



**EXCERPT MINUTES
FOR Z10-0, SUP10-04 and
SUP10-03(SOUTH HAMMOCK)**

**CITY OF LEAGUE CITY
PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, September 13, 2010 at 6:00 P.M.
CIVIC CENTER
200 WEST WALKER**

Members present:

Christopher Hullman, Chair
Kirby McKillip
Melvin Bogus
Wade Williams
Jack Owens
Charles Rosen
Scott Landon
William Koonce

Members absent:

City Representatives:

Tony Allender, Director of Planning and Research
LaShondra Holmes, Planning Manager
Jack Murphy, City Engineer
Mark Linenschmidt, Senior Planner
Dausha Moore, Planner
Regina Grice, Recording Secretary

Hold a public hearing and take action on Z10-05 (South Hammock #5), a request to rezone approximately 2.8 acres from “RSF-5” (Single-family residential with a minimum lot size of 5,000 square feet) to “IL” (Limited Industrial), legally described as portions of Lot 27-1 and Lot 27-2 of League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue.

Hold a public hearing and take action on SUP10-04 (South Hammock #4), a request for a Special Use Permit (SUP) on approximately 2.8 acres for a "mining and drilling" use [oil and gas] in the "IL" (Limited Industrial) zoning district, legally described as portions of Lot 27-1 and Lot 27-2 of League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue.

Hold a public hearing and take action on SUP10-03 (South Hammock #3), a request for a Special Use Permit (SUP) for a “minor utility” use [natural gas pipeline] within a 5-foot wide corridor being approximately 6,580 feet in length and containing approximately 0.8 acres on property zoned “OS” (Open Space), “RSF-5” (Single-family residential with a minimum lot size of 5,000 square feet) and “RSF-10” (Single-family residential with a minimum lot size of 10,000 square feet), legally described as portions of Lots 24-2, 24-3, 24-6, 24-7, 24-8, 24-9, 31-4, 33-2, 33-6, 33-7, 34-2, 34-4 and 35-3 of League City Division B and

also portions of Lots 26-6, 26-7, 26-8, 26-9, 27-2, 27-4, 27-5 and 27-6 of League City Division C, generally located north of Hewitt Street and east and west of Texas Avenue.

Dausha Moore, Planner restated the staff report for these items.

Ms. Moore stated that Request # 1 is to rezone 2.8 acres from “RSF-5” (Single-family residential with a minimum lot size of 5,000 square feet) to “IL” (Limited Industrial) in order to permit the mining and drilling use request. Mining and drilling are only permitted in the “IL” district with a Special Use Permit.

Ms. Moore further stated that Request #2 is a request for a Special Use Permit for oil and natural gas well drilling. Drilling of the well on this site is anticipated to last for 25 days, with the location being in operation (pumping the well) as long as it is viable. After the 25 days, the directional drilling to 11,000 feet in a northwesterly direction will be completed and the drilling rig will be removed from the site. If oil is discovered in this location, it would be placed in a holding tank and transported off site by truck. If oil or natural gas is not discovered, then all operations will cease, the well will be capped, and the equipment will be removed from the site.

Ms. Moore informed the Commission that the applicant has spoken with and intends to obtain access easements by separate instrument from the two property owners that are adjacent to the drainage way if this request is approved.

Ms. Moore added that fire response will be limited to off road brush trucks that are located at Station #1 and will require pumper relay trucks, which are located at Station #3. Mutual aid will be required for equipment and manpower. The applicant indicates that they will follow state and federal guidelines.

As for the City, in case of an incident, the fire department would be dispatched to stand by until the company’s representative is on the scene to take charge and direct operations to shut off the product flow and extinguish the blaze if it is on fire. The Fire Department would establish safe zones and fight any other fires that may have been the direct result of the incident.

Ms. Moore further informed the Commission that the well location is required to be at least 300 feet from any residence, building or structure without the applicant having first secured written permission of the owner thereof. It has to be 350 feet from the exterior boundary of the property for schools, colleges, churches, theaters or public buildings. The nearest residences are located approximately 375 feet to the north and south of the well location. There are no schools, colleges, churches, theaters or public buildings within 350 feet of the well site.

Ms. Moore listed the potential Special Use Permit conditions for the drill site.

1. Prior to final reading of this request, a bond for Austin Street and Texas Avenue must be posted.
2. Prior to final reading of this request, submit a fee in the sum of \$7,500 as a license fee.
3. Prior to final reading of this request, proof of public liability insurance covering all of the operations in the city in bodily injury limits not less than \$10,000,000.00 for each person and not less than \$3,000,000.00 for each accident.

