

By: Joe Metzger
Introduced: April 15, 2019
Public Hearing: May 6, 2019
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 19-13**

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 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, to modify an existing 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, the applicant is specifically requesting to expand the hour of operation as specified in Planning Commission Resolution 18-16; and

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

WHEREAS, on June 4, 2018, Matanuska Cannabis Company obtained approval from the MSB Planning Commission to operate a marijuana retail facility at the subject property, through the adoption of Planning Commission Resolution 18-16; and

WHEREAS, Matanuska Cannabis Company is currently operating in accordance with Conditional Use Permit #176020180002; and

WHEREAS, the current operating hours are 8:00 a.m. until 10:00 p.m., daily; and

WHEREAS, the proposed hours of operation are 8:00 a.m. until 5:00 a.m., daily; and

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

WHEREAS, the building is a single story commercial structure approximately 2,934 square feet in size, with the 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 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 use; and

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

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

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

WHEREAS, correspondence with the operators of The Green
Store, a convenience store and gas station located approximately
280 feet from the use, indicate the store is typically open from
5:30 a.m. until 11:00 p.m. Sunday-Thursday and 5:30 a.m. until
12:00 a.m. Friday-Saturday. During certain times of the year, the
hours of operation are expanded to stay open until 2:00 a.m. daily,
and it is not uncommon for the store to operate 24 hours during
the summer; and

WHEREAS, correspondence with the operators of The Green Store
Liquor Package Store, a liquor package store located approximately
280 feet from the use, indicate the store is typically open until
11:00 p.m. on weekdays, and 12:00 a.m. on weekends. During certain
times of the year, the hours of operation are expanded until 2:00
a.m. daily; and

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

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

WHEREAS, security cameras, motion detectors, and lighting are used to monitor all activities at the facility; and

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

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

WHEREAS, the Borough has not received any complaints related to this facility; 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, the Borough has not received any noise or odor complaints related to this facility; 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, Matanuska Cannabis Company marijuana retail facility has obtained State of Alaska Marijuana Establishment Retail Store License #14200; and

WHEREAS, a copy of the State of Alaska Marijuana Establishment Retail Store License #14200 has been provided to the MSB Development Services Division; and

WHEREAS, the proposed modification has no impact to State of Alaska Marijuana Establishment License #14200 for the Matanuska Cannabis Company marijuana retail facility; and

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

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

WHEREAS, the proposed increase in operating hours has no impact to the State Fire Marshall Office Full Plan Review #2017Anch1576; and

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

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

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

WHEREAS, six customer parking spaces have been provided; 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, 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 proposed modification to the hours of operation 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 May 6, 2019 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 19-13:

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 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 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. 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 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, the Planning Commission finds this application does meet the standards of MSB 17.60 and does hereby modifies the conditional use permit approved on June 4, 2018 for the operation of a marijuana retail facility, by approving the

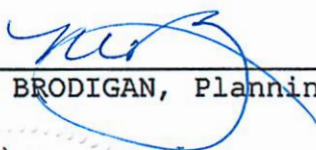
following condition to supersede condition four of Planning Commission Resolution 18-16:

1. The hours of operation shall not exceed 8:00 a.m. until midnight, daily.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 6th day of May, 2019.


COLLEEN VAGUE, Chair

ATTEST


MARY BRODIGAN, Planning Clerk

(SEAL)



APPROVED UNANIMOUSLY: Vague, Anderson, Chesbro, Elder,
Glashan, and Mossanen