

By: Rick Benedict
Introduced: August 21, 2023
Public Hearing: September 18, 2023
Action: ADOPTED

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 23-31**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION RECOMMENDING THE APPROVAL OF A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 39209 S. TALKEETNA SPUR ROAD, TAX ID #24N04W29D002, WITHIN TOWNSHIP 24 NORTH, RANGE 4 WEST, SECTION 29, SEWARD MERIDIAN.

WHEREAS, an application has been received from Alysa Tunnell Eastwood for a conditional use permit for the operation of a marijuana retail facility located at 39209 S. Talkeetna Spur, Tax ID# 24N04W29D002; within Township 24 North, Range 4 West, Section 29, 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, the subject parcel is 11 acres in size; and

WHEREAS, according to the application material, the proposed use will occupy one acre of leased area within the subject parcel; and

WHEREAS, according to the application material, the applicant has received written permission from the property owner, in the form of a lease, to operate on the subject property as a marijuana retail store; and

WHEREAS, according to the application material, the proposed retail facility will be wholly contained within a commercial structure that is approximately 576 square feet in size; and

WHEREAS, according to the application material, the proposed structure is new construction and designed by a professional engineering firm; and

WHEREAS, according to the application material, the exterior of the structure will be dark grey and constructed entirely of steel; and

WHEREAS, the proposed use accesses South Talkeetna Spur Road; and

WHEREAS, according to the application material, an application for a driveway permit has been submitted and is pending issuance by the State of Alaska, Department of Transportation and Public Facilities; and

WHEREAS, according to the application material, a planted berm will be installed along the Spur Road to delineate the driveway approach; and

WHEREAS, South Talkeetna Spur Road is considered a major arterial with 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 585 feet away from the proposed use; and

WHEREAS, according to the application material, the subject parcel contains a mixture of commercial structures, such as a real estate office, two restaurants, and an espresso shop; and

WHEREAS, there are multiple commercial businesses within the surrounding area such as, but not limited to, two alcohol package stores, a marijuana manufacturing facility, a gas station and mini-mart, a grocery store, a hardware store, a sandwich shop, and a financial institution; and

WHEREAS, according to the application material, the operation will have two advertisement signs, each no larger than 4800 square inches in size. One will be attached to the front of the building, constructed of metallic materials, and illuminated from below. The second will be installed on the subject property, adjacent to the operations driveway approach on the southwest where access is made from Talkeetna Spur Road, constructed of natural wood materials painted with earth-toned colors, and will not utilize lighting; and

WHEREAS, according to the application material, no industrial equipment or processes generate noise or odors associated with the use; and

WHEREAS, according to the application material, the proposed hours of operation are 12:00 p.m. to 10:00 p.m. daily; and

WHEREAS, the proposed use is located approximately 50 feet from South Talkeetna Spur Road to the north and west, approximately 225 feet to the eastern property line, approximately 565 feet to the southern property line, and approximately 845 feet from the South Parks Highway right-of-way to the southwest; 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, signs will be posted at the entrance to the proposed use prohibiting any loitering and soliciting; and

WHEREAS, according to the application material, the operation will utilize eight downward directional floodlights, two on each side of the business, to deter criminal activity by lighting the area surrounding the building; and

WHEREAS, according to the application material, security cameras will be installed in well-lit areas on the interior and exterior of the building facing entrances, exits, and the cashier area; and

WHEREAS, according to the application materials, employees of the proposed use will immediately check the identification of all persons who enter the facility; and

WHEREAS, according to the application material, the operation will utilize an alarm and video surveillance system as part of its security plan; and

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

WHEREAS, on August 19, 2022, the Alaska Fire Marshal issued an approved Plan Review (#2021Anch1476) for the commercial structure; and

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

WHEREAS, the applicant provided a copy of the approved Plan Review #2021Anch1476; and

WHEREAS, according to the application material, all expired marijuana products will be mixed with compostable material and the waste will be disposed of at the local landfill station; and

WHEREAS, the closest commercial building is located on the subject parcel, approximately 175 southwest of the proposed use; and

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

WHEREAS, the State of Alaska, Alcohol and Marijuana Control Office awarded the operation a marijuana retail store license which is currently in a delegated status; and

WHEREAS, the closest school (Little Su Valley Junior and Senior High School) is approximately 1,150 feet away from the proposed use; and

WHEREAS, at the State of Alaska Marijuana Control Board meeting conducted June 23-24, 2021, the Board voted to approve Talkeetna Connection Retail Marijuana Store License #27317 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, a marijuana retail facility of 576 square feet in size is required to provide two parking spaces with one ADA-compliant space; and

WHEREAS, according to the application material, two parking spaces will be provided for the proposed use; one of which will comply with ADA requirements; and

WHEREAS, the Americans with Disabilities Act of 2010 exempts businesses with small parking lots of four or fewer spaces from the requirement of posting signage for accessible spaces; and

WHEREAS, each parking 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; and

WHEREAS, according to the site plan, one van-accessible parking space, 10 feet wide with an eight-foot-wide parking aisle is being provided; and

WHEREAS, according to the application material, the surface of the accessible space and access aisle will be smooth, stable, and level; and

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 23-31:

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 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 spaces 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 federal, 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. On-site consumption of marijuana and marijuana products is prohibited.
5. Within one year of the issuance of this permit, the applicant must provide to the borough a copy of the approved driveway permit, issued by the State of Alaska Department of Transportation and Public Facilities.
6. Signage must not be installed, including overhang, within the State of Alaska Department of Transportation and Public Facilities right-of-way.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 18th day of September, 2023.

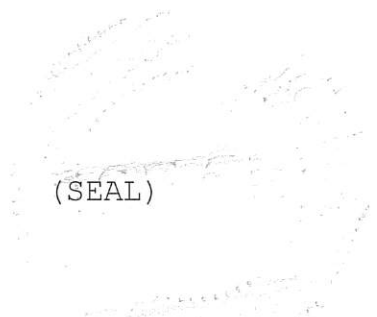


C.J. Koan, Chair

ATTEST



KAROL RIESE, Planning Clerk


(SEAL)

YES: (6) Commissioners Allen, Scoggin, Glenn, McCabe,
Koan, Fernandez

NO: (0)