



MEMORANDUM

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

DATE: April 6, 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.

An appeal of the conditional use permit issued by Matanuska-Susitna Borough (MSB) has been filed in Superior Court by a resident, and additional public objections have been received. On March 15, the Big Lake Community Council requested that consideration of this license transfer be delayed until the appeal process is complete.

At the February 1, 2017, ABC Board meeting, the Board voted to table the application until the Mat-Su Borough conditional use permit appeals are finished.

As a Superior Court appeal will be a longer process than the Mat-Su Borough appeal, staff is bringing this application back before the board for additional guidance as to the intent of the motion to table.

Recommendation:

Provide clarification on February 1, 2017, motion regarding tabling until appeal process is finished. Draft minutes state: "Ellen Ganley motions to table until the Mat-Su Borough CUP (conditional use permit) appeals are finished."

Longacre Law Offices, Ltd.
P.O. Box 191025 Anchorage, AK 99519

Roy L. Longacre

Ph: (907) 350-1748

Roy@LongacreLaw.com

March 13, 2017

Attn: Sarah Oates
Alcohol & Marijuana Control Office
The Atwood Building
550 W. 7th Avenue, Suite 1600
Anchorage, Alaska 99501

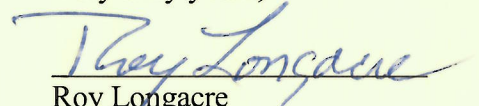
Re: *The 907 Club*
Application for Transfer of Beverage Dispensary License

Dear Ms. Oates:

I have, on behalf of John J. Rush, filed an appeal of the Matanuska-Susitna Borough Board of Adjustment and Appeals decisions and Planning Commission Resolution No. 16-37. A copy of the *Notice of Appeal* and the *Statement of Points On Appeal* accompany this letter.

Request is made to stay any further action on transfer of the beverage dispensary license to The 907 Club until the legality of Resolution No. 16-37 is resolved by the pending appeal.

Very truly yours,


Roy Longacre

cc: John J. Rush (without enclosures)

Enclosures: as stated



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

John J. Rush	) Case No. 3AN-17- <u>05259</u> CI
)
Appellant,	) BOAA Case Nos. 16-03 &
	) 16-04
)
	) Planning Commission
	) Resolution No. 16-37
vs.	) Approving a Conditional
	) Use Permit for the
Matanuska-Susitna Borough	) operation of an
	) Alcoholic Beverage
Appellee.	) Dispensary for The 907
	) Club, Permit No.
	) 17702016002

NOTICE OF APPEAL

COMES NOW, Appellant, John J. Rush, through undersigned counsel, and gives notice of his appeal of the Planning Commission Resolution No. 16-37 dated November 7, 2016, the Notice of Right to Appeal and Final Decision (BOAA Case No. 16-03) dated February 14, 2017, and the Notice of Right to Appeal and Final Decision (BOAA Case No. 16-04) dated February 14, 2017.

Pursuant to Alaska Rules of Appellate Procedure 602(c), the following documents are submitted herewith:



1. A Statement of Points on Appeal;
2. A copy of the Planning Commission Resolution No. 15-04 dated February 2, 2015;
3. A copy of the Planning Commission Resolution No. 16-37 dated November 7, 2016;
4. A copy of the Notice of Right to Appeal and Final Decision (BOAA Case No. 16-03) dated February 14, 2017;
5. A copy of the Notice of Right to Appeal and Final Decision (BOAA Case No. 16-04) dated February 14, 2017;
6. Proof of service on the head of the Planning Commission and on the Attorney General of Alaska at Juneau, Alaska.

DATED March 8, 2017, at Anchorage, Alaska.

Longacre Law Offices, Ltd.
Attorney for Appellant
John Jay Rush

By: 
Roy Longacre, Esq. ABA #8211124



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) Alcoholic Beverage
Appellee.) Dispensary for The 907
) Club, Permit No.
) 17702016002

STATEMENT OF POINTS ON APPEAL

COMES NOW, Appellant, John J. Rush, through undersigned counsel, and submits the following points on appeal:

1. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it found in BOAA Case No. 16-03 that the appellant's appeal does not provide any code based arguments as reasons that the Planning Commission erred in granting the conditional use permit.



2. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it concluded in BOAA Case No. 16-03 that the conditional use is compatible with, will preserve, and will not materially detract from the value, character, and integrity of the surroundings, as required by MSB 17.70.100 (A) (1) (a) .
3. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it concluded in BOAA Case No. 16-03 that the conditional use is compatible with, will preserve, and will not be harmful to the public health, safety, convenience, and welfare as required by MSB 17.70.100 (A) (1) (b) .
4. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it concluded in BOAA Case No. 16-03 that the entitlement applicant constructed Rosalie Court to Borough standards and as a result, there should not be any negative effect on the safe, efficient flow of traffic, caused by access to and from the site of the conditional use, as required by MSB 17,70.100 (A) (2) (b) .
5. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it concluded in BOAA Case No. 16-03 that the Planning Commission appropriately applied Borough code with respect to



the standards set forth in MSB 17.70.100 and 17.70.110, when reviewing and granting the conditional use.

6. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it made its decision in BOAA Case No. 16-03 affirming the decision of the Planning Commission in Resolution No. 16-37, which grants a conditional use permit for The 907 Club.
7. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it found in BOAA Case No. 16-04 that the hours of operation being limited by the Planning Commission due to sound concerns, in part, were unnecessary as Borough Code already provides for the regulation of noise and sound amplification pursuant to MSB 8.52.
8. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it decided in BOAA Case No. 16-04 to modify the conditional use permit Condition No. 16, regarding the hours of operation - The hours of operation are modified so that the hours of operation do not exceed 6 a.m. to 12 a.m., 7 days a week.
9. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it decided in BOAA Case Nos. 16-03 & 16-04, respectively, to modify [in part]



and affirm the decision of the Planning Commission in Resolution No. 16-37, which grants a conditional use permit for The 907 Club.

10. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it decided in BOAA Case Nos. 16-03 & 16-04, respectively, based on an incomplete and inaccurate record.

11. The Matanuska-Susitna Borough Planning Commission erred when it decided Resolution No. 16-37 without considering its earlier findings and holdings, and respectively lack thereof, in Resolutions No. 15-06 & 15-04.

DATED March 8, 2017, at Anchorage, Alaska.

Longacre Law Offices, Ltd.
Attorney for Appellant
John Jay Rush

By: *Roy Longacre*
Roy Longacre, Esq. ABA #8211124



By: Mark Whisenhunt
Introduced: January 5, 2015
Public Hearing: February 2, 2015
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 15-06**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION ADOPTING FINDINGS OF FACT AND CONCLUSIONS OF LAW TO SUPPORT DENIAL OF PLANNING COMMISSION RESOLUTION 15-04.

WHEREAS, Planning Commission Resolution 15-04 was for approval of a conditional use permit for the operation of an alcoholic beverage dispensary (bar) at the 907 Club, located within Township 17 North, Range 3 West, Section 21; Tax ID# 5428000T00A, Seward Meridian; and

WHEREAS, on February 2, 2015, the Planning Commission held a public hearing on Resolution 15-04; and

WHEREAS, the Planning Commission failed to garner a majority vote on February 2, 2015 which constitutes denial of the conditional use permit; and

WHEREAS, comments received regarding the proposed alcoholic beverage dispensary (bar) raised the following concerns:

- Noise would change the character of the neighborhood/area
- Inability to mitigate noise impacts due to close proximity to residential neighborhoods
- Hours of operations (open until 5:00AM) would negatively impact neighbors
- Use is not compatible with character of area
- Use would negatively impact a State campground 700-feet from proposed conditional use
- Parking lot run-off would impact the lake waters
- Light pollution



- Concerns for bike path/ATV traffic and potential intoxicated driver from ~~Matrovska~~ ^{Susitna} Borough Planning Commission this 2nd day of February, 2015.
 - More potential drunk drivers on the road system
 - potential increase of alcohol related incidents and crimes
 - General traffic increase to the area
 - Vagueness / Incomplete application material
 - Will have same negative impact to neighbors as "Fish Heads Bar" ^{JOHN KLAPPERICH, Chair}
 - Property Value will decrease due to noise pollution
 - No local police to help mitigate alcohol related incidents
- ATTEST: Concerns of non-compliance by the applicant, due to violation of other CUP and lack of willingness to "follow the rules"

MARY ANDREAS, Planning Clerk of the Borough-Wide Comprehensive Plan (2005 Update) is to Protect and enhance the public safety, health, and welfare of Borough residents; and

WHEREAS, Policy LU1-1 Borough-Wide Comprehensive Plan (2005 Update) is to Provide for consistent, compatible, effective, and efficient development within the Borough; and

WHEREAS, Goal LU-2 of the Borough-Wide Comprehensive Plan (2005 Update) is to Protect residential neighborhoods and associated property values; and

WHEREAS, Policy LU2-1 of the Borough-Wide Comprehensive Plan (2005 Update) is to Develop and implement regulations that protect residential development by separating incompatible uses, while encouraging uses that support such residential uses including office, commercial and other mixed-use developments ^{RESIDENTIAL} ~~YES~~ are shown to have positive cumulative impacts to the Neighborhood; and

WHEREAS, Goal LU-3 of the Borough-Wide Comprehensive Plan (2005 Update) is to *Encourage commercial and industrial development that is compatible with residential development and local community desires*; and

WHEREAS, Policy LU3-1 of the Borough-Wide Comprehensive Plan (2005 Update) is to *Develop and implement regulations that provide for non-residential development*; and

WHEREAS, the developed properties along South Big Lake Road are predominantly commercial, but produce little to no amplified noise; and

