

ORDINANCE NO. 3223
File No. 1461-121

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY AMENDING ORDINANCE NO. 2949 ADOPTED ON JANUARY 17, 1994, SO AS TO APPROVE AN AMENDMENT TO THE PLANNED DEVELOPMENT TO ALLOW COLLISION SERVICES (BODY SHOP) SUBJECT TO CERTAIN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning change under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite and amending Ordinance No. 2949 adopted on January 17, 1994, so as to approve an amendment to the Planned Development to allow collision services (body shop), subject to the following conditions:

1. Use for collision services subject to common ownership with and operation by new car dealership located across Galloway.
2. New building to be 100% masonry.
3. Finished floor elevation will be consistent with the elevation of the existing rental facility building, approximately fifteen and one-half feet above existing grade at the rear of the site.
4. Height limit of 19 feet above finished floor as described above.

5. No outside speakers.
6. Hours of operation will be restricted to 7 a.m. to 6 p.m. weekdays and 8 a.m. to 5 p.m. on Saturdays.
7. All unrepaired vehicles shall either be inside the building or totally screened from public view, including the installation of solid panel rolling steel gates and the new 8 foot concrete wall along the northwestern border.
8. All repairs will be performed inside the facility and vehicle access doors to the building will remain closed except when moving a vehicle inside or outside.
9. Lighting - Same type and height as existing lighting with coverage at City standards.
10. Signage - Signage advertising to the collision center will be in accordance with current City ordinances and all signage of the new car dealership, used car showroom and collision services shall be of uniform style and color. The words "body", "repair", and "shop" shall not be permitted on any signs on the property. Developer/Owner will not use the existing billboard sign adjacent to Interstate 635 or any other signage on the main sales facility property to exclusively advertise the collision center.
11. Architectural Restrictions - Construction will be completed in accordance with the site plan, floor plan and elevations attached hereto as Exhibit "B".

The subject property is located at 4930 North Galloway Avenue; City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance, shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042 of the Mesquite City Code.


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SECTION 5. That should any word, sentence, clause, paragraph, phrase, or provision of this ordinance be held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.


SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of May, 1998.


Mike Anderson
Mayor

ATTEST:


Ellen Williams
City Secretary

APPROVED:

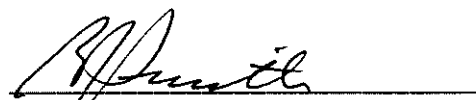

B.J. Smith
City Attorney

EXHIBIT "A"
Page 1 of 2

LEGAL DESCRIPTION

Being, part of Lot 2-R and all of Lot 5, Block A of the Crest Addition, an addition to the City of Mesquite, Texas, according to the map and plat recorded in Volume 95238, Page 3761, Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING, at a point on the northeast line of North Galloway Avenue (a 100' R.O.W.) said point being the south corner of Lot 5, Block A;

THENCE, North 45 degrees 03 minutes 55 seconds West, along the northeast line of North Galloway Avenue, a distance of 214.65 feet;

THENCE, North 44 degrees 52 minutes 22 seconds East, leaving the said northeast line of North Galloway Avenue, a distance of 611.81 feet, to a point on the southwest line of Dallas Christian School Inc. property;

THENCE, South 45 degrees 00 minutes 00 seconds East, along the southwest line of Dallas Christian School Inc. property a distance of 214.65 feet;

THENCE, South 44 degrees 52 minutes 22 seconds West, along the northwest line of Lot 3-R, a distance of 611.57 feet to the **PLACE OF BEGINNING** and containing 131,299.7 square feet or 3.014 acres of land.

WOODED LAKE DRIVE
(80' R.O.W.)

LOT 1R BLOCK A
VOL. 95238, PG. 3761

LOT 2R BLOCK A
VOL. 95238, PG. 3761

S 44°32'22" W 511.81'

3.014 ACRES
131299.7 SQUARE FEET

LOT 5 BLOCK A
VOL. 95238, PG. 3761

LOT 2R BLOCK A
VOL. 95238, PG. 3761

S 44°32'22" W 511.57'

LOT 3-R
REMAINDER OF LOT 3, BLOCK A
THE CREST ADDITION
VOL. 94126, PG. 837

SCALE = 1"=100'

NORTH GALLOWAY AVENUE
(100' R.O.W.)

N 45°01'35" W 628.00'

N 45°01'35" W 214.65'

583.07' TO
REPUBLIC PARKWAY

P.O.B.

