

CLERK'S OFFICE

APPROVED

Date: 9-14-10

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: September 14, 2010

**Anchorage, Alaska
AR 2010-254**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
APPROVING A MODIFICATION TO AN EXISTING ALCOHOLIC BEVERAGES
CONDITIONAL USE FOR A PACKAGE STORE USE AND LICENSE NUMBER
162 IN THE B-3 (GENERAL BUSINESS) DISTRICT, TO ADD 1,702 SQUARE
FEET TO THE EXISTING 2,520 SQUARE-FOOT LICENSED PREMISES, FOR
LIQUOR STORES USA NORTH, DBA BROWN JUG - EAGLE RIVER;
LOCATED AT 11221 OLD GLENN HIGHWAY, SUITE 2 AND SUITE 3, LOT 2
PORTION, ROBERT PIPPELL SUBDIVISION, ADDITION 1; GENERALLY
LOCATED ON THE NORTHEAST CORNER OF MONTE ROAD AND OLD
GLENN HIGHWAY.**

(Eagle River Community Council) (Case 2010-106)

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. This is a modification to an existing alcoholic beverages conditional use for a Package Store Use and License Number 162 in the B-3 (General Business District) district, to add 1,702 square feet to the existing 2,520 square-foot licensed premises per AMC 21.40.180D.8, for Liquor Stores USA North, dba Brown Jug - Eagle River; located at 11221 Old Glenn Highway, Suite 2 and Suite 3, Lot 2 Portion, Robert Pippell Subdivision, Addition 1, and generally meets the applicable provisions of AMC 21.50.020 and AMC 21.50.160.

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

1. A Notice of Zoning Action shall be filed with the District Recorder's Office within 120 days of the Assembly's approval of an Alcoholic Beverages Final Conditional Use for a Package Store Use in the B-3 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 modifies the existing Brown Jug - Eagle River Alcoholic Beverages Conditional Use and License Number 162 in the B-3 District for a Package Store Use per AMC 21.40.180 D.8 to add 1,702 square feet to its existing 2,520 square-foot licensed premises (totalling 4,222 square feet), for 11221 Old Glenn Highway, Suite 2 and Suite 3; Robert Pippell Subdivision, Addition 1, Lot 2 Portion.

4. The on-premise sale of alcoholic 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. 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 premises.

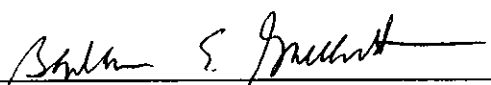
Section 3. Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.

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

PASSED AND APPROVED by the Anchorage Assembly this 14th day of September, 2010.

ATTEST:


Chair


Municipal Clerk

(Planning Case Number 2010-106)
(Tax Identification Number 050-161-02)



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 478-2010

Meeting Date: September 14, 2010

From: Mayor

Subject: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A MODIFICATION TO AN EXISTING ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A PACKAGE STORE USE AND LICENSE NUMBER 162 IN THE B-3 (GENERAL BUSINESS) DISTRICT, TO ADD 1,702 SQUARE FEET TO THE EXISTING 2,520 SQUARE-FOOT LICENSED PREMISES, FOR LIQUOR STORES USA NORTH, DBA BROWN JUG - EAGLE RIVER; LOCATED AT 11221 OLD GLENN HIGHWAY, SUITE 2 AND SUITE 3, LOT 2 PORTION, ROBERT PIPPELL SUBDIVISION, ADDITION 1; GENERALLY LOCATED ON THE NORTHEAST CORNER OF MONTE ROAD AND OLD GLENN HIGHWAY.

1 Liquor Stores USA North, Inc., dba Brown Jug - Eagle River, has made application
2 to modify its existing alcoholic beverages conditional use for a Package Store Use
3 and License Number 162, located at 11221 Old Glenn Highway. They wish to add
4 1,702 square feet (Suite 3) to the existing 2,520 square-foot license premises
5 (Suite 2) by removing the common wall.
6

7 The package store currently occupies one of three units in a three-unit retail
8 building. Haute Quarter Grill, which has an approved conditional use for a
9 Beverage Dispensary use and license, occupies a unit and the third unit is vacant.
10

11 The Anchorage Assembly approved a Package Store License Number 162
12 transfer from Mike's Liquor & Grocery (package store) to Brown Jug on May 21,
13 2002. According to Alcohol Beverage Control (ABC) records, a Package Store
14 License (Number 162) was issued to Mike's Liquor package store at this site on or
15 before 1960; thus the package store use became a legal nonconforming
16 conditional use prior to zoning in 1974.

1 Alaska Statute 04.11.410 (Restriction Of Location Near Churches And Schools)
2 states that a package store or beverage dispensary license may not be issued if
3 the licensed premises would be located in a building with a public entrance within
4 200 feet of a school ground or church building, if those structures are in use prior
5 to the issuance of a license.
6

7 There are three church properties more than 200 feet from the petition site, and
8 one school more than 800 feet from the petition site. Property Appraisal records
9 show the nearest church property to the east is owned by Eagle River First Baptist
10 Church of Anchorage and listed as retail multi/occupancy purchased in 1989.
11 They also own two lots south of the petition site with a church constructed in 1989.
12 St. Andrew Parish was constructed in 1980. Eagle River Elementary School was
13 constructed in 1970.
14

15 The existing use of a package store on this site is a legally nonconforming use,
16 granting the use of a package store on this site "grandfather" rights from use
17 separation. This is not an application for a new license, but rather an amendment
18 to the existing legally nonconforming conditional use to add 1,702 square feet to
19 the existing 2,520 square-foot licensed premise. The ABC records indicate that an
20 alcohol license was in place for a package store at the petition site on or before
21 1960.
22

23 There are six alcohol licenses, including Brown Jug's existing package store
24 license, within a 1,000-foot radius of the petition site: three package stores, two
25 beverage dispensary licenses and one restaurant/eating place license.
26

27 Treasury reports there are no delinquent Personal Property Taxes, or Real
28 Property Taxes owing at this time.
29

30 This modification to an existing Alcoholic Beverages Conditional Use for a
31 Package Store Use and License Number 162, to add 1,702 square feet to the
32 existing 2,520 square foot licensed premises, per AMC 21.40.180.D.8 in the B-3
33 District, for Liquor Stores USA North, Inc., dba Brown Jug – Eagle River; located
34 at 11221 Old Glenn Highway, Suite 2 and Suite 3, generally meets the required
35 standards of AMC Title 10 and Title 21, and State Statute 04.11.150.
36

37 Prepared by: Angela C. Chambers, Zoning Administrator,
38 Planning Department

39 Approved by: Jerry T. Weaver Jr, Director, Planning Department

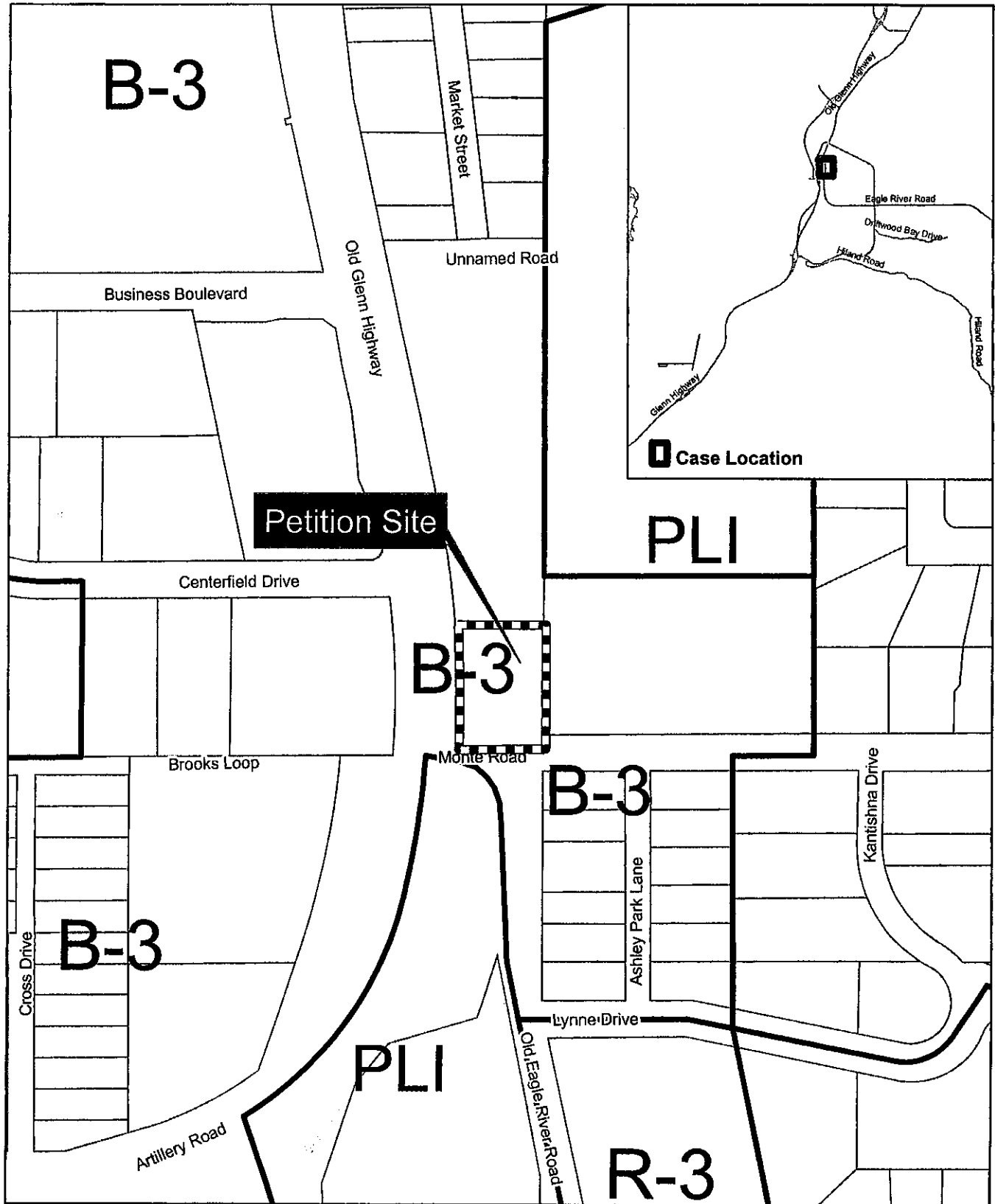
40 Concur: Greg Jones, Executive Director, Office of Community
41 Planning & Development

42 Concur: Dennis A. Wheeler, Municipal Attorney

43 Concur: George J. Vakalis, Municipal Manager

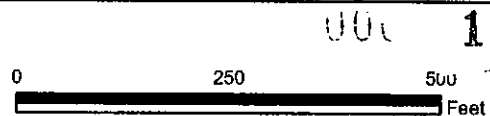
44 Respectfully submitted: Daniel A. Sullivan, Mayor

2010-106



Municipality of Anchorage
Planning Department
July 29, 2010

Flood Limits
100 Year
500 Year
Floodway



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

DATE: September 14, 2010

CASE NO.: 2010-106

APPLICANT: Liquor Stores USA North
Dba Brown Jug Eagle River

REPRESENTATIVE: O.C.Madden III

REQUEST: Modification to an Existing Conditional Use for an Alcoholic Beverages Conditional Use in the B-3 District for a Package Store Use and License #162 per AMC 21.40.180.D.8, to add 1,702 square feet to its Existing 2,520 Square Foot Licensed Premises

LOCATION: Robert Pippell Subdivision, Addition #1, Lot 2 Portion; generally located on the northeast corner of Monte Road and Old Glenn Highway.

STREET ADDRESS: 11221 Old Glenn Highway Suite #2 and #3
Eagle River

COMMUNITY COUNCIL: Eagle River

TAX PARCEL: 050-161-02/ Grid NW 0151

ATTACHMENTS

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

RECOMMENDATION SUMMARY:

Approval

SITE:

Acres: 1.7 acres
Vegetation: Commercial development landscaping
Zoning: B-3
Topography: Generally level

Existing Use: Retail
Soils: Public Water and Sewer

COMPREHENSIVE PLAN

Classification: Commercial
Density: N/A

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	B-3	B-3	B-3	B-3
Land Use:	General Business	General Business	General Business	General Business

SITE DESCRIPTION AND PROPOSAL:

The petitioner is seeking to modify its existing conditional use approval for an alcoholic beverages conditional use in the B-3 District for a Package Store use and license #162 per AMC 21.40.180D.8 to add 1,702 square feet to its existing 2,520 square foot licensed premises.

The petition site is located in a small three unit retail building at the northeast corner of Monte Road and Old Glenn Highway in Eagle River. The building is occupied by the Haute Quarter Grill and Brown Jug Liquor; the third unit is empty.

Haute Quarter Grill has an approved alcoholic beverages conditional use for a beverage dispensary license in a restaurant, approved April 14, 2009, and previously, a restaurant/eating place license, approved by the Assembly in 2001. The restaurant license has expired.

The Anchorage Assembly approved a package store license #162 transfer from Mike's Liquor & Grocery (package store) to Brown Jug on May 21, 2002 (AR 2002-159). The license premise is 2,520 square feet. Mike's Liquor & Grocery (package store) had a legal nonconforming conditional use and package store license #162 issued circa 1960, according to the Anchorage Beverage Control records, prior to zoning of this site in 1974.

The applicant has leased the empty retail space plans to expand the current store to 4,292 square feet and make tenant improvements. This will allow upgrading the interior and equipment, such as the cooler.

To the west of the petition site, across from Old Glenn Highway, is a bank and bank property. To the north is a shopping center.

Directly abutting the east of the petition property is a church. Directly to the south is Eagle River Elementary School. The church is more than 200 feet from the door of package store to the church door. The lots are abutting lots. The school structure is approximately 800 feet from the store, but the school site and its associated lots are also abutting the lot on which the restaurant is sited (the lot on which the school is sited is separated from the store lot by a separate legal parcel, but this separate parcel is part of the school site area). There are other churches in the vicinity, but they are well over 200 feet away from the petition site, such as the Catholic Church across the Old Glenn Highway. There was no response from DHHS regarding area childcare facilities.

Alaska Statue 04.11.410 (Restriction of location near churches and schools) states that a package store or beverage dispensary license may not be issued if the licensed premises would be located in a building with a public entrance within 200 feet of a school ground or church building, if those structures are in use prior to the issuance of a license. While the structure is approximately 800 feet from a school site, and 200 from the church, the existing use of a package store on this site is a legally nonconforming use, granting the use of a package store on this site "grandfather" rights. This is not an application for a new license, but rather for an amendment to the existing legally nonconforming conditional use, to allow for a new owner to operate this existing license, and for remodeling of the interior sales area. The church did not purchase their site until 1989, and the school was constructed in 1961. The ABC records indicate that an alcohol license was in place for a package store at the petition site since at least 1960.

The sale of alcoholic beverage represents 90% of the business. Daily hours of operation are 10:00 A.M. to midnight, Monday through Saturday, and noon to midnight on Sunday. All employees are trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program. Brown Jug, Inc. has a substantial public safety program. See discussion below and petitioner's attachments.

PUBLIC COMMENTS:

There were sixty-six (66) public hearing notices mailed. No response was received from the community council, no public hearing notices were returned.

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.

The Updated 2006 Chugiak-Eagle River Comprehensive Plan does not specifically address the sale of alcoholic beverages. However, several goals of the Comprehensive Plan do address economic opportunities. A general conclusion is that promotion of economic opportunities is referenced in the Plan.

The plan emphasizes the need for centrally locating commercial uses. The Comprehensive Plan goal for Commercial Development calls for an adequate supply of land in suitable locations for commercial development that is compatible with community needs and resources. The objectives promote continued use, expansion and development within established commercial areas determined to be suitable for continuing use and discourages expansion of existing strip commercial development. This use is in an area long designated as appropriate for commercial use in the plan and has been also determined appropriate through a zoning process.

A package store has been continuously located at this site for over 50 years on a parcel identified in the plan as Commercial and have expanded the existing store to keep pace with the population growth and needs of Eagle River. It is the policy of the plan to concentrate commercial development at strategic locations rather than allowing them to expand along major arterials.

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

This standard is met.

The B-3 general business district area provides for 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 use and structures are in conformity with the B-3 zoning regulations and applicable portions of Title 21.

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

The B-3 zoned petition site is 24,000 square feet and has a small 6,950 square foot retail mall with only two businesses: the Haute Quarter Grill restaurant which has an approved conditional use for a beverage dispensary liquor license 4848, and the Brown Jug package store license 162. B-3 zoning and the commercial retail use and alcohol licenses are expected to remain in that land use category for the foreseeable future.

The surrounding property is all zoned B-3, with some PLI zoned property south of Monte Road. Directly abutting the east of the petition property is a church. Directly to the south is Eagle River Elementary School. The church is more than 200 feet from the door of the package store to the church door. The lots are abutting lots. The school structure is approximately 800 feet from the store, but the school site and its lots are also abutting the lot on which the store is sited.

Alaska Statue 04.11.410 (Restriction of location near churches and schools) states that a package store or beverage dispensary license may not be issued if the licensed premises would be located in a building with a public entrance within 200 feet of a school ground or church building, if those structures are in use prior to the issuance of a license. While the structure is more than 200 feet from a school site (abutting lots), the package store use and license was on the petition site and issued prior to 1960, according to the ABC, prior to the existence of the church and school.

The intent of this statute is stated in the 2009 Edition of the State Alcoholic Beverage Control regulations, as follows: "Legislative intent. - The intent of the legislature in enacting former AS 04.15.020, covering the subject matter of this section, must have been the desire to protect children attending school from direct exposure to some of the demoralizing circumstances which, by the authority of common knowledge, seem incident to the traffic in intoxicating liquor. In re Wakefield, 10 Alaska 599 (D. Alaska 1975), decided under former AS 04.15.020." Notes to these decision also state that the ABC Board may exercise discretion and refuse to issue the license even through the proposed location of a package store complies with these requirements, but also the mere proximity to a school beyond 200 feet would not constitute good cause to deny a license; some additional evidence disclosing a potential threat must be shown. State, ABC Bd. V. Decker, 700 P.2d 483 (Alaska 1985).

There is no evidence of such a threat to the children attending the school to the south, or to the church to the east.

The petition site does not appear to detract from the aesthetic quality of the surrounding area. There appears to be no record of violation of the current liquor licenses. The surrounding land uses are primarily commercial or governmental services, all uses that will not be negatively impacted by the modification of this existing package store liquor license on this property.

Over the years Brown Jug has developed best practice policies. The "Brown Jug Model" is nationally recognized as the gold standard for responsible retailing: a combination of management commitment, employee selection techniques, training, security, company policy, in-house policy enforcement, incentive bonuses for employees, community involvement, and results. Brown Jug provides a strong prohibited-sales programs, and provides financial rewards to employees in seizing fake identification used by minors, and for catching minors on their licensed premises (see discussions below under Standards Chapter 10.50 Alcoholic Beverages). They also provide community programs such as providing a presentation to youth groups about liquor law enforcement and the dangers of irresponsible and illegal consumption of alcohol. Brown Jug has received numerous national, state, and local awards in recognition of the "Brown Jug Model" methods and policies.

No comments were received from DHHS or Municipal Child Care Licensing regarding childcare centers. However, this package store use predates Municipal liquor license regulations for this area, and has nonconforming rights for the location.

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.

Pedestrian circulation to this site will rely on the existing sidewalks on the west side of the lot. No special transportation or pedestrian issues have been identified with this liquor license.

Traffic circulation will not be impacted. There is existing access directly from the on-site parking to the Old Glenn Highway.

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

This standard is met.

The developed use of the property is commercial retail and will not impact public services. Water and sewer are available on site. Roads and trails are not affected.

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

This standard is met.

There is no change expected.

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

This standard is met.

The zoning, land use and the general area land use will not change as a result of this conditional use permit for a package store license.

Standards Chapter 10.50 Alcoholic Beverages

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

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

There will be no live entertainment provided on site. This storefront has held a legal nonconforming package store license prior to the conditional use requirement of local zoning codes.

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 are six alcohol licenses within 1,000 feet of the location for Brown Jug, including the Brown Jug's existing package store license: three

package stores, two beverage dispensary licenses, and one restaurant/eating place licenses. Below is a summary of those licenses:

Establishment	Location	License Type/Number
Shine's Sushi Restaurant	11401 Old Glenn Highway, Ste 103	Restaurant/Eating Place, License #4345
Haute Quarter Grill	1221 Old Glenn Highway	Beverage Dispensary License #4848
Chepo's Mexican Restaurant	11535 Market Street	Beverage Dispensary, License #3765
Brown Jug- Eagle River	11221 Old Glenn Highway	Package Store License # 162
Eagle River Liquor	16535 Artillery Rd.	Package Store, License # 1011
Oaken Keg #1807	11409 Business Blvd.	Package Store, License # 1464

- 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 are required to complete the TIPS alcohol server class before working on the sales floor, and they are required to re-certify through TAM every 12 to 18 months. Brown Jug has 4 TAM trainers on staff; the most senior trainer has been certified for 23 years. The Brown Jug alcohol server class includes hands-on fake ID training with a collection of fraudulent identification.

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

This is a modification of an existing conditional use for a package store premises license #162 to add 1,702 square feet.

- 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.

All Brown Jug stores are equipped with state of the art digital video recording equipment. The system incorporates 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.

There was no returned comment from the Police Department.

- E. Payment of taxes and debts. When application is made for renewal of a license the assembly shall consider, pursuant to AS 4.11.330, whether the applicant is delinquent in payment of taxes owed to the Municipality. When application is made for transfer of ownership of a license the Assembly shall consider, pursuant to AS 4.11.360, whether the municipality has received either payment or adequate security, for the payment of any debts or taxes, including any estimated taxes for the current year, arising from the conduct of the licensed business. Adequate security" for the payment of debts and taxes may be in the form of: 1) escrowed funds sufficient to pay the**

debts and taxes claimed and any escrow fees; 2) actual payment of debts and taxes claimed; or, 3) a guarantee agreement in accordance AMC 10.50.030. Any guarantee agreement shall be in writing, signed by the transferor, transferee and Municipality

This standard is met.

There are no delinquent Personal Property Taxes & or Real Property Taxes owing at this time according to the Treasury Division.

- F. Public health. If application is made for the renewal or transfer of location or transfer of ownership of a license, the Assembly shall consider whether the operator has engaged in a pattern of practices injurious to public health or safety such as providing alcohol to minors or intoxicated persons, committing serious violations of State law relevant to public health or safety, or other actions within the knowledge and control of the operator which place the public health or safety at risk. In determining if a pattern of practices injurious to public health or safety exists, the Assembly may consider criminal convictions, credible proof of illegal activity even if not prosecuted, police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection.**

There will be no happy hours, games or contests that include consumption of alcoholic beverages, and no solicitation or encouragement of alcoholic beverage consumption. Sales to persons who are inebriated or underage are prohibited. The application states that security includes DVR recording of all transactions, immediate access to security and supervisory personnel, security cameras and perimeter lighting, and policies and practice to check identification of all members of the purchasing party.

At the time this report is written, no comments have been received from the Anchorage Police Department.

- G. Municipality of Anchorage Alcoholic Beverage Licensee Compliance Form. In order to determine whether applicants seeking issue, renewal or transfer of alcoholic beverage licenses have complied with the provisions of this chapter, applicants shall, at the request of the Assembly, submit to the municipal clerk such information as is required on a municipal form prepared by the municipal clerk known as the Municipality of Anchorage Alcoholic Beverage Licensee Compliance Form. Upon request, operators shall also**

provide the municipal clerk with certificates from all current employees demonstrating that those employees have successfully completed a "Liquor Service Awareness Training Program" such as the program for techniques in alcohol management (T.A.M.) as approved by the State of Alaska Alcoholic Beverage Control Board.

This form was not requested of this applicant.

RECOMMENDATION:

This application to modify the existing final conditional use for alcoholic beverages in the B-3 District for a package store located at 11221 Old Glenn Highway, Suite 2, to add Suite 3 having 1,702 square feet to its existing licensed premises generally meets the required standards of Title 21 and Title 10, and AMC 21.50.160, and the Department recommends approval.

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

1. A notice of Zoning Action shall be filed with the District Records Office within 120 days of the Assembly's approval of an alcoholic beverages final conditional use for a package store in the B-3 District.
2. All uses shall conform to the plans and narrative submitted with this conditional use application.
3. This conditional use approval modifies the existing Brown Jug –Eagle River Alcoholic Beverages Conditional Use in the B-3 District of a Package Store license #162 per AMC 21.40.180 D.8 to add 1,702 square feet to its existing 2,520 square feet licensed premises (totally 4,292 square feet), for 11221 Old Glenn Highway, Suite 2 and 3; Robert Pippell Subdivision, Addition #1, Portion Lot 2.
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.

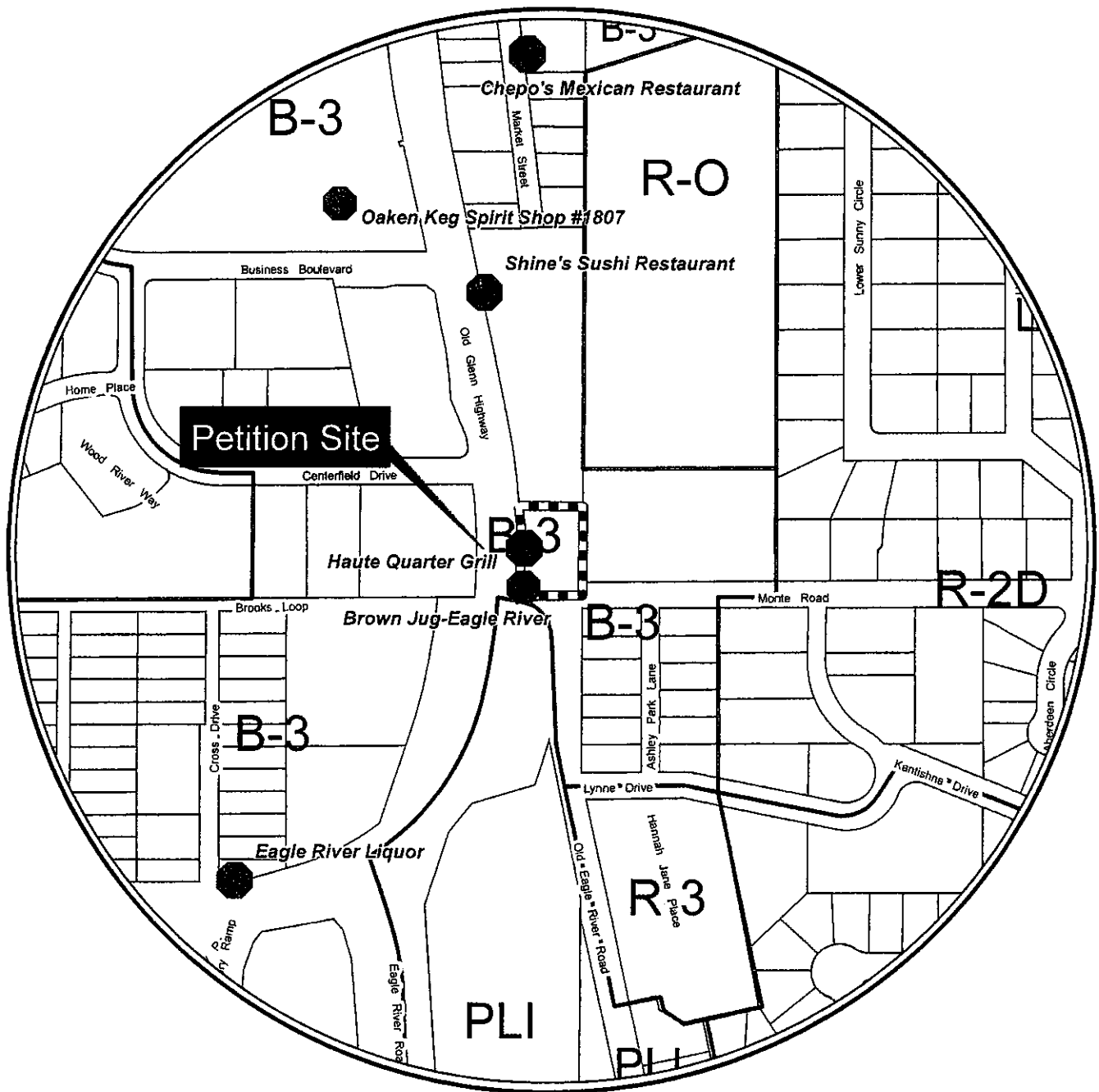
Alcohol Existing License List Report

Case Number: 2010-106 Description: 1000'

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City	Lic. Number	State Lic. Zone	Zip Lic. Type
05016102000 Brown Jug - Eagle River	POPE D JEAN Liquor Stores North USA, Inc.	56 S 2ND ST 11221 Old Glenn Hwy	PRIEST RIVER	162	ID B3	83856 Package Store
05016102000 Haute Quarter Grill	POPE D JEAN Alex & Lynn Perez	56 S 2ND ST 11221 Old Glenn Hwy	PRIEST RIVER	4848	ID B3	83856 Beverage Dispensary
05016102000 Haute Quarter Grill	POPE D JEAN Haute Quarter Grill, Inc.	56 S 2ND ST 11221 Old Glenn Hwy	PRIEST RIVER	4075	ID B3	83856 Restaurant/Eating Place
05016103000 Shine's Sushi Restaurant	EAGLE RIVER SHOPPING CENTER Shines Sushi Restaurant LLC	11401 OLD GLENN HWY STE 110 11401 Old Glenn Hwy Ste 103	EAGLE RIVER	4345	AK B3	99577 Restaurant/Eating Place
05016124000 Chepo's Mexican Restaurant	NANEZ JOSE & LUCIA A J & L Enterprises	16751 THEODORE DR 11535 Market St	EAGLE RIVER	3765	AK B3	99577 Beverage Dispensary
05016265000 Oaken Keg Spirit Shop #1807	CGF PROPERTIES INC Carr Gottstein Foods Co	5918 STONERIDGE MALL ROAD 11409 Business Park Blvd	PLEASANTON	1464	CA B3	94588 Package Store
05017203000 Eagle River Liquor	S K ENTERPRISES LLC Eagle River Liquor LLC	PO BOX 91305 16535 Artillery Rd	ANCHORAGE	1011	AK B3	99509 Package Store

2010-106

● EXISTING LIQUOR LICENSES WITHIN 1000'



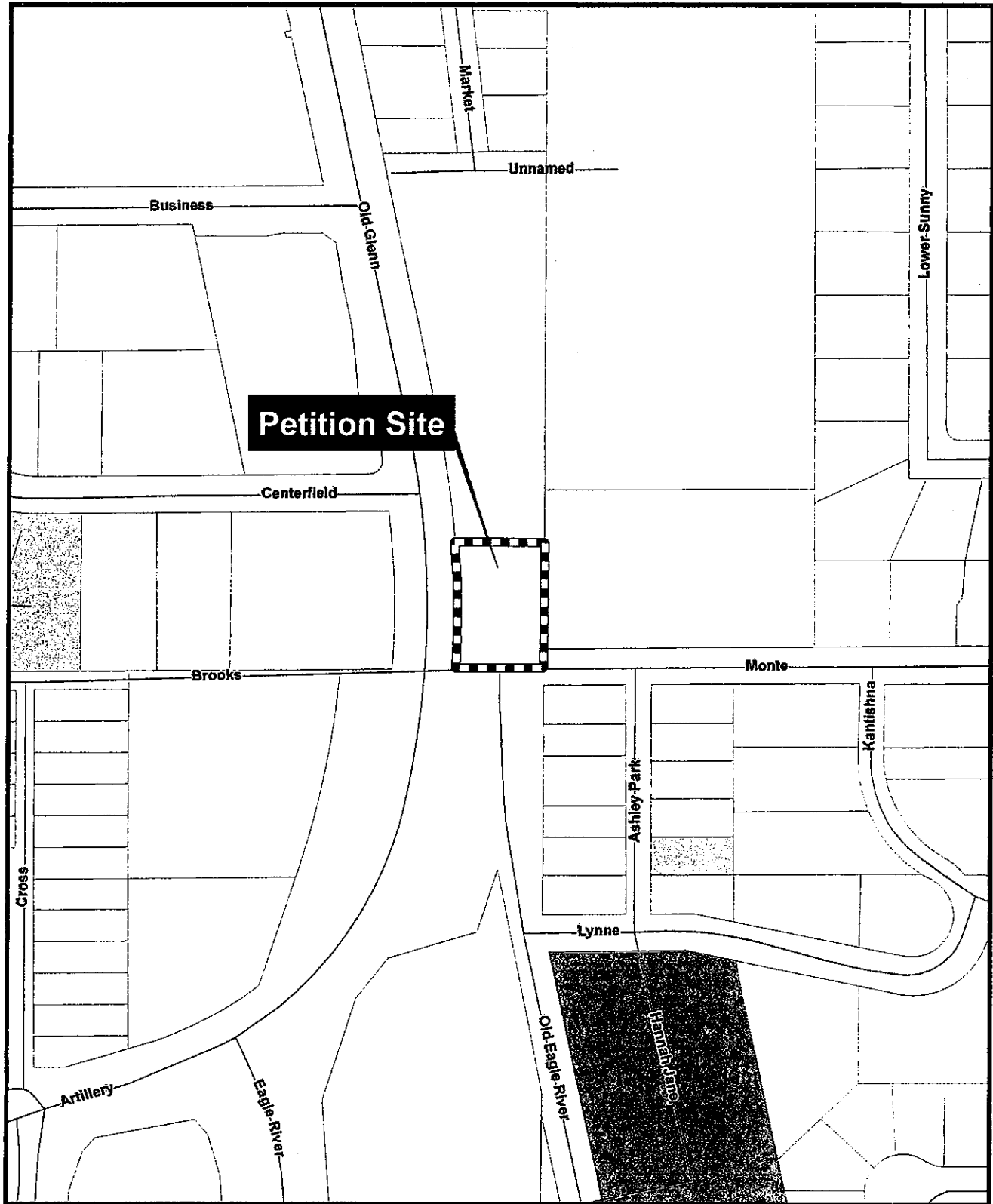
Municipality of Anchorage
Planning Department

Date: July 29, 2010

0 175 350 700 Feet



2010-106



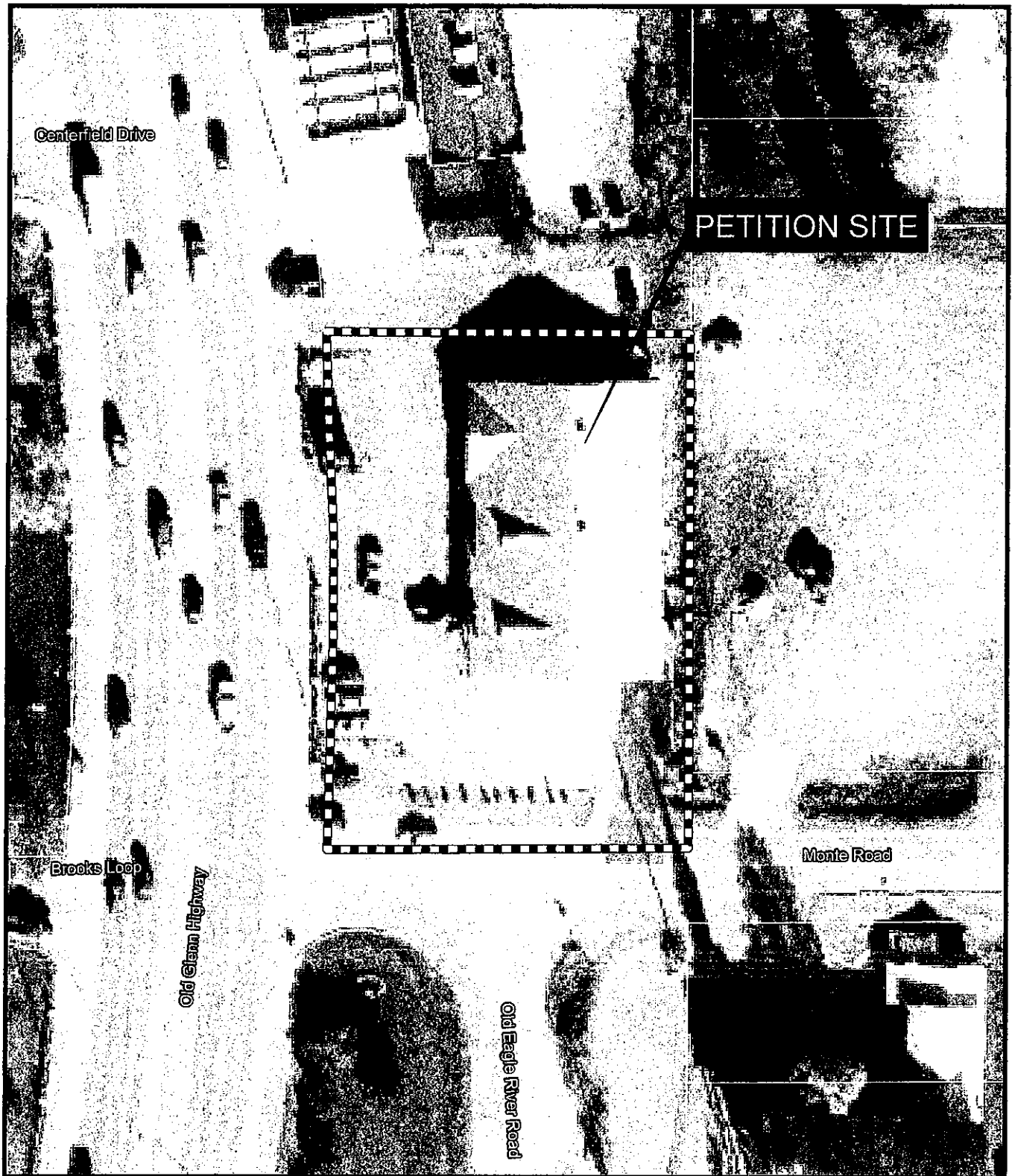
Municipality of Anchorage
Planning Department
Date: July 29, 2010

Mobile Home Park
Multi-Family
Single Family

0 250 500 Feet

N
16

2010-106



Municipality of Anchorage
Planning Department
July 29, 2010

0 75 150 Feet

ORTHOPHOTO 2007 USGS 1FT

17 

**DEPARTMENTAL
COMMENTS**

**Municipality of Anchorage
Treasury Division
Memorandum**

RECEIVED

AUG 10 2010

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Date: August 9, 2010

To: Patty Long
Gloria Stewart
Planning Dept.

From: Diana Flavin, Revenue Officer

Subject: Liquor License Conditional Use Comments

Request for conditional use permit 2010-106 for Liquor Stores USA North dba Brown Jug located at 11221 Old Glenn Hwy, Eagle River, AK.

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



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

DATE: August 17, 2010

TO: Angela Chambers, Acting Division Manager, Zoning and Platting
Division

FROM: Leland R. Coop, Associate Traffic Engineer

SUBJECT: Traffic Engineering Comments for September 14, 2010 Assembly
Public Hearing

2010-106 Conditional Use for and alcoholic beverage package store in B-3

Traffic has no comment.

RECEIVED
AUG 17 2010
MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

JC 20

Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

RECEIVED

MEMORANDUM

AUG 16 2010

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

DATE: August 16, 2010
TO: Jerry Weaver, Zoning Division Administrator, Planning Department
FROM: Paul Hatcher, Engineering Technician III, AWWU *PH*
SUBJECT: **Zoning Case Comments**
Planning & Zoning Commission Hearing September 14, 2010
Agency Comments due August 17, 2010

AWWU has reviewed the materials and has the following comments.

10-106 **ROBERT PIPPEL LT 2 PTN, A request concept/final approval of a conditional use to permit, Grid NW0151**

1. AWWU water is available to this parcel.
2. AWWU sanitary sewer is available to this parcel.
3. AWWU has no objection to this conditional use.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail paul.hatcher@awwu.biz.

MUNICIPALITY OF ANCHORAGE



Planning & Development Services Dept.
Development Services Division

Private Development

DATE: August 24, 2010
TO: Angela Chambers – Manager, Zoning and Platting
FROM: Sharen Walsh, P.E., Private Development Plan Review Engineer
SUBJECT: Comments for Assembly Public Hearing date: September 14, 2010

Case No. 2010-106– A request for concept/final approval of a conditional use to permit an alcoholic beverage package store

Private Development has no objection to the conditional use

APPLICATION

Application for Conditional Use Retail Sale Alcoholic Beverages

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



Please fill in the information asked for below.

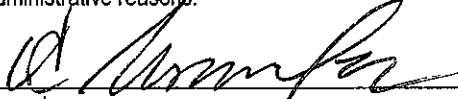
PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) LIQUOR STORES USA NORTH DBA BROWN LUG	Name (last name first) D.C. MADDEN III
Mailing Address *300 10508 - 82 AVENUE	Mailing Address P.O. BOX 190027
EDMONTON ALBERTA T6E4Y4	ANCHORAGE ALASKA 99519-0027
Contact Phone: Day: 780-989-7604 Night:	Contact Phone: Day: 907-563-3815 Night: 907-830-6107
FAX: 780-702-1427	FAX: 907-562-3130
E-mail: ccorbett@lsgp.ca	E-mail: omadden@brownalaska.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): 050-161-02-000		
Site Street Address: 11221 OLD GLENN HWY, EAGLE RIVER ALASKA		
Property Owner (if not the Petitioner): D. JEAN POPE		
Current legal description: (use additional sheet in necessary) ROBERT PIPPEL SUBDIVISION, ADDITIONAL #1, LOT 2A + 2B		
Zoning: B-3	Acreage: 1.717	Grid # NW0151

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 type="checkbox"/> Transfer of location: ABC license number: #162-EXPANSION OF EXISTING STORE		
Transfer license location:		
Transfer licensed premises doing business as:		

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

Date 7/23/10	Signature (Agents must provide written proof of authorization) 	24
------------------------	---	----

Accepted by: M.A.	Poster & Affidavit	Fee	Case Number 2010-106
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COMPREHENSIVE PLAN INFORMATIONAnchorage 2020 Urban/Rural Services: ☐ Urban ☐ RuralAnchorage 2020 West Anchorage Planning Area: ☐ Inside ☐ Outside

Anchorage 2020 Major Urban Elements: Site is within or abuts:

☐ Major Employment Center ☐ Redevelopment/Mixed Use Area ☐ Town Center☐ Neighborhood Commercial Center ☐ Industrial Center☐ Transit - Supportive Development Corridor

Eagle River-Chugiak-Peters Creek Land Use Classification:

☒ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study☐ Residential at _____ dwelling units per acre

Girdwood- Turnagain Arm

☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study☐ Residential at _____ dwelling units per acre**ENVIRONMENTAL INFORMATION** (All or portion site affected)Wetland Classification: ☐ None ☐ "C" ☐ "B" ☐ "A"Avalanche Zone: ☐ None ☐ Blue Zone ☐ Red ZoneFloodplain: ☐ None ☐ 100 year ☐ 500 yearSeismic 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):

S-11805

☒ Conditional Use - Case Number(s):

AR-2009-87

☐ 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, plus 12 sets of:☐ Building Permit application for new construction or change of use, if applicable☒ Approved parking and landscape plan from Land Use Review☒ Site plan to scale depicting: building footprints; parking areas; vehicle and pedestrian circulation; lighting; landscaping; signage; and licensed premises location.☒ Building plans to scale depicting: floor plans indicating the location of sales and service areas; building elevations (photographs are acceptable).☒ Photographs of premises from each street frontage that include and show relationship to adjacent structures and the premises visible street address number.☒ Completed application and narrative: explaining the project; construction, operation schedule, and open for business target date.☒ Zoning map showing the proposed location.☐ 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 ATTACHED AUTHORIZATION

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 JOG

What is the gross leaseable floor space in square feet?

4292

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?

MON - SAT 10AM - 12AM, SUN 12PM - 12AM

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

FIRST BAPTIST CHURCH

11149 OLD EAGLE RIVER ROAD,

PACKAGE STORES

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

8	%	less than \$5.00
16	%	\$5.00 to \$10.00
53	%	\$10.00 to \$25.00
23	%	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.

PACKAGE LIQUOR SALES ARE A COMPATIBLE USE FOR B-3 ZONING. THE SALE OF ALCOHOLIC BEVERAGES IS PART OF THE SOCIAL, RECREATIONAL, AND ECONOMIC ENVIRONMENT OF THE COMMUNITY.

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

B-3 ZONING PERMITS ALCOHOL BEVERAGES SALES WITH A LIQUOR LICENSE AND CONDITIONAL USE PERMIT.

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 LIQUOR STORE AT THIS SITE HAS BEEN IN OPERATION FOR APPROXIMATELY 50 YEARS. THE EXPANSION WILL ALLOW US TO BETTER SERVE EAGLE RIVER.

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 STORE HAS BEEN OPERATED ON THIS SITE FOR OVER 30 YEARS, AND DOES NOT IMPACT THE VEHICULAR OR PEDESTRIAN TRAFFIC OR SAFETY.
2. The demand for and availability of public services and facilities. THE STORE WILL NOT IMPACT PUBLIC SERVICES, AS IT IS ALREADY IN OPERATION
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 THE STORE IS ALREADY IN OPERATION

STANDARDS CHAPTER 10.50 ALCOHOLIC BEVERAGES

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

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

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

2 - BROWN LUG + HAUTE QUARTER GRILL

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

6

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

3

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

21

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 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

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

- ☐ Yes ☒ No Happy hours?
☐ Yes ☒ No Games or contests that include consumption of alcoholic beverages?
☒ Yes ☐ No Patron access and assistance to public transportation?
☒ Yes ☐ No Notice of penalties for driving while intoxicated posted or will be posted?
☒ Yes ☐ No Non-alcoholic drinks available to patrons?
☐ Yes ☒ No Solicitation or encouragement of alcoholic beverage consumption?

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

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

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

outside facility: SEE ATTACHED NARRATIVE, CAMERAS, LIGHTING, POLICY & 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.

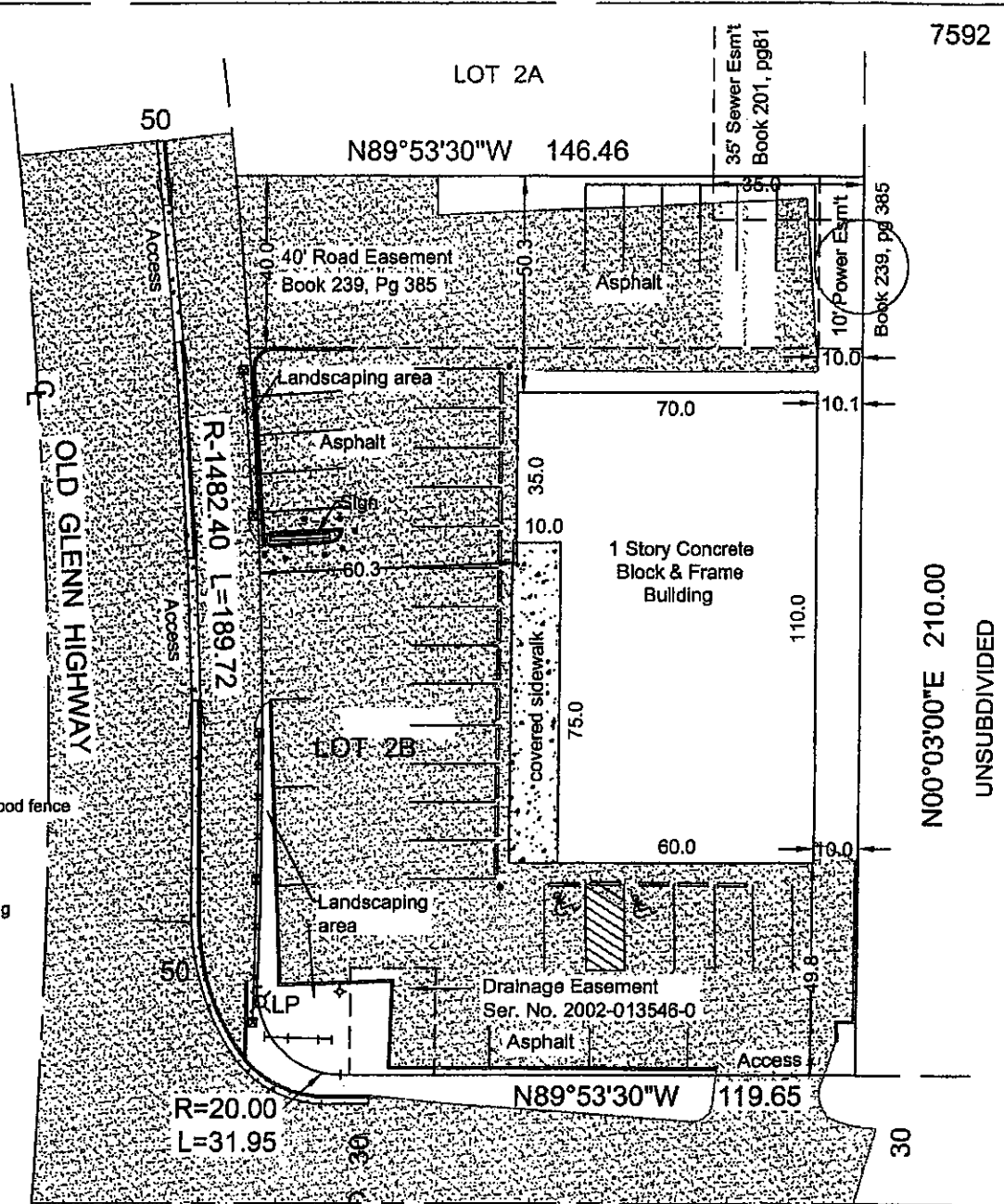
☒ Yes ☐ No As the applicant and operator can you comply? If no explain

N

SCALE: 1"= 40'
LEGEND

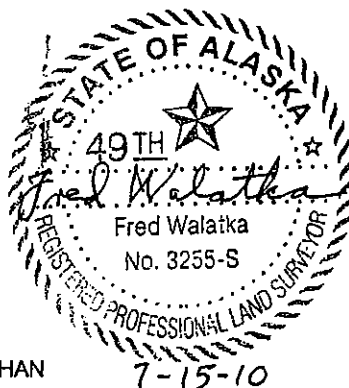
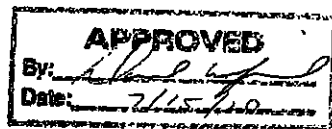
- LP Light Pole
 Asphalt Paving
 Concrete
 2' Curb & Gutter
 Curb Cut
 Handicap Parking
 Yard light
 Bollard
 Concrete curb
 Conc. & rock post and wood fence
 Guard rail
 Proposed 9' x 20' striping

Note: 32 Regular parking spaces and 2 handicap spaces



MONTE ROAD

SITE PLAN REVISED 7-15-10
AS-BUILT NO CORNERS SET THIS DATE



EASEMENTS OF RECORD, OTHER THAN
THOSE SHOWN ON THE RECORDED
PLAT ARE NOT SHOWN HEREON.

Fb 10-2, pg 40-42

BE

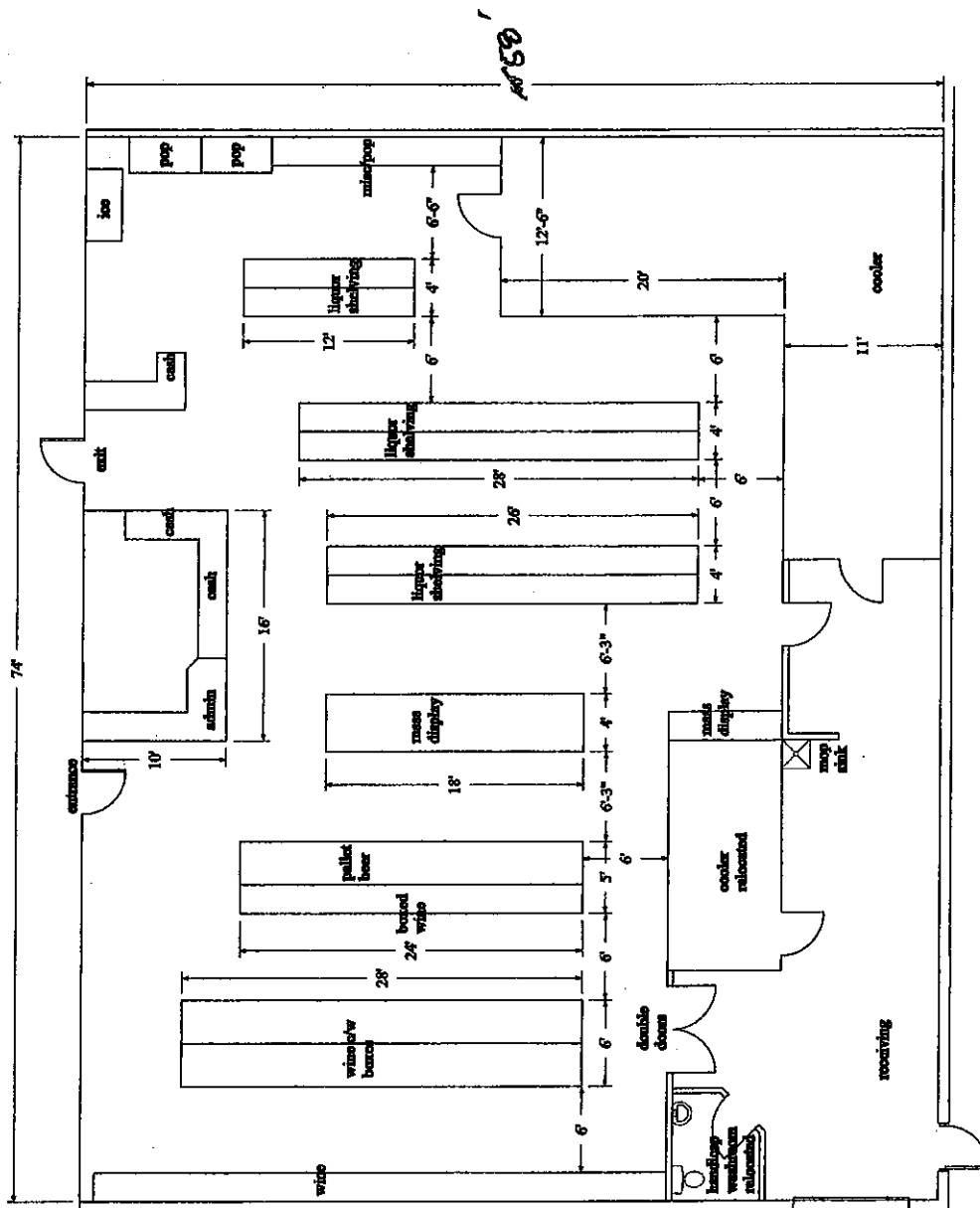
I hereby certify that I have performed a Mortgagee's inspection of the following described property: LOT 2B,
ROBERT PIPPELL SUBDIVISION, ADDITION No. 1
(Not Recorded)

