

CLERK'S OFFICE
AMENDED AND APPROVED
Date:.....10-14-08

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: September 9, 2008

Anchorage, Alaska
AR No. 2008-179

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING
2 AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL
3 BUSINESS DISTRICT) FOR A PACKAGE STORE USE AND LICENSE PER AMC
4 21.40.180 D.8 FOR WAL-MART SUPER STORE #2188, LOCATED AT 18600
5 EAGLE RIVER ROAD, WITHIN EAGLEWOOD SUBDIVISION, TRACT A,
6 GENERALLY LOCATED ON THE SOUTHEAST CORNER OF EAGLE RIVER
7 ROAD AND EAGLE RIVER LOOP ROAD.

8
9 (Eagle River Valley Community Council) (Case 2008-120)

10
11 THE ANCHORAGE ASSEMBLY RESOLVES:

12
13 **Section 1.** This conditional use approval is for an Alcoholic Beverages Conditional Use
14 in the B-3 District for a Package Store Use and License per AMC 21.40.180 D.8, for
15 Wal-Mart Stores, Inc., located within Eaglewood Subdivision, Tract A.; generally meets
16 the applicable provisions of AMC 21.50.020 and AMC 21.50.160.

17
18 **Section 2.** The conditional use for an Alcoholic Beverages Conditional Use for a
19 Package Store Use is comprised of 3,500 square feet of gross floor area, representing
20 2.1 percent of the total 165,353 square feet of commercial retail space.

21
22 **Section 3.** The conditional use is approved subject to the following conditions:

23
24 1. A Notice of Zoning Action shall be filed with the State District Recorder's
25 Office within 120 days of the Assembly's approval of a final conditional use approval
26 for a Package Store Use in the B-3 District, located on a portion of Eaglewood
27 Subdivision, Tract A.

28
29 2. All uses shall conform to the plans and narrative submitted with this conditional
30 use application.

31
32 3. This conditional use approval is for an Alcoholic Beverages Conditional Use in
33 the B-3 District for a Package Store Use per AMC 21.40.180.D.8, for approximately
34 3,500 square feet gross floor area (licensed premises) located with the 165,353 square
35 foot commercial retail structure within Eaglewood Subdivision, Tract A.

36
37 4. On-premise sales will be seven days a week as permitted per the State Alcoholic
38 Beverage Control Board requirements.

39

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

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

13 7. A copy of the conditions imposed by the Assembly in connection with this
14 conditional use approval shall be maintained on the premise.
15

16 **8. Exterior storefront signage designating this package store shall be**
17 **restricted to one permanently mounted fixture of the type similar to other**
18 **departments. No exterior temporary signage shall be permitted. Interior**
19 **advertising media shall not be visible from the exterior of the store.**
20

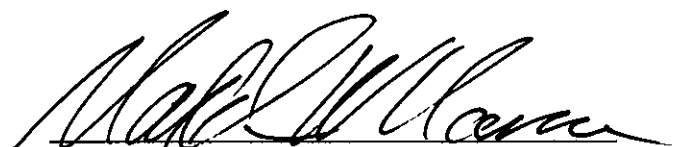
21 **Section 4.** Failure to comply with the conditions of this conditional use permit shall
22 constitute grounds for its modification or revocation.
23


24 **Section 5.** This resolution shall become effective immediately upon passage and
25 approval by the Anchorage Assembly.
26

27 **Section 6.** **This conditional use approval shall expire April 14, 2010 unless**
28 **otherwise modified through formal action of the Anchorage Assembly. It is the**
29 **petitioner's responsibility to apply for an extension.**
30

31 PASSED AND APPROVED by the Anchorage Assembly this 14th day of
32 October 2008.
33

ATTEST:


Chair


Municipal Clerk

(Planning Case Number 2008-120)
(Tax Identification Number 151-811-08)



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 548-2008

Meeting Date: September 9, 2008

From: Mayor

Subject: ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS DISTRICT) FOR A PACKAGE STORE USE AND LICENSE PER AMC 21.40.180 D.8 FOR WAL-MART SUPER STORE #2188; LOCATED AT 18600 EAGLE RIVER ROAD, WITHIN EAGLEWOOD SUBDIVISION, TRACT A; GENERALLY LOCATED ON THE SOUTHEAST CORNER OF EAGLE RIVER ROAD AND EAGLE RIVER LOOP ROAD.

1 Wal-Mart Stores, Inc. has made application for a Package Store Alcoholic Beverage
2 Conditional Use and License in the B-3 District. The property is located at 18600 Eagle
3 River Loop Road, within Eaglewood Subdivision, Tract A, generally located on the
4 southeast corner of Eagle River Road and Eagle River Loop Road.

5
6 The Package Store Alcoholic Beverage Conditional Use comprises less than 2.1percent
7 of the total retail area, or 3,500 square feet within the total 165,353 square feet of retail
8 space. The petitioner has applied to the State of Alaska Alcoholic Beverages Control
9 Board for the transfer ownership/location/business name of the existing Package Store
10 license #235 to the subject petitioner and location.

11
12 The package store retail area is located on the east end of Super-Store building,
13 approximately 300 feet from the north lot line and over 800 feet east of the west lot line.
14 There is only one public entrance to the package store. Under the terms of Alaska
15 Statute 04.11.410, no church or school can be located within 200 feet of the public
16 entrance of the "licensed premises" of the package store measured by the shortest
17 pedestrian route from the public entrance of the church building, and is not an issue for
18 this application

19
20 The Eagle River Lions Club holds an Alcoholic Beverages Club License, and is located
21 within a 1,000-foot radius of the petition site.
22

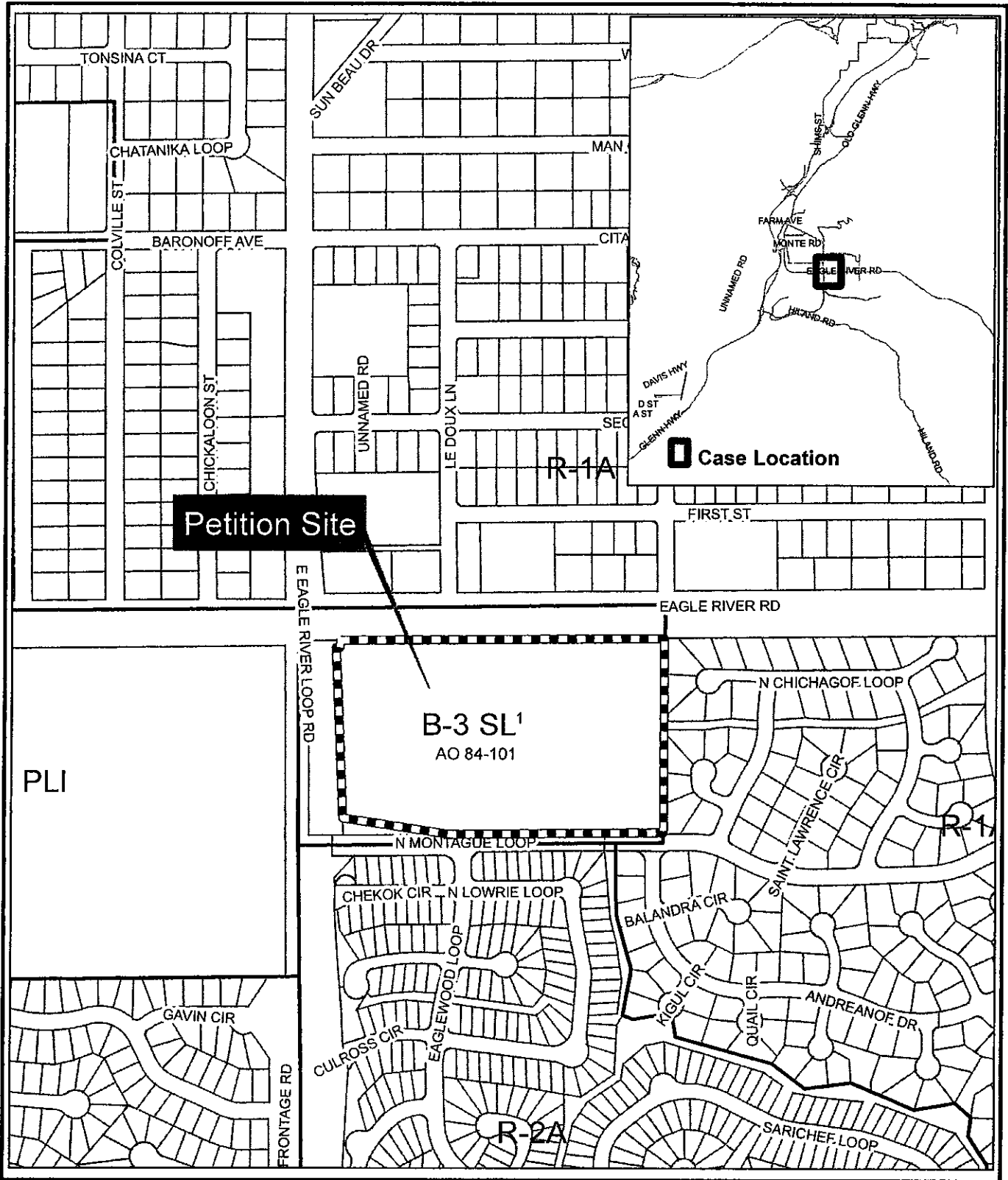
1 The package store proposes daily hours of operation seven days a week during the hours
2 of 10:00 A.M. to 12:00 P.M., as permitted by the State of Alaska Alcohol Beverage
3 Control Board requirements. Employees involved in the sale of alcoholic beverages
4 will be trained in accordance with the Alcoholic Beverage Control Board "Liquor
5 Server Alcohol Awareness Training Program," (TAM) and will hold the necessary
6 certifications.

7
8 The Anchorage Police Department had not provided comments at the time this report
9 was written. Treasury reports there are no delinquent Personal Property Taxes or Real
10 Property Taxes owed at this time.

11
12 THIS CONDITIONAL USE FOR A PACKAGE STORE USE AND LICENSE IN
13 THE B-3 DISTRICT GENERALLY MEETS THE APPLICABLE PROVISIONS OF
14 AMC TITLES 10 AND 21, AND ALASKA STATUTE 04.11.150.

15
16 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department
17 Concur: Tom Nelson, Director, Planning Department
18 Concur: Mary Jane Michael, Executive Director, Office of Economic &
19 Community Development
20 Concur: Michael K. Abbott, Municipal Manager
21 Respectfully submitted: Mark Begich, Mayor




2008-120

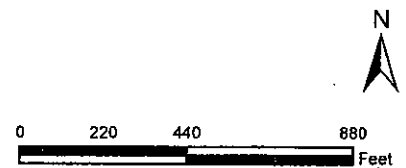


Municipality of Anchorage
Planning Department

Date: August 13, 2008

Flood Limits

-  100 Year
-  500 Year
-  Floodway



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

DATE: September 9, 2008

CASE NO.: 2008-120

APPLICANT: Wal-Mart Stores, Inc.

REPRESENTATIVE: Michael D. White
Patton Boggs, LLP

REQUEST: Conditional Use for an Alcoholic Beverages Conditional Use in the B-3 SL District for a Liquor Package Store per AMC 21.40.180.D.8

LOCATION: Eaglewood Subdivision, Tract A; generally located on the southeast corner of Eagle River Road and Eagle River Loop Road.

STREET ADDRESS: 18600 Eagle River Road

COMMUNITY COUNCIL: Eagle River Valley

TAX PARCEL: 050-811-08/ Grid SW0054

ATTACHMENTS

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

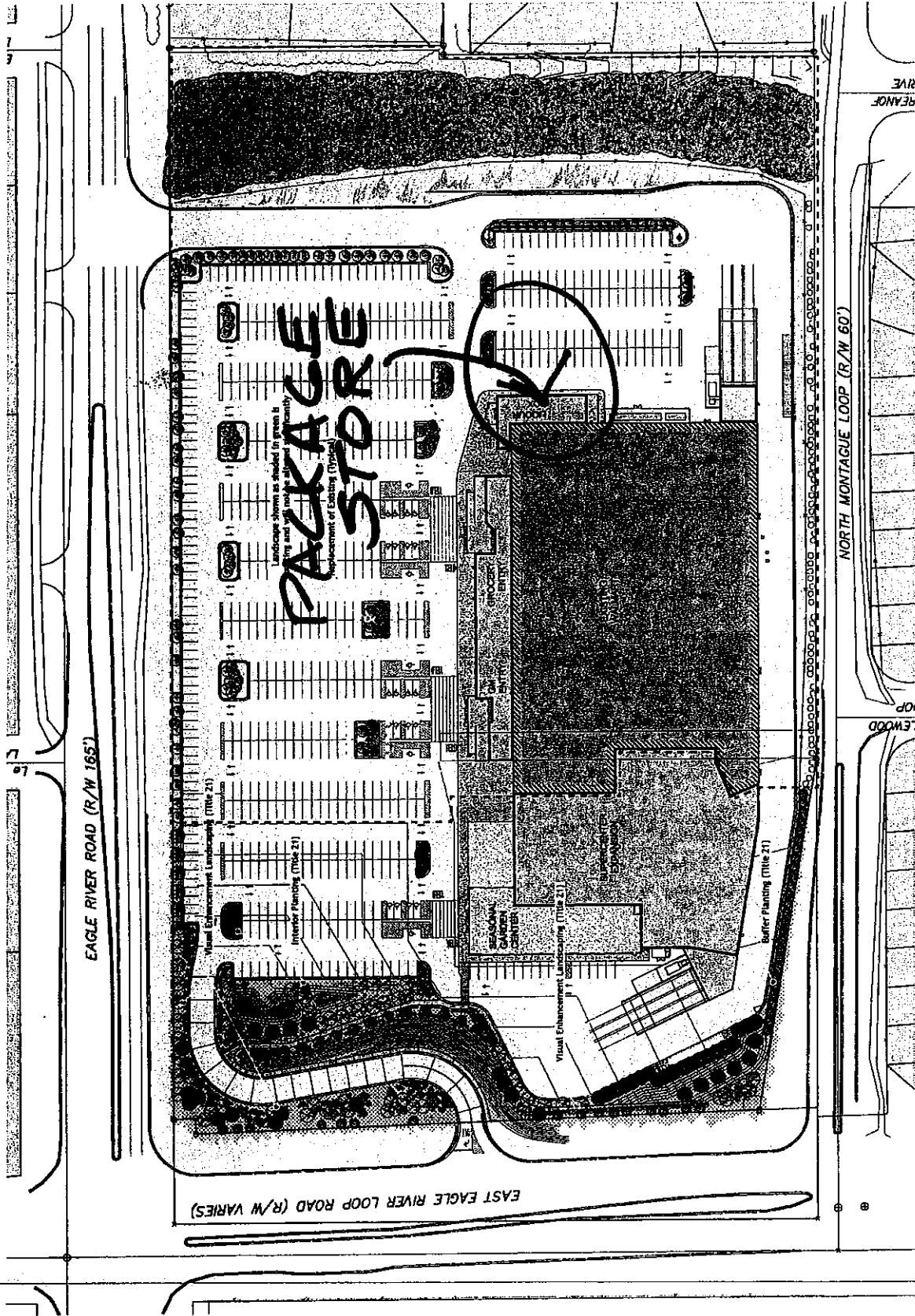
RECOMMENDATION SUMMARY:

Approval

SITE:

Acres: 18.39 acres
Vegetation: Commercial development landscaping
Zoning: B-3 SL
Topography: Sloped approximately 40 feet from east to west
Existing Use: Wal-Mart Retail Store
Soils: Public Water and Sewer

Eagle River Wal-Mart Site Expansion Landscape Plan



COMPREHENSIVE PLAN

Classification: Commercial
Density: N/A

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	R-1A	R-1A	R-2A	PLI
Land Use:	Church, Single Family Residential	Single Family Residential	Single Family Residential	Park

SITE DESCRIPTION AND PROPOSAL:

Tract A, Eaglewood Subdivision (per Plat 82-60) is an 18+ acre parcel. The property is zoned B-3 SL¹ and under single ownership by Wal-Mart Inc. It is bounded by Eagle River Road to the north, Eagle River Loop Road to the west, and North Montague Loop to the south. Residential development is located to the north, south and east. Northland Baptist Church is located at the northeast corner of the signalized intersection; Eagle River Lions Club Park is located at the southwest corner of the intersection.

In 1999 Wal-Mart constructed a 102,779 square foot retail store. They are in the process of completing their latest expansion. In 2006 the Urban Design Commission approved an expansion to the store² that added over 61,000 square feet to create a Super Center Store providing a mix of retail uses: grocery, general department, seasonal garden center and package store.

The petitioner is seeking final approval of a conditional use for an alcoholic beverages package liquor store and license #4765. Wal-Mart has applied to the Alcoholic Beverage Control Board (ABC Board) for transfer ownership, location and business name of a package store license, previously operating as License #235 for the Circle S Liquors, at 22189 N. Birchwood Loop, to Wal-Mart Supercenter #2188, at 18600 Eagle River Road. The new license will be #4765.

The package liquor store comprises less than 2.1% of the total retail area, or approximately 3,500 square feet, within the total 165,353 square feet of retail space. The package liquor store includes a retail area, walk in cooler, and liquor storage. The package liquor store has its own controlled entry, and is located on the east end of the Super Center.

Hours: proposed daily hours of operation are 10 a.m. to 12 p.m.

¹ AO 84-101 (aa); building height limited to 35 feet
² Case 2006-040, Resolution 2006-006.

Ratio of Food Sales to Alcohol Beverage Sales: The petitioner estimates that the sale of alcoholic beverages will be 2%, compared to 43.7% of food sales, and 54.3% general retail and other sales.

All employees will be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program. In addition, all employees will have supplemental training provided by Fred Meyer on a quarterly basis (4 times a year). The interior of the package store will be well lighted and clearly visible to the outside general Fred Meyer store area. There will be a presence of store managers and store security in and around the package store. T.A.M. trained employees will be operating the package store. Sales to persons who are inebriated or underage will be prohibited. The storefront and parking lot area will be well lighted and will have security cameras. The storefront area will be periodically checked by store managers/store security. Public inebriation around the storefront or in the parking lot will be prohibited.

The Official Streets and Highways Plan classify Eagle River Road and Eagle River Loop Road as class III major arterials. Driveway access is located at the approximate mid-point of the parcel fronting Eagle River Loop Road, and 1,000 feet east of the intersection accessing Eagle River Road. There is no access from East Montague Loop, classified as a residential road. The property measures approximately 699' x 1278'.

PUBLIC COMMENTS:

There were one hundred ninety (190) public hearing mailed. Two returned notices from the public were received in opposition, noting Wal-Mart's proximity to Eaglewood Subdivision and one response returned in favor, noting Wal-Mart's willingness to manage the sale of alcohol in a responsible manner, to the conditional use at the time this report was written. No response was received from the community council.

FINDINGS

- A. *Furtheres the goals and policies of the Comprehensive Development Plan and conforms to the Comprehensive Development Plan in the manner required by Chapter 21.05.***

The Updated 2006 Chugiak-Eagle River Comprehensive Plan does not specifically address the sale of alcoholic beverages. However, several goals of the Comprehensive Plan do address economic opportunities. A general conclusion is that economic opportunities are referenced in the Plan.

The plan emphasizes the need for centrally locating commercial uses. The use of this site as a retail store providing a mix of general retail, grocery, seasonal garden, and package liquor store sales under one roof, within a large retail commercial store complies with the plan. The Comprehensive Plan goal for Commercial Development calls for an adequate supply of land in suitable locations for commercial development that is compatible with community needs and resources. The objectives promote continued use, expansion and development within established commercial areas determined to be suitable for continuing use and discourages expansion of existing strip commercial development. This use is in an area long designated as appropriate for commercial use in the plan and has been also determined appropriate through a zoning process.

Wal-Mart has occupied the entire parcel identified in the plan as Commercial and have expanded the existing store to keep pace with the population growth and needs of Eagle River. It is the policy of the plan to concentrate commercial development at strategic locations rather than allowing them to expand along major arterials. The entire Wal-Mart store will create approximately 350 jobs, with 12 jobs estimated to be directly connected with the package liquor store. Public transit is available on both Eagle River Road and Eagle River Loop Road.

Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160.

The Urban Design Commission reviewed and approved a site plan for the 61,000 square foot expansion of the main store in April, 2006. The review addressed vehicular access, traffic impacts, drainage, visual and noise buffers, outdoor storage or display areas, trash collection, snow storage, parking, pedestrian access, outdoor lighting, and exterior materials, etc. The use and structures are in conformity with the B-3 zoning regulations and applicable portions of Title 21.

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

This standard is met.

The B-3 general business district area provides for alcoholic beverage sales through the conditional use permit process: AMC 21.40.180.D.8
Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and

other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160.

The Urban Design Commission reviewed and approved a site plan for the 61,000 square foot expansion of the main store in April 2006. The review addressed vehicular access, traffic impacts, drainage, visual and noise buffers, outdoor storage or display areas, trash collection, snow storage, parking, pedestrian access, outdoor lighting, and exterior materials, etc. The use and structures are in conformity with the B-3 zoning regulations and applicable portions of Title 21.

C. *Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district.*

This standard is met.

The petition site has been zoned B-3 since 1984. A Wal-Mart store has been at this location since 1999. The 18+ acre parcel is bounded on the north by Eagle River Road and R-1A residentially development, on the west by Eagle River Loop Road and PLI park development. Residential development is located to the east and south, zoned R-1A and R-2A respectively. There is no access from North Montague Loop to Wal-Mart.

Joy Lutheran Church is located at the northeast corner of Eagle River Road and Eagle River Loop Road. Eagle River Road has a dedicated 167 foot right of way. Alaska Statute 04.11.410 has a separation restriction that applies to package store licenses. A package store license may not be issued if the "licensed premises" would be located in a building "the public entrance" of which is within 200 feet of a church building or school grounds, measured by the shortest pedestrian route from the outer boundaries of the school ground or public entrance of the church building.

In this case the licensed premise is limited to the actual footprint of the package liquor store and not to the entire 165,353 square foot store. There is only one entrance to the package store, which is located at the east end of the store, approximately 300 feet from the north lot line and over 800 feet east of the west lot line.

The package liquor store (licensed premises) represents less than 2.1% of the total retail area, or approximately 3,500 square feet, within the total 165,353 square feet of retail space. The package liquor store includes a retail area, walk in cooler, and liquor storage. The package liquor store

has its own controlled entry, and is located on the east end of the Super Center.

As required by AMC 21.50.160.B, the following is a list of all alcohol licenses located within a minimum of 1,000 feet of the proposed conditional use.

Eagle River Lions Club	18344 Eagle River Road	Club License License # 1385
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D. Will not have a permanent negative impact on the items listed below substantially greater than that anticipated from permitted development:

1. Pedestrian and vehicular traffic circulation and safety.

This standard is met.

There is significant on site parking available for the petition site. Parking and internal pedestrian circulation requirements were addressed during the large retail establishment site plan review and building permit process. A total of 588 parking spaces (were required, with 688 (including 25 accessible spaces) provided. Four type "B" off-street loading berths were required and six are provided. There are two curb cuts directly off Abbot Road, one off Independence Drive and Lake Otis that allow access to the site. A pedestrian/bicycle pathway is located on the north side of Eagle River Road and on either side of South Eagle River Loop. The access drive aisle from Eagle River Loop Road was redesigned internally with a curvilinear road to promote traffic calming.

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

This standard is met.

The addition of a package liquor store license on the petition site will not impact public services. Water and sewer are available on site. Roads and trails are not affected.

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

This standard is met.

The addition of a package store license will not cause any environmental pollution.

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

This standard is met.

The zoning, land use and the general area land use will not change as a result of this conditional use permit for a package store license.

Standards Chapter 10.50 Alcoholic Beverages

In the exercise of its powers and under AS 04.11.480 and 15 AAC 104.145 to protest issue, renewal and transfer or alcoholic beverage licenses within the Municipality of Anchorage, the Assembly shall consider whether the proposed license meets each and every factor and standard set forth below

A. Concentration and land use. Whether transfer of location or issue of the requested license will negatively impact the community through an increase in the concentration of uses involving the sale or service of alcoholic beverages within the area affected and will conform to the separate standards of AMC 21.50.020.

Within 1,000 feet of this application, there is one existing club license for the Eagle River Lions Club.

Eagle River Lions Club	18344 Eagle River Road	Club License License # 1385
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There will be no entertainment provided on site. The gross floor space within the 165,353 structure for the package store is 3,500 square feet.

B. Training. If application is made for issue, renewal or transfer of a beverage dispensary license, restaurant or eating place license, or package store license, whether the applicant can demonstrate prospective or continued compliance with a Liquor "Server Awareness Training Program approved by the State of Alaska alcoholic Beverage Control Board, such as or similar to the program for techniques in alcohol management (T.A.M.). Until such plan is approved, training by a licensee's employees in the T.A.M. shall constitute compliance with this ordinance.

This standard is met.

All employees working in the package store will be trained in accordance with the T.A.M. training. Wal-Mart also requires each employee working in the package store to go through a computer based learning program covering alcohol sales.

- C. Operations procedures. If application is made for issue, renewal or transfer of a license, whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in Section 10.50.035 of this code.**

This conditional use application is for a package store at this location, but does involve the sale and transfer of the package store license #235 from Pomposa L. Porterfield, dba Circle S Liquors, located at 22189 N. Birchwood Loop, to Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #2188, located at 18600 Eagle River Road. The new package store license will be #4765. The Assembly protested the license at its March 25, 2008 meeting pending a conditional use review by the Assembly.

- D. Public safety. When application is made for the renewal or transfer of location or transfer of ownership of a beverage dispensary license restaurant or eating place license, or package store license, the Assembly shall consider whether the operator can demonstrate the ability to maintain order and prevent unlawful conduct in a licensed premise. In determining the operator's demonstrated ability to maintain order and prevent unlawful conduct, the Assembly may consider police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection. For purposes of this section and Section 10.50.035 "licensed premises" shall include any adjacent area under the control or management of the licensee.**

This standard appears to be met.

The package store will be well lighted and clearly visible to the outside general Wal-Mart store area. There will be a presence of store managers/store security in and around the package store. The storefront and parking lot area will be well lighted and will have security cameras, and checked periodically by store managers and store security. The store will also have two closed circuit security cameras to monitor the sales area and public view monitor.

- E. Payment of taxes and debts. When application is made for renewal of a license the assembly shall consider, pursuant to AS 4.11.330, whether the applicant is delinquent in payment of taxes owed to the**

Municipality. When application is made for transfer of ownership of a license the Assembly shall consider, pursuant to AS 4.11.360, whether the municipality has received either payment or adequate security, for the payment of any debts or taxes, including any estimated taxes for the current year, arising from the conduct of the licensed business. Adequate security" for the payment of debts and taxes may be in the form of: 1) escrowed funds sufficient to pay the debts and taxes claimed and any escrow fees; 2) actual payment of debts and taxes claimed; or, 3) a guarantee agreement in accordance AMC 10.50.030. Any guarantee agreement shall be in writing, signed by the transferor, transferee and Municipality

This standard is met.

There are no delinquent Personal Property Taxes & or Real Property Taxes owing at this time according to the Treasury Division.

- F. Public health. If application is made for the renewal or transfer of location or transfer of ownership of a license, the Assembly shall consider whether the operator has engaged in a pattern of practices injurious to public health or safety such as providing alcohol to minors or intoxicated persons, committing serious violations of State law relevant to public health or safety, or other actions within the knowledge and control of the operator which place the public health or safety at risk. In determining if a pattern of practices injurious to public health or safety exists, the Assembly may consider criminal convictions, credible proof of illegal activity even if not prosecuted, police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection.**

There will be no happy hours, games or contests that include consumption of alcoholic beverages, and no solicitation or encouragement of alcoholic beverage consumption. Sales to persons who are inebriated or underage are prohibited. The application states that security includes DVR recording of all transactions, immediate access to security and supervisory personnel, security cameras and perimeter lighting, and policies and practice to check identification of all members of the purchasing party.

At the time this report is written, no comments have been received from the Anchorage Police Department.

- G. Municipality of Anchorage Alcoholic Beverage Licensee Compliance Form.** In order to determine whether applicants seeking issue, renewal or transfer of alcoholic beverage licenses have complied with the provisions of this chapter, applicants shall, at the request of the Assembly, submit to the municipal clerk such information as is required on a municipal form prepared by the municipal clerk known as the Municipality of Anchorage Alcoholic Beverage Licensee Compliance Form. Upon request, operators shall also provide the municipal clerk with certificates from all current employees demonstrating that those employees have successfully completed a "Liquor Service Awareness Training Program" such as the program for techniques in alcohol management (T.A.M.) as approved by the State of Alaska Alcoholic Beverage Control Board. This form was not requested of this applicant.

RECOMMENDATION:

This application for a final conditional use for alcoholic beverages in the B-3 District for a package store generally meets the required standards of Title 21 and Title 10, and AMC 21.50.160, and the Department recommends approval.

If after a public hearing on the matter, the Anchorage Assembly finds that the required standards have been met, staff recommends the following conditions of Approval:

1. A notice of Zoning Action shall be filed with the District Recorders Office within 120 days of the Assembly's approval of an alcoholic beverages conditional use for a package store located on a portion of Eaglewood Subdivision, Tract A.
2. All uses shall conform to the plans and narrative submitted with this conditional use application.
3. This conditional use approval is for an Alcoholic Beverages Conditional Use in the B-3 District for a Package Store Use per AMC 21.40.180 D.8 for approximately 3,500 SF gross area (licensed premises) located within the 165,353 square foot retail structure at Eaglewood Subdivision, Tract A.
4. On-premise sale of alcohol beverages will be seven days a week as permitted per the Alaska Alcoholic Beverage Control Board requirements.
5. Upon demand the applicant shall demonstrate compliance with a liquor "Server Awareness Training Program approved by the State of Alaska

alcoholic Beverage Control Board, such as or similar to the program for techniques in alcohol management (T.A.M.).

6. The use of the property by any person for the permitted purposes shall comply with all current and future federal, state and local laws and regulations including but not limited to laws and regulations pertaining to the sale, dispensing, service and consumption of alcoholic beverages and the storage, preparation, sale, service and consumption of food. The owner of the property, the licensee under the Alcoholic Beverage Control license and their officers, agents and employees shall not knowingly permit or negligently fail to prevent the occurrence of illegal activity on the property.
7. A copy of the conditions imposed by the Assembly in connection with this conditional use approval shall be maintained on the premise at a location visible to the public.

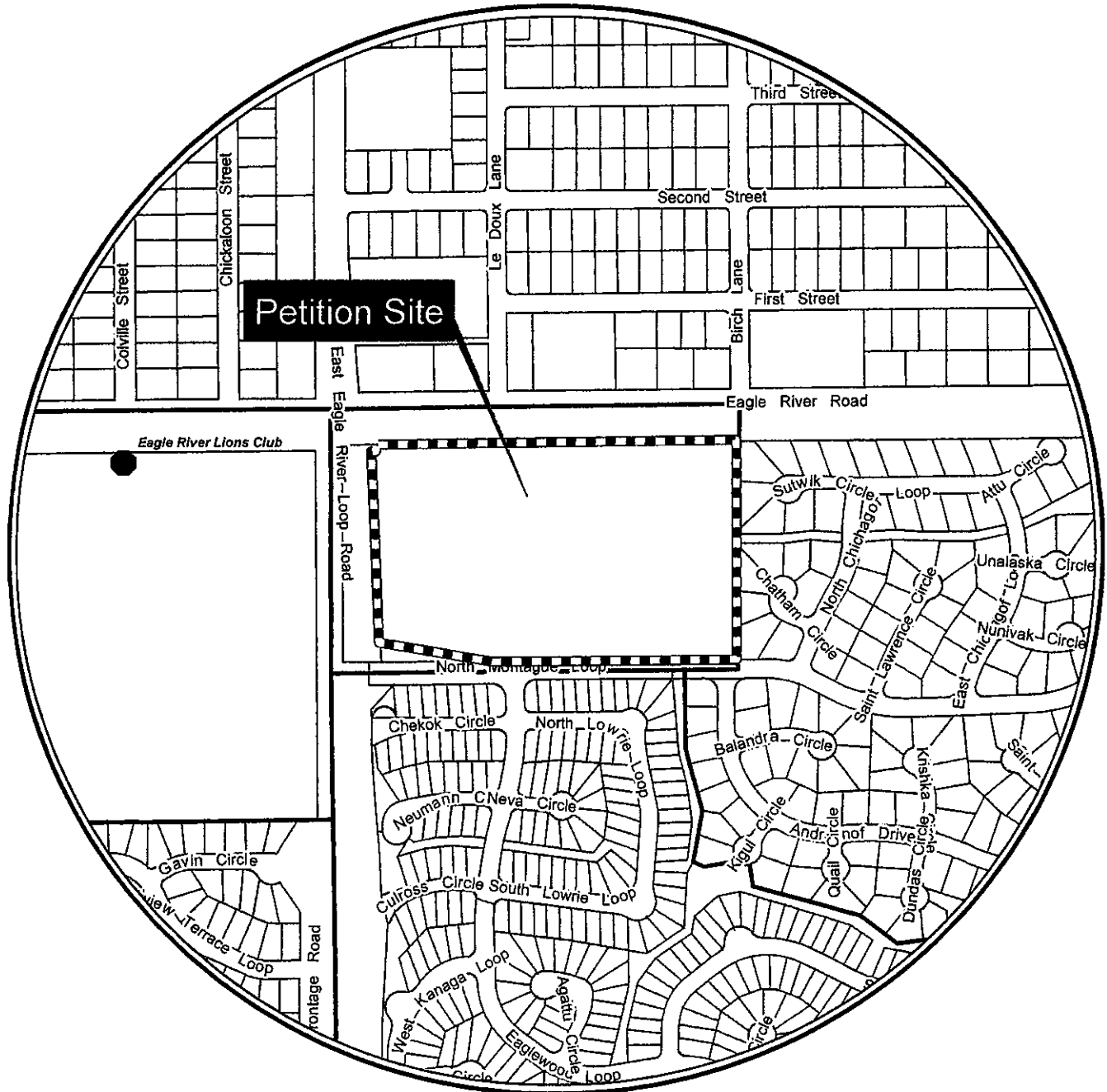
Alcohol Existing License List Report

Case Number: 2008-120 Description: 1000'

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City Lic. Number	State Lic. Zone	Zip Lic. Type
05087101000 Eagle River Lions Club	STATE OF ALASKA Eagle River Lions Club, Inc.	550 W 7TH AVENUE #1050A 18344 Eagle River Rd	ANCHORAGE 1385	AK PLI	99501 Club

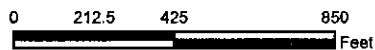
2008-120

EXISTING LIQUOR LICENSES WITHIN 1000'



Municipality of Anchorage
Planning Department

Date: August 13, 2008



Alcohol Church and School List Report

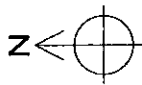
Case Number: 2008-120 Description: 200'

Parcel	Parcel Owner Name	Parcel Site Address	Description
05029318000	NORTHLAND BAPTIST CHURCH	10021 E EAGLE RIVER LOOP RD	RELIGION

Parcels--Basic Layers

Mon Aug 18, 09:58:00, 2008

Map: Parcels--Basic Layers



Scale 1:6000

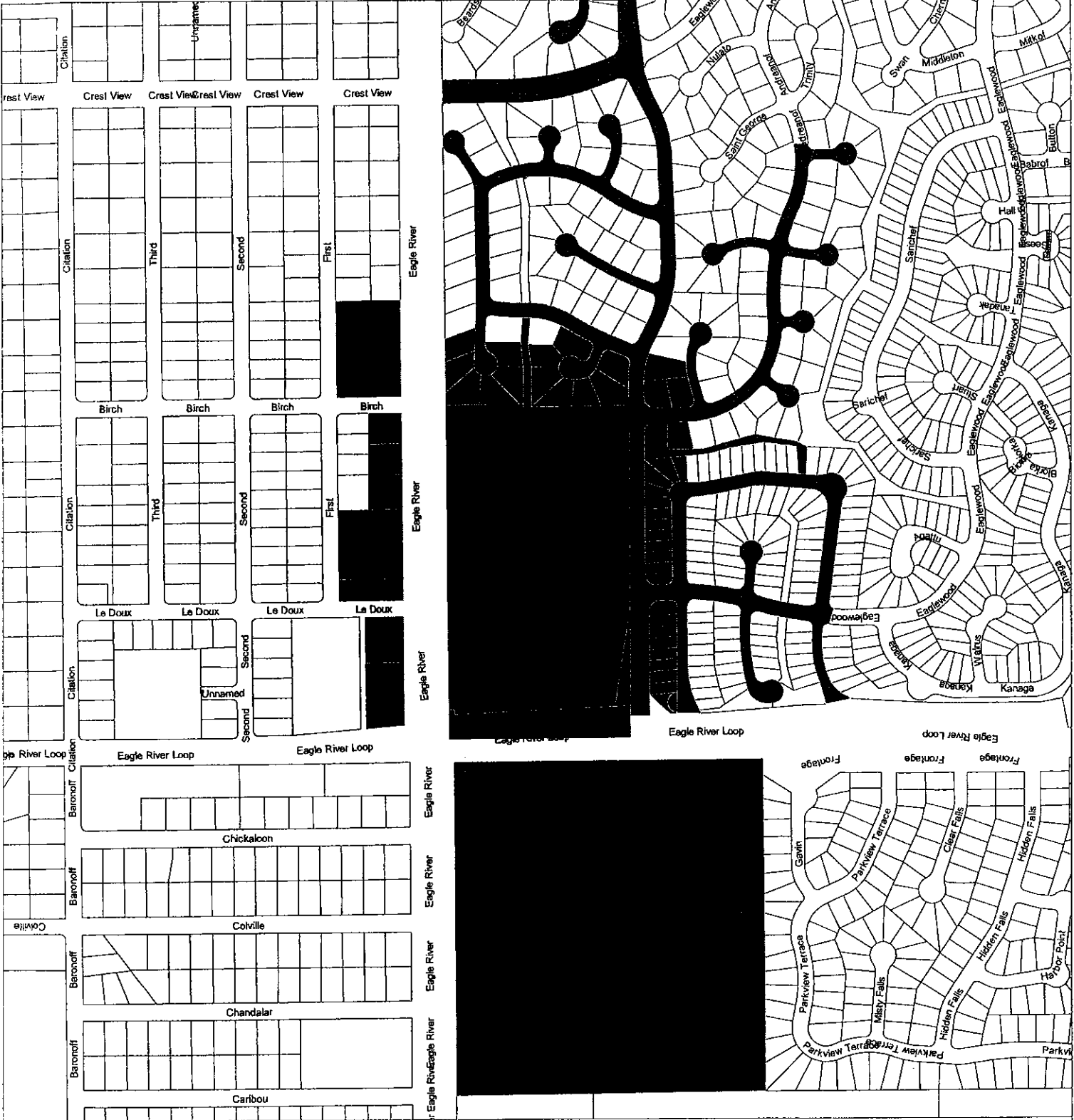
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STREET_NAMES

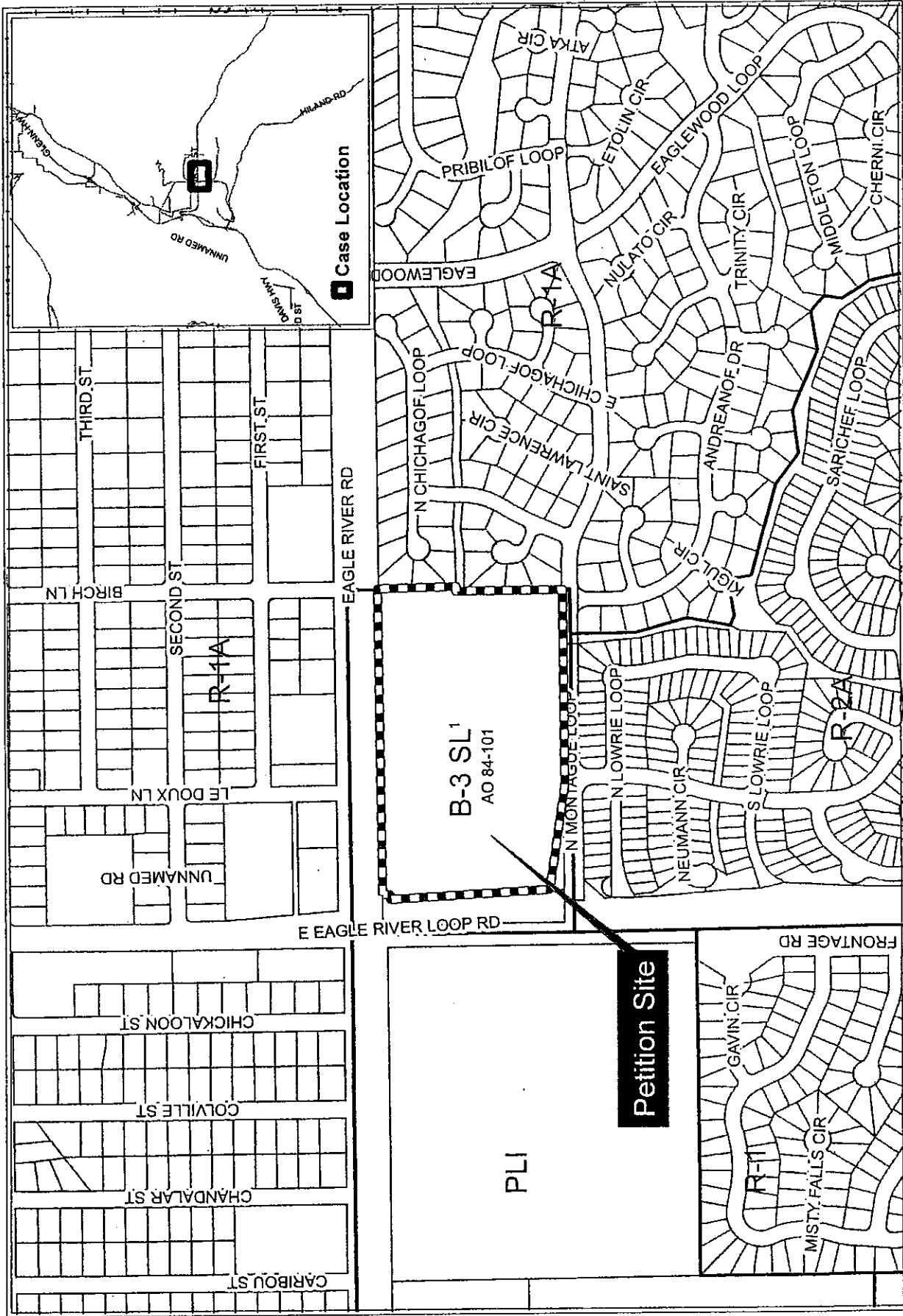
PARCELS

ALCOHOL



LOCATION MAPS

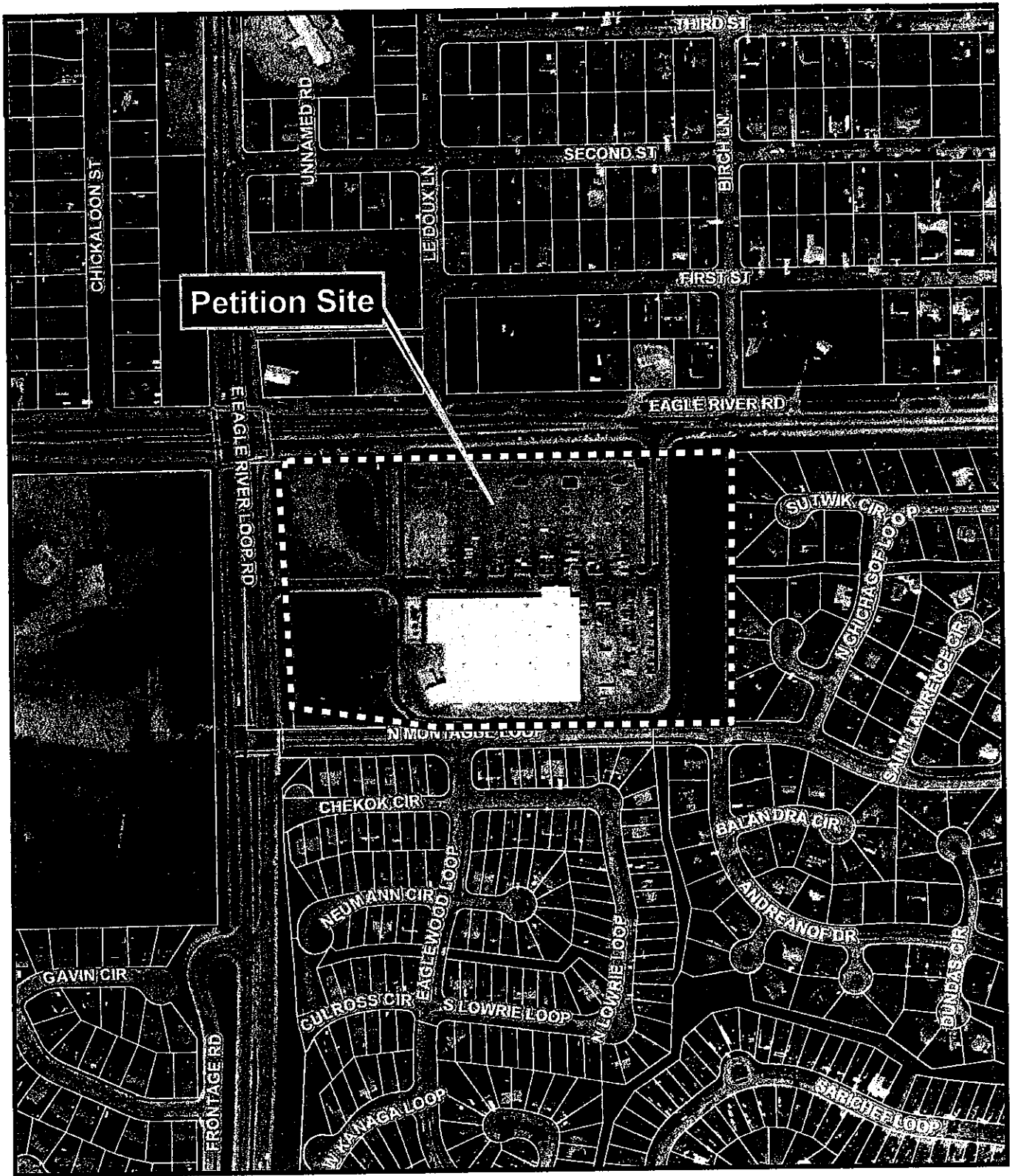
2008-120



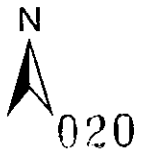
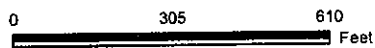
Flood Limits
100 Year
500 Year
Floodway

Municipality of Anchorage
Planning Department
Date: June 12, 2008

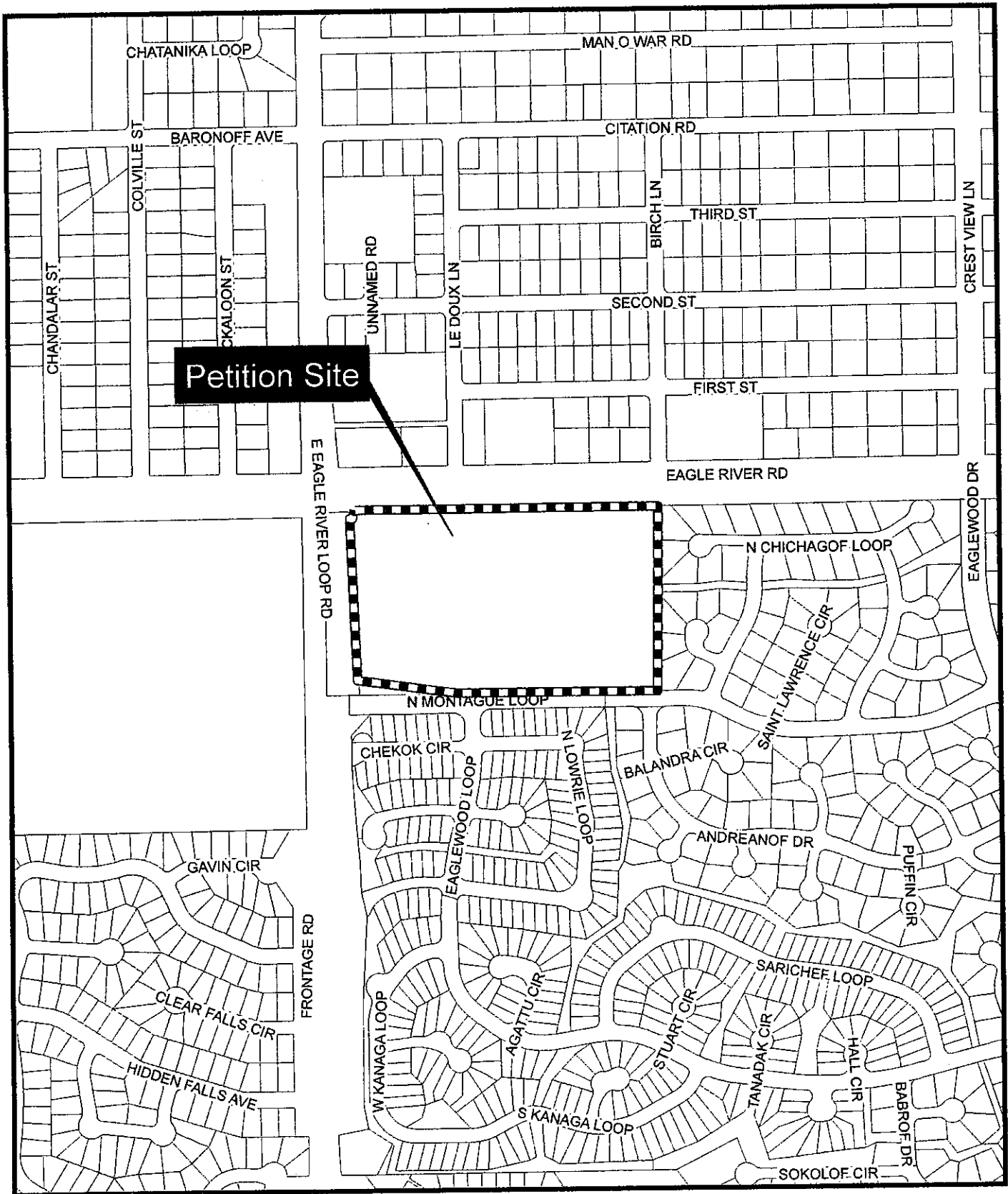
2008-120



Municipality of Anchorage
Planning Department
Date: August 13, 2008



2008-120



Municipality of Anchorage
Planning Department

Date: August 13, 2008

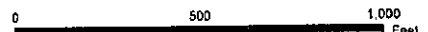
Single Family

Multi-Family



Mobile Home Park

021



DEPARTMENTAL

COMMENTS

Reviewing Agency Comment Summary

Case No.: 2008-120

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

Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

RECEIVED

MEMORANDUM

AUG 15 2008

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

DATE: August 14, 2008
TO: Jerry Weaver, Zoning Division Administrator, Planning Department
FROM: Paul Hatcher, Engineering Technician III, AWWU PAH
SUBJECT: Zoning Case Comments
Planning & Zoning Commission Hearing September 9, 2008
Agency Comments due August 12, 2008

AWWU has reviewed the materials and has the following comments.

08-120 EAGLEWOOD TR A REMAINDER, A request concept/final of a conditional use permit: a retail food store selling alcoholic beverages, Grid SW0054

1. AWWU water main located in Eagle River Loop Road currently serves this property.
2. AWWU sanitary sewer main located in Eagle River Loop Road currently serves this property.
3. AWWU has no objection to this conditional use permit.

08-123 SUNBEAM BLK 3 LT 11B, 12 W2 & E2, A request concept/final of a conditional use permit: a alcoholic beverage dispensary use, Grid SW1529

1. AWWU water main located in Northern Lights Blvd currently serves this property.
2. AWWU sanitary sewer main located in easement along north property line currently serves this property.
3. AWWU has no objection to this conditional use permit.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail paul.hatcher@awwu.biz.

Municipality of Anchorage
Treasury Division
Memorandum

RECEIVED

JUL 17 2008

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Date: July 16, 2008
To: Rich Cartier, Planning Dept.
From: Diana Flavin, Revenue Officer
Subject: Liquor License Conditional Use Comments

Request for conditional use permit 2008-120 for Wal-Mart Stores, Inc., located at 18600 Eagle River Road, Eagle River, AK.

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



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

DATE: August 6, 2008
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
THRU: Leland R. Coop, Associate Traffic Engineer *LC*
FROM: Mada Angell, Assistant Traffic Engineer *MA*
SUBJECT: Traffic Engineering and Transportation Planning Comments for
September 9, 2008 Assembly Public Hearing

08-120 Eaglewood; Conditional Use to sell alcohol; Grid SW0054

Verify that all of the Title 21 required parking for the proposed Wal Mart Super Store is provided on site.

08-123 Sunbeam; Conditional Use to sell alcohol; Grid1529

- The new/upgraded parking lot will require a Traffic review during the Building Permit/Tenant Improvement Permit process.
- West Northern Lights Blvd. is State Owned right of way. Driveways onto West Northern Lights must have an Approved Driveway Permit from State DOT.

E-MAILED

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

SARAH PALIN, GOVERNOR

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

July 24, 2008

RE: MOA Zoning Review

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

RECEIVED

JUL 30 2008

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

RECEIVED

JUL 30 2008

Municipality of Anchorage
Zoning Division

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities, ADOT&PF, has reviewed the following and has no comment:

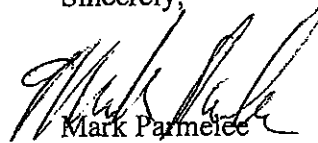
2008-120; Request for Final Approval: Wal-Mart Eagle River; Wal-Mart Inc.

Comments:

2008-121; Request to Amend a Site Plan: East Northern Lights; EEB Limited

Although Northern Lights Boulevard is not ours at this location the site plan could result in a ADOT&PF concern if accidents were to occur due to the exiting of traffic from the drive through. The proposed restaurant site plan shows traffic conflicting with the westernmost driveway. For traffic to exit the restaurant drive through, the entire west driveway would need to be southbound only.

Sincerely,


Mark Parmelee
Area Planner

/mm

Scott Thomas, P.E. Regional Traffic Engineer

Fire

RECEIVED

AUG 11 2008

MUNICIPALITY OF ANCHORAGE
PLANNING DIVISION

2008-126 P LongHansen Acres #1, Blk 3 L 2
2008-117 J Weaver
2008-120 P Long Tract A Eaglewood Sub.

No Objection
No Comment
No Objection

2008-121 P Long Tract A Sect 22 T13N R3W

Comment

Please indicate locations of the Fire Lanes in accordance with IFC 503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3. 2) D103.6.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane."

S11491-2 J Weaver Campbell Canyon Sub.
time extension

No Objection to the

S11547-3 J Weaver O'Malley Square
time extension

No Objection to the

S11547-4 J Weaver O'Malley Square
access road north of Center shall be constructed in accordance with IFC Section 503 and appendix D.

Comment: The

S11697-1 J Weaver Monastery Sub, Lots 1 & 2

No Objection

2008-123 P LongSunbeam L 11B: 12E2 & 12W2; Blk 3
Obtain all necessary permits. 2) Provide and post occupant load signs. 3) Is this a sprinklered building? Please see 903.3.2.1.2. 4) Per IFC 503 and appendix D provide proper fire lane and fire lane signage. 5) Provide emergency lighting and exit signs in accordance with IFC sections 1006 and 1011.

Comment: 1)

2008-124 P LongHansen Sub. Blk 2 L 1 N50 feet

No Objection.



Municipality of Anchorage
Project Management & Engineering Department



Comments to Miscellaneous Planning and Zoning Applications

RECEIVED

DATE: August 12, 2008

AUG 12 2008

TO: Jerry Weaver, Platting Officer

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

FROM: Sharen Walsh, P.E. – Private Development - Plan Review Engineer

SUBJECT: Comments for Assembly Public Hearing date: September 9, 2008

Case No. 2008-120 – A request for concept/final approval of a conditional use to permit a retail food store selling alcoholic beverages.

Project Management and Engineering has no comment on the request for a conditional use.

Case No. 2008-123 – A request for concept/final approval of a conditional use to permit an alcoholic beverage dispensary use.

Project Management and Engineering has no comment on the request for a conditional use.

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

**** These comments were submitted by citizens and are part of the public record for the cases ****

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

1. **Select a Case:**

[View Comments](#)

RECEIVED

2. **View Comments:**

JUL 16 2008

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Case Num: 2008-120

Assembly conditional use for a retail food store selling alcoholic beverages

Site Address: 18600 EAGLE RIVER ROAD

Location: A package liquor store conditional use for Wal-Mart Supercenter Store #2188. Eaglewood Subdivision, Tract A Remainder. Generally located south of Eagle River Road and east of Eagle River Loop Road.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

7/15/08

Bill Holland

The manager of the Eagle River Wal-Mart has worked very close with the community, listening to resident concerns at community council meetings. His actions indicate a strong willingness to manage the selling of alcoholic beverages in a responsible manner. I support the conditional use requested in case 2008-120. Thank you for taking public comments.

[Zoning & Platting Cases On-line website](#)

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7942

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DEKREON LOUISE
9632 KRISHKA CIRCLE
EAGLE RIVER, AK 99577

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JUL 29 2008

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

**ASSEMBLY
NOTICE OF PUBLIC HEARING - - Tuesday, September 09, 2008**

Planning Dept Case Number: 2008-120

The Assembly of the Municipality of Anchorage will hold a public hearing on a petition proposing a conditional use at its regular meeting of Tuesday, September 09, 2008. The meeting begins at 6:00 p.m. in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street. The petition is for the following:

CASE: 2008-120
PETITIONER: Wal-Mart Stores, Inc.
REQUEST: Assembly conditional use for a retail food store selling alcoholic beverages
TOTAL AREA: 18.40 acres
SITE ADDRESS: 18600 EAGLE RIVER ROAD
CURRENT ZONE: B-3SL General business district with special limitations
COM COUNCIL(S): 1---Eagle River Valley 2---Eagle River

LEGAL/DETAILS: A package liquor store conditional use for Wal-Mart Supercenter Store #2188, Eaglewood Subdivision, Tract A Remainder. Generally located south of Eagle River Road and east of Eagle River Loop Road.

The Zoning Ordinance requires that you be sent notice because your property is in the vicinity of the petition area. This will be the only public hearing and you are invited to attend and present if you so desire.

If you would like to comment on the petition, you may be used for your mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call: 343-7942; FAX 343-7927. Case information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.

Name: _____
Address: _____
Legal Description: _____
Comments: _____

See Attached

Name: Louise Dekreon-Watsjold

Address: 9632 Krishka Circle Eagle River, AK

Legal Description: Block 6 Lot 19 Eaglewood Subdivision

Comments: I am deeply opposed to Wal-Mart Stores, Inc.'s petition for a package liquor store at their Eagle River location. The Eagle River Wal-Mart abuts the Eaglewood Subdivision, one of the largest multi-family subdivisions in Eagle River. The decision to locate Wal-Mart in close proximity to a residential area was a controversial and divisive move at the time, but one that the residents of Eaglewood have come to accept because, by and large, Wal-Mart has been a good neighbor. But, the addition of a package liquor store negates this. And, lest you think that this is just another case of NIMBYism, consider that Eaglewood will not be the only subdivision affected. Wal-Mart is a commercial operation located in the heart of residential Eagle River, an area that includes three elementary schools, a middle school and a high school. Wal-Mart has become such an established presence that quite often driving directions within Eagle River begin with "Go to the Wal-Mart intersection..."

Retail and grocery offerings are one thing. Alcohol is another. Statistically, and this is not new information, there is a direct correlation between alcohol consumption and incidences of fatal car accidents, aggravated assaults, rapes and domestic violence. While the sale of alcohol is legal, its sale should be restricted to that area of Eagle River primarily zoned for business, not areas such as the tract currently occupied by Wal-Mart that, while zoned for both residential and commercial use, is primarily residential. Wal-Mart's decision to add a package liquor store to what was originally a retail store is the proverbial example of giving someone an inch who then takes a mile. I suspect that had Wal-Mart's original plan, as presented to the community, included a package liquor store, Wal-Mart would have been sent packing.

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7942

PRESORTED
FIRST CLASS



050-812-08-000
BROMLEY RAYMOND E & CAROLYN J
REVOCABLE TRUSTS
BROMLEY R E & C J/TRUSTEES
18911 N CHICHAGOF LOOP
EAGLE RIVER, AK 99577

RECEIVED

JUL 24 2008

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

ASSEMBLY NOTICE OF PUBLIC HEARING - - Tuesday, September 09, 2008

Planning Dept Case Number: 2008-120

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If you would like to comment on the petition this form may be used for you. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call: 343-7942; FAX 343-7927. Case information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.

Name: Raymond & Carolyn Bromley
18911 N Chichagof Loop
Eagle River, AK 99577-8653

Address: _____
Legal Description: BLK 1 Lot 8 Eaglewood

Comments: We prefer not to have Wal-Mart selling
alcoholic beverages since they are adjoining
a large subdivision with many children.
We have already seen increased vandalism
since Wal-Mart opened

3

APPLICATION

Application for Conditional Use Retail Sale Alcoholic Beverages

Municipality of Anchorage
Planning Department
PO Box 196650
Anchorage, AK 99519-6650

Please fill in the information asked for below.

PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) Wal-Mart Stores, Inc.	Name (last name first) White, Michael D., Patton Boggs LLP
Mailing Address 702 S.W. 8th Street, Dept. 8916 Bentonville, AR 72716-0500	Mailing Address 601 W. Fifth Avenue, Suite 700 Anchorage, Alaska 99501
Contact Phone: Day: (479) 204-2344 Night:	Contact Phone: Day: (907) 263-6300 Night:
FAX: (479) 204-9864	FAX: (907) 263-6345
E-mail: Deborah.Higgins@wal-mart.com	E-mail: mwhite@pattonboggs.com

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

PROPERTY INFORMATION		
Property Tax #(000-000-00-000): 050-811-08-000		
Site Street Address: 18600 Eagle River Road, Eagle River, Alaska 99577		
Property Owner (if not the Petitioner): Wal-Mart Real Estate Business Trust		
Current legal description: (use additional sheet in necessary) Tract A, EAGLEWOOD SUBDIVISION, according to the official plat thereof, filed under Plat No. 82-60; Records of the Anchorage Recording District, Third Judicial District, State of Alaska, EXCEPTING that portion conveyed by Case Number 3AN-90-5032 CI, recorded in the Third Judicial District, State of Alaska, filed on June 19, 1990.		
<i>B-3SL</i>		
Zoning: B2SL	Acreage: 801,397 sf	Grid # SW0054

ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED		
<input type="checkbox"/> Beverage Dispensary	<input type="checkbox"/> Private Club	<input type="checkbox"/> Restaurant, exempt
<input type="checkbox"/> Beverage Dispensary-Tourism	<input type="checkbox"/> Public Convenience	<input type="checkbox"/> Theater
<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Recreational	<input type="checkbox"/> Other (Please explain):
<input checked="" type="checkbox"/> Package Store	<input type="checkbox"/> Restaurant	
Is the proposed license: <input type="checkbox"/> New <input checked="" type="checkbox"/> Transfer of location: ABC license number: 235		
Transfer license location: 18600 Eagle River Road, Eagle River, Alaska 99577		
Transfer licensed premises doing business as: Wal-Mart Supercenter #2188		

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

June 24, 2008	<i>Rick W. Brazile</i>		
Date	Signature (Agents must provide written proof of authorization) Rick W. Brazile - V.P. Finance & Planning		
Accepted by: <i>MA</i>	Poster & Affidavit: <i>Spostar</i>	Fee: \$4000.00	Case Number: 2008-120

PROPERTY OWNER AUTHORIZATION* (If petitioner is not property owner)

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

June 24, 2008

Rick W. Brazile

Date

Signature Rick W. Brazile - V.P. of Finance & Planning

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

FACILITY OPERATIONAL INFORMATION

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

Wal-Mart Supercenter #2188

What is the gross leaseable floor space in square feet?

165,870 sf

What is the facility occupant capacity?

Liquor Area: 96 Building: 4,340

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

22 fixed

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

What will be the normal business hours of operation?

Open 24/7

What will be the business hours that alcoholic beverages will be sold or dispensed? **During legal selling hours.**

Systems will prompt at the register when sales are not allowed based on local regulations.

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

2 % Alcoholic beverage sales

98 % Food sales Food represents 43.7% of total store sales.

Type of entertainment proposed: (Mark all that apply)

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

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

DISTANCE FROM CHURCHES, DAY CARE, AND SCHOOLS

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

Name	Address
None within 200 feet.	n/a

COMPREHENSIVE PLAN INFORMATION

Anchorage 2020 Urban/Rural Services: Urban Rural

Anchorage 2020 West Anchorage Planning Area: Inside Outside

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

Major Employment Center Redevelopment/Mixed Use Area Town Center

Neighborhood Commercial Center Industrial Center

Transit - Supportive Development Corridor

Eagle River-Chugiak-Peters Creek Land Use Classification:

Commercial Industrial Parks/opens space Public Land Institutions

Marginal land Alpine/Slope Affected Special Study

Residential at _____ dwelling units per acre

Girdwood- Turnagain Arm

Commercial Industrial Parks/opens space Public Land Institutions

Marginal land Alpine/Slope Affected Special Study

Residential at _____ dwelling units per acre

ENVIRONMENTAL INFORMATION (All or portion site affected)

Wetland Classification: None "C" "B" "A"

Avalanche Zone: None Blue Zone Red Zone

Floodplain: None 100 year 500 year

Seismic Zone (Harding/Lawson): "1" "2" "3" "4" "5"

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

Rezoning - Case Number:

Preliminary Plat Final Plat - Case Number(s):

Conditional Use - Case Number(s):

Zoning variance - Case Number(s):

Land Use Enforcement Action for

Building or Land Use Permit for **Site Plan Review Case # 2006-040**

Wetland permit: Army Corp of Engineers Municipality of Anchorage

DOCUMENTATION

Required:

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

Optional: Traffic impact analysis Economic impact analysis Noise impact analysis

PACKAGE STORES

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

7.13 % less than \$5.00

35.39 % \$5.00 to \$10.00

48.93 % \$10.00 to \$25.00

8.55 % greater than \$25.00

CONDITIONAL USE STANDARDS

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

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

The proposed conditional use meets the goals of the comprehensive development plan. The use will contribute to the continuing growth and success of the Eagle River area and will concentrate commercial development at strategic locations within Eagle River as recommended by the Chugiak - Eagle River Comprehensive Plan Update.

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

The proposed conditional use conforms to all such standards. AMC § 21.50.160(B) requires that a conditional use involving the sale of alcoholic beverages must meet the standards of AMC § 21.50.200. As detailed in this application, all of these standards are met by the Petitioner. The proposed use conforms to the Anchorage 2020 comprehensive development plan in enhancing the role of the Eagle River area. The proposed use will be compatible with existing and planned land uses in the district and will not have a negative impact on such matters as vehicular traffic, demand for public services and environmental pollution.

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

The store compliments the surrounding commercial development and the addition of alcohol sales does not conflict with existing or planned uses in the immediate vicinity.

Explain how the proposed conditional use will not have a permanent negative impact on the items listed below substantially greater than that anticipated from permitted development:

1. Pedestrian and vehicular traffic circulation and safety.

The proposed conditional use is not anticipated to cause traffic or pedestrian flows to increase beyond the level of traffic normally utilizing the store for other purchases.

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

The demand for public services will not be greater than anticipated. The following public services are available currently at the Wal-Mart location: public utilities, police and fire protection, People Mover Bus service.

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

These will not be impacted as the services offered will be the same as has been offered historically since this Wal-Mart location has been built and there have been no adverse environmental impact from the service provided.

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

The addition of being able to offer the sale of alcoholic beverages at the existing Wal-Mart location will complement the development of the growing Eagle River area. No significant change to the existing operation, land use or use impact is expected to occur.

STANDARDS CHAPTER 10.50 ALCOHOLIC BEVERAGES

In the exercise of its powers and under AS 04.11.480 and 15 AAC 104.145 to protest issue, renewal and transfer or alcoholic beverage licenses within the Municipality of Anchorage, the Assembly shall consider whether the proposed license meets each and every factor and standard set forth below.

Concentration and land use. Whether transfer of location or issue of the requested license will negatively impact the community through an increase in the concentration of uses involving the sale or service of alcoholic beverages within the area affected and will conform to the separate standards of AMC 21.50.020.

How many active liquor licenses are located on the same property as your proposed license? None

Within 1,000 feet of your site are how many active liquor licenses? None

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

How many active liquor licenses are within the boundaries of the local community council? 18

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

The Eagle River area is growing and gaining more residents that want to shop close to home. The number of licenses in that area reflects that land use pattern. The issuance of this license will not cause any significant change to the Eagle River area. Allowing liquor sales at this store will continue to improve the economic viability of Eagle River by allowing residents to shop at home.

Training. If application is made for issue, renewal or transfer of a beverage dispensary license, restaurant or eating place license, or package store license, whether the applicant can demonstrate prospective or continued compliance with a Liquor "Server Awareness Training Program approved by the State of Alaska Alcoholic Beverage Control Board, such as or similar to the program for techniques in alcohol management (T.A.M.). Until such plan is approved, training by a licensee's employees in the T.A.M. shall constitute compliance with this ordinance.

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

All. In addition, all associates go through a computer based learning (CBL) program covering alcohol sales. Attached please find the CBL script for this training.

Operations procedures. If application is made for issue, renewal, or transfer of a license, whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in Section 10.50.035 of this code.

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

Public safety. When application is made for the renewal or transfer of location or transfer of ownership of a beverage dispensary license restaurant or eating place license, or package store license, the Assembly shall consider whether the operator can demonstrate the ability to maintain order and prevent unlawful conduct in a licensed premises. In determining the operator's demonstrated ability to maintain order and prevent unlawful conduct, the Assembly may consider police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection. For purposes of this section and Section 10.50.035 "licensed premises" shall include any adjacent area under the control or management of the licensee.

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

The store will have two closed circuit security cameras to monitor the alcohol sales area and public view monitor. When necessary, Wal-Mart will use locking security caps to prevent theft of liquor items.

outside facility:

Wal-Mart will use cameras and other security measures to monitor conduct outside the facility also.

Payment of taxes and debts. When application is made for renewal of a license the assembly shall consider, pursuant to AS 4.11.330, whether the applicant is delinquent in payment of taxes owed to the Municipality. When application is made for transfer of ownership of a license the Assembly shall consider, pursuant to AS 4.11.360, whether the municipality has received either payment or adequate security, for the payment of any debts or taxes, including any estimated taxes for the current year, arising from the conduct of the licensed business. Adequate security" for the payment of debts and taxes may be in the form of: 1) escrowed funds sufficient to Pay the debts and taxes claimed and any escrow fees; 2) actual payment of debts and taxes claimed; or, 3) a guarantee agreement in accordance AMC 10.50.030. Any guarantee agreement shall be in writing, signed by the transferor, transferee and Municipality

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

Public health. If application is made for the renewal or transfer of location or transfer of ownership of a license, the Assembly shall consider whether the operator has engaged in a pattern of practices injurious to public health or safety, such as providing alcohol to minors or intoxicated persons, committing serious violations of State law relevant to public health or safety, or other actions within the knowledge and control of the operator which place the public health or safety at risk. In determining if a pattern of practices injurious to public health or safety exists, the Assembly may consider criminal convictions, credible proof of illegal activity even if not prosecuted, police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection.

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

Additional space if needed.

This Wal-Mart store #2188 has been undergoing an expansion into a Supercenter at the existing location. This expansion will add groceries, alcohol and additional available products to the existing location. The construction is currently underway and the store is projecting a grand opening of the expansion around the end of October 2008.



WALMART
SUPERCENTER EXPANSION
EAGLE RIVER, ALASKA
STORE NO. 108

NO.	DATE	DESCRIPTION

KEYNOTES

1. SEE GENERAL NOTES ON SHEET 043 FOR CONSTRUCTION DETAILS.

2. ALL DIMENSIONS UNLESS OTHERWISE NOTED.

3. SEE GENERAL NOTES ON SHEET 043 FOR CONSTRUCTION DETAILS.

4. SEE GENERAL NOTES ON SHEET 043 FOR CONSTRUCTION DETAILS.

5. SEE GENERAL NOTES ON SHEET 043 FOR CONSTRUCTION DETAILS.

6. SEE GENERAL NOTES ON SHEET 043 FOR CONSTRUCTION DETAILS.

7. SEE GENERAL NOTES ON SHEET 043 FOR CONSTRUCTION DETAILS.

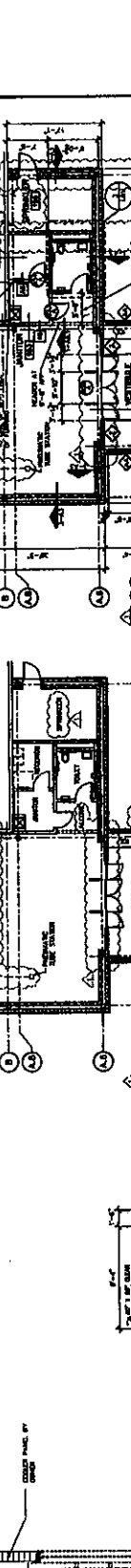
8. SEE GENERAL NOTES ON SHEET 043 FOR CONSTRUCTION DETAILS.