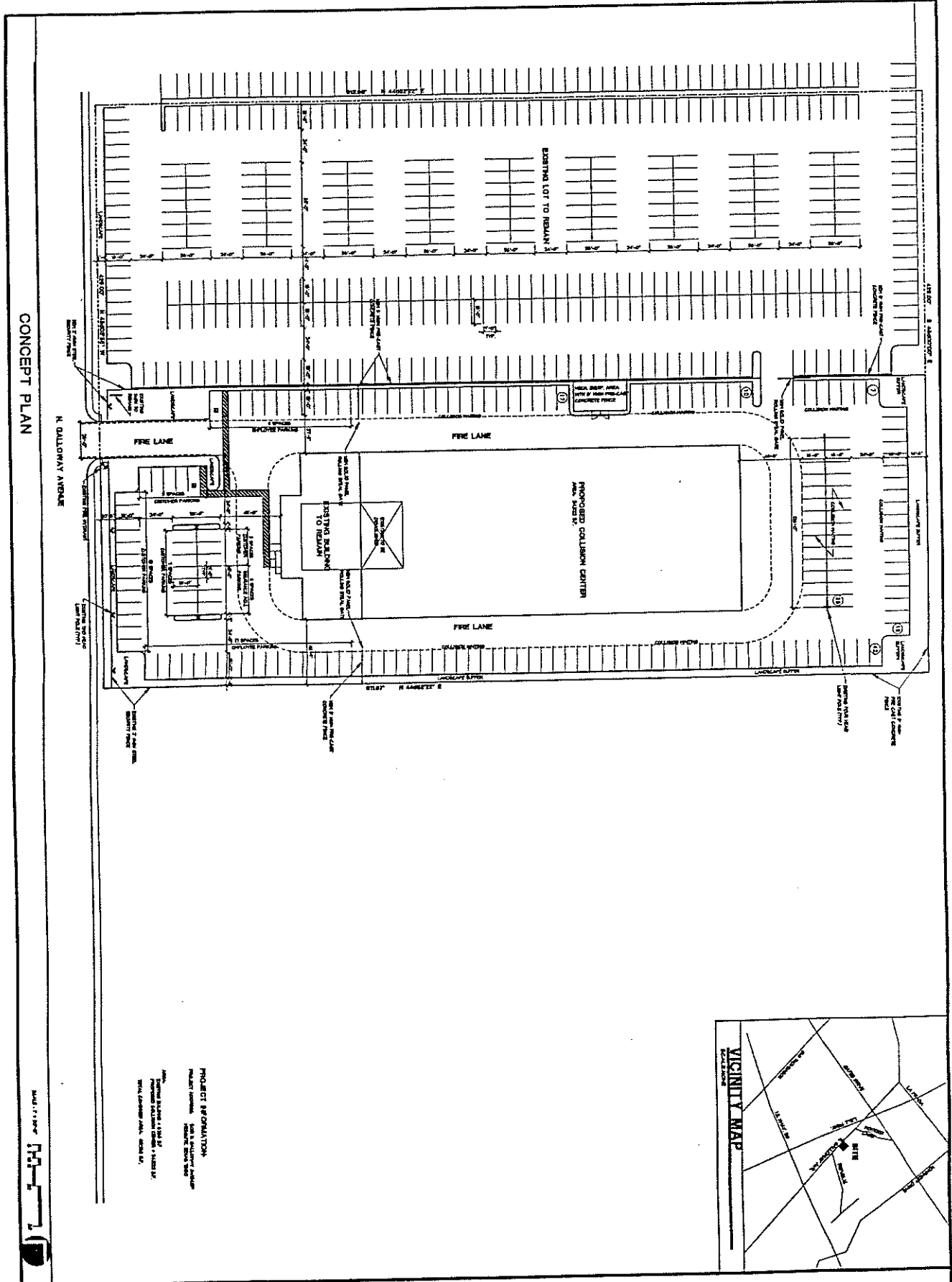
DALLAS CHRISTIAN SCHOOL, INC
PART OF CHRISTIAN COLLEGE SUBDIVISION
VOL. 77157, PG. 2689

S 45°00'00" E 214.65'

Cook Consultants, Inc.
CIVIL AND STRUCTURAL ENGINEERING
LAND SURVEYING AND LAND PLANNING
12250 Inwood road • suite 10 • dallas, texas 75244
[972] 387-1890 1-800-545-8083 fax [972] 387-8210

