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CLERK'S OFFICE
APPROVED
Date: 12-17-03

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: December 16, 2003

Anchorage, Alaska
AR 2003-377

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 DISTRICT FOR A NEW RESTAURANT OR EATING PLACE USE PER AMC 21.40.180 D.8; LOCATED ON LOT 1, BLOCK 4, AL CROSS SUBDIVISION; SITE ADDRESS BEING 16535 ARTILLERY ROAD, SUITE #103; GENERALLY LOCATED ON THE NORTH SIDE OF ARTILLERY ROAD BETWEEN THE NEW AND OLD GLENN HIGHWAYS.

(Pachamama Restaurant) (Case 2003-169)

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The conditional use permit for an Alcoholic Beverages Conditional Use in the B-3 District for a new Restaurant or Eating Place use per AMC 21.40.180 D.8; located on Lot 1, Block 4, Al Cross Subdivision; site address being 16535 Artillery Road, Suite #103, meets the applicable provisions of AMC 21.50.020 and AMC 21.50.160.

Section 2. The subject conditional use permit for an Alcoholic Beverages Conditional Use in the B-3 District for a new Restaurant or Eating Place License per AMC 21.40.180 D.8 is approved subject to the following conditions:

1. A Notice of Zoning Action shall be filed with the State District Recorder's Office within 120 days of the Assembly's approval of a final conditional use approval for a restaurant/eating place serving alcoholic beverages in the B-3 District.
2. All uses shall conform to the plans and narrative submitted.
3. This conditional use approval is for an Alcoholic Beverages Conditional Use in the B-3 District for a restaurant/eating place use per AMC 21.40.180 D.8 for a 5,214 SF building, for Pachamama Restaurant, located on Lot 1, Block 4, Al Cross Subdivision. The restaurant has 17 tables. The State Fire Marshall has established a maximum occupancy of the restaurant at 49 persons. Alcohol sales are estimated to be 20% of the total gross receipts compared to 80% of food sales. The restaurant may operate 365 days a year with hours of operation as permitted by law.
4. 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

1 consumption of food. The owner of the property, the licensee under the Alcoholic
2 Beverage Control license and their officers, agents and employees shall not
3 knowingly permit or negligently fail to prevent the occurrence of illegal activity on
4 the property.
5

6 5. Upon demand, the applicant shall demonstrate compliance with a liquor "Server
7 Awareness Training" program approved by the State of Alaska Alcoholic Beverage
8 Control Board, such as or similar to the program for Techniques in
9 Alcohol Management (T.A.M.).
10

11 6. The approved conditional use is reflected on the following Licensed Premises
12 Diagram drawing submitted with the conditional use application:
13

14 a. Pachamama Café, 16535 Artillery Road, Suite #103. Floor Dimension Plan;
15 scale as shown; date as shown: September 26, 2003; prepared by Ricki
16 Ruth.
17

18 7. A copy of the conditions imposed by the Assembly in connection with this
19 conditional use approval shall be maintained on the premises involved at a
20 location visible to the public.
21


22 **Section 3.** Failure to comply with the conditions of this conditional use permit shall
23 constitute grounds for its modification or revocation.
24

25 **Section 4.** This resolution shall become effective immediately upon passage and approval
26 by the Anchorage Assembly.
27

28 PASSED AND APPROVED by the Anchorage Assembly this 17th
29 day of December 2003.
30
31
32
33

ATTEST:


Chair


Municipal Clerk

(2003-169)
(050-172-03)



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 951-2003

Meeting Date: December 16, 2003

From: Mayor

**Subject: AR 2003-377 Alcoholic Beverages Conditional Use for a
Restaurant/Eating Place License in the B-3 District
for Pachamama Restaurant per AMC 21.40.180.D.8**

1 Ricki Ruth, owner of Pachamama Restaurant, has made application for a final conditional
2 use permit for a new Restaurant/Eating Place License in the B-3 District for a restaurant to
3 be located at 16535 Artillery Road, Suite #103. There are 17 tables in the public dining
4 area, occupying approximately half of the 1,800 square foot leased floor area. The State
5 Fire Marshall has capped restaurant occupancy to no more than 49 persons.
6

