

Submitted by: ASSEMBLY CHAIR TRAINI,  
VICE CHAIR FLYNN, AND ASSEMBLY  
PUBLIC SAFETY  
COMMITTEE CHAIR HONEMAN

Prepared by: Municipal Clerk  
For reading: July 27, 2010

CLERK'S OFFICE  
**APPROVED**

Date: 7-27-10 ANCHORAGE, ALASKA  
AR NO. 2010-218

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS  
PROTEST REGARDING A NEW RESTAURANT EATING PLACE LIQUOR LICENSE  
# 4991 AND RESTAURANT DESIGNATION PERMIT FOR TURNAGAIN ARM BBQ PIT  
LLC dba TURNAGAIN ARM BBQ PIT, LOCATED AT 27635 SEWARD HWY, AND  
AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

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WHEREAS, Turnagain Arm BBQ Pit LLC has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a new Restaurant/Eating Place Liquor License # 4991 and Restaurant Designation Permit, to be used for Turnagain Arm BBQ Pit, located at 27635 Seward HWY, Indian, Alaska; and

WHEREAS, the Assembly must enter any protest to the ABC Board within 60 days following receipt of the application; and

WHEREAS, the Anchorage Municipal Clerk received a copy of this application on May 28, 2010 and has determined that the last day for the Assembly to file a protest is July 27, 2010 and

WHEREAS, the Assembly Meeting on July 27, 2010 is the last scheduled regular meeting of the Anchorage Assembly prior to the expiration of the protest period; and

WHEREAS, the Municipal Clerk reports the following status concerning this location:

1. No ABC Board violations and/or incidents that would lead to an ABC Board violation;
2. No taxes owing to the Municipality of Anchorage;
3. Approval from Anchorage Fire Department approval **has not been received**;
4. Administrative site plan review, required by AMC 21.50.500, **has not been completed**;
5. Approvals from the Municipal Health & Human Services and Building Safety Departments have been received; and

1  
2 WHEREAS, protest by the Assembly is in order pending Municipal Clerk confirmation  
3 that outstanding items required for this location have been completed;  
4

5 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:  
6

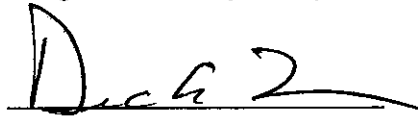
7 Section 1. The Anchorage Assembly hereby enters its PROTEST for a new  
8 Restaurant Eating Place Liquor License # 4991 and Restaurant  
9 Designation Permit until these conditions are met:

- 10  
11 • Successful completion of the administrative site plan review under  
12 AMC 21.50.500 is confirmed by the Municipal Clerk.  
13 • Approval from the Anchorage Fire Department is received and  
14 confirmed by the Municipal Clerk.  
15

16 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic  
17 Beverage Control Board as proof that the Anchorage Assembly, as the  
18 local governing body, has stated its protest in order to allow the Director  
19 of the Alcoholic Beverage Control Board to hold processing of  
20 Restaurant Eating Place Liquor License # 4991 and Restaurant  
21 Designation Permit under local protest, until receipt by the Director of  
22 confirmation from the Municipal Clerk that the conditions in Section 1  
23 have been met, and this protest is lifted as authorized by this Assembly  
24 Resolution.  
25

26 Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon  
27 Municipal Clerk confirmation that all conditions in Section 1 have been  
28 met, to provide written notification to the Alcoholic Beverage Control  
29 Board that this protest by the Anchorage Assembly is lifted, without  
30 further action by the Assembly.  
31

32  
33 PASSED AND APPROVED by the Anchorage Assembly this 27<sup>th</sup> day of July,  
34 2010.

35  
36   
37 Chair

38  
39 ATTEST:

40   
41 \_\_\_\_\_  
42 Municipal Clerk



State of Alaska  
Department of Public Safety  
**Alcoholic Beverage Control Board**

Sean Parnell, Governor  
Joseph A Masters, Commissioner

May 27, 2010

Municipality of Anchorage  
Barbara Gruenstein  
P.O. Box 196650  
Anchorage, Alaska 99519

**Re: Turnagain Arm BBQ Pit – License #4991- Restaurant Designation Permit Application enclosed.**

We have received the enclosed application for a new liquor license within the Municipality of Anchorage. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 15 AAC 104.145, Local Governing Body Protest.

