

## APPLICATION SPECIAL USE PERMIT

Sec. 28-63 of the Code of Ordinances, Zoning Code

### Submittal Instructions:

- Please check all the boxes. If an item is not applicable, please note that it is not applicable (NA).
- Please submit the completed application with all supporting documentation. Applications may be submitted in person or electronically (pdf format) by e-mail. Incomplete and partial applications will not be accepted.
- For electronic submittals, please include the address of the property and the type of application in the subject line of the e-mail.

Subject Line: Address of the project/Commercial or Residential/Type of application. Example: 1000 Main Street/Commercial/Fence Permit

- The City staff is available to assist you in person at City Hall or over the phone at 979-849-4364.

### Requirement:

- Application Conference (DAWG Meeting). This is required prior to application submittal.

### The application packet must be submitted with the following:

- A completed application signed by the owner/s of the property.
- Concept plan approval (if required).
- A site plan in conformance with the Sec-28-63.
- Payment of all applicable fees. Refer to Appendix B of the Administrative Development Procedures Manual.
- 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the Special Use Permit request. If the property is platted, a copy of the plat should be provided.
- Location/vicinity map showing the location and boundaries of the proposed Specific Use Permit. Indicate scale or not to scale (NTS) and provide north arrow.
- Tax Certificate showing that all taxes and obligations have been paid regarding the subject property.
- Notarized statement verifying land ownership.
- Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.



**DEVELOPMENT INFORMATION**

Project Name/Address/Location: Gambit Energy Storage System Specific Use Permit Acreage: 7.7  
Brief Description of Project: Ordinance No. 20200114-004 Variance  
Is property platted?  No  Yes Subdivision name: Gambit Energy Storage No. of Lots: 2  
Recordation #: 2021008681 Existing Parcel(s) Tax ID#: 570367 & 700437  
Use: Energy Storage System Proposed Use: Same as current and proposed sound barrier  
Current Zoning: fence Proposed Zoning: \_\_\_\_\_  
Occupancy Type: \_\_\_\_\_ Sq. Ft: \_\_\_\_\_ Bed #: \_\_\_\_\_ Bath #: \_\_\_\_\_ Car Garage #: \_\_\_\_\_  
Water System  Well  Public Flood Zone:  Yes  No Sewer System:  Septic  Public

**PROPERTY OWNER INFORMATION**

Owner: Gambit Energy Storage LLC Contact Name: Keith Merkel  
Address: 201 Spear St. Ste 1000, San Francisco, CA 94105  
Phone: (818) 620-6645 Email: kmerkel@pluspower.com

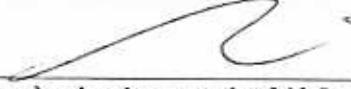
**APPLICANT INFORMATION**

Applicant/Developer: GambitEnergyStorageLLC Contact Name: Keith Merkel  
Address: \_\_\_\_\_ City/State/ZIP: \_\_\_\_\_  
Email: \_\_\_\_\_

**KEY CONTACT INFORMATION**

Name of the Individual: Keith Merkel Contact Name: \_\_\_\_\_  
Address: 201 Spear St Ste 1000 City/State/ZIP: San Francisco, CA 94105  
Phone: (407) 758-5898 Email: kmerkel@pluspower.com

**SIGNATURE OF PROPERTY OWNER OR APPLICANT (SIGN AND PRINT OR TYPE NAME)**

Signature:  Date: Feb 13, 2024  
(Signed letter of authorization required if the application is signed by someone other than the property owner)

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

DATE REC'D: \_\_\_\_\_ BY: \_\_\_\_\_  
FEES PAID: \_\_\_\_\_  
APPROVED BY: \_\_\_\_\_ DATE APPROVED: \_\_\_\_\_  
APPLICATION/PERMIT NO: \_\_\_\_\_ EXP DATE: \_\_\_\_\_

Applications shall be processed based on the City's official submission dates. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda.

**APPLICATION FEE:** \$150.00 due upon submittal

**TYPE OF APPLICATION** Please check appropriate box below:

**Landuse, Policy, and Site Development**

- Annexation
- Rezoning/ FLUM Amendment
- Specific Use Permit
- Planned Development (PD)
- Amending Minor and Major Plat
- Minor Consolidation Plat
- Development Plat
- Concept Plan
- Preliminary Plat
- Final Plat
- Replat
- Construction Plans
- Special Exception
- Floodplain Development Permit
- Variance/Appeal
- On-Site Sewage Facility Permit (OSSF)
- Certificate of Occupancy (CO)
- Grading/Clearing Permit
- Site Development Permit/ Site Plan Review

**Interpretations/Verifications/Text Amendments**

- Comprehensive Plan Amendment (Text)
- Land Development Code (LDC)/Zoning Text Amendment
- Vested Rights Verification Letter
- Letter of Regulatory Compliance
- Zoning Verification
- Letter/Written Interpretation
- Legal Lot Verification

**Other Permits/Licenses/Registration**

- Commercial -New/Remodel/Addition
- Residential Building Permit 1 & 2 Family  
(New, Remodel, Addition, Patio Cover, Carport, Foundation Repair, House Leveling, Windows, New Mobile Home, Siding, Storage Building permits, Re-roof)
- Miscellaneous
- Fence
- Solar Panels
- Swimming Pool
- Demolition or Move
- Backflow/Irrigation
- Flatwork
- Electrical Permit
- Plumbing Permit
- Mechanical Permit
- Sign Permit
- Garage Sale Permit
- Master/ Common Signage Plan
- Fire Prevention Permit Form
- Right-of-Way Construction
- Pipeline Permit
- Drainage Pipe/Culvert Permit
- Roadside Banner Permit
- Mobile Home Park Registration
- Game Room Permit Form
- Grooming Facility License
- Alcohol permit
- Health Permit
- Temporary Health Permit
- Alarm Permit

121 S. Velasco, Angleton, Texas 77515  
979-849-4364 – Fax: 979-849-5561  
<http://www.angleton.tx.us>

APPLICATION AND ALL REQUIRED DOCUMENTATION MUST BE SUBMITTED FOR REVIEW A MINIMUM OF 35 DAYS PRIOR TO THE NEXT PLANNING & ZONING COMMISSION MEETING. INCOMPLETE FORMS MAY BE DELAYED, DENIED, RETURNED TO THE APPLICANT; PLANNING & ZONING COMMISSION MEETS ON THE FIRST THURSDAY OF THE MONTH.

**AFFIDAVIT OF AUTHORIZATION BY PROPERTY OWNER**

I swear that I am the owner of (indicate address and/or legal description)  
A0380 J DE J VALDERAS TRACT DETENTION RESERVE (GAMBIT ENERGY STORAGE) ACRES 1.462 (ANGLETON)

which is the subject of the attached application for land platting and is shown in the records of Brazoria County, Texas.

I authorize the person named below to act as my agent in the pursuit of this application for the platting of the subject property.

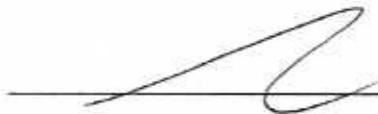
NAME OF APPLICANT: Gambit Energy Storage LLC, Designated Rep: Keith Merkel

ADDRESS: 201 Spear St, Ste 1000, San Francisco, CA 94105

APPLICANT PHONE # (407) 758-5898 E-MAIL: kmerkel@pluspower.com

PRINTED NAME OF OWNER: Gambit Energy Storage LLC

SIGNATURE OF OWNER:

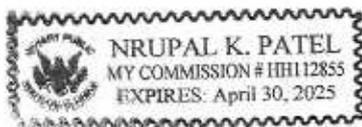


DATE: February 13, 2024

*NOTARIAL STATEMENT FOR PROPERTY OWNER:*

Sworn to and subscribed before me this 15<sup>th</sup> day of FEBRUARY, 2024.

(SEAL)



Notary Public for the State of Texas

Commission Expires: 04-30-2025

## **Section 3 Specific Use Permits**

A Specific Use Permit (SUP) may be granted to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. These uses may locate in districts as indicated in the Zoning Ordinance Sec. 28-81. - Use Regulations (Charts). These specific uses shall commence only after a Specific Use Permit is recommended by the Planning and Zoning Commission and approved by the City Council.

### **a. Approval Process**

The Specific Use Permit process is similar to a rezoning process and typically requires 60-90 days and is governed by the requirements in the Texas Local Government Code. The process in the City of Angleton is as follows:

#### **1. Initiation**

A Specific Use Permit may be initiated by a property owner or his / her authorized agent.

#### **2. Pre-Application Conference**

a Pre-Application Conference is required before submitting the application. During the Pre-application Conference, the DAWG will assist the applicant(s) to determine if a SUP is required for the intended use.

#### **3. Application Submittal**

A complete application will be submitted by the property owner or the applicant in a format consistent with requirements established by the City with all items listed on the SUP Submittal Checklist and the Universal Application. Please refer to the meeting schedule on the City's web page for meeting dates and application deadlines.

#### **4. Completeness Determination**

City staff will determine whether the application is complete, as per the Zoning Ordinance.

#### **5. Staff Review**

Staff will review the application considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and the City Council. The staff report will include a recommendation for action by the Planning and Zoning Commission and City Council.

#### **6. Dual Notification of Public Hearing**

**Applicant Notice:** Staff will notify the applicant of the date of the public hearings.

**Mailed Notice:** Staff will send a written notice of the public hearing (City does P & Z and CC notice at the same time) to all property owners within 200 feet of the subject property at least 15 days prior to the date of the Planning and Zoning Commission Public Hearing. The notification will include information regarding the location of the property and the requested zoning action.

**Published Notice:** A legal notice will be sent to the local newspaper for publication by staff.

#### **7. Planning and Zoning Commission Public Hearing and Meeting**

The Planning and Zoning Commission Public Hearings will be held at the meeting (typically first Thursday of the month) as published. At the Public Hearing City staff will present a summary of the proposed SUP. The Applicant will be provided an

opportunity to make a presentation, and persons in support or in opposition to the proposed request will be able to speak during the public hearing. It is recommended that the applicant and/or property owner should be present at this meeting and be prepared to discuss the SUP as well as answer any questions that arise. The Planning and Zoning Commission will consider the request and make a recommendation to the City Council. The Commission may recommend approval, disapproval, or postpone action on the request until additional information is received. A SUP that is recommended for denial by the Commission will still be scheduled for City Council consideration.

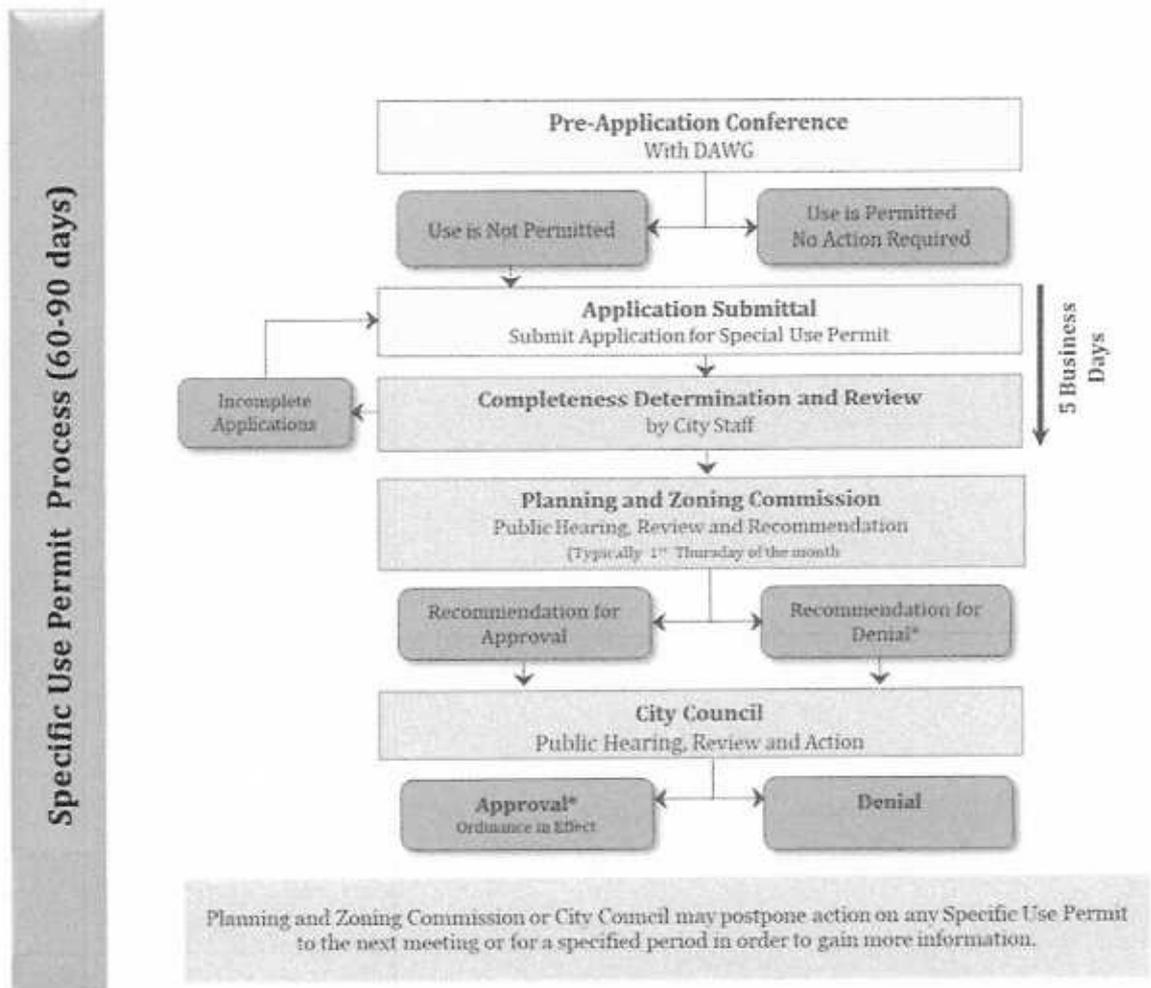
#### 8. City Council Meeting

The City Council will consider the SUP request at a City Council Public Hearing held at the meeting (typically on the fourth Tuesday of the month) as published. The applicant will be provided an opportunity to make a presentation, and persons in support or in opposition to the proposed request will be able to speak during the public hearing. It is recommended that the applicant and/or property owner should be present at this meeting and be prepared to discuss the SUP. The SUP may be approved by a simple majority vote of the City Council.

At least three-fourths vote of the City Council is required if a proposed SUP has been protested in writing by the owners of at least 20 percent of the area within 200 feet of the tract (who are also residents inside the City limits).

If the Council approves the SUP request, the ordinance becomes effective after its publication. If the Council disapproves the SUP request the same request may not be resubmitted to the City for 12 months from the original date of disapproval. Upon filing a waiver request and a payment of a \$100.00 fee, the applicant may request the City Council to waive the waiting period upon a finding of changed conditions or significant new information.

**b. Process Flow Chart**



\*At least three-fourths vote of the city council is required: If a proposed request has been protested in writing by the owners of at least 20 percent of the area within 200 feet of the tract.

Failure to appear: Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one hearing shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council, at that body's option, to table or deny the application. Such tabling or denial shall not entitle the applicant to any refund of fees paid for consideration of his/her application, unless such refund is requested in writing and is expressly granted by the Commission or City Council at the time of tabling or denial of the application.

**c. Criteria for Approval**

1. A binding Site Plan for the Specific Use Permit must be approved by the City Council in order to approve issuance of a Specific Use Permit. The Site Plan must be reviewed by the City staff for compliance with the Zoning Ordinance.
2. The applications will be evaluated based on the impact and compatibility of the specific use on the surrounding properties and neighborhoods to ensure that:
  - a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan;
  - b. The proposed use is consistent with the general purpose and intent

of the applicable zoning district regulations;

- c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Code;
- 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,
- e. The proposed use 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:
  - i. 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;
  - ii. Off-street parking and loading areas;
  - iii. Refuse and service areas;
  - iv. Utilities with reference to location, availability, and compatibility;
  - v. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
  - vi. 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;
  - vii. Required yards and open space;
  - viii. Height and bulk of structures;
  - ix. Hours of operation;
  - x. Exterior construction material and building design; and
  - xi. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- f. 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.

**d. Conditions for Approval**

The City Council may consider a list of issues in approving or denying the application and may impose conditions that it deems necessary to mitigate the negative impacts of the proposed Specific Use Permit, based upon the project's unique circumstances.

**e. Expiration**

Specific Use Permits do not have an expiration date. However, any modification to an approved Site Plan that was filed as part of a Specific Use Permit will cause the Specific Use Permit to become void, regardless of its current status, including any approval previously given by the city council. A Specific Use Permit may be

rescinded by the city council, on its own motion and at its discretion, for failure to commence development, for failure to secure an extension or reinstatement of the related site plan that was approved along with the SUP ordinance.

**f. Submittal Checklist**

Refer to Appendices A and B.

**g. Additional Information**

Site Plan Revisions:

Minor revisions/amendments: City manager has the authority to approve minor modifications to an approved site plan. Such minor modifications need to be submitted as an "amended site plan.

Major revisions: In the event of revisions that are more extensive in nature, the City Manager will determine whether changes to a site plan warrant another review and approval procedure (in accordance with this section).

Fees: Refer to Appendix B (Schedule of Fees) or the current fee schedule posted on the City's website. Please contact City staff for additional information.

## **DAWG Pre-application Conference Request Form**

1. Pre-application Conferences are meetings between a potential applicant(s) and the Developing Angleton Working Group (DAWG). DAWG is a group of City staff representing City departments having an interest or statutory role in the development process or the development of property within the City of Angleton and Angleton's Extraterritorial Jurisdiction. These meetings will provide an opportunity to identify issues associated with the proposed development; determine required applications, permits and approvals; and discuss potential timelines and processing sequence. The staff will help applicants understand the City's applicable regulations and fees. Completion of a Pre-application Conference does not imply or indicate subsequent City approval of the permit or application or provide vested rights.

City staff will attend the meeting to help determine what parts of the development process apply to the applicant and in what order they need to take place.

All interested parties of the applicant (design professionals, client, etc.) are encouraged to attend the pre-application conference.

2. DAWG meetings are held every Wednesday from 1:30 pm to 4:30 pm. DAWG is scheduled by appointment only. Appointments are one (1) hour at 1:30 pm, 2:30 pm or 3:30 pm. There is currently no application fee required. Contact either Kyle Reynolds (x2106) or Otis T. Spriggs (x2108) to check availability or to schedule a meeting.

A Pre-application Conference is required for all applications as per LDC Section 23-77.

3. To schedule a pre-application conference, please complete this form and email it to the Development Services staff at: [permits@angleton.tx.us](mailto:permits@angleton.tx.us) .

