

CLERK'S OFFICE

APPROVED

Date: 6-25-02

Submitted by: Chair of the Assembly at
the request of the Mayor

Prepared by: Planning Department

For reading: June 25, 2002

ANCHORAGE, ALASKA

AR NO. 2002- 180

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A
CONDITIONAL USE FOR AN ALCOHOLIC BEVERAGES (RESTAURANT
LICENSE) CONDITIONAL USE IN THE B-3 DISTRICT FOR A RESTAURANT PER
AMC 21.40.180 D.8, GENERALLY LOCATED ON WHARTON SUBDIVISION, LOT
7A; 515 WEST FIREWEED LANE. (YUMMY RESTAURANT)

(North Star Community Council) (Case 2002-112)

THE ANCHORAGE ASSEMBLY RESOLVES

Section 1. The conditional use permit for an Alcoholic Beverages (Restaurant License)
Conditional Use in the B-3 District for a restaurant per AMC 21.40.180 D.8, located on
Wharton Subdivision, Lot 7A, meets the applicable standards of AMC 21.50.020 and
AMC 21.50.160.

Section 2. The conditional use permit for an Alcoholic Beverages (Restaurant License)
Conditional Use in the B-3 District for a restaurant per AMC 21.40.180 D.8, located on
Wharton Subdivision, Lot 7A; located at 515 West Fireweed Lane, is approved subject to
the following conditions:

- 1 A notice of Zoning Action shall be filed with the District Records Office within
120 days of the Assembly's approval of a final conditional use approval for a
restaurant/eating place serving alcohol in the B-3 District.
2. All uses shall conform to the plans and narrative submitted.
3. 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.
4. Prior to this conditional use becoming effective, 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 called Techniques of Alcohol Management (T.A.M.).

A copy of the conditions imposed by the Assembly in connection with this conditional use approval shall be maintained on the premises involved at a location visible to the public.

Alcohol sales shall constitute no more than 10% of total gross receipts.

The size of the Alcohol Beverage Conditional Use shall be limited to 1,400 square feet gross area with alcohol sales in the public seating area limited to 980 square feet with 64 non-fixed seats.

There shall be no alcohol advertisement viewable externally

Section 3. Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.

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

PASSED AND APPROVED by the Anchorage Assembly this 25th
day of June 2002.

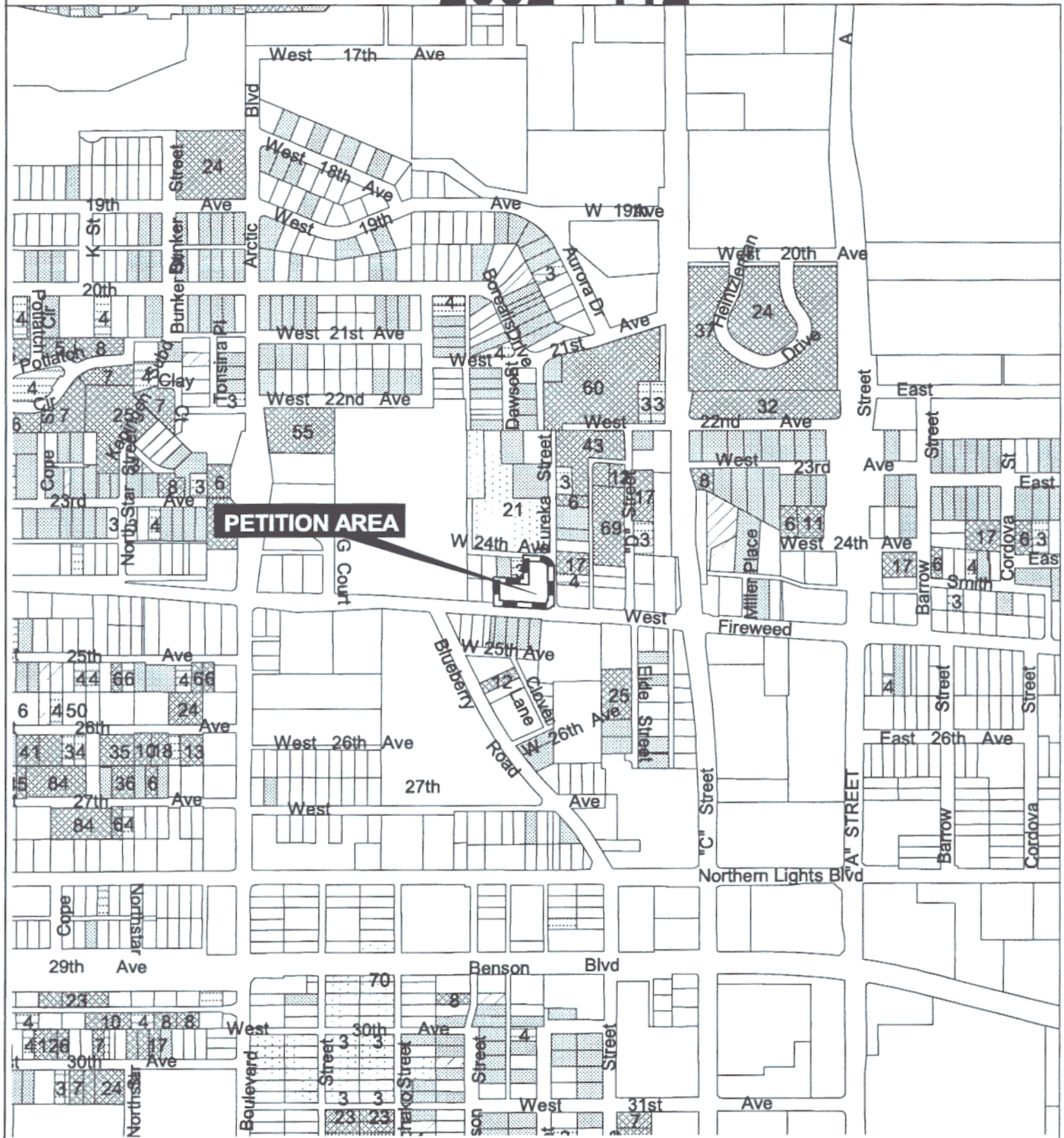

Chair of the Assembly

ATTEST


Municipal Clerk

CONDITIONAL USE - LIQUOR

2002 - 112



Municipality of Anchorage
Planning Department



Date: APRIL 24, 2002

-  Single Family Detached
-  Single Family Attached, Duplex
-  Mobile home
-  Multi - Family 3 & 4 Plex
-  Multi - Family 5+



0 500 1000 Feet

Source: Housing Stock based on 1998 Land Use Inventory



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 498-2002

Meeting Date: June 25, 2002

From: Mayor

Subject: AR 2002-180 Alcoholic Beverages Conditional Use (Restaurant license) in the B-3 district for a restaurant per AMC 21.40.180 D.8

Ae Suk Lee, owner of Yummy Restaurant, located at 515 West Fireweed Lane, has made application for a new alcoholic beverage conditional use permit, for a restaurant per AMC 21.40.180 D.8, in the B-3 general business district. The restaurant is in a small commercial "strip" center between Arctic and C Streets and occupies approximately 1,400 square feet.

The public seating area occupies approximately 980 square feet and alcohol sales will occur throughout the public area. The site plan indicates 64 non-fixed seats and 15 tables. There is no bar or lounge area. The applicant reports two employees will be sent to alcohol awareness training. The *Anchorage 2020 Anchorage Bowl Comprehensive Plan* lists this area as a major employment center with redevelopment/mixed use. This location along Fireweed Lane consists of small commercial and office establishments with residential development to the north. The addition of a restaurant license at this location is consistent with the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

The restaurant is currently in operation, but has not had a conditional use alcohol permit. Within 1000 feet of this location there are seven alcohol licenses in operation; four restaurant/eating places, two beverage dispensary, and one package store (the package store is located in the same commercial "strip" center).

At the time of this case preparation, the North Star Community Council had no comment, and no comments have been received from the public.

The Treasury Department has reported that taxes are current.


The Department of Health and Human Services (DHHS) finds that approval of this conditional use would not exceed the number of restaurant licenses for the population limits set by State statute. There are no public nuisance or sanitation complaints on file against the applicant. DHHS and the Safe City Program report a high level of calls for this

1 neighborhood, but neither program expects a change in their levels of service as a result of
2 this license. There is adequate parking. Traffic access and pedestrian circulation are
3 acceptable.

4 Alaska Statute 04.11.100 Restaurant or eating place license requires that a premises may
5 not be located within a building with a public entrance within 200 feet of a school ground
6 or church building if those structures were in use prior to issuance of a license. North Star
7 and Stellar Schools are approximately 250 feet away. To our knowledge, there are no other
8 schools or churches within a radius of 200 feet. There is a "before and after school" Camp
9 Fire program in North Star school.

10 This conditional use for alcoholic beverages in the B-3 District for a restaurant generally
11 meets the requirements of Title 21.


12
13 Reviewed by:

14
15 
16
17
18 Harry J. Kielsing, Jr.
19 Municipal Manager

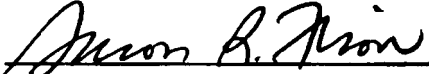
Reviewed by:


Craig E. Campbell, Executive
Director Office of Planning,
Development and Public Works

20
21
22
23
24 Respectfully submitted

25 
26
27
28 George P. Wuerch
29 Mayor
30

Prepared by:


Susan R. Fison, Director
Planning Department

**PLANNING DEPARTMENT
STAFF ANALYSIS
CONDITIONAL USE – ALCOHOLIC BEVERAGE SALES**

DATE: June 25, 2002

CASE NO.: 2002-112

APPLICANT: Ae Suk Lee, petitioner/restaurant owner; Song Hong, property owner

REQUEST: An Alcoholic Beverages Conditional Use for a Restaurant License in a B-3 Zone District for Yummy Restaurant per AMC 21.40.180 D.8; 21.50.020 and 21.50.160.

LOCATION: Wharton SD, lot 7A on Fireweed Lane between C Street and Arctic.

STREET ADDRESS: 515 West Fireweed Lane

COMMUNITY COUNCIL: North Star Community Council

TAX PARCEL: 002-193-57/ Grid 1530

ATTACHMENTS

1. Location Map
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

RECOMMENDATION SUMMARY:

Approval with conditions

SITE:

Acres: 35,000 sq ft (0.8ac)
Vegetation: Site is developed
Zoning: B-3
Topography: Level
Existing Use: Restaurant and strip mall
Soils: Public Water and Sewer onsite

COMPREHENSIVE PLAN

Classification: Major employment center/Redevelopment/Mixed use
Density: Minimum 12 du/ac if developed as residential

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	R-3, R-4SL	B-3, R-4	B-3	B-3
Land Use:	Single family	Car wash/multi family	Commercial	Commercial

SITE DESCRIPTION AND PROPOSAL:

The applicant is applying for a new restaurant license to be used at an existing restaurant. There is an application on file with the Municipal Clerk's Office.

The floor plan sketch indicates the restaurant will have approximately 1,400 square feet gross area with alcohol sales throughout the 980 square foot public seating area. The floor plan shows 15 tables with approximately 64 seats, all non-fixed. The proposed hours of operation for the restaurant and alcohol service are Monday through Sunday 11:00 a.m. to 11:00 p.m. The petitioner estimates that 10% of his total sales will be from alcohol. He has stated that two restaurant employees will be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program.

Within 1,000 feet of this application there are seven licenses: four Restaurant/eating place licenses, two beverage dispensary licenses and one package store license. Within 3,000 feet (Spenard and North Star Community Councils) there are 42 licenses: 18 beverage dispensary licenses, 14 restaurant/ eating place, 6 package store, 1 club, 1 beverage dispensary - tourism and 2 recreation site license.

There were 54 Public Hearing Notices mailed on May 28. As of this date this report was written, no comments have been received.

FINDINGS

- A. *Furtheres the goals and policies of the Comprehensive Development Plan and conforms to the Comprehensive Development Plan in the manner required by Chapter 21.05.***

The *Anchorage 2020 Comprehensive Plan* does not specifically address the sale of alcoholic beverages in the community. A strategy of the adopted *Anchorage 2020*, however, does call for the development of locational standards and criteria for retail sales/service of alcoholic beverages. Several goals of the *Anchorage 2020* do address related issues such as recreational and economic opportunities. The sales of alcoholic beverages are part of the social, recreational and economic environment of the community. The plan emphasizes the need for centrally locating the commercial uses, and the need for small-scale, local entrepreneurship. The use of this site as a restaurant in a major employment center/redevelopment/mixed use area complies with the plan.

Major employment centers are intended to provide high concentrations of office employment with supportive uses such as restaurants, banking and shopping. New building construction should be oriented to the street with parking behind. Redevelopment/use mixed areas are intended for infill of vacant parcels which support and connect to major employment centers. Town Centers are the focus of community activity for sub-areas of Anchorage. They are intended to include a mix of retail and services surrounded by medium to high density residential. Pedestrian access connects the core uses, residential areas and transit facilities.

- B. *Conforms to the standards for that use in this title and regulations promulgated under this title.***

This standard is met.

The B-3 General business district provides for alcoholic beverage sales through the conditional use permit process: AMC 21.40.180 D.8. liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food and beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160.

- C. *Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district.***

This standard is met.

The petition site is in the B-3 general business district. The general area is listed as a major employment center and redevelopment/mixed use area. The current surrounding land uses are commercial (retail, restaurant, car wash, liquor store) and residential. The addition of a restaurant license will not negatively impact the area. There will be no live entertainment on site.

There are seven liquor licenses within 1,000 feet of this location. Young Bin Restaurant and Bombay Deluxe Restaurant on Northern Lights Blvd., Las Margaritas on C Street and the Greek Corner on Fireweed all have Restaurant/eating place licenses. Cheechako Bar on Fireweed and Romano's Trattoria on C Street have Beverage dispensary licenses. Brown Jug, in the same strip center as the applicant, has a package store license.

There are no churches, daycare centers or schools within 200 feet. Stellar Alternative School and North Star Elementary are approximately 250 feet west of the petition site. There is a "before and after school" Camp Fire program in North Star.

D. Will not have a permanent negative impact on the items listed below substantially greater than that anticipated from permitted development:

1. Pedestrian and vehicular traffic circulation and safety.

This standard is met.

As part of the permitting process, the applicant has submitted plans and photographs, and the issues of parking, lighting, sidewalks, vehicle and pedestrian circulation have been reviewed.

The Traffic Department did not report any parking or pedestrian access complaints.

2. The demand for and availability of public services and facilities.

This standard is met.

The addition of a restaurant license on the petition site will not impact public services. Water and sewer are available on site and there are no trails or trail easements affected by the proposed use. There are People Mover routes along C Street, Benson Boulevard, Fireweed Lane and Northern Lights Boulevard.

3. Noise, air, water, or other forms of environmental pollution

This standard is met.

The addition of a restaurant license will not cause environmental pollution other than solid waste normally associated with a restaurant.

4. The maintenance of compatible and efficient development patterns and land use intensities.

This standard is met.

The zoning and land use of the site and the general area land use will not change as a result of this conditional use permit for a dispensary license. A restaurant use with alcohol license is consistent with the employment center/redevelopment/mixed use area concept. This is a commercial retail area along Fireweed with a residential area to the north.

Standards Chapter 10.50 Alcoholic Beverages

In the exercise of its powers and under AS 04.11.480 and 15 AAC 104.145 to protest issue, renewal and transfer or alcoholic beverage licenses within the Municipality of Anchorage, the Assembly shall consider whether the proposed license meets each and every factor and standard set forth below

- A. Concentration and land use. Whether transfer of location or issue of the requested license will negatively impact the community through an increase in the concentration of uses involving the sale or service of alcoholic beverages within the area affected and will conform to the separate standards of AMC 21.50.020.**

Within 1,000 feet of this application there are seven licenses: five restaurant/eating place, one beverage dispensary, one beverage dispensary-tourism. Within 3,000 feet (Spenard and North Star Community Councils) there are 42 licenses: 18 Beverage dispensary licenses, 14 Restaurant/ eating place, 6 Package store, 1 Club, 1 Beverage dispensary – tourism and 2 Recreation site license.

The number of restaurant licenses is within population limits set by state statute. The estimated 1996 North Star Community Council area population was 2,032. Year 2000 Census counts for the Council area are not yet available.

LICENSES WITHIN 1,000 FEET OF APPLICANT

Name	Address	License type
Young Bin Restaurant	555 W. Northern Lights	Restaurant
Cheechako Bar	317 W. Fireweed	Dispensary
Romano's Trattoria	2415 C St.	Beverage Dispensary
Brown Jug	525 W. Fireweed	Package Store
Greek Corner	302 W. Fireweed	Restaurant
Bombay Restaurant	555 W. Northern Lights	Restaurant
Las Margaritas	2409 C St.	Restaurant

- B. Training.** If application is made for issue, renewal or transfer of a beverage dispensary license, restaurant or eating place license, or package store license, whether the applicant can demonstrate prospective or continued 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 (T.A.M.). Until such plan is approved, training by a licensee's employees in the T.A.M. shall constitute compliance with this ordinance.

This standard is met.

The applicant states that two employees in direct contact with alcohol will be trained in accordance with the ABC Board's Liquor Server Awareness Training Program.

- C. Operations procedures.** If application is made for issue, renewal or transfer of a license, whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in Section 10.50.035 of this code.

This standard is met.

No happy hour, contests promoting drinking, nor encouragement/solicitation of alcohol consumption will take place. Public transportation is available. Non-alcoholic drinks are available. Penalty notices regarding DWI will be posted.

- D. Public safety.** When application is made for the renewal or transfer of location or transfer of ownership of a beverage dispensary license restaurant or eating place license, or package store license, the Assembly shall consider whether the operator can demonstrate the ability to maintain order and prevent unlawful conduct in a licensed

premises. In determining the operator's demonstrated ability to maintain order and prevent unlawful conduct, the Assembly may consider police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection. For purposes of this section and Section 10.50.035 "licensed premises" shall include any adjacent area under the control or management of the licensee.

This standard is met.

The applicant proposes no special precautions beyond the server awareness T.A.M. training. There have been no reports of sanitation or public nuisance incidents in this location. The Police Department reports there have been no incidents at this location within the past year.

- E. Payment of taxes and debts. When application is made for renewal of a license the assembly shall consider, pursuant to AS 4.11.330, whether the applicant is delinquent in payment of taxes owed to the Municipality. When application is made for transfer of ownership of a license the Assembly shall consider, pursuant to AS 4.11.360, whether the municipality has received either payment or adequate security, for the payment of any debts or taxes, including any estimated taxes for the current year, arising from the conduct of the licensed business. Adequate security" for the payment of debts and taxes may be in the form of: 1) escrowed funds sufficient to pay the debts and taxes claimed and any escrow fees; 2) actual payment of debts and taxes claimed; or, 3) a guarantee agreement in accordance AMC 10.50.030. Any guarantee agreement shall be in writing, signed by the transferor, transferee and Municipality**

This standard is met.

There are no delinquent Personal Property Taxes & or Real Property Taxes owing at this time according to the Treasury Division.

- F. Public health. If application is made for the renewal or transfer of location or transfer of ownership of a license, the Assembly shall consider whether the operator has engaged in a pattern of practices injurious to public health or safety such as providing alcohol to minors or intoxicated persons, committing serious violations of State law relevant to public health or safety, or other actions within the knowledge and control of the operator which place the public health or safety at risk. In determining if a pattern of practices injurious to public health or safety exists, the Assembly may consider criminal convictions, credible proof of illegal activity even**

if not prosecuted, police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection.

This is a new license at an existing business. There is no history for the applicant at this location.

DHHS requests this application be reviewed with regard to public health and safety due to the possible impacts on sanitation, childcare, neighborhood safety and family protection. DHHS reports a high incidence of pedestrian injuries in this neighborhood and Safe City Program reports a substantial number of calls and pick ups for this community. However, a restaurant license is unlikely to change the level of service in this area.

- G. Municipality of Anchorage Alcoholic Beverage Licensee Compliance Form. In order to determine whether applicants seeking issue, renewal or transfer of alcoholic beverage licenses have complied with the provisions of this chapter, applicants shall, at the request of the Assembly, submit to the municipal clerk such information as is required on a municipal form prepared by the municipal clerk known as the Municipality of Anchorage Alcoholic Beverage Licensee Compliance Form. Upon request, operators shall also provide the municipal clerk with certificates from all current employees demonstrating that those employees have successfully completed a "Liquor Service Awareness Training Program" such as the program for techniques in alcohol management (T.A.M.) as approved by the State of Alaska Alcoholic Beverage Control Board.**

This form was not requested of this applicant.

RECOMMENDATION:

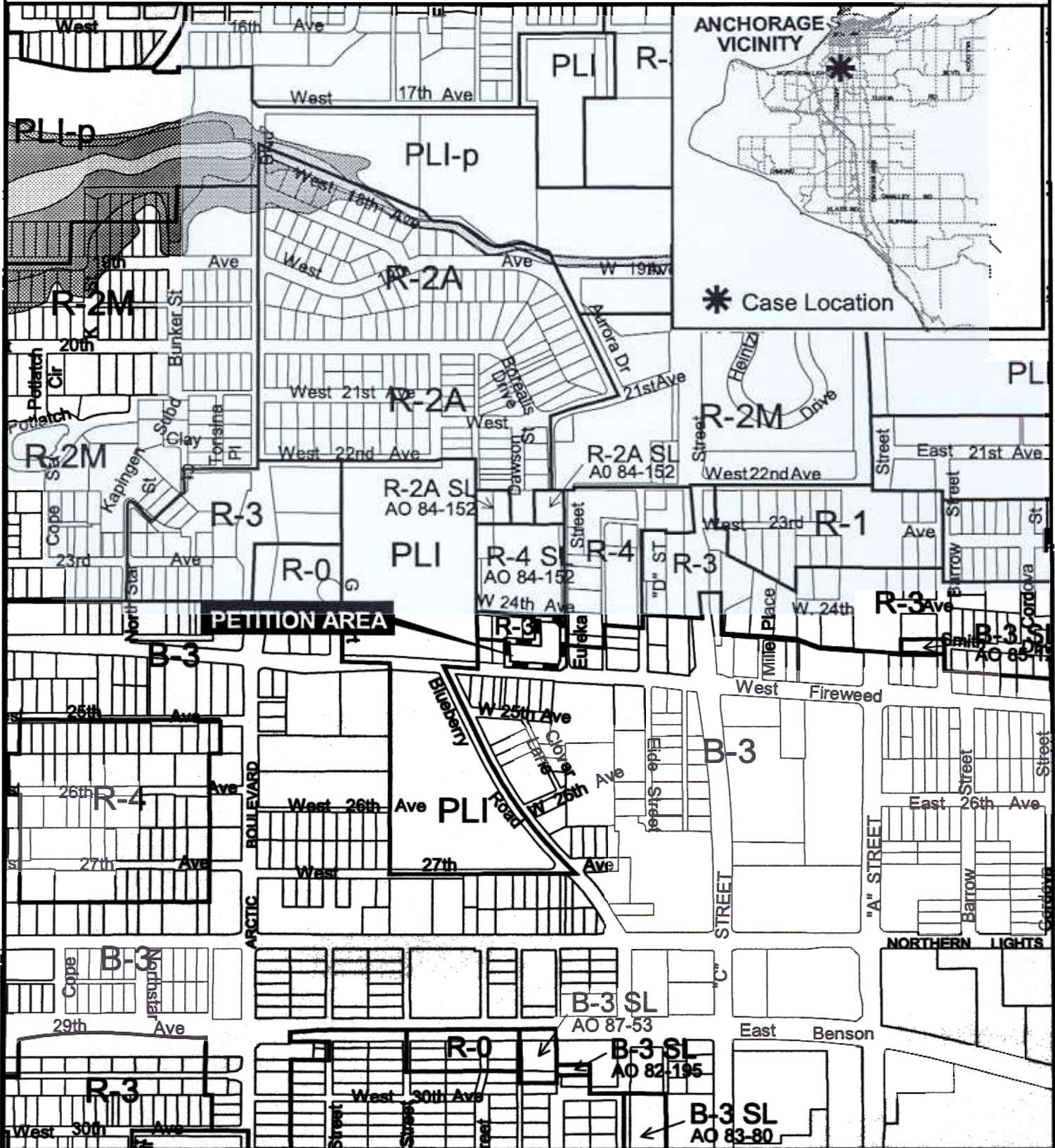
This application for a conditional use for alcoholic beverages in the B-3 District for a beverage dispensary license in a restaurant generally meets the required standards of Title 21.

If after a public hearing on the matter, the Anchorage Assembly finds that the required standards have been met, staff recommends the following conditions of approval:

1. A notice of Zoning Action shall be filed with the District Records Office within 120 days of the Assembly's approval of a final conditional use approval for a restaurant/eating place serving alcohol in the B-3 District.
2. All uses shall conform to the undated plans and narrative submitted.
3. 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.
4. Prior to this conditional use becoming effective, 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 Techniques of Alcohol Management (T.A.M.).
5. A copy of the conditions imposed by the Assembly in connection with this conditional use approval shall be maintained on the premises involved at a location visible to the public.
6. Alcohol sales shall constitute no more than 10% of total gross receipts.
7. There shall be no alcohol advertisement viewable externally.
8. The size of the Alcohol Beverage Conditional Use shall be limited to 1,400 square feet gross area with alcohol sales in the public seating area limited to 980 square feet with 64 non-fixed seats.

CONDITIONAL USE - LIQUOR

2002-112

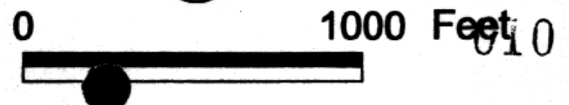


Municipality of Anchorage
Planning Department



Date: APRIL 24, 2002

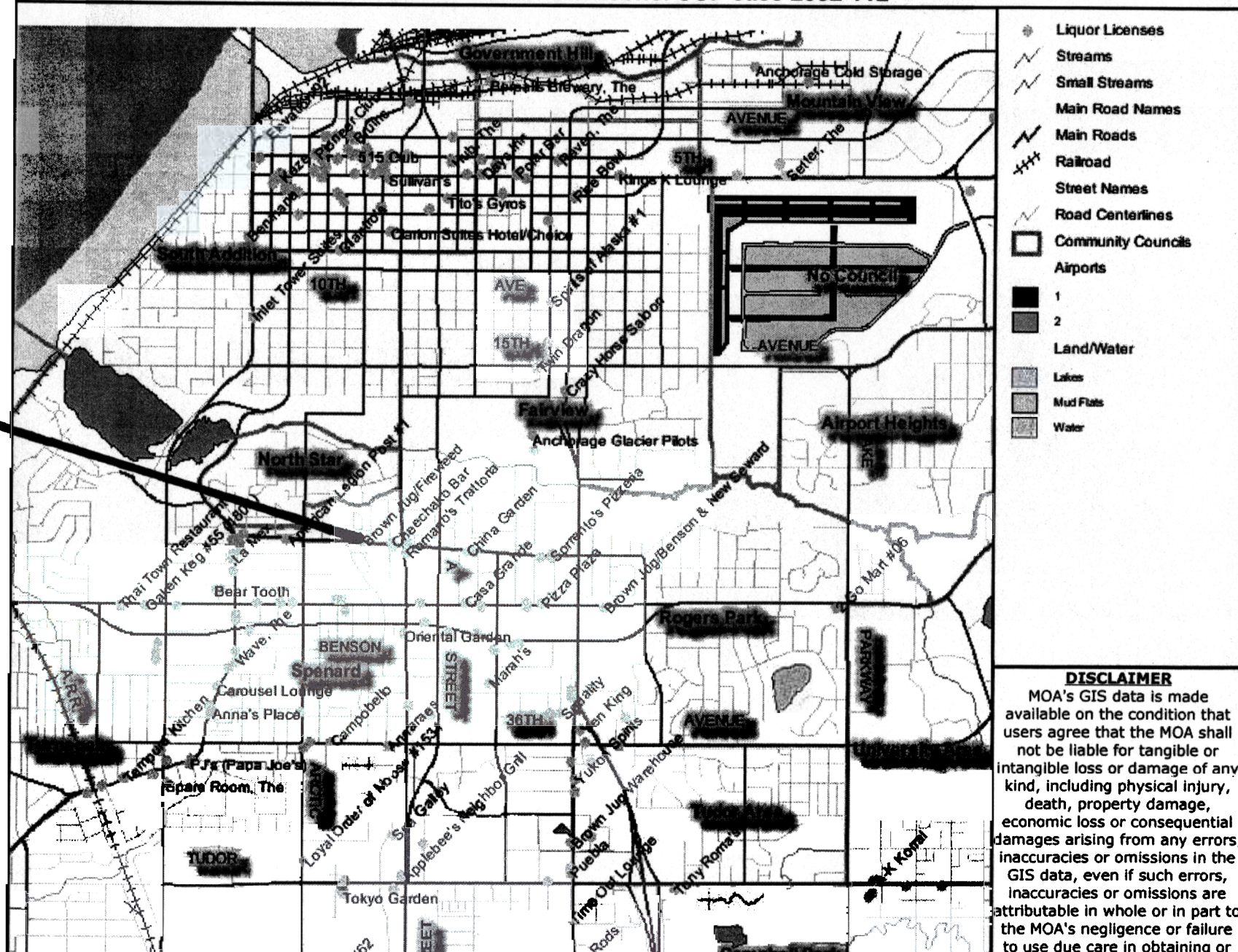
Flood Limits



010

SITE

Yummi Restaurant Alcohol CUP case 2002-112



011

Legend:

SITE

012

Alcohol Extract from List Report

Case Number: 2002-112

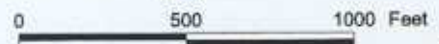
Description: 1000' alcohol license

<u>Parcel</u> <u>Business Name</u>	<u>Parcel Owner Name</u> <u>Applicant Name</u>	<u>Parcel Owner Address</u> <u>Business Address</u>	<u>City</u> <u>Lic. Number</u>	<u>State</u> <u>Lic. Zone</u>	<u>Zip</u> <u>Lic. Type</u>
00219147000 Las Margaritas	ESPARZA A R & G NTRUSTEES Esparza, Arturo & Gloria	8293 OPAL DRIVE 2409 C St.	ANCHORAGE 3859	AK B3	99502 Restaurant/Eating Place
00219308000 Cheechako Bar	REILLY JOSEPH M TRUST & JP & R, Inc.	1402 INLET PL 317 W. Fireweed Ln	ANCHORAGE 216	AK B3	99501 Beverage Dispensary
00219357000 Brown Jug/Fireweed	HONG SONG DAE & BONG JOO Brown Jug, Inc.	515 W FIREWEED LANE 525 W. Fireweed Ln	ANCHORAGE 395	AK B3	99503 Package Store
00902218000 Greek Corner, The	GIMENEZ HUGO J Herrera Brothers, Inc.	123 E FIREWEED LANE #208 302 W. Fireweed Ln	ANCHORAGE 3251	AK B3	99503 Restaurant/Eating Place
00902322000 Romano's Trattoria	GIALOPSOS ANDREW 50% & Romanos, Inc.	2415 C STREET 2415 C St.	ANCHORAGE 977	AK B3	99503 Beverage Dispensary
00902424000 Bombay Deluxe Restaurant	OBEIDIS LTD Bombay Deluxe Restaurant, Inc.	3502 ARCTIC BLVD 555 W. Northern Lights	ANCHORAGE 4158	AK B3	99503 Restaurant/Eating Place
00902424000 Young Bin Restaurant	OBEIDIS LTD Tapia, Joe G. & Gina Han	3502 ARCTIC BLVD 555 W. Northern Lts, #105	ANCHORAGE 2908	AK B3	99503 Restaurant/Eating Place

