By: Wade Long
Introduced: October 5,2026
Public Hearing: October 19, 2026
Action: Approved

MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION SERIAL NO. 26-20

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING AN AMENDMENT OF THE HOURS OF OPERATION FOR AN EXISTING CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 1150 N. HELEN LANE, LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 1 WEST, SECTION 2, SEWARD MERIDIAN; TAX ID# 1068000L020.

WHEREAS, an application had been received from Peter Zell, dba Bad Gramrn3r, for the amendment of the hours of operation of a current conditional use permit for the operation of a marijuana retail facility at 1150 N. Helen lane, located within Township 17 North, Range 1 West, Section 2, Seward Meridian; Tax ID# 1068000L020; 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 facility is declared to be a public nuisance; and

WHEREAS, an operation of such a land use without a permit is prohibited; and

WHEREAS, the proposed conditional use operation is wholly contained within the 1,743 square foot commercial building; and

WHEREAS, there is no industrial equipment or processes that

generates noise associated with the proposed use; and

WHEREAS, there are no outdoor speakers or public announcement systems associated with the proposed use; and

WHEREAS, the daily trip rate for a marijuana retail facility is estimated to be 211.12 to 259.31 per 1,000 square feet of the commercial facility; and

WHEREAS, the daily trip rate for the proposed 1,743 square foot marijuana retail facility is estimated to be 368 to 452 vehicles per day; and

WHEREAS, the peak hour trip rate is estimated to be 29 to 44 vehicles; and

WHEREAS, the daily trip rate for the proposed use is less than 100 vehicles during the morning or afternoon peak hour, and less than a total of 750 vehicles 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 confined to a generally flat area on the parcel; 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 specific zoning designations for this parcel; and

WHEREAS, the applicable subdivision restrictions (dated July 25, 1967) describe the subject lot, as well as Lots 1, 19, 21, 22, and 23 as commercial; and

WHEREAS, the subject lot was developed for and has been used as commercial since 2004; and

WHEREAS, the subject location has been used for commercial retail for approximately twenty-two years; and

WHEREAS, lots 20, 21, 22, and 23 of the Williwaw Subdivision are sandwiched between two roads: Bogard road to the south and Helen Lane to the north. Accessing Bogard road is prohibited and as such, lots are required to access Helen Lane; and

WHEREAS, lot 23 of the Williwaw Subdivision was developed for and has been used as commercial since 1985; and

WHEREAS, a large commercial use directly abuts the subject parcel and subdivision to the east; and

WHEREAS, a large commercial medical plaza directly abuts the subject subdivision to the west; and

WHEREAS, the subject structure will maintain the appearance and size since its original construction in 2004; and

WHEREAS, the closest school (Wasilla High School) is approximately 4,400 feet away from the proposed use; and

WHEREAS, consumption of marijuana is prohibited at the site;

and

WHEREAS, the applicant has a Matanuska-Susitna Borough high-volume driveway permit for legal access on to Helen Lane; and

WHEREAS, the projected peak-hour traffic volume exceeds ten trips based on the Institute of Transportation Engineers Trip Generation Manual; therefore, a high-volume driveway permit is required; and

WHEREAS, access onto Helen Lane is preferred as it is a lower classification of road (minor collector), as opposed to Bogard Road which has a higher classification (minor arterial); and

WHEREAS, persons under the age of 21 are prohibited from entering the proposed use; and

WHEREAS, according to the application material, the proposed use will have a robust security plan in place; and

WHEREAS, all marijuana products deemed unusable will be sealed in a container and disposed of at the Matanuska-Susitna Borough landfill, after proper notification of the State of Alaska Alcohol & Marijuana Control Office; and

WHEREAS, the existing structure meets all applicable setback requirements required by MSB 17.55 - Setbacks and Screening Easements; and

WHEREAS, currently a six foot tall wooden fence exists along the north side lot line between lots 19 and 20. There is also a 6 foot privacy fence on the west side between Lots 21 and 20; and

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

WHEREAS, according to the application material, all marijuana will be stored in sealed containers; and

