

Ordinance No. 07-009

An ordinance of the City of Arlington, Texas amending the Zoning District Map to revise the zoning classification on certain property by the adoption of zoning case Z06-46; authorizing the building official to issue permits upon final approval; providing for a fine of up to \$2,000.00 for each violation; providing for repeal of conflicting ordinances, severability, governmental immunity, injunctions, publication and an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard zoning case Z06-46 and recommended approval of the zoning amendment on January 10, 2007; 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 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 District Map be amended. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

The zoning classification of the property described in Exhibit A is hereby changed to "PD (Planned Development) for "IM" uses specifically limited to high impact gas drilling and production, excluding all other uses" and the Zoning District Map shall be amended as specified.

2.

The Building Official is hereby authorized and directed to issue permits in conformance with the final Development Plan attached as Exhibit B, immediately upon presentation and approval at its second reading.

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.

All ordinances and provisions of ordinances of the City of Arlington, Texas that are in conflict with this ordinance shall be, and are hereby repealed. All ordinances and provisions of ordinances not so repealed are hereby retained in full force and effect.

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.

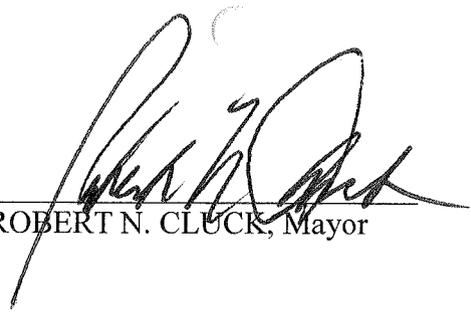
8.

The caption and penalty clause 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 Chapter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

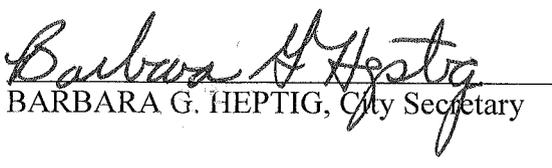
9.

Except as provided in Paragraph 2 above, this ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the 13th day of February, 2007 at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 27th day of February, 2007 by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

EXHIBIT "A"

THAT the zoning classification of the following described property now zoned "R" be changed to **"PD for "IM" uses specifically limited to high impact gas drilling and production, excluding all other uses"** and that the official zoning map, adopted and described in Article VI, "Zoning" Chapter, Arlington City Code of 1987, be revised accordingly:

BEING that certain lot, tract or parcel of land located in the John Wheat Survey, Abstract No. 1678, in the City of Arlington, Tarrant County, Texas and being part of that certain tract of land described as "Tract One" in deed to Lan-Cal, Ltd. recorded in Instrument No. D206193202, of the Deed Records of Tarrant County, Texas (D.R.T.C.T.), and all of that certain tract of land described in deed to Lan-Cal, Ltd. recorded in Instrument No. D206301592, D.R.T.C.T., subject tract being more particularly described as follows;

BEGINNING at a ½-inch iron rod with yellow "DiSciullo & Terry" cap set, said iron rod being located on the east right-of-way line of Russell Ledbetter Road (County Road No. 2032, a variable width right-of-way), said set iron rod also being the northwest corner of said Lan-Cal, Ltd. tract recorded in Instrument No. D206301592, D.R.T.C.T., and also being located on the south line of that certain tract of land described in deed to Texas Electric Service Company (TESCO) recorded in Volume 3864, Page 593, D.R.T.C.T.;

THENCE North 89°55'51" East, leaving the said east right-of-way line of Russell Ledbetter Road and with the said south line of the TESCO tract, a distance of 504.50 feet to a ½-inch iron rod with yellow "DiSciullo & Terry" cap set for corner;

THENCE South 00°01'07" West, leaving the south line of the TESCO tract, a distance of 472.37 feet to a ½-inch iron rod with yellow "DiSciullo & Terry" cap set for corner;

