



Ordinance Amendment Staff Report

Planning & Zoning Commission Public Hearing Date: February 13, 2023

City Council Public Hearing Date: February 20, 2023

Case: OAM23-01
Applicant(s): Apex Clean Energy Holdings, LLC
Section(s): Section(s) 50-2 (*Definitions*) and 50-82 (*Use Regulations (Charts)*),
Subsection (b)(*Use Charts*)
Subject: Add “Electric Storage System”

BACKGROUND

In recent months, the City of Tomball has been approached by multiple businesses looking to establish an “Energy Storage System” within the City of Tomball. These businesses utilize batteries to create energy storage reserves that are to be utilized if our city and/or surrounding communities lose access to electricity. Currently, the City of Tomball does not identify any such land use within our Code of Ordinance, leading staff to categorize this use as an “Electrical Substation” which is the closest similar use within our code of ordinance. Where permitted, electrical substations require a Conditional Use Permit. To avoid potential confusion that may arise from seeking a Conditional Use Permit for an Electrical Substation, the applicants would like to add the electric storage system land use to our code of ordinance. This amendment will allow an electric storage system within the Light Industrial (LI) zoning district with the approval of a Conditional Use Permit. Additionally, this amendment includes a definition that will clearly define the electric storage facility land use.

NOTICE OF PUBLIC HEARING:

A public hearing notice was published in the Potpourii on February 1, 2023.

PROPOSED ORDINANCE AMENDMENT(s):

Code of Ordinance Section(s):

50-2 (*Definitions*)

ADD:

Electric Storage System – One or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency.

50-82 (*Use Regulations (Charts)*)

ADD:

Types of Land Uses	Residential Zoning Districts										Nonresidential Zoning Districts										Parking
	AG	SF-20-E	SF-9	SF-6			D		MF		MHP	O		GR			C	LI		OT&MU	Also see section 50-112
Institutional/Governmental																					
Electric Storage System																		C			2 spaces per facility

RECOMMENDATION

City staff recommends approval of OAM23-01



ZONING TEXT AMENDMENT

Planning Division

APPLICATION REQUIREMENTS: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

There is a \$1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/secure/send
USERNAME: tomballdd
PASSWORD: Tomball1

Applicant

Name: Apex Clean Energy Holdings, LLC Title: Chief Operating Officer
Mailing Address: 120 Garrett Street, Suite 700 City: Charlottesville State: VA
Zip: 22902 Contact: Ken Young
Phone: (434) 270-7491 Email: ken.young@apexcleanenergy.com
c/o Jake Steinman, jake.steinman@apexcleanenergy.com

Property Owner

Name: TBD Title: _____
Mailing Address: _____ City: _____ State: _____
Zip: _____ Contact: _____
Phone: () _____ Email: _____

Statement of Purpose- Identify the existing section(s) of the Zoning Ordinance for which the Text Amendment is proposed, the proposed revised language and the reason(s) for the requested text Amendment (attach additional sheets as necessary):

The proposed zoning text amendment would amend City Code Sec. 50-2 (Zoning Definitions) to define "Energy Storage System". It would also amend Sec. 50-82(b) (Use Charts) to make Energy Storage System a conditional use that may be permitted in the LI zoning district only upon approval of a Conditional Use Permit (CUP) subject to the requirements of Sec. 50-81 (Conditional Use Permit). The amendments are needed to update the Code to reflect advances in technology and to allow for a regulated use that will enhance the energy grid. The proposed definition for "Energy Storage System" is "one or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency."

General Description of Property Affected by Amendment (attach additional sheets as necessary):

There is a parcel under consideration but no sale has closed at this time. Generally, however, an energy storage system use must be in close proximity to an electrical substation.

Statement of Facts Which the Applicant Believes Justify the Amendment (attach additional sheets as necessary):

The storage of energy is becoming increasingly important to achieve public policy goals including grid resiliency, emergency preparedness, and cost management. Energy storage will help to reduce costs associated with meeting peak electric demands, increase efficiency, stabilize supply during peak electric usage, and help keep critical systems online during an outage. The use should be regulated by allowing it only in the LI zoning district upon a public hearing and approval process for a Conditional Use Permit, and shall meet all fire and building code requirements and shall require ERCOT interconnection approval.

This is to certify that the information on this form is **COMPLETE, TRUE, and CORRECT** and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X  12/22/2022
Signature of Applicant Date

X _____
Signature of Owner Date



Jake Steinman
Apex Clean Energy, Inc.
120 Garrett Street, Suite 700
Charlottesville, VA 22902
jake.steinman@apexcleanenergy.com
Cell: 775-842-4749

January 3, 2023

Nathan Dietrich
Community Development Director
The City of Tomball
501 James Street
Tomball, TX 77375

Dear Mr. Dietrich:

On behalf of Apex Clean Energy, this serves as a request for zoning text amendments to define the "Energy Storage System" use and to make Energy Storage a conditional use in the Light Industrial (LI) zoning district pursuant to City Code Sec. 50-82(a)(4) (Classification of New/Unlisted Uses). Below is a list of the information required per the above-referenced Code section.

- (i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing:

"Energy Storage System" is one or more devices assembled together capable of storing energy that allows power system operators and utilities to collect and store energy from the grid and discharge it at a future time to provide electricity when needed, such as to ensure adequate peaking generation capacity and grid resiliency.

- (ii) The type of product sold or produced under the use:

Electrical energy storage and discharge into the grid as needed to enhance the functionality and resiliency of the energy grid.

- (iii) Whether the use has enclosed or outside storage and the amount and nature of the storage:

The use is to be stored in enclosed containers with the amount dependent on the energy storage needs and physical constraints.

(iv) Anticipated employment typically anticipated with the use:

There will be construction jobs generated as part of the construction of a battery storage facility. Upon construction, employment will be related to routine maintenance and remote 24/7 monitoring.

(v) Transportation requirements:

There will be no transportation requirements after construction except for a public or private access drive for maintenance.

(vi) The nature and time of occupancy and operation of the premises:

The use will be automated and continuous to ensure that adequate energy supply is available to the grid at all times.

(vii) The off-street parking and loading requirements:

There will be minimal parking and loading requirements, as the facility will only need parking for maintenance visits. Typically, this would include a loading space and little to no parking.

(viii) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated:

The use will not generate any odor, fumes, dust, toxic materials, or vibration. It will generate sound of approximately 55 decibels at 60 feet, which, for example, is approximately 25 decibels lower than the existing Tomball substation generates at the same distance.

(ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required:

Because this type of use does not require occupancy during operations, there will be no need for connection to city water or sewer.

(x) Impervious surface coverage:

Impervious surface cover will vary from project to project and is dependent on type and make of energy storage system. Adequate storm water retention will be designed and constructed if over the minimum threshold.

Nathan Dietrich
January 3, 2023
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Sincerely,

A handwritten signature in black ink, appearing to read "Jake Steinman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jake Steinman
Senior Development Manager, Energy Storage