



AGENDA SUMMARY/STAFF REPORT

MEETING DATE: July 23, 2024

PREPARED BY: Otis T. Spriggs, AICP, Director of Development Services

AGENDA CONTENT: Conduct a public hearing, discussion, and take possible action on Ordinance No. 20240723-013 approving a Specific Use Permit to allow a TNMP Electrical Power Distribution Substation (White Oak Substation) on a 15.70-acre site, and a TNMP Electrical Power Distribution Substation (CenterPoint) on a 16.72-acre site, out of a 41.8759 acre tract of land within the “C-G”, Commercial-General District, located adjacent and north of 3343 E Mulberry St/ HWY 35, Angleton, TX 77515 (PID No. 168906) and legally described as A0318 T S LEE BLOCK 42 TRACT 39A-40-41-41C-41D-46A1-47A (OLIVER & BARROW SD) ACRES 41.8759, Brazoria County, Texas.

AGENDA ITEM SECTION: Public Hearing and Action Item

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY: Texas New Mexico Power Company and CenterPoint are requesting consideration of Specific Use Permit (SUP) within a Commercial-General (C-G) District to allow the proposed 15.70 acre site and 16.72 acre site to serve as Electrical Power Distribution Substations to serve the surrounding areas. Note that much of the 41.8759-acre property is located within the City’s ETJ (Extraterritorial Jurisdiction). Approximately 8.46-acres of the tract is within the City Limits and is subject to this SUP (See Exhibit A).

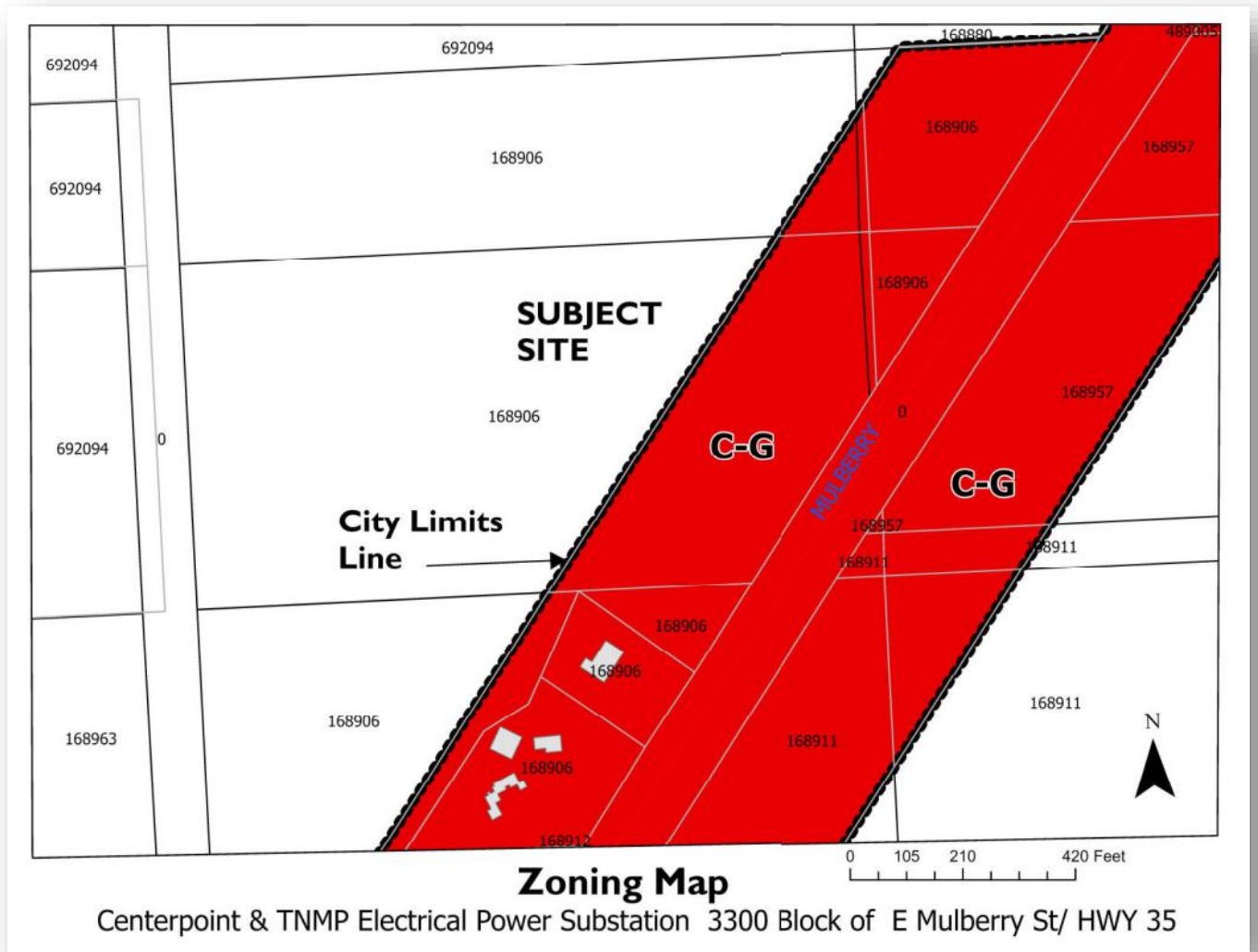
PROPOSAL:

A Development Working Group meeting was held on October 4, 2023.

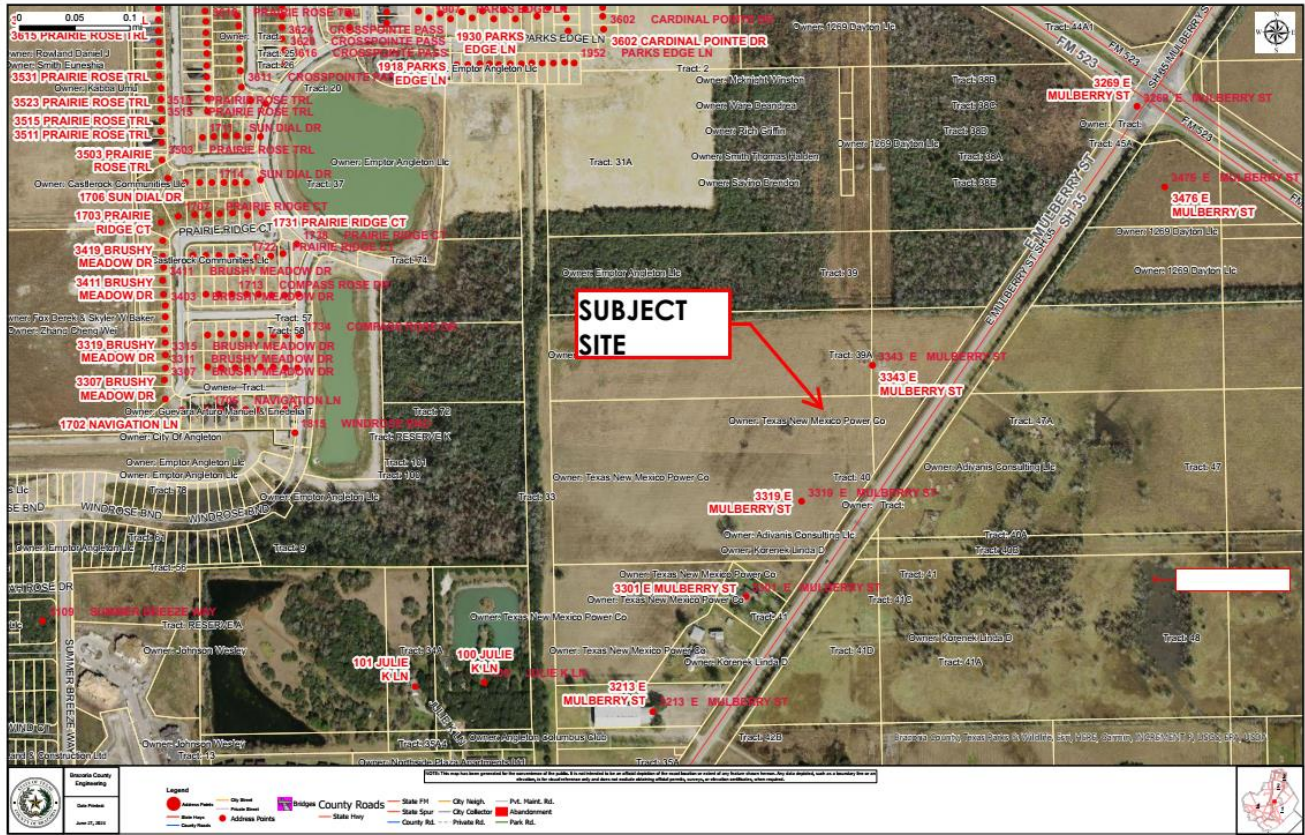
Notes from that D.A.W.G. Meeting:

Applicant will need to dedicate a 20’ minimum easement for utilities along TX-35. If re-platting into multiple lots, must ensure all lots have adequate frontage on TX-35; Applicant may request variance of sidewalk requirements, and will require City review as well as Brazoria County and Angleton Drainage District review, as referral agencies.

Building within City Limits requires City review and permitting; the portion within the ETJ will require Brazoria County review and permits; new driveways will require TxDot review and permits.



3915 CR 418, Tracts: 162 and 162A



Aerial Map

STAFF ANALYSIS:

Section 28-63, 5 (e); SUP- Specific use permits, outlines the requirements and factors for consideration:

When considering applications for a specific use permit, the planning and zoning commission in making its recommendation and the city council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the specific use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning commission and the city council shall specifically consider the extent to which:

- a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan; ***The use is permitted as a specific use permit.***
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations; ***There are no issues of consistency.***
- c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this chapter; ***All supplemental standards are met.***
- d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire; ***Access is adequate.***
 - Off-street parking and loading areas; ***Parking is sufficient for the proposed use.***
 - Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses; ***The applicant has proposed a landscape buffer which will minimize impacts; however, staff has placed a condition below recommending staggering a solid 15 ft. landscaped buffer where residential uses abut.***
 - Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; ***No issues apply. Provide a limitation on signage to consist of only signage relating to emergency contacts or other signs as required to be permitted on the subject site.***
 - Required yards and open space; ***No issues apply. See buffer condition.***
 - Height and bulk of structures; ***No issues apply.***
 - Hours of operation; ***No issues apply.***
 - Exterior construction material and building design; ***No issues apply.***
 - Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic may be needed to reduce or eliminate development-generated traffic on neighborhood streets. ***Low volume use. No issues apply.***

- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity. **No issues apply.**

Staff has taken the above criteria into consideration when reviewing the proposed Electrical Power Distribution Substations’ use within the Commercial-General property. The space adequately provides for the use and if approved, it will not be in conflict with the Zoning Resolution nor the Comprehensive Plan. The Electrical Power Distribution Substations’ use does not conflict with the overall character of the area. There is an existing tree line buffering between the nearest residential subdivisions. The site will not be open to the public and the proposed parking area will adequately accommodate the proposed use.

Public Notification

Staff sent public notices to the local newspaper, and to the property owners within 200 feet of the subject property under consideration for the SUP application.

Opposition to or Support of Proposed Request

To-date, Staff has not received any notices in opposition of the proposed SUP request.

SURROUNDING CONDITIONS:

Location	Current Use	Zoning Classification/Use
<i>North</i>	<i>Vacant, Future Residential</i>	<i>ETJ, No Zoning</i>
<i>South</i>	<i>Vacant, Residential</i>	<i>C-G Commercial General</i>
<i>West</i>	<i>Vacant, Future Residential</i>	<i>ETJ, No Zoning</i>
<i>East</i>	<i>Vacant, Residential</i>	<i>C-G Commercial General</i>

