

**Ordinance No. 10-045**

**An ordinance changing the zoning classification on certain property known as 310 North Collins Street by the approval of specific use permit SUP09-31 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 SUP09-31 and recommended approval of the specific use permit on April 21, 2010; 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 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 310 North Collins 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 18th day of May, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 8th day of June, 2010, 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 

SUP09-31

EXHIBIT "A"

BEING approximately 4.704 acres of land with frontage on North Collins Street, commonly known as Lot 57R of the Toliver Acres Addition, an addition to the City of Arlington, Tarrant County, Texas;

AND being generally located north of East Division Street and west of North Collins Street with the approximate address being 310 North Collins Street.

SUP09-31

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. Access to the site shall be off North Collins Street (FM 157).
4. Prior to drilling, a chain-link fence must surround the well pad, and the chain-link fence on the eastern boundary of the SUP limits must be removed. The chain-link fence on the north and west SUP boundary lines must be maintained, and the existing fencing along the south SUP boundary line, consisting of chain-link, wood, and decorative metal, must be maintained.
5. Prior to drilling, a canopy tree and six Eastern Red Cedar trees must be installed in a 10-foot-wide landscape setback along Truman Street in the location shown on the SUP site plan.
6. Prior to drilling, a canopy tree and seven Eastern Red Cedar trees must be installed along the eastern SUP boundary.
7. All existing trees and brush along the perimeter of the SUP boundary must remain.
8. After the completion of all wells, the owner must provide and install: an eight-foot-high masonry wall around the perimeter of the well pad that is outside the Atmos gas line easement in the location shown on the SUP site plan; two additional canopy trees and 11 additional Eastern Red Cedar trees along the western boundary of the well pad outside the masonry wall; 13 Eastern Red Cedar trees in a 20-foot-wide landscape buffer between the well pad's northern masonry wall and the north property line of the SUP; and four Eastern Red Cedar trees in a 20-foot-wide landscape buffer between the most eastern portion of the well pad's southern masonry wall and the south boundary line of the SUP.
9. After completion of all wells, the SUP property owner must provide buffers and preserve the existing brush in a 20-foot-wide buffer along the SUP's north, east, and west perimeters, and preserve the existing trees and brush in a 20-to-30-foot buffer along the SUP's southern perimeter that is on the SUP property as shown in the SUP site plan.
10. The SUP property owner shall be responsible for the installation, preservation, and maintenance of all landscaping and physical features shown on this site plan.

11. Use and development of the property must be in compliance with the attached Site Plan (four pages).
12. 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.

**TRUMAN DRILL SITE**

**CURRENT ZONING**

"DN-B" DOWNTOWN BUSINESS-BUSINESS

**PROPOSED ZONING**

"DN-B" DOWNTOWN BUSINESS-BUSINESS WITH A SPECIFIC USE PERMIT FOR GAS DRILLING

**OWNER**

CHESAPEAKE LAND DEV. COM. LLC  
6100 N. WESTERN AVE.  
OKLAHOMA CITY, OK 73118  
CONTACT: DUSTY ANDERSON  
TEL: 817-502-5645  
FAX: 817-810-0170

**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**

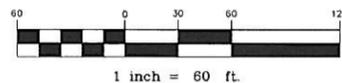
BEING A 4.704 PORTION OF LOT 57-R, TOLIVER ACRES, AN ADDITION TO THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 388-75, PAGE 29, PLAT RECORDS, TARRANT COUNTY, TEXAS

**LAND USE**

- 1. GROSS AREA 4.704 AC
- 2. WELL PAD SITE 2.614 AC
- 3. TEMP. FRAC POND 1.293 AC
- 4. OPEN SPACE 0.797 AC

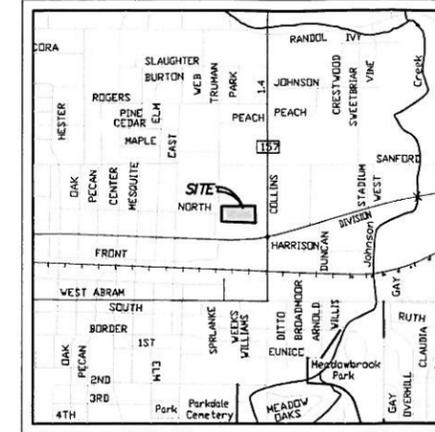
**GENERAL NOTES**

1. AFTER COMPLETION OF ALL WELLS, A SOLID MASONRY WALL WITH A MINIMUM HEIGHT OF EIGHT FEET AND LANDSCAPING MUST ENCLOSE THE OPERATION SITE. A MINIMUM OF ONE GATE THAT IS TWELVE FEET WIDE MUST BE INSTALLED. 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.

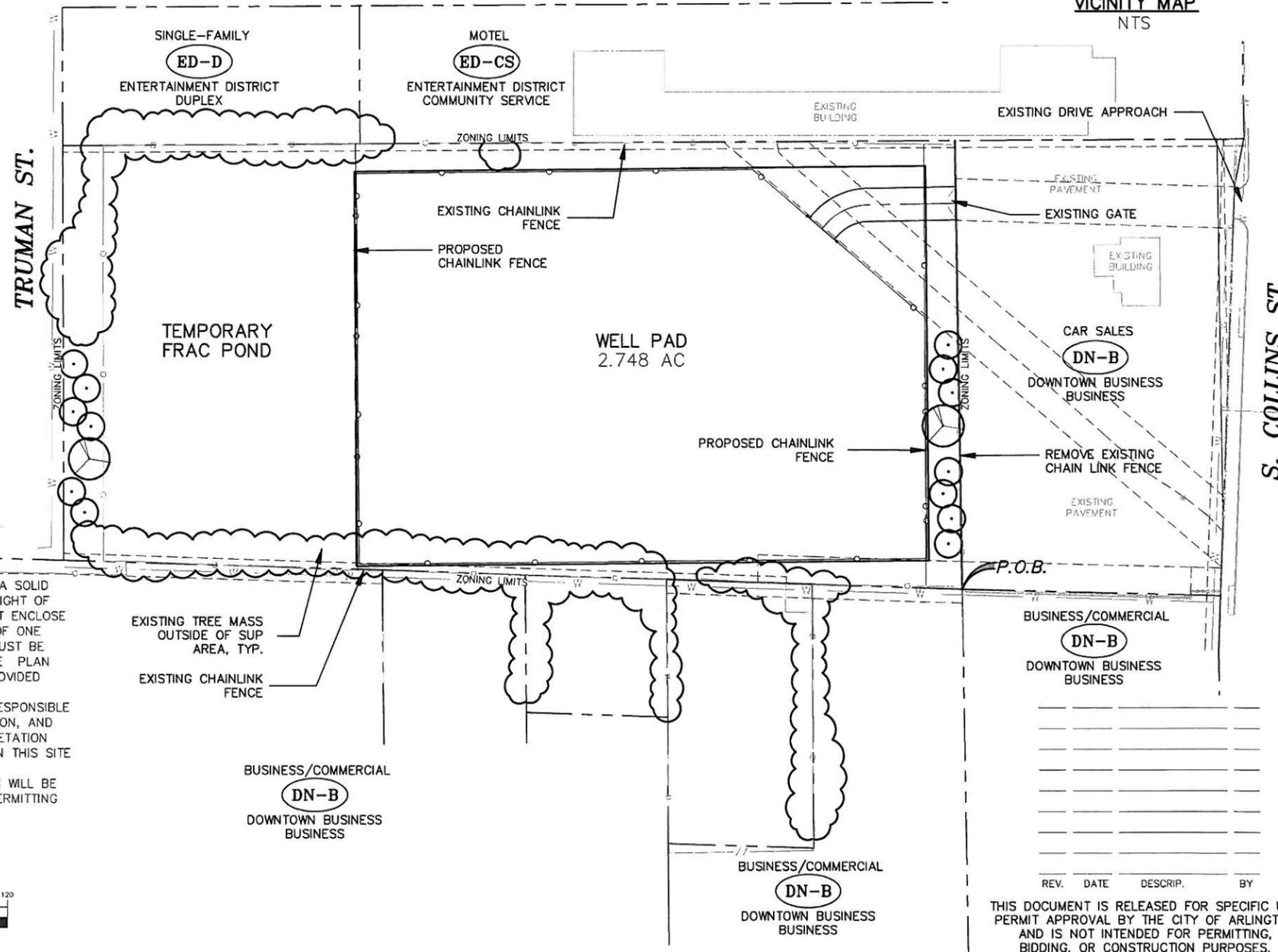


**LEGEND:**

- PROPOSED CANOPY TREE  
LIVE OAK, CEDAR ELM
- PROPOSED EVERGREEN TREE  
EASTERN RED CEDAR



VICINITY MAP  
NTS



**TRUMAN DRILL SITE**  
**SPECIFIC USE PERMIT**  
**310 N. COLLINS STREET**  
**ARLINGTON, TX**

PROJECT TITLE:  
**TRUMAN 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: 2486-0-1  
PROJECT MANAGER: J.SUMPTER  
DRAWN BY: J.SUMPTER  
CHECKED BY: C.MYCOSKIE  
ISSUE DATE: 12/18/09

SHEET CONTENT:  
**SUP PLAN**  
**CASE # SUP09-31**  
**DRILLING PHASE**

SHEET NO:  
**1 OF 4**  
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REV. DATE DESCRIP. BY

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**TRUMAN DRILL SITE**

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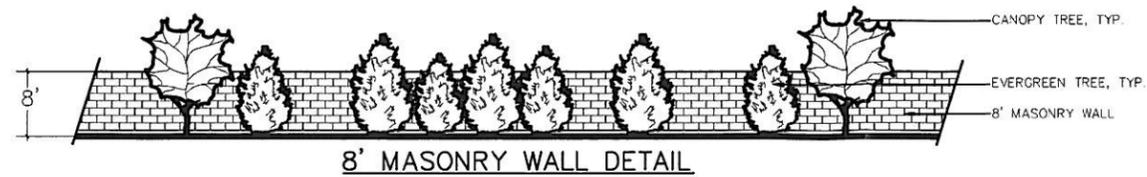
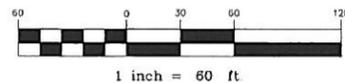
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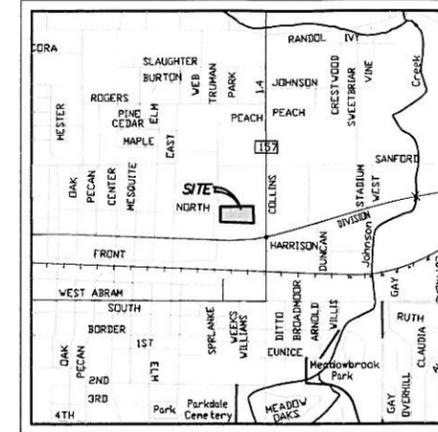


**8' MASONRY WALL DETAIL**

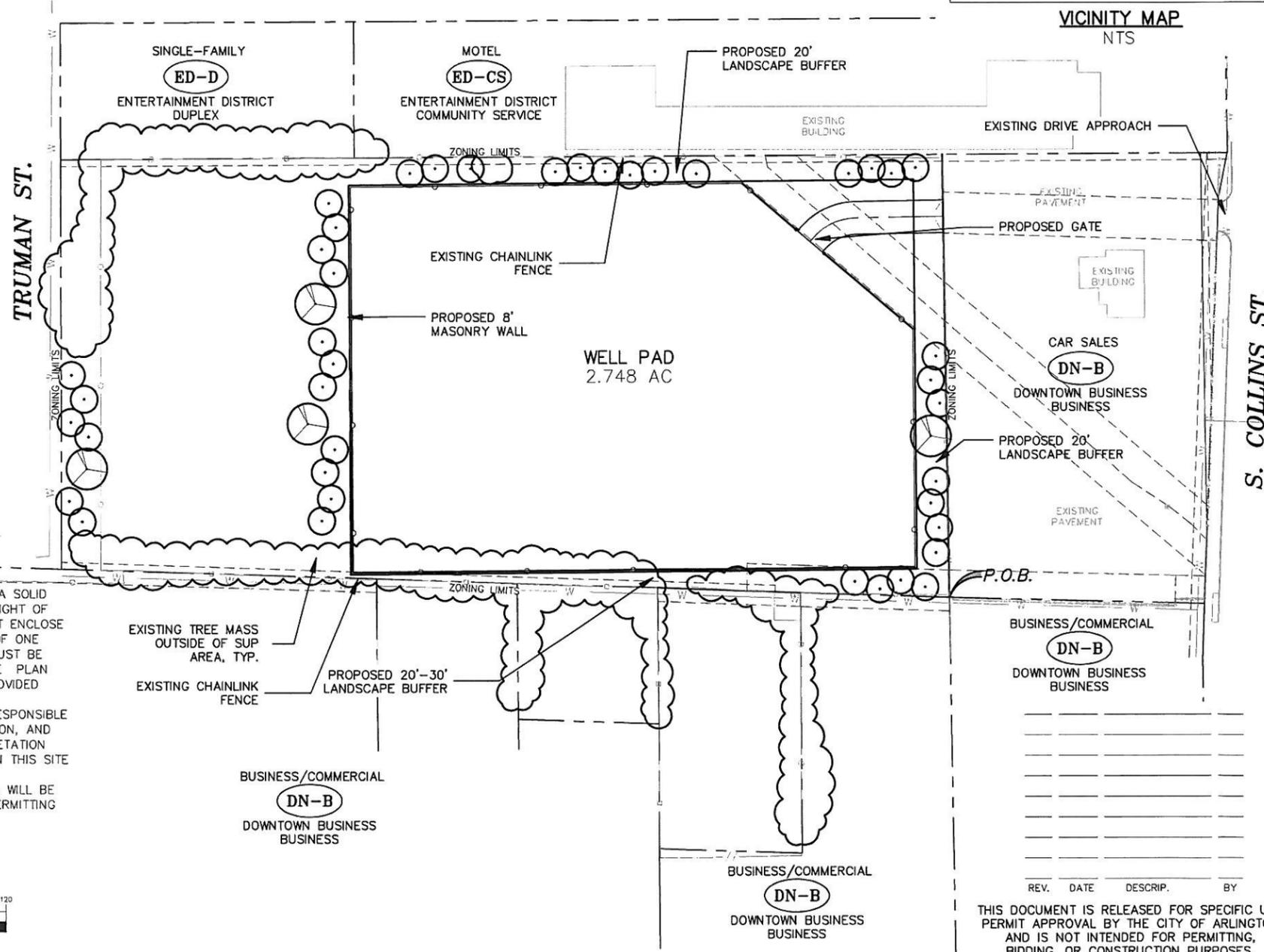
**NOTES:**  
1. LANDSCAPING SHALL BE PROVIDED AS SHOWN ON THIS SPECIFIC USE PERMIT.

**LEGEND:**

- PROPOSED CANOPY TREE  
LIVE OAK, CEDAR, ELM
- PROPOSED EVERGREEN TREE  
EASTERN RED CEDAR



**VICINITY MAP NTS**



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CASE # SUP09-31  
COMPLETION PHASE**

SHEET NO:  
**2 OF 4**  
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310 N. COLLINS STREET  
ARLINGTON, TX

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PROJECT MANAGER: J.SUMPTER  
DRAWN BY: J.SUMPTER  
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ISSUE DATE: 12/18/09

SHEET CONTENT:  
**600' BUFFER  
EXHIBIT**

SHEET NO:  
**3 OF 4**

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