2002-112



Date: APRIL 24, 2002



Date of Aerial Photography: 2000

614

2

DEPARTMENT COMMENTS

Reviewing Agency Comment Summary

Case No.: 2002-112

Agency	Comments Included in Packet	No Comments and/or Objections	No Response
North Star Community Council			X
Anchorage Police	X		
Alaska DOT/PF	X		
AWWU	X		
Community Development		X	
DHHS	X		
Federation of Community Councils			X
Fire Prevention			X
ML&P		X	
Parks and Recreation			X
Public Works		X	
School District			X
Transit			X
Traffic		X	
Treasury	X		

Fifty-four (54) public hearing notices were mailed out. As of May 29, 2002 no comments had been received.



George P. Wuerch
Mayor

Municipality of Anchorage
Department of Health and Human Services
825 "L" Street
P.O. Box 196650 Anchorage, Alaska 99519-6650
<http://www.ci.anchorage.ak.us>



RECEIVED

MAY 16 2002

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

Date: May 14, 2002

To: Mark Lessard, Safe City Program
Mary Ann Mosely, Principal Enforcement Code Officer
Karen De Winter, Program Manager, Child and Adult Care

From: Joan Diamond, Community Health Promotion, Injury Prevention

Case No. 2002-112 Enclosed is a Conditional Use Permit application from **Ac Suk Lee**, for a restaurant license to sell beer and wine at **Yummy Restaurant**, 615 W. Fireweed Lane (North Star Community Council). Please evaluate this application for compatibility with surrounding uses. DHHS evaluates for the public health and safety of a license location as it regards public health and safety; including sanitation, traffic, childcare, neighborhood tranquility and family protection. This package store application is for a location that once housed a convenience store with alcohol sales.

Anchorage continues to have a high incidence of drinking and driving fatalities. Pedestrian injuries are a concern in this neighborhood as noted by the Alaska Injury Prevention Center. New research reports that controlling access to alcohol, penalties for violations of liquor laws, stricter licensure requirements, and random sobriety checkpoints are four of the most important ways by which states and cities might be able to lower alcohol related traffic injuries.

This restaurant license is within the state statute for population limits. The Municipality approves the conditional use permits for the location of all alcohol outlets. Once approved, alcohol sales are allowed at a location for as long as there is ANY liquor establishment operating without interruption for more than 60 days. Research states that neighborhoods that control for the number and location of alcohol outlets can reduce the number of traffic crashes and neighborhood violence. The opportunity to approve new or continuing operations of an alcohol outlet and to take action if necessary, is an important feature of public health. This regulatory provision goes beyond economic considerations

Karen De Winter: We have reviewed this case and find that the nearest child care center is a before and after school Camp Fire program in the North Star Elementary School. It is a couple of blocks away. Since this restaurant is so small and the alcoholic beverage sales percentage is only 10%, there is no anticipated negative impact. As usual, please share our comments with Community Planning. 343-4747

Mary Ann Moseley: I do not see any reason to deny a CUP. It appears they obey the AMC food code and public nuisance code.

Mark Lessard: This area of the community accounts for a substantial portion of CSP calls and pick ups. However, the majority of our clients do not drink in restaurants or bars. Most buy their alcohol from off-sale establishments and drink outside. Because of this it is unlikely that the granting of the CUP to this restaurant will impact the level of CSP services currently provided in the area.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

TONY KNOWLES, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(TDD 269-0473)
(907) 269-0520 (FAX 269-0521)

May 6, 2002

RE: MOA Zoning Comments

RECEIVED

MAY 10 2002

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

Mr. Jerry Weaver, Platting Officer
Department of Development & Planning
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

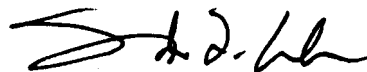
The Department of Transportation and Public Facilities (ADOT&PF) reviewed the following zoning cases and has no comment:

2002-108 Site Plan: for twenty four dwelling units

2002-112 Conditional Use: restaurant serving alcohol

Thank you for the opportunity to comment on these zoning cases. If you have any questions, please contact me at 269-0522.

Sincerely,



Sandra L. Cook
Anchorage Area Planner

**POLICE DEPARTMENT CHECK LIST
FOR INVESTIGATION OF LICENSED LIQUOR ESTABLISHMENTS**

RECEIVED

JULY 2002

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

- 1 Significant Criminal History in Local Police Files? YES NO UNK
(Circle which applies)
- 2 Incidents occurring within one year prior to the date of the liquor license application.

Type of Incident	No. of Incidents
None	

OLD BUSINESS NAME

Yummy Restaurant

BUSINESS NAME-----
OLD LOCATION

515 West Fireweed Lane

LOCATION

Ae Suk Lee

NAME OF APPLICANT(S)

None Given

CURRENT LICENSEE(S)☒ **New**☐ Restaurant Designation☐ Renewal☐ Transfer of License☐ Corporate Stock Transfer Only☐ Transfer of Location

THIS INFORMATION IS PROVIDED FOR EVALUATION BY THE ASSEMBLY IN CONSIDERATION OF APPLICATIONS FOR LICENSING.

05.07.02



 for CHIEF OF POLICE

Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

MEMORANDUM

DATE: April 25, 2002

TO: Zoning and Platting Division, OPDPW

FROM: Hallie Stewart, Engineering Technician

SUBJECT: Municipal Assembly Hearing of June 18, 2002
AGENCY COMMENTS DUE May 21, 2002

RECEIVED

APR 26 2002

COMMUNITY PLANNING
AND DEVELOPMENT

H Stewart

AWWU has reviewed the case material received on April 24, 2002, and has the following comments.

02-112 Wharton, Lot 7A (conditional use) Grid 1530

1. AWWU water and sanitary sewer mains are available to the referenced lot.
2. AWWU has no objection to the proposed conditional use to allow a restaurant serving alcohol.

If you have any questions, please call me at 343-8009 or the AWWU Planning Section at 564-2739.



**MUNICIPAL LIGHT & POWER
ENGINEERING
MEMORANDUM**

RECEIVED
MAY 20 2002
MUNICIPALITY OF ALBUQUERQUE
PLANNING & ZONING DEPARTMENT

DATE: May 17, 2002

TO: Eileen Pierce, Planning Department

FROM: Kim Irwin, Acting Assistant to the Chief Engineer *Kim Irwin*

SUBJECT: Cases 2002-083, 2002-084, 2002-085, 2002-087 2002-088, 2002-112
2002-112, 2002-115, 2002-117 2002-118

ML&P has reviewed the following cases and has no comments.

