

MUNICIPALITY OF ANCHORAGE



Community Development Department
Planning Division

Phone: 907-343-8301
Fax: 907-343-8200

Mayor Dan Sullivan

November 23, 2015

Boponh Morisath-Luce
Pho Lena East
4361 Trapline Drive
Anchorage, AK 99516

SUBJECT: Amendment to an Administrative Site Plan Review, Case #2015-0116

Dear Ms. Morisath-Luce:

The Community Development Department has reviewed the application for an administrative site plan review amendment for a restaurant eating place serving beer and wine for the property located at 360 Boniface Parkway. The amendment will move the restaurant within the commercial mall from Suite B11 which contains 1,200 SF to Suites A22 and A23 which contain 2,640 square feet. The amendment will allow the restaurant to move from the building at the center of the mall site to the south building.

The property is zoned B-3 SL (general business) district with special limitations per AO 90-78. The application was reviewed in accordance with Anchorage Municipal Code (AMC) 21.50.500. Based upon the submitted plans, the Department finds that the site is sufficient to handle the intensity of a restaurant, serving beer and wine only.

The Department determined that the restaurant or eating place license, in an existing building, generally satisfies the requirements of AMC 21.50.020 and does not have a permanent negative impact substantially greater than that anticipated from permitted development for the following:

- pedestrian and vehicular traffic circulation and safety;
- the demand for and availability of public services and facilities;
- noise, air, water or other forms of environmental pollution; and
- the maintenance of compatible and efficient development patterns and land use intensities.

The Community Development Department **APPROVES** the request subject to the following conditions:

1. A notice of zoning action shall be filed with the State Recorder's Office within 120 days of this approval. Proof of filing shall be submitted to the Community Development Department.

2. All uses shall conform to the plans and narrative submitted with this administrative site plan review, except that the licensee may change the hours of operation listed on the application, including the hours of alcohol service, in accordance with all applicable laws without having to modify the administrative site plan approval.
3. This is an alcoholic beverage administrative site plan amendment for a restaurant serving beer and wine only in the B-3 SL (general business) district with special limitations per AO 90-78 for approximately 2,640 SF, located within Wonder Park #8 Subdivision, Tract B, generally located west of Boniface Parkway, north of Camelot Drive, and south of Caribou Avenue. The owner may choose to operate all hours as permitted by law. Alcohol sales are limited to 50% of gross receipts in accordance with AS 04.11.110.
4. 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 (TAM).
5. 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.
6. A copy of the conditions imposed by the Community Development Department in connection with this approval shall be maintained on the premise at a location visible to the public.

This decision is final upon the date of this letter, unless appealed within 15 days to the Assembly. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the petition site. If the appeal is filed timely, the Assembly shall hold a public hearing at the next available meeting.

Sincerely,



Hal H. Hart, AICP
Director, Planning Department

Attachment: Department Findings

cc: Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Miranda Honest, Business License Official



For Official Use Only

Case Number:	2015-0116
Reviewer:	Francis McLaughlin
Submittal Date:	October 9, 2015
Due Date:	November 23, 2015

MUNICIPALITY OF ANCHORAGE COMMUNITY DEVELOPMENT DEPARTMENT

PO Box 196650 Anchorage, Alaska 99519-6650 * 907-343-7900

Planning Division

SITE PLAN CHECKLIST

The following is a checklist which will be followed when reviewing a restaurant/eating place administrative site plan submittal to the Municipality of Anchorage Community Development Department. Planning staff will review applications using this checklist. Staff comments may be provided to further define any incompleteness.

PETITIONER: Biphonh Morisath-Luce		
PROPERTY OWNER: Ingrim Investments, Inc.		
SITE LEGAL DESCRIPTION: Wonder Park #8 Subdivision, Tract B		
SITE STREET ADDRESS: 360 Boniface Parkway, Suites A22 and A23, Anchorage, AK 99504		
SITE TAX ID: 006-296-24		
PETITIONER REPRESENTATIVE CONTACT INFORMATION: Name: Biphonh Morisath-Luce Mailing Address: 4361 Trapline Drive, Anchorage, AK 99516 Phone: 907-244-1447 Fax: E-mail: pho907@hotmail.com		
Restaurant Name: Pho Lena East		
Restaurant serving Beer and Wine License Number: 5050		
APPROVED:	REVIEWER SIGNATURE:	DATE:
X	<i>Francis McLaughlin</i>	11-23-15
DENIED:	REVIEWER SIGNATURE:	DATE:

