

Staff Report



Specific Use Permit SUP09-21R2 (AC360 Drill Site)

Planning and Zoning meeting date: 10/20/2021

Document Being Considered: Ordinance

RECOMMENDATION

Following the public hearing, consider an amendment to Specific Use Permit SUP9-21R2 to establish the location of a drill zone on an existing gas well site located at 2000 S. Watson Road.

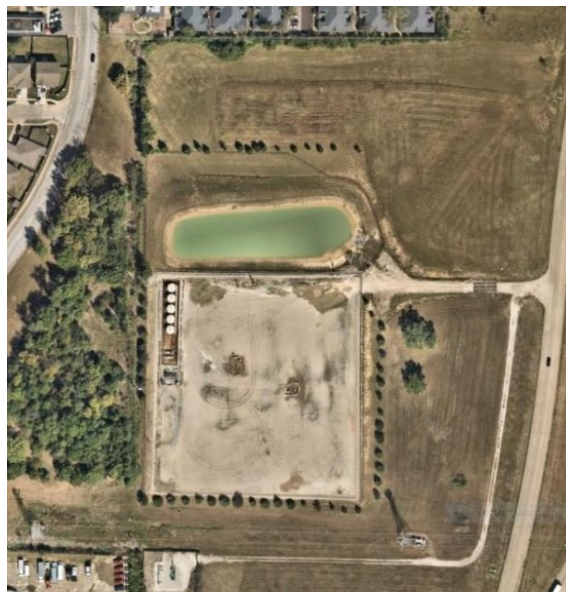
PRIOR BOARD OR COUNCIL ACTION

On January 26, 2010, City Council approved Zoning Case SUP09-21 for the AC360 Drill Site by an 8-0-1 vote with the following condition:

1. Applicant shall do the following activities at the site prior to the issuance of a gas well permit, but no later than two years after the approval date of the SUP: The boundary of the SUP site, except for the access point, shall be landscaped with a level one transitional buffer (20-feet) in accordance with the Zoning Ordinance.

On February 8, 2011, City Council approved Gas Well Permits GW10-72, GW10-73 and GW10-139 for the AC360 1H, AC360 2H, and Maverick 1H gas wells by a vote of 9-0-0, reducing the setback to approximately 481 feet measured to the property line.

On October 18, 2011, City Council's motion to approve Gas Well Permit GW11-41 for the Maverick 2H failed by a vote 3-4-0.



On February 5, 2020, the Planning and Zoning Commission recommended approval of SUP09-21R1 for the AC360 Drill Site to establish a drill zone by a vote of 8-0-0, with the following stipulation:

1. The required eight-foot-tall masonry wall shall be installed prior to the installation of the noise mitigation walls during drilling for the new wells.

On June 9, 2020, City Council's motion to approve SUP09-21R1 for the AC360 Drill Site to establish a drill zone failed by a vote of 3-6.

REQUEST

The applicant, Total E&P Barnett USA, LLC (Total), requests to amend the Specific Use Permit (SUP) by establishing the location of a drill zone for gas drilling on a 6.740-acre tract of land addressed at 2000 South Watson Road, generally located west of Frontage Road SH360 and north of East Pioneer Parkway.

Current zoning: Zoned as Community Commercial (CC) with a Specific Use Permit (SUP) for gas drilling.

Requested zoning: CC, amending the SUP for gas drilling operations to establish drill zone.

GENERAL INFORMATION

History and Existing Site Conditions

This site was approved for gas well drilling in January 2010. City Council approved three gas well permits in February 2011. Only two of the three wells were drilled. Today the site includes two wellheads (AC360 1H and Maverick 1H) with supporting equipment (two separators and five storage tanks). A frac pond is located north of the drill site. The site is enclosed by a 6-foot chain link fence and small berm. One of the existing wellheads is located less than 600 feet from several single-family residential uses, with the closest being 507 feet. The site is situated approximately 300 feet west of South Watson Road.



AC360 drill site and frac pond berm from S. Watson Rd.

The AC360 Drill Site is located within two miles of four identified gas well sites. The attached location map illustrates the location of these sites.

Existing Zoning

The existing drill site is zoned Community Commercial. It is surrounded by vacant Community Commercial on the east, south and west. Immediately north is an undeveloped parcel zoned planned development – light business and warehousing. Single-family detached homes of the Cimarron Creek Estates, built 2010-2012, are located a short distance west across Carter Drive.



Frac pond berm seen from intersection of Carter Drive and Saffron Lane

SPECIFIC USE PERMIT ANALYSIS

The Gas Drilling and Production Ordinance (GDPO) provides that drill zones must maintain a setback of not less than 600 feet from all protected uses. When laying out the boundary of the drill zone, the GDPO requires the drill zone to capture ALL existing wellheads, in addition to the area proposed for future drilling. One of the existing wellheads is only 507 feet from the nearest protected use – a residential structure to the northwest. As a result, Total's submitted site plan does not meet the minimum setback requirement of 600 feet. However, but for the GDPO requirement to include existing wellheads in the drill zone, the proposed drill zone would comply with the 600-foot setback. Pursuant to Section 7.01(B) of the GDPO, the City Council may reduce the setback distance to not less than 300 feet with the affirmative

vote of a super-majority of the Council. The Planning Commission may recommend approval of a reduced setback with a simple majority vote.

It is important to note the proposed drill zone is more than 600 feet from the Mother's Heart Learning Center daycare to the north. On March 30, 2021, City Council amended the definition of protected uses to include a daycare's associated playground, in addition to the daycare structure itself. Total's proposed drill zone is situated 637 from the Mother's Heart daycare facility and 613 feet from the designated playground. It is 602 feet from the property line.

