

ORDINANCE NO. 24-032

ENTITLED AN ORDINANCE ISSUING A SPECIFIC USE PERMIT TO ALLOW AN AUTOMOTIVE PAINT AND BODY SHOP WITHIN AN GC-MD (GENERAL COMMERCIAL-MULTIPLE FAMILY DENSITY) DISTRICT FOR PROPERTY LOCATED AT 3480 BENCHMARK DRIVE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.

WHEREAS, Bret Floy has applied for a specific use permit to allow an automotive paint and body shop in an GC-MD (General Commercial-Multiple Family Density) District for property located at 3480 Benchmark Drive, being Tract 39, Plat DI4, A. Williams League Survey and Lot 2 and Tract 2, Section III, Executive Business Park Addition, Beaumont, Jefferson County, Texas, containing 1.96 acres more or less, as shown on Exhibit "A," attached hereto; and,

WHEREAS, the Planning and Zoning Commission of the City of Beaumont considered the request and is recommending approval of a specific use permit to an automotive paint and body shop in an GC-MD (General Commercial-Multiple Family Density) District for property located at 3480 Benchmark Drive, subject to the following conditions:

1. All lighting installed must be directional and shielded from all residential properties to the east and south; and,
2. Construction plans must meet all requirements of Water Utilities for any water and sanitary sewer improvements, including any requirements of the City's backflow and/or pre-treatment programs; and,
3. No permanent structure or appurtenances shall be placed with easements; and,
4. Construction plans shall comply with all applicable Fire and Building Code requirements; and,

5. Construction plans shall be in compliance with Section 28.04.006 Landscaping and screening requirements; and,
6. A Commitment Letter be received from the developer or property owner prior to the issuance of a building permit stating that there will be no access to the property from French Road and that the rezoned portion along French Road is to remain as parking and storage, with no future development to take place on the rezoned portion; and,

WHEREAS, the City Council is of the opinion that the issuance of such specific use permit to allow an automotive paint and body shop is in the best interest of the City of Beaumont and its citizens;

NOW, THEREFORE, BE IT ORDAINED

BY THE CITY COUNCIL OF THE CITY OF BEAUMONT:

THAT the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted; and,

Section 1.

That a specific use an automotive paint and body shop in an GC-MD (General Commercial-Multiple Family Density) District for property located at 3480 Benchmark Drive, being Tract 39, Plat DI4, A. Williams League Survey and Lot 2 and Tract 2, Section III, Executive Business Park Addition, Beaumont, Jefferson County, Texas, containing 1.96 acres more or less, as shown on Exhibit "A," attached hereto is hereby granted to Bret Floy, their legal representatives, successors, and assigns, as shown on Exhibit "B," attached hereto and made a part hereof for all purposes, subject to the following conditions:

1. All lighting installed must be directional and shielded from all residential properties to the east and south.
2. Construction plans must meet all requirements of Water Utilities for any water and sanitary sewer improvements, including any requirements of the City's backflow and/or pre-treatment programs.
3. No permanent structure or appurtenances shall be placed with easements.
4. Construction plans shall comply with all applicable Fire and Building Code requirements.
5. Construction plans shall be in compliance with Section 28.04.006 Landscaping and screening requirements.
6. A Commitment Letter be received from the developer or property owner prior to the issuance of a building permit stating that there will be no access to the property from French Road and that the rezoned portion along French Road is to remain as parking and storage, with no future development to take place on the rezoned portion.

Section 2.

That the specific use permit herein granted is expressly issued for and in accordance with each particular and detail of the site plan attached hereto as Exhibit "B," and made a part hereof for all purposes.

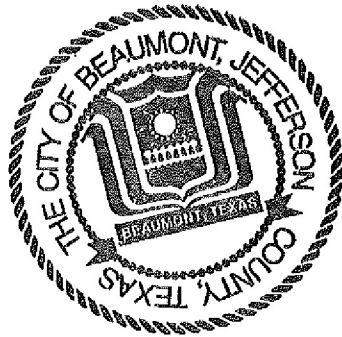
Section 3.

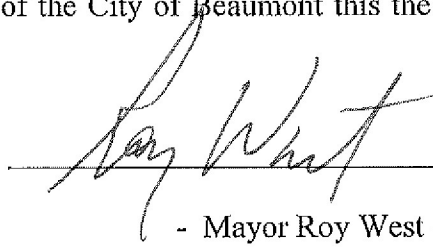
Notwithstanding the site plan attached hereto as Exhibit "B" the use of the property herein above described shall be in all other respects subject to all of the applicable regulations contained in Chapter 28 of the Code of Ordinances of Beaumont, Texas, as amended, as well as

comply with any and all federal, state and local statutes, regulations or ordinances which may apply.

The meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 2nd day of July, 2024.




- Mayor Roy West -

LEGAL DESCRIPTION FOR ORDINANCE PURPOSES

Being Tract 39, Plat D14, A. Williams League Survey and Lot 2 and Tract 2, Section III, Executive Business Park Addition, Beaumont, Jefferson County, Texas, containing 1.96 acres more or less.

BEAUMONT

Planning & Community Development

Case Type: Planning and Zoning
Case Sub Type: Specific Use/Rezone
Case #: PZ2024-109
Location:

Case Status: REVIEW
Tag Name: Specific Use Permt for parcel 32043 and
Rezoning of parcels 32047 & 122465
Initiated On: 4/23/2024 3:22:54PM

Individuals listed on the record:

Applicant

Bret Flory
1255 W 15th St. Suite 125
Plano, TX 75075

Home Phone:
Work Phone:
Cell Phone: 9724679749
E-Mail: mhernandez@crossarchitects.com

Property Owner

Michael Plank
Missing Address, City, State, or Zip Code In People

Home Phone:
Work Phone:
Cell Phone:
E-Mail:

Agent

Melissa Hernandez
1255 W 15th St. Suite 125
Plano, TX 75075

Home Phone:
Work Phone:
Cell Phone: 6015664989
E-Mail: mhernandez@crossarchitects.com

BEAUMONT

Planning & Community Development

Legal Description	Parcel 32043 - EXECUTIVE BUSINESS PARK SEC II TR 2 1.2334AC; Parcel 32047 - EXECUTIVE BUSINESS PARK SEC III LOT 2; Parcel 122465 - PL D14 T 39 A WILLIAMS .30 AC
Number of Acres	1.96
Proposed Use	Auto Body Paint & Repair Shop
That the specific use 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	It is the intent of the owner and all consultants to construct a quality project within the standards set by the City of Beaumont Planning, Building & Engineering design. All repair activities will be conducted in-doors and completely screened from public view. Furthermore, the operator implements specific operational and safety guidelines that secure on-going daily assurance of employee, customer, property and surrounding area safety. The project will have no negative impact on surrounding areas but would enhance the built environment in the surrounding neighborhood, perform a function, and provide a service that is essential and beneficial to the community.
That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;	The proposed facility will promote further success to existing businesses, provide expanded job growth and assurance of good custodial care. Site & Building will be designed by licensed Architects/Engineers who are thoroughly versed in Body Shop Designs. Final interior designs shall be designed by same Architects/Engineers. These designs shall receive City of Beaumont a plans Review/Permit Approval to ensure structural, life safety, ADA and Building Code compliance for the proposed operations.
That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided	The property has adequate utilities, access roads, drainage and supporting facilities. Water main runs along French Rd, Eastex Fwy, and Bench Mark Dr. Sewer runs across along west property line of Parcels 32043 & 32047
The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic	Property is accessible from Bench mark Drive via Eastex Freeway. Auto Body shops are one of the low traffic generating businesses

BEAUMONT

Planning & Community Development

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

Noise – The type of facility proposed shall be limited to vehicle body "prep", parts replacement and finishing work room. Typical repairs include hood replacement, fender repair, hail damage, light interior, molding and windshield replacement. Inherently, these types of repairs are not loud enough to project recognizable sound beyond the proposed property lines. Furthermore, this facility shall operate with all exterior doors closed. The shop contains a full HVAC System that shall provide climate control year-round. With all doors closed, there should be no nuisance to neighboring properties in the way of noise.

Dust – Within the facility, light dust is to be expected. The amount of dust is akin to a classroom chalkboard. Regularly scheduled cleaning ensures control. All sanding performed with a filtered vacuum assist sanding machine.

