of Alaska, Department of Transportation.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 6th day of June, 2016.



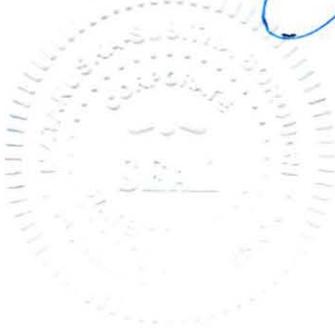
JOHN KLAPPERICH, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



PASSED UNANIMOUSLY: Klapperich, Anderson, Healy, Vague, Kendig, Adams, and Rauchenstein