



AGENDA SUMMARY/STAFF REPORT

MEETING DATE: March 26, 2024

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

AGENDA CONTENT: Conduct a public hearing, discussion, and take possible action on an Ordinance approving a request to modify an existing Specific Use Permit within a Single-family Residential 7.2 District (SF-7.2) to allow for the installation of a proposed eighteen (18') foot tall acoustic fence to reduce noise, located at Gambit Energy Storage Park, 319 Murray Ranch Rd., Angleton, Brazoria County, Texas.

AGENDA ITEM SECTION: Public Hearing and Action Item

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

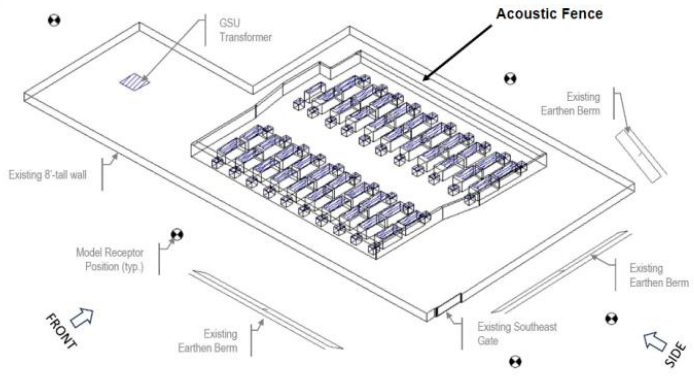
EXECUTIVE SUMMARY: Keith Merkel, Applicant and Agent for Gambit Energy Storage, LLC, is requesting consideration of a request to modify an existing Specific Use Permit within a Single-Family Residential 7.2 District (SF-7.2) to allow for the installation of a proposed eighteen (18') foot tall acoustic fence to reduce noise levels and operate lawfully during special circumstances of extreme temperature and emergency situations at the existing energy storage park.

PROPOSAL:

The application is requesting a modification of the approved Specific Use Permit, under Ordinance No. 20200114-004 adopted on January 14, 2020, by City Council allowing for the construction and operation of an energy storage park (ESS) and necessary substation equipment for the storage of electrical energy located at Property ID No. 570367.

Since that time, the Applicant has realized that, on a limited number of days a year, extreme high temperatures require greater fan speeds to operate ESS cooling systems. Maintaining the cooling systems is critical to supplying safe and reliable electricity to the electrical grid. Following some of those high temperature days, a few neighbors contacted the Applicant regarding fan speed noise levels. While it believes the ESS complies with its Specific Use Permit conditions, the Applicant wants to be a good neighbor and address its neighbors' concerns. Therefore, the Applicant proactively worked with a sound engineer to design an acoustic fence, to be constructed around the ESS equipment, which will reduce fan related noise levels. Details are provided below and in Attachment "C":

Fence Layout



• Quilted Curtain Exterior Grade

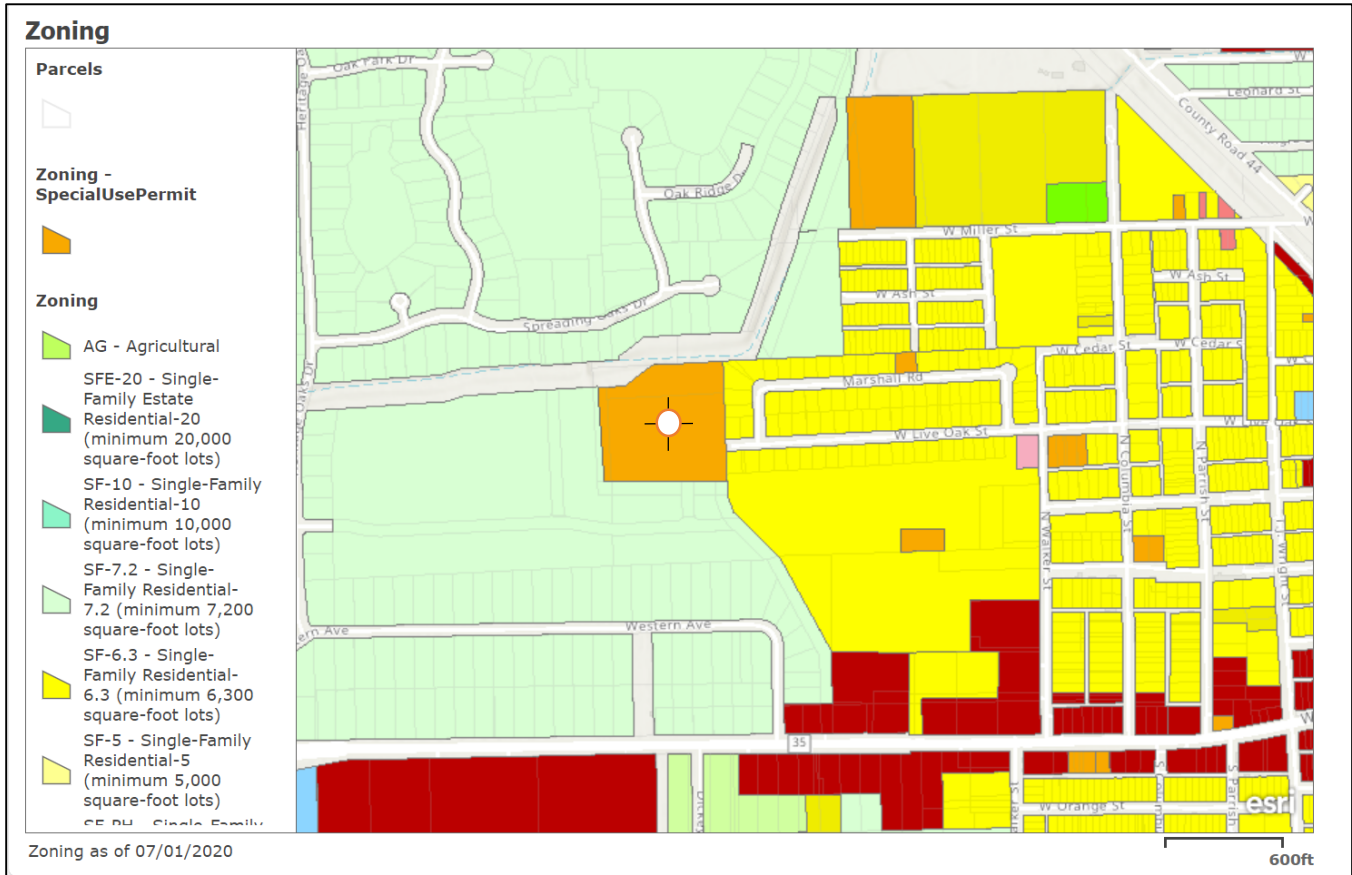


Pursuant to Section 23-102 of the City of Angleton's Code of Ordinances (the "Code"), the applicant requests the following revisions to two of the existing Specific Use Permit conditions so that it can construct a proposed eighteen (18') foot tall acoustic fence to reduce noise levels to operate lawfully during special circumstances of extreme temperature and emergency situations:

Condition D: *"The height of any structure, lighting, and container should be no greater than 10 feet from the foundations outside the project substation, except for a wall constructed to reduce sound emitted from the energy storage park which is permitted to be greater than 10 feet...."* (bold and underlined language is proposed); and

