

01/11/13

01/14/13

Ordinance No. 13-002

An ordinance changing the zoning classification on certain property known as 6207, 6221 and 6225 Poly Webb Road by the approval of specific use permit SUP09-19R2 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 SUP09-19R2 and recommended approval of the specific use permit on December 5, 2012;

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 6207, 6221 and 6225 Poly Webb Road 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 two years after the date of City Council approval, the Specific Use Permit shall expire. This Specific Use Permit is subject to the periodic review procedure 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 18th day of December, 2012, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **8th day of January, 2013**, by a vote of **8 ayes** and **0 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 Mark Remwand

SUP09-19R2

EXHIBIT "A"

Drill Zone

BEING a tract of land in the L. Ramey Survey, Abstract Number 1336, City of Arlington, Texas, being a portion of Lot 2, Lawrence Ramey Addition, an addition to the City of Arlington as recorded in Volume 388-68, Page 6, Plat Records, Tarrant County, Texas;

COMMENCING at an iron rod found at the southwest corner of said Lot 2, being in the north right-of-way line of Poly Webb Road (a 70 foot right-of-way), from which an iron rod bears S 47°44'30"E, 348.75 feet;

THENCE N 01°17'52"W, 248.61 feet with the west line of said Lot 2;

THENCE N 88°42'08"E, 151.67 feet departing said west line to the Point of Beginning;

THENCE N 01°09'54"W, 117.11 feet; THENCE N 38°19'53"E, 50.66 feet; THENCE S 01°09'54"E, 194.95 feet;

THENCE N 40°54'17"W, 50.40 feet to the Point of Beginning and containing 5,027 square feet or 0.115 acres of land more or less.

Drill Site

BEING a 6.958-acre tract of land located in the Lawrence Ramey Survey, Abstract No. 1336, in the City of Arlington, Tarrant County, Texas, being a portion of that certain tract of land as described in the Special Warranty Deed to Richard E. Harrell & Barbara A. Harrell, Trustees of the Harrell Family Trust, filed for record in Volume 14339, Page 352, Deed Records, Tarrant County, Texas, and being all of a called 4.881-acre tract of land as described in the Warranty Deed to Vantage Fort Worth Energy LLC, filed for record in County Clerk's Instrument No. D209270137, of said Deed Records, said 6.958 acre tract of land being more particularly described by metes & bounds as follows:

BEGINNING at a ½-inch iron rod found for the northeast corner of Lot 2, Lawrence Ramey Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-68, Page 6, Plat Records, Tarrant County, Texas, same being the northwest corner of said Harrell tract;

THENCE North 88°46'22" East, along the north line of said Harrell tract, a distance of 202.54 feet, to a point for corner, being the northeast corner of said Harrell tract;

THENCE South 01°13'38" East, along the east line of said Harrell tract, a distance of 446.50 feet, to a point for corner;

THENCE South 88°46'22" West, departing said east line, and over and across said Harrell tract, a distance of 202.93 feet, to a point for corner on the west line of said Harrell tract, and being on the east line of said called 4.881-acre tract;

THENCE South 01°08'19" East, along said east line, a distance of 510.81 feet, to a 5/8-inch capped iron rod found stamped "Peldton" on the northeast right-of-way line of Poly Webb road;

THENCE North 47°40'37" West, along said northeast right-of-way line, a distance of 277.00 feet, to a 5/8-inch capped iron rod found stamped "BHB" for the southern most corner of Lot 2, Lawrence Ramey Addition according to the plat recorded in Volume 388-68, Page 6, Plat Records, Tarrant County, Texas;

THENCE North 47°51'46" West, continuing along said northeast right-of-way line, a distance of 71.75 feet, to a 5/8-inch capped iron rod found stamped "BHB" for the southwest corner of said Lot 2;

THENCE North 01°16'16" West, along the west line of said Lot 2, a distance of 717.19 feet, to a point for corner;

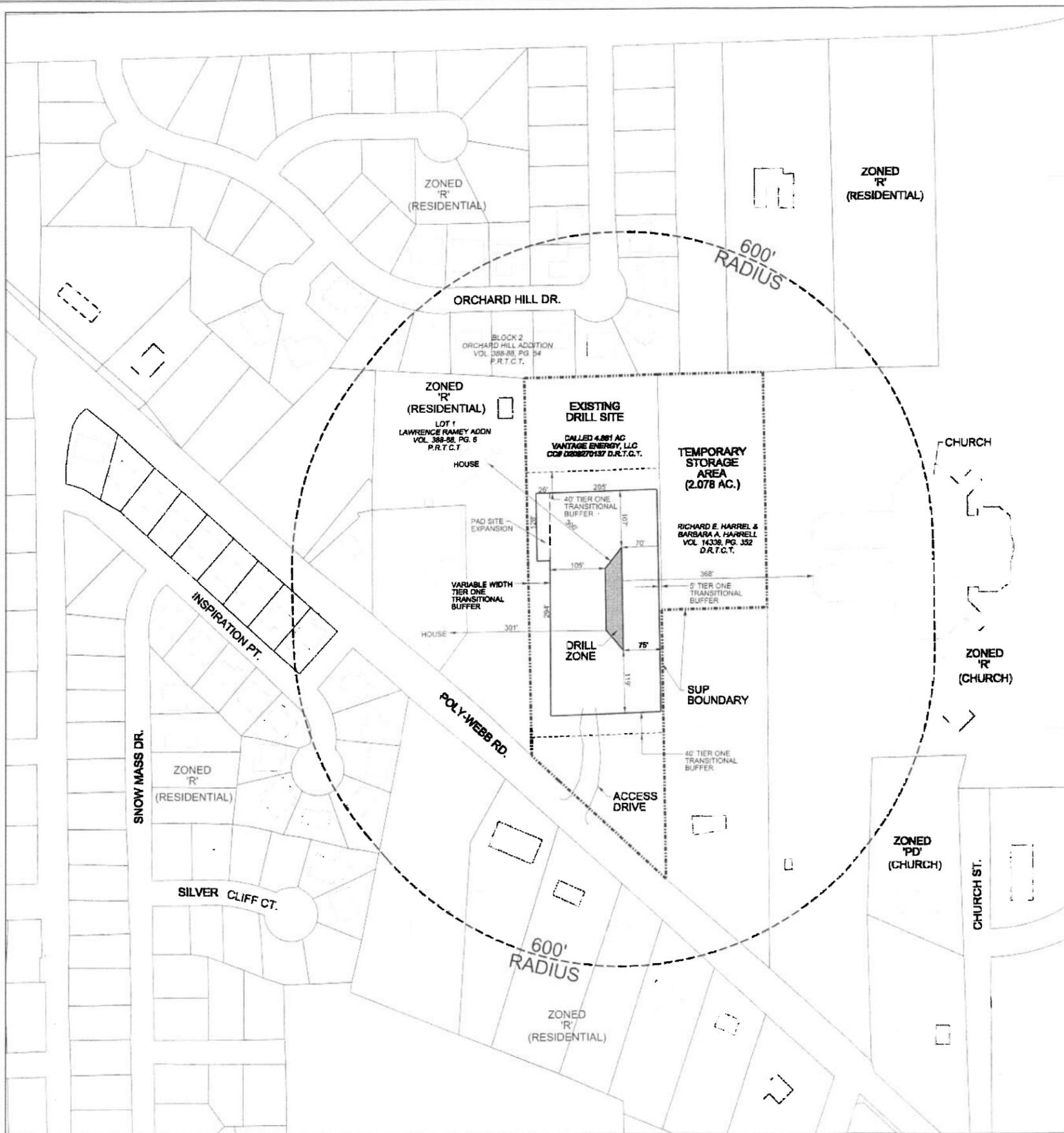
THENCE North 88°46'22" East, along the north line of said Lot 2, a distance of 254.65 feet, to the POINT OF BEGINNING and containing 6.958 acres of land, more or less;

AND being generally located north of West Poly Webb Road and south of West Pleasant Ridge Road with the approximate addresses being 6207, 6221 and 6225 West Poly Webb Road.

SUP09-19R2

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. Alternate Site Plan permitting a 40-foot transitional buffer along the northern and southern boundaries, 18-41 foot varying transitional buffer along the western boundary and a 5-foot transitional buffer are along the eastern boundary. An eight foot wooden fence along eastern property line; combination of eight foot masonry with iron fence along the northern and western boundaries, and an eight foot masonry fence along the southern property line.
5. The property owner and operator shall be responsible for the installation, preservation, and maintenance of all landscaping shown on this landscape plan.
7. Establishment of the drill zone reduced the setback to less than 600-feet.
8. Use and development of the property must be in compliance with the attached Landscape 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.



LENOX PAD SITE

CITY OF ARLINGTON, TEXAS

OWNER/APPLICANT:
VANTAGE ENERGY
 116 Inverness Drive East, Suite 107
 Englewood, CO 80112
 Phone 303-386-8600
 Fax 303-386-8700

TEMPORARY STORAGE AREA PROPERTY OWNER:
RICHARD HARRELL
 6207 W. POLY WEBB ROAD
 ARLINGTON, TEXAS 76016

PELTON
 LAND SOLUTIONS
 5751 KROGER DRIVE
 SUITE 185
 KELLER, TX 76244
 PHONE: 817-562-3350

LEGEND

	SUP BOUNDARY
	SITE ACCESS / ROUTING - ENTERING
	SITE ACCESS / ROUTING - EXITING
	EXISTING STRUCTURES
	PROPOSED DRILL ZONE

PROJECT NO: 10-VAND03
 FILE PATH: s:\job\10-VAND03-LenoxPetrol\SUP-Ar 00-28-121
 DRAWN BY: AG3BC
 REVIEWED BY:
 DATE: OCT 3, 2012
 REV:
 TX FIRM NO: 12207

SHEET CONTENT
AMENDED SUP SITE PLAN
SUP09-19R_
6207 & 6221 W. POLY WEBB

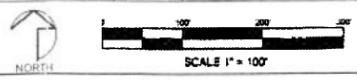
NOTES:

1. SPECIFIC USE PERMIT FOR GAS DRILLING USE.
2. SITE GRADING WILL NOT ALTER THE NATURAL FLOW.
3. THE EXISTING ACCESS DRIVEWAY / ROAD IS LOCATED OFF OF POLY WEBB ROAD.
4. THE ACCESS ROAD IS 24' WIDE WITH 14' MIN. OVERHEAD CLEARANCE.
5. LANDSCAPING AS PROPOSED WITH THE ORIGINAL SUP HAS BEEN INSTALLED. PLEASE REFER TO ASSOCIATED LANDSCAPE PLAN FOR THE ADDITIONAL PLANTINGS THAT ARE PROPOSED.
6. THE PROPOSED WATER SOURCE FOR DRILLING AND FRACING OPERATIONS IS WATER PURCHASED FROM THE CITY. EXISTING ADJACENT WATER INFRASTRUCTURE WILL BE UTILIZED.
7. 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.
8. THE PURPOSE OF THIS SUP AMENDMENT IS TO DEFINE A DRILL ZONE WITHIN THE EXISTING SPECIFIC USE PERMIT AREA. IN ADDITION, A PAD EXPANSION OF APPROXIMATELY 3,280 SF IS PROPOSED AT THIS TIME.

LEGAL DESCRIPTION

BEING A 6.958 ACRE TRACT OF LAND LOCATED IN THE LAWRENCE RAMEY SURVEY, ABSTRACT NO. 1336, IN THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN THE SPECIAL WARRANTY DEED TO RICHARD E. HARRELL & BARBARA A. HARRELL, TRUSTEES OF THE HARRELL FAMILY TRUST, FILED FOR RECORD IN VOLUME 14338, PAGE 362, DEED RECORDS, TARRANT COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND AS DESCRIBED IN THE WARRANTY DEED TO VANTAGE FORT WORTH ENERGY LLC, FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. C209270137.

SITE PLAN



ROUTE MILEAGE: TO SITE	
LITTLE ROAD	3450 FT
POLY WEBB ROAD	2525 FT
ROUTE MILEAGE: FROM SITE	
POLY WEBB ROAD	2525 FT
LITTLE ROAD	410 FT

LENOX PAD SITE

DRILLING PERMIT APPLICATION
ARLINGTON, TEXAS



5751 KROGER DRIVE
SUITE #85
KELLER, TX 75244
PHONE: 317-362-3350

TEXAS FIRM NO. 12207

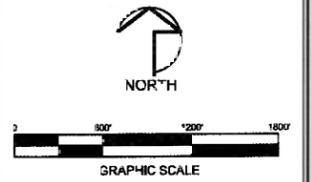


116 Inverness Drive East, Suite 107
Englewood, CO 80112
Phone 303-386-8600
Fax 303-386-8700

LEGEND

- SITE ACCESS / ROUTING-ENTERING
- SITE ACCESS / ROUTING-EXITING
- PROCPOSED PAD SITE LOCATION

PROJECT NO. 10-VAN003
FILE PATH G:\Job-VAN003-Lenox\Petrol\DP1
June 2012 5H-7H
DRAWN BY: AG3
REVIEWED BY: CMF
DATE: OCT 3, 2012
REV:

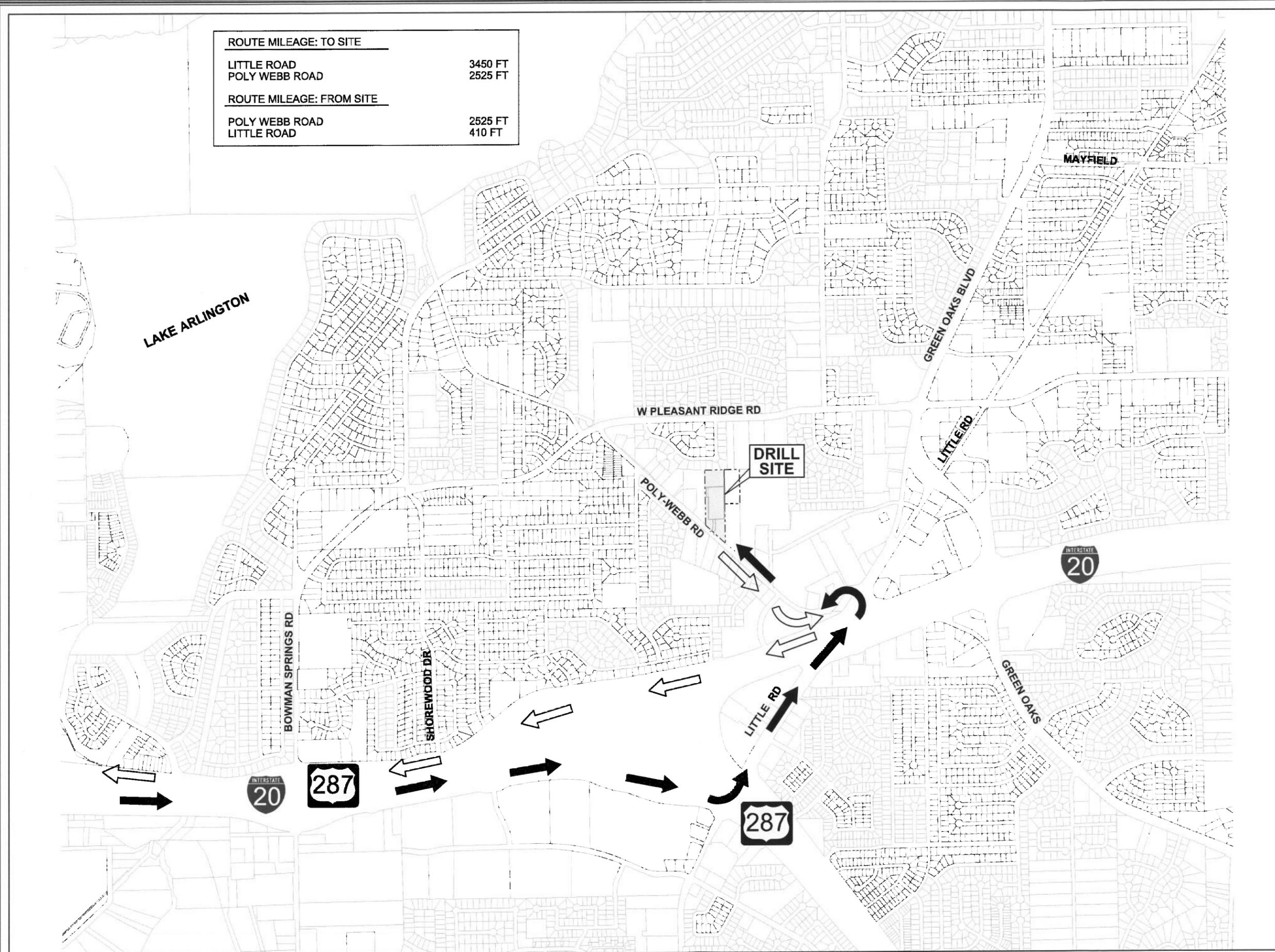


SHEET CONTENT

EXHIBIT 'C' TRANSPORTATION ROUTE

8.958 ACRES CLT OF THE L. RAMEY
SURVEY ABSTRACT NO. A-1336
CITY OF ARLINGTON
TARRANT COUNTY, TEXAS
OCTOBER 2012

SHEET NO. 1 OF 1



VANTAGE-LENOX

OWNER
 RICHARD HARRELL
 6207 W. POLY WEBB ROAD
 ARLINGTON, TX 76016

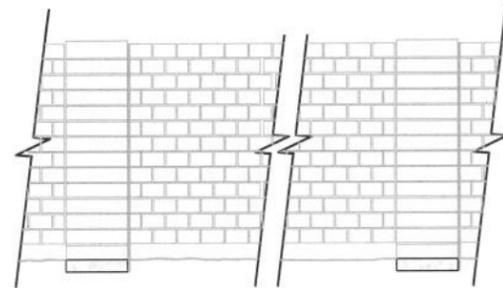
OWNER / DEVELOPER
 VANTAGE ENERGY, LLC
 777 MAIN STREET, SUITE 790
 FORT WORTH, TX 76102
 CONTACT: BARRY OSBORNE
 TEL: 214-205-4360

LEGAL DESCRIPTION

BEING A 6.958 ACRE TRACT OF LAND LOCATED IN THE LAWRENCE RAMEY SURVEY, ABSTRACT NO. 1336, IN THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN THE SPECIAL WARRANTY DEED TO RICHARD E. HARRELL & BARBARA A. HARRELL, TRUSTEES OF THE HARRELL FAMILY TRUST, FILED FOR RECORD IN VOLUME 14339, PAGE 352, DEED RECORDS, TARRANT COUNTY, TEXAS, AND BEING ALL OF A TRACT OF LAND AS DESCRIBED IN THE WARRANTY DEED TO VANTAGE FORT WORTH ENERGY LLC, FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. D209270137

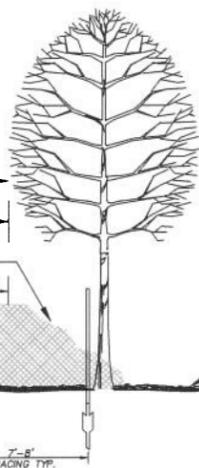
LAND USE

1. TOTAL SPECIFIC USE PERMIT AREA 6.958 AC



8' MASONRY WALL

NOT TO SCALE



TREE PRESERVATION DETAIL

TREE PRESERVATION NOTES:

- EXISTING TREES TO REMAIN SHALL BE PRESERVED DURING CONSTRUCTION FROM TREE STRUCTURE DAMAGE AND COMPACTION OF SOIL UNDER AND AROUND TREE DRIPLINE (CANOPY).
- IF ANY PART OF THE ROOT STRUCTURE IS DAMAGED DURING ADJACENT EXCAVATION AND/OR CONSTRUCTION ACTIVITY, NOTIFY THE GENERAL CONTRACTOR IMMEDIATELY. IF A MAJOR ROOT OR GROUP OF ROOTS IS ENCOUNTERED DURING EXCAVATION, A CERTIFIED ARBORIST SHALL BE CONSULTED/SECURED FOR RECOMMENDATIONS CONCERNING PRUNING AND/OR BRIDGING THE ROOTS (ETC.)
- GRADES/ELEVATIONS UNDER EXISTING TREES SHALL REMAIN UNDISTURBED. DO NOT PLACE FILL MATERIAL UNDER THE DRIPLINE FOR ANY LENGTH OF TIME. MAKE SURE THE CHANGES IN ADJACENT GRADES HAVE PROVISIONS TO CARRY MOISTURE AWAY FROM THE TREE.
- NO MATERIALS INTENDED FOR USE IN CONSTRUCTION OR WASTE MATERIALS ACCUMULATED DUE TO EXCAVATION OR DEMOLITION SHALL BE PLACED WITHIN THE LIMITS OF THE TREE DRIPLINE.
- TOXIC SOLUTIONS OR OTHER LIQUID CHEMICALS SHALL NOT BE DEPOSITED NEAR OR WITHIN THE LIMITS OF A TREE DRIPLINE. THIS WOULD INCLUDE, BUT NOT BE LIMITED TO; PAINT, OIL, SOLVENTS, ASPHALT, CONCRETE, MORTAR, PRIMERS, ETC.
- NO SIGNS, WIRES, OR OTHER ATTACHMENTS, OTHER THAN THOSE OF A PROTECTIVE NATURE SHALL BE ATTACHED TO ANY TREE.
- NO VEHICULAR AND/OR CONSTRUCTION EQUIPMENT, TRAFFIC OR PARKING IS ALLOWED WITHIN THE LIMITS OF THE TREE DRIPLINE. NO VEHICLE AND/OR CONSTRUCTION EQUIPMENT SHOULD BE CLEANED NEAR A TREE.
- BORING OF UTILITIES MAY BE PERMITTED UNDER PRESERVED TREES IN CERTAIN CIRCUMSTANCES. THE MINIMUM LENGTH OF THE BORE SHALL BE THE WIDTH OF THE TREE'S CANOPY AND SHALL BE AT A MINIMUM DEPTH OF THIRTY-SIX INCHES (36 IN.).
- THE UTILITY AND IRRIGATION CONTRACTOR SHALL EXERCISE CAUTION WHEN TRENCHING AROUND EXISTING TREES. HAND-DIG ALL TRENCHES WITHIN THE TREE DRIPLINE.
- ALL TREES TO REMAIN, AS NOTED ON DRAWINGS, SHALL HAVE PROTECTIVE FENCING. THE PROTECTIVE FENCING MAY BE COMPRISED OF SNOW FENCING, ORANGE VINYL CONSTRUCTION FENCING, CHAIN LINK FENCE OR OTHER SIMILAR FENCING WITH A FOUR FOOT (4') APPROXIMATE HEIGHT. THE PROTECTIVE FENCING WILL BE LOCATED AS INDICATED ON THE LANDSCAPE PLANS(S) TREE PRESERVATION DETAIL.

