

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Community Development  
Department  
For reading: October 11, 2011

CLERK'S OFFICE

**APPROVED**

Date: 10-11-11 Anchorage, Alaska  
AR 2011-262

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY  
APPROVING AN ALCOHOL BEVERAGES CONDITIONAL USE FOR A  
BEVERAGE DISPENSARY USE AND LICENSE NUMBER 4367, IN THE B-3  
(GENERAL BUSINESS) DISTRICT FOR EL RODEO, INC., DBA EL RODEO  
MEXICAN RESTAURANT; AT 385 MULDOON ROAD; LOCATED ON  
NEVILLA PARK, LOTS 4, 5, AND 6; GENERALLY LOCATED EAST OF  
MULDOON ROAD, SOUTH OF EAST 3<sup>RD</sup> AVENUE, WEST OF STATE  
STREET, AND NORTH OF EAST 5<sup>TH</sup> AVENUE.

(Northeast Community Council) (Case 2011-107)

THE ANCHORAGE ASSEMBLY RESOLVES:

**Section 1.** A conditional use permit is hereby approved for an Alcoholic  
Beverages Conditional Use for a Beverage Dispensary Use and License Number  
4367, in the B-3 (General Business) district for El Rodeo, Inc., dba El Rodeo  
Mexican Restaurant, at 385 Muldoon Road; located on Nevilla Park, Lots 4, 5,  
and 6, generally located east of Muldoon Road, south of East 6<sup>th</sup> Avenue, west of  
State Street, and north east 5<sup>th</sup> Avenue, and generally meets the applicable  
provisions of AMC 21.15.030, AMC 21.40.180.D8, 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 beverage dispensary in the B-  
3 district.

2. All uses shall conform to the plans and narrative submitted with this  
conditional use application.

3. This alcoholic beverages conditional use approval is for a Beverage  
Dispensary Use and License #4367 in the B-3 (General Business) district per  
AMC 21.15.030, AMC 21.40.180.D.8 and AMC 21.50.160 for approximately  
1,800 square feet of gross leasable area located at 385 Muldoon Road, on  
Nevilla Park Lots 4, 5, and 6.

4. On-premise sale of alcohol beverages will be seven days a week as  
permitted per Anchorage Municipal Code 10.50.015.C and 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.

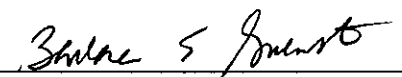
**Section 3.** Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.

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

PASSED AND APPROVED by the Anchorage Assembly this  
11th day of October 2011.

  
Chair of the Assembly

ATTEST:

  
Municipal Clerk

(Case 2011-107)  
(Tax Parcel ID# 006-053-46)



**MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM**

No. AM 541-2011

**Meeting Date:** October 11, 2011

**From: MAYOR**

**Subject: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOL BEVERAGES CONDITIONAL USE FOR A BEVERAGE DISPENSARY USE AND LICENSE NUMBER 4367, IN THE B-3 (GENERAL BUSINESS) DISTRICT FOR EL RODEO, INC., DBA EL RODEO MEXICAN RESTAURANT; AT 385 MULDOON ROAD; LOCATED ON NEVILLA PARK, LOTS 4, 5, AND 6; GENERALLY LOCATED EAST OF MULDOON ROAD, SOUTH OF EAST 3<sup>RD</sup> AVENUE, WEST OF STATE STREET, AND NORTH OF EAST 5<sup>TH</sup> AVENUE.**

1 El Rodeo, Inc., dba El Rodeo Mexican Restaurant, has made application for an  
2 alcoholic beverages conditional use for a beverage dispensary use and license  
3 #4367, in the B-3 (General Business) district, at 385 Muldoon Road; located on  
4 Nevilla Park, Lots 4, 5, and 6.

5  
6 The petitioner made application to the Alcoholic Beverage Control Board to  
7 transfer a beverage dispensary license (#4367) from no premise to this site, and is  
8 seeking final alcoholic beverages conditional use approval in the B-3 district per  
9 AMC 21.15.030, AMC 21.40.180.D8 and AMC 21.50.160. Within 1,000 feet of this  
10 application, there are four Beverage Dispensary Licenses, two Package Store  
11 Licenses, and two Restaurant and Eating Place Licenses. There are no known  
12 schools or churches within 200 feet of this site. The Muldoon Road Baptist Church  
13 is approximately 325 feet away using the most direct pedestrian route.

14  
15 The petition site contains approximately 1,800 square feet of gross leasable floor  
16 space within a mall development with several businesses. The property is zoned  
17 B-3. The site plan shows 14 booths (56 fixed seats) and 19 non-fixed seats for a  
18 total of 75 seats. The restaurant's parking requirement is met, as the site has  
19 nonconforming rights for parking per AMC 21.55.100.

20  
21 Hours of operation are as allowed by municipal ordinance and the Anchorage  
22 Beverage Control Board, seven days a week. All employees will be trained in  
23 accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness  
24 Training Program.

1  
2 There was no comment received from the public in opposition to this conditional  
3 use. The Northeast Community Council did not comment either.  
4

5 There are no delinquent Personal Property Taxes or Real Property Taxes owing at  
6 this time. No comments were received from the Anchorage Police Department or  
7 Department of Health and Human Services at the time this report was written.  
8

9 **THIS ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A BEVERAGE**  
10 **DISPENSARY USE AND LICENSE NUMBER 4367, IN THE B-3 DISTRICT**  
11 **GENERALLY MEETS THE REQUIRED STANDARDS OF AMC TITLE 10 AND**  
12 **TITLE 21, AND ALASKA STATUTE 04.11.090.**  
13

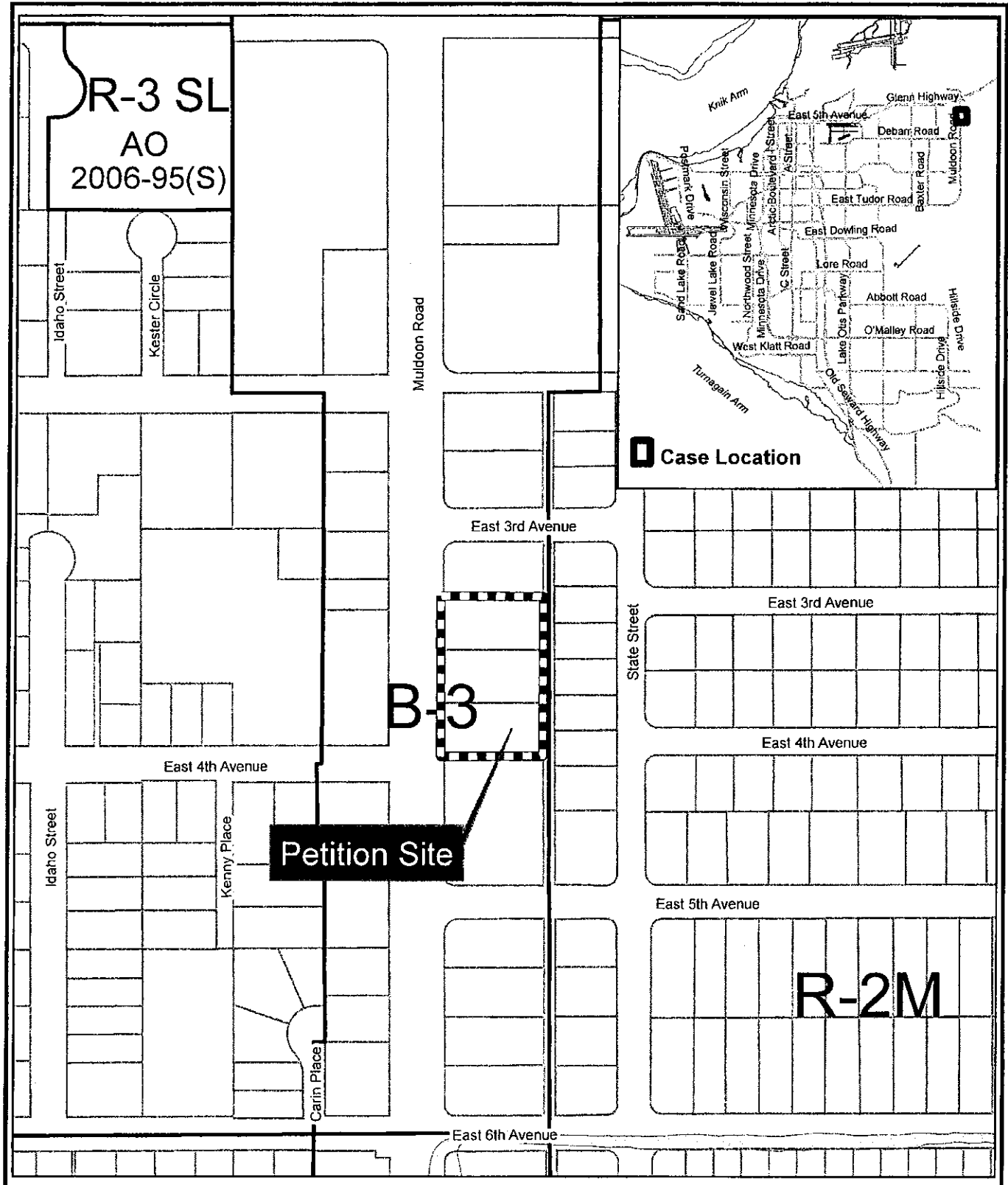
14 Prepared by: Angela C. Chambers, AICP, Current Planning Section  
15 Supervisor, Planning Division

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

18 Concur: Dennis A. Wheeler, Municipal Attorney

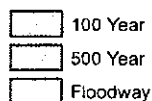
19 Concur: George J. Vakalis, Municipal Manager

20 Respectfully submitted: Daniel A. Sullivan, Mayor



Municipality of Anchorage  
Planning Department  
Date: August 22, 2011

### Flood Limits



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

**DATE:** October 11, 2011

**CASE NO.:** 2011-107

**APPLICANT:** Ishmael Sanchez, dba El Rodeo Mexican Restaurant

**REQUEST:** An alcoholic beverages conditional use for a beverage dispensary use and license #4367, in the B-3 (General Business) district per AMC 21.15.030, AMC 21.40.180.D8, and AMC 21.50.160.

**LOCATION:** Nevilla Park Lots 4, 5, and 6

**STREET ADDRESS:** 385 Muldoon Road

**COMMUNITY COUNCIL:** Northeast

**TAX PARCEL:** 006-053-46 / Grid SW1241

**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: ±52,229 SF lot; ±1,800 SF gross leasable floor space

Vegetation: Developed

Zoning: B-3 (General Business)

Topography: Flat

Existing Use: Commercial Mall

Soils: Public sewer and water

**COMPREHENSIVE PLAN – Anchorage 2020 Plan**

Classification: “Commercial” in the *1982 Anchorage Bowl Comprehensive Development Plan’s* Generalized Land Use Plan

Transit-Supportive Development Corridor in the *Anchorage 2020*  
Land Use Policy Map

Density: N/A

### **SURROUNDING AREA**

|           | NORTH      | EAST  | SOUTH                                 | WEST        |
|-----------|------------|---|---------------------------------------|-------------|
| Zoning:   | B-3        | B-3   | B-3                                   | R-2M        |
| Land Use: | Commercial | Commercial;<br>Muldoon Road<br>Baptist Church | Commercial;<br>Chevron Gas<br>Station | Residential |

### **SITE DESCRIPTION AND PROPOSAL**

The petitioner has made application to the Alcoholic Beverage Control Board to transfer a beverage dispensary license (#4367) from no premise to this site. The petitioner is seeking final alcoholic beverages conditional use approval. The B-3 district allows alcoholic beverages per AMC 21.15.030, AMC 21.40.180.D8 and AMC 21.50.160.

The petition site contains approximately 1,800 square feet of gross leasable floor space within a mall development with several businesses. The property is zoned B-3. The site plan shows 14 booths (56 fixed seats) and 19 non-fixed seats for a total of 75 seats. The restaurant's parking requirement is met, as the site has nonconforming rights for parking per AMC 21.55.100.

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

Within 1,000 feet of this application, there are four beverage dispensary licenses, two package store licenses, and two restaurant and eating place licenses. There are no known schools or churches within 200 feet of this site. The Muldoon Road Baptist Church is approximately 325 feet away using the most direct pedestrian route.

### **PUBLIC COMMENTS**

One-hundred public hearing notices were mailed on September 19, 2011. At the time this report was written, no public comments were received. Also, no comments were received from the Northeast Community Council.

### **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 identified as "Commercial" in the *1982 Anchorage Bowl Comprehensive Development Plan's* Generalized Land Use Plan. Also, Muldoon Road is identified as a "Transit-Supportive Corridor" 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 B-3 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.

There are commercial uses to the north, south, and east of the petition site. The Muldoon Road Baptist Church is located across Muldoon Road to the east and there are residential uses to the west of the petition site.

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 four beverage dispensary licenses, two package store licenses, and two restaurant and eating place licenses within a 1,000-foot radius of the petition site. Approving this beverage dispensary conditional use will add a ninth 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 no known churches or schools within this separation distance. The nearest church appears to be the Muldoon Baptist church which is approximately 325 feet away using the most direct pedestrian route.

**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 B-3 district states that off-street parking shall be provided. Adequate off-street parking is provided at this site. Since the site predates current zoning regulations, the site has legal nonconforming rights for the parking lot, the building, and the lack of landscaping. Also, there is an adequate entrance/exit driveway for vehicles to Muldoon Road and 3<sup>rd</sup> Avenue.

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

The standard is met.

A beverage dispensary 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 conditional use and license will not cause or contribute to any environmental pollution. The off-street parking 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 use and 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 a ninth alcohol license and fifth beverage dispensary license within 1,000-feet.

|                           |                        |               |                         |
|---------------------------|------------------------|---------------|-------------------------|
| Cabin Tavern              | 264 Muldoon Road       | License #970  | Beverage Dispensary     |
| Holiday #631              | 285 Muldoon Road       | License #660  | Package Store           |
| 2 Go Mart #55             | 545 Muldoon Road       | License #1596 | Package Store           |
| Last Frontier Bar         | 369 Muldoon Road       | License #135  | Beverage Dispensary     |
| Northern China Restaurant | 353 Muldoon Road       | License #158  | Restaurant/Eating Place |
| Muldoon Pizza             | 500 Muldoon Road       | License #761  | Restaurant/Eating Place |
| Paris Bakery              | 500 Muldoon Road Ste 6 | License #4845 | Beverage Dispensary     |
| JJ Sports Center          | 624 Muldoon Road       | License #569  | 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 an alcoholic beverages conditional use for a beverage dispensary use and license #4367, in the B-3 (General Business) district per AMC 21.15.030, AMC 21.40.180.D.8, and AMC 21.50.160, generally meets the required standards of AMC Title 10 and Title 21.

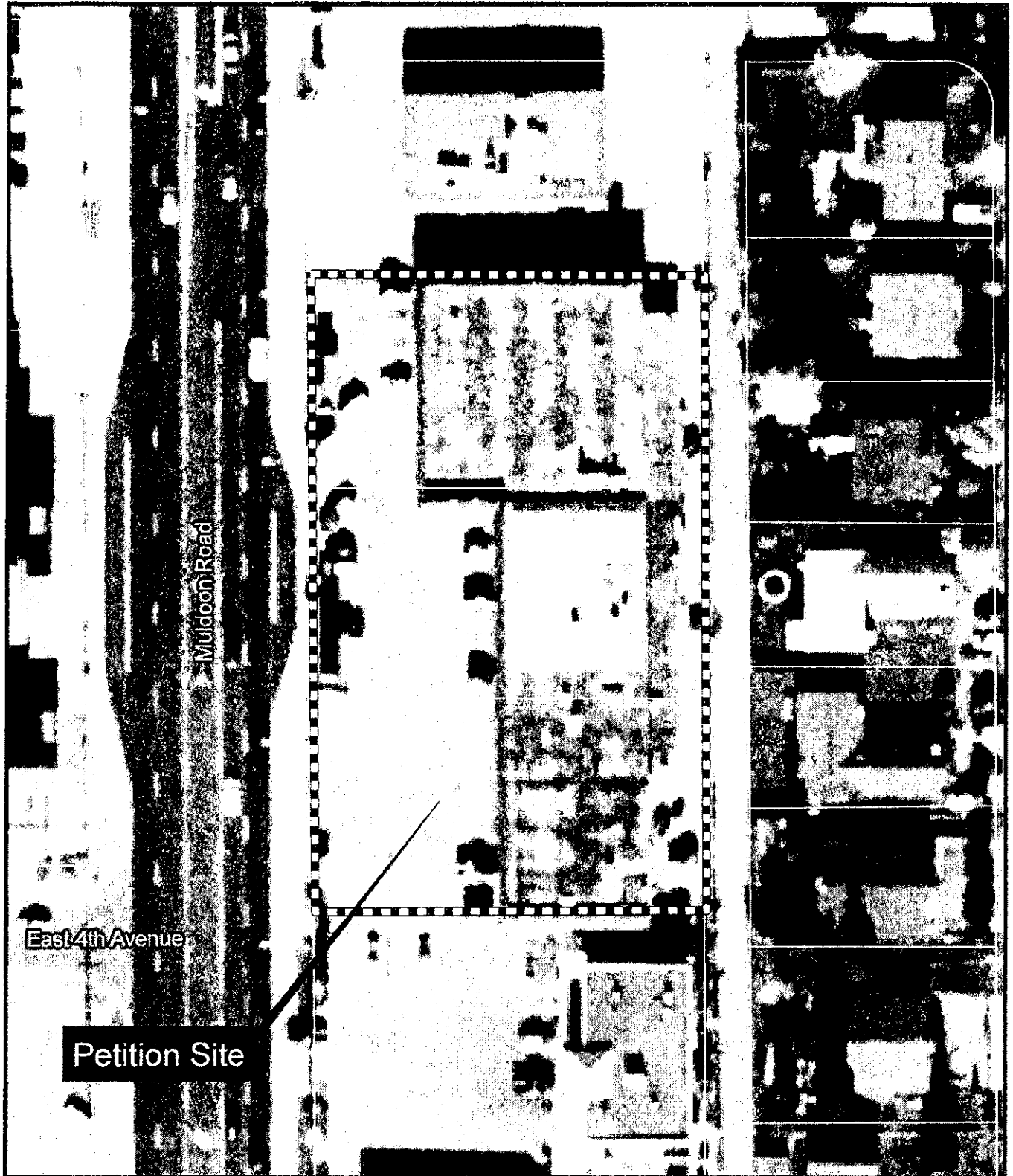
If after a public hearing on the matter, the Anchorage Assembly finds that the required standards have been met, staff recommends the following conditions of approval:

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 beverage dispensary in the B-3 district.
2. All uses shall conform to the plans and narrative submitted with this conditional use application.
3. This alcoholic beverages conditional use approval is for a Beverage Dispensary Use and License #4367 in the B-3 (General Business) district per AMC 21.15.030, AMC 21.40.180.D.8 and AMC 21.50.160 for approximately 1,800 square feet of gross leasable area located at 385 Muldoon Road, on Nevilla Park Lots 4, 5, and 6.
4. On-premise sale of alcohol beverages will be seven days a week as permitted per Anchorage Municipal Code 10.50.015.C and 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.