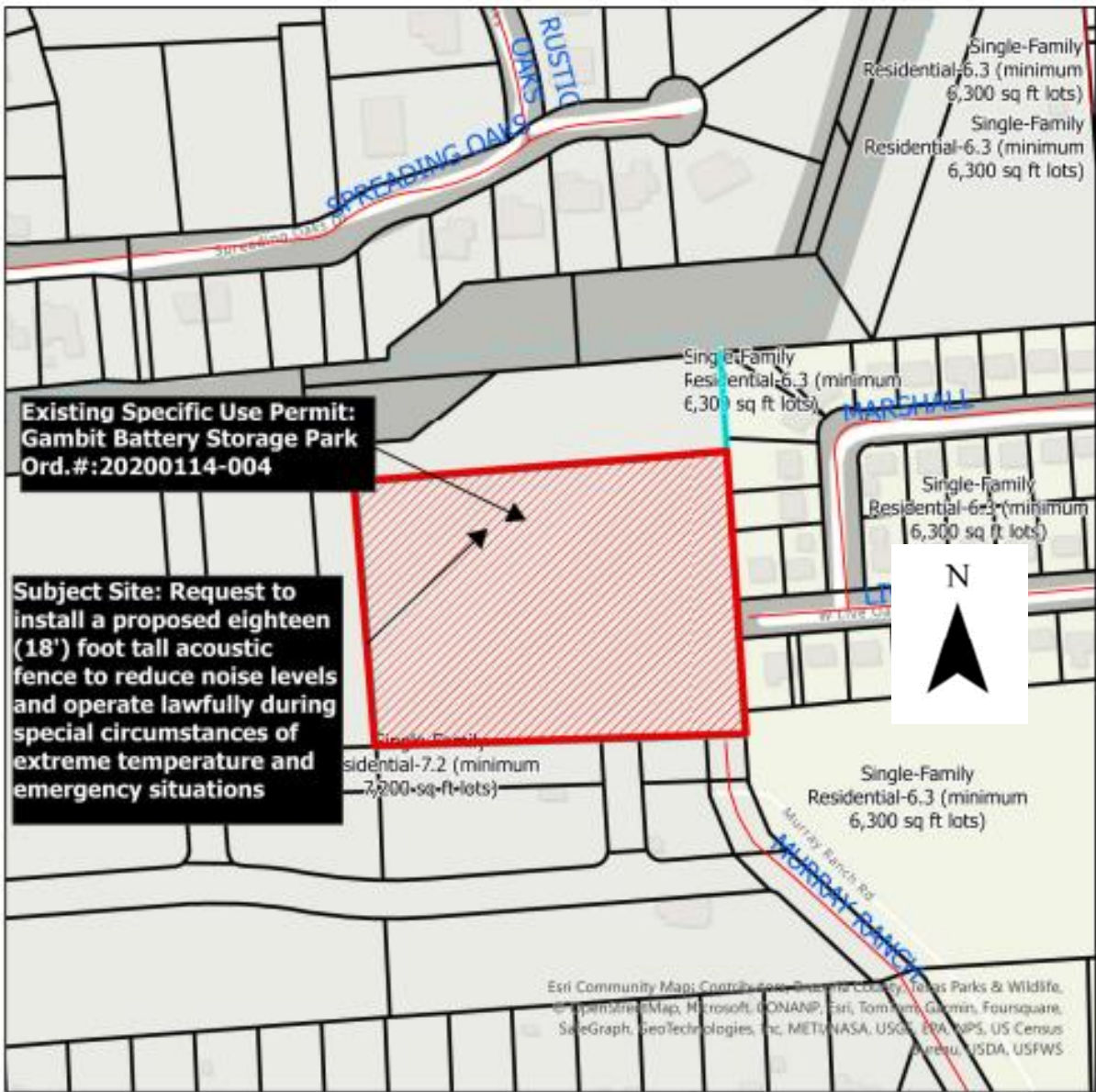
Condition F: *"...The sound level emitted from the energy storage park shall be no louder than the average ambient noise level prior to the installation of the project, as measured at 100 feet outside the parcel boundary and the nearest existing receptor, except during emergency situations, days of extreme temperature or when required to keep the energy storage park operating safely."*

