05/07/12
05/08/12

Ordinance No. 12-029

An ordinance changing the zoning classification on certain property known as 601 Avenue H East by the approval of specific use permit SUP12-1 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 SUP12-1 and recommended approval of the specific use permit on March 7, 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 601 Avenue H East, 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 24th day of April, 2012 at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 1st day of May, 2012 by a vote of 7 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 _____

SUP12-1

EXHIBIT "A"

Drill Zone

BEING a 0.110 acre tract of land located in the Jesse Goodwin Survey, Abstract No. 595, in the City of Arlington, Tarrant County, Texas, being a portion of Site 7, Block 13, Industrial Community No. 1, Great Southwest Industrial District, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-139, Page 37, Plat Records, Tarrant County, Texas, same being a portion of a called 19.3575 acre tract of land as described in the Warranty Deed to Maharishi Global Development Fund, filed for record in Volume 15623, Page 334, Deed Records, Tarrant County, Texas, said 0.110 acre tract of land being more particularly described by metes & bounds as follows:

COMMENCING at an "X" cut found in concrete for the southwest corner of said Site 7, Block 13, Industrial Community No. 1, Great Southwest Industrial District, same being the southeast corner of Site 3, Industrial Community No. 1, Great Southwest Industrial District, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-17, Page 621, of said Plat Records, and being on the north right-of-way line of Avenue H, a 90.00' right-of-way at this point;

THENCE North 70 degrees 54 minutes 25 seconds East, over and across said Site 7, Block 13, a distance of 365.62 feet, to the **POINT OF BEGINNING**;

THENCE North 01 degrees 37 minutes 42 seconds West, a distance of 160.00 feet, to a point for corner;

THENCE North 88 degrees 22 minutes 18 seconds East, a distance of 30.00 feet, to a point for corner;

THENCE South 01 degrees 37 minutes 42 seconds East, a distance of 160.00 feet, to a point for corner;

THENCE South 88 degrees 22 minutes 18 seconds West, a distance of 30.00 feet, to the **POINT OF BEGINNING** and containing 0.110 acres (4,800 square feet) of land, more or less.

Drill Site

BEING a 5.035 acre tract of land located in the Jesse Goodwin Survey, Abstract No. 595, in the City of Arlington, Tarrant County, Texas, being a portion of Site 7, Block 13, Industrial Community No. 1, Great Southwest Industrial District, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-139, Page 37, Plat Records, Tarrant County, Texas, same being a portion of a called 19.3575 acre tract of land as described in the Warranty Deed to Maharishi Global Development Fund, filed for record in Volume 15623, Page 334, Deed Records, Tarrant County, Texas, said 5.035 acre tract of land being more particularly described by metes & bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the southernmost southeast corner of Site 8, Block 13, Industrial Community No. 1, Great Southwest Industrial District, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-142, Page 75, of said Plat Records, being common with the west line of said Site 7, Block 13, (City of Arlington GPS grid coordinates – N 6,963,378.8 – E 2,410,410.8);

THENCE Northerly, along said common line, the following calls:

North 00 degrees 28 minutes 31 seconds West, a distance of 29.91 feet, to a 1/2 inch iron rod found;

North 89 degrees 49 minutes 16 seconds East, a distance of 15.05 feet, to a 5/8 inch capped iron rod found stamped "Huitt Zollars";

North 00 degrees 28 minutes 47 seconds West, a distance of 232.91 feet, to a point for corner, being on the south line of Lot 1, Block 1, Budget Suites of America, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 4820, of said Plat Records;

THENCE North 89 degrees 24 minutes 22 seconds East, along the south line of said Lot 1, Block 1, a distance of 365.99 feet, to a 5/8 inch iron rod found;

THENCE North 29 degrees 22 minutes 31 seconds East, along the southeast line of said Lot 1, Block 1, a distance of 69.97 feet, to a point for corner, said point being the northernmost northeast corner of the herein described tract of land;

THENCE Southeasterly, departing the southeast line of said Lot 1, Block 1, and over and across said Site 7, Block 13, and the following calls:

South 60 degrees 37 minutes 29 seconds East, a distance of 123.88 feet, to a point for corner;

South 01 degrees 37 minutes 42 seconds East, a distance of 393.00 feet, to a point for corner;

South 13 degrees 31 minutes 53 seconds West, a distance of 74.49 feet, to a point for corner, being on the north right-of-way line of Avenue H, an 80' right-of-way at this point;

THENCE Westerly, along said north right-of-way line, the following calls:

North 76 degrees 28 minutes 07 seconds West, a distance of 145.29 feet, to an "X" cut found, being at the beginning of a non-tangent curve to the left raving a radius of 729.92 feet;

Along said non-tangent curve to the left, and in a westerly direction, through a central angle of 14 degrees 56 minutes 42 seconds, an arc length of 190.39 feet, and having a long chord which bears North 83 degrees 56 minutes 13 seconds West, a chord length of 189.85 feet, to a 5/8 inch iron rod found; South 88 degrees 30 minutes 18 seconds West, a distance of 150.91 feet, to a point for corner, being the southeast corner of Site 3, Industrial Community No. 1, Great

Southwest Industrial District, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-17, Page 621, of said Plat Records;

THENCE North 01 degrees 34 minutes 18 seconds West, departing said north right-of-way line, and along the east line of said Site 3, a distance of 148.74 feet, to a point for corner, being the northeast corner of said Site 3;

THENCE South 89 degrees 14 minutes 54 seconds West, along the north line of said Site 3, a distance of 29.85 feet, to the **POINT OF BEGINNING** and containing 5.035 acres (219,306 square feet) of land, more or less.

AND being generally located generally located north of Avenue H East and east of State Highway 360 with the approximate address being 601 Avenue H East.

SUP12-1

EXHIBIT "B"

1. An electric or hybrid electric rig shall be used.

2. The Operator shall identify all private water wells within 1,000 feet of the pad site boundary and will test wells identified if authorized by property owner. The Operator will provide an ambient air base line test before drilling operations commence.

3. The Operator shall comply with the highest noise standards between the City of Grand Prairie and Arlington.

4. A 20 to 90-foot transitional buffer of trees and vegetation will be preserved along the boundary of the pad site as described in the Site Plan.

5. A 10-foot landscape setback with street trees one tree per 35 linear feet of street frontage.

6. A minimum of 70 trees and 37 shrubs will be planted within the transitional buffer areas as described in the Site Plan. The operator and owner shall be responsible for the installation, preservation, and maintenance of all landscaping.

7. The existing masonry wall along the northern boundary (Budget Suites Hotel) will be used to screen from public view. If the wall is removed, the operator and owner shall install and maintain an eight-foot high masonry wall along the northern boundary.

8. Prior to drilling, a combination of an eight-foot high masonry wall and wrought iron fence with masonry columns will be placed along the eastern boundary as described on the Site Plan.

9. Prior to drilling, a combination of an eight-foot high masonry and wrought iron fence with masonry columns, will be placed along the western boundary as described on the Site Plan.

10. Prior to drilling, a solid eight-foot high masonry wall will be placed along the southern boundary of the site with a 24-foot wide gate.

11. The operator will work with the City on the best transportation route and roadway to be utilized

12. A frac pond will not be used for this site if adequate water supply is available for drilling operations.

13. The proposed access drive will be constructed of an asphalt or concrete material.

14. 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.