

**APRIL 13, 2022
PLANNING & ZONING COMMISSION
ADDITIONAL MATERIAL/REVISIONS**

REQUESTED ADDITIONS TO THE PACKET:

ACTION

ITEM

REQUESTED BY

Add to item F.1 & F.2

Resolution PZ2022-08 & PZ2022-09

- Public Comment

Planning Director

April 11, 2022

City of Kenai, Planning & Zoning Commission
210 Fidalgo Ave
Kenai AK, 99611

RE: Opposition to CUP Application 1025 Angler Drive

Dear Commissioners:

We formally voice our opposition to the approval of the Application for Conditional Use Permits (CUP) for Cabin Rentals (PZ2022-08) and Guide Service (PZ2022-09), for the property described as Lot 3, Angler Acres Subdivision Part 4, located at 1025 Angler Drive Kenai Alaska 99611.

The applicant, Mr. Hoelsing, has several miss-leading and inaccurate statements in his application. His property has been used as rental cabins without a CUP for the last 3 years as represented by the commercially produced sign advertising his cabins in the attached photo. Whilst Mr. Hoelsing does not live in Alaska and only visits a few weeks each year, the cabins have been managed by Foster's Alaska Cabins 1005 Angler Drive. This results in frequent illegal golf cart and ATV traffic on the blind corner on Angler Drive between the two non-adjacent properties. Also since he does not live here, there is no way that he can guarantee his occupants are quiet. There are multiple references to creating a quiet enjoyment for the renters and occupants however, he has personally shown us anything but quiet enjoyment by participating in loud music activities.

His claim that this does not violate the recreational character of the neighborhood and that all properties on the east side of Angler drive are involved in fishing activities is not correct. This is a rural residential zone not a recreational area and a number of full time residence on the creek do not have docks or even participate in fishing activities. The reference of not violating the recreation character of the neighbor is an incorrect assumption as it is zoned as Rural Residential not recreational. His prior activities have had significant negative impacts on nearby properties; trespassing, noise, and property damage.

As a matter of record, the reference to Beaver Creek on Ames and Angler Drive is not precise as that section is actually a branch of the Kenai River and part of the Kenai River Special Management Area. Considering the guide CUP application, the changes in recent years with a reduction of King Salmon fishing has greatly focused fishing activity on Red Salmon. This has significantly increased the water taxi service and traffic in Beaver Creek for Red Salmon fishing. Adding another guide service and dock system will negatively impact the Riparian Zone.

Based on these comments, input, history and activity of the applicant, we believe approval of these CUPs will allow activity that will negatively impact ours and our neighbor's properties.

We recommend that you do not approve either of the CUP applications.

Sincerely,

MJ Loveland Ron Rogalsky

MJ Loveland & Ron Rogalsky
1003 Angler Dr., 945 Ames Road
PO Box 35 Kenai 99611
907 398-9237/907 398-9238

Carol & Mack Padgett

855 Ames Road
Kenai, AK 99611

April 11, 2022

City of Kenai, Planning & Zoning Department
210 Fidalgo Ave.
Kenai, AK 99611

Dear Commissioners:

We would like to voice our opposition to the approval of the Application for Conditional Use Permits for Cabin Rentals (PZ2022-08) and Guide Service (PZ2022-09), for the property described as Lot 3, Angler Acres Subdivision Part 4, Located at 1025 Angler Drive, Kenai, Alaska 99611.

In your review of the application, our opinion is that Planning and Zoning considers the neighborhood to be Angler Drive with the consideration of impacts based on the road. We suggest that you consider the neighborhood to be Beaver Creek rather than Angler Drive. In our opinion, Beaver Creek's carrying capacity for yet another guide service with cabins has been exceeded and the summer activity does not emphasize "quite enjoyment" for the neighborhood. We also suggest that you consider the impact to the riparian habitat created by another operation, following the precedent of one dock with five to eight boats.

We purchased our property and built our home on Ames Road because of the access, and quiet nature, of Beaver Creek, compared to the summertime nature of the Kenai River. We have watched that quiet nature deteriorate over recent years with the addition of guide services and cabin rentals catering to tourists that have no appreciation for the neighborhood where they are spending their Alaskan Vacation.

