

Ordinance No. 10-002

An ordinance changing the zoning classification on certain property known as 2825 South Cooper Street by the approval of specific use permit SUP09-16 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 SUP09-16 and recommended approval of the specific use permit on November 11, 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 2825 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 15th day of December, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 12th day of January, 2010, by a vote of 6 ayes and 3 nays 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 

SUP09-16

EXHIBIT "A"

BEING a tract of land situated in the A. Newton Survey, Abstract No. 1161, Tarrant County, Texas and being a portion of that 7.799-acre tract of land described by deed to Perr, LLC, recorded in County Clerk's Filing Number D199018871, County Records, Tarrant County, Texas and being more particularly described by the metes and bounds as follows:

COMMENCING at an iron rod found at the most easterly north east corner of said 7.799-acre tract and the most southerly southeast corner of that 6.66-acre tract of land described by deed to Perr, LLC recorded in Volume 13571, Page 101, County Records, Tarrant County, Texas;

THENCE North 58°23'10" West, 64.74 feet with the common line of said 7.799-acre tract and the 6.66-acre tract;

THENCE South 31°28'52" West, 48.50 feet departing said common line to the POINT OF BEGINNING;

THENCE South 31°28'52" West, 268.95 feet;

THENCE South 77°00'12" West, 85.62 feet;

THENCE North 57°28'28" West, 338.96 feet;

THENCE North 31°28'52" East, 330.05 feet;

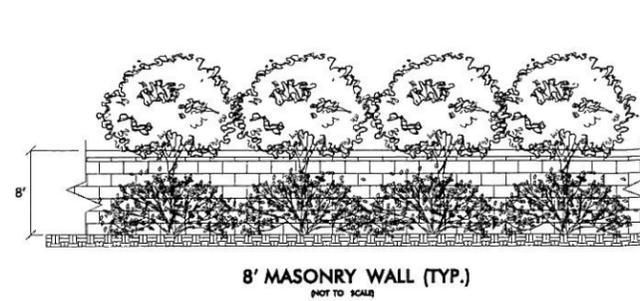
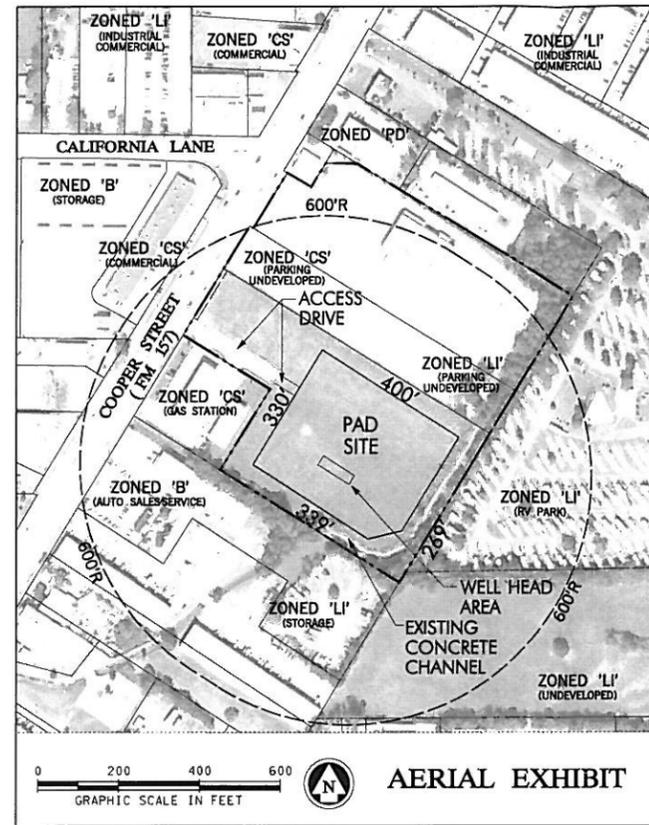
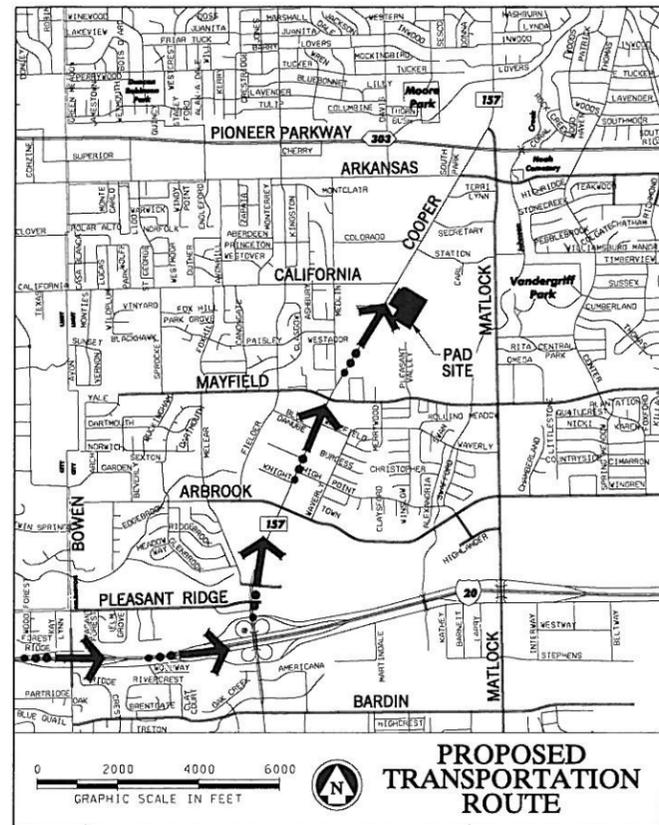
THENCE South 57°28'28" East, 400.07 feet to the POINT OF BEGINNING and containing 2.988 acres of land more or less.;

