

CLERK'S OFFICE

APPROVED

Date: 12/17/03

Submitted by:

Prepared by:

For reading

Chair of the Assembly at  
the Request of the Mayor

Planning Department

December 16, 2003

Anchorage, Alaska

AR 2003-378

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A MINOR AMENDMENT TO AN EXISTING CONDITIONAL USE FOR AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS DISTRICT) FOR O'MALLEY ICE ARENA LLC, dba "BLUE LINE PUB," TO REVISE ITS HOURS OF OPERATION AND EXPANDED SERVICE AREA TO A PORTION OF THE DESIGNATED BLEACHER SEATING AREA, LOCATED AT SOUTH CENTER SUBDIVISION, BLOCK 2, LOT 5A, GENERALLY LOCATED ON THE EAST SIDE OF O'MALLEY CENTER DRIVE AND NORTH OF EAST 112<sup>TH</sup> AVENUE.

(Bayshore-Klatt; Huffman-O'Malley; Old Seward-Oceanview; Abbott Loop) (Case 2003-172)

THE ANCHORAGE ASSEMBLY RESOLVES:

**Section 1.** The existing conditional use permit for a Recreational Site Alcoholic Beverages license located at South Center Subdivision, Block 2, Lot 5A, generally located on the east side of O'Malley Center Drive and north of East 112<sup>th</sup> Avenue, is hereby amended and approved subject to the following conditions:

1. A Notice of Zoning Action shall be filed with the District Recorder Office within 120 days of the Assembly's approval of the minor amendment for a modification to the hours of operation and expanded beer and wine service area.
2. All uses shall conform to the plans and narrative submitted with this conditional use application as follows:
  - a. O'Malley Ice Arena, Level 1 and 2 Floor Plan; prepared by Development Managers, Inc.; dated October 8, 2003.
3. This minor amendment conditional use approval is for an Alcoholic Beverages Conditional Use in the B-3 District for a Recreational Site Use per AMC 21.40.180 D.8, to allow amended Alcohol Service Hours utilized by adult leagues that conform to hours allowed by state law 12:00 p.m. to 2:00 a.m., 7-days a week, 365 days a year; and to allow service of beer and wine in a portion of the designated bleacher seating area (approximately 1,024 SF) adjacent to the existing licensed concession premises for scheduled events such as adult practice sessions, and other limited special events, such as adult tournaments or exhibitions within the O'Malley Ice Arena, located at South Center Subdivision, Block 2, Lot 5A.

1 The site address is 11111 O'Malley Center Drive. Food will be served as an  
2 amenity to beer and wine license.

3  
4 4. Upon demand, the applicant shall demonstrate compliance with a Liquor Server  
5 Awareness Training Program approved by the State of Alaska Alcoholic Beverage  
6 Control Board, such as or similar to the program for Techniques in Alcohol  
7 Management (T.A.M.).

8  
9 5. The use of the property by any person for the permitted purposes shall comply with  
10 all current and future Federal, State and local laws and regulations including, but  
11 not limited to, laws and regulations pertaining to the sale, dispensing, service and  
12 consumption of alcoholic beverages and the storage, preparation, sale, service and  
13 consumption of food. The owner of the property, the licensee under the Alcoholic  
14 Beverage Control license and their officers, agents and employees shall not  
15 knowingly permit or negligently fail to prevent the occurrence of illegal activity on  
16 the property.

17  
18 6. A copy of the conditions imposed by the Assembly in connection with this  
19 conditional use approval shall be maintained on the premise at a location visible to  
20 the public.

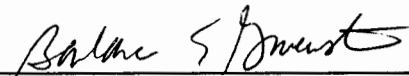
21  
22 **Section 2.** Failure to comply with the conditions of this conditional use permit shall  
23 constitute grounds for its modification or revocation.

24  
25 **Section 3.** 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 17<sup>th</sup>  
29 day of December 2003.

30  
31  
32  
33  
ATTEST:

  
Chair

  
Municipal Clerk

(2003-172)  
(016-091-34)



**MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM**

**No. AM 952-2003**

**Meeting Date: December 16, 2003**

**From:** Mayor

**Subject:** AR 2003-378

Minor Amendment to an Existing Alcoholic  
Beverages Conditional Use for a Recreational Site  
Alcohol Beverages License in the B-3 District for  
O'Malley Ice Arena LLC, dba "Blue Line Pub," per  
AMC 21.40.180.D.8

O'Malley Ice Arena LLC, dba "Blue Line Pub," has an active Recreational Site liquor license #3968 issued by the State Alcohol Beverages Control Board, and a valid conditional use for an Alcoholic Beverage Conditional Use approved by the Municipal Assembly on September 28, 1999.

The following is the State statute citation for recreational site liquor licenses:

*Sec. 04.11.210. Recreational site license.*

*(a) The holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event, for consumption on designated areas at the site.*

*(b) The biennial fee for a recreational site license is \$800.*

*(c) In this section, "recreational site" means, but is not limited to, a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.*

The purpose of this application is to two-fold. The first amendment is to modify the existing operating hours of 6:00 p.m. to midnight week days, and 1:00 p.m. to midnight Saturday, Sunday and holidays, to conform to those hours allowed by state law, 12:00 p.m. to 2:00 a.m., 7-days a week, 365-days a years. The revised operating hours are in response to the later skating hours now utilized by adult leagues, and allows scheduling events beyond midnight. This includes scheduled adult recreational events such as practice sessions and other limited special events such as adult tournaments or exhibitions. This does not conflict with subparagraph (a) above (line 9) per se.

The second modification is to expand the area in which beer and wine may be served beyond the partitioned restaurant seating area located on the mezzanine. The petitioner wishes to also allow beer and wine to be served in a 16' x 64' portion of the designated seven-tier bleacher seating area (approximately 1,024 SF). As in the existing premises,

1 service of beer and wine in the expanded area would be provided by employees who  
2 receive the server awareness training and hold "TAM" cards.

3  
4 There are three businesses serving alcoholic beverages within 1,000 feet of the petition  
5 site: the Brown Jug/O'Malley package store, and two restaurants with beverage dispensary  
6 licenses, Carlos' Fine Mexican Restaurant and the Bradley House.

7  
8 There are no delinquent personal property taxes and or real property taxes owing. No  
9 comments were received from the Department of Health and Human Services at the time  
10 the report was prepared. The Anchorage Police Department reported five (5) incidents for  
11 the past two (2) years that have occurred either inside, near, in front, or to the rear of the  
12 license premises: four (4) calls for theft and one (1) for fraud.

