

OCTOBER 27, 2021
PLANNING & ZONING COMMISSION
ADDITIONAL MATERIAL/REVISIONS

REQUESTED ADDITIONS TO THE PACKET:

<u>ACTION</u>	<u>ITEM</u>	<u>REQUESTED BY</u>
Add item L.2	Informational Items <ul style="list-style-type: none">• CUP Code Violation Letter – 1005 Angler Drive	Planning Director



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

October 14, 2021

Foster Landing, Inc.
40462 Foster Avenue
Soldotna, AK 99669

RE: 1005 Angler Drive – (Lot 1, Angler Acres Subdivision Part 4) PZ02-29 (PZ88-27)
Conditional Use Permit

Dear Mr. Foster:

On August 16, 2021, the City of Kenai provided you a notice of code violation for the Conditional Use Permit PZ02-29 (PZ88-27) located at 1005 Angler Drive with an October 16, 2021 date to take appropriate action to remedy the violations, after which time the City may commence the Conditional Use Permit revocation process with the City of Kenai Planning and Zoning Commission if the violations are not corrected. City staff determined the property to be in violation of Kenai Municipal Code, as follows:

VIOLATION: Alaska Department of Environmental Conservation (ADEC) Documentation: Resolution No. PZ02-29 (PZ88-27) Conditional Use Permit Condition 3. *The septic system must meet ADEC requirements for said use.* This is in reference to the five rental cabins approved via the permit. On May 15, 2019 the City sent a letter regarding the requirement for ADEC documentation, "Foster Landing has submitted documentation from ADEC of Approval to Construct (dated 2003) and Approval to Operate (dated 2005) Phase 1 of the onsite wastewater treatment and disposal system and Approval to Construct Phase 2 (dated 2005). Modifications to Phase 2 (referred to as Phase 3 in conversations with Foster Landing) include a 1,250 gallon septic tank/life station and sewer lines with connections to five cabins (maximum occupancy 22 people). Foster Landing has submitted to the City a copy of their application to ADEC for Approval to Construct. Prior to operating Foster Landing in 2020, Approval to Operate from the ADEC must be submitted to the City". As of August 16, 2021 the City has not received the Approval to Operate from the ADEC.

VIOLATION: Use of the property exceeds the conditions of the Conditional Use Permit: Resolution No. PZ02-29 (PZ88-27) Conditional Use Permit, Condition 1. *Limit the use to five rentals if the development meets the zoning code.* City staff have received a complaint that neighboring rental properties are utilizing services such as eating, drinking, and live music provided by Foster Landing, LLC at 1005 Angler Drive. This use is a violation of the Conditional Use Permit which limits the use of the property to five rental cabins.

On October 13, 2021, via email, you requested a 60 day extension to resolve both of the cited code violations. Upon review, staff has approved the request for extension for 60 days for both violations to provide additional time for you to resolve the violations for the following reasons:

- For the ADEC violation, the extension will allow ADEC to complete their review of your application.
- For the violation involving the commercial activity of bringing paying guests from surrounding properties to entertain and feed them on 1005 Angler Drive, you stated you are not currently conducting this activity and won't be for the remainder of the 2021 season. An extension of 60 days in this case, allows additional time to work with the City to resolve this violation.

Please take appropriate action to remedy the violation(s) on or before December 15, 2021, after which time the City may commence the Conditional Use Permit revocation process with the City of Kenai Planning and Zoning Commission if the violations are not corrected.

If you would like to discuss this notice or have questions concerning this letter you may contact me at 907-283-8235 or rfoster@kenai.city.

CITY OF KENAI



Ryan Foster
Planning Director

