

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION AGENDA**

Vern Halter, Mayor

PLANNING COMMISSION
Mary Anderson, District 1
Thomas Healy, District 2
John Klapperich, Chair, District 3
Colleen Vague, District 4
William Kendig, District 5
Tomas Adams, District 6
Vern Rauchenstein, District 7



John Moosey, Borough Manager

PLANNING & LAND USE
DEPARTMENT
Eileen Probasco, Director of Planning &
Land Use
Sara Jansen, Acting Planning Services
Chief
Alex Strawn, Development Services
Manager
Fred Wagner, Platting Officer
Mary Brodigan, Planning Clerk

*Assembly Chambers of the
Mat-Su School District Admin Building
501 N. Gulkana Street, Palmer*

**October 3, 2016
REGULAR MEETING
6:00 p.m.**

- 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 to be 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. August 15, 2016, regular meeting minutes
 - B. INTRODUCTION FOR PUBLIC HEARING: QUASI-JUDICIAL MATTERS
 - 1. **Resolution 16-33**, a request for a variance in accordance with MSB 17.65 – Variances, regarding a variance to MSB 17.55 – Setbacks and Screening Easements, allowing a proposed garage to be built 5.7 feet from the Palmdale Drive right-of-way, located on Block 2, Lot 12, Longbeach Subdivision, Division 2, Palmer Recording District; Township 17 North, Range 1 West, Section 1, Seward Meridian. Public Hearing: October 17, 2016. (*Applicant: Denny & Rebecca Nelson, Staff: Susan Lee*)

C. INTRODUCTION FOR PUBLIC HEARING: LEGISLATIVE MATTERS

1. **Resolution 16-35**, recommending Assembly approval of an Ordinance modifying MSB 17.28 and MSB 17.30 in order to Eliminate the Interim Materials District (IMD) Process. Referred to the PC on 8/2/16 for 90 days and due back to the Assembly by October 31, 2016. Public Hearing: October 17, 2016. (*Staff: Alex Strawn*)
2. **Resolution 16-36**, recommending Assembly approval of amendments to MSB 8.45.010, Buildings and Construction; Adoption of Codes Section to Reflect International Codes. Public Hearing: October 17, 2016. (*Staff: Bill Gamble*)

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 to the Planning Commission Clerk concerning the following matters or request for more information from the applicant at the time of the 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 16-29**, a request for a Conditional Use Permit in accordance with MSB 17.70, Regulation of Alcoholic Beverage Uses, for the expansion of the Knik Super Store Liquor package store, located at Lot 1, Settlers Bay Lodge Subdivision; 5721 S. Knik Goose Bay Road; within Township 17 North, Range 2 West, Section 34, Seward Meridian. (*Staff: Susan Lee, Applicant: Mark Button RMB, LLC*)
- B. **Resolution 16-34**, a request for a variance in accordance with MSB 17.65 – Variances, regarding a variance to MSB 17.55 – Setbacks and Screening Easements, allowing a proposed guest cabin to be built 10 feet from the South Rory Circle public right-of-way, located on Lot 6, Rocky Lake Subdivision, Palmer Recording District; within Township 17 North, Range 3 West, Section 21, Seward Meridian. (*Applicant: Michael Solmonson, Staff: Mark Whisenhunt*)

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

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 definition of "Interested Party." The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the Borough Internet home page, <http://www.matsugov.us>, in the Borough Clerk's office, or at various libraries within the Borough.

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**INTRODUCTION FOR PUBLIC HEARING
QUASI-JUDICIAL**

Resolution No. 16-33

**Longbeach Subdivision
Variance Request for a Garage
3220 E. Palmdale Drive, Wasilla**

(Page 5 - 26)

INTRODUCTION FOR PUBLIC HEARING

Setback Variance Request – Longbeach Subdivision, Division 2, Block 8, Lot 12

A variance application has been submitted requesting to construct an attached garage to the existing single-family residence. The proposed garage will be set back 5.7 feet from the Palmdale Drive right-of-way.

Location:

The subject property is Longbeach Subdivision, Division 2, Block 8, Lot 12; 3220 S. Palmdale Drive; within Township 17 North, Range 1 West, Section 1, Seward Meridian.

Applicant:

Denny & Rebecca Nelson

Public Hearing:

The Planning Commission will conduct a public hearing concerning this application on Monday, October 17, 2016 in the Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer.

The application material may be reviewed in the Borough Permit Center. Application material may also be reviewed online at www.matsugov.us and clicking on 'Public Notices'. If you have questions or want to submit comments please contact Susan Lee, Planner II, at 861-7862 or e-mail: slee@matsugov.us. Comments may also be faxed to 861-7876 or mailed to the MSB Development Services Division, 350 E. Dahlia Avenue, Palmer, AK 99645. Comments received prior to October 3, 2016 will be included in the Planning Commission packet for the Commissioner's review and information. Comments received after that date will not be included in the staff report to the Planning Commission.

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MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-7876

Email: PermitCenter@matsugov.us

MEMORANDUM

DATE: August 16, 2016

FROM: Susan Lee, Planner II

SUBJECT: REQUEST FOR REVIEW AND COMMENTS

PROJECT: **Setback Variance**

TAX ACCOUNT# Longbeach Subdivision, Division 2, Block 8, Lot 12 (1892B08L012)

TAX MAP: WA11

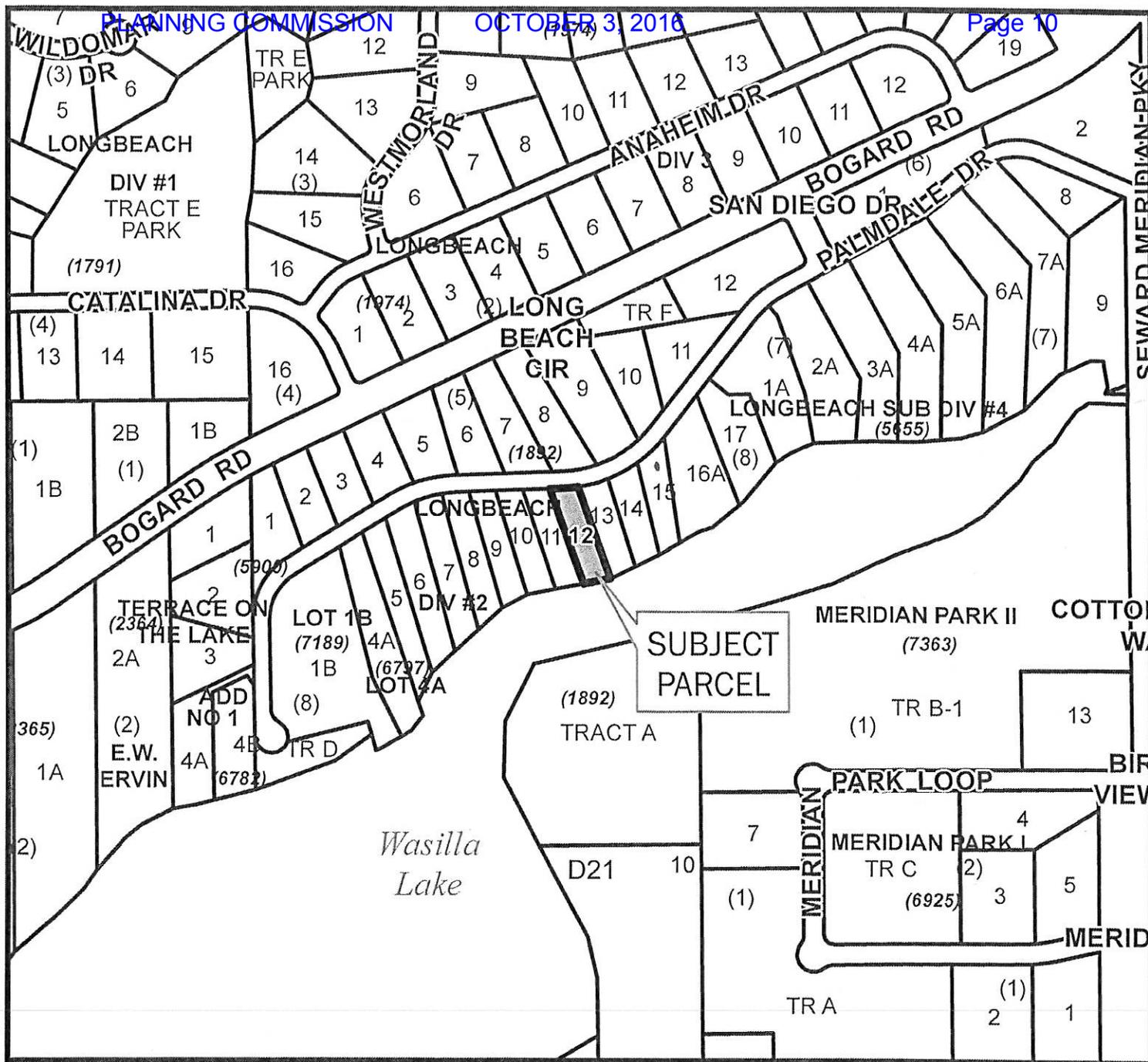
LOCATION: Township 17 North, Range 1 West, Section 1, Seward Meridian

APPLICANT: Denny & Rebecca Nelson

A variance application under MSB 17.65 - Variances, has been submitted requesting to construct an attached garage to the existing single-family residence. The proposed garage will be set back 5.7 feet from the Palmdale Drive right-of-way. The Planning Commission will conduct a public hearing on this request on October 17, 2016. If we do not receive comments from you we will assume you have no objections to this request.

- Distribution:
- | | |
|--|--|
| <input type="checkbox"/> Borough Manager (info only) | <input type="checkbox"/> Pre-Design Division |
| <input type="checkbox"/> Collections | <input type="checkbox"/> Community Development |
| <input type="checkbox"/> Assessment | <input type="checkbox"/> Public Works Director |
| <input type="checkbox"/> Planning Division | <input type="checkbox"/> Right-of-Way Coordinator |
| <input type="checkbox"/> Environmental Planning | <input type="checkbox"/> Emergency Services Director |
| <input type="checkbox"/> Platting Division | <input type="checkbox"/> Code Compliance |
| | <input type="checkbox"/> Cultural Resources |

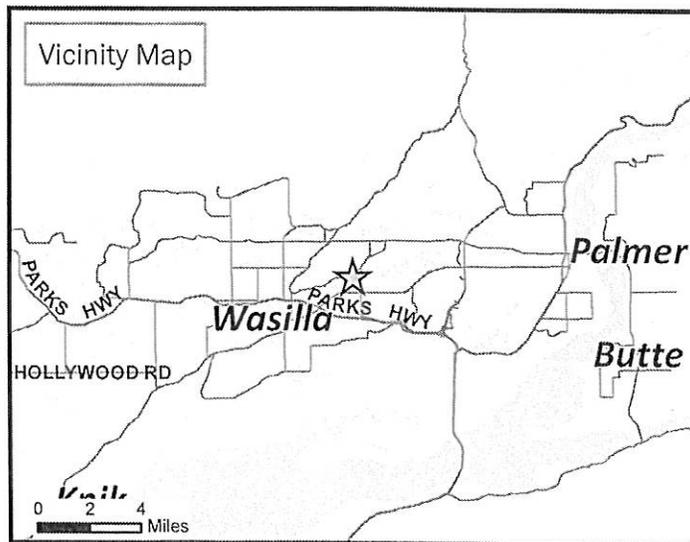
Comments: Return written comments by **September 1, 2016**. Thank you for your review.



1892B08L012



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.





MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department
Development Services Division
 350 East Dahlia Avenue • Palmer, AK 99645
 Phone (907) 861-7822 • Fax (907) 861-7876
 Email: PermitCenter@matsugov.us

RECEIVED
 JUN 14 2016
 PERMIT CENTER

APPLICATION FOR A VARIANCE – MSB 17.65

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 Variance

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: 17 North, Range: 1 West, Section: _____, Meridian _____
 MSB Tax Acct # 1892B 08L012
 SUBDIVISION: Longbeach BLOCK(S): 8, LOT(S): 12
 STREET ADDRESS: 3220 E Palmdale Dr
 (US Survey, Aliquot Part, Lat. /Long. etc) _____

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	Name of Agent/ Contact for application
<u>Denny + Rebecca Nelson</u>	_____
Address: <u>3220 E Palmdale Dr</u>	Address: _____
<u>Wasilla, AK 99654</u>	_____
Phne: Hm <u>631 3439</u> Fax _____	Phne: Hm _____ Fax _____
Wk _____ Cell <u>414 0676</u>	Wk _____ Cell _____
E-mail <u>dnelson@aktna.net</u>	E-mail _____

Description	Attached
A variance from MSB 17.55, 016 is being applied for and is specifically described.	✓
Provide a detailed written description as to why the variance is required.	✓

Drawings	Attached
A boundary survey and site plan of the proposed and/or existing development, of the particular parcel or parcels affected. (See attached survey standards checklist). The survey must be submitted under the seal of an Alaska registered professional land surveyor.	✓
Structural elevation drawing(s) for the purpose of indicating the proposed height and bulk, view and other dimensions of the subject structure.	✓

<p>In order to grant a variance from MSB Title 17, the Planning Commission must find that each of the following requirements has been met (17.65.020). Explain how the request meets each requirement. Include information such as physical surroundings, shape or topographical conditions of the property which would support the granting of a variance.</p>	<p>Attached</p>
<p>1. What unusual conditions or circumstances apply to the property for which the variance is sought?</p>	<p>✓</p>
<p>2. How the strict application of the provisions of this title will deprive you of the rights commonly enjoyed by other properties under the terms of this title.</p>	<p>✓</p>
<p>3. Why the granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.</p>	<p>✓</p>
<p>4. How will the granting of the variance be in harmony with the objectives of this title and any applicable comprehensive plans?</p>	<p>✓</p>
<p>5. How the deviation from the requirements of this title as permitted by the variance will be no more than is necessary to permit a reasonable use of the property.</p>	<p>✓</p>

<p>A variance may <u>not</u> be granted if any of the conditions listed below are true. Explain why each condition is <u>not</u> applicable to this application.</p>	<p>Attached</p>
<p>1. The special conditions that require the variance are caused by the person seeking the variance.</p>	<p>✓</p>
<p>2. The variance will permit a land use in a district in which that use is prohibited.</p>	<p>✓</p>
<p>3. The variance is sought solely to relieve pecuniary hardship or inconvenience.</p>	<p>✓</p>

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

MSB Tax parcel ID #(s) 1892 B08L012 and, I hereby apply for approval a setback variance on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.55 and MSB 17.65 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 variance 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.

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Property: MSB TAX ACCT. # 1892B08L012
SUBDIVISION: LONGBEACH, Plat No. 80-2, Block 8, Lot 12
STREET ADDRESS: 3220 East Palmdale DR, Wasilla Alaska 99654

Description:

- 1. A variance from MSB 17.55.010 is being applied for and is specifically described.**
This variance is being applied for under Title 17.55.010 SETBACK to allow for construction of a garage that will create a safe driveway in the icy winter months and reduce the risk of injury and property lose.

- 2. Provide a detailed written description as to why the variance is required.**

We purchased the property in Nov 2012 and that winter had a very hard time getting down the driveway and into the garage. The driveway ranges from 18.4% to 22.2% grade which is very steep and when icy creates a very dangerous condition. The previous owner slid into the center support of the garage and almost knocked it off its foundation and in 2013 I slid into the left support and caused over \$3,000.00 of damage to our car.

I am a Disabled Veteran with several screws holding my left foot together and the steep driveway makes it very difficult for me to get up and down. The steep driveway is dangerous for people trying to walk or drive to our house. UPS drivers won't drive down the driveway to deliver packages and have a hard time even walking them to the house. My entire family has fallen on the driveway numerous times which hasn't resulted in any serious injuries yet, but the potential is always there. If granted the variance, it would allow me to build a safe driveway that was even with the road and provide a useable garage that we could access even in the worst Alaskan condition eliminating the dangerous icy slope.

The house was built so that no part of the structure is located in the 100 year flood zone. I believe that the original owner designed the house so that no part of the house was located in the flood zone. By locating the house so it sat outside the flood zone there was no room left to design a practical driveway which created the current issue.

With the proposed garage there would be a 5.7' setback from the front left corner of the garage (closest point of proposed garage to existing constructed road) to the Palmdale Drive right-of-way. The road was constructed on the Northern most portion of the Palmdale Drive right-of-way so it would still leave approximately 30' setback from the edge of the constructed road to the closest point of the proposed garage.

Matanuska - Susitna Borough
Development Services

JUL 26 2016

Received

In order to grant a variance from MSB Title 17, the Planning Commission must find that each of the following requirements has been met (17.65.020). Explain how the request meets each requirement. Include information such as physical surrounding, shape or topographical conditions of the property which would support the granting of the variance.

1. What unusual conditions or circumstances apply to the property for which the variance is sought?

The property was constructed in a way that only left room for a driveway with an average grade of 19%. It is very dangerous in the winter when it gets icy. There have already been two accidents where a car slid into the house causing extensive damage to the cars and house. With the proposed new garage elevation it will eliminate the steep grade and allow us to drive directly in from the road without the dangerous slope.

2. How the strict application of the provisions of this title will deprive you of the rights commonly enjoyed by other properties under the terms of this title.

The strict application of the 25 foot setback to an easement will deprive this parcel of having a driveway with an acceptable grade. In its current construction the garage is not safe to use during the icy winter months due to the extremely steep grade and short distance.

Therefore there is an undue burden placed upon this lot by the strict application of the 25 foot building setback preventing the construction a new garage that will be level with the road. During the winters as the ice builds up it becomes more and more dangerous to try and get up or down. Our children have fallen many times just going to the bus or returning from school. Deliverymen have refused to come down the driveway to deliver packages to the house because the driveway is so dangerous.

3. Why the granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.

The 25 foot building setback ensures that the public rights-of-way have adequate room for snow storage and maintenance. The granting of the variance to allow this building to be closer than 25 feet to the Palmdale Drive right-of-way, where the road right-of-way is not constructed and cannot be developed for road construction due to the steepness of the grades and existing buildings, would in no way be injurious to nearby property, nor harmful to the public welfare. It will in fact make safer conditions for nearby property and reduce public risk due to the steep grade of the driveway when approaching the house.

4. How will the granting of the variance be in harmony with the objectives of this title and any applicable comprehensive plans?

The granting of this variance would allow for the safe use of this lot which is what this regulation was created to provide homeowners.

The Palmdale Drive right-of-way in this location is not suitable for road construction and therefore the objectives of this title would not be in jeopardy with the reduction of the building setback.

5. **How the deviation from the requirements of this title as permitted by the variance will be no more than necessary to permit a reasonable use of the property.**

The variance will reduce the setback for the residential dwelling for the proposed attached garage show in the attached PLAN (performed by Alaska RIM engineering). The proposed garage is just large enough to accommodate a mid-sized vehicle and stairs (inside the garage) that lead into the current garage to provide access to the house. There will be no additional stairs outside the house.

A variance may not be granted if any of the conditions listed below are true. Explain why each condition is not applicable to this application.

1. **The special conditions that require the variance are caused by the person seeking the variance.**

The house was built in 2003 and we purchased the house in Nov 2012. We didn't know the severity of the driveway until we moved in and that first winter slid into the house. We discovered that just simply trying to clear snow and ice off the driveway was extremely difficult and almost impossible to maintain throughout the winter.

2. **The variance will permit a land use in a district in which that use is prohibited.**

The variance will not be permitting a land use in a district in which that use is prohibited.

3. **The variance is sought to relieve pecuniary hardship or inconvenience.**

The variance is sought to reduce the building setback for residential building to allow for a useable garage, a safe driveway and substantially reduce the risk of injury or property lose.

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ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department
Right of Way Section
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

May 24, 2016

Denny and Rebecca Nelson
3220 E. Palmdale Drive
Wasilla, AK 99654

Grid: NW3965

Subject: Letter of Non-Objection

To whom it may concern:

ENSTAR Natural Gas Company has no objection to the proposed garage encroachment of nine (9) feet into the 15-foot utility easement parallel and coincident with the north lot line of Lot 12, Block 8, Longbeach Subdivision No. 3, according to the official plat thereof, filed under plat no. 80-2, located at 3220 E. Palmdale Drive within Section 1, Township 17 North, Range 1 West, Seward Meridian, Records of the Palmer Recording District, Third Judicial District, State of Alaska.

Acceptance and use of this letter of non-objection by yourself, your heirs, your assigns, or your successors, will constitute agreement to the following stipulations:

- Landowner/Contractor working near ENSTAR gas facilities shall contact the Alaska Digline, Inc., (907) 278-3121 or 811 for line locating two (2) business days prior to any related excavation. This service is free of charge.
- ENSTAR will be held harmless, now and forever for any damages or injury to any person or property as a result of this encroachment.
- Any ENSTAR facility damaged or destroyed, as a result of this encroachment will be repaired at no cost to ENSTAR.
- Any costs incurred by ENSTAR for special construction necessitated by this encroachment will be borne by the land owner.
- All applicable safety code regulations will be observed and maintained.
- This letter of non-objection will in no way preclude ENSTAR from full use and enjoyment of its rights within any portion of its right-of-way.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Leighty", written over a horizontal line.

Robin Leighty
Right of Way and Permitting

cc. file



May 26, 2016

Denny Nelson
3220 E Palmadale Dr,
Wasilla, Alaska 99654

Dear Denny Nelson:

Subject to your agreement to indemnify the company as set forth below, GCI Communication Corp has no objection to the shed and house encroaching into the 15' Utility easement of Lot 12, Block 8, Longbeach subdivision #2, also known as 3220 E Palmadale Dr, city grid NW3965.

This letter of non-objection in no way precludes GCI Communication Corp from full use and enjoyment of any rights it may have within any portion of the utility easement and or the right-of-way, including unlimited access for servicing its facilities. Also any additional and extraordinary costs incurred during any future required construction, repair or reconstruction of GCI's facilities to accommodate any or all of the encroachments shall be paid by the property owner.

By signing below, you agree to indemnify and hold GCI Communication Corp harmless, now and forever, for any damage, costs, expense (including reasonable attorney's fees), liabilities and injury to any person or property occurring as a result of the encroachment.

Please indicate your acceptance by signing and returning this letter to me at the address below.

Sincerely,


Acceptance


Markus Kofoid
OSP Design Engineer III
GCI Communication Corp
5151 Fairbanks St.
Anchorage, AK 99503
907-868-6168 Office
907-868-8580 Fax

May 26, 2016
Date



NON-OBJECTION TO EASEMENT ENCROACHMENT DOCUMENT

By this document Matanuska Telephone Association, Inc. (MTA) declares that it has no objection to the encroachment of the new garage being built within the platted 15 foot utility easement on Lot 12, Block 8, Longbeach Subdivision Division No. 2, Plat number 80-2, Palmer Recording District, State of Alaska.

Please be advised that MTA through the issuance of this document does not forfeit any of its rights to the use of the area cited. In the exercise of these rights MTA will, if needed, upgrade, maintain, repair, and/or replace buried or aerial telecommunications facilities within the easement. Any repairs that may be required to the encroachment as a result of utility construction will be borne by the property owner of record. This document does not authorize the placement of any additional encroachments within the easement area. Property owners are required to obtain utility locates before doing any kind of work in the utility easements and will be liable for any damages caused by their construction work in the easements.

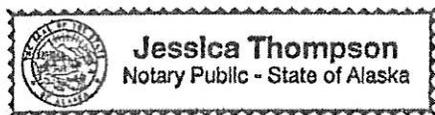
This document is, in no way, an agreement to vacate any portion of the utility easement and should not be interpreted as such.

Issued for Matanuska Telephone Association, Inc. this 30th day of May, 2016, by,

Robbie Nash, OSP Engineering & Construction Manager

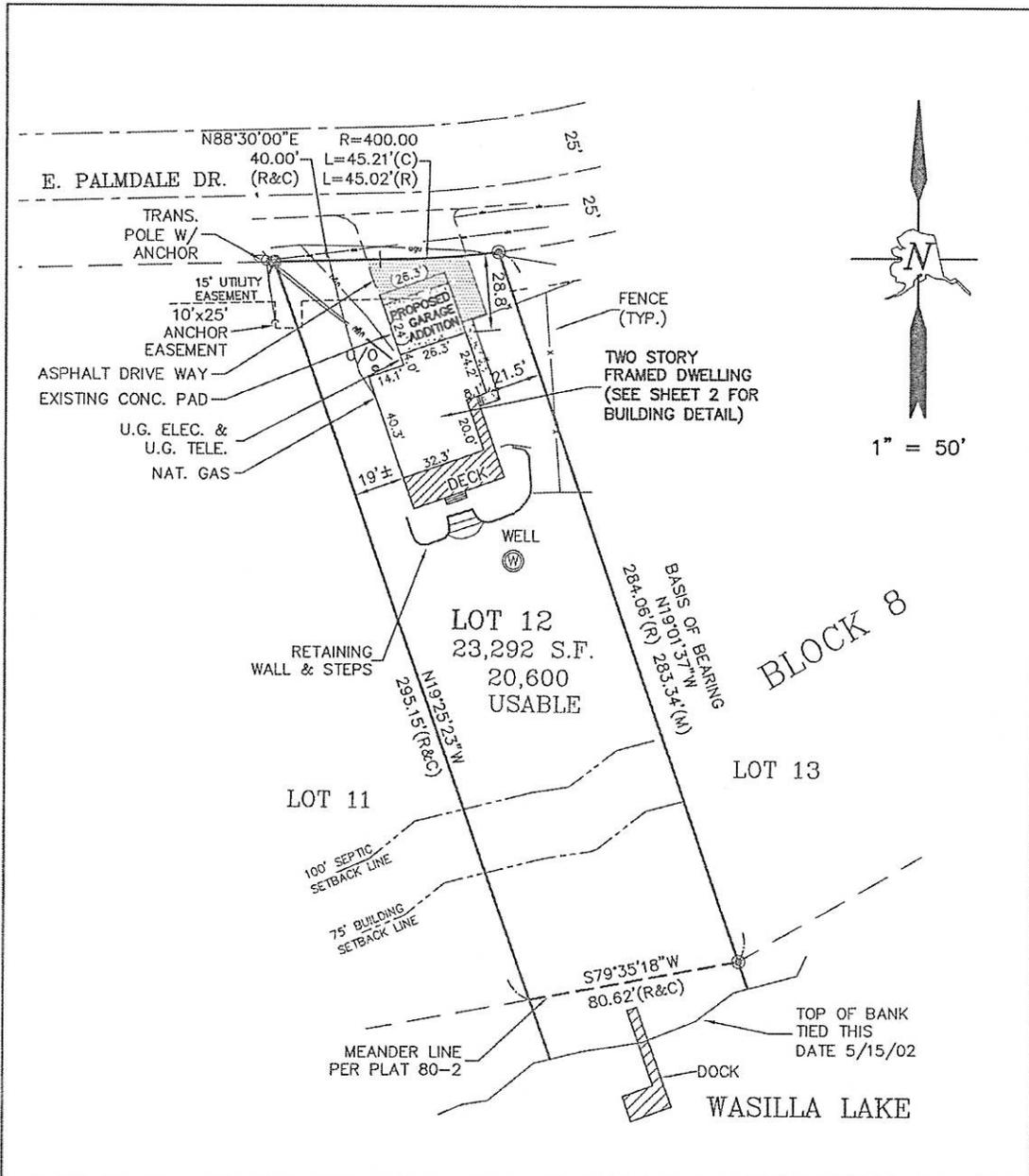
THIS IS TO CERTIFY, that on this 30th day of May, 2016, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Robbie Nash known to me and to me known to be the individual named in and who executed the foregoing instrument and acknowledged to me that he signed and sealed the same as a voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Jessica Thompson
Notary Public in and for Alaska
My commission expires: 05-04-2019

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NOTES:

- 1) THIS LOT IS SERVED BY COMMUNITY SEWER SYSTEM.
- 2) THE OWNERSHIP OF LOTS CONTIGUOUS TO WASILLA LAKE EXTENDS THROUGH THE MEANDER CORNERS TO THE LINE OF MEAN HIGH WATER OF WASILLA LAKE.

EXCLUSION NOTE: IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR FOR ESTABLISHING BOUNDARY OR FENCE LINES.

