



Application for  
**Rezoning**

Complete this application in its entirety and submit pages 4 and 5 along with the required materials (including any required supplements) as listed on page 2 to the address below:

City of Hampton  
Community Development Department, Planning Division  
22 Lincoln Street, 5th Floor  
Hampton, Virginia 23669

OFFICE USE ONLY  
Date Received:

**MARCH 1, 2023**

Case Number: RZ 21 - 00010

**1. PROPERTY INFORMATION**

Address or Location 3201 Commander Shepard Blvd

LRSN 6001003 Current Zoning District M-3 w/ proffers Proposed Zoning District M-3 with amended proffers

Current Land Use Idle since 2009, chemical manufacturing prior to 2009.

Proposed Land Use Power plant, utility-scale battery energy storage system.

The proposed use will be in:  an existing building  a new addition  a new building

**2. PROPERTY OWNER INFORMATION (an individual or a legal entity may be listed as owner)**

Owner's Name Linde Inc.

Address 10 Riverview Drive City Danbury State CT Zip 06810

Phone 203-837-2524 Email brian.morgan@linde.com

**3. APPLICANT INFORMATION (if different from owner)**

Applicant's Name Michael Herbert of Delorean Power LLC

Address 1201 Wilson Blvd City Arlington State VA Zip 22209

Phone 812-606-4996 Email michaelherbert@deloreanpower.com

**4. APPLICANT AGENT INFORMATION (if different from applicant)**

Agent's Name (same)

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**5. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS**

Complete this section only if the property owner is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 2 above.

"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of the legal entity (attach additional page if necessary):

Name of Legal Entity Linde Inc.

Signed by:

Name (printed) Brian C. Morgan, Its (title) Director, Corporate Real Estate

Signature  Date 5/1/2023

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_, Its (title) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**6. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS**

Complete this section only if the property owner is an individual or individuals.

"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

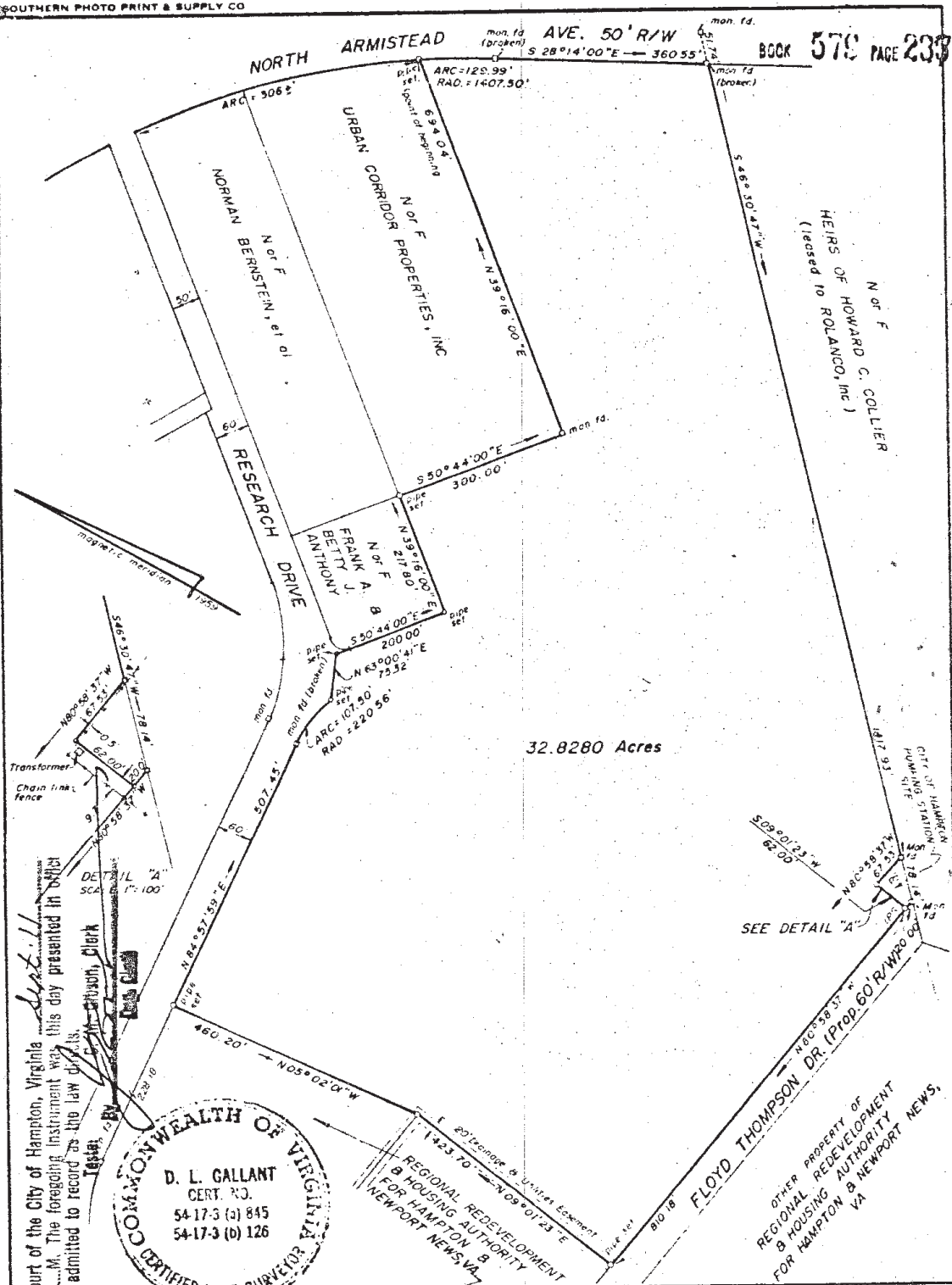
Name (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

OFFICE USE ONLY		
<input type="checkbox"/> Application Form	<input type="checkbox"/> Narrative Statement	<input type="checkbox"/> Proffer Statement
<input type="checkbox"/> Application Fee	<input type="checkbox"/> Survey Plat	<input type="checkbox"/> Additional materials (if required)



In the Clerk's Office of the Circuit Court of the City of Hampton, Virginia  
 A. D. 1980 at 11:30 A.M. The foregoing instrument was this day presented in public  
 and upon certificate thereof annexed, admitted to record as the law directs.  
 D. L. Gallant, Clerk

COMMONWEALTH OF VIRGINIA  
 D. L. GALLANT  
 CERT. NO.  
 54-17-3 (a) 845  
 54-17-3 (b) 126  
 CERTIFIED LAND SURVEYOR

I certify that this perimeter survey is correct to the best of my knowledge and belief, subject to easements, servitudes and covenants on record.

*D. L. Gallant*

**PLAT OF THE PROPERTY OF**  
**REGIONAL REDEVELOPMENT & HOUSING**  
**AUTHORITY FOR HAMPTON**  
**& NEWPORT NEWS, VIRGINIA**  
**32.8280 AC.**  
**CITY OF HAMPTON, VIRGINIA**

**COENEN & ASSOCIATES, INC.**  
**ENGINEERS — PLANNERS — SURVEYORS**  
**606 J. CLYDE MORRIS BLVD.—NEWPORT NEWS, VIRGINIA**





REVISIONS			
REV	DESCRIPTION	APPROVED	DATE
A	CONCEPT SITE PLAN	ZC	4/26/2023

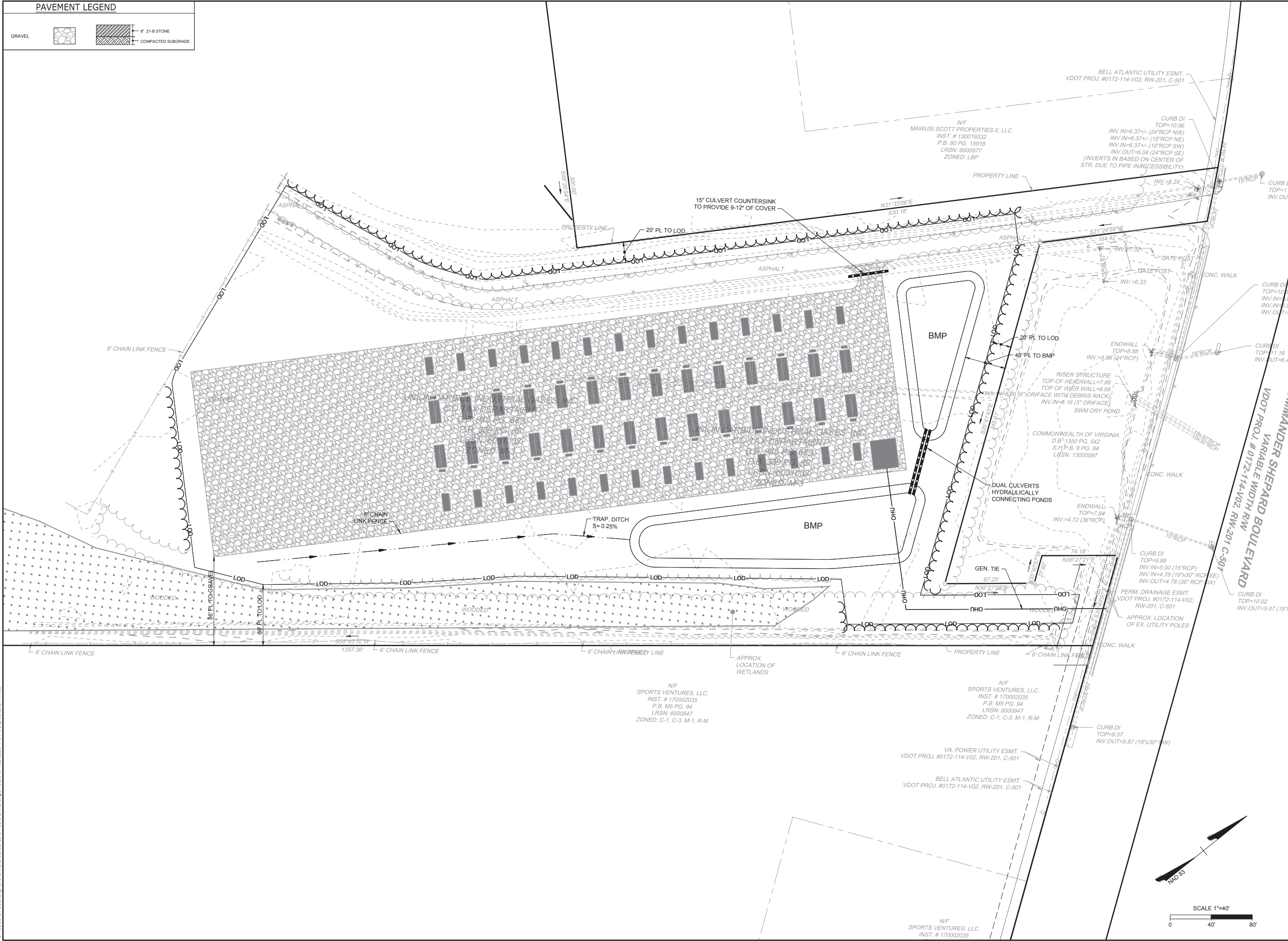
PROJECT DESCRIPTION	
INTERCONNECTION VOLTAGE:	34.5 KV
FACILITY POWER AT POI:	29.12 MW
FACILITY ENERGY (BOL):	118.64 MWH
INVERTER MANUFACTURER:	TBD
BATTERY MANUFACTURER:	TBD
STEP TRANSFORMER:	3.15 MVA
LATITUDE:	37° 05' 17" N
LONGITUDE:	76° 23' 19.5" W

- DRAWING NOTES
1. PRELIMINARY DRAWING; NOT FOR CONSTRUCTION. FINAL SITE LOCATION, LAYOUT AND DESIGN SUBJECT TO ENGINEERING DESIGN AND REVIEW.
  2. LAYOUT SHOWS GENERAL FOOTPRINT REQUIRED FOR FACILITY. SITE LOCATION AND DETAILED LAYOUT AND CONSTRUCTION DRAWINGS TO BE DEVELOPED LATER.
  3. ALL CONTAINERS ARE NEMA 3R.
  4. NO CULTURAL RESOURCES HAVE BEEN IDENTIFIED ON PROPOSED SITE.
  5. NO THREATENED OR ENDANGERED HABITATS HAVE BEEN IDENTIFIED ON PROPOSED SITE.
  6. PROPOSED SITE IS NOT WITHIN RPA LIMITS.
  7. SITE FENCE: 6 FEET TALL, 2" MESH, 9 GAUGE GALVANIZED METAL FABRIC, TOPPED WITH 1 FOOT OF BARBED WIRE.

<b>DELOREAN POWER</b>		
HAMPTON VA		
<b>HAMPTON BESS</b>		
<b>CONCEPT SITE PLAN</b>		
SIZE <b>D</b>	DWG NO. <b>1002-0001-DWG-005</b>	REV <b>E</b>
SCALE	SHEET 1 OF 1	



PAVEMENT LEGEND	
GRAVEL	
8" 21-B STONE	
COMPACTED SUBGRADE	



THIS DRAWING PREPARED AT THE  
**TRI-CITIES OFFICE**  
 4701 Owens Way, Suite 900 | Prince George, VA 23875  
 TEL 804.541.6600 FAX 804.455.1511 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

DATE  
 4/26/2023

DRAWN BY  
 B. WOOTEN

DESIGNED BY  
 D. ELLIS

CHECKED BY  
 J. WINKS

SCALE  
 1"=40'

**TIMMONS GROUP**

DELOREAN POWER  
 HAMPTON - VIRGINIA  
 DEVELOPMENT PLAN

JOB NO.  
 56431

SHEET NO.  
 C1.0

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## Rezoning Application – Narrative Statement

### Need

As seen in the attached Proffer Agreement, the parcel is zoned M-3, but the permitted uses under the proffered conditions are restricted to “air separation facilities and any uses permitted in a M-1 district”. We need to expand the permitted uses to include “power plant” (large-scale battery energy storage systems). Specifically, this request is to amend the RZ 1315 proffer statement to expand the permitted use to include power plant, large-scale battery energy storage systems.

### Proposed use of the site

Delorean Power is developing large-scale battery energy storage systems on the site. A battery energy storage system is an electrochemical device that charges (or collects energy) from the grid and then discharges that energy at a later time to provide electricity or other grid services when needed. The battery energy storage system being developed for Project Site 1 (defined below) will be comprised of lithium-ion battery cells, AC/DC inverters, transformers and the communication and control technologies that will allow the system operator to store energy for later provision of services to the grid.

Battery storage is an integral component of the clean energy transition occurring in Virginia and will provide a clean local source of energy for the City of Hampton and its citizens. Compared to alternative investments in fossil-fuel generation or traditional wires infrastructure, energy storage offers numerous advantages:

- **Higher quality, lower cost electricity** – unlike traditional fossil-fuel generation which can take several minutes to respond, energy storage discharges electricity instantaneously, providing more efficient peaking capabilities for moments when demand is highest, and it now does so at lower cost.
- **Improved grid resilience** – energy storage can enhance reliability during outages and severe weather by providing backup power for critical infrastructure.
- **Environmental sustainability** – energy storage has no water requirements, posing no threat of contamination or consumption of scarce water resources in the community. It also produces zero emissions, translating to cleaner air vs. fossil-fuel alternatives.
- **Improved renewables integration** – energy storage helps mitigate supply challenges that accompany increases in intermittent wind and solar power generation by allowing electricity supply to be shifted into hours when it is needed most.
- **Fewer wires and less local generation** – energy storage can substitute for costly new investments in transmission, distribution, and conventional local generation.
- **Grid Modernization** – software-based control systems are programmable to provide numerous services and can be tailored over the project’s life to ensure long-term value.

### Description of any new structures to be constructed

Delorean Power is developing two separate battery storage installations at the site, one is located on the southeast corner of the site for which we have proposed a 29-megawatt project into the Dominion Energy Virginia interconnection process (Project Site 1), and the other is located on the central previously-developed portion of the site for which we have submitted an interconnection request to the PJM Interconnection for a project that will



# DELOREAN POWER

be up to 189-megawatts in size (Project Site 2). Both facilities will comprise integrated battery storage containers that will feed into transformers to bring the current to medium voltage, and then into a collector system which will combine the system into a point of interconnection to the electrical grid. We have included a development plan for the Project Site 1 footprint, which we are planning to build in the near-term in support of an executed power purchase agreement on the project with Dominion Energy Virginia, with our application materials. While the number of containers and total footprint of the sites will differ, the aesthetics of the steel containers and associated electrical equipment will be similar. We are currently evaluating several different battery storage providers for potential use with the projects. We have included a rendering of the Trina Elementa system below to provide a visual example of what a potentially viable energy storage solution for the projects could represent. Delorean intends to confirm the specific lithium-ion battery technology to be used for the Project Site 1 footprint prior to building permit submission.



