

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

**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)).

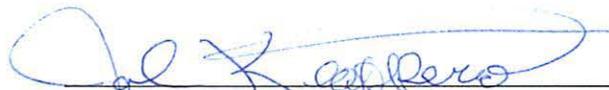
13. There has been no information submitted indicating that the applicant is untrustworthy or unfit to conduct business in the borough or that the applicant is a potential source of harm to the public (MSB 17.70.110(B)(3)).

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 3rd day of October, 2016.



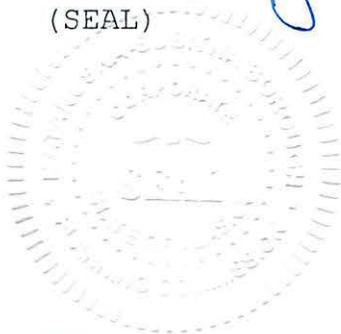
JOHN KLAPPERICH, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)



YES:

NO: