

Ordinance No. 10-003

An ordinance changing the zoning classification on certain property known as 5301 South Cooper Street by the approval of specific use permit SUP09-17 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 SUP09-17 and recommended approval of the specific use permit on December 9, 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 5301 South Cooper 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 15th day of December, 2009, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 12th day of January, 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:


KAREN BARLAR, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

SUP09-17

EXHIBIT "A"

BEING a called 4.278-acre tract of land located in the William Stephens Survey, Abstract No. 1429, in the City of Arlington, Tarrant County, Texas, being a portion of a called 7.022-acre tract of land as described in the Special Warranty Deed to North Texas Acquisition, LLC, filed for record in County Clerk's Instrument No. D208249458, Deed Records, Tarrant County, Texas, now known as Chesapeake Land Development, LLC 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, and being a portion of Lot 33R1D1, William Stephens Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 7772, Plat Records, Tarrant County, Texas, said 4.278-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at an "X" cut found for the southeast corner of Lot 33R1D2, of said William Stephens Addition, same being the southwest corner of Lot 33R1D3, of said William Stephens Addition, and being on the north right-of-way line of Southwest Green Oaks Boulevard, a 120-foot right-of-way;

THENCE North 00°28'55" West, departing said north right-of-way line, and along the common line of said Lots 33R1D2 and 33R1D3, a distance of 78.30 feet, to the POINT OF BEGINNING, being the southernmost southwest corner of said Lot 33R1D1;

THENCE North 00°28'55" West, along the west line of said Lot 33R1D1, a distance of 133.15 feet, to a point for corner, being the northeast corner of said Lot 33R1D2;

THENCE South 89°31'05" West, along the north line of said Lot 33R1D2, a distance of 275.73 feet, to a point for corner, being the northwest corner of said Lot 33R1D2, same being the southeast corner of Lot 33R1B, William Stephens Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 5030, said Plat Records;

THENCE North 00°33'32" West, along the east line of said Lot 33R1B, a distance of 133.33 feet, to a point for corner, being the northeast corner of said Lot 33R1B;

THENCE North 89°26'34" East, over and across said Lot 33R1D1, a distance of 48.75 feet, to a point for corner;

THENCE North 00°28'55" West, passing an "X" cut found in concrete for the southeast corner of Lot 33R1E, William Stephens Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 5521, said Plat Records, at a distance of 194.41 feet, and continuing in all a distance of 235.40 feet, to a point for corner, being the northernmost northwest corner of said Lot 33R1D1;

THENCE North $89^{\circ}31'05''$ East, along the north line of said Lot 33R1D1, a distance of 418.62 feet, to a point for corner on the east line of said Lot 33R1D1;

THENCE South $00^{\circ}28'55''$ East, along said east line, a distance of 501.94 feet, to a point for corner, being the southeast corner of said Lot 33R1D1;

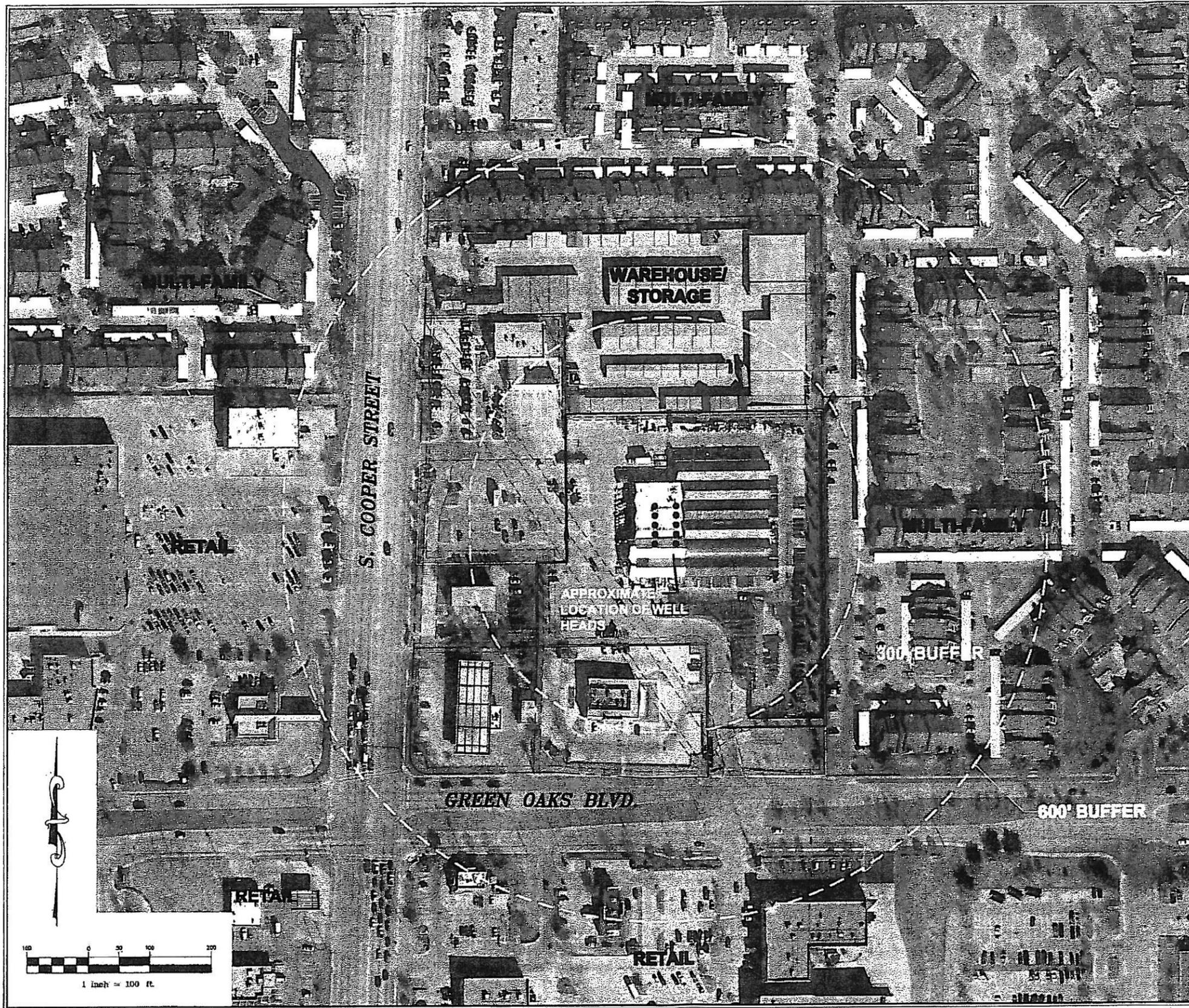
THENCE South $89^{\circ}31'05''$ West, along the south line of said Lot 33R1D1, a distance of 191.46 feet, to the POINT OF BEGINNING and containing 4.278-acres of land, more or less;

AND being generally located north of Southwest Green Oaks Boulevard and east of South Cooper Street with the approximate address being 5301 South Cooper Street.

SUP09-17

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. By separate instrument, operator has agreed to remove paving material on the parking area to the west of the property prior to issuance of the gas well permit.
4. Prior to issuance of a drilling permit, but no later than two years from the date of approval of the SUP, the operator shall install and maintain a 20-foot landscape buffer along the SUP boundary, save and except drives located in existing private access easements, and as shown on the SUP site plan (Sheet 1 of 4).
5. Prior to issuance of a drilling permit, but no later than two years from the date of approval of the SUP, the operator shall install and maintain 13 trees within the northern landscape buffer, two trees within the eastern landscape buffer, six trees within the south landscape buffer, and 14 trees within the western landscape buffer as shown on the SUP site plan (Sheet 1 of 4).
6. No truck traffic to or from the site shall be on Matlock Road.
7. After completion of all wells, a solid masonry wall will enclose all completed wells and tanks located within the operation site. Landscaping shall be provided along all four sides on the outside of the masonry wall in accordance with the submitted site plan (Sheet 3 of 4) and shall be selected from the Texas Smartscape plant list. Shrubs shall be planted at no more than three feet on center and trees will be planted on center at no more than half of the species potential spread.
8. Use and development of the property must be in compliance with the attached Site Plan (four pages).
9. 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.



**PALOS VERDES
 SPECIFIC USE PERMIT
 5301 S. COOPER STREET
 ARLINGTON, TX**

PROJECT TITLE:
 PALOS VERDES DRILL SITE
 SPECIFIC USE PERMIT

mima
 mycoskie+mcinnis+associates
 civil engineering surveying landscape architecture planning
 200 east sbram
 arlington, texas 76010
 817-469-1671
 fax 817-274-9757
 www.mimatech.com



PROJECT NUMBER: 2451-00-01
 PROJECT MANAGER: JSUMPTER
 DRAWN BY: JSUMPTER
 CHECKED BY: JSARABIA
 ISSUE DATE: 9/01/09

SHEET CONTENT:
 600' BUFFER
 EXHIBIT

SHEET NO:
E
 2 OF 4

**PALOS VERDES
DRILL SITE**

CURRENT ZONING
"CS" COMMUNITY SERVICE

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

OWNER
CHK LAND DEV. CO LLC
8100 N. WESTERN AVE
OKLAHOMA, OK 73118

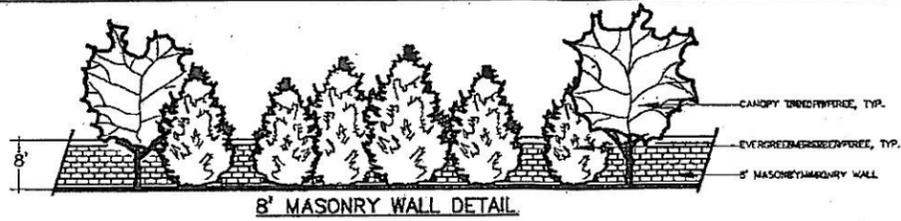
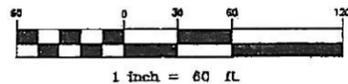
DEVELOPER
CHESAPEAKE ENERGY CORPORATION
100 ENERGY WAY
FORT WORTH, TEXAS 76102
CONTACT: DUSTY ANDERSON
TEL: 817-502-5645
FAX: 817-810-0170

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

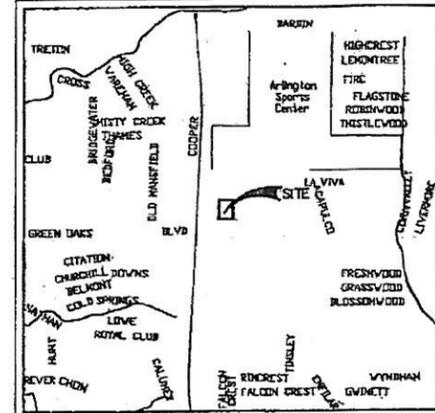
LEGAL DESCRIPTION
BEING A 4.278 ACRE PORTION OF A
CALLED 7.022 ACRE TRACT OF LAND AS
DESCRIBED IN THE SPECIAL WARRANTY
DEED TO NORTH TEXAS ACQUISITION,
L.L.C., FILED FOR RECORD IN COUNTY
CLERK'S INSTRUMENT NO. D208249458,
DEED RECORDS, TARRANT COUNTY,
TEXAS.

