

**Ordinance No. 10-046**

**An ordinance changing the zoning classification on certain properties known as 2001 and 2009 West Division Street by the approval of specific use permit SUP10-1 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; 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 SUP10-1 and recommended approval of the specific use permit on April 21, 2010; and

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 2001 and 2009 West Division Street, 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.

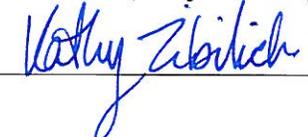
PRESENTED AND GIVEN FIRST READING on the 18th day of May, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 8th day of June 2010, by a vote of 6 ayes, 0 nays, and 2 abstentions at a regular meeting of the City Council of the City of Arlington, Texas.

  
\_\_\_\_\_  
ROBERT N. CLUCK, Mayor

ATTEST:

  
\_\_\_\_\_  
KAREN BARLAR, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY   
\_\_\_\_\_

SUP10-1

EXHIBIT "A"

BEING a 4.166-acre tract of land located in the H.D. Thompson Survey, Abstract No. 1507, in the City of Arlington, Tarrant County, Texas, being a portion of Lots 36 & 37, H.D. Thompson Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 6239, Plat Records, Tarrant County, Texas, and being a portion of that certain tract of land (Lot 36) as described in the Special Warranty Deed to Chesapeake Land Company, L.L.C., filed for record in County Clerk's Instrument No. D207454291, Deed Records, Tarrant County, Texas, and being a portion of a called 1.707-acre tract of land (Lot 37) 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. D208021742, of said Deed Records, now known 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, of said Deed Records, said 4.166-acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at ½-inch iron rod found for the southwest corner of Lot 36, of said H.D. Thompson Addition, being on the north right-of-way line of West Division Street, an 80.00-foot right-of-way;

THENCE North 00°00'12" East, departing said north right-of-way line, and along the west line of said Lot 36, a distance of 435.94 feet, to a point for corner;

THENCE North 89°27'17" East, departing said west line, and over and across said Lot 36, a distance of 418.98 feet, to a point for corner on the east line of Lot 36, same being the west right-of-way line of Oakwood Lane, a variable width right of way, from which a two-inch aluminum disc found stamped "KSC 4019" for the northeast corner of said Lot 36, bears North 00°19'53" West, a distance of 107.49 feet;

THENCE Southerly, along the west right-of-way line of said Oakwood Lane, the following calls:

South 00°19'53" East, a distance of 80.13 feet, to a point for corner;

South 01°38'05" West, a distance of 150.02 feet, to a point for corner;

South 00°10'10" East, a distance of 190.32 feet, to a point for corner at the northeast end of a corner clip;

THENCE South 44°32'19" West, along said corner clip, a distance of 21.31 feet, to a point for corner on the north right-of-way line of said West Division Street;

THENCE South 89°22'45" West, a distance of 400.81 feet, to the POINT OF BEGINNING and containing 4.166 acres of land, more or less;

AND being generally located north of West Division Street and west of Oakwood Lane with the approximate addresses being 2001 and 2009 West Division Street.

SUP10-1

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. Applicant shall do the following activities at the site prior to the issuance of a gas well permit, plant trees outside the masonry wall along West Division Street and Oakwood Lane.
5. After completion of all wells, additional trees shall be planted within a 20-foot transitional buffer on the north and west sides of the pad site.
6. After completion of all wells, a solid masonry wall with a minimum height of eight feet must enclose all completed wells and tanks located within the operation site. A minimum of one gate, twelve feet wide, must be installed. A detailed landscape plan and plant schedule must be provided upon drilling permit submittal.
7. The property owner shall be responsible for the installation, preservation, and maintenance of all landscaping and physical features shown on this site plan.
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.

**CH ENTERPRISE DRILL SITE**

**CURRENT ZONING**

"LI" LIGHT INDUSTRIAL

**PROPOSED ZONING**

"LI" LIGHT INDUSTRIAL WITH SPECIFIC USE PERMIT FOR GAS DRILLING

**OWNER**

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

**DEVELOPER**

CHESAPEAKE ENERGY CORPORATION  
100 ENERGY WAY  
FORT WORTH, TEXAS 76102  
CONTACT: DUSTY ANDERSON  
TEL: 817-502-5645  
FAX: 817-810-0170

**ENGINEER/SURVEYOR/  
LANDSCAPE ARCHITECT**

MYCOSKIE+MCINNIS ASSOCIATES  
200 E. ABRAM STREET  
ARLINGTON, TEXAS 76010  
CONTACT: JACOB SUMPTER  
TEL: 817-469-1671  
FAX: 817-274-8757

