

MANISTEE CITY PLANNING COMMISSION

70 Maple Street, Manistee, Michigan 49660

Meeting of Thursday, April 6, 2000
7:00 p.m. - City Hall

AGENDA

I Roll Call

II Public Hearing

1. Manistee Village Partners - Amendment to PUD

III Citizen Questions, Concerns and Consideration

IV Approval of Minutes from Last Meeting (3/2/00)

V Unfinished Business

- 1.

VI New Business

1. Manistee Village Partners - Amendment to PUD
2. Lighthouse Landings - update landscaping
3. Net Shed/Riverwalk - Site Plan
4. Jim Mrozinski, Onekama Marine Inc. - River Frontage for Marina
5. ~~Lot Split/Combination - Ringel Real Estate (encroachment)~~ as per request
6. English & Associates Real Estate - City Property
7. Aztec - Site Plan Review

VII Other Communications

VIII Work/Study Session

- 1.

IX. Adjournment

cc: Planning Commission Members
City Council
R. Ben Bifoss, City Manager
Jon Rose, Community Development
County Planning Department
Jack Dinsen, Manistee Township Zoning Board
Don Alfred, Filer Charter Township Planning Commission
Manistee News Advocate
WMTE Radio
WXYQ Radio
Jeff Mikula, Abonmarche
Julie Beardstee, Assessor
Mark Niesen, Building Inspector



SPECIAL USE PERMIT APPLICATION

Manistee Village Partners
 Applicant
100 Marina Drive
 Address
Manistee, Michigan 49660
 City, State, Zip Code
 Phone Numbers (Work) 231-723-0070

FOR OFFICE USE ONLY:

Case number _____
 Date Received 3.22.00
 Fee Received \$250.00
 Receipt Number 3802
 Hearing Date 4.10.00
 Action Taken _____
 Expiration Date of Permit _____

(Home) 231-723-8058 (C. Fuller) **FEE FOR SPECIAL USE PERMIT \$250.00**

I. ACTION REQUESTED:

A Special Use Permit is hereby requested for the following purpose: Amend the PUD to allow for one set back in the HarborSide East condominium to be less than stipulated.

II. PROPERTY INFORMATION:

- A. Address of Property: 57 and 61 Anchor Rode Drive, Manistee, MI
 Tax Roll Parcel Code Number: 51-51-259-050-00 (part of)
- B. List all deed restrictions - cite Liber & Page where found and attach: typical easements, no deed restrictions
- C. Names and addresses of all other persons, firms or corporations having a legal or equitable interest in the land. HarborSide East Condominium Association, 100 Marina Drive, Manistee, MI 49660
- D. Zoning District: PUD
- E. Present use of the property: Condominium units
- F. Attach a Site Plan which meets the requirements of the Special Use Permit Ordinance (see attached).
- G. Is a Property survey attached? Yes No. (Site plan)
- H. Estimated completion date of construction (if applicable): June 2000

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION:

- A. State specifically the reason for this Special Use Permit request at this time Set back requirement for HarborSide East requires 20' on three sides and 15' on one side.
Set back between HarborSide townhouse buildings 3 and 4 is less than 15'. We request an amendment to the PUD to allow the 15' set back to be reduced in this one instance to the actual distance between buildings.
- B. Statement of support for the request. Please justify your request for a Special Use Permit below. The justification should address the following concerns: (Attach additional sheets if necessary)
See attachment
1. The relationship of the Special Use Permit conditions (Article 86, Section 8610 and if applicable, Article 16) to the particular Special Use proposed. Do they pose any unusual problems for compliance?
 2. Relationship of the proposed use to the development plans of Manistee County and the City of Manistee.
 3. Impacts of the adjacent property and neighborhood. Indicate what impacts of the proposed use on the adjacent property are anticipated and what steps will be taken to mitigate any negative impacts. Consider the following:
 - a. Will the proposed use adversely affect the health, safety or enjoyment of property of persons residing or working in the neighborhood?
 - b. Will proposed use be detrimental to the public welfare or injurious to property in the neighborhood?

IV. INFORMATION REQUIRED IN APPLICATION:

- A. An Application for Special Use shall include:
1. A detailed Site Plan, as spelled out in Section 9406 of this ordinance, a copy of which is attached.
 2. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 8609 (as follows).
 - a. *Is the use reasonable and designed to protect the health, safety and welfare of the community,*
 - b. *Is the use consistent with the intent and purpose of the Land Use District,*
 - c. *Is the use compatible with adjacent land uses,*
 - d. *Is the use designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity, and*
 - e. *Does the use comply with all applicable regulations of this Ordinance.*
 - f. *Does the use comply with all specific standards found in the respective Land Use District, Section 1601 et. seq., and Section 101 et. seq. of this Ordinance.*

3. Proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.

B. In Addition, the applicant may be required to furnish:

1. Elevations on all buildings, including accessory buildings.
2. An Environmental assessment.
3. Evidence of having received or having an agreement for concurrent approval for any other necessary permits required prior to a construction code permit.
4. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.

V. CERTIFICATION AND AFFIDAVIT:

The undersigned affirm(s) that ~~he/she/they is/are~~ the owner, leasee, owner's representative, contractor involved in the application; and that the information included in this application is correct. Further, if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

MANISTEE VILLAGE PARTNERS

Signature (s) of Applicant (s):

BY:


Cynthia A. Fuller

Dated March 21, 2000

By checking this box permission is given for Planning Commission Members to make a site inspection if necessary.

Statement of Justification for Requested Action.

B.

This request for the amendment to the PUD is to provide compliance with a specific set back area that was reduced in distance due to an error. This error was not caught until Mr. Niesen made a site inspection and noticed the incorrect set back.

Our PUD requires a 20' set back on three sides of a building and 15' on the fourth side. The original site plan for the HarborSide East townhouses was prepared by Abonmarche at the direction of our former Director of Construction, and correctly accommodated the set back distances. From this point until actual construction, the actual footprint of the building evolved which was deeper than could fit within the footprint for the original site plan. The site plan was adjusted to allow for the actual building size and due to the location of the buildings along an arc, the distance between buildings was reduced as a result of this increased depth. Between buildings 3 and 4 the set back at its closest point is 11.5 feet which over an approximate 8 foot distance increases to 15 feet and beyond. The building corners were staked based on the site plan and construction commenced on the two buildings.

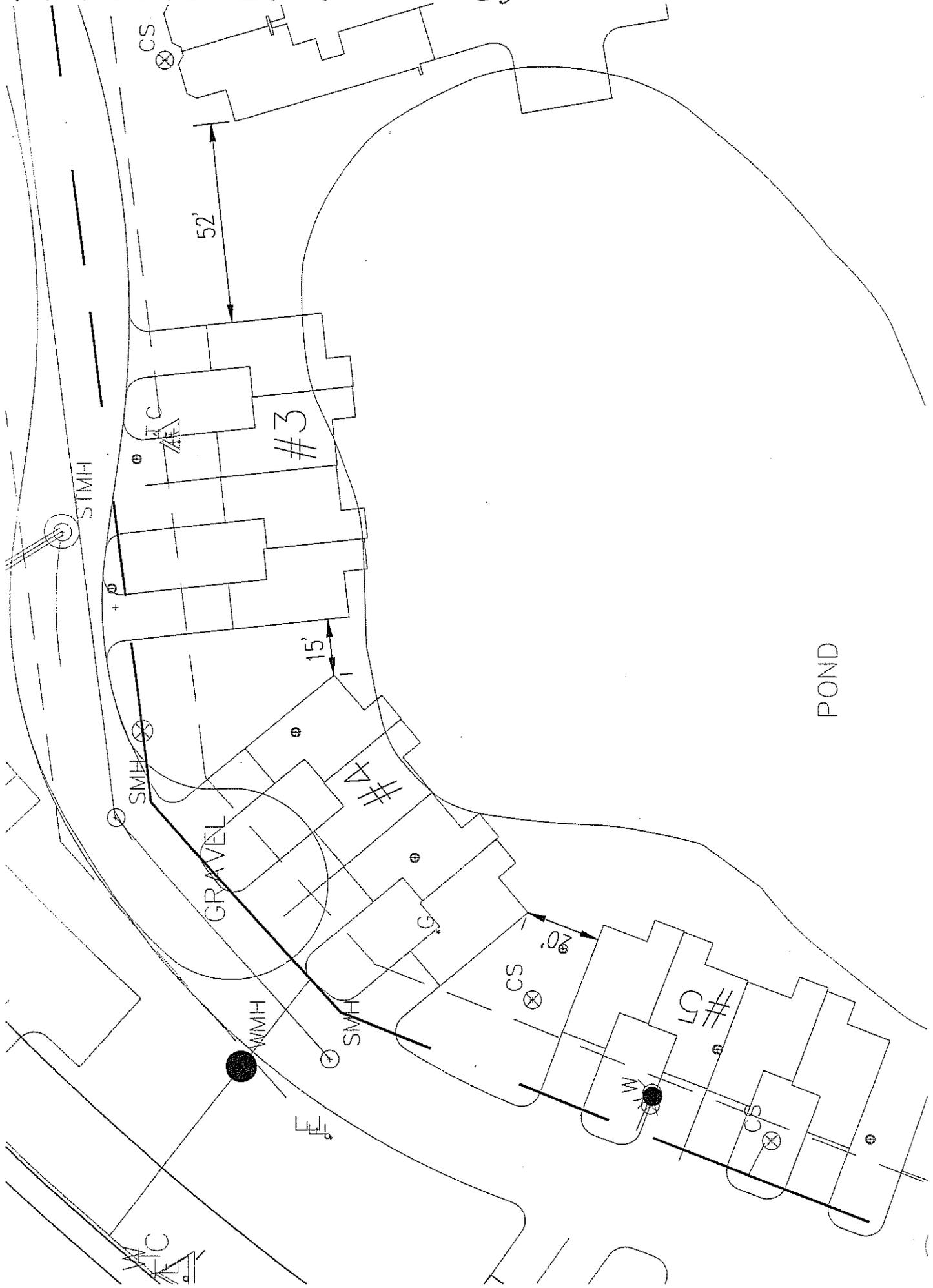
As a result of this, we have made application for an amendment to the PUD. We have also since reviewed the site plan and made the necessary adjustments for future buildings to insure that the minimum 15' set back is maintained. Further, to demonstrate to the Planning Commission that what has occurred is truly an error rather than an attempt to benefit from this reduced set back, we propose a site plan that requires us to "make up" the 3.5' we have gained by this incorrect set back.

The use of the land in question is for condominiums previously approved through our PUD. Therefore, the use is consistent with the intent and purpose of the Land Use District and is compatible with adjacent land uses which are for the most part currently residential. The use is reasonable and designed to protect the health, safety and welfare of the community. The use of Harbor Village complies with all applicable regulations of this ordinance and with all specific standards found in the respective Land Use District of this ordinance, and/or has been previously excused through the development of the PUD agreement. In this one instance we have not met the requirements of the PUD as it relates to set back being 20' on three sides of a building and 15' on the fourth. We would appreciate your taking affirmative action on our request.

INITIAL SITE PLAN



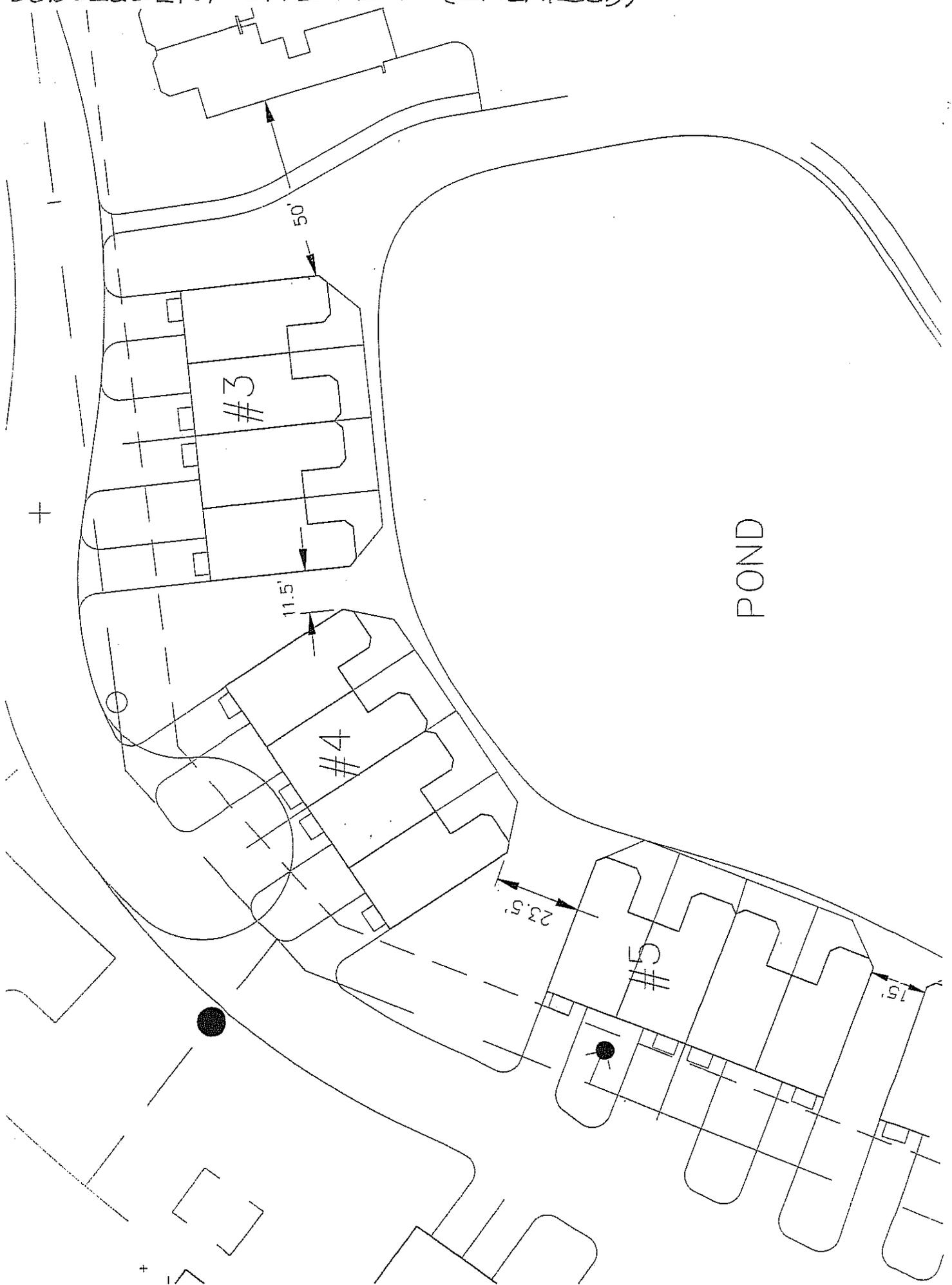
INITIAL SITE PLAN (ENLARGED)



SUBSEQUENT SITE PLAN



SUBSEQUENT SITE PLAN (ENLARGED)



April 5, 2000

TO: Jon Rose, Code Enforcement Officer

FROM: Sid Scrimger, Fire Chief

SUBJECT: Harbor Village Development

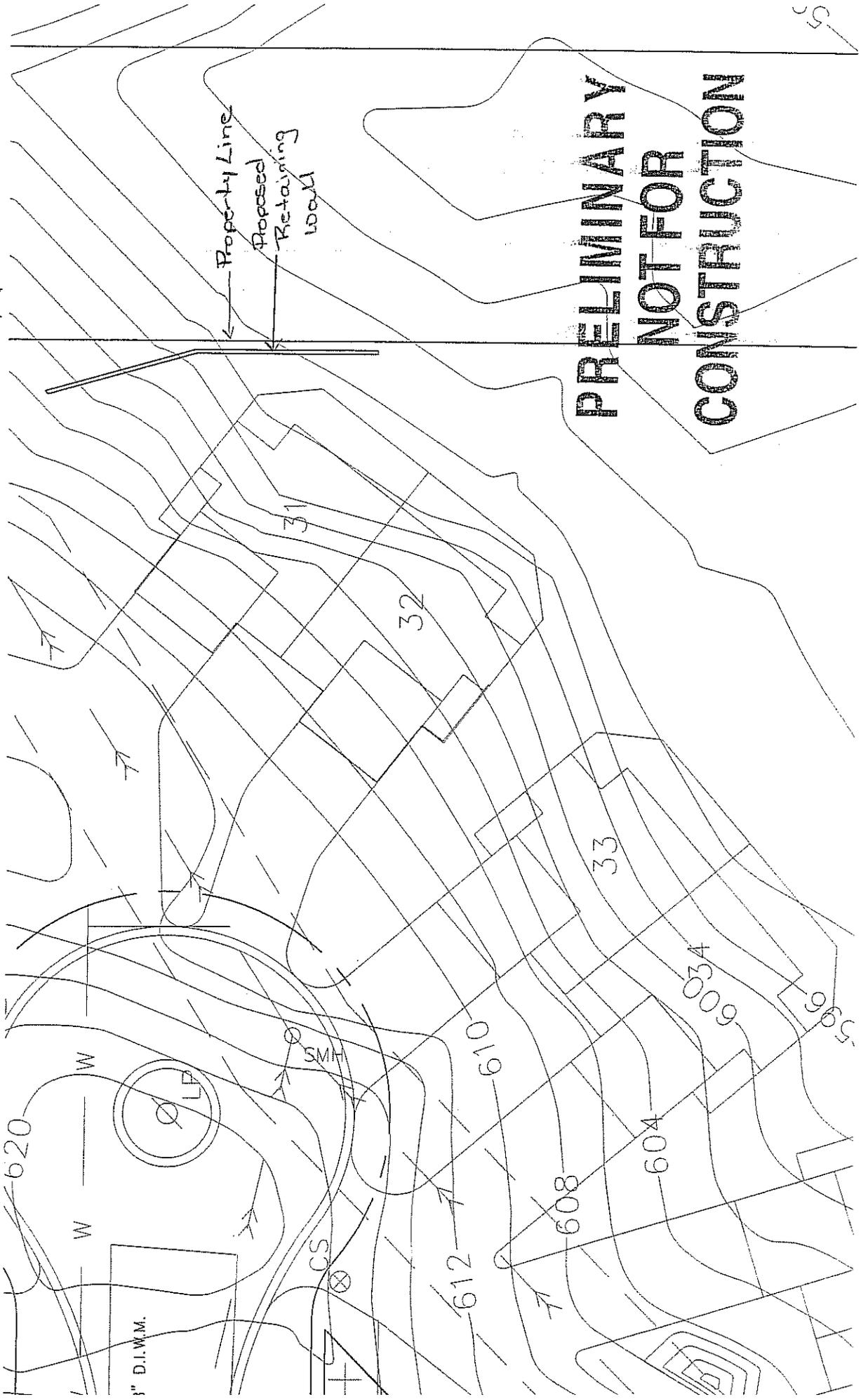
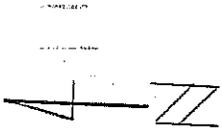
As you recall, we recently discussed a requested variance at Harbor Village. The issue at hand is whether the distance of 11' 6" creates any difficulties from a fire protection standpoint. The first point we discussed was access for firefighting units. I agree with you that a distance of ten feet would normally be sufficient to allow free movement of firefighters and equipment between these buildings. The current setback does not pose an access problem.