## **Anticipated impact to adjacent properties**

We do not anticipate any negative impact to adjacent properties. Noise from the units is generated by cooling pumps and fans and will be approximately 65 decibels or lower at the source and is expected to be inaudible to neighboring facilities. Visually, the projects will be screened by existing foliage, while existing and planned stormwater management features will provide a setback from Commander Shepard Boulevard. From a security perspective, we will install a black vinyl coated chain link fence that will be approximately 6 feet tall with at least 1 foot of barbed wire at the top. The battery systems are fully contained, do not use any water, produce any air emissions, or generate any waste.

The systems will provide a local source of clean energy that will enhance grid reliability and could be designed to provide added resilience to adjacent facilities through a back-up power application. This includes the NASA Langley Research Center and Langley Air Force Base, and the batteries could also help prevent significant grid upgrades as the adjacent FedEx facility looks to electrify its fleet of delivery vehicles.



# DELOREAN POWER

## **Anticipated impact to city services**

The project will not require the use of any city services.

## **How the rezoning conforms to the Hampton Community Plan (2006, as amended)**

The proposed project and requested rezoning conforms to the Hampton Community Plan in multiple ways:

- Vacant Land & Redevelopment – the projects would make use of a vacant industrial brownfield site.
- Economic Base, Regionalism, Transportation and Infrastructure – the battery energy storage systems are large-scale electrical infrastructure projects that will improve power system reliability, help attract other businesses as the clean-energy industry grows in Virginia and contribute to the overall growth of the Virginia economy as envisaged in the Virginia Clean Economy Act.
- Environment & Quality of Life – the projects will provide a clean source of local power and will not generate any waste, use any water, or produce any air emissions.





DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1011

January 31, 2023

## **PRELIMINARY JURISDICTIONAL DETERMINATION**

Southern Virginia Regulatory Section  
NAO-2021-02951 (Tabb's Creek)

Herbert, Michael  
Delorean Power  
1201 Wilson Boulevard  
Arlington, Virginia 22209

Dear Mr. Herbert:

This letter is in regard to your request for a preliminary jurisdictional determination of the aquatic resources (e.g., wetlands, streams, and ponds), on an approximately 30-acre property located at 3201 Commander Shepard Boulevard (37.087925, -76.388807) in Hampton, Virginia (tax map parcel #: 6001003) hereinafter referred to as project area.

The map entitled "Wetland Exhibit", by Dewberry Engineers Inc. dated January 15, 2021 and received by the U.S. Army Corps of Engineers (Corps) on November 12, 2021 (copy enclosed) provides the locations of the aquatic resources within the project area referenced above. This letter is not confirming the Cowardin classifications of these aquatic resources.

These aquatic resources exhibit wetland criteria as defined in the 1987 Corps of Engineers Wetland Delineation Manual, and the Atlantic and Gulf Coastal Plain Regional Supplement.

This preliminary jurisdictional determination and associated aquatic resource delineation map may be submitted with a permit application.

Please be aware that you may be required to obtain a Corps permit for any discharge of dredged and/or fill material, either temporary or permanent, into a water of the U.S. In addition, you may be required to obtain a Corps permit for certain activities occurring within, under, or over a navigable water of the U.S. subject to the Section 10 of the Rivers and Harbors Act. Furthermore, you may be required to obtain state and local authorizations, including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), a permit from the Virginia Marine Resources Commission (VMRC), and/or a permit from your local wetlands board.

This delineation and preliminary jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. Therefore, if you or your tenant are US Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

The Norfolk District has relied on the information and data provided by the requestor or agent to make this preliminary determination. If it is determined such information and data are materially false or materially incomplete, a new preliminary determination would be necessary.

This is a preliminary jurisdictional determination and is not a legally binding determination regarding whether Corps jurisdiction applies to the aquatic resources in question. To determine Corps' jurisdiction, you may request and obtain an approved jurisdictional determination.

This delineation of aquatic resources can be relied upon for no more than five years from the date of this letter. New information may warrant revision. Enclosed is a copy of the "Preliminary Jurisdictional Determination Form". Please review the document, sign, and return one copy to the Corps, either by email [michael.molnar@usace.army.mil](mailto:michael.molnar@usace.army.mil) or by standard mail to US Army Corps of Engineers, Regulatory Office, ATTN: Michael Molnar, 9100 Arboretum Pkwy, Suite 235, Richmond Virginia 23236.

If you have any questions, please contact the office either by telephone at (804) 323-3781 or by email at [michael.molnar@usace.army.mil](mailto:michael.molnar@usace.army.mil).

Sincerely,



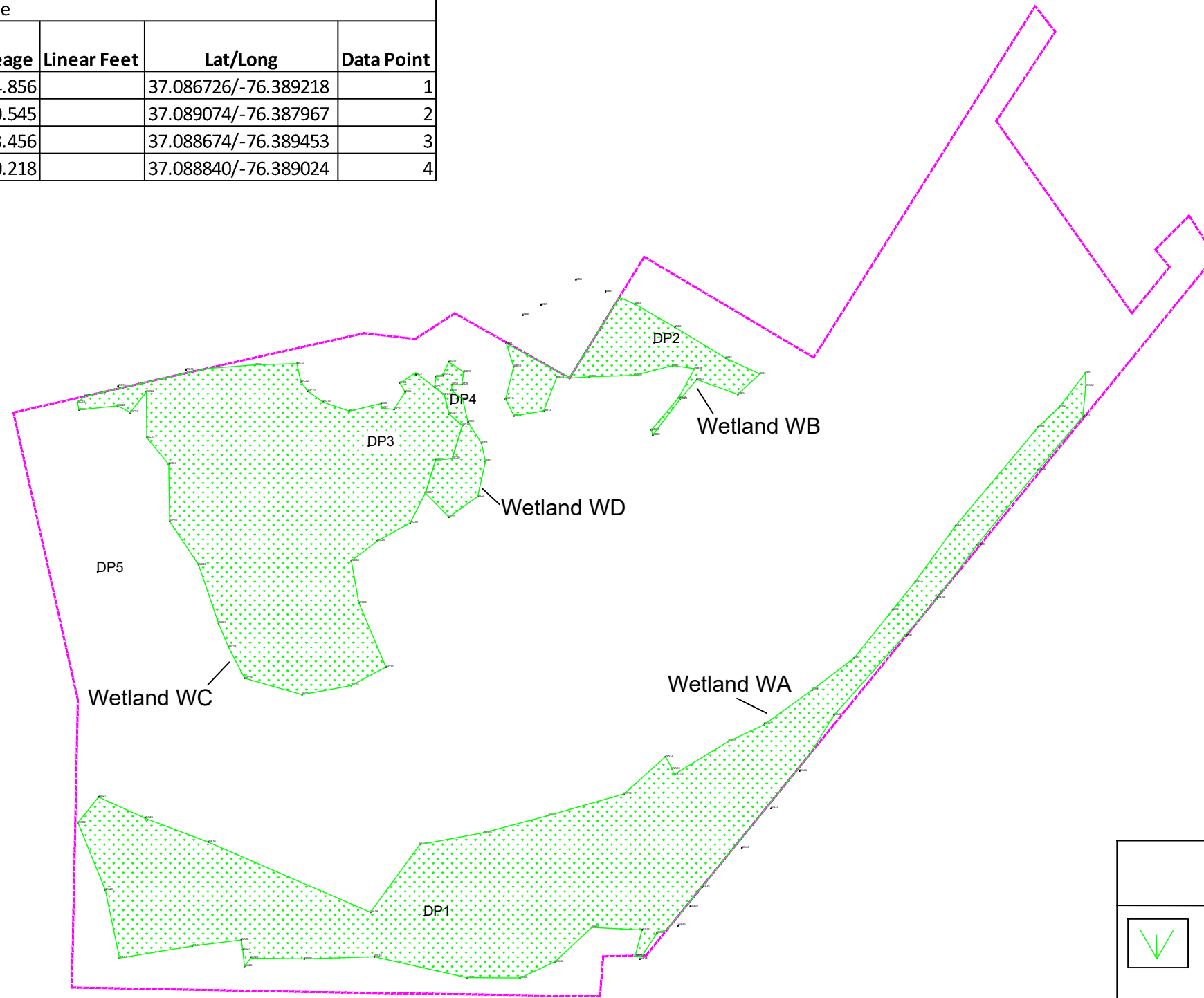
Michael Molnar, PWD  
Environmental Scientist  
Southern Virginia Regulatory Section