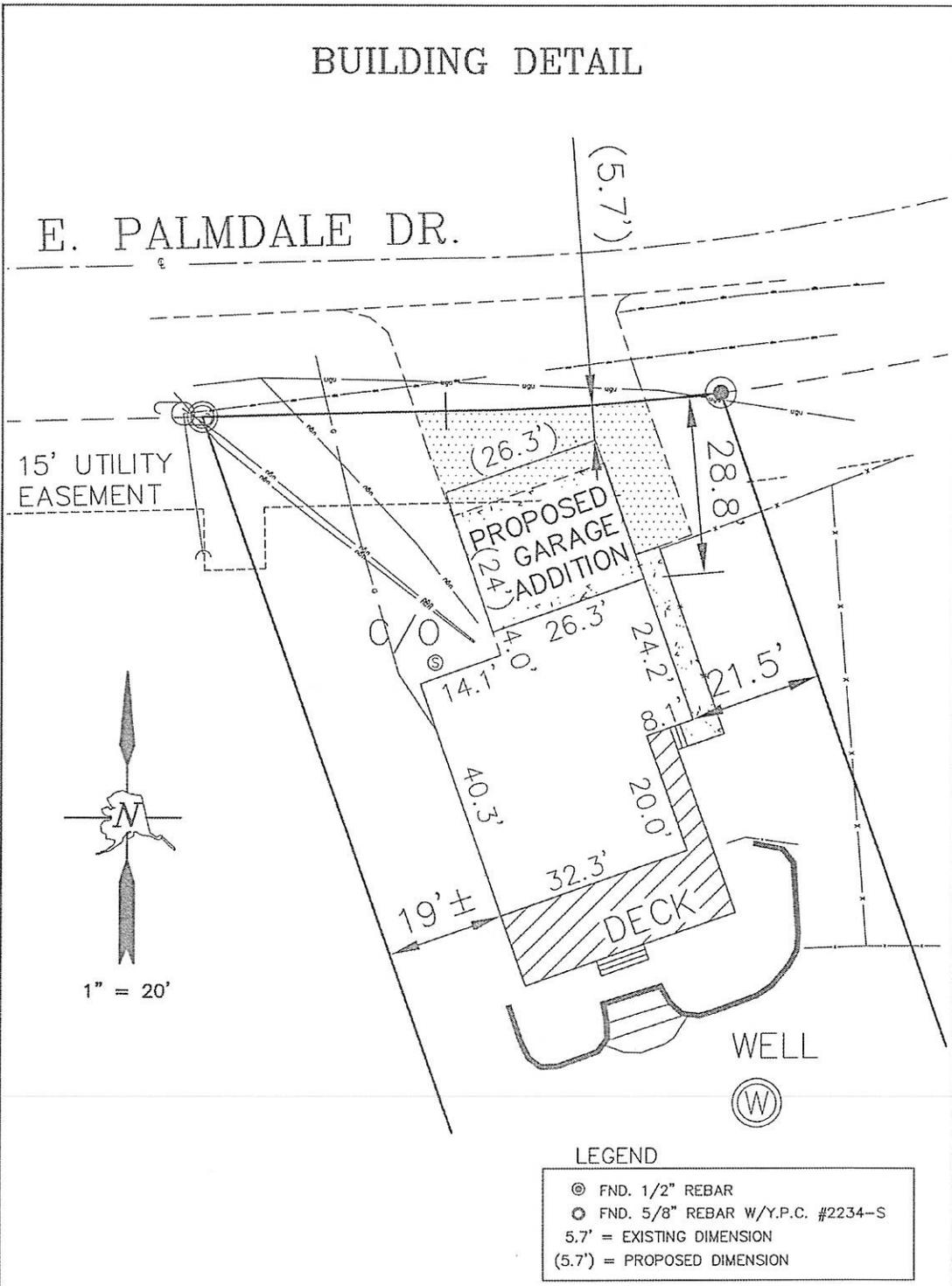


SITE PLAN ALASKA RIM ENGINEERING, INC. P.O. BOX 2749 PALMER, ALASKA 99645 PHONE: (907)745-0222 FAX: (907)746-0222 SHEET 1 of 2

W.O. 1600239 | DATE: 7/25/16 | SCALE: 1" = 50' | FILE: 1600239 SP

I HEREBY CERTIFY THAT I HAVE PERFORMED A SITE SURVEY ON THE FOLLOWING DESCRIBED PROPERTY:
 LOT 12, BLOCK 8, LONGBEACH SUBD., DIVISION No. 2
 PLAT No. 80-2, PALMER RECORDING DISTRICT, PALMER, ALASKA
 EASEMENTS OF RECORD OTHER THAN THOSE SHOWN ON THE RECORDED PLAT ARE NOT SHOWN HEREON. DATED AT PALMER, ALASKA, THIS 15th DAY OF APRIL, 2016.

BUILDING DETAIL



LEGEND

- ⊙ FND. 1/2" REBAR
- ⊙ FND. 5/8" REBAR W/Y.P.C. #2234-S
- 5.7' = EXISTING DIMENSION
- (5.7') = PROPOSED DIMENSION

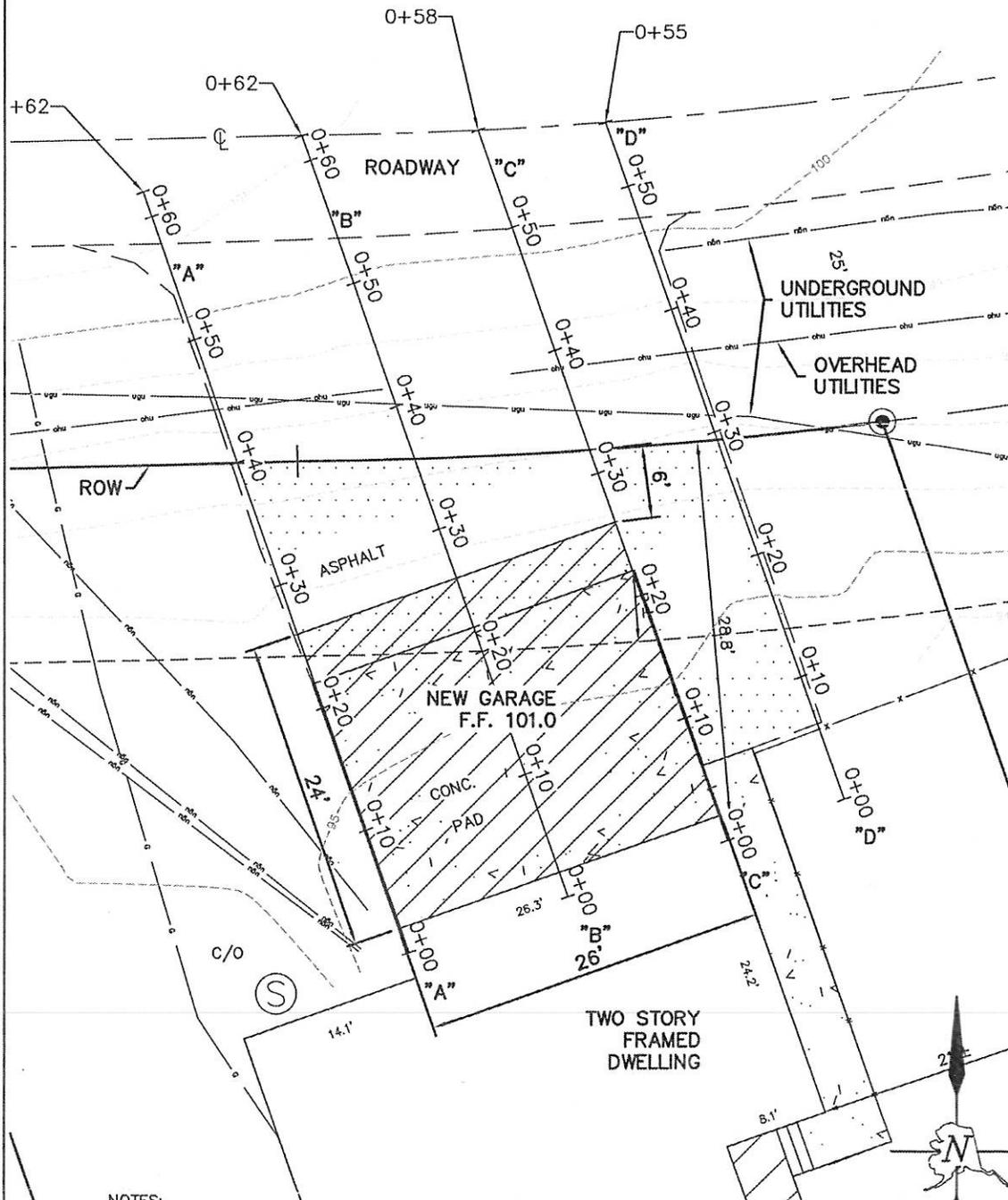
EXCLUSION NOTE: IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION OR FOR ESTABLISHING BOUNDARY OR FENCE LINES.



SITE PLAN  P.O. BOX 2749
 PALMER, ALASKA 99645
 PHONE: (907)745-0222
 FAX: (907)746-0222 SHEET 2 of 2

W.O. 1600239 | DATE: 7/25/16 | SCALE: 1" = 20' | FILE: 1600239 SP

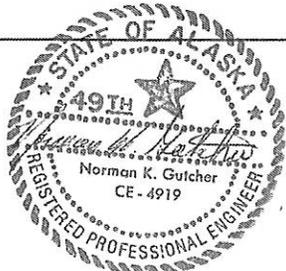
I HEREBY CERTIFY THAT I HAVE PERFORMED A SITE SURVEY ON THE FOLLOWING DESCRIBED PROPERTY:
 LOT 12, BLOCK 8, LONGBEACH SUBD., DIVISION No. 2
 PLAT No. 80-2, PALMER RECORDING DISTRICT, PALMER, ALASKA
 EASEMENTS OF RECORD OTHER THAN THOSE SHOWN ON THE RECORDED PLAT ARE NOT SHOWN HEREON. DATED AT PALMER, ALASKA, THIS 15th DAY OF APRIL, 2016.



NOTES:

1. TOPOGRAPHY PERFORMED BY ALASKA RIM ENGINEERING, INC. 4/15/16.
2. ELEVATIONS ARE AN ASSUMED DATUM. CONTOURS ARE 1 ft. INTERVALS.
3. TBM'S FOR THIS SITE ARE A RECOVERED 5/8" REBAR w/PLASTIC CAP LOCATED AT THE NORTHWEST CORNER OF THIS LOT HAVING AN ASSUMED ELEVATION OF 98.0 ft. AND A RECOVERED 1/2" REBAR LOCATED AT THE SOUTHEAST WITNESS CORNER OF THIS LOT HAVING AN ASSUMED ELEVATION OF 86.0 ft.

1" = 10'



PLAN



JG

ALASKA RIM ENGINEERING, INC.

9131 E. FRONTAGE RD.
PALMER, ALASKA 99645

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WO: 1600239

FB: 16-
TM:

PAGE: 1 of 1

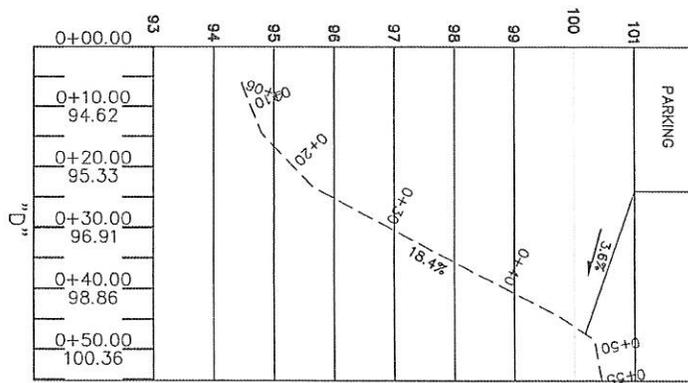
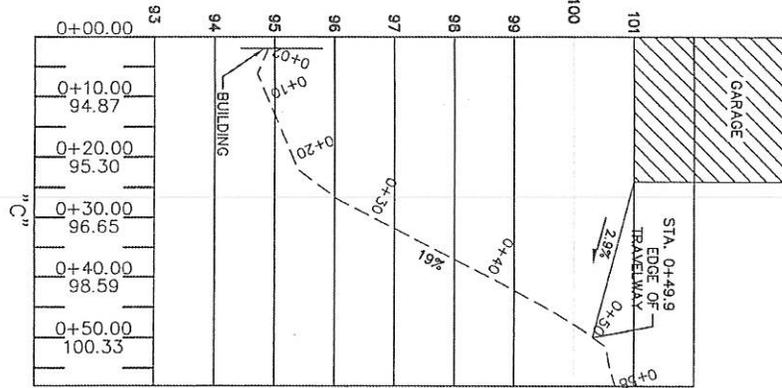
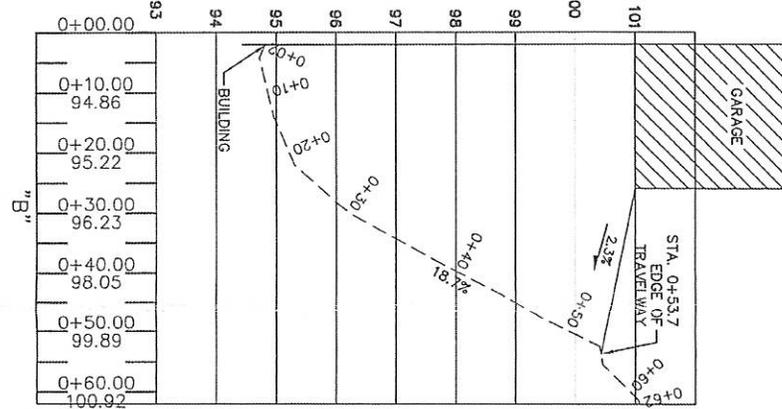
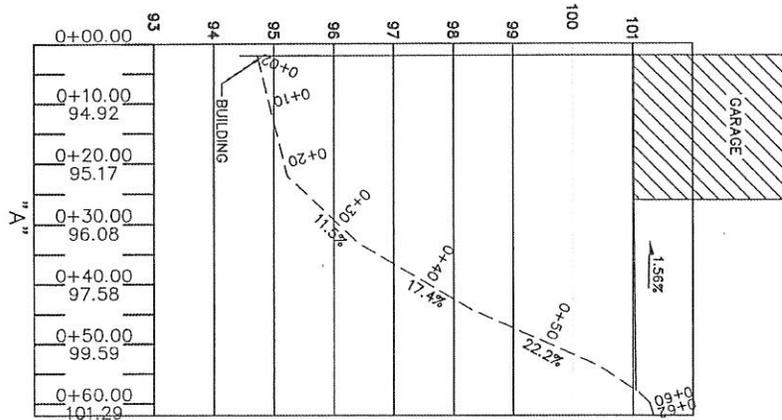
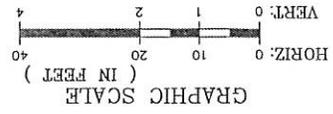
SCALE: AS NOTED

FILE: 1600239 PP

LONGBEACH SUBDIVISION, DIVISION No. 2, BLOCK 8, LOT 12, ©2016

ALASKA RIM ENGINEERING, INC.
 9131 E. FRONTAGE RD.
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WO: 1600239
 FB: 16-
 TM:
 PAGE: 1 of 1
 SCALE: AS NOTED
 ENGINEERS: PLANNERS: SURVEYORS



**INTRODUCTION FOR PUBLIC HEARING
LEGISLATIVE**

Resolution No. 16-35

Modifying MSB 17.28 and 17.30

to

Eliminate the Interim Materials District (IMD) Process

(Page 27 - 44)

INTRODUCTION FOR PUBLIC HEARING

DOCUMENT TRACKING REPORT

DOCUMENT: An Ordinance Amending MSB 17.28 And MSB 17.30 In Order To Eliminate The Interim Materials District Process.

DATE	STATUS
8-2-16	Referred to P.C for 90 days
	due back to Assembly by October 31, 2016

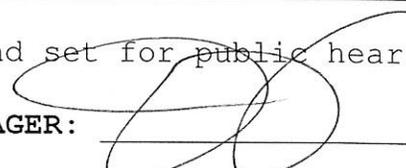
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SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY MODIFYING MSB 17.28 AND MSB 17.30 IN ORDER TO ELIMINATE THE INTERMIM MATERIALS DISTRICT PROCESS.

AGENDA OF: August 2, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator - A. Strawn	(B)	
	Planning and Land Use Director	EP	
	Borough Attorney	NS	
	Borough Clerk	JMM	7/25/16

ATTACHMENT(S): Fiscal Note: YES ___ NO X
 Ordinance Serial No. 16-102 (9 pp)
 Planning Commission Reso. 16-___

SUMMARY STATEMENT:

This ordinance eliminates the process for new interim materials districts (IMDs) while allowing existing districts to continue. All future permitted earth materials extraction activities will be evaluated, and if approved, issued under MSB 17.30.

The Borough has regulated gravel extraction since September 2005. Currently, potential gravel operators have three options when applying for the ability to extract gravel within the Borough. Extraction operations that are 20 acres or less are eligible for either an Administrative Permit or a Conditional Use Permit (CUP), both of which are quasi-judicial in nature. An Administrative Permit, which is adjudicated by the Planning & Land Use Director, is an option if the operation is less than two years or has an annual extraction of less than 7,000 cubic yards. Conditional use Permits, which are adjudicated by the Planning Commission, do not have a cap on the volume extracted or duration of the permit unless placed as a condition of the

permit. Interim materials districts (IMDs), which are legislative in nature, are approved or denied by the Assembly and is the only option available for operations greater than 20 acres.

The IMD process is very similar to a Conditional Use Permit in that it is approval or denial of a specific operation on a single piece of property. Interim Materials Districts are zoning districts. However, they are not characteristic of typical zoning designations which generally are not established for a particular operation on a single parcel, rather they are used to designate appropriate uses for a broader geographic area.

Alaska Statute 29.40.020(b)(2) requires that the Planning Commission review, recommend, and administer measures necessary to implement the comprehensive plan, including land use permits, established by the Assembly, which are designed to encourage or discourage specified uses. Because large gravel operations have similar impacts as other land use permits within the Borough, it is appropriate that they would be adjudicated by the Planning Commission rather than the Assembly.

Despite the similarities between IMD's and CUP's, there are two significant disparities that set the IMD process apart from the CUP and Administrative Permit process. First, because the IMD process is legislative, ex parte contact is arguably allowed. This means Assemblymembers can speak with each other, the applicant, and/or the public outside of a public forum within the bounds of the Open Meetings Act. The other difference between the two processes deals with the right to appeal. Conditional use and Administrative Permits are appealable under MSB 15.39 which is a formalized process adjudicated by the Board of Adjustments and Appeals. Interim materials districts are not appealable by either the applicant or other interested parties. Lack of an appeal process for approval or denial of development applications has potential legal implications dealing with rights to due process.

The existing three-tier system has led to uncertainty and confusion regarding which process applies. This ordinance will clarify and streamline the process and give all parties, residents, and developers an avenue for appeal. Acreage will no longer be a factor in determining which type of permit applies. Projects will be eligible for an Administrative Permit if the duration is under two years or the quantity is 7,000 cubic yards or less annually; otherwise a Conditional Use Permit will be required.

MSB 17.28 cannot easily be eliminated entirely because the

standards within MSB 17.28 apply to permits issued under MSB 17.30, existing Interim Materials Districts, and operations granted pre-existing legal nonconforming status. It is the intent of the Planning Department to consolidate MSB 17.28 and MSB 17.30 in the future as part of the Title 17 consolidation project.

RECOMMENDATION OF ADMINISTRATION:

Staff respectfully recommends adoption of this ordinance.

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CODE ORDINANCE

Sponsored by: R. Kowalke
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-102**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY MODIFYING MSB 17.28 AND MSB 17.30 IN ORDER TO ELIMINATE THE INTERMIM MATERIALS DISTRICT PROCESS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of Section. MSB 17.28.020 is hereby amended as follows:

[(A) THIS DISTRICT SHALL BE ESTABLISHED ON PRIVATE OR PUBLIC LANDS FOR EARTH MATERIALS EXTRACTION AND PROCESSING ACTIVITIES GREATER THAN 20 CONTIGUOUS ACRES IN ALL AREAS OF THE BOROUGH EXCEPT WHERE THE USE IS PROHIBITED BY ORDINANCE WITHIN A SPECIAL LAND USE DISTRICT. WHERE THIS CHAPTER IS IN CONFLICT WITH THE CONDITIONS OF A SPECIAL LAND USE DISTRICT, THE MOST RESTRICTIVE CONDITIONS SHALL APPLY.]

(B) This chapter does not apply within the cities of Houston, Palmer, or Wasilla, or the Port MacKenzie Special Use District.

[(C) AN OWNER OF GREATER THAN 20 CONTIGUOUS ACRES WHERE EARTH MATERIALS EXTRACTION HAS NOT BEEN GRANTED A PERMIT OR PRE-EXISTING LEGAL NONCONFORMING STATUS AS OF THE DATE OF THE ENACTMENT OF THIS CHAPTER IS REQUIRED TO APPLY FOR DESIGNATION AS AN INTERIM MATERIALS DISTRICT IN ACCORDANCE WITH THIS CHAPTER.]

(D) This chapter shall not apply to earth material extraction activities on land owned by the state of Alaska that are in existence as of the date of adoption of the ordinance codified in this chapter except for such operations that extract materials within four feet of the water table. Where a site is exempt under this subsection the exemption is revoked if operations proceed to within four feet of the water table.

(E) Annual extraction of greater than 2,000 cubic yards on any one parcel requires a permit in accordance with MSB 17.30.

Section 3. Amendment of Subsection. MSB 17.28.030(A) is hereby amended as follows:

(A) The extraction of earth materials is an interim use of the land in the Matanuska-Susitna Borough. An interim materials district shall [BE

GREATER THAN 20 CONTIGUOUS ACRES IN SIZE,] meet the site development standards specified in MSB 17.28.060, and be in compliance with other applicable regulations as shown in MSB 17.28.040.

Section 4. Amendment of Subsection. MSB 17.28.050(A) is hereby amended as follows:

(A) The application for an [INTERIM MATERIALS DISTRICT] earth materials extraction permit shall include a site development plan. The site development plan shall include, but not be limited to the following, as required by the conditions of the site, and shall be consistent with the standards in MSB 17.28.060:

Section 5. Amendment of Subsection. MSB 17.28.060(A) is hereby amended as follows:

(A) Standards for the [INTERIM MATERIALS DISTRICT] earth materials extraction site development plan are as follows:

Section 6. Repeal of Section. MSB 17.28.080 is hereby repealed in its entirety:

[17.28.080 PROCEDURES FOR INITIATING AN INTERIM MATERIALS DISTRICT (IMD).

(A) AN INTERIM MATERIALS DISTRICT MAY BE

INITIATED ON A PROPERTY WHICH MEETS THE STANDARDS FOR DESIGNATION AS AN IMD BY:

(1) THE OWNER OF THE PROPERTY OR THEIR AUTHORIZED REPRESENTATIVE;

(2) THE DEPARTMENT OF PLANNING AND LAND USE UPON ITS OWN INITIATIVE;

(3) THE PLANNING COMMISSION, UPON ITS OWN MOTION; OR

(4) THE ASSEMBLY, UPON ITS OWN MOTION.

(B) THE APPLICANT FOR AN INTERIM MATERIALS DISTRICT DESIGNATION UNDER SUBSECTION (A) (1) OF THIS SECTION SHALL SUBMIT THE FOLLOWING TO THE DEPARTMENT OF PLANNING AND LAND USE:

(1) A COMPLETED APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT OF PLANNING AND LAND USE (INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED);

(2) A SITE DEVELOPMENT PLAN IN ACCORDANCE WITH MSB 17.28.050 AND 17.28.060;

(3) A FEE IN THE AMOUNT DESIGNATED IN MSB 17.99; AND

(4) A RECLAMATION PLAN IN ACCORDANCE WITH MSB 17.28.063.

(C) THE PLANNING COMMISSION SHALL CONDUCT AT

LEAST ONE PUBLIC HEARING PRIOR TO MAKING A RECOMMENDATION TO THE ASSEMBLY ON DESIGNATION OF AN INTERIM MATERIALS DISTRICT.

(1) THE PUBLIC HEARING SHALL BE HELD IN CONFORMANCE WITH MSB 15.04.016, AND NOTICE OF THE HEARING SHALL BE MADE PURSUANT TO THE STANDARDS OF MSB 17.03, EXCEPT THAT THE NOTIFICATION AREA WILL BE ONE MILE FROM THE EXTERIOR BOUNDARY OF THE SUBJECT PROPERTY.

(2) THE COMMISSION SHALL REPORT TO THE ASSEMBLY ON WHETHER THE APPLICANT HAS MET THE STANDARDS DELINEATED IN MSB 17.28.050 AND 17.28.060 AND WHAT EFFECT THE PROPOSED INTERIM MATERIALS DISTRICT WOULD HAVE ON THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE MATANUSKA-SUSITNA BOROUGH. THE COMMISSION IN ITS REPORT TO THE ASSEMBLY SHALL RECOMMEND TO THE ASSEMBLY APPROVAL, DENIAL, MODIFICATIONS, OR CONDITIONS OF APPROVAL FOR THE PROPOSED ACTION, AND SHALL INCLUDE FINDINGS ON THE FOLLOWING:

(A) WHETHER THE PROPOSED INTERIM MATERIALS DISTRICT IS COMPATIBLE WITH THE GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN;

(B) WHETHER THE PROPOSED INTERIM MATERIALS DISTRICT NEGATIVELY AFFECTS PUBLIC HEALTH, SAFETY OR GENERAL WELFARE; AND

(C) WHETHER THE PROPOSED INTERIM MATERIALS DISTRICT HAS MET THE SITE DEVELOPMENT STANDARDS OF THIS CHAPTER INCLUDING COMPLIANCE WITH ALL REQUIRED LOCAL, STATE, AND FEDERAL LAWS.

(D) THE ASSEMBLY SHALL REVIEW THE RECOMMENDATION OF THE PLANNING COMMISSION, HOLD A PUBLIC HEARING AND VOTE ON WHETHER TO DESIGNATE THE PROPOSED AREA AS AN INTERIM MATERIALS DISTRICT.]

Section 7. Repeal of Section. MSB 17.28.100 is hereby repealed in its entirety:

[(A) APPLICATIONS AND PROCEDURES FOR OBTAINING VARIANCES FROM STANDARDS OF THIS CHAPTER SHALL BE AS PRESCRIBED IN MSB 17.65.]

Section 8. Repeal of Section. MSB 17.28.120 is hereby repealed in its entirety:

[(A) APPLICATIONS AND PROCEDURES FOR OBTAINING A DEVELOPMENT PERMIT WITHIN ANY DESIGNATED SPECIAL FLOOD HAZARD AREA UNDER THIS CHAPTER SHALL BE AS PRESCRIBED IN MSB 17.29.]

Section 9. Repeal of Section. MSB 17.28.210 is hereby

repealed in its entirety:

[(A) FEES REQUIRED UNDER THIS CHAPTER WILL BE ESTABLISHED IN ACCORDANCE WITH MSB 17.99.]

Section 10. Amendment of Subsection. MSB 17.30.020(E) is hereby amended as follows:

(E) [AN OWNER OF 20 CONTIGUOUS ACRES] **Annual extraction of more than 2,000 cubic yards of earth materials on property that** [OR LESS WHERE EARTH MATERIALS EXTRACTION] has not been granted a permit or pre-existing legal nonconforming status as of the date of the enactment of this chapter is required to obtain a conditional use permit or administrative permit.

Section 11. Repeal of Paragraph. MSB 17.30.040(A)(1) is hereby repealed in its entirety:

[(1) THE CUMULATIVE CONTINUOUS ACTIVITY IS LESS THAN 40 ACRES IN SIZE;]

Section 12. Amendment of Section. MSB 17.30.050 is hereby amended as follows:

17.30.050 [CRITERIA TO QUALIFY FOR A CONDITIONAL USE PERMIT.] **PLANNING COMMISSION APPROVAL**

[(A) TO QUALIFY FOR A CONDITIONAL USE PERMIT, ALL OF THE FOLLOWING CRITERIA MUST BE MET:

(1) THE CUMULATIVE CONTINUOUS ACTIVITY IS LESS

THAN 40 ACRES IN SIZE; AND

(2) EXTRACTION ACTIVITIES MAY BE ONGOING.]

(B) The commission may set conditions of approval for issuance of the conditional use permit, as appropriate for the area in which the development is sited, for the following:

(1) setbacks (no less than minimum setback requirements as established in MSB 17.55; however, may be increased as appropriate for existing surrounding development);

(2) visual screening, noise mitigation, lighting restrictions and roads/access restrictions as appropriate for surrounding development and in accordance with development standards referenced in MSB 17.28.060, site development standards;

(3) road maintenance may be required of the permittee; and

(4) length of time of operation and location of batch plants.

