

Ordinance No. _____

An ordinance changing the zoning classification on certain property known as 2825 South Cooper Street by the approval of specific use permit SUP09-16R1 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 SUP09-16R1 and recommended denial on the specific use permit when a motion to approve failed on September 17, 2014; and

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 no gas well permit is issued and drilling has not commenced on the property described in Exhibit A within two years after the date of City Council approval, the Specific Use Permit shall be cancelled and revoked. The Specific Use Permit is submitted to the periodic review procedure as provided in Section 10.4.6 (H.3) of the Unified Development Code of the City of Arlington.

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 28th day of October, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 4th day of November, 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

SUP09-16R1

EXHIBIT A

Drill Zone

BEING a tract of land situated in the A. Newton Survey, Abstract Number 1161, City of Arlington, Tarrant County, Texas, being a portion of that tract of land described by deed to Perr, LLC. Recorded in Instrument Number D199018871, County Records, Tarrant County, Texas and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found at the northeast corner of said Perr tract;

THENCE S 31°26'51"W, 274.19 feet with the east line of said Perr tract to a point from which a 1/2 inch iron rod bears S 31°26'51"W, 170.09 feet;

THENCE N 57°24'46"W, 178.76 feet departing said east line to a 5/8 inch iron rod with plastic cap stamped "PELTON" set, the POINT OF BEGINNING;

THENCE N 57°24'46"W, 119.39 feet to a 5/8 inch iron rod with plastic cap stamped "PELTON" set;

THENCE N 31°27'50"E, 29.10 feet;

THENCE S 57°32'23"E, 119.44 feet;

THENCE S 31°34'01"W, 29.37 feet to the Point of Beginning and containing 3,490 square feet or 0.080 acres of land more or less.

Drill Site

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;

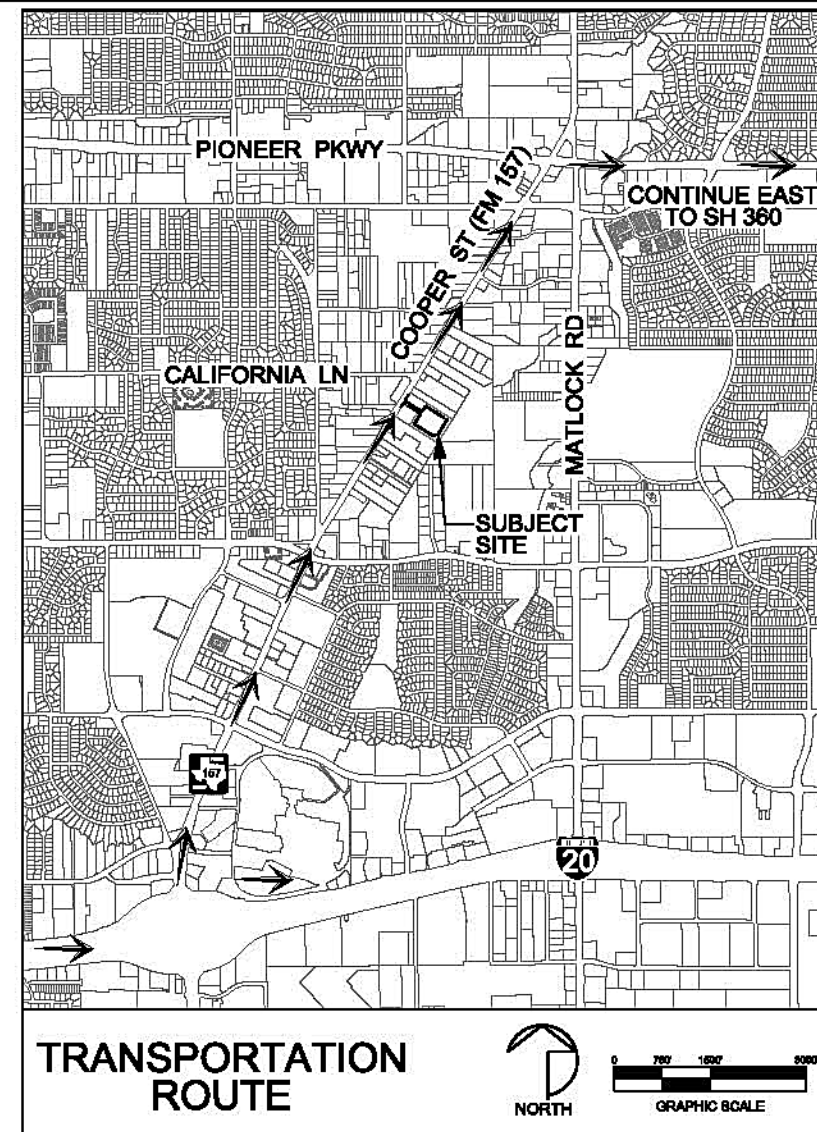
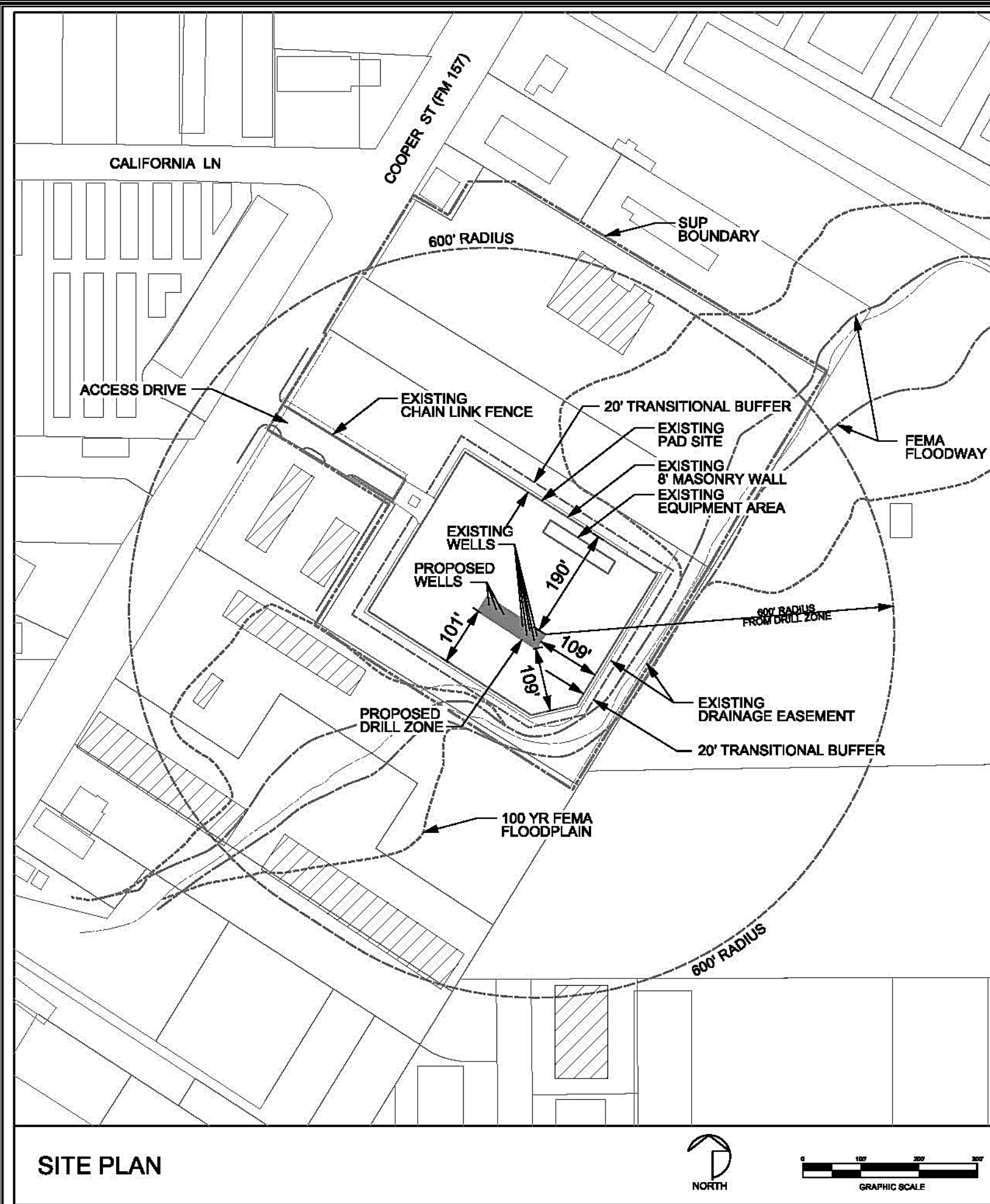
THENCE S 57°28'28"E, 400.07 feet to the Point of Beginning and containing 130,155 square feet or 2.988 acres of land more or less.

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

SUP09-16R1

EXHIBIT B

1. Operation of a gas drilling use must comply with all required 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. Use and development of the property must be in compliance with attached site plan (pages 1-3).
4. 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.



LEGAL DESCRIPTION
 2.888 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 7.789 acre tract of land described by deed to Parr, L.L.C., recorded in County Clerk's Filing Number D158018671, 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 7.789 acre Tract and the most southerly southeast corner of that 6.66 acre tract of land described by deed to Parr, 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 7.789 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 67°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 2.888 acres of land more or less.

- NOTES:**
1. SPECIFIC USE PERMIT FOR GAS DRILLING USE.
 2. SITE GRADING WILL NOT ALTER THE NATURAL FLOW.
 3. THE ACCESS DRIVEWAY / LEASE ROAD WILL BE OFF OF COOPER STREET (FM 157).
 4. THE PROPOSED WATER SOURCE FOR DRILLING AND FRACING OPERATIONS IS WATER PURCHASED FROM THE CITY. EXISTING ADJACENT WATER INFRASTRUCTURE WILL BE UTILIZED.
 5. BEFORE FRACING OPERATIONS, A SIGN SHALL BE INSTALLED TO NOTIFY THE PUBLIC OF THE TIME THAT THE OPERATOR INTENDS TO FRAC ON THE SUBJECT SITE.
 6. THE PURPOSE OF THIS SUP AMENDMENT IS TO DEFINE A DRILL ZONE WITHIN THE EXISTING SPECIFIC USE PERMIT AREA.

PERR PAD SITE

CITY OF ARLINGTON, TEXAS

OPERATOR/APPLICANT

1001 FANNIN STREET, SUITE 800
 HOUSTON, TEXAS 77002
 PHONE: 713-658-3500

PROPERTY OWNER:
 PERR LLC
 10505 SHADY TRAIL, STE 100
 DALLAS, TX 75220

5751 KROGER DRIVE
 SUITE 185
 KELLER, TX 76244
 PHONE: 817-562-3350
 TEXAS FIRM NO. 12207

LEGEND

	NON-PROTECTED USE STRUCTURE
	SITE ACCESS ROUTING
	SUP BOUNDARY
	PROPOSED DRILL ZONE

PROJECT NO:	ENV14001
FILE PATH:	G:\Job\ENV14001\Patrol\BUP1
DRAWN BY:	TCG
REVIEWED BY:	PCF
DATE:	JULY 2014
REV:	

SHEET CONTENT

AMENDED SUP SITE PLAN

SITE PLAN



PERR PAD SITE

CITY OF ARLINGTON, TEXAS

OPERATOR/APPLICANT



ENERVEST

1001 FANNIN STREET, SUITE 800
HOUSTON, TEXAS 77002
PHONE: 713-658-3500

PROPERTY OWNER:
PERR LLC
10606 SHADY TRAIL, STE 100
DALLAS, TX 75220



5751 KROGER DRIVE
SUITE 185
KELLER, TX 78244
PHONE: 817-562-3350
TEXAS FIRM NO. 12207

LEGEND

- PROTECTED-USE STRUCTURE
- NON PROTECTED-USE STRUCTURE
- COMMERCIAL STRUCTURE
- SUP BOUNDARY
- PROPOSED DRILL ZONE

PROJECT NO: ENV14001
FILE PATH: G:\Job\ENV14001\Patrol\BUP1
DRAWN BY: OEMK
REVIEWED BY: PCF
DATE: JULY 2014
REV:



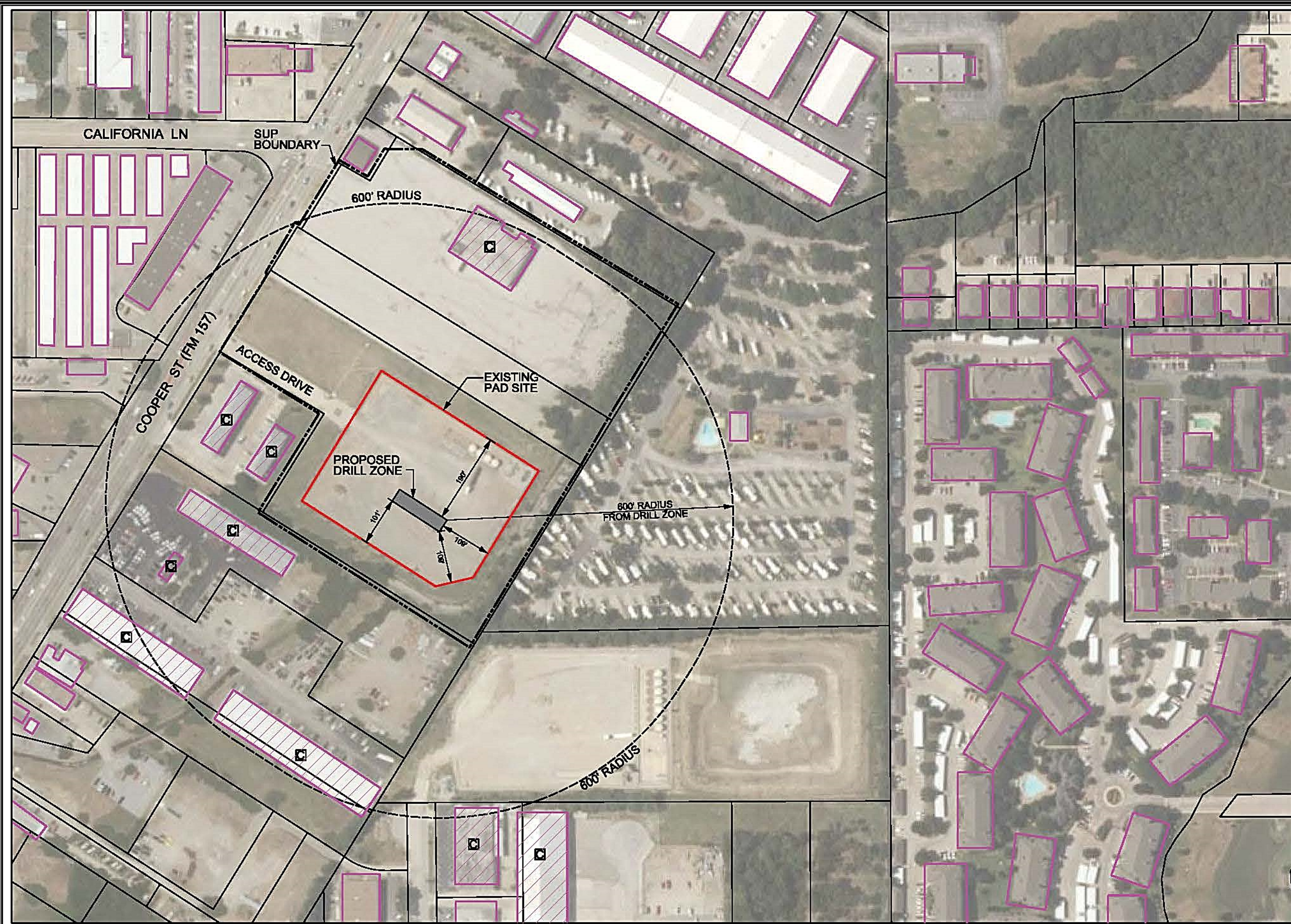
NORTH



GRAPHIC SCALE

SHEET CONTENT

PROXIMITY MAP



NOTES:

1. NO PROTECTED-USE STRUCTURES ARE LOCATED WITHIN 600' OF THE PROPOSED DRILL ZONE.

PERR PAD SITE

CITY OF ARLINGTON, TEXAS

OPERATOR/APPLICANT



ENERVEST

1001 FANNIN STREET, SUITE 800
HOUSTON, TEXAS 77002
PHONE: 713-658-3500

PROPERTY OWNER:
PERR LLC
10505 SHADY TRAIL, STE 100
DALLAS, TX 75220



5751 KROGER DRIVE
SUITE 185
KELLER, TX 78244
PHONE: 817-562-3350
TEXAS FIRM NO. 12207

LEGEND

- EXISTING TREE
- PROPOSED DRILL ZONE

PROJECT NO: ENV14001
FILE PATH: G:\Job\ENV14001\Permit\BUP1
DRAWN BY: TCG
REVIEWED BY: PCF
DATE: JULY 2014
REV:



NORTH

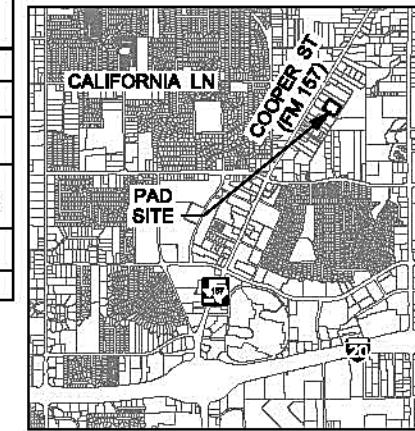


GRAPHIC SCALE

SHEET CONTENT

AMENDED SUP LANDSCAPE PLAN

SHEET NO. 3 OF 3

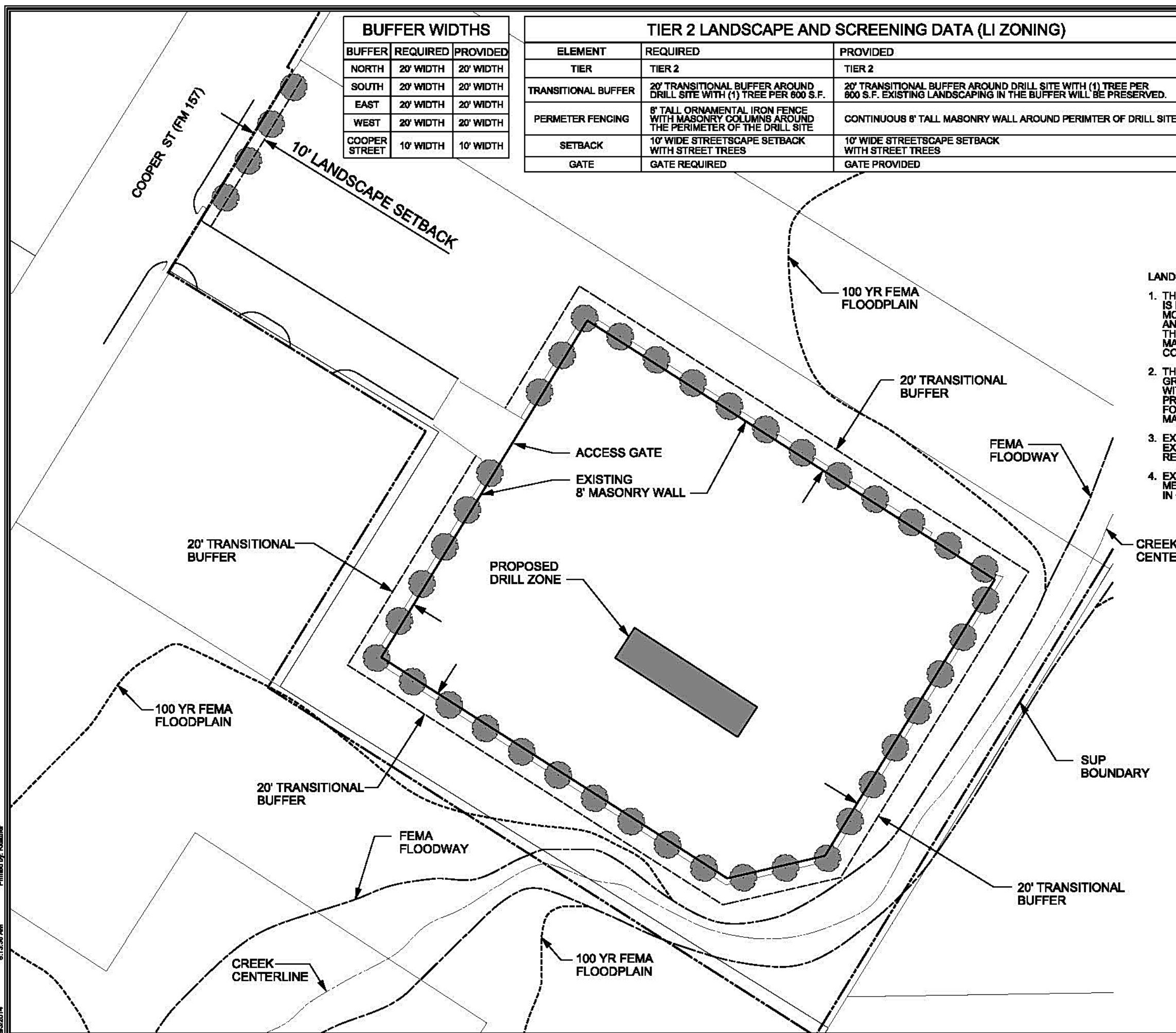


VICINITY MAP
SCALE: N.T.S.

TIER 2 LANDSCAPE AND SCREENING DATA (LI ZONING)

ELEMENT	REQUIRED	PROVIDED
TIER	TIER 2	TIER 2
TRANSITIONAL BUFFER	20' TRANSITIONAL BUFFER AROUND DRILL SITE WITH (1) TREE PER 600 S.F.	20' TRANSITIONAL BUFFER AROUND DRILL SITE WITH (1) TREE PER 600 S.F. EXISTING LANDSCAPING IN THE BUFFER WILL BE PRESERVED.
PERMETER FENCING	8' TALL ORNAMENTAL IRON FENCE WITH MASONRY COLUMNS AROUND THE PERIMETER OF THE DRILL SITE	CONTINUOUS 8' TALL MASONRY WALL AROUND PERIMTER OF DRILL SITE.
SETBACK	10' WIDE STREETSCAPE SETBACK WITH STREET TREES	10' WIDE STREETSCAPE SETBACK WITH STREET TREES
GATE	GATE REQUIRED	GATE PROVIDED

BUFFER WIDTHS		
BUFFER	REQUIRED	PROVIDED
NORTH	20' WIDTH	20' WIDTH
SOUTH	20' WIDTH	20' WIDTH
EAST	20' WIDTH	20' WIDTH
WEST	20' WIDTH	20' WIDTH
COOPER STREET	10' WIDTH	10' WIDTH



LANDSCAPE NOTES:

1. THE PROPERTY OWNER AND/OR OPERATOR IS RESPONSIBLE FOR REGULAR WEEDING, MOWING, IRRIGATION, FERTILIZING, PRUNING, AND OTHER MAINTENANCE OF ALL PLANTINGS. THE REQUIRED LANDSCAPING MUST BE MAINTAINED IN A HEALTHY GROWING CONDITION AT ALL TIMES.
2. THE SITE WILL BE IRRIGATED WITH A BELOW GROUND AUTOMATIC IRRIGATION SYSTEM WITH A FREEZE SENSOR, THAT IS CAPABLE OF PROVIDING THE PROPER AMOUNT OF WATER FOR THE PARTICULAR TYPE OF PLANT MATERIAL USED.
3. EXISTING LANDSCAPING AND SCREENING EXCEEDS CURRENT ORDINANCE REQUIREMENTS.
4. EXISTING LANDSCAPING ALONG COOPER ST MEETS LANDSCAPE SETBACK REQUIREMENTS IN CURRENT ORDINANCE.

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