



MEMORANDUM

TO: Robert Klein, Chair, and
Members of the Board

DATE: July 11, 2017

FROM: Erika McConnell
Director, ABC Board

RE: 907 Club #1034

This is an application for a transfer of ownership, location and a DBA change for a beverage dispensary license in the Matanuska-Susitna Borough (MSB). The transfer was first brought to the Board in April 2015 at which time the Matanuska-Susitna Borough protested and the Board upheld the protest.

A new application was filed and brought to the Board in October 2016 at which time the Borough protested and the Board tabled the item until December, awaiting the outcome of the Borough's conditional use hearing.

In December 2016, the Board was notified that while the MSB lifted its protest, there was an appeal of the conditional use. The Board tabled the matter to the next meeting.

In February 2017, the Board tabled the application until the conditional use permit appeals are finished.

Staff brought the application back to the Board in April 2017 because the conditional use appeal to the MSB Board of Adjustment was finished, but the decision was appealed to Superior Court. The Board tabled the item to this meeting to see the progress of the Superior Court case.

On June 13, 2017, the Superior Court issued a stay of the use of the conditional use permit for one year or until the appeal process is complete, whichever occurs first.

Recommendation: Table the application for one year or until the Superior Court case is decided, whichever occurs first.

Attachments: Superior Court Stay
Public Comments

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Roy@LongacreLaw.com

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

John J. Rush) Case No. 3AN-17-05259 CI
)
)
Appellant,)
)
vs.)
)
Matanuska-Susitna Borough Board)
Of Adjustment and Appeals)
)
Appellee.)
)
)
)

ORDER STAYING USE OF CONDITIONAL USE PERMIT

THIS COURT, having considered the Appellant's *Motion for Stay of Use of Conditional Use Permit*, any opposition thereto, and the file, and finding that:

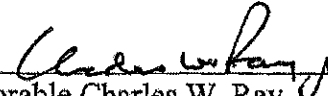
- a. The motion is well-taken;
- b. It is logical to stay use of the Matanuska-Borough Planning Commission's Conditional Use Permit granted November 7, 2016 by the MSB Planning Commission Resolution No. 16-37 ("CUP") for one year or until this appeal process is completed, whichever occurs first, to prevent incongruous results and unnecessary complications

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and expenditures of time and money by the parties and courts.

HEREBY ORDERS: that Robert M. Button's use of the CUP is stayed for one year or until this appeal process is complete, whichever occurs first.

DATED: 6/13/17


Honorable Charles W. Ray
Superior Court Judge

I certify that on 6.13.17 a copy of the following was mailed/emailed to each of the following at their addresses of record.


Administrative Assistant

Longacre
Dalrymple
Sears
R. Button - mailed
L. T. McPherson
A. Renschew
D. Rodda
A. Cartwright
C. Henley
J. Harman
K. Loeffler
S. Nerland - mailed
G. Skoglund - mailed

From: Rodda, John H.
To: [McConnell, Erika B \(CED\)](#)
Subject: Request to ABC Board to Postpone Indefinitely Action on 907 Club
Date: Thursday, June 22, 2017 1:29:56 PM
Attachments: [Scan_20170622_110555.pdf](#)

Ms. McConnell,

As you know from previous discussion, correspondence, and testimony, the 907 Club Transfer of License Application is highly contentious resulting in legal appeals and most recently, a Superior Court Order Staying Use of Conditional Use Permit (attached). The court order stays use of the 907 Club CUP for one year or until the appeal process is complete. I am respectfully requesting the ABC Board postpone indefinitely all action on the 907 Club in accordance with the Superior Court Order. Thank you for your consideration.

Sincerely,

John H. Rodda

From: Renschen, Audrey (USAAK)
To: [McConnell, Erika B \(CED\); Alcohol Licensing, CED ABC \(CED sponsored\)](#)
Subject: Application 1034, 907 Club License transfer
Date: Thursday, June 22, 2017 2:23:00 PM
Attachments: [3AN-17-05259CI.PDF](#)

Dear Director [McConnell](#), and fellow AMCO Board members:

I'm writing to request that you delay licensing consideration for the 907 Club Bar under application 1034, at your July 11, 2017 meeting, and thereafter, for one year, or until the appeal in Case #3AN-17-05259 CI, is completed, whichever comes first.

