

ORDINANCE NO. 20240326-005

**AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS,
APPROVING A SITE PLAN MODIFICATION OF
SPECIFIC USE PERMIT TO ALLOW FOR THE
INSTALLATION OF AN 18-FT. ACCOUSTIC FENCE THE
GAMBIT ENERGY STORAGE PARK; PROVIDING A
SEVERABILITY CLAUSE; AN EFFECTIVE DATE, AND
FINDINGS OF FACT.**

WHEREAS, On March 7, 2024, the City of Angleton Planning & Zoning Commission held a public hearing to consider a modification of a Special Use Permit (SUP), submitted by, Gambit Energy Storage, LLC to allow for the installation of a proposed eighteen (18') foot tall acoustic fence at an existing energy storage park on an approximately 7.7 acre parcel identified by Property ID 570367, located at 319 Murray Ranch Rd., Angleton, Texas; and

WHEREAS, on March 7, 2024, the City of Angleton Planning & Zoning Commission, after conducting a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed modification, construction and operation of an acoustic fence at the energy storage park; and

WHEREAS, on March 26, 2024, the City of Angleton City Council conducted a public hearing, discussed, and considered the written recommendation of staff and the final report of the Planning and Zoning Commission, and responses to questions of the applicant regarding the existing Gambit Energy Storage Park at 319 Murray Ranch Rd, Angleton, Texas; and

WHEREAS, the City considered the factors and provisions set forth in the City of Angleton Code of Ordinances, Chapter 13, Sec. 13-171-Noise, Section 28-107, Performance Standards, (a)(1)(2)g. Noise, Chapter 28 Zoning, Sec. 28-63 Specific Use Permits, and considered the modification of a Special Use Permit (SUP), submitted by Gambit Energy Storage, LLC 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 an existing energy storage park on an approximately 7.7 acre parcel identified by Property ID 570367, located at 319 Murray Ranch Rd., Angleton, Texas with a base zoning of Single-family residential 7.2 District (SF-7.2); and

WHEREAS, the City Council desires to grant the site plan modification of a Specific Use Permit (SUP) submitted by Gambit Energy Storage, LLC 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 an existing energy storage park set forth in the Planning &

Zoning written recommendation and the attached site plan (Attachment B);

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

SECTION 1. That all of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. City Council approves the Specific Use Permit in accordance with City of Angleton Code of Ordinances Sec. 28-63, Specific Use Permits (SUP), subject to the following conditions:

- 1: The height of the proposed eighteen tall acoustic fence shall not exceed eighteen (18') feet. All applicable and required building permits shall be applied for and obtained by the applicant.
- 2: 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 noise ordinances in Chapter 13 and State law be fully complied with.
3. All other conditions set forth by Ordinance No. 20200114-004 adopted on January 14, 2020, shall remain in full force.

SECTION 3. *Repeal.* All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 4. *Severability.* In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 5. *Effective date.* That this Ordinance shall be effective and in full force immediately upon its adoption.

SECTION 6. *Proper Notice & Meeting.* It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and

that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2024.

CITY OF ANGLETON, TEXAS

John Wright
Mayor

ATTEST:

Michelle Perez, TRMC
City Secretary