

HAL LAWLER
Chairman
DONNA O'CONNER
Commissioner At Large A
JOE MOCK
Commissioner At Large B
NOLAN ALLEN
Commissioner District 1
RICHARD WARREN
Commissioner District 2
Vice Chairman



JAMES WALTER
Commissioner District 3
MARK FOLLIS
Commissioner District 4
LOU ANN MARTIN
Commissioner District 5
CHRISTINA TSCHAPPAT
Commissioner District 6

LA PORTE PLANNING AND ZONING COMMISSION AGENDA
THURSDAY, NOVEMBER 18, 2021
REGULAR MEETING 6 P.M.

CITY COUNCIL CHAMBER
LA PORTE CITY HALL, 604 WEST FAIRMONT PARKWAY, LA PORTE, TEXAS, 77571

Remote participation is available. Attend via tablet, mobile phone, or computer using the following link: <https://us02web.zoom.us/j/89295309234?pwd=TytienFGZ1piUW5OR3B3YTgvZk45dz09>
Join by phone at 877-853-5257 or 888-475-4499. The meeting ID is 892 9530 9234. The passcode is 063797.

- 1. CALL TO ORDER**
- 2. ROLL CALL OF MEMBERS**
- 3. CONSIDER APPROVAL OF THE MEETING MINUTES:** Approve the minutes of the October 21, 2021 regular meeting of the Planning and Zoning Commission.
- 4. ZONE CHANGE REQUEST #21-92000004:** Open a public hearing on Zone Change Request #21-92000004, a request by Ammar J M Ghanim, applicant, on behalf of Angel Gonzalez, owner, for approval of a zone change from Main Street Overlay (MSO) to Main Street (MS), on a 0.344-acre (15,000 square feet) tract of land located at the 300 Block of East Main St., legally described as Lots 23-25 and E ½ of Lot 26, Block 196, Town of La Porte, Harris County, Texas.
 - a. Staff Presentation.
 - b. Applicant Presentation.
 - c. Public Comments (Limited to 5 minutes per person).
 - d. Question and Answer.
- 5. ADJOURN PUBLIC HEARING**
- 6. CONSIDERATION:** Consider approval or other action on Zone Change Request #21-92000004.
- 7. SCUP REQUEST #21-91000007:** Open a public hearing on SCUP Request #21-91000007, a request by Tom Kruger of Abel Grid Energy, applicant, on behalf of Odia Fairmont, LLC owner, for approval of a SCUP to allow for a Battery Energy Storage System (BESS) use in the Planned Unit Development (PUD) zoning district, on a 43.7- acre tract of land located on Spencer Hwy. East of Bay Area Blvd., legally described as 43.7 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D, Bayport U/R Sec. 1, Abstract 625 R. Pearsall Survey, Harris County, Texas.
 - a. Staff Presentation.
 - b. Applicant Presentation.
 - c. Public Comments (Limited to 5 minutes per person).
 - d. Question and Answer.

8. ADJOURN PUBLIC HEARING

9. CONSIDERATION: Consider approval or other action on SCUP Request #21-91000007.

10. DISCUSSION ITEM:

- a. Discussion on proposed extension of the High Frequency Truck Route.
 - North D St.
 - North M St.
 - Canada Rd.
- b. Discussion regarding status of the Commission-initiated zone changes.
- c. Hotel redevelopment.

11. ADMINISTRATIVE REPORTS:

- a. Next Regular Meeting – December 16, 2021.

12. COMMISSION COMMENTS: Comments on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.

13. ADJOURN

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by the Council.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Planning and Development office (281-470-5057) three (3) business days prior to the meeting for appropriate arrangements.

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

CERTIFICATION

I do hereby certify that a copy of the **November 18, 2021** Planning and Zoning Commission agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

_____ Title: _____

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____



Approval of Meeting Minutes

- a. October 21, 2021

HAL LAWLER
Chairman
DONNA O'CONNER
Commissioner At Large A
JOE MOCK
Commissioner At Large B
NOLAN ALLEN
Commissioner District 1
RICHARD WARREN
Commissioner District 2
Vice Chairman



JAMES WALTER
Commissioner District 3
MARK FOLLIS
Commissioner District 4
LOU ANN MARTIN
Commissioner District 5
CHRISTINA TSCHAPPAT
Commissioner District

MINUTES OF THE REGULAR MEETING OF THE LA PORTE PLANNING AND ZONING COMMISSION OCTOBER 21, 2021

The Planning and Zoning Commission of the City of La Porte met in a regular meeting on Thursday, October 21, 2021, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Commissioners present: Commissioners Richard Warren; Mark Follis; Donna O'Conner; James Walter; and Joe Mock.

Commissioners absent: Commissioner Nolan Allen; Christina Tschappat; Lou Ann Martin; and Chairman Hal Lawler.

City Staff present: Teresa Evans, Planning and Development Director; Ian Clowes, City Planner; Chase Stewart, Planning Technician; and Clark Askins, Assistant City Attorney.

1. **CALL TO ORDER** – Chairman Lawler called the meeting to order at 6:00 p.m.
2. **ROLL CALL OF MEMBERS:** – Commissioners Allen, Martin, Tschappat, and Chairman Lawler were absent.
3. **CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. Approve the minutes of the meeting held on September 16, 2021.
Commissioner O'Conner moved to approve the meeting minutes; the motion was adopted, 5-0.
4. **SCUP REQUEST #21-91000006:** Open a public hearing on SCUP Request #21-91000006, a request by Tammy Millstid of C.M. Millstid Properties LLC., applicant and owner, for approval of a SCUP to allow for Business Industrial (BI) uses in the Planned Unit Development (PUD) zoning district on a 3.38 acre tract of land located at 11007 W. Fairmont Pkwy., legally described as Tract 1H, Abstract 625 R, Pearsall Survey, Harris County, Texas.

City Planner Ian Clowes presented the SCUP request and provided background information regarding the proposed development.

Applicant Tammy Millstid presented additional information regarding the operation of the existing uses on site and answered questions from the Commission.

The Commission had a number of questions regarding landscape buffers, lighting, and drainage.

Staff explained that if the Commission chose, they could add conditions to the SCUP to address these concerns.

5. **ADJOURN PUBLIC HEARING:** 6:36 PM.

Commissioner Follis moved to recommend approval of SCUP Request #21-91000006 as presented with additional conditions to address the size of the setback when adjacent to residential, hours of operation, and allowed uses on site; the motion was adopted, 5-0.

- 6. FUTURE LAND USE MAP AMENDMENT:** Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 3.38 acre tract of land located at located at 11007 W. Fairmont Pkwy., legally described as Tract 1H, Abstract 625 R, Pearsall Survey, Harris County, Texas, from "Mid-High Density Residential" to "Business Industrial."

City Planner Ian Clowes presented the FLUP Amendment and provided background information regarding the request.

Commissioner Follis moved to recommend approval of the Future Land Use map amendment; the motion was adopted 5-0.

- 7. ZONE CHANGE REQUEST #21-92000003:** Open a public hearing on Zone Change Request #21- 92000003, a request by Maria Cristina Rodriguez, applicant and owner, for approval of a zone change from General Commercial (GC) to Medium Density Residential (R-2) on a 0.27 acre (11,969 square feet) tract of land located at the northeast corner of N. 1st St. and W. Madison St., legally described as Lots 13-16, Block 108, Town of La Porte, Harris County, Texas.

City Planner Ian Clowes presented the Zone Change request and provided background information regarding the proposed use for the site.

Applicant Maria Cristina Rodriguez was present to answer questions. She stated that they intend to build a single family home on the site.

- 8. ADJOURN PUBLIC HEARING:** 6:45 PM.

Commissioner O'Conner moved to recommend approval of Zone Change Request #21-92000003 as presented; the motion was adopted, 5-0.

- 9. FUTURE LAND USE MAP AMENDMENT:** Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 0.27 acre (11,969 square feet) tract of land located at the northeast corner of N. 1st St. and W. Madison St., legally described as Lots 13-16, Block 108, Town of La Porte, Harris County, Texas, from "Commercial" to "Mid-High Density Residential".

City Planner Ian Clowes presented the FLUP Amendment and provided background information regarding the request.

Commissioner O'Conner moved to recommend approval of the Future Land Use map amendment; the motion was adopted 5-0.

10. DISCUSSION ITEM:

- a. Discussion on proposed 11 acre residential subdivision on McCabe Rd.

Staff presented a rough proposal for a single family development on an 11 acre tract of land on McCabe Rd. The proposed developer expressed a desire to gauge the interest of the Commission in the development prior to moving forward with a formal SCUP application.

A number of Shady River residents were present at the meeting. The Commission allowed them to speak and discuss their concerns regarding the proposed development.

- b. Discuss Zone Change recommendations and timeline of upcoming events.

Staff summarized the results of the first Community Meeting held on October 12 and reminded the Commission of the next and final meeting scheduled for October 26.

11. ADMINISTRATIVE REPORT:

- a. Next Meeting – November 18, 2021

ADJOURN: Without objection, the meeting adjourned at 7:24 PM.

Richard Warren, Planning and Zoning Commission Vice Chairman

Ian Clowes, City Planner



Planning and Development Department Staff Report Zone Change Request - #21-92000004

DISCUSSION

Location:

The subject site is located at the 300 Block of E. Main St.

Legal Description:

Lots 23-25 and E ½ of Lot 26, Block 196, Town of La Porte, Harris County, Texas

Background Information:

The property is currently undeveloped. The applicant is requesting to change the zoning of the property from Main Street District Overlay (MSDO) to Main Street District (MSD) to allow for the construction of two (2) single family homes on the site.

The MSDO zoning district only permits residential when it is located above a commercial use. In order to facilitate the construction of two (2) single family homes, the property will need to be rezoned. The MSD zoning district follows many of the same zoning guidelines as MSDO but permits single family construction. The homes, as required by the MSD district, would be required to follow the pre-1930's construction design guidelines.

The attached Exhibit B shows the zoning of the subject property and surrounding properties. The following table summarizes the surrounding zoning and land uses.

	Zoning	Land Use
North	MSDO, Main Street District Overlay; R-2, Medium Density Residential	Commercial Building; Vacant with Proposed Duplex Development
South	MSD, Main Street District	Vacant and Apartment Complex
West	MSDO, Main Street District Overlay	Single Family Home
East	GC, General Commercial	Wrecker Yard/Tow Lot

Notification Requirements:

Staff finds that the public hearing notification requirements outlined in Section 106-171 were performed in accordance with code provisions, including the following: notice in a newspaper of general circulation at least 15 days prior to the hearing; written notice mailed to owners of real property within 200 feet of the site within 10 days of the hearing; and signs posted in the area of the rezoning within 10 days of the hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City's website.

Analysis:

Staff evaluated land use, access and utility considerations during the review of this application. The following describes staff's analysis:



Planning and Zoning Commission
November 18, 2021 – Zone Change #21-92000004

1. *Land Use.* Staff finds that single family residential is an adequate fit for the existing site. A single family home is adjacent to the site to the south. There is an approved zone change for a proposed residential duplex development across E. Main St. to the northeast.
2. *Access.* There is sufficient existing right-of-way access from E. Main Street.
3. *Utilities.* Water service is available along E. Main Street. Sewer and additional water services are available in the alley adjacent to and south of the property.

Additionally, the City's Comprehensive Plan identifies a number of items to be considered prior to making land use decisions. The following table breaks down each item and staff findings.

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient to support the proposed use.
Impact on the value and practicality of the surrounding land uses.	Proposed development would be consistent with other properties in the immediate area.
Conformance of a zoning request with the land use plan.	The proposed zone change is in conformance with the future land use plan.
Character of the surrounding and adjacent areas.	The proposed zone change would be consistent with a recently approved zone change request to accommodate medium density residential development along this portion of E. Main St.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	The proposed use will be consistent with other medium and low density single family in the area.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed zone change will have minimal impact on the traffic in the vicinity.
The extent to which the proposed use designation would create excessive air pollution, water pollution, noise pollution, or other environmental harm to adjacent properties.	The proposed zone change will not create excessive air pollution or other negative environmental issues.
The gain, if any, to the public health, safety, and welfare of the City.	The proposed zone change will allow a vacant parcel to develop in a manner consistent with other properties in the area.

RECOMENDATION

Based on the above analysis, staff recommends the Planning and Zoning Commission conduct a public hearing for the proposed Zone Change request #21-92000004.



Planning and Zoning Commission
November 18, 2021 – Zone Change #21-92000004

ATTACHMENTS

- Exhibit A: Area Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use (FLUP) Map
- Exhibit D: Application

Area Map

Zone Change
#21-92000004

300 Block
E. Main St.

Legend



Subject Tract



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 63 feet

NOVEMBER 2021
PLANNING DEPARTMENT



Zoning Map

Zone Change
#21-92000004

300 Block
E. Main St.

Legend



Subject Tract

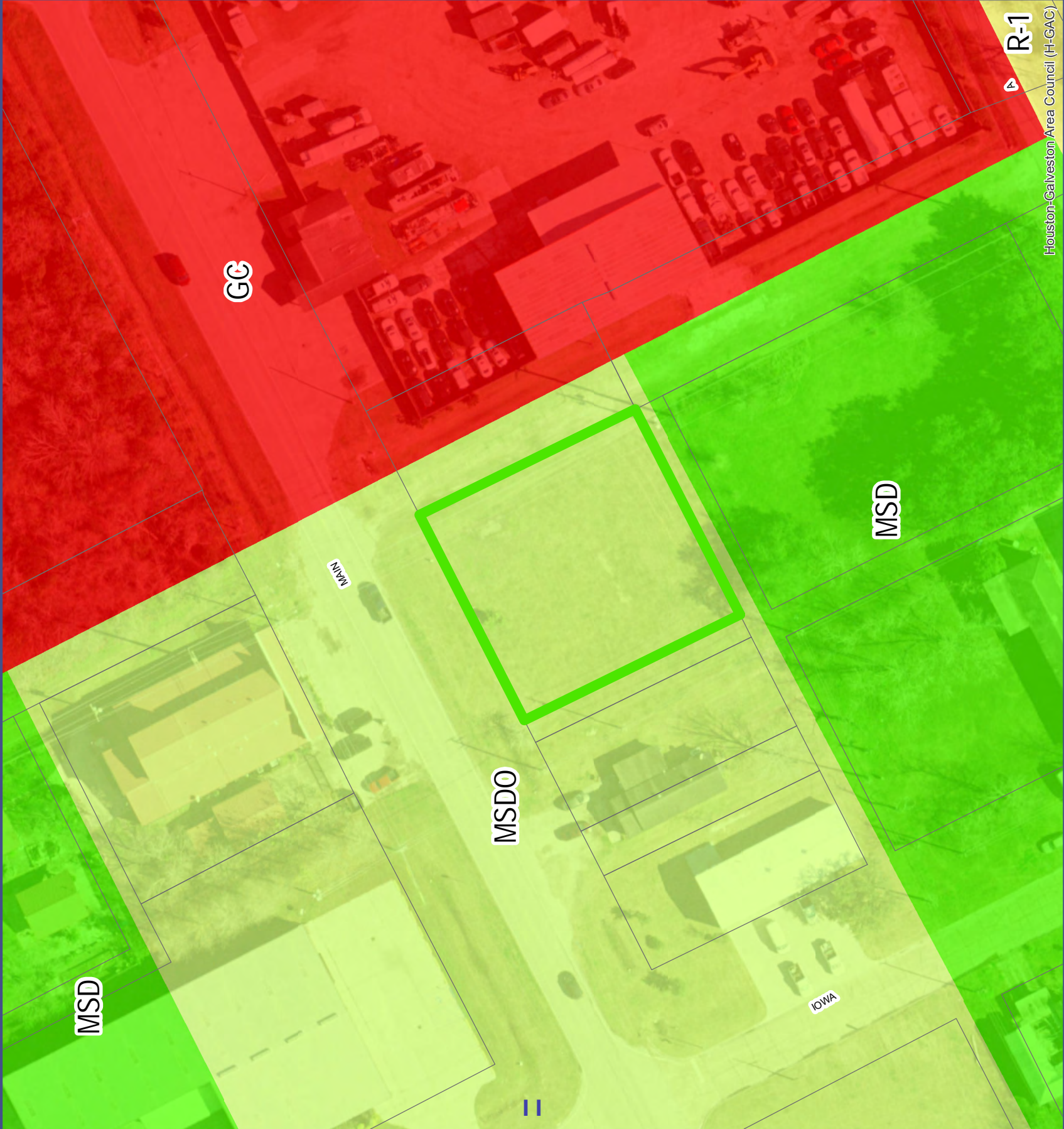


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 63 feet

NOVEMBER 2021
PLANNING DEPARTMENT



FLUP Map

Zone Change
#21-92000004

300 Block
E. Main St.

Legend



Subject Tract

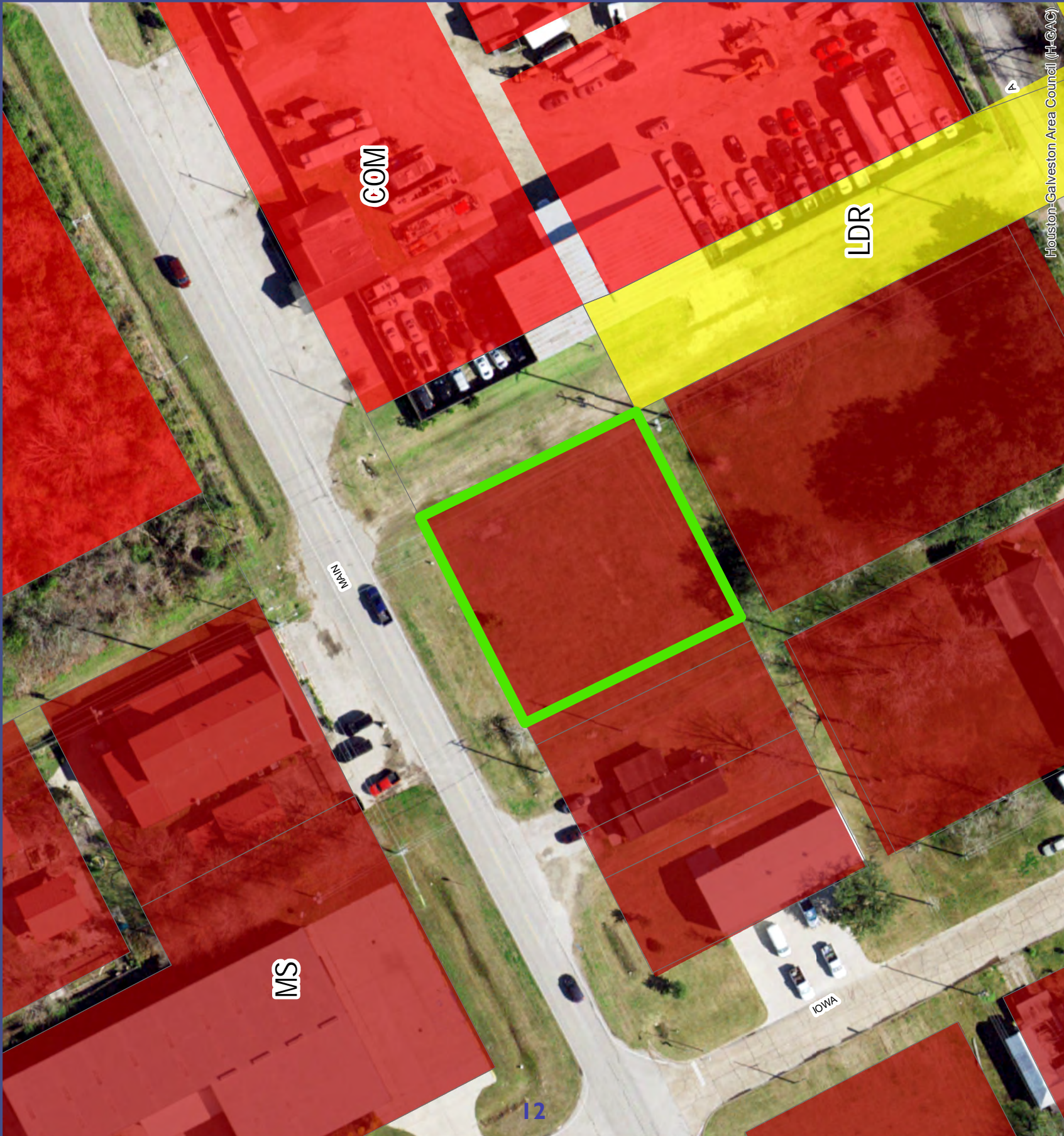


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1 inch = 63 feet

NOVEMBER 2021
PLANNING DEPARTMENT





Zone Change Application

Planning and Development Department

PROJECT INFORMATION

Address where zone change is being requested: 0 E Main St
Legal description where zone change is being requested: BLOCK 196 Lots 22-25 and Half of 26
HCAD Parcel Number where zone change is being requested: 020030940027
Zoning District: Main street overlay Lot area: 120 x 125
A request for approval of a zone change is hereby made to the City of La Porte.
Description of Request: Zone change from Main street overlay to
Main street to be able to build 2 houses (a historical
house)
Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.

PROPERTY OWNER(S) INFORMATION

Name: Angel Gonzalez
Company (if applicable): _____
Address: 1105 Glenmore drive
City: Pasadena State: Tx Zip: 77503
Phone: 7132130787 Email: angelegzz@gmail.com

AUTHORIZED AGENT (If other than owner)

Name: Ammar J M Ghanim
Company (if applicable): _____
Address: 11400 space center blvd
City: Houston State: Tx Zip: 77059
Phone: 281-7748346 Email: ammar1992P@hotmail.com

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number:

21-92000004

Date Application Received:

10.15.2021

We are requesting approval of a change in zoning from Main Street Overlay (MSO) to Main Street (MS) on our property located on 0 E Main Street. The property has no building or construction on it currently. This is our first time buying land and we did not know of any zoning restrictions. We had been sold the property under “Commercial/Residential” and were told by seller that we would be able to build houses on the land. Before purchasing we made multiple attempts to reach out to the department of planning and development, we were told that all we needed to do was to turn in plans to be approved and that we would be able to build a residential home on the property. After buying the land it was then brought to our attention that the land does not allow for homes but only for small artisan buildings with a residential top floor. This configuration does not fit into the surrounding neighborhood. There is a house, single family dwelling, built next to our property that is also on the Main Street Overlay (MSO). Despite the fact that the MSO lends itself to the specific use of small artisan shops. The change of zoning would allow us to build a single family dwelling that fits the historical model that is required. It will also mesh with the pre-existing home built next to us. Furthermore the La Porte City Ordinance design guidelines for the MS also apply to the MSO district and there is no distinction of the two. It clearly states “DESIGN GUIDELINES FOR MS AND MSO DISTRICT” and Sec. 106-946 (F) states the guidelines for construction of single family dwellings. This section would then lead us to believe it applies for both the MS and MSO.

ADDRESS: EAST MAIN STREET
LA PORTE TX, 77571

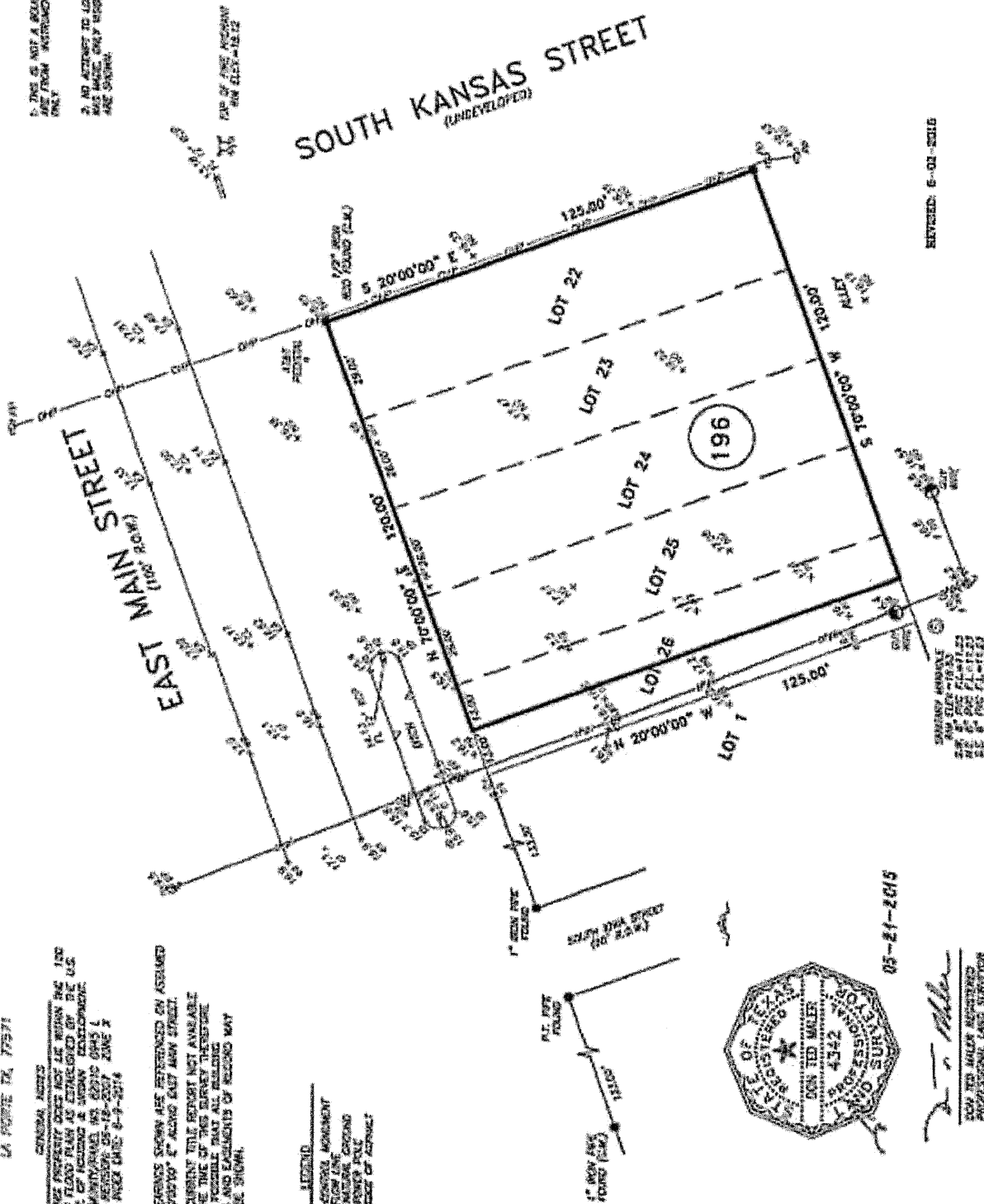
GENERAL NOTES

1. THIS INSTRUMENT COVERS ONLY THE MAIN 120' X 120' PLAT PLAIN AS ESTABLISHED BY THE U.S. DEPT. OF THE INTERIOR & ARMY DEVELOPMENT. COMMUNITY/PLANNING NO. 62010 0945 & MAP REVISIONS: 05-18-2017 ZONE 2 MAP INDEX CODE: 8-9-2016

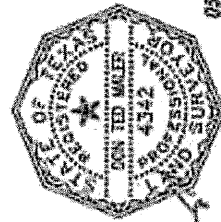
2. RECORDS SHOWN ARE REFERENCED ON ASSUMED N 20°15'00" E ALONG EAST MAIN STREET.
3. CURRENT TITLE REPORT NOT AVAILABLE
4. THE TITLE REPORT DOES NOT REFLECT THE LINES AND EASEMENTS OF RECORD MAY NOT BE SHOWN.

