

Submitted by: Chair of the Assembly at the
Request of the Acting Mayor
Prepared by: Planning Department
For reading: February 24, 2009

CLERK'S OFFICE
APPROVED
Date: 2-24-09

**Anchorage, Alaska
AR No. 2009-30**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE I-1
(LIGHT INDUSTRIAL DISTRICT) FOR A PACKAGE STORE USE AND
LICENSE PER AMC 21.40.200 B.1. (k), AND AMC 21.50.160 A FOR WAL-
MART SUPER STORE NUMBER 2071, LOCATED AT 8900 OLD SEWARD
HIGHWAY, LOT 6A, BLOCK 2, DIMOND INDUSTRIAL SUBDIVISION,
GENERALLY LOCATED SOUTH OF DIMOND BOULEVARD ON THE WEST
SIDE OF THE OLD SEWARD HIGHWAY BETWEEN EAST 88TH AVENUE
AND EAST 92ND AVENUE.**

(Taku/Campbell Community Council) (Case 09-022)

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. This conditional use approval is for an Alcoholic Beverages Conditional Use in the I-1 District for a Package Store Use and License per AMC 21.40.200 B.1. (k) and AMC 21.50.160.A, for Wal-Mart Stores, Inc., located at 8900 Old Seward Highway; generally meets the applicable provisions of AMC 21.50.020 and AMC 21.50.160.

Section 2. This conditional use for an Alcoholic Beverages Conditional Use for a Package Store Use is comprised of 3,500 square feet of gross floor area, representing 1.8 percent of the total 195,715 square feet of commercial retail space.

Section 3. 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 final conditional use approval for a Package Store Use in the I-1 District located within Lot 6A, Block 2, Dimond Industrial Subdivision.

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 I-1 District for a Package Store Use per AMC 21.40.200 B.1 (k) and AMC 21.50.160.A, for approximately 3,500 square feet gross floor area (licensed premises) located within the 195,715 square-foot commercial retail structure within Lot 6A, Block 2, Dimond Industrial Subdivision.

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

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

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

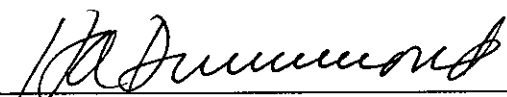
16
17 7. A copy of the conditions imposed by the Assembly in connection with this
18 conditional use approval shall be maintained on the premise.

19
20 **Section 4.** Failure to comply with the conditions of this conditional use permit
21 shall constitute grounds for its modification or revocation.

22
23 **Section 5.** This resolution shall become effective immediately upon passage
24 and approval by the Anchorage Assembly.

25
26 PASSED AND APPROVED by the Anchorage Assembly this 24th
27 day of February 2009.

28
ATTEST:


Chair


Municipal Clerk

(Planning Case Number 2009-022)
(Tax Identification Number 013-122-09)



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 85-2009

Meeting Date: February 24, 2009

From: ACTING MAYOR

Subject: ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE I-1 (LIGHT INDUSTRIAL DISTRICT) FOR A PACKAGE STORE USE AND LICENSE PER AMC 21.40.200.B.1.(k) AND AMC 21.50.160.A FOR WAL-MART SUPER STORE NUMBER 2071, LOCATED AT 8900 OLD SEWARD HIGHWAY, LOT 6A, BLOCK 2, DIMOND INDUSTRIAL SUBDIVISION, GENERALLY LOCATED SOUTH OF DIMOND BOULEVARD ON THE WEST SIDE OF THE OLD SEWARD HIGHWAY BETWEEN EAST 88TH AVENUE AND EAST 92ND AVENUE

1 Wal-Mart Stores, Inc. has made application for a Package Store Alcoholic
2 Beverage Conditional Use and License in the I-1 District, located at 8900 Old
3 Seward Highway, within Lot 6A, Block 2, Dimond Industrial Subdivision. The
4 property is generally located south of Dimond Boulevard on the west side of the
5 Old Seward Highway, between East 88th and 92nd Avenues.
6

7 The petitioner has applied to the State of Alaska Alcoholic Beverages Control
8 Board (ABC Board) for a new package store license number 4836 that came
9 available. The Package Store Alcoholic Beverage Conditional Use comprises
10 1.8 percent of the total retail area, or 3,500 square feet within the total 195,715
11 square feet of retail space.
12

13 A total of eleven alcohol licenses are located within a 1,000 foot radius of the
14 petition site: one recreation site license; one club license; three
15 restaurant/eating place licenses; three package store licenses; and four
16 beverage dispensary licenses. There are no churches or schools within 200
17 feet of the public entrance of the "licensed premises" of the package store.
18

19 The package store proposes daily hours of operation seven days a week during
20 the hours of 10:00 A.M. to 12:00 P.M. as permitted by the State of Alaska

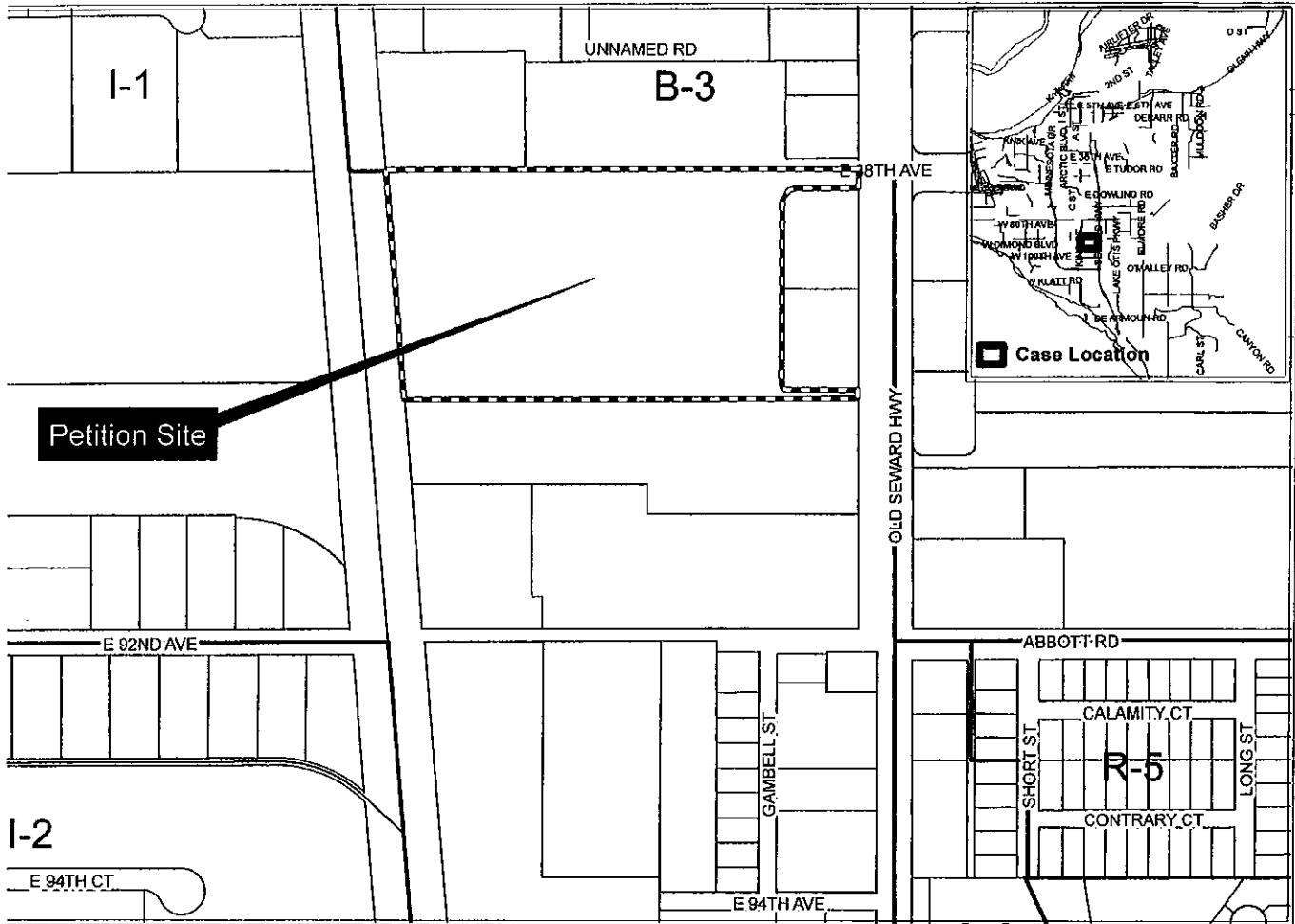
1 Alcohol Beverage Control Board requirements. Employees involved in the sale
2 of alcoholic beverages will be trained in accordance with the Alcoholic
3 Beverage Control Board "Liquor Server Alcohol Awareness Training Program,"
4 (TAM) and will hold the necessary certifications.

5
6 The Anchorage Police Department did not provide comments at the time this
7 report was written. Treasury reports there are no delinquent Personal Property
8 Taxes or Real Property Taxes owed at this time.

9
10 This conditional use for a PACKAGE STORE use and license in the I-1 District,
11 generally meets the applicable provisions of AMC Titles 10 and 21, and Alaska
12 Statute 04.11.150.

13
14 Prepared by: Jerry T. Weaver Jr., Zoning Administrator
15 Planning Department
16 Concur: Tom Nelson, Director, Planning Department
17 Concur: Mary Jane Michael, Executive Director
18 Office of Economic and Community Development
19 Concur: James N. Reeves, Municipal Attorney
20 Concur: Michael K. Abbott, Municipal Manager
21 Respectfully submitted, Matt Claman, Acting Mayor
22

2009-022



Municipality of Anchorage
Planning Department
Date: December 19, 2008

Flood Limits
 100 Year
 500 Year

0 130 260 520
Feet



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

DATE: February 24, 2009

CASE NO.: 2009-022

APPLICANT: Wal-Mart Stores, Inc.

REPRESENTATIVE: Michael D. White
Patton Boggs, LLP

REQUEST: Conditional Use for an Alcoholic Beverages Conditional Use in the I-1 District for a Liquor Package Store per AMC 21.40.200 B.1 (k) and AMC 21.50.160

LOCATION: Lot 6A, Block 2, Dimond Industrial Subdivision; generally located south of Dimond Boulevard, on the west side of the Old Seward Highway, between East 88th avenue and East 92nd Avenue.

STREET ADDRESS: 8900 Old Seward Highway

COMMUNITY COUNCIL: Taku Campbell

TAX PARCEL: 013-122-09/ Grid SW2331

ATTACHMENTS

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

RECOMMENDATION SUMMARY:
Approval

SITE:

Acres: 16.38 acres
Vegetation: Commercial development landscaping
Zoning: I-1
Topography: Level
Existing Use: Wal-Mart Retail Store
Soils: Public Water and Sewer

COMPREHENSIVE PLAN

Classification: Commercial
Density: N/A

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	B-3	I-1	I-1	I-1
Land Use:	Dimond Mall Hotel	Retail	Auto Dealer	Railroad Tracks Light Industrial

SITE DESCRIPTION AND PROPOSAL:

Lot 6A, Block 2, Dimond Industrial Subdivision is a 16.38 acre parcel zoned I-1 under single ownership by Wal-Mart Inc. Primary access to the site is via the signal at the Old Seward Highway/East 88th Avenue intersection. Secondary access is from the Old Seward Highway south driveway. Access is also available to the rear of the store on the west side of the site via an unnamed road.

In 1994 Wal-Mart constructed a 154,000 square foot retail store. They are in the process of completing their latest expansion. In 2007 the Planning and Zoning Commission approved an expansion to the store! that added over 44,000 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 #4836. The petitioner has applied to the State of Alaska Alcoholic Beverages Control Board (ABC Board) for a new package store license #4836 that came available when an existing license failed to operate and was denied a fourth waiver from the ABC Board.

The package liquor store comprises 1.8 % of the total retail area, or approximately 3,500 square feet, within the total 195,715 square feet of retail space. The package liquor store has its own controlled entry.

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

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 computer based learning program covering alcohol sales. The interior of the package store will be well lighted and clearly visible to the outside store area. There will be a presence of store managers and store security in and around the package store. There will be two closed circuit security cameras to monitor alcohol sales area and public view monitor. When necessary, Wal-Mart will use locking security caps to prevent theft of liquor items. 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 monitored by 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.

PUBLIC COMMENTS:

Forty (40) public hearing notices were mailed: no public comments have been received. No response was received from the Taku-Campbell Community Council.

FINDINGS

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

This site is not identified on the *Anchorage 2020 Plan* Land Use Policy Map (p. 50) which sets the direction for the preferred form of long-term growth and development in the Anchorage Bowl. The 1982 *Anchorage Bowl Comprehensive Development Plan* Generalized Land Use Plan Map 3-1 classified this property as commercial. However, the *Anchorage 2020 Plan* mentions the Dimond Center area as having high overall employment. The *Anchorage 2020 Comprehensive Plan* does not specifically address the sale of alcoholic beverages in the community. A strategy of the adopted *Anchorage 2020 Plan*, however, does call for the development of locational standards and criteria for retail sales/service of alcoholic beverages. To date these have not been developed.

Several goals of the *Anchorage 2020 Plan* do address related issues such as recreational and economic opportunities. The retail store is located in an area with concentrations of office and commercial development. Wal-Mart is within walking distance of tourist related uses such as restaurants, movie theatres, recreational uses such as bowling and ice rinks, a hotel, a large shopping center with general merchandise and

retail businesses, a bank and office buildings. The sale of alcoholic beverages is part of the social, recreational and economic environment of the community.

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 South Anchorage. 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 East 88th Avenue, the Old Seward Highway, and Dimond Boulevard.

The Planning & Zoning Commission reviewed and approved a site plan for the 44,000 square foot expansion of the main store in June, 2007. 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 I-1 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 I-1 Light Industrial District zoning regulations provides for alcoholic beverage sales as a permitted use only in accordance with the conditional use permit process: AMC 21.40.200.B (1) (k) *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.*

Unless specifically exempted under 21.50.160.A, "any use that includes the retail sale or dispensing of alcoholic beverages is permitted only by conditional use." Uses that are exempted include (1) catering and special event permits issued by the ABC Board and held no more than 12 times in a calendar year; (2) first duplicate license of an existing conditional use if increase in floor area is less than 500 square feet; (3) a restaurant beer and wine license².

The Planning and Zoning Commission reviewed and approved a large retail establishment site plan for the 44,000 square foot expansion of the main store in June, 2007. 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 I-1 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.

Wal-Mart has operated its general retail store from this location since 1994. Several of the existing surrounding commercial uses have existing since the 1970's, such as the Diamond Mall. The existing development pattern and planned land use is expected to remain unchanged.

Retail sales of alcoholic beverages are a permitted only by conditional use in the I-1 District.

Alaska Statute 04.11.410 has a distance 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. There are no churches within 200 feet of the subject property.

The package liquor store (licensed premises) represents 1.8% of the total retail area, or approximately 3,500 square feet, within the total 195,715 square feet of retail space. The package liquor store has its own controlled entry, and is located on the east end of the Super Center.

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, loading berths and internal pedestrian circulation requirements were addressed during the large retail establishment site plan review and building permit process. The amount of required parking for the entire store was reviewed and determined by the Traffic Engineer as part of the June 2007 site plan review, along with pedestrian and vehicular traffic circulation.

The approved building permit addressed vehicular and pedestrian traffic circulation and safety. There are adequate entrances and exits for vehicles to and from adjacent streets and roadways. The parking area is well lit.

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, transit 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 a 1,000 foot radius of the petition site are eleven (11) alcohol licenses: one (1) recreation site license; one (1) club license; three (3) restaurant/eating place licenses; three (3) package store licenses; and four (4) beverage dispensary licenses. 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.

V.F.W. Post #9981	9191 Old Seward Hwy	Club License # 2706
Dimond Bowl	800 E. Dimond Blvd #03-023	Recreation Site License # 4674
Round Table Pizza #4	800 E. Dimond Blvd	Restaurant/Eating Place License #2606
O'Brady's Burgers & Brew #1	800 E. Dimond Blvd #159	Restaurant/Eating Place License #1989
China Lights Oriental Cuisine	9220 Old Seward Highway	Restaurant/Eating Place License #4734
Camel Rock Lounge (Hotel)	700 E. Dimond Blvd	Beverage Dispensary - Tourism License #4230
Suite 100	1000 E. Dimond Blvd Suite 100	Beverage Dispensary License #4662
Gallo's Mexican Restaurant #2	8615 Old Seward Highway	Beverage Dispensary License #3572
Thai House Restaurant	9191 Old Seward Hwy	Beverage Dispensary License #4752
Brown Jug Dimond & Old Seward	8840 Old Seward Hwy Unit F	Package Store License #3886

Goldrush Liquors	8661 Old Seward Hwy	Package Store License #4364
Sam's Club #6601	8801 Old Seward Hwy	Package Store License #3303

There will be no entertainment provided on site. Within the 195,715 square foot retail commercial structure, 1.8% or 3,500 square feet, is designated for use as a package store.

- 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. Additionally, 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. Wal-Mart has internal policies and procedures to ensure compliance with this standard.

- 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 I-1 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.

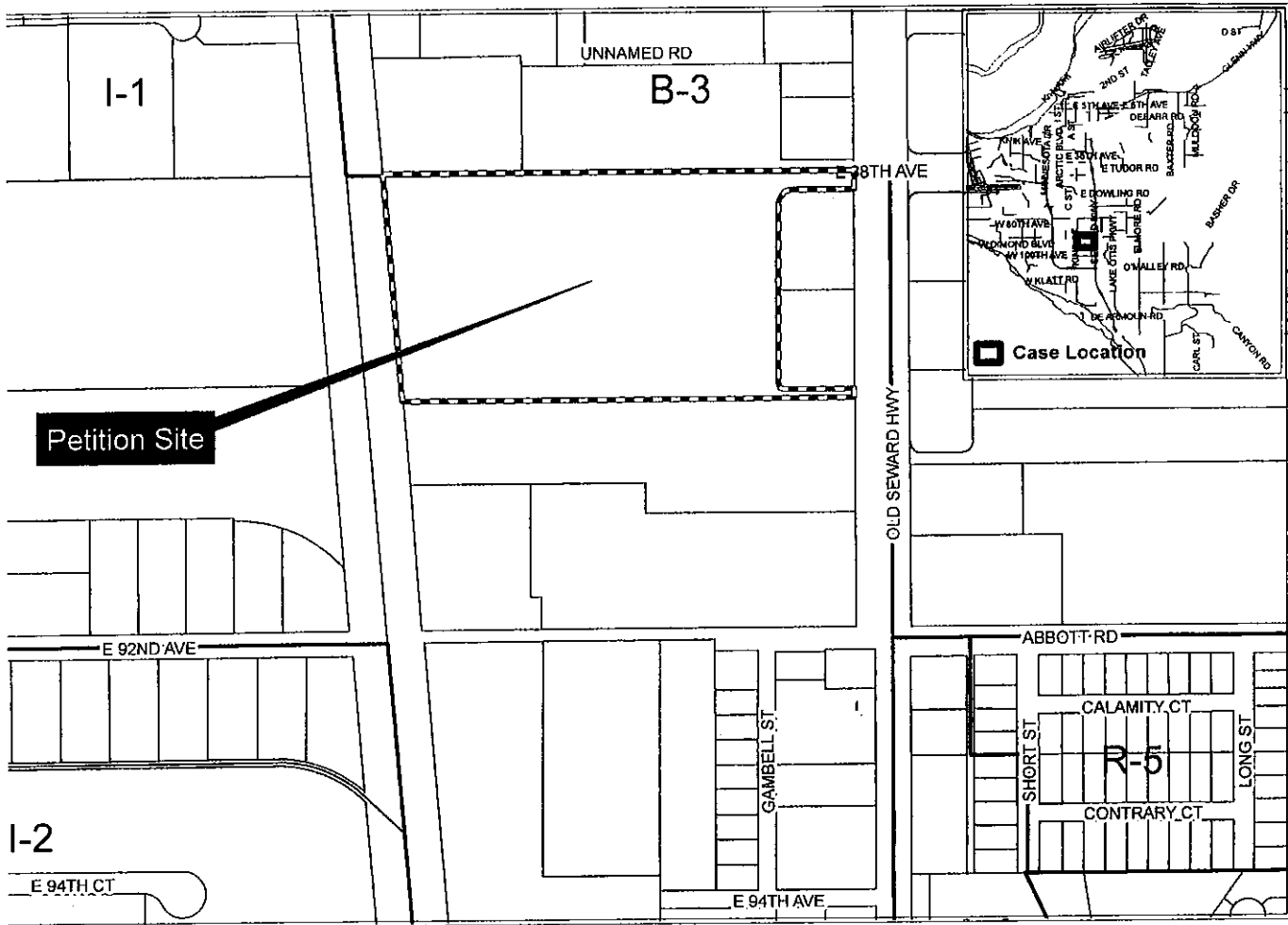
If after a public hearing on the matter, the Anchorage Assembly finds that the required standards have been met, staff recommends the following conditions of Approval:

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 Lot 6A, Block 2, Diamond Industrial Subdivision.

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 I-1 District for a Package Store Use per AMC 21.40.200.B(1)(k) for approximately 3,500 SF gross area (licensed premises) located within the 195,715 square foot commercial retail structure.
4. On-premise sale of alcohol beverages will be seven days a week, from 10:00 AM to midnight, 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.

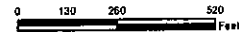
LOCATION MAPS

2009-022

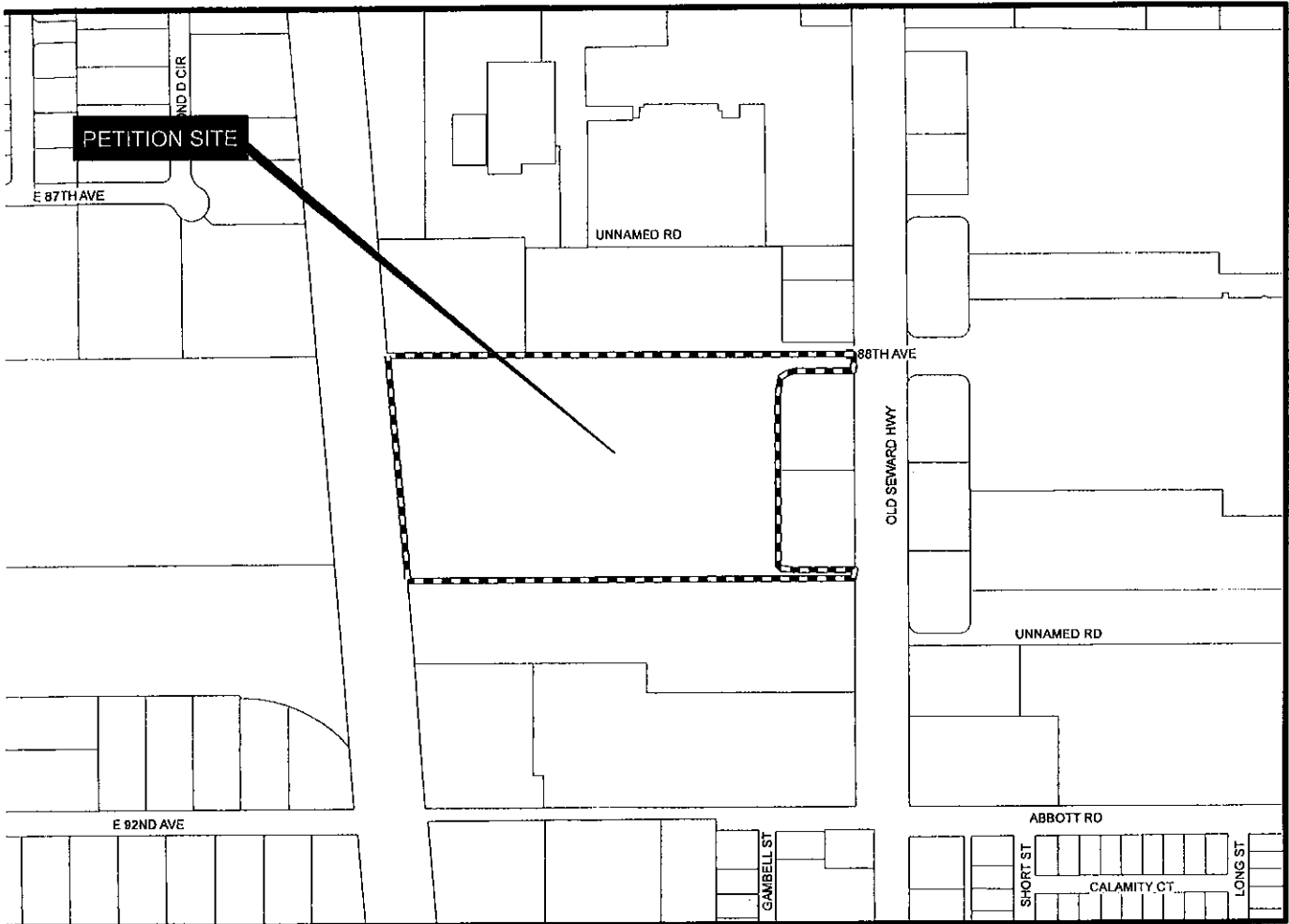


City of Anchorage
Planning Department
Date: December 19, 2008

Flood Limits
 100 Year
 500 Year



2009-022



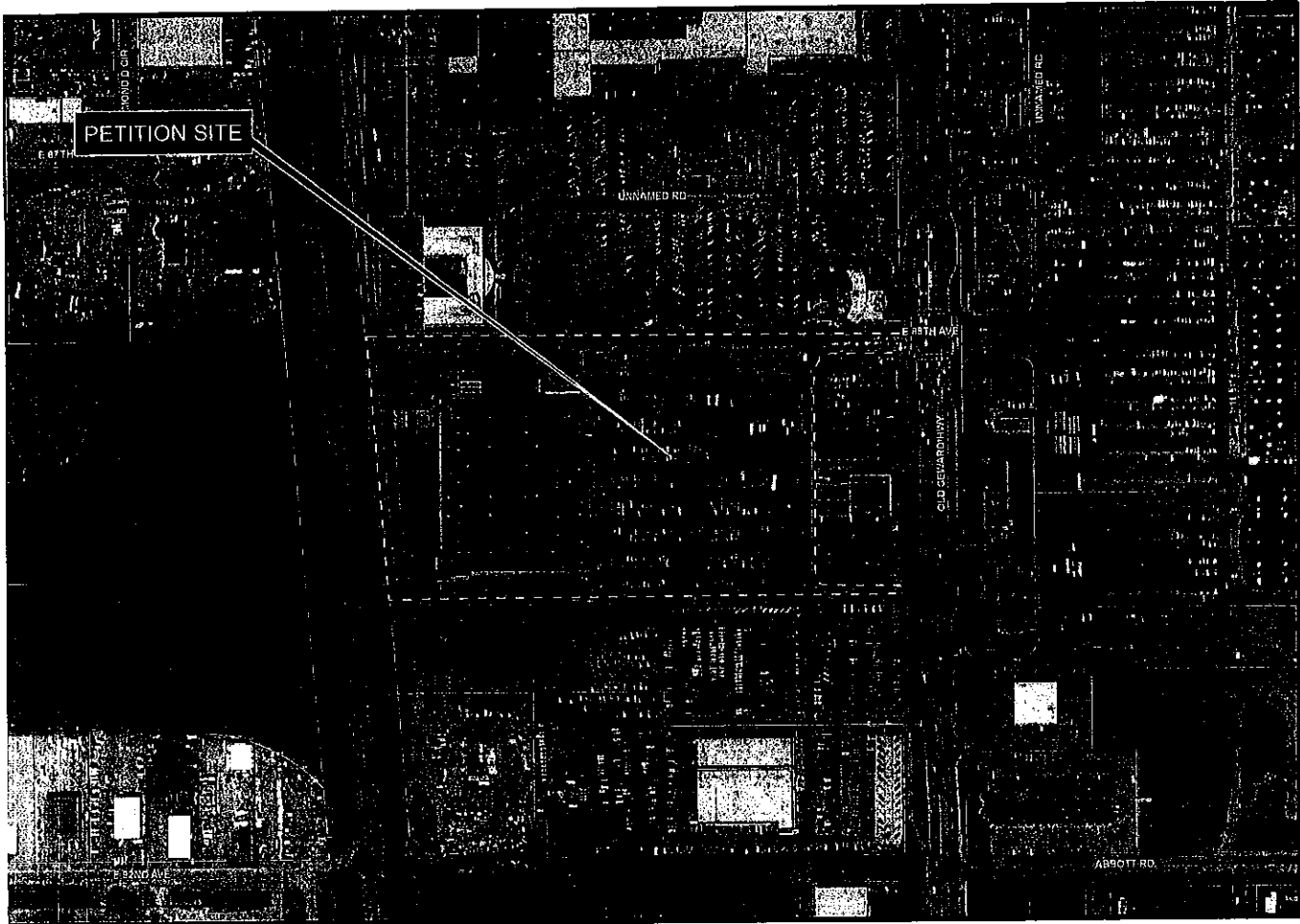
Municipality of Anchorage
Planning Department
Date: December 19, 2008

- Single Family
- Multi-Family
- Mobile Home Park

0 170 340 680 Feet



2009-022

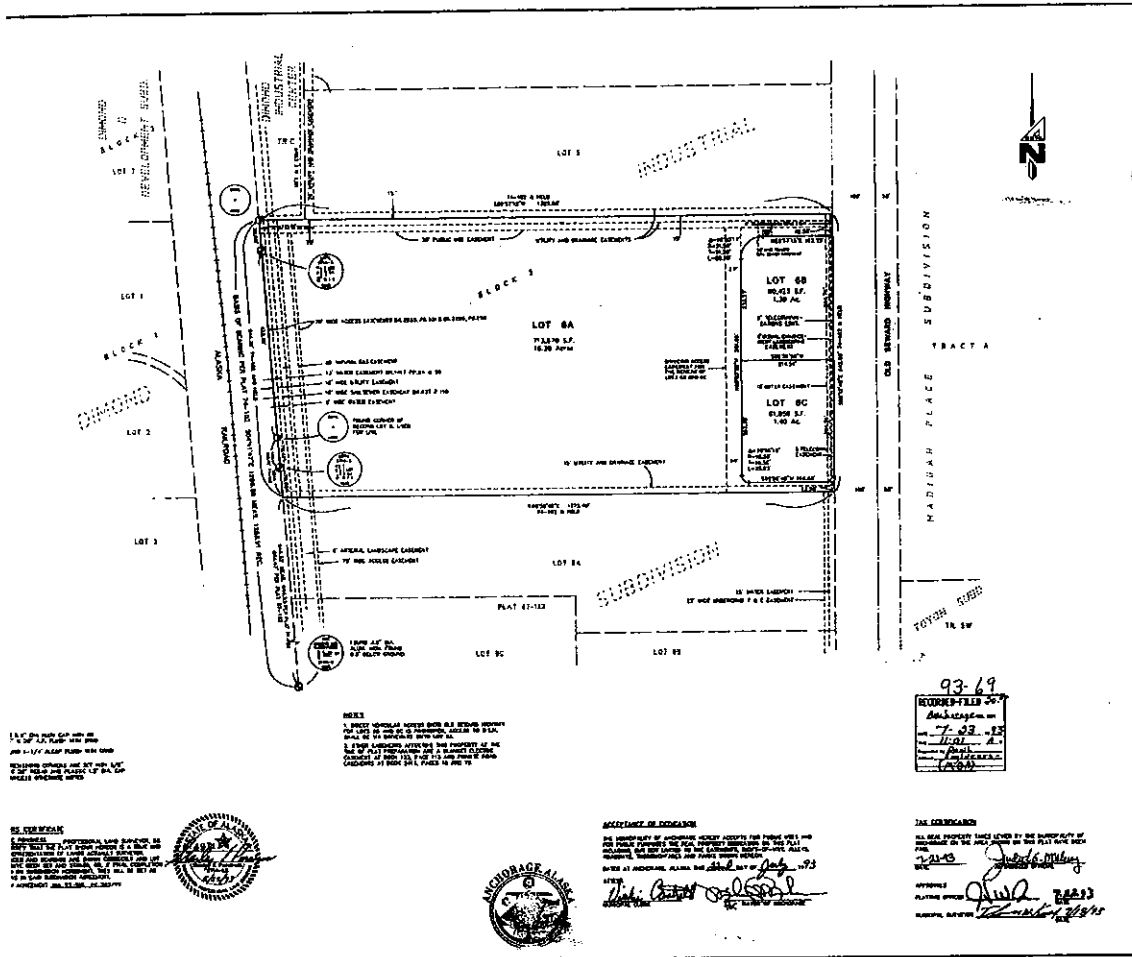


Municipality of Anchorage
Planning Department

Date: December 19, 2008

0 195 390 780 Feet





STATEMENT OF OWNERSHIP AND INTEREST
 I, W. H. H. H., of the County of San Diego, State of California, do hereby certify that I am the owner of the above described property, and that I am the owner of the same in fee simple, and that I have no interest in the same other than the interest therein which I have hereinbefore described.

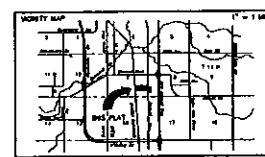
W. H. H. H. Vice President
 1000 1st Street
 San Diego, California 92101

NOTARY ACKNOWLEDGMENT
 I, W. H. H. H., Notary Public for the State of California, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my records.

W. H. H. H. Notary Public
 1000 1st Street
 San Diego, California 92101

PLAT APPROVAL
 I, W. H. H. H., of the County of San Diego, State of California, do hereby certify that the above described property is the same as the same appears in my records.

W. H. H. H. Notary Public
 1000 1st Street
 San Diego, California 92101



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 1000 1st Street
 San Diego, California 92101

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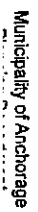


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 I, W. H. H. H., of the County of San Diego, State of California, do hereby certify that I am the owner of the above described property, and that I am the owner of the same in fee simple, and that I have no interest in the same other than the interest therein which I have hereinbefore described.

NOTARY ACKNOWLEDGMENT
 I, W. H. H. H., of the County of San Diego, State of California, do hereby certify that I am the owner of the above described property, and that I am the owner of the same in fee simple, and that I have no interest in the same other than the interest therein which I have hereinbefore described.

93-69

EXISTING LIQUOR LICENSES WITHIN 1000'



Alcohol Existing License List Report

Case Number: 2009-022

Description: 1000

<u>Parcel Owner Name</u> Name	<u>Parcel Owner Name</u> Applicant Name	<u>Parcel Owner Address</u> Business Address	<u>City</u> Lic. Number	<u>State</u> Lic. Zone	<u>Zip</u> Lic. Type
3000 Bowl	DIMOND CENTER HOLDINGS LLC Dimond Center, LLC	730 I ST STE 101 800 E Dimond Blvd #3-023	ANCHORAGE 4674	AK B3	99501 Recreational Site
3000 able Pizza #4	DIMOND CENTER HOLDINGS LLC Dimond Roundtable, LLC	730 I ST STE 101 800 E Dimond Blvd	ANCHORAGE 2606	AK B3	99501 Restaurant/Eating Place
4000 s Burgers and Brew #1	DIMOND CENTER HOLDINGS LLC Shamrock North Corporation	800 E DIMOND BLVD #3-500 800 E Dimond Blvd #159	ANCHORAGE 1989	AK B3	99515 Restaurant/Eating Place
7000 ock Lounge	DIMOND CENTER HOTEL LLC Dimond Center Hotel, LLC	700 E DIMOND BLVD STE 3-500 700 E Dimond Blvd	ANCHORAGE 4230	AK B3	99515 Beverage Dispensary Dup
0000 ig - Dimond&Old Seward	WD CORPORATION Liquor Stores North USA, Inc.	341 W TUDOR RD #103 8840 Old Seward Hwy Unit F	ANCHORAGE 3886	AK I1	99503 Package Store
0000)	GRAND NORTHERN LLC Suite 100 Inc.	2641 CURLEW CIR 1000 E Dimond Blvd Suite 100	ANCHORAGE 4662	AK B3	99502 Beverage Dispensary
9000 lexican Restaurant #2	GALLO LIMITED PARTNERSHIP Gallos Mexican Restaurant, Inc	PO BOX 111846 8615 Old Seward Hwy	ANCHORAGE 3572	AK B3	99511 Beverage Dispensary
8000 Liquors	ANC HAWKINS LLC 78.45% & Cody Alaska Liquors Inc	855 BROAD ST STE 300 8661 Old Seward Hwy	BOISE 4364	ID B3	83702 Package Store
6000 ise Restaurant	FIRST NATIONAL BANK	PO BOX 100720 9191 Old Seward Hwy #1	ANCHORAGE 4752	AK B3	99510 Beverage Dispensary
6000 ost #9981	FIRST NATIONAL BANK V.F.W. Post #9981	PO BOX 100720 9191 Old Seward Hwy	ANCHORAGE 2706	AK B3	99510 Club
8000 ub #6601	SAMS REAL ESTATE/BUSINESS TRST Sams West, Inc.	PO BOX 8050 8801 Old Seward Hwy	BENTONVILLE 3303	AR B3	72712 Package Store
5000 ghts oriental Cuisine	FAN TONY C & TRACY S China Lights Oriental Cuisine	20511 PHILADELPHIA WAY 9220 Old Seward Highway	EAGLE RIVER 4734	AK I1	99577 Restaurant/Eating Place

Alcohol Church and School List Report

Case Number: 2009-022

Description:

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

COMMENTS

Reviewing Agency Comment Summary Case No.: 2009-022

Agency	Comments Included in Packet	No Comments and/or Objections	No Response
AP Pollution Control			
ABC BDC			
Alpha Division of Parks			
Alpha DOL/P			
Archery/Police Department			
AWW	✓		
BHS			
BHS Environmental			
BHS Social Services			
Community Council			
Fire Department		✓	
Food/Hazard			
Map			
On-Site Water Wastewater			
Park and Recreation			
Public Works			
Regional			
School District			
Trench			
Utility	✓		
Public Works	✓		
Watered Management Services			

ABC BOARD

✓

Municipality of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

JAN 21 2009

RECEIVED

MEMORANDUM

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

DATE: January 13, 2009

TO: Jerry Weaver, Zoning Division Administrator, Planning Department

FROM: Paul Hatcher, Engineering Technician III, AWWU *PH*

SUBJECT: **Zoning Case Comments**
Planning & Zoning Commission Hearing February 24, 2009
Agency Comments due January 27, 2009

AWWU has reviewed the materials and has the following comments.

09-020 T13N R1W SEC 5 & 6 ARCTIC VALLEY SKI AREA, A request
concept/final approval of a conditional use to permit: the sales,
dispensing, or service of alcoholic beverage, SW0854

1. The subject area is outside the AWWU certificated water service area.
2. AWWU has no objection to this conditional use.

09-021 HAXBY TR A, A request concept/final approval of a conditional use to
permit: a hotel serving alcoholic beverages, SW1830

1. AWWU water mains located in International Airport Road and A Street are currently available to this parcel.
2. AWWU sanitary sewer mains located in International Airport Road and A Street are currently available to this parcel.
3. AWWU has no objection to this conditional use.

09-022 DIAMOND INDUSTRIAL BLK 2 LT 6A, A request concept/final approval of
a conditional use to permit: an alcoholic beverage package store, Grid
SW2331

1. AWWU water mains located in Old Seward Highway and rear lot line easement are currently available to this parcel.
2. AWWU sanitary sewer mains located in easements along northern and western property lines are currently available to this parcel.
3. AWWU has no objection to this conditional use.

Municipality of Anchorage
Treasury Division
Memorandum

Date: December 31, 2008

To: Rich Carter, Planning Dept.

From: Diana Flavin, Revenue Officer

Subject: Liquor License Conditional Use Comments

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JAN 09 2009
PLANNING DEPT.

Request for conditional use permit 2009-022 for Wal-Mart Stores, Inc., located at
8900 Old Seward Hwy., Anchorage, AK

I find no outstanding taxes on this account and have no reason to protest it.



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

RECEIVED

DATE: January 21, 2009

JAN 22 2009

TO: Jerry T. Weaver, Platting Supervisor, Planning Department
MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

THRU: Leland R. Coop, Associate Traffic Engineer

FROM: Mada Angell, Assistant Traffic Engineer

SUBJECT: Traffic Engineering and Transportation Planning Comments for
February 24 Assembly Public Hearing

09-020 Mile 7 Arctic Valley Road; Conditional Use to permit sale of
alcoholic beverages; Arctic Valley; Grid SW 0954

Traffic Engineering and Transportation Planning have no comment.

09-021 Haxby; Conditional Use to permit sale of alcoholic beverages;
Crown Plaza Hotel; Grid 1830

Traffic Engineering and Transportation Planning have no comment

09-022 Dimond Industrial; Conditional Use to permit alcoholic package
store; Wal-Mart; Grid 2331

Traffic Engineering and Transportation Planning have no comment.

09-027 Graham; Conditional Use to permit sale of alcoholic beverages;
Midnight Sun Brewing Co; Grid 2233

Traffic Engineering and Transportation Planning have no comment.

E-MAILED

Autor, Mary P.

From: Holland-Williams, Dawn R (DPS) [dawn.holland-williams@alaska.gov]
Sent: Thursday, January 29, 2009 8:26 AM
To: Autor, Mary P.
Subject: RE: Wal-Mart Dimond Package Store Temporary License 4836

Good morning Mary,

This is a new license -- available based on population (and because one existing license failed to operate and was denied a 4th waiver.) There is no transfer and no former number.

Thanks - Dawn

*Dawn Holland-Williams
Licensing Supervisor
ABC Board
Dept. of Public Safety
State of Alaska
907-269-0350 - Main Line
907-272-9412 - Fax*

From: Autor, Mary P. [mailto:AuthorMP@ci.anchorage.ak.us]
Sent: Wednesday, January 28, 2009 2:41 PM
To: Holland-Williams, Dawn R (DPS)
Subject: Wal-Mart Dimond Package Store Temporary License 4836

Is proposed license #4836 for Wal-Mart's at 8900 Old Seward Highway a new license, or is this a license that Wal-Mart owns that is a former no-premise license?

If it is a former "no-premise" license, who did they buy it from, what was the former name and location, what was the former license number?

Thanks for your help.

Mary Autor
Senior Planner
Zoning and Platting Division
Office: 343-7941

Fire Plan Review Comments:

RECEIVED
DEC 31 2008
MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

S11597-2	East Addition	No Objection
S11719-1	Charles Smith Sub. #2	No Objection
2009-012	Ordinance amending title 21	No Comment
2009-013	Rezone to I-3, eklutna power plant	No Objection
2009-014	Beacon Park	No Objection
2009-016	Goldenview Reservoir	No Objection
2009-017	Tudor Center SCF, Health Care Fac. Comment	

What is the height of the proposed building? Per IFC D104, 1 buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

2009-018	Alaska Village	No Objection
S11680-2	Creekview Estates	No Objection
S11717-1	Anchorage Townsite	No Objection
S11718-1	Bella Vista sub. Add. #2	No Comment
2009-015	East Northern Lights Sound Barrier	No Objection
2009-023	PAC	No Comment
2009-020	Arctic Valley ski club	No Objection
2009-021	Haxby Sub	No Objection
2009-022	Dimond Industrial	No Objection

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	Mailing Address 601 W. Fifth Avenue, Suite 700
Bentonville, AR 72716-0500	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: mwwhite@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):	013-122-09-000
Site Street Address:	8900 Old Seward Highway, Anchorage, Alaska 99515
Property Owner (if not the Petitioner):	Wal-Mart Real Estate Business Trust
Current legal description: (use additional sheet in necessary) Lot Six (66), Block Two (2), DIMOND INDUSTRIAL SUBDIVISION, according to the official plat thereof, filed under Plat No. 93-69, in the records of the Anchorage Recording District, Third Judicial District, State of Alaska.	
Zoning: 11	Acreage: 713.670 Grid # SW2331

ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED	
☐ Beverage Dispensary	☐ Private Club
☐ Beverage Dispensary- Tourism	☐ Public Convenience
☐ Brew Pub	☐ Recreational
☒ Package Store	☐ Restaurant
Is the proposed license: ☒ New	☐ Transfer of location: ABC license number:
Transfer license location:	
Transfer licensed premises doing business as:	

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

12-2-08	
Date	Signature (signers must provide proof of authorization) Jennifer Smith - Assistant Secretary

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-Tumagain 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
☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

DOCUMENTATION

Required:	6	☒ Site plan to scale depicting: building footprints; parking areas; vehicle and pedestrian circulation; lighting; landscaping; signage; and licensed premises location.
TAB#s:	7	☒ Building plans to scale depicting: floor plans indicating the location of sales and service areas; building elevations (photographs are acceptable).
	1	☒ Photographs of premises from each street frontage that include and show relationship to adjacent structures and the premises visible street address number.
	2	☒ Narrative: explaining the project; construction, operation schedule, and open for business target date.
	3	☒ Copy of a zoning map showing the proposed location.
	4	☒ Copy of completed Alcoholic Beverage Control Board liquor license application form including all drawings and attachments, if filed with ABC Board.
Optional:	5	☒ 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.

12-10-08

Date Signature Jennifer Smith Jennifer Smith - Assistant Secretary

*Report additional petitioners or disclose other 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 #2071

What is the gross leaseable floor space in square feet?

195,715 sf for the total store; liquor store is approximately 3,500 sf

What is the facility occupant capacity?

Liquor Area: Building:

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

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

What will be the normal business hours of operation?

Liquor box will operate from 10:00 a.m. to midnight

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

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 South Anchorage area and will concentrate commercial development at strategic locations within Anchorage as recommended by the Anchorage 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. 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 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 protect 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? None
Within 1,000 feet of your site are how many active liquor licenses? 2
How would you rate this area's license concentration on a scale of 1 to 5 with 5 = high 2
How many active liquor licenses are within the boundaries of the local community council? approximately 3 other package store licenses
In your opinion, is this quantity of licenses a negative impact on the local community? No
The Dimond area is growing and gaining a larger population of shoppers that are utilizing the Dimond mall area and may utilize Wal-Mart's groceries and liquor store for convenience in that area.
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 Dimond area it will simply add additional choices for shopping in that area.

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.

- ☐ Yes ☒ No Happy hours?
- ☐ Yes ☒ No Games or contests that include consumption of alcoholic beverages?
- ☒ Yes ☐ No Patron access and assistance to public transportation?
- ☒ Yes ☐ No Notice of penalties for driving while intoxicated posted or will be posted?
- ☒ Yes ☐ No Non-alcoholic drinks available to patrons?
- ☐ Yes ☒ 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 only have one entrance to maintain control over the traffic into and leaving the store. 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

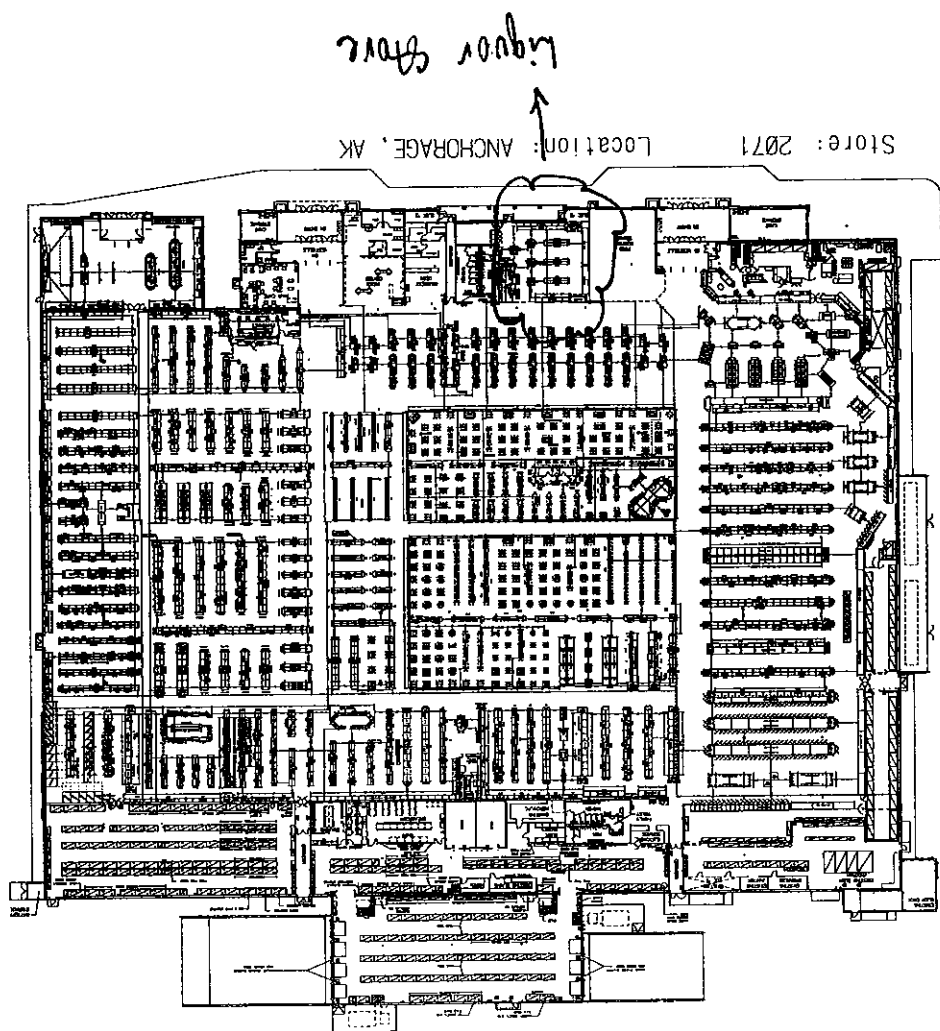
☒ Yes ☐ No Are real estate and business property taxes current?
☐ Yes ☒ No Are there any other debts owed to the Municipality of Anchorage?

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 #2071 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 store will employ approximately 350 people with about 12 people working in the liquor store. The construction is currently underway and the store is projecting a grand opening of the expansion around October 2009.



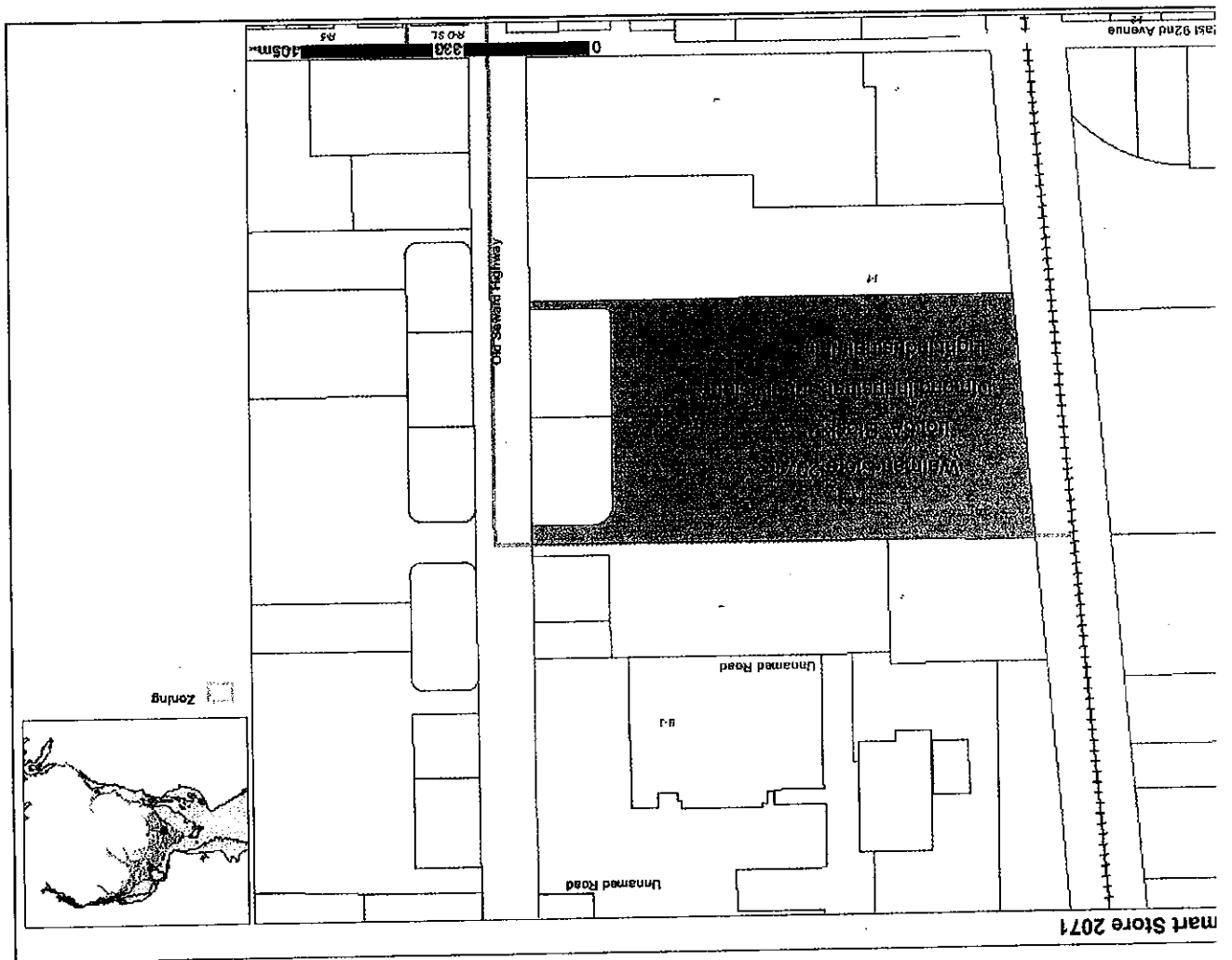
Liquor Store

Location: ANCHORAGE, AK

Store: 2071

User: ncmauld

Nov 10 2008



COPY

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: 2008	License Type: Package Store	License Fee: \$1500.00
Office Use Only License #:	Statute Reference Sec. 04.11.150	Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) Anchorage	Community Council Name(s) & Mailing Address: Taku Campbell Creek Community Council	Fingerprint: (\$39 per person)
Federal EIN or SSN: 71-0415188		Total Submitted: \$
Name of Applicant: (Corp/LLC/LLP/Individual/Partnership): Wal-Mart Stores, Inc.	Doing Business As (Business Name): Wal-Mart Supercenter #2071	Business Telephone Number: (479) 204-2188 Fax Number: (479) 204-9864
Mailing Address: 702 S.W. 8 th Street - Dept. 8916 City, State, Zip: Bentonville, AR 72716-0500	Street Address or Location of Premise: 8900 Old Seward Highway Anchorage, Alaska 99515	Email Address: Deborah.Higgins@wal-mart.com

SECTION B. PREMISES TO BE LICENSED. Must be completed.	
Closest school grounds 1584 feet - Raven Correspondence School Closest church: 1056 feet - Eternal Life	☒ Distance measured under: AS 04.11.410 OR ☐ Local ordinance No. _____ ☒ Distance measured under: AS 04.11.410 OR ☐ Local ordinance No. _____
Premises to be licensed is: ☒ Proposed building ☒ Existing facility ☐ New building	☐ Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. ☐ Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. ☒ Not applicable
	☐ Plans submitted to Fire Marshall (required for new & proposed buildings) ☒ Diagram of premises attached

SECTION C. Individual, corporate officer, limited liability organization member, manager or partner background.	
Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?	
☒ Yes ☐ No If Yes, complete the following. Attach additional sheets if necessary.	
Name	Type of License
See Attached	Business Street Address
	State
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	

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an individual ownership) Wal-Mart Stores, Inc.		Telephone Number (479) 204-2344	Fax Number (479) 204-9864
Corporate Mailing Address: 702 S.W. 8 th Street - Dept. 8916		State AR	Zip Code 72716-0500
Name, Mailing Address and Telephone Number of Registered Agent CT Corporation Systems, 801 W. 10 th St, Suite 300, Juneau, AK 99805		Date of Incorporation OR Certification with DCED 3/21/1993	State of Incorporation Delaware

Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? ☒ Yes ☐ No If no, attach written explanation.

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 in other organized entities that are shareholders of the licensee.

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

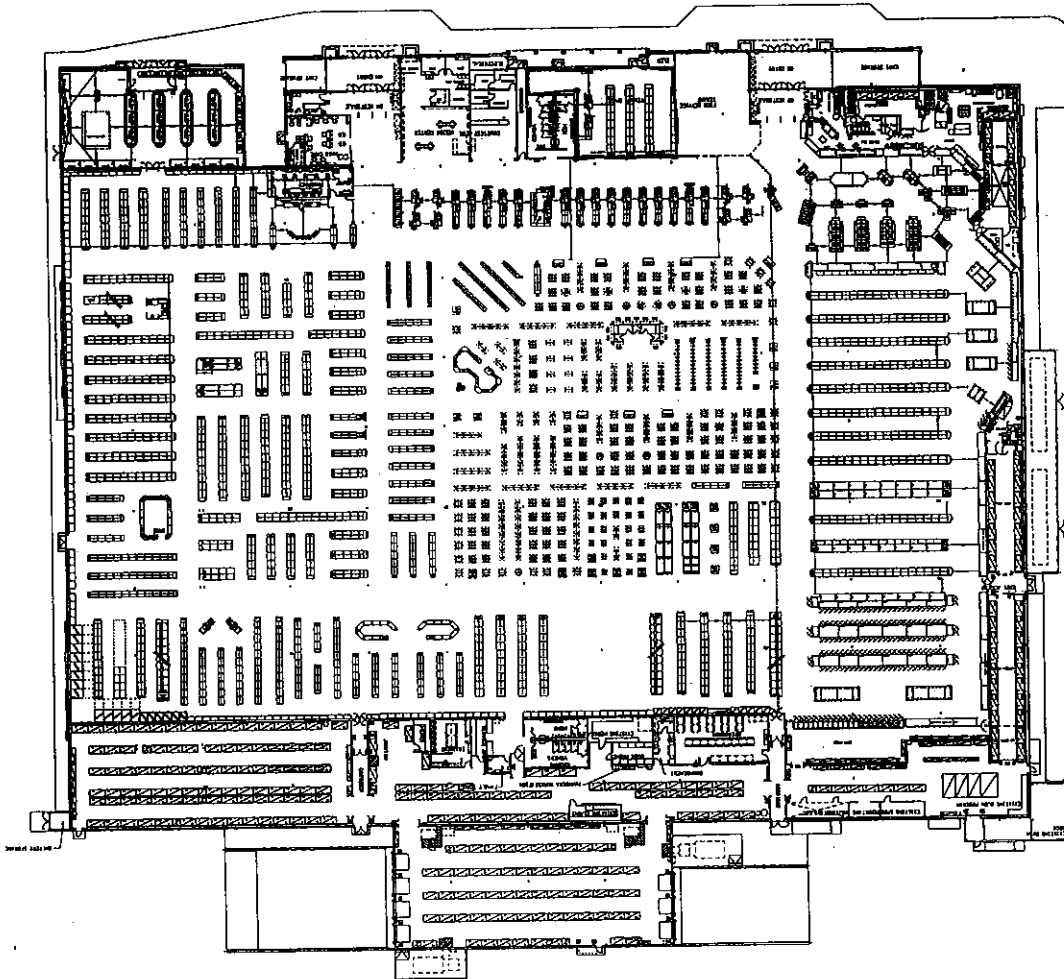
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse of a licensee. Each Affiliate must be listed.)			
Name: Address:	Applicant ☐	Name:	Applicant ☐
	Affiliate ☐	Address:	Affiliate ☐
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:
Name: Address:	Applicant ☐	Name:	Applicant ☐
	Affiliate ☐	Address:	Affiliate ☐
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 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 consent to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s)		Signature
Name & Title (Please Print) Jennifer Smith - Assistant Secretary	Name & Title (Please Print) Lori Cottrell - Assistant Secretary	Signature <i>Lori Cottrell</i>
Subscribed and sworn to before me this 15th day of August 2008	Subscribed and sworn to before me this 15th day of August 2008	
Notary Public in and for the State of Alaska <i>Deborah Ann Sugan</i>	Notary Public in and for the State of Alaska <i>Deborah Ann Sugan</i>	
My commission expires: 11-1-2010	My commission expires: 11-1-2010	

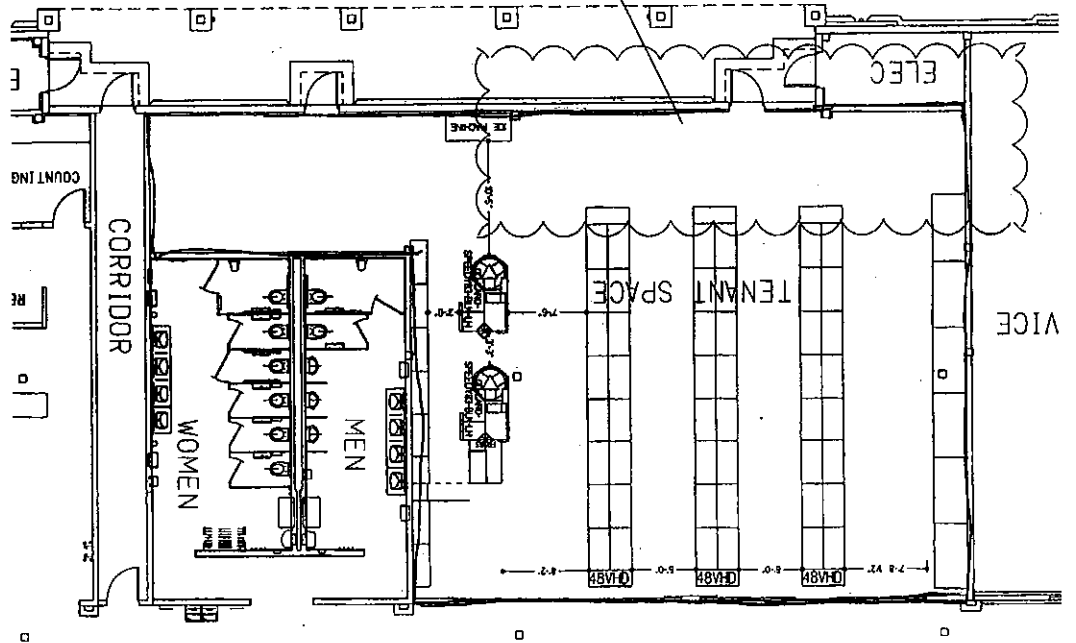


Location: ANCHORAGE, AK

Store: 2071

User: rlgale

Date: Aug 15 2008

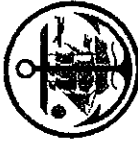


POSTING AFFIDAVIT

RECEIVED

JAN 08 2009

PLANNING DEPARTMENT



AFFIDAVIT OF POSTING

CASE NUMBER: 2009-22

I, Martina Kunkle, 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 121-Mat. The notice was posted on 12/24/08 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 24th day of December, 2008

Martina Kunkle
Signature

LEGAL DESCRIPTION

Tract or Lot 6(c), Block 2, Dimond Industrial Subdivision
Plot 93-69

Block _____

Subdivision _____

HISTORICAL INFORMATION

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2007-034**

A RESOLUTION APPROVING A FINAL SITE PLAN REVIEW FOR EXPANSION OF WAL-MART STORE 2071, A LARGE RETAIL ESTABLISHMENT EXPANSION IN ACCORDANCE WITH AMC 21.35.020, 21.50.320, AND 21.55.130, FOR DIMOND INDUSTRIAL SUBDIVISION, BLOCK 2, LOT 6A; GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE OLD SEWARD HIGHWAY AND 88TH AVENUE INTERSECTION.

[Case: 2007-085; Tax ID No. 013-122-09]

WHEREAS, a petition has been received from Wal-Mart Stores, Inc., represented by Lounsbury & Associates, requesting final site plan approval of a 44,000 square foot addition to an existing 154,000 square foot retail store for Dimond Industrial Subdivision, Block 2, Lot 6A; generally located at the southwest corner of the Old Seward Highway and 88th Avenue intersection, and

WHEREAS, notices were published, posted and mailed and a public hearing was held on June 4, 2007.

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

A. The Commission makes the following findings of fact:

1. The intent of this project is to expand the current general merchandise and rural distribution center store to a superstore with a total of approximately 200,000 square feet which will allow the store to provide new services such as groceries, possible alcohol, and expansion of the seasonal garden center. Expansion will mainly be along the front of the store width, the receiving area on the north side of the store will be relocated to the rear and the area dedicated to receive merchandise will be expanded. Construction is expected to begin next season.
2. The petitioner met several times with the Taku-Campbell Community Council, who supports the expansion conditioned upon improvements to public safety and traffic.
3. ADOT and the Municipality have reviewed and approved a Traffic Impact Analysis subject to conditions of approval. Conditions of approval involve upgrading 88th Avenue from the Old Seward Highway to the westerly north-south road, correcting traffic conflicts with the intersection of the Old Seward Highway and East 88th Avenue, and improving the internal parking lot conflicts between pedestrians accessing the store and the second driveway (from the Old Seward Highway) where traffic enters and crosses in front of the store.
4. East 88th Avenue is not a public right-of-way; it is a shared access agreement between Wal-Mart and the Dimond Center. It is centered on

the property lines and is a 40-foot access agreement between the two entities. Meetings are on-going between Traffic, the petitioner and the Dimond Mall to discuss the common traffic issues at the intersection and the how to improve traffic movement through the shared access in this public use easement. The dialogue has resulted in six alternatives for improving these issues, with two still under consideration. The intent is to take a two-lane bi-directional travel lane to a three-lane access. The road currently narrows between Wal-Mart and the Dimond Center Hotel and is not wide enough for three lanes, so the planter bed will have to be reduced. All parties are working toward resolution. Improving 88th Avenue will benefit Dimond Mall and they are expected to share financial costs in conjunction with Wal-Mart. The public will not be asked to participate in the costs.

5. Location of a new pedestrian access across 88th Avenue from Wal-Mart to the Dimond Center Hotel is dependent on design of 88th Avenue improvements, but will most likely match the hotel sidewalk.
6. The Commission concluded they were comfortable with the wording and intent of condition 5 to have the traffic and pedestrian issues resolved with staff and need not be returned to the Commission for further review. Condition 5 requires the petitioner to resolve with municipal staff needed improvements to pedestrian connection from Wal-Mart to the Dimond Center Hotel, pedestrian safety and parking lot circulation traffic calming features in front of the store, and to improve the capacity and turning safety along 88th Avenue.
7. The petitioner noted that condition 4 should be modified to delete reference to interior elevations which were not part of the submittal. He also noted that the drawings show canopy covers along 70% of the storefront, when the code only requires 60% coverage where the storefront is adjacent to a street frontage. The Commission agreed that 70% canopy is consistent with the code requirement. The length and width of the sidewalk will be determined by the traffic calming design. Condition 8 was amended to insert "be completed" before the word "within". Wal-Mart has instituted a program to replace dead vegetation as required by condition 9. The Commission accepted the modifications.
8. The store manager of the Dimond Wal-Mart stated that five years ago the store instituted a program to discourage overnight camping through enforcement and site security; it is illegal under the ordinance and is not allowed.
9. The existing sign will be upgraded; the height will not change. The sign is legally located on Wal-Mart's property. Condition 10 requires verification of sign type and location prior to permitting.
10. The Commission finds the site plan generally conforms to the requirement so AMD 21.35.020, 21.50.320 and 21.55.130.

B. The Commission approves the above referenced site plan subject to the following conditions:

1. This site plan approval is to expand Wal-Mart's existing retail store by adding approximately 44,000 square feet to the existing 154,000 square feet. The Superstore will provide general merchandise, indoor seasonal garden center, rural distribution center, groceries and may include future alcohol sales subject to AMC 21.40.200 B.1.(j) and AMC 21.50.160. The petition site is Dimond Industrial Subdivision, Block 2, Lot 6A.
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 following plans on file at the Planning Department, except as modified by these conditions of approval:

Site Plan, Floor Plan, and Exterior Elevations; varying dates; Lounsbury Engineers, Corvus Design.; Varying Scales.
5. Resolve with the Traffic Engineer and Planning, prior to approval of building permits, (a) the location of the pedestrian connections from Wal-Mart to the Dimond Center Hotel; (b) the design of a combination of traffic calming features (i.e. chokers, chicane, speed tables, raised pedestrian crossing areas, signage, and/or lighting) on the main vehicle access route along the east side of the building; the design of an upgrade to 88th Avenue from Old Seward Highway to the westerly north-south road. This will result in a revised final site design submitted to the Planning Department that will reflect these changes. The final site plan shall also include: (a) parking calculations; (b) relocation of the temporary snow storage to the southeast corner of the lot; (c) location and design of pedestrian walkways; (d) traffic calming features; (e) upgrade to 88th Avenue at the Old Seward Highway.
6. A continuous unobstructed walkway of at least 8 feet along the full length of the east façade is desirable. The design of overhead pedestrian protection including canopies on the building façade to prevent water, ice or snow from dripping or sliding onto the walkway below is desirable. Resolve these design features with the Planning Department and Traffic Department to incorporate into the traffic calming design mentioned in condition of approval #5.
7. A parking agreement between the Dimond Mall and Wal-Mart involving the 88th Avenue improvements, establishing the minimum number of required parking spaces to be provided, shall be verified with the Traffic Engineer. And, if required, recorded with the State District Recorder's

Office.

8. Construction for the store addition and all related traffic improvements shall be completed within 18 months of obtaining a building permit.
9. A final landscape plan shall be submitted verifying the five percent interior landscape calculations, details of screening the self-contained trash compactors, and showing infill and replacement landscaping of dead trees and shrubbery. A pruning, replacement, irrigation and maintenance schedule and landscape plan should be submitted. All landscaping shall be installed in accordance with AMC 21.45.125.D, and maintained by the petitioner or his designee for the life of this site plan approval.
10. Verify signage type and locations with the Planning Department.
11. An open-air outdoor area for seasonal retail sales shall not be located in the parking lot on any required parking spaces.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 4th day of June 2007.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this _____ day of _____ 2007. If the secretary received a written request and intent to appeal, this written decision/resolution of the Planning and Zoning Commission is final and any party may appeal it within fifteen (15) 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, June 4, 2007, 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

Toni M. Jones
Chair

(Case 2007-085; Tax ID No. 013-122-09)

ma

Content ID: 007371**Type:** AR_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE I-1 (LIGHT INDUSTRIAL DISTRICT) FOR A PACKAGE STORE USE AND LICENSE PER AMC 21.40.200 B.1. (k), AND AMC 21.50.160 A FOR WAL-MART SUPER

Title: STORE NUMBER 2071, LOCATED AT 8900 OLD SEWARD HIGHWAY, LOT 6A, BLOCK 2, DIMOND INDUSTRIAL SUBDIVISION, GENERALLY LOCATED SOUTH OF DIMOND BOULEVARD ON THE WEST SIDE OF THE OLD SEWARD HIGHWAY BETWEEN EAST 88TH AVENUE AND EAST 92ND AVENUE.

Author: weaverjt

Initiating Dept: Planning

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE I-1 (LIGHT INDUSTRIAL DISTRICT) FOR A PACKAGE STORE USE AND LICENSE PER AMC 21.40.200 B.1. (k), AND AMC 21.50.160 A FOR WAL-MART SUPER STORE

Description: INDUSTRIAL DISTRICT) FOR A PACKAGE STORE USE AND LICENSE PER AMC 21.40.200 B.1. (k), AND AMC 21.50.160 A FOR WAL-MART SUPER STORE

Date Prepared: 1/30/09 9:19 AM

Director Name: Tom Nelson

Assembly Meeting Date: 2/24/09

Public Hearing Date: 2/24/09

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	2/9/09 9:44 AM	Exit	Heather Handyside	Public	007371
MuniMgrCoord_SubWorkflow	2/9/09 9:44 AM	Approve	Heather Handyside	Public	007371
MuniManager_SubWorkflow	2/9/09 9:29 AM	Approve	Michael Abbott	Public	007371
CFO_SubWorkflow	2/4/09 3:19 PM	Approve	Sharon Weddleton	Public	007371
ECD_SubWorkflow	2/3/09 4:44 PM	Approve	Tawny Klebesadel	Public	007371
Planning_SubWorkflow	2/3/09 4:43 PM	Approve	Tom Nelson	Public	007371
AllOtherARWorkflow	1/30/09 9:21 AM	Checkin	Jerry Weaver Jr.	Public	007371