WHEREAS, the nearest operating alcoholic beverage dispensary in the Big Lake area is Floaters on Big Lake Road, about one quarter mile from this site; and

WHEREAS, the subject parcel was originally Lots 2, 3, & 4, of Block 1 of the "Rocky Big Lake Subdivision"; and

WHEREAS, Rocky Lake Subdivision abuts the proposed conditional use; and

WHEREAS, the character of the Rocky Lake Area is known to be of a quiet and family-friendly atmosphere; and

WHEREAS, Alaska Administrative Code 11 AAC 20.922 - Use of Power Boats at Rocky Lake State Recreation Site, prohibits the use of jet skis, jet boats with inboard motors, and airboats; and

WHEREAS, Rocky Lake State Recreation Site is less than 600-



feet from the proposed conditional use; and

WHEREAS, Rocky Lake State Recreation Site has quiet hours of 10:00PM to 6:00AM; and

WHEREAS, the application material shows a 2,496-square foot bar with a 150-square foot smoking deck/beer garden; and

WHEREAS, the application material shows a 1,400-square foot "bandstand" (outdoor music stage); and

WHEREAS, the applicant indicated he was unsure of the hours of operation for the bar portion of the business, but that he could operate 21-hours a day, from 8:00AM to 5:00AM the following day; and

WHEREAS, the applicant indicated he was unsure of the hours of operation for the restaurant portion of the business, but that he could operate 23-hours a day, from 6:00AM to 5:00AM the following day; and

WHEREAS, the applicant provided little to no detail on the operation of the bandstand, such as hours of operation, number of expected attendees, parking and traffic impacts, and noise generated by the use; and



WHEREAS, the applicant did not address the noise impact to the community or adjacent neighborhood that the bar and bandstand would create; and

WHEREAS, the nearest developed residential lot is approximately 35-feet from the subject parcel; and

WHEREAS, the applicant has provided conflicting information in the application material as to noise mitigation measures. On page 2, question #6, the applicant states a berm will be installed with newly planted trees to mitigate noise, dust and traffic. The site plan shows an 8-foot tall wooden fence will be installed; and

WHEREAS, the applicant has provided conflicting information in the application material as to noise mitigation measures. On page 2, question #4, of the application, the applicant states that state of the art noise buffering material will be installed. In an email, dated January 14, 2015, the applicant states he is undecided on the installation of noise buffering material in the bar structure; and

WHEREAS, MSB 8.52.010(A) declares: "The borough hereby finds and declares that noise, volume-enhanced sounds and their concomitant vibration are significant sources of environmental pollution which represent a present and increasing threat to public peace and to the health, safety, and welfare of the residents of the borough. Loud noise and amplified sounds have



an adverse effect on the psychological and physiological well-being of persons."; and

WHEREAS, according to Rutgers Noise Technical Assistance Center, music concerts typically produce sound greater than 100-decibels (db), which falls in the "deafening" category; and

WHEREAS, according to Rutgers Noise Technical Assistance Center, a quiet to noisy home produces sound around 30-60db, which falls in the "faint" and "moderate" categories; and

WHEREAS, production of sound levels, such as 100-db adjacent to a quiet neighborhood would have an adverse impact to its residents; and

WHEREAS, without factual details of the proposed bar and bandstand, an accurate assessment of the impact to the community and adjacent neighborhood cannot be made; and

WHEREAS, the subject property is 4.96-acres in size. The proposed conditional use will occupy approximately 1.85-acres on the east side of the property, which accesses South Rosalie Court; and

WHEREAS, a Matanuska-Susitna Borough driveway permit is required but has not been obtained for access onto South Rosalie Court; and



WHEREAS, the adjacent properties to the back (north and northwest) side of this lot are developed with residential homes; and

WHEREAS, the application material shows a proposed "illuminated sign on pole" with no other details such as, size, type of illumination, or glare impact; and

WHEREAS, the application material shows 11 wall mounted lights on the exterior of the building. No details such as, size, type of illumination, or glare impact was provided in the application material; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting denial of Planning Commission Resolution 15-04:

1. the commission finds this conditional use is not compatible with, will not preserve, and will materially detract from the value, character and integrity of the surrounding area (MSB 17.70.100(A)(1)(a)); and
2. the commission concludes this conditional use, as proposed, will be harmful to the public health, safety, convenience and welfare (MSB 17.70.100(A)(1)(b)); and



3. the commission finds sufficient setbacks, lot area, buffers or other safeguards have not been provided (MSB 17.70.100(A)(1)(c)); and
4. the commission finds there will be negative effects upon the properties in the area due to such factors as noise, obtrusive advertising and glare (MSB 17.70.100(A)(2)(a)); and
5. the commission finds measures are not in place to reduce any negative effect upon adjacent and nearby properties (MSB 17.70.100(A)(2)(c)); and
6. the commission concludes the proposed conditional use is not compatible with the character of the surrounding neighborhood (MSB 17.70.100(A)(2)(g)); and
7. the proposed conditional use, as proposed, is inconsistent with the goals and policies of the Borough-Wide Comprehensive Plan (2005 Update).

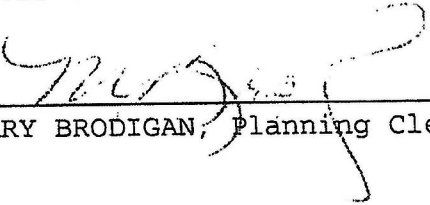
BE IT FURTHER RESOLVED that this is a final determination which may be appealed in accordance with MSB 15.39.140 by filing a written notice of appeal with the Borough Clerk within 21 days from the date this determination was issued. If an appeal is not filed as described in the preceding sentence, the right to appeal is forfeited.



ADOPTED by the Matanuska-Susitna Borough Planning
Commission this 2nd day of February, 2015.


JOHN KLAPPERICH, Chair

ATTEST:


MARY BRODIGAN, Planning Clerk

(SEAL)

YES: Erdle, Klapperich, Halden, Brodigan, and Buchensteen
NO: Colonna

Planning Commission Resolution 15-06
Adopted: February 2, 2015



By: Mark Whisenhunt
Introduced: Oct. 17, 2016
Public Hearing: Nov. 7, 2016
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 16-37**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AN ALCOHOLIC BEVERAGE DISPENSARY (BAR) AT THE 907 CLUB, LOCATED WITHIN TOWNSHIP 17 NORTH, RANGE 3 WEST, SECTION 21; TAX ID# 5428000T00A, SEWARD MERIDIAN.

WHEREAS, an application had been received from RMB LLC, dba. Nine Oh Seven, Corporation for a conditional use permit for the operation of an alcoholic beverage dispensary (bar) at the 907 Club, located within Township 17 North, Range 3 West, Section 21; Tax ID# 5428000T00A, Seward Meridian; and

WHEREAS, MSB 17.70.020(A)(1) requires a conditional use permit for the operation of an alcoholic beverage dispensary (bar); and

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, an alcoholic beverage dispensary (bar) is declared to be a public nuisance; and

WHEREAS, an operation of such a land use without a permit is prohibited; and

WHEREAS, Goal LU-1 of the Borough-Wide Comprehensive Plan (2005 Update) is to Protect and enhance the public safety, health, and welfare of Borough residents; and



WHEREAS, Policy LU1-1 Borough-Wide Comprehensive Plan (2005 Update) is to Provide for consistent, compatible, effective, and efficient development within the Borough; and

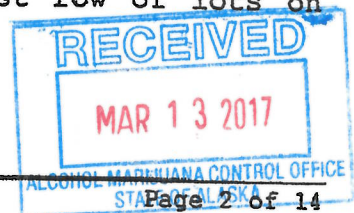
WHEREAS, Goal LU-2 of the Borough-Wide Comprehensive Plan (2005 Update) is to Protect residential neighborhoods and associated property values; and

WHEREAS, Policy LU2-1 of the Borough-Wide Comprehensive Plan (2005 Update) is to Develop and implement regulations that protect residential development by separating incompatible uses, while encouraging uses that support such residential uses including office, commercial and other mixed-use developments that are shown to have positive cumulative impacts to the neighborhood; and

WHEREAS, Goal LU-3 of the Borough-Wide Comprehensive Plan (2005 Update) is to Encourage commercial and industrial development that is compatible with residential development and local community desires; and

WHEREAS, Policy LU3-1 of the Borough-Wide Comprehensive Plan (2005 Update) is to Develop and implement regulations that provide for non-residential development; and

WHEREAS, the Big Lake Comprehensive Plan (2009) Guide Map shows this parcel within the "Gateway Corridor", which is defined as "mixed-use corridor" that includes the first row of lots on either side of the road; and



WHEREAS, the comprehensive plan states the "Gateway Mixed Use Corridor" area is intended to balance two objectives: "to allow for a range of uses and, at the same time, to ensure this corridor provides an attractive entry to Big Lake." Specific objectives for this area include: Allow a mix of uses, including commercial activities and residential uses; and discourage large scale, industrial uses; and

WHEREAS, the developed properties along South Big Lake Road are predominantly commercial, but some industrial and residential uses are also present; and

WHEREAS, the nearest operating alcoholic beverage dispensary in the Big Lake area is Floaters on Big Lake Road, about one quarter mile from this site; and

WHEREAS, the subject parcel was originally Lots 2, 3, & 4, of Block 1 of the "Rocky Big Lake Subdivision". The "Rocky Big Lake Subdivision" has since been re-subdivided and is now known as, Rocky Lake Subdivision, Rocky Big Lake Subdivision, and Marjorie's Manor. Covenants that apply to the subject property are recorded with the State of Alaska's Recorder's office, in Book 186 Page 928; and