Enclosure(s):




cc: Troy Shelton (Dewberry Engineers Inc.)  
Jeff Hannah (Virginia Department of Environmental Quality)  
Christopher DeHart (Environmental Services Manager, City of Hampton)



Wetland / WOTUS Table: Hampton Energy Storage Site						
Map ID	Classification	Square Feet	Acreage	Linear Feet	Lat/Long	Data Point
WA	Wetland	211545.88	4.856		37.086726/-76.389218	1
WB	Wetland	23755.52	0.545		37.089074/-76.387967	2
WC	Wetland	150539.72	3.456		37.088674/-76.389453	3
WD	Wetland	9487.35	0.218		37.088840/-76.389024	4



Scale 1:200

LEGEND	
	Wetland
	Continues beyond delineation
	Investigation Boundary

**Dewberry**  
Dewberry Engineers Inc.  
551 Piney Forest Road  
Danville, VA 24540-3353  
434.797.4497

TITLE  
**Wetland Exhibit**

PROJECT  
**Hampton Energy Storage Site**

DATE 01/15/2021	REVISION 0	SHEET NO. <b>1</b>
PROJ. NO. 50132551	DRAWING NO. 1	

**BACKGROUND INFORMATION**

A. **REPORT COMPLETION DATE FOR PJD:** 31-JAN-2023

B. **NAME AND ADDRESS OF PERSON REQUESTING PJD:**

Herbert, Michael  
 Delorean Power  
 1201 Wilson Boulevard  
 Arlington, VA 22209

C. **DISTRICT OFFICE, FILE NAME, AND NUMBER:**

NAO, Hampton Energy Storage Site, NAO-2021-02951-TAH

D. **PROJECT LOCATION(S) AND BACKGROUND INFORMATION:  
 (USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)**

State: VA County/parish/borough: City: Hampton  
 Center coordinates of site (lat/long in degree decimal format):  
 Lat.: 37.087988° Long.: -76.388187°  
 Universal Transverse Mercator: 18  
 Name of nearest waterbody: Brick Kiln Creek

E. **REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date:
- Field Determination. Date(s): 1/26/2023

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Wetland A	37.086939	-76.388248	4.856 acres	Wetland	Section 404
Wetland B	37.089082	-76.387853	0.545 acres	Wetland	Section 404
Wetland C	37.08858	-76.39003	3.456 acres	Wetland	Section 404
Wetland D	37.088773	-76.388938	0.218 acres	Wetland	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit

<sup>1</sup> Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:  
Map: Wetland Exhibit - Hampton Energy Storage Site.
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report. Rationale: \_\_\_\_\_.
- Data sheets prepared by the Corps: \_\_\_\_\_.
- Corps navigable waters' study: \_\_\_\_\_.
- U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: \_\_\_\_\_.
- Natural Resources Conservation Service Soil Survey. Citation: Soil Map (Hampton Energy Storage Site).
- National wetlands inventory map(s). Cite name: NWI Map - Hampton Energy Storage Site.
- State/local wetland inventory map(s): \_\_\_\_\_.
- FEMA/FIRM maps: \_\_\_\_\_.
- 100-year Floodplain Elevation is: \_\_\_\_\_ (National Geodetic Vertical Datum of 1929)

<sup>1</sup> Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

\_\_\_ Photographs: \_\_\_ Aerial (Name & Date): \_\_\_\_\_.  
\_\_\_ or \_\_\_ Other (Name & Date): \_\_\_\_\_.  
\_\_\_ Previous determination(s). File no. and date of response letter: \_\_\_\_\_.  
\_\_\_ Other information (please specify): \_\_\_\_\_.

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

Michael  
James Molnar



Digitally signed by  
Michael James Molnar  
Date: 2023.02.06  
11:40:25 -05'00'

\_\_\_\_\_  
Signature and date of Regulatory staff  
member completing PJD

\_\_\_\_\_  
Signature and date of person requesting  
PJD (REQUIRED, unless obtaining the  
signature is impracticable)<sup>1</sup>

<sup>1</sup> Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.