



Members Names

Chair | William Garwood

Commission Members | Deborah Spoor, Will Clark, Michelle Townsend,

Regina Bieri, Ellen Eby, Andrew Heston

NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE PLANNING AND ZONING COMMISSION FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON THURSDAY, MARCH 7, 2024, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

DECLARATION OF A QUORUM AND CALL TO ORDER

Note: Newly appointed P&Z Commission Member, Andrew Heston to be sworn into office at 11:50 am, prior to the regular agenda meeting.

1. Discussion and possible action on the minutes for the Planning and Zoning Commission meeting held on February 1, 2024.

PUBLIC HEARINGS AND ACTION ITEMS

2. 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 levels and operate lawfully during special circumstances of extreme temperature and emergency situations at an existing energy storage park on a 7.7 acre parcel identified by Property ID 570367, located at 319 Murray Ranch Rd., Angleton, Brazoria County, Texas.

REGULAR AGENDA

3. Update, discussion and possible action on General Commercial Zoning District use regulations as presented by the Development Services Department.

ADJOURNMENT

CERTIFICATION

I, Otis Spriggs, Development Services Director, do hereby certify that this Notice of a Meeting was posted on the City Hall bulletin board, a place convenient and readily accessible to the general

public at all times and to the City's website, www.angleton.tx.us, in compliance with Chapter 551, Texas Government Code. The said Notice was posted on the following date and time: THURSDAY, FEBRUARY 29, 2024, AT 5:00 P.M.. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

/S/ Otis Spriggs

Otis Spriggs

Development Services Director

Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability, or family status. In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Angleton ADA Coordinator, Colleen Martin, no later than seventy-two (72) hours prior to the meeting, at (979) 849-4364 ext. 2132, email: cmartin@angleton.tx.us.



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 7, 2024

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

AGENDA CONTENT: Discussion and possible action on the minutes for the Planning and Zoning Commission meeting held on February 1, 2024.

AGENDA ITEM SECTION: Declaration of a Quorum and Call to Order

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

Staff requests a discussion and possible action on the minutes for Planning and Zoning Commission meeting for February 1, 2024.

RECOMMENDATION: Staff recommends that the Planning and Zoning approve the minutes with any noted corrections.



**CITY OF ANGLETON
PLANNING AND ZONING COMMISSION MINUTES
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
THURSDAY, FEBRUARY 1, 2024 AT 12:00 PM**

Members Names

Chair | William Garwood

Commission Members | Deborah Spoor, Will Clark, Michelle Townsend,

Regina Bieri, Ellen Eby, Shawn Hogan

Draft

NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE PLANNING AND ZONING COMMISSION FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON THURSDAY, FEBRUARY 1, 2024, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

DECLARATION OF A QUORUM AND CALL TO ORDER/ROLL CALL:

Present were: Chair William Garwood, Commission Member Regina Bieri, Commission Member Will Clark, Commission Member Michelle Townsend, and Commission Member Deborah Spoor.

Absent were: Commission Member Shawn Hogan and Commission Member Ellen Eby.

1. Discussion and possible action on the December 7, 2023 meeting minutes for the Planning and Zoning Commission.

Motion by Commission member Regina Bieri to approve the minutes, motion was seconded by Commission Member Deborah Spoor. The minutes were unanimously approved 5-0. Motion carried.

2. Discussion to receive useful information from the City Attorney regarding the role of the Planning and Zoning Commission Member.

City Attorney Judith provided folders for the commissions of helpful items. A sample description of Roberts Rules order (example from Austin); which are not the law, but the law would be the State statutes, City Ordinances and the charter, and the Texas Open Meetings Act on conducting your meetings. A draft of unadopted bylaws was included in the packet.

Judith stated that back in November, she was asked to come back to the commission with a bullet point list of things that will assist the Commission during meetings.

Chair Garwood mentioned that when he was hoping to gain information on things like plat approval where the Commission is providing comments and recommendations of approval or denial with reasons for doing so. For the final plat, as long as it meets all of the requirements of the codes, our role is ministerial in nature, and we can't deny it. He wanted to make sure that Commission understands our role and what our options are and why.

Judith ElMasri: Your city ordinances dictate exactly what you are required to do. When staff presented the agenda and the summary it is dictated by State statute. Your guidance is in the packet for each item. We can tweak the detail and put the ordinance and statute reference. The "shot clock", 30-day State statute was explained.

Judith ElMasri also provided information on making motions and taking action on agenda items. A digital "walking quorum" was explained when anyone starts a back-and-forth conversation via email between a group of persons.

The law is your ordinances, your charter, city ordinances or city charter and state statutes. Those are what guide you on how you have a meeting. Most important in Texas Open Meetings Act. And then the way you conduct meetings are conducted by your internal policies and by laws. bullet point list for an abbreviated document that will help you if you guide you to a meeting

Commissioner Michelle Townsend asked when is it appropriate for Commissioners to voice concerns of a development (density, tax base, etc.) when they or citizens do not support the particular development.

Judith ElMasri suggested that the Commission should try and take care of the business first and as a representative of the Community could place concerns into the record.

- Understanding the Job
- Expectations of P & Z Members:
- Making P & Z Decisions: Making motions in the affirmative.
- Working Effectively
- P & Z Supported by & Works in Conjunction with Council, City Manager, other boards, Development Services, City Secretary/Attorney, city Departments, and Referral Agencies.

Judith ElMasri ended by welcoming emailed questions; she and staff will work towards the recommended motion to include any statutes.

PUBLIC HEARINGS AND ACTION ITEMS: None.

REGULAR AGENDA

3. Discussion of a Preliminary Plat for Mark Brown Preliminary Plat for 10 acres out of a 35.19-acre tract located at the Northwest corner of FM523 and SH-35. Application incomplete and tabled, no action is required.

Director Otis Spriggs presented item 3 and explained item is to provide information that a proposed plat was filed with the department. That proposed plat does not meet the application completion requirements. The Development Department has communicated to

the applicant as submitted proposed plat would be recommended for rejection. Applicant's Representative requested to withdraw and table the plat. They will come back with the corrective items on the proposal and development, and we will bring it back to you. Item number three has been tabled as a preliminary plan.

4. Conduct a hearing, discussion, and take possible action on an Ordinance approving a request for a Specific Use Permit, for approximately 2.7 acres of land, currently zoned "C-G", Commercial General District, allowing for a daycare use on a tract of land located at 2700 E. Mulberry Street/E. SH 35 @ Rab Rd., also described as A0318 T S LEETRACT 38C1 ACRES 2.7 (ANGLETON), Brazoria County, Texas.

Director Otis Spriggs presented this request for a Specific Use Permit for a daycare, giving the following staff summary:

He added that Development Servies has advertised this public hearing per the requirements for newspaper legal notices. Applicants desire to repurpose an existing Commercial General zoned property that was formerly used by a church having various uses. The majority of the property is within City limits with a small portion being in the ETJ/County. Notices were mailed to property owners within 200 feet. An anonymous County property owner submitted an objection concerning the nearest road intersection's safety and suggestion to deny the SUP until the intersection is improved. The proposed daycare SUP would meet all setback/site plan requirements in terms of the proposed addition to the structure. There's an area provided on the site plan showing a parking lot that has sufficient space for drop-off/loading and parking requirements for this size daycare. The criteria for approval within the staff report addresses each item. Photographs are shown and renderings of before and after of what they are proposing to enhance the structure as provided. The conditions for approval were read including capacity requirements; they would have to meet state standards for licensing; there are provisions that would cover any type of food management services for the patrons/children such as prepackaged meals and/or a full commercial kitchen; they would have to meet the requirements of the building code, state health codes for food handling. It is noted that there have been zero reported accidents occurring at this intersection during the past 5 years. Staff is asking for a recommendation from the Planning and Zoning Commission to council and then open this up into public hearing for council.

Owners, David King and Veronica King were present and able to address the Commission's questions. Applicants noted that they drive into their other centers a couple days a week.

Commission Member Regina Bieri stated that she thinks we need this type of business on that side of town. I think we do. I think we're going to have an equal building location wise. In the crash report it says there's been no crashes in the last five years. But seems like the property across the street would be more of an issue. It is a pretty grown up on that side of the highway here.

Commission Member Deborah Spoor asked the expected traffic increase, number of students and hours of operation. Ms. Spoor noted that Judge Sebesta brings up some very valid points and it is difficult to see around the corner it is coming off a 55 mile an hour zone. It's not lit.

You're going to have, you know, hours that extend beyond the daylight hours in the wintertime.

Mrs. King explained their ideal attendance would be between 70-90 students but, initial attendance is expected to be about 78. They will maintain attendance hours similar to other daycares, 6:00 am open and closing time at 6:00 pm. They will have some buses to transport students between daycare and public schools. Applicants do want to expand the facility later.

Chair William Garwood described driving to the site and encountering a FedEx box delivery truck turning on to the road and needing to maneuver to the edge of the narrow road to avoid the truck. He expressed concern that the city needs to go in and improve that intersection to prevent problems. He questioned a possible turn lane through that section of the 35. You have very limited visibility. You're asking for it at 55 miles an hour and we see that all the time out at 210 and 523 and I think that's again a precarious turn on a major roadway and that there's constantly wrecks out there.

Commission Member Regina Bieri stated an estimate of 6 day-cares around high schools, junior highs, elementaries, nobody has turn lanes or lights. She further explained further down Hwy 35 there is a 100-space mobile home park with 2 cars per lot and across the street, apartments with even more drivers coming out from there, both without a turn lane. She stated there have only been a handful of accidents over the last 20 years and the speed limit is 45. It doesn't increase to 55 to further past the proposed daycare location.

Mr. Spriggs explained that Council is about to embark upon the strategic plan process, and we work with the highway department on the regular basis in terms of developing the traffic improvement plans for the area. There is a pending improvement plan for Henderson Rd. This area you will see some future applications. We're getting a lot of interest from other users within this block area along FM 523, as well.

Mr. Spriggs agreed to forward the information back to council. He also mentioned provisions for larger development projects where traffic impacts are considered in a traffic impact study at different degrees.

Commission Action: Motion by Commission member Michelle Townsend to approve the final report to City Council with a positive recommendation of this specific use permit application for a child daycare and Learning Center within the Commercial General Zoning District for approval, consideration and appropriate action, subject to the three requirements listed in our packet on item number four, page 8; the motion was seconded by Commission Member Regina Bieri to approve. The vote was unanimous to approve 5-0. Motion carried.

Chair William Garwood additionally requests that his recommendation reflects his belief that the city needs to make the improvement of that intersection a priority.

5. Conduct a hearing, discussion, and take possible action on Ordinance approving a request to rezone approximately 0.1799 acres of land from the "SFA", Single Family Attached District to the "C-G", Commercial General District with a Specific Use Permit to allow for a small daycare addition on a tract of land located adjacent and south of 2924 N Valderas St,

Angleton, TX 77515, Angleton, Texas, legally described as A0380 J DE J VALDERAS 1 TRACT 125B7 (MOODY TR 2 (PT)) (ANGLETON) ACRES 0.1799, Brazoria County, Texas.

Development Coordinator, Kandice Haseloff-Bunker presented this item giving the following staff summary: Development Servies has advertised this public hearing per the requirements for newspaper legal notices and sent notices to property owners within 200 feet of subject property. An existing daycare abuts the subject property. The applicant wishes to rezone and obtain a SUP for this property to allow for expansion of the existing daycare. The current State Permit is for 119 students and there is no proposal to increase these attendance numbers. There has been one question concerning the road and traffic congestion that currently occurs in the intersections near the existing daycare. Although the daycare is not the sole contributor to increased traffic in the area, the proposed daycare expansion is presented with an increase of parking and line que spaces that will exceed the minimum requirements. There have been no objections filed.

Staff is asking for a recommendation from the Planning and Zoning Commission to council and then open this up into public hearing for council.