Although the requested use is in line with City of Kenai Comprehensive Plan, we suggest that you look no further than 1005 Angler Drive to see the best example of disregard for "quiet enjoyment" within a neighborhood. During the Summer months, Foster's Alaska Cabins offers all inclusive recreation that includes live music on Thursday, Friday, and Saturday nights. The racket generated by this activity can clearly be heard along Beaver Creek and Ames Road. One can only imagine the impact to adjoining property owners.

We are concerned that Mr. Hoelsing's operation will follow the precedent being set by Foster's Alaska Cabins. The application states that "no measures have been contemplated regarding ways to minimize the potential impacts of the conditional use to the neighbors". What recourse do we, as neighbors, have when the actual operation does become an obstacle to "quite enjoyment"?

Increased activity will definitely impact surrounding property owners. We suggest that you do not approve this application as a means to preserve what little harmony remains within our neighborhood, also known as Beaver Creek.

Sincerely,



Mack & Carol Padgett
855 Ames Road, Kenai AK 99611

To: City of Kenai, Planning and Zoning Commission
From: Jim Richardson and Barbara Baker
1015 Angler Drive, Kenai
RE: Resolutions PZ2022-08 and PZ2022-09

Commission Members.....

Thank you for the opportunity to comment on these applications for Conditional Use Permits. We are the directly adjacent neighbors to the north of this property, and have been there for over 30 years.

On the face of it, the application could be innocuous: small scale cabin rentals and guiding.

But, the problem is that the City of Kenai, and the Conditional Use Permit process does not work at protecting neighborhoods from adverse impacts from operators that create problems. There is no effective enforcement or process to monitor and if necessary revoke permits that create problems. This situation is a case in point.

The applicant Mr. Hoelsing at 1025 Angler Drive states that he operates in a reasonable manner so as not to disturb the nature of the neighborhood. That is not the case. Mr. Hoelsing is a resident of Nebraska who only visits occasionally for a short period. This business was turned over to Jason Foster, who operates it as a portion of his operation at 1005 Angler Drive. As Planning and Zoning has heard many times, we are constantly disturbed by vehicles and golf carts running back and forth between 1025 and 1005 sometimes dozens of times/day, frequently playing loud music on the vehicles. Noise complaints are on file with the police and City Manager regarding this persistent problem. An equally difficult issue is that for the past two summers, clients from this property have added to the noise and disturbances associated with inebriated partying at the outdoor tent operated at 1005 Angler Drive.

We have had trespassers come across our property to traverse between 1025 Angler Drive and the 'entertainment/outdoor nightclub tent' operated at 1005 Angler Drive. I called in a report on at least one of these occurrences and your Kenai police made a visit to inform the residents at 1025 that they could not trespass on adjacent property.

To prevent incursions for a portion of our property where the driveway at 1005 Angler Drive runs to the very edge of our property, I put up marker stakes and a fence. That was knocked down and destroyed three times. The third time, I filed a report with the Kenai police. A officer came by and suggested there was nothing the City of Kenai could do and that I could file a civil lawsuit to recover the cost of the fences.

Because of Mr. Hoelsing's choice for manager of his property, we have no reason to believe that this coming summer will be any better than the past two. And because of the manner

in which the business is managed, this operation adds to the problems at 1005 Angler Drive. Therefore, we cannot support this CP application at this time. Ideally, a business of this type could operate in a normal and respectful manner, but that has not been the case the past two years and we have no reason to expect a difference in the future.

If the City of Kenai is intent on allowing commercial activity on this site, you should take the care to make some stipulations in the CUP that would be attached to the it. Specifically.

- The long distance owner of this operation should require that the property maintains an on-site full time manager/operator to ensure a reasonable operation that functions within acceptable norms of impact to the neighborhood that a full time manager/operator be living on the property to ensure a reasonable operation.
- That the permit be for a specific maximum number of visitor/clients. There are currently two cabins on the property, one full size and one small. A reasonable maximum might be a total of 7 guest/visitors is suggested.
- That a stipulation for noise and disturbance be attached to the permit to not allow loud drinking parties and loud music at any time, but especially from 9 PM to 6 AM.
- That guests at this property (1025 Angler Drive) be limited to activities on that property without trespassing on other properties. For example, the past practice for clients attend the outdoor nightclub and loud entertainment center at 1005 Angler Drive.
- Due to the past problems of operation on this location, we recommend that guide operations should not be allowed at this time. If, after a period of operation the business is able to operate in a reasonable manner, perhaps expansion of the CUP would be considered.

