



City of Baytown
Special Use Permit
Staff Report
September 19, 2023

Plan Number: ZP23080059

Address: Approx 5141 Garth Road (no address assigned yet)

Requested Action: Approval of a Special Use Permit (SUP) to allow for a Battery Energy Storage System (BESS) within the General Commercial (GC) Zoning District.

Applicant: Elizabeth Ewing, Bowman

Subject Property:



Vicinity Map

Parcel Information:

Current Use: Vacant

Proposed Use: Battery Energy Storage System

Current Zoning: General Commercial (GC)

Future Land Use Plan: Large Scale Commercial

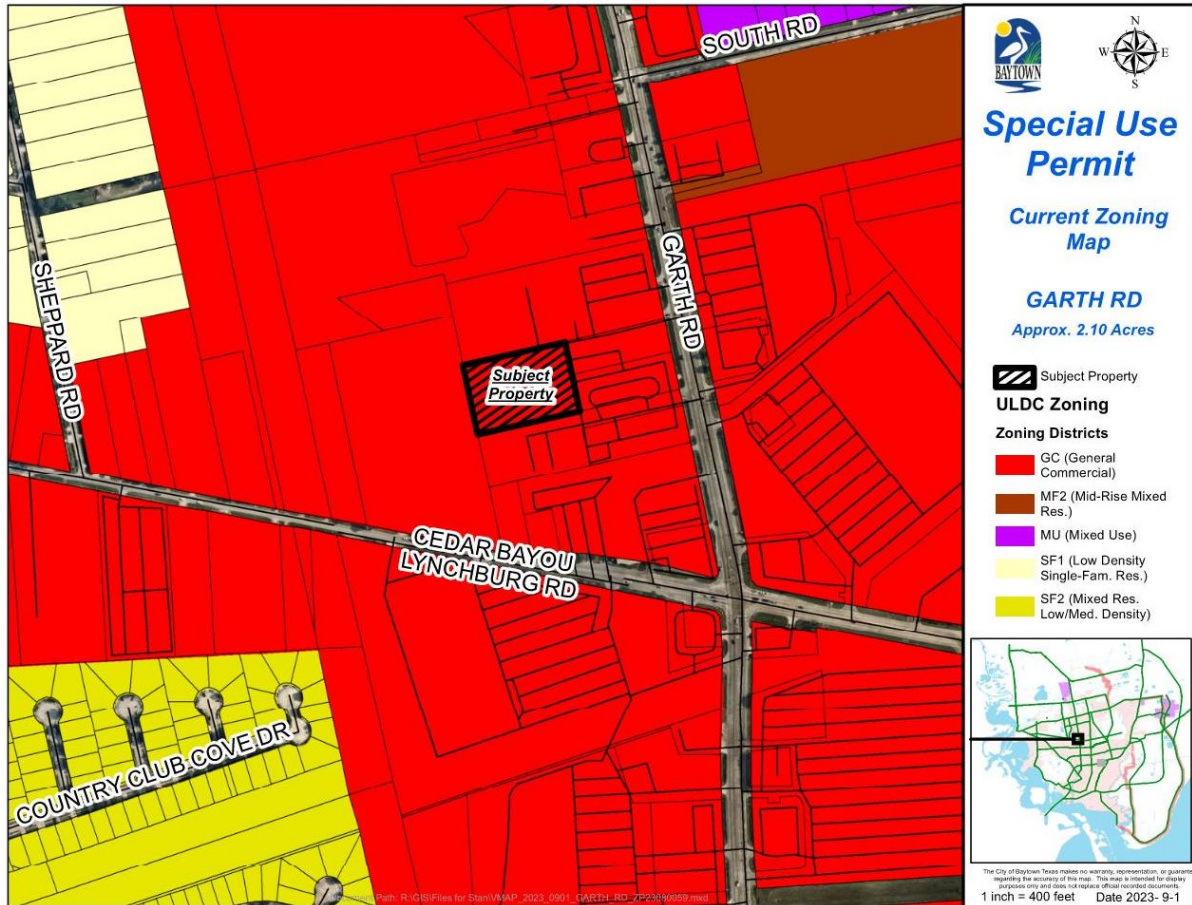
Adjacent Parcel Information

North: General Commercial (GC) – Retail

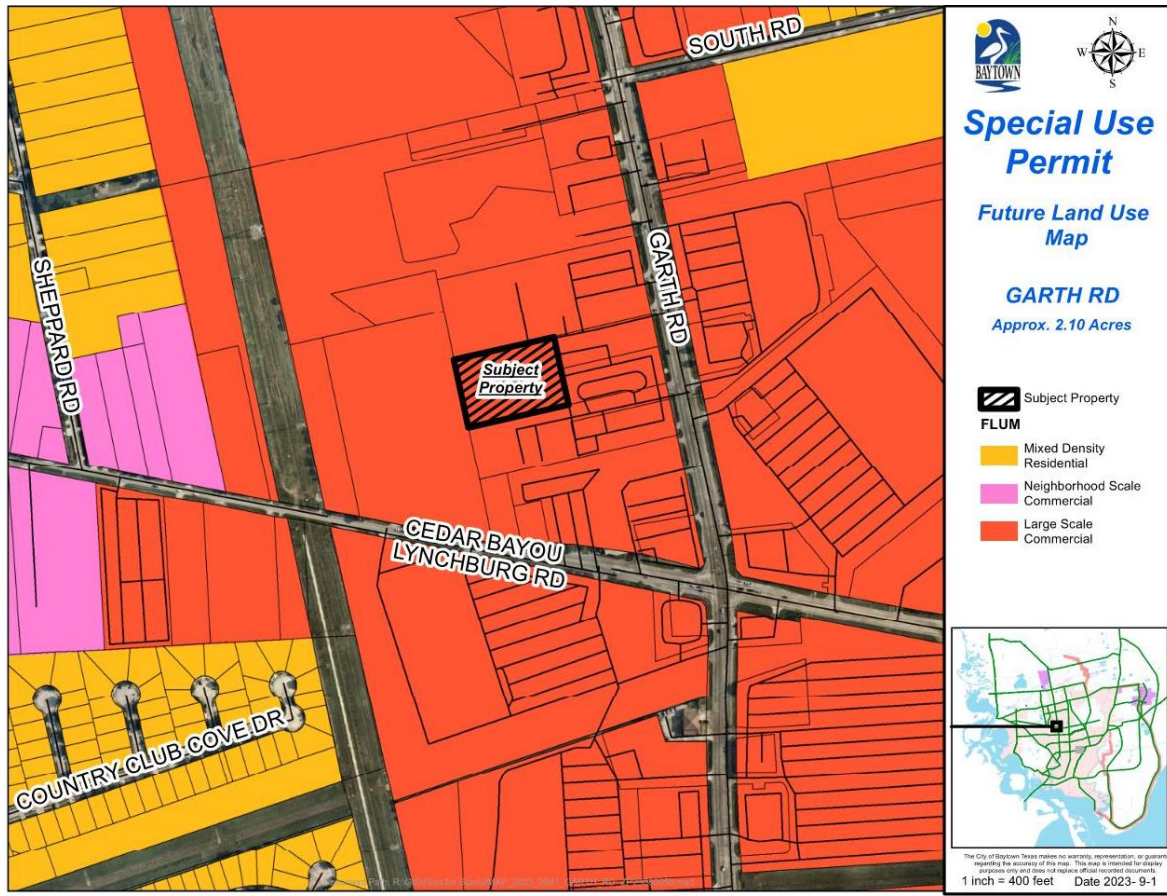
South: General Commercial (GC) – Personal Services

East: General Commercial (GC) – Construction Business

West: General Commercial (GC) – Car Wash/Retail



Zoning Map

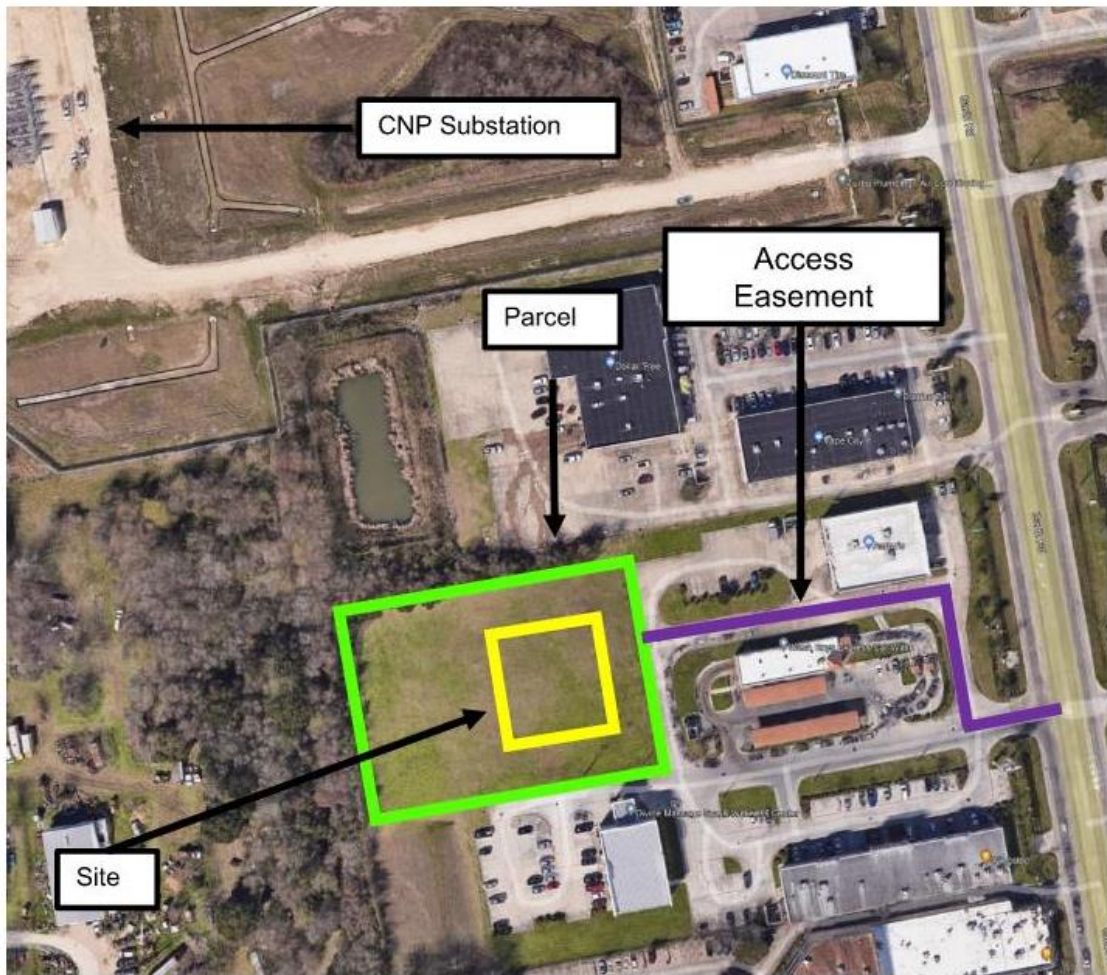


Future Land Use Map

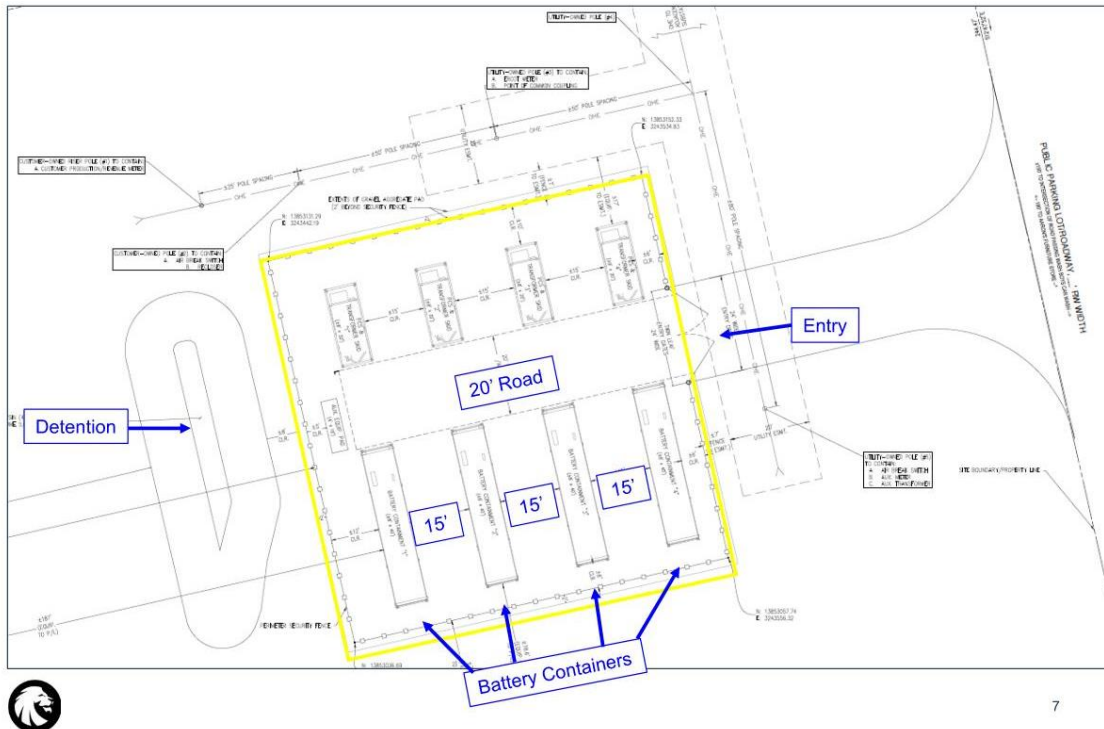
Staff Analysis

The applicant is requesting to construct a 10 megawatt (MW)/13 megawatt hour (MWh) battery energy storage system on the property in question, which is located within a GC zoning district. The project is proposed on a 15,000 square foot plot within the larger 2.1-acre site. The proposed use is not listed as a permitted use in the land use table and therefore requires a Special Use Permit, per Section 1.26(e)(5) of the ULDC.