AND being generally located north of West Mayfield Road and east of South Cooper Street with the approximate address being 2825 South Cooper Street.

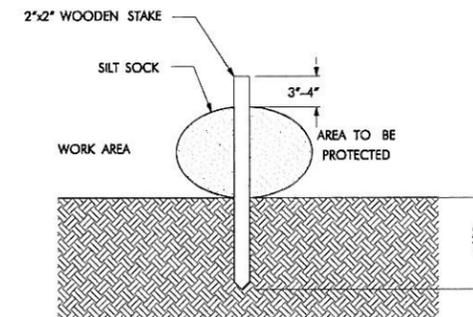
SUP09-16

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. After completion of all wells, a solid masonry wall with a minimum height of eight feet and landscaping must enclose all completed wells and tanks located within the operation site. 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.
5. The property owner shall be responsible for the installation, preservation, and maintenance of all landscaping and physical features shown on this site plan.
6. The entire parcel under one ownership surrounding the SUP site and up to the adjacent right-of-way shall be considered the "development" for the purpose of enforcing landscaping requirements in the Zoning Chapter of the Arlington City Code, which will require at least a minimum ten-foot landscape setback, with one tree per 35-linear feet, adjacent to South Cooper Street.
7. Use and development of the property must be in compliance with the attached Site Plan (one page).
8. 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.

