

By: Mark Whisenhunt
Introduced: February 6, 2018
Public Hearing: March 6, 2018
Action: April 2, 2018

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-08**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING THE MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 4901 EAST BLUE LUPINE DRIVE, SUITE E, LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 1 EAST, SECTION 17; TAX ID# 1027000L005, SEWARD MERIDIAN.

WHEREAS, an application has been received from Caleb Saunders, on behalf of Green Jar, to modify an existing conditional use permit for the operation of a marijuana retail facility at 4901 East Blue Lupine Drive, Suite E, Tax ID# 1027000L005; located within Township 17 North, Range 1 East, Section 17, Seward Meridian; and

WHEREAS, the applicant is specifically requesting to expand the hours of operation and to alter the fencing requirement of Planning Commission Resolution 17-08; and

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

WHEREAS, MSB 17.60.030(A)(4) requires a conditional use permit for the operation of a marijuana retail facility; and

WHEREAS, on March 6, 2018, Green Jar obtained approval from the MSB Planning Commission to operate a marijuana retail

facility at the subject property, through the adoption of Planning Commission Resolution 17-08; and

WHEREAS, Green Jar is currently operating in accordance with Conditional Use Permit #176020160007; and

WHEREAS, the subject lot was developed for and has been used commercially since 1985; and

WHEREAS, East Blue Lupine Drive is dominated by commercial and industrial uses on its frontage; and

WHEREAS, lot 6 abuts the subject parcel to the west and was developed for and has been used as commercial since 1984; and

WHEREAS, lots 5 & 6 share a common access onto East Blue Lupine Drive; and

WHEREAS, a commercial trailer business abuts the subject parcel to the east; and

WHEREAS, a six-foot tall chain-link fence has been constructed on the east and north sides of the structure; and

WHEREAS, two concrete barriers have been placed in front of the garage door for added security; and

WHEREAS, the current operating hours are 10:00 a.m. - 10:00 p.m., Monday through Saturday; and

WHEREAS, the proposed hours of operation are 8:00 a.m. - 12:00 a.m., daily; and

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

WHEREAS, East Blue Lupine Drive is classified as a Major Collector, which is capable of accommodating traffic generated by several commercial retail businesses; and

WHEREAS, persons under the age of 21 are prohibited from entering the facility; and

WHEREAS, a combination of cameras, motion detectors, and lighting are in place to secure the site and monitor all activities at the facility; and

WHEREAS, the Borough has not received any complaints related to this facility; and

WHEREAS, the State Alcohol & Marijuana Control Office has not received any complaints related to this facility; and

WHEREAS, the existing structure meets all applicable setback requirements required by MSB 17.55 - Setbacks and Screening Easements; and

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

WHEREAS, the operation is wholly contained within Suite E of a commercial building; and

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

WHEREAS, all marijuana is stored in sealed containers; and

WHEREAS, the Borough has not received any noise or odor complaints related to this facility; and

WHEREAS, the subject location has been used for commercial retail for approximately 33 years; and

WHEREAS, the marijuana retail facility has been in operation since March 2017; and

WHEREAS, the proposed modification has no impact on the setback distance to school grounds; and

WHEREAS, the closest school (Machetanz Elementary) is approximately 6,700 feet away from the proposed use; and

WHEREAS, the Green Jar marijuana retail facility has obtained State of Alaska Marijuana Establishment License #10008; and

WHEREAS, a copy of the State of Alaska Marijuana Establishment License #10008 for the Green Jar marijuana retail facility has been provided; and

WHEREAS, the chain-link fence is not a part of Green Jar's security plan filed with the State of Alaska Alcohol & Marijuana Control Office; and

WHEREAS, the State of Alaska limits the hours of operations for marijuana retail facilities to 8:00 a.m. - 5:00 a.m., daily; and

WHEREAS, the proposed modification has no impact to State of Alaska Marijuana Establishment License #10008 for the Green Jar marijuana retail facility; and

WHEREAS, the Matanuska-Susitna Borough Fire Code Official has issued a certificate of occupancy for the Green Jar marijuana retail facility; and

WHEREAS, the Matanuska-Susitna Borough Fire Code Office submitted a comment on February 8, 2018 noting it has no objections to the proposed modification of the existing Conditional Use Permit; and

WHEREAS, the northern half of the property is heavily treed and undeveloped; and

WHEREAS, the subject lot is sandwiched between two roads: East Blue Lupine Drive to the south and East Barley Avenue to the north; and

WHEREAS, East Barley Avenue abuts the northern property line; however, no access onto East Barley Avenue is proposed; and

WHEREAS, to the north and northwest of East Barley Avenue there is a mix of residential uses, vacant land, an electric substation, and a religious service building; and

WHEREAS, the existing use is 2,610 square feet in size; and

WHEREAS, a marijuana retail facility 2,610 square feet in size is required to provided eight parking spaces with one ADA compliant space; and

WHEREAS, 29 customer parking spaces are provided in a shared parking lot; and

WHEREAS, each space is 20 feet in length and ten feet wide;
and

WHEREAS, there are no vertical clearance limitations on
site; and

WHEREAS, the proposed modification does not change the size
of the facility or the parking requirements; and

WHEREAS, ADA guidelines require one van accessible parking
space, for every 1 to 25 spaces; and

WHEREAS, two parking spaces compliant with ADA guidelines
are provided in the shared parking lot; and

WHEREAS, the proposed modification does not change the size
of the facility or the ADA parking requirements; and

WHEREAS, the Planning Commission has reviewed this
application with respect to standards set forth in MSB
17.60.100, 17.60.150 and 17.60.170; and

Whereas, the Planning Commission conducted a public hearing
on April 2, 2018 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 18-08:

1. The proposed modification will not detract from the
value, character and integrity of the surrounding area
(MSB 17.60.100(B)(1)).

2. The proposed modification 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 material has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).
5. The proposed modification 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 modification is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
8. The existing use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).
9. Documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60150(D)(1)).
10. The proposed modification is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

11. The existing use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).
12. The existing use meets the minimum number of parking space for retail facilities (MSB 17.60.170(B)).
13. The existing use complies with current ADA parking space guidelines (MSB 17.60.170(C)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.60 and hereby modifies the conditional use permit approved on March 6, 2017 for the operation of a marijuana retail facility, by approving the following conditions to supersede conditions three and five of Planning Commission Resolution 17-08:

1. A concrete barrier, at least three feet tall, shall be installed outside of the facility within five feet of the garage door to block vehicular access to the facility.
2. The hours of operation shall not exceed 8:00 a.m. - 12:00 a.m., daily.

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ADOPTED by the Matanuska-Susitna Borough Planning Commission this 2nd day of April, 2018.


COLLEEN VAGUE, Chair

ATTEST


MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Anderson, Chasko, Alaskan, and Moskaner*

NO: