

CLERK'S OFFICE

APPROVED

Date: 7-10-01

Submitted by: Assembly Chair Traini

Prepared by: Assembly Office

For reading: JULY 10, 2001

ANCHORAGE, ALASKA

AR NO. 2001- 208

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY GRANTING A TEMPORARY
CONDITIONAL USE PERMIT FOR A RESTAURANT/EATING PLACE LIQUOR LICENSE AT
1241 MULDOON ROAD FOR THE DING HOW MONGOLIAN BAR-B-QUE.**

WHEREAS, the applicant has made a request for a temporary conditional use permit to allow the service of alcoholic beverages (beer and wine) in its new restaurant pending the grant of a new conditional use for the applicant's location; and

WHEREAS, the Northeast Community Council has approved this location for the issuance of a new restaurant/eating place license at its meeting on May 17, 2001 by a vote of 14 in favor, 4 against and 6 abstain; and

WHEREAS, the Anchorage Assembly unanimously approved the issuance of a new restaurant and eating place license for this applicant at this location on June 19, 2001; and

WHEREAS, this location previously had a conditional use for the sale of alcoholic beverages pursuant to a restaurant and eating place license issued to Godfather's Pizza, which conditional use was in place for over twenty (20) years; and

WHEREAS, AMC 21.15.030(J)(2) provides that a conditional use for a location "shall expire sixty (60) days after the removal of the license to sell alcoholic beverages from the premises, unless there is an application on filed with the Alcoholic Beverage Control Board to transfer or install a new license on the premises."; and

WHEREAS, the restaurant and eating place license issued to Godfather's Pizza was not renewed and expired on February 28, 2001, which started the running of the sixty (60) day period leading to the abandonment of the previous conditional use which was abandoned, as a matter of law, on April 30, 2001; and

WHEREAS, the applicant was, at the period when the conditional use was expiring, advertising, posting and preparing to file with the Alcoholic Beverage Control Board, an application for a new restaurant and eating place license; and

WHEREAS, the applicant filed an application for a new restaurant and eating place license with the Alcoholic Beverage Control Board on May 2, 2001, which was two (2) days after the running of the sixty (60) day period proscribed by AMC 21.15.030(J)(2); and

WHEREAS, the applicant was informed by Municipal staff by letter dated June 12, 2001 that the conditional use permit for this location had expired; and

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3 WHEREAS, it will take an additional 45 to 60 days to process and complete an application
4 for a new conditional use permit, which delay will cause substantial financial harm to the applicant's
5 business; and
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7 WHEREAS, the applicant has proven, over the course of many years in the restaurant
8 business at a previous location, to be a capable and qualified operator of a restaurant licensed for
9 the sale of beer and wine with its meal service.
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11 NOW, THEREFORE, the Anchorage Assembly resolves:
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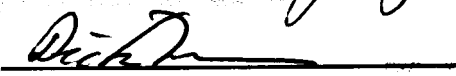
13 **Section 1:** The conditional use permit for the restaurant and eating place license located
14 at 1241 Muldoon Road, known as the Ding How Mongolian Bar-B-Que, is temporarily approved
15 subject to the following conditions:
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- 17 1 The conditional use application shall come before the Anchorage Assembly in the
18 ordinary course at which time the permit for the conditional use may be granted,
19 denied or additional conditions may be imposed.
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21 2. The temporary approval of the conditional use permit expires upon Assembly
22 determination as to the grant or denial of the permanent conditional use permit.
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24 3. This temporary approval is granted only because of the specific circumstances of
25 this application. The Assembly does not waive its right to deny the conditional use
26 permit or to further condition the permit in the manner provided by law; and
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28 4. After the public hearing on the conditional use permit application and upon Assembly
29 approval of the same, a new resolution incorporating all of the necessary and
30 required conditions of approval shall be adopted by the Assembly.
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32 **Section 2:** Failure to comply with any conditions of this temporary conditional use permit
33 shall constitute grounds of its revocation.
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35 **Section 3:** This resolution shall become effective immediately upon passage and approval
36 by the Anchorage Assembly.
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38 PASSED AND APPROVED by the Anchorage Assembly this 10 day of July,
39 2001.
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41
42 
Chair

43 ATTEST:
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45 
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47 Municipal Clerk
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**Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
AGENDA DOCUMENT CONTROL SHEET**

Apr 2001 - 208

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED 7-6-01
	Temporary Conditional Use Permit - Ding How Mongolian Bar-B-Que (1241 Muldoon Rd)	INDICATE DOCUMENTS ATTACHED
		AR
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Fay Von Gemmingen
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER 4751
4	COORDINATED WITH AND REVIEWED BY	INITIALS DATE
	Mayor	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
	Municipal Manger	
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management and Budget	
	Management Information Services	
	Police	
	Planning, Development & Public Works	
	Development Services	
	Facility Management	
	Planning	
	Project Management & Engineering	
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
	Municipal Attorney	
	Municipal Clerk	
	Other	
5	SPECIAL INSTRUCTIONS/COMMENTS	
	7.C.12 For Action - Addendum	
6	ASSEMBLY MEETING DATE 7-10-01	7 PUBLIC HEARING DATE REQUESTED _____