job: 95040-30 drawn: KRS
date: 5/8/98 check: BOB

BHT 2 OF 2



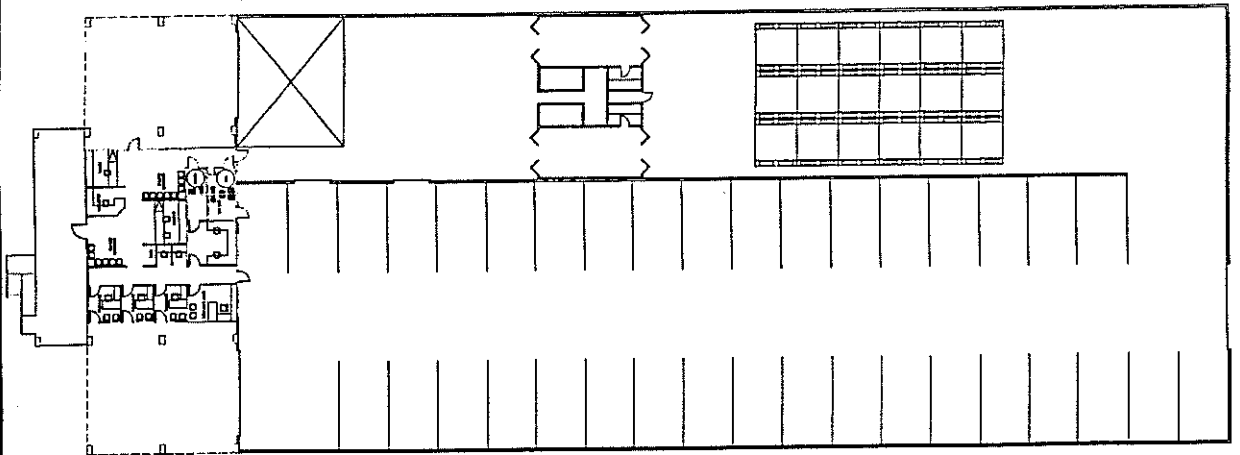
CONCEPT PLAN

DATE: 11/17/04

SITE PLAN

PROJECT DESCRIPTION:
 PROJECT NAME: TROPHY NISSAN COLLISION CENTER
 PROJECT ADDRESS: 1000 N. GALLUP AVENUE, DENVER, CO 80202
 PROJECT NUMBER: 04-00087

FLOOR PLAN

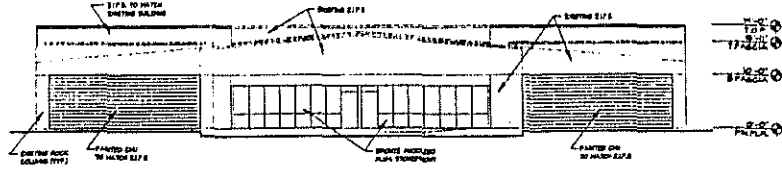


SCALE 1" = 20'

FLOOR PLAN

PROPERTY OF
NOT FOR CONSTRUCTION

TROPHY
NISSAN
COLLISION



NOTE:
ALL EXISTING FINISHES FOR NEW CONSTRUCTION SHALL MATCH AND/OR
EMULATE THE EXISTING EXTERIOR FINISHES

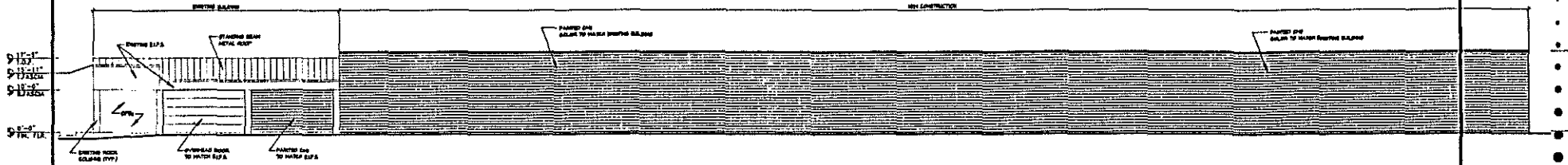
WEST ELEVATION

SCALE: 3/8" = 1'-0"



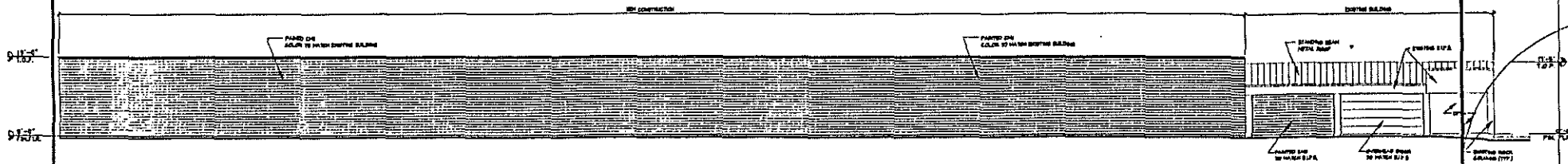
EAST ELEVATION

SCALE: 3/8" = 1'-0"



SOUTH ELEVATION

SCALE: 3/8" = 1'-0"



NORTH ELEVATION

SCALE: 3/8" = 1'-0"

TROPHY
NISSAN
COLLISION
CENTER

ARCHITECT

PROJECT NO. 081
ELEVATIONS

PRELIMINARY ONLY - NOT FOR CONSTRUCTION

