08/06/11
08/08/11

Ordinance No. 11-040

An ordinance changing the zoning classification on certain property known as 1899 and 2001 Turner Way by the approval of Specific Use Permit SUP10-28 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 SUP10-28 and recommended approval of the specific use permit on June 1, 2011;

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 1899 and 2001 Turner Way, 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 28th day of June, 2011, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 2nd day of August, 2011, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY

SUP10-28

EXHIBIT "A"

BEING a 5.501-acre tract of land located in the W.W. Warnell Survey, Abstract No. 1612, City of Arlington, Tarrant County, Texas, and being a portion of a called 54.1-acre tract of land as described in the Trust Transfer Deed to Michie C. White, Maribeth White and Max W. White, Trustees of the William G. White Irrevocable Family Trust, filed for record in Volume 10667, Page 2106, Deed Records, Tarrant County, Texas, said 5.501-acre tract of land being more particularly described by metes & bounds as follows:

COMMENCING at the northeast corner of Lot 14, Whisperwood Creek, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 9901, Plat Records, Tarrant County, Texas, same being the northwest corner of said called 54.1-acre tract of land;

THENCE South 60°14'34" East, and over and across said called 54.1-acre tract of land, a distance of 218.71 feet, to the POINT OF BEGINNING:

THENCE continuing over and across said called 54.1-acre tract of land, the following calls:

North 89°22'55" East, a distance of 99.01 feet, to a point for corner;

North 60°48'02" East, a distance of 208.63 feet, to a point for corner;

South 89°55'37" East, a distance of 152.69 feet, to a point for corner;

South 00°32'17" East, a distance of 223.26 feet, to a point for corner;

North 89°01'23" East, a distance of 211.15 feet, to a point for corner;

South 00°08'17" West, a distance of 254.67 feet, to a point for corner, from which a ½-inch iron rod found for the southeast corner of said called 54.1-acre tract of land bears South 51°08'30" East, a distance of 1215.30 feet;

South 88°31'26" West, a distance of 600.67 feet, to a point for corner;

North 09°45'30" West, a distance of 262.94 feet, to a point for corner;

North 00°37'05" West, a distance of 128.01 feet, to the POINT OF BEGINNING and containing 5.501 acres of land;

AND being generally north of Turner Way and west of South Cooper Street with the approximate addresses being 1899 and 2001 Turner Way.

SUP10-28

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. Only an electric drilling rig may be used for drilling wells.

3. Truck traffic is restricted during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. Monday through Friday and limited to the hours of 9:00 a.m. and 6:00 p.m. on the weekends provided the restriction does not apply to circumstances requiring emergency access or to the delivery or exploration of materials necessary to maintain drilling operations and well production.

4. The applicant must employ street sweeping operations to keep the road free and clear of debris during drilling and fracing operations.

5. The applicant must utilize 32-foot sound walls during drilling and fracing operations with the restriction that the applicant removes the sound walls after 90 days from the last day of the most recent operation on the site.

6. The SUP is limited to five years from the date the gas well permit is issued.

7. At the permit stage, a Road Damage Assessment Study is required to mitigate any impacts to the street system during drilling.

8. At the permit stage, all required tree mitigation will be met.

9. Access to the site will be from Turner Way.

10. A solid eight-foot masonry wall will be constructed on the west and south sides of the pad site at the time of construction of the proposed pad expansion. After completion of all wells, a solid eight-foot masonry wall will also be constructed on the remaining sides enclosing all completed wells and tanks located within the operation site. An alternative fence with vegetation may be approved by the City Council as a condition of any gas well permit.

11. The operator and owner shall be responsible for the installation, preservation, and maintenance of all landscaping and physical features shown on this site plan.

12. Use and development of the property must be in compliance with the attached site plan.

13. 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.

WHITE DRILL SITE

CURRENT ZONING
"A" AGRICULTURE & "PD" PLANNED DEVELOPMENT FOR "IM" INDUSTRIAL MANUFACTURING

PROPOSED ZONING
"A" AGRICULTURE–WITH A SPECIFIC USE PERMIT FOR GAS DRILLING

OWNER
MICHIE C. WHITE, ETAL. TRUST
2111 CASTLE VIEW ROAD
MANSFIELD, TX 76063

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

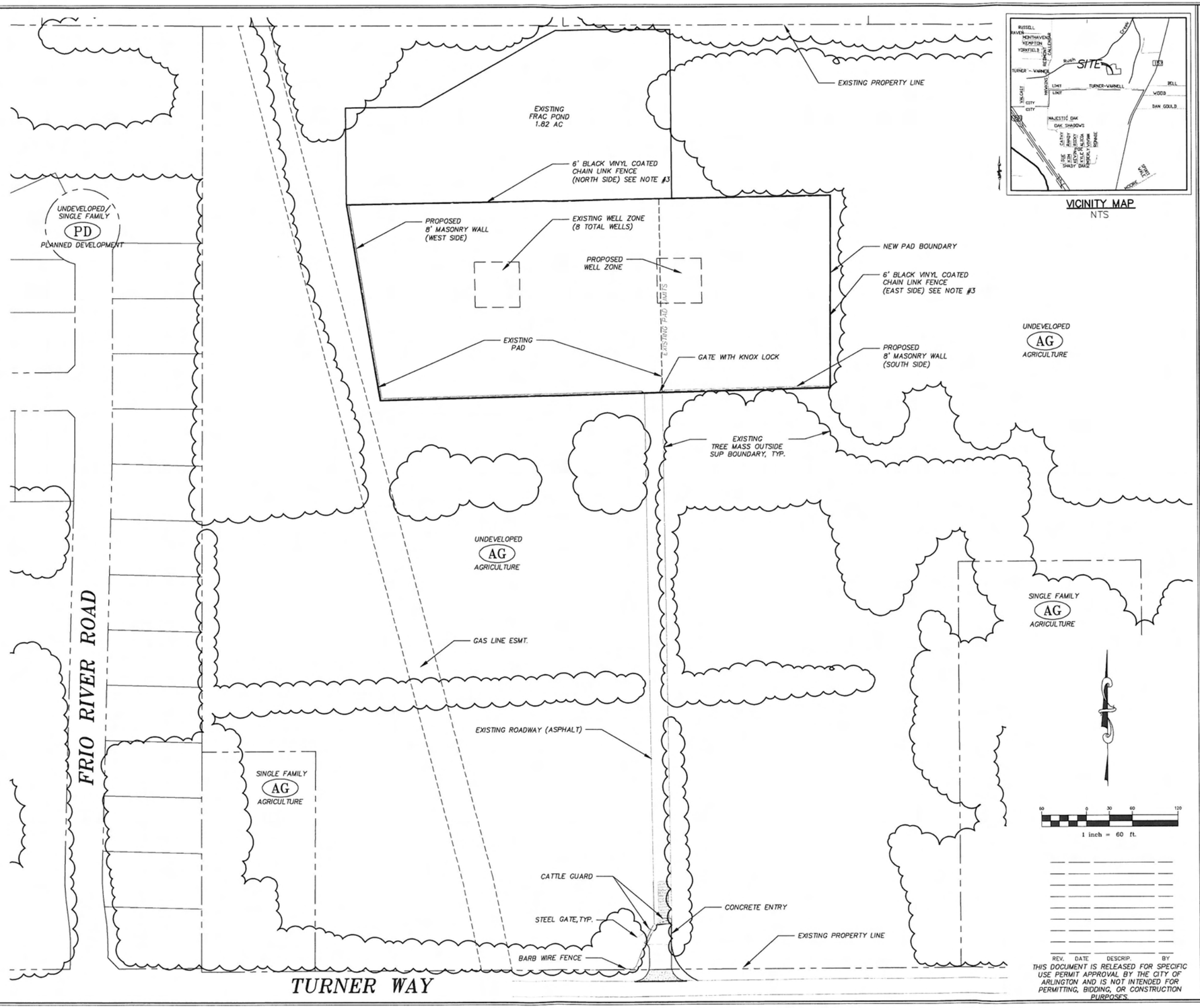
ENGINEER/SURVEYOR/ LANDSCAPE ARCHITECT
MYCOSKIE+MCINNIS ASSOCIATES
200 E. ABRAM STREET
ARLINGTON, TEXAS 76010
CONTACT: JACOB SUMPTER
TEL: 817–469–1671
FAX: 817–274–8757

LEGAL DESCRIPTION
BEING 5.501 ACRE PORTION OF A CALLED 54.1 ACRE TRACT OF LAND AS DESCRIBED IN THE TRUST TRANSFER DEED OF MICHIE C. WHITE, MARIBETH WHITE AND MAX W. WHITE, TRUSTEES OF WILLIAM G. WHITE IRREVOCABLE FAMILY TRUST.

LAND USE

1.	GROSS AREA	5.501 AC
2.	WELL PAD SITE	3.681 AC
3.	TEMP. FRAC POND	1.82 AC

GENERAL NOTES
1. THE OPERATOR AND PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION, PRESERVATION, AND MAINTENANCE OF ALL EXISTING VEGETATION AND PHYSICAL FEATURES SHOWN ON THIS SITE PLAN.
2. ALL TREE MITIGATION REQUIREMENTS WILL BE PROVIDED DURING THE GAS WELL PERMITTING PROCESS.
3. THE 6' BLACK VINYL COATED CHAIN LINK FENCE ON THE NORTH AND EAST SIDES WILL BE REPLACED WITH 8' MASONRY WALLS AFTER COMPLETION OF ALL WELLS.



VICINITY MAP
NTS

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.

WHITE DRILL SITE SPECIFIC USE PERMIT
1899 TURNER WAY
ARLINGTON, TEXAS

PROJECT TITLE:
WHITE DRILL SITE
SPECIFIC USE PERMIT

mma
mycoskie+mcinnis+associates
civil engineering surveying landscape architecture planning
tbpe registration number: f – 2759
200 east abram
arlington, texas 76010
817–469–1671
fax: 817–274–8757
www.mmatexas.com

Chesapeake ENERGY

PROJECT NUMBER:	2246-00-03
PROJECT MANAGER:	J.SUMPTER
DRAWN BY:	J.SUMPTER
CHECKED BY:	C.MYCOSKIE
ISSUE DATE:	12/23/2010

REV.	DATE	DESCRIP.	BY

SHEET CONTENT:
SUP PLAN
CASE #SUP10-28

SHEET NO:
1 OF 3

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WHITE DRILL SITE
SPECIFIC USE PERMIT

2001 TURNER WAY
ARLINGTON, TEXAS

1 inch = 100 ft.

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.

PROJECT TITLE:
WHITE DRILL SITE
SPECIFIC USE PERMIT

m|m|a
mycoskie+mcinnis+associates
civil engineering surveying landscape architecture planning
tbpe registration number: f - 2759
200 east abram
arlington, texas 76010
817-469-1671
fax. 817-274-8757
www.mmatexas.com

Chesapeake ENERGY

PROJECT NUMBER:	2246-00-03
PROJECT MANAGER:	J.SUMPTER
DRAWN BY:	J.SUMPTER
CHECKED BY:	C.MYCOSKIE
ISSUE DATE:	12/23/10

REV.	DATE	DESCRIP.	BY

SHEET CONTENT:
BUFFER EXHIBIT
CASE # SUP10-28

SHEET NO:
2 OF 3

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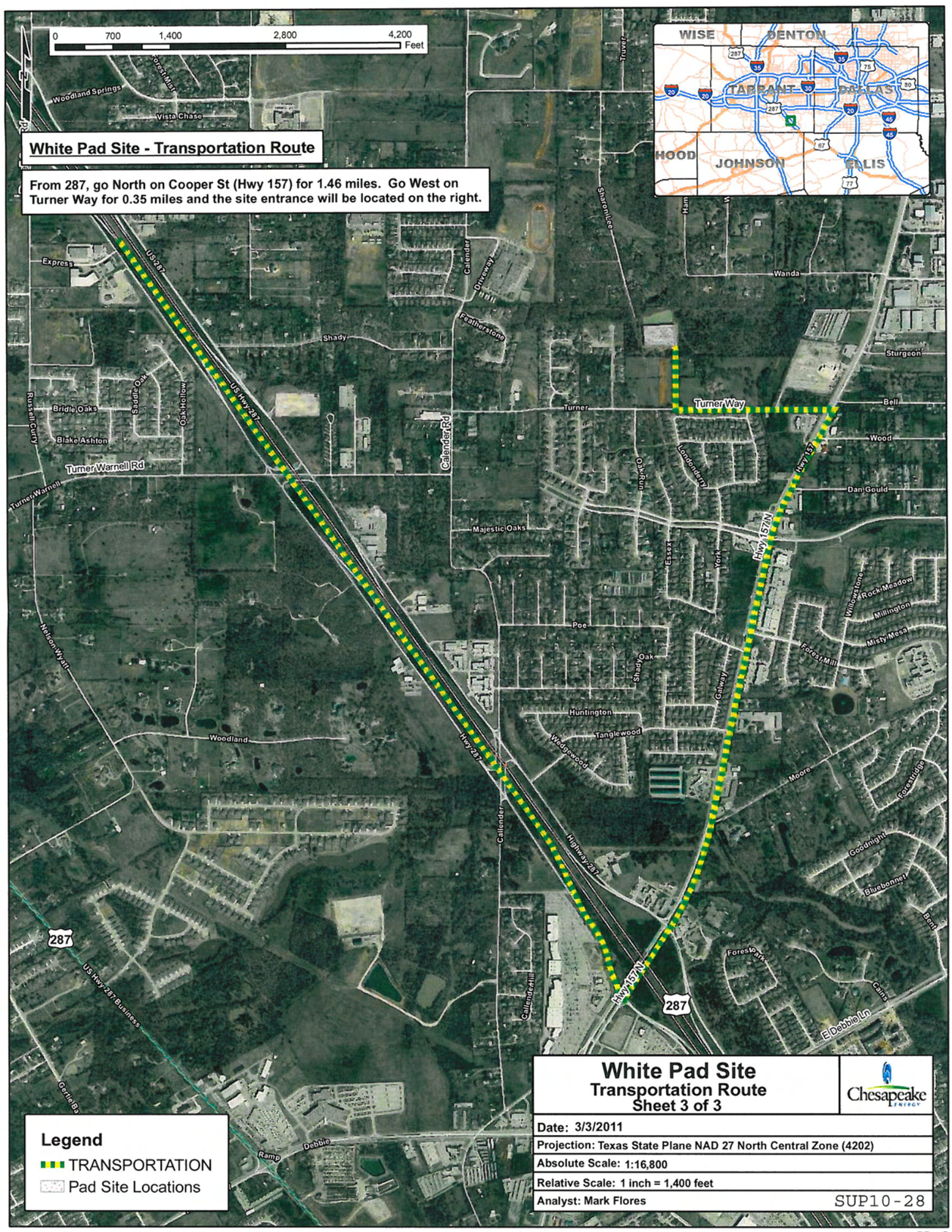

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