Section 13. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

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**INTRODUCTION FOR PUBLIC HEARING
LEGISLATIVE**

Resolution No. 16-36

Amending MSB 8.45.010 Building and Construction

Adoption of Codes Section to Reflect International Codes

(Page 45 - 56)

INTRODUCTION FOR PUBLIC HEARING

DOCUMENT TRACKING REPORT

DOCUMENT: An Ordinance Amending MSB 8.45.010, Buildings And Construction; Adoption Of Codes Section To Reflect International Codes.

DATE	STATUS
8-17-16	referred to P.C. for 90 days - Due BACK
	to Assembly by 11-15-16

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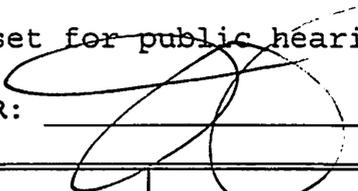
MATANUSKA-SUSITNA BOROUGH INFORMATION MEMORANDUM IM No. 16-154

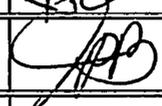
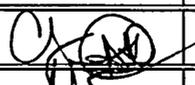
SUBJECT: AMENDING MSB 8.45.010 BUILDINGS AND CONSTRUCTION;
ADOPTION OF CODES SECTION, TO REFLECT INTERNATIONAL CODES.

AGENDA OF: AUGUST 16, 2016

ASSEMBLY ACTION:

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator - Emergency Services		
	Capital Projects Director		
	Public Works Director		
	Planning and Land Use Director		
	Community Development Director		
	Finance Director		
	Borough Attorney		
	Borough Clerk		8-8-16

ATTACHMENT(S): Fiscal Note: YES ___ NO X
Ordinance Serial No. 16-105 (3 pp)
Current 8.45.010(1pp)

SUMMARY STATEMENT:

The 1997 codes as currently referenced in MSB 8.45.010 were repealed September 15, 2001 by the state of Alaska for all lands within the State and replaced by the International Codes. MSB 8.45.010 has not been updated since the repeal by the State in 1997, and as such refers to code that is now more than 18 years out of date.

The International codes are a consensus type code that gets

updated every three years and by changing the codes to the state adopted codes, we stay in line with Alaska statute and the codes will be automatically updated when the state legislature makes their changes and adopts the newest international codes through the public process.

RECOMMENDATION OF ADMINISTRATION:

The administration recommends approval of the attached legislation, which will approve the proposed amendment to MSB 8.45.010 Building and Construction; Adoption of Codes.

8.45.010 ADOPTION OF CODES.

(A) The borough adopts by reference the following codes of technical regulation for buildings and structures which are constructed, improved, or modified by the borough:

- (1) Uniform Mechanical Code, 1997 Edition (including appendices thereto);
- (2) Uniform Building Code, 1997 Edition (including appendices thereto);
- (3) Uniform Plumbing Code, 1997 Edition (including appendices thereto);
- (4) National Electrical Code, 1997 Edition (including appendices thereto); and
- (5) Uniform Fire Code, 1997 Edition (including appendices thereto).

(Ord. 99-086, § 2, 1999; Ord. 94-001AM, § 8 (part), 1994)

Im 16-154
OR 16-105

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CODE ORDINANCE

Sponsored by:
Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-105**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 8.45.010 BUILDINGS AND CONSTRUCTION; ADOPTION OF CODES SECTION, TO REFLECT INTERNATIONAL CODES.

WHEREAS, the 1997 codes as currently referenced in MSB 8.45.010 were repealed September 15, 2001, by the state of Alaska for all lands within the State and replaced by the International Codes; and

WHEREAS, MSB 8.45.010 has not been updated since the repeal by the State in 1997, and as such refers to code that is now more than 18 years out of date; and

WHEREAS, the International codes are a consensus type code that gets updated every three years; and

WHEREAS, by changing the codes to the state adopted codes, we stay in line with Alaska statute and the codes will be automatically updated when the state legislature makes their changes and adopts the newest international codes through the public process.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 8.45.010 is hereby amended as follows:

(A) The borough adopts by reference the following codes for the [OF TECHNICAL] regulation of [FOR] buildings and structures which are constructed, improved, or modified by the borough:

(1) International Mechanical Code, as adopted by 13 AAC 50.023 [UNIFORM MECHANICAL CODE, 1997 EDITION (INCLUDING APPENDICES THERETO)];

(2) International Building Code, as adopted by 13 AAC 50.020 [UNIFORM BUILDING CODE, 1997 EDITION (INCLUDING APPENDICES THERETO)];

(3) Uniform Plumbing Code, as adopted by 08 AAC 63.010 [UNIFORM PLUMBING CODE, 1997 EDITION (INCLUDING APPENDICES THERETO)];

(4) National Electrical Code, as adopted by 08 AAC 70.025 [NATIONAL ELECTRICAL CODE, 1997 EDITION (INCLUDING APPENDICES THERETO)];

(5) International Fire Code, as adopted by 13 AAC 50.025 [UNIFORM FIRE CODE, 1997 EDITION (INCLUDING APPENDICES THERETO)];

(6) International Fuel and Gas Code, as adopted by 13 AAC 50.024.

Section 3. Effective date. This ordinance shall take effect

upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this -
day of -, 2016.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

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**PUBLIC HEARING
QUASI-JUDICIAL**

Resolution No. 16-29

**Knik Super Store CUP
Settlers Bay Lodge Subdivision
5721 S. Knik Goose Bay Road**

(Page 57 - 170)

PUBLIC HEARING

**KNIK SUPER STORE
LIQUOR PACKAGE STORE EXPANSION
CONDITIONAL USE PERMIT
PLANNING COMMISSION RESOLUTION 16-29**

STAFF REPORT



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department
Development Services Division
 350 East Dahlia Avenue • Palmer, AK 99645
 Phone (907) 861-7822 • Fax (907) 861-7876
 Email: PermitCenter@matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

File Number: 1770201600013

Applicant: RMB LLC

Property Owner: RMB LLC

Request: Planning Commission Resolution 16-29

 Request for the expansion of the Knik Super Store liquor package store conditional use permit in accordance with MSB Chapter 17.70 – Regulation of Alcoholic Beverage Uses

Location: Settlers Bay Lodge Subdivision, Lot 1; 5721 S. Knik Goose Bay Road; within Township 17 North, Range 2 West, Section 34, Seward Meridian; MSB Tax Account# 5633000L001

Size of Property: 1.21 acres

Public Hearing: October 3, 2016

Planning Commission Action: The planning commission shall conduct a public hearing and render a decision on the application for a conditional use permit

Reviewed By: Eileen Probasco, Planning & Land Use Director *EP*
 Alex Strawn, Development Services Manager *AS*

Staff: Susan Lee, Planner II *Susan*

Staff Recommendation: Approval, with conditions

EXECUTIVE SUMMARY

A conditional use permit application has been submitted for the expansion of the Knik Super Store liquor package store. The proposed expansion is 1,659 square feet in size. The existing liquor store is approximately 600 square feet in size, located within the existing 3,036 square foot convenience store building. After the expansion the entire building will be 4,695 square feet

in size. In 2009 a conditional use permit was approved for the Knik Super Store liquor package store.

A liquor package store or modification of an existing conditional use is only permitted upon the issuance of a conditional use permit. Unless this type of use is maintained under and in accordance with a lawfully issued permit, a package store is declared to be a public nuisance. Operation of such a land use without a permit is prohibited. The convenience store, fuel station and car wash do not require conditional use permits.

HISTORY

In 2009 a conditional use permit was approved for the operation of a package store at the Knik Super Store. In February 2016 the applicant started construction of an addition to the building. Code Compliance staff notified the owner that a conditional use permit was required for the expansion of the liquor package store. On July 7, 2016 the conditional use permit application for the expansion of the Knik Super Store liquor package store was submitted to the borough.

LAND USE

Existing Land Use:

The lot is currently developed with the Knik Super Store convenience store and liquor package store, fuel station, and car wash.

Surrounding Land Uses:

The property is located at the intersection of Knik Goose Bay Road and Settlers Bay Drive. Settlers Bay Lodge is located on the adjacent lot to the south. An urgent care building is under construction on the adjacent lot south of Settlers Bay Lodge. Across Settlers Bay Drive is mixed commercial development, including a post office and child care facility. A church is located across Knik Goose Bay Road. There are large residential developments to the north and south of this site.

The closest other liquor store is at Three Bears Alaska, about two miles north of this site on Knik Goose Bay Road.

COMPREHENSIVE PLAN

This property is located within the Knik-Fairview Comprehensive Plan planning area. The plan does not specifically address alcoholic beverage uses.

Overall Goal Statement:

The overall goal statement of the plan states that “Residents want any future commercial development to occur along the developed transportation corridor but they do not want to see commercial strip development.

Commercial Development:

The plan addresses commercial development and gives the following recommendations:

- Commercial uses/activities should be encouraged to cluster around existing commercialized and high traffic areas identified on the land use map.

- Commercial development may be conditionally permitted outside of these identified areas on a limited basis depending on compatibility with surrounding area.

The proposed development is within a commercialized and high traffic area identified on the comprehensive plan land use map.

Transportation:

A goal of the Knik-Fairview transportation plan is to “Provide a safe, efficient, and well-maintained transportation network that promotes safety for vehicular and pedestrian traffic, prevents congestion, and preserves the functions of roads.

When the Knik Super Store liquor package store conditional use permit was approved in 2009 the Borough Public Works Department stated that: siting the driveway directly across from the development to the east (across Settler’s Bay Drive) should allow vehicles to move through the area with relative ease since there is a common “decision point”. The existing driveway onto Settlers Bay Drive was approved by the Borough.

The proposed liquor store expansion meets the goals and recommendation of the Knik Fairview Comprehensive Plan.

This property is located within the Matanuska-Susitna Borough Comprehensive Plan (2005 Update) planning area. The plan does not specifically address alcoholic beverage uses. The comprehensive plan has land use goals and policies and some of the relevant ones for this proposed use are as follows:

- **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: Develop 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 developments 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: Develop and implement regulations that provide for non-residential development.

The proposed liquor package store meets the goals and recommendations of the comprehensive plan, as it is consistent with the existing development patterns.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

Finding: Notices were mailed to all property owners within Settlers Bay Lodge Subdivision and all property owners within 600 feet of the site. A total of 47 notices were

mailed. There were not any written comments submitted regarding this request. The public hearing notice was published in the August 10, 2016 *Frontiersman*. The application material was also posted on the Borough's web site. A notice was mailed to the Knik Fairview Community Council on July 25, 2016 and August 4, 2016. The community council did not have any objections to this request.

Section 17.70.100 Standards

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.*

Applicant Response: Yes. This application is for the expansion of the existing, approved Knik Super Store. The store as a commercial entity is compatible with the surrounding area and will add value to the surrounding area by improving the existing buildings to provide a modern neighborhood convenience store package store, fuel station and car wash. The business has been well received by the local community.

Finding: The properties immediately surrounding the site are commercial.

Finding: The permit request is to expand the existing liquor package store, which has been in operation since 2009.

Finding: The proposed expansion of the package store will provide additional conveniences to the community.

Finding: The nearest other operating package store is located at Three Bears, approximately two miles north of this site on Knik Goose Bay Road.

Finding: The building's exterior is similar to other commercial buildings in the area.

Finding: There are not any residences adjacent to this property.

Conclusions of Law: Based on the above findings and evidence in the record, 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)).

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

Applicant Response: No. The expansion will not be harmful to the public health, safety, convenience or welfare or have any negative effect upon other properties in the area.

Finding: The nearest package store is located at Three Bears, which is approximately two miles north of this site on Knik Goose Bay Road.

Finding: Knik Super Store has been in operation since 2009 and the borough has not received any complaints regarding its operation.

Finding: The borough has no record of complaints filed under MSB 8.40 Liquor License Referrals, against any existing liquor package stores in the area.

Finding: The nearest school is Goose Bay Elementary School, which is about 2.2 miles from this site. State regulations preclude package store licenses within 200 feet of a school.

Finding: The nearest church is located on the north side of Knik Goose Bay Road and is located more than 200 feet from this facility. This church was constructed after the Knik Super Store started operating. State regulations preclude package store licenses within 200 feet of a church.

Conclusions of Law: Based on the above findings and evidence in the record, this conditional use will not be harmful to the public health, safety, convenience and welfare (MSB 17.70.100(A)(1)(b)).

(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.

Applicant Response: Yes. Please see the attached and relevant plan set.

Finding: The lot is 1.21 acres in size.

Finding: The lot is located at the intersection of Knik Goose Bay Road and Settlers Bay Drive.

Finding: One of the conditions of approval for the Knik Super Store package store stated "The landscaped areas as indicated on the site plan must be maintained."

Finding: Landscaping has not been planted and/or maintained and some of the areas indicated as landscaping on the site plan have been paved.

Finding: A new landscaping plan has been submitted showing areas of the site that will be landscaped.

Finding: The convenience store building that the package store is located in is in compliance with borough setback requirements.

Finding: Customers enter the building through the same exterior door and there is a separate internal door into the liquor store.

Finding: There are separate cashier counters for the liquor store and convenience store.

Finding: The hours of operation for the liquor store are 9 a.m. to 3 a.m. seven days a week. The convenience store is open 24 hours a day.

Finding: Knik Super Store has been in operation since 2009 and there have not been any complaints filed with the borough regarding the package store operation.

Conclusions of Law: Based on the findings above and evidence in the record, 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 weigh 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.

Applicant Response: No. The other properties in the area will not be negatively affected by dust, noise, obtrusive advertising or glare. Paved areas will prevent and control dust. Please see the attached plan.

Finding: The parking lot is paved, which should control the dust.

Finding: There are building mounted lights around the exterior of the building and the fuel canopy also provides lighting for the site.

Finding: There is a building mounted sign advertising *Knik Super Store* above the door to the building and some smaller window signs in the liquor store area. There is also a free standing pole sign advertising the fuel prices.

Finding: 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 findings above and evidence in the record, 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.

Applicant Response: No. The current efficient flow of traffic and commercial activity of the surrounding area will continue and will not be negatively affected by the expansion.

Finding: The existing driveway on the northeast side of the lot has been permitted by the borough.

Finding: As conditions of approval for the driveway on the northeast side of the lot is that this driveway be posted with a sign stating “ENTER ONLY” on the east side and “NO EXIT” on the west side.

Finding: There is a common access area between Lots 1 and 2 where customers can also access the facility from a driveway off of Knik Goose Bay Road and a driveway on the southeast end of the lot off of Settlers Bay Drive.

Finding: The expansion of the package store should not greatly increase traffic in the area. Traffic will be similar to retail sales establishments generally permitted in the area.

Finding: According to the ITE Trip Generation Manual, 7th Edition, the convenience store and gas station would generate 156 trips during the peak P.M. hour and the expansion of the package store would generate 9 additional trips during the peak P.M. hour, increasing the traffic by less than 6%.

Conclusions of Law: Based on the findings above and evidence in the record, there should not be any 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 (MSB 17.70.100(A)(2)(b)).

(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.

Applicant Response: The expansion project was designed by local registered architect and local registered engineers. The existing structure and services have been well received by local residents. The expansion project will better serve the community. The plans demonstrate conscientious planning to prevent any negative affect on the surrounding area. The plans meet appropriate setbacks and adjacent properties are commercial.

Finding: The proposed expansion is to the liquor package store located within the existing convenience store.

Finding: The proposed use is in an area that is already developed with commercial uses.

Finding: There is a building mounted sign advertising *Knik Super Store* above the door to the building and some smaller window signs in the liquor store area. There is also a free standing pole sign advertising the fuel prices.

Finding: No new signage is proposed.

Finding: There are not any residences adjacent to this property.

Finding: The site is located at the intersection of Knik Goose Bay Road and Settlers Bay Drive.

Finding: There are building mounted lights around the exterior of the building and the fuel canopy also provides lighting for the site.

Finding: One of the conditions of approval for the Knik Super Store package store stated "The landscaped areas as indicated on the site plan must be maintained".

Finding: Landscaping has not been planted and/or maintained and some of the areas indicated as landscaping on the site plan have been paved.

Finding: A new landscaping plan has been submitted showing areas of the site that will be landscaped.

Finding: As conditions of approval for the driveway on the northeast side of the lot is that this driveway be posted with a sign stating "ENTER ONLY" on the east side and "NO EXIT" on the west side.

Finding: There is a common access area between Lots 1 and 2 where customers can also access the facility from a driveway off of Knik Goose Bay Road and a driveway on the southeast end of the lot off of Settlers Bay Drive.

Conclusions of Law: Measures are in place to reduce any negative effect upon adjacent and nearby properties, as the expanded package store is located within the convenience store, no new driveways, signage, or lighting is proposed, and there will be landscaping adjacent to Settlers Bay Drive and Knik Goose Bay Road (MSB 17.70.100(A)(2)(c)).

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

Applicant Response: Yes. There will be adequate parking onsite.

Finding: There will be 19 parking spaces and one handicapped accessible space.

Finding: There will be one parking space for every 234 square feet of floor area for the entire building.

Conclusion of Law: Based on the above findings and evidence in the record, adequate parking is being provided (MSB 17.70.100(A)(2)(d)).

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

Applicant Response: No. The expansion project will not present any unusual traffic patterns. The approved driveway permit is attached. Permit Number: PO8323.

Finding: As conditions of approval for the driveway on the northeast side of the lot is that this driveway be posted with a sign stating “ENTER ONLY” on the east side and “NO EXIT” on the west side.

Finding: Customers can also access the facility from a driveway off of Knik Goose Bay Road and a driveway on the southeast end of the lot off of Settlers Bay Drive, via the common access area between Lots 1 and 2.

Finding: No additional driveways are proposed.

Conclusion of Law: Based on the above findings and evidence in the record, access to the premise should not create an unreasonable traffic hazard (MSB 17.70.100(A)(2)(e)).

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

Applicant Response: No. The existing road system will not be overtaxed.

Finding: According to the ITE Trip Generation Manual, 7th Edition, the convenience store and gas station would generate 156 trips during the peak P.M. hour and the expansion of the package store would generate 9 additional trips during the peak P.M. hour, increasing the traffic by less than 6%.

Conclusion of Law: Based on the above findings and evidence in the record, traffic should not overtax existing road systems (MSB 17.70.100(A)(2)(f)).

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

Applicant Response: Yes. The use is compatible with the character of the surrounding neighborhood as the initial application for a Conditional Use Permit was submitted January 12, 2009. Since the opening of the package store and convenience store, local residents have embraced the services provided. The business has outgrown the existing structure through consumer demand. The building requires expansion to house all products to better serve the needs of the community.

Finding: The facility will be operating within an established commercial area that continues to expand and develop.

Finding: The proposed expansion is for a liquor package store that has been in operation since 2009.

Finding: There are not any residences adjacent to this property.

Conclusion of Law: Based on the findings above and evidence in the record, the proposed expansion of the liquor package store is compatible with the character of the surrounding neighborhood (MSB 17.70.100(A)(2)(g)).

(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.*

Applicant Response: No. RMB, LLC and its employees card every customer who attempts to purchase alcohol or tobacco products. In addition, all package store cashiers attend TAP class and hold TAP cards. The existing, approved package store has operated lawfully and will continue to do so. The expansion project will not affect the crime rate or incidents of alcohol related incidents in the area.

Finding: Staff obtained accident data for one square mile around the site for the years 2012 - 2013. During that time period there were 34 accidents in the area of which two were alcohol-related.

Finding: There is no information available to determine where the individuals involved in the alcohol-related accidents obtained the alcoholic beverages.

Finding: A package store does not serve liquor on the premises.

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

(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.*

Applicant Response: No. The applicant has successfully and lawfully owned and operated the Big Lake Super (package/liquor) Store since 2010.

Finding: The Alcoholic Beverage Control Board (ABC) has no record of violations by RMB LLC.

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

(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.*

Applicant Response: No. The applicant has been a contributing member of the community since the initial opening of the Knik Super Store. The applicant has

demonstrated credibility and competence in business practice since the opening of the Big Lake Super Store in 1995. The day-to-day operations have always reflected safe and courteous service to the members of the community.

Finding: 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.

Conclusion of Law: Based on evidence in the record, there is no information 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)).

STAFF RECOMMENDATIONS

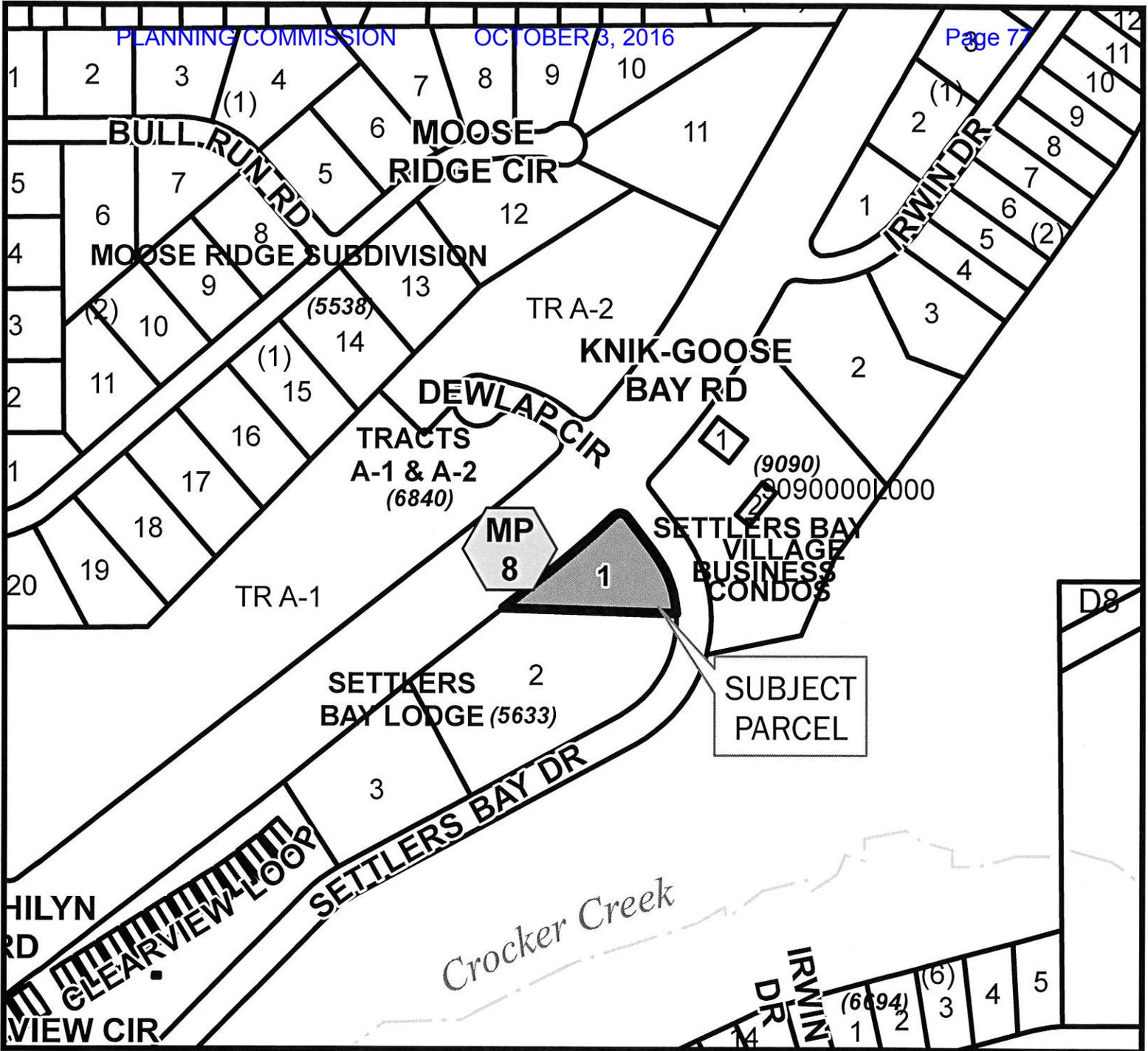
The applicant meets all the standards of MSB 17.70.100 and 17.70.110 and staff recommends approval of this permit with the following conditions:

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 as indicated on the site plan shall be planted and installed by August 1, 2017. The landscaping shall be maintained.

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

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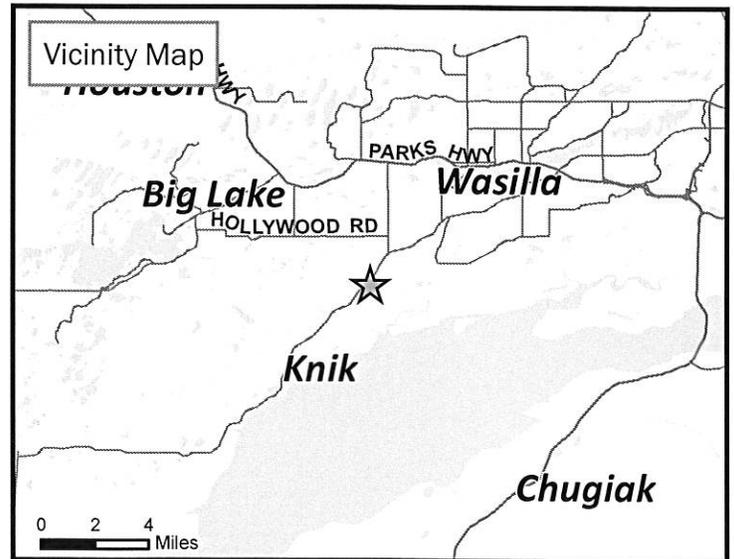
VICINITY MAP



5633000L001



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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SITE PLAN



SDCS, LLC
STEINER DESIGN & CONSTRUCTION SERVICES, LLC
5900 W. DEWBERRY DR. PH: (907) 357-5609
WASILLA, AK 99623 FAX: (907) 357-5608

SETTLERS BAY CAR WASH
LOT 1, SETTLERS BAY LODGE SUBDIVISION
S. SETTLERS BAY DRIVE WASILLA, ALASKA

BY	DATE	REVISIONS

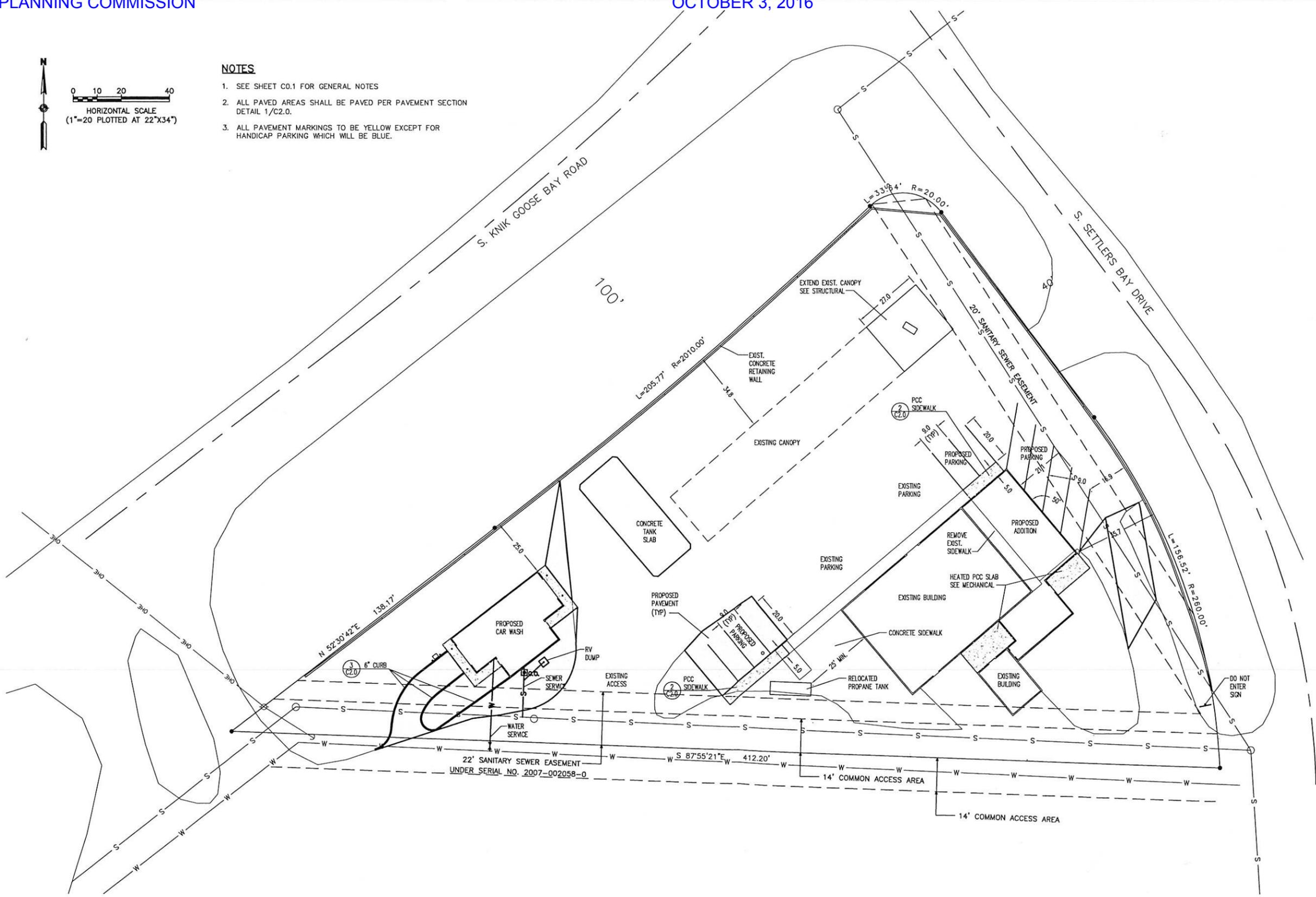
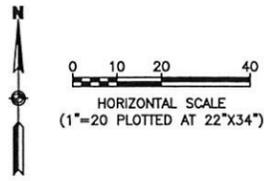
JOB NO.: 15-009
DATE: 5/26/2015
DRAWN: DES
REVIEWED: DES

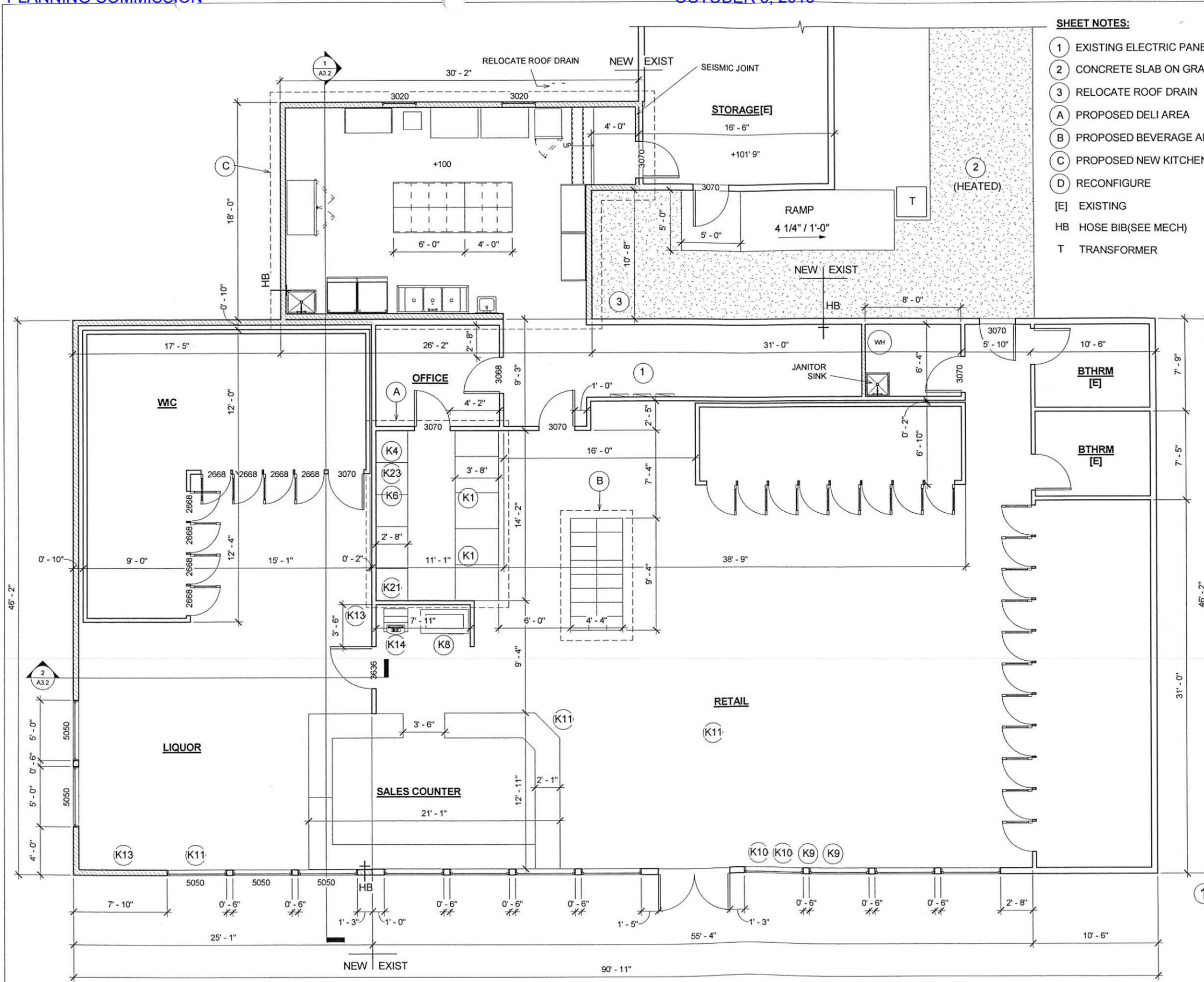
SHEET TITLE
SITE PLAN

SHEET
C1.0

NOTES

1. SEE SHEET C0.1 FOR GENERAL NOTES
2. ALL PAVED AREAS SHALL BE PAVED PER PAVEMENT SECTION DETAIL 1/C2.0.
3. ALL PAVEMENT MARKINGS TO BE YELLOW EXCEPT FOR HANDICAP PARKING WHICH WILL BE BLUE.





SHEET NOTES:

- 1 EXISTING ELECTRIC PANEL
- 2 CONCRETE SLAB ON GRADE
- 3 RELOCATE ROOF DRAIN
- A PROPOSED DELI AREA
- B PROPOSED BEVERAGE AREA
- C PROPOSED NEW KITCHEN
- D RECONFIGURE
- [E] EXISTING
- HB HOSE BIB(SEE MECH)
- T TRANSFORMER

EQUIPMENT LIST(NEW):

- (K0) STACKABLE WASHER/DRYER
- (K1) SUPERA-MODEL MTPT2R-1
- (K4) TAYLOR IC MACHINE MOD. 338-27
- (K17) PIZZA STATION
- (K19) BUNN COFFEE MAKER
- (K20) BUNN CAPPUCCINO MODEL IMIX-5S
- (K22) FREAL MACHINE MODEL SKF276
- (K23) FREAL FREEZER
- (K25) PEPSI MACHINE MODEL ED200-BCH

EQUIPMENT LIST(EXISTING):

- (K2) ICE MACHINE MANITOWOC MOD. B570
- (K3) SUPERA COOLER R2R-1
- (K5) SLUSH MACHINE-HARLANDS
- (K6) MICROWAVE 900W MOD.EM925ANF-P2, 1350WATTS
- (K7) NACHO CHEESE GEHLS SNGL HOTTOP
- (K8) DVD KIOSK
- (K9) DREYERS FREEZER MASTER BILT MOD. BLG-52HD
- (K10) HAAGAEN DAZ COOLER
- (K11) RED BULL REFUEL COOLER
- (K12) TRUE COOLER(LIQUOR)
- (K13) COKE COOLER(LIQUOR)
- (K14) ATM-TRITON
- (K15) DOUGH PRESS, DOUGH PRO MOD. DP1100A
- (K16) HOT STUFF OVEN-LINCOLN MOD. 1301-4
- (K18) UPRIGHT FREEZER IN KITCHEN
- (K21) DOUGH PRESS, DOUGH PRO MOD. DP1100A
- (K24) COKE MACHINE MODEL DF150BC



REV NO: XX DATE

SAJJ ARCHITECTURE, LLC
 SCOTT A. JONES 6375 KULIS DRIVE, ANCHORAGE, ALASKA 99502
 #907-440-6606 #907-258-6606 (FAX)

CHEVRON KNIK
 ADDITION/REMODEL
 KNIK, ALASKA

DR: KBK
 CK: SAJ
 DT: 12 JUNE 15
 JB: FRISM
 DWG:

1 FLOOR PLAN
 1/4" = 1'-0"
 SEE A1.1 FOR SF'S

"IIX17 DRAWINGS ARE HALF THE INDICATED SCALE"

* 23 JUNE 2015 * AK FM SUBMITTAL *

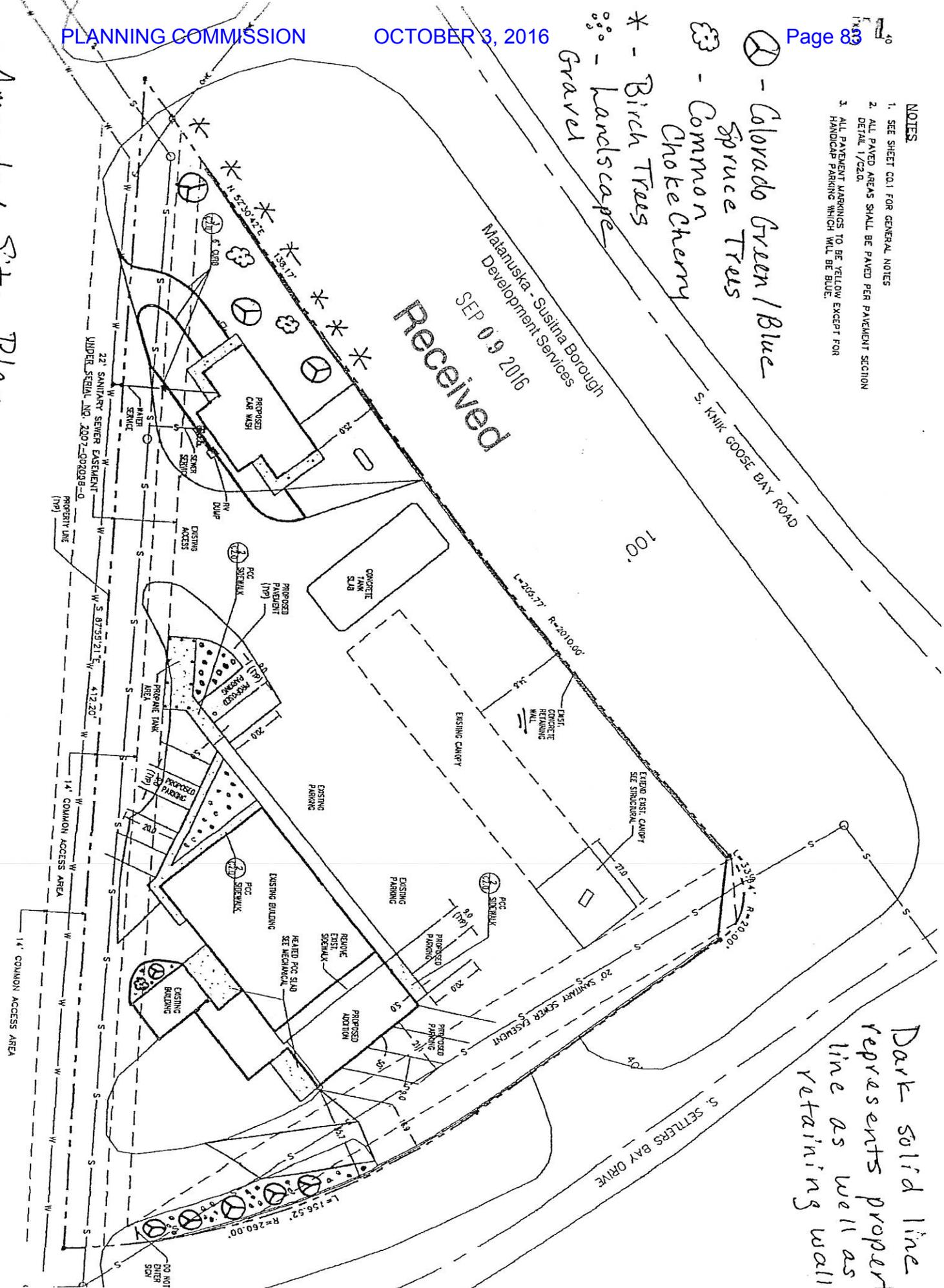
A2.1

- NOTES
1. SEE SHEET CO.1 FOR GENERAL NOTES
 2. ALL PAVED AREAS SHALL BE PAVED PER PAVEMENT SECTION DETAIL 1/1/20.
 3. ALL PAVEMENT MARKINGS TO BE YELLOW EXCEPT FOR HANDICAP PARKING WHICH WILL BE BLUE.

- ⊙ - Colorado Green / Blue Spruce Trees
- ☁ - Common Choke Cherry
- * - Birch Trees
- ⊙ - landscape Gravel

Received
 SEP 09 2016
 Malanaska - Susitna Borough
 Development Services

Amended Site Plan



Dark solid line represents property line as well as retaining wall.

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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) 861-7816

Email: permitcenter@matsugov.us

RECEIVED
JUL 07 2016

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

PERMIT CENTER

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
- X \$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: 02 W , Section: 34 , Meridian Seward
 MSB Tax Account # 5633000L001
 SUBDIVISION: Settler's Bay BLOCK(S): , LOT(S): 1
 STREET ADDRESS: 5721 S. Knik-Goosebay Road
 (US Survey, Aliquot Part, Lat. /Long. etc)

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
 RMB, LLC
 Address: P.O. Box 521115
 Big Lake, Alaska 99652
 Phne: Hm 892-7831 Fax 892-8165
 Wk 892-8000 Cell 982-4365
 E-mail supmark@mtaonline.net

Name of Agent/ Contact for application
 Jenna Lundy-Conner
 Address: P.O. Bo 521115
 Big Lake, Alaska 99652
 Phne: Hm 203-7713 Fax 892-8165
 Wk 892-8000 Cell 521-2768
 E-mail jlsagesse@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?	Attached
2. Will the granting of the conditional use permit be harmful to the public health, safety, convenience and welfare?	Atatched

3. Are sufficient setbacks, lot area, buffers and other safeguards being provided?	Yes
4. Is there any potential negative effect upon other properties in the area due to such factors as dust, noise, obtrusive advertising and glare?	No
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?	Attached
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?	Attached
7. Are there adequate parking facilities to accommodate a reasonably expected increased demand for parking created by issuing the permit?	Yes
8. Will access to the premises create an unreasonable traffic hazard?	No
9. Will a reasonably expected increase in traffic overtax the existing road system?	No
10. Is the use compatible with the character of the surrounding neighborhood?	Yes
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?	No
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 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?	No

Supplemental Information – Explain in Detail	Attached
1. Maximum occupancy capacity of facility as determined by Fire Marshall	158
2. Number of employees proposed to work on largest work shift.	10
3. Number of regular parking spaced provided.	19
4. Number of handicapped parking spaces provided.	1
5. Is the use a sole occupant in a building or a tenant in a building?	Yes
6. Total square footage of space in building occupied by this use.	1659 SF
7. Hours of operation.	9:00am-3:00am
8. Noise mitigation measures	Attached

SITE PLAN – Attach a detailed, to scale, site plan clearly showing the following information:	Attached
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.	Attached
2. Dimensions of all structures	Attached
3. Interior floor plans (specific location of the use or uses to be made of the development)	Attached
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.	Attached
6. Proposed contouring	Attached
7. Vegetation and any landscaping	Attached
8. Buffering – Fences, trees, topography, or berms	Attached
9. Drainage	Attached
10. Vehicular and pedestrian circulation patterns	
11. Exterior site lighting	Attached
12. Distance(s) to the nearest intersection in all directions from proposed permit site along roads adjacent to the site.	Attached
13. Location and dimensions of parking areas to be provided	Attached
14. Boundary protection	
15. Scale and north arrow.	Attached

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

MSB Tax parcel ID #(s) 5633000L001 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.

<u>Robert Button</u>	Robert M. Button	07/06/2016
Signature: Property Owner	Printed Name	Date
<u>Jenna Lundy-Conner</u>	Jenna Lundy-Conner	07/06/2016
Signature: Agent	Printed Name	Date

RMB, LLC

PERMIT CENTER

Application for a Conditional Use Permit

MSB 17.70 – Regulation of Alcoholic Beverage Uses

Basic and Supplemental Questions follow the Matanuska-Susitna Borough form for APPLICATION FOR A CONDITIONAL USE PERMIT REGULATION OF ALCOHOLIC BEVERAGE USES – MSB 17.70

Basic Information (questions 1 -13)

1. Yes. This application is for the expansion of the existing, approved Knik Super Store. The store as a commercial entity is compatible with the surrounding area and will add value to the surrounding area by improving the existing buildings to provide a modern neighborhood convenience store package store, fuel station and car wash. The business has been well received by the local community.
2. No. The expansion will not be harmful to the public health, safety, convenience or welfare or have any negative effect upon other properties in the area.
3. Yes. Please see the attached and relevant plan set.
4. No. The other properties in the area will not be negatively affected by dust, noise, obtrusive advertising or glare. Paved areas will prevent and control dust. Please see the attached plans.
5. No. The current efficient flow of traffic and commercial activity of the surrounding area will continue and will not be negatively affected by the expansion.
6. The expansion project was designed by a local registered architect and local registered engineers. The existing structure and services have been well received by local residents. The expansion project will better serve the community. The plans demonstrate conscientious planning to prevent any negative affect on the surrounding area. The plans meet appropriate setbacks and adjacent properties are commercial.
7. Yes. There will be adequate parking onsite.
8. No. The expansion project will not present any unusual traffic patterns. The approved driveway permit is attached. Permit Number: PO8323
9. No. The existing road system will not be overtaxed.
10. Yes. The use is compatible with the character of the surrounding neighborhood as the initial application for a Conditional Use Permit was submitted January 12, 2009. Since the opening of the package store and convenience store, local residents have embraced the services provided. The business has outgrown the



RMB, LLC
P.O. Box 52115, Big Lake, Alaska 99652

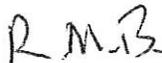
MSB Conditional Use Application

existing structure through consumer demand. The building requires expansion to house all products to better serve the needs of the community.

11. No. RMB, LLC and its employees card every customer who attempts to purchase alcohol or tobacco products. In addition, all package store cashiers attend TAP class and hold TAP cards. The existing, approved package store has operated lawfully and will continue to do so. The expansion project will not affect the crime rate or incidents of alcohol related incidents in the area.
12. No. The applicant has successfully and lawfully owned and operated the Big Lake Super (package/liquor) Store since 2010.
13. No. The applicant has been a contributing member of the community since the initial opening of the Knik Super Store. The applicant has demonstrated credibility and competence in business practice since the opening of the Big Lake Super Store in 1995. The day-to-day operations have always reflected safe and courteous service to the members of the community.

Supplemental Information (questions 1 -8)

1. Maximum Capacity: 158 as demonstrated on building plans and Fire Code Official's Certificate of Approval.
2. Number of employees proposed on largest shift: 10
3. Number of regular parking spaces provided: 19
4. Number of handicapped spaces provided: 1
5. The sole occupant of the building is RMB, LLC. The building will be partial use package store. The remainder of the building will be used as convenience store.
6. 1659 S.F.
7. 9:00 a.m. to 3:00 a.m.
8. As this is an expansion project, the noise generated will be of no substantial change from the original permit.


RMB, LLC
P.O. Box 52115, Big Lake, Alaska 99652

MSB Conditional Use Application

July, 5, 2016

To: Matanuska-Susitna Borough
Permit Department
350 East Dahlia
Palmer, Alaska 99654



PERMIT CENTER

Authority to Act as Agent

On the behalf of RMB, LLC, I appoint Jenna Lundy-Conner, P.O. box 521115, Big Lake, Alaska 99652 to act as my agent in the preparation and submission of this application for a Matanuska-Susitna Borough Conditional Use Permit.

I certify that submitted documents properly describe the business and expansion project for which a Conditional Use Permit is sought.

For instances where our authorized agent signs the application for certification on our behalf, I acknowledge that all responsibility for complying with the terms and conditions for certification, still resides with RMB, LLC, P.O. box 521115, Big Lake, Alaska 99652.

Dated this 5th of May, 2016.

By:

Signature: Robert Button

Printed Title: Managing Member; RMB, LLC

On behalf of: RMB, LLC

Telephone: 907- 982-4365

Agency agreement expiration date: May 5, 2017

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MATANUSKA-SUSITNA BOROUGH
Department of Emergency Services, District 1
Central Mat-Su Fire Department

Physical Address: 1911 S Terrace Court, Palmer
Mailing: 101 West Swanson Avenue • Wasilla, Alaska 99654
Phone (907) 861-8030 • Fax (907) 861-8157 • www.MatSuGov.US/FireCode



June 15, 2016



Shaun Campbell
Prism Design & Construction
P O Box 870162
Wasilla AK 99687

PERMIT CENTER

SUBJECT: Knik Super Store, Addition
FIRE SERVICE AREA: Central Mat-Su FSA
PLAN REVIEW: 2015-159
TYPE OF CONSTRUCTION: V-B
OCCUPANCY: M
2009 INTERNATIONAL BUILDING AND FIRE CODE

Dear Mr. Campbell:

Plans for the subject facility have been reviewed by this office for conformity with the State Fire Safety Regulations and are hereby approved as submitted. Enclosed is a certificate of approval that must be posted on the premises until completion of the above facility. **You are prohibited to occupy this building until construction is completed as approved. After completion of the construction you must schedule an certificate of occupancy inspection prior to opening.** Any changes to the approved plans must be submitted to this office for review and approval.

Approval of submitted plans is not approval of omissions or oversights by this office or noncompliance with any applicable regulations of the Municipal Government. The plans have not been reviewed for compliance with the federal Americans with Disabilities Act or structural requirements.

It must be understood that the inclusion of and compliance with State Fire Safety Regulations does not preclude the necessity of compliance with the requirements of local codes and ordinances.

If we can be of further assistance in this matter, please feel free to contact us at the address above.

Sincerely,

Richard D. Boothby
Fire Code Official

Enclosure

Central Mat-Su Fire Department

Wasilla-Lakes Fire Service Area No. 130 – District 1
 Dept of Emergency Services – Matanuska-Susitna Borough
 101 W Swanson Avenue, Wasilla, Alaska 99654



Plan Review #2015-159

Knik Super Store

New Construction/Addition Approval

This is to certify that the plans for this building were reviewed by Central Mat-Su Fire Department on June 15, 2016, for conformance with AS 18.70.010 – 100; 13 AAC 50.027. This certificate becomes invalid unless the work on the site is commenced within 180 days after issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the time work is commenced. An extension may be requested at the above mentioned address.

This certificate shall be posted in a conspicuous place on the premises listed above and shall remain posted until construction is completed. *Notice: Any changes or modifications to the approved plans must be resubmitted for review by the Central Mat-Su Fire Department.*



Authority: AS 18.70.080 & RS 06-054

Richard D. Boothby
 by Richard D. Boothby, Fire Code Official

MATANUSKA-SUSITNA BOROUGH PUBLIC WORKS DEPARTMENT

Application & Permit to Construct and Maintain Driveway on Public Right-of-Way

PERMITTEE'S NAME: Aurora Realstate LLC

PERMIT NO. (To be issued after final inspection approval)

MAILING ADDRESS: 1900 W. Northern Lights

TELEPHONE NO.: 907 344 5678

STREET NAME: SETTLERS BAY DR, 2514

SUBDIVISION NAME: Settlers Bay Lodge Subdivision

BLOCK/LOT NO.: 1

TAX ID: 55633000L001

EXPECTED COMPLETION DATE: 11-30-08 **

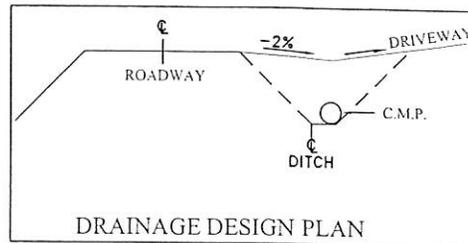
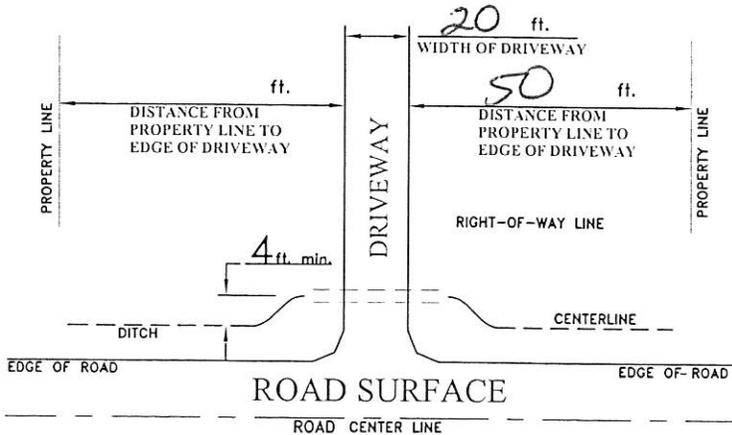
PLEASE COMPLETE SKETCH BELOW
Driveway must be installed in accordance with the below sketch and special conditions

RECEIVED JUL 07 2016

COPY

OFFICE USE ONLY
APPROVED FOR CONSTRUCTION YES NO DATE
Road Maintenance Superintendent
Right of Way Agent
TRACKING NO.: TO 9-140
IS CULVERT NEEDED?: YES NO
CULVERT LENGTH 40 FT. SIZE (I.D.) 36" IN.
CULVERT TYPE CMP DITCH DEPTH 66 IN.

This permit will be void if no work is accomplished by the expected completion date. Installation without a permit will be treated as an unauthorized encroachment.



ROAD SURFACE TYPE? GRAVEL PAVED
(Road the driveway is accessing onto)

SHOW NORTH ARROW, as it pertains to the right of way you are entering onto.

IF PAVED ROAD, APRON LENGTH TO BE 2' MINIMUM

The Permittee certifies that he/she is the owner, lessee, or authorized agent of the property, that the conditions, restrictions and regulations of the borough will be complied with and that he/she will maintain the driveway in accordance with the provisions on the reverse side of this permit.

SPECIAL CONDITIONS UPON APPROVAL:

Driveway is "ENTER ONLY" (westbound traffic). Paved surface to be 15 feet wide with signage on both sides of driveway. EB panels = "ENTER ONLY" WB PANELS = "WRONG WAY" OR "NO EXIT"

I certify that I have read the conditions on the back and that my proposed driveway complies with all conditions.

PERMITTEE: Signature of Permittee DATE OF APPLICATION: 9/29/08

PERMIT GRANTED BY: Doesn't say by who... Borough Representative DATE OF FINAL APPROVAL: 5/22/09
Notes in Spreadsheet & file say Approved.

Table with 2 columns: Fee Type and Amount. Rows: DRIVWAY APPLICATION FEE, PRIOR TO CONSTRUCTION (\$25.00), AFTER CONSTRUCTION BEGINS (\$50.00)

Tax Map #: 7016 Section #: 34 RSA #: 17
NO Charge yet
DATE PAID DATE SENT (To Permittee)
CHECK CK #
CASH IN FINANCE

908 323

CMP-7-6-4-3237
COMPLIANCE - Permits - Driveway - S 17N02W34
5633000L001 P08323

SCANNED

Susan Lee

From: Jenna Lundy <jlsagesse@gmail.com>
Sent: Friday, September 09, 2016 12:14 PM
To: Susan Lee
Subject: RE: Knik Super Store
Attachments: Amended Site Plan with Landscaping 9.9.16.pdf

Susan,

I used the updated site plan I received from Scott Yaskus and drew the new trees and existing trees on the plan. Please use this version of the Amended Site Plan.

Thank you,

Jenna Lundy-Conner
Project Manager
Nine-OH-Seven Corp.
jlsagesse@gmail.com
Cell: (907) 203-7713

From: Susan Lee [<mailto:Susan.Lee@matsugov.us>]
Sent: Tuesday, September 6, 2016 1:35 PM
To: Jenna Lundy <jlsagesse@gmail.com>
Subject: RE: Knik Super Store

Jenna:

I have discussed the landscaping issue with my supervisor Alex Strawn and the landscaping will need to be addressed.

MSB Code Section 17.70.080(B) *Site Plan*. Landscaping will need to be shown on the site plan.

MSB Code Section 17.70.100(A)(1(A) *Findings*. The planning commission must make findings that buffers are being provided.