7 The restaurant is located on the north side of Artillery Road between the Old and New
8 Glenn Highways. Beer and wine sales are anticipated to be 20% of sales compared to 80%
9 food sales. It will operate on a seven day-week with hours of operation as permitted by
10 law. Alcohol consumption is limited to meals only and no excess alcohol will be served to
11 a customer. Four employees will be trained in accordance with the Alcoholic Beverage
12 Control Board's Liquor Server Awareness Training Program. Non- alcoholic beverages
13 will be available, notices of penalties for driving intoxicated will be posted, and patrons
14 will have access and assistance to public transportation. There will be no entertainment
15 defined as "indecent material" or "adult entertainment," no happy hours, games or contests
16 that include consumption of alcoholic beverages, and no solicitation or encouragement of
17 alcoholic beverage consumption. Sales to persons who are inebriated or underage are
18 prohibited.
19

20 No comments were received from the Eagle River Community Council. Of the 28 public
21 hearing notices mailed, none were returned with any comments. Alaska Statute 04.11.100
22 restricts license transfer or renewal of restaurant licenses from being located in a building
23 having a public entrance within 200 feet of the boundary line of a school or a church
24 building. There is no day care or schools within 200 feet of the site property line. However,
25 there are two churches whose lots are approximately 130 feet and 180 feet from the
26 restaurant (Saint Andrews Catholic Church, and the Eagle River Church of the Nazarene
27 respectively). No comments were received from the Department of Health and Human
28 Services. The Anchorage Police Department had no incident calls during the past two
29 years to this address. There are no delinquent Personal Property Taxes and or Real
30 Property Taxes owing.
31

32 There are two package stores and three Restaurant/Eating Place existing licenses within
33 1,000feet of the proposed restaurant. Approval of Restaurant/Eating Place Conditional

1 Use would add a fourth Restaurant/Eating Place License, and does not appear to result in a
2 concentration of licenses that would negatively impact the neighborhood.

3
4 This conditional use for a Restaurant/Eating Place serving alcoholic beverages in the B-3
5 District generally meets the applicable provisions of AMC 21.50.020 and AMC 21.50.160,
6 and AMC 10.50.

7
8
9 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

10 Concur: Donald S. Alspach, Acting Director, Planning Department

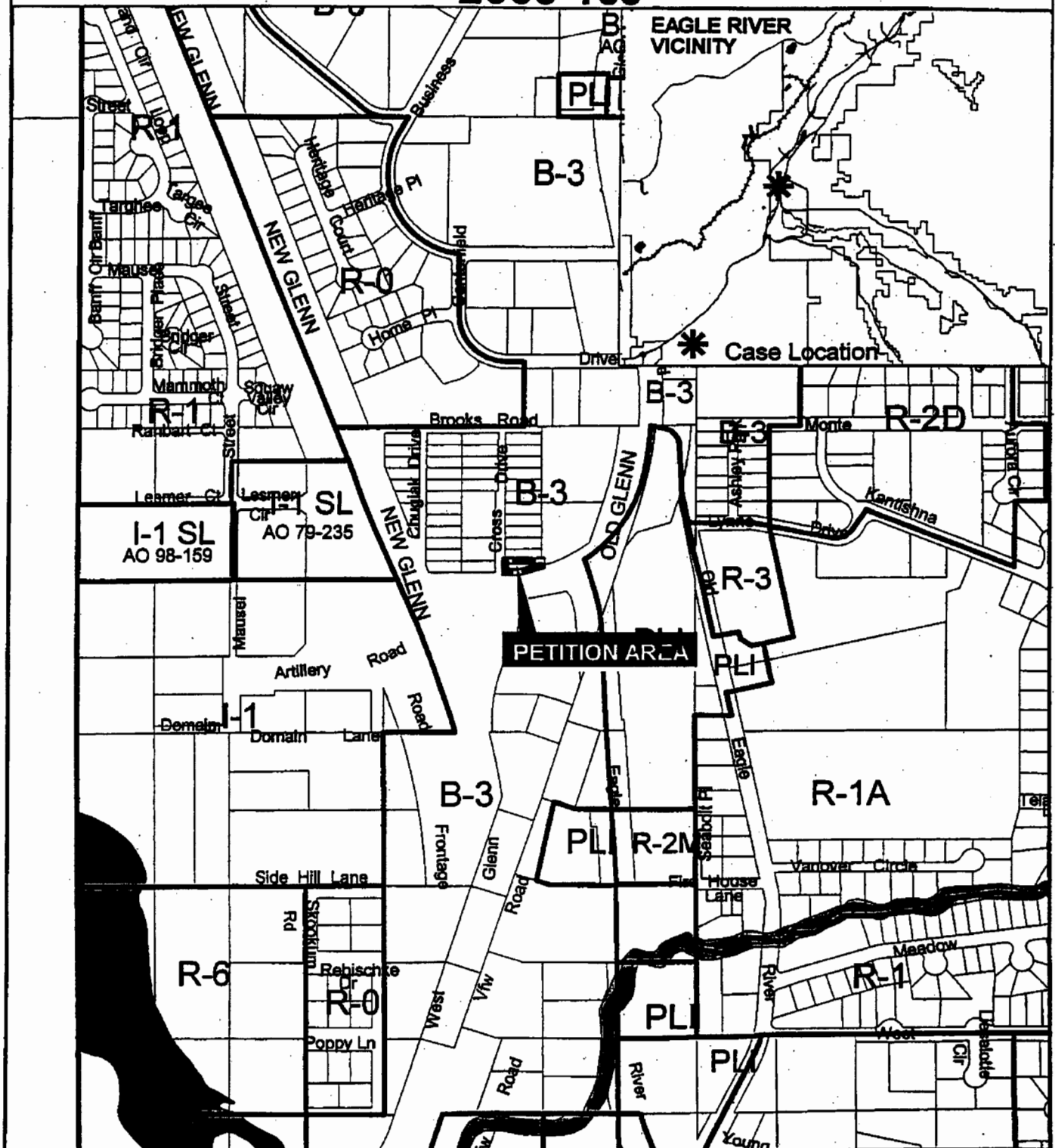
11 Concur: Mary Jane Michael, Director, Office of Economic & Community
12 Development

