

CLERK'S OFFICE

APPROVED

Date: 10/14/2008

Submitted by:

Chair of the Assembly at
the request of the Mayor
Planning Department
October 14, 2008

Prepared by:
For reading

Anchorage, Alaska
AR No. 2008-213

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING
2 A MINOR AMENDMENT TO AN ALCOHOLIC BEVERAGES
3 CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS DISTRICT) TO
4 MODIFY THE LICENSED PREMISE FOR A BEVERAGE DISPENSARY
5 USE AND LICENSE PER AMC 21.40.180 D.8 FOR CASA GRANDE, INC.;
6 LOCATED AT 201 E. NORTHERN LIGHTS BOULEVARD, WITHIN SMITH
7 SUBDIVISION NUMBER 1, LOTS 8 THROUGH 12A; GENERALLY
8 LOCATED ON THE NORTHEAST CORNER OF BARROW STREET AND
9 EAST NORTHERN LIGHTS BOULEVARD.

10
11 (Midtown Community Council) (Case 2008-142)

12
13 THE ANCHORAGE ASSEMBLY RESOLVES:

14
15 **Section 1.** A conditional use permit and license number 3009, dba Casa Grande Inc.,
16 currently exists on the petition site for an Alcoholic Beverages Conditional Use in the
17 B-3 District for a Beverage Dispensary Use and License per AMC 21.40.180 D.8,
18 located within Smith Subdivision Number 1, Lots 8 through 12A. The conditional use
19 generally meets the applicable provisions of AMC 21.50.020 and AMC 21.50.160.

20
21 **Section 2.** This minor amendment will allow for a modification of the existing Casa
22 Grande Restaurant to allow for a second beverage dispensary license, dba Henri Hawaii,
23 Inc., to operate a separate bar within the same premise as the existing conditional use,
24 and will be comprised of 4,341 square feet of gross floor area within a 6,871 square-
25 foot building.

26
27 **Section 3.** A new floor plan shows a new bar/lounge area designated in an area
28 separate from the remainder of the restaurant area, containing ninety-six (96) fixed seats
29 (including patio area) and thirty-seven (37) non-fixed seats. There is no change to the
30 required parking or to business operating hours. The applicant, by letter dated
31 September 29, 2008, has agreed to amend the site plan by removing the seating on the
32 decks for both the Casa Grande and Henry Hawaii Restaurants and will meet the
33 required parking for both facilities.

34
35 **Section 4.** This addition of a new beverage dispensary use and license within the
36 restaurant use has no significant effect to the surrounding neighborhood and is a minor
37 amendment. This minor amendment generally meets the applicable provisions of AMC
38 21.15.030 G.2.(a).

Section 5. The conditional use is approved subject to the following conditions:

1. A Notice of Zoning Action shall be filed with the State District Recorder's Office within 120 days of the Assembly's approval of a minor amendment to an existing conditional use for a Beverage Dispensary Use in the B-3 District.

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

3. This minor amendment to an existing conditional use approval is for an Alcoholic Beverages Conditional Use in the B-3 District for a Beverage Dispensary Use per AMC 21.40.180.D.8, to allow the addition of a second beverage dispensary license and use for approximately 4,341 square feet gross floor area (licensed premises) known as Suite A, located with the 6,871 square-foot commercial structure within Smith Subdivision Number 1, Lots 8 through 12A.

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

5. Prior to this minor amendment becoming effective, all outstanding taxes shall be paid in full to the Treasury Department.

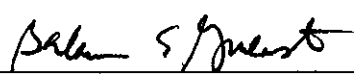
Section 6. Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.

Section 7. This resolution shall become effective immediately upon passage and approval by the Anchorage Assembly.

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

ATTEST:


Chair


Municipal Clerk

(Planning Case Number 2008-142)
(Tax Identification Number 009-012-73)



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 625-2008

Meeting Date: October 14, 2008

From: Mayor

Subject: A MINOR AMENDMENT TO AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS DISTRICT) TO MODIFY THE LICENSED PREMISE FOR A BEVERAGE DISPENSARY USE AND LICENSE PER AMC 21.40.180 D.8 FOR CASA GRANDE, INC.; LOCATED AT 201 E. NORTHERN LIGHTS BOULEVARD, WITHIN SMITH SUBDIVISION NUMBER 1, LOTS 8 THROUGH 12A; GENERALLY LOCATED ON THE NORTHEAST CORNER OF BARROW STREET AND EAST NORTHERN LIGHTS BOULEVARD.

1 Casa Grande, Inc. has made application for a minor amendment in accordance with
2 AMC 21.15.030.G to an existing Beverage Dispensary Alcoholic Beverage Conditional
3 Use and License number 3009 in the B-3 District, in order to modify the licensed
4 premise. This will reduce the existing licensed premise space for Casa Grande
5 Restaurant in order to allow for an addition of a second beverage dispensary license for
6 operation of a separate bar within the same premise as the existing restaurant (request
7 being reviewed separately under case 2008-128). Each business, the existing Casa
8 Grande Restaurant and proposed the Henri Hawaii Restaurant, will operate
9 independently of each other. The property is located at 201 East Northern Lights
10 Boulevard, within Smith Subdivision Number 1, Lots 8 through 12A, generally located
11 on the northeast corner of Barrow Street and East Northern Lights Boulevard.

12
13 The building is being remodeled to allow for the operation of both licenses in the
14 building, with each business operating independently. The Henri Hawaii Restaurant
15 will operate a twenty-one years of age or over bar, in one end of the building, and the
16 Casa Grande Restaurant will continue to operate their full-service restaurant in the
17 remaining operation of the building from a separate bar. After remodeling, the Casa
18 Grande Restaurant will be operating out of Suite A, and the Henri Hawaii Restaurant
19 out of Suite B.

1 The modification will reduce the restaurant area for the existing Casa Grande, so that
2 the new bar area for Henri Hawaii will comprise approximately 2,530 square feet of the
3 6,871 square-foot leasable area of the building. Under the terms of Alaska Statute
4 04.11.410, no church or school can be located within 200 feet of the public entrance of
5 the "licensed premises" of the beverage dispensary license use measured by the shortest
6 pedestrian route from the public entrance of the church building. This is not an issue for
7 this application.

8
9 There are five existing alcohol beverage uses within a 1,000-foot radius of the petition
10 site: one beverage dispensary, three restaurants, and one package store. The one
11 beverage dispensary use is that which is currently located on the premise.

12
13 The bar proposes daily hours of operation seven days a week during the hours of 11:00
14 A.M. to 11:00 P.M., but will be allowed to operate until 2:00 A.M., as permitted by the
15 State of Alaska Alcohol Beverage Control Board requirements. Employees involved in
16 the sale of alcoholic beverages will be trained in accordance with the Alcoholic
17 Beverage Control Board "Liquor Server Alcohol Awareness Training Program," (TAM)
18 and will hold the necessary certifications.

19
20 The Anchorage Police Department commented that there were no reports of incidents
21 occurring on the site within two years prior to the date of the application. Treasury
22 reports there are delinquent Personal Property Business Taxes owed at this time, but no
23 Real Property Taxes owed. Prior to this request becoming effective, the outstanding
24 balance should be paid in full.

25
26 THIS CONDITIONAL USE FOR A MINOR AMENDMENT TO A BEVERAGE
27 DISPENSARY USE AND LICENSE IN THE B-3 DISTRICT GENERALLY MEETS
28 THE APPLICABLE PROVISIONS OF AMC TITLES 10 AND 21, AND ALASKA
29 STATUTE 04.11.090.

30
31 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

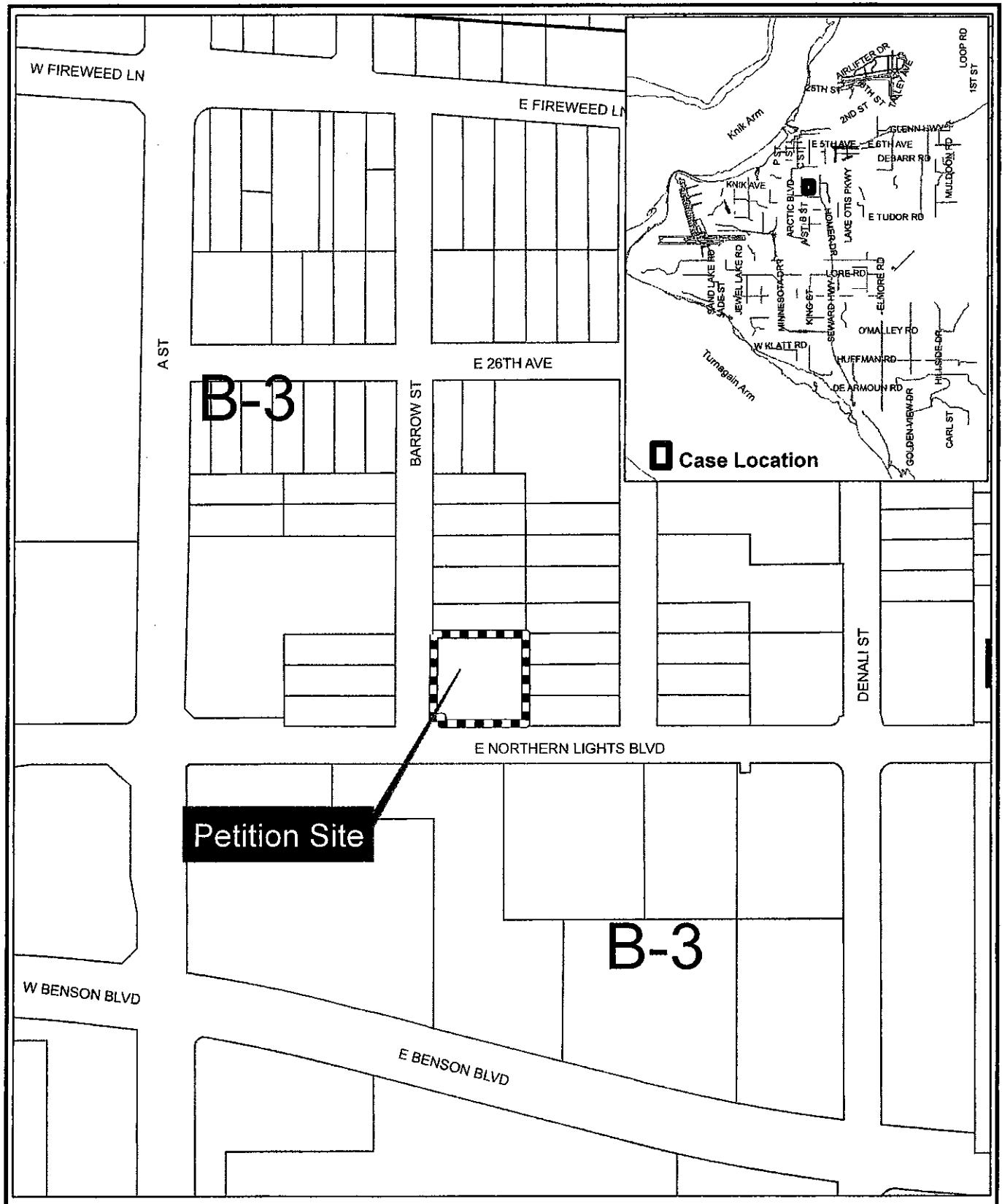
32 Concur: Tom Nelson, Director, Planning Department

33 Concur: Mary Jane Michael, Executive Director, Office of Economic &
34 Community Development

35 Concur: Michael K. Abbott, Municipal Manager

36 Respectfully submitted: Mark Begich, Mayor




2008-142



Municipality of Anchorage
Planning Department

Date: September 17, 2008

Flood Limits

-  100 Year
-  500 Year
-  Floodway



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.

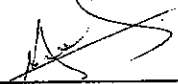
PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) Casa Grande, Inc.	Name (last name first) The Law Offices of Ernout & Coffey, P.C.
Mailing Address 201 E. Northern Lights Blvd. Suite A Anchorage, Alaska 99503	Mailing Address 3606 Rhone Circle, Suite 110 Anchorage, Alaska 99508
Contact Phone: Day: 278-7874 Night: 227-8913	Contact Phone: Day: 274-3385 Night: N/A
FAX: N/A	FAX: 274-4258
E-mail: N/A	E-mail: sernout@eclawfirm.net

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

PROPERTY INFORMATION		
Property Tax #(000-000-00-000): 009-012-71		
Site Street Address: 201 E. Northern Lights Blvd. Suite A, Anchorage, AK 99503		
Property Owner (if not the Petitioner): JRW Ventures		
Current legal description: (use additional sheet in necessary) Smith #1 BLK 6 Lot 12A		
Zoning: B3	Acreage:	Grid # SW1531

ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED		
<input checked="" 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 type="checkbox"/> Package Store	<input type="checkbox"/> Restaurant	
Is the proposed license: <input type="checkbox"/> New <input type="checkbox"/> Transfer of location: ABC license number:		<input checked="" type="checkbox"/> MINOR AMENDMENT
Transfer license location:		
Transfer licensed premises doing business as:		

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

Date 8-25-08	Signature (Agents must provide written proof of authorization) 	2
Accepted by:	Poster & Affidavit:	Fee
		Case Number 2008-142

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 REMODEL
☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

DOCUMENTATION

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

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

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

8/25/08

JRW VENTURES

*Chin L. for James W.Y. Wong
his attorney in fact*

Date

Signature

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

FACILITY OPERATIONAL INFORMATION

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

Casa Grande

What is the gross leaseable floor space in square feet?

3941

What is the facility occupant capacity?

87 inside (+56 on patio) = 143 total

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

48 inside (+48 on patio) = 96 total

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

37

What will be the normal business hours of operation?

11:00 a.m. — 11:00 p.m. Monday through Sunday

What will be the business hours that alcoholic beverages will be sold or dispensed?

11:00 a.m. — 11:00 p.m. Monday through Sunday

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

30% Alcoholic beverage sales

70% Food 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.

PACKAGE STORES

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

N/A % less than \$5.00

N/A % \$5.00 to \$10.00

N/A % \$10.00 to \$25.00

N/A % greater than \$25.00

CONDITIONAL USE STANDARDS

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

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

See attached narrative.

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

See attached narrative.

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

See attached narrative.

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

1. Pedestrian and vehicular traffic circulation and safety.

See Attached narrative.

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

See attached narrative.

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

See attached narrative.

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

See attached narrative.

STANDARDS CHAPTER 10.50 ALCOHOLIC BEVERAGES

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

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

How many active liquor licenses are located on the same property as your proposed license? 2

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

How would you rate this area's license concentration on a scale of 1 to 5 with 5 = high 3

How many active liquor licenses are within the boundaries of the local community council? > 20

In your opinion, is this quantity of licenses a negative impact on the local community?

No, not for midtown Anchorage.

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

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

All employees in direct contact with alcohol will be TAM certified.

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

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

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

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

See attached narrative.

outside facility:

See attached narrative.

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

STANDARDS FOR MINOR AMENDMENT TO
PREVIOUSLY APPROVED CONDITIONAL USE
BEVERAGE DISPENSARY LIQUOR LICENSE FOR
CASA GRANDE

LOCATION AND DESCRIPTION OF PLANNED USE

Casa Grande, Inc. is making application for a minor amendment to a previously approved conditional use permit to allow "on premises" alcohol sales at the midtown location of 201 E. Northern Lights Blvd, Suite A. The building is being remodeled to allow for the operation of two licenses in the building with each business operating independent of each other. Casa Grande, Inc. will operate their full service restaurant in Suite A of the building and Henri Hawaii, Inc. will operate a 21 years of age or over bar in Suite B on the other end of the building. The building is not expanding in size and Casa Grande's operation will actually be decreasing its premises through this amendment. The continued use of this location for the operation of a second beverage dispensary liquor license is consistent with the Anchorage 2020 Comprehensive Plan as set out in the policies discussed below.

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

The proposed amendment to the conditional use to allow Casa Grande, Inc. to continue to operate a beverage dispensary license in a reduced premises at this location is consistent with the goals and policies of the Anchorage 2020 Comprehensive Plan. This location is in the heart of what the Plan calls a major employment center and a redevelopment/mixed use area in midtown Anchorage. The Midtown area is well defined with compact employment centers and the potential to accommodate significant density increases. The 2020 Plan seeks to increase employment in this area in the future. A mix of supportive retail uses such as restaurants, office buildings, drinking places, and shopping are important to the development of the major employment centers in Anchorage and is encouraged in the 2020 Plan.

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

The proposed amendment to the conditional use for Casa Grande conforms to the standards of Title 21 as well as the Anchorage 2020 Comprehensive Plan in all respects.

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

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

The proposed conditional use conforms to all Title 21 standards and is consistent with the Comprehensive Plan. My client is available to meet with the Midtown Community Council to discuss their business at any time. The operation of a professional bar and restaurant with the service of alcohol is consistent with the code and the Petitioner expects the amendment to the conditional use to be supported by the local community.

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

The proposed amendment to the conditional use to allow Casa Grande, Inc. to continue to operate a beverage dispensary license at this location is compatible with the existing and planned land uses. This location is in the middle of a redevelopment/mixed use area in midtown Anchorage. The planned land use for this location includes a mix of supportive retail uses such as restaurants, office buildings, drinking places, and shopping. Medium to high density residential mixed use areas have been designated near the major employment centers to provide opportunities for people to live close to work and be within walking distance to other supportive businesses in the area such as a Mexican restaurant like Casa Grande.

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

1. Pedestrian and Vehicular Traffic Circulation and Safety.

The restaurant is located on 201 E. Northern Lights Blvd., Suite A, in a convenient location that sufficiently accommodates vehicular and pedestrian traffic circulation and safety. A People Mover bus stop is located within 50 feet of the building on Northern Lights Blvd. for the convenience of their bus-riding

customers. The site plan also provides for adequate entrances and exits for vehicles in a very large and spacious parking lot.

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

The following public services currently exist at Casa Grande:

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

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

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

Casa Grande, Inc. is committed to the operation of its facility in an environmentally responsible way. There will be no pollution other than the normal storage and removal of trash. State of the art equipment, cooking devices, and ventilation will be employed to insure that both visitors and neighbors alike will not be impacted by the restaurant's operations.

4. Maintenance of compatible and efficient development patters and land use intensities.

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

E. Public Safety

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

Inside Facility:

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

Outside Facility:

Further, for the protection of patrons in the parking lot, Casa Grande's employees will patrol the parking lot, as needed, to ensure the minimization of loitering. My client will work with surrounding tenants, neighbors, neighboring community councils and service patrols to combat any problems that arise in or near the facility.

COPY

GENERAL POWER OF ATTORNEY

I, James W. Y. Wong, residing at 2359 A Round Top Drive, Honolulu, Hawaii 96822, hereby appoint Colin Lau of 47-695 Hui Ulili St, Honolulu, Hawaii 96744, as my attorney-in-fact ("Agent") to exercise the powers and discretions described below.

If the Agent is unable to serve for any reason, I appoint Gail Sugita, of 1044 12TH AVE, Honolulu, Hawaii 96813, as my alternate or successor Agent, as the case may be to serve with the same powers and discretions.

My Agent shall have full power and authority to act on my behalf. This power and authority shall authorize my Agent to manage and conduct all of my affairs and to exercise all of my legal rights and powers, including all rights and powers that I may acquire in the future. My Agent's powers shall include, but not be limited to, the power to:

1. Open, maintain or close bank accounts (including, but not limited to, checking accounts, savings accounts, and certificates of deposit), brokerage accounts, retirement plan accounts, and other similar accounts with financial institutions.
 - a. Conduct any business with any banking or financial institution with respect to any of my accounts, including, but not limited to, making deposits and withdrawals, negotiating or endorsing any checks or other instruments with respect to any such accounts, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation or political entity.
 - b. Perform any act necessary to deposit, negotiate, sell or transfer any note, security, or draft of the United States of America, including U.S. Treasury Securities.
 - c. Have access to any safe deposit box that I might own, including its contents.
2. Sell, exchange, buy, invest, or reinvest any assets or property owned by me. Such assets or property may include income producing or non-income producing assets and property.
3. Purchase and/or maintain insurance and annuity contracts, including life insurance upon my life or the life of any other appropriate person.
4. Take any and all legal steps necessary to collect any amount or debt owed to me, or to settle any claim, whether made against me or asserted on my behalf against any other person or entity.
5. Enter into binding contracts on my behalf.

6. Exercise all stock rights on my behalf as my proxy, including all rights with respect to stocks, bonds, debentures, commodities, options or other investments.
7. Maintain and/or operate any business that I may own.
8. Employ professional and business assistance as may be appropriate, including attorneys, accountants, and real estate agents.
9. Sell, convey, lease, mortgage, manage, insure, improve, repair, or perform any other act with respect to any of my property (now owned or later acquired) including, but not limited to, real estate and real estate rights (including the right to remove tenants and to recover possession). This includes the right to sell or encumber my homestead legally described as:

2359 A Round Top Drive, Honolulu, Hawaii, 96822
10. Prepare, sign, and file documents with any governmental body or agency, including, but not limited to, authorization to:
 - a. Prepare, sign and file income and other tax returns with federal, state, local, and other governmental bodies.
 - b. Obtain information or documents from any government or its agencies, and represent me in all tax matters, including the authority to negotiate, compromise, or settle any matter with such government or agency.
 - c. Prepare applications, provide information, and perform any other act reasonably requested by any government or its agencies in connection with governmental benefits (including medical, military and social security benefits), and to appoint anyone, including my Agent, to act as my "Representative Payee" for the purpose of receiving Social Security benefits.
11. Transfer any of my assets to the trustee of any revocable trust created by me, if such trust is in existence at the time of such transfer.

This Power of Attorney shall be construed broadly as a General Power of Attorney. The listing of specific powers is not intended to limit or restrict the general powers granted in this Power of Attorney in any manner.

Any power or authority granted to my Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing: (i) my income to be taxable to my Agent, (ii) my assets to be subject to a general power of appointment by my Agent, or (iii) my Agent to have any incidents of ownership with respect to any life insurance policies that I may own on the life of my Agent.

My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney. A successor Agent shall not be liable for acts of a prior Agent.

No person who relies in good faith on the authority of my Agent under this instrument shall incur any liability to me, my estate or my personal representative. I authorize my Agent to indemnify and hold harmless any third party who accepts and acts under this document.

If any part of any provision of this instrument shall be invalid or unenforceable under applicable law, such part shall be ineffective to the extent of such invalidity only, without in any way affecting the remaining parts of such provision or the remaining provisions of this instrument.

My Agent shall not be entitled to any compensation, during my lifetime or upon my death, for any services provided as my Agent. My Agent shall be entitled to reimbursement of all reasonable expenses incurred as a result of carrying out any provision of this Power of Attorney.

My Agent shall provide an accounting for all funds handled and all acts performed as my Agent, but only if I so request or if such a request is made by any authorized personal representative or fiduciary acting on my behalf.

This Power of Attorney shall become effective immediately, and shall not be affected by my disability or lack of mental competence, except as may be provided otherwise by an applicable state statute. This is a Durable Power of Attorney. This Power of Attorney shall continue effective until September 03, 2008. This Power of Attorney may be revoked by me at any time by providing written notice to my Agent.

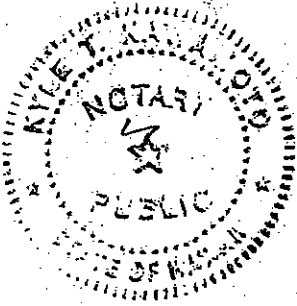
Dated AUGUST 1, 2008, at Honolulu, Hawaii.



James W. Y. Wong

STATE OF HAWAII,
COUNTY OF HONOLULU, ss:

On this 1st day of AUGUST, 2008, before me personally appeared James W. Y. Wong, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed same as his/her free act and deed.



Kyle T. Kawamoto

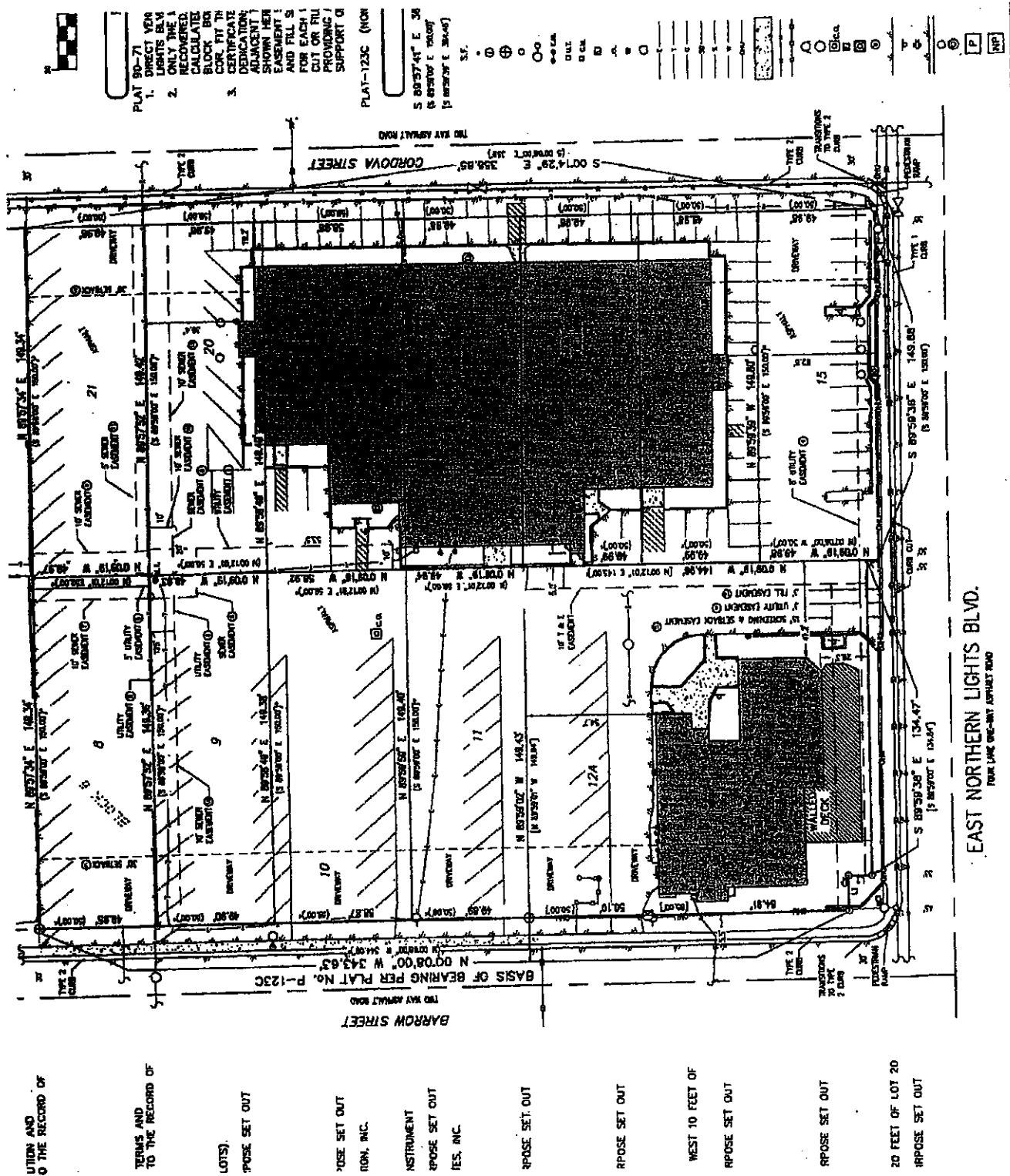
Notary Public
COMMISSION # 06-502

Kyle T. Kawamoto

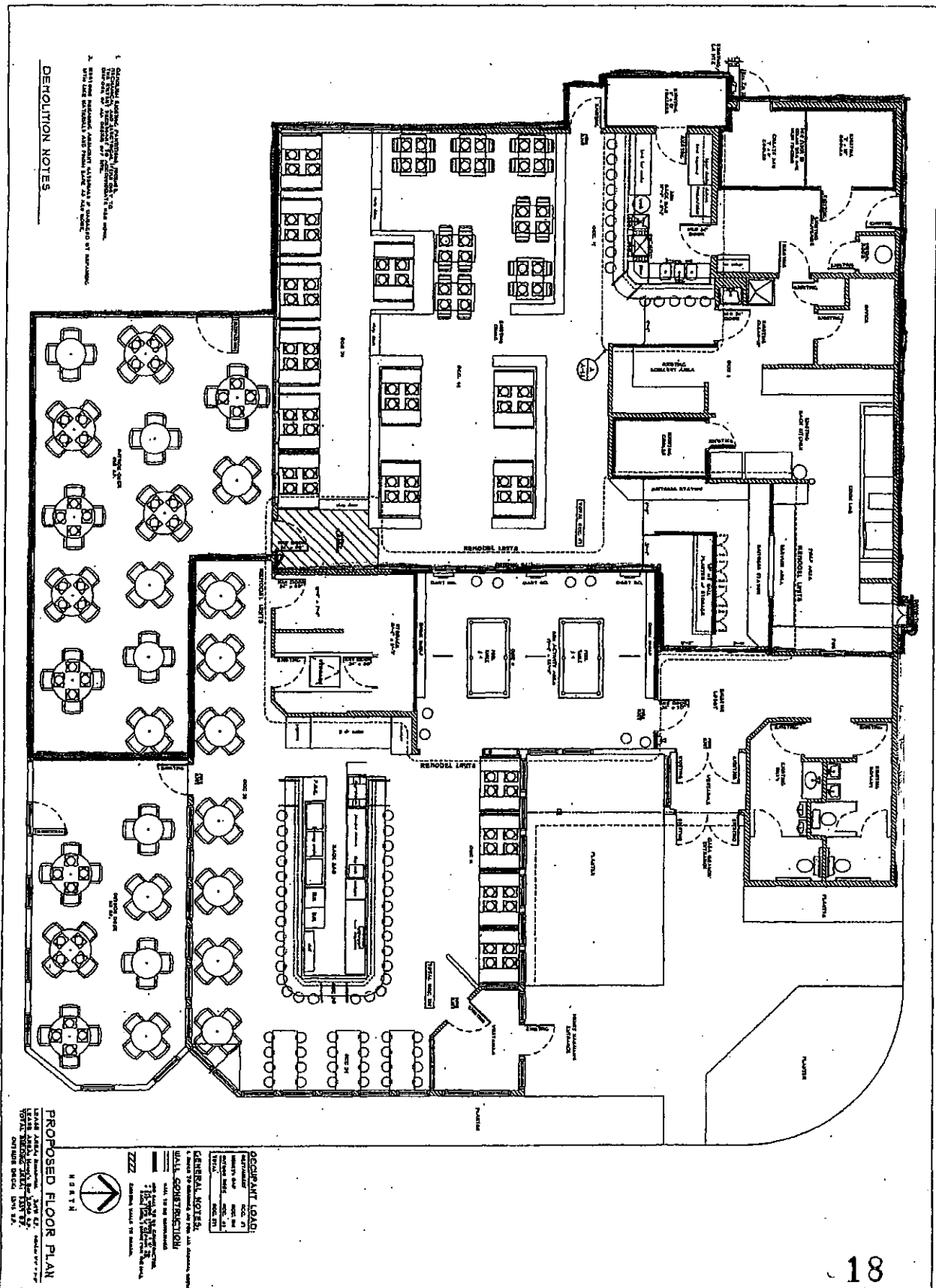
My commission expires **AUG 27 2010**

STATE OF ARIZONA, FIRST JUDICIAL CIRCUIT

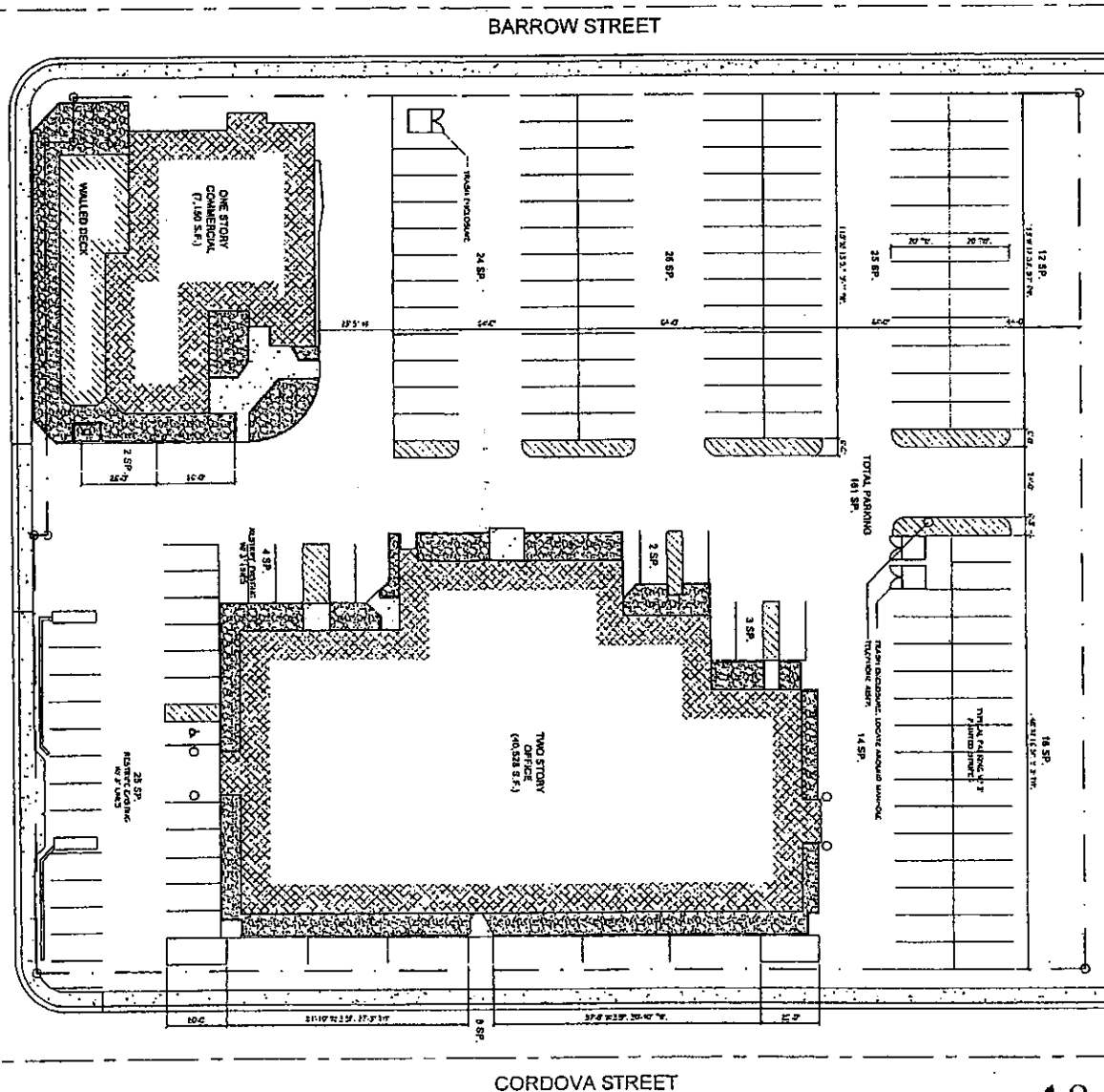
SITE PLANS



BLDG PLANS



EAST NORTHERN LIGHTS BLVD.



**Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY**

M E M O R A N D U M

RECEIVED

SEP 02 2008

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

DATE: August 27, 2008
TO: Jerry Weaver, Zoning Division Administrator, Planning Department
FROM: Paul Hatcher, Engineering Technician III, AWWU *PH*
SUBJECT: **Zoning Case Comments**
Planning & Zoning Commission Hearing September 30, 2008
Agency Comments due September 2, 2008

AWWU has reviewed the materials and has the following comments.

08-128 SMITH #1 BLK 6 LT 12A, A request concept/final approval of a conditional use to permit an alcoholic beverage dispensary use, Grid SW1531

1. AWWU water mains located in E. Northern Lights Blvd and Barrow Street currently serves this property.
2. AWWU sanitary sewer main located in back lot line currently serves this property.
3. AWWU has no objection to this conditional use.

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
Project Management & Engineering Department



Comments to Miscellaneous Planning and Zoning Applications

RECEIVED

DATE: September 2, 2008
TO: Jerry Weaver, Platting Officer
FROM: Sharen Walsh, P.E. – Private Development - Plan Review Engineer
SUBJECT: Comments for Assembly Public Hearing date: September 30, 2008

Sept. 2 2008
MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Case No. 2008-128 – 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.

2008-128

POLICE DEPARTMENT CHECK LIST
FOR INVESTIGATION OF LICENSED LIQUOR ESTABLISHMENTS

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

Type of Incident	Number of Incidents
None	

RECEIVED

SEP 04 2008

300 W. 36th Avenue #2

MUNICIPALITY OF ANCHORAGE
 PLATTING DIVISION

OLD BUSINESS NAME

OLD LOCATION

Henri Hawaii

201 E. Northern Lights Blvd #B

BUSINESS NAME

LOCATION

Henry Hawaii, Inc

None

NAME OF APPLICANT (S)

CURRENT LICENSEE (S)

- [] New Business
 [] Package Store
 [] Transfer of Ownership
 [] Corporate Stock Transfer Only
 [X] Transfer of Location

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

08.27.08

DATE


 for CHIEF OF POLICE



Bar File



tivity for: 201 E NORTHERN LIGHTS BL #B
08/27/2006 through 08/27/2008

Report#	Nature of Call	Report	Officer	MO Location
---------	-------------------	--------	---------	-------------

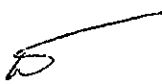
.....

Municipality of Anchorage
Treasury Division
Memorandum

RECEIVED

AUG 19 2008

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Date: August 18, 2008
To: Rich Cartier, Planning Dept.
From: Daisy VanNortwick, Revenue Officer 
Subject: Liquor License Conditional Use Comments

Request: Conditional Use permit # 2008-128 for Casa Grande to Henri Hawaii located at 201 E No. Lights Blvd. # B, Anchorage AK 995031

We find unpaid Personal Property Business Taxes against Casa Grande for 2006 and 2007/ The total owed is \$2,596.89, which is good through August 31, 2008. Until these taxes are paid we can approve any transfer.

Thanks
Daisy VanNortwick
343-6940

RETURN COMMENTS TO:

DEPARTMENT OF PLANNING
Zoning and Platting Division
P.O. Box 196650
Anchorage, Alaska 99519-6650
Phone 343-7942

Case No. 2008-128

A request concept/final approval of a conditional use to permit:

an alcoholic beverage dispensary use

in the B-3 General business district

COMMENTS AND MEETING SCHEDULE:

Municipal Assembly Public hearing

Assembly Hearing Date: Tuesday, September 30, 2008

Agency Comments Due: Tuesday, September 02, 2008

Council Comments Due: Friday, September 12, 2008

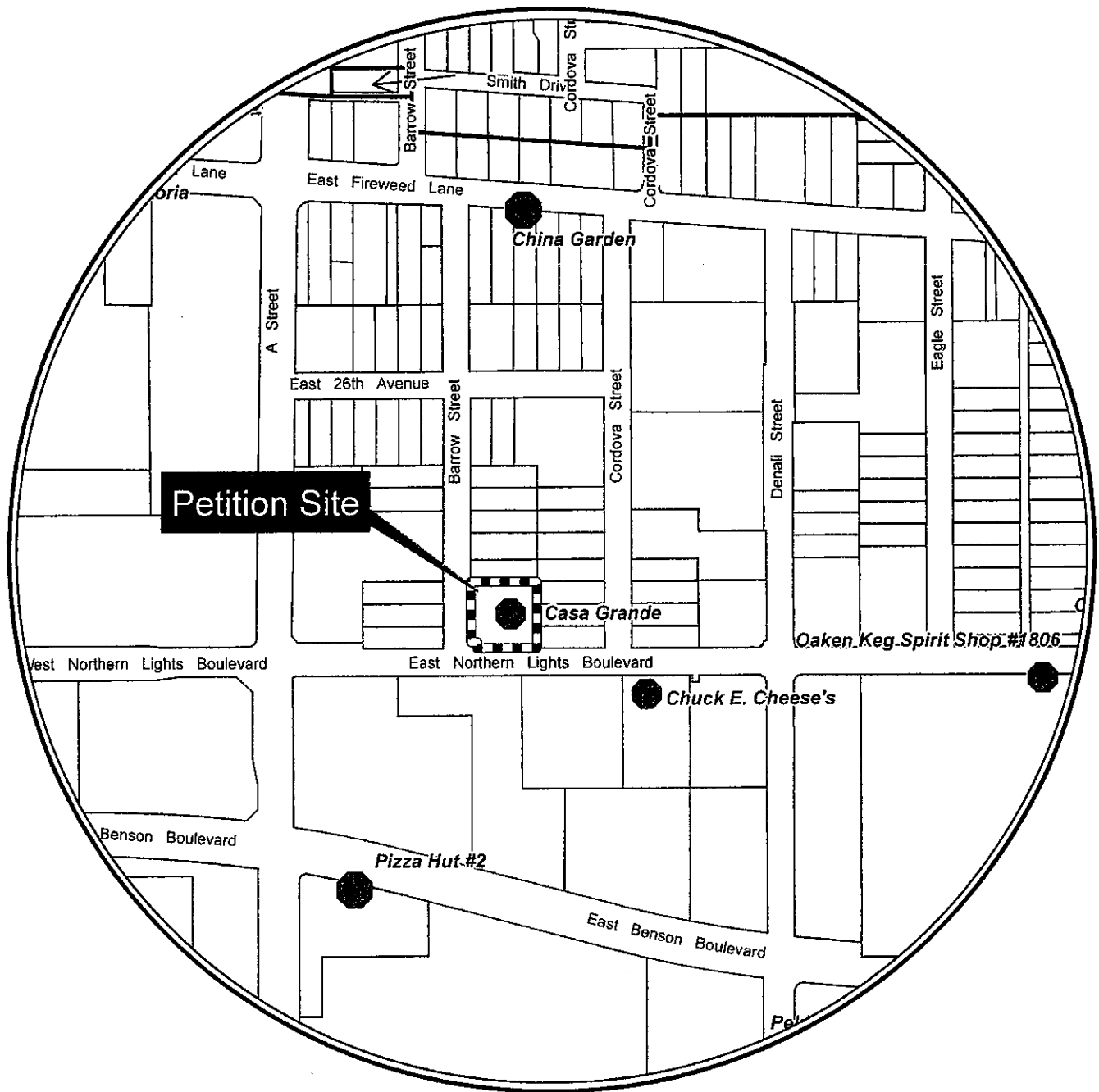
DISTRIBUTION: STANDARD DISTRIBUTION
COMMUNITY COUNCIL(S):

Midtown

<p>MUNICIPAL ASSEMBLY Assembly Hall, Z. J. Loussac Library 3600 Denali Street, Anchorage, Alaska Wednesday, August 13, 2008 6:30 p.m.</p>

2008-142

● EXISTING LIQUOR LICENSES WITHIN 1000'



Municipality of Anchorage
Planning Department

Date: September 18, 2008

0 160 320 640
Feet

26 N

Alcohol Existing License List Report

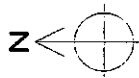
Case Number: 2008-142 Description: 1000'

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City Lic. Number	State Lic. Zone	Zip Lic. Type
00901113000 China Garden	MA DANA 50% & Park, Matthew K.	2440 E TUDOR RD #1116 204 E Fireweed Ln	ANCHORAGE 227	AK B3	99507 Restaurant/Eating Place
00901271000 Casa Grande	JRW VENTURES Casa Grande, Inc.	207 E NORTHERN LIGHTS #200 201 E Northern Lights Blvd	ANCHORAGE 3009	AK B3	99503 Beverage Dispensary
00903709000 Harry's Restaurant	FOSS C R LIV TRUST & WELLS Harry's Bar and Grill, Inc.	3201 C ST SUITE 200 6601 Blackberry St	ANCHORAGE 323	AK B3	99503 Beverage Dispensary
00904106000 Chuck E. Cheese's	CALAIS CO INC CEC Entertainment, Inc.	PO BOX 150305 308 E Northern Lights Blvd	ARLINGTON 1744	TX B3	76015 Restaurant/Eating Place
00904115000 Pizza Hut #2	CALAIS CO INC Kurani, Inc.	MS 0555 100 E. Benson Blvd	BENTONVILLE 3712	AR B3	72712 Restaurant/Eating Place
00904201000 Oaken Keg Spirit Shop #1806	SEARS ROEBUCK & COMPANY Carr Gottstein Food Co.	3333 BEVERLY ROAD/B2-122A 600 E Northern Lights Blvd	HOFFMAN EST 795	IL B3	60179 Package Store

Parcels--Basic Layers

Fri Sep 19, 07:37:50, 2008

Map: Parcels--Basic Layers



Scale 1:5800

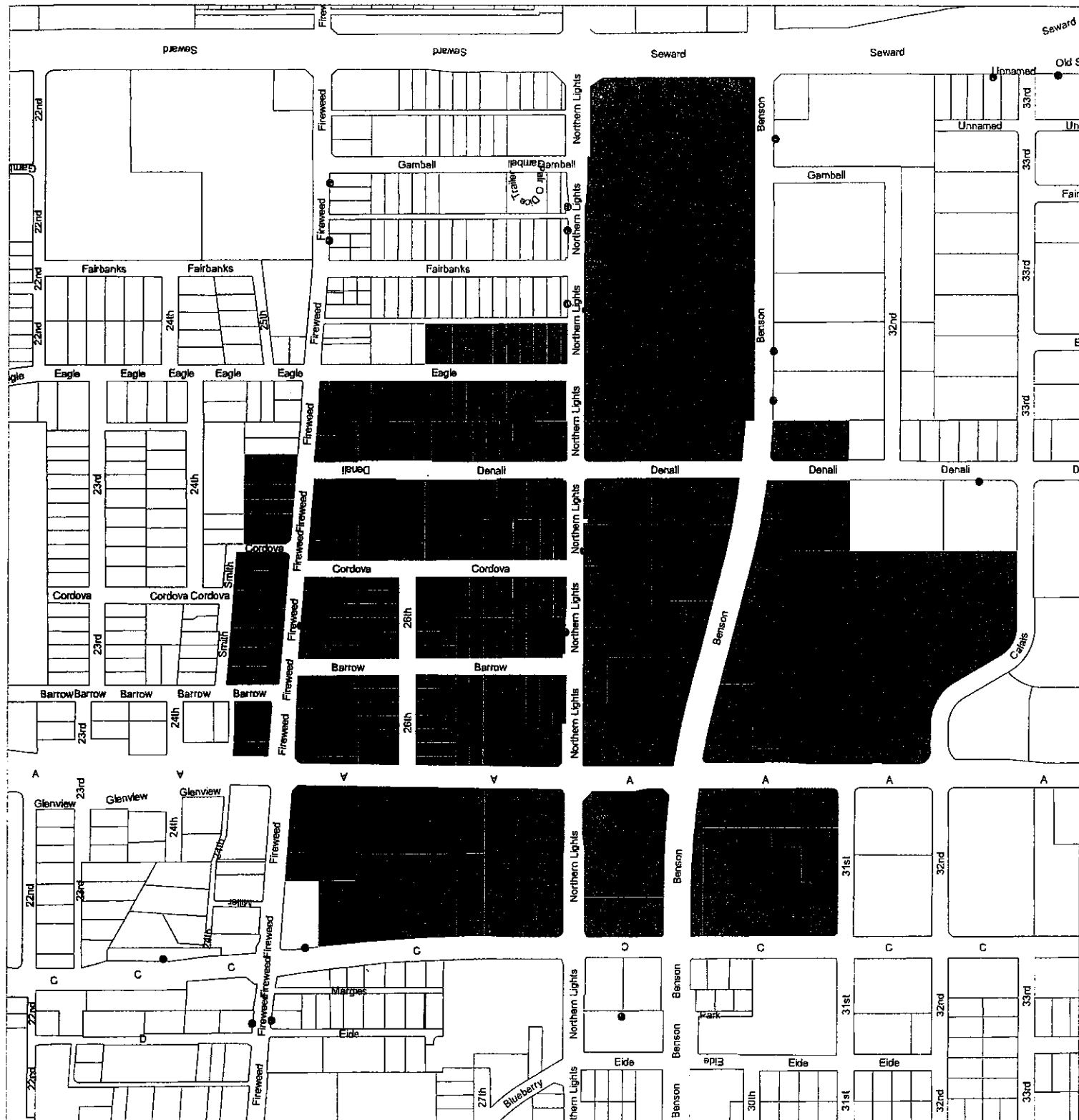
Legend:

STREET_NAMES

PARCELS

ALCOHOL

Txt



Alcohol Church and School List Report

Case Number: 2008-142 Description: 200'

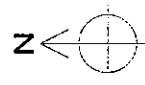
Parcel	Parcel Owner Name	Parcel Site Address	Description
--------	-------------------	---------------------	-------------



Parcels--Basic Layers




Fri Sep 19, 07:39:50, 2008

Map: Parcels--Basic Layers



Scale 1:3000

Legend:

- Txt  STREET_NAMES
-  PARCELS
-  ALCOHOL

2008-142



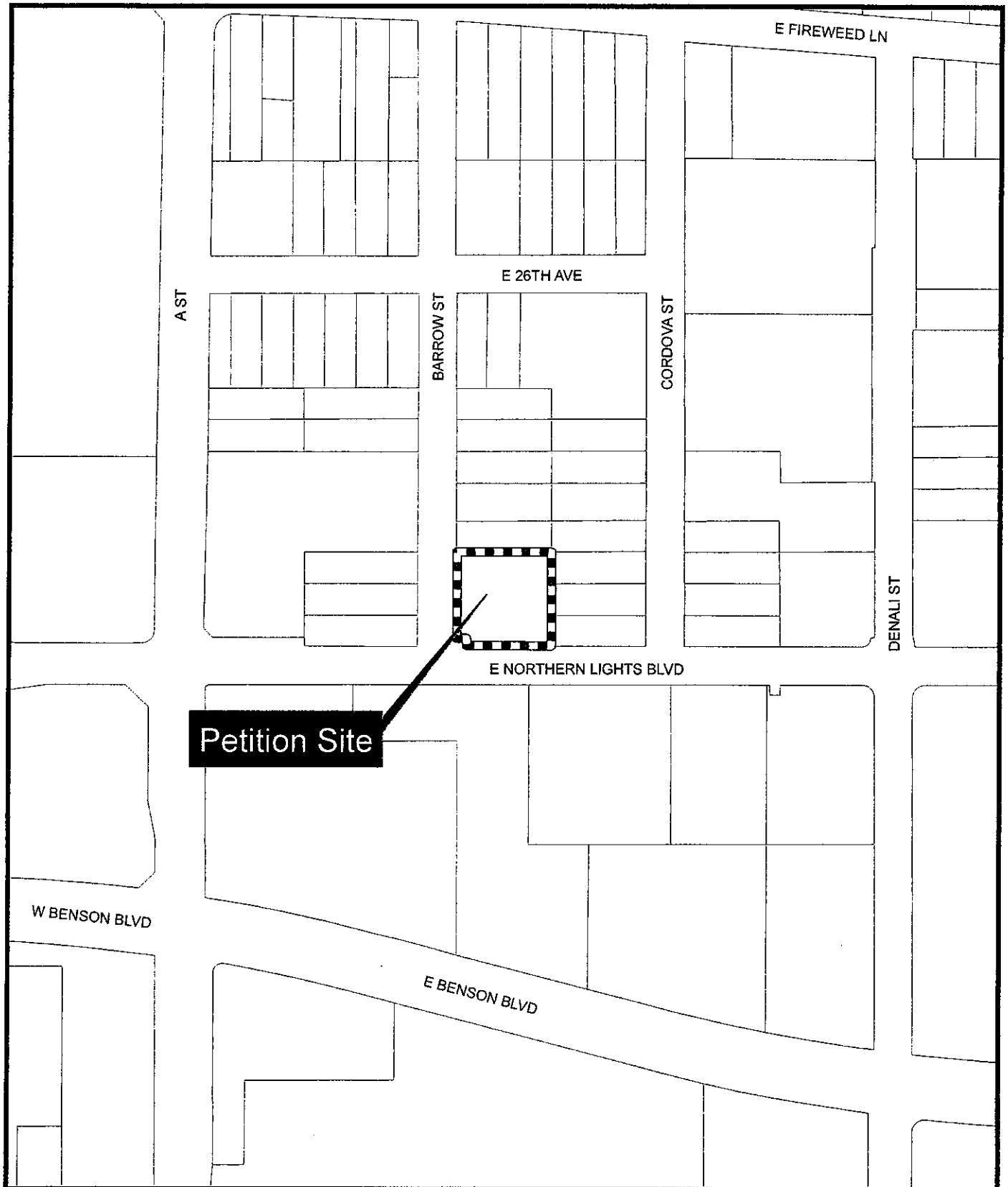
Municipality of Anchorage
Planning Department

Date: September 17, 2008

0 115 230
Feet



2008-142



Municipality of Anchorage
Planning Department

Date: September 17, 2008

Single Family

Multi-Family



Mobile Home Park

32



0 195 390 Feet

This is a detailed street map of a neighborhood in Minneapolis, Minnesota. The map shows a grid of streets and building footprints. The streets are labeled as follows:

- North-South Streets (from left to right):** Heintzleman, Glenview, Fireweed, Barrow, Cordova, Smith, Benson, Calais.
- East-West Streets (from top to bottom):** 21st, 22nd, 23rd, 24th, 25th, 26th, 31st, 32nd, 33rd, 34th.

Building footprints are shown as black shapes. Some areas are labeled with "Northern Lights" or "Dentall". The map is oriented with North at the top.

JRW VENTURES

411 West 4th Avenue, Suite 200, Anchorage, AK 99501

Phone (907) 278-3263, Fax (907) 222-4852

September 29, 2008

VIA FAX – (907) 343-7927

Consisting of two (2) pages

Planning Department
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650
Attn: Mr. Jerry T. Weaver, Jr.
Zoning Division Administrator

To whom it may concern:

JRW Ventures owns a parcel of real property (hereinafter "the subject property") described as Smith #1, Block 6, Lots 8 through 11 and Lots 15 through 21, according to Plat P-123C and Smith #1, Block 6, lot 12A, according to plat 90-71 located in the Anchorage Recording District, Third Judicial District, State of Alaska. The property address location is 201 and 207 E. Northern Lights Blvd

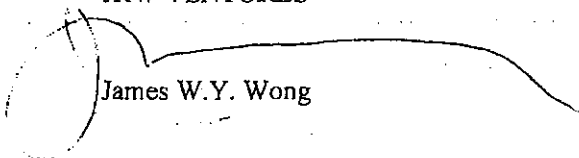
JRW Ventures was informed by our attorneys at the law firm of Ernouf and Coffey that an encroachment within the yard setback may exist for the patio deck that's attached to the building located at 201 E. Northern Lights Blvd. The building has two tenants - Casa Grande and Henri Hawaii. JRW Ventures was advised that if the encroachment does exist, that the encroachment may be addressed by applying for and obtaining a variance. If a variance is not approved, the patio decks will be removed.

This is to inform the Municipality that JRW Ventures is having the tables and chairs that are on the patio deck immediately removed by both tenants and the patio deck will not be utilized until such time as the possible encroachment issue is resolved.

JRW Venture agrees to apply for a variance and will work with the Municipality to resolve this issue.

Sincerely,

JRW VENTURES



James W.Y. Wong

Cc: Ernouf & Coffey, Esq.
D. Wong
C. Lau
M. Fink

Content ID: 006865**Type:** AR_AllOther - All Other Resolutions

Title: A MINOR AMENDMENT TO AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS DISTRICT) TO MODIFY THE LICENSED PREMISE FOR A BEVERAGE DISPENSARY USE AND LICENSE PER AMC 21.40.180 D.8 FOR CASA GRANDE, INC.; LOCATED AT 201 E. NORTHERN LIGHTS BOULEVARD, WITHIN SMITH SUBDIVISION NUMBER 1, LOTS 8 THROUGH 12A; GENERALLY LOCATED ON THE NORTHEAST CORNER OF BARROW STREET AND EAST NORTHERN LIGHTS BOULEVARD.

Author: weaverjt**Initiating Dept:** Planning

Description: A MINOR AMENDMENT TO AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS DISTRICT) TO MODIFY THE LICENSED PREMISE FOR A BEVERAGE DISPENSARY USE AND LICENSE PER AMC 21.40.180 D.8 FOR CASA GRANDE, INC.;

Date Prepared: 9/29/08 4:38 PM**Assembly Meeting Date:** 10/14/08

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	10/3/08 11:08 AM	Exit	Heather Handyside	Public	006865
MuniMgrCoord_SubWorkflow	10/3/08 11:08 AM	Approve	Heather Handyside	Public	006865
MuniManager_SubWorkflow	10/3/08 10:42 AM	Approve	Michael Abbott	Public	006865
ECD_SubWorkflow	9/30/08 10:09 AM	Approve	Tawny Klebesadel	Public	006865
Planning_SubWorkflow	9/29/08 5:04 PM	Approve	Tom Nelson	Public	006865
AllOtherARWorkflow	9/29/08 4:40 PM	Checkin	Jerry Weaver Jr.	Public	006865