The closest school (John's Elementary School) is approximately 1,993 feet to the southwest, and the nearest park (Bob Cooke Park) is approximately 2,690 feet southwest of the proposed drill zone.

Total intends to drill three more wells on the site if the proposed drill zone is approved. Total's estimated drilling and completion time frame is approximately six months, starting in January 2022. Approval of this drill zone application does NOT approve the drilling permits.

Rules of Decision for the SUP

In reviewing the SUP, the Planning Commission and City Council shall base their decision on their findings of the extent to which the proposed use:

1. Complies with the general criteria of UDC Section 10.3.8. This is achieved when the application:
 - a. Is consistent with prior plan or plat approvals. The current site is in substantial compliance with the terms of Ordinance No. 10-027 (the original SUP).
 - b. Is consistent with the Comprehensive Plan and other applicable plans. The Commission and Council may consider whether the proposal provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Comprehensive Plan.
 - c. Complies with use and development standards of UDC Articles 2 through 7. The current well site was approved prior to the UDC. It complies with the Zoning Ordinance that was in effect in 2009, to the extent it was made applicable.
 - d. Complies with other applicable regulations of the City, state or federal governments. During the 4th quarter 2019 compliance inspection, the inspector identified and informed Total of a problem with a fence exit. Total resolved the issue as requested. No problems have been noted on subsequent inspections.
 - e. Complies with interlocal agreements. (None applicable)
 - f. Minimizes adverse environmental impacts. If the proposed drilling activity has any environmental impacts, the operator must minimize negative impacts and shall not cause significant adverse impacts on the environment.
 - g. Minimizes adverse impacts on surrounding property. The proposed activity shall not cause significant adverse impacts on surrounding properties.
 - h. Minimizes adverse fiscal impacts. (None noted)
 - i. Provides adequate road systems. No changes are proposed to the previously approved transportation route. See attachment v.
 - j. Provides adequate public services and facilities. Total proposes to purchase water from the City of Arlington to serve as the site's water source for drilling and hydraulic fracturing operations. A description of the water source and estimate of water volume needed will be reviewed during the gas well permit stage.
2. Compliments or is compatible with the surrounding uses and community facilities; and
3. Contributes to, enhances, or promotes the welfare of the area and adjacent properties.

An ordinance approving a specific use permit may impose development standards and safeguards over and above those contained in the UDC. The Commission may, in the interest of the public welfare and to ensure compliance with the UDC, establish reasonable conditions on the operation, location, arrangement, type, and manner of construction of any use for which a permit is authorized.

Transitional Buffers and Other Elements of the Site Plan

Ordinance No. 10-027 approving the original SUP required a 20-foot transitional landscape buffer around the well site. The GDPO was amended in 2011 to include more robust standards for buffers for both the well site and the frac pond. With this application, Total proposes to increase the size of the transitional buffers and meet or maintain compliance with some applicable Tier 1 requirements.

Tier 1	Landscaping and Perimeter Fencing	Proposed
Well Site	40-foot transitional buffer	40-ft on north, east, south sides 20-ft on west side
	Landscaping in the buffer shall meet UDC requirements. On May 4, 2021, the trees per area ratio was changed to one tree for each 300 square feet. Gross buffer area is 67,850 sf / 300 = 226 trees	112 new and existing trees
	8-foot-tall masonry wall with 75 percent opacity around perimeter with gate	8-ft wall on all sides of drill site with gate
	10-foot-wide streetscape setback with street trees	NA (off site)
Fracture Stimulation Earthen Pit	6-foot-tall black vinyl-coated chain link fence around pond	Existing
	Informal planting of shrubs around pond	None proposed
	One street tree for every 30 feet of ROW frontage	NA (off site)

The transitional buffer landscaping requirements have increased considerably since the original SUP was approved in 2009. Although Total proposes to densify the enlarged buffers with more trees, it falls short of current requirements. There is a practical limitation to the number of trees that can be added to the buffers. The Planning Commission may consider the limiting size of the buffers, the site's topography, and the existing tree canopies that line the west and north edges of the site when determining whether Total's proposal is adequate. It also should be noted that Total is adding more than a dozen trees off-site to fill in gaps in the tree line, which forms the common boundary with the day care use and homes to the north.

Community Outreach

On October 13, 2021, Total held a community meeting at the East Arlington Library and Recreation Center located at 1817 New York Avenue. Notice of the meeting was mailed to all surface owners within 600 feet of the proposed SUP boundary as required by the UDC. Notice was posted on NextDoor as required. Only one person attended the meeting.

Support and Opposition

As of this writing, staff has received the following:

Support and Opposition Received	
PON Letters of Support (within ¼ mile buffer)	None
PON Letters of Opposition (within ¼ mile buffer)	1
Email (Signatures) of Support	105
Email (Signatures) of Opposition (5) *Liveable Arlington and Community Petition (266) *Mother's Heart Daycare Petition (48)	319

Staff expects to receive additional comments from citizens and interested parties for the duration of this case. All comments will be forwarded to the Commission for consideration.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:

- i. Case Information
- ii. Itemized Allowable Uses
- iii. Location Map
- iv. Photos
- v. Site Plan / Transportation Route
- vi. Landscape Plan
- vii. Setback Map
- viii. Pad Site Exhibit
- ix. Dust Mitigation Plan
- x. Letters / Petitions of Opposition
- xi. Letters of Support

CITY COUNCIL DATE

November 30, 2021

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