

MUNICIPALITY OF ANCHORAGE



Planning Department
Current Planning Division

Phone: 907-343-7901
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Mayor Ethan Berkowitz

March 31, 2017

Sherman Ernouf
Law Offices of Enouf and Coffey, P.C.
PO Box 212314
Anchorage, AK 99515

SUBJECT: Special Land Use Permit for Alcohol, Case 2017-0048

Dear Applicant:

The Planning Department has reviewed the application for a special land use permit for alcohol for the property located at 800 East Dimond Boulevard. The property is zoned B-3 (general business) district. The application was reviewed in accordance with Anchorage Municipal Code (AMC) 21.03.040. 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 21.03.080D. 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 Planning 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 Planning Department.
2. All uses shall conform to the plans and narrative submitted with this special land use permit for alcohol 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 this approval. Alcohol sales are limited to 50% of gross receipts in accordance with AS 04.11.110.

3. This is a special land use permit for alcoholic in the B-3 district with approximately 3,495 square feet of gross leasable floor area within a restaurant located within Commercial Tract Fragment Lot Site Plan for Lot 5A, Block 2, Dimond Industrial Subdivision, Fragment Lots 1, 2, 3, 4, 5, 6A-1, 7, 8A-1, 9A-1, 10, 11, 12, 13, and 14A (Plat 2013-46), generally located south of East Dimond Boulevard, west of Old Seward Highway, and east of the Alaska Railroad Corridor.
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 Planning 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

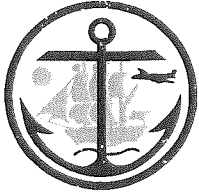
Attachment: Department Findings

cc: Alcoholic Beverage Control Board
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

Barbara Jones, Municipal Clerk

COPY

For Official Use Only



Case Number:	2017-0048
Reviewer:	Francis McLaughlin
Submittal Date:	February 10, 2017
Due Date:	March 31, 2017

MUNICIPALITY OF ANCHORAGE
 PO Box 196650 Anchorage, Alaska 99519-6650 * 907-343-7900
 Planning Department
**SPECIAL LAND USE PERMIT FOR ALCOHOL
 RESTAURANT OR EATING PLACE LICENSE
 REVIEW CHECKLIST**

The following is a checklist which will be followed when reviewing a special land use permit for alcohol application to the Municipality of Anchorage Planning Department. Planning staff will review applications using this checklist. Staff comments may be provided to further define any incompleteness.

PETITIONER: Round Table Pizza		
PROPERTY OWNER: Dimond Center Holdings		
SITE LEGAL DESCRIPTION: Commercial Tract Fragment Lot Site Plan for Lot 5A, Block 2, Dimond Industrial Subdivision, Fragment Lots 1, 2, 3, 4, 5, 6A-1, 7, 8A-1, 9A-1, 10, 1, 12, 13, and 14A (Plat 2013-46)		
SITE STREET ADDRESS: 800 East Dimond Boulevard, Anchorage, AK 99515		
SITE TAX ID: 013-092-24		
PETITIONER REPRESENTATIVE CONTACT INFORMATION: Name: Law Offices of Ernouf and Coffey, P.C. Mailing Address: PO Box 212314, Anchorage, AK 99521 Phone: 907-274-3385 Fax: E-mail: sernouf@eclawfirm.org		
Restaurant Name: Round Table Pizza		
Restaurant/Eating Place Serving Beer and Wine License Number: 5548		
APPROVED:	REVIEWER SIGNATURE:	DATE:
X	<i>Francis McLaughlin</i>	3-31-17
DENIED:	REVIEWER SIGNATURE:	DATE:

ADMINISTRATIVE SITE PLAN REVIEW - 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.	Yes, the property owner signed the application.	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	Round Table Pizza	Complies
6.	Tax map, block, and parcel	013-092-24 Commercial Tract Fragment Lot Site Plan for Lot 5A, Block 2, Dimond Industrial Subdivision, Fragment Lots 1, 2, 3, 4, 5, 6A-1, 7, 8A-1, 9A-1, 10, 11, 12, 13, and 14A (Plat 2013-46)	Complies
7.	Zoning district.	B-3, general business district	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	Total lease area is 3,495 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	Monday through Thursday 10am - 10pm; Friday and Saturday 10am - 11pm; Sunday 10am - 8pm	Complies
15.	Ratio of Food Sales to Alcohol Sales	80% food and 20% alcohol	Complies
16.	Proposed Entertainment	Recorded music	Complies
17.	Number of Active Liquor License within 1,000 Feet	31	Complies
18.	Parking:	Off-street parking is provided for the whole Dimond Center Mall.	Complies

SPECIAL LAND USE PERMIT FOR ALCOHOL REVIEW STANDARDS, AMC 21.03.080D.			
#	REQUIRED ITEM	COMMENTS	COMPLIES/ DOES NOT COMPLY
1.	The proposed use is consistent with the comprehensive plan and all applicable provisions of this title and applicable state and federal regulations.	The subject property is identified as "Commercial" in the 2001 <i>Anchorage Bowl Comprehensive Development Plan</i> .	Complies
2.	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.	Yes. This is a restaurant (a permitted principal use) that will sell beer and wine primarily as accessory to a restaurant. The proposed use is consistent with the district specific standards in AMC 21.04.030D., B-3: General Business District.	Complies
3.	The proposed use is consistent with any applicable use-specific standards set forth in chapter 21.05.	The proposed restaurant use is consistent with applicable use specific standards in AMC 21.05.050E.3., <i>Restaurant</i> .	Complies
4.	The site size, dimensions, shape, location, and topography are adequate for the needs of the proposed use and any mitigation needed to address potential impacts.	The proposed alcoholic beverages license will be located in an existing restaurant. The site is adequate for the proposed restaurant and no mitigation is needed to address negative impacts.	Complies
5.	The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district.	The proposed alcoholic beverages licenses will not alter the character of this restaurant which is located in a general business zoning district.	Complies
6.	The proposed use is compatible with uses allowed on adjacent properties, in terms of its scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts.)	This is a restaurant in the B-3 district. Restaurants are a permitted use. The introduction of a restaurant/eating place license to this location does not appear to negatively impact neighboring uses.	Complies
7.	Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent feasible.	No negative impacts from the proposed use are anticipated. The proposed restaurant or eating place license will serve the existing restaurant.	Complies
8.	The proposed use is appropriately located with respect to the transportation system, including but not limited to existing and/or planned street designations and improvements, street capacity, access to collectors or arterials, connectivity, off-site parking impacts, transit availability, impacts on pedestrian, bicycle, and transit circulation, and safety for all modes.	The petition site has access to mall parking and major thoroughfares. Transportation patterns for this existing restaurant are already established.	Complies

9.	The proposed use is appropriately located with respect to existing and/or planned water supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services.	All of the required utilities are already in place. There is fire and police service in this area. The parcel is served with public water and sewer.	Complies
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FINDINGS:

- The petitioner provided proof of application to the Alcoholic Beverage Control Board.
- The restaurant will be selling beer and wine only.
- The Planning Department provided proper notification to surrounding residents. Three-hundred and forty four notices were mailed on March 1, 2017. No responses were received from the public or the Taku/Campbell Community Council.
- 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 Planning Department.
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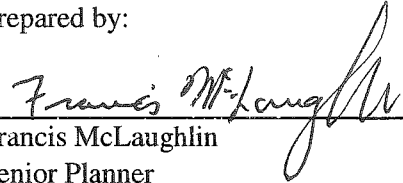
NOTICE OF APPEAL: This decision is final upon the date of this decision, unless appealed within 15 days to the Assembly. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the petition site. If the appeal is filed timely, the Assembly shall hold a public hearing at its next available meeting.

Reviewed by:



Hal H. Hart, AICP
Director, Planning Department

Prepared by:



Francis McLaughlin
Senior Planner

(Case 2017-0048; Tax ID: 013-092-24)

CC: Barbara Jones, Municipal Clerk
Sarah Oates, Alcoholic Beverage Control Board