

CLERK'S OFFICE

APPROVED

Date: 3-8-11

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Community Development
Department
For reading March 8, 2011

Anchorage, Alaska
AR 2011-56

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A DUPLICATE BEVERAGE DISPENSARY USE AND LICENSE NUMBER 5030, IN THE PLI-P (PUBLIC LANDS AND INSTITUTIONS - PARK) DISTRICT FOR THE ANCHORAGE CLEEK CORPORATION, DBA O'MALLEY'S ON THE GREEN; LOCATED AT 3651 O'MALLEY ROAD; 200 ACRES WITHIN THE SOUTHWEST CORNER OF TRACT C, SECTION 16, TOWNSHIP 12 NORTH, RANGE 3 WEST, SEWARD MERIDIAN; GENERALLY LOCATED NORTH OF HUFFMAN ROAD AND WEST OF ELMORE ROAD.

(O'Malley/Huffman Community Council) (Case 2011-026)

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. A conditional use permit for an Alcoholic Beverages Conditional Use for a Duplicate Beverage Dispensary Use and License Number 5030, in the PLI-p (Public Lands and Institutions - Park) district for the Anchorage CLEEK Corporation, dba O'Malley's On The Green, located at 3651 O'Malley Road; 200 acres within the southwest corner of Tract C, Section 16, Township 12 North, Range 3 West, Seward Meridian; generally located north of O'Malley Road and west of Elmore Road, and generally meets the applicable provisions of AMC 21.15.030 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 for this duplicate Beverage Dispensary in the PLI-p district.

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 and License Number 5030 in the PLI-p (Public Lands and Institutions - Park) district for a duplicate Beverage Dispensary Use per AMC 21.15.030 and AMC 21.50.160 for approximately 1,500 square feet of gross leasable area located in the 18,176 square foot building at 3651 O'Malley Road, on Tract C, Section 16, Township 12 North, Range 3 West, Seward Meridian per Plat 86-124.

4. On-premise sale of alcohol beverages will be seven days a week as permitted per the Alaska Alcoholic Beverage Control Board requirements.

5. All employees will be trained in accordance with the Alcoholic Beverage Control Board's "Liquor Server Awareness Training Program." 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.


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 8th day of March, 2011.

ATTEST:


Chair


Municipal Clerk

(Case 2011-026)
(Tax Parcel ID# 015-261-04)



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 128-2011

Meeting Date: March 8, 2011

From: MAYOR

**Subject: AN ALCOHOLIC BEVERAGES CONDITIONAL. USE FOR A
DUPLICATE BEVERAGE DISPENSARY USE AND LICENSE
NUMBER 5030, IN THE PLI-P (PUBLIC LANDS AND
INSTITUTIONS - PARK) DISTRICT FOR THE ANCHORAGE
CLEEK CORPORATION, DBA O'MALLEY'S ON THE GREEN;
LOCATED AT 3651 O'MALLEY ROAD; 200 ACRES WITHIN THE
SOUTHWEST CORNER OF TRACT C, SECTION 16, TOWNSHIP
12 NORTH, RANGE 3 WEST, SEWARD MERIDIAN GENERALLY
LOCATED NORTH OF O'MALLEY ROAD AND WEST OF
ELMORE ROAD.**

1 Anchorage CLEEK Corporation, dba O'Malley's on the Green, has made
2 application for a conditional use for a duplicate beverage dispensary, license
3 #5030, in the PLI-p (Public Lands and Institutions - park) district, located at 3651
4 O'Malley Road.

5
6 The petition site is 200 acres, generally located north of O'Malley Road and west
7 of Elmore Road. It contains a clubhouse and a golf course. There is an existing
8 Beverage Dispensary Conditional Use and License Number 2696, per AM 796-87.

9
10 The petitioner has approximately 1,500 square feet of floor space within the
11 18,176 square foot O'Malley On The Greens clubhouse. The subject property is
12 approximately 200 acres. Hours of operation are as allowed by Municipal
13 ordinance and the Anchorage Beverage Control Board, and are proposed to be
14 from 11:00 AM to 9:00 PM, seven days a week. All employees will be trained in
15 accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness
16 Training Program.

17
18 Within 1,000 feet of this application, there are two golf course licenses and one
19 beverage dispensary licenses. There are no schools or churches within 200 feet
20 of this site. The request for the duplicate license is to allow for an additional fixed
21 service bar.

1 There was no comment received from the public in opposition to this conditional
2 use. The Huffman/O'Malley Community Council submitted comments stating no
3 objection to the conditional use.

4
5 There are no delinquent Personal Property Taxes or Real Property Taxes owing
6 at this time. No comments were received from the Anchorage Police Department
7 or Department of Health and Human Services at the time this report was written.

8
9 **THIS CONDITIONAL USE FOR A DUPLICATE BEVERAGE DISPENSARY IN**
10 **THE PLI-P DISTRICT GENERALLY MEETS THE REQUIRED STANDARDS OF**
11 **AMC TITLE 10 AND TITLE 21, AND ALASKA STATUTE 04.11.090.**

12
13 Prepared by: Angela C. Chambers, AICP, Current Planning Section
14 Supervisor, Planning Division

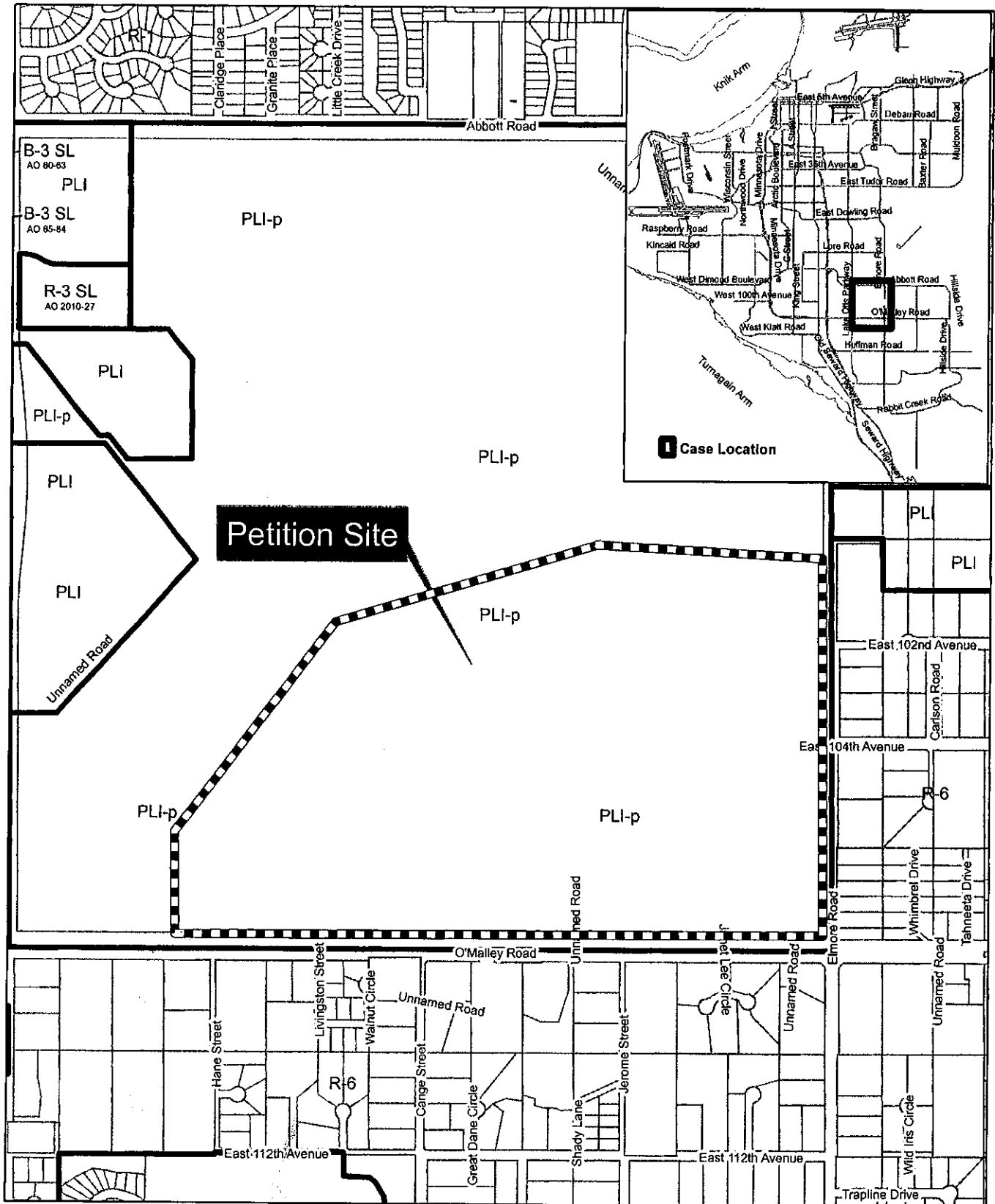
15 Approved by: Jerry T. Weaver Jr, Director
16 Community Development Department

17 Concur: Dennis A. Wheeler, Municipal Attorney

18 Concur: George J. Vakalis, Municipal Manager

19 Respectfully submitted: Daniel A. Sullivan, Mayor

2011-026



Municipality of Anchorage
Planning Department
January 27, 2011

Flood Limits
 100 Year
 500 Year
 Floodway

0 500 1,000 2,000 Feet



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

DATE: March 15, 2011

CASE NO.: 2011-026

APPLICANT: Anchorage CLEEK Corporation

REPRESENTATIVE: Richard Sayers

REQUEST: A conditional use for a duplicate beverage dispensary, license #5030, in the PLI-p (Public Lands and Institutions - Park) district per AMC 21.15.030 and AMC 21.50.160.

