

ORDINANCE NO. 20200114-004

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, APPROVING A SPECIFIC USE PERMIT ALLOWING FOR THE CONSTRUCTION AND OPERATION OF AN ENERGY STORAGE PARK AND NECESSARY SUBSTATION EQUIPMENT FOR THE STORAGE OF ELECTRICAL ENERGY; PROVIDING A SEVERABILITY CLAUSE AN EFFECTIVE DATE; AND FINDING FACT.

WHEREAS, On January 09, 2020, the City of Angleton Planning & Zoning Commission held a public hearing, and approved the Specific Use Permit submitted by, Gambit Energy Storage, LLC; c/o Molly Emerson on behalf of the property owner Corey H. Anderson for the construction and operation of an energy storage park and necessary substation equipment for the storage of electrical energy on approximately 7.7 acre parcel identified by Property ID 570367; and

WHEREAS, on January 14, 2019, the Angleton Planning & Zoning Commission presented a written recommendation, and a public hearing was held regarding the granting of the Specific Use Permit for the purpose of allowing the construction and operation of an energy storage park and necessary substation equipment for the storage of electrical energy, and City of Angleton City Council considered the recommendation and approval by Planning & Zoning; and

WHEREAS, the City considered the factors and provisions set forth in the City of Angleton Code of Ordinances, Chapter 28 Zoning, Sec. 28-63 Specific Use Permits, on 7.7 acre parcel identified by Property ID 570367, Angleton, Texas with a base zoning of Single-family residential 7.2 District (SF-7.2);

WHEREAS, the City Council desires to grant the Specific Use Permit submitted Gambit Energy Storage allowing for the construction and operation of an energy storage park and necessary substation equipment for the storage of electrical energy, with the conditions set forth in the Planning & Zoning written recommendation and the attached site plan (Exhibit A);

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

SECTION 1. That all 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, and adopts the recommendation with conditions made by the Planning & Zoning Commission as follows:

- (a.) The project site will be physically screened from all surrounding residences with an 8 ft tall masonry wall around the entire project perimeter (except for ingress/egress points) which will also aid with reducing noise. Existing vegetation supplemented with additional plantings as shown on the attached landscaping plan shall be provided and

- maintained. Placement of plants along the border of the project site shall screen views of the facility from surrounding residences. The proposed planting shall be watered using a drip irrigation system.
- (b.) Construction can only occur on the site from 7:00 a.m. – 6:00 p.m. Monday – Friday and from 9:00 a.m. – 5:00 p.m. on Saturdays, and construction is prohibited on Sundays.
 - (c.) The primary access site will be public and through Murray Ranch Road. The developer will reconstruct Murray Ranch Road as a concrete or asphalt surface. Live Oak will serve as an emergency access easement. The emergency access shall at a minimum be 20' wide double swing, double leaf gate chain link with fabric knuckled top and bottom.
 - (d.) The height of any structure, lighting, and container should be no greater than 10 feet from the foundations outside the project substation. One substation dead-end tower up to approximately 70 ft tall to interconnect with TNMP power line will be allowed with the project substation and all other equipment within the project substation shall be limited to 40ft
 - (e.) Any light shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25-foot candles.
 - (f.) A sound study shall be conducted to determine the ambient noise level prior to the installation of the project. 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.
 - (g.) The city staff will review and consider approving the design and location of one identification sign.
 - (h.) The SUP will expire if construction of the Energy Storage Park is not completed within four years of the SUP effective date.
 - (i.) The project will utilize night sky lights for security purposes. Lighting will be shielded from adjacent property and be of a down-light, diffused light type that will not be directed across and will not be visible from outside the property boundary
 - (j.) An Emergency Response and Training Manual for the City of Angleton Fire Department, video-recorded training, and specific protocol for the City of Angleton first responders must be provided before the facility becomes operational.
 - (k.) Gambit Energy Storage, LLC shall reimburse the City for expenses related to retaining a third-party inspector to review facility plans and construction.
 - (l.) Provide easement agreements from adjacent property owners (TNMP & Mr. Richard Willy) for where the proposed water line is running prior to construction or disturbance of the site
 - (m.) Vegetation shall be maintained in a healthy condition and the drainage plan functional.
 - (n.) Drainage plan for the site shall be approved by the Angleton Drainage District.

SECTION 3. 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,

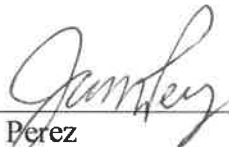
impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 4. Effective date. That this Ordinance shall be effective and in full force immediately upon its adoption.

SECTION 5. 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 THE 14th DAY OF JANUARY 2020.

