

Submitted by: Chair Croft at the Request
of the Mayor
Prepared by: Municipal Clerk's Office
and Planning Department
For reading: February 12, 2019

**ANCHORAGE, ALASKA
AR No. 2019-54**

1 **A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING**
2 **A MARIJUANA LICENSE AND SPECIAL LAND USE PERMIT FOR DANISH**
3 **GARDENS, LLC, A MARIJUANA RETAIL SALES ESTABLISHMENT WITH**
4 **LICENSE NUMBER M10313, DOING BUSINESS AS DANISH GARDENS, LLC,**
5 **AND LOCATED AT 2430 CINNABAR LOOP.**

6
7 (Abbott Loop Community Council) (Case 2019-0010)
8

9 **THE ANCHORAGE ASSEMBLY RESOLVES:**

10
11 **Section 1.** The approvals in sections 2 and 3 of this resolution are for Danish
12 Gardens, LLC a marijuana retail sales establishment with municipal license number
13 M10313, doing business as Danish Gardens, LLC, located at 2430 Cinnabar Loop,
14 in the I-2 district, within Lot 4, Block 1, East Dimond Center Subdivision; generally
15 located northwest of the intersection of Azurite Court and Cinnabar Loop, in
16 Anchorage.

17
18 **Section 2.** The application submitted for the requested marijuana establishment
19 license generally meets the applicable provisions of Anchorage Municipal Code
20 (AMC) chapter 10.80. A retail marijuana store license is hereby approved for Danish
21 Gardens, LLC, subject to the following conditions pursuant to AMC section
22 10.80.015:

- 23
24 1. The licensee and his/her agents and employees shall conform to the
25 narrative submitted with the license/special land use permit
26 application, as modified by this resolution, and with all applicable
27 portions of Anchorage Municipal Code.
28
29 2. All licensees, employees, and agents of the marijuana establishment
30 who sell, cultivate, manufacture, test, or transport marijuana or
31 marijuana product, or who check the identification of a consumer or
32 visitor, shall obtain a marijuana handler permit from the Alaska
33 Marijuana Control Board (AMCO). The marijuana handler permit shall
34 be kept in the holder's immediate possession or a valid copy shall be
35 kept on the premises of the marijuana establishment at all times.
36
37 3. One or more licensee or affiliate owes past-due taxes, fees, or fines
38 to the Municipality of Anchorage, which must be paid before a
39 municipal marijuana license will be issued, per AMC subsection
40 10.80.021B.

41
42 **Section 3.** The application submitted for the requested special land use permit

1 for marijuana generally meets the applicable provisions of AMC section 21.03.105
2 and AMC section 21.05.055. A special land use permit for a marijuana retail sales
3 establishment is hereby approved for Danish Gardens, LLC, subject to the following
4 conditions pursuant to AMC subsection 21.03.020M.:

- 5
- 6 1. All uses shall conform to the plans and narrative submitted with the
7 license/special land use permit application, as modified by this
8 resolution, and with all applicable portions of Anchorage Municipal
9 Code, and may be modified in accordance with AMC subsection
10 21.03.105C.9.
- 11
- 12 2. A notice of zoning action shall be filed with the State of Alaska
13 Recorder's Office before operation of the establishment.
- 14
- 15 3. The establishment shall be open for inspection and examination by
16 the municipality during municipal business hours and establishment
17 business hours.
- 18
- 19 4. The premises shall be ventilated so that the odor of marijuana cannot
20 be detected at any lot line by a person with a normal sense of smell.
21 Violation could lead to a requirement to increase air filtering and/or
22 change the ventilation location in the establishment.
- 23
- 24 5. The Conditions Certificate, issued by the Planning Department and
25 containing conditions imposed by the Assembly on this special land
26 use permit, shall be displayed in a visible location near the main
27 entrance at all times.
- 28
- 29 6. The retail sales establishment shall be closed to the public between
30 midnight and 8:00 a.m. each day.
- 31
- 32 7. In accordance with AMC 21.05.010E, Table 21.05-1 Table of Allowed
33 Uses – Residential, Commercial, Industrial and Other Districts,
34 operation of this marijuana retail sales establishment is contingent
35 upon the continued approval of the attached and collocated marijuana
36 cultivation facility. In the event that a state or municipal license or the
37 municipal special land use permit is revoked or not renewed for the
38 attached and collocated marijuana cultivation facility, the special land
39 use permit for this retail sales establishment shall immediately
40 become null and void, and this retail sales establishment shall
41 immediately cease operations.
- 42
- 43 8. Resolve with Traffic, the parking lot layout, design, and signage.
- 44
- 45 9. Install site perimeter landscaping along Cinnabar Loop in accordance
46 with AMC 21.07.080 Landscaping, Screening, and Fences.
- 47
- 48 10. Revise the site plan to dedicate 5% of the surface area on-site to snow
49 storage, or enter into a snow management agreement with the
50 Municipality.

Section 4. The conditions contained in this resolution shall be met and shall be verified by inspection before the marijuana establishment can begin operations.

Section 5. Failure to comply with the conditions of this license and special land use permit and the applicable provisions of Anchorage Municipal Code shall constitute grounds for modification or revocation of the license and/or the special land use permit.

Section 6. The marijuana license approved in section 2 above expires on August 31, 2019. An application to renew the marijuana license may be submitted in accordance with AMC section 10.80.036. The special land use permit for marijuana approved in section 3 above is valid until it expires in accordance with AMC subsection 21.03.105C.10.

Section 7. In accordance with AMC subsection 10.80.061B., the Municipal Clerk shall, upon approval of this municipal marijuana establishment license and fulfillment of the conditions in Section 2 and verification pursuant to Section 4, provide written notification to the AMCO that the protest is lifted.

