

By: Mark Whisenhunt  
Introduced: October 18, 2021  
Public Hearing: November 15, 2021  
Action: Approved

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. PC 21-28**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 3591 S. VINE ROAD, TAX ID# 5060B01L001A, WITHIN TOWNSHIP 17 NORTH, RANGE 2 WEST, SECTION 23, SEWARD MERIDIAN.

---

WHEREAS, an application has been received from Jana Weltzin on behalf of Alaskan Originals, LLC for a conditional use permit for the operation of a marijuana retail facility at 3591 S. Vine Road, Tax ID #5060B01L001A, within Township 17 North, Range 2 West, 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 proposed retail facility will be wholly contained within an existing structure approximately 504 square feet in size; and

WHEREAS, the subject property has been used commercially (convenience store) since 1988; and

WHEREAS, the subject property is located at the northeast corner of the Hollywood and Vine intersection. A coffee shop

business is located at the southwest corner of the intersection. Residential developments are located at the northwest and southeast corners; and

WHEREAS, the majority of the properties in the area are developed with residential uses. There are some properties that are still vacant and some have been developed with commercial uses; and

WHEREAS, South Vine Road connects the Parks Highway and South Knik-Goose Bay Road and has many commercial and industrial uses on its frontage; and

WHEREAS, the property is not located within a special land use district or other land use district; and

WHEREAS, the proposed use accesses South Vine Road and West Hollywood Road via three driveways, which have been approved and installed by the Matanuska-Susitna Borough; and

WHEREAS, the closest residential structure is located to the northeast and is approximately 160 feet away from the proposed use; and

WHEREAS, the application does not propose any lighted signage associated with the proposed use; 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 115 feet from the South Vine Road

right-of-way, approximately 53 feet from the West Hollywood Road right-of-way, approximately 60 feet to the east side lot line, and approximately 133 feet to the north side lot line; and

WHEREAS, according to the application material, lighting associated with the proposed use will be shielded and downward directional to minimize light from leaving the subject property; 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 (Knik Elementary School) is approximately 1,475 feet away from the proposed use; and

WHEREAS, South Vine Road is considered a minor arterial road and is capable of safely accommodating high volumes of traffic; and

WHEREAS, West Hollywood Road is considered a major collector and is capable of safely accommodating high volumes of traffic; 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, according to the application material, security cameras, motion detectors, 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 #2021-152, for the subject structure; and

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

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

WHEREAS, according to the application material, odor control measures such as, using sealed containers and pre-package products will be in place; and

WHEREAS, during the January 6-7, 2021 State of Alaska Marijuana Control Board meeting, the Board voted to approve Alaskan Originals Retail Marijuana Store License #25442 with delegation; and

WHEREAS, the applicant has provided a copy of the delegated approval to the MSB Development Services Division; and

WHEREAS, the applicant has provided a copy of the approved Plan Review #2021-152; and

WHEREAS, a marijuana retail facility 504 square feet in size is required to provide two parking spaces with one ADA compliant space; and

WHEREAS, according to the application material, five (5) customer parking spaces will be provided; and

WHEREAS, according to the application material, 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 aisle, for every 1 to 25 spaces. An acceptable alternate design for a van accessible parking space is eight feet wide with an eight-foot wide parking aisle; and

WHEREAS, according to the application material, one van accessible parking space, eight feet wide with an eight-foot wide parking aisle 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 November 15, 2021 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 21-28:

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. All exterior lighting shall be downward directional and shielding to minimize light spillage from the property.
5. The ADA parking access aisle shall be painted, and shall be compliant with the current ADA guidelines, within one year of the date of decision.
6. The hours of operation shall not exceed 8:00 a.m. - 12:00 a.m., daily.
7. On-site consumption of marijuana and marijuana products is prohibited.

/

/

/

/



ADOPTED by the Matanuska-Susitna Borough Planning Commission  
this 15th day of November, 2021.

  
\_\_\_\_\_  
COLLEEN VAGUE, Chair

ATTEST

  
\_\_\_\_\_  
KAROL RIESE, Acting Planning  
Clerk



YES: (5) Commissioner Glashan, Anderson, Allen,  
Chesbro, and Vague

NO: (0)