MSB Code Section 17.70.100(A)(2)(c) *General Standards*. The planning commission must also make findings that the effectiveness of measures are in place by property line buffers and arterial buffers, planted berms, landscaping....in order to reduce any negative effect upon adjacent and nearby properties.

If the landscaping is not addressed there is the potential that the planning commission could deny the conditional use permit or conditions could be placed on the permit addressing the landscaping.

This information will need to be provided by the end of this week.

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

From: Jenna Lundy [<mailto:jlsagesse@gmail.com>]
Sent: Monday, August 29, 2016 11:16 AM
To: Susan Lee
Subject: Re: Knik Super Store

Hi Susan,

I am back on the job with the Knik Super Store and 907 Club CUP application process.

I visited the Knik Super Store site as I indicated to you that I would. In reviewing the property and speaking with Mr. Button. We are not sure where or how any new landscaping would benefit the location. Any trees or bushes planted could restrict line of sight for drivers. There is a lot of foot traffic due to the proximity to a residential area as well as other businesses nearby. We are concerned that bushes or evergreens could potentially create a hazard to both drivers and pedestrians.

Behind the store, there is a landscaped area with an evergreen tree. This area at this time has materials related to the new construction, these will be picked-up, removed and the area cleaned and maintained after construction is completed. The area between the car wash and Knik-Goosebay Road has natural flora, which we would prefer to keep rather than cutting down to replant non-native trees.

The property line between the store and Knik-Goosebay Road also has natural flora growing. Again, we prefer to encourage this natural growth of trees native to Alaska, rather than cut and replant with non-native trees.

There has been landscape gravel placed in strategic areas, as you would find in the lower forty-eight for areas where flora would be ill advised. I'm not sure if this had been completed on August 10th when your staff made a site visit.

Please do not hesitate to contact me if additional information is needed.

Have a great Monday!

Jenna

On Thu, Aug 11, 2016 at 11:32 AM, Susan Lee <Susan.Lee@matsugov.us> wrote:

Jenna:

One of the conditions of approval for the Knik Super Store package store stated "The landscaped areas as indicated on the site plan must be maintained". See the attached permit and site plan. Staff conducted a site visit on August 10, 2016 and it appears that landscaping has not been planted and/or maintained and some of the areas indicated as landscaping on the site plan have been paved.

Please provide a written description as to how the landscaping requirement will be addressed.

Susan

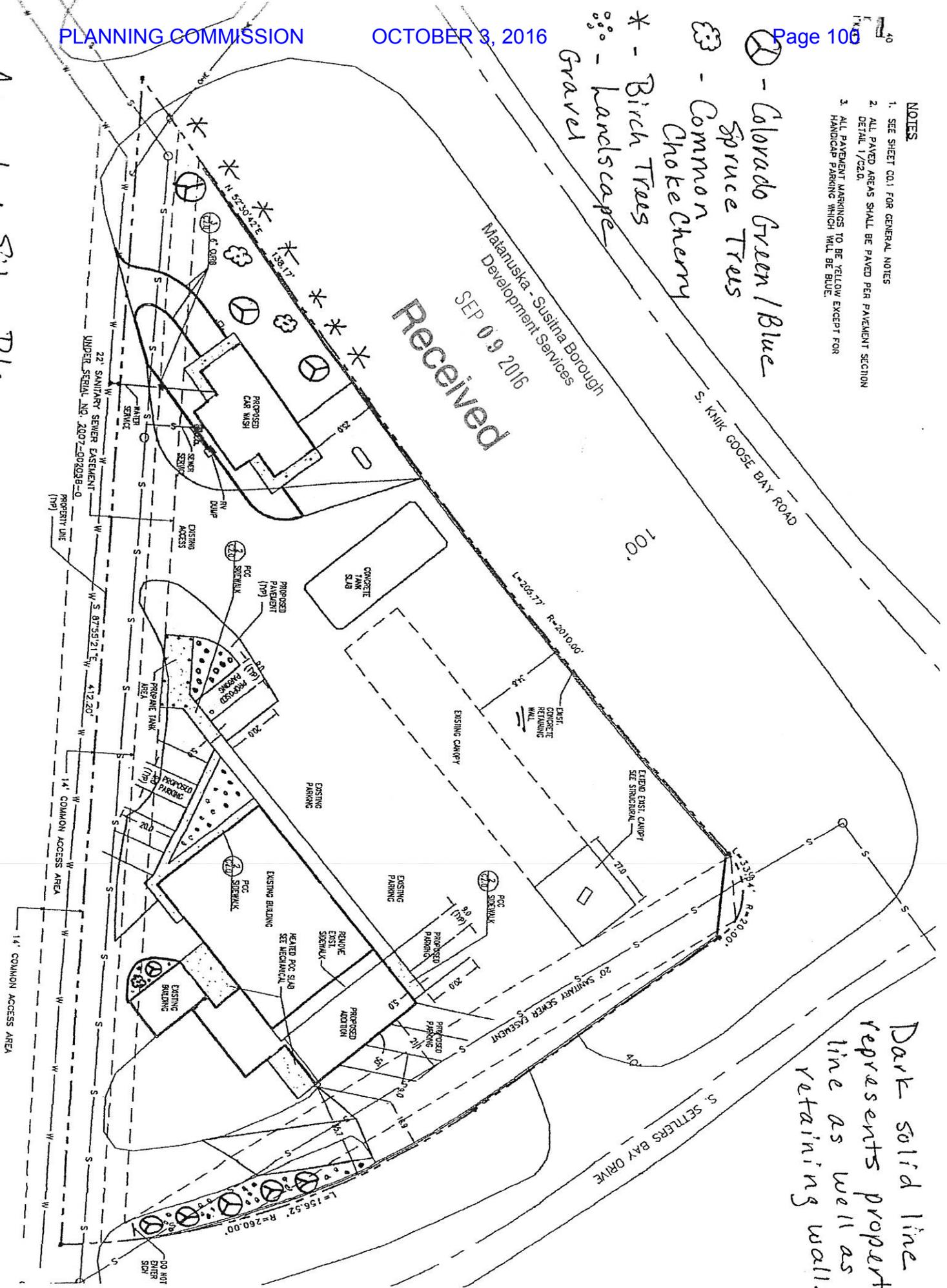
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- NOTES**
1. SEE SHEET C01 FOR GENERAL NOTES
 2. ALL PAVED AREAS SHALL BE PAVED PER PAYMENT SECTION DETAIL 1/250.
 3. ALL PAYMENT MARKINGS TO BE YELLOW EXCEPT FOR HANDICAP PARKING WHICH WILL BE BLUE.

- ⊗ - Colorado Green / Blue Spruce Trees
- ☁ - Common Choke Cherry
- * - Birch Trees
- ⊙ - Landscape Graves

Matanuska - Susitna Borough
Development Services
SEP 09 2016
Received

Amended Site Plan



Dark solid line represents property line as well as retaining wall.

SEP 09 2016

**Matanuska-Susitna Borough
Application for Conditional Use Permit**

Received

Supplemental Information Regarding Amended Site Plan per:

MSB Code Section 17.70.080(B) Site Plan. Landscaping will need to be shown on the site plan.

1. Please see the amended site plan.

MSB Code Section 17.70.100(A)(1(A) Findings. The planning commission must make findings that buffers are being provided.

1. As indicated on the Amended Site Plan, between the Southeast property line/retaining wall, there is a small strip of earth that is presently planted with five Colorado Blue Spruce trees. The trees are planted in a row with enough separation to allow for growth. These trees will be groomed. At this time, the ground cover is natural flora. The groundcover for this area will be landscape gravel.
2. There is an area Southwest of a building identified as "EXISTING BUILDING" on the site plan. There is presently a Colorado Blue Spruce tree planted in this area. In addition, a Common Chokecherry tree will be planted. The groundcover for this area will be landscape gravel.
3. The far Northwest corner, has an area suitable for planting trees that would serve as buffers. As indicated on the Amended Site Plan, three (3) Colorado Green/Blue Spruce will be planted as well as two (2) Common Chokecherry trees. The groundcover for this area will be landscape gravel. In addition, within the easement along this area of the property line, there is natural tree growth including beautiful Birch trees.

MSB Code Section 17.70.100(A)(2)(c) General Standards. The planning commission must also make findings that the effectiveness of measures are in place by property line buffers and arterial buffers, planted berms, landscaping....in order to reduce any negative effect upon adjacent and nearby properties.

1. As noted on the Amended Site Plan, the Northeast and East the property lines are bordered by a concrete retaining wall.
 - a. The Northeast and East side of the retaining wall, respectively, are bordered by the easement. Landscape materials, or flora, may not be planted in the easement.
 - b. The Southeast and West sides of the retaining wall are bordered by asphalt. The asphalt abuts the retaining wall. The asphalt is integral to the parking access and gasoline pumps. Therefore, flora may not be planted in this area.

- c. The far Northwest corner, has an area suitable for planting trees that would serve as buffers. As indicated on the Amended Site Plan, Three (3) Colorado Green/Blue Spruce will be planted as well as two (2) Common Chokecherry trees. The groundcover for this area will be landscape gravel. In addition, within the easement along this area of the property line, there is natural tree growth including beautiful Birch trees.
- d. The South property line borders an artery which is paved. The Knik Super Store asphalt adjoins the paved artery.

Matanuska - Susitna Borough
Development Services

SEP 09 2016

Received

Susan Lee

From: Susan Lee
Sent: Tuesday, September 06, 2016 1:35 PM
To: 'Jenna Lundy'
Subject: RE: Knik Super Store

Jenna:

I have discussed the landscaping issue with my supervisor Alex Strawn and the landscaping will need to be addressed.

MSB Code Section 17.70.080(B) *Site Plan*. Landscaping will need to be shown on the site plan.

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If the landscaping is not addressed there is the potential that the planning commission could deny the conditional use permit or conditions could be placed on the permit addressing the landscaping.

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Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

From: Jenna Lundy [<mailto:jlsagesse@gmail.com>]
Sent: Monday, August 29, 2016 11:16 AM
To: Susan Lee
Subject: Re: Knik Super Store

Hi Susan,

I am back on the job with the Knik Super Store and 907 Club CUP application process.

I visited the Knik Super Store site as I indicated to you that I would. In reviewing the property and speaking with Mr. Button. We are not sure where or how any new landscaping would benefit the location. Any trees or bushes planted could restrict line of sight for drivers. There is a lot of foot traffic due to the proximity to a residential area as well as other businesses nearby. We are concerned that bushes or evergreens could potentially create a hazard to both drivers and pedestrians.

Behind the store, there is a landscaped area with an evergreen tree. This area at this time has materials related to the new construction, these will be picked-up, removed and the area cleaned and maintained after construction is completed. The area between the car wash and Knik-Goosebay Road has natural flora, which we would prefer to keep rather than cutting down to replant non-native trees.

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Please do not hesitate to contact me if additional information is needed.

Have a great Monday!

Jenna

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Please provide a written description as to how the landscaping requirement will be addressed.

Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
[907-861-7862](tel:907-861-7862) (Direct Line)
[907-861-7876](tel:907-861-7876) (FAX)

Susan Lee

From: Jenna Lundy <jlsagesse@gmail.com>
Sent: Monday, August 29, 2016 11:25 AM
To: Susan Lee
Subject: Re: Knik Super Store

Hi Susan,

Thank you. I took a week off, it's been a busy summer (work wise) and I needed a week to get things done at my place. I am beginning to feel that fear that grips Alaskans when summer is almost over and we still have so much to do!

I will wait to hear from you after you speak to your supervisor. Do you know if the landscaping rock had been installed when your staff made their site visit?

Jenna

On Mon, Aug 29, 2016 at 11:20 AM, Susan Lee <Susan.Lee@matsugov.us> wrote:

Hi Jenna:

Glad to have you back. I will discuss the landscaping issue with my supervisor and get back to you. He will not be back in the office until next week so I won't have an answer until then.

Susan

Susan Lee

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Matanuska-Susitna Borough

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Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)

Susan Lee

From: Susan Lee
Sent: Monday, August 22, 2016 1:25 PM
To: supermark@mtaonline.net
Subject: FW: Knik Super Store
Attachments: Scan_20160811_110008.pdf

Hi Mark:

Please read the below e-mail that was previously sent to Jenna Lundy-Conner. You will need to provide information regarding the landscaping at the Knik Super Store. I would appreciate receiving this information no later than next Monday, August 29, 2016.

Thank you, Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

-----Original Message-----

From: Susan Lee
Sent: Thursday, August 11, 2016 11:32 AM
To: jlsagesse@gmail.com
Subject: Knik Super Store

Jenna:

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Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

Susan Lee

From: Jenna Lundy <jlsagesse@gmail.com>
Sent: Friday, August 19, 2016 8:27 PM
To: Mark Whisenhunt; Susan Lee
Cc: Robert Button
Subject: Kink Super Store and 907 Club CUP

Mr. Button would like any future questions regarding the Knik Super Store and 907 Club CUP directed to him. Mr. Button's number is: 892-7831.

I have enjoyed the process of learning the ins and out of the CUP application process. Thank you for your assistance.

Regards,

Jenna Lundy-Conner

892-7831

Susan Lee

From: Susan Lee
Sent: Thursday, August 11, 2016 12:50 PM
To: 'Jenna Lundy'
Subject: RE: Knik Super Store

The site plan/landscaping plan was part of the original application submittal.

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

From: Jenna Lundy [<mailto:jlsagesse@gmail.com>]
Sent: Thursday, August 11, 2016 12:39 PM
To: Susan Lee
Subject: Re: Knik Super Store

Susan,

Was this on the initial permit application? I wasn't part of that process, so I will need to familiarize myself with the initial application.

Let me review and get with Mark Button prior to a reply.

Thank you,

Jenna

On Thursday, August 11, 2016, Susan Lee <Susan.Lee@matsugov.us> wrote:
Jenna:

One of the conditions of approval for the Knik Super Store package store stated "The landscaped areas as indicated on the site plan must be maintained". See the attached permit and site plan. Staff conducted a site visit on August 10, 2016 and it appears that landscaping has not been planted and/or maintained and some of the areas indicated as landscaping on the site plan have been paved.

Please provide a written description as to how the landscaping requirement will be addressed.

Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

Susan Lee

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Please provide a written description as to how the landscaping requirement will be addressed.

Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

Susan Lee

From: Jenna Lundy <jlsagesse@gmail.com>
Sent: Wednesday, August 03, 2016 10:25 AM
To: Susan Lee
Subject: Re: Knik Super Store questions

Hi Susan,

The following answer is based on existing practice. The extension is presently unfinished, so there isn't a door that you enter through at this time. However, presently the set-up/practice that I describe below will be the set-up/practice when the extension is approved and finished.

The convenience store is open 24 hours per day. The liquor store has a door that you enter through by the cash registers. There is a sign on the door indicating the liquor store hours. Customers are stopped by cashier if they attempt entry when the liquor store is closed. The liquor store also has it's own cash register. This register is closed out by the cashier at 3am as part of the night shift closing duties. We print cashier reports daily that document when each register was closed. Customers may not exit the liquor store with product prior to paying for the product in the licensed area.

If I can answer any other questions, please let me know.

It's a beautiful day in Talkeetna, I hope you folks in Palmer are enjoying the same!

Jenna

On Wednesday, August 3, 2016, Susan Lee <Susan.Lee@matsugov.us> wrote:

Hi Jenna:

The application material states that the liquor store hours will be 9 am to 3 am. Are those the same hours for the convenience store?

Susan

Susan Lee

Planner II

Matanuska-Susitna Borough

907-861-7862 (Direct Line)

907-861-7876 (FAX)

SITE PHOTOGRAPHS



8/10/2016 10:07:02 AM



8/10/2016 10:07:07 AM



8/10/2016 10:07:12 AM



8/10/2016 10:07:37 AM



8/10/2016 10:08:17 AM



8/10/2016 10:09:09 AM



8/10/2016 10:10:36 AM



8/10/2016 10:10:39 AM



8/10/2016 10:10:45 AM



8/10/2016 10:12:33 AM



8/10/2016 10:12:37 AM



8/10/2016 10:12:40 AM



8/10/2016 10:17:52 AM



8/10/2016 10:17:57 AM



8/10/2016 10:18:27 AM



8/10/2016 10:19:01 AM

COMMENTS



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-8501 • Fax (907) 861-7876

www.matsugov.us • planning@matsugov.us

Matanuska - Susitna Borough
Development Services

AUG 25 2016

Received

MEMORANDUM

TO: Susan Lee, Planner II

FROM: Jessica Smith, Transportation Planner

DATE: August 23, 2016

SUBJECT: Trip Generation Data for Conditional Use Permit #177020160003

The following is a trip generation estimate for the proposed expansion of the Knik Super Store package (liquor) retail store at the intersection of Knik-Goose Bay Road and Settlers Bay Drive. This site also includes an existing convenience store and fuel station with gas pumps that separated from existing liquor store. The existing liquor store is 600 square feet and the existing convenience store is 2,436 square feet, resulting in a total existing 3,036 square feet of building on site. The proposed expansion of the liquor retail store is an additional 1,659 square feet.

The trip generation estimates provided are the for Peak P.M. Hour of the Generator and uses Weighted Trip Generation Rates and the User's Guide of the ITE Trip Generation Manual, 7th Edition. Please note that a package (liquor) store or combination of convenience market, gas pumps and attached liquor store is not a specific Land Use Code in the ITE manual. For the purposes of this estimate, a "Specialty Retail Center (ITE Land Use Code 814) is used in combination with the "Convenience Market with Gas Pumps (ITE Land Use Code 853)" dataset.

Convenience Market with Gas Pumps (ITE Land Use Code 853)

Assumptions for Existing Convenience Market with Gas Pumps Trip Estimates:

- Average Vehicle Trip Ends per 1000 sq. ft. Gross Floor Area (GFA)
- Weekday P.M. Peak Hour of Generator
- Weighted Trip Generation Rate (Average Rate) = 62.57
- Convenience Market GFA = 2,436 sq. ft
- Estimated Trips (T) = Average Rate x (GFA/1,000)

$$T = (62.57) \times (2,436/1,000) = 152.4$$

Estimated Trip Ends for the Peak P.M. Hour for ITE Land Use Code 853 = 153



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department
 350 East Dahlia Avenue • Palmer, AK 99645
 Phone (907) 861-8501 • Fax (907) 861-7876
 www.matsugov.us • planning@matsugov.us

Matanuska - Susitna Borough
 Development Services

AUG 25 2016

Received

Specialty Retail Store (ITE Land Use Code 814)

Assumptions for Existing Liquor Store Trip Estimates:

- Average Vehicle Trip Ends per 1000 sq. ft. Gross Floor Area (GFA)
- Weekday P.M. Peak Hour of Generator
- Weighted Trip Generation Rate (Average Rate) = 5.02
- Convenience Market GFA = 600 sq. ft
- Estimated Trips (T) = Average Rate x (GFA/1,000)

$T = (5.02) \times (600/1,000) = 3.0$

Estimated Trip Ends for the Peak P.M. Hour for ITE Land Use Code 853 (Current Square Footage) = 3

Assumptions for Proposed Liquor Store with Expansion Trip Estimates:

- Average Vehicle Trip Ends per 1000 sq. ft. Gross Floor Area (GFA)
- Weekday P.M. Peak Hour of Generator
- Weighted Trip Generation Rate (Average Rate) = 5.02
- Convenience Market GFA = 2,259 sq. ft
- Estimated Trips (T) = Average Rate x (GFA/1,000)

$T = (5.02) \times (2,259/1,000) = 11.3$

Estimated Trip Ends for the Peak P.M. Hour for ITE Land Use Code 853 (Proposed Expansion of Square Footage) = 12

Total Trip Ends Estimated per Weekday Peak P.M. Hour of Generator(s) with Current Square Footage = 156

Total Trip Ends Estimated per Weekday Peak P.M. Hour of Generator(s) with Proposed Expansion of Liquor Store = 165

According to this estimate, it is expected that an expanded Specialty Retail Center with square footage increased by 1,659 square feet, such as the proposed package (liquor) store, will generate **an additional 9 trip ends, increasing traffic by less than 6%** of the total traffic for the peak P.M. hour for a Convenience Market with Gas Pumps.

Susan Lee

From: Theresa Taranto
Sent: Thursday, August 04, 2016 2:40 PM
To: Susan Lee
Subject: RE: Knik Super Store

FIRM 8065, X Zone
Open case GC20160006 since 2/11/16, Kendra Johnson CCO

Thanks,

Theresa Taranto
Development Services
Administrative Specialist

Mat-Su Borough
350 E Dahlia Ave.
Palmer, Alaska 99645
907-861-8574

From: Susan Lee
Sent: Monday, July 25, 2016 1:07 PM
To: allen.kempen@alaska.gov; kevin.vakalis@alaska.gov; tucker.hurn@alaska.gov; melanie.nichols@alaska.gov; mearow@matanuska.com; rglenn@mta-telco.com; Michelle Wagner; Richard Boothby; Elizabeth Weiant; Michael Weller; Art Godin; Nicole Wilkins; Theresa Taranto; Jessica Smith; Andy Dean; Permit Center; Dan Mayfield
Subject: Knik Super Store

A conditional use permit application under MSB 17.70 – Regulation of Alcoholic Beverage Uses, has been submitted for the expansion of the Knik Super Store liquor package store. The Planning Commission will conduct a public hearing on this request October 3, 2016. Please review and submit any comments you may have to me by August 26, 2016. If we do not receive comments from you we will assume you have no objections to the proposed project.

If you have any questions or require additional information please let me know.

Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

Susan Lee

From: Richard Boothby
Sent: Monday, July 25, 2016 1:27 PM
To: Susan Lee; allen.kemplen@alaska.gov; kevin.vakalis@alaska.gov; tucker.hurn@alaska.gov; melanie.nichols@alaska.gov; mearow@matanuska.com; rglenn@mta-telco.com; Michelle Wagner; Elizabeth Weiant; Michael Weller; Art Godin; Nicole Wilkins; Theresa Taranto; Jessica Smith; Andy Dean; Permit Center; Dan Mayfield
Cc: James Steele; Bill Gamble; Michelle Wagner
Subject: RE: Knik Super Store

The Fire Code Office has reviewed this project and it meets the requirements of the Matanuska-Susitna Boroughs and State of Alaska Fire and Life Safety codes. We have not been contacted by the applicant for a certificate of occupancy certification inspection so it is still under construction. Also there is a typo in the documentation provided in that the reported occupant load for the building is 158 occupants, the correct occupant load is 104 occupants. The Central Mat-Su FSA and DES has no objections.

Richard Boothby

Fire Code Official
DES | Central Mat-Su Fire Department
907-861-8030

From: Susan Lee
Sent: Monday, July 25, 2016 1:07 PM
To: allen.kemplen@alaska.gov; kevin.vakalis@alaska.gov; tucker.hurn@alaska.gov; melanie.nichols@alaska.gov; mearow@matanuska.com; rglenn@mta-telco.com; Michelle Wagner; Richard Boothby; Elizabeth Weiant; Michael Weller; Art Godin; Nicole Wilkins; Theresa Taranto; Jessica Smith; Andy Dean; Permit Center; Dan Mayfield
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Susan

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Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department
Development Services Division
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822 • Fax (907) 861-7876
Email: PermitCenter@matsugov.us

Matanuska - Susitna Borough
Development Services

July 25, 2016

AUG 16 2016

Received

Alcohol & Marijuana Control Board
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

SUBJECT: Matanuska-Susitna Borough Permit for Alcoholic Beverage Uses

The Matanuska-Susitna Borough, Planning Department, received an application for an Alcoholic Beverage Uses Conditional Use Permit from Knik Super Store for the expansion of the liquor package store (See attached map)

Section 17.70.110 of the Borough Code requires that we determine if the applicant(s) or person(s) with an interest in the application had an interest in a liquor license which was suspended or revoked in the twelve months preceding the application.

We would appreciate receiving this information ten (10) days from receipt of this letter. This information will be provided to the Planning Commission for their review. Please fill in the information request and return this notice to the Matanuska-Susitna Borough, Development Services Division, 350 E. Dahlia Avenue, Palmer, AK, 99645 or slee@matsugov.us. Attach additional pages if required.

Sincerely,

Susan Lee (handwritten signature)

Susan Lee
Planner II

ALCOHOLIC BEVERAGE CONTROL BOARD REVIEW

DATE: 08/15/2016 APPLICATION: Package Store License #4889

NO COMMENT

COMMENTS: Package store license #4889 issued to RMB, LLC at 5721 S Knik Goose Bay Road has not been suspended or revoked in the past 12 months

SIGNATURE: Sarah D. Oates POSITION Program Coordinator

Additionally, license #3505 Big Lake Super Liquor, owned by RAMP, Inc. with the same shareholder, has not been suspended or revoked in the preceding 12 months

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Susan Lee

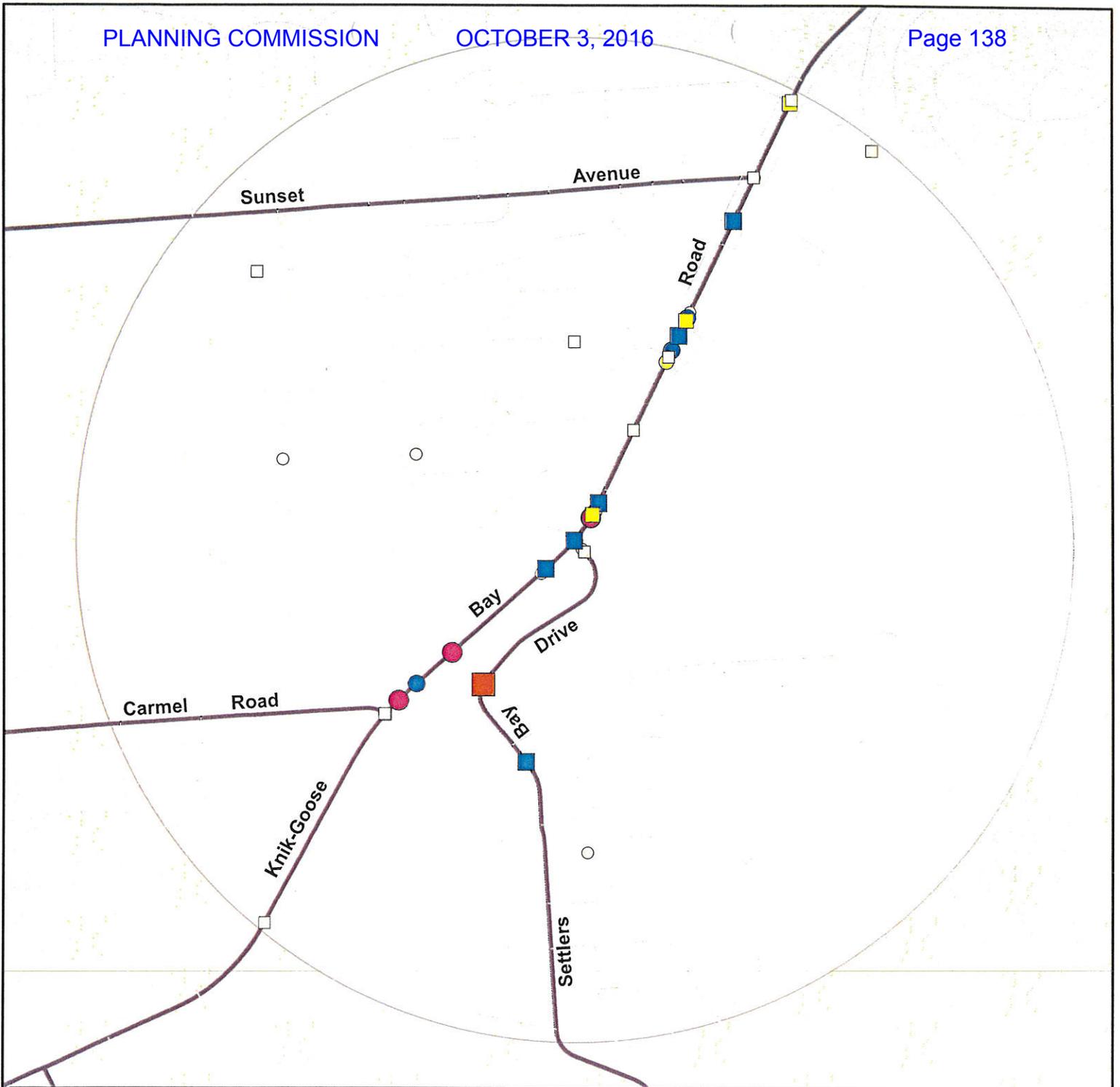
From: Knowles, Jon W (DOT) <jon.knowles@alaska.gov>
Sent: Tuesday, August 02, 2016 6:42 PM
To: Susan Lee
Cc: Michael Weller
Subject: Knik Goose Bay and Settlers Bay - Crash Map and List
Attachments: Knik Goose Bay and Settlers Bay_1 mile radius crash map.pdf; Knik Goose Bay and Settlers Bay_1 mile radius crash list.xlsx

Susan,

Attached is a map and list of crashes within a one mile radius of Knik Goose Bay and Settlers Bay.

