



Village Planning Committee Meeting Summary

PHO-4-21-Z-14-05-1

Date of VPC Meeting	May 13, 2021
Planning Hearing Officer	May 19, 2021
Hearing Date	
Request	<ol style="list-style-type: none"> 1. Request deletion of Stipulation 1 regarding general conformance to the site plan dated August 31, 2007 and August 3, 2014. 2. Deletion of Stipulation 2 regarding a master architectural theme. 3. Deletion of Stipulation 4 regarding two pedestrian access points to the regional trail system. 4. Modification of Stipulation 7 regarding recording documents that disclose the existence and characteristics of Goodrich-Universal Propulsion Company. 5. Technical corrections to Stipulations 3 and 5.
Location	Southeast corner of 7th Avenue and Happy Valley Road
VPC Recommendation	Approval
VPC Vote	10-1

VPC DISCUSSION & RECOMMENDED STIPULATIONS

Mr. David Simmons, staff, provided an overview of the request to include background on the original rezoning case and several subsequent PHO requests. He explained that the current request would allow a public utility to develop the site, which has been deemed an approved use under the current zoning designation verified through a zoning verification letter. He explained that the site was never developed as originally proposed. Therefore, a PHO would be required to develop something different than originally proposed.

Mr. Ozzie Virgil expressed concerns with a battery storage facility being located directly adjacent to a municipal water source, the CAP canal.

Mr. Nick Labadie, with Rose Law Group, representing the applicant, gave an in-depth presentation on the PHO history on the site. He went over the proposed use on the site to include conceptual elevations and site plan. He went over, in detail, the requested modifications and deletions of the stipulation modification request and the rationale behind each of them.

Mr. Bill Levy asked what type of batteries would be used on the site.

Mr. William Mitchell, President of Strada Clean Energy, applicant, shared that the batteries are lithium-ion batteries.

Mr. Levy asked if there is a potential for leakage with the batteries. He asked if there was a potential for leakage, what precautions are in place to ensure there is no environmental contamination. Mr. Levy shared that he has concerns with potential fires that could break out next to the canal.

Mr. Mitchell shared that each individual cell is monitored by a computer system. He also shared that fire codes are incredibly stringent on this type of use and there will be fire access ways on site. He also shared that this project will be required to meet all fire and life safety codes.

Mr. Ozzie Virgil stated that these batteries are high-tech. He shared that he has concerns about batteries blowing up next to the canal, which is a municipal water source. He asked the applicant what kind of containment they have to ensure this does not happen. He also shared that he has seen small lithium-ion batteries explode in remote control airplanes.

Mr. Mitchell shared that the batteries are self-contained. He shared that this is planned as a utility use and the batteries have a 20 year life span. He shared that these batteries are not like toy airplane batteries and are much safer and highly regulated.

Mr. Keith Greenberg asked the applicant to discuss on site security protocols.

Mr. Labadie shared that there will be a solid 8 foot block wall and security cameras surrounding the entire site.

Mr. Mark Lewis shared that he has concerns with potential fire issues.

Mr. Ricardo Romero asked the applicant if there have been any disasters with any of their other projects.

Mr. Mitchell shared that there have been issues in the past, but the batteries were older models that were not as secure as the newer lithium-ion batteries.

Vicechair Trilese DiLeo asked if the committee could review the actual stipulation modification request again.

Mr. Simmons shared the slide containing the stipulation modification request for review.

Vicechair DiLeo asked the applicant if they could keep stipulation number 7 as the Universal Propulsion site still has environmental issues associated with it.

Mr. Labadie shared that stipulation number 7 will not be struck but rewritten to include updated language related to the site with environmental concerns.

Vicechair DiLeo shared that she has concerns with the deletion of the trail connection stipulation (stipulation no. 4).

Mr. Labadie shared that it is no longer feasible to have a trail connection to the canal through a public utility site.

MOTION: Mr. Keith Greenberg motioned to recommend approval of PHO Case No. PHO-4-21—Z-14-05-1. **Mr. Mark Lewis** seconded the motion.

VOTE: 10-1, motion to recommend approval passed, with Committee Members, Davenport, Fergis, Gardner, Greenburg, Kenney, Levy, Lewis, Romero, DiLeo and Grossman in favor. Committee member Virgil not in favor.