Section 8. This resolution shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2019.

Chair

ATTEST:

Municipal Clerk

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MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 133-2019

Meeting Date: February 26, 2019

1 **From: MAYOR**

2
3 **Subject: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY**
4 **APPROVING A MARIJUANA LICENSE AND SPECIAL LAND USE**
5 **PERMIT FOR DANISH GARDENS, LLC, A MARIJUANA RETAIL**
6 **SALES ESTABLISHMENT WITH LICENSE NUMBER M10313,**
7 **DOING BUSINESS AS DANISH GARDENS, LLC, AND LOCATED**
8 **AT 2430 CINNABAR LOOP.**
9

10
11 Danish Gardens, LLC has applied for a retail sales establishment license and
12 special land use permit. The facility is proposed to be located at 2430 Cinnabar
13 Loop in the Abbott Loop Community Council.
14

15 The applicant has successfully completed their public notice requirements, and
16 on January 8, 2019, the Planning Department mailed 104 public hearing notices
17 to residents and property owners within 500 feet of the site of the proposed
18 facility.
19

20 The Municipal Clerk's office and the Planning Department have reviewed the
21 application against the requirements of Anchorage Municipal Code (AMC)
22 chapter 10.80, AMC section 21.03.105, and AMC section 21.05.055 and
23 considered any comments received from various reviewing agencies, the
24 community council, and the public. Staff has determined that the applicant is
25 generally in compliance with municipal code with the conditions recommended in
26 the Assembly Resolution.
27

28 **THE ADMINISTRATION RECOMMENDS APPROVAL.**

29
30
31 Prepared by: Ryan Yelle, Senior Planner, Planning Department
32 Approved by: Michelle McNulty, Director, Planning Department
33 Concur: Christopher M. Schutte, Director
34 Office of Economic and Community Development
35 Concur: Rebecca A. Windt Pearson, Municipal Attorney
36 Concur: William D. Falsey, Municipal Manager
37 Respectfully submitted: Ethan A. Berkowitz, Mayor



Municipality of Anchorage, Clerk's Office
Code Compliance Checklist
Commercial Marijuana Establishment Application

Applicant: Danish Gardens, LLC
Establishment Type: Retail
Other licenses at this address: M10310

License #: M10313
Public Hearing Date: February 26, 2019

Address: 2430 Cinnabar Lp.

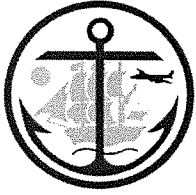
Other License Types Applied For: Cultivation
Community Council: Abbott Loop

Code Citation and Topic	Compliance Information	Complies	Recommended Condition
All Establishments			
10.80.010 License restrictions	Application complies with license restrictions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10.80.021 No licensee owes past-due taxes, fees, or fines to the MOA	One or more affiliates owes municipal taxes, fees or fines.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	One or more licensee or affiliate owes past-due taxes, fines, or fees to the Municipality of Anchorage, which must be paid before a municipal marijuana license will be issued, per AMC 10.80.021B. One or more affiliates owes municipal taxes, fees or fines.
10.80.700 Marijuana handler permit	All licensees, employees and agents will have handler permit.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	All licensees, employees, and agents of the marijuana establishment who sell, cultivate, manufacture, test, or transport marijuana or marijuana product, or who check the identification of a consumer or visitor, shall obtain a marijuana handler permit from the Marijuana Control Board. The marijuana handler permit shall be kept in the holder's immediate possession or a valid copy shall be kept on the premises of the marijuana establishment at all times.
10.80.710 Restricted access areas	Restricted access area identified; compliance with signs, visitors, ID requirements indicated.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	



Municipality of Anchorage, Clerk's Office
Code Compliance Checklist
Commercial Marijuana Establishment Application

Code Citation and Topic	Compliance Information	Complies	Recommended Condition
10.80.711 No overlapping licensed premises	Diagram indicates no overlap of previously approved cultivation premises with proposed retail premises.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10.80.715 Security alarm systems and lock standards	Compliance with security alarm and lock standards indicated, 3 rd party monitoring 24/7.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10.80.720 Video surveillance	Compliance with video surveillance requirements indicated. Entire facility under surveillance.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10.80.725 Inspection of Premises	Ongoing requirement	N/A	
10.80.735 Health and safety standards		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10.80.740 Waste disposal	Ongoing requirement	N/A	
10.80.745 Standardized scales	Compliance indicated.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10.80.755 Business records	Stored securely on-site and electronically on cloud.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Retail Establishments			
10.80.325 Retail store sign—age limitation	Appropriate signs to be posted on main entry door and shopping area entry door.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10.80.330 Inventory tracking system	Applicant will use Metrc system; compliance is indicated.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10.80.335 Health and safety requirements		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10.80.345 Packaging and labeling	Required packaging and labeling is provided; packaging standards will be met.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
10.80.350 Identification requirement	Government issued identification will be checked upon entry.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	



Municipality of Anchorage, Clerk's Office
Code Compliance Checklist
Commercial Marijuana Establishment Application

Code Citation and Topic	Compliance Information	Complies	Recommended Condition
10.80.371 Prevention of botulism	Sale of concentrate not mentioned, but products and concentrates must be stored in commercial grade refrigerators and/or freezers; or in locked secure display cases.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**PLANNING DEPARTMENT
STAFF ANALYSIS
SPECIAL LAND USE PERMIT FOR MARIJUANA**

Date: February 26, 2019

Case Number: 2019-0010

Applicant: Danish Gardens, LLC
SOA License Number: 10313

Request: Special land use permit for a marijuana retail sales establishment

Site Address: 2430 Cinnabar Loop
Legal Description: Lot 4, Block 1, East Dimond Center Subdivision
Parcel ID Number: 014-211-34

Community Council: Abbott Loop

- Attachments:**
1. Maps
 2. Application
 3. Reviewing Agency and Public Comments
 4. Posting Affidavit
 5. Supporting Information

Recommendation Summary: Approval with conditions

Site Information

Size: 25,984ft² Topography: Flat
Zoning: I-2 Utilities: Public sewer and water

Surrounding Area

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	I-2	I-2	I-2	I-2
	Heavy	Heavy	Heavy	Heavy
	Industrial	Industrial	Industrial	Industrial

Comprehensive Plan

Classification: "General Industrial" per the *2040 Anchorage Land Use Plan*, Land Use Plan Map.

