



Legislation Details (With Text)

File #: 23-0151 **Version:** 1 **Name:** RZ21-00010 Delorean Power LLC
Type: Zoning Ordinance - Map **Status:** Passed
File created: 5/19/2023 **In control:** City Council Legislative Session
On agenda: 7/12/2023 **Final action:** 7/12/2023
Title: Rezoning Application by Delorean Power LLC to Amend the Proffered Conditions of Rezoning No.1315 to Permit the Proposed Use: Power Plant (Battery Energy Storage System) as well as Other Uses Permitted in Both Heavy Manufacturing (M-3) and Langley Business Park (LBP) Districts at 3201 Commander Shepard Blvd [LRSN: 6001003], which is +32.83 Acres and Currently Zoned M-3 District, with Conditions

Sponsors:

Indexes: , , DO NOT USE - 21 - Economic Base Growth, Economic Vitality

Code sections:

Attachments: 1. Council Memo, 2. Application, 3. Title Certificate, 4. Proposed Proffers, 5. Current Proffers RZ1315, 6. Staff Report, 7. CC Presentation 7/12/2023, 8. Applicant CC Presentation 7/12/2023, 9. LRD Park Questions, 10. Applicant CC Presentation from 6/14/2023

Date	Ver.	Action By	Action	Result
7/12/2023	1	City Council Legislative Session	approved	Pass
6/14/2023	1	City Council Legislative Session	deferred	Pass

Rezoning Application by Delorean Power LLC to Amend the Proffered Conditions of Rezoning No.1315 to Permit the Proposed Use: Power Plant (Battery Energy Storage System) as well as Other Uses Permitted in Both Heavy Manufacturing (M-3) and Langley Business Park (LBP) Districts at 3201 Commander Shepard Blvd [LRSN: 6001003], which is ±32.83 Acres and Currently Zoned M-3 District, with Conditions

UPDATED INFORMATION FOR JULY 12, 2023:

On June 14, 2023, City Council voted to defer this item to the July 12, 2023 meeting to ensure Community Development staff and Fire Division staff had fully coordinated in the evaluation of this unique proposal. Fire Division staff have indicated they are confident in their capabilities to mitigate a possible emergency at the proposed battery energy storage system. Should the proposed rezoning be approved, the intricate details of the plan will be fully examined during the site plan review process, which would include a water flow study. Such study would be necessary to ensure that Newport News Waterworks can supply the required water flow; this is a standard study for site plans.

On May 18, 2023, staff received questions from the Langley Research and Development ("R & D") Park Association regarding the proposed application. In addition, several representatives of the Langley R&D Park Association were present and spoke at the Planning Commission public hearing, with most of those questions being addressed during the public hearing. With input from the applicant and the Hampton Fire Department, staff has provided written responses to the questions which are captured in the attached memo to City Council.

INFORMATION FROM JUNE 14, 2023 MEETING:

Background Statement:

Delorean Power LLC proposes to expand the permitted land uses on the subject ±32.83 acres parcel, located at 3201 Commander Shepard Blvd [LRSN: 6001003], to include a battery energy storage system. 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. Per the City's Zoning Ordinance, the proposed use has been determined to be a power plant use. Proffered conditions from the 2013 rezoning (No. 1315) currently limit the use of the land to air separation facilities and any uses permitted in a M-1 District. If approved this rezoning amendment would allow the proposed power plant use as well as other permitted uses in both Heavy Manufacturing (M-3) and Langley Business Park (LBP) Districts.

The Hampton Community Plan (2006, as amended) recommends business/industrial land use for this property. The Plan defines business/industrial as existing and future areas appropriate for employment centers, business parks, research and development, and manufacturing. The Plan also recognizes Commander Shepard Boulevard as a business corridor, which is typically characterized by commercial and/or industrial land uses.

Recommendations:

Staff Recommendation:

Approve with eight (8) proffered conditions

Planning Commission Recommendation:

Approve with eight (8) proffered conditions