CITY OF ANGLETON, TEXAS



Jason Perez
Mayor

ATTEST:

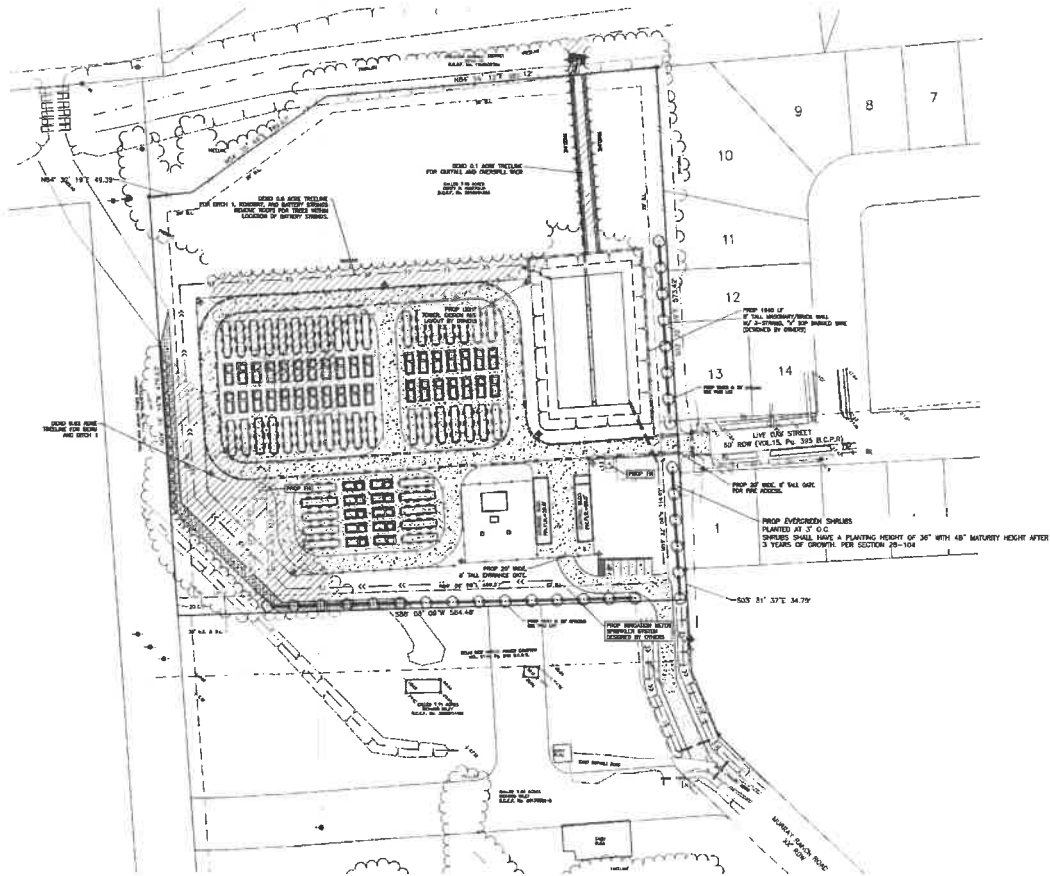
Frances Aguilar, TRMC, CMC
City Secretary

Exhibit A

PARKING REQUIREMENTS:
 OFF-STREET PARKING: GENERAL USE
 1 SPACE PER 250 SF FLOOR AREA
 FLOOR AREA= 1275 SF
 REQUIRED= 1275 / 250 = 5.1 = 6 SPACES
 PROVIDED= 6 SPACES

FRONTAGE TREE REQUIREMENT:
 TOTAL FRONTAGE LENGTH= 1192 FT
 DIST. TREE FRONTAGE= 348 FT
 PROPOSED TREE FRONTAGE LENGTH= 1192-348= 845 FT
 1 TREE REQUIRED PER 30 FT
 REQUIRED: 845/30= 28 TREES
 PROVIDED: 27 TREES
 PROP TREES SHALL BE 3" CALIPER, 7' TALL, FROM TREE LIST
 (15' CANOPY AT MATURITY)

TREE LIST
 COMMON NAME
 GREEN ASH
 BASSWOOD
 EASTERN COTTONWOOD
 AMERICAN ELM
 BLACK HICKORY
 SOUTHERN MAGNOLIA
 RED MAPLE
 BURR OAK
 CALIFORNIA FAN PALM
 LOBLOLLY PINE
 SWEETGUM



NO.	DATE	DESCRIPTION	BY

DESIGNED: MS
 DRAWN: MS
 CHECKED:
 DATE:



The seal appearing on this document was submitted by
 Miguel Sandoval
 P.E. 31002
 Date: 1/1/18

