



STAFF REPORT

Planning Commission

CASE # CU-002-87-19

PC Date:	December 4, 2018	Case Planner:	Steve Timms/Mike Pesicka
CC Date:	January 7, 2019		
Location:	3960 E. 56 th Avenue, Commerce City, CO 80022		
Applicant:	Phillips 66 Pipeline LLC	Owner:	Same as Applicant
Address:	3960 E. 56 th Avenue Commerce City, CO 80640	Address:	Same as Applicant

Case Summary

Request:	Phillips 66 Pipeline LLC is requesting an amendment to their approved Conditional Use Permit (CUP) in order to construct one additional above ground storage tank.
Project Description:	Phillips 66 Pipