

CLERK'S OFFICE

APPROVED

Date: 12.15.09

Submitted by: ASSEMBLY MEMBER STARR
Assembly Chair Ossiander

Prepared by: Assembly Counsel

For reading: November 17, 2009

**ANCHORAGE, ALASKA
AR NO. 2009-271**

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

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

WHEREAS, pursuant to AR 2008-179, Wal-Mart Stores, Inc. was granted an alcoholic beverages conditional use pursuant to AMC 21.40.180 D.8, in the B-3 SL District, by the Assembly on October 14, 2008 for a Liquor Package Store, located within Eaglewood Subdivision, Tract A, generally located on the southeast corner of Eagle River Road and Eagle River Loop Road; and

WHEREAS, the Planning Department's Conditional Use Site Plan Review, Case No. 2008-120, determined the use and structures to be in conformity with the B-3 zoning regulations and applicable portions of Title 21, and in conformity with all applicable conditional use standards; and

WHEREAS, in addition to the conditions recommended in the Site Plan Review, Case No. 2008-120, the Assembly added a condition regarding signage and advertising media; and

WHEREAS, in response to community requests for trial period of the conditional use at this location, AR 2008-179, in addition to the conditions recommended in the Site Plan Review, provides for the provisional expiration of the conditional use unless modified through formal action of the Anchorage Assembly; and

WHEREAS, in the operation of this Liquor Package Store to date, there have been no Alcoholic Beverage Control (ABC) Board violations and no record of code enforcement issues or violations involving signage or advertising media; and

WHEREAS, the ABC License No. 4765 is due for renewal December 2009, which action shall come before the Assembly in the normal course of review established for liquor licensing; and

1 WHEREAS, community concerns about the conditional use at this location have
2 been satisfied in the performance by Wal-Mart in the operation of the Liquor Package
3 Store,
4

5 NOW, THEREFORE, the Anchorage Assembly resolves to formally restate final
6 conditional use approval, deleting the provisional time limitation as follows:
7

8 **Section 1.** This conditional use approval is for an Alcoholic Beverages Conditional Use
9 in the B-3 District for a Package Store Use and License per AMC 21.40.180 D.8, for
10 Wal-Mart Stores, Inc., located within Eaglewood Subdivision, Tract A.; generally meets
11 the applicable provisions of AMC 21.50.020 and AMC 21.50.160. Complete Site Plan
12 Review for this conditional use was conducted by the Planning Department in Planning
13 Case Number 2008-120. The public notice provisions of AMC 21.15.005 were
14 completed under Case Number 2008-120.
15

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

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

22 1. An amended Notice of Zoning Action shall be filed with the State District
23 Recorder's Office within 120 days of the Assembly's approval of this AR 2009-
24 271 for conditional use approval of the Package Store Use in the B-3 District,
25 located on a portion of Eaglewood Subdivision, Tract A.
26

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

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

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

39 5. Upon demand, the applicant shall demonstrate compliance with a "Liquor
40 Server Awareness Training Program," approved by the State of Alaska Alcoholic
41 Beverage Control Board, such as or similar to, the program for "Techniques in
42 Alcohol Management" (T.A.M.).
43

44 6. The use of the property, by any person for the permitted purposes, shall
45 comply with all current and future Federal, State and local laws and regulations,

1 including but not limited to, laws and regulations pertaining to the sale of
2 alcoholic beverages. The owner of the property, the licensee under the Alcoholic
3 Beverage Control license and their officers, agents and employees, shall not
4 knowingly permit, or negligently fail to prevent the occurrence of illegal activity on
5 the property.
6

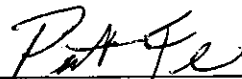
7 7. A copy of the conditions imposed by the Assembly in connection with this
8 conditional use approval shall be maintained on the premise.
9

10 8. Exterior storefront signage designating this package store shall be
11 restricted to one permanently mounted fixture of the type similar to other
12 departments. No exterior temporary signage shall be permitted. Interior
13 advertising media shall not be visible from the exterior of the store.
14

15 **Section 4.** Failure to comply with the conditions of this conditional use permit shall
16 constitute grounds for its modification or revocation.
17

18 **Section 5.** This resolution shall become effective immediately upon passage and
19 approval by the Anchorage Assembly.
20

21
22 PASSED AND APPROVED by the Anchorage Assembly this 15th day of
23 December, 2009.

24
25 
26 _____
27 Chair

28 ATTEST:

29 
30 _____
31 Municipal Clerk
32
33
34
35
36
37
38
39
40
41
42
43
44