TOILET TILE ELEVATION



LIQUOR COOLER
FLOOR BOX
FIXTURE
PLANS

1 FLOOR PLAN



2 FIXTURE PLAN



3 TOILET PLAN

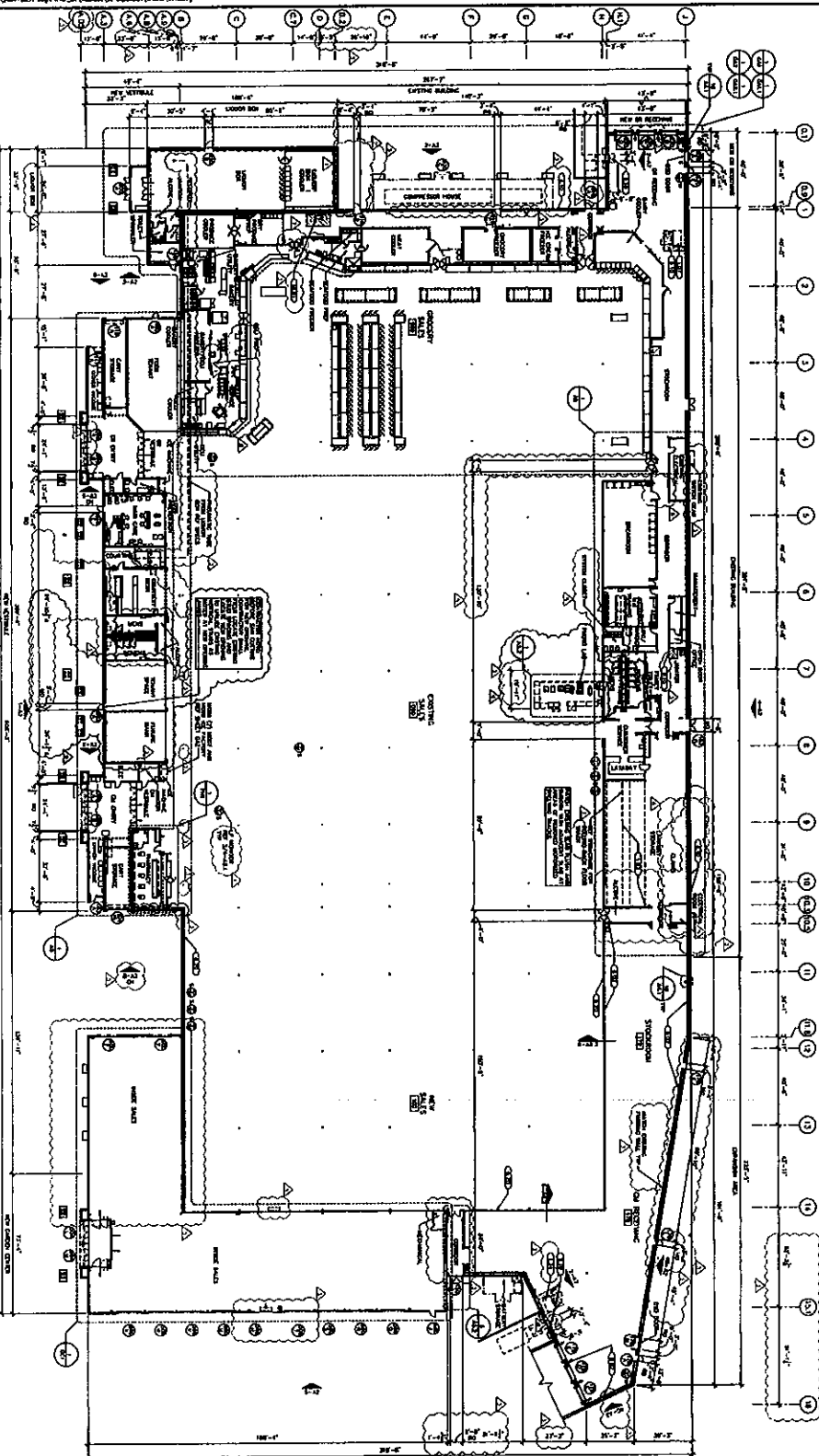


4 SECTION AT LIQUOR COOLER

043

LBI

1 FLOOR PLAN



SHEET NOTES

1. EXISTING FLOOR FINISHES AND TO BE LEFT AS SHOWN UNLESS OTHERWISE NOTED.
2. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2006 INTERNATIONAL BUILDING CODE (IBC).
3. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC) AND THE 2006 INTERNATIONAL ELECTRICAL CODE (IEC).
4. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
5. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
6. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
7. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL ELECTRICAL CODE (IEC).
8. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
9. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
10. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
11. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL ELECTRICAL CODE (IEC).
12. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
13. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
14. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
15. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL ELECTRICAL CODE (IEC).
16. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
17. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
18. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
19. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL ELECTRICAL CODE (IEC).
20. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
21. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
22. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
23. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL ELECTRICAL CODE (IEC).
24. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2006 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).

11
 FLOOR PLAN

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	07/17/2008	SM	SM
2	ISSUED FOR CONSTRUCTION	07/17/2008	SM	SM
3	ISSUED FOR AS-BUILT	07/17/2008	SM	SM

WAL-MART
SUPERCENTER EXPANSION
EAGLE RIVER, ALASKA
 STORE NO. 2181

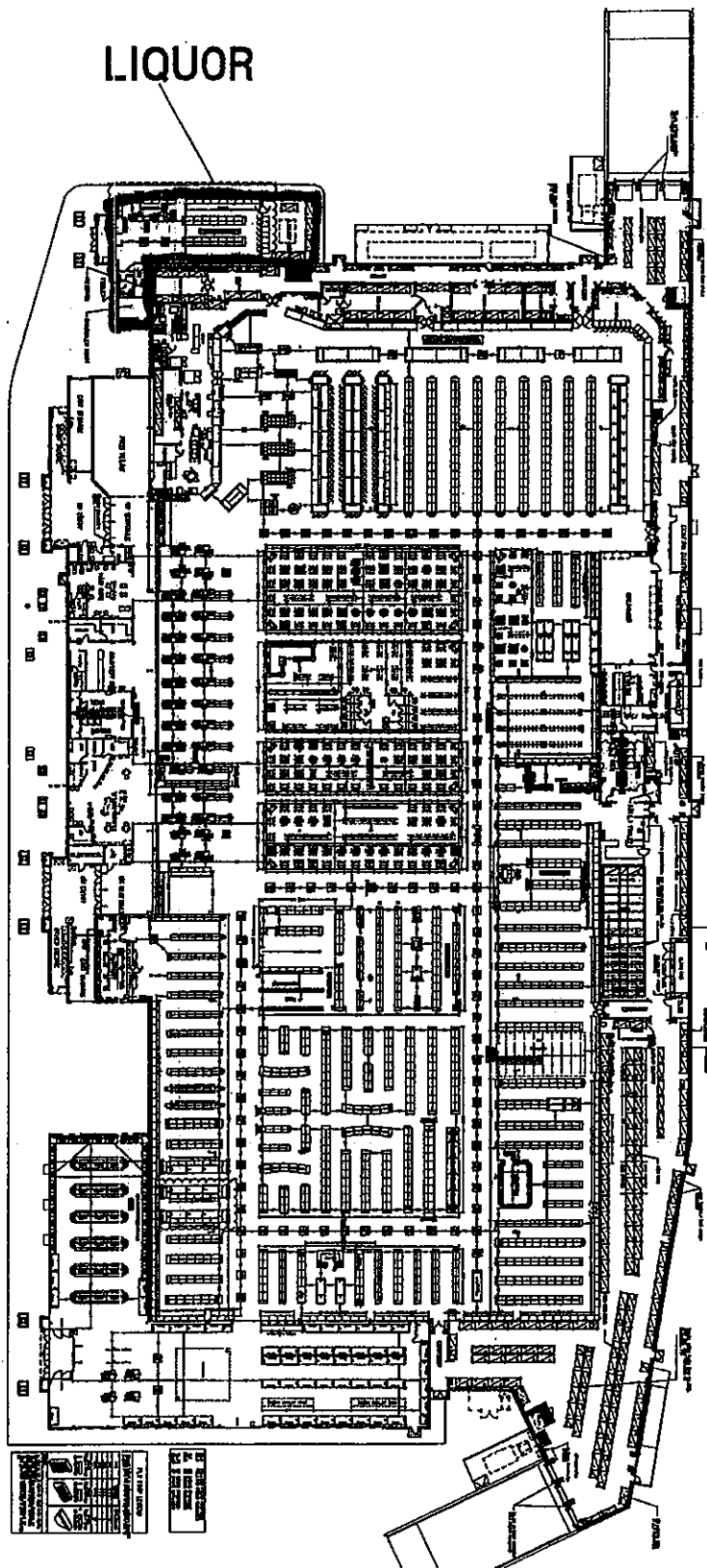
11
 FLOOR PLAN

Date: Nov 20 2007

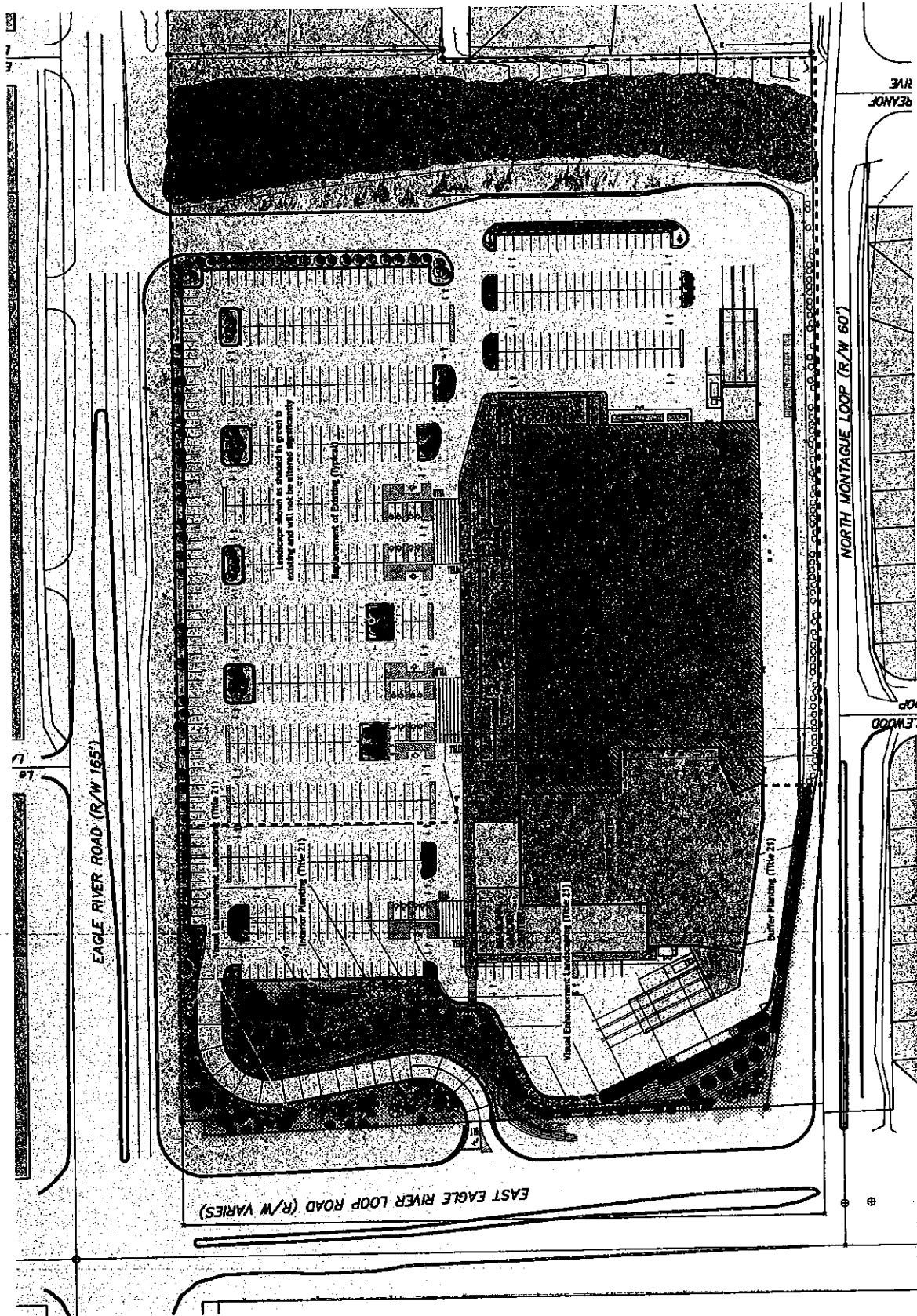
User: rlgale

Store: 2188

Location: EAGLE RIVER, AK



Eagle River Wal-Mart Site Expansion Landscape Plan



Eagle River Wal-Mart



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

Sheet 1 of 3

William Perlich
design development
consultants, inc.
10000 Old Road
P.O. Box 1000
19380



WAL-MART
Eagle River, AK
Store No. 2188-01

Elevations

Project No.	2188-01
Client	Wal-Mart Stores Inc.
Architect	William Perlich design development consultants, inc.
Scale	1/8" = 1'-0"
Drawn By	J. Perlich
Checked By	J. Perlich
Date	10/10/00

Filed 12-11-07 w/ APC

Transfer Liquor License

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

(907) 269-0350
Fax: (907) 272-9412
www.dps.state.ak.us/abc

4765

This application is for:

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

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEES
License Year:	License Type: Package Store	Statute Reference	License Fee: \$
License #: 235		Sec. 04.11. 150	Filing Fee: \$200.00
Local Governing Body: (City, Borough or Unorganized) Eagle River, Municipality of Anchorage		Community Council Name(s) & Mailing Address:	
Federal EIN or SSN: 71-0415188		Fingerprint: (\$59 per person)	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Wal-Mart Stores, Inc.		Doing Business As (Business Name): Wal-Mart Supercenter #2188	Business Telephone Number: (479)204-2280
Mailing Address: 702 S.W. 8th Street		Street Address or Location of Premise: 18600 Eagle River Road	Fax Number: (479)204-9864
City, State, Zip: Bentonville, AR 72716-0500		Eagle River, Alaska 99577	Email Address: k.chafen@wal-mart.com
Total Submitted: \$ _____			

SECTION B - TRANSFER INFORMATION.	
<input checked="" type="checkbox"/> Regular Transfer <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application (15 AAC 104.107). Real or personal property conveyed with this transfer must be described. Provide security interest documents. <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.	Name and Mailing Address of Current Licensee: Pomposa L. Porterfield, P.O. Box 878605, Wasilla, AK 99687 Business Name (dba) BEFORE transfer: Circle S Liquors Street Address or Location BEFORE transfer: 22189 N Birchwood Loop, Eagle River, Alaska 99577

SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.		
Closest school grounds: Approx. 1584 feet	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable
Closest church: Approx. 3168 feet	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input checked="" type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		

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

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

Name	Name of Business	Type of License	Business Street Address	State
See attached list				

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

Yes No If Yes, attach written explanation. See attached list.

Office use only

Date Approved	Director's Signature
---------------	----------------------

Liquor License

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): Wal-Mart Stores, Inc.		Telephone Number: (479) 204-2188	Fax Number: 479-204-9864
Corporate Mailing Address: 702 S.W. 8th Street	City: Bentonville	State: AR	Zip Code: 72716-0500
Name, Mailing Address and Telephone Number of Registered Agent: CT Corporation Systems, 801 W. 10th St, Suite 300, Juneau, AK 99801		Date of Incorporation OR Certification with DCED: 1/29/99	State of Incorporation: Alaska

Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? Yes No
 If no, attach written explanation. Your entity *must* be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
See attached officer list.					

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

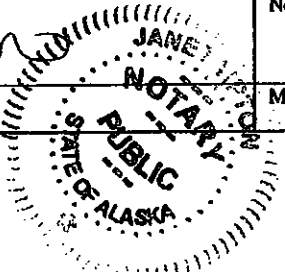
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse of a licensee. Each Affiliate must be listed.)

Name: Address: N/A	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:
Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:

Declaration

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

Signature of Licensee(s) Signature <i>Thomas L. Porterfield</i>	Signature of Transferee(s) Signature <i>Rick W. Brazile</i>
Name & Title (Please Print) Thomas L. Porterfield	Name & Title (Please Print) Rick Brazile - V.P. of Finance
Subscribed and sworn to before me this 20 day of November , 2007	Subscribed and sworn to before me this 13th day of November , 2007
Notary Public in and for the State of Alaska <i>Janet Sinton</i>	Notary Public in and for the State of Alaska - Arkansas Pauline Lasister
My commission expires: 2/4/09	My commission expires: 6-22-2013



Transfer App 11/05

RETURN OF SERVICE

I certify that on 11/21/2007, at 10:45 AM, I served the following documents:

POSTING AFFIDAVIT, LIQUOR LICENSE TRANSFER APPLICATION FOR THE NEW WAL-MART SUPERCENTER #2188

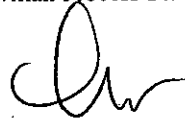
upon the therein named NEW WAL-MART at 18600 EAGLE RIVER ROAD, EAGLE RIVER, ALASKA, by posting a true and correct copy to the door of the premises.

SAID DOCUMENTS WERE POSTED A FULL 10 DAYS FROM NOVEMBER 21, 2007, THROUGH NOVEMBER 30, 2007



DOUGLAS CALLISON
Civilian Process Server

SUBSCRIBED AND SWORN to before me this December 03, 2007



Notary Public in and for the State of Alaska
My Commission Expires: 5/20/2009
Service Fee: \$35.00
Mileage Fee: \$15.00

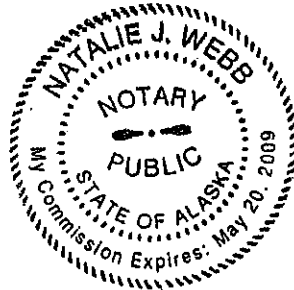
TOTAL: \$50.00

Return No.: 66639

Client: PATTON BOGGS LLP
Client Contact:
File Number: 012384.0110

North Country Process, Inc.
P.O. Box 101126
Anchorage, Alaska 99510
Office: (907) 274-2023
Fax Line: (907) 274-2823

NCPI@alaska.net



STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD

AFFIDAVIT IN CONNECTION WITH POSTING LIQUOR LICENSE APPLICATION
Section 04.11.260, 04.11.310, & AAC 104.125 Alaska Statutes, Title 4

POSTING AFFIDAVIT

I, the undersigned, being first duly sworn on oath, depose and say that:

1. a. Posting of application for a new Transfer liquor license
for Wal-Mart
located at Eagle River
(address and/or location)

OR

- b. Posting of application for transfer of a Package Store liquor license
currently issued to Pomposa L. Porterfield whose business name (d/b/a)
is Circle S Liquors located at 22189 N. Birchwood Loop, Eagle River
(address and/or location)

2. Has been completed by me for the following 10 FULL day period:


11-21-07 to ~~11-23-07~~ 11-30-07

*** Prior to the filing of said application, a true copy of the application was posted at the following described locations: (name and address of location)

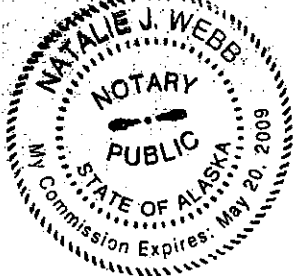
- a. Location of premises to be licensed Wal-Mart Supercenter #2188, 18600 Eagle River Rd
b. Other conspicuous location in the area Post office E.R.

3. I believe that with the approval of this application population would not at one time exceed in the aggregate of one license of the type requested for population as provided by law. AS 04.11.400 (check one)

- a. a radius of five (5) miles of the proposed location.
b. an incorporated city, organized borough or unified municipality.
c. does not apply (application filed under AS 04.11.400(d)(e)(g) or transfer of license holder or location within an incorporated city or unified municipality or organized borough).
d. established village.


