

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. 2009-31

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
2 APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE I-1
3 (LIGHT INDUSTRIAL DISTRICT) FOR A BREWERY USE AND LICENSE
4 NUMBER 4866 PER AMC 21.40.200 B.1. (k) AND AMC 21.50.160 A FOR
5 MIDNIGHT SUN BREWING, LLC, LOCATED AT 8111 DIMOND HOOK DRIVE,
6 LOT 3, BLOCK 1, PETERSBURG BUSINESS CENTER SUBDIVISION,
7 GENERALLY LOCATED EAST OF PETERSBURG STREET AND NORTH OF
8 EAST DIMOND BOULEVARD AND DIMOND HOOK DRIVE.

9
10 (Abbott Loop Community Council) (Case 2009-027)

11
12 THE ANCHORAGE ASSEMBLY RESOLVES:

13
14 **Section 1.** This conditional use approval is for an Alcoholic Beverages
15 Conditional Use in the I-1 District for a Brewery Use and License Number 4866
16 per AMC 21.40.200 B.1. (k) and AMC 21.50.160.A, for Midnight Sun Brewery,
17 located at 8111 Dimond Hook Drive; generally meets the applicable provisions
18 of AMC 21.50.020 and AMC 21.50.160.

19
20 **Section 2.** The conditional use for an Alcoholic Beverages Conditional Use for
21 a Brewery Use is comprised of the 9,718 square feet of gross floor area at the
22 subject location.

23
24 **Section 3.** The conditional use is approved subject to the following conditions:

25
26 1. A Notice of Zoning Action shall be filed with the State District Recorder's
27 Office within 120 days of the Assembly's approval of a final conditional use
28 approval for a Brewery Use in the I-1 District located within Lot 3, Block 1,
29 Petersburg Business Center Subdivision.

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

33
34 3. This conditional use approval is for an Alcoholic Beverages Conditional
35 Use in the I-1 District for a Brewery Use per AMC 21.40.200 B.1 (k) and AMC
36 21.50.160.A, for approximately 9,718 square feet gross floor area (licensed
37 premises) located in a commercial office warehouse structure within Lot 3,
38 Block 1, Petersburg Business Center Subdivision.

4. On-premise sales will be seven days a week, from 11:00 A.M. to 8:00 P.M., as permitted per the State 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 of alcoholic beverages. 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.

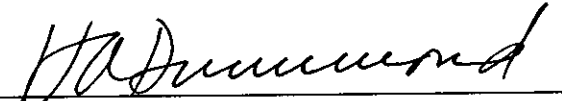
7. A copy of the conditions imposed by the Assembly in connection with this conditional use approval shall be maintained on the premise.


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

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

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

ATTEST:


Chair


Municipal Clerk

(Planning Case Number 2009-027)
(Tax Identification Number 014-211-60)



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 86-2009

Meeting Date: February 24, 2009

From: Mayor

Subject: AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE I-1 (LIGHT INDUSTRIAL DISTRICT) FOR A BREWERY USE AND LICENSE NUMBER 4866 PER AMC 21.40.200.B.1.(k) AND AMC 21.50.160.A FOR MIDNIGHT SUN BREWING, LLC, LOCATED AT 8111 DIMOND HOOK DRIVE, LOT 3, BLOCK 1, PETERSBURG BUSINESS CENTER SUBDIVISION, GENERALLY LOCATED EAST OF PETERSBURG STREET AND NORTH OF EAST DIMOND BOULEVARD AND DIMOND HOOK DRIVE.

1 Midnight Sun Brewing, LLC, has made application for a Brewery Alcoholic
2 Beverage Conditional Use and License Number 4866 in the I-1 District, located
3 at 8111 Dimond Hook Drive, Lot 3, Block 1, Petersburg Business Center
4 Subdivision, generally located east of Petersburg Street and north of East
5 Dimond Boulevard and Dimond Hook Drive.

6
7 The petitioner has applied to the State of Alaska Alcoholic Beverages Control
8 Board (ABC Board) to transfer the location of its existing brewery license
9 number 3486 from 7329 Arctic Boulevard to the subject location, 8111 Dimond
10 Hook Drive. The ABC Board will issue a new brewery license number 4866
11 because of the new location. Ownership and business name will remain the
12 same.

13
14 There are no churches or schools within 200 feet of the subject site, nor any
15 alcohol licenses within a 1,000-foot radius of the petition site. The first existing
16 alcohol license located within a 1,500-foot radius is a beverage dispensary
17 license issued to the Long Branch Saloon.

18
19 A brewery license authorizes the holder to operate a brewery where beer is
20 manufactured and bottled or barreled for sale. In accordance with State Statute

04.11.130, the license holder may sell beer in quantities of not more than five gallons a day to an individual who is present on the licensed premises for consumption off the premises; more than five gallons a day to a person who is licensed by the state, or in another state or country; may permit a person to sample small portions of the product free of charge; and may sell no more than 36 ounces a day of the brewery's product to a person for consumption on the premises. The brewery is not permitted to provide seats at a counter or bar where the product is served, and the tasting room may not open before 9:00 A.M. and must close no later than 8:00 P.M.

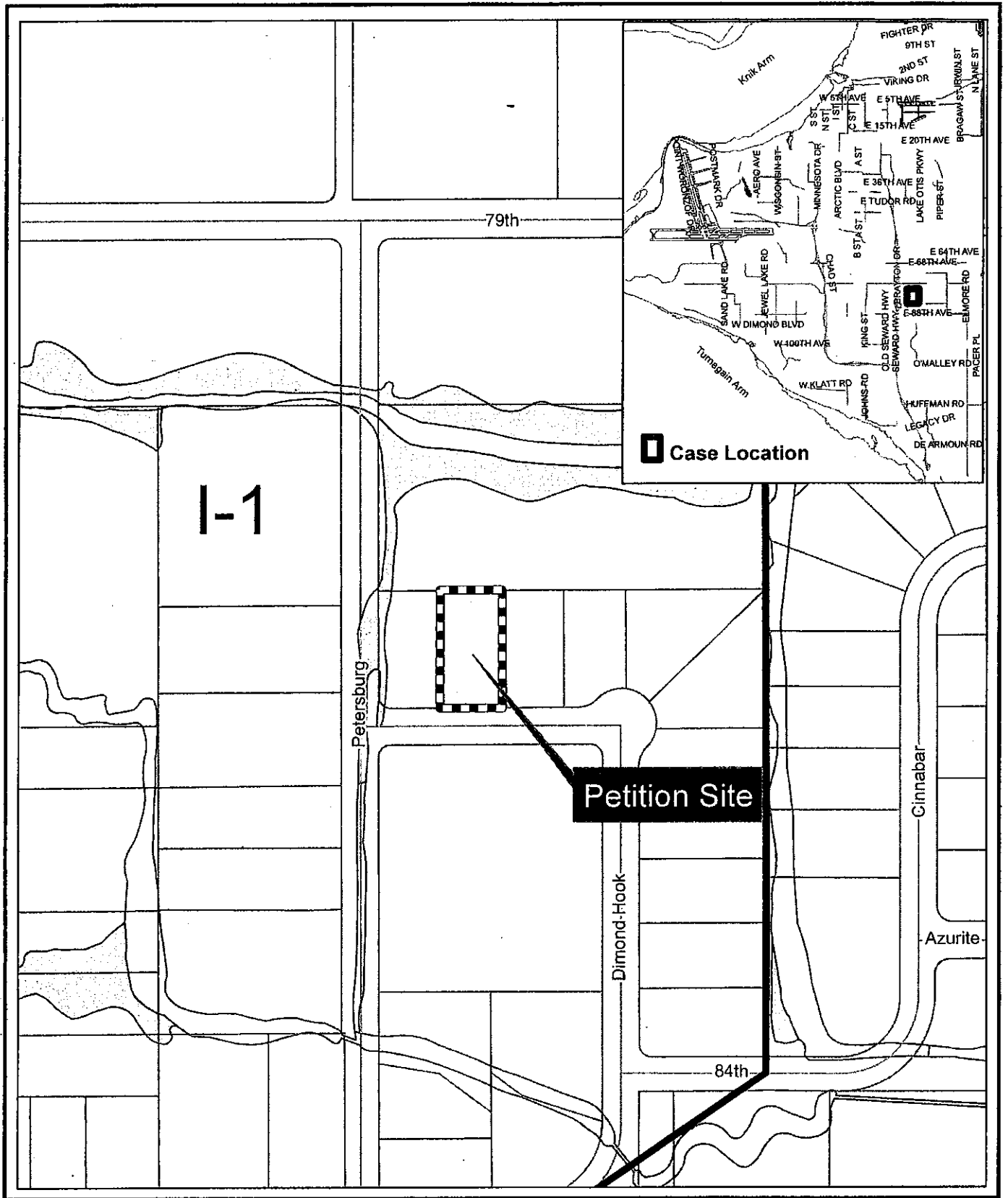
The brewery proposes daily hours of operation seven days a week during the hours of 11:00 A.M. to 8:00 P.M. as permitted by the State of Alaska Alcohol Beverage Control Board requirements. Employees involved in the sale of alcoholic beverages will be trained in accordance with the Alcoholic Beverage Control Board "Liquor Server Alcohol Awareness Training Program," (TAM) and will hold the necessary certifications.

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

THIS CONDITIONAL USE FOR A BREWERY USE AND LICENSE IN THE I-1 DISTRICT, GENERALLY MEETS THE APPLICABLE PROVISIONS OF AMC TITLES 10 AND 21, AND ALASKA STATUTE 04.11.130.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department
Concur: Tom Nelson, Director, Planning Department
Concur: Mary Jane Michael, Executive Director, Office of Economic & Community Development
Concur: James Reeves, Municipal Attorney
Concur: Michael K. Abbott, Municipal Manager
Respectfully submitted: Matt Claman, Acting Mayor

2009-027



Municipality of Anchorage
Planning Department
Date: December 31, 2008

Flood Limits
100 Year
500 Year
Floodway

0 175 350
Feet



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

DATE: February 24, 2009

CASE NO.: 2009-027

APPLICANT: Midnight Sun Brewing, LLC.

REPRESENTATIVE: Barbara A. Miller

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

LOCATION: Lot 3, Block 1, Petersburg Business Center; generally
located east of Petersburg Street and north of Dimond
Hook Drive

STREET ADDRESS: 8111 Dimond Hook Drive

**COMMUNITY
COUNCIL:** Abbott Loop

TAX PARCEL: 014-211-60/ Grid SW2233

ATTACHMENTS

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

RECOMMENDATION SUMMARY:

Approval

SITE:

Acres: 19,000 square feet

Vegetation: Commercial development landscaping

Zoning: I-1

Topography: Level

Existing Use: Office Warehouse

Soils: Public Water and Sewer

COMPREHENSIVE PLAN

Classification: Industrial
Density: N/A

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	I-1	I-1/I-2	I-1	I-1
Land Use:	Light Industrial Park; Office warehouse; some vacant	Light Industrial Park Anchorage Sand & Gravel	Light Industrial Park; Post Office; Dimond Boulevard; Home Depot & Carr's	Light Industrial Park; office warehouse; some vacant

SITE DESCRIPTION AND PROPOSAL:

Lot 3, Block 1, Petersburg Business Center Subdivision is a 19,000 square foot lot zoned I-1. Primary access to the site is via Dimond Boulevard to Petersburg to Dimond Hook Drive.

The petitioner is seeking final approval of a conditional use for a brewery where beer is manufactured and bottled or barreled for sale and license #4866. The petitioner has applied to the State of Alaska Alcoholic Beverages Control Board (ABC Board) to transfer the location of its existing brewery license # 3486 from 7329 Arctic Boulevard to the subject location, 8111 Dimond Hook Drive. Ownership and business name will remain the same.

The licensed premise for the brewery is a 9,718 square foot, two story building. The south side of the building is one level and houses the brewery, the shipping/receiving office, a break area and a brewers' office. The north side of the building is two levels; the lower level houses a 900 square foot walk-in cooler, a tool storage area, the business office, a bathroom and additional storage; the upper level is dedicated to the Tasting Room with an 18-tap draft system, a merchandise counter and storage closet, a small kitchen, a dishwashing room, two bathrooms and an open dining room. The open dining area contains nine tables with two chairs per table, and four tables with four chairs each (13 non fixed tables, 34 non fixed chairs). A limited food service will be available in the Tasting Room. The menu lists sandwiches, soup and salad plus homemade pretzels. Food may be eaten on-site or as take-out.

State statute allows no more than 36 ounces a day of the brewery's product may be sold for consumption on the premises, provided seating is not provided at a counter or bar where the product is served. The ABC Board staff, upon advice from the State Attorney General's Office, has determined that the limited café-style menu available in the dining room does not violate the state statute

for brewery licenses (Section 04.11.130) and would not be issued a restaurant/eating place license, if applied for. No one under the age of 21 is allowed to work in a brewery or allowed on premise unless accompanied by their parent or legal guardian who is at least 21 years of age.

The tasting room and food take-out hours: open 6-7 days a week 11 AM to 8 PM.

Ratio of Food Sales to Alcohol Beverage Sales: The petitioner estimates that the sale of alcoholic beverages will be 75 %, compared to 25 % of food sales. Most beer sales are wholesale to package stores and restaurants, or for off-site consumption.

All employees will be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program. I.D. checks are required of all customers. Consumption of beer is not permitted in the parking lot.

PUBLIC COMMENTS:

Thirty-eight (38) public hearing notices were mailed: no public comments have been received. No response was received from the Abbot Loop Community Council.

FINDINGS

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

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 industrial. 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 brewery is located in an area with concentrations of light industrial and commercial development. The sale of alcoholic beverages is part of the social, recreational and economic environment of the community.

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 license¹.

A brewery license authorizes the holder to operate a brewery where beer is manufactured and bottled or barreled for sale. A business licensed under State Statute Title 4 or licensed in another state may purchase more than five (5) gallons per day. Midnight Sun Brewery sells their product to package stores and restaurants. They may also sell their product to unlicensed individuals up to five (5) gallons per day. An unlicensed individual may also purchase up to 36 ounces for consumption on the licensed premise, as long as live entertainment and seats at the serving counter or bar are not provided.

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

This standard is met.

The existing light industrial 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.

¹ A restaurant beer and wine license is subject to an administrative site plan review.

Alaska Statute 04.11.410 has a 200 foot distance separation from churches and schools restriction that applies to package store and beverage dispensary licenses. It is not applicable to brewery licenses. There are no churches within 200 feet of the subject property.

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.

Parking, loading berths and internal pedestrian circulation requirements were addressed during the 2001 building permit review process. One parking space is required for every 400 square feet of gross building area, or one parking space for every employee for that work shift having the greatest number of employees, whichever results in the larger number of parking spaces. Twenty three parking spaces are provided.

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 brewer use and 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.

A brewery use and 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 brewery use and 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.**

There are no existing alcohol licenses located within a 1,000 feet of the petition site.

Within a 1,500 foot radius of the petition site is one beverage dispensary license.

Long Branch Saloon	1737 E. Dimond Circle	Beverage Dispensary License #670
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- 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.

- 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 an existing brewery to relocate to this location. The applicant has manufactured beer at 7329 Arctic Boulevard for over ten years and has a demonstrated compliance with the operations procedures set forth in Section 10.50.035.

- 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 building and parking lot is well lighted. All employees will have TAM/TIPS training; all customers will have their identification checked. Consumption of beer is not permitted outside of the facility, and on-site consumption is limited to 36 ounces of beer per person per day.

- 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 their policies and practice are 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 brewery use and license 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 Records Office within 120 days of the Assembly's approval of an alcoholic beverages conditional use for a package store located on Lot 3, Block 1, Petersburg Business Center.
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 Brewery Use (to manufacture beer) per AMC 21.40.200.B(1)(k) for approximately 9,718 SF gross area (licensed premises) located at 8111 Dimond Hook Drive.
4. On-premise sale of alcohol beverages will be seven days a week, from 11:00 AM to 8:00 PM, 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

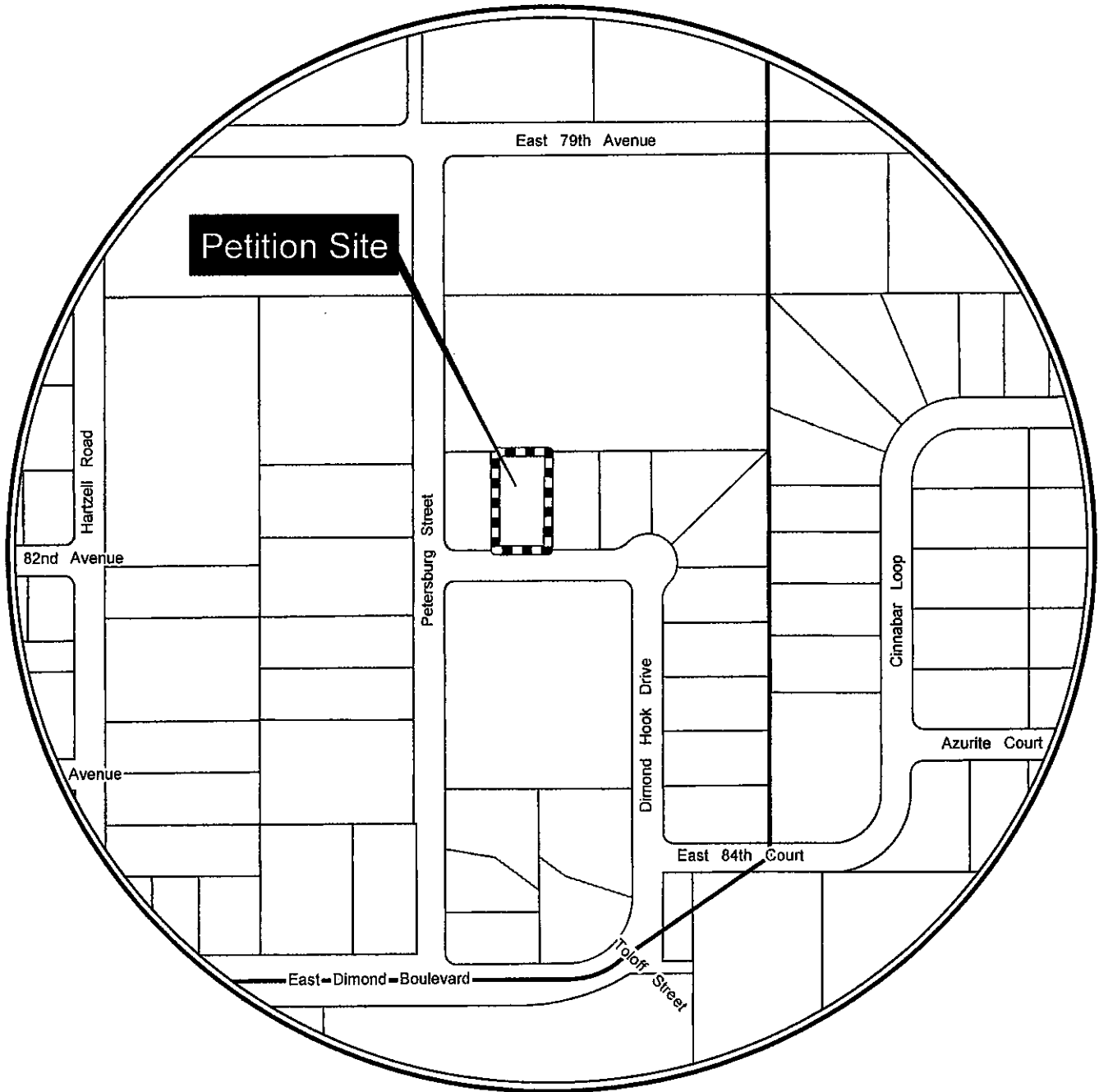
Alcohol Existing License List Report

Case Number: 2009-027 Description: 1000'

Parcel	Business Name	Parcel Owner Name	Applicant Name	Parcel Owner Address	Business Address	City	Lic. Number	State	Lic. Zone	Zip	Lic. Type
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2009-027

● EXISTING LIQUOR LICENSES WITHIN 1000'



Alcohol Existing License List Report

Case Number: 2009-027 Description: 1500'

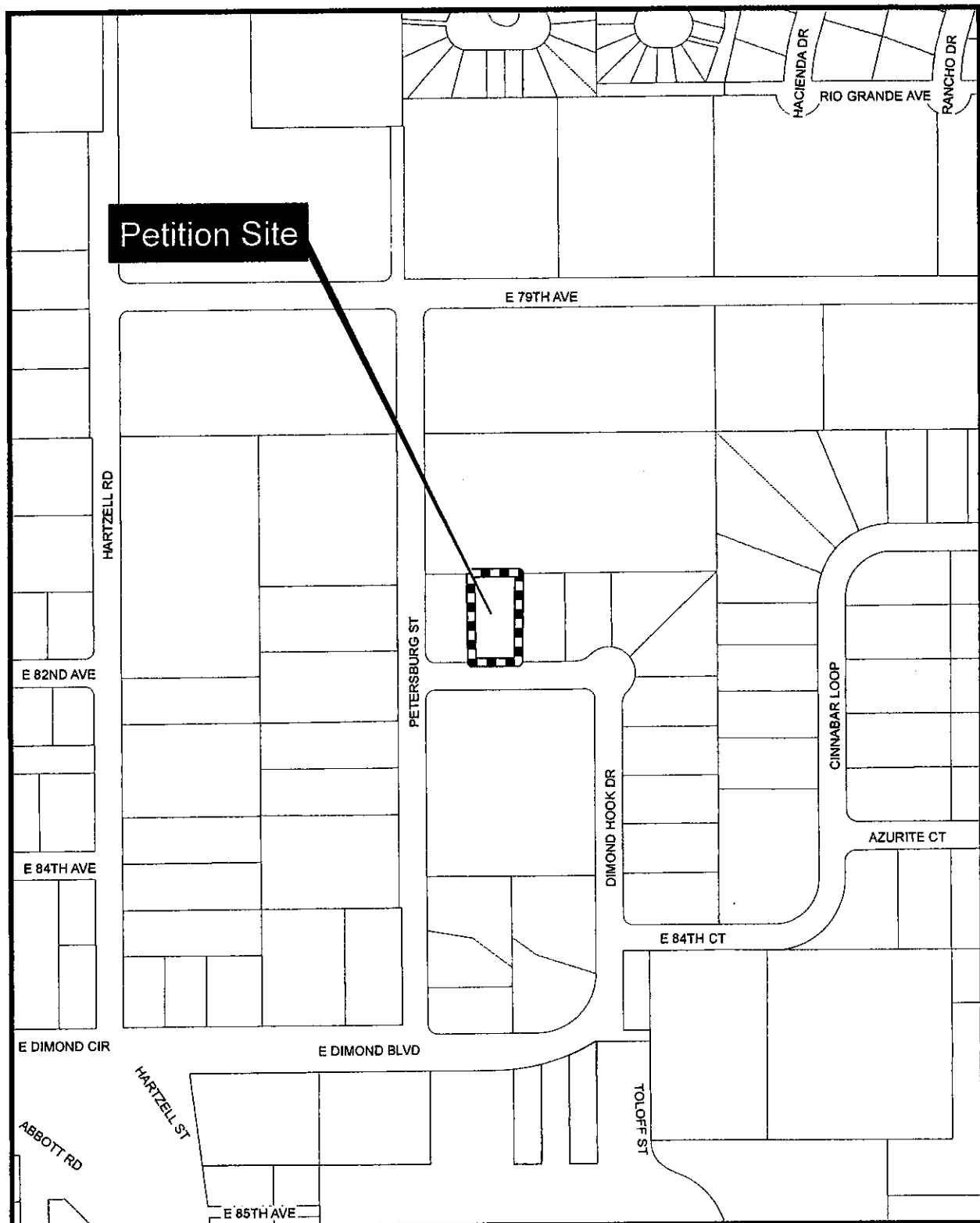
Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City Lic. Number	State Lic. Zone	Zip Lic. Type
01420101000 Long Branch Saloon	KENT GLENN W JR OTL Enterprises, Inc.	8470 FOXLAIR CIRCLE 1737 E Dimond Cir	ANCHORAGE 670	AK 11	99507 Beverage Dispensary

Alcohol Church and School List Report

Case Number: 2009-027 Description: 200'




Parcel	Parcel Owner Name	Parcel Site Address	Description
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2009-027



Municipality of Anchorage
Planning Department

Date: January 05, 2009

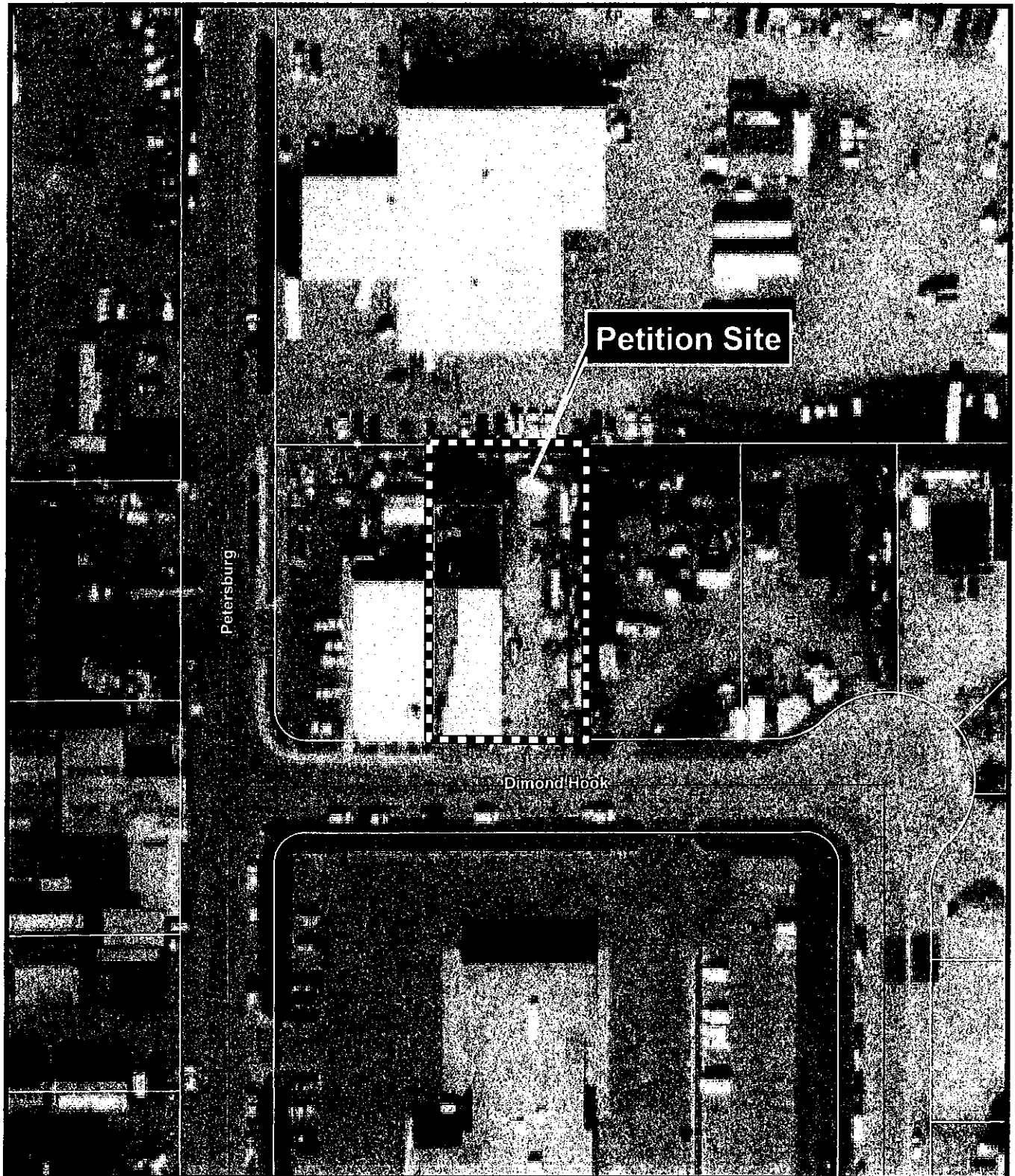
-  Mobile Home Park
-  Multi-Family
-  Single Family

17



0 160 320 640 Feet

2009-027



Reviewing Agency Comment Summary Case No.: 2009-027

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

2

COMMENTS

Municipality of Anchorage
Treasury Division
Memorandum

RECEIVED

JAN 13 2009

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Date: January 12, 2009
To: Rich Cartier, Planning Dept.
From: Diana Flavin, Revenue Officer
Subject: Liquor License Conditional Use Comments

Request for conditional use permit 2009-027 for Midnight Sun Brewing, LLC., located at 8111 Dimond Hook Dr., Anchorage, AK.

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

awwu

09-027

GRAHAM LT 22, A request concept/final approval of a conditional use to permit: the sales, dispensing, or service of alcoholic beverage, SW2130

1. AWWU water main located in Arctic Boulevard is currently available to this parcel.
2. AWWU sanitary sewer main located in Alleyway is currently available to this parcel.
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.

RECEIVED

JAN 21 2009

**MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION**



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

DATE: January 21, 2009
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
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

RECEIVED

JAN 22 2009

**MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION**

**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



Municipality of Anchorage
Project Management & Engineering Department



Comments to Miscellaneous Planning and Zoning Applications

RECEIVED

DATE: January 27, 2009

JAN 27 2009

TO: Jerry Weaver, Platting Officer

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

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

SUBJECT: Comments for Assembly Public Hearing date: February 24, 2009

Case No. 2009-020– A request for concept/final approval of a conditional use to permit the sales, dispensing, or service of alcoholic beverages.

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

Case No. 2009-021– A request for concept/final approval of a conditional use to permit a hotel serving alcoholic beverages.

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

Case No. 2009-022– A request for concept/final approval of a conditional use to permit an alcoholic beverage package store.

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

Case No. 2009-027– A request for concept/final approval of a conditional use to permit the sales, dispensing, or service of alcoholic beverages.

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

3

APPLICATION

Application for Conditional Use Retail Sale Alcoholic Beverages

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

Please fill in the information asked for below.

PETITIONER*		PETITIONER REPRESENTATIVE (IF ANY)	
Name (last name first) Midnight Sun Brewing, LLC		Name (last name first) Miller Barbara A.	
Mailing Address 7329 Arctic Blvd 8111 Dimond Hook Dr Anchorage AK 99518-507		Mailing Address Hook Dr	
Contact Phone: Day: 344-1179 Night: 344-1179		Contact Phone: Day: 230-4161 Night: 230-4161	
FAX: 344-6656		FAX:	
E-mail: barb @ midnightsunbrewing.com		E-mail: barb @ midnightsunbrewing.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	CURRENT:	(NEW:)
Property Tax # (000-000-00-000):	012-181-28-000	014-211-60-000
Site Street Address:	7329 Arctic Blvd 99518	8111 Dimond Hook Dr 99517
Property Owner (if not the Petitioner):	Russell Knight	Elmer + Marilyn DeFord
Current legal description: (use additional sheet in necessary)		
<div style="display: flex; justify-content: space-between;"> <div> <p>Lot 22 Graham</p> <p>I-1 B, 860 SF Grid # P1WC</p> </div> <div> <p>Petersburg Business Center Block 1, Lot 3</p> </div> </div>		
Zoning:	I-1	Acreeage: 19,000
		Grid # SW 2233

ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED		
<input type="checkbox"/> Beverage Dispensary	<input type="checkbox"/> Private Club	<input type="checkbox"/> Restaurant, exempt
<input type="checkbox"/> Beverage Dispensary-Tourism	<input type="checkbox"/> Public Convenience	<input type="checkbox"/> Theater
<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Recreational	<input checked="" type="checkbox"/> Other (Please explain): AS 04.11.130
<input type="checkbox"/> Package Store	<input type="checkbox"/> Restaurant	brewery license #54
Is the proposed license: <input type="checkbox"/> New <input checked="" type="checkbox"/> Transfer of location: ABC license number: 3486		
Transfer license location: 8111 Dimond Hook Drive		
Transfer licensed premises doing business as: Midnight Sun Brewing Co.		

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: 11-7-2008 Signature: Barbara A Miller

Accepted by: Poster & Affidavit: ✓ Fee: \$4,000.00 Case Number: 2009-027

COMPREHENSIVE PLAN INFORMATIONAnchorage 2020 Urban/Rural Services: ☐ Urban ☐ RuralAnchorage 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
☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

DOCUMENTATION

- Required: **A** ☒ Site plan to scale depicting: building footprints; parking areas; vehicle and pedestrian circulation; lighting; landscaping; signage; and licensed premises location.
- B1-B3** ☒ Building plans to scale depicting: floor plans indicating the location of sales and service areas; building elevations (photographs are acceptable).
- C** ☐ 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.

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):

Midnight Sun Brewing Company

What is the gross leaseable floor space in square feet?

9718 SF

What is the facility occupant capacity?

1st floor = 22; 2nd = 121

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

none

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

34

What will be the normal business hours of operation?

business = 8am - 5pm public = 11am - 8pm

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

11am - 8pm

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

75 % Alcoholic beverage sales
25 % Food sales

most beer sales are ~~from~~
wholesale or for off-site
consumption

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

PACKAGE STORES

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

% less than \$5.00

% \$5.00 to \$10.00

% \$10.00 to \$25.00

% 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.

Brewery must be in I-1 location. Our business is mainly wholesale to distributors with some direct retail sales to public. Our business does not impact industrial zoning.

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

Proposed use of building/property at 8111 Dimond Hook Drive allows for warehouse, office and retail space with adequate parking and access as required by zoning, traffic and fire codes.

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.

AS 04.11.130 allows a brewery license to sell its own product (beer) to wholesalers, retailers and, with volume restrictions, to the general public. Please see attached brewery license definition. Proposed location is not near schools or churches.

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.

adequate parking per zoning / traffic requirements

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

ADA access / parking
elevator to second floor

bus service Route #1
carrs on Abbott
taxi cab service

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

spent grain picked up by farmers

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

our business will not affect new and changing
industrial land use in area.

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? none

Within 1,000 feet of your site are how many active liquor licenses? none
closest bar is Long Branch Saloon

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

How many active liquor licenses are within the boundaries of the local community council? see pg. 8

Abbott Loop CC #01 Brayton-Birch / Abbott Loop; Dawling-O'Malley

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

no

2 grocery / package stores; rest are restaurants
we are a craft beer manufacturer and only
sell our own beer.

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, whether working in production, admin or sales, are ZIT and have current TAM/TIPS 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:

employees have TAM/TIPS training + ID patrons
 limited hours of operation 11am to 8pm
 non-alcoholic bev's + food available
 limit on onsite consumption = 36 oz of beer

outside facility:

no alcohol/beer permitted outside facility per person per day

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.

active liquor licenses: (in Abbott Loop Comm council)

Long Branch Saloon

Safeway-Carrs

Chili's

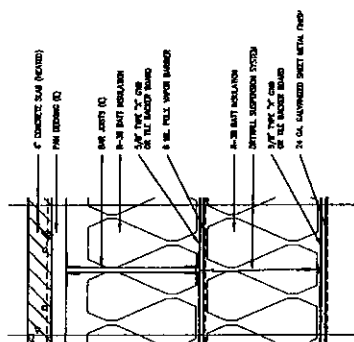
Qdoba

Fred meyer

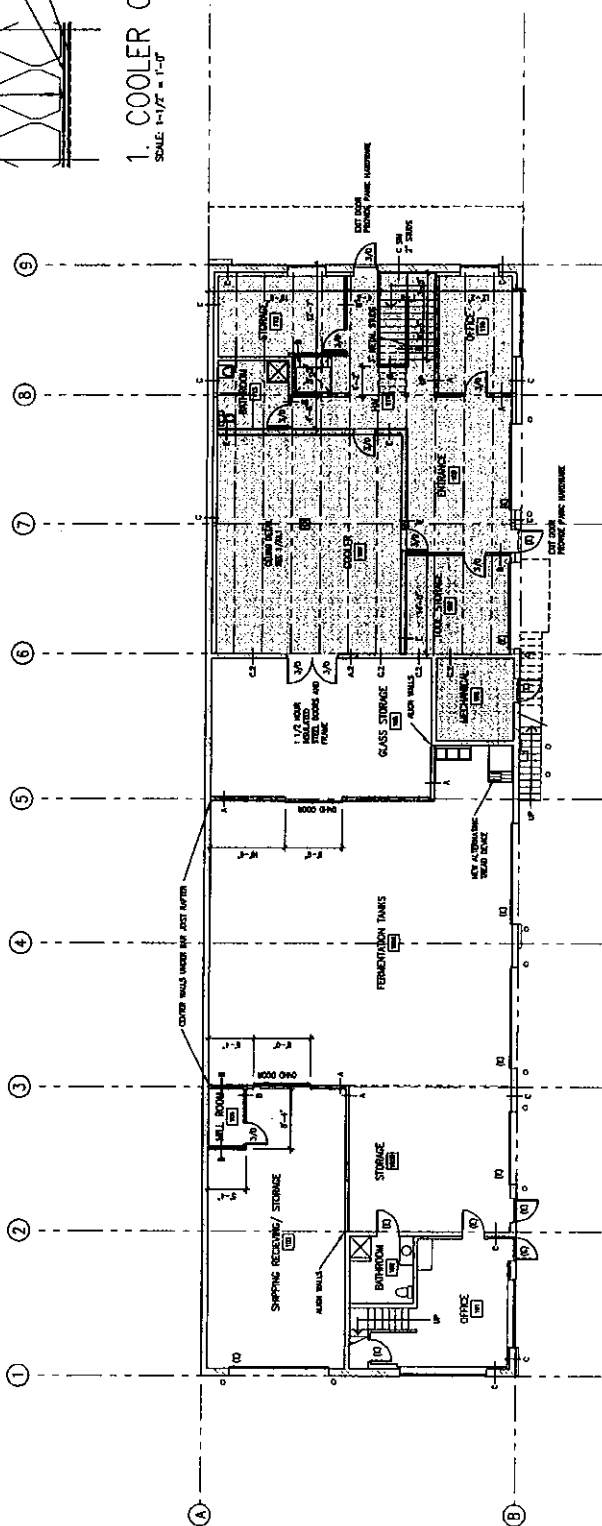
Little Italy

Los Arcos


I ♥ Sushi (?)



1. COOLER CEILING
SCALE: 1/4\"/>

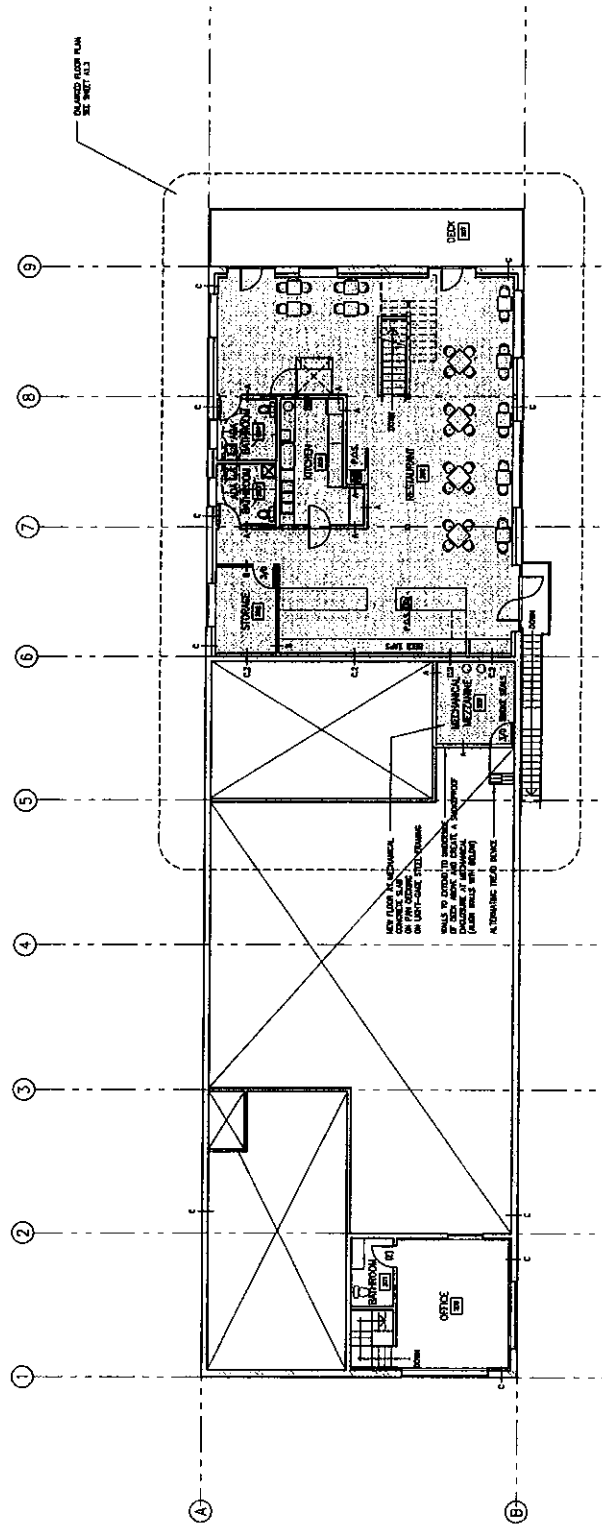
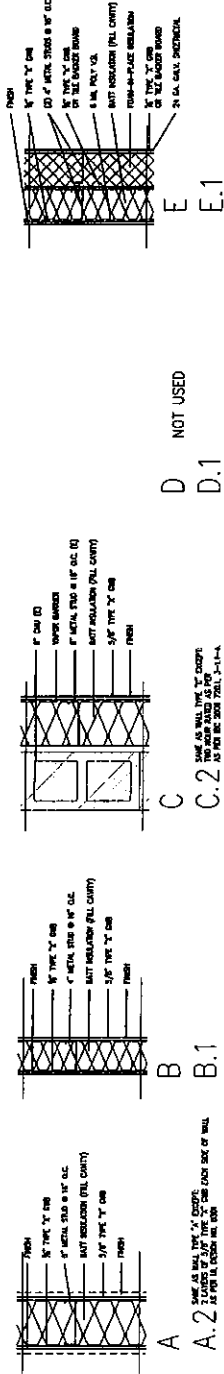


SHADED AREAS INDICATE AREAS SPANNED SPACE

 FIRST FLOOR PLAN
SCALE: 1/8\"/>

61 NORTHARCHITECTS
3408 SPEARHEAD ROAD SUITE
ANCHORAGE, ALASKA 99503
207-548-2334
FX 503-234-4445

61 NORTHARCHITECTS
3408 SPEARHEAD ROAD SUITE
ANCHORAGE, ALASKA 99503
207-548-2334
FX 503-234-4445



SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

611 PROJECT # 11040
SECOND FLOOR PLAN
DATE: 11.15.10
A1.2

PROJECT: SAN BENEDETTO
CLIENT: DEPARTMENT
ARCHITECT: AR
CONSULTANT
611 NORTH ARCHITECTS
3408 SPENARD ROAD SUITE
ANCHORAGE, ALASKA 995
PH: 907-274-4444
FX: 907-274-4445

[illegible]

BY 'SECRETARY
JEREMIAH LUTEL
JEREMIAH LUTEL
JEREMIAH LUTEL

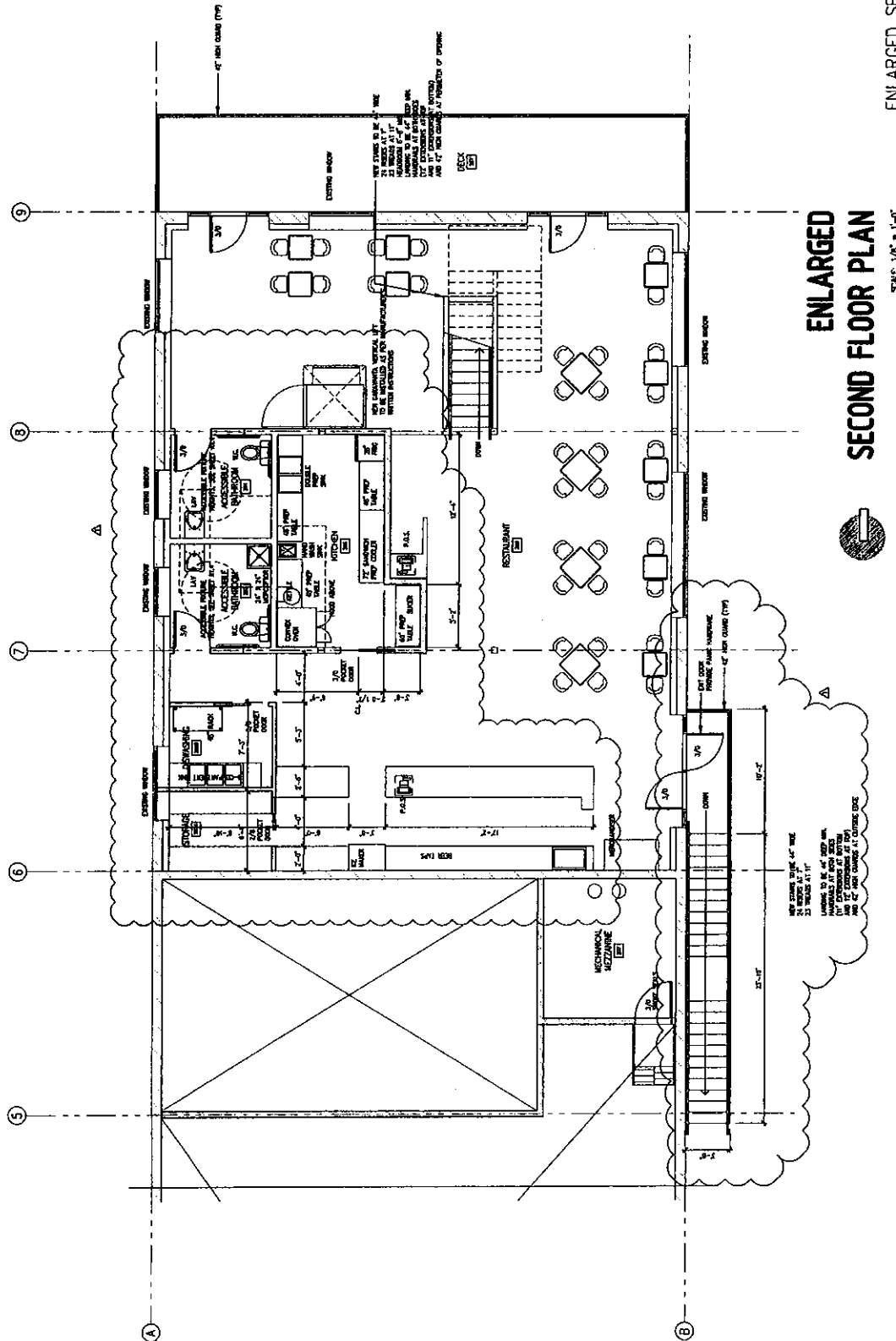
CONSTANT:

61 NORTHARCHITECTS
3601 SPENARD ROAD SUITE 17
ANCHORAGE, ALASKA 99503
PH. 907-274-4446
FX. 907-274-4445

IN PROJECT 0: 2044

ENLARGED SECOND FLOOR PLAN

DATE: 9.15.01
A1.3



**ENLARGED
SECOND FLOOR PLAN**

SCALE: 1/8" = 1'-0"

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

Transfer Liquor License

PAGE 1 OF 2

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

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: <u>2009-10</u>	License Type: <u>brewery</u>	Statute Reference Sec. 04.11. <u>130</u>	License Fee: \$ <u>1000</u>	
License #: <u>3486</u>			Filing Fee: \$100.00	
Local Governing Body: (City, Borough or Unorganized) <u>Muni of Anchorage</u>	Community Council Name(s) & Mailing Address: <u>Abbott Loop</u>		Fingerprint: (\$54.25 per person) <u>1100</u>	
Federal EIN or SSN: _____			Total Submitted: \$	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>Midnight Sun Brewing, LLC</u>	Doing Business As (Business Name): <u>Midnight Sun Brewing Co.</u>	Business Telephone Number: <u>344-1179</u>	Fax Number: <u>344-6656</u>	
Mailing Address: <u>7329 Arctic Blvd</u>	Street Address or Location of Premise: <u>8111 Dimond Hook Dr.</u>	Email Address: <u>barb @ 230-4161 midnight sun brewing.com</u>		
City, State, Zip: <u>Anchorage AK 99518</u>	<u>Anchorage AK 99507</u>			
SECTION B - TRANSFER INFORMATION.				
<input checked="" type="checkbox"/> Regular Transfer <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application (15 AAC 104.107). Real or personal property conveyed with this transfer must be described. Provide security interest documents. <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.		Name and Mailing Address of Current Licensee: <u>Midnight Sun Brewing, LLC</u>		
		Business Name (dba) BEFORE transfer: <u>Midnight Sun Brewing Co.</u>		
		Street Address or Location BEFORE transfer: <u>7329 Arctic Blvd</u>		
SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.				
Closest school grounds: <u>Springhill Elem.</u>	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Not applicable		
Closest church: <u>Abbott Loop</u>	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input checked="" type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached		
Premises to be licensed is: <input type="checkbox"/> Proposed building <input type="checkbox"/> Existing facility <input checked="" type="checkbox"/> New building				
Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, complete the following. Attach additional sheets if necessary.				
Name	Name of Business	Type of License	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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, attach written explanation.				

Office use only

Date Approved

Director's Signature

38

Liquor License

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.			
Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): Midnight Sun Brewing, LLC		Telephone Number: 907-344-1179	Fax Number: 907-344-6656
Corporate Mailing Address: 7329 Arctic Blvd	City: Anchorage	State: AK	Zip Code: 99518
Name, Mailing Address and Telephone Number of Registered Agent: Barbara A. Miller 907-230-4161		Date of Incorporation OR Certification with DCED: 1-30-97	State of Incorporation: AK
Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, attach written explanation. Your entity <i>must</i> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)					
Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Mark E. Staples	Pres	(37%)	4530 Trapline Cir.	280-6419	
Barbara A. Miller	VP/Sec/Treas		99516 888-7959	230-4161	
Christopher Cmino		13%	3577 N Clark Wolfenne	745-0449	
			Palmer AK 99645		
NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.					

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)			
Name:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Address:		Address:	
Home Phone:	Date of Birth:	Home Phone:	Date of Birth:
Work Phone:		Work Phone:	
Name:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Address:		Address:	
Home Phone:	Date of Birth:	Home Phone:	Date of Birth:
Work Phone:		Work Phone:	

Declaration
<ul style="list-style-type: none">I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s)	Signature of Transferee(s)
Signature: Mark Staples	Signature: Mark Staples
Signature: Barbara A. Miller	Signature: Barbara A. Miller
Name & Title (Please Print): Mark E. Staples, Pres; Barbara A. Miller, VP	Name & Title (Please Print): same
Subscribed and sworn to before me this 24th	Subscribed and sworn to before me this 24th
day of November , 2008	day of November , 2008
Notary Public in and for the State of Alaska	Notary Public in and for the State of Alaska
My commission expires: January 1, 2009	My commission expires: January 1, 2009

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD

STATEMENT OF FINANCIAL INTEREST

CONFIDENTIAL

TO BE COMPLETED BY EACH APPLICANT, EITHER INDIVIDUAL OR CORPORATE

AS 04.11.450(a) states that no person other than a licensee may have a direct or indirect financial interest in the business for which the license is issued.

APPLICANT'S NAME AND MAILING ADDRESS	DBA (BUSINESS NAME) AND LOCATION
Midnight Sun Brewing LLC	Midnight Sun Brewing Co.
7329 Arctic Blvd	same
Anchorage AK 99518	

List below persons, firms, lending institutions or corporations which have or may have any financial involvement in furthering purchases of assets, revenues or operating capital for the licensed business operations.

NAME	ADDRESS	AMOUNT	PURPOSE
Mark E. Staples	4530 Trapline Cir.	280,000	equipment + TIs
Barbara A. Miller	"	3	

Under the penalties of perjury, I declare that I have examined this application, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of Applicant/Transferee

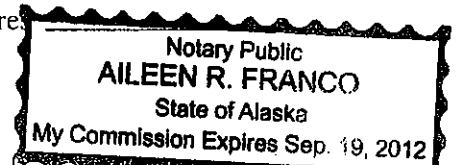
Barbara A. Miller
12-26-08

Date

Subscribed and sworn to before me this

26th Day of December 19 2008
Aileen F. Franco

Notary Public in and for the State of Alaska
My commission expires



STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 15 AAC 104.715-794
FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc. (13 AAC 104.745).

This application is for designation of premises where: (please mark appropriate items).

- 1 ☒ Under AS 04.16.010(c) Bona fide restaurant/eating place.
2 ☒ Persons between 16 & 21 may dine unaccompanied.
3 ☒ Persons under 16 may dine accompanied by a person 21 years or older.
4 ☒ Persons between 16 and 19 years may be employed. (See note below).

LICENSEE: Midnight Sun Brewing, LLC
D/B/A: Midnight Sun Brewing Co.
ADDRESS: 8111 Dimond Hook Drive, Anchorage AK 99507
1. Hours of Operation: 11 AM to 8 PM Telephone # 907-344-1179
2. Have police ever been called to your premises by you or anyone else for any reason: ☐ Yes ☒ No Cell 230-4161
If yes, date(s) and explanation(s):

3. Duties of employment: counter staff, bus persons, cooks, managers
4. Are video games available to the public on your premises? no dishwashers
5. Do you provide entertainment: ☐ Yes ☒ No If yes, describe: _____
6. How is food served? ☐ Table Service ☐ Buffet Service ☒ Counter Service ☐ Other*

*** A MENU AND A DETAILED LICENSED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board.
(13 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 13 AAC 104.715-795 and have instructed my employees about provisions contained therein.

Aileen R. Franco
Applicant(s) signature

Subscribed and sworn to before me this
16th day of December 2008
Aileen R. Franco
Notary Public in and for Alaska

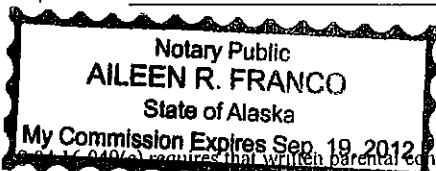
Application approved (13 AAC 104.725(e))
Governing Body Official

Date: _____

My Commission expires _____

Director, ABC Board

Date: _____



NOTE: AS 04.16.049(c) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 19 years of age. Persons 19 and 20 years of age are not required to have the consent or exemption.

* Describe how food is served on back of form.

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD

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

POSTING AFFIDAVIT

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

1. a. Posting of application for a new _____ liquor license
for _____
located at _____
(address and/or location)

OR

- b. Posting of application for transfer of a brewery liquor license
currently issued to Midnight Sun Brewing, LLC whose business name (d/b/a)
is Midnight Sun Brewing Company located at 7329 Arctic Blvd 99518
(address and/or location)

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

11/24/08 to 12/04/08

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

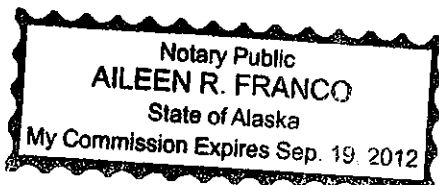
- a. Location of premises to be licensed 8111 Dimond Hook Drive 99507
b. Other conspicuous location in the area PO @ Lake Otis + Dawling

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

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

Paulina Miller
(signature)

SUBSCRIBED and SWORN to me this 26th day of December, 20 08.



Aileen R. Franco
Notary Public in and for Alaska
My commission expires: _____

ANCHORAGE PUBLISHING, CO.

540 E. Fifth Avenue

Anchorage, Alaska 99501

Phone: 561-7737 Fax: 561-7777

**Liquor
License
Transfer
Application**

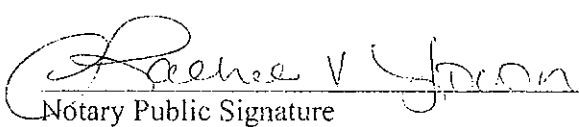
Midnight Sun Brewing, LLC d/b/a
Midnight Sun Brewing Company
located at 7329 Arctic Blvd.
Anchorage is applying for a
transfer of a brewery license
AS 46.01.130 liquor license to
Midnight Sun Brewing Company
located at 8111 Diamond Hook
Drive Anchorage

Interested persons should submit
written comment to their local
governing body, the applicant
and to the Alcoholic Beverage
Control Board at 5848 E Tudor
Rd Anchorage AK 99507

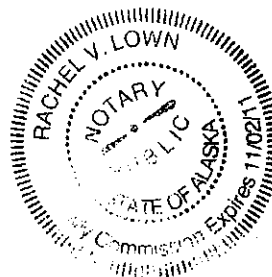
I, Bridget Mackey, advertising representative for Anchorage Publishing, Co., verify that the liquor license transfer notice with security agreement correction notice for Midnight Sun Brewing, LLC appeared in the November 27, December 18, and December 25, 2008 Issue of the Anchorage Press Newspaper.


Bridget Mackey

Subscribed and sworn to me in the Municipality of Anchorage, in the state Alaska, on this 21st day of December, 2008


Notary Public Signature

November 21st 2011
Commission Expires



STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Midnight Sun Brewing Company
PREMISES LOCATION: 8111 Dimond Hook Drive 99507

Indicate scale by x after appropriate statement or show length and width of premises. _____ 1 SQ. = 4 FT.

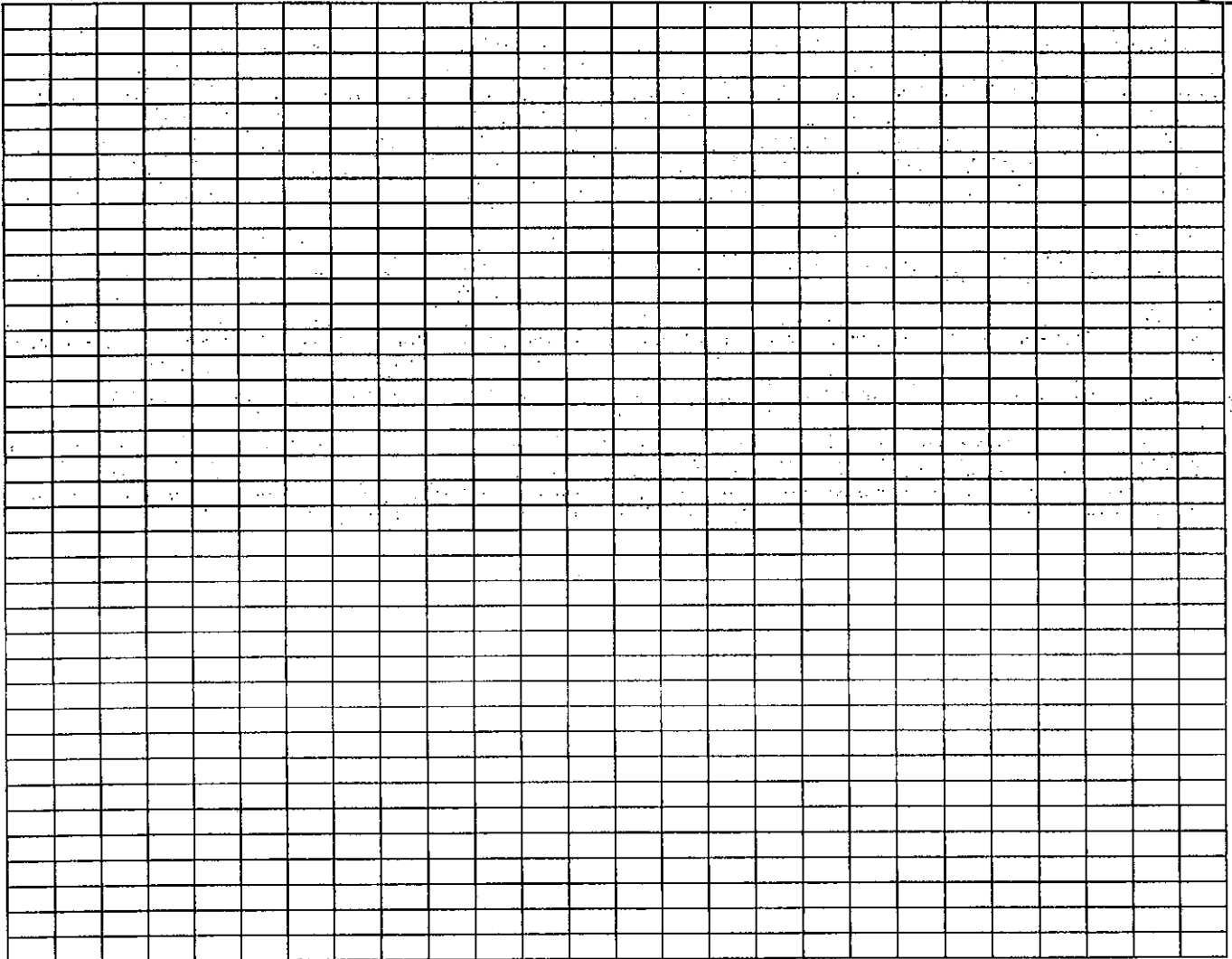
SCALE A: _____ 1 SQ. = 1 FT. **SCALE B:** _____

Length and width of premises in feet: upper level = 44' x 54' including interior walls
stairs, storage, bathrooms, kitchen

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.

DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.

Please see attached (A1.3)





Established 1995

Midnight Sun Brewing Company

7329 Arctic Boulevard

Anchorage, AK 99518

907-344-1179 office

907-344-6656 fax

Contact: Barb Miller

barb@midnightsunbrewing.com

Business Overview

8111 Dimond Hook Drive
Updated: NOV 30, 2008

Description

Midnight Sun Brewing Company (MSBC) will be moving its complete operation to 8100 Dimond Hook Drive, Anchorage, AK 99507. State and federal liquor [brewery] license transfers and municipality inspections and approvals will dictate the actual opening date but we are targeting MAR 1, 2009. The new building will allow expansion of production capacity—i.e. new tanks—and the addition of a small restaurant. We will use a phased approach to “growing the business” by implementing various stages of the project over time. Our directive is to remain true to our roots – the beer – and “add value to the visit” with craft sodas, fabulous fare and fun.

Building

This new building is situated on a 19,000-SF property. The all-block building is approximately 9718 SF of production, warehouse, office, and retail space. The South side of the building is one level and houses the brewery, the shipping/receiving office, a break area and a brewers’ office. The North side is two levels: the lower level houses a 900 SF walk-in cooler, a tool storage area, the business office, a bathroom and additional storage; the upper level is dedicated to the Tasting Room with an 18-tap draft system, a merchandise counter and storage closet, a small kitchen, a dishwashing room, two bathrooms and an open dining room. The room’s esthetic is “contemporary industrial”: open metal ceiling, concrete counters and floors, one block wall [backdrop to the draft system], lots of large windows, wood and metal furniture, and vibrant art create a clean but not stark “modern” look. All floors throughout the building are concrete with radiant [in-floor] heat.

Lease

For over three years, MSBC sought out all available buildings to purchase or lease as well as land on which to build. However, none of the buildings available were appropriated suited to the needs of a small brewery with a growing retail business. In AUG, we found this building which, while not completed, actually fit our current and future needs.

On NOV 7, MSBC signed a 5-year lease to occupy the building at 8100 Dimond Hook Drive, Anchorage, AK 99507. The lease gives MSBC the first right of refusal [to purchase the property if/when the owners want to sell] and three 5-year options to continue the lease.

Preparation

The new building will be completed in the next couple months. MSBC has been working with an architect; mechanical, electrical and structural engineers; as well as a plumber and electricians to develop plans for the Municipality of Anchorage. The architect’s land and building use plans and code study have received stamps of

approval from Zoning, Traffic and Fire Safety departments. The kitchen plans are being reviewed by the Health Department. The M & E plans are currently being modified for re-submission.

Build Out

A new sloped concrete floor was poured in the brewery area to create trench drains. Walls are being erected to define malt storage, packaging room, cooler, tool storage, bathrooms, kitchen and offices. Once walls are completed, industrial racks and shelving will be installed in the cooler and storage areas. Electrical and plumbing work has begun in the brewery area and will continue throughout the building. Lines for phones, fax machines, credit card machines and Internet will be installed. Landscaping will await a warmer season.

Move Out

Moving out of the Arctic Boulevard location after 14 years will be a significant event in MSBC's history. The "little location that could" served its purpose well beyond its years. Remediation of the old space will consist of interior cleaning, wall repair, and painting as well as exterior cleaning, roof repair and removal of the mechanical "shacks" on the roof.

Move In

Moving into the Dimond Hook Drive location will include the installation of tanks and other brewing and bottling equipment, glycol system, boiler and the organization of all tools, brewing ingredients and process and packaging materials. Beer and merchandise inventory will be moved over. Offices and retail areas will be set up. Dining tables and chairs will be constructed and set up.

Signage

MSBC will have lighted signs installed on the South and East sides of the building to direct customers to the main entrance. Additional signage and an awning will be installed as we progress with this project.

Advertising/Media

MSBC has budgeted funds for print ads but plans to use its normal channels to disburse information about the new location, Grand Opening and ongoing events. These channels include: our web site, ale-mail, Great Northern [Home] Brewers Club email distribution, Anchorage Press's Brew Review column by James "Dr. Fermento" Roberts and Anchorage Daily News' Down the Hatch column by Dawnell Smith.

Press releases will be created and distributed to all news sources in Alaska and the NW, including business sections of newspapers, beer media [paper, magazine, web], AK Journal of Commerce, and AK Business Monthly. We will also send info to local television news stations to get some coverage.

Opening Celebrations

We are planning several celebrations at the new brewery. We'd like to have a quiet opening before the official Grand Opening so that we can work out any kinks early in the process. Additionally we will host a few parties for various "friends of the brewery" segments.



Established 1995

Midnight Sun Brewing Company

7329 Arctic Boulevard

Anchorage, AK 99518

907-344-1179 office

907-344-6656 fax

Contact: Barb Miller

barb@midnightsunbrewing.com

Proposed Menu & Kitchen

Theme

Midnight Sun Brewing Company's Tasting Room and Take-Out:

- Open 6-7 days a week: 11 AM to 8 PM
- Fresh Beer & Food To Go
- Beer Service (onsite consumption = 36-oz limit per person)
- Limited Seating for onsite eating/drinking
- Counter Service – no wait staff (just table clean-up)
- Clean, inviting, industrial look
- Family Friendly

Beer and Sparkling Sodas & Juices

- Beer – up to 36-oz; served in 6-oz and 12-oz pours for onsite consumption
- Soda – 16-oz clear plastic cups with lids/straws to-go
- Growlers and Kegs: beer and soda

Food Menu

One signature sandwich, soup and salad plus homemade pretzel with cheese/mustard.

- Sandwiches with Options for Panini or Toasted version
- Salads – 1 house dressing plus standards
- Soups – 1 house soup daily, 1 other soup that varies daily
- Giant Pretzels with cheese or choice of MSBC-made mustard

Packaging

- All items packaged To-Go – Sack Lunch or Dinner Box- style



Established 1995

FRESH BEER & FOOD TO GO

SPECIALS

Pretzels

Fresh homemade pretzel served with cheese or mustard

Brewer's Lunch

Assortment of cheeses, meats, olives, fruit and nuts

SANDWICHES

All Sandwiches served cold or grilled.
Prices include Alaska Chip Co. chips and choice of side salad.

Three Cheese Squeeze

Cheddar, Swiss, Gruyere, Mustard
on White, Wheat or Sourdough Bread
ADD: Ham or Pastrami or Gorgonzola

Picnic Lunch

Salami, Provolone, Field-Greens, Tomatoes,
Red Onions, Sun-dried Tomato-Garlic Aioli
on Baguette

Beer Brat

Bratwurst*, Sauerkraut, Mustard, Red Onions
on Baguette

* Bratwurst is parboiled in beer then "grilled"

Veggie

Hummus, Roasted Peppers, Spinach, Feta Cheese,
Red Onions, Spicy Roasted Red Pepper Aioli
on White, Wheat or Sourdough Bread

Midnight Snack

Smoked Turkey, Pepper Jack, Field Greens,
Spicy Roasted Red Pepper Aioli
on White, Wheat or Jalapeno Cheese Bread

SOUPS

All Soups served with toppings listed.
Prices include bread and butter or crackers.

Beer Cheese Bisque

Oosik Amber Ale, Cheddar, Swiss, Gruyere
topped with Garlic Crostini

Couch Potato Soup

Red and Gold Potatoes, Turnips, Onions
topped with Bacon and Chives

Chipotle Corn Chowder

Roasted Corn, Onions, Carrots, Chipoltes
topped with Spicy Roasted Red Pepper Aioli
ADD: Roasted Chicken

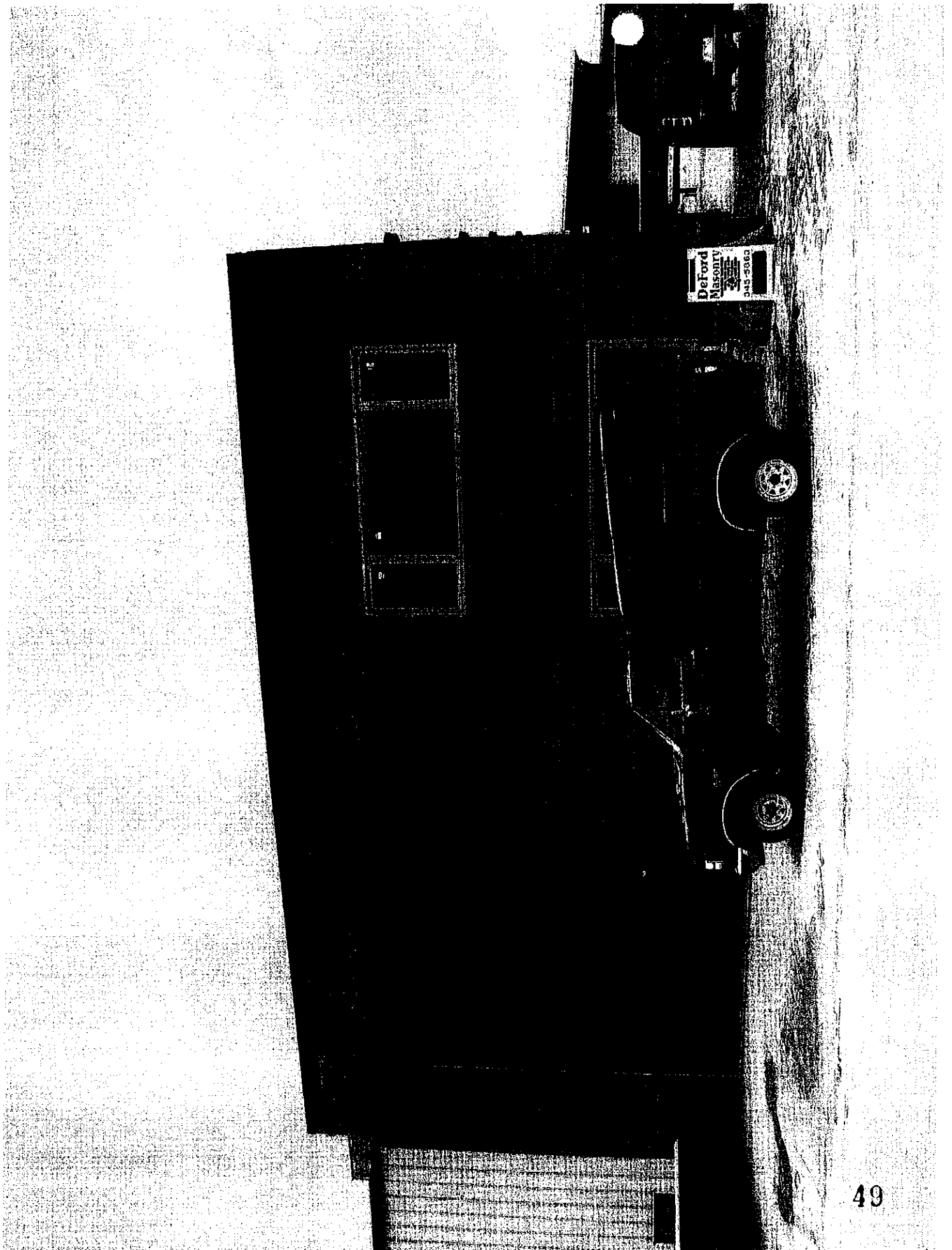
SALADS

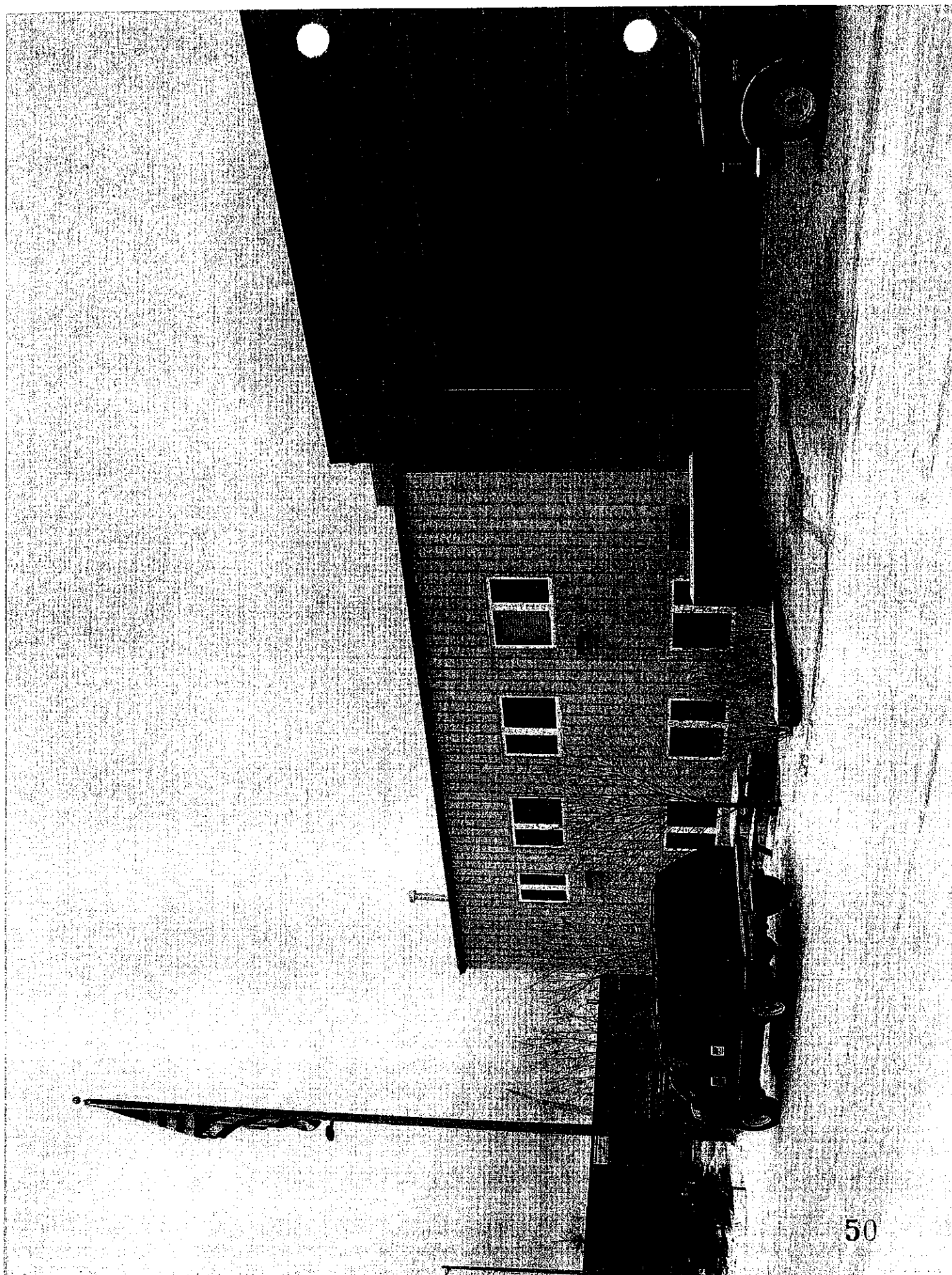
Southwest Caesar

Romaine, Parmesan, Mild Mexican Cheese
tossed with Cilantro Caesar Dressing
topped with Spiced Pumpkin Seeds

Harvest House

Romaine, Field Greens, Spinach, Gorgonzola,
Red Grapes or Gala Apples
tossed with House Vinaigrette
topped with Carmelized Pecans









STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
CREDITORS AFFIDAVIT AS 04.11.280 AND AS 04.11.360

AFFIDAVIT

I/We Barbara A. Miller being first duly sworn on oath, depose
and state that I/we am/are the licensee(s) and transferor(s) of that certain business known as
Midnight Sun Brewing Company located at
7329 Arctic Blvd 99518 in connection with liquor license
number 3426 and that the following is a listing of accounts payable and taxes owed by the
above licensed business as of 04-2008 12/26/08

Creditor/Taxing Authority	Complete Mailing Address	Amount	Purpose of Liability
Please see attached			

SIGNED

Barbara A. Miller

SIGNED

SIGNED

SIGNED

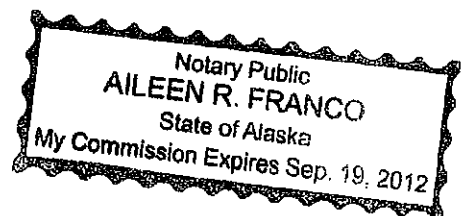
Subscribed & sworn to before me this

26 day of December 20 08

Aileen R. Franco
Notary Public in & for Alaska

My commission expires

(Rev. 5/2001)



This is the current state statute that defines our brewery license.

Alaska Statute Title 04

04.11.130 Brewery License.

- (a) A brewery license authorizes the holder to operate a brewery where beer is manufactured and bottled or barreled for sale.
- (b) The holder of a brewery license may sell beer in quantities of
 - (1) not more than five gallons a day to an individual who is present on the licensed premises for consumption off the premises;
 - (2) more than five gallons a day to a person who is licensed under this title, or in another state or country.
- (c) The holder of a brewery license may permit a person to sample small portions of the brewery's product free of charge unless prohibited by AS 04.16.030.
- (d) The biennial brewery license fee is \$1,000.
- (e) Unless prohibited by AS 04.16.030, a holder of a brewery license may sell not more than 36 ounces a day of the brewery's product to a person for consumption on the premises if
 - (1) the brewery does not allow live entertainment, televisions, pool tables, dart games, dancing, electronic or other games, game tables, or other recreational or gaming opportunities on the premises where the consumption occurs;
 - (2) the brewery does not provide seats at the counter or bar where the product is served; and
 - (3) the room where the consumption occurs is not open before 8:00 a.m. and serving of the product ends not later than 8:00 p.m.

<http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx07/query=alcoholic+beverage/doc/%7B@305%7D?>

HISTORICAL INFORMATION

Liquor License Identify Results**License Information**

License Number: 3486
Requested Action: Renewal
Request Date: 17/4/07
Approval Date: 17/4/07
Protest Date: 22/5/07
License Doc.
Number: AM 269-2007
ABC Approval
Date: 18/4/07
Restaurant Date:
License Type: Brewery
License Years: 07-08
Parcel ID: 01218128000
License: AM 340-2003 app 4/15/03 AM 228-2001 app 3/13/01 AM
Comments: 269-2007 app 4/17/07

Associated Conditions**Applicant Information**

Applicant Name: Midnight Sun Brewing Co.
Applicant Address: 7329 Arctic Blvd.
Anchorage AK 99518
License Status: Valid/Active
Status Date: 22/5/07

Business Information

Business Name: Midnight Sun Brewing Co.
Business Address: 7329 Arctic Blvd
Anchorage AK 99518
Business Phone 1: 9073441179
Business Phone 2: 907-344-6656

Community Council Information

Community Council: Taku/Campbell
Type: Primary

Owner Information

Name: Staples, Mark
Name: Cimino, Chris
Name: Miller, Barbara Ann
Name: Busse, Gary

BUILDING PERMIT INFORMATION

APPRAISAL INFORMATION

Legal PETERSBURG BUSINESS CENTER
BLK 1 LT 3

Parcel 014-211-60-000

01 of 01

#

01

Owner DEFORD ELMER & MARILYN

Prop Info # OFFICE WAREHOUSE
Site Addr 8111 DIMOND HOOK DR

PO BOX 111433
ANCHORAGE

AK 99511

BUILDING PERMITS

Permit # 01 5960

Class Type C

Class Use COMBINED

Date Sep 28, 2001

Address 8111 DIMOND HOOK DR

Cond Occ/Occ 00000000 00000000

Certification

Contract Type GENERAL CONTRACTOR

Name OWNER

E-mail

Phone () -

Fax () -

Address 4700 S BRAGAW

City/State/Zip ANCHORAGE AK 99507-

Project DEFORD MASONRY

Sewer / Water PUBLIC PUBLIC

Work Type NEW

Work 5584 sq.ft. warehouse / 2376 apt. / 800 sq.ft. office

Description

CASES

2009-027

Case Number 2009-027

of Parcels 1

Hearing Date Wednesday, December 31, 2008

PERMIT COMMENT

Content ID: 007393**Type:** AR_AllOther - All Other Resolutions

AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE I-1 (LIGHT INDUSTRIAL DISTRICT) FOR A BREWERY USE AND LICENSE NUMBER 4866 PER AMC 21.40.200.B.1.(k) AND AMC 21.50.160.A FOR THE MIDNIGHT

Title: SUN BREWING, LLC, LOCATED AT 8111 DIMOND HOOK DRIVE, LOT 3, BLOCK 1, PETERSBURG BUSINESS CENTER SUBDIVISION, GENERALLY LOCATED EAST OF PETERSBURG STREET AND NORTH OF EAST DIMOND BOULEVARD AND DIMOND HOOK DRIVE.

Author: weaverjt

Initiating Dept: Planning

Description: AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE I-1 (LIGHT INDUSTRIAL DISTRICT) FOR A BREWERY USE AND LICENSE NUMBER 4866 PER AMC 21.40.200.B.1.(k) AND AMC 21.50.160.A FOR THE MIDNIGHT SUN BREWING

Date Prepared: 2/6/09 1:05 PM

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 9:45 AM	Exit	Heather Handyside	Public	007393
MuniMgrCoord_SubWorkflow	2/9/09 9:45 AM	Approve	Heather Handyside	Public	007393
MuniManager_SubWorkflow	2/9/09 9:34 AM	Approve	Michael Abbott	Public	007393
CFO_SubWorkflow	2/9/09 9:12 AM	Approve	Sharon Weddleton	Public	007393
ECD_SubWorkflow	2/6/09 3:30 PM	Approve	Tawny Klebesadel	Public	007393
Planning_SubWorkflow	2/6/09 3:30 PM	Approve	Tom Nelson	Public	007393
AllOtherARWorkflow	2/6/09 1:49 PM	Checkin	Jerry Weaver Jr.	Public	007393