

AGENDA

**TOWN OF FLOWER MOUND
OIL & GAS BOARD OF APPEALS
REGULAR MEETING**

April 21, 2021

**FLOWER MOUND TOWN HALL
2121 CROSS TIMBERS ROAD
FLOWER MOUND, TEXAS**

6:30 P.M.

AN AGENDA INFORMATION PACKET IS AVAILABLE ONLINE AT
<https://www.flower-mound.com/agendacenter>

Please silence or turn off all electronic devices

There will be limited seating in Jody Smith Hall to allow for social distancing

Meeting participants may be asked to wait in the lobby until their name is called

A. CALL REGULAR MEETING TO ORDER – 6:30 PM

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

To speak to OGBOA during public comment, please fill out a comment form.

- Speakers are limited to 3 minutes, a tone will sound at 30 seconds left and when time has expired
- Please state your name and address when speaking

The purpose of this item is to allow the public an opportunity to address the OGBOA on issues that are not indicated as a "Public Hearing" on this agenda. Issues regarding daily operational or administrative matters should first be dealt with by calling Environmental Services at 972-874-6340 during business hours.

D. PUBLIC HEARING

1. (OGB21-0002) Public hearing to consider a request from Toll Brothers, Inc., Grapevine, TX, for a variance from Section 34-422(c)(4), as set forth in Ordinance No. 26-03 Section 34-422 of the Town's Code of Ordinances. The variance request is to decrease the new construction setback requirements for a proposed residential subdivision and applicable improvements from the existing Sam Wilson CS natural gas wells, which pad site was permitted prior to the Town's current regulations. The property is generally located south of Cross Timbers Road (FM 1171) and east of Scenic Drive.

Oil and Gas Board Appeals Agenda

April 21, 2021

Page 2

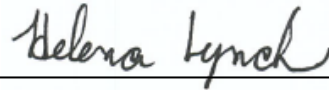
2. (OGB21-0001) Public hearing to consider a request from the applicant for a variance from Section 34-422(c)(4), as set forth in Ordinance No. 26-03 Section 34-422 of the Town's Code of Ordinances. The variance request is to decrease new construction setback requirements for a proposed single-family residential structure and applicable improvements from the existing Sam Wilson CS natural gas wells, which pad site was permitted prior to the Town's current regulations. The property is generally located south of Cross Timbers Road (FM 1171) and east of Scenic Drive.

E. ADJOURNMENT



Matthew Woods
Director of Environmental Services

I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall of the Town of Flower Mound, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: April 16, by 5:00 p.m., at least 72 hours prior to the schedule time of said meeting.



Helena Lynch
Administrative Assistant



OIL AND GAS BOARD OF APPEALS AGENDA ITEM NO. 1

REGULAR ITEM

DATE: April 21, 2021
FROM: John Luxton, Environmental Compliance Inspector
PRESENTER:
APPLICANT: Toll Brothers, Inc., Grapevine, TX
Mike Boswell
STAFF: John Luxton, Environmental Compliance Inspector

ITEM: (OGB21-0002) Public Hearing to consider a request from Toll Brothers, Inc., Grapevine, TX, for a variance from Section 34-422(c)(4), as set forth in Ordinance No. 26-03 Section 34-422 of the Town's Code of Ordinances. The variance request is to decrease the new construction setback requirements for a proposed residential subdivision and applicable improvements from the existing Sam Wilson CS natural gas wells, which pad site was permitted prior to the Town's current regulations. The property is generally located south of Cross Timbers Road (FM 1171) and east of Scenic Drive.

BACKGROUND INFORMATION:

OWNER: Shady Oaks Family Ranch, Ltd
5900 Cross Timbers Rd.
Flower Mound, TX 75022

APPLICANT: Toll Brothers, Inc., Grapevine, TX

CONTACT: Mike Boswell
2557 SW Grapevine Pkwy Ste. 100
Grapevine, TX 76051

STAFF ANALYSIS:

A request from Toll Brothers, Inc., Grapevine, TX, was submitted for a variance from Section 34-422(c)(4), as set forth in Ordinance No. 26-03 adopted by Town Council. The request is to decrease new construction setback requirements for a proposed residential subdivision, known as Townlake Phase 5, and applicable improvements from the existing Sam Wilson CS natural gas wells (GWP-05-05), which pad site was permitted prior to the Town's current regulations. The proposed Townlake Phase 5 subdivision is generally located south of FM 1171, east of Scenic Dr., and north and east of the Sam Wilson CS gas well pad site. Townlake Phase 5 is proposed as the next phase of the Townlake residential development project which is located south of FM 1171 and west of Flower Mound Road. The Townlake Phase 5 project is currently under development review as a proposed Zoning Planned Development/Cluster Development and is located within the Cross Timbers Conservation Development District.

The Sam Wilson CS gas well pad site was permitted in 2005 under the 2003 Oil and Natural Gas Well Drilling Ordinance. There are 11 permitted gas wells on the pad site. The applicable setbacks for new construction on the subject property are measured from the gas wells.

The proposed improvements to the property, which include a new residential subdivision and associated residential lots, new roadways, and other applicable improvements, require a request for a variance before

the Oil and Gas Board of Appeals if any new construction is located closer than the applicable setbacks established in Section 34-422(d)(1) of the 2003 Oil and Natural Gas Well Drilling Ordinance. The applicant is requesting to reduce the setbacks for the proposed residential lots to approximately 600 feet from the existing gas wells, and reduce the setback to the proposed roadway located north of the pad site to approximately 250 feet from the existing gas wells.

Section 34-422(c)(4), (d)(1) & (2) of Ordinance 26-03, provide for the following regulations relative to new construction setbacks:

Sec. 34-422. OIL AND GAS WELL PERMIT.

(c) *Permitting procedure*

(4) All new and/or proposed construction of any buildings, structures, streets, roads, and/or applicable improvements to the property upon which any oil and/or gas well is located must be in compliance with all applicable setback requirements enumerated in this article.

(d) *Wells setbacks for oil and gas well permits.*

- (1) It shall be unlawful to drill, re-drill, deepen, re-enter, activate or convert any well, the center of which, at the surface of the ground, is located:
 - a. Within one thousand (1,000) feet from any public park; or
 - b. Within one thousand (1,000) feet from any residence, religious institution, public building, hospital building or school for which a building permit has been issued on the date of the application for a drilling permit is filed with the oil and gas inspector; or
 - c. Within five hundred (500) feet from any building used, or designed and intended to be used, for human occupancy; or
 - d. Within five hundred (500) feet from any outer boundary line; or
 - e. Within five hundred (500) feet from any existing storage tank, or source of potential ignition; or
 - f. Within five hundred (500) feet of any public street, road, highway, right-of-way, or property line; or
 - g. Within one hundred (100) feet of any building accessory to, but not necessary to the operation of the well; or
 - h. Within one thousand (1,000) feet to any fresh water well;
 - i. The measurement of all distances shall be calculated from the proposed well bore, in a straight line, without regard to intervening structures or objects, to the closest exterior point of the any object listed in a. through h. above.
- (2) The distances set out in subsection (1) of this section may be reduced at the discretion of the Oil and Gas Board of Appeals pursuant to Section 34-432, "Appeals," of this Article, but never less than 500 hundred (500) feet from any dwelling or any other building used, or designed and

intended to be used, for human occupancy. All distance reductions shall be documented as variances to the requested permit prior to issuance.

CITIZEN FEEDBACK: Property owner notifications were sent April 7, 2021. To date, staff has not received any response in support or opposition to the proposed new construction setback variance requests.

OIL AND GAS BOARD OF APPEALS:

The Oil and Gas Board of Appeals shall consider the following in deciding an appeal:

- (1) Whether there are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the vicinity;
- (2) Whether a variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed by other similarly situated properties, but which rights are denied to the property on which the application is made;
- (3) Whether the granting of the variance on the specific property will adversely affect any other feature of the comprehensive master plan of the Town;
- (4) Whether the variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity;
- (5) Whether the operations proposed are reasonable under the circumstances and conditions prevailing in the vicinity considering the particular location and the character of the improvements located there;
- (6) Whether the drilling of the maximum number of potential wells for the proposed drill site would conflict with the orderly growth and development of the Town;
- (7) Whether there are other alternative well site locations;
- (8) Whether the operations proposed are consistent with the health, safety and welfare of the public when and if conducted in accordance with the oil, gas, or combined well permit conditions to be imposed;
- (9) Whether the operations proposed are consistent with protecting the ecological integrity and environmental quality, including protection of surface and ground water sources, of potentially impacted environmentally sensitive areas;
- (10) Whether there is reasonable access for Town fire personnel and firefighting equipment, including the ability to safely evacuate potentially affected residents; and
- (11) Whether the impact upon the adjacent property and the general public by operations conducted in compliance with the oil, gas, or combined well permit conditions are reasonable and justified, balancing the following factors:
 - a. The reasonable use of the mineral estate by the mineral estate owner(s) to explore, develop, and produce the minerals; and
 - b. The availability of alternative drill sites.

ATTACHMENTS:

1. Letter of Intent and Application Packet
2. Public hearing notice
3. Property owner notification

MOTION: Move to recommend approval or denial of the request from Toll Brothers, Inc., Grapevine, TX, for a variance from Section 34-422(c)(4), as set forth in Ordinance No. 23-07, Section 34-422 of the Town's Code of Ordinances. The request is to decrease new construction setback requirements for a proposed residential subdivision and applicable improvements from the existing Sam Wilson CS natural gas wells, which pad site was permitted prior to the Town's current regulations. The property involved is generally located south of Cross Timbers Road (FM 1171) and east of Flower Mound Road.



March 15, 2021

Matthew Woods
Director of Environmental Services
2121 Cross Timbers Road
Flower Mound, TX 75028

**RE: Shady Oaks Letter of Intent – Oil and Gas Board of Appeals
Flower Mound, Texas**

Dear Mr. Woods,

Please accept this letter as our Letter of Intent to describe and explain the attached Oil and Gas Board of Appeals request.

Shady Oaks is a 107.3-acre tract within the Cross Timbers Conservation Development District (CTCDD). The tract is immediately adjacent to Sam Wilson Gas Wells Units A, B, C and D, on and contained within a 5.9-acre and 14.94-acre tracts within the M.E.P & P.R.R. Co. Survey, Abstract No. 935 and the J. Clark Survey, Abstract No. 231, conveyed by special warranty deed to Williams Barnett Gathering Systems, L.P., as recorded in Instrument No. 2008-86288 of the Official Records of Denton County, Texas (O.R.D.C.T), and it is subject to the Memorandum of Oil and Gas Lease, and all terms, conditions, and stipulations therein filed for record on August 9, 2005, in Instrument No. 2005-97981, O.R.D.C.T. (copy attached)

A vested rights determination was issued by the town manager's office on March 3, 2021 and it was determined the 2003 Gas Well Ordinance, Ordinance No. 26-03, applies to this proposed development.

A one thousand (1,000) foot setback is required from proposed new construction to the well site, and a five hundred (500) foot setback is required from any public road or right-of-way. This setback is measured from the existing location of the wellheads pursuant to section 34-422(c)(4) of the ordinance.

With this application, we respectfully request the following:

- Reduce the well setback for residences as defined in Section 34-422.d.1.b of Ordinance No. 26-03, approved by the Town on May 19, 2003 (Ord. 26-03) from 1,000' to 500' pursuant to authority under Section 34-422.d.2 of Ord. 26-03.
- Allow encroachments of roadway and drainage facilities within the 500' setback required under Section 34-422.d.1.f of Ord. 26-03 pursuant to authority under Section 34-422.d.2 of Ord. 26-03.