Case #	Description
2002-083	Rezoning to B-3 General business district
2002-084	Zoning conditional use for an amendment to a PUD
2002-085	Zoning conditional use for regarding sign usage
2002-087	Ordinance mending Title 21
2002-88	Rezoning to B-3SL
<u>2002-112</u>	Conditional use permit restaurant serving alcohol
2002-115	Conditional use permit restaurant-serving alcohol
2002-116	Site plan review for a storage facility
2002-118	Rezoning to R-2M Multiple-family residential district



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

DATE: April 29, 2002
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
THROUGH: Leland R. Coop, Associate Traffic Engineer *LC*
FROM: Mada Hansen, Traffic Engineering Technician *mt*
SUBJECT: Comments, Assembly Hearing of June 18, 2002

RECEIVED
MAY 01 2002
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

02-112

**Wharton, Lot 1; Conditional Use to permit a restaurant serving alcohol;
Grid 1530**

Traffic has no comment.


E-MAILED

Municipality of Anchorage
Treasury Division
Memorandum

RECEIVED
MAY 01 / 02
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

April 29, 2002

Rich Cartier, Planning Dept.

From: Susan Aikins, Revenue Officer 
Subject: Liquor License Conditional Use Comments

Lee, Ae Suk DBA Yummy Restaurant Liquor License Conditional Use Application Case # 2002-112.

Real Property Account #'s 002-193-57, Wharton Lot 7A/Business Personal Property Tax account # N/A. Address: 515 W. Fireweed Lane

There are no delinquent Real Property taxes owing at this time. There are no Business Personal Property taxes owing at this time.

Business license # 420921 is under the name Yami Restaurant not Yummy Restaurant.



LicNum: 420921

Business Name: YAMI RESTAURANT

Address: 515 W. Fireweed
ANCHORAGE, AK 99503

Original Issue: 12/17/2001

Current Issue: 12/17/2001

Expiration: 12/31/2003

Business Type: Sole Proprietor

Tobacco Sales: No

Export: No

Line Of Business: Accommodation and Food Services

Primary Activity: Full-Service Restaurants

Secondary Activity: Not Specified

Owners: Ae Suk Lee

FILE COPY



Municipality of Anchorage


Development Services Department
Building Safety Division

MEMORANDUM



DATE: May 17, 2002

TO: Jerry T. Weaver, Jr., Platting Officer, CPD

FROM:  James Cross, PE, Program Manager, On-Site Water & Wastewater

SUBJECT: Comments on Cases due May 28, 2002

MAY 21 2002
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

2002 - 112 A request concept/final approval of a conditional approval of a conditional use to permit a restaurant serving alcohol.

No objections.

3

APPLICATION



Municipality of Anchorage
 Department of Community Planning and Development
 P.O. Box 196650
 Anchorage, Alaska 99519-6650
CONDITIONAL USE APPLICATION
ALCOHOLIC BEVERAGE SALES

OFFICE USE	
REC'D By:	<u>AB</u>
Verify Own:	<u>Yes</u>
Poster and Affidavit:	<u>AB</u>
Fee \$	<u>750.00</u>
Hearing Date	<u>6/18/02</u>

Case Number: 2002-112

This application for a alcoholic beverage sales conditional use is for the following:

<input type="checkbox"/> Beverage Dispensary	<input type="checkbox"/> Private Club	<input type="checkbox"/> Restaurant, exempt
<input type="checkbox"/> Beverage Dispensary-Tourism	<input type="checkbox"/> Public Convenience	<input type="checkbox"/> Theater
<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Recreational	<input type="checkbox"/> Other (Please explain):
<input type="checkbox"/> Package Store	<input checked="" type="checkbox"/> Restaurant	

A. Please fill in the information requested below. Print one letter or number per block.

1. Abbreviated legal description (T12N R2W SEC 2 LOT 45 or SHORT SUB BLK 3 LOT 34) Full legal on back page.

W H A R T O N L O T 7 A

2. Site address

5 1 5 W E S T F I R E W E E D L A N E

3. Petitioner's Name (Last - First)

L E E A E S U K

Address: 515 W. Fireweed Lane

City: Anchorage

State: Alaska

Phone Number: (907) 258-6715

Zip: 99503

4 Petitioner's representative

Address:

City:

State:

Phone

Zip:

Number:

5 Property owner if petitioner is not property owner

H O N G S O N G

Address: 520 W 24th #3

City: Anchorage

State: Alaska

Phone Number: (907) 277-2720

Zip: 99503

6. Current Zoning:

B	3		
1	5	3	0

9. Principal Tax Number:

0 0 2 1 9 3 5 7

7. Petition Acreage:

10. No. of Tax Parcels:

0 0 1

8. Grid Number:

11. Community Council: North Star Community Council

B. I hereby certify that (I am)(I have been authorized to act for) owner of the property described above and that I desire conditional use approval in conformance with Title 21 of the Anchorage Municipal, Code of Ordinances. I understand that payment of the conditional use application fee is nonrefundable and is to cover the costs associated with processing this applications, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Staff or the Assembly due to administrative reasons.

Date: 4.16.02

Signature: [Signature]

*Agents must provide written proof of authorization

C. Please check or fill in the following

1. Comprehensive Plan -- Land Use Classification

- | | | |
|--|--|---|
| <input type="checkbox"/> Alpine/Slope Affected | <input type="checkbox"/> Marginal Land | <input type="checkbox"/> Residential |
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Parks/Open Space | <input type="checkbox"/> Special Study |
| <input type="checkbox"/> Commercial/Industrial | <input type="checkbox"/> Public Lands Institutions | <input type="checkbox"/> Transportation Related |
| <input type="checkbox"/> Industrial | | |

2. Comprehensive Plan Residential Land Use Intensity

- | | | |
|--|--|--|
| <input type="checkbox"/> Dwelling units per acre | <input type="checkbox"/> Alpine/Slope Affected | <input type="checkbox"/> Special Study |
|--|--|--|

D. The full legal description for legal advertisement (use separate paper if necessary)

Wharton Lot 7A

STANDARDS FOR CONDITIONAL USE APPROVAL

The petitioner should respond to the best of his/her ability to the following general standards for a conditional use. (See AMC 21.50.020). The Assembly may approve the conditional use application only if it finds that the application:

- A. Further the goals and policies of the Comprehensive Development Plan and conforms to the Comprehensive Development Plan in the manner required by Chapter 21.05.

Yes

- B. Conforms to the standards for that use in this title and regulations promulgated under this title.

Yes

- C. Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district.

Yes

D. Will not have a permanent negative impact on the items listed below substantially greater than that anticipated from permitted development:

1. Pedestrian and vehicular traffic circulation and safety.

No, Negative impact

2. The demand for and availability of public services and facilities.

No negative impact

3. Noise, air, water, or other forms of environmental pollution.

No negative impact

4. The maintenance of compatible and efficient development patterns and land use intensities.

No negative impact

STANDARDS CHAPTER 10.50 ALCOHOLIC BEVERAGES

In the exercise of its powers and under AS 04.11.480 and 15 AAC 104.145 to protest issue, renewal and transfer or alcoholic beverage licenses within the Municipality of Anchorage, the Assembly shall consider whether the proposed license meets each and every factor and standard set forth below

A. **Concentration and land use.** Whether transfer of location or issue of the requested license will negatively impact the community through an increase in the concentration of uses involving the sale or service of alcoholic beverages within the area affected and will conform to the separate standards of AMC 21.50.020.

Within 1,000 feet of your site are how many active liquor licenses?

How would you rate this area's concentration on a scale of 1 to 5 with 5 = high

In your opinion is this quantity of licenses a negative impact on the local community?

No negative impact

1
12345

B. **Training.** If application is made for issue, renewal or transfer of a beverage dispensary license, restaurant or eating place license, or package store license, whether the applicant can demonstrate prospective or continued 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 (T.A.M.). Until such plan is approved, training by a licensee's employees in the T.A.M. shall constitute compliance with this ordinance.

How many employees in direct contact with alcohol will be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program?

2

- C. Operations procedures.** If application is made for issue, renewal or transfer of a license, whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in Section 10.50.035 of this code.

