

**Ordinance No. 09-069**

**An ordinance changing the zoning classification on certain property known as 1300 Caplin Drive by the approval of specific use permit SUP09-10 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 SUP09-10 and recommended approval of the specific use permit on September 16, 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 1300 Caplin Drive, 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 13th day of October, 2009, 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 October, 2009, by a vote of 6 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   
\_\_\_\_\_

SUP09-10

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 standard detail provided on the submitted site plan and shall consist of canopy trees and evergreen screen trees.
4. The landscape screening shown on the submitted site plan along Collins Street shall be installed prior to the commencement of drilling activities. Installation of the remaining landscaping around the perimeter of the masonry wall is required within 30 days from the completion of the permitted gas well.
5. A four-foot high berm will be built along Collins Street if a frac pond is utilized on this site. The berm will screen the curvilinear pond from Collins Street and will feature landscaping across the crown.
6. Use and development of the property must be in compliance with the attached Site Plan.
7. 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.





**ROCKING HORSE  
SPECIFIC USE PERMIT**  
1300 CAPLIN DRIVE  
ARLINGTON, TX

PROJECT TITLE:  
**ROCKING HORSE 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  
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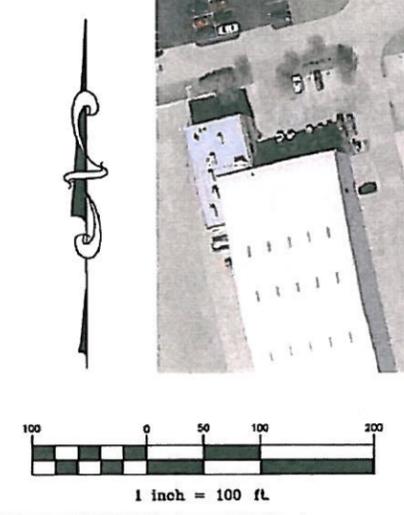
PROJECT NUMBER:	2413-0-1
PROJECT MANAGER:	J.SUMPTER
DRAWN BY:	J.SUMPTER
CHECKED BY:	J.SARABIA
ISSUE DATE:	4/23/09

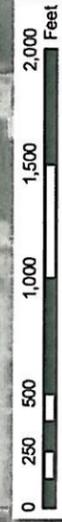
SHEET CONTENT:  
**600' BUFFER  
EXHIBIT**

SUP09-10  
Site Plan

SHEET NO:  
**2 OF 3**

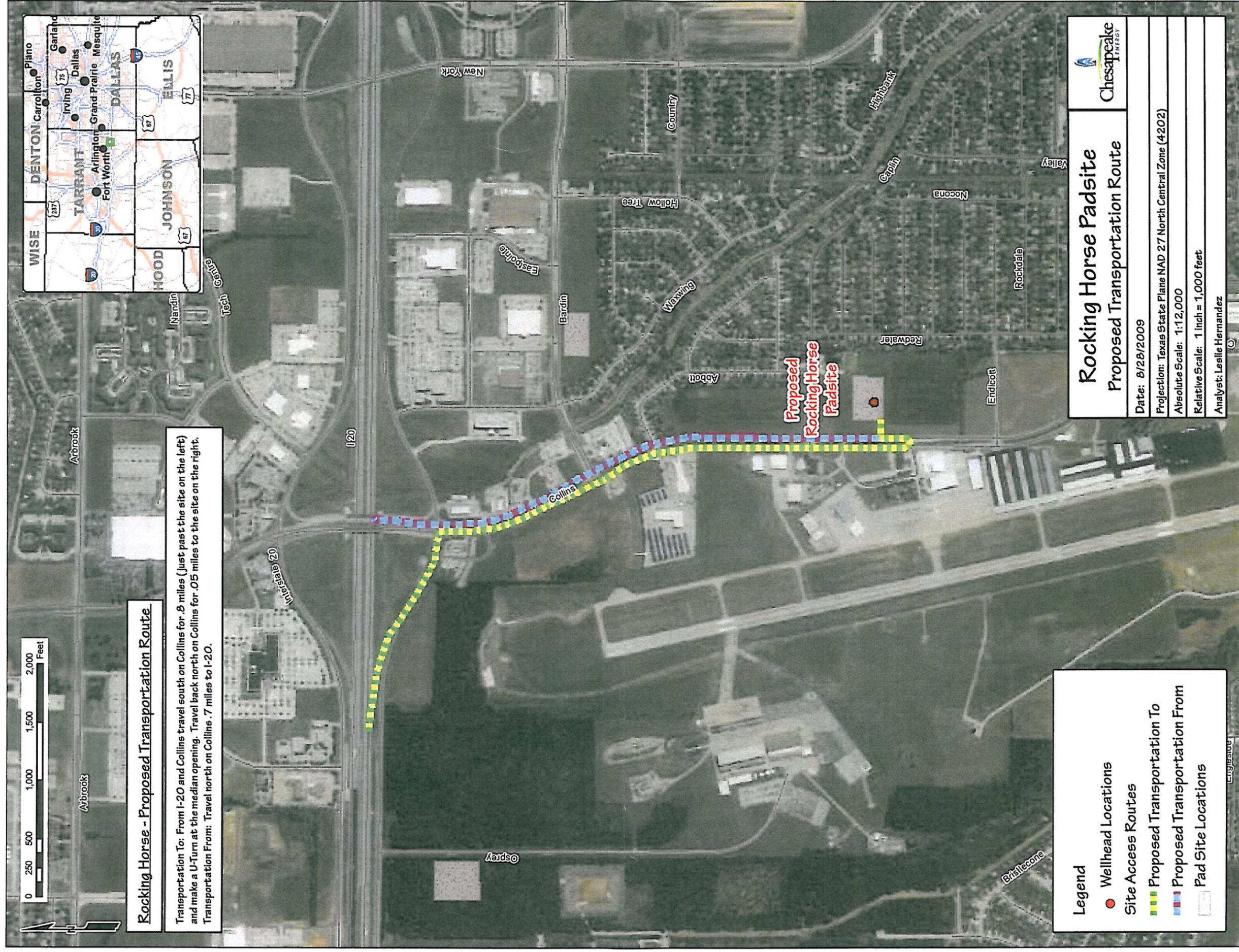
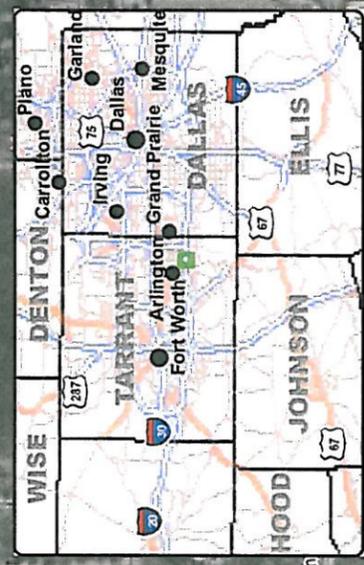
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**Rocking Horse - Proposed Transportation Route**

Transportation To: From I-20 and Collins travel south on Collins for .8 miles (just past the site on the left) and make a U-Turn at the median opening. Travel back north on Collins for .05 miles to the site on the right.  
 Transportation From: Travel north on Collins .7 miles to I-20.



**Legend**

- Wellhead Locations
- Site Access Routes
- Proposed Transportation To
- Proposed Transportation From
- Pad Site Locations

**Chesapeake ENERGY**

**Rocking Horse Padsite  
Proposed Transportation Route**

Date: 8/28/2009

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

Absolute Scale: 1:12,000

Relative Scale: 1 inch = 1,000 feet

Analyst: Leslie Hernandez



# Rocking Horse Drill Site m|m|a Site Plan