

CLERK'S OFFICE
APPROVED

Date: 2-28-06

Submitted by:

Chair of the Assembly at
the Request of the Mayor
Planning Department
February 28, 2006

Prepared by:
For reading

Anchorage, Alaska
AR 2006-49

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A MINOR AMENDMENT TO AN EXISTING ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 DISTRICT FOR A PACKAGE STORE PER AMC 21.40.180 D.8 FOR SAM'S CLUB #6601, LOCATED AT 8801 OLD SEWARD HIGHWAY, MADIGAN PLACE SUBDIVISION, COMMERCIAL TRACT A-1, FRAG LOT K-3A, GENERALLY LOCATED ON THE EAST SIDE OF THE OLD SEWARD HIGHWAY, AND SOUTH OF DIMOND BOULEVARD.

(Taku-Campbell Community Council) (Case 2006-024)

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The minor amendment to an existing conditional use permit for an Alcoholic Beverages Conditional Use in the B-3 District for a Package Store use per AMC 21.40.180 D.8 for Sam's Club #6601; located on Frag Lot K-3A, Commercial Tract A-1, Madigan Place Subdivision, site address being 8801 Old Seward Highway, meets the applicable provisions of AMC 21.15.030.G

Section 2. The minor amendment grants relocation of the existing 1,833 square foot package store from the southwest corner of the building, to the northwest corner of the building. The new location will consist of 2,779 square feet, have an interior and exterior entrance and two handicap accessible toilet rooms. The liquor store will be separated from the balance of the store, and be accessible only through a new exterior entrance. Hours of operation remain unchanged, and all retail clerks are TAM trained.

Section 3. This transfer of location within the store and the small increase in size of the package store has no significant effect to the surrounding neighborhood and is a minor amendment.

Section 4. The subject conditional use permit for an Alcoholic Beverages Conditional Use in the B-3 District for Package Store per AMC 21.40.180 D.8 is subject to the following conditions:

1. A Notice of Zoning Action shall be filed with the State District Recorder's Office within 120 days of the Assembly's approval of a final conditional use approval for the subject alcoholic beverages package store in the B-3 District.
2. All uses shall conform to the plans and narrative submitted.
3. This conditional use minor amendment approval is for an Alcoholic Beverages Conditional Use in the B-3 District for Sam's Club #6601 Package Store use per AMC 21.40.180 D.8, located on Frag Lot K-3A, Commercial Tract A-1, Madigan Place Subdivision, site address being 8801 Old Seward Highway. The minor amendment grants relocation of the existing 1,833 square-foot package store from the southwest corner of the building, to the northwest corner of the building. The new location will consist of 2,779 square feet, have interior and

1 exterior access, and two handicap accessible toilet rooms. The liquor store will be separated
2 from the balance of the store and will be accessible only through a new exterior entrance.
3 Hours of operation remain unchanged: 10:00 AM to 8:30 PM, Monday through Saturday,
4 12:00 PM to 6:00 PM Sunday. All retail clerks are TAM trained.
5

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

14 5. Upon demand, the applicant shall demonstrate compliance with a "Liquor Server
15 Awareness Training Program" approved by the State of Alaska Alcohol Beverage
16 Control Board, such as or similar to the program for Techniques in Alcohol
17 Management (TAM).
18

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

22 **Section 5** Failure to comply with the conditions of this conditional use permit shall constitute
23 grounds for its modification or revocation.
24

25 **Section 6.** This resolution shall become effective immediately upon passage and approval by the
26 Anchorage Assembly.
27

28 PASSED AND APPROVED by the Anchorage Assembly this 28th day of
29 February 2006
30
31
32
33

ATTEST:

Anna J. Fairclough
Chair

Linda S. Leem
Municipal Clerk
Deputy

(Planning Case 2006-024)
(Tax Id. 014-281-18)



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 139 -2006

Meeting Date: February 28, 2006

From: Mayor

Subject: MINOR AMENDMENT TO AN EXISTING ALCOHOLIC BEVERAGES
CONDITIONAL USE IN THE B-3 DISTRICT FOR A PACKAGE STORE
USE PER AMC 21.40.180 D.8 FOR SAM'S CLUB #6601, LOCATED AT
8801 OLD SEWARD HIGHWAY.

1 Assembly Memorandum 395-93 approved the conditional use, transfer of ownership and
2 location of a package store liquor license from Market Basket, Inc., located at 601 E.
3 Dimond Boulevard, to Pace Membership Warehouse, Inc. on March 30, 1993. Ownership
4 transferred to Sam's Club #6601/ Wal-Mart Stores, Inc. of Alaska on October 8, 1993.

5
6 Sam's Club #6601 has made application for a minor amendment to the existing alcoholic
7 beverages package store conditional use license #3303 located at 8801 Old Seward
8 Highway, Madigan Place Subdivision, Commercial Tract A-1, Frag Lot K-3A.

9
10 They wish to relocate their existing package store within the existing store and increase its
11 size by 896 square feet. Currently, the package store is located in the southwest corner of
12 the building, has an interior and exterior entrance and consists of 1,883 square feet. It will
13 be relocated to the northwest corner of the store. The proposed new location consists of
14 2,779 square feet, an interior and exterior entrance, and two handicap accessible toilet
15 rooms. Hours of operation remain unchanged: 10:00 AM to 8:30 PM, Monday through
16 Saturday, 12:00 PM to 6:00 PM, Sunday. All retail clerks are TAM trained. There are no
17 churches or schools within 200 feet of the package store.

18
19 AMC 21.15.030.G.2 (a) requires “. . . the Assembly, upon an express finding that the
20 proposed modifications will have a significant effect on the surrounding neighborhood or
21 on owners or occupiers of adjacent property...may determine that a public hearing is
22 necessary. In such event the hearing shall be scheduled as soon as practicable after the
23 matter first comes before the body for conclusion.”

24
25 Approval of this memorandum will GRANT the transfer of location within the building
26 and increase in size, as a minor amendment to the existing package store conditional use.
27

1 THE ADMINISTRATION BELIEVES THIS TO BE A MINOR AMENDMENT TO THE
2 EXISTING CONDITIONAL USE.

3
4 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

5 Concur: Tom Nelson, Director, Planning Department

6 Concur: Mary Jane Michael, Executive Director, Office of Economic & Community
7 Development

8 Concur: Denis C. LeBlanc, Municipal Manager

9 Respectfully submitted: Mark Begich, Mayor
10
11
12

Content Information

Content ID : 003712

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Title: MINOR AMENDMENT TO AN EXISTING ALCOHOLIC BEVERAGES
CONDITIONAL USE IN THE B-3 DISTRICT FOR A PACKAGE STORE USE
PER AMC 21.40.180 D.8 FOR SAM'S CLUB #6601, LOCATED AT 8801 OLD
SEWARD HIGHWAY.

Author: weaverjt

Initiating Dept: Planning

Select Routing: Standard

Review Depts:

Description: MINOR AMENDMENT TO AN EXISTING ALCOHOLIC BEVERAGES
CONDITIONAL USE IN THE B-3 DISTRICT FOR A PACKAGE STORE USE
PER AMC 21.40.180 D.8 FOR SAM'S CLUB #6601, LOCATED AT 8801 OLD
SEWARD HIGHWAY.

Keywords:

Date Prepared: 2/15/06 10:43 AM

Director Name: Tom Nelson

Addnl Dept
Review ?: No

Addnl Review
Depts:

Mayor Review?: No

Requested
Assembly
Meeting Date 2/28/06 12:00 AM
MM/DD/YY:

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>
AllOtherARWorkflow	2/15/06 10:47 AM	Checkin	weaverjt	Public	003712	0
Planning_SubWorkflow	2/15/06 11:04 AM	Approve	weaverjt	Public	003712	0
ECD_SubWorkflow	2/15/06 1:04 PM	Approve	thomasm	Public	003712	0
MuniManager_SubWorkflow	2/18/06 1:46 PM	Approve	leblancdc	Public	003712	0
MuniMgrCoord_SubWorkflow	2/20/06 2:07 PM	Approve	abbottmk	Public	003712	0