

ORDINANCE NO. 2003-135

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, APPROVING A SPECIFIC USE PERMIT FOR A GAS WELL DEVELOPMENT ON APPROXIMATELY 95 ACRES OF LAND GENERALLY LOCATED EAST OF THE INTERSECTION OF BONNIE BRAE AND THE FUTURE EXTENSION OF VINTAGE BOULEVARD IN THE WILLIAM ROARK SURVEY, ABSTRACT NO. 1087, WITHIN A NEIGHBORHOOD RESIDENTIAL 6 (NR-6) ZONING DISTRICT CLASSIFICATION AND USE DESIGNATION; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE. (Z03-0011)

WHEREAS, Ken Seligman, R.L. Adkins, has applied for a specific use permit for a gas well development within a Neighborhood Residential 6 zoning district classification and use designation on approximately 95 acres of land generally located east of the intersection of Bonnie Brae and the future extension of Vintage Boulevard, as more particularly described in Exhibit "A" attached hereto and made a part hereof by reference (the "Property"); and

WHEREAS, on April 9, 2003, the Planning and Zoning Commission recommended approval of a Specific Use Permit for a gas well development; and

WHEREAS, the City Council finds that the Specific Use Permit is consistent with The Denton Plan; and

WHEREAS, in accordance with Subchapter 6 of the Development Code of the City of Denton, Texas, the City Council finds that all of the following conditions exist:

The gas well development will be compatible with and not injurious to the use and enjoyment of other property nor significantly diminish or impair property values within the immediate vicinity; and

The establishment of the gas well development will not impede the normal and orderly development and improvement of surrounding property; and

Adequate utilities, access roads, drainage, and other necessary supporting facilities have been or will be provided; and

The design, location, and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments; and

Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration; and

Directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and

There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent property; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein.

SECTION 2. A specific use permit to allow a gas well development within a Neighborhood Residential 6 (NR-6) zoning district classification and use designation on the Property is hereby approved, subject to the following conditions:

1. All residences within 500 feet of the well site will be noticed 24 hours prior to the fracing of the wellhead.
2. Fracing operations are restricted to daylight hours only.
3. All structures shall have a maximum height of 16 feet.
4. An 8 foot wooden fence will be installed on steel post around the well site to create a visually appealing screen for the well site prior to production of the well.
5. The barricade located at the end of Vintage Blvd. shall be improved and maintained by the developer to prevent access to the private drive connecting Vintage Blvd. To Bonnie Brae. Conspicuous no trespassing signs shall be posted and maintained by the developer at said location, that are a sufficient warning to enable the prosecution of trespass violators.
6. Development and operation of the gas well development shall be in accordance with the site plan on file in the City Planning Department, a copy of which is attached hereto and made a part hereof as Exhibit "B".

SECTION 3. Notwithstanding the description of the Property, the property being rezoned includes all property to the centerline of all adjacent street rights-of-way.

SECTION 4. The City's official zoning map is amended to show the change in zoning district classification.

SECTION 5. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 5. This ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the 13th day of May, 2003.

Euline Brock
EULINE BROCK, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: Jennifer Walters

APPROVED AS TO LEGAL FORM:
HERBERT L. PROUTY, CITY ATTORNEY

BY: Herbert L. Prouty

Exhibit A – The Meadows at Hickory Creek

95.559 acres situated in the WILLIAM ROARK SURVEY, Abst. No. 1087, Denton County, Texas, being all that certain tract of land conveyed to Denton County Joint Venture, by deed recorded in Volume 2399, Page 108, Deed Records, Denton County, Texas, said 95.559 acres being more particularly described as follows:

Beginning at a 1/2" iron found in Bonnie Brae Street (R.O.W. varies) at the northwest corner of said Denton County Joint Venture tract and the southwest corner of that certain tract of land conveyed to New Time Investments Corporation, by deed recorded in Volume 2399, Page 112, Deed Records, Denton County, Texas, said point being South 00 degrees 27 minutes 19 seconds West, 1354.49 feet from a 1" iron found at the called northwest corner of said ROARK SURVEY;

THENCE North 89 degrees 08 minutes 48 seconds East, along the common line of said Denton County Joint Venture and New Time Investments Corporation tracts, 3199.85 feet to a 1/2" iron found at the northeast corner of said Denton County Joint Venture tract, in the west line of that certain tract of land conveyed to V.D. Burch, by deed recorded in Volume 288, Page 137, Deed Records, Denton County, Texas,

THENCE South 00 degrees 19 minutes 51 seconds West, along the common line of said Denton County Joint Venture tract and said Burch tract, 1324.98 feet to a railroad cross tie found at the southeast corner of said Denton County Joint Venture tract;

THENCE South 89 degrees 49 minutes 12 seconds West, continuing along the common line of said Denton County Joint Venture tract and said Burch tract, 1500.72 feet to a 1/2" iron found at the most westerly northwest corner of said Burch tract and the northeast corner of that certain tract of land conveyed to Robert Coston et al, by deed recorded in Clerks File No. 93-0089896, Deed Records, Denton County, Texas;

THENCE North 89 degrees 29 minutes 08 seconds West, along the common line of said Denton County Joint Venture tract and said Coston et al, tract, 1700.62 feet to a 1" iron found in the west line of said Bonnie Brae Street;

THENCE North 00 degrees 25 minutes 34 seconds East, along said Bonnie Brae Street, 1266.79 feet to the POINT OF BEGINNING and containing 95.559 acres of land, more or less.

