

AR

99-13

Submitted by: Assembly Member

Wohlforth

Prepared by: Department of Law

For Reading: January 12, 1999

CLERK'S OFFICE

APPROVED

Date: 1-12-99

ANCHORAGE, ALASKA

AR NO. 99- 13

A RESOLUTION OF THE ANCHORAGE ASSEMBLY SETTING A PUBLIC HEARING ON JANUARY 26, 1999 TO CONSIDER AND DETERMINE WHETHER TO PROTEST THE TRANSFER OF OWNERSHIP OF THE BEVERAGE DISPENSARY LICENSE OF DEBCO, INC. (DEBBIE CHEN/GEORGE KING) D/B/A THE IRISH SETTER LOCATED AT 1911 EAST FIFTH AVENUE, ANCHORAGE, ALASKA TO DEBCO, INC. (KATHY & CAROL HARTMAN/JACK GRIFFIN)

WHEREAS, the licensed premises described above in the caption/title of this resolution has received permission from the Alcohol Beverage Control Board to reduce the size of its licensed premises; and

WHEREAS, it appears the Irish Setter may have been first licensed for the retail sale of alcoholic beverages in 1968, one year prior to the existence of zoning regulations requiring a conditional use permit for said activity, whereby it may now operate as a legal, non-conforming use in its zoning district under Anchorage Municipal Code chapter 21.55; and

WHEREAS, the portion of the above-described premises which no longer constitutes a part of the premises licensed for the sale of alcoholic beverages is now being used or is proposed to be used for a different purpose than the retail sale of alcoholic beverages and such may constitute a material change in the nature and scope of the conditional use for the licensed premises requiring an application to modify or amend its conditional use permit and/or the loss of such non-conforming rights; and

WHEREAS, the licensed premises appears to be immediately adjacent and visible to, and accessible from an entertainment enterprise permitting the presence of persons under the legal age for the consumption or possession of alcoholic beverages; and

WHEREAS, the licensed premises in its present or proposed configuration and business activities has not demonstrated on the present record before the Assembly either its ability, intention or capability to conform to the requirements of Anchorage Municipal Code section 2.30.125 and other applicable laws and regulations; and

WHEREAS, the Assembly desires to hear from all interested persons concerning the transfer of ownership of the licensed premises, including the relevant community council; and

WHEREAS, the Assembly is concerned that the public health, safety and welfare, including specifically the safety and welfare of underage persons be protected and promoted; now therefore

HE ANCHORAGE ASSEMBLY RESOLVES:

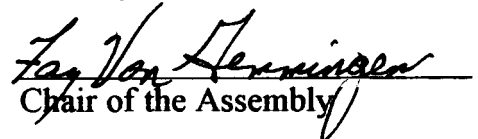
Section 1. A public hearing is hereby set for January 26, 1999 during the Regular Assembly meeting in the Assembly Chambers in the Loussac Library to hear evidence and testimony and for the Assembly to consider and take action on whether the Assembly should protest, conditionally protest or waive protest of the proposed transfer of ownership referenced above. The Assembly shall consider and may make determinations and decisions regarding the status of the licensed premise's conditional use permit, whether there has been a material change thereto warranting an application for a new, modified or amended conditional use permit, whether circumstances and events have terminated the legal non-conforming use held by the licensed premises, and whether the circumstances, nature of operation, proximity to other business and the nature thereof are inimical the health, safety or welfare of the neighborhood, citizens and in particular the Municipality's underage citizens, and whether the proposed licensee/transferree can or has demonstrated the ability to conform to all applicable laws and regulations.

Section 2. Authorized representatives of the proposed transferree/licensee of the beverage dispensary license/licensed premises above described shall appear at the hearing set by Section 1. of this Resolution and may present evidence and testimony the proposed licensee deems appropriate and relevant to the issues set out in the Whereas preamble of this Resolution.

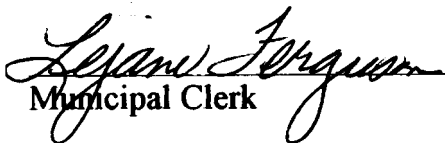
Section 3. The Municipal Clerk shall immediately notify the proposed licensee/transferree, the current owners of the beverage dispensary license and the relevant community councils of this resolution by copying the same to such parties.

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

PASSED AND APPROVED by the Anchorage Assembly this 12th day of January, 1999.


Chair of the Assembly

ATTEST:


Municipal Clerk