08/11/10
08/13/10

Ordinance No. 10-055

An ordinance changing the zoning classification on certain property known as 2913 South Cooper Street by the approval of specific use permit SUP10-3 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 SUP10-3 and recommended approval of the specific use permit on May 19, 2010;

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 2913 South Cooper Street, 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 22nd day of June, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 3rd day of August, 2010, by a vote of 6 ayes, 1 abstention and 2 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARTHA GARCIA, Acting City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

SUP10-3

EXHIBIT "A"

BEING a tract of land located in the Anderson Newton Survey, Abstract No. 1161, City of Arlington, Tarrant County, Texas and being all that certain tract of land described in deed to O'Day Landman, LLC recorded instrument No. D207391955, Tarrant County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rod found at the southeast corner of said O'Day Tract lying in the west boundary line of Lot 128, A. Newton Addition, an addition to the City of Arlington, Texas according to the plat recorded in Cabinet A, Slide 4322 of the Plat Records of Tarrant County Texas, being the Northeast corner of Lot 110, A. Newton Addition, an addition to the City of Arlington, Texas according to the plat recorded in Volume 388-213, Page 40 of the Plat Records of Tarrant County, Texas;

THENCE North 89°36'54" West, at 329.80 feet passing a ½-inch iron rod set with orange plastic cap stamped "R.COOMBS RPLS 5294" at the northeast corner of Lot 7A2, A. Newton Addition, an addition to the City of Arlington, Texas according to the plat recorded in Cabinet A. Slide 7418 of the Plat Records of Tarrant County, Texas and at 772.46 feet passing a ½-inch rod set with orange plastic cap stamped "R. COOMBS RPLS 5294" at the northwest corner of said Lot 7A2 and continuing in all a total distance of 1077.51 feet along the south boundary line of said O'Day Tract to a ½-inch iron rod found at the southwest corner thereof lying in the southeast boundary line of Lot 30R, A. Newton Addition, an addition to the City of Arlington, Texas according to the plat recorded in Volume 388-213, Page 79 of the Plat Records of Tarrant County, Texas;

THENCE along the West boundary line of said O'Day Tract as follows:

> North 31°31'28" East, 379.63 feet with the southeast boundary line of said Lot 30R and Lot 26R, A. Newton Addition, an addition to the City of Arlington, Texas according to the plat recorded in Cabinet A, Slide 3660 of the Plat Records of Tarrant County Texas, to a ½-inch rod set with orange plastic cap stamped "R. COOMBS RPLS 5294" at the most southerly corner of Lot 135, A. Newton Addition, an addition to the City of Arlington Texas according to the plat recorded in Cabinet A, Slide 5837 of the Plat Records of Tarrant County, Texas;
>
> North 31°04'27" East, 36.22 feet with the southeast boundary line of said Lot 135 to a ½-inch iron rod found at the northwest corner of said O'Day Tract being the southwest corner of Lot 14, A. Newton Addition, an addition to the City of Arlington, Texas according to the plat recorded in Volume 388-69, Page 55 of the Plat Records of Tarrant County, Texas;

THENCE North 88°20'58" East, 858.70 feet along the common boundary line between said O'Day Tract and said Lot 4 to a ½-inch iron rod found at the northeast corner of said O'Day Tract lying in the west boundary line of aforesaid Lot 128;

THENCE South 00°17'26" East, 386.60 feet along the common boundary line between said O'Day Tract and said Lot 128 to the PLACE OF BEGINNING, containing 8.212 acres of land;

AND being generally located north of West Mayfield Road and east of South Cooper Street with the approximate address being 2913 South Cooper Street.

SUP10-3

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. At the permit stage, all required tree mitigation will be met.

4. A six-foot coated chain link fence with perimeter landscaping shall be installed after the first well is drilled or during the first seasonal window.

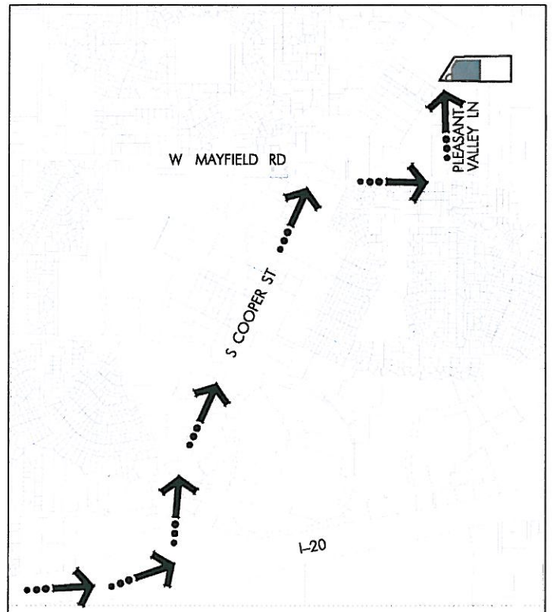
5. A Level Three, 40-foot, transitional buffer shall be installed with one tree per every 600-feet of transitional buffer area. A total of 26 trees will be planted along the eastern boundary to screen the temporary frac pond.

6. Subject to City Council approval of the following alternative fencing in the gas drilling permit for this site, screening of the operation site shall consist of an eight-foot wrought iron fence with masonry columns and landscaping as described on the site plan. If the alternative fencing is not approved by City Council at the permit stage then the fencing shall be in the form required by the Gas Drilling and Production Chapter. Landscaping shall consist of trees and shrubs which must be chosen from the Texas Smartscape list. One tree shall be provided every 35 feet and shrubs shall be placed no greater than three-feet on center. A detailed landscape plan and plant schedule must be provided upon drilling permit submittal.

7. The property owner shall be responsible for the installation, preservation, and maintenance of all landscaping and physical features shown on this site plan.

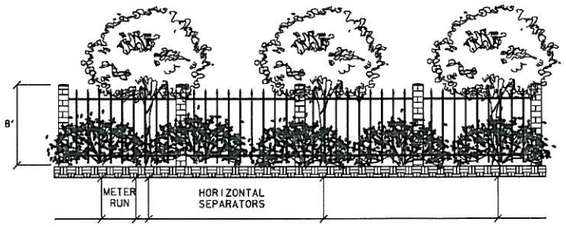
8. Use and development of the property must be in compliance with the attached site plan (2 pages).

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.

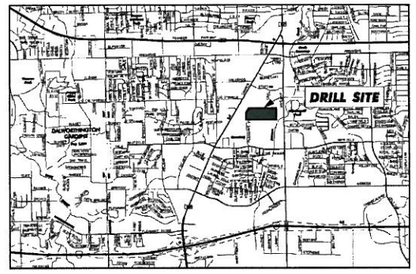


PROPOSED TRANSPORTATION ROUTE

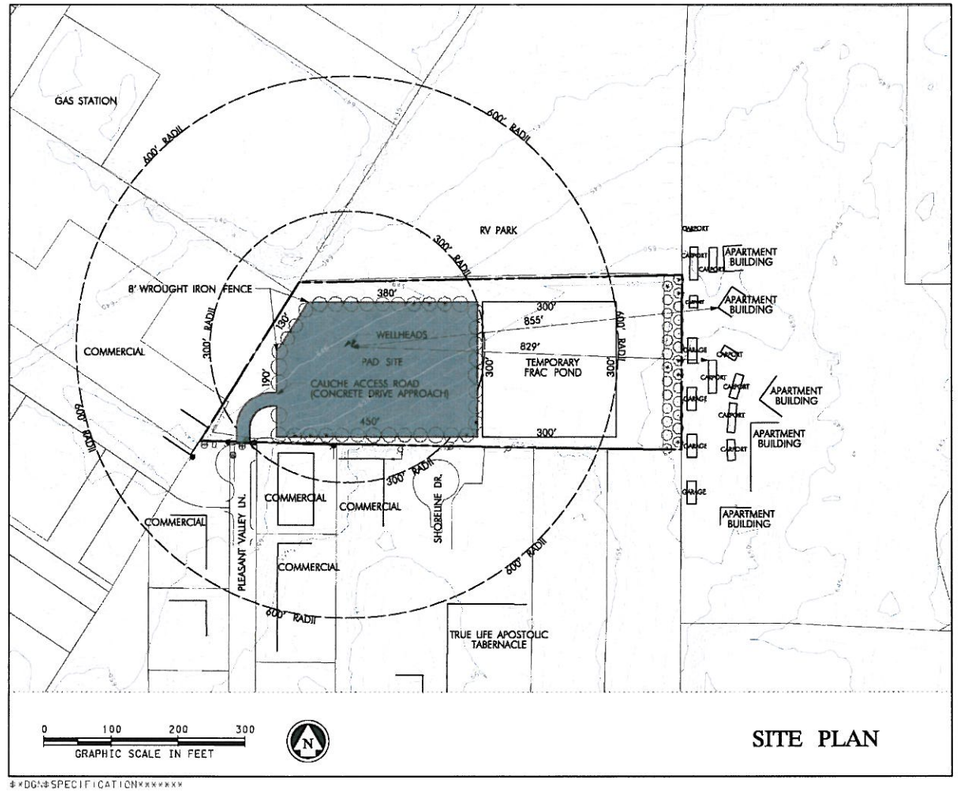
AERIAL EXHIBIT



SCREENING DETAIL
(NOT TO SCALE)



VICINITY MAP
NOT TO SCALE



SITE PLAN

$*DGN$SPECIFICATION*****

LEGAL DESCRIPTION
8.212 ACRES
ANDERSON NEWTON SURVEY, ABSTRACT NO. 1161
TARRANT COUNTY, TEXAS

BEING a tract of land located in the ANDERSON NEWTON SURVEY, ABSTRACT No. 1161 City of Arlington, Tarrant County, Texas and being all that certain tract of land described in deed to O'Day Landman, LLC recorded in instrument No. D207391955, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found at the Southeast corner of said O'Day Tract lying in the West boundary line of Lot 128, A. Newton Addition to the City of Arlington, Texas according to the plat recorded in Cabinet A, Slide 4322 of the Plat Records of Tarrant County, Texas being the Northeast corner of Lot 110, A. Newton Addition to the City of Arlington, Texas according to the plat recorded in Volume 388-213, Page 40 of the Plat Records of Tarrant County, Texas;

THENCE North 89 degrees 38 minutes 54 seconds West at 329.80 feet passing a 1/2-inch iron rod set with orange plastic cap stamped "R.COOMBS RPLS 5294" at the Northeast corner of Lot 7-A-2, A. Newton Addtion to the City of Arlington, Texas according to the plat recorded in Cabinet A, Slide 7418 of the Plat Records of Tarrant County, Texas at 772.46 feet passing a 1/2-inch iron rod set with orange plastic cap stamped "R. COOMBS RPLS 5294" at the Northwest corner of said lot 7-A-2 and continuing in all a total distance of 1077.51 feet along the South boundary line of the Southeast boundary line of Lot 30-R, A. Newton Addtion to the City of Arlington, Texas according to the plat recorded in Volume 388-213, Page 79 of the Plat Records of Tarrant County, Texas;

THENCE along the West boundary line of said O'Day Tract as follows:

North 31 degrees 31 minutes 28 seconds East 379.63 feet wit htsh Southeast boundary line of said Lot 30-R and Lot 26-R, A. Newton Addition to the City of Arlington, Texas according to the plat recorded in Cabinet A, Slide 3660 of the Plat Records of Tarrant County, Texas to a 1/2-inch rod set with orange plastic cap stamped "R. COOMBS RPLS 5294" at the most Southerly corner of Lot 135, A. Newton Addition to the City of Arlington, Texas according to the plat recorded in Cabinet A, Slide 5837 of the Plat Records of Tarrant County, Texas;

North 31 degrees, 04 minutes 27 seconds East 36.22 feet with the Southeast boundary line of said Lot 135 to a 1/2-inch iron rod found at the Northwest corner of said O'Day Tract being the Southwest corner of Lot 14, A. Newton Addition to the City of Arlington, Texas according to the plat recorded in Volume 388-69, Page 55 of the Plat Records of Tarrant County, Texas;

THENCE North 88 degrees 20 minutes 58 seconds East 858.70 feet along the common boundary line between said O'Day Tract and said Lot 14 to a 1/2-inch iron rod found at the Northeast corner of said O'Day Tract lying in the West boundary lne of aforesaid Lot 128;

THENCE South 00 degrees 17 minutes 26 seconds East 386.60 feet along the common boundary line between said O'Day Tract and said Lot 128 to the PLACE OF BEGINNING containing 8.212 acres of land.

NOTES:

1. SPECIFIC USE PERMIT FOR GAS DRILLING USE.
2. SITE GRADING WILL NOT ALTER THE NATURAL FLOW. A SILT SOCK WILL BE INSTALLED AS NECESSARY.
3. THE ACCESS DRIVEWAY /ROAD WILL BE OFF OF PLEASANT VALLEY ROAD.
4. THE ACCESS ROAD IS 24' WIDE WITH 14' OVERHEAD CLEARANCE.
5. AFTER COMPLETION OF ALL WELLS, A WROUGHT IRON FENCE WITH MASONRY COLUMNS A MINIMUM HEIGHT OF EIGHT (8') FEET AND LANDSCAPING (SEE DETAIL) MUST ENCLOSE THE OPERATION SITE. A MINIMUM OF ONE (1) GATE THAT IS TWELVE (12') FEET WIDE MUST BE INSTALLED. LANDSCAPING SHOULD CONSIST OF TREES AND SHRUBS WHICH MUST BE CHOSEN FROM THE TEXAS SMARTSCAPE LIST. ONE TREE SHALL BE PROVIDED EVERY 35 LINEAR FEET AND SHRUBS SHALL BE SPACED NO GREATER THAN THREE FEET ON CENTER. A DETAILED LANDSCAPE PLAN AND PLANT SCHEDULE MUST BE PROVIDED UPON DRILLING PERMIT SUBMITTAL.
6. THE OPERATOR/PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION, PRESERVATION, AND MAINTENANCE OF ALL LANDSCAPING AND PHYSICAL FEATURES SHOW ON THIS SITE PLAN.
7. ALL REQUIRED TREE MITIGATION WILL BE MET AT THE PERMITTING STAGE.
8. THE PROPOSED WATER SOURCE FOR DRILLING AND FRACING OPERATIONS IS WATER PURCHASED FROM THE CITY. EXISTING ADJACENT WATER INFRASTRUCTURE WILL BE UTILIZED.
9. THE PROPOSED PIPELINE CONNECTION IS TO THE FUTURE PIPELINE INFRASTRUCTURE TO BE LOCATED SOUTH OF THE PROPOSED PAD SITE.
10. THE FINAL PRODUCTION PAD IS THE SAME SIZE AS THE PAD SITE SHOWN ON THE SITE PLAN.