Site Photographs



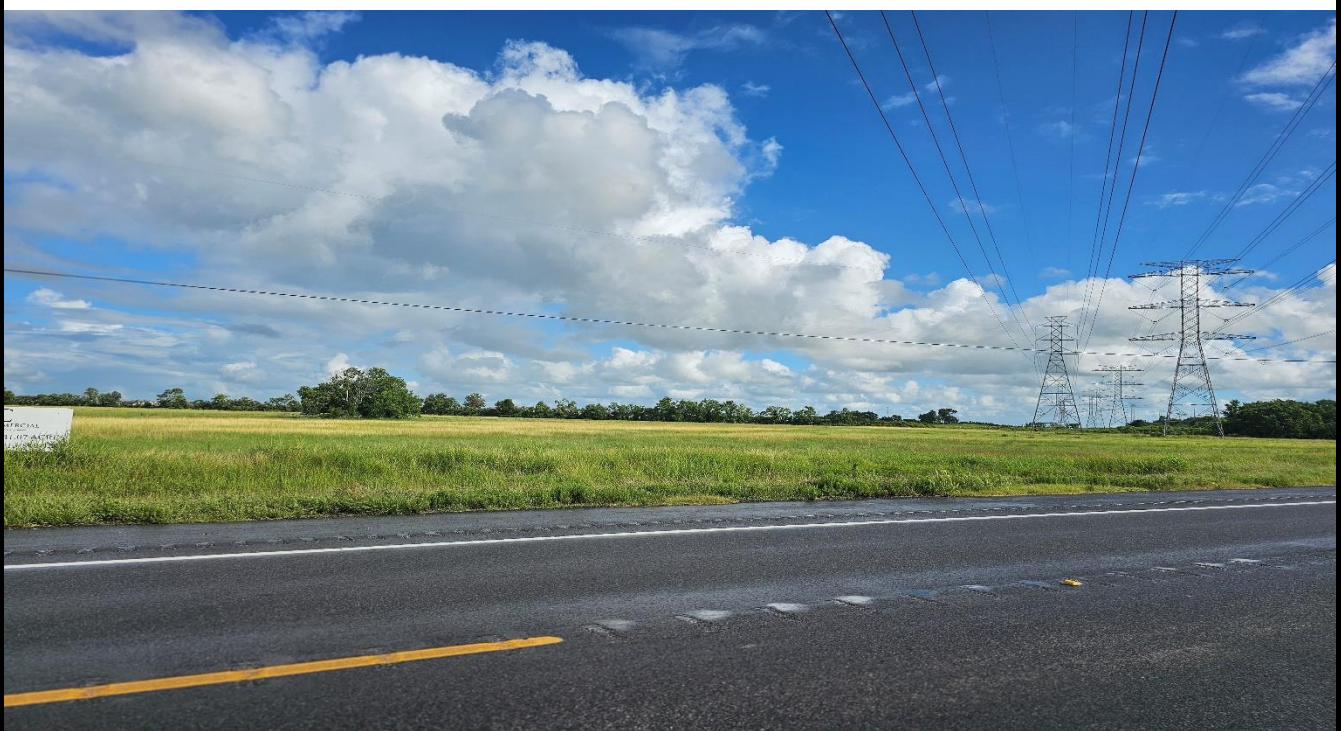
View looking northwest toward Site from SH 35



View of Residential Homes to the South from SH 35



View of Property Site from looking west from SH 35



View of Property Site from looking Northwest from SH 35



View from Windrose Green Subdivision looking east

Record of Proceedings

Planning and Zoning Commission Meeting held July 2, 2024

Staff: Kandice Haseloff-Bunker presented this item informing that the applicants appeared in a predevelopment meeting at the end of last year and discussed the conditions of the property, along with a 20-foot easement that's needed along the SH-35 right-of-way. Requirements for the sidewalks were discussed, and staff suggested annexation, because part of the property is within the city, and the rear portion is in Brazoria County and the ETJ.

Kandice Haseloff-Bunker added that for the portion within the city, the applicants agreed to move forward and submit their special use permit (SUP) for the two substations. Staff has reviewed all the requirements and conditions and has determined consistency is achieved within the commercial general area (for about 8.46 acres).

Ms. Haseloff-Bunker described the boundary of trees along the property line and the area that would be buffered toward the Windrose Subdivision or abutting properties.

Public Hearing:

A motion was made by Commission Member Bieri, seconded by Commission Member Heston to open the public hearing. The motion carried unanimously with all ayes. The public hearing was opened.

Mr. Felder, asked if the substation would be “Cogent Plant” that will generate power when production is down, or distribution off of the main lines? The noise concern was raised. He also asked if there would be a power generation plant running.

De Jaune' Bickham, P.E., Pape-Dawson, Project Manager and Engineer for the site, appeared before the commission and noted she is representing both Texas and Mexico power and Center Point projects. She added that CenterPoint intends to purchase the more southern parcel to supply the production and generation of power to the existing grid via those 2-existing towers.

Vincent Roberts, TNMP, This will not be a generation facility. Chair Garwood inquired, why do we have a TNMP and a CenterPoint substation plant back-to-back?

Vincent Roberts explained that the CenterPoint inner-connection facility requires that a CenterPoint station be built to bisect an existing CenterPoint transmission line, and the CenterPoint Station will be next to the TNMP station that will distribute electricity to the consumers. The TNMP station is a step-down station with transformers to distribute electricity to end-users.

