

By: Joe Metzger  
Unfinished Business: December 7, 2020  
Public Hearing: November 16, 2020  
Action: *Approved*

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. PC 20-46**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION SUPPORTING DENIAL OF A CONDITIONAL USE PERMIT FOR THE OPERATION OF AN ALCOHOLIC BEVERAGE DISPENSARY (BAR), LOCATED AT 1987 E. BOGARD ROAD (TAX ID# 9057000L002); WITHIN TOWNSHIP 17 NORTH, RANGE 1 WEST, SECTION 2, SEWARD MERIDIAN.

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WHEREAS, Resolution 20-41 was for approval of a conditional use permit for the operation of an alcoholic beverage dispensary (bar) named The Office, at 1987 East Bogard Road (Tax ID# 9057000L002); within Township 17 North, Range 1 West, Section 2, Seward Meridian; and

WHEREAS, MSB 17.70.020 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, the Planning Commission's vote on the motion failed to garner a majority vote on November 16, 2020; and

WHEREAS, Commissioners Anderson, Chesbro, and Vague voted no on PC Resolution 20-41 and Commissioners Elder, Mossanen, and Ortiz voted yes; and

NOW, THEREFORE, BE IT RESOLVED, that Commissioners Anderson, Chesbro, and Vague hereby make the following findings of fact and conclusions of law supporting denial of Planning Commission Resolution 20-41:

1. East Bogard Road abuts the proposed use to the south, and lots that are part of the Bru-nette Commercial Park abut the use to the north and east. A subdivision (Williwaw), abuts the property to the west; and
2. Williwaw Subdivision is considered a residential neighborhood, having similar lot sizes, shared traffic patterns, housing types, and distinct social/economic characteristics that distinguish it from a commercial area; and
3. In MSB 17.125.010 (DEFINITIONS) "Neighborhood" means an area of a community with characteristics that distinguish it from other areas and that may include distinct social or economic characteristics, housing types, schools, or boundaries defined by physical barriers such as major highways, and railroads, or natural features such as water bodies or topography; and
4. Williwaw Subdivision is an area that historically has been battling with drug-related crimes and activity; and

5. Williwaw Subdivision is located within the North Lakes Community Council boundaries; and
6. The purpose of Community Councils is to "afford citizens an opportunity for maximum community involvement and self-determination"; and
7. Community councils are intended to give:
  - a) The people a method to work together for expression and discussion of their opinions, needs and desires in a manner that will have an impact on their community's development and services;
  - b) Governmental agencies a method for receiving opinions, needs, desires and recommendations of residents and groups; and
8. North Lake Community Council expressed the communities opinion and desires by drafting a letter in opposition to the Alcoholic beverage dispensary ("The Bar") in the proposed location as it's not compatible with the surrounding area for the following reasons:
  - a) The Williwaw Subdivision working hard to clean up drug-trafficking in the area, as well as combat homelessness the community faces, a bar would only make this struggle harder.
  - b) The Williwaw Subdivision, through its non-profit organization, has been working hard to cleanup the

area in the past two years, as it has been historically known as the "hood".

c) The North Lakes Community Council membership believes that allowing a bar to open, when there is already a bar across the street (Everett's), will put strain on law enforcement in the area, as well as cause additional issues for a community struggling to rehabilitate; and

9. Though there are a few businesses nearby, a large housing development of over 200 homes surrounds the proposed location. This is a residential area with a few businesses, not a business area with a few residences. The North Lakes Community Council comments, "The proposed bar site borders several homes in the Williwaw Subdivision with young children"; and

10. According to testimony by the North Lakes Community Council, this use is incompatible with the area as the community is working to make the area safe from crime. They voted unanimously to object to this use in their area; and

11. One Planning Commissioner noted that through his work in the justice system, he has noted that this area is the location of much crime; and

12. The Planning Commission has reviewed this application with respect to standards set forth in MSB 17.70.100 and 17.70.110; and
13. The Planning Commission conducted a public hearing on November 16, 2020 on this matter.
14. The proposed use will detract from the value, character and integrity of the surrounding area (MSB 17.70.100(A)(1)(a)).
15. The proposed use will be harmful to the public health, safety, convenience, and welfare (MSB 17.70.100(A)(1)(b)).
16. The proposed use will increase the crime rate in the area or increase alcohol-related accidents (MSB 17.70.110(B)(1)).

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ADOPTED by the Matanuska-Susitna Borough Planning Commission  
this 7th day of December, 2020.

  
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COLLEEN VAGUE, Chair

ATTEST

  
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KAROL RIESE, Planning Clerk

(SEAL)



(6) Commissioner Elder, Commissioner Vague, Commissioner  
YES: Chesbro, Commissioner Mossannen, Commissioner Ortiz,  
Commissioner Anderson

NO: (0)