(signature)

SUBSCRIBED and SWORN to me this 3rd day of December, 2007



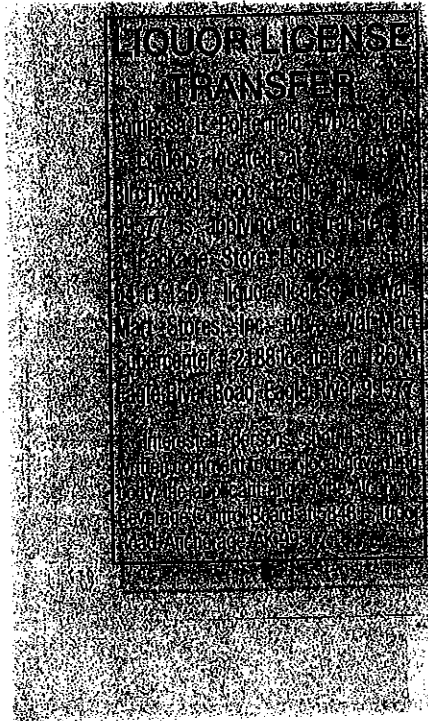
Notary Public in and for Alaska
My commission expires: May 20, 2009

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emily H. Plezia

being first duly sworn on oath deposes and says that he/she is an representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on



11/29/07, 12/03/07, 12/10/07

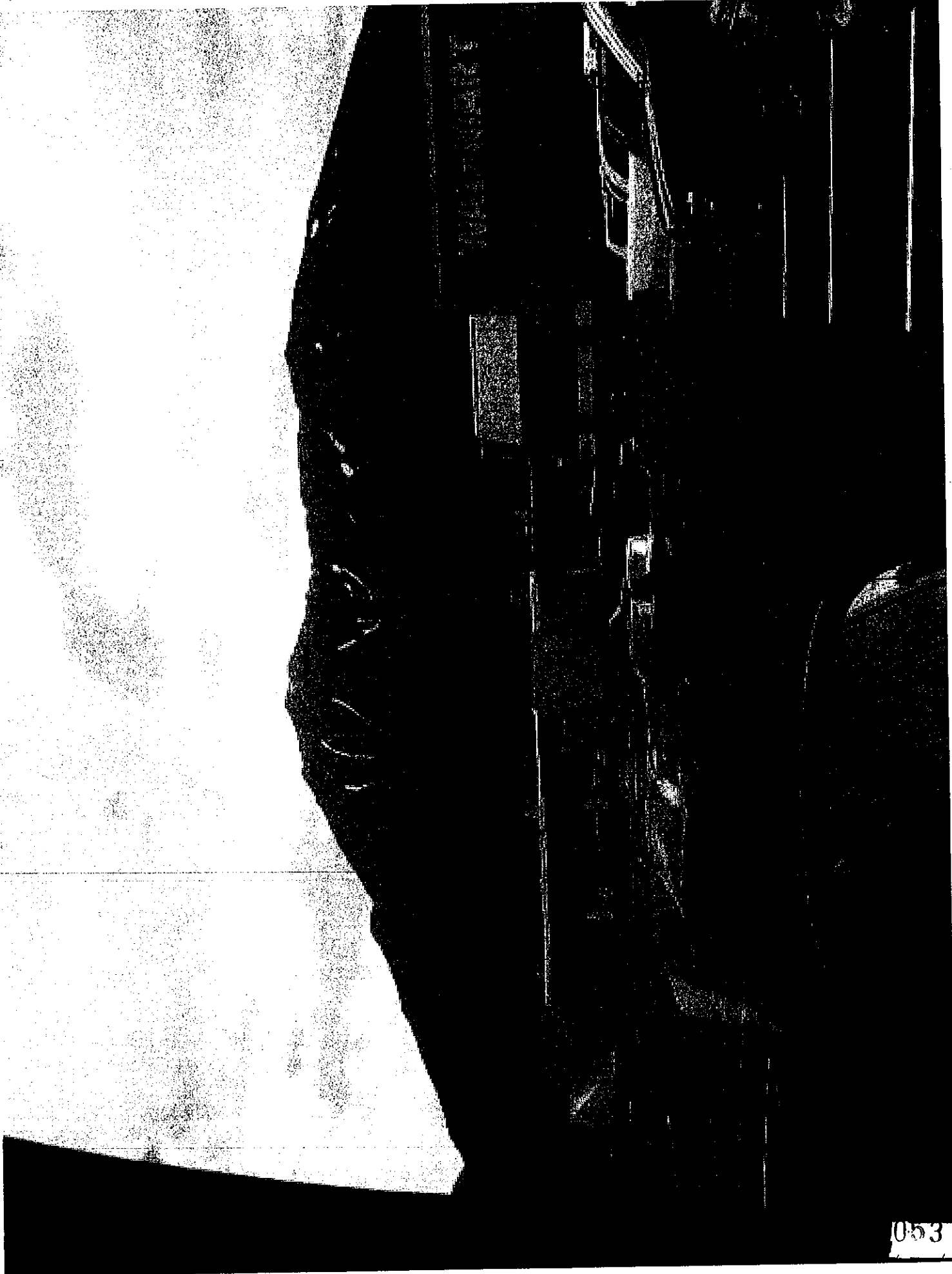
and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Emily H. Plezia

Subscribed and sworn to before

Me this 10 day of Dec

2007
Cynthia A. Owen
Notary Public in and for
The State of Alaska
Third Division
Anchorage, Alaska
MY COMMISSION IS FOR ALASKA
12/17/07*



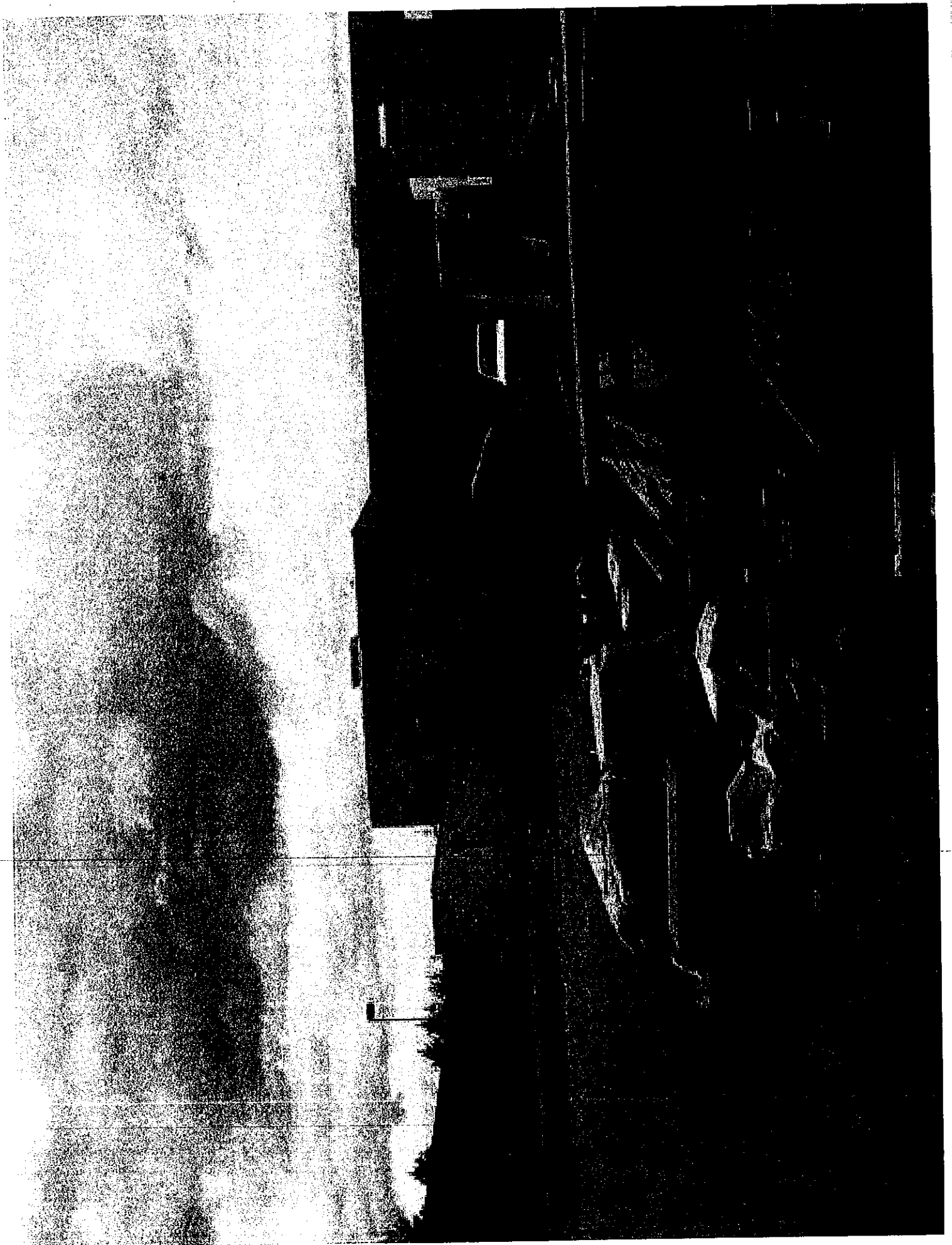




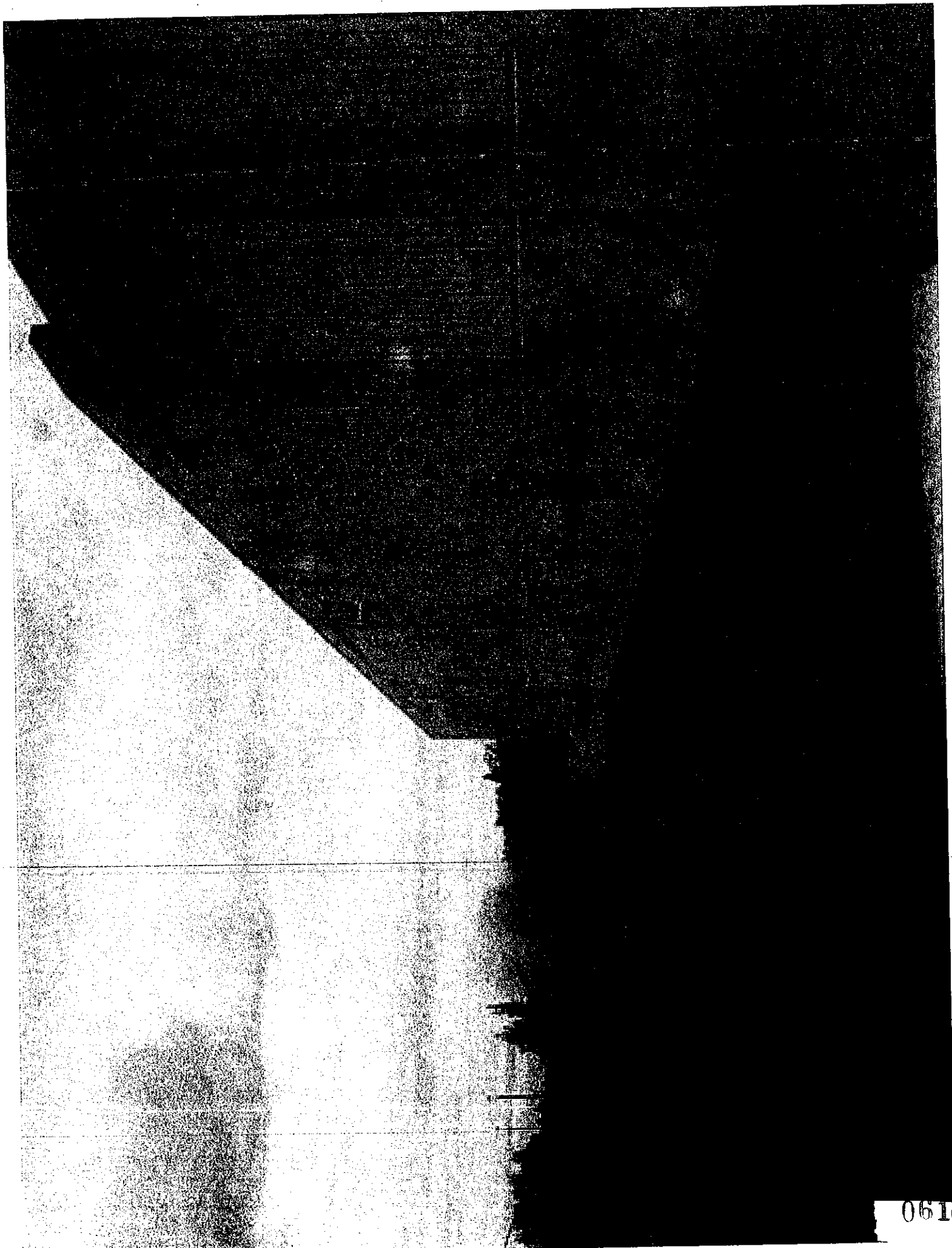


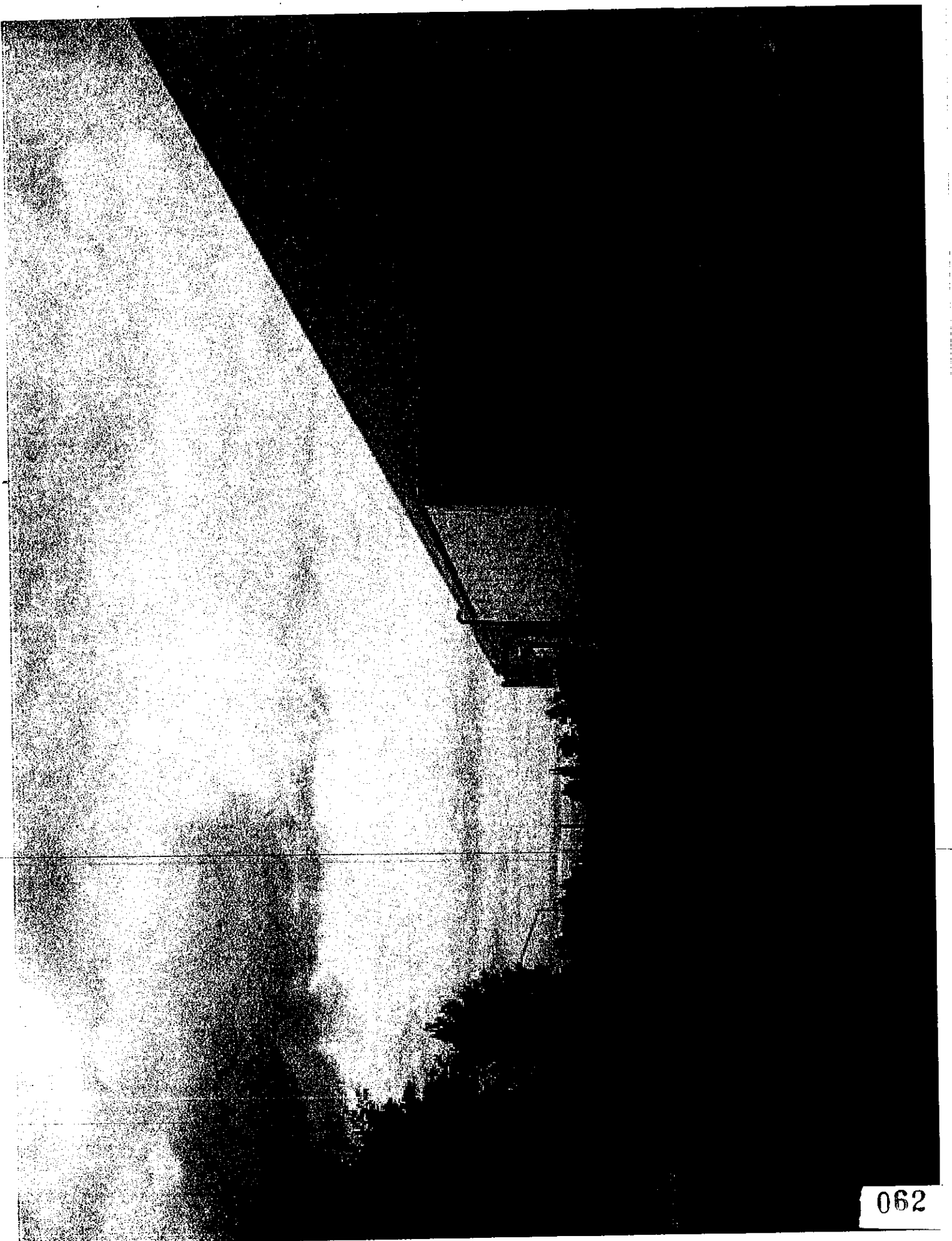




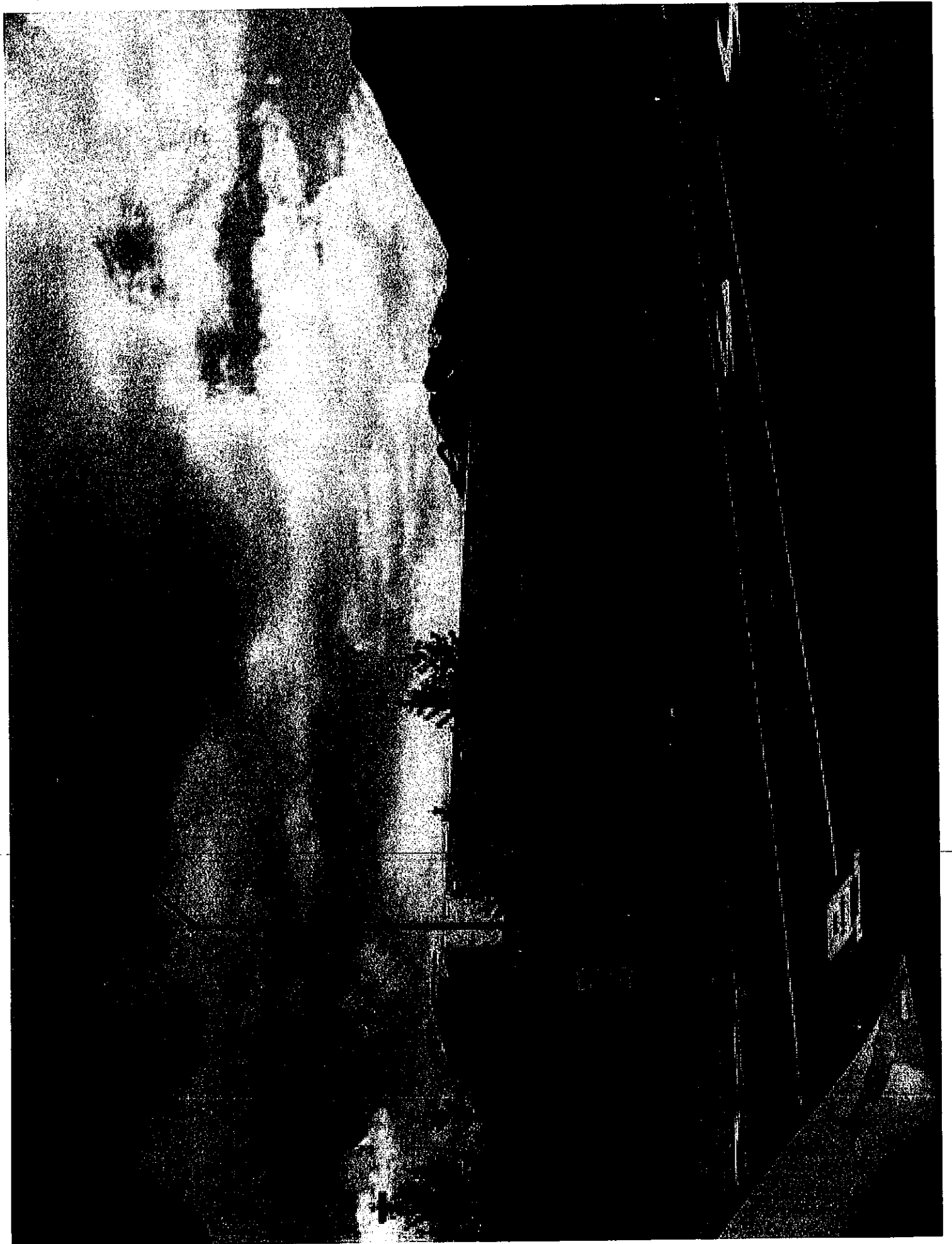






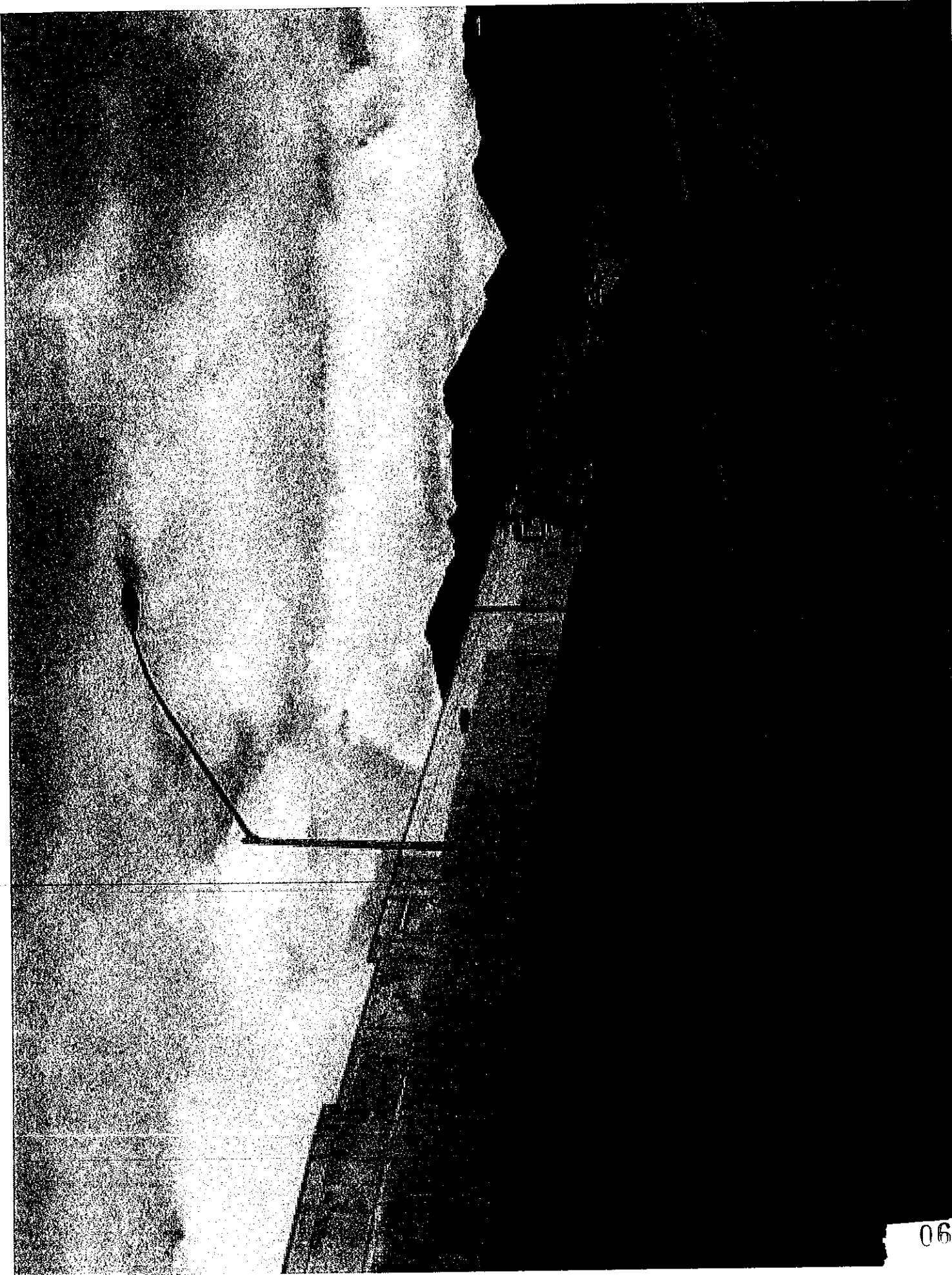




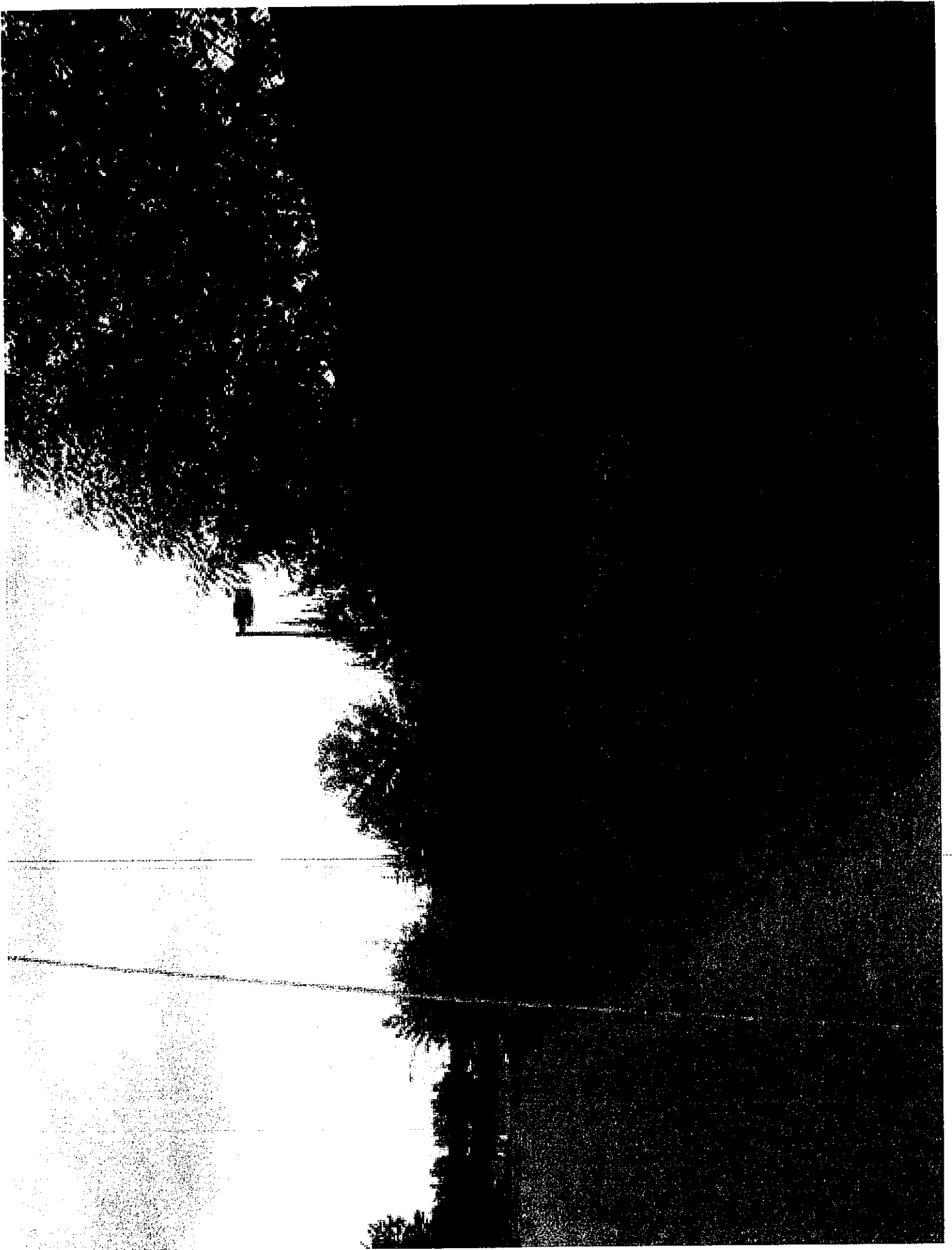




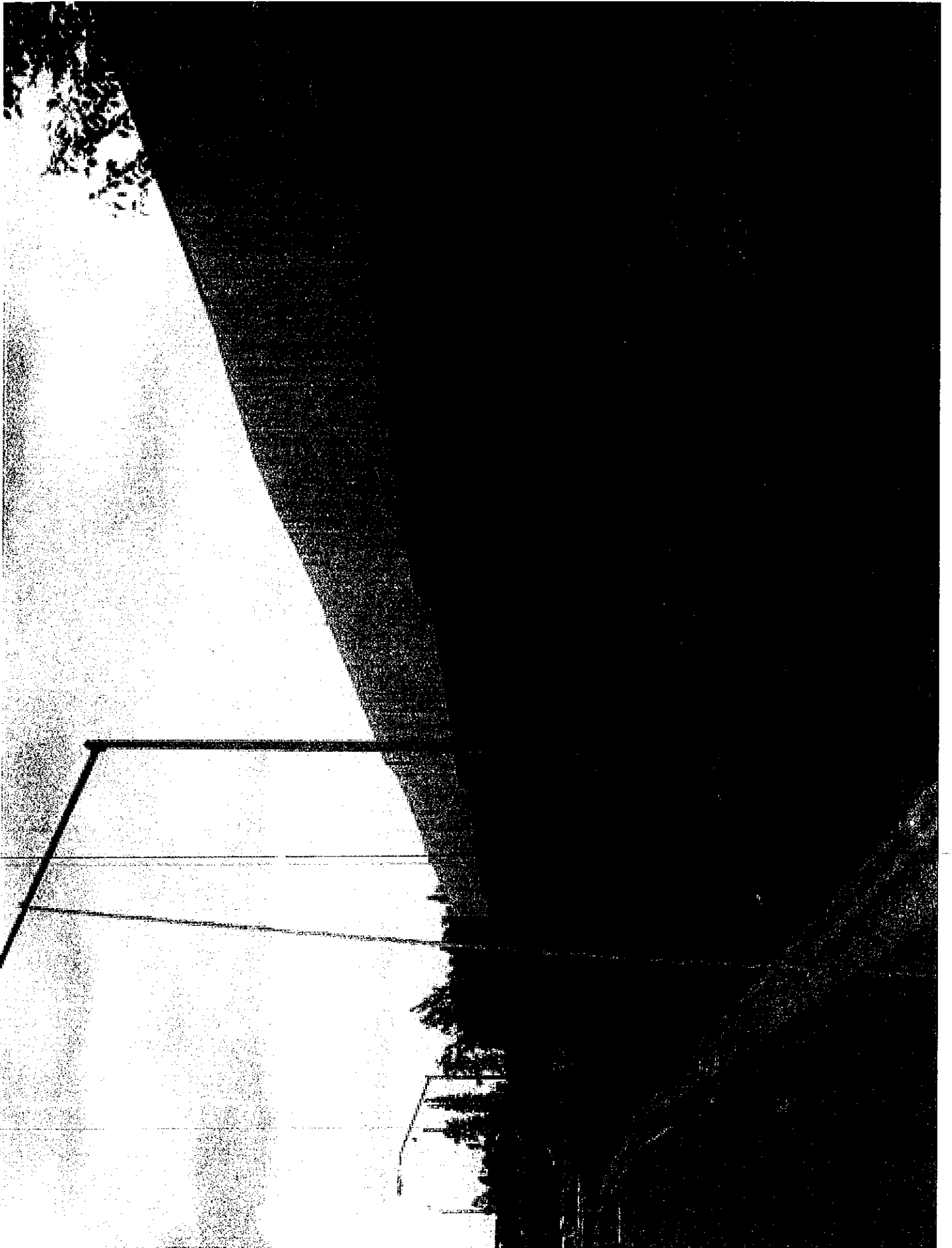
065











4

POSTING

AFFIDAVIT

071



RECEIVED

JUL 21 2008

PLANNING DEPARTMENT

AFFIDAVIT OF POSTING

CASE NUMBER: 2008-120

I, MICHAEL DISARRO hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Conditional Use Permit (liquor). The notice was posted on 07/04/08 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 14TH day of July, 200⁸