I've attached the Court order in this case from Superior Court Judge Charles W. Ray, ordering a stay of Robert Button's use of the Conditional Use Permit (CUP), granted by the Matanuska-Borough Planning Commission for the 907 Club. As you can see from the Court order, the stay is in effect for one year, or until the pending appeal is completed by the State of Alaska Superior Court, whichever comes first.

I am a one of the Big Lake and Rocky Lake community members most affected by the proposed 907 Club Bar. We have been consistently opposed to the bar, and I have appeared in person before you on two prior occasions to explain the negative impact the bar will have on the safety and character of our community, as well as the property values of the largely residential area.

I am not opposed to bars in general. I am opposed to this bar. It will harm the public health, safety and welfare of our community because of its design and location. The 907 Club's entry/exit doors face directly into a family-oriented and stable neighborhood with a decades-long, and multi-generational commitment to maintaining a peaceful and safe environment. The proposed bar with its concomitant dangers of alcohol and long hours, stands immediately adjacent to a small, tight-knit, family oriented residential community. The 907 Club seriously and directly threatens our unique residential community that we have invested in and protected for over 50 years. The proposed bar is much more than a nuisance, it is a looming hazard.

Thus we ask your caution, and your respect for our situation. Please table this matter and delay your licensing consideration until the Court proceedings have been completed, and you are fully informed of the impact this bar will have on our community.

Respectfully submitted,
Audrey J. Renschen

14902 W. Rocky Street
Big Lake, AK, 99652

From: Rick Nerland
To: [McConnell, Erika B \(CED\)](#)
Cc: [Steve Nerland](#); [Roger Nerland](#); [Brian Nerland](#); [Rodda, John H.](#)
Subject: Club 907
Date: Thursday, June 22, 2017 3:08:45 PM
Attachments: [Scan_20170622_110555\[1\].pdf](#)

Ms. McConnell,

Please add to the comments for review of the Club 907 materials.

AMCO Board Members:

Attached is the Superior Court Order to stay the granting of the CUP for Club 907. The court found that the process was not correct and has remanded the issue back to the MSB Planning Commission. This is further evidence that the process of awarding the CUP was flawed. I urge you to refrain from acting to approve the transfer of license until this matter is reviewed by the MSB Planning Commission and a final decision is rendered.

This application is not located in a compatible area from the residents perspective. The residents are united in our opposition to this license. I urge no action be taken.

Respectfully,

Rick Nerland
Member-Manager
Rocky Lake LLC

From: Brian Nerland
To: [McConnell, Erika B \(CED\)](#)
Subject: License Transfer #1034 Comments for Upcoming July ABC meeting
Date: Thursday, June 22, 2017 3:22:47 PM
Attachments: [Superior Court Order Stay.pdf](#)

Ms. McConnell,

We are residents of Big Lake and are writing today to be on record requesting that the Alcohol Control Board either postpone indefinitely or table License #1034 transfer from Sheep Mountain Lodge to the 907 Club on Rosalie Court in Big Lake in accordance with the Superior Court Order Stay (attached) and to allow the public process to be complete.

Sincerely,

Brian & Julie Nerland

From: Steve Nerland
To: [McConnell, Erika B \(CED\)](#)
Subject: 907 club CUP
Date: Thursday, June 22, 2017 5:21:27 PM

6/22/17

Please add to Board packet.

AMCO Board Members,

Based on the recent Superior Court order to stay the CUP for the 907 Club, I urge you to refrain from acting on this request until the MSB Planning Commission reviews this and a final decision is made.

The neighbors are very much against the license .

Thank you,

Steve Nerland
Rocky Lake Property owner

From: Gail Cartwright
To: [McConnell, Erika B \(CED\)](#)
Subject: Liquor License #1034
Date: Friday, June 23, 2017 11:29:56 AM

Dear Ms. McConnell,

I am adamantly opposed to the transfer of Liquor License #1034 to the proposed 907 Club.

I request at the very least that the AMCO postpone action on this issue until the public process and all studies are complete.

Thank you for your consideration in this matter.

Sincerely,
Gail Cartwright

Sent from my iPhone

From: Gail Cartwright
To: [McConnell, Erika B \(CED\)](#)
Cc: claudiahenley@gmail.com
Subject: Liquor License #1034
Date: Friday, June 23, 2017 11:36:23 AM

Dear Ms. McConnell,

I am opposed to the transfer of Liquor License #1034 to the proposed 907 Club.

I request that the AMCO postpone action on this issue until the public process and all studies are complete.

Thank you for your consideration.

Sincerely,
Claudia Henley
claudiahenley9@gmail.com

Sent from my iPhone