WHEREAS, Rocky Lake Subdivision abuts the proposed conditional use; and



WHEREAS, Alaska Administrative Code 11 AAC 20.922 - Use of Power Boats at Rocky Lake State Recreation Site, prohibits the use of jet skis, jet boats with inboard motors, and airboats; and

WHEREAS, Rocky Lake State Recreation Site is less than 600 feet from the proposed conditional use; and

WHEREAS, Rocky Lake State Recreation Site has quiet hours of 10:00PM to 6:00AM, daily; and

WHEREAS, the application material shows a 2,496 square foot bar with a 150 square foot enclosed smoking room, and an arctic entryway; and

WHEREAS, the application material states the proposed hours of operation are: restaurant/food service is 6:00 a.m. to 12:00 a.m. and liquor service is 10:00 a.m. to 2:00 a.m.; and

WHEREAS, the nearest developed residential lot abuts the subject parcel to the northeast; and

WHEREAS, MSB 8.52.010(A) declares: "The borough hereby finds and declares that noise, volume-enhanced sounds and their concomitant vibration are significant sources of environmental pollution which represent a present and increasing threat to public peace and to the health, safety, and welfare of the residents of the borough. Loud noise and amplified sounds have an adverse effect on the psychological and physiological well-being of persons."; and



WHEREAS, the proposed structure will have a log sided "cabin look"; and

WHEREAS, the applicant has signed an agreement with some neighboring property owners to further make the conditional use compatible with, preserve, and not materially detract from the value, character and integrity of the surrounding area by imposing the following four conditions:

1. No access to Rocky Lake Dr. from Marjorie's Manor Tract A.
2. Establish and maintain a vegetative screening buffer based on the existing 8' high earth berm which we are fine with. The buffer shall also include a continuous row of trees to mitigate noise, 4'-6' tall, spaced 8' apart. Buffer berm shall be hydro-seeded with natural wild grass mix.
3. No outside band stand, outdoor concerts or amplified audio performances.
4. Meet the Dark Sky lighting standards. All lighting shall be downcast with half lens luminaires on the building and parking lot to limit illuminations to adjoining properties. No flashing lights to distract drivers or create a nuisance to neighbors; and

WHEREAS, according to the application material, a combination of foam insulation, sheetrock and a noise reduction product known

Planning Commission Resolution 16-37
Approved: November 7, 2016



as Acoustica Barrier (DB-3, Model #DB348X96BX) will be used in the walls and ceiling to achieve a 90% reduction in noise; and

WHEREAS, according to the application material, triple paned windows will be installed in the proposed structure to achieve a 68% reduction in noise; and

WHEREAS, the nearest school is Big Lake Elementary which is about 4,200 feet from this site. State regulations preclude beverage dispensary licenses within 200 feet of a school; and

WHEREAS, the nearest church is about 1,200 feet from this site. State regulations preclude beverage dispensary licenses within 200 feet of a church; and

WHEREAS, the operator of the proposed use is required to operate in accordance with Alaska Statute, which includes but is not limited to, mandatory alcohol server education; and

WHEREAS, according to the application material, measures which include contacting law enforcement, will be taken to ensure individuals who may be impaired do not leave the premises operating a vehicle, ATV, snow-machine or by walking; and

WHEREAS, the subject property is 4.96-acres in size. The proposed conditional use will occupy approximately 1.85-acres on the east side of the property, which accesses South Rosalie Court; and

WHEREAS, a Matanuska-Susitna Borough driveway permit is required for access onto South Rosalie Court. The applicant has

Planning Commission Resolution 16-37

Approved: November 7, 2016



requested the Borough to conduct a final inspection for the constructed driveway; and

WHEREAS, according to the application material, an arctic entry will be constructed and its door will face east towards Rosalie Court to minimize noise spilling from the building; and

WHEREAS, according to the site plan dated July 15, 2016, an 8-foot tall wooden fence is to be constructed along the northeast property line that abuts a residential development; and

WHEREAS, the adjacent properties to the back (north and northwest) side of this lot are developed with residential homes; and

WHEREAS, the parking lot and driveway have been paved; and

WHEREAS, the operation must comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 - Noise, Amplified Sound and Vibration; and

WHEREAS, South Rosalie Court is not a Matanuska-Susitna Borough maintained road; and

WHEREAS, only two properties, including the proposed conditional use access onto South Rosalie Court; and

WHEREAS, according to a report dated April 30, 2014, by Alaska Rim Engineering, South Rosalie Court has been built to Matanuska-Susitna Borough standards; and

WHEREAS, ITE Trip Generation 7th Edition shows a "Drinking Place" of 2,400-square feet in size is expected to produce 37 trips



per peak PM hour, which does not require a traffic impact analysis;
and

WHEREAS, the Alaska Department of Transportation (ADOT) was solicited for comments. ADOT did not submit any comments for the proposed conditional use; and

WHEREAS, the borough does not have parking standards, however, according to the site plan dated July 15, 2016, 44 parking spaces and two handicap accessible spaces will be provided; and

WHEREAS, the building and parking lot have been designed by Brian McMillen, a registered professional architect in the state of Alaska; and

WHEREAS, the Alcoholic Beverage Control Board (ABC) has no record of violations by Robert Mark Button; and

WHEREAS, no information has been submitted to the borough indicating the applicant is untrustworthy or unfit to conduct business in the borough or that the applicant is a potential source of harm to the public; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.70.100 and 17.70.110; and

Whereas, the Planning Commission conducted a public hearing on November 7, 2016 on this matter; and

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned

Planning Commission Resolution 16-37
Approved: November 7, 2016



findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 16-37:

1. The conditional use is compatible with, will preserve, and will not materially detract from the value, character and integrity of the surrounding area (MSB 17.70.100(A) (1) (a)).
2. The proposed use with conditions, will not be harmful to the public health, safety, convenience and welfare (MSB 17.70.100(A) (1) (b)).
3. Sufficient setbacks, lot area, buffers or other safeguards have been provided (MSB 17.70.100(A) (1) (c)).
4. There will not be negative effects upon the properties in the area due to such factors as dust, noise, obtrusive advertising and glare (MSB 17.70.100(A) (2) (a)).
5. there should not be any negative effect on the safe, efficient flow of traffic on any highway, arterial, collector or street from which access to and from the establishment is obtained (MSB 17.70.100(A) (2) (b)).
6. Measures are in place to reduce any negative effect upon adjacent and nearby properties (MSB 17.70.100(A) (2) (c)).
7. Adequate parking is being provided (MSB 17.70.100(A) (2) (d)).



8. Access to the premise will not create an unreasonable traffic hazard (MSB 17.70.100(A)(2)(e)).
9. Traffic will not overtax existing road systems (MSB 17.70.100(A)(2)(f)).
10. The proposed conditional use is compatible with the character of the surrounding neighborhood (MSB 17.70.100(A)(2)(g)).
11. There is no evidence that the proposed conditional use will increase the crime rate in the area or increase alcohol-related accidents (MSB 17.70.110(B)(1)).
12. The applicant has not had a liquor license suspended or revoked in the 12 months preceding the application (MSB 17.70.110(B)(2)).
13. The applicant has demonstrated that he is trustworthy and fit to conduct business in the borough or that the he is not a potential source of harm to the public (MSB 17.70.110(B)(3)).

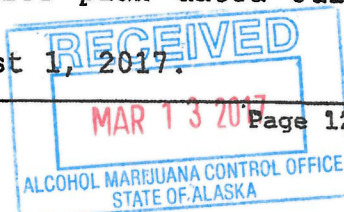
NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.70 and does hereby approve the conditional use permit for the operation of an alcoholic beverage dispensary (bar), with the following conditions:



1. The owner and/or operator shall comply with all other applicable federal, state, and local regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit; and an amendment to the Conditional Use Permit shall be required prior to any alteration or expansion of the conditional use.
3. The Matanuska-Susitna Borough driveway permit for access to 2541 S. Rosalie Court shall be finalized prior to operating the conditional use.
4. The applicant shall install indoor sound dampening panels in the bar structure, as detailed in the application. Proof of installation of the sound damping panels shall be provided to the Borough prior to operating.
5. The operation shall comply with the maximum permissible sound level limits allowed, per the requirements of MSB 8.52 - Noise, Amplified Sound and Vibration.
6. Patrons shall enter and exit the enclosed smoking room through the bar only.
7. All parking for the conditional use shall be on-site.
8. There shall be no outdoor amplified sound or entertainment of any kind.



9. Access related to this conditional use shall be made onto South Rosalie Court only. There shall be no access to Rocky Lake Dr. from Marjorie's Manor Tract A.
10. Signage and lighting shall be:
 - a. Non-glare, located and shielded to direct the light towards the ground, in order to minimize light spillage onto adjacent properties and upward into the night sky.
 - b. Lights in the parking lot and signage must be mounted no more than 20 feet above ground.
 - c. Flashing lights are prohibited, with the exception of seasonal holiday lights used during the period directly associated with the holiday.
11. An earthen berm, at least eight feet in height, shall be constructed and maintained adjacent to the north and west sides of the parking lot. The berm shall be vegetated with a wild grass mix to prevent soil erosion. Atop the berm shall be a row of trees, planted approximately eight feet apart and shall be four to six feet in height at the time of planting. As suggested by the applicant the trees shall alternate between deciduous and conifer atop the berm. All vegetation including that shown on the site plan dated July 15, 2016, shall be planted by August 1, 2017.

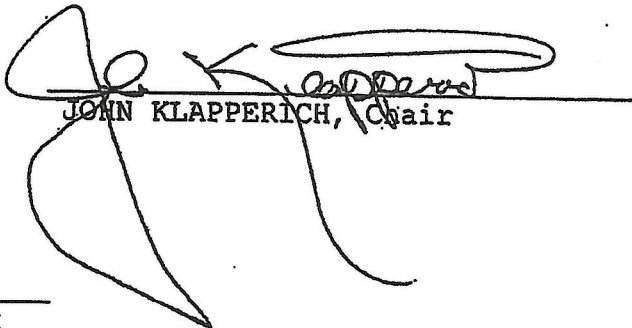


12. Due to the proximity of the utility easement from the vegetated berm, the applicant shall obtain and provide to the Borough, non-objection letters from all applicable utility companies prior to operating.
13. A wooden fence, at least eight feet in height, shall be constructed and maintained in good repair along the northeast property line as shown on the site plan dated July 15, 2016.
14. In the case where one or more utility company objects to the earthen berm, a wooden fence at least eight feet in height shall be constructed and maintained adjacent to the north and west sides of the parking lot. This fence shall connect to the wooden fence referenced in condition #13.
15. Prior to operating, the applicant shall submit an updated site plan, showing the location of the eight foot tall earthen berm identified in condition #11 or the fence identified in condition #14:
16. Hours of operation shall not exceed: 6:00 a.m. - 10:00 p.m., Sunday through Thursday; and 6:00 a.m. - 12:00 a.m., Friday and Saturday.
17. The operation shall provide parking lot security daily, starting at 10:00 p.m. until the premises are vacated.



Security shall ensure patrons are not loitering or violating the Borough's noise ordinance.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 7th day of November, 2016.


JOHN KLAPPERICH, Chair

ATTEST


MARY BRODIGAN, Planning Clerk

(SEAL)

YES: Klapperich, Anderson, Healy, Kendig, Adams, and Rauchenstein

NO: Vague

Planning Commission Resolution 16-37
Approved: November 7, 2016



Page 14 of 14

MATANUSKA-SUSITNA BOROUGH
BOARD OF ADJUSTMENT AND APPEALS

IN RE:)
)
Appeal of Planning Commission)
Resolution No. 16-37, Approving a)
Conditional Use Permit for the operation)
Of an Alcoholic Beverage Dispensary for)
The 907 Club, Permit No. 177020160002)
)
John Jay Rush,) BOAA Case No. 16-03
Appellant)
)
_____)

NOTICE OF RIGHT TO APPEAL AND FINAL DECISION

NOTICE IS HEREBY GIVEN that the Matanuska-Susitna Borough Board of Adjustment and Appeals, on February 14, 2017, rendered the following decision regarding the appeal filed in the above referenced matter. This final decision may be appealed within 30 days of the date of this decision, pursuant to MSB 15.39.250 and the Alaska Rules of Appellate Procedure, Part 600.

FINDINGS

1. This appeal was filed in a timely manner.
2. The Board of Adjustment and Appeals (BOAA) has jurisdiction over this matter pursuant to MSB 15.39.030(A)(2).
3. The appellant's appeal does not provide any code based arguments as reasons that the Planning Commission erred in granting the conditional use permit.



4. The appellant specifically speaks to concerns that no evidence was provided to support the statement in the resolution that the ITE Trip Generation, 7th Edition, shows a drinking place of 2,400 square feet in size is expected to produce 37 trips per peak hour, and therefore does not require a traffic impact analysis.
5. The appellant specifically speaks to concerns that no evidence was provided to support the statement that the Alaska State Department of Transportation was solicited for comments but provided none.
6. The Big Lake Comprehensive Plan shows the parcel to be within the "Gateway Corridor" for Big Lake, which is defined as a mixed use corridor that includes the first row of lots on either side of the road.
7. That corridor is intended to allow for a range of uses and at the same time, to ensure the corridor provides an attractive entry to the Big Lake Community.
8. The Big Lake Comprehensive Plan does not expressly prohibit an alcohol beverage dispensary; Floaters is the nearest alcohol beverage dispensary and is approximately one-quarter of a mile from this site, situated on the same side of the road.



CONCLUSIONS

Based upon the above findings, the Board of Adjustment and Appeals makes the following conclusions:

1. The conditional use is compatible with, will preserve, and will not materially detract from the value, character, and integrity of the surroundings, as required by MSB 17.70.100(A)(1)(a).
2. The conditional use will not be harmful to the public health, safety, convenience, and welfare as required by MSB 17.70.100(A)(1)(b).
3. The Planning Commission regularly and appropriately relies on staff to provide any necessary technical resources and/or information, such as when a traffic impact analysis may or may not be required and where to find that information.
4. The Planning Commission appropriately relied on the staff report that indicated that the Alaska State Department of Transportation and Public Facilities did not provide a response to the request for comment, as of the writing of the staff report; staff is qualified to advise the Planning Commission that no comment was received from the State.
5. The entitlement applicant constructed Rosalie Court to Borough standards and as a result, there should not be any



negative effect on the safe, efficient flow of traffic, caused by access to and from the site of the conditional use, as required by MSB 17.70.100(A)(2)(b).

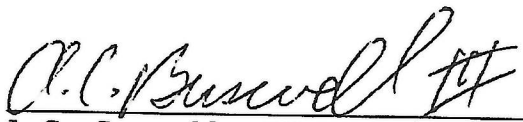
6. The Planning Commission appropriately applied Borough code with respect to the standards set forth in MSB 17.70.100 and 17.70.110, when reviewing and granting the conditional use.

DECISION

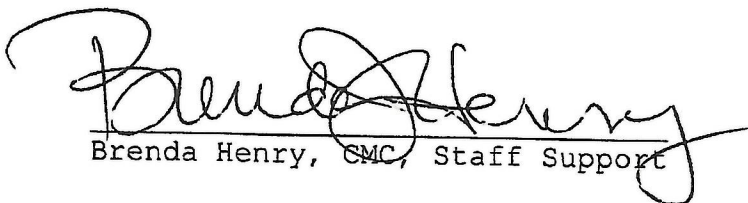
Based upon the above Findings and Conclusions, the Matanuska-Susitna Borough Board of Adjustment and Appeals affirms the decision of the Planning Commission in Resolution No. 16-37, which grants a conditional use permit for The 907 Club.

Dated this 14 day of February, 2017.

BOARD OF ADJUSTMENT AND APPEALS


A.C. Buswell, III, Chairperson

Attest:


Brenda Henry, CMC, Staff Support



MATANUSKA-SUSITNA BOROUGH

BOARD OF ADJUSTMENT AND APPEALS

IN RE:)
)
Appeal of Planning Commission)
Resolution No. 16-37, Approving a)
Conditional Use Permit for the operation)
Of an Alcoholic Beverage Dispensary for)
The 907 Club, Permit No. 177020160002)
)
Robert M. Button,) BOAA Case No. 16-04
Appellant)
)
_____)

NOTICE OF RIGHT TO APPEAL AND FINAL DECISION

NOTICE IS HEREBY GIVEN that the Matanuska-Susitna Borough Board of Adjustment and Appeals, on February 14, 2017, rendered the following decision regarding the appeal filed in the above referenced matter. This final decision may be appealed within 30 days of the date of this decision, pursuant to MSB 15.39.250 and the Alaska Rules of Appellate Procedure, Part 600.

FINDINGS

1. This appeal was filed in a timely manner.
2. The Board of Adjustment and Appeals (BOAA) has jurisdiction over this matter pursuant to MSB 15.39.030(A)(2).
3. The appellant in the captioned case is appealing Condition Nos. 4, 5, and 16.



1. The appellant's own application material, stated that "triple paned windows will be installed in the proposed structure to achieve a 68 percent reduction in noise," and "a combination of foam insulation, sheetrock, and noise reduction product known as Acoustica Barrier (DB-3 #DB348X96BX) will be used in the walls and ceiling to achieve a 90 percent reduction in noise." The appellant's own sound dampening measures were appropriately incorporated into the conditional use permit, pursuant to MSB 17.70.030(C)(1), as Condition No. 4.
2. The agreement the appellant signed with neighboring property owners, Condition No. 3, states that there would be no outside band stand, outdoor concerts or amplified audio performances; pursuant to MSB 17.70.030(C)(1), this was appropriately incorporated into the conditional use permit as Condition No. 8.
3. The Planning Commission may impose other conditions and safeguards designed to ensure the compatibility of the conditional use with other lawful uses, pursuant to MSB 17.70.030(C)(1).
4. The hours of operation as requested by the appellant, were amended by the Planning Commission, pursuant to MSB 17.70.030(C)(1), and are outlined in Condition No. 16.



5. The hours of operation being limited by the Planning Commission due to sound concerns, in part, were unnecessary as Borough Code already provides for the regulation of noise and sound amplification pursuant to MSB 8.52.
6. The Planning Commission appropriately reviewed, modified, and granted the conditional use permit pursuant to MSB 17.70.030(C)(1).
7. The Planning Director appropriately incorporated the conditions and requirements stipulated by the Planning Commission, into the conditional use permit pursuant to MSB 17.70.030(C)(2).



DECISION

The Matanuska-Susitna Borough Board of Adjustment and Appeals modifies the conditional use permit as follows:

- Condition No. 4, regarding proof of sound dampening measures being installed. At the expense of the appellant, the appellant shall provide a professional sound engineers report showing the exterior sound levels do not exceed the levels prescribed in MSB 8.52, when inside operating levels are under normal amplified sound. This shall occur after construction of the facility is complete.
- Condition No. 16, regarding the hours of operation - The hours of operation are modified so that the hours of operation do not exceed 6 a.m. to 12 a.m., 7 days a week.

Based upon the above Findings and Conclusions, the Matanuska-Susitna Borough Board of Adjustment and Appeals modifies and affirms in part, the decision of the Planning Commission in Resolution No. 16-37, which grants a conditional use permit for The 907 Club.