These stipulations would have no effect if not strictly enforced by the City of Kenai. The CUP should explicitly lay out sanctions, including withdrawal of the permit if problems continue. For example, if police noise/disturbance calls reach 10 times, that would trigger a permit review.

We have a suggestion for a way to easily improve coordination and communication between the City of Kenai and the Planning and Zoning Commission that could help address 'problem' permits. The Commission could add a regular aspect to their annual schedule to ask the City Manager, the Chief of Police and the City Planner about any CUP's that are causing problems? You can take the initiative to make this happen.

Thank you for the opportunity to comment on this permit application. I would be happy to answer any questions you may have.

From: [rusty huf](#)
To: [Ryan Foster](#)
Cc: [rusty huf](#)
Subject: Resolutions PZ2022 / PZ2022-09
Date: Tuesday, April 12, 2022 2:15:54 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Jerry (Rusty) Huf
765 Ames Rd
Kenai AK 99611

April 12 2022

City of Kenai Planning & Zoning Department
210 Fidalgo Ave.
Kenai AK 99611

Dear Commissioners:

I am writing this letter in opposition of an Application for CUP's PZ2022-08 & PZ2022-09 for Cabin Rentals and Guide Services for the property described as Lot # Angler Acres Subdivision at 1025 Angler Drive, Kenai AK. 99611

I have several concerns with yet another High Volume Guide Fishery located on Beaver Creek, the Guiding industry in this area has changed significantly over the past several years do to the lack of Kenai River King Salmon fishing opportunities, It's gone from one or two trips a day in and out of Beaver Creek to pick up and drop off clients per Guide Boat to nonstop traffic dropping off clients on the banks and picking up clients at all hours night and day, the Sockeye fishery is a highly unregulated on the Kenai River and as such has been exploited regularly by some of the businesses along Beaver Creek therefore increasing traffic in Beaver Creek, It is the opinion of myself and most private property owners along Beaver Creek that this area is way beyond carrying capacity and is not considered quiet enjoyment of our neighborhood, it's quite the opposite for the Private Property Owners along Angler Drive and most importantly Beaver Creek, Its my opinion that CUP's are handed out freely by the Planning and Zoning Department because based on City Code allows for this type of activity zoned RR and in my opinion with total disregard for personal property owners especially with this type of high capacity high volume businesses, I believe the Comprehensive Plan carries more weight than the City Code that allows this activity in residential neighborhoods, the Comprehensive Plan states it is intended to promote and encourage Quality of Life and Protect the Livability of Neighborhoods, lets not lose sight that even though this area has been over run with Commercial Fishing and Lodging activities it is still a Residential Neighborhood and the rights of other private property owners should have top priority when it comes to issuing CUP's, Angler Drive is not the only residential area effected by by this activity, on Beaver Creek there are approximately 25 other private homes along Beaver Creek and every CUP issued for this type of activity deteriorates the quality of life and livability of our neighborhood.

Also according to Mr Hoesing's Application he is not a Resident and does not live in the area and also states that he has owned the property for close to three years. It is also common knowledge that this property has been managed and used by Jason Foster as part of Fosters Alaska Cabins business without a CUP for much of this time and is just another property in the area used as part Fosters Alaska Cabins Business, and is far from a traditional quiet Cabin

Rental and Guide Service. I think the Commissioners are all aware of the business model of Fosters Alaska Cabins with outdoor eating and drinking with live music, golf carts traveling from several other properties in the neighborhood at all hours of the night and day the list is long, I believe this business is operating way beyond the intended uses set forth on the original CUP and has become a detriment to the neighborhood and this property will just add more unwanted traffic, noise and other unwanted activities to this already exploited area of our neighborhood.

I think the Conditional Use Permitting process falls short on individual property rights and as such needs significant upgrades to protect personal property owners that have invested a lifetime of hard work and a considerable amount of money to carve out a home that they can enjoy and someday pass on to others to enjoy without being overrun with this type of high volume activity. I know that in my 30 years of living on Beaver Creek the quality of live and livability of my home that I built with my own hands has diminished dramatically do to this commercial activity called Guided Fishing and Cabin Rentals.

I know I speak for myself and many of my neighbors in asking this board to deny this application, I don't think Mr Hoelsing has proven that his business will not be just another detriment to our neighborhood for personal gain at the expense of others, I believe every time one of these CUP's is approved it devalues my property not only in terms of monetary value but most importantly quality of life value

Sincerely,

Jerry (Rusty) Huf
765 Ames Road
Kenai Alaska, 99611