WHEREAS, according to the application material, loitering will not be allowed, helping to ensure noise and odor will not be an issue; and

WHEREAS, No new landscaping or berms are planned or required by code; and

WHEREAS, on February 2, 2017, the State of Alaska Marijuana Control Board voted unanimously to approve Bad Gramm3r's Retail Marijuana Store License# 11121 with delegation; and

WHEREAS, official minutes from the Marijuana Control Board meeting showing Bad Gramm3r's delegated approval was obtained from the State of Alaska's official website; and

WHEREAS, the Matanuska-Susitna Borough Fire Code Official has issued Plan Review #2016-096 for Tenant Improvement Approval; and

WHEREAS, a certificate of occupancy must still be issued by the MSB Fire Code Official upon completion of remodel work within the subject building; and

WHEREAS, Helen Lane is a paved road, it has been used for both residential and commercial uses since 2004; and

WHEREAS, according to the site plan, nine customer parking

spaces are provided; and

WHEREAS, according to the site plan, each space will be 20 feet in length and ten feet wide; and

WHEREAS, according to the applicant, there are no vertical clearance limitations on site; and

WHEREAS, ADA guidelines require one van accessible parking space with an eight foot wide parking isle, for every 1 to 25 spaces; and

WHEREAS, one van accessible parking space with a ten foot wide parking isle is 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 October 19, 2026 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 26-20:

1. The use will not exceed sound levels set forth in MSB 17.61.080 and noise levels exceeding the levels in MSB 17.61.080 are prohibited. As such, a Core Area Conditional Use Permit is not required under this standard (MSB

17.61.020(A)(1)).

2. Since the use will not exceed 100 vehicles during the morning or afternoon peak hours or more than 750 vehicles a day, as specified in MSB 17.61.090, Traffic Standards, a Core Area Conditional Use Permit is not required under this standard (MSB 17.61.020(A)(2)).

3. Since the proposed use will not be processing, manufacturing, or storing hazardous substances beyond the thresholds identified in MSB 17.61.020(A)(3), a Core Area Conditional Use Permit is not required under this standard (MSB 17.61.020(A)(3)).

4. The proposed use will not generate contaminated water runoff or other discharges that are likely to violate state water quality standards or negatively impact groundwater or surface water quality beyond adjacent property lines. As such, a Core Area Conditional Use Permit is not required under this standard (MSB 17.61.020(A)(4)).

5. The proposed use, with conditions, will not detract from the value, character and integrity of the surrounding area (MSB 17.60.100(B)(1)).

6. The proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.60.100(B)(2)).

7. Sufficient setbacks, lot area, buffers or other

safeguards are being provided (MSB 17.60.100(8)(3)).

8. The applicant has met all of the requirements of this chapter (MSB 17.60.100(B)(4)).
9. The proposed use will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).
10. Measures are in place to reduce negative effects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).
11. The proposed use is compatible with the character of the surrounding area (MSB 17.60.150(A)(3)).
12. The proposed use is more than 1,000 feet away from any school grounds (MSB 17.60.150(B)(1)).
13. Documentation demonstrating all applicable licenses pertaining to 3 AAC 306.005 have been obtained (MSB 17.60150(0)(1)).
14. The proposed use is in full compliance with all applicable fire code (MSB 17.60.1S0(D)(2)).
15. The proposed use is located on a parcel that is appropriate for commercial use (MSB 17.60.170(A)(1-3)).
16. The proposed use meets the minimum number of parking space for retail facilities (MSB 17.60.170(8)).
17. The proposed use complies 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. The owner and/or operator 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; and an amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. Use of access from North Helen lane requires a high volume driveway permit to meet compliance with MSB 11.12 Driveway Standards.
4. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 - Noise, Amplified Sound and Vibration.
5. The hours of operation shall not exceed 9:00 a.m. to 8:00 p.m., daily.
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. On-site consumption of marijuana and marijuana products is prohibited.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 19th day of October, 2026.

Richard Allen, Chair

ATTEST:

Kayla Smith, Planning Clerk

(SEAL)