Dated this 14 day of February, 2017.

BOARD OF ADJUSTMENT AND APPEALS



A.C. Buswell, III, Chairperson

Attest:


Brenda Henry, CMC, Staff Support

From: [Sandy Baker](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: Liquor License transfer #1034
Date: Wednesday, March 15, 2017 9:16:15 PM

Big Lake Community Council
P.O. Box 520931
Big Lake, AK 99652

March 15, 2017

Sarah D. Oates
State of Alaska Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

Re: Liquor license transfer #1034

To Ms. Oates,

The Big Lake Community Council (BLCC) recently took time at our March General Membership Meeting to discuss the above referenced matter. The BLCC voted to ask for a delay in the liquor license transfer license #1034 from Sheep Mountain Lodge to the 907 Club in Big Lake until the Appeal process is complete.

The motion passed by the voting members of the council.

I can be reached by phone at 727-5332 or e-mail at aksandybaker@gmail.com.

Thank you in advance for your support in this matter.

Respectfully submitted,

Sandy Baker, Vice President
Big Lake Community Council

Cc: Brenda J. Henry, CMC – MSB, Board of Adjustments and Appeals
Mark Buttons
PO Box 521115, Big Lake, AK 99652

From: [Cindy Bettine](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: 907 Club liquor license transfer #1034
Date: Wednesday, March 15, 2017 1:17:19 PM

Dear Ms. Oates,

I am writing today to request that the ABC Board postpone action on the Sheep Mountain license #1034 transfer to the 907 Club in Big Lake until the entire appeal process is completed including any future appeals to the Supreme Court or remands.

Two competing decision by the Mat Su Borough modifies the conditions in which the 907 Club can operate next to our residential neighborhood.

The Mat Su Board of Adjustments and Appeals modified the conditional Use Permit contrary to the Planning Commission's decision, and the Borough Attorney and Planning Commission staff recommendations. The matter has now been appealed to Superior Court. The Big Lake Community Council has passed a resolution of objection to the transfer until the appeal process is complete n March 14, 2017.

At stake are the dozens of private properties who's property values will drop and who's peaceful neighborhood life will be effected negatively. Also objecting to the 907 Club are neighboring businesses and the private contractor who manages the state camp ground on Rocky Lake. This camp ground has quite hours until 10pm and has rules that prevent alcoholic beverages and is only a couple of hundred feet from the proposed 907 night club.

Please delay action on this transfer until the public process and the appeal to Superior Court are completed.

Sincerely,

Cindy Bettine, property owner

14653 W. Rocky Lake Dr.

Big Lake, Alaska 99652

From: [Susie](#)
To: [Oates, Sarah D \(CED\)](#)
Cc: ["Staff at House of Yamaha"](#)
Subject: 907 Club:
Date: Friday, March 17, 2017 11:17:14 AM
Attachments: [Sarah Oates 907 Club request.pdf](#)

Hello Sarah Oates,

Thank you for taking the time to read this letter.

Sincerely,
Sharlee Zipay

From: [Mike Butcher](#)
To: [Oates, Sarah D \(CED\)](#)
Cc: ["mailto:suprmark@mtaonline.net"](mailto:suprmark@mtaonline.net)
Subject: 907 CLUB
Date: Friday, March 17, 2017 4:16:04 PM

Dear Ms. Oates,

I respectfully request that the ABC Board table any action on the transfer of license 1034 Zach Steer / Sheep Mountain Lodge to the 907 Club, until such time that all appeals have been heard by the Alaska Court system.

Thank You, Michael O Butcher
Rocky Lake Property Owner

From: [Rick Nerland](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: Club 907 4/6/17
Date: Tuesday, March 14, 2017 8:16:12 AM

Dear Ms. Oates,

Once again the applicant is requesting transfer of liquor license prior to completion of the public process and appeals regarding this bar. The applicant wishes to circumvent the community sentiment regarding the operation of this proposed business.

I urge you and the board to take no action regarding the transfer of license until such time as all appeals to the MSB and the Superior Court have been resolved.

Thank you,

Rick Nerland
Member-Manager
Rocky Lake LLC

From: [Cindy Bettine](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: FW: 907 Club Letter from the Big Lake Community Council
Date: Friday, March 17, 2017 12:19:11 AM

Ms. Oates, I mentioned that the Big Lake Community council has passed a motion to delay the 907 Club liquor transfer in my previous letter. This is to forward the copy they sent me.
Cindy Bettine, 14653 W. Rocky Lake Dr., Big Lake, Ak. 907 841 5198.

From: Sandy Baker [mailto:aksandybaker@gmail.com]
Sent: Wednesday, March 15, 2017 1:16 PM
To: Cindy Bettine; Casey Steinau
Subject: 907 Club Letter

Big Lake Community Council
P.O. Box 520931
Big Lake, AK 99652

March 15, 2017

Sarah D. Oates
State of Alaska Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

Re: Liquor license transfer #1034

To Ms. Oates,

The Big Lake Community Council (BLCC) recently took time at our March General Membership Meeting to discuss the above referenced matter. The BLCC voted to ask for a delay in the liquor license transfer license #1034 from Sheep Mountain Lodge to the 907 Club in Big Lake until the Appeal process is complete.

The motion passed by the voting members of the council.

I can be reached by phone at 727-5332 or e-mail at aksandybaker@gmail.com.

Thank you in advance for your support in this matter.

Respectfully submitted,

Sandy Baker, Vice President
Big Lake Community Council

Cc: Brenda J. Henry, CMC – MSB, Board of Adjustments and Appeals

Mark Buttons

PO Box 521115, Big Lake, AK 99652

From: [John Rush](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: FW: ABC Board testimony of John Rush Re 907 Club 3/16/17
Date: Thursday, March 16, 2017 4:09:38 PM
Attachments: [image003.png](#)
[NicAppeal.StmtOfPoints \(X\).pdf](#)

Dear Ms. Oates,

I hereby respectfully request that the ABC Board continue to table any and all action on the transfer of License #1034 from Zach Steer to the 907 Club, until the appeal to Alaska Superior Court is completed. (The Notice of Appeal, and Points on Appeal, are attached to this email). If the ABC Board were to approve a transfer prior to the Superior Courts decision, they would likely become a party to the Superior Court case.

The Big Lake Community Council on March 14, 2017 voted to send a letter to the ABC Board requesting that they postpone any action on transfer of License #1034 until the appeal process is complete; (a copy of the BLCC March 15, 2017 letter to the ABC board is copied at the end of this email).

The State of Alaska has issued Request for Proposal 25172013, for a Traffic Safety Study of the Big Lake Corridor; and has awarded it to R&M Consultants, (RFP 25172013 is copied below as well). R&M will be performing a safety study for both vehicle and pedestrian traffic, and recommending actions. The BLCC has declared the Big Lake Corridor Safety as one of their highest priority issues.

This is an important community issue and as time passes, there is more and more opposition to the transfer.

I testified in Juneau at the February 1st ABC Board meeting and I was very concerned by a couple of statements made by Commissioners. One commissioner asked if there wasn't already a bar on the bike path. While that is true, Floaters, was built 20 years before the bike path existed when that area was woods. That bar is ordinarily closed before 10:00 PM, is much smaller than the 907 Club, and is in a much safer location than the 907 club. I don't think anyone would purposely put a bar on a bike path. If insinuating that precedent allows approval, I suggest that the solution to a dangerous situation, is not to add another, more dangerous situation.

Another Commissioner said, that if this was ok with the MSB then it would be ok with the ABC Board. I understand the MSB relying on the ABC Board for alcohol control, as the MSB lacks the expertise of the danger of alcohol and impaired drivers. I hope that the ABC Board, would take the CONTROL portion of their responsibility with the same seriousness that those of us with children using that bike path do.

I appreciate the time and effort you and the ABC Board Members have dedicated to this issue and for ensuring the public process has been followed. I respectfully request that when this case is presented at the April 6th meeting, the ABC Board table any action until the Superior Court process is completed.

Sincerely,

John Rush
Big Lake/Rocky Lake Property Owner

Big Lake Community Council
P.O. Box 520931
Big Lake, AK 99652

March 15, 2017

Sarah D. Oates
State of Alaska Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

Re: Liquor license transfer #1034

To Ms. Oates,

The Big Lake Community Council (BLCC) recently took time at our March General Membership Meeting to discuss the above referenced matter. The BLCC voted to ask for a delay in the liquor license transfer license #1034 from Sheep Mountain Lodge to the 907 Club in Big Lake until the Appeal process is complete.

The motion passed by the voting members of the council.

I can be reached by phone at 727-5332 or e-mail at aksandybaker@gmail.com.

Thank you in advance for your support in this matter.

Respectfully submitted,

Sandy Baker, Vice President
Big Lake Community Council

Cc: Brenda J. Henry, CMC – MSB, Board of Adjustments and Appeals

Mark Buttons

PO Box 521115, Big Lake, AK 99652

RFP/PSA number:	25172013	RFP Holders
Status:	NEGOTIATING WITH: R&M Consultants, Inc.	
Project:	Big Lake Road Pedestrian Improvements Study	
Description:	The Contractor shall analyze current pedestrian conditions and suggest future improvements to the pedestrian network in the Big Lake Community, focusing on improving access to pedestrian generators, especially public facilities such as parks and schools within the central commercial area of Big Lake, generally described as Big Lake Road, from South Beaver Lake Road to Echo Lake Drive. Bicycle travel along shoulders and pathways, and at crossings will also be considered in addition to pedestrian demand.	
Estimated range (US\$):	150,000 to 200,000	AKSAS number:
Plans room:	Central	Response due: 11/22/2016 @ 4:00 PM
Last addendum number:	1	Date/time last addendum posted: 11/15/2016 @ 3:12 PM
Date/Time Advertised:	10/26/2016 @ 09:08 AM	Download project: Addendum 1 Additional Documents.zip (7 MB) Addendum 1.pdf (785 KB) RFP 25172013.pdf (2 MB)

As the Big Lake community is seeing increased recreational use and a growing year-round population, residents have expressed concerns over pedestrian safety along their roadways. The community wants to encourage pedestrians in their downtown. The community wants to see the town center become a pedestrian friendly, walkable experience for visitors and they wish to see trail connections from the town center to the remainder of the community. They want to see their community maintain the rural atmosphere and encourage pedestrians.

From: [Claudia Henley](#)
To: [Oates, Sarah D \(CED\); Alcohol Licensing, CED ABC \(CED sponsored\)](#)
Subject: License #1034-907 Club
Date: Tuesday, March 21, 2017 9:51:04 AM

Dear Ms. Oates:

My family has owned a cabin on Rocky Lake for over fifty years. We are very opposed to the issuance of the license to the 907 club. In addition to a history of not complying with rules on other projects that he has been involved in, this applicant has not acted in good faith on many different levels in this application process, and I would like respectfully to request that action on this agenda item be postponed until after the public process and Superior Court appeal of the recent BOAA decision is concluded.

Thank you very much for your consideration.

Sincerely,

Claudia Henley

claudiahenley9@gmail.com

From: [Greg Cartwright](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: License #1034-907 Club
Date: Friday, March 17, 2017 11:38:53 AM

Ms. Oates:

I am the owner of a cabin on Rocky Lake, very near the proposed venue for this liquor license. I am very opposed to the issuance of the license for a whole host of reasons and would like to respectfully request that action on this agenda item be postponed until after the public process and Superior Court appeal of the recent BOAA decision plays out to conclusion. Thank you very much for your consideration of this request.

Greg Cartwright

Senior Vice President
Lic. #00941729

T: (858) 200-4274
M: (619) 851-4129
gregc@cfisandiego.com

CFI

10951 Sorrento Valley Rd, 2A, San Diego, CA 92121
Lic. #00288311
cfisandiego.com

From: [Gail Cartwright](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: Liquor License #1034
Date: Friday, March 17, 2017 5:34:38 PM

Dear Ms. Oates,

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

I request that the ABC Board postpone action on this issue until the public process and Superior Court appeal is complete.

Thank you for your consideration in this matter.

Sincerely,
Gail Cartwright

Sent from my iPhone

From: mcghan@mtaonline.net
To: [Oates, Sarah D \(CED\)](#)
Subject: Liquor License transfer for 907 Club
Date: Saturday, March 18, 2017 9:37:34 AM

March 17, 2017

To Sarah Oates,

It is with regrets that we are again requesting a delay in the decision to grant the transfer of liquor license from Sheep Mountain Lodge to the 907 Club in Big Lake until the current Appeal process is concluded.

This has been going on so long that we are all frustrated and weary. However, we feel strongly that we still need to pursue this to it's conclusion according to the legal process determined by the Superior Court.

Respectfully,

Tim & Lindsey McGhan



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Roy L. Longacre
Longacre Law Offices, Ltd.
PO Box 191025
Anchorage, Alaska 99519
(907) 350-1748
Roy@LongacreLaw.com

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

John J. Rush

Appellant,

vs.

Matanuska-Susitna Borough

Appellee.

) Case No. 3AN-17-25259CI
)
) BOAA Case Nos. 16-03 &
) 16-04
)
) Planning Commission
) Resolution No. 16-37
) Approving a Conditional
) Use Permit for the
) operation of an
) Alcoholic Beverage
) Dispensary for The 907
) Club, Permit No.
) 17702016002

NOTICE OF APPEAL

COMES NOW, Appellant, John J. Rush, through undersigned counsel, and gives notice of his appeal of the Planning Commission Resolution No. 16-37 dated November 7, 2016, the Notice of Right to Appeal and Final Decision (BOAA Case No. 16-03) dated February 14, 2017, and the Notice of Right to Appeal and Final Decision (BOAA Case No. 16-04) dated February 14, 2017.

Pursuant to Alaska Rules of Appellate Procedure 602(c), the following documents are submitted herewith:

1. A Statement of Points on Appeal;
2. A copy of the Planning Commission Resolution No. 15-04 dated February 2, 2015;
3. A copy of the Planning Commission Resolution No. 16-37 dated November 7, 2016;
4. A copy of the Notice of Right to Appeal and Final Decision (BOAA Case No. 16-03) dated February 14, 2017;
5. A copy of the Notice of Right to Appeal and Final Decision (BOAA Case No. 16-04) dated February 14, 2017;
6. Proof of service on the head of the Planning Commission and on the Attorney General of Alaska at Juneau, Alaska.

DATED March 8, 2017, at Anchorage, Alaska.

Longacre Law Offices, Ltd.
Attorney for Appellant
John Jay Rush

By: 
Roy Longacre, Esq. ABA #8211124

Roy L. Longacre
Longacre Law Offices, Ltd.
PO Box 191025
Anchorage, Alaska 99519
(907) 350-1748
Roy@LongacreLaw.com

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

John J. Rush	) Case No. 3AN-17- <u>05259</u> CI
)
Appellant,	) BOAA Case Nos. 16-03 &
	) 16-04
)
	) Planning Commission
	) Resolution No. 16-37
vs.	) Approving a Conditional
	) Use Permit for the
Matanuska-Susitna Borough	) operation of an
	) Alcoholic Beverage
Appellee.	) Dispensary for The 907
	) Club, Permit No.
	) 17702016002

STATEMENT OF POINTS ON APPEAL

COMES NOW, Appellant, John J. Rush, through undersigned counsel, and submits the following points on appeal:

1. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it found in BOAA Case No. 16-03 that the appellant's appeal does not provide any code based arguments as reasons that the Planning Commission erred in granting the conditional use permit.

2. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it concluded in BOAA Case No. 16-03 that the conditional use is compatible with, will preserve, and will not materially detract from the value, character, and integrity of the surroundings, as required by MSB 17.70.100 (A) (1) (a) .
3. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it concluded in BOAA Case No. 16-03 that the conditional use is compatible with, will preserve, and will not be harmful to the public health, safety, convenience, and welfare as required by MSB 17.70.100 (A) (1) (b) .
4. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it concluded in BOAA Case No. 16-03 that the entitlement applicant constructed Rosalie Court to Borough standards and as a result, there should not be any negative effect on the safe, efficient flow of traffic, caused by access to and from the site of the conditional use, as required by MSB 17,70.100 (A) (2) (b) .
5. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it concluded in BOAA Case No. 16-03 that the Planning Commission appropriately applied Borough code with respect to

the standards set forth in MSB 17.70.100 and 17.70.110, when reviewing and granting the conditional use.

6. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it made its decision in BOAA Case No. 16-03 affirming the decision of the Planning Commission in Resolution No. 16-37, which grants a conditional use permit for The 907 Club.
7. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it found in BOAA Case No. 16-04 that the hours of operation being limited by the Planning Commission due to sound concerns, in part, were unnecessary as Borough Code already provides for the regulation of noise and sound amplification pursuant to MSB 8.52.
8. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it decided in BOAA Case No. 16-04 to modify the conditional use permit Condition No. 16, regarding the hours of operation - The hours of operation are modified so that the hours of operation do not exceed 6 a.m. to 12 a.m., 7 days a week.
9. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it decided in BOAA Case Nos. 16-03 & 16-04, respectively, to modify [in part]

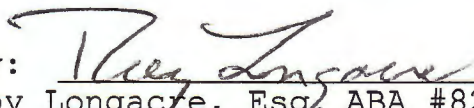
and affirm the decision of the Planning Commission in Resolution No. 16-37, which grants a conditional use permit for The 907 Club.

10. The Matanuska-Susitna Borough Board of Adjustment and Appeals erred when it decided in BOAA Case Nos. 16-03 & 16-04, respectively, based on an incomplete and inaccurate record.

11. The Matanuska-Susitna Borough Planning Commission erred when it decided Resolution No. 16-37 without considering its earlier findings and holdings, and respectively lack thereof, in Resolutions No. 15-06 & 15-04.

DATED March 8, 2017, at Anchorage, Alaska.

Longacre Law Offices, Ltd.
Attorney for Appellant
John Jay Rush

By: 
Roy Longacre, Esq. ABA #8211124

From: [Steve Nerland](#)
To: [Oates, Sarah D \(CED\); Alcohol Licensing, CED ABC \(CED sponsored\)](#)
Subject: Regarding 907 Club Big Lake
Date: Friday, March 17, 2017 3:23:52 PM

3/17/17

ABC Board

Sarah Oates ABC Board

We request that the ABC Board postpone any action on License # 1034 to the 907 Club until the public process can be completed.

As you may be aware a challenge to the ruling of the Mat Su BOAA has been appealed and will now go to Superior Court. Decision made by the BOAA in this ruling are counter to the recommendation of the Mat Su Planning Commission decision and need to be addressed by the Court regarding that decision process.

Specifically the hours of operation of this facility are of concern to many residents of the area which are close to the proposed bar.

As long time property owners in the area, we believe that this makes sense to have the public process completed before the license is approved for the site.

Thank you,

Steve and Debbie Nerland
50 year property owner at Rocky Lake

Mailing address

1001 Coral Lane
Anchorage, Alaska 99515

From: [Rodda, John H.](#)
To: [Oates, Sarah D \(CED\)](#)
Cc: ["roy@longacrelaw.com"](mailto:roy@longacrelaw.com); [John Rush](#)
Subject: Request for ABC Board to Table Action on the 907 Club Transfer of License Application
Date: Monday, March 13, 2017 1:03:24 PM

Dear Ms. Oates,

I am formally submitting my request to you and the ABC Board to table any and all action on the 907 Club Transfer of License Application.

