

CITY OF CRAIG PLANNING COMMISSION

Staff Report
August 25, 2022

Applicant: Craig Tribal Association (Clinton Cook Sr. applicant)

Requested Action: Conditional Use Permit – Operation of a Marijuana Retail Establishment in the commercial zone

Location: Lot B, Block B, USS 1430 CTA (505 Front Street.)

Lot Size: 10,609 SF

Zoning: Commercial

Surrounding Uses: North: Marine Industrial
West: Marine industrial/Commercial
South: Commercial
East: Marine Industrial

Analysis

On behalf of the Craig Tribal Association (CTA), Clinton Cook Sr. has applied to the City of Craig planning commission for a conditional use permit to operate a marijuana retail establishment in the commercial zone, located at 505 Front Street (Lot B, Block B, USS 1430 CTA). The CTA intends to operate out of the old IFA building already located on lot B. The applicant will be required to complete all licensing requirements as set forth by the State of Alaska, Marijuana Control Board.

In 2015 and 2016 a number of municipal ordinances were passed by the Craig City Council regarding commercial marijuana in Craig.

1. Ordinance 664 prohibits public consumption of marijuana in the Craig city limits.
2. Ordinance 669 amended title 5 of the Craig Municipal Code to create city business license requirements for marijuana establishments. This ordinance also limited the number of licensed retail establishments to two within the city limits. At present there is one active license for a retail marijuana establishment approved in the City of Craig. The planning commission should consider this from the standpoint of if this location meets the requirements of the code that would allow a marijuana retail establishment to be operated in this location under a conditional use permit (CUP). Approval of a CUP will allow the applicant to go through the state licensing process. Approval of the conditional use permit does not guarantee completion of the licensing process with the state. This will be done during the city's comment period of the state license application.
3. Ordinance 678 exercised the city's local option under Alaska Statute to prohibit certain types of marijuana licenses. Under state statutes all license types are allowed unless local jurisdictions exercise this local option. This ordinance prohibits

commercial marijuana cultivation, product manufacturing, and testing within the Craig city limits. Ordinance 678 does not prohibit commercial marijuana retail establishments in Craig.

4. Ordinance 682 amended title 18 of the Craig Municipal Code to include licensed retail marijuana establishments as a conditional use in commercial and industrial zones with the exception of marine industrial property along Hamilton Drive. This amendment also listed marijuana establishments as prohibited in all other zones.

Marijuana establishments in Alaska must be located at least 500 feet from certain types of uses. I have reviewed the proposed location against that list of uses and the subject property exceeds the required exclusion zone from all areas of concern. The closest building of concern is the daycare/City Gym which is at least 542 feet away as the crow flies from property boundary to property boundary. The requirement is that a pedestrian walking from door to door between the two structures would need to travel at least 500 feet between the two.

As noted above there is a limit of two retail establishments in Craig (Ordinance 669). The approved conditional use permit does not guarantee that an applicant will complete (or even start) the state licensing process. The approved permit also does not guarantee that the applicant will have their state license approved. The city (along with the public) has an opportunity to comment or object to license applications through the state licensing process. It is staff's intent to make comments to the Marijuana Control Board for each license application that there is a limit of two licenses that can be issued.

As of the date of this staff report there have been no written comments submitted. Public notices were posted on August 11th with notice letters mailed on the same date. Information regarding the conditional use permit was posted on the City of Craig website August 10th with a link on the front page. Any comments submitted before the meeting will be attached along with a copy of the conditional use permit application and drawings.

Per 18.06.002 of the LDC, the following criteria shall be met before a conditional use permit may be issued:

1. That the proposal is consistent with the Craig Comprehensive Plan, the Craig Municipal Code, and other applicable ordinances.
2. That the proposed use is conditionally permitted in the zone.
3. That the proposed use is compatible with other existing or proposed uses in the area affected by the proposal.
4. That the proposed use would not create noise, odor, smoke, dust, or other objectionable pollutants creating impacts on surrounding areas.
5. That the proposed use would not affect the health and safety of persons or property.
6. That the location, size, design and operating characteristics will mitigate conflicting uses.
7. That unsightliness, building height, or structural incompatibility would not significantly affect surrounding areas or the designated viewshed.

8. That the proposal would not have a significant detrimental effect on property values in the area.
9. That all utilities required by the proposed use are adequate or will be made adequate by the applicant at no additional expense to the city and will not interfere with utility capacity to serve other areas of the city.
10. That access is adequate to serve the additional volume and type of traffic generated and would not threaten health and safety by significantly altering traffic volumes and patterns.
11. That adequate off-street parking is provided. (See Chapter 18.14, Parking.)
12. That the proposed use would not degrade land, air, water, or habitat quality.
13. That the proposed use will not interfere with the efficiency of, the planned expansion of, or access to water dependent or water related uses unless: 1) there is a documented public need for the proposed use, 2) no alternative site, and 3) the public good will be served better by the proposed use than by the water dependent or water related use.
14. That other relevant objections made evident at the public hearing are addressed.
15. That the proposed use and development do not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

Criteria 1-13, and 15 appear to be met on the face of the application.

