07/11/08
07/14/08

Ordinance No. 08-056

An ordinance of the City of Arlington, Texas, amending the Zoning District Map to revise the zoning classification on certain property known as 2400 East Arbrook Boulevard by the adoption of specific use permit SUP08-11 for gas drilling; authorizing the building official to issue permits upon final approval; providing for a fine of up to $2,000.00 for each violation; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, declaring an emergency; providing for publication and an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP08-11 and recommended approval of the specific use permit on June 4, 2008; 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 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 District Map be amended. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That a Specific Use Permit SUP08-11 for gas drilling is hereby granted for the property known as 2400 East Arbrook Boulevard described in Exhibit "A" and the Zoning District Map is hereby amended as specified. Development shall be in compliance with the conditions stated in Exhibit "B" and the attached site plan.

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 is an ordinance for the immediate preservation of the public peace, property, health and safety, and is an emergency measure within the meaning of Article VII, Sections 11 and 12, of the City Charter; and the City Council, by the affirmative vote of all of its members present and voting, hereby declares that this ordinance is an emergency measure, and the requirement that it be read at two (2) meetings, as specified in Section 11, is hereby waived.

10.

This ordinance shall become effective upon second publication.

PRESENTED, FINALLY PASSED AND APPROVED, on this the 1st day of July, 2008 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:

KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

SUP08-11

EXHIBIT "A"

THAT the following described property now zoned "IM" 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 a 3.447-acre tract of land located in the W. Hayman Survey, Abstract No. 950, in the City of Arlington, Tarrant County, Texas, being a portion of Lot A1R, Arbrook Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-151, Page 74, Plat Records, Tarrant County, Texas, and being a portion of a called 106.83-acre tract of land as described in the Special Warranty Deed with Vendor's Lien, Bill of Sale and Assignment to Highpoint Church, a Texas non-profit corporation, filed for record in Volume 15588, Page 141, Deed Records, Tarrant County, Texas, said 3.447-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING ½-inch capped iron rod found stamped "DiSciullo" for the northwest corner of said Lot A1R and being on the south right-of-way line of Arbrook Boulevard, a variable width right-of-way (City of Arlington GPS grid coordinates – N 6,934,822.4 - E 2,407,649.5);

THENCE southerly, over and across said Lot A1R, the following calls:

South 07°34'27" East, a distance of 365.33 feet, to the POINT OF BEGINNING;

South 89°58'35" East, a distance of 385.00 feet, to a point for corner;

South 00°01'25" West, a distance of 390.00 feet, to a point for corner, being the southeast corner of the herein described tract of land;

North 89°58'35" West, a distance of 385.00 feet, to a point for corner, from which a ½-inch capped iron rod found stamped "Halff Assoc." on the north right-of-way line of Interstate 20 Highway, a variable width right-of-way, bears South 01°57'41" East, a distance of 1,446.15 feet;

North 00°01'25" East, a distance of 390.00 feet, to the POINT OF BEGINNING and containing 3.447 acres (150,150 square feet) of land;

AND being generally located south of East Arbrook Boulevard and west of South Watson Road with the approximate address being 2400 East Arbrook Boulevard.

SUP08-11

EXHIBIT "B"

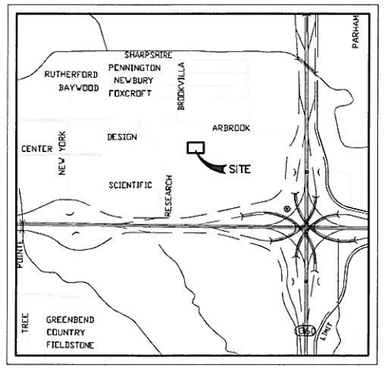
1. Operation of a gas drilling use must comply with all requirements in the Gas Drilling and Production Chapter of the Arlington City Code.

2. At the permit stage, a Road Damage Assessment Study is required to mitigate any impacts to the street system during drilling.

3. Native landscaping shall be included on the outside of the masonry screening wall as shown on Exhibit F-1.

4. Use and development of the property must be in compliance with Exhibit F-1, which is attached to this ordinance.

5. 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.



VICINITY MAP
NTS

CURRENT ZONING
"BP-IM" BUSINESS PARK-INDUSTRIAL MANUFACTURING

PROPOSED ZONING
"BP-IM" BUSINESS PARK-INDUSTRIAL MANUFACTURING WITH A SPECIFIC USE PERMIT FOR GAS DRILLING.

OWNER
HIGHPOINT CHURCH
PO BOX 120478
ARLINGTON, TX 76015
CONTACT: PASTOR GARY SIMMONS
TEL: 817-394-3000
FAX: 817-394-3001

DEVELOPER
CHESAPEAKE ENERGY CORPORATION
301 COMMERCE STREET, SUITE 600
FORT WORTH, TEXAS 76102
CONTACT: HEATHER BARCIA
TEL: 817-870-1250
FAX: 817-810-9485

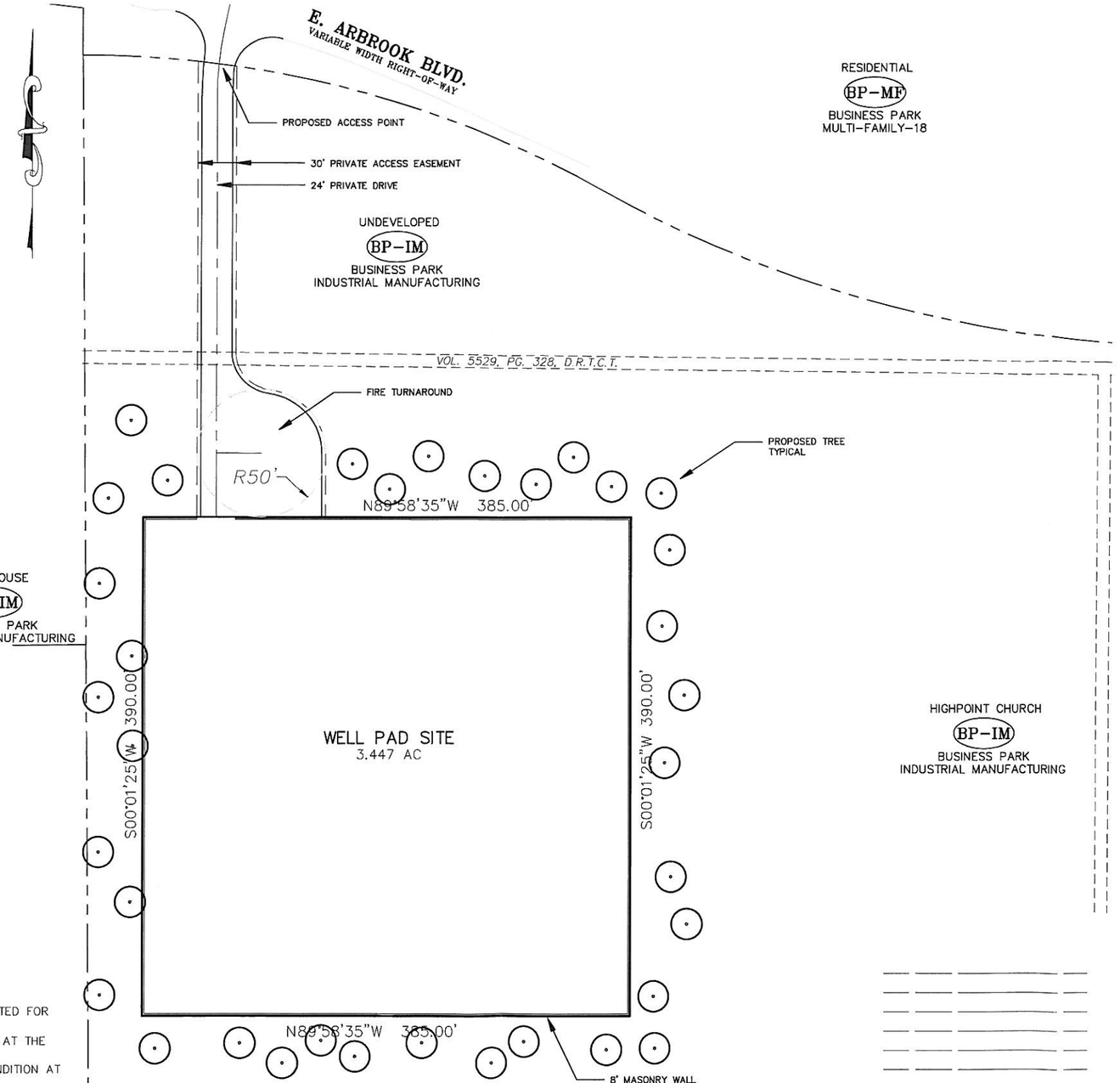
ENGINEER/SURVEYOR
MYCOSKIE+MCINNIS ASSOCIATES
200 E. ABRAM STREET
ARLINGTON, TEXAS 76010
CONTACT: JACOB SUMPTER
TEL: 817-469-1671
FAX: 817-274-8757

LEGAL DESCRIPTION
A PORTION OF LOT A1R OF THE ARBROOK ADDITION

LAND USE
1. WELL PAD SITE 3.447 AC

TREE NOTES
1. PROPOSED TREES WILL BE NATIVE OR WELL ADAPTED FOR THE NORTH CENTRAL TEXAS AREA.
2. TREE SIZES WILL RANGE FROM 2" TO 4" CALIPER AT THE TIME OF INSTALLATION.
3. TREES WILL BE KEPT IN A HEALTHY GROWING CONDITION AT ALL TIMES.

60 0 30 60 120
1 inch = 60 ft.



REV.	DATE	DESCRIP.	BY

THIS DOCUMENT IS RELEASED FOR SPECIFIC USE PERMIT APPROVAL BY THE CITY OF ARLINGTON AND IS NOT INTENDED FOR PERMITTING, BIDDING, OR CONSTRUCTION PURPOSES.

HIGHPOINT DRILL SITE SPECIFIC USE PERMIT
2500 E. ABROOK BLVD
ARLINGTON, TX

PROJECT TITLE:
HIGHPOINT DRILL SITE
SPECIFIC USE PERMIT

m|m|a
mycoskie+mcinnis+associates
civil engineering surveying landscape architecture planning
200 east abram
arlington, texas 76010
817-469-1671
fax: 817-274-8757
www.mmatexas.com

PROJECT NUMBER:	2346-0-1
PROJECT MANAGER:	J.SUMPTER
DRAWN BY:	J.SUMPTER
CHECKED BY:	C.MYCOSKIE
ISSUE DATE:	3/28/08

SHEET CONTENT:
SUP PLAN
CASE # SUP08-11

SHEET NO:
1 OF 1

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Exhibit F-1