**LEGAL DESCRIPTION**

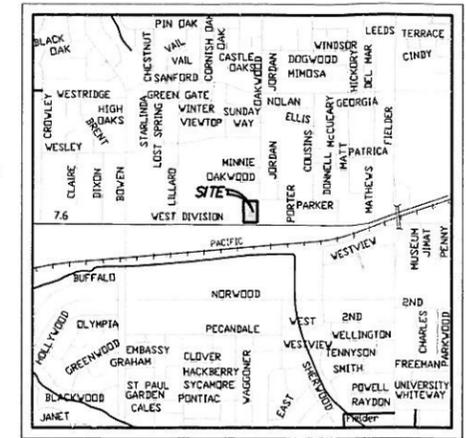
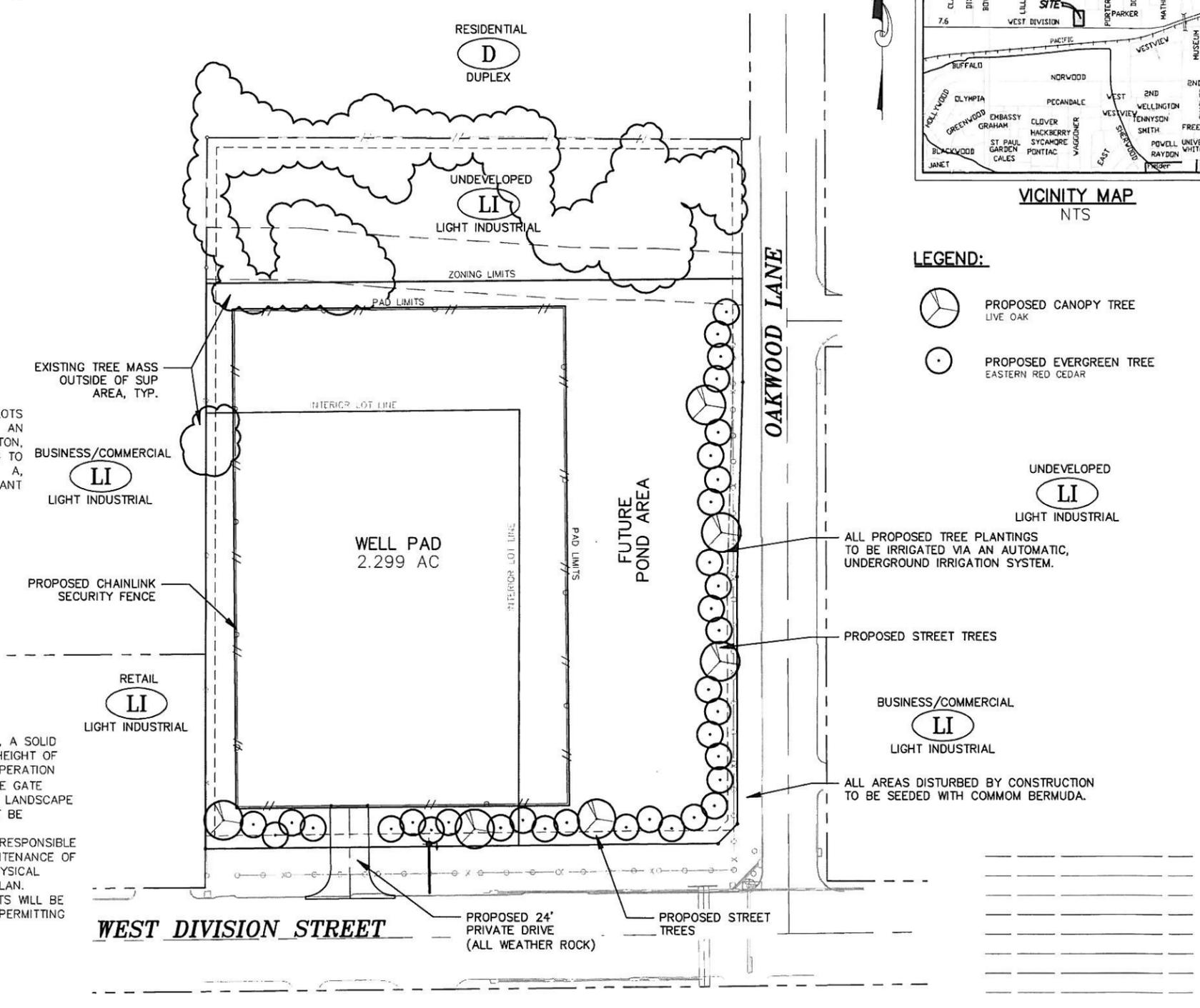
BEING A 4.166 ACRE PORTION OF LOTS 36 & 37, H.D. THOMPSON ADDITION, AN ADDITION TO THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET A, SLIDE 6239, PLAT RECORDS, TARRANT COUNTY, TEXAS,

**LAND USE**

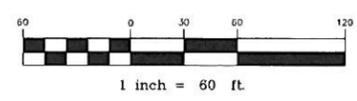
- 1. GROSS AREA 4.166 AC
- 2. WELL PAD SITE 2.299 AC
- 3. POND/OPEN SPACE 1.867 AC

**GENERAL NOTES**

1. AFTER COMPLETION OF ALL WELLS, A SOLID MASONRY WALL WITH A MINIMUM HEIGHT OF EIGHT FEET MUST ENCLOSE THE OPERATION SITE. A MINIMUM OF ONE 12' WIDE GATE MUST BE INSTALLED. A DETAILED LANDSCAPE PLAN AND PLANT SCHEDULE MUST BE PROVIDED UPON DRILLING PERMIT.
2. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE PRESERVATION AND MAINTENANCE OF ALL EXISTING VEGETATION AND PHYSICAL FEATURES SHOWN ON THIS SITE PLAN.
3. ALL TREE MITIGATION REQUIREMENTS WILL BE PROVIDED DURING THE GAS WELL PERMITTING PROCESS.



- LEGEND:**
- PROPOSED CANOPY TREE  
LIVE OAK
  - PROPOSED EVERGREEN TREE  
EASTERN RED CEDAR



THIS DOCUMENT IS RELEASED FOR SPECIFIC USE PERMIT APPROVAL BY THE CITY OF ARLINGTON AND IS NOT INTENDED FOR PERMITTING, BIDDING, OR CONSTRUCTION PURPOSES.

**CH ENTERPRISE  
SPECIFIC USE PERMIT  
2001 WEST DIVISION STREET  
ARLINGTON, TX**

PROJECT TITLE:  
**CH ENTERPRISE  
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

**Chesapeake  
ENERGY**

PROJECT NUMBER: 2488-0-1  
PROJECT MANAGER: J.SUMPTER  
DRAWN BY: J.SUMPTER  
CHECKED BY: C.MYCOSKIE  
ISSUE DATE: 1/07/10

SHEET CONTENT:  
**SUP PLAN  
CASE # SUP10-1  
DRILLING PHASE**

SHEET NO:  
**1 OF 4**

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**CH ENTERPRISE DRILL SITE**

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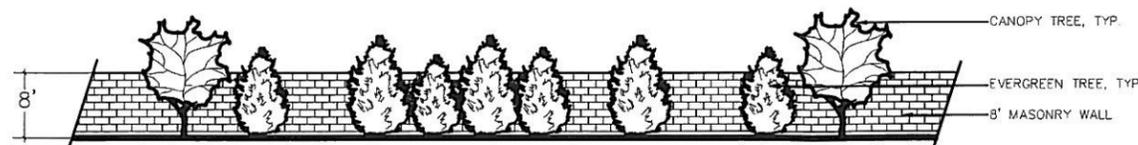
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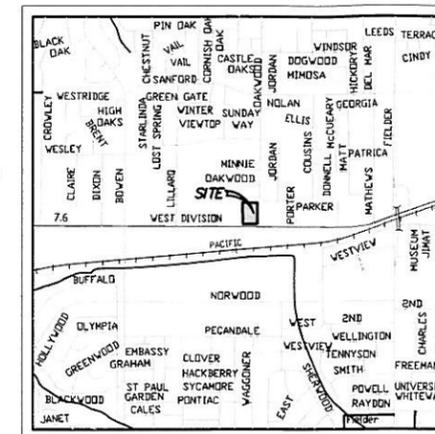
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- ALL TREE MITIGATION REQUIREMENTS WILL BE PROVIDED DURING THE GAS WELL PERMITTING PROCESS.