LEGEND

SITE ACCESS / ROUTING

EXISTING STRUCTURES

SUP 10-3
SITE PLAN - PAGE 1 OF 2
XTO ENERGY, INC.
O'DAY UNIT

8.212 ACRES OUT OF THE ANDERSON NEWTON SURVEY, ABSTRACT NO. 1161, CITY OF ARLINGTON, TARRANT COUNTY, TEXAS;
JANUARY 2010

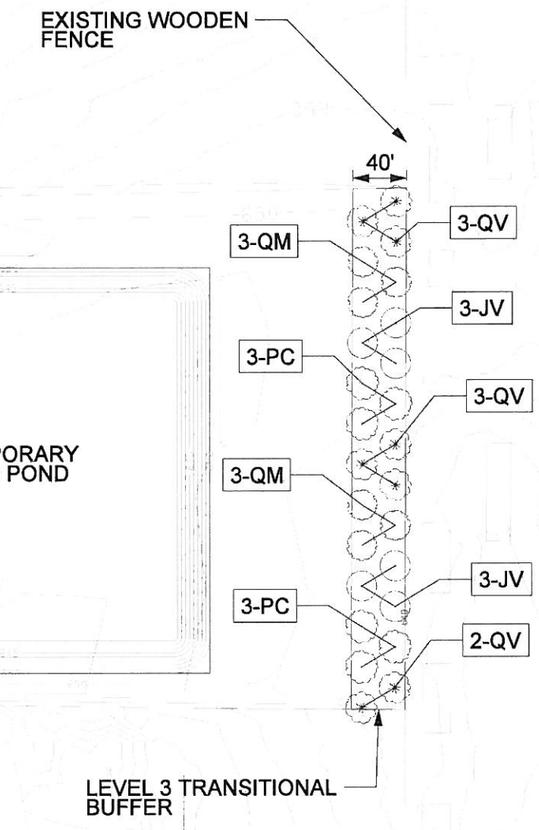
APPLICANT	PLANNER	SURFACE / MINERAL OWNERS
XTO ENERGY 810 HOUSTON ST. FORT WORTH, TEXAS 76102 PHONE: 1-800-299-2800 FAX: 817-885-2224	JACOBS JACOBS ENGINEERING GROUP, INC. FIRM# 2966 777 MAIN STREET FORT WORTH, TX 76102 PHONE: (817) 735-6000 FAX: (817) 735-6148	XTO ENERGY 810 HOUSTON ST. FORT WORTH, TEXAS 76102 PHONE: 1-800-299-2800 FAX: 817-885-2224

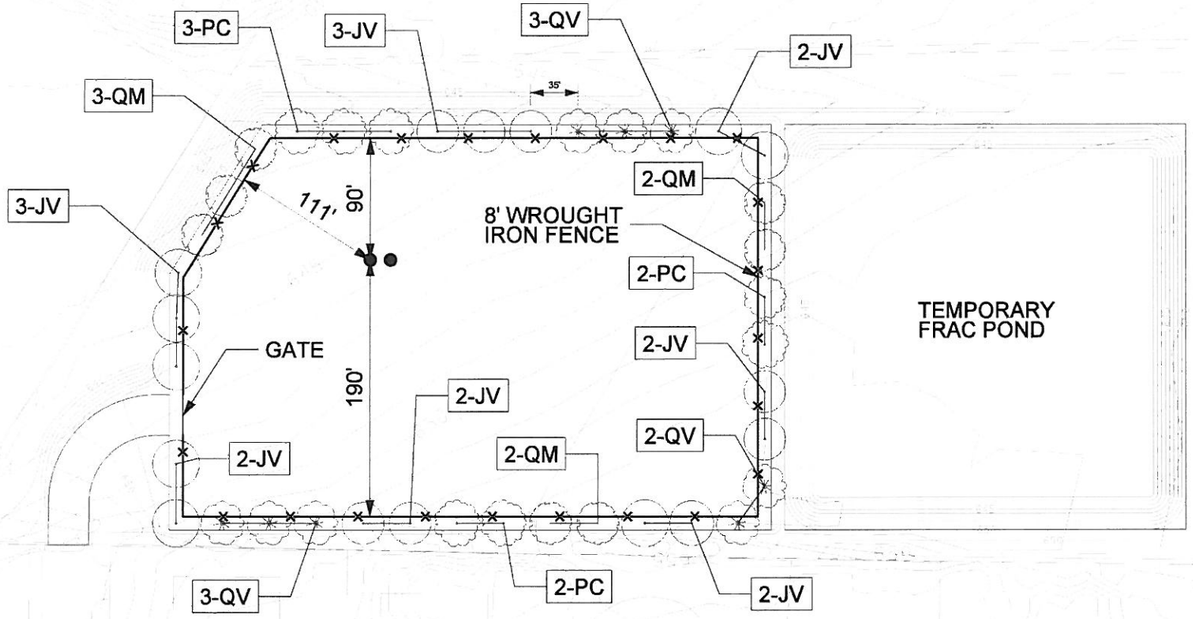
PROJECT NO. WFXH4707	DRAWN BY TDP	APPROVED BY MAB	
DATE 01/21/10	REV. 03/25/10		

