

CLERK'S OFFICE

APPROVED

Date: 11-21-00

Submitted by: Assembly Members Kendall,  
Fairclough & Meyer  
Prepared by: Department of Law  
For reading: November 8, 2000

Anchorage, Alaska

AR 00-332

**A RESOLUTION OF THE MUNICIPAL ASSEMBLY GRANTING A TEMPORARY  
CONDITIONAL USE PERMIT FOR A RESTAURANT/EATING PLACE LIQUOR LICENSE  
AT 11221 OLD GLENN HIGHWAY FOR THE HAUTE QUARTER GRILL.**

WHEREAS, the applicant has made a request for a temporary conditional use permit and temporary non-protest of the issuance of the new restaurant/eating place license to allow the service of alcohol in its new restaurant during the upcoming holiday season; and

WHEREAS, the Eagle River Community Council and Eagle River Chamber of Commerce have had an opportunity to review the request and have given their support to the granting of the conditional use permit and to the granting of the new restaurant/eating place license; and

WHEREAS, the applicant filed its request for conditional use on October 25, but notice as required by law will not be given by the Municipality until November 18; and

WHEREAS, the municipal code requirements, including notice and public hearing, are silent on the issue of granting a temporary conditional use permit and temporary non-protest of the license; and

WHEREAS, the next Municipal Assembly meeting is not scheduled until December 12, when the public hearing will be held on the conditional use permit application and on the issue of protest or non-protest of the new license; and

WHEREAS, it is important to the financial success of this business that it be open during the holiday season; now, therefore;

**THE ANCHORAGE ASSEMBLY RESOLVES;**

**Section 1:** The conditional use permit for the restaurant and eating place license located at 11221 Old Glenn Highway, Eagle River, Alaska, known as the Haute Quarter Grill, is temporarily approved and the temporary issuance of the restaurant/eating place license is not protested subject to the following conditions:

- 1 The conditional use application and the issue of protest/non-protest shall both come before the Anchorage Assembly for public hearing on December 12, 2000 at which time the permit may be granted, denied or additional conditions may be imposed


and the license application may be protested or not, or conditions imposed on the non-protest.

2. This temporary approval of the conditional use permit and the temporary non-protest for this location expires upon Assembly determination as to the grant or denial of the permanent conditional use or protest or non-protest of the license application.
3. This temporary approval is granted only because of the specific circumstances of this application. The Assembly does not waive its right to deny the conditional use permit or to protest this license application or to condition either one or both in the manner provided by law.
4. After the public hearing and upon Assembly approval of the proposed conditional use and non-protest of the license application, a new resolution incorporating all of the necessary and required conditions of approval shall be adopted by the Assembly.

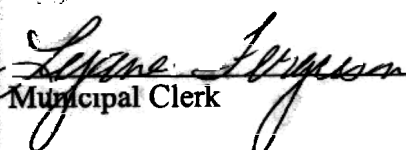
**Section 2:** Failure to comply with any conditions of this temporary conditional use permit and temporary non-protest shall constitute grounds for revocation.

**Section 3:** This resolution shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 21st day of November, 2000.

  
Fay Von Gemmingen, Chair

ATTEST:

  
Municipal Clerk