Site Description and Proposal

This is a request for a special land use permit for a marijuana retail sales establishment within an I-2 district. The site is located northwest of the intersection of Azurite Court and Cinnabar Loop. The proposed facility is of similar character and scale to surrounding structures. Approximately 1,000ft² of available building space will be dedicated to marijuana retail. This retail sales establishment will be open seven days a week, with varying weekday and weekend hours.

Public and Agency Comments

On January 8, 2019 the Planning Department mailed 104 public hearing notices in accordance with AMC 21.03.020H. As of this writing, no responses have been received. A public hearing notice was also mailed to the Abbott Loop Community Council. No comments from the Abbott Loop Community Council have been received.

Approval Criteria (AMC 21.03.105C.7.)

The assembly may approve a special land use permit for marijuana if, in the judgment of the assembly, the application meets the following approval criteria.

- a. The proposed use is consistent with the comprehensive plan, all applicable provisions of this title, and applicable state regulations.**

In the *Anchorage 2040 Land Use Plan*, this site is classified as “General Industrial.” The proposed commercial use of this site as a marijuana retail sales establishment is consistent with its classification in the *Anchorage 2040 Land Use Plan*, as well as, its I-2 (Heavy Industrial) zoning designation.

In accordance with AMC 21.06.020, *Table 21.06-2: Table of Dimensional Standards – Commercial and Industrial Districts*, the standard is met.

Adequate snow storage area is not provided on-site. In accordance with AMC 21.07.040F *Snow Storage and Disposal*, the petitioner shall revise the site plan to show at least 5% of the surface area on-site being dedicated for snow storage, or they shall enter into a snow management agreement with the Municipality.

In accordance with AMC 21.07.080 *Landscaping, Screening, and Fences*, the standard to provide site perimeter landscaping along abutting rights-of-way is not met. The requirement to install site perimeter was placed upon the approval of the marijuana cultivation facility ((Case 2016-0084, AR 2016-217) see Attachment 5), but was removed by the Assembly under

the advisement of Planning staff who cited an approved landscape plan dated August 4, 2004. After review of the 2004 approved landscape plan, it is evident that this approval was done in error, as the plan did not meet applicable landscape regulations at the time of approval. Because of this, the Planning Department cannot ignore this illegal nonconformity and shall require the petitioner to submit a revised site plan showing the installation of site perimeter landscaping along Cinnabar Loop. However, the Assembly has the ability to determine if this requirement places an unjust burden on the applicant, and may waive this requirement against the advisement of the Planning Department.

In accordance with AMC 21.07.090E, *Table 21.07-4: Off-Street Parking Spaces Required the standard is met.* The gross floor area of the building is approximately 17,920ft², with 1,000ft² being devoted to marijuana retail and 16,760ft² devoted to marijuana cultivation. This results in a requirement to provide 20 parking spaces, with one space being van accessible. A total of 34 parking spaces are shown on the submitted site plan. A recorded joint-access agreement with an adjacent lot grants access to parking spaces located along the north and west side of the building.

In accordance with AMC 21.07.090H.8. *Vehicular Access and Circulation*, the standard is not met. A nonconforming determination (NCD) was completed for the property on July 12, 2004 (see Attachment 5). In this determination it is stated that a site plan dated February 1, 2000 was approved by the Traffic Engineering Department. This site plan showed the development of eight parking spaces along the east side of the building which lacked adequate turning and maneuvering space. Converse to the approval from the Traffic Department, the NCD goes on to clearly define that the property does not have nonconforming rights for the lack of adequate vehicular turning and maneuvering space. This leads Planning staff to believe that the approval from the Traffic Department in 2000 may have been granted in error, as this site plan did not meet the turning and maneuvering standards in effect at the time of their approval. In addition, comments submitted by the Traffic Department on the current case indicate their department did not have the opportunity to review the site plan included with the applicant's previous application for marijuana cultivation (Case 2016-0084), nor could an approved site plan from the Traffic Department be located under the petition site's building permit (C16-1581). To resolve this issue, the petitioner shall be required to resolve with Traffic, the parking lot layout and design to ensure adequate turning and maneuvering space on property is provided.

In accordance with AMC 21.07.090J., *Table 21.07-8: Accessible Parking Spaces* the standard is partially met. A parking lot providing 32 parking spaces is required to provide two accessible parking spaces with one being

van-accessible. The submitted site plan shows the development of two accessible parking spaces with one being van-accessible. However, the signage and marking of the accessible parking spaces is not clear to reviewing staff. It shall be a condition of approval that the applicant resolve with Traffic, the location, signage, and marking of the accessible parking spaces.

- b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located, including any district-specific standards set forth in chapter 21.04.**

There are no applicable district-specific standards for the I-2 district regarding this use.