LEGEND

CM - CORNER ADJUSTMENT
ME - MEASURED CORNER
PR - PIERRED CORNER
CA - CORNER OF ADJACENT



REVISED: 6-01-2016



D.T. Maler
D.T. MALER REGISTERED
PROFESSIONAL LAND SURVEYOR
NO. 4342

1. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY LINES SHOWN ARE FROM INSTRUMENTS AND PLATS AND ARE FOR ORIENTATION ONLY.
2. NO ATTEMPT IS MADE TO LOCATE UNDERGROUND UTILITIES. NO ATTEMPT IS MADE TO LOCATE ANY ABOVE GROUND UTILITIES ARE SHOWN.

TOP OF FINE MICHIGAN
MIN ELEV = 12.12

SOUTH KANSAS STREET
(UNDEVELOPED)

ELEVATION ARE REFERENCED TO THE
SEA LEVEL DATUM OF 1983. THE
ELEVATION OF 12.12 FEET, 2001
ADJUSTMENT

TO REACH LOCATION

FROM HWY 142 AND MAIN STREET,
TRAVEL EAST ON MAIN ST 1.1 MILE
TO S. BURNING, THEN SOUTH ON
BURNING ST 0.1 MILE TO EAST L.
BURNING ST. TURN RIGHT ON
BURNING ST. TRAVEL EAST ON
BURNING ST. TO THE CORNER
OF THE ROAD AND THE CENTER
OF BRIDGE.

SPECIAL NOTE TO OWNER/CLIENTS: DESIGNERS
LIMITED BY INSTRUMENTS

THE OWNER/CLIENTS, OWNERS, LENDERS, OR RECOVERERS
BY ACCEPTANCE OF THIS MAP, HAS RECEIVED IT, STATED IT
AND UNDERSTANDS THE NOTES HEREON.

ANY ADJUSTMENTS OVER BOUNDARY LOCATION SHALL BE
REMOVED BY REVISION.

NO SURVEY INTENT WAS DECLARED BY CLIENT TO BE A L.S. IN
THIS STATE. ANY INTENT OF THE REVISIONS SHALL BE
REMOVED PURSUANT TO FUTURE SULLYING CONSTRUCTION.

Copyright 2016, D.T. Maler & Associates

**TOPOGRAPHIC SURVEY OF
LOTS 22-25 AND THE EAST HALF
OF LOT 26, BLOCK 196
OF LA PORTE**

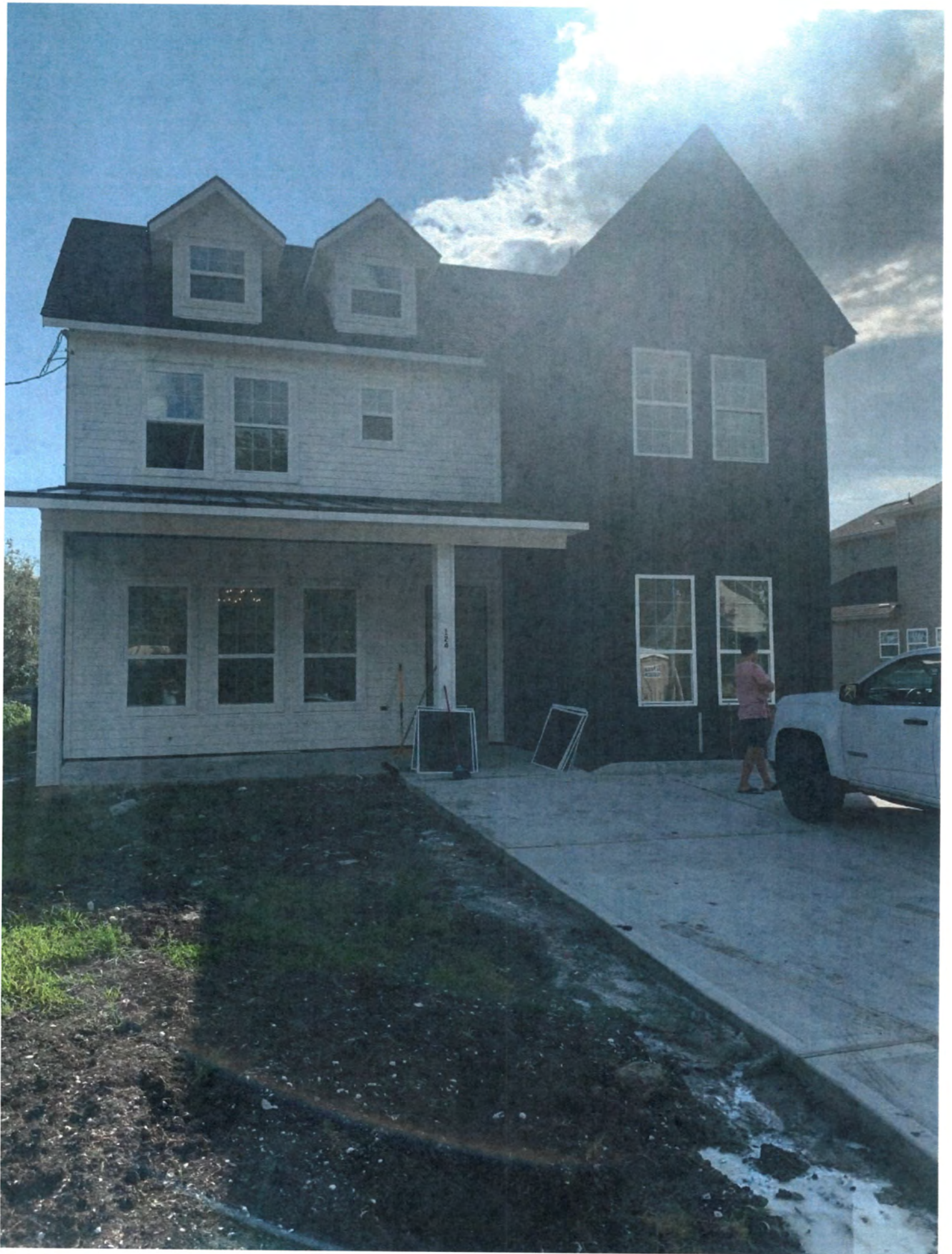
ACCORDING TO THE MAP OF PLAT THENCE RECORDED
IN VOLUME 44, PAGE 412 OF THE PUBLIC RECORDS
OF HARRIS COUNTY, TEXAS

D.T. MALER & Associates FORM No. 1018-005

BRAND: QTEC, 2010 S. W. 200' BY 24' 10"
MODEL: 2010 7700
PHONE: (713) 484-8822 FAX: (713) 520-0020
HARRIS COUNTY, TEXAS
HARRIS COUNTY, TEXAS
HARRIS COUNTY, TEXAS
HARRIS COUNTY, TEXAS

Surveyor: DTM Scale: 1" = 30' Job No: 15-053
Drawn By: DP Date: 04-01-16 Sheet 1 of 1





DIVISION 3. - DESIGN GUIDELINES FOR MS AND MSO DISTRICT**Sec. 106-945. - Purpose and intent.**

- (a) *Purpose.* These guidelines are intended to aid downtown property owners in La Porte to protect and enhance the historic resources of the community. The standards describe design ideas for appropriate alterations and new construction, and also provide basic maintenance tips.
- (1) To protect, enhance and perpetuate landmarks and districts of historical, cultural, architectural or archeological importance that reflect distinctive and important elements of the unique historical heritage of La Porte.
 - (2) Foster civic pride by recognizing accomplishments of the past.
 - (3) Protect and enhance the attractiveness of the city to tourists and visitors and support and stimulate the economy.
 - (4) Insure the harmonious, orderly and efficient growth and development in the Main Street District.
 - (5) Promote the economic prosperity and welfare of property owners in the Main Street District.
 - (6) Encourage the stabilization, restoration and improvement of property and property values in the district.
 - (7) Maintain a generally harmonious outward appearance of both historic and modern structures, which are compatible and complimentary in scale, form, color, proportion, texture and material.
- (b) *Intent.* To capitalize on La Porte's urban design and architectural character, the following principles shall serve as a guide for future development in the Main Street District. In general, the buildings should have a pre-1930's appearance.

Sec. 106-946. - Scope and enforcement.

- (a) *Scope.* These provisions shall apply to all new commercial and mixed residential/commercial uses. Single family residential is subject to the provisions of section 106-XXX(f) (Redevelopment principles for single-family dwellings).
- (b) *Enforcement.* The provisions of this division shall be administered by the director of planning and development or designee.
- (1) Existing buildings shall also conform to these requirement upon expansion of over one-third of an area of improvement/development.
 - (2) In case of structural damage to the front of the building due to fire, flood or other reasons, and the cost of redevelopment is in excess of 50 percent of the value (replacement cost by the certified appraisal) the structure shall conform to these requirements.
 - (3) The standards and criteria contained within this section are deemed to be minimum standards and

- (2) Window and door openings shall have a vertical orientation and align vertically between floors.
- (3) Ground floors shall be 65-86% glazed. Upper floors shall be 35-65% glazed
- (4) Canopies shall be appropriate to a building's architectural style and shall not conceal significant architectural features.

(e) *Exterior wall materials.*

- (1) The primary material (minimum of 90%) shall be brick, stone, stucco, block, wood siding or synthetic wood (such as Hardiplank).
- (2) Sheet metal siding, plywood, and EIFS (Exterior Insulation Finishing System), synthetic stucco, and burglar bars shall not be used.

(f) *Redevelopment principles for single-family dwellings.*

- (1) Homes shall be no more than two stories in height.
- (2) Houses should be designed to incorporate characteristics in pre-1930's residential construction. Colors common during the time should be utilized.
- (3) The primary material (minimum of 90%) shall be brick, stone, stucco, block, wood siding or synthetic wood (such as Hardiplank).
- (4) Sheet metal siding, plywood, and EIFS (Exterior Insulation Finishing System), synthetic stucco, and burglar bars shall not be used.
- (5) Where original doors and/or windows were blocked or covered, those openings should be restored to their original appearance.
- (6) The use of aluminum window frames is prohibited.

Redevelopment
construction of new building.
on urban Area



Planning and Development Department Staff Report SCUP Request - #21-91000007

DISCUSSION

Location:

The subject site is located on Spencer Hwy., east of Bay Area Blvd.

Legal Description:

43.6 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D, Bayport U/R Sec. 1, Abstract 625 R. Pearsall Survey, Harris County, Texas

Background Information:

The property is currently zoned Planned Unit Development (PUD) with a Future Land Use Designation of Light Industrial (LI). The applicant has proposed a Battery Energy Storage System (BESS) facility for the site. The development will have direct access off of Spencer Hwy. and will be setback roughly 325' from the roadway. The site will consist of a battery farm that will connect to two proposed substations that will then connect to the existing transmission line corridor running along the eastern edge of the development.

Staff has provided a list of ten (10) conditions of approval. These conditions are intended to limit the visual impacts that the proposed development may have on adjacent roadways and properties. The conditions are listed in the attached Exhibit D.

The following table summarizes the surrounding zoning and land uses.

	Zoning	Land Use
North	GC, General Commercial; BI, Business Industrial	COLP Police Station and Court; Vacant
South	PUD, Planned Unit Development	Vacant
West	PUD, Planned Unit Development; GC, General Commercial	Vacant; Stripes Convenience Store & Gas Station
East	LI, Light Industrial	CenterPoint Transmission Lines, Railroad, Vacant and Truck/Container Storage

Notification Requirements:

Staff finds that the public hearing notification requirements outlined in Section 106-171 were performed in accordance with code provisions, including the following: notice in a newspaper of general circulation at least 15 days prior to the hearing; written notice mailed to owners of real property within 200 feet of the site within 10 days of the hearing; and signs posted in the area of the rezoning within 10 days of the hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City's website.