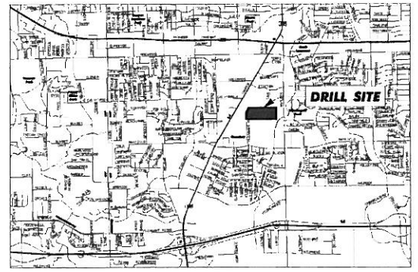
SHEET NO. 1 OF 2

PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	COND.	REMARKS
TREES						
QV	16	QUERCUS VIRGINIANA	LIVE OAK	3"-3.5" CALIPER	B & B	SPECIMEN QUALITY
QM	13	QUERCUS MACROCARPA	BUR OAK	3"-3.5" CALIPER	B & B	SPECIMEN QUALITY
JV	22	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	3"-3.5" CALIPER	B & B	SPECIMEN QUALITY
PC	13	PISTACIA CHINENSIS	CHINESE PISTACHE	3"-3.5" CALIPER	B & B	SPECIMEN QUALITY







VICINITY MAP
NOT TO SCALE

0 50 100 150
GRAPHIC SCALE IN FEET

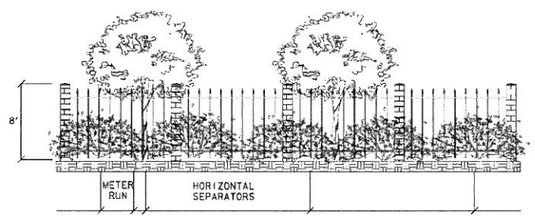
PLANT QUANTITIES ARE TO BE AN AID TO THE BIDDER. BIDDER'S ARE RESPONSIBLE FOR VERIFYING ALL QUANTITIES. PLANT QUANTITIES SHALL SUPERCEDE PLANT SCHEDULE QUANTITIES.
PLANT DISCREPANCIES:
PLAN: NUMBER ON PLAN SUPERCEDES PLANT SCHEDULE
SIZE: LARGEST SIZE ON PLANT SCHEDULE FOR TYPE PREVAILS
SPECIES: CONSULT OWNER'S REPRESENTATIVE FOR CLARIFICATION