The purpose of the I-2 district is:

“The I-2 district is intended primarily as an industrial activity area and reserve for public and private heavy manufacturing, warehousing and distribution, equipment and materials storage, vehicle and equipment repair, major freight terminals, waste and salvage, resource extraction and processing, and other related uses. Some commercial uses, that support or are compatible with industrial uses, are also permitted or conditionally allowed. Non-industrial uses are more limited than in other districts, to prevent land use and traffic conflicts, retain a preserve of activities that is supportive of industrial establishments, and to maintain and protect the supply of industrial lands within the municipality. This district is applied to areas designated as industrial/industrial reserve by the comprehensive plan.”

- c. The proposed use is consistent with applicable use-specific standards set forth in chapter 21.05.**

See attached code compliance checklist.

- d. The proposed use is compatible with uses allowed on adjacent properties, in terms of its scale, site design, and operating characteristics (e.g., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).**

Compatibility is defined in AMC 21.14 as:

“The characteristics of different uses, activities, or designs which allow them to be located near or next to each other in harmony. Some elements affecting compatibility include the height, scale, mass, bulk, and setbacks of structures. Other characteristics include traffic,

parking, access and circulation, landscaping and buffering, drainage and storm water runoff, exterior lighting, dust, noise, hours of operation, and demand on public facilities and services. Compatible does not necessarily mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of the surrounding context and avoiding adverse impacts on neighboring uses."

This marijuana retail sales establishment will be located within a heavy industrial district within the Abbott Loop community. The building is of conventional construction, consistent with the character and appearance of surrounding buildings. Various industrial uses neighbor the petition site on all sides. The proposed establishment will occupy approximately 1,000ft² of space within the existing 17,920ft² building. The lot totals 25,984ft². Daily hours of operation will vary between the weekdays and weekends. The proposed hours of operation may extend beyond those of neighboring businesses.

- e. The proposed use is appropriately located with respect to existing and/or planned water supply, power supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services.**

The site is served by public water and sewer.

The site is located within the Anchorage Roads and Drainage Service Area, the Building Service Area, and the Police and Fire Service Areas.

Fixed-route public transportation is available on 60-minute headways within one-quarter mile of the petition site via route 55.

- f. Any significant adverse impacts anticipated to result from the use can and will be mitigated or offset to the maximum extent feasible.**

This proposed marijuana retail sales establishment will be located within an existing building that has historically served various industrial uses. The surrounding land uses are zoned I-2 (Heavy Industrial) on all sides. The petition site has direct access to Cinnabar Loop. Cinnabar Loop is classified as a "local street" under the 2014 Official Streets and Highways Plan; seeing less than 2,000 vehicle trips daily. Additionally, the applicant has provided both a security and waste disposal plan in accordance with the requirements of AMC 21.03.105C.3.a. It does not appear that this retail sales establishment will cause significant adverse impacts to traffic flow, or neighboring residences and businesses.

- g. The owner/operator of the establishment has no previous denials or revocations of a marijuana license or special land use permit, or previous documented violations of municipal or state law/regulation relating to marijuana establishments. Alternately, the owner/operator has provided sufficient evidence of rehabilitation to the assembly.**

The owner and/or operator of this establishment has no previous denials or revocations of a marijuana license or special land use permit.

- h. The owner/operator of a marijuana retail establishment has meaningfully engaged in neighborhood responsibility planning with residents and other neighborhood businesses to mitigate concerns such as odor, parking, and security. Neighborhood responsibility planning guidelines may be included in AMC chapter 2.40.**

The petitioner has provided a community engagement report with their application.

Recommendation

The Planning Department recommends APPROVAL subject to the following conditions.

1. All uses shall conform to the plans and narrative submitted with the license/special land use permit application and with all applicable portions of Anchorage Municipal Code, and may be modified in accordance with AMC 21.03.105C.9.
2. A notice of zoning action shall be filed with the State of Alaska Recorder's Office before operation of the establishment.
3. The establishment shall be open for inspection and examination by the municipality during municipal business hours and establishment business hours.
4. The premises shall be ventilated so that the odor of marijuana cannot be detected at the lot line by a person with a normal sense of smell. Violation could lead to a requirement to increase air filtering and/or change the ventilation location in the establishment.
5. The Conditions Certificate, issued by the Planning Department and containing conditions imposed by the Assembly on this special land use permit, shall be displayed in a visible location near the main entrance at all times.


6. The retail sales establishment shall be closed to the public between midnight and 8:00 a.m. each day.
7. In accordance with AMC 21.05.010E, *Table 21.05-1 Table of Allowed Uses – Residential, Commercial, Industrial and Other Districts*, operation of this marijuana retail sales establishment is contingent upon the continued approval of the attached and collocated marijuana cultivation facility. In the event that a state or municipal license or the municipal special land use permit is revoked or not renewed for the attached and collocated marijuana cultivation facility, the special land use permit for this retail sales establishment shall immediately become null and void, and this retail sales establishment shall immediately cease operations.
8. Resolve with Traffic, the parking lot layout, design, and signage.
9. Install site perimeter landscaping along Cinnabar Loop in accordance with AMC 21.07.080 *Landscaping, Screening, and Fences*.
10. Revise the site plan to dedicate 5% of the surface area on-site to snow storage, or enter into a snow management agreement with the Municipality.

Advisory Comment

A Health Permit, issued by the Department of Health and Human Services is required prior to final approval of this establishment.



Ryan Yelle, Senior Planner



Michelle McNulty, Director

Parcel ID No. 014-211-34



**Municipality of Anchorage, Planning Department
Code Compliance Checklist
Commercial Marijuana Establishment Application**

Applicant: Danish Gardens, LLC
Establishment Type: Retail

Case #: 2019-0010/**License #:** M10313
Date: February 26, 2019

Address: 2430 Cinnabar Loop
Zoning District: I-2

Parcel ID #: 014-211-34
Community Council: Abbott Loop

Municipal application is in concurrence with state application? Yes No

Code Citation and Topic	Compliance Information	Complies	Recommended Condition
21.03.105C.2. Required Community Meeting, including notice and meeting summary		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
21.03.105C.3. Required Submittals		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
21.03.105C.4. Required public notice for Assembly public hearing: mailed, published, posted, community council		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
21.03.105C.5. Report of all marijuana licenses located within 1,000 feet of subject property	See below.	N/A	
21.05.055A.2. Separation from Protected Land Uses	The closest protected land use, Abbott Loop Elementary is approximately 1,050 feet from the petition site.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
21.05.055A.3. Prohibited with Alcohol License		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
21.05.055A.4. Prohibited with Residential		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
21.05.055A.5. Inspection of Premises	Ongoing requirement	N/A	The establishment shall be open for inspection and examination by the municipality during municipal business hours and establishment business hours.



**Municipality of Anchorage, Planning Department
Code Compliance Checklist
Commercial Marijuana Establishment Application**

Code Citation and Topic	Compliance Information	Complies	Recommended Condition
21.05.055A.6. Ventilation	Ongoing requirement	N/A	The premises shall be ventilated so that the odor of marijuana cannot be detected at the lot line by a person with a normal sense of smell. Violation could lead to a requirement to increase air filtering and/or change the ventilation location in the establishment.
21.05.055A.7. Public Display of Conditions	Ongoing requirement	N/A	The Conditions Certificate, issued by the Planning Department and containing conditions imposed by the Assembly on this special land use permit, shall be displayed in a visible location near the main entrance.
21.05.055A.8. Permanent Structure		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
21.05.055A.9. Signs		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
For Retail Sales Establishments			
21.05.055.B.4.b.i. Required to be closed between midnight and 8 a.m.	The application states that some of the proposed hours of operation are Friday and Saturday 10:00am to 1:00am.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The retail sales establishment shall be closed to the public between midnight and 8:00 a.m. each day.
21.05.055B.4.b.ii. No drive-through		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
21.05.055B.4.b.iii. No outdoor storage or display of products		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	



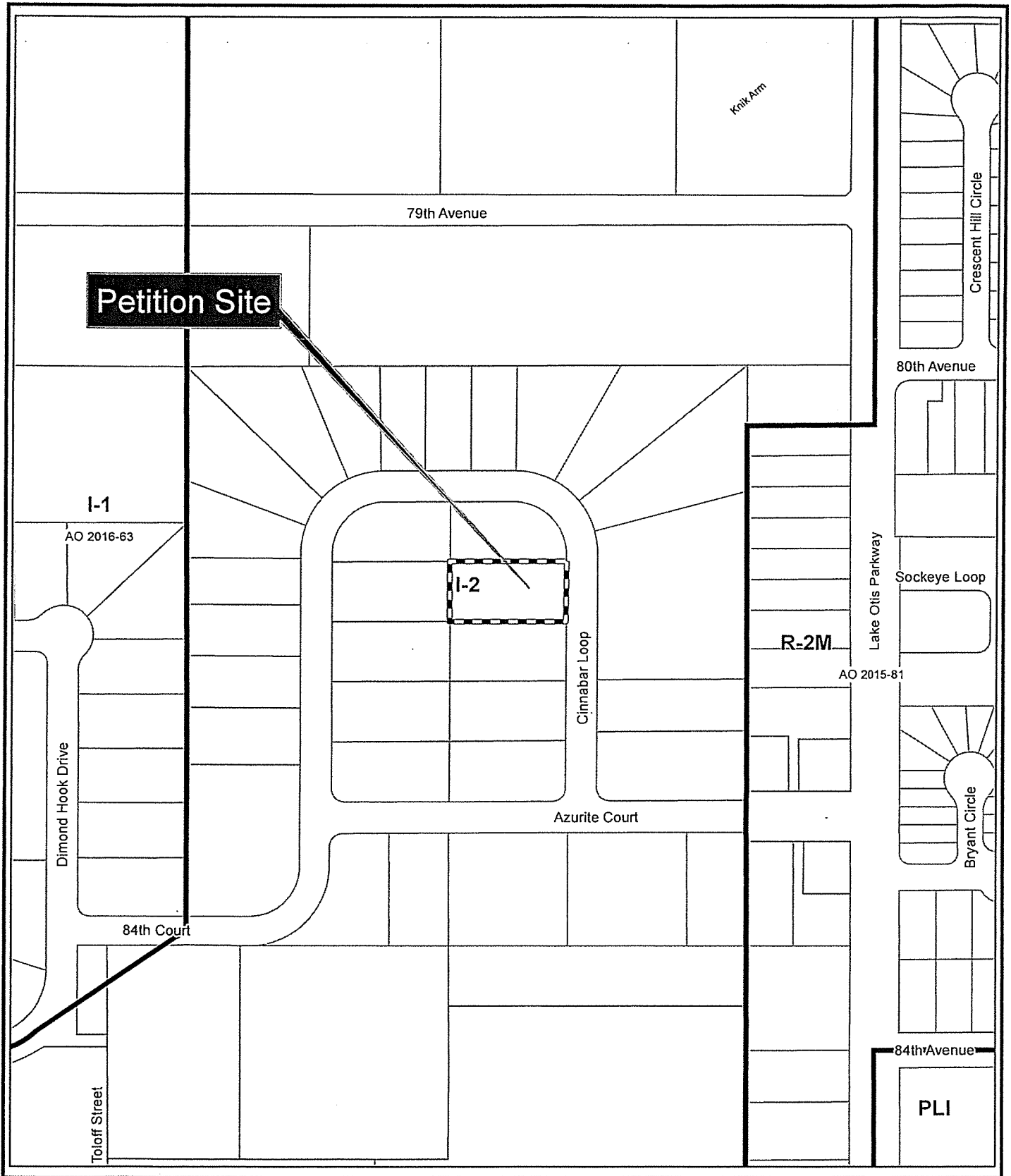
**Municipality of Anchorage, Planning Department
Code Compliance Checklist
Commercial Marijuana Establishment Application**