Toll Brothers
LAND DEVELOPMENT

PAVING THE WAY FOR AMERICA'S LUXURY HOMEBUILDER

The nature of this request is to allow the permitting and construction of Walsingham, a rural collector road, in accordance with alignment proposed by the Town of Flower Mound's Thoroughfare Plan, connecting Flower Mound Road to Scenic Road in a single east-west orientation. Additionally, the reduction of the well setback and Walsingham's proposed alignment, as shown on the Thoroughfare Plan, provides access, utility, drainage easements, circulation, and a second point of entry, in accordance with the 2018 edition of the International Fire Code, between the northern and southern portions of the proposed development. Moreover, it is Toll's desire and intent to preserve and protect the environmental features and trees within the well setback and common area lots within the proposed development.

No proposed residential property line, vertical structure, or other public right-of-way outside of the Town's Thoroughfare plan shall be constructed or permitted to encroach the 500-foot setback, pursuant to Ordinance No. 26-03.

Please contact Mike Boswell or myself should you have any questions regarding this request.

Thank you.

Sincerely,



Manolo "Manny" Rios, P.E.

Cc: Rob Paul, Ryan Bashaw, Ron Robbins & Mike Boswell – Toll Brothers
Michael Dowdey, P.E., Aaron Hunsaker, Thomas Moss, P.E. – Dowdey, Anderson, and Associates

Enclosed: Application
Letter of Authorization
Exhibit
Thoroughfare Plan
Vesting O&G Lease
Payment Confirmation



**APPLICATION - REQUEST FOR VARIANCE OR APPEAL
OIL AND GAS BOARD OF APPEALS
TOWN OF FLOWER MOUND**

DATE: 3/15/2021

I, the undersigned owner or authorized agent of the following described real property located in the Town of Flower Mound, Texas, hereby make application for a request for a variance from the terms of section 2003 O&G Ordinance/ Ordinance 26-03 - Section34-422.d.2 of the Town of Flower Mound "Oil and Natural Gas Well Drilling and Operations" Ordinance.

LOCATION OF PROPERTY

Street Address: 5501 Cross Timbers Road, Flower Mound, TX 75022

Legal Description: Lot/Tract 107.3 AC, Block _____, of Subdivision/Abstract M.E.P., P.R.R., J.Clark Survey in Abstract 935 & 231

REQUEST: (If there is additional information which you feel would be helpful to the Board in making a decision, be sure to include this information in your request. If additional space is required to explain your request, please attach the explanation to this application.)

Please see attached Letter of Intent.

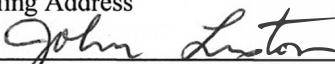
A non-refundable application fee of \$2,000.00 is required at the time of application.

The Oil and Gas Board of Appeals shall consider the following in deciding an appeal:

- (1) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the vicinity;
- (2) A variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made;
- (3) The granting of the variance on the specific property will not adversely affect any other feature of the comprehensive master plan of the Town;
- (4) The variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity;
- (5) Whether the operations proposed are reasonable under the circumstances and conditions prevailing in the vicinity considering the particular location and the character of the improvements located there;
- (6) Whether the drilling of such wells would conflict with the orderly growth and development of the Town;
- (7) Whether there are other alternative well site locations;

- (8) Whether the operations proposed are consistent with the health, safety and welfare of the public when and if conducted in accordance with the oil, gas, or combined well permit conditions to be imposed;
- (9) Whether the operations proposed are consistent with protecting the ecological integrity and environmental quality, including protection of surface and ground water sources, of potentially impacted environmentally sensitive areas.
- (10) Whether there is reasonable access for the Town fire personnel and fire fighting equipment; and
- (11) Whether the impact upon the adjacent property and the general public by operations conducted in compliance with the oil, gas, or combined well permit conditions are reasonable and justified, balancing the following factors:
 - a. The reasonable use of the mineral estate by the mineral estate owner(s) to explore, develop, and produce the minerals; and
 - b. The availability of alternative drill sites.

I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Oil and Gas Board of Appeals. **I further understand that at least four (4) affirmative votes must be cast in order to receive a variance.**

| | | |
|---|---|------------------------|
| Manny Rios | <small>Digitally signed by Manny Rios DN: cn=Manny Rios, o=Toll Brothers, Inc., ou, email=mrvr@tollbrothers.com, c=US Date: 2021.03.16 12:42:46 -0500</small> | Manolo "Manny" Rios |
| Signature of Applicant | Print Name | |
| 2555 SW Grapevine Pkwy, Suite 100, Grapevine, TX 76051 | 817-329-8770 | 214-460-4647 |
| Mailing Address | Telephone (Home) | Telephone (Day Number) |
|  | 04/07/2021 | WEB16430 |
| Staff Member's Signature | Date | Receipt Number |

OIL AND GAS BOARD OF APPEALS DECISION: () DENIED () GRANTED

TERMS AND/OR CONDITIONS: _____

OIL AND GAS BOARD OF APPEALS CHAIRMAN: _____ DATE: _____

Filed with office of the Secretary this _____ day of _____, _____.

Letter of Authorization

Townlake Phase 5 ~107.3 Acres

We, Sam Newt Wilson, Jr. and Diane Wilson Bradshaw, acting as Managers, do hereby authorize the following individuals and organizations to act on behalf of SHADY OAKS FAMILY RANCH, LTD. and specifically to seek variances from the Oil and Gas Board of Appeals, cluster development zoning, planned development, development plan, platting and engineering plans of said 107.3-acre tract of land located within the J. Clark Survey, Abstract No. 231 and the M.E.P & P.R.R. Co. Survey, Abstract No. 935, in the Town of Flower Mound, Denton County, Texas.

Dowdey, Anderson & Associates, Inc.
5225 Village Creek Dr., Suite 200
Plano, Texas 75093
(972) 931-0694

Toll Brothers, Inc.
2555 SW Grapevine Pkwy. Ste. 100
Grapevine, Texas 76051
(817) 329-8770


Michael Dowdey, P.E.
Aaron Hunsaker
Thomas Moss, P.E.


Mike Boswell, Toll Brothers
Manolo Rios, Toll Brothers
Ron Robbins, Toll Brothers

AUTHORIZED BY:

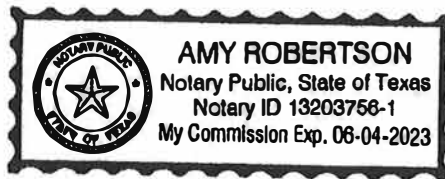
SHADY OAKS FAMILY RANCH, LTD.,
a Texas limited partnership

By: Shady Oaks Family Properties, LLC,
its General Partner

By: 
Name: Sam Newt Wilson, Jr.
Title: Manager

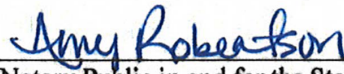
By: 
Name: Diane Wilson Bradshaw
Title: Manager

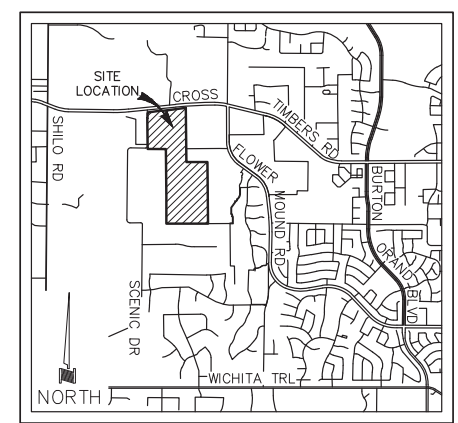
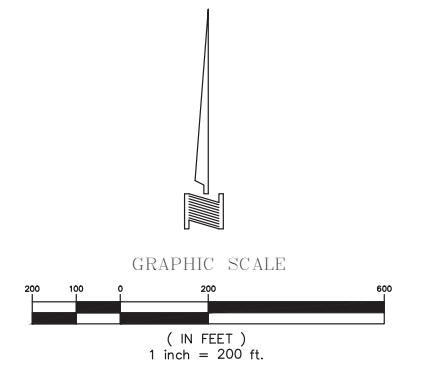
STATE OF TEXAS §
 §
COUNTY OF DENTON §



BEFORE me the undersigned, a Notary Public, on this day personally appeared Sam Newt Wilson, Jr. and Diane Wilson Bradshaw, acting as Managers of SHADY OAKS FAMILY RANCH, LTD., known to me to be the persons whose names are subscribed to the foregoing instrument, and both acknowledged to me that they executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15th day of March, 2021.


Notary Public in and for the State of Texas



- REDUCE THE WELL SETBACK FOR RESIDENCES AS DEFINED IN SECTION 34-422.d.1.b, OF ORDINANCE NO. 26-03, APPROVED BY THE TOWN ON MAY 19, 2003 (ORD. 26-03) FROM 1,000' TO 500' PURSUANT TO AUTHORITY UNDER SECTION 34-422.d.2 OF ORD. 26-03.
- ALLOW ENCROACHMENTS OF ROADWAY AND DRAINAGE FACILITIES WITHIN THE 500' SETBACK REQUIRED UNDER SECTION 34-422.d.1.f OF ORD. 26-03 PURSUANT TO AUTHORITY UNDER SECTION 34-422.d.2 OF ORD. 26-03.

LEGEND

| | |
|--|--|
| | = PROPOSED DEVELOPMENT/ROADWAY WITHIN 500' OF EXISTING WELL EQUIPMENT |
| | = PROPOSED DEVELOPMENT/ROADWAY WITHIN 1000' OF EXISTING WELL EQUIPMENT |

OWNER:
TOLL DALLAS TX LLC.
 2557 SW GRAPEVINE PARKWAY, STE 100
 GRAPEVINE, TX 76051
 PHONE: 817-329-8770

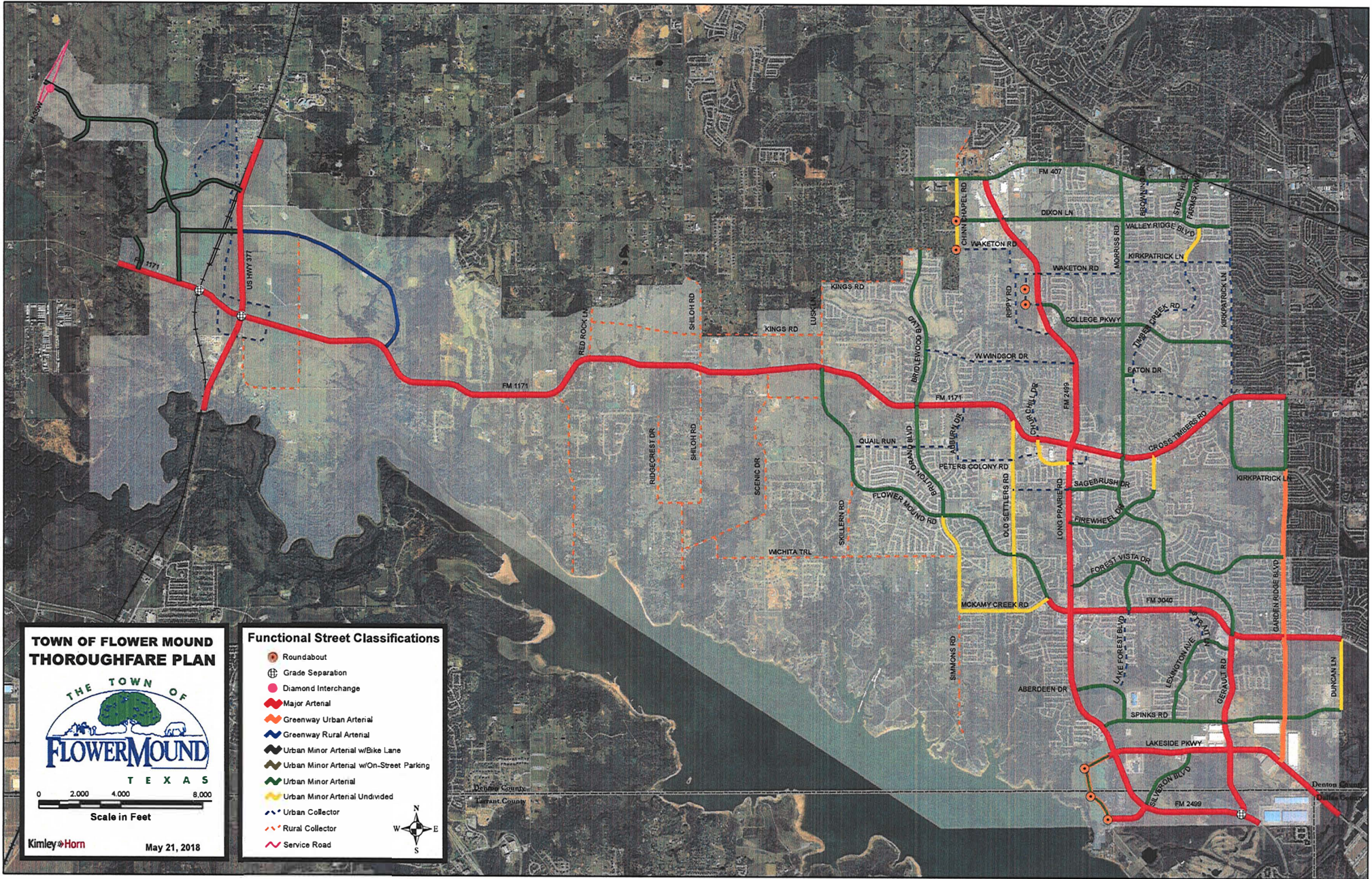
GAS EQUIPMENT SETBACKS
OIL & GAS BOARD EXHIBIT
TOWNLAKE PHASE FIVE

TOWN OF FLOWER MOUND
 DENTON COUNTY, TX

DOWDEY, ANDERSON & ASSOCIATES, INC.
 5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
 STATE REGISTRATION NUMBER: F-399

| NO. | DATE | BY | REVISION |
|-----|------|----|----------|
| | | | |
| | | | |
| | | | |

| DESIGN | DRAWN | CHECKED | DATE | SCALE | JOB | SHEET |
|--------|-------|---------|----------|---------|-------|-------|
| TDM | TDM | MSD | MAR 2021 | 1"=200' | 19023 | 1 / 1 |



**TOWN OF FLOWER MOUND
THOROUGHFARE PLAN**



0 2,000 4,000 8,000
Scale in Feet

Kimley-Horn May 21, 2018

Functional Street Classifications

- Roundabout
- Grade Separation
- Diamond Interchange
- Major Arterial
- Greenway Urban Arterial
- Greenway Rural Arterial
- Urban Minor Arterial w/Bike Lane
- Urban Minor Arterial w/On-Street Parking
- Urban Minor Arterial
- Urban Minor Arterial Undivided
- Urban Collector
- Rural Collector
- Service Road



Denton County
Cynthia Mitchell
County Clerk
Denton, TX 76202



70 2005 00097981

Instrument Number: 2005-97981

As

Recorded On: August 09, 2005

Memorandum

Parties: SAM WILSON FAMILY

To

Billable Pages: 2

Number of Pages: 2

Comment:

**** Examined and Charged as Follows: ****

| | |
|-------------------------|--------------|
| Memorandum | 16 00 |
| Total Recording: | 16.00 |

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law

File Information:

Document Number: 2005-97981
Receipt Number: 217244
Recorded Date/Time: August 09, 2005 08:45A

Record and Return To:

WILLIAMS PRODUCTION GULF COAST
P.O. BOX 3102
TULSA OK 74101

User / Station: J Morris - Cash Station 1



THE STATE OF TEXAS }
COUNTY OF DENTON }

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Cynthia Mitchell

County Clerk
Denton County, Texas

MEMORANDUM OF OIL AND GAS LEASE

STATE OF TEXAS §
COUNTY OF DENTON §

THIS MEMORANDUM, made this 20 day of July, 2005 by and between Sam Wilson Family, Ltd., a Texas Limited Partnership, 7711 Glen Albens Circle, Dallas, Texas 75225, hereinafter called "Lessor", and Williams Production-Gulf Coast Company, L. P., whose address is P. O. Box 3102, Mail Drop 25-3, Tulsa, Oklahoma 74101-3102, hereinafter referred to as "Lessee",

WITNESSETH: That Lessor, for a valuable consideration and in consideration of the covenants of the Lessee set forth in that certain Oil, Gas and Mineral Lease made and entered into the 7th day of July, 2005 between the parties hereto covering the land hereinafter described, does hereby lease unto Lessee for the sole and only purpose of exploring for, drilling for, producing and marketing oil, gas, and other hydrocarbons from all that certain land situated in the County of Denton, state of Texas and more particularly described as follows:

222.302 acres of land, more or less, in the M.E.P. & P.R.R. Co. Survey, A-935 and in the J. Clark Survey, A-231, Town of Flower Mound, Denton County, Texas, consisting of two (2) separate tracts of land more fully describes as follows:

Tract 1: 157.757 Acres of land, more or less, situated in the M.E.P. & P.R.R. Co. Survey, A-935 and in the J. Clark Survey, A-231, Town of Flower Mound, Denton County, Texas, more fully described in that Deed acknowledged on August 9, 1994, from Gary L. Acker to Sam N. Wilson and wife, Beverly S. Wilson, recorded in Instrument No. 065866, Deed Records, Denton County, Texas;

Tract 2: 64.545 Acres of land, more or less situated in the J. Clark Survey, A-231, Denton County, Texas, more fully described in that Deed dated June 30, 1988 from Irene Ferry to Sam N. Wilson and wife, Beverly S. Wilson, recorded in volume 2408, page 273, Deed Records, Denton County, Texas.

54.595 acres of land, more or less, in the J. Clark Survey, A-231, Town of Flower Mound, Denton County, Texas, as described in Deed dated May 17, 2004 from M. E. Duncan et al to Sam N. Wilson recorded in Instrument No.2004-063764, Deed Records, Denton County, Texas.

Including all Lessor's interest, if any, in all strips, gores, roads, or highways adjoining the above described leased premises.

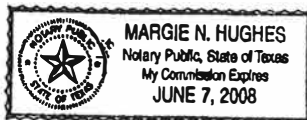
The term of said Oil, Gas and Mineral Lease is for One (1) year from the date thereof and so long thereafter as oil, gas, sulphur, and other products are produced in paying quantities from the lease premises, or land pooled therewith, or so long thereafter as drilling, deepening or reworking operations for the production of oil and gas are being conducted thereon, as therein provided.

Reference is hereby made to executed copies of said Oil, Gas and Mineral Lease in possession of Lessor and Lessee respectively, for all of the provisions thereof, and by this reference same are incorporated herein and made a part hereof in all respects as though fully set forth herein.

IN WITNESS WHEREOF, the parties hereto have caused the Memorandum of Oil, Gas and Mineral Lease to be executed effective as of the day and year first here written.

LESSOR

Sam Wilson Family, Ltd.,
Texas Limited Partnership,
[Signature]
Sam N. Wilson, general partner



STATE OF TEXAS §
COUNTY OF DENTON §

This instrument was acknowledged before me on the 20th day of July, 2005, by Sam N. Wilson, a General Partner of the Sam Wilson Family, Ltd., a Texas Limited Partnership.

My Commission Expires: 6-7-2008
[Signature]
Notary Public

PUBLIC HEARING

Notice is hereby given that the Town of Flower Mound will hold the following public hearing:

- **Oil & Gas Board of Appeals
Wednesday April 21, 2021,
at 6:30 p.m.**

The meeting will be held at the Flower Mound Town Hall, 2121 Cross Timbers Road or via Virtual Meeting (Video Conference). If the meeting is held via video conference, login and public access details will be made available on the first page of the meeting agenda posted to the Town's Agenda Center page at <https://flower-mound.com/agendacenter>.

The purpose of the hearing is to consider a request from Toll Brothers, Inc., Grapevine, TX, for a variance from Section 34-422(c)(4), as set forth in Ordinance No. 26-03 Section 34-422(c)(4) of the Town's Code of Ordinances. The variance request is to decrease the new construction setback requirements for a proposed residential subdivision and applicable improvements from the existing Sam Wilson CS natural gas wells, which pad site was permitted prior to the Town's current regulations. The property involved is generally located south of Cross Timbers Road (FM 1171) and east of Scenic Road.

To Run in Denton Record-Chronicle: Saturday & Sunday (print edition) April 10 & 11, 2021

Denton Record-Chronicle:

Phone: 1-940-387-7755

Email: classads@dentonrc.com

Any questions or issues, please contact:

Helena Lynch

p: 972-874-6338

e: helena.lynch@flower-mound.com



Environmental Services

April 7, 2021

RE: Oil and Gas Permit OGB21-0002; New Construction Setback (New Residential Subdivision)

Dear Interested Property Owner,

Notice is hereby given that the Oil and Gas Board of Appeals (OGBOA) of the Town of Flower Mound, Texas, will hold a public hearing on Wednesday, April 21, 2021, at 6:30 p.m. in the Flower Mound Town Hall, 2121 Cross Timbers Road (FM 1171).

The purpose of this hearing is to consider a request from Toll Brothers, Inc., Grapevine, TX, for a variance from Section 34-422(c)(4), as set forth in Ordinance No. 26-03 Section 34-422(c)(4) of the Town’s Code of Ordinances. The variance request is to decrease the new construction setback requirements for a proposed residential subdivision and applicable improvements from the existing Sam Wilson CS natural gas wells, which pad site was permitted prior to the Town’s current regulations.

The property involved is generally located south of Cross Timbers Road (FM 1171) and east of Scenic Road.

On the reverse side please find a copy of a vicinity map depicting the general location of the subject property. Further information may be obtained at the Environmental Services Department located at Flower Mound Town Hall, 2121 Cross Timbers Road, or by calling 972-874-6340.

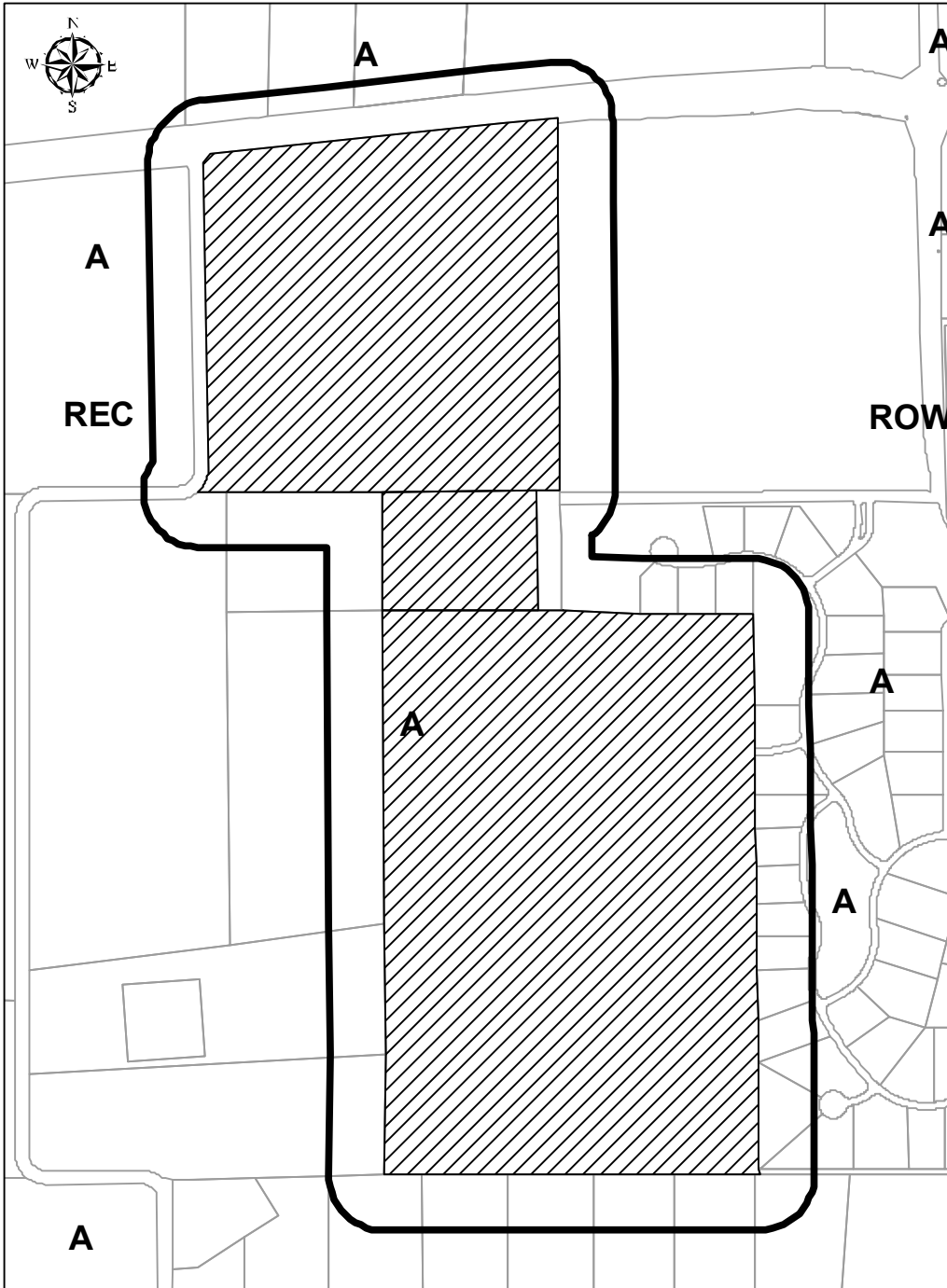
As an interested property owner, you may make your views known by attending this hearing. If you cannot attend the hearing, it is requested that you express your views by email to BOA@flower-mound.com or by mail to the address listed below to my attention.

Sincerely,

John Luxton
Environmental Compliance Inspector
Town of Flower Mound

Property Owner Notice

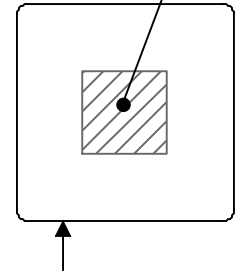
PROPERTY OWNER NOTIFICATION AND VICINITY MAP



Surrounding Zoning Districts:

- A - Agricultural District
- REC - Recreation

Indicates Subject Property



Indicates Limit of 200' Notification

Date: April 21, 2021

Time: 6:30 p.m.

Location: Town Hall,
2121 Cross Timbers Rd/FM 1171

0 250 500 1,000 1,500 2,000 Feet

Comments or questions regarding this notification can be made at 2121 Cross Timbers, Flower Mound TX 75208, or by calling (972) 874-6346.





OIL AND GAS BOARD OF APPEALS AGENDA ITEM NO. 2

REGULAR ITEM

DATE: April 21, 2021
FROM: John Luxton, Environmental Compliance Inspector
PRESENTER:
APPLICANT: Bronz Peterson
STAFF: John Luxton, Environmental Compliance Inspector

ITEM: (OGB21-0001) Public Hearing to consider a request from the applicant for a variance from Section 34-422(c)(4), as set forth in Ordinance No. 26-03 Section 34-422 of the Town's Code of Ordinances. The variance request is to decrease new construction setback requirements for a proposed single-family residential structure and applicable improvements from the existing Sam Wilson CS natural gas wells, which pad site was permitted prior to the Town's current regulations. The property is generally located south of Cross Timbers Road (FM 1171) and east of Scenic Drive.

BACKGROUND INFORMATION:

OWNER: M&M Sisk Farms Ph III, LLC
60 Village Ln., Ste. 110
Colleyville, Tx 76034

APPLICANT: Bronz Peterson

CONTACT: Bronz Peterson
12908 Whisper Willows Ct.
Haslet, Tx 76052

STAFF ANALYSIS:

A request from the applicant, Bronz Peterson, was submitted for a variance from Section 34-422(c)(4), as set forth in Ordinance No. 26-03 adopted by Town Council. The request is to decrease new construction setback requirements on the approximate 27 acre tract of land for a proposed single-family residential structure and applicable improvements from the existing Sam Wilson CS natural gas wells (GWP-05-05), which pad site was permitted prior to the Town's current regulations. The proposed construction of the single-family residence and the applicable improvements to the property are generally located south of FM 1171, east of Scenic Dr., and west of the Sam Wilson CS gas well pad site. The Sam Wilson CS pad site was permitted in 2005 under the 2003 Oil and Natural Gas Well Drilling Ordinance. There are 11 permitted gas wells on the pad site. The applicable setbacks for new construction on the subject property are measured from the gas wells.

The proposed improvements to the property, which include a single-family residence, an accessory building or barn, and driveway improvements, require a request for a variance before the Oil and Gas Board of Appeals if any new construction is located closer than the applicable setbacks established in Section 34-422(d)(1) of the 2003 Oil and Natural Gas Well Drilling Ordinance. The applicant is requesting to reduce the setback to the proposed residential structure and applicable improvements to 500 feet from the existing gas well(s).

Section 34-422(c)(4), (d)(1) & (2) of Ordinance 26-03, provide for the following regulations relative to new construction setbacks:

Sec. 34-422. OIL AND GAS WELL PERMIT.

(c) *Permitting procedure*

(4) All new and/or proposed construction of any buildings, structures, streets, roads, and/or applicable improvements to the property upon which any oil and/or gas well is located must be in compliance with all applicable setback requirements enumerated in this article.

(d) *Wells setbacks for oil and gas well permits.*

(1) It shall be unlawful to drill, re-drill, deepen, re-enter, activate or convert any well, the center of which, at the surface of the ground, is located:

- a. Within one thousand (1,000) feet from any public park; or
- b. Within one thousand (1,000) feet from any residence, religious institution, public building, hospital building or school for which a building permit has been issued on the date of the application for a drilling permit is filed with the oil and gas inspector; or
- c. Within five hundred (500) feet from any building used, or designed and intended to be used, for human occupancy; or
- d. Within five hundred (500) feet from any outer boundary line; or
- e. Within five hundred (500) feet from any existing storage tank, or source of potential ignition; or
- f. Within five hundred (500) feet of any public street, road, highway, right-of-way, or property line; or
- g. Within one hundred (100) feet of any building accessory to, but not necessary to the operation of the well; or
- h. Within one thousand (1,000) feet to any fresh water well;
- i. The measurement of all distances shall be calculated from the proposed well bore, in a straight line, without regard to intervening structures or objects, to the closest exterior point of the any object listed in a. through h. above.

(2) The distances set out in subsection (1) of this section may be reduced at the discretion of the Oil and Gas Board of Appeals pursuant to Section 34-432, "Appeals," of this Article, but never less than 500 hundred (500) feet from any dwelling or any other building used, or designed and intended to be used, for human occupancy. All distance reductions shall be documented as variances to the requested permit prior to issuance.

CITIZEN FEEDBACK: Property owner notifications were sent April 7, 2021. To date, staff has not received any response in support or opposition to the proposed new construction setback variance requests.

OIL AND GAS BOARD OF APPEALS:

The Oil and Gas Board of Appeals shall consider the following in deciding an appeal:

- (1) Whether there are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the vicinity;
- (2) Whether a variance is necessary to permit the applicant the same rights in the use of his property that are presently enjoyed by other similarly situated properties, but which rights are denied to the property on which the application is made;
- (3) Whether the granting of the variance on the specific property will adversely affect any other feature of the comprehensive master plan of the Town;
- (4) Whether the variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity;
- (5) Whether the operations proposed are reasonable under the circumstances and conditions prevailing in the vicinity considering the particular location and the character of the improvements located there;
- (6) Whether the drilling of the maximum number of potential wells for the proposed drill site would conflict with the orderly growth and development of the Town;
- (7) Whether there are other alternative well site locations;
- (8) Whether the operations proposed are consistent with the health, safety and welfare of the public when and if conducted in accordance with the oil, gas, or combined well permit conditions to be imposed;
- (9) Whether the operations proposed are consistent with protecting the ecological integrity and environmental quality, including protection of surface and ground water sources, of potentially impacted environmentally sensitive areas;
- (10) Whether there is reasonable access for Town fire personnel and firefighting equipment, including the ability to safely evacuate potentially affected residents; and
- (11) Whether the impact upon the adjacent property and the general public by operations conducted in compliance with the oil, gas, or combined well permit conditions are reasonable and justified, balancing the following factors:
 - a. The reasonable use of the mineral estate by the mineral estate owner(s) to explore, develop, and produce the minerals; and
 - b. The availability of alternative drill sites.

ATTACHMENTS:

1. Letter of Intent and Application Packet
2. Public hearing notice

3. Property owner notification

MOTION: Move to recommend approval or denial of the request for a variance from Section 34-422(c)(4), as set forth in, Section 34-422 of the Town's Code of Ordinances. The variance request is to decrease new construction setback requirements for a proposed single-family residential structure and applicable improvements from the existing Sam Wilson CS natural gas wells, which pad site was permitted prior to the Town's current regulations. The property is generally located south of Cross Timbers Road (FM 1171) and east of Scenic Drive.

March 17, 2021

Matt Woods
Director of Environmental Services
1001 Cross Timbers Road #2330
Flower Mound, TX 75028

RE: Single Family Residence(s) on land zoned Agricultural off Scenic Drive, A-0935A MEP & P, TR 14, ~27 Acres, Flower Mound, Texas 75022, Property ID: 173661 (the "Scenic Drive Project").

Dear Mr. Woods,

Please accept this Letter of Intent to describe and explain the attached Oil and Gas Board of Appeals request.

The Scenic Drive Project is an approximate 27 acre unplatted tract of land south of Cross Timbers Rd on Scenic Drive in the Cross Timbers Conservation Development District (CTCDD). The tract is zoned agricultural and bordered on the northeast by an approximate 37.7 acre tract zone agricultural and containing a single family home; on the north by an approximate 43.1 acre tract containing Circle R Ranch; on the west by an approximate 180.3 acre tract zoned agricultural and containing a single family home, natural gas wellheads, and natural gas production sites; on the south by an approximate 10.2 acre tract zoned agricultural and containing a single family home; and on the east by two tracts of land totaling approximately 20.8 acres owned by Eagleridge Energy LLC & USG Properties Barnett II LLC containing wellheads and production sites for natural gas. The gas wells on the two tracts of land to the east of the Scenic Drive Project are the ones that affect this project. The Scenic Drive Project is subject to the Oil, Gas, and Mineral Lease, and terms, conditions, and stipulations therein filed:

1. on November 02, 2004 and recorded in County Clerk's File No. 2004-142649, of the Official Public Records, Denton County, Texas and subsequent amendments and ratification leases.
2. on August 09, 2005 and recorded in County Clerk's File No. 2005-97981, of the Official Public Records, Denton County, Texas and subsequent amendments and ratification leases.

The gas wells that affect the Scenic Drive Project are located to the east of the site on the tracts of land currently owned by Eagleridge Energy LLC & USG Properties Barnett II LLC and were permitted under the 2003 code Section 34-422(c)(4) and Section 34-422(d) of Ordinance 26-03A. This code calls for several setbacks that affect the Scenic Drive Project. A one thousand (1,000) foot setback is required from any residence. A five hundred (500) foot setback is required to any outer boundary line. A five hundred (500) foot setback is required to any public street, road, highway, right-of-way, or property line. A one thousand (1,000) foot setback is required to any fresh water well. Under the 2003 code (Ordinance 26-03), each of these setbacks is measured from the center of the well bore to the closest exterior point of any object listed above.

With this application, we respectfully request variances to the following sections of the ordinance:

1. 34-422(c)(4) A variance to allow new construction and improvements to the property within the applicable setbacks enumerated in the article as detailed more specifically below.
2. 34-422(d)(1):
 - a. A variance to 34-422(d)(1)(b) to reduce the setback from the center of the closest well bore to a proposed residence from one thousand (1,000) feet to five hundred (500) feet.
 - b. A variance to 34-422(d)(1)(d) to reduce the setback from the center of the closest well bore to an outer boundary line from five hundred (500) feet to two hundred fifty (250) feet. This variance should not be a necessity because a prior property subdivision already established the property line/outer boundary line, but the applicant would like to eliminate any potential ambiguity.
 - c. A variance to 34-422(d)(1)(f) to reduce the setback from the center of the closest well bore to any public street, road, highway, right-of-way, or property line from five hundred (500) feet to two hundred fifty (250) feet. This variance should not be a necessity for the property line because a prior property subdivision already established the property line, but the applicant would like to eliminate any potential ambiguity. During the platting process, the Town of Flower Mound will require a right-of-way for future street enlargement of Scenic Drive. This right-of-way and future street enlargement will be within the current five hundred (500) foot setback. This is an issue whether the Scenic Drive Project is approved or not. Future roads, rights-of way, or property lines could also be within the five hundred (500) foot setback due to the locations of the well bores in relation to the property lines.
 - d. A variance to 34-422(d)(1)(h) to reduce the setback from the center of the closest well bore to a fresh water well from one thousand (1,000) feet to five hundred (500) feet. A fresh water well is planned to be located approximately six hundred fifty (650) feet from the closest well bore.

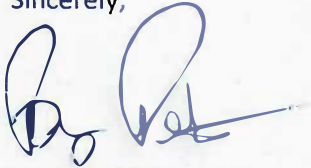
Please refer to attached exhibits for reference to the anticipated Scenic Drive Project.

The nature of this request is to allow for the applicant or his heirs, successors, or assigns to build one or more single family residence(s) on the twenty-seven (27) acres either by building a primary dwelling and an accessory dwelling or by subdividing the tract into two or more lots and building multiple primary dwellings. Building anything on this land would not be able to be done without the variances requested herein due to the topography of the land, the desire to save as many trees as possible, the current road access, the existing drainage areas, the future pasture location, the existing pipelines, and the existing pipeline easements (see attached Exhibits showing the approximate location of currently proposed structures, trees, easements, and pipeline; the various distances from well bores; and the topography of the land). Without the variances for distance to a residence, a residence would not be permitted in the location specified. Without the variances for

distance to boundary, public street, road, highway, right-of-way, or property line; there would be ambiguity on whether or not new construction and other improvements to the property would be permitted. Without the variance for distance to a fresh water well, a fresh water well would not be permitted in the area it needs to be located. At this time, the applicant plans on maintaining the agricultural feel of the land and only constructing one single family residence on the property as well as a fence along the property line separating the land from the tracts containing the gas wells. The applicant may also construct barns and/or other outbuildings on the land as permitted by Flower Mound and in accordance with the variances granted to the 2003 code Section 34-422(c)(4) and Section 34-422(d) of Ordinance 26-03A. The future may necessitate a subdivision into multiple lots, but that is not the current intent of the applicant.

Please contact me should you have any questions regarding this request. On behalf of my wife Cara, and our three children, I would like to thank you for your time and attention regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bronz Peterson', with a long horizontal flourish extending to the right.

Bronz Peterson



**PROCEDURE - REQUEST FOR VARIANCE OR APPEAL
OIL AND GAS BOARD OF APPEALS
TOWN OF FLOWER MOUND**

1. The Oil and Gas Board of Appeals consists of five (5) regular members and three (3) alternate members, and all cases must be heard by at least four (4) members. The Board is a quasi-judicial board. It is not a legislative body with the authority to amend ordinances or create new laws. The Board conducts hearings on matters dealing with the Flower Mound Oil and Natural Gas Well Drilling and Operations Ordinance and determines if strict compliance with the ordinance will create a hardship. The Board also considers whether the variance will comply with the spirit and intent of the ordinance. In order for a variance to be granted, all eleven (11) items identified on the application **must** apply. If any of the items do not apply, the Board does not have the ability to grant a variance.
2. The Board also has the authority to hear and decide appeals where it is alleged that there is an error or abuse of discretion regarding the issuance of an oil, gas, or combined well permit or the revocation or suspension of any permit issued hereunder, and as provided by this article. Any person or entity whose application is denied by the oil and gas inspector or whose permit is suspended or revoked or whose well or equipment is deemed by the oil and gas inspector to be abandoned may file an appeal to the oil and gas board of appeals pursuant to [chapter 78](#), division 3, entitled "Board of Adjustment" in this Code..
3. A pre-filing interview may be held if requested by the applicant or if deemed necessary by the Town.
4. The application must be signed by the property owner. If the applicant is not the owner, a notarized document showing authority to request the variance must accompany the application.
5. The following must also accompany the application packet:
 - A. A \$2,000.00 application fee. A \$250.00 application fee is required for variance requests subject to the new construction setback requirements in Sec. 34-422(c)(4).*
 - B. A site plan of the lot showing all property lines as well as a depiction of the requested variance. If a variance from building setback requirements is requested, the site plan must be stamped by a licensed surveyor. Additional copies or other supporting documents may be required.
6. After the above items have been completed, the variance request will begin the following process:
 - A. The applicant and all property owners within 200 feet of the property where the variance is requested will be notified of a Public Hearing to be held by the Oil and Gas Board of Appeals by notice in the U.S. mail. Said notices are to be mailed at least 10 days prior to the Public Hearing at a cost of \$2.50 per notification paid by the applicant prior to notices being mailed.
 - B. The applicant or representative must be present at the Board of Adjustment public hearing. Failure to attend the public hearing will cause the Board to deny the item without prejudice to re-filing. The letter, referenced in 6 A. above, will be your notification of any hearing.
 - C. Persons who are in favor or who oppose the request are allowed to appear before the Board in order to present their views.
7. Any additional information such as renderings, elevations, models or other supporting documents that you wish to submit may be introduced at the meeting.

According to state law, no variance can be granted without the concurring vote of at least four (4) members of the Board.

**APPEALS TO A DECISION RENDERED
BY THE OIL AND GAS BOARD OF APPEALS**

The only appeal to a decision rendered by the Oil and Gas Board of Appeals is to State District Court. The appeal must be filed with the district court within ten (10) days of the Board's decision. State law prohibits the Town Council from hearing an appeal.



**APPLICATION - REQUEST FOR VARIANCE OR APPEAL
OIL AND GAS BOARD OF APPEALS
TOWN OF FLOWER MOUND**

DATE: 2021-03-17 _____

I, the undersigned owner or authorized agent of the following described real property located in the Town of Flower Mound, Texas, hereby make application for a request for a variance from the terms of section Section 34-422(c)(4) and Section 34-422(d) of Ordinance 26-03A of the Town of Flower Mound "Oil and Natural Gas Well Drilling and Operations" Ordinance.

LOCATION OF PROPERTY

Street Address: No official address due to not being platted. Approximate address is 3950 Scenic Drive, Flower Mound, TX 75022 Legal Description: A0935A MEP & P, TR 14, 27.26ACRES

Legal Description: Lot/Tract _____, Block _____, of Subdivision/Abstract A b s t r a c t No. 935

REQUEST: (If there is additional information which you feel would be helpful to the Board in making a decision, be sure to include this information in your request. If additional space is required to explain your request, please attach the explanation to this application.)

Please see attached Letter of Intent

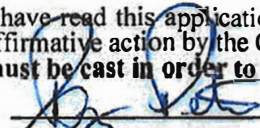
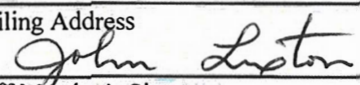
A non-refundable application fee of \$2,000.00 is required at the time of application. *(See #5 A)

The Oil and Gas Board of Appeals shall consider the following in deciding an appeal:

- (1) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the vicinity;
- (2) A variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made;
- (3) The granting of the variance on the specific property will not adversely affect any other feature of the comprehensive master plan of the Town;
- (4) The variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity;
- (5) Whether the operations proposed are reasonable under the circumstances and conditions prevailing in the vicinity considering the particular location and the character of the improvements located there;
- (6) Whether the drilling of such wells would conflict with the orderly growth and development of the Town;
- (7) Whether there are other alternative well site locations;

- (8) Whether the operations proposed are consistent with the health, safety and welfare of the public when and if conducted in accordance with the oil, gas, or combined well permit conditions to be imposed;
- (9) Whether the operations proposed are consistent with protecting the ecological integrity and environmental quality, including protection of surface and ground water sources, of potentially impacted environmentally sensitive areas.
- (10) Whether there is reasonable access for the Town fire personnel and fire fighting equipment; and
- (11) Whether the impact upon the adjacent property and the general public by operations conducted in compliance with the oil, gas, or combined well permit conditions are reasonable and justified, balancing the following factors:
 - a. The reasonable use of the mineral estate by the mineral estate owner(s) to explore, develop, and produce the minerals; and
 - b. The availability of alternative drill sites.

I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Oil and Gas Board of Appeals. **I further understand that at least four (4) affirmative votes must be cast in order to receive a variance.**

| | | |
|--|------------------|------------------------|
|  | Bronz Peterson | |
| Signature of Applicant | Print Name | |
| 12908 Whisper Willows Ct., Haslet, TX 76052 | 817-798-6812 | 817-798-6812 |
| Mailing Address | Telephone (Home) | Telephone (Day Number) |
|  | 4/7/2021 | WEB16641 |
| Staff Member's Signature | Date | Receipt Number |

OIL AND GAS BOARD OF APPEALS DECISION: () DENIED () GRANTED

TERMS AND/OR CONDITIONS: _____

OIL AND GAS BOARD OF APPEALS CHAIRMAN: _____ DATE: _____

Filed with office of the Secretary this _____ day of _____, _____.

GENERAL AFFIDAVIT

STATE OF Texas

COUNTY OF Denton

PERSONALLY came and appeared before me, the undersigned Notary, the within named MICHEAL SISK, who is a resident of Tarrant County, State of Texas, and makes this his statement and General Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts, and things set forth are true and correct to the best of his knowledge:

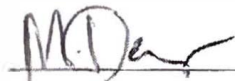
I, Michael Sisk, authorized signatory of M & M Sisk Farms PH III, LLC, owner of real property in Flower Mound, TX with the legal description of A0935A MEP & P TR 14, 2726 ACRES acknowledges and grants BRONZ PETERSON the authority to apply to and go before the Oil and Gas Board of Appeals-Town of Flower Mound to request such variances as described in the application to various Flower Mound codes and ordinances related to oil and gas that affect the aforementioned real property.

DATED this the 16 day of March, 2021.



Signature of Affiant

SWORN to and subscribed before me, this the 21 day of March, 2021.



