

By: Rick Benedict  
Introduced: June 19, 2023  
Public Hearing: August 7, 2023  
Action: **ADOPTED**

**MATANUSKA-SUSITNA BOROUGH  
PLANNING COMMISSION RESOLUTION NO. 23-25**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF AN ALCOHOLIC BEVERAGE DISPENSARY (BAR), AT 6059 NORTH WASILLA-FISHHOOK ROAD, TAX ID# 18N01E16B020; LOCATED WITHIN TOWNSHIP 18 NORTH, RANGE 1 EAST, SECTION 16, SEWARD MERIDIAN.

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WHEREAS, an application has been received from Marissa Senna of Meier Lake Event Center, for a conditional use permit to operate an alcoholic beverage dispensary (bar) at 6059 North Wasilla-Fishhook Road (Tax ID#18N01E16B020); within Township 18 North, Range 1 East, Section 16, Seward Meridian; and

WHEREAS, the applicant proposes to offer full bar service on the subject property within designated state-licensed consumption areas in the lodge, an outdoor serving area adjacent to the lodge, and five guest cabins; and

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

WHEREAS, according to the application material, Meier Lake Event Center provides patrons with a venue for special events and offers day-use or overnight resort accommodations; and

WHEREAS, according to the application material, the event center serves the local community and the tourism industry catering to out-of-state visitors; and

WHEREAS, according to the application material, guests have access to a lake on the property for water-related activities, a disc golf course, a lakeside trail for hiking or running, a lodge, an outdoor serving area, a bathroom and shower facility, a sauna, and five rental cabins; and

WHEREAS, a license for an alcoholic beverage dispensary is currently approved with delegation by the State of Alaska, pending approval by the MSB Planning Commission for a conditional use permit; and

WHEREAS, the subject parcel is 39.99 acres in size; and

WHEREAS, most of the structures on the subject property were constructed in approximately 1978; and

WHEREAS, prior uses of the subject buildings and property have been as an event center and summer youth camp for a faith-based organization; and

WHEREAS, the proposed use will occupy approximately 3,000 square feet of the lodge, approximately 3,300 square feet of an outdoor serving area adjacent to the lodge, and five on-site cabins that are each approximately 650 square feet in size; and

WHEREAS, residential properties are the primary uses along the frontage of Wasilla-Fishhook Road in the immediate areas to the north and south of the access point to Meier Lake Event Center via a private driveway; and

WHEREAS, a 33-foot section line easement exists on the subject parcel along the entire western lot line; and

WHEREAS, most of the subject parcel is undeveloped with uneven terrain, consisting mostly of natural vegetation such as spruce and birch trees, and a spring fen commonly known as "Meier Lake"; and

WHEREAS, Meier Lake Event Center grounds surround the lake; there is no public access to the lake; and

WHEREAS, according to the application material, the hours of operation for public day use will range from 10:00 a.m. to 12:00 a.m., daily; and

WHEREAS, according to the application material, the hours of operation for private events will vary based on customer needs, which may include 24-hour service to overnight lodgers; and

WHEREAS, according to the application material, quiet hours will be enforced by the applicant on the subject property between 10:00 p.m. and 7:00 a.m., daily; and

WHEREAS, according to the application material, Meier Lake Event Center is the sole occupant of the subject property; and

WHEREAS, two vacant parcels and a residential parcel abut the subject property to the north. One vacant parcel and one residential parcel abut the subject property to the east. Seven residential parcels adjoin the subject parcel to the south. Two vacant parcels are located to the west and contain a private driveway guests and employees utilize for access; and

WHEREAS, the owner of the three parcels that make up the grounds of the Meier Lake Event Center provided written consent for the property to be used as such, including the use of a private driveway accessing North Wasilla Fishhook Road. The Meier Lake Event Center grounds include the subject parcel and two vacant parcels to the west; and

WHEREAS, North Wasilla-Fishhook Road is a paved public road classified as a minor arterial and is under the jurisdiction of the State of Alaska; and

WHEREAS, according to the application material, an application for a driveway permit has been submitted to the State of Alaska and is currently under review; and

WHEREAS, according to the application material, the owner installed a gate at the entrance to the grounds; and

WHEREAS, the State of Alaska Fire Marshal has issued Plan Reviews for the Meier Lake Event Center lodge for the entire building with an occupancy load of up to 220 persons for assembly; and

WHEREAS, the State of Alaska Fire Marshal has issued Plan Reviews for the Meier Lake Event Center lodge exterior terrace area with occupancy loads of up to 780 persons for standing room only, 557 persons for assembly chairs only, and 260 persons for assembly tables and chairs; and

WHEREAS, the nearest school is Shaw Elementary, which is approximately 2.26 miles southwest of the proposed use. State regulations preclude beverage dispensary licenses within 200 feet of a school; and

WHEREAS, persons under the age of 21 are prohibited from being served alcoholic beverages; and

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

WHEREAS, Alaska Statute 04.16.030 specifically prohibits the sale of alcoholic beverages to drunken persons; and

