


Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Max Best, Planning Director 

DATE: November 15, 2018

SUBJECT: Application for a new Retail Marijuana Store License. **Applicant:** Good Buds LLC; **Landowner:** Sutherland Revocable Trust; **Parcel #:** 14407503 & 14407504; **Property Description:** Lots 23 and 24, Folz Subdivision Revised, according to Plat 24, Seward Recording District.; **Location:** 11770 Seward Highway, Bear Creek Area.

The Kenai Peninsula Borough Planning Commission reviewed the subject application during their regularly scheduled November 13, 2018 meeting.

A motion to recommend approval of the Good Buds 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 HEARINGS

4. State application for a marijuana establishment license; Bear Creek Area

Staff Report given by Bruce Wall

PC MEETING: November 13, 2018

Applicant: Good Buds LLC
Landowner: Sutherland Revocable Trust
Parcel ID#: 144-075-03 & 144-075-04
Legal Description: Lots 23 and 24, Folz Subdivision Revised, according to Plat 24, Seward Recording District.
Location: 11770 Seward Highway

BACKGROUND INFORMATION: On March 14, 2018 the applicant notified the borough that he/she had submitted an application to the state for a Retail Marijuana Store license. On October 02, 2018 the applicant supplied the borough with a signed acknowledgement form and a site plan on October 04, 2018 of the proposed Retail Marijuana Store on the above described parcel. The Alcohol and Marijuana Control Office notified the borough that the application was complete on September 28, 2018. 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.
5. The proposed facility is located where there is sufficient ingress and egress for traffic to the parcel.
 - The site plan indicates that the approach is or will be constructed to a minimum width of 28 feet where it accesses the right-of-way.
 - The signed acknowledgement form indicates that there will not be any parking in borough rights-of-way.
 - The site plan indicates a clear route for delivery vehicles that allows vehicles to turn safely.
 - On-site parking and loading areas are designated at a location that would preclude vehicles from backing out into the roadway.
6. The signed acknowledgement form indicates that the proposed facility will 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.

KPB 7.30.020(E) allows the recommendation of additional conditions on a license to meet the following standards:

- protection against damage to adjacent properties,
- protection against offsite odors,
- protection against noise,
- protection against visual impacts,
- protection against road damage,

- protection against criminal activity, and
- protection of public safety.

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, additional findings must be adopted to support the conditions.

PUBLIC NOTICE: Public notice of the application was mailed on October 24, 2018 to the 11 landowners of the parcels within 300 feet of the subject parcel. Public notice of the application was published in the October 31, 2018 & November 07, 2018 issues of the Seward Journal.

KPB AGENCY REVIEW: Application information was provided to pertinent KPB staff and other agencies on October 24, 2018.

ATTACHMENTS

- State marijuana establishment application with associated submitted documents
- Site Plan
- Acknowledgement form
- Aerial map
- Area land use map with 500' & 1,000' parcel radius

STAFF RECOMMENDATION

Staff recommends that the planning commission forward this application to the assembly with the findings contained in this staff report and 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

Mr. Wall clarified that this is to be considered by the Assembly at the November 20, 2018 meeting. The packet incorrectly stated November 30, 2018.

Chair Pro Tem Carluccio opened the meeting for public comment.

1. Jared Wallace, PO Box 181, Seward, AK 99664

Mr. Wallace is a co-owner of Good Buds, LLC. He along with the other owners were present and available for questions.

Seeing and hearing no questions for Mr. Wallace the Chair Pro Tem continued public hearing. Seeing and hearing no one else wishing to speak, Chair Pro Tem Carluccio closed public comment and opened discussion among the Commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Bentz to forward the request for a Retail Marijuana Store License application for Good Buds, LLC onto the Assembly for approval and include the four recommendations presented by staff.

MOTION PASSED: Seeing and hearing no discussion or objection the motion passed by unanimous consent.