

# Mayor and Council Communication

**DATE:** 06/16/20

**M&C FILE NUMBER:** M&C 20-0392

**LOG NAME:** 06APPROVE VARIANCE REQUEST BY 287 WILLOW SPRINGS STORAGE, LP

## **SUBJECT**

Conduct a Public Hearing Approving Request for a Variance to the Gas Well Ordinance by 287 Willow Springs Storage, LP from the 125-Foot Setback from the WO Boaz Pad L Multiple Well Site Permit for Habitable Structures at 12460 NW Highway 287, Establish Area within Well Site Where Drilling is Allowed and Approve Waiver from Certain Noise Regulations (COUNCIL DISTRICT 7)

(**PUBLIC HEARING** - a. Report of City Staff: Allison Gray; b. Citizen Presentations; c. Council Action: Close Public Hearing and Act on M&C)

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## **RECOMMENDATION:**

It is recommended that the City Council:

1. Approve request for a variance to the Gas Well Ordinance by 287 Willow Springs Storage, LP for habitable structures, limited to buildings F and G, as shown on Exhibit A, at 12460 NW Highway 287 from the 125-foot setback from the WO Boaz Pad L Multiple Well Site Permit at 12591 Willow Springs Road and designate the Drilling Area, as shown on Exhibit B, within the WO Boaz Pad L Multiple Well Site Permit where future drilling is allowed; and
  2. Further, it is recommended that the City Council approve a waiver for Devon's compliance with noise regulations contained in Section 15-42(b) of the City Code that would otherwise apply to activities within the Drilling Area for those portions of Building F and Building G that are within 125 feet of the WO Boaz Pad L Multiple Well Site Permit, as shown on Exhibit A.
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## **DISCUSSION:**

287 Willow Springs Storage, LP owns and operates self-storage buildings on an approximately 9-acre parcel at 12460 NW Highway 287. The City approved final plat FP-14-090 for the property in August 2015 and issued building permits in fall 2015 for Buildings C, D, E and F on Exhibit A attached hereto. When 287 Willow Springs Storage, LP began construction of such buildings in January 2016, one gas well had been drilled on the property at 12951 Willow Springs Road north of the 287 Willow Springs Storage, LP property.

The City issued a Multiple Well Site Permit for 12951 Willow Springs Road, encompassing the existing well, to Devon Energy Production Company, LP on May 26, 2016.

Section 3406.3.1.3.3 of the City of Fort Worth Fire Code provides that a habitable structure shall not be constructed within two hundred (200) feet of the center of a gas well or within one hundred twenty-five (125) feet of a gas well pad site having a Multiple Well Site Permit. A "habitable structure" is any building required to have a certificate of occupancy, including self-storage buildings, but excluding detached accessory buildings, garages and sheds.

When the Multiple Well Site Permit was issued for the WO Boaz Pad L pad site in May 2016, the 125-foot setback extending from the boundary of the pad site encroached on pre-existing Building F shown on Exhibit A. Buildings C, D and E are outside the 125-foot setback. In March 2018, the City issued a building permit for Building G, within the 125-foot setback from the WO Boaz Pad L Multiple Well Site Permit and approximately 190 feet from the existing well. Final Plat FS-14-090 for 287 Willow Springs Storage LP's property showed the required 300-foot setback from the existing well for protected uses. However, the final plat did not show the required 200-foot setback from the well for habitable structures such as Building G.

Devon Energy Production Company, LP has voluntarily agreed that future wells within the boundaries of the WO Boaz Pad L Multiple Well Site Permit will be restricted to the area depicted as the Drilling Area on Exhibit B. Noise regulations contained in Section 15-42(b) of the City Code that would otherwise apply to activities within the Drilling Area do not apply to the portions of Building F and Building G that are within 125 feet of the WO Boaz Pad L Multiple Well Site Permit, as shown on Exhibit A.

A variance is hereby requested from the 125-foot setback from the boundary of the WO Boaz Pad L Multiple Well Site Permit for Building F and Building G shown on Exhibit A. Building F may be repaired and rebuilt in its location as shown on Exhibit A and may be expanded, provided the expanded portion of the building does not extend closer to the WO Boaz Pad L Multiple Well Site Permit than shown on Exhibit A. The use of Building G shall be allowed to continue; provided, however, if in the future Building G is damaged, to the extent that restoration would be prohibited as a nonconforming building pursuant to the standards set out in the City's zoning ordinance, restoration of Building G must comply with the 200-foot setback from all wells within the WO Boaz Pad L Multiple Well Site Permit that exist at the future date.

Establishment of the Drilling Area and approval of the variance offers the best solution to the setback requirements of the Gas Well Drilling Ordinance and City Fire Code.

This site is located in COUNCIL DISTRICT 7.

**FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that this action will have no material effect on City funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

**Originating Business Unit Head:** D.J. Harrell 8032

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