Applicant, Miguel Saucedo and Owner, Christi Beard did not request to speak but were present and available for questions.

Commission Action:

Motion was made by Commission Member Michelle Townsend, seconded by Commission Member Regina Bieri to approve the requested rezoning and SUP, subject to the four notes listed in our packet and forward the ordinance to City Council for final consideration.

Roll Call Vote: Chair William Garwood - Aye; Commission Member Michelle Townsend - Aye; Commission Member Regina Bieri - Aye; Commission Member Will Clark - Aye; and Commission Member Deborah Spoor - Aye. The Planning & Zoning Commission voted unanimously 5-0 to approve the request to rezone 0.1799 acres of land from the "SFA", Single Family Attached District to the "C-G", Commercial General District with a Specific Use Permit.

ADJOURNMENT TIME: 12:49 PM



AGENDA SUMMARY/STAFF REPORT

MEETING DATE: March 7, 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 levels and operate lawfully during special circumstances of extreme temperature and emergency situations at an existing energy storage park on a 7.7 acre parcel identified by Property ID 570367, located at 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.

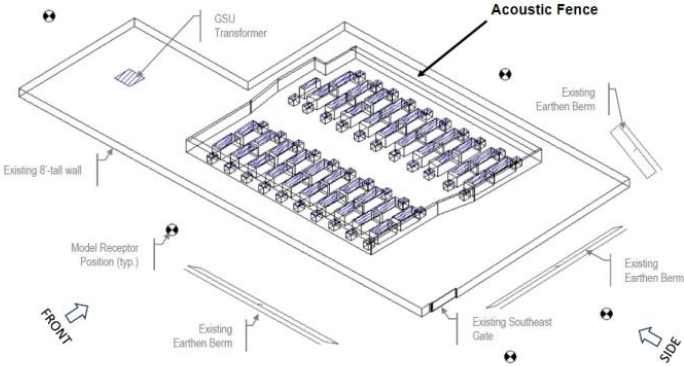
PROPOSAL:

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



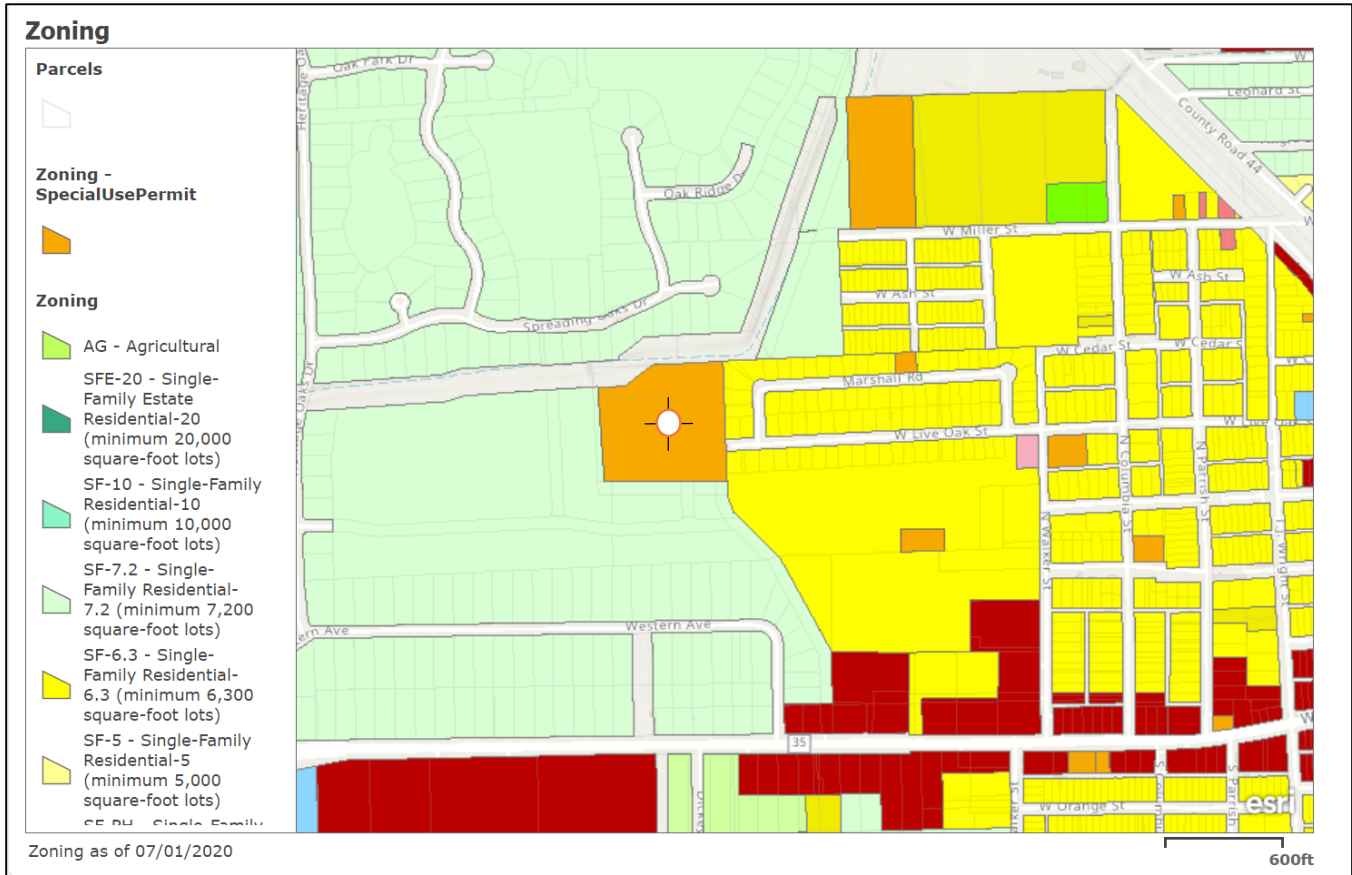


Pursuant to Section 23-102 of the City of Angleton's Code of Ordinances (the "Code"), the applicant requests the following revisions to two of the existing Specific Use Permit conditions so that it can construct a proposed eighteen (18') foot tall acoustic fence to reduce noise levels to operate lawfully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

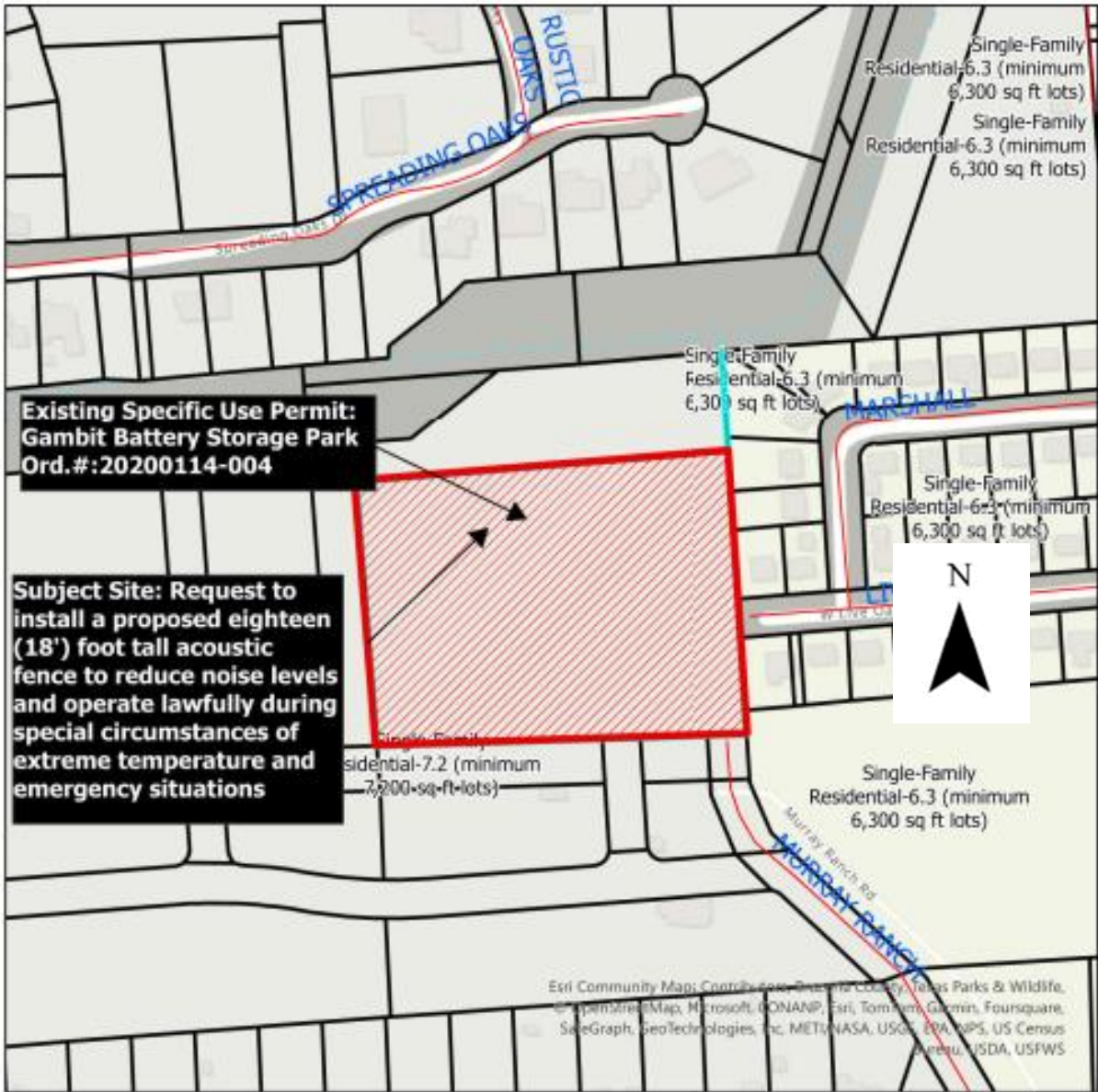
Condition F: *"...The sound level emitted from the energy storage park shall be no louder than the average ambient noise level prior to the installation of the project, as measured at 100 feet outside the parcel boundary and the nearest existing receptor, except during emergency situations, days of extreme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

ZONING MAP

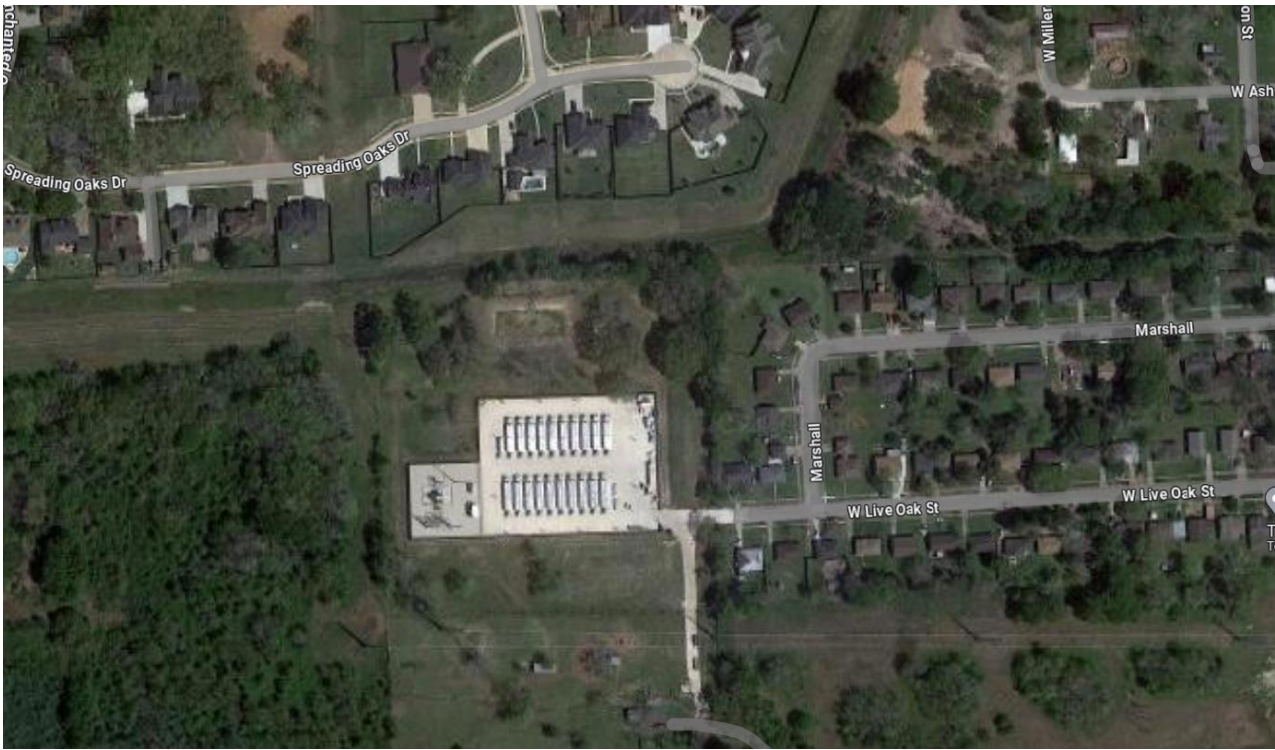


SURROUNDING CONDITIONS:

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

Item 2.



View onsite of battery units



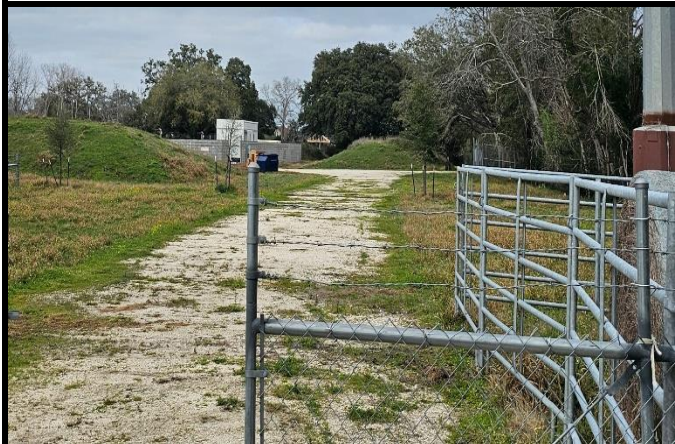
View onsite of battery units



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.

From the staff's collected information, it appears that 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.

Recommended Action:

The Planning and Zoning Commission should adopt this Final Report and forward 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.

Sample Motion:

I move that we approve the ordinance for a site plan for modification of a previously approved Specific Use Permit, to allow for the installation of an 18 ft. acoustic fence at the Gambit Battery Storage Park, and forward it to City Council for final action. We the Planning Commission find that the acoustic fence will provide added measures to abate additional noise realized during emergency peak high temperatures. *{City Ordinance/Code Section: Sec. 28-63. - SUP—Specific use permits, (6.b.) Revisions to the approved site plan.}*

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 fence
 Current Zoning: _____ 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: [Handwritten Signature] DATE: February 13, 2024

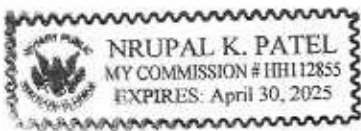
NOTARIAL STATEMENT FOR PROPERTY OWNER:

Sworn to and subscribed before me this 15th day of FEBRUARY, 2024.

(SEAL)

[Handwritten Signature]

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.

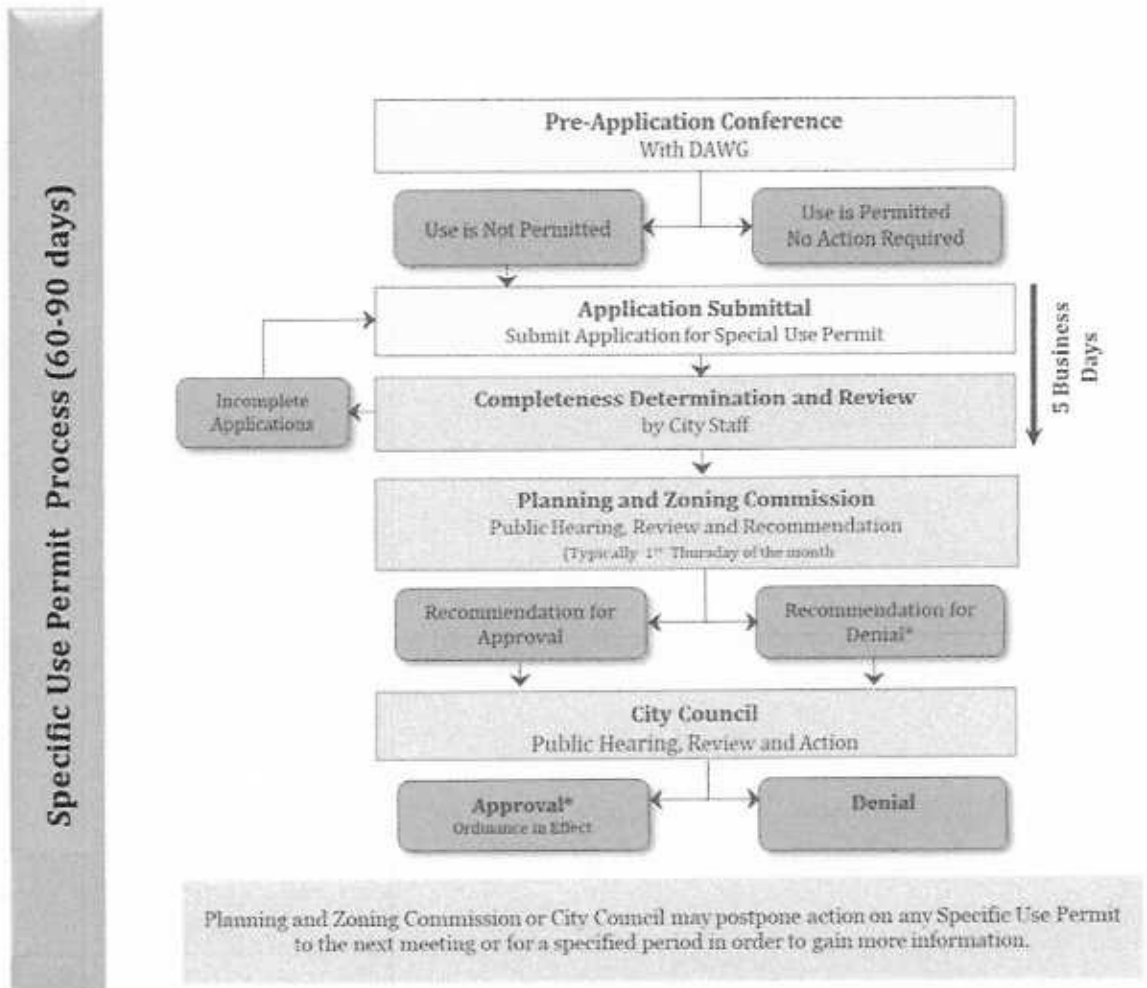
8. City Council Meeting

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.



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

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.

****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

1. Proposed Project Name:			
Gambit Energy Storage System Specific Use Permit Ordinance No. 20200114-004 Variance			
2. Property Location (Closest Intersections or Address):			
998 West Live Oak St, Angleton, TX 77515			
3. Legal Description of Property, Plat or Brazoria County Central Appraisal District ID No. & Approximate size of the area:			
4. Existing Zoning District Classification (Staff may complete):			
5. Applicant(s) Contact Information (Include name, email address and daytime phone number): Keith Merkel, kmerkel@pluspower.com, (407) 758- 5898			
6. Requested Day and Time:			
First Choice: Feb. 21			
Second Choice: Feb. 28			
Third Choice:			
7. Please check all that will attend the meeting:			
Property Owner X	Engineer/Developer X	Land Planner	Architect / Designer
General Contractor	Other (Please indicate):		
8. Please provide a purpose for the meeting (Please include on separate sheet, if needed)			
a. New development/construction Please explain:		b. Existing development/building Please explain:	
		Discuss the proposed acoustic fence solution and SUP variance request	
9. Anticipated project schedule including construction start date: April/May 2024			
10. Please provide a concept, site plan or proposed subdivision plat as an attachment to this form			
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 SCHEDULE¹**

Meeting Month	Historical Review (per former Division) (Pre-application 2 mos)	Pre-application City Staff Review (pre-application) (Pre-application 2 mos)	Development Review ² (Development Review)	Community Review/Comments (Pre-application 2 mos)	Special Board Review ³ (Pre-application 2 mos)	Final Review and Public Hearing ⁴ (Final Review 17 mos)	City Council Review and Public Hearing ⁵ (Pre-application 17 mos)
January (2024)	November 29, 2023	December 6, 2023	December 13, 2023	December 26, 2023	December 15, 2023	January 6, 2024	January 22, 2024
February	December 27, 2023	January 3, 2024	January 10, 2024	January 17, 2024	January 20, 2024	February 1, 2024	February 17, 2024
March	January 21, 2024	February 7, 2024	February 14, 2024	February 21, 2024	February 27, 2024	February 7, 2024	March 23, 2024
April	February 28, 2024	March 6, 2024	March 13, 2024	March 20, 2024	March 26, 2024	March 16, 2024	April 2, 2024
May	March 27, 2024	April 3, 2024	April 10, 2024	April 17, 2024	April 23, 2024	April 13, 2024	April 29, 2024
June	April 2, 2024	April 10, 2024	April 17, 2024	May 2, 2024	May 9, 2024	May 13, 2024	May 29, 2024
July	May 24, 2024	June 5, 2024	June 10, 2024	June 17, 2024	June 23, 2024	June 6, 2024	June 22, 2024
August	June 26, 2024	July 3, 2024	July 10, 2024	July 17, 2024	July 23, 2024	July 6, 2024	July 22, 2024
September	July 21, 2024	August 9, 2024	August 16, 2024	August 23, 2024	August 30, 2024	August 13, 2024	August 29, 2024
October	August 28, 2024	September 6, 2024	September 13, 2024	September 20, 2024	September 26, 2024	September 16, 2024	September 30, 2024
November	October 8, 2024	October 11, 2024	October 18, 2024	October 25, 2024	October 31, 2024	October 20, 2024	November 5, 2024
December	October 29, 2024	November 6, 2024	November 13, 2024	November 20, 2024	November 26, 2024	November 10, 2024	November 26, 2024

¹ PRE-APPLICATION CONFERENCE IS RECOMMENDED PRIOR TO APPLICATION SUBMITTAL.
² LATES ARE SUBJECT TO CHANGE AND MAY BE ADJUSTED DUE TO HOLIDAYS AND OTHER EVENTS.
³ APPLICATIONS DEEMED INCOMPLETE WILL BE RETURNED TO THE APPLICANT AND WILL NEED TO BE RESUBMITTED AT THE FOLLOWING SUBMITTAL DEADLINE FOR INITIAL REVIEW.
⁴ RESUBMITTALS WILL BE CONSIDERED ONLY IF APPLICATIONS ARE MISSING MINOR ITEMS.
⁵ 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; DEC 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

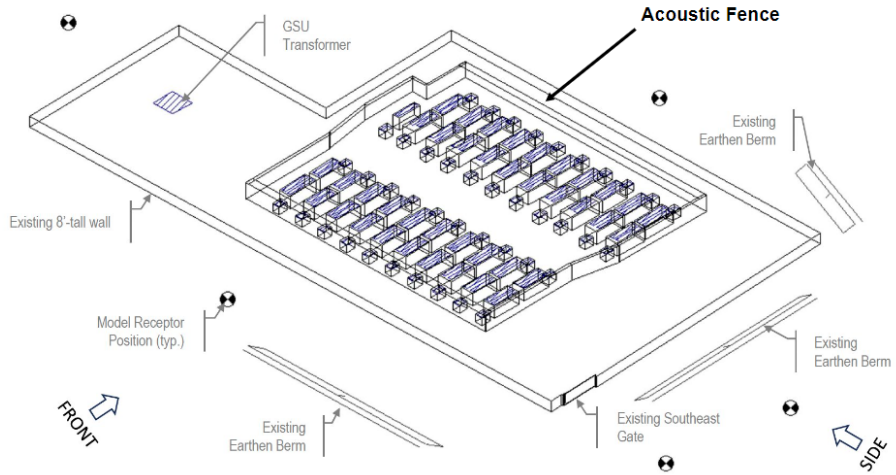
Condition F: "...The sound level emitted from the energy storage park shall be no louder than the average ambient noise level prior to the installation of the project, as measured at 100 feet outside the parcel boundary and the nearest existing receptor, **except during emergency situations, days of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



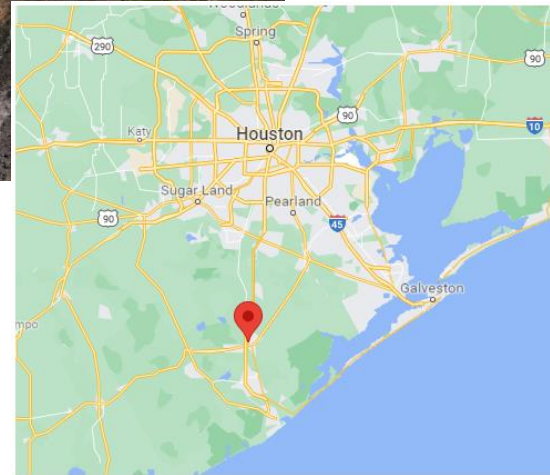
Gambit City of Angleton Fence Permit Application

02/6/2024



Gambit Project Overview

Operational since Summer 2021, Plus Power began development in 2019

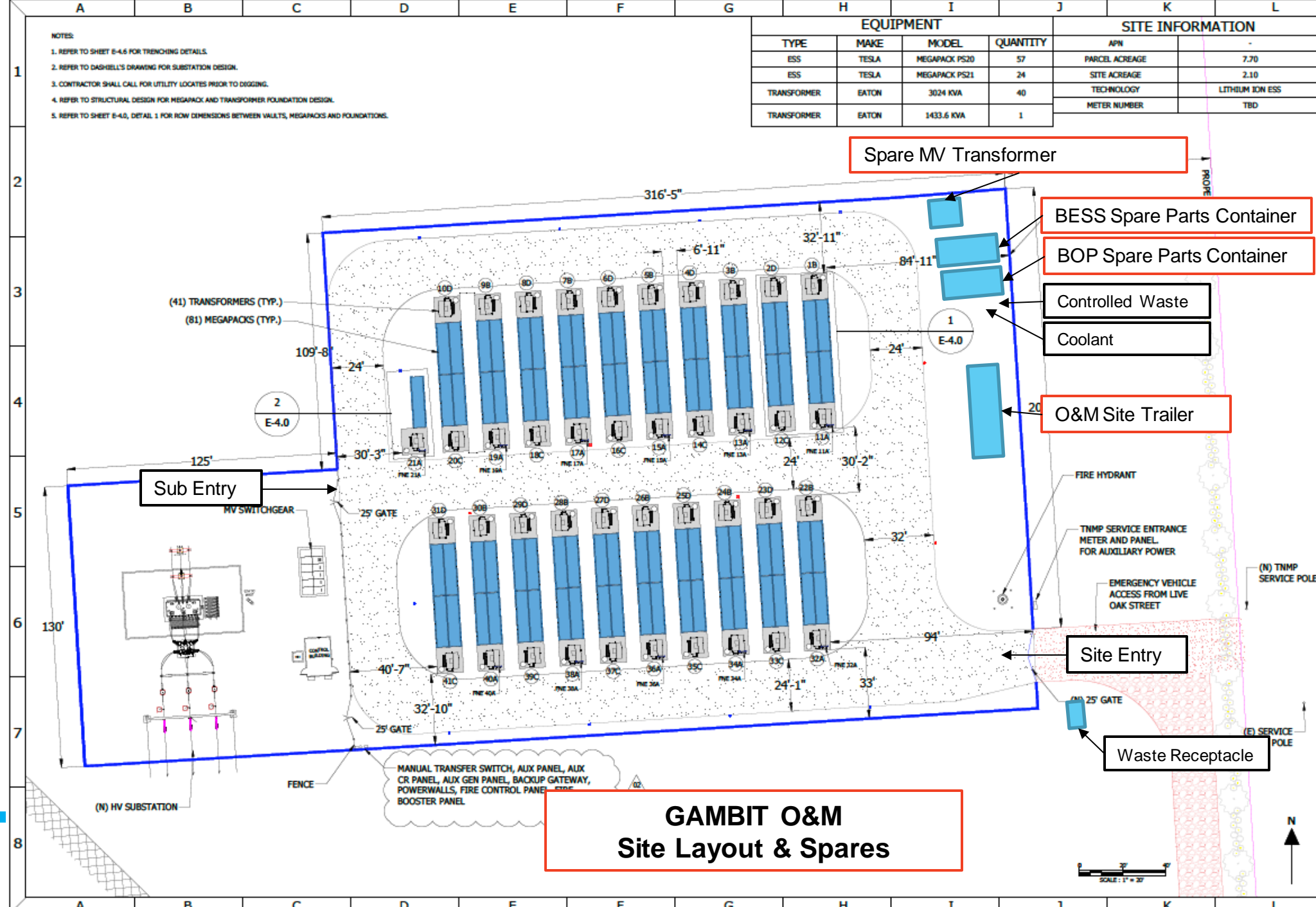


- Project Size & Location:
 - 100 MW / 175 MWh
 - 81 Megapacks, 41 Transformers
 - Angleton, Texas

NOTES:

1. REFER TO SHEET E-4.6 FOR TRENCHING DETAILS.
2. REFER TO DASH-BELL'S DRAWING FOR SUBSTATION DESIGN.
3. CONTRACTOR SHALL CALL FOR UTILITY LOCATES PRIOR TO DIGGING.
4. REFER TO STRUCTURAL DESIGN FOR MEGAPACK AND TRANSFORMER FOUNDATION DESIGN.
5. REFER TO SHEET E-4.0, DETAIL 1 FOR ROW DIMENSIONS BETWEEN VALUETS, MEGAPACKS AND FOUNDATIONS.

EQUIPMENT				SITE INFORMATION	
TYPE	MAKE	MODEL	QUANTITY	APN	
ESS	TESLA	MEGAPACK PS20	57	PARCEL ACREAGE	7.70
ESS	TESLA	MEGAPACK PS21	24	SITE ACREAGE	2.10
TRANSFORMER	EATON	3024 KVA	40	TECHNOLOGY	LITHIUM ION ESS
TRANSFORMER	EATON	1433.6 KVA	1	METER NUMBER	TBD

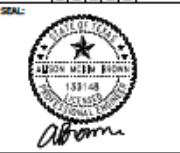


Item 2.

affordable solar
commercial | government

NO.	DATE	BY	DESCRIPTION
01	11/17/2023	MM	ISSUED FOR CONSTRUCTION
02	11/17/2023	MM	UPDATE CALL OUT FOR ADDITIONAL AIR EQUIPMENT
03	11/17/2023	MM	UPDATE TO NOTES
04	11/17/2023	MM	ISSUED FOR CONSTRUCTION
05	11/17/2023	MM	ISSUED FOR CONSTRUCTION

998 W LIVE OAK ST. ANGLETON, TX 77515	MEGAPACK AC POWER : 500 & 1430 KVA	MEGAPACK AC ENERGY : 3172 MWH	MEGAPACK QUANTITY : 81	ESS TECHNOLOGY : LITHIUM-ION	PROJECT SIZE : 500 MWH/200 MWH
					GAMBIT ENERGY STORAGE



CONFIDENTIALITY STATEMENT
THE DRAWING AND ALL INFORMATION HEREIN IS THE PROPERTY OF PLUS ENERGY SYSTEMS INC. AND REPRODUCTION OR DISSEMINATION OF THIS DRAWING FOR OTHER THAN THE EXTENDED PROJECT WITHOUT PRIOR WRITTEN AUTHORIZATION FROM PLUS ENERGY SYSTEMS INC. IS STRICTLY FORBIDDEN.



Tesla Megapack

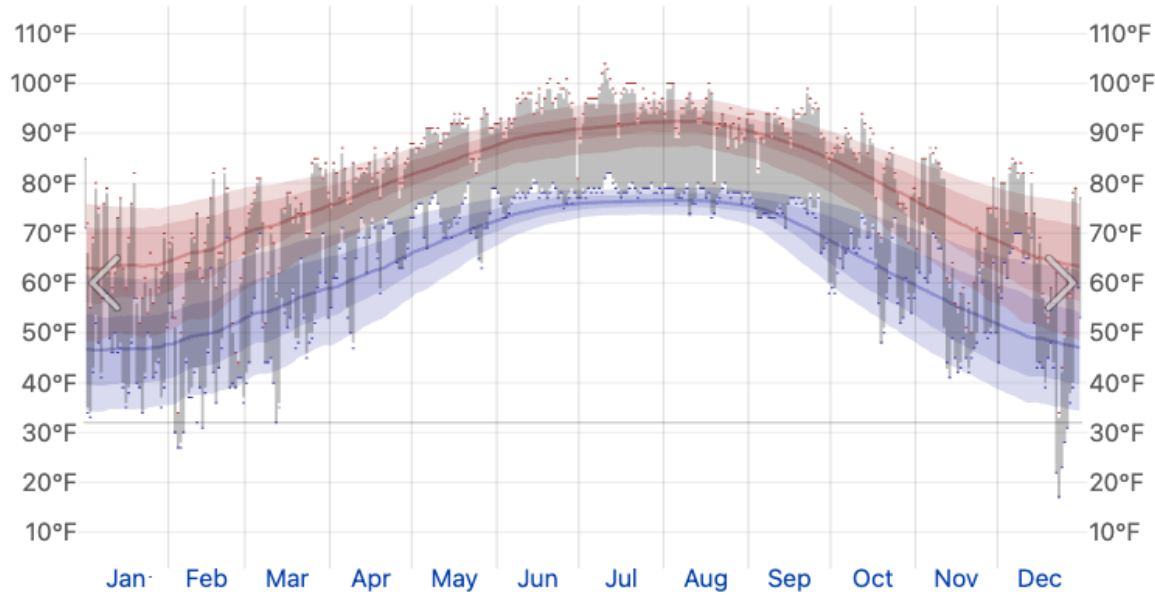


Angleton Weather 2022-2023

William P Hobby Airport Temperature History 2022

[Link](#) [Download](#) [Compare](#) [Averages](#)

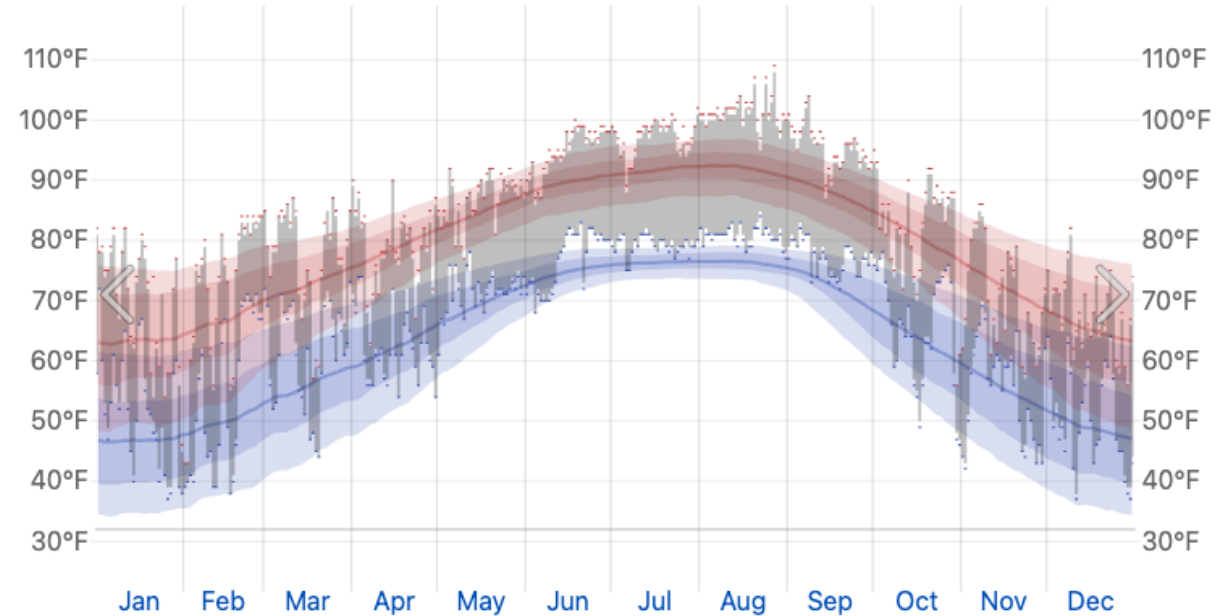
History: 2023 **2022** 2021 2020 2019 2018 2017 2016 2015



William P Hobby Airport Temperature History 2023

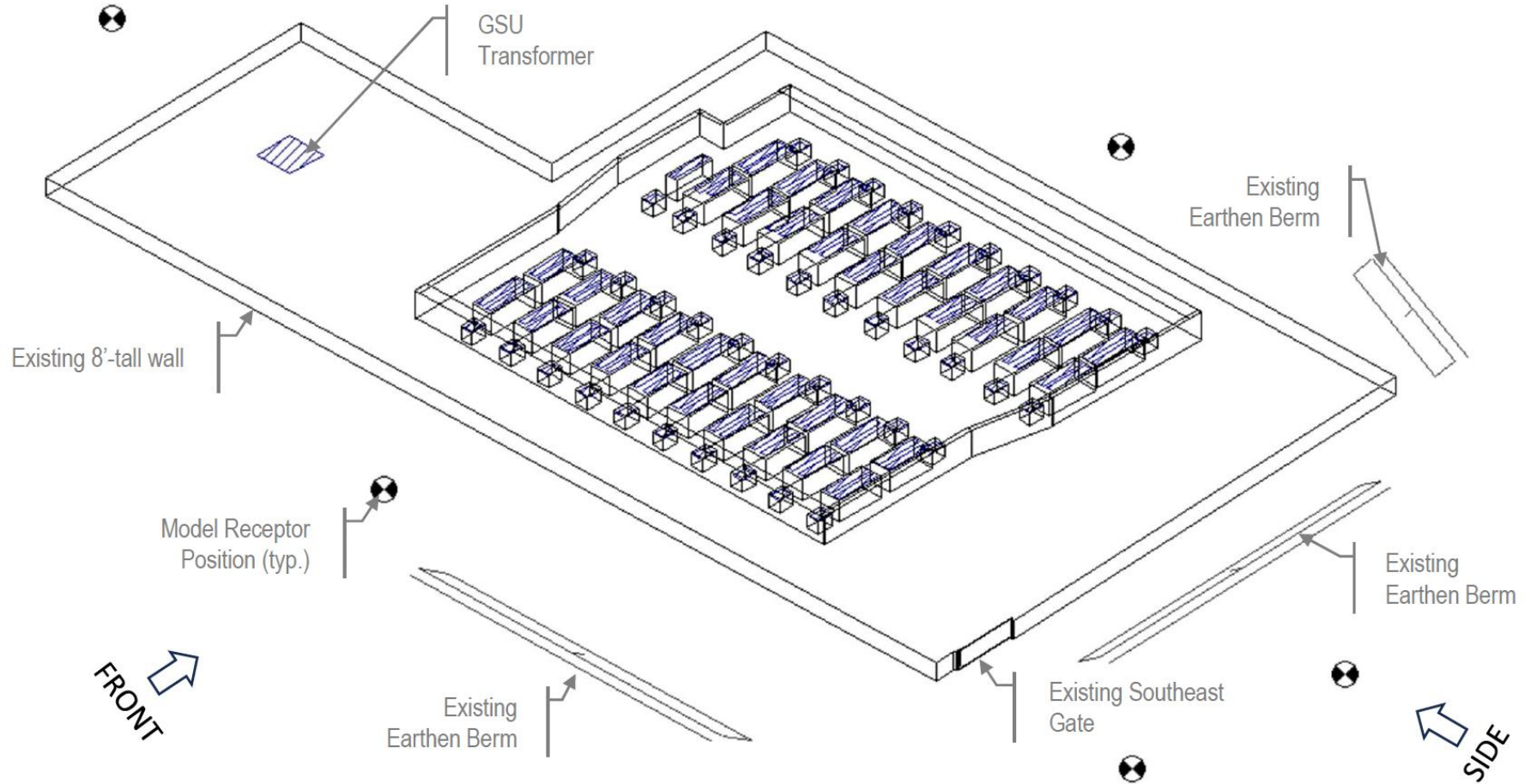
[Link](#) [Download](#) [Compare](#) [Averages](#)

History: 2024 **2023** 2022 2021 2020 2019 2018 2017 2016



The daily range of reported temperatures (gray bars) and 24-hour highs (red ticks) and lows (blue ticks), placed over the daily average high (faint red line) and low (faint blue line) temperature, with 25th to 75th and 10th to 90th percentile bands.

Fence Layout



Product Options



- Quilted Curtain Exterior Grade



- High density Acoustical Fence

Proposed noise mitigation and compliance

Item 2.



- Noise requirements:
 - Acoustic-fence solution will meet SUP noise requirements (must be at minimum 18 feet to block sound)
- Fence:
 - The fence solution is similar to Angleton High School Baseball Field in terms of general look
 - Will request a variance to maximum 12 foot requirement

(8) Special purpose fencing, such as fencing around tennis courts, is allowed only upon issuance of a permit from the city. The maximum height of such fencing shall be 12 feet.

Special Use Permit Requirements – we will meet these



- Noise requirements:

- (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.

- Fence:

- (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

Permitting requirements for "sound" fence

Item 2.



- Fence Permit (per communication from City 1/29/24) -- complete, sign and pay \$40 fee.



FENCE PERMIT APPLICATION

Date received: _____ Date approved: _____ Permit #: _____

Address of project: _____

Owner Name: _____

Contractor: _____

Contractor Address: _____ Phone: _____

Contractor e-mail: _____

Please provide specifications showing the location of the fence with property dimensions and distance from property lines.

- Other information or questions (compliance, notifications)?

PLUS POWER

Any Questions?

Thank You!



DRAFT

ORDINANCE NO. XXXX

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 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; 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, 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 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 average 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.
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 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 26th DAY OF MARCH, 2024.

CITY OF ANGLETON, TEXAS

John Wright
Mayor

ATTEST:

Michelle Perez, TRMC
City Secretary

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,

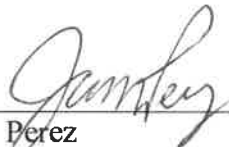
impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part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

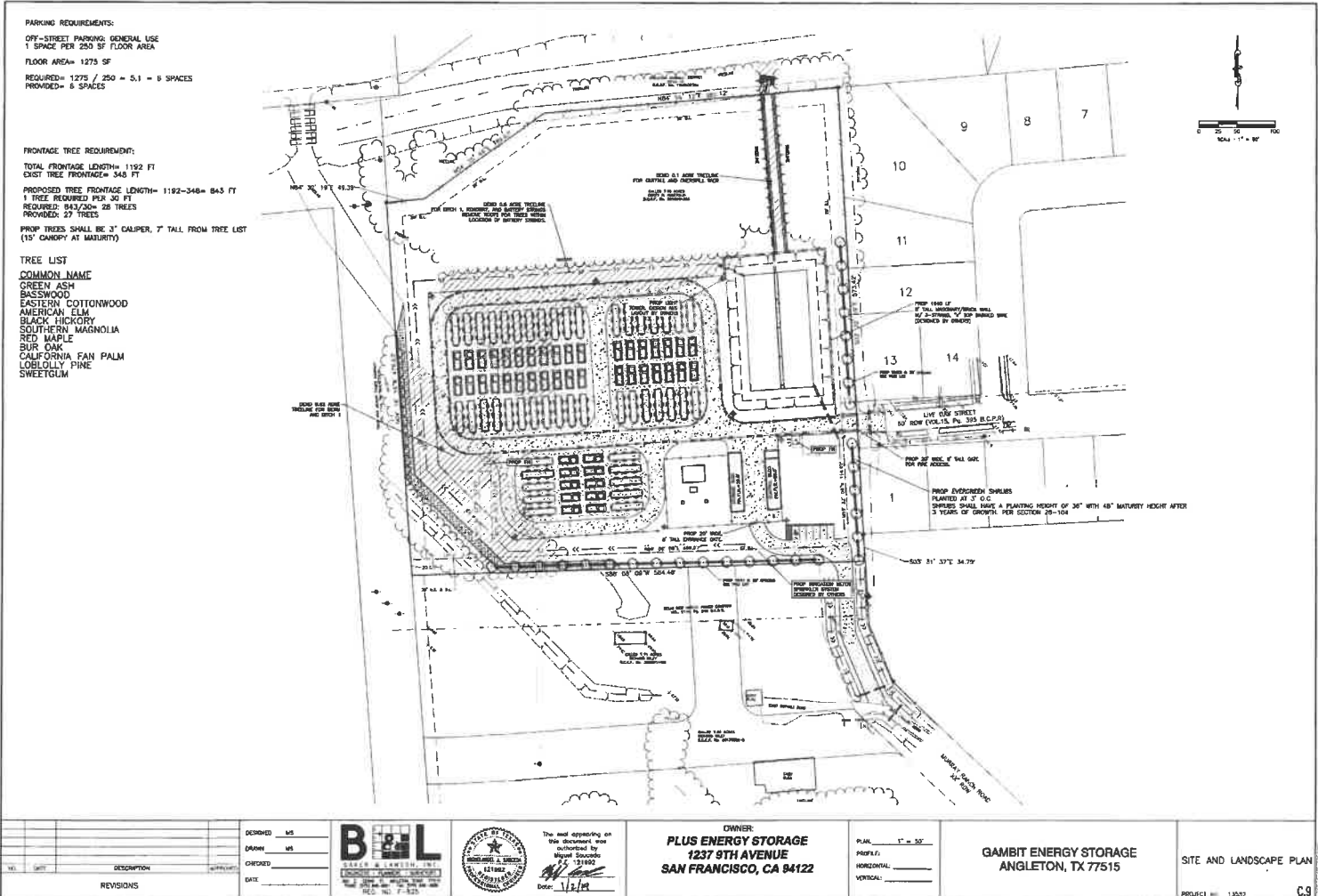


Jason Perez
Mayor

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" CALIBER, 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	APPROVED

DESIGNED: MS
 DRAWN: MS
 CHECKED:
 DATE:



The seal appearing on this document was submitted by
 Miguel Sandoval
 No. 331002
 Date: 1/1/18

