

By: Rick Benedict
Introduced: August 5, 2024
Public Hearing: August 19, 2024
Action: **Adopted**

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 24-20**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AN ALCOHOLIC BEVERAGE PACKAGE STORE KNOWN AS CIRCLE K LIQUOR AT 169 N. MEADOW LAKES LOOP, TAX ID# 8478000L002.

WHEREAS, an application has been received from Kate Silber of DOWL on behalf of Holiday Alaska, LLC for a Conditional Use Permit to operate an alcoholic beverage package store known as Circle K Liquors at 169 N. Meadow Lakes Loop (Tax ID#8478000L002); and

WHEREAS, the applicant proposes the sales of packaged alcoholic beverages on the subject property within designated state-licensed areas; and

WHEREAS, MSB 17.70.020 requires a Conditional Use Permit for the operation of an alcoholic beverage package store; and

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

WHEREAS, operation of such a land use without a permit is prohibited; and

WHEREAS, on June 25, 2024, the State of Alaska Alcoholic Beverage Control Board approved the transfer of location application for Holiday Alaska, LLC license #4198 in a delegated status; and

WHEREAS, a license for the relocation of alcoholic beverage package store license #4198 is currently approved with delegation by the State of Alaska, pending approval by the MSB Planning Commission for a Conditional Use Permit; and

WHEREAS, the Alcoholic & Marijuana Control Office (AMCO) has no record of violations, suspensions, and/or revocations of licenses by Holiday Alaska, LLC within the preceding 12 months; and

WHEREAS, according to the application materials, the applicant proposes relocating the existing operation from 7383 W. Parks Highway to 169 N. Meadow Lakes Loop, which consists of a convenience store, fuel station, and alcoholic beverage package store; and

WHEREAS, according to the application materials, the existing alcoholic beverage package store known as Holiday #650 at 7383 W. Parks Highway (CUP #2002-001) will permanently close upon the issuance of a CUP to operate at 169 N. Meadow Lakes Loop; and

WHEREAS, the Borough has no complaints or violations for the existing alcoholic beverage package store at 7383 W. Parks Highway (CUP #2002-001); and

WHEREAS, according to the application materials, the alcoholic package store will operate at 169 N. Meadow Lakes Loop as Circle K Liquors; and

WHEREAS, according to the application materials, the new location at 169 N. Meadow Lakes Loop will dedicate approximately 3,165 square feet to the alcoholic beverage package store portion of the operation out of approximately 9,905 square feet of total building space; and

WHEREAS, according to the application materials, the proposed hours of operation for the alcoholic beverage package store are 10:00 a.m. to 1:00 a.m. on Mondays through Saturdays and 12:00 p.m. to 1:00 a.m. on Sundays; and

WHEREAS, according to the application materials, the remainder of the building and subject property located at 169 N. Meadow Lakes Loop will be occupied by a convenience store and fuel station operating 24 hours a day, seven days a week; and

WHEREAS, Holiday Liquors #650 has operated as an alcoholic beverage package store from 7383 W. Parks Highway since 2004, approximately 1,854 feet northeast of the proposed new location at 169 N. Meadow Lakes Loop; and

WHEREAS, the proposed new alcoholic beverage package store is located at the northeast corner of the West Parks Highway and North Meadow Lakes Loop signaled intersection; and

WHEREAS, the subject property is approximately 6.28 acres in size; and

WHEREAS, West Parks Highway abuts the southeastern property line, and North Meadow Lakes Loop abuts the southwestern and northwestern property lines; and

WHEREAS, the applicant's 2.7-acre parcel abuts the subject property to the north and northeast and shares a 60' access easement with it for access to the North Meadow Lakes Loop right-of-way; and

WHEREAS, large parcels used commercially exist further to the north, east, and south, ranging from approximately 6 to 17 acres in size; and

WHEREAS, a large portion of land west of and adjacent to the subject property is dedicated to the North Meadow Lakes Loop right-of-way, and existing parcels further to the west range from .43 to 6 acres in size and are a mixture of residential, vacant, and commercial; and

WHEREAS, the closet residential structure is approximately 782 feet west of the proposed use; and

WHEREAS, the closet commercial structure is approximately 410 feet north of the proposed use; and

WHEREAS, the subject property has been used commercially for several decades for uses such as an RV park, laundromat, log cabin manufacturer, and lumber supply; and

WHEREAS, traffic signals at the West Parks Highway and North Meadow Lakes Loop intersection were completed around 2022 and have dedicated left turn lanes on all four sides and right turn lanes from the Parks Highway; and

WHEREAS, in 2024, the borough issued two driveway permits (D29950 & D29949) to the operation to access the North Meadow Lakes Loop right-of-way; and

WHEREAS, North Meadow Lakes Loop has two lanes, a posted speed limit of 30 MPH, and is classified as a minor arterial; and

WHEREAS, the West Parks Highway has four lanes, a posted speed limit of 55 MPH, and is classified as an Interstate; and

WHEREAS, according to the application material, the applicant is not proposing access to the subject parcel from the Parks Highway; and

WHEREAS, according to the application material, the applicant will provide a retention basin between the gas pumps and the northwestern property line to capture any potentially contaminated

runoff leaving the site; and

WHEREAS, the applicant submitted a Full Plan Review (#2023ANCH0161) for the proposed operation, which the State of Alaska Fire Marshal approved on April 13, 2023, to ensure the development complies with the applicable fire code; and

WHEREAS, the applicant provided an approved stormwater plan issued by the State of Alaska Department of Environmental Conservation, Division of Water, on May 2, 2023; and

WHEREAS, the applicant provided a Construction and Operation Certificate for a domestic wastewater disposal system conditionally approved on May 8, 2023, and issued by the State of Alaska Department of Environmental Conservation. The system was granted interim approval to operate for 90 days after completion; and

