03/31/09
04/03/09

Ordinance No. 09-009

An ordinance changing the zoning classification on certain property known as 1101 West Harris Road by the approval of specific use permit SUP08-28 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 SUP08-28 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 1101 West Harris 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 10th 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 24th day of March, 2009, 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

SUP08-28

EXHIBIT "A"

THAT the following described property now zoned "IM" 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 5.739-acre tract of land located in the T.O. Harris Survey, Abstract No. 645, in the City of Arlington, Tarrant County, Texas, and being a portion of called 30.705-acre tract of land as described in the Trustee's Deed to Joyce Smith, filed for record in Volume 10596, Page 188, Deed Records, Tarrant County, said 5.739-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a one-inch pipe found for the southwest corner of a called 3.76-acre tract of land, as described in the Warranty Deed, to the City of Arlington, filed for record in Volume 15207, Page 195, of said Deed Records, same being the southeast corner of said called said called 30.705-acre tract of land;

THENCE South 89°40'35" West, along the south line of said called 30.705-acre tract of land, a distance of 400.67 feet, to a point for corner;

THENCE departing said south line and over and across said called 30.705-acre tract of land, the following calls:

North 00°32'24" West, a distance of 29.99 feet, to the POINT OF BEGINNING for the herein described tract of land;

South 89°26'02" West, a distance of 1134.27 feet, to a point for corner;

North 00°33'34" West, a distance of 232.92 feet, to a point for corner;

South 89°17'57" East, a distance of 1134.61 feet, to a point for corner;

South 00°32'24" East, a distance of 207.84 feet, to the POINT OF BEGINNING and containing 5.739 acres of land;

AND being generally south of West Harris Road and east of South Cooper Street with the approximate address being 1101 West Harris Road.

SUP08-28

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 the southern boundary line on the outside of the masonry wall in accordance with the submitted site plan. Proposed landscaping consists of vines planted 10 feet on center and canopy trees 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.

DUKE DRILL SITE

CURRENT ZONING
"PD" FOR "IM" USE SPECIFICALLY FOR HIGH IMPACT GAS WELL DRILLING AND PRODUCTION

PROPOSED ZONING
"IM" INDUSTRIAL MANUFACTURING WITH A SPECIFIC USE PERMIT FOR GAS DRILLING USE

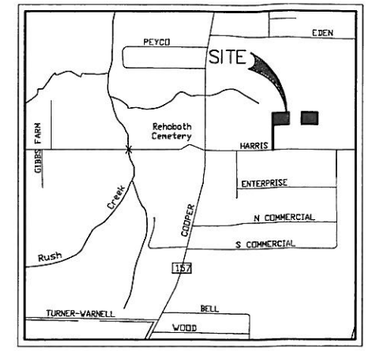
OWNER
CHK LOUISIANA LLC
6100 NORTH WESTERN AVENUE
OKLAHOMA CITY, OK 73154
CONTACT: HENRY HOOD
TEL: 405-879-9400
FAX: 405-879-1457

DEVELOPER
CHESAPEAKE ENERGY CORPORATION
100 ENERGY WAY
FORT WORTH, TEXAS 76102
CONTACT: HEATHER BARCIA
TEL: 817-870-1250
FAX: 817-810-9485

