

By: Mark Whisenhunt
Introduced: May 21, 2018
Public Hearing: June 4, 2018
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-16**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 3550 SOUTH OLD GLENN HIGHWAY, TAX ID# 17N02E23D025; LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 2 EAST, SECTION 23, SEWARD MERIDIAN.

WHEREAS, an application has been received from Chad Ragsdale, dba Matanuska Cannabis Company, LLC, for a conditional use permit for the operation of a marijuana retail facility at 3550 South Old Glenn Highway (Tax ID# 17N02E23D025); within Township 17 North, Range 2 East, Section 23, Seward Meridian; and

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

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, marijuana retail facilities are declared to be a public nuisance; and

WHEREAS, the building is a single story commercial structure approximately 2,934 square feet in size, with the proposed retail facility occupying 1,166 square feet of the structure; and

WHEREAS, the subject commercial structure has been used commercially since its construction in 1971; and

WHEREAS, the proposed use is wholly contained within the commercial structure; and

WHEREAS, the Old Glenn Highway has many different uses on its frontage, including residential, commercial, and industrial; and

WHEREAS, the subject parcel sits on the northwest corner of the Old Glenn Highway and South Bodenburg Loop intersection. South Bodenburg Loop is to the south and the South Old Glenn Highway is to the east. The applicant owns a vacant lot abutting the parcel to the west. The parcel to the north was developed in 1970 with a log home; and

WHEREAS, the closest residential structure is approximately 200 feet away from the proposed use; and

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

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

WHEREAS, according to the application material, loitering will not be allowed; and

WHEREAS, the closest school (Butte Elementary School) is approximately 4,400 feet away from the proposed use; and

WHEREAS, the proposed use accesses the Old Glenn Highway via an existing permitted driveway on the east side of the property; and

WHEREAS, the Alaska Department of Transportation has issued driveway permit #28035 for access onto the Old Glenn Highway; and

WHEREAS, the Old Glenn Highway is classified as a Highway, which is capable of accommodating traffic generated by several commercial retail businesses; and

WHEREAS, according to the application material, the proposed use has a security plan in place, which includes education of employees on all security measures; and

WHEREAS, according to the security plan, security cameras, motion detectors, and lighting will be used to monitor all activities at the facility; and

WHEREAS, the State Fire Marshal Office has issued Full Plan Review #2017Anch1576, for the commercial structure; and

WHEREAS, the commercial structure is in full compliance with the applicable State of Alaska fire code; and

WHEREAS, after proper notification of the State of Alaska Alcohol & Marijuana Control Office, all marijuana products deemed unusable will be ground up and mixed with compostable material and sealed in a container. The waste will then be taken State of Alaska Alcohol & Marijuana Control Office approved site or the local landfill; and

WHEREAS, according to the application material, the commercial structure is located approximately 43 feet from the Old Glenn Highway right-of-way, 61 feet from the South Bodenbug Loop right-of-way, 10.4 feet from the west side lot line, and 155 feet from the north side lot line; and

WHEREAS, the commercial 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, according to the application material, the building's HVAC system will be fitted with charcoal based filters to remove marijuana odors; and

WHEREAS, the applicant has improved the property since taking ownership by, removing junk and trash, painting the structure, and adding a new fence; and

WHEREAS, at the April 4-6 meeting, the State of Alaska Marijuana Control Board voted to approve Matanuska Cannabis Company Marijuana Retail Facility, License # 14200 with delegation; and

WHEREAS, a copy of the delegated approval for the applicant's marijuana retail facility has been provided to the MSB Development Services Division; and

WHEREAS, the applicant has provided a copy of the approved Full Plan Review #2017Anch1576; and

WHEREAS, the proposed use is approximately 1,166 square feet in size; and

WHEREAS, a marijuana retail facility 1,166 square feet in size is required to provided four parking spaces with one ADA compliant space; and

WHEREAS, according to the site plan, six customer parking spaces will be provided; and

WHEREAS, according to the site plan, each space will be 20 feet in length and ten feet wide; and

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

WHEREAS, ADA guidelines require one van accessible parking space, 11 feet wide with a five-foot wide parking isle, for every 1 to 25 spaces; and

WHEREAS, according to the site plan, one van accessible parking space, 11 feet wide with a five-foot wide parking isle will be provided; 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 June 4, 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 18-16:

1. The proposed use, with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).
2. The proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).
3. Sufficient setbacks, lot area, buffers and 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 use 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 use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
8. The proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).
9. The applicant has provided a copy of the documents demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60150(D)(1)).
10. The proposed use is in full compliance with all applicable fire code (MSB 17.60.150(D)(2)).

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

BE IT FURTHER RESOLVED, the Planning Commission finds this application does meet the standards of MSB 17.60 and does hereby approve the conditional use permit for the operation of a marijuana retail facility, with the following conditions:

1. The operation shall comply with all applicable 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. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 - Noise, Amplified Sound and Vibration.
4. The hours of operation shall not exceed 8:00 a.m. - 10:00 p.m., daily.
5. 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.

6. Within thirty (30) days of opening the facility, a copy of active license issued by the State of Alaska Marijuana Control Board shall be provided the MSB Development Services Division.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 4th day of June, 2018.



COLLEEN VAGUE, Chair

ATTEST



MARY BRODIGAN, Planning Clerk

(SEAL)

YES: *Vague, Anderson, Patterson, Chestro, Elder, Glashan,*
and Mohanen
NO: