

04/30/12
05/01/12

Ordinance No. 12-025

An ordinance changing the zoning classification on certain property known as 4700 Eden Road by the approval of specific use permit SUP11-13 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; providing for severability, governmental immunity, injunctions, and publication; declaring an emergency; and providing an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP11-13 and recommended approval of the specific use permit on February 1, 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 4700 Eden 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.

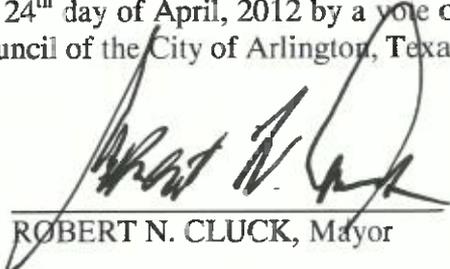
9.

This 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 AND GIVEN FIRST READING on the 21st day of February, 2012 at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 24th day of April, 2012 by a vote of 5 ayes and 2 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 

SUP11-13

EXHIBIT "A"

Tract 1

BEING a tract of land situated in the S.B. Russell Survey, Abstract Number 1360, Tarrant County, Texas, and being all of that tract of land described by deed to Edge Barnett, LLC., as recorded in County Clerk's filing number D210038958, County Records, Tarrant County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at an iron found for the northeast corner of said Edge Tract;

THENCE S 00 deg. 01 min. 08 sec. W, 544.00 feet to an iron rod found for the southeast corner of said Edge Tract;

THENCE N 89 deg. 46 min. 14 sec. W, 544.00 feet to an iron rod found for the southwest corner;

THENCE N 00 deg. 01 min. 08 sec. E, 544.00 feet to the northwest corner;

THENCE S 89 deg. 46 min. 14 sec. E, 544.00 feet to the POINT OF BEGINNING, and containing 295,934 square feet, or 6.794 acres of land more or less.

Drill Zone

BEING a tract of land situated in the S.B. Russell Survey, Abstract Number 1360, Tarrant County, Texas, and being a portion of that tract of land described by deed to Edge Barnett, LLC., as recorded in County Clerk's filing number D210038958, County Records, Tarrant County, Texas, being more particularly described by metes and bounds as follows:

COMMENCING at an iron found for the northeast corner of said Edge Tract;

THENCE N 89°46'14"W, 544.00 feet along the north line of said Edge tract to an iron rod found at the northwest corner;

THENCE S 45°23'18"E, 154.47 feet to the POINT OF BEGINNING;

THENCE S 89°58'52"E, 30.00 feet;

THENCE S 00°01'08"W, 135.00 feet;

THENCE N 89°58'52"W, 30.00 feet;

THENCE N 00°01'08"E, 135.00 feet to the POINT OF BEGINNING, and containing 4,050 square feet, or 0.093 acres of land more or less.

Tract 2

BEING a tract of land situated in the S.B. Russell Survey, Abstract Number 1360 and the A. J. Russell Survey, Abstract Number 1279, Tarrant County, Texas, and being a portion of that certain tract of land described by deed to Overcoming Faith Christian Center, Inc., as recorded in Volume 17233, Page 32, County Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found, being the northeast property corner of that certain tract of land described by deed to Edge Barnett, LLC., as recorded in County Clerk's filing number D210038958, County Records, Tarrant County, Texas;

THENCE N 89°46'14"W, 544.00 feet along the north property line of said Edge Barnett tract to an iron rod found in the east line of that certain tract of land described by deed to the City of Arlington, as recorded in Volume 12803, Page 74, County Records, Tarrant County, Texas;

THENCE N 00°01'08"E, 177.75 feet along the east line of said City of Arlington tract to the north property line of said Overcoming Faith tract, being in Eden Road (a variable width right-of-way);

THENCE S 81°33'57"E, 279.69 feet in and along said Eden Road and along the north property line of said Overcoming Faith tract to an iron rod found;

THENCE S 76°14'19"E, 245.13 feet in and along said Eden Road and continuing along the north property line of said Overcoming Faith tract to an iron rod found;

THENCE S 85°50'17"E, 29.28 feet in and along said Eden Road and continuing along the north property line of said Overcoming Faith tract;

THENCE S 00°01'08"W, 78.47 feet to the POINT OF BEGINNING, and containing 71,972 square feet, or 1.652 acres of land more or less.

AND being generally located south of Eden Road and west of U.S. 287 Highway with the approximate address being 4700 Eden Road.

SUP11-13

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. Drilling operations shall be completed within five years from the date the gas well permit is issued.
3. At the permit stage, a Road Damage Assessment Study is required to mitigate any impacts to the street system during drilling.
4. At the permitting stage, all required tree mitigation will be met.
5. Access to the site will be from Eden Road.
6. Within thirty (30) days after drilling the first well on the site, the following landscaping and perimeter fencing improvements shall be installed:

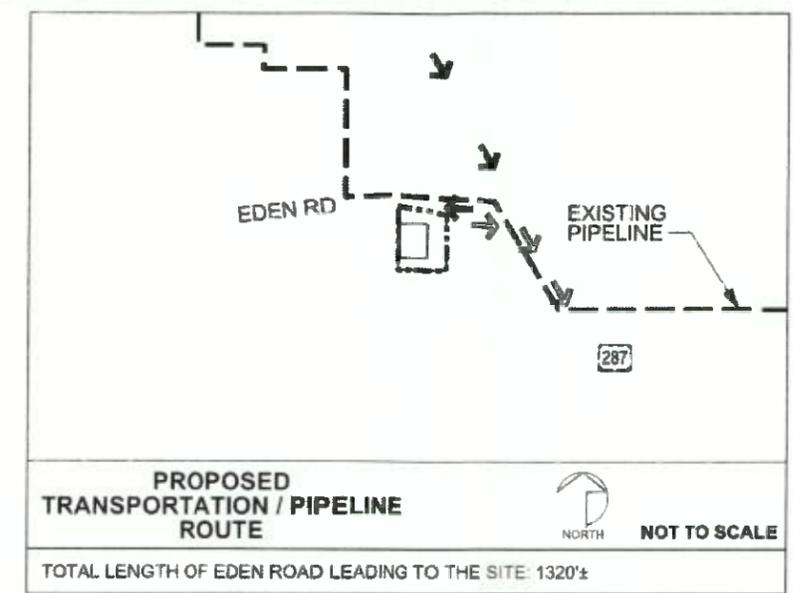
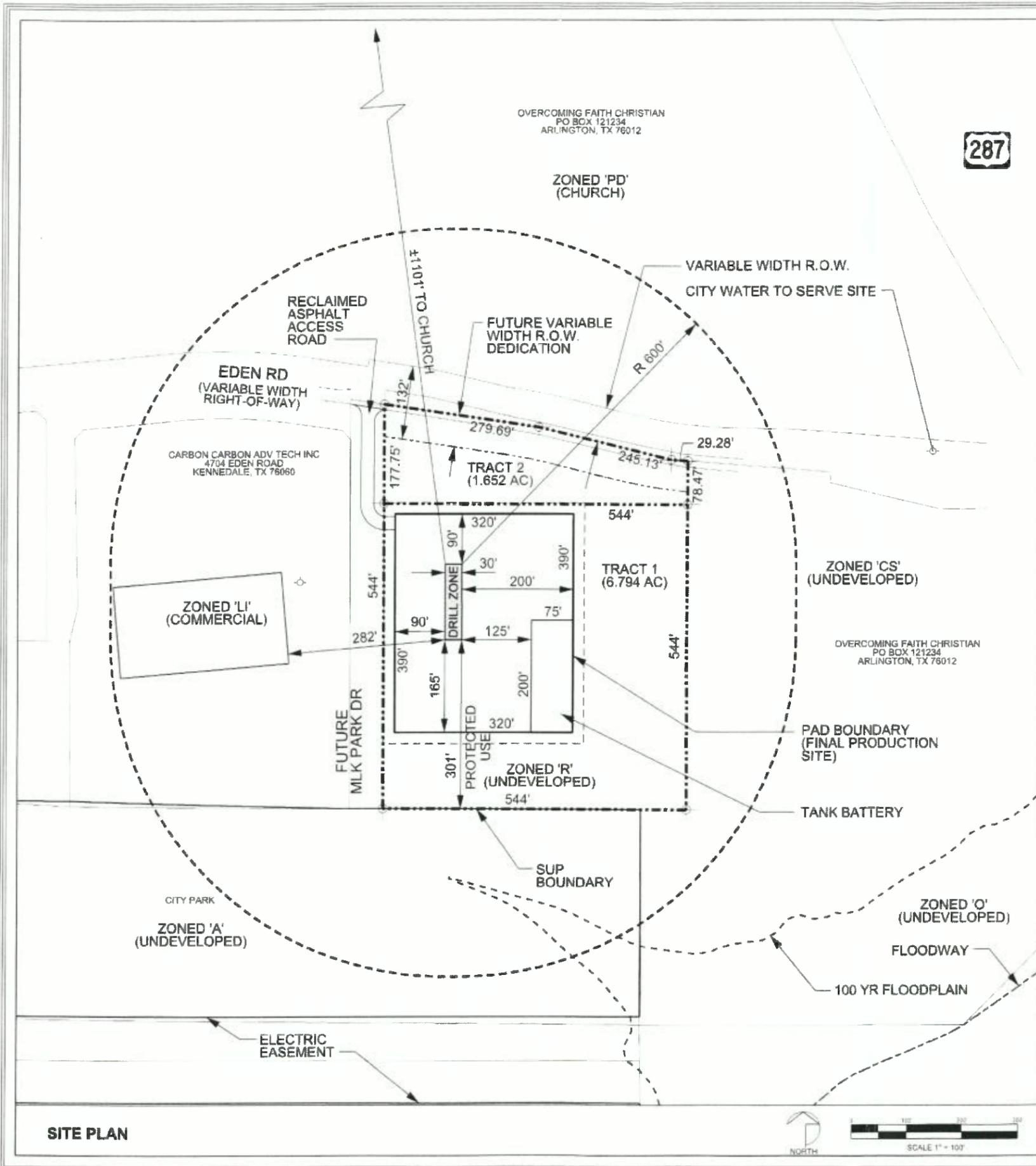
Tier	Landscaping	Perimeter Fencing
1*	40-foot transitional buffer around drill site and 10-foot wide streetscape setback with street trees.	8-foot tall masonry wall with 75% opacity around the perimeter of the drill site and gate.

*Tier 1 requirements apply in all locations except for industrial zoning districts.

Alternative fence and vegetation may be approved by City Council as a condition of the gas well permit.

9. The operator shall be responsible for the installation, preservation, and maintenance of all landscaping and physical features shown on this site plan.
10. Access to the site will be from future MLK Park Drive off of Eden Road. The drive will be a minimum of 24-feet wide with an overhead clearance of at least 14 feet. The access drive will be constructed of reclaimed asphalt to minimize dust. Site access to the pad will not face Eden Road, further reducing site visibility. Edge/Beacon will construct a gate with a Knox lock at the entrance to the pad and will preserve the trees beyond the drive to discourage access to the MLK park site.
11. The proposed transportation route to the site commences on U.S. 287 Highway. From U.S. 287 Highway, exit Eden Road and travel west on Eden Road to the drill site entrance. Reverse directions to exit the site and gain access back to U.S. 287 Highway. The proposed transportation route will be reviewed during the permitting stage.

12. Tree buffer to the South, East and North will be preserved aiding in screening and sound buffering. Edge/Beacon will install additional landscaping along Eden Road to increase screening of the site. Tree protection fencing will be provided around the trees to be preserved on the site.
13. Edge/Beacon will dedicate an access easement along eastern portion of property to provide trail access connecting MLK Park to the future Eden Road trail system during the life of the pad.
14. Right-of-way along Eden road will be dedicated.
15. Edge/Beacon will coordinate with the Parks Department and check the golf course calendar for tournaments, to limit high-volume truck traffic operations during specified events at the MLK Park complex and the Tierra Verde Golf Course.
16. Edge/Beacon does not propose a frac pond and will purchase water from the City of Arlington.
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:**
1. SPECIFIC USE PERMIT FOR GAS DRILLING USE.
 2. SITE GRADING WILL NOT ALTER THE NATURAL FLOW.
 3. THE ACCESS DRIVEWAY / ROAD WILL BE OFF OF EDEN ROAD.
 4. THE ACCESS ROAD IS 24' WIDE WITH 14' OVERHEAD CLEARANCE.
 5. ALL REQUIRED TREE MITIGATION WILL BE MET AT THE PERMITTING STAGE.
 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.

LEGAL DESCRIPTION:

TRACT 1- 6.794 ACRES
Tarrant County, Texas

BEING a tract of land situated in the S.B. Russell Survey, Abstract Number 1360, Tarrant County, Texas, and being all of that tract of land described by deed to Edge Barnett, LLC., as recorded in County Clerk's filing number D210038958, County Records, Tarrant County, Texas, being more particularly described by metes and bounds as follows:

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TRACT 2- 1.652 ACRES
Tarrant County, Texas

BEING a tract of land situated in the S.B. Russell Survey, Abstract Number 1360 and the A. J. Russell Survey, Abstract Number 1279, Tarrant County, Texas, and being a portion of that certain tract of land described by deed to Overcoming Faith Christian Center, Inc., as recorded in Volume 17233, Page 32, County Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

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THENCE S 00°01'08"W, 78.47 feet to the POINT OF BEGINNING, and containing 71,972 square feet, or 1.652 acres of land more or less.

OVERCOMING FAITH
CITY OF ARLINGTON, TEXAS

OWNER/APPLICANT
EDGE BARNETT OPERATING, LLC

4388 VICKERY BLVD., STE 100
FORT WORTH, TX 76107
(817) 870-0130

OWNER (TRACT 1):
EDGE BARNETT OPERATING, LLC
4388 VICKERY BLVD, STE 100
FORT WORTH, TX 76107

OWNER (TRACT 2):
OVERCOMING FAITH CHRISTIAN CENTER
6900 US HWY 287
ARLINGTON, TX 76012

PELTON
LAND SOLUTIONS

6751 KROGER DRIVE
SUITE 185
KELLER, TX 76244
PHONE: 817-562-3350

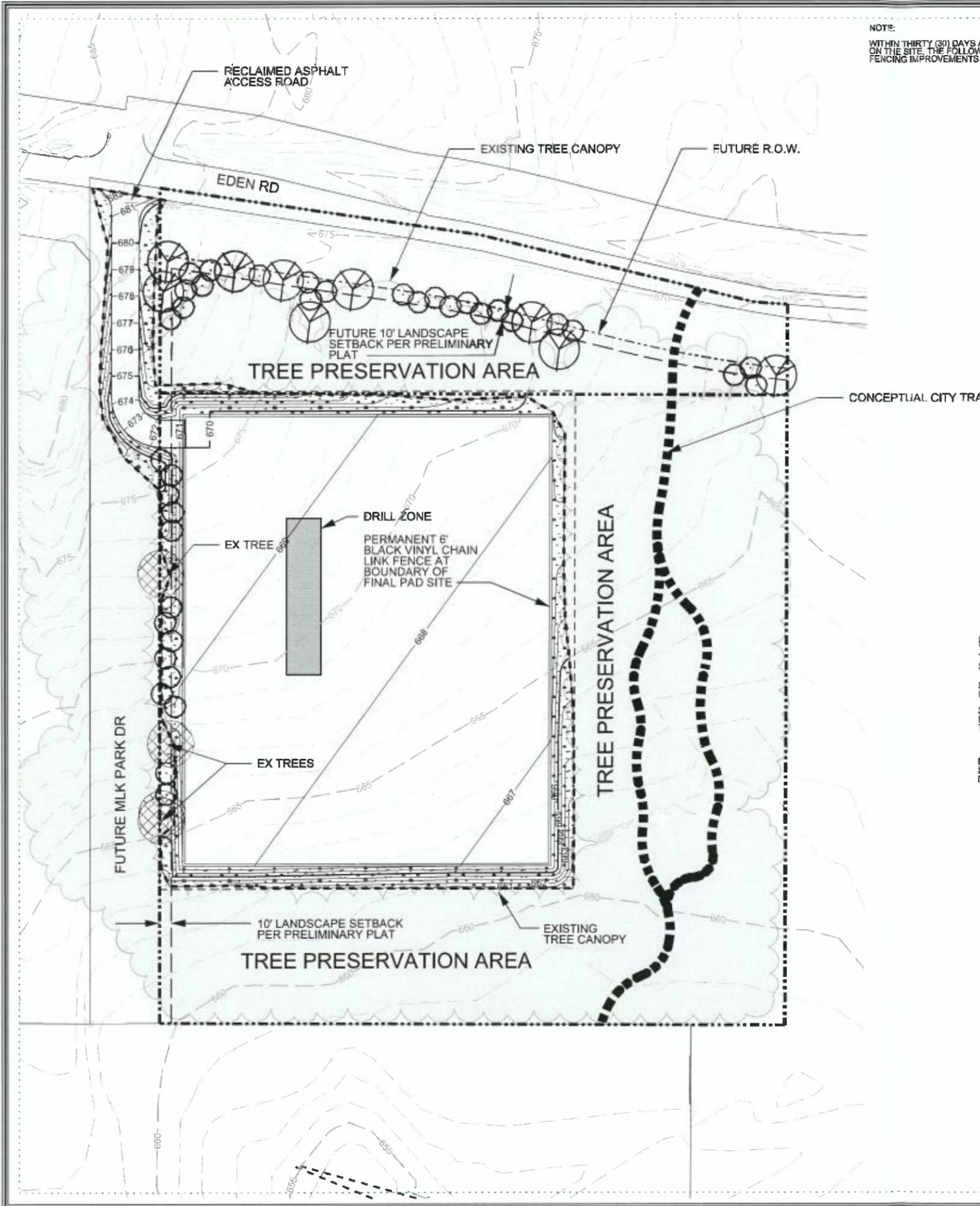
LEGEND

- - - SUP BOUNDARY
- ↖ SITE ACCESS / ROUTING-ENTERING
- ↗ SITE ACCESS / ROUTING-EXITING
- - - EXISTING KENNEDALE HEADER PIPELINE
- ▭ EXISTING STRUCTURES
- PROPOSED DRILL ZONE

PROJECT NO. 10-EDG002
FILE PATH G:\Job-EDG002-Overcoming Faith\Petro
DRAWN BY: KTV, TCG
REVIEWED BY: SOK
DATE: OCTOBER 31, 2011
REV: NOVEMBER 23, 2011

**SUP-SITE PLAN/
PROPOSED
TRANSPORTATION/
PIPELINE
ROUTE**

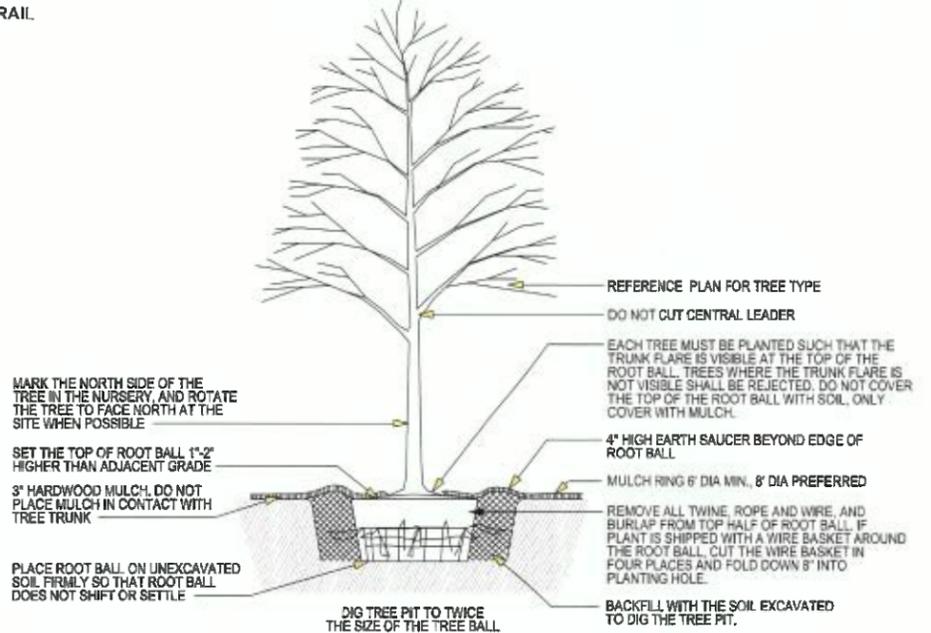
ZC # SUP11-13



NOTE:
 WITHIN THIRTY (30) DAYS AFTER DRILLING THE FIRST WELL ON THE SITE, THE FOLLOWING LANDSCAPING AND PERIMETER FENCING IMPROVEMENTS SHALL BE INSTALLED:

- PLANTING NOTES:
1. CONTRACTOR SHALL NOTIFY THE OWNERS REPRESENTATIVE OF ANY DISCREPANCIES THAT MAY ARISE DURING THE CONSTRUCTION PERIOD. ALL LINES TO MARK SUCH CONFLICTS KNOWN TO THE OWNER'S REPRESENTATIVE WILL RESULT IN THE CONTRACTOR'S LIABILITY TO RELOCATE MATERIALS AS DIRECTED.
 2. FINAL LOCATION OF PLANT MATERIAL IS SUBJECT FOR REVIEW AND APPROVAL BY OWNER'S REPRESENTATIVE.
 3. NOTIFY OWNER'S REPRESENTATIVE 48 HOURS IN ADVANCE OF COMMENCING WORK TO COORDINATE PROJECT INSPECTION SCHEDULE.
 4. REFER TO DETAILS AND SPECIFICATIONS FOR PLANT PIT DIMENSIONS AND BACKFILL REQUIREMENTS.
 5. ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR. PLANT MATERIAL THAT IS DAMAGED, DESTROYED, OR REMOVED SHALL BE REPLACED WITH PLANT MATERIAL OF SIMILAR SIZE AND VARIETY WITHIN 30 DAYS, UNLESS OTHERWISE APPROVED IN WRITING BY THE OWNER OR OWNER'S REPRESENTATIVE.
 6. ALL NEW PLANT MATERIAL SHALL CONFORM TO THE MINIMUM GUIDELINES ESTABLISHED FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC. IN ADDITION, ALL NEW PLANT MATERIAL FOR THE PROJECT SHALL BE OF SPECIMEN QUALITY.
 7. ALL NEW PLANTS SHALL BE BALLED AND BURLAPPED OR CONTAINER-GROWN, UNLESS OTHERWISE NOTED ON THE PLANT LIST.
 8. THE GENERAL CONTRACTOR SHALL SUPPLY ALL NEW PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THE DRAWINGS.
 9. ALL NEW PLANTS SHALL BE TAGGED AND APPROVED BY THE OWNER'S REPRESENTATIVE AT THE NURSERY PRIOR TO DIGGING OR DELIVERY TO THE SITE.
 10. THE GENERAL CONTRACTOR SHALL LOCATE AND VERIFY ALL EXISTING UTILITY LINES PRIOR TO PLANTING AND SHALL REPORT ANY CONFLICTS TO THE OWNER'S REPRESENTATIVE. VERIFY WITH OWNER PIPE LINE LOCATIONS PRIOR TO DIGGING.
 11. NO TREES SHALL BE PLANTED BEFORE ACCEPTANCE OF ROUGH GRADING. TREE SHALL BEAR SAME RELATIONSHIP TO FINISH GRADE AS THEY BORE TO PREVIOUS GRADE.
 12. STAKE THE LOCATION OF ALL PROPOSED PLANTING FOR APPROVAL BY THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCEMENT OF PLANTING.
 13. ALL PLANTED AREAS TO BE MULCHED AS SPECIFIED.
 14. ALL LANDSCAPED AREAS WILL BE IRRIGATED AND DETAILED IRRIGATION PLANS WILL BE SUBMITTED AT TIME OF GAS WELL PERMIT APPLICATION.
 15. ALL LANDSCAPED AREAS ARE TO BE MAINTAINED IN ACCORDANCE WITH CITY REGULATIONS.

PLANT QUANTITIES ARE TO BE AN AID TO THE BIDDER. BIDDERS ARE RESPONSIBLE FOR VERIFYING ALL QUANTITIES. PLANT QUANTITIES SHALL SUPERCEDE PLANT SCHEDULE QUANTITIES.
 PLANT DISCREPANCIES:
 PLANT: NUMBER ON PLAN SUPERCEDES PLANT SCHEDULE
 SIZE: LARGEST SIZE ON PLANT SCHEDULE FOR TYPE PREVAILS.
 SPECIES: CONSULT OWNER'S REPRESENTATIVE FOR CLARIFICATION.



- MARK THE NORTH SIDE OF THE TREE IN THE NURSERY, AND ROTATE THE TREE TO FACE NORTH AT THE SITE WHEN POSSIBLE
- SET THE TOP OF ROOT BALL 1'-2" HIGHER THAN ADJACENT GRADE
- 3" HARDWOOD MULCH. DO NOT PLACE MULCH IN CONTACT WITH TREE TRUNK
- PLACE ROOT BALL ON UNEXCAVATED SOIL FIRMLY SO THAT ROOT BALL DOES NOT SHIFT OR SETTLE
- DIG TREE PIT TO TWICE THE SIZE OF THE TREE BALL
- BACKFILL WITH THE SOIL EXCAVATED TO DIG THE TREE PIT.
- REMOVE ALL TWINE, ROPE AND WIRE, AND BURLAP FROM TOP HALF OF ROOT BALL. IF PLANT IS SHIPPED WITH A WIRE BASKET AROUND THE ROOT BALL, CUT THE WIRE BASKET IN FOUR PLACES AND FOLD DOWN 8" INTO PLANTING HOLE.

NOTES:
 1. DO NOT HEAVILY PRUNE THE TREE AT TIME OF PLANTING. PRUNE ONLY CROSS OVER LIMBS, CO-DOMINANT LEADERS, AND BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGS AND LATERAL BRANCHES MAY BE PRUNED; HOWEVER, DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN.
 2. STAKE TREES ONLY AT THE DIRECTION OF THE LANDSCAPE ARCHITECT.

TREE PLANTING DETAIL - B&B TREES IN ALL SOIL TYPES
 N.T.S.

PLANT SCHEDULE							
SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	COND.	REMARKS	ARLINGTON CANOPY SIZE
TREES							
	9	QUERCUS MACROCARPA	BUR OAK	3" CALIPER	B & B	SPECIMEN QUALITY	LARGE
	37	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	3" CALIPER	B & B	SPECIMEN QUALITY	LARGE
GROUND COVER							
	20,257 SF	CYNODON DACTYLON (L.) PERB.	COMMON BERMUDA				

OVERCOMING FAITH
 CITY OF ARLINGTON, TEXAS

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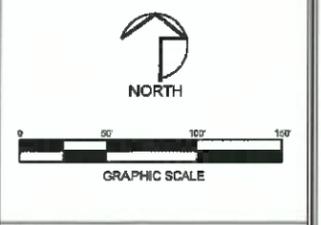
ENGINEER

PELTON
 LAND SOLUTIONS

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

- LEGEND**
- HYDROMULCH LIMITS
 - - - PROPOSED SUP BOUNDARY
 - EXISTING TREES TO REMAIN
 - TREE PRESERVATION AREA

PROJECT NO: 10-EDG002
 FILE PATH: Lab - EDG002-Overcoming Faith/Petro
 DRAWN BY: KTW, TCG
 REVIEWED BY: SOK
 DATE: OCTOBER 31, 2011
 REV: NOVEMBER 23, 2011



SHEET CONTENT

SUP LANDSCAPE PLAN

ZC # SUP11-13