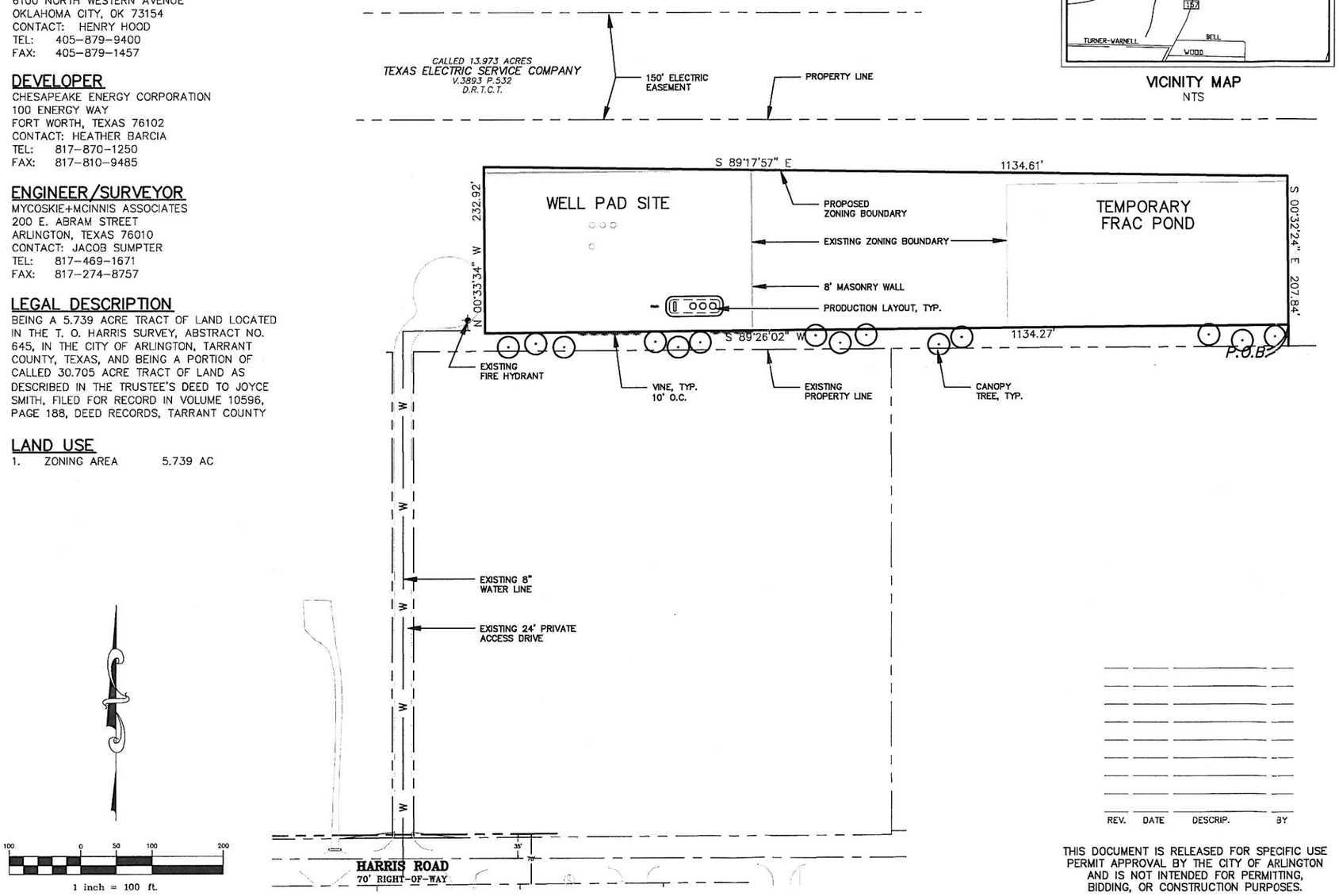
ENGINEER/SURVEYOR
MYCOSKIE+MCINNIS ASSOCIATES
200 E. ABRAM STREET
ARLINGTON, TEXAS 76010
CONTACT: JACOB SUMPTER
TEL: 817-469-1671
FAX: 817-274-8757

LEGAL DESCRIPTION
BEING A 5.739 ACRE TRACT OF LAND LOCATED IN THE T. O. HARRIS SURVEY, ABSTRACT NO. 645, IN THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, AND BEING A PORTION OF CALLED 30.705 ACRE TRACT OF LAND AS DESCRIBED IN THE TRUSTEE'S DEED TO JOYCE SMITH, FILED FOR RECORD IN VOLUME 10596, PAGE 188, DEED RECORDS, TARRANT COUNTY

LAND USE
1. ZONING AREA 5.739 AC



VICINITY MAP
NTS



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.

DUKE DRILL SITE
SPECIFIC USE PERMIT
1101 W. HARRIS ROAD
ARLINGTON, TX

PROJECT TITLE:
DUKE DRILL SITE SPECIFIC USE PERMIT

mma
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:	2245-0-1
PROJECT MANAGER:	J.SUMPTER
DRAWN BY:	J.SUMPTER
CHECKED BY:	J.SARABIA
ISSUE DATE:	MM/DD/YY

SHEET CONTENT:
SUP PLAN
CASE # SUP08-28

SHEET NO:
1 OF 1

COPYRIGHT © 2008 MMA, INC.