

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Community Development
Department
For Reading: March 27, 2012

CLERK'S OFFICE

AMENDED AND APPROVED

Date: 3-27-12
Anchorage, Alaska
AR 2012-81

1 **A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING**
2 **AN ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A PACKAGE STORE**
3 **USE AND LICENSE NUMBER 5118, IN THE B-3 (GENERAL BUSINESS)**
4 **DISTRICT FOR PETE AND ELVIRA FOUDEAS, DBA 36TH AVENUE LIQUOR;**
5 **AT 1205 WEST 36TH AVENUE, SUITE C, WITHIN DEMERS SUBDIVISION,**
6 **LOTS 7, 8, AND 23A; GENERALLY LOCATED NORTH OF WEST 36TH**
7 **AVENUE, EAST OF SPENARD ROAD, SOUTH OF WEST 35TH AVENUE, AND**
8 **WEST OF DORBRANDT STREET.**

9
10 (Spenard Community Council) (Case 2012-032)

11
12 **THE ANCHORAGE ASSEMBLY RESOLVES:**

13
14 **Section 1.** A conditional use permit is hereby approved for an Alcoholic
15 Beverages Conditional Use for a Package Store Use and License Number 5118,
16 in the B-3 (General Business District) district for Pete and Elvira Foudeas, dba 36th
17 Avenue Liquor, at 1205 West 36th Avenue, Suite C; within Demers Subdivision,
18 Lots 7, 8, and 23A, generally located north of West 36th Avenue, east of Spenard
19 Road, south of West 35th Avenue, and west of Dorbrandt Street, and generally
20 meets the applicable provisions of AMC 21.15.030, AMC 21.40.180D.8., and
21 AMC 21.50.160.

22
23 **Section 2.** This conditional use is approved subject to the following conditions:

- 24
25 1. A Notice of Zoning Action shall be filed with the District Recorder's Office
26 within 120 days of the Assembly's approval for this package store in the B-3
27 district.
28
29 2. All uses shall conform to the plans and narrative submitted with this
30 conditional use application.
31
32 3. This alcoholic beverages conditional use approval is for a Package Store
33 Use and License #5118 in the B-3 (General Business) district per
34 AMC 21.15.030, AMC 21.40.180D.8., and AMC 21.50.160 for
35 approximately 910 square feet of gross leasable area located at 1205 West
36 36th Avenue, Suite C, within Demers Subdivision, Lots 7, 8, and 23A.
37

- 1 4. On-premise sale of alcoholic beverages will be seven days a week as
2 permitted per Anchorage Municipal Code 10.50.015C, and Alaska Alcoholic
3 Beverage Control Board requirements, and the conditions herein:
4
- 5 a. There will be no two ounce (commonly known as
6 shooters) bottles of liquor sold.
7 b. There will be no hard liquor sold with a per fifth of a
8 gallon price of less than \$20.00. A proportional price for
9 any other size bottle will apply.
10 c. The hours of operation will not extend beyond those of
11 the adjoining Milano's Restaurant: 11:00 a.m. –
12 11:00 p.m., Sunday – Thursday; 11:00 a.m. – 12 midnight,
13 Friday and Saturday.
14 d. All persons entering the premises will be asked to show
15 their identification and any person who is not 21 years
16 old or any person whose ID shows he/she is barred from
17 purchasing alcohol will be asked to leave.
18
- 19 5. Employees will be trained in accordance with the Alcoholic Beverage
20 Control Board's "Liquor Server Awareness Training Program," in
21 accordance with Alaska Statute 04.21.025. Upon demand, the applicant
22 shall demonstrate compliance with a liquor "Server Awareness Training
23 Program" approved by the State of Alaska Alcoholic Beverage Control
24 Board, such as or similar to the program for "Techniques in Alcohol
25 Management (T.A.M.)."
26
- 27 6. The use of the property by any person for the permitted purposes shall
28 comply with all current and future federal, state and local laws and
29 regulations including but not limited to laws and regulations pertaining to the
30 sale, dispensing, service and consumption of alcoholic beverages and the
31 storage, preparation, sale, service and consumption of food. The owner of
32 the property, the licensee under the Alcoholic Beverage Control license and
33 their officers, agents and employees shall not knowingly permit or
34 negligently fail to prevent the occurrence of illegal activity on the property.
35
- 36 7. A copy of the conditions imposed by the Assembly in connection with this
37 conditional use approval shall be maintained on the premise at a location
38 visible to the public.
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40 **Section 3.** Failure to comply with the conditions of this conditional use permit
41 shall constitute grounds for its modification or revocation.
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43 **Section 4.** This resolution shall become effective immediately upon passage
44 and approval by the Anchorage Assembly.

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PASSED AND APPROVED by the Anchorage Assembly this 27th day of March, 2012.

Delbia Cassander
Chair of the Assembly

ATTEST:

Barbara S. Jones
Municipal Clerk

(Case 2012-032; Tax Parcel ID# 010-104-74-003)



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 180-2012

Meeting Date: March 27, 2012

1 **From: MAYOR**

2
3 **Subject: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY**
4 **APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE**
5 **FOR A PACKAGE STORE USE AND LICENSE NUMBER 5118, IN**
6 **THE B-3 (GENERAL BUSINESS) DISTRICT FOR PETE AND ELVIRA**
7 **FOUDEAS, DBA 36TH AVENUE LIQUOR; AT 1205 WEST 36TH**
8 **AVENUE, SUITE C, WITHIN DEMERS SUBDIVISION, LOTS 7, 8,**
9 **AND 23A; GENERALLY LOCATED NORTH OF WEST 36TH**
10 **AVENUE, EAST OF SPENARD ROAD, SOUTH OF WEST 35TH**
11 **AVENUE, AND WEST OF DORBRANDT STREET.**

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13
14 Pete and Elvira Foudeas, dba 36th Avenue Liquor, have made application for an
15 alcoholic beverages conditional use for a new package store use and license
16 #5118, in the B-3 (General Business) district, at 1205 West 36th Avenue, Suite C;
17 located within Demers Subdivision, Lots 7, 8, and 23A.

18
19 The petition site contains approximately 910 square feet of gross leasable floor
20 space. The site's off-street parking requirement is met and the site is well lit.

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

26
27 Within 1,000 feet of this application, there is one club license, four beverage
28 dispensary licenses, and two restaurant and eating place licenses. There are no
29 known schools or churches within 200 feet of this site.

30
31 One public comment was received in opposition to the granting of the conditional
32 use. The petitioner provided a resolution from the Spenard Community Council
33 supporting the conditional use.

34

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

6 | **THIS ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A PACKAGE**
7 | **STORE USE AND LICENSE NUMBER 5118, IN THE B-3 DISTRICT**
8 | **GENERALLY MEETS THE REQUIRED STANDARDS OF AMC TITLE 10 AND**
9 | **TITLE 21, AND ALASKA STATUTE 04.11.150.**

10 |
11 | Prepared by: Francis McLaughlin, Current Planning Section
12 | Planning Division

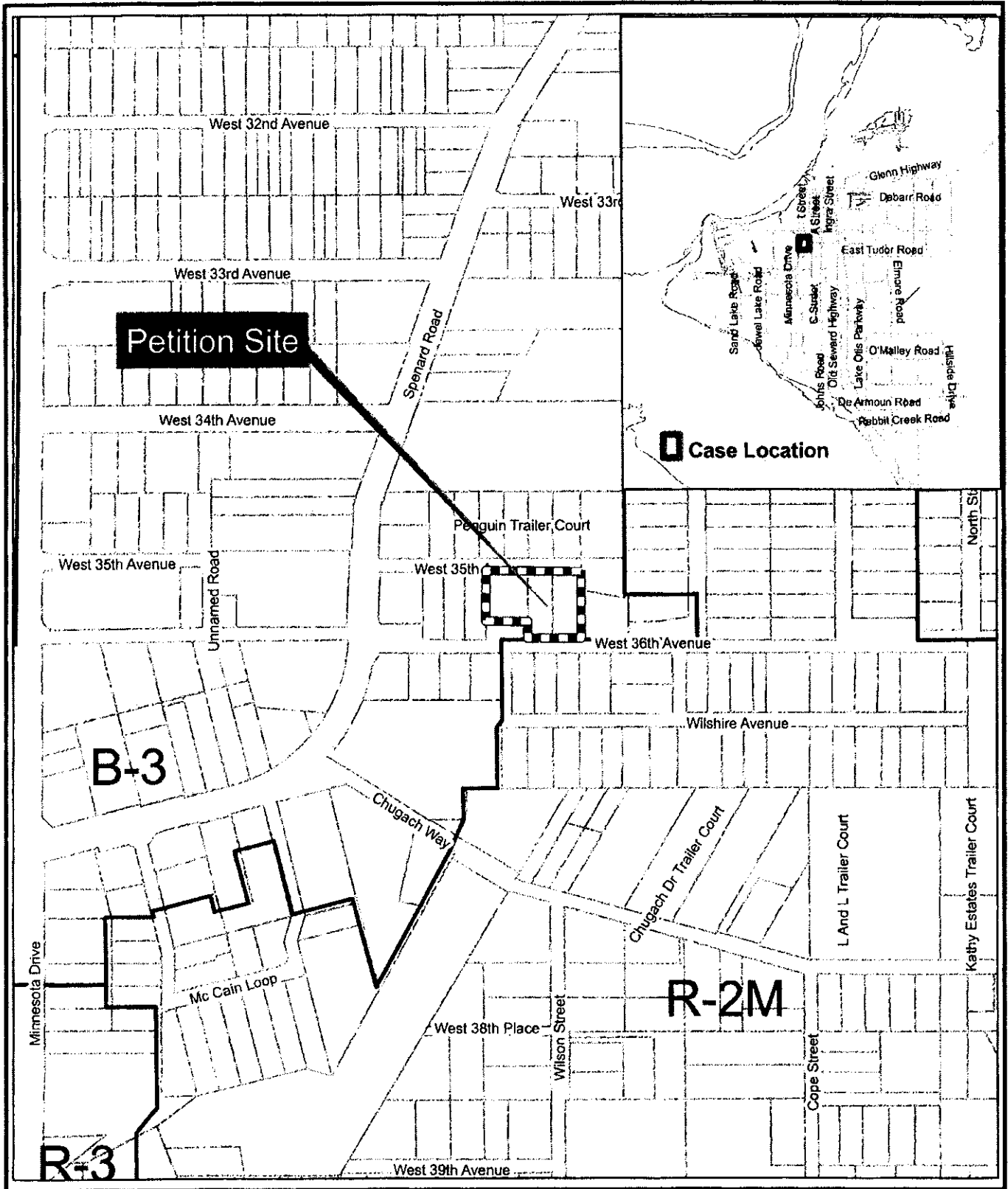
13 | Approved by: Jerry T. Weaver, Jr, Director
14 | Community Development Department

15 | Concur: Dennis A. Wheeler, Municipal Attorney

16 | Concur: George J. Vakalis, Municipal Manager

17 | Respectfully submitted: Daniel A. Sullivan, Mayor

2012-032



Municipality of Anchorage
 Planning Department
 Date: February 7, 2012

Flood Limits
 [Solid Line] 100 Year
 [Dashed Line] 500 Year
 [Thick Solid Line] Floodway



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

DATE: March 27, 2012

CASE NO.: 2012-032

APPLICANT: Pete and Elvira Foudeas, dba 36th Avenue Liquor

REQUEST: An alcoholic beverages conditional use for a package store use and license #5118, in the B-3 (General Business) district per AMC 21.15.030, AMC 21.40.180D.8, and AMC 21.50.160.