***\*Pre-application conferences must be scheduled a minimum of two (2) business days in advance. The length of time for each meeting is approximately 1 hour or less. A Pre-application Conference is required for all applications as per LDC Section 23-77.***



**DEVELOPMENT SERVICES DEPARTMENT  
Permits & Inspections Division**

121 S. Velasco, Angleton, TX 77515 979-848-5665 (Office)  
permits@angleton.tx.us (email)

## DAWG Pre-application Conference Request Form

<b>1. Proposed Project Name:</b>			
Gambit Energy Storage System Specific Use Permit <del>Ordinance No. 20200114-004 Variance</del>			
<b>2. Property Location (Closest Intersections or Address):</b>			
998 West Live Oak St, Angleton, TX 77515			
<b>3. Legal Description of Property, Plat or Brazoria County Central Appraisal District ID No. &amp; Approximate size of the area:</b>			
<b>4. Existing Zoning District Classification (Staff may complete):</b>			
<b>5. Applicant(s) Contact Information (Include name, email address and daytime phone number):</b> Keith Merkel, kmerkel@pluspower.com, (407) 758- 5898			
<b>6. Requested Day and Time:</b>			
First Choice: Feb. 21			
Second Choice: Feb. 28			
Third Choice:			
<b>7. Please check all that will attend the meeting:</b>			
Property Owner X	Engineer/Developer X	Land Planner	Architect / Designer
General Contractor	Other (Please indicate):		
<b>8. Please provide a purpose for the meeting (Please include on separate sheet, if needed)</b>			
<b>a. New development/construction</b> Please explain:		<b>b. Existing development/building</b> Please explain:	
		Discuss the proposed acoustic fence solution and SUP variance request	
<b>9. Anticipated project schedule including construction start date:</b> April/May 2024			
<b>10. Please provide a concept, site plan or proposed subdivision plat as an attachment to this form</b>			
Such plan should show the entire property with at least approximate locations of buildings, as applicable; public and private rights-of-way and open spaces, planting areas, as applicable, parking and loading areas, as applicable. See Appendix B			

**CITY OF ANGLETON  
2024 REZONING, SPECIAL USE PERMIT, AND PDD SUBMITTAL SCHEDULE<sup>1</sup>**

Meeting Month	Historical Review (per former Division) (Pre-application 2 pm)	Pre-application City Staff Review (pre-application) (Application 2 pm)	Development Review <sup>2</sup> (Wednesday 4 pm)	Community Review/Commission Special Application (Friday 5 pm)	Special Board Review (Friday 6 pm)	Final Review and Public Hearing (Monday 10 am)	City Council Review and Public Hearing <sup>3</sup> (Wednesday 7 pm)
January (2024)	November 29, 2023	December 6, 2023	December 13, 2023	December 20, 2023	December 27, 2023	January 4, 2024	January 22, 2024
February	December 27, 2023	January 3, 2024	January 10, 2024	January 17, 2024	January 24, 2024	February 1, 2024	February 21, 2024
March	January 21, 2024	February 7, 2024	February 14, 2024	February 21, 2024	February 27, 2024	March 7, 2024	March 27, 2024
April	February 28, 2024	March 6, 2024	March 13, 2024	March 20, 2024	March 26, 2024	April 3, 2024	April 23, 2024
May	March 27, 2024	April 3, 2024	April 10, 2024	April 17, 2024	April 23, 2024	May 1, 2024	May 28, 2024
June	April 2, 2024	April 10, 2024	April 17, 2024	April 24, 2024	May 1, 2024	May 6, 2024	May 28, 2024
July	May 24, 2024	June 5, 2024	June 10, 2024	June 17, 2024	June 23, 2024	July 1, 2024	July 23, 2024
August	June 26, 2024	July 2, 2024	July 10, 2024	July 17, 2024	July 23, 2024	August 1, 2024	August 17, 2024
September	July 21, 2024	August 9, 2024	August 16, 2024	August 23, 2024	August 29, 2024	September 6, 2024	September 17, 2024
October	August 19, 2024	September 6, 2024	September 13, 2024	September 20, 2024	September 26, 2024	October 4, 2024	October 22, 2024
November	October 2, 2024	October 11, 2024	October 18, 2024	October 25, 2024	October 31, 2024	November 7, 2024	November 27, 2024
December	October 29, 2024	November 6, 2024	November 13, 2024	November 20, 2024	November 26, 2024	December 3, 2024	December 18, 2024

<sup>1</sup> PRE-APPLICATION CONFERENCE IS RECOMMENDED PRIOR TO APPLICATION SUBMITTAL.

