

PROJECT STATEMENT

Tava Mountain Energy Storage Project Planned Development Zone Change

PROJECT LOCATION

esVolta, LP (esVolta) is proposing to construct and operate the proposed Tava Mountain Energy Storage Project (Project) on a 6.18-acre site within the western portion of Subsection 20, Township 14 South, Range 66 West within the City of Colorado Springs, El Paso County, Colorado. The Project site is bound by East Las Vegas Street, El Paso Street, Santa Fe Street, and South Transit Drive. The site currently is made up of five individual parcels. The El Paso County Tax ID Numbers for all parcels encompassing the 6.18-acre site included in this request are:

- 6420300008 (1031 South Royer Street)
- 6420300005 (1133 South Royer Street)
- 6420300006 (1145 S El Paso St)
- 6420300007 (1031 South Royer Street)
- 6420300009 (1121 S El Paso St)

According to the City of Colorado Springs Assessor's data, parcels 6420300009, 6420300008, 6420300005, 6420300006 and 6420300007 are located in the General Industrial (GI) zoning district. Major local roads that encompass the Project parcel include:

- East Las Vegas Street, which runs northwest to southeast, south of the Project site
- South El Paso Street, which runs north to south, west of the Project site
- Santa Fe Street, which runs east to west, north of the Project site
- Transit Drive, which runs north to south, east of the Project site.

Smaller paved and unpaved local roads adjacent to the Project parcels include S Project Street, located along the northern portion of the Project site.

The 6.18-acre site is currently owned by C & M Enterprises and houses construction machinery storage and is completely disturbed. The proposed use of the Project site is a battery energy storage facility with three new 34.5 kilovolt (kV) generation transmission intertie lines (approximately 2,000 feet total), to connect the Project to three separate nearby transmission lines (at intersections of Royer, Fort Worth and Royer, Las Vegas) to provide a path for the stored energy to the existing energy grid. No buildings are proposed within the Project site. The proposed use is a permitted use within the Public Facility (PF) Zoning District. A Land Use Plan is being submitted concurrently with this Planned Development Zone Change request.

REQUEST

The overall property contains one existing zoning district (GI). The request is for the approval of a zone change to Planned Development Zone (PDZ). The new lots will not be allowed to contain mixed zoning. Changing the zone of the entire property to the PDZ District will allow the proposed Project to be developed as a *Major Utility*, a Permitted Use within the PF Zoning District. It would also allow the continued use of the site as *Heavy Vehicle and Equipment Storage* within the GI Zone up until the commencement of construction of the battery storage facilities in 2027/2028. Additionally, to safeguard the property owner against the limited nature of the PF Zone, all permitted uses in the GI zoning District will also be included, ensuring alternative development options in the event that the battery energy storage facility does not come to fruition.

The entire property contained within the determined outer boundary of Tava Mountain Energy Storage is being put forth to include the new zoning designation of PDZ to ensure consistency of zoning designations between the various parcels that make up the property.

The Application for a Planned Development Zone Change is accompanied by a Land Use Plan showing five lots.

JUSTIFICATION

The proposed Zoning Map Amendment will allow esVolta to carry out the Project in one location. The property will serve as a utility-scale battery energy storage facility with connection into nearby transmission lines to provide a path for the stored energy.

esVolta meets the approval criteria that City of Colorado Springs must weigh to provide a decision on this Zoning Map Amendment Application. The request satisfies and is in compliance with the approval criteria listed in Section 7.5.704D of the City's Unified Development Code:

- 1. The proposed rezoning is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s).***

The site was previously used for Heavy Vehicle and Equipment Storage. The applicant's proposed use to construct and operate a battery energy storage facility is compatible with the development permitted by physical characteristics of the proposed zoned area.

PlanCOS, the City of Colorado Springs 2019 Comprehensive Plan (Plan) aims to strategically guide all future development within the city limits and provides a framework for city goals, policies and priorities based on the city's long-range vision. The proposed zone change is compatible with the existing property and surroundings. **Goal UP-2** seeks to embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market. Relevant policies in the Plan for Goal UP-2 include **Policy UP-2.A**, which supports infill and land use investment throughout the mature and developed areas of the city. Relevant strategies in the Plan for Policy UP-2.A include Strategies UP-2.A-1, UP-2.A-2, UP-2.A-3., and UP-2.A-4. **Strategy UP-2.A-1** is to encourage development of vacant properties in the core area of the city by using a combination of incentives, rezoning and creative design solutions. **Strategy UP-2.A-2** is to provide opportunities for redevelopment by identifying and supporting catalyst projects in underutilized locations such as disinvested shopping centers and business parks, former "big box" retail spaces, and no longer needed school buildings. **Strategy UP-2.A-3** is to continue to implement infill supportive Code changes including provisions tailored for older developed areas. **Strategy UP-2.A-4** is to actively support ongoing and potential infill projects, employ problem-solving approaches and continue to implement process improvements in support of infill and redevelopment. The Plan also includes **Goal SC-4**, which seeks to achieve a more environmentally sustainable utilities system for the city. **Policy SC-4.A** aims to

efficiently use the existing utility system capacity. **Strategy SC-4.A-1** supports a combination of density, infill, redevelopment, and design to reduce the rate of addition of pipeline and conductor miles that need to be maintained by Colorado Springs Utilities or other entities.

On private land in City of Colorado Springs, the Project does not cross any developed communities, and will be situated on lands designated for industrial uses. Construction, operation, and maintenance of the Project's facilities will be compatible with these adjacent industrial uses and will have minimal impacts on non-industrial land uses in the vicinity of the Project's facilities. Infill development is defined in the Plan, as "Development of vacant, blighted or underutilized land within previously built areas. These areas are already served by public infrastructure, such as transportation and utilities." Per this definition, the Project will help City of Colorado Springs implement Goals UP-2 and SC-4 and its relevant policies and strategies, as the proposed zone change will enable the development of this vacant property located in the core area of the city.

A PDZ zone change is being requested to maximize flexibility in both the use options for the site and the placement of those uses within the 6.18-acre area. This approach is consistent with the purpose of a PDZ District, as stated in Section 7.2.701 of the Code, which intends to:

- Provide a means of developing large, undeveloped tracts of land or other unique sites with a unified approach.
- Facilitate creative, high-quality developments that offer an integrated mix of nonresidential uses and housing options, in conjunction with other community amenities or other benefits to the City or its citizens.
- Provide a clear and reasonable plan for the phased development and completion of proposed development, consistent with the Colorado Springs Comprehensive Plan.

The proposed PDZ District will include both the GI and PF Zone Districts, intended to allow the following land uses: Heavy Vehicle Equipment Storage and a battery energy storage facility as a Major Utility. The Project site would remain under C & M Enterprises ownership while esVolta would lease the southern parcel for the Project. The Project and its associated infrastructure would be owned, managed and operated by esVolta for the use of a utility-scale battery energy storage facility and connection into nearby transmission lines.

Section 7.2.704 of the Code requires that land use types, intensity, and density (maximum gross residential density and maximum square footage for nonresidential land uses and the maximum building heights) of the development are defined by and through the establishment of the PDZ district. Specifically allowed residential and nonresidential land uses will be determined by the Land Use Plan. Development standards are determined by the Land Use Plan.

The proposed PDZ district will not include any residential components within any part of the development. The maximum structure height (including any buildings or battery storage units) will be 40 feet, with the exception of the proposed transmission poles, which will be a maximum of 80 feet. Structures will maintain at least a 10 foot perimeter setback. The battery packs may be set back-to-back and/or side-to-side. A more detailed description of the site layout is provided with the Land Use Plan.

Section 7.2.704 of the Code requires that each PDZ District shall state whether integrated ADUs, detached ADUs, or both are permitted, and shall include any development

standards that vary from the standards in Subsection 7.3.304E (Dwelling, Accessory). The proposed PDZ zone change will not integrate ADUs of any kind into the development.

In these ways, the proposed use is consistent with the Plan's goals and policies concerning the location of infill projects within the City, and the purpose and intent of the proposed Planned Development Zone district and hereby satisfy this criterion.

2. *The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.*

Once in service, the Project will strengthen the local and regional electric transmission system and will improve electric service reliability. This enhanced reliability and resilience of the electrical grid will allow the system to withstand changing conditions including population growth and will ensure that critical facilities including hospitals, community centers, and police, fire, and rescue facilities have adequate electric service to operate and respond to emergencies. No buildings are proposed within the Project site. The Project will not be detrimental to the public's interest, health, safety, convenience, or general welfare. Granting this request will allow the development for the best use of the subject property that is beneficial to citizen of the City of Colorado Springs by minimizing electric service disruptions and improving reliability. The Project will help protect the health, safety, and welfare of the City of Colorado Springs' current and future residents.

During Project construction activities, the mitigation measures and best management practices that esVolta will implement will not cause damages or unmitigated impacts to other properties near or adjacent to the Project. In this way, the proposed use satisfies this criterion.

