

Submitted by: ASSEMBLY MEMBER STARR  
Prepared by: Assembly Counsel  
For reading: July 13, 2010

CLERK'S OFFICE  
**APPROVED**

Date: 8-17-10 ANCHORAGE, ALASKA  
AR NO. 2010-217

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING AR  
2 2009-277 AS PREVIOUSLY ADOPTED, TO REMOVE THE REQUIREMENT FOR  
3 PRESENTATION OF VALID IDENTIFICATION FOR ALL ON-PREMISE SALES OF  
4 ALCOHOLIC BEVERAGES UNDER PACKAGE STORE (ABC BOARD) LICENSE  
5 NUMBER 4558 BY DELETING A CONDITION ADDED BY THE ASSEMBLY IN THE  
6 CONDITIONAL USE APPROVAL FOR LIQUOR STORES USA NORTH DBA BROWN  
7 JUG, LOCATED AT 1106 NORTH MULDOON ROAD, BUILDING H, SUITE 110,  
8 GATEWAY SUBDIVISION, TRACT A, FRAGMENT LOT 16, GENERALLY LOCATED AT  
9 THE NORTHWEST CORNER OF MULDOON ROAD AND THE GLENN HIGHWAY  
10 (TIKHATNU COMMONS).

11  
12 WHEREAS, AR 2009-277 came before the Assembly on November 17, 2009 to  
13 approve a conditional use permit for an Alcoholic Beverages Conditional Use, subject to  
14 the conditions recommended by the Planning Department pursuant to Planning Case  
15 Number 2009-142, for the Brown Jug Package Store in the Tikhlatnu Commons Mall; and

16  
17 WHEREAS, AR 2009-277 was amended and approved by the Assembly on  
18 November 17, 2009 with the insertion by the Assembly of an additional condition to require  
19 the presentation of valid identification for all on-premise sales of alcoholic beverages; and

20  
21 WHEREAS, the Anchorage Assembly has not amended municipal code to add this  
22 same requirement as a standard requirement of alcoholic beverage conditional use  
23 approval at other locations;

24  
25 **NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:**

26  
27 **Section 1.** AR 2009-277 is hereby amended to delete the condition numbered 6: Valid  
28 identification will be required for all on-premise sales of alcoholic beverages; and the  
29 conditions presented by the Planning Department are renumbered for clarification as  
30 reflected below in Section 2.

31  
32 **Section 2.** This conditional use is approved subject to the following conditions:

33  
34 1. A Notice of Zoning Action shall be filed with the District Recorder's Office  
35 within 120 days of the Assembly's approval of a final conditional use approval for a  
36 package store use in the B-3 SL District.

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

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

4. 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.

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. The owner of the property, the licensee under the Alcoholic Beverage Control license and their officers, agents and employees, shall not knowingly permit or negligently fail to prevent the occurrence of illegal activity on the property.

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

**Section 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 17<sup>th</sup> day of August, 2010.

Chair

ATTEST:

Municipal Clerk