WHEREAS, according to the application materials, the alcoholic beverage package store is approximately 152' from the North Meadow Lakes right-of-way, 217' from the Parks Highway right-of-way, 282' from the northeast property line, and 306' from the eastern property line; and

WHEREAS, the proposed operation will utilize signage technology consistent with its other locations. As shown in the application material, the signage will be attached to the exterior of the building; and

WHEREAS, the site plan indicates the driveways, internal drives, and areas around the convenience store, fuel station, and alcoholic beverage package store are paved, which will continue to control dust; and

WHEREAS, lighting is downward-directional to minimize light spillage from the property; and

WHEREAS, the applicant is not proposing any outdoor amplified sound activities; and

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

WHEREAS, according to the applicant, natural vegetation, including a mixture of mature evergreen and deciduous trees, will be utilized as visual buffers along the western and northern property lines; and

WHEREAS, according to the applicant, the subject property, which abuts the West Parks Highway and North Meadow Lakes Loop rights-of-way, will be landscaped with grass and evergreen trees; and

WHEREAS, according to the application material, 52 customer parking spaces are provided; and

WHEREAS, according to the application material, 4 customer parking spaces designated for persons with disabilities are provided; and

WHEREAS, according to the application materials, two driveways on the subject property that provided access to the West Parks Highway right-of-way for prior uses have been removed; and

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

WHEREAS, the TIA indicates that the proposed use will generate 634 vehicles during the morning peak hours and 592 vehicles during the afternoon peak hours; and

WHEREAS, the TIA indicates that trips generated by the development are not expected to degrade operations at existing intersections to require mitigation; and

WHEREAS, the TIA recommended a taper lane on the south driveway entrance for northbound traffic entering the development from Meadow Lakes Loop, and

WHEREAS, staff conducted a site visit on August 2, 2024, and confirmed that a taper lane had been installed at the south driveway entrance; and

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

WHEREAS, consumption on site is prohibited; and

WHEREAS, persons under 21 are prohibited from purchasing alcoholic beverages; and

WHEREAS, Alaska Statute 04.16.030 specifically prohibits the sale of alcoholic beverages to drunken persons; and

WHEREAS, no information has been submitted indicating that any person/party associated with this application is untrustworthy, unfit to conduct business in the borough, or is a potential source of harm to the public; and

WHEREAS, the Planning Commission has reviewed this application with respect to applicable standards set forth in MSB 17.70; and

WHEREAS, the Planning Commission conducted a public hearing on August 19, 2024, on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 24-20:

1. The proposed use is compatible with and will preserve or not materially detract from the value, character, and integrity of the surrounding area (MSB 17.70.100(A) (1) (a)).
2. The proposed use will not be harmful to public health, safety, convenience, and welfare (MSB 17.70.100(A) (1) (b)).
3. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.70.100(A) (1) (c)).
4. There will not be any negative effects upon the properties in the area due to such factors as dust, noise, obtrusive advertising, and glare (MSB 17.70.100(A) (2) (a)).
5. The proposed use will not negatively affect the safe, efficient flow of traffic on any highway, arterial, collector or street from which access to and from the establishment is obtained (MSB 17.70.100(A) (2) (b)).
6. Measures will be in place to reduce any negative effect upon adjacent and nearby properties (MSB 17.70.100(A) (2) (c)).
7. Adequate parking is provided (MSB 17.70.100(A) (2) (d)).
8. Access to the premises will not create an unreasonable traffic hazard (MSB 17.70.100(A) (2) (e)).

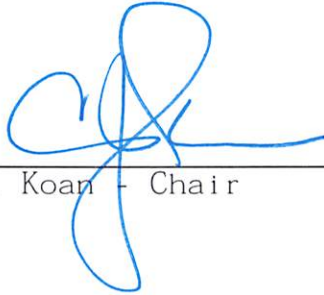
9. Traffic will not overtax existing road systems (MSB 17.70.100(A) (2) (f)).
10. The proposed use is compatible with the character of the surrounding area (MSB 17.70.100(A) (2) (g)).
11. The proposed use is not expected to increase the crime rate in the area or increase alcohol-related accidents (MSB 17.70.110(B) (1)).
12. The applicant has not had a liquor license suspended or revoked in the 12 months preceding the application (MSB 17.70.110(B) (2)).
13. The applicant is trustworthy or fit to conduct business in the borough and the applicant is not a potential source of harm to the public (MSB 17.70.110(B) (3)).

BE IT FURTHER RESOLVED, the Planning Commission finds this application does meet the standards of MSB 17.70 and does hereby approve the Conditional Use Permit for the operation of an alcoholic beverage package store, with the following conditions:

1. The operation shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.

3. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will, at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to borough staff shall be a violation of this conditional use permit.
4. On-site consumption of alcohol is prohibited.
5. The hours of operation for the alcoholic beverage package store shall not exceed 10:00 a.m. to 1:00 a.m. on Mondays through Saturdays and 12:00 p.m. to 1:00 a.m. on Sundays.
6. CUP #2002-001 shall become void upon being issued a Conditional Use Permit to operate an alcoholic beverage package store at 169 N. Meadow Lakes Loop.
7. The applicant shall notify AMCO of the site's new physical address, 169 N. Meadow Lakes Loop, for license #4198.
8. Upon issuance, the applicant shall provide the Borough with a copy of the State of Alaska Department of Environmental Conservation's final approval for the site's domestic wastewater disposal system.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 19th day of August, 2024.



C.J. Koan - Chair

ATTEST



Lucie Olivieri, Planning Clerk

(SEAL)

YES: unanimous

NO:

