

**Ordinance No. 09-040**

**An ordinance changing the zoning classification on certain property known as 2400 Kuykendall Drive by the approval of specific use permit SUP09-3 for gas drilling; amending the Zoning District Map accordingly; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date.**

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP09-3 and recommended denial of the specific use permit on May 20, 2009;

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the use will: complement or be compatible with the surrounding uses and community facilities; contribute to, enhance or promote the welfare of the area of the SUP and adjacent properties; not be detrimental to the public health, safety or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning amendment be approved. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

A Specific Use Permit for gas drilling is hereby granted for the property known as 2400 Kuykendall Drive, described in Exhibit A, and the Zoning District Map shall be amended to reflect the zoning change made by this ordinance. Development and use of the property shall be in compliance with this ordinance, the conditions stated in Exhibit B, and the attached site plan. In the event of a conflict between the provisions in Exhibit B and the provisions in any other exhibit, the provisions in Exhibit B control.

2.

If either no gas well permit is issued or drilling activity has not commenced on the property described in Exhibit A within one year after the date of City Council approval, the Specific Use Permit shall expire, unless the director of Community Development and Planning grants an extension as provided in Section 5-500(F) of the Zoning Chapter of the Arlington City Code.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

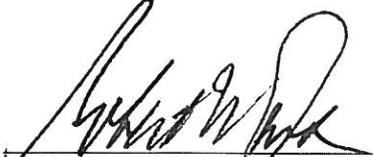
8.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

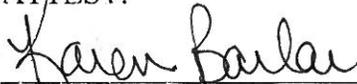
9.

This ordinance shall become effective upon second publication.

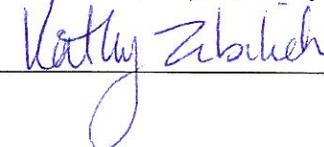
PRESENTED AND GIVEN FIRST READING on the 4th day of August, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 18th day of August, 2009, by a vote of 6 ayes, 1 nay, and 2 abstentions at a regular meeting of the City Council of the City of Arlington, Texas.

  
\_\_\_\_\_  
ROBERT N. CLUCK, Mayor

ATTEST:

  
\_\_\_\_\_  
KAREN BARLAR, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY   
\_\_\_\_\_

SUP09-3

EXHIBIT "A"

THAT the following described property be modified by the addition of a Specific Use Permit for gas drilling, and that the official zoning map, adopted and described in Article VI, "Zoning" Chapter, Arlington City Code of 1987, be revised accordingly:

BEING a tract of land located in the W.W. Warnell Survey, Abstract No. 1612, City of Arlington, Tarrant County, Texas and being a portion of that same tract of land as described in deed to Dalmac-Shelton Fannin Farms, Ltd., recorded in Volume 14233, Page 11 (Tract 1), Deed Records, Tarrant County Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a ½-inch iron rod found at the southeast corner of said Tract 1;

THENCE South 89°33'01" West, 356.61 feet with south line of said tract;

THENCE North 00°23'59" West, 72.71 feet departing said south line to a 5/8-inch iron rod with a plastic cap stamped "ESMT" set for the POINT OF BEGINNING;

THENCE North 89°49'26" West, 296.13 feet to a 5/8-inch iron rod with a plastic cap stamped "ESMT" set;

THENCE North 00°10'34" East, 413.98 feet to a 5/8-inch iron rod with a plastic cap stamped "ESMT" set;

THENCE South 89°49'26" East, 399.06 feet to a 5/8-inch iron rod with a plastic cap stamped "ESMT" set;

THENCE South 00°10'34" West, 366.14 feet to a 5/8-inch iron rod with a plastic cap stamped "ESMT" set;

THENCE South 89°36'01" West, 103.40 feet to a 5/8-inch iron rod with a plastic cap stamped "ESMT" set;

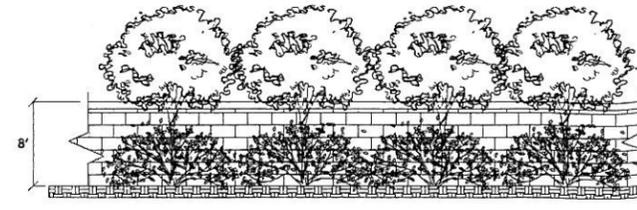
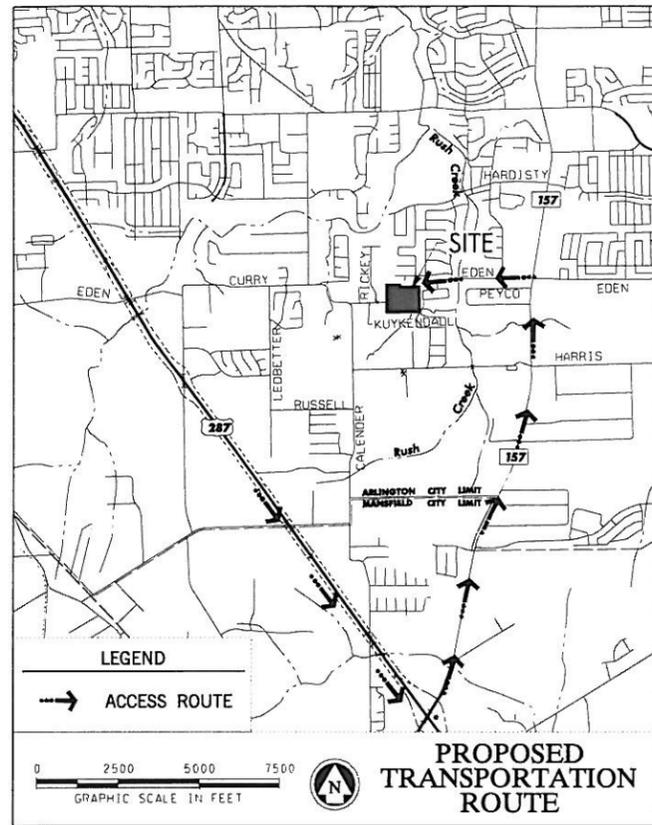
THENCE South 00°23'58" East, 46.81 feet to the POINT OF BEGINNING and containing 3.680 acres of land more or less;

AND being generally located south of Eden Road and west of Kuykendall Drive with the approximate address being 2400 Kuykendall Drive.

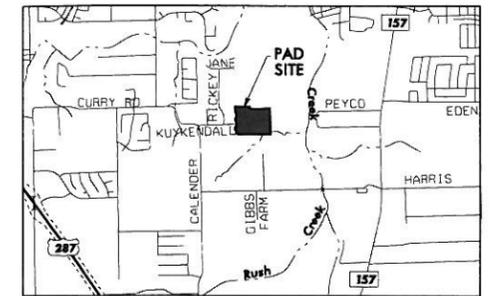
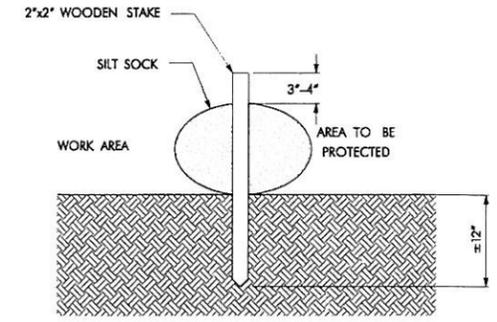
SUP09-3

EXHIBIT "B"

