

By: Rick Benedict
Introduced: April 1, 2024
Public Hearing: April 15, 2024
Action: *Approved*

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 24-03**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 2803 S. OLD GLENN HIGHWAY, TAX ID#39980001002.

WHEREAS, an application has been received from Keth Crocker on behalf of Northern Emerald, LLC for a conditional use permit for the operation of a marijuana retail facility at 2803 S. Old Glenn Highway, TAX ID#39980001002; and

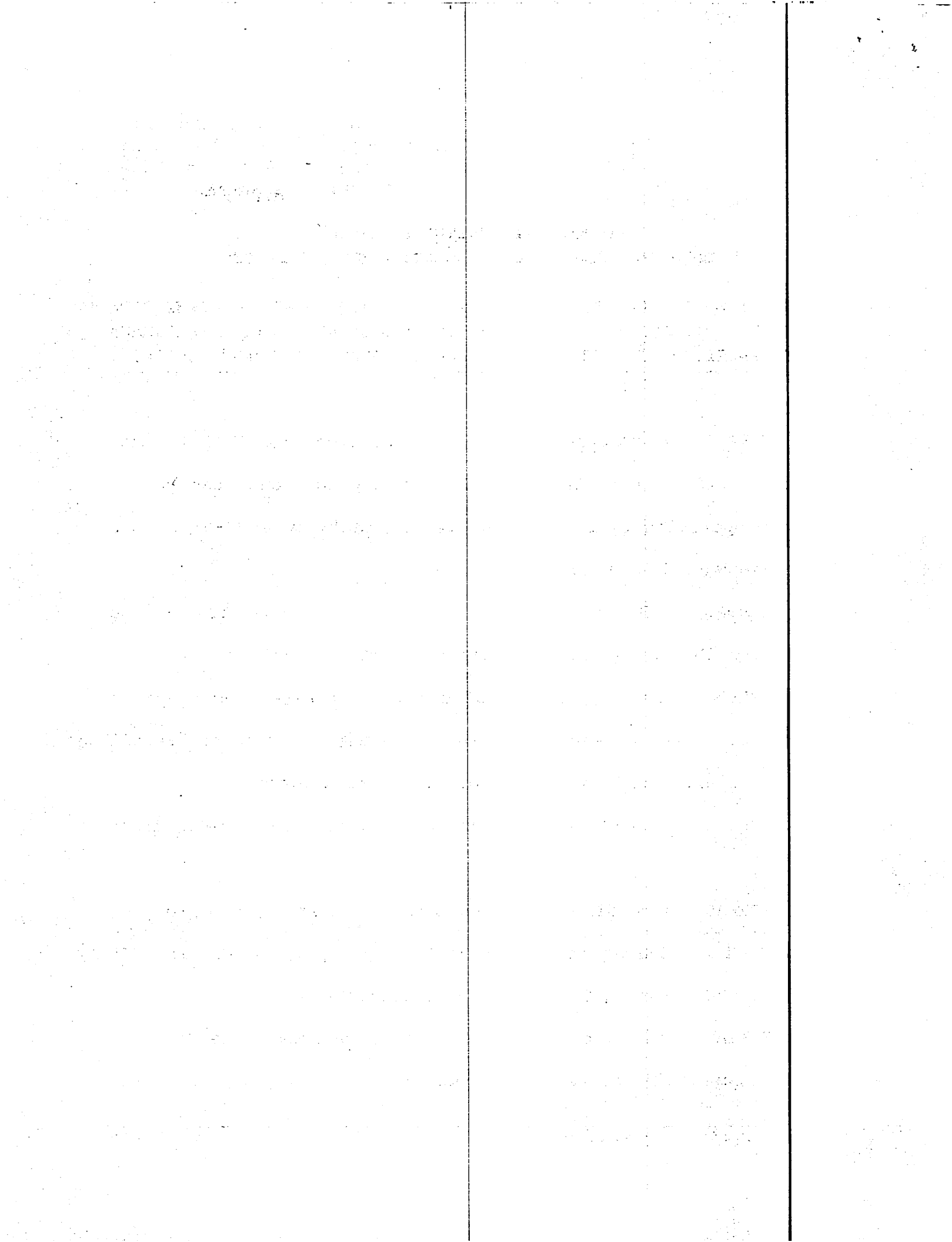
WHEREAS, MSB 17.60.030(A)(4) requires a conditional use permit for the operation of a marijuana retail facility; and

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 approximately one acre in size; and

WHEREAS, according to the application material, the proposed use will be situated on the subject property approximately 24' north of the existing Git-N-Go Liquor store; and

WHEREAS, according to the application material, the Git-N-Go Liquor store will continue to operate on the subject property



within the existing commercial structure located south of and adjacent to the proposed marijuana retail store; and

WHEREAS, the borough issued the Git-N-Go Liquor store a conditional use permit to operate an alcohol package store; and

WHEREAS, the applicant has submitted an authorization form signed by the property owner, permitting Northern Emerald to operate as a marijuana retail store within building #2; and

WHEREAS, according to the application material, the proposed retail facility will be wholly contained within a new 20' x 26' commercial structure of approximately 520 square feet; and

WHEREAS, according to the application material, the building exterior is gray metal with brown log siding covering the front upper portion and will have green doors on the front and back; and

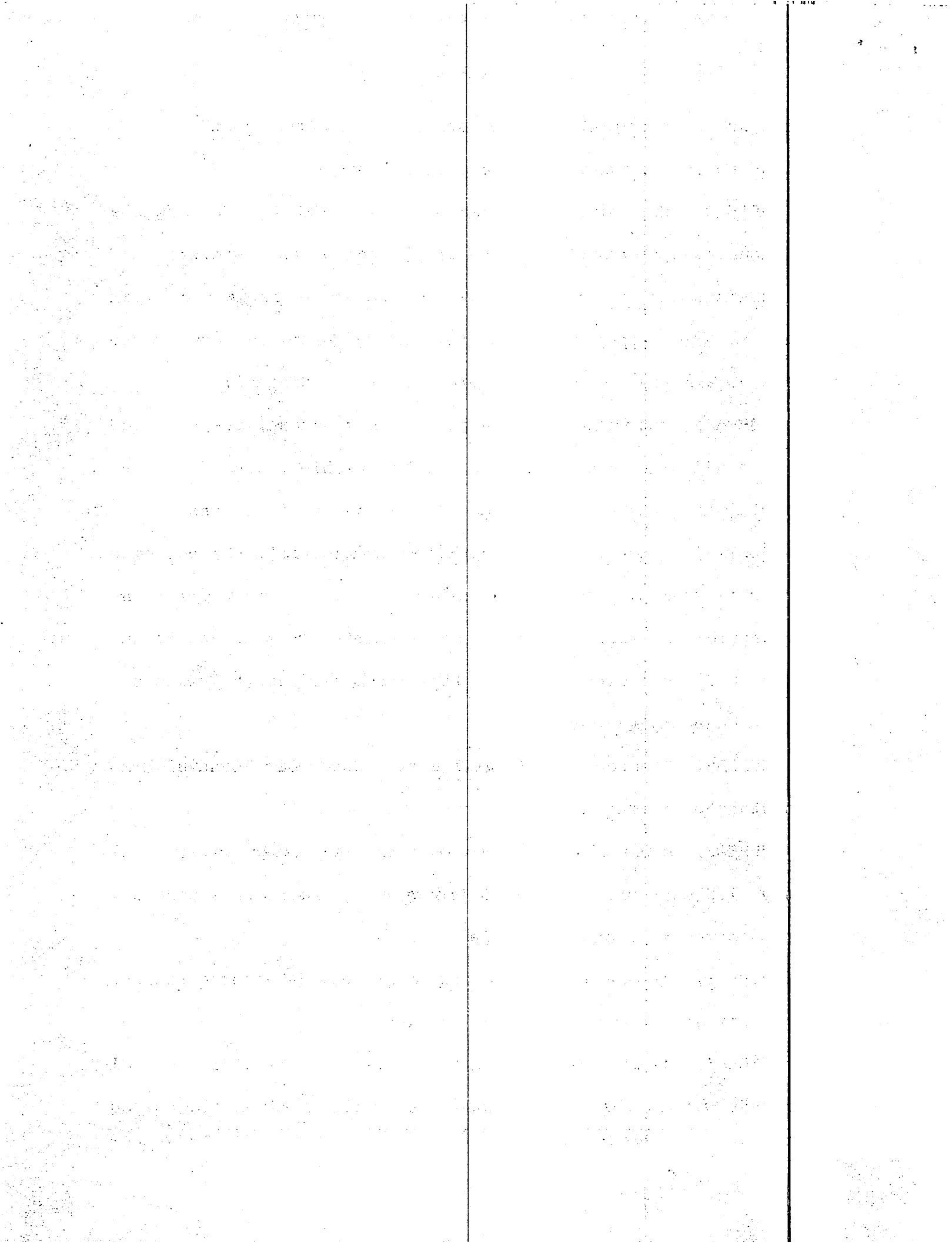
WHEREAS, according to the application material, the structure will not have any windows; and

WHEREAS, the proposed use will access South Old Glenn Highway via a state-permitted driveway; and

WHEREAS, South Old Glenn Highway is considered an arterial roadway with many uses along its frontage, including residential, vacant, commercial, and industrial; and

WHEREAS, the proposed use is approximately 247 feet northwest of the nearest residential structure; and

WHEREAS, there are multiple commercial and industrial businesses within the surrounding area, such as a vehicle towing



and recovery service, auto salvage yard, alcohol package store, market store, and pizza shop; and

WHEREAS, according to the application material, the operation will have one front-lit 4' x 6' advertisement sign made of wood and aluminum, green and white in color, and attached to the apex of the proposed building; and

WHEREAS, according to the application material, there will be no advertising signage for the proposed marijuana store installed along the South Old Glenn Highway right-of-way; and

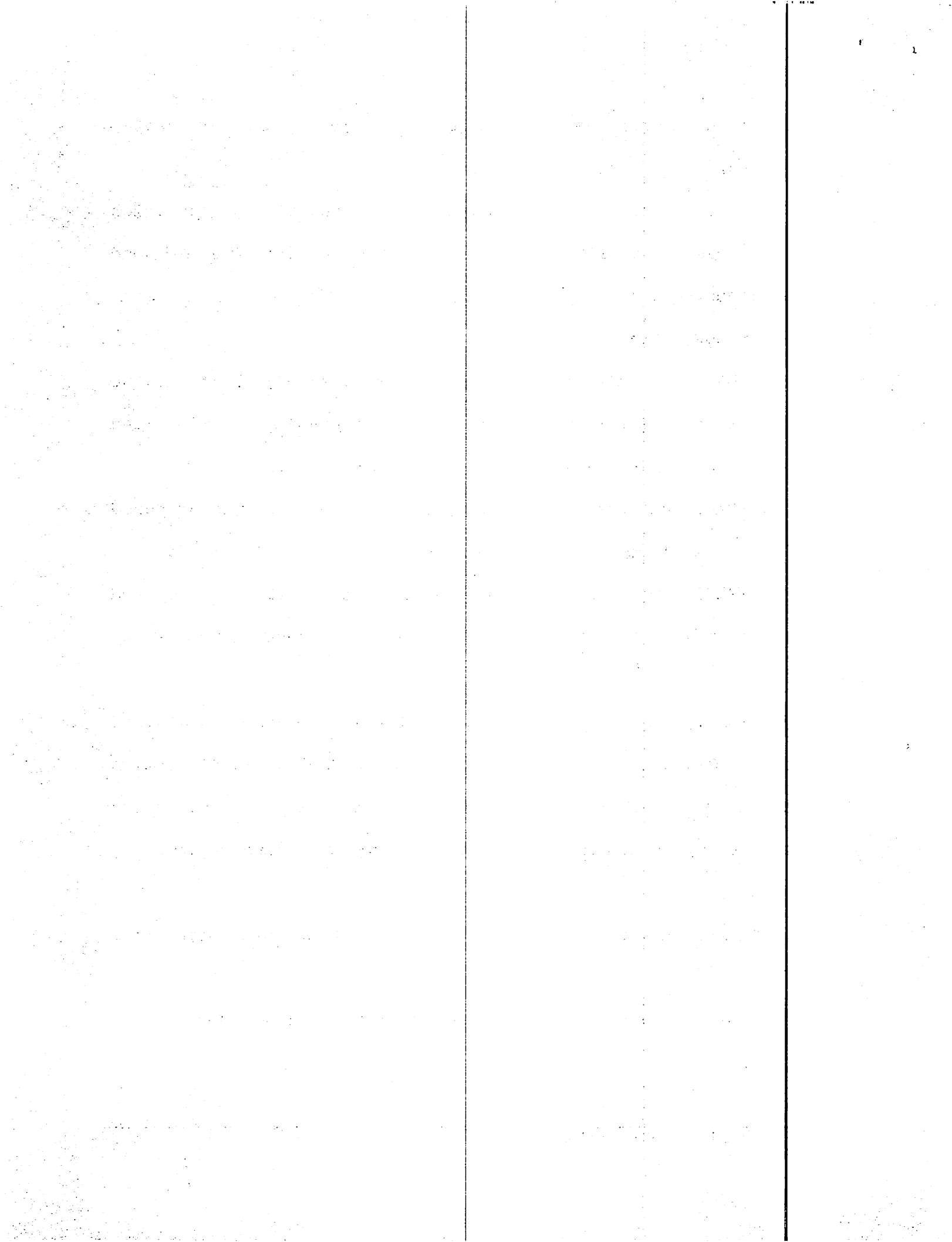
WHEREAS, according to the application material, the proposed marijuana retail store will not generate noise or odors; and