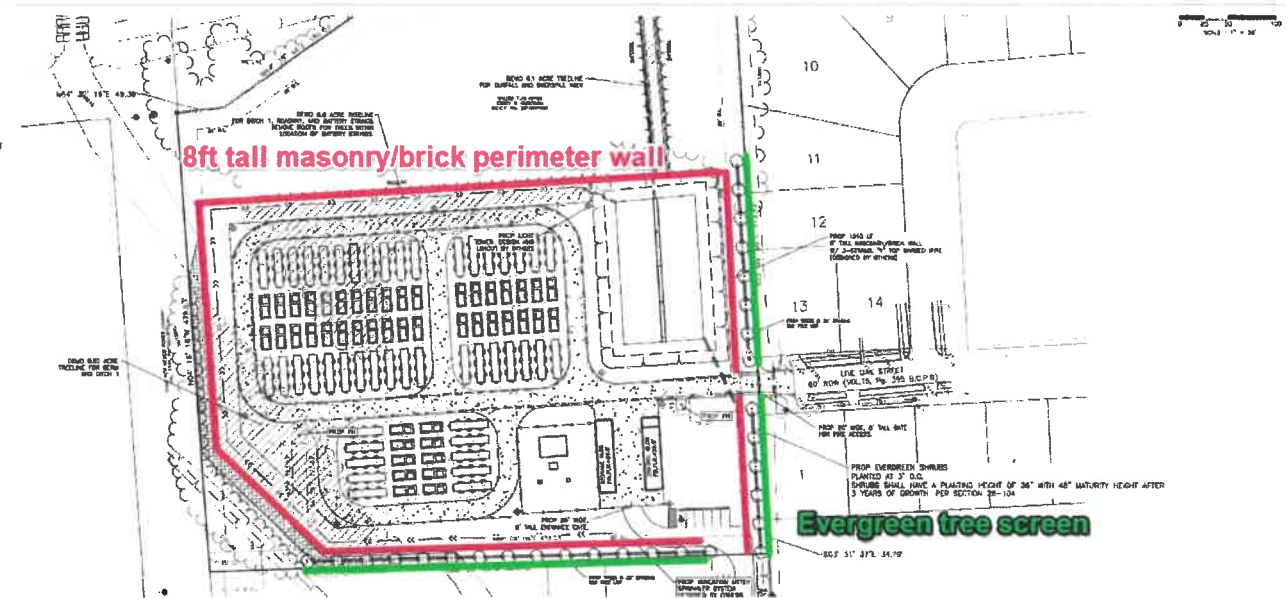
OWNER
PLUS ENERGY STORAGE
 1237 9TH AVENUE
 SAN FRANCISCO, CA 94122

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

GAMBIT ENERGY STORAGE
 ANGLETON, TX 77515

SITE AND LANDSCAPE PLAN
 PROJECT: 13523
 C.S.

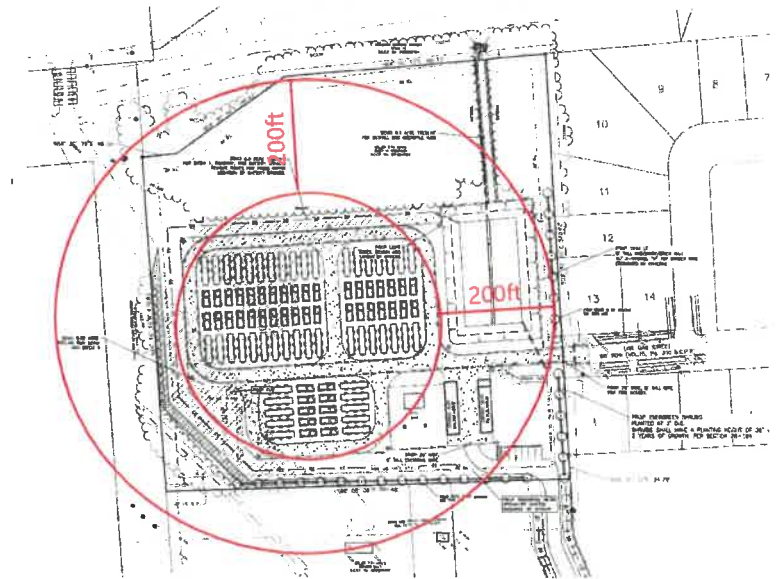
Visual Impacts – New Screening



Sound Impacts

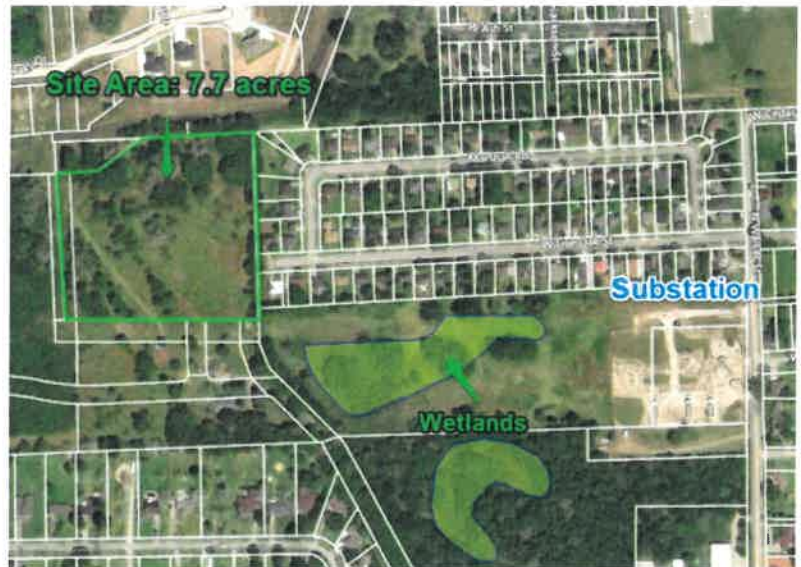
- Project equipment approximately 200ft or 60meters from nearest home
- Transformers operate in 60 – 80db range, battery packs <75db
- Sound decreases at inverse to distance²
- Sound will be mitigated by existing vegetation and masonry/brick wall
- Plus Power requesting for Special Use Permit to require 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



Request to Modify Existing Specific Use Permit No. 2020014-004

Planning and Zoning Commission
City of Angleton, Texas

March 7, 2024

Presented By:

- Bill Kaufman, CEO, The Kaufman Group
- Keith Merkel, Senior Technical Asset Manager, Plus Power
- Mark Storm, Acoustic Services Manager, Dudek

Who is Plus Power?

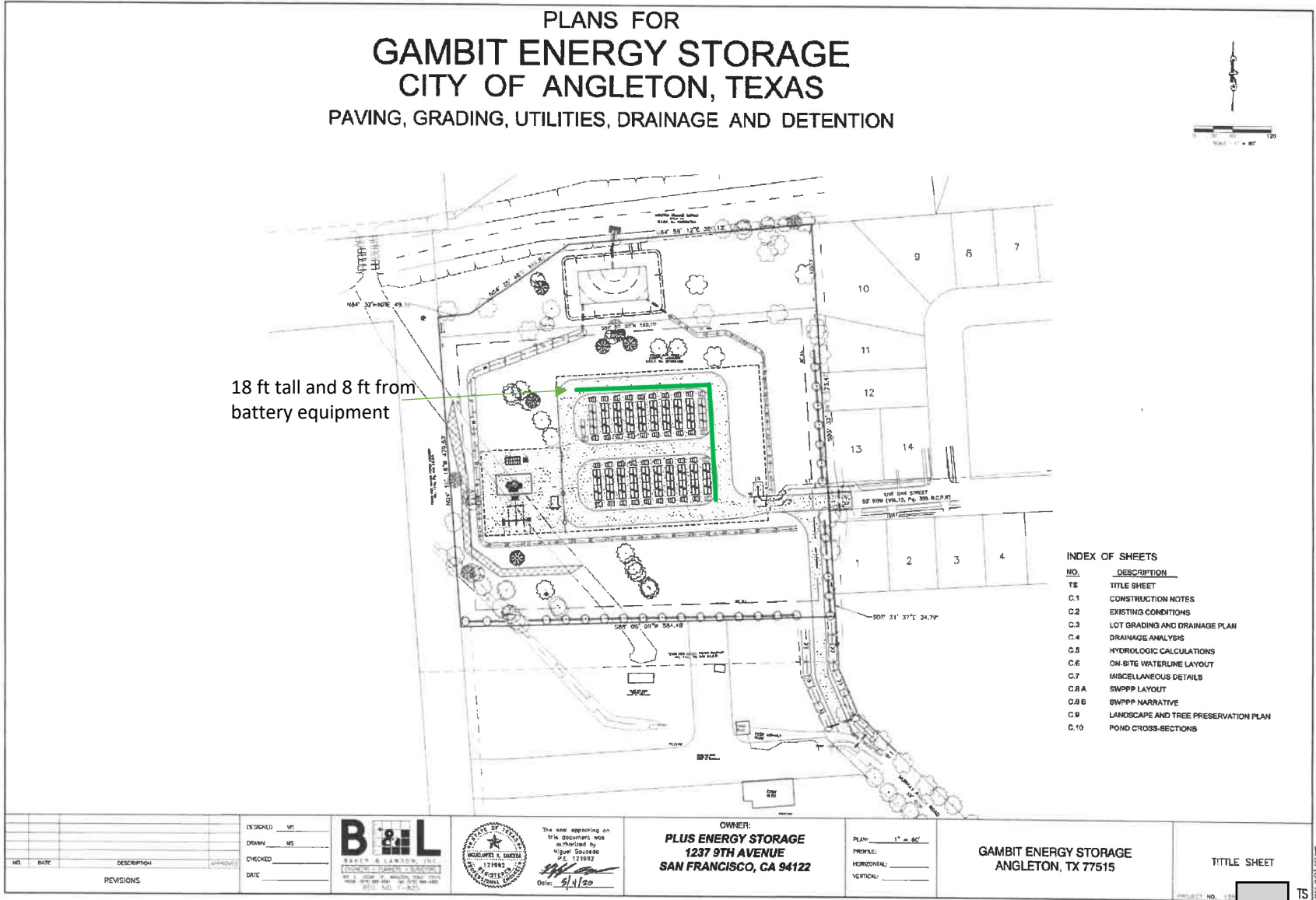
- A U.S. company headquartered in Houston, Texas.
- Focuses solely on developing, owning, and operating battery-based electrical storage systems.
- Approximately 150 employees within the company.
- Continues to develop similar facilities in over 25 states.
- Has developed 4 operating facilities in Texas with 2 additional under construction.

Who is the Gambit Energy Storage?

- The Gambit Energy Storage facility is located at 998 W Live Oak St, Angleton, TX 77515.
- On January 14, 2020, The City of Angleton City Council approved a Specific Use Permit for this use
 - Ordinance No. 20200114-004
- The facility became operational in 2021.
- The facility sits upon a 7.7 acre parcel with a 2.2 acre construction footprint.

Site Plan

- Initially Approved in Jan. 2020
- Modified in May 2020



Battery Park Images

Item 2.



PLUS
POWER

Battery Park Images

Item 2.



Battery Park Images

Item 2.



Battery Park Images

Item 2.



Relevant S.U.P. Conditions – Condition 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.

Relevant S.U.P. Conditions – Condition 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.

Purpose of Modification Request

- Several neighbors contacted Gambit to address sound concerns.
- Gambit has engaged Dudek, a national sound consultant, to address the neighborhood's concerns.
- The sound engineer recommended Gambit erect a 18' ft sound barrier around the battery enclosures.
- In order to erect the 18' ft sound barrier, Gambit must obtain a modification to Condition D of the S.U.P.

Sound Barrier Details

- Location: the barrier will surround the batteries to the north and east.
- Erection of the barrier will comply with all applicable Angleton City Ordinances, International Building Code, and International Fire Code requirements.
- Sound barrier to be erected shall be structurally sound.

Sound Barrier Photo Simulation

Item 2.



Sound Barrier Photo Simulation



Sound Engineer Report

Locations	February 2020 Ambient Sound Level (dBA Ldn)	July 2023 Sound Level From Facility After Installation of Proposed Sound Barrier (dBA Ldn)
M1 (east)	55.8	53.8
M2 (south)	58.3	55.6
M4 (north)	56.6	50.4

Modification Requests

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 **average** 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 **(i.e., ERCOT issues a notification requesting additional resources)**; days of extreme temperature or when required to keep the energy storage park operating **safely**.
3. All other conditions set forth by Ordinance No. 20200114-004 adopted on January 14, 2020, shall remain in full force.

