

ORDINANCE NO. 2492

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, REPEALING ORDINANCE NO. 2288, ADOPTED ON JULY 18, 2006 IN ITS ENTIRETY, REVISING THE CONCEPT PLAN AND DEVELOPMENT CONDITIONS FOR SPECIFIC USE PERMIT (SUP-15) FOR ASPHALT AND CONCRETE BATCH PLANTS AND STORAGE AND DISTRIBUTION OF AGGREGATE, LIME, CEMENT, AND BUILDING MATERIALS ON LAND GENERALLY LOCATED BETWEEN AND EAST OF THE INTERSECTION OF U.S. HIGHWAY 80 AND SPUR 557, DESCRIBED AS BEING 112.8 ACRES OUT OF THE THOMAS F. SURVEY, ABSTRACT NO. 493; THE W.C. MOODY SURVEY, ABSTRACT NO. 321; AND THE J.R. LEATH SURVEY, ABSTRACT NO. 305 OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL TEXAS:

ARTICLE I.

WHEREAS, the City Council of the City of Terrell, Texas following a public hearing and recommendation by the Planning and Zoning Commission, held a public hearing on June 7, 2011 on a request to amend the Concept Plan and Development Conditions for a Specific Use Permit (SUP-15) for Asphalt and Concrete Batch Plants and Storage and Distribution of Aggregate, Lime, Cement and Building Materials on land located between and east of the intersection of U.S. Highway 80 and Spur 557 described as being 112.8 acres out of the Thomas F. Smith Survey, Abstract No. 493; the W.C. Moody Survey, Abstract No. 321, and the J.R. Leath Survey, Abstract No. 305; City of Terrell, Kaufman County, Texas; and

WHEREAS, the City Council has determined that all notice requirements have been given in compliance with State Law and the ordinances of the City of Terrell; and

WHEREAS, the City Council of the City of Terrell, Texas has determined that it would be in the best interest of the citizens of Terrell to amend Specific Use Permit (SUP-15) as requested;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Terrell, Texas:

ARTICLE II.

THAT Specific Use Permit (SUP-15) for Asphalt and Concrete Batch Plants and Storage and Distribution of Aggregate, Lime, Cement and Building Materials on land located between and east of the intersection of U.S. Highway 80 and Spur 557 described as being 112.8 acres out of the Thomas F. Smith Survey, Abstract No. 493; the W.C. Moody Survey, Abstract No. 321, and the J.R. Leath Survey, Abstract No. 305; City of Terrell, Kaufman County, Texas shall be constructed and operated in accordance with the Concept Plan attached as Exhibit "A" and with the following Development Conditions unless and if Article III of this Ordinance applies:

1. *A tree specified on the site plan to be planted as a screening device on the seven feet tall berm located to the west and south of the facility and adjacent to the railroad main line shall be spaced at a distance of not more than fifty feet (50') on center. The berm shown on the approved site plan and located adjacent to Spur 557 shall be a minimum of seventy-five feet (75') in width and a minimum of seven feet (7') in height;*
2. *That the landscaped buffer shown on the approved site and located adjacent to U.S. Highway 80 shall be a minimum of fifty feet (50') in width and a minimum of seven feet (7') in height;*
3. *That the landscaped berm shown on the approved site plan and located at the western quadrant of the property shall be a minimum of seven feet (7') but shall be increased to a required maximum height of ten feet (10') as engineering standards allow;*
4. *That the landscaped buffer shown on the approved site plan and located along the future Apache Trail shall be a minimum of twenty-five feet in width;*
5. *That a five feet (5') landscaped setback shall be provided along each interior property line;*
6. *That existing vegetation along the creek shall be maintained to the greatest extent possible;*
7. *That a minimum of five (5) acres located at the northwest corner of the property and designated as "Open Space" on the approved site plan shall be reserved for use by the City of Terrell for an entry monument or enhanced vegetation;*
8. *That a street sweeper shall be maintained on the property full-time for the purpose of controlling dust on all paved areas;*
9. *That all free standing signs within the property shall be monument signs and the visual appearance of the entries into the facility shall be enhanced;*
10. *That the structural height of silos within the property shall be limited to a maximum of fifty (50') feet and the overall height of any silo (as measured from finished grade) shall not exceed sixty-six (66') feet.*
11. *That the height of material stockpiles shall be limited to a maximum of forty (40') feet.*
12. *The thickness of the pavement on the extension of Apache Trail as shown on the approved site plan shall be a minimum of ten (10") inches.*
13. *That a water truck shall be on site and manned during all periods of operations to control dust.*
14. *The original Traffic Impact Analysis conducted by the City and funded by the owner under the requirements of Ordinance 2288 shall apply.*
15. *The roadway improvements identified in the study (along with the required phasing) shall be made a condition of this Specific Use Permit and shall be completed if necessary prior to the issuance of the appropriate building permit (or other identified method of measurement) identified in the study.*
16. *The exterior of all structures (including silos) shall be painted beige, unless an alternative color is subsequently approved by the City Council, and shall maintained in a manner that does not exhibit fading of painted surfaces or other clearly noticeable visual defects from beyond the bounding property lines. Notwithstanding the previous, all exterior structures shall be painted at a frequency of not less than once every seven (7) years.*

ARTICLE III.

THAT this Article shall be controlling and supersede Article II of this ordinance if the following conditions have been met:

- A. An formal written agreement between Union Pacific Railroad (UPRR) and the City of Terrell to relocate the Apache Trail extension railroad crossing shown on Exhibit "A" approximately 2,400 feet to the east and shown on Exhibit "B" as the future County Road 305 extension railroad crossing. Notwithstanding the foregoing, the construction and timing of the relocated crossing is not a condition of this Article III.A; and
- B. An updated Traffic Impact Analysis (TIA) is completed by the owner of the subject SUP-15 property addressing the various thoroughfares and traffic systems affected by the revisions to the Concept Plan as delineated in Exhibit "B" attached hereto and approved by the City Engineer prior to receiving approval of the Construction Plat.

THAT if the above conditions have been met then Specific Use Permit (SUP-15) for Asphalt and Concrete Batch Plants and Storage and Distribution of Aggregate, Lime, Cement and Building Materials on land located between and east of the intersection of U.S. Highway 80 and Spur 557 described as being 112.8 acres out of the Thomas F. Smith Survey, Abstract No. 493; the W.C. Moody Survey, Abstract No. 321, and the J.R. Leath Survey, Abstract No. 305; City of Terrell, Kaufman County, Texas shall be constructed and operated in accordance with the Concept Plan attached as Exhibit "B" and with the following Development Conditions:

1. *A tree specified on the site plan to be planted as a screening device on the seven feet tall berm located to the west and south of the facility shall be spaced at a distance of not more than fifty feet (50') on center. The berm shown on the approved site plan and located adjacent to Spur 557 shall be a minimum of seventy-five feet (75') in width and a minimum of seven feet (7') in height;*
2. *That the landscaped buffer shown on the approved site and located adjacent to the UPRR mainline shall be a minimum of fifty feet (50') in width and any berms installed shall be a minimum of seven feet (7') in height:*
 - a. *as measured from the finish grade adjacent to the proposed rail spur; and*
 - b. *the height and width shall be adjusted as needed so not to negatively impact the long-term health of any existing natural screening and to avoid any site conflicts such as easements, utilities, flood zones, etc.;*
3. *That the landscaped berm shown on the approved site plan and located at the western quadrant of the property shall be a minimum of seven feet (7') but shall be increased to a required maximum height of ten feet (10') as engineering standards allow;*
4. *That the landscaped buffer shown on the approved site plan and located along the future County Road 305 shall be a minimum of twenty-five feet in width;*
5. *That a five feet (5') landscaped setback shall be provided along each interior property line;*
6. *That existing vegetation within the delineated flood plain as shown on the Concept Plan (Exhibit B) shall be maintained to the greatest extent possible;*
7. *That a minimum of five (5) acres located at the northwest corner of the property and designated as "Open Space" on the approved site plan shall be reserved for use by the City of Terrell for an entry monument or enhanced vegetation;*
8. *That a street sweeper shall be maintained on the property full-time for the purpose of controlling dust on all paved areas;*
9. *That all free standing signs within the property shall be monument signs and the visual appearance of the entries into the facility shall be enhanced;*

10. *That the structural height of silos within the property shall be limited to a maximum of fifty (50') feet and the overall height of any silo (as measured from finished grade) shall not exceed sixty-six (66') feet.*
11. *That the height of material stockpiles shall be limited to a maximum of forty (40') feet.*
12. *The thickness of the pavement on the extension of County Road 305 as shown on the approved site plan shall be a minimum of twelve (12") inches.*
13. *That a water truck shall be on site and manned during all periods of operations to control dust.*
14. *The initial roadway improvements identified on Exhibit "C" (along with the required phasing) shall be made a condition of this Specific Use Permit and shall be completed, or if necessary in phases as determined by the City Engineer, prior to the issuance of the appropriate building permit (or other identified method of measurement) for any uses granted by this Specific Use Permit..*
15. *The exterior of all structures (including silos) shall be painted beige, unless an alternative color is subsequently approved by the City Council, and shall maintained in a manner that does not exhibit fading of painted surfaces or other clearly noticeable visual defects from beyond the bounding property lines. Notwithstanding the previous, all exterior structures shall be painted at a frequency of not less than once every seven (7) years.*

ARTICLE IV.

All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

ARTICLE V.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections.

ARTICLE VI.

This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED AND APPROVED THIS THE 7th DAY OF JUNE, 2011.
PASSED AND ADOPTED THIS THE 21ST DAY OF JUNE, 2011.

APPROVED:

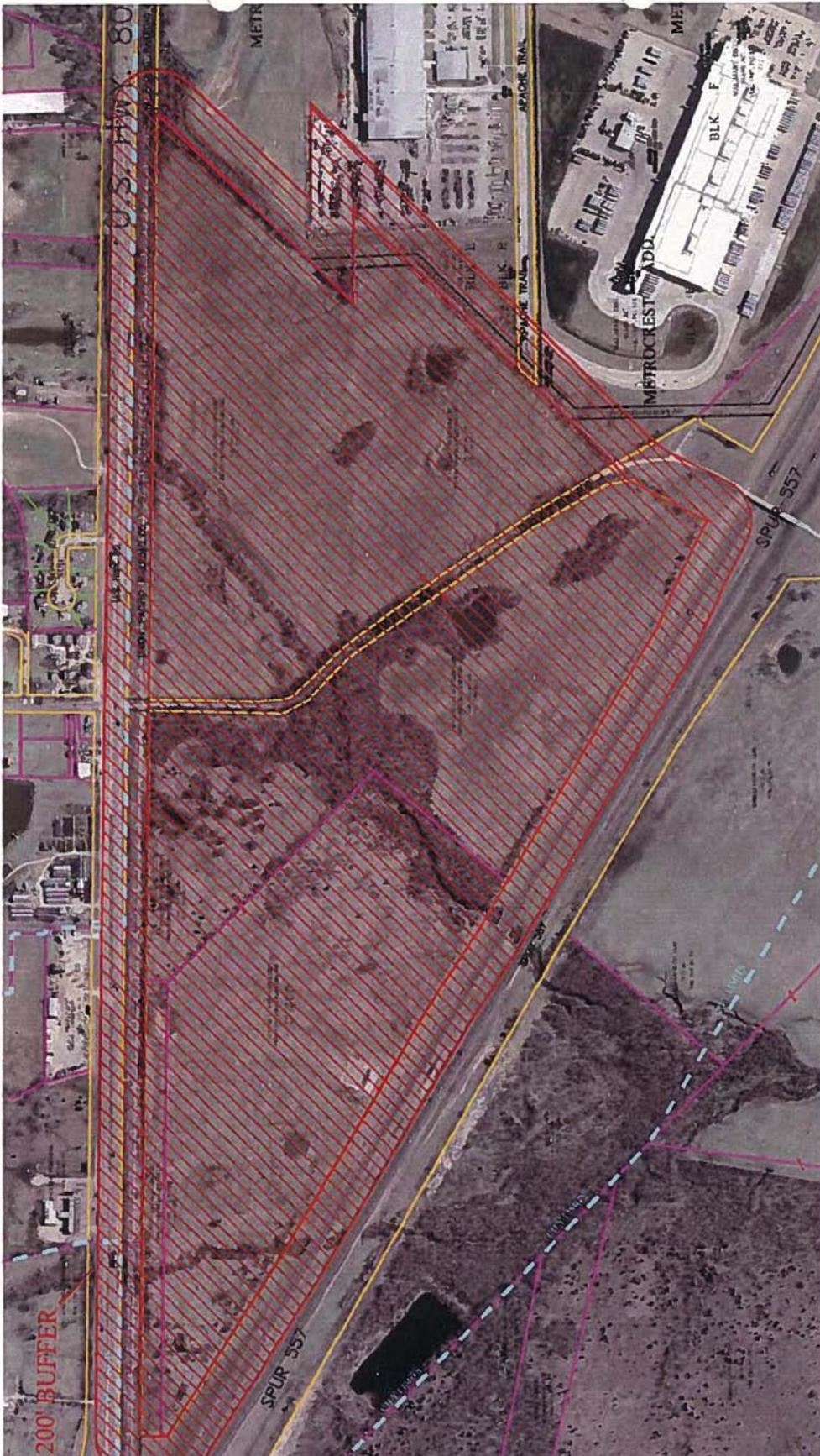
HAL RICHARDS, MAYOR

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY



NOTIFICATION LIST

WAL-MART STORES LP	PO BOX 8050	MS 0555	BENTONVILLE	AR	72712-8050
NUCOR CORPORATION		600 APACHE TRL	TERRELL	TX	75160