3. *The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).*

The location of the land associated with the Planned Development Zone change can be reasonably assumed to be compatible with the purpose and intent of the PF zone district, GI zone district, as well as surrounding zone districts. The proposed use of the site is an appropriate land use given the intensity of the adjacent uses. As stated above, a portion of the parcel currently houses construction machinery storage, and the remainder of the parcel is vacant and surrounded by other vacant and industrial land uses. The proposed use satisfies this criterion.

4. *If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.*

The size and scale of the land proposed for rezoning will be compatible with the surrounding development through the implementation of any approval conditions that result from the approval of the rezoning. The proposed use satisfies this criterion.

5. *If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.*

Due to the characteristics of the land proposed to be rezoned, as well as the surrounding land uses, the Project will not create impacts such as dislocations of tenants or occupants of the property. The proposed use satisfies this criterion.

6. *If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in Subsection 7.5.514C.3 (Land Use Plan Criteria).*

A Land Use Plan is included with this application and complies with all the applicable criteria listed in Subsection 7.5.514C.3 of the Code, including general requirements for Land Use Plan application requirements and zone specific requirements.

A. Consistency with the Colorado Springs Comprehensive Plan and other plan and policies adopted by City Council;

The proposed zone change is compatible the goals and policies outlined in the City of Colorado Springs Comprehensive Plan. Goal UP-2 seeks to embrace thoughtful, targeted, and forward-thinking changes in land use, infill, reinvestment, and redevelopment to respond to shifts in demographics, technology, and the market. Relevant policies in the Plan for Goal UP-2 include Policy UP-2.A, which supports infill and land use investment throughout the mature and developed areas of the city. Relevant strategies in the Plan for Policy UP-2.A include Strategies UP-2.A-1, UP-2.A-2, UP-2.A-3., and UP-2.A-4. Strategy UP-2.A-1 is to encourage development of vacant properties in the core area of the city by using a combination of incentives, rezoning and creative design solutions. Strategy UP-2.A-2 is to provide opportunities for redevelopment by identifying and supporting catalyst projects in underutilized locations such as disinvested shopping centers and business parks, former “big box” retail spaces, and no longer needed school buildings. Strategy UP-2.A-3 is to continue to implement infill supportive Code changes including provisions tailored for older developed areas. Strategy UP-2.A-4 is to actively support ongoing and potential infill projects, employ problem-solving approaches and continue to implement process improvements in support of infill and redevelopment. The Plan also includes Goal SC-4, which seeks to achieve a more environmentally sustainable utilities system for the city. Policy SC-4.A aims to efficiently use the existing utility system capacity. Strategy SC-4.A-1 supports a combination of density, infill, redevelopment, and design to reduce the rate of addition of pipeline and conductor miles that need to be maintained by Colorado Springs Utilities or other entities.

On private land in City of Colorado Springs, the Project does not cross any developed communities, and will be situated on lands designated for industrial uses.

Construction, operation, and maintenance of the Project’s facilities will be compatible with these adjacent industrial uses and will have minimal impacts on non-industrial land uses in the vicinity of the Project’s facilities. Infill development is defined in the Comprehensive Plan, as “Development of vacant, blighted or underutilized land within previously built areas. These areas are already served by public infrastructure, such as transportation and utilities.” Per this definition, the Project will help City of Colorado Springs implement Goals UP-2 and SC-4 and its relevant policies and strategies, as the proposed zone change will enable the development of this vacant property located in the core area of the city.

A PDZ zone change is being requested to maximize flexibility in both the use options for the site and the placement of those uses within the 6.18-acre area. This approach is consistent with the purpose of a PDZ District, as stated in Section 7.2.701 of the Code, which intends to:

- Provide a means of developing large, undeveloped tracts of land or other unique sites with a unified approach.
- Facilitate creative, high-quality developments that offer an integrated mix of nonresidential uses and housing options, in conjunction with other community amenities or other benefits to the City or its citizens.
- Provide a clear and reasonable plan for the phased development and completion of proposed development, consistent with the Colorado Springs Comprehensive Plan.

The proposed PDZ District will include both the GI and PF Zone Districts, intended to allow the following land uses: Heavy Vehicle Equipment Storage and a battery energy storage facility as a Major Utility. The Project site would remain under C & M Enterprises ownership while esVolta would lease the southern parcel for the Project. The Project and its associated infrastructure would be owned, managed and operated by esVolta for the use of a utility-scale battery energy storage facility and connection into nearby transmission lines.

In these ways, the proposed use is consistent with the Comprehensive Plan's goals and policies.