ADMINISTRATIVE SITE PLAN REVIEW RESTAURANT/EATING PLACE SERVING BEER & WINE ONLY - GENERAL INFORMATION WITH APPLICATION -			
#	REQUIRED ITEM	COMMENTS	COMPLIES/ DOES NOT COMPLY
1.	Property owner's name, address, and telephone number.	Yes	Complies
2.	Letter of authorization from property owner.	The owner signed the application form.	Complies
3.	Petitioner's name, address, and telephone number.	Yes	Complies
4.	Representative name, address, and telephone number.	Yes	Complies
5.	Restaurant name used for license	Pho Lena East	Complies
6.	Tax map, block, and parcel	006-296-24 Wonder Park #8, Tract B	Complies
7.	Zoning district.	B-3 SL (general business) district per AO 90-78	Complies
8.	Use permitted: Restaurant serving beer and wine only.	Yes	Complies
9.	ABC floor plan, drawn to scale with scale noted. With photos of building showing elevations	Submitted with ABC application	Complies
10.	Location Maps / Photos / Diagram	On File	Complies
11.	Square footage of restaurant or added space	2,640 SF	Complies
12.	Public Notice in paper	Yes	Complies
13.	ABC permit applied for	Yes, copy is located in the file.	Complies
14.	Days/Hours of Operation	As permitted by law	Complies
15.	Ratio of Food Sales to Alcohol Sales	50% food and 50% alcohol	Complies
16.	Proposed Entertainment	None	Complies
17.	Facility Occupancy/Capacity	176	Complies
18.	Number of Fixed / Non-Fixed Seating	Indoors: 13 non-fixed seats Outdoors: 21 non-fixed seats	Complies
19.	Number of Active Liquor License within 1,000 Feet	1 restaurant/eating place, 1 beverage dispensary, and 1 package store license	Complies
20.	Parking:	The parking lot has 183 spaces. The parking requirement for all the businesses in the mall, including Pho Lena East, is only 48 spaces. The majority of the mall's tenant units are vacant.	Complies

- The B-3 SL zoning per AO 90-78 and AO 79-191A states: “Uses involving the retail sale, dispensing or service of alcoholic beverages may be permitted by special exception only.” Current zoning regulations require site plan reviews for restaurants or eating place licenses and do not include the term “special exception.”
- The petitioner provided proof of application to the Alcoholic Beverage Control Board.
- The restaurant will be selling beer and wine only.
- The Community Development Department provided proper notification to surrounding residents. One hundred notices were mailed on October 2, 2015, by the Planning Division. No responses were received from the public. The Northeast Community Council did not comment.
- The off-street parking requirement is met in the B-3 district.
- The Department has determined that the addition of beer and wine will not have substantially greater impacts than the existing development.

CONDITIONS OF APPROVAL:

1. A notice of zoning action shall be filed with the State Recorder’s Office within 120 days of this approval. Proof of filing shall be submitted to the Community Development Department.
2. All uses shall conform to the plans and narrative submitted with this administrative site plan review, except that the licensee may change the hours of operation listed on the application, including the hours of alcohol service, in accordance with all applicable laws without having to modify the administrative site plan approval.
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5. 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.
6. A copy of the conditions imposed by the Community Development Department in connection with this approval shall be maintained on the premise at a location visible to the public.

NOTICE OF APPEAL: This decision is final upon the date of this decision, unless appealed within 15 days to the Assembly. An appeal may be filed by the applicant or by a petition of at least one-third of the owners

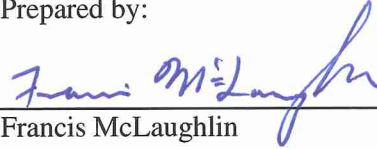
(excluding rights-of-way) of the privately owned land within 500 feet of the petition site. If the appeal is filed timely, the Assembly shall hold a public hearing at its next available meeting.

Reviewed by:



Hal H. Hart, Jr.
Director, Community Development Department

Prepared by:



Francis McLaughlin
Senior Planner

(Case 2015-0116; Tax ID: 006-296-24)

CC: Miranda Honest, Business License Official
Alcoholic Beverage Control Board