

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
VICTOR PERES
Commissioner District 5
NANCY OJEDA
Commissioner District 6

**LA PORTE PLANNING AND ZONING COMMISSION AGENDA
THURSDAY, MARCH 16, 2023
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/81194264169?pwd=dIpYT2VTRlIVVXdJTHJpVkNEQTYrZz09> Join by phone at 877-853-5257 or 888-475-4499. The meeting ID is 811 9426 4169. The passcode is 647746.

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

-
- 1. CALL TO ORDER**
 - 2. ROLL CALL OF MEMBERS**
 - 3. CONSIDER APPROVAL OF THE MEETING MINUTES:** Approve the minutes of the February 16, 2023, regular meeting of the Planning and Zoning Commission.
 - 4. CONSIDERATION AND POSSIBLE ACTION:** Consider approval of an extension of time for Special Conditional Use Permit Request #22-91000002, pursuant to an application from Jamil Jaffer, on behalf of Rick Kight of ODIA Fairmont, LLC, owner, for approval of a SCUP to allow for a merchant wholesaler use in the Business Industrial (BI) zoning district, on a 8.4- acre tract of land located at the 2200 block of Fairmont Parkway; legally described as 8.4 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D Bayport, Section 1, Abstract 625, R Pearsall Survey, Harris County, Texas
 - 5. SCUP REQUEST #23-91000001:** The Commission will hold a public hearing on SCUP Request #23-91000001, pursuant to an application by Estebaan Ice of RavenVolt Inc., applicant; on behalf of Prologis Inc., owner; for approval of a SCUP to allow for a Battery Energy Storage System (BESS) facility in the Planned Unit Development (PUD) zoning district, on a 14.4- acre tract of land located at 1901 Wharton Weems Blvd.; legally described as Restricted Reserve "G", Block 4, Port Crossing, Harris County, Texas.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (Limited to 5 minutes per person)
 - d. Adjourn Hearing
 - 6. COMMISSION DISCUSSION AND POSSIBLE ACTION:** SCUP Request #23-91000001.

7. DISCUSSION ITEMS:

- a. Truckstop operating hours
- b. Council action update
- c. Comprehensive plan update
- d. Next regular meeting – APRIL 20, 2023

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

9. 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 **March 16, 2023**, Planning and Zoning Commission agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the public at all times, and to the City's website at LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

_____ Title: _____

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____



Approval of Meeting Minutes

- a. February 16, 2023

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
VICTOR PERES
Commissioner District 5
NANCY OJEDA
Commissioner District 6

**MINUTES OF THE REGULAR MEETING OF THE
LA PORTE PLANNING AND ZONING COMMISSION
FEBRUARY 16, 2023**

The Planning and Zoning Commission of the City of La Porte met in a regular meeting on Thursday, February 16, 2023, 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: Chairman Hal Lawler; Commissioners Donna O'Conner; Joe Mock; Mark Follis; Victor Peres; Nancy Ojeda; and Richard Warren.

Commissioners absent: Commissioners James Walter and Nolan Allen.

City Staff present: Ian Clowes, City Planner; Clayton Price, Planning Technician; Teresa Evans, Planning and Development Director; Matt Daeumer, Assistant City Manager.

1. **CALL TO ORDER** – Chairman Lawler called the meeting to order at 6:01 PM.
2. **ROLL CALL OF MEMBERS:** – Commissioners Walter, Allen, Follis and Peres were absent (Commissioner Follis arrived at 6:03 PM and Commissioner Peres arrived at 6:17 PM).
3. **CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. Approve the minutes of the meeting held on December 15, 2022.
Commissioner Follis arrived at 6:03 PM.
Commissioner O'Conner moved to approve the meeting minutes; the motion was adopted, 6-0. Commissioner Peres was not present for the vote.
4. **COMMERCIAL REPLAT #22-97000007:** Consider approval of a partial replat of Fairmont Park East Business Park Reserves, a commercial replat consisting of 1.872-acres, located at 10505 W. Fairmont Pkwy. and legally described as Reserves 4 and 5, Fairmont Park East Business Park, Harris County, Texas.

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

Commissioner O'Conner moved to approve Commercial Replat #22-97000007 as presented; the motion was adopted 6-0 and the item was approved. Commissioner Peres was not present for the vote.
5. **CHAPTER 106 (ZONING) AMENDMENTS:** The Commission will hold a Public Hearing to receive input on an ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte, Texas, regarding changes to notification requirements and procedures for public hearings held before the La Porte Planning and Zoning Commission and La Porte Zoning Board of Adjustment.

The hearing was opened at 6:07 PM. City Planner Ian Clowes presented the amendment and provided background information, explaining that the item had been remanded back to the Commission by City Council for additional review.

Assistant City Attorney Askins provided legal advice regarding possible options for any proposed amendment.

Commissioner Peres arrived at 6:17 PM.

The Commission discussed the merits of extending the notification boundary.

6. ADJOURN PUBLIC HEARING: 6:30 PM.

Commissioner Follis made a motion to increase the notification distance requirement from 200' to 300'; the motion was adopted, 7-0, and the item was recommended for approval.

7. CHAPTER 106 (ZONING) AMENDMENTS: The Commission will hold a Public Hearing to receive input on an ordinance amending Chapter 106 "Zoning" of the Code of Ordinances of the City of La Porte regarding the removal of W. D St. from the High Frequency Truck Route.

The hearing was opened at 6:32 PM. City Planner Ian Clowes presented the item, explaining that the City Council had remanded the item back to the Commission after a number of Councilmembers voiced concerns with extending the High Frequency Truck Route (HFTR) along W. D St.

The Commission discussed the merits of keeping W. D St. on the HFTR.

Commissioner Follis provided background information on the history of the HFTR.

8. ADJOURN PUBLIC HEARING: 6:55 PM.

Commissioner Peres made a motion to recommend denial of the request to remove W. D St. from the HFTR; the motion was adopted, 7-0, and the item was recommended for denial.

9. DISCUSSION ITEMS:

a. Council Action Update

City Planner Ian Clowes provided an update on items heard by the Commission that had gone before the City Council for final action.

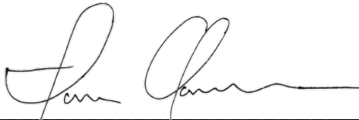
b. Comprehensive Plan Update

Director Teresa Evans provided an update on recent activities for the Comprehensive Plan.

c. Next Regular Meeting – MARCH 16, 2023

ADJOURN: Commissioner O' Conner made the motion to adjourn at 7:32 PM; the motion was adopted 7-0.

Hal Lawler, Planning and Zoning Commission Chairman

A handwritten signature in black ink, appearing to read 'Ian Clowes', written over a horizontal line.

Ian Clowes, City Planner



SCUP Extension

- a. Consider approval of an extension of time for Special Conditional Use Permit Request #22-91000002, pursuant to an application from Jamil Jaffer, on behalf of Rick Kight of ODIA Fairmont, LLC, owner, for approval of a SCUP to allow for a merchant wholesaler use in the Business Industrial (BI) zoning district, on a 8.4- acre tract of land located at the 2200 block of Fairmont Parkway; legally described as 8.4 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D Bayport, Section 1, Abstract 625, R Pearsall Survey, Harris County, Texas

From: [Rick Kight](#)
To: [Clowes, Ian](#)
Subject: Global Agri Trade SCUP
Date: Tuesday, March 7, 2023 5:21:06 PM
Attachments: [image001.png](#)
[O-2022-3873 granting SCUP 22-91000002.pdf](#)

Hi Ian,

Hope all is well.

You may recall, we had this SCUP approved last year. We are still working with the client and would like to request an extension. Is that possible? If so, what do you need from us?

Thanks.



