

1 CLERK'S OFFICE
2 **AMENDED AND APPROVED**
3 Date: 8/20/02

Submitted by: Chair of the Assembly at
the request of the Mayor
Prepared by Planning Department
For reading: August 20, 2002

7 ANCHORAGE, ALASKA
8 AR NO. 2002- 237

10 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A
11 CONDITIONAL USE FOR AN ALCOHOLIC BEVERAGES (RESTAURANT
12 LICENSE) CONDITIONAL USE IN THE B-3 DISTRICT FOR A RESTAURANT PER
13 AMC 21.40.180 D.8, GENERALLY LOCATED ON CALAIS SUBDIVISION, BLOCK
14 11, LOT 2B; 3400 C STREET. (WAYNE'S ORIGINAL TEXAS BAR-B-QUE)

15
16 (Spenard Community Council) (Case 2002-156)

17
18 THE ANCHORAGE ASSEMBLY RESOLVES

19
20 Section 1. The conditional use permit for an Alcoholic Beverages (Restaurant License)
21 Conditional Use in the B-3 District for a restaurant per AMC 21.40.180 D.8, located on
22 Calais Subdivision, Block 11, Lot 2B, meets the applicable standards of AMC 21.50.020
23 and AMC 21.50.160.

24
25 Section 2. The conditional use permit for an Alcoholic Beverages (Restaurant License)
26 Conditional Use in the B-3 District for a restaurant per AMC 21.40.180 D.8, located on
27 Calais Subdivision, Block 11, Lot 2B; located at 3400 C Street, is approved subject to the
28 following conditions:

29
30 1 A notice of Zoning Action shall be filed with the District Records Office within
31 120 days of the Assembly's approval of a final conditional use approval for a
32 restaurant/eating place serving alcohol in the B-3 District.

33 2 All uses shall conform to the undated plans and narrative submitted.

34 3 The use of the property by any person for the permitted purposes shall comply
35 with all current and future federal, state and local laws and regulations including,
36 but not limited to, laws and regulations pertaining to the sale, dispensing, service
37 and consumption of alcoholic beverages and the storage, preparation, sale, service
38 and consumption of food. The owner of the property, the licensee under the
39 Alcoholic Beverage Control license and their officers, agents and employees shall
40 not knowingly permit or negligently fail to prevent the occurrence of illegal
41 activity on the property.

42 4 Prior to this conditional use becoming effective, the applicant shall demonstrate
43 compliance with a Liquor Server Awareness Training Program approved by the

1 State of Alaska Alcoholic Beverage Control Board, such as or similar to the
2 program Techniques of Alcohol Management (T.A.M.).

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

6 6. Alcohol sales shall constitute no more than ^{10%}~~5%~~ of total gross receipts.

7 7 There shall be no alcohol advertisement viewable externally.

8 8. The size of the Alcohol Beverage Conditional Use shall be limited to 6,812 square
9 feet gross area with alcohol sales in the public seating area limited to 4,000 square
10 feet with 222 non-fixed seats.

11
12 9. Resolve the filing of the 2002 Business Property taxes with the Treasury Division.

13
14 Section 3. Failure to comply with the conditions of this conditional use permit shall
15 constitute grounds for its modification or revocation.

16
17 Section 4. This resolution shall become effective immediately upon passage and
18 approval by the Anchorage Assembly.

