

ORDINANCE NO. 2024-

AN ORDINANCE APPROVING A REZONING FROM “CG” (GENERAL COMMERCIAL) TO “PS” (PUBLIC AND SEMI-PUBLIC), APPROVING A SPECIAL USE PERMIT, **MAP-23-0007 (STELLA BESS)**, FOR A “PRIVATE UTILITY” USE, TO OPERATE A BATTERY ENERGY STORAGE SYSTEM (“B.E.S.S.”) ON PROPERTY LEGALLY DESCRIBED AS BEING APPROXIMATELY 1.7 ACRES OUT OF TRACT NO. 45 IN THE LEAGUE CITY SEMI-TROPICAL GARDENS SUBDIVISION, GENERALLY LOCATED ALONG THE EAST SIDE OF CAROLINE STREET, SOUTH OF FARM TO MARKET ROAD 646, IN LEAGUE CITY, TEXAS AND AUTHORIZING A STRATEGIC PARTNERSHIP AGREEMENT

WHEREAS, on August 10, 1999, the City Council of the City of League City, Texas (the “Council”) adopted Ordinance No. 99-52 amending the Code of Ordinances of the City of League City to add Chapter 125 regarding zoning; and

WHEREAS, on September 29, 2020, the City Council adopted Ordinance No. 2020-25 replacing Chapter 125 “Zoning” with the Unified Development Code (the “UDC”); and

WHEREAS, Subsection 125-2.16 of the UDC, establishes procedures and regulations for the creation and adoption of Special Use Permits (“SUPs”) and Subsection 125-3.14.19 of the UDC establishes procedures and regulations for battery storage energy sites; and

WHEREAS, Developer owns approximately 1.7 acres of land out of Tract No. 45 in the League City Semi-Tropical Gardens Subdivision, generally located along the east side of Caroline Street, south of Farm to Market Road 646, in League City, Texas, as shown in the attached Property Boundary Map in Exhibit “A” (the “Property”) and wishes to have its property rezoned and a special use permit issued so that Developer can operate a battery energy site; and

WHEREAS, on December 17, 2024, the City Council held a public hearing on this matter and notice of said public notice of hearing was published in the newspaper, posted at the property and sent to the surrounding property owners in compliance with the law; and

WHEREAS, the City Council deems it necessary and in the best interest of the citizens to rezone the property to “PS” (Public and Semi-Public) and adopt a Special Use Permit on approximately 1.7 acres for a “Private Utility” use to operate a Battery Energy Storage System, legally described as approximately 1.7 acres out of Tract No. 45 in the League City Semi-Tropical Gardens Subdivision, generally located along the east side of Caroline Street, south of Farm to Market Road 646, in League City, Texas, as shown in the attached Property Boundary Map in Exhibit “A”.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, that:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. The approximate 1.7 acres, legally described as approximately 1.7 acres out of Tract No. 45 in the League City Semi-Tropical Gardens Subdivision, generally located along the east side of Caroline Street, south of Farm to Market Road 646, in League City, Texas, as shown in

the attached Zoning Map in Exhibit “A”, shall heretofore be zoned “PS” and have a Special Use Permit granted for a “Private Utility” use for a battery energy storage system, subject to the following conditions:

1. The only use permitted by this SUP is the *Private Utilities* use, specifically a B.E.S.S. facility submitted by Stella Energy Solutions, LLC.
2. The site shall be developed in accordance with the League City Code of Ordinances, Chapter 125, Section 3.14.19 Standards for Specific Uses, Battery Energy Storage Systems (B.E.S.S.).
3. The site layout shall be substantially similar to what is shown in the proposed site exhibits and renderings (Exhibit B).
4. There shall be a masonry wall around all sides of the BESS site.
5. The Strategic Partnership Agreement, attached and incorporated as Exhibit “C”, is hereby approved and the City Manager is authorized to execute the Strategic Partnership Agreement.
6. A Strategic Partnership Agreement (or subsequent/successor agreement) must always be active and in effect for the SUP to remain valid and in place.
7. If any battery modules are added beyond what is shown on the site exhibits, the battery modules are replaced with batteries consisting of new chemistry, or the manufacturer changes, the Special Use Permit must be reconsidered by City Council.
8. Provide a Decommissioning Bond, with the Applicant as the Principal and the instrument shall run to the City, as obligee, and shall become effective on or before the beginning of operations at the site and shall remain in force until the property is fully decommissioned. The bond shall automatically renew annually, with a 120-day advance notice provided to the City in the event of non-renewal. Annual confirmation of the bond's renewal must be submitted to the City. If the bond lapses at any time, the SUP will be immediately revoked.
9. On and off-site overhead lines will be allowed to interconnect with the TNMP substation along the Centerpointe power corridor on the south side of the property, along Caroline Street, and along FM 646, as shown on the overhead power exhibit. All overhead poles located adjacent to any roadway shall be concrete.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on first reading the ____ day of _____, 2024.

PASSED AND ADOPTED on the _____ day of _____, 2024.

NICK LONG,
Mayor

ATTEST:

DIANA M. STAPP,
City Secretary

APPROVED AS TO FORM:

MICHELLE L. VILLARREAL,
City Attorney