City Staff Report

- Staff findings include the conclusion that the “ambient sound levels prior to the development were used to develop a plan moving forward on any sound attenuation methods.”
- However, “due to the region’s extreme temperatures during the summer, Gambit hopes to address the additional noise generated from the cooling fans by installing the proposed 18 ft. acoustic fence.”
- Considering the factors above, City Staff suggest the “Planning and Zoning Commission should adopt this final report and forward it to City Council with a positive recommendation of an ordinance approving the Specific Use Permit ordinance site plan modification, allowing for the installation of an 18 ft. acoustical fence for the battery storage park.”

Conclusions

- Gambit Energy Storage LLC seeks to address its neighbors concerns by erecting the proposed 18 ft. sound barrier.
- Gambit Energy Storage LLC requests the Planning and Zoning Commission support City Staff's recommendation to approve the installation of the 18 ft. sound barrier because it is necessary to address the resulting sound generated from the cooling fans during the region's extreme temperatures.



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 7, 2024

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

AGENDA CONTENT: Update, discussion and possible action on General Commercial Zoning District use regulations as presented by the Development Services Department.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: None

FUNDS REQUESTED: None

FUND: None

EXECUTIVE SUMMARY:

It is recognized that new types of land uses may frequently arise, and forms of land use not presently anticipated may seek to locate in the City of Angleton.

In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the use charts (subsection 28-81(b)) needs to be made and possible text amendments are typically initiated. Section 28-81 (4) (attached) allows for a separate process for dealing with new uses as well.

Staff was asked to provide the Council with this same update of the C-G, Commercial Zoning District Allowable Land Uses. We will discuss Attachment 1: Use Regulations (Charts) and discuss commercial uses from a land use compatibility perspective.

Staff is hoping to receive feedback from the P&Z commission on future Zoning Text Amendments that may be necessary to bring back for public hearing and consideration.

As a guide and outline, we will focus on the uses that have been highlighted on the Use Table in Attachment 1.

RECOMMENDATION:

Staff recommends that P&Z commission received an update on General Commercial Zoning District use regulations and provide direction to the Development Services Department.

Sec. 28-81. - Use regulations (Charts).

- (3) *Use chart organization:* The following use categories are listed in the use charts (subsection 28-81(b)):
- a. Agricultural uses.
 - b. Residential uses.
 - c. Office uses.
 - d. Personal and business service uses.
 - e. Retail uses.
 - f. Transportation and auto service uses.
 - g. Amusement and recreational service uses.
 - h. Institutional/governmental uses.
 - i. Commercial and wholesale trade uses.
 - j. Light manufacturing/industrial and construction uses.

It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the City of Angleton. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the use charts (subsection 28-81(b)) shall be made as follows:

- a. Initiation:
 1. A person, city department, the planning and zoning commission, or the city council may propose zoning amendments to regulate new and previously unlisted uses.
 2. A person requesting the addition of a new or unlisted use shall submit to the city manager all information necessary for the classification of the use, including but not limited to:
 - (i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (ii) The type of product sold or produced under the use;
 - (iii) Whether the use has enclosed or open storage and the amount and nature of the storage;
 - (iv) Anticipated employment typically anticipated with the use;
 - (v) Transportation requirements;
 - (vi) The nature and time of occupancy and operation of the premises;
 - (vii) The off-street parking and loading requirements;
 - (viii) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
 - (ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and
 - (x) Impervious surface coverage.
- b. The city manager shall refer the question concerning any new or unlisted use to the planning and zoning commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in subsection 2. above. An amendment to this chapter shall be required as prescribed by section 28-24.

- c. The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by SUP).
 - d. The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall approve or disapprove the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the zoning ordinance according to section 28-24 (i.e., following notification and public hearing, etc.).
 - e. Standards for new and unlisted uses may be interpreted by the city manager as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in subsection 2. above shall be followed for determination of the appropriate district. The decision of the city manager may be appealed according to the process outlined in subsections 2.b. through 2.d. above.
- (b) *Use charts.*
{Beginning on the following page.}

Legend:
P - The land use is "**Permitted**" by right in the zoning district indicated.
□ - The land use is "**Prohibited**" in the zoning district indicated.
S - The land use "**May be approved**" as a specific use permit (SUP) in the zoning district indicated.

Types of Land Uses	Residential Zoning Districts											Nonresidential Zoning Districts							
	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	L I
<i>Agricultural Uses</i>																			
Bulk Grain and/or Feed Storage	P																		P
Farms, General (Crops)	P	P																	P
Farms, General (Livestock/Ranch)	P	P																	P
Greenhouse (Non-Retail/Hobby)	P	P	P	P	P	P	P	P	P				P						P
Hay, Grain, and/or Feed Sales	P																		P
Livestock Sales	P																		P
Orchard/Crop Propagation	P																		P
Plant Nursery (growing for commercial purposes but no retail sales on site)	P																		P
<i>Office Uses</i>																			
Armed Services Recruiting Center														P	P	P	P	P	P
Check Cashing Service														P	P	P	P	P	P
Credit Agency														P	P	P	P	P	P
Insurance Agency Offices														P	P	P	P	P	P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI
Medical Laboratory															S	S	S	S	P
Offices (Brokerage Services)														P	P	P	P	P	P
Offices (Health Services)														P	P	P	P	P	P
Offices (Legal Services)														P	P	P	P	P	P
Offices (Medical Clinic or Office)														P	P	P	P	P	P
Offices (Professional)														P	P	P	P	P	P
Offices (Parole-Probation)																			
Real Estate Offices														P	P	P	P	P	P
Telemarketing Agency														S	S	S	S	S	P
Bank/Credit Union														P	P	P	P	P	P
Savings and Loan														P	P	P	P	P	P
Security Monitoring Company (No Outside Storage)														P	P	P	P	P	P
<i>Personal and Business Service Uses</i>																			
Appliance Repair																P	P		P
Artist Studio														P	P	P	P	P	P
Ambulance Service (Private)																S	S		P
Automobile Driving School (including Defensive Driving)														S	P	P	P	P	P
Automatic Teller Machines (ATM's)														P	P	P	P	P	P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI
Barber/Beauty Shop/College (barber or cosmetology school or college)														S	S	P	P		P
Barber/Beauty Shop (non-college)														P	P	P	P	P	P
Bed and Breakfast Inn	S	S	S	S	S	S	S	S	S	S	S	S		S	P	P	P	P	
Columbariums	S															S	S	S	S
Communication Equipment Sales/Service (Installation and/or Repair - No outdoor sales or storage or towers/antenna)																P			P
Computer Sales														P	P	P	P	P	P
Credit Unions														P	P	P	P	P	P
Dance/Drama/Music Schools (Performing Arts)														P	P	P	P	P	P
Extended Stay Hotels/Motels (Residence hotels)														S	S	S	S		P
Exterminator Service (No outdoor sales or storage)																P			P
Financial Services (Advice/Invest)														P	P	P	P	P	P
Funeral Home																S	P		P
Hotel/Motel															P	P	P	S	P
Martial Arts School/Dance Studio														P	P	P	P	S	P

Types of Land Uses																				
	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MFR-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI	
Laundromat (or Self-Service Washateria)														S	S	P	P	S		P
Laundry/Dry Cleaning (Drop Off/Pick Up)														P	P	P	P	P		P
Locksmith														P	P	P	P	P		P
Massage Establishment (as defined within this chapter)														S	S	S	S			P
Mini-Warehouse/Self-Storage														S	S	P	S			P
Paint Shop															S	P	P			P
Photo Studio														P	P	P	P	P		P
Photocopying/Duplicating														P	P	P	P	P		P
Sexually Oriented Business	(See Chapter 21.4 (Ordinance #2488) of the City's Code of Ordinances)																			
Shoe Repair														P	P	P	P	P		P
Studio for Radio or Television (without tower)														P	P	P	P	P		P
Tailor Shop														P	P	P	P	P		P
Tool Rental (Indoor Storage only)																P	P			P
Tool Rental (with Outdoor Storage)																S	S			P
Travel Agency														P	P	P	P	P		P
<i>Retail Uses</i>																				
All-Terrain Vehicle (go-carts) Dealer/Sales																P	P			P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MFR-14	MFR-29	MFR-36	MH	CN	C-MU	C-G	C-O/R	CBD	LI
Antique Shop (no outside storage)														S	S	P	P	P	P
Antique Shop (with outside storage)															S	S	S	S	S
Art Dealer/Gallery														P	P	P	P	P	P
Auto Dealer (New - Auto Servicing and Used Auto Sales as accessory uses only)																P	P		P
Auto Dealer, Used Auto Sales																P	P		P
Auto Supply Store for New and Rebuilt Parts														S	S	S	S	S	P
Bakery (Retail)														P	P	P	P	P	P
Bakery (Wholesale)																P	P		P
Bike Sales and/or Repair (Non-Motorized)														P	P	P	P	P	P
Book Store														P	P	P	P	P	P
Building Material Sales																P	P	S	P
Cabinet Shop (Manufacturing)															S	S	P		P
Cafeteria														S	P	P	P	P	P
Confectionery Store (Retail)														P	P	P	P	P	P
Consignment Shop														S	S	P	P	P	P
Convenience Store (without gas sales)														S	P	P	P	S	P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MFR-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI
Department Store															P	P	P		P
Drapery Shop/Blind Shop															P	P	P		P
Florist														P	P	P	P		P
Food or Grocery Store														S	P	P	P		P
Furniture Sales (Indoor)														S	P	P	P		P
Garden Shop (Inside Only; no outside storage)														P	P	P	P		P
Gravestone/Tombstone Sales																P			P
Handicraft Shop														P	P	P	P		P
Hardware Store														S	P	P	P		P
Home Improvement Center															P	P	P		P
Itinerant Vendor/Vending	S																		S
Lawnmower Sales and/or Repair															P	P	P		P
Major Appliance Sales/Rental (Indoor)															P	P	P		P
Market (Community, Farmers)	S													S	S	S	S	S	S
Market (Public, Flea)																S			S
Motorcycle Dealer (New/Repair)															P	P	P		P
Personal Watercraft Sales (New/Repair)															P	P	P		P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MFR-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI
Needlework Shop														P	P	P	P	P	P
Pet Shop/Supplies/Grooming														S	P	P	P	P	P
Pharmacy														S	P	P	P	P	P
Plant Nursery (Retail Sales/Outdoor Storage)															S	P	P		P
Produce Stand														S	S	P	P	S	P
Recycling Kiosk															S	S	P		P
Restaurant														P	P	P	P	P	P
Restaurant (Drive-In)															P	P	P		P
Retail Store (General)														S	P	P	P	P	P
Security Systems Installation Company																P	P	P	P
Studio Tattoo or Body Piercing																S			S
Temporary Outside Retail Sales/Commercial Promotion															P	P	P	P	P
Upholstery Shop (Non-Auto)																P			P
Used Merchandise/Furniture Store															S	S	S	S	P
Vacuum Cleaner Sales and Repair															P	P	P	P	P
Veterinarian (Indoor Kennels)															P	P	S	S	P
Woodworking Shop (Ornamental)															S	S	S	S	P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MFR-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI
<i>Transportation and Automotive Uses</i>																			
Auto Accessories															S	P	P		P
Auto Body Repair																P	P		P
Auto Leasing and Rental																P	P		P
Auto Glass Repair/Tinting																P	P		P
Auto Interior Shop/Upholstery																P	P		P
Auto Muffler Shop																P	P		P
Auto Paint Shop																P	P		P
Auto Parts Sales (indoors only; no repair bays)														S	S	P	P	S	P
Auto Repair (Major)																P	P		P
Auto Repair (Minor)														S		P	P	S	P
Auto Storage or Auto Auction																			P
Auto Tire Repair/Sales (Indoor)																P	P		P
Auto Wrecker Service																S	S		P
Car Wash (Self-Service; Automated)														S		P	P		P
Full-Service Car Wash (Detail Shop)														S		P	P		P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	M	C-N	C-MU	C-G	C-O/R	CBD	LI
Gasoline Service Station															S	P	P	S	P
Limousine/Taxi Service																P	P		P
Public Garage/Parking Structure																P	P		P
Quick Lube/Oil Change/Minor Inspection														S	P	P	P		P
Tire Sales (Outdoors)															S	P	P		P
Truck Rental																S			P
<i>Amusement and Recreational Uses</i>																			
Amusement Devices/Arcade (Four or More Devices, Indoors only)															S				S
Amusement, Commercial (Indoors)																P	P	P	P
Amusement, Commercial (Outdoors)																S	S		P
Billiard/Pool Facility (Three or More Tables)																S	P	S	S
Bingo Facility																S			S
Bowling Center																P	P		P
Broadcast Station (with Tower)																			S
Country Club (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S	S					P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI
Dance Hall/Dancing Facility															S	S	S	S	P
Day Camp	P															S	S		P
Dinner Theatre														S	S	P	P	P	P
Driving Range	S														S	S	S		P
Earth Satellite Dish (Private, less than 3' in diameter)	(See subsection 28-106(e))																		
Exhibition Hall																S			P
Fair Ground																			S
Golf Course (Miniature)															S	P	P		P
Golf Course (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S
Golf Course (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Health Club (Physical Fitness; Indoors Only)														S	P	P	P	P	P
Motion Picture Theater (Indoors)															P	P	P	P	P
Motion Picture Studio, Commercial Film																P			P
Museum (Indoors Only)	S													P	P	P	P	P	P
Park and/or Playground (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S						
Park and/or Playground (Public; municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI
Rodeo grounds	S																		S
Skating Rink														S		P	P		P
Swimming Pool (Private; Membership)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				
Swimming Pool (Public; municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Tennis Court (Private/Lighted)	P	P	S	S	S	S	S	S	S	P	P	P	P	S	S	S			S
Tennis Court (Private/Not Lighted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Theater, Drive-In (Outdoor)																			S
Theater (Non-Motion Picture; Live Drama)																P	P	P	P
Travel Trailers/RVs (Long-Term Stays)	S											S	S						S
Travel Trailers/RVs (Short-Term Stays)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Video Rental/Sales														P		P	P	P	P
<i>Institutional/Governmental Uses</i>																			
Airport or Landing Field																			S
Antenna (Noncommercial)	(See subsection 28-106(e))																		
Antenna (Commercial)	(See subsection 28-106(e))																		
Assisted Living Facility								S	P	P	P		S	S	S	S			