LOCATION: Demers Lot 7, 8, and 23A

STREET ADDRESS: 1205 West 36th Avenue Suite C

COMMUNITY COUNCIL: Spenard

TAX PARCEL: 010-104-74-003 / Grid SW1629

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 04.11.150.

SITE:

Acres: ±910 SF gross leasable floor space
Vegetation: Developed
Zoning: B-3 (General Business) District
Topography: Flat
Existing Use: Commercial
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
“Redevelopment/Mixed-Use Area” in the *Anchorage 2020 Land Use Policy Map*

Density: N/A

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	B-3	B-3	R-2M	B-3
Land Use:	Residential	Commercial	Residential	Commercial

SITE DESCRIPTION AND PROPOSAL

The petitioner has made application to the Alcoholic Beverage Control Board for a new package store license (#5118). The petitioner is seeking final alcoholic beverages conditional use approval. The B-3 district allows alcoholic beverages per AMC 21.15.030, AMC 21.40.180D.8 and AMC 21.50.160.

The petition site contains approximately 910 square feet of gross leasable floor space. The property is zoned B-3. The site’s off-street parking requirement is met.

Hours of operation are as allowed by Municipal ordinance and the Anchorage Beverage Control Board, seven days a week. All employees involved in the dispensing of alcoholic beverages 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 is one club license, four beverage dispensary licenses, and two restaurant and eating place licenses. There are no known schools or churches within 200 feet of this site.

PUBLIC COMMENTS

Eighty-six public hearing notices were mailed on January 10, 2012. At the time this report was written, one public comment was received in opposition to the granting of the conditional use. The petitioner provided a resolution from the Spenard Community Council supporting the conditional use.

FINDINGS

- A. Furthers 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, it is

identified as a “Redevelopment/Mixed-Use Area” 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 is a mix of residential and commercial uses surrounding the petitioner site.

AMC 21.50.160B asks that a list of all alcohol licenses located within a minimum of 1,000 feet of the proposed conditional use be provided. There is one club license, four beverage dispensary licenses, and two restaurant and eating place licenses within a 1,000-foot radius of the petition site. Approving this package store conditional use will add a seventh 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.

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. The parking requirement is met. Thirty-one parking spaces are required, and the site provides 34 parking spaces.

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

The standard is met.

A new package store conditional use 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 package store conditional use 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 package store conditional use.

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 seventh alcohol license within 1,000-feet.

Tap Root Alaska	3300 Spenard Road	License #2097	Beverage Dispensary
VFW Post 1685	1200 W 33 rd Ave	License #1841	Club
Arigato Japanese Restaurant	3315 Spenard Road	License #2662	Restaurant/Eating Place
Thai Town Restaurant	3311 Spenard Road	License #4378	Restaurant/Eating Place
Carousel Lounge	3206 Spenard Road	License #200	Beverage Dispensary
PJ's	3608 Spenard Road	License #826	Beverage Dispensary
The Spare Room	3717 Minnesota Drive	License #505	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 package store use and license #5118, in the B-3 (General Business) district per AMC 21.15.030, AMC 21.40.180D.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 package store in the B-3 district.
2. All uses shall conform to the plans and narrative submitted with this conditional use application.
3. This alcoholic beverages conditional use approval is for a Package Store Use and License #5118 in the B-3 (General Business) district per AMC 21.15.030, AMC 21.40.180D.8 and AMC 21.50.160 for approximately 910 square feet of gross leasable area located at 1205 West 36th Avenue Suite C, within Demers Lot 7, 8, and 23A.

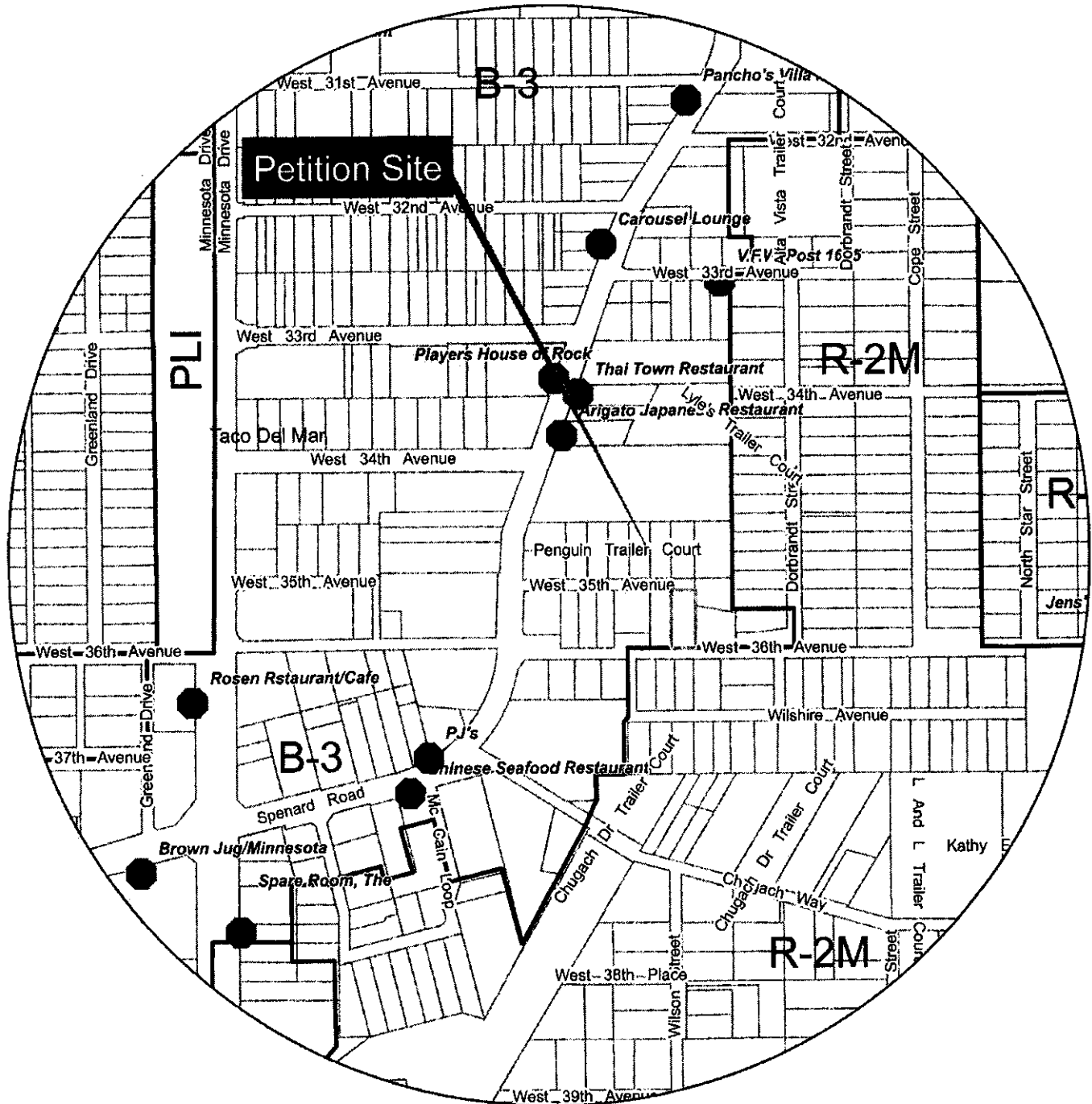
4. On-premise sale of alcoholic beverages will be seven days a week as permitted per Anchorage Municipal Code 10.50.015C and Alaska Alcoholic Beverage Control Board requirements.
5. Employees will be trained in accordance with the Alcoholic Beverage Control Board's "Liquor Server Awareness Training Program," in accordance with Alaska Statute 04.21.025. 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.

2012-032



2012-001

● EXISTING LIQUOR LICENSES WITHIN 1000'



Alcohol Existing License List Report

Case Number: 2012-032 Description: 1000'

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City Lic. Number	State Lic. Zone	Zip Lic. Type
01010230000 Tap Root Alaska	KEYSTONE DEVELOPMENT CO Tap Root, Inc	PO BOX 50705 3300 Spenard Rd	BELLEVUE 2097	WA B3	98015 Beverage Dispensary
01010432000 V.F.W. Post 1685	LEE JAMES G CAPT V.F.W. Post 1685	PO BOX 4-1323 1200 W 33rd Ave	ANCHORAGE 1841	AK B3	99509 Club
01010447000 Arigato Japanese Restaurant	KANG DAE YONG & MYUNG SOOK Kang, Dae Y.	3315 SPENARD ROAD 3315 Spenard Rd	ANCHORAGE 2662	AK B3	99503 Restaurant/Eating Place
01010448000 Thai Town Restaurant	SANDERS CHONG Thongday, Viengkeo & Lamphay	9320 COPPER DRIVE 3311 Spenard Rd	ANCHORAGE 4378	AK B3	99507 Restaurant/Eating Place
01010806000 Carousel Lounge	COOPER DOROTHY M Tiempo Beverage Co, Inc.	PO BOX 90493 3206 Spenard Rd	ANCHORAGE 200	AK B3	99509 Beverage Dispensary
01011126000 PJ's	MCGINNIS HALLIE D H & J Corp	3608 SPENARD ROAD 3608 Spenard Rd	ANCHORAGE 826	AK B3	99503 Beverage Dispensary
01011220000 Spare Room, The	RECREATION INC Clapper Enterprises, Inc.	3717 MINNESOTA DR 3717 Minnesota Dr	ANCHORAGE 505	AK B3	99503 Beverage Dispensary

Alcohol Church and School List Report

Case Number: 2012-032

Description: 200'

Parcel	Parcel Owner Name	Parcel Site Address	Description
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Application

Application for Conditional Use Retail Sale Alcoholic Beverages

Municipality of Anchorage
Planning Department
PO Box 136650
Anchorage, AK 99519-6650



Please fill in the information asked for below.

PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) FOUDEAS, PETE AND ELVIRA M.	Name (last name first)
Mailing Address 1207 W 36TH AVE ANCHORAGE AK 99503	Mailing Address
Contact Phone: Day: 569-6000 Night: 240-3134	Contact Phone: Day: Night:
FAX: 569-4411	FAX:
E-mail: efoudmilanoinc@aol.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):	010-104-74-003
Site Street Address:	1207 E. 36TH AVE
Property Owner (if not the Petitioner):	MILANOS, INC.
Current legal description: (use additional sheet in necessary)	
Plat 2009-78	Lot 7 Unit C 36th Avenue Retail Condominiums Demers Sub. The sole shareholders of Milanos, Inc. are Pete and Elvira Foudeas.
Zoning: B-3	Acreage: 8250 sq ft Grid # 50906 SW1629

ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED		
<input type="checkbox"/> Beverage Dispensary	<input type="checkbox"/> Private Club	<input type="checkbox"/> Restaurant, exempt
<input type="checkbox"/> Beverage Dispensary-Tourism	<input type="checkbox"/> Public Convenience	<input type="checkbox"/> Theater
<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Recreational	<input type="checkbox"/> Other (Please explain):
<input checked="" type="checkbox"/> Package Store	<input type="checkbox"/> Restaurant	
Is the proposed license: <input checked="" 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.

Date 1-9-12	Signature (Agents must provide written proof of authorization)
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Accepted by:	Poster & Affidavit:	Fee	Case Number
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COMPREHENSIVE PLAN INFORMATION			
Anchorage 2020 Urban/Rural Services: <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural			
Anchorage 2020 West Anchorage Planning Area: <input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside			
Anchorage 2020 Major Urban Elements: Site is within or abuts:			
<input type="checkbox"/> Major Employment Center	<input checked="" type="checkbox"/> Redevelopment/Mixed Use Area	<input type="checkbox"/> Town Center	
<input type="checkbox"/> Neighborhood Commercial Center	<input type="checkbox"/> Industrial Center		
<input type="checkbox"/> Transit - Supportive Development Corridor			
Eagle River-Chugiak-Peters Creek Land Use Classification:			
<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Parks/opens space	<input type="checkbox"/> Public Land Institutions
<input type="checkbox"/> Marginal land	<input type="checkbox"/> Alpine/Slope Affected	<input type="checkbox"/> Special Study	
<input type="checkbox"/> Residential at _____ dwelling units per acre			
Girdwood- Turnagain Arm			
<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Parks/opens space	<input type="checkbox"/> Public Land Institutions
<input type="checkbox"/> Marginal land	<input type="checkbox"/> Alpine/Slope Affected	<input type="checkbox"/> Special Study	
<input type="checkbox"/> Residential at _____ dwelling units per acre			

ENVIRONMENTAL INFORMATION (All or portion site affected)					
Wetland Classification:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> "C"	<input type="checkbox"/> "B"	<input type="checkbox"/> "A"	
Avalanche Zone:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Blue Zone	<input type="checkbox"/> Red Zone		
Floodplain:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> 100 year	<input type="checkbox"/> 500 year		
Seismic Zone (Harding/Lawson):	<input type="checkbox"/> "1"	<input checked="" type="checkbox"/> "2"	<input type="checkbox"/> "3"	<input type="checkbox"/> "4"	<input type="checkbox"/> "5"

RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion site)	
<input type="checkbox"/> Rezoning - Case Number:	
<input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat - Case Number(s):	
<input type="checkbox"/> Conditional Use - Case Number(s):	
<input type="checkbox"/> Zoning variance - Case Number(s):	
<input type="checkbox"/> Land Use Enforcement Action for	
<input type="checkbox"/> Building or Land Use Permit for	
<input type="checkbox"/> Wetland permit: <input type="checkbox"/> Army Corp of Engineers <input type="checkbox"/> Municipality of Anchorage	

DOCUMENTATION	
Required:	<input type="checkbox"/> Site plan to scale depicting: building footprints; parking areas; vehicle and pedestrian circulation; lighting; landscaping; signage; and licensed premises location. <input type="checkbox"/> Building plans to scale depicting: floor plans indicating the location of sales and service areas; building elevations (photographs are acceptable). <input type="checkbox"/> Photographs of premises from each street frontage that include and show relationship to adjacent structures and the premises visible street address number. <input type="checkbox"/> Narrative: explaining the project; construction, operation schedule, and open for business target date. <input type="checkbox"/> Copy of a zoning map showing the proposed location. <input type="checkbox"/> Copy of completed Alcoholic Beverage Control Board liquor license application form including all drawings and attachments, if filed with ABC Board.
Optional:	<input type="checkbox"/> Traffic impact analysis <input type="checkbox"/> Economic impact analysis <input type="checkbox"/> 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.

1-9-12		Pete Foudeas Pres, Milanos, Inc.
--------	---	-------------------------------------

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):
 36th Avenue Liquor 36th Avenue Spirits

What is the gross leaseable floor space in square feet?
 910

What is the facility occupant capacity?
 9

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

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

What will be the normal business hours of operation?
 M-Sun 12:00 noon to 11:00 pm

What will be the business hours that alcoholic beverages will be sold or dispensed?
 M-Sun 12:00 noon to 11:00 pm

What do you estimate the ratio of food sales to alcohol beverage sales will be?
 90 % Alcoholic beverage sales
 0 % Food sales The store will also sell some merchandise.

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 8.05.420 Minors-Disseminating indecent material or 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:

0	%	less than \$5.00
10	%	\$5.00 to \$10.00
30	%	\$10.00 to \$25.00
60	%	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 a business providing entertainment, tourism and leisure. Anchorage 2020 supports a package store being able to sell alcohol in the form of boutique wines, craft beers, select ethnic liquors and some merchandise. This use will provide a convenient service to the customers of Milanos Pizza (next door in the same building).

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

The proposed site is located in zoning district B-3 in a mixed retail and residential area. Sale of alcohol is permitted with a conditional use.

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.

This conditional use is compatible with existing and planned land uses surrounding the package store. The surrounding area consists of retail businesses, offices, and restaurants such as Yummi Bakery, Thai Town, Yak & Yeti, Tap Root, Arigato. Other package stores in vicinity are Unwined, Brown Jug, and In & Out Liquor.

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.
36th Ave. is a built street. There is a sidewalk along 36th Ave. The proposed premises is currently vacant. A package store will not increase foot or vehicle traffic.
2. The demand for and availability of public services and facilities.
This is an existing space and all utilities are installed.
3. Noise, air, water or other forms of environmental pollution.
No environmental pollution.
4. The maintenance of compatible and efficient development patterns and land use intensities.
A package store is compatible with the surrounding neighborhood, consisting of offices, warehouses, commercial businesses, and other package stores. There will be no increase in 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?

None.

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

None.

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

One.

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

Oaken Keg, Brown Jug, UnWine'd, In & Out Liquor.

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 sales clerks and managers will be TAM trained.

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. N/A

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

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

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

inside facility:

Manager/owner is in the building at all times.

outside facility:

Parking lot is maintained and well lighted. Manager and employees inspect parking lot regularly.

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. N/A - new license.

- Yes No *As the applicant and operator can you comply? If no explain*

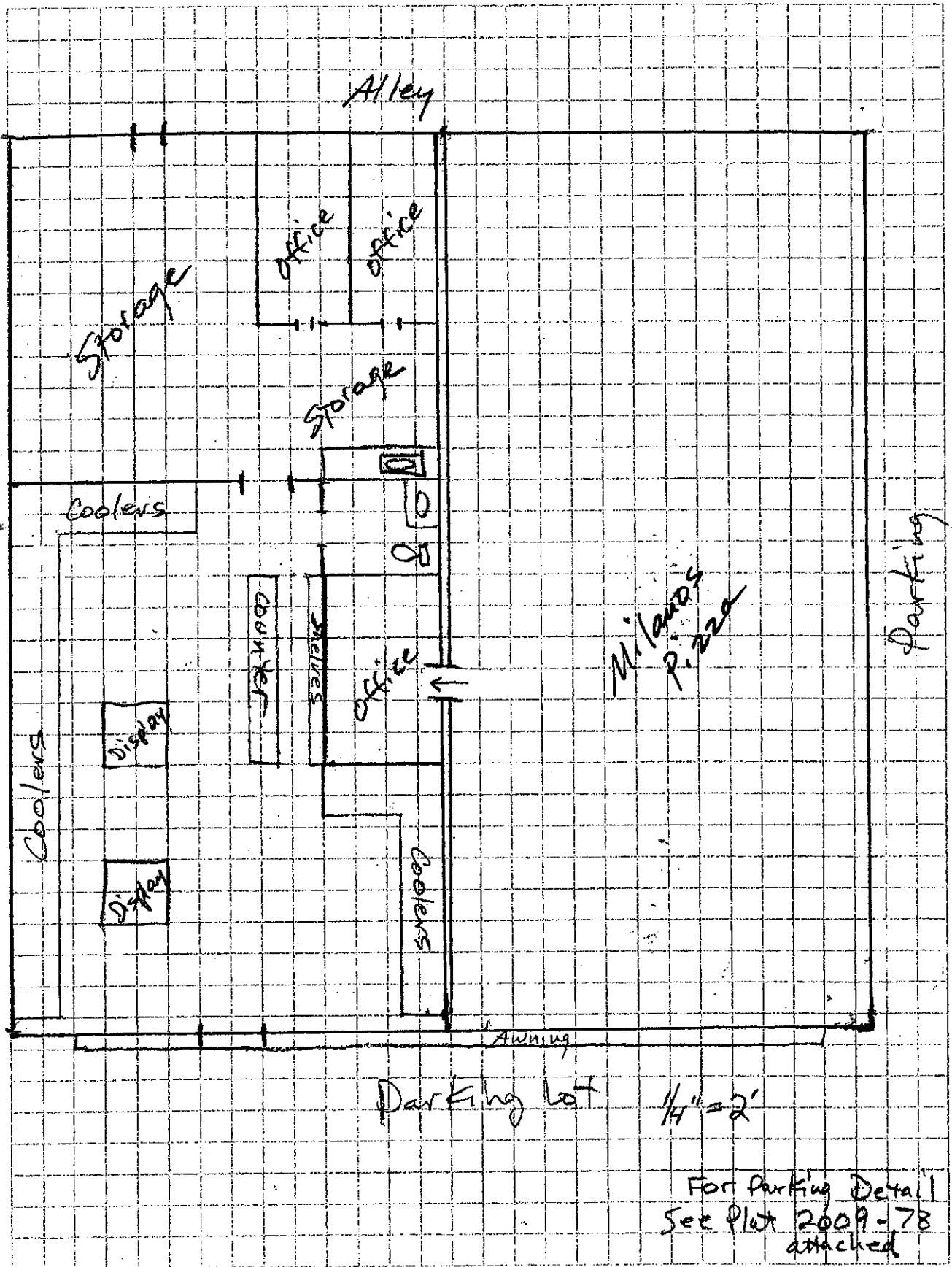
Additional space if needed.

The proposed use is for 1207 W. 36th Avenue, which is located in the 36th Avenue Retail Condominiums, Unit C, comprising Lots 23A, Lot 7 and Lot 8, Demers Subdivision.

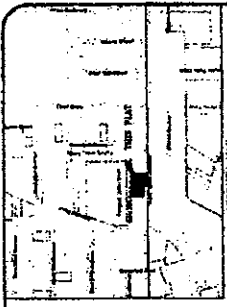
The proposed package store retail space is 786 sq.ft. which requires two parking spaces. Milanos Pizza, in the same building (Unit C), seats 18 restaurant customers and requires 6 parking spaces. The building owner has 7 parking spaces in front of the building (Lot 7) and, pursuant to Article VIII of the Declaration of the 36th Avenue Retail Condominiums, owns an undivided 36.58% ownership in the parking spaces on Lot 8 (common area), which contains 24 parking spaces, as shown on Plat 2009-78, pursuant to the Common Interest Ownership Act, Title 34, Chapter 8, of the Alaska Statutes.

The property and its lessee(s) owns 7 parking spaces on Lot 7 and 36.58% of 24 parking spaces on Lot 8 (common area). There is no need for a shared parking agreement with the owners of any other Unit or lot contained in Plat 2009-78.

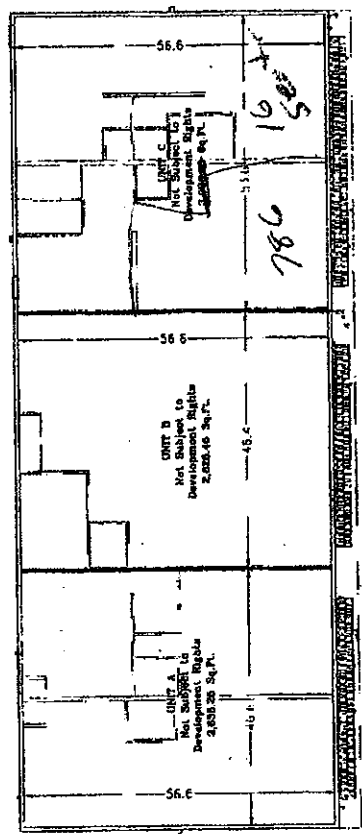
See, Declaration recorded on October 7, 2009, at Document 2009-064591-0, records of the Anchorage Recording District, and recorded Warranty Deed granting an undivided interest in Lot 7 and the common areas described in the Declaration. (Copies provided.)



36th Ave

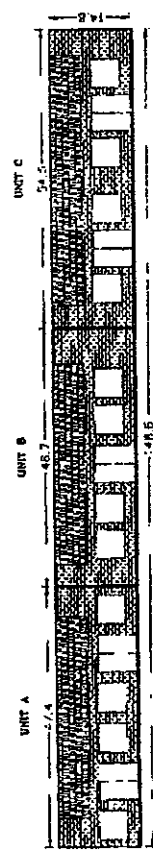


53195f = 15 spaces

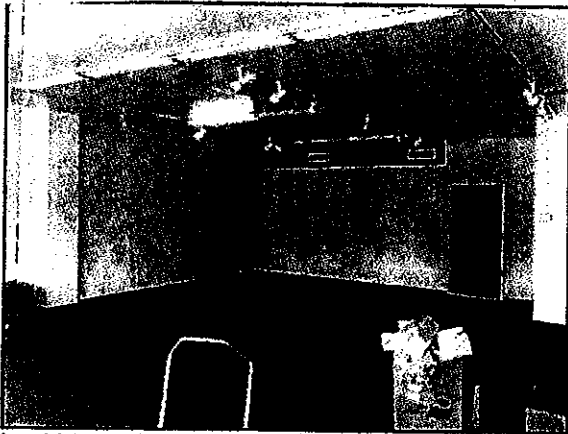


CONTINUING PLAN OF
**36TH AVENUE
 RETAIL CONDOMINIUMS**
 36TH AVENUE, 1ST ST. & 2ND ST. INTERSECTION
 1988 A.P.D. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

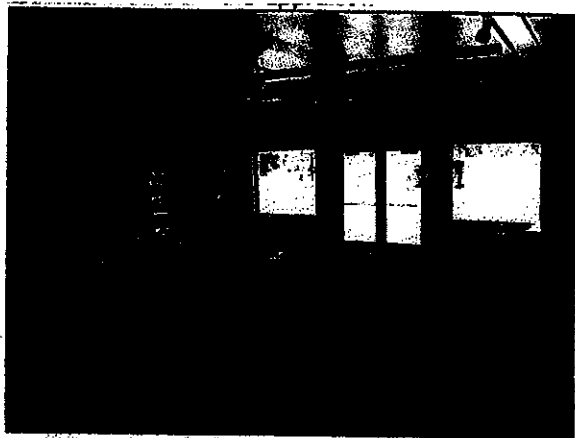
2003-21
 10/23/03
 10/23/03



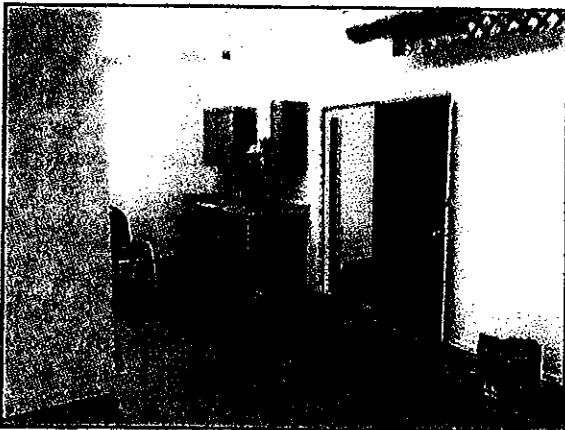
Scale: 1" = 10'



Looking at the front room of the vacant unit from the entryway.



Another view of the vacant unit looking towards the entrance. The common wall for the restaurant and vacant unit is on the left.



Looking towards the double sink and vanity in the rear storage room.



View of the previous water damage in the rear storage room of the vacant unit.

Subject Photos



Looking north westerly at the subject.



Street scene on W. 36th looking west.



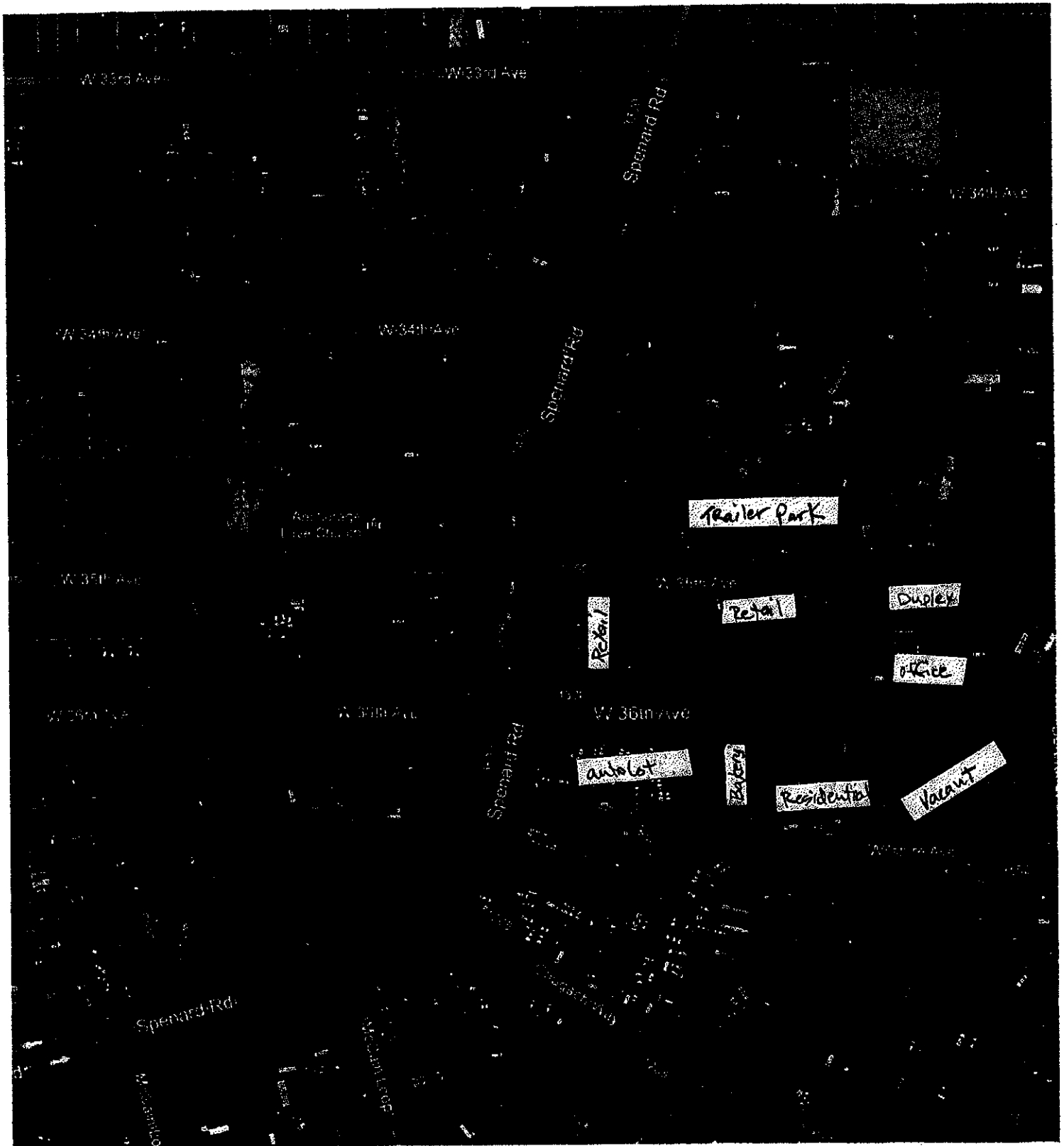
View of the east facing wall from the alley north of the subject (W. 35th).