<sup>2</sup> DATES ARE SUBJECT TO CHANGE AND MAY BE ADJUSTED DUE TO HOLIDAYS AND OTHER EVENTS.

<sup>3</sup> APPLICATIONS DEEMED INCOMPLETE WILL BE RETURNED TO THE APPLICANT AND WILL NEED TO BE RESUBMITTED AT THE FOLLOWING SUBMITTAL DEADLINE FOR INITIAL REVIEW.

<sup>4</sup> IF ACTION ON THE ITEM IS POSTPONED BY PLANNING AND ZONING COMMISSION OR CITY COUNCIL, THEN THE ITEM WILL BE HEARD AT THEIR NEXT REGULARLY SCHEDULED MEETING.

**NOTE: THIS SCHEDULE APPLIES TO THE FOLLOWING APPLICATION TYPES: COMPREHENSIVE PLAN AMENDMENT; LOCAL AMENDMENT; SPECIAL USE PERMIT; ZONING MAP AMENDMENT; ZONING OR REZONING; PLANNED DEVELOPMENT.**

**NOTE: IF A COMPLETE APPLICATION (INCLUDING REVISIONS AND RESUBMITTALS) IS SUBMITTED AFTER THE DEADLINE, THE APPLICATION WILL FOLLOW THE NEXT SUBMITTAL DEADLINE FOR INITIAL REVIEW.**

## Appendix A

### Request for Variance to Specific Use Permit Ordinance No. 20200114-004

On January 14, 2020, the Angleton City Council granted a Specific Use Permit to Gambit Energy Storage, LLC (the "Applicant") 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.

Pursuant to Section 23-102 of the City of Angleton's Code of Ordinances (the "Code"), the Applicant respectfully 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 and 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

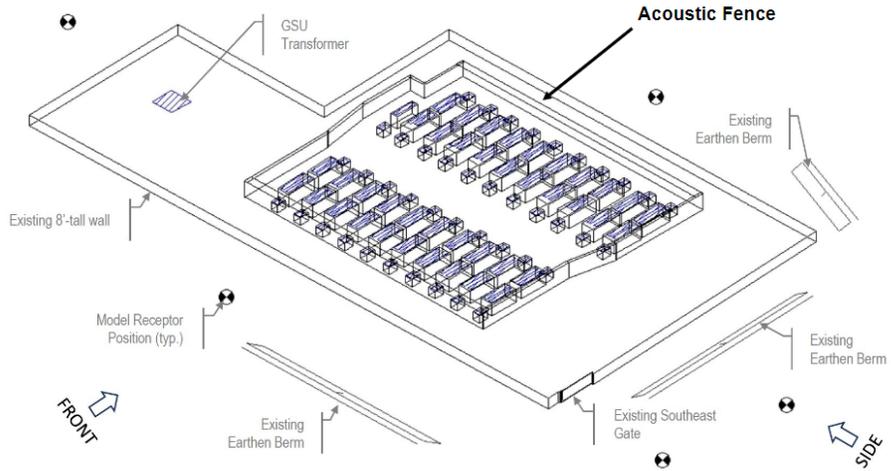
Condition F: "...The sound level emitted from the energy storage park shall be no louder than the average ambient noise level prior to the installation of the project, as measured at 100 feet outside the parcel boundary and the nearest existing receptor, **except during emergency situations, days of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

Appendix B includes proposed acoustic fence location and products.

## Appendix B

### Gambit Acoustic Fence Layout and Product Options

#### Fence Layout



#### Product Options



- Quilted Curtain Exterior Grade



- High density Acoustical Fence