NOTARY PUBLIC



My Commission Expires:

3/20/24

EXHIBIT E-SCENIC DRIVE PROJECT

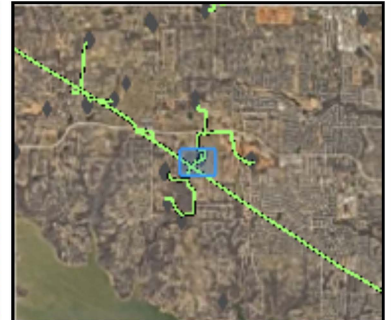
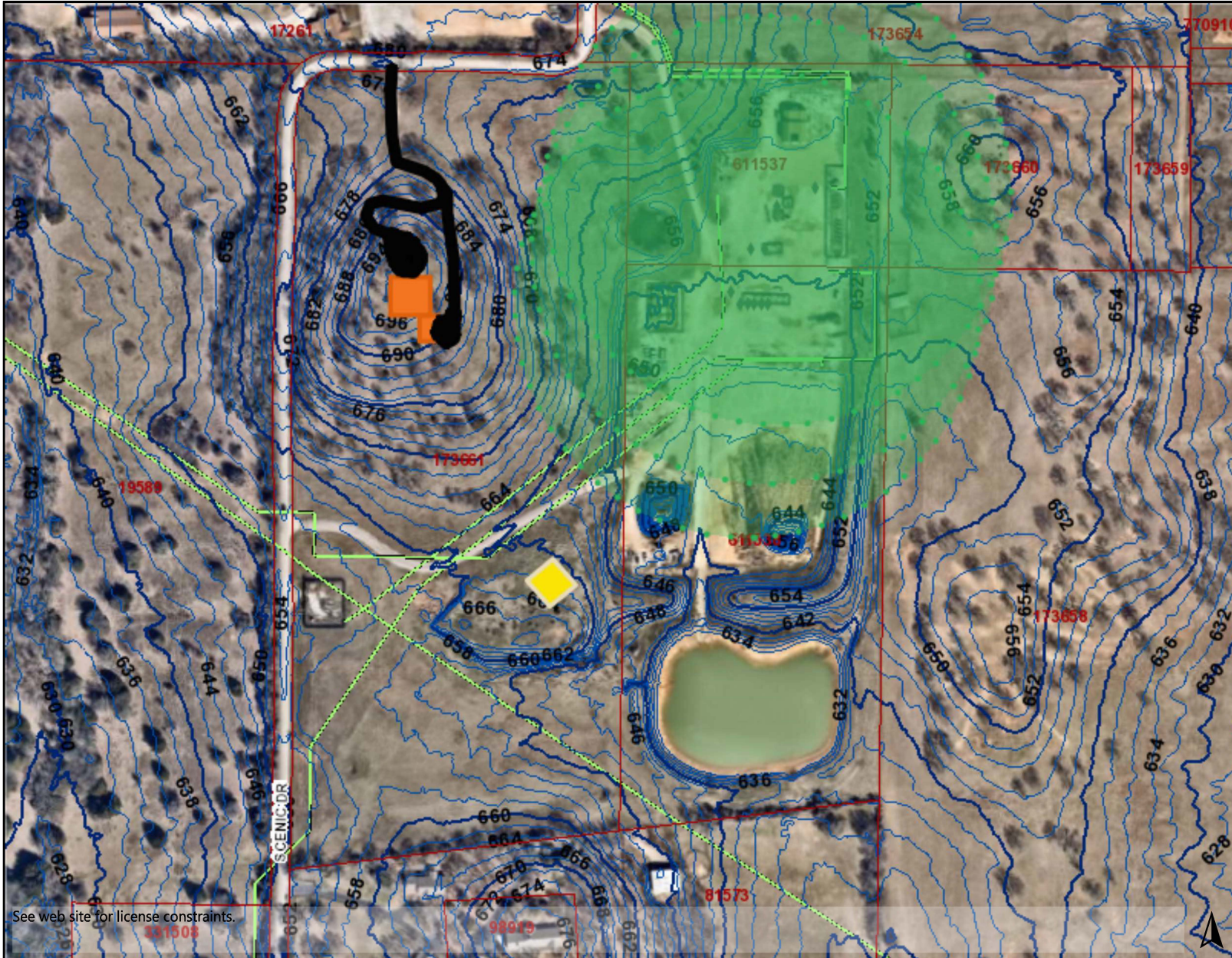
This exhibit highlights why variances have been requested for setbacks to new construction and improvements, residences, fresh water wells, boundary lines, or “any public street, road, highway, right-of-way, or property line”. These variances are requested due to the 2003 ordinance preventing structures and fresh water wells within one thousand (1,000) feet of a natural gas wellbore and due to the same ordinance preventing boundary lines and any public street, road, highway, right-of-way, or property line within five hundred (500) feet of a natural gas wellbore.

This exhibit shows the proposed future single-family residence, driveway, and outbuilding/barn locations. It also shows a five hundred (500) foot radius from the wellbores that most adversely affect this site. Key: Black Lines=Driveway, Orange Blocks=Single Family Residence, Yellow Blocks=Outbuilding/Barn, Black Diamonds=Gas Wells (locations approximate), Green Lines=Gas Pipelines, Red Lines=Approximate Property Lines, Green Shaded Areas=500’ radius of wellbores, and Blue Lines=Contour Lines showing elevation changes at two-foot intervals. The entrance off of Scenic Drive is an existing driveway entrance. Gas Line Easements are not shown on this exhibit. Please see Exhibit F for a survey showing specific locations of these easements. Most of these easements run with the pipelines. In addition, there are easements that generally run approximately forty (40) to ninety (90) feet out from the west and north property lines. Structures are not permitted to be built within these easements.

The future house location will most likely be at the top of the hill approximately six hundred fifty (650) feet west of the closest natural gas well. This is approximately four hundred (400) feet west of the property line shared with the gas company. Please note the contour lines which show the existing hill. This is the most logical location to build the home due to topography, views, road access, existing pipelines, and existing pipeline easements. Please review Exhibit A to see how the one thousand (1,000) foot setback would render this site virtually useless from a construction standpoint given all of the existing conditions on the site.

In addition to this exhibit, please also review Exhibits B and C that show how the five hundred (500) and two hundred fifty (250) foot radii interact with the property lines and the public roads. When this property is platted, the Town of Flower Mound will require a forty (40) foot easement adjacent to the property lines where the road is located. These future public road easements and the existing property lines are within the five hundred (500) foot radii, but they would not be within the two hundred fifty (250) foot radii. There is some ambiguity in the code regarding these items.

Exhibit D-Scenic Drive Project



Legend

- 911 Addresses
- Development Permits
- ▭ Parcels
- Floodplain**
- Cross Section Location
- Base Flood Elevation
- ▭ FEMA Floodway
- ▭ Flood Grid
- ▭ FEMA 100yr Flood Zone A
- ▭ FEMA 100yr Flood Zone AE
- ▭ FEMA 500yr Flood Zone
- Levee Protected

Notes

Black Lines represent Driveway. Orange Blocks represent House and Garage. Yellow Block represent Barn/Outbuilding.

See web site for license constraints.



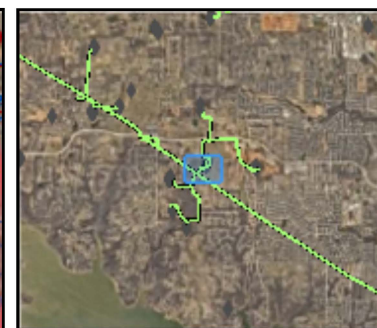
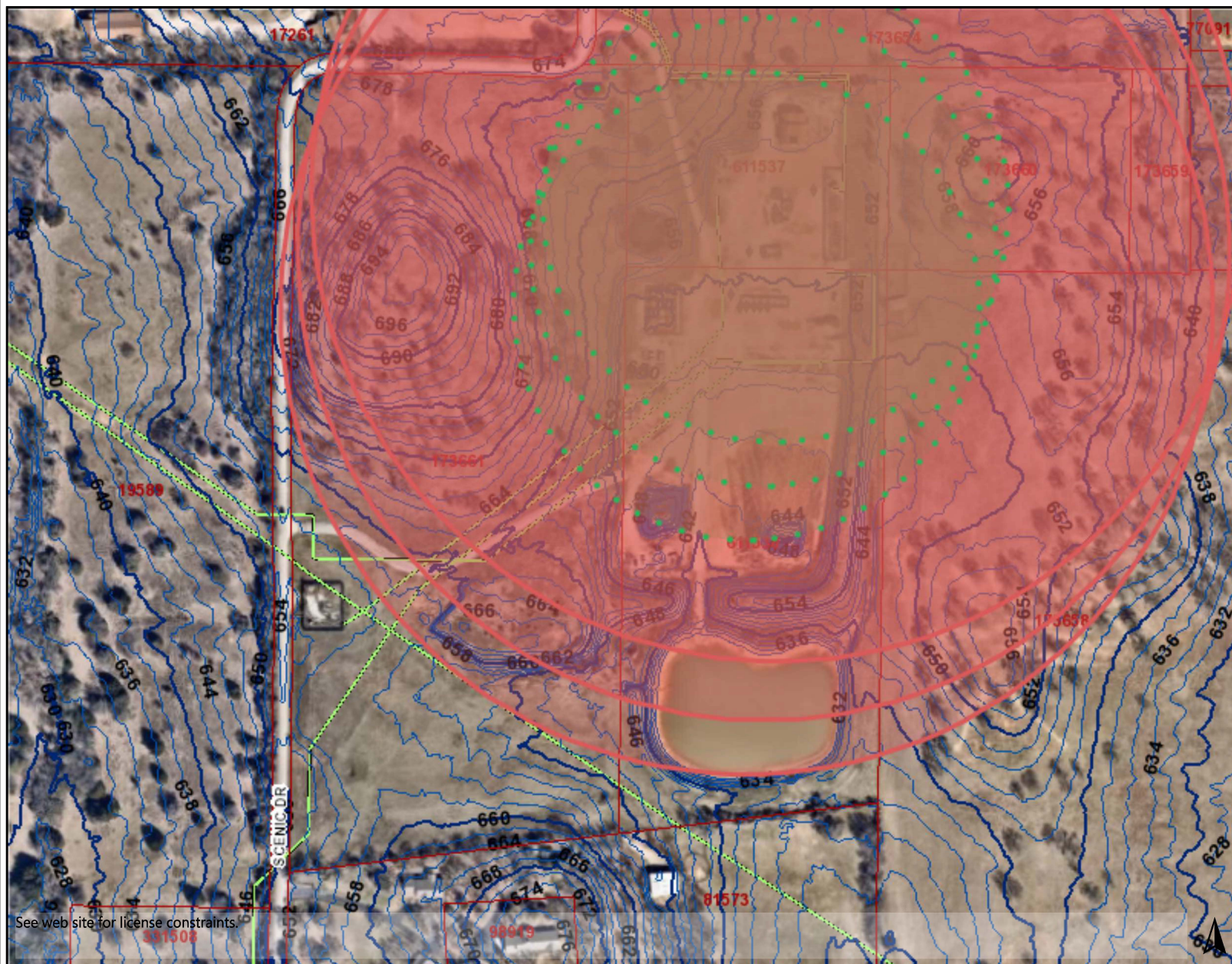
<https://gis.dentoncounty.gov>

4/8/2021 4:23:20 PM

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Denton County does not guarantee the correctness or accuracy of any features on this product and assumes no responsibility in connection therewith. This product may be revised at any time without notification to any user.

Exhibit A-1000' Radius from Gas Wellbore

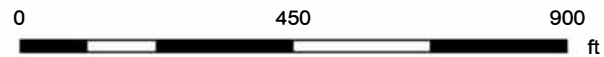


Legend

- 911 Addresses
- Development Permits
- ▭ Parcels
- Floodplain**
- Cross Section Location
- Base Flood Elevation
- ▭ FEMA Floodway
- ▭ Flood Grid
- ▭ FEMA 100yr Flood Zone A
- ▭ FEMA 100yr Flood Zone AE
- ▭ FEMA 500yr Flood Zone
- Levee Protected

Notes

Red Highlighted Areas show the 1000' Radius from the Gas Wells that Impact Parcel 173661 the most. Green Highlighted Areas show the 500' Radius.



