

ORDINANCE NO. 2024-

AN ORDINANCE TO REZONE APPROXIMATELY 1.7 ACRES FROM “CG” (GENERAL COMMERCIAL) TO “PS” (PUBLIC / SEMI-PUBLIC) AND ADOPT A SPECIAL USE PERMIT, **MAP-23-0007 (STELLA B.E.S.S.)**, FOR A “PRIVATE UTILITY” USE, TO OPERATE A BATTERY ENERGY STORAGE SYSTEM (“B.E.S.S.”) ON PROPERTY LEGALLY DESCRIBED AS BEING A PORTION OF BLOCK 45 OF THE LEAGUE CITY TROPICAL GARDENS SUBDIVISION, GENERALLY LOCATED ALONG THE EAST SIDE OF CAROLINE STREET AND SOUTH OF FARM TO MARKET ROAD 646, LEAGUE CITY, TEXAS.

WHEREAS, at the May 1, 1999 General Election the qualified voters of the City of League City voted that staff proceed with the concept of zoning for the City; and

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 August 30, 2005, the City Council adopted Ordinance No. 2005-24 amending Chapter 125 of the Code of Ordinances of the City of League City and adopting zoning ordinances and map consistent with the Comprehensive Plan for the City of League City, Texas; 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, Section 2.15 of the UDC (Chapter 125), establishes procedures and regulations for the rezoning properties within the City of League City;

WHEREAS, Section 2.16 of the UDC (Chapter 125), establishes procedures and regulations for the creation and adoption of Special Use Permits (“SUPs”);

WHEREAS, the City Council considered the recommendation of the Planning and Zoning Commission and duly conducted a public hearing as required by law; and

WHEREAS, the City Council deems it necessary and in the best interest of the citizens to rezone approximately 1.7 acres from “CG” to “PS” and adopt an SUP for a “Private Utility” use to operate a Battery Energy Storage System on the same property, legally described as being a portion of Block 45 of the League City Tropical Gardens Subdivision, generally located along the east side of Caroline Street and south of Farm to Market Road 646, League City, Texas, as shown in the attached Zoning 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 being a portion of Block 45 of the League City Tropical Gardens Subdivision, generally located along the east side of Caroline Street and south of Farm to Market Road 646, League City, Texas, as shown in the attached

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

1. An SUP associated with a B.E.S.S. development should expire after a period of 24 months beginning upon the date of adoption of the SUP ordinance by City Council if no formal application is submitted to the City for the development of the site.
2. The only use permitted by this SUP is the *Private Utilities* use, specifically a B.E.S.S. (Battery Energy Storage System) facility operated by Stella Energy Solutions, LLC.
3. The site shall be developed in accordance with the League City Code of Ordinances:
 - a. The site layout shall be substantially similar to what is shown in the site and landscaping plans.
 - b. To buffer the site from the surrounding area, the site shall provide the following screening:
 - i. A screening masonry wall located along the perimeter of the site that is as high as or higher than the height of the battery modules so as to be fully screened from view.
 - ii. A 20-foot-wide Landscaped Buffer Yard shall be provided along the east, north, and west sides along the outside perimeter wall consisting of:
 1. Eight (8) trees provided for each 100 linear feet with half of them being oak trees and half being eastern white pine trees.
 2. A continuous hedge of shrubs not less than 3 or more than 4 feet in height.
 - c. The roadway leading from the public roadway to the entrance of the site, shall be a concrete roadway designed and constructed to League City standards.
4. The site shall comply with all applicable fire codes and actions, but not limited, to the following:
 - a. 2024 IFC, Chapter 12 and the listed NFPA references with Chapter 12
 - b. NFPA 855 (2023): Standard for the Installation of Stationary Energy Storage Systems
 - c. An Environmental site plan shall be provided to include firefighting water runoff retention.
 - d. There shall be some form of air monitoring system for vapor detection to the satisfaction of the Fire Marshal.
 - e. A Water fire flow analysis shall be provided at the permitting phase to ensure the existing water infrastructure can support the firefighting demands.
 - f. There shall be redundant 24/7 site monitoring with the ability to detect and prevent thermal runaway.
 - g. A technician shall respond in-person within 1 hour of being notified by the Fire Department in the event of an emergency incident at the site.
 - h. The company shall provide the Fire Department with the equipment needed to monitor and test the air and the water for any hazards at these sites during emergencies.

- i. Provide the Fire Department with a Plume model on a satellite image of the area they plan on doing the installation.
 - j. Provide annual training to the fire department for hazards and responses.
 - k. Provide an emergency procedure guide and emergency contacts that shall be updated annually or when significant changes are made whichever is earlier.
 - l. The fire service command center and water supply must be located 300 feet from the BESS Site.
5. Prior to the City's authorization to operate the facility, the Applicant shall:
 - a. Provide and receive approval from The Office of Emergency Management, a finalized Emergency Action Plan (EAP) for the site. Any future updates to the EAP shall be provided within 60 days of the update.
 - b. Provide a Decommissioning Plan of the facility to the Planning Department. Any future updates to the plan shall be provided within 60 days of the update.
 - c. 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 amount shall be based on a Professional Engineer's signed and sealed estimate of today's costs to decommission the site, at build out, with an adjusted inflation rate of 2.73% each year for the next 20 years.
6. Upon the ceasing of operations or the end of life of the facility, whichever comes first, the site shall be decommissioned based on the following criteria:
 - a. All above and below ground features (i.e. containers, underground utilities, foundations, gravel, etc.) shall be removed from the site with the exception of the drainage improvements and access road with the site returned to its natural pre-construction ground state.
 - b. All material removed from the site shall be disposed, reused, and recycled in accordance with state and federal requirements.
 - c. Any adverse substances that may have entered the ground during the course of the operations shall be removed from the property and properly disposed of.
 - d. The Operator of the facility shall maintain, at a minimum, the amount of insurance that is currently provided.
7. Allow a variance to permit on-site overhead lines with electrical poles and pole mounted transformers to be provided along the southern property line, adjacent to the high-power line corridor. Any poles installed along a right-of-way shall be concrete.
8. All BESS Sites will be reviewed and inspected by a third-party expert contracted by the City. All costs associated with the review and inspection of the BESS sites shall be reimbursed by the developer.

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