

Submitted by: Chair of the Assembly at the Request of
the Mayor
Prepared by: Municipal Light & Power
For reading: February 28, 2006

CLERK'S OFFICE

APPROVED

Date: 3-14-06 ANCHORAGE, ALASKA
AO No. 2006- 42

**AN ORDINANCE AUTHORIZING THE DISPOSAL OF A MUNICIPAL INTEREST, VIA
RELINQUISHMENT OF EASEMENT NO LONGER REQUIRED, OVER LOTS 22 AND
23, COLLINS SUBDIVISION**

THE ANCHORAGE ASSEMBLY ORDAINS:

WHEREAS, Municipal Light and Power recommends release and relinquishment of the
overhead electrical easement identified in Section 1 below. The electrical easement is no longer
required for public purpose and

WHEREAS, this disposal will remove and extinguish recorded electrical easement no
longer required by ML&P and the Municipality; and

WHEREAS, the Assembly finds that the municipal interest in real property to be disposed
of hereunder is without substantial value to the Municipality.

NOW THEREFORE, the Assembly of Anchorage ordains:

Section 1: The Municipality may dispose, via relinquishment, of its electrical easement
described below and identified by the attached Right-of-Way Easement.

A Right-of-Way Easement recorded March 31, 1950, Book 75, Page 201 over Lots 22 and
23, Collins Subdivision, according to Plat P-175, records of the Anchorage Recording District,
Third Judicial District, State of Alaska.

Section 2: This ordinance shall take effect upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 14th day of March, 2006.

Acting Chairman

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 126-2006

Meeting Date: February 28, 2006

1 **FROM: Mayor**

2
3 **SUBJECT: Relinquishment of Right-of-Way Easement over Lots 22 and 23,**
4 **Collins Subdivision**

5
6
7 The owner of subject properties, Casa Grande, Inc., requests relinquishment of an
8 electrical easement recorded against this property. Municipal Light and Power (ML&P)
9 supports the request.

10
11 The blanket overhead electrical easement identified in the accompanying ordinance as
12 it effects Lots 22 and 23 of Collins Subdivision is not required.

13
14 The easement was granted to Chugach Electric Association Inc. (CEA) in 1950 for
15 overhead electric transmission and distribution lines. After the CEA and ML&P property
16 exchange in 1985, said easement was transferred to ML&P.

17
18 Said easement is located over Collins Subdivision per Plat P-175.

19
20 The passage of this ordinance will have no fiscal impact on Municipal owned parcels.

21
22
23 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AO 2006-42.**

24
25
26 Prepared by: James M. Posey, General Manager, Municipal Light & Power
27 Concur: Denis C. LeBlanc, Municipal Manager
28 Respectfully submitted: Mark Begich, Mayor

172
owner
to show
in plat P-172

CHUGACH ELECTRIC ASSOCIATION, INC.
ANCHORAGE, ALASKA

RECORDED VOL 75 PAGE 201
1303-19C (24)

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that (I) (We), the undersigned Ernest Collins (unmarried) (husband and wife), for a good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto the CHUGACH ELECTRIC ASSOCIATION, INC., a co-operative corporation, (hereinafter called the "Cooperative") whose post office address is Anchorage, Alaska, and to its successors or assigns, the right to enter upon the lands of the undersigned, situated in the Anchorage Recording Precinct, Third Division, Territory of Alaska, and more particularly described as follows:

Collins Subdivision, Sec. 19
6/199' T13 N, R3W, Seward Meridian
(6 acres)

and to construct, operate and maintain on the above described lands and/or in or upon all streets, roads or highways abutting said lands, an electric transmission or distribution line or system, and to cut and trim trees and shrubbery that may interfere with or threaten to endanger the operation and maintenance of said line or system.

THE UNDERSIGNED agree(s) that all poles, wires and other facilities, including any main service entrance equipment, installed on the above-described lands at the Cooperative's expense shall remain the property of the Cooperative, removable at the option of the Cooperative, upon termination of service to or on said lands.

THE UNDERSIGNED covenant(s) that (they are) (he is) the owner (s) of the above-described lands, and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons: None

IN WITNESS WHEREOF, the undersigned (have) (has) set (their) (his) hand(s) and seal(s) this

31st day of March, 1950

Signed, Sealed and Delivered
in the Presence of:

Agnes Barkdall
Luella Frederich

Ernest Collins
(L.S.)
(L.S.)
(L.S.)

Phone 37264
37333

Box 404, Anchorage



UNITED STATES OF AMERICA
Territory of Alaska

THIS IS TO CERTIFY that on this 31st day of March, 1950, before me, a Notary Public in and for the Territory of Alaska, residing therein, duly commissioned and sworn, personally appeared

Ernest Collins

(unmarried) (husband and wife), known to me to be the identical individual(s) described in and who executed the foregoing instrument, and (he) (they) personally acknowledged to me that (he) (they) executed the same freely and voluntarily for the uses and purposes therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the above-named Territory the day and year in this certificate first above written.

Anchorage
Filed for recording, Alaska.
By Ernest Collins 3:25

At 4:00 o'clock 4:00 M
Mail to: Box 488
ROSE WALSH CO.

Agnes S Barkdall
Notary Public for Alaska, residing at Anchorage
My commission expires: March 16, 1954

District Recorder

Content Information

Content ID : 003715

Revision: 0

Type: Ordinance - AO

Title: Casa Grande, Inc.

Author: cartercl

Initiating Dept: MLP

Select Routing: Standard

Review Depts: Legal, MuniManager

Description: Relinquishment of Right-of-Way Easement over Lots
22 & 23, Collins Subdivision

Keywords: Casa Grande, Inc. Collins Subdivision

Date Prepared: 2/15/06 3:25 PM

Director Name: James M. Posey

Addnl Dept Review ?: No

Addnl Review Depts:

Mayor Review?: No

Requested Assembly Meeting
Date MM/DD/YY: 3/21/06 12:00 AM

Requested Public Hearing Date
MM/DD/YY: 3/14/06 12:00 AM

Workflow History

| <u>Workflow Name</u> | <u>Action Date</u> | <u>Action</u> | <u>User</u> | <u>Security Group</u> | <u>Content ID</u> | <u>Revision</u> |
|--------------------------|--------------------|---------------|-------------|-----------------------|-------------------|-----------------|
| AllOrdinanceWorkflow | 2/15/06 3:38 PM | Checkin | cartercl | Public | 003715 | 0 |
| MLP_SubWorkflow | 2/15/06 4:55 PM | Approve | poseyjm | Public | 003715 | 0 |
| OMB_SubWorkflow | 2/17/06 3:49 PM | Approve | mitsonjl | Public | 003715 | 0 |
| Legal_SubWorkflow | 2/17/06 4:03 PM | Approve | fehlenrl | Public | 003715 | 0 |
| MuniManager_SubWorkflow | 2/18/06 1:26 PM | Approve | leblancdc | Public | 003715 | 0 |
| MuniMgrCoord_SubWorkflow | 2/20/06 2:07 PM | Approve | abbottmk | Public | 003715 | 0 |

CLERK'S OFFICE

APPROVED

3-14-06

Submitted by:

Chair of the Assembly at
the Request of the Mayor
Planning Department

Prepared by:

For reading:

February 14, 2006

Anchorage, Alaska

AO 2006- 35

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.50.160,
AND ANCHORAGE MUNICIPAL CODE OF REGULATIONS 21.20.002, SCHEDULE OF
FEES – ZONING, REGARDING CONDITIONAL USES INVOLVING THE SALE OF
ALCOHOLIC BEVERAGES STANDARDS AND FEES.

(Planning and Zoning Commission Case 2005-070)

Section 1. Anchorage Municipal Code section 21.50.160 is hereby amended to add the
following new subsection (*the remainder of the chapter is not affected and therefore is not set
out*):

21.50.160 **Conditional use standards – Uses involving sale of alcoholic
beverages.**

A. Any use, whether principal or accessory, involving the retail sale or dispensing
of alcoholic beverages is permitted only by conditional use. The conditional use
requirement applies only to the retail sale or dispensing of alcoholic beverages
and not to related principal or accessory uses except as provided in subsections
G and H below.

*** *** ***

G. Catering and special events permits, issued by the State Alcoholic Beverages
Control Board, and held no more than twelve (12) times in a calendar year at the
same physical location, are exempt from the conditional use requirements, but
shall meet title 10 requirements.

H. No modification of an existing conditional use for the retail sale or dispensing of
alcoholic beverages shall be required for the first duplicate liquor license
provided:

1. There is no increase in the square footage of the premise licensed for the
retail sale or dispensing of alcoholic beverage; or,

2. If there is an increase in the square footage of the licensed premise, such increase is:

a. Five hundred (500) square feet or less; or

b. Consists of a deck or other similar seasonal outdoor improvement of less than five hundred (500) square-feet used less than five (5) months in any calendar year.

3. If the size of the licensed premise is increased by five hundred (500) square feet or less, or is a temporary outdoor improvement, the licensed business shall file an Administrative Review Application with the Planning Department, including a complete site plan. The Administrative Review standards include on-site parking requirements, and off site impacts, such as lighting, noise and traffic.

(GAAB 21.05.060; AO No. 77-355; AO No. 82-170; AO No. 85-21; AO No. 87-62; AO No. 93-143(S-3), § 1, 5-10-94) *Cross references:* Assembly protests of alcoholic beverage establishment licenses, § 2.30.125; alcoholic beverages, Ch. 10.50; consumption of alcoholic beverages in public places, § 25.10.090.

Section 2. Anchorage Municipal Code of Regulations section 21.20.002, Schedule of fees – Zoning, is amended to read as follows (*the remainder of the section is not affected and therefore is not set out*):

21.20.002 **Schedule of fees—Zoning.**

A. The following fees shall be paid for the services described:

TABLE INSET (Code reviser to renumber as appropriate.)

*** **

| | | |
|---|--|-----------------|
| f. Conditional use to obtain a liquor license | | |
| Base fee of \$1,000 for each conditional use application, plus the following amount per square foot (sf) not to exceed \$4,000: | | |
| i. | Original beverage dispensary license. | \$2.50/sf |
| xx | <u>Duplicate beverage dispensary license for an existing premise with no additional square footage, or 500 square feet or less, or consists of a seasonal outdoor deck or similar out door use</u> | <u>\$250.00</u> |

| | | |
|------|---|------------|
| ii. | <u>Any other</u> [D] duplicate beverage dispensary license for an existing premise with no additional square footage | \$1,000.00 |
| iii. | <u>Any other</u> [D] duplicate beverage dispensary license for a new/or additional premise (i.e. addition to a premise) | \$2.50/sf |

*** **

(GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No. 83-96; AR No. 83-289(S); AR No. 86-63; AR No. 86-99; AR No. 86-263; AR No. 90-151; AO No. 2001-116, § 1, 7-10-01; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-152S, § 20, 1-1-04; AO No. 2004-23, § 1, 1-1-04; AO No. 2004-151, § 13, 1-1-05; AO No. 2005-18, § 1, 2-15-05)

Section 3. This ordinance shall be effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 14th day of March 2006.

ATTEST:

Acting Chair

Jonathan S. Jensen
Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2006- 35

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL
CODE SECTION 21.50.160, AND ANCHORAGE MUNICIPAL
CODE OF REGULATIONS 21.20.002, SCHEDULE OF FEES
- ZONING, REGARDING CONDITIONAL USES INVOLVING
THE SALE OF ALCOHOLIC BEVERAGES STANDARDS AND
FEES. Planning and Zoning Commission, Case 2005-053.

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

| CHANGES IN EXPENDITURES AND REVENUES: | | (In Thousands of Dollars) | | | |
|--|-------------|----------------------------------|-------------|-------------|--|
| | <u>FY06</u> | <u>FY07</u> | <u>FY08</u> | <u>FY09</u> | |
| Operating Expenditures | | | | | |
| 1000 Personal Services | | | | | |
| 2000 Non-Labor | | | | | |
| 3900 Contributions | | | | | |
| 4000 Debt Service | | | | | |
| TOTAL DIRECT COSTS: | \$ - | \$ - | \$ - | \$ - | |
| Add: 6000 Charges from Others | | | | | |
| Less: 7000 Charges to Others | | | | | |
| FUNCTION COST: | \$ - | \$ - | \$ - | \$ - | |
| REVENUES: | | | | | |
| CAPITAL: | | | | | |
| POSITIONS: FT/PT and Temp | | | | | |

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of the amendments in the ordinance should have no economic effect on the public sector.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the amendments in the ordinance should have no significant economic impact on the private sector.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator

Telephone: 343-7939



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 105 -2006

Meeting Date: February 14, 2006

1 **From:** MAYOR

2
3 **Subject:** AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
4 SECTION 21.50.160, AND ANCHORAGE MUNICIPAL CODE OF
5 REGULATIONS 21.20.002, SCHEDULE OF FEES – ZONING, REGARDING
6 CONDITIONAL USES INVOLVING THE SALE OF ALCOHOLIC
7 BEVERAGES STANDARDS AND FEES.
8

9 The Department prepared amendments to Anchorage Municipal Code (AMC) section 21.50.160,
10 Conditional Use Standards - Uses involving sale of alcoholic beverages, to exempt catering
11 permits from conditional use requirements. Caterers are still required to obtain permits from the
12 State Alcoholic Beverages Control Board (ABCB) and the office of the Municipal Clerk to meet
13 AMC title 10 requirements. Catering permits will continue to be allowed in zoning districts
14 where alcoholic beverage sales are permitted under existing code. The ordinance also addresses
15 standards for duplicate licenses, and amends the full conditional use process for duplicate license
16 requests under certain circumstances.
17

18 All retail alcoholic beverage sales are subject to the conditional use requirements of
19 section 21.50.160. There have been many temporary special events over the years with
20 temporary alcoholic beverage sales and dispensing permitted by the ABCB, so long as the events
21 are associated with a facility and organization with a license. As these uses are only for a short-
22 term or one-day event, they receive special event permits in some cases, and no permits in
23 others. Examples are the Annual Beer and Barley Wine Festival, "First Friday Art Walks," and
24 special concerts at various locations in town.
25

26 Obtaining a full conditional use causes significant problems for temporary use operators because
27 of the required public hearing, as well as the significant expense incurred for the application for a
28 one-time event. This amendment allows events to occur no more than 12 times per year at any
29 given location, subject to the review and requirements of the special events permits processed by
30 the office of the Municipal Clerk. This permit requires reviews by departments such as Police
31 and Traffic in order to ensure any potential conflicts are mitigated. All ABCB requirements
32 continue to exist.
33
34
35

1 Duplicate licenses are allowed by the ABCB when a licensed establishment is adding another bar
2 or service area within the establishment. Currently, no matter how small the addition is, or even
3 if it is not increasing the square footage of the area, a duplicate license requires the petitioner to
4 apply for an amendment to the existing conditional use to be approved by the Municipal
5 Assembly.

6
7 In working with the Administration and concerned Assemblymembers, the Department drafted
8 additional language in this ordinance to exempt the first duplicate license from requiring
9 conditional use modification, provided there is either no size increase, or no more than a 500
10 square-foot increase in size of the premise licensed for dispensing of alcoholic beverages, or if
11 the duplicate license is for an outdoor area less than 500 square-feet, and used less than five
12 months in any calendar year. Instead, the first duplicate license request shall be reviewed by the
13 Planning Department to review parking, lighting, and noise and traffic impacts, subject to a fee
14 of \$250.00 instead of the existing \$1,000.00 fee. Any duplicate license requests increasing
15 square footage over 500 square feet, and not a seasonal outdoor area, shall require a conditional
16 use modification.

17
18 The effect of the language for both the catering and duplicate license processes is to reduce the
19 stringent full conditional use amendment process when minor in nature while ensuring
20 compliance with Municipal regulations to mitigate any potential impacts.

21
22 The Planning and Zoning Commission unanimously recommended approval of the ordinance
23 changes.

24
25 THE ADMINISTRATION RECOMMENDS APPROVAL OF THE ORDINANCE
26 AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.50.160 AND ANCHORAGE
27 MUNICIPAL CODE OF REGULATIONS SECTION 21.20.002, AS APPROVED BY THE
28 PLANNING AND ZONING COMMISSION.

29
30 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department
31 Concur: Tom Nelson, Director, Planning Department
32 Concur: Mary Jane Michaels, Executive Director,
33 Office of Economic and Community Development
34 Concur: Denis C. LeBlanc, Municipal Manager
35 Respectfully submitted, Mark Begich, Mayor
36

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-070

A RESOLUTION RECOMMENDING APPROVAL TO THE ASSEMBLY OF AN ORDINANCE AMENDING AMC 21.50.160, AMENDING THE STANDARDS FOR USES INVOLVING SALE OF ALCOHOLIC BEVERAGES TO EXEMPT CATERING PERMITS FROM CONDITIONAL USE REQUIREMENTS, AND TO PROVIDE PARAMETERS FOR ONE DUPLICATE LICENSE WITHOUT REQUIRING A MODIFICATION OF AN EXISTING ALCOHOL CONDITIONAL USE.

(Case 2005-053)

WHEREAS, a request has been received from the Municipality to address catering permits and duplicate licenses regarding alcoholic beverages conditional uses, and

WHEREAS, a public hearing was held on November 7, 2005.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

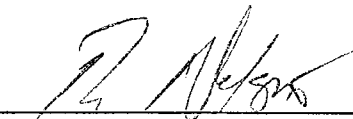
A. The Commission makes the following findings of fact:

1. The Department has prepared an amendment to the Anchorage Municipal Code Section AMC 21.50.160 Conditional use standards – Uses involving sale of alcoholic beverages. This ordinance has two effects. First, it will exempt catering permits from conditional use requirements, and will permit them as issued by the State Alcoholic Beverages Control Board (ABC Board), while requiring them to meet AMC Title 10 requirements. They will continue to only be allowed in zoning districts where beverage sales are permitted under existing code. Secondly, it allows for one duplicate license permitted by administrative review, when the duplicate license does not expand establishment size, increases size only up to 500 square feet, or is for a seasonal outdoor area only.
2. The Commission initially heard this request on May 2, 2005, and recommended approval of the ordinance regarding catering permits. Prior to the Assembly hearing the ordinance, it came to light that there were concerns regarding duplicate alcoholic beverage licenses requiring conditional use amendment by the Assembly. An establishment can apply for a duplicate license when they are adding another bar or service area within the establishment. Thus, this ordinance was withdrawn and returned to the Department to work with the Administration and Assembly on standards for duplicate licenses.
3. All retail alcoholic beverage sales are subject to the conditional use requirements of AMC 21.50.160. However, there have been many temporary special events over the years which have had temporary alcoholic beverage sales and dispensing permitted by the ABC Board, so long as they are

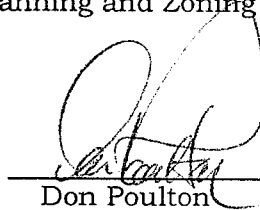
associated with a facility and organization with a non-temporary license. As these are uses for only a short term or one day event only, they have been receiving special event permits in some cases, and no permits other than from the ABC Board in others. There have also been discussions with temporary venue operators regarding the current requirement for them to obtain a conditional use. This causes significant problems for the operators, due to the minimum 3 month time frame for a public hearing, as well as the significant expense that can be incurred just for the application for a one-time event.

4. This amendment will allow such temporary catering operations to operate without a conditional use so long as they occur no more than 12 times per year at any given location, but will still subject them to the review and requirements of the special events permits handled by the Municipal Clerk's Office. This permit requires reviews by departments such as Police and Traffic in order to ensure any potential conflicts are mitigated, and to ensure the event is not a threat to public safety. All ABC Board requirements will continue to exist.
5. Currently, no matter how small the addition is, or even if it is not increasing the square footage of the area, a duplicate license requires the petitioner to apply for an amendment to the existing conditional use to be approved by the Assembly. The effect of this language is to reduce the stringent full conditional use amendment process in front of the Assembly for duplicate license requests that are minor in nature. The language ensures that the Department processes an internal review of on and off-site impacts such as parking, traffic, lighting and noise to ensure compliance with Municipal regulations and to mitigate potential impacts. It also is only subject to a fee of \$250, instead of the existing \$1,000 fee.
6. The Commission finds that this ordinance is a way to streamline a process that was unfriendly to people wishing to conduct important cultural and other events in the community. The Commission further finds that this will take the burden off the Department and Assembly and make these events and outdoor activities more likely to happen.
7. The Planning and Zoning Commission recommends approval to the Assembly of the above referenced ordinance, with a vote of 7 in favor, 0 against.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission this 7th day of November, 2005.



Tom Nelson
Secretary



Don Poulton
Chair

(Case 2005-053)

MS. CHAMBERS noted that the Commission's powers and duties are not only furthering the goals and policies of the comprehensive development plan, they are also conforming the plan to the standards of the title, compatible of existing and planned land uses, and pedestrian and vehicular safety, the demand and availability of public services and facilities, and maintenance of compatible and efficient development patterns.

Amendment

AYE: Isham, Pease, T. Jones, G. Jones, Simonian, Wielechowski,
Debenham

NAY: None

PASSED

COMMISSIONER PEASE suggested adding a condition to "Address the landscaping edge at the southwest corner and the pedestrian access into the park from that corner by a possible realignment of the soft path." *This was accepted as a friendly amendment.*

Main Motion

AYE: Isham, Pease, T. Jones, G. Jones, Simonian, Wielechowski,
Debenham

NAY: None

PASSED

2. 2005-140

Dale & Fabiana Wanner. A request to rezone approximately 2.33 acres from R-2M (Multiple Family Residential) to R-3 (Multiple Family Residential). Eastview Estates, Tract A. Located on the southwest corner of Wanner Circle and Peck Avenue.

POSTPONED TO DECEMBER 12, 2005

4. 2005-053

Municipality of Anchorage. An Ordinance amending Anchorage Municipal Code Section 21.50.160, and Anchorage Municipal Code of Regulations 21.20.002, Schedule of Fees-Zoning, regarding conditional uses involving the sale of alcoholic beverages standards and fees.

Staff member ANGELA CHAMBERS stated this request was before the Commission on May 2, 2005 when it originally recommended changes

regarding exempting catering permits from the conditional use requirements. Before it was arrived before the Assembly some technicalities regarding duplicate licensing were recognized. For instance, when an establishment such as a bar has an existing liquor license, but has a separate bar within the same location, they are required to secure a duplicate license. There is not much clarification in the code in which cases that would trigger another public hearing. Regarding the changes to catering and special events permits, the discussion relates to temporary venue operators. The minimum three-month time frame for public hearing, as well as significant expense (the minimum fee for a conditional use is \$4,000), makes this requirement problematic for these operators. The amendment allows these temporary catering operations to operate without a conditional use, but they will be subject to review requirements by the Municipal Clerk's Office. This will ensure departmental review and to ensure any potential conflicts are mitigated and that there is no threat to public safety. This amendment would allow these events to occur no more than 12 times a year at any given location. MS. CHAMBERS this issue has not changed since the Commission saw this matter in May. Regarding duplicate licensing, currently even if there is no change in square footage in the establishment or the service area for beverages, a duplicate license is required as an amendment to the existing conditional use. The proposed language allows an exemption for the first duplicate license if there is no expansion or an expansion under 500 SF. This should only be subject to a \$250 administrative review fee rather than the \$1,000 fee for a minor amendment. The language does provide that the Planning Department conducts an internal review for on- and off-site impacts, parking, traffic, lighting, etc. MS. CHAMBERS stated the Department recommended approval of the ordinance as proposed.

COMMISSIONER T. JONES asked regarding paragraph "G", which refers to catering and special events permits, what happens when catering permits may be issued for use at one of the spaces in the Alaska Center for the Performing Arts where permits could be requested by many different entities. MS. CHAMBERS replied that in order to cater an event on a site, the site must be within the zoning district that allows beverage dispensary. Furthermore, the entity with the catering license must have a license through the ABC. In a situation such as Ms. Jones describes, there would be a review specific to the particular event. These are usually not major enough to require the time and expense of a conditional use. COMMISSIONER T. JONES was aware of instances where a particular group has gotten a permit from the ABC. MS. CHAMBERS stated this has occurred and those types of permits are routed through the Police Department for review. This code amendment is addressing major catering events.

The public hearing was opened and closed without public comment.

COMMISSIONER SIMONIAN moved for approval of the ordinance amendment to AMC 21.50.160, establishing new subsections G and H, along with revised fees, as contained in the revised ordinance. COMMISSIONER ISHAM seconded.

COMMISSIONER SIMONIAN supported her motion, stating that this is a way to streamline a process that was unfriendly to people wishing to conduct important cultural and other events in the community. This will take the burden off the Department and Assembly and make these events and outdoor activities more likely to happen.

AYE: Isham, Pease, T. Jones, G. Jones, Simonian, Wielechowski,
Debenham

NAY: None

PASSED

3. 2005-139

Forest Heights LLC. A request to rezone approximately 120 acres from PLI (Public Lands and Institutions) to R-7 (Intermediate Rural Residential). T11N R3W, Section 10, the NW 1/4 NE 1/4 S 1/2 NE 1/4, S.M., AK. Located west of Golden View Drive and southwest of 172nd Avenue, an "L" shaped 120-acre parcel of land.

Staff member SHARON FERGUSON stated the Planning Director had signed this Staff analysis ahead of reviewing it due to deadline requirements for submittal to the Commission. Upon later review, he requested that she make revisions to the recommendations deleting special limitations 1 and 3. He felt that the items listed in 3 could be handled at the Platting Board. She stated the 120-acre petition site is generally located between the Seward Highway to the west, Goldenview Drive to the east, Potter Valley Road to the south and East 172nd Avenue to the north. The petition site consists of a large undeveloped, unsubdivided parcel. The petitioner proposes a minimum lot width of 20,000 SF, for a density of 2.2 DUA. The petitioner indicates that development would occur in at least two phases over the next one to five years, depending on market conditions and the absorption rates. The Heritage Land Bank (HLB) is currently negotiating for acquisition of Tract B for a public purpose, perhaps as a school site or water reservoir.

The Areawide Trails Plan shows the existing Moen Trail and an additional trail is shown on the Plan running south from Feodosia Drive connecting

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-025**

A RESOLUTION RECOMMENDING APPROVAL TO THE ASSEMBLY OF AN ORDINANCE AMENDMENT TO ANCHORAGE MUNICIPAL CODE SECTION 21.50.160 CONDITIONAL USE STANDARDS INVOLVING SALE OF ALCOHOLIC BEVERAGES TO ADD A NEW SUBSECTION EXEMPTING CATERING AND SPECIAL EVENTS PERMITS INVOLVING SALE OR DISPENSING OF ALCOHOLIC BEVERAGES FROM THE CONDITIONAL USE REVIEW WHEN THE OCCASIONAL USE DOES NOT EXCEED TWELVE TIMES PER YEAR AT THE SAME LOCATION.

(Case 2005-053)

WHEREAS, catering and special events with sales or dispensing of alcoholic beverages have a permit review by the Municipality of Anchorage Clerk's Office, Finance Division, Anchorage Police Department (APD), and the State Alcoholic Beverage Control Board (ABC), and

WHEREAS, it is unnecessary to require these occasional uses to have a Conditional Use permit when the events are held fewer than twelve times per year at the same location, and

WHEREAS, additional standards of review in Title 10 are proposed for the Municipal Clerk's Office to use in reviewing catering and special event alcohol permits, and

WHEREAS, the Planning and Zoning Commission wishes to allow for alcoholic beverage sales and service at special events such as Fur Rondy, Bear Paw, Forest Fair, Farmer's Market, etc.,

WHEREAS, a public hearing was held on May 2, 2005 and the Planning and Zoning Commission unanimously recommended approval.

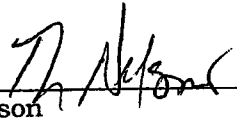
NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

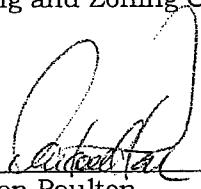
A. The Commission makes the following findings of fact:

1. Catering and special event and other occasional alcoholic beverage sales and service does not require a Title 21 Conditional Use review.
2. Adequate controls and public protection will be provided through Title 10, Clerk's Office, Treasury Division, APD and ABC review of catering and special events permits.
3. The Planning and Zoning Commission recommends, by a vote of 7 - aye, 0 - nay, approval to the Assembly of an Ordinance Amending AMC

21.50.160 Conditional use standards involving sale of alcoholic
beverages.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission
this 2nd day of May 2005.



Tom Nelson
Secretary

Don Poulton
Chair

(Case 2005-053)

ab

- 2. 2005-053** Municipality of Anchorage. An ordinance amending Anchorage Municipal Code Section 21.50.160 to add a new subsection exempting catering and special events permits involving the retail sale and dispensing of alcoholic beverages.

Staff member AL BARRETT indicated this proposal addresses special occasions and the alcohol conditional use requirement from the Municipality of Anchorage (Municipality of Anchorage). Currently, applicants that want a once-a-month or otherwise infrequent license go to Alcohol Beverage Control (ABC) for a catering permit, obtain Anchorage Police Department (APD) review, as well as by Taxes. Under the current rules, the request goes through the Planning Department for a conditional use permit. This proposal is to delete the conditional use review when the occasional use is not more than 12 times in a year at the same location, subject to the standards in Title 10 and a review by the Clerk's Office, the APD and ABC. When this proposal was originally made it followed thereafter that there were no conditions in Title 10 governing a permit for the occasional use catering license. The memorandum dated 5/2/05 contains proposed language for Title 10.50 that indicates paragraph B should be deleted and that the new paragraph B is the current paragraph C.

At the request of COMMISSIONER T. JONES, MR. BARRETT reviewed the changes outlined in the new memorandum. He indicated that the changes to Title 10.50.005 Caterers—License was also shown in the 5/2/05 memorandum. COMMISSIONER T. JONES asked whether, when this matter is forwarded to the Assembly, the changes to Title 21 and to Title 10 would be presented together. MR. BARRETT replied in the affirmative.

COMMISSIONER SIMONIAN asked if the previously published Staff packet was obsolete. COMMISSIONER G. JONES indicated his understanding was that there are two issues; the first is amendment to the conditional use standards in Title 21 and the other is amendment to Title 10. MR. BARRETT explained that the Caterers--License is now an entirely new section Title 10.50.005. COMMISSIONER T. JONES reiterated that the Commission has no jurisdiction over Title 10. She understood that the language in Title 10 is informational only. MR. BARRETT responded that this was correct; the proposal is to eliminate the reference in Title 21. Mr. Weaver felt it was necessary to provide the language in Title 10 for the Commission's information, rather than simply indicating that the language would be removed from Title 21 and authority deferred to Title 10. COMMISSIONER G. JONES believed the ordinance that will go forward is

contained in the original Staff packet. The memorandum distributed tonight would add another paragraph to that ordinance with respect to Title 10.50.xxx Caterers—License. That is what would go forward to the Assembly.

The public hearing was opened and closed without public comment.

COMMISSIONER LOTTSFELDT moved for approval of the amendment to AMC 21.50.160 to add a new subsection exempting catering and special events permits involving the retail sale and dispensing of alcoholic beverages.
COMMISSIONER G. JONES seconded.

COMMISSIONER LOTTSFELDT felt this amendment makes sense in that the control of alcohol is not the best use of Title 21.

AYE: Isham, Pease, T. Jones, Poulton, G. Jones, Simonian, Lottsfeldt, Wielechowski

NAY: None

PASSED

- 3. 2005-052** Municipality of Anchorage. An Ordinance amending Anchorage Municipal Code Section 21.55.020 regarding nonconforming lots of record.

Staff member AL BARRETT indicated this began as a housekeeping change to previous changes in 2003-2004 to AMC 21.55.020 regarding how nonconforming lots of record are treated. Before this evening's meeting began, he had a brief discussion with Mr. Spinelli who had been working with Mr. Weaver on this item. Mr. Spinelli indicated the version before the Commission is not the one that he believed he and Mr. Weaver had agreed upon. Furthermore, Mr. Spinelli showed him an email of an earlier version of the ordinance and that is even further removed from the discussions between he and Mr. Weaver.

CHAIR POULTON asked that Mr. Barrett address the matter as it had been presented to the Commission. MR. BARRETT stated the proposal is to address two issues in 21.55.020. The first major change allows multiple family units when that underlying zoning district allows those. Currently the code says that nonconforming lots are allowed only as single family homes. The second change is proposed as a new paragraph D for nonconforming lots of record. This change makes it clear that nonconforming lots, when resubdivided or recombined, will not lose any of their nonconforming rights, even if the subsequent lots resulting from the

**MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT
MEMORANDUM**

DATE: November 7, 2005

TO: Planning and Zoning Commission

THRU: *TN* Tom Nelson, Director, Planning Department

THRU: *JW* Jerry T. Weaver, Jr., Division Administrator

FROM: *AC* Angela C. Chambers, AICP, Senior Planner

SUBJECT: 2005-053 An Ordinance Amendment to AMC 21.50.160,
Amending the Standards for Uses Involving Sale of Alcoholic
Beverages to Exempt Catering Permits from Conditional Use
Requirements, and to Provide Parameters for One Duplicate
License Without Requiring a Modification of an Existing Alcohol
Conditional Use.

PROPOSED AMENDMENT REQUEST:

The Department has prepared an amendment to the Anchorage Municipal Code Section AMC 21.50.160 Conditional use standards – Uses involving sale of alcoholic beverages. This will exempt catering permits from conditional use requirements, and will permit them as issued by the State Alcoholic Beverages Control Board (ABC Board), while requiring them to meet AMC Title 10 requirements. They will continue to only be allowed in zoning districts where beverage sales are permitted under existing code.

The Commission initially heard this request on May 2, 2005, and recommended approval of the ordinance. Prior to the Assembly hearing the ordinance, it came to light that there were concerns regarding duplicate alcoholic beverage licenses requiring conditional use amendment by the Assembly. An establishment can apply for a duplicate license when they are adding another bar or service area within the establishment. Thus, this ordinance was withdrawn and returned to the Department to work with the Administration and Assembly on standards for duplicate licenses. This ordinance, as drafted now, allows for one duplicate license permitted by administrative review, when the duplicate license does not expand establishment size, increases size only up to 500 square feet, or is for a seasonal outdoor area only.

BACKGROUND AND DISCUSSION:

Catering and Special Events Permits

All retail alcoholic beverage sales are subject to the conditional use requirements of AMC 21.50.160. However, there have been many temporary special events over the years which have had temporary alcoholic beverage sales and dispensing permitted by the ABC Board, so long as they are associated with a facility and organization with a non-temporary license. As these are uses for only a short term or one day event only, they have been receiving special event permits in some cases, and no permits other than from the ABC Board in others. Examples are: the annual Beer and Barley Wine Festival, First Friday art walks, and special concerts at locations in town other than the concert venues which have non-temporary licenses.

Recently, there have been discussions with temporary venue operators regarding the current requirement for them to obtain a conditional use. This causes significant problems for the operators, due to the minimum 3 month time frame for a public hearing, as well as the significant expense that can be incurred just for the application for a one-time event.

This amendment will allow such temporary catering operations to operate without a conditional use, but will still subject them to the review and requirements of the special events permits handled by the Municipal Clerk's Office. This permit requires reviews by departments such as Police and Traffic in order to ensure any potential conflicts are mitigated, and to ensure the event is not a threat to public safety. All ABC Board requirements will continue to exist.

The amendment will allow events to occur no more than 12 times per year at any given location. The concern of the Department was that an event occurring only a few times a year at a given location will not likely cause a significant impact to surrounding uses, provided that parking and other zoning requirements are met, and that they continue to only be allowed in zoning districts where they are currently permitted. A use such as the First Friday Art Walk, for example has not generated land use complaints. However, if larger concerts were to occur, say weekly, at venues not normally located for that principle purpose, land use conflicts could occur with surrounding uses not having expected that in terms of conflicts with operating hours and traffic, or with impacts that are continual and grow over time with the expanded use. The Department feels that a limitation to no more than 12 times per year at the same location will mitigate these impacts, while allowing established uses such as First Friday Art Walk to continue.

Duplicate Licenses

A licensed establishment can apply to the Alcoholic Beverages Control Board for a duplicate license when they are adding another bar or service area within the establishment. For example, a restaurant may serve alcoholic beverages, but want to establish a separate bar area. Or, an existing lounge may want to have an outdoor bar area for the summer, served by a separate bar area.

Currently, no matter how small the addition is, or even if it is not increasing the square footage of the area, a duplicate license requires the petitioner to apply for an amendment to the existing conditional use to be approved by the Assembly.

In working with the Administration and concerned Assembly members, the Department has drafted additional language in this ordinance to exempt the first duplicate license from requiring conditional use modification provided that there is either no size increase or no more than 500 square foot increase in size of the premise licensed for dispensing of alcoholic beverage, or if the duplicate license is for an outdoor area to be used less than five months in any calendar year. Instead, the duplicate license request shall be reviewed by the Planning Department to review parking, lighting, noise and traffic impacts, subject to a fee of \$250, instead of the existing \$1,000 fee. Any duplicate license request that increases square footage over 500 square feet, and which is not a seasonal outdoor area, shall require a conditional use modification.

The effect of this language is to reduce the stringent full conditional use amendment process in front of the Assembly for duplicate license requests that are minor in nature. The language ensures that the Department processes an internal review of on and off-site impacts such as parking, traffic, lighting and noise to ensure compliance with Municipal regulations and to mitigate potential impacts.

RECOMMENDATION:

The Department recommends approval of the amendment to AMC 21.50.160, establishing new subsections G and H, along with revised fees, as contained in the revised ordinance.

RETURN COMMENTS TO:

DEPARTMENT OF PLANNING
Zoning and Platting Division
P.O. Box 196650
Anchorage, Alaska 99519-6650
Phone 343-7943

Case No. 2005-053

REVISED

Request: An ordinance amending Title 21 for the sales, dispensing, or service of alcoholic beverage
0.00 acre(s)

to:

the sales, dispensing, or service of alcoholic beverage

Zoning: N/A

COMMENTS AND MEETING SCHEDULE:

Planning and Zoning Commission Public hearing

Hearing Date: Monday, November 07, 2005

Agency Comments Due: Monday, October 10, 2005

Council Comments Due: Friday, October 28, 2005

DISTRIBUTION: STANDARD DISTRIBUTION

COMMUNITY COUNCIL(S):

All Community Councils

PLANNING AND ZONING COMMISSION

Assembly Hall, Z. J. Loussac Library

3600 Denali Street, Anchorage, Alaska

Monday, November 07, 2005 6:30 p.m.

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading:

Anchorage, Alaska
AO 2005-____

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.50.160,
AND ANCHORAGE MUNICIPAL CODE OF REGULATIONS 21.20.002, SCHEDULE OF
FEES – ZONING, REGARDING CONDITIONAL USES INVOLVING THE SALE OF
ALCOHOLIC BEVERAGES STANDARDS AND FEES.

Section 1. Anchorage Municipal Code Section 21.50.160 is hereby amended to add the
following new subsection (*the remainder of the chapter is not affected and therefore is not set
out*):

21.50.160 **Conditional use standards – Uses involving sale of alcoholic beverages.**

*** *** ***

- A. Any use, whether principal or accessory, involving the retail sale or dispensing of
alcoholic beverages is permitted only by conditional use. The conditional use
requirement applies only to the retail sale or dispensing of alcoholic beverages and not
to related principal or accessory uses except as provided in Subsections G and H of this
section.

*** *** ***

- G. Catering and special events permits, as issued by the State Alcoholic Beverages
Control Board, and held no more than 12 times in a calendar year at the same physical
location, are exempt from the conditional use requirements, but must meet Title 10
requirements of the Anchorage Municipal Code.

- H. No modification of an existing conditional use for the retail sale or dispensing of
alcoholic beverages shall be required for the first duplicate liquor license provided that
there is no increase in the square footage of the premise licensed for the retail sale or
dispensing of alcoholic beverage or; if there is an increase in the square footage of the
licensed premise, such increase is five hundred (500) square feet or less, or consists of
a deck or other similar seasonal outdoor improvement which is used less than five (5)
months in any calendar year. If the size of the licensed premise is increased by five
hundred (500) square feet or less, or is a temporary outdoor improvement, the licensed
business shall file an Administrative Review Application with the Planning
Department to include a complete site plan. The Administrative Review standards

include on-site parking requirements, and off site impacts such as lighting, noise and traffic.
(GAAB 21.05.060; AO No. 77-355; AO No. 82-170; AO No. 85-21; AO No. 87-62; AO No. 93-143(S-3), § 1, 5-10-94) Cross references: Assembly protests of alcoholic beverage establishment licenses, § 2.30.125; alcoholic beverages, Ch. 10.50; consumption of alcoholic beverages in public places, § 25.10.090.

Section 2. Anchorage Municipal Code of Regulations section 21.20.002, Schedule of fees – Zoning, is amended to read as follows (*the remainder of the chapter is not affected and therefore is not set out*): Code reviser to insert changes and renumber this section.

21.20.002 Schedule of fees—Zoning.

A. The following fees shall be paid for the services described:

TABLE INSET (Code reviser to renumber as appropriate.)

*** **

| | |
|---|---|
| f. Conditional use to obtain a liquor license | |
| Base fee of \$1,000 for each conditional use application, plus the following amount per square foot (sf) not to exceed \$4,000: | |
| i. | Original beverage dispensary license. \$2.50/sf |
| xx | <u>Duplicate beverage dispensary license for an existing premise with no additional square footage, or 500 square feet or less, or consists of a seasonal outdoor deck or similar out door use</u> \$250.00 |
| ii. | <u>Any other [D] duplicate beverage dispensary license for an existing premise with no additional square footage</u> \$1,000.00 |
| iii. | <u>Any other [D] duplicate beverage dispensary license for a new/or additional premise (i.e. addition to a premise)</u> \$2.50/sf |

*** **

(GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No. 83-96; AR No. 83-289(S); AR No. 86-63; AR No. 86-99; AR No. 86-263; AR No. 90-151; AO No. 2001-116, § 1, 7-10-01; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-152S, § 20, 1-1-04; AO No. 2004-23, § 1, 1-1-04; AO No. 2004-151, § 13, 1-1-05; AO No. 2005-18, § 1, 2-15-05)

Section 3. This ordinance shall be effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day
of _____ 2005.

ATTEST:

Chair

Municipal Clerk

9-13-05
~~8-23-05~~
PLEASE SAVE FOR MEETING OF

Submitted by: Chair of the Assembly, at the Request of the Mayor
Prepared by: Planning Department
For reading: July 26, 2005

Anchorage, Alaska
AO 2005- 97

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.50.160 TO AMEND A SUBSECTION AND ADD A NEW SUBSECTION EXEMPTING CATERING AND SPECIAL EVENTS PERMITS INVOLVING THE RETAIL SALE AND DISPENSING OF ALCOHOLIC BEVERAGES FROM THE CONDITIONAL USE PROCESS.

Section 1. Anchorage Municipal Code section 21.50.160 is hereby amended to add the following new subsection: *(the remainder of the chapter is not affected and therefore is not set out)*

21.50.160 **Conditional use standards – Uses involving sale of alcoholic beverages.**

*** *** ***

- A. Any use, whether principal or accessory, involving the retail sale or dispensing of alcoholic beverages is permitted only by conditional use. The conditional use requirement applies only to the retail sale or dispensing of alcoholic beverages and not to related principal or accessory uses except as provided in subsection G of this section.

*** *** ***

- G. Catering and special events permits, as issued by the State Alcoholic Beverages Control Board and held no more than 12 times in a calendar year at the same physical location are exempt from the conditional use requirements, but must meet Title 10 requirements of the Anchorage Municipal Code.

*** *** ***

(GAAB 21.05.060; AO No. 77-355; AO No. 82-170; AO No. 85-21; AO No. 87-62; AO No. 93-143(S-3), § 1, 5-10-94)

Cross references: Assembly protests of alcoholic beverage establishment licenses, § 2.30.125; alcoholic beverages, Ch. 10.50; consumption of alcoholic beverages in public places, § 25.10.090.

1 **Section 2.** This ordinance shall be effective immediately upon passage and approval by
2 the Anchorage Assembly.

3
4 PASSED AND APPROVED by the Anchorage Assembly this _____ day
5 of _____ 2005.
6
7
8

ATTEST:

Chair

Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2005- 97

Title: Planning and Zoning Commission, Case 2005-053;
 recommendation of approval for an ordinance amending the
 code to allow for catering events for no more than twelve time
 a year in any one location.

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

| CHANGES IN EXPENDITURES AND REVENUES: | | (In Thousands of Dollars) | | | |
|--|-------------|----------------------------------|-------------|-------------|--|
| | <u>FY05</u> | <u>FY06</u> | <u>FY07</u> | <u>FY08</u> | |
| Operating Expenditures | | | | | |
| 1000 Personal Services | | | | | |
| 2000 Non-Labor | | | | | |
| 3900 Contributions | | | | | |
| 4000 Debt Service | | | | | |
| TOTAL DIRECT COSTS: | \$ - | \$ - | \$ - | \$ - | |
| Add: 6000 Charges from Others | | | | | |
| Less: 7000 Charges to Others | | | | | |
| FUNCTION COST: | \$ - | \$ - | \$ - | \$ - | |
| REVENUES: | | | | | |
| CAPITAL: | | | | | |
| POSITIONS: FT/PT and Temp | | | | | |

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this rezone should have no significant impact on the public sector.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the rezoning should have no significant economic impact on the private sector.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator

Telephone: 343-7939

Validated by OMB: _____

Date: _____

Approved by: _____
 (Director, Preparing Agency)

Date: _____

Concurred by: _____
 (Director, Impacted Agency)

Date: _____

Approved by: _____
 (Municipal Manager)

Date: _____



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 512 -2005

Meeting Date: July 26, 2005

From: Mayor

Subject: PLANNING AND ZONING COMMISSION RECOMMENDATION
ON AN ORDINANCE AMENDMENT TO EXEMPT CATERING
FUNCTION FROM THE REQUIREMENTS OF A CONDITIONAL
USE.

1 Presently, all retail alcoholic beverage sales are subject to the conditional use
2 requirements of AMC 21.50.160. However, there have been many temporary special
3 events over the years which have had temporary alcoholic beverage sales and
4 dispensing permitted by the ABC Board, so long as they are associated with a facility
5 and organization with a non-temporary license. Examples are the annual Beer and
6 Barley Wine Festival, First Friday art walks, and special concerts at locations in
7 town other than the concert venues which have non-temporary licenses.

8
9 This amendment will allow temporary catering operations to operate without a
10 conditional use, but will still subject them to the review and requirements of the
11 special events permits issued by the Municipal Clerk's Office. This permit requires
12 reviews by departments such as Planning, Police and Traffic in order to ensure any
13 potential conflicts are mitigated. All ABC Board requirements will continue to exist.
14 The amendment will allow events to occur no more than 12 times per year at any
15 given location.

16
17 THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING
18 COMMISSION RECOMMENDATION FOR THE ORDINANCE AMENDMENT.
19

20
21
22 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department
23 Concur: Tom Nelson, Director, Planning Department
24 Concur: Mary Jane Michael, Executive Director, Office of Economic and
25 Community Development
26 Concur: Denis C. LeBlanc, Municipal Manager
27 Respectfully submitted, Mark Begich, Mayor

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-025**

A RESOLUTION RECOMMENDING APPROVAL TO THE ASSEMBLY OF AN ORDINANCE AMENDMENT TO ANCHORAGE MUNICIPAL CODE SECTION 21.50.160 CONDITIONAL USE STANDARDS INVOLVING SALE OF ALCOHOLIC BEVERAGES TO ADD A NEW SUBSECTION EXEMPTING CATERING AND SPECIAL EVENTS PERMITS INVOLVING SALE OR DISPENSING OF ALCOHOLIC BEVERAGES FROM THE CONDITIONAL USE REVIEW WHEN THE OCCASIONAL USE DOES NOT EXCEED TWELVE TIMES PER YEAR AT THE SAME LOCATION.

(Case 2005-053)

WHEREAS, catering and special events with sales or dispensing of alcoholic beverages have a permit review by the Municipality of Anchorage Clerk's Office, Finance Division, Anchorage Police Department (APD), and the State Alcoholic Beverage Control Board (ABC), and

WHEREAS, it is unnecessary to require these occasional uses to have a Conditional Use permit when the events are held fewer than twelve times per year at the same location, and

WHEREAS, additional standards of review in Title 10 are proposed for the Municipal Clerk's Office to use in reviewing catering and special event alcohol permits, and

WHEREAS, the Planning and Zoning Commission wishes to allow for alcoholic beverage sales and service at special events such as Fur Rondy, Bear Paw, Forest Fair, Farmer's Market, etc.,

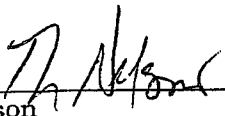
WHEREAS, a public hearing was held on May 2, 2005 and the Planning and Zoning Commission unanimously recommended approval.

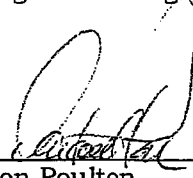
NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

- A. The Commission makes the following findings of fact:
1. Catering and special event and other occasional alcoholic beverage sales and service does not require a Title 21 Conditional Use review.
 2. Adequate controls and public protection will be provided through Title 10, Clerk's Office, Treasury Division, APD and ABC review of catering and special events permits.
 3. The Planning and Zoning Commission recommends, by a vote of 7 - aye, 0 - nay, approval to the Assembly of an Ordinance Amending AMC

21.50.160 Conditional use standards involving sale of alcoholic
beverages.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission
this 2nd day of May 2005.



Tom Nelson
Secretary

Don Poulton
Chair

(Case 2005-053)

ab

is insufficient vegetation once the site is cleared, there would be a requirement to install additional vegetation to meet code. MR. HENDERSON stated the revised site plan indicates the intent to minimize disturbance of the ground behind the building to a distance of 10 feet. The front area that already has existing trees and shrubs will remain intact.

CHAIR POULTON asked if the requested condition changes were acceptable to Staff. MR. BARRETT emphasized that the statement in the code is for preservation of existing vegetation, not for removal and replacement. CHAIR POULTON asked that Staff prepare a condition to this effect. MR. BARRETT indicated that condition 5 could simply be the language contained in 21.40.117.M "preservation of existing vegetation."

The public hearing was closed.

COMMISSIONER SIMONIAN moved for approval of the conditional use subject to Staff conditions 1 through 10, amending condition 3 to delete "4/20/05" and insert "4/26/05" and amend condition 4 to delete "concrete or similar paving and radiant heat" and insert "gravel." COMMISSIONER G. JONES seconded.

CHAIR POULTON asked whether Commissioner Simonian had intended to amend condition 5. COMMISSIONER SIMONIAN replied that, if this requirement is in the code, she believed it was clear.

COMMISSIONER SIMONIAN supported her motion, finding that the ~~development is appropriate, it is supported by the Girdwood Board of Supervisors, and the petitioner has worked with the Planning Department to create a plan that will work for Girdwood.~~

COMMISSIONER LOTTSFELDT noted that condition 4 would now require the use of gravel, so if the decision were made to use radiant heat it would be prohibited. He suggested deleting the last sentence of condition 4 entirely. *This was accepted as a friendly amendment.*

COMMISSIONER T. JONES thought it was safe to do as recommended by Commissioner Lottsfeldt in that the site plan controls the development and the site plan does identify a gravel pad.

AYE: Isham, Pease, T. Jones, Poulton, G. Jones, Simonian, Lottsfeldt, Wielechowski

NAY: None

PASSED

2. 2005-053

Municipality of Anchorage. An ordinance amending Anchorage Municipal Code Section 21.50.160 to add a new subsection

exempting catering and special events permits involving the retail sale and dispensing of alcoholic beverages.

Staff member AL BARRETT indicated this proposal addresses special occasions and the alcohol conditional use requirement from the Municipality of Anchorage (Municipality of Anchorage). Currently, applicants that want a once-a-month or otherwise infrequent license go to Alcohol Beverage Control (ABC) for a catering permit, obtain Anchorage Police Department (APD) review, as well as by Finance for taxes. Under the current rules, the request goes through the Planning Department for a conditional use permit. This proposal is to delete the conditional use review when the occasional use is not more than 12 times in a year at the same location, subject to the standards in Title 10 and a review by the Clerk's Office, the APD and ABC. When this proposal was originally made it followed thereafter that there were no conditions in Title 10 governing a permit for the occasional use catering license. The memorandum dated 5/2/05 contains proposed language for Title 10.50 that indicates paragraph B should be deleted and that the new paragraph B is the current paragraph C.

At the request of COMMISSIONER T. JONES, MR. BARRETT reviewed the changes outlined in the new memorandum. He indicated that the changes to Title 10.50.005 Caterers—License was also shown in the 5/2/05 memorandum. COMMISSIONER T. JONES asked whether, when this matter is forwarded to the Assembly, the changes to Title 21 and to Title 10 would be presented together. MR. BARRETT replied in the affirmative.

COMMISSIONER SIMONIAN asked if the previously published Staff packet was obsolete. COMMISSIONER G. JONES indicated his understanding was that there are two issues; the first is amendment to the conditional use standards in Title 21 and the other is amendment to Title 10. MR. BARRETT explained that the Caterers—License is now an entirely new section Title 10.50.005. COMMISSIONER T. JONES reiterated that the Commission has no jurisdiction over Title 10. She understood that the language in Title 10 is informational only. MR. BARRETT responded that this was correct; the proposal is to eliminate the reference in Title 21. Mr. Weaver felt it was necessary to provide the language in Title 10 for the Commission's information, rather than simply indicating that the language would be removed from Title 21 and authority deferred to Title 10. COMMISSIONER G. JONES believed the ordinance that will go forward is contained in the original Staff packet. The memorandum distributed tonight would add another paragraph to that ordinance with respect to Title 10.50.xxx Caterers—License. That is what would go forward to the Assembly.

The public hearing was opened and closed without public comment.

COMMISSIONER LOTTSFELDT moved for approval of the amendment to AMC 21.50.160 to add a new subsection exempting catering and special events permits involving the retail sale and dispensing of alcoholic beverages. COMMISSIONER G. JONES seconded.

COMMISSIONER LOTTSFELDT felt this amendment makes sense in that the control of alcohol is not the best use of Title 21.

AYE: Isham, Pease, T. Jones, Poulton, G. Jones, Simonian, Lottsfeldt, Wielechowski

NAY: None

PASSED

3. 2005-052 Municipality of Anchorage. An Ordinance amending Anchorage Municipal Code Section 21.55.020 regarding nonconforming lots of record.

Staff member AL BARRETT indicated this began as a housekeeping change to previous changes in 2003-2004 to AMC 21.55.020 regarding how nonconforming lots of record are treated. Before this evening's meeting began, he had a brief discussion with Mr. Spinelli who had ~~been working with Mr. Weaver on this item. Mr. Spinelli indicated~~ the version before the Commission is not the one that he believed he and Mr. Weaver had agreed upon. Furthermore, Mr. Spinelli showed him an email of an earlier version of the ordinance and that is even further removed from the discussions between he and Mr. Weaver.

CHAIR POULTON asked that Mr. Barrett address the matter as it had been presented to the Commission. MR. BARRETT stated the proposal is to address two issues in 21.55.020. The first major change allows multiple family units when that underlying zoning district allows those. Currently the code says that nonconforming lots are allowed only as single family homes. The second change is proposed as a new paragraph D for nonconforming lots of record. This change makes it clear that nonconforming lots, when resubdivided or recombined, will not lose any of their nonconforming rights, even if the subsequent lots resulting from the replat are still nonconforming in terms of lot size. There has always been an assumption that when there is a change to a nonconforming lot, the nonconforming rights are lost.

COMMISSIONER LOTTSFELDT moved to postpone case 2005-052.
COMMISSIONER SIMONIAN seconded.

G.2.

**MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT
MEMORANDUM**

DATE: May 2, 2005

TO: Planning and Zoning Commission

THRU: ~~TN~~ Tom Nelson, Director, Planning Department

THRU: Jerry T. Weaver, Jr., Division Administrator

FROM: ~~to~~ Angela C. Chambers, AICP, Senior Planner

SUBJECT: 2005-053 An Ordinance Amendment to AMC 21.50.160,
Amending the Standards for Uses Involving Sale of Alcoholic
Beverages to Exempt Catering Permits from Conditional Use
Requirements.

PROPOSED AMENDMENT REQUEST:

The Department has prepared an amendment to the Anchorage Municipal Code Section AMC 21.50.160 Conditional use standards – Uses involving sale of alcoholic beverages. This will exempt catering permits from conditional use requirements, and will permit them as issued by the State Alcoholic Beverages Control Board (ABC Board), while requiring them to meet AMC Title 10 requirements. They will continue to only be allowed in zoning districts where beverage sales are permitted under existing code.

BACKGROUND AND DISCUSSION:

All retail alcoholic beverage sales are subject to the conditional use requirements of AMC 21.50.160. However, there have been many temporary special events over the years which have had temporary alcoholic beverage sales and dispensing permitted by the ABC Board, so long as they are associated with a facility and organization with a non-temporary license. As these are uses for only a short term or one day event only, they have been receiving only special event permits in some cases, and no permits other than from the ABC Board in others. Examples are the annual Beer and Barley Wine Festival, First Friday art walks, and special concerts at locations in town other than the concert venues which have non-temporary licenses.

Recently, there have been discussions with temporary venue operators regarding the current need for them to obtain a conditional use. This causes

significant problems for the operators, due to the minimum 3 month time frame for a public hearing, as well as the significant expense that can be incurred just for the application for a one-time event.

This amendment will allow such temporary catering operations to operate without a conditional use, but will still subject them to the review and requirements of the special events permits handled by the Municipal Clerk's Office, which requires reviews by departments such as Police and Traffic, in order to ensure any potential conflicts are mitigated, and to ensure the event is not a threat to public safety. All ABC Board requirements will continue to exist.

The amendment will also only allow events to occur no more than 12 times per year at any given location. The concern of the Department was that an event occurring only a few times a year at a given location will not likely cause a significant impact to surrounding uses, provided that parking and other zoning requirements are met, and that they continue to only be allowed in zoning districts where they are currently permitted. A use such as the First Friday art walk, for example has not generated land use complaints. However, if larger concerts were to occur, say weekly, at venues not normally located for that principle purpose, land use conflicts could occur with surrounding uses not having expected that in terms of conflicts with operating hours and traffic, or with impacts that are continual and grow over time with the expanded use. The Department feels that a limitation to no more than 12 times per year at the same location will mitigate these impacts, while allowing established uses such as First Friday art walk to continue.

RECOMMENDATION:

The Department recommends approval of the amendment to AMC 21.50.160, establishing a new subsection S, contained in the revised ordinance dated 05-02-2005

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading:

Anchorage, Alaska
AO 2005-_____

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.50.160
TO AMEND A SUBSECTION AND ADD A NEW SUBSECTION EXEMPTING
CATERING AND SPECIAL EVENTS PERMITS INVOLVING THE RETAIL SALE AND
DISPENSING OF ALCOHOLIC BEVERAGES FROM THE CONDITIONAL USE
PROCESS.

Section 1. Anchorage Municipal Code section 21.50.160 is hereby amended to add the
following new subsection: *(the remainder of the chapter is not affected and therefore is not
set out)*

21.50.160 Conditional use standards – Uses involving sale of alcoholic beverages.

A. Any use, whether principal or accessory, involving the retail sale or dispensing of
alcoholic beverages is permitted only by conditional use. The conditional use
requirement applies only to the retail sale or dispensing of alcoholic beverages and not
to related principal or accessory uses except as provided in subsection G of this section.

G. Catering and special events permits, as issued by the State Alcoholic Beverages
Control Board, and held no more than 12 times in a calendar year at the same physical
location, are exempt from the conditional use requirements, but must meet Title 10
requirements of the Anchorage Municipal Code.

(GAAB 21.05.060; AO No. 77-355; AO No. 82-170; AO No. 85-21; AO No. 87-62; AO No.
93-143(S-3), § 1, 5-10-94)

Cross references: Assembly protests of alcoholic beverage establishment licenses, § 2.30.125;
alcoholic beverages, Ch. 10.50; consumption of alcoholic beverages in public places, §
25.10.090.

1 Section 2. This ordinance shall be effective immediately upon passage and approval by
2 the Anchorage Assembly.

3
4 PASSED AND APPROVED by the Anchorage Assembly this _____ day
5 of _____ 2005.

6
7
8
ATTEST:

Chair

Municipal Clerk

Chapter 10.50 ALCOHOLIC BEVERAGES*

***Cross references:** Assembly action on alcoholic beverage license applications, § 2.30.120; standards governing assembly, protests regarding alcoholic beverage licenses within the municipality, § 2.30.125; emergency proclamation, restricting certain activity, § 3.80.070; driving while intoxicated prohibited, penalties, § 9.28.020; drinking alcoholic beverages while driving, § 9.36.200; drug and alcohol testing for chauffeurs, § 11.10.085; revocation of license or permit, § 11.10.110; open containers of alcoholic beverages prohibited in taxicabs or vehicles for hire, § 11.30.090; establishments where minors are prohibited from entering, § 21.45.240; conditional use standards, uses involving sale of alcoholic beverages, § 21.50.160; consumption of alcoholic beverages in public places prohibited, exceptions, § 25.10.090.

10.50.010 Closing hours for licensed premises.

10.50.015 Prohibited acts.

10.50.020 Civil actions by licenses against minors.

10.50.023 Civil action by licensee regarding purchase by or delivery of alcohol to persons under 21 years of age.

10.50.025 Sales on election day.

10.50.030 Standards governing assembly protests to alcoholic beverage control board.

10.50.035 Operation of licensed premises.

10.50.040 Application fees for conditional use permits for uses involving sale, service or consumption.

10.50.050 Keg or container registration.

10.50.010 Closing hours for licensed premises.

- A. Premises licensed under AS 4.11.080 for the service and consumption of alcoholic beverages shall be closed for the sale, service and consumption of alcoholic beverages between the hours of 2:30 a.m. and 10:00 a.m. Monday through Friday, and between the hours of 3:00 a.m. and 10:00 a.m. on Saturday or Sunday or on a legal holiday recognized by the state under AS 44.12.010.
- B. All other retail premises licensed under AS 4.11.080 shall be closed for the sale of alcoholic beverages between the hours of 1:00 a.m. and 10:00 a.m. Monday through Friday, and between the hours of 2:00 a.m. and 10:00 a.m. on Saturday, and between the hours of 2:00 a.m. and noon on Sunday.

(CAC 6.08.010; AO No. 81-35(S); AO No. 81-197)

10.50.015 Prohibited acts.

It is unlawful:

- A. For a person to barter or sell alcoholic beverages in a business premises that is not licensed by the state alcoholic beverage control board.
- B. For a licensee or his employee or agent to permit a person to drink intoxicating liquor on licensed premises not classified for sale and consumption of hard or distilled liquor by the board.
- C. For a licensee or his employee or agent to sell, attempt to sell, furnish, barter or

permit to be consumed alcoholic beverages in any premises licensed under AS 4.11.080 for the service and consumption of alcoholic beverages between the hours of 2:30 a.m. and 10:00 a.m. Monday through Friday, or between the hours of 3:00 a.m. and 10:00 a.m. on Saturday or Sunday or on a legal holiday recognized by the state under AS 44.12.010.

- D. For a licensee, his employee, agent or any person in licensed premises to sell, attempt to sell, furnish, barter or permit to be consumed alcoholic beverages in any other retail premises licensed under AS 4.21.010 between the hours of 1:00 a.m. and 10:00 a.m. each Monday through Friday, or between the hours of 2:00 a.m. and 10:00 a.m. on Saturday, or between the hours of 2:00 a.m. and noon on Sunday.
- E. For a licensee, his employee, agent or any person in licensed premises to give, barter or sell alcoholic beverages to any person who, within the normal powers of observation, appears to be intoxicated. For the purposes of this section, a person appears to be intoxicated when he exhibits any symptom that indicates substantial loss of control of physical or mental faculties, including but not limited to bloodshot eyes, slurred speech, clumsiness, drowsiness, heavy odor of alcoholic beverages or undue or abnormal excitation or suppression of the passions or feelings.
- F. For a licensee, his employee, agent or any person in licensed premises to give, barter or sell alcoholic beverages to a person under 21 years of age.
- G. For a person under the age of 21 years to enter or remain upon licensed premises unless he is accompanied by his parent, guardian or spouse who has attained the age of 21 years. However, a person 18 years of age or older may enter and remain upon licensed premises in the course of his employment as a musician, entertainer or busboy. In addition, a person under the age of 21 years may enter and remain upon licensed premises also recognized as a restaurant for the purpose of dining or dancing if accompanied by his parent or guardian, or by the parent or guardian of any other minor also present, or by any other adult with the consent of the minor's parents or guardian.
- H. For a person under 21 years of age to solicit the purchase, to attempt to purchase or to possess alcoholic beverages.
- I. For a person under 21 years of age to enter a licensed premises and offer or present to a licensee or his employee or agent or a law enforcement officer a document or statement which does not represent the true age of the person under 21 years of age.
- J. For a person upon licensed premises to refuse, upon demand of the person in charge of such premises or of a law enforcement officer, to produce identification sufficient to prove the age of that person is 21 years of age or older. For the purposes of this section, a state identification card issued under AS 18.65.310, a valid Alaska driver's license or other identification card, when the card is made of or enclosed in plastic and contains a photograph of the license holder and a statement of his age or date of birth, is acceptable as proof of age.
- K. For a licensee, his employee, agent or any person in licensed premises to influence or attempt to influence the selling, giving or serving of intoxicating

liquor to a person under 21 years of age, or to order, request, receive or procure alcoholic beverages from any person for the purpose of selling, giving or serving the alcoholic beverages to a person under 21 years of age.

- L. For a licensee or his employee or agent to permit a person who violates subsection M of this section to remain upon the licensed premises. If the licensee or his employee or agent has actual or constructive knowledge of a violation of subsection M of this section, he "permits" that person to remain if he fails to demand that that person leave the premises, and, if the demand is refused, to notify the municipal police department or state troopers. As used in this subsection, the term "constructive knowledge" means the awareness a licensee or his employee or agent could have through the exercise of diligence in the operation of the licensed premises.
- M. For a person in licensed premises to induce, entice or procure another to engage in any sexual conduct prohibited by this Code, the state or the United States.
- N. For a person to remain upon the licensed premises after being demanded to leave the premises pursuant to subsection L of this section.
- O. For an agent or employee of the licensee, other than a person employed as a bartender, waitress, or combination entertainer and waitress, to solicit, encourage or procure the purchase of alcoholic beverages on the licensed premises.
- P. For a licensee or his employee or agent to permit alcoholic beverages sold for consumption on the premises to be removed from the premises.
- Q. To consume alcoholic beverages on the public streets, alleys, parks and other public places unless permitted by municipal ordinance or regulation.
- R. For a licensee to employ in the licensed business in any capacity which involves the sale or dispensing of alcoholic beverages to the public, any person who has not, prior to the commencement of employment, successfully completed a liquor server awareness training program approved by the state alcoholic beverage control board as provided by Sections 2.30.125.B and 10.50.035.B.6.
- S. For a licensee, his employee or agent to engage in, promote, or in any other way operate any system whereby any person shall be entitled to receive, with or without compensation, or as a gift, prize or gratuity any alcoholic beverages based upon a specified number of prior or current purchases.

(CAC 6.08.020; AO No. 81-35(S); AO No. 81-197; AO No. 85-170; AO No. 92-32; AO No. 96-49, § 1, 3-5-96)

10.50.020 Civil actions by licensees against minors.

- A. *Actions.* If a person under the age of 21 years has not been allowed to enter and remain within licensed premises in violation of AS 04.16.052(2), such person who, with criminal negligence, enters premises licensed under AS Title 4 in violation of AS 04.16.049 through a door marked by a sign described in this chapter is, in addition to any other penalty provided by law, liable in a civil action to the licensee for both a penalty of \$1,000.00 and an award of reasonable attorney's fees that may be made to the

prevailing party in a civil action under rule 82 of the Alaska Rules of Civil Procedure.

- B. *Signs--defense.* No action may be maintained under this chapter unless the person alleged to be liable under this chapter has entered the licensed premises through a door posted with a sign stating "Warning: It is a violation of AS 04.16.049 for persons under 21 to enter these premises without a parent, adult spouse, or court-appointed legal guardian. Violators will be sued and prosecuted." The lettering on the sign shall be at least one and three-fourths inches in height and the sign is to be posted so as to be clearly visible to a person approaching the door.
- C. *Demand prior to action.* It is a condition precedent to filing an action under this chapter that the licensee or an agent of the licensee send a notice demanding the relief authorized by this chapter to the person to be sued by first class mail at such person's last known address 15 days or more before the action is commenced. It is not a condition precedent to filing an action under this chapter that the person under the age of 21 years alleged to have entered licensed premises was charged or convicted under any statute or ordinance.

(AO No. 98-73(S), § 1, 7-4-98)

10.50.023 Civil action by licensee regarding purchase by or delivery of alcohol to persons under 21 years of age.

- A. In addition to any other penalty provided by law, the following persons shall be liable in a civil action to the licensee for a civil penalty of \$1,000.00, court costs, and reasonable attorney's fees under the Alaska Rules of Civil Procedure, Rule 82, for the following unlawful acts:
 - 1. A person under 21 years of age who solicits another to purchase an alcoholic beverage from a licensee, in violation of AS 04.16.060 or subSection 10.50.015H.; or
 - 2. A person who orders, purchases or receives an alcoholic beverage from a licensee, or an agent or employee of the licensee, for the purpose of selling, giving, or serving to a person under 21 years of age, in violation of AS 04.16.060 or subSection 10.50.015K.

(AO No. 2002-137, § 1, 9-24-02)

10.50.025 Sales on election day.

The provisions of AS 04.16.070(a) do not apply in the municipality, and alcoholic beverages may be given, sold or bartered in licensed premises on election day.

(CAC 6.08.070)

10.50.030 Standards governing assembly protests to alcoholic beverage control board.

The procedure and standards for assembly protests regarding issuance of alcoholic beverage licenses is in Sections 2.30.120 and 2.30.125.

Editor's note: This section was formerly codified in the 1977 Code as the first sentence of Section 2.30.125.

10.50.035 Operation of licensed premises.

- A. Except as otherwise provided in this subsection, the operations procedures set forth in subsection B of this section shall apply to all persons seeking the issue, renewal or transfer of any license issued by the state alcoholic beverage control board by virtue of AS Title 4 and other applicable provisions of law allowing the sale or service of alcoholic beverages. Subsections B.1 and B.5 of this section shall not apply to persons seeking the issue, transfer or renewal of licenses issued under AS Title 4 which do not authorize the sale or service of alcoholic beverages for consumption on the premises licensed.
- B. Persons seeking the issue, transfer or renewal of licenses issued by the state alcoholic beverage control board under AS Title 4 and other applicable provisions of law shall comply with the following operations procedures:

1. *Happy hours.* No licensee may:
 - a. Sell more than one drink for the price of a single alcoholic drink, or sell a drink with increased alcoholic content, or sell a multiple of any number of drinks in a manner which has the effect of selling more than one drink for the price of a single drink.
 - b. Advertise, promote or put in public notice the giving of free alcoholic drinks to customers.
 - c. Advertise, promote or put in public notice the sale of alcoholic beverages at a reduced price at certain times of the day or days of the week. Nothing in this subsection shall prohibit a licensee from increasing prices during times when entertainment is provided.

This subsection shall not be construed to prohibit licensees from giving away or selling at a reduced price food items to customers and patrons.

2. *Games or contests.* No operator may allow, sanction or permit games or contests to be conducted on the premises which include in their competition the consumption of alcohol or in which awards are given by the establishment to patrons in the form of alcoholic beverage products.
3. *Public transportation.* Licensees shall make available to their patrons access to means of public transportation to permit patrons to make arrangements for transportation to a hotel, private residence or other lodging.
4. *Notice of penalties.* No later than September 27, 1985, operators shall place, at conspicuous locations within licensed premises, a clear and legible sign describing applicable penalties for driving under the influence, and for service or sale of alcoholic beverages to minors or intoxicated persons.
5. *Availability of nonalcoholic drinks.* Operators shall have nonalcoholic drinks available for their patrons.
6. *Compliance determination.* 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 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 alcoholic beverage control board.

7. *Solicitation of purchase of alcoholic beverages for consumption by employee.* A person employed by a licensee shall not solicit or encourage any patron of the licensed premises to purchase alcoholic beverages for consumption by the employee or by any other employee. For the purposes of this subsection, the term "employee" includes any contractual arrangement by which an individual provides services to the licensee, whether compensation be in the form of salary, commission, fee or otherwise.
8. *Warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest for or charge of driving under the influence or refusal to submit to chemical tests.* Operators shall display at conspicuous places in licensed premises two signs warning that vehicles are seized in cases of driving under the influence or refusal to submit to chemical tests. One of these warning signs shall be at least 11 inches by 14 inches in size, and must read, in lettering at least one-half inch high and in contrasting colors or black and white, "DRIVE UNDER THE INFLUENCE--LOSE YOUR CAR." The sign described in the preceding sentence must carry a logo or illustration approved by the chief of police or his or her designee which shows an automobile being towed. The second warning sign shall be at least 11 inches by 14 inches and must read, in letters at least one-quarter inch high and in contrasting colors or black and white, "WARNING: IF YOU DRIVE UNDER THE INFLUENCE OR LET ANYONE DRIVE YOUR VEHICLE UNDER THE INFLUENCE, YOU WILL LOSE YOUR VEHICLE. The police SEIZE cars and trucks driven by intoxicated drivers. A vehicle will be IMPOUNDED for 30 days for the driver's first DUI offense. A vehicle will be FORFEITED if the driver has been convicted of DUI in the past ten (10) years."

(AO No. 85-128(S); AO No. 86-58; AO No. 89-17; AO No. 95-84(S-1), § 20, 5-27-95; AO No. 95-202, § 1, 11-14-95; AO No. 2001-51, § 1, 2-27-01)

Editor's note: The amended sign text required in AMC 10.50.035B.8., as amended by AO 2001-51, is required only of new or replacement signs installed after February 27, 2001.

10.50.040 Application fees for conditional use permits for uses involving sale, service or consumption.

Applicants for conditional use permits required under Title 21 allowing the sale, service or consumption of alcoholic beverages shall pay the same fees as required of other applicants for conditional use permits under municipal regulations promulgated under Section 21.10.040.

(AO No. 93-140(S), § 1, 2-1-94)

10.50.050 Keg or container registration.

- A. *Obligations of seller.* Any person who sells, leases, or offers for sale or lease, kegs or other containers holding seven gallons or more of an alcoholic beverage to consumers who are not licensed under AS 04.11 shall, prior to surrendering physical possession of the keg or other container:
1. Require the purchaser of the alcoholic beverage to sign a registration for the keg or other container on an approved form which meets the requirements set forth under subsection (C) of this section;
 2. Require the purchaser to provide identification pursuant to AS 04.21.050;
 3. Affix an approved temporary tag with a unique identifier to all containers of seven gallons or more of an alcoholic beverage prior to surrendering possession or control thereof to a consumer;
 4. Retain a copy of the completed and signed registration form, which shall be retained on the licensed premises for a period of one year and shall be available for inspection and copying by any peace officer or alcohol beverage control board investigator or agent;
 5. Upon return of the keg or other container, the seller shall note the date of return and the initials of the person who accepts the return on the copy of the completed and signed registration form which shall be retained on the licensed premises.
- B. *Obligations of purchaser.* Any person who purchases or leases kegs or other containers holding seven gallons or more of an alcoholic beverage shall:
1. Complete and sign a registration form for the keg or other container on a form provided by the seller pursuant to subsection (A)(1) of this section;
 2. Provide identification pursuant to AS 04.21.050;
 3. Be of legal age to purchase, possess, or use alcoholic beverages;
 4. Not allow any person under the age of 21 to consume the beverage except as provided by AS 04.16.051;
 5. Not remove, obliterate, or allow to be removed or obliterated, the temporary tag attached to the keg or container as required under subsection (A) of this section.
- C. *Identification of containers.*
1. A keg registration form provided by licensees and approved by the Anchorage Police Department shall be properly completed by the licensee for sales and leases of kegs or other containers holding seven or more gallons of an alcoholic beverage for off-premises consumption, and shall contain:
 - a. The name of the seller;
 - b. The name of the purchaser;
 - c. The type and identifying number of the identification presented by the

purchaser pursuant to AS 04.21.050;

- d. A sworn statement, signed by the purchaser under penalty of perjury, stating that the purchaser is 21 years of age or older; will not allow persons under 21 years of age to consume the alcoholic beverages purchased except as provided by AS 04.16.051, will not remove or obliterate or allow the removal or obliteration of the temporary registration tag affixed to the keg or other container, and will return the keg within the time constraints set by the seller;
- e. The return date specified by the seller; and
- f. The unique identifier of the temporary tag attached to the keg or container as required under subsection (A) of this section.

D. Offenses.

- 1. It is unlawful for any package store licensee, agent, or employee to sell or offer for sale kegs or other containers containing seven gallons or more of alcoholic beverages to consumers who are not licensed under AS 04.11, if the kegs or containers are not identified in compliance with this section.
- 2. It is unlawful for any person who is not licensed under AS 04.11, to possess, or be in control of a keg or other container containing seven gallons or more of alcoholic beverages which is not identified in compliance with this section or to alter or remove the temporary tag affixed by the seller pursuant to subsection (A)(1) of this section.

E. Penalties. Except as provided in AS 04.16.051, a person who violates any provision of Section 10.50.050 shall be subject to a civil penalty of not less than \$75.00 and not more than \$300.00 for each offense as follows:

TABLE INSET:

| Violation | Short Title | Fine |
|--------------|--|---------|
| 10.50.05D.1. | Keg or Container Identification--Seller | |
| | First Offense | \$75.00 |
| | Second Offense | 150.00 |
| | Third and Subsequent Offenses | 300.00 |
| 10.50.05D.2. | Keg or Container Identification--Purchaser | |
| | First Offense | 75.00 |
| | Second Offense | 150.00 |
| | Third and Subsequent Offenses | 300.00 |

(AO NO. 2003-8, § 1, 1-28-03; AO No. 2003-48, §§ 1, 2, 3-18-03; AO No. 2003-115, § 1, 7-25-03; AO No. 2003-126, § 1, 1-1-04)

Editor's note: Section 2 of Ord. No. AO No. 2003-126 amended the effective date of this section to read Jan. 1, 2004.

Cross references: Licensing, AS 04.11; proof of age, AS 04.21.050; Furnishing or delivery of alcoholic beverages to persons under the age of 21, AS 04.11.051.

Jerry T. Weaver, Jr., Zoning Division Administrator
April 11, 2005 Zoning Cases
Physical Planning Division Comments
Page 2

2005-051 R-11 Conditional Use for a 4-Unit Condominium Complex

Physical Planning has no objection to the proposed 4-unit condo, which meets the zoning district, Girdwood Area Plan, Turnagain Arm Comprehensive Plan, and Site Condo Ordinance. The site is designated for multi-family residential and is located outside the avalanche zone area. One additional parking space is required.

2005-052 Ordinance Amending Title 21 for AMC 21.55 Nonconforming Uses

Discussion and comments on this ordinance will be addressed under separate cover.

2005-053 Ordinance Amending Title 21 for the Sales, Dispensing, or Service of Alcoholic Beverages

Physical Planning Division has no objection to the ordinance amendment.



MUNICIPALITY OF ANCHORAGE

Development Services Department
Right of Way Division



MEMORANDUM

RECEIVED

APR 05 2005

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: April 5, 2005
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor *JLF*
FROM: Lynn McGee, Senior Plan Reviewer *LM*
SUBJ: Request for Comments on Planning and Zoning Commission case(s) for the Meeting of May 2, 2005.

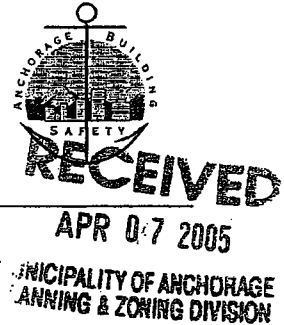
Right of Way has reviewed the following case(s) due April 4, 2005.

- 05-049 Section 35, T13N R3W, grid 1839
(Site Plan Review, PLI, Alaska Botanical Gardens)
Right of Way Division has no comments at this time.
Review time 15 minutes.
- 05-050 University of Alaska, grid 1634
(Site Plan Review, Native Science & Engineering Facility, UAA)
Right of Way Division has no comments at this time.
Review time 15 minutes.
- 05-051 Alyeska, North Addition #3, Block 6, Lot 7, grid 4816
(Conditional Use 4-Unit Condominium Project)
Right of Way Division has no comments at this time.
Review time 15 minutes.
- 05-052 Ordinance Amendment
(Title 21.55, Non-Conforming Uses)
Right of Way Division has no comments at this time.
Review time 15 minutes.
- 05-053 Ordinance Amendment
(Title 21, Alcoholic Beverage Sales, Dispensing, or Servicing)
Right of Way Division has no comments at this time.
Review time 15 minutes.