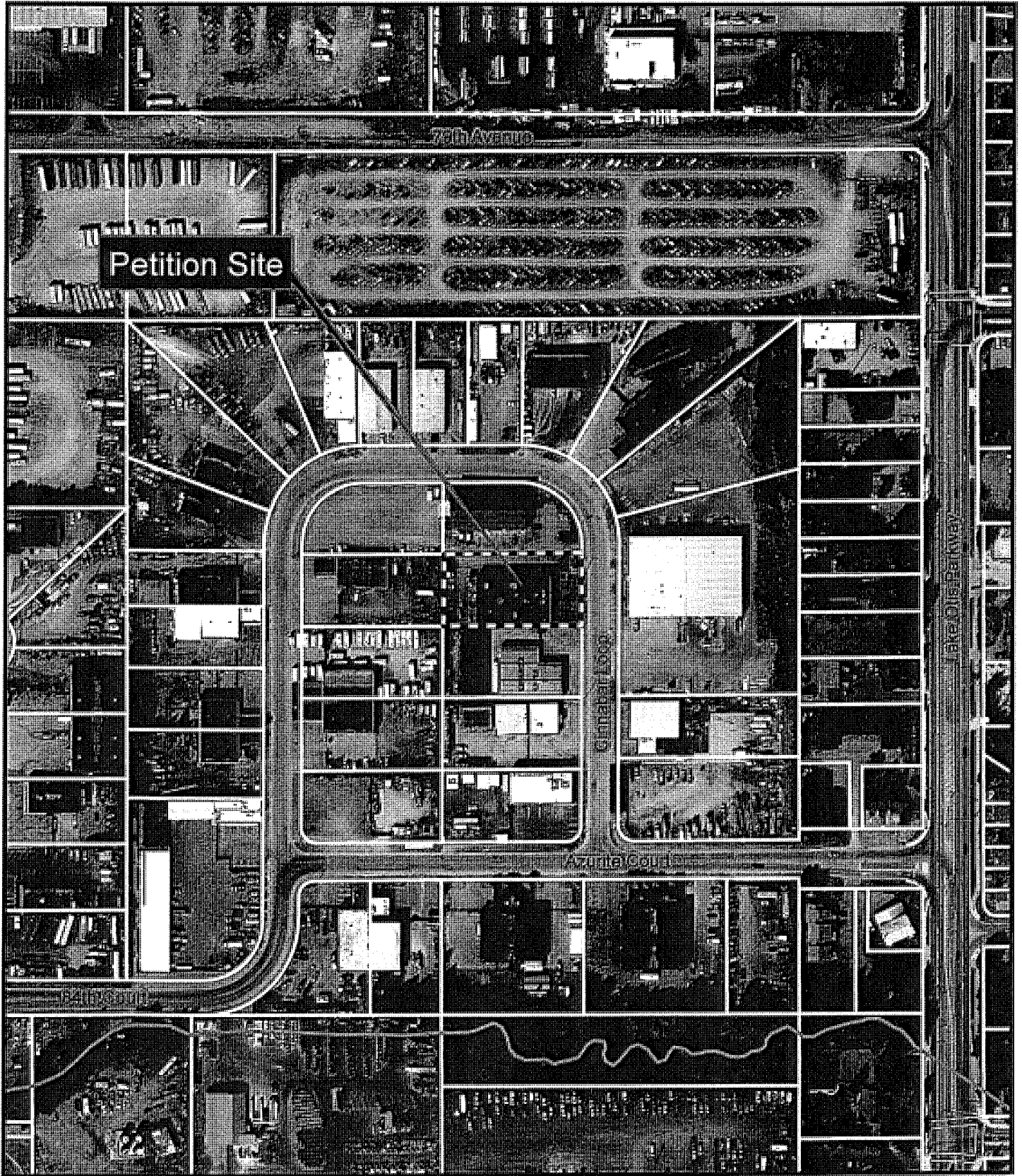
Code Citation and Topic	Compliance Information	Complies	Recommended Condition
21.05.055B.4.b.iv. Allowed in I-2 with cultivation or manufacturing facility		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	In accordance with AMC 21.05.010E, Table 21.05-1 Table of Allowed Uses – Residential, Commercial, Industrial and Other Districts, operation of this marijuana retail sales establishment is contingent upon the continued approval of the attached and collocated marijuana cultivation facility. In the event that a state or municipal license or the municipal special land use permit is revoked or not renewed for the attached and collocated marijuana cultivation facility, the special land use permit for this retail sales establishment shall immediately become null and void, and this retail sales establishment shall immediately cease operations.
21.05.055B.4.b.v. Neighborhood responsibility planning		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Marijuana Licenses Within 1,000 Feet of Subject Property

Establishment Name	Type	MOA License Number	Address
Danish Gardens	Cultivation	M10310	2430 Cinnabar Loop
Great Northern Cannabis	Cultivation	M10747	2341 Cinnabar Loop

Maps





Application

Application for License and Special Land Use Permit for Marijuana

Municipality of Anchorage
 City and Planning Department
 PO Box 194650
 Anchorage, AK 99519-6650

