

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

Prepared by: Department of Law

For reading: August 30, 2011

CLERK'S OFFICE

APPROVED

Date: 8-30-11

ANCHORAGE, ALASKA

AR No. 2011-233

**A RESOLUTION OF THE MUNICIPAL ASSEMBLY GRANTING A TEMPORARY
CONDITIONAL USE PERMIT FOR USES INVOLVING THE SALE OF ALCOHOLIC
BEVERAGES AT THE ALASKA CENTER FOR THE PERFORMING ARTS.**

WHEREAS, the Municipality of Anchorage has made a request for a temporary conditional use permit to allow the continued use and sale of alcoholic beverages at the Alaska Center for the Performing Arts (ACPA), 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 requires a conditional use permit for any use and sale of alcoholic beverages;

WHEREAS, the facility has been operational since the fall of 1988, including the use and sale of alcoholic beverages, and has made contractual commitments that include the use and sale of alcoholic beverages during the next few months;

WHEREAS, the Municipality is now preparing its request for a conditional use permit. However, 21 day notice as required by law must still occur and further Assembly action will not be taken until, at the earliest, October;

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 ACPA 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 ACPA is temporarily approved subject to the following conditions:

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

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

1 This temporary approval is granted only because of the specific circumstances of this
2 application. The Assembly does not waive its right to deny the conditional use permit
3 or to condition the permit in the manner provided by law.
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5 After the public hearing and upon Assembly approval of the proposed conditional
6 use, a new resolution incorporating all of the necessary and required conditions of
7 approval shall be adopted by the Assembly.
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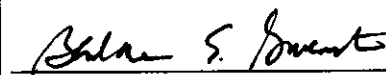
9 **Section 2:** Failure to comply with any conditions of this temporary conditional use
10 permit shall constitute grounds for revocation.
11

12 **Section 3.** This resolution shall be effective immediately upon passage and
13 approval by the Assembly.
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15 PASSED AND APPROVED by the Anchorage Assembly this 30th day of
16 August, 2011.
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18 
19 _____
20 Chair of the Assembly
21

22 ATTEST:
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24 
25 _____
26 Municipal Clerk