Rick Kight

Executive Vice President – Development

The Avera Companies

7880 San Felipe Street, Ste. 250

Houston, Texas 77063

D: 713.800.9647 | M: 281.235.2531

www.averacompanies.com

ORDINANCE NO. 2022-3873

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, CHAPTER 106, MORE COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF LA PORTE, BY GRANTING SPECIAL CONDITIONAL USE PERMIT NO. 22-91000002, TO ALLOW FOR MERCHANT WHOLESALER USES IN THE BUSINESS INDUSTRIAL (BI) ZONING DISTRICT, ON AN 8.4-ACRE TRACT OF LAND LOCATED AT THE 2200 BLOCK OF W. FAIRMONT PARKWAY, AND BEING LEGALLY DESCRIBED AS 8.4 ACRES OUT OF TRACTS 2A, 3, 4, 4A, & TRACT 23D BAYPORT, SECTION 1, ABSTRACT 625, R PEARSALL SURVEY, HARRIS COUNTY, TEXAS; MAKING CERTAIN FINDINGS OF FACT RELATED TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF

WHEREAS, the City is authorized by Chapter 211 of the Texas Local Government Code to promulgate rules and regulations governing regulation of land use, structures, businesses, and related activities, and that such rules and regulations as adopted by the City promote the safe, orderly, and healthful development of the City; and

WHEREAS, on February 17, 2022, the La Porte Planning and Zoning Commission conducted a public hearing regarding a request to grant Special Conditional Use Permit No. 22-91000002 to allow for merchant wholesaler uses in the Business Industrial (BI) zoning district on an 8.4-acre tract of land located at the 2200 Block of W. Fairmont Pkwy, and being legally described as 8.4 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D Bayport, Section 1, Abstract 625, R Pearsall Survey, Harris County, Texas, following lawful publication of the notice of said public hearing; and

WHEREAS, on February 17, 2022, after considering the public testimony received at such hearing, if any, the Planning and Zoning Commission recommended that the request to grant Special Conditional Use Permit No. 22-91000002 to allow for merchant wholesaler uses in the Business Industrial (BI) zoning district on an 8.4-acre tract of land located at the 2200 Block of W. Fairmont Pkwy, and being legally described as 8.4 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D Bayport, Section 1, Abstract 625, R Pearsall Survey, Harris County, Texas, be approved; and

WHEREAS, on March 28, 2022, the City Council of the City of La Porte conducted a public hearing regarding a request to grant Special Conditional Use Permit No. 22-91000002 to allow for merchant wholesaler uses in the Business Industrial (BI) zoning district on an 8.4-acre tract of land located at the 2200 Block of W. Fairmont Pkwy, and being legally described as 8.4 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D Bayport, Section 1, Abstract 625, R Pearsall Survey, Harris County; and

WHEREAS, each and every applicable requirement set forth in Chapter 211, Subchapter A, Texas Local Government Code and the Code of Ordinance of the City of La Porte, Texas, concerning public notices, hearings and other procedural matters have been fully met; and

WHEREAS, the City Council desires that the request to Special Conditional Use Permit No. 22-91000002 to allow for merchant wholesaler uses in the Business Industrial (BI) zoning district on an 8.4-acre tract of land located at the 2200 Block of W. Fairmont Pkwy, and being legally described as 8.4 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D Bayport, Section 1, Abstract 625, R Pearsall Survey, Harris County, Texas be approved;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1. All of the facts recited in the preamble to this ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference.

Section 2. Chapter 106 "Zoning" of the Code of Ordinances is hereby amended by granting Special Conditional Use Permit No. 22-91000002 to allow for merchant wholesaler uses in the Business Industrial (BI) zoning district on an 8.4-acre tract of land located at the 2200 Block of W. Fairmont Pkwy, and being legally described as 8.4 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D Bayport, Section 1, Abstract 625, R Pearsall Survey, Harris County, Texas, and situated within the BI zoning district.

Section 3. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 4. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, TX. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. The City Council of the City of La Porte hereby finds that public notice was properly mailed to all owners of all properties located within two hundred feet (200') of the properties under consideration.

Section 7. The City Council of the City of La Porte hereby finds, determines, and declares that all prerequisites of law have been satisfied and hereby determines and declares that the amendments to the City of La Porte Zoning Classification contained in this Ordinance as amendments thereto are desirable and in furtherance of the goals and objectives stated in the City of La Porte's Comprehensive Plan.

Section 8. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2000.00).

Section 9. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.


PASSED AND APPROVED this, the 28th day of MARCH, 2022.

CITY OF LA PORTE, TEXAS



Louis R. Rigby, Mayor

ATTEST:



Lee Woodward, City Secretary

APPROVED:



Clark Askins, Assistant City Attorney





Area Map

**SCUP
#22-91000002**

**2200 Block of
Fairmont Pkwy.**

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 = 314 feet



Zoning Map

SCUP
#22-91000002

2200 Block of
Fairmont Pkwy.

Legend

 Subject Tract



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1 inch = 314 feet

FEBRUARY 2022
PLANNING DEPARTMENT



FLUP Map

SCUP
#22-91000002

2200 Block of
Fairmont Pkwy.

Legend



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FEBRUARY 2022
PLANNING DEPARTMENT

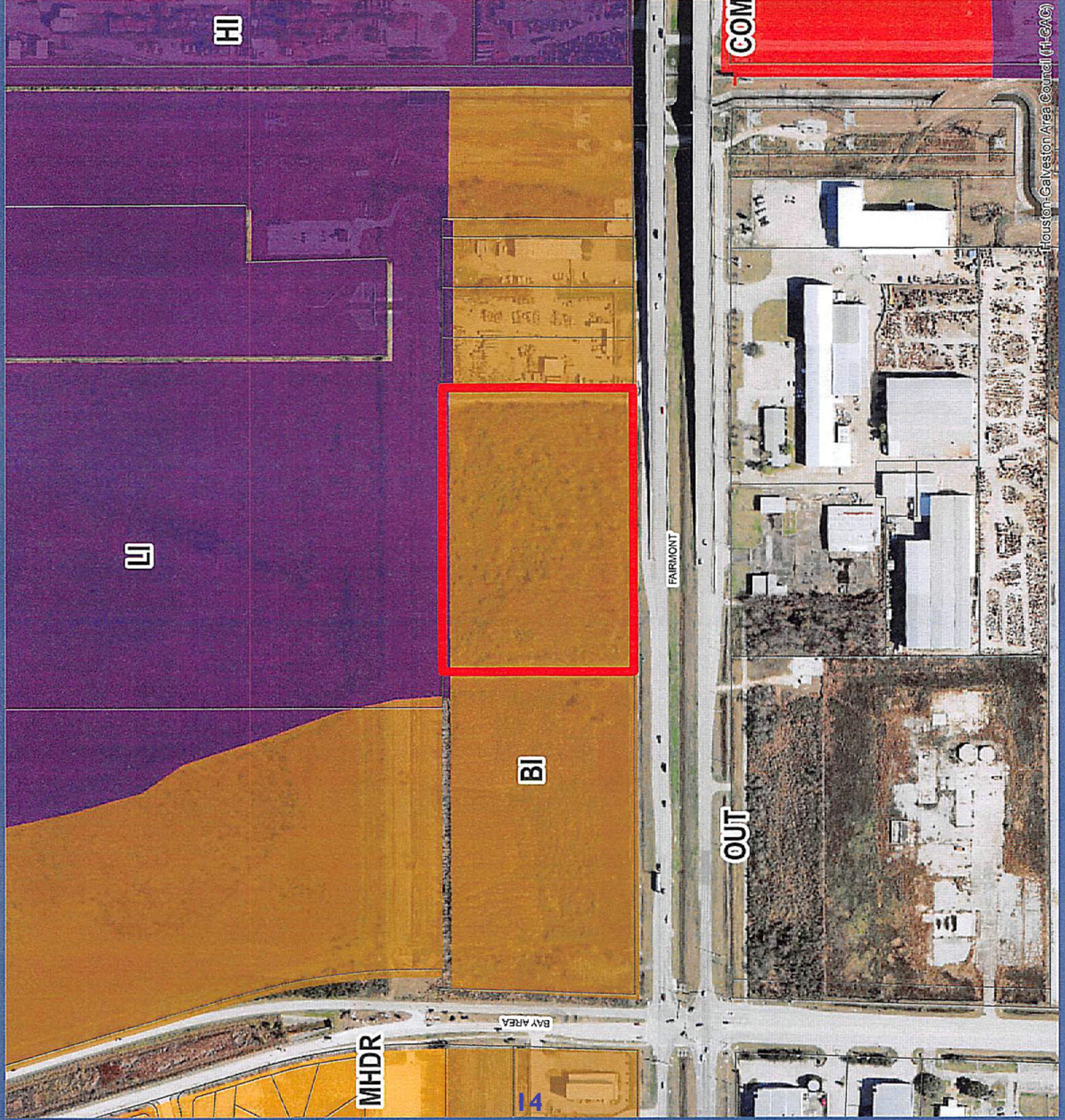




EXHIBIT A

City of La Porte Special Conditional Use Permit #22-91000002

Applicant: Rick Kight, ODIA Fairmont, LLC
Owner or Agent

7880 San Felipe St, Suite 250, Houston, TX 77063
Address

Development Name/Type: Global Agri-Trade Warehouse Facility

Location: 2200 Block of W. Fairmont Pkwy.

