

**CLERK'S OFFICE**

**APPROVED**

Date: 1-7-03

Submitted by:

Chair of the Assembly at the  
Request of the Mayor

Prepared by:

Planning Department

For reading:

December 17, 2002

Anchorage, Alaska  
AR 2002-387

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A  
2 CONDITIONAL USE FOR AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-  
3 3 DISTRICT FOR A BEVERAGE DISPENSARY LICENSE PER AMC 21.40.180 D.8, FOR  
4 THE PHO MAILEE RESTAURANT, LOCATED IN SUITE #20, MINNESOTA COMMONS  
5 SUBDIVISION, BLOCK 1A; GENERALLY LOCATED ON THE SOUTHWEST CORNER OF  
6 MINNESOTA DRIVE AND WEST BENSON BOULEVARD.

7  
8 (Spenard Community Council) (Case 2002-239)

9 THE ANCHORAGE ASSEMBLY RESOLVES:

10  
11 Section 1. The conditional use permit for an Alcoholic Beverages Conditional Use in the B-3  
12 District for a Restaurant per AMC 21.40.180 D.8, for the PHO Mailee Restaurant, located in  
13 Suite #20, Minnesota Commons Subdivision, Block 1A, meets the applicable provisions of AMC  
14 21.50.020 and AMC 21.50.160.

15  
16 Section 2. The conditional use permit for an Alcoholic Beverages Conditional Use for a  
17 Restaurant License is for 1,200 square feet for the property identified in Section 1.

18  
19 Section 3. The conditional use permit is approved subject to the following conditions:

- 20  
21 1. A Notice of Zoning Action shall be filed with the District Recorder's Office within 120  
22 days of the Assembly's approval of a final conditional use approval  
23 for a restaurant/eating place serving beer and wine in the B-3 District.  
24  
25 2. All uses shall conform to the plans and narrative submitted with this conditional  
26 use application.  
27  
28 3. Alcohol sales shall constitute no more than 5% of total gross receipts and are restricted to  
29 the public seating area which is limited to seven (7) tables with 26 non-fixed seats.  
30  
31 4. Alcohol services are available Monday through Saturday 4:00 PM to 10:00 p.m.  
32  
33 5. Each employee will have direct contact with alcohol and be trained in accordance with  
34 the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program.  
35  
36 6. Upon demand, the applicant shall demonstrate compliance with a liquor "Server  
37 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.).

7. 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.

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

9. The approved conditional use is reflected on the following plans:

- a. Detailed floor plan of present premises shown on State of Alaska Alcohol Beverage Control Licensed Premises Diagram; no scale but leased area measures 60' x 20' or 1,200 S.F. and showing seven tables and 26 non-fixed seats; dated received 10/24/02 by the Planning Department.

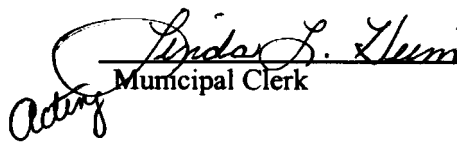
**Section 4.** Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.

**Section 5.** This resolution shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 7<sup>th</sup> day of January, 200 .

ATTEST:

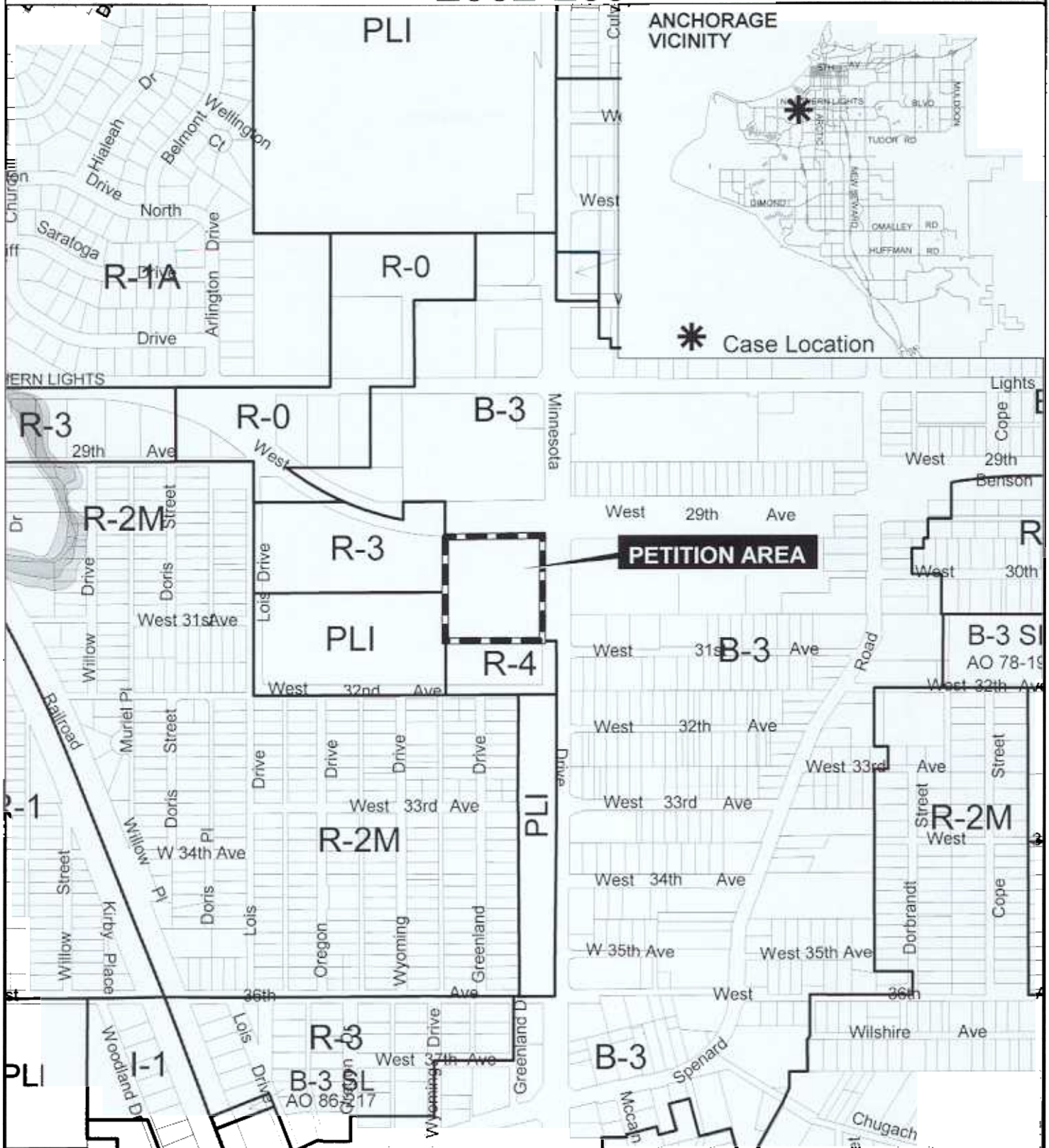
  
Chair

  
Municipal Clerk

(Case 2002-239)  
(Tax Parcel 010-025-24)

# CONDITIONAL USE - LIQUOR

## 2002-239



Municipality of Anchorage  
Planning Department



### Flood Limits

-  100 Year Floodplain
-  500 Year Floodplain
-  Floodway

Date: OCTOBER 25, 2002





# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 1033-2002

Meeting Date: December 17, 2002

From: Mayor

Subject: AR 2002- 387

Alcoholic Beverages Conditional Use in the B-3 District  
for a Restaurant/Eating Place Use/License per AMC  
21.40.180.D.8 for the PHO Mailee Restaurant

1 The PHO Mailee Restaurant has made application for a new conditional use permit for an alcoholic  
2 beverages conditional use in the B-3 District for a restaurant/eating place use/license per AMC  
3 21.40.180 D.8 for its existing restaurant at 3020 Minnesota Drive in Suite 20. Beer and wine will only  
4 be served in the public seating area of the restaurant and comprise 5% of total sales as indicated in the  
5 application. There are seven tables and 26-non fixed seating. Alcohol services are from Monday  
6 through Saturday 4:00 p.m. to 10:00 p.m. The Alcoholic Beverage Control office granted a temporary  
7 license to the petitioner on September 24, 2002. The PHO Mailee restaurant's entry door is  
8 approximately 150 feet to the entry door of the Village Charter School and approximately 240 feet to  
9 the church's entry door.

10  
11 In the same strip mall there are two existing restaurants with conditional use permits for  
12 restaurant/eating place license, the Golden China Restaurant in Suite #4 and the Home Town Restaurant  
13 in Suite #17. There is also a school and a church: the Village Charter School in Suite #8, and a church,  
14 the House of Prayer for All Nations.

15  
16 Two hundred seventy (270) public hearing notices were mailed. Two returned notices from the public  
17 were received, one opposed and one in support. No comments were received from the Spenard  
18 Community Council.

19  
20 No comments were received from Treasury, the Police Department or the Department of Health and  
21 Human Services.

22  
23 This conditional use for alcoholic beverages in the B-3 District for a restaurant/eating place conditional  
24 use and license generally meets the required standards of Title 21 and Title 10.

25  
26 The Administration has no objection to the request.

Reviewed by:

Harry J. Kieling Jr.  
Municipal Manager

Reviewed by:

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

Respectfully submitted,

George P. Wuerch  
Mayor

Prepared by:

Susan R. Fison, Director  
Planning Department



**Municipality of Anchorage  
MUNICIPAL CLERKS OFFICE  
Agenda Document Control Sheet**

*AK* 2002-387

<b>1</b>	SUBJECT OF AGENDA DOCUMENT  Alcoholic Beverages Conditional Use in the B-3 District for a Restaurant Use per AMC 21.40.180 D.8 for the PHO Mailee Restaurant; located on Minnesota Commons Subdivision, Block 1A; generally located on the southwest corner of Minnesota Drive and West Benson Boulevard.  (Spenard Community Council) (Case 2002-239)	DATE PREPARED November 20, 2002  INDICATE DOCUMENTS ATTACHED <input type="checkbox"/> AO <input checked="" type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
<b>2</b>	DEPARTMENT NAME Planning Department	DIRECTOR'S NAME Susan R. Fison, Director	
<b>3</b>	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Jerry Weaver	HIS/HER PHONE NUMBER 343-7943	
<b>4</b>	<b>COORDINATED WITH AND REVIEWED BY</b>	<b>INITIALS</b>	<b>DATE</b>
<b>5</b>	<b>Mayor</b>		
	Heritage Land Bank		
	Merrill Field Airport		
	Municipal Light & Power		
	Port of Anchorage		
	Solid Waste Services		
	Water & Wastewater Utility		
<b>4</b>	<b>Municipal Manager</b>	<i>mf</i>	<i>12/10</i>
	Cultural & Recreational Services		
	Employee Relations		
	Finance, Chief Fiscal Officer		
	Fire		
	Health & Human Services		
	Office of Management and Budget		
	Management Information Services		
	Police		
<b>2</b>	Office of Planning, Development, & Public Works	<i>vee</i>	<i>11/25/02</i>
	Development Services		
	Facility Management		
<b>1</b>	Planning	<i>SMF</i>	<i>11-26-02</i>
	Project Management & Engineering		
	Street Maintenance		
	Traffic		
	Public Transportation Department		
	Purchasing		
<b>3</b>	Municipal Attorney <i>1462</i>	<i>JP</i>	<i>12-2-02</i>
	Municipal Clerk		
<b>5</b>	SPECIAL INSTRUCTIONS/COMMENT  Pre-advertised for public hearing for December 17, 2002 Assembly Meeting		
<b>6</b>	ASSEMBLY MEETING DATE REQUESTED	<b>7</b>	PUBLIC HEARING DATE REQUESTED December 17, 2002

**FULL TEXT OF  
DOCUMENT CAN BE  
OBTAINED AT MUNI  
CLERK S OFFICE**