Happy hours?

Games or contests that include consumption of alcoholic beverages?

Patron access and assistance to public transportation?

Notice of penalties for driving while intoxicated posted or will be posted?

Non-alcoholic drinks available to patrons?

Solicitation or encouragement of alcoholic beverage consumption?

Yes	No
	✓
	✓
✓	
✓	
✓	
✓	

- D. Public safety.** When application is made for the renewal or transfer of location or transfer of ownership of a beverage dispensary license restaurant or eating place license, or package store license, the Assembly shall consider whether the operator can demonstrate the ability to maintain order and prevent unlawful conduct in a licensed premises. In determining the operator's demonstrated ability to maintain order and prevent unlawful conduct, the Assembly may consider police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection. For purposes of this section and Section 10.50.035 "licensed premises" shall include any adjacent area under the control or management of the licensee.

What are the proposed precautions to maintain order and prevent unlawful conduct at the licensed premises?

inside facility:

Refusing service to drunken customers
checking ID before serving customers

outside facility:

- E. Payment of taxes and debts.** When application is made for renewal of a license the assembly shall consider, pursuant to AS 4.11.330, whether the applicant is delinquent in payment of taxes owed to the Municipality. When application is made for transfer of ownership of a license the Assembly shall consider, pursuant to AS 4.11.360, whether the municipality has received either payment or adequate security, for the payment of any debts or taxes, including any estimated taxes for the current year, arising from the conduct of the licensed business. Adequate security" for the payment of debts and taxes may be in the form of: 1) escrowed funds sufficient to Pay the debts and taxes claimed and any escrow fees; 2) actual payment of debts and taxes claimed; or, 3) a guarantee agreement in accordance AMC 10.50.030. Any guarantee agreement shall be in writing, signed by the transferor, transferee and Municipality

Are real estate and business taxes current?

Are there any other debts owed to the Municipality of Anchorage?

Yes	No
✓	
	✓

- F. **Public health.** If application is made for the renewal or transfer of location or transfer of ownership of a license, the Assembly shall consider whether the operator has engaged in a pattern of practices injurious to public health or safety, such as providing alcohol to minors or intoxicated persons, committing serious violations of State law relevant to public health or safety, or other actions within the knowledge and control of the operator which place the public health or safety at risk. In determining if a pattern of practices injurious to public health or safety exists, the Assembly may consider criminal convictions, credible proof of illegal activity even if not prosecuted, police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection.

As the applicant and operator can you comply? If no explain

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

FACILITY OPERATIONAL INFORMATION

1. What is the proposed or existing business name.

Yummy Restaurant

2. The facility occupant capacity?

Gross leaseable floor space in square feet:	1750
Number of fixed seats(booth and non movable seats):	0
Number non-fixed seats(movable chairs, stools, etc.):	64

3. What will be the hours of operation?

Normal business hours will be from:	11	to:	11
Alcoholic beverages will be available from:	11	to:	11

4. An estimated ratio of food sales to alcohol beverage sales.

Alcoholic beverage sales in percentage	10 %
Food sales in percentage	90 %
Other	%

5. Type of entertainment proposed:

	Check all that apply
Recorded music	<input checked="" type="checkbox"/>
Live music	<input type="checkbox"/>
Floor shows	<input type="checkbox"/>
Patron dancing	<input type="checkbox"/>
Sporting events	<input type="checkbox"/>
Other	<input type="checkbox"/>
None	<input type="checkbox"/>

6. Does the operator propose entertainment or environmental conditions in the facility that will meet the definition of "indecent material" or "adult entertainment" as set forth by AMC 8.05.420 Minors-Disseminating indecent material or AMC 10.40.050 Adult oriented establishment?

Yes	No
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

7. If the application is for a package store, the projected percentage of alcoholic product inventory of the store where the retail unit price is:

	Percentage
less than \$5.00	<input type="text"/> %
\$5.00 to \$10.00	<input type="text"/> %
\$10.00 to \$25.00	<input type="text"/> %
greater than \$25.00	<input type="text"/> %

8. Site plans and other drawings depicting the following:

(single copy if copy is 8½x11 or 8½x14 of each, otherwise 21 copies of each)

site plan with building footprint, parking space layout and vehicle access points drawn to scale

location of conditional use area if less than whole building

identification of alcoholic beverage sales or service areas

building elevations(photograph is acceptable)

building floor plans drawn to scale

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

PROPERTY OWNER AUTHORIZATION and ACKNOWLEDGMENT of APPLICATION

(I)(WE) hereby grant permission to and acknowledge that

Ac Suk Lee is
applying for a conditional use permit for the retail sales of alcoholic beverages
on a property under (MY)(OUR) ownership and that as part of the conditional
use permit process the Assembly may apply conditions which will be the
responsibility of the property owner to satisfy.

(I)(WE) hereby assign _____ to act
as (MY)(OUR) agent in this conditional use permit application.

(I)(WE) will represent (MYSELF)(OURSELVES).