4. Restoration of the site once drilling is complete including rezoning of the property to a zoning district compatible with the surrounding area at the time and copy of the plugging report submitted to the Texas Railroad Commission.
5. Provide the Engineering department copies of form W-1 prior to obtaining drilling permit and form W-2 after completion of drilling as they were submitted to the Texas Railroad Commission.
6. Deliveries and/or pickups shall occur between 6:00 am and 10:00 pm and take the routes denoted on the Traffic Routing and Management Plan. The hours specified here will be applied after the 25-day drilling period is complete.
7. If and when the well is operational, trees to be planted in the buffer yard must be 3-inch caliper.
8. Road widening improvements to increase the width of the right-of-way to accommodate the large truck turning radius with temporary materials must be made at the corner of Texas Avenue and Austin Street and along Texas Avenue at the site entrance prior to drilling on the site.
9. No venting of natural gas shall be allowed at any time from this site.

Ms. Moore added that Request #3 is for a Special Use Permit to construct a 3 ½ to 6-inch pipeline to tie into an existing 10 to 12-inch Kinder Morgan gas pipeline for transporting natural gas within a 120-foot city drainage/utility right-of-way and across private property secured through private easements. The pipeline will be placed by boring under the ground rather than digging a trench and placing the pipeline. Excess natural gas as a result of the production operation will be transported by pipeline from the proposed well pad site if the amount cannot be contained internally. The pipeline will be buried and centered on the high bank to the south of the well site, traveling west to Dickinson Avenue. The pipeline would then connect to an existing pipeline located between Dickinson Avenue and the railroad line. Two valves will be located on the pipeline – near the tie into the Kinder Morgan line on Dickinson Avenue and one located at the drill site.

In regards to the pipeline request, Ms. Moore informed the Commission that access to the pipeline would be through established access drives for the existing drainage channel and through easements granted by the private property owners. The pipeline would have little traffic after the initial construction phase other than an operator inspection of the line approximately once daily.

Ms. Moore stated that the potential for any discharge of toxic or noxious matter from the pipeline is very low due to pressure regulators that maintain the proper pressure on the line. Monitors are installed and if there is any change in the pressure, the line is automatically closed at the valves and alerts the operators. If this were to occur, the applicant intends to recycle any gas in the pipeline back into the system for holding instead of venting or flaring. The applicant indicates that due to natural gas being lighter than air with a narrow band of combustion, natural gas is one of the safest energy sources available.

Ms. Moore listed the potential Special Use Permit conditions for the pipeline.

1. In accordance with Chapter 42, prior to final reading, provide a bond in the amount of \$500,000, as recommended by the City Engineer and approved by the City Council based on the type of work to be done, whether or not the streets located in the city are to be torn up, and such other factors as the City Council may deem pertinent. The bond shall be conditioned that the applicant shall faithfully perform the work and all the conditions set out in his permit and that all work within the city shall be in strict accordance with the terms and conditions of this article.

2. At the time construction plans are submitted, include a site plan for the above ground valve sites showing screening and landscaping.
3. Prior to final reading, coordinate with Public Works Department to determine right-of-way usage fee.

Mr. Hullman asked staff if the current conditions differ from those made with the previous applications.

Ms. Moore stated that the conditions are the same from the previous applications.

Mr. Rosen asked if Texas Avenue would be frequently repaired during the construction activity.

Jack Murphy, City Engineer came forward to address the Commission. Mr. Murphy stated that inspectors will monitor the roadway during construction. Mr. Murphy added that the inspectors will take videos of the roadway before and after construction and ensure that the roadway be in the same condition or better upon completion.

Mr. Landon asked about the measures that the City has in place if the applicant doesn't complete the projects within 7 years.

LaShondra Holmes, Planning Manager stated that the City can take over the zoning.

Jack Murphy, City Engineer stated that the Commission could require a bond as a condition for approval for the drill site and pipeline.

Dale Hardy with GeoSurv came forward to address the Commission.

Mr. Landon asked when the applicant would discontinue drilling if oil isn't found.

Gary Shank with Forza Operating stated that drilling would be stopped upon reaching a total depth of 11,200 feet. Mr. Shank added that it takes 25 days to reach a depth of 11,200 feet.

Mr. Landon further asked how the company would respond to any problems that if there were any during that time.

Mr. Shank stated that the company would abandon the process if there were indicators that there wasn't a need to go further.