13 Concur: Denis C. LeBlanc, Municipal Manager

14 Respectfully submitted: Mark Begich, Mayor
15

CONDITIONAL USE - LIQUOR

2003-169



Municipality of Anchorage
Planning Department



Date: OCTOBER 8, 2003

Flood Limits

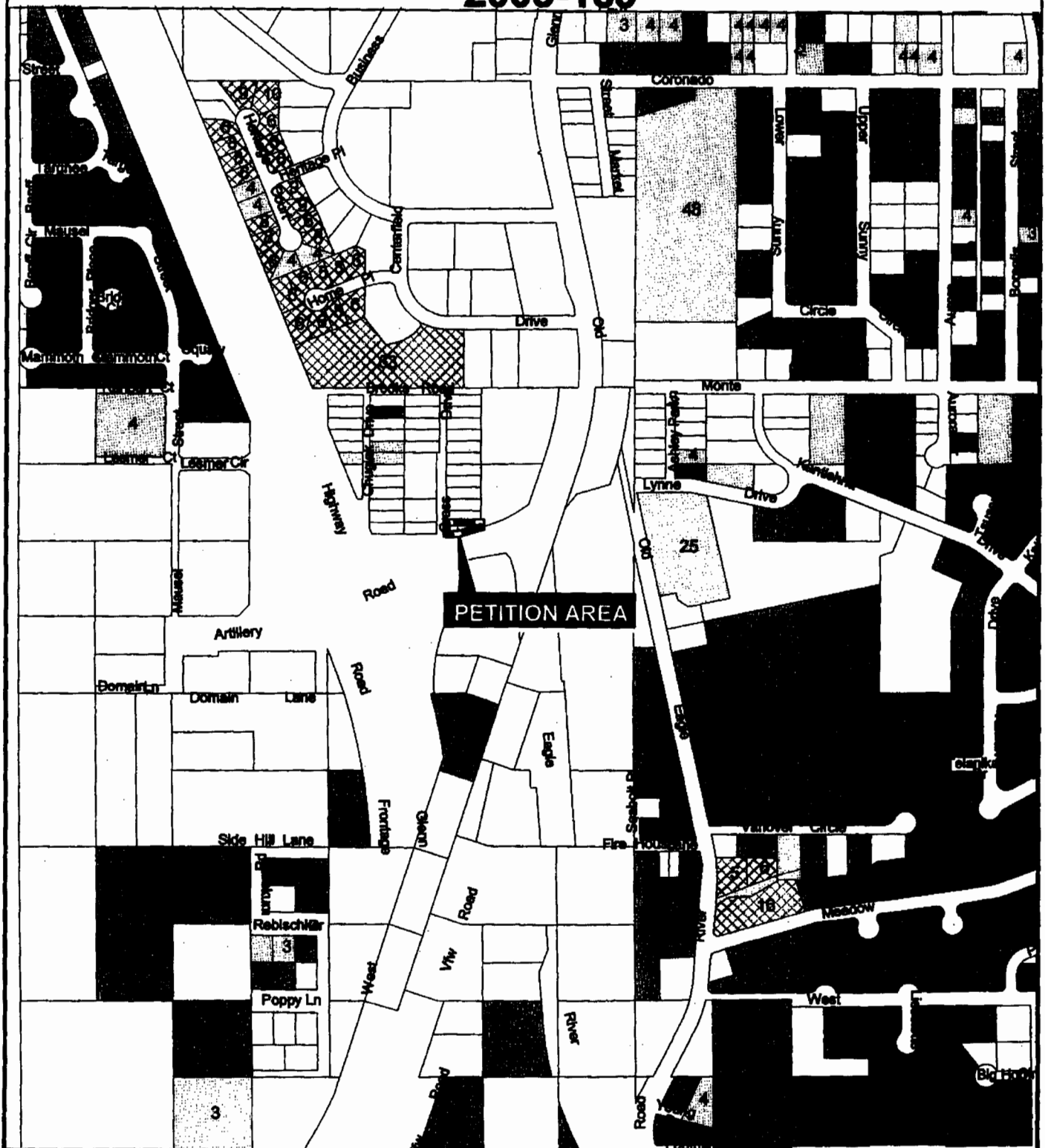
- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

CONDITIONAL USE - LIQUOR

2003-169



Municipality of Anchorage
Planning Department



Date: OCTOBER 6, 2003

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

N 02

0 500 1000 Feet

Source: Housing Stock based on 1998 Land Use Inventory
Planning Department, MOA

Alcohol Extract from List Report

Case Number: 2003-169

Description: 1000 foot liquor licenses

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City Lic. Number	State Lic. Zone	Zip Lic. Type
05016102000 Brown Jug-Eagle River	SONOMA DEV CO Bowen Jug, Inc.	PO BOX 572 11221 Old Glenn Hwy	BOTHELL 162	WA B3	98041 Package Store
05016102000 Haute Quarter Grill	SONOMA DEV CO Haute Quarter Grill, Inc.	PO BOX 572 11221 Old Glenn Hwy	BOTHELL 4075	WA B3	98041 Restaurant/Eating Place
05016103000 Villa Italia	EAGLE RIVER SHOPPING CENTER Orozco Enterprises, Inc.	PO BOX 770024 11401 Old Glenn Hwy, #103	EAGLE RIVER 4005	AK B3	99577 Restaurant/Eating Place
05017203000 Eagle River Liquor	ATWATER GALEN G Herrington, James R.	PO BOX 153 16535 Artillery Rd	EAGLE RIVER 1011	AK B3	99577 Package Store
05017227000 Pizza Man	ALASKA INVESTMENTS GROUP Pfd, Inc.	PO BOX 220210 16433 Artillery Rd, #104	ANCHORAGE 1533	AK B3	99522 Restaurant/Eating Place

