

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepared by: Dept. of Law

For reading: August 16, 2011

CLERK'S OFFICE

APPROVED

Date: 8-16-11

ANCHORAGE, ALASKA

AR No. 2011-218

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY GRANTING A
TEMPORARY CONDITIONAL USE PERMIT FOR USES INVOLVING THE SALE OF
ALCOHOLIC BEVERAGES AT THE DENA'INA CIVIC AND CONVENTION
CENTER.**

WHEREAS, the Municipality of Anchorage, on behalf of CIVICVentures, has made a request for a temporary conditional use permit to allow the continued use and sale of alcoholic beverages at the Dena'ina Civic and Convention Center (Dena'ina), in conjunction with a request for a permanent conditional use permit;

WHEREAS, this request is generated by the application of Anchorage Municipal Code section 21.50.160, which limits the number of caterer's permits at a single location in a calendar year to 12, unless the location has a conditional use permit for uses involving the sale of alcoholic beverages;

WHEREAS, the absence of a current conditional use permit for the Dena'ina appears to have occurred because the initial Title 21 permitting of the facility in 2005 (AO 2005-91) came before the enactment of the conditional use permit restriction on caterer's permits in AMC 21.50.160, which was enacted in 2006 (AO 2006-35);

WHEREAS, the facility has been operational since the fall of 2008, including the use and sale of alcoholic beverages, said use and sale being without incident to date, and has made contractual commitments that include the use and sale of alcoholic beverages during the next few months;

WHEREAS, the Municipality filed its request for a conditional use permit on August 9, 2011, but 21 day notice as required by law must still occur and further Assembly action will not be taken until, at the earliest, September;

WHEREAS, municipal code requirements, including notice and public hearing, are silent on the issue of granting a temporary conditional use permit and the Assembly has in the past granted temporary conditional use permits; and

WHEREAS, it is important to the continued financial success of the Dena'ina to meet its current contractual obligations and to continue to be able to offer space in the near term to potential customers, now, therefore,

THE ANCHORAGE ASSEMBLY RESOLVES;

Section 1: The conditional use permit for the Dena'ina Civic and Convention Center is temporarily approved subject to the following conditions:

1 The conditional use application shall come before the Anchorage Assembly for public
2 hearing at which time the permit may be granted, denied or additional conditions may
3 be imposed.

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5 This temporary approval of the conditional use permit expires upon Assembly
6 determination as to the grant or denial of the permanent conditional use.

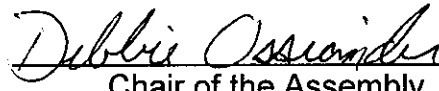
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8 This temporary approval is granted only because of the specific circumstances of this
9 application. The Assembly does not waive its right to deny the conditional use permit
10 or to condition the permit in the manner provided by law.

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12 After the public hearing and upon Assembly approval of the proposed conditional
13 use, a new resolution incorporating all of the necessary and required conditions of
14 approval shall be adopted by the Assembly.

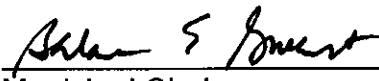
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16 **Section 2:** Failure to comply with any conditions of this temporary conditional use
17 permit shall constitute grounds for revocation.

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19 **Section 3.** This resolution shall be effective immediately upon passage and
20 approval by the Assembly.

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22 PASSED AND APPROVED by the Anchorage Assembly this 16th day of
23 August, 2011.

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26 
27 Chair of the Assembly

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29 ATTEST:

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33 Municipal Clerk

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