TIER 1 LANDSCAPE AND SCREENING DATA

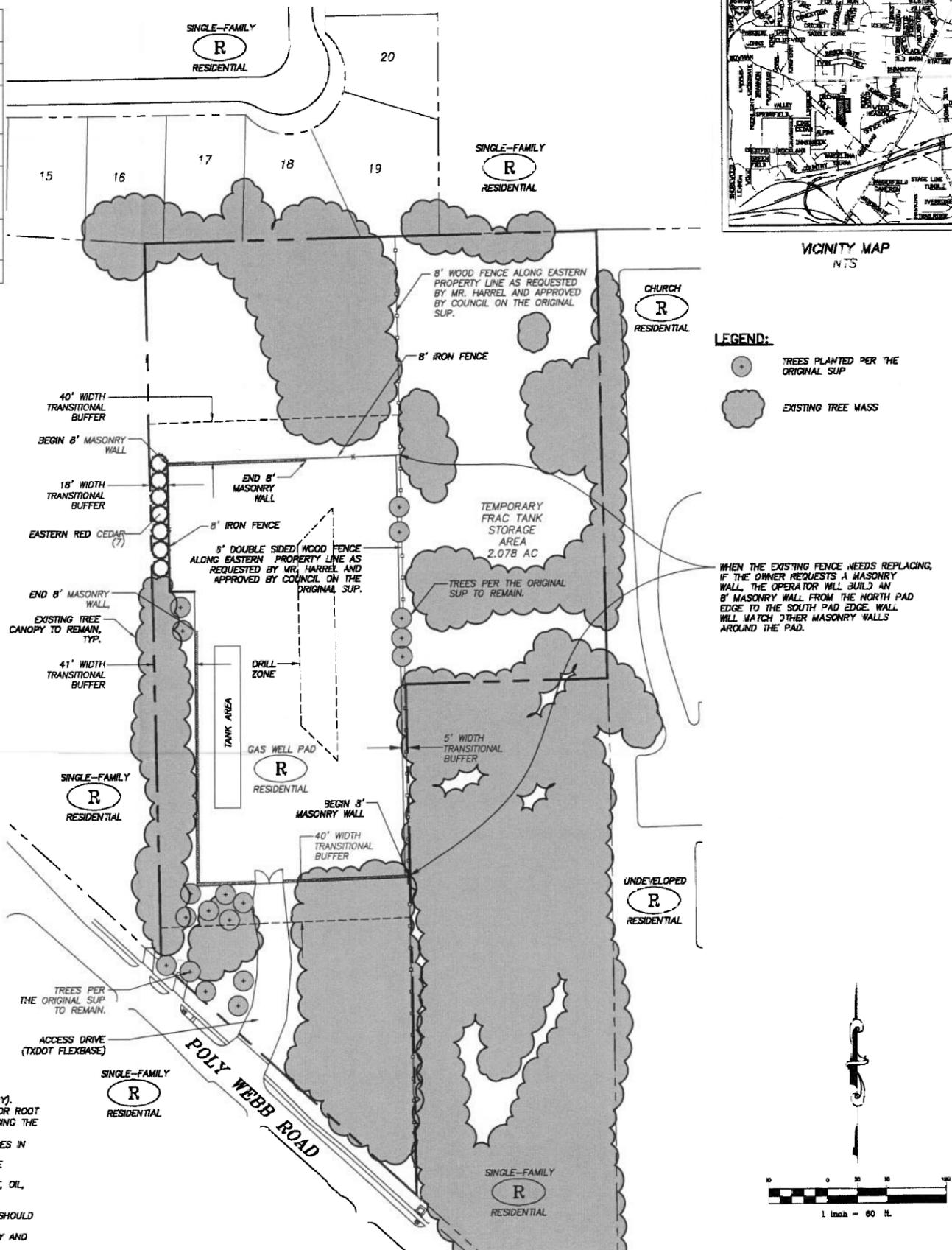
ELEMENT	REQUIRED	PROVIDED - ALTERNATE PLAN
TIER	TIER 1	SEE ADJACENT 'BUFFER WIDTH' CHART
TRANSITIONAL BUFFER	40'-FOOT TRANSITIONAL BUFFER AROUND DRILL SITE WITH (1) TREE PER 600 S.F.	SEE ADJACENT 'BUFFER WIDTH' CHART
STREETSCAPE SETBACK	10'-FOOT WIDE STREETSCAPE SETBACK WITH STREET TREES, (1) TREE PER 35 L.F.	10'-FOOT WIDE STREETSCAPE SETBACK WITH STREET TREES, (1) TREE PER 35 L.F. INCLUDES EXISTING TREES.
PERIMETER FENCING	6'-FOOT TALL MASONRY WALL (MINIMUM OF 75% OPAQUE) AROUND THE PERIMETER OF THE DRILL SITE	NORTH SCREEN: 140 LF OF 8' MASONRY WALL AND 95 LF OF 8' IRON FENCE EAST SCREEN: 8' WOOD FENCE SOUTH SCREEN: 8' MASONRY SCREEN WALL WEST SCREEN: 255 LF OF 8' MASONRY WALL AND 190 LF OF 8' IRON FENCING
TREES	ONE (1), 3" CAL. TREE PER 500 SF OF BUFFER AREA BUFFER AREA = 47,343 S.F. 47,043 / 500 = 78 TREES REQUIRED	185 EXISTING TREES, 3" CALIPER OR LARGER LOCATED WITHIN TRANSITIONAL BUFFER
GATE	GATE REQUIRED	GATE PROVIDED

BUFFER WIDTHS

BUFFER	REQUIRED	PROVIDED
NORTH	40' WIDTH	CONTINUOUS 40' WIDTH
EAST	40' WIDTH	CONTINUOUS 5' WIDTH
WEST	40' WIDTH	VARIES, 18' TO 41' WIDTH
SOUTH	40' WIDTH	CONTINUOUS 40' WIDTH

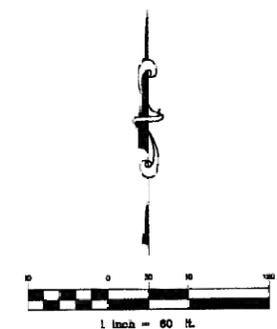
PLANT SCHEDULE

TREES	QTY	NAME	CONT	SIZE
	7	EASTERN RED CEDAR	B & B OR CONTAINER	7'-8" HT.



LEGEND:
 TREES PLANTED PER THE ORIGINAL SUP
 EXISTING TREE MASS

WHEN THE EXISTING FENCE NEEDS REPLACING, IF THE OWNER REQUESTS A MASONRY WALL, THE OPERATOR WILL BUILD AN 8' MASONRY WALL FROM THE NORTH PAD EDGE TO THE SOUTH PAD EDGE. WALL WILL MATCH OTHER MASONRY WALLS AROUND THE PAD.



VANTAGE-LENOX
SPECIFIC USE PERMIT
 6207, 6221, 6229 W. POLY WEBB
 ARLINGTON, TX



PROJECT TITLE:
VANTAGE-LENOX
SPECIFIC USE PERMIT

mima
 mycoskie - mcinnis - associates
 civil engineering - surveying - landscape architecture - planning
 1000 WEST WORTH
 ARLINGTON, TEXAS 76010
 817-340-1871
 817-374-8797
 WWW.MIMA.COM

THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF REVIEW UNDER THE AUTHORITY OF DUWANE JOINER, SEA NO. 2071 ON 12/12/2012 AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

PROJECT NUMBER: 2454-00-02
 PROJECT MANAGER: J. SUMPTER
 DRAWN BY: D. JOINER
 CHECKED BY: C. MYCOSKIE
 ISSUE DATE: 12/12/12

REV. DATE DESCRIP BY
 SHEET CONTENT:
EXHIBIT A-4
LANDSCAPE PLAN

SHEET NO:
1 OF 1
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