LOCATION: Tract C, Section 16, Township 12 North, Range 3 West, Seward Meridian per Plat 86-124

STREET ADDRESS: 3651 O'Malley Road

COMMUNITY COUNCIL: Huffman/O'Malley

TAX PARCEL: 015-261-04 / Grid SW2434

ATTACHMENTS

1. Departmental Comments
2. Application
3. Posting Affidavit and Historical Information

RECOMMENDATION SUMMARY:

This conditional use generally meets the required standards of AMC Title 10 and Title 21, and State Statute 04.11.090.

SITE:

Acres: ±200 acre site; 18,176 square foot building

Vegetation: Natural vegetation and golf course landscaping

Zoning: PLI-p (Public Lands and Institutions - Park) district

Topography: Sloping

Existing Use: Club house and golf course

Soils: Public sewer and water

COMPREHENSIVE PLAN – Anchorage 2020 Plan

Classification: Parks and Open Space per the *1982 Anchorage Bowl Comprehensive Development Plan's* Generalized Land Use Plan

Density: Not identified on the *Anchorage 2020* Land Use Policy Map
N/A

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	PLI-p	R-6	R-6	PLI-p
Land Use:	Golf Course	Residential	Residential and Commercial	Golf Course

SITE DESCRIPTION AND PROPOSAL:

The subject property is approximately 200 acres located at 3651 O'Malley Road. The petitioner has applied to the Alcoholic Beverages Control Board for a Beverage Dispensary Duplicate license #5030 for a gross leasable floor area of approximately 1,500 square feet of floor space within the 18,176 square foot O'Malley On The Greens clubhouse. There are two existing golf course licenses and one beverage dispensary license within the clubhouse. The property is zoned PLI-p (Public lands and institutions, parkland district).

Hours of operation are as allowed by Municipal ordinance and the Anchorage Beverage Control Board from 11:00 AM to 9:00 PM, seven days a week. All employees will be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program.

The petitioner made application to the Alcoholic Beverage Control Board for a beverage dispensary duplicate license (#5030), and is seeking final alcoholic beverages conditional use approval in the PLI-p district per AMC 21.15.030 and AMC 21.50.160. Within 1,000 feet of this application, there are two Golf Course Licenses and one Beverage Dispensary License. The Beverage Dispensary License and Conditional Use are located on this site. The petitioner is requesting a Duplicate Beverage Dispensary License (per AS 04.11.090) to add a fixed bar in the facility. The existing Beverage Dispensary license number 2696 was approved through AM 796-87. There are no schools or churches within 200 feet of this site.

PUBLIC COMMENTS:

Seventy-six public hearing notices were mailed on February 10, 2011. At the time this report was written, no public comments were received. The Abbott Loop Community Council said that they have no objection.

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 standard is met.

The subject property is located within an area designated for “parks and open space” in the 1982 *Anchorage Bowl Comprehensive Development Plan's* Generalized Land Use Plan. The property is not identified in the *Anchorage 2020 Land Use Policy Map*.

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.

Several goals of the *Anchorage 2020 Plan* 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. Hotel dining, night clubs, bars, and restaurants which serve alcohol enhance the hospitality and tourism industry in Anchorage, and provide eating places for local residents and downtown employees. 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.

The standard is met.

The PLI-p district zoning regulations allow alcoholic beverage sales through the conditional use permit process.

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

The standard is met.

“The PLI district is intended to include areas of significant public open space, major public and quasi-public institutional uses and activities and land reserves for which a specific use or activity is not yet determined.”
Furthermore, “The zoning map shall be revised so that all current or future parks, open space and green belts within the PLI district are designated by use of a lower case letter ‘p’ following the term ‘PLI’ on the map: i.e. ‘PLI-p.’”

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 two golf club licenses and one beverage dispensary licenses within a 1,000-foot radius of the petition site. Approving this beverage dispensary duplicate

conditional use will add a fourth license within a 1,000-foot radius of the petition site.

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 are churches or schools within this separation distance.

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.

The standard is met.

The PLI-p district states that off-street parking shall be provided. Adequate off-street parking is provided at this site. There is an adequate entrance/exit driveway for vehicles to O'Malley Road.

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

The standard is met.

The addition of a beverage dispensary duplicate license at this location will not impact public services. Electrical, water and sewer, natural gas are available on site. Road infrastructure and public transit is already in place. The petition site is within ARDSA and the Building Safety, Police, and Fire service areas.

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

The standard is met.

As a land use, a beverage dispensary duplicate conditional use and license will not cause or contribute to any environmental pollution. The parking lot is paved, which helps control air pollution.

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

The 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 beverage dispensary duplicate license.

Standards Chapter 10.50 Alcoholic Beverages

In the exercise of its powers and under AS 04.11.480 and 13 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.**

Approval of this conditional use will add the fourth liquor license and second beverage dispensary license within 1,000-feet.

Anchorage Golf Course	3651 O'Malley Road	License #4235	Golf Course
Anchorage Golf Course	3651 O'Malley Road	License #4215	Golf Course
O'Malley On the Greens	3651 O'Malley Road	License #2696	Beverage Dispensary

- 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.**

The standard is met.

The applicant states that all employees involved in the dispensing of alcoholic beverages 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.**

The standard is met.

AMC 10.50.035 sets forth that persons seeking the issue or transfer of a license shall comply with restrictions regarding happy hours, games or contests involving the consumption of alcohol, public transportation, notice of penalties, availability of nonalcoholic drinks, compliance determination with techniques in alcohol management (T.A.M.), solicitation of purchase of alcoholic beverages for

consumption by employees, and warning signs. The petitioner has stipulated in his application that he will abide by requirements of AMC 10.50.035.

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

The standard is met.

According to the application the petitioner states that order will be maintained by properly trained staff and management. The premises will be clean and well-lit. No additional safety procedures are mentioned in the application. At the time this report was completed, no written comment had been received from the Anchorage 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

The standard is met.

There are no outstanding Business Personal Property taxes owing, 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.

No comments were received from the Department of Health and Human Services at the time this report was written.

- 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 a duplicate beverage dispensary, license #5030, in the PLI-p (Public lands and institutions, parkland) district per AMC 21.15.030 and AMC 21.50.160, generally meets the required standards of AMC Title 10 and Title 21.

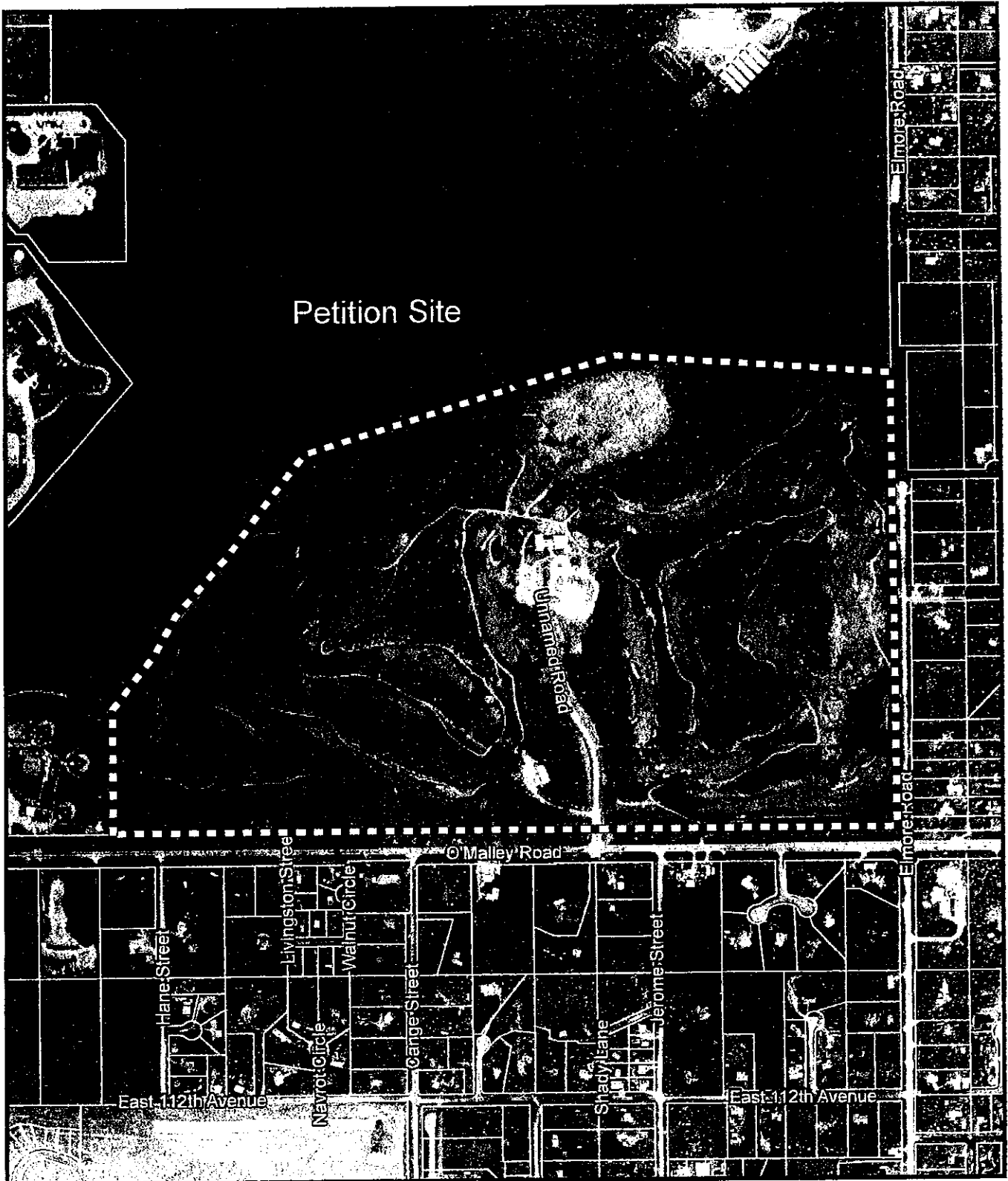
If after a public hearing on the matter, the Anchorage Assembly finds that the required standards have been met, staff recommends the following conditions of approval:

1. A Notice of Zoning Action shall be filed with the District Recorder's Office within 120 days of the Assembly's approval for this duplicate beverage dispensary in the PLI-p district.
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 and License Number 5030 in the PLI-p (Public Lands and Institutions - Park)

district for a duplicate Beverage Dispensary Use per AMC 21.15.030 and AMC 21.50.160 for approximately 1,500 square feet of gross leasable area located in the 18,176 square foot building at 3651 O'Malley Road, on Tract C, Section 16, Township 12 North, Range 3 West, Seward Meridian per Plat 86-124.

4. On-premise sale of alcohol beverages will be seven days a week as permitted per the Alaska Alcoholic Beverage Control Board requirements.
5. All employees will be trained in accordance with the Alcoholic Beverage Control Board's "Liquor Server Awareness Training Program." 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.

2011-026



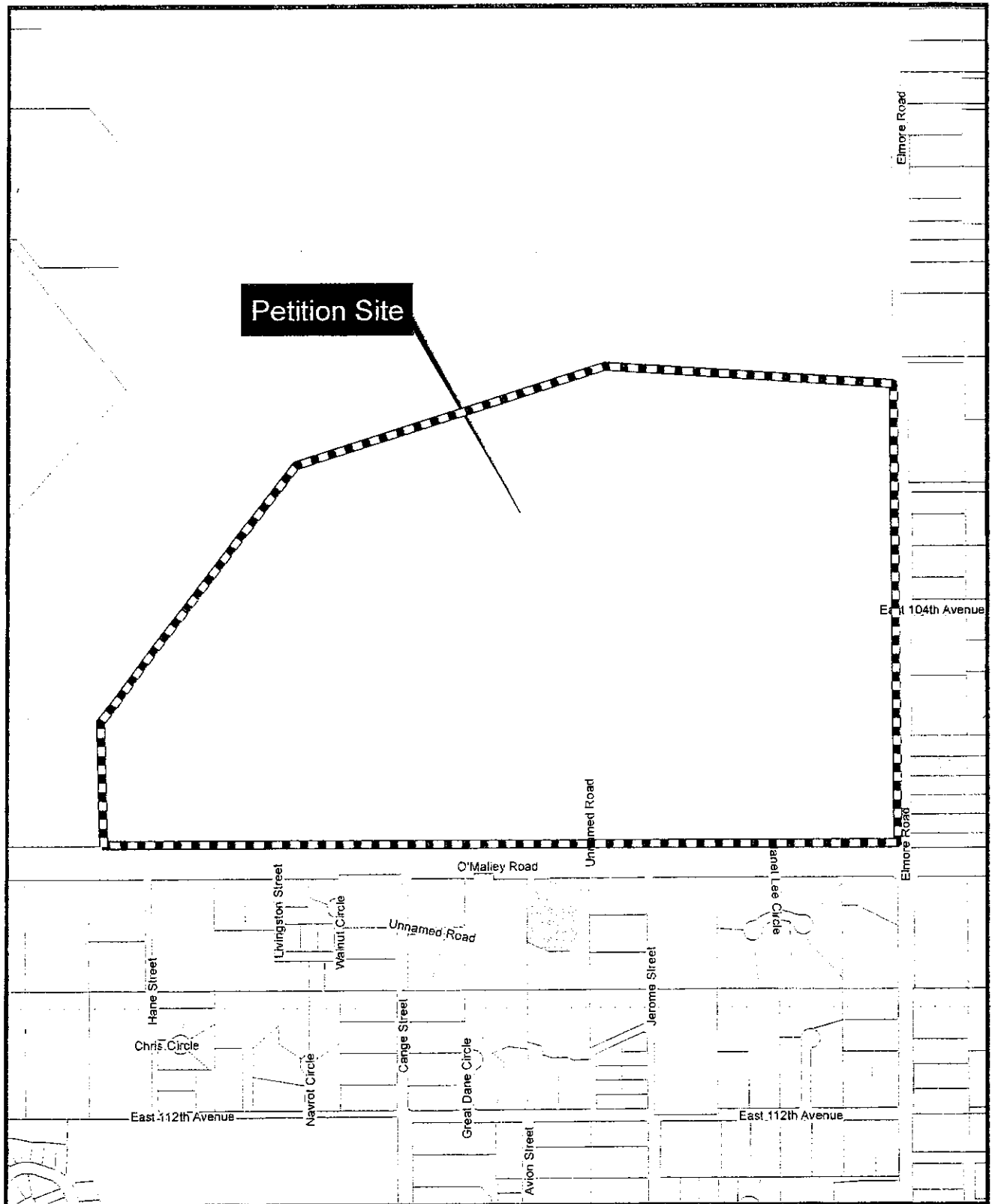
Municipality of Anchorage
Planning Department
January 27, 2011