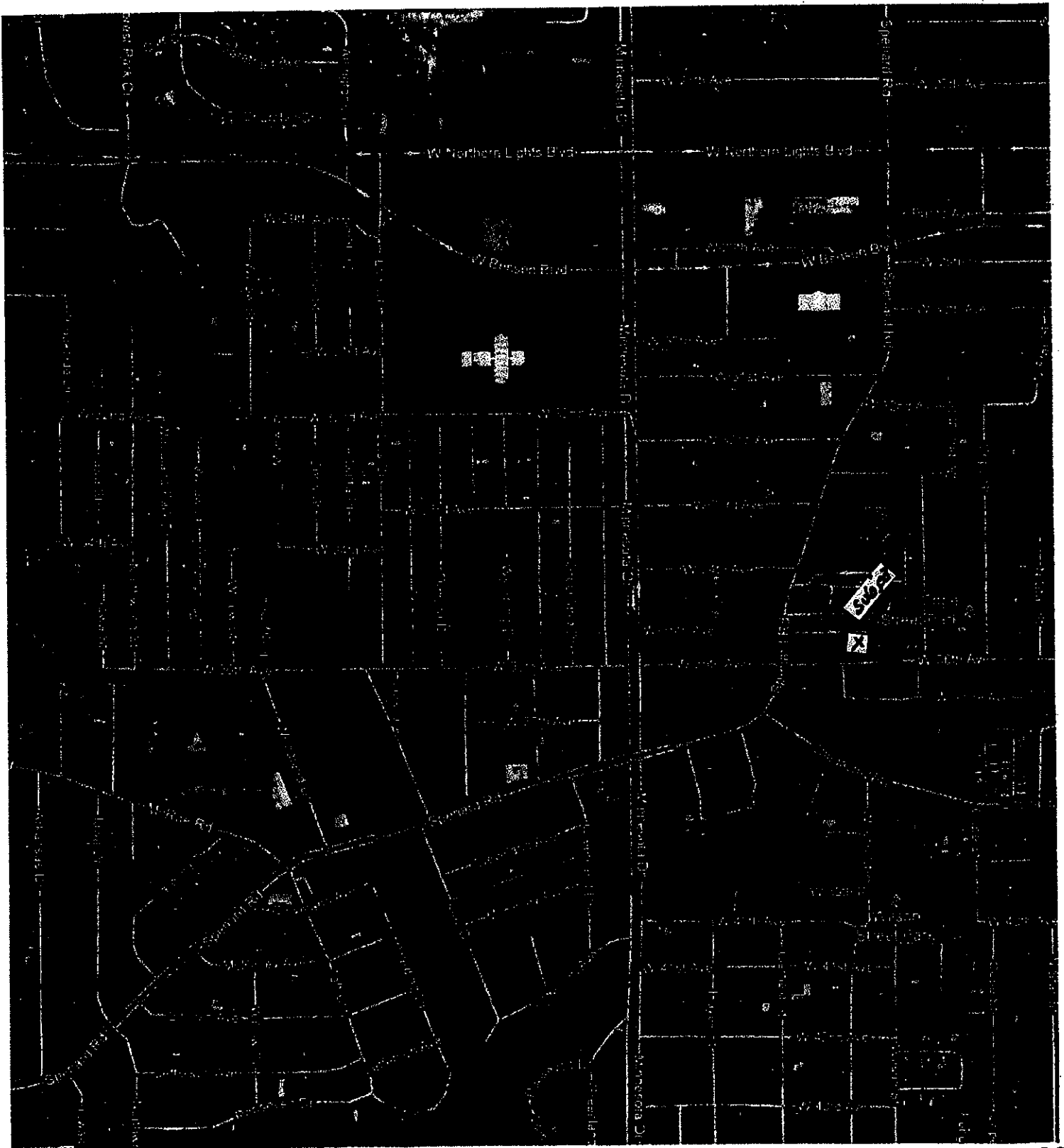


Looking west along the alley (W. 35th). The subject is on the left.



Looking northeasterly at the subject entrance.





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

New 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 _____
- Full 2-year period Mo/Day Mo/Day

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.			FEES
License Year: 2012-2013	License Type: Package Store	Statute Reference Sec. 04.11.150	License Fee: \$ 1500.
Local Governing Body: (City, Borough or Unorganized) MOA		Community Council Name(s) & Mailing Address: Spennard-Comm. Council	Filing Fee: \$100.00
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): PETE AND ELVIRA FLOUDAS		Doing Business As (Business Name): 36th St. Liquor	Fingerprint: (\$54.25 per person) 108.50
Mailing Address: 1207 W. 36th AVE		Street Address or Location of Premise: 1207 W. 36th AVE	Total Submitted: \$ 1708.50
City, State, Zip: ANCHORAGE, AK 99503		Email Address: efloudmilanoivc@aol.co	Business Telephone Number: 907-240-3134
			Fax Number: 907-569-4411

SECTION B. PREMISES TO BE LICENSED. Must be completed.

Closest school grounds AQUARIAN CHARTER W 32nd AVE	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: ANCHORAGE AVE CHURCH 3502 SPENNARD RD	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.
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.

Office use only 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)		Telephone Number	Fax Number
Corporate Mailing Address:	City	State	Zip Code
Name, Mailing Address and Telephone Number of Registered Agent		Date of Incorporation OR Certification with DCED	State of Incorporation

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

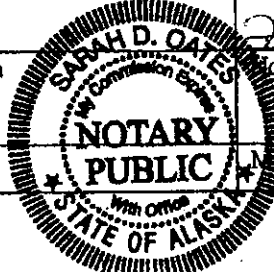
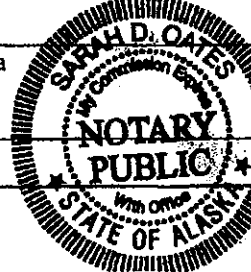
NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

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>Pete Foudeas</u> Address: <u>11206 Tulin Park Loop</u> <u>Anchorage AK 99516</u> Home Phone: <u>907-336-5948</u> Work Phone: <u>907-569-6000</u>	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: <u>7/29/1959</u>	Name: <u> </u> Address: <u> </u> Home Phone: <u> </u> Work Phone: <u> </u>	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: <u> </u>
Name: <u>Elvira Foudeas</u> Address: <u>11206 Tulin Park Loop</u> <u>Anchorage AK 99516</u> Home Phone: <u>907-336-5948</u> Work Phone: <u>907-569-6000</u>	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: <u>5/26/1962</u>	Name: <u> </u> Address: <u> </u> Home Phone: <u> </u> Work Phone: <u> </u>	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: <u> </u>

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 <u>Elvira M. Foudeas</u>	Signature <u>Pete Foudeas</u>
Name & Title (Please Print) <u>ELVIRA M. Foudeas Owner</u>	Name & Title (Please Print) <u>PETE Foudeas Owner</u>
Subscribed and sworn to before me this <u>29th</u> day of <u>December, 2011</u>	Subscribed and sworn to before me this <u>29th</u> day of <u>December, 2011</u>
Notary Public in and for the State of Alaska	Notary Public in and for the State of Alaska
My commission expires: <u>w/office</u>	My commission expires: <u>w/office</u>
	

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: _____

PREMISES LOCATION: _____

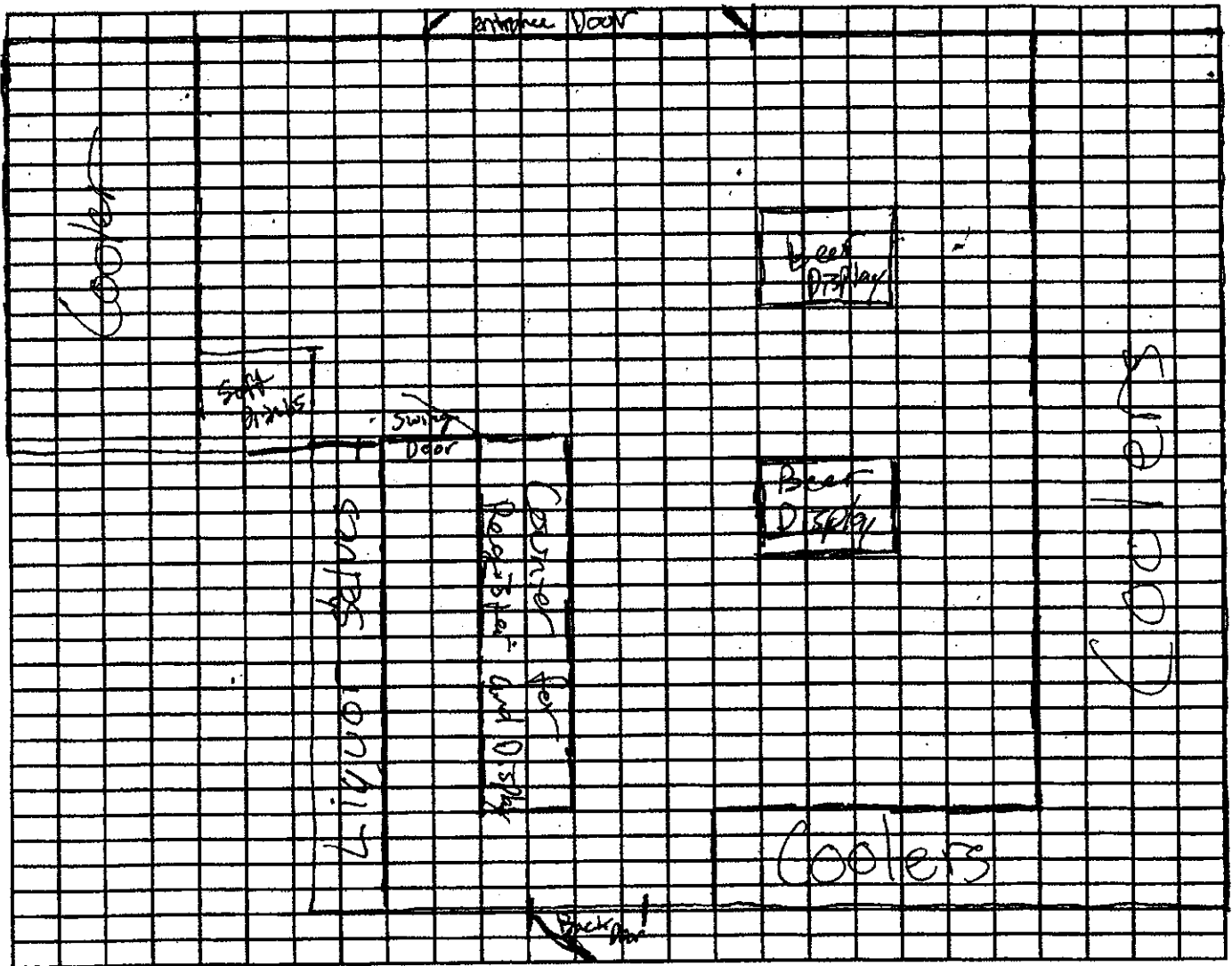
Indicate scale by x after appropriate statement or show length and width of premises. _____ 1 SQ. = 4 FT.

SCALE A: _____ 1 SQ. = 1 FT.

SCALE B: _____

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



cc

A
L
A
S
K
A

2011-051283-0

Recording Dist: 301 - Anchorage
10/21/2011 12:05 PM Pages: 1 of 5



81460

WARRANTY DEED

Stewart Title Company

The Grantor, THE INVESTORS, LLC, an Alaska limited liability company, whose address is

3309 Spenard Rd Anchorage AK 99503,

for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, does hereby convey and warrant unto the Grantee, MILANO'S, INC., an Alaska corporation, whose address is

1207 W. 36th Ave #A Anchorage AK 99503,

and to the successors and assigns of the Grantee, the following described real property:

Unit No. "C", 36TH AVENUE RETAIL CONDOMINIUMS, as identified in the Declaration recorded October 7, 2009, under Serial No. 2009-064591-0, and amendments thereto, and as shown on the Floor Plans and As-Built Survey filed under Plat No. 2009-78, in the records of the Anchorage Recording District, Third Judicial District, State of Alaska.

SUBJECT TO the reservations, restrictions on use and all covenants and obligations set forth in the above referenced Declaration and survey map(s) and floor plan(s) and any amendments thereto, and as set forth in the Bylaws of the Association of Owners, and as it may be amended from time to time, all of which restrictions, payments of charges, and all other covenants, agreements, obligations, conditions and provisions contained in any of the foregoing are incorporated in this deed by reference, and shall constitute covenants running with the land, equitable servitude, and liens to the extent set forth in said documents, and as provided by law, and all of which are accepted by the Grantee(s) as binding, and shall be binding on the Grantee(s) and his, her, their or its successors, heirs, administrators, executors and assigns, or the heirs and assigns of the survivor of them, as the case may be. And the Grantee(s), in consideration of the foregoing conveyance, hereby assumes and agrees to pay the pro rata share of all charges, assessments and other payments as in such instruments are provided for and as may be amended from time to time, in the same proportion as the undivided interest in the Common Areas and Facilities conveyed herein, as and when due, and will save Grantor(s), the successors and assigns thereof, harmless, and will indemnify same against all claims and demands whatsoever which shall hereafter arise from or in connection therewith.

SUBJECT TO ALL reservations, easements, exceptions, restrictions, covenants, conditions, by-laws, plat notes, and rights-of-way of record, if any.

Coryell Dawson, LLC Attorneys at Law, 805 W Fireweed Lane, Anch AK 99503 Tel 907-277-3995 Fax 907-276-0383

Warranty Deed, Page 1 of 5

DATED this 18 day of Oct, 2011.

GRANTOR:

THE INVESTORS, LLC

By: The Investors, A Partnership, Member By: The Investors, III, A Partnership, Member

By: Sidney Payne
Sidney Payne, Partner

By: Sidney Payne
Sidney Payne, Partner

By: Judith McGrath
Judith McGrath, Partner

By: Richard Childers
Richard Childers, Partner

By: Thomas McGrath
Thomas McGrath, Partner

By: Judith McGrath
Judith McGrath, Partner

By: Judith McGrath
Judith McGrath, Member

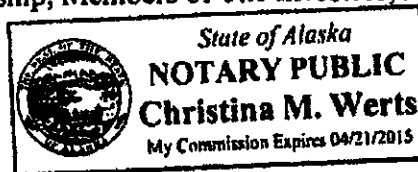
By: Thomas McGrath
Thomas McGrath, Member

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT)

SS:

The foregoing instrument was acknowledged before me this 18 day of Oct, 2011, by SIDNEY PAYNE, Partner of The Investors, A Partnership, and Partner of The Investors, III, A Partnership, Members of The Investors, LLC.

Ce
Notary Public in and for Alaska
My Commission expires: 4/21/15

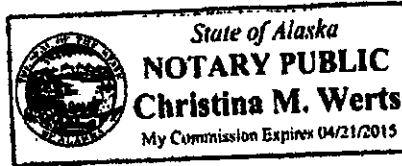


Coryell Dawson, LLC Attorneys at Law, 805 W Fireweed Lane, Anch AK 99503 Tel 907-277-3995 Fax 907-276-0383

STATE OF ALASKA)
)
THIRD JUDICIAL DISTRICT) SS:

The foregoing instrument was acknowledged before me this 18 day of Oct, 2011, by JUDITH McGRATH, Partner of The Investors, a Partnership, and Partner of The Investors, III, a Partnership, both Members of The Investors, LLC, and as a Member of The Investors, LLC.

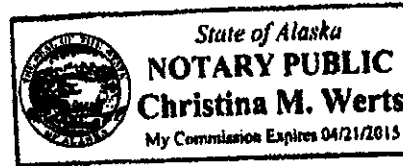
Ce
Notary Public in and for Alaska
My Commission expires: 4/21/15



STATE OF ALASKA)
)
THIRD JUDICIAL DISTRICT) SS:

The foregoing instrument was acknowledged before me this 18 day of Oct, 2011, by RICHARD CHILDERS, a Partner of The Investors, III, A Partnership, Member of The Investors, LLC.

Ce
Notary Public in and for Alaska
My Commission expires: 4/21/15



STATE OF ALASKA)
)
THIRD JUDICIAL DISTRICT) SS:

The foregoing instrument was acknowledged before me this 18 day of Oct, 2011, by THOMAS McGRATH, a Partner of The Investors, III, a Partnership, Member of The Investors, LLC, and as a Member of The Investors, LLC.

Ce
Notary Public in and for Alaska
My Commission expires: _____



Coryell Dawson, LLC Attorneys at Law, 805 W Fireweed Lane, Anch AK 99503 Tel 907-277-3995 Fax 907-276-0383

Warranty Deed, Page 4 of 5



4 of 5
2011-051283-0

Division of Corporations, Business
and Professional Licensing

Name(s)

Type	Name
Legal Name	MILANO'S, INC.

Entity Details

Entity Type: Business Corporation

Entity #: 76711D

Status: Good Standing

AK Formed Date: 6/7/2002

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2012 File Biennial Report

Entity Mailing Address:

Entity Physical Address: 1011 E DIMOND BLVD, ANCHORAGE, AK 99515

Registered Agent

Agent Name: PETE FOUDEAS

Registered Mailing Address: 401 W. Int'l Airport Rd. Suite 31, ANCHORAGE, AK 99518

Registered Physical Address: 1011 E DIMOND BLVD, ANCHORAGE, AK 99515

Officials

AK Entity#	Name	Titles	Percent Owned
	ELVIRA FOUDEAS	Treasurer, Director, Secretary	50
	LaVerne M. Thacker Jr.	Director	0
	PETE FOUDEAS	President, Director	50

Filed Documents

Date Filed	Type	Filing	Certificate
6/7/2002	Creation Filing		

LEASE

THIS LEASE IS MADE by and between MILANOS, INC. an Alaska corporation ("Landlord") and PETE FOUDEAS and ELVIRA M. FOUDEAS ("Tenant"). Landlord and Tenant enter into this Lease for the purpose of leasing premises located at 1207 W. 36th Avenue, Unit ____, Anchorage, Alaska, for the purposes consistent with the terms and conditions of this Lease.

Landlord and Tenant agree as follows:

Article 1 - The Premises Being Leased

1.1 Landlord leases to Tenant portions of the premises 1207 W. 36th Avenue, Unit ____, Anchorage, Alaska, not including the portion known as 36th Avenue Liquor d/b/a 36th Avenue Spirits (the "Leased Premises").

Article 2 - Term of Lease

2.1 Term. The term of this Lease shall be on a year-to-year basis beginning on the date of execution of this Lease, and ending on the date of written notice by either Tenant or Landlord of its termination.

Article 3 - Rent

3.1 Amount and Payment of Rent. The rent of the Leased Premises shall be \$1 per year, due in advance on the first day of each year.

3.4 Operating Expenses. Landlord shall pay all the operating costs for Leased Premises, including property taxes, utilities, building insurance premiums, maintenance, repairs, janitorial services, and supplies, security, building management services, salaries, wages, and inventory costs, and any fees associated with the Lease.

Article 4 - Use of Leased Premises

4.1 Purpose. The Leased Premises shall be for Tenant's operation of a package liquor store.

4.2 Compliance with Laws/Building Rules and Regulations. Tenant shall promptly comply with all requirements of all federal, state, or local laws or regulations. Tenant shall observe all reasonable rules and regulations that Landlord may establish from time to time for the management, safety, and care of the Building. Any violation of such rules and regulations shall, after ten (10) days written notice and failure to correct, be deemed a material breach of this Lease by Tenant.

Article 5 - Utilities and Other Services Furnished by Landlord

5.1 List of Utilities and Services. Landlord shall furnish the following utilities and services at Landlord's expense:

- a) Electricity for lighting and power for Tenant's use, seven days per week, twenty-four hours per day
- b) Heating
- c) Hot and cold water
- d) Parking and snow removal
- e) All expenses associated with the operation of the Building

Article 6 - Tenant Improvements

6.1 Ownership. Landlord will own all realty and personalty, regardless of who bears the costs of such improvements, including tenant improvements, unless otherwise noted as an amendment to this Lease.

6.2 Subsequent Alterations and Improvements. Tenant shall not make any alterations, additions, or tenant improvements in or to the Leased Premises without the prior written consent of Landlord. Tenant shall provide to Landlord for Landlord's review and approval a detailed description of any proposed alterations or improvements. Landlord has the sole discretion to determine whether to approve such tenant improvements based on the possible affect of such alterations or improvements on the operation, value or appearance of Building. All alterations, additions, and improvements, except Tenant's fixtures and equipment, shall immediately become the property of Landlord. Upon the removal of Tenant's fixtures and equipment that become attached to the Leased Premises, Tenant shall restore the Leased Premises to the condition that they were prior to the installation of such items.