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

WHEREAS, the proposed use is located approximately 162 feet from South Old Glenn Highway to the west, approximately 61 feet to the northern property line, approximately 62 feet to the eastern property line, and approximately 96 feet from the southern property line; 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 material, signs will be posted at the proposed use's entrance, prohibiting loitering, and soliciting; and

WHEREAS, according to the application material, exterior lighting will be shielded to prevent light pollution; and

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

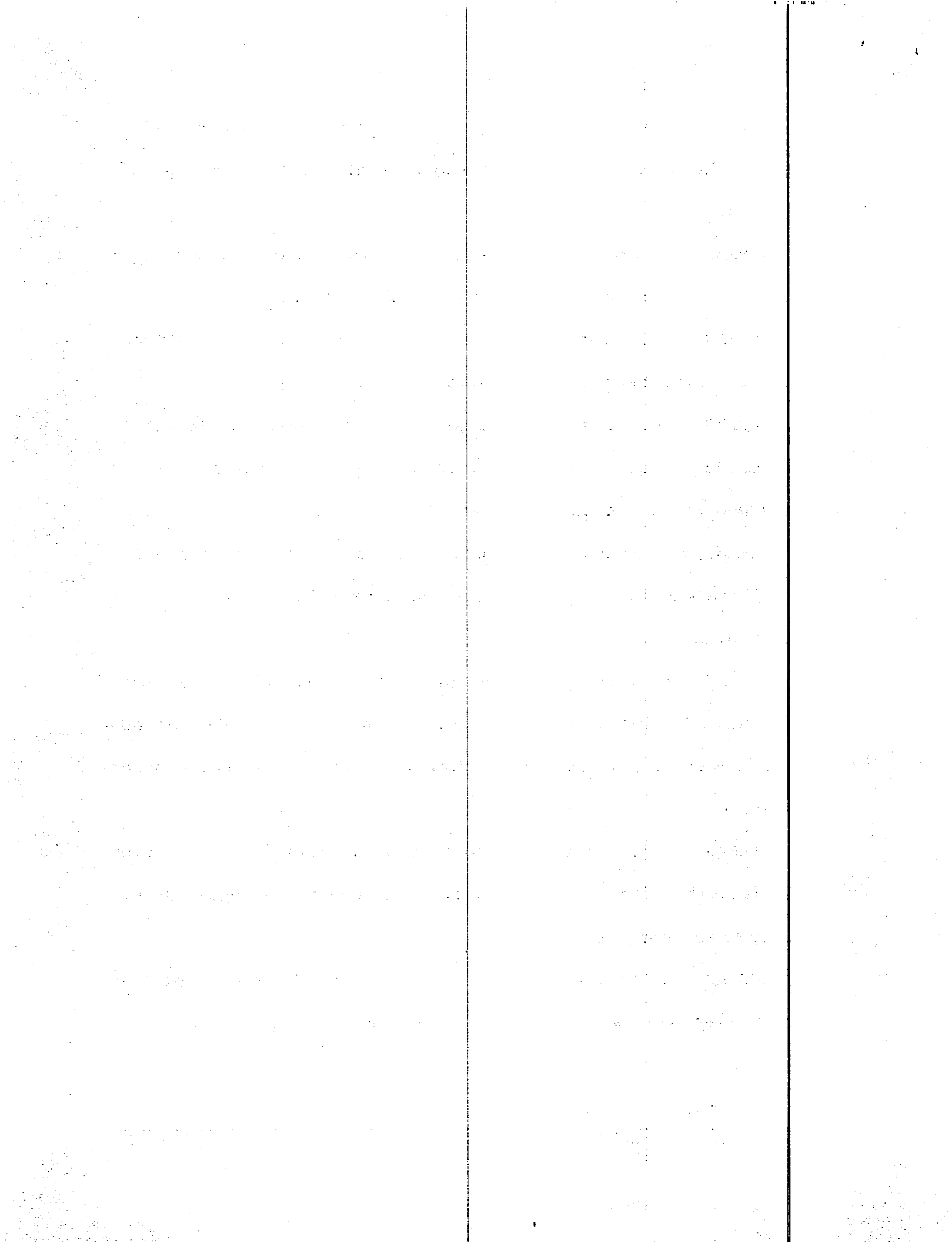
WHEREAS, according to the application materials, employees of the proposed use will immediately check the identification of all persons who enter the facility; and

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, 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 material, the operation has a security plan, which includes educating employees on all security measures; and

WHEREAS, on April 27, 2023, the Alaska Fire Marshal issued an approved Plan Review #2023ANCH0117 for the commercial structure; and



WHEREAS, the commercial structure fully complies with the State of Alaska fire code; and

WHEREAS, the applicant provided a copy of the approved Plan Review #2023ANCH0117; and

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

WHEREAS, the State of Alaska Marijuana Control Board meeting conducted March 8-9, 2023, voted to approve Northern Emerald retail marijuana store license #32759 with delegation; and

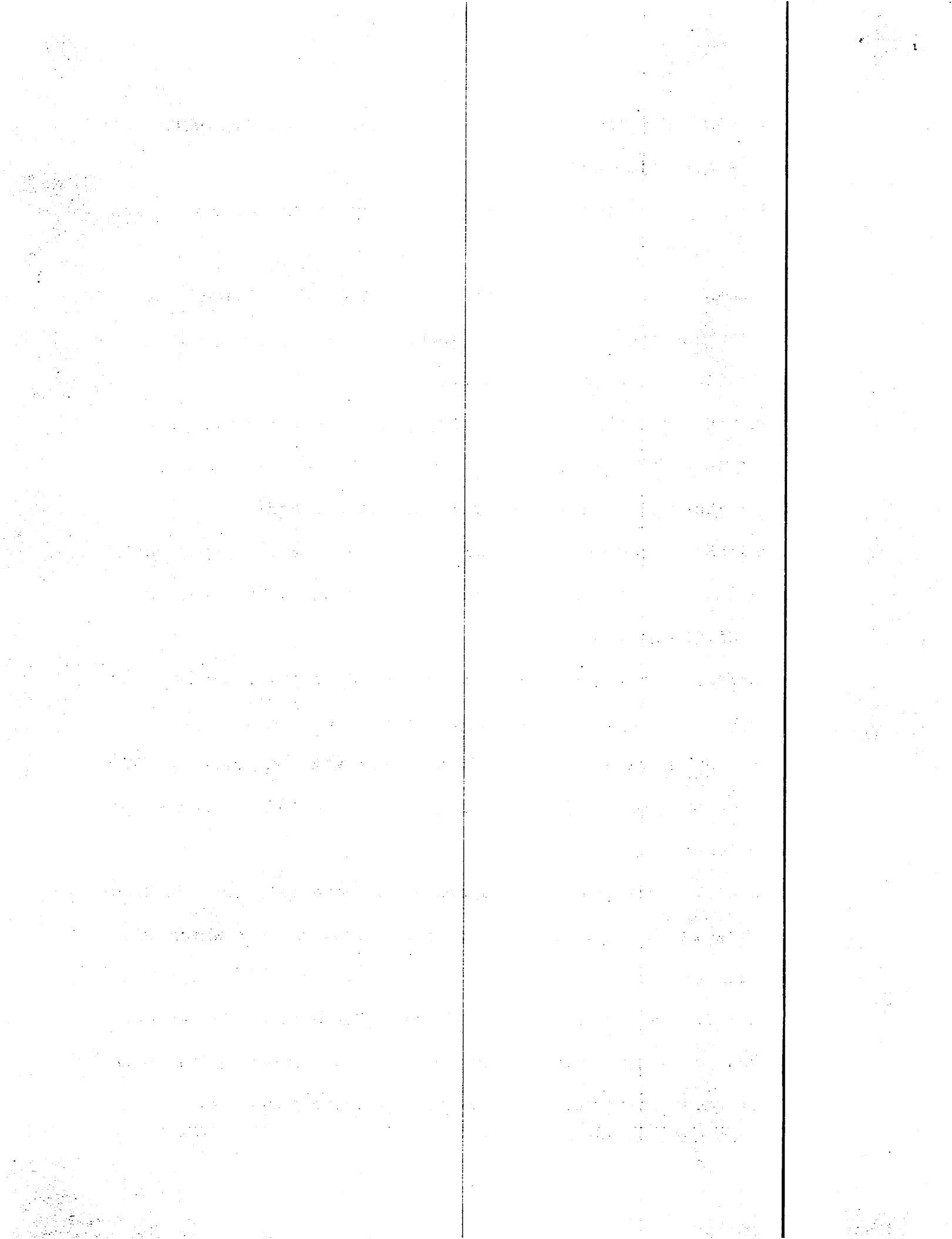
WHEREAS, a copy of the delegated approval for the applicant's marijuana retail facility was provided to the MSB Development Services Division; and

WHEREAS, the closest school (Butte Elementary School) is approximately 6,100 feet from the proposed use; and

WHEREAS, a marijuana retail facility with an area of 520 square feet must provide two parking spaces, one of which must be ADA-compliant; and

WHEREAS, according to the application material, four 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 twenty feet long and ten feet wide; and

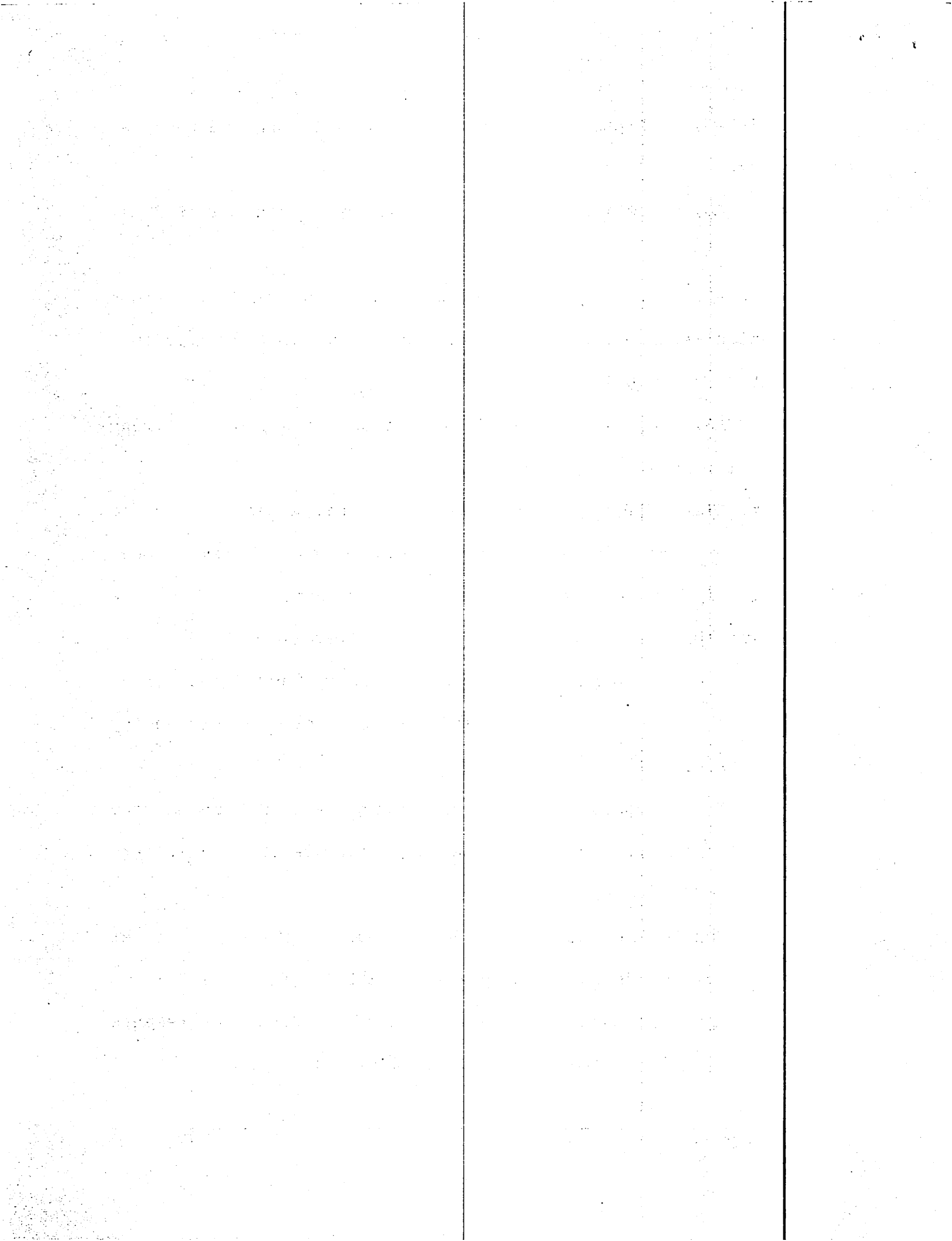
WHEREAS, there are no vertical clearance limitations on site; and

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

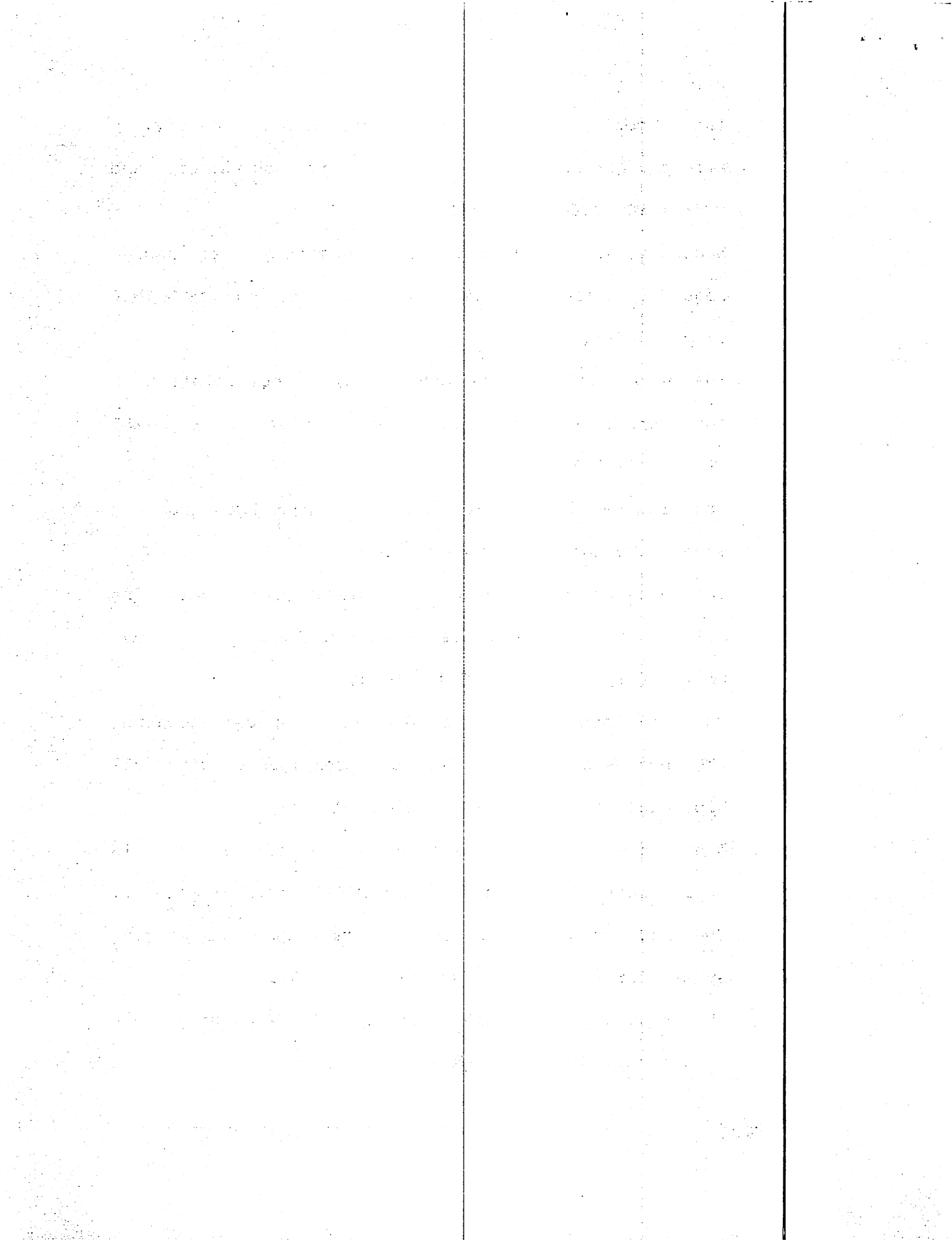
WHEREAS, the Planning Commission conducted a public hearing on April 15, 2024, on this matter.

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 24-03:

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)).

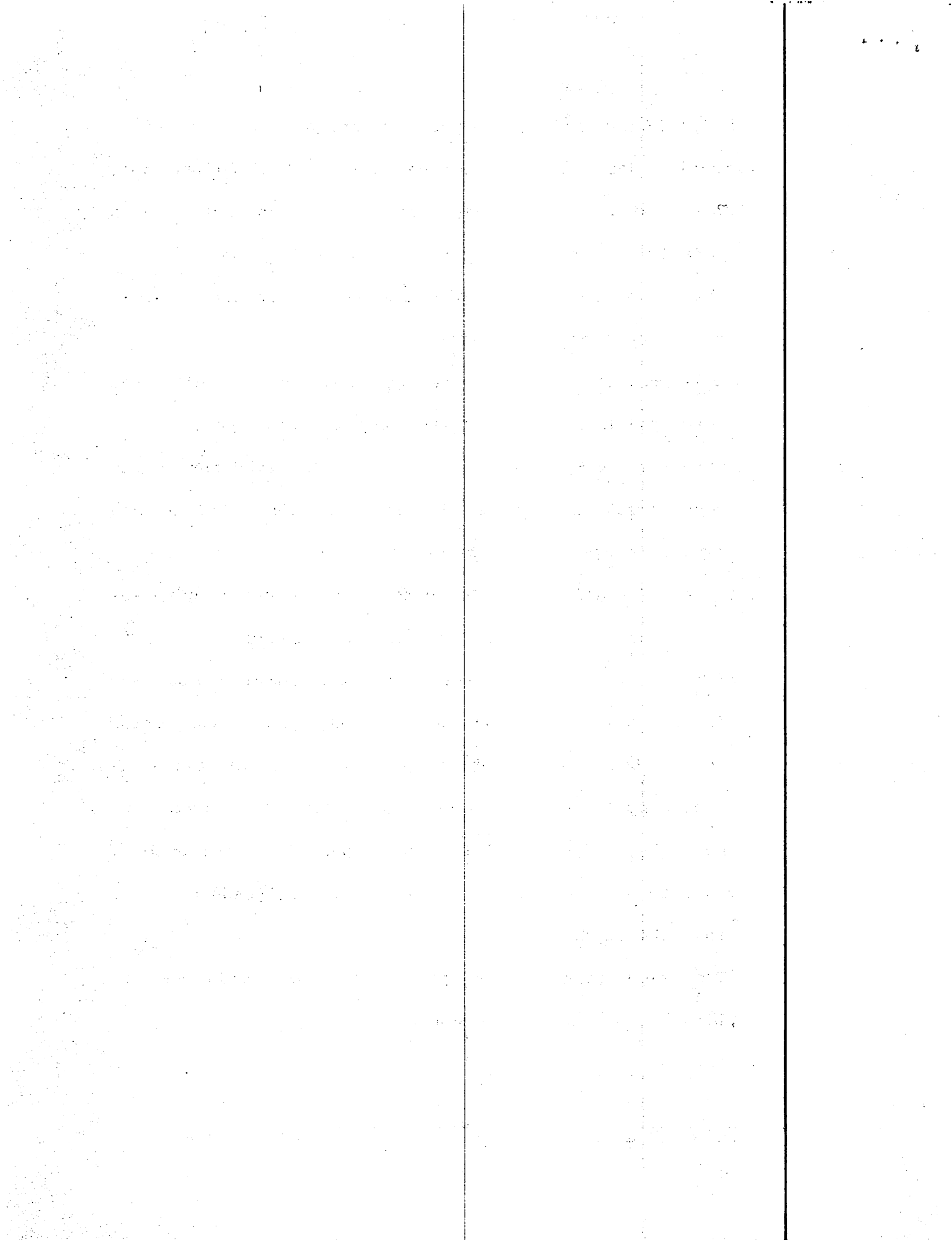


5. The proposed use, with conditions, will not negatively affect other properties due to factors such as noise and odor (MSB 17.60.150(A)(1)).
6. Measures are in place, with conditions, to reduce negative affects upon adjacent properties (MSB 17.60.150(A)(2)(a-c)).
7. The proposed use, with conditions, 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)).

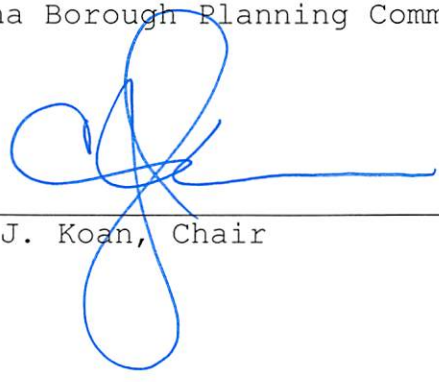


BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.60 and does hereby approve the conditional use permit for the operation of a marijuana retail facility, with the following conditions:

1. 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 before 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 violate this conditional use permit.
4. On-site consumption of marijuana and marijuana products is prohibited.
5. The hours of operation shall not exceed 8:00 a.m. to 12:00 a.m., seven days a week.



ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 15TH day of April, 2024.



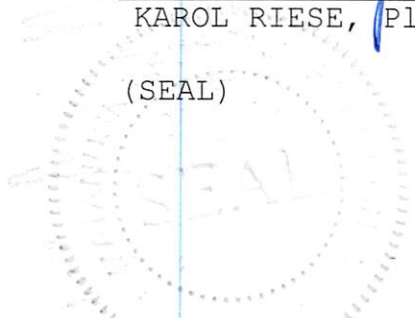
C.J. Koan, Chair

ATTEST



KAROL RIESE, Planning Clerk

(SEAL)



YES: D. Glenn L. McLUBE
R. Allen C. Skogin
C.J. KOAN
NO:

