

By: Mark Whisenhunt
Introduced: October 23, 2017
Public Hearing: November 6, 2017
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 17-48**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT #17602017005 WHICH ALLOWS THE OPERATION OF A MARIJUANA CULTIVATION FACILITY AT 4603 NORTH PITTMAN ROAD, LOCATED WITHIN TOWNSHIP 18 NORTH, RANGE 2 WEST, SECTION 24; TAX ID# 18N02W24D001, SEWARD MERIDIAN.

WHEREAS, an application has been received from Bradley Bartlett, on behalf of Denali Dispensaries, LLC for a modification to conditional use permit #17602017005 which allows the operation of a marijuana cultivation facility at 4603 N. Pittman Road, located within Township 18 North, Range 2 West, Section 24; Tax ID# 18N02W24D001, Seward Meridian; and

WHEREAS, MSB 17.60.040 allows a property owner to apply for a modification of a conditional use permit; and

WHEREAS, according to the application material, the applicant has worked with an architect and the State Fire Marshal to create drawings compliant with the applicable fire code; and

WHEREAS, according to the applicant, making the mezzanine area compliant with fire code is too difficult and as such, this request is to remove the mezzanine area from its operation; and

WHEREAS, according to the application material, to offset the loss of the mezzanine area, the applicant proposes to expand to the remainder of the building; and

WHEREAS, according to the application material, the mezzanine area is approximately 1,400 square feet in size, and the expansion is approximately 1,169 square feet creating a net loss of approximately 231 square feet in size; and

WHEREAS, the proposed expansion will not change the size or appearance of the existing commercial building; and

WHEREAS, the proposed expansion will not change the building location; and

WHEREAS, the proposed expansion will be set back approximately 166 feet from the Pittman Road right-of-way, 163 feet from the north lot line, 2,400 feet from the south lot line, and 1,050 feet from the west lot line; and

WHEREAS, the proposed expansion will still be wholly contained within the subject structure; and

WHEREAS, according to the application material, the proposed expansion has a security plan in place; and

WHEREAS, according to the security plan, a combination of cameras, lighting, and fencing will be used to secure the site and monitor all activities in the proposed expansion area; and

WHEREAS, the closest residential structure is approximately 235 feet away from the subject structure; and

WHEREAS, residential lots located north of the site are 3-3.5 acres in size. Residential lots located to the north east are approximately 1 acre in size; and

WHEREAS, several large lots, ranging from 320 acres to 11 acres in size surround the subject property on the east, south, and west sides; and

WHEREAS, land uses within the 600-foot public notice area consist of residential, commercial, and undeveloped lands; and

WHEREAS, the closest school (Meadow Lake Elementary) is approximately 15,000 feet away from the proposed expansion; and

WHEREAS, consumption of marijuana is prohibited at the site; and

WHEREAS, persons under the age of 21 are prohibited from entering the premises of the proposed expansion; and

WHEREAS, access onto the Pittman Road right-of-way will not be impacted by the proposed expansion; and

WHEREAS, the State of Alaska Fire Marshal is processing Denali Dispensaries's new request for plan review; and

WHEREAS, all of the required site plans and operational information have been provided; and

WHEREAS, there is no outdoor industrial equipment or processes that generate noise associated with the proposed expansion; and

WHEREAS, the applicant has submitted an odor mitigation plan, ensuring no marijuana odor will emit from the building; and

WHEREAS, all exhaust vents from the building will be fitted with carbon filters to remove marijuana odors; and

WHEREAS, Denali Dispensaries must obtain approval to change its floor plan from the State of Alaska prior to operating; and

WHEREAS, the State of Alaska Alcohol & Marijuana Control Office will not activate Denali Dispensaries's marijuana cultivation license until the State Fire Marshal issues an approved plan review for the facility; and

WHEREAS, the proposed expansion will not change the applicant's wastewater and waste material disposal plan; and

WHEREAS, the proposed expansion will not change how the operation will store and dispose of nutrient additives and natural pesticides; and

WHEREAS, according to the applicant, nutrient additives and natural pesticides will be stored within the facility in designated cabinets; and

WHEREAS, according to the applicant, nutrient additives and natural pesticides will be stored according to each manufacturer's recommendations; and

WHEREAS, according to the application material, all employees will be educated on all securities measures; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.60.100, 17.60.150 and 17.60.160; and

WHEREAS, the Planning Commission conducted a public hearing on November 6, 2017 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 17-48:

1. The proposed expansion, with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).
2. The proposed expansion will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).
3. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.60.100(B)(3)).
4. The application for the proposed expansion has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).
5. The proposed expansion will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).

6. Measures are in place to reduce negative affects upon adjacent properties (MSB 17.60.150(A) (2) (a-c)).
7. The proposed expansion is compatible with the character of the surrounding area (MSB 17.60.150(A) (3)).
8. The proposed expansion is more than 1,000 feet away from any school grounds (MSB 17.60.150(B) (1)).
9. The applicant must still provide documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60.150(D) (1)).
10. The State of Alaska Fire Marshal is still processing Denali Dispensaries's request for plan review to obtain full compliance with all applicable fire code (MSB 17.60.150(D) (2)).
11. The wastewater and waste material disposal plan demonstrates compliance with the Alaska State Department of Environmental Conservation (MSB 17.60.160(A)).
12. The odor mitigation plan demonstrates mitigation measures will prevent odors from materially impacting adjoining properties (MSB 17.60.160(B)).
13. Storage of nutrient additives and natural pesticides will comply with all local, state, and federal laws (MSB 17.60.160(C)).

14. A security plan which includes education for employees on security measures has been provided (MSB 17.60.160(D)).

15. The proposed expansion meets the minimum setback requirements for marijuana cultivation facilities (MSB 17.60.160(E)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.60 and does hereby approve the modification to conditional use permit #17602017005. which allows the operation of a marijuana cultivation facility, with the addition of the following condition:

1. Prior to operating, a copy of the final approval of the floor plan change issued by the State of Alaska Alcohol & Marijuana Control Office, shall be provided to the MSB Development Services Division.

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ADOPTED by the Matanuska-Susitna Borough Planning Commission this 6th day of November, 2017.


COLLEEN VAGUE, Chair

ATTEST


MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Anderson, Healy, Clusko, Elder, Glaskan,*
and *Rauchenstein*
NO: