

CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 9-13-05

Submitted by:

Chair of the Assembly at  
the Request of the Mayor  
Planning Department  
September 13, 2005

Prepared by:  
For reading

Anchorage, Alaska  
No. AR 2005- 222

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN AMENDMENT TO AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 DISTRICT FOR A BEVERAGE DISPENSARY USE PER AMC 21.40.180 D.8 FOR THE CLUB OASIS TO ADD TWO DUPLICATE BEVERAGE DISPENSARY LICENSES, LOCATED ON LOT 2B, MIDRIFF SUBDIVISION, SITE ADDRESS BEING 4801 OLD SEWARD HIGHWAY, GENERALLY LOCATED BETWEEN EAST 46<sup>TH</sup> COURT AND EAST 50<sup>TH</sup> AVENUE, ON THE EAST SIDE OF THE OLD SEWARD HIGHWAY.

(Mid-Town; Campbell Park; Taku Campbell Community Council) (Case 2005-115)

THE ANCHORAGE ASSEMBLY RESOLVES:

**Section 1.** The amendment to an Alcoholic Beverages Conditional Use in the B-3 District for a Beverage Dispensary use per AMC 21.40.180 D.8 for the Club Oasis to add two Duplicate Beverage Dispensary Licenses, located on Lot 2B, Midriff Subdivision; site address being 4801 Old Seward Highway, generally meets the applicable provisions of AMC 21.50.020 and AMC 21.50.160.

**Section 2.** The subject amendment to a conditional use permit for an Alcoholic Beverages Conditional Use in the B-3 District for a Beverage Dispensary Use per AMC 21.40.180 D.8 is 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 Alcoholic Beverage Control Board's approval of the license, and recordation of a revised Joint-Use Parking Agreement as required by condition of approval number two.
2. Prior to this conditional use amendment becoming effective, parking calculations and a new parking lot redesign meeting the requirements of AMC 21.45.080, prepared by a professional surveyor, engineer or architect, shall be submitted for review and approval to Traffic Engineering and Land Use Enforcement. A revised Joint-Use Parking Agreement reflecting the new approved parking lot design shall be recorded with the State District Recorder's Office.
3. All uses shall conform to the plans and narrative submitted, except as modified by this approval.
4. This conditional use amendment approval is for two duplicate Alcoholic Beverages Conditional Uses in the B-3 District for two new bar/lounges per AMC 21.40.180 D.8 for a 10,800 square-foot building located at 4801 Old Seward Highway, Lot 2B, Midriff Subdivision. The current uses of the building are the Club Oasis Lounge

(License Number 1625) on the ground floor, and the Oasis Liquors Package Store (License Number 1626), also on the ground floor. According to the application, there is non-fixed seating for 69 in the basement bar/lounge; 91 in the ground floor bar/lounge and 80 in the top second floor. Since there is no fixed seating, only non-fixed, and the total UBC occupancy is 411, the required parking spaces appear to be 137 spaces. Alcohol sales are estimated to be ~~20~~ 80 percent of total gross receipts compared to ~~80~~ 20 percent food sales. All bar/lounges will operate 365 days a year, with hours of operation as permitted by law.

5. Upon demand, 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 for Techniques in Alcohol Management (T.A.M.).
6. 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.
7. 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.

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

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

PASSED AND APPROVED by the Anchorage Assembly this 13<sup>th</sup> day of September 2005.

ATTEST:

Chair

Anna L. Fairclough

Sharon S. Dwyer  
Municipal Clerk



## MUNICIPALITY OF ANCHORAGE

### ASSEMBLY MEMORANDUM

No. AM 610 -2005

**Meeting Date:** September 13, 2005

**From:** Mayor

**Subject:** Amendment to an Alcoholic Beverages Conditional Use in the B-3 District per AMC 21.40.180 D.8 for the "Club Oasis" to add two Duplicate Beverage Dispensary Licenses

1 Prime, Inc., dba "Club Oasis," has made application to amend the existing Alcoholic  
2 Beverages Conditional Use in the B-3 District per AMC 21.40.180 D.8 for a Beverage  
3 Dispensary Use and License to add two Duplicate Beverage Dispensary Licenses.  
4 "Club Oasis" is located at 4801 Old Seward Highway, on Lot 2B, Midriff Subdivision.  
5 The two principal owners of Prime, Inc. are Justin Cox (66.7 percent) and Vicky Cox  
6 (33.3 percent).

7  
8 The application site is located on a 30,000 square-foot lot in a two-story 10,800 square-  
9 foot building constructed circa 1982. The current uses of the building are the Club  
10 Oasis Lounge (license number 1625) on the ground floor, and the Oasis Liquors  
11 package store (license number 1626), also on the ground floor. Access to the site is via a  
12 single curb cut off the Old Seward Highway. There are 62 parking spaces located in  
13 the front, side and rear of the building. A site inspection noted that the parking spaces  
14 are not striped and there is a fenced seasonal outdoor patio on the west end of the  
15 building which occupies approximately six (6) parking spaces.

16  
17 This proposal is to amend the existing Alcoholic Beverages Conditional Use for a  
18 Beverage Dispensary Use and license (number 1625) to allow two duplicate beverage  
19 dispensary licenses for two additional bar/lounges. If approved, there will be  
20 bar/lounges on each of the three floors, plus the package store on the ground floor.

21  
22 In accordance with AMC 21.45.080.K, required parking for this use is either one  
23 parking space for every fixed seat or the maximum occupancy capacity under the  
24 provisions of the Uniform Building Code. The International Building Code has been  
25 adopted and supercedes the Uniform Building Code. There is no fixed seating in any of  
26 the bar/lounges. There are two conflicting parking lot/circulation site plans: one from  
27 the building permit for the second floor renovation, included as part of this application,  
28 and the other set of parking lot plans are from a recently recorded Joint-Use Parking

1 Agreement between the subject lot and the south of adjacent Corporate Express lot.  
2 Neither meets the off-street parking requirements of AMC 21.45.080. A Joint-Use  
3 Parking Agreement was recorded in 2004 between the petitioner and the property owner  
4 of Lot 2A. A condition of approval requires submittal of parking calculations for  
5 required parking, and a new parking lot design meeting the requirements of AMC  
6 21.45.080, prepared by a professional surveyor, engineer or architect be submitted for  
7 review and approval to Traffic Engineering and Land Use Enforcement prior to the  
8 proposed amendment becoming effective. A revised Joint-Use Parking Agreement,  
9 reflecting the new approved parking lot design, shall be recorded with the State  
10 District Recorder's Office.

11  
12 Within 1,000 feet of the subject location, there are three beverage dispensary licenses  
13 plus a duplicate beverage dispensary license. This application would add two duplicate  
14 beverage dispensary licenses for a total of three duplicates.

15  
16 There appears to be no church or school within 200 feet of the petition site. The  
17 Anchorage Police Department provided a summary of eleven (11) incident calls for  
18 service during the past two years to this address (2003-2004): three thefts, three DUI;  
19 one outside/disturbance, one vandalism, one misuse of plates, one outside/disturbance  
20 with weapon, and one outside/drunken. There are no 2005 incidents. The Department of  
21 Health and Human Services provided no comment. Treasury reviewed the subject  
22 property for real property taxes, or business personal taxes, and report no outstanding or  
23 delinquent taxes.

24  
25 This conditional use for the Restaurant/Eating Place License in the B-3 District  
26 generally meets the applicable provisions of AMC Titles 10 and 21 and Alaska Statute  
27 04.11.090.

28  
29  
30 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department  
31 Concur: Tom Nelson, Director, Planning Department  
32 Concur: Mary Jane Michael, Executive Director, Office of Economic &  
33 Community Development  
34 Concur: Denis C. LeBlanc, Municipal Manager  
35 Respectfully submitted: Mark Begich, Mayor




# CONDITIONAL USE-ALCOHOL 2005-115

ANCHORAGE  
VICINITY

\* Case Location

PETITION AREA

Flood Limits

-  100 Year Floodplain
-  500 Year Floodplain
-  Floodway

Municipality of Anchorage  
Planning Department

Date: July 06, 2005



0 500 1000 Feet

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

**DATE:** September 13, 2005

**CASE NO.:** 2005-115

**APPLICANT:** Prime, Inc.  
Dba Club Oasis

**REPRESENTATIVE:** Law Offices of Dan K. Coffey

**REQUEST:** An Amendment to a Conditional Use for an Alcoholic Beverages Conditional Use in the B-3 District for Two Duplicate Beverage Dispensary Licenses and Use per AMC 21.40.180 D.8

**LOCATION:** Midriff Subdivision, Lot 2B; generally located on the east side of the Old Seward Highway, between East 46<sup>th</sup> Court and East 50<sup>th</sup> Avenue

**STREET ADDRESS:** 4801 Old Seward Highway

**COMMUNITY COUNCIL:** Mid-Town; Campbell Park; Taku Campbell

**TAX PARCEL:** 009-201-08-000/ Grid SW 1832

**ATTACHMENTS**

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

**RECOMMENDATION SUMMARY:**

Generally meets the required Title 21 standards including AMC 21.50.160, and Title 10.50.

**SITE:**

Acres: 30,000 square feet  
Vegetation: none  
Zoning: B-3  
Topography: Level

Existing Use: Night Club/Bar  
Soils: Public Sewer & Water

### **COMPREHENSIVE PLAN**

Classification: Commercial (1982 Anchorage Bowl Comprehensive Plan)  
Density: N/A

### **SURROUNDING AREA**

	NORTH	EAST	SOUTH	WEST
Zoning:	B-3	B-3	B-3	B-3
Land Use:	U-Haul	Corporate Express	Corporate Express; DeWalt Services	Subaru Dealership; Latitude 51, Continental Motors

### **SITE DESCRIPTION AND PROPOSAL:**

The applicant, Prime, Inc., is comprised of two principal owners, Justin Cox (66.7%) and Vicky Cox (33.3%).

The application site is located on a 30,000 square foot lot in a two story plus a basement 10,800 square foot building constructed circa 1982. The current uses of the building are the Club Oasis Lounge (license #1625) on the ground floor, and the Oasis Liquors package store (license #1626) also on the ground floor. Access to the site is via a single curb cut off the Old Seward Highway. There are 62 parking spaces located in the front, side and rear of the building. A site inspection noted that the parking spaces are not striped and there is a fenced seasonal outdoor patio on the west end of the building which occupies approximately 6 parking spaces.

This proposal is to amend the existing alcoholic beverages conditional use for beverage dispensary use and license #1625 to allow two duplicate beverage dispensary licenses for two additional bar/lounges. If approved, there will be bar/lounges on each of the three floors plus the package store on the ground floor.

According to the application there is non-fixed seating for 69 in the basement bar/lounge; 91 in the ground floor bar/lounge and 80 in the top second floor. Altogether there will be non-fixed seating for 240. In accordance with AMC 21.45.080 K, the parking requirement for bars/lounges is 1 parking space for every 3 fixed seats; without fixed seating, parking is based on the maximum capacity under the provisions of the Uniform Building Code at the same 1:3 ratio. Since there is no fixed seating only non-fixed, and the total UBC occupancy is 411, the required parking spaces is 137 spaces not 80 spaces.

Within 1,000 feet of the subject location there are three beverage dispensary licenses plus a duplicate beverage dispensary license. This application would add two duplicate beverage dispensary licenses for a total of three duplicates.

The hours of operation are 2:00 PM – 2:30 AM Monday through Friday, AND 2:00 PM – 3:00 AM Friday and Saturday. The petitioner estimates that 85 % of his total sales will be from alcohol compared to 15% from food sales; employees will be trained in handling inebriated patrons. No security provisions are proposed. The restaurant will provide recorded and live music, and patron dancing. All employees in direct contact with alcohol will be TAM trained. There are no happy hours, games or contests that include consumption of alcoholic beverages, and no solicitation or encouragement of alcoholic beverage consumption. Patrons will be provided access and assistance to public transportation. Notice of penalties for driving while intoxicated will be posted. Non-alcoholic drinks will be available to patrons.

There appear to be no churches or schools within 200 feet of the subject location.

#### **PUBLIC COMMENTS:**

One hundred forty-seven (135) public hearing notices (PHNs) were mailed. At the time this report was written no PHNs were received. The application indicated the applicant was scheduled to make a presentation in July to the Tudor Community Council: no responses have been received from any community councils.

#### **FINDINGS**

**A. *Furtheres 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 subject location is not within any new land use policy element of the Anchorage 2020 Land Use Policy Map. The 1982 Anchorage Comprehensive Plan classifies this site as commercial.

The *Anchorage 2020* Comprehensive Plan does not specifically address the sale of alcoholic beverages in Anchorage. A strategy of the adopted Anchorage 2020 Plan, however, does call for the development of locational standards and criteria for retail sales/service of alcoholic beverages. To date this has not been done.



Several goals of the Anchorage 2020 Plan do address related issues such as recreational and economic opportunities. The sale of alcoholic beverages is part of the social, recreational and economic environment of the community.

**B. *Conforms to the standards for that use in this title and regulations promulgated under this title.***

*This standard is not met.*

Except for the alcoholic beverages conditional use standards established in AMC 21.50.160, the Assembly has not adopted specific zoning regulations for alcoholic beverage sales. The B-3 General Business district zoning regulations allows 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 or beverages. Uses involving the retail sale, dispensing or service of alcoholic beverages may be permitted by conditional use only in accordance with AMC 21.50.160.*

In addition to the zoning regulations, all uses are required to conform to the off-street parking requirements AMC 21.45.080.

There is non-fixed seating for 69 in the basement bar/lounge; 91 in the ground floor bar/lounge and 80 in the top second floor. Altogether there will be non-fixed seating for 240. In accordance with AMC 21.45.080 K, the parking requirement for bars/lounges is one parking space for every three fixed seats; without fixed seating, parking is based on the maximum capacity under the provisions of the Uniform Building Code at the same 1:3 ratio. Since there is no fixed seating only non-fixed, and assuming the total UBC occupancy is correct (411), the required parking spaces is 137 spaces not 80 spaces.

There are two conflicting parking lot/circulation site plans: one from the building permit for the second floor renovation and included as part of this application, and the other set of parking lot plans are from a recently recorded Joint-Use Parking Agreement between the subject lot and the south adjacent Corporate Express lot. Neither meets the off-street parking requirements AMC 21.45.080.

The application includes construction plan drawings (submitted with the most recent building permit # 05-5500 for second floor renovations) with a reduced drawing of the existing site plan and parking/circulation plan showing sixty-two (62) parking spaces: twenty-nine (29) 90-degree parking along the north lot line and four (4) 90-degree parking spaces in

front of the building. There is a double loaded parking aisle immediately behind the building: the north half of the parking aisle has eighteen (18) 90-degree parking and the south half has eleven (11) angled parking spaces. The drawing is not to scale and has no dimensions.

A Municipal Acknowledgement of a Joint-Use Parking between the owners of Lot 2A and Lot 2B Midriff Subdivision was executed November 1, 2004. The site plan Attachment "B" for Lot 2B shows the hand drawn parking lot with fifty-five (55) parking spaces, not to scale, no dimensions and a different layout. It shows three (3) angled parking spaces along the west lot line (not abutting the front of the building); a two-way drive aisle immediately behind the building; five (5) angled and twenty-two 90-degree parking spaces along the north lot line; and a double loaded parking space aisle with fifteen and fifteen 90-degree parking spaces; a one-way driving aisle at the east end of the lot.

A 1983 required parking variance is null and void. The Zoning Board of Examiners and Appeals granted a variance from the required on-site parking requirements AMC 21.45.080.K, to allow 57 parking spaces when 77 parking spaces based on one bar and a banquet hall limited to 60 occupants (Case 83-138/Resolution 83-112). One of the conditions of approval stated "this variance is good only during the tenure of this ownership by the DeLong's." Land title traded hands from the DeLongs to Justin and Vicky Cox November 1, 2004, therefore the variance is null and void.

Traffic Engineering conducted a site visit and observed the need for additional directional signage to correspond to the one-way traffic flow and that there is no striping of the parking spaces on the site. They require a parking plan be submitting showing all current dimensional requirement for a parking lot as called out in AMC 21.45.080.W. Parking calculations should be completed for an exact count of required parking. There is a row of existing north-south parking stalls on the east site of the Club Oasis building that is not shown on either of the two parking lot designs discussed above.

Finally, State Department of Transportation has an improvement project Site A-1 for Old Seward Highway & 48<sup>th</sup> Avenue to improve turning movements at this T-intersection. It appears there may be an effect on the subject project and its parking lot.

Given the loss of the parking variance, the pending upgrades to the T-intersection and that the use of this structure have changed from 1983 to today, parking calculations based on today's uses must be provided,

and a parking lot site plan prepared to scale/dimensions prepared by a professional surveyor, engineer, or architect in accordance with AMC 21.45.080 W.

**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.*

There appear to be no churches, day care or schools within 200 feet of the site property line. The surrounding uses include the following businesses: U-Haul Rental to the north; Corporate Express to the east and south; DeWalt Services to the south; Subaru car dealership, Latitude 51, and Continental Motors to the west.

AMC 21.50.160.B asks that a list of all alcohol licenses located within a minimum of 1,000 feet of the proposed conditional use be provided. There are three beverage dispensary licenses plus one duplicate beverage dispensary license within 1,000 feet of the subject location. This application would add two duplicate beverage dispensary licenses for a total of three duplicates within the 1,000 foot radius.

<i>Name</i>	<i>Address</i>	<i>License Number</i>	<i>Type of License</i>
Oasis Liquors	4801 Old Seward Hwy	1626	Package Store
Time Out Lounge	4600 Old Seward Hwy	1140	Beverage Dispensary
Anchorage Billiard Palace	4848 Old Seward Hwy	2742	Beverage Dispensary
Hot Rods	4848 Old Seward Hwy	3165	Beverage Dispensary Duplicate
Great Alaskan Bush Company	631 E. International Airport Road	1839	Beverage Dispensary

**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 may be met.*

Please refer to the discussion found under Standard B above. There are public transit stops along the Old Seward Highway, but limited sidewalks. It appears that pedestrians must walk in the driving aisles since there is insufficient lot area to provide internal sidewalks.

**2. The demand for and availability of public services and facilities.**

*This standard is met.*

The addition of a restaurant within an existing shopping mall will not impact public services. The site is served with public water and sewer.

**3. Noise, air, water, or other forms of environmental pollution.**

*This standard is met.*

The parking lot is paved, which helps control air pollution. There may be an increase of traffic noise due to the addition of two more bars on the subject site.

**4. The maintenance of compatible and efficient development patterns and land use intensities.**

*This standard is met.*

The zoning, land use and the general area land use will not change as a result of this amendment to the existing conditional use.

**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.**

See table and narrative on page 6 for other alcohol licenses within 1,000 feet of this application.

The issuance of two duplicate beverage dispensary licenses will not adversely impact the immediate area or surrounding uses.

- 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 all employees involved in the dispensing of alcoholic beverages, all managers and assistant managers and the owners of the restaurant will be trained in accordance with the T.A.M. training and hold the appropriate certificates.

- 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.

This conditional use application is for two duplicate alcoholic beverage dispensary conditional use in the B-3 District for two additional bars.

AMC 10.50.035 sets forth that persons seeking the issue or transfer of a license shall comply with restrictions regarding happy hours, games or contests involving the consumption of alcohol, public transportation, notice of penalties, availability of nonalcoholic drinks, compliance determination with techniques in alcohol management (T.A.M.), solicitation of purchase of alcoholic beverages for consumption by employees, and warning signs. The petitioner has stipulated in his application that he will abide by requirements of AMC 10.50.035.

- 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 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 appears to be met.

The Anchorage Police Department provided a summary of eleven (11) incident calls for service during the past 2-years to this address (2003-2004). The following incidents have occurred either inside, near, in front or to the rear of the license premises: three thefts, three DUI, one outside/disturbance, one vandalism, one misuse of plates, one outside/disturbance with weapon, and one outside/drunken. There are no 2005 incidents.

- 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.

Treasury reviewed the subject property for real property taxes or business personal taxes, and report no outstanding or delinquent taxes.

- 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.**

No comments were received from the Department of Health & Social Services.

- 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 an amendment for two duplicate beverage dispensary licenses to a final conditional use for alcoholic beverages in the B-3 District for a bar/lounge use generally meets the required standards of Title 21 and Title 10, and AMC 21.50.160. There are outstanding questions concerning required parking, parking lot site plan design which may be mitigated, and ultimately a need to modify the Joint Use Parking Agreement for the shared parking between the petitioner and Corporate Express to the south.

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 Alcoholic Beverage Control Board's approval of the license and recordation of a revised Joint Use Parking Agreement as required by condition of approval #2.
2. Prior to this conditional use amendment becoming effective parking calculations and a new parking lot redesign meeting the requirements of AMC 21.45.080 prepared by a professional surveyor, engineer or architect shall be submitted for review and approval to Traffic Engineering and Land Use Enforcement. A revised Joint Use Parking Agreement reflecting the new approved parking lot design shall be recorded with the State District Recorder's Office.
3. All uses shall conform to the plans and narrative submitted except as modified by this approval.
4. This conditional use amendment approval is for two duplicate Alcoholic Beverages Conditional Use in the B-3 District for two new bar/lounges per AMC 21.40.180 D.8 for a 10,800 square foot building located at 4801 Old Seward Highway, Lot 2B, Midriff Subdivision. The current uses of the building are the Club Oasis Lounge (license #1625) on the ground floor, and the Oasis Liquors package store (license #1626) also on the ground floor. According to the application there is non-fixed seating for 69 in the basement bar/lounge; 91 in the ground floor bar/lounge and 80 in the top second floor. Since there is no fixed seating, only non-fixed, and the total UBC occupancy is 411, the required parking spaces appears to be 37 spaces. Alcohol sales are estimated to be 20 % of total gross receipts compared to 80 % food sales. All bar/lounges will operate 365 days a year with hours of operation as permitted by law.
5. Upon demand 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 for techniques in alcohol management (T.A.M.).
6. 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



7. 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.

# Alcohol Extract from List Report

Case Number: 2005-115

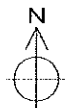
Description: 1000 foot alcohol licenses

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City Lic. Number	State Lic. Zone	Zip Lic. Type
00916240000 Time Out Lounge	RANDOLPH FAMILY ALASKA TRUST Apple Core, Inc.	4600 OLD SEWARD HIGHWAY 4600 Old Seward Hwy	ANCHORAGE 1140	AK B3	99503 Beverage Dispensary
00920108000 Oasis Liquors	PRIME INC Ver-Del Enterprises, Inc.	207 E N LIGHTS BLVD #210 4801 Old Seward Hwy	ANCHORAGE 1626	AK B3	99503 Package Store
00921103000 Anchorage Billard Palace	CLUB COMPANY THE The Club Company	4848 OLD SEWARD HIGHWAY 4848 Old Seward Hwy	ANCHORAGE 2742	AK B3	99503 Beverage Dispensary
00921103000 Hot Rods	CLUB COMPANY THE The Club Company	4848 OLD SEWARD HIGHWAY 4848 Old Seward Hwy	ANCHORAGE 3165	AK B3	99503 Beverage Dispensary Dup
00921119000 Great Alaskan Bush Co., The	B V INCORPORATED B.V., Inc.	207 E NORTHERN LTS SUITE 210 631 E. Intl Airport Rd	ANCHORAGE 1839	AK I1	99503 Beverage Dispensary

2005 115 1000 ft alcohol

Tue Jul 05, 10:53:51, 2005

Map: Parcels--Basic Layers



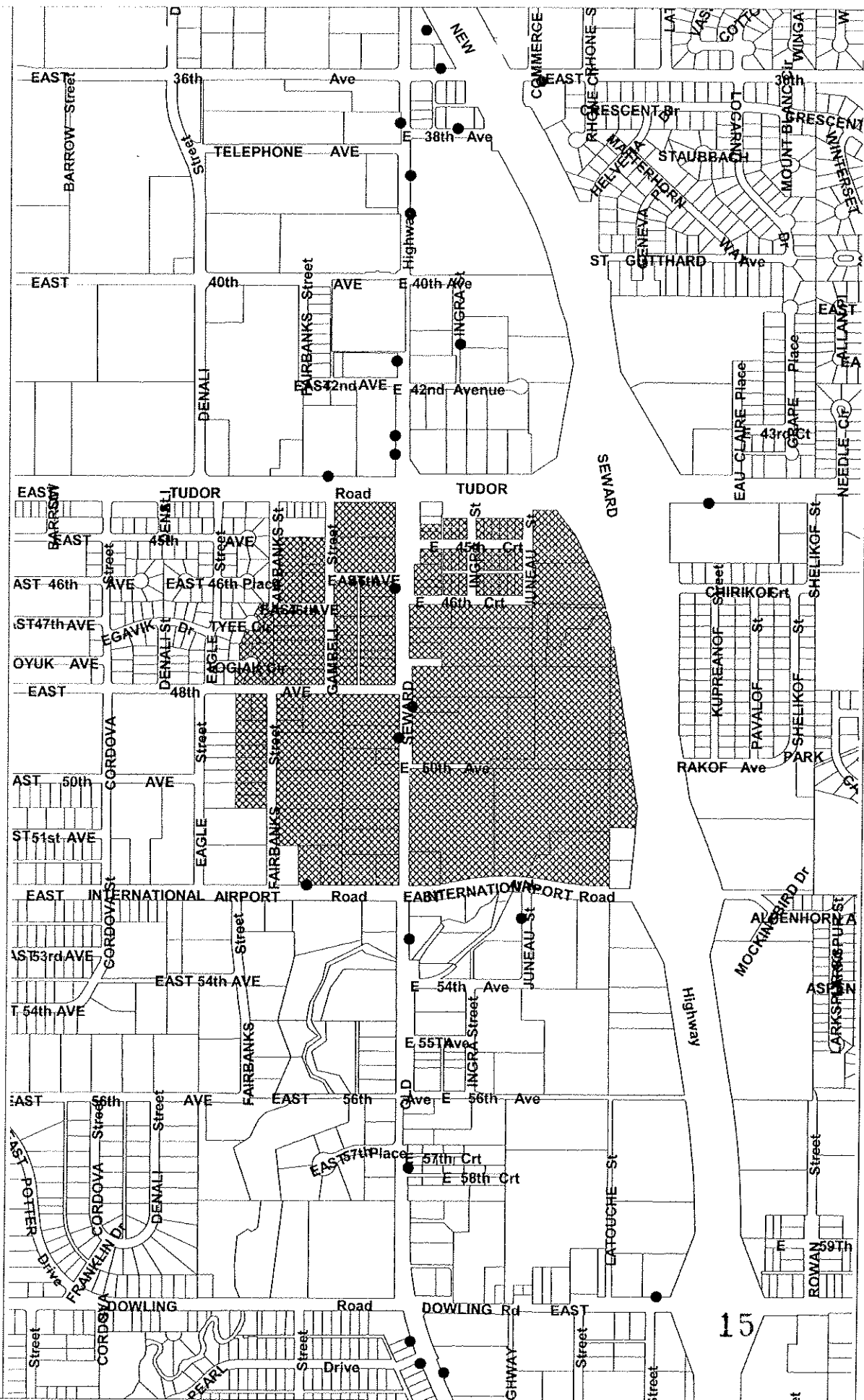
Scale 1:10000

## Legend:

Txt STRNAME\_BI\_DIR

ALCOHOL

PARCELS

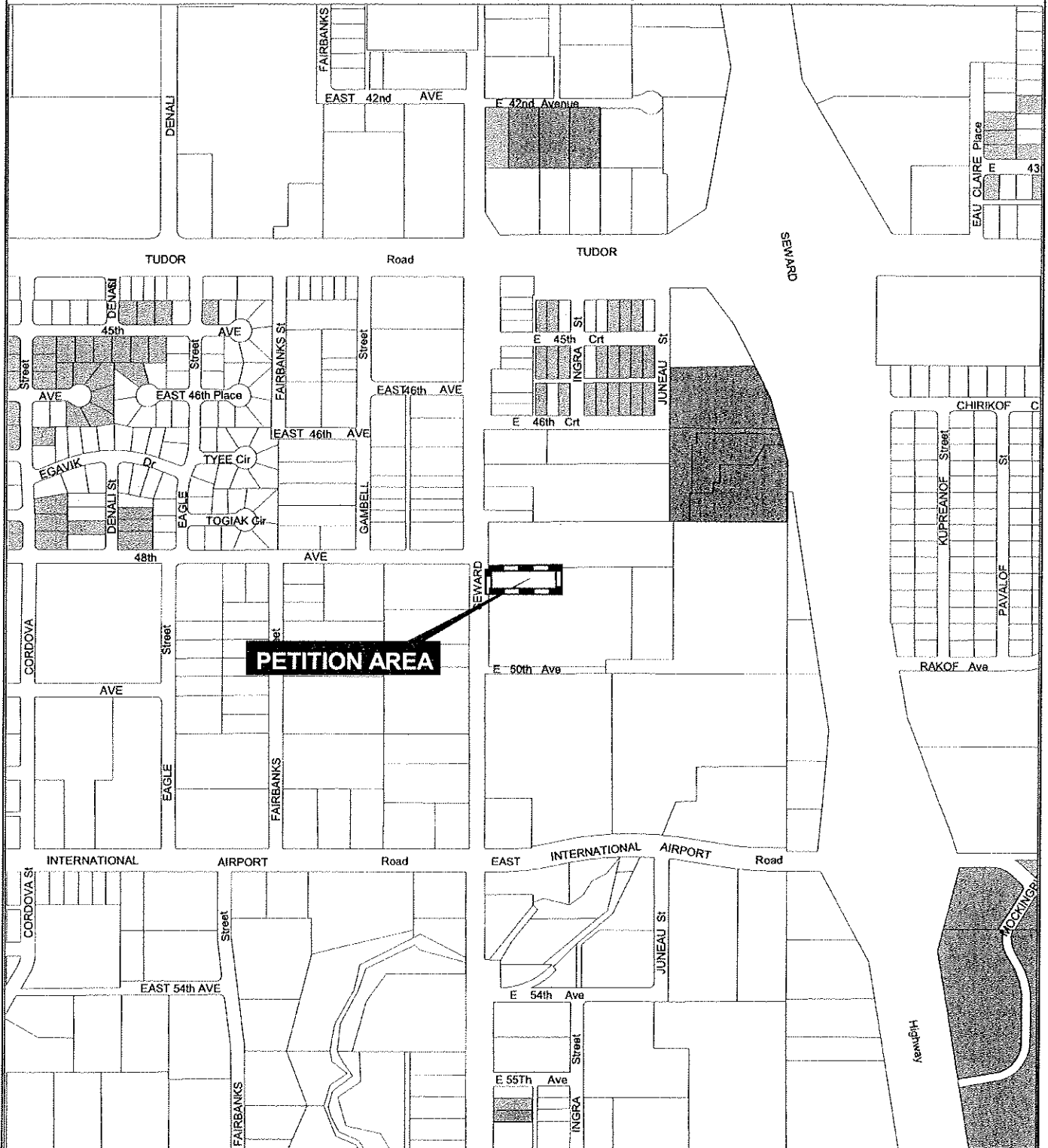


[illegible]

0 500 1000 Feet

# CONDITIONAL USE-ALCOHOL

## 2005-115



Municipality of Anchorage  
Planning Department

Date: July 06, 2005

- 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

17

# CONDITIONAL USE-ALCOHOL

## 2005-115



Municipality of Anchorage  
Planning Department

Date: July 06, 2005



18

0 500 1000 Feet

Date of Aerial Photography: 2001

**DEPARTMENTAL  
COMMENTS**

# Reviewing Agency Comment Summary Case No.: 2005-115

Agency	Comments Included in Packet	No Comments and/or Objections	No Response
Air Pollution Control			
Alaska DEC			
Alaska Division of Parks			
Alaska DOT/PF			
Anchorage Police Department	X		
AWWU		X	
Code Enforcement			
Development Services			
DHHS			
Environmental			
DHHS Social Services			
Community Council			
Fire Prevention		X	
Flood Hazard		X	
ML&P		X	
On-Site Water & Wastewater		X	
Parks and Recreation			
Physical Planning			
Project Mgt & Engineering			
Right-of-Way			
School District			
Transit		X	
Treasury	X		
Traffic & Transportation Planning	X		



JUL 15 2005

**POLICE DEPARTMENT CHECK LIST**  
**FOR INVESTIGATION OF LICENSED LIQUOR ESTABLISHMENTS**

Municipality of Anchorage  
Zoning Division

1. Criminal History in Local Police Files? YES NO UNK  
{Circle which applies}
2. Incidents occurring within two years prior to the date of the liquor license application.

Type of Incident	Number of Incidents
Non-Liquor	See Attached

OLD BUSINESS NAME	OLD LOCATION
Club Oasis	4801 Old Seward Hwy
BUSINESS NAME	LOCATION
Prime, Inc.	Same
NAME OF APPLICANT (S)	CURRENT LICENSEE (S)

☒ Beverage Dispensary☒ Duplicate Liquor License 05-06☐ New Business☐ Transfer of Ownership☐ Corporate Stock Transfer Only☐ Transfer of Location

THIS INFORMATION IS PROVIDED FOR EVALUATION BY THE ASSEMBLY IN CONSIDERATION OF APPLICATIONS FOR LICENSING.

07.13.05

DATE

LT Gilliam   
for CHIEF OF POLICE

**Club Oasis**  
**4801 Old Seward Hwy**

----- **2005 Non-Liquor** -----

There is no summary report for the following calls for service because they are not Liquor Violations. These incident (s) have occurred either inside, near, in front, or to the rear of the license premises.

<b>Number of Incidents</b>	<b>Police Report Number</b>	<b>Type of Call</b>
3	<b>03-38191,38398,05-2867</b>	Theft
3	<b>03-40967,04-3566,9068</b>	DUI
1	<b>03-43927</b>	Disturbance (Outside)
1	<b>04-4582</b>	Vandalism
1	<b>04-5417</b>	Misuse of Plates
1	<b>04-39421</b>	Disturbance w/Weapon (Outside)
1	<b>04-54791</b>	Drunk (Outside)


Municipality of Anchorage  
Treasury Division  
Memorandum

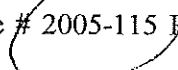
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RECEIVED

JUL 11 2005

Municipality of Anchorage  
Zoning Division

**Date:** July 11, 2005  
**To:** Rich Cartier, Planning Dept.  
**From:**  Sam Myers, Revenue Officer  
**Subject:** Liquor License Conditional Use Comments

Liquor License Conditional Use Application Case # 2005-115 Prime, Inc. dba Club Oasis has been received and reviewed. 

I find no outstanding taxes on this application, and no reason for not approving it.

**Autor, Mary P.**

---

**From:** Angell, Mada M.  
**Sent:** Wednesday, August 10, 2005 8:32 AM  
**To:** Autor, Mary P.  
**Subject:** Club Oasis site visit

Mary,

Following are my observations during our site visit to Club Oasis parking lot and the corporate Express parking lot.

- Upon entering the Club Oasis parking lot I noticed "One Way" arrow signs (R6-1's) attached to the building. The parking lot should be posted as one-way; however additional directional signage may need to be added. Also, the parking stall angle at the front of the building (as shown on the site plan that you have) will need to be flipped to correspond to the one-way traffic flow indicated by the traffic control signs.
- A parking plan should be submitted that shows all of the current dimensional requirements for a parking lot; as called out in AMC 21.45.080.W.
- Parking calculations should be completed to get an exact count of how many parking places are required.
- The out-door table area does not seem to be a problem because it is placed within a drive aisle and does not hinder parking or maneuvering on the site.
- The parking layout shown on the site plan you have does not show actual parking conditions, based on site visit observations. It does not show a row of existing north-south parking stalls on the east side of the Club Oasis building.
- Also, the striping for the north-south parking rows east of the club block the way to the parking stalls along the north-east side of Corporate Express.
- Considering all of the above, there is some parking lot redesign that should happen, the parking stalls all need to be re-striped in accordance with an approved parking plan that meets AMC Title 21 requirements, and additional traffic control/way-finding signs should be installed.

Mada Angell  
Asst. Traffic Engineer  
MOA Traffic Department  
343-8415



**MUNICIPALITY OF ANCHORAGE**  
Traffic Department



**MEMORANDUM**

**RECEIVED**

DATE: July 12, 2005

JUL 12 2005

TO: Jerry T. Weaver, Platting Supervisor, Planning Department

Municipality of Anchorage  
Zoning Division

THRU: Leland R. Coop, Associate Traffic Engineer *LC*

FROM: Mada Angell, Assistant Traffic Engineer *MA*

SUBJECT: Comments, September 13, 2005, Assembly Public hearing

**05-115 Midriff; Conditional use to permit beverage dispensary; Grid 1832**

No parking calculations and no parking layout were submitted. Therefore, Traffic can not comment on those issues.

**E-MAILED**

**MUNICIPALITY OF ANCHORAGE**  
**Anchorage Water & Wastewater Utility**

**RECEIVED**

AUG 10 2005

**M E M O R A N D U M**

Municipality of Anchorage  
Zoning Division

---

**DATE:** August 9, 2005  
**TO:** Zoning and Platting Division, OPDPW  
**FROM:** Hallie Stewart, Engineering Technician, AWWU *H Stewart*  
**SUBJECT:** Planning & Zoning Commission Public hearing September 13, 2005  
AGENCY COMMENTS DUE August 16, 2005

AWWU has reviewed the case material and has the following comments.

**05-115 Midriff, Lot 2B (conditional use) Grid 1832**

1. AWWU water and sanitary sewer mains are available to the referenced lot.
2. AWWU has no objection to the proposed conditional use for a beverage dispensary.

If you have any questions, please call me at 343-8009.

Pierce, Eileen A

---

**From:** Cartier, Richard D.  
**Sent:** Tuesday, July 19, 2005 8:18 AM  
**To:** Pierce, Eileen A  
**Subject:** FW: fire plan review plat comments

I don't know why they sent this to me

*Rich Cartier*

**Municipality of Anchorage**

Planning Department

Zoning-Platting Division

4700 S. Bragaw Street 1st Floor

Anchorage AK 99507

**Email:** [cartierrd@muni.org](mailto:cartierrd@muni.org)

907-343-7934 Fax: 907-343-7927

-----Original Message-----

**From:** Schwan, Martin K.  
**Sent:** Tuesday, July 19, 2005 8:08 AM  
**To:** Cartier, Richard D.  
**Subject:** fire plan review plat comments

1. 05-082: No objection. Provide plat note: Any development shall have plans reviewed by AFD for access, water flow, etc., prior to permit approval.
2. 2005-108: No objection to rezone. Provide plat note: Any development shall be reviewed by AFD prior to permit approval. (*fire lane access could be an issue*)
3. 2005-115: No objection.
4. 2005-116: No objection. Provide plat note: Any development shall be reviewed by AFD prior to permit approval.
5. 2005-117: No objection.

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**Fire Inspector Martin Schwan**

Anchorage Fire Department

[schwanmk@muni.org](mailto:schwanmk@muni.org)

Office 267-4968

Fax 249-7596



Schwan, Martin  
K..vcf (4 KB)

RECEIVED

JUL 19 2005

Municipality of Anchorage  
Zoning Division



## FLOOD HAZARD REVIEW SHEET for PLATS

Date: 7-19-05

Case: 2005-115

Flood Hazard Zone: C

Map Number: 0241

- ☐ Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.
- ☐ AMC 21.15.020 requires that the following note be placed on the plat:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

- ☐ A Flood Hazard permit is required for any construction in the floodplain.
- ☒ I have no comments on this case.

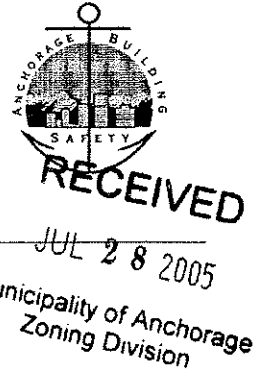
Reviewer: Jack Puff






**Municipality of Anchorage  
Development Services Department  
Building Safety Division**

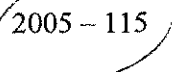
**MEMORANDUM**



**DATE:** July 28, 2005  
**TO:** Jerry Weaver, Jr., Platting Officer, CPD  
**FROM:**  Daniel Roth, Program Manager, On-Site Water and Wastewater Program  
**SUBJECT:** Comments on Cases due August 16, 2005

---

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

 2005 - 115 A request concept/final approval of a conditional use to permit a beverage dispensary in the B-3 General business district

No objection

**Pierce, Eileen A**

**From:** Staff, Alton R.  
**Sent:** Wednesday, August 03, 2005 10:08 AM  
**To:** Pierce, Eileen A; Stewart, Gloria I.  
**Cc:** Taylor, Gary A.  
**Subject:** Zoning and Plat Case Reviews

**RECEIVED**

**AUG 03 2005**

Municipality of Anchorage  
Zoning Division

The Public Transportation Department has no comment on the following zoning cases:

2004 021  
2005 104  
2005 105  
2005 115  
2005 121  
2005 125

S11395-1 People Mover has a bus stop adjacent to the plat. This bus stop will be brought up to ADA standards with the current construction project on 3<sup>rd</sup> Avenue.

The Public Transportation Department has no comment on the following Plats:

S11183-2

S11239-2  
S11355-2  
S11359-1  
S11393  
S11394  
S11397-1  
S11398-1  
S11399-1  
S11401-4  
S11402-1  
S11403-1

Thank you for the opportunity to review.

Alton Staff, Operations Supervisor  
People Mover

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

FRANK H. MURKOWSKI, GOVERNOR

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-6900  
(907) 269-0520 (FAX 269-0521)  
(TTY 269-0473)

August 12, 2005

RE: Zoning Case Review

Jerry Weaver, Platting Officer  
Planning and Development  
Municipality of Anchorage  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities (ADOT&PF) reviewed the following Zoning Cases and has no comment:

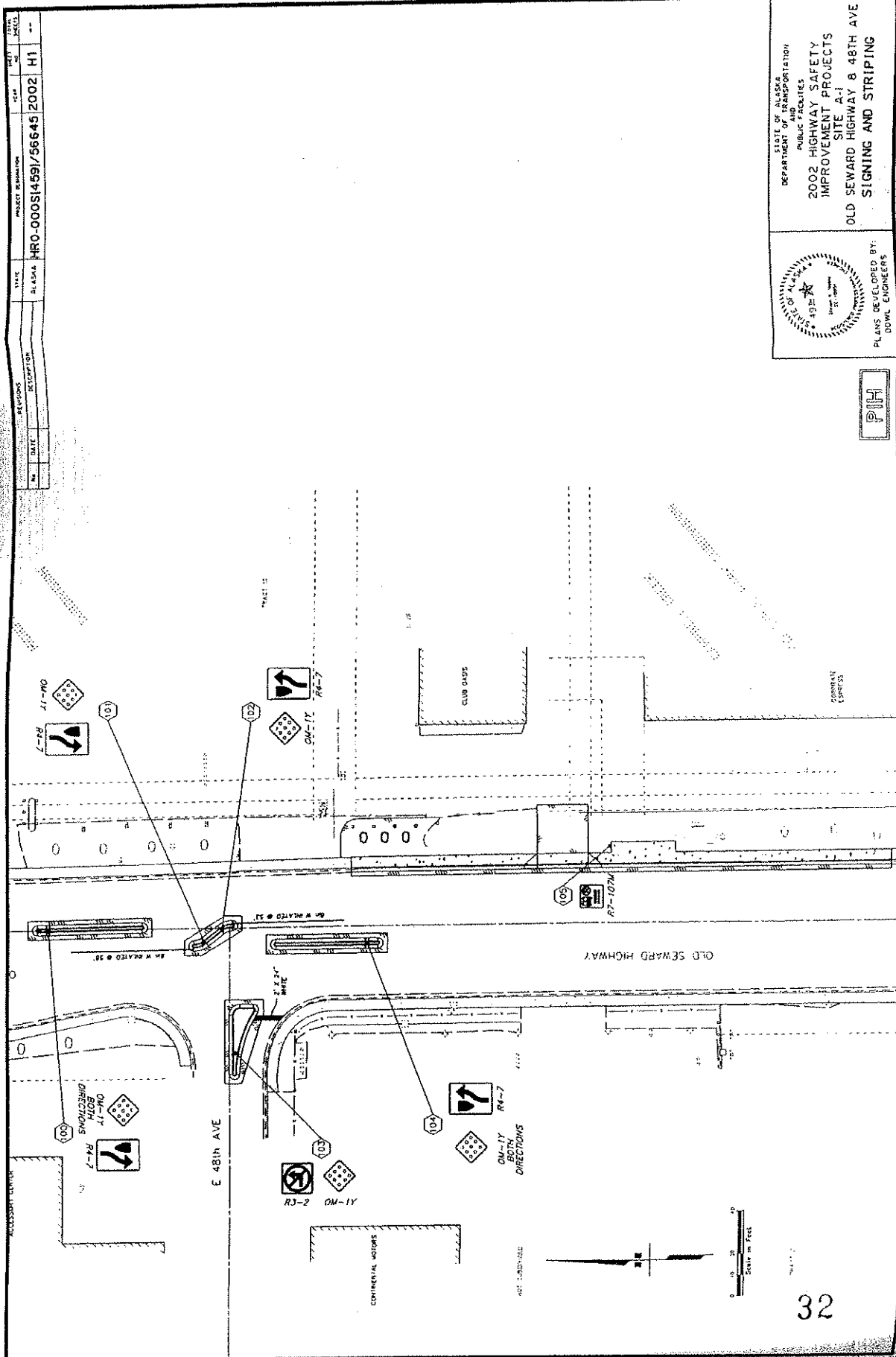
2005-108 Alyeska Blk 6A Lt 1.1A Garmisch Dr/Conditional use: multi-family residence  
2005-115 Midriff Lot 2B Plat No 81-133 4801 Old Seward Hwy/Conditional use: Alcohol  
2005-121 Providence Chester Creek Subd Tract A/Conditional use: crisis treatment center  
2005-125 Industrial Park 4000 Lot 3A Blk A 4140 B Street/Conditional use: a restaurant

**Comments:**

**2005-116 US Survey 7023 and Lot 1 US Survey 6867 Sec 24 T9N R2E SM/Plan Amendment for the Turnagain Arm Comprehensive Plan:** The Department has no objection to the zoning changes, but we are concerned with access. The Department will not allow multiple driveways accessing the Seward Highway in this area. Any access to State rights of way requires ADOT&PF approval and a current valid driveway permit. If the applicant needs more information regarding access, they may contact Lynda Hummel, Rights of Way Agent at 269-0698 for assistance.

**2005-122 Anchorage Townsite Lot 1 Blk 73A 121 W 7<sup>th</sup> Ave/Site Plan review: Museum:** Access to State owned rights of way on 6<sup>th</sup> Avenue and/or on C Street requires a permit. This would include any improvements in the sidewalks. No landscaping is allowed in the rights of way unless a beautification permit is issued. Rights of way permits may be applied for on the ADOT&PF web site at: [www.dot.state.ak.us](http://www.dot.state.ak.us) e-permits. Or you may call Lynda Hummel, Rights of Way Agent, at 269-0698 for an application and assistance.

*"Providing for the movement of people and goods and the delivery of state services."*



NO.	DATE	REVISIONS	STATE	PROJECT NUMBER	DATE	SCALE
1			ALASKA	HR0-000S(459)/56645	2002	H1

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
PUBLIC UTILITIES  
2002 HIGHWAY SAFETY  
IMPROVEMENT PROJECTS  
SITE A-1  
OLD SEWARD HIGHWAY 8 48TH AVE  
SIGNING AND STRIPING

PLANS DEVELOPED BY:  
DOWL ENGINEERS

# **APPLICATION**

# Application for Conditional Use Retail Sale Alcoholic Beverages

Municipality of Anchorage  
Planning Department  
P.O. Box 196650  
Anchorage, AK 99519-6650

Please fill in the information asked for below.

PETITIONER*		PETITIONER REPRESENTATIVE (IF ANY)	
Name (last name first) Prime, Inc.		Name (last name first) The Law Offices of Dan K. Coffey, P.C.	
Mailing Address 207 E. Northern Lights Blvd., Suite 210		Mailing Address 207 E. Northern Lights Blvd., Suite 200 Anchorage, AK 99503	
Contact Phone: Day: (907) 276-8885 Night:		Contact Phone: Day: (907) 274-3385 Night:	
FAX: (907) 279-5790		FAX: (907) 274-4258	
E-mail: bvi.gabco@gci.net		E-mail: dcoffey@coffey-law.net	

\*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

PROPERTY INFORMATION		
Property Tax #(000-000-00-000-00): 009-201-08-000-06		
Site Street Address: 4801 Old Seward Highway Anchorage, AK 99503		
Property Owner (if not the Petitioner): Prime, Inc.		
Current legal description: (use additional sheet in necessary)		
LOT 2B MIDRIFF SUBDIVISION; PLAT NO. 81-133		
Zoning: B3	Acreage: Lot: 30,000 Square Feet	Grid # SW1832

ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED		
<input checked="" type="checkbox"/> Two (2) Duplicate Beverage Dispensary	<input type="checkbox"/> Private	<input type="checkbox"/> Restaurant, exempt
<input type="checkbox"/> Beverage Dispensary-Tourism	<input type="checkbox"/> Public Convenience	<input type="checkbox"/> Theater
<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Recreational	<input type="checkbox"/> Other (Please explain):
<input type="checkbox"/> Package Store	Restaurant	
Is the proposed license: <input checked="" type="checkbox"/> Duplicate <input type="checkbox"/> Transfer of location: ABC license number:		
Transfer license location:		
Transfer licensed premises doing business as:		

I hereby certify that (I am)/(I have been authorized to act for) owner of the property described above and that I petition for a retail sale of alcoholic beverages conditional use permit in conformance with Title 21 of the Anchorage Municipal, Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department, Municipal Clerk, or the Assembly for administrative reasons.

Date 7/1/05	Signature <i>Justin Cox</i> (Agents must provide written proof of authorization)
----------------	--

Accepted by: <i>AC</i>	Poster & Affidavit: ✓	Fee: \$3,000	Case Number: 2005-115
---------------------------	--------------------------	-----------------	--------------------------

CUP-AB (Rev. 05/02)\*Front

**COMPREHENSIVE PLAN INFORMATION**Anchorage 2020 Urban/Rural Services: ☒ Urban ☐ RuralAnchorage 2020 West Anchorage Planning Area: ☐ Inside ☐ Outside

Anchorage 2020 Major Urban Elements: Site is within or abuts:

- ☐ Major Employment Center ☐ Redevelopment/Mixed Use Area ☐ Town Center  
☐ Neighborhood Commercial Center ☐ Industrial Center  
☐ Transit - Supportive Development Corridor

Eagle River-Chugiak-Peters Creek Land Use Classification:

- ☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions  
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study  
☐ Residential at \_\_\_\_\_ dwelling units per acre

Girdwood- Turnagain Arm

- ☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions  
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study  
☐ Residential at \_\_\_\_\_ dwelling units per acre

**ENVIRONMENTAL INFORMATION** (All or portion site affected)

- Wetland Classification: ☒ None ☐ "C" ☐ "B" ☐ "A"  
Avalanche Zone: ☒ None ☐ Blue Zone ☐ Red Zone  
Floodplain: ☒ None ☐ 100 year ☐ 500 year  
Seismic Zone (Harding/Lawson): ☐ "1" ☐ "2" ☐ "3" ☐ "4" ☐ "5"

**RECENT REGULATORY INFORMATION** (Events that have occurred in last 5 years for all or portion site)

- ☐ Rezoning - Case Number:  
☐ Preliminary Plat ☐ Final Plat - Case Number(s):  
☐ Conditional Use - Case Number(s):  
☐ Zoning variance - Case Number(s):  
☐ Land Use Enforcement Action for  
☒ Building or Land Use Permit for tenant improvement to second floor for an A2 occupancy remodel.  
☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

**DOCUMENTATION**

- Required: ☒ Site plan to scale depicting: building footprints; parking areas; vehicle and pedestrian circulation; lighting; landscaping; signage; and licensed premises location.  
☒ Building plans to scale depicting: floor plans indicating the location of sales and service areas; building elevations (photographs are acceptable).  
☒ Photographs of premises from each street frontage that include and show relationship to adjacent structures and the premises visible street address number.  
☒ Narrative: explaining the project; construction, operation schedule, and open for business target date.  
☒ Copy of a zoning map showing the proposed location.  
☒ Copy of completed Alcoholic Beverage Control Board liquor license application form including all drawings and attachments, if filed with ABC Board.
- Optional: ☐ Traffic impact analysis ☐ Economic impact analysis ☐ Noise impact analysis

**PROPERTY OWNER AUTHORIZATION\*** (if petitioner is not property owner)

(I)(WE) hereby grant permission to and acknowledge that person shown as the petitioner on this application is applying for a conditional use permit for the retail sales of alcoholic beverages on a property under (MY)(OUR) ownership and that as part of the conditional use permit process the Assembly may apply conditions which will be (MY)(OUR) responsibility to satisfy.

7/1/05      Justin Cox

Date

Signature

\*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

**FACILITY OPERATIONAL INFORMATION**

What is the proposed or existing business name (Provide both if name is changing): Club Oasis

What is the gross leaseable floor space in square feet? (1st Flr.): 3,477 (2nd Flr.): 3,477 (3rd Flr.): 3,409

What is the facility occupant capacity? 411

What is the number of fixed seats(booth and non movable seats)? 0

What is the number non-fixed seats(movable chairs, stools, etc.)? 240

What will be the normal business hours of operation? Mon.-Thurs. 2p.m.-2:30a.m. Fri. and Sat. 2p.m.-3:00a.m.

What will be the business hours that alcoholic beverages will be sold or dispensed? Same as above.

What do you estimate the ratio of food sales to alcohol beverage sales will be?

85% Alcoholic beverage sales

15% Food sales

Type of entertainment proposed: (Mark all that apply)

X Recorded music X Live music ☐ Floor shows X Patron dancing ☐ Sporting events ☐ Other None

Do you propose entertainment or environmental conditions in the facility that will meet the definition of "indecent material" or "adult entertainment" as set forth by AMC 8.05.420 Minors-Disseminating indecent material or AMC 10.40.050 Adult oriented establishment? ☐ Yes X No

**DISTANCE FROM CHURCHES, DAY CARE, AND SCHOOLS**

Locate and provide the names and address of all churches, day care, and public or private schools within 200 feet of the site property lines

Name	Address
None.	None.



### PACKAGE STORES

Provide the projected percentage of alcoholic product inventory in the store where the retail unit price is:

N/A less than \$5.00

N/A \$5.00 to \$10.00

N/A \$10.00 to \$25.00

N/A greater than \$25.00

### CONDITIONAL USE STANDARDS

The Assembly may only approve the conditional use if it finds that **all** of the following 4 standards are satisfied. Each standard must have a response in as much detail as it takes to explain how your project satisfies the standard. The burden of proof rests with you. Use additional paper if needed.

Explain how the proposed conditional use furthers the goals and policies of the comprehensive development plan and conforms to the comprehensive development plan in the manner required by AMC 21.05.

See Attached.

Explain how the proposed conditional use conforms to the standards for that use in this title and regulations promulgated under this title.

See Attached.

Explain how the proposed conditional use will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district.

See Attached.

Explain how the proposed conditional use 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. See Attached.
2. The demand for and availability of public services and facilities. See Attached.
3. Noise, air, water or other forms of environmental pollution. See Attached.
4. The maintenance of compatible and efficient development patterns and land use intensities. See Attached.

#### 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 of 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.

**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.

*How many active liquor licenses are located on the same property as your proposed license? Two.*

*Within 1,000 feet of your site are how many active liquor licenses? <5*

*How would you rate this area's license concentration on a scale of 1 to 5 with 5 = high? 1*

*How many active liquor licenses are within the boundaries of the local community council? <10*

*In your opinion, is this quantity of licenses a negative impact on the local community? No.*

**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.

*How many employees in direct contact with alcohol will be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program?*

*All employees in direct contact with alcohol will be TAM trained. The management team of Club Oasis takes this issue very seriously and will continue to follow all City, State, and corporate guidelines. Prime, Inc. has been operating a liquor license for over twenty years in the City of Anchorage without incident.*

**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.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | Happy hours?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | Games or contests that include consumption of alcoholic beverages?          |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | Patron access and assistance to public transportation?                      |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | Notice of penalties for driving while intoxicated posted or will be posted? |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | Non-alcoholic drinks available to patrons?                                  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | Solicitation or encouragement of alcoholic beverage consumption?            |

**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.

*What are the proposed precautions to maintain order and prevent unlawful conduct at the licensed premises?*  
*inside facility: See Attached.*

*outside facility: See Attached.*

**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

X Yes   ☐ No   *Are real estate and business property taxes current?*  
☐ Yes   X No   *Are there any other debts owed to the Municipality of Anchorage?*

**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.

X Yes   ☐ No   *As the applicant and operator can you comply? If no explain*

**STANDARDS FOR MODIFICATION TO CONDITIONAL USE**  
**APPROVAL**

Two (2) Duplicate Beverage Dispensary Liquor Licenses for Prime,  
Inc. d/b/a Club Oasis

**LOCATION AND DESCRIPTION OF PLANNED USE**

Prime, Inc. is making application for a minor modification of the existing conditional use to allow the addition of two duplicate beverage dispensary liquor licenses for "on premises" alcohol sales. The first component of the modification is to add a duplicate liquor license to the second floor of the premise where interior renovations are being completed. The second component to the modification is to add a duplicate liquor license to the basement of the premise. The premise location is 4801 Old Seward Highway, Anchorage, AK 99503. Prime, Inc. is doing business as Club Oasis. The addition of two duplicate liquor licenses for this location is consistent with the Anchorage 2020 Comprehensive Plan as set out in the policies discussed below.

*A. Explain how the proposed conditional use furthers the goals and policies of the Anchorage 2020 Comprehensive Plan and conforms to the Comprehensive Development Plan in the manner required by AMC 21.05.*

Prime, Inc. is undergoing an interior remodel of the second floor of the premise which should enhance the entertainment experience for every local and visiting patron. The improvements to the design and quality of the second floor are more aesthetically pleasing and efficient. Prime, Inc. will not be making any exterior additions to Club Oasis.

Club Oasis sits right outside a Major Employment Center located between 36<sup>th</sup> and C Street. Being on the cusp of an intensely developed employment center, Club Oasis is ideally suited to support the people working in the adjacent employment center.

*B. Explain how the proposed conditional use conforms to the standards for that use in this title and regulations promulgated under this title.*

The proposed modification to the conditional use for Prime, Inc. conforms to the standards of Title 21 as well as the Anchorage 2020 Comprehensive Plan in all respects.

The Anchorage 2020 Comprehensive Plan does not specifically address the sale of alcoholic beverages in the community. However, the Municipality does call for the development of location standards and criteria for retail sales/service of alcoholic beverages.

The standards for a conditional use for alcoholic beverage sales and consumption are found in AMC 21.50.160 and in 21.50.020.

The proposed modification to the conditional use conforms to all Title 21 standards and is consistent with the Comprehensive Plan. My client will be presenting a detailed presentation to the Tudor Community Council in July, in which we foresee no opposition. The operation of two duplicate liquor licenses at an already licensed premise without criminal violations or operational complaints from the neighborhood is consistent with the code and will expectantly be supported by the local Community Council.

*C. Explain how the proposed conditional use will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district.*

The modifications to the conditional use will be compatible with the current use of the facility which is in a B-3 zoning district. The modifications will simply improve the interior ambiance, operating efficiency, and convenience of the facility. Again, the additions of two fixed bars and their requisite duplicate liquor licenses will not increase the square footage of the premise and will not require an adjustment to the parking agreement.

*D. Explain how the proposed conditional use 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.*

The modification to the existing conditional use will have little to no effect on vehicular traffic circulation, parking requirements, or pedestrian safety. Club Oasis is well within the required number of parking spaces onsite and has never had an issue with the current design of the lot in regards to vehicular flow and pedestrian access. The addition of two duplicate liquor licenses with corresponding interior improvements will not have a significant effect on pedestrian and vehicular traffic circulation and safety.

## ***2. Demand For and Availability of Public Services and Facilities.***

The following public services are currently existing in Club Oasis:

1. Public utilities (sewer and water, waste collection, electricity, natural gas)
2. Police and Fire protection as provided by the Municipality of Anchorage
3. Public bus transportation is available to patrons of the restaurant through People Mover with multiple pick-up locations to choose from.

There are no additional infrastructure requirements for any public services or facilities.

## ***3. Noise, air, water, or other pollution.***

Club Oasis is committed to the operation of its facility in an environmentally responsible way and has been conscience of this responsibility to their community since its inception. There will be no pollution other than the normal storage and removal of trash.

## ***4. Maintenance of compatible and efficient development patterns and land use intensities.***

The maintenance of compatible and efficient development patterns and land use intensities does not apply to this conditional use permit. Due to the fact that the general land use and zoning will not change as a result of conditional use approval.

### Public Safety

What are the proposed precautions to maintain order and prevent unlawful conduct at the licensed premises?

#### *Inside Facility:*

All Club Oasis employees who have direct contact with alcohol will be TAM certified. Employees will be instructed to ask for the identification of all persons appearing to be under 30 years of age. Employees who violate this policy will be terminated and will be instructed so upon employment. Further, managers and all servers will be trained and reminded to assess the condition of drinkers as enumerated in the TAM training to prevent the service of alcohol to drunken persons.

#### *Outside Facility:*

Further, for the protection of patrons in the parking lot, Club Oasis employees will patrol the parking lot, as needed, to ensure the minimization of loitering, the smooth ingress and egress of vehicular traffic, and the overall security of the parking lot and building surrounds. Club Oasis will work with surrounding tenants, neighbors, neighboring community councils and service patrols to combat any problems which arise in or near the facility.



Alcoholic Beverage Control Board  
5848 E Tudor Rd  
Anchorage, AK 99507

## Duplicate Liquor License

**PAGE 1 OF 2**

(907) 269-0350

Fax: (907) 272-9412

<http://www.dps.state.ak.us/abc/>

**This application is for:**

- ☐ Seasonal -- Two 6-month periods in each year of the biennial period beginning \_\_\_\_\_ and ending \_\_\_\_\_  
☒ Full 2-year period \_\_\_\_\_ Mo/Day \_\_\_\_\_ Mo/Day

**SECTION A. LICENSE INFORMATION.** Must be completed for all types of applications.

**FEES**

License Year: 2005/2006	License Type: Beverage Dispensary	License Fee:	\$ 2,500.00
Statute Reference Sec. 04.11.090	Local Governing Body: (City, Borough or Unorganized) The Municipality of Anchorage	Filing Fee:	\$ 100.00
Federal EIN or SSN: 92-0136988		Total Submitted:	\$ 2,600.00
Name of Applicant: Prime, Inc.	Street Address or Location of Business: 4801 Old Seward Highway	Community Council Name(s) & Mailing Address:  Campbell Creek Park Community Council c/o Stephen Johnston 1707 Dimond Drive Anchorage, AK 99507	
Doing Business As (Business Name): Club Oasis	City: Anchorage		
Mailing Address: 207 E. Northern Lights Blvd., Suite 210	Bus. Tel. #: (907) 276-8885 Fax Tel. #: (907) 279-5790		
City, State, Zip: Anchorage, Alaska 99503	Email Address: justincox@bushcompany.com		

**SECTION B. PREMISES TO BE LICENSED.** Must be completed.

Name to be used on public sign or advertising: Club Oasis	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Not applicable
Closest school grounds: Peak Correspondence School	
Closest church: All Nations Church	
Distance measured under: AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building	

**SECTION C. Individual, corporate officer, limited liability organization member, manager or partner background.**

Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

☒ Yes ☐ No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
Vicky Cox	Great Alaskan Bush Co.	Beverage Dispensary	631 E. International Airport Rd.	Alaska
Justin Cox	Great Alaskan Bush Co.	Beverage Dispensary	631 E. International Airport Rd., Anchorage	Alaska
Vicky Cox	Prime, Inc.	Beverage Dispensary	4801 Old Seward Highway Anchorage	Alaska
Justin Cox	Prime, Inc.	Beverage Dispensary	4801 Old Seward Highway Anchorage	Alaska

Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

☐ Yes ☒ No If Yes, attach written explanation.

Office use only

License Number	Date Approved	Director's Signature
----------------	---------------	----------------------

**SECTION C. Individual, corporate officer, limited liability organization member, manager or partner background.**

Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

☒ Yes ☐ No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
Vicky Cox	Prime, Inc.	Package Store	4801 Old Seward Highway Anchorage	Alaska
Justin Cox	Prime, Inc.	Package Store	4801 Old Seward Highway Anchorage	Alaska

Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

☐ Yes ☐ No If Yes, attach written explanation.

Alcoholic Beverage Control Board  
5848 E Tudor Rd  
Anchorage, AK 99507  
(907) 269-0350 Fax: (907) 272-9412  
<http://www.dps.state.ak.us/abc/>

## New Liquor License

**PAGE 2 OF 2**  
**Corporation Information**

**Corporations must be registered with the Alaska Department of Community and Economic Development (DCED).**

<b>Name of Corporation:</b> Prime, Inc.		<b>Telephone Number:</b> (907) 276-8885	<b>Fax Number:</b> (907) 279-5790
<b>Corporate Mailing Address:</b> 207 E. Northern Lights Blvd., Suite 210	<b>City:</b> Anchorage	<b>State:</b> Alaska	<b>Zip Code:</b> 99503
<b>Name, mailing address &amp; telephone number of registered agent:</b> Justin Cox, 207 E. Northern Lights Blvd., Suite 210 Anchorage, AK 99503		<b>Date of Incorporation or Certificate of Authority:</b> 9/18/89	<b>State of Incorporation:</b> Alaska
Is the corporation in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, attach written explanation.			

**Corporate Officers** (Must include President, Secretary and Treasurer, and Vice-President if applicable)

Name	Title	✓ if Director	Home Address & Telephone Number	Date of Birth	Work Telephone #
Justin Cox	Pres.	X	6713 Fairweather Drive Anchorage, AK 99518 (907) 360-0341	12/13/1980	(907) 276-8885
Vicky Cox	S/T	X	3309 North Shore Drive Anchorage, AK 99502 (907) 229-4054	3/1/1960	(907) 276-8885

**Corporate Directors & Stockholders with a 10% or more interest.** Attach additional sheets if necessary.

Name	Home Address	Telephone Number	Percentage (%) of shares
Justin Cox	6713 Fairweather Drive Anchorage, AK 99518	(907) 276-8885	66.7
Vicky Cox	3309 North Shore Drive Anchorage, AK 99502	(907) 276-8885	33.3

**Note: On a separate sheet provide information on ownership of other organized entities that are shareholders of the licensee.**

**Declaration**

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- The undersigned certifies on behalf of the corporation it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450 no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s)	
Signature	Signature
Name & Title (Please Print)	Name & Title (Please Print)
Subscribed and sworn to before me this day of	Subscribed and sworn to before me this day of
Notary Public in and for the State of Alaska	Notary Public in and for the State of Alaska

# CLUB OASIS TENANT IMPROVEMENT

4801 OLD SEWARD HWY.  
ANCHORAGE, ALASKA

## CONSTRUCTION DOCUMENTS

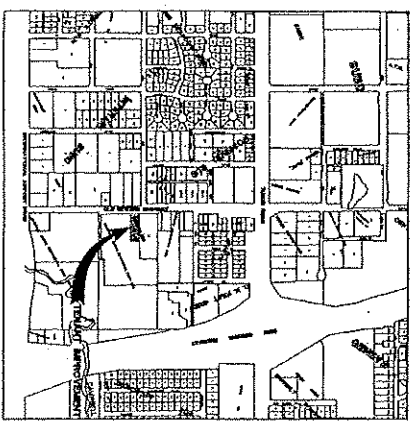
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DESIGN: TTY  
DRAWN: YTC  
CHECKED: JWC  
DATE: 4-18-88  
REVISIONS:

**McCool Carlson Green**  
ARCHITECTURE INTERIOR DESIGN SPACE PLANNING  
901 W. 29TH AVENUE, ANCHORAGE, AK (907) 568-8474

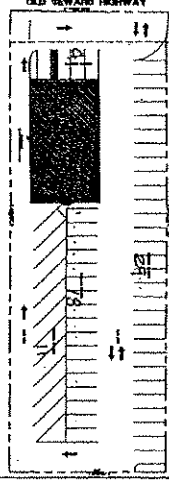
SHEET NO.  
**A0.0**



### VICINITY MAP



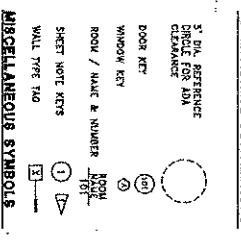
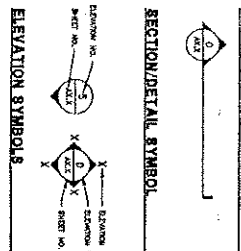
### EXISTING SITE PLAN



62 SPACES ON SITE  
191 TOTAL w/ADJACENT

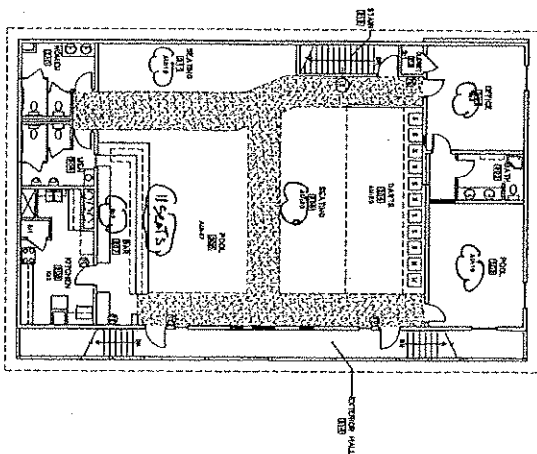
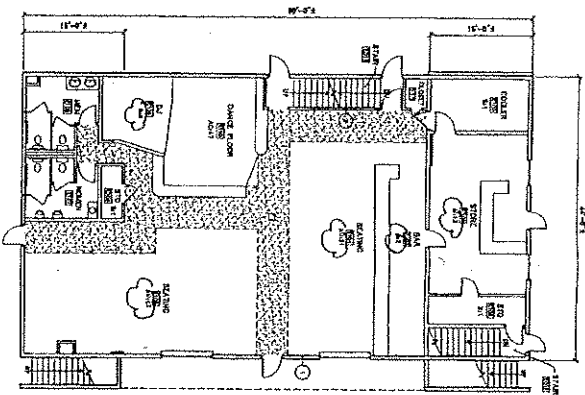
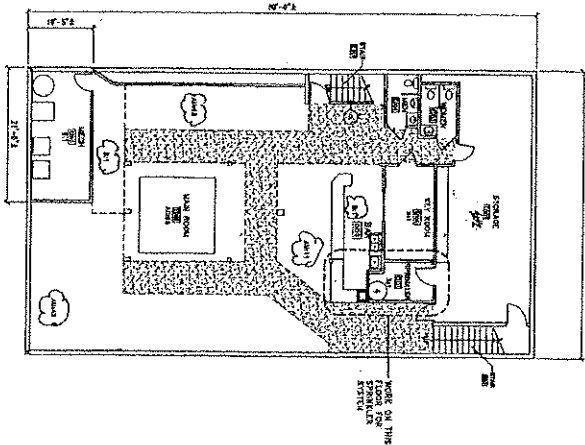
### ABBREVIATIONS

1. ADJACENT LOT	2. ADJACENT LOT	3. ADJACENT LOT	4. ADJACENT LOT	5. ADJACENT LOT	6. ADJACENT LOT	7. ADJACENT LOT	8. ADJACENT LOT	9. ADJACENT LOT	10. ADJACENT LOT
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### INDEX OF DRAWING

A0.0 COVER SHEET	A0.1 COVER SHEET	A0.2 COVER SHEET	A0.3 COVER SHEET	A0.4 COVER SHEET	A0.5 COVER SHEET	A0.6 COVER SHEET	A0.7 COVER SHEET	A0.8 COVER SHEET	A0.9 COVER SHEET
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A9.0 COVER SHEET	A9.1 COVER SHEET	A9.2 COVER SHEET	A9.3 COVER SHEET	A9.4 COVER SHEET	A9.5 COVER SHEET	A9.6 COVER SHEET	A9.7 COVER SHEET	A9.8 COVER SHEET	A9.9 COVER SHEET



# CODE SYNOPSIS

- 1) UCL DESCRIPTION: LOT 28 URBAN SUBDIVISION, PLAT NO. 81-133
- 2) PROJECT DESCRIPTION: THIS IS A TENANT IMPROVEMENT TO THE SECOND LEVEL FOR AN AT
- 3) ANCH LEVEL 2 = 3,447 S.F., LEVEL 1 = 3,447 S.F., BASEMENT = 3,448 S.F.
- 4) TYPE OF CONSTRUCTION: V-4
- 5) SPRINKLER: YES, SPRINKLER USE A FULLY AUTOMATIC SPRINKLER SYSTEM THROUGHOUT
- 6) SEVERAL PARKING SPACES ACCORDING TO THE OCCUPANT LOAD AND TRAVEL TRAVELER DOES
- 7) REFER TO SUPPLEMENTAL "PARKING ASSESSMENT" ATTACHED AS PERMITTING DOCUMENT

# SHEET NOTES

- 1) ACTUAL "PARK" BOX
- 2) POST SIGN FOR VEHICLE OCCUPANCY OF 135 PEOPLE
- 3) DURING SPRINKLER SYSTEM ON THIS FLOOR WILL BE INTERFERED WITH THE NEW
- 4) INSTALLED FULLY AUTOMATIC SPRINKLER SYSTEM AT LEVEL 1 AND 2, INTERFERED WITH

# LEGEND

- 1) FINISH
- 2) NO FINISH

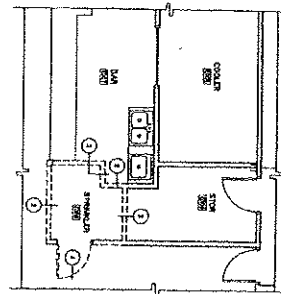
# LOAD CHART (SEE 1004.1.2)

TYPE	LOAD	AREA	LOAD
CLUB OASIS	20 PSF	3,447 S.F.	68,940 LB
CLUB OASIS	20 PSF	3,447 S.F.	68,940 LB
CLUB OASIS	20 PSF	3,447 S.F.	68,940 LB
CLUB OASIS	20 PSF	3,447 S.F.	68,940 LB
CLUB OASIS	20 PSF	3,447 S.F.	68,940 LB
CLUB OASIS	20 PSF	3,447 S.F.	68,940 LB
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CLUB OASIS	20 PSF	3,447 S.F.	68,940 LB
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CLUB OASIS	20 PSF	3,447 S.F.	68,940 LB

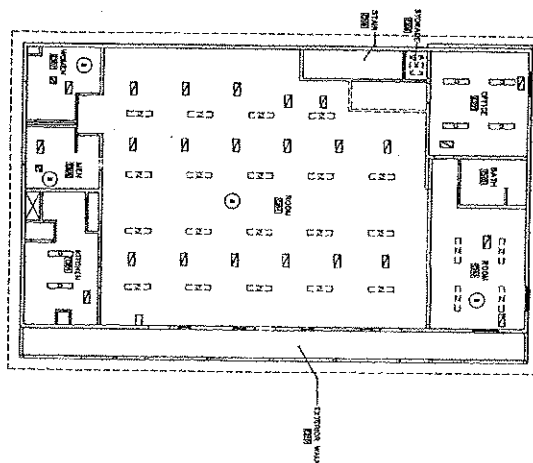
$$\text{TOTAL} = 411 / 3 = 137 \text{ SPACES} < 141 \text{ (OK)}$$

CONSTRUCTION DOCUMENTS

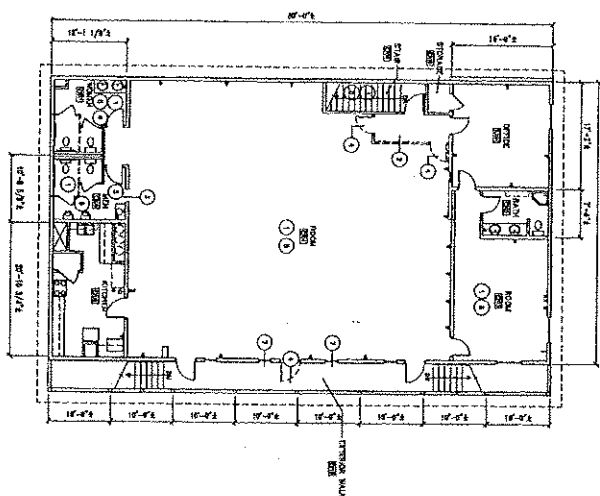




DEMOLITION FLOOR PLAN - SPRINKLER  
SCALE 1/8"=1'-0"



DEMOLITION REFLECTED CEILING PLAN  
SCALE 1/8"=1'-0"



DEMOLITION FLOOR PLAN - LEVEL 2  
SCALE 1/8"=1'-0"

# LEGEND

EXISTING WALL TO REMAIN	EXISTING LIGHT
EXISTING WALL TO BE REMOVED	EXISTING LIGHT TO BE REMOVED
EXISTING DOOR AND FRAME	EXISTING DOOR
EXISTING DOOR & FRAME TO BE REMOVED	EXISTING DOOR
EXISTING SWITCH	EXISTING SWITCH
EXISTING CONVENTIONAL OUTLET 110 V	EXISTING CONVENTIONAL OUTLET 110 V
EXISTING CONVENTIONAL OUTLET 220 V	EXISTING CONVENTIONAL OUTLET 220 V
EXISTING GRAFT	EXISTING GRAFT
EXISTING PHONE	EXISTING PHONE

# SHEET NOTES

- REMOVE ALL EXISTING FLOOR FOR REMAIN AND WALLS
- REMOVE EXISTING FLOOR WALL
- REMOVE PORTION OF EXISTING WALL FOR WINDOW INSTALLATION
- REMOVE EXISTING DOOR AND FRAME
- REMOVE EXISTING WALL, FLOOR, PARTIAL PARTIAL FOR TRUSS INSTALLATION
- REMOVE EXISTING TRUSS PARTIAL
- REMOVE EXISTING WINDOW AND FRAME
- REMOVE EXISTING CEILING TRUSS PARTIAL AND PARTIAL REMOVE AS NECESSARY

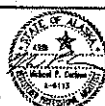
# GENERAL NOTES

- THE INFORMATION SHOWN ON THIS DRAWING IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
- THE INFORMATION SHOWN ON THIS DRAWING IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
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**NOTIFICATION OF POTENTIAL HAZARDS**  
The information shown on this drawing is based on the information provided by the client and the designer. The designer is not responsible for the accuracy of the information provided by the client. The information shown on this drawing is based on the information provided by the client and the designer. The designer is not responsible for the accuracy of the information provided by the client.

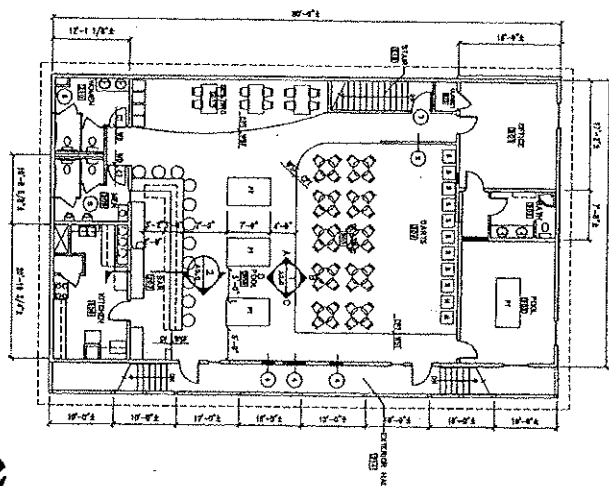
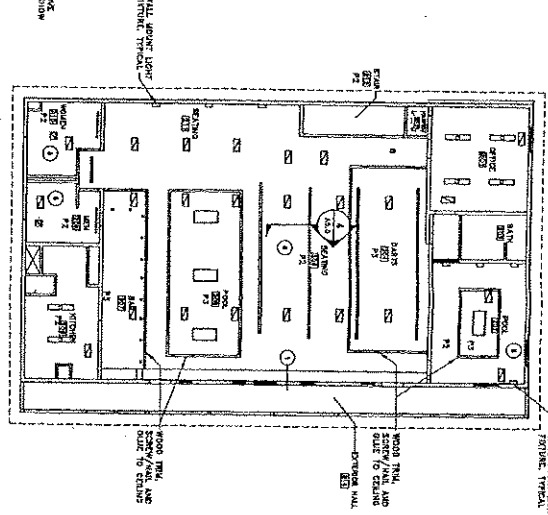
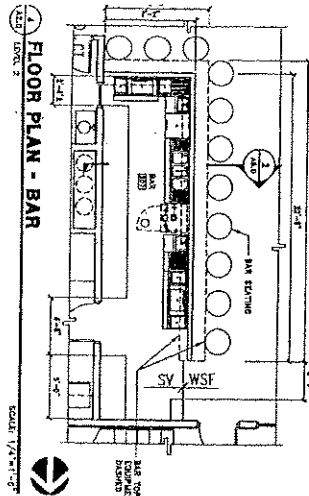
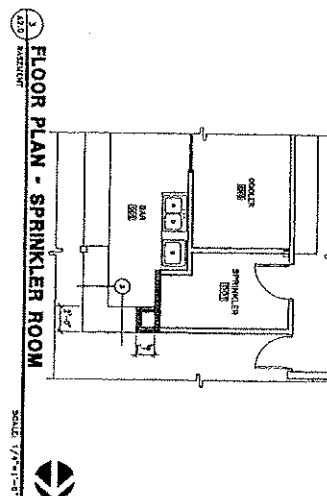
CONSTRUCTION DOCUMENTS

SHEET NO. **A1.0**  
CLUB OASIS TENANT IMPROVEMENT  
4801 OLD BEWARD HWY.  
ANCHORAGE, ALASKA  
**DEMOLITION PLANS**












**McCool Carlson Green**  
ARCHITECTURE INTERIOR DESIGN SPACE PLANNING  
101 W. 20TH AVENUE, ANCHORAGE, AK (907) 563-6474

DATE	2005004
PROJECT	CLUB OASIS
DATE	4-15-05
BY	MC
CHECKED	MC



### **LEGEND**

- |   |  |                          |                               |
|---|--|--------------------------|-------------------------------|
|  | LOCK CYLINDER TO BE INSTALLED<br>5/8" DIA. WITH SHOWN SIDE OF ALUM. STRIPS | <input type="checkbox"/> | DESTROY LIGHT                 |
|  | EXISTING DOOR & FRAME TO REMAIN  | <input type="checkbox"/> | DESTROY FRAME TO BE INSTALLED |
|  | DOOR AND FRAME TO BE INSTALLED   | <input type="checkbox"/> | DESTROY FRAME TO BE INSTALLED |
|  | EXISTING DOOR & FRAME TO REMAIN  | <input type="checkbox"/> | DESTROY FRAME TO BE INSTALLED |
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|  | DOOR AND FRAME TO BE INSTALLED   | <input type="checkbox"/> | DESTROY FRAME TO BE INSTALLED |

**SHEET NOTES**

- ① OWN SOURCE: INTX IS EXHAUSTING
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## GENERAL NOTES

- 1) ACCIDENT HAZARD EXPOSURE AND FASHING INDICATED BY P1, P2, P3 REFER TO FINISH REQUIREMENT
- 2) MECHANICAL AND ELECTRICAL INFORMATION SYSTEM ON THESE DRAWINGS IS PROVIDED AS SUPPLEMENTARY INFORMATION. FULL EXHAUSTING AND DESIGN IS FURNISHED BY OTHER PROFESSION
- 3) REFER TO STRUCTURAL ANALYSIS FOR RELATED INFORMATION

**NOTIFICATION OF POTENTIAL HAZARD**

THESE, LIKE OTHER HAZARDOUS MATERIALS CAN BE PRESENT IN THE DISPOSAL OF ANY WASTE. IT MAY BE NECESSARY TO PREPARE A LIST OF THE HAZARDOUS WASTE AND THE WASTE HANDLING AND DISPOSAL OF THE WASTE. THE WASTE HANDLING AND DISPOSAL OF THE WASTE SHOULD BE DONE IN ACCORDANCE WITH THE WASTE HANDLING AND DISPOSAL OF THE WASTE. THE WASTE HANDLING AND DISPOSAL OF THE WASTE SHOULD BE DONE IN ACCORDANCE WITH THE WASTE HANDLING AND DISPOSAL OF THE WASTE.

