

**MINUTES of a REGULAR MEETING  
of the  
CITY OF DALWORTHINGTON GARDENS  
Planning and Zoning Commission  
Tuesday, May 5, 2009 7:00 P.M.**

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**REGULAR SESSION**

A regular meeting of the Planning and Zoning Commission was held at **7:00 o'clock p.m. on Tuesday, May 5, 2009** in the Council Chambers of City Hall, 2600 Roosevelt Drive, Dalworthington Gardens, Texas. The following items of business were considered, discussed and acted upon as appropriate by the Commission:

**MEMBERS PRESENT:**

Lee Brown, Chairman  
Graham Schadt, Commissioner  
Ed Motley, Commissioner  
Brett Hall, Commissioner  
Clay Ellis, Commissioner

**STAFF PRESENT:**

Melinda Brittain, City Administrator  
Stan Wilkes, City Attorney  
Krysten Jeter, Deputy City Secretary

**CALL TO ORDER-** Chairman Brown called the meeting to order at 7:05 p.m.

**1. Minutes of the April 7, 2009 meeting.**

Commissioner Hall made a motion to approve the minutes of the April 7, 2009 Planning and Zoning meeting. Commissioner Schadt seconded the motion. All vote in favor, motion carried.

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**Public Hearings and Action:**

**2. An amendment to Chapter 17.6. of the Zoning Title of the City Code,** providing for internet car sales in B3 – Commercial District.

Chairman Brown opened the public hearing at 7:10 and asked for public comments. There being no public comments, Chairman Brown closed the public hearing at 7:10 p.m.

Commissioner Motley made a motion to table the amendment to the end of the agenda. Commissioner Hall seconded the motion. All voted in favor, motion carried.

**3. Natural Gas Drilling Permit Applications/Chesapeake**

Applicant: Chesapeake Operating, Inc.  
Location: Part of Lot 6, and Lot 7, Block 4, Dalworthington Gardens  
Addition, Vol.388A, PG 105, D.R.T.C.T.  
3115 Roosevelt Drive  
Proposed Well Name and Depth: Riddle 1H, Depth: 9000  
Riddle 2H, Depth: 9000

Chairman Brown opened the public hearing 7:10 p.m. and asked for public comments on both Riddle 1H and Riddle 2H. The following persons spoke in the public hearing:

Cindy Remsing- 3011 Roosevelt Drive  
Cathy Stein- 2622 Clover Lane  
Angela Johnson- 2915 Texas Drive  
Ray Ojestky- Chesapeake Representative  
Lynn Remsing- 3011 Roosevelt Drive  
Linda Hardin- 3011 Roosevelt Drive  
Walter Dweeze- XTO Representative  
Brandon Porter- Whisperwood Trail  
Steve Turnbow- 2800 Park Drive  
**Wayne Burgdorf-**  
Jack Bos- 2805 Burlwood Drive  
Mark Appling- 3103 Sunset Lane  
Jack Cooley- 3016 California Lane  
Ingrid Cooley- 3016 California Lane  
Lynn Remsing- 3011 Roosevelt Drive  
Cindy Remsing- 3011 Roosevelt Drive  
Sarah Griffis- Chesapeake Representative  
JW Mullins- 3312 Roosevelt Drive

Commissioner Motley moved the adoption of the following resolution:

We find that the facts pertaining to the application for Riddle 1H and Riddle 2H are identical and the permits should be considered together.

We find that the sites of Chesapeake permit applications for Riddle 1H and 2H in general are not inconsistent with the comprehensive plan of the city, but we recommend the applicant address the following issues prior to issuance of permits by the city council:

1. The placement of the well bores is 150 feet from the north property line of the Riddle tract. The current zoning ordinance preclude construction of a future structure within 200 feet of the bores: therefore, the adjacent property development potential is adversely impacted.

2. Operations of the well site during drilling, fracing and production should be conducted to prevent fugitive dust, noise and light from adversely impacting adjacent property owners.
3. We encourage the City Council to require a greater set back from Roosevelt Dr. to the edge of the frac pond to allow greater protection of Roosevelt Dr. from potential settlement into the frac pond.
4. Allow preservation of the existing trees to provide a natural buffer between Roosevelt Dr. and the pond and the drill site.
5. We encourage Council to consider the requirement for an additional set back between the frac pond and the north property line to provide buffer and protection of the adjacent property owner.
6. We encourage Council to require appropriate measures to maintain water quality and prevent health hazards in the frac pond.
7. We encourage Council to require the long term wall to be constructed of a rock material compatible with Bowen Road/Pleasant Ridge Architectural requirements.

This resolution shall be deemed applicable equally to the application, site and permit for Riddle 1H and Riddle 2H.

Commissioner Hall seconded the motion. All voted in favor. Motion carried with 4 ayes and 0 nays.

**4. Natural Gas Drilling Permit Application/XTO**

**Applicant: XTO Energy, Inc.**

Location: Lot 2R, Block 1, Dalworthington Gardens Addition,  
Vol.388-A, PG 105, Cabinet A, Slide 3704, D.R.T.C.T.  
Northwest end of Elkins Drive

Proposed Well Name and Depth: Elkins Unit: 11,000

Chairman Brown opened the public hearing at 9:02 p.m. and asked for public comments. The following persons spoke at the public hearing:

**Kim White, Sunset Oaks**

Laura Highzackerman

Cathy Stein- 2622 Clover Lane

Tim Ackermann

Mark Shotzmkw

Ingrid Cooley- 3016 California Lane

Zachary Stephens

Mararit Equanta

Brandon Porter

Evelyn Capps- 3201 Sieber Drive  
Walter Deweese

Chairman Brown closed the public hearing at 10:20 p.m.  
Commissioner Motley moved the adoption of the following resolution:

1. We find that the application for the XTO drill site calls for drilling gas wells within 600 feet of existing structures. We recognize the ordinance allows Council to approve gas well permits with structures closer than the limit.
2. We further find the XTO site in general is not inconsistent with the comprehensive plan.
3. We encourage Council to require the applicant to configure the pad site to allow an adequate 6-1 trail that connects the parking area to the trail system.
4. We encourage Council to require as a minimum a decorative masonry wall on the southwest, southeast, northeast sides of the site, similar to design criteria in new developments of the city.
5. We encourage Council to require the applicant to maintain the existing parking area at the end of Elkins Drive for public use.
6. We encourage Council to assure the applicant obtains all appropriate state and federal permits for the use of Pappy Elkins Lake as a storage pond and to do so in a manner that does not adversely impact the habitation or water quality in the lake.
7. We encourage Council to require XTO to locate the tank battery at the location other than adjacent to the parking area at the end of Pappy Elkins Drive or Pappy Elkins Lake.
8. We encourage Council to require the applicant to develop a site specific amendment to their emergency response plan to address issues relating to the school to the north of the site.
9. We encourage Council to require the applicant to modify the trail system on the north side of the park as presented to this commission.
10. We encourage the Council to require the applicant to develop a site specific safety plan that addresses isolating well site traffic and operations from the school to the north of the site.

11. We encourage Council to require the applicant to conduct operations at the well site during drilling, fracing and production so that dust, noise and light will not adversely impact adjacent property or the use of the park.

Commissioner Hall seconded the motion. All voted in favor. Motion carried with 4 ayes and 0 nays.

Chairman Brown asked the commission to go back and address agenda item 2.

Commissioner Motley made a motion to take agenda item 2 off the table. Commissioner Hall seconded the motion, which passed by a vote of 4 ayes and 0 nays.

**2. An amendment to Chapter 17.6. of the Zoning Title of the City Code, providing for internet car sales in B3 – Commercial District.**

Commissioner Brown opened the public hearing at 10:30 p.m. and asked for public comments. The following persons spoke at the public hearing:

Rick Hinton- explained business concept of internet sales  
Craig Coleman- 2217 Michigan Avenue  
Derek Collins-2231 Michigan Avenue  
George Moore- 3023 Park Drive  
Steve Turnbow- 2800 Park Drive

Commissioner Brown closed the public hearing at 10:45 p.m.

Commissioner Hall made a motion to recommend the amendment to chapter 17.6 of the Zoning Title of the City Code providing for internet car sales in B3- commercial district, to include an indoor showroom but no outdoor storage and to allow preparation of sales with no mechanical work to be performed on site.

Commissioner Motley seconded the motion. All voted in favor. Motion carried with 4 ayes and 0 nays.

**ADJOURN**

Commissioner Schadt made the motion to adjourn. Commissioner Ellis seconded the motion. All voted in favor. The meeting adjourned at 11:55 p.m.