APPLICANT

Name of Authorized Applicant (see 3 AAC 306.020(d))	
Last	First M.I.
REDACTED WYRICK	DANE A
Home Physical Address	Home Mailing Address
6936 WHITEHALL STREET	6936 WHITEHALL STREET
ANCHORAGE ALASKA 99502	ANCHORAGE ALASKA 99502
Contact Phone - Day Evening Fax	Business Mailing Address
907-250-9790	6936 WHITEHALL STREET
E-mail (required)	
MRDANE_AK@YAHOO.COM	ANCHORAGE ALASKA 99502

TYPE OF MARIJUANA ESTABLISHMENT PROPOSED

<input type="checkbox"/> Cultivation Facility (including Limited Cultivation Facility)	<input type="checkbox"/> Testing Facility
<input type="checkbox"/> Manufacturing Facility (including Concentrate Manufacturing Facility)	<input checked="" type="checkbox"/> Retail Sales Establishment
Business Name: DANISH GARDENS LLC	
State of Alaska Marijuana Control Board License Number: 10313	
Other marijuana licenses applied for or approved on the property? DANISH GARDENS CULTIVATION FACILITY LICENSE # 10310	

PROPERTY INFORMATION

Property Tax # (000-000-00-000):	0142113400001		
Site Street Address:	2430 CINNABAR LOOP ANCHORAGE ALASKA 99507		
Current Legal Description: (use additional sheet if necessary) LOT 4 BLOCK 1 EAST PIMOND SUBDIVISION ANCHORAGE AK			
Zoning District:	Lot Size:	Grid #:	
I-2	25,984	SW 2233	
Any dwelling units on the property? ___ Yes <input checked="" type="checkbox"/> No		Any liquor licenses on the property? ___ Yes <input checked="" type="checkbox"/> No	

FACILITY OPERATIONAL INFORMATION

What is the licensed premises area in square feet? TOTAL BUILDING 17,400 SQ FT. / PROPOSED RETAIL STORE 1000 SQ FT.
What will be the business days and hours of operation? MONDAY - THURSDAY 10:00 - 2200 HRS / FRIDAY - SATURDAY 10:00 - 0100 HRS / SUNDAY 10:00 - 2100 HRS.

Accepted by FM	Poster & Affidavit 1 + affidavit \$1,700	Fee	Case Number 2019-0010	Requested Meeting Date 02/26/19	License Number 10313
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APPLICATION REQUIREMENTS	
1 copy required:	<input checked="" type="checkbox"/> Signed/notarized application (original) <input checked="" type="checkbox"/> Property owner letter of authorization (with original signature)
17 copies required:	<input checked="" type="checkbox"/> Signed/notarized application (copies) <input checked="" type="checkbox"/> Criminal justice information and records as required by AMC 10.80.056 <input checked="" type="checkbox"/> Summary of community meeting/community meeting mailer <input checked="" type="checkbox"/> Project narrative explaining the proposal, with an analysis of how the proposal meets the special land use permit for marijuana approval criteria set forth below For all marijuana establishments (AMC 21.03.105C.3.a.): <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Site plan(s) to scale depicting, with dimensions: <ul style="list-style-type: none"> ◇ building footprint ◇ parking areas ◇ vehicle circulation and driveways ◇ loading facilities ◇ landscaping ◇ pedestrian facilities ◇ required open space ◇ fences ◇ lighting ◇ snow storage area or alternative strategy ◇ trash receptacle location and screening detail ◇ freestanding sign location(s) <input checked="" type="checkbox"/> Floor plan to scale and dimensioned, depicting the entirety of the licensed premises, and relation to all other uses located within the same building: <input checked="" type="checkbox"/> Security plan indicating how the applicant will comply with the requirements of municipal and state law and Regulation. The security plan is not required to show location or placement of security cameras and areas covered by them. <input checked="" type="checkbox"/> Waste disposal plan For marijuana cultivation facilities (AMC 21.03.105C.3.b.): <ul style="list-style-type: none"> <input type="checkbox"/> Plan that specifies the methods to be used to prevent the growth of harmful mold <input type="checkbox"/> Projected amount of water that will be used <input type="checkbox"/> Projected amount of wastewater that will be discharged <input type="checkbox"/> Letter from the applicable electric utility stating that power capacity at the proposed location is sufficient for the intended use <input type="checkbox"/> Odor control plan indicating how the applicant will comply with the requirements of municipal and state law and regulation <input type="checkbox"/> Information on moisture and temperature controlled storage (AMC 10.80.535C.) For marijuana manufacturing facilities (AMC 21.03.105C.3.c.): <ul style="list-style-type: none"> <input type="checkbox"/> Description of the type of products to be processed and the equipment to be used, including a list of any solvents, gases, chemicals, or other compounds that will be used, kept, or created at the manufacturing facility, the location of such materials, and how such materials will be stored <input type="checkbox"/> Certification of an industrial hygienist or professional engineer, as required in AMC subsection 21.05.055B.2. <input type="checkbox"/> Projected amount of water that will be used <input type="checkbox"/> Projected amount of wastewater that will be discharged For marijuana retail sales establishments (AMC 21.03.105C.3.d.): <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Neighborhood responsibility planning MOU or community engagement report, as required in AMC subsection 21.05.055B.4.
(Additional information may be required)	

RECENT REGULATORY INFORMATION <small>(Events that have occurred in the last 5 years, or all or a portion of the site)</small>
<input type="checkbox"/> Building or Land Use Permit for: DANISH GARDENS LLC - CHANGE OF USE / BUILDING PERMITS
<input type="checkbox"/> Land Use Enforcement Action for: DANISH GARDENS ODOOR ORDINANCE VIOLATION
<input type="checkbox"/> Nonconforming Determination requested for property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

MARIJUANA ESTABLISHMENTS NEAR PETITION SITE	
Locate and provide the name and address of all licensed marijuana establishments within 1,000 feet of the petition site. (use additional sheet if necessary)	
Name	Address
GREAT NORTHERN CANNABIS	2341 Cinnabar Loop Anchorage AK 99507

SPECIAL LAND USE PERMIT FOR MARIJUANA APPROVAL CRITERIA (AMC 21.03.105C.7)

The assembly may only approve a special land use permit for marijuana if, in the judgment of the assembly, the application meets the following approval criteria. Each criterion must have a response in as much detail as it takes to explain how the project satisfies the criterion. The burden of proof rests with the applicant. (In the B-2A, B-2B, and B-2C districts, please contact the Planning Department as the approval criteria are different.)