Municipality of Anchorage
Development Services Department
Building Safety Division

MEMORANDUM



DATE: April 6, 2005
TO: Jerry Weaver, Jr., Platting Officer, CPD
FROM: Daniel Roth, Program Manager, On-Site Water and Wastewater Program
SUBJECT: Comments on Cases due April 4, 2005

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

- 2005 – 049 Site plan review for the Alaska Botanical Garden
No objection
- 2005 – 050 Site plan review for the Native Science & Engineering Facility – UAA
No objection
- 2005 – 051 Zoning conditional use for a 4 – unit Condominium complex
No objection
- 2005 – 053 An ordinance amending Title 21 for the sales, dispensing, or service of alcoholic beverages
No objection

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)

March 22, 2005

RE: Zoning Case Review

RECEIVED

MAR 29 2005

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

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:

2005-040 Ship Creek Crossing Tract A/Conditional use: restaurant serving alcohol/221 W Ship Creek Ave.

2005-045 Campbell Creek Commercial Park Tract K/5227 Old Seward Hwy: Conditional use: alcohol

2005-046 Wonder Park Tract D Lot D3A/4950 Taku Dr/Variance: appeal

2005-049 Campbell Airstrip Rd Sec 35 T13N R3W SM/ Site plan review: Alaska Botanical Garden

2005-050 University of Alaska Anchorage UAA Seawolf Dr. & Providence Dr/Site plan review: Native Science & Engineering Facility

2005-051 Alyeska Subd North Addn #3 Lot 7 Blk 6 NHN Taos Rd/Zoning to R-11

2005-052 Amend Title 21 for AMC 21.55 Nonconforming uses

2005-053 Amend Title 21 for the sales, dispensing, or service of alcoholic beverages

2005-055 Qdoba Mexican Grill 702 E Benson/Conditional use permit restaurant serving alcohol

Comments:

2005-039 Amend Title 21 for Neighborhood Planning: This amendment is a positive step for creating healthy and vital neighborhoods in Anchorage. Please consider emphasizing transportation a little more. Creating a grid system of roads along with a hierarchy of road classifications, from local streets to collectors to arterials enhances the ability to provide for other modes of transportation, be it public transit or trails. A transportation network with the appropriate class of road will also provide essential connections within a neighborhood and throughout the Municipality.

2005-041 Bella Vista #2 Lot 31A/919 E Dimond Blvd/Site plan review: auto sales: Please let the applicant know that new ADOT&PF driveway permits are required for access to the Old Seward

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

Pierce, Eileen A

2005-053

From: Staff, Alton R.
Sent: Wednesday, March 30, 2005 8:01 AM
To: Long, Patty R.; Pierce, Eileen A
Cc: Taylor, Gary A.
Subject: Platting and Zoning Reviews

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MAR 30 2005

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

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

2005-049 through 053 and 2005-055.

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

S11110-2
S10549-2
S11302-1
S11350-1
S11351-1
S11352-1
S11357-1
S11358-1
S11359-1
S11362-1
S11363-1
S11365-1
S11366-1

Thank you for the opportunity to review.

Alton Staff
Operations Supervisor
People Mover
907-343-8230

Pierce, Eileen A

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MAR 16 2005

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

From: Stewart, Hallie
Sent: Wednesday, March 16, 2005 11:09 AM
To: Pierce, Eileen A; Long, Patty R.
Subject: 05-049,50,51,52,53.doc

DATE: March 16, 2005
TO: Zoning and Platting Division, OPDPW
FROM: Hallie Stewart, Engineering Technician, AWWU
SUBJECT: Planning & Zoning Commission Hearing May 5, 2005
AGENCY COMMENTS DUE April 4, 2005

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

05-049 Alaska Botanical Garden (site plan review) Grid 1839

1. AWWU has no objection to the proposed perimeter fence that will encompass the gardens to protect new and existing plantings from moose.

05-050 UAA Native Science & Engineering Facility (site plan review) Grid 1634

1. Water and sanitary sewer plans (private systems) must be reviewed and approved by AWWU prior to any construction.

05-051 Alyeska North #3, Block 6, Lot 7 (conditional use) Grid SE 4816

1. AWWU water and sanitary sewer mains are located within the Taos Road right-of-way.
2. Water and sanitary sewer plans (private systems) must be reviewed and approved by AWWU prior to any construction.
3. AWWU does not object to the 4-unit condominium complex.

05-052 An ordinance amending Anchorage Municipal Code Section 21.55.020 regarding nonconforming lots of record

1. AWWU has no comments on the changes.

05-053 An ordinance amending Anchorage Municipal Code Section 21.50.160 to add a new section exempting catering and special events permits involving the retail sale and dispensing of alcoholic beverages from the conditional use process

1. AWWU has no comments on the changes.

If you have any questions, call me at 343-8009 or the AWWU Planning at 564-2739.



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**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

FLOOD HAZARD REVIEW SHEET for PLATS

Date: 03-15-05

Case: 2005-053

Flood Hazard Zone: NA

Map Number: NA

☐ 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:

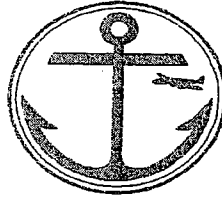
"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and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



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MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

P.O. Box 390
Girdwood, Alaska 99587
<http://www.muni.org>

GIRDWOOD VALLEY SERVICE AREA BOARD OF SUPERVISORS
Tracey Knutson and Diana Stone Livingston, Co-Chairs;
David Sears, Victor Duncan, Marcus Tingle

Mark Begich, Mayor

April 19, 2005

Department of Planning
Zoning and Platting Division
P. O. Box 196650
Anchorage, AK 99519-6650

Subject: Ordinance Amending Title 21 for Sales, Dispensing or Service of Alcoholic
Beverages, Case 2005-053

Sir or Madam:

The Girdwood Land Use Committee at the regular meeting held April 12, 2005 voted in favor of this ordinance with 18 ayes, no nays and no abstentions.

At the regular Girdwood Board of Supervisors meeting April 18, 2005 the ordinance was discussed. The Girdwood Board of Supervisors vote was five (5) in favor and zero (0) opposed to the motion of non-objection to the ordinance as written.

Thank you for allowing the Girdwood Community to comment on this ordinance.

Sincerely,

Tracey Knutson
Co-Chair

Copy to:

Girdwood Land Use Committee

Content Information**Content ID :** 003008**Type:** Ordinance - AO

Title: PLANNING AND ZONING COMMISSION RECOMMENDATION ON
AN ORDINANCE AMENDMENT TO EXEMPT CATERING
FUNCTION FROM THE REQUIREMENTS OF A CONDITIONAL
USE.

Author: weaverjt**Initiating Dept:** Planning

Description: PLANNING AND ZONING COMMISSION RECOMMENDATION ON
AN ORDINANCE AMENDMENT TO EXEMPT CATERING
FUNCTION FROM THE REQUIREMENTS OF A CONDITIONAL
USE.

Date Prepared: 6/27/05 12:27 PM**Director Name:** Tom Nelson

Assembly Meeting
Date MM/DD/YY: 7/26/05

Public Hearing
Date MM/DD/YY: 8/23/05

M.O.A.
2005 JUL 18 PM 12:03
CLERKS OFFICE

Workflow History

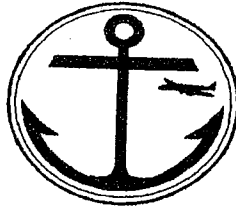
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| AllOrdinanceWorkflow | 6/27/05 12:30 PM | Checkin | weaverjt | Public | 003008 |
| Planning_SubWorkflow | 6/30/05 7:55 AM | Approve | nelsontp | Public | 003008 |
| ECD_SubWorkflow | 6/30/05 10:49 AM | Approve | thomasm | Public | 003008 |
| OMB_SubWorkflow | 7/5/05 12:29 PM | Approve | mitsonjl | Public | 003008 |
| Legal_SubWorkflow | 7/5/05 1:22 PM | Approve | fehlenrl | Public | 003008 |
| MuniManager_SubWorkflow | 7/15/05 10:51 AM | Approve | leblancdc | Public | 003008 |
| MuniMgrCoord_SubWorkflow | 7/15/05 11:57 AM | Approve | abbottmk | Public | 003008 |

**PLANNING & ZONING
COMMISSION
PUBLIC HEARING
MAY 2, 2005
SUPPLEMENTAL INFORMATION**

**G.2. Case 2005-053
Ordinance - Catering & Special
Events**

Double-sided

Municipality
of
Anchorage



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MUNICIPALITY OF ANCHORAGE
ANNING & ZONING DIVISION

P.O. Box 390
Girdwood, Alaska 99587
<http://www.muni.org>

Mark Begich, Mayor

GIRDWOOD VALLEY SERVICE AREA BOARD OF SUPERVISORS
Tracey Knutson and Diana Stone Livingston, Co-Chairs;
David Sears, Victor Duncan, Marcus Tingle

April 19, 2005

Department of Planning
Zoning and Platting Division
P. O. Box 196650
Anchorage, AK 99519-6650

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Beverages, Case 2005-053

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Thank you for allowing the Girdwood Community to comment on this ordinance.

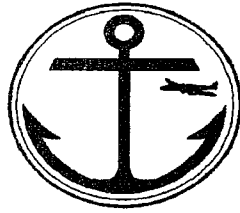
Sincerely,

Tracey Knutson
Co-Chair

Copy to:

Girdwood Land Use Committee

Municipality
of
Anchorage



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APR 26 2005

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

P.O. Box 390
Girdwood, Alaska 99587
<http://www.muni.org>

GIRDWOOD VALLEY SERVICE AREA BOARD OF SUPERVISORS
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April 19, 2005

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Sincerely,


Tracey Knutson
Co-Chair

Copy to:

Girdwood Land Use Committee

Content Information**Content ID :** 003633**Type:** Ordinance - AOAN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
SECTION 21.50.160, AND ANCHORAGE MUNICIPAL CODE OF**Title:** REGULATIONS 21.20.002, SCHEDULE OF FEES – ZONING,
REGARDING CONDITIONAL USES INVOLVING THE SALE OF
ALCOHOLIC BEVERAGES STANDARDS AND FEES.**Author:** curtiscr2**Initiating Dept:** Planning**Date Prepared:** 1/11/06 10:07 AM**Director Name:** Tom Nelson**Assembly****Meeting Date** 2/14/06**MM/DD/YY:****Public Hearing****Date** 2/28/06**MM/DD/YY:** 3/14/06

CLERKS OFFICE

2006 FEB - 6 PM 12:07

M.O.A.

Workflow History

| <u>Workflow Name</u> | <u>Action Date</u> | <u>Action</u> | <u>User</u> | <u>Security Group</u> | <u>Content ID</u> |
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| AllOrdinanceWorkflow | 1/11/06 11:29 AM | Reject | nelsontp | Public | 003633 |
| AllOrdinanceWorkflow | 1/17/06 2:41 PM | Checkin | weaverjt | Public | 003633 |
| AllOrdinanceWorkflow | 1/19/06 2:29 PM | Reject | sysadmin | Public | 003633 |
| AllOrdinanceWorkflow | 1/19/06 2:30 PM | Checkin | weaverjt | Public | 003633 |
| Planning_SubWorkflow | 1/19/06 3:22 PM | Approve | nelsontp | Public | 003633 |
| ECD_SubWorkflow | 1/19/06 4:27 PM | Approve | thomasm | Public | 003633 |
| OMB_SubWorkflow | 1/20/06 1:28 PM | Approve | mitsonjl | Public | 003633 |
| Legal_SubWorkflow | 1/23/06 1:17 PM | Approve | fehlenrl | Public | 003633 |
| MuniManager_SubWorkflow | 1/25/06 10:22 AM | Checkin | curtiscr2 | Public | 003633 |
| MuniManager_SubWorkflow | 2/3/06 10:36 AM | Approve | leblancdc | Public | 003633 |
| MuniMgrCoord_SubWorkflow | 2/3/06 11:00 AM | Approve | abbottmk | Public | 003633 |