

By: Joe Metzger
Introduced: May 18, 2020
Public Hearing: June 8, 2020
Action: *Approved*

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 20-09

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 5675 E. BLUE LUPINE DRIVE (TAX ID# 1807B01L011); WITHIN TOWNSHIP 17 NORTH, RANGE 1 EAST, SECTION 17, SEWARD MERIDIAN.

WHEREAS, an application has been received from Chad Ragsdale on behalf of MCC Flight for a conditional use permit for the operation of a marijuana retail facility at 5675 E. Blue Lupine Drive, (1807B01L011); within Township 17 North, Range 1 East, Section 17, 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 proposed retail facility will be wholly contained within the commercial structure approximately 952 square feet in size; and

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

WHEREAS, ITE Trip Generation 10th Edition indicates a "Marijuana Dispensary" 1000-square feet in size is expected to produce 29.93 trips per peak PM hour. The structure that will contain the proposed marijuana retail facility is approximately 952 square feet and based on these calculations is expected to produce approximately 28.5 trips per peak PM hour; and

WHEREAS, ITE Trip Generation 10th Edition indicates a "Marijuana Dispensary" 1000-square feet in size is expected to produce 259.31 trips per day. The structure that will contain the proposed marijuana retail facility is approximately 952 square feet and based on these calculations is expected to produce approximately 247 trips per day; and

WHEREAS, the proposed use will not be processing, manufacturing, or storing hazardous substances identified in MSB 17.61.020(A)(3); and

WHEREAS, the proposed use is commercial retail in nature and will not generate contaminated water runoff; and

WHEREAS, the property is located in the Core Area; however, there are no other specific zoning designations for this parcel; and

WHEREAS, the proposed use accesses E. Blue Lupine Drive from an existing, State of Alaska permitted driveway; and

WHEREAS, East Blue Lupine Road is considered a collector and has many different uses on its frontage, including residential, commercial, and industrial; and

WHEREAS, the closest residential structure is located to the southeast and is approximately 115 feet away from the proposed use; and

WHEREAS, the application material indicates an illuminated sign will be installed on the roof of the proposed facility and will not interfere with any of the residential homes in the area; and

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

WHEREAS, according to the application material, the proposed use is located approximately 60 feet from the E. Blue Lupine Drive right-of-way to the west and south, approximately 27 feet to the property line to the east, and approximately 115 feet to the property line to the north; and

WHEREAS, there are multiple commercial businesses in the surrounding area such as, but not limited to, a Harley Davidson Dealership, a fire suppression and prevention business, and an animal daycare; 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, the closest school (Machetanz Elementary School) is approximately 6,800 feet away from the use; 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, panic buttons, and lighting are used to monitor all activities at the facility; and

WHEREAS, the Mat-Su Borough Central Mat-Su Fire Department has issued Plan Review #2020-044, 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 are blended together before being mixed with compostable material, and sealed in a container. The waste will then be taken to a MSB landfill to be disposed of; 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, on January 24, 2020 at the State of Alaska Marijuana Control Board meeting, the Board voted to approve MCC Flight Retail Marijuana Store License #23122 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 Plan Review #2020-044; and

WHEREAS, the majority of the uses situated on E. Blue Lupine Drive are commercial in nature; and

WHEREAS, a marijuana retail facility 952 square feet in size is required to provide three parking spaces with one ADA compliant space; and

WHEREAS, four (4) customer parking spaces are being 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 application material, one van accessible parking space, 11 feet wide with a five-foot wide parking isle is being 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 8, 2020 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 20-09:

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, with conditions, 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 meets all of the requirements of this chapter (MSB 17.60.100(B)(4)).
5. The proposed use, with conditions, 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, with conditions, to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).
7. The proposed use, with conditions, 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 documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60.150(D)(1)).
10. The applicant has provided documentation demonstrating 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, that 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. 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. The hours of operation shall not exceed 8:00 a.m. - 12:00 a.m., daily.


5. The parking area and parking stalls shall be painted as indicated on the site plan, and shall be compliant with the current ADA guidelines, within one year of the date of decision.
6. On-site consumption of marijuana and marijuana products is prohibited.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 8th day of June, 2020.



COLLEEN VAGUE, Chair

ATTEST



KAROL RIESE, Acting Planning
Clerk

(SEAL)



YES: 6

NO: 0