Planning and Zoning Commission
November 18, 2021 – SCUP #21-91000007

Analysis:

Staff evaluated land use, access and utility considerations as part of their application review. The following is a summary of this analysis:

1. *Land Use.* The proposed BESS facility use, along with the recommended conditions, is an adequate fit for the existing site.
2. *Access.* The site will have direct access to Spencer Hwy.
3. *Utilities.* A water main runs directly through the proposed site and will be re-routed as necessary. Sewer service is available along Bay Area Blvd. and would need to be extended along Spencer Hwy. to the site, if needed.

Additionally, the City's Comprehensive Plan identifies a number of items to be considered prior to making land use decisions. The following table breaks down each item and staff findings.

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient to support the proposed use.
Impact on the value and practicality of the surrounding land uses.	Proposed development would be consistent with intended use of the site. The surrounding properties are all designated for industrial uses in the City of La Porte Comprehensive Plan.
Conformance of a zoning request with the land use plan.	The proposed SCUP is in conformance with the current future land use plan.
Character of the surrounding and adjacent areas.	The proposed SCUP is consistent with current development to the east. Proposed conditions will mitigate any major impacts to the character of surrounding uses.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed SCUP will have minimal impact on the traffic in the vicinity. The proposed BESS facility will not have any on site employees.
The extent to which the proposed use designation would create excessive air pollution, water pollution, noise pollution, or other environmental harm to adjacent properties.	The proposed SCUP will not create any excessive air pollution or other known negative environmental issues at this time.
The gain, if any, to the public health, safety, and welfare of the City.	A facility of this nature has the potential to provide additional electrical capacity for the area in times where the existing power supply chain is strained.

RECOMENDATION

Based on the above analysis, staff recommends the Planning and Zoning Commission conduct a public hearing for the proposed SCUP #21-91000007. If the Commission chooses to recommend approval, staff has listed a number of amended conditions that should be considered as part of the approval.



ATTACHMENTS

- Exhibit A: Area Map
- Exhibit B: Zoning Map
- Exhibit C: Future Land Use (FLUP) Map
- Exhibit D: Proposed SCUP
- Exhibit E: Application

This aerial map displays a large, irregularly shaped parcel outlined in green, situated in an industrial and commercial area. The parcel is bordered by MAIN street to the north and 25TH street to the south. To the west of the parcel is a large wooded area, and to the east is a large industrial facility with multiple buildings and parking lots. The map includes labels for several streets: MAIN, POLK, 23RD, 25TH, BAY AREA, and BAYSIDE CROSSING DR. A scale bar at the bottom indicates distances in feet, ranging from 0 to 1000. The map also shows various industrial and commercial buildings, parking lots, and a large wooded area.

NOVEMBER 2021
PLANNING DEPARTMENT

Zoning Map

SCUP
#21-91000007

Spencer Hwy.
E. of Bay Area Blvd.

Legend



Subject Tract

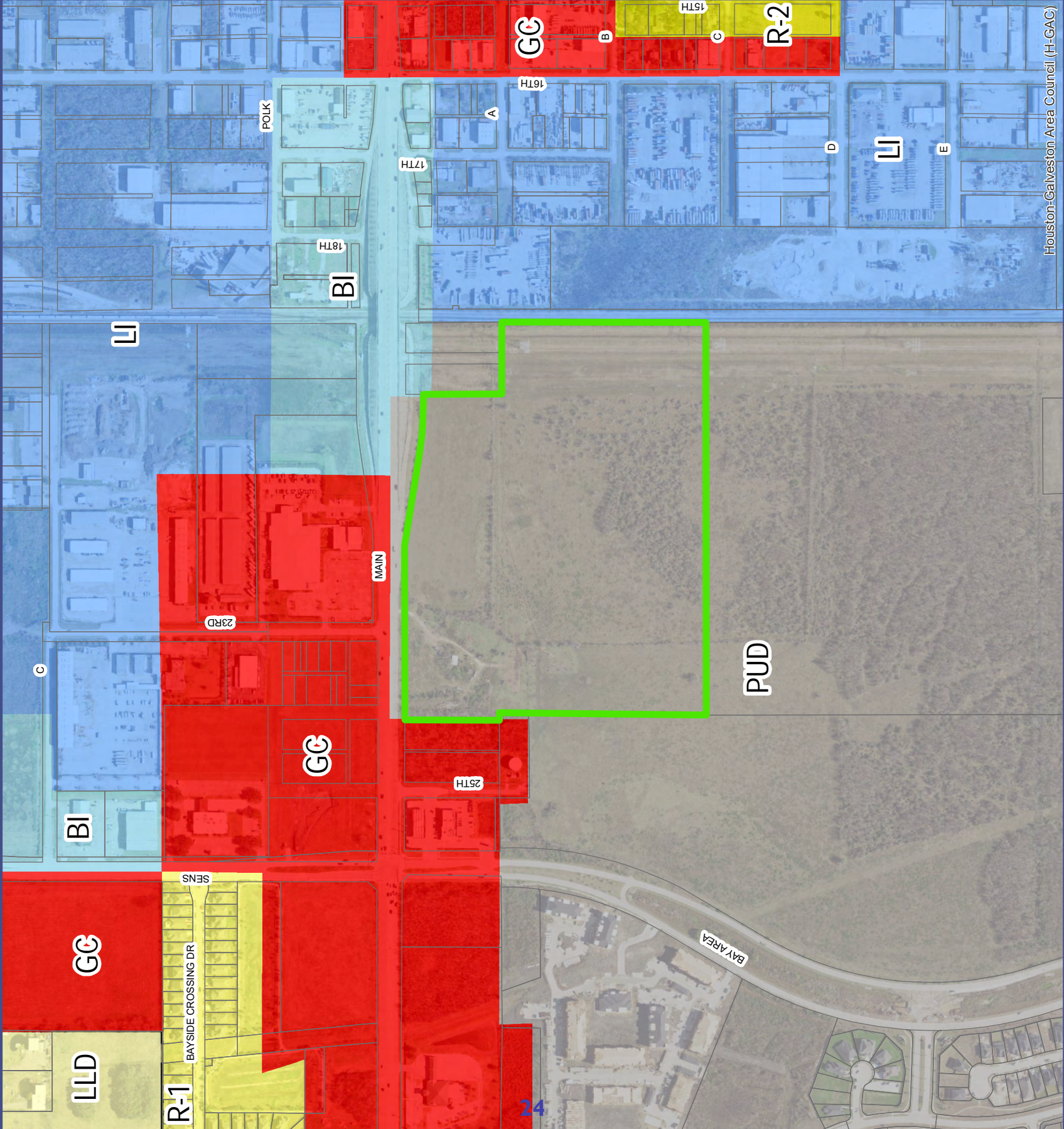


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 502 feet

NOVEMBER 2021
PLANNING DEPARTMENT



FLUP Map

SCUP
#21-9100007

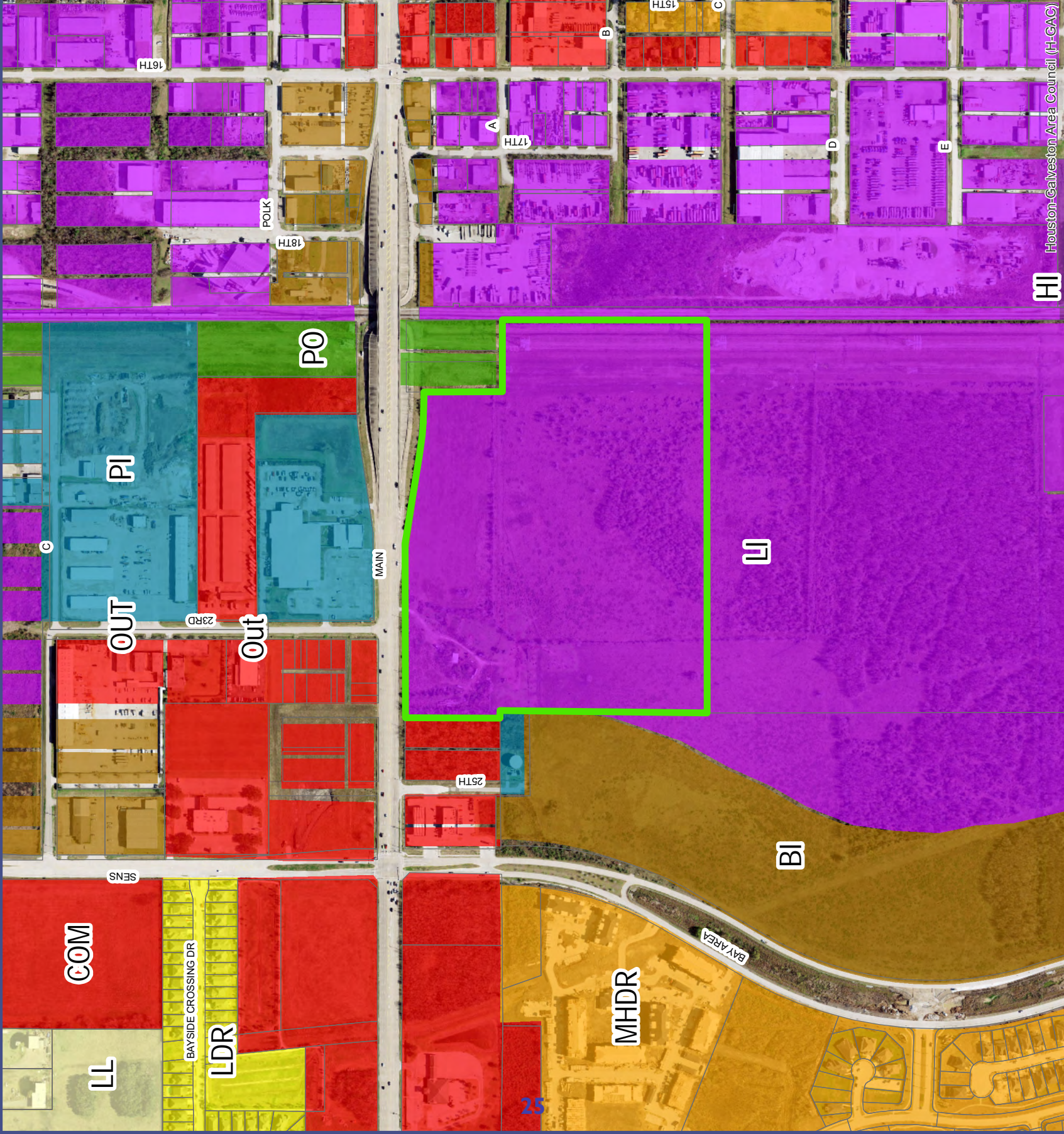
**Spencer Hwy.
E. of Bay Area Blvd.**

Legend



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 502 feet

NOVEMBER 2021
PLANNING DEPARTMENT



City of La Porte
Special Conditional Use Permit
#21-91000007

Applicant: Abel Grid Energy Solutions
Owner or Agent
4845 Pearl East Cir. Ste. 118, PMB 83662 Boulder, CO 80302
Address

Development Name/Type: Moccasin Point Battery Energy Storage System (BESS)

Location: Spencer Hwy. east of Bay Area Blvd.

Legal Description: 43.7 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D, Bayport U/R Sec. 1, Abstract 625 R. Pearsall Survey, Harris County, Texas

Zoning: PUD, Planned Unit Development

Use: Battery Energy Storage System (BESS)

Permit Conditions:

This Special Conditional Use Permit (SCUP) is applicable for the subject property, a copy of which shall be maintained in the files of the City's Planning and Development Department upon approval. Project development shall be in accordance with the following conditions:

1. A site development plan shall be submitted in accordance with applicable requirements of the City of La Porte's Development Ordinance and shall comply with all provisions of Chapter 106, "Zoning" of the City's Code of Ordinances and all other department reviews and applicable laws and ordinances of the City of La Porte and the State of Texas.
2. The underlying zoning is Light Industrial (LI). All LI zoning and development requirements will need to be met, in addition to any conditions listed below.
3. Perimeter fencing must be constructed along all portions of the property.
4. Perimeter fencing must be 8' tall and 100% opaque.
5. Onsite lighting must be hooded in order to limit light pollution on adjacent properties.
6. All onsite areas utilized for parking, or driving must be paved with either concrete, asphalt, or chip seal.
7. Battery storage equipment, substations, and switch yards must be setback at least 300 feet from Spencer Highway.
8. Landscaping shall be required along Spencer Hwy. as well as the southern and western boundaries of the development and shall consist of the following:
 - a. Minimum fifteen (15) foot wide planting strip is required adjacent to the southern, and western boundaries of the development.
 - b. Minimum twenty five (25) foot wide planting strip is required along the entire stretch of Spencer Hwy.
 - c. Plantings shall consist of a combination of shade trees and evergreen shrubs as listed in the City of La Porte's recommended tree list.
 - d. Shrub plantings shall be a minimum of four feet in height at the time of planting and must reach a height of six feet within two years.
 - e. There shall be at least one shade tree planted for every 30 linear feet along the Spencer Hwy. and one shade tree every 50 linear feet along the western and southern boundaries of the development.

- f. Shade trees shall be a minimum 3-inch caliper at the time of planting.
 - g. All landscape buffers shall be maintained by the property owner and/or occupant in such a manner as to meet these requirements.
- 9. Existing trees and shrubs along the northern boundary of the development shall remain in place. If existing vegetation along the northern boundary is deemed inadequate at any point, the screening requirements for the southern and western boundary shall apply to the northern boundary as well.
- 10. Any proposed modifications to this Special Conditional Use Permit will require an amendment to this SCUP in accordance with Chapter 106, "Zoning" of the City's Code of Ordinances.

Failure to start construction of the site within 12 months after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the Planning and Zoning Commission.

If contract or agreement is terminated after completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such special conditional use permit may be rescinded by the City Council, upon its own motion or upon the recommendation of the Planning and Zoning Commission of the City of La Porte, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

Validation Date: _____

Director of Planning and Development

City Secretary

Moccasin Pointe Grid Battery Energy Storage System Facility

an Able Grid Energy Solutions project



City of La Porte, Texas

Applicant Information

Applicant: Able Grid Energy Solutions, Inc.
4845 Pearl East Cir Ste 118, PMB 83662
Boulder, CO 80302-6112
Contact: Tom Kruger, Director of Permitting
Phone: 503-758-4539
Email: tkruger@ablegridenergy.com

Attachments

- A – Application form and checklist
- B – Zoning Map
- C - Future Land Use Map
- D – Tesla Megapack Product Information Package
- E - Annotated Photos of Site

Site Base Data

Jurisdiction: City of La Porte, Texas

Site Description: The proposed Project Area is a 43.6 acre portion out of the north end of a 133 acre parent parcel of vacant land. The site is located on the south side of W. Main St., between Bay Area Blvd and the Southern Pacific rail line. The eastern side of the site, encompassing approximately 5.8 acres of the Project Area, is occupied by transmission lines, a pipeline, and other underground utilities. The Project would interconnect via taps onto the transmission lines at the eastern side of the site.

Project Parcel ID: Harris County Appraisal District Acct No 0440510000100

Project Parcel Address: na

Owner: Odia Fairmont LLC (represented by Avera)

Zoning: Planned Unit Development

Future Land Use Plan: Light Industrial

Overlay District: N/A

Access: The north side of the site fronts on W. Main Street, with enough frontage for at least 2 site entrances. An overpass near the northeastern property corner will partially dictate where site access points can be located. The easterly entrance will utilize an existing 35' access easement, and will be a right-in, right-out entrance. The westerly entrance is proposed to be located directly across from an existing commercial driveway.

Utilities: Water & sewer available onsite or in immediate vicinity.

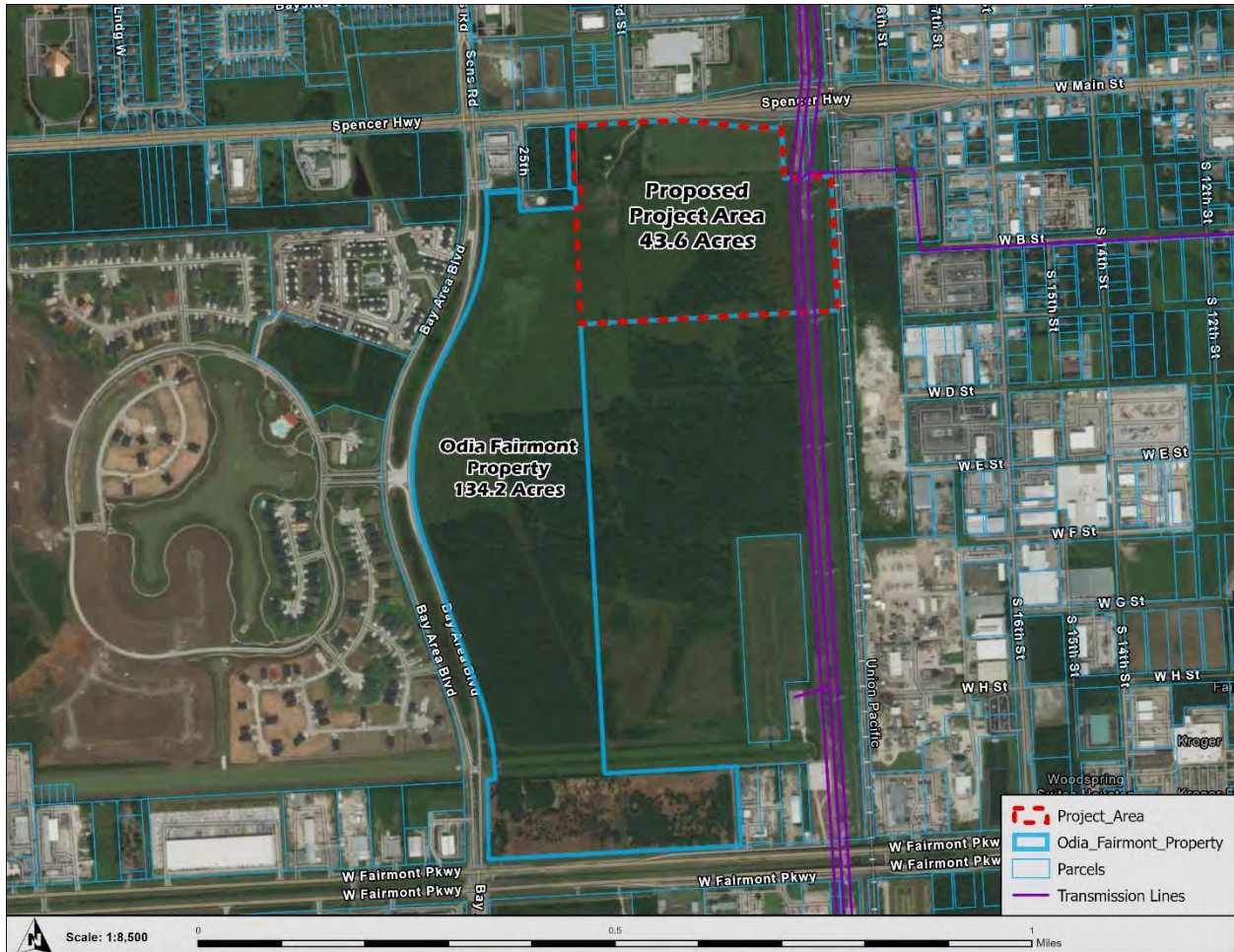
Drainage: Stormwater drainage to be detained onsite, with outlet into existing public drainage canal at eastern edge of property; no known downstream constraints

Natural Resource Constraints: No mapped waters or wetlands, no steep slopes

Floodplain: No portion of the site is within the 100 year or 500 year floodplain

Preliminary Project Description

Able Grid Energy Solutions, Inc. is a company dedicated to the development of utility-scale battery energy storage systems (BESS) which are interconnected to the high-voltage electric power transmission system to provide services to balance regional electricity supply and demand. We propose to develop a BESS facility on a vacant parcel in a planned industrial area of La Porte, which would interconnect to the power grid via a taps into two of the existing transmission lines within the property. The Project would occupy an approximately 43.6 acres of vacant land, to be subdivided from the northern end of a 134 acre parent parcel, as shown below.



This utility-scale energy storage system is a clean energy infrastructure project that would serve to provide electrical energy storage for the transmission grid; a project of this nature would serve the region, rather than serving a single site. Power would not be generated on site; rather, the Project would capture generated power from the grid at times when power is relatively abundant and demand low, to discharge it back onto the grid during peak electrical demand times. A transmission-level BESS serves a number of important functions: it would facilitate improved integration of renewable energy sources, reducing the need for extra peak time generation; would provide backup power during grid disruptions; and provide voltage stabilization for nearby industrial loads. A BESS at the transmission level helps all generators in the system work more efficiently by reducing the need to ramp generation up or

down to respond to sudden or daily cyclical changes in power demand, which in turn reduces local air emissions of thermal power plants that would otherwise provide this service.

The Moccasin Pointe Grid BESS Project will utilize banks of lithium-ion battery systems to provide up to 500 MW of energy storage capacity, with an expected 2- to 4-hour output duration (a 500MW/1,000MWh to a 500MW/2000MWh system). The Project is divided between two electrical interconnections: the Stumptail segment is a 300 MW interconnection to the 345 kV transmission line, and Snapjaw is a 200 MW interconnection to the 138 kV transmission line. Requests have been filed with ERCOT for each interconnection, and we are awaiting facility study results. Given the long timelines involved in energy project development, we anticipate being able to start construction of the Project in 2024, and enter into commercial operations in 2025.

The Project is designed to be unmanned and remotely operated as an integrated grid resource. Traffic generation, water and sewer demand, and demands on local service providers would be negligible.

Project Design Overview

The Project is designed to utilize an array of containerized, modular lithium-ion batteries to provide the energy storage capacity required. There are a number of competing battery manufacturers and technologies that may be considered for use on the Moccasin Pointe project. Our Chisholm BESS project that recently started commercial operation in Fort Worth, Texas, uses an array of battery containers integrated by Sungrow; our Madero project in Mission, TX is being constructed with a similar array of Wartsila Quantum batteries.

Chisholm Grid BESS

100MW BESS

Sungrow
battery
systems

Photo taken
near the
close of
construction
activities





Madero Grid

200MW BESS

Wartsila Quantum
battery systems

This is a rendering of a portion of the battery array showing the large battery cabinets to the right and the smaller MV transformers and power inverters to the left

All of the available containerized systems share similarities in design and general arrangement. Energy is stored in thousands of individual battery modules, housed in the largest cabinets along with robust heat management systems. Energy flows to/from the battery array through a set of medium-voltage transformers, then through the project substation where the power voltage is stepped up to the transmission voltage. In the Chisholm project, the batteries are housed in the larger containers toward the middle of the array, and are connected via underground cables through the smaller power inverters to the project substation at the far end of the battery yard; there is a transmission link from the project substation to the large Oncor substation in the background. All of these projects are secure facilities that are designed to be unmanned, and remotely monitored and operated as an integrated grid resource. As such, they are generally quiet and fairly dark, generate an insignificant amount of traffic, and have minimal utilities or public services demands.

Batteries gradually lose efficiency over time, so about a third of the way through the project lifetime, augmentation is required to maintain the required energy storage and output capacity. This may mean adding more battery modules in existing cabinets, or the addition of more battery cabinets. This is not intended as a “phasing” approach to building the project. On all of our projects future augmentation is integrated from the initial design stage, and the projects are constructed at the start to allow a “plug-and-play” approach for the additional batteries, without substantive construction activities or an expansion of the project footprint.

For preliminary layout purposes the Moccasin Pointe Project has been designed around the Tesla Megapack, one of the most energy-dense, pre-packaged solutions on the market today. Each Megapack container is approximately 8 feet tall, 5 feet wide and 24 feet long, and contains battery modules, electrical hookups and control systems, and a closed-loop liquid cooling system; see below. The interior of the Megapack is completely modular and designed to be fully serviceable via a set of doors along one side; see accompanying product info package. Each Megapack arrives with everything fully installed and factory tested, ready to be picked off a truck, set on a foundation, connected to the onsite electrical

system and turned on. The images below show a Megapack with its doors off and components identified, and an exterior of the Megapack showing its rooftop cooling units and smaller adjacent augmentation units;

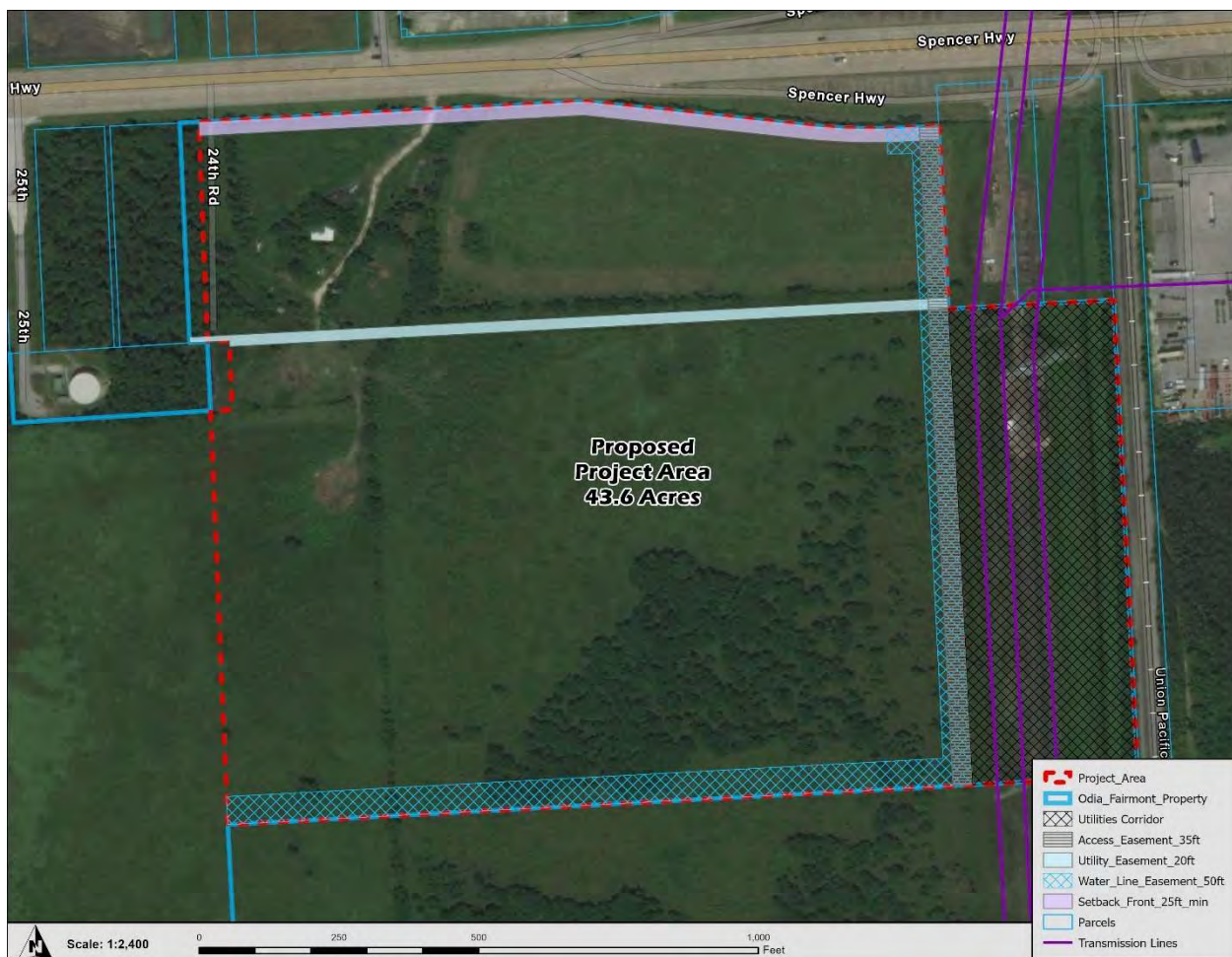


Project Duration and Scale

There is uncertainty about the final size of the project that will be constructed; although the total capacity of the project is limited to 500 MW, the output duration may vary as market conditions demand. Because of this uncertainty we present two realistic site plans: the first is for a 4-hour duration BESS, and the second is for a 2-hour duration BESS facility. This uncertainty relates to both the energy market and to the regulatory environment. With current market conditions, the 2-hour duration facility appears to be the product that the energy market “wants” and therefore is what we expect to construct. However, recent discussions in ERCOT and the state legislature indicate that longer-duration energy storage capacity may become a requirement in the future. If those discussions bear regulatory fruit, the 4-hour duration version would likely become the project we ultimately construct. Current economics do not generally favor the use of lithium-ion batteries for durations longer than 4 hours in most locations.

Both of these layouts share similarities in terms of general arrangement and dimensions of access and circulation, stormwater management, landscaping and setbacks, and the effective limits of development within the property. With both development scenarios the Project is designed to utilize only the area south an existing city water line easement, establishing an effective setback of approximately 328 to 405 feet, and maintaining many of the existing trees and other vegetation in the northern part of the property. These layouts are based on the sizing and spacing requirements for the Tesla Megapack; the general layout and overall space requirements for other battery makes would be similar. The key differences between the two are the number of battery containers needed to provide the intended energy storage capacity, and the resulting area required to accommodate stormwater detention within the site.

Site Constraints

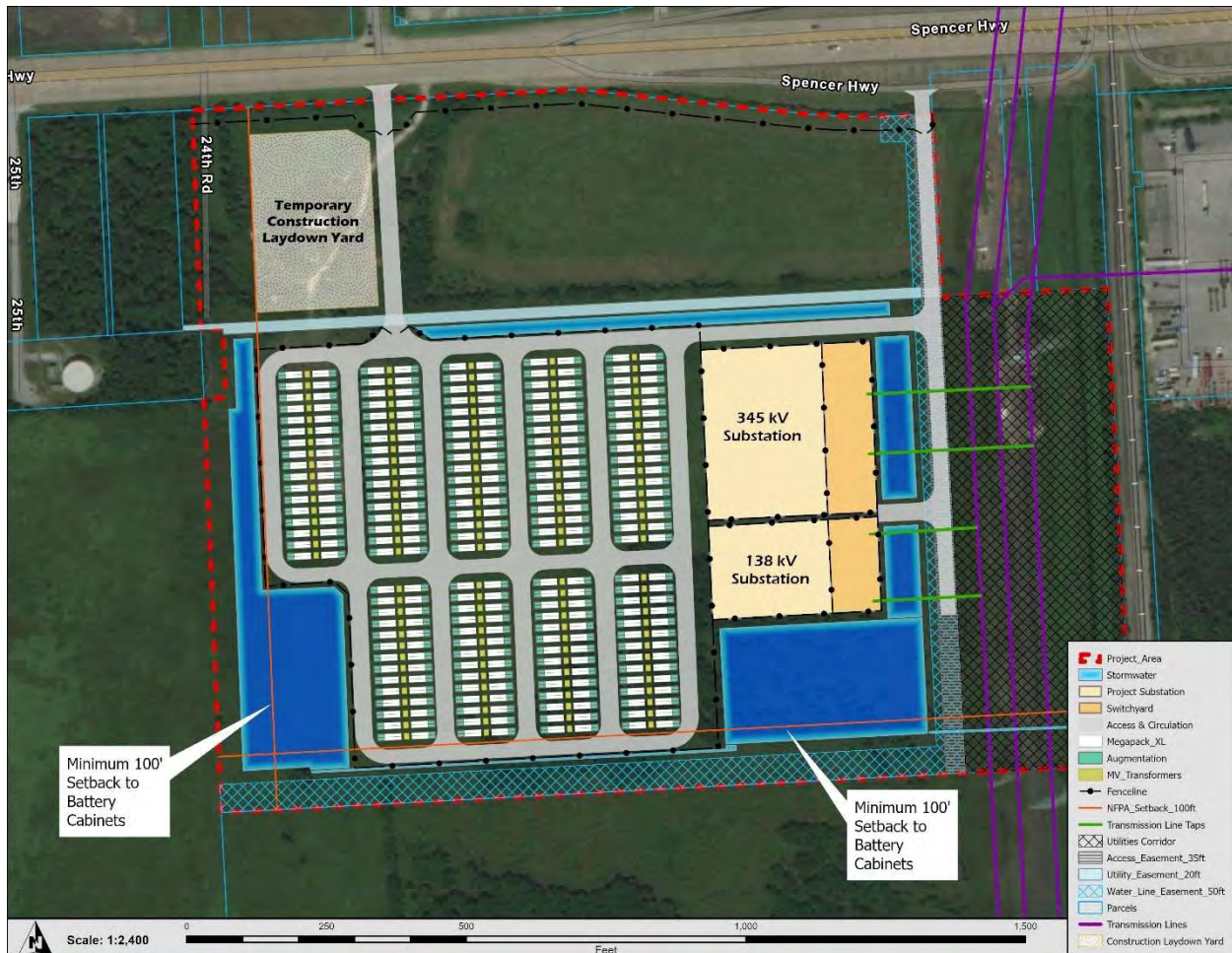


The 43.6 acre Project Area is constrained by existing easements and infrastructure, such that only approximately 33.5 acres is usable, and that is bifurcated by a city water line: 10 acres north of the city water line easement, and about 23.5 acres to the south. Over 7 acres of the eastern side of the property is occupied by utility easements and infrastructure. A 35' access easement has been granted along the eastern side of the usable area, to provide access to the property to the south.

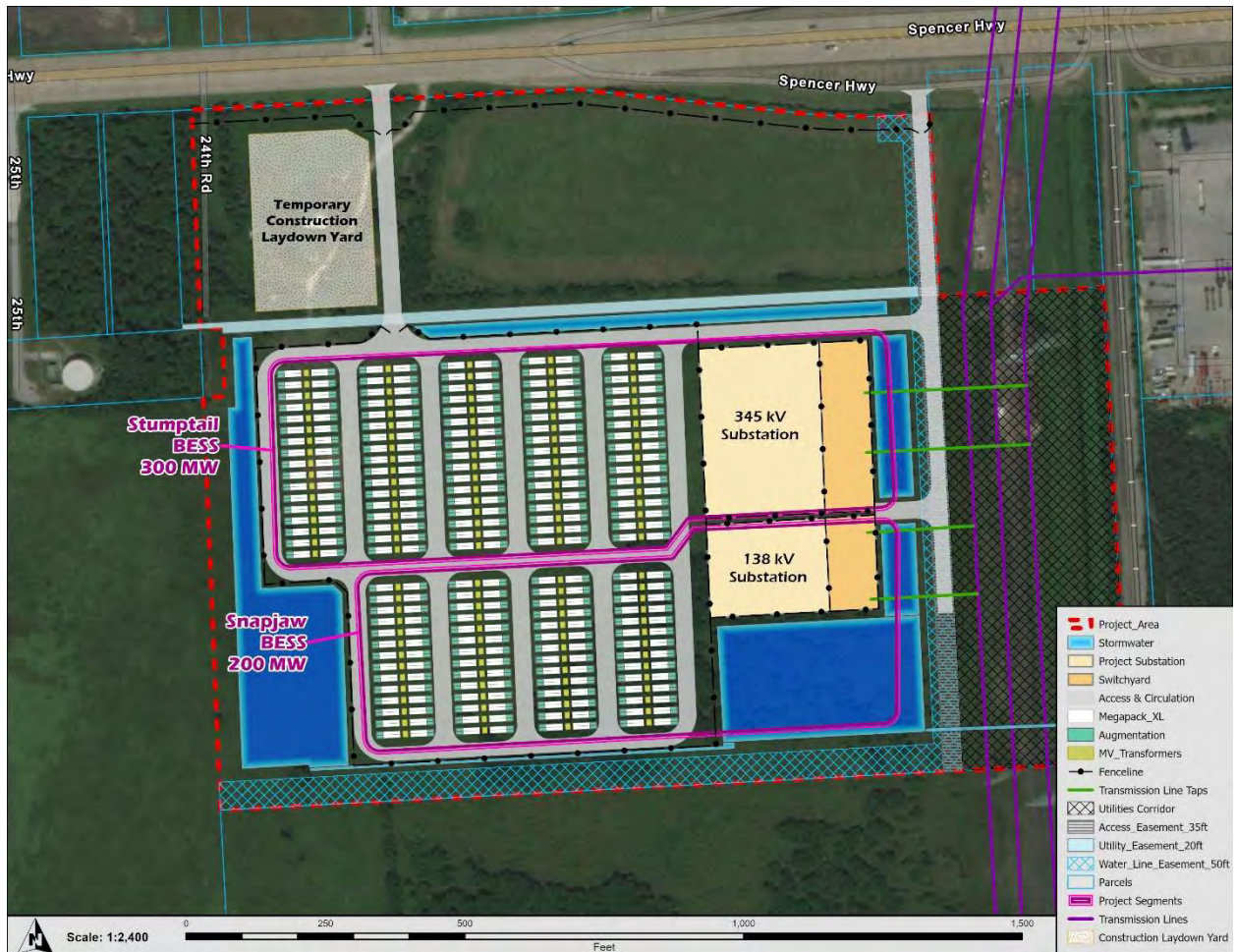
Site Plan – 500MW/2000MWh (4-hour duration)

The site plan below depicts the longer 4-hour duration BESS; this represents the maximum reasonably foreseeable buildout of the Project. This facility would have a footprint of approximately 16.5 acres of developed area inside the fenceline, south of the water line easement. Much of the land outside the fenceline will be dedicated to stormwater detention.

This plan would utilize a total of 560 Tesla Megapacks to achieve the total 500MW/2000MWh energy storage capacity.



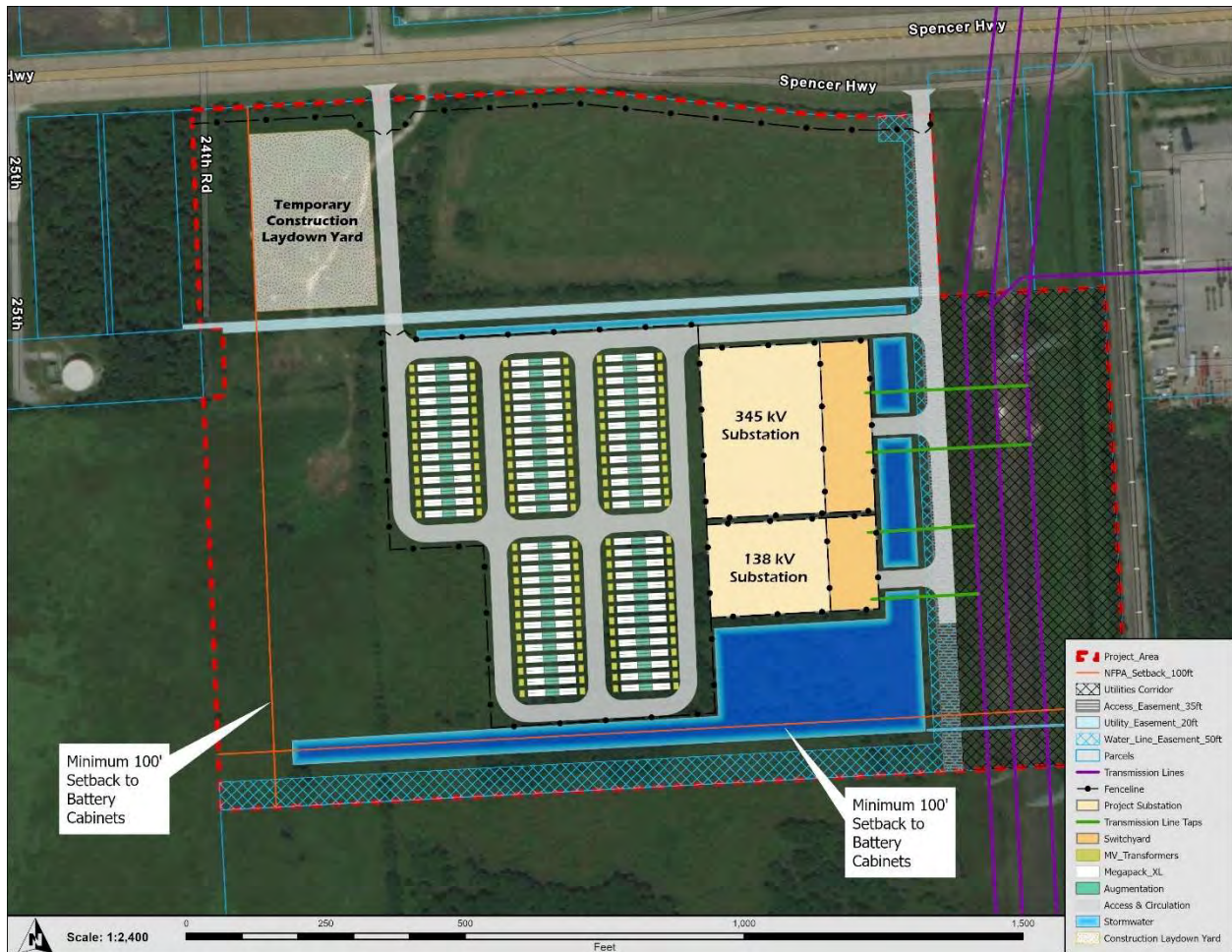
As noted above, the project would be divided into two electrical segments, Stumptail and Snapjaw, as indicated below.



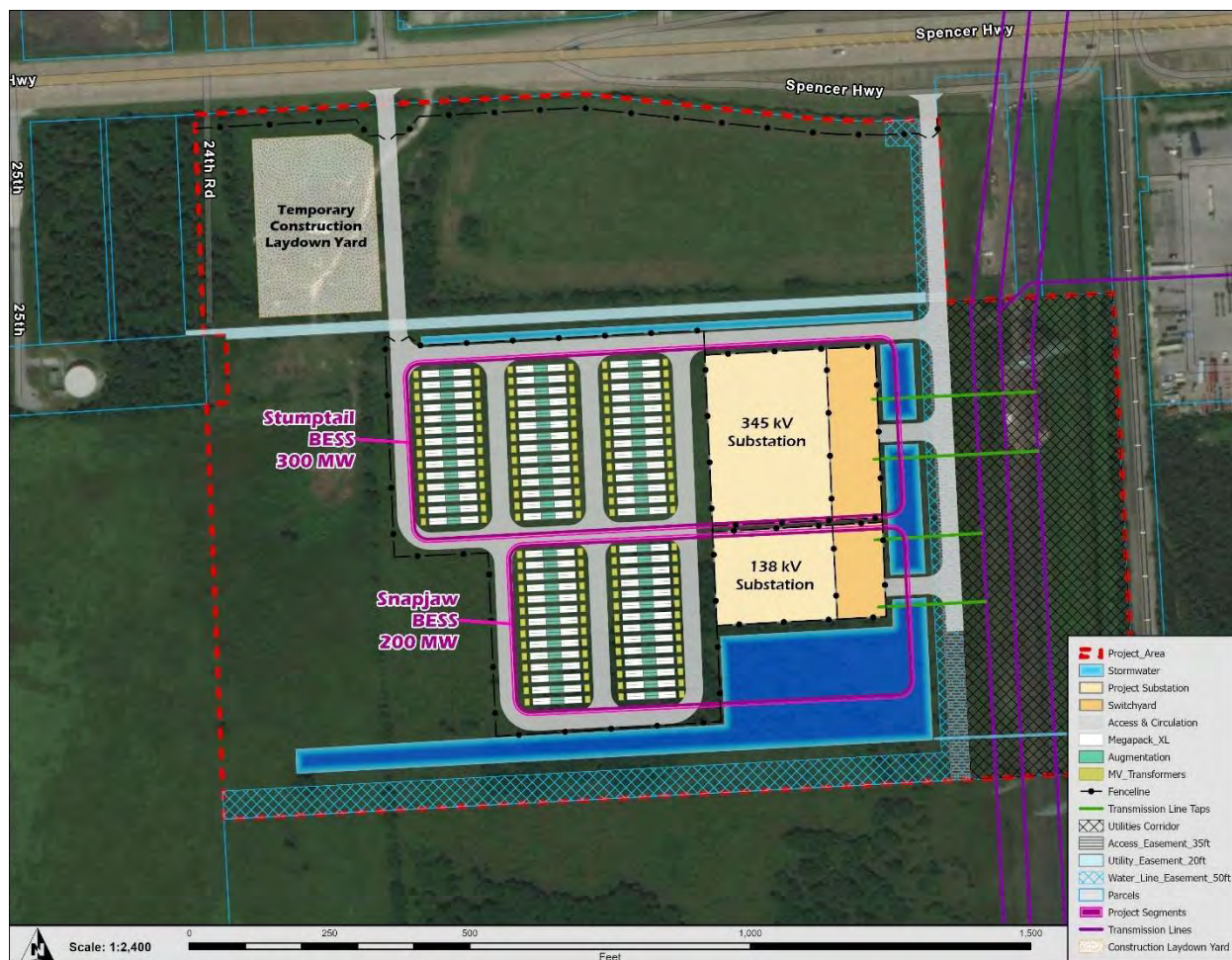
Site Plan – 500MW/1000MWh (2-hour duration)

The site plan below depicts the shorter 2-hour duration BESS, which we believe represents a more likely development scenario. This facility would have a footprint of approximately 12 acres of developed area inside the fenceline, south of the water line easement. A good portion of the land outside the fenceline would be dedicated to stormwater management; however, this smaller footprint allows for greater effective setbacks from the property boundaries.

This plan would utilize a total of 280 Tesla Megapacks to achieve the total 500MW/1000MWh energy storage capacity.



Again, the project would be divided into two electrical segments, Stumptail and Snapjaw, as indicated below.



Access

The Project Area would be accessed directly from Spencer Highway (a.k.a., West Main Street); we anticipate constructing two driveway entrances as shown. The westerly entrance would be the primary entrance; it is expected to align with N 23rd St. on the opposite side of the road. A secondary entrance, with right-in, right-out only access would be developed along the eastern side of the property, within an existing 35' access easement.

Within the Project fenceline, a perimeter access road provides access to all areas of the facility as required by fire codes. The entrances into the property and into the BESS facility will be gated and locked, with a keypad or similar control system mounted where a driver can reach it without exiting the incoming vehicle. The lock system will include a fire department access override (e.g., Knox boxes or switches).

The internal site circulation system is designed to accommodate large truck circulation, with access drives constructed to an HS-20 loading standard; this exceeds the local fire code minimum standard.

Internal access roads are designed at a minimum 24' width with 28' turn radii, with 30' roads in areas where cranes will be used to install equipment.

Water & Sewer

A water connection is required for fire hydrants to be installed around the site, and for some landscaping irrigation. However, as an unmanned facility, neither potable water nor sanitary sewer service will be necessary. Water lines would be extended as necessary to serve the facility.

Stormwater

The site slopes very gently to the east, down to a developed county stormwater collection channel along the eastern boundary of the property. As indicated in the preliminary site plan, stormwater would be detained on site in a system of vegetated swales and basins around the BESS facility, and would outlet in controlled fashion to the east. Within the project fenceline, each of the battery containers and each piece of equipment would be on a foundation, but the remainder of the site would be graveled to maximize infiltration and prevent risks associated with standing water.

Parking & Loading

As an unmanned, remotely operated use with no on-site office space, parking and loading needs are minimal. The site design would allow space for at least two passenger vehicles near the substations, and the internal access system allows for large truck circulation, though no specific loading zone or dock would be provided.

Fire Code Compliance

The Project is designed with an internal layout that allows firefighter access within the site as required under adopted International Fire Code standards. Fire hydrants will be installed as needed within the site as necessary.

Substation equipment and battery systems will be designed and constructed to meet or exceed applicable national, state and local electrical codes. The battery systems are designed to comply with the standards of NFPA 855 and UL9540, a set of national fire safety guidelines developed by a consortium of fire protection professionals, battery engineers and manufacturers, and insurance companies. The standards include a robust set of monitoring and control equipment to manage battery heat and prevent fires from occurring. On the south and west sides, Able Grid intends to maintain a setback of 100 feet from the property line to the nearest battery containers, as recommended by NFPA.

The modular, containerized design of the system has evolved in part to contain and limit the spread of fires and to facilitate firefighting, if necessary. Should a fire occur in a container, other automated electronic systems would work to shut down the container and electrically isolate it and others on its circuit or nearby; if necessary, the entire facility can be shut down. If a fire occurs, a signal would be sent to the facility operator and to the local fire emergency dispatch center. Firefighters can then set up a perimeter around the burning container to prevent damage to surrounding units, and do not have to enter a structure or be concerned about evacuation of people on the unmanned site.

Able Grid will work with the local fire and building officials to ensure a mutual understanding of the facility, its requirements for fire prevention systems, and any other concerns of local officials.

Setbacks and Landscaping

The city Zoning Ordinance establishes minimum requirements for landscaping and setbacks for all zones. The light industrial zone would require a minimum of 10% of the total lot area to be landscaped (for a parcel greater than 10 acres), and establishes minimum setbacks of 20 feet along the frontage and 10 feet from all other boundaries (assuming surrounding lands will be industrial in nature). Site coverage is limited to 70%.

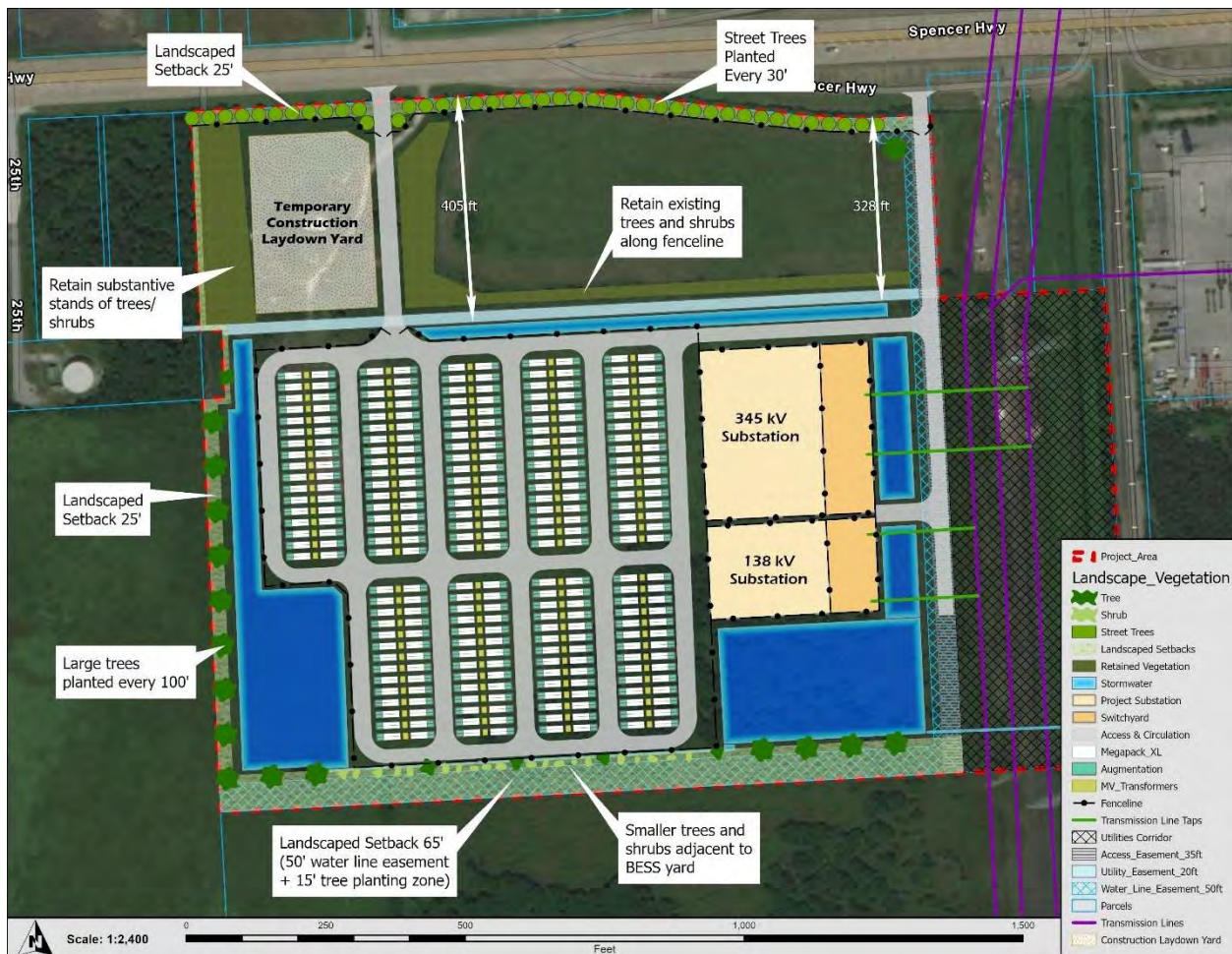
The Project has been designed with substantially larger setbacks and more landscaping than would typically be required under the Light Industrial zoning. The layout has been devised to use only the portion of the property lying south of an existing city water line that bifurcates the site except for access drives; this results in 328 to 405 feet of effective setback from Spencer Highway along the north. Existing vegetation will be retained where appropriate to help screen the facility from the highway. Undeveloped portions of the property will be maintained in good order, with full ground-covering vegetation.

