

Ordinance No. 08-063

An ordinance changing the zoning classification on certain property known as 1900 West Green Oaks Boulevard by the approval of specific use permit SUP08-12 for gas drilling; amending the Zoning District Map accordingly; providing for a fine of up to \$2,000.00 for each violation; declaring an emergency; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication, and an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP08-12 and recommended approval of the specific use permit on July 16, 2008;

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 1900 West Green Oaks Boulevard, 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.

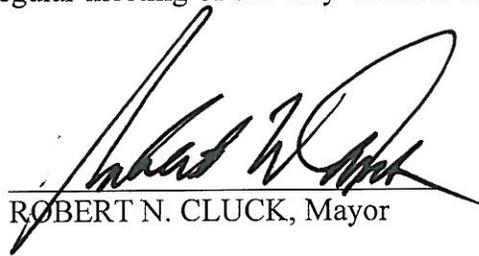
9.

This 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 meetings, as specified in Section 11, is hereby waived.

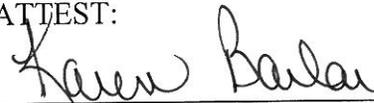
10.

This ordinance shall become effective upon second publication.

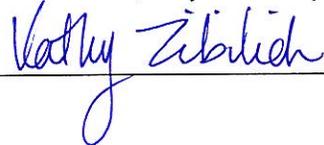
PRESENTED, FINALLY PASSED AND APPROVED, on this the 5th day of August, 2008 by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP08-12

EXHIBIT "A"

THAT the following described property now zoned "PD for "CS" uses limited to a municipal golf course and customarily incidental uses" 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 2.96-acre tract of land out of the M.T. Johnson Survey, Abstract No. 863, in Tarrant County, Texas, and being a portion of Lot 1, Block 4 of Pierce Burch Water Plant Addition, an addition to the City of Arlington, Tarrant County, Texas, as recorded in Volume 388-158, Pages 28 and 29 of the Deed Records of Tarrant County, Texas (D.R.T.C.T.) said tract being tied to the Texas Coordinate System, North Central Zone, NAD83, bearings are grid and distances are horizontal ground measurements being more particularly described as follows:

BEGINNING at a point which bears South 50°14'34" West, a distance of 107.8 feet from the northeast corner of said Lot 1;

THENCE, South 26°16'18" West, 451 feet;

THENCE, North 63°43'42" West, 231 feet;

THENCE, North 05°20'36" East, 197 feet;

THENCE, North 26°33'55" East, 267 feet;

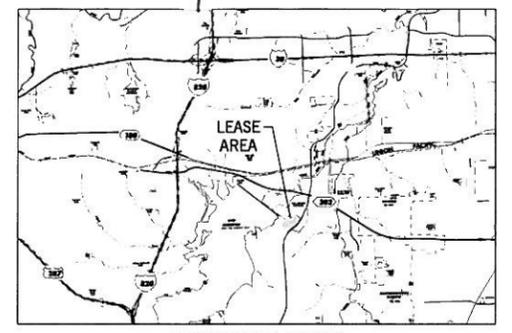
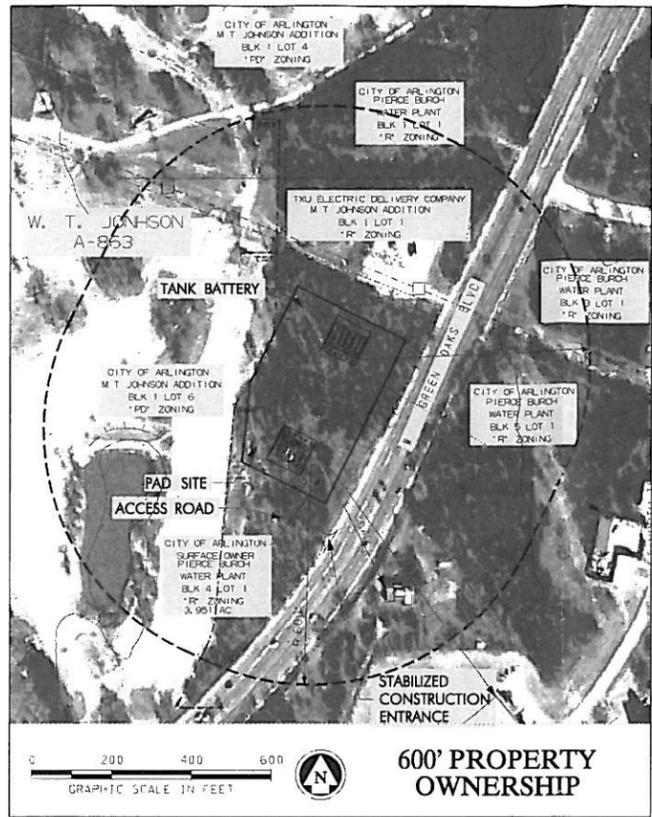
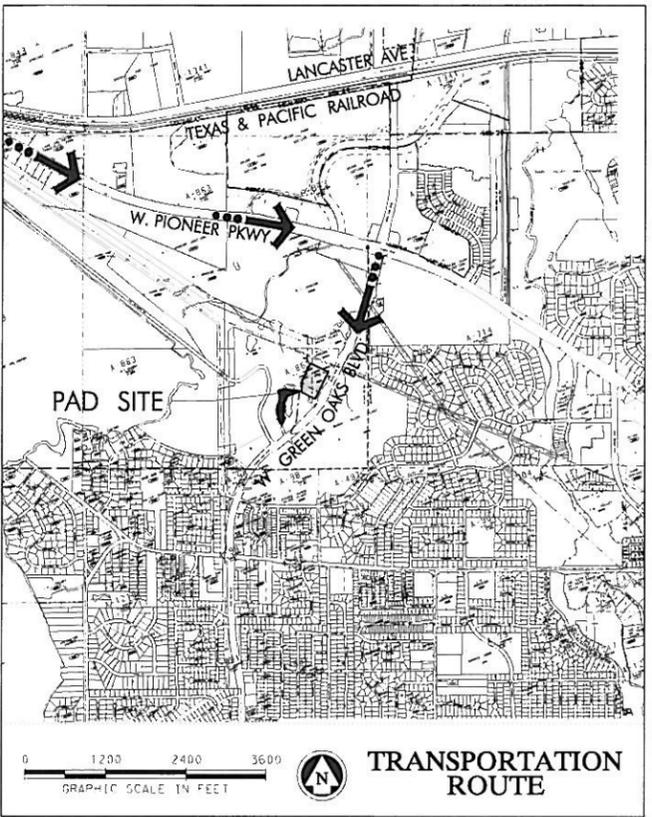
THENCE, South 63°43'42" East, 300 feet to the POINT OF BEGINNING and containing 2.96 acres of land;

AND being generally located south of West Pioneer Parkway and west of West Green Oaks Boulevard with the approximate address being 1900 West Green Oaks Boulevard.

SUP08-12

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.
4. Use and development of the property must be in compliance with Exhibit F, 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.

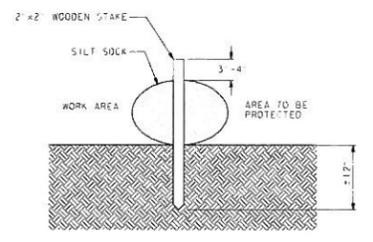
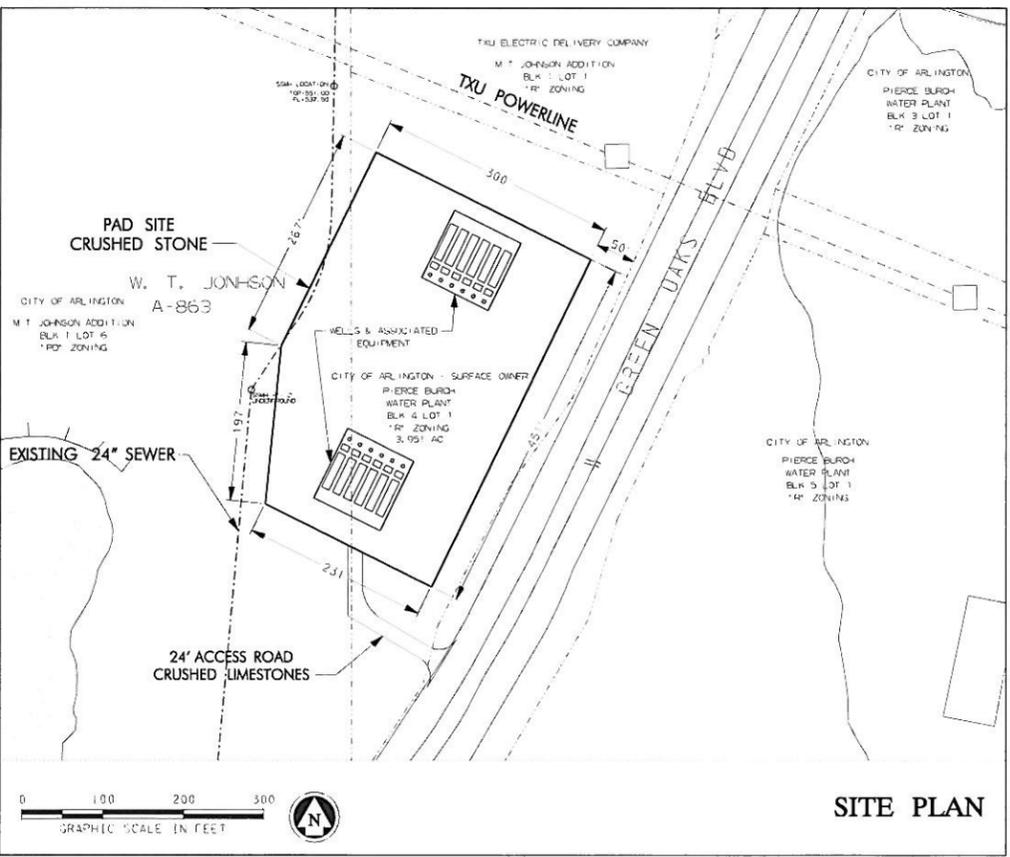
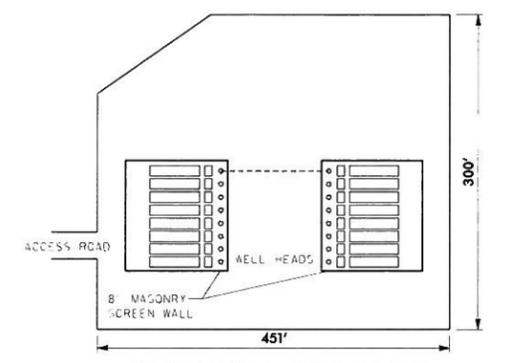


- Notes:
1. Site grading will not alter the natural flow. A silt sock (see detail) will be installed as necessary.
 2. The 24' access driveway/lease road will be off of Green Oaks Blvd, south of Pioneer Parkway.

BOUNDARY DESCRIPTION FOR LAKE ARLINGTON GOLF COURSE WELLS DRILLSITE
2.960 ACRES OF LAND OUT OF THE M.T. JOHNSON SURVEY, ABSTRACT NO. 863 TARRANT COUNTY, TEXAS.

BEING a 2.960 acre tract of land out of the M.T. Johnson Survey, Abstract No. 863, in Tarrant County, Texas, and being a portion of Lot 1, Block 4 of Pierce Burch Water Plant Addition as recorded in Volume 388-158, Pages 28 & 29 of the Deed Records of Tarrant County, Texas (D.R.T.C.T.) and a portion of Lot 6 of the M.T. Johnson Addition as recorded in Cabinet A, Slide 4520-4523 of the P.R.T.C.T. said tract being tied to the Texas Coordinate System, North Central Zone, NAD83, bearings are grid, distances are horizontal ground measurements and being more particularly described as following:

- BEGINNING** at a point which bears South 50° 14'34" West, a distance of 107.8 feet from the northeast corner of said Lot 1;
- THENCE**, South 26° 16'18" West, 451 feet;
- THENCE**, North 63° 43'42" West, 231 feet;
- THENCE**, North 26° 33'55" East, 267 feet;
- THENCE**, South 63° 43'42" East, 300 feet to the Point of Beginning and containing 2.960 acres of land;

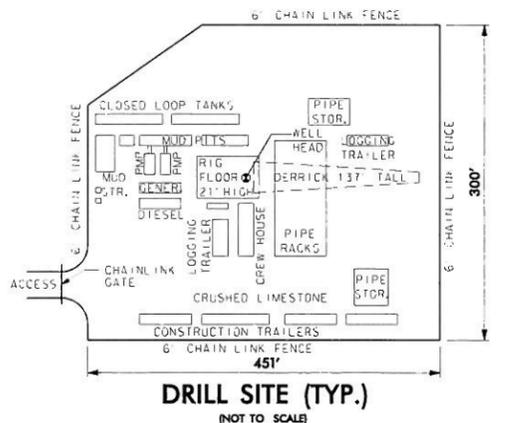


HIGH FLOW SILT SOCK DETAIL:
TYPICAL TEMPORARY FILTER FABRIC FILLED WITH MULCH

NOT TO SCALE

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**
- WELL HEAD LOCATION
 - SITE ACCESS /ROUTING
 - SS— SILT SOCK

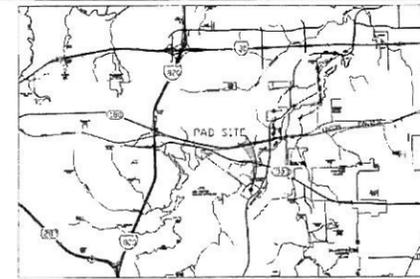


SITE PLAN FOR SUP QUICKSILVER RESOURCES, INC. CITY OF ARLINGTON DRILL SITE
2.96 ACRES OUT OF THE M.T. JOHNSON SURVEY, ABSTRACT NO. 863, CITY OF ARLINGTON, TARRANT COUNTY, TEXAS; SEPTEMBER 2007

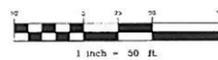
APPLICANT	PLANNER	SURFACE / MINERAL OWNERS
QUICKSILVER, INC. 777 WEST ROSEDALE ST., SUITE 300 FORT WORTH, TEXAS 76104 PHONE: 817-665-5000	JACOBS Carter Burgess 777 MAIN STREET FORT WORTH, TX 76102 PHONE: (817) 735-6000 FAX: (817) 735-6148	CITY OF ARLINGTON 101 W. ABRAMS ST. ARLINGTON, TX 76010 PHONE: 817-459-6650
PROJECT NO. 014996.011 DATE: 04/10/08	DRAWN BY: FBJ REV. 06/17/08	APPROVED BY: MAB SUP 08-12

PLANT SCHEDULE

QTY	COMMON NAME	BOTANIC NAME	SIZE @ INSTALLATION	SPACING	NOTES
78	LIVE OAK	QUERCUS VIRGINIANA	4" Cal., 4'-5" Spd., 11'-12" Ht.	AS SHOWN	
134	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	8" Cal., 14'-16" Ht.	AS SHOWN	



LOCALITY MAP
NTS



LEGEND

- EXISTING TREE TO REMAIN
- PROPOSED LIVE OAK, 4" Cal.
- PROPOSED EASTERN RED CEDAR, 8" Cal.

TREE MITIGATION TABLE

PROTECTED INCHES TO BE REMOVED	-4,050"
PROTECTED INCHES TO BE PRESERVED	0
PROPOSED INCHES TO BE PLANTED	+1,384"
TOTAL NET INCHES	-2,666"
PROPOSED INCHES FOR PAD SITE REFORESTATION WHEN DRILLING OPERATIONS CEASE	+504" (126 TREES AT 4" CAL.)
TOTAL NET INCHES	-2,162"

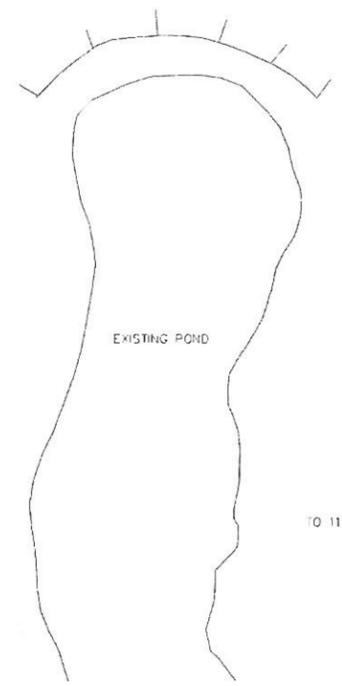
GENERAL NOTES

- SEE SHEET L1.03 FOR TREE SURVEY TABLE
- SEE SHEET L1.04 FOR PAD SITE REFORESTATION PLAN
- QUICKSILVER RESOURCE INC WILL PAY TO THE CITY OF ARLINGTON TREE FUND \$214,200 TO MITIGATE THE LOSS OF 2,388 INCHES OF PROTECTED TREES
- QUICKSILVER WILL INSTALL A TOTAL OF 504 INCHES (126 TREES AT 4" CALPER) ON THE PAD SITE WHEN DRILLING OPERATIONS CEASE OR AT THE TERMINATION OF THE SURFACE USE AGREEMENT
- THE GOLF COURSE SIDE OF THE SITE WILL BE LANDSCAPED DURING THE INITIAL PHASE OF PAD CONSTRUCTION TO CORRESPOND WITH THE RENOVATION OF THE LAKE ARLINGTON GOLF COURSE

LANDSCAPE NOTES

- ALL LANDSCAPE REQUIREMENTS AND THE UNDERGROUND IRRIGATION SYSTEM WILL CONFORM TO THE CITY OF ARLINGTON ORDINANCE DESIGN STANDARDS
- NO PLANT MATERIAL SHALL BE PLANTED UNTIL THE LANDSCAPE IRRIGATION SYSTEM HAS BEEN INSTALLED AND IS OPERATING WITH 100% COVERAGE OF PROPOSED LANDSCAPE AREAS
- ALL PROPOSED SUBSTITUTIONS MUST MEET CITY OF ARLINGTON ORDINANCE REQUIREMENTS AND BE APPROVED BY THE OWNER PRIOR TO INSTALLATION
- NOTIFY LANDSCAPE ARCHITECT F LAYOUT OF TREES, BEDS AND/OR PLANS REQUIRES ALTERATION FROM LANDSCAPE PLAN NOTIFICATION WILL BE REQUIRED PRIOR TO A LAYOUT
- ALL TREES REQUIRED TO BE STAKED AND GUYED SHALL CONTINUE TO BE SO THROUGH THE WARRANTY PERIOD AT WHICH TIME THE OWNER AND/OR LANDSCAPE ARCHITECT SHALL DETERMINE IF REMOVAL IS APPROPRIATE
- ALL TREE LOCATIONS SHALL BE APPROVED BY OWNER OR OWNER'S REPRESENTATIVE PRIOR TO PLANTING
- IRRIGATION SYSTEM WILL BE AN AUTOMATIC UNDERGROUND SYSTEM WITH AUTOMATIC CONTROLLER, MAIN GAUGE AND FREEZE GUARD SET TO 38° FAHRENHEIT
- ALL TREES ARE TO BE UNIFORM BY SPECIES WITH STRAIGHT TRUNKS AND MATCHING CHARACTER AND BRANCHING STRUCTURE
- ALL SHRUBS AND GROUNDCOVER ARE TO BE UNIFORM BY SPECIES WITH MATCHING CHARACTER AND BRANCHING STRUCTURE
- ALL PLANTS AND TREES ARE TO CONFORM TO THE AMERICAN ASSOCIATION OF NURSERMEN AND THE TEXAS ASSOCIATION OF NURSERMEN STANDARDS
- THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REFUSE ANY LANDSCAPE MATERIAL ON SITE
- THE CITY OF ARLINGTON WILL NOT BE RESPONSIBLE FOR OR MAINTAIN ANY NON-DRAINAGE RELATED IMPROVEMENTS WITHIN THE DRAINAGE EASEMENT INCLUDING, BUT NOT LIMITED TO, PAVING AND FENCES
- ALL WATER METERS, FIRE HYDRANTS, VALVES, MANHOLES, AND CLEAN-OUTS ON OR ADJACENT TO THE SUBJECT PROPERTY MUST REMAIN EASILY ACCESSIBLE FOR MAINTENANCE DURING CONSTRUCTION AND UPON THE COMPLETION OF THE NECESSARY GRADING AND LANDSCAPING THE EXISTING FACILITIES SHOULD BE ADJUSTED TO MEET FINAL GRADE ABOVE THE FINISHED GRADE OF THE LANDSCAPING PRIOR TO THE COMPLETION OF THE WORK
- ALL PROPOSED TREES AND SHRUBS SHALL BE LOCATED A MIN DISTANCE OF 5' FROM ANY UTILITY MAIN
- THE PROPERTY OWNER 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

LAKE ARLINGTON GOLF COURSE



EXISTING POND

TO 11TH TEE BOX

35MM POSSIBLE UNDERGROUND

PROPOSED GATE

TO 11TH GREEN



PAD SITE

W GREEN OAKS BLVD

PAD SITE ACCESS

CITY OF ARLINGTON DRILL SITE
QUICKSILVER RESOURCES, INC.
LANDSCAPE PLAN
ARLINGTON, TEXAS

PROJECT TITLE
LAKE ARLINGTON GOLF LEASE
QUICKSILVER RESOURCE INC.

mimja
mycoskie+morris+associates
Civil Engineering, Planning, Landscape Architecture, Surveying

2500 WEST 30TH AVENUE
ARLINGTON, TEXAS 76010
817.465-1811
Fax: 817.274-8752



PROJECT NUMBER: 2329-0-1
PROJECT MANAGER: CMYOSKIE
DRAWN BY: J. SARABIA
CHECKED BY: J. SARABIA
ISSUE DATE: 05-06-2008

REV. DATE. DESCR. BY
SHEET CONTENT

LANDSCAPE PLAN

SHEET NO.
L1.01
COPYRIGHT © 2008 MJA, INC.