Signature

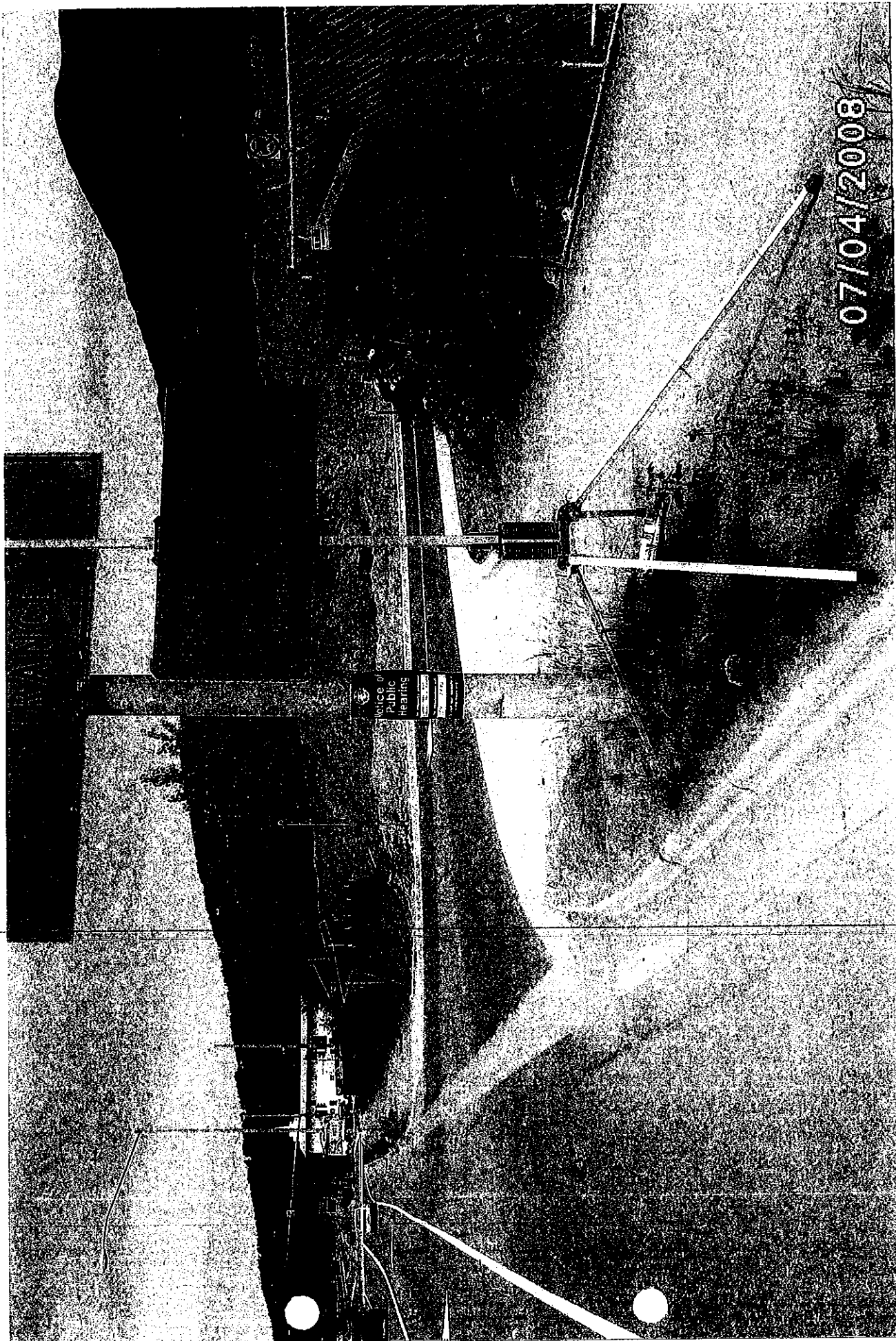
LEGAL DESCRIPTION

Tract or Lot A

Block Plat 82-60

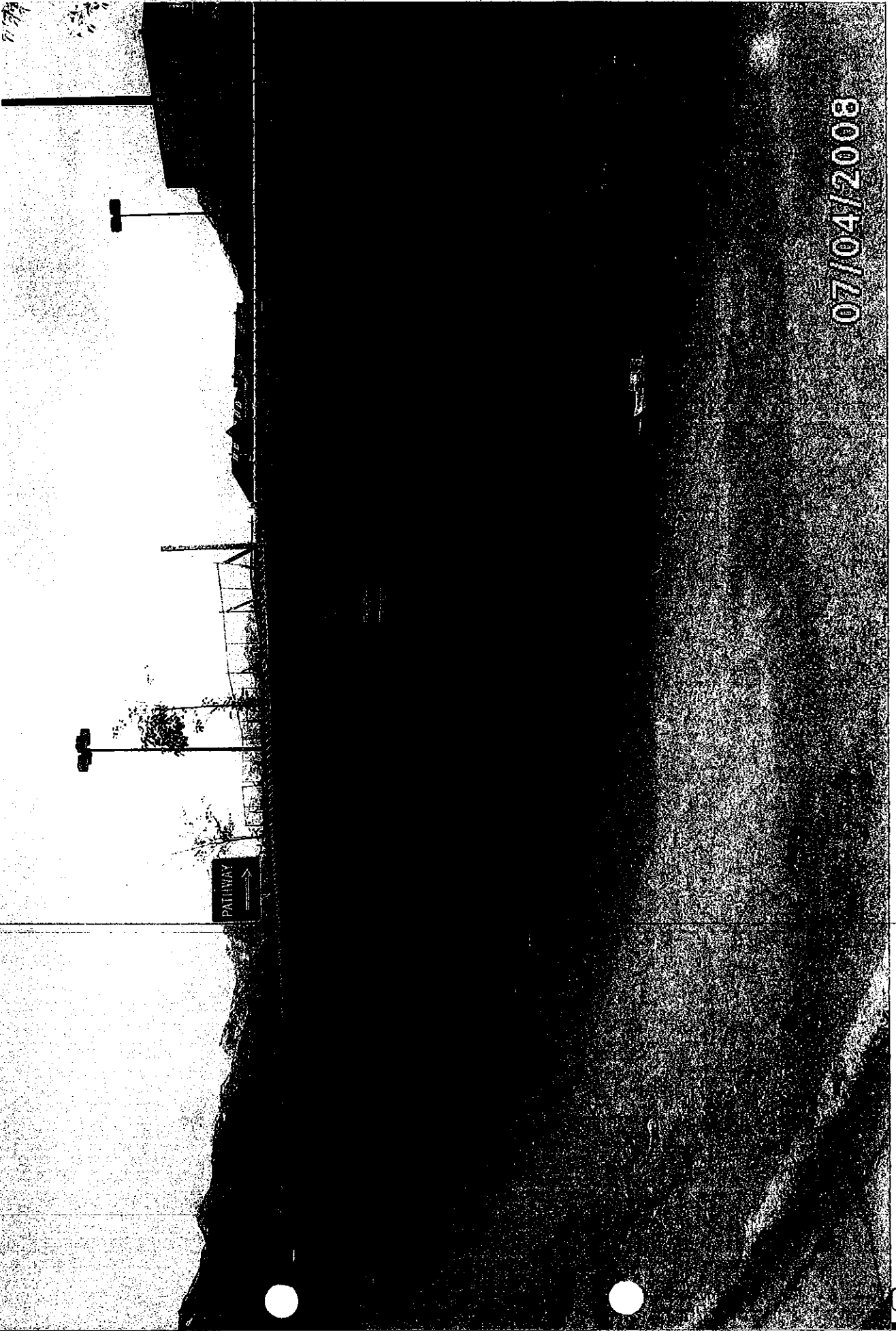
Subdivision Eaglewood

07/04/2008



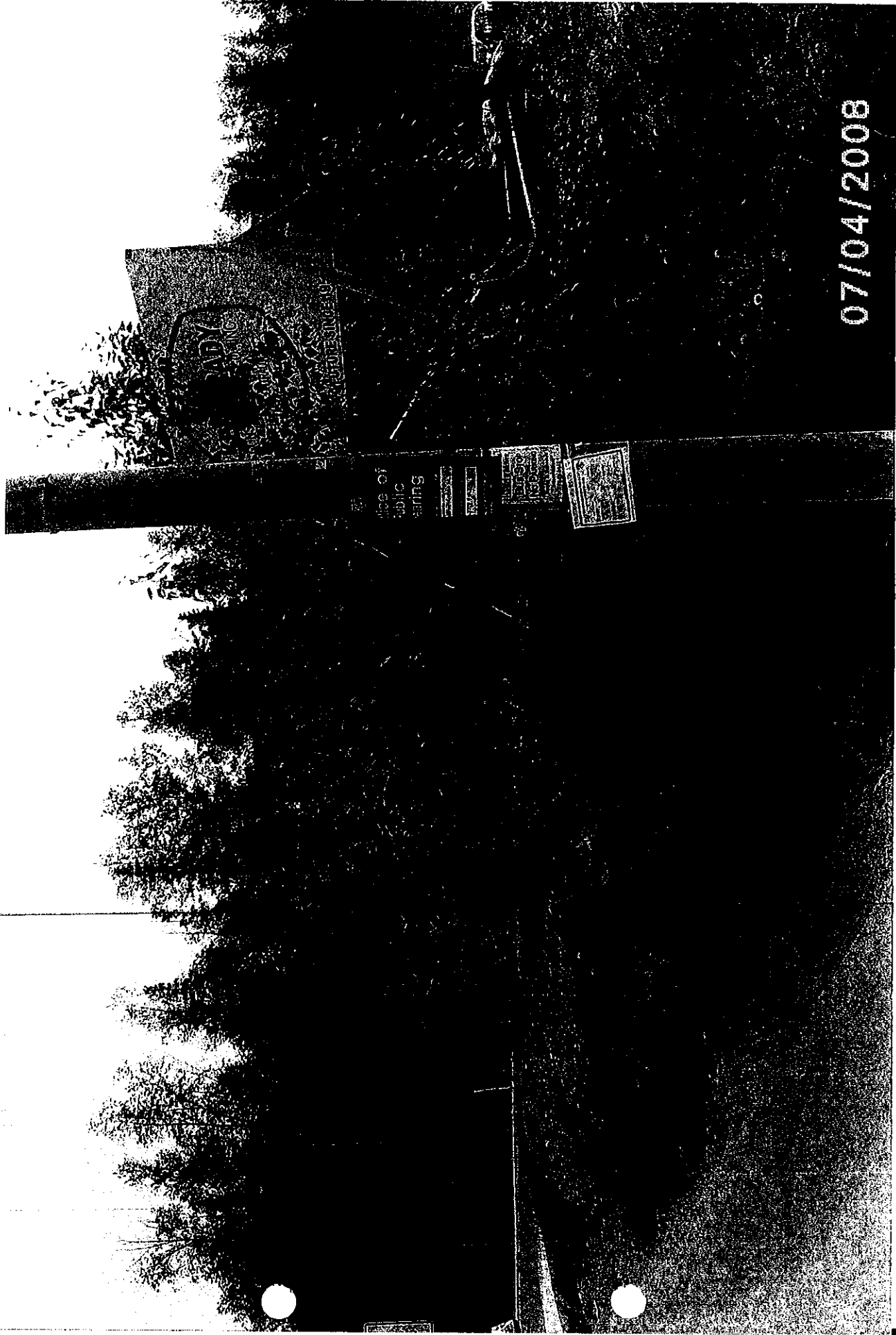
Office of
Public
Heating

07/04/2008



07/04/2008

07/04/2008



07/04/2008

Office of
Public
Safety
SUNSHINE

5

**HISTORICAL
INFORMATION**

**MUNICIPALITY OF ANCHORAGE
URBAN DESIGN COMMISSION RESOLUTION NO. 2006-006**

A RESOLUTION GRANTING APPROVAL OF A SITE PLAN FOR A LARGE RETAIL ESTABLISHMENT FOR WAL MART, EAGLEWOOD SUBDIVISION, TRACT A, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF EAST EAGLE RIVER LOOP ROAD AND EAGLE RIVER ROAD, EAGLE RIVER, AK.

(Case 2006-040; Tax ID. No. 050-811-08)

WHEREAS, a petition has been received from Wal Mart, and

WHEREAS, a public meeting was held on March 12, 2006.

WHEREAS, the Planning and Zoning Commission delegated the approval of the site plan to the Urban Design Commission.

NOW, THEREFORE BE IT RESOLVED, by the Municipal Urban Design Commission that:

A. The Commission makes the following findings of fact:

1. Wal-Mart is requesting site plan approval of an expansion of an existing large retail establishment for its existing Eagle River store. Under Public Hearing Site Plan Review requirements for expansion of a Large Retail Establishment, the Planning and Zoning Commission is empowered to hear the site plan review in accordance with AMC 21.55.130 and 21.50.320. Under AMC 21.10.015.C. The Planning and Zoning Commission may delegate to the Urban Design Commission the authority to review and decide upon the site plan for the proposed expansion.
2. According to the definition of Large Retail Establishment in AMC 21.35.020, this development is considered a Large Retail Establishment, and falls under the site plan review requirements of AMC 21.50.320. The minimum threshold for review under the Large Retail Establishment site plan review is 20,000 SF.
3. Under AMC 21.55.130, the Eagle River Wal-Mart is a Large Retail Establishment that is considered to be an approved site plan, as it existed before May 8, 2001. Thus, this new development is considered to be an expansion and reconstruction of an approved site plan. Although the new construction must be processed under the requirements of AMC 21.50.320 for Large Retail Establishments and ~~those standards shall apply, the cost of compliance with those standards shall not exceed 10% of the cost of the expansion and reconstruction.~~ Therefore, the standards shall be applied in a manner proportionate to the extent of 10% of said expansion and reconstruction costs.
4. The petitioner is proposing to add on to the existing 102,779 square foot (SF) building by 61,000 SF of single story retail area.
5. According to the definition of Large Retail Establishment in AMC 21.35.020, this development is considered a Large Retail Establishment, and falls under the site plan review requirements of AMC 21.50.320. The minimum threshold for review under the Large Retail Establishment site plan review is 20,000 SF.
6. Under AMC 21.55.130, this development and the existing structure is considered to be an approved site plan, as it existed before May 8, 2001. Thus, this new development is considered to be an expansion and reconstruction of an approved

site plan.

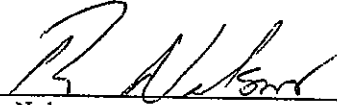
7. The petitioner and their representatives have worked extensively with staff to incorporate the site plan review requirements for this project. The size of the petition area allowed the petitioner to locate substantial changes to pedestrian/vehicular access and site landscaping, and enhanced parking area landscaping was able to be provided.
8. As the existing building did already incorporate some of the structure design requirements of the large retail establishment requirements, the petitioner was able to improve the existing structure, as well as design the addition, to add detailed articulation through the use of design elements, as well as relieving the vertical mass by the use of concrete panels in combination with plaster, stonework and wood siding products. Details of existing walls are replicated on new walls to provide a uniform wall design.
9. The Commission only has the authority to require improvements that do not exceed this 10% of the overall costs of the expansion. However, the petitioner has applied well over 10% of the costs of expansion through reconstruction of the parking lot, access and travel routes, improved pedestrian access, and in providing improvements to the existing structure façade. The improvements to the site plan to create a structure and site design that not only moves strongly towards meeting the intent and requirements of these site plan review standards, but also creates a development that will serve to enhance the location and area.
10. The Commission finds that the petitioner did a good job reworking the access to the site to be more pedestrian friendly, both in terms of pedestrians accessing the site and the number of vehicles traveling in front of the store. The Commission further finds that the petitioner had done a good job blending the new with the old portion of the building. This project has been discussed with the community and the Commission was comfortable that the petitioner had resolved as many issues as possible.
11. The Commission finds this addition to be an improvement to the overall site. In addition to expanding the building, the inclusion of the full cut off metal halide fixtures will be an improvement for the neighborhood. The Commission noted it ~~appreciated the architectural gestures and the move toward a rear distributed~~ strategy at the Eagle River Loop Road entry, as well as the removal of the Eagle River Road access.
12. The Commission noted that the one troubling aspect of the project is the issue of coming back before the Community Council, but finds that the petitioner had done a good job of addressing most of the Community Council's concerns and in general has applied the 10% enhancement requirement in a way that is advantageous. The Commission further noted appreciation for the quality of the packet and the Staff analysis. The Commission further urged the petitioner, unless there is a compelling reason, to follow up with the Community Council prior to coming to the UDC.
13. The Commission approved the request unanimously

- B. The Commission approves the above captioned site plan subject to the following conditions:
1. This site plan approval is for an addition to an existing retail structure, located on Eaglewood Subdivision, Tract A.
 2. A Notice of Zoning Action shall be filed with the State of Alaska District Recorder's Office. Proof of such shall be submitted to the Planning Department.
 3. This approval is subject to all standards for site plan reviews and Large Retail Establishment site plan reviews, the petitioner's application, narrative and submittals, and the plans on file at the Planning Department except as modified by these conditions of approval.
 4. Resolve the screening method to the Department for review and approval for all outdoor storage and display screening

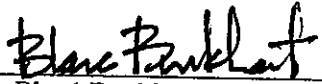
The need for a Traffic Impact Analysis (TIA) is to be resolved with the State of Alaska DOT and Municipal Traffic Department. Any conditions or recommendations of the TIA, as required by Traffic Engineering, shall be complied with prior to issuance of a certificate of occupancy. A copy of the final approved TIA and any requirements or conditions shall be submitted to the Department.

PASSED AND APPROVED by the Municipal Urban Design Commission this 12th day of April, 2006.

ADOPTED by the Anchorage Municipal Urban Design Commission this 9th day of may 2007. If the secretary received a written request and intent to appeal, this written decision/resolution of the Urban Design Commission is final and any party may appeal it within twenty (20) days to the Board of Adjustment pursuant to Anchorage Municipal Code 21.30.030 and Anchorage Municipal Code of Regulations 21.10.304. If the secretary did not receive a written request and intent to appeal within seven (7) calendar days of the date the decision was made on the record, April 12, 2006, then this written decision is final and not appealable to any other administrative body. Final administrative decisions with no further administrative remedy may be appealed to the Superior Court within thirty (30) days.



Tom Nelson
Secretary



Blasé Burkhart
Chair

(Case 2006-040; Tax ID. No. 050-811-08)

MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

CLERK'S OFFICE
AMENDED AND APPROVED

NO. AM 198-2008

Date:.....3-25-08.....

MEETING DATE: March 25, 2008

FROM: Municipal Clerk

SUBJECT: 2008/2009 Wal-Mart Supercenter #2188 #235-Transfer of Ownership and
Location of a Package Store Liquor License
Eagle River Community Council

On February 2, 2008 the Municipal Clerk's Office received from the Alcoholic Beverage Control Board notice for the Transfer of Location and Ownership of a Package Store Liquor License for the following establishment:

Wal-Mart Stores, Inc.
Wal-Mart Supercenter #2188
18600 Eagle River Rd
Eagle River, Ak 99577

Any ABC violations and/or incidents that would lead to an ABC violation are attached for the Assembly's evaluation.

There are no taxes owing.

AMC 21.50.160 requires that any use, whether principal or accessory, involving the retail, sale or dispensing of alcoholic beverage is permitted only by conditional use. **There is a not a conditional use permit at this location.**

Alaska Statute 04.11.480 provides that if the Assembly wishes to protest the issuance, renewal, relocation or transfer of a liquor license, it may protest within 60 days following receipt of the application and the protest will be honored unless the Board finds the protest to be arbitrary, capricious and unreasonable. **The last day to protest is April 6, 2008.** March 25, 2008 is the last scheduled regular Assembly meeting before the end of the protest period.

Approval of this memorandum will continue to PROTEST the transfer ownership and location of the package store liquor license for the establishment named above until they have obtained a conditional use permit and until the information on the application is verified. The Municipal Clerk is authorized to notify the ABC Board of the Assembly's action and is authorized to sign on its behalf.

Respectfully submitted,



Barbara E. Gruenstein
Municipal Clerk

AMENDED AND APPROVED
DATE 6-5-84

Submitted by: Chairman of the Assembly
At the Request of
the Mayor
Prepared by: Department of Community
Planning
For Reading:

Anchorage, Alaska
AO No. 84-101 (amended)

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING FROM U (UNRESTRICTED) TO PLI (PUBLIC LANDS AND INSTITUTIONS), AND W (WATERSHED), R-1 (SINGLE-FAMILY RESIDENTIAL), R-1A (SINGLE-FAMILY RESIDENTIAL), R-1A SL¹ (SINGLE-FAMILY RESIDENTIAL WITH SPECIAL LIMITATION), R-1A SL² (SINGLE-FAMILY RESIDENTIAL WITH SPECIAL LIMITATION), R-2A (ONE OR TWO FAMILY RESIDENTIAL), R-3 SL¹ (MULTIPLE FAMILY RESIDENTIAL WITH SPECIAL LIMITATIONS), R-3 SL² (MULTIPLE FAMILY RESIDENTIAL WITH SPECIAL LIMITATIONS), R-10 (RESIDENTIAL ALPINE/SLOPE), R-6 (SUBURBAN RESIDENTIAL), R-7 (INTERMEDIATE RURAL RESIDENTIAL), R-8 (RURAL RESIDENTIAL), R-9 (RURAL RESIDENTIAL), R-9 SL (RURAL RESIDENTIAL WITH SPECIAL LIMITATIONS), B-3 SL¹ (GENERAL AND STRIP COMMERCIAL WITH SPECIAL LIMITATIONS), B-3 SL² (GENERAL AND STRIP COMMERCIAL WITH SPECIAL LIMITATIONS), I-1 SL (LIGHT INDUSTRIAL WITH SPECIAL LIMITATIONS), AND PC (PLANNED COMMUNITY DISTRICT), FOR SECTIONS 3, 4, 5, 9, 10 AND 15 OF T13N, R1E, S.M., AND SECTIONS 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 AND 34 OF T14N, R1E, S.M., AND SECTIONS 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, AND 25 OF T14N, R1W, S.M., AND SECTION 13 OF T14N, R2W, S.M., OR PORTIONS THEREOF; AS DEPICTED IN EXHIBIT A, GENERALLY LOCATED EAST OF THE GLENN HIGHWAY AND NORTH OF THE EAGLE RIVER, COMMONLY REFERRED TO AS EAGLE RIVER VALLEY, CONTAINING 15,000 ACRES MORE OR LESS (EAGLE RIVER VALLEY COMMUNITY COUNCIL).

THE ANCHORAGE ASSEMBLY ORDAINS:

SECTION 1. The zoning map is amended by designating Sections 3, 4, 5, 9, 10 and 15 of T13N, R1E, and Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 of T14N, R1E, and Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, and 25 of T14N, R1W, and Section 13 of T14N, R2W or portions thereof, PLI (Public Lands and Institutions), and W (Watershed), R-1 (Single-Family Residential), R-1A (Single-Family Residential), R-1A SL¹ (Single-Family Residential with Special Limitations), R-1A SL² (Single-Family Residential with Special Limitations), R-3 SL¹ (Multiple-Family Residential with Special

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Limitations), R-3 SL² (Multiple Family Residential with Special Limitations), R-6 (Suburban Residential), R-7 (Intermediate Rural Residential), R-8 (Rural Residential), R-9 (Rural Residential), R-9 SL (Rural Residential with Special Limitations), R-10 (Residential Alpine/Slope), B-3 SL¹ (General and Strip Commercial with Special Limitations), B-3 SL² (General and Strip Commercial with Special Limitations), I-1 SL (Light Industrial with Special Limitations), and PC (Planned Community District), as depicted in Exhibit A attached.

SECTION 2. The B-3 SL¹ district is subject to the following special limitations regarding uses of the property:

The following shall be prohibited principal uses and structures:

1. Commercial-Wholesale

- a. wholesaling and distribution operations, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, salvaged or secondhand materials or for any scrap or salvage operations;

2. Commercial-Retail

- o. merchandise vending machine stores;
- aa. funeral services, including crematoria;
- ~~mm. hotels, motels and motor lodges, boarding houses;~~
- ww. aircraft and marine parts and equipment stores;
- xx. antiques and secondhand stores, including auctions, pawnshops;
- bbb. automotive repair services and garages;
- ccc. motor vehicle dealers, new and used;

- eee. automobile display lots, new and used;
- fff. mobile home display lots, new and used;
- ggg. aircraft and boat display lots, new and used;
- hhh. motorcycle and snow machine display lots, new and used;
- iii. automobile, truck and trailer rental agencies;
- jjj. lumber yards and builder's supply stores;
- kkk. fuel dealers;
- lll. nurseries;
- mmm. automobile car washes, self-service and automatic, with sufficient off-street area for maneuvering, waiting and drying automobiles;
- ooo. bus terminals, air passenger terminals, with sufficient off-street area for maneuvering and waiting automobiles;
- ppp. amusement arcades, billiard parlors;
- qqq. frozen food lockers;
- sss. mini-storage.

The following shall be Conditional Uses per 21.40.180 D:

- 9. ~~automobile car washes self-service and automatic, with sufficient off-street area for maneuvering, waiting and drying automobiles;~~
- 10. amusement arcades;

The B-3 SL¹ district is subject to the following special limitation establishing design standard:

- I. Maximum height of structures: 35 feet.

SECTION 3. The B-3 SL² district is subject to the following special limitation regarding uses of the property:

Content ID: 006731**Type:** AR_AllOther - All Other ResolutionsA RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3**Title:** (GENERAL BUSINESS DISTRICT) FOR A PACKAGE STORE USE AND
LICENSE PER AMC 21.40.180 D.8 FOR WAL-MART SUPER STORE #2188,
LOCATED AT 18600 EAGLE RIVER ROAD**Author:** weaverjt**Initiating Dept:** Planning**Description:** A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3
(GENERAL BUSINESS DISTRICT) FOR A PACKAGE STORE USE AND
LICENSE PER AMC 21.40.180 D.8 FOR WAL-MART SUPER STORE
LOCATED AT 18600 EAGLE RIVER ROAD**Date Prepared:** 8/22/08 3:29 PM**Director Name:** Tom Nelson**Assembly Meeting Date:** 9/9/08**Public Hearing Date:** 9/9/08

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	8/29/08 10:41 AM	Exit	Heather Handyside	Public	006731
MuniMgrCoord_SubWorkflow	8/29/08 10:41 AM	Approve	Heather Handyside	Public	006731
MuniManager_SubWorkflow	8/28/08 1:03 PM	Approve	Michael Abbott	Public	006731
ECD_SubWorkflow	8/25/08 10:23 AM	Approve	Jennifer Allen	Public	006731
Planning_SubWorkflow	8/22/08 5:37 PM	Approve	Tom Nelson	Public	006731
AllOtherARWorkflow	8/22/08 3:35 PM	Checkin	Jerry Weaver Jr.	Public	006731

M.O.A.
 2008 AUG 29 PM 12: 09
 CLERK'S OFFICE