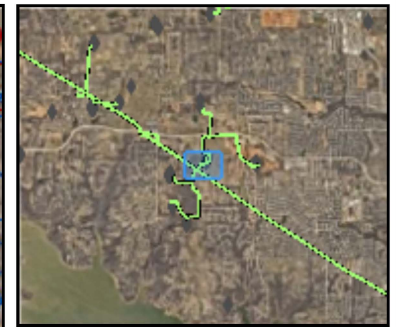
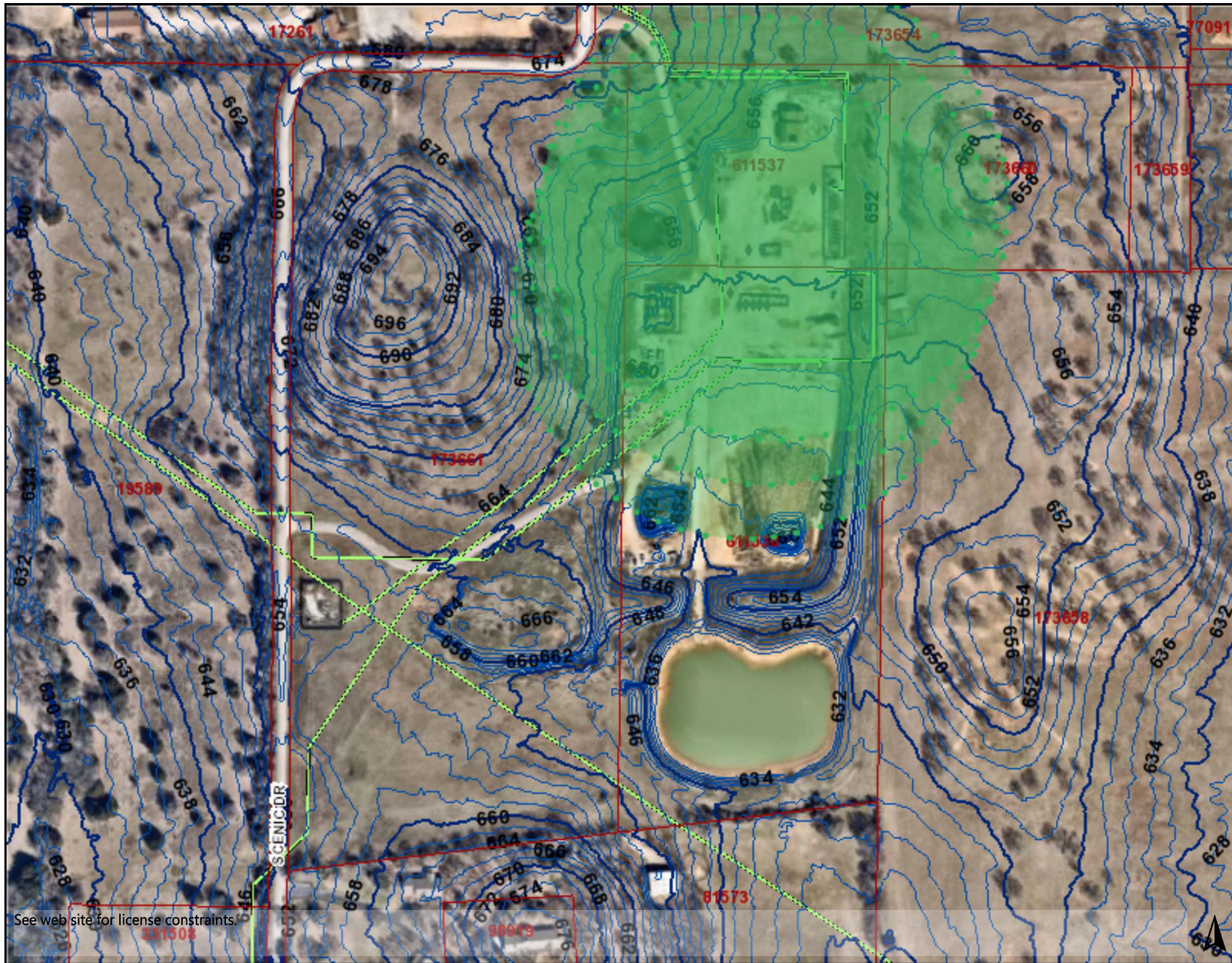
<https://gis.dentoncounty.gov>

4/8/2021 1:15:40 PM

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Exhibit B-500' Radius from Gas Wellbore



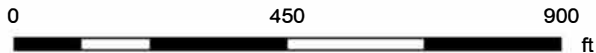
Legend

- 911 Addresses
- Development Permits
- ▭ Parcels
- Floodplain**
- Cross Section Location
- Base Flood Elevation
- ▭ FEMA Floodway
- ▭ Flood Grid
- ▭ FEMA 100yr Flood Zone A
- ▭ FEMA 100yr Flood Zone AE
- ▭ FEMA 500yr Flood Zone
- Levee Protected

Notes

Green Highlighted Areas show the 500' Radius from the Gas Wells that Impact Parcel 173661 the most.

See web site for license constraints.



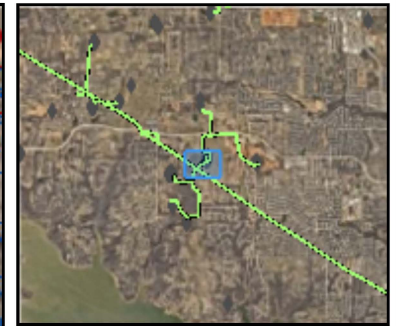
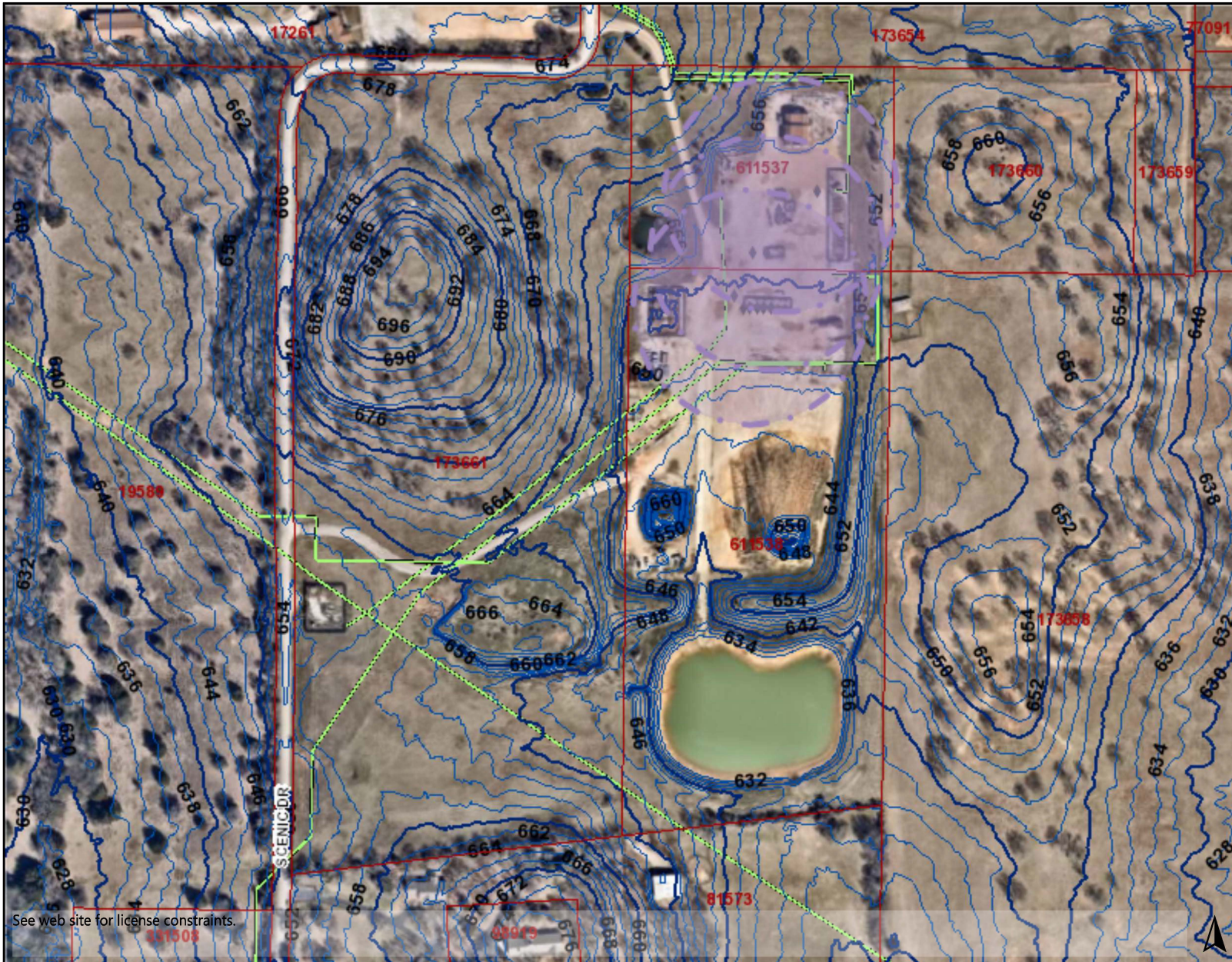
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4/8/2021 1:43:36 PM

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Denton County does not guarantee the correctness or accuracy of any features on this product and assumes no responsibility in connection therewith. This product may be revised at any time without notification to any user.

Exhibit C-250' Radius from Gas Wellbore



Legend

- 911 Addresses
- Development Permits
- ▭ Parcels
- Floodplain**
- Cross Section Location
- Base Flood Elevation
- ▭ FEMA Floodway
- ▭ Flood Grid
- ▭ FEMA 100yr Flood Zone A
- ▭ FEMA 100yr Flood Zone AE
- ▭ FEMA 500yr Flood Zone
- Levee Protected

Notes

Purple Highlighted Areas show the 250' Radius from the Gas Wells that Impact Parcel 173661 the most.

See web site for license constraints.



0 450 900
ft

<https://gis.dentoncounty.gov>

4/8/2021 2:31:34 PM

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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EXHIBT E (continued)-SCENIC DRIVE PROJECT

