

Submitted by: ASSEMBLY MEMBER STEELE
Prepared by: Community Development Dept
Reviewed by: Dept of Law & Assembly Counsel
For reading: November 5, 2013

Anchorage, Alaska
AR 2013-263

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY REVISING AND APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A PACKAGE STORE USE AND LICENSE NUMBER 688, IN THE B-3 (GENERAL BUSINESS) DISTRICT FOR KAY, INC., DBA IN AND OUT BUSH LIQUOR #2; AT 1100 WEST BENSON BOULEVARD, WITHIN BOGOY'S SUBDIVISION, BLOCK 1, LOT 11; GENERALLY LOCATED SOUTH OF WEST BENSON BOULEVARD AND EAST OF SPENARD ROAD, IN ANCHORAGE.

(Spenard Community Council; Parcel ID# 010-015-27)

WHEREAS, In and Out Bush Liquor #2 has been in business at 1100 West Benson Boulevard for over 15 years; and

WHEREAS, the conditional use approval for In and Out Bush Liquor #2 cannot be located and therefore written documentation of the conditional use needs to be confirmed; and

WHEREAS, the Assembly and Kay, Inc., *dba* In and Out Bush Liquor #2 agree to add operational conditions to the conditional use to address the following community concerns: The ready availability of low cost liquor which attracts inebriates to the establishment; inebriates loitering in the vicinity who discard trash and human waste on public and private property and harass customers of nearby businesses; and multiple ABC violations by the establishment.

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. A conditional use permit is hereby modified and approved for an alcoholic beverages conditional use for a package store use and license number 688, in the B-3 (general business) district for Kay, Inc., *dba* In & Out Bush Liquor #2; at 1100 West Benson Boulevard; within Bogoy's Subdivision, Block 1, Lot 11; generally located south of West Benson Boulevard and east of Spenard Road. This conditional use generally meets the applicable provisions of AMC 10.50, AMC 21.15.030, AMC 21.40.180D.8., AMC 21.50.020, and AMC 21.50.160, with the additional conditions under Section 2.

Section 2. This conditional use is approved subject to the following conditions:

1. A notice of zoning action shall be filed with the State of Alaska Recorder's Office within 120 days of the Assembly's approval for this package store license in the B-3 district.

2. This alcoholic beverages conditional use approval is for a package store use and license number 688 in the B-3 (general business) district in accordance with AMC 10.50, AMC 21.15.030, AMC 21.40.180D.8., AMC 21.50.020, and AMC 21.50.160, located at 1100 West Benson Boulevard, within Bogoy's Subdivision, Block 1, Lot 11. The package store occupies the southern of two retail spaces in a 2,100 square foot building.
3. On-premise sale of alcoholic beverages may be seven days a week as permitted per Anchorage Municipal Code 10.50.015C. and Alaska Alcoholic Beverage Control Board requirements.
4. Before hiring, employees will be trained in accordance with the Alcoholic Beverage Control Board's "Liquor Server Awareness Training Program", in accordance with Alaska Statute 04.21.025. Upon demand, the applicant shall demonstrate compliance with a liquor "Server Awareness Training Program" approved by the State of Alaska Alcoholic Beverage Control Board, such as or similar to, the program for "Techniques in Alcohol Management (T.A.M.)".
5. In accordance with AMC 21.10.035C., the licensee and all employees shall require any purchaser of alcoholic beverages to produce a current government-issued identification with birth date and photograph for identification check prior to any on-premises sale.
6. Any employee convicted of selling alcohol to a minor or intoxicated person shall be dismissed immediately.
7. The licensee shall place an adhesive sticker or other indelible identifying mark on all alcohol products sold as individual containers from the location.
8. Notwithstanding chapter 21.47, no paper, vinyl, or poster-type signs relating to the sale of alcohol shall be installed in the windows. Electronic and neon signs are allowed.
9. The establishment shall provide video security surveillance both inside and outside the premises. The inside surveillance shall include the purchase area so that all purchasing customers are captured on video; the outside surveillance shall include the parking area. Video tapes shall be retained for a period of 30 days.
10. The use of the property by any person for the permitted purposes shall comply with all current and future federal, state and local laws and regulations including but not limited to laws and regulations pertaining to the sale, dispensing, service and consumption of alcoholic beverages and the storage, preparation, sale, service and consumption of food. The owner of the property, the licensee

under the Alcoholic Beverage Control license and their officers, agents and employees shall not knowingly permit or negligently fail to prevent the occurrence of illegal activity on the property.

11. A copy of the conditions imposed by the Assembly in connection with this conditional use approval shall be maintained on the premises at a location visible to the public.

12. The conditional use permit for this location expires one year from the date of issue, unless the licensee applies, before the expiration date, to the Community Development Department, Planning Division, for renewal by the Assembly. The Assembly shall review good faith compliance with the conditions placed on this approval, the suitability of the conditions, and suitability of this location for a package store license because of the potential for significant impact on the use and enjoyment of adjacent properties. After a public hearing, the Assembly may extend, modify, or revoke the conditional use.

Section 3. Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification, revocation, or expiration at a future date.

Section 4. This resolution shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2013.

ATTEST:

Chair

Municipal Clerk

(Parcel ID# 010-015-27)