

ORDINANCE NO. 2589

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING ORDINANCE NO. 2492, ADOPTED ON JUNE 21, 2011, REVISING THE DEVELOPMENT CONDITIONS FOR SPECIFIC USE PERMIT (SUP-20) 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; BEING DESCRIBED AS PORTIONS OF LOTS 1 AND 2, TERRELL MATERIALS ADDITION, CONTAINING 112.8 ACRES MORE OR LESS, CITY OF TERRELL, KAUFMAN COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

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 December 17, 2013, on a request to amend Ordinance No. 2492 to revise the Development Conditions for a Specific Use Permit (SUP-20) for Asphalt and Concrete Batch Plants and Storage and Distribution of Aggregate, Lime, Cement and Building Materials to allow silos to be constructed to an overall height of eighty-eight (88') feet including conveyors, auxiliary or mechanical equipment on land located at 320, 380, and 381 Iron Horse Drive; and being described as portions of Lots 1 and 2, Terrell Materials Addition, containing 112.8 acres more or less; 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 Ordinance No. 2492 revising the Specific Use Permit (SUP-20) as requested;

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

ARTICLE II.

THAT Ordinance No. 2492 is amended and the Specific Use Permit (SUP-20) for Asphalt and Concrete Batch Plants and Storage and Distribution of Aggregate, Lime, Cement and Building Materials on land located at 320, 380, and 381 Iron Horse Drive; and being described as portions of Lots 1 and 2, Terrell Materials Addition, containing 112.8 acres more or less; City of Terrell, Kaufman County, Texas, shall be constructed and operated in accordance with the Concept Plan and Comprehensive Site Plan attached as Exhibits A & 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 (7') foot 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 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. The overall height of any silo including conveyor, auxiliary or mechanical equipment (as measured from finished grade) shall not exceed eighty-eight (88') 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 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.
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 be 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 17TH DAY OF DECEMBER, 2013.

PASSED AND ADOPTED THIS THE 7TH DAY OF JANUARY, 2013.

APPROVED:

HAL RICHARDS, MAYOR

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY

EXHIBIT C



