

By: Rick Benedict
Introduced: May 19, 2025
Public Hearing: June 2, 2025
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 25-08**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA
RETAIL FACILITY AT 8874 W. BUSINESS PARK DRIVE, TAX ID#3209B08L006.

WHEREAS, an application has been received from Egor Esipov on
behalf of Magic Flower for a conditional use permit for the
operation of a marijuana retail facility at 8874 W. Business Park
Drive, TAX ID#3209B08L006; 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 .92 acres in size and is part
of the Potter Place Add #1 subdivision; and

WHEREAS, according to the application materials, the proposed
AMCO licensed operation will be 580 square feet within an existing
commercial structure totaling approximately 3,000 square feet; and

WHEREAS, according to the application materials, the existing structure was previously owned and operated by "Brandy's Garden Supply"; and

WHEREAS, parcels with West Business Park Drive frontage are mainly commercial and undeveloped; and

WHEREAS, the proposed hours of operation are 9:00 a.m. to 10:00 p.m. Tuesdays through Saturdays, 10:00 a.m. to 6:00 p.m. on Sundays, and closed Mondays; and

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

WHEREAS, according to the application materials, the operation will not sell, offer to sell, give, distribute, or deliver marijuana or marijuana products to consumers who are not physically present on the licensed premises (including online and phone orders), are under the influence of alcohol, inhalant, or controlled substance, or are not at least twenty-one (21) years of age, as evidenced by valid government-issued photo identification; and

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

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

WHEREAS, according to the application materials, the store's restricted access areas are behind the sales counter and are properly secured. Access is limited to employees only; and

WHEREAS, according to the application materials, a no-loitering policy exists. Employees will randomly check the perimeter to ensure that no loiterers remain on the premises; and

WHEREAS, according to the application materials, the exterior of the building will be well-lit and equipped with 24/7 video surveillance. Signs stating, "No Loitering" and noting the 24-hour alarm monitoring system will be mounted; and

WHEREAS, according to the application materials, security cameras will be strategically placed to monitor all areas 24 hours a day, including entrances/exits, restricted access areas, windows, the office, the point-of-sale area, and the exterior; and

WHEREAS, according to the application materials, lights will be installed to keep the exterior, signs, and doors well-lit and allow cameras to clearly record individuals within twenty (20) feet of any entrance or exterior window; and

WHEREAS, according to the application materials, exterior lighting will be mounted to the side of the building at 10' off the ground. Additional lighting will be installed at the main entrance canopy to cover the parking area; and

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

WHEREAS, according to the application materials, the operation will refuse service to customers who are under the influence of alcohol, inhalants, or controlled substances; and

WHEREAS, according to the application materials, waste will be rendered unusable before leaving the store by grinding and mixing it with other compostable and non-compostable non-marijuana material (food waste, cardboard, paper, yard waste) until the mixture is no more than 50% marijuana waste; and

WHEREAS, according to the application materials, the operation will maintain a log tracking the type of waste, date of disposal, date rendered unusable, reason for wastage, and final destination; and

WHEREAS, according to the application materials, disposal methods may include incineration, composting, contracting a Mat-Su Borough waste management company, or an employee collecting the mixture for disposal at the local waste station. All waste information will be recorded in a disposal log and securely stored as a business record; and

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

WHEREAS, the proposed use will be located northwest of and approximately 111 feet from the closest residential parcel, and approximately 19 feet west of the nearest commercial parcel (DC Subaru); and

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

WHEREAS, according to the application materials, the proposed use will not involve industrial equipment or processes that generate noise; and

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

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

WHEREAS, according to the application materials, all products will be stored in sealed containers, addressing odor concerns; and

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

WHEREAS, according to the application materials, the commercial structure housing the proposed operation is approximately 135' from West Business Park Drive, approximately 19' from the eastern property line, approximately 64' from the western property line, and approximately 105' from the southern property line; and

WHEREAS, according to the application materials, the property will retain existing trees and enhance the landscaping area with seasonal plantings; and

WHEREAS, according to the application materials, all existing trees will be kept in place. The landscaping area by the driveway and planted berms on both sides of the main entrance will be renovated and re-vegetated each summer season; and

WHEREAS, according to the application materials, the structure was remodeled by the previous owner approximately 5-7 years ago, including new roofing, a new exterior front wall with an open entrance canopy, and concrete flooring. The front exterior wall and canopy are stained in a low-dark natural wood color, while the side walls are painted in a similar color; and

WHEREAS, according to the application materials, the existing structure consists of two 10' wide by 55' long prefabricated mobile/office trailers and one 10' wide by 32' long prefabricated mobile/office trailer; and

