

Ordinance No. 10-065

An ordinance changing the zoning classification on certain property known as 2514, 2518, and 2532 West Division Street by the approval of specific use permit SUP10-7 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 SUP10-7 and recommended approval of the specific use permit on June 16, 2010;

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 2514, 2518, and 2532 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.

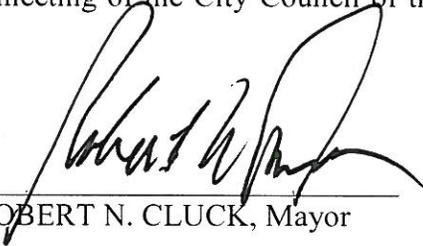
8.

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.

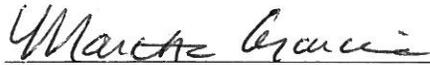
9.

This ordinance shall become effective upon second publication.

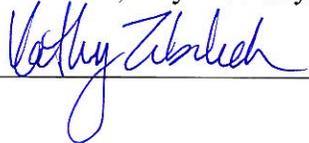
PRESENTED AND GIVEN FIRST READING on the 17th day of August, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 14th day of September, 2010, by a vote of 8 ayes, 0 nays, and 1 abstention at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


MARTHA GARCIA, Acting City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP10-7

EXHIBIT "A"

BEING a 2.580-acre tract of land located in the M. Brinson Survey, Abstract No. 153, in the City of Arlington, Tarrant County, Texas, being a portion of Blocks 1 and 2, Fruitvale Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 623, Page 141, Plat Records, Tarrant County, Texas, and being a portion of a called 2.53-acre tract 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. D208003804, Deed Records, Tarrant County, 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, also being a portion of a called 2.5957-acre tract of land as described in the Special Warranty Deed to CHK Louisiana, L.L.C., an Oklahoma limited liability company, filed for record in County Clerk's Instrument No. D208456748, of said Deed Records, said 2.580-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at ½-inch capped iron rod found for the northwest corner of Lot 1, Block 1, Fruitvale Acres, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-60, Page 49, said Plat Records, being on the south right-of-way line of West Division Street, an 80.00-foot right-of-way;

THENCE South 00°54'29" East, departing said south right-of-way line, and along the west line of said Lot 1, a distance of 108.82 feet to a 3/8-inch iron rod found;

THENCE South 00°10'24" West, over and across said called 2.53-acre tract of land, a distance of 58.63 feet, to the POINT OF BEGINNING;

THENCE South 01°09'40" East, continuing over and across said called 2.53-acre tract of land, a distance of 402.49 feet, to a ½-inch capped iron rod found for the southeast corner of said called 2.53-acre tract of land, and being on the northerly right-of-way line of the Texas & Pacific Railroad, a 150.00-foot right-of-way;

THENCE South 82°23'02" West, along said northerly right-of-way line, a distance of 244.55 feet, to a point for corner, being the southwest corner of the herein described tract of land;

THENCE northerly, departing said northerly right-of-way line, and over and across said called 2.5957-acre tract of land, the following calls:

North 01°09'39" West, a distance of 197.87 feet, to a point for corner;

South 88°20'28" West, a distance of 50.00 feet, to a point for corner;

North 01°09'39" West, a distance of 230.01 feet, to a point for corner, from which a 5/8-inch iron rod found for the northwest corner of said called 2.5957-acre tract of land bears North 24°09'17" West, a distance of 194.00 feet;

North 88°20'28" East, a distance of 293.01 feet, to the POINT OF BEGINNING and containing 2.580 acres of land, more or less;

AND being generally located south of West Division Street and west of South Bowen Road with the approximate addresses being 2514, 2518, and 2532 West Division Street.