THENCE North 89°46'47" West, a distance of 173.80 feet to a ½-inch iron rod with yellow "DiSciullo & Terry" cap set at the beginning of a tangent curve to the right;

THENCE with said curve having a central angle of 32°12'29", a radius of 225.00 feet, a tangent length of 64.96 feet, a chord which bears North 73°40'32" West, a chord distance of 124.82 feet, for an arc distance of 126.48 feet to the end of said curve, a ½-inch iron rod with yellow "DiSciullo & Terry" cap set at the beginning of a tangent reverse curve;

THENCE with said curve having a central angle of 32°04'05", a radius of 275.00 feet, a tangent length of 79.03 feet, a chord which bears North 73°36'20" West, a chord distance of 151.91 feet, for an arc distance of 153.92 feet to the end of said curve, a ½-inch iron rod with yellow "DiSciullo & Terry" cap set;

THENCE North 89°38'23" West, a distance of 50.00 feet to a ½-inch iron rod with yellow "DiSciullo & Terry" cap set for corner, said iron rod being located on the aforementioned east right-of-way line of Russell Ledbetter Road (called 60-foot right-of-way at this point);

THENCE North 00°21'37" East, with the said east right-of-way line of Russell Ledbetter Road, said east line established according to deed for right-of-way to the City of Arlington recorded in Volume 11849, Page 876, D.R.T.C.T., a distance of 120.41 feet to a ½-inch iron rod found for corner;

THENCE North 00°02'32" East, continuing with the east right-of-way line of Russell Ledbetter Road, a distance of 135.15 feet to a one-inch iron rod found for corner, said iron rod being the northeast corner of said deed for right-of-way to the City of Arlington recorded in Volume 11849, Page 876, D.R.T.C.T.;

THENCE North 89°39'21" West, continuing with the east right-of-way line of Russell Ledbetter Road (becoming variable width right-of-way), passing at 1.68 feet a ½-inch iron rod found, said ½-inch iron rod referenced in the aforementioned deed to Lan-Cal, Ltd. described as "Tract One" recorded in Instrument No. D206193202, D.R.T.C.T., in all, a distance of 16.49 feet to a 3/8-inch iron rod found for corner;

THENCE North 00°15'23" East, continuing with the east right-of-way line of Russell Ledbetter Road, a distance of 137.15 feet to the POINT OF BEGINNING of herein described tract, containing 218,117 square feet, or 5.007 acres of land.

AND being generally north of West Harris Road and east of Ledbetter Road with the approximate address being 7107 and 7115 Ledbetter Road and 7202 Calender Road.

The bearings recited hereon are referenced to the monument south line of a right-of-way dedication to the City of Arlington for Harris Road recorded in Volume 11849, Page 880, D.R.T.C.T. (South 89°59'04" West).

Z06-46/P06-46

EXHIBIT "B"

1. One point of access is provided from Ledbetter Road. A 24-foot wide entry way will provide access to the well heads.
2. A minimum eight-foot solid masonry wall, not to exceed ten feet, will enclose the Gas Well Permit area as depicted on the development plan. The screening device will be placed forty feet from the common property line along the eastern and southern boundaries and ten feet from the northern boundary.
3. A twelve-foot wide gate will be located at the entry way of the well pad site as depicted in the development plan. The gate provided shall be kept locked except when being used, and the operator is required to provide the City Fire Chief with a Knox Padlock or Knox Box.
4. A ten-foot wide landscape buffer will be provided along Ledbetter Road. This buffer area will include twenty trees and ground cover in a curvilinear fashion.
5. A forty-foot transitional buffer area will be provided along the eastern and southern boundaries to include sixty-two trees and a ten-foot transitional buffer area to include fifteen eastern red cedar trees located along the northern boundary.
6. The lights will not shine directly on public roads, adjacent property, or property in the general vicinity.
7. The hours of operation will be between 6:00 a.m. and 7:00 p.m. and sound levels produced shall not exceed 78Db (decibels). Some form of sound abatement (blanketing) technique will be used on this site.
8. The top of the tanks will be no higher than eight feet above the terrain and all tanks will be set back as required by the Railroad Commission, at least twenty-five feet from any public right-of-way or property line.
9. The setback distance will be no less than 300 feet from any public park or from any residence, church, hospital, public or private school.
10. Tank batteries, well facilities and equipment will be located at least 100 feet from any public park or from any residence, church, hospital, public or private school.
11. A sign will be displayed at the gate stating the well number, the name and number of the operator, the emergency 911 number, and the telephone numbers of two contacts. Per the development plan, the signs shall comply with the Sign Ordinance.
12. Upon completion of drilling, all wells will be abandoned in accordance with the rules of the Railroad Commission.

