

Ordinance No. 09-036

An ordinance changing the zoning classification on certain property known as 3601 Allen Avenue by the approval of specific use permit SUP09-2 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 SUP09-2 and recommended approval 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 3601 Allen Avenue, 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.

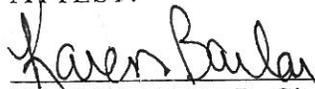
9.

This ordinance shall become effective upon second publication.

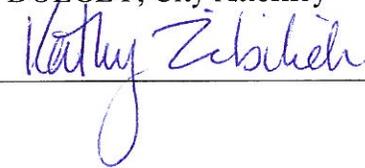
PRESENTED AND GIVEN FIRST READING on the 23rd day of June, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 4th day of August, 2009, by a vote of 8 ayes, 0 nays, and 1 abstention at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP09-2

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 5.924-acre tract of land located in the R.R. Ramey Survey, Abstract No. 1343, in the City of Arlington, Tarrant County, Texas, being a portion of a called 37.750-acre tract of land as described in the Warranty Deed to Arlington Matlock Partners, Ltd., filed for record in County Clerk's Instrument No. D206103145, Deed Records, Tarrant County, Texas, said 5.924-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at ½-inch iron rod found for the northwest corner of Lot 1, Block 10, Brandy Ridge Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-116, Page 17, Plat Records, Tarrant County, Texas, being at the intersection of the east right-of-way line of New York Avenue, a variable width right-of-way, and the south right-of-way line of Baywood Lane, a 50-foot right-of-way;

THENCE North 44°50'21" West, over and across said New York Avenue, and said called 37.750-acre tract of land, a distance of 574.05 feet, to the POINT OF BEGINNING;

THENCE South 00°47'31" East, a distance of 748.00 feet, to a point for corner;

THENCE South 89°32'41" West, a distance of 345.00 feet, to a point for corner, being the southwest corner of the herein described tract of land, from which a ½-inch capped iron rod found stamped "Beasley RPLS 4050" for the southwest corner of said called 37.750-acre tract of land bears South 00°47'31" East, a distance of 246.88 feet;

THENCE North 00°47'31" West, along the east line of a 75-foot Texas Electric Service Company easement, filed for record in Volume 5413, Page 517, said Deed Records, a distance of 748.00 feet, to a point for corner;

THENCE North 89°32'41" East, departing said east line, a distance of 345.00 feet, to the POINT OF BEGINNING and containing 5.924 acres of land, more or less;

AND being generally located north of Arbrook Boulevard and west of New York Avenue with the approximate address being 3601 Allen Avenue.

SUP09-2

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 canopy trees, ornamental trees, and evergreen trees from the Texas Smartscape plant list. In addition, cross vines will be planted outside the east boundary and southeast corner of the masonry screen wall, as shown on the site plan.
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.

MATLOCK DRILL SITE

CURRENT ZONING

"CS" COMMUNITY SERVICE AND "MF-18" MULTI-FAMILY-18

PROPOSED ZONING

"CS" COMMUNITY SERVICE AND "MF-18" MULTI-FAMILY-18 WITH AN SUP FOR GAS DRILLING USE

OWNER

ARLINGTON MATLOCK PARTNERS LTD
511 E JOHN CARPERNTER FWY STE 200
IRVING, TEXAS 75062

DEVELOPER

CHESAPEAKE ENERGY CORPORATION
301 COMMERCE STREET, SUITE 600
FORT WORTH, TEXAS 76102
CONTACT: DUSTY ANDERSON
TEL: 817-502-5645
FAX: 817-718-6403

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

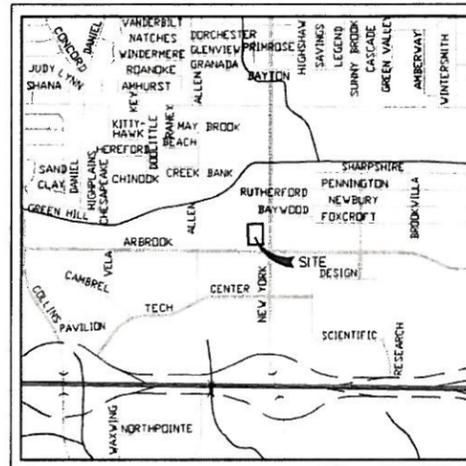
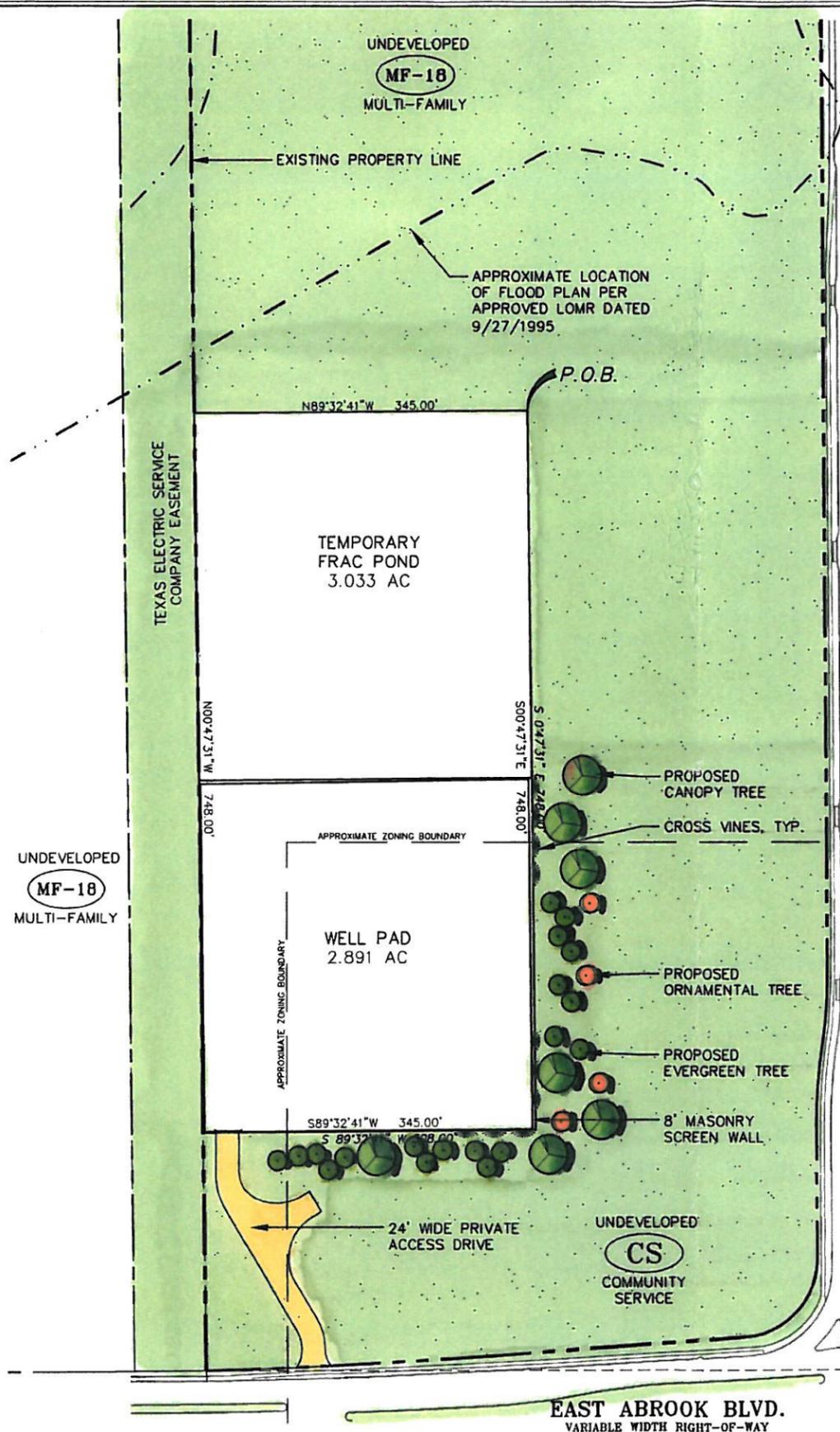
BEING A 5.924 ACRE PORTION OF A CALLED 37.750 ACRE TRACT OF LAND AS DESCRIBED IN THE WARRANTY DEED TO ARLINGTON MATLOCK PARTNERS, LTD., FILED FOR RECORD IN COUNTY CLERK'S INSTRUMENT NO. D206103145, DEED RECORDS, TARRANT COUNTY, TEXAS.

LAND USE

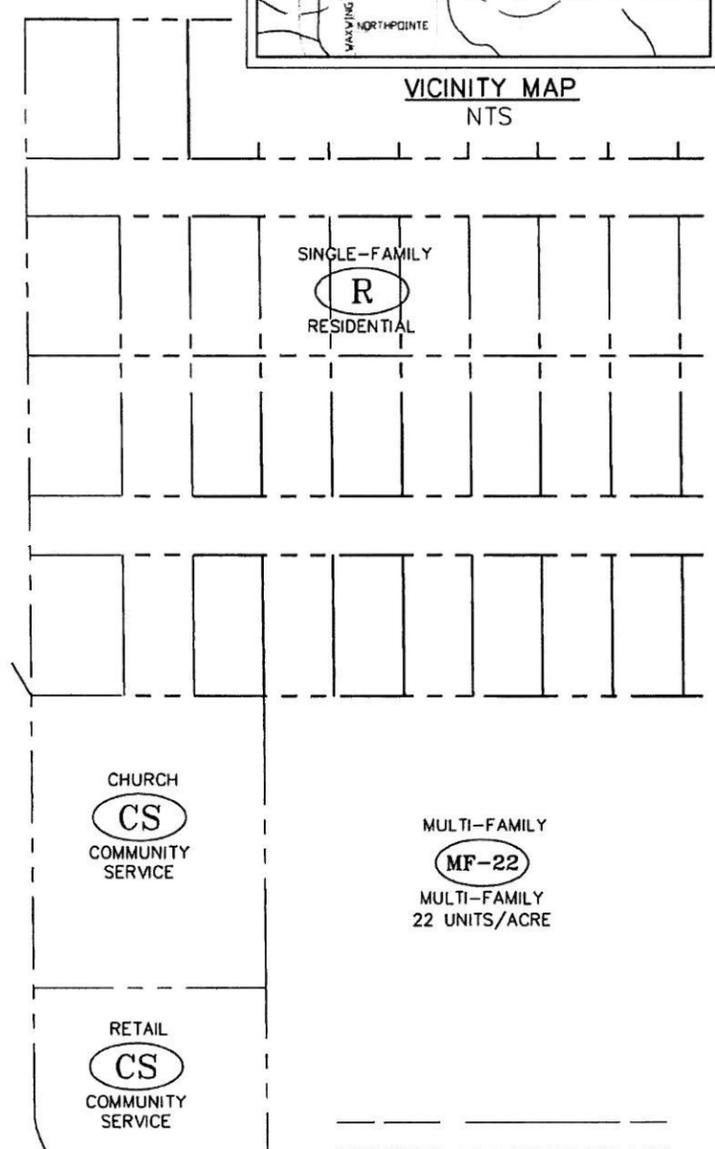
- | | |
|------------------------|----------|
| 1. GROSS ACREAGE | 5.924 AC |
| 2. WELL PAD SITE | 2.891 AC |
| 3. TEMPORARY FRAC POND | 3.033 AC |

GENERAL NOTES

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



VICINITY MAP NTS



**MATLOCK DRILL SITE
SPECIFIC USE PERMIT**
3601 ALLEN AVENUE
ARLINGTON, TX

PROJECT TITLE:
**MATLOCK DRILL SITE
SPECIFIC USE PERMIT**

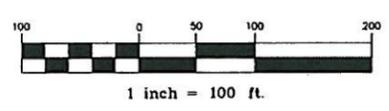
m|m|a
mycoskie+mcinnis+associates
civil engineering surveying landscape architecture planning
200 east abram
arlington, texas 76010
817-469-1671
fax: 817-274-8757
www.mmotexas.com

Chesapeake ENERGY

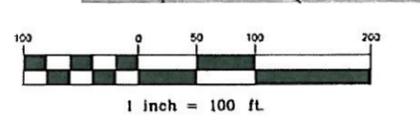
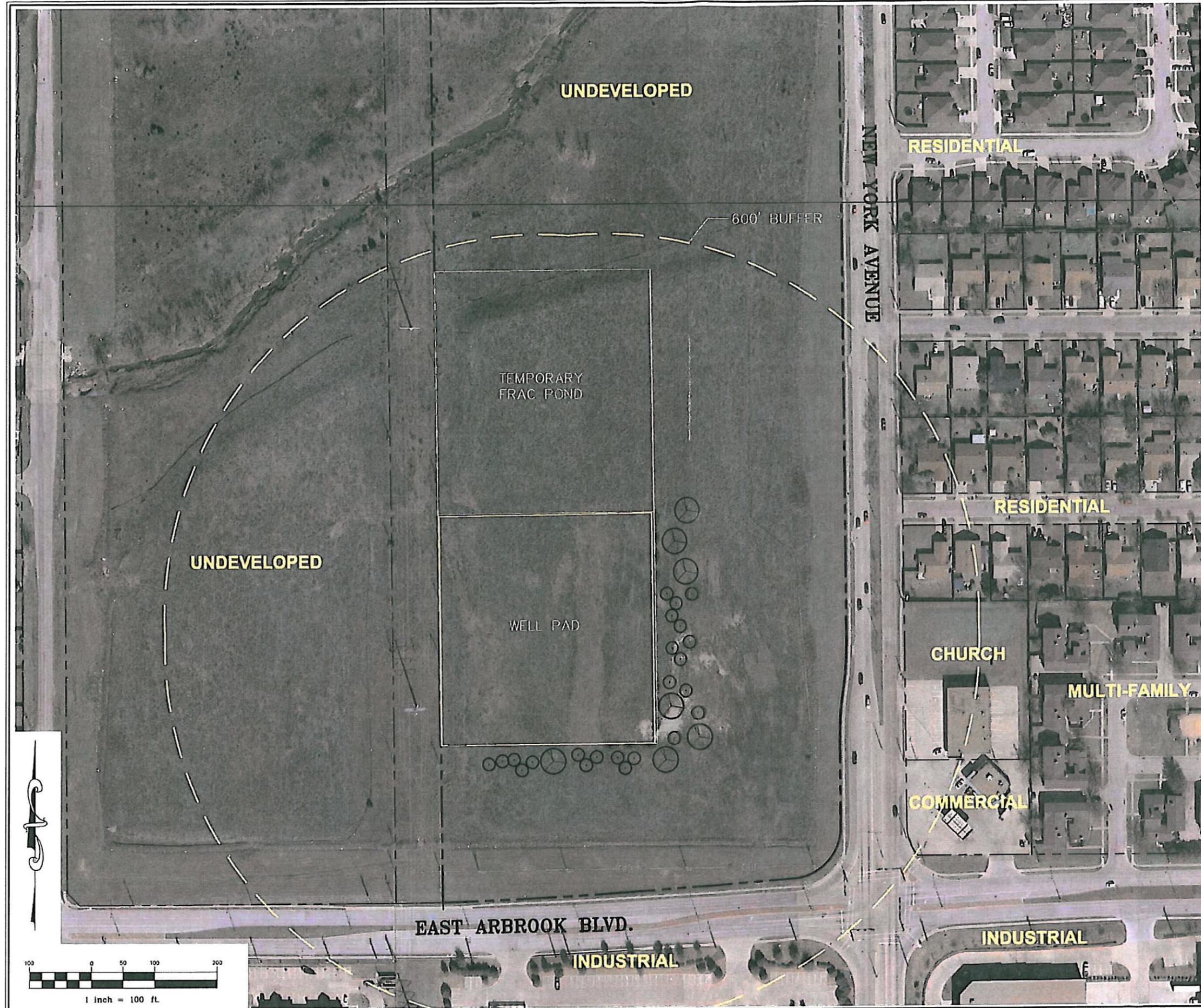
PROJECT NUMBER:	2393-0-1
PROJECT MANAGER:	J.SUMPTER
DRAWN BY:	J.SUMPTER
CHECKED BY:	J.SARABIA
ISSUE DATE:	1/09/09

SHEET CONTENT:
**SUP PLAN
CASE # SUP09-2**

SHEET NO:
1 OF 1
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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.



**MATLOCK DRILL SITE
SPECIFIC USE PERMIT**
3601 ALLEN AVENUE
ARLINGTON, TX

PROJECT TITLE:
MATLOCK DRILL SITE
SPECIFIC USE PERMIT

m|m|a
mycoskie+mcinnis+associates
civil engineering surveying landscape architecture planning
200 east abram
arlington, texas 76010
817-469-1671
fax: 817-274-8757
www.mma-texas.com



PROJECT NUMBER:	2393-0-1
PROJECT MANAGER:	J.SUMPTER
DRAWN BY:	J.SUMPTER
CHECKED BY:	J.SARABIA
ISSUE DATE:	1/09/09

SHEET CONTENT:
**600' BUFFER
EXHIBIT**

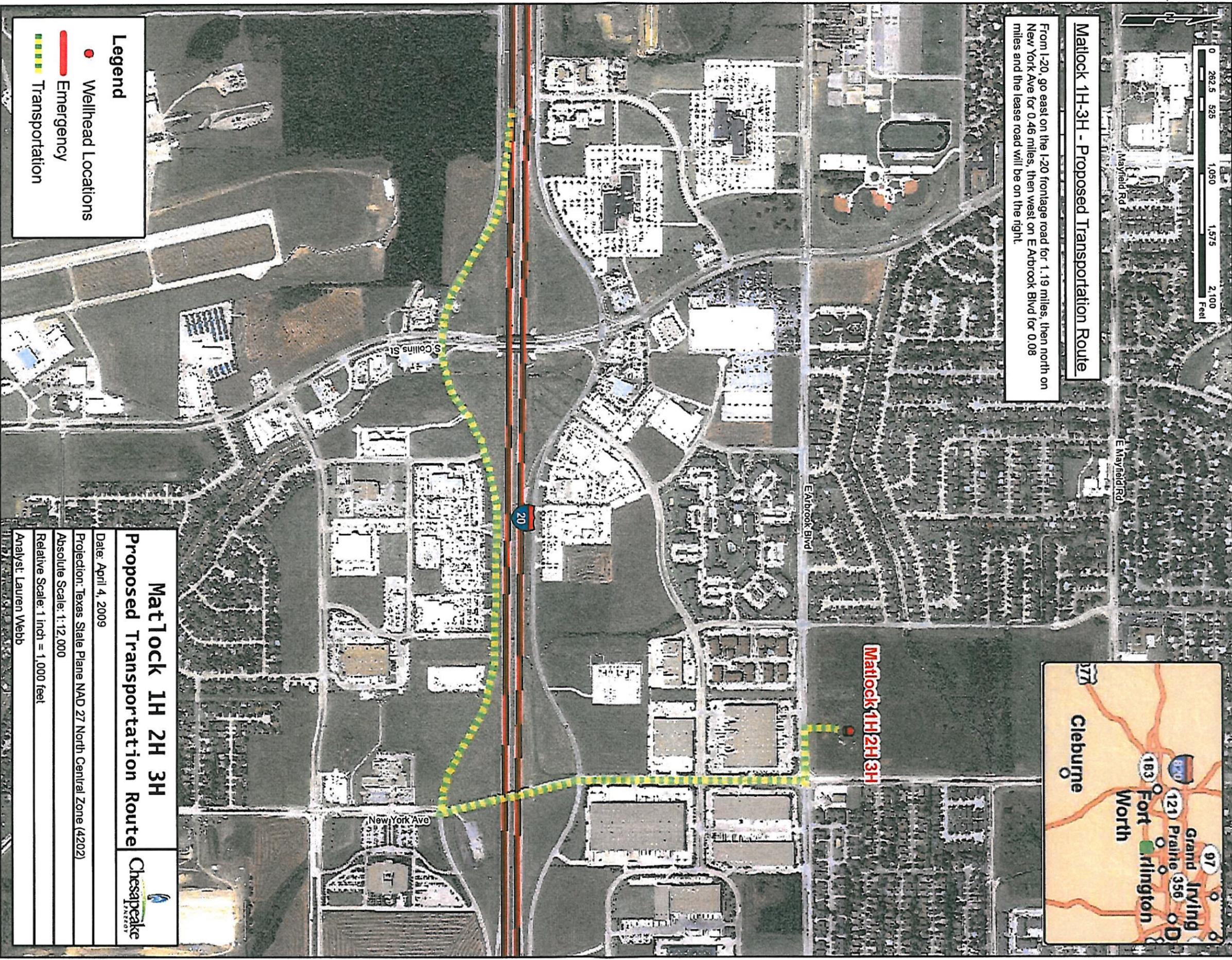
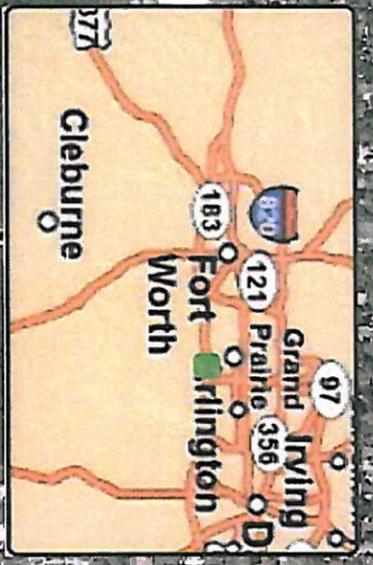
SHEET NO:
1 OF 1

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Matlock 1H-3H - Proposed Transportation Route

From I-20, go east on the I-20 frontage road for 1.19 miles, then north on New York Ave for 0.46 miles, then west on E Atbrook Blvd for 0.08 miles and the lease road will be on the right.



Legend

- Wellhead Locations
- Emergency
- Transportation

Matlock 1H 2H 3H

Proposed Transportation Route

Chesapeake
ENERGY

Date: April 4, 2009

Projection: Texas State Plane NAD 27 North Central Zone (4202)

Absolute Scale: 1:12,000

Relative Scale: 1 inch = 1,000 feet

Analyst: Lauren Webb