1. CONTRACTOR SHALL NOTIFY THE OWNERS REPRESENTATIVE OF ANY DISCREPANCIES THAT MAY ARISE DURING THE CONSTRUCTION PERIOD. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN THE CONTRACTOR'S LIABILITY TO RELOCATE MATERIALS AS DIRECTED.
2. FINAL LOCATION OF PLANT MATERIAL IS SUBJECT FOR REVIEW AND APPROVAL BY OWNER'S REPRESENTATIVE.
3. NOTIFY OWNER'S REPRESENTATIVE 48 HOURS IN ADVANCE OF COMMENCING WORK TO COORDINATE PROJECT INSPECTION SCHEDULE.
4. REFER TO DETAILS AND SPECIFICATIONS PLANT PIT DIMENSIONS AND BACKFILL REQUIREMENTS.
5. ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR. PLANT MATERIALS THAT IS DAMAGED, DESTROYED OR REMOVED SHALL BE REPLACED WITH PLANT MATERIAL OF SIMILAR SIZE AND VARIETY WITHIN 30 DAYS. UNLESS OTHERWISE APPROVED IN WRITING BY THE OWNER OR OWNER'S REPRESENTATIVE.
6. ALL NEW PLANT MATERIAL SHALL CONFORM TO THE MINIMUM GUIDELINES ESTABLISHED FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMAN, INC. IN ADDITION, ALL NEW PLANT MATERIAL FOR THE PROJECT SHALL BE OF SPECIMENS QUALITY.
7. ALL NEW PLANTS SHALL BE BALLED AND BURLAPPED OR CONTAINER-GROWN, UNLESS OTHERWISE NOTED ON THE PLANT LIST.
8. THE GENERAL CONTRACTOR SHALL SUPPLY ALL NEW PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THE DRAWINGS.
9. ALL NEW PLANTS SHALL BE TAGGED AND APPROVED BY THE OWNER'S REPRESENTATIVE AT THE NURSERY PRIOR TO DIGGING OR DELIVERY TO THE SITE.
10. THE GENERAL CONTRACTOR SHALL LOCATED AND VERIFY ALL EXISTING UTILITY LINES PRIOR TO PIPELINES LOCATIONS PRIOR TO DIGGING.
11. NO TREES SHALL BE PLANTED BEFORE ACCEPTANCE OF ROUGH GRADING. TREES SHALL BEAR SAME RELATIONSHIP TO FINISH GRADE AS THEY BORE TO PREVIOUS GRADE.
12. STAKE THE LOCATION OF ALL PROPOSED PLANTING FOR APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCEMENT OF PLANTING.
13. ALL PLANTED AREAS TO BE MULCHED AS SPECIFIED.
14. A 6 FOOT COATED CHAIN LINK FENCE WITH PERIMETER LANDSCAPING WILL BE INSTALLED AFTER THE FIRST WELL IS DRILLED OR DURING THE FIRST SEASONAL WINDOW.

LEVEL 3 TRANSITIONAL BUFFER

1. MINIMUM WIDTH: 40'
2. ONE (1) TREE PER EVERY 600 SQUARE FEET OF TRANSITIONAL BUFFER

15,436 SQUARE FEET (TRANSITIONAL BUFFER)
1 TREE PER 600 SQ FT
26 TREES ALONG THE EAST PAD BOUNDARY



SCREENING DETAIL
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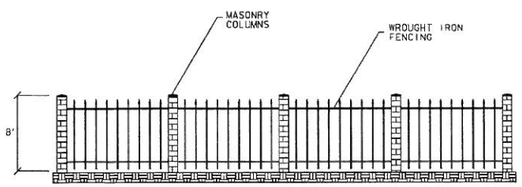

FENCE DETAIL
(NOT TO SCALE)

SUP 10-3
SITE PLAN - PAGE 2 OF 2
XTO ENERGY, INC.
O'DAY UNIT

8.212 ACRES OUT OF THE ANDERSON NEWTON SURVEY, ABSTRACT NO. 1161, CITY OF ARLINGTON, TARRANT COUNTY, TEXAS
JANUARY 2010

APPLICANT	PLANNER	SURFACE / MINERAL OWNERS
XTO ENERGY 810 HOUSTON ST. FORT WORTH, TEXAS 76102 PHONE: 1-800-299-2800 FAX: 817-885-2224	JACOBS ENGINEERING GROUP, INC. FIRM# 2966 777 MAIN STREET FORT WORTH, TX 76102 PHONE: (817) 735-6000 FAX: (817) 735-6148	XTO ENERGY 810 HOUSTON ST. FORT WORTH, TEXAS 76102 PHONE: 1-800-299-2800 FAX: 817-885-2224

PROJECT NO. MFW18707	DRAWN BY TDT	APPROVED BY MAB	
DATE 01/31/10	REV. 03/25/10		

SHEET NO. 2 OF 2

DGW SPECIFICATION