Mr. Landon asked if the oil tanks would have secondary containment.

Mr. Shanks responded affirmatively.

Mr. Landon further asked about preventive maintenance.

K.W. Pritchett with the Compliance Group stated that the Environmental Protection Agency requires annual inspections are performed to identify abnormalities.

Mr. Pritchett added that the company would be required to address any findings within 30 days.

Mr. Hullman opened the public hearing at 7:09 pm.

C N Millican, 1307 Shorewood: **Opposition**

Hill Olson, 409 Primrose: **Opposition**

John Powell, 122 Harwood Dr.: **Opposition**

Rick Hensley, 748 Power St.: **Opposition**

Jerry Dornak, 1013 Texas Ave.: **Opposition**

Ronald Richards, 122 Michigan Ave.: **Favor**

Shirley De Villier, 906 S Illinois Ave.: **Opposition**

Calista Carimore, 1308 Texas Ave.: **Opposition**

Howard Rhodes, 1213 Texas Ave.: **Opposition**

Nancy Wood, 1306 Texas Ave.: **Opposition**

Steven Scott, 1306 Texas Ave.: **Opposition**

Thomas Brabant, 611 Power St.: **Opposition**

Paula Foreman, 550 Power St.: **Opposition**

Earl Thompson, 915 Texas Ave.: **Opposition**

Gary Day, 1518 & 1534 Maria: **Opposition**

Chris Vickers, 1009 Wilburn: **Opposition**

Mr. Hullman closed the public hearing at 7:44 pm.

The applicant's representative, Dale Hardy came forward to respond to the questions from the public hearing.

Mr. Hardy added that the location of the pipeline could go on either side of the ditch.

Mr. Hullman asked the depth of the pipeline.

Mr. Hardy responded that the pipeline would have a 4-foot cover.

LaShondra Holmes, Planning Manager stated that she wanted to respond to a couple of other questions from the public. The City does have an emergency response plan and would incorporate this pipeline if it were to be approved. After conferring with the City Engineer, the state would oversee the drilling to ensure that there are no environmental issues.

Mr. McKillip made a motion to deny Z10-05 (South Hammock #5), a request to rezone approximately 2.8 acres from "RSF-5" (Single-family residential with a minimum lot size of 5,000 square feet) to "IL" (Limited Industrial), legally described as portions of Lot 27-1 and Lot 27-2 of League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue.

Mr. Bogus seconded the motion.

Mr. McKillip stated that he is concerned about 18 wheelers transporting the product through a neighborhood.

Mr. Bogus stated that his concerns were that the location is in a residential neighborhood, the potential noise, that it is located near a school and the potential damage to the roadway.

The motion to deny was adopted by a vote of 6-2-0.

Mr. Owens and Mr. Koonce were in opposition of the motion.

Mr. Bogus made a motion to deny SUP10-04 (South Hammock #4), a request for a Special Use Permit (SUP) on approximately 2.8 acres for a "mining and drilling" use [oil and gas] in the "IL" (Limited Industrial) zoning district, legally described as portions of Lot 27-1 and Lot 27-2 of League City Division C, generally located north of Austin Street and east of Texas Avenue, with the approximate address being 920 Texas Avenue.

Mr. Landon seconded the motion.

The motion to deny was adopted by a vote of 5-3-0.

Mr. Owens, Mr. Koonce and Mr. McKillip were opposition of the motion.

Mr. Rosen made a motion to deny SUP10-03 (South Hammock #3), a request for a Special Use Permit (SUP) for a "minor utility" use [natural gas pipeline] within a 5-foot wide corridor being approximately 6,580 feet in length and containing approximately 0.8 acres on property zoned "OS" (Open Space), "RSF-5" (Single-family residential with a minimum lot size of 5,000 square feet) and "RSF-10" (Single-family residential with a minimum lot size of 10,000 square feet), legally described as portions of Lots 24-2, 24-3, 24-6, 24-7, 24-8, 24-9, 31-4, 33-2, 33-6, 33-7, 34-2, 34-4 and 35-3 of League City Division B and also portions of Lots 26-6, 26-7, 26-8, 26-9, 27-2, 27-4, 27-5 and 27-6 of League City Division C, generally located north of Hewitt Street and east and west of Texas Avenue.

Mr. Bogus seconded the motion.

The motion to deny failed by a vote of 4-4-0. Mr. Owens, Mr. Landon, Mr. Koonce and Mr. McKillip were in opposition of the motion.