2011-107

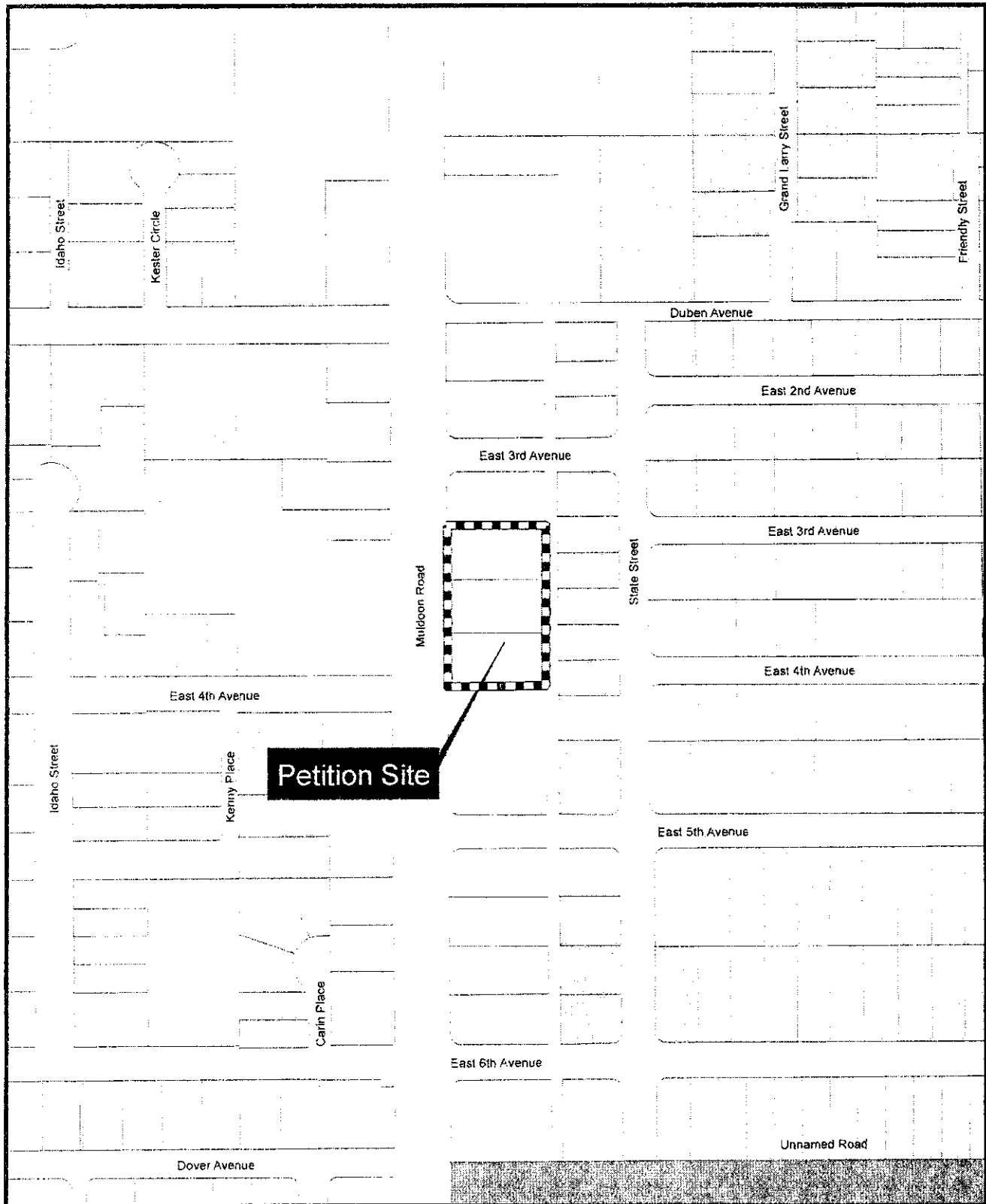


Municipality of Anchorage  
Planning Department  
August 15, 2011




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# 2011-107



Municipality of Anchorage  
Planning Department  
Date: August 22, 2011

 Mobile Home Park  
 Multi-Family  
 Single Family

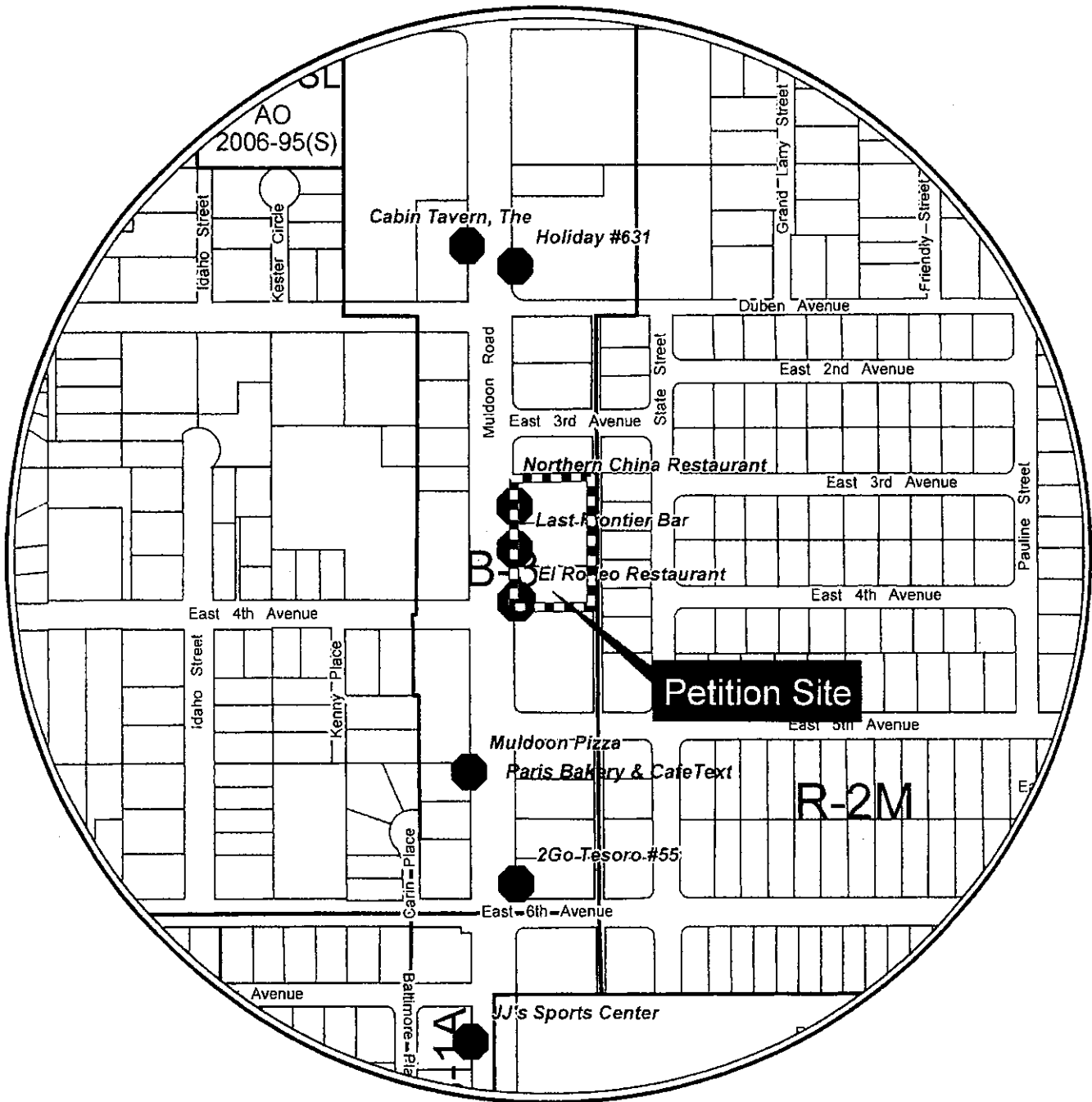
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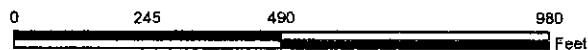
# 2011-107

● EXISTING LIQUOR LICENSES WITHIN 1000'