Legal Description: 8.4 acres out of Tracts 2A, 3, 4, 4A, & Tract 23D Bayport, Section 1, Abstract 625, R Pearsall Survey, Harris County, TX

Zoning: Business Industrial (BI)

Use: Merchant Wholesaler

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, if necessary, 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. All Merchant Wholesale Uses listed in Chapter 106-310 shall be permitted on site.
3. The proposed building may not exceed 85,000 square feet in total floor area.
4. All truck bays must be located to the rear (north) of the building and screened from view of public right-of-way.
5. All onsite areas utilized for storage, parking, or driving must be paved with either concrete or asphalt.
6. Total daily truck traffic to and from the building site shall be limited to a maximum of ten (10) trucks a day.
7. Electronic equipment designed to monitor and log the number of trucks traveling to and from the building site shall be installed, and the value of such electronic equipment, including operational and maintenance expenses for the life of the equipment, shall be valued at no less than \$15,000.00
8. No Shipping containers are permitted to be stored outside unless affixed to a chassis.
9. Any outside storage shall be screened from view of adjoining properties with an 8' tall fence that shall be 100% opaque. Vinyl slating in conjunction with a chain-link fence is permitted.
10. Hazardous materials which may or may not require a placard may not be stored on site for any length of time. This prohibition includes hazardous materials stored in the building or on trucks and shipments of hazardous materials that are defined as in-transit by the Department of Transportation (DOT).
11. Any substantive 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.

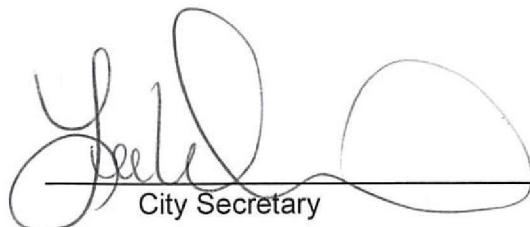
Failure to start construction of the site within 12 months after issuance or as scheduled under the terms

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: 4.25.22


Director of Planning and Development


City Secretary



Planning and Development Department Staff Report SCUP Request - #23-91000001

DISCUSSION

Location:

The subject site is located at 1901 Wharton Weems Blvd.

Background Information:

The property, Reserve G, is part of the overall Port Crossing Commerce Park. The site was developed in 2019 by Liberty Property, now Prologis, and consists of a single 235,200 square foot office/warehouse facility with a truck court to the south. The applicant is requesting to add a small Battery Energy Storage System (BESS) to the southeast corner of the property. The area planned for the BESS facility is currently utilized for truck parking and will not impact any existing landscaped space.

The Port Crossing Commerce Park is governed by a Special Conditional Use Permit (SCUP) approved in 2015. The SCUP lists a number of conditions governing specific criteria for the development of the park. The proposed BESS facility was not a use identified at the time the original SCUP was considered. If approved, the proposed BESS facility would only be permitted on Reserve G and would be limited to a maximum output of 10 megawatts.

Staff has provided an amended version of the original SCUP that would permit the development as proposed by the applicant.

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	PUD, Planned Unit Development	Industrial Warehouse
South	PUD, Planned Unit Development	Detention Pond
West	PUD, Planned Unit Development	Industrial Warehouse
East	PUD, Planned Unit Development	Swift Truck Stop

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:

There are a number of different considerations staff evaluated during the review of this application. The following describes staff's analysis of those considerations:



Planning and Zoning Commission
March 16, 2023 – SCUP #23-91000001

1. *Land Use.* The existing industrial land use is permitted via the current SCUP. The proposed addition of a BESS facility requires an amendment to the existing SCUP.
2. *Access.* There is sufficient existing right-of-way access along Wharton Weems Blvd. and S. 16th St.
3. *Utilities.* Water and sewer services are not impacted by the proposed development.

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's finding.

Criterion:	Staff Findings:
Ability of infrastructure to support the permitted use.	Existing infrastructure in the area is sufficient for the proposed use.
Impact on the value and practicality of the surrounding land uses.	Proposed SCUP amendment would be consistent with the existing uses within the surrounding industrial park.
Conformance of a zoning request with the land use plan.	The proposed SCUP amendment is in conformance with the future land use plan which designates the area as Light Industrial (LI)
Character of the surrounding and adjacent areas.	The proposed use is consistent with the industrial character of the surrounding park.
Suitability of the property for the uses which would be permissible, considering density, access and circulation, and adequacy of public facilities and services.	Proposed use would be located within an existing industrial park. The park has adequate access and circulation.
The extent to which the proposed use designation would adversely affect the capacity or safety of that portion of the road.	The proposed SCUP would have primary access off of Wharton Weems Blvd. No potential impacts have been identified.
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 use should not have a significant impact on environmental integrity of the surrounding area.
The gain, if any, to the public health, safety, and welfare of the City.	The proposed project has the potential to enhance the electrical grid for the surrounding industrial businesses during times of outages.

RECOMENDATION

Based on the above analysis, staff recommends the Planning and Zoning Commission conduct a public hearing for the proposed SCUP #23-91000001 amendment.



Planning and Zoning Commission
March 16, 2023 – SCUP #23-91000001

ATTACHMENTS

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

Area Map

SCUP

#23-91000001

1901 Wharton Weems

Legend



Subject Property

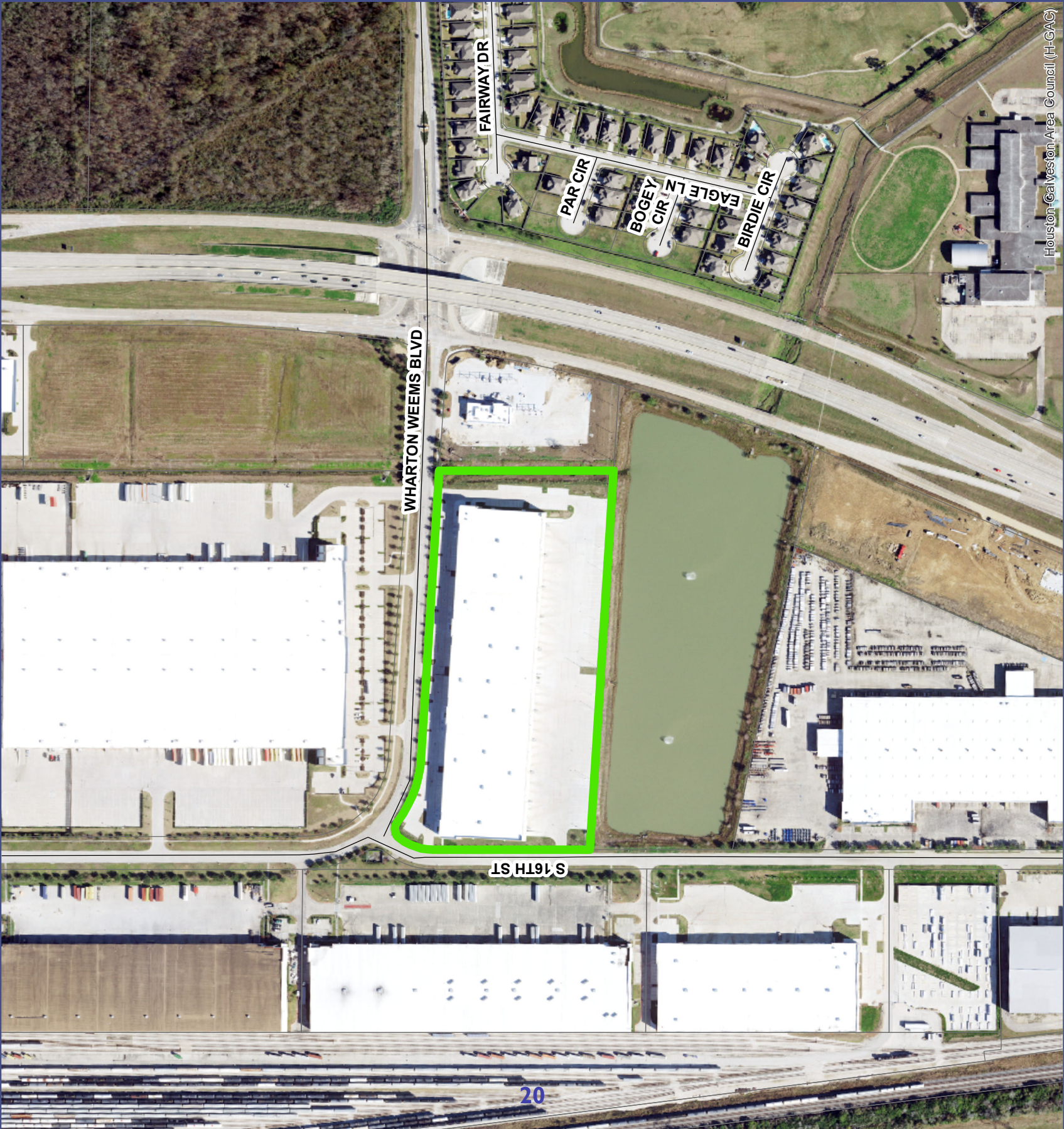
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1 inch = 369 feet

