

Ordinance No. 09-013

An ordinance changing the zoning classification on certain property known as 2500 North Cooper Street by the approval of specific use permit SUP08-27 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 SUP08-27 and recommended denial of the specific use permit on January 7, 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 2500 North 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.

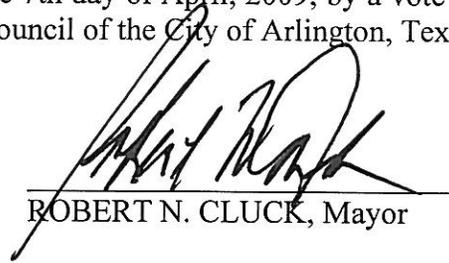
8.

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.

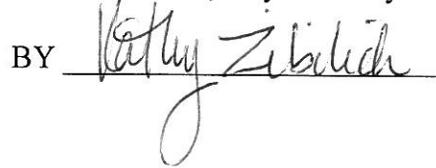
PRESENTED AND GIVEN FIRST READING on the 24th day of March, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 7th day of April, 2009, by a vote of 6 ayes and 3 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP08-27

EXHIBIT "A"

THAT the following described property now zoned "A" 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 all of that certain lot, tract or parcel of land lying and situated in the Thomas Smith Survey, Abstract No. 1458, Tarrant County, Texas, being a portion of that certain tract of land called 35-43/100 acres and described in the Warranty Deed from Maria Michelle May Foulke, as Trustee of the Maria Michelle May 1992 Trust, to Martha Rose May Martin, dated December 16, 1995, recorded in Volume 13575, Page 14 of the Deed Records of Tarrant County, Texas, and being more particularly described as follows:

COMMENCING at an 80d nail found at a corner lying in the easterly line of Lot 11, Block 44 of Meadow Park Estates, Section Thirteen, an addition to the City of Arlington, Texas, according to the plat recorded in Volume 388-115, Page 28 of the Deed Records of Tarrant County, Texas, being the southwest corner of said 35-43/100 tract;

THENCE North 88°39'43" East, 598.44 feet to a point at a corner lying in the westerly right-of-way line of Cooper Street, and lying in the southerly line of that certain tract of land called 4-15/100 acres and described in the Special Warranty Gift Deed from Berta R. Brown to Martha May Martin, executed May 18, 1984, recorded in Volume 7837, Page 1981 of the Deed Records of Tarrant County, Texas;

THENCE North 00°34'10" West along the westerly right-of-way line of said Street, 828.22 feet to a point at a corner;

THENCE South 88°54'19" West, 8.00 feet to the POINT OF BEGINNING;

THENCE South 88°54'19" West partially along a fence, 244.57 feet to a point at a corner;

THENCE North 01°37'35" West partially along a fence, 315.41 feet to a point at a corner;

THENCE West 104.62 feet to a point for a corner;

THENCE North 40°15'53" West 83.64 feet to a point for a corner;

THENCE West 89.52 feet to a point for a corner;

THENCE North 236.98 feet to a point for a corner;

THENCE East 194.30 feet to a point for a corner;

THENCE South 160.22 feet to a point for a corner;

THENCE South $46^{\circ}45'06''$ East, 158.97 feet to a point for a corner;

THENCE North $88^{\circ}54'19''$ East, 188.45 feet to a point at a corner;

THENCE South $00^{\circ}28'06''$ East, generally along a fence, 387.16 feet to the POINT OF BEGINNING and containing 3.66 acres or land .

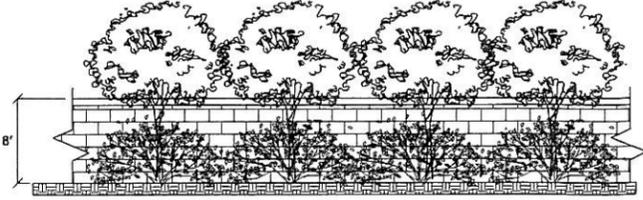
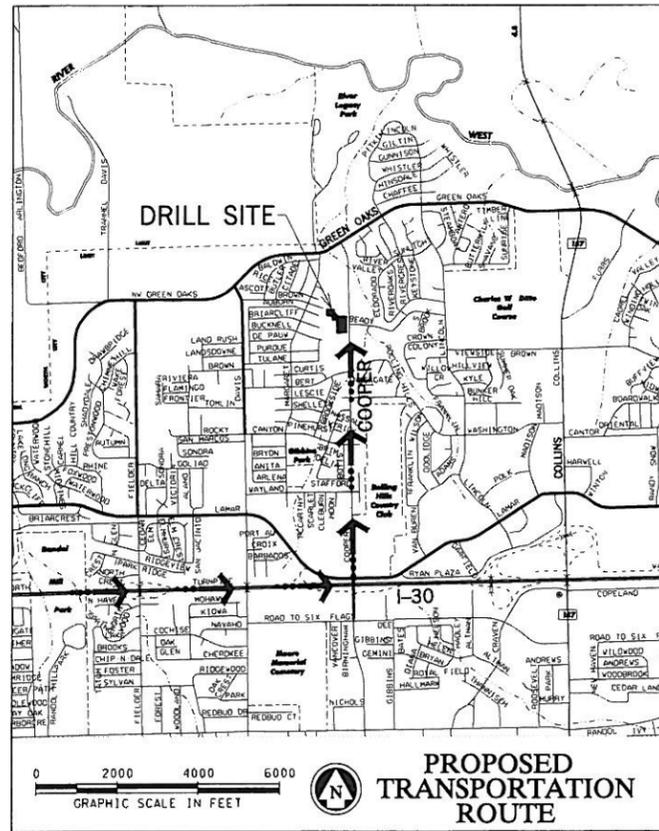
AND being generally located south of Northwest Green Oaks Boulevard and west of North Cooper Street with the approximate address being 2500 North Cooper Street.

SUP08-27

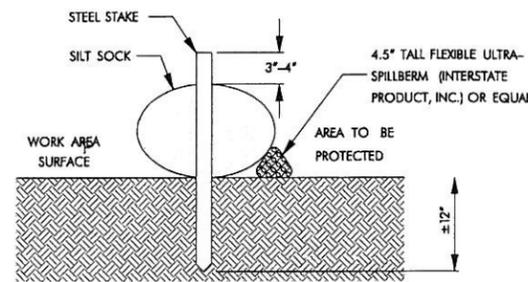
EXHIBIT "B"

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. The transportation route for all truck traffic to and from the property shall be from Greenbelt Road to North Green Oaks Boulevard to North Cooper Street; however, this route may be modified by City Staff, with input from the River Legacy Foundation, during the permitting stage as necessary for traffic management.
4. Truck traffic to and from the property is prohibited Monday through Friday from 7:00 to 8:30 a.m. and from 4:30 to 6:00 p.m. Traffic shall also be restricted, as necessary for traffic management, during special events at the new Cowboys stadium if the transportation route utilizes the intersection at North Cooper Street and Interstate 30 Highway.
5. Landscaping will be provided in accordance with the submitted site plan and consists of approximately 384 shrubs and 58 trees that will be installed surrounding the entire perimeter of the required masonry wall. The proposed screen trees must be installed prior to drilling activities.
6. An eight-foot masonry screen wall and landscaping, as shown on the site plan, will be installed on the east side of the pad along the North Cooper Street frontage prior to drilling activities.
7. The landscaping must be provided adjacent to the eight foot screening walls on the outside of the walls surrounding the drill site.
8. Drilling new wells on this site is limited to no more than five years at which time all new well drilling activity at the site shall cease and the temporary work space shall be restored to its original condition as nearly as practicable. Reworking activity and the gathering and transporting of gas shall continue after the five-year period. The five-year date shall begin with the issuance of the initial gas well permit for the site.
9. An environmental/erosion control plan and also a dust control plan shall be submitted to the City of Arlington for review during the gas well permit stage.
10. No frac ponds will be utilized on-site.
11. On-site flaring is not allowed unless required for safety measures.
12. No drilling shall occur in the temporary work space, as identified on the site plan.

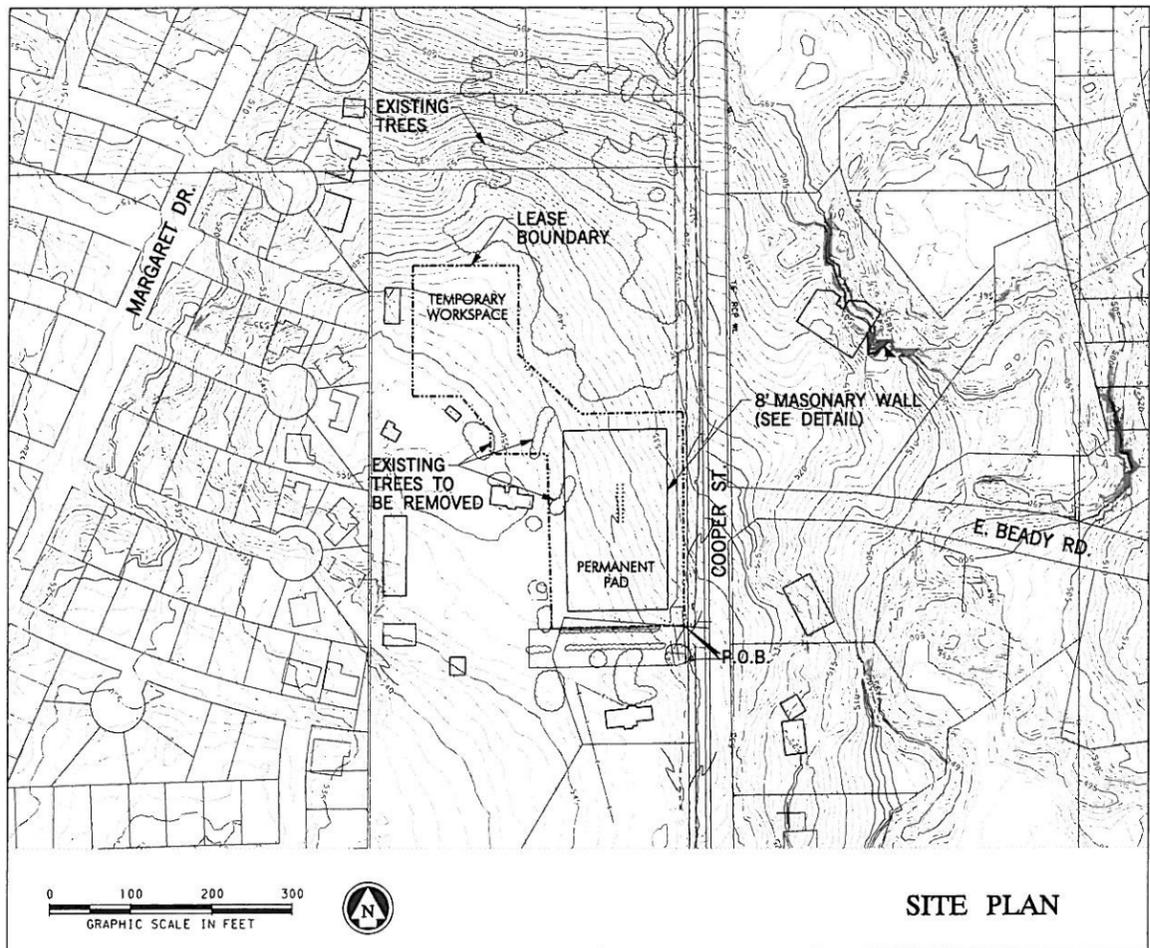
13. Sound abatement measures (sound blankets), as identified during the gas well permit stage, will be put in place prior to the commencement of drilling activities to comply with the permit required ambient noise level threshold.
14. Lighting will be directed downward and not toward adjacent residential uses.
15. A preliminary drilling schedule must be provided during the gas well permit stage.
16. Use and development of the property must be in compliance with the Site Plan, which is attached to this ordinance.
17. 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.
Approx. 384 Shrubs
Approx. 84 Trees



- 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 Cooper Street.
 4. The lease road is 24' wide with 14' overhead clearance.
 5. An eight-(8') foot masonry screen wall and landscaping (see detail) will be installed on the east side of the pad along the North Cooper Street frontage prior to drilling activities. The eight-foot masonry screening fences shall be constructed inside any proposed landscaped areas. A minimum of one (1) gate, twelve (12') feet wide, will be installed. After completion of all wells, the solid masonry wall, will enclose all completed wells and tanks on the operations site.
 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
3.66 Acres
Thomas Smith Survey, Abstract No. 1458
Tarrant County, Texas

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THENCE South 00°28'06" East generally along a fence, 387.16 feet to the point of beginning and containing 3.66 acres of land.

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**
- ←... SITE ACCESS /ROUTING
 - ☁ EXISTING TREES
 - ▨ EXISTING TREES TO BE REMOVED
 - ▭ EXISTING STRUCTURES

SITE PLAN FOR SUP TITAN RESOURCES MARTIN

3.66 ACRES OUT OF THE THOMAS SMITH SURVEY, ABSTRACT NO. 1458, CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, NOVEMBER, 2008

APPLICANT	PLANNER	SURFACE /MINERAL OWNERS
TITAN RESOURCES 500 MAIN STREET, SUITE 910 FORT WORTH, TEXAS 76102 PHONE: (817) 698-8000 FAX: (817) 698-8343	JACOBS JACOBS ENGINEERING, INC. 777 MAIN STREET FORT WORTH, TX 76102 (817) 735-4000	MARTHA ROSE MAY MARTIN 3104 WESTADOR DRIVE ARLINGTON, TEXAS 76015

PROJECT NO. WFXG1902	DRAWN BY AG3	APPROVED BY JWR
DATE 11/24/08	REV.	DATE 11/24/08
SUP08-27 Site Plan Page 1 of 1		REV. ZC* SUP08-27