

Ordinance No. 10-026

An ordinance changing the zoning classification on certain property known as 3031 East Arkansas Lane by the approval of specific use permit SUP09-20 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 SUP09-20 and recommended approval of the specific use permit on December 9, 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 3031 East Arkansas Lane, 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.

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PRESENTED AND GIVEN FIRST READING on the 12th day of January, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 26th day of January, 2010, by a vote of 8 ayes, 0 nays, and 1 abstention at a regular meeting of the City Council of the City of Arlington, Texas.



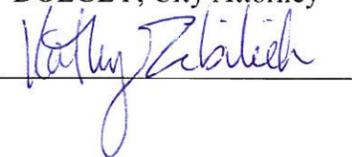
ROBERT N. CLUCK, Mayor

ATTEST:



KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP09-20

EXHIBIT "A"

BEING a 3.310-acre tract of land located in the John Langley Survey, Abstract No. 975, in the City of Arlington, Tarrant County, Texas, being a portion of a called 8.252-acre tract of land as described in the Special Warranty Deed to Fort Worth Land, L.L.C., a Texas limited liability company, filed for record in County Clerk's Instrument No. D207341239, Deed Records, Tarrant County, Texas, now know as Chesapeake Land Development, L.L.C. by Affidavit Regarding Certificate of Merger and Amended Articles of Organization, filed for record in County Clerk's Instrument No. D209046006, said Deed Records, and being a portion of Lot 2R, Tract V, Forum 303 Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-201, Page 72, Plat Records, Tarrant County, Texas, said 3.310-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a one-inch iron rod found for the westernmost southwest corner of said Lot 2R, same being the northwest corner of Lot 1R, of said Tract V, also being on the east line of Lot 3C, of said Tract V;

THENCE North 28°16'00" East, departing said east line, and over and across said Lot 2R, a distance of 30.30 feet, to the POINT OF BEGINNING;

THENCE northerly, continuing over and across said Lot 2R, the following calls:

North 00°29'59" West, a distance of 101.26 feet, to a point for corner, from which a one-inch iron rod found for the northwest corner of said Lot 2R bears North 15°51'17" West, a distance of 67.99 feet;

North 89°30'01" East, a distance of 200.78 feet, to a point for corner;

North 73°07'25" East, a distance of 240.13 feet, to a point for corner;

North 00°29'59" West, a distance of 22.03 feet, to a point for corner;

North 84°23'11" East, a distance of 82.46 feet, to a point for corner;

North 57°15'22" East, a distance of 251.68 feet, to a point for corner;

North 89°30'01" East, a distance of 45.00 feet, to a point for corner, being the northeast corner of the herein described tract of land, from which a ½-inch capped iron rod found stamped "Pacheco-Koch" bears North 07°57'04" East, a distance of 132.16 feet;

South 00°29'59" East, a distance of 355.00 feet, to a point for corner;

South 89°30'01" West, a distance of 225.00 feet, to a point for corner;

North 43°31'15" West, a distance of 30.60 feet, to a point for corner, from which a ½-inch iron rod found for an interior boundary corner of Lot 2R, same being the northeast corner of said Lot 1R, bears South 24°27'35" West, a distance of 19.63 feet;

South 89°30'01" West, a distance of 525.29 feet, to the POINT OF BEGINNING and containing 3.310 acres of land, more or less;

AND being generally located north of East Arkansas Lane and west of Forum Drive with the approximate address being 3031 East Arkansas Lane.

SUP09-20

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. At the permit stage, all required tree mitigation will be met.
4. After completion of all wells, a solid masonry wall with a minimum height of eight feet and landscaping must enclose all completed wells and tanks located within the operation site. A minimum of one gate, twelve feet wide, must be installed. Landscaping should consist of trees which must be chosen from the Texas Smartscape List. A detailed landscape plan and plant schedule must be provided upon drilling permit submittal.
5. The property owner shall be responsible for the installation, preservation, and maintenance of all landscaping and physical features shown on this site plan.
6. Applicant shall do the following activities at the site prior to the issuance of a gas well permit, but no later than two years after the approval date of the Specific Use Permit (SUP): The boundary of the SUP site, with the exception of the access point, shall be landscaped with a level one transitional buffer in accordance with the zoning ordinance. The applicant will provide a covenant by separate instrument if the buffer is outside the SUP area.
7. The owner shall provide an opaque fence to screen the south and west sides of the temporary frac pond.
8. Use and development of the property must be in compliance with the attached site plan.
9. 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.