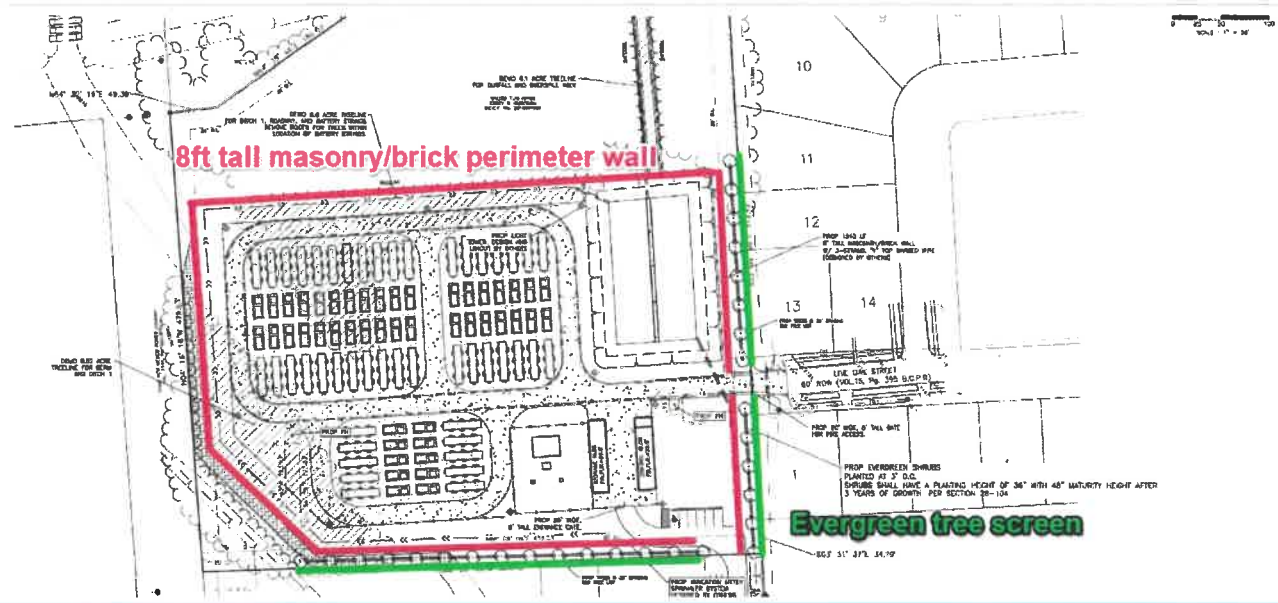
OWNER
PLUS ENERGY STORAGE
 1237 9TH AVENUE
 SAN FRANCISCO, CA 94122

PLAN: 1" = 32'
 PROFILE:
 HORIZONTAL:
 VERTICAL:

GAMBIT ENERGY STORAGE
 ANGLETON, TX 77515

SITE AND LANDSCAPE PLAN
 PROJECT: 13523
 C.S.

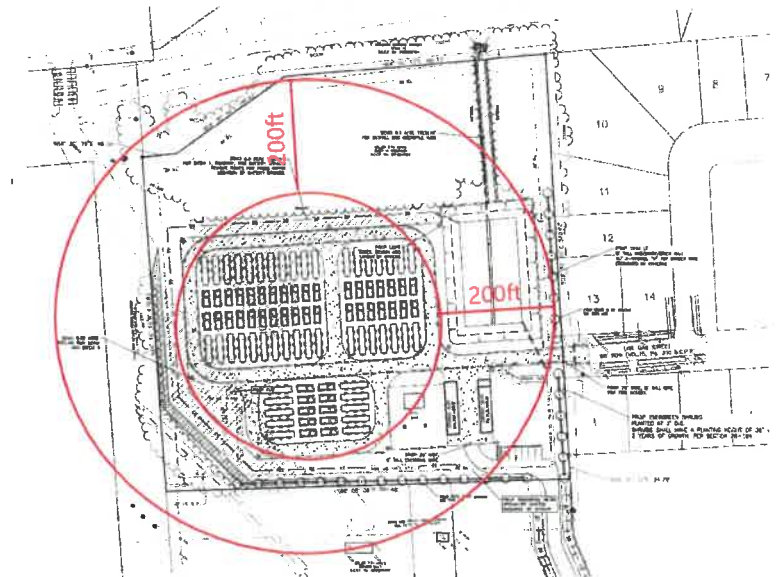
Visual Impacts – New Screening



Sound Impacts

- Project equipment approximately 200ft or 60meters from nearest home
- Transformers operate in 60 – 80db range, battery packs <75db
- Sound decreases at inverse to distance²
- Sound will be mitigated by existing vegetation and masonry/brick wall
- Plus Power requesting for Special Use Permit to require project noise to be no more than current ambient noise at the parcel boundary

Project Location



Why this location?

- Electrical characteristics of Angleton Substation are unique and attractive
- Project Site is 0.3 miles away from Texas New Mexico Power Co. substation located at N. Walker and W. Locust Streets
- Have entered into the ERCOT interconnection queue and started interconnection studies / process with TNMP Co.
- Currently vacant/agricultural land used for grazing