SUP10-7

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. Subject to City Council approval of the following alternative fencing in the gas drilling permit for this site, screening of the operation site shall consist of six-foot vinyl-coated chain-link fence and landscaping as described on the site plan. If the alternative fencing is not approved by City Council at the permit stage then the fencing shall be in the form required by the Gas Drilling and Production Chapter.
5. Prior to spudding the first well, the applicant shall install the landscaping as described on the site plan, a six-foot, vinyl-coated chain-link fence around the perimeter of the pad site, and remove an existing billboard, light poles, and pipe fencing. A detailed landscape plan and plant schedule must be provided upon drilling permit submittal.
6. The property owner shall be responsible for the installation, preservation, and maintenance of all landscaping and physical features shown on this site plan.
7. Use and development of the property must be in compliance with the attached site plan (4 pages).
8. 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.

LYNN SMITH DRILL SITE

CURRENT ZONING
"LI" LIGHT INDUSTRIAL

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

OWNER
CHESAPEAKE LAND DEV. CO.
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

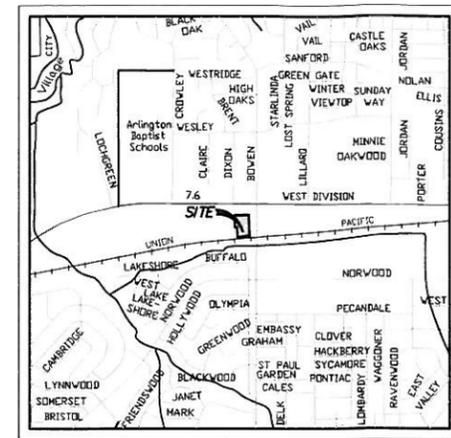
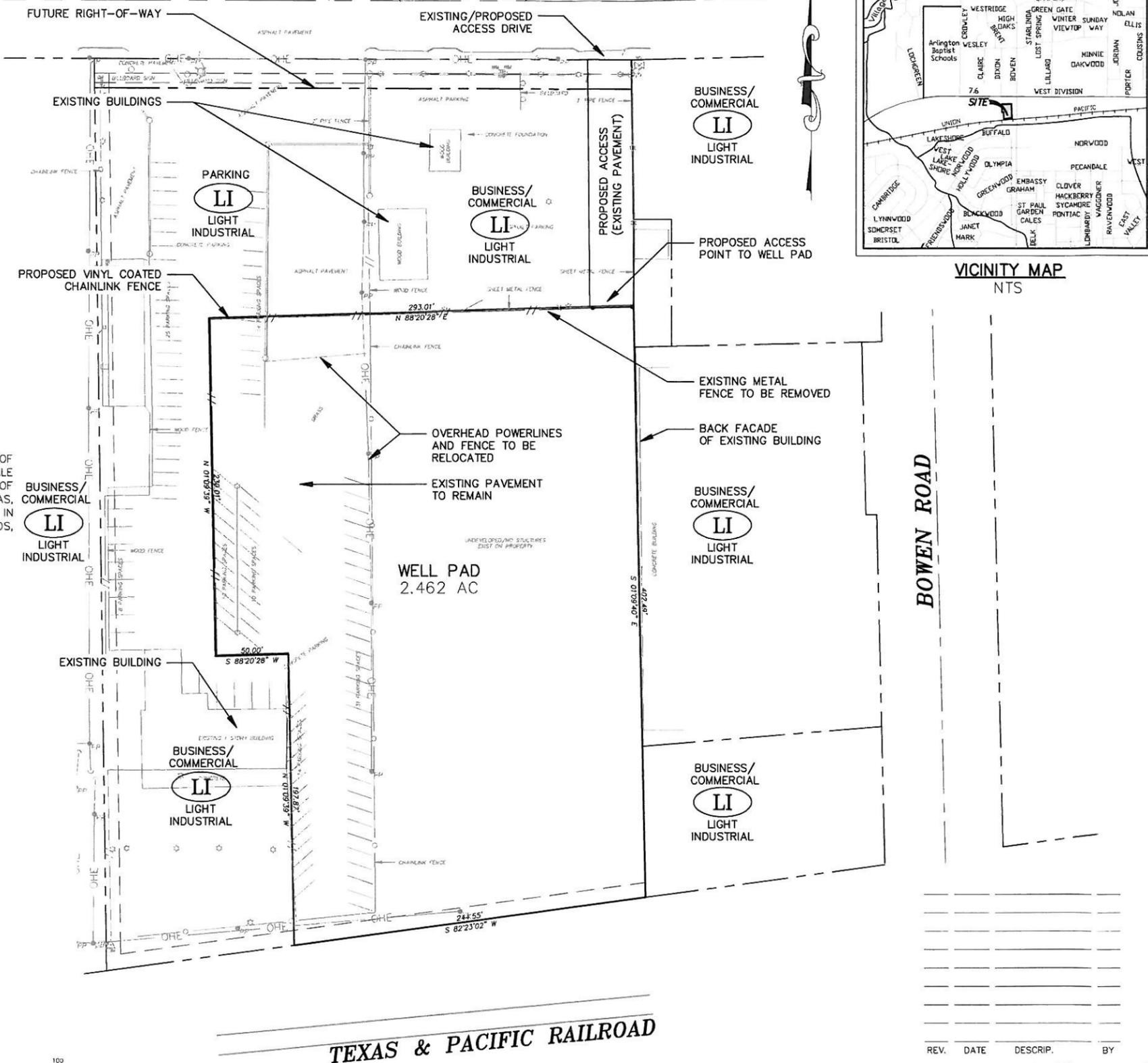
ENGINEER/SURVEYOR
MYCOSKIE+MCINNIS ASSOCIATES
200 E. ABRAM STREET
ARLINGTON, TEXAS 76010
CONTACT: JACOB SUMPTER
TEL: 817-469-1671
FAX: 817-274-8757

LEGAL DESCRIPTION
BEING A 2.580 ACRE PORTION OF BLOCKS 1 AND BLOCK 2, FRUITVALE ADDITION, AN ADDITION TO THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 623, PAGE 141, PLAT RECORDS, TARRANT COUNTY, TEXAS

LAND USE

1. GROSS AREA	2.580 AC
2. WELL PAD SITE	2.580 AC

W. DIVISION STREET
(120' RIGHT-OF-WAY)



VICINITY MAP
NTS

LYNN SMITH DRILL SITE
SPECIFIC USE PERMIT
2514, 2518, 2532 W. DIVISION
ARLINGTON, TX

PROJECT TITLE:
LYNN SMITH 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: 2491-0-1
PROJECT MANAGER: J.SUMPTER
DRAWN BY: J.SUMPTER
CHECKED BY: C.MYCOSKIE
ISSUE DATE: 1/18/09

SHEET CONTENT:
SUP PLAN
CASE # SUP10-7

SHEET NO:
1 OF 4

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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.

LYNN SMITH DRILL SITE

CURRENT ZONING

"LI" LIGHT INDUSTRIAL

PROPOSED ZONING

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

OWNER

CHESAPEAKE LAND DEV. CO.
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

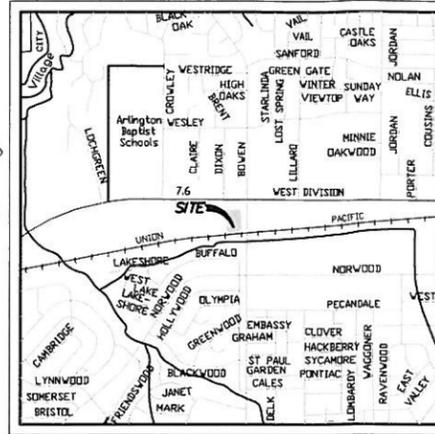
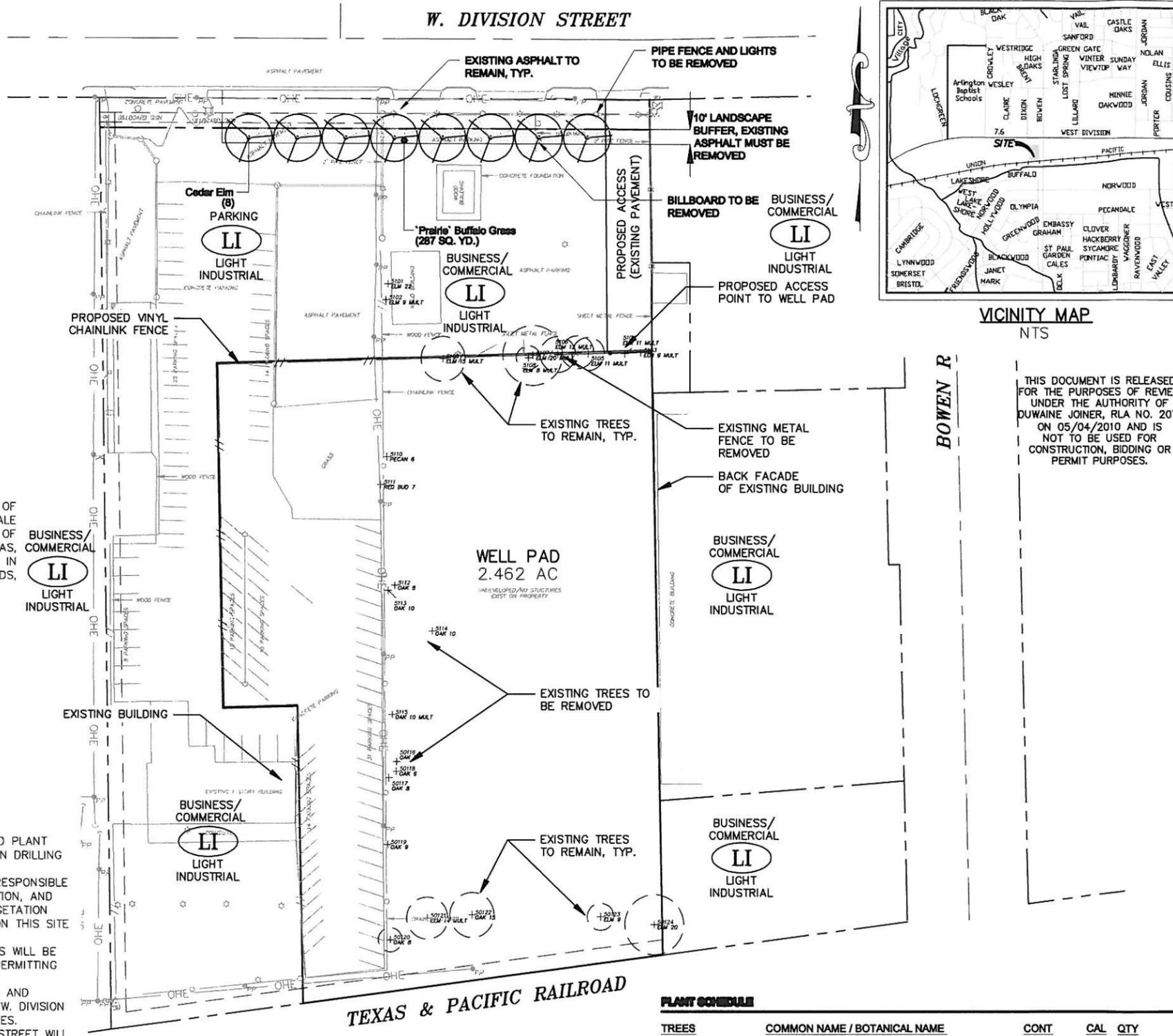
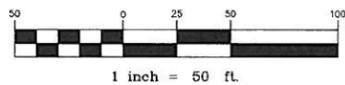
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LEGAL DESCRIPTION

BEING A 2.580 ACRE PORTION OF BLOCKS 1 AND BLOCK 2, FRUITVALE ADDITION, AN ADDITION TO THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 623, PAGE 141, PLAT RECORDS, TARRANT COUNTY, TEXAS

GENERAL NOTES

1. A DETAILED LANDSCAPE PLAN AND PLANT SCHEDULE MUST BE PROVIDED UPON DRILLING PERMIT.
2. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION, 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.
4. THE EXISTING BILLBOARD, LIGHTING, AND FENCING WILL BE REMOVED ALONG W. DIVISION STREET PRIOR TO DRILLING ACTIVITIES.
5. STREET TREES ALONG W. DIVISION STREET WILL BE INSTALLED PRIOR TO DRILLING ACTIVITIES.



VICINITY MAP
NTS

THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF REVIEW UNDER THE AUTHORITY OF DUWAINE JOINER, RLA NO. 2071 ON 05/04/2010 AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

**LYNN SMITH DRILL SITE
SPECIFIC USE PERMIT**
2514, 2518, 2532 W. DIVISION
ARLINGTON, TX

PROJECT TITLE:
**LYNN SMITH 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.mmotexas.com



PROJECT NUMBER: 2491-0-1
PROJECT MANAGER: J. SUMPTER
DRAWN BY: D. JOINER
CHECKED BY: C. MYCOSKIE
ISSUE DATE: 05/04/2010

SHEET CONTENT:
**LANDSCAPE PLAN
CASE# SUP10-7**

SHEET NO:
2 OF 4

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PLANT SCHEDULE

TREES	COMMON NAME / BOTANICAL NAME	CONT	CAL	QTY
	Cedar Elm / <i>Ulmus crassifolia</i>	B & B	3"Cal	8
TURF GRASS	COMMON NAME / BOTANICAL NAME	CONT	QTY	
	'Prairie' Buffalo Grass / <i>Buchloe dactyloides</i> 'Prairie'	SOLID SOD	287 SQ. YD.	



