

Ordinance No. 09-015

An ordinance changing the zoning classification on certain property known as 2300 East Mayfield Road by the approval of specific use permit SUP08-30 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 SUP08-30 and recommended approval of the specific use permit on February 4, 2009;

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 2300 East Mayfield 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 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.

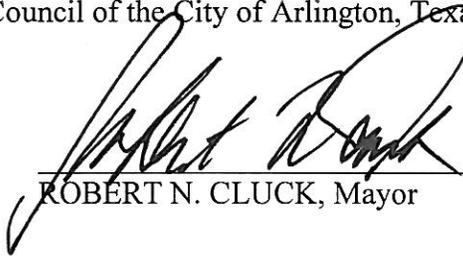
8.

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 ordinance shall become effective upon second publication.

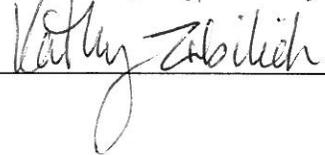
PRESENTED AND GIVEN FIRST READING on the 24th day of March, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 7th day of April, 2009, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP08-30

EXHIBIT "A"

THAT the following described property now zoned "R1" 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 5.461-acre tract of land located in the W. Hayman Survey, Abstract No. 642, in the City of Arlington, Tarrant County, Texas, being a portion of a called 16.37-acre tract of land as described in the Special Warranty Deed to Chesapeake Land Company, LLC, filed for record in County Clerk's Instrument No. D207376127, Deed Records, Tarrant County, Texas, said 5.461-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the south right-of-way line of East Mayfield Road, a 105-foot right-of-way at this point, and the west right-of-way line of Sherry Street, an 80-foot right-of-way at this point, same being the northernmost northeast corner of Lot 2, Block 1, Mayfield Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slides 5002-5003, Plat Records, Tarrant County, Texas, (City of Arlington GPS grid coordinates: North 6,937,468.2, East 2,407,711.8), said commencing point being North 01°04'38" West, a distance of 44.75 feet (plat 44.84 feet), from a ½-inch capped iron rod found stamped "Jones & Boyd" for an interior corner of said Lot 2, Block 1;

THENCE South 66°28'11" East, over and across said Sherry Street, and said called 16.37-acre tract of land, a distance of 253.42 feet, to the POINT OF BEGINNING (City of Arlington GPS grid coordinates: North 6,937,367.0, East 2,407,944.1);

THENCE continuing over and across said called 16.37-acre tract of land, the following calls:

South 89°59'07" East, a distance of 390.00 feet, to a point for corner;

South 00°00'53" West, a distance of 610.00 feet, to a point for corner for the southeast corner of the herein described tract of land;

North 89°59'07" West, a distance of 390.00 feet, to a point for corner, from which a 5/8-inch capped iron rod found stamped "Dunaway & Assoc" on the east right-of-way line (point of curvature) of said Sherry Street, bears South 58°18'17" West, a distance of 337.02 feet;

North 00°00'53" East, a distance of 610.00 feet, to the POINT OF BEGINNING and containing 5.461 acres of land, more or less;

AND being generally located south of East Mayfield Road and west of South Watson Road with the approximate address being 2300 East Mayfield Road.

SUP08-30

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. Landscaping shall be provided along all four sides on the outside of the masonry wall in accordance with the submitted site plan and shall be selected from the Texas Smartscape plant list. Shrubs shall be planted at no more than three feet on center and canopy trees will be planted on center at no more than half the specific species potential spread.
4. Use and development of the property must be in compliance with the attached Site Plan.
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.

AGAPE DRILL SITE

CURRENT ZONING

"R1" RESIDENTIAL

PROPOSED ZONING

"R1" RESIDENTIAL WITH A SPECIFIC USE PERMIT FOR GAS DRILLING.