**Note:** Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

**Alcoholic Beverage Control Board**  
5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

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

# New Liquor License

6440

(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.			FEE'S
License Year: 2010	License Type: RESTAURANT	Statute Reference	License Fee: \$600.-
(Office Use Only) License #: 4991		Sec. 04.11.100	Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) Anchorage	Community Council Name(s) & Mailing Address: Turnagain Arm CC		Fingerprint: 54.25 (\$54.25 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): TURNAGAIN ARM BBQ PIT LLC	Doing Business As (Business Name): TURNAGAIN ARM BBQ PIT LLC	Business Telephone Number: 907-301-1870	Total Submitted: \$ \$754.25
Mailing Address: PO BOX 33	Street Address or Location of Premise: 2765 Seward Hwy INDIAN AK	Email Address: TURNAGAINBMPIT@GMAIL.COM	
City, State, Zip: GIRDWOOD AK 99507			

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

Closest school grounds over 2 miles	Distance measured under: <input checked="" 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: over 2 miles	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input checked="" 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"/> Not applicable
		<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.

Date Approved	Director's Signature
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STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 13 AAC 104.715-794  
FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc. (13 AAC 104.745).

This application is for designation of premises where: (please mark appropriate items).

- 1  Under AS 04.16.010(c) Bona fide restaurant/eating place.
- 2  Persons age 16 to 20 may dine unaccompanied.
- 3  Persons under 16 may dine accompanied by a person 21 years or older
- 4  Persons between 16 and 19 years may be employed. (See note below).

LICENSEE: Turnagain Arm BBQ Pit LLC

D/B/A: Turnagain Arm BBQ Pit LLC

ADDRESS: 2705 Seward Hwy Indian AK

- 1 Hours of Operation: 0600 to 2300 Telephone # 907-301-1870
- 2 Have police ever been called to your premises by you or anyone else for any reason: [ ] Yes [X] No  
If yes, date(s) and explanation(s).

3. Duties of employment: Serving Food & Beverage - Cooking - Cleaning

4. Are video games available to the public on your premises? NO

5. Do you provide entertainment: [ ] Yes [X] No If yes, describe: \_\_\_\_\_

6. How is food served? \_\_\_\_\_ Table Service  Buffet Service \_\_\_\_\_ Counter Service  Other\* \_\_\_\_\_

7. Is the owner, manager, or assistant manager always present during business hours? [X] Yes [ ] No

\*\*\* A MENU AND A DETAILED LICENSED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION \*\*\*

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board. (13 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 13 AAC 104.715-795 and have instructed my employees about provisions contained therein.

[Signature]  
Applicant(s) signature

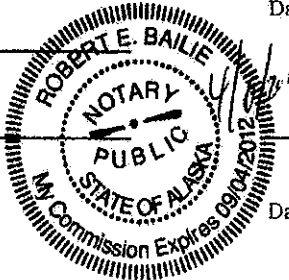
Subscribed and sworn to before me this 6th day of April, 2010

[Signature]  
Notary Public in and for Alaska

My Commission expires 9/4/2012

Application approved (13 AAC 104.725(e))  
Governing Body Official

Date: \_\_\_\_\_



Director, ABC Board

Date: \_\_\_\_\_

NOTE: AS 04.16.049(c) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 19 years of age. Persons 19 and 20 years of age are not required to have the consent or exemption.

\* Describe how food is served on back of form.

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: TURNAGAIN Arm BBQ Pit

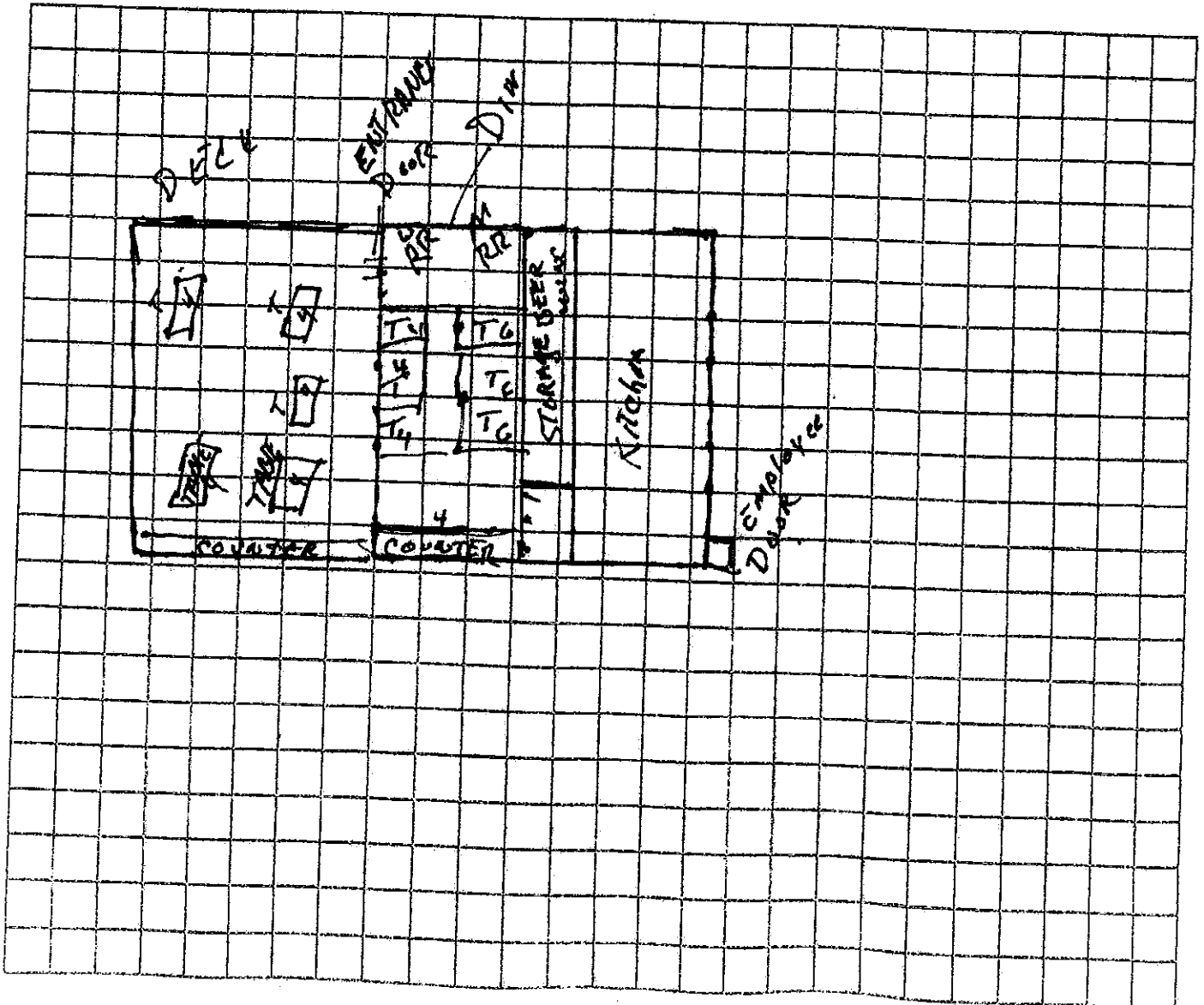
PREMISES LOCATION: 27635 Seward Hwy Indian Alaska

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: X 1 SQ. = 4 FT. SCALE B: \_\_\_\_\_ 1 SQ. = 1 FT.

Length and width of premises in feet:

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



**Content ID:** 009238**Type:** AR\_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW RESTAURANT EATING PLACE LIQUOR LICENSE # 4991 AND RESTAURANT DESIGNATION PERMIT FOR

**Title:** TURNAGAIN ARM BBQ PIT LLC dba TURNAGAIN ARM BBQ PIT, LOCATED AT 27635 SEWARD HWY, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.. Assembly Chair Traini, Vice-Chair Flynn, and Assembly Public Safety Committee Chair Honeman.

**Author:** moserak**Initiating Dept:** Muni\_Clk**Date Prepared:** 7/16/10 9:19 AM**Assembly Meeting Date Y:** 7/27/10

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	7/16/10 9:24 AM	Exit	Amanda Moser	Public	009238
AllOtherARWorkflow	7/16/10 9:24 AM	Checkin	Amanda Moser	Public	009238