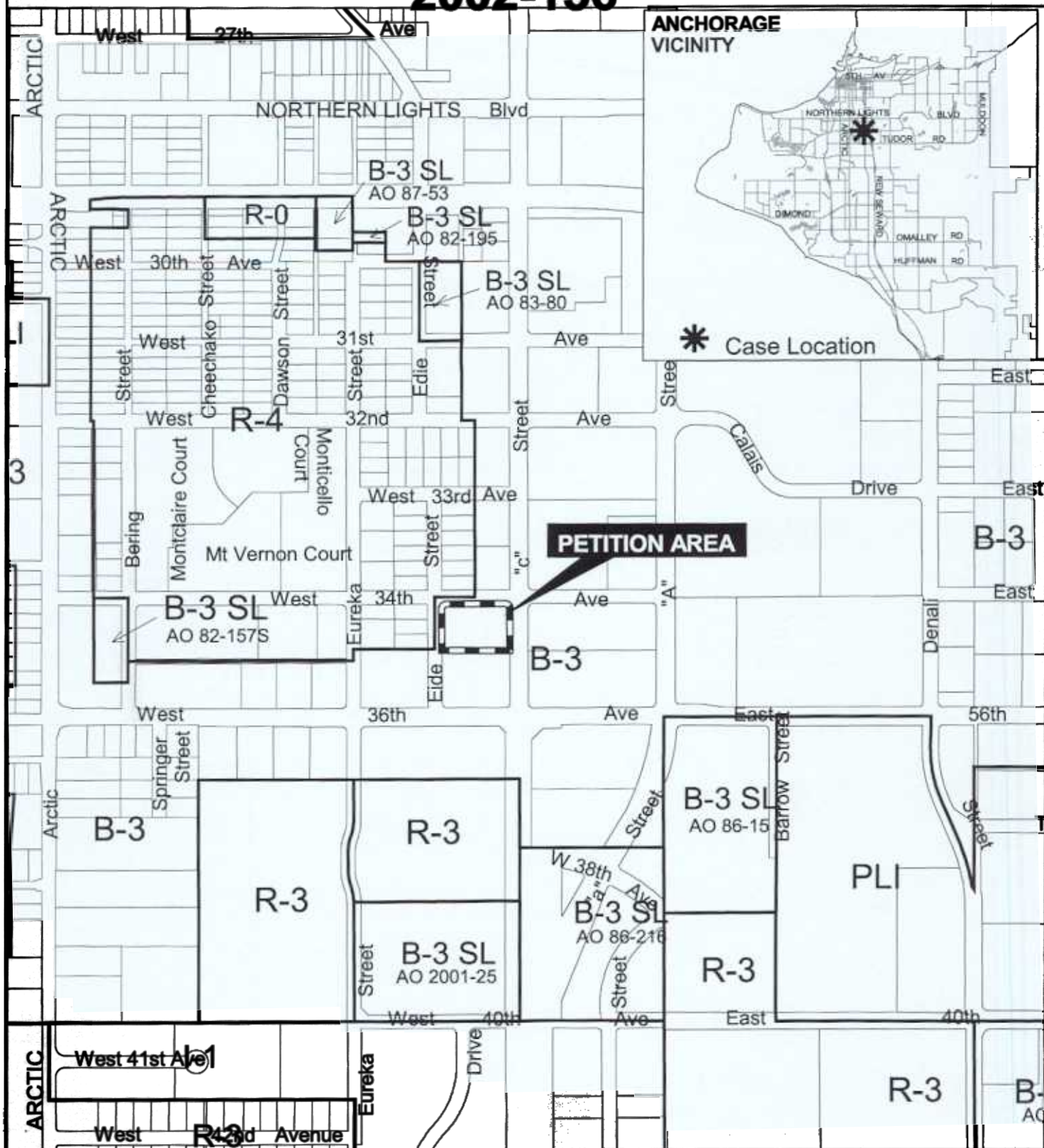
19
20 PASSED AND APPROVED by the Anchorage Assembly this 20th
21 day of August 2002.

22
23 Dick
24
25 Chair of the Assembly
26

27
28 ATTEST:

29
30 Ely Moya
31
32 Municipal Clerk
33

CONDITIONAL USE - LIQUOR
2002-156



**Municipality of Anchorage
Planning Department**



Date: JUNE 14, 2002

Flood Limits

-  100 Year Floodplain
 500 Year Floodplain
 Floodway



Liquor Licenses Within the Spenard Community Council Area Case Number 2002-156



Municipality of Anchorage
Planning Department
August, 2002

0 1000 2000 Feet



Key to Features

- | | |
|--------------------------------------|-------------------------|
| ▲ Club | ● Brewpub |
| ■ Package Store | + Brewery |
| ★ Beverage Dispensary | ■ Theater License (PAC) |
| ● Restaurant/Eating Place | ■ Wholesale/General |
| ★ Recreation Site | ■ Winery |
| □ Spenard Community Council Boundary | |

