

Ordinance No. 09-039

An ordinance changing the zoning classification on certain property known as 2453 East Sublett Road and 5720 South Watson Road by the approval of specific use permit SUP09-5 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 SUP09-5 and recommended denial of the specific use permit on May 20, 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 2453 East Sublett Road and 5720 South Watson 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.

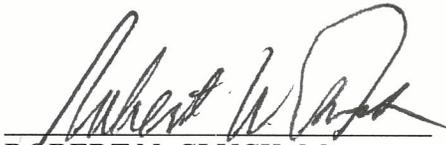
8.

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 23rd day of June, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 18th day of August, 2009, by a vote of 7 ayes 1 nay, and 1 abstention at a regular meeting of the City Council of the City of Arlington, Texas.



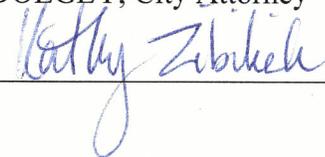
ROBERT N. CLUCK, Mayor

ATTEST:



KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP09-5

EXHIBIT "A"

THAT the following described property 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 5.426-acre tract of land located in the John Balch Survey, Abstract No. 83, in the City of Arlington, Tarrant County, Texas, being a portion of a called 7.701-acre tract of land as described in the Special Warranty Deed to Chesapeake Exploration, L.L.C., filed for record in County Clerk's Instrument No. D208421435, Deed Records, Tarrant County, Texas, and being a portion of Lot 2, J. Balch Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-86, Page 40, Plat Records, Tarrant County, Texas, said 5.426 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at 5/8-inch capped iron rod found stamped "Dunaway & Assoc." for the northwest corner of said Lot 2, and being on the southernmost northerly line of said called 7.701-acre tract of land, also being on the south line of a called 2.072-acre tract of land as described in the Warranty Deed with Vendor's Lien to Alfredo and Isabel Cazares, filed for record in County Clerk's Instrument No. D204084252, of said Deed Records;

THENCE North 89°49'52" East, along the north line of said Lot 2, common to the south line of said called 2.072-acre tract of land, and, a distance of 82.30 feet, to a point for corner;

THENCE South 00°10'08" East, departing said common line, and over and across said Lot 2, and said called 7.701-acre tract of land, passing the south line of said Lot 2 at a distance of 187.4 feet, and continuing in all a total distance of 248.72 feet, to a point for corner;

THENCE continuing over and across said called 7.701-acre tract of land, the following calls:

South 89°55'03" East, a distance of 45.00 feet, to a point for corner;

South 00°04'57" West, a distance of 315.00 feet, to a point for corner, from which a Texas Department of Transportation (TXDOT) monument on the west right-of-way line of State Highway 360, a variable width right-of-way, bears South 37°20'55" East, a distance of 19.68 feet;

South 35°18'01" West, a distance of 104.04 feet, to a point for corner;

North 89°55'03" West, a distance of 290.00 feet, to a point for corner, being the southwest corner of the herein described tract of land, from which a one-inch iron pipe found for the southwest corner of said called 7.701-acre tract of land bears South 45°54'35" West, a distance of 17.09 feet;

North 00°04'57" East, a distance of 400.00 feet, to a point for corner;

North 89°55'03" West, a distance of 17.74 feet, to a point for corner, being on the west line of said called 7.701-acre tract of land, and being on the east line of a called 7.15-acre tract of land as described in the Warranty Deed to Harwood 360 Holdings, Ltd., filed for record in County Clerk's Instrument No. D206193888, of said Deed Records;

THENCE North 00°40'46" West, along said west line, a distance of 362.02 feet, to a point for corner, being the northwest corner of the herein described tract of land, from which a ½-inch iron rod found for the northwest corner of said called 7.701-acre tract of land, same being the northeast corner of said called 7.15-acre tract of land bears North 00°40'46" West, a distance of 205.02 feet;

THENCE South 89°55'03" East, departing said west line, and over and across said called 7.701-acre tract of land, a distance of 162.71 feet, to a point for corner on the northernmost east line of said called 7.701-acre tract of land;

THENCE South 00°32'40" East, along said east line, a distance of 113.98 feet, to a ½-inch capped iron rod found stamped "BUI" for an interior corner of said called 7.701-acre tract of land, same being the southwest corner of said called 2.072-acre tract of land;

THENCE North 89°49'52" East, along the south line of said called 2.072-acre tract of land, a distance of 80.21 feet, to the POINT OF BEGINNING and containing 5.426 acres of land, more or less;

AND being generally located south of Edinburgh Street and west of South Watson Road with the approximate addresses being 2453 East Sublett Road and 5720 South Watson Road.

SUP09-5

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 on the outside of the masonry wall in accordance with the submitted site plan and shall consist of screen trees and existing trees, which will remain along the south and west boundaries, as shown on the site plan.
4. Landscaping shall be installed to screen the site from Sublett Road and State Highway 360 prior to the commencement of the drilling operations.
5. Use and development of the property must be in compliance with the attached Site Plan.
6. 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.

FULSON DRILL SITE

CURRENT ZONING

"CS" COMMUNITY SERVICE

PROPOSED ZONING

"CS" COMMUNITY SERVICE WITH A SPECIFIC USE PERMIT FOR GAS DRILLING.

OWNER

CHESAPEAKE EXPLORATION LLC
5701 N. SHARTEL 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

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

LEGAL DESCRIPTION

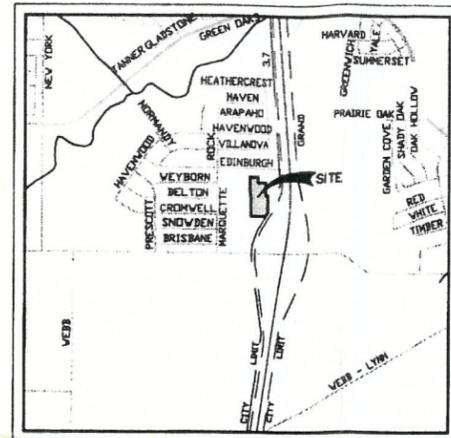
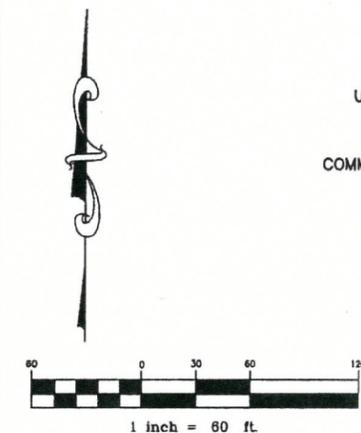
BEING A 5.426 ACRE PORTION OF LAND AS DESCRIBED IN THE SPECIAL WARRANTY DEED TO CHESAPEAKE EXPLORATION, L.L.C., FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. D208421435, DEED RECORDS, TARRANT COUNTY, TEXAS, AND BEING A PORTION OF LOT 2, J. BALCH ADDITION, AN ADDITION TO THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 388-86, PAGE 40, PLAT RECORDS, TARRANT COUNTY, TEXAS

LAND USE

- | | |
|------------------|----------|
| 1. GROSS AREA | 5.426 AC |
| 2. WELL PAD SITE | 3.155 AC |
| 3. FRAC POND | 2.271 AC |

GENERAL NOTES

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



VICINITY MAP
NTS

LEGEND:

- CANOPY TREE
- EVERGREEN TREE
- EXISTING TREE MASS

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

**FULSON DRILL SITE
SPECIFIC USE PERMIT**
5720 S. WATSON
ARLINGTON, TX

PROJECT TITLE:
FULSON DRILL SITE
SPECIFIC USE PERMIT

mima
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: | 2420-0-1 |
| PROJECT MANAGER: | J.SUMPTER |
| DRAWN BY: | J.SUMPTER |
| CHECKED BY: | J.SARABIA |
| ISSUE DATE: | 3/12/09 |

SHEET CONTENT:
SUP PLAN
CASE # SUP09-5

SHEET NO:
1 OF 1

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**FULSON DRILL SITE
SPECIFIC USE PERMIT**
5720 S. WATSON
ARLINGTON, TX

PROJECT TITLE:
FULSON 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.mmatax.com