This project consists of four battery containers and four transformers on approximately 15,000 square feet of land, located roughly in the middle of a 2.1-acre parcel located west of Garth Road and north of West Cedar Bayou Lynchburg Road. The purpose of the BESS project is to store excess energy from the grid and release it back to the grid in times of need through CenterPoint's Garth Road substation, located approximately 600 feet north of the project site.



Overall Site Plan



Detailed Site Plan

In order to recommend approval of an application for a Special Use Permit (SUP), the Planning and Zoning Commission shall consider the following factors:

1. **This special use permit will be compatible with and not injurious to the use and enjoyment of other property, not significantly diminish or impair property values within the immediate vicinity in any material way.**

The surrounding area consists of the predominately commercial uses. The addition of this proposed use will not have any material affect on the surrounding properties. The BESS is proposed to be screened with an opaque wall and softened with landscaping along the exterior of the wall. Traffic generation is expected to be minimal as the use is not intended for occupancy and will be compatible with the traffic and visual impacts of these surrounding properties. It is anticipated that this use will be compatible with surrounding uses.

2. **This special use permit will not impede the normal and orderly development and improvement of surrounding property.**

Given the scale of this proposal, the impact will likely not be recognized amongst the nearby properties. The expected traffic impact will be minimal given the scale of the proposed use's operation, and the type of traffic will be significantly less than what is already seen in the area. It is not anticipated that this use will impede normal development in the area.

3. **This special use permit will ensure that adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided prior to the issuance of a certificate of occupancy.**

This SUP proposal will be required to meet local regulations and will therefore ensure all utilities, roads, and supporting facilities will be adequate for the site. The site is a new development that has utility access and utility needs that are significantly lower than the surrounding uses.

4. **This special use permit will ensure that adequate nuisance prevention measures will be taken and maintained to prevent or control offensive odor, fumes, dust, noise and vibration prior to the issuance of a certificate of occupancy.**

This development is required to meet all city standards that are made to ensure new development does not create a nuisance environment. Additionally, the proposed use has an increased focus on fire safety with advanced detection systems installed which monitor system characteristics for fire risk. Furthermore, the proposed layout exceeds industry standards by having 15 feet of spacing between battery containers.

5. **This special use permit will ensure that there are sufficient landscaping, screening, setbacks and other land use measures to ensure harmony and compatibility with adjacent property.**

The subject site is over 350 feet from Garth Road and generally screened from view by the existing commercial development to the east of the site. The project is projected to occupy 15,000 square feet of a larger 2.1-acre site, with a solid screening wall surrounding the project area. Landscaping is proposed around the exterior of the wall to help soften the appearance of the site.

6. The proposed use is consistent with the comprehensive plan and is generally consistent with the purposes with the ULDC.

The Baytown 2040 Comprehensive Plan, approved by City Council on May 26, 2022, is a policy document that sets forth the City's long-range planning and provides guidance for decisions related to the City's zoning map (zone change requests, variance applications, etc.). The Future Land Use Map (FLUM) graphically illustrates general future land uses based upon the recommendations made throughout the City's Comprehensive Plan. The FLUM designates the subject property as "Large Scale Commercial".

According to the 2040 Comprehensive Plan, primary land use in the large scale commercial designation is for commercial retail and service uses, typically three acres or larger. Uses such as offices, big box commercial stores, automobile services, hotel, and recreational vehicle parks are primary uses that may be permitted in this designation given that the location criteria are met.

The subject site has been vacant since the development of the adjacent commercial, nearly 15 years ago. This site was selected by the applicant for its proximity to the CenterPoint substation, which is essential to the operation of this use.

7. In addition, the site plan must meet all the criteria set forth in ULDC Section 1.26 (e).

The site plan submitted by the applicant generally complies with all additional criteria listed in the ULDC. A detailed review will be made at the time of permit application to further ensure compliance with these requirements.

Planning Staff Recommendations

Staff recommends approval of the requested special use permit with the following conditions:

1. Use: The only use authorized by this specific special use permit is a battery energy storage system in substantial compliance with this application; and
2. Site Plan: Use and development of the property must comply with the revised site plan.

*Staff note: If approved, this Special Use Permit will expire in 24 months if no permits are issued for the approved project.