The more complicated issue is that of the potential for spread of fire by radiant energy from one building to another. In order to address this issue I referenced the NFPA standards. I found that NFPA does indeed have a standard for separation of buildings to prevent fire spread. In short, a formula is used that takes into account building construction, fire loads, number of exposed openings, and the width and height of exposed structures to recommend a minimum separation between buildings. If the separation is less than the minimum, other measures must be taken to prevent the spread of fire. My calculations showed a recommended minimum of 11' 6". I should point out that since the buildings are not parallel, the setback is probably not as marginal as it seems.

I do not find any reason to object to the current setback from a fire protection standpoint.

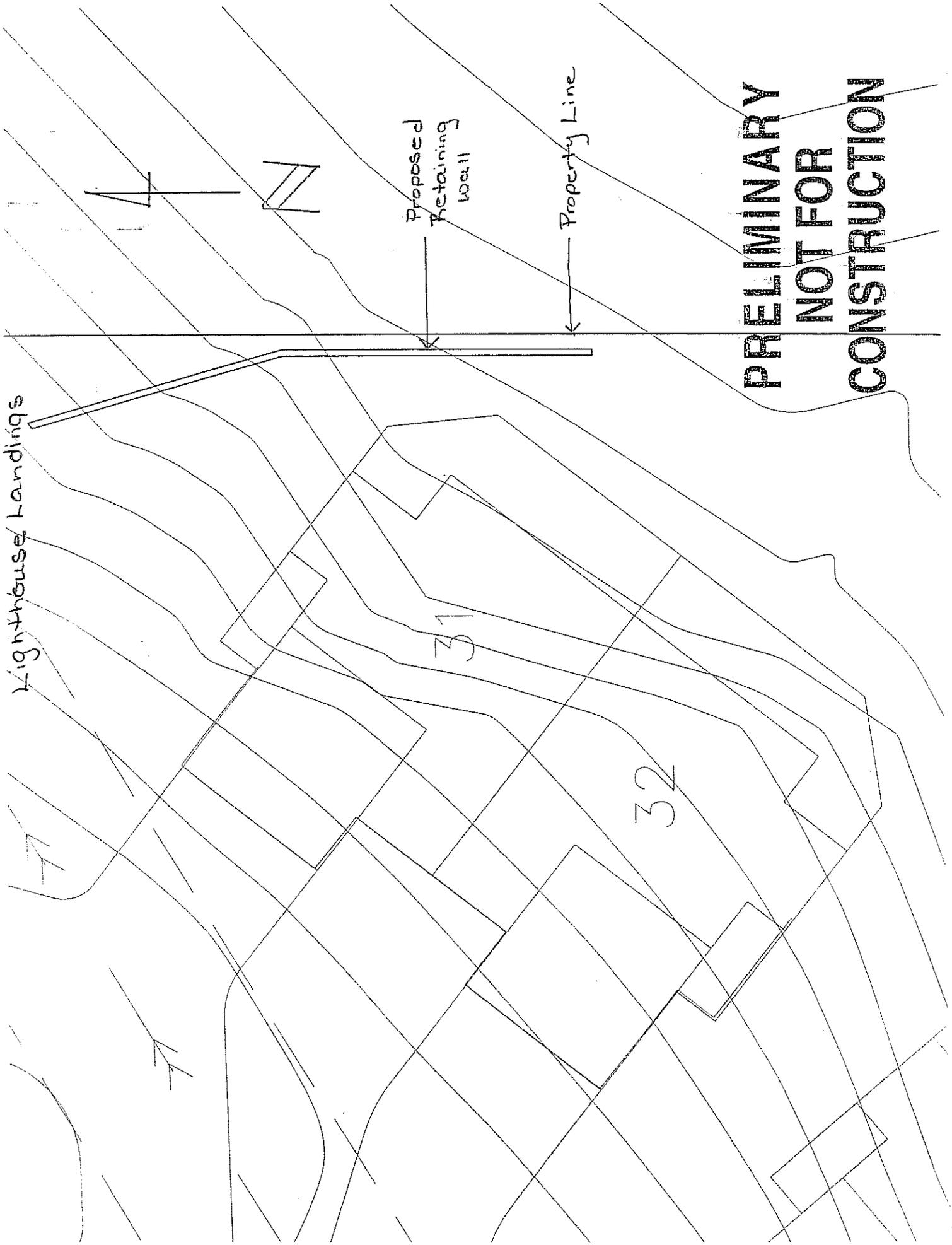
Since this appears to be the case in other units in the complex, and could affect firefighter access, I would ask that landscape plants and other items be arranged so as to maintain ten feet of clear space between the buildings.

Lighthouse Landings



**PRELIMINARY
NOT FOR
CONSTRUCTION**

Lighthouse Landings

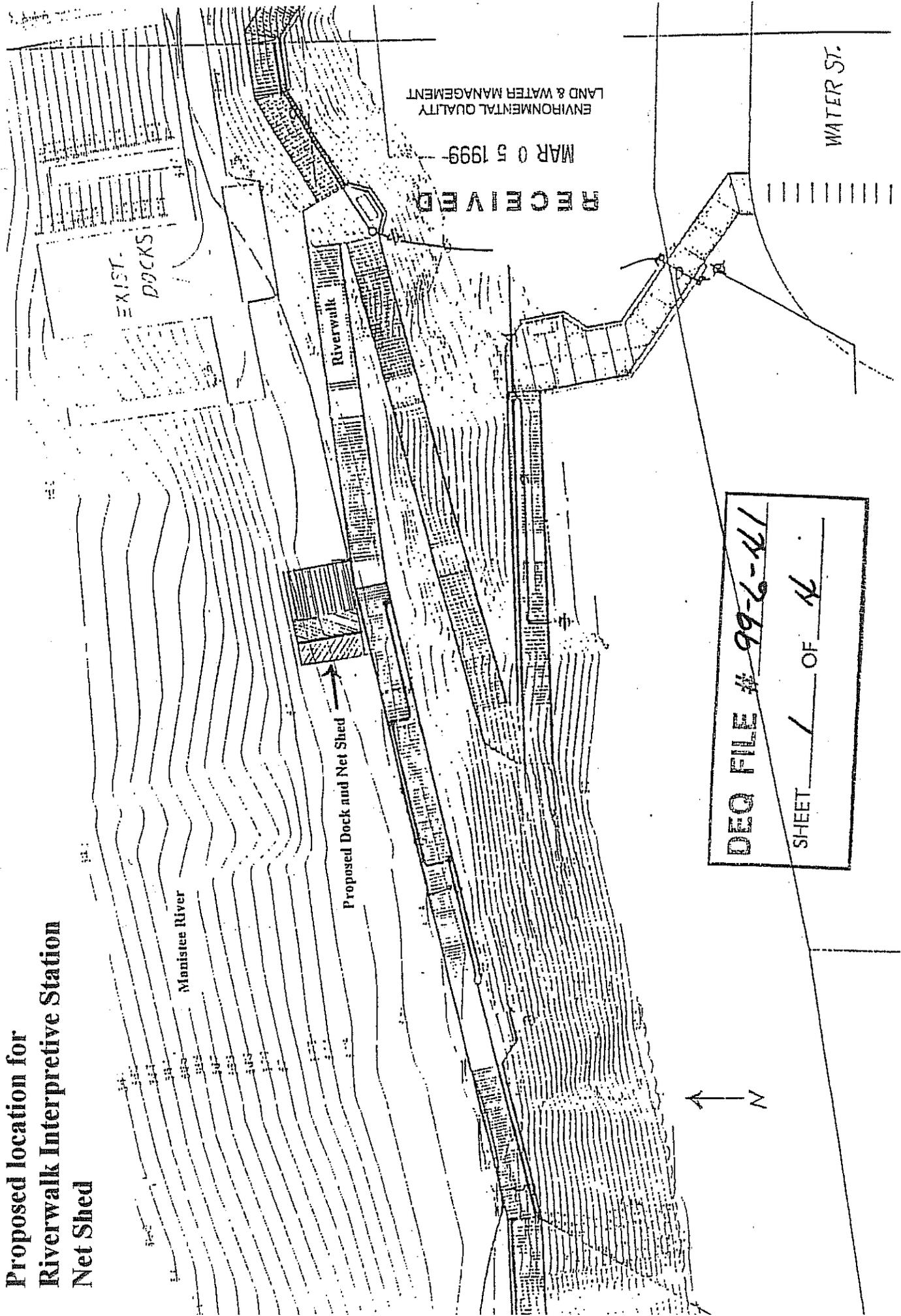


Proposed Retaining Wall

Property Line

**PRELIMINARY
NOT FOR
CONSTRUCTION**

**Manistee County Museum
Proposed location for
Riverwalk Interpretive Station
Net Shed**



DEQ FILE # 99-6-111
SHEET 1 OF 11

ENVIRONMENTAL QUALITY
LAND & WATER MANAGEMENT

MAR 0 5 1999

RECEIVED

EXIST.
DOCKS

Riverwalk

Proposed Dock and Net Shed

Manistee River

WATER ST.



231-723-2558
FAX 231-723-1546

70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

February 25, 2000

Jim Mrozinski
Onekama Marine, Inc.
P. O. Box 210
Onekama, Michigan 49675

Dear Jim:

Thank you for your correspondence regarding a possible lease of additional river front for marina purposes. I have referred that matter to the Harbor Commission and Planning Commission for their review and consideration. I have asked the City Staff for those bodies (Mr. Rose for the Planning Commission, Mr. Bachman for the Harbor Commission) to contact you when those items are scheduled for consideration.

As you are aware, there is liable to be mixed opinion regarding the desirability of this extension. At a minimum I indicated a need to accommodate upland owners, at least one of which has a current lease. In addition to eventual City Council consideration, Corps of Engineers and Department of Natural Resources permits would also be required.

Thank you for your inquiry and I will keep you posted on progress.

Sincerely,

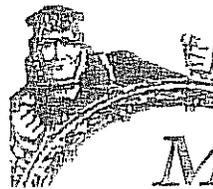
CITY OF MANISTEE

R. Ben Bifoss, City Manager

RBB:cl

cc. Planning Commission - Jon Rose (with encl.)
Harbor Commission - Dave Bachman (with encl.)

FEB 21 2000



*Onekama
Marine, Inc.*

February 16, 2000

Mr. Ben Bifoss
City Manager
Manistee City Hall
70 Maple Street
Manistee, MI 49660

723-2558

Dear Ben;

It was nice talking with you again this morning!

As per our conversation, Onekama Marine desires to lease the additional 440' West of our current lease at Cedar Street Marina for further development of dockage and facilities. I am enclosing a rough site plan relative to the area that Mr. Rose and yourself visited with me earlier. If you'll recall, at that time I explained that as we progressed at the Cedar Street facility we would be interested in leasing that additional frontage you advised was available to our West. On the enclosed site plan, I have marked the current lease area as "B" and the additional 440' to the West as "A" so that you can see where we are currently and what we propose to add for additional docks in the near future. I understand that the lease amount would be similar to what we are paying at this time and that as discussed when on site, there currently is a boat docked there which we would be happy to accommodate by providing a dock slip in conjunction with our plan.

I would appreciate a response at your earliest convenience as it will be important to our decision of potential growth at that location in the future.

Best Wishes,

Jim Mrozinski
ONEKAMA MARINE, INC.

JM/jh

Enc.

Sales ~ Services ~ Dockage ~ Storage ~ Established in 1963

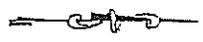
Three "On Water" Locations • P.O. Box 210 • Onekama, Michigan 49675

Yard I (231) 889-5000 • Fax (231) 889-3398 • Yard II (231) 889-4321 • E-mail: onekm@onekamamarine.com

REN B. BYBES
DREW ROSS

2-16-2000

(88.5) 54' 5" 72'



"A"

"B" 4779' PIPE

PROPOSED
LEWIS

MANISTEE RIVER

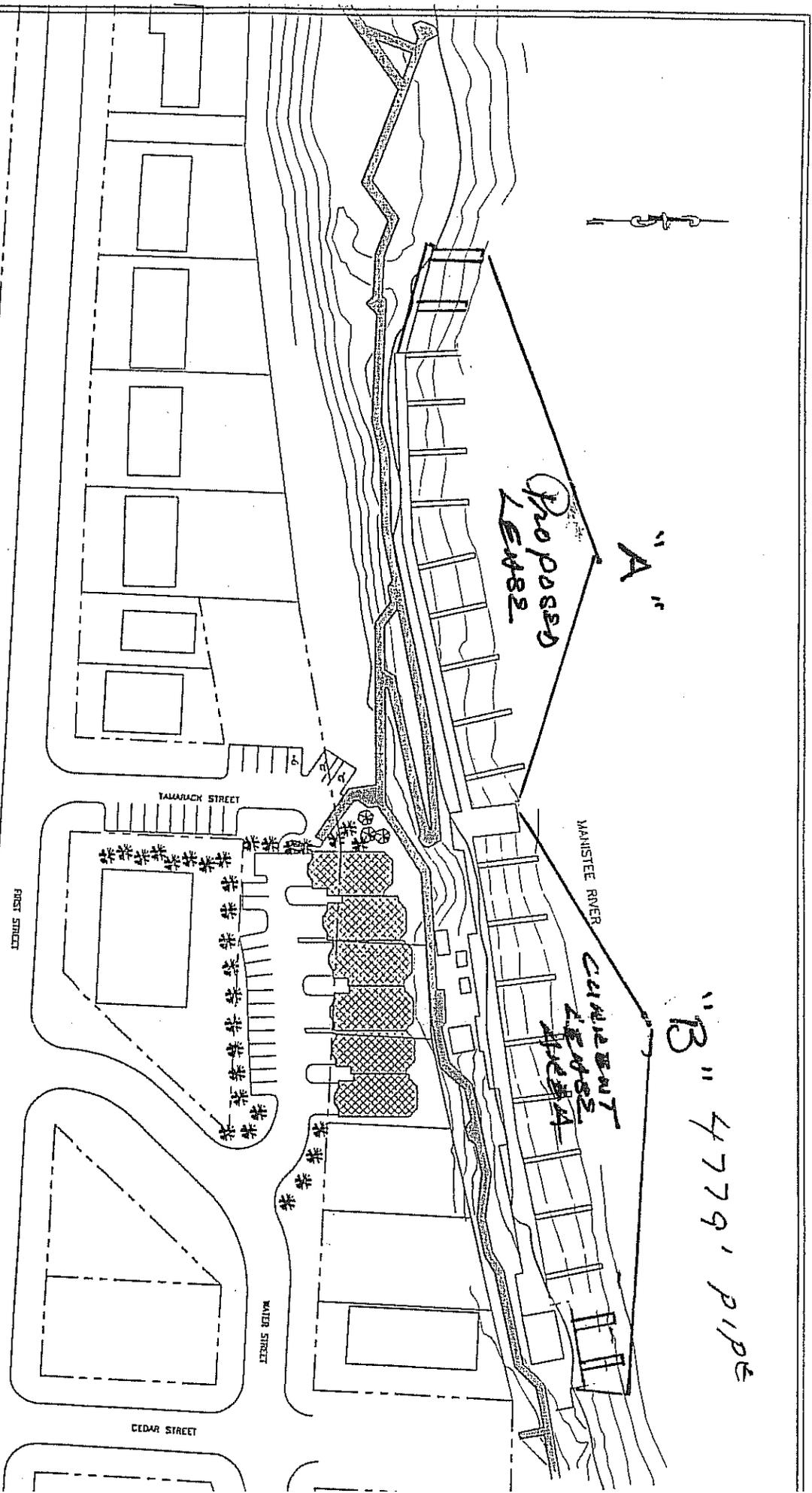
CALUMET
LEWIS
4779'

TAMMACK STREET

FIRST STREET

MAYER STREET

CEDAR STREET



(25) 14' SCIPS
(15) 16' SCIPS

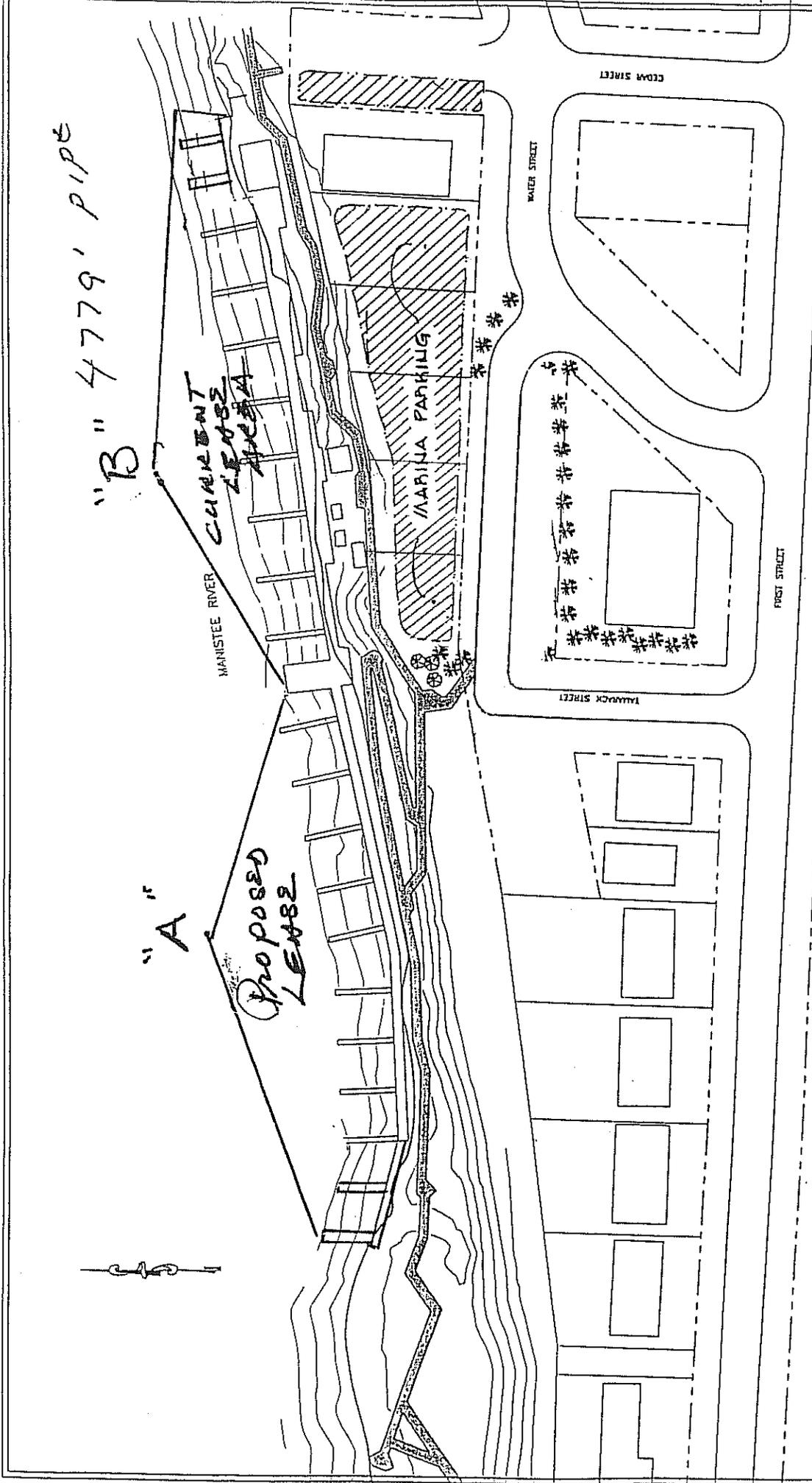
SITE PLAN
SCALE: 1" = 30'