001 03

Report Date: 10/06/2003

Page 1

2003 169 1000 foot alcohol

Mon Oct 06, 12:34:03, 2003

Map: Parcels—Basic Layers



Scale 1:10000

Legend:



active_Alcohol

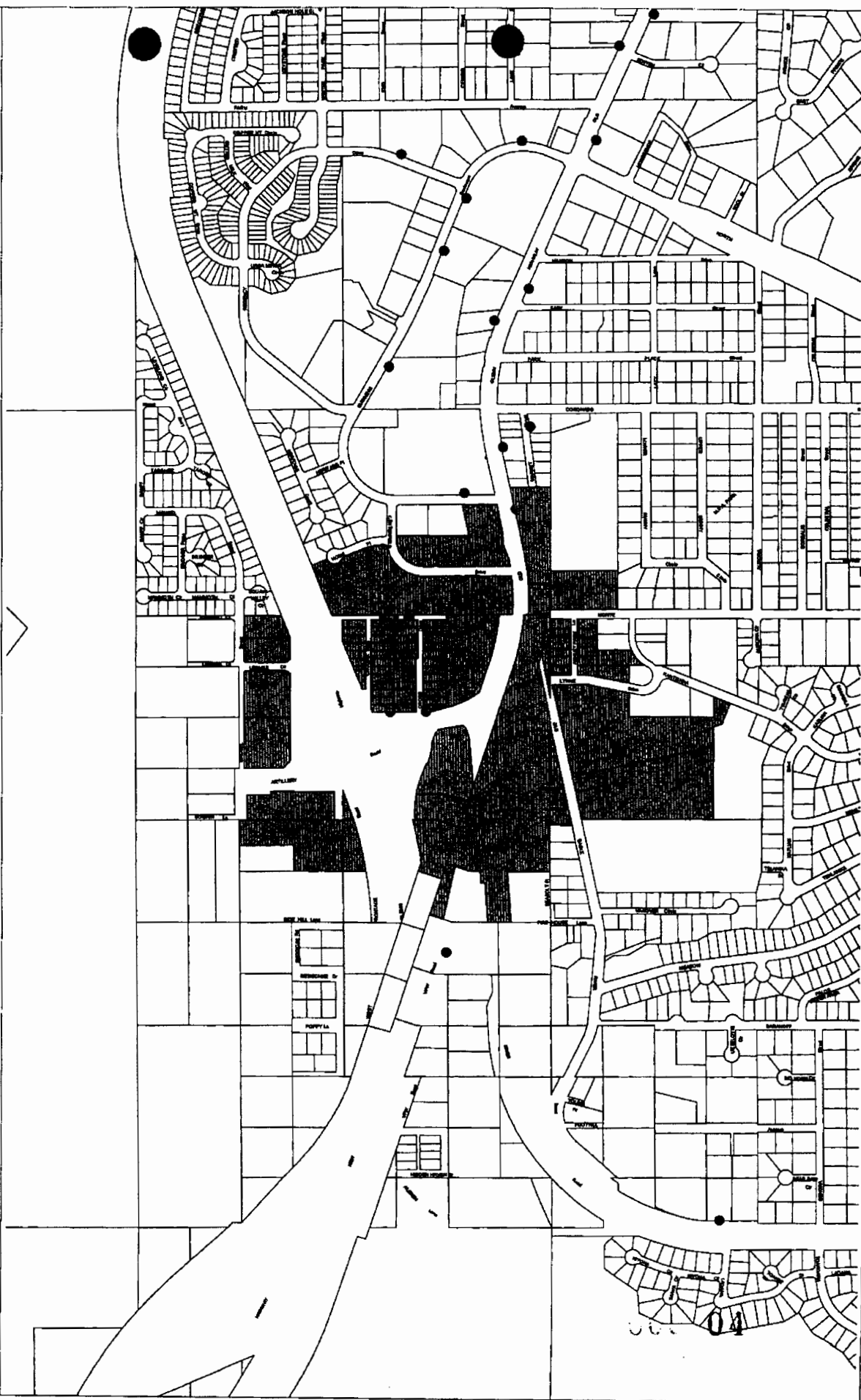
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streetsano: Text



parcels

CityView™
Municipality of Anchorage



CONDITIONAL USE - LIQUOR

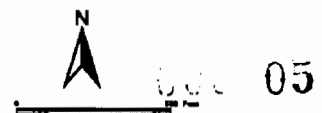
2003-169



Municipality of Anchorage
Planning Department



Date: OCTOBER 6, 2003



Date of Aerial Photography: 2001