

ZONING COMMISSION

JULY 15, 2025

The Zoning Commission of the City of Texas City met in a regular meeting on Tuesday, July 15, 2025, at 5:00 p.m. Zoning Commission members present were: Chairman Perry O'Brien, Commissioner Thelma Bowie, Member Bruce Clawson, and Alternate David Zacherl. Staff members present were: Kim Golden (Secretary), David Kinchen (Deputy Building Official), Curt Kelly (Engineering & Planning Administrator), Veronica Carreon (Planning & Zoning Technician), Jason Brown (Fire Marshal), Joe Tumbleson (Emergency Management), and Caroline Luke (Administrative Assistant). Guests were: Amber Zuhlke, Amanda Latkany, Felix Herrera, Nick Coil, and Henry Gomez.

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

1) ROLL CALL

The following members answered roll call: Chairman Perry O'Brien, Commissioner Thelma Bowie, Alternate David Zacherl, and Member Bruce Clawson.

2) APPROVAL OF MINUTES

A motion to approve the minutes of March 25, 2025, was made by Chairman Perry O'Brien/ Member Bruce Clawson. All other members present voted aye.

3) PUBLIC COMMENTS

There were no public comments.

4) PUBLIC HEARING

- a. Red Egret LLC seeks to rezone from District "H" (Heavy Industrial) to District "S-P" (Site Plan) for construct and operate a proposed Battery Energy Storage System (BESS).**

Ms. Kimberly Golden stated the Applicant, Red Egret, LLC has requested to rezone the property at P6911 Attwater Avenue from District "H" (Heavy Industrial), and the application was to change the zoning to District "S-P" (Site Plan) to allow the development and operation of a battery energy storage system (BESS).

Ms. Kimberly Golden acknowledged Fire Marshal Jason Brown and Emergency Manager Joe Tumbleson and said they were in attendance to answer any questions about the project.

This is the largest BESS Texas City has considered so far. The property is land-locked, has no public access by road, is not served by city water or sewer, but has proximity to

a TNMP electrical substation. The area around the proposed site will eventually be developed residential. To address the unique condition of the property, six conditions were developed as part of a proposed development agreement between the Applicant and the city.

Ms. Golden gave a recap of the six conditions that have been negotiated between the city and the applicant to address concerns. The conditions are that (1) Red Egret will be required to post sufficient financial security for Texas City during commissioning and in the event of decommissioning/ (2) There will be three 30,000 gallon water tanks that were approved by Fire Marshal installed on site. Red Egret will connect to city water if it ever extends to the area; (3) When development extends to neighboring properties, landscaping and platting requirements which have been deferred will come into effect and be satisfied by the project; (4) Red Egret LLC will provide 25ft paved access through a private easement to ensure access for emergency vehicles; (5) the BESS installation will also be enclosed by a masonry fence to provide security for the batteries and deter unauthorized entry. Ms. Golden informed the board that an updated development plan has been submitted to reflect the change of the fence from chain-link to masonry.

Ms. Golden explained the final condition of the development agreement concerns the potential damage done to streets impacted by construction. After construction has been completed, Red Egret LLC will be responsible for paying to return the impacted roads to their pre-construction condition.

All these conditions will be memorialized in a development agreement that will be presented to City Commission as a condition for zoning approval.

Ms. Golden informs the board that Red Egret representatives are present in the meeting. Notices of hearing were sent to adjacent property owners, but no one responded with comments or opposition.

Mr. Nick Coil, a BESS representative, spoke about the process of addressing the city's concerns and expressed gratitude for making it this far in the process. He then asked if any of the board members had questions for him.

Member Bruce Clawson asked Mr. Coil about the ability of the soil to support construction weight. Mr. Coil said there have been geotechnical surveys completed to assess the quality of the subsoil. Red Egret LLC plans to bring in 4-7 feet of gravel fill to build up the site to meet elevation requirements. The battery enclosures will also be built across metal beams to distribute the weight evenly across the ground's surface. Mr. Coil said he would take note of these concerns and address them with engineers.

Member Clawson then inquired as to why there are water tanks if water is not used to put out these potential battery fires. Fire Marshal Jason Brown said the water tanks are

to protect other assets on the property. If anything else catches fire, emergency response personnel will need water access.

Member Clawson voiced concerns about the site being so close to the water canal. Is there any way to make sure you're as far as possible from the canal with anything that might harm the water supply? Mr. Coil said there are two options for the detention basin and there is nothing in the batteries that would leech into soil and damage the water system. Member Clawson reinforced to Mr. Coil that this is where the city gets its water. Mr. Coil further reassured Member Clawson by saying that Red Egret LLC has been collaborating with the water authority and drainage district to ensure that the development plans do not pose a threat to the water systems. The slope of the development site accommodates stormwater runoff not draining into the water canal. Even if the site flooded, there wouldn't be any liquid from the batteries that would contaminate the water canal.

Ms. Golden informed Member Clawson that Red Egret LLC would have to get a permit from the Gulf Coast Water Authority to use the existing canal crossing to access the site. If the Authority had any issues whatsoever with Red Egret LLC using the crossing, they wouldn't be able to get the crossing permit.

There were no further questions to which a motion was made by Alternate David Zacherl/Member Bruce Clawson to close the Public Hearing. All other members voted aye.

5) PRELIMINARY ZONING APPROVAL

- a. Consider and take action on a Zoning Change Request from Red Egret, LLC to rezone property from District "H" (Heavy Industrial) to District "S-P" (Site Plan) for development and operation of a Battery Electric Storage System (BESS) utilizing lithium-ion battery technology. Located at P6911 Attwater Avenue, Texas City, TX 77590 - south of the GCWA canal, north of Moses Bayou, east of South Humble Camp Road and west of property owned by the Galveston Bay Area Foundation.**

Ms. Golden informed the Zoning Commission that the Development Plan was approved by the Planning Board last week. Staff recommended approval of the development plan to the Planning Board and she is now recommending it to the Zoning Commission. There are no objections to the rezoning based on the conditions that were outlined during the open public hearing and will be memorialized in a development agreement. All safety agreements will be sorted out when Red Egret LLC begins the permitting process.

Chairman Perry O'Brien made a note that there is a discrepancy in the name being used for the substation. TNMP refers to it as the Freeway Park Substation instead of

the Freeway Substation as referenced in the staff report. Ms. Golden took note of this comment and advised corrections would be made in the report to the City Commission.

A motion was made by Alternate David Zacherl/Chairman Perry O'Brien to approve the zoning change request from Red Egret LLC to rezone from District "H" (Heavy Industrial) to District "S-P" (Site Plan) for the purpose of constructing, owning and operating a Battery Energy Storage System (BESS) on 38.653 acres subject to the following conditions being memorialized in a development agreement.

- 1) Posting of financial security satisfactory to the City for the commissioning and decommissioning of the project.**
- 2) Installation of three (3) 30,000-gallon water tanks on the site at locations approve by the Fire Marshal, to be replaced by connection to a public water source if and when such source becomes available to the site.**
- 3) Landscaping improvements and requirements for platting and access to public utilities to be deferred until other development is approved within 500ft of the property, provided the existing suitable vegetation shall be retained and maintained to provide screening of the project until future installation of the required landscaping improvements.**
- 4) Private access easements in form and content acceptable to the City to be allowed for 25ft paved access suitable for the ingress and egress of emergency response and public safety vehicles.**
- 5) Security fencing and screening acceptable to the City to be installed around the project, which shall consist of no less than pre-cast concrete panels. Specific plans and specifications to be reviewed and approved through the building permitting process.**
- 6) Posting of financial security for the maintenance of access during construction and direct payment for the repair and restoration satisfactory to the Director of Public Works of any damage caused by the project related construction traffic to public streets.**

There were no further questions, all members voted Aye.

(9) ADJOURNMENT

A motion was made by Member Bruce Clawson/Alternate David Zacherl to adjourn. All members present voted aye.

Kimberly Golden, Secretary

Date

Minutes approved by the Zoning Commission at its meeting on

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