



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 19-13
Proposal: Marijuana Retail Facility
Applicant: Marty and Elizabeth Martin, Justin Brown, AKO Farms LLC
Owner: Martin Enterprises, Inc.
Location: 1210 Beardslee Way
Legal: Lot 1B, Mick's Resubdivision
Zone: Industrial District (I)
Size: 17,957 SF
Parcel ID: 3-0360-030
Existing Use: Marijuana cultivation
Adjacent Use: Industrial, commercial, residential
Utilities: Existing
Access: Smith Street, Price Street, Beardslee Way

KEY POINTS AND CONCERNS:

- Proposed retail marijuana facility in addition to existing cultivation and concentrates licensed and operating on premise
- Located in the Industrial District on private property
- AMCO permit pending

RECOMMENDATION:

Staff recommends that the Planning Commission approve the conditional use permit request for a marijuana retail facility at 1210 Beardslee Way subject to conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

The proposal is for a marijuana retail facility is in an Industrial zoning district (I) located at 1210 Beardslee Way, in a new addition on the existing building to be built. Therefore, the proposed use is subject to receiving a conditional use permit to be able to operate subject to section 22.24.026. The proposal is for an approximate 500 square foot marijuana retail facility located on the ground floor. The facility is proposed to contain an entrance area, a sales counter, display cabinet, work room, and two offices. It is important to note, all potential uses of the proposed building shall conform to any potential conditions of approval for this conditional use permit. Even future permitted uses that could arguably create synergistic adverse impacts, could trigger revocation or additional future conditions of approval to mitigate those future impacts for this prospective conditional use permit.

Cultivation and concentrate operations, not subject to this review, are located in the existing building on this lot. The existing operations have received all necessary municipal and state licenses and permits:

The applicant has submitted as part of their application and also as part of their state license application extensive supporting documents that address security, safety, tracking, and overall operation of the facility. This is attached and also conditioned to be complied with. A parking plan was also provided.

See attachments for details on applicant's site plan, proposed layout, and operational information.

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 business. 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. Some 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

¹ § 22.24.010.E

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 9am to 9pm.

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, traffic should be confined to parking lot.

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 serve retail customers while providing adequate security and monitoring of product and restricted areas.

j. Effects of signage on nearby uses: Minimal, subject to AMCO limitations.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Existing rock wall on the west side and drainage/utility easement on the east side.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to the chapter on Economic Development that supports promoting new entrepreneurial business, and supports growth of manufacturing businesses that add value to sustainably developed local resources.

m. Other criteria that surface through public comments or planning commission review: No public comment received at time of finalizing staff report.

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.

Specific Guidance on Findings for Marijuana Uses (SGC 22.24.026(E))

Findings of Fact. Upon review and considerations of the required criteria, the planning commission shall determine whether the proposed use(s) at the proposed project location are found to not present a negative impact to the public's health, safety, and welfare.

1. If such a finding can be made, then the proposed use shall be approved with standard regulations, dimensions, and setbacks.
2. In the alternative, where the planning commission finds negative impacts are present, the planning commission shall only approve conditional use permits where the negative impacts can be adequately mitigated by conditions of approval that preserve the public's health, safety, and welfare. These conditions of approval shall be case-by-case specific and in addition to the standard regulations.
3. If negative impacts to the public's health, safety, and welfare cannot be mitigated through conditions of approval then the planning commission shall so find and deny the proposed conditional use permit.

RECOMMENDATION

It is recommended that the Planning Commission approve the conditional use permit request for a marijuana retail facility at 1210 Beardslee Way subject to conditions of approval.

ATTACHMENTS

Attachment A: Aerial and aerial with zoning
Attachment B: Site Plan
Attachment C: Parking Plan
Attachment D: Photos
Attachment E: Plat
Attachment F: Deed
Attachment G: Conditional Use Permit Application
Attachment H: AMCO Application

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Motions in favor of approval:

1) I move to approve the conditional use permit application for a marijuana retail facility at 1210 Beardslee Way subject to conditions of approval. The property is also known as Lot 1B, Mick's Resubdivision. The request is filed by Marty and Elizabeth Martin and Justin Brown. The owner of record is Martin Enterprises, Inc.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing
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.

2) I move to find that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval, and move to adopt the following findings²:

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.
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,
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

² § 22.30.160.C – Required Findings for Conditional Use Permits