I testified in Juneau at the February 1st ABC Board meeting when a decision was rendered to table any action until the public appeal process had been completed. The MSB Board of Adjustment and Appeals met on February 14th and unfortunately, modified pending Conditional Use Permit conditions that are contrary to earlier MSB Planning Commission and Staff recommendations, and in direct conflict with current MSB Title 17 standards. In doing so, this now requires a new public process in an effort to reach resolution. The matters are being appealed to Superior Court .

I am frustrated, as are many others, and I suspect you and the ABC Board as well. This process has extended over two years but is not resolved. This is a highly contentious community issue and there are too many ramifications for the ABC Board taking any action on the 907 Club Transfer of License Application until such time as the public process and appeal to Superior Court are completed.

I appreciate the time you and ABC Board Members have dedicated to this issue and ensuring public process has been followed. I respectfully request that when this case is presented at the April 6th meeting, the ABC Board table any action until public process and Superior Court decisions are completed.

Sincerely,

John H. Rodda
Big Lake/Rocky Lake Property Owner

From: [Brian Nerland](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: Request regarding license #1034 transfer
Date: Friday, March 17, 2017 11:36:35 AM

We are residents of Big Lake and are writing today to be on record requesting that the Alcohol Control Board either table or postpone action on the license #1034 transfer from Sheep Mountain Lodge to the 907 Club on Rosalie Court in Big Lake until such time as the public process and Superior Court appeal is complete.

Sincerely,

Brian & Julie Nerland

From: [Renschen, Audrey \(USAAK\)](#)
To: [Alcohol Licensing, CED ABC \(CED sponsored\)](#); [Oates, Sarah D \(CED\)](#)
Subject: Request to Delay Consideration of Transfer of License 1034 to the 907 Club, Pending Appeal
Date: Friday, March 17, 2017 2:02:29 PM

Dear Board Members:

I'm asking that you delay licensing consideration for the 907 Club Bar under application 1034, until the pending appeal is decided by the State of Alaska Superior Court. The Big Lake and Rocky Lake community members who are most affected by the proposed 907 Club Bar have been consistently opposed to the bar, and have appeared before you on at least two 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 one of those members, and I also submitted two other letters that explain why I am in opposition to the bar, and why I have asked this Board to delay its decision until all of the many issues have been lawfully resolved.

The proposed bar is potentially harmful to the public health, safety and welfare because of its design and location: it is directly adjacent to a family-oriented and stable neighborhood with a decades-long, and generational commitment to maintaining a peaceful and safe environment. The proposed bar with long hours and the dangers of alcohol raise serious and direct threats to the unique area that surrounds it. Before making your decision, we want to alert you to the impact that bar will have on our community.

We understand that your Board, under AS 04.11.360(1), is required to consider whether the transfer of an alcohol license is in the best interests of the public. We understand too that under AS 04.11.310, notice to community councils is required before the Board takes any action on an application. Obviously community councils, and community members provide important information you must consider before making the important decision of whether to grant the transfer of a liquor license, and whether it is in the best interests of the public. In this situation you have heard from both.

On March 14, 2017, the Big Lake Community Council (BLCC), after discussion

and voting, decided to reach out to this Board to ask you to delay licensing consideration until the pending issues under appeal can be finally resolved. In addition to the BLCC, many of the residents immediately adjacent to the proposed bar, and a business immediately adjacent to the bar have also asked you to delay your consideration until the appeal is resolved.

We are all concerned about this important decision. We ask only that it be made with complete and accurate information, so that you too, can be sure it is the right decision. While the delays have been painful and weighing heavily on all of us, we recognize that the stakes are so very high, and that it is important to persevere. We ask that you too persevere, and give this decision your best consideration, and with a true understanding of the facts and the law involved. That can only happen if you allow the Superior Court of the State of Alaska to act before you, and to share its legal expertise and its lawful decision.

Thank you for your consideration.

Respectfully submitted,
Audrey J. Renschen
14902 W. Rocky Street
Big Lake, AK, 99652

To: Sarah Oates,
Alcohol and Marijuana Control office
From: Sharlee Zipay, Alaska House of Yamaha
2563 Rosalie Court,
Big Lake, Alaska 99652

As the nearest property owner to the proposed 907 Club, we ask that the board table or delay action on the transfer of license #1034 to the 907 Club until the appeal in Superior Court is heard.

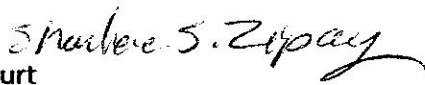
Our Yamaha Store (Alaska House of Yamaha) is located on Rosalie Court adjacent to the proposed 907 Club/Bar. In September 2016, we wrote a note of objections to the Mat Su Borough asking that the 907 Club/Bar applications not be approved. I understand that the Mat Su Planning Commission made strict conditions before approving a conditional use permit for the bar, but an appeal was made by Mr. Button to extend the hours and include outside venues.

We also understand that other property owners have filed an appeal to the Superior Court due to modifications of those conditions by the Mat Su Board of Adjustments and Appeals.

We are very concerned about our property values and the negative effects a night club or alcoholic beverage establishment will have on our business and residence. Already security of our inventory is at risk. Police protection is very limited in Big Lake with Troopers taking hours to respond.

We join our neighbors and the Big Lake Community Council in asking that the Alcohol and Marijuana Control Board table any action until all appeals are heard.

Sincerely,

Sharlee Zipay 
2563 Rosalie Court
Big Lake, Alaska 99652

3/17/2017

From: [Susan Bramstedt](#)
To: [Alcohol Licensing, CED ABC \(CED sponsored\); Oates, Sarah D \(CED\)](#)
Subject: License applicant - 907 Club, Big Lake AK
Date: Tuesday, March 21, 2017 11:40:35 AM
Attachments: [907 Club Opposition Letter.docx](#)

Please accept the attached letter for your consideration as I strongly oppose the above referenced liquor license application.

Thank you,
Susan R. Bramstedt

March 21, 2017

Ms. Sarah Daulton Oates
Program Coordinator
Alcohol & Marijuana Control Office
Anchorage, Alaska

Subject: Liquor License transfer to Big Lake, Alaska
Applicant: Nine Oh Seven Corporation

Dear Ms. Oates:

Three generations of our family have been on Rocky Lake for 54 years. We own about 28 acres on the west end of the lake.

Over these many years we have watched the lake cabins and homes develop with great care and respect for our neighbors. The lake families voted over 20 years ago to make jet-driven boats and jet skis off limits in order to minimize the noise levels and the potential safety hazards to both people and wildlife that can be associated with this type of equipment.

The increased noise generated by the proposed alcohol consumption and amplified music areas would have significant negative impact from one end of the lake to the other. That impact area would include the campground on the lake that has 11 campsites and remains full all summer long. That State campground has strict quiet hours and prohibits alcoholic beverages, and would likely be negatively influenced by a bar located such a short distance from Rocky Lake.

To approve this application would severely change the family-friendly quality of Rocky Lake and the surrounding properties in and around Big Lake.

How sad it would be that a business establishment a stone's throw to the back yard of homes on Rocky Lake as well as the State's Rocky Lake Campground, would be doing business as a bar (and restaurant for part of the day) serving alcohol till midnight daily.

I urge you to reject this application. We all realize commercial development in our beautiful Big Lake area is inevitable, yet some business plans simply are not appropriate commercial property use, and this is one of them.

I am writing to strongly object to the liquor license requested by Nine Oh Seven Corporation.

Thank you for your consideration.

Susan R. Bramstedt
susan.bramstedt@gmail.com
907-250-8231

From: [Debra Rodda](#)
To: [Oates, Sarah D \(CED\)](#)
Cc: roy@longacrelaw.com
Subject: 907 Club
Date: Thursday, March 23, 2017 3:11:43 PM

To Sarah Oates & the Alaska ABC Board,

I would very much appreciate it if you would refrain from taking any action on the 907 Club at your April 6 meeting.

Due to a puzzling & questionable decision by the Mat Su Borough Board of Adjustment & Appeals those of us opposed to the Club are being relegated to taking a lawsuit to Superior Court. We still feel we have a strong case since a bar is undeniably in conflict with the peaceful Rocky Lake neighborhood and surrounding area.

I know this has been a long, drawn out process and everyone applauds the patience the ABC Board has shown us up to this point but please allow us the time to have our voices heard before an impartial judge in Superior Court. Again, I respectfully ask that you table the 907 Club case when it comes before you on April 6.

Thank you for your time & consideration,

Debra Rodda
Rocky Lake resident & property owner

Sent from [Mail](#) for Windows 10

From: [Robert M Button](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: License Applicant Robert Button for the Nine OH Seven, Corp
Date: Thursday, March 23, 2017 1:44:34 PM

***Dear Sarah Oates;
And Members of the Alcoholic Control Board;***

My name is Robert Button and I have very important questions, as well as some comments. I feel as though everybody has spoken to you about me, except myself. And I can tell you that in no shape, way or form am I anything like the man that the residents of Rocky Lake portray me to be!!

Hi Sarah & Members of the Alcohol Control Board, I see where Mr. John Rush is now suing the Matanuska-Susitna Borough and the Board of Appeals and Adjustments for not looking into the matter of the liquor license well enough. The Nine OH Seven Corporation's application was the largest ever according to Mark Whisenhunt of the Mat Su Borough Planning Department who said the 2015 application was the largest Conditional Use Permit EVER had by the Borough, over 1100 pages for the that one and almost 700 pages for the 2016 hearing.