**8' MASONRY WALL DETAIL**

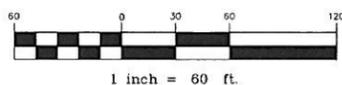
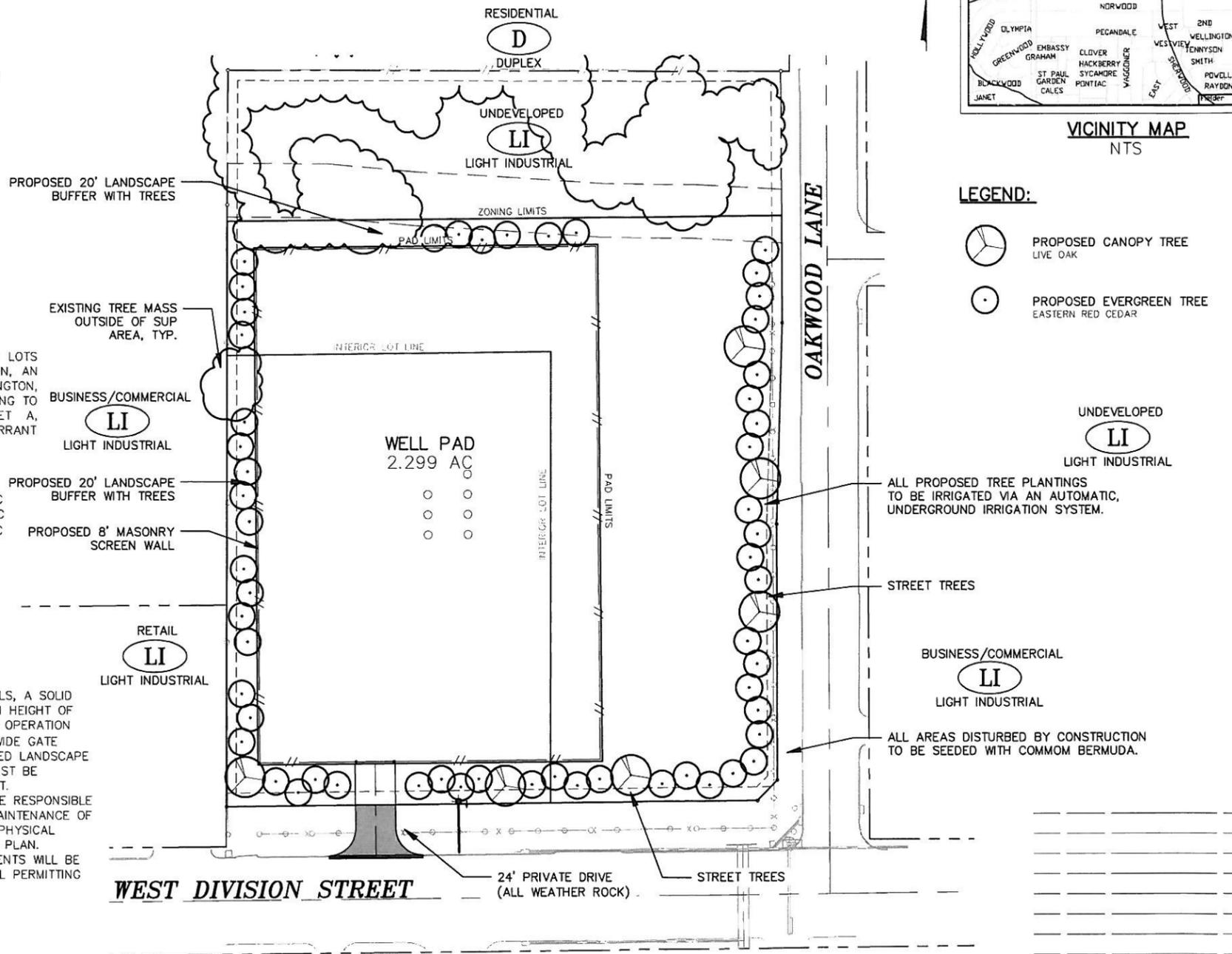
NOTES:  
1. LANDSCAPING SHALL BE PROVIDED AS SHOWN ON THIS SPECIFIC USE PERMIT.



**VICINITY MAP**  
NTS

**LEGEND:**

- PROPOSED CANOPY TREE  
LIVE OAK
- PROPOSED EVERGREEN TREE  
EASTERN RED CEDAR



REV.	DATE	DESCRIP.	BY

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**Chesapeake**  
ENERGY

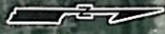
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SHEET CONTENT:  
**SUP PLAN  
CASE # SUP10-1  
COMPLETION PHASE**

SHEET NO:  
**2 OF 4**

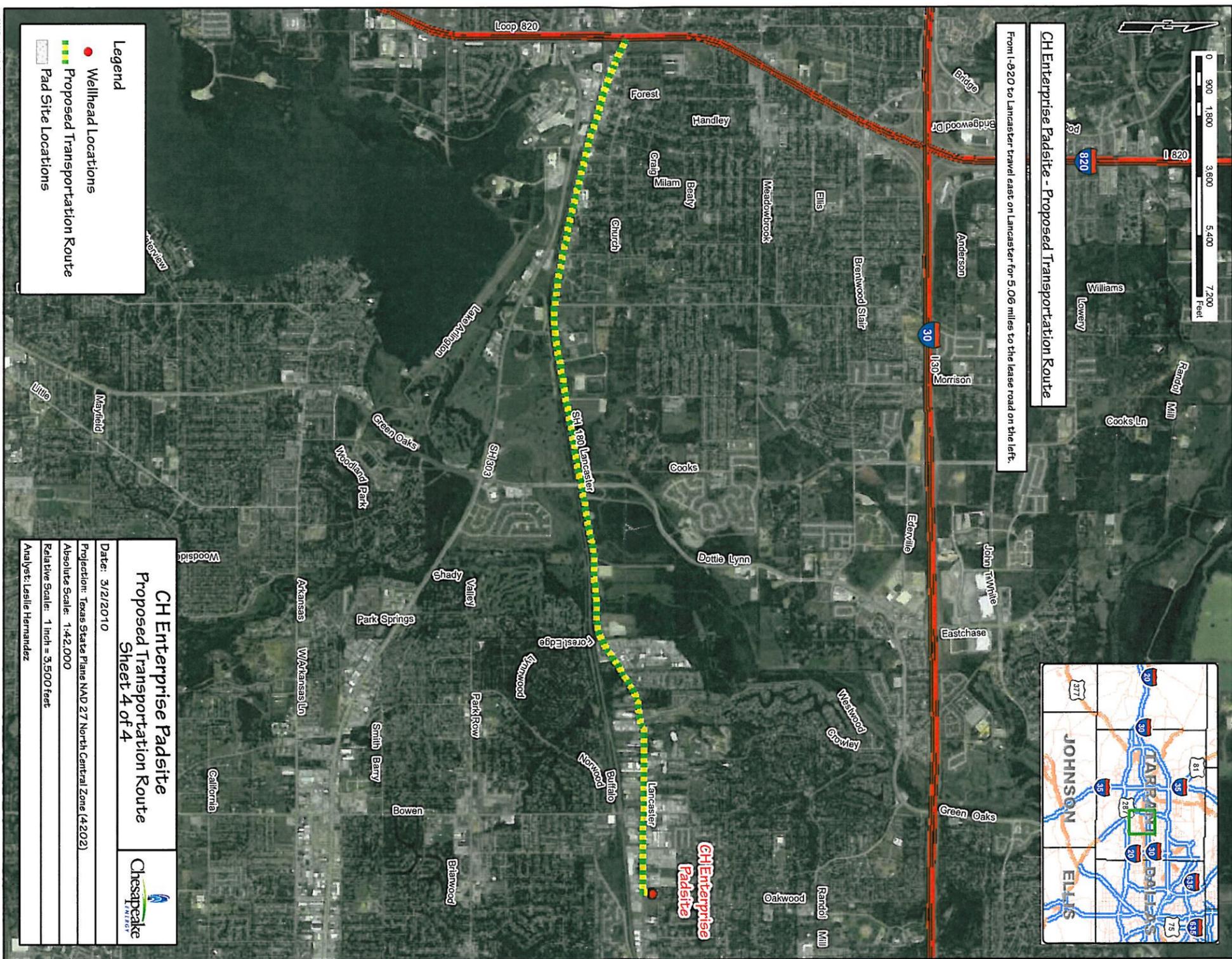
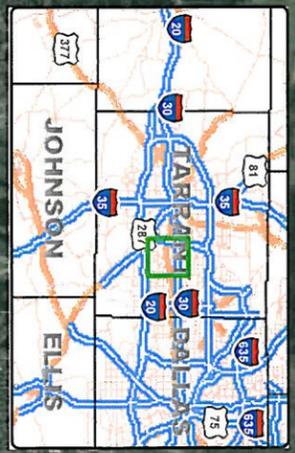
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**CH Enterprise Padsite - Proposed Transportation Route**

From I-820 to Lancaster travel east on Lancaster for 5.06 miles to the lease road on the left.



**Legend**

- Wellhead Locations
- Proposed Transportation Route
- Pad Site Locations

<p><b>CH Enterprise Padsite Proposed Transportation Route Sheet 4 of 4</b></p>	<p><b>Chesapeake ENERGY</b></p>
<p>Date: 3/2/2010</p>	
<p>Projection: Texas State Plane NAD 27 North Central Zone (4202)</p>	
<p>Absolute Scale: 1:42,000</p>	
<p>Relative Scale: 1 inch = 3,500 feet</p>	
<p>Analyst: Leslie Hernandez</p>	

X:\GIS\Prod\Work\Permitting\Permit\_Exp\Habitat\CH Enterprise\_HHW\KDC\CH Enterprise\_Pad\_Proposed Trans Route.mxd