

Response drafted 11/14/04

Submitted by: Assemblymember COFFEY
Prepared by: Department of Assembly
For reading: October 12, 2004

ANCHORAGE, ALASKA
AO No. 2004- 145

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTION 21.50.160, CONDITIONAL USE
3 STANDARDS – USES INVOLVING SALE OF ALCOHOLIC BEVERAGES,
4 AND AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.15.030,
5 APPROVAL OF SITE PLANS AND CONDITIONAL USES
6

7
8 THE ANCHORAGE ASSEMBLY ORDAINS:
9

10 **Section 1:** Anchorage Municipal Code section 21.50.160 is hereby
11 amended to read as follows: (*other sections are not affected and therefore not*
12 *set out*)
13

14 ****

15
16 B. Notwithstanding any other provision of this title to the contrary, a
17 conditional use for uses involving the retail sale of alcoholic beverages
18 shall only require the approval of the assembly. However, a conditional
19 use for a bona fide restaurant issued a restaurant and eating place license
20 under AS 04.11.100 shall only require the approval of the Planning and
21 Zoning Commission. The provisions of Section 21.15.005 which pertain to
22 the notice and public hearing shall apply. Applications for a conditional use
23 permit shall be submitted to the [DEPARTMENT OF COMMUNITY
24 PLANNING AND DEVELOPMENT] Planning Department within seven
25 days after application is made to the state alcoholic beverage control
26 board for issue or transfer of location of a liquor license. Applications shall
27 contain a zoning map showing the proposed location. The assembly may
28 promulgate regulations concerning the mandatory information to be
29 submitted with the application for conditional use. The department of
30 community planning and development shall prepare and submit an
31 analysis and a list of all licenses located within a minimum of 1,000 feet of
32 the proposed conditional use to the assembly on applications made for a
33 conditional use permit addressing the conformity of the proposed
34 application with this title and Chapter 10.50. The department shall also
35 submit a proposed resolution for assembly or Planning and Zoning
36 Commission consideration in connection with liquor license applications.
37 In determining whether to grant, deny or impose conditions on a
38 conditional use permit for the sale or service of alcoholic beverages under
39 this section, neither the assembly nor the Planning and Zoning
40 Commission shall [NOT] take into consideration the sum paid by any

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BEVERAGES

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1 person to acquire the license for which a conditional use permit is
2 requested. The assembly or the Planning and Zoning Commission shall
3 only approve the conditional use if the assembly or Planning and Zoning
4 Commission finds the standards of Section 21.50.020 have been met.

5
6 C. An application for a conditional use under this section for a specific
7 location that has been denied by the municipal assembly or by the
8 Planning and Zoning Commission shall not be accepted for rehearing for a
9 period of one year following such denial if the municipal clerk finds the
10 proposed conditional use application is substantially the same as that
11 denied by the assembly and if no substantially new evidence or change in
12 circumstances has occurred. This subsection shall not apply to conditional
13 use applications on file as of May 31, 1983. This subsection shall not
14 apply to an application filed under assembly direction at a hearing at which
15 a like application was considered. This subsection does not apply if the
16 alcoholic beverage control board remands a case which was previously
17 denied by the assembly.

18
19 D. The assembly or the Planning and Zoning Commission may, in connection
20 with approval of a conditional use permit under this section, impose such
21 special terms and conditions or modify existing conditions governing
22 operation of that license as are in the public interest, and are consistent
23 with the purposes of this title.

24
25 E. Conditions of conditional use permits issued under this section are
26 enforceable under the provisions of this title. The assembly or the
27 Planning and Zoning Commission may revoke a conditional use permit for
28 failure to comply with conditions of the permit, provided a public hearing
29 with notice to the owner affected is first held.

30
31 F. A copy of the conditions imposed by the assembly or the Planning and
32 Zoning Commission in connection with approval of a conditional use
33 permit under this section shall be included in the final resolution approving
34 the conditional use and such resolution shall be maintained on the
35 premises involved at a location visible to the public.

36
37 **Section 2:** Anchorage Municipal Code Section 21.15.030 is hereby
38 amended to read as follows: (*other sections are not affected and therefore not*
39 *set out*)

40
41 G. Modification of final approval.

- 42
43 1. The authority (Assembly or Planning and Zoning Commission) that
44 approved a conditional use or site plan may, upon application by
45 the petitioner, modify the conditional use or site plan:

- 1 a. When changed conditions cause the conditional use or site plan no
2 longer to conform to the standards for its approval.
3
4 b. To implement a different development or operational plan
5 conforming to the standards for its approval.
6
7 2. Upon the filing of an application for a modification of a conditional
8 use, and after review of the application to determine that it is
9 complete and meets the requirements of this title, the Department
10 shall place the requested modification on the agenda of either the
11 Assembly or the Planning and Zoning Commission for approval,
12 denial, further inquiry, or action. The Assembly or Planning and
13 Zoning Commission, upon an express finding that the modifications
14 will have a significant effect on the surrounding neighbourhood or
15 owners or occupants of adjacent to the property which is subject to
16 the modification, may determine that a public hearing is necessary.
17 In such an event the hearing shall be scheduled as soon as
18 practicable after the matter first comes before the body for
19 conclusion.
20

21 The modification application shall be considered as an application for
22 final approval under subsection F of this section and therefore subject to
23 the provisions of that section [; PROVIDED THAT A MODIFICATION
24 APPLICATION SHALL NOT BE SUBJECTED TO A PUBLIC HEARING
25 UNLESS THE AUTHORITY FINDS THAT THE MODIFICATION WILL
26 HAVE A SIGNIFICANT EFFECT ON THE SURROUNDING
27 NEIGHBORHOOD OR ON OWNERS OR OCCUPIERS, OTHER THAN
28 THE APPLICANT, OF THE PROPERTY THAT IS THE SUBJECT OF
29 THE APPLICATION].
30

31 **Section 3:** This ordinance shall be effective immediately upon passage
32 and approval.
33

34 PASSED AND APPROVED by the Anchorage Assembly this _____ day
35 of _____, 2004.
36

37
38 _____
39 Chair
40

41 ATTEST:
42
43
44

45 _____
Municipal Clerk
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Content Information**Content ID :** 002235**Type:** Ordinance - AOAN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING
AMC 21.50.160, CONDITIONAL USE STANDARDS – USES**Title:** INVOLVING SALE OF ALCOHOLIC BEVERAGES, AND AMENDING
AMC 21.15.030, APPROVAL OF SITE PLANS AND CONDITIONAL
USES**Author:** gray-jackson**Initiating Dept:** Assembly**Date Prepared:** 10/4/04 4:58 PM**Director Name:** Dick Traini**Assembly****Meeting Date** 10/12/04**MM/DD/YY:****Public Hearing** ~~TO BE DETERMINED~~ 11/16/04
Date MM/DD/YY:**Workflow History**

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CLERK OF ICE
M.O.A.