LAND USE
1. FINAL WELL PAD 1.94 AC

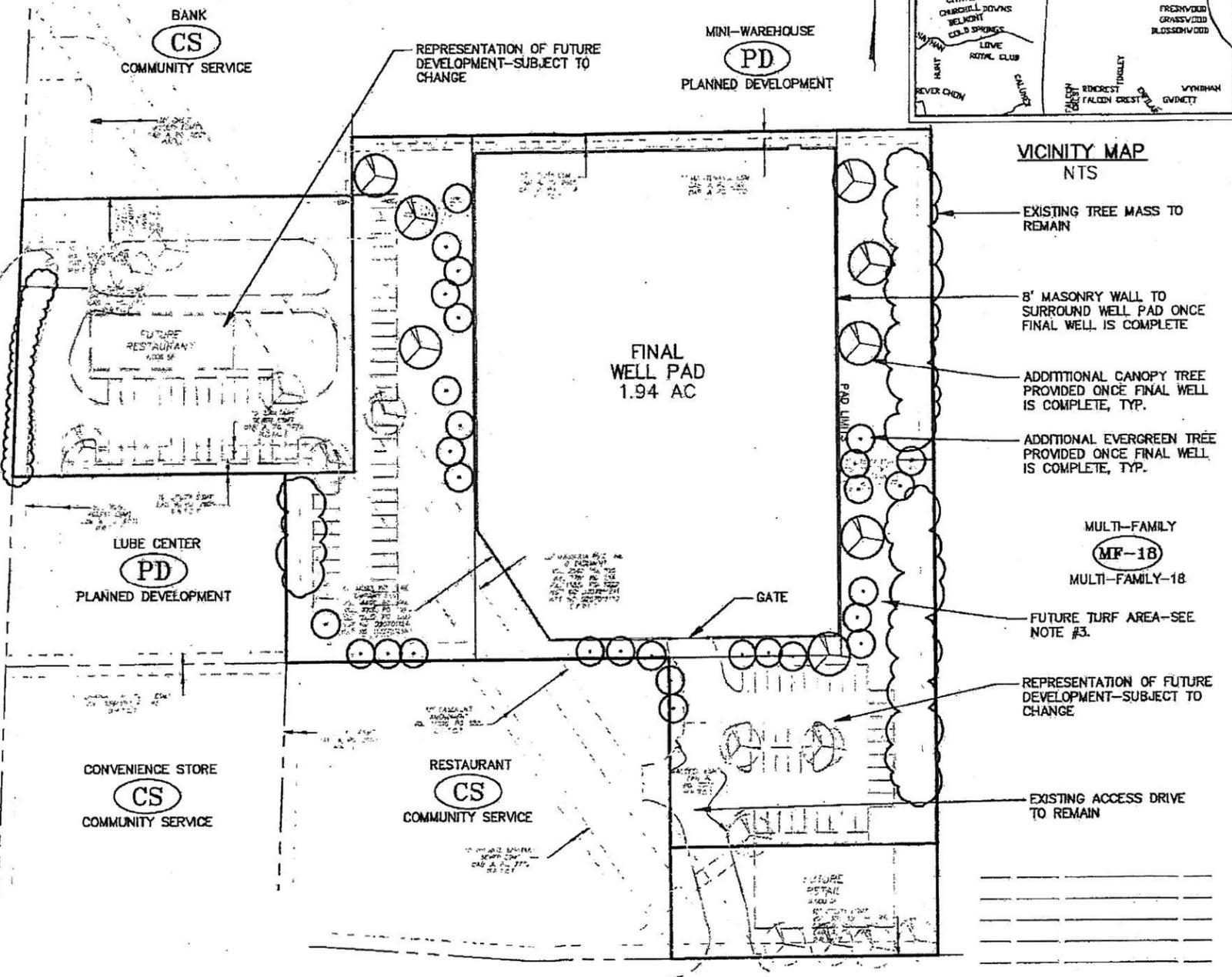
- NOTES**
- AFTER COMPLETION OF ALL WELLS, A SOLID MASONRY WALL WITH A MINIMUM HEIGHT OF EIGHT FEET AND LANDSCAPING AS DETAIL ON THIS SHEET MUST ENCLOSE THE OPERATION SITE. A MINIMUM OF ONE GATE THAT IS TWELVE FEET WIDE, MUST BE INSTALLED. TREES/SHRUBS SHOWN IN THE DETAIL ON THIS SHEET MUST BE CHOSEN FROM THE TEXAS SMARTSCAPE LIST. A DETAILED LANDSCAPE PLAN AND PLANT SCHEDULE MUST BE PROVIDED UPON DRILLING AND PERMIT SUBMITTAL.
 - THE PROPERTY OWNER FOR THE SPECIFIC USE PERMIT AREA IS RESPONSIBLE FOR THE INSTALLATION, PRESERVATION, AND MAINTENANCE OF ALL LANDSCAPING AND PHYSICAL FEATURES SHOWN ON THIS SITE PLAN.
 - MINIMUM 20 FOOT LANDSCAPE BUFFER AREA TO SURROUND 8' MASONRY SCREEN WALL ONCE FINAL WELL IS COMPLTE.



NOTES:
1. LANDSCAPING SHALL BE PROVIDED AS SHOWN ON THIS SPECIFIC USE PERMIT.



**S. COOPER STREET
VARIABLE WIDTH RIGHT-OF-WAY**



**GREEN OAKS BLVD.
VARIABLE WIDTH RIGHT-OF-WAY**

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.

**PALOS VERDES
SPECIFIC USE PERMIT
5301 S. COOPER STREET
ARLINGTON, TX**

PROJECT TITLE:
PALOS VERDES 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.mma-texas.com



PROJECT NUMBER:	2451-00-01
PROJECT MANAGER:	J.SUMPTER
DRAWN BY:	J.SUMPTER
CHECKED BY:	J.SARABIA
ISSUE DATE:	8/03/09

SHEET CONTENT:
SUP PLAN
CASE #SUP09-17
COMPLETION PHASE

SHEET NO:
E
3 OF 4
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Palos Verdes - Transportation Route

From I-20, go south on Cooper for 1.08 miles, then west on Green Oaks for 0.11 miles, and turn left into the site. The exit route will be the same as the entering route.

- Legend**
- Wellhead Locations
 - Emergency
 - Transportation
 - Transportation Exit
 - Well & Pad Buffers
 - Local Roads

Palos Verdes
 Transportation Route
 Case # SUP 09-17, sheet 4 of 4

Chesapeake
 ENERGY

Date: September 25, 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