- 1 - Alaska Distributors Co
- 2 - American Legion Post #1
- 3 - Pancho's Villa
- 4 - Brown Jug/Spenard
- 5 - Black Angus
- 6 - In & Out Bush Liquor #1
- 7 - Buckaroo Club
- 8 - Buckaroo Club Liquor Store
- 9 - Carousel Lounge
- 10 - Chesapeake Bar
- 11 - Blues Central/Chef's Inn
- 12 - Chikoot Charlie's
- 13 - China Garden
- 14 - Brown Jug/Chikoot's
- 15 - Harry's Restaurant
- 16 - Brown Jug/Firewood
- 17 - Flight Deck Bar/Arctic Inn
- 18 - The Moment
- 19 - Top of the Moment
- 20 - Spare Room
- 21 - Ahnrahe's
- 22 - Hong Kong Restaurant
- 23 - LaMex
- 24 - In & Out Bush Liquor #2
- 25 - Loyal Order of Moose #1534
- 26 - Oaken Keg #55
- 27 - Oaken Keg #56
- 28 - Office Lounge
- 29 - P.J.'s (Papa Joe's)
- 30 - Pizza Olympia
- 31 - Pizza Plaza
- 32 - Romano's Trattoria
- 33 - Sustina Food & Spirits
- 34 - Alaska Marketplace #577
- 35 - Yukon Spirits
- 36 - Sorrento's Pizzeria
- 37 - Brown Jug/Minnesota
- 38 - Stuart Anderson's Cattle Company
- 39 - Tempura Kitchen
- 40 - Paradise Inn & Lounge
- 41 - Time Out Lounge
- 42 - Golden Phoenix Restaurant
- 43 - Brown Jug Warehouse
- 44 - Gwennie's Old Alaskan Restaurant
- 45 - Steve's Sports Bar & Grill
- 46 - 2 Go Mart #62
- 47 - Skippers Seafood
- 48 - Villa Nova Restaurant
- 49 - Yamatoys Restaurant
- 50 - Club Oasis
- 51 - Oasis Liquors
- 52 - Northern Lights Hotel
- 53 - Sea Galley

- 54 - Peking Palace
- 55 - Chikoot Charlie's
- 56 - Chuck E. Cheese
- 57 - Godfather's Pizza
- 58 - Great Alaskan Bush Company
- 59 - V.F.W. Post 1685
- 60 - Korea House
- 61 - Hogg Bros. Cafe & Trough
- 62 - Fly By Night Club
- 63 - Chikoot Charlie's
- 64 - Round Table Pizza
- 65 - Millennium Hotel/Fancy Moose
- 66 - Aladdin's
- 67 - Today's Pizza
- 68 - 2 Go Mart #89
- 69 - Guido's Pizza
- 70 - Arigato Japanese Restaurant
- 71 - Sub Station Restaurant
- 72 - Board Room
- 73 - Elmer's Pancake/Steakhouse
- 74 - Pueblo
- 75 - Anchorage Billiard Palace
- 76 - New Caudron #2
- 77 - Jen's Restaurant
- 78 - 2 Go Mart #82
- 79 - Golden Pond Restaurant
- 80 - Young Bin Restaurant

- 81 - Atasta Deli
- 82 - Yen King
- 83 - Kobe Teppanyaki House
- 84 - New Party Time Liquors
- 85 - Chikoot Charlie's
- 86 - Casa Grande
- 87 - Panda Restaurant
- 88 - Thai Town Restaurant
- 89 - Hot Rod's
- 90 - Mom & Pops Grocery & Liquor
- 91 - Greek Corner
- 92 - Daruma Restaurant
- 93 - Tiffany's Cafe & Catering
- 94 - Cusack's Restaurant & Brewpub
- 95 - Lone Star Steakhouse & Saloon
- 96 - Campobello
- 97 - Alaska Bagel
- 98 - Anna's Place
- 99 - Petroleum Club
- 100 - AmVets Post #49
- 101 - Hoofers Restaurant
- 102 - Sea Galley/Peppermill
- 103 - Wave
- 104 - Golden China Restaurant
- 105 - Gladier Grill & Pizza
- 106 - Phillips International Inn

- 107 - Red Robin Burger & Spirits
- 108 - Courtyard by Marriott
- 109 - Pizza Hut #2
- 110 - Outback Restaurant
- 111 - Cozy Corner cafe
- 112 - Roscoe's Skyline Restaurant
- 113 - Chikoot Charlie's
- 114 - Shanghai Grand Chinese Restaurant
- 115 - Las Margaritas
- 116 - Steve's Sports Bar & Grill
- 117 - Organic Oasis
- 118 - Applebee's
- 119 - Cafe Amsterdam
- 120 - Swaddi Midtown
- 121 - Moose's Tooth
- 122 - Bear Tooth
- 123 - Chikoot Charlie's
- 124 - Oriental Garden
- 125 - Tokyo Garden
- 126 - Beer Tooth
- 127 - Sodality
- 128 - China King Restaurant
- 129 - Bear Tooth Grill
- 130 - Home Town Restaurant
- 131 - Bombay Deluxe Restaurant
- 132 - Marsh's



NOTE:

The accuracy of the liquor license information presented on this map has not been verified and is not necessarily up to date.



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 687-2002

Meeting Date: AUGUST 20, 2002

From: Mayor

Subject: AR 2002- 237 Alcoholic Beverages Conditional Use (Restaurant license) in the B-3 district for a restaurant per AMC 21.40.180 D.8

Kodiak Foods, LLC, owner of Wayne's Original Texas Bar-B-Que, located at 3400 C Street, 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 its own structure, located on the southwest corner of 34th Avenue and C Street and occupies approximately 6,812 square feet.

The floor plan sketch indicates the restaurant will have approximately 6,812 square feet gross area with alcohol sales throughout the approximate 4,000 square foot public seating area. The floor plan shows 32 tables with approximately 186 seats, all non-fixed. The petitioner states that the facility occupancy is 236, and is currently operating with 222 seats. There is no bar or lounge area. The applicant reports twelve employees will be sent to alcohol awareness training. The *Anchorage 2020 Anchorage Bowl Comprehensive Plan* lists this area as directly peripheral to a major employment center with redevelopment/mixed use. This location along C Street consists of banks, small commercial and larger office establishments with high-density residential development to the west. 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, and does not have a conditional use alcohol permit. 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. There are no licenses on the same site as the petitioning restaurant.

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

There are no delinquent Real Property Taxes owing at this time according to the Treasury Division. The Treasury Division reports that the 2001 Business Personal Property taxes

1 have been paid, but that the 2002 Business Property filing, which was due by April 20,
2 2002, has not been filed. This will be a late filing, which will include a 10% penalty for
3 non-filing.

4 The Department of Health and Human Services (DHHS) states that the petitioner has
5 complied with environmental sanitation's food code, and their records do not show any
6 public nuisance complaints. DHHS notes that based on the fact that only 5% of total
7 revenues are projected from on-site sale of beer and wine in conjunction with restaurant
8 food sales, they believe that the granting of this permit will not significantly effect the
9 incidence of domestic violence, sexual assault or public inebriety.

10 Alaska Statute 04.11.100 Restaurant or eating place license requires that a premises may
11 not be located within a building with a public entrance within 200 feet of a school ground
12 or church building if those structures were in use prior to issuance of a license. To our
13 knowledge, there are no other schools or churches within a radius of 200 feet. According to
14 DHHS records, the nearest day care facilities are approximately six to eight blocks away
15 from the petition site.

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

18
19 Reviewed by:

20
21
22
23
24 Harry J. Kieling, Jr.
25 Municipal Manager

Reviewed by:

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27
28
29
30 Craig E. Campbell, Executive
31 Director Office of Planning,
32 Development and Public Works

33
34
35 Respectfully submitted:

36 George P. Wuerch
Mayor

Prepared by:

Susan R. Fison
Susan R. Fison, Director
Planning Department

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

DATE: August 20, 2002

CASE NO.: 2002-156

APPLICANT: Kodiak Foods, LLC, petitioner; Wayne K. Bond,
president and representative

REQUEST: An Alcoholic Beverages Conditional Use for a
Restaurant License in a B-3 Zone District for Wayne's
Original Texas Bar-B-Que per AMC 21.40.180 D.8;
21.50.020 and 21.50.160.

LOCATION: Calais Subdivision, Block 11, Lot 2B, generally located
on the southwest corner of "C" Street and West 34th
Avenue.

**STREET
ADDRESS:** 3400 "C" Street

**COMMUNITY
COUNCIL:** Spenard

TAX PARCEL: 009-062-76/ Grid 1630

ATTACHMENTS

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

RECOMMENDATION SUMMARY:

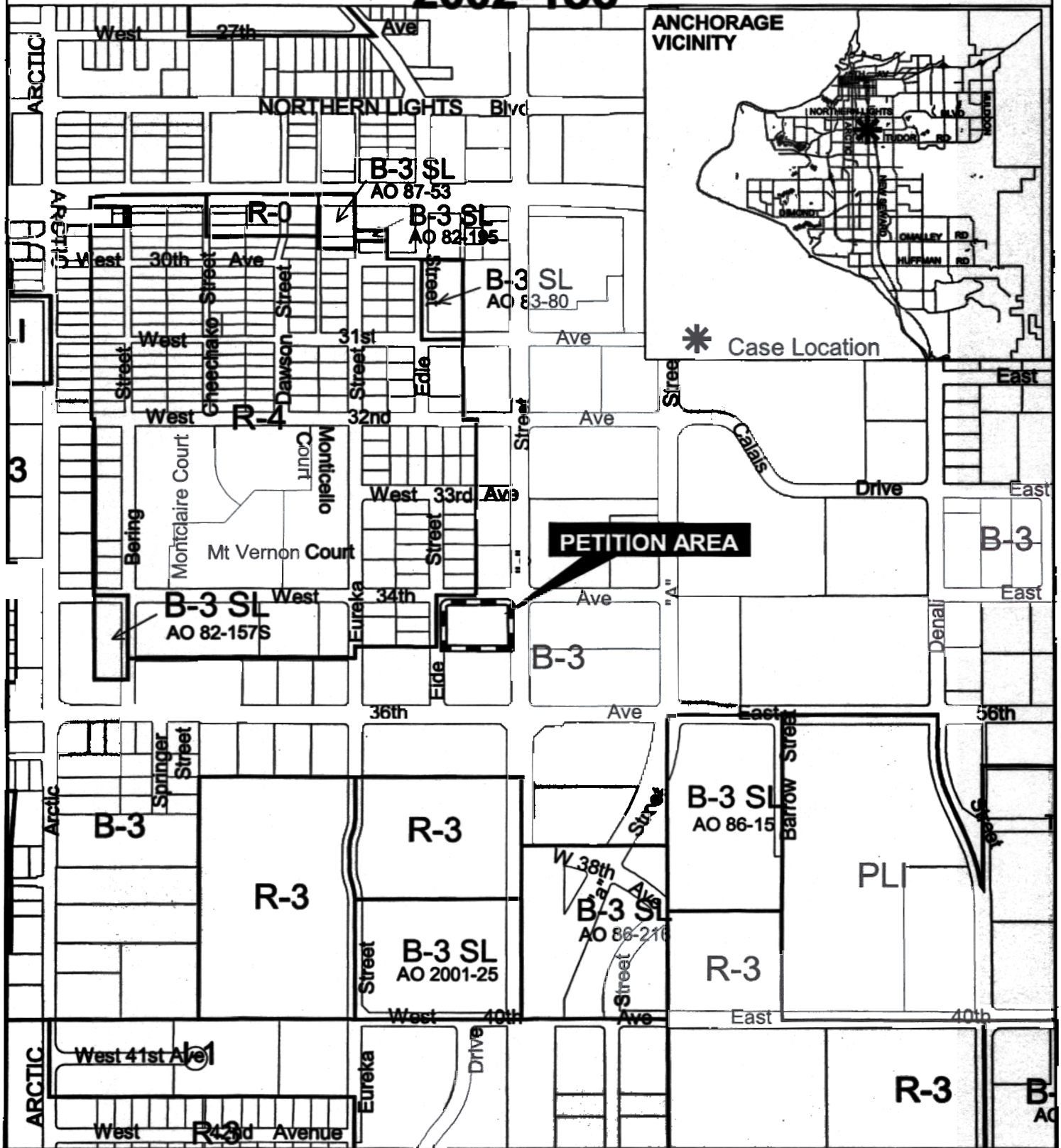
Approval with conditions

SITE:

Acres: 57,905 sq. ft (1.33 acres)
Vegetation: Commercial Landscaping
Zoning: B-3
Topography: Level
Existing Use: Restaurant
Soils: Public Water and Sewer Onsite

CONDITIONAL USE - LIQUOR

2002-156



Municipality of Anchorage
Planning Department



Date: JUNE 14, 2002

Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

02

COMPREHENSIVE PLAN

Classification: Peripheral to Major Employment
Center/Redevelopment/Mixed Use, Transit-Supportive
Development Corridor
Density: Minimum 12 du/ac if developed as residential

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	B-3/B-3 SL	B-3	B-3	B-3 SL
Land Use:	Commercial/ Multi-Family	Commercial Uses	Gas Station	Multi-Family

SITE DESCRIPTION AND PROPOSAL:

The applicant is applying for a new restaurant license to be used at an existing restaurant, Wayne's Original Texas Bar-B-Que. There is an application on file with the Municipal Clerk's Office.

The floor plan sketch indicates the restaurant will have approximately 6,812 square feet gross area with alcohol sales throughout the approximate 4,000 square foot public seating area. The floor plan shows 32 tables with approximately 186 seats, all non-fixed. The petitioner states that the facility occupancy is 236, and is currently operating with 222 seats. The proposed hours of operation for the restaurant and alcohol service are Monday through Sunday 7:00 a.m. to 11:00 p.m., and proposes to sell alcoholic beverages between the hours of 11 a.m. to 11:00 p.m. The petitioner estimates that 5% of his total sales will be from alcohol. The application states that twelve restaurant employees will initially be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program, and future employees will be trained. The number of employees may fluctuate over time.

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 there are 39 licenses: 10 beverage dispensary licenses, 20 restaurant/ eating place, 3 package store, 3 club, 1 beverage dispensary – tourism and 2 recreation site licenses. There are 132 total licenses in the Spenard Community Council area.

There were 48 Public Hearing Notices mailed on July 10, 2002. As of this date this report was written, no comments have been received.

FINDINGS

- A. Furthers 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.

This facility is on a Transit-Supportive Development Corridor, with direct pedestrian access from the facility to the transit stop along "C" Street.

- 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, gas station, offices, bank) and residential. The addition of a restaurant license will not negatively impact the area. The petitioner states that this is a family-oriented restaurant, and that recorded music and live entertainment will be provided on site.

Within 1,000 feet of this application there are three licenses: four restaurant/eating place licenses, two beverage dispensary licenses and one package store license.

There are no known churches, daycare centers or schools within 200 feet. The nearest day care facilities are approximately six to eight blocks away from the petition site.

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 "C" Street, with a higher density residential area to the east of this site.

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: four restaurant/eating place licenses, two beverage dispensary licenses and one package store license. Within 3,000 feet there are 39 licenses: 10 beverage dispensary licenses, 20 restaurant/ eating place, 3 package store, 3 club, 1 beverage dispensary – tourism and 2 recreation site licenses. There are 132 total licenses in the Spenard Community Council area.

The number of restaurant licenses is within population limits set by state statute. There are currently 47 restaurant licenses in the Spenard Community Council area. The estimated 1996 Spenard Community

Council area population was 17,300. Year 2000 Census counts for the Council areas are not yet available.

LICENSES WITHIN 1,000 FEET OF APPLICANT

Name	Address	License type
Outback Restaurant	101 W. 34 th Avenue	Beverage Dispensary
Campobello	601 W. 36 th Ave., #10	Restaurant
Mom & Pops Grocery & Liquor	601 W. 36 th Avenue, #3 & 4	Package Store
Annaraes	300 W. 36 th Avenue	Beverage Dispensary
Golden Pond Restaurant	300 W. 36 th Avenue #3	Restaurant
Swaddi Midtown	300 W. 36 th Avenue	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 twelve employees in direct contact with alcohol will be trained in accordance with the ABC Board's Liquor Server Awareness Training Program. This number of employees may fluctuate up or down, but all current and future employees in direct contact with alcohol will be trained as well.

- 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 states that they will not serve patrons who appear intoxicated, and will call for a cab to facilitate patron leaving the premise. The applicant further states that they will not encourage or solicit alcoholic consumption, as it is not the emphasis of the restaurant, and is only there for those who request it. The restaurant will do periodic parking lot and perimeter checks to prevent unlawful conduct, and will call for appropriate law enforcement when necessary. 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 Real Property Taxes owing at this time according to the Treasury Division. The Treasury Division reports that the 2001

Business Personal Property taxes were paid, but that the 2002 Business Property filing, which was due by April 20, 2002, have not been filed. This will be a late filing, which will include a 10% penalty for non-filing.

- 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 states that the petitioner has complied with environmental sanitation's food code, and they do not show any public nuisance complaints.

DHHS notes that based on the fact that only 5% of total revenues are projected from on-site sale of beer and wine in conjunction with restaurant food sales, they feel that the granting of this permit will not significantly effect the incidence of domestic violence, sexual assault or public inebriety.

- 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 5% 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 6,812 square feet gross area with alcohol sales in the public seating area limited to 4,000 square feet with 222 non-fixed seats.
9. Resolve the filing of the 2002 Business Property taxes with the Treasury Division.

2

HISTORICAL MAPS AND AS-BUILTS

2002-156



Date of Aerial Photography: 2001

Wed Jun 26, 09:53:12, 2002

Map: Parcels



Scale 1:8000

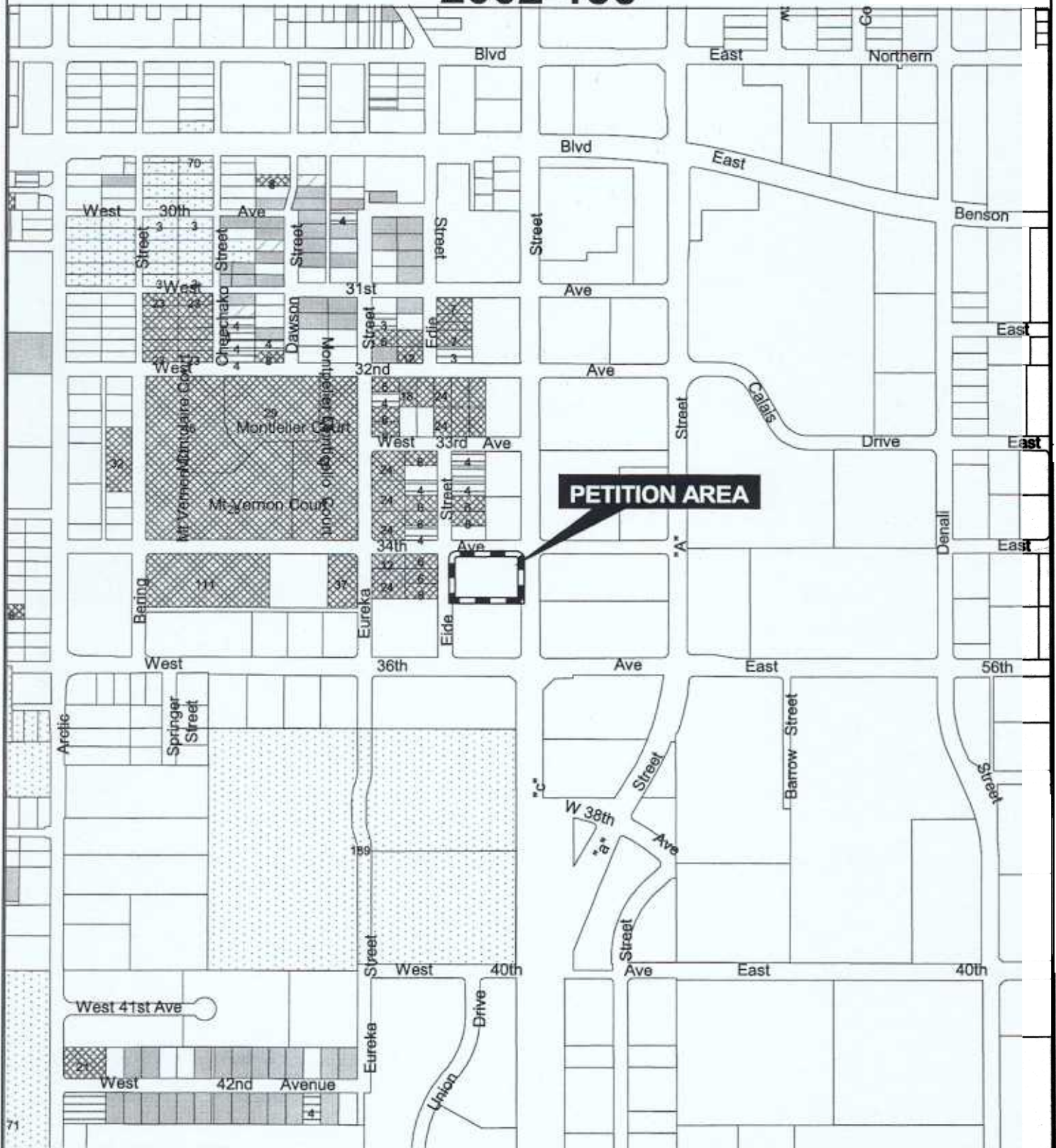
Legend:

- alcohol
Txt streetsano; Text
□ parcels



CONDITIONAL USE - LIQUOR

2002-156



Municipality of Anchorage
Planning Department



Date: JUNE 14, 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
Planning Department, MOA

Scale 1:8000

Legend:

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txt    streetsano: Text
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parcels