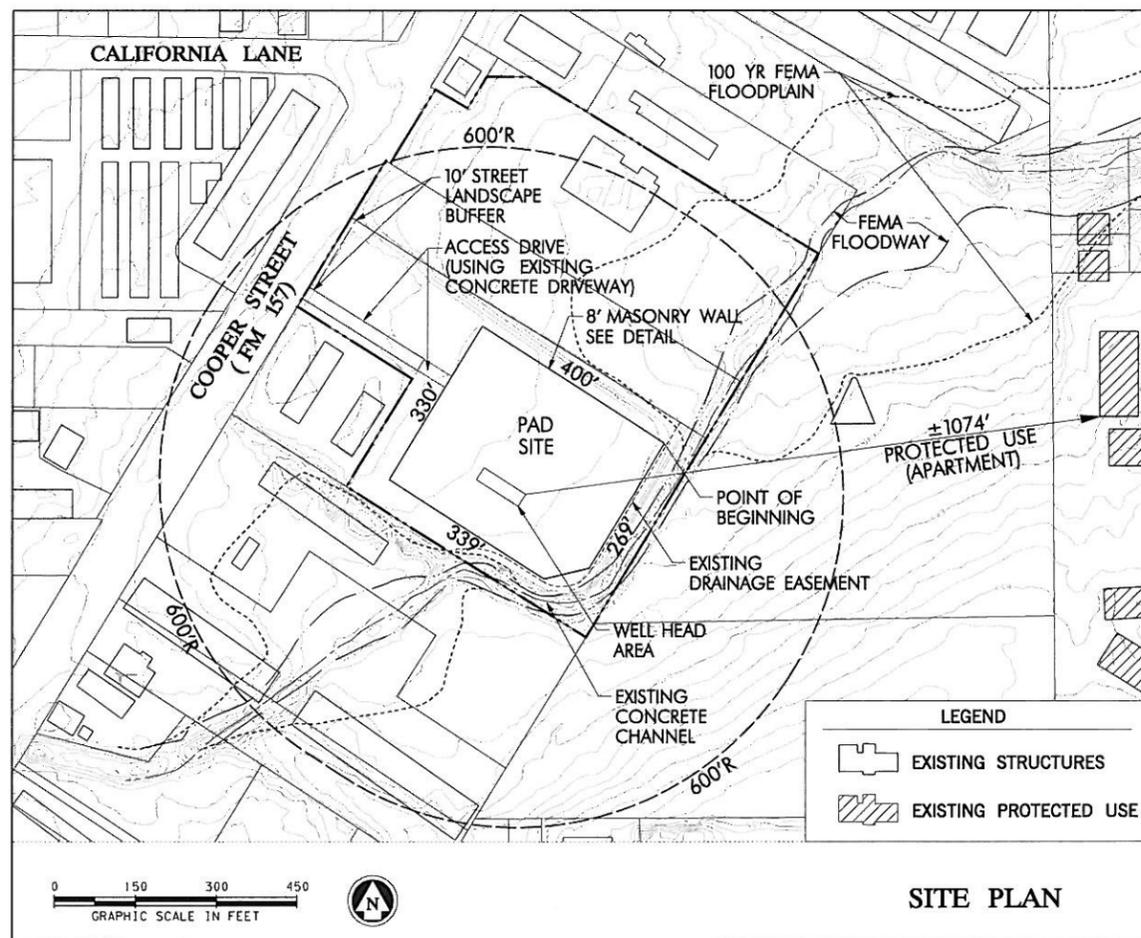


NOTE:
LANDSCAPING AS SHOWN WILL SURROUND THE ENTIRE PERIMETER OF THE WALL, WHICH SHALL ENCLOSE THE OPERATION SITE.



NOTES:

- SPECIFIC USE PERMIT FOR GAS DRILLING USE.
- SITE GRADING WILL NOT ALTER THE NATURAL FLOW. A SILT SOCK (SEE DETAIL) WILL BE INSTALLED AS NECESSARY.
- THE ACCESS DRIVEWAY /ROAD WILL BE OFF OF COOPER STREET.
- THE ACCESS ROAD IS 24' WIDE WITH 14' OVERHEAD CLEARANCE.
- AFTER COMPLETION OF ALL WELLS, A SOLID MASONRY WALL WITH 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.
- THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION, PRESERVATION, AND MAINTENANCE OF ALL LANDSCAPING AND PHYSICAL FEATURES SHOWN ON THIS SITE PLAN.
- ALL REQUIRED TREE MITIGATION WILL BE MET AT THE PERMITTING STAGE.
- THE PROPOSED WATER SOURCE FOR DRILLING AND FRACING OPERATIONS IS WATER PURCHASED FROM THE CITY. EXISTING ADJACENT WATER INFRASTRUCTURE WILL BE UTILIZED.
- THE PROPOSED PIPELINE CONNECTION IS TO THE EXISTING DFW MIDSTREAM ARLINGTON LATERAL LOCATED NORTH OF THE PIONEER PARKWAY CORRIDOR.
- A 10- FOOT STREET LANDSCAPE SETBACK WITH ONE TREE PER 35-LINEAR FEET, FOR A TOTAL OF FOUR TREES, WILL BE INSTALLED ALONG COOPER STREET FRONTAGE.



LEGAL DESCRIPTION
2.988 ACRE PAD SITE
A. NEWTON SURVEY, ABSTRACT NO. 1161
TARRANT COUNTY, TEXAS

BEING a tract of land situated in the A. Newton Survey, Abstract Number 1161, Tarrant County, Texas and being a portion of that 7.799 acre tract of land described by deed to Perr, L.L.C., recorded in County Clerk's Filing Number D199018871, County Records, Tarrant County, Texas and being more particularly described by the metes and bounds as follows:

COMMENCING at an iron rod found at the most easterly north east corner of said 7.799 acre Tract and the most southerly southeast corner of that 6.66 acre tract of land described by deed to Perr, L.L.C. recorded in Volume 13571, Page 101, County Records, Tarrant County, Texas;

THENCE N 58°23'10"W, 64.74 feet with the common line of said 7.799 acre tract and the 6.66 acre tract;

THENCE S 31°28'52"W, 48.50 feet departing said common line to the POINT OF BEGINNING;

THENCE S 31°28'52"W, 268.95 feet;

THENCE S 77°00'12"W, 85.62 feet;

THENCE N 57°28'28"W, 338.96 feet;

THENCE N 31°28'52"E, 330.05 feet;

THENCE S 57°28'28"E, 400.07 feet to the Point of Beginning and containing 130,155 square feet or 2.988 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.

**SUP 09-16
SITE PLAN- PAGE 1 OF 1
CARRIZO OIL & GAS
PERR UNIT**

2.988 ACRES OUT OF THE A. NEWTON SURVEY, ABSTRACT NO. 1161
CITY OF ARLINGTON, TARRANT COUNTY, TEXAS
AUGUST 2009

APPLICANT	PLANNER	SURFACE / MINERAL OWNERS
CARRIZO OIL & GAS 1000 LOUISIANA ST. SUITE 1500 HOUSTON, TX 77002 PHONE: (713) 328-1000 FAX: (713) 328-1040	JACOBS JACOBS ENGINEERING GROUP, INC. FIRM# 2966 777 MAIN STREET FORT WORTH, TX 76102 PHONE: (817) 735-6000 FAX: (817) 735-6148	PERR LLC 10505 SHADY TRAIL SUITE 100 DALLAS, TEXAS 75220 PHONE: (214) 254-0707 FAX: (214) 654-0549
PROJECT NO. CB015597	DRAWN BY CSM	APPROVED BY SOK
DATE AUGUST 2009	REV. 12/18/09	ZC* SUP09-16