MARCH 2023

PLANNING DEPARTMENT



Houston-Galveston Area Council (H-GAC)

Zoning Map

SCUP

#23-91000001

1901 Wharton Weems

Legend



Subject Property

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1 inch = 369 feet

MARCH 2023

PLANNING DEPARTMENT



FLUP Map

SCUP
#23-91000001

1901 Wharton Weems

Legend



Subject Property

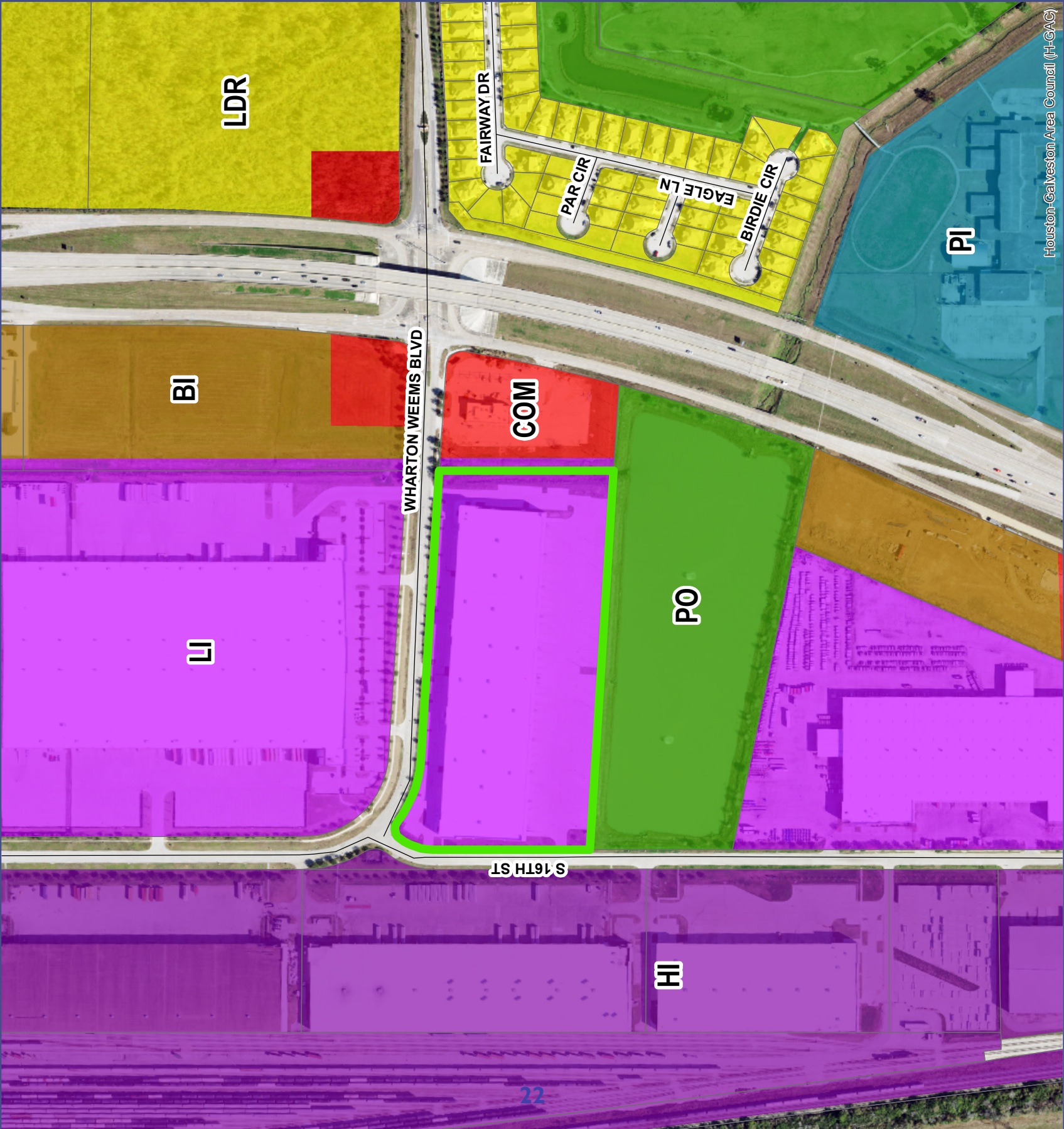
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MARCH 2023

PLANNING DEPARTMENT





City of La Porte
Special Conditional Use Permit
#23-91000001

Applicant: Estebaan Ice of RavenVolt, Inc. for Prologis Inc., Owner
Owner or Agent

8827 N. Sam Houston Pkwy, Houston, TX 77064
Address

Development Name/Type: RavenVolt BESS Facility – Port Crossing

Location: 1901 Wharton Weems Blvd.

Legal Description: Restricted Reserve “G”, Block 4, Port Crossing Harris County

Zoning: Planned Unit Development (PUD)

Use: Addition of a BESS Facility

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. This Special Conditional Use Permit-(SCUP) would be applicable to specific development anticipated or proposed by the General Plan.
2. Uses are as described in the Land Use Exceptions (Exhibit C of the Amended Development Agreement).
3. This SCUP outlines in general terms the proposed Planned Unit Development. The developer recognizes and understands that any future construction or development of the private or public improvements anticipated by this SCUP and the General Plan shall require further submittal and approval of plats, site plans, construction drawings, and building plans, etc. In addition, this SCUP supersedes SCUP #06-006.
4. This SCUP, the General Plan, Restrictive Covenants, and Land Use Exceptions are exhibits to and are a part of the Amended Development Agreement.
5. Submittals for site plan approval shall be in accordance with this SCUP, General Plan, Development Agreement, Restrictive Covenants, and Land Use Exceptions approved by the City of La Porte. For uses not authorized by this SCUP, approval pursuant to Section 106-216 & 106-217 of the City of La Porte Code of Ordinances, as it now exists or may be amended from time to time, shall be required.
6. The business park identification and entry features shall remain and be maintained as constructed unless approved by the City Council.
7. Truck parking on any lot fronting State Highway 146 will be prohibited on the east side of any structure.
8. Truck stops as defined in Chapter 106 of the La Porte Code of Ordinances shall be prohibited within any part of the 300 acre Port Crossing business park. Any gas station that provides any two (2) of the following: truck parking, more than one diesel dispenser for every ten (10) gasoline dispensers, or has a canopy over the dispensers that is greater than sixteen (16) feet in height shall also be deemed a truck stop.
9. Within reserves J1, and L fronting State Highway 146, warehouses are prohibited if the warehouse

has a 36 foot clear or higher space; has more than 250,000 feet of storage area; has truck docks on more than two sides or any facing Highway 146; or contains any trailer storage other than necessary for loading and unloading operations. Additionally, each building located thereon must have grade-level store-front entries with windows facing Highway 146. Where warehouses exceed 200,000 square feet in size, building articulation will be required in accordance with Section 106-928 (b)(1) a and b of the La Porte Code of Ordinances. Additionally in the event of truck-bay parking on the north or south side any allowed building screening shall be required to screen such trucks. Screening may consist of a masonry wall or landscaping, or a combination thereof, at a sufficient height to screen such trucks.

10. Within reserve E (E1/E2) fronting State Highway 146, warehouses are prohibited if the warehouse is taller than 100 feet; has more than 250,000 feet of storage area; has truck docks on more than two sides or any facing Highway 146; or contains any trailer storage other than necessary for loading and unloading operations. Where warehouses exceed 200,000 square feet in size, building articulation will be required in accordance with Section 106-928 (b)(1) a and b of the La Porte Code of Ordinances. Additionally in the event of truck-bay parking on the north or south side any allowed building screening shall be required to screen such trucks. Screening may consist of a masonry wall or landscaping, or a combination thereof, at a sufficient height to screen such trucks.
11. A Battery Energy Storage System (BESS) facility is permitted to locate on Reserve "G". The facility may not exceed 10 megawatts, must be located at the southeast corner of the existing site, and must be fully screened with 100% opaque fencing. All Building Code and Fire Code requirements must be met prior to construction.
12. The Developer shall comply with all other applicable laws and ordinances of the City of La Porte and the State of Texas. To the extent there is a conflict between those laws and ordinances and this SCUP, the SCUP controls.
13. This SCUP is binding on all owners of property included in the Legal description and their successors and assigns.

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



City of La Porte
Special Conditional Use Permit
#23-91000001

Applicant: Estebaan Ice of RavenVolt, Inc. for Prologis Inc., Owner
Owner or Agent

8827 N. Sam Houston Pkwy, Houston, TX 77064
Address

Development Name/Type: RavenVolt BESS Facility – Port Crossing

Location: 1901 Wharton Weems Blvd.

Legal Description: Restricted Reserve “G”, Block 4, Port Crossing Harris County

Zoning: Planned Unit Development (PUD)

Use: Addition of a BESS Facility

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. This Special Conditional Use Permit-(SCUP) would be applicable to specific development anticipated or proposed by the General Plan.
2. Uses are as described in the Land Use Exceptions (Exhibit C of the Amended Development Agreement).
3. This SCUP outlines in general terms the proposed Planned Unit Development. The developer recognizes and understands that any future construction or development of the private or public improvements anticipated by this SCUP and the General Plan shall require further submittal and approval of plats, site plans, construction drawings, and building plans, etc. In addition, this SCUP supersedes SCUP #06-006.
4. This SCUP, the General Plan, Restrictive Covenants, and Land Use Exceptions are exhibits to and are a part of the Amended Development Agreement.
5. Submittals for site plan approval shall be in accordance with this SCUP, General Plan, Development Agreement, Restrictive Covenants, and Land Use Exceptions approved by the City of La Porte. For uses not authorized by this SCUP, approval pursuant to Section 106-216 & 106-217 of the City of La Porte Code of Ordinances, as it now exists or may be amended from time to time, shall be required.
6. The business park identification and entry features shall remain and be maintained as constructed unless approved by the City Council.
7. Truck parking on any lot fronting State Highway 146 will be prohibited on the east side of any structure.
8. Truck stops as defined in Chapter 106 of the La Porte Code of Ordinances shall be prohibited within any part of the 300 acre Port Crossing business park. Any gas station that provides any two (2) of the following: truck parking, more than one diesel dispenser for every ten (10) gasoline dispensers, or has a canopy over the dispensers that is greater than sixteen (16) feet in height shall also be deemed a truck stop.
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has a 36 foot clear or higher space; has more than 250,000 feet of storage area; has truck docks on more than two sides or any facing Highway 146; or contains any trailer storage other than necessary for loading and unloading operations. Additionally, each building located thereon must have grade-level store-front entries with windows facing Highway 146. Where warehouses exceed 200,000 square feet in size, building articulation will be required in accordance with Section 106-928 (b)(1) a and b of the La Porte Code of Ordinances. Additionally in the event of truck-bay parking on the north or south side any allowed building screening shall be required to screen such trucks. Screening may consist of a masonry wall or landscaping, or a combination thereof, at a sufficient height to screen such trucks.

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11. A Battery Energy Storage System (BESS) facility is permitted to locate on Reserve "G". The facility may not exceed 10 megawatts, must be located at the southeast corner of the existing site, and must be fully screened with 100% opaque fencing. All Building Code and Fire Code requirements must be met prior to construction.
12. The Developer shall comply with all other applicable laws and ordinances of the City of La Porte and the State of Texas. To the extent there is a conflict between those laws and ordinances and this SCUP, the SCUP controls.
13. This SCUP is binding on all owners of property included in the Legal description and their successors and assigns.

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



Special Conditional Use Permit Application

Planning and Development Department

PROJECT INFORMATION

Address where SCUP is being requested: 1901 Wharton Weems Blvd La Porte, TX 77571

Legal description where SCUP is being requested: Restricted Reserve "G" Block 4 of Port Crossing

HCAD Parcel Number where SCUP is being requested: 129-217-004-0004

Zoning District: Planned Unit Development

Lot area: 14.40 AC

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

Description of Request: Request to install a 9.9 MW Battery Energy Storage system in the southeast corner of the existing truck parking lot at 1901 Wharton Weems Blvd La Porte, TX 77571 as described and shown in "RavenVolt SCUP for 9.9 MW BESS 1901 Wharton Weems Blvd 2.10.23.pdf" attached with this application.

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: Prologis Inc.

Company (if applicable): Liberty Property, L.P.

Address: 8827 North Sam Houston Parkway West

City: Houston

State: TX

Zip: 77064

Phone: (805)354-2575

Email: sshopley@prologis.com

AUTHORIZED AGENT (if other than owner)

Name: Estebaan Ice

Company (if applicable): RavenVolt, Inc.

Address: 2715 Ronald Regan Blvd Ste 100

City: Cumming

State: GA

Zip: 30041

Phone: (254)301-9949

Email: estebaan.ice@ravenvolt.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: [Signature]

Date: 2/10/23

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

Date: 2/10/23

STAFF USE ONLY:

Case Number:

23-91000001

Date Application Received:

02.10.2023



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.




ASSISTANT SECRETARY'S CERTIFICATE

The undersigned, Holly R. Doering, being an Assistant Secretary of each of (i) Prologis, Inc., a Maryland corporation ("Prologis"), and (ii) Liberty Property Trust, a Maryland real estate investment trust ("Liberty"), does hereby certify as follows:

1. That effective February 4, 2020, Prologis and affiliates acquired Liberty, including all of Liberty's assets and liabilities (the "Transaction");
2. That, pursuant to the Transaction, Liberty and all subsidiaries thereof became subsidiaries of Prologis, effective February 4, 2020; and
3. That Liberty is the general partner of Liberty Property Limited Partnership, a Pennsylvania limited partnership.

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of the 1st day of November 2022.



Holly R. Doering
Assistant Secretary



Special Conditional Use Permit Application

Planning and Development Department

AFFIDAVIT OF POSTING

PLANNING AND ZONING COMMISSION PUBLIC HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 1901 Wharton Weems Blvd La Porte, TX 77571

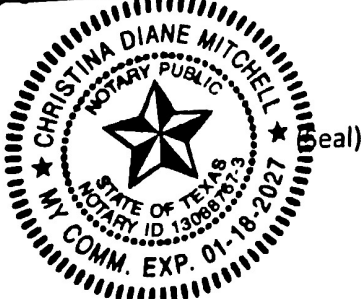
LEGAL DESCRIPTION: Restricted Reserve "G" Block 4 of Port Crossing

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than fifteen (15) days prior to the scheduled public hearing; starting at least on the following date: 2/28/23.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire fifteen (15) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

[Signature]
Applicant's Signature

Esteban Douglas Ice
Applicant's Printed Name

Subscribed and sworn before me this 10 day of February, 2023, by
Esteban Ice (Print Applicant's Name).



[Signature]
Notary Public

My commission expires: 1-18-2027

February 10, 2023

City of La Porte
Planning and Development
604 W Fairmont Pkwy
La Porte, TX 77571



RE: Special Conditional Use Permit Project Description and Justification Letter for <10MW Battery Energy Storage System at 1901 Wharton Weems Blvd La Porte, TX 77571

Planning and Zoning,

RavenVolt, as the engineer and contractor, and Prologis, as property and battery owner, are proposing the installation of a new 9.9 MW Battery Energy Storage System (BESS) at 1901 Wharton Weems Blvd La Porte, TX 77571. This property is currently zoned Planned Unit Development District (PUD) and has had a warehouse in operational use since 2019. Sec. 106-310. – Table A, Commercial and Industrial Uses in the La Porte Municipal code allows the installation of Grid-Scale Battery Energy storage in PUD with the approval of a Special Conditional Use Permit.¹ The BESS will tie into the utility grid according to terms in the Interconnect Agreement with CenterPoint Utility and will be subject to all ERCOT design standards and requirements.

The following Project Description seeks to answer questions about BESS in general, as well as provide detail about the proposed project. We believe that the benefits to having BESS in La Porte are self-evident and that any concerns can be mitigated and addressed. We look forward to this opportunity to partner with the City of La Porte in bringing this project to fruition.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Lackey".

Brandon Lackey, P.E.
VP of Construction
RavenVolt Inc.
brandon.lackey@ravenvolt.com
785-285-01

¹ [DIVISION 1. - GENERALLY | Code of Ordinances | La Porte, TX | Municode Library](#)

Introduction

As outlined in the *City of La Porte 2030 Comprehensive Plan 2012 Update*², RavenVolt and Prologis want to ensure that the City Council and citizens of La Porte's goals are met. We believe our proposed 9.9 MW Battery Energy Storage Project aligns with and promotes the goals of the City of La Porte. We appreciate city asking good questions, and ensuring good plans "enables the City to manage future growth and development actively as opposed to reacting to (re)development or infrastructure improvement proposals on a case-by-case basis without adequate and necessary consideration of community-wide issues" ¹.

Our proposed 9.9 MW Battery Energy Storage Project also brings to light the city's foresight in understanding that planning is "a dynamic process that must be continuously monitored and renewed as changes occur" ¹. Battery Energy Storage is a newer technology that requires thoughtful consideration of all the potential benefits for the Texas electrical grid regarding resiliency and cost savings through peak shifting.

Location

The location at 1901 Wharton Weems Blvd was chosen for several reasons. ERCOT and electric utility providers in Texas have elected to prioritize and fast track <10MW BESS. They see the value of peak shifting, and fast frequency response that batteries can provide better than traditional resources. Prologis owns building throughout the United States and is #2 in U.S. on-site solar³. Their commitment to Energy & Sustainability in ways that benefit all stakeholders is now evident in their move into Battery Energy Storage in the Texas Market. For site location selection from Prologis's portfolio in Texas we had to consider proximity to substation, minimal infrastructure upgrades, population density of the proposed area, and tenants equally committed to seeing these projects succeed. 1901 Wharton Weems Blvd meets all these requirements and made the shortlist out of an initial list of hundreds of properties in Texas.

² City of La Porte Comprehensive Plan 2012 Update [Comprehensive-Plan-PDF \(laportetx.gov\)](https://www.laportetx.gov/Comprehensive-Plan-PDF)

³ [Energy + Sustainability Essentials | Prologis](#)

Safety

We know the City of La Porte takes seriously the responsibility to make regulations according to Chapter 211 of the Local Government Code⁴ to ensure the city is designed to “secure safety from fire, panic, and other dangers” for its citizens. RavenVolt and Prologis unequivocally agree with this mandate. While Battery Energy Storage is an exciting new technology, the potential hazards are known and can be mitigated, and worst-case scenarios can be planned for.

The BESS system is built with safety features at the forefront of the design process. Each battery cabinet has its own fire suppression system integral to its construction. This system is powered from a remote uninterruptable power supply as well as a redundant battery backup local to each cabinet. They are also equipped with a port on the top side to enable the fire department to fill any container needed with water without having to open the door. The batteries are required to go through UL9540A testing per NFPA 855 at the cell, module, and unit level. This means that not only are the batteries tested at an individual level (i.e. cell level), they are additionally tested at the unit with all its components as they will be installed in a real-world installation.

In addition to these safety features RavenVolt spoke with the La Porte Fire Marshall’s office in a pre-application meeting on January 17, 2023, and have since contracted with Fisher Engineering, Inc. for Fire Protection Engineering (FPE) consultation on this project. The primary contact for this FPE is Mr. Andrew Blum. Mr. Blum has a Bachelor of Science and a Master of Science degree in Fire Protection Engineering from the University of Maryland. He is also a principal member on the technical committee on NFPA 855, *Standard for the Installation of Stationary Energy Storage Systems* and is an active member of the NFPA, ICC, ASTM and Society of Fire Protection Engineers. He has specific expertise in fire-testing lithium-ion batteries used in consumer electronics/products, battery energy storage systems, electric drive vehicles, and in-storage configurations. In addition, Mr. Blum has special expertise in evaluating and performing third-party reviews of BESS products for manufacturers and evaluating proposed BESS installations for energy companies. These evaluations can include performing fire protection system design, analyzing the installations for

⁴ [LOCAL GOVERNMENT CODE CHAPTER 211. MUNICIPAL ZONING AUTHORITY \(texas.gov\)](https://www.texas.gov/legislation/local-government-code-chapter-211)

code compliance, performing fire hazard mitigation analyses, working with the local fire department on appropriate emergency response procedures, AHJ education, and training.

RavenVolt, as an EPC (Engineer, Procure, Construct), has an unblemished track record installing large scale energy projects. We are trusted by nationwide customers such as Wal-Mart, Home Depot, and Publix Supermarkets, as well as utilities such as Florida Power & Light, Duke Energy, and Georgia Power to design and install energy systems. Our unique ability to Engineer our projects so that we can Procure the best equipment and then Construct them safely enables us to be leader in energy storage and generation.

Values

The City of La Porte, RavenVolt, and Prologis share a common goal. We are groups of diverse individuals working together toward aspirational goals for the betterment of ourselves, our families, and our communities. The City of La Porte has in its *City of La Porte 2030 Comprehensive Plan 2012 Update*⁵ clearly stated its values, and the values it expects residents and businesses to adhere to when proposing any projects within the city limits.

Chapter 3 of the Comprehensive Plan “Infrastructure and Growth Capacity” lays out four focus areas:

1. Improved Flood and Drainage
2. Adequate, Efficient, and Resilient Public Utilities
3. Maintaining and Improving Public Safety Services
4. Need for Increased Sustainability.

Our 9.9 MW Battery Energy Storage System installation is an ideal candidate for a project in the City of La Porte as it does not adversely impact any of these focus areas, and promotes others.

Flooding and drainage are top of mind for all communities on the bay. Our proposed location lies outside the mapped FEMA 500-year floodplain, so mitigation is not anticipated. It is also assumed

⁵ City of La Porte Comprehensive Plan 2012 Update [Comprehensive-Plan-PDF \(laportetx.gov\)](http://laportetx.gov/Comprehensive-Plan-PDF)

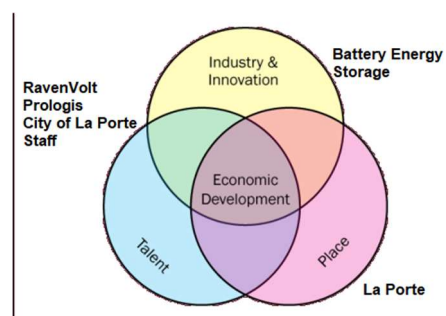
that a Stormwater Quality Plan will not be required as there is less than .2 acres of new impervious area. If this leads to additional required detention initial review suggests that this can be accomplished through a gravity drained system that will connect to the existing site drainage system.

No new public utilities will be needed for this project. The units are powered through the interconnection point with the utility and require no water or sewer as it is a stand-alone unmanned system. In addition to not burdening the utilities, the BESS system specifically adds to the quality and resiliency of the existing utility grid.

As a part of the requirements discussed with the Fire Marshall's office on January 17, 2023 RavenVolt and Prologis will provide an engineered Fire Protection plan to the local fire department discussing the best practices when interacting with BESS. This will address common concerns with BESS fire protection as well as take into account the existing resources the fire department has. This will be a resource the fire department can utilize to ensure personnel have the most up to date information and have planned accordingly in the unlikely event of a fire with a BESS.

Sustainability is essential. Our proposed installation takes up less than .2 acres of green space on an already developed lot. Sustainability is also a key feature of BESS enabling peak shifting that more effectively uses the pre-existing power available on the grid, bringing electrical resiliency and lower cost energy to the citizens of La Porte.

Chapter 5 of the Comprehensive Plan "Economic Development" there are several concerns and solutions presented that pertain to the BESS we are proposing. It is stated that "Economic development occurs where industry and innovation find talent in a place that offers a quality of life that attracts and retains both."⁶



RavenVolt wants to join the partnership that Prologis and the City of La Porte already have in striving for economic development. This project incorporates industry and innovation as outlined in the plan by providing and entrepreneurial expansion by an existing company. Working together we believe the three teams have all the talent needed to make this project a success for everyone. The project also supports a quality of place by encouraging businesses to make investments in the La Porte area that are low impact and high return.

In joining this partnership, we want to help La Porte in considering Table 5.1 SWOT Analysis in the Comprehensive Plan and how it applies to our proposed 9.9 MW BESS.

Table 5.1, SWOT Analysis	
Strengths	Opportunities
<ul style="list-style-type: none"> • Sylvan Beach / Bay Front • Historic Main Street • Strong Industry Base • Low Cost of Living • Location within Greater Houston • Current and Planned Parks 	<ul style="list-style-type: none"> • Bayfront Enhancement • Downtown Redevelopment • Sylvan Beach Improvement • Beautification • Attracting Tourists • Retail Readiness
Weaknesses	Threats
<ul style="list-style-type: none"> • Physical Appearance • Sales Tax Leakage • Disconnected Downtown / Bayfront • Division of east and west side • Intracity Communication • Limited Undeveloped Land • Economic Diversification 	<ul style="list-style-type: none"> • Truck Traffic • Oil and Gas Industry Downturn • External Perception • Flooding • Growth Management

Source: City of La Porte Economic Development Strategic Plan, Chapter 2: SWOT Analysis. January 2009.

The Battery Energy Storage project aligns with the city's strengths by reinforcing the strong industry base and taking advantage of the proximity of power consumption needs by being located within the Greater Houston Area.

The Battery Energy Storage project does not directly address any of the existing specified Opportunities, it does however add the opportunity to be on the forefront of safe green technology for the betterment of current and future community members. This system will also support

electric grid resiliency and lower energy costs for the community, which will greatly support both local businesses and residents alike.

The Battery Energy Storage project does not burden any of the perceived weaknesses. The physical appearance of our installation is unobtrusive; the system is not located on a throughfare and utilizes already developed land that is currently a parking lot for a more beneficial purpose.

The Battery Energy Storage project avoids any of the threats outlined in the Comprehensive Plan. There will not be any increase in large truck traffic. This installation is not dependent on the Oil and Gas Industry. This is a new technology, and La Porte can be perceived as a leader in the green energy space, while bringing electric grid resiliency and lower energy costs to the community.

Summary

The City of La Porte, RavenVolt, and Prologis all share a common goal. We are groups of diverse individuals working together toward aspirational goals for the betterment of ourselves, our families, and our communities. We believe the City Council should approve our Special Conditional Use Permit as we are making every effort to add a safe and valuable energy resource on to the Texas electrical grid while having no negative impact on the City of La Porte and its citizens.

City of La Porte Values: ⁶		<10MW BESS Strengths
Resiliency		Adds resiliency to Texas Grid, less utility outages for La Porte Businesses and Residents
Low Noise from Industry		40db – 60db ⁷ (Quiet library – Electric Toothbrush) ⁸ to support temperature maintenance on batteries
Low truck traffic		Typical low volume construction traffic for 3 - 4 months, after which the system is self-sustaining with periodic maintenance only.
Air Quality		No emissions
Aesthetics		Not viewable from major thoroughfare. Fenced and screened. Batteries contained within aesthetically pleasing weatherproof enclosures. Replaces truck parking.
Safety		The BESS has a built-in fire suppression system, is UL9540A tested per NFPA 855, and an FPE review will be performed and coordinated with City of La Porte.
Use Infrastructure wisely		Minimal electrical infrastructure impact. No expected impact to water, sewer, and drainage.
Property Values		Adds property value with small footprint and little to no impact on current buildings

⁶ City of La Porte Comprehensive Plan 2012 Update [Comprehensive-Plan-PDF \(laportetx.gov\)](http://laportetx.gov/Comprehensive-Plan-PDF)

⁷ [Energy Storage Versus Generators: the Case for Battery Storage in Ontario \(convergentep.com\)](http://convergentep.com/Energy-Storage-Versus-Generators-the-Case-for-Battery-Storage-in-Ontario)

⁸ [Noise levels of everyday sounds | Audicus](http://audicus.com/noise-levels-of-everyday-sounds)

Battery Energy Storage Common Questions and Answers

I. What is Battery Energy Storage?

Battery Energy Storage Systems are devices that enable unused energy supplied to the grid in times of low demand, to be stored and then released when customers need power most. BESS has a key part to play in ensuring homes and businesses can be powered by green energy, even when the sun isn't shining, or the wind has stopped blowing.⁹

II. Does the BESS generate energy?

The BESS does not generate energy. The BESS ties into the existing electrical grid and stores energy as needed. The Energy Reliability Council of Texas (ERCOT) has proposed a designation between a Generation Resource and an Energy Storage Resource¹⁰ due to the significant differences in emissions, response times, and capabilities.

III. Does this facility have emissions?

No, there will be no emissions (including CO₂, CO, water vapor, etc.) of any kind from the operation of the facility.

IV. What are the noise impacts of the project?

There are negligible noise impacts of the project. There are small air conditioners on the battery units and electronic noises (vibration, fans) on the transformers and inverters. This expected to be between 40db – 60db¹¹ (Quiet library – Electric Toothbrush)¹², significantly lower than the truck traffic around the BESS System.

V. What are the lighting impacts of the project?

There will be lighting for maintenance and security installed on the project. All the lighting will comply with City of La Porte Design Standards and be so arranged as to reflect the light away from adjoining property.

VI. What are the aesthetic impacts of the project?

Prologis as one of the largest real estate companies in the United States is very concerned and aware of property values. The location has been chosen to be unobtrusive and will be fenced

⁹ <https://www.nationalgrid.com/stories/energy-explained/what-is-battery-storage>

¹⁰ [BESTF KTC 01 ESR Registration TAC Approved 01292020.docx \(live.com\)](#)

¹¹ [Energy Storage Versus Generators: the Case for Battery Storage in Ontario \(convergentep.com\)](#)

¹² [Noise levels of everyday sounds | Audicus](#)

and screened for a clean and out of the way look. Batteries are stored in aesthetically pleasing weatherproof enclosures that do not exceed 8' in height.

VII. Will there be a new transmission line built to the substation?

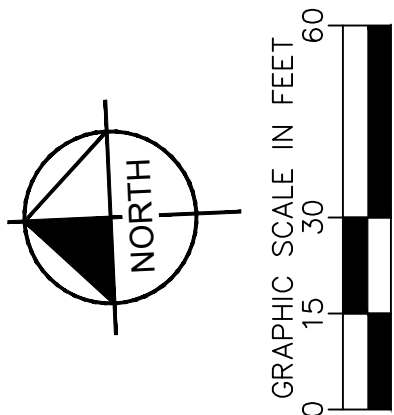
ERCOT and CenterPoint Utility require a dedicated feeder for BESS projects to ensure that the installation does not take up existing capacity on distribution lines. This requires a new distribution feeder from the substation. This location was chosen due to its proximity to the substation and the ability to use existing easements to the point of interconnection.