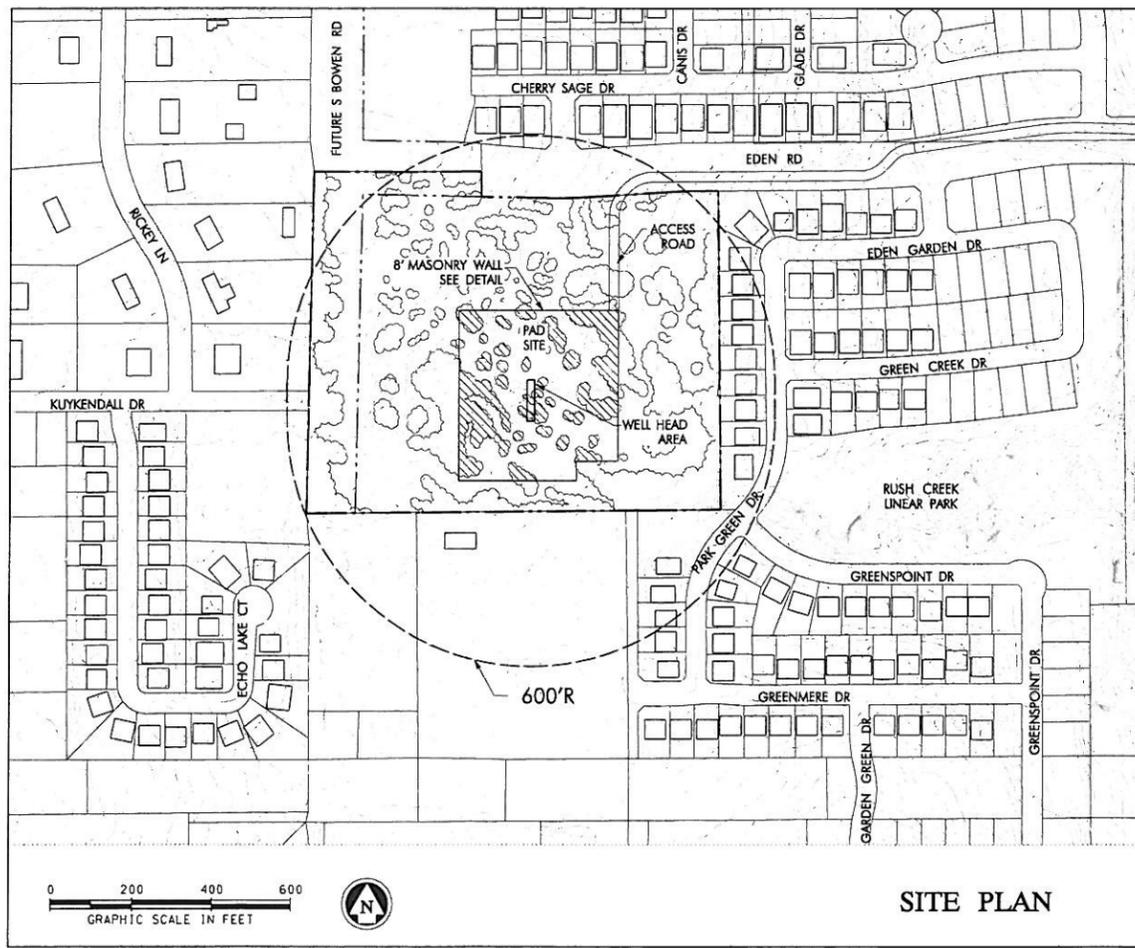
1. Operation of a gas drilling use must comply with all requirements in the Gas Drilling and Production Chapter of the Arlington City Code.
2. At the permit stage, a Road Damage Assessment Study is required to mitigate any impacts to the street system during drilling.
3. Landscaping shall be provided along all four sides on the outside of the masonry wall in accordance with the submitted site plan and shall be selected from the Texas Smartscape plant list. Shrubs shall be planted at no more than three feet on center and canopy trees will be planted on center at no more than half the specific species potential spread.
4. Ingress and egress to the site will be on future Eden Road off of South Cooper Street. The pavement will be made of limestone rock, to include a sprinkler system to contain the dust.
5. Sound blankets will be installed during the drilling operation.
6. All lighting will be directed away from all residential uses.
7. Truck traffic operation to, from, and at the site is limited to daylight hours.
8. Use and development of the property must be in compliance with the attached Site Plan.
9. In the event of a conflict between the provisions in this Exhibit B and any other exhibits to this ordinance, the provisions of Exhibit B control.



**Notes:**  
 Landscaping as shown will surround the entire perimeter of the wall, which shall enclose the operation site.