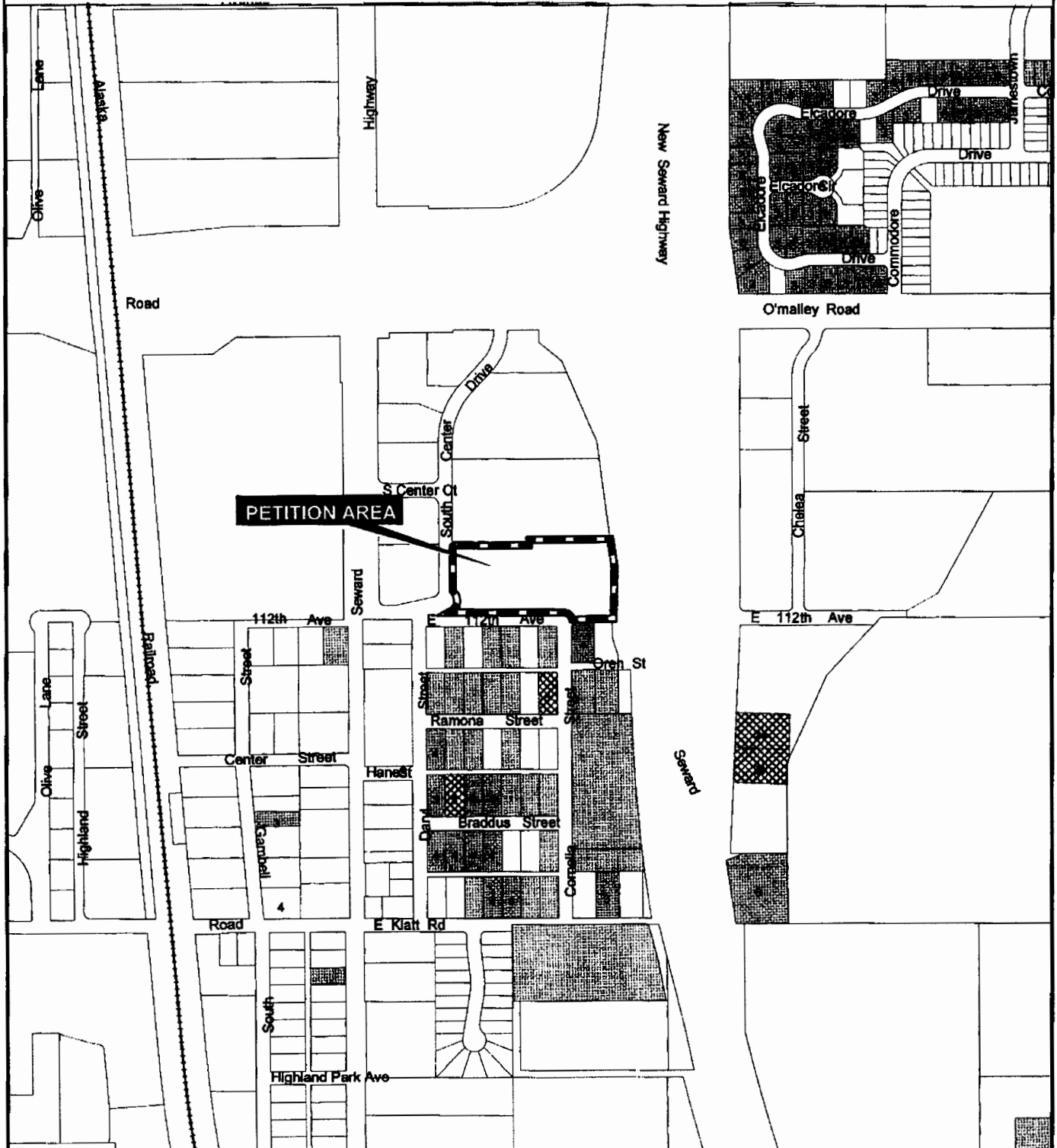
13  
14 AMC 21.15.030G.1 provides the reviewing authority may modify a final conditional use  
15 upon application by the petitioner (a) when changed conditions cause the conditional use  
16 no longer to conform to the standards for its approval, and (b) to implement a different  
17 development plan conforming to the standards for its approval. The modification  
18 application shall be considered as an application for final approval (in accordance with  
19 AMC 21.15.030.F); provided that a modification application shall not be subject to a  
20 public hearing unless the authority finds the modification will have a significant effect on  
21 the surrounding neighborhood.

22  
23 The Administration finds the requested modifications to be a minor amendment to the  
24 existing conditional use per AMC 21.15.030.G, and has no objection to approval of  
25 extended hours and expanded serving area as requested by the petitioner.

26  
27 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department  
28 Concur: Donald S. Alspach, Acting Director, Planning Department  
29 Concur: Mary Jane Michael, Director, Office of Economic & Community  
30 Development  
31 Concur: Denis C. LeBlanc, Municipal Manager  
32 Respectfully submitted: Mark Begich, Mayor  
33

# CONDITIONAL USE - LIQUOR

## 2003-172



Municipality of Anchorage  
Planning Department



Date: SEPTEMBER 24, 2003

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

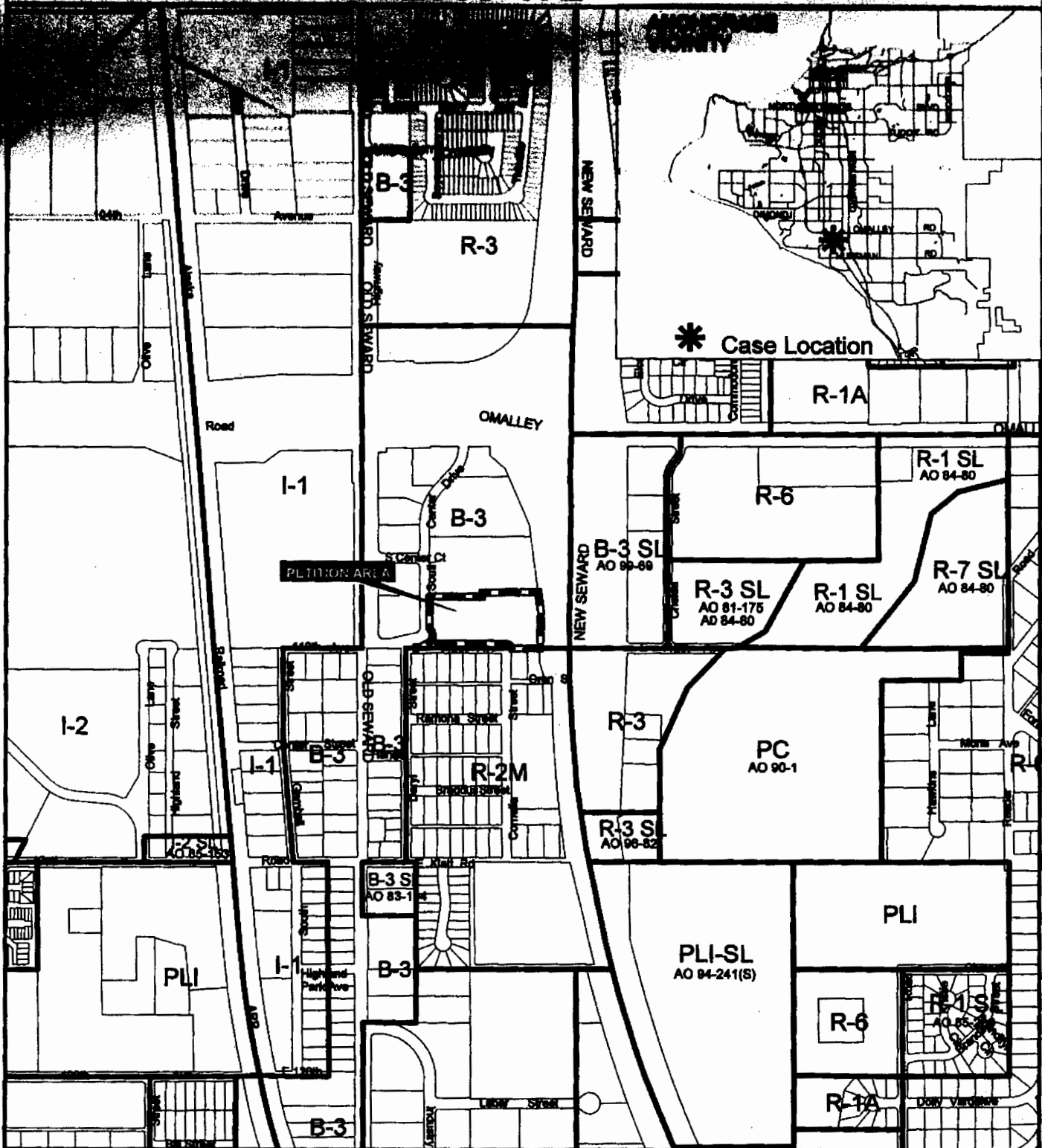


Source: Housing Stock based on 1998 Land Use Inventory  
Planning Department, MOA

001

# CONDITIONAL USE - LIQUOR

## 2003-172



Municipality of Anchorage  
Planning Department



Date: OCTOBER 9, 2003

### Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

002

# CONDITIONAL USE - LIQUOR

## 2003-172



Municipality of Anchorage  
Planning Department



Date: SEPTEMBER 24, 2003



Date of Aerial Photography: 2001

003

# Alcohol Extract from List Report

Case Number: 2003-172

Description: 1000 foot alcohol licenses

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City Lic. Number	State Lic. Zone	Zip Lic. Type
01609133000 Brown Jug/O'Malley	OMALLEY GARDENS LLC Brown Jug, Inc.	11051 O'MALLEY CENTRE DRIVE 10931 O'Malley Centre Dr.	ANCHORAGE 808	AK B3	99515 Package Store
01609134000 Tesoro Sports Ctr/BlueLinePub	O'MALLEY ICE ARENA LLC O'Malley Ice Arena, LLC	11111 O'MALLEY CENTRE DRIVE 11111 O'Malley Centre Dr.	ANCHORAGE 3968	AK B3	99515 Recreational Site
01612107000 Carlos' Fine Mexican Restauran	CARRILLO CARLOS C LIVING TRUST Carlos Fine Mex. Rest. Inc	15500 OLD SEWARD HWY 11401 Old Seward Hwy	ANCHORAGE 3538	AK B3	99516 Beverage Dispensary
01612118000 Bradley House, The	BRADLEY KAZUKO Nakada Corp.	PO BOX 110003 11321 Old Seward Hwy	ANCHORAGE 814	AK B3	99511 Beverage Dispensary



2003 172 1000' liquor



Thu Oct 09, 10:29:03, 2003

Map: Parcels-Basic Layers

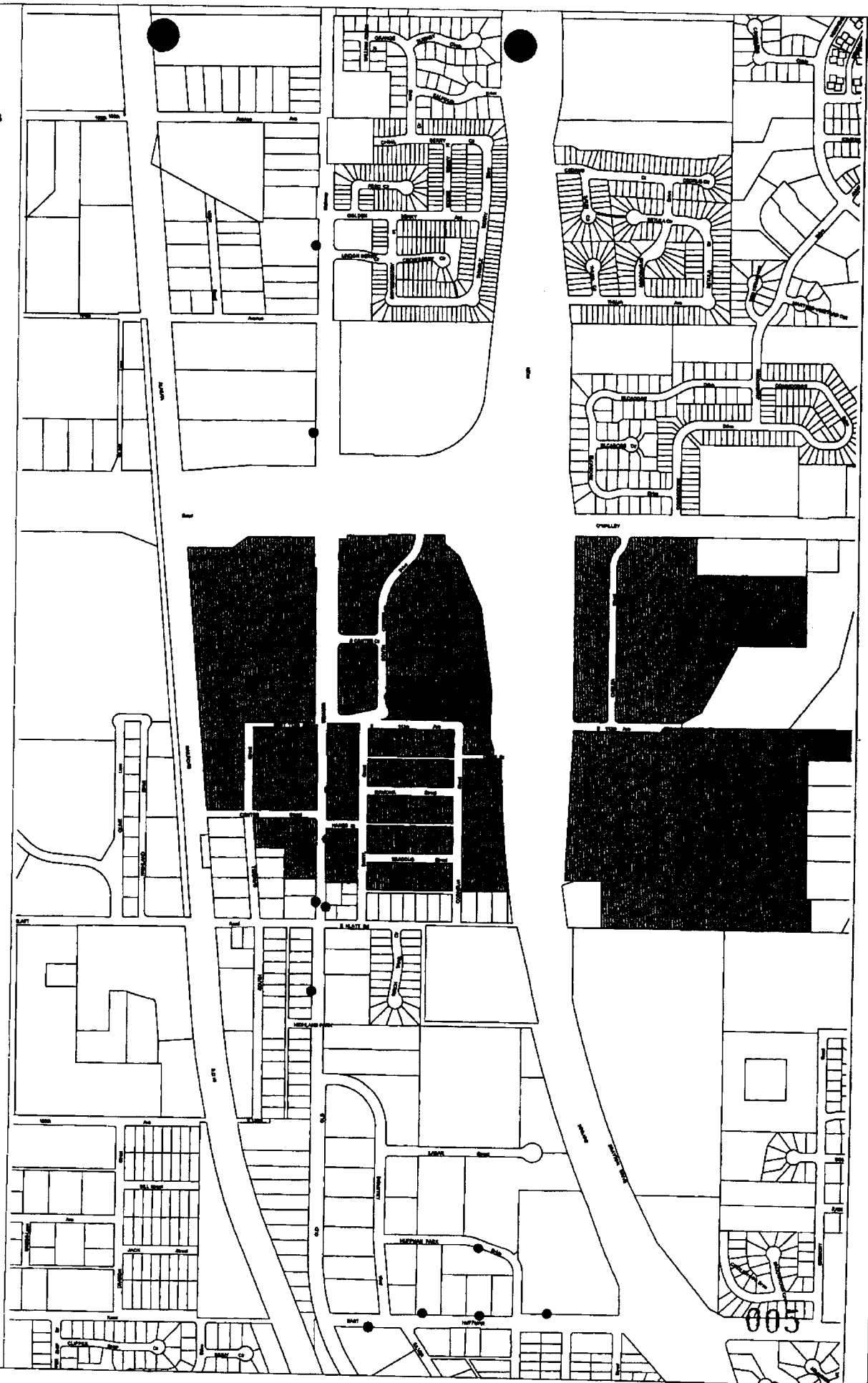


Scale 1:10000

### Legend:

-  active\_Alcohol
- Txt streetsano: Text
-  parcels

CityView™  
Municipality of Anchorage



## 2003 172 liquor

Thu Oct 09, 10:27:59, 2003

Map: Parcels--Basic Layers



Scale 1:10000

### Legend:



active\_Alcohol

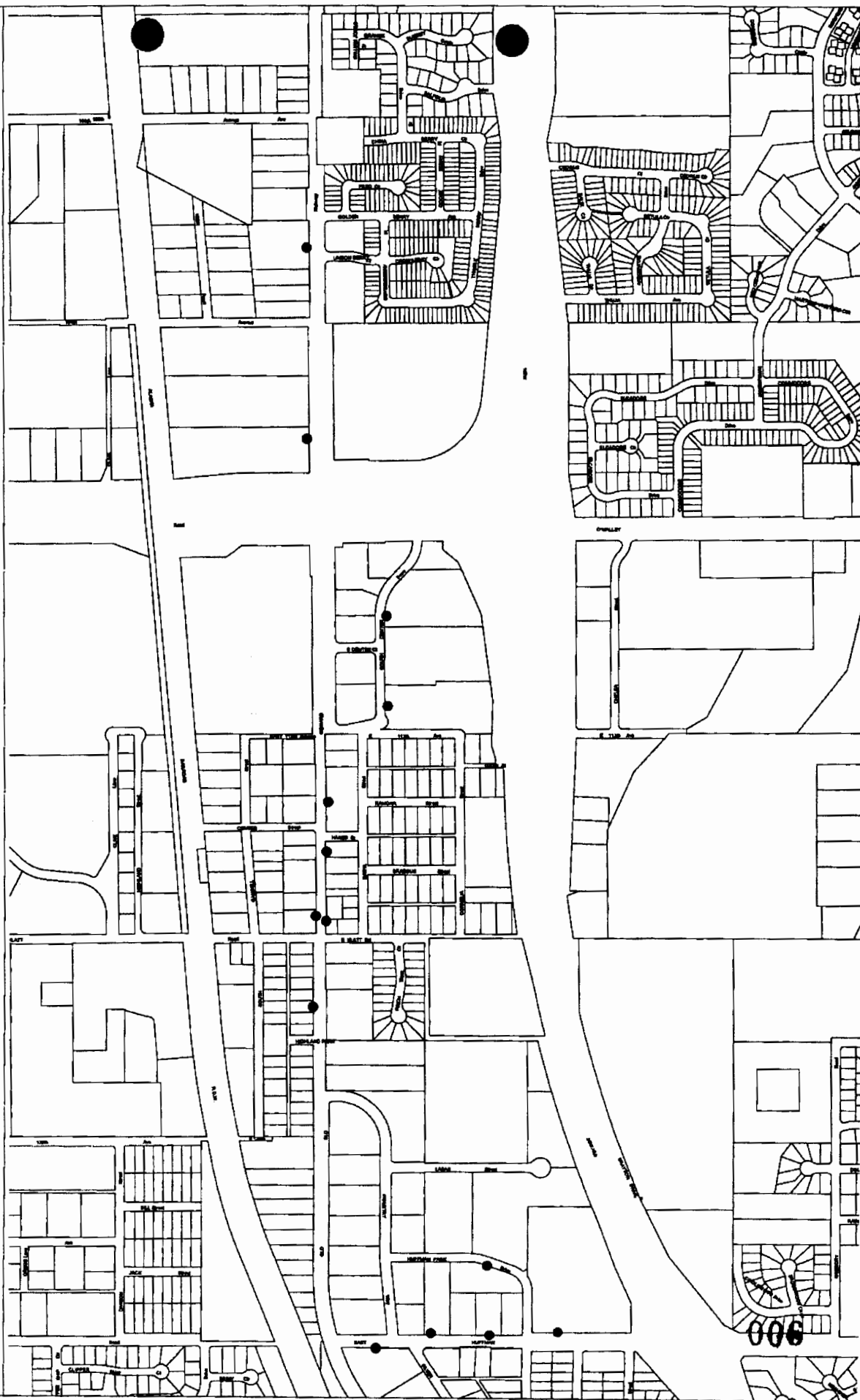
Txt

streetsano: Text



parcels

CityView™  
Municipality of Anchorage



CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 12-17-03

Submitted by: Chairman  
Request  
Prepared by: Anchorage  
For reading: December 2, 2003