OWNER

CHESAPEAKE LAND COMPANY LLC
6100 N. WESTERN AVE
OKLAHOMA CITY, OK 73118

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

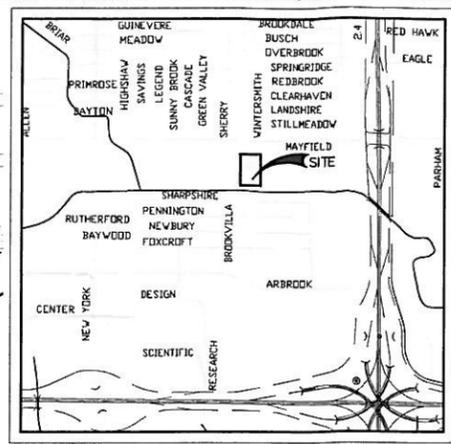
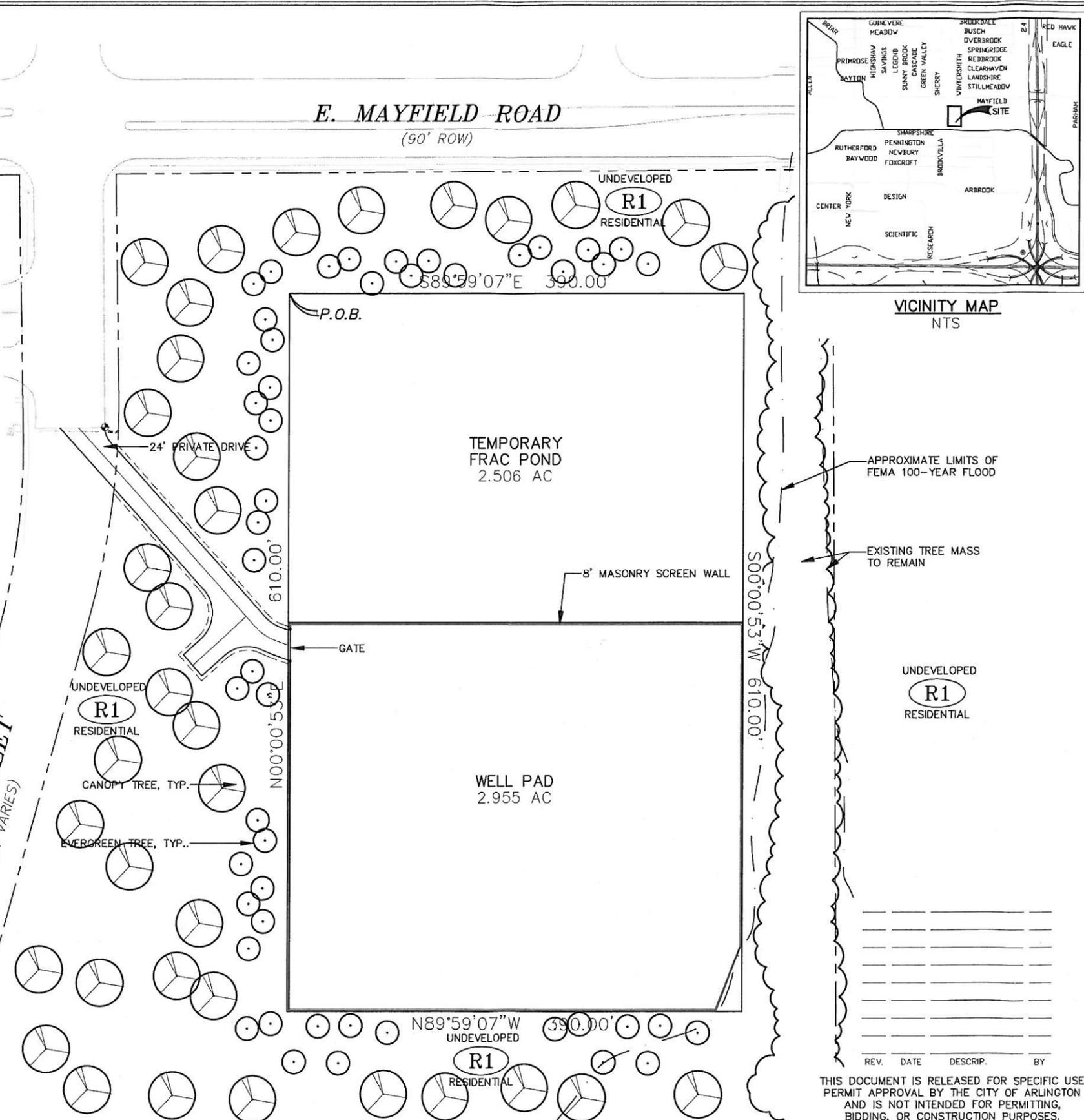
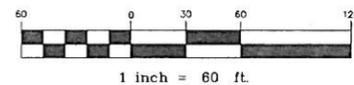
BEING A 5.461 ACRE PORTION OF LAND AS DESCRIBED IN THE SPECIAL WARRANTY DEED TO CHESAPEAKE LAND COMPANY, L.L.C., FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. D207376127, DEED RECORDS, TARRANT COUNTY, TEXAS,

LAND USE

- 1. GROSS AREA 5.461 AC
- 2. WELL PAD SITE 2.955 AC
- 3. FRAC POND AREA 2.506 AC

GENERAL NOTES

- 1. ALL TREE MITIGATION REQUIREMENTS WILL BE PROVIDED DURING THE GAS WELL PERMITTING PROCESS.



VICINITY MAP
NTS

APPROXIMATE LIMITS OF FEMA 100-YEAR FLOOD

EXISTING TREE MASS TO REMAIN

UNDEVELOPED
R1
RESIDENTIAL

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.

**AGAPE DRILL SITE
SPECIFIC USE PERMIT
2300 E. MAYFIELD ROAD
ARLINGTON, TX**

PROJECT TITLE:
AGAPE DRILL SITE
SPECIFIC USE PERMIT

m|ma
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: 2392-0-1
PROJECT MANAGER: J.SUMPTER
DRAWN BY: J.SUMPTER
CHECKED BY: J.SARABIA
ISSUE DATE: 12/01/08

SHEET CONTENT:
SUP PLAN
CASE # SUP08-30

SHEET NO:
1 OF 1

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