

By: Rick Benedict
Introduced: June 16, 2025
Public Hearing: July 21, 2025
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 25-12**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MARIJUANA RETAIL FACILITY AT 8620 W. GUS'S COURT, TAX ID#2760B02L002.

WHEREAS, an application has been received from Attorney Jana Weltzin on behalf of Silly Bear Cannabis for a conditional use permit for the operation of a marijuana retail facility at 8620 W. Gus's Court, TAX ID#2760B02L002; 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, various land uses, including commercial, residential, and undeveloped, exist within 1,000 feet of the subject property; 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 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 structure will meet all applicable setback requirements according to MSB 17.55; 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; and

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

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

WHEREAS, the closest schools (Little Hands Preschool and American Charter Academy) are approximately 6,895 feet northeast of the proposed use; and

WHEREAS, the State of Alaska Marijuana Control Board (AMCO) voted to approve Silly Bear Cannabis's Retail Marijuana Store

License (36481) with delegation at the September 12, 2024, meeting;
and

WHEREAS, the application contained a copy of AMCO's delegated approval letter for Silly Bear Cannabis's Retail Marijuana Store License (36481); 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, a marijuana retail facility with an area of 1,445 square feet is required to provide five parking spaces, one of which must be an Americans with Disabilities Act (ADA) compliant space; and

WHEREAS, according to the application materials, fifteen customer parking spaces will be provided; one 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, parking areas on the site have no vertical clearance limitations; and

WHEREAS, the subject parcel is 1.01 acres in size and is part of the Scheele Solid subdivision; and

WHEREAS, according to the application materials, the proposed AMCO licensed operation will be situated within a newly constructed commercial structure approximately 1,445 square feet in size; and

WHEREAS, according to the record, the new commercial structure was constructed in approximately 2024; and

WHEREAS, the subject parcel has frontage along West Gus's Court, which is classified as a local roadway maintained by the borough and can accommodate light commercial traffic; and

WHEREAS, the proposed use will access West Gus's Court, for which the applicant has applied for a driveway permit from the Borough's permitting center; and

WHEREAS, parcels with West Gus's Court frontage are mostly for commercial use; and

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

WHEREAS, Randall Road and Scheele Drive provide access to West Gus's Court from West Parks Highway east and west 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, the proposed hours of operation are 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to midnight Fridays and Saturdays; and

WHEREAS, according to the application materials, the operation will not sell products to individuals who are under the influence of alcohol, inhalants, or controlled substances or who are not at least twenty-one (21) years of age, as evidenced by valid government-issued photo identification; 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, signs stating "No Loitering" and noting the 24-hour alarm monitoring system will be mounted on the exterior of the facility; and

WHEREAS, according to the application materials, a security system plan, diversion control policy, and a loitering check plan are in place. The facility will have a 24-hour monitoring alarm system, exterior lighting, and video surveillance; and

WHEREAS, according to the application materials, commercial locking mechanisms and video surveillance secure entrances to capture individuals within 20 feet; and

WHEREAS, according to the application materials, inside video surveillance covers all areas (except the bathroom) 24/7, and footage is stored for a minimum of 40 days; and

WHEREAS, according to the application materials, access is continuously monitored and restricted to employees, licensees, AMCO agents, law enforcement, and pre-approved scheduled visitors; and

WHEREAS, according to the application materials, unescorted public access to restricted areas is not allowed, with signage indicating this. Distinct cameras are installed throughout and around the facility to deter unauthorized access; and

WHEREAS, according to the application materials, security monitors and video recording equipment are securely located onsite, and live footage is accessible to licensees/management via phone; and

WHEREAS, according to the application materials, alarm systems are monitored by a third-party security company and tested every six months; and

WHEREAS, according to the application materials, employees will be required to obtain a Marijuana Handler card from a state-approved provider before commencing employment. The number of on-site employees will be at least two; and

WHEREAS, according to the application materials, solid or liquid marijuana waste will be stored in a sealed, locked bucket under video surveillance in a restricted area, accessible only by authorized personnel; and

WHEREAS, according to the application materials, marijuana waste will be rendered unusable by grinding it into organic living soil (at a minimum 1:1 ratio with soil); and

WHEREAS, according to the application materials, the operation will maintain a log tracking waste for a minimum of three years; and

WHEREAS, according to the application materials, waste disposal will occur at a local landfill or transfer station, either by a licensee/employee or a third-party company; and

WHEREAS, the proposed use will be located west of and approximately 345 feet from the closest residential parcel, and approximately 59 feet east of the nearest commercial parcel; and

WHEREAS, the application included a signed authorization from the property owners granting Silly Bear Cannabis LLC permission to use the property for a retail marijuana store and authorizing JDW, LLC to apply for and obtain the CUP; and

WHEREAS, according to the application materials, the commercial structure housing the proposed operation is approximately 124' from the West Gus's Court right-of-way to the north, approximately 103' from the eastern property line, approximately 55' from the western property line, and approximately 38' from the West Parks Highway right-of-way to the south; and

WHEREAS, according to the application materials, the operation will retain existing trees and vegetation on the perimeter of the subject parcel for visual screening; and

WHEREAS, according to the application materials, the operation will construct a compacted D1 gravel driveway and parking lot with asphalt ADA spaces; and

WHEREAS, according to the application materials, a rustic building design is incorporated into the plans to reduce adverse effects and contribute to the character of the surrounding area. The building will be painted dark grey with black trim and have LP Smart Slide 540 Series Engineered Wood Siding with a dark-stained post-beam patio; and

WHEREAS, according to the application materials, the operation will have 4 signs. One 3' x 3' sign will be placed on the front of the building, one 3' x 3' sign will be located at the driveway entrance, one 5' x 5' sign will be placed on the Highway side of the property and one 9' x 12' sign will be placed on the left side (Parks Hwy side) of the building; and

WHEREAS, according to the application materials, the signs will have the business name and logo, and will be constructed of either wood or metal with string lights on the sign perimeter and/or spotlights on the ground pointing up to the signs that will be turned on during business hours; and

WHEREAS, according to the application materials, LED exterior lighting will be installed at an unreachable height and downward facing to ensure mitigation of light pollution; and

WHEREAS, the area surrounding the subject parcel consists of a mix of state and borough rights-of-way, commercial and residential uses, and several undeveloped parcels. Nearby commercial uses consist of a reflexologist, fireplace store, auto repair shop, U-Haul center, dog groomer, bar, and transit barn/park & ride; and

WHEREAS, parcels adjoining the subject property include the following uses: to the north is West Gus's Court right-of-way, to the south is West Parks Highway right-of-way, and to the west and east are commercial uses; and

WHEREAS, a Full Plan Review for the Silly Bear Cannabis facility was conducted by the State of Alaska, Department of Public Safety, Division of Fire & Life Safety, and approved on March 8, 2024. The application contained a copy of the approved Full Plan Review; and

WHEREAS, West Gus's Court is a borough-maintained roadway with a local classification and can support light commercial traffic; and

WHEREAS, the Institute of Transportation Engineers (ITE) Trip Generation, 11th Edition, shows that a "Marijuana Dispensary" of approximately 1,445 square feet in an urban area is expected to

produce approximately 36 trips per weekday PM hour based on the average trip start/end generation rates; 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 July 21, 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 25-12:

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 notify the borough upon completion of the proposed driveway for access to West Gus's Court and provide the Planning Department with a copy of the final borough-issued driveway permit.
2. Prior to operating, ADA signage must be installed according to ADA guidelines, the application narrative, and site plans. Proof of completion must be provided to the Planning Department.
3. The operation shall comply with all applicable state and local regulations.
4. 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.
5. 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.

6. The hours of operation shall not exceed 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to midnight Fridays and Saturdays.
7. On-site consumption of marijuana and marijuana products is prohibited.
8. A drive-through window is not authorized at this location.

ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 21st day of July, 2025.



Doug Glenn, Vice-Chair

ATTEST



Lacie Olivieri, Planning Clerk

(SEAL)

YES: Glenn, Allen, Carpenter, McCabe, Scoggin

NO: