

By: Natasha Heindel
Introduced: April 21, 2025
Public Hearing: May 5, 2025
Action: **Approved**

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 25-04**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA
RETAIL FACILITY AT 7821 WEST PARKS HIGHWAY, TAX ID 1818000L001.

WHEREAS, Ryan McKay, of Fort Green Alaska, applied for a conditional use permit to operate a marijuana retail facility at 7821 West Parks Highway; 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 subject parcel is within the Meadow Lakes Community Council area; and

WHEREAS, the subject parcel is 1.04 acres in size; and

WHEREAS, the applicant submitted authorization from the property owner permitting Fort Green Alaska to build and operate a marijuana retail store; and

WHEREAS, according to the application materials, the proposed retail facility at 7821 West Parks Highway will be wholly contained within a 1,237 square foot commercial structure; and

WHEREAS, according to the application materials, the proposed retail facility will include a drive-through window; and

WHEREAS, according to the application materials, green and gold wooden signage illuminated with LED backlighting will be mounted on the exterior of the proposed facility, visible from the Parks Highway. The signage will include the lettering "Fort Green," five-pointed stars, and an outline of the State of Alaska; and

WHEREAS, according to the application materials, the commercial structure will have downward-facing lighting all around the exterior to prevent light pollution from impacting neighboring properties. Outdoor lighting will be shielded to protect against inclement weather and vandalism; and

WHEREAS, the subject parcel has frontage on West Parks Highway, which is classified as an interstate, is maintained by the State of Alaska, and can accommodate the traffic associated with commercial use; and

WHEREAS, parcels with West Parks Highway frontage are used for various purposes, including residential, commercial,

industrial, and undeveloped. This includes office spaces, a restaurant, retail storefronts, and construction companies; and

WHEREAS, according to the application materials, the proposed hours of operation are 8:00 a.m. to 12:00 a.m., seven days a week; and

WHEREAS, according to the application materials, the retail facility will be located approximately 26 feet 10 inches from the West Parks Highway right-of-way, 81 feet 8 inches to the western lot line, 162 feet 6 inches to the northern lot line, and 114 feet 5 inches to the eastern lot line; and

WHEREAS, the closest residential structure is located approximately 435 feet northwest of the proposed use; and

WHEREAS, the closest commercial structure is located approximately 300 feet west of the proposed use; and

WHEREAS, various land uses, including commercial, industrial, residential, and undeveloped, exist within 1,000 feet of the subject property; and

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

WHEREAS, according to the application materials, the proposed marijuana retail store will not generate odors or excessive noise; and

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

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

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

WHEREAS, according to the application materials, the State of Alaska issued driveway permit #33837 on April 15, 2025, for the proposed use; and

WHEREAS, the closest schools (Little Hands Preschool and American Charter Academy) are approximately 2,200 feet from the proposed use; and

WHEREAS, according to the application materials, the facility has a 24-hour monitoring alarm system, exterior lighting, and a video surveillance system; and

WHEREAS, according to the application materials, marijuana or marijuana products will not be visible to the public from the drive-through window; and

WHEREAS, according to the application materials, the drive-through window is equipped with safety features, including safety plate glass and a transaction drawer similar to that of a drive-through bank; and

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

WHEREAS, according to statements by the applicant to staff, the drive-through window will be installed according to the submitted site plan at a future date; and

WHEREAS, the State of Alaska Division of Fire and Life Safety issued a Full Plan Review #2024ANCH0137, dated June 10, 2024, for the commercial structure; and

WHEREAS, staff conducted a site visit on April 17, 2025, and observed that a natural gas meter is in close proximity to the proposed drive-through window location; and

WHEREAS, state code requires vehicle impact protection to be installed at the natural gas meter, which was not observed during the site visit on April 17, 2024; and

WHEREAS, according to Enstar Natural Gas website, location and protection requirements exist when a gas meter is in an area

accessible by vehicles, which was not observed during the site visit on April 17, 2024; and

WHEREAS, according to a letter by Lavender Survey and Mapping dated November 29, 2024, the structure is outside of the required 25-foot right-of-way setback from West Parks Highway; and

WHEREAS, according to the application materials, the structure will meet all applicable setback requirements of MSB 17.55; and

WHEREAS, the applicant submitted all required site plans and operational information; and

WHEREAS, according to the application materials, all retail operations will occur indoors; and

WHEREAS, according to the application materials, odor control methods will include sealed containers and the use of air sanitizers throughout the facility; and

WHEREAS, MSB Pre-Design and Engineering Division (PD&E) approved the applicant's drainage plan; and

WHEREAS, according to the application materials, the site drainage plan, received April 21, 2025, depicts drainage on the subject property flowing toward three infiltration areas dispersed throughout the property; and

WHEREAS, the State of Alaska Marijuana Control Board (AMCO) voted to approve Fort Green Alaska Retail Marijuana Store License #32116 with delegation at the meeting on June 1-2, 2023; and

WHEREAS, the State of Alaska Marijuana Control Board (AMCO) approved, with delegation, a new drive-up exterior window for Fort Green Alaska Retail Marijuana Store License #32116 at their meeting on November 19, 2024; and

WHEREAS, planning staff received a copy of AMCO's delegated approvals for Fort Green Alaska Retail Marijuana Store License #32116; and

WHEREAS, the applicant provided a copy of the approved Plan Review #2024ANCH0137, dated June 10, 2024; and

WHEREAS, a marijuana retail facility with an area of 1,237 square feet is required to provide four parking spaces, one of which must be an Americans with Disabilities Act (ADA) compliant space; and

WHEREAS, according to the application materials, nine customer parking spaces will be provided; two of which will comply with ADA requirements; and

WHEREAS, according to the application material, each traditional parking space is 20 feet long and 10 feet wide; and

WHEREAS, according to the application materials, two ADA van-accessible spaces will be provided; each 11 feet wide, with a seven-foot access aisle in between; and

WHEREAS, there are no vertical clearance limitations for parking areas on the site; 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 5, 2025, on this matter; 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 25-04;

1. The proposed use 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 adversely affect 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 this chapter's requirements (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 effects 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 provided planning staff with documentation demonstrating they obtained all applicable licenses pertaining to 3 AAC 306.005 (MSB 17.60.150(D)(1)).
10. The proposed use will be in full compliance with all applicable fire codes (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 will comply with current ADA parking space guidelines (MSB 17.60.170(C)).

NOW, THEREFORE, 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. Prior to operating, the applicant must provide evidence of the installation of vehicular safety protection as required by the State of Alaska Division of Fire and Life Safety. Provide evidence of State code compliance to Planning staff.
2. Prior to operating, the applicant must install the drainage facilities as shown on the site drainage plan dated April 21, 2025. Provide evidence of compliance to Planning staff. These drainage facilities shall be maintained for the duration of the conditional use permit.
3. Prior to operating, the applicant shall provide evidence that the ADA parking areas are fully compliant. ADA compliance will include appropriate surface materials, posted signage, and a painted access aisle. Provide evidence of ADA compliance to Planning staff.
4. The operation shall comply with all applicable state and local regulations.

5. 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.
6. Borough staff shall be permitted to enter the 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.
7. The hours of operation shall not exceed 8:00 a.m. to 12:00 a.m., seven days a week.
8. On-site consumption of marijuana and marijuana products is prohibited.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this
5th day of May, 2025.



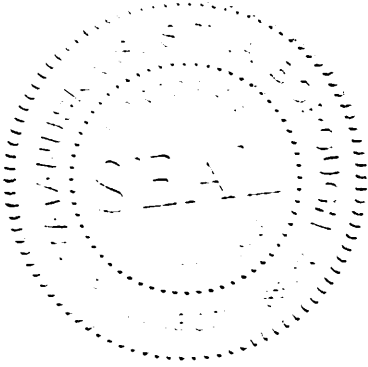
Planning Commission Chair
Wilfred Fernandez III

ATTEST

Lacie Olivieri

LACIE OLIVIERI, Planning Clerk

(SEAL)



YES: McCabe, Fernandez, Collins, Scoggin

NO: