

# ZONING COMMISSION

## JULY 2, 2024

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, July 2, 2024, at 5:00 p.m. Zoning Commission members present: Chairman Perry O'Brien (via phone), Aric Owens, Commissioner Thelma Bowie and Fernando Tello. Staff members present were: Kimberly Golden, Casey Bennett (CBO) and Veronica Carreon. Guests were: John Wagner (Bluestem Energy Solutions), Simon Labrosse-Gelinas (AOP Renewables), Julie Tovar (SHIP Intern), Henry Gomez, and Kristin Edwards (Director of Economic Development).

Chairman O'Brien indicated a quorum was present and called the meeting to order.

### 1) APPROVAL OF MINUTES

A motion to approve the minutes of April 2, 2024 was made by Aric Owens/Fernando Tello. All other members present voted aye.

### 2) PUBLIC COMMENTS

There were no Public Comments.

### 3) PUBLIC HEARING

- a. **Bluestem Energy Solutions seeks to rezone from District "F" (Light Industrial) to District "S-P" (Site Plan) for a proposed 9.9 MW, 19.98 MWh Battery Energy Storage System (BESS) installation.**

Ms. Kim Golden stated this is an application coming to the Zoning Commission for District "S-P" (Site Plan) rezoning. Staff are now handling all BESS applications as District "S-P".

This site has actually been previously approved by the Planning Board twice. Once in May 2023, and most recently [on June 3, 2024] as part of this rezoning process.

The site is 2.799 acres of undeveloped land, and the Applicant is proposing to use 1.5 acres for this installation. This project is not huge. The Applicant is proposing to install approximately 9 containers with 15' spacing between them per the Fire Marshal's requirements. They are also providing a paved access road all around the installation of the battery units and two means of access from two different directions, which are both additional requirements from the Fire Marshal.

The location is south of FM 1764 on the east side of Hwy 146 N. The areas north and south of this site are zoned as District "F-1" (Light Industrial). The property to the east is zoned District "B" (Single Family Attached Duplex Residential) and is vacant and unlikely to develop as a residential use. This is primarily due to the fact that the surrounding areas are developing and coming in as rezones to be more in line with industrial use.

This site is not located in the floodplain and is inside the area that is protected by the Texas City Hurricane Levee. The BESS will be built to finished floor elevations of 7.0 ft., which is in line with Texas City ordinance.

Regarding protection from the saltwater/coastal environment, the applicant advises the containers are fully integrated cabinets and shipped to the site as such, so there is no exposure to the elements during the installation process. The containers will meet the requirements of IP 67 at the Pack level and IP55 at the Battery Container level. IP67 means the individual battery packs do not allow for the ingress of dust particles. They are protected against the ingress of water from

spraying/water jets and are rated to be submersed in up to 3' of water for up to 30 minutes without penetration. IP55 means the battery containers themselves provide protection from dust, low pressure water jets and damp and wet weather. The storage units also meet an anti-corrosion class of up to C5-H depending on the local environment. C5 is the highest class of anti-corrosion coating. These codes and standards will be applied by the Fire Marshal and Chief Building Official during the permitting process.

Fire protection will be provided by on-site systems specifically designed for this application with Fire Marshal coordination. The project will be subject to the 2024 fire codes and building codes. The Fire Marshal may require additional submittals at the time of permitting and has advised these requirements will include at minimum commissioning and decommissioning plans, site safety plan, all UL test results for the batteries to be installed, a bond or other security for decommissioning and some requirements for insurance. The Chief Building Official is likely to require annual certification and inspection of ventilation systems at minimum. The Applicant acknowledges these, and other requirements must be satisfied to obtain the necessary permits.

Again, the site was previously approved in May 2023, but the approval has expired because they did not obtain the necessary permits. This is why the Applicant is going through the process again with Zoning Commission.

Ms. Golden then stated that a representative was present and if anyone had any questions.

Mr. Aric Owens stated that he reviewed the site plan but did not see access on the drawing. Mr. John Wagner replied that the site was originally drawn to the property line, but that it could be altered. Ms. Golden added that the developer would be responsible for making the paved access to Hwy 146 N.

Mr. Owens then asked if there was to be an event at the BESS site, would they be invoiced for cleanup. Ms. Golden replied that there is an ordinance in place that provides for hazmat spills to be charged back against the property owner and a lien applied if necessary for collection.

**There were no further questions to which a motion was made by Aric Owens/Fernando Tello to open the Public Hearing. All other members voted aye.**

Commissioner Thelma Bowie stated that if anyone would like to address the Board for or against the Applicant's zoning change request, they could do so now. There were no comments, but Ms. Golden stated there were 14 Public Hearing Notices mailed out to adjacent property owners. Four letters were received in favor of the zoning change, with three of those having common ownership.

**There were no questions or further discussion, to which a motion was made by Aric Owens/Fernando Tello to close the Public Hearing. All other members voted aye.**

#### **4. PRELIMINARY ZONING APPROVAL**

- b. Consider and take action on the zoning change request from Bluestem Energy Solutions to rezone from District "F" (Light Industrial) to District "S-P" (Site Plan for a proposed 9.9 MW, 19.98 MWh Battery Energy Storage System (BESS) installation.**

Ms. Golden stated the Planning Board reviewed the site plan and made a recommendation to move forward with the rezoning.

Ms. Kristin Edwards (Director of Economic Development) then offered that the city has received a lot of these types of facilities come to them and that Ms. Golden and her staff have done a fantastic job of figuring out how to do this safely, how to notify the proper people, and create the amount of space needed. She believes that if this is done correctly and goes through the process

that Engineering & Planning has set up, it will give staff a good footprint to welcome reviews in the future should that be everyone's desire. She added that this feels like a trendy thing, but it could mean a lot of good business and a lot of good money for the city. In this sense, she is in support of this zoning change.

There were no further comments.

**A motion was made by Aric Owens/Chairman Perry O'Brien to approve the zoning change request from Bluestem Energy Solutions to rezone from District "F" (Light Industrial) to District "S-P" (Site Plan). All other members present voted aye.**

**5. REGULAR ITEMS**

There were no items to discuss.

**6. GENERAL UPDATES**

There were no updates.

**7. OTHER BUSINESS** (Any conceptual development proposal requesting to come before the Zoning Commission)

Commissioner Bowie asked if there was any other business. Ms. Golden asked the Zoning Commission if there was any interest in placing on a future agenda the election of officers. She reminded everyone that Mr. Gary Potter, former Co-Chairman, resigned his position so there is a vacancy for an officer.

Commissioner Bowie replied she would like to think about it. Chairman Perry O'Brien thought it was a good idea and suggested it be put on the next agenda. Ms. Golden stated she would do that.

**A motion was made by Aric Owens/Fernando Tello to adjourn. All members present voted aye.**

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Kimberly Golden, Secretary

\_\_\_\_\_  
Date

Minutes approved by the Planning Board at its meeting on \_\_\_\_\_.