Exterior – the only dust that would be on this facility would be that which blew in from adjacent properties. This facility has adequate paving, perimeter landscaping and screening walls. Nothing that occurs within the premises this site generates dust. Any dust that enters the site would likely attach to perimeter landscaping and not pass through to the adjacent properties

That directional lighting will be provided so as not to disturb or adversely affect neighboring properties

We will comply with this requirements

That there are sufficient landscaping and screening to insure harmony and compatibility with adjacent property

: Proposed landscaping and screening buffers is in accordance to (Section 28.04.006(f)). Refer to Landscape plan

That the proposed use is in accordance with the Comprehensive Plan

The proposed development strongly supports the comprehensive plan most especially the accommodation of growth while minimizing environmental problems. As a multi-state/multi-operator of Body Shops, Caliber Collision is well versed in the procedures and requirements to divert any operational hazards. Any hazardous material shall be documented, handled and/or stored per local, state and federal requirements The proposed facility will not only help in the continued stability of the neighborhood but will also provide expanded job growth and promote further success to existing businesses. Caliber has over 1,700 convenient locations in 41 states and continuously growing. This location would provide nearby neighborhoods with convenient, easily accessible support services.

Notes:



TO: City of Beaumont
Planning Division
801 main Street, Ste 210
Beaumont, TX 77701
409-785-4789

RE: Project Narrative – Proposed Caliber Collision for parcels 32043, 32047,
122465

DATE: April 23, 2024

This letter serves to accompany the application for Rezoning and Specific Use Permit and provides a description of this proposed project and Caliber Collision.

I. PROJECT NARRATIVE:

Site consists of platted 1.96-acres of undeveloped land. This site is made up of parcels 32043 which is zoned GC-MD, 32047, & 122465 which are zoned RM-MM. Per the ordinance, Auto Body Paint & Repair shops are permitted with a Specific Use Permit in GC-MD. We are requesting approval of a Specific Use permit and Rezoning of parcels 32047 & 122465 to GC-MD to allow Caliber Collision Auto Body Repair and Paint Shop at this location. Site is accessible from Bench Mark Dr via Eastex Fwy. It is the intent of the owner and all consultants to construct a quality project within the standards set by the City of Beaumont for Building and Engineering Design.

b. Details about the type of proposed operation (including hours of operation)

All repair activities will be conducted in-doors and completely screened from public view. Public parking will be located in the front drive/parking field. All vehicles received for repair will remain behind a 6'-0" tall chain link fence with black vinyl slats.

c. Facility Information:

- Site Area: 1.96 Acre Lot (Parcels
- Bldg SF: 16,345 SF +/-
- Hours of Operation. 7:30 a.m. – 5:30 p.m. Monday through Friday
- Total Full-Time Employees on-site: approximately 18

d. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

• **Noise** – The type of facility proposed shall be limited to vehicle body "prep", parts replacement and finishing work room. Typical repairs include hood replacement, fender repair, hail damage, light interior, molding and windshield replacement. Inherently, these types of repairs are not loud enough to project recognizable sound beyond the proposed property lines. Furthermore, this facility shall operate with all exterior doors closed. The



shop contains a full HVAC System that shall provide climate control year-round. With all doors closed, there should be no nuisance to neighboring properties in the way of noise.

- **Dust** – Within the facility, light dust is to be expected. The amount of dust is akin to a classroom chalkboard. Regularly scheduled cleaning ensures control. All sanding is performed with a filtered vacuum assist sanding machine.
 - Exterior – the only dust that would be on this facility would be that which blew in from adjacent properties. This facility has adequate paving, perimeter landscaping and screening walls. Nothing that occurs within the premises this site generates dust. Any dust that enters the site would likely attach to perimeter landscaping and not pass through to the adjacent properties.

e. Project Compatibility with the Comprehensive Plan and Zoning District

- It is the intent of the owner and all consultants to construct a quality project within the standards set by the City of Beaumont Planning, Building & Engineering design. The project will have no negative impact to surrounding areas. The project will perform a function, and provide a service that is essential and beneficial to the community.
- The proposed facility will not only help in the continued stability of the neighborhood but will also provide expanded job growth and promote further success to existing businesses. Caliber has over 1,700 convenient locations in 41 states and continuously growing. This location would provide nearby neighborhoods with convenient, easily accessible support services
- All services shall be performed within an enclosed building. All repair activities will be conducted in-doors and completely screened from public view.
- All parts, materials and equipment shall be stored within an enclosed building. There will be no visible equipment, parts and materials outside the building.
- All vehicles received for repair will remain behind a fenced outdoor storage. Vehicles that are taken in for repairs are typically admitted by tow truck which limits customers coming to this location.
- No vehicle awaiting repair shall be located on any portion of the site so as to be visible from any public street, and shall be limited to locations designated on the approved site plan.
- The proposed development strongly supports the comprehensive plan most especially the accommodation of growth while minimizing environmental problems. As a multi-state/multi-operator of Body Shops, Caliber Collision is well versed in the procedures and requirements to divert any operational hazards. Prior to opening for business, Caliber Collision will secure a Business License to operate said facility. Any hazardous material shall be documented, handled and/or stored per local, state and federal requirements. The proposed facility (site and building) will be designed by licensed Architects/Engineers who are thoroughly versed in Body Shop Designs. Final interior designs shall be designed by same Architects/Engineers. Interior Lighting, HVAC Ventilation, and Storm Sewer oil/sand interceptors shall be properly placed to facility safe conditions within and



