

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 11-17-09

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: November 17, 2009

Anchorage, Alaska
AR 2009-277

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
2 APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A
3 PACKAGE STORE USE AND LICENSE NUMBER 4558 IN THE B-3 SL
4 (GENERAL BUSINESS WITH SPECIAL LIMITATIONS) DISTRICT FOR
5 LIQUOR STORES USA NORTH DBA BROWN JUG; LOCATED AT 1106
6 NORTH MULDOON ROAD, BUILDING H, SUITE 110, GATEWAY
7 SUBDIVISION, TRACT A, FRAGMENT LOT 16; GENERALLY LOCATED AT
8 THE NORTHWEST CORNER OF MULDOON ROAD AND THE GLENN
9 HIGHWAY.

10
11 (Northeast Community Council) (Case 2009-142)

12
13 **THE ANCHORAGE ASSEMBLY RESOLVES:**

14
15 **Section 1.** A conditional use permit and License Number 4558 for an Alcoholic
16 Beverages Conditional Use in the B-3 SL District for a Package Store Use per
17 AMC 21.40.180D.8, for Liquor Stores USA North dba Brown Jug, located at 1106
18 North Muldoon Road, Building H, Suite 110, Gateway Subdivision, Tract A, Lot
19 16; generally located at the northwest corner of Muldoon Road and the Glenn
20 Highway, and generally meets the applicable provisions of AMC 21.50.020 and
21 AMC 21.50.160.

22
23 **Section 2.** This conditional use is approved subject to the following conditions:

24
25 1. A Notice of Zoning Action shall be filed with the District Recorder's Office
26 within 120 days of the Assembly's approval of a final conditional use
27 approval for a package store use in the B-3 SL District.

28
29 2. All uses shall conform to the plans and narrative submitted with this
30 conditional use application, including the building plans except as modified
31 by this approval.

32
33 3. This conditional use approval is for an Alcoholic Beverages Conditional
34 Use in the B-3 SL District for a Package Store Use per
35 AMC 21.40.180.D.8 for approximately 5,086 square-foot space within
36 the Tikahtnu Commons Mall located at 1106 North Muldoon Road, Building H,
37 Suite 110, within Gateway Subdivision, Tract A, Lot 16.
38

5. On-premise sale of alcoholic beverages are from 10:00 AM to 12:00 AM, Monday through Saturday, and 12:00 PM to 12:00 AM on Sunday.

6. Valid identification will be required for all on-premise sales of alcoholic beverages.

7[6]. 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.).

8[7]. 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. 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.

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

Section 3. Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.

Section 4. This resolution shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this
17th day of November 2009.

ATTEST:


Chair


Municipal Clerk



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 632-2009

Meeting Date: November 17, 2009

From: Mayor

Subject: ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A PACKAGE STORE USE AND LICENSE NUMBER 4558 IN THE B-3 SL (GENERAL BUSINESS WITH SPECIAL LIMITATIONS) DISTRICT FOR LIQUOR STORES USA NORTH DBA BROWN JUG LOCATED AT 1106 NORTH MULDOON ROAD, BUILDING H, SUITE 110, GATEWAY SUBDIVISION, TRACT A, FRAGMENT LOT 16; GENERALLY LOCATED AT THE NORTHWEST CORNER OF MULDOON ROAD AND THE GLENN HIGHWAY.

1 Liquor Stores USA North has made application for a new conditional use permit for
2 an alcoholic beverages conditional use in the B-3 SL District, per AMC 21.40.180
3 D.8, for a Package Store Alcoholic Beverage License Number 4558, dba "Brown
4 Jug," located at 1106 North Muldoon Road, Building H, Suite 110, within Gateway
5 Subdivision, Tract A, Fragment Lot 16.

6
7 This proposal is for a Package Store Alcoholic Beverage Conditional Use for a
8 5,086 square-foot gross leasable area in a new commercial/retail structure within
9 the Tikahtnu Commons Mall. The property is zoned B-3 SL, in which alcoholic
10 beverage sales are permitted through the conditional use process.

11
12 The petitioner has applied to the Alcoholic Beverages Control Board for the
13 transfer of location and ownership of an existing "no premise" Package Store
14 license. The "no premise" license was previously located at 6241 DeBarr Road,
15 and owned by Neeham and Virginia Wilson dba as the Billik-Inn.

16
17 There are no known churches or schools within 200 feet of the petition site,
18 according to Municipal records.
19

1 There is one Club License located within a 1,000-foot radius of the petition site.
2 Approving this Package Store Conditional Use and License 4558 will be the first
3 Package Store License to the area.

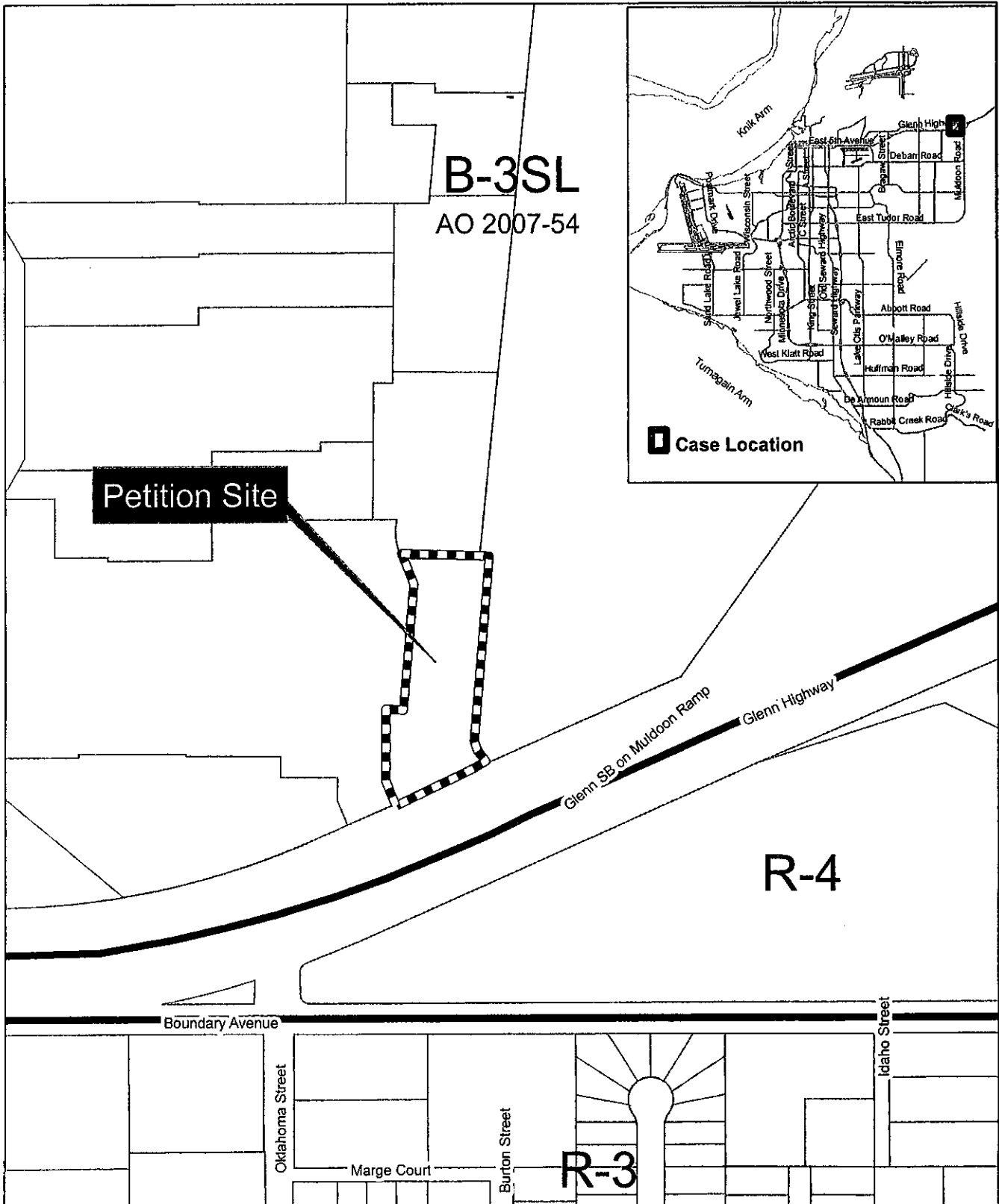
4
5 Daily operating hours are 10:00 AM to 12:00 AM Monday through Saturday, and
6 12:00 PM to 12:00 AM on Sunday.

7
8 At the time this report was prepared, the Department of Health and Human
9 Services and the Anchorage Police Department did not provide comments.
10 Treasury reports there are no delinquent Personal Property Taxes, or Real
11 Property Taxes owing at this time.

12
13 THIS CONDITIONAL USE FOR A PACKAGE STORE USE AND LICENSE
14 NUMBER 4558 IN THE B-3 SL DISTRICT GENERALLY MEETS THE
15 APPLICABLE PROVISIONS OF AMC TITLES 10 AND 21, AND ALASKA
16 STATUTE 04.11.150.

17
18 Prepared by: Angela C. Chambers, Acting Zoning Administrator,
19 Planning Department
20 Approved by: Jerry T. Weaver Jr, Acting Director, Planning Department
21 Concur: Greg Jones, Executive Director, Office of Community
22 Planning & Development
23 Concur: Dennis A. Wheeler, Municipal Attorney
24 Concur: George J. Vakalis, Municipal Manager
25 Respectfully submitted: Daniel A. Sullivan, Mayor

2009-142



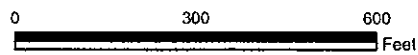
Municipality of Anchorage
Planning Department
Date: September 14, 2009

Flood Limits

☐ 100 Year

☐ 500 Year

☐ Floodway



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

DATE: November 17, 2009

CASE NO.: 2009-142

APPLICANT: Liquor Stores USA North dba Brown Jug

REPRESENTATIVE: O.C. Madden III, Director of Operations

REQUEST: A Conditional Use for Alcoholic Beverages in the B-3 SL (General Business) District for a Package Store License, per AMC 21.40.180D.8.

LOCATION: Gateway Subdivision, Tract A, Fragment Lot 16

STREET ADDRESS: 1106 N. Muldoon Road, Building H, Suite 110

COMMUNITY COUNCIL: Northeast

TAX PARCEL: 006-341-11/ Grid SW 1140

ATTACHMENTS

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

RECOMMENDATION SUMMARY:

Brown Jug, Inc., Liquor Stores USA North dba Brown Jug, is applying for a conditional use for new package store license and use at 1106 North Muldoon Road, Building H, Suite 110. The site is in a newly-constructed one-story retail structure located in the Tikahtnu Commons Mall.

This conditional use amendment generally meets the required standards of AMC Title 10 and Title 21.

SITE:

Acres: 95.2 Acres

Vegetation: Commercial landscaping

Zoning: B-3 SL (General Business)

Topography: Relatively level
Existing Use: Newly constructed retail/commercial structure
Soils: Public sewer & water

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	T	PLI	R-4	T
Land Use:	Military	Bartlett High School; Native Heritage Center	Mixed Density Residential	Military

SITE DESCRIPTION AND PROPOSAL:

This is a request for a package store license conditional use for a 5,086 square foot (SF) leasable area of a new commercial/retail structure containing eight retail spaces, located at 1106 North Muldoon Road, Building H, Suite 110. The petition site is within a 95.2 acre tract.

Daily operating hours are 10:00 AM to 12:00 AM Monday through Saturday, and 12:00 PM to 12:00 AM on Sunday.

All employees will be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program. 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 there will be security cameras and perimeter lighting on the site and it is the policy and practice of the company to check identification of all members of the purchasing party. All transactions are digitally recorded, and the video is archived for a period of three years. The employees will have immediate access to security and supervisory personnel.

PUBLIC COMMENTS:

Sixty-five (65) public hearing notices (PHNs) were mailed. At the time this report was written, one PHN was returned, objecting to another package store in Anchorage. No written comment has been received from the Northeast Community Councils.

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.**

Anchorage 2020 does not have a designation for this area. It was rezoned in 2006 from T (Transition) to B-3 SL to allow construction of a new regional shopping center, Tikahtnu Commons Mall, on a 95.2 acre tract of land.

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, calls for the development of locational standards and criteria for retail sales/service of alcoholic beverages. To date this has not been done.

The *Anchorage 2020 Plan* (ref. P.40) contains a generalized community vision that advocates "an active learning community with abundant cultural amenities." Several goals of the *Anchorage 2020 Plan* do address related issues such as recreational and economic opportunities. The sale of alcoholic beverages is part of the social, recreational and economic environment of the community. The package store will also facilitate a growing hospitality and tourism industry in Anchorage.

Another of the *Plan's* stated economic development goals are "Business Support and Development: a quality of life and a financial climate that encourages businesses to start up, expand or relocate in Anchorage" (p. 41).

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

This standard is met.

Except for the alcoholic beverages conditional use standards established in AMC 21.50.160, there are no adopted specific zoning regulations for alcoholic beverage sales. The B-3 General Business district zoning regulations allows alcoholic beverage sales through the conditional use permit process: AMC 21.40.180 D.8. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160.

The package store will occupy a 5,086 square -foot lease space in a retail building, Building H. The regional mall developer has been issued building permits for commercial and retail uses. Development has been determined to be conforming in regards to characteristics of use such as parking, access, landscaping, etc. The proposed conditional use will not change the parking requirements.

- Use: The B-3 District zoning regulations allow alcoholic beverage sales through the conditional use permit process: AMC 21.40.180 D.8, Liquor

stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160. There are no other alcohol uses or licenses within the Tikahtnu Commons Mall.

- **Parking:** shopping centers having a gross leasable area of over 600,000 square feet require 5 parking spaces per 1,000 square feet. Parking was addressed during the building permit process when the property was developed.
- **Landscaping:** B-3 zoning requires all areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping. These requirements appear to have been met.

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.

There are no churches and/or schools within 200 feet of the subject site. AMC 21.50.160.B asks that a list of all alcohol licenses located within a minimum of 1,000 feet of the proposed conditional use be provided. There is one club license. Approving this conditional use for a package store use and license would be the first package store license.

Name	Address	License Number	Type of License
V.F.W. Post 9978	101 Oklahoma Avenue	1203	Club

Alaska Statute 04.11.410, Restriction of location near churches and schools, restricts beverage dispensary and package store licenses from being located in a building the public entrance of which is within 200-feet of the public entrance of a church building, or from being located within 200-feet of school grounds. There appear to be no church buildings or school grounds within 200 feet of the petition site.

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.

The 2008 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 lot is well lit, the parking areas paved, and the site incorporates pedestrian sidewalks along the roadways adjacent to the parking lot entrances.

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

This standard is met.

The addition of the package store license will not impact public services. Electricity, water, sewer, and natural gas are available on site. Road infrastructure and public transit is already in place. The petition site is within ARDSA, and Police and Fire service areas.

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

This standard is met.

As a land use, a Package Store conditional use and license will not cause or contribute to any environmental pollution. The public parking lots are paved, which control air 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 license. There will be no change in the new structure or site. The intensity of this proposed use appears to be no greater than general traffic generated in the area from the adjacent commercial, retail and related uses.

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.**

See table and narrative under Findings, Item C for other alcohol licenses within 1,000 feet of this application. There are no churches and/or schools within 200 feet of the subject site.

This conditional use for a Package Store license will not adversely impact the immediate area or surrounding uses.

- 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 involved with serving alcohol will be involved in the dispensing of alcoholic beverages and will be trained in accordance with the T.A.M. training and hold the appropriate certificates.

- 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.**

AMC 10.50.035 addresses operations procedures involving happy hours, games or contests, public transportation, notice of penalties, availability of nonalcoholic drinks, compliance determination with these procedures including employee T.A.M. training, and warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest for or charge of a DUI. The Brown Jug Package Stores have a demonstrated record of compliance with these operating procedures.

- 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.

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. In addition to the T.A.M. training, all employees will attend a company orientation to provide additional training on company policies and procedures. Brown Jug also performs in-house compliance tests to ensure all employees act in accordance with company policy. Brown Jug also pays incentive bonuses to employees that seize identification cards from minors who are illegally on licensed premises, and adults who attempt to purchase alcohol with an Alcohol Restricted ID. Since 1998, Brown Jug employees have seized over 2000 identification cards from minors. All Brown Jug stores are equipped with state of the art digital video recording equipment. The system will incorporate interior and exterior cameras, and a monitored alarm. The employees will be able to view the cameras on their cash register, and will be able to monitor any area of the store without having to leave their station. Brown Jug records video of all transactions, and archives that video for a period of three years.

The Anchorage Police Department had not provided comments at the time this report was written.

- 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**

The Treasury Division found no outstanding taxes on this application.

- 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.

At the time this report was written, the Department of Health and Human Services had not provided comments.

- 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 conditional use for alcoholic beverages in the B-3 SL District to allow a Package Store use and license number 4558 per AMC 21.40.180D.8 for Gateway Subdivision, Tract A, Lot 16, meets the required standards of AMC Title 10 and Title 21.

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 the amendment for a Package Store license number 4558 use on Gateway Subdivision, Tract A, Lot 16.
2. All uses shall conform to the plans and narrative submitted with this conditional use application.

3. This conditional use approval is for an Alcoholic Beverages Conditional Use in the B-3 District for a Package Store Use per AMC 2140.180 D.8 for approximately 5,086 square feet of gross leasable area to be located in the structure at Gateway Subdivision, Tract A, Lot 16.
4. On-premise sale of alcohol beverages will be seven days a week as permitted per the Alaska Alcoholic Beverage Control Board requirements.
5. Upon demand the applicant shall demonstrate compliance with a liquor "Server Awareness Training Program approved by the State of Alaska alcoholic Beverage Control Board, such as or similar to the program for techniques in alcohol management (T.A.M.).
6. The use of the property by any person for the permitted purposes shall comply with all current and future federal, state and local laws and regulations including but not limited to laws and regulations pertaining to the sale, dispensing, service and consumption of alcoholic beverages and the storage, preparation, sale, service and consumption of food. The owner of the property, the licensee under the Alcoholic Beverage Control license and their officers, agents and employees shall not knowingly permit or negligently fail to prevent the occurrence of illegal activity on the property.
7. A copy of the conditions imposed by the Assembly in connection with this conditional use approval shall be maintained on the premise at a location visible to the public.

Alcohol Existing License List Report

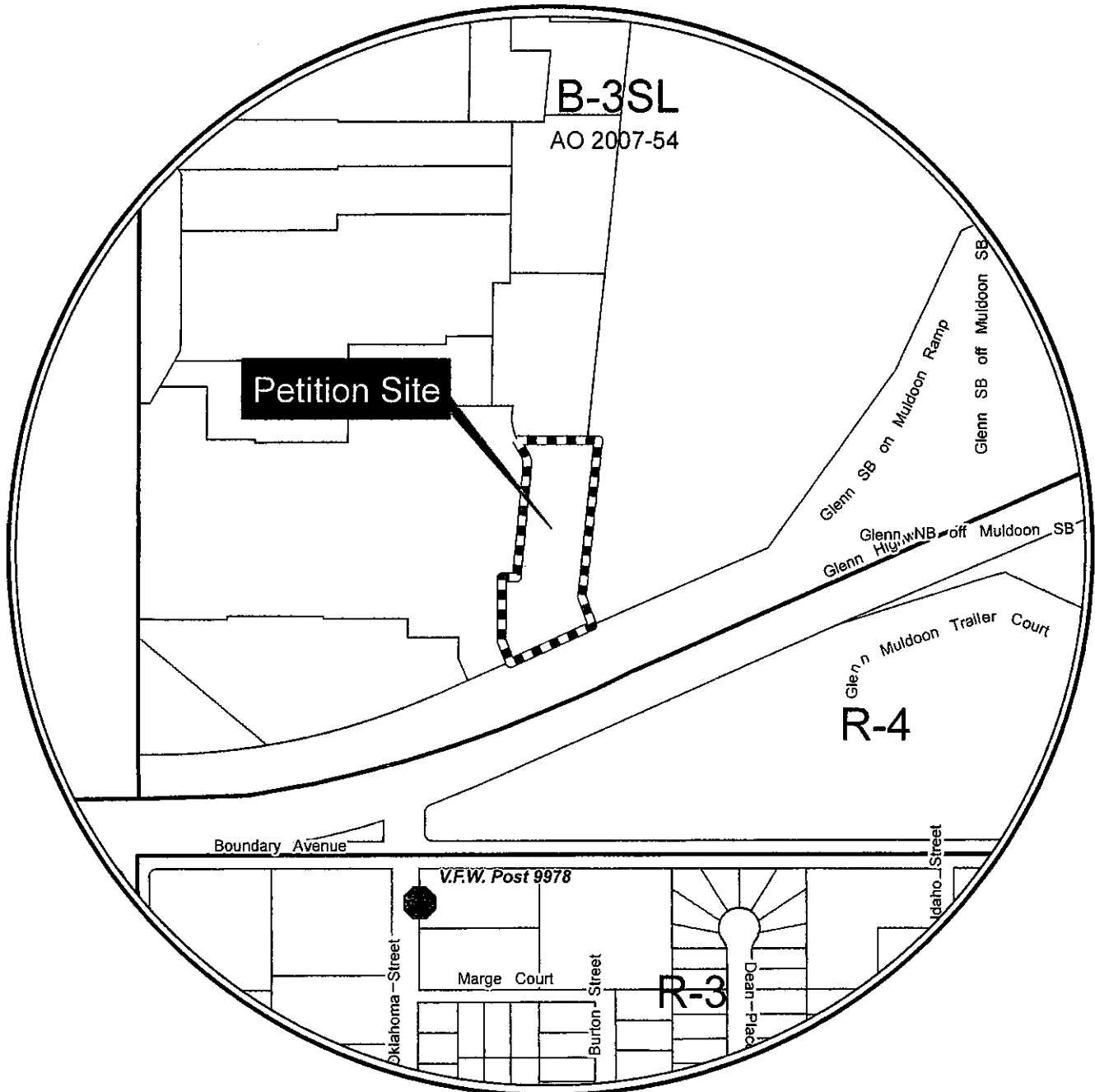
Case Number: 2009-142 Description: 1000'

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City Lic. Number	State Lic. Zone	Zip Lic. Type
00603103000 V.F.W. Post 9978	NOYES JOHN R VFW Post 9978	101 OKLAHOMA STREET 101 Oklahoma Ave	ANCHORAGE 1203	AK R3	99504 Club

011

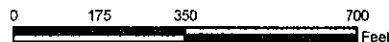
2009-142

● EXISTING LIQUOR LICENSES WITHIN 1000'

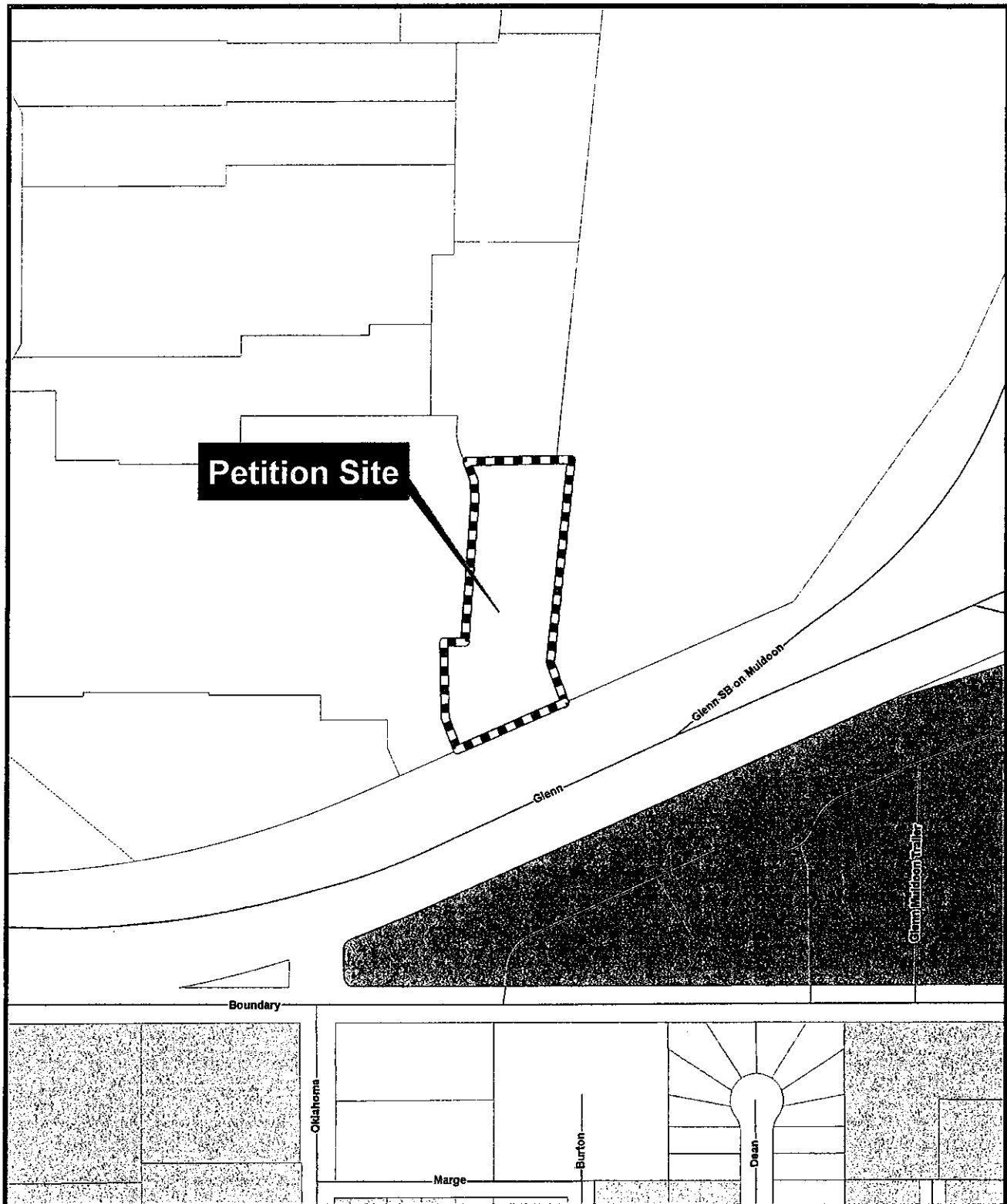


Municipality of Anchorage
Planning Department

Date: September 14, 2009



2009-142



Municipality of Anchorage
Planning Department

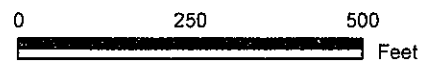
Date: September 14, 2009



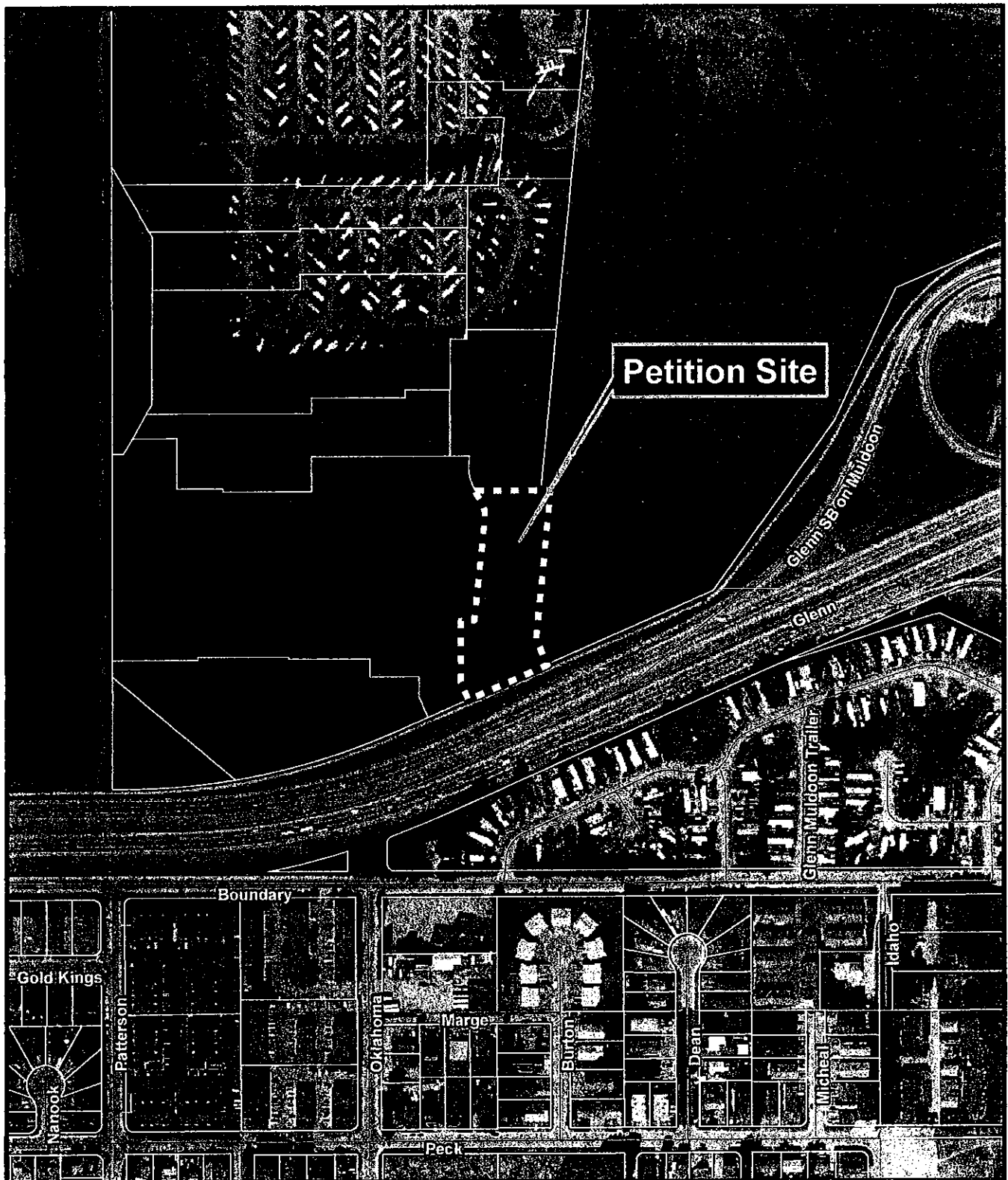
Mobile Home Park

Multi-Family

Single Family



2009-142



Municipality of Anchorage
Planning Department

Date: September 14, 2009

0 350 700
Feet



**DEPARTMENTAL
COMMENTS**

Reviewing Agency Comment Summary Case No.: 2009-142

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			

Municipality of Anchorage
Treasury Division
Memorandum

Date: September 23, 2009
To: Rich Cartier, Planning Dept.
From: Diana Flavin, Revenue Officer
Subject: Liquor License Conditional Use Comments

RECEIVED

SEP 24 2009

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Request for conditional use permit 2009-142 for Brown Jug, located at 1106 N. Muldoon Rd.
#110, Anchorage, AK. 99504.

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

SEAN PARNELL, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

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

September 25, 2009
RE: MOA Zoning Review

RECEIVED

SEP 25 2009

ANCHORAGE, ALASKA
2009-09-25


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

Dear Mr. Weaver:

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

- 2009-111; Sign Standards – Variance and Appeals Amending Ordinance
- 2009-126; Rezoning Abbott Loop Christian Center Tract A-3
- 2009-127; Encroachment Variance for a Lot Located on Bower Lane
- 2009-129; Notice of Bear & Wine License for a Restaurant on O'Malley Centre Drive
- 2009-132; Shed Encroachment Variance Tudor Park, Block 1, Lot 9
- 2009-134; Garage Encroachment Variance Broadwater Heights, Tract H, Lot 1
- 2009-135; Fence Height Variance Wentworth Subdivision, Lot 22, Block 2
- 2009-137; Tract B Moose Meadows Subdivision
- 2009-141; Angelus Memorial Columbarium Addition
- 2009-142; Muldoon Liquor Store

Sincerely,



Mark Parnellee
Area Planner

/aj

018



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

DATE: September 23, 2009
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
THRU: Leland R. Coop, Associate Traffic Engineer *LC*
FROM: *MA* Mada Angell, Assistant Traffic Engineer
SUBJECT: Traffic Engineering Comments for November 17, 2009 Assembly

RECEIVED

SEP 28 2009

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

09-142

**Conditional Use to permit alcoholic package store; Brown Jug,
Tikahtnu Commons**

Traffic Engineering has no objection.

019

Fire Plan review comments: 9/22/09 M. Schwan

- ✓ 2009-143: Wharton Sub. Lt 7A, 1) Occupant loads over 50 require 2 exits. Please verify west exterior door (see west elevation) serves as an exit from the dinning area and not from the kitchen.
- ✓ 2009-137: Tract B Moose Meadows, 1) There have been previous restrictions on the number of occupants. Submit code study and floor plan. 2) Requires change of use permit from building department.
- ✓ 2009-141: Angelus Memorial Park, 1) Resolve structural comment by building safety plan reviewer Wayne Bolen for change order #5 to provide special inspectors letters. Otherwise no objection.
- ✓ 2009-142: Tikahtnu Commons, No Objection

RECEIVED

SEP 22 2009

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION



Municipality of Anchorage
Project Management & Engineering Department



Comments to Miscellaneous Zoning Applications

RECEIVED

DATE: October 21, 2009

OCT 21 2009

TO: Jerry T. Weaver, Jr. - Planning

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

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

SUBJECT: Comments for Assembly Public Hearing date: November 17, 2009

Case No. 2009-133 – A request for concept/final approval of a conditional use to permit and alcoholic beverage dispensary use.

PM&E has no objection to this conditional use.

Case No. 2009-142 – A request of concept/final approval of a conditional use to permit an alcoholic beverage package store.

PM&E has no objection to this conditional use.

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

M E M O R A N D U M

RECEIVED

OCT 16 2009

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

DATE: October 14, 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 November 17, 2009
Agency Comments due October 20, 2009

AWWU has reviewed the materials and has the following comments.

09-142 GATEWAY TR A FRAGMENT LT 16, A request concept/final approval of a conditional use to permit an alcoholic beverage package store, Grid (SW1140)

1. AWWU water and sanitary sewer are on property private systems for this fragment Lot.
2. 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.

PH

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

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

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

RECEIVED

1. Select a Case:

[View Comments](#)

SEP 16 2009

2. View Comments:

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Case Num: 2009-142

Assembly conditional use for an alcoholic beverage package store

Site Address: 1106 N MULDOON RD

Location: An assembly conditional use for an alcoholic beverage package store license for Brown Jug Liquor. Gateway Subdivision, Tract A, Fragment Lot 16, Tikahtnu Commons Mall, Building H. Generally located north of the Glenn Highway and west of Muldoon Road.

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

Public Comments

9/16/09

Elaine Johnson

I totally disagree we DO NOT need anymore liquore store around anchorage anymore. We have to many of the Brown Jug store and it's creating more problems when we are trying to cause created less of problems around anchorage. thank you.

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

023

3

APPLICATION

Application for Conditional Use Retail Sale Alcoholic Beverages

Municipality of Anchorage
Planning Department
PO Box 195550
Anchorage, AK 99519-5550

Please fill in the information asked for below.

PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) LIQUOR STORES USA NORTH, dba BROWN JUG	Name (last name first) MADDEN III, O C
Mailing Address #300 10508 - 82 AVENUE EDMONTON, ALBERTA T6E44	Mailing Address PO BOX 190027 ANCHORAGE, ALASKA 99519-0027
Contact Phone: Day: 780-989-7604 Night:	Contact Phone: Day: 907-563-3815 Night: 907-830-6107
FAX: 780-702-1427	FAX: 907-562-3130
E-mail: CCORBETT@lagp.CA	E-mail: omadden@brownjugalaska.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): 0063411100001	006-341-11
Site Street Address: 1106 N. MULDOON RD., BUILDING H, SUITE 110	
Property Owner (if not the Petitioner): NORTH ANCHORAGE REAL ESTATE INVESTORS LLC	
Current legal description: (use additional sheet in necessary) LOT 16; TRACT A; GATEWAY SUBDIVISION; TIKAHNU COMMONS MALL, BUILDING H; ANCHORAGE ALASKA	
Zoning: B-3SL	Acreage: Grid #

ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED		
<input type="checkbox"/> Beverage Dispensary	<input type="checkbox"/> Private Club	<input type="checkbox"/> Restaurant, exempt
<input type="checkbox"/> Beverage Dispensary-Tourism	<input type="checkbox"/> Public Convenience	<input type="checkbox"/> Theater
<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Recreational	<input type="checkbox"/> Other (Please explain):
<input checked="" type="checkbox"/> Package Store	<input type="checkbox"/> Restaurant	
Is the proposed license: <input type="checkbox"/> New <input checked="" type="checkbox"/> Transfer of location: ABC license number: 4558		
Transfer license location: NO PREMISE		
Transfer licensed premises doing business as: BROWN JUG		

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: 9/11/09 Signature: O.C. MADDEN

Accepted by: MA Poster & Affidavit: 45-3 Fee: 4000.00 Case Number: 2009-142 025

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/open space ☐ Public Land Institutions
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study
☐ Residential at _____ dwelling units per acre

Girdwood- Turnagain Arm

- ☐ Commercial ☐ Industrial ☐ Parks/open 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:
- ☒ Original signed application
 - ☒ Copy of Building Permit application for new construction or change of use, if applicable
 - ☒ Copy of approved parking and landscape plan from Land Use Review
 - ☒ 12 copies of site plan to scale depicting: building footprints; parking areas; vehicle and pedestrian circulation; lighting; landscaping; signage; and licensed premises location.
 - ☒ 12 copies of building plans to scale depicting: floor plans indicating the location of sales and service areas; building elevations (photographs are acceptable).
 - ☒ 12 copies of photographs of premises from each street frontage that include and show relationship to adjacent structures and the premises visible street address number.
 - ☒ 12 copies of narrative: explaining the project; construction, operation schedule, and open for business target date.
 - ☒ 12 copies of a zoning map showing the proposed location.
 - ☒ 12 copies 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.

SEE LEASE SUMMARY DOCUMENTS

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):

BROWN JUG

What is the gross leaseable floor space in square feet?

5086 SQUARE FEET

What is the facility occupant capacity?

N/A

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

N/A

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

N/A

What will be the normal business hours of operation?

10 AM - 12 AM (MON.-SAT.); 12 PM - 12 AM (SUNDAY)

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

SAME AS BUSINESS HOURS

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

N/A % Alcoholic beverage sales

N/A % Food sales

Type of entertainment proposed: (Mark all that apply)

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

Do you propose entertainment or environmental conditions in the facility that will meet the definition of "indecent material" or "adult entertainment" as set forth by AMC 8.50.020 Minors-Disseminating indecent material? ☐ Yes ☒ No

Do you propose conditions in the facility that fall under AMC 10.40.050 Adult oriented establishment? ☐ Yes ☒ No

DISTANCE FROM CHURCHES, DAY CARE, AND SCHOOLS

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

Name

Address

NONE

PACKAGE STORES

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

2% less than \$5.00

6% \$5.00 to \$10.00

46% \$10.00 to \$25.00

46% greater than \$25.00

CONDITIONAL USE STANDARDS

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

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

See No. 1 at Page 8 of this form.

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

The B-3SL ZONING FOR THE SITE PERMITS ALCOHOL BEVERAGE SALES WITH A LIQUOR LICENSE AND CONDITIONAL USE PERMIT. ANY SPECIAL CONDITIONS ASSOCIATED WITH THE B-3SL ZONING DESIGNATION HAVE BEEN ADDRESSED IN THE BUILDING SITE PLANS.

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

THE PROPOSED STORE IS PART OF A BROADER, MIXED RETAIL FACILITY AND IS NOT WITHIN 200 FEET OF ANY CHURCHES, DAYCARE FACILITIES, OR SCHOOLS. THE STORE IS TO BE LOCATED WHOLLY WITHIN THE LARGER COMMERCIAL DEVELOPMENT.

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 STORE IS TO BE LOCATED WITHIN A LARGE COMMERCIAL DEVELOPMENT DESIGNED AND CONSTRUCTED TO ACCOMMODATE THE EXPECTED PEDESTRIAN AND VEHICULAR TRAFFIC.

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

THE PACKAGE STORE WILL NOT IMPACT PUBLIC SERVICES. UTILITIES ARE ALREADY AVAILABLE ON-SITE. ROAD INFRASTRUCTURE AND PUBLIC TRANSPORTATION IS ALREADY IN PLACE, AND THE SITE IS WITHIN POLICE AND FIRE SERVICE AREAS.

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

NONE.

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

NEITHER THE ZONING OR LAND USE INTENSITY WILL CHANGE AS A RESULT OF THE PROPOSED STORE. THE LAND USE INTENSITY WILL NOT EXCEED THE GENERAL TRAFFIC IN THE AREA GENERATED BY THE OVERALL DEVELOPMENT.

STANDARDS CHAPTER 10.50 ALCOHOLIC BEVERAGES

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

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

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

NONE.

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

NONE.

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

2

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

26

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

NO. THE NUMBER OF LIQUOR LICENSES WITHIN THE COMMUNITY COUNCIL AREA WILL REMAIN THE SAME.

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 STORE EMPLOYEES UNDERGO A "TIPS" ALCOHOL SERVER EDUCATION CLASS PRIOR TO WORKING ON THE SALES FLOOR.

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

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

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

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

SEE ATTACHED NARRATIVE. COMPANY POLICIES, ALCOHOL SERVER TRAINING, MULTIPLE EMPLOYEES WORKING EACH SHIFT, DIGITAL RECORDING OF ALL TRANSACTIONS, ACCESS TO SECURITY AND SUPERVISORY PERSONNEL.

outside facility:

SEE ATTACHED NARRATIVE. CAMERAS, LIGHTING, POLICY AND PRACTICE TO CHECK ID'S OF MEMBERS OF PURCHASING PARTY TO ENSURE THEY ARE OF AGE.

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.

1. Package liquor sales are a compatible use for the B-3SL zoning of this site. The sale of alcoholic beverages is part of the social, recreational, and economic environment of the community. A major initiative of the Comprehensive Plan is to encourage and support a thriving, sustainable, and broad-based economy by promoting sound development which will create a wide variety of employment opportunities for Anchorage residents. These goals are to be accomplished, in part, by incorporating "new urban elements," including "town centers," and "neighborhood commercial centers." The proposed package liquor store is part of Tikahtnu Commons, a broader mixed retail facility aimed at meeting these goals. The package liquor store complements the broader mix of retail, department store, restaurant and entertainment venues established at the site.

Brown Jug
1106 N. Muldoon Rd Bldg "H", Suite 110
Anchorage, Alaska

Narrative

Liquor Stores USA North dba Brown Jug, plans to open an upscale package store in the new Tikahtnu Commons Shopping Center. The tenant improvements are anticipated to begin mid September, and the target opening date is November 9, 2009.

The store will be open 7 days a week, 10 AM to 12 AM, Monday through Saturday, and 12 PM to 12 AM on Sunday and will be staffed with 8 to 10 full time employees. The location will feature an enhanced selection of wine, spirits and beer, in addition to non-alcoholic beverages, tobacco products, party supplies, and snack foods. The goal is to provide the consumer with an excellent selection of fine wine, high end spirits, and craft beers from around the world.

All employees will undergo TIPS alcohol server training prior to working on the sales floor. Brown Jug currently has 4 certified TIPS trainers on staff, the senior trainer has been certified for 23 years. In addition to the TIPS training, all employees will attend a company orientation to provide additional training on company policies and procedures. Brown Jug also performs in-house compliance tests to ensure all employees act in accordance with company policy. Brown Jug also pays incentive bonuses to employees that seize ID's from minors who are illegally on licensed premises, and adults who attempt to purchase alcohol with an Alcohol Restricted ID. Since 1998, Brown Jug employees have seized over 2000 ID's from minors.

All Brown Jug stores are equipped with state of the art digital video recording equipment, as will this location. The system will incorporate interior and exterior cameras, and a monitored alarm. The employees will be able to view the cameras on their cash register, and will be able to monitor any area of the store without having to leave their station. Brown Jug records video of all transactions, and archives that video for a period of 3 years. Security and supervisory personnel are available for employees to call if a need arises.

Transfer Liquor License

PAGE 1 OF 2

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

(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 _____
Mo/Day Mo/Day
- ☒ Full 2-year period

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEEs
License Year: 2008 - 2009	License Type: PACIAGE STORE LICENSE	Statute Reference Sec. 04.11. 150	License Fee: \$
License #: 4558			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) MUNICIPALITY OF ANCHORAGE	Community Council Name(s) & Mailing Address: NORTHEAST COMMUNITY COUNCIL 7320 OLD HARBOUR AVE ANCHORAGE, AK 99504		Fingerprint: (\$54.25 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): LIQUOR STORES USA NORTH, INC.	Doing Business As (Business Name): BROWN PUB	Business Telephone Number: 780 989-7604	Total Submitted: \$
Mailing Address: #300 10508-82 AVENUE	Street Address or Location of Premise: TRIKATNLI COMMONS CENTER 1106 NO. MULDON RD #110 ANCHORAGE, AK 99504	Fax Number: 780 702-1427	Email Address: LCORBETT@ISBP.CA
City, State, Zip: EDMONTON, ALBERTA, CANADA T6E 2A4			

SECTION B - TRANSFER INFORMATION.	
<input checked="" type="checkbox"/> Regular Transfer	Name and Mailing Address of CURRENT Licensee: 300 10508-82 AVE, EDMONTON, ALBERTA, CANADA T6E 2A4
<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.	Business Name (dba) BEFORE transfer: NO PREMISE
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.	Street Address or Location BEFORE transfer:

SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.		
Closest school grounds: 0.34 MILES	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
Closest church: 0.72 MILES	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input checked="" type="checkbox"/> Not applicable
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"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, complete the following. Attach additional sheets if necessary.				
Name	Name of Business	Type of License	Business Street Address	State
SEE ATTACHED				
LIST OF BROWN PUB				
LICENSES				
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

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): LIQUOR STORES USA NORTH, INC.		Telephone Number: 780-989-7604	Fax Number: 780-702-1427
Corporate Mailing Address: #300 10508-82 AVE	City: EDMONTON	State: ALBERTA, CANADA	Zip Code: T6E 2A4
Name, Mailing Address and Telephone Number of Registered Agent: RICHARD M. CROOK, P.C. 1031 W 4TH AVE, ANCHORAGE, AK, 99501 907-276-4557		Date of Incorporation OR Certification with DCED: 2006	State of Incorporation: NEVADA
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
RICHARD J. CROOK	PRESIDENT		544 HUNTERS GREEN	780-433-9089	3/19/1966
RICHARD J. CROOK	TREASURER		EDMONTON, ALBERTA T6E 3B6, CN		
JOHN HAMILTON	SECRETARY		900 SNOWY OWLS, RAINIER, WA 98130	360 371 3279	
LIQUOR STORES USA HOLDINGS INC. - NEVADA CORP	SHAREHOLDER	100%	#300 10508-82 AVE		
			EDMONTON, ALBERTA, T6E 2A4, CN	780-944-9994	N/A

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

Declaration

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

Signature of Current Licensee(s)	Signature of Transferee(s)
Signature	Signature
Signature	Signature
Name & Title (Please Print) Richard J. Crook, President	Name & Title (Please Print)
Subscribed and sworn to before me this 20th day of July, 2009	Subscribed and sworn to before me this day of
Notary Public in and for the State of Alaska Province of Alberta	Notary Public in and for the State of Alaska
My commission expires: N/A	My 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: BROWN JUG

PREMISES LOCATION: TIKAHTNU COMMONS MALL, BUILDING 'H', 1106 N. MULDOON RD, ANCH. AK.

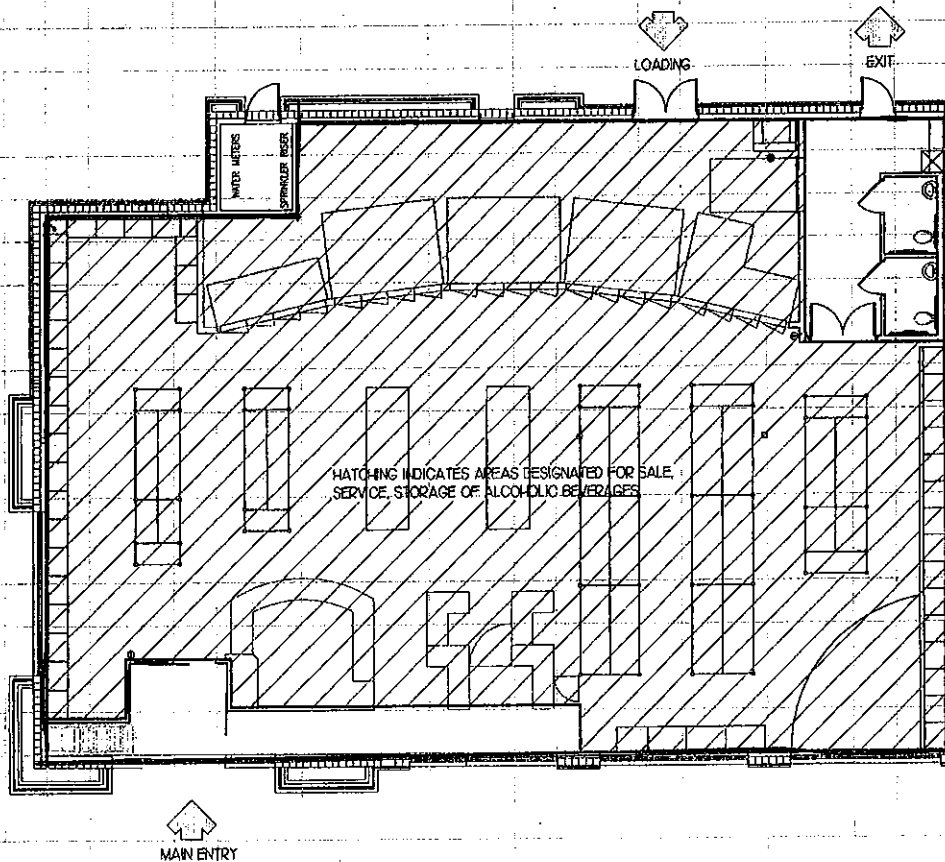
Indicate scale by x after the appropriate statement or show length & width of premises.

SCALE A: _____ 1 Square = 1 sq. ft.

SCALE B: x 1 Square = 4 sq. ft.

Length and width of premises in feet: 85 FT WIDE (APPROX) BY 59 FT DEEP (APPROX)

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.

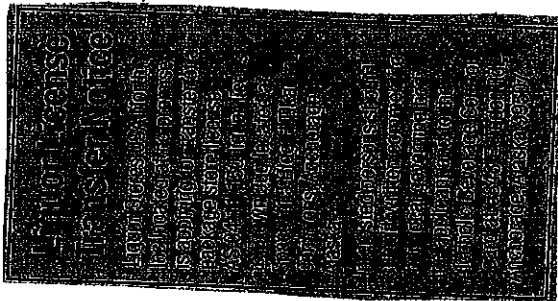


ANCHORAGE PUBLISHING, CO.

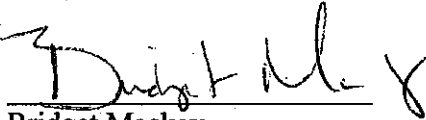
540 E. Fifth Avenue

Anchorage, Alaska 99501

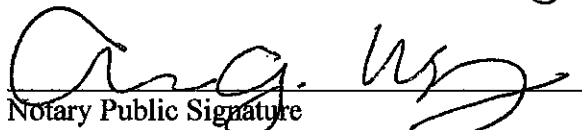
Phone: 561-7737 Fax: 561-7777



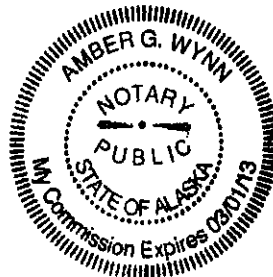
I, Bridget Mackey, advertising representative for Anchorage Publishing, Co., verify that the liquor license notice for Liquor Stores USA North, Inc. appeared in the July 9, July 16, and July 23, 2009 Issues of the Anchorage Press Newspaper.


Bridget Mackey

Subscribed and sworn to me in the Municipality of Anchorage, in the state Alaska, on this 18th day of AUGUST, 2009


Notary Public Signature

3/1/2013
Commission Expires



**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 TRUCKEE STORE liquor license
currently issued to LIQUOR STORES USA NO. whose business name (d/b/a)
is BROWN SUG located at NO PREMISES
(address and/or location)

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

Aug 29 2009 to Sept 8 2009

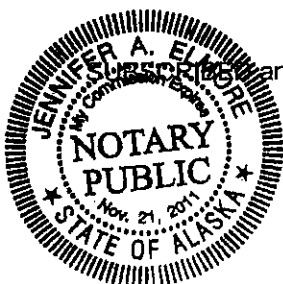
*** Prior to the filing of said application, a true copy of the application was posted at the following described locations: (name and address of location)

- a. Location of premises to be licensed 1106 No Muldoon Rd #110 99507
b. Other conspicuous location in the area MULDOON HILLS POST OFFICE

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

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

[Signature]
(signature)



and SWORN to me this 8th day of September, 2009.

[Signature]
Notary Public in and for Alaska
My commission expires: 11/21/11

Lic #	Establishment Name	License Type	Business Street Address	State
114	Brown Jug-Spenard	Package Store	3900 Spenard Road	Alaska
162	Brown Jug - Eagle River	Package Store	11221 Old Glenn Hwy	Alaska
169	Brown Jug-Bragaw	Package Store	1555 S Bragaw	Alaska
395	Brown Jug-Fireweed	Package Store	525 W Fireweed Lane	Alaska
686	Brown Jug - Whaler	Package Store	171 Muldoon Road	Alaska
759	Brown Jug-Mountain View	Package Store	119 Klevin Street	Alaska
1072	Brown Jug-Minnesota	Package Store	3727 Spenard Road	Alaska
1174	Brown Jug-Tudor	Package Store	3561 E Tudor Road	Alaska
1410	Brown Jug - Wasilla	Package Store	509 Parks Hwy	Alaska
1461	Brown Jug Warehouse	Package Store	4140 Old Seward Hwy	Alaska
1561	Brown Jug - West Mt. View	Package Store	131 S Bragaw	Alaska
1941	Brown Jug-Independence Park	Package Store	2101 Abbott Loop Road	Alaska
1967	Brown Jug-Northern Lights	Package Store	5400 E Northern Lights Blvd	Alaska
3322	Downtown Wine & Spirits	Package Store	930 W 5th Avenue	Alaska
3886	Brown Jug-Diamond & Old Seward	Package Store	8840 Old Seward Hwy Unit F	Alaska
4069	Brown Jug - College Mall	Package Store	2210 E Northern Lights Blvd	Alaska
4453	Brown Jug #670	Package Store	2521 East Mountain Village Dr	Alaska
4520	Brown Jug / Northern Lights at Spenard	Package Store	2710 Spenard Rd	Alaska
4775	Brown Jug - Dimond & Victor	Package Store	2203 W Dimond Blvd	Alaska

COMMERCIAL PERMIT APPLICATION

Permit Number: 09-4834

Tax Code Number: 006-341-11

MUNICIPALITY OF ANCHORAGE

BUILDING SAFETY DIVISION

4700 ELMORE ROAD

Telephone: (907) 343-8211

Inspection Request Line: (907) 343-8800

Inspection Fax Line: (907) 249-7777

Grid: SW1140

Subdivision: GATEWAY

Lot/Space: 16

Block:

Tract:

Site Address: 1106 N MULDOON RD, STE 1

Owner: NORTHE ANCHORAGE REAL ESTATE

Phone No:

Contractor: TBA

Phone No:

Architect: FAULKENBERRY & ASSCO

Phone No: (907) 522-9193

Proposed Use: M MERCANTILE

Type of Work: ALTERATION

Work Description: TENANT IMPROVEMENT - 16 INSPECTIONS PAID

Total Construction Valuation of Work: \$300,000.00

Permit Fee: \$2,080.00

Plan Review Fee: \$840.00

Zoning Review Fee: \$195.00

Fire Review Fee: \$330.00

NPDES Fee: \$0.00

Flood Plain Fee: \$0.00

Expedited Review Fee: \$0.00

Outsourcing Fee: \$0.00

Address Fee: \$0.00

Temp Electric /

Electric Sign Fee: \$0.00

Zoning Inspection Fee: \$0.00

Zoning Sign Inspection Fee: \$0.00

Total Fees: \$3,445.00

Total Amount Paid: \$3,445.00

Last Date Paid: 09/08/2009

Payment Type: CHECK

Receipt No: 1021

TO INSURE THAT YOUR PERMIT REMAINS ACTIVE, CALL FOR AN INSPECTION AT LEAST ONCE EVERY 360 DAYS. PER MUNICIPAL CODE, ALL REFUNDS ON CANCELLED PROJECTS MUST BE REQUESTED IN WRITING NO LATER THAN 360 DAYS AFTER DATE OF FEE PAYMENT. LAND USE PERMITS VALID FOR 180 DAYS TO COMMENCE CONSTRUCTION

The owner of this building and the undersigned agree to conform to all applicable laws of this jurisdiction.

PRINTED NAME: THOMAS FAULKENBERRY

SIGNATURE: Thomas Faulkenberry DATE: 9/8/2009

This is an application only. This is not your permit to begin construction. There may be additional fees for site review and landscaping review. Permits are required for plumbing, mechanical, electrical, elevator, and fire systems.

Municipality of Anchorage DSD
Window hours 8:00 AM-4:30 PM
01 15 124391 09/08/09 03:50PM

007 Bldg Permit / Temp \$2,080.00
Account #: 094834

003 Plan Review \$840.00

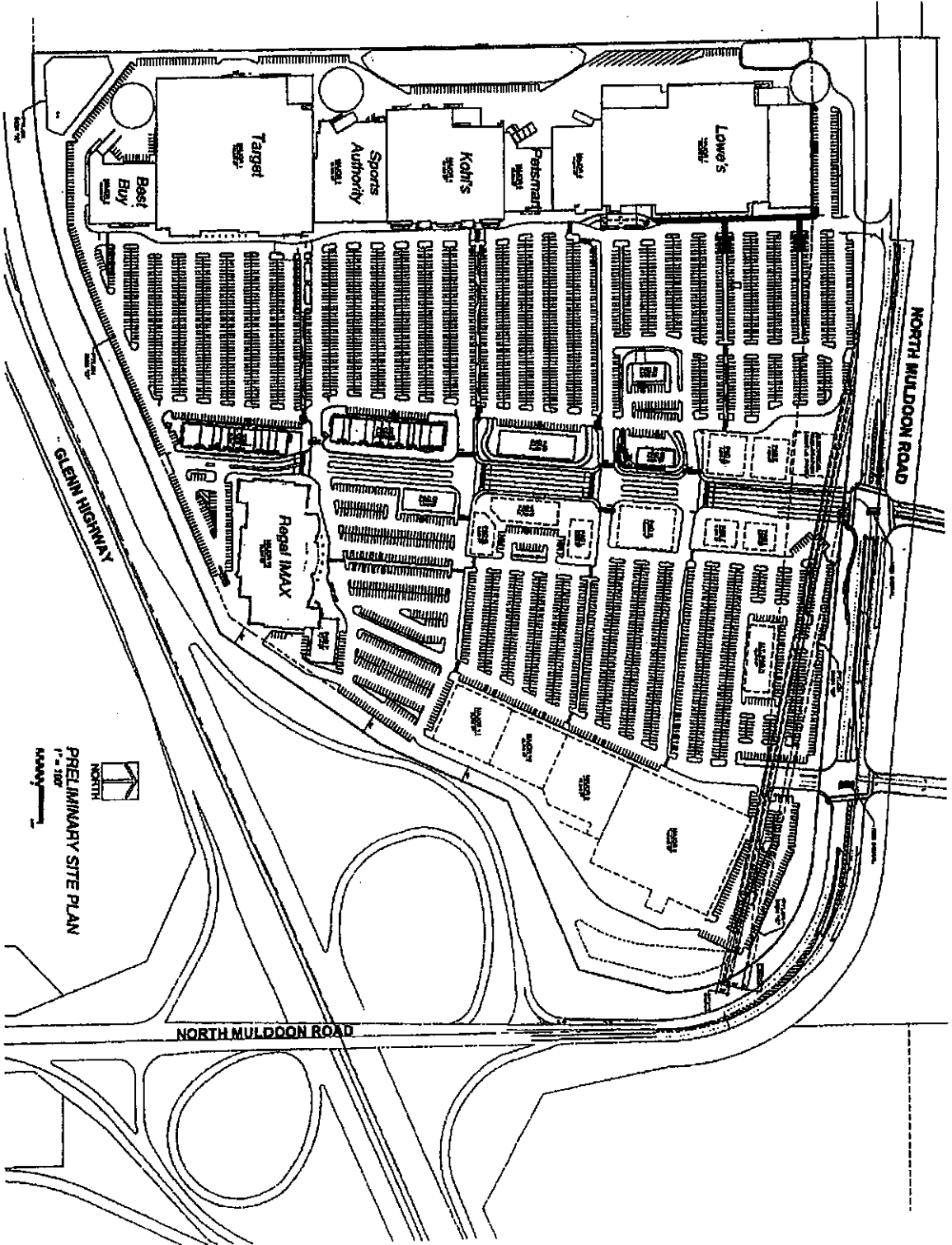
059 Zoning Plan Review \$195.00

002 Fire Plan Review \$330.00

Total Due: \$3,445.00
Check: \$3,445.00

Change: \$0.00
Keep receipt for your records

APPROVED
 By: [Signature]
 Date: 9/16/09



Project:
Tisham Commons
 1800 North Muldoon Road and Glen Highway
 Anchorage, Alaska

Owner:
Cook Inlet Region Inc. and
Browman Development Co., Inc.
 1540 Tisham Drive, White Oak, CA 94596
 925-382-2200

Architect:
Jerold L. Dougal Architect
 1800 Tisham Drive, White Oak, CA 94596
 925-382-2200

Architect's Seal:
B-61

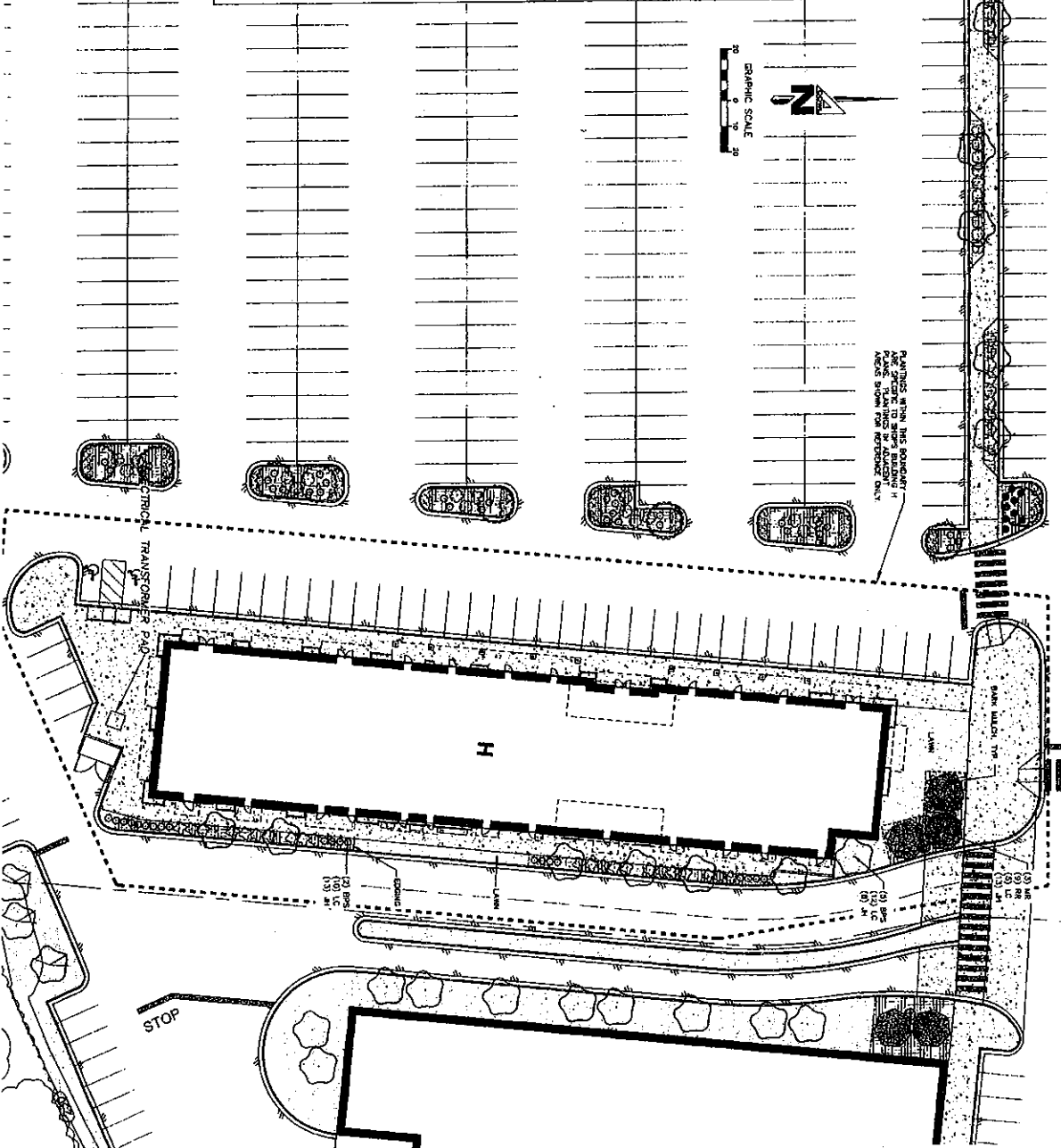
THIS SITE PLAN IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE PROPERTY OF JEROLD L. DOUGAL ARCHITECT. IT IS TO BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS PREPARED. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JEROLD L. DOUGAL ARCHITECT.

PLANT SCHEDULE

SYMBOL	NO.	PLANT	QUANTITY	DATE
1	1	COLORED SPRUCE	5' H. 10' DIA. 100	
2	2	QUAKERS	2 1/2' H. 10' DIA. 100	
3	3	WHITE PINE	2 1/2' H. 10' DIA. 100	
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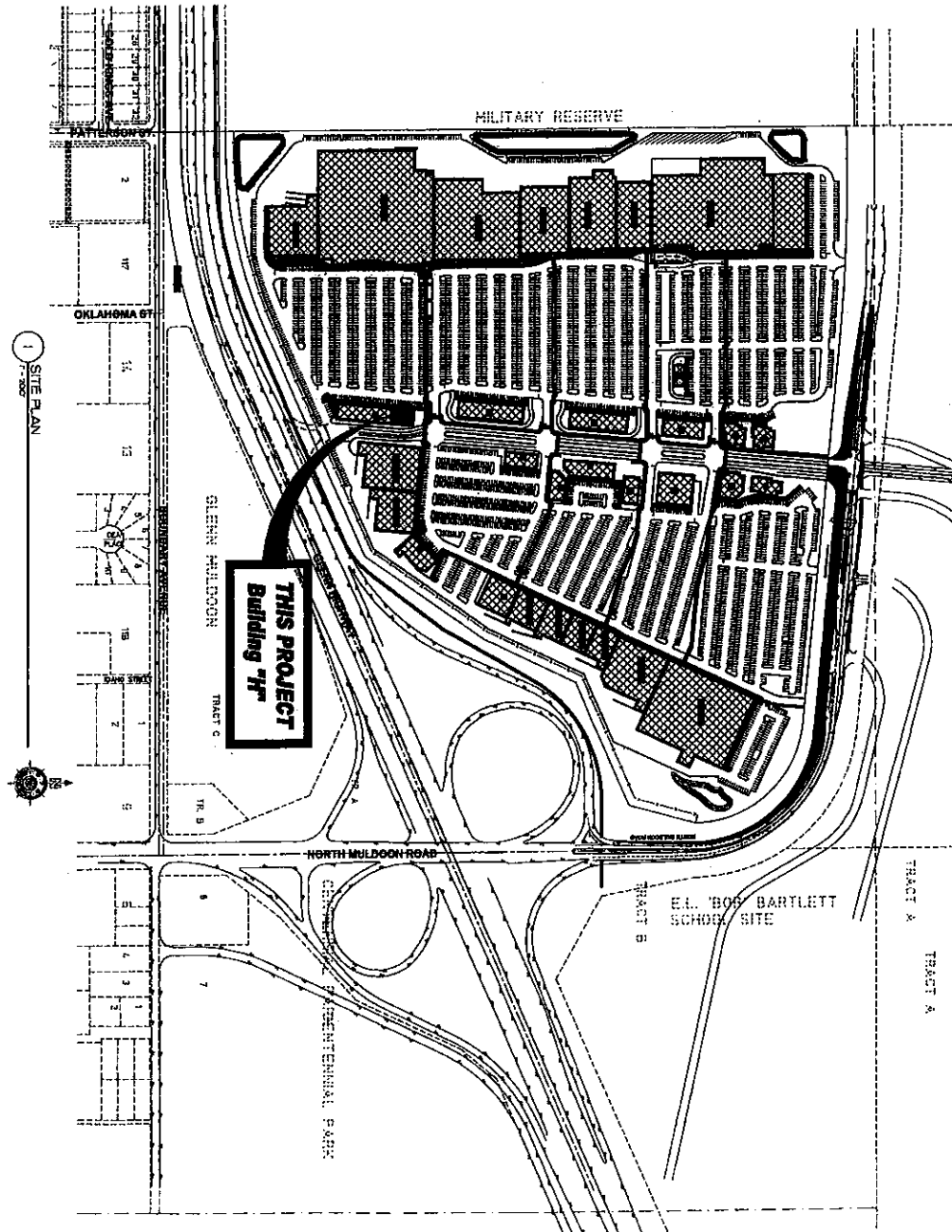
L1.0

LANDSCAPE PLAN

PROJECT: **Tikabtnu Commons- Shops Building H**
New Retail Space
Glenn Highway at Muldoon Road
Anchorage, Alaska



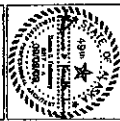
Benchmark Architecture
 100 200000 Anchorage, Alaska 99501
 (907) 561-1000 FAX (907) 561-1001



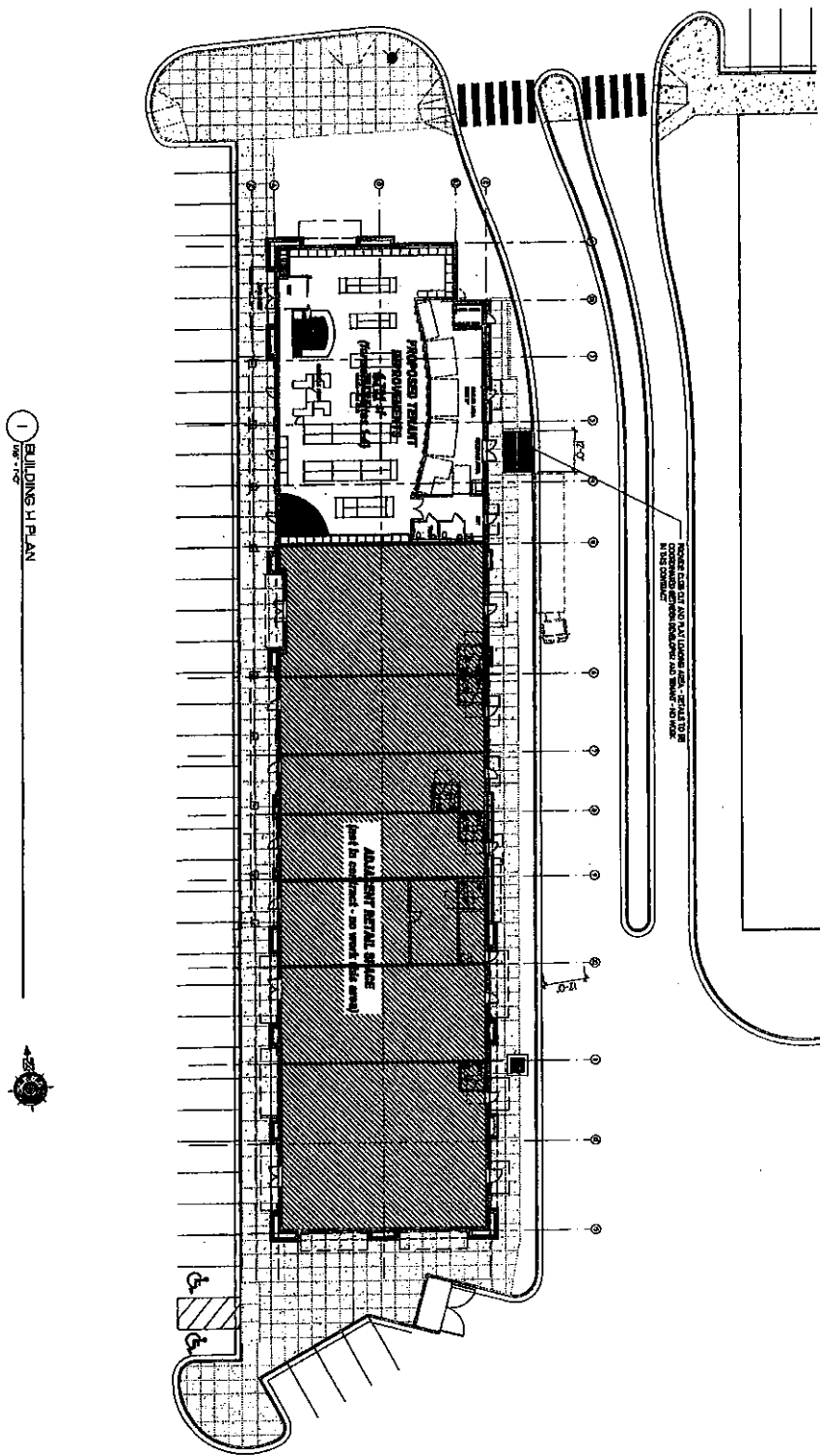
DRAWINGS AT THIS ARE
1/2 SCALE INDICATED

Brown Jug T.I. - Tikahinu Commons
 Tenant Improvements
 Building "H"
 Lot 19, Tract "H"
 Gateway Subdivision
 Anchorage, Alaska

FAULKENBERRY & ASSOCIATES, INC.
 ARCHITECTS
 P.O. Box 220023 - Anchorage, Alaska 99522-0023 (907) 522-4993





Job Number	2009-12
Drawn by	JCH
Checked by	TDE
Date	07-17-09
Revisions	



1 BUILDING PLAN
1/8" = 1'-0"

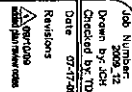
DRAWINGS AT THIS ARE
1/2 SCALE INDICATED

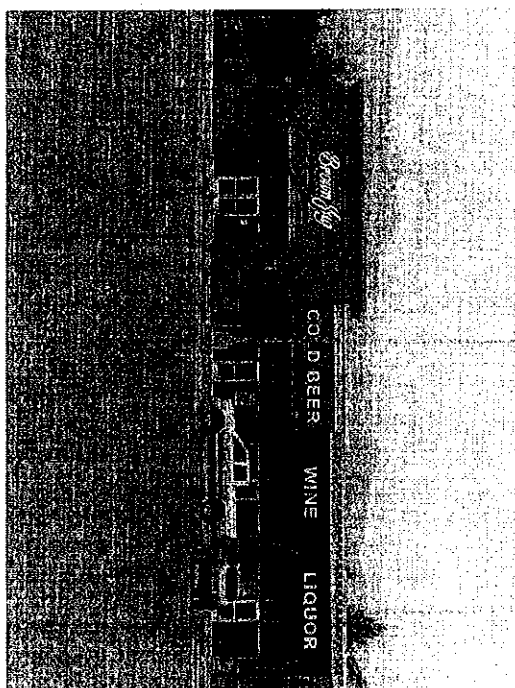
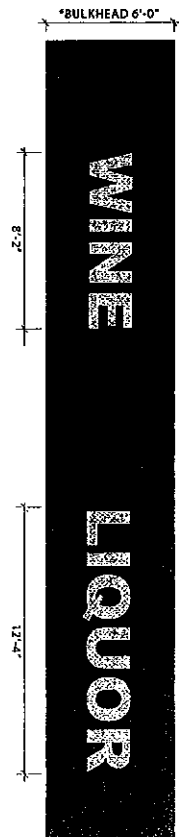
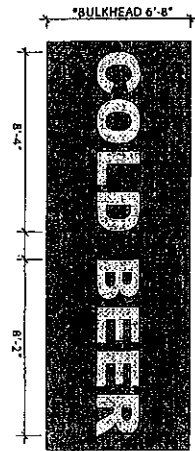
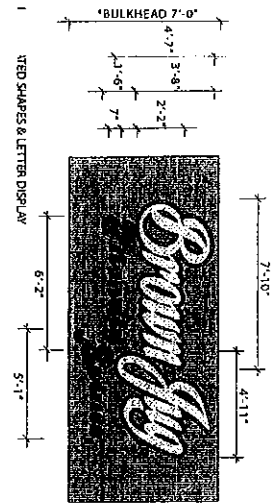
A2.1 Sheet	Brown Jug T.I. - Tkahtnu Commons Tenant Improvements Building T.I. Lot 10, Tract A Gateway Subdivision Anchorage, Alaska	 FAULKENBERRY & ASSOCIATES, INC. ARCHITECTS P.O. Box 230681 • Anchorage, Alaska 99522-0681 • (907) 522-1992		Job Number: 2009_12 Drawn by: JCH Checked by: JCH Date: 07-17-09 Revisions:
	045			



坊

P.O. Box 230083 • Chicago, Illinois 60623-0083 • (907) 522-7183

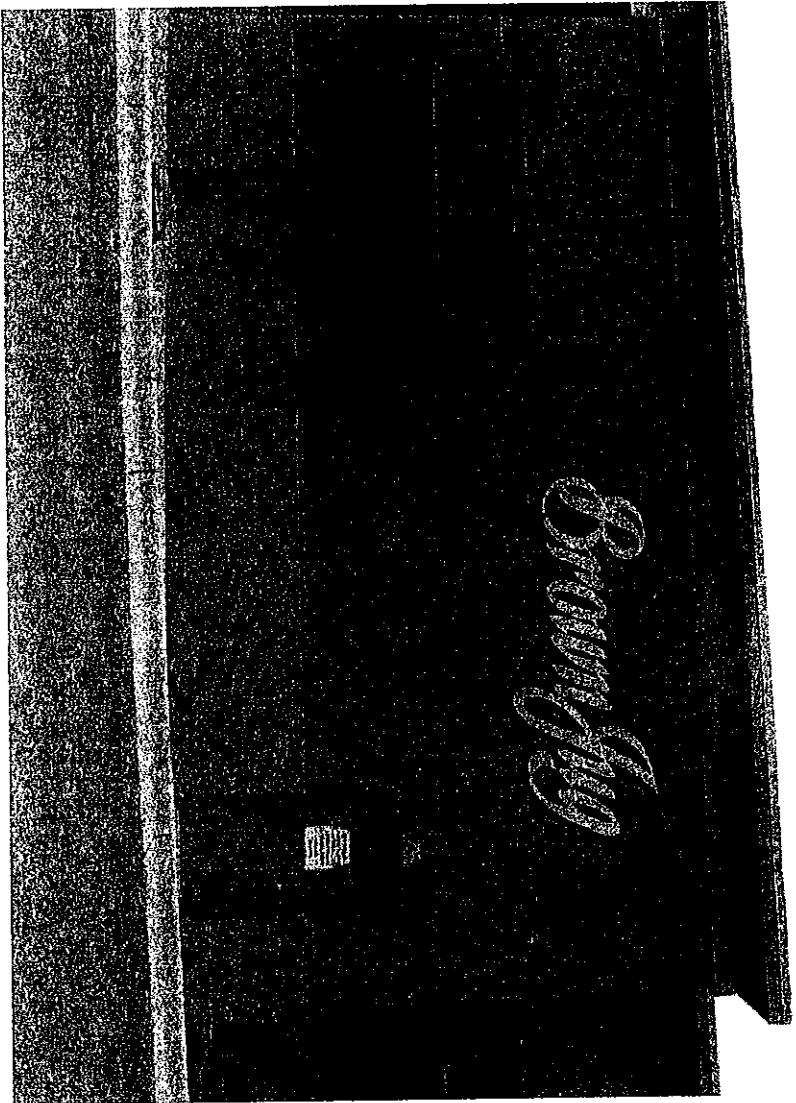




NEON CONTRACTORS LTD.
 15007 118th AVE NE 148 PL, (780) 448-0940 FAX (780) 482-8614
 ART DEPARTMENT - murray@neoncontractors.com

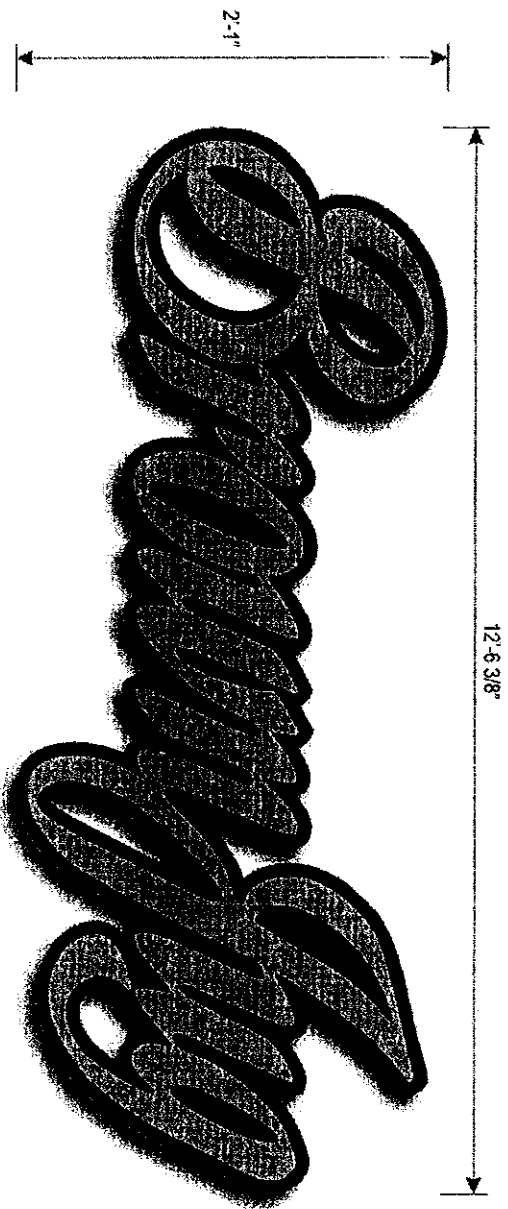
JOB	BROWN JUG LIQUOR	SALES	JIM SUDGEN	DATE	AUG. 25/03	DRN. BY	DW	DESIGN NO.	EC-2750	CLIENTS APPROVAL
	EDMONTON, AB									

QUOTES BY MAIL/TEL/WORD/VIDEO/MAIL/POSTER ONLY



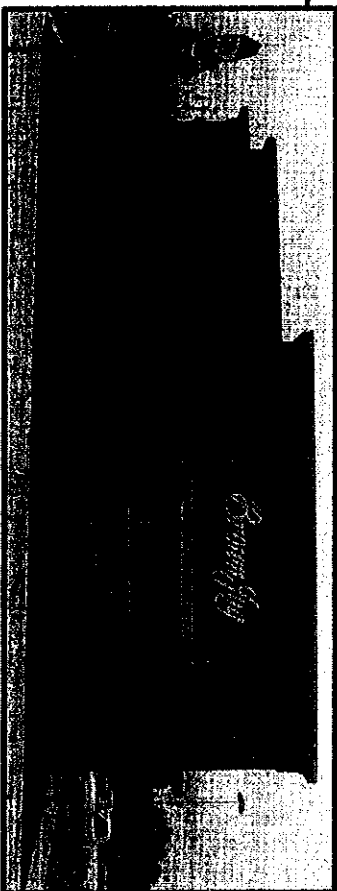
INDIVIDUAL CHANNEL LETTERS W/ 5" BLACK RETURNS,
1ST SURFACE TRANSLUCENT AVERY "LEMON ZEST" VINYL
WHITE LED ILLUMINATION, THROUGH WALL INSTALLATION

Lighting <small>OVER 25 YEARS OF EXPERIENCE</small> <small>SIGN & LIGHTING MAINTENANCE • CRETE RENTAL</small> <small>PH: 529-8076 • FAX: 339-8905</small> <small>Jon Polanski • 833 Norman St. Anchorage, AK 99504</small>		CUSTOMER: BROWN JUG / TARGET		CONTACT NAME:	
PHONE:		FAX:		DATE ORDERED:	
ADDRESS:		APPROVED:		WORK ORDER:	
				DATE:	

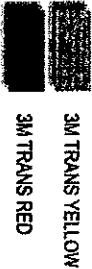


FRONT VIEW

SIDE VIEW



COLOR SPECIFICATIONS:



SPECIFICATIONS:

- CHANNEL LETTERS:
 -3/16" WHITE ACRYLIC FACES
 -1" RED JEWELITE TRIMCAP
 -WHITE L.E.D. ILLUMINATION 120volt
 -5" RETURNS PAINTED BLACK



DATE	3/2 - 1'	CLIENT	BROWN JUG TIKAHITNU COMMUNITY SIGNS
BY	BEN PRESTON	APPROVED BY	JOHN TODD
DATE	09/04/09	DATE	

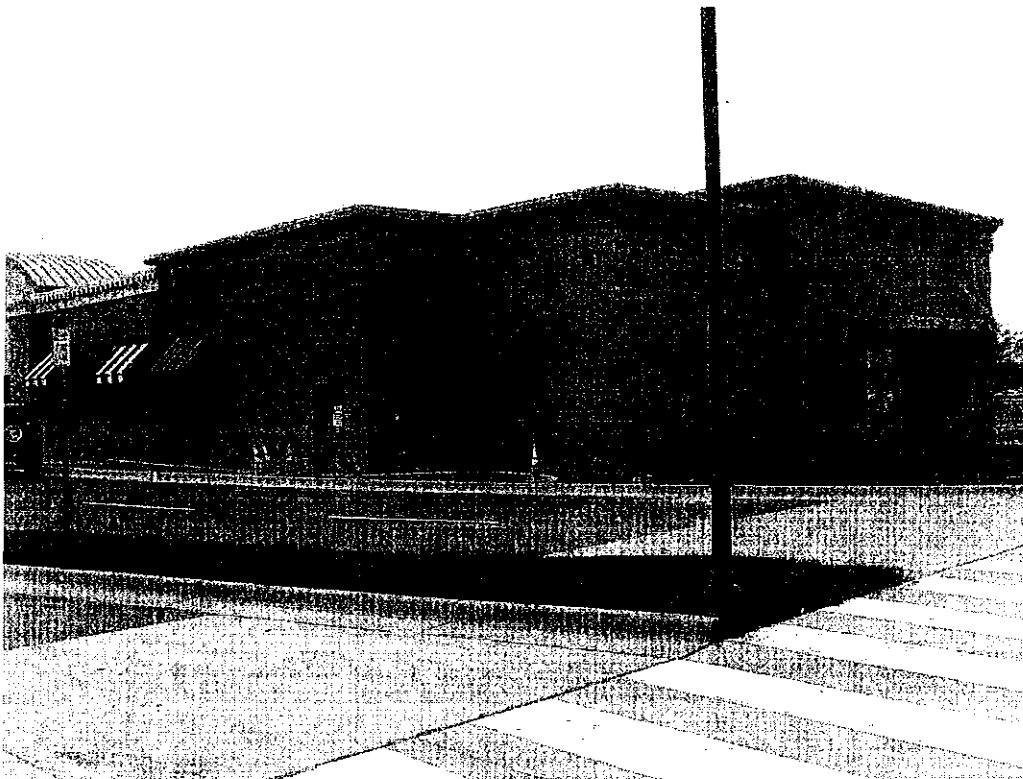
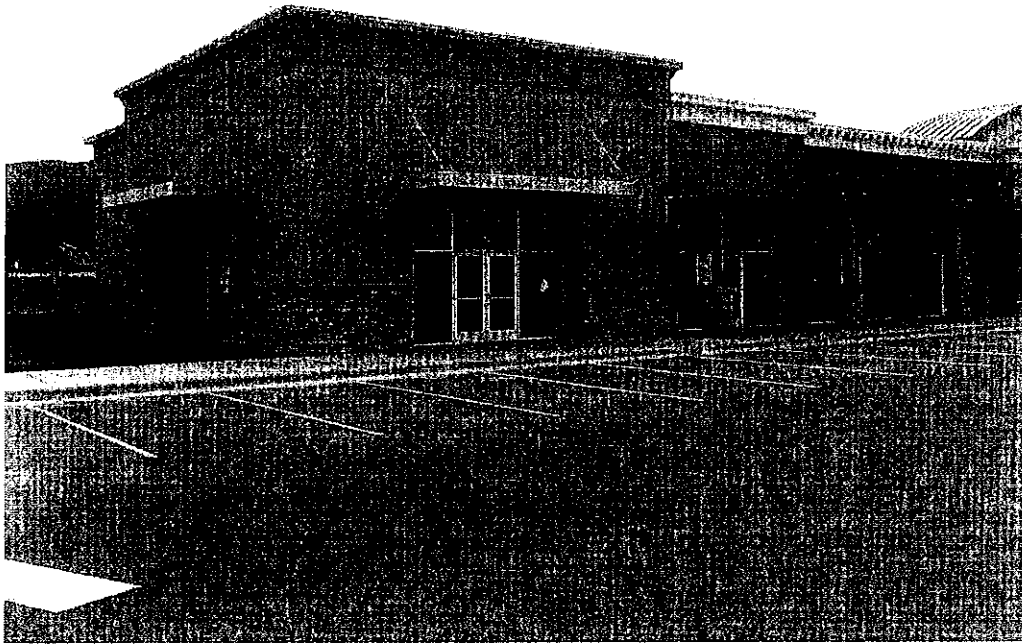


UL LISTED FOR THE USE OF 120VOLT
 WHITE LED ILLUMINATION IN THE
 LETTERS. THE LETTERS ARE LISTED
 TO THE NATIONAL ELECTRICAL CODE
 AND THE NATIONAL FIRE PROTECTION
 ASSOCIATION (NFPA) 70-5.

COPYRIGHT NOTE

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 OR BY ANY INFORMATION STORAGE AND
 RETRIEVAL SYSTEM, WITHOUT PERMISSION
 IN WRITING FROM THE DESIGNER.

Brown Jug – Tikahtna Commons Mall
1106 N. Muldoon Road, Building 'H', Suite 110
Anchorage, Alaska



SHOPPING CENTER LEASE SUMMARY

1. **LANDLORD:** North Anchorage Real Estate Investors, LLC.
a Delaware Limited Liability Company
Landlord's Address: 1556 Parkside Drive,
Walnut Creek, California 94596
Landlord's Phone #: (925) 588-2200
- 2.A **TENANT:** Liquor Stores USA North, Inc.
Tenant's Address: #300, 10508 82nd Ave,
Edmonton, Alberta T6E 2A4
Tenant's Phone #: 780-917-4185
3. **GUARANTOR:** n/a
4. **TENANT'S TRADE NAME:** Brown Jug
5. **PERMITTED USE OF PREMISES:** Subject to the terms and conditions set forth in the "OEA" (as hereinafter defined) as amended from time to time pursuant to the terms and conditions as set forth in the OEA; Tenant shall use the Premises for beer, wine and spirits (including packaged coffee based alcohol drinks which may include such brand names as "Starbucks") for off-premises consumption, tobacco products, miscellaneous snack items, and other related items (including but not limited to bottle gift bags and drink recipe books) as is typical in a Brown Jug Liquor Store and for no other use. Except for the foregoing, Tenant shall not use the Premises for or sell any of the items listed on the attached Exhibit "D", Prohibited Uses. During the term of this Lease, Tenant shall not be bound by any lease for the Landlord's Property or any amendment to the OEA which prohibits Tenant's use of the Premises for the sale of beer, wine and spirits (including packaged coffee based alcohol drinks which may include such brand names as "Starbucks") for off-premises consumption, tobacco products, and miscellaneous snack items. Landlord warrants and represents that as of the date of this Lease, no signed lease for space within the Landlord's Property prohibits Tenant's use of the Premises for the sale of beer, wine and spirits (including packaged coffee based alcohol drinks which may include such brand names as "Starbucks") for off-premises consumption, tobacco products, and miscellaneous snack items.

TENANT SPECIFICALLY ACKNOWLEDGES THAT BY THE PROVISIONS OF THIS SECTION 5, LANDLORD HAS NOT GRANTED TO TENANT ANY EXCLUSIVE BUSINESS RIGHT WITHIN THE SHOPPING CENTER, OR ELSEWHERE, EXCEPT AS IDENTIFIED IN SECTION 6.02D. THE PERMITTED USE OF THE PREMISES SHALL ONLY LIMIT TENANT'S USE THEREOF IN ACCORDANCE WITH SECTION 6.01 OF THE LEASE. NO EXCLUSIVE BUSINESS RIGHT SHALL BE IMPLIED OR INFERRED EXCEPT AS IDENTIFIED IN SECTION 6.02D.

6. **SIZE OF PREMISES:** 5086 Sq. Ft. (with dimensions approximated on Exhibit A-1)
7. **LEASE TERM:** [REDACTED]
8. **FIXED MINIMUM RENT:**

<u>Lease Months</u>	<u>Annual Rent</u>	<u>Monthly Installments</u>	<u>Rate P/S/F</u>
Months 1-60	[REDACTED]	[REDACTED]	[REDACTED]
Months 61-120	[REDACTED]	[REDACTED]	[REDACTED]
Months 121-144	[REDACTED]	[REDACTED]	[REDACTED]

10. **CONCURRENT PAYMENTS:**
Security Deposit: [REDACTED]
First Month's Rent: [REDACTED]
11. **MONTHLY MARKETING FUND CONTRIBUTION:** N/A
Page 1 of 3

12. **OEA:** This Lease is subject to that certain Operation and Easement Agreement by and between Target Corporation, Lowe's HIW, Inc. and Landlord dated May 13, 2008 ("OEA"), as amended from time to time (except for any amendments prohibiting Tenant's use of the Premises as described in Section 5 above), pursuant to the terms and

LANDLORD:

North Anchorage Real Estate Investors LLC,
a Delaware Limited Liability Company

By: Browman Development Company, Inc.
a California corporation,
its Managing Partner

By: 
Darryl Browman / President

TENANT:

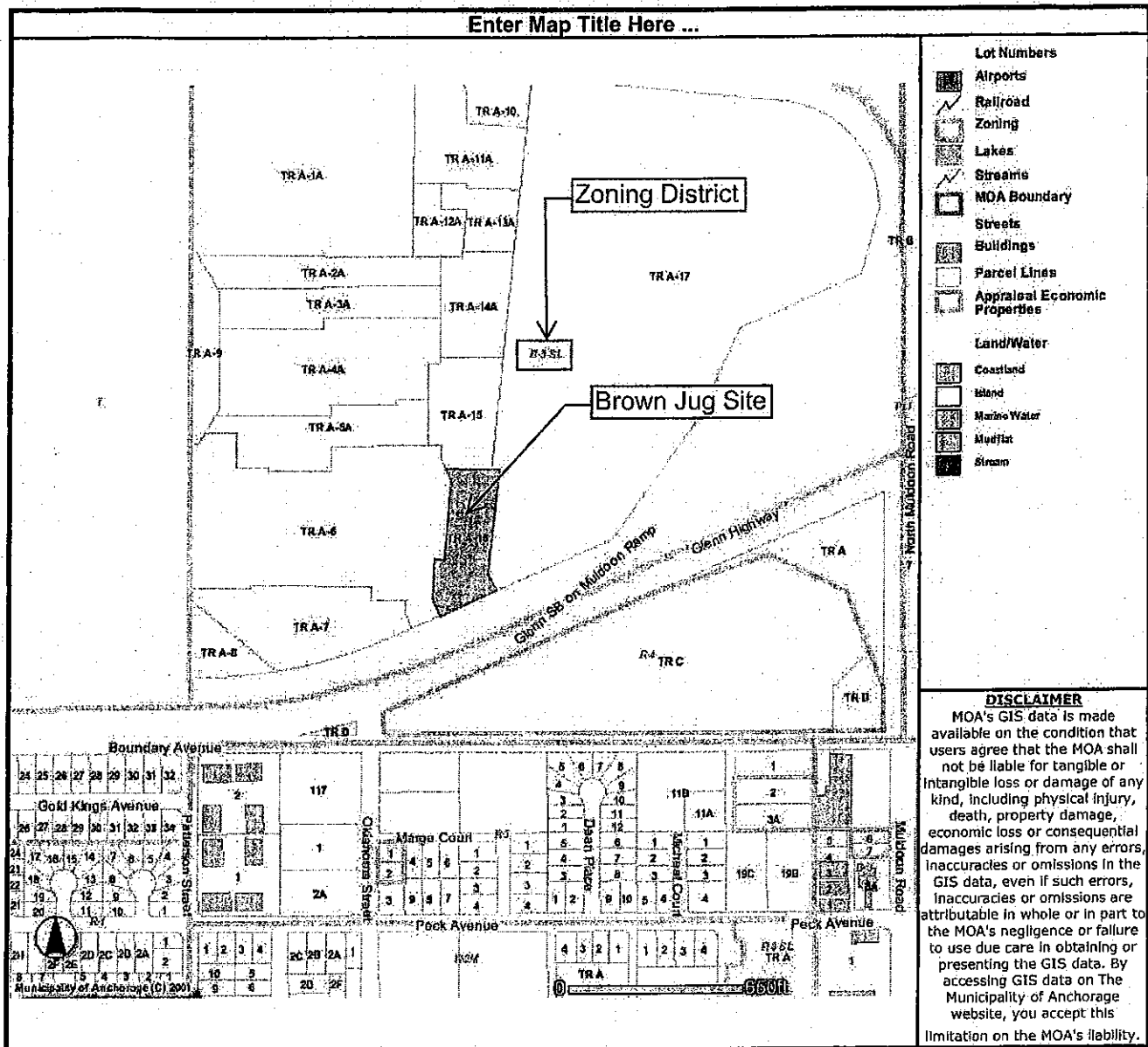
Liquor Stores USA North, Inc.
dba Brown Jug

By: 

Name: _____

Its: _____





BROWN JUG - TIKHUTNA COMMONS MALL
Lot 16, Tract A Gateway Subdivision
1106 N. Muldoon Road, Building 'H'
Anchorage, Alaska
Zoning: B-3 SL

053

POSTING

AFFIDAVIT



2009-142

RECEIVED

OCT 27 2009

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

AFFIDAVIT OF POSTING

CASE NUMBER: _____

I, D.C. MADDEN II hereby certify that I have posted a Notice of Public Hearing as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for CONDITIONAL USE. The notice was posted on 9/29/09 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 25TH day of OCTOBER, 2009

Signature

LEGAL DESCRIPTION

Tract or Lot 16

Block A

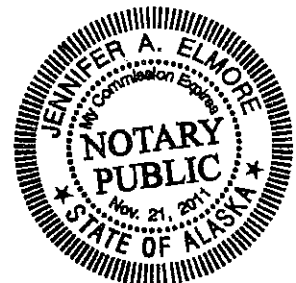
Subdivision GATEWAY

Subscribed and sworn to before me

this 25TH day of October, 2009

Notary Public

My Commission Expires 11/21/11



5

HISTORICAL INFORMATION

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: March 27, 2007

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 4-17-07 Anchorage, Alaska
AO 2007-54

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
REZONING OF APPROXIMATELY 95.2 ACRES, FROM T (TRANSITION)
DISTRICT TO B-3 SL (GENERAL BUSINESS DISTRICT WITH SPECIAL
LIMITATIONS) FOR ELMENDORF "95" SUBDIVISION, TRACTS A AND B;
GENERALLY LOCATED AT THE NORTHWEST CORNER OF NORTH
MULDOON ROAD AND THE GLENN HIGHWAY.

(Northeast Community Council) (Planning and Zoning Commission Case 2006-154)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating the following described
property as B-3 SL (General Business District with Special Limitations) zone:

Elmendorf "95" Subdivision, Tract A and Tract B, containing approximately 95.2 acres as
shown on Exhibit "A."

Section 2. This zoning map amendment is subject to the following special limitations:

~~1. Development of the petition site is limited to the site plan (Planning Case 2006-155) approved by the Planning and Zoning Commission, or as subsequently amended.~~

1[2]. Maximum height of any structure shall be no more than 200 ~~75~~ feet unless otherwise approved as a conditional use. Under no circumstances shall a structure exceed 200 feet in height.

2[3]. No building structures shall be constructed within 60 feet of the west property line.

3[4]. The uses anticipated within the Accident Potential Zone (APZ) shall fully comply with the allowed uses outlined in Patent No. 50-92-0050. These facilities include: Utility Structures (including, but not limited to, vaults, conduits, transformers, switches, power poles, conductors, subsurface gas lines, communication facilities, storm drain lines, storm drain retention/detention facilities, sewer and water facilities); parking lot; loading areas and facilities; mercantile and/or retail building structures, and the storage/stocking areas within proposed mercantile and/or retail building structures. All of the building structures are considered low-density mercantile and/or retail establishments, and are all in conformance with our understanding of the specific use guidelines of the APZ contained in the patent for this tract. The uses located within the APZ shall conform to the limitations and

restrictions currently outlined in the patent, unless formerly released by the military and the Bureau of Land Management.

Section 3. The special limitations set forth in this ordinance prevail over any inconsistent provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by a special limitation set forth in this ordinance, shall apply in the same manner as if the district classification applied by the ordinance was not subject to special limitations.

Section 4. This ordinance shall become effective within 10 days after the Director of the Planning Department has received the written consent of the owners of the property within the area described in Section 1 above to the special limitations contained herein. The rezone approval contained herein shall automatically expire, and be null and void if the written consent is not received within 120 days after the date on which this ordinance is passed and approved. The Director of the Planning Department shall change the zoning map accordingly.

Section 5. The improvements required in the final approved Traffic Impact Analysis (TIA) for Planning and Zoning Case 2006-155 shall be installed prior to issuance of any Conditional or Final Certificate of Occupancy for any development on this site. The improvements shall include:

- a. **Reconstruct Oilwell Road to a five lane facility from the Glenn Highway to the Elmendorf Gate, including all turn lanes as shown in the TIA.**
- b. **Construct the new intersection of Oilwell Road/Bartlett High/ANHC/East Mall access intersection to include signalization and connection to the signal interconnection system.**
- c. **Relocate the interior road to connect Bartlett High/ANHC to the new Oilwell Road/Bartlett High/ANHC signal location as shown in Figure 4-1 of the TIA.**

When the site development reaches 810,000 square feet of retail structure development, the TIA shall be addressed to determine the need to enter into an agreement with the State of Alaska Department of Transportation and Public Facilities for further improvements.

PASSED AND APPROVED by the Anchorage Assembly this 17th
day of April 2007.

ATTEST:

Chair

Brian S. Jensen
Municipal Clerk

PARCEL INFORMATION

APPRAISAL INFORMATION

Legal GATEWAY

TR A FRAGMENT LT 16

Parcel 006-341-11-000

Owner NORTH ANCHORAGE REAL ESTATE

INVESTORS LLC

% BROWMAN DEVELOPMENT CO

1556 PARKSIDE DR

WALNUT CREEK

CA 94596 3556

#

01

Descr REGIONAL SHOPPING MALL

Site Addr 1106 N MULDOON RD

RELATED CAMA PARCELS

Related Parcel(s)	XRef Type	Leased Parcels
00644104000	Q	

Cross Reference (XRef) Type Legend

Econ. Link	Replat	Uncouple
E = Old to New	R = Old to New	U = Old to New
I = New to Old	F = New to Old	Q = New to Old
Renumber	Combine	Lease
N = New to Old	C = New to Old	L = GIS to Lease
X = Old to New	P = Old to New	M = Lease to GIS

Get "Type" explanation

Bring up this form focused on the related parcel

REZONE

Case Number 2009-142 # of Parcels 1 Hearing Date 09/14/2009
 Case Type Assembly conditional use for an alcoholic beverage package store
 Legal An assembly conditional use for an alcoholic beverage package store license for Brown Jug Liquor. Gateway Subdivision, Tract A, Fragment Lot 16, Tikahtnu Commons Mall, Building H. Generally located north of the Glenn Highway and west of Muldoon Road.

PLAT

Case Number
 Action Type
 Legal
 Grid
 Proposed Lots 0
 Action Date
 Existing Lots

PERMITS

08 4269
 08 5132
 09 4153
 09 4156
 Permit Number 08 4269
 Project TIKAHNTU COMMONS BLDG H
 Work Desc 17,155 SQ FT
 Use M MERCANTILE

BZAP

Action No.
 Action Date
 Resolution
 Status
 Type

ALCOHOL LICENSE

Business Address
 License Type
 Status
 Applicants Name
 Conditions

PARCEL INFORMATION

APPRAISAL INFORMATION

Legal GATEWAY
TR A FRAGMENT LT 16

Parcel 006-341-11-000
Owner NORTH ANCHORAGE REAL ESTATE
INVESTORS LLC
% BROWMAN DEVELOPMENT CO
1556 PARKSIDE DR
WALNUT CREEK CA 94596 3556

01

Descr REGIONAL SHOPPING MALL
Site Addr 1106 N MULDOON RD

RELATED CAMA PARCELS

Related Parcel(s)	XRef Type	Leased Parcels
00644104000	Q	

Cross Reference (XRef) Type Legend

Econ. Link	Replat	Uncouple
E = Old to New	R = Old to New	U = Old to New
I = New to Old	F = New to Old	Q = New to Old
Renumber	Combine	Lease
N = New to Old	C = New to Old	L = GIS to Lease
X = Old to New	P = Old to New	M = Lease to GIS

Get "Type" explanation
Bring up this form focused
on the related parcel

REZONE

2009-142

Case Number 2009-142 # of Parcels 1 Hearing Date 09/14/2009
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PLAT

Case Number	Grid	Proposed Lots 0	Existing Lots
Action Type		Action Date	
Legal			

PERMITS

08 5132
09 4153
09 4156
09 4834

Permit Number 09 4834
Project BROWN JUG
Work Desc TENANT IMPROVEMENT - 16 INSPECTIONS PAID
Use M MERCANTILE

BZAP

Action No.	Status
Action Date	Type
Resolution	

ALCOHOL LICENSE

Business Address	Applicants Name
License Type	Conditions
Status	

PARCEL INFORMATION

OWNER

NORTH ANCHORAGE REAL ESTATE
INVESTORS LLC
% BROWMAN DEVELOPMENT CO
1556 PARKSIDE DR
WALNUT CREEK CA 94596 3556
Deed 2007 0055536
CHANGES: Deed Date Aug 29, 2007
Name Date Oct 09, 2007
Address Date Feb 04, 2008

PARCEL

Parcel ID 006-341-11-000
Status
Renumbr ID 000-000-00-00000
Site Addr 1106 N MULDOON RD
Comm Concl NORTHEAST
Comments REF 006-441-04 NOW FRAG LTS 00
6-341-06/11,441-05/15 (07-103)

01

TAX INFO

2009 Tax 45,498.70 Balance 0.00 District 001

LEGAL

GATEWAY
TR A FRAGMENT LT 16
Unit SQFT 90,064
Plat 070103
Zone B3SL Grid SW1140

HISTORY

	Year	Building	Land	Total
Assmt Final	2007	0	0	0
Assmt Final	2008	0	1,756,200	1,756,200
Assmt Final	2009	1,304,200	1,631,200	2,935,400
Exemptions				0
State Credit				0
Tax Final				2,935,400

PROPERTY INFO

#	Type	Land Use
01	COMMERCIAL	REGIONAL SHOPPING MALL

SALES DATA

Mon	Year	Price	Source	Type

LAND & COMMON PARCEL INFORMATION

APPRAISAL INFORMATION

Legal GATEWAY
TR A FRAGMENT LT 16

Parcel 006-341-11-000 # 01 of 01

Owner NORTH ANCHORAGE REAL ESTATE
INVESTORS LLC
% BROWMAN DEVELOPMENT CO
1556 PARKSIDE DR
WALNUT CREEK CA 94596

Site Addr 1106 N MULDOON RD

LAND INFORMATION

Land Use REGIONAL SHOPPING MALL
Class COMMERCIAL
Living Units 001
Community Council 017 NORTHEAST
Entry: Year/Quality 01 1980 0
09 2009 INTERIOR
Access Quality GOOD
Access Type
Leasehold (Y=Leasehold)
Drainage GOOD
Front Traffic HIGH
Street PAVED CURB & GUTTER
Topography EVEN LEVEL
Utilities PUBLIC WATER PUBLIC SEWER
Wellsite N
Wet Land DEVELOPMENT

CONDOMINIUM INFORMATION

Common Area 0
Undivided Interest 0.00

COMMERCIAL INVENTORY

APPRAISAL INFORMATION

Legal GATEWAY
TR A FRAGMENT LT 16

Parcel 006-341-11-000 # 01 of 01

01

Owner NORTH ANCHORAGE REAL ESTATE
INVESTORS LLC
% BROWMAN DEVELOPMENT CO
1556 PARKSIDE DR
WALNUT CREEK CA 94596

Site Addr 1106 N MULDOON RD
Prop Info # REGIONAL SHOPPING MALL

BUILDING INFORMATION

Structure Type RETAIL MULTI-OCC'Y
Building SQFT 18,037
Year Built 2008
Grade C+

Effective Year Built 2008

Property Information # 01
Building Number 01
Identical Units 01
Number of Units 000

INTERIOR DATA

Floor	Level	Partitions	Heat System	Air Conditioner	Plumbing	Physical Condition	Functional
01	01	NORMAL	HOT AIR	CENTRAL	ADEQUATE	NORMAL	NORMAL

EXTERIOR DATA

Floor	Level	Size	Perim	Use Type	Hgt	Wall Type	Const Type
01	01	18,037	704	RETAIL	18	CONC. BLOCK	FIRE RESISTANT

BUILDING OTHER FEATURES - ATTACHED IMPROVEMENTS

Type	Qty	Size1	Size2
SPRINKLER WET	01	18,037	1
CANOPY- SVC STATION	01	1,438	1

OTHER BUILDINGS AND YARD IMPROVEMENTS

Type	Size/Amt	Units	Yr/Built	Condition	Funct/Utility
PAVING ASPHALT PK	58,417	01	2008	NORMAL	NORMAL

OWNER HISTORY

APPRAISAL INFORMATION

Legal GATEWAY

TR A FRAGMENT LT 16

Property Info # Descr REGIONAL SHOPPING MALL

Parcel 006-341-11-000

01 of 01

01

Site Address 1106 N MULDOON RD

Current 08/29/07
NORTH ANCHORAGE REAL ESTATE
INVESTORS LLC
% BROWMAN DEVELOPMENT CO
1556 PARKSIDE DR
WALNUT CREEK CA 94596 3556

3rd
0000 0000 //

Prev 2007 0055 08/29/07
NORTHEAST ANCHORAGE REAL
ESTATE HOLDING LLC
100 SWAN WAY STE 206
OAKLAND CA 94621

4th
0000 0000 //

2nd 2007 0000 01/04/07
CIRI LAND DEVELOPMENT COMPANY
PO BOX 93330
ANCHORAGE AK 99509

5th
0000 0000 //

Content ID: 008349**Type:** AR_AllOther - All Other Resolutions

Title: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A PACKAGE STORE USE AND LICENSE NUMBER 4558 IN THE B-3 SL (GENERAL BUSINESS WITH SPECIAL LIMITATIONS) DISTRICT FOR LIQUOR STORES USA NORTH DBA BROWN JUG; LOCATED AT 1106 NORTH MULDOON ROAD, BUILDING H, SUITE 110, GATEWAY SUBDIVISION, TRACT A, FRAGMENT LOT 16; GENERALLY LOCATED AT THE NORTHWEST CORNER OF MULDOON ROAD AND THE GLENN HIGHWAY(Northeast Community Council) (Case 2009-142)

Author: charliec**Initiating Dept:** Planning**Date Prepared:** 11/2/09 12:41 PM**Director Name:** Jerry T. Weaver, Jr.**Assembly Meeting Date:** 11/17/09**Public Hearing Date:** 11/17/09

<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	11/6/09 9:38 AM	Exit	Joy Maglaqui	Public	008349
MuniManager_SubWorkflow	11/6/09 9:38 AM	Approve	Joy Maglaqui	Public	008349
CFO_SubWorkflow	11/5/09 12:58 PM	Approve	Lucinda Mahoney	Public	008349
OCPD_SubWorkflow	11/4/09 3:08 PM	Approve	Tawny Klebesadel	Public	008349
Planning_SubWorkflow	11/4/09 11:45 AM	Approve	Jerry Weaver Jr.	Public	008349
AllOtherARWorkflow	11/3/09 4:13 PM	Checkin	Clare Charlie	Public	008349
OCPD_SubWorkflow	11/3/09 4:00 PM	Reject	Tawny Klebesadel	Public	008349
Planning_SubWorkflow	11/3/09 3:07 PM	Approve	Jerry Weaver Jr.	Public	008349
AllOtherARWorkflow	11/3/09 3:07 PM	Checkin	Clare Charlie	Public	008349
Planning_SubWorkflow	11/3/09 3:00 PM	Reject	Jerry Weaver Jr.	Public	008349
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Planning_SubWorkflow	11/3/09 2:31 PM	Reject	Jerry Weaver Jr.	Public	008349
AllOtherARWorkflow	11/3/09 2:05 PM	Checkin	Clare Charlie	Public	008349
Planning_SubWorkflow	11/2/09 1:08 PM	Reject	Jerry Weaver Jr.	Public	008349
AllOtherARWorkflow	11/2/09 12:53 PM	Checkin	Clare Charlie	Public	008349