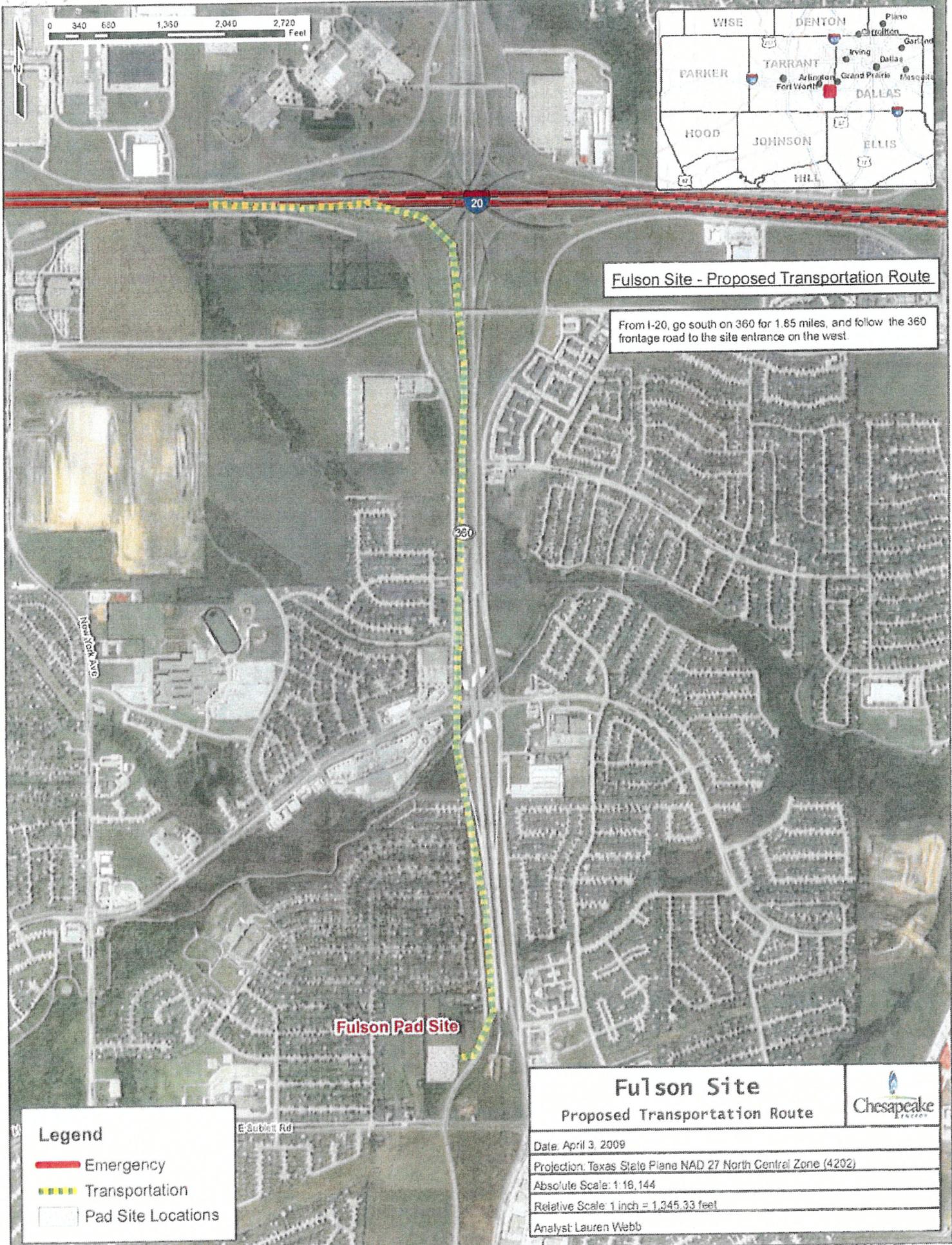


PROJECT NUMBER: 2420-0-1
PROJECT MANAGER: J.SUMPTER
DRAWN BY: J.SUMPTER
CHECKED BY: J.SARABIA
ISSUE DATE: 3/12/09

SHEET CONTENT:
**600' BUFFER
EXHIBIT**

SHEET NO:
1 OF 1

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Fulson Site - Proposed Transportation Route

From I-20, go south on 360 for 1.85 miles, and follow the 360 frontage road to the site entrance on the west.

Legend

- Emergency
- Transportation
- Pad Site Locations

| | |
|--|---|
| <p>Fulson Site Proposed Transportation Route</p> |  |
| Date: April 3, 2009 | |
| Projection: Texas State Plane NAD 27 North Central Zone (4202) | |
| Absolute Scale: 1 in. = 118,144 | |
| Relative Scale: 1 inch = 1,245.33 feet | |
| Analyst: Lauren Webb | |

X:\GIS\Port Worth\Fermiting\Permit\Bk\ht\Fulson\MXD\Fulson_Transportation.mxd