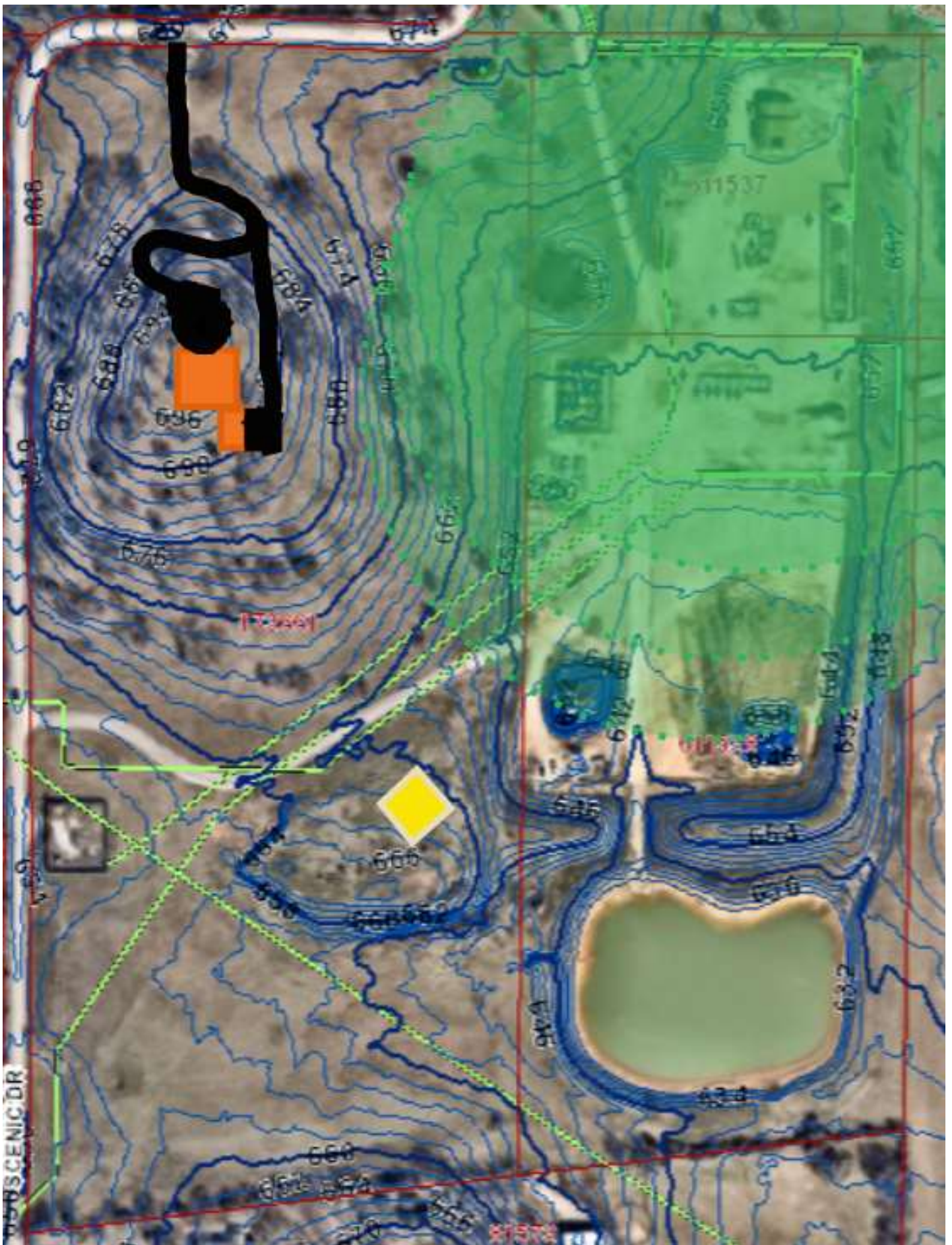
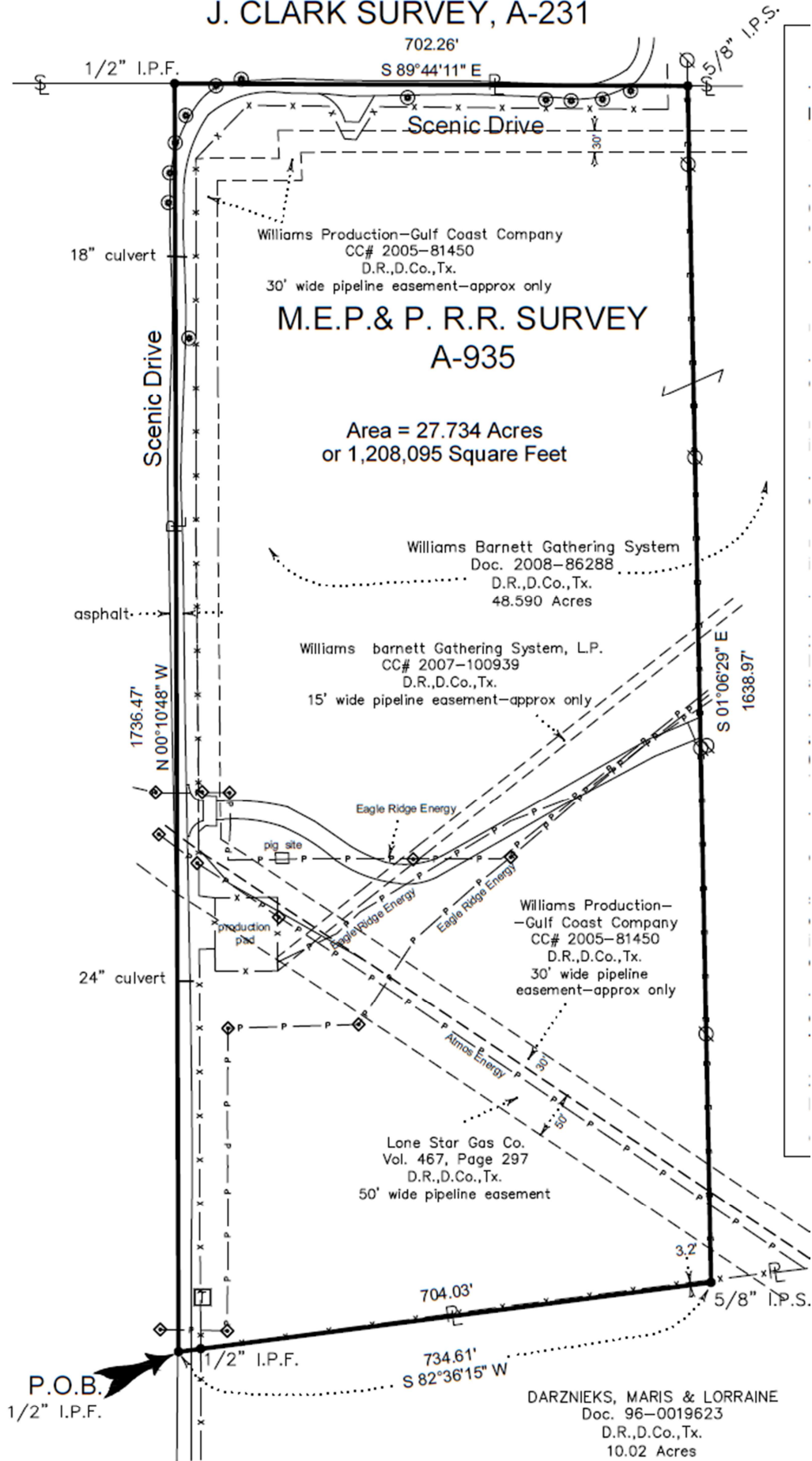


EXHIBIT F-SCENIC DRIVE SURVEY

J. CLARK SURVEY, A-231



PUBLIC HEARING

Notice is hereby given that the Town of Flower Mound will hold the following public hearing:

- **Oil & Gas Board of Appeals
Wednesday April 21, 2021,
at 6:30 p.m.**

The meeting will be held at the Flower Mound Town Hall, 2121 Cross Timbers Road or via Virtual Meeting (Video Conference). If the meeting is held via video conference, login and public access details will be made available on the first page of the meeting agenda posted to the Town's Agenda Center page at <https://flower-mound.com/agendacenter>.

The purpose of the hearing is to consider a request from the applicant, for a variance from Section 34-422(c) (4), as set forth in Ordinance No. 26-03 Section 34-422(c) (4) of the Town's Code of Ordinances. The variance request is to decrease new construction setback requirements for a proposed single-family residential structure from the existing Sam Wilson CS natural gas wells, which pad site was permitted prior to the Town's current regulations. The property involved is generally located south of Cross Timbers Road (FM 1171) and east of Scenic Road.

To Run in Denton Record-Chronicle: Saturday & Sunday (print edition) April 10 & 11, 2021

Denton Record-Chronicle:

Phone : 1-940-387-7755

Email: classes@dentonrc.com

Any questions or issues, please contact:

Helena Lynch

p: 972-874-6338

e: helena.lynch@flower-mound.com

Town of Flower Mound Account # 1040



Environmental Services

April 7, 2021

RE: Oil and Gas Permit OGB21-0001; New Construction Setback (New Residence)

Dear Interested Property Owner,

Notice is hereby given that the Oil and Gas Board of Appeals (OGBOA) of the Town of Flower Mound, Texas, will hold a public hearing on Wednesday, April 21, 2021, at 6:30 p.m. in the Flower Mound Town Hall, 2121 Cross Timbers Road (FM 1171).

The purpose of this hearing is to consider a request from the applicant, for a variance from Section 34-422(c) (4), as set forth in Ordinance No. 26-03 Section 34-422(c) (4) of the Town's Code of Ordinances. The variance request is to decrease new construction setback requirements for a proposed single-family residential structure from the existing Sam Wilson CS natural gas wells, which pad site was permitted prior to the Town's current regulations. .

The property involved is generally located south of Cross Timbers Road (FM 1171) and east of Scenic Road.

On the reverse side please find a copy of a vicinity map depicting the general location of the subject property. Further information may be obtained at the Environmental Services Department located at Flower Mound Town Hall, 2121 Cross Timbers Road, or by calling 972-874-6340.

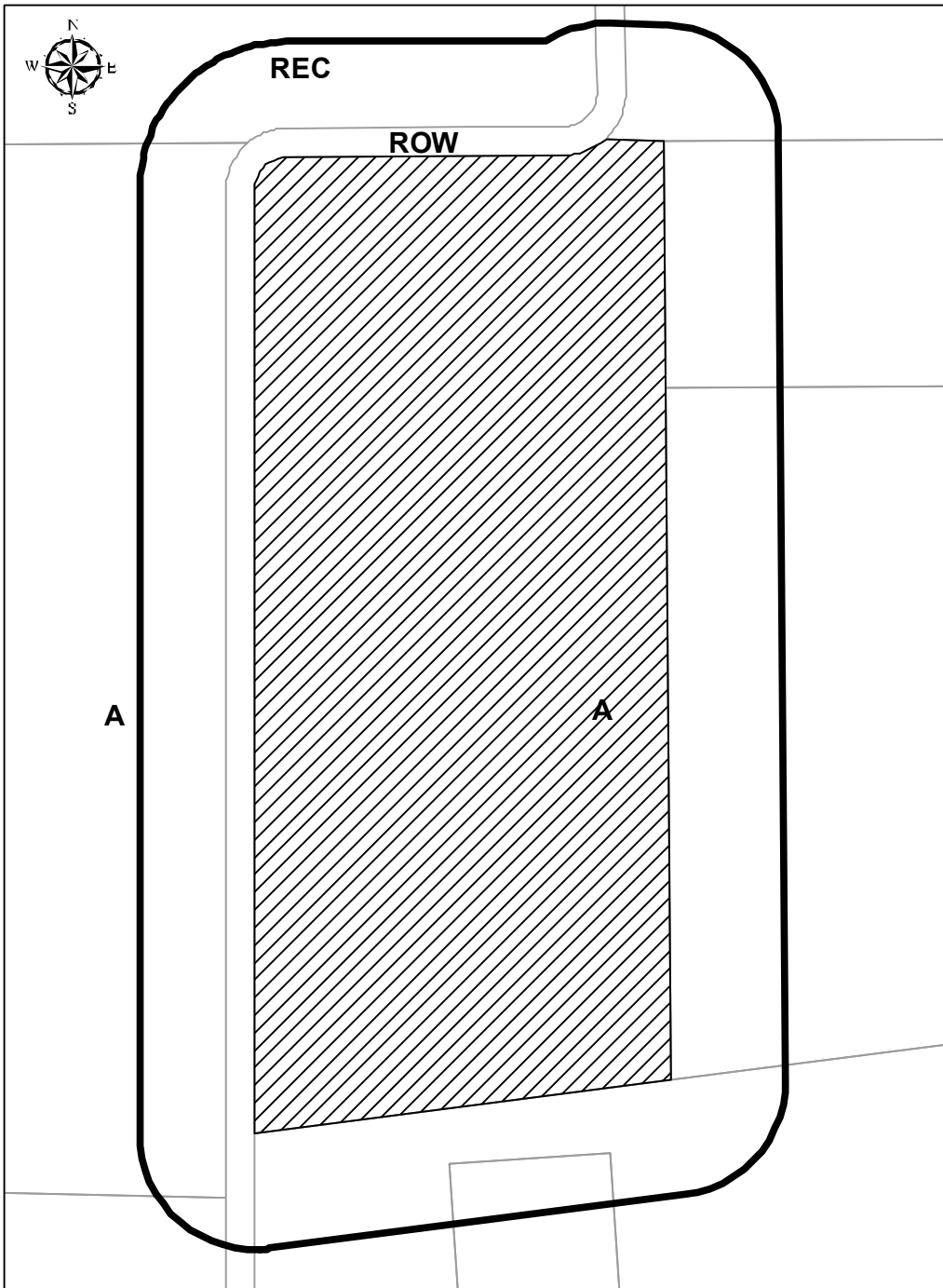
As an interested property owner, you may make your views known by attending this hearing. If you cannot attend the hearing, it is requested that you express your views by email to BOA@flower-mound.com or by mail to the address listed below to my attention.

Sincerely,

John Luxton
Environmental Compliance Inspector
Town of Flower Mound

Property Owner Notice

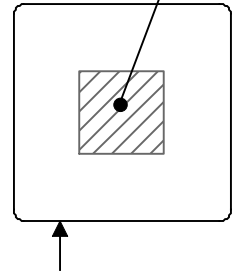
PROPERTY OWNER NOTIFICATION AND VICINITY MAP



Surrounding Zoning Districts:

A - Agricultural District
REC - Recreation

Indicates Subject Property



Indicates Limit of 200' Notification

Date: April 21, 2021

Time: 6:30 p.m.

Location: Town Hall,
2121 Cross Timbers Rd/FM 1171

0 125 250 500 750 1,000 Feet

Comments or questions regarding this notification can be made at 2121 Cross Timbers, Flower Mound TX 75208, or by calling (972) 874-6346.