Broadcast Towers (Commercial)	(See subsection 28-106(e))																			
Cellular Communications Tower/PCS	(See subsection 28-106(e))																			
Types of Land Uses																				
	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	M	C-N	C-MU	C-G	C-O/R	CBD	LI	
Cemetery and/or Mausoleum	S															S	S			S
Child Day Care (Business)														S	S	S	S	S	S	S
Church/Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Civic Club														P	P	P	P	P	P	P
Clinic (Medical)														P	P	P	P	P	P	P
Community Center (Municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical Generating Plant	S															S				P
Electrical Substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Electrical Transmission Line	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
Emergency Care Clinic														S	P	P	P	P	P	
Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Franchised Private Utility (not listed)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fraternal Organization														S	S	P	P	P	P	
Gas Transmission Line (Regulating Station)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Governmental Building or Use (County, State or Federal)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI
Group Day Care Home							S	S	S	P	P	P	P	S	S	P	P	S	S
Heliport																			S
Helistop															S	S	S		P
Hospice										P	P	P		S	S	S		P	S
Hospital (Acute care/Chronic Care)														S	S	P		P	P
Household Care Facility	P	P	P	P	P	P	P	P	P	P	P	P	P						
Institution for Alcoholic, Narcotic, or Psychiatric Patients															S	S	S		S
Library (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mailing Service (Private)														P	P	P	P	P	P
Maternity Homes										P	P	P		S	S	S	S	S	S
Municipal Facility or Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nonprofit Activities by Church (in furtherance of church/religious purposes)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursing/Convalescent Home									S	P	P	P	S	S	S	S	S	P	S
Orphanage	S									S	S	S				S	S		
Philanthropic organization														S	S	S	S	S	S
Phone Exchange/Switching Station	S													S	S	S	S	S	S
Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	M	C-N	C-MU	C-G	C-O/R	CBD	LI
Post Office (Governmental)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Health Center														S	S	P	P	P	P
Radio/Television Tower (Commercial)	(See subsection 28-106(e))																		
Rectory/Parsonage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Rehabilitation Care Facility (Halfway House)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Rehabilitation Care Institution																S	S		S
Retirement Home/Home for the Aged									S	P	P	P	S	S	S	S	S	P	S
Sanitarium														S	S	S	S	S	S
School, K through 12 (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
School, K through 12 (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Vocational (Business/Commercial Trade)														S	S	P	P	S	P
Sewage Pumping Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Surgical Out-Patient Facility																S	P		P
Utility Distribution Line	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Water Supply Facility (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Water Supply Facility (Public; includes Elevated Water Storage)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI	
Water/Wastewater Treatment Plant (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
<i>Commercial and Wholesale Trade Uses</i>																				
Book Binding																P				P
Cleaning Plant (Commercial/Wholesale)																S				P
Feed and Grain Store/Farm Supply Store	S															SS				P
Furniture Manufacture																P				P
Heating and Air Conditioning Sales/Services														S		P	S			P
Heavy Machinery Repair																S				P
Heavy Machinery Sales and Storage																S				P
Kennel (Indoor Pens)	P															S				P
Kennel (Outdoor Pens)	P																			P
Livestock - Wholesale	P																			S
Manufactured Home Sales (New)																S				S
Manufactured Home Sales (Used)																				S
Motor Freight Company																P				P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI
Pawn Shop															S	P			
Petroleum Distribution/Storage/Wholesale Facility																S			P
Portable Building Sales																S			S
Propane Sales (Retail)																P	P		P
Taxidermist	S															P			P
Transfer Station (Refuse/Pick-up)	S															P			P
Veterinarian (Outdoor Kennels or Pens)	S															P			P
Warehouse/Office															S	P	S		P
Welding Shop															S	P	S		P
<i>Light Industrial/Manufacturing Uses</i>																			
Batch Plant - Asphalt/Concrete (Permanent)																			S
Batch Plant - Asphalt/Concrete (Temporary)																S			S
Contractor's Office/Sales, No Outside Storage including Vehicles																P		S	P
Contractor's Office/Sales, With Outside Storage including Vehicles																P			P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MFR-14	MFR-29	MFR-36	MH	CN	CMU	CG	CO/R	CBD	LI	
Contractor's Temporary On-Site Construction Office (only with permit)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Electronic Assembly																P				P
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair														S		P				P
Food Processing																S				P
Laboratory Equipment Manufacturing																P				P
Machine Shop																P				P
Maintenance and Repair service for Buildings														P		P	P			P
Manufacturing, General (meeting performance standards in section 28-107)																				P
Micro Brewery (on-site MFRg. and sales)																S	S			P
Micro Winery																S	S			S
Outside Storage															S	S	S			P
Paper Manufacturing and Converting/Finishing																				P
Plumbing Shop (no outside storage)																P				P
Research Lab (Nonhazardous)														S		P				P

Types of Land Uses	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MF R-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD	LI
Sand/Gravel/Stone Extraction	S																		S
Sand/Gravel/Stone Sales (Storage)																			S
Sign Manufacturing																P			P
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)														P		P	P		P
Stone/Clay/Glass Manufacturing																			P

The following uses have customarily had compatibility issues. Staff is recommending adding new provisions/ restrictions on the following:

New Uses	Res			C-N	C-MU	C-G	C-O/R	CBD	LI
Composting Facilities						S			X
Landfill									X
Construction sales and service						S			X
Gun/ Firing Range- Indoor						S			X
Gun/ Firing Range- Outdoor						S			X
Auto wrecking or salvage yard									X
Recreational vehicle parks (M-1/R-8)						S			X
Same as Truck/Equipment rental									
ADD Grooming to Veterinarian: w/ outdoor kennels (In all Commercial Districts)						P/S			X
Auto Body Repair Consider SUP when in a neighboring or abutting residential						S			X
Park-Ride Facility					P	P			P
Utility Substation	S			S	S	S	S	S	P

- (a) *General purpose and description:* The C-G—Commercial-General, district is intended to reflect existing and future areas of larger scaled pedestrian and auto-oriented commercial development (typical floor plans of more than 10,000 square feet) located on the city's major arterial roads, and to include a wide variety of community-serving uses that include retail, services, office, auto-related businesses, eating and drinking, recreation and entertainment, public and semi-public uses, etc. Residential uses are not permitted in this district.
- (b) *Permitted uses:*
- (1) Those uses listed for the C-G district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- Eight stories, and not to exceed 80 feet, for the main building(s).
 - One story for accessory buildings.
 - Other (section 28-106).
- (d) *Area regulations:*
- (1) *Size of lot:*
- Minimum lot area:* 10,000 square feet.
 - Minimum lot width:* 75 feet.
 - Minimum lot depth:* 100 feet.
- (2) *Size of yards:*
- Minimum front yard:* 20 feet. All yards adjacent to a street shall be considered a front yard (see section 28-106 for additional setback requirements).
 - Minimum side and rear yard:* 15 feet unless adjacent to a residentially zoned property (see below).
 - Interior side yards:* When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.
 - Minimum side or rear yard adjacent to a residential district:* 20 feet for one-story building, and an additional 20 feet for every story (or fraction thereof) above one-story in height.
- (3) *Maximum lot coverage:* Maximum 80 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).
- (4) *Parking requirements:* As established by section 28-101, off-street parking and loading requirements.
- (5) *Minimum exterior construction standards:* See section 28-105.
- (e) *Special requirements:*
- (1) *Driveway spacing* (i.e., distance between driveways, measured edge-to-edge):
Shall conform to the latest TXDOT spacing standards.
- (2) *Landscaping requirements:* See section 28-102.
- (3) *Screening requirements:* See section 28-104.
- (4) Outdoor retail sales which involve the outside display of merchandise and seasonal items, shall be limited to the following if not otherwise permitted by a specific use permit:
- Shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property.
 - Shall not pose a safety or visibility hazard, impede public vehicular circulation, nor reduce pedestrian walkways below that required by applicable ADA accessibility standards, either on-site or off-site.
 - Shall not extend into public right-of-way or onto adjacent property without property owner permission.
 - All outside display items that are used or second hand goods shall be moved indoors or stored in accordance with open/outside storage regulations at the end of business each day (outside display of used autos and decorative landscaping materials, after the end of the business day, shall be allowed in those districts where such land uses are permitted).
 - All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
 - Outside retail sales and storage of compressed industrial gases (including propane) and associated containers used in the operation of a business or for general retail sales is permitted provided they are maintained in a secure area not larger than 100 square feet and do not violate fire or safety regulations.
- (5) Open/outside storage: Open storage, without a specific use permit, is limited to a maximum of 20 percent of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building.
- (6) *Recreational vehicles:* Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.
- (7) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
- Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls and screening requirements (section 28-104).
 - Exterior construction and design requirements (section 28-105).
 - Supplemental regulations (section 28-106).
 - Performance standards (section 28-107).
 - Lighting and glare standards (section 28-108).
 - Home occupation regulations (section 28-109).
 - Special regulations for certain types of uses (section 28-110).
 - Reserved for future use (section 28-111).
 - Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(29)(29.1—29.6), 4-14-09; Ord. No. 2013-O-7C, § 4, 7-9-13)