- Notes:**
1. Specific Use Permit for Gas Drilling Use.
  2. Site grading will not alter the natural flow. A silt sock (see detail) will be installed as necessary.
  3. The access driveway / lease road will be off of Edens Road.
  4. The lease road is 24' wide with 14' overhead clearance.
  5. After completion of all wells, a solid masonry wall, a minimum of eight (8') feet and landscaping (see detail) will enclose all completed wells and tanks located within an operation site. A minimum of one (1) gate, twelve (12') feet wide, will be installed.
  6. Trees and shrubs in the Masonry Wall Typical Detail will be selected from the Texas Smartscape plant list. Shrubs and trees will be planted in compliance with the ordinance - shrubs at no more than 3' on center and trees planted on center at no more than half of the specific species potential spread. A detailed landscape / screening plan along with a plant schedule and planting requirements will be submitted with the established pad layout in the gas drilling permit application.



**LEGAL DESCRIPTION**  
 3.680 ACRE PAD SITE  
 W.W. WARNELL SURVEY, ABSTRACT NO 1612  
 TARRANT COUNTY, TEXAS

BEING a tract of land located in the W.W. Warnell Survey, Abstract No. 1612, City of Arlington, Tarrant County, Texas and being a portion of that same tract of land as described in deed to Dalmac-Shelton Fannin Farms, Ltd., recorded in Volume 14233, Page 11(Tract I), Deed Records, Tarrant County Texas, and being more particularly described by metes and bounds as follows:

- COMMENCING at a 1/2 inch iron rod found at the southeast corner of said Tract I;
- THENCE S 89°33'01"W, 356.61 feet with south line of said tract;
- THENCE N 00°23'59"W, 72.71 feet departing said south line to a 5/8 inch iron rod with a plastic cap stamped "ESMT" set for the POINT OF BEGINNING;
- THENCE N 89°49'26"W, 296.13 feet to a 5/8 inch iron rod with a plastic cap stamped "ESMT" set;
- THENCE N 00°10'34"E, 413.98 feet to a 5/8 inch iron rod with a plastic cap stamped "ESMT" set;
- THENCE S 89°49'26"E, 399.06 feet to a 5/8 inch iron rod with a plastic cap stamped "ESMT" set;
- THENCE S 00°10'34"W, 366.14 feet to a 5/8 inch iron rod with a plastic cap stamped "ESMT" set;
- THENCE S 89°36'01"W, 103.40 feet to a 5/8 inch iron rod with a plastic cap stamped "ESMT" set;
- THENCE S 00°23'58"E, 46.81 feet to the Point of Beginning and containing 160,321 square feet or 3.680 acres of land more or less.

**REQUIRED SIGNAGE**  
 PERMANENT WATER PROOF SIGNS READING "DANGER NO SMOKING ALLOWED" IN A MINIMUM FOUR INCH (4") LETTERING SHALL BE POSTED AT THE ENTRANCE OF EACH DRILL SITE AND OPERATIONAL SITE. THE SIGN SHALL INCLUDE THE PHONE NUMBER FOR EMERGENCY SERVICE (911), THE NUMBER FOR THE OPERATOR, AND THE WELL DESIGNATOR REQUIRED BY THE RAILROAD COMMISSION IN FOUR INCH (4") LETTERING.

- LEGEND**
- EXISTING STRUCTURES
  - EXISTING TREES
  - EXISTING TREES TO BE REMOVED

**SITE PLAN FOR SUP CARRIZO OIL & GAS FANNIN FARMS**

3.680 ACRES OUT OF THE W.W. WARNELL SURVEY, ABSTRACT NO. 1612, CITY OF ARLINGTON, TARRANT COUNTY, TEXAS; APRIL 2009

APPLICANT	PLANNER	SURFACE / MINERAL OWNERS
CARRIZO OIL & GAS 1000 LOUISIANA ST. SUITE 1500 HOUSTON, TX 77002 PHONE: 713-328-1000 FAX: 713-328-1060	<b>JACOBS</b> JACOBS ENGINEERING, INC. 777 MAIN STREET FORT WORTH, TX 76102 (817) 735-6000	Dalmac-Shelton Fannin Farms, Ltd. 4381 W. Green Oaks Blvd. Suite 102 Arlington, Texas 76016 Phone: (817) 572-9960 Fax: (817) 572-9963
PROJECT NO. CBD15596 DATE 02/04/09	DRAWN BY CSM REV. 04/02/09	APPROVED BY SDK 06/13/09 ZC* SUP09-3

SUP 09-3