B. Consistency with development standards the zone district in which the property is located, or would be located after a requested zone district change;

The proposed Land Use Plan and PDZ zone change will establish the zoning standards for this parcel, including land use type, zone district allowances for height, setbacks and lot coverage.

C. Compatibility with the land uses and development intensities surrounding the property;

The proposed PDZ zone change and Land Use Plan are compatible with the existing property and surroundings. The planned site use is an appropriate land use considering the intensity of the adjacent vacant and industrial land uses.

D. Impacts of the permitted or requested uses, appropriate to the type of development, the neighborhood, and the community;

The proposed development and its intended use are expected to have minimal to no impact on the surrounding developments.

E. Adequacy of proposed ingress/egress points and traffic circulation, both on and off the site;

One point of access into the development, along El Paso Street, as well as a private paved access road within the development, is proposed on the Land Use Plan. During operations, the facility will be unmanned except for maintenance crews, thereby minimizing traffic in the area.

F. Capacity of the existing streets, utilities, parks, schools, and other public facilities to serve the proposed development;

All existing public sidewalks, curbs, gutters, pedestrian ramps and similar infrastructure will be removed and replaced during development, if they are in poor condition or do not meet current standards.

A Traffic Impact Analysis report was not conducted for this development as no traffic will be generated as a result of this project, aside from during the construction period. In addition, the Parkland Dedication Ordinance or school facilities are not applicable to this project as no residential development is proposed.

G. Promotion of transitions in height, intensity, or character between proposed non-residential or mixed-use development and nearby low-density residential zone districts.

The land uses surrounding the project site are either vacant or industrial. The proposed development will be similar in height and intensity to the existing development and surrounding land uses.

7. *The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.*

No existing or applicable City approved Concept Plans in the area for which the map is being amended.

8. *If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS- O district in Subsection 7.2.607D.47.5.702 (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.*

This proposal does not include the creation of an ADS-O district and therefore is not applicable to this approval criteria.

9. *If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.*

Subsection 7.2.705 of the Code requires that a PDZ District provide at least two of the following community benefits: high quality design features, community amenities, a mix of housing types, and sustainable development practices.

In order to meet the requirements of having two of the categories listed above, the proposed PDZ District will encompass the following features:

High Quality Design Features:

As an optional enhancement to meet the community benefits requirements, the following conditions below are being offered. However, if during the development plan review process, it is determined this condition is required, rather than optional, alternative landscaping enhancements will be determined. If any utility infrastructure, existing or proposed, will be modified a development plan for agency review will be submitted.

For 65% of the site perimeter, one of the following options (a-c) will be incorporated for perimeter landscaping.

- a. Landscape strip meeting the standards for trees, shrubs, and vegetative cover in the Landscape Policy Manual at least fifteen (15) feet in width.
- b. Landscape strip meeting the standards for vegetative groundcover in the Landscape Policy Manual at least fifteen (15) feet in width with considerations to meet local fire department requirements and fencing of architectural value, considering design and materials with height and security allowances necessary to meet NERC and/or applicable code requirements.
- c. Decorative hardscape strip at least fifteen (15) feet in width with an approved mix of hardscape materials and vegetation with considerations to meet local fire department requirements and fencing of architectural value, considering design and materials with height and security allowances necessary to meet NERC and/or applicable code requirements.

Perimeter landscaping may be substituted with internal landscaping on a foot-by-foot basis. Per Section 7.4.90 (Additional Interior Landscaping), all nonresidential development projects must allocate at least 5% of the total site area to non-activated green space. However, for heavy industrial projects where internal landscaping may not be suitable due to site configuration and usage, the Manager may permit some or all of the required interior landscaping to be relocated to the main property entrances, office areas or outside the perimeter wall or fence.

Sustainable Development Practices:

Development Plan to be reviewed to provide community benefit via Sustainable Development Practices: *Sustainable development practices may include, but are not limited to, the use of Low Impact Development (LID) design features throughout the development, solar orientation of building forms and other passive energy-efficient design strategies throughout the development, green infrastructure measures, community-level renewable energy production, and district heating and cooling throughout the development.*

10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)).

As noted above, the parcels included in this proposal for a zone change are located in the GI zoning district. The proposed Project's site complies with the standards of the base zone districts in which the property is located. The applicant's proposed use to construct and operate a battery energy storage facility is compatible with the development permitted by and physical characteristics of the zoned area.

The parcels included in this proposal for a zone change are not located within any overlay districts and therefore standards associated with overlay districts are not applicable.