(S9) 54'
(S9) 27'

CEDAR STREET MARINA
CONCEPTUAL SITE PLAN

BEN BYBES
 JOHN ROSS
 2-11-2000

(88.5) 54 = 16
 5 726



(25) 14' slips
 (15) 16' slips

(59) 54'
 (59) 27'

Ⓢ SITE PLAN
 SCALE: 1" = 30'

CEDAR STREET MARINA
 CONCEPTUAL SITE PLAN

~~88~~



Onekama Marine, Inc

February 16, 2000

Mr. Ben Bifoss
City Manager
Manistee City Hall
70 Maple Street
Manistee, MI 49660

723-2558

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Three "On Water" Locations • P.O. Box 210 • Onekama, Michigan 49675
Yard I (231) 889-5000 • Fax (231) 889-3398 • Yard II (231) 889-4321 • E-mail: onekm@onekamamarine.com

NEW SYSTEM
DRAINAGE

(88.5) 54
= 14724



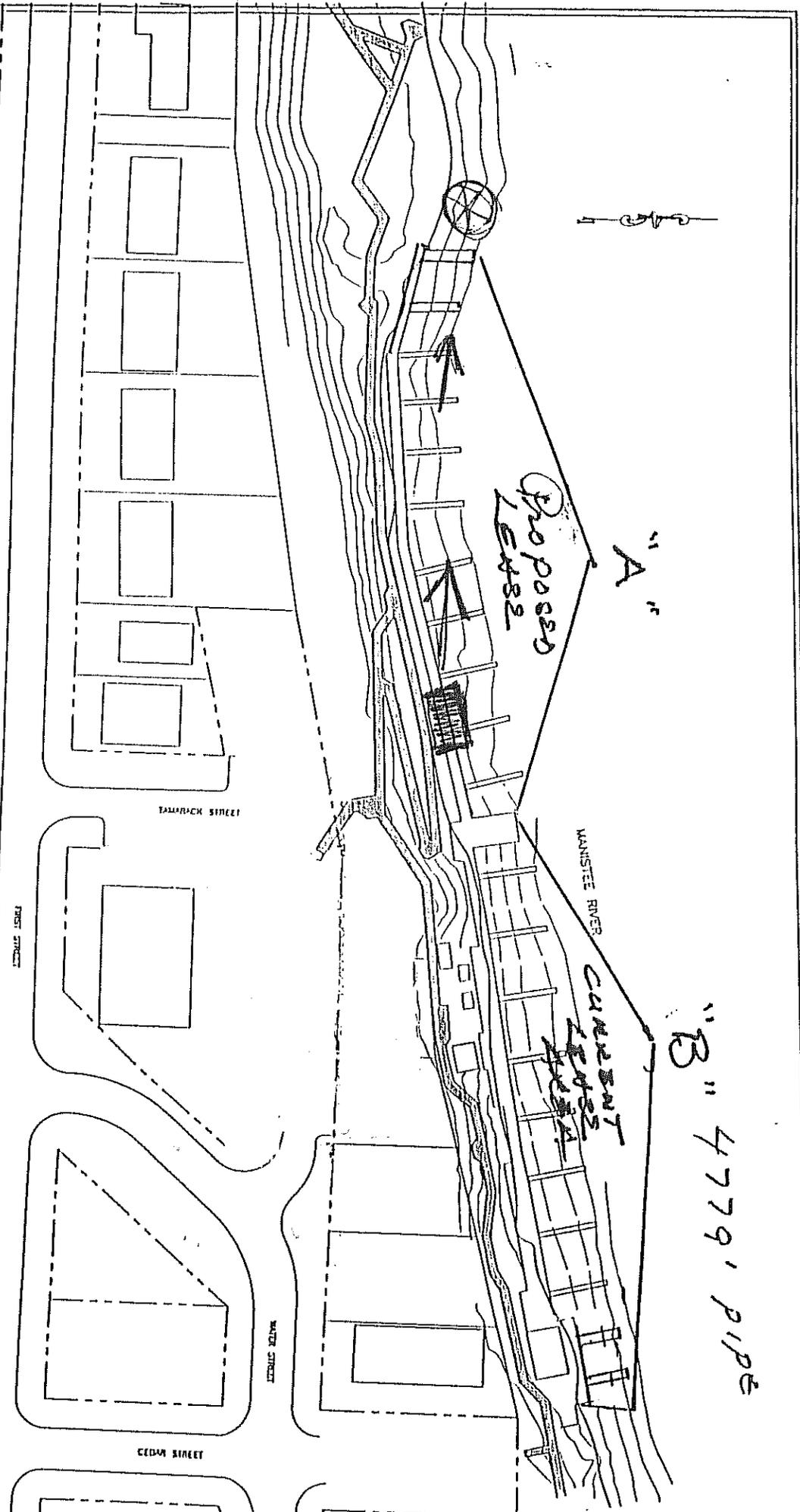
"A"

PROPOSED
LEACH

MANISTEE RIVER

CUMULATIVE
LEACH AREA

"B" 4779' PIPE



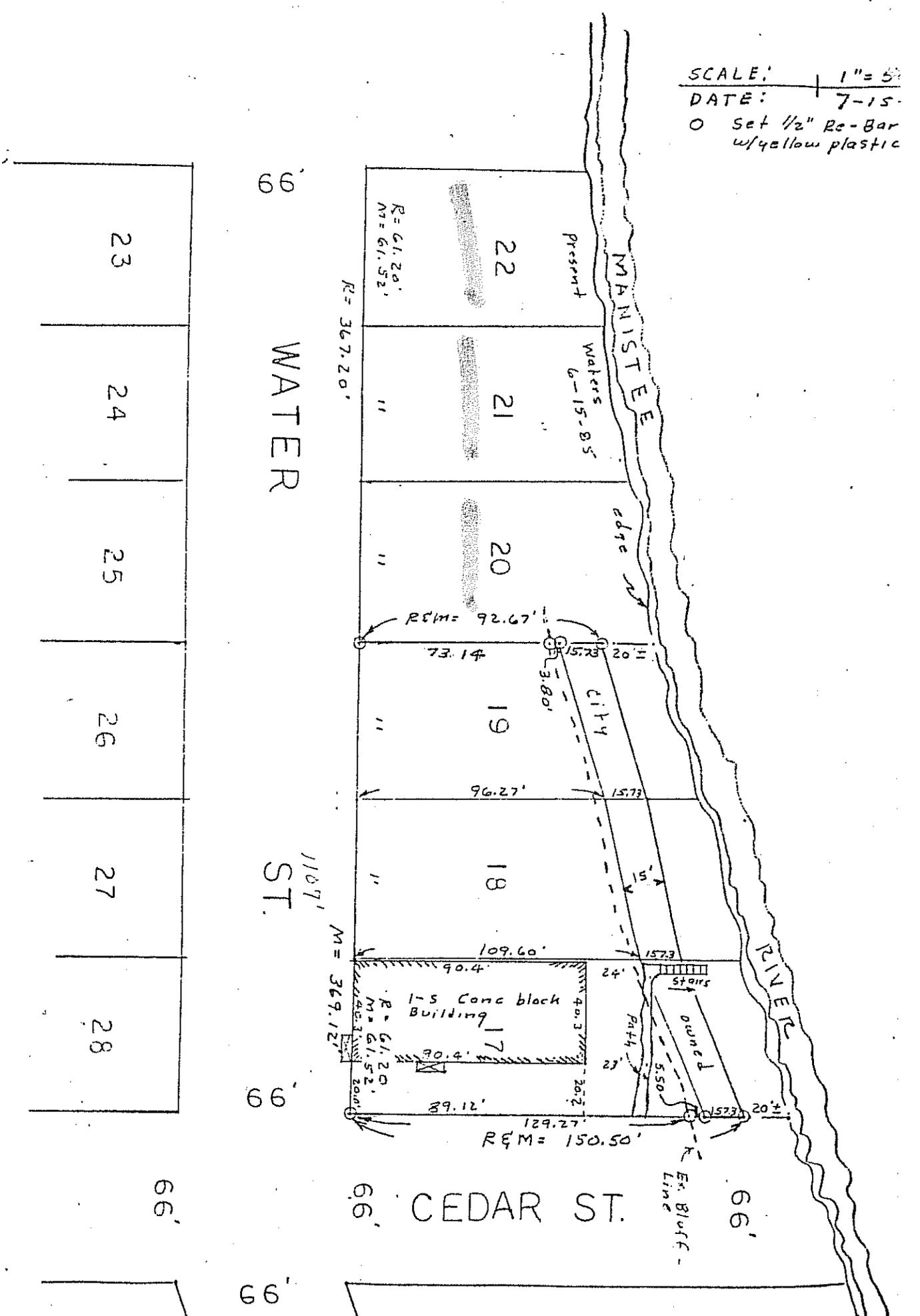
(25) 14' SCIPS
(15) 16' SCIPS

① SITE PLAN
SCALE 1" = 30'

(59) 54'
(59) 27'

CEDAR STREET MARINA
CONCEPTUAL SITE PLAN

SCALE: 1" = 50'
 DATE: 7-15-
 O Set 1/2" Re-Bar w/yellow plastic



99 WATER 99

1107' ST. 99

66 CEDAR ST. 66

99

CO.

LOT 4

SEC.

11

WATER

2

CITY DEVELOP

S MARIN

16					
4					
3					
2					
1					

6	5	4	3	2	1
7	8	9	10	11	12
65	64				66

6	5	4	3	2	1
7	8	9	10	11	12
65	64				66

100					
4					
8					
105					

100					
4					
8					
105					

ST.

TAMARACK

6	5	4	3	2	1
7	8	9	10	11	12
65	64				66

6	5	4	3	2	1
7	8	9	10	11	12
65	64				66

6	5	4	3	2	1
7	8	9	10	11	12
65	64				66

6	5	4	3	2	1
7	8	9	10	11	12
65	64				66

23	24	25	26	27	28
29	30	31	32	33	34
35	36	37	38	39	40

19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

ST.

CEDAR

18	19	20
21	22	23
24	25	26

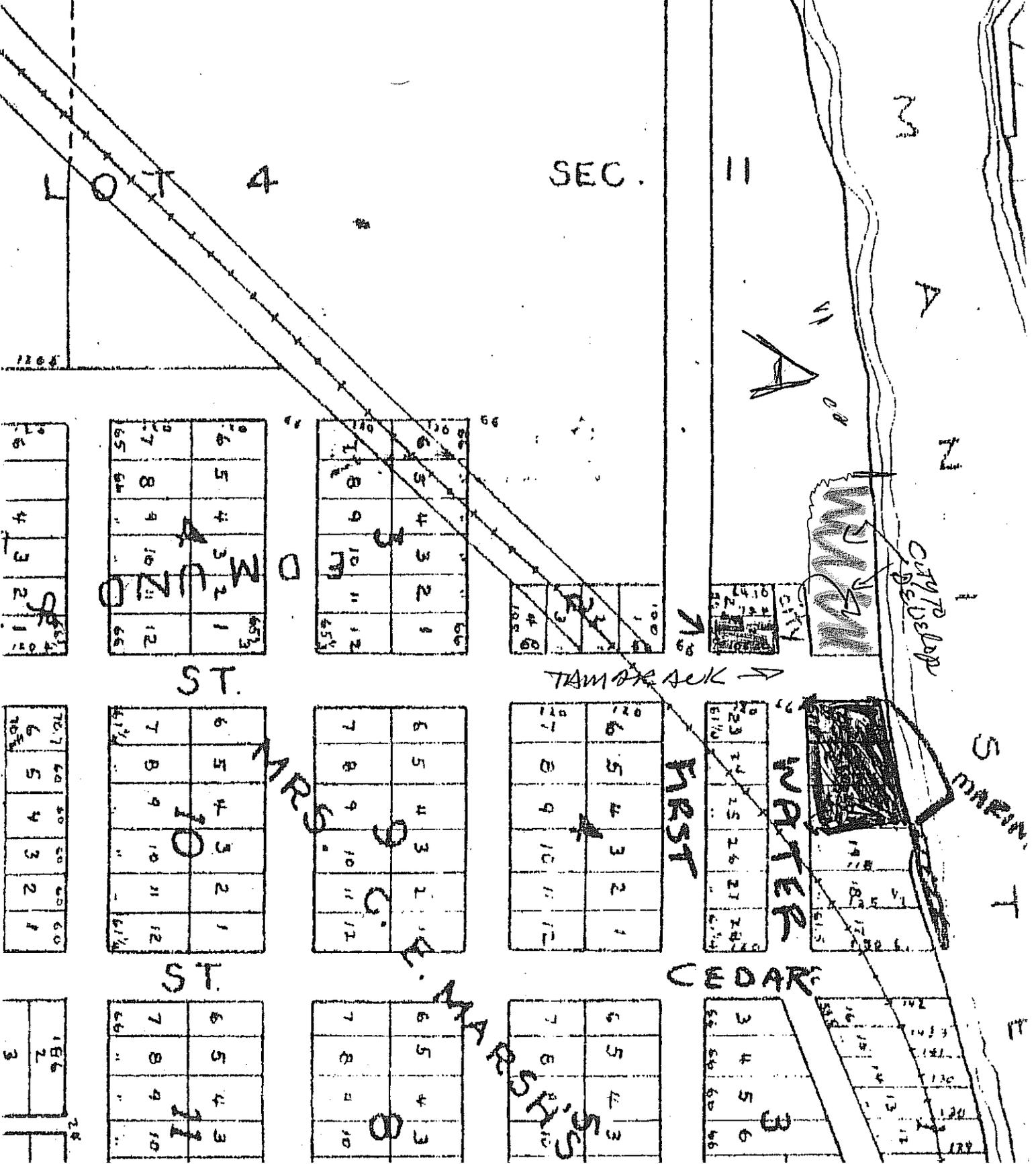
6	5	4	3
7	8	9	10
65	64		66

6	5	4	3
7	8	9	10
65	64		66

6	5	4	3
7	8	9	10
65	64		66

3	4	5	6
7	8	9	10
11	12	13	14

15	16	17	18	19	20
21	22	23	24	25	26
27	28	29	30	31	32





318 Parkdale Avenue • P.O. Box 212
Manistee, Michigan 49660
Phone: (231) 723-6596 • (888) 335-7464 • Fax (231) 723-6235

March 30, 2000

Jon R. Rose, Community Development
City of Manistee
P.O. Box 258
Manistee, MI 49660

Re: Request for lot split and combination

Dear Mr. Rose:

Per our discussion on March 30, 2000, request is herewith made to be placed on the agenda of the City of Manistee Planning Commission regarding a request for a lot split and combination between Parcels #51-51-146-733-09 and #51-51-146-733-10 to solve an encroachment at 185 Taylor Street where there is a two to three foot encroachment of an existing building onto 183 and 183 ½ Taylor Street. The properties are owned by A.J. Garber of 760 Piney Road, Manistee, vendee in a land contract between himself and Marjorie J. Bottrell of 272 First Avenue, Manistee, as to the property with the encroachment encroaching upon property owned by Dorothy L. Hayward, etal 1222 Southern Avenue, Kalamazoo, MI 49001.

If you would be so kind as to place this matter on the agenda for the Planning Commission, I will forward particulars as to the proposed split and combination as soon as I have received a survey regarding the properties.

Thanking you in advance for your prompt attention is this matter, we sincerely appreciate the assistance given me both by yourself and Ms. Denise Mikula.

If you need any further information from me, please do not hesitate to call.

Sincerely,

Ron Ringel, Broker
State of Michigan License #6501148861

RR/cw

Ringel Real Estate & Auctions



318 Parkdale Avenue

P.O. Box 212

Manistee, MI 49660

231-723-6595

231-723-6235 (Fax)

Fax Cover Sheet

DATE:

TIME:

TO:

JOHN ROSE / DENISE MIKULA

Fax #

723-1546

FROM:

RON RINGEL

Number of pages including cover sheet: _____

Message:

PER OUR CONVERSATION....

PLEASE REMOVE OUR REQUEST FOR LOT SPLIT /
COMBINATION FROM THE PLANNING Commission Agenda,
SCHEDULED FOR APRIL 6, 2000.

THANK YOU FOR YOUR ASSISTANCE IN TRYING TO GET
THIS PROBLEM SOLVED!

R
Ringel

English & Associates Real Estate

4860 Main St. * P.O. Box 208 * Onkama, MI 49675 * (231) 889-6111 * Fax: (231) 889-6111

March 30,2000

City of Manistee
Planning Commission
John Rose

Dear John,

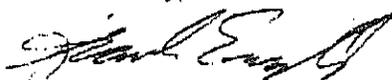
A client of my office has ask me to write this request letter. Our client John Bowen, has an offer pending on garage located on Eight Street, tax # 51-51-612-375-12, this garage adjoins the sellers, Richard Najdowski's residence and our buyer is aware that he will have to build on the garage parcel according to zoning.

Our client has found out that the lot / lots to the west and possibly the lot to the south are owned by the city, if so he would be very interested in making a bid on the lots.

Let me know as soon as possible as to the status of these lots, Thank You

PLEASE call me at 1- 231-889-6111, if you have any questions.

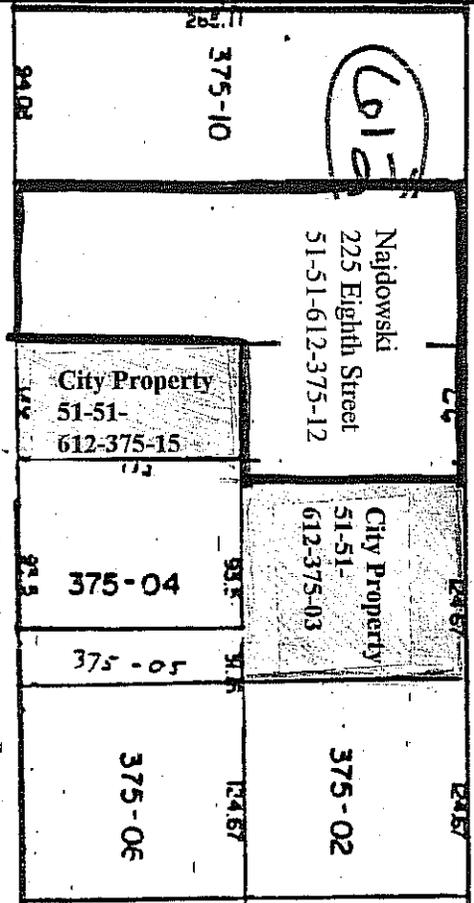
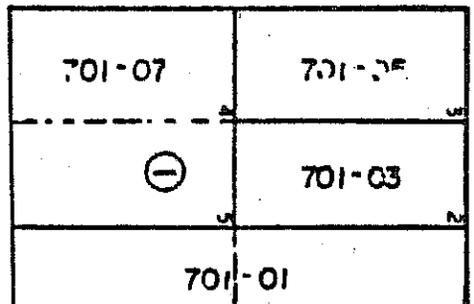
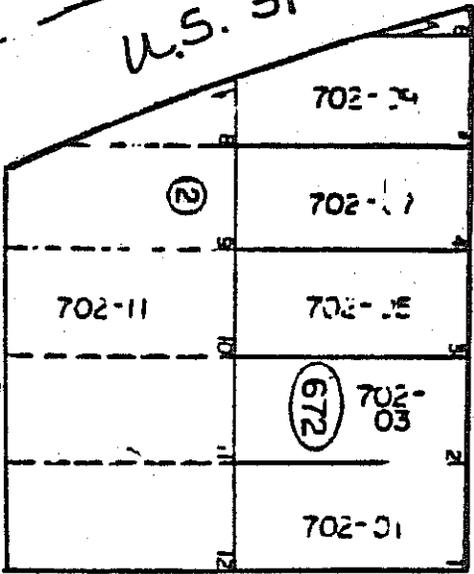
Sincerely,



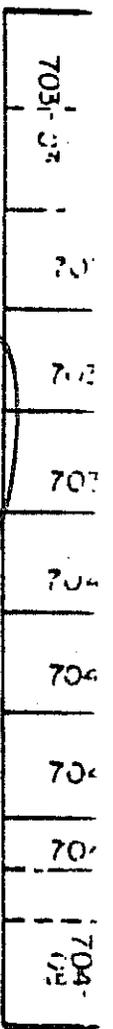
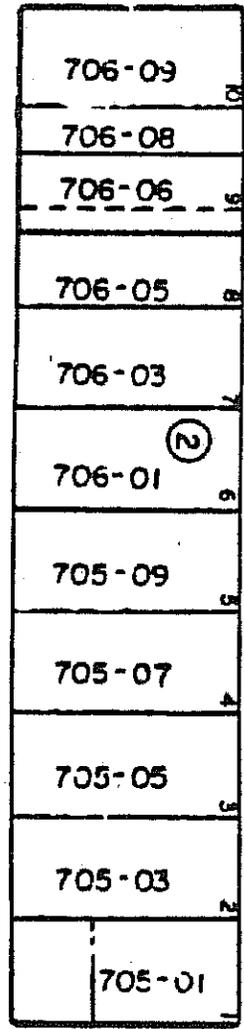
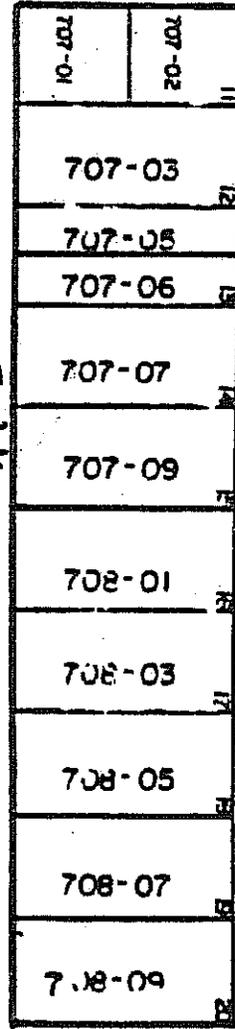
Frank D. English
Broker - Office Manager

Mike Cnudde
Sales Associate.

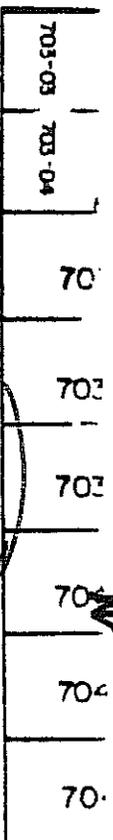
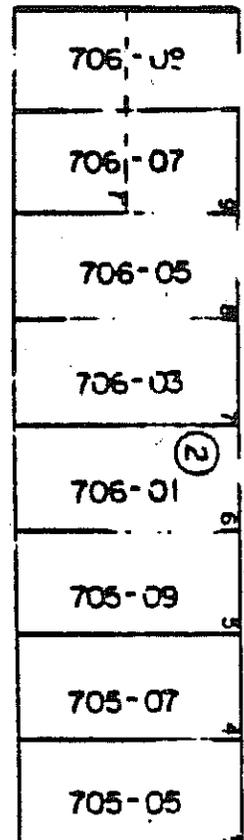
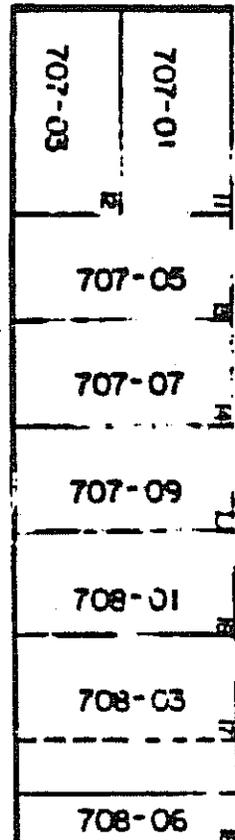
U.S. 31



00
TH



HOPKINS



695

QTH

ST

ST

S

Receipt # _____

Application for Site Plan Review & Land Use Permit

Location of Project: 291 Residential Drive

Parcel Code #: _____

Name & Address of Applicant: Aztec Producing Company, Inc.
335 Washington St.
Manistee, MI 49660

Phone Numbers: Work 723-4402 Home _____

Name & Address of Owner if different: _____

Phone Numbers: Work _____ Home _____

Brief description of work to be done: Metal building to enclose
natural gas compressor for oil and gas production
purpose. Building is for noise abatement and weather
protection.

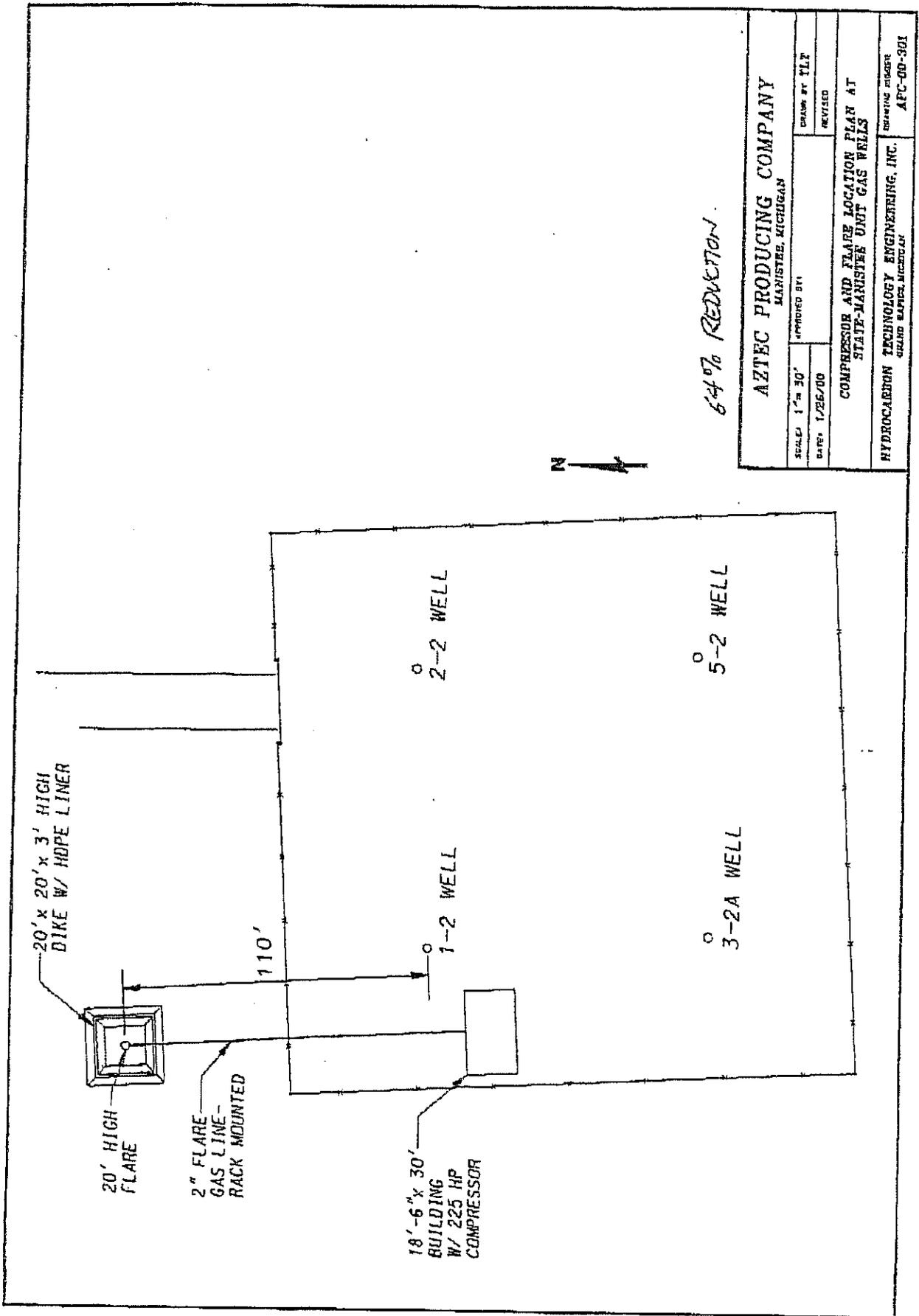
Site Plan Reviews need to go before the City of Manistee Planning Commission. They must be received 10 days prior to the meeting. Regularly scheduled meetings are the first Thursday of the Month at 7:00 p.m. in the Council Chambers, City Hall.