De Jaune' Bickham addressed the noise concern question. Noted that she has walked the site, and stated that it is non-noise producing. It is electrical equipment mounted on a pad. There is also not an excessive light production. Regarding screening and fencing, TNMP and CenterPoint Energy both have their own mandated fencing requirements at 6-8ft. in height to screen of these properties for security and safety purposes.

Public Hearing Closed: Motion was made by Commission Member Heston, seconded by Commission Member Spoor to close the public hearing. The motion carried unanimously with all ayes. The public hearing was closed.

City Manager Chris Whittaker asked what's the value of the project for site improvements and also asked for a clarification on the annexation question. The City would prefer adding that value to the City. Ms. De Jaune' Bickham explained that the client was informed of the annexation potential beyond the small sliver City acreage of site. It came down to owner's values and whether there is a benefit to do that in terms of the construction process.

Michael Bryant, TNMP, commented that to provide the capacity for the growth of the area is the overall benefit. Whiteoak substation project costs would be \$10-15 million, Centrepoint: The same. (\$22 million for transmission and substation was later clarified)

Mr. Spriggs gave further reasoning behind the annexation consideration. The Comprehensive Land Use Plan was referenced, and the objective is our concern would be our focus on the nearby commercial node and this planning area of the city, as well as the area just outside of the City Limits from a future planning perspective. Staff typically tries to avoid creating any cavities (island of land) of County within the City Limits. A reference point would be - once Windrose Green development is annexed into the city per the Strategic Partnership Agreement, a possible island could exist on the western portion of this site. Staff is hoping that the question of annexation could be addressed and presented by the next public hearing at Council on July 23, 2024 for clarity purposes.

Ms. De Jaune' Bickham requested the list of benefits that could be explained to her client regarding the option of annexation.

Note: Commission Member Ms. Reginal Bieri left the meeting (Min. 36:35)

Commission Action:

Motion was made by Commission Member Clark to approve the SUP for the 2 substations with the recommended conditions (and no conditions on annexation) and forward it to Council for final action. Motion was seconded by Commission Member Spoor.

Roll Call Vote: Commission Member Deborah Spoor- Aye; Commission Member Will Clark- Aye; Commission Member Andrew Heston- Aye; and Chair Bill Garwood- Aye. **(4-0) Approved.**

Recommended Action:

The Planning and Zoning Commission has adopted this Final Report and forwards it to City Council with a positive recommendation of this Specific Use Permit (S.U.P.) application for Electrical Power Distribution Substations in the Commercial-General Zoning District, (C-G), for approval consideration and appropriate action with the following conditions:

- A. That the sound level emitted from the electrical power distribution substations shall be no louder than the ambient noise level prior to the installation of the project at 100 feet outside of the parcel boundary.
- B. That the photometric lighting plan be submitted to the Development Services Department demonstrating a maximum level of 0 ft. candles at the property lines abutting any residential districts.
- C. That a perimeter fence, minimum height of 6 ft. be installed around the property for security and safety purposes.
- D. As this facility is not staffed, a minimum of one (1) parking space shall be provided to accommodate vehicles used for routine maintenance or other infrequent replacements or repairs.

- E. Provide a limitation on signage to consist of only signage relating to emergency contacts or other signs as required to be permitted on the subject site.
- F. Sidewalks shall be constructed in compliance with the city's Code of Ordinances Subdivision Ordinance and Infrastructure Design Standards.
- G. Development plat(s) shall be submitted in compliance with the subdivision regulation and code of ordinances.
- H. A minimum width of 15 feet staggered landscaped buffer be installed along all property lines abutting residential dwellings or uses.
- I. Must satisfy building permitting including driveway and fencing as required by City and other referral agencies.
- J. The applicant agrees to make a good faith effort to commence the annexation process for the land within the ETJ within one (1) year of the ordinance adoption. A project schedule and outline of the project schedule including said annexation shall be submitted to the Director of Development Services within ninety (90) days of this ordinance adoption.

Sample Motion:

I move that we adopt this Final Report as recommended by the Planning and Zoning Commission for this Specific Use Permit (S.U.P.) application for Electrical Power Distribution Substations in the Commercial-General Zoning District, (C-G), for approval consideration and appropriate action with the noted conditions.