ANCHORAGE, ALASKA  
AR No. 2003-382

**A RESOLUTION APPROVING THE APPLICATION FOR A  
APPROPRIATION OF STATE OF ALASKA GRANT FUNDS  
ONE MILLION, TWO HUNDRED FIFTY THOUSAND  
FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
GRANT PROGRAM (SENATE BILL 100)**

WHEREAS, the State of Alaska (the "State") has  
Municipality of Anchorage (the "Municipality") *One Million  
Thousand Dollars (\$1,250,000)* to be applied toward the c  
quality enhancement projects determined eligible by the St  
of Environmental Conservation ("ADEC") *and*; and

WHEREAS, the Municipality agrees to apply for the  
through this appropriation on a project-by-project basis; and

WHEREAS, the Municipality agrees to accept the te  
appropriation and each subsequent State grant offer; and

WHEREAS, there is a need for these water quality e

WHEREAS, the Municipality agrees to maintain said

WHEREAS, on December 17, 2003, a duly  
was held in accordance with Section 6.10.085 of the Munic

NOW THEREFORE, the Assembly of Anchorage res

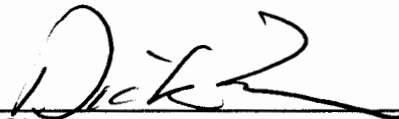
Section 1. That the subject State grants in the am  
*Hundred Fifty Thousand Dollars (\$1,250,000)* granted to th  
accepted and appropriated.

Section 2. That the Mayor of Anchorage acknowle  
appropriation and that he transmit to the State an execut  
accepting said appropriation.

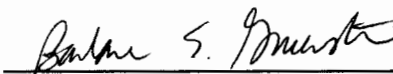
Section 3. That the net appropriations by Department are as follows:

<u>Fund</u>	<u>DeptID</u>	<u>Acct</u>	<u>Amount</u>	<u>Department</u>
540		2711	\$487,958	Anchorage Water Utility
550		2711	\$487,959	Anchorage Wastewater Utility
441	7278	9825	\$215,178	Project Management and Engineering
562	8920	9825	\$ 58,905	Solid Waste Services

PASSED AND APPROVED by the Anchorage Assembly, this 17<sup>th</sup> day of  
December, 2003.

  
Chairman

ATTEST:

  
Municipal Clerk

Departmental Appropriations:

<u>Fund</u>	<u>DeptID</u>	<u>Acct</u>	<u>Amount</u>	<u>Department</u>
540		2711	\$487,958	Anchorage Water Utility
550		2711	\$487,959	Anchorage Wastewater Utility
441	7278	9825	\$215,178	Project Management and Engineering
562	8920	9825	\$ 58,905	Solid Waste Services

# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 954-2003

Meeting Date: December 2, 2003

From: Mayor

Subject: APPLICATION FOR AND ACCEPTANCE AND APPROPRIATION OF  
STATE OF ALASKA GRANT FUNDS IN THE AMOUNT OF ONE  
MILLION, TWO HUNDRED FIFTY THOUSAND DOLLARS  
(\$1,250,000) (SENATE BILL 100)

The accompanying resolution accepts and appropriates grant funds in the amount of *One Million Two Hundred Fifty Thousand Dollars (\$1,250,000)* from the State of Alaska, Department of Environmental Conservation (ADEC) Matching Grant Program, per Senate Bill 100. The ADEC Matching Grant Program allows for the Municipality to apply and receive reimbursement for up to fifty percent of the non-federally funded, eligible construction costs for specific sanitation and water quality enhancement projects that meet ADEC's qualifying criteria. A condition of each grant offer is to allocate the local share of funds to construct these projects (local match); the local share of funds is contained in the respective Department's Capital Improvement Program.