13. Required parking will be designated on site.
14. No equipment will be stored on the drilling or production operation site unless it is necessary to the everyday operation of the well. Per the development plan, no onsite storage will be permitted.
15. Additional sound abatement measures such as blanketing will be provided.
16. Existing infrastructure/condition of roads: Chesapeake is willing to completely stay off Ledbetter Road (the worst road) and build a separate asphalt or similar material lease road to the site on the Joshco premises if City Staff directs us to do so. In addition, Chesapeake will enter into a Road Repair agreement with the City of Arlington pursuant to Article VI, Section 6.01. Chesapeake will have all the applicable Letter of Credit, Indemnity, Insurance and Road Repair Agreements in place at the time of permitting. Chesapeake will seek out the route used for construction of the new school and try to use the same route.
17. Temporary access road: Pursuant to the Arlington Gas Drilling Ordinance, Section VII, Paragraph 18, the access road will be 24-feet wide and will be surfaced with asphalt, gravel or cliché-based material. "In particular cases these requirements governing surfacing of private roads may be altered at the discretion of the Inspector and the Director of Public Works after consideration of all circumstances..."
18. Lights: Pursuant to the Arlington Gas Drilling Ordinance, Section VII, Paragraph 15, "No person shall permit any lights located on any drill or operation site to be directed in such a manner so that they shine directly on public roads, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads and adjacent dwellings and buildings within 300 feet."
19. Noise: Prior to construction of the location, Chesapeake will report to the City of Arlington the pre-drilling ambient noise level and will agree not to create any noise which causes the exterior noise level, when measured at the nearest residence's property line that exceeds the ambient noise level by more than 5dB during daytime hours and more than 3dB during nighttime hours. Fracing operations may not exceed the ambient noise level by more than 10dB, and flowback operations may not exceed the ambient noise level by more than 5dB during nighttime hours. The above language was taken from the City of Fort Worth Amended Gas Drilling Ordinance. In addition, during nighttime operations the operation of vehicle audible back-up alarms will not be allowed and replaced with spotters or flagmen. Deliveries of pipe, casing and heavy loads will be limited to daytime hours, except for emergency situations. Chesapeake will use acoustical blankets, sound walls, mufflers, or other alternative methods to maintain the above described sound levels, if needed.

20. Street safety and traffic: Chesapeake will limit the truck deliveries to this location only due to the proximity of the elementary school and at the request of MISD during school traffic hours. Chesapeake will restrict truck traffic on this site between the hours of 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m. except for cases in emergency. Chesapeake will hold informational/public safety meetings with local school officials to educate them on the equipment located at the drill site. Emergency response plans will be submitted to City Staff at the time of permitting.

21. Relationship between Dale Operating and Chesapeake Energy: In late 2006, the enormous potential for the urban area was realized and Dale and Chesapeake formed a strategic alliance to develop urban areas of DFW. Dale will continue leasing the urban areas and Chesapeake, with their experience as the number one driller in Texas and the U.S., will manage the operations of drilling and production. Dale will also continue to offer support in public relations and regulatory affairs.