0 500 1,000 2,000
Feet




ORTHOPHOTO 2007 USGS 1FT



2011-026



Municipality of Anchorage
Planning Department
Date: January 27, 2011

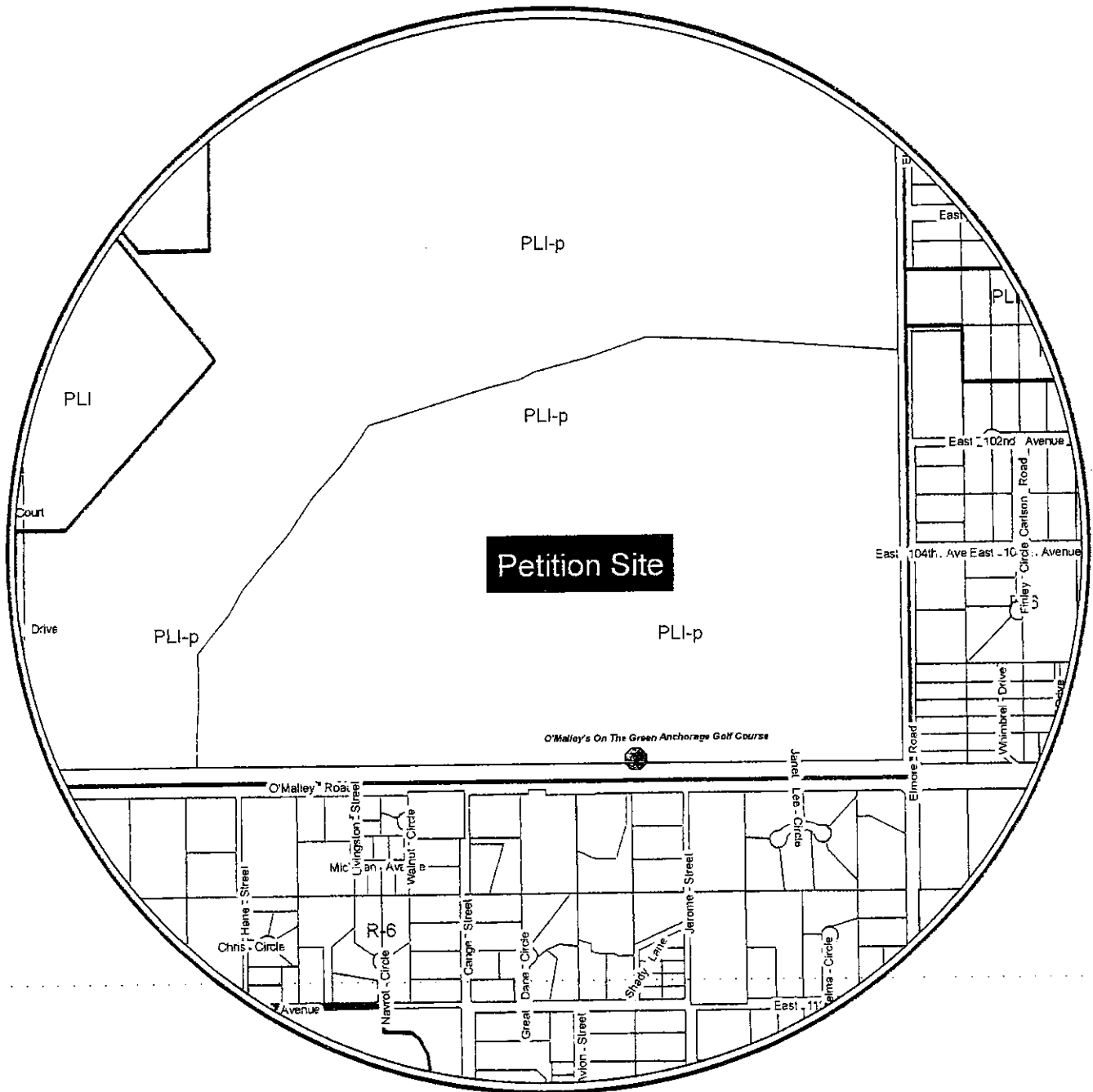
 Mobile Home Park
 Multi-Family
 Single Family

0 750 1,500 Feet



2011-026

EXISTING LIQUOR LICENSES WITHIN 1000'



Municipality of Anchorage
Planning Department
Date: January 26, 2011

0 625 1,250 2,500
Feet



Alcohol Existing License List Report

Case Number: 2011-026 Description: 1000'

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City Lic. Number	State Lic. Zone	Zip Lic. Type
01526104000 Anchorage Golf Course	MOA Alyeska Resort Mgmt Co.	PO BOX 196650 3651 O'Malley Rd	ANCHORAGE 4235	AK PLI	99519 Municipal Golf Course
01526104000 Anchorage Golf Course	MOA Anchorage Cleek Corp. Inc.	PO BOX 196650 3651 O'Malley Road	ANCHORAGE 4815	AK PLI	99519 Municipal Golf Course
01526104000 O'Malley's On The Green	MOA Anchorage Cleek Corp. Inc.	PO BOX 196650 3651 O'Malley Rd	ANCHORAGE 2696	AK PLI	99519 Beverage Dispensary

Distance 1000'

Thu Jan 27, 12:57:16, 2011

Map: Parcels--Basic Layers



Scale 1:15000

Legend:



ALCOHOL



PARCELS



Alcohol Church and School List Report

Case Number: 2011-026 Description: 200'

Parcel	Parcel Owner Name	Parcel Site Address	Description
01527110000	HOLY TRANSFIGURATION GREEK ORTHODOX CHURCH	2800 O'MALLEY RD	RELIGION

Distance 200'

Thu Jan 27, 12:53:54, 2011

Map: Parcels--Basic Layers



Scale 1:15000

Legend:



ALCOHOL



PARCELS



Departmental Comments



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

DATE: February 15, 2011

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

THRU: Leland R Coop, Traffic Engineer Associate

FROM: Dwayne Ferguson, Assistant Traffic Engineer

SUBJECT: Traffic Engineering Comments for March 15, 2011 Municipal Assembly
Public Hearing

**2011-023 Conditional Use Permit: Sales, Dispensing or Service of Alcoholic
Beverage**

The Traffic Department has no comment on this conditional use permit request.

**2011-026 Conditional Use Permit: Sales, Dispensing or Service of Alcoholic
Beverage**

The Traffic Department has no comment on this conditional use permit request.

Stewart, Gloria I.

From: Southard, Daniel R.
Sent: Thursday, February 10, 2011 1:30 PM
To: Long, Patty R.; Coop, Leland R.; Inglis, Jillanne M.; Baus, Brian D.; Brink-Dushi, Sarah; Mullane, Michael E.; Keefer, Don C.; Ingle, Diane E.; Furch, Tom P.; Hill, Cleo C.; Wilde, Ron G.
Cc: McLaughlin, Francis D.; Stewart, Gloria I.; Weaver Jr., Jerry T.
Subject: RE: CU assembly case 2011-026
 Maintenance and Operation/Street Maintenance have no objection.

RECEIVED

FEB 10 2011

**MUNICIPALITY OF ANCHORAGE
 PLATTING DIVISION**

From: Long, Patty R.
Sent: Thursday, February 10, 2011 12:58 PM
To: Coop, Leland R.; Inglis, Jillanne M.; Baus, Brian D.; Brink-Dushi, Sarah; Mullane, Michael E.; Keefer, Don C.; Ingle, Diane E.; Furch, Tom P.; Hill, Cleo C.; Wilde, Ron G.; Southard, Daniel R.
Cc: McLaughlin, Francis D.; Stewart, Gloria I.; Weaver Jr., Jerry T.
Subject: CU assembly case 2011-026

Additionally, one more case.

Case 2011-026 (see attachment) which was routed for comments on 1/27/11 has been moved up from the original hearing date of 3/15/11 to 3/08/11 due to hearing schedule change. Please submit any comments on this cases a.s.a.p. so that staff can include them with the packet going to the assembly. You can also send any comments directly to Francis McLaughlin Sr. Planner @ McLaughlinfd@muni.org

Thank you,
 Patty Long
 Planning Division
 Zoning Section
 343-7934

Stewart, Gloria I.

From: Furch, Tom P.
Sent: Thursday, February 10, 2011 1:28 PM
To: Long, Patty R.; Coop, Leland R.; Inglis, Jillanne M.; Baus, Brian D.; Brink-Dushi, Sarah; Mullane, Michael E.; Keefer, Don C.; Ingle, Diane E.; Hill, Cleo C.; Wilde, Ron G.; Southard, Daniel R.
Cc: McLaughlin, Francis D.; Stewart, Gloria I.; Weaver Jr., Jerry T.
Subject: RE: CU assembly case 2011-026
Case 2011-026
Fire: No Objections

RECEIVED

FEB 10 2011

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

From: Long, Patty R.
Sent: Thursday, February 10, 2011 12:58 PM
To: Coop, Leland R.; Inglis, Jillanne M.; Baus, Brian D.; Brink-Dushi, Sarah; Mullane, Michael E.; Keefer, Don C.; Ingle, Diane E.; Furch, Tom P.; Hill, Cleo C.; Wilde, Ron G.; Southard, Daniel R.
Cc: McLaughlin, Francis D.; Stewart, Gloria I.; Weaver Jr., Jerry T.
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Thank you,
Patty Long
Planning Division
Zoning Section
343-7934

MUNICIPALITY OF ANCHORAGE



Community Development Department
Development Services Division

Private Development Section

Mayor Dan Sullivan

RECEIVED

FEB 10 2011

MEMORANDUM

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Comments to Miscellaneous Planning and Zoning Applications

DATE: February 10, 2011
TO: Angela Chambers – Manager, Zoning and Platting
FROM: Don Keefer, Private Development Manager
SUBJECT: Comments for Assembly Public Hearing date March 08, 2011

Case No. 2011-023 – Brewing Capital, Inc.

A request for concept/final approval of a conditional use to permit an alcoholic beverage dispensary use.

Private Development has no objection to the conditional use.

Case No. 2011-026 – O Malley's on the Green.

A request for concept/final approval of a conditional use to permit an alcoholic beverage dispensary use

Private Development has no objection to the conditional use.

Municipality of Anchorage
Treasury Division
Memorandum

RECEIVED

FEB 03 2011

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Date: February 2, 2011
To: Angela Chambers
Patty Long
Planning Dept.
From: Diana Flavin, Revenue Officer
Subject: Liquor License Conditional Use Comments

Request for conditional use permit 2011-026 for Anchorage Cleek Corp. located at 3651
O'Malley Rd., Anchorage, AK.

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

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

RECEIVED

MEMORANDUM

FEB 02 2011

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

DATE: February 2, 2010

TO: Angela Chambers, Supervisor, Planning Section, Planning Division

FROM: Paul Hatcher, Engineering Tech III, AWWU *PH*

SUBJECT: **Zoning Case Comments**
Planning & Zoning Commission Hearing March 15, 2011
Agency Comments due February 15, 2011

AWWU has reviewed the materials and has the following comments.

11-023 ORIGINAL BLK 15 LT 14A, A request concept/final approval of a conditional use to permit: the sales, dispensing, or service of alcoholic beverage, Grid SW1230

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

11-026 SECTION SIXTEEN TR C, A request concept/final approval of a conditional use to permit: a golf course alcohol license, Grid SW2435

1. AWWU water and sanitary sewer are not available to this parcel.
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

Stewart, Gloria I.

From: Al Tamagni [atamagni@alaska.net]
Sent: Thursday, February 10, 2011 1:20 PM
To: Long, Patty R.
Cc: McLaughlin, Francis D.; Stewart, Gloria I.
Subject: Re: CU assembly case 2011-026
On 2/10/2011 1:03 PM, Long, Patty R. wrote:

RECEIVED

FEB 10 2011

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Mr. Al Tamagni,

Case 2011-026 (see attachment) which was routed for comments on 1/27/11 has been moved up from the original hearing date of 3/15/11 to 3/08/11 due to hearing schedule change. Please submit any comments on this cases a.s.a.p. so that staff can include them with the packet going to the assembly. You can also send any comments directly to Francis McLaughlin Sr. Planner @ McLaughlind@muni.org

Thank you,
Patty Long
Planning Division
Zoning Section
343-7934

The Abbott Loop Council has no objections to the application regarding 2011-026. Al Tamagni Sr., President

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) ANCHORAGE CREEK CORP.	Name (last name first) SAVERS, RICHARD
Mailing Address 9138 ARLOW ST. SUITE A3-152	Mailing Address
ANCHORAGE, AK 99507	
Contact Phone: Day: 907-522-3425 Night:	Contact Phone: Day: Night:
FAX: 907-522-3362	FAX:
E-mail:	E-mail: Rich@anchoragegolfcourse.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): 015-261-04-001		
Site Street Address: 3651 O'MALLEY ROAD		
Property Owner (if not the Petitioner):		
Current legal description: (use additional sheet in necessary) 200 ACRES within southwest corner of TRACT C, SECTION 16, TOWNSHIP 12 NORTH, RANGE 3 WEST, SEWARD MERIDIAN, THIRD JUDICIAL DISTRICT, ANCHORAGE RECORDING DISTRICT, STATE OF ALASKA, PLAT NO. 86-124		
Zoning: PLI-P	Acreage: 200	Grid # 2434

ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED		
<input checked="" type="checkbox"/> Beverage Dispensary - duplicate	<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 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:		
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.

26

Date

Signature (Agents must provide written proof of authorization)

Accepted by:

Poster & Affidavit:

Fee

Case Number

COMPREHENSIVE PLAN INFORMATIONAnchorage 2020 Urban/Rural Services: ☒ Urban ☐ RuralAnchorage 2020 West Anchorage Planning Area: ☐ Inside ☒ Outside

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

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

Eagle River-Chugiak-Peters Creek Land Use Classification:

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

Girdwood- Turnagain Arm

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

ENVIRONMENTAL INFORMATION (All or portion site affected)

- Wetland Classification: ☒ None ☐ "C" ☐ "B" ☐ "A"
 Avalanche Zone: ☒ None ☐ Blue Zone ☐ Red Zone
 Floodplain: ☒ None ☐ 100 year ☐ 500 year
 Seismic Zone (Harding/Lawson): ☒ "1" ☒ "2" ☐ "3" ☐ "4" ☐ "5"

RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion site)

- ☐ Rezoning - Case Number: _____
☐ Preliminary Plat ☐ Final Plat - Case Number(s): _____
☐ Conditional Use - Case Number(s): _____
☐ Zoning variance - Case Number(s): _____
☐ Land Use Enforcement Action for _____
☐ Building or Land Use Permit for _____
☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

DOCUMENTATION

- Required:
- ☐ 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.

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):

O'MALLEY'S ON THE GREEN

What is the gross leaseable floor space in square feet?

1500 SF

What is the facility occupant capacity?

100

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

0

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

45

What will be the normal business hours of operation?

11A-9P

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

11A-9P

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

24 % Alcoholic beverage sales

76 % 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

N/A

PACKAGE STORES N/A

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

% less than \$5.00

% \$5.00 to \$10.00

% \$10.00 to \$25.00

% greater than \$25.00

CONDITIONAL USE STANDARDS

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

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

See Attached

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

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.

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.

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

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

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

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 - Golf course conditional use & Beverage Dispensary License for which this duplicate is being requested.*

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

0

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

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

In your opinion, is this quantity of licenses a negative impact on the local community? *No*

Training. If application is made for issue, renewal or transfer of a beverage dispensary license, restaurant or eating place license, or package store license, whether the applicant can demonstrate prospective or continued compliance with a Liquor "Server Awareness Training Program approved by the State of Alaska Alcoholic Beverage Control Board, such as or similar to the program for techniques in alcohol management (T.A.M.). Until such plan is approved, training by a licensee's employees in the T.A.M. shall constitute compliance with this ordinance.

How many employees in direct contact with alcohol will be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program?

All employees in direct contact with alcohol will be trained in accordance with the T.A.M. training and hold the appropriate certificates.

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: Required I.D. check and use of T.A.M. guidelines when selling alcohol.

outside facility: Continuation of controlling unacceptable behavior on golf course. Our Marshall System has been proven very effective.

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*

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

New Liquor License

PAGE 1 OF 2

(907) 269-0350
(907) 272-9412
alps.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: <u>2011/2012</u>	License Type: <u>Beverage Dispensary Duplicate</u>	Statute Reference Sec. 04.11.090	License Fee: \$
<input checked="" type="checkbox"/> Office Use Only License #:			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) <u>Anchorage</u>	Community Council Name(s) & Mailing Address: <u>HUFFMAN / O'Malley Abbot Loop</u>		Fingerprint: (\$54.25 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>Anchorage CLEEK Corp.</u>	Doing Business As (Business Name): <u>O'MALLEYS ON THE GREEN</u>	Business Telephone Number: <u>907 522-3425</u>	Total Submitted: \$
		Fax Number: <u>522-3362</u>	
Mailing Address: <u>9138 ARLOW ST Suite A3-152</u>	Street Address or Location of Premise: <u>3651 O'Malley Road</u>	Email Address:	
City, State, Zip: <u>Anchorage AK 99507</u>			
SECTION B. PREMISES TO BE LICENSED. Must be completed.			
Closest school grounds	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.	
Closest church:	Distance measured under: <input 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. <input checked="" type="checkbox"/> Not applicable	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

SECTION C. Individual, corporate officer, limited liability organization member, manager or partner background.

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?

☐ Yes ☒ No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State

Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

☐ Yes ☒ No If Yes, attach written explanation

Continue on next page

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) <i>ANCHORAGE CLEEK CORPORATION</i>	Telephone Number <i>907 522-3425</i>	Fax Number <i>522-3326</i>
Corporate Mailing Address: <i>9138 ARLOW ST Suite A3-152</i>	City <i>Anchorage</i>	State <i>Alaska</i>
Name, Mailing Address and Telephone Number of Registered Agent <i>Rich Sayers, 13100 FLORAL LANE 99516 345-7987</i>	Date of Incorporation OR Certification with DCED <i>2/25/2008</i>	State of Incorporation <i>ALASKA</i>

Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? ☐ Yes ☐ No If no, attach written explanation
Your entity **must** 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
<i>Richard Sayers JR</i>	<i>Pres</i>	<i>33.3</i>	<i>13100 FLORAL LANE 99516</i>	<i>522-3425</i>	
<i>STANLEY Sayers</i>	<i>V. P.</i>	<i>46.7</i>	<i>2031 SARATOGA Ave. 99517</i>	<i>222-7575</i>	
<i>MARK SCHWARTZ</i>	<i>Treas.</i>	<i>6.7</i>	<i>6143 E 22nd Ave 99504</i>	<i>562-4242</i>	
<i>JAN HOLEY</i>	<i>Sec</i>	<i>13.3</i>	<i>7471 Huckleberry Circle 99502</i>	<i>230-5445</i>	

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

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 Licensee(s)

Signature <i>Richard Sayers Jr.</i>	Signature
Name & Title (Please Print) <i>Richard Sayers JR President</i>	Name & Title (Please Print)
Subscribed and sworn to before me this <i>21</i> day of <i>December</i> 2010	Subscribed and sworn to before me this
Notary Public in and for the State of Alaska <i>Henreeda Jaramillo</i>	Notary Public in and for the State of Alaska <i>Henreeda Jaramillo</i>
My commission expires: <i>w/o</i>	My Commission Expires: <i>11/34</i>

New License App 3/09

STANDARDS FOR CONDITIONAL USE APPROVAL

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.

The interim guidelines provided by Anchorage 2020 consists of 90 policies for land development. The policies which seem to most clearly affect The Anchorage Golf Course (AGC) are #73, #79, #86 and #87. The highlights of the lease are laid out below.

#73. Public facilities and services shall meet adopted level of service standards. The adopted level of service for AGC is contained within the lease between the Municipality of Anchorage (MOA) and Anchorage CLEEK Corporation.

Article VII

- A. Management. Lessee agrees to operate and manage an eighteen (18) hole public golf course in a manner consistent with accepted industry standards and practices.
- B. Services. In addition to an eighteen (18) hold golf course. Lessee agrees to provide the following services:
 - a. Pro Shop
 - i. Starter Services
 - ii. Golf Instruction
 - iii. Tournament Services
 - iv. Course Marshalling Services
 - v. Retail Sales Shop
 - b. Driving Range and Practice Putting Area
 - c. Snack Bar Personnel to adequately manage and staff the snack bar with a standard of service and product equal to or better than such services provided at other golf courses in Alaska.

#79. Site selection criteria for government facilities frequented by the public shall consider:

- a) Compatibility with nearby uses;
- b) Pedestrians and transit accessibility;
- c) Suitability to environmental conditions
- d) Availability of utility infrastructure;
- e) Ability to enhance neighborhoods;
- f) Financial feasibility; and
- g) Continual operations and maintenance impacts.

#86. Encourage public/private collaboration for acquisition, development, and maintenance of recreational spaces, parks, sports fields, public use facilities, and trails.

#87. Support the life-long learning needs of community residents through a variety of formal and informal educational opportunities.

By its' continuous operation since 1986, AGC has demonstrated its' compatibility with all of the above guidelines of these policies.

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

AGC has been in operation under the existing lease since 1986 and the operation meets or exceeds the standards set forth in both Title 21.05 and Anchorage 2020. The changes requested will only further enhance provided services.

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 immediately adjacent uses on Section 16 are existing recreational uses and all have been compatible neighbors for many years. The AGC continues to provide desirable buffering between lower density, semi rural upper hillside and the medium density developments and urban town centers of the Seward Highway corridor.

The AGC also furthers the wildlife and open space goals of providing "Habitats necessary to support local populations of selected species. Also, habitats important to regionally rare or sensitive or for species especially sensitive to disturbance."

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.

Vehicular traffic will be enhanced by improvements planned by the State of Alaska Department of Transportation to O'Malley Road. The internal circulation provides for a safe mixing of pedestrians and vehicles with convenient parking proximate to the clubhouse and golf facilities.

Public transportation exists on O'Malley Road for access to the facilities.

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

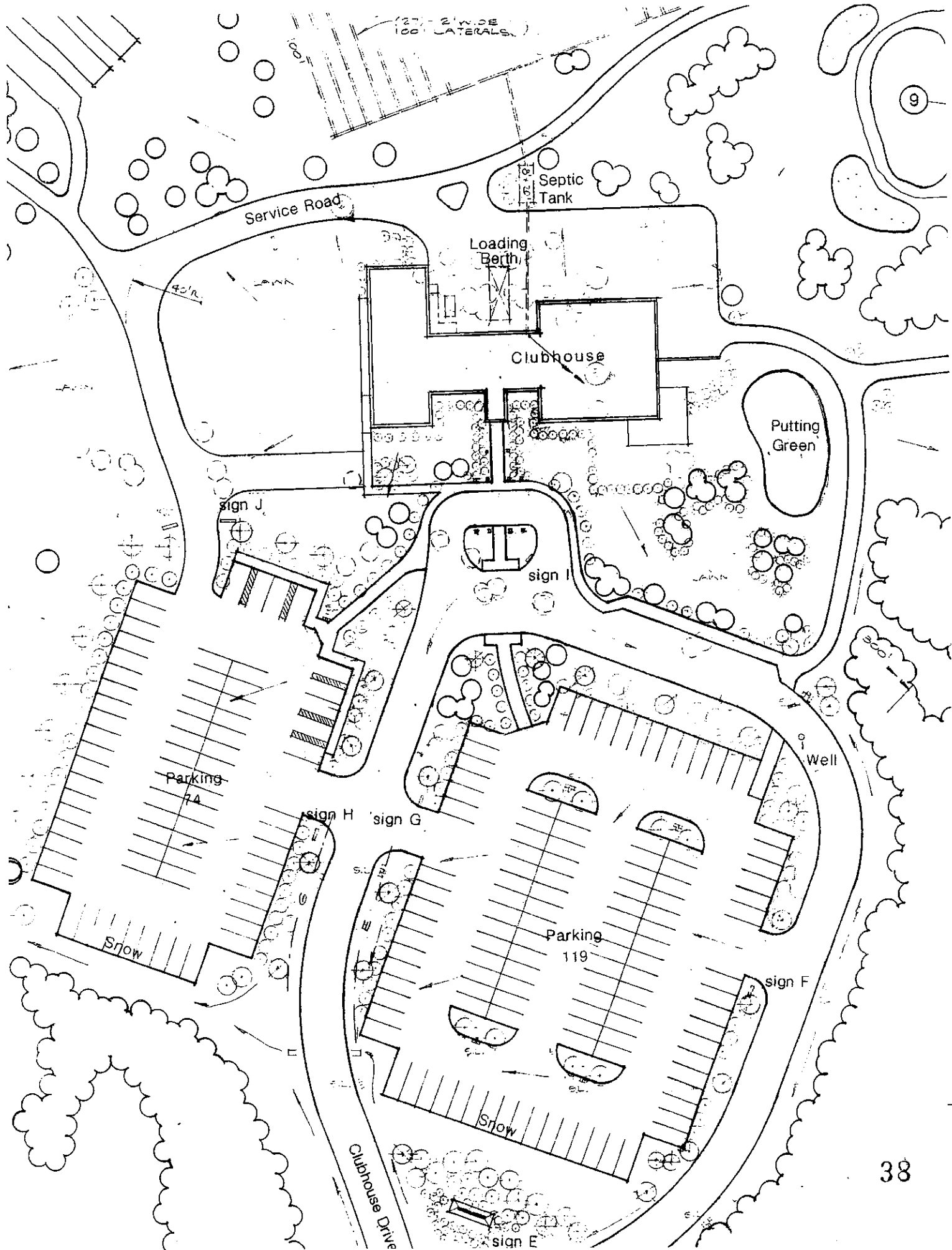
The following public services are available: 1. Public utilities; Electricity and Telephone, 2. Police and Fire protection as provided by the MOA, 3. People Mover bus service access, 4. Golf.

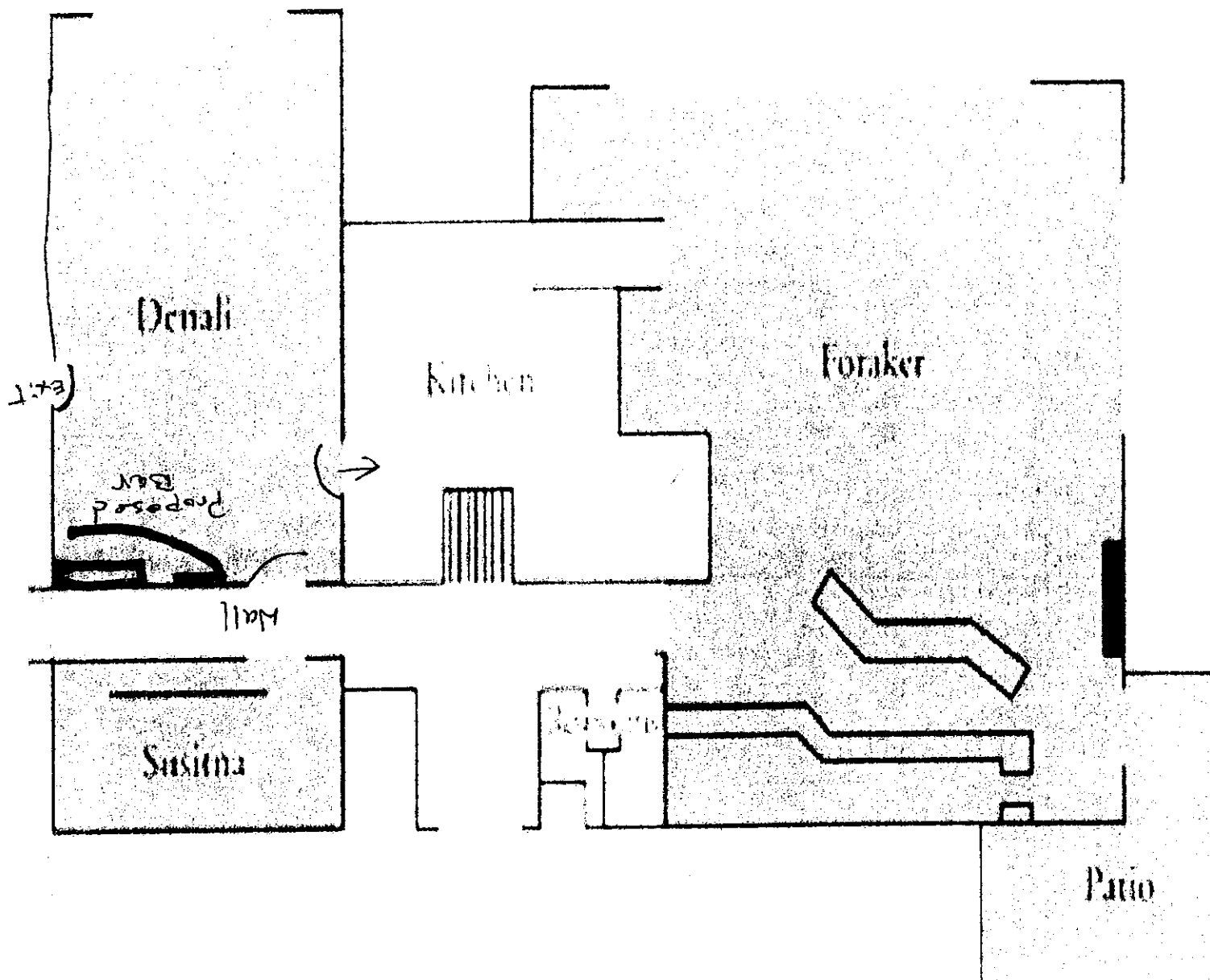
3. Noise, air, water or other forms of environmental pollution.

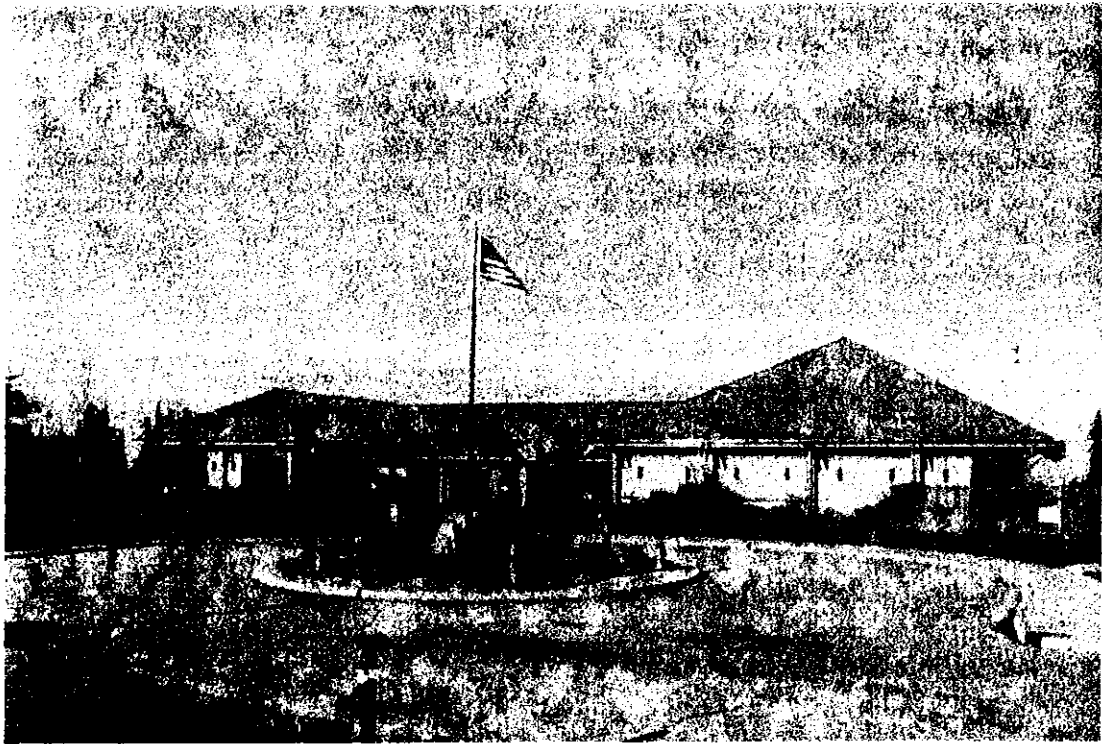
AGC and Anchorage CLEEK Corporation pride ourselves in our environmentally responsible operation. Golf is by nature, and activity which flourishes in a quiet, comfortable, clean environment. We work very hard at minimizing solid waste and are very sensitive to unnecessary water or chemical use in maintaining the course.

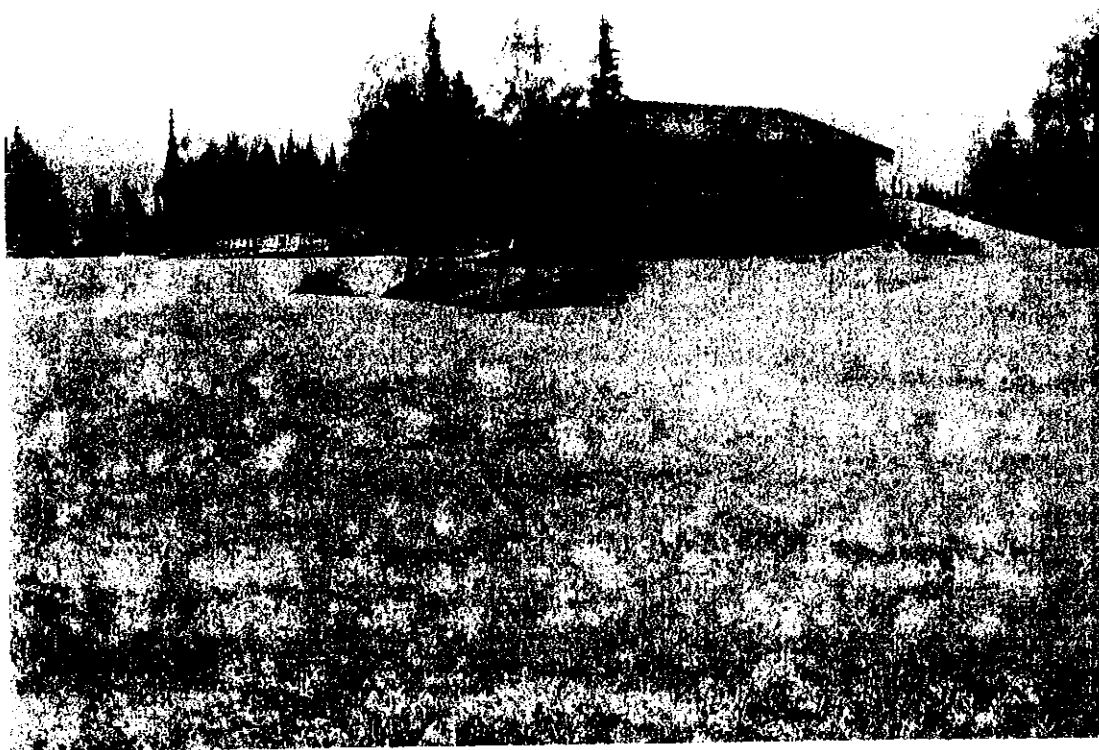
4. The maintenance of compatible and efficient development patterns and land use intensities.

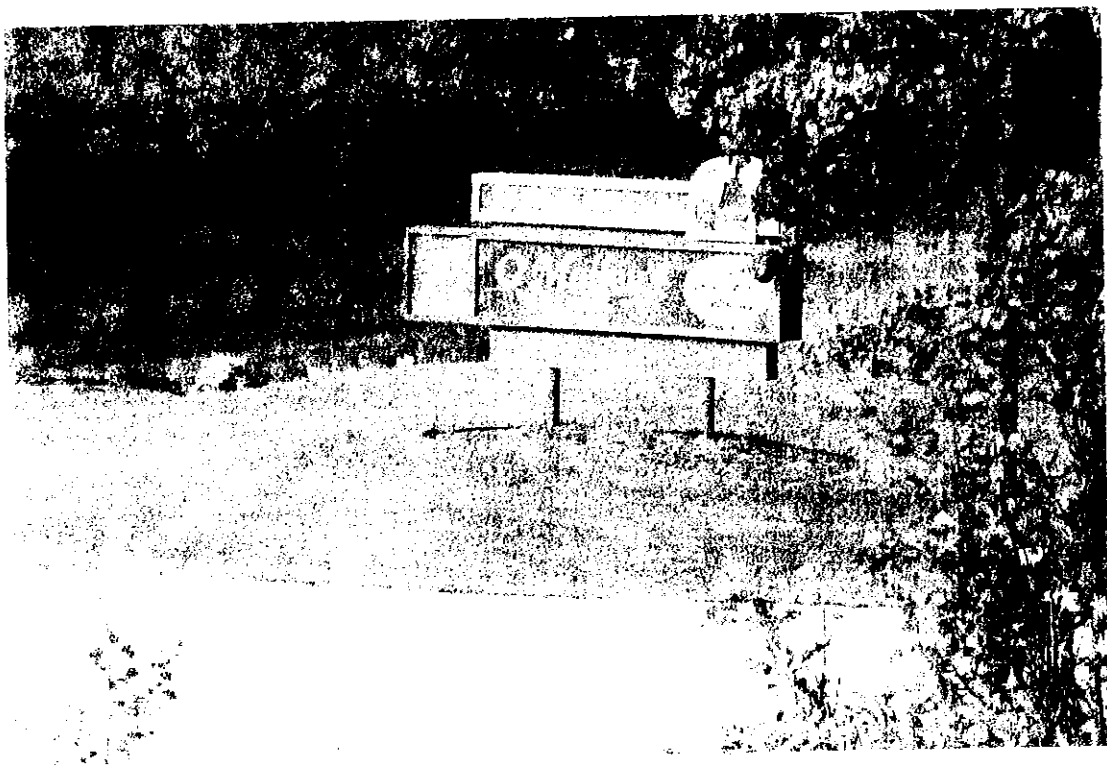
Given then the proposed duplicate beverage dispensary license is a formality due to a capital improvement to the facility to enhance the customer experience, we see no significant change to existing operation or land use patterns. Hillside, as well as other municipal residents as well as visitors will continue to enjoy the quality facility that has been in operation 25 years. We feel that in as much as the AGC is primarily a public recreation facility that improves the general quality of life; that the facility has and will continue to be compatible with existing and future land uses. It will continue to aid the community in efficient development patterns and intensities.



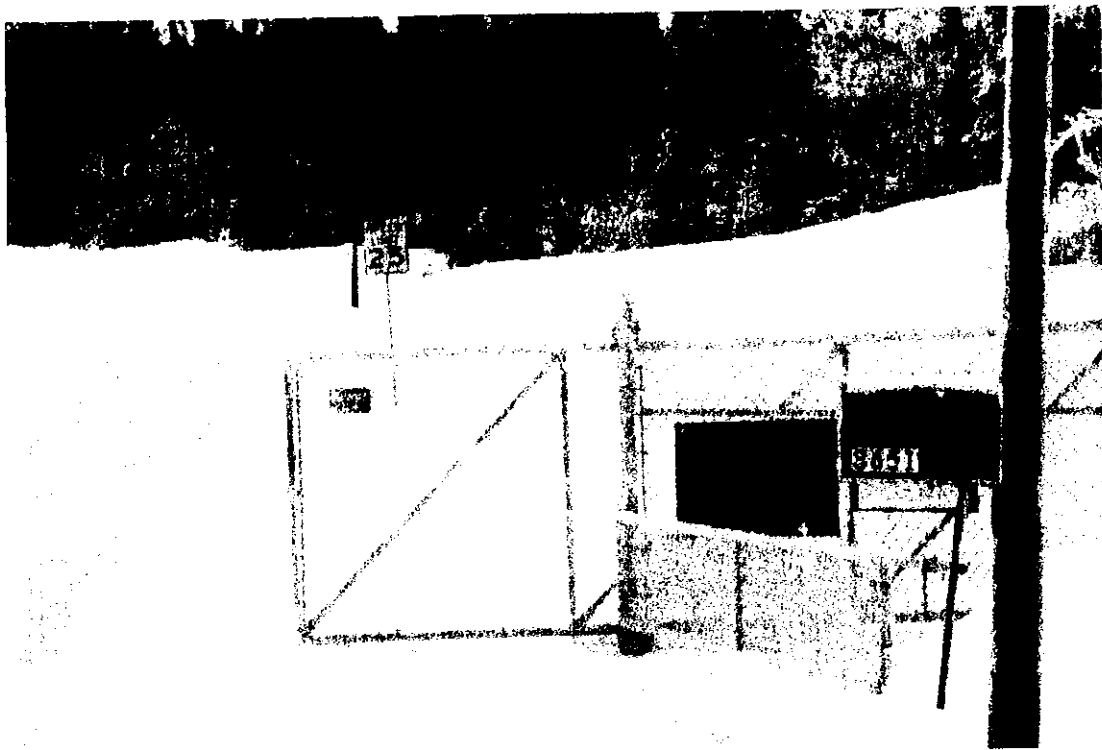














State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

January 7, 2011

Anchorage Cleek Corporation
Richard Sayers, President
9138 Arlon St., Ste A3-152
Anchorage AK 99507

Re: O'Malley on the Green - Lic#5030

Dear Mr. Sayers:

We have received your application for a liquor license pursuant to Alaska Statutes, Title 4, 04.11.510 states as follows:

“(a) Unless a legal action relating to the license, applicant or premises to be licensed is pending, the board shall decide whether to grant or deny an application within 90 days of receipt of the application at the main office of the board. However, the decision may not be made before the 60 days allowed for protest under As 04.11.480 have elapsed unless waived by the municipality.”

If a transfer of ownership application, all requirements (tax and creditor clearances) must be met within the 90 day time frame or the application will be presented to the board for denial.

Please contact your municipal clerk and/or borough clerk if applicable, for scheduled review by the assembly and to find out about other processing or applications that may be required.

This letter is for information only.

If you have any questions please contact our office.

Sincerely,
/s/ Reeda Jaramillo
Lead Business Registration Examiner

Faxed
12/23/2010
to Anchorage

FORMAT FOR ADVERTISING

New Application
13 AAC 104.125

Applicants must advertise once each week for three (3) consecutive weeks, seven (7) days apart by newspaper of general circulation in the area of the license, or if by radio, two (2) times each week for three (3) consecutive weeks. See instruction sheet. This public notice must be given within the sixty (60) days immediately preceding the filing of the application.

Under 13 AAC 104.125(e), within the Municipality of Anchorage, the City and Borough of Juneau and the Fairbanks North Star Borough notice must be in a newspaper of general circulation in the area. Notice by radio MAY NOT substitute for newspaper notice.

Anchorage Creek Corporation

[Applicant(s), Individual(s), Partners, Corporation or Limited Liability Organization]

is making application for a new

Beverage Dispensary Duplicate AS 04.11.070
[Type of License & Statute Reference Number]

liquor license, d/b/a

O'Malley's ON THE Green
[Name of Establishment]

located at

3651 O'Malley Road - Anchorage
[Premises Address & City]

The following statement should be included in all public advertisements:

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

Posting Affidavit and Historical Information



AFFIDAVIT OF POSTING

Case Number: 2011-026

I, Richard Sayer, 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 1/24/2011 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 24th day of January, 2011.

Richard Sayer
Signature

LEGAL DESCRIPTION

Tract or Lot Tract C
Block _____
Subdivision Section 16, T12N R3W

Content ID: 009928**Type:** AR_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A DUPLICATE BEVERAGE DISPENSARY USE AND LICENSE NUMBER 5030, IN THE PLI-P (PUBLIC LANDS AND INSTITUTIONS - PARK) DISTRICT FOR THE

Title: ANCHORAGE CLEEK CORPORATION, DBA O'MALLEY'S ON THE GREEN; LOCATED AT 3651 O'MALLEY ROAD; 200 ACRES WITHIN THE SOUTHWEST CORNER OF TRACT C, SECTION 16, TOWNSHIP 12 NORTH, RANGE 3 WEST, SEWARD MERIDIAN; GENERALLY LOCATED NORTH OF HUFFMAN ROAD AND WEST OF ELMORE ROAD (O'Malley/Huffman Community Council) (Case 2011-026).

Author: chambersac

Initiating Dept: Planning

Date Prepared: 2/23/11 2:19 PM

Director Name: Jerry T. Weaver, Jr.

Assembly Meeting Date: 3/8/11

Public Hearing Date: 3/8/11

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	2/25/11 12:31 PM	Exit	Joy Maglaqui	Public	009928
MuniManager_SubWorkflow	2/25/11 12:31 PM	Approve	Joy Maglaqui	Public	009928
CFO_SubWorkflow	2/25/11 12:12 PM	Approve	Lucinda Mahoney	Public	009928
Commun_Dev_SubWorkflow	2/23/11 3:40 PM	Approve	Jerry Weaver Jr.	Public	009928
Planning_SubWorkflow	2/23/11 3:40 PM	Approve	Jerry Weaver Jr.	Public	009928
AllOtherARWorkflow	2/23/11 2:22 PM	Checkin	Angela Chambers	Public	009928

NEW PUBLIC HEARINGS