- a. The proposed use is consistent with the comprehensive plan, all applicable provisions of this title [Title 21], and applicable state regulations.
- b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located, including any district-specific standards set forth in chapter 21.04.
- c. The proposed use is consistent with applicable use-specific standards set forth in chapter 21.05.
- d. The proposed use is compatible with uses allowed on adjacent properties, in terms of its scale, site design, operating characteristics (e.g., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- e. The proposed use is appropriately located with respect to existing and/or planned water supply, power supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services.
- f. Any significant adverse impacts anticipated to result from the use can and will be mitigated or offset to the maximum extent feasible.
- g. The owner/operator of the establishment has no previous denials or revocations of a marijuana license or special land use permit, or previous documented violations of municipal or state law/regulation relating to marijuana establishments. Alternatively, the owner/operator has provided sufficient evidence of rehabilitation to the assembly.
- h. The owner/operator of a marijuana retail establishment has meaningfully engaged in neighborhood responsibility planning with residents and other neighborhood businesses to mitigate concerns such as odor, parking, and security. Neighborhood responsibility planning guidelines may be included in AMC chapter 2.40.

SWORN STATEMENT LISTING ALL CRIMINAL CONVICTIONS, NOTWITHSTANDING THE FORM OF JUDGMENT AND INCLUDING WITHFIELD JUDGMENTS, DEFERRED JUDGMENTS, AND BOND FORFEITURES, AGAINST EVERY OWNER AND MANAGER OF ANY OFFENSE OTHER THAN TRAFFIC INFRACTIONS FOR THE FIVE YEARS PRECEDING THE APPLICATION DATE, AS REQUIRED BY AMC 10.80.021A.

I, the applicant, hereby swear that the following is a complete list of all such convictions for each proposed owner and manager of the proposed establishment. None

(use additional sheet if necessary)

OTHER LICENSEES AND AFFILIATES (3 AAC 306.020)

List all other licensees and affiliates with their physical home addresses. (use additional sheet if necessary)

Name	Address
MARK R WIRICK	5925 AUSTRIA DRIVE ANCHORAGE AK 99516

DeJ (initial) I hereby certify that I am owner of the property described above, or that I have permission from the owner to use the property described above, and that I am applying for a municipal license and special land use permit for marijuana in conformance with Title 10 and Title 21 of the Anchorage Municipal Code. My establishment will remain in conformance with municipal code at all times.

DeJ (initial) If I am applying for a license for a marijuana cultivation facility, marijuana manufacturing facility, or marijuana retail sales establishment, I swear that neither I nor any proposed licensee (as defined in 3 AAC 306.020(b)(2)), agent, or employee of the proposed licensee, have any ownership or financial interest in any marijuana testing facility. If I am applying for a license for a marijuana testing facility, I swear that neither I nor any proposed licensee, agent, or employee of the proposed licensee, have any ownership or financial interest in any marijuana cultivation facility, marijuana manufacturing facility, or marijuana retail sales establishment.

DeJ (initial) I hereby swear that no proposed licensee (as defined in 3 AAC 306.020(b)(2)) owes past-due taxes (property, business personal property, or other), fees (utility or other), or fines (traffic, library, trash, or other) to the municipality.

DeJ (initial) In accordance with AMC 10.80.056, I will immediately provide the Municipal Clerk with any communication from the state Marijuana Control Board disclosing the substance of information received by the Board as a result of a criminal history record check.

DeJ (initial) I understand municipal code requirements regarding separation distance from protected land uses, and I attest that to the best of my knowledge, the proposed premises meets the separation requirements of Title 21 of the Anchorage Municipal Code.

DeJ (initial) I acknowledge that the Assembly may deny my application for a special land use permit for marijuana if it determines that my application does not meet the criteria listed in AMC 21.03.105C.7., and that the Assembly may deny my application for a marijuana establishment license for any of the reasons listed in AMC 10.80.080.

DeJ (initial) I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the license or special land use permit. I also understand that assigned hearing dates are tentative and may have to be postponed by the Planning Department, Municipal Clerk, or the Assembly, for administrative reasons or to meet legal requirements regarding notice and public hearings.

Dane A Wyrick
Applicant Signature (must be notarized)

12-12-2018
Date

DANE A WYRICK
Print Name

State of Alaska
Third Judicial District

DANE A WYRICK, being duly sworn, deposes and says that he/she is the individual making the foregoing application and is the authorized agent for this business; acknowledges that a person other than the proposed licensee(s) may not have a direct or indirect financial interest in the business being issued the license per AMC 10.80.015A.; and affirms that the answers to the questions, the sworn statements regarding (1) listing all criminal convictions and (2) past due taxes, fines, and fees, and all other information contained in this application are true and complete to his/her knowledge.

Subscribed and sworn before me this 12th day of December, 2018.



[Signature]
Notary Public

My commission expires: 06/01/2020

Under AMC 8.30.170, a person commits the crime of unsworn falsification if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement that the person does not believe to be true (1) in an application for a benefit; or (2) on a form bearing notice, authorized by law, that false statements made in it are punishable. Unsworn falsification is a class A misdemeanor.