outside the entire property. These designs shall receive City of Beaumont a Plans Review/Permit Approval to ensure structural, life safety, ADA and Building Code compliance for the proposed operations. Furthermore, the operator implements specific operational and safety guidelines that secure on-going daily assurance of employee, customer, property and surrounding area safety. Refer to Section 2 of the narrative.

2. Operator and Safety Guidelines:

The operator implements specific operational and safety guidelines that secure on-going daily assurance of employee, customer, property and surrounding area safety. These include:

- a. **Drug Testing** – Applicants are required to pass drug screening. Once employed, Caliber reserves the right to perform both random and/or employee-specific testing. Any failure results in immediate loss of employment.
- b. **Authorized Employment** – Applicants are required to provide proof of citizenship and/or verification that they are authorized to be lawfully employment in the US.
- c. **Background Checks** – Applicants are required to pass a background check. This includes but is not limited to any incidents involving sexual crime, child endangerment, and other acts of violent nature.
- d. **Facility Management** – Each facility is managed with adequate and competent staff to oversee and monitor the repair services and customer interface.
- e. **Safety Training** – Given the nature of using automated machinery and restoration supplies, each employee is required to complete and continue ongoing safety training. All equipment used is state of the art and properly maintained. This instruction safeguards the employees, the environment, the clients, their vehicles and all neighboring facilities.
 - e.1 All training guidelines ensure prevention of the following:
 - i. Loud noise, fumes, odors, dust, vibration, illumination
 - ii. Fire, explosions, flooding,
 - iii. Contamination of persons, property or nearby equipment
- f. **Environmental Protection Agency and other Governmental Regulations** – All products used, services rendered, and disposals of waste are highly regulated to prevent unwanted affects. All products and equipment are designed to ensure compliance. Laws and limitations are monitored and enforced so that any employee, clientele and passerby may be assured of a safe environment.



3. COMPATIBILITY OF PROPOSED FACILITY WITH SURROUNDING PROPERTIES AND COMMUNITY

Applicant suggests that this facility will serve as the single-most compatible site with the types of uses permitted in the surrounding area. As such, it will promote further success to existing businesses, provide expanded job growth and assurance of good custodial care.

Caliber is passionate about championing causes that improve the lives of their neighbors and teammates. Through the "Restoring You" program, they are able to live the purpose and give back to communities they serve. Among their traditions of charity and community enrichment programs (<https://www.caliber.com/why-caliber/restoring-you>) Caliber Collision actively supports:

- American Heart Association Heart Walk, American Heart Association Cotes Du Coeur, and Children's Advocacy Center of Collin County
- Assisted military service members transition out of active duty and into a collision/auto body industry career through Changing Lanes Program.
- NABC's Recycled rides program by providing fully restored vehicles to veterans, active-duty service members, first responders and others in need of reliable transportation.
- Annual Restoring You Food Drive partners with local food banks to feed children in need in the communities we serve during these critical summer months. Caliber funded children feeding programs by partnering with 95 food banks nationwide for 11th annual food drive
- Community events such as the annual Toys for tots, Earth day celebration, Celebration of African American Pioneers in the Automotive Industry, golf tournament an opportunity for our business partners and Caliber teammates to connect on the course while supporting the Caliber Foundation, our 501(c)(3) non-profit organization.

Finally, to further endorse their commitment to excellence, USAA has identified Caliber Collision as having "an exceptionally high standard when it comes to service delivery.

Respectfully,

Bret Flory

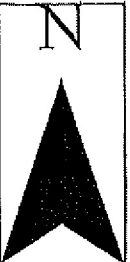
blory@crossarchitects.com

972.467.9749

PZ2024-109: Request for a Specific Use Permit and a Rezone from RM-M (Residential Multiple Family – Medium Density) to GC-MD (General Commercial Multiple-Family Dwelling) or a more restrictive zoning district to allow an automotive repair, paint and body shop.

Applicant: Bret Floy

Location: 3480 Benchmark Road



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Feet

