

Kenai Peninsula Borough

Office of the Borough Clerk

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Robert Ruffner, Planning Director *RR*
Samantha Lopez, River Center Manager *SL*

FROM: Ryan Raidmae, Planner *RR*

DATE: Friday, March 25, 2024

SUBJECT: Application for a new Retail Marijuana Store License. **Applicant:** Fat Tops, LLC;
Landowner: Slaughter Property Management, LLC; **License #:** 36739; **Parcel #:** 165-510-51; **Property Description:** T 4S R 15W SEC 34 SEWARD MERIDIAN HM 0780005 GRANROSS GROVE SUB UNIT 1 LOT 4; **Location:** 33200 Sterling Hwy, Anchor Point, AK 99556

The planning department will make recommendations to the assembly regarding land use regulation of marijuana establishments as defined by AS 17.38 and administer and implement any land use regulations adopted by the borough assembly.

While reviewing the application for Fat Tops, LLC, the Planning Department found that the location for the retail marijuana store is adjacent to the future location of Chapman School.

Per KPB 7.30.020(B)(1), "Marijuana establishments shall not: Be located within 1,000 feet of any school. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer parcel boundaries of the school."

The shortest pedestrian route was measured and was found to be 468 feet long. This distance is less than the required 1,000 feet and therefore a protest would be warranted.

Even though a protest maybe warranted, the Planning Department does not recommend that action. Instead, the Planning Department suggests a conditional approval to the State pursuant to the "criminal activity" and "protection of public safety" standards in KPB 7.30.020(E). The proposed condition on the license would state, "If a school is ever constructed on KPB Parcel 165-720-06, then an obstruction must be placed or erected to block all access between the marijuana establishment and the school.

If the Eastern Pedestrian route was blocked and the Southern route was used, then the shortest pedestrian route would be 1,340 feet long. This distance is greater than the required 1,000 feet and therefore a protest would not be warranted.

The Retail Marijuana store would also be subject to the following conditions:

1. The marijuana establishment shall conduct their operation consistent with the site plan submitted to the Kenai Peninsula Borough.
2. There shall be no parking in borough rights-of-way generated by the marijuana establishment.
3. The marijuana establishment shall remain current in all Kenai Peninsula Borough tax obligations consistent with KPB 7.30.020(A).

Please see the attached map for reference.