Anchorage Recording Precinct, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property lying adjacent thereto, that no improvements on the property lying adjacent thereto encroach on the premises in question and that there are no roadways, transmission lines or other visible easements on said property except as indicated hereon.

Dated at Anchorage, Alaska
this 14th day of MAY, 2010

FRED WALATKA & ASSOCIATES
Engineers and Surveyors

(907-248-1666)



CONSTRUCTION LTD.

15148 - 128 Ave.
Edmonton, Alberta
T5C 1A9

Tel. (780) 434-7834
Fax. (780) 453-1925

Scuderia 188 = 10

Date: April 8, 2010

Eagle River Expansion

Floor Plan

Project File 10-

Ordering No: 1



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

July 12, 2010

Robert Klein
Director Sales and Marketing
Liquor Stores USA North, Inc.
P.O. Box 190027
Anchorage, Alaska 99519-0027

RE: Extension of Premise, Brown Jug – Eagle River, License #162

Dear Mr. Klein,

I am in receipt of your letter of intent to remodel your Eagle River Store and request to extend the licensed premise. Per our telephone conversation this morning I understand the area of expansion (as it relates to the diagram in the license file) is to include Suite 3 into the existing licensed premise of Suite 2, and that no wall with separate entrances divides the two areas.

Based upon the information provided and in accord with Alaska Administrative Code 104.185(c) I approve of the extension of your premise.

If you have any questions please do not hesitate to contact me.

Sincerely,

Shirley A. Gifford
Director



The Brown Jug Responsible Retailing Model

Community Minded Retailing

"Thank you for your admirable efforts setting policy, training, encouraging, and holding employees accountable for upholding the law. Your establishments operate as models for others in the industry."

Department of Public Safety Commissioner Joe Masters

"Thank you for your continued support in the fight against underage drinking. You have made a difference in the community in which you live."

Anchorage Chief of Police Walt Moneghan

"What makes Brown Jug so special is that they are doing this not just as a matter of risk aversion, trying to protect themselves, they are trying to protect the community. They are going to the community to talk about the importance of preventing underage sales, and the measures they are taking."

Responsible Retailing Forum Director Brad Krevor Ph.D

"Thank you so much for all of your efforts. You are a model for companies across the nation - not just within your industry."

Alcoholic Control Board Director Shirley Gifford

"In sincere appreciation of Brown Jug's community leadership and commitment to youth by developing and implementing an effective prevention / intervention approach to reducing underage drinking and tobacco use."

Safe & Drug Free School Program – Anchorage School District

The "Brown Jug Model" is nationally recognized as the gold standard for Responsible Retailing. What is the Brown Jug Model? It is a combination of management commitment, employee selection techniques, training, adequate staffing, security, company policy, in-house policy enforcement, incentive bonuses for employees, community involvement, and results.

Management Commitment – Responsible retailing begins with a sincere commitment on the part of the leadership team. Prohibited Sales is the first item on every Manager Meeting agenda, and preventing sales to minors, inebriates, and known alcohol offenders is the first priority of every Brown Jug employee. The consistent message from Management is that employees are never too busy to follow company policy; preventing prohibited sales is job one.

Employee Selection - All prospective Brown Jug employees undergo a background check, and are tested to ensure they meet the standards required to become a Brown Jug employee. The pre-employment testing includes a personality assessment and a cognitive skills assessment to determine if the employee possesses both the assertiveness to ask for ID, as well as the skills necessary to be able to check ID. Additionally, to become an employee, all applicants must pass a written test in which they demonstrate they can determine age from a date of birth. Roughly 40% of all persons who take the written date of birth test fail and are disqualified, as they are unable to tell how old someone is from looking at their date of birth.

Training - All employees are required to complete the TIPS alcohol server class before working on the sales floor, and they are required to re-certify through TIPS roughly every 12 to 18 months. Brown Jug has 4 TIPS trainers on staff, the most senior trainer has been certified for 23 years. The Brown Jug alcohol server class includes hands-on fake ID training with a world class collection of fraudulent identification.

Staffing – All Brown Jug stores have at least 2 employees on duty each night shift, so that they can better monitor the store, and the parking lot.

Security – All Brown Jug stores are digitally recorded, and the transaction video is retained for 3 years. All stores are equipped with state of the art alarms, and Brown Jug has an in-house patrol security officer to respond to problems throughout the chain.

Company Policy - Brown Jug policy requires that employees request identification and confirm verbal date of birth from customers that appear to be under the age of 30. The sale of alcohol is denied when a customer is unable to produce acceptable valid ID, has been drinking, or when a member of their party is underage, alcohol restricted or intoxicated. Additionally employees are trained to refuse the sale of alcohol to known public inebriates, and anyone else whom they believe may harm themselves or others.

In-House ID Policy Tests - Brown Jug routinely sends mystery shoppers between the ages of 21 and 29 into stores to ensure that company policy is being observed. Brown Jug has performed over 6000 in-house compliance tests on employees since 2002. A failure to request ID from an in-house mystery shopper that has not tested the employee previously will result in the immediate discharge of the employee.

Bonuses - Brown Jug employees are rewarded with bonuses of up to \$270 for detecting minors who are on licensed premises illegally, persons with alcohol restricted ID's attempting to purchase alcohol, or adults purchasing for minors, and \$250 bonuses for successfully passing an ABC compliance tests. Brown Jug has paid tens of thousands of dollars in bonuses to employees for successfully preventing alcohol from getting in the hands of a minor or alcohol offender.

Community Involvement - Brown Jug introduced legislation providing for a civil penalty against minors that illegally enter licensed premises, minors that solicit adults to purchase alcohol for them, and adults who order or receive an alcoholic beverage to provide to a minor. Minors that are liable for the \$1,000 civil penalty are given an option to take a 2 day Prime for Life alcohol education class, a DUI victim impact class, and a sexual assault awareness class to waive \$700 of the penalty. The reduced civil penalty of \$300 is used to pay bonuses to employees for preventing minors from obtaining alcohol.

Results

- Brown Jug employees have seized over 2150 ID's from minors since 1998.
- Brown Jug has performed over 6000 in-house tests on employees since 2002.
- Brown Jug has successfully passed 72 Alcohol Beverage Control Board compliance tests since 2006.
- Brown Jug Security staff has made over 120 arrests of adults purchasing alcohol for minors during specific surveillance details designed to intercept alcohol purchased for minors.
- Employees routinely report to law enforcement persons who appear to driving under the influence.
- Brown Jug is a founding member of ARBRA, the Anchorage Responsible Retailers Association.
- Clean up crews are provided to police all beverage related refuse problems city wide at the Trash Hotline, 563-3815, Ext. 225. For more information on Brown Jug's efforts to address public inebriate issues, <http://www.weddleton.com/CC/homeless.htm>

Awards

2009 - National Distinguished Retailer of the Year, Responsible Retailers Forum

2009 - Industry Leader Award, State of Alaska Department of Public Safety

2009 - Resolution Recognizing 50th Successful ABC Test, Anchorage Assembly

2007, 2008, & 2009 Retailer of the Year, Association of American Beverage Licensees

2007 - Annual Community Service Award, Anchorage School District

2005 - Platinum Key of Life Award, Doctors for Designated Driving.

Links


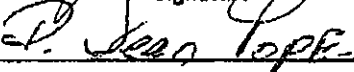
[Brown Jug Responsible Retailing Forum Video](#)

[Volunteers of America Civil Diversion Program](#)

Property Owner Authorization

I acknowledge that my tenant Liquor Stores USA North is applying for a conditional use permit for the retail sale of alcoholic beverages on a property under my ownership, and that as part of the conditional use permit process, that Assembly may apply conditions which will be the responsibility of the business and / or property owner to satisfy.

Signed this 26th of July 2010


Signature


Name Printed

Brown Jug
11221 Old Glenn Hwy
Eagle River, Alaska

Narrative

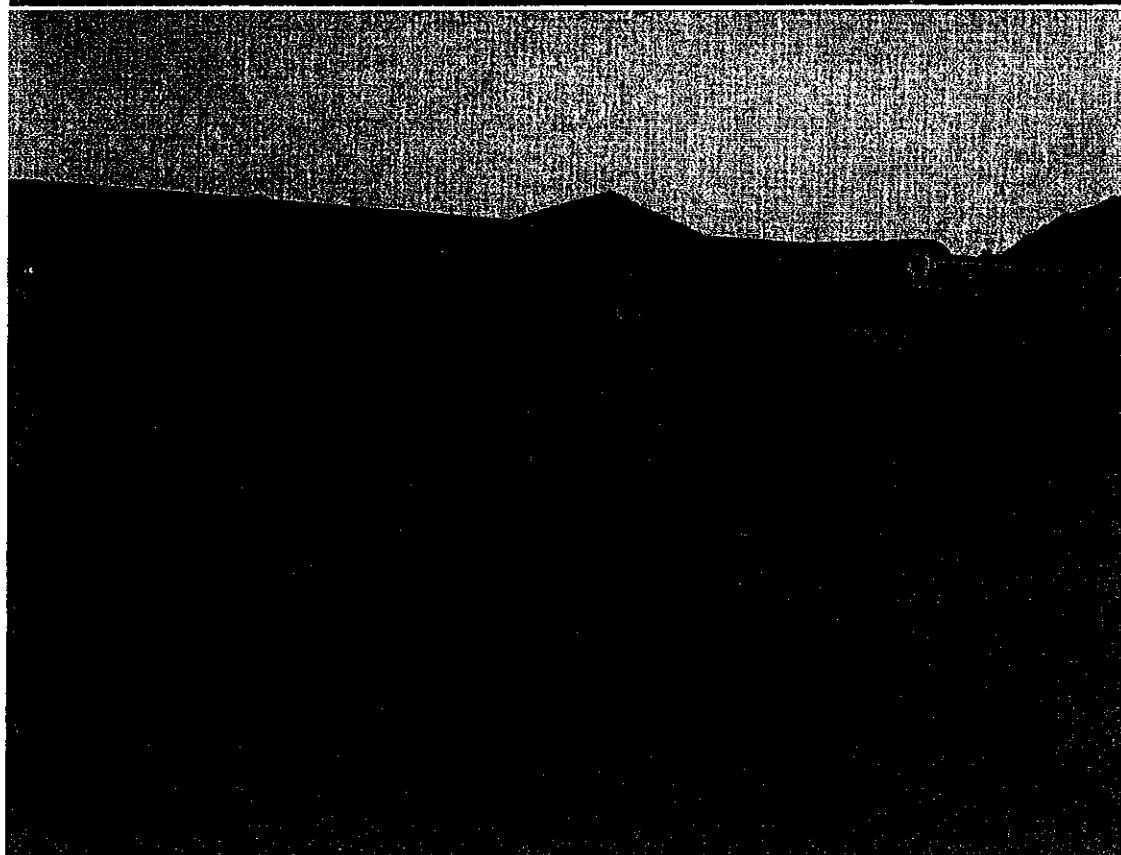
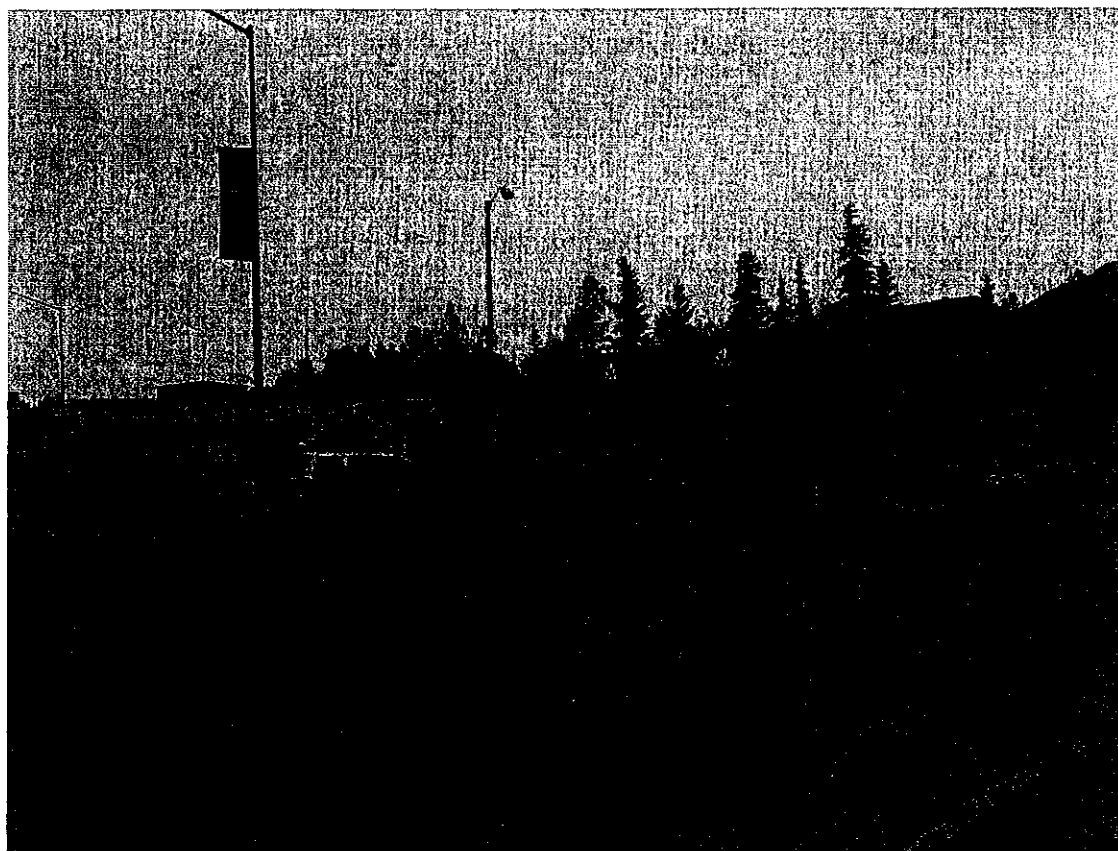
Liquor Stores USA North dba Brown Jug, plans to expand the store currently in operation in Eagle River. Brown Jug has operated this store at this location since purchasing the license in 2001. The tenant improvements are anticipated to begin in August, and the target date for completion is October 2010.

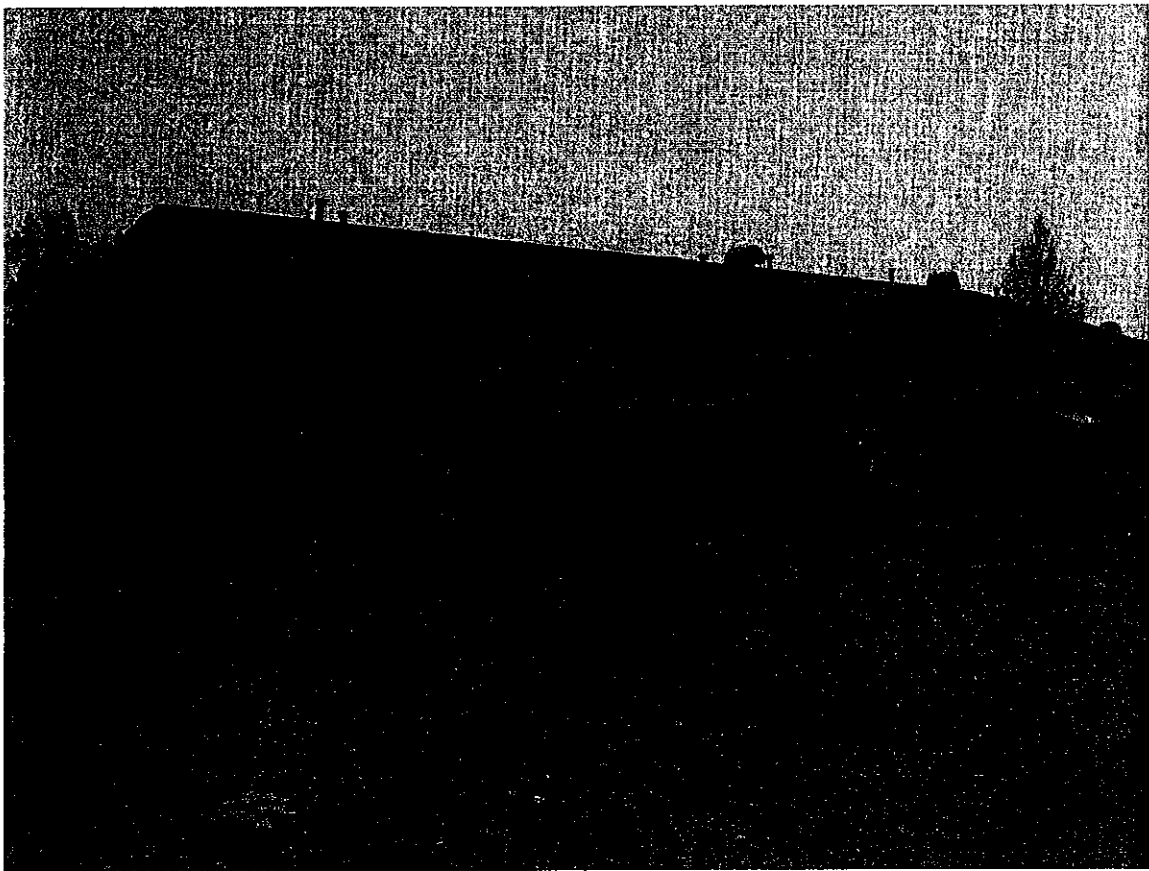
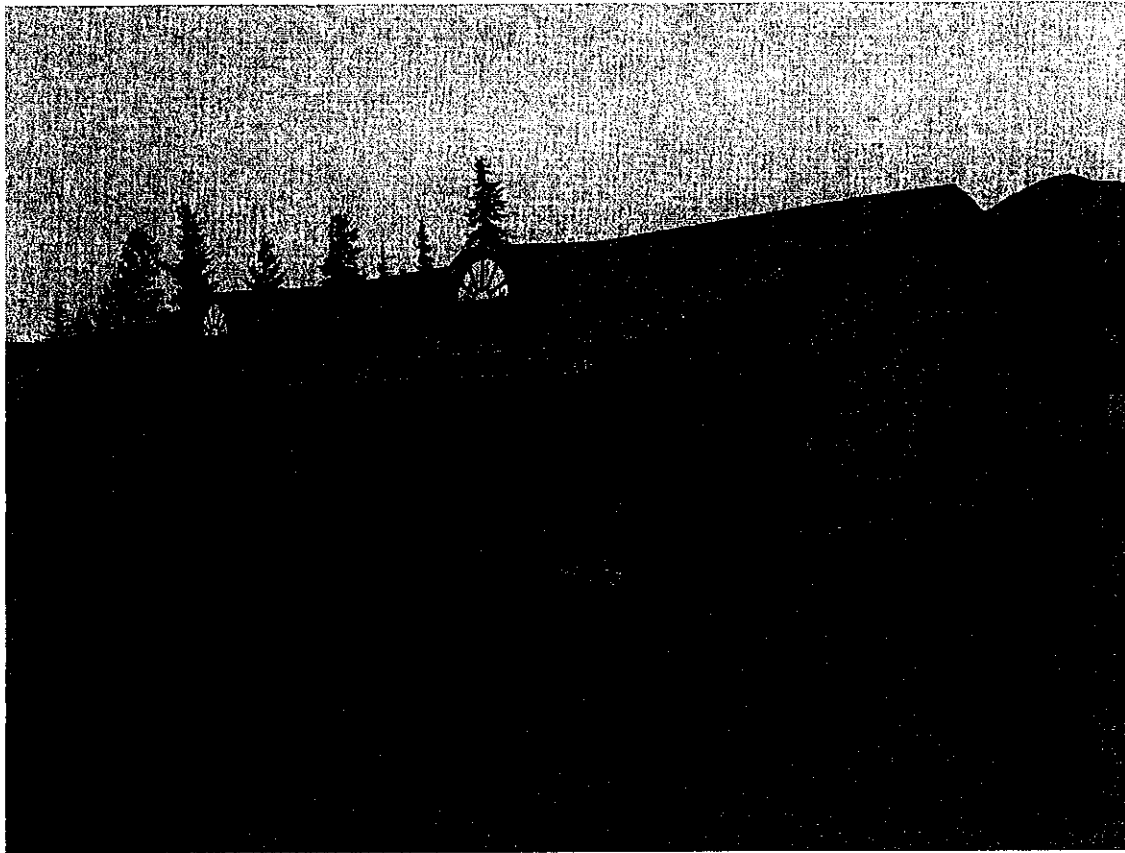
The store will be open 7 days a week, 10 AM to 12 AM, Monday through Saturday, and 12 PM to 12 AM on Sunday and will be staffed with 8 to 10 employees. The location will feature an enhanced selection of wine, spirits and beer, in addition to non-alcoholic beverages, tobacco products, party supplies, 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, since 2002 over 6000 of these in-house tests have been performed. Brown Jug also pays incentive bonuses to employees that seize ID's from minors who are illegally on licensed premises, adults who attempt to purchase alcohol with an Alcohol Restricted ID, and employees that pass ABC compliance tests. Since 1998, Brown Jug employees have seized over 2150 ID's 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 3 years. Security and supervisory personnel are available for employees to call if a need arises.

Photographs of the Eagle River Brown Jug





POSTING

AFFIDAVIT

HISTORICAL INFORMATION

CLERK'S OFFICE

APPROVED

Date: 5-21-02

Submitted by:

Chair of the Assembly at the
Request of the Mayor

Prepared by:

Planning Department

For reading

MAY 21, 2002

Anchorage, Alaska
AR 2002- 159

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING A
2 CONDITIONAL USE FOR AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN
3 THE B-3 DISTRICT FOR A PACKAGE STORE USE/LICENSE PER AMC 21.40.180
4 D. 8. FOR BROWN JUG, INC., LOCATED ON LOT 2, ROBERT PIPPEL
5 SUBDIVISION; GENERALLY LOCATED ON THE NORTHEAST CORNER OF
6 OLD GLENN HIGHWAY AND MONTE ROAD.

7
8 (Eagle River Community Council) (Case 2002-099)

9
10 THE ANCHORAGE ASSEMBLY RESOLVES:

11
12 Section 1. The amended conditional use permit for an Alcoholic Beverages Conditional
13 Use in the B-3 District for a Package Store Use/License per AMC 21.40.180D.8, for
14 Brown Jug, Inc., located on Lot 2, Robert Pippel Subdivision, meets the applicable
15 provisions of AMC 21.50.020 and AMC 21.50.160.

16
17 Section 2. The amended conditional use permit for an Alcoholic Beverages Conditional
18 Use for a Package Store License is for a store front unit containing approximately 2,520
19 square gross leasable area located on Lot 2, Robert Pippel Subdivision.

20
21 Section 3. The conditional use permit is amended subject to the following conditions:

22
23 1. A notice of Zoning Action shall be filed with the District Records Office within
24 120 days of the Assembly's approval of this amendment.

25 2. All uses shall conform to the plans and narrative submitted.

26 3. This conditional use amendment is for an Alcoholic Beverages Conditional Use in
27 the B-3 District for a Package Store License per AMC 21.40.180 D 8 for an
28 existing approximate 2,520 SF leasable area containing approximately 98 linear
29 feet of alcohol display shelving and 60 linear feet of cooler area on Lot 2, Robert
30 Pippel Subdivision, to include interior modifications of the store, as provided on
31 Exhibits F and F-1 of the petitioner's narrative.

AM 459-2002

- 1 4. The applicant shall demonstrate compliance with a Liquor "Server Awareness
2 Training Program approved by the State of Alaska alcoholic Beverage Control
3 Board, such as or similar to the program for techniques in alcohol management
4 (T.A.M.).
- 5 5. The use of the property by any person for the permitted purposes shall comply
6 with all current and future federal, state and local laws and regulations including
7 but not limited to laws and regulations pertaining to the sale, dispensing, service
8 and consumption of alcoholic beverages and the storage, preparation, sale, service
9 and consumption of food. The owner of the property, the licensee under the
10 Alcoholic Beverage Control license and their officers, agents and employees shall
11 not knowingly permit or negligently fail to prevent the occurrence of illegal
12 activity on the property.
- 13
- 14 6 A copy of the conditions imposed by the Assembly in connection with this
15 conditional use approval shall be maintained on the premise involved at a location
16 visible to the public.
- 17

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

20

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

23

24 PASSED AND APPROVED by the Anchorage Assembly this 21st day of
25 May, 2002.

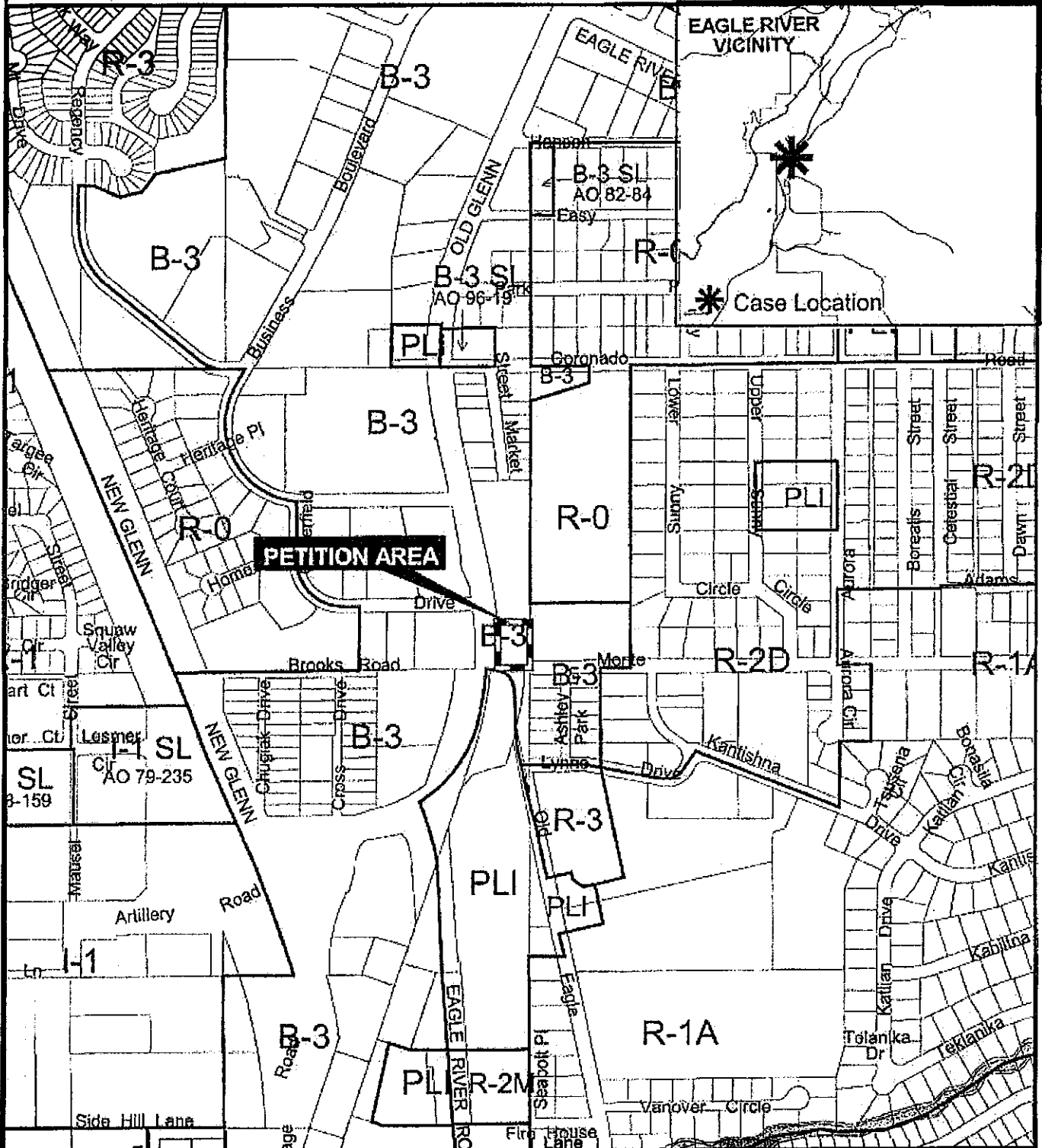
ATTEST

Dick
Chair

Shirley Meyer
Municipal Clerk

(2002-099)
(050-161-02)

CONDITIONAL USE - LIQUOR 2002-099



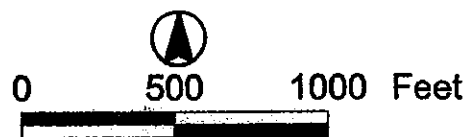
Municipality of Anchorage
Planning Department



Date: MARCH 26, 2002

Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



Content ID: 009351**Type:** AR_AllOther - All Other Resolutions

Title: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A MODIFICATION TO AN EXISTING ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A PACKAGE STORE USE AND LICENSE NUMBER 162 IN THE B-3 (GENERAL BUSINESS) DISTRICT, TO ADD 1,702 SQUARE FEET TO THE EXISTING 2,520 SQUARE-FOOT LICENSED PREMISES, FOR LIQUOR STORES USA NORTH, DBA BROWN JUG - EAGLE RIVER; LOCATED AT 11221 OLD GLENN HIGHWAY, SUITE 2 AND SUITE 3, LOT 2 PORTION, ROBERT PIPPELL SUBDIVISION, ADDITION 1; GENERALLY LOCATED ON THE NORTHEAST CORNER OF MONTE ROAD AND OLD GLENN HIGHWAY (Eagle River Community Council) (Case 2010-106)

Author: chambersac**Initiating Dept:** Planning**Date Prepared:** 8/26/10 3:30 PM**Director Name:** Jerry T. Weaver, Jr.**Assembly Meeting Date:** 9/14/10**Public Hearing Date:** 9/14/10

<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	9/3/10 10:04 AM	Exit	Joy Maglaqui	Public	009351
MuniManager_SubWorkflow	9/3/10 10:04 AM	Approve	Joy Maglaqui	Public	009351
CFO_SubWorkflow	8/30/10 9:56 AM	Approve	Lucinda Mahoney	Public	009351
OCPD_SubWorkflow	8/27/10 8:10 AM	Approve	Tawny Klebesadel	Public	009351
Planning_SubWorkflow	8/26/10 4:57 PM	Approve	Linda Brooks	Public	009351
AllOtherARWorkflow	8/26/10 4:56 PM	Checkin	Angela Chambers	Public	009351
Planning_SubWorkflow	8/26/10 4:54 PM	Reject	Linda Brooks	Public	009351
AllOtherARWorkflow	8/26/10 3:39 PM	Checkin	Angela Chambers	Public	009351