Municipality of Anchorage  
Planning Department

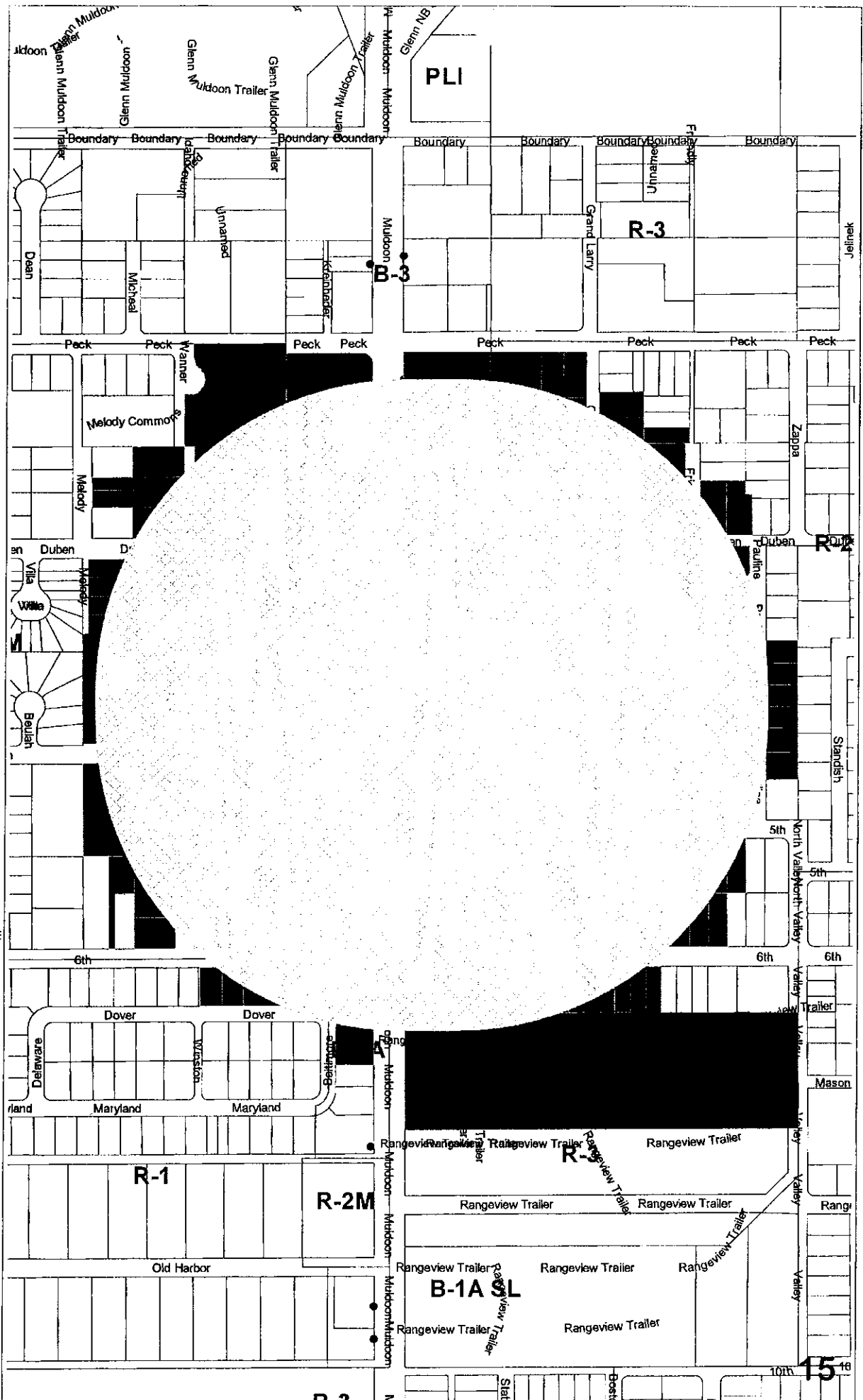
Date: August 22, 2011



# Alcohol Existing License List Report

Case Number: 2011-107 Description: 1000'

| Parcel<br>Business Name                  | Parcel Owner Name<br>Applicant Name                  | Parcel Owner Address<br>Business Address      | City<br>Lic. Number | State<br>Lic. Zone | Zip<br>Lic. Type                 |
|--|--|---|---------------------|--------------------|----------------------------------|
| 00603308000<br>Cabin Tavern, The         | DESAPIO EDWARD M &<br>Cabin Tavern, Inc.             | 264 MULDOON RD<br>264 Muldoon Rd              | ANCHORAGE<br>970    | AK<br>B3           | 99504<br>Beverage Dispensary     |
| 00604526000<br>Holiday #631              | HOLIDAY ALASKA INC<br>Holiday Alaska, Inc.           | 4567 AMERICAN BLVD W<br>285 Muldoon Rd        | MINNEAPOLIS<br>660  | MN<br>B3           | 55437<br>Package Store           |
| 00605101000<br>2 Go Mart #55             | COLEMAN ANGELA KATHRINA<br>Tesoro Northstore Company | 13111 NORTHWEST FWY SUITE 1<br>545 Muldoon Rd | HOUSTON<br>1596     | TX<br>B3           | 77040<br>Package Store           |
| 00605315000<br>El Rodeo Restaurant       | GOLDEN MALL LLC<br>Ismael & Marisol Sanchez          | 3140 MORGANER AVENUE<br>385 Muldoon Rd        | ANCHORAGE<br>3082   | AK<br>B3           | 99516<br>Restaurant/Eating Place |
| 00605316000<br>Last Frontier Bar         | GOLDEN MALL LLC<br>LCW, LLC                          | 3140 MORGANER AVENUE<br>369 Muldoon Rd        | ANCHORAGE<br>135    | AK<br>B3           | 99516<br>Beverage Dispensary     |
| 00605317000<br>Northern China Restaurant | GOLDEN MALL LLC<br>Yi, Han Duk                       | 3140 MORGANER AVENUE<br>353 Muldoon Rd        | ANCHORAGE<br>1582   | AK<br>B3           | 99516<br>Restaurant/Eating Place |
| 00606203000<br>Muldoon Pizza             | KBK CORPORATION<br>Muldoon Pizza, Inc.               | 2911 SPINNAKER DR<br>500 Muldoon Rd           | ANCHORAGE<br>761    | AK<br>B3           | 99516<br>Restaurant/Eating Place |
| 00606203000<br>Paris Bakery & Cafe       | KBK CORPORATION<br>Antoine Amouret                   | 2911 SPINNAKER DR<br>500 Muldoon Rd Ste 6     | ANCHORAGE<br>4845   | AK<br>B3           | 99516<br>Beverage Dispensary     |
| 00610241000<br>JJ's Sports Center        | LINK JAMES A & ELAINE M<br>Jaybuff, Inc.             | 8138 FRANK STREET<br>624 Muldoon Rd           | ANCHORAGE<br>569    | AK<br>B1A          | 99518<br>Beverage Dispensary     |



# Alcohol Church and School List Report

Case Number: 2011-107

Description: 200'

| Parcel      | Parcel Owner Name                      | Parcel Site Address | Description |
|-------------|--|---------------------|-------------|
| 00606103000 | MULDOON ROAD BAPTIST CHURCH            | 382 MULDOON RD      | RELIGION    |
| 00606104000 | MULDOON ROAD BAPTIST CHURCH            | 382 MULDOON RD      | RELIGION    |
| 00606501000 | MULDOON ROAD BAPTIST CHURCH CHURCH INC | 382 MULDOON RD      | RELIGION    |

**Distance 200 ft**

Mon Aug 22, 10:22:08, 2011

Map: Parcels-Basic Layers



Scale 1:4500

**Legend:**



PARCELS



ALCOHOL

Txt



STREET\_NAME

ZONING

Txt

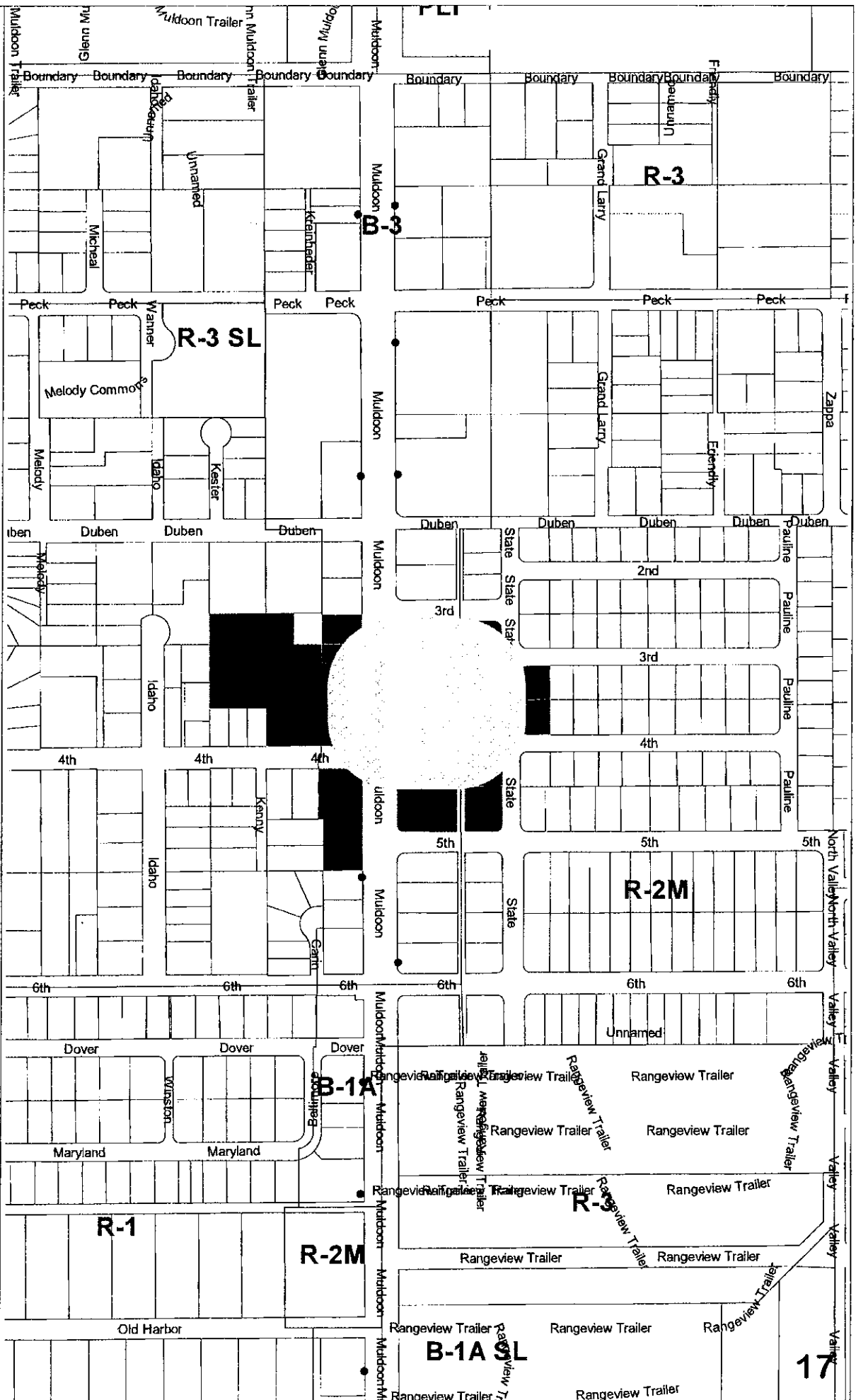


ZONE\_TYPE

ECONOMIC\_LIT

CityView™

Municipal Software Corporation



# 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)<br>SANCHEZ, ISMAEL                 |  | Name (last name first)             |  |
| Mailing Address<br>385 MULDOON RD.<br>ANCHORAGE, AK 99504 |  | Mailing Address                    |  |
| Contact Phone: Day: 338-5393 Night: 338-5393              |  | Contact Phone: Day: Night:         |  |
| FAX: 333-1764   |  | FAX:                               |  |
| E-mail: izzylblanco@hotmail.com                           |  | E-mail:                            |  |

