

NARRATIVE QUESTIONNAIRE

HEIGHT EXCEPTION

A.	General Property Information:	
1.	Property Address or Parcel Identification Number (PIN):	3960 East 56th Avenue, Commerce City, CO 80022 PIN: 182318200057
2.	Applicant's Name:	Chad M. Polak
3.	Property Owner's Name:	Phillips 66 Pipeline LLC
4.	Current Zoning of the Subject Property:	I3 - Heavy Industrial
5.	Future Land Use Plan Designation:	General Industrial

B.	Background Information:	YES	NO	
1.	Is this request an amendment to an existing land use case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes, what was the previous case number? AH-1746-17
2.	Is this application an attempt to correct a violation of some kind?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, please provide a copy of the violation.

The following pages contain specific questions about the nature of your request. Therefore, it is in your best interest to answer them in as much detail as possible, to help limit the number of follow-up questions and review cycles.

DO NOT ANSWER WITH A 'YES' OR 'NO' OR 'N/A' – PLEASE BE SPECIFIC!

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C. Background Information:

1. **Proposal Description:** Describe why a height exception is needed, and why the existing requirements of the Land Development Code cannot be met.

Phillips 66 Pipeline LLC (P66) is looking at potential growth opportunities at its products terminal in Commerce City, CO and as part of the potential opportunities, P66 will need to replace the existing 8' x 45' tall Vapor Combustion Unit (VCU) with an 11' x 60' tall VCU. The proposed larger VCU is equipped with a higher combustion efficiency and with potential growth opportunities at the product terminal, the increased combustion efficiency will allow the facility to maintain current emission limitations with its existing Colorado Department of Public Health and Environment (CDPHE) Air Operating Permit. The existing I3 – Heavy Industrial Zoning classification only allows for a building height of 50', in order to maintain the existing air permit limits needed for potential growth opportunities and utilizing a single VCU, P66 will be required to build an 11' x 60' tall VCU.

Second Submittal Update/Revisions for Question #1:

The estimated time frame to complete the construction of the "new" VCU and dismantle the "old" VCU is 7 to 8 months (pending weather).

Second Submittal Update/Revisions for Question #3 (part 1):

PUROPSE: The facility (P66 Terminal) is subject to the requirements of 40 CFR Part 60, Subpart XX – Standards of Performance for Bulk Gasoline Terminals as adopted by reference in Colorado Regulation No. 6, Part A which requires the facility to have the following:

1) The facility shall be equipped with a vapor collection system designed to collect the volatile organic vapors displaced from tank trucks during product loading. 2) The operator shall act to assure that the vapor collection system is connected during each loading of a gasoline tank truck.

FUNCTION: The function of the VCU is designed to safely burn vapors consisting of hydrocarbons thus controlling/combusting emissions from the Denver truck rack meeting the requirements of the CDPHE air permit requirements.

Second Submittal Update/Revisions for Question #6 and #7:

#6) The VCU Stack will be painted a tan color, but will require the top five (5) feet of the stack to be painted black to avoid visible soot residue/marks on the VCU. #7) P66 will reduce the existing telecommunications tower to 50'. The tower is still being utilized for required security camera positioning at the Terminal

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2. **Benefit:** Describe how the proposed height exception provides a demonstrated benefit to the city.

The benefits for approving the requested height exception for an 11' x 60' tall VCU unit are:

1. Avoids having the visual of two VCU's one being 45' tall (existing) and the other being 50' to 55' in height on the property.

2. Based on current throughput levels, the increase in efficiency of a 60' tall VCU will reduce the Volatile Organic Compounds (VOC) by 17 tons or 30% based on current throughput levels.

4. Provide opportunity for potential growth opportunities while continuing to maintain at or below the existing CDPHE air permits requirements.

FTK: Height Exception

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3a. What uses are located adjacent to the subject property?

North: Public ROW and I3 - Heavy Industrial

South: Rail Road and I3 - Heavy Industrial

East: C2 - General Commercial, I3 - Heavy Industrial, and Public ROW

West: Rail Road and I3 - Heavy Industrial

3b. **Neighborhood and Surroundings:** Explain why the height exception will not have an adverse effect on the existing and proposed land uses in the area.

The requested height exception requirement will not have an adverse effect on the existing land uses in the area as the current zoning is C2 – General Commercial and I3 – Heavy Industrial Zoning and both classifications allow for structures up to 50’ tall with the ability to file for height exceptions. Currently, there are existing structures both on site and on surrounding parcels that are currently at or exceed 60’ tall. The existing structures that are over 60’ include: power lines, radio tower, and other industrial structures to the west of the products terminal.

Second Submittal Update/Revisions for Question #3 (part 2):

In follow up to the referral agencies:

Commerce City Parks and Recreation: No Comments provided

Commerce City Public Works: The three access locations are identifeid on the enclosed Google Earth Image

Xcel Energy: No Comments provided

Tri-County Health: The investigation plan has been reviewed and approved by Tri-County Health. The investigation plan and TCHD approval are attached.

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4. **Light and Air:** Explain why the height exception will not severely reduce light and air in adjacent areas.

The requested height exception will not reduce light and air as the 60' tall VCU will be contained within the Product Terminal and at 11' wide will allow both light and air to continue to be received on all adjacent properties with no interference.

5. **Traffic:** Will the height exception create or increase traffic and/or parking problems for the surrounding area? (Explain or demonstrate how this exception will reduce, alleviate, or not affect traffic circulation or vehicle parking on the adjacent public streets.)

The requested height exception will not create or increase traffic and or parking problems for the surrounding area as the VCU is a non-habitable structure that will be contained within the secured (fenced) products terminal that is restricted to specific onsite employees and contractors only. There are no permitted or available vehicle parking spots on the existing streets in the area and all employees, contractors, and visitors park within the secured products terminal.

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6. **Public Safety:** Will the construction/operation for which the height exception is needed create a police, fire, or building safety hazard for the tenants or adjacent properties?

No, all construction and operations will take place within the secured (fenced) terminal. The VCU is a non-habitable dwelling that will be restricted to specific onsite employees and contractors only during both construction and operations. The products terminal has 3 ingress/egress locations and access to the facility will at times be restricted in the area of construction (within the secured product terminal), but two additional ingress/egress locations will be available during construction to allow employees/contractors and emergency services unencumbered access to the terminal. The VCU will not create a police, fire or building safety hazard for the adjacent properties as the VCU will be contained within the P66 secured (fenced) products terminal.

7. **Established Property:** Will the height exception cause a real or perceived loss in surrounding property values? Will it substantially or permanently injure the appropriate use of adjacent conforming property?

No, as of today, the existing 45' tall VCU is being utilized in day to day operations that is in close proximity to the location where the requested height exception VCU would be located. In addition, there are existing structures that are currently at or exceed 60' tall that are present on site and on adjacent parcels.