So---if you are busy and do not want to read the whole email, then this paragraph below sums it up.

While yet another court hearing is now pending, initiated by

Mr. John Rush.

Is it going to be the ABC Board's position at this upcoming hearing on April 6th, to table the decision of whether to approve or deny the transfer of the license from Sheep Creek Lodge to the Nine Oh Seven, Corp, until the next meeting of the ABC Board, (which would be sometime in June of 2017?)

because of the law suit that Mr. Rush has now initiated against the Mat-Su Borough. This would make it the FIFTH hearing that has been postponed or "tabled".

This one would be to wait for the decision from the Superior Court, of which a date has not even been set yet, before the ABC Board feels that it can make a move?

This will be the FIFTH hearing that the ABC Board has had on this license, and it is costing me money, time, frustration and quality of life. None of which was necessary. (And this lawsuit really does not have anything at all to do with the Nine Oh Seven Club)

- Does not the ABC Board understand that things and decisions that you have made pertaining to the Nine OH Seven, Corporations operation of the 907 Club, have incredible negative impacts on the individual businessman that just happens to have to come before your board, not only of myself, but my family, and the EIGHTEEN other families that will not have a parent that can have a local job! What you guys do at the Board hearing matters tremendously to so many people, and I**

am not sure what it is about “The Rocky Lake 18” , compared to the over SIX THOUSAND SIGNATURES that we collected, it seems pretty unmistakable on whether the WHOLE of Big Lake wants the facility or not. Everybody in Big Lake drives by that vacant building every day, waiting and waiting for something to happen. I think you as the Board Members that control liquor licenses, should be OBLIGATED to go out to these facilities and not only look at them but talk to the owners, the employees, the customers and see for yourself on whether or not this business is a good fit for the community or not? If you were to actually come out to Big Lake and talk to the people, and ask them if the concerns of the “Rocky Lake 18” are valid or not---you would find the truth. On whether the community wants it or not, I would say 50 to one yes—YES. And On whether I am a good businessman that can be trusted for his word, you cannot have a successful business in a small town for over twenty years without being an honest and upstanding individual.

I have a good suggestion, why don't you hold the ABC Board Hearing out here in Big Lake. We have a wonderful City Center that was built by local business's in conjunction with the Lion's Club, (of which I am a Platinum Sponsor). That way, not only would it be a great venue, but you would actually get OUT OF THE OFFICE AND SEE THE LOCATION AND TALK TO THE WHOLE of Big Lake instead of the 18

Rocky Lake people that come every time. That way you could actually SEE FOR YOURSELF on whether it is going to be a beautiful Alaskan Themed building with Rustic Log Siding, or a place where drug addicts run over kids on the bike trail (as “The Rocky Lake 18” are portraying me as).

And this I am just curious about, because if it is the Boards position that they wait until the opposition to the 907 Club have ran completely out of options on how they can hold the Nine Oh Seven Corp up, knowing that the ABC Board will not render a decision until every single venue of government is used and abused by the obscene charges, then I might as well just give the whole thing up and hire an attorney, because this could be endless. Is this the normal course of business with the Board and other licenses? Do you actually allow somebody with a beef on a license to use your board and the government around it to hold up a businessman such as myself by using the appeals courts of the Borough’s, and then when they have exhausted all of them, move to the state courts. And in doing so, do you not realize just how much hardship, both financial, emotional, that they are placing on the licensee’s who are JUST PEOPLE WHO WANT TO OWN A BUSINESS, THE AMERICAN DREAM----REMEMBER THAT??? And yet your board is allowing them to just abuse the hell out of your system because of damn political correctness---sure as hell do not want to piss anybody off now!!! And not let them tell us people that have dreams,

that actually realize that prohibition has not happened---- yet----.

“And How audacious of him to build that building before contacting us” (that was actually said to me by one of the Rocky Lake 18), my building, my land, my funds. That is their mind-set. And most likely some of the Board’s mind-set because you sit up there and listen to these whiney people that can only say NAY—NAY—NAY. God, it infuriates me!!! .

If somebody appeals the decision, then you wait until all of the appeals and courts are exhausted and then render a decision, is that your normal way to handle such issues, yes or no?

This is getting borderline ridiculous, I mean that is their whole purpose is to just keep on appealing, suing, doing whatever they can not to have that restaurant/bar there. Mr. Rush even informed me of that right outside of the hearing that you hand in Anchorage, back in January.

It is costing me monies that I should not have had to put out, like for instance not only the license fees, but also the penalties for “not using the license”, and have a \$300 thousand dollar building sitting right in the middle of Big Lake, for three and a half years....and not ANY of this is being caused by myself, or anything within my control but

rather being caused DIRECTLY by my neighbors to the North of me, AND the ABC Board for failure to render a decision, when it is within their rights to do so, but FOUR times have decided to wait, and side with the opposition, JUST IN CASE one of their appeals worked. Not one has so far.

I used to really like the ABC Board and the office people when I first got my package licenses back in 2009, you guys were very friendly and accommodating...and I told everybody that! It is VERY apparent now that you (The ABC Board) are siding with the opposition, that has been VERY CLEAR throughout this whole process. And I do not know why, as far as I know I have not done the ABC Board wrong, and what they are saying about me is just flat lies. When I can get a petition with over six THOUSAND signatures, that are FOR the restaurant and bar, and the Rocky Lake people have the same eighteen people, but apparently very influential people, and they actually FLY people up from the Lower 48 to testify, not to mention that John Rush's actual residence is in Eagle River, not even in Big Lake.

I am not that person Sarah & Board Members---they way they are portraying me. There is no way I could have operated three successful business's out here for twenty years being all of the things that they say I am, and all the things that they say I do.

And I always thought that the Board was SUPPOSED TO BE

on equal grounds, neither for nor against the licensee, and neither for nor against the opposition for licenses.

Representative Mark Neumann even mentioned that it seemed to him that the ABC Board is actually against alcohol and the license holders recently .

Thanks for taking the time to listen to the way I LOOK AT THINGS, because they sure in hell are not the way that the "Rocky Lake 18" look at them. And by no means am I politically correct---and do not ever want to be. So if I said something that offended you an by all means call me up and tell me!.

But that would be politically incorrect so I am certain, ABSOLUTELY CERTAIN that I will not hear one of you call me up. 907-982-4365

Thank you for your time, and thank you for all you do for the great State of Alaska!

Sincerely,

Mark Button

Robert M Button

suprmark@mtaonline.net (Personal)

(907) 982-4365 (Cellular Message Phone)

Managing Member; RMB, LLC

President; Nine OH Seven, Corp
President; RAWR, Inc
P.O. Box 521115
Big Lake, Alaska 99652 USA
(907) 892-8000 Main Office
(907) 892-8165 Fax
bbkassoc@mtaonline.net
www.aksuperstore.com Under Construction

From: Susan Bramstedt
Sent: Thursday, March 23, 2017 9:24 AM
To: Oates, Sarah D (CED)
Cc: suprmak@mtaonline.net
Subject: Re: License applicant - 907 Club, Big Lake AK

Thank you for your guidance.

Susan Bramstedt

On Wed, Mar 22, 2017 at 3:26 PM, Oates, Sarah D (CED) <sarah.oates@alaska.gov> wrote:

Good afternoon, Ms. Bramstedt:

Please make sure that you satisfy the requirements set forth in AS 04.11.470 regarding public objections by serving upon the applicant a copy of this objection. You may do so by forwarding your emailed objection to: suprmak@mtaonline.net.

Thank you for submitting comments for this application. Your email will be included in the ABC Board packet for consideration at its April 6, 2017 regular meeting in Anchorage, as contemplated under 3 AAC 304.035.

The agenda will be posted on our home page a week in advance of the meeting.

If you have any questions or concerns, please feel free to contact me.

Have a nice afternoon.

Sarah Daulton Oates

Program Coordinator

Alcohol & Marijuana Control Office

Phone: [907.269.0350](tel:907.269.0350)

alcohol.licensing@alaska.gov

marijuana.licensing@alaska.gov



Please consider the environment before printing this e-mail.

From: Susan Bramstedt [<mailto:susan.bramstedt@gmail.com>]

Sent: Tuesday, March 21, 2017 11:40 AM

To: Alcohol Licensing, CED ABC (CED sponsored); Oates, Sarah D (CED)

Subject: License applicant - 907 Club, Big Lake AK

Please accept the attached letter for your consideration as I strongly oppose the above referenced liquor license application.

Thank you,

Susan R. Bramstedt

From: [Harmon Jim](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: Request to postpone (Lic.#1034)
Date: Tuesday, March 21, 2017 1:03:44 PM

Hi Sarah,

I have previously submitted a letter in opposition of the license transfer for the 907 club. I see there is a meeting in April 2017 to review the license transfer. I would like to request the the ABC Board again table any/all action on the 907 Club until the Superior Court appeals process is complete and any decisions rendered. I have concerns that the changes the MSB BOAA have caused more issues and should be resolved prior to any license transfer (if considered).

Jim Harmon
Home Owner on Rocky Lake
14905 Rocky Lake Dr.
Big Lake, Ak

From: [Blahous, Emily](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: Request to postpone (Lic. #1034)
Date: Tuesday, March 21, 2017 2:51:16 PM

Sarah

I respectfully ask the ABC Board to table any and all action on the 907 Club Until the Superior Court appeals process is complete. I have concerns that the changes the MSB BOAA have caused more issues and should be resolved prior to any considered license transfer.

Emily Blahous
Home Owner of two homes on Rocky Lake
Big Lake, Ak
907 694 3382