Criteria 14 may be met at the conclusion of the public hearing on August 25, 2022.

Recommendation

That the planning commission adopt Resolution 603-22-PC granting a CUP to the Craig Tribal Association to operate a licensed marijuana retail establishment in a Commercial Zone, subject to the following conditions:

1. that the conditional use permit is not transferable to another individual or location;
2. that the applicant is required to remain current on sales tax and marijuana tax to the City of Craig for all sales associated with the permitted business;
3. that the applicant and property owner shall be current on all taxes, utility billing and other fees assessed by the City of Craig relating to the subject property and business operations;
4. that the applicant shall secure and maintain, in good standing, all licenses and permits required by the State of Alaska for operation of a marijuana establishment;
5. that the applicant shall comply with all provisions of Craig Municipal Code regarding placement and operation of a retail marijuana establishment; and,
6. that this conditional use permit is voidable by the City of Craig, at its sole discretion, if the applicant is unable to meet the above conditions.
7. that the applicant must have all required licenses associated with the business within 12 months and be in operation within 18 months of this conditional use permit.

CITY OF CRAIG
PLANNING COMMISSION
RESOLUTION 603-22-PC

GRANTING A CONDITIONAL USE PERMIT TO CRAIG TRIBAL ASSOCIATION TO OPERATE A LICENSED MARIJUANA RETAIL ESTABLISHMENT ON COMMERCIAL ZONED PROPERTY AT LOT B, BLOCK B, USS 1430 CTA

WHEREAS, the Planning Commission held a public hearing on August 25, 2022; and,

WHEREAS, public notice was given in accordance with Section 18.06.002 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the specific criteria of Section 18.06.002 of the Craig Land Development Code are met as follows, subject to the conditions listed below:

1. That the proposal is consistent with the Craig Comprehensive Plan, the Craig Municipal Code, and other applicable ordinances.
2. That the proposed use is conditionally permitted in the zone.
3. That the proposed use is compatible with other existing or proposed uses in the area affected by the proposal.
4. That the proposed use would not create noise, odor, smoke, dust, or other objectionable pollutants creating impacts on surrounding areas.
5. That the proposed use would not affect the health and safety of persons or property.
6. That the location, size, design and operating characteristics will mitigate conflicting uses.
7. That unsightliness, building height, or structural incompatibility would not significantly affect surrounding areas or the designated viewshed.
8. That the proposal would not have a significant detrimental effect on property values in the area.
9. That all utilities required by the proposed use are adequate or will be made adequate by the applicant at no additional expense to the city and will not interfere with utility capacity to serve other areas of the city.
10. That access is adequate to serve the additional volume and type of traffic generated and would not threaten health and safety by significantly altering traffic volumes and patterns.
11. That adequate off-street parking is provided.
12. That the proposed use would not degrade land, air, water, or habitat quality.
13. That the proposed use will not interfere with the efficiency of, the planned expansion of, or access to water dependent or water related uses unless: 1) there is a documented public need for the proposed

- use, 2) no alternative site, and 3) the public good will be served better by the proposed use than by the water dependent or water related use.
14. That other relevant objections made evident at the public hearing are addressed.
 15. That the proposed use and development do not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission grants the Craig Tribal Association a conditional use permit to operate a licensed marijuana retail establishment in a Commercial Zone, located at 505 Front Street (Lot B, Block B, USS 1430 CTA), subject to the following conditions:

1. that the conditional use permit is not transferable to another individual or location;
2. that the applicant is required to remain current on sales tax and marijuana tax to the City of Craig for all sales associated with the permitted business;
3. that the applicant and property owner shall be current on all taxes, utility billing and other fees assessed by the City of Craig relating to the subject property and business operations;
4. that the applicant shall secure and maintain, in good standing, all licenses and permits required by the State of Alaska for operation of a marijuana establishment;
5. that the applicant shall comply with all provisions of Craig Municipal Code regarding placement and operation of a retail marijuana establishment; and,
6. that this conditional use permit is voidable by the City of Craig, at its sole discretion, if the applicant is unable to meet the above conditions.
7. that the applicant must have all required licenses associated with the business within 12 months and be in operation within 18 months of this conditional use permit.

Approved this 25th day of August, 2022

Chairman Sharilyn Zellhuber

Samantha Wilson, City Planner