Jon Knowles, P.E.

Alaska Department of Transportation & Public Facilities
Central Region | Traffic and Safety
Highway Safety Improvement Program
(907) 269-0643



Knik Super Store

Intersection of Knik-Goose Bay Road
and Settlers Bay Drive
1-mile buffer from intersection

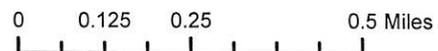
August 2, 2016

Prepared By The
ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
DIVISION OF INFORMATION SYSTEMS & SERVICES

In Cooperation With
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Legend

2012		2013	
○	No Apparent Injury	□	No Apparent Injury
●	Possible Injury	■	Possible Injury
●	Suspected Minor Injury	■	Suspected Minor Injury
●	Suspected Serious Injury	■	Fatality



CDS_NUM	MPT	CRASH_NUM	CRASH_DATE	STREET
170044	7.7166	201271086	1/6/2012	KNIK-GOOSE BAY HIGHWAY
170044	7.619	201203110	1/9/2012	
	0	201201397	1/16/2012	6980 Buckner Place
170044	8.0757	201272352	2/15/2012	KNIK GOOSE BAY ROAD
170074	0	201203417	3/7/2012	SUNSET AVE
170099	0.5891	201271128	3/13/2012	SETTLER'S BAY DR.
170099	0.5938	201300868	3/13/2012	SETTLERS BAY DRIVE
	0	201200865	3/14/2012	KATHILYN ROAD
170044	7.7288	201204688	5/17/2012	
170044	8.1326	201271234	5/17/2012	KNIK GOOSE BAY ROAD
170044	8.2269	201272150	9/21/2012	KNIK GOOSE BAY
170044	8.4668	201204687	11/11/2012	
	0	201205013	12/25/2012	Jabez Lane
170044	7.8801	201365625	1/9/2013	KNIK-GOOSE BAY ROAD (CDS ROUTE 170044)
	0	201365251	1/29/2013	WEST LEOPOLD LOOP
170044	7.4162	201302748	1/30/2013	KNIK GOOSE BAY ROAD
170044	8.0684	201367417	2/7/2013	Knik-Goose Bay Road
170044	7.6708	201303142	3/18/2013	W. KNIK GOOSE BAY ROAD
170099	0.4059	201301130	3/19/2013	S SETTLER'S BAY DRIVE
	0	201303234	3/28/2013	NECIA ROAD
170044	7.155	201303272	4/6/2013	KNIK GOOSE BAY RD
170044	8.65	201303268	4/6/2013	KNIK GOOSE BAY ROAD
	0	201303336	4/15/2013	OUTRIGGER DRIVE
170140	2.6059	201303560	5/18/2013	WEST CARMEL ROAD
170044	8.2132	201303460	5/18/2013	KNIK GOOSE BAY ROAD
170044	8.0422	201303816	7/14/2013	KNIK GOOSE BAY RD
170044	8.1324	201304344	9/22/2013	KNIK GOOSE BAY ROAD
170044	7.6372	201304558	10/25/2013	KNIK GOOSE BAY ROAD MILE 7.5
170044	7.7182	201368193	11/9/2013	KNIK-GOOSE BAY ROAD
170044	9.1335	201366383	11/19/2013	KNIK GOOSE BAY
170044	7.1475	201366771	12/10/2013	KNIK-GOOSE BAY ROAD (CDS ROUTE 170044)
170044	8.1348	201373089	12/23/2013	KNIK-GOOSE BAY ROAD (CDS ROUTE 170044)
170099	0.0298	201395257	12/23/2013	S SETTLERS BAY DRIVE
170074	0.0012	201366693	12/25/2013	SUNSET AVENUE (CDS ROUTE 170074)

Total crashes

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Knik Fairview Community Council

A Non-Profit Corporation

William Kendig, President
PO Box 877291
Wasilla, AK 99687

August 18, 2016

Susan Lee, Planner II
Matanuska-Susitna Borough
Planning and Land Use Department
Development Services
350 E Dahlia Ave
Palmer, AK 99645

Matanuska - Susitna Borough
Development Services

SEP 14 2016

Received

Dear Ms. Lee,

At the August 3, 2016 Member Meeting of the Knik Fairview Community Council the borough application dated July 25, 2016 for the Conditional Use Permit for the Knik Superstore expansion of the liquor package store was discussed. There were no objections to the expansion by any members present.

At that meeting a motion was made, seconded, and passed unanimously by the Board of Directors to send this letter of non-objection regarding the aforementioned application.

Sincerely,



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MAPS



Legend

- Knik Super Store
- Roads
- Parcels
- Residential
- Commercial
- ✂ Industrial
- Public
- Agricultural
- Recreational



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.

Development Services
September 20, 2016

1 inch = 200 feet

0 200 400 Feet

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2009 CONDITIONAL USE PERMIT



**Planning and Land Use Department
Planning Division**

350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 745-9833 • Fax (907) 745-9876
Email: planning@matsugov.us

**MATANUSKA-SUSITNA BOROUGH
ALCOHOLIC BEVERAGE USES
CONDITIONAL USE PERMIT 177020090001**

Pursuant to MSB 17.70, the Planning Commission of the Matanuska-Susitna Borough granted this permit on April 20, 2009 by approval of Planning Commission Resolution No. 09-21

THIS PERMIT IS ISSUED TO:

RMB, LLC dba Knik Super Store

This permit recognizes the right of the permittee or his lawful successor-in-interest to operate and use the following described premises:

T.R.S.M: Township 17 North, Range 2 West, Section 34, Seward Meridian
LOCATION: Lot 1, Settlers Bay Lodge

For the following use: Operation of a liquor package store

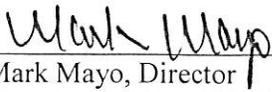
in conformance with the approved application and site plan, a copy of which is attached hereto, and the conditions specific to Planning Commission Resolution No. 09-21.

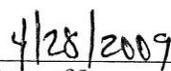
This permit grants no additional rights to the holder of this permit other than the identification of a use which has been determined by the Borough to be authorized under MSB 17.70.

This permit does not constitute a license from the Alcoholic Beverage Control Board. The permittee is required to comply with all applicable Alaska Statute provisions and all conditions of any license issued thereunder.

The violation of any conditional of approval of this permit of Federal, State, or Matanuska-Susitna Borough laws governing the permitted use may constitute grounds for revoking this permit or for other actions or penalties authorized by law. No use is permitted by this permit other than as specifically described, including all conditions and terms of this permit.

This permit may be appealed within 21 calendar days of the date of approval by the Planning Commission in accordance with MSB 15.39 Board of Adjustment and Appeals.


Mark Mayo, Director
Planning and Land Use Department


Date of Issuance

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MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 09-21

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A LIQUOR PACKAGE STORE, KNOWN AS KNIK SUPER STORE, ON 5751 SOUTH KNIK GOOSE BAY ROAD.

WHEREAS, an application has been received for a conditional use permit under MSB 17.70 for the operation of a liquor package store on 5751 South Knik Goose Bay Road; 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 site is located at the intersection of Knik-Goose Bay Road and Settler's Bay Drive; and

WHEREAS, The properties immediately surrounding the proposed use are commercial; and

WHEREAS, the proposed use meets the goals and recommendations of the Knik-Fairview comprehensive plan; and

WHEREAS, the building's exterior is similar to other commercial buildings within the area; and

WHEREAS, The borough has no record of complaints filed under MSB Code 8.40 - Liquor License Referrals, against any existing liquor package stores in the area. The closest liquor package store is located four miles away from the site. The borough has not received any comments from the public opposing the issuance of this permit; and

WHEREAS, no evidence has been submitted that the use will be

harmful to the public health, safety, or welfare if operated in accordance with State alcohol laws and with Borough regulations; and

WHEREAS, based on the site plan submitted with the application material, the proposed facility meets Borough setback requirements. The property is bordered by Knik-Goose Bay Road on the north and Settler's Bay Drive on the east. The lot is 1.21 acres in size. The site plan indicates areas on the property that will be landscaped; and

WHEREAS, the lot will be paved or with ground cover to prevent dust. The building will have a canopy designed to distribute lighting efficiently along the areas need for refueling. The canopy lighting is designed to minimize glare upon the highways and adjacent properties; and

WHEREAS, there will be no noise producing equipment outside the facility; and

WHEREAS, there will be abundant landscaping measures that include the use of lawn cover, shrubbery, trees and underground sprinkler systems; and

WHEREAS, the site plan proposes adequate parking and vehicle maneuverability; and

WHEREAS, the Borough Department of Public Works has stated that if driveways are constructed as recommended, the operation will not create an unreasonable traffic hazard; and

WHEREAS, the traffic generation falls below the trigger threshold for a traffic impact analysis and is not required; and

WHEREAS, the liquor store will be located within the convenience store. The proposed use will be compatible with and will not adversely affect the surrounding neighborhood; and

WHEREAS, there is no evidence that the location of a package store at this location will increase the crime rate in the area or increase alcohol-related accidents. A package store does not serve liquor on the premises; and

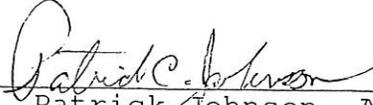
WHEREAS, the Alcoholic Beverage Control Board (ABC) has no record of violations by RMB, LLC; and

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; and

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

1. The use must comply with all other applicable federal, state, and local regulations.
2. If the liquor operation expands or alters, an amendment to the conditional use permit shall be required.
3. Driveway permits shall be obtained from the Matanuska-Susitna Borough Department of Public Works for access to all existing driveways within the property.
4. The landscaped areas as indicated on the site plan must be maintained.
5. Lighting must not shine onto adjacent properties or roadways.

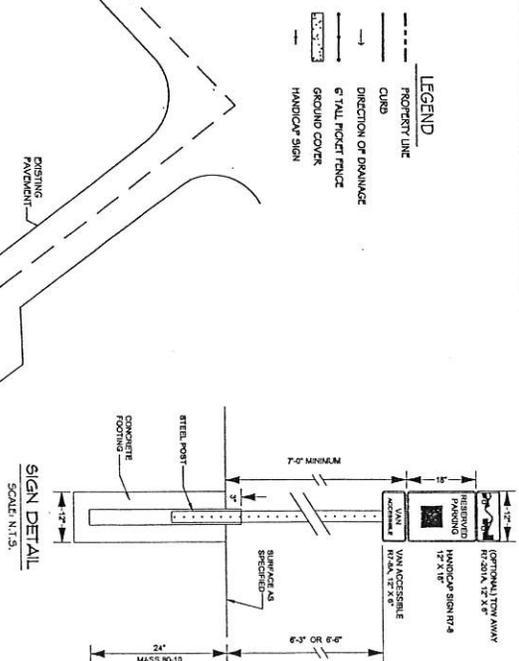
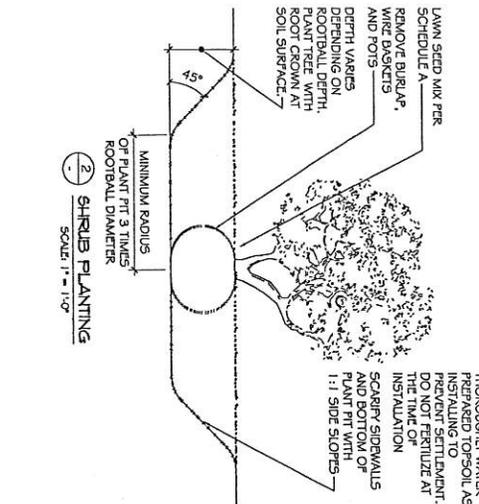
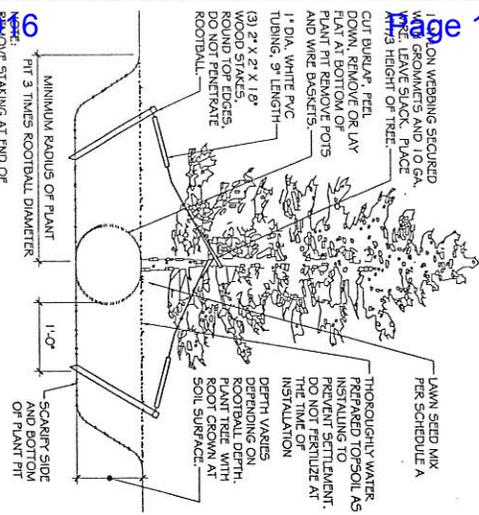
ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 20th day of April, 2009.


Patrick Johnson, Acting Chair

ATTEST:


JUDY E. THOMPSON, Planning Clerk

(SEAL)



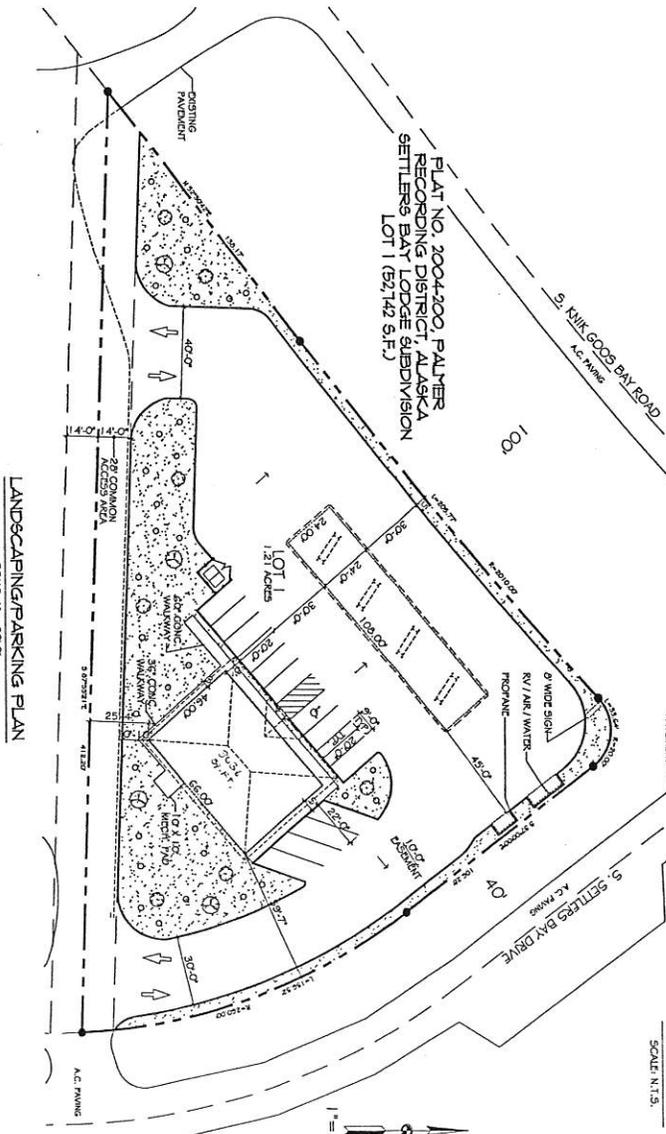
LAWN SEED MIX: SCHEDULE A
APPLICATION RATE: 3 LBS / 1000 SF
SCALE: 1" = 1'-0"

PLANT NAME	PROPORTION BY WEIGHT	PURITY	GERMINATION
MINIUMAL RYEGRASS	5%	90%	65%
MINIUMAL BLUEGRASS	30%	90%	65%
MINIUMAL FESCUE	25%	90%	65%
MINIUMAL RYEBRAND	40%	90%	65%

PLANTING SCHEDULE

QTY	SYMBOL	LATIN NAME	COMMON NAME	MINIMUM HEIGHT	MINIMUM CALIPER	HEIGHT SPREAD (S&D)	HEIGHT DETAIL
1	(Symbol)	PICEA	COLORADO	5'	--	5:3	1
1	(Symbol)	PRUNUS	GREEN SHRUB	8'	1"	--	1
1	(Symbol)	VIRGINIANA	CHOKECHERRY	8'	1"	--	1
1	(Symbol)	COTONEASTER	PENING	10'	--	--	2
1	(Symbol)	ACUTIFOLIA	COTONEASTER	10'	--	--	2

NOTES:
1. TOPSOIL AND SEED (3 LBS/1000 SF) ALL DISTURBED AREAS.
2. ALL DISTURBED AREAS SHALL BE RECLAIMED WITHIN 18 MONTHS AFTER RECEIVING A TEMPORARY EROSION CONTROL CERTIFICATE OF OCCUPANCY, WHICH DOES NOT CONSTITUTE A FINAL CERTIFICATE OF OCCUPANCY.
3. ALL PLANT MATERIALS SHALL BE NURSERY GROWN AND SHALL CONFORM TO THE AMERICAN STANDARDS FOR NURSERY STOCK, ANSI Z60.1-1996.
4. MINIMUM TREE (3) SHRUBS REQUIRED FOR EVERY REQUIRED TREE.
5. ARTISERIAL LANDSCAPING TREES AND SHRUBS MUST ATTAIN A MINIMUM MATURE HEIGHT OF AT LEAST 4'.
6. BUTTER AND W/ NO MORE THAN 50% BEING DECIDUOUS.
7. VISUAL ENHANCEMENT LANDSCAPING TREES TO BE PLANTED AT INTERVALS NO GREATER THAN 20' ON CENTER.



2009 Suite Plan

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PLANNING COMMISSION RESOLUTION

By: Susan Lee
Introduced: Sept. 19, 2016
Public Hearing: October 3, 2016
Action:

MATANUSKA-SUSITNA BOROUGH**PLANNING COMMISSION RESOLUTION NO. 16-29**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE EXPANSION OF THE LIQUOR PACKAGE STORE AT KNIK SUPER STORE, LOCATED ON LOT 1, SETTLERS BAY LODGE SUBDIVISION, 5721 S. KNIK GOOSE BAY ROAD, WITHIN TOWNSHIP 17 NORTH, RANGE 2 WEST, SECTION 34, SEWARD MERIDIAN.

WHEREAS, an application for a conditional use permit under the requirements of MSB 17.70 was submitted by RMB LLC for the expansion of the Knik Super Store liquor package store on Lot 1, Settlers Bay Lodge Subdivision, 5721 S. Knik Goose Bay Road, within Township 17 North, Range 2 West, Section 34, Seward Meridian; and

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

WHEREAS, the Planning Commission conducted a public hearing on October 3, 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 expansion is 1,659 square feet in size. The existing liquor store is approximately 600 square feet in size, located within the existing 3,036 square foot

convenience store building. After the expansion the entire building will be 4,695 square feet in size; and

WHEREAS, in addition to the liquor package store there is a convenience store, fuel station, and car wash on the lot; and

WHEREAS, the property is located at the intersection of Knik Goose Bay Road and Settlers Bay Drive; and

WHEREAS, the facility is located on a lot that is already commercially developed and is surrounded by commercial development; and

WHEREAS, the property is located within the Knik-Fairview Comprehensive Plan planning area, which does not specifically address commercial liquor uses; and

WHEREAS, the Knik-Fairview Comprehensive Plan addresses commercial development and gives the following recommendations: Commercial uses/activities should be encouraged to cluster around existing commercialized and high traffic areas identified on the land use map. Commercial development may be conditionally permitted outside of these identified areas on a limited basis depending on compatibility with surround area; and

WHEREAS, the proposed development is within a commercialized and high traffic area identified on the comprehensive plan land use map; and

WHEREAS, the proposed liquor store expansion is consistent with the Knik-Fairview Comprehensive Plan as the property is

located in an area that is already developed with commercial uses; and

WHEREAS, the liquor package store is 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 expansion 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: Develop 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: Develop and implement regulations that provide for non-residential development; and

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

WHEREAS, the properties immediately surrounding the site are commercial; and

WHEREAS, the permit request is to expand the existing liquor package store, which has been in operation since 2009; and

WHEREAS, the proposed expansion of the package store will provide additional conveniences to the community; and

WHEREAS, the nearest other operating package store is located at Three Bears, approximately two miles north of this site on Knik Goose Bay Road; and

WHEREAS, the building's exterior is similar to other commercial buildings in the area; and

WHEREAS, Knik Super Store has been in operation since 2009 and the borough has not received any complaints regarding its operation; and

WHEREAS, the borough has no record of complaints filed under MSB 8.40 Liquor License Referrals, against any existing liquor package stores in the area; and

WHEREAS, the nearest school is Goose Bay Elementary School, which is about 2.2 miles from the site; and

WHEREAS, the nearest church is located on the north side of Knik Goose Bay Road and is located more than 200 feet from this facility. This church was constructed after Knik Super Store started operating; and

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

WHEREAS, the lot is 1.2 acres in size; and

WHEREAS, one of the conditions of approval of the 2009 conditional use permit for the Knik Super Store package store stated "The landscaped areas as indicated on the site plan must be maintained." Landscaping has not been planted and/or maintained and some of the areas indicated as landscaping on the site plan have been paved; and

WHEREAS, an amended site plan has been submitted showing areas of the site that will be landscaped; and

WHEREAS, the convenience store building that the package store is located in is in compliance with the borough setback requirements; and

WHEREAS, customers enter the building through the same exterior door and there is a separate internal door into the liquor store; and

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

WHEREAS, the hours of operation for the liquor store are 9 a.m. to 3 a.m. seven days a week. The convenience store is open 24 hours a day; and

WHEREAS, the parking lot is paved which should control the dust; and

WHEREAS, there are building mounted lights around the exterior of the building and the fuel canopy also provides lighting for the site; and

WHEREAS, there is a building mounted sign advertising *Knik Super Store* above the door to the building and some smaller window signs in the liquor store area. There is also a free standing pole sign advertising the fuel prices; and

WHEREAS, no new signage is proposed; and

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

WHEREAS, the existing driveway on the northeast side of the lot has been permitted by the borough; and

WHEREAS, as conditions of approval for the driveway on the northeast side of the lot is that this driveway be posted with a sign stating 'ENTER ONLY' on the east side and "NO EXIT" on the west side; and

WHEREAS, there is a common access area between Lots 1 and 2 where customers can also access the facility from a driveway off

of Knik Goose Bay Road and a driveway on the southeast end of the lot off of Settlers Bay Drive; and

WHEREAS, no additional driveways are proposed; and

WHEREAS, according to the ITE Trip Generation Manual, 7th Edition, the convenience store and gas station would generate 156 trips during the peak P.M. hour and the expansion of the package store would generate 9 additional trips during the peak P.M. hour, increasing the traffic by less than 6%; and

WHEREAS, there will be 19 parking spaces and one handicapped accessible space; and

WHEREAS, there will be one parking space for every 234 square feet of floor area for the entire building; and

WHEREAS, the facility will be operating within an established commercial area that continues to expand and develop; and

WHEREAS, staff obtained accident data for one square mile around the site for the years 2012 - 2013. During that time period there were 34 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 RMB LLC; and

WHEREAS, based on evidence in the record, there is no information 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.

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. 16-29:

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. Evidence in the record indicates that this conditional use will not be harmful to the public health, safety, convenience and welfare (MSB 17.70.100(A)(1)(b)).
3. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.70.100(A)(1)(c)).
4. There will not be any negative effects upon the properties in the area due to such factors as dust, noise, obtrusive advertising and glare (MSB 17.70.100(A)(2)(a)).

5. 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 affect upon adjacent and nearby properties, as the expanded package store is located within an existing convenience store, no new driveways, signage, or lighting is proposed, and there will be landscaping adjacent to Settlers Bay Drive and Knik Goose Bay Road (MSB 17.70.100(A)(2)(c)).
7. Adequate parking is being provided, as there are 19 regular parking spaces and one handicapped accessible space (MSB 17.70.100(A)(2)(d)).
8. Access to the premise should not create an unreasonable traffic hazard (MSB 17.70.100(A)(2)(e)).
9. Traffic should not overtax existing road systems (MSB 17.70.100(A)(2)(f)).
10. The proposed expansion to the 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 expansion of the 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)).

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 approves the conditional use permit for the expansion of the Knik Super Store 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 with 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 as indicated on the site plan shall be planted and installed by August 1, 2017. The landscaping shall be maintained.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of ___, 2016.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

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**PUBLIC HEARING
QUASI-JUDICIAL**

Resolution No. 16-34

Rocky Lake Subdivision
Variance Request for Proposed Guest Cabin

(Page 171 - 226)

PUBLIC HEARING

STAFF REPORT



MATANUSKA-SUSITNA BOROUGH

**Planning and Land Use Department
Development Services Division**

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 862-7822 • Fax (907) 861-7876

www.matsugov.us

DEVELOPMENT SERVICES DIVISION STAFF REPORT

File Number: 176520150001

Applicant/Property Owner: Michael & JoEllen Solmonson

Request: Planning Commission Resolution 16-34 & 16-39
Request for a setback variance from MSB 17.55.010 – Setbacks, in accordance with MSB 17.65 – Variances

Location: Lot 6, of Rocky Lake Subdivision; 2581 S. Rory Circle (MSB Tax ID# 6266000L006; within Township 17 North, Range 3 West, Section 21, Seward Meridian)

Size of Property: .46 acres

Public Hearing: October 3, 2016

Planning Commission Action: The planning commission shall conduct a public hearing and render a decision on the application for a setback variance

Reviewed By: Eileen Probasco, Planning & Land Use Director *EP*

Staff: Mark Whisenhunt, Planner II *(MW)*

Staff Recommendation: Denial

EXECUTIVE SUMMARY

A setback variance request has been submitted to allow the construction of a guest cabin to be located 10.5-feet from the right-of-way line of Rory Circle. A single family residential home has been constructed on the property and meets all of the setback requirements. MSB 17.55.010 requires structures to be set back a minimum of 25 feet from the right-of-way line of any public right-of-way. In order to grant a variance the planning commission must find that each of the

requirements of MSB 17.65.020(A) have been met. See also Alaska Statute 29.40.040(b)(1-3) (Borough ordinance MSB 17.65.020 is partially based on this state statute).

LAND USE

Existing Land Use:

The lot is .46 acres in size and currently developed with a single-family residence approximately 1,994 square feet in size, with an attached garage approximately 692 square feet in size. The property is the primary residence of the applicant.

Surrounding Land Use:

The subject lot is surrounded by other privately owned lots to the west, east, and south. Rocky Lake abuts the property to the north. Lot sizes range from .25 acres to two acres in size. Land uses in the immediate area all appear to be residential in nature.

COMPREHENSIVE PLAN

The property is located within the Big Lake planning area. The Big Lake Comprehensive Plan Update (August 2009) is applicable to the subject property. While the plan details its concerns and efforts to preserve green space and water quality through waterbody setbacks, it does not specifically address setbacks to rights-of-ways. Two of the land use goals of the plan are:

- *Provide for freedom to enjoy our properties* – The plan supports a balance of freedom to use property as individuals chose up to that point where one person's use limits the rights of neighbors to enjoy their property. Responsible land use should be in harmony with surrounding land use without damaging the health, safety and welfare of adjacent property.
- *Protect Big Lake for Future Generations* – The community supports the concept that we are not only owners of our property for a period of time but that we have certain obligations as "caretakers" of that property for the benefit of future "owners" and obligations to the overall health of our natural and social environment.

Strategy 6 Regulation and Enforcement of Issues, offers general suggestions to help achieve the land use goals, such as permitting and general enforcement of existing regulations.

Four types of residential areas are identified in the plan. The subject property is identified as "Close-In Residential – this district takes in relatively concentrated residential areas, generally near the town center area; these areas are distinguished by being closer to services than dispersed residential areas."

The Matanuska-Susitna Borough Comprehensive Plan (2005 Update) also pertains to this property. One of the land use goals state:

Goal (LU-1): Protect and enhance the public safety, health, and welfare of Borough residents.

Policy LU-1: Provide for consistent, compatible, effective, and efficient development within the Borough.

The proposed setback variance is inconsistent with the policies and goals of the MSB Comprehensive Plan (2005 Update) as the variance will allow inconsistent development which does not protect the public safety, health, and welfare of the community which setbacks are designed to further.

REVIEW OF APPLICABLE CRITERIA AND FINDINGS

MSB 17.03 – Public Notification

Finding: A notice was mailed to the Big Lake Community Council and all property owners within 600 feet of the subject property. A total of 18 notices were mailed on August 12, 2016. One comment was received from the public. The comment did not pertain to the variance, but did make comment on wells, septic systems, traffic, and noise from the lake. The public hearing notice was published in the August 12, 2016 *Frontiersman*. The application material was also posted on the Borough's web site. The property is located within the Big Lake Community Council boundary. The community council did not submit any comments for the proposed variance.

Section 17.65.020 Requirements for Granting a Variance

(A) In order to grant a variance to the regulations of MSB title 17, the planning commission must find that each of the following requirements has been met:

(1) There are unusual conditions or circumstances that apply to the property for which the variance is sought.

Finding: The subject lot is .46 acres in size.

Finding: The subject structure is a proposed guest cabin and has not been constructed.

Finding: A single-family residence approximately 1,994 square feet in size, with an attached garage approximately 692 square feet in size has been constructed on the subject lot.

Finding: Based on the as-built survey/site plan prepared by Robert Hoffman, LS dated August 17, 2015; the proposed guest cabin is 672 feet in size.

Finding: The subject lot is not unusually small or narrow, and there are no topographical features that would prevent the proposed guest cabin from being built in full compliance with the minimum setback requirements.

Finding: The subject lot has an area of approximately 9,000 square feet of legal building area, commonly referred to as the "building envelope."

Finding: According to the application material, there is sufficient buildable area on the subject lot to construct the proposed guest cabin in full compliance with the minimum setback requirements.

Conclusions of Law: Based on the above findings, there are no unusual conditions or circumstances that apply to this property for which the variance is sought, as the applicant can build a guest cabin in full compliance without a variance (MSB 17.65.020(A)(1)).

(2) The strict application of the provisions of this title could deprive the applicant of rights commonly enjoyed by other properties under the terms of this title.

Finding: A single-family residence approximately 1,994 square feet in size, with an attached garage approximately 692 square feet in size has been constructed on the subject lot.

Finding: Based on the as-built survey/site plan prepared by Robert Hoffman, LS dated August 17, 2015; the proposed guest cabin is 672 feet in size.

Finding: The subject lot has an area of approximately 9,000 square feet of legal building area, commonly referred to as the “building envelope.”

Finding: The subject lot is not unusually small or narrow, and there are no topographical features that would prevent the proposed guest cabin from being built in full compliance with the minimum setback requirements.

Finding: According to the application material, there is sufficient buildable area on the subject lot to construct the proposed guest cabin in full compliance with the minimum setback requirements.

Conclusions of Law: The strict application of the provisions of this title would not deprive the applicant of rights commonly enjoyed by other properties, as the applicant can build a guest cabin in full compliance without a variance (MSB 17.65.020(A)(2)).

(3) The granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.

Finding: The narrowing of the setback to 10.5-feet from 25-feet clearly undermines the general policies underlying setbacks by reducing separation distances for air, light, fire protection.

Finding: The proposed setback variance is inconsistent with the policies and goals of the MSB Comprehensive Plan (2005 Update) as the variance will allow inconsistent development which does not protect the public safety, health, and welfare of the community which setbacks are designed to further.

Conclusions of Law: Granting the variance will be injurious to nearby property, or harmful to the public welfare (17.65.020(A)(3)).

(4) The granting of the variance will be in harmony with the objectives of this title and any applicable comprehensive plans.

Finding: MSB 17.65 – Variances, was adopted to grant relief to property owners whose lots are impacted by topographic constraints and/or existing land use regulations thereby making the lot undevelopable.

Finding: The subject lot is not unusually small or narrow, and there are no topographical features that would prevent the proposed guest cabin from being built in full compliance with the minimum setback requirements.

Finding: The subject lot has an area of approximately 9,000 square feet of legal building area, commonly referred to as the “building envelope.”

Finding: According to the application material, there is sufficient buildable area on the subject lot to construct the proposed guest cabin in full compliance with the minimum setback requirements.

Finding: The proposed setback variance is inconsistent with the policies and goals of the MSB Comprehensive Plan (2005 Update) as the variance will allow inconsistent development which does not protect the public safety, health, and welfare of the community which setbacks are designed to further.

Finding: The narrowing of the setback to 10.5-feet from 25-feet clearly undermines the general policies underlying setbacks by reducing separation distances for air, light, fire protection.

Conclusions of Law: Based on the above findings, the proposed variance is inconsistent with the intent of MSB 17.65 and the Matanuska-Susitna Borough Comprehensive Plan (2005 Update), as the applicant can build a guest cabin in full compliance without a variance (17.65.020(A)(4)).

(5) The deviation from the requirement of this title that is permitted by the variance will be no more than is necessary to permit a reasonable use of the property.

Finding: The subject lot is not unusually small or narrow, and there are no topographical features that would prevent the proposed guest cabin from being built in full compliance with the minimum setback requirements.

Finding: The subject lot has an area of approximately 9,000 square feet of legal building area, commonly referred to as the “building envelope.”

Finding: According to the application material, there is sufficient buildable area on the subject lot to construct the proposed guest cabin in full compliance with the minimum setback requirements.

Finding: Reasonable use of the lot can be made without a variance.

Conclusions of Law: Based on the above findings, deviation from this title is not necessary to permit reasonable use of the property, as the proposed guest cabin size can be built in full compliance with the setback regulations on this lot without a variance (MSB 17.65.020(A)(5)).

Section 17.65.030 Cases Where Variance is Illegal

(A) A variance from this title may not be granted if:

(1) Special conditions that require the variance are caused by the person seeking the variance.

Finding: The applicant is proposing the construction of the subject guest cabin inside the minimum setback area.

Finding: The subject lot has an area of approximately 9,000 square feet of legal building area, commonly referred to as the “building envelope.”

Finding: The subject lot is not unusually small or narrow, and there are no topographical features that would prevent the proposed guest cabin from being built in full compliance with the minimum setback requirements.

Finding: According to the application material, there is sufficient buildable area on the subject lot to construct the proposed guest cabin in full compliance with the minimum setback requirements.

Finding: A single-family residence approximately 1,994 square feet in size, with an attached garage approximately 692 square feet in size has been constructed on the subject lot.

Finding: There is reasonable use of the lot without a variance.

Finding: The subject .46-acre lot can accommodate construction of a guest cabin without requiring a setback variance.

Conclusions of Law: Based on the above findings, the person seeking the variance is proposing to construct a guest cabin within the 25-foot minimum setback requirement, causing the need for this variance (MSB 17.65.030(A)(1)).

(2) The variance will permit a land use in a district in which that use is prohibited.

Finding: The subject .46-acre lot is not in a land use district.

Finding: Guest cabins are permitted on this property.

Conclusions of Law: Guest cabins are residential uses, so if granted, the variance will not permit a land use in a district in which the use is prohibited (17.65.030(A)(2)).

(3) *The variance is sought solely to relieve pecuniary hardship or inconvenience.*

Finding: According to the application material, the applicant originally pursued a platting action to vacate portions of the Rory Circle right-of-way. In reference to the platting process, the applicant states: *"We were told we must do even more surveying, and our neighbors would need to vacate an additional chunk of their property, which they were not willing to do. We simply can't afford to continue with this tack, so the second best solution for our neighbors, our community, and us is to build the cabin as close to the driveway edge of our property as possible."*

Finding: According to the application material, constructing the proposed guest cabin in accordance with the setback requirements will "impede" the neighbor's view.

Finding: According to the application material, one of the primary reasons for the request for variance is to *"minimize the inconvenience of, and intrusion upon, our neighbors and their enjoyment of their home on Rocky Lake."*

Conclusions of Law: The variance is being sought to accommodate their neighbors and is not solely to relieve pecuniary hardship or inconvenience of constructing a quest cabin so that it meets the setback requirements of MSB 17.55 (MSB 17.65.030(A)(3)).

STAFF RECOMMENDATIONS

Staff recommends denial of this variance request, as it does not meet any of the requirements in MSB 17.65.020(A) for approval and violates one of the prohibitions contained in MSB 17.65.030(A). See also Alaska Statute 29.40.040(b)(1-3). Should the Planning Commission choose to approve the variance they must make findings for approval and amend the resolution.

Sec. 29.40.040. Land use regulation.

(a) In accordance with a comprehensive plan adopted under AS 29.40.030 and in order to implement the plan, the assembly by ordinance shall adopt or amend provisions governing the use and occupancy of land that may include, but are not limited to,

(1) zoning regulations restricting the use of land and improvements by geographic districts;

(2) land use permit requirements designed to encourage or discourage specified uses and construction of specified structures, or to minimize unfavorable effects of uses and the construction of structures;

(3) measures to further the goals and objectives of the comprehensive plan.

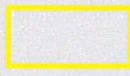
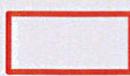
(b) A variance from a land use regulation adopted under this section may not be granted if

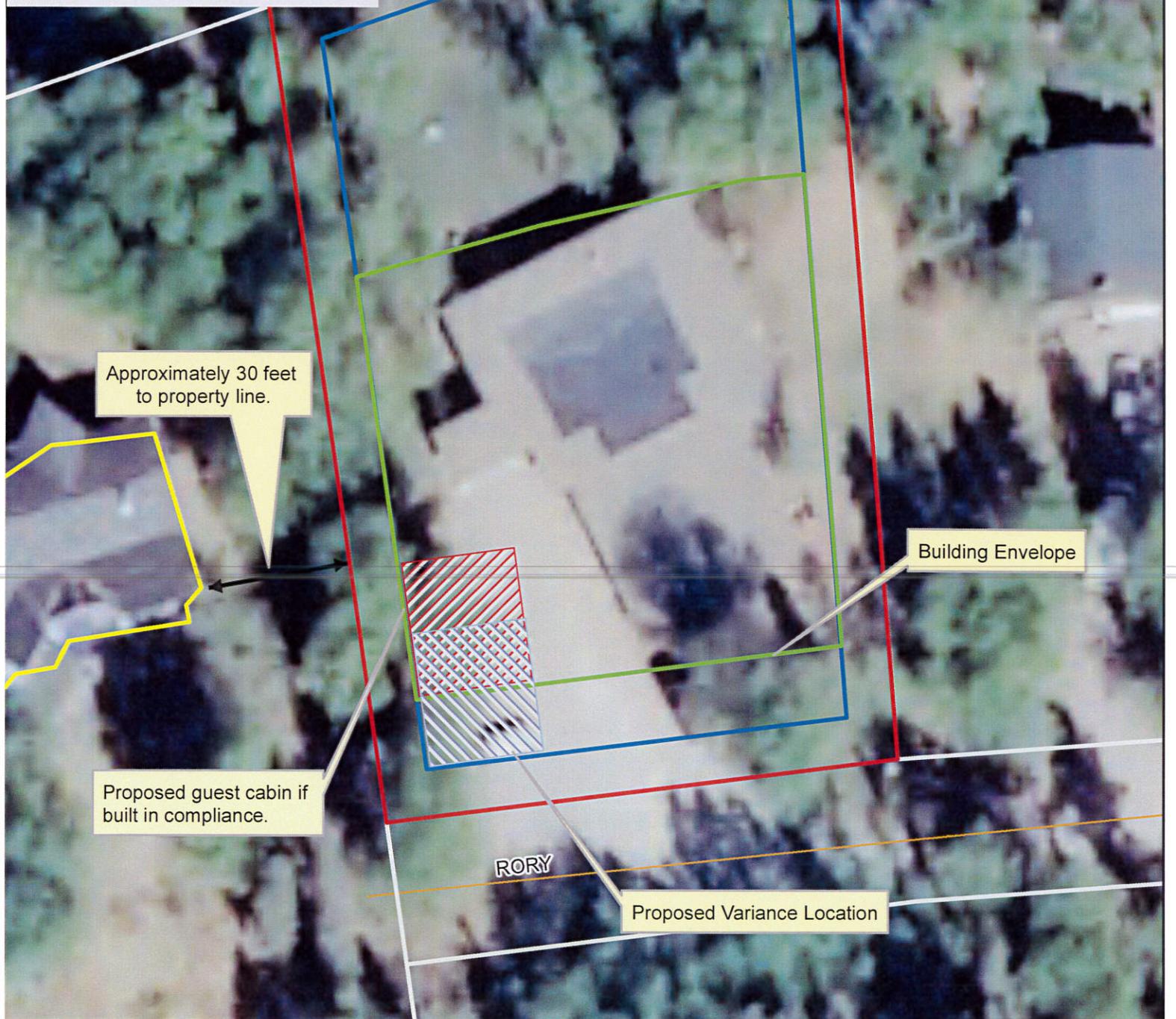
(1) special conditions that require the variance are caused by the person seeking the variance;

(2) the variance will permit a land use in a district in which that use is prohibited; or

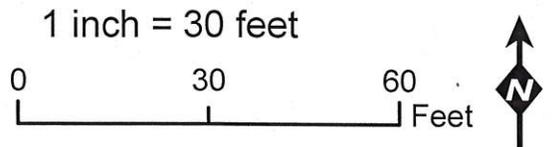
(3) the variance is sought solely to relieve pecuniary hardship or inconvenience.

Legend

-  Simpson Home
-  10' Setback
-  2581 S Rory Cir
-  Parcels
-  Roads



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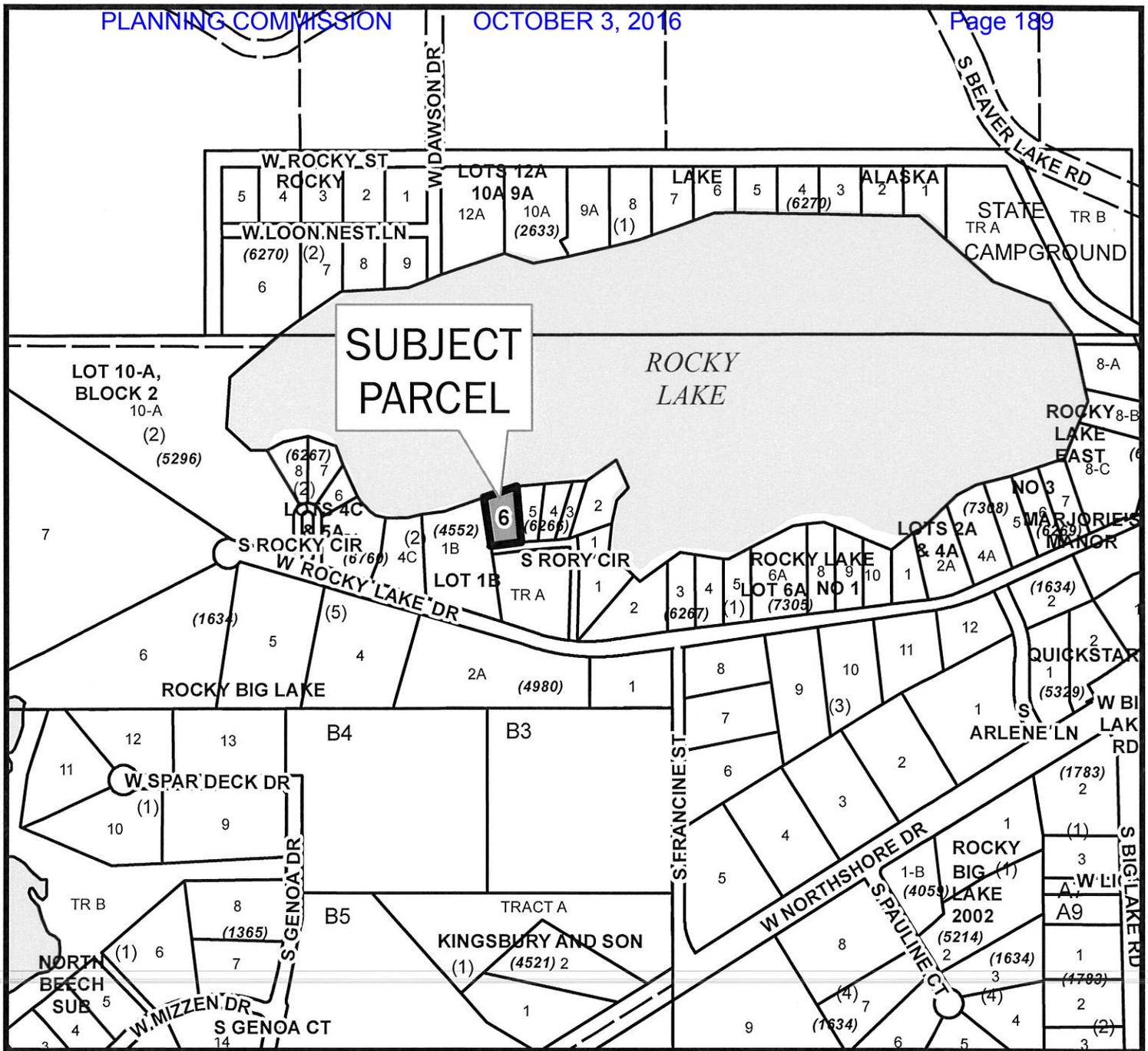








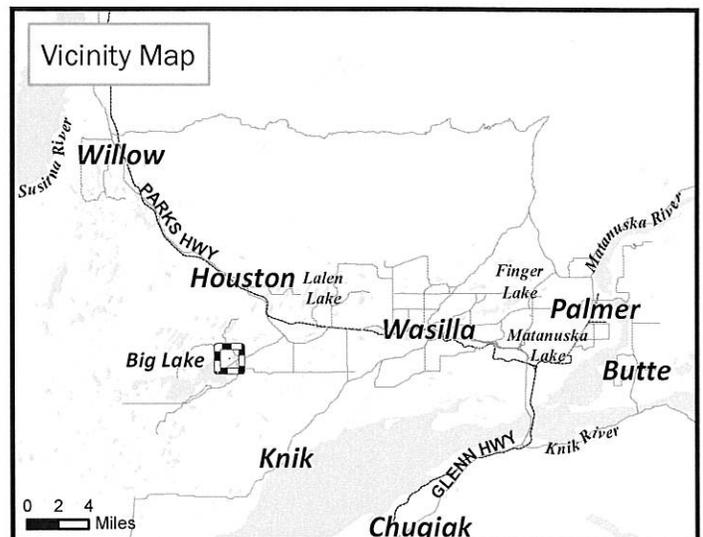
VICINITY MAP



6266000L006

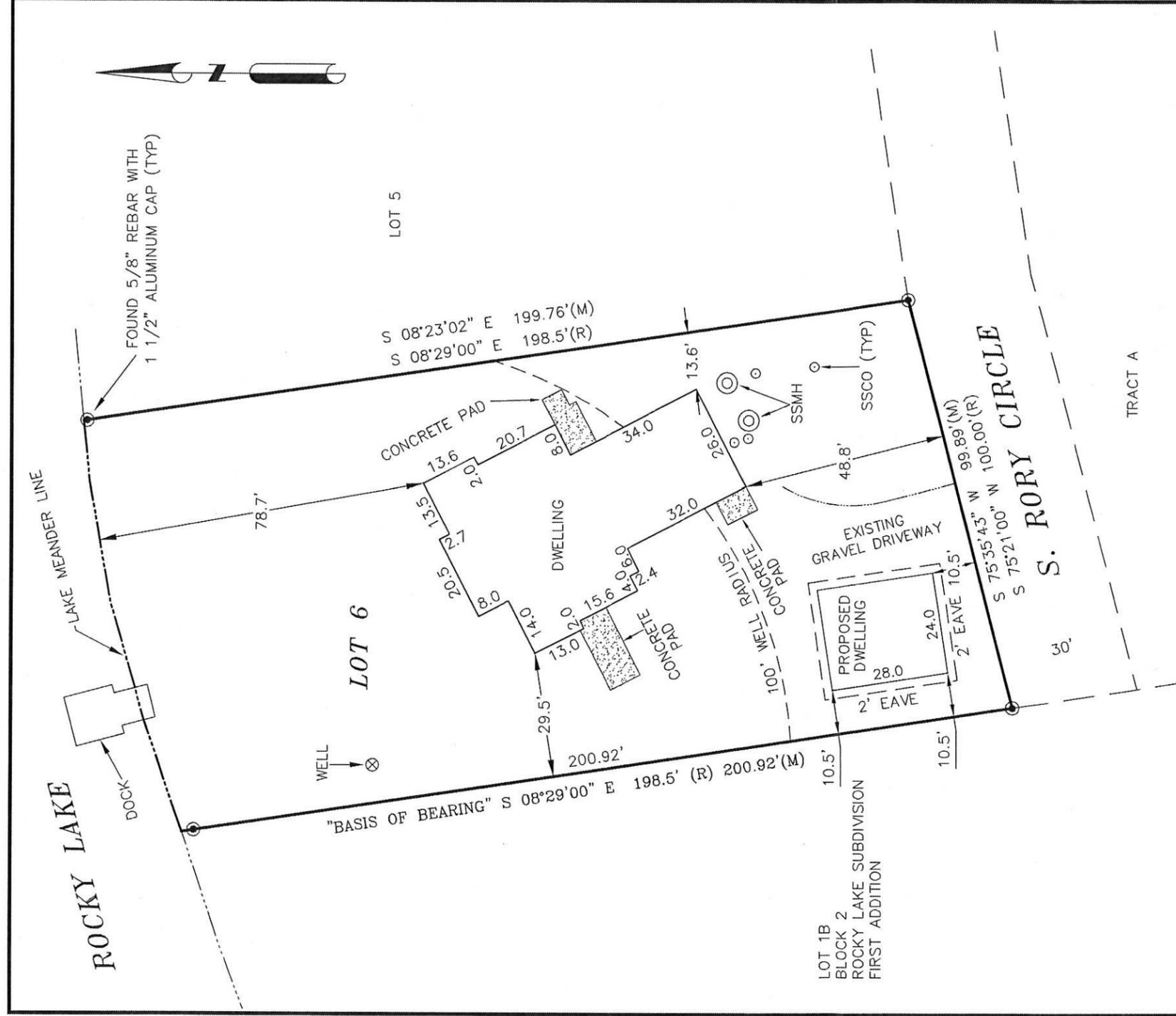


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SITE PLAN



NOTES:

1. UTILITIES OTHER THAN THOSE SHOWN MAY EXIST ON THIS SITE. ONLY THOSE UTILITIES SEEN ON THE DATE OF SURVEY ARE SHOWN HEREON
2. IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT.
3. ALL BEARINGS AND DISTANCES SHOWN ARE RECORD, UNLESS OTHERWISE NOTED.

ASBUILT SURVEY & SITE PLAN
LOT 6, ROCKY LAKE SUBDIVISION

©BULL MOOSE SURVEYING 2015

PALMER RECORDING DISTRICT, ALASKA

BULL MOOSE SURVEYING

ROBERT S. HOFFMAN
 200 HYGRADE LANE, WASILLA, ALASKA 99654
 (907) 357-6957 FAX (907) 357-6977
 VISIT US AT BULL MOOSE SURVEYING.COM

DRAWN BY: RSH DATE OF SKETCH: 8/17/2015
 PREPARED FOR: MIKE SOLMONSON

CHECKED BY: SES SECTION TWP. RANGE SCALE: 1"=30'
 21 17N 3W S.M. PLAT #W-31

REVISION	BY	DATE



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APPLICATION MATERIAL



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Development Services Division

Matanuska - Susitna Borough Development Services

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 861-7822 • Fax (907) 861-7876

Email: PermitCenter@matsugov.us

MAY 19 2015

PAID 5/19/15

APPLICATION FOR A VARIANCE – MSB 17.65

RECEIVED

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:

\$500 for Variance

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: 03W, Section: 21, Meridian S

MSB Tax Acct # 6266000L006

SUBDIVISION: ROCKY LAKE SUBDIVISION BLOCK(S): LOT(S): 6

STREET ADDRESS: 2581 S. RORY CIRCLE, BIG LAKE, AK 99652

(US Survey, Aliquot Part, Lat. /Long. etc)

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 Michael and Jo Ellen Solmanson

Name of Agent/ Contact for application

Address: P.O. Box 521797

Address:

BIG LAKE, AK 99652

Phne: Hm 892-1231 Fax

Phne: Hm Fax

Wk Cell 748-1230

Wk Cell

E-mail busy2@mtaonline.net

E-mail

Table with 2 columns: Description, Attached. Row 1: A variance from MSB 17.65 is being applied for and is specifically described. Row 2: Provide a detailed written description as to why the variance is required.

Table with 2 columns: Drawings, Attached. Row 1: A boundary survey and site plan of the proposed and/or existing development, of the particular parcel or parcels affected. Row 2: Structural elevation drawing(s) for the purpose of indicating the proposed height and bulk, view and other dimensions of the subject structure.

In order to grant a variance from MSB Title 17, the Planning Commission must find that each of the following requirements has been met (17.65.020). Explain how the request meets each requirement. Include information such as physical surroundings, shape or topographical conditions of the property which would support the granting of a variance.	Attached
1. What unusual conditions or circumstances apply to the property for which the variance is sought?	✓
2. How the strict application of the provisions of this title will deprive you of the rights commonly enjoyed by other properties under the terms of this title.	✓
3. Why the granting of the variance will not be injurious to nearby property, nor harmful to the public welfare.	✓
4. How will the granting of the variance be in harmony with the objectives of this title and any applicable comprehensive plans?	✓
5. How the deviation from the requirements of this title as permitted by the variance will be no more than is necessary to permit a reasonable use of the property.	✓

A variance may <u>not</u> be granted if any of the conditions listed below are true. Explain why each condition is <u>not</u> applicable to this application.	Attached
1. The special conditions that require the variance are caused by the person seeking the variance.	We haven't built it yet
2. The variance will permit a land use in a district in which that use is prohibited.	SECOND STRUCTURE IS ALLOWED
3. The variance is sought solely to relieve pecuniary hardship or inconvenience.	We haven't built it yet.

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

MSB Tax parcel ID #(s) 6266000L006 and, I hereby apply for approval a setback variance on that property as described in this application.

I understand all activity must be conducted in compliance with all applicable standards of MSB 17.55 and MSB 17.65 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 variance 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.

Michael E. Salmons Michael Salmons 3-17-15
Signature: Property Owner Printed Name Date

J. Salmons Joellen Salmons 3-17-15
Signature: ~~Agent~~ Printed Name Date
Property Owner

Description: We would like to build a guest cabin for family and friends. While we have room on our property with the required setbacks, placing the building closer to the boundaries of our property will create a much more positive situation for our neighbors. It will also give us more room in our driveway for emergency vehicles and parking that will not affect our neighbors.

COMPLIANCE

1. While we will be unable to see the guest cabin from our home in either scenario, if the usual setback is observed, the cabin will impede our neighbors' view. Since the easement ends at our property, building ten feet instead of 25 feet from the easement will not affect the future needs of the community as the easement does not continue onto our neighbors' property. The property is a small lot, about half an acre. A 25 foot rear setback extending almost 15% into our lot would place the front West corner of the cabin quite close to our neighbor's living room window. Photo A is the approximate view from that corner with a 10 foot setback. Photo B is a similar view with a 25 foot setback. Further, the easement merely serves as a driveway to our home. No through traffic is possible since the easement ends at our property line. Photo C shows the driveway coming to our lot. Photo D shows the West edge of our lot abutting our neighbor directly affected by the placement of the proposed guest cabin. Note the orange flagging.
2. We have followed all of the directives and recommendations of the Commission, including paying \$500 to the borough exploring

the subdivision option of acquiring a small portion of a neighboring property and adding it to our lot. Along this path we spent \$3000.00 surveying property that was originally surveyed incorrectly with borough oversight—a neighbor was interested in selling us a piece of their property so that we could build where it would be a win-win for all of our neighborhood. We were told we must do even more surveying, and our neighbors would need to vacate an additional chunk of their property, which they were not willing to do. We simply can't afford to continue with this tack, so the second best solution for our neighbors, our community, and us is to build the cabin as close to the driveway edge of our property as possible. Secondary structures are common in the Mat-Su Valley. Other larger properties allow this type of development without being restricted by available space. Granting a 10 foot setback would provide for reasonable development of our property to accommodate family and guests, while minimizing the impact to our neighbors.

3. Mike is an active volunteer on the Meadow Lakes Fire Department. Emergency vehicles can easily turn around in our driveway now, and if we are granted the variance it will still be easily done. The easement from which we are proposing to build ten feet ends at our property; our neighbors' septic system abuts it. We are the last property accessed from this point. Our neighbors enter their property directly from Rocky Lake Drive.
4. This variance is truly a plus for everyone involved. Our neighbors will have much more separation from our guest cabin, the

easement will still be completely accessible (although the fact that it ends at our property very likely means there would be no purpose to its development), and our neighbors all feel positively about this solution. Please see the attached letter of support from the Simpsons, our neighbor to the West and whose home is shown in Photos A and B.

5. We take good care of our property, pay our taxes promptly, volunteer in our schools, library, foster care system, and emergency services. We care deeply about the Big Lake community. We are twenty+ year landowners here. We have done everything we have been asked to do by the Planning Commission, to the tune of \$4,000.00 so far, including this application. We have tried to do everything by the book. We believe that granting a 10 foot setback for our cabin is a reasonable use of our property, a good thing for our neighborhood, and would provide better access for emergency services.

CONDITIONS NOT APPLICABLE

1. Our existing home, completed in 2010, was situated on our lot to comply with waterfront setback requirements on Rocky Lake. The proximity of the lot to the Simpson's home existed before we built ours.
2. There is no prohibition to guest cabins in this district.
3. The avoidance of financial hardship is not a basis for this variance request. Nor are we requesting it to avoid being inconvenienced.

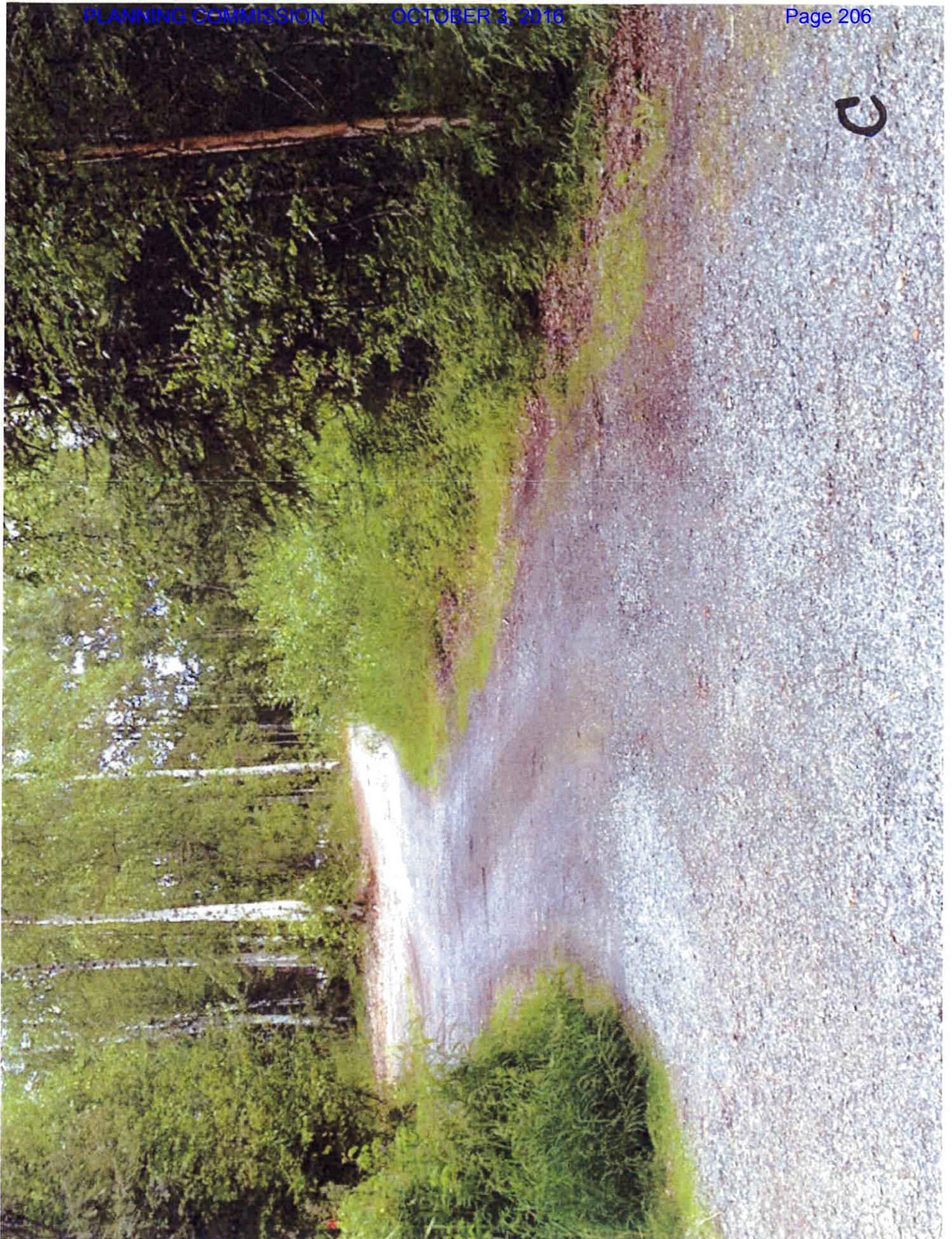
One of the primary reasons for this request is to minimize the inconvenience of, and intrusion upon, our neighbors and their enjoyment of their home on Rocky Lake.

Thank you for your consideration.



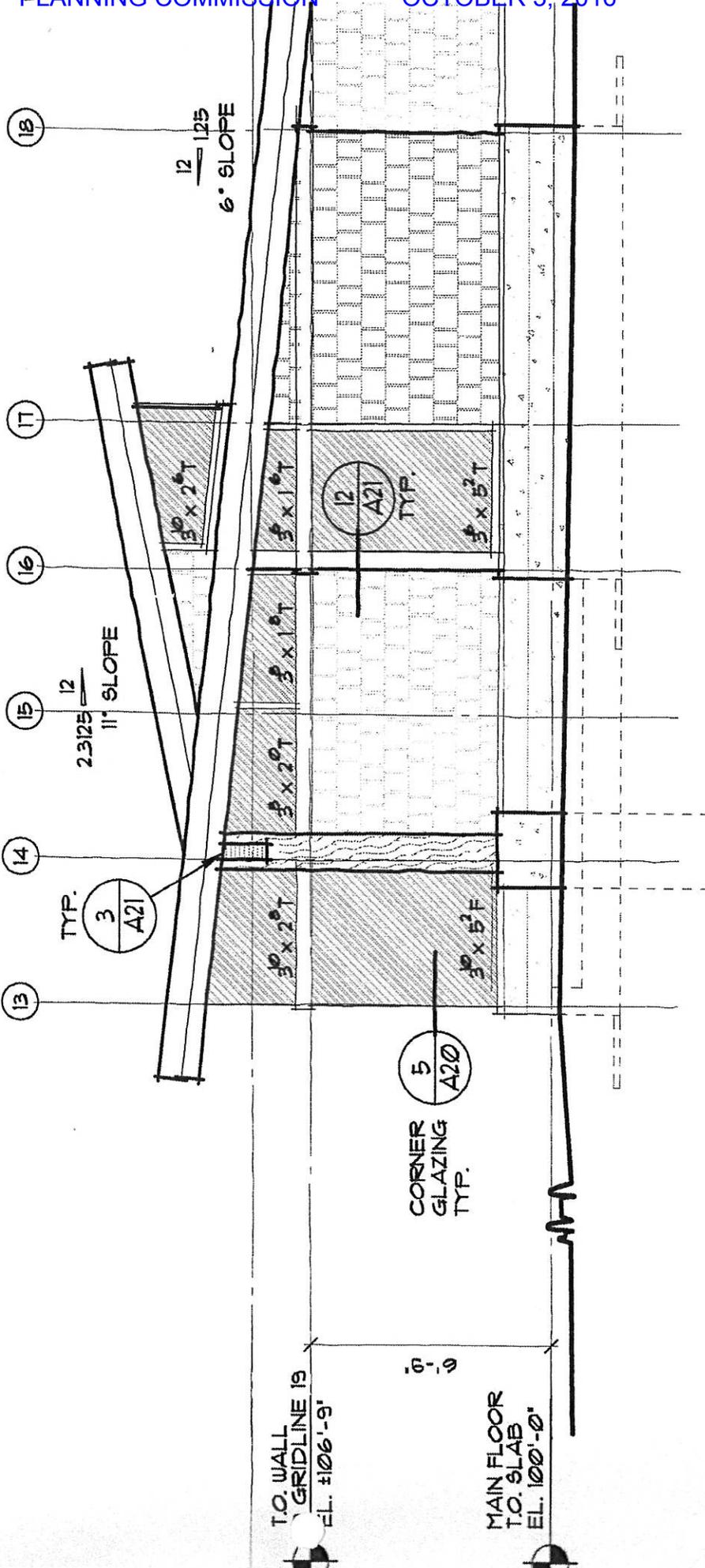
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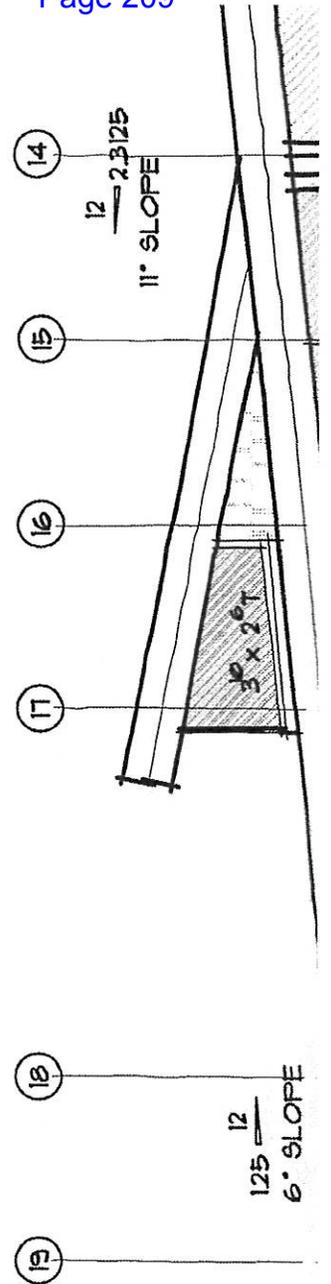


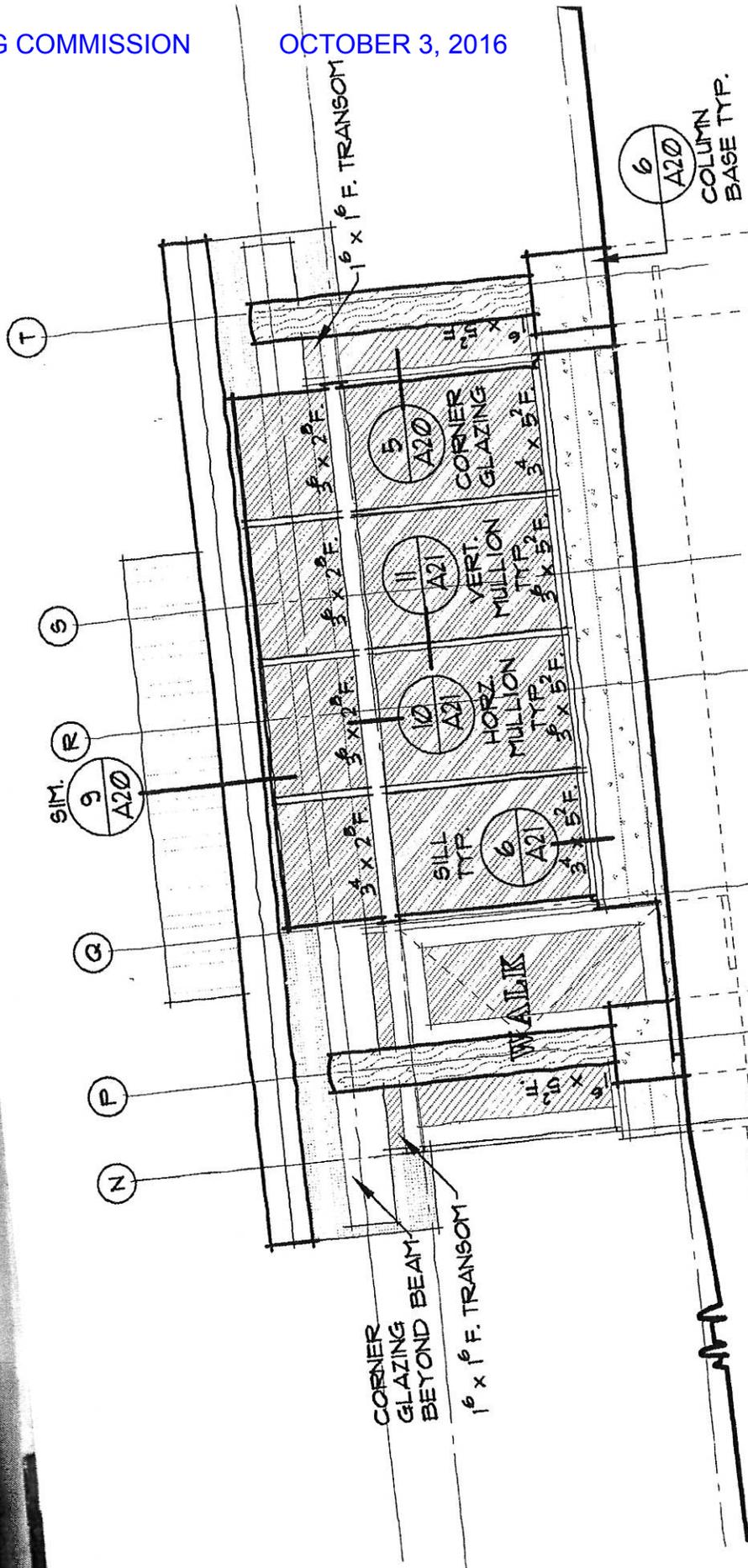


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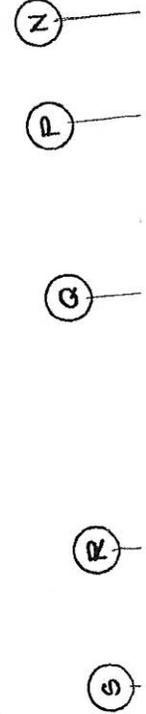
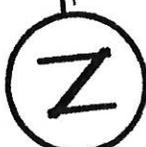
W WEST ELEVATION (CABIN)
 1/4" = 1'-0"





NORTH ELEVATION (CABIN)

1/4" = 1'-0"



24 GA. ME
STANDING
TRACK

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To Whom It May Concern:

Mike and Jody Solmonson have been our neighbors at Rocky Lake for about 25 years, the last five as permanent residents after they built their home.

They are now planning to build a small guest cabin between their house and ours, and are submitting a request for a variance from the 25 foot road setback at the back of their property. Their reason for the variance request is so the cabin can be constructed as far as possible from our house. Absent the variance, the front of the cabin will be quite close to our living room window.

The existing road access is actually a one lane driveway that ends at the Solmonson property. No other neighbors will be affected by approval of their request.

We support granting this variance request.

Sincerely,



Steve and Jody Simpson

May 7, 2015

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COMMENTS

PLANNING COMMISSION

OCTOBER 3, 2016



Matanuska-Susitna Borough
Planning & Land Use Department
Development Services Division
350 East Dahlia Avenue
Palmer, Alaska 99645

Matanuska - Susitna Borough
Development Services

AUG 23 2016



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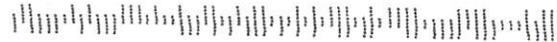
Received

56266000L001
BEREAN SANDRA D
PO BOX 520526
BIG LAKE, AK 99652-0526

3

FIRST CLASS MAIL

99652*0526 B006



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

Application: Request for variance to the minimum setback requirements.
MSB Code Section: MSB 17.65 - Variances & MSB 17.55 - Setbacks
Applicant: Michael & JoEllen Solmonson
Location: 2581 S. Rory Circle; Lot 6, of Rocky Lake Subdivision; within Township 17 North, Range 3 West, Section 21, Seward Meridian
Request: An application for variance to the minimum setback requirements to allow the construction of a guest cabin to be located 10.5-feet from the right-of-way line of Rory Circle.

The MSB Planning Commission will conduct a public hearing concerning the proposed variance application on Monday, October 3, 2016, at 6:00 p.m. in the MSB School District Administration building, located at 501 N. Gulkana Street in Palmer. You are invited to attend.

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. Application material may be viewed online at www.matsugov.us by clicking on "All Public Notices & Announcements". Application material may also be reviewed in the Borough Permit Center. If you have any questions or would like to send us comments concerning the proposed action, this form may be used for your convenience by filling in the information below and mailing it to the Matanuska-Susitna Borough, Development Services Division, 350 E. Dahlia Avenue, Palmer, Alaska 99645. You may fax comments to 861-7876 or e-mail to mwhisenhunt@matsugov.us. For more information, please contact Mark Whisenhunt at 861-8527. 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. 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 definition of "Interested Party". Procedures governing appeals to the Board of Adjustment and Appeals are contained in MSB 15.39.010-250, which is available on the Borough internet home page: www.matsugov.us, in the Borough Clerk's office, and at various libraries within the borough. Comments received on or before September 9, 2016 will be included in the Staff Report to the Planning Commission. Please be advised that comments received from the public after that date will not be included in the staff report to the Planning Commission. If there is not enough room below, please attach this sheet to another piece of paper.

Name: SANDRA D. BEREAN Mailing Address: P.O. BOX 520526, BIG LAKE

Location/Legal Description of your property: 2637 S. RORY CIRCLE LOT 2 BLOCK 2

Comments: I'm CONCERNED w/ HOW CLOSE THE WELLS & SEPTIC SYSTEMS ARE ALREADY ON S. RORY CIRCLE. THERE'S A LOT OF TRAFFIC ON S. RORY CIRCLE, w/ IT BEING A ONE WAY RD. WHEN EVERYONE'S UP FOR THE WK.-END. NOT THAT ANYONE CARES BUT I WISH BOATERS ON ROCKY LAKE FOLLOWED THE BOAT CURFEW RULES

Note: Vicinity Map Located on Reverse Side
SOME OF US OLDER PEOPLE GO TO BED EARLY.

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PLANNING COMMISSION RESOLUTION

By: Mark Whisenhunt
Introduced: Sept. 19, 2016
Public Hearing: October 3, 2016
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-34**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A VARIANCE TO THE RIGHT-OF-WAY SETBACK FOR LOT 6, ROCKY LAKE SUBDIVISION, PALMER RECORDING DISTRICT.

WHEREAS, an application for a variance from the setback requirements of MSB 17.55.010 has been received to allow the construction of a guest cabin to be located 10.5-feet from the right-of-way line of Rory Circle on Lot 6, of Rocky Lake Subdivision; 2581 S. Rory Circle; within Township 17 North, Range 3 West, Section 21, Seward Meridian; and

WHEREAS, at its closest point the proposed guest cabin is setback 10.5 feet from the right-of-way line of Rory Circle, as indicated on the site plan in the record; and

WHEREAS, the Planning Commission reviewed this application, associated materials, and the staff report, with respect to standards set forth in MSB 17.65.020 and 17.65.030; and

Whereas, the Planning Commission conducted a public hearing on October 3, 2016 on this matter; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission hereby finds this application does meet the standards of MSB 17.65; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission approves the setback variance for the construction of a guest cabin on MSB Tax ID 6266000L006.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this __ day of _____, 2016.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

By: Mark Whisenhunt
Introduced: Sept. 19, 2016
Public Hearing: October 3, 2016
Action:

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-39**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION ADOPTING FINDINGS OF FACT AND CONCLUSIONS TO SUPPORT DENIAL OF RESOLUTION 16-34.

WHEREAS, Resolution 16-34 was for approval of a setback variance to allow a 10.5-foot setback from the right-of-way line of Rory Circle, which would allow for the construction of a guest cabin on Lot 6, of Rocky Lake Subdivision; 2581 S. Rory Circle; within Township 17 North, Range 3 West, Section 21, Seward Meridian; and

Whereas, the planning commission conducted a public hearing on October 3, 2016 on this matter; and

Whereas, the Planning Commission's vote on the motion failed to garner a majority vote on October 3, 2016; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission denied the setback variance based on the following findings of fact and conclusions of law:

1. The subject lot is .46 acres in size.
2. A single-family residence approximately 1,994 square feet in size, with an attached garage approximately 692 square feet in size has been constructed on the subject lot.

3. Based on the as-built survey/site plan prepared by Robert Hoffman, LS dated August 17, 2015; the proposed guest cabin is 672 feet in size.
4. The subject lot is not unusually small or narrow, and there are no topographical features that would prevent the proposed guest cabin from being built in full compliance with the minimum setback requirements.
5. The subject lot has an area of approximately 9,000 square feet of legal building area, commonly referred to as the "building envelope."
6. According to the application material, there is sufficient buildable area on the subject lot to construct the proposed guest cabin in full compliance with the minimum setback requirements.
7. The narrowing of the setback to 10.5-feet from 25-feet clearly undermines the general policies underlying setbacks by reducing separation distances for air, light, fire protection.
8. MSB 17.65 - Variances, was adopted to grant relief to property owners whose lots are impacted by topographic constraints and/or existing land use regulations thereby making the lot undevelopable.
9. The proposed setback variance is inconsistent with the policies and goals of the MSB Comprehensive Plan (2005

Update) as the variance will allow inconsistent development which does not protect the public safety, health, and welfare of the community which setbacks are designed to further.

10. Reasonable use of the lot can be made without a variance.
11. The applicant is proposing the construction of the subject guest cabin inside the minimum setback area.
12. The subject .46-acre lot can accommodate construction of a guest cabin without requiring a setback variance.
13. There are no unusual conditions or circumstances that apply to this property for which the variance is sought, as the applicant can build a guest cabin in full compliance without a variance (MSB 17.65.020(A)(1)).
14. The strict application of the provisions of this title would not deprive the applicant of rights commonly enjoyed by other properties, as the applicant can build a guest cabin in full compliance without a variance (MSB 17.65.020(A)(2)).
15. Granting the variance will be injurious to nearby property, or harmful to the public welfare (17.65.020(A)(3)).

16. The proposed variance is inconsistent with the intent of MSB 17.65 and the Matanuska-Susitna Borough Comprehensive Plan (2005 Update), as the applicant can build a guest cabin in full compliance without a variance (17.65.020(A)(4)).
17. Deviation from this title is not necessary to permit reasonable use of the property, as the proposed guest cabin size can be built in full compliance with the setback regulations on this lot without a variance (MSB 17.65.020(A)(5)).
18. The person seeking the variance is proposing to construct a guest cabin within the 25-foot minimum setback requirement, causing the need for this variance (MSB 17.65.030(A)(1)).

ADOPTED by the Matanuska-Susitna Borough Planning Commission this ___ day of _____, 2016.

JOHN KLAPPERICH, Chair

ATTEST

MARY BRODIGAN, Planning Clerk

(SEAL)

YES:

NO:

COMMISSION BUSINESS
Upcoming PC Agenda Items

(Page 227 - 232)

COMMISSION BUSINESS

MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7833 • Fax (907) 861-7876
Email: planning@matsugov.us

MEMORANDUM

DATE: September 23, 2016

TO: Planning Commissioners

FROM: Eileen Probasco, Director of Planning and Land Use

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

October 17, 2016 (*MSB Assembly Chambers*)

Introduction for Public Hearing Quasi-Judicial

- **Resolution 16-37**, a request for a Conditional Use Permit in accordance with MSB 17.70, Regulation of Alcoholic Beverage Uses, for the operation of an alcoholic beverage dispensary (bar) at the 907 Club, located at 2541 S. Rosalie Court; MSB Tax ID# 5428000T00A; within Township 17 North, Range 3 West, Section 21, Seward Meridian. Public Hearing: November 7, 2016. (*Applicant: Mark Button (dba RMB, LLC, 907 Club, Staff: Mark Whisenhunt)*)

Introduction for Public Hearing Legislative

- **Resolution 16-40**, A resolution recommending Assembly approval of amending the City of Houston's Comprehensive Plan in accordance with MSB 15.24.030(B)(5). Public Hearing: November 7, 2016. (*Staff: Van Le, R&M Consultants*)

Agency/Staff Reports

(None)

Land Use Classifications

(None)

Public Hearing Quasi-Judicial

- **Resolution 16-33**, a request for a variance in accordance with MSB 17.65 – Variances, regarding a variance to MSB 17.55 – Setbacks and Screening Easements, allowing a proposed garage to be built 5.7 feet from the Palmdale Drive right-of-way, located on Block 2, Lot 12, Longbeach Subdivision, Division 2, Palmer Recording District; Township 17 North, Range 1 West, Section 1, Seward Meridian. (*Applicant: Denny & Rebecca Nelson, Staff: Susan Lee*)

- **Resolution 16-38**, a Conditional Use Permit (CUP) in accordance with MSB 17.67 – Tall Structures including Telecommunication Facilities, Wind Energy Conversion Systems, and Other Tall Structures, for a 200 foot tall telecommunication tower (THP1), located at 29625 S. Talkeetna Spur; MSB Tax ID # 25N04W19A006; within Township 25 North, Range 4 West, Section 19, Seward Meridian. (*Applicant: MTA, Staff: Mark Whisenhunt*)

Public Hearing Legislative

- **Resolution 16-35**, recommending Assembly approval of an Ordinance modifying MSB 17.28 and MSB 17.30 in order to Eliminate the Interim Materials District (IMD) Process. Referred to the PC on 8/2/16 for 90 days and due back to the Assembly by October 31, 2016. (*Staff: Alex Strawn*)
- **Resolution 16-36**, recommending Assembly approval of amendments to MSB 8.45.010, Buildings and Construction; Adoption of Codes Section to Reflect International Codes. (*Staff: Bill Gamble*)

Unfinished Business

(None)

New Business

(None)

Commission Business

(None)

November 7, 2016 (*MSB Assembly Chambers – Half-Chambers Only*)

Introduction for Public Hearing Quasi-Judicial

(None)

Introduction for Public Hearing Legislative

(None)

Agency/Staff Reports

(None)

Land Use Classifications

(None)

Public Hearing Quasi-Judicial

- **Resolution 16-37**, a request for a Conditional Use Permit in accordance with MSB 17.70, Regulation of Alcoholic Beverage Uses, for the operation of an alcoholic beverage dispensary (bar) at the 907 Club, located at 2541 S. Rosalie Court; MSB Tax ID# 5428000T00A; within Township 17 North, Range 3 West, Section 21, Seward Meridian. (*Applicant: Mark Button (dba RMB, LLC, 907 Club, Staff: Mark Whisenhunt)*)

(None)

Unfinished Business

(None)

New Business

(None)

Commission Business

(None)

Upcoming PC Actions

Quasi-Judicial

- Central Monofill Services CUP remanded back to Planning Commission by Superior Court. (Staff: Alex Strawn)
- Earth Materials Extraction CUP, 18N02W27D009. (Applicant: T&J Gravel, Staff: Susan Lee)
- Burnett Variance. (Applicant: Stephen Spence, Staff: Susan Lee)
- Forks Roadhouse Beverage Dispensary CUP. (Staff: Mark Whisenhunt)

Legislative

- Title 17 Consolidation. (Staff: Sara Jansen)

Other Upcoming Administrative Actions (Not going to the PC)

- Nash/Chijuk Creek NRMU Timber Transportation Permit. (Staff: Susan Lee)
- Minnick Earth Materials Extraction Administrative Permit. (Staff: Mark Whisenhunt)
- Psenak Earth Material Extraction Administrative Permit. (Staff: Mark Whisenhunt)
- Finger Lake Legal Nonconforming Status Determination for a Structure. (Staff: Susan Lee)

PC Decisions Currently Under Appeal

- Central Monofill Services Application for a CUP Remanded by to the Planning Commission by Superior Court. (Staff: Alex Strawn)

Updates on PC items going to the Assembly (Pending)

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
Resolution 16-05 , A resolution recommending Assembly adoption of the Seldon Road Extension Corridor Access Management Plan. (<i>Staff: Mike Campfield</i>)		ORD # 16-__	IM # 16-__
Actions:	01/08/16 – PC Introduction 02/01/16 – PC Public Hearing – Approved		

Updates on PC items that went to the Assembly (Complete)

Planning Commission		Assembly	
Reso		ORD/Reso #	IM
Resolution 16-28 , recommending Assembly approval of an Interim Materials District (IMD) known as Denali Highway Mile 99, in accordance with MSB 17.28 – Interim Materials District, for the extraction of 500,000 cubic yards of earth material within a 69.91 acre parcel until the year 2060, located within Township 19 South, Range 2 West, Section 10 & 15, Fairbanks Meridian. (<i>Applicant: State of Alaska, Department of Transportation and Public Facilities, AKDOT&PF, Staff: Susan Lee</i>)		ORD # 16-051	IM # 16-057
Actions:	01/16/16 – PC Introduction 08/15/16 – PC Public Hearing – Approved 09/06/16 – Assembly Introduction 09/20/16 – Assembly Public Hearing - Adopted		