WHEREAS, a habitable dwelling constructed around 1978 on the subject parcel is occupied by a staff member and is located within 75 feet of the ordinary high-water mark of Meier Lake; and

WHEREAS, A structure used as a sauna that is constructed within 75 feet of the ordinary high-water mark of Meier Lake was issued a Mandatory Land Use Permit by the borough on July 5, 2023; and

WHEREAS, the closest structure on the subject parcel to any lot line or section line easement is approximately 257 feet; and

WHEREAS, the closest residential structures are located approximately 670 feet south of the proposed use; and

WHEREAS, the closest structure on the subject parcel to the northern lot line is approximately 591 feet; and

WHEREAS, the closest structure on the subject parcel to the eastern lot line is approximately 522 feet; and

WHEREAS, the closest structure on the subject parcel to the southern lot line is approximately 287 feet; and

WHEREAS, the closest structure on the subject parcel to the western lot line is approximately 290 feet; and

WHEREAS, according to the application material, dust will not be generated because of the proposed use; and

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

WHEREAS, according to the application material, the facility is not proposing any outdoor amplified sound activities; and

WHEREAS, according to the application material, all outdoor lighting is downward-directional and directed away from adjacent residential properties; and

WHEREAS, according to the application material, commercial signage for Meier Lake Event Center is viewable from North Wasilla-Fishhook Road and installed on property owned by the applicant located at the private driveway entrance; and

WHEREAS, according to the application material, the commercial signage does not have lighting and is constructed of wood and metal; and

WHEREAS, according to the application material, approximately 14,300 square feet of parking space is provided accommodating up to an estimated 50 spaces; and

WHEREAS, according to the application material, two handicap-accessible parking spaces are available that meet The Americans with Disabilities Act standards; and

WHEREAS, according to the application material, overflow parking is available on the subject parcel at the entrance to the property; and

WHEREAS, according to the application material and site plan, all parking for employees and patrons will be located on the subject parcel; and

WHEREAS, there are no complaints from the public on record regarding the subject property; and

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

WHEREAS, the Alcoholic & Marijuana Control Office (AMCO) has no record of violations by the applicant or persons with interest within the prior 12 months; and

WHEREAS, no information has been submitted indicating that any person/party associated with this application is untrustworthy, unfit to conduct business in the borough, or is a potential source of harm to the public; and

WHEREAS, the Planning Commission has reviewed this application with respect to applicable standards set forth in MSB 17.70; and



WHEREAS, the Planning Commission conducted a public hearing on August 7, 2023, on this matter.

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 approval of Planning Commission Resolution 23-25:

1. The proposed use is compatible with and will preserve or not materially detract from the value, character, and integrity of the surrounding area (MSB 17.70.100(A)(1)(a)).
2. The proposed use will not be harmful to public health, safety, convenience, and welfare (MSB 17.70.100(A)(1)(b)).
3. Sufficient setbacks, lot area, buffers or other safeguards are being provided (MSB 17.70.100(A)(1)(c)).
4. There will not be any 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. The proposed use will not negatively affect 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)).

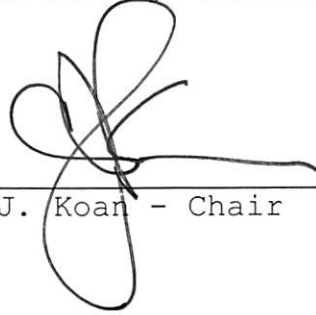
6. Measures will be in place to reduce any negative effect upon adjacent and nearby properties (MSB 17.70.100(A)(2)(c)).
7. Adequate parking is provided (MSB 17.70.100(A)(2)(d)).
8. Access to the premises will not create an unreasonable traffic hazard (MSB 17.70.100(A)(2)(e)).
9. Traffic will not overtax existing road systems (MSB 17.70.100(A)(2)(f)).
10. The proposed use is compatible with the character of the surrounding area (MSB 17.70.100(A)(2)(g)).
11. The proposed use is not expected to 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 is trustworthy or fit to conduct business in the borough and the applicant is not a potential source of harm to the public (MSB 17.70.110(B)(3)).

BE IT FURTHER RESOLVED, 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 operation 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. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. The hours of operation for the outdoor serving area shall be limited to 10:00 a.m. - 12:00 a.m., daily.
4. The operation shall comply with the maximum permissible sound level limits allowed per the requirements of MSB 8.52 - Noise, Amplified Sound, and Vibration.
5. Provide a copy of the approved State of Alaska Beverage Dispensary license #6119, within 30 days of its issuance.
6. By September 30, 2024, the applicant shall obtain a determination of legal nonconforming status as required by MSB 17.80 for the residential building located southwest of the lodge and constructed within 75 feet of Meier Lake.

7. The applicant shall provide a copy of the ADOT&PF issued commercial driveway permit for access onto North Wasilla-Fishhook Road by September 30, 2024.

ADOPTED by the Matanuska-Susitna Borough Planning Commission  
this 7<sup>th</sup> day of August, 2023.




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C.J. Koan - Chair



ATTEST



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Jason Ortiz, Acting

Planning Clerk

(SEAL)

YES: 7

NO: 0