VIII. Is there danger of fire?

The risk of fire is extremely low with the system having the ability to automatically identify and isolate any issues prior to a fire starting. We are using reputable suppliers for the energy storage devices and hardware. The installation will be reviewed by a fire protection engineer and with input from the local Fire Marshall. The project will also comply with all NFPA 855 standards.

IX. Is the site monitored and/or manned?

The site is monitored remotely in various capacities 24/7/365 by Prologis, ERCOT, and the utility company. To respond effectively to the ever-changing state of the electrical grid the BESS must communicate back and forth in real time with multiple entities. The BESS is unmanned and requires periodic checks and maintenance.

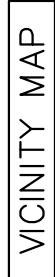


LEGEND	
---	PROPERTY LINE
---	FIRE LANE STRIPING
FL	EXISTING CONTOURS PER TNRS LIDAR
10	PROPOSED SCREENING AND SECURITY FENCE
x x x	EXISTING OVERHEAD POWER LINES
OH OH	EXISTING EASEMENT

PARKING SUMMARY TABLE	
REQUIRED PARKING PER ORIGINAL DESIGN	236
PROVIDED PARKING PER ORIGINAL DESIGN	229
EXISTING PARKING PER ORIGINAL CONSTRUCTION	228
PROPOSED PARKING	228

<p>ZONING AND CURRENT USE</p> <p>THE CITY OF LA PORTE ZONING DESTINATION FOR THE SUBJECT SITE IS PLANNED UNIT DEVELOPMENT. PLANNED UNIT DEVELOPMENT MEANS A LAND AREA CHARACTERIZED BY A UNIFIED SITE DESIGN WHICH HAS (A) INDIVIDUAL BUILDING SITES THAT ARE SEPARATELY ACCESSIBLE TO THE PUBLIC AND (B) ARE CAPABLE OF SATISFACTORY USE AND OPERATION AS A SEPARATE ENTITY.</p>
<p>THE CURRENT USE FOR THE SUBJECT SITE IS AN INDUSTRIAL WAREHOUSE FACILITY.</p>

DENSITY SUMMARY TABLE
TRACT SIZE: 14.41 ACRES
PROPOSED % LANDSCAPE AREA: 10.48%
PROPOSED % LOT COVERAGE: 40.87%
PROPOSED SIDE YARD SETBACK: 37.3'
PROPOSED REAR YARD SETBACK: 22.9'



DISTANCE TABLE
DISTANCE FROM PROPOSED DEVELOPMENT TO BAYFOREST GOLF COURSE: APPROX. 0.6 MILES
DISTANCE FROM PROPOSED DEVELOPMENT TO NEAREST RESIDENTIAL STRUCTURE: APPROX. 0.15 MILES
DISTANCE FROM PROPOSED DEVELOPMENT TO STATE HIGHWAY 146: APPROX. 0.07 MILES

RAVENVOLT BESS LAYOUT EXHIBIT
1901 WHARTON WEEMS BOULVEARD,
LA PORTE, TEXAS
FEBRUARY 9, 2023



Discussion Items

- a. Truckstop operating hours
- b. Council action update
- c. Comprehensive plan update
- d. Next regular meeting – APRIL 20, 2023?

Saima Bhaidani
Lion King Travel Plaza
201 W Barbour's Cut Blvd.
La Porte, TX 77571

February 20, 2023

Corby D. Alexander
City Manager
City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571

Re: Overnight Customer Parking Issue

Dear Corby Alexander:

First, I would like to thank you for your time this afternoon. Also, I highly appreciate the interest and patience you demonstrated while listening to our concerns and requests. Thank you!

As per our discussion, we request you to kindly review the customer overnight parking situation at our business, Lion King Travel Plaza, located at 201 W Barbour's Cut Blvd.

As discussed, we formally propose the following:

- To Build a 8ft-10ft high masonry wall along the entire parameter adjacent to the back neighborhood.
 - At present, there is no barrier in place. Therefore, making it visually an unappealing site even for our back neighbors.
 - Due to an apartment complex present in the vicinity, we have witnessed walkers that use 2nd and 3rd streets to walk into our business. The wall would reduce the jaywalking through the neighborhood and ultimately be beneficial for the residents.
 - Help reduce noise and the Truckstop being permanently out of sight.
- To create a 50ft+ buffer from the wall so no truck shall park or use that zone outside business hours.
- Strictly enforce that the overnight parked trucks are completely turned off and not left "Idle".
- Dimming of lights so that no light passes to our back neighbors.

As mentioned earlier, our revenue has seen a sharp downward trend due to this provision and has made it extremely difficult for us to compete with other truck stops.

Moreover, we also believe that, in general, this would be helpful in overall safety of our drivers on roadways.

We are absolutely prepared to work with the City of La Porte and would highly appreciate if you can positively process our request.

Sincerely,

Saima Bhaidani
281-948-5927

Sec. 106-310. Table A, Commercial & Industrial Uses.

All permitted uses in commercial and industrial zones must meet the following minimum performance standards. If requested by the enforcement officer, all applications for building permits must include a certification from a registered engineer that verifies compliance with these performance standards. Where applicable, all permitted uses in industrial zones must meet and be in compliance with the appropriate federal, state, or local regulations.

- A. *Lighting and glare.* Any lighting used shall be arranged so as to deflect light away from any adjoining residential zone or from public streets. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of such street. Any light or combination of lights which casts light on residential property shall not exceed 0.4 foot-candles (meter reading) as measured from such property.
- B. *Radiation and electrical emissions.* No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. *Smoke.* The emission of smoke by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.
- D. *Dust or other particulate matter.* The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.
- E. *Odors.* The emission of odor by any use shall be in compliance with and regulated by the appropriate federal, state or local agency.
- F. *Explosives.* No activities involving the storage, utilization, or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except such as are specifically licensed by the city council.
- G. *Noise.* All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and as measured at any property line, shall not exceed the following intensity in relation to sound frequency:

Octave Band Frequency	Maximum Sound Levels—Decibels	
Cycles per Second	Lot Line	Residential District Boundary
20 to 75	78	63
75 to 150	74	59
150 to 300	68	55
300 to 600	61	51
600 to 1,200	55	45
1,200 to 2,400	49	38
2,400 to 4,800	43	31
Above 4,800	41	25
Impact noise	80	55

Between the hours of 10:00 p.m. and 6:00 a.m. the permissible sound levels beyond residential district boundaries (both Column II and Impact) shall be six decibels less than shown above.

In distances where it is determined that a proposed land use may generate a level of noise that will impact on surrounding land uses, the planning and zoning commission and city council may require that efforts to reduce the potential noise impact be undertaken. These efforts may include screening and landscaping techniques.

- H. *Hours of operation.* Hours of operation are limited for truck stops adjacent to residential areas only. The facility shall only operate during the hour of 6:00 a.m. to 9:00 p.m. and no overnight facilities are allowed on the premises.

(Ord. No. 2016-3631, § 6, 5-23-16; Ord. No. 2017-3674, § 2, 4-24-17; Ord. No. 2017-3688, § 1, 12-11-17; Ord. No. 2018-3698, § 1, 3-12-18; Ord. No. 2018-3723, § 2, 9-24-18; Ord. No. 2019-3736, § 1, 4-8-19; Ord. No. 2020-3770, § 3, 1-13-20; Ord. No. 2022-3907, §§ 4—6, 12-12-22; Ord. No. 2023-3911, § 3, 1-9-23)



COUNCIL ACTION

Application #	Request	Location	P&Z Meeting	P&Z Action	CC Meeting	CC Action
Chapter 106 Amend	HFTR Changes	N/A	02.16.2023	DENIED	03.13.2023	
Chapter 106 Amend	Public Notice	N/A	02.16.2023	APPROVED	03.13.2023	
SAC 22-25000007	ROW Closure	Morgan's Point	10.13.2022	APPROVED	03.13.2023	APPROVED