Article 7 - Maintenance, Repair and Management of Building

7.1 Landlord's Responsibility. Landlord shall keep the Leased Premises in a neat, clean, and sanitary condition and shall keep the Leased Premises and all items installed by Tenant in good condition and repair. Tenant shall not commit waste or nuisance of any kind on or about the Leased Premises and Tenant shall pay for all damages to the Leased Premises caused by misuse or neglect of the Leased Premises or the Building by Tenant or Tenant's employees, agents, or invitees. At the expiration or termination of the Lease, Tenant shall surrender the Leased Premises in good condition and repair, normal wear and tear and damage by fire or other casualty excepted. Landlord shall maintain and repair the interior and exterior of the Building.

Article 10 - Default and Remedies

10.1 Event of Default. The occurrence of any of the following events shall be deemed an event of default:

- a) if rent shall be in arrears for a period of twenty (20) days or more;
- b) if Tenant fails to keep or perform any of the covenants or conditions of this Lease within ten (10) days after written notice of default;
- c) if Tenant's leasehold interest shall be subject to attachment or levy;
- d) if a receiver is appointed for Tenant's property or any part thereof; or
- e) if a petition in bankruptcy or arrangement is filed by or against Tenant or if Tenant shall be declared insolvent or if assignment of Tenant's property shall be made for the benefit of creditors.

10.2 Remedies. In the event of the occurrence of any event of default, Landlord shall have the right, with written notice or demand to terminate this Lease, and at any time thereafter enter into and recover possession of the Leased Premises and remove Tenant and any other person occupying the same, by any lawful means and repossess and enjoy the Leased Premises without prejudice to any of the remedies that Landlord may have under this Lease, or at law equity, by reason of Tenant's default or of such termination. In the event of the occurrence of any event of default, if Landlord elects not to terminate, this Lease shall continue in effect and Landlord may enforce all its rights and remedies under this Lease, or at law or equity, by reason of Tenant's default.

10.3 Termination by Reason of Default. In the event of termination by reason of an event of default, Landlord shall be entitled to recover immediately all unpaid monthly rental payments through the end of the lease term, plus the cost of any cleanup, refurbishing, removal of Tenant's property and fixtures, any remodeling costs, attorney's fees, court costs, broker's commissions and advertising costs, and the unpaid costs of any tenant improvements being amortized over the term of this Lease.

Article 11 - Transfer of Interest

11.1 Assignment and Subletting. Tenant shall not assign, transfer, sublet or allow the occupancy of the whole or any part of the Leased Premises by another without the express written consent of the Landlord, which consent shall not be unreasonably withheld.

11.2 Subordination. Tenant agrees that this Lease shall be subordinate in interest to any mortgage or deed of trust covering the Building or Property now in effect or hereafter given by the Landlord; provided Tenant's occupancy of the Leased Premises shall not be interfered with so long as Tenant is not in breach of this Lease.

11.3 Successors and Assigns. Subject to the restrictions on assignment provided in paragraph 11.1 above, all terms, conditions, covenants and agreements of this Lease shall

extend to and be binding upon Landlord, Tenant and their respective successors and assigns and upon any person, firm or corporation coming into ownership or possession of any interest in the Leased Premises.

Article 12 - General Provisions

12.1 Taxes. Landlord shall pay any taxes levied on Tenant's personal property maintained in, on, or about the Leased Premises, and all license and excise fees and occupation taxes covering Tenant's business conducted on the Leased Premises, and any sales and rental taxes that may be assessed from time to time. Landlord shall pay any real property taxes and assessments payable on the Property.


12.2 Surrender of Possession. Tenant, at the expiration or sooner termination of this Lease, shall surrender the Leased Premises in good, neat, clean, and sanitary condition, except for the reasonable wear and tear and damage not caused by any act or omission by Tenant, its employees, agents, or invitees.

12.3 Force Majeure. Notwithstanding anything to the contrary herein, Landlord shall not be liable for or responsible to Tenant for anything or for any delay caused by fire, earthquake, explosion, flood, hurricane, the elements, acts of God, action or interference of governmental authorities or agents, war, riots, strikes, or lockouts or any other cause, whether similar or dissimilar to the foregoing, which is beyond the reasonable control of Landlord. Any delays due to such causes shall not be deemed a breach or default by the Landlord of the terms of this Lease.

12.4 Entire Agreement. This Lease contains the entire agreement of Landlord and Tenant. This agreement may be modified only by written agreement signed by both Landlord and Tenant.

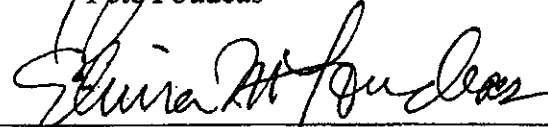
Landlord:

Date: 1/1/12



Pete Foudeas

Date: 1/1/12

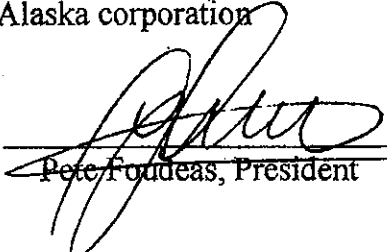


Elvira M. Foudeas

Landlord:

MILANOS, INC.
An Alaska corporation

Date: 1-1-12

By: 

Pete Foudeas, President

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD

AFFIDAVIT IN CONNECTION WITH POSTING LIQUOR LICENSE APPLICATION
Section 04.11.260, 04.11.310, & AAC 104.125 Alaska Statutes, Title 4

POSTING AFFIDAVIT

I, the undersigned, being first duly sworn on oath, depose and say that:

1. a. Posting of application for a new Package Store liquor license
for Pete and Elvira Foudreas
located at 1207 W. 36th Ave.
(address and/or location)

OR

- b. Posting of application for transfer of a _____ liquor license
currently issued to _____ whose business name (d/b/a)
is _____ located at _____
(address and/or location)

2. Has been completed by me for the following 10 FULL day period:

12/22/11 to 1/4/12

*** Prior to the filing of said application, a true copy of the application was posted at the following described locations: (name and address of location)

- a. Location of premises to be licensed 1207 W. 36th Ave.
b. Other conspicuous location in the area Post Office 36th & A Street

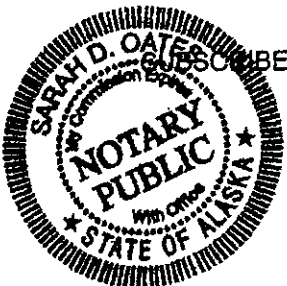
3. I believe that with the approval of this application population would not at one time exceed in the aggregate of one license of the type requested for population as provided by law. AS 04.11.400 (check one)

- a. a radius of five (5) miles of the proposed location.
b. an incorporated city, organized borough or unified municipality.
c. does not apply (application filed under AS 04.11.400(d)(e)(g) or transfer of license holder or location within an incorporated city or unified municipality or organized borough).
d. established village.

(signature)

SUBSCRIBED and SWORN to me this 5th day of January, 2011.

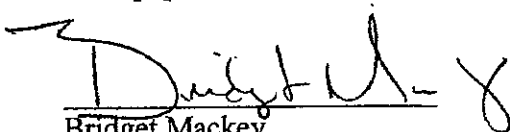
Sara
Notary Public in and for Alaska
My commission expires: in office



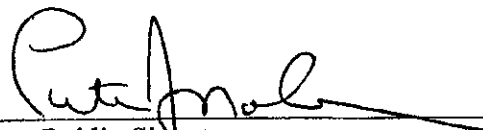
ANCHORAGE PUBLISHING, CO.
540 E. Fifth Avenue
Anchorage, Alaska 99501
Phone: 561-7737 Fax: 561-7777

Liquor License Notice New Application
Pete and Elvira Foudeas is making application for a new Package Store AS 04.13.156 liquor license being business as 36th St. Liquor located at 1207 W 36th Ave Anchorage, AK 99507.
Interested persons should submit written comment to their local governing body the applicant and to the Alcoholic Beverage Control Board at 5843 E Tudor Road, Anchorage, AK 99587.

I, Bridget Mackey, advertising representative for Anchorage Publishing, Co., verify that the liquor license notice for Pete and Elvira Foudeas d/b/a 36th St. Liquor appeared in the December 22, December 29, 2011 and January 5, 2012 issues of the Anchorage Press Newspaper.


Bridget Mackey

Subscribed and sworn to me in the Municipality of Anchorage, in the state Alaska, on this 5th day of JANUARY, 2012.


Notary Public Signature
9/15/2014
Commission Expires

State of Alaska
NOTARY PUBLIC
Peter J. Nolan
My Commission Expires 9/15/2014

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD

STATEMENT OF FINANCIAL INTEREST

CONFIDENTIAL

TO BE COMPLETED BY EACH APPLICANT, EITHER INDIVIDUAL OR CORPORATE

AS 04.11.450(a) states that no person other than a licensee may have a direct or indirect financial interest in the business for which the license is issued.

Applicant: PETE AND ELVIRA FOUNDEAS	DBA: 36th ST. LIQUOR
<div style="background-color: black; width: 100%; height: 15px;"></div>	Location: 1207 W. 36th AVE. ANCHORAGE AK 99501
List each owner, shareholder, member in the boxes below:	

List below persons, firms, lending institutions or corporations which have or may have any financial involvement in furthering purchases of assets, revenues or operating capital for the licensed business operations.

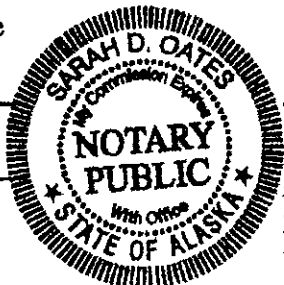
NAME	ADDRESS	AMOUNT	PURPOSE
N/A			
None			

Under the penalties of perjury, I declare that I have examined this application, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of Applicant/Transferee

[Handwritten Signature]
12/22/11

Date



Subscribed and sworn to before me this

22nd Day of December 2011

[Handwritten Signature]
Notary Public in and for the State of Alaska
My commission expires 11/05/12

Departmental Comments

**RESOLUTION
OF THE
SPENARD COMMUNITY COUNCIL**

“A resolution setting out conditions for a new Package Store License within the Spenard Community Council boundaries.”

WHEREAS, the Anchorage Municipal Charter Article VIII grants unto a duly recognized Community Council the basic right of self determination, and

WHEREAS, the Spenard Community Council was formed in 1975, has met regularly, and is a duly organized community council under section 2.40.010 of the Anchorage Municipal Code, and

WHEREAS, the Spenard Community Council has been consistently one of the most active community councils, and

WHEREAS, within the Spenard Community Council boundaries there are currently 67 licenses to sell alcoholic beverages; including beverage dispensary, restaurant/eating place, package store, clubs, and recreation site licenses, and

WHEREAS, the Spenard Community Council has long been critical of new liquor licenses (Beverage Dispensary or Package Store) locating in the Spenard area of Anchorage,

BE IT THEREFORE RESOLVED, that the Spenard Community Council has voted to oppose the conditional use permit for Pete and Elvira Foudeas d/b/a 36th Street Spirits unless the following conditions are made part of the conditional use permit.

1. There will be no two ounce (commonly known as shooters) bottles of liquor sold.
2. There will be no hard liquor sold with a per fifth of a gallon price of less than \$20.00. A proportional price for any other size bottle will apply.
3. The hours of operation will not extend beyond those of the adjoining Milano's Restaurant. *11-11 Sun - Thursday 11-midnight Fri & Sat.*
4. All persons working in the establishment will receive TAM or TIPS training appropriate for a package store. *Am Pm Am*
5. All persons entering the premises will be asked to show their identification and any person who is not 21 years old or any person whose ID shows he/she is barred from purchasing alcohol will be asked to leave.

Passed on this 4th day of February 1, 2012.

Rence Haage, Chairman

This resolution was passed with a Unanimous vote on February 1, 2012 by the Spenard Community Council.

② *C. Kelling* Chair

Departmental and Public Comments

McLaughlin, Francis D.

From: Inglis, Jillanne M.
Sent: Thursday, March 01, 2012 12:18 PM
To: McLaughlin, Francis D.

Francis,

The required parking for retail condo (package store) is sufficient. There are 31 required spaces and 34 are provided.

*Jillanne M. Inglis
Acting Supervisor
Land Use Review & Addressing Section
Development Services Division
Community Development Department
907-343-8353
inglisjm@muni.org*

MUNICIPALITY OF ANCHORAGE



Planning & Development Services Dept.
Development Services Division

Building Safety

MEMORANDUM

Comments to Miscellaneous Planning and Zoning Applications

DATE: February 22, 2012
TO: Al Barrett, Manager, Zoning and Platting
FROM: Ron Wilde, P.E.
Building Safety
SUBJECT: Comments for Case 2012-032

RECEIVED

FEB 22 2012

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

No comments.

Stewart, Gloria I.

From: Whitfield, David R.
Sent: Tuesday, February 21, 2012 3:00 PM
To: Stewart, Gloria I.; Kimmel, Corliss A.
Subject: FW: Plat reviews

RECEIVED

FEB 21 2012

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Dave Whitfield

Senior Planner
Community Development Department
Municipality of Anchorage
(907) 343-8329 ph
(907) 249-7919 fx
whitfielddr@muni.org

From: Gray, James D.
Sent: Tuesday, February 21, 2012 2:44 PM
To: Whitfield, David R.
Subject: Plat reviews

Case 2011-144	Zoning	3401 Rabbit Creek Rd	2/21/2012	JG	Provide a fire access r buildings exterior along route would not include parking spaces as sho previously made - no fi
Case 2011-104	Zoning	Title 21 comp plan revisions	2/21/2012	JG	No objection
Case 2012-030	Zoning	Rose Street rezone	2/21/2012	JG	No objection
Case 2012-033	Zoning	Tudor Center subdivision rezone	2/21/2012	JG	No objection
Case 2012-035	Zoning	Girdwood township rezone	2/21/2012	JG	No objection
Case 2012-036	Zoning	Lumen Park rezone	2/21/2012	JG	No objection
Case 2012-038	LL	1207 E 36th	2/21/2012	JG	No objection
Case S11099-6	Zoning	ER High School extension	2/21/2012	JG	No objection
Case S11823-2	Zoning	Village at 4302 Extension	2/21/2012	JG	No objection
Case S11905-1	Zoning	Gyr Sub	2/21/2012	JG	No objection
Case S11906-1	Zoning	Dawn Ridge Sub	2/21/2012	JG	No objection
Case S11907-1	Zoning	Sunset Hills West	2/21/2012	JG	No objection
Case S11908-1	Zoning	OH Fast's Sub	2/21/2012	JG	No objection
Case S11909-1	Zoning	Sea Shack Sub	2/21/2012	JG	No objection
Case S11910-1	Zoning	Roseberry Ridge Estates	2/21/2012	JG	No objection
Case 2012-034	LL	Bella Vista - All Bush Liquor	2/21/2012	JG	No objection
Case S11911-1	Zoning	Scenic heights Sub	2/21/2012	JG	No objection
Case S11912-1	Zoning	Alpine Village	2/21/2012	JG	No objection
Case S11913-1	Zoning	Dimond D sub	2/21/2012	JG	No objection

James D. Gray, P.E.; EFO
Acting Fire Marshal
Anchorage Fire Department, Fire Prevention Division
267-4970

Municipality of Anchorage
Treasury Division
Memorandum

RECEIVED

FEB 15 2012

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Date: February 14, 2012
To: Angela Chambers
Patty Long
Planning Dept.
From: Diana Flavin, Revenue Officer
Subject: Liquor License Conditional Use Comments

Request for conditional use permit 2012-032 for 36th Street Liquor located at 1207 W 36th Ave,
Anchorage, AK.

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

MUNICIPALITY OF ANCHORAGE



Community Development Department
Development Services Division

Private Development Section

Mayor Dan Sullivan

RECEIVED

FEB 15 2012

MEMORANDUM

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Comments to Anchorage Assembly Applications/Petitions

DATE: January 15, 2012
TO: Al Barrett, Current Planning Section Supervisor
FROM: Matthew Hendrick, Plan Review Engineer
SUBJECT: Comments for Assembly Public Hearing date: April 10, 2012

Case No. 2012-034 – A request for concept/final approval of a conditional use to permit an alcohol beverage package store in the I-1 Light Industrial district.


Private Development has no objection to the conditional use.

Municipality of Anchorage
Treasury Division
Memorandum

RECEIVED

FEB 14 2012

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Date: February 13, 2012
To: Patty Long,, Planning Dept.
From: Daisy VanNortwick, Revenue Officer 
Subject: Liquor License Conditional Use Comments

Request for Conditional use permit 2012-034, All Bush, Bella Vista # 2 Lt 12A
Located at 801 E 82nd Vee. Unit B-14. We have researched this application, and find no back
taxes owed, thus no reason to protest this license.

Thanks
Daisy VanNortwick
343-6940

McLaughlin, Francis D.

From: Charlene F. Vozar [cvozar@bgolaw.pro]
Sent: Thursday, February 02, 2012 11:08 AM
To: McLaughlin, Francis D.; Moser, Amanda K.
Cc: cvozar@gci.net
Subject: Spenard Community Council Resolution for Pete and Elvira Foudeas - Package Store Permit
Attachments: 2-1-12 SCC Reso.PDF
<<2-1-12 SCC Reso.PDF>>

SCC did not oppose if the conditions in the resolution are contained in the conditional use permit.

The applicants are in complete agreement that these restrictions will be in place. They have no intention of staying open other than when their restaurant next door is open, and do not intend to sell "cheap" liquor or "shooters" (whatever those are?).

Charlene Vozar

301-1252

cvozar@gci.net

**RESOLUTION
OF THE
SPENARD COMMUNITY COUNCIL**

“A resolution setting out conditions for a new Package Store License within the Spenard Community Council boundaries.”

WHEREAS, the Anchorage Municipal Charter Article VIII grants unto a duly recognized Community Council the basic right of self determination, and

WHEREAS, the Spenard Community Council was formed in 1975, has met regularly, and is a duly organized community council under section 2.40.010 of the Anchorage Municipal Code, and

WHEREAS, the Spenard Community Council has been consistently one of the most active community councils, and

WHEREAS, within the Spenard Community Council boundaries there are currently 67 licenses to sell alcoholic beverages; including beverage dispensary, restaurant/eating place, package store, clubs, and recreation site licenses, and

WHEREAS, the Spenard Community Council has long been critical of new liquor licenses (Beverage Dispensary or Package Store) locating in the Spenard area of Anchorage,

BE IT THEREFORE RESOLVED, that the Spenard Community Council has voted to oppose the conditional use permit for Pete and Elvira Foudeas d/b/a 36th Street Spirits unless the following conditions are made part of the conditional use permit.

1. There will be no two ounce (commonly known as shooters) bottles of liquor sold.
2. There will be no hard liquor sold with a per fifth of a gallon price of less than \$20.00. A proportional price for any other size bottle will apply.
3. The hours of operation will not extend beyond those of the adjoining Milano's Restaurant. *11-11 Sun - Thursday 11-midnight Fri & Sat*
4. All persons ^{am pm} working in the establishment will receive TAM or TIPS training appropriate for a package store.
5. All persons entering the premises will be asked to show their identification and any person who is not 21 years old or any person whose ID shows he/she is barred from purchasing alcohol will be asked to leave.

Passed on this 4th day of February 1, 2012.

Renee Haage, Chairman

This resolution was passed with a Unanimous vote on February 1, 2012 by the Spenard Community Council.

6)  Chair

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

** These comments were submitted by citizens and are part of the public record for the cases **

Questions? If you have questions regarding a case, please contact Zoning at 907-343-7943 or Platting & Variances at 907-343-7942.

RECEIVED

FEB 15 2012

1. Select a Case: [View Comments](#)

2. View Comments:

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Case Num: 2012-034
Assembly conditional use for an alcoholic beverage package store

Site Address: 801 E 82ND AVE A
Location: An Alcoholic Beverage Conditional Use for a package store (All Bush); Bella Vista Subdivision #2, Lot 12A. Generally located south of 81st Avenue, west of Old Seward Highway, and north of 82nd Avenue.

[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

2/15/12

Linda Jobe
P. O. Box 233265
Anchorage AK 99523

We do not need a liquor establishment in this area. There is one right down the street in the Sam's Club mall. This area has enough of it's own problems and we don't need to add to them by making liquor available so near all the families in this area. Besides it's only 10 blocks from Taku Elementary School.

[Zoning & Platting Cases On-line website](#)

Posting Affidavit and Historical Information



AFFIDAVIT OF POSTING

Case Number: 2012-032

I, Charlene Vozar, 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 2-21-12 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.

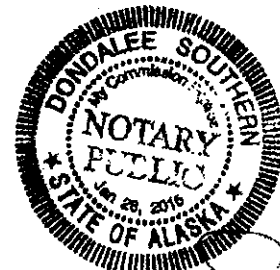
Affirmed and signed this 24th day of February, 2012.

[Signature]
Signature

LEGAL DESCRIPTION

Tract or Lot 7 Unit C
Block _____
Subdivision Demers

36th Ave Retail Condominiums



[Signature]