RECEIVED

JUL 21 2005

MEMO TO MOA

LAW OFFICES OF DAN K. COFFEY, PC

Facsimile: (907) 274-4258

Municipality of Anchorage  
Zoning Division  
Phone: (907) 274-3385

e mail: dcoffey@coffey-law.net

*THIS MEMO CONTAINS CONFIDENTIAL INFORMATION  
PROTECTED BY THE ATTORNEY CLIENT PRIVILEGE*

TO: MARY AUTOR  
FROM: HUNTER BURTON   
RE: PICTURES FOR PRIME, INC. CONDITIONAL USE  
DATE: JULY 25<sup>TH</sup>, 2005

Please find the enclosed pictures of the premises to be included with 2005-115, amending a conditional use for a beverage dispensary license for our client Prime, Inc. d/b/a Club Oasis.

Thank you for your time and courtesies in this regard.

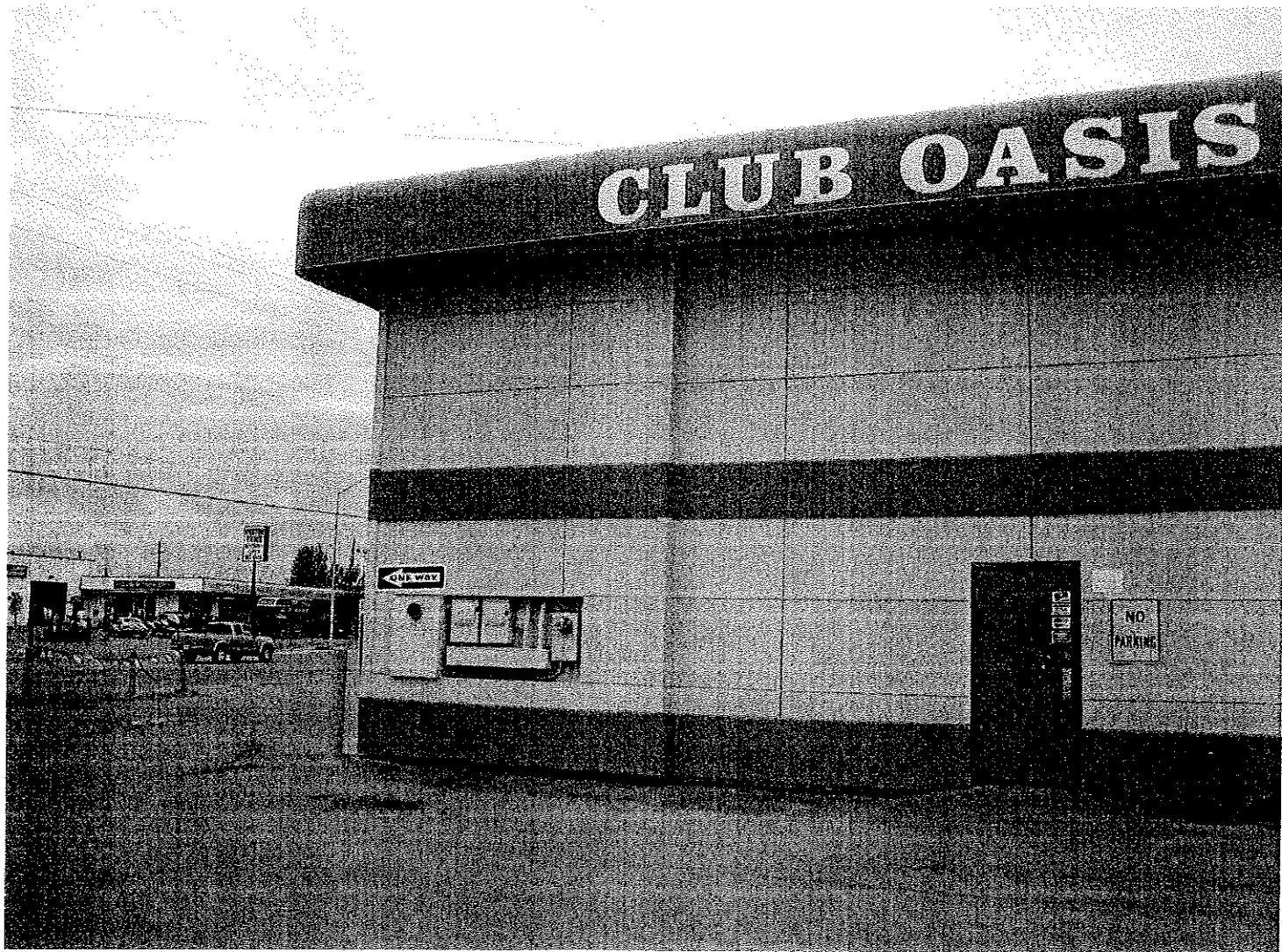




Front



Left Side

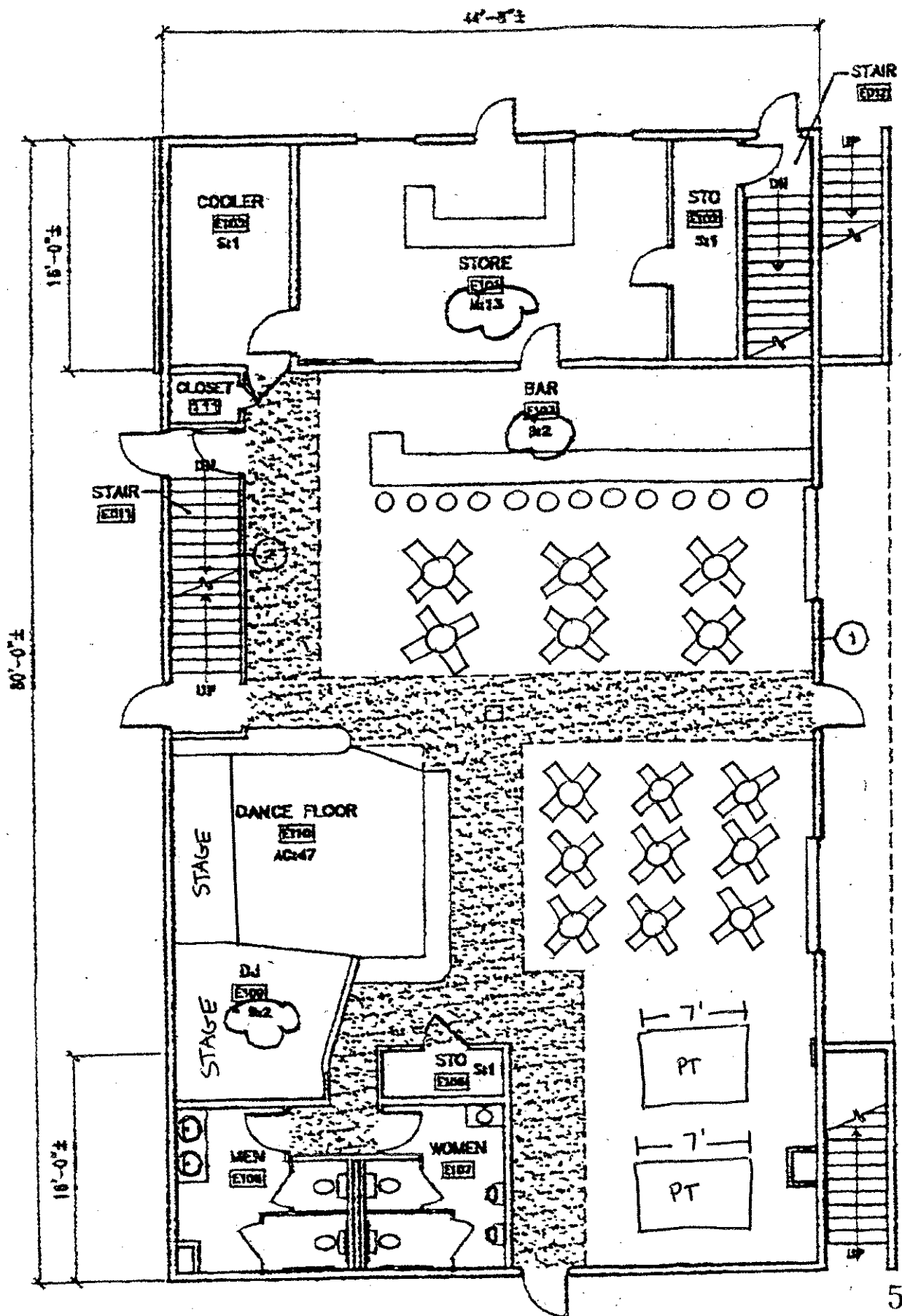


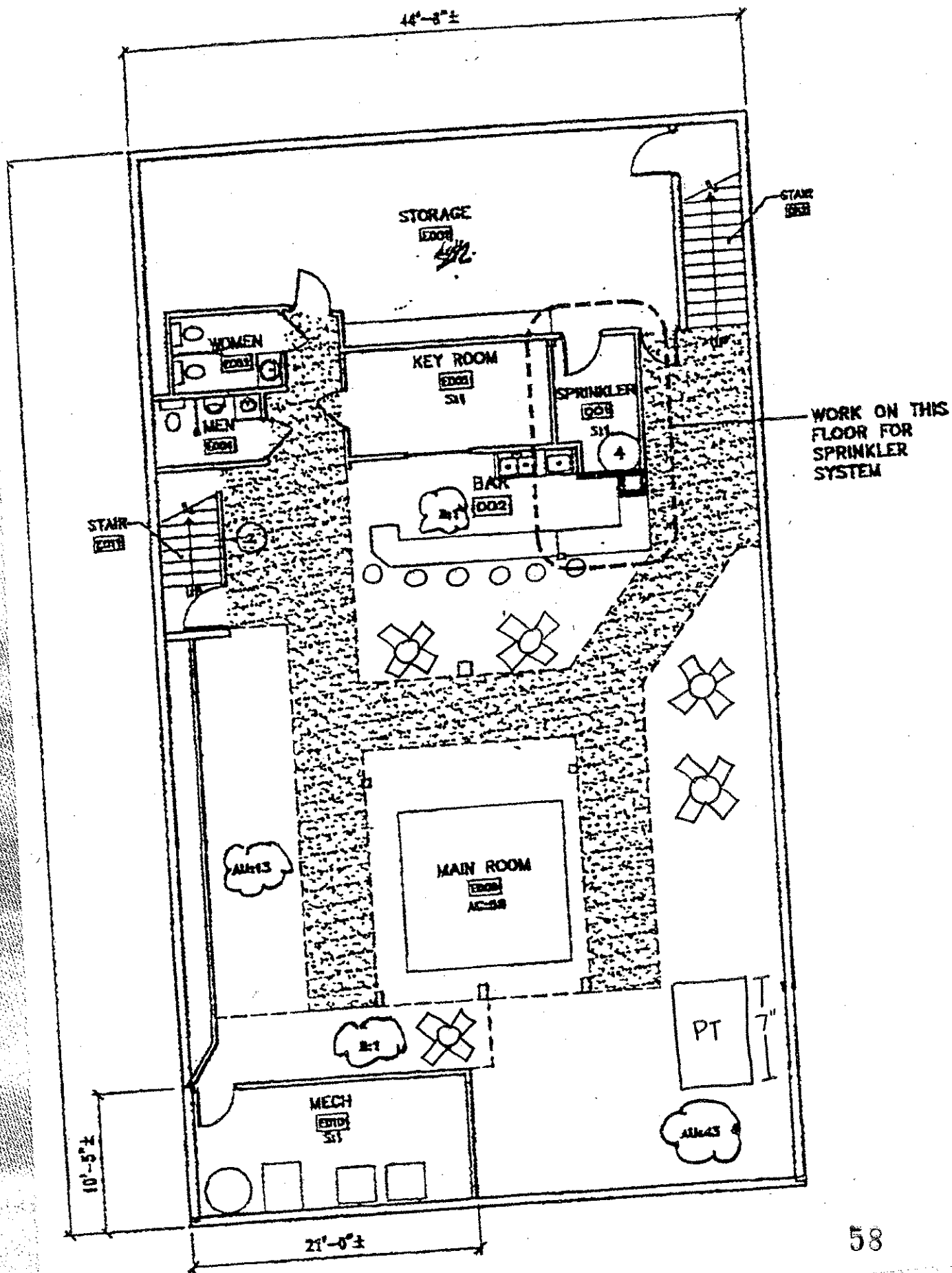
Right Side



Rear









**POSTING**

**AFFIDAVIT**



# **HISTORICAL INFORMATION**

RE-TYPED COPY  
6/28/2005

MUNICIPALITY OF ANCHORAGE

Assembly Memorandum  
No. AM 538-81



Meeting Date: June 16, 1981

From: Municipal Clerk  
Subject: Transfer of Location liquor license – Western Lounge

The Municipality of Anchorage has received from the Alcoholic Beverage Control Board an application for a transfer of location beverage dispensary liquor license as follows:

Ver-Del Enterprises, Inc.  
3701 Eureka #18-D  
Anchorage, AK  
DBA: Western Lounge  
Lot 1A Midriff Subdivision, Old Seward Hwy.  
Between Tudor & Int'l Rd.  
Anchorage, AK 99503

The proposed establishment is located in a B-3 district. The Alcoholic Beverage Control Board may, pursuant to Alaska State Statute 4.11.420, deny a request for a liquor license application, based on the disapproval of a special zoning exception, which is required by Section 21.45.170 of the Anchorage Municipal Code. Therefore, the Director of the Alcoholic Beverage Control Board has requested that the Assembly take two actions:

1. To grant or deny the special zoning exceptions and
2. To issue an approval or disapproval of the issuance of the liquor license and waive the 20-day protest period.

There is an estimated population of 204,328 residing within the Municipality of Anchorage, and there are 111 other like licenses. Notices were mailed to the 58 property owners within 500 feet of the premises on June 3, 1981, and an ad appeared in the newspaper on May 31, 1981.

The Department of Health and Environmental Protection has inspected the facility and it complies with Environmental Health Codes. The Municipal Fire Department has inspected the facility and has given a disapproval. There are no taxes or utilities owing.

The Municipal Clerk will notify the Alcohol Beverage Control Board of the Assembly's action in this matter.

Respectfully submitted,  
Ruby E. Smith  
Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 538-81

APPROVED

Date 6/16/81

Meeting Date: June 16, 1981

From: Municipal Clerk

Subject: Transfer of Location Liquor License-Western Lounge

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Anchorage, AK  
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1. To grant or deny the special zoning exception, and
2. to issue an approval or disapproval of the issuance of the liquor license and waive the 30-day protest period.

There is an estimated population of 204,328 residing within the Municipality of Anchorage, and there are 111 other 111A licensees. Notices were mailed to the 58 property owners within 500 feet of the premises on June 3, 1981, and an ad appeared in the newspaper on May 31, 1981.

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The Municipal Clerk will notify the Alcoholic Beverage Control Board of the Assembly's action in this matter.

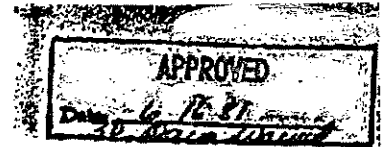
Respectfully submitted,

*Ruby E. Smith*  
Ruby E. Smith  
Municipal Clerk

RE-TYPED COPY  
6/28/2005

MUNICIPALITY OF ANCHORAGE

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The Department of Health and Environmental Protection has inspected the facility and it complies with Environmental Health Codes. The Municipal Fire Department has inspected the facility and has given a disapproval. There are no taxes or utilities owing.

The Municipal Clerk will notify the Alcohol Beverage Control Board of the Assembly's action in this matter.

Respectfully submitted,  
Ruby E. Smith  
Municipal Clerk

MUNICIPALITY OF ANCHORAGE  
ZONING BOARD OF EXAMINERS AND APPEALS  
RESOLUTION NUMBER Z-83-112

A RESOLUTION FINDING OF FACT IN VARIANCE CASE Z-83-138

WHEREAS, a petition has been received from Dennis and Vera DeLong, requesting a variance from the provisions of Section 21.45.080.K., "Minimum Off-Street Parking Requirements: Restaurants, Bars, Lounges, and Night Clubs," of the Municipal Land Use Regulations, which if granted, would allow the petitioners to provide 57 parking spaces; whereas, the ordinance requires 77 parking spaces. Petitioned property is Lot 2B, Midriff Subdivision, and

WHEREAS, the property was posted, notices were mailed to affected property owners, a notice was published, a public hearing was held, and


WHEREAS, the Board determined that:

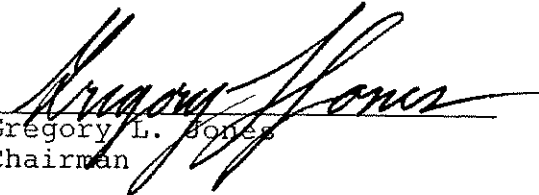
1. Special condition is that the two proposed uses are controlled by the same owner;
2. There is an overlap in business hours for the uses of this facility and any parking necessary;
3. The petitioner agrees to the conditions set forth;

NOW, THEREFORE, be it resolved by the Municipal Zoning Board of Examiners and Appeals that the variance be GRANTED with the following conditions:

1. This variance is good only during the tenure of this ownership by the DeLong's;
2. It is for 14 parking spaces only;
3. The banquet hall is limited to 60 occupants.

THIS RESOLUTION ADOPTED by the Municipal Zoning Board of Examiners and Appeals this 8th day of December, 1983.

  
John C. Bishop, P.E.  
Executive Secretary

  
Gregory L. Jones  
Chairman

MUNICIPALITY OF ANCHORAGE  
ZONING BOARD OF EXAMINERS AND APPEALS  
RESOLUTION NUMBER Z-85-61

A RESOLUTION FINDING OF FACT IN VARIANCE CASE Z-85-75

WHEREAS, a petition has been received from Dennis and Vera Delong, requesting a variance from the provisions of Section 21.45.080.S.10., "Off Street Parking Design; Aisle Width," of the Municipal Land Use Regulations, which, if granted, would allow petitioner to retain a building with an 11'7" one-way aisle on its south side; whereas, the ordinance requires a 12 foot one-way aisle. Petitioned property is Lot 2B, Midriff Subdivision, and

WHEREAS, the property was posted, notices were mailed to affected property owners, a notice was published, a public hearing was held, and

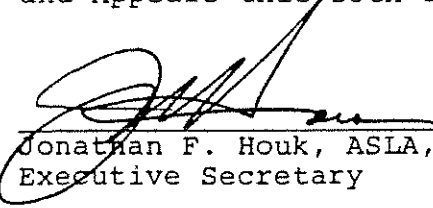
WHEREAS, the Board determined that:

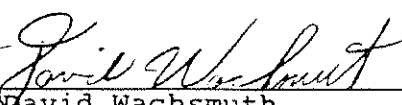
1. Strict interpretation of the zoning ordinance would not deprive the petitioner of rights commonly enjoyed by other properties in this district.
2. The special conditions listed are not the result of actions by the petitioners and does not constitute a monetary hardship.
3. Granting this variance will be in harmony with objectives of the zoning ordinance and will not be injurious or detrimental to public welfare. The objective is to provide one-way access which is not diminished by this 5 inch shortage.
4. This use is permitted in B-3 zone.
5. This is the minimum possible variance which will allow reasonable use of the land and structure.

NOW, THEREFORE, be it resolved by the Zoning Board of Examiners and Appeals that the variance be GRANTED with the following condition:

1. That the petitioners meet all the requirements of the Traffic Department.

THIS RESOLUTION ADOPTED by the Municipal Zoning Board of Examiners and Appeals this 25th day of July, 1985.

  
Jonathan F. Houk, ASLA, APA  
Executive Secretary

8-1308  8/15/85  
David Wachsmuth  
Chairman

**CERTIFICATE OF OWNERSHIP and DEDICATION**

I (we), hereby certify that I am (we are) the owner(s) of the property described herein. I (we) hereby dedicate to the public all easements for public utilities, streets, alleys, paths, thoroughfares and other public areas shown hereon.

HERRING LAND CO., INC.  
 BOX 220 VW.  
 HILLSBORO, OR, 97123

Kenneth M. Dennison  
8809 Augusta Cir.  
Anch, AK

Robert Larson  
ROBERT LARSON

## NOTARY ACKNOWLEDGEMENTS

Subscribed and sworn to before me this 23 day of October 1977

Feb 26 1971  
NS Commission Expires  
one year

Dec 18, 1978  
J. Commissionaires

This is a subdivision of a lot created by plat 76-19.

TAX CERTIFICATION

I, ALLAN W. MURPHY, President of the AMERICAN WRESTLING ASSOCIATION, do hereby certify that the above named person is a bona fide resident of the State of MISSISSIPPI and is entitled to a franchise tax exemption for the year 1964.

Witness my hand and the seal of said Association at MEMPHIS, TENNESSEE, this 15th day of February, 1964.

ALLAN W. MURPHY  
President

W. B. C. 7-15-61

- Brass cap monument found as described.
- 5/8" rebar found.
- 5/8" x 30" rebar set.

## ACCEPTANCE OF DEDICATION

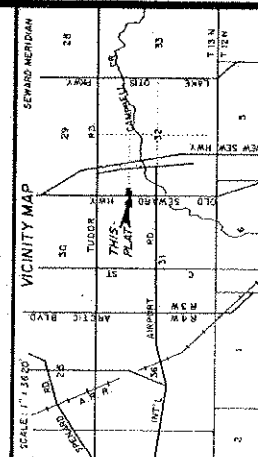
### ACCEPTANCE OF DEDICATION

1861. Nov 15 to day of Dec

Plot approved by the Planning Board this 15<sup>TH</sup> day of JULY, 1981.

81-133  
RECORDED - FILED 10.-  
Anchorage DEC. 08 1981  
DATE July 16, 1981  
TIME 3:38 P.M.  
Transferred to Municipality  
of Anchorage

Age Group	Percentage
18-24	140
25-34	130
35-44	120
45-54	110
55-64	100
65-74	90
75-84	80
85-94	70
95-104	10



MIDRIFF SUBDIVISION, LOTS 1B & 2B  
A SUBDIVISION OF MIDRIFF SUBD., LOT 1A

LOCATED WITHIN NW 1/4 SEC. 32, T13N, R3W, S46K. CONTAINING 2924 ACRES.

**MAC**  
DICKINSON · OSWALD · WALCH · LEE  
3555 N. CINEBA  
3030 35th St. 3030 35th St. 3030 35th St.

Field 1832	Scale 1" = 100'	Date 6/20/77	W.O. no. 10478
Drawn S L H	Zoning B3	Field book 650-25	File no.
			103-88
			103-88 44-20 53-09

1984-328

Reference number :	001571	Reference coment :	BZAP - TEXT REFERENCE
Print date	: 12/07/99	Date TEXT created:	04/03/92
Requested by	: RAK	Executed from	: BZAP/BZ20
Action number	: S-5695		
Action date	: 07/16/81	Expiration date	: / /
Reference type	: PN	Description	: PLAT NOTES
Reference status	: APR	Description	: RULING APPROVED

- 1 page follows -

Plat: 81-133  
date: july 16, 1981  
case: s-5695  
legal: lots 1b and 2b, midrift subdivision  
note: 1. Prior to the issuance of a construction permit on lot  
2b, a site drainage plan must be approved  
by the public works engineering.  
2. Access on old seward highway is limited to one 30 foot  
location for each lot shown.



# PARCEL INFORMATION

## APPRAISAL INFORMATION

Legal MIDRIFF  
LT 2B

Parcel 009-201-08-000  
Owner PRIME INC

# 01

# Descr BAR/LOUNGE  
Site Addr 4801 OLD SEWARD HWY

207 E N LIGHTS BLVD #210  
ANCHORAGE AK 99503 2731

## RELATED CAMA PARCELS

Related Parcel(s)	XRef Type	Leased Parcels

**Cross Reference (XRef) Type Legend**

Econ. Link	Replat	Uncouple
E = Old to New	R = Old to New	U = Old to New
I = New to Old	F = New to Old	Q = New to Old
Renumber	Combine	Lease
N = New to Old	C = Old to New	L = GIS to Lease
X = Old to New	P = New to Old	M = Lease to GIS

Get "Type" explanation  
Bring up this form focused on the related parcel

## REZONE

2005-115

Case Number 2005-115 # of Parcels 1 Hearing Date 07/05/2005  
Case Type Assembly amending a conditional use for a beverage dispensary  
Legal An amendment to an Alcoholic beverage conditional use for 2 duplicate beverage dispensary licenses at Club Oasis. Midriff Subdivision, Lot 2B. Located at 4801 Old Seward Highway.

## PLAT

Case Number	Grid	Proposed Lots 0	Existing Lots
Action Type		Action Date	
Legal			

## PERMITS

04 6237  
05 5500

Permit Number 04 6237  
Project  
Work Desc demo partition walls  
Use A-2 ASSEMBLY, RESTAURANTS, BAR

## BZAP

003008  
010732  
001571

Action No. Z-85-71  
Action Date 07/25/1985  
Resolution  
Status AWC Approved with Condition  
Type VAR Variance

## ALCOHOL LICENSE

1626

Business	Oasis Liquors	Applicants Name	Ver-Del Enterprises, Inc.
Address	4801 Old Seward Hwy Anchorage, AK 99507	Conditions	
License Type	Package Store		
Status	Valid/Active		

# PARCEL INFORMATION

<b>OWNER</b> PRIME INC  207 E N LIGHTS BLVD #210 ANCHORAGE AK 99503 2731 Deed 2004 0082137 CHANGES: Deed Date Nov 01, 2004 Name Date Nov 30, 2004 Address Date Nov 30, 2004	<b>PARCEL</b> Parcel ID 009-201-08-000 Status Renumbr ID 000-000-00-00000 Site Addr 4801 OLD SEWARD HWY Comm Concl MIDTOWN Comments <div style="text-align: right;"># <span style="border: 1px solid black; padding: 2px;">01</span></div>																																			
<b>LEGAL</b> MIDRIFF LT 2B  Unit SQFT 30,000 Plat 810133 Zone B3 Grid SW1832	<b>TAX INFO</b> 2005 Tax 10,215.70 Balance 5,107.85 District 003  <b>HISTORY</b> <table border="1"> <thead> <tr> <th></th> <th>Year</th> <th>Building</th> <th>Land</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Assmt Final</td> <td>2003</td> <td>359,200</td> <td>195,000</td> <td>554,200</td> </tr> <tr> <td>Assmt Final</td> <td>2004</td> <td>354,800</td> <td>210,000</td> <td>564,800</td> </tr> <tr> <td>Assmt Final</td> <td>2005</td> <td>372,500</td> <td>255,000</td> <td>627,500</td> </tr> <tr> <td>Exemptions</td> <td></td> <td></td> <td></td> <td>0</td> </tr> <tr> <td>State Credit</td> <td></td> <td></td> <td></td> <td>0</td> </tr> <tr> <td>Tax Final</td> <td></td> <td></td> <td></td> <td>627,500</td> </tr> </tbody> </table>		Year	Building	Land	Total	Assmt Final	2003	359,200	195,000	554,200	Assmt Final	2004	354,800	210,000	564,800	Assmt Final	2005	372,500	255,000	627,500	Exemptions				0	State Credit				0	Tax Final				627,500
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#	Type	Land Use																																		
01	COMMERCIAL	BAR/LOUNGE																																		
Mon	Year	Price	Source	Type																																
07	1981	250,000	OTHER	LAND SALE																																

**LAND & COMMON PARCEL INFORMATION****APPRAISAL INFORMATION**Legal MIDRIFF  
LT 2B

Parcel 009-201-08-000

# 01 of 01

Owner PRIME INC

Site Addr 4801 OLD SEWARD HWY

207 E N LIGHTS BLVD #210  
ANCHORAGE AK 99503**LAND INFORMATION**

Land Use BAR/LOUNGE  
Class COMMERCIAL  
Living Units 000  
Community Council 037 MIDTOWN  
Entry: Year/Quality 01 1980 0  
02 2005 INTERIOR  
Access Quality GOOD  
Access Type  
Leasehold (Y=Leasehold)  
Drainage GOOD  
Front Traffic HIGH  
Street PAVED  
Topography EVEN LEVEL  
Utilities PUBLIC WATER PUBLIC SEWER  
Wellsite N  
Wet Land

**CONDOMINIUM INFORMATION**

Common Area 0  
Undivided Interest 0.00

# COMMERCIAL INVENTORY

## APPRAISAL INFORMATION

Legal MIDRIFF  
LT 2B

Parcel 009-201-08-000

# 01 of 01

#

01

Owner PRIME INC

Site Addr 4801 OLD SEWARD HWY

207 E N LIGHTS BLVD #210

Prop Info # BAR/LOUNGE

ANCHORAGE

AK 99503

## BUILDING INFORMATION

Structure Type BAR/LOUNGE

Building SQFT 10,800

Year Built 1982

Grade C

Effective Year Built 1982

Property Information # 01

Building Number 01

Identical Units 01

Number of Units 000

## INTERIOR DATA

Floor	Level	Partitions	Heat System	Air Conditioner	Plumbing	Physical Condition	Functional
B1	B1	NORMAL	HOT AIR	NONE	ADEQUATE	NORMAL	FAIR
B1	B1	NORMAL	HOT AIR	NONE	ADEQUATE	NORMAL	NORMAL
01	01	NORMAL	HOT AIR	NONE	ADEQUATE	NORMAL	NORMAL
02	02	NORMAL	HOT AIR	NONE	ADEQUATE	FAIR	NORMAL
02	02	NORMAL	HOT AIR	NONE	ADEQUATE	NORMAL	NORMAL

## EXTERIOR DATA

Floor	Level	Size	Perim	Use Type	Hgt	Wall Type	Const Type
B1	B1	2,000	150	SOCIAL/FRATERNAL	10	NONE	WOOD JOIST(WD & STL)
B1	B1	1,600	100	MULTI-USE STORAGE	10	NONE	WOOD JOIST(WD & STL)
01	01	3,600	250	TAVERN/BAR	10	STUCCO	WOOD JOIST(WD & STL)
02	02	1,800	125	MULTI-USE STORAGE	10	STUCCO	WOOD JOIST(WD & STL)
02	02	1,800	125	MULTI-USE OFFICE	10	STUCCO	WOOD JOIST(WD & STL)

## BUILDING OTHER FEATURES - ATTACHED IMPROVEMENTS

Type	Qty	Size1	Size2
SPRINKLER WET	01	10,800	1
SPRINKLER WET	01	10,800	1
PORCH COVERED UPPER	01	480	1

## OTHER BUILDINGS AND YARD IMPROVEMENTS

Type	Size/Amt	Units	Yr/Built	Condition	Funct/Utility
PAVING ASPHALT PK	5,000	01	1982	NORMAL	NORMAL
PAVING CONCRETE-AV	388	01	1982	NORMAL	NORMAL

**BUILDING PERMIT INFORMATION****APPRAISAL INFORMATION**Legal MIDRIFF  
LT 2B

Parcel 009-201-08-000

# 01 of 01

# 01

Owner PRIME INC

Prop Info # BAR/LOUNGE  
Site Addr 4801 OLD SEWARD HWY207 E N LIGHTS BLVD #210  
ANCHORAGE AK 99503**BUILDING PERMITS**Permit # 04 6237  
05 5500

Class Type C

Class Use A-2 ASSEMBLY, RESTAURANTS, BAR

Date Dec 03, 2004

Address 4751 OLD SEWARD HWY

Cond Occ/Occ 00000000 00000000

Certification

Contract Type OWNER

Name PRIME INC

E-mail

Phone ( ) -

Fax ( ) -

Address 207 E N LIGHTS BLVD #210

City/State/Zip ANCHORAGE AK 99503-2731

Project

Sewer / Water PUBLIC PUBLIC

Work Type DEMO

Work demo partition walls

Description

**CASES**

2005-115

Case Number 2005-115

# of Parcels 1

Hearing Date Tuesday, July 05, 2005

**PERMIT COMMENT**

# OWNER HISTORY

## APPRAISAL INFORMATION

Parcel 009-201-08-000

# 01 of 01

01

#

Legal MIDRIFF  
LT 2B

Property Info # Descr BAR/LOUNGE

Site Address 4801 OLD SEWARD HWY

**Current** 11/01/04

PRIME INC

207 E N LIGHTS BLVD #210

ANCHORAGE AK 99503 2731

**3rd**

2967 0000 08/27/96

DELONG DENNIS W &

DELONG VERA L

% VER DEL ENTERPRISES INC

4801 OLD SEWARD HWY

ANCHORAGE AK 99503

**Prev**

2967 0000 08/27/96

DELONG DENNIS W & VERA L

REVOCABLE TRUSTS (50% EACH)

% VER DEL ENTERPRISES INC

1120 E HUFFMAN RD PMB #215

ANCHORAGE AK 99515

**4th**

0621 0000 00/00/00

DELONG DENNIS & VERA

% VER DEL ENTERPRISES INC

4801 OLD SEWARD HWY

ANCHORAGE AK 99503

**2nd**

2967 0000 08/27/96

DELONG DENNIS W REV TRUST &

DELONG VERA L

% VER DEL ENTERPRISES INC

4801 OLD SEWARD HWY

ANCHORAGE AK 99503

**5th**

0000 0000 / /

00000

# ***THE LAW OFFICES OF DAN K. COFFEY***

***A PROFESSIONAL CORPORATION  
207 EAST NORTHERN LIGHTS BLVD.  
SUITE 200  
ANCHORAGE, ALASKA 99503***

***Dan K. Coffey, President***  
e-mail: [dcoffey@coffey-law.net](mailto:dcoffey@coffey-law.net)

Phone: (907) 274-3385

***W. Sherman Ernouf, Associate***  
e-mail: [sernouf@coffey-law.net](mailto:sernouf@coffey-law.net)

Facsimile: (907) 274-4258

## **Facsimile Transmission**

DATE: June 15, 2005

TO: Mary Autor  
FROM: Hunter Burton

PHONE:

343 - 7927  
FAX: (907) ~~243-4343~~

PAGES: (2) Including cover sheet

COMMENTS: If you have any questions please call 274-3385

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PLEASE CALL (907) 274-3385 IF YOU DO NOT RECEIVE THIS FACSIMILE IN FULL

## OFFICE OF THE MUNICIPAL CLERK

POB 196650

632 WEST 6<sup>TH</sup> AVENUE, SUITE 250

ANCHORAGE, ALASKA 99519

PH: 907-343-4311

FAX: 343-4313

E-MAIL: [wwmasmc@cl.anchorage.ak.usg](mailto:wwmasmc@cl.anchorage.ak.usg)

## FACSIMILE TRANSMITTAL SHEET

TO: Hunter FROM: Mary  
COMPANY: \_\_\_\_\_ DATE: \_\_\_\_\_  
FAX NUMBER: 274-4258  
TOTAL NO. OF PAGES INCLUDING COVER SHEET (2)  
PHONE NUMBER: \_\_\_\_\_  
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TOPIC: Club Gasin Search / compl. use

URGENT \_\_\_\_\_ FOR REVIEW \_\_\_\_\_ PLEASE COMMENT \_\_\_\_\_  
REPLY \_\_\_\_\_ PLEASE RECYCLE \_\_\_\_\_

## COMMENTS:

*Ver- Del Enterprises, Inc.  
Western Lounge*

*Deputy Muni Clk - Linda Klein 343-4314  
Licensing Clk - Andrew Swales 343-4752*

G:\Clerk\Lists &amp; Information\Fax Cover Sheet.doc



## Addendum to Municipal Acknowledgment of Joint-Use Parking

The MUNICIPALITY OF ANCHORAGE is prepared to execute its Municipal Acknowledgment of Joint-Use Parking for the purposes set forth therein relative to a Parking Agreement (the "Parking Agreement") between WINCO ANCHORAGE INVESTORS I LP ("WINCO"), the DENNIS W. DELONG REVOCABLE TRUST, the VERA L. DELONG REVOCABLE TRUST ("DELONGS"), VER DEL ENTERPRISES, INCORPORATED, an Alaska corporation ("VER-DEL"), VICKY COX and JUSTIN COX (collectively "COX") and PRIME, INC., for the real property described as follows:

Lot 2B Midriff Subdivision, according to the official plat thereof  
filed under Plat No. 81-133 in the Anchorage Recording District,  
Third Judicial District, State of Alaska

The aforesaid Parking Agreement between Winco, Prime and Ver Del and their respective principals, Cox and DeLongs, is for a term of ten (10) years and is subject to cancellation for a default by Prime or Cox.

AMC 21.45.080.W.3.b. requires that an "... agreement for joint parking facilities shall be for the life of the occupancy of the building ..."

The proposed Parking Agreement will allow for the full use of the two (2) floors and basement of the building located on the above-described property because the parking requirements of the Municipal Code relative to the required number of parking spaces will have been met.

In order to comply with the above provisions of the Municipal Code, Prime and Cox (as purchasers of the real property and improvements) and DeLongs (as sellers of the real property and improvements and as holders of an existing variance which is personal to Dennis and Vera Delong) agree with and promise to the Municipality of Anchorage, as follows:

1) In the event of the termination or expiration of the Parking Agreement, the use of the real property and improvements shall be limited to that which is allowed by the then existing parking requirements.

2) Prime, Inc. and/or Cox shall, within one hundred and eighty days (180) of the date of closing on the purchase of the real property described above and the improvements located thereon, make application for a variance substantially similar to that which currently exists for the property but which is personal to DeLongs.

3) Based on the promises to keep the use and occupancy of the real property and the improvements thereon in compliance with the parking requirements of the Municipality, and to make application for a variance to permit the use of the real property and improvements to continue as previously permitted, the Municipality will execute the Municipal Acknowledgment of Joint-Use Parking.

**SUBMITTA**

MAY 26 2005

VERA L. DELONG REVOCABLE TRUST

By: Vera L. DeLong  
Vera L. DeLong, Trustee  
And Beneficiary  
DATED: 10-29-04

Vicky Cox  
VICKY COX  
DATED: 10/29/04

DENNIS W. DELONG REVOCABLE TRUST

By: Dennis W. DeLong  
Dennis W. DeLong, Trustee  
And Beneficiary  
DATED: 10-29-04

Justin Cox  
JUSTIN COX  
DATED: 10/29/04

VER DEL ENTERPRISES, Incorporated

By: Vera L. DeLong  
Vera DeLong, President  
DATED: 10-29-04

PRIME, Incorporated

By: Justin Cox  
Justin Cox, President  
DATED: 10/29/04

MUNICIPALITY OF ANCHORAGE

By: [Signature]  
Code Enforcement Officer  
DATED: 10-28-04

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)  
) SS.  
)

THIS IS TO CERTIFY that on this 28 day of October, 2004, before me, the undersigned, appeared DENNIS W. DELONG, who acknowledged being a Code Enforcement Officer for the Municipality of Anchorage, and voluntarily signing and sealing the foregoing instrument on behalf of said Municipality, and being authorized so to do.

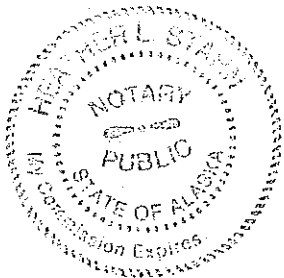
Kisha C. Kene  
Notary Public in and for Alaska  
My Commission Expires: 3/19/06

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)  
) SS.  
)

THIS IS TO CERTIFY that on this 29<sup>th</sup> day of October, 2004, before me, the undersigned, appeared VERA L. DELONG who acknowledged being the Trustee and Beneficiary of the VERA L. DELONG REVOCABLE TRUST, an Alaska revocable trust, and voluntarily signing and sealing the foregoing instrument on behalf of said trust, and being authorized so to do.



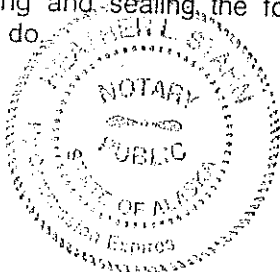
Heather L. Delong  
Notary Public in and for Alaska  
My Commission Expires Jan 8, 2007

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)  
) SS.  
)

THIS IS TO CERTIFY that on this 29<sup>th</sup> day of October, 2004, before me, the undersigned, appeared DENNIS W. DELONG who acknowledged being the Trustee and Beneficiary of the DENNIS W. DELONG REVOCABLE TRUST, an Alaska revocable trust, and voluntarily signing and sealing the foregoing instrument on behalf of said trust, and being authorized so to do.



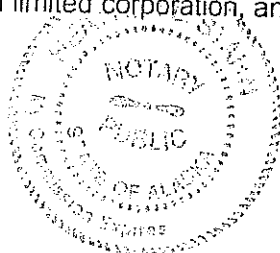
Heather L. Delong  
Notary Public in and for Alaska  
My Commission Expires Jan 8, 2007

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)  
) SS.  
)

THIS IS TO CERTIFY that on this 29<sup>th</sup> day of October, 2004, before me, the undersigned, appeared VERA DELONG, who acknowledged being the President of Ver Del Enterprises, an Alaska corporation, and voluntarily signing and sealing the foregoing instrument on behalf of said limited corporation, and being authorized so to do.



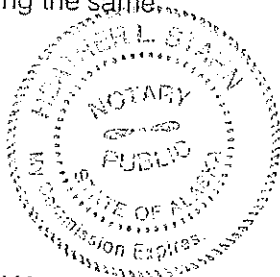
Heather L. Delong  
Notary Public in and for Alaska  
My Commission Expires Jan 8, 2007

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)  
) SS.  
)

THIS IS TO CERTIFY that on this 29<sup>th</sup> day of October, 2004, before me, the undersigned, appeared VICKY COX and JUSTIN COX, to me known and known to me to be the individuals named in and who executed the foregoing instrument, and acknowledged voluntarily signing and sealing the same.



*Heather L. Stal*

Notary Public in and for Alaska

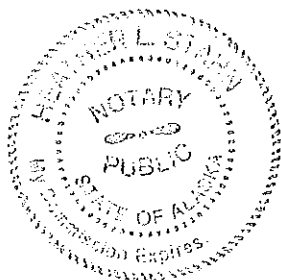
My Commission Expires: Oct 8 2007

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)  
) SS.  
)

THIS IS TO CERTIFY that on this 29<sup>th</sup> day of October, 2004, before me, the undersigned, appeared JUSTIN COX, who acknowledged being the President of Prime, Inc., an Alaska corporation, and voluntarily signing and sealing the foregoing instrument on behalf of said limited corporation, and being authorized so to do.



*Heather L. Stal*

Notary Public in and for Alaska

My Commission Expires: Oct 8 2007

---

**After Recording Return To:**

**Municipality of Anchorage**

**ATTN: Don Dolenc**

**P.O. Box 196650**

**Anchorage, AK 99519**

## Municipal Acknowledgment of Joint-Use Parking

The MUNICIPALITY OF ANCHORAGE, WINCO ANCHORAGE INVESTORS I LP ("WINCO"), the DENNIS W. DELONG REVOCABLE TRUST, the VERA L. DELONG REVOCABLE TRUST ("DELONGS"), VER DEL ENTERPRISES, INCORPORATED, an Alaska corporation ("VER-DEL"), VICKY COX and JUSTIN COX ("COX") hereby enter into this "Municipal Acknowledgment of Joint-Use Parking."

WINCO owns the following described real property (herein referred to as "LOT 2A"):

Lot 2A Midriff Subdivision, according to the official plat thereof filed under Plat No. 81-133 in the Anchorage Recording District, Third Judicial District, State of Alaska

DELONGS own the following described real property (herein referred to as "LOT 2B"):

Lot 2B, Midriff Subdivision, according to the official plat thereof filed under Plat No. 81-133 in the Anchorage Recording District, Third Judicial District, State of Alaska

DELONGS have agreed to sell LOT 2B to COX.

LOT 2A and LOT 2B are situated adjacent to one another. An as-built diagram depicting the parking areas of LOT 2A are attached as Attachment "A". An as-built diagram depicting the parking areas of LOT 2B are attached as Attachment "B".

The tenants of LOT 2A conduct business in the daytime hours and the heaviest traffic and use of parking facilities by their business invitees occurs between, approximately, the hours of 5:00 a.m. and 6:00 p.m. Monday through Sunday of each week. The tenants of LOT 2B conduct business primarily in the evening hours and the heaviest traffic and use of parking facilities by their business invitees occurs between, approximately, the hours of 6:00 p.m. and 5:00 a.m. Monday through Sunday of each week.

WINCO, DELONGS and COX have covenanted and agreed<sup>1</sup> to provide one another with use of the additional parking spaces depicted in Attachment "A" and Attachment "B", WINCO being granted 49 additional parking spaces on LOT 2B, and DELONGS and COX being granted 98 additional parking spaces on LOT 2A, which parking is granted in accordance with Title 21 of the Anchorage Municipal Code. WINCO, DELONGS and COX agree that such uses of LOT 2A and LOT 2B and the parking configuration depicted in Attachment "A" and Attachment "B" will not be altered, changed or revised in any manner without the prior written consent of the Municipality of Anchorage; provided that WINCO, DELONGS and COX will forthwith notify the Municipality of Anchorage of any termination of the any parking agreement between WINCO, DELONGS and COX and upon receipt thereof the Municipality of Anchorage shall terminate this Municipal acknowledgment and agreement by recording a written release.

*and is  
accord  
with the  
Parking  
Agreement*

<sup>1</sup>WINCO, DELONGS and COX have entered into a Parking Agreement dated effective 9/1/04 ("Parking Agreement")

WINCO ANCHORAGE INVESTORS I LP,  
a California limited partnership  
By: Winc General I, Inc. California corporation, its General Partner

By: [Signature]  
Its General Partner, Vice President

DATED: 10/7/2004

VERA L. DELONG REVOCABLE TRUST

By: Vera L. DeLong  
Vera L. DeLong, Trustee

And Beneficiary

DATED: 9-28-04

DENNIS W. DELONG REVOCABLE TRUST

Vicky Cox

VICKY COX

DATED: 9/27/04

By: Dennis W. DeLong  
Dennis W. DeLong, Trustee

And Beneficiary

DATED: 9/28/04

Justin Cox

JUSTIN COX

DATED: 9/27/04

MUNICIPALITY OF ANCHORAGE

By: [Signature]

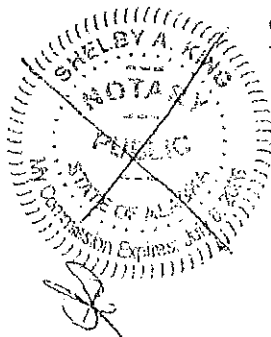
Code Enforcement Officer

STATE OF CALIFORNIA

COUNTY OF \_\_\_\_\_

)  
) SS.  
)

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned, appeared \_\_\_\_\_, who acknowledged being the General Partner of WINCO ANCHORAGE INVESTORS I LP, an Alaska Limited Partnership, and voluntarily signing and sealing the foregoing instrument on behalf of said limited partnership, and being authorized so to do.



*See attached*

Notary Public in and for California  
My Commission Expires: \_\_\_\_\_

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)  
) SS.  
)

THIS IS TO CERTIFY that on this 28 day of October, 2004, before me, the undersigned, appeared DONALD DOLENC, who acknowledged being a Code Enforcement Officer for the Municipality of Anchorage, and voluntarily signing and sealing the foregoing instrument on behalf of said Municipality, and being authorized so to do.

Kisha C. Keane

Notary Public in and for Alaska

My Commission Expires: 3/19/06

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)  
) SS.  
)

THIS IS TO CERTIFY that on this 26th day of September, 2004, before me, the undersigned, appeared VERA L. DELONG who acknowledged being the Trustee and Beneficiary of the VERA L. DELONG REVOCABLE TRUST, an Alaska revocable trust, and voluntarily signing and sealing the foregoing instrument on behalf of said trust, and being authorized so to do.

Shelby A. King

Notary Public in and for Alaska

My Commission Expires: 7.6.06

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)  
) SS.  
)

THIS IS TO CERTIFY that on this 24th day of September, 2004, before me, the undersigned, appeared DENNIS W. DELONG who acknowledged being the Trustee and Beneficiary of the DENNIS W. DELONG REVOCABLE TRUST, an Alaska revocable trust, and voluntarily signing and sealing the foregoing instrument on behalf of said trust, and being authorized so to do.

Shelby A. King

Notary Public in and for Alaska

My Commission Expires: 7.6.06

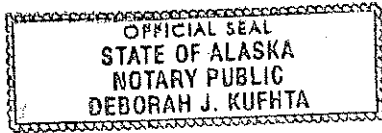


STATE OF ALASKA

THIRD JUDICIAL DISTRICT

)  
) SS.  
)

THIS IS TO CERTIFY that on this 27th day of September, 2004, before me, the undersigned, appeared VICKY COX and JUSTIN COX, to me known and known to me to be the individuals named in and who executed the foregoing instrument, and acknowledged voluntarily signing and sealing the same.



Deborah J. Kufhta  
Notary Public in and for Alaska  
My Commission Expires: 6/5/05

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA

County of Los Angeles

On October 7, 2004 before me, Constance M. Larson

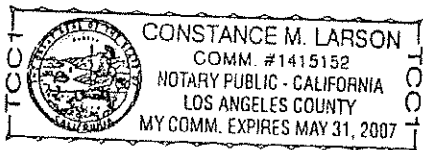
Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared RICHARD A. LAWRENCE

Name(s) of Signer(s)

☒ personally known to me – OR – ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~they executed the same in his/~~her~~their authorized capacity(ies), and that by his/~~her~~their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Constance M. Larson

Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

## Description of Attached Document

Title or Type of Document: MUNICIPAL ACK. of Joint Use PARKING

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

## Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- ☐ Individual
- ☐ Corporate Officer
- Title(s): \_\_\_\_\_
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

Signer's Name: \_\_\_\_\_

- ☐ Individual
- ☐ Corporate Officer
- Title(s): \_\_\_\_\_
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

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**After Recording Return To:**

**Municipality of Anchorage**

**ATTN: Don Dolenc**

**P.O. Box 196650**

**Anchorage, AK 99519**

---

15-00001-100

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## Parking Agreement

**Agreement** made and entered into effective as of the 1st day of September, 2004, by and between WINCO ANCHORAGE INVESTORS I LP ("WINCO") and DENNIS W. DELONG REVOCABLE TRUST, the VERA L. DELONG REVOCABLE TRUST ("DELONGS") and VER DEL ENTERPRISES, INCORPORATED, an Alaska corporation ("VER-DEL"), VICKY COX and JUSTIN COX ("COX") and PRIME, INC., an Alaska corporation ("PRIME")

### Recitals:

- A. WINCO owns the following described real property (herein referred to as "LOT 2A") located in at 4831 Old Seward Highway in Anchorage, Alaska, improved with a commercial building and paved parking lot used for office and retail purposes:
- Lot 2A Midriff Subdivision, according to the official plat thereof filed under Plat No. 81-133 in the Anchorage Recording District, Third Judicial District, State of Alaska
- B. The commercial and retail tenants of LOT 2A conduct business primarily in the daytime hours and the heaviest traffic and use of parking facilities by their retail customers and other business invitees occurs between, approximately, the hours of 5:00 a.m. and 6:00 p.m. Monday through Sunday of each week.
- ~~C. DELONGS own the following described real property (herein referred to as "LOT 2B")~~ located at 4801 Old Seward Highway in Anchorage, Alaska improved with a commercial building and paved parking lot, which is presently used by VER-DEL for the purposes of operating a nightclub known as the "Club Oasis" and a retail package liquor store, known as "Oasis Liquors:
- Lot 2B, Midriff Subdivision, according to the official plat thereof filed under Plat No. 81-133 in the Anchorage Recording District, Third Judicial District, State of Alaska
- DELONGS have agreed to sell LOT 2B to COX and the assets of the Club Oasis and Oasis Liquors, including their respective liquor licenses, to PRIME, INC., a company owned and controlled by COX.
- D. The commercial and retail tenants of LOT 2B conduct business primarily in the evening hours and the heaviest traffic and use of parking facilities by their retail customers and other business invitees occurs between, approximately, the hours of 6:00 p.m. and 5:00 a.m. Monday through Sunday of each week.
- E. LOT 2A and LOT 2B are situated adjacent to one another. An as-built diagram depicting the structural improvements and parking areas of LOT 2A are attached as Attachment "A". An as-built diagram depicting the structural improvements and parking areas of LOT 2B are attached as Attachment "B".

**Now, Therefore,** for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

**1. Mutual Grant of License for Parking.**

**a. LOT 2A Parking License.** WINCO, hereby grants to DELONGS and VER-DEL (and to their purchasers, COX and PRIME) a *non-exclusive license* for use of the parking lot areas and associated parking facilities on LOT 2A (including all points of ingress and egress thereto), as depicted in the as-built survey attached as Attachment "A", between, approximately, the hours of 6:00 p.m. and 5:00 a.m. Monday through Sunday of each week (the "LOT 2A Parking License").

- (1) The LOT 2A Parking License is granted to DELONGS and VER-DEL (and to their purchasers, COX and PRIME), and to their respective lawful tenants, business patrons and other business invitees of each of them.
- (2) The LOT 2A Parking License is non-transferrable.
- (3) Any use granted by the LOT 2A Parking License is secondary to the use of LOT 2A and its parking lot and associated facilities by WINCO, and their lawful tenants, business patrons and other business invitees of each them; the parties intending and agreeing that their own such tenants, business patrons, and other business invitees of each of them, shall have first rights to use of each parties own respective parking lot and associated facilities.
- (4) To facilitate use of the LOT 2A Parking License, WINCO hereby agrees not to erect a fence along the common boundary between Lot 2A and Lot 2B during the term of this Agreement.

**b. LOT 2B Parking License.** DELONGS (and their purchasers, COX and PRIME) hereby grant to WINCO a *non-exclusive license* for use of the parking lot areas and associated parking facilities on LOT 2B (including all points of ingress and egress thereto), as depicted in the as-built survey attached as Attachment "B", between, approximately, the hours of 5:00 a.m. and 6:00 p.m. Monday through Sunday of each week (the "LOT 2B Parking License").

- (1) The LOT 2B Parking License is granted to WINCO, and to its respective lawful tenants, business patrons and other business invitees of each of them.
- (2) The LOT 2B Parking License is non-transferrable.
- (3) Any use granted by the LOT 2B Parking License is secondary to the use of LOT 2B and its parking lot and associated facilities by DELONGS and VER-DEL (and their purchasers, COX and PRIME), and their lawful tenants, business patrons and other business invitees of each of them; the parties intending and agreeing that their own such tenants, business

patrons, and other business invitees of each of them, shall have first rights to use of each parties own respective parking lot and associated facilities.

- (4) To facilitate use of the LOT 2B Parking License, DELONGS (and their purchasers, COX and PRIME) hereby agree not to erect a fence along the common boundary between Lot 2A and Lot 2B during the term of this Agreement.

2. **LOT 2A and LOT 2B Parking Lot Maintenance Services.** The parties agree that until termination of this agreement, the following described charges related to parking lot maintenance shall be provided and paid for as follows:

- a. **Snow Removal.** DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) shall pay and provide for all costs for removal of snow from those areas of the parking lots on each LOT 2A and LOT 2B, as depicted in the as-built surveys attached as Attachments "A" and "B" at any time a snow depth of greater than two and one-half inches shall accumulate on either LOT 2A's or LOT 2B'S parking lot areas to permit the conduct of business in the ordinary course. Should WINCO determine, from time to time, that it needs additional snow plowing, lot sanding or sidewalk services (shoveling, sanding, ice melt) for any portion of LOT 2A, it shall be solely responsible for paying for all such additional services, if any. In the event DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) shall fail to remove snow as agreed, WINCO and/or its tenants shall promptly notify DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) of the need for such snow removal and DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) shall promptly (within 24 hours) remove said snow. Such notice may be given by WINCO and/or its tenants verbally or in writing, however, three (3) such written notices shall constitute a material breach of this paragraph 2. a.
- b. **Sweeping.** DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) shall pay and provide for all costs for sweeping of the those areas of the parking lots on each LOT 2A and LOT 2B, as depicted in the as-built surveys attached as Attachments "A" and "B", at least once each year in the month of May of each year. Should WINCO determine, from time to time, that it needs additional parking lot sweeping or cleaning for any portion of LOT 2A, it shall be solely responsible for paying for all such additional services, if any. In the event DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) shall fail to provide for such parking lot sweeping as agreed, and such failure shall continue for thirty (30) days after written notice of such failure shall have been delivered to DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX), then, and in that event, DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) shall be deemed in material breach of this paragraph 2.b.

- c. **Removal of Trash & Debris.** DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) shall pay and provide for all costs associated with removal of any trash or debris on each LOT 2A and LOT 2B, as depicted in the as-built surveys attached as Attachments "A" and "B", from time to time, as needed. In that regard, DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) shall inspect and remove trash and debris each day between 4:00 a.m. and 5:00 a.m. to maintain the parking areas of LOT 2A free and clear of trash and debris to accommodate the daytime parking requirements of LOT 2A tenants, their business patrons, and other invitees. WINCO and/or its tenants shall promptly notify DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) of any trash or debris littering the parking areas of LOT 2A and DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) shall promptly (within 24 hours) remove said trash and debris. Such notice may be given by WINCO and/or its tenants verbally or in writing, however, three (3) such written notices shall constitute a material breach of this paragraph 2. c.
- d. **Inspection Fees.** DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) shall pay to WINCO the monthly sum of \$350.00 in connection with additional daily inspection performed by WINCO or its agents each morning to confirm that all bottles, trash and other debris from patrons of Lot 2B have been removed from Lot 2A. Failure of DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) to paid said inspection fees is a material breach of this paragraph d.
- e. **Other Maintenance Costs.** Except as provided above, all other costs for cleaning, clearing, lighting, painting, repairing or maintaining LOT 2A shall be borne solely by WINCO; and all other costs for cleaning, clearing, lighting, painting, repairing or maintaining LOT 2B shall be borne solely by DELONGS and VER-DEL (or by their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX).
3. **Indemnification of WINCO.** DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) hereby agree to indemnify and hold WINCO, and its lawful tenants of LOT 2A, harmless from and against all claims, demands, actions, damages, losses and expenses, including attorney's fees and court costs, caused by or arising out of any incident of bodily injury and/or death of any person, or of any property loss or damage, including loss of use of property, belonging to or in the possession of any person or entity, occurring, by act or omission of any person or entity, in connection with the use of the LOT 2A Parking License by DELONGS and VER-DEL (or by their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) and their other lawful tenants, business patrons, and other business invitees of each of them.
4. **Indemnification of DELONGS and COX.** WINCO hereby agrees to indemnify and hold DELONGS (or their purchasers, COX, after closing of a sale of LOT 2B to COX), and

their lawful tenants of LOT 2B, harmless from and against all claims, demands, actions, damages, losses and expenses, including attorney's fees and court costs, caused by or arising out of any incident of bodily injury and/or death of any person, or of any property loss or damage, including loss of use of property, belonging to or in the possession of any person or entity, occurring, by act or omission of any person or entity, in connection with the use of the LOT 2B Parking License by and its other lawful tenants, business patrons, and business invitees of each of them.

5. **Compliance with Laws and Regulations.** Each party shall comply with any and all laws, ordinances, and regulations which may apply to the use and provision of parking facilities.
6. **No Other Agreements.** No other agreements or consents may be implied by virtue of the granting of the Licenses described herein. Specifically, neither party consents to the use of any portion of their respective lot by the other for any purpose other than as described herein, and further mutually agree that the licenses granted herein are permissive and revocable uses, are not adverse, and are without waiver of either parties rights, whatsoever. This Agreement does not convey any interest in real property to either party.
7. **No Construction Against Draftsman.** The parties hereto acknowledge that this instrument is the result of arms-length negotiations between the parties and that any rule of construction that an instrument should be construed strictly against the draftsman thereof shall not apply in any construction hereof.
8. **Time is of the Essence.** Time is of the essence of all agreements contained within this agreement.
9. **Termination.**
  - a. **Expiration of Term.** This Agreement shall continue in full force and effect by and between the parties for ten (10) years from and after the effective date hereof, and thereafter may be terminated by either party upon thirty (30) days advance written notice to the other; provided that each party's right of termination under this section is in addition to any other rights it may have under this Agreement or otherwise, and the exercise of a right of termination will not constitute an election of remedies.
  - b. **Default.** This Agreement may be terminated by either party (i) upon the failure by the other party to perform, keep or fulfill any of the covenants, undertakings, obligations or conditions set forth in this Agreement, or other reason, and the continuance of any such default for a period of 30 days after written notice of such failure shall have been delivered to the party in default; (ii) upon delivery by WINCO of 3 written notices to DELONGS and VER-DEL (or their purchasers, COX and PRIME, after closing of a sale of LOT 2B to COX) under paragraph 2(a) or 2(c); or (iii) upon written notice by one lot owner to the other if the licensed use of the Lot owned by the owner providing the notice has resulted in a property damage or significant risk of personal injury. In the event of the occurrence of



any of the events described in clauses (i), (ii) or (iii) of this Paragraph 9b, the owner electing to terminate this Agreement shall send a written notice of termination to the other owner ("Termination Notice"). This Agreement shall automatically terminate five (5) business days following delivery of the Termination Notice without the necessity of any judicial action or judicial order. Subsequent to the termination of this Agreement, the terminating owner may also record, in the official records of the Anchorage Recording District, a written acknowledgment of termination of this Agreement, executed by the terminating owner alone ("Acknowledgment"), which Acknowledgment shall constitute conclusive evidence that this Agreement has been terminated. Each party waives the right to file a judicial action or other lawsuit to challenge the right of the other party to terminate this Agreement pursuant to this Paragraph 9b. The provisions of this Paragraph 9b, allowing for termination of this Agreement upon the occurrence of the events in clauses (i), (ii) and (iii) without the necessity of judicial action or judicial order are a material consideration to WINCO, without which WINCO would not enter into this Agreement.

**10. Miscellaneous.**

- a. This Agreement shall be binding upon each party and their respective heirs, devisees, transferees and assignees of each of them.
- b. This Agreement may not be amended or modified in any respect, except by an instrument in writing executed by both parties.
- c. This Agreement shall be construed in accordance with, and governed by, the laws of the State of Alaska. Any action, suit or proceeding arising out of or relating to this Agreement shall be brought in the courts of the State of Alaska and each of the parties to this Agreement hereby irrevocably submits to the jurisdiction of any of such courts for the purpose of any such action, suit or proceeding.
- d. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
- e. Words used in this Agreement which import one gender shall apply to any gender when appropriate, and any words which import the singular or plural shall be applied to the other when appropriate.
- f. If any provision of this Agreement is prohibited or invalid under law in some part or under some circumstances, such provision shall be inoperative and all other provisions herein shall otherwise remain in full force and effect.
- g. All notices, requests, demands and other communications required or permitted hereunder shall be in writing, and shall be deemed duly given if delivered personally or sent by registered mail (with adequate postage prepaid) to the address set forth below with respect of each party or at such other address as such party designates in writing:

WINCO:

DeLONG/VER-DEL:

Richard Lawrence  
Winco Partners LLC  
5000 No. Parkway Calabasas  
Suite 210  
Calabasas, CA 91302

Dennis & Vera DeLong  
4801 Old Seward Highway  
Anchorage, AK 99503

COX/PRIME:

Justin Cox  
207 East Northern Lights Blvd., Suite 210  
Anchorage, AK 99503

11. **Attorneys Fees.** In the event an arbitration, suit or action is brought by any party under this Agreement to enforce any of its terms, or in any appeal therefrom, it is agreed that the prevailing party shall be entitled to reasonable attorneys fees to be fixed by the arbitrator, trial court, and/or appellate court.
12. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes and cancels any and all prior oral or written agreements and undertakings between the parties hereto concerning the subject matters hereof.

Wherefore, the parties have executed this Agreement the date first above written.

WINCO ANCHORAGE INVESTORS I LP a California limited partnership  
By: Winco General I, Inc., a California corporation, its general partner

By: [Signature]  
Its General Partner- Vice President

VER DEL ENTERPRISES, INC.  
An Alaska Corporation

By: [Signature]  
Dennis W. DeLong  
Its President

PRIME, INC.,  
An Alaska Corporation

By: [Signature]  
Justin Cox  
Its President

VERA L. DELONG REVOCABLE TRUST

By: [Signature]  
Vera L. DeLong, Trustee  
And Beneficiary

[Signature]  
VICKY COX

DENNIS W. DELONG REVOCABLE TRUST

By: Dennis W. DeLong  
Dennis W. DeLong, Trustee  
And Beneficiary

Justin Cox  
JUSTIN COX

STATE OF CALIFORNIA )

) SS.

COUNTY OF \_\_\_\_\_ )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned, appeared \_\_\_\_\_, who acknowledged being the General Partner of WINCO ANCHORAGE INVESTORS I LP, an Alaska Limited Partnership, and voluntarily signing and sealing the foregoing instrument on behalf of said limited partnership, and being authorized so to do.

*See attached*

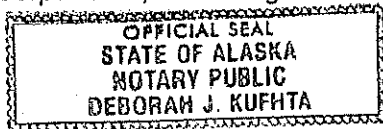
Notary Public in and for California  
My Commission Expires: \_\_\_\_\_

STATE OF ALASKA )

) SS.

THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this 27th day of September, 2004, before me, the undersigned, appeared JUSTIN COX, who acknowledged being the President of PRIME, INC., an Alaska corporation, and voluntarily signing and sealing the foregoing instrument on behalf of said Corporation, and being authorized so to do.



Deborah J. Kufhta  
Notary Public in and for Alaska  
My Commission Expires: 4/5/05

STATE OF ALASKA )

) SS.


THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on this 26th day of September, 2004, before me, the undersigned, appeared DENNIS W. DELONG who acknowledged being the President of VER DEL ENTERPRISES, INC., an Alaska corporation, and voluntarily signing and sealing the foregoing instrument on behalf of said Corporation, and being authorized so to do.



Shelby A. King  
Notary Public in and for Alaska  
My Commission Expires: 7.6.05

44



a new building f

# Dennis & Vera I

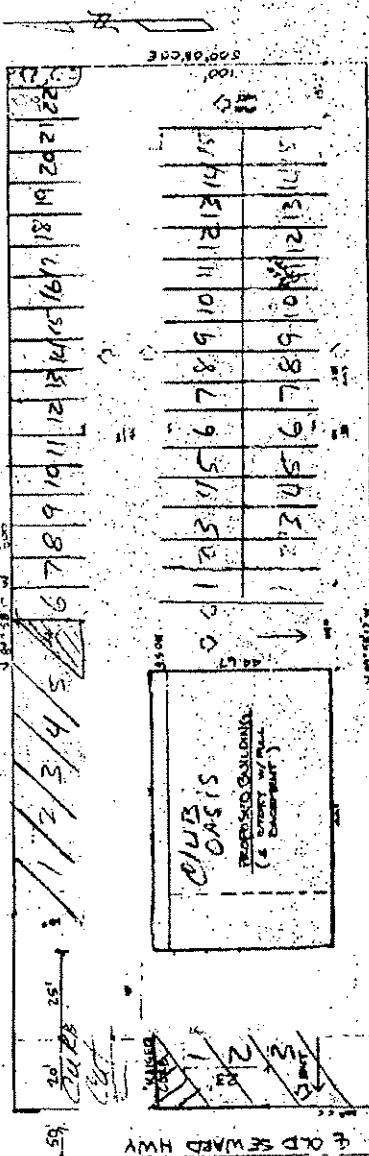
ARCHITECT: G. P. de PALMER

# STRUCTURAL: TOBBEN SI

**MECHANICAL: WILLIAM F. F**

**ELECTRICAL: MCGILL-BOE**

# Permit



SITE PLAN  
SCALE: 1" = 20'-0"  
LOT 2B, MIDRIFF SUBD  
LEGEND  
→ INDICATES PLANTING  
A SECOND WHOLESALE IS SHOWN

## DESIGN CRITERIA:

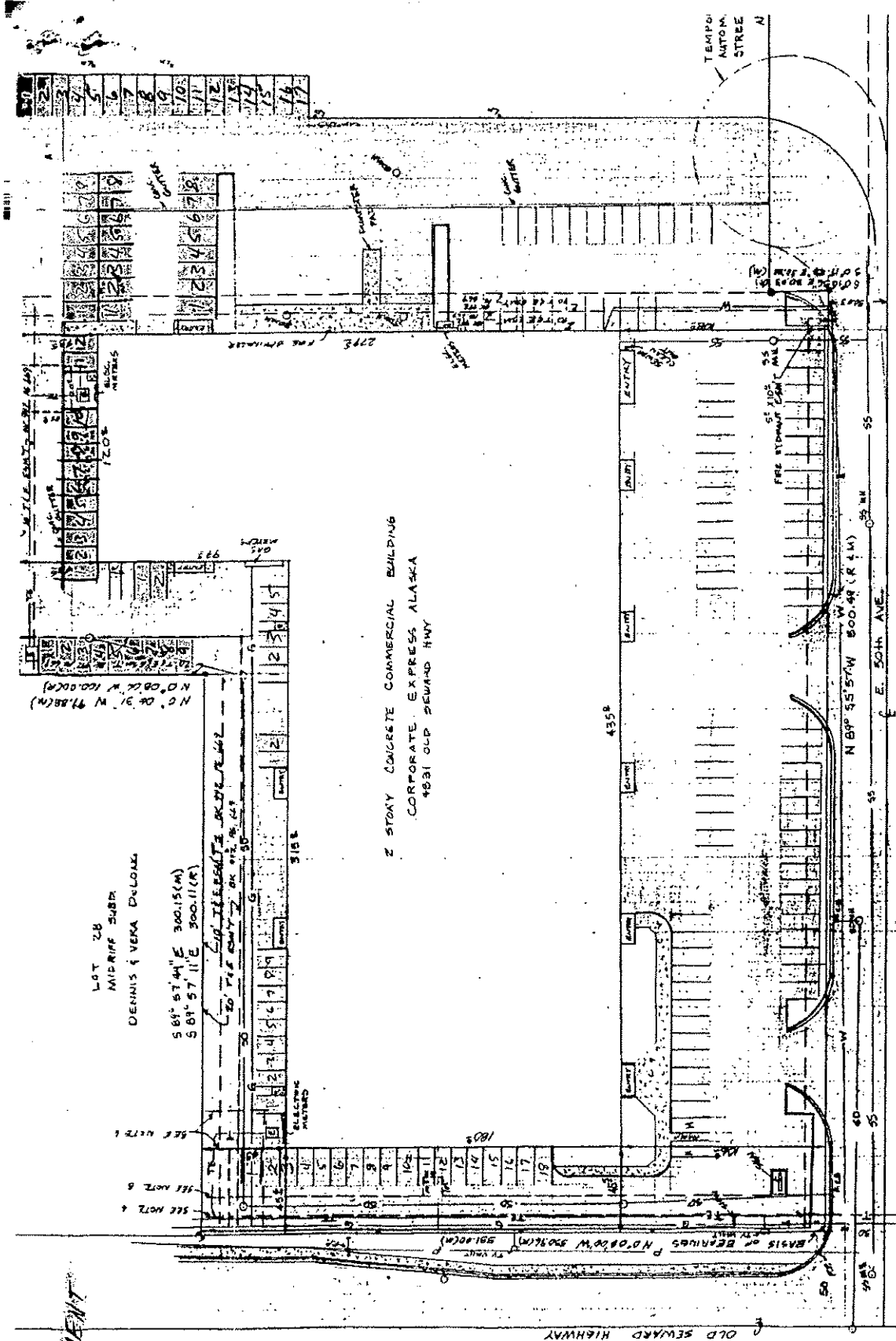
[illegible]

## Index to drawings

- COVER PAGE-SITE PLAN  
ELEVATIONS  
FOUNDATION PLAN & DETAILS  
FIRST FLOOR PLAN  
SECOND FLOOR PLAN



12 of 13  
2004-082140-0



2 STORY CONCRETE COMMERCIAL BUILDING  
 CORPORATE EXPRESS ALASKA  
 4831 OLD SEWARD HWY

LOT 28  
 MIDRIFF SUBD  
 DENNIS & VERA DELONG

S 86° 57' 41" E 300.15 (M)  
 S 81° 57' 11" E 300.11 (R)

N 0° 04' 31" W 100.00 (M)  
 N 0° 04' 31" W 100.00 (M)



13 of 13  
 2004-082140-0

*Handwritten signature/initials*

# LIQUOR LICENSE BROWSE

## LICENSE INFORMATION

List	License Number	1625	Action Type	Transfer	Action Date	04/08/2004
1568	Approval Date	04/08/2004	Protest Date	10/16/2004	License Document	AM 271-2004
1570	Restaurant Date	09/18/1989	License Status	Valid/Active	Status Date	03/28/2000
1576	Soc. Sec. Num.		Fed. EIN Num.	920136988	ABC App. Date	
1579	License Type	Beverage Dispensary			License Years	04-05
1582	Comment	AM 271-2004 AM 445-2000 ap'd April 25, 2000				
1589						
1596						
1597						
1608						
1617						
1625						
1625						
	Tax ID	009-201-14-000	Tax ID Verified	No		

## BUSINESS INFORMATION

Name	Club Oasis		
Address	4801 Old Seward Hwy		
	Anchorage, AK 99503		
Phone 1	(907) 276-8885	Phone 2	( ) -
Community Councils	Campbell Park Tudor Area	Primary	Other

## APPLICANT INFORMATION

Name	Prime Inc.
Address	207 East Northern Lights
	Anchorage, AK 99503

## CONDITION DOCUMENTS

Document Num.	Condition Type	Request Date	Approval Date
AM 271-2004	Land Use Conditions	September 21, 2004	September 21, 2004
<b>Comment</b> This document is for the renewal which took place in April 8, 2004.			

## OWNER INFORMATION

Owner Name	Address	City	State	Zip
DeLong, Dennis	4801 Old Seward Hwy	Anchorage	AK	99515
De Long, Vera L	1642 Cara Lp	Anchorage	AK	

**Liquor License Identify Results**

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**License Information**

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License Number: 1625  
Requested Action: Transfer  
Request Date: 21/9/04  
Approval Date: 21/9/04  
Protest Date: 16/10/04  
License Doc. Number: AM 716-2004  
ABC Approval Date:  
Restaurant Date: 18/9/89  
License Type: Beverage Dispensary  
License Years: 04-05  
Parcel ID: 00920114000  
License Comments: AM 445-2000 ap'd April 25, 2000  
License Number: 1625  
Requested Action: Transfer  
Request Date: 8/4/04  
Approval Date: 8/4/04  
Protest Date: 16/10/04  
License Doc. Number: AM 271-2004  
ABC Approval Date:  
Restaurant Date: 18/9/89  
License Type: Beverage Dispensary  
License Years: 04-05  
Parcel ID: 00920114000  
License Comments: AM 271-2004 AM 445-2000 ap'd April 25, 2000

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**Associated Conditions**

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Document Number: AM 271-2004  
Condition Type: Land Use Conditions  
Request Date: 21/9/04  
Approval Date: 21/9/04  
Comments: April 8, 2004, license was for renewal.

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**Applicant Information**

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Applicant Name: Prime Inc.  
Applicant Address: 207 East Northern Lights  
Anchorage AK 99503  
License Status: Valid/Active  
Status Date: 28/3/00

---

**Business Information**

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Business Name: Club Oasis  
Business Address: 4801 Old Seward Hwy  
Anchorage AK 99503  
Business Phone 1: 9072768885  
Business Phone 2:

## Applicant Information

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Applicant Name: Prime Inc.  
Applicant Address: 207 East Northern Lights  
Anchorage AK 99503  
License Status: Valid/Active  
Status Date: 28/3/00

## Business Information

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Business Name: Club Oasis  
Business Address: 4801 Old Seward Hwy  
Anchorage AK 99503  
Business Phone 1: 9072768885  
Business Phone 2:

## Community Council Information

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Community Council: Campbell Park  
Type: Primary  
Community Council: Tudor Area  
Type: Other

## Owner Information

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Name: Cox, Vicky  
Name: De Long, Vera L



# LIQUOR LICENSE BROWSE

## LICENSE INFORMATION

List	License Number	1626	Action Type	Renewal	Action Date	04/08/2004
1570	Approval Date	04/08/2004	Protest Date	04/13/2004	License Document	AM 274-2004
1576	Restaurant Date	09/18/1989	License Status	Valid/Active	Status Date	04/08/2004
1579	Soc. Sec. Num.		Fed. EIN Num.	92-0073981	ABC App. Date	04/09/2004
1582	License Type	Package Store			License Years	04-05
1589	Comment	AM 717-2004 app trnsfr from Ver-Del to Prime, Inc. 9/21/04				
1596		AM 274-2004 app 4/8/04 renewal				
1597		AM 446-2000 Ap'd April 25, 2000				
1608	Tax ID	009-201-08-000	Tax ID Verified	No		
1617						
1625						
1625						
1626						

## BUSINESS INFORMATION

Name	Oasis Liquors		
Address	4801 Old Seward Hwy		
	Anchorage, AK 99507		
Phone 1	(907) 276-8885	Phone 2	( )
Community Councils	Campbell Park Midtown	Primary	Other

## APPLICANT INFORMATION

Name	Ver-Del Enterprises, Inc.
Address	4801 Old Seward Hwy
	Anchorage, AK 99503

## CONDITION DOCUMENTS

Document Num.	Condition Type	Request Date	Approval Date
Comment			

## OWNER INFORMATION

Owner Name	Address	City	State	Zip
Delong, Vera Pres	1642 Cara Lp	Anchorage	AK	99515
Mandigo, Mark VP	4938 Tiffin Cir	Anchorage	AK	99508

**Liquor License Identify Results**

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**License Information**

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License Number: 1626  
Requested Action: Renewal  
Request Date: 8/4/04  
Approval Date: 8/4/04  
Protest Date: 13/4/04  
License Doc. Number: AM 274-2004  
ABC Approval Date: 9/4/04  
Restaurant Date: 18/9/89  
License Type: Package Store  
License Years: 04-05  
Parcel ID: 00920108000  
License Comments: AM 717-2004 app trnsfr from Ver-Del to Prime, Inc. 9/21/04  
AM 274-2004 app 4/8/04 renewal AM 446-2000 Ap'd April 25, 2000

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**Associated Conditions**

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**Applicant Information**

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Applicant Name: Ver-Del Enterprises, Inc.  
Applicant Address: 4801 Old Seward Hwy  
Anchorage AK 99503  
License Status: Valid/Active  
Status Date: 8/4/04

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**Business Information**

---

Business Name: Oasis Liquors  
Business Address: 4801 Old Seward Hwy  
Anchorage AK 99507  
Business Phone 1: 9072768885  
Business Phone 2:

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**Community Council Information**

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Community Council: Campbell Park  
Type: Primary  
Community Council: Midtown  
Type: Other

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**Owner Information**

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Name: Delong, Vera Pres  
Name: Mandigo, Mark VP

**Content Information****Content ID :** 003216**Type:** AR\_AllOther - All Other Resolutions

Amendment to an Alcoholic Beverages Conditional Use in the B-3

**Title:** District per AMC 21.40.180 D.8 for the "Club Oasis" to add two Duplicate Beverage Dispensary Licenses**Author:** weaverjt**Initiating Dept:** Planning

Amendment to an Alcoholic Beverages Conditional Use in the B-3

**Description:** District per AMC 21.40.180 D.8 for the "Club Oasis" to add two Duplicate Beverage Dispensary Licenses**Date Prepared:** 8/22/05 3:33 PM**Director Name:** Tom Nelson**Assembly Meeting**  
**Date MM/DD/YY:** 9/13/05**Public Hearing Date**  
**MM/DD/YY:** 9/13/05**Workflow History**

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOtherARWorkflow	8/22/05 3:38 PM	Checkin	weaverjt	Public	003216
Planning_SubWorkflow	8/22/05 4:43 PM	Approve	nelsontp	Public	003216
ECD_SubWorkflow	8/23/05 9:59 AM	Approve	thomasm	Public	003216
MuniManager_SubWorkflow	9/3/05 11:30 AM	Approve	leblancdc	Public	003216
MuniMgrCoord_SubWorkflow	9/4/05 8:53 PM	Approve	abbottmk	Public	003216

M.O.A.  
 2005 SEP - 6 PM 12:51  
 CLERKS OFFICE