ZONING MAP

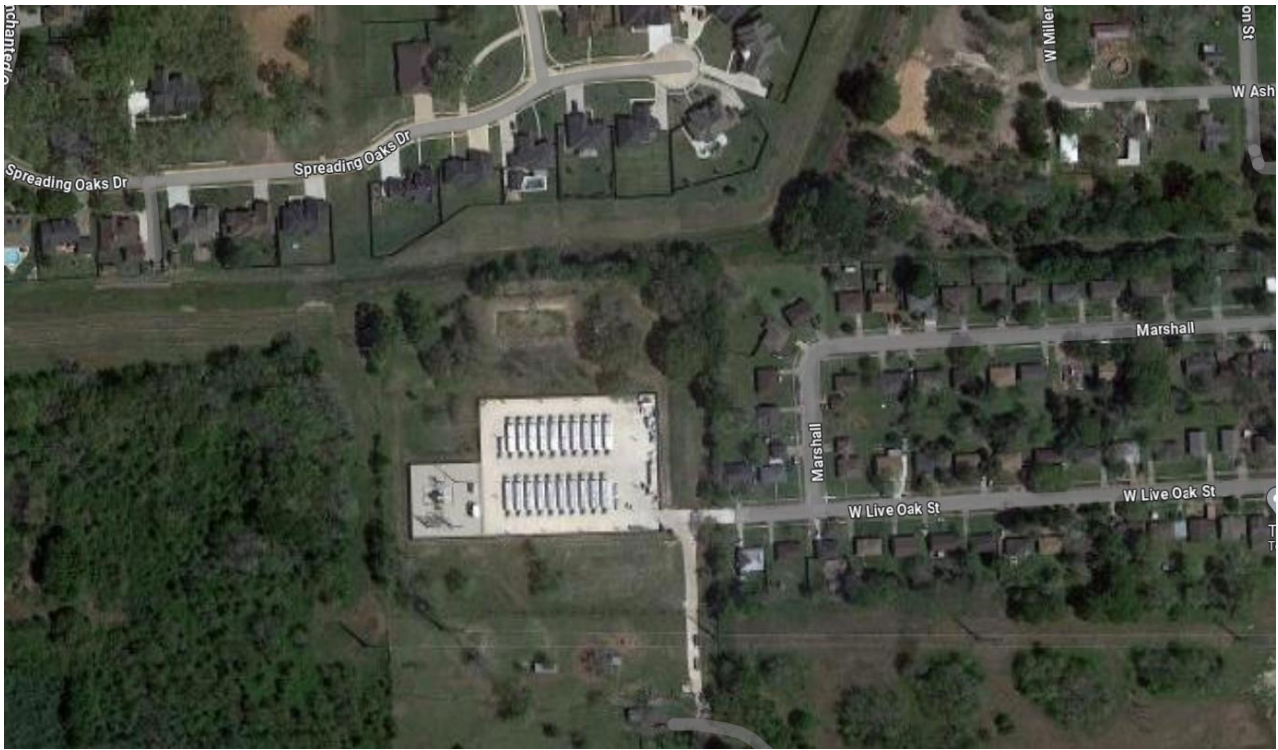


SURROUNDING CONDITIONS:

Location	Current Use	Zoning Classification/Use
North	Residential	SF 7.2 Single Family District
South	Residential	SF 7.2 Single Family District
West	Residential	SF 7.2 Single Family District
East	Residential	SF 6.3 Single Family District



VICINITY MAP



AERIAL MAP

Site Photographs



View onsite of battery units



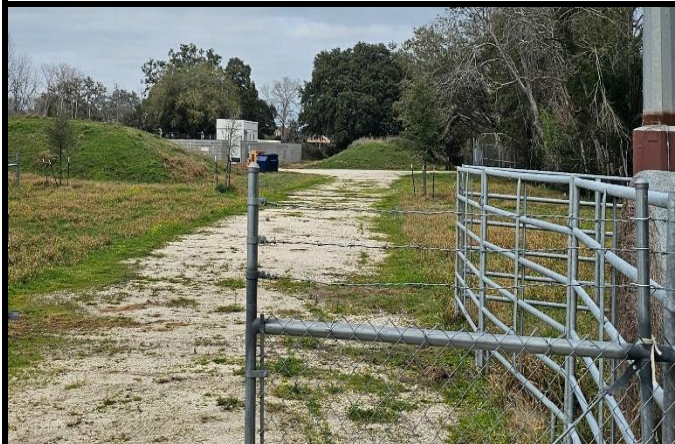
View onsite of battery units



View looking South toward Murray Ranch Rd. from Site



View looking west towards Site Entry



View looking North towards site from Murray Ranch Rd.



View looking on site of Battery Units and access drive



View at looking West towards Site Entry



View looking North @ Berm area



View looking East from Site @ Berm area



View at W. Live Oak Street looking East from Site



View at W. Live Oak Street of abutting Residence



View at W. Live Oak Street looking East from Site

STAFF ANALYSIS:

This request is not to consider the use of the property from a permissive standpoint; Ordinance 20200114-004 lays out the provisions of said approval, as approved on January 14, 2020. Outside of the project substation foundation area, the height limitation was defined to 10 ft. for any structure, lighting, or container; however, a maximum height of 70 ft. was allowed for a dead-end tower to interconnect with TNMP as well as a 40 ft. height limit for all other equipment within the project substation.

The ambient sound levels prior to the development were used to develop a plan moving forward on any sound attenuation methods. An 8 ft. masonry wall at the perimeter along with landscaping and berms were originally implemented on the project as a result.

Due to the region’s extreme temperatures during the summer, the applicant hopes to address the additional noise generated from the cooling fans by installing the proposed 18 ft. acoustic fence.

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 modification request.

Planning and Zoning Commission Meeting Held on Thursday, March 7, 2024

The Planning and Zoning Commission approved the SUP modification and forwards the request to City Council for final action, for the 18-ft. sound wall/fence conditioned that the sound level emitted from the energy storage facility shall be no louder than the ambient noise level prior to the installation of the project at 100 feet outside of the parcel boundary and the nearest existing receptor except under ERCOT declared emergency requesting additional resources and that the City’s adopted ordinances and state law be fully complied with. *The vote was (4-0) to approve. (See the draft minutes, Attachment 1).*

Recommended Action:

The Planning and Zoning Commission adopts this Final Report and forwards it to City Council with a positive recommendation of an Ordinance approving this Specific Use Permit (S.U.P.), Ordinance site plan modification, allowing for the installation of an 18 ft. acoustical fence for the battery storage park subject to final legal review, under the condition that the sound level emitted from the energy storage facility shall be no louder than the ambient noise level prior to the installation of the project at 100 feet outside of the parcel boundary and the nearest existing receptor except under ERCOT declared emergency requesting additional resources and that the City’s adopted ordinances and state law be fully complied with.