**LYNN SMITH DRILL SITE
 SPECIFIC USE PERMIT**
 2514,2518,2532 W. DIVISION
 ARLINGTON, TX

PROJECT TITLE:
 LYNN SMITH DRILL SITE
 SPECIFIC USE PERMIT

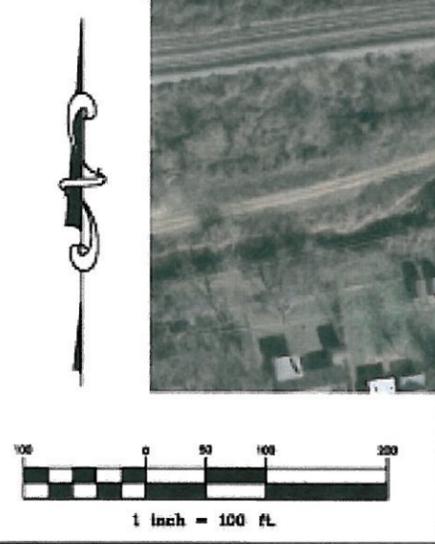
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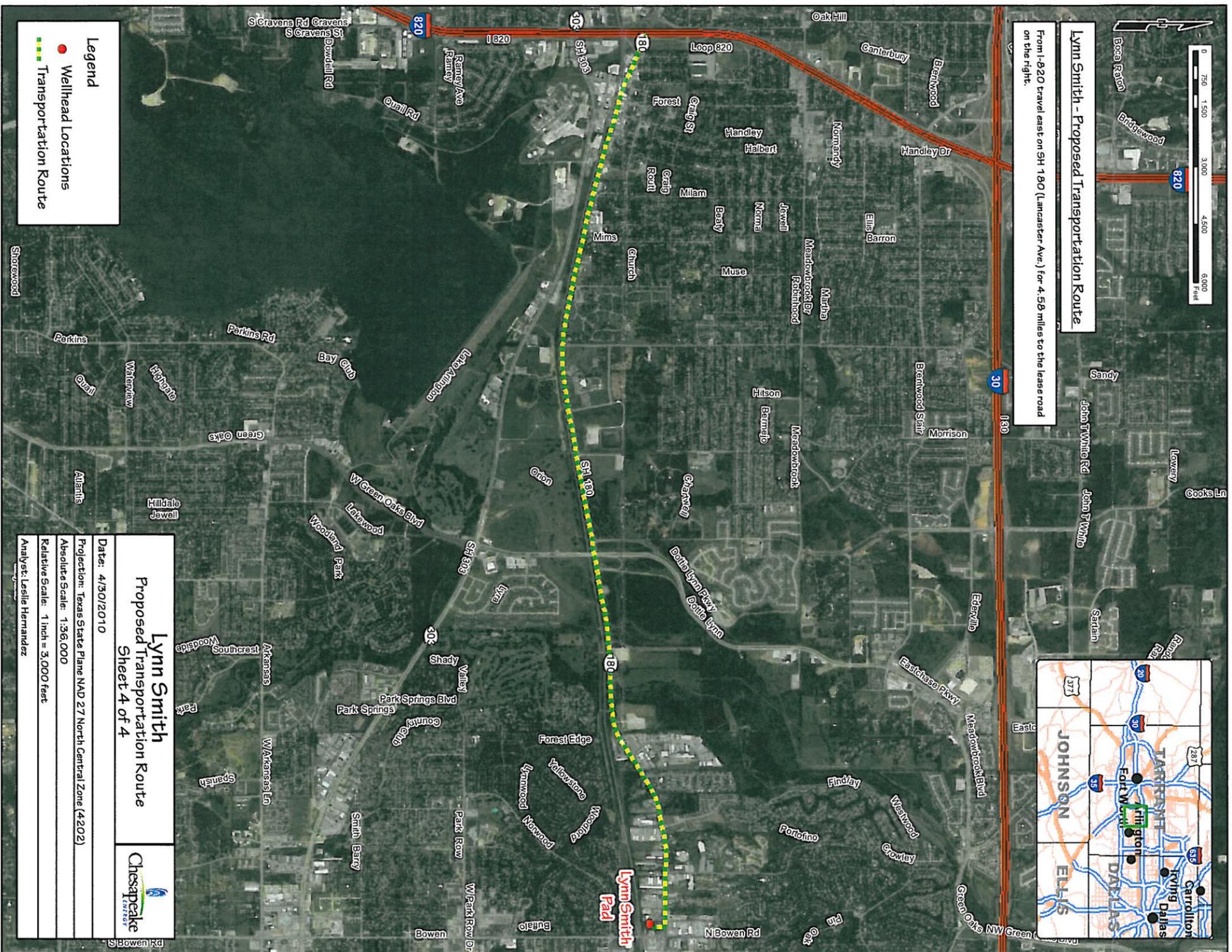


PROJECT NUMBER: 2481-0-1
 PROJECT MANAGER: J.SUMPTER
 DRAWN BY: J.SUMPTER
 CHECKED BY: C.MYCOCKIE
 ISSUE DATE: 1/10/11

SHEET CONTENT:
**600' BUFFER
 EXHIBIT**

SHEET NO:
3 OF 4
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Lynn Smith - Proposed Transportation Route
 From I-820 travel east on SH 180 (Lancaster Ave.) for 4.58 miles to the lease road on the right.

Legend
 ● Wellhead Locations
 — Transportation Route

Lynn Smith
Proposed Transportation Route
 Sheet 4 of 4

Chesapeake
ENERGY SERVICES

Date: 4/30/2010
 Projection: Texas State Plane NAD 27 North Central Zone (4202)
 Absolute Scale: 1:36,000
 Relative Scale: 1 inch = 3,000 feet
 Analyst: Leslie Hernandez