WHEREAS, according to the application materials, the two larger trailers are set parallel at 19.5' apart upfront, with the smaller trailer set perpendicularly against the back, forming a rectangular shape. A concrete pad and roofing were constructed between the mobile/office trailers. The inner space between the trailers has its own raised roof and concrete flooring; and

WHEREAS, according to the application materials, the proposed dispensary area will be located inside the existing structure at the north(front) end of the building. It will consist of two rooms: a sales room (19.5'by 22.5') and an office (14' by 10'); and

WHEREAS, according to the application materials, the remaining space within the existing commercial structure is not related to the operation and includes open space and storage areas containing retail items from the previous garden supply business; and

WHEREAS, according to the application materials, the operation will install three signs on the exterior of the building, including one near the entrance and two along the driveway, as indicated in the Site Plan. The signs will feature the business name and logo in bright purple, with appropriate lighting; and

WHEREAS, according to the application materials, signs will be lit at night by LED and mounted to the building structure with stainless steel or hot-dipped galvanized metal brackets; and

WHEREAS, according to the application materials, no nearby buildings are within the light glare area, and neighboring parcels are separated by brush and trees. Exterior lights will be installed to prevent light spillage and glare; and

WHEREAS, according to the application materials, all three outside advertisement signs will be 4' by 4' and will display the

dispensary name "Magic Flower" in bright purple, wrapped around a green cannabis leaf; and

WHEREAS, the closest schools (Little Hands Preschool and American Charter Academy) are approximately 7,600 feet northeast of the proposed use; and

WHEREAS, the State of Alaska Marijuana Control Board (AMCO) voted to approve Magic Flower's Retail Marijuana Store License (36748) with delegation at the November 20, 2024, meeting; and

WHEREAS, delegation means the AMCO director is authorized to issue the license once all outstanding approvals, including the fire marshal, local government, and the Department of Environmental Conservation-Food Safety Program, are received; and

WHEREAS, the application contained a copy of AMCO's delegated approval letter for Magic Flower's Retail Marijuana Store License (36748); and

WHEREAS, a Full Plan Review for Magic Flower (Plan Review #2024ANCH0942) was conducted by the State of Alaska, Department of Public Safety, Division of Fire & Life Safety, and approved on December 18, 2024; and

WHEREAS, the application contained a copy of the approved Plan Review (2024ANCH0137), dated December 18, 2024; and

WHEREAS, the proposed use will access West Business Park Drive, for which the applicant has obtained a driveway permit from the Borough (D32061); and

WHEREAS, a Parks Highway Separated Path easement exists along Business Park Drive, north of and adjacent to the subject property; and

WHEREAS, West Business Park Drive is a borough-maintained roadway with a local classification and can support light commercial traffic; and

WHEREAS, West Parks Highway is northwest of and adjacent to West Business Park Drive. It is classified as an interstate and maintained by the State of Alaska. It can accommodate the traffic associated with commercial use; and

WHEREAS, South Corgi Place and South Potter Road provide access to West Business Park Drive from West Parks Highway northeast and southwest of the proposed use; and

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

WHEREAS, according to the application material, at peak operation, no more than seven (7) vehicles per hour are anticipated; and

WHEREAS, a marijuana retail facility with an area of 580 square feet is required to provide two (2) parking spaces, one of which must be an Americans with Disabilities Act (ADA) compliant space; and

WHEREAS, according to the application materials, five (5) customer parking spaces will be provided; two (2) of which will comply with ADA requirements; and

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

WHEREAS, according to the application materials, the parking lot is approximately 90 feet by 95 feet in total size; and

WHEREAS, according to the application materials, parking areas on the site have no vertical clearance limitations; 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 2, 2025, 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 25-08:

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 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. Prior to operating, the applicant shall provide evidence that the ADA parking areas are fully compliant. ADA compliance will include the appropriate surface and material types, applicable ADA space designation, posted signage, access aisle, and striping. Documentation demonstrating compliance with the Americans with Disabilities Act (ADA) must be provided to the Planning Department.
2. Prior to operating, junk vehicles, junk, and trash must be removed from the subject property and/or out of plain sight of public rights-of-way. Documentation demonstrating compliance with MSB 8.50 must be provided to the Planning Department.
3. Prior to operating, the applicant shall provide the Planning Department proof in the form of a current ADOT&PF issued access permit for Business Park Drive or

documentation from the state demonstrating exemption from the requirement.

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 9:00 a.m. to 10:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. Sunday.
8. On-site consumption of marijuana and marijuana products is prohibited.
9. A drive-through window is not authorized at this location.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 2 day of June, 2025.



Wilfred Fernandez, Chair

ATTEST



Lacie Olivieri, Planning Clerk

(SEAL)

YES: Carpenter, Collins, Fernandez, Scoggin, McCabe

NO: None

