



## KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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**MIKE NAVARRE**  
**BOROUGH MAYOR**

### MEMORANDUM

**TO:** Kelly Cooper, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Max Best, Planning Director 

**DATE:** August 29, 2017

**SUBJECT:** Application for the renewal of a Retail Marijuana Store License. **Applicant:** Croy's Enterprises LLC; **Landowner:** Bluebird Investments, LLC and Tobin Dean Worner; **Parcel #:** 05829015 ; **Property Description:** Lot 2A1, Block 6, Robinette Commercial Subdivision #3, according to Plat 2011-39, Kenai Recording District.; **Location:** 36130 Pine St. Soldotna, Soldotna Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled August 28, 2017 meeting.

A motion to recommend approval of the Croy's Enterprises LLC, a Retail Marijuana Store application passed by unanimous consent 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).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F.

PUBLIC HEARING

1b. State application for a marijuana establishment license renewal; Soldotna Area

Staff Report given by Bruce Wall

PC MEETING: August 28, 2017

**Applicant:** Croy's Enterprises LLC  
**Landowner:** Bluebird Investments, LLC and Tobin Dean Worner  
**Parcel ID#:** 058-290-15  
**Legal Description:** Lot 2A1, Block 6, Robinette Commercial Subdivision #3, according to Plat 2011-39, Kenai Recording District.  
**Location:** 36130 Pine St, Soldotna

**BACKGROUND INFORMATION:** The Alcohol and Marijuana Control Office (AMCO) has notified the borough that a renewal application has been received for State License 10273. The Kenai Peninsula Borough Assembly on April 4, 2017 issued a non-objection letter to AMCO for the original license.

In reviewing the renewal application, the Borough Finance Department has determined that the marijuana establishment is current in all Kenai Peninsula Borough obligations consistent with KPB 7.30.020(A).

The marijuana establishment complies with the location requirements of KPB 7.30.020(B) and has sufficient ingress and egress consistent with KPB 7.30.020(C1).

The Alaska Marijuana Control Board will impose a condition a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable (3 ACC 306.060b). If the Planning Commission recommends additional conditions, findings must be adopted to support the conditions.

**PUBLIC NOTICE:** Public notice of the application was provided in accordance with KPB 21.11.

**STAFF RECOMMENDATION**

Staff recommends that the planning commission forward the application to the assembly with the recommendation that the following conditions be placed on the state license pursuant to 3 AAC 306.060(b):

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).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

**END OF STAFF REPORT**

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

**MOTION:** Commissioner Ecklund moved, seconded by Commissioner Lockwood to recommend approval of Croy's Enterprises, LLC, a renewal of their Retail Store State License according to staff recommendations, findings and to recommend that the following three conditions be placed on the state license.



*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).
4. The marijuana establishment shall not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m.

**VOTE:** The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO YES	ECKLUND YES	ERNST YES	FIKES YES	FOSTER YES	ISHAM ABSENT
LOCKWOOD YES	MARTIN YES	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES	12 YES 1 ABSENT

~~AGENDA ITEM F. PUBLIC HEARING~~

- ~~2. State application for a marijuana establishment license; Homer Area~~

~~Staff Report given by Bruce Wall~~

~~PC MEETING: August 28, 2017~~

~~**Applicant:** Homer Budz, LLC~~

~~**Landowner:** Patrick E. Moore~~

~~**Parcel ID#:** 173-550-07~~

~~**Legal Description:** Lot 2, Cundiff Subdivision, according to Plat 76-22, excluding Lot 2-A, Cundiff Subdivision Addition No. 1, according to Plat 77-90, Homer Recording District.~~

~~**Location:** 67835 Virginia Ave, Homer~~

~~BACKGROUND INFORMATION: On May 25, 2017 the applicant notified the borough that he had submitted an application to the state for a Standard Marijuana Cultivation Facility license. On June 05, 2017 the applicant supplied the borough with a signed acknowledgement form and a site plan on June 05, 2017 of the proposed Standard Marijuana Cultivation Facility on the above described parcel. The Alcohol and Marijuana Control Office notified the borough that the application was complete on August 02, 2017.~~

~~Staff has reviewed the completed license that has been submitted to the state and the site plan submitted to the borough and has found the following concerning the standards contained in KPB 7.30.020:~~

- ~~1. The Borough finance department has been notified of the complete application and they report that the applicant is in compliance with the borough tax regulations.~~
- ~~2. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 1,000 feet from any school.~~
- ~~3. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 500 feet from all recreation or youth centers, and all buildings in which religious services are regularly conducted, and all correctional facilities.~~
- ~~4. The proposed facility is not located within a local option zoning district.~~