Signed this 4 of 16 2002

Signature

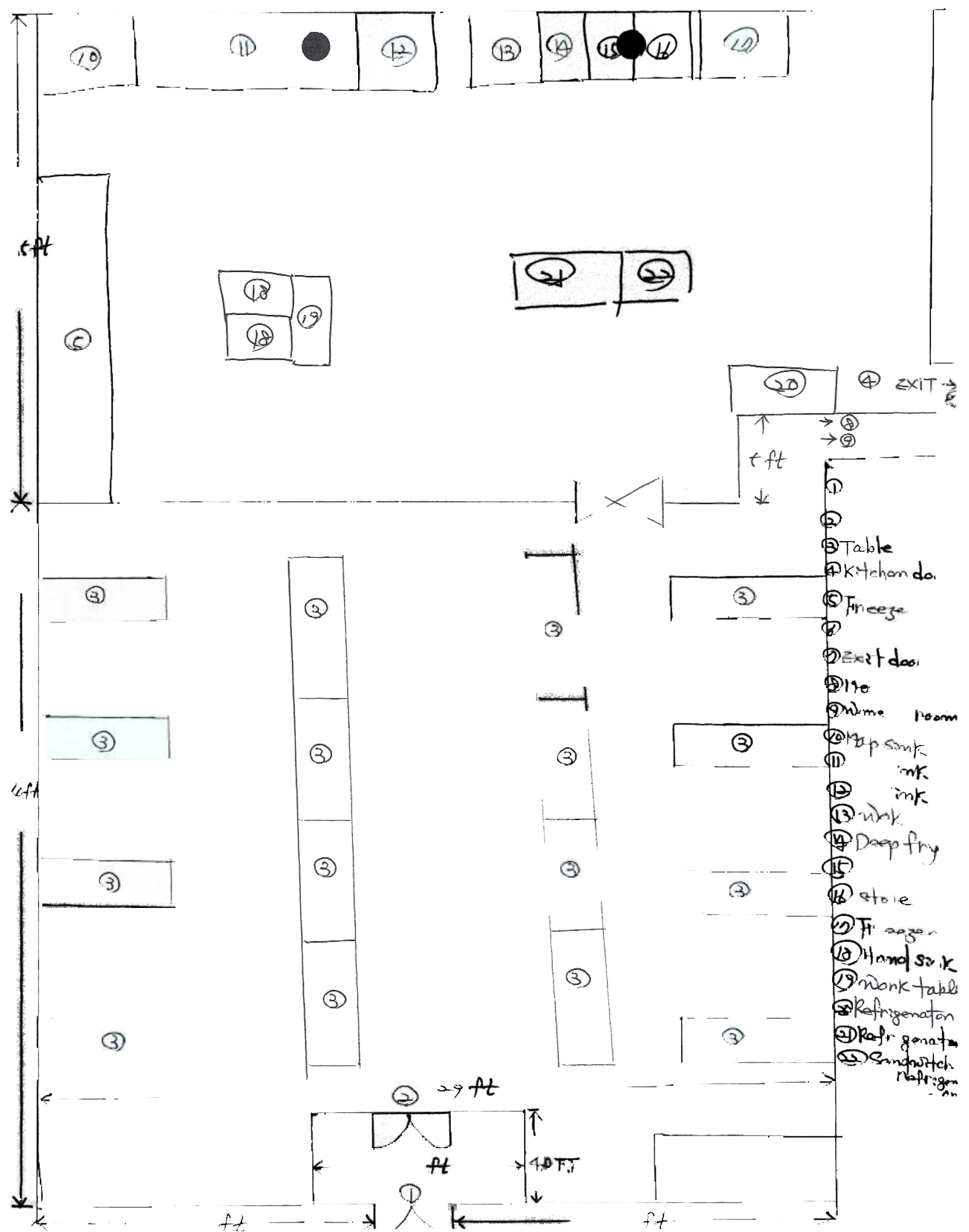
Restaurant OWNER

Title

Building Owner
Property Owner

Song Hong

032



Address

515 W Fireweed Lane

Fireweed AL 94503

Tables 15

Parking about 50-60 cars

Back

Parking

Fence

fence

Suda Asian Market

Blown Jug

Yummy Restaurant

15 + 100.0

15 + 100.0

Suda Asian Market

Blown Jug

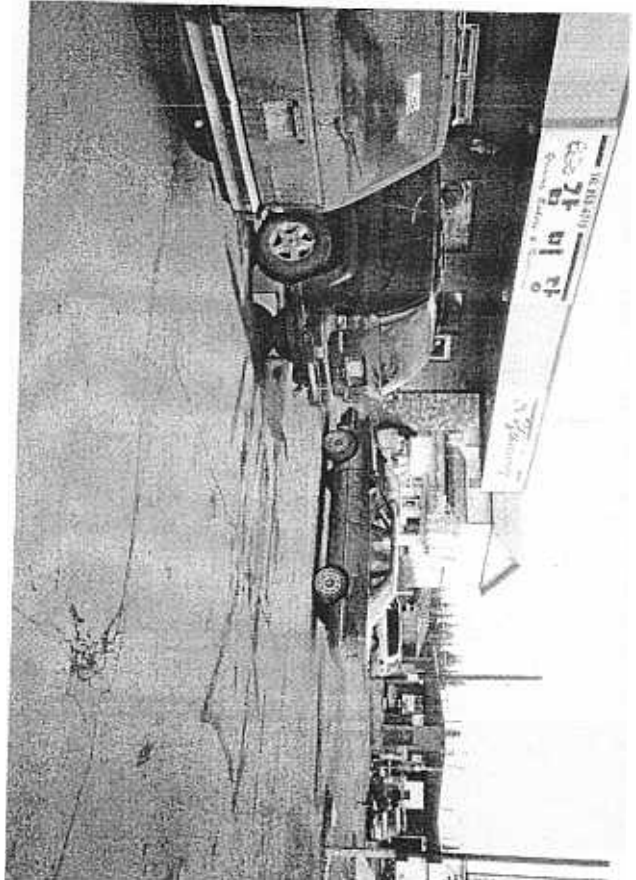
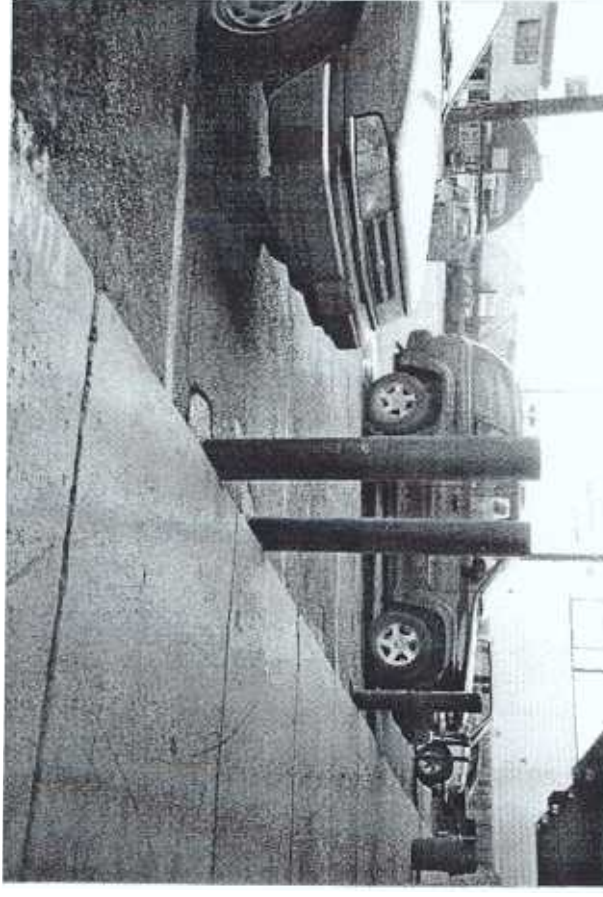
Yummy Restaurant

Front Parking

Fireweed Lane

Parking -


Fireweed Street





Scale 1:6000

Legend:

Txt streetsano: Text
 parcels



4

POSTING AFFIDAVIT

5

HISTORICAL INFORMATION

OWNER HISTORY

APPRAISAL INFORMATION

Legal WHARTON
LT 7A

Parcel 002-193-57-000

01 of 02

01
02

Property Info # Descr RETAIL - SINGLE OCCU

Site Address 501 W FIREWEED LN

Current 11/22/96
HONG SONG DAE & BONG JOO

515 W FIREWEED LANE
ANCHORAGE AK 99503 1927

3rd
0000 0000000 //

00000

Prev
0000 0000000 00/00/00
CURLEY JAMES E & JOAN R

2212 CLIFF CT
ANCHORAGE AK 99517

4th
0000 0000000 //

00000

2nd
0000 0000000 00/00/00
CURLEY JAMES E
ETAL

2212 CLIFF CT
ANCHORAGE AK 99517

5th
0000 0000000 //

00000

Municipality of Anchorage
MUNICIPAL CLERKS OFFICE
Agenda Document Control Sheet

Arz 2002-180

1	SUBJECT OF AGENDA DOCUMENT Yummy Restaurant Conditional Use for an Alcoholic Beverage Conditional Use in the B-3 District for a Restaurant/Eating Place per AMC 21.40.180 D.8; located at 515 West Fireweed Lane. (North Star Community Council) (Case 2002-112)	DATE PREPARED 06/03/02 INDICATE DOCUMENTS ATTACHED <input type="checkbox"/> AO <input checked="" type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME Planning Department	DIRECTOR'S NAME Susan R. Fison, Director
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Jerry Weaver Jr.	HIS/HER PHONE NUMBER 343-4260
4	COORDINATED WITH AND REVIEWED BY	INITIALS DATE
5	Mayor	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
4	Municipal Manager	<i>m</i> <i>6/17</i>
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management and Budget	
	Management Information Services	
	Police	
2	Office of Planning, Development, & Public Works	<i>CRG</i> <i>6/3/02</i>
	Development Services	
	Facility Management	
1	Planning	<i>PHJ</i> <i>6-3-02</i>
	Project Management & Engineering	
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
3	Municipal Attorney	<i>TR</i> <i>6-7-02</i>
	Municipal Clerk	
5	SPECIAL INSTRUCTIONS/COMMENT Pre-advertised for 06/25/02 Assembly Meeting <div style="text-align: right; font-size: small;"> 2002 JUN 17 AM 10:07 CLERKS OFFICE M.N.A. </div> <div style="text-align: center; font-size: x-large; margin-top: 10px;"> <i>14. New Public Hearing</i> </div>	
6	ASSEMBLY MEETING DATE REQUESTED	7
		PUBLIC HEARING DATE REQUESTED <i>June 25, 2002</i>