Subject to the interdepartmental agreement, the funding from Senate Bill 100 for Municipality of Anchorage projects is available for application as follows:

Departmental Appropriations:

<i>Amount</i>	<i>MOA Department</i>
\$ 975,917	AWWU
\$ 215,178	PME
\$ 58,905	SWS
<b>\$1,250,000</b>	<b>TOTAL</b>

THE ADMINISTRATION RECOMMENDS ASSEMBLY APPROVAL OF ASSEMBLY RESOLUTION AR 2003-382 APPROVING ONE MILLION, TWO HUNDRED FIFTY THOUSAND DOLLARS (\$1,250,000) IN STATE OF ALASKA GRANT FUNDS AVAILABLE PER SENATE BILL 100.

Prepared by: Mark Premo, P.E., General Manager, AWWU

Fund Certification: Jeffrey Sinz, Chief Fiscal Officer

<i>Fund</i>	<i>DeptID</i>	<i>Acct</i>	<i>Amount</i>	<i>Department</i>
540		2711	\$487,958	Anchorage Water Utility
550		2711	\$487,959	Anchorage Wastewater Utility
441	7278	9825	\$215,178	Project Management & Engineering
562	8920	9825	\$ 58,905	Solid Waste Services

Other affected Department Heads: Howard Holtan, P.E., Municipal Engineer, Project Management & Engineering

Other affected Department Heads: Robert Hall, Director, Solid Waste Services

Concur: Denis C. LeBlanc, Municipal Manager

Respectfully submitted: Mark Begich, Mayor

1|

**ELECTRONIC FUND CERTIFICATION**

<b>FUND</b>	<b>Dept ID</b>	<b>Acct #</b>
540 / 550		2711
Date 10/22/2003		
By (electronic) Diana Pearcy, CPA,		
AWWU Finance Manager		

2|

## Content Information

Content ID : 001211

Title: A RESOLUTION APPROVING THE APPLICATION FOR AND ACCEPTANCE AND APPROPRIATION OF STATE OF ALASKA GRANT FUNDS IN THE AMOUNT OF ONE MILLION, TWO HUNDRED FIFTY THOUSAND DOLLARS (\$1,250,000) FROM THE ADEC MATCHING GRANT PROGRAM

Author: gibsonam

Initiating Dept: AWWU

Date Prepared: 10/23/03 9:25 AM

Director Name: Mark Premo

Document Number: AR 2003- 382

Assembly Meeting Date 12/02/03  
MM/DD/YY:

Public Hearing Date 12/16/03  
MM/DD/YY:

2003 NOV 31 AM 9:39

H.D.A.

## Workflow History

Workflow Name	Action Date	Action	User	Security Group	Content ID
FundsAppropWorkflow	10/23/03 9:26 AM	Checkin	gibsonam	Public	001211
AWWU_SubWorkflow	10/23/03 9:29 AM	Approve	premomc	Public	001211
FundsAppropWorkflow	10/27/03 2:51 PM	Reject	wiltsep	Public	001211
FundsAppropWorkflow	10/27/03 4:32 PM	Checkin	gibsonam	Public	001211
AWWU_SubWorkflow	10/27/03 4:33 PM	Approve	premomc	Public	001211
OMB_SubWorkflow	11/10/03 8:33 AM	Approve	wiltsep	Public	001211
FundsAppropWorkflow	11/13/03 3:05 PM	Reject	sinzje	Public	001211
FundsAppropWorkflow	11/13/03 3:53 PM	Checkin	gibsonam	Public	001211
AWWU_SubWorkflow	11/13/03 3:55 PM	Approve	premomc	Public	001211
OMB_SubWorkflow	11/14/03 9:01 AM	Approve	wiltsep	Public	001211
FundsAppropWorkflow	11/17/03 2:29 PM	Reject	sinzje	Public	001211
FundsAppropWorkflow	11/18/03 7:36 AM	Checkin	gibsonam	Public	001211
AWWU_SubWorkflow	11/18/03 7:37 AM	Approve	premomc	Public	001211
OMB_SubWorkflow	11/18/03 8:40 AM	Approve	wiltsep	Public	001211
Finance_SubWorkflow	11/21/03 6:22 PM	Approve	sinzje	Public	001211
MuniManager_SubWorkflow	11/30/03 12:21 PM	Approve	leblancdc	Public	001211
MuniMgrCoord_SubWorkflow	12/1/03 7:27 AM	Approve	abbottmk	Public	001211

## ADDENDUM – INTRODUCTION