



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 24-07
Proposal: Marijuana Retail Facility
Applicant: Island Girl Cannabis (Aaryn Licari)
Owners: George J. Skannes and Steven Skannes
Location: 224 Smith Street, Suite A
Legal: Lot 6, Smith Street Subdivision
Zone: I Industrial District
Size: 15,723 square feet
Parcel ID: 3-0350-006
Existing Use: Industrial
Adjacent Use: Industrial, Commercial
Utilities: Existing
Access: Smith Street, Beardslee Way

KEY POINTS AND CONCERNS

- Proposed retail marijuana facility
- Located in the Industrial District on private property
- AMCO permit pending

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: Site/Parking Plan
Attachment D: Floor Plan
Attachment E: Photos
Attachment F: AMCO Application
Attachment G: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION.

The applicant has proposed a marijuana retail facility located at 224 Smith Street, Suite A in the I industrial district. The proposal is for a 928 square foot (SF) retail space located on the first floor. The facility is proposed to contain an entrance area, a sales counter, display cabinet, office space and a drive-through window with an 11' wide driveway on the north side of the building on Beardslee Way. The cultivation operation, VanGreen's, is located also located in this building (though not subject to this hearing). The existing operations have received all necessary municipal and state licenses and permits, and Island Girl Cannabis (the retail operations) currently has AMCO approvals pending. Local approval through such processes as conditional use permits is a prerequisite for AMCO licensing/endorsements. There is a permitted caretaker dwelling unit on the second floor above the retail space.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.¹

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:

An increase in traffic is to be expected by adding retail operations to the existing use on the property. However, given that the lot is located in the Industrial District, moderate to heavy traffic is expected.

b. Amount of noise to be generated and its impacts on surrounding land use: Retail marijuana operations do not appear to create any more noise impacts than any other retail uses. Noise is expected in industrial zones; this use compared to other allowed uses in the industrial district adds minimal noise.

c. Odors to be generated by the use and their impacts: Odor is a concern with marijuana uses. Retail sales, while not as impactful as cultivations, can still have odors associated with them. Since marijuana can have strong odors, this could be mitigated with air filters, air-tight sealing, and heat-sealed packaging conditions if the Planning Commission felt it warranted.

d. Hours of operation: Proposed hours of operation are 8am-10pm, seven days a week.

e. Location along a major or collector street: Access to Beardslee Way from Price Street or Smith Street.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: No cut-through concerns for vehicular traffic anticipated, this property is a corner lot.

¹ § 22.25.010.E

g. Effects on vehicular and pedestrian safety: Minimal/marginal impact to vehicle or pedestrian traffic – area is industrial in nature, traffic is expected.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Site is accessible for police, fire, and EMS response. Security system is in place.

i. Logic of the internal traffic layout: Internal layout conducive to serving retail customers while providing adequate security and monitoring of product and restricted areas. The applicant has proposed a one-way drive through window with an 11' wide driveway on the north side of the building on Beardslee Way. A total of 7 parking spaces are required; 3 for the retail business (3 spaces per 300 square feet), 2 for the cultivation operation (one space per three employees – VanGreen's has five employees), and 2 for the dwelling unit. 8 spaces are available on the west side (adjacent to Smith Street), and 2 are identified on the east side for the dwelling unit.

j. Effects of signage on nearby uses: Signage is subject to AMCO limitations. The applicant has proposed exterior signage with the business logo and required AMCO regulatory signage. Drive through directional signage will be posted.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: There are no existing or proposed buffers on the site.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: This proposal supports Economic Development Action ED 6.7: *Support growth of manufacturing businesses that add value to sustainably developed natural resources*; by providing a retail outlet for locally manufactured (or those produced within the State), goods that utilize sustainable energy for the production of their products. The applicant also points out that their proposal furthers Land Use Actions LU 6.1 and 6.2, which call for more harmonious land use in the Price/Smith Street area and preventing incompatible mixes of residential, commercial, and industrial uses, by making improvements to an existing building in this area that is co-located with other marijuana related businesses.

m. Other criteria that surface through public comments or planning commission review: None.

Marijuana 500 Foot Buffers

The state requires a 500-foot buffer from sensitive uses that include educational facilities, recreational centers, youth centers, churches, or correctional facilities. This is measured in different ways. Educational, recreation center, and youth center type uses are measured from the public entrance of the marijuana establishment to the outer boundary of the sensitive use by the shortest pedestrian route (determined by State AMCO Board); or 2) from the public entrance of the marijuana establishment to the main public entrance of the religious or correctional facility measured by the shortest pedestrian route (determined by State AMCO Board). There are no state

regulated sensitive uses that staff is aware of per site visit. However, this is conditioned to comply with state buffers and burden is upon applicant.

RECOMMENDATION

Staff recommends approval of the conditional use permit request for a marijuana retail facility at 224 Smith Street subject to conditions of approval.

CONDITIONS OF APPROVAL

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal building official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfy the fire marshal or their designee and the building official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the municipality and shall comply with all standard and required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all of the Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
8. The Planning Commission or Planning Department shall be able to schedule a hearing to resolve issues, impacts, or review conditions of approval related to meritorious issues connected to the public's health, safety, and welfare.

Motions in favor of approval

1. **"I move to approve the conditional use permit for a marijuana retail facility at 224 Smith Street in the I industrial district subject to the attached conditions of approval. The property is also known as Lot 6, Smith Street Subdivision. The request is filed by Island Girl Cannabis. The owners of record are George J. Skannes and Steven Skannes."**
2. **"I move to adopt and approve the required findings for conditional use permits as listed in the staff report."**
 1. The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; *because the property will be monitored to ensure that there are no resulting impacts or disturbances that*

would negatively affect health, safety, welfare, neighborhood character, or properties in the surrounding vicinity. Additionally, the proposal is compliant with state and local safety standards regarding marijuana facilities which protect public health, safety, and welfare.

2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation; *specifically, ED 6.7, LU 6.1, and LU 6.2.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *because the property will be monitored to ensure that there are no resulting negative impacts, especially through required state licensing and reporting, and there are opportunities for redress to the Planning Department and/or Planning Commission if reports of negative impacts arise.*