A Site Plan, as spelled out in Section 9404, 9405 or 9406 of this ordinance, is needed with the application. Specifications on the back of this sheet.

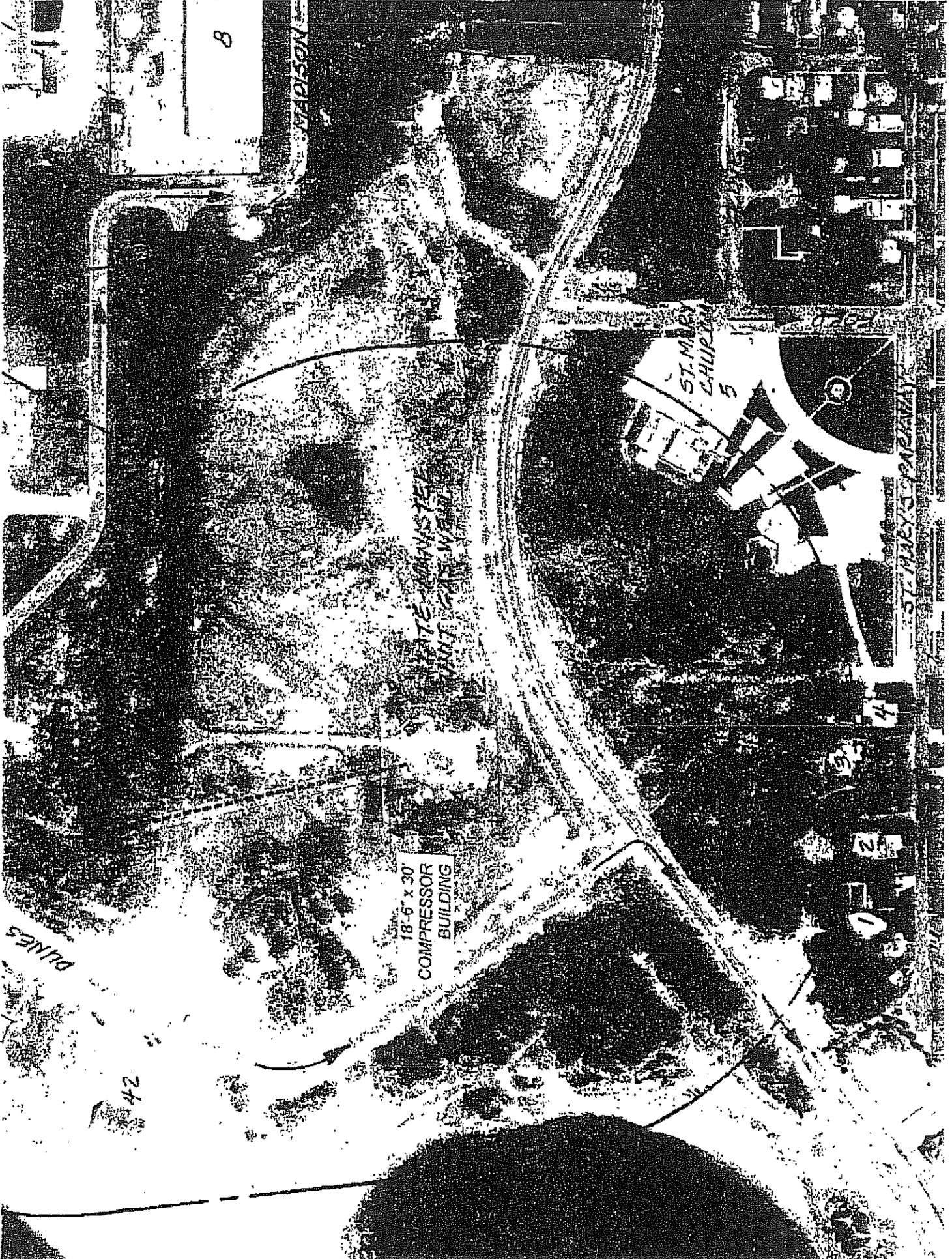
Once completed the form should be returned to: Jon Rose
Community Development Officer
City of Manistee
P.O. Box 358, 70 Maple Street
Manistee, MI 49660

For Questions call Jon Rose, (261) 723-2558.

Fee: Land Use Permit/Site Plan Review \$ 20.00 (PUD \$250.00)



AZTEC PRODUCING COMPANY MARISTEE, MICHIGAN	
SCALE: 1" = 30'	APPROVED BY:
DATE: 1/25/00	DRAWN BY: TLT
	REVISED
COMPRESSOR AND FLARE LOCATION PLAN AT STAFF-MARISTEE UNIT GAS WELLS	
HYDROCARBON TECHNOLOGY ENGINEERING, INC. GULF BAY, FLORIDA	DRAWING NUMBER AFC-00-301



ARTICLE 80: NONCONFORMITIES

8001. Purpose

Within the Land Use Districts established by this Ordinance or by amendments thereto, there exist *buildings* and *structures* and uses of parcels, lots, *buildings*, and *structures* which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under this Ordinance. These uses are referred to as nonconformities and may continue until they are discontinued, damaged or removed but not encouraged to continue or be duplicated after a period of non-use. These nonconformities are declared by this Ordinance to be incompatible with the *buildings* and *structures* and uses of parcels, lots, *buildings* and *structures* permitted by this Ordinance in certain Land Use Districts. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded or extended except as provided herein nor to be used as grounds for adding other *buildings* and *structures* and uses of parcels, lots, *buildings* and *structures* prohibited elsewhere in the same Land Use District.

8002. Regulations

No such *nonconforming use* of land shall be moved in whole or in part to any other portion of such land, or to a different *parcel*, not occupied on the effective date or adoption or amendment of this Ordinance, except as provided in Section 8003.

8003. Extensions

A *nonconforming structure* and *use* may not be added to, extended, reconstructed, structurally altered, or expanded during its life except for any one or combination of the following and subject to the following restrictions:

- A. If the nonconformity is a *use* which is not otherwise allowed in the Land Use District; then the *use* and *structures* upon which the *use* is associated shall not be expanded more than fifty (50) percent in size, hours of operation or level of service, or any other extension than what exists at the time of adoption of this Ordinance. Under no condition shall the *parcel* be expanded and the *use* be expanded to a contiguous *parcel*.
- B. If the nonconformity is a *use* which is a *dwelling* in a Commercial zoning Land Use District; a *use* which is a *dwelling*, Retail Trade [G: 52-59] establishment, Finance Insurance and Real Estate [H: 60-69] establishment, Service [I: 70-89] establishment in an Industrial zoning district; and which is not otherwise allowed in the zoning Land Use District; then the *use* and *structures* upon which the *use* is associated may expand within the standards and regulations applicable to that respective Land Use District as though it is a permitted *use* in terms of size, hours of operation or level of service, or any other extension than what exists at the time of adoption of this Ordinance.
- C. If the nonconformity is the *parcel* is too small and already has existing uses and *structures*; then the *structures* shall not be expanded more than:
 1. fifty (50) percent of the ground area occupied by the *structure* at the time of adoption of this Ordinance, or
 2. spatially possible while such expansion shall comply with all applicable *setback* regulations in this Ordinance.

[Amendment: Any additions shall comply with High Risk Erosion setbacks (Section 7504) unless a *variance* is granted (See May 1990 Appeals Board minutes).]

whichever is less. Any expansion of the *structure* shall comply with all other provisions of this Ordinance. Nothing here is intended to prevent the acquisition of

MEMORANDUM

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development

DATE: April 6, 2000

RE: Aztec Site Plan

The four oil and gas wells located at the Aztec Site were in existence for several years prior to the adoption of the current Zoning Ordinance. As such they are a legal non-conforming use. Under the requirements of the non-conformity section a legal non-conforming use is allowed to expand up to 50% in terms of both size, hours of operation and level of service.

The building which they have constructed is required by DEQ as soundproofing for the compressor which they have installed. It is anticipated this compressor will grant an extension in the lifetime of the wells or at least allow increased extraction. This appears to be a legal expansion, and as such staff recommends approval.

A recommendation of additional buffering between the well site and residential areas might be appropriate.

JRR:djm