Proposed defined setback areas are as shown on the Landscaping Plan on the following page. These include a proposed 25' front setback along the Spencer Highway frontage, planted with street trees and with an attractive fence at the setback line. A 25' setback planted with trees is also proposed on the western property boundary. On the south side a 65' setback is proposed – this comprises the 50' water line easement plus a 15' tree planting zone. Generally, areas between the defined setback limits and the BESS fenceline will be occupied by stormwater facilities, which will be shallow basins planted in turf.

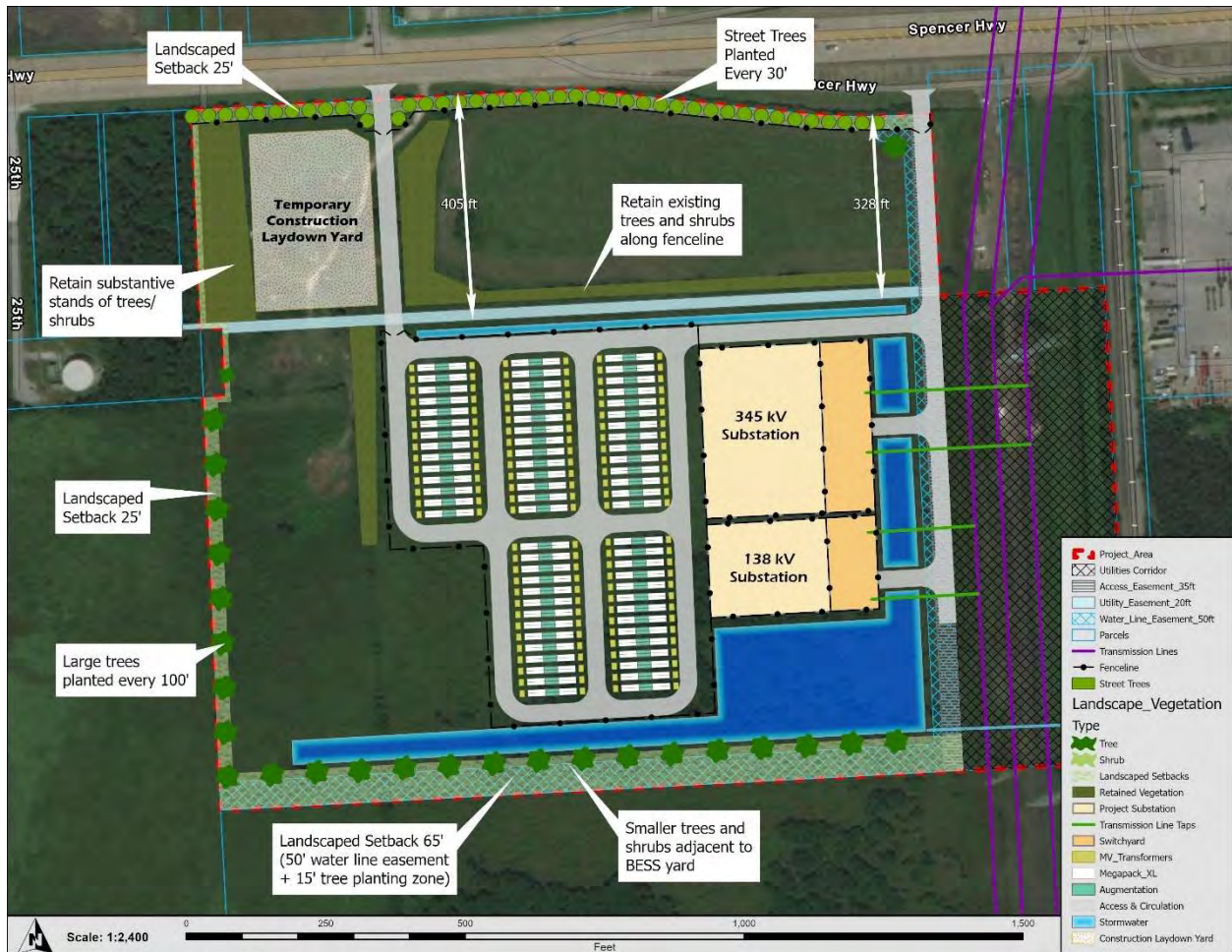
Temporary Construction Laydown Yard

A temporary laydown yard is proposed in the northwestern portion of the property to facilitate Project construction. It is proposed in an area that has previously been disturbed and will require some cleanup. The fenced and secured laydown yard will be used to store construction equipment and temporarily stockpile construction material. The area will be graded and graveled, and a semi-opaque perimeter fence erected for security and aesthetics. Following completion of construction, the fencing and gravel will be removed and the land restored to a natural condition.

Landscape Plan for 500MW/2000MWh (4-hour) BESS facility



Landscape Plan for 500MW/1000MWh (2-hour) BESS facility



Under either development scenario, the proposed layout retains much of the existing trees and other vegetation north of the water line, and leaves far more than 10% of the site undisturbed and landscaped. Attachment D provides a pair of photos taken from Google Earth that show relatively current views of the property, annotated to indicate the nature of proposed changes and the location of the project.

Attachment A – Application Form and Checklist



Special Conditional Use Permit Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

OVERVIEW

Approval of a Special Conditional Use Permit (SCUP) is required under the following circumstances:

1. To consider approval of certain uses identified as "Conditional Uses" in the city's Commercial and Industrial Use table (Section 106-310 of City of La Porte Code of Ordinances) and Residential Use table (Section 106-331).
2. When developing property in a Planned Unit Development (PUD) zone district, consideration of a SCUP is required in accordance with Section 106-659 of the Code of Ordinances.

SCUP requests are reviewed by the Planning and Zoning Commission as a public hearing. The Commission consists of residents of the community appointed by City Council. The Commission meets on the third Thursday of every month, as necessary. The Commission will forward a recommendation to the City Council for final consideration.

SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department at least three (3) weeks prior to the desired hearing date.

- ☐ Completed **application form**.
- ☐ **Application fee** of \$400; nonrefundable.
- ☐ **Site plan, conceptual site plan or general plan**, drawn to scale and dimensioned to show the location of proposed improvements for the development.
- ☐ **Project description/justification letter** that thoroughly explains what is being requested and why such SCUP should be approved by the Planning and Zoning Commission and City Council.
- ☐ **Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the Planning and Zoning Commission meeting date. Such sign will be provided by the Planning and Development Department.

PROCESS

- Upon receipt of a complete application package by the Planning and Development Department, the SCUP request will be scheduled for the next available Planning and Zoning Commission meeting date as a public hearing.
- The Planning and Development Department will provide the applicant with a Notice of Public Hearing sign that must be posted on the property where the SCUP is being requested. The sign must be posted on the property visible and within 20 feet from the abutting street for a minimum of 10 days before the scheduled public hearing.
- The Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and at City Hall in conformance with legal requirements. Additionally, the city will send notice of the public hearing to all property owners within 200 feet of the subject property where the SCUP is being requested.



Special Conditional Use Permit Application

Planning and Development Department

- The Planning and Zoning Commission public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the Planning and Zoning Commission will conduct a public hearing and provide a recommendation to the City Council on the proposed SCUP. If additional information is requested by the Commission, the public hearing may be continued to a future meeting date.
- The Commission and City Council may impose special conditions on an SCUP in an attempt to ensure compatibility of the proposed development with surrounding properties and the community as a whole.
- The Commission is tasked to review the proposed SCUP and offer a recommendation to the City Council for approval, denial, or approval with conditions.
- Following the Commission's public hearing, their recommendation on the proposed SCUP is then forwarded to City Council for consideration.
- For the City Council public hearing, the Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and post notice at City Hall in conformance with legal requirements.
- The City Council public hearing will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the City Council will conduct a public hearing and render a decision on the proposed SCUP. However, if additional information is requested by the City Council, the public hearing may be continued to a future meeting date.
- The following is an excerpt from the City of La Porte's Code of Ordinances pertaining to SCUP requests.

CODE REQUIREMENTS

Conditional Use Permits

Sec. 106-216. - General conditions for all conditional uses in all zoning districts.

- (a) A special conditional use permit may be granted by the city council for the construction of a building and/or the establishment of a use as described in this or any other section, upon a tract of land in single ownership or under unified control.
- (b) Upon application for a special conditional use permit and submission of a general plan, major development site plan, minor development site plan, or preliminary plat (as the case may be); the city planning and zoning commission shall conduct a public hearing, duly advertised and with proper notice being given to all parties affected, as provided in [section 106-171](#) (Amendment procedures). The general site plan, major development site plan, minor development site plan, or preliminary plat shall be drawn to scale and shall show the arrangement of the project in detail, including parking facilities, location of buildings, building uses to be permitted, means of ingress and egress, and other pertinent information, together with the information required by the development ordinance of the city.
- (c) After public hearing and upon recommendation of the city planning and zoning commission, the city council may modify the final planned unit development plan and issue a special conditional use permit containing such requirements and safeguards as are necessary to protect adjoining property.
- (d) Failure to begin construction within one year after issuance or as scheduled under the terms of a special conditional use permit shall void the permit as approved, except upon an extension of time granted after application to the planning and zoning commission.



Special Conditional Use Permit Application

Planning and Development Department

(e) If construction is terminated after the completion of any stage and there is ample evidence that further development is not contemplated, the division establishing such special conditional use permit may be rescinded by the city council, upon its own motion or upon the recommendation of the planning and zoning commission of the city, and the previous zoning of the entire tract shall be in full effect on the portion which is undeveloped.

(f) Every special conditional use permit granted as provided herein shall be considered as an amendment to the zoning ordinance as applicable to such property.

Sec. 106-217. - Conditions for approval.

A special conditional use permit shall be issued only if all of the following conditions have been found:

- (1) That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity.
- (2) That the conditions placed on such use as specified in each district have been met by the applicant.
- (3) That the applicant has agreed to meet any additional conditions imposed, based on specific site constraints, and necessary to protect the public interest and welfare of the community.

Sec. 106-218. - Amendments.

The procedure for amendments for a special conditional use permit shall be the same as for a new application.

Please note that requirements for notification of the public hearing are subject to the provisions of Section 106-171 of the Code of Ordinances.



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: n/a

Legal description where SCUP is being requested: See provided title report

HCAD Parcel Number where SCUP is being requested: 0440510000100

Zoning District: Planned Unit Development Lot area: 43.7 acres

A request for approval of a Special Conditional Use Permit is hereby made to the City of La Porte.

Description of Request: Applicant proposes to develop a battery energy storage system (BESS) facility with up to 500 MW energy storage capacity, and two onsite substations to interconnect to two of the high-voltage transmission lines that cross the property.

The Project will be an unmanned facility, remotely operated to help balance regional electric power supplies and demand.

Attached hereto is a Project Description Letter describing the project and outlining the reasons why such SCUP should be approved.
See attached project description

PROPERTY OWNER(S) INFORMATION

Name: Odia Fairmont, LLC

Company (if applicable): _____

Address: 7880 San Felipe, Suite 250

City: Houston State: Texas Zip: 77063

Phone: 713-800-9647 Email: rkight@averacompanies.com

AUTHORIZED AGENT (If other than owner)

Name: Tom Kruger, Director of Permitting and Eric Stoutenburg, Vice President

Company (if applicable): Moccasin Pointe Grid, c/o Able Grid Energy Solutions

Address: 4845 Pearl East Cir Ste 118, PMB 83662

City: Boulder State: CO Zip: 80302-6112

Phone: 503-758-4539 Email: tkruger@ablegridenergy.com

OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): [Signature] Date: 10.13.2021

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: n/a

Legal description where SCUP is being requested: See provided title report

HCAD Parcel Number where SCUP is being requested: 0440510000100

Zoning District: Planned Unit Development

Lot area: 43.7 acres

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Agent's Signature: Eric Stoutenburg

Digitally signed by Eric Stoutenburg
Date: 2021.10.13 15:46:45 -06'00'

Date: 10/13/2021

Owner(s)' Signature(s): _____

Date: _____

STAFF USE ONLY:

Case Number:

Date Application Received:

Attachment E - Annotated Photos of Site



Existing driveway
and gate into site

Proposed new site
entrance location,
across from N 23rd
Street

Weedy vegetation
along frontage to be
removed and
replaced with new
street trees and new
fenceline at the 25'
setback line; good-
quality healthy trees
may be retained

Google Earth view of Moccasin Pointe Project Site, looking south into site from the overpass on Spencer Highway.





Discussion Item

- a. Discussion on proposed extension of the High Frequency Truck Route.
 - North D St.
 - North M St.
 - Canada Rd.
- b. Discussion regarding status of the commission-initiated zone changes.
- c. Hotel redevelopment.



Administrative Report

- a. TX APA Conference 2021 Recap.
- b. Next Regular Meeting – December 16, 2021.