\*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): 006-053-46   |                    |               |
| Site Street Address: 385 MULDOON Rd.   |                    |               |
| Property Owner (if not the Petitioner):  |                    |               |
| Current legal description: (use additional sheet in necessary)<br>Nevilla Park Lot 4, 5, & 6 |                    |               |
| Zoning: B-3  | Acreage: 52,229 SF | Grid # SW1241 |

| ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED   |   |  |
|---|---|--|
| <input checked="" 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 type="checkbox"/> Package Store  | <input type="checkbox"/> Restaurant         |  |
| Is the proposed license: <input type="checkbox"/> New <input checked="" 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.

|                 |   |
|-----------------|---|
| Date<br>8/18/11 | Signature (Agents must provide written proof of authorization)<br><i>Manuel Sanchez</i> |
|-----------------|---|

|                    |                          |                 |                          |
|--------------------|--------------------------|-----------------|--------------------------|
| Accepted by:<br>FM | Poster & Affidavit:<br>1 | Fee:<br>\$4,000 | Case Number:<br>2011-107 |
|--------------------|--------------------------|-----------------|--------------------------|

**COMPREHENSIVE PLAN INFORMATION**Anchorage 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):☐ 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 7/11/11 Signature [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):

EL Rodeo Inc.

What is the gross leaseable floor space in square feet?

1800 ft

What is the facility occupant capacity?

60 people

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

14 booth

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

34 chairs

What will be the normal business hours of operation?

11-10pm M-F | Sat 12-10pm | Sun 12-9pm

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

11am-10pm M-F | Sat 12-10pm | Sun 12-9pm

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

25 % Alcoholic beverage sales

75 % 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

None

### PACKAGE STORES

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.

Anchorage 2020 supports opportunities for businesses ; restaurants, and entertainment and tourism.

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

This is a B3 zoning district which allows alcohol sales with a 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.

Currently, we have a beer & wine license.  
This conditional use will not change the site, which is located in a commercial area.

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.

Muldoon Rd is well lited with street signs, traffic lights, and traffic patterns,

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

This restaurant has been in business for 21 yrs and never had a problem.

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

The restaurant has been in business for 21 years & is up to code. This is a family restaurant and we close at 10pm.

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

Muldoon Road has many commercial malls & businesses. The restaurant has existed here for 21 years.

#### 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? 1

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? 7

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

Every establishment has their own clients.

The economy in Muldoon grow, small business grow, which means more jobs for local community.

All employees live on East Muldoon area.

**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? *5 people will be TAM certified.*

**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:

*Always serve food along with beverage.  
Supervise people that are drinking & the servers.  
Owners will be supervising. Always check Id's.*

outside facility:

*No outside beverages. Always make sure there is a designated driver or call a cab. Never let someone leave intoxicated & drive.*

**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

## Transfer Liquor License

PAGE 1 OF 2

(907) 269-0350  
Fax: (907) 272-9412  
www.dps.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: 2011  | License Type: Beverage Dispensatory  | Statute Reference: Sec. 04.11. _____  | License Fee: \$                           |                                |
| License #: 4367   |  |   | Filing Fee: \$100.00                      |                                |
| Local Governing Body: (City, Borough or Unorgan) Anchorage  |  | Community Council Name(s) & Mailing Address:  |   | Fingerprint: (\$59 per person) |
| Federal EIN or SSN: 20-5673494  |  |   |   | Total Submitted: \$            |
| Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): EL RODEO INC.   |  | Doing Business As (Business Name): EL Rodeo Mexican Restaurant  | Business Telephone Number: (907) 338-5393 |                                |
| Mailing Address: 385 MULDOON RD   |  | Street Address or Location of Premise: 385 Muldoon Rd.  | Fax Number: 333-1764                      |                                |
| City, State, Zip: Anchorage AK 99504  |  | Anchorage, AK 99504   | Email Address: 12zyblanco@hotmail.com     |                                |
| SECTION B - TRANSFER INFORMATION.   |  |   |   |                                |
| <input checked="" type="checkbox"/> Regular Transfer  |  | Name and Mailing Address of Current Licensee: La Verne M. Thacker Jr.   |   |                                |
| <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application (15 AAC 104.107). Real or personal property conveyed with this transfer must be described. Provide security interest documents. |  | 222 Inc.  |   |                                |
| <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.  |  | Business Name (dba) BEFORE transfer: 401 W. Int'l Airport Rd. #31   |   |                                |
|   |  | Street Address or Location BEFORE transfer: NON-PREMISSIS LICENSE   |   |                                |
| SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.   |  |   |   |                                |
| Closest school grounds: Muldoon Elementary  | Distance measured under:<br><input type="checkbox"/> AS 04.11.410 OR<br><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: Baptist   | Distance measured under:<br><input type="checkbox"/> AS 04.11.410 OR<br><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.    |   |                                |
| Premises to be licensed is:<br><input type="checkbox"/> Proposed building<br><input checked="" type="checkbox"/> Existing facility<br><input type="checkbox"/> New building   |  | <input type="checkbox"/> Not applicable   |   |                                |
|   |  | <input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings)   |   |                                |
|   |  | <input type="checkbox"/> Diagram of premises attached   |   |                                |
| 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?  |  |   |   |                                |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?   |  |   |   |                                |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, attach written explanation.   |  |   |   |                                |

Office use only

Date Approved

Director's Signature

# Liquor License

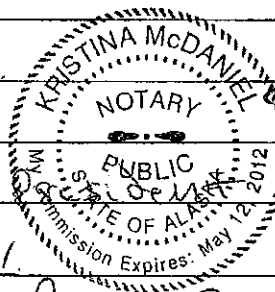
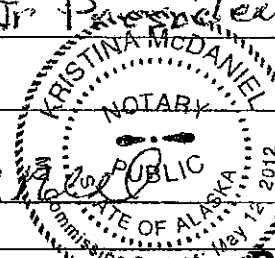
|  |                           |  |                                      |
|--|---------------------------|--|--------------------------------------|
| <b>Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.</b>   |                           |  |                                      |
| Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership):<br><u>EL Rodeo, Inc.</u>  |                           | Telephone Number:<br><u>(907) 338-5393</u>                             | Fax Number:<br><u>(907) 333-1764</u> |
| Corporate Mailing Address:<br><u>385 Muldoon Rd.</u>   | City:<br><u>Anchorage</u> | State:<br><u>AK</u>  | Zip Code:<br><u>99504</u>            |
| Name, Mailing Address and Telephone Number of Registered Agent:<br><u>ISMAEL SANCHEZ 7515 WHITE HAWK DR. ANCHORAGE, AK 99507</u>   |                           | Date of Incorporation OR Certification with DCED:<br><u>10/04/2006</u> | State of Incorporation:<br><u>AK</u> |
| Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>If no, attach written explanation. Your entity <i>must</i> 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 |
| ISMAEL SANCHEZ  | Pres.  |   | 7515 WHITE HAWK                 | (907) 338-5393        | 6-17-70       |
| ISMAEL SANCHEZ  | Sec    |   | ANCHORAGE AK 99507              |                       |               |
| ISMAEL SANCHEZ  | Treas. |   | "                               |                       |               |
|   |        |   |                                 |                       |               |
|   |        |   |                                 |                       |               |

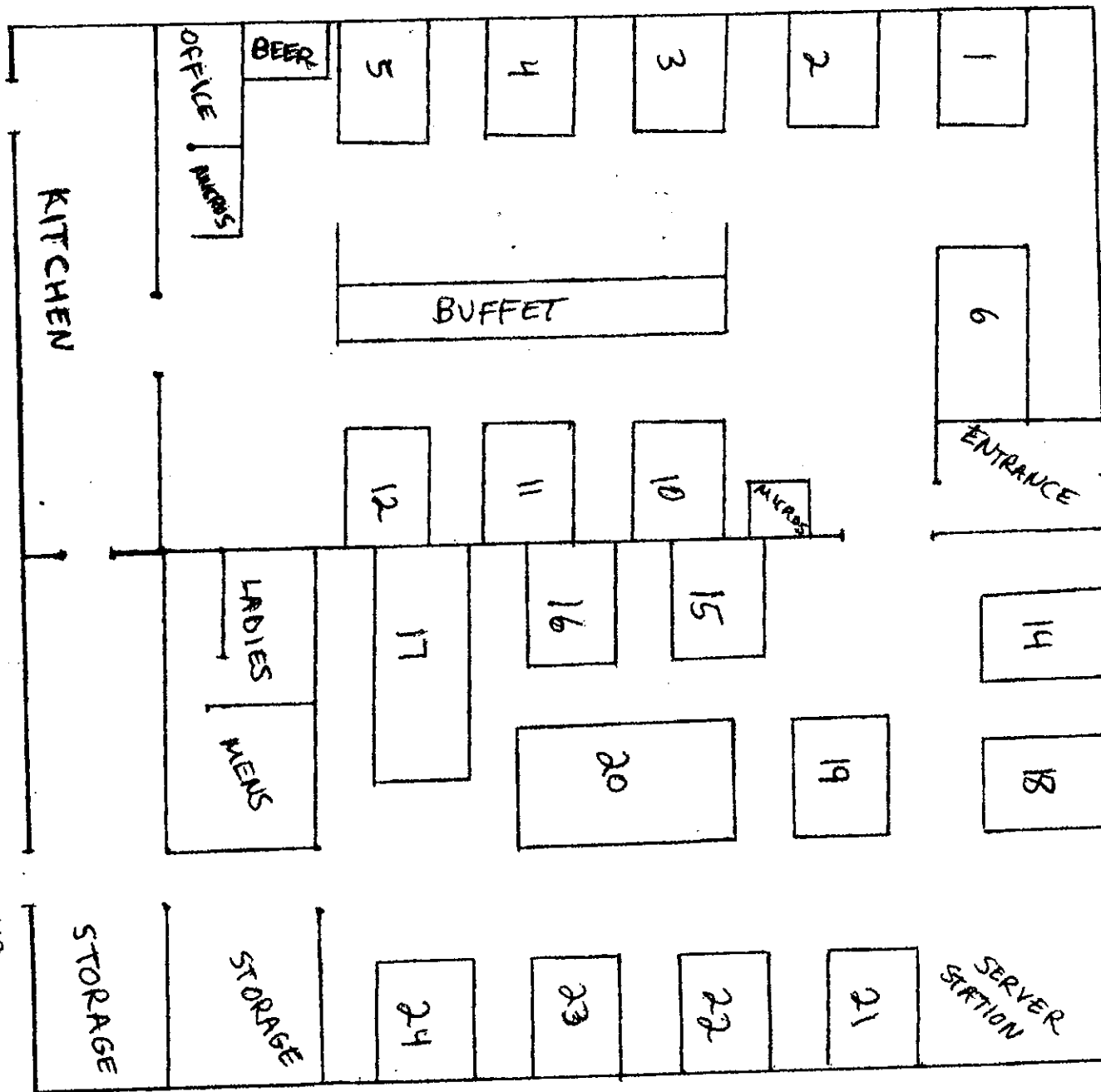
NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

| Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.) |  |   |  |
|---|--|---|--|
| Name: <u>Marisol Sanchez</u><br>Address: <u>7515 White Hawk Dr Anchorage, AK 99507</u><br>Home Phone: <u>770-1853</u><br>Work Phone: <u>338-5393</u>    | Applicant <input type="checkbox"/><br>Affiliate <input checked="" type="checkbox"/><br><br>Date of Birth:<br><u>06-15-70</u> | Name:<br>Address:<br><br>Home Phone:<br>Work Phone: | Applicant <input type="checkbox"/><br>Affiliate <input type="checkbox"/><br><br>Date of Birth: |
| Name:<br>Address:<br><br>Home Phone:<br>Work Phone:   | Applicant <input type="checkbox"/><br>Affiliate <input type="checkbox"/><br><br>Date of Birth:                               | Name:<br>Address:<br><br>Home Phone:<br>Work Phone: | Applicant <input type="checkbox"/><br>Affiliate <input type="checkbox"/><br><br>Date of Birth: |

|   |
|---|
| <b>Declaration</b> <ul style="list-style-type: none"><li>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.</li><li>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.</li><li>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.</li><li>I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.</li></ul> |
|---|

|   |   |   |   |
|---|---|---|---|
| <b>Signature of Licensee(s)</b>   |   | <b>Signature of Transferee(s)</b>   |   |
| Signature<br><u>Ismael Sanchez</u>  |  | Signature<br><u>Leanne M. Thacker Jr</u>  |  |
| Signature   |   | Signature   |   |
| Name & Title (Please Print)<br><u>Ismael Sanchez</u>                            |   | Name & Title (Please Print)<br><u>Leanne M. Thacker Jr Proprietor</u>           |   |
| Subscribed and sworn to before me this<br><u>9th</u> day of <u>June</u> , 2011. |   | Subscribed and sworn to before me this<br><u>9th</u> day of <u>June</u> , 2011. |   |
| Notary Public in and for the State of Alaska<br><u>Kristina McDaniels</u>       |   | Notary Public in and for the State of Alaska<br><u>Kristina McDaniels</u>       |   |
| My commission expires:<br><u>5/12/12</u>  |   | My commission expires:<br><u>5/12/12</u>  |   |

BACK DOOR



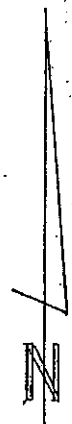


Google maps

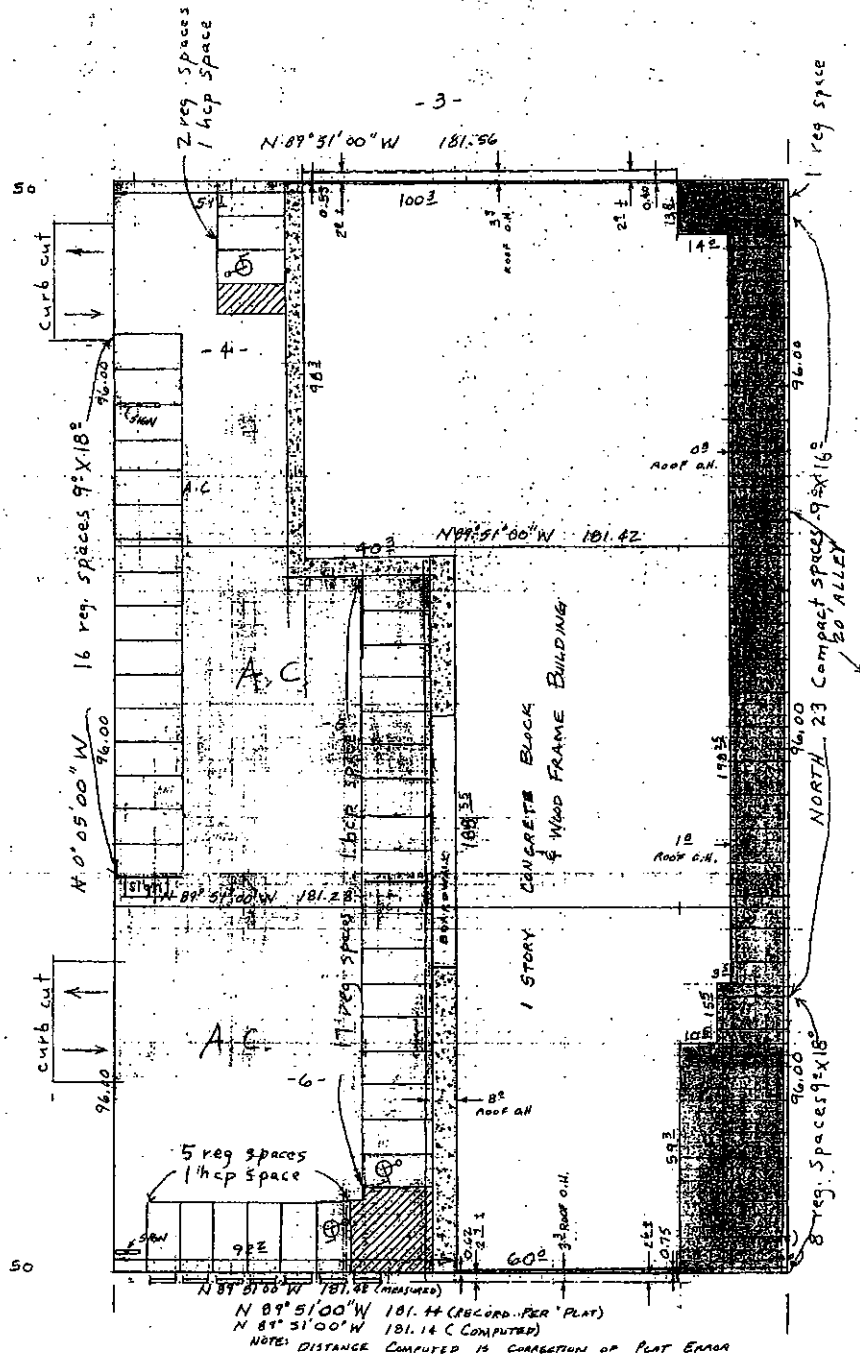
Address **385 Muldoon Rd**  
**Anchorage, AK 99504**

**Save trees. Go green!**  
Download Google Maps on your  
phone at [google.com/gmm](http://google.com/gmm)





SCALE  
1" = 30'



## Parking Plan

49 regular spaces  
23 compact spaces  
3 handicap spaces  

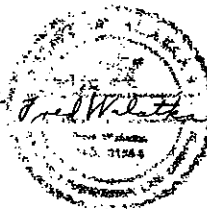
---

75 Total Spaces



8-1-11

EASEMENTS OF RECORD, OTHER THAN  
THOSE SHOWN ON THE RECORDED



**AS-BUILT** NO CORNERS SET THIS DATE

I hereby certify that I have performed a Mortgagee's Inspection of the following described property: LOTS 4, 5, and 6,  
NEVILLA PARK SUBDIVISION

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 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 2nd day of MAY 2003

**FRED WALATKA & ASSOCIATES**  
Engineers and Surveyors

|                             | <u>Sq. Ft.</u> | <u>Seats</u><br>75- |
|-----------------------------|----------------|---------------------|
| ① EL Rodeo Restaurant       | 2400 sq. ft.   |                     |
| ② N. the Cut -              | 450. Sq. Ft.   | 4-                  |
| ③ Hair Dr.                  | 1600 sq. ft    | 1-                  |
| ④ Frontier Bar              | 5000 sq. ft.   | 90-                 |
| ⑤ 361 B                     | 1450 sq ft     | 0-                  |
| ⑥ 361 A.                    | 1950 sq. ft.   | 0-                  |
| ⑦ Northern China Restaurant | 3000 sq. ft.   | 40 -                |
| ⑧ 351 A                     | 1600 sq. ft.   | 0-                  |
| ⑨ chopsticks Cafe           | 1400 sq. ft    | 16-                 |
| ⑩ dollar Market             | 3200 sq. ft    | 0-                  |

# Parking Count Study

Count the number of cars parked in the parking lot at the specified times below.

|            | Friday                   | Saturday            | Sunday                   |
|------------|--------------------------|---------------------|--------------------------|
|            | Number of<br>parked cars | Number of<br>parked | Number of<br>parked cars |
| 11:30 A.M. | 26                       | 18                  | 4                        |
| Noon       | 37                       | 32                  | 12                       |
| 12:30 P.M. | 42                       | 34                  | 21                       |
| 1:00 P.M.  | 32                       | 37                  | 25                       |
| 1:30 P.M.  | 22                       | 34                  | 23                       |
| 2:00 P.M.  | 18                       | 37                  | 20                       |
| 2:30 P.M.  | 19                       | 35                  | 17                       |
| 4:30 P.M.  | 20                       | 29                  | 23                       |
| 5:00 P.M.  | 26                       | 26                  | 16                       |
| 5:30 P.M.  | 31                       | 32                  | 20                       |
| 6:00 P.M.  | 40                       | 25                  | 32                       |
| 6:30 P.M.  | 48                       | 29                  | 41                       |
| 7:00 P.M.  | 51                       | 35                  | 42                       |
| 7:30 P.M.  | 41                       | 32                  | 34                       |

# MUNICIPALITY OF ANCHORAGE



Community Development Department  
Development Services Division

Phone: 907-343-8301  
Fax: 907-343-8200

*Mayor Dan Sullivan*

August 19, 2011

Ismael Sanchez  
385 Muldoon Road  
Anchorage, AK 99504

Dear Mr. Sanchez:

This letter is in response to your request for a determination of the nonconforming status of the property located at 349 Muldoon Road. (Parcel: 006-053-46, Grid: SW1241)

This determination is based upon the as-built survey provided with your request, building permit records, tax assessment records, our research, and the applicable Municipal Ordinances in place presently and at the time of construction. The following facts were established:

- Nevilla Park, Lots 4, 5 and 6 were created by plat P-384, filed on **June 9, 1955**.
- **August 7, 1969** aerial photo (HPR 1-6) shows the structure with the same footprint.
- **April 4, 1970** the property was zoned B-3, general business district.
- Municipal property appraisal records (CAMA) currently indicates the following:
  - Lot 4 commercial single occupancy building
  - Lot 5 & 6 commercial single occupancy building
- Municipal property inventory sheets indicate the following:
  - Valuation form dated October 11, 1968 a retail store on Lots 5 & 6.
  - June 6, 1975 interior inspection, addition 14x104 (rear addition) estimate 1972
  - Calculator cost form dated June 11, 1975 indicates an 11,340 square foot building and a 12,736 square foot building. Many occupancies including liquor store, restaurant, barber shop, beauty shop and retail.
- **September 14, 1973** building permit number B3799 issued for an interior partitioning, Brown Jug.
- **February 14, 1974** miscellaneous permit number 4348 issued for a sign, re-finish existing sign (Proctors Market). Existing wall mounted sign to be re-finished.
- **August 29, 1975** sign permit for Brown Jug, install new sign in place of old one.
- **February 9, 1976** building permit number B244-76 issued for an alteration, install new wall and lower existing floor level.
- **February 10, 1976** plumbing permit number P244-76 issued for an alteration, 2 toilets, 2 basins, 2 floor drains, 2 service sinks and one urinal.
- **March 23, 1976** electrical permit number E244-76 issued for an addition.
- **January 13, 1977** building permit number B244-76 issued for an alteration, installation of partition walls, bathroom stalls.
- **January 27, 1977** plumbing permit number P244-76 issued for an alteration, one toilet and one basin.
- **July 22, 1976** mechanical permit number M244-76 issued for an addition, one air conditioner and one outlet.

- **October 2, 1976** plumbing permit P244-76 issued for a new bar and restaurant; 4 toilets, 4 basins, one kitchen sink, one dishwasher, and 2 floor sinks.
- **November 22, 1976** electrical permit number E5316-76 issued for a remodel, ice cream parlor.
- **November 16, 2004** building permit number 04-4105 issued for 18 hood and duct for Northern China.
- **August 4, 2005** building permit number 05-5844 issued a demo, interior demo only, Northern China.
- **April 30, 2007** building permit number 07-5392 issued for a hood and duct, Café Polina & Daylight Donuts.
- **August 4, 2005** building permit number 05-5844 issued for a demo, interior only. Northern China.
- **September 10, 2010** mechanical permit number 10-8929 issued for a retrofit R/R 4 boilers like BTUs 285K.
- An as-built survey by Fred Walatka dated May 2, 2003 shows a one story concrete block and wood frame building on Lots 4, 5 & 6, concrete walkway in front of building, two driveways, a sign on the southwest corner of Lot 6, a sign on the southwest corner of Lot 5, a sign on the west side of Lot 4, 43 parking spaces to the west of building and 32 parking spaces to the east adjacent to alley.

Anchorage Municipal Code (AMC) provisions relevant to this determination are as follows:

AMC 21.40.180(F) Minimum lot requirements:

- (2) All other uses, including residential uses associated with other uses:
  - (a) Width: 50 feet.
  - (b) Area: 6,000 square feet.

AMC 21.40.180(G) Minimum yard requirements:

- (2) All other uses:
  - (a) Front yard: Ten feet.
  - (b) Side yard: Ten feet adjacent to a residential district; otherwise, none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least ten feet.
  - (c) Rear yard: 15 feet adjacent to a residential district; otherwise, none.

AMC 21.40.180(H)(2) Maximum lot coverage:

Maximum lot coverage by all buildings is Unrestricted.

AMC 21.40.180(J) Signs:

Signs shall be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

AMC 21.40.180(K) Parking:

Adequate off-street parking shall be provided in connection with any permitted use, subject to the provisions of the supplementary district regulations.

AMC 21.40.080(L) Loading facilities:

Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

AMC 21.40.080(M) Refuse collection:

Where applicable, refuse collection facilities shall be provided in accordance with the supplementary district regulations.

AMC 21.40.180(N) Landscaping:

- (1) Buffer landscaping. Buffer landscaping shall be planted along each lot line adjoining a residential district.

(2) Perimeter landscaping. Except adjacent to collector or arterial streets, visual enhancement landscaping shall be planted along the perimeter of all outdoor areas used for vehicle circulation, parking, storage or display.

(3) Arterial landscaping. Arterial landscaping shall be planted along all collector or arterial streets.

(4) Visual enhancement landscaping. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.

(5) Maintenance. All landscaping shall be maintained by the property owner or his designee.

AMC 21.45.080(K) Restaurant, bars, lounges and nightclubs:

One parking space is required for every three seats. Parking space requirements for such facilities without fixed seating shall be based on maximum capacity under the provisions of the Uniform Building Code.

AMC 21.45.080(M) Other retail establishments:

One parking space is required for every 300 square feet of gross building area.

AMC 21.45.080(X)(4) Parking spaces provided in accordance with the requirements of this section shall meet the following standards:

(c ) Turning and maneuvering space, except that which serves single-family and duplex residences, shall be located entirely on private property, provided that the usable portion of an alley may be credited as aisle space subject to safety approval by the traffic engineer.

(f) Refuse containers located within or on the same pavement as the parking area shall be screened by a wall, fence or landscaping constructed in accordance with criteria established by the refuse collection agency, unless such containers are located on a lot used for a single- or two-family dwelling.

AMC 21.45.140 Setback from projected right-of-ways requires that:

"No new structural or land development activity requiring a building or land use permit shall be permitted within the minimum setback stated in the subsection from the existing or projected centerline of a street designated on the official streets and highways plan, except as allowed under subsection B of this section:" The official streets and highways plan dated December 1996 indicates Muldoon Road is classified as III, major arterial. AMC 21.45.140 requires a setback of 50-feet measured from the centerline of Muldoon Road. The 100 grid map indicates 50-feet from the centerline of Muldoon Road.

The following conclusions are drawn from the above information:

The lot has the minimum area and width required by the B-3 district. Therefore, subject lot is a conforming lot of record.

**LOT 4**

The structure encroaches 9.47 and 9.6 feet into the required 10-foot north side yard setback. Since it predates zoning, the structure is a Legal Nonconforming Structure and is governed by AMC 21.55.040.

**LOT 6**

The structure encroaches 9.25 and 9.38 feet into the required 10-foot south side yard setback. Since it predates zoning, the structure is a Legal Nonconforming Structure and is governed by AMC 21.55.040.

**LOTS 4, 5 & 6**

The applicant provided the following information:

|                           |   |
|---------------------------|---|
| El Rodeo Restaurant       | 75 seats/3 = 25 required parking spaces |
| N. The Cut                | 450 sq ft/300 = 1.5                     |
| Hair Doctor               | 1,600 sq ft/300 = 5.3                   |
| Frontier Bar              | 90 sets/3 = 30                          |
| Unit 361A                 | 1,450 sq ft/300 = 4.8                   |
| Unit 361A                 | 1,950 sq ft/300 = 6.5                   |
| Northern China Restaurant | 40 seats/3 = 13.3                       |
| Unit 351A                 | 1,600 sq ft/300 = 5.3                   |
| Chop Sticks Café          | 16 seats/3 = 5.3                        |
| Dollar Market             | 3,200 sq ft/300 = 10.7                  |

TOTAL: 107.7 = 108 REQUIRED PARKING SPACES

\*\*The vacant units were calculated at one space per 300 sq ft of gross floor area

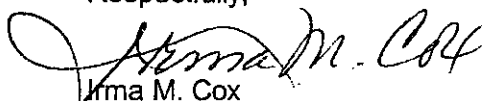
Based on the information provided by the applicant, current parking standards require 108 parking spaces including 4 car accessible spaces and one van accessible space. The property provides 75 parking spaces. Since the structure was constructed prior to zoning, the lack of 33 parking spaces is a Legal Nonconforming Characteristic of Use and is governed by AMC 21.55.100. A change of use or additions to the structure may require that additional parking be provided.

The requirement for landscaping was not in effect until September 10, 1985 (AO 85-91). Therefore the lack of landscaping is a Legal Nonconforming Characteristic of Use, and is governed by AMC 21.55.100.

Note: This determination is based on the information listed above, which was provided by the applicant or was in the files of the administrative official. If additional information is obtained, or the information provided above is later determined to be inaccurate or false, and materially changes the conclusion herein, the administrative official may revise or revoke this determination.

Anchorage Municipal Code Title 21 is available on the internet at <http://www.municode.com>. If I can be of further assistance, please contact me at 343-8332 or via e-mail at [CoxIM@muni.org](mailto:CoxIM@muni.org).

Respectfully,

  
Irma M. Cox  
Land Use Plan Reviewer



# Departmental Comments

**Municipality of Anchorage  
MEMORANDUM**

**RECEIVED**

**SEP 02 2011**

**MUNICIPALITY OF ANCHORAGE  
PLATTING DIVISION**

**DATE:** September 2, 2011

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

**FROM:** Jillanne Inglis, Land Use Plan Reviewer

**SUBJECT:** Land Use Review Comments, Assembly case for the meeting of October 11, 2011.

**Case #:** 2011-107  
**Type:** CU for Alcoholic Beverage Dispensary  
**Subdivision:** Nevilla Park, Lot 4,5,6  
**Grid:** SW 1241  
**Tax ID #:** 006-053-46  
**Zoning:** B-3, General Business District

See attached nonconforming determination, by Irma Cox, Land Use Plan Reviewer. No additional comment required for this case.

(Reviewer: Jillanne Inglis)



**MUNICIPALITY OF ANCHORAGE**  
Traffic Department



**MEMORANDUM**

DATE: September 15, 2011

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

THRU: Stephanie Mormilo, PE, Municipal Traffic Engineer  
Leland R Coop, Traffic Engineer Associate

FROM: Dwayne Ferguson, Assistant Traffic Engineer

SUBJECT: Traffic Engineering Comments for a Municipal Assembly Public  
Hearing to be held on Tuesday, October 11, 2011.

**RECEIVED**

SEP 16 2011

MUNICIPALITY OF ANCHORAGE  
PLATTING DIVISION

**2011-107**

A request concept/final approval of a conditional use to permit: an Alcoholic beverage dispensary use in the B-3 General business district.

Traffic Engineering has the following comments:

- a) Muldoon Road is a State of Alaska owned facility. Access to State highways is regulated by ADOT&PF. An encroachment permit for changes to the existing use may be required from ADOT&PF.
- b) The site plan details twenty three (23) compact 9' X 16' parking stalls located east of the building, adjacent to the twenty (20) foot wide alley. The Municipality does not permit the use of compact parking stalls to satisfy off street parking requirements. However, compact parking stalls may be utilized as excess parking. The petitioner shall conceptually demonstrate that the site shall provide required off street parking as specified in AMC 21.45.080.
- c) A standard parking stall shall be a minimum of 9' X 20' in dimensions. A 9' X 18' stall may be used provided the parked vehicles are overhung by up to two feet, limited by curb stops and four (4) feet of separation from any building.
- d) Delineate the location of the trash refuse container(s).
- e) Delineate all temporary snow storage areas. Snow storage is not permitted to be located in required parking stalls.
- f) There are 75 parking stalls shown on the parking plan. The total accessible parking stall required minimum is three (3). There shall be two (2) car accessible stalls and one (1) van accessible stall.

**Stewart, Gloria I.**

---

**From:** Gray, James D.  
**Sent:** Monday, September 19, 2011 2:34 PM  
**To:** Kimmel, Corliss A.; Stewart, Gloria I.

|               |        |                      |           |    |                               |
|---------------|--------|----------------------|-----------|----|-------------------------------|
| S-11889-1     | Zoning | Wynter Park          | 9/19/2011 | JG | No objection                  |
|               |        |                      |           |    | 1.) Provide fire hydrant loc  |
|               |        |                      |           |    | Table C105. 2.) Provide "     |
| Case 2011-070 | Zoning | Lighthouse Christian | 9/19/2011 | JG | accordance with D103.6. :     |
| 2011-108      | Zoning | U med com plan       | 9/19/2011 | JG | No objection                  |
| 2011-107      | Zoning | Nevilla Park         | 9/19/2011 | JG | Obtain fire inspection for li |
|               |        |                      |           |    | the restaurant                |

**James D. Gray**  
**Acting Fire Marshal**  
**Anchorage Fire Department, Fire Prevention Division**  
**267-4970**  
**[www.muni.org/prevention; grayjd@muni.org](http://www.muni.org/prevention; grayjd@muni.org)**

RECEIVED

SEP 19 2011

MUNICIPALITY OF ANCHORAGE  
PLATTING DIVISION

Municipality Of Anchorage  
ANCHORAGE WATER & WASTEWATER UTILITY

MEMORANDUM

RECEIVED

SEP 01 2011

MUNICIPALITY OF ANCHORAGE  
PLATTING DIVISION

**DATE:** September 1, 2011  
**TO:** Angela Chambers, Supervisor, Planning Section, Planning Division  
**FROM:** Paul Hatcher, Engineering Tech III, AWWU *PAH*  
**SUBJECT:** **Zoning Case Comments**  
Planning & Zoning Commission Hearing October 11, 2011  
Agency Comments due September 13, 2011

AWWU has reviewed the materials and has the following comments.

**11-107 NEVILLA PARK LT 4, 5, 6, A request concept/final approval of a conditional use to permit; an alcoholic beverage dispensary use, Grid SW1241**

1. AWWU water and sanitary sewer are available to these parcels.
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](mailto:paul.hatcher@awwu.biz)

# MUNICIPALITY OF ANCHORAGE



Planning & Development Services Dept.  
Development Services Division

RECEIVED

Building Safety

SEP 12 2011

MUNICIPALITY OF ANCHORAGE  
PLATTING DIVISION

## MEMORANDUM

### Comments to Miscellaneous Planning and Zoning Applications

**DATE:** September 12, 2011  
**TO:** Angela Chambers, Manager, Zoning and Platting  
**FROM:** Ron Wilde, P.E.  
Building Safety  
**SUBJECT:** Comments for Case 2011-107

No Comment

# MUNICIPALITY OF ANCHORAGE



Community Development Department  
Development Services Division

Private Development Section

*Mayor Dan Sullivan*

RECEIVED

SEP 09 2011

## MEMORANDUM

MUNICIPALITY OF ANCHORAGE  
PLATTING DIVISION

### Comments to Anchorage Assembly Applications/Petitions

**DATE:** September 9, 2011  
**TO:** Angela Chambers, Current Planning Section Supervisor  
**FROM:** Matthew Hendrick, Plan Review Engineer  
**SUBJECT:** Comments for Assembly Public Hearing date: October 11, 2011

**Case No. 2011-107** – A request for concept/final approval of a conditional use to permit an alcoholic beverage dispensary use in the B-3 General business district.


*Private Development has no objection to the conditional use.*

Municipality of Anchorage  
Treasury Division  
Memorandum

RECEIVED

AUG 26 2011

MUNICIPALITY OF ANCHORAGE  
PLATTING DIVISION

Date: August 24 2011  
To: Patty Long,, Planning Dept.  
From: Daisy VanNortwick, Revenue Officer   
Subject: Liquor License Conditional Use Comments

Request for Conditional use permit (2011-107 for El Rodeo Inc  
Located at 385 Muldoon Road. We have researched this application, and find no back taxes  
owed, thus no reason to protest this license.

Thanks  
Daisy VanNortwick  
343-6940



## Posting Affidavit and Historical Information



# AFFIDAVIT OF POSTING

Case Number: 2011-107

I, Marisol Sanchez, 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 8/18/11 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 18 day of August, 2011.

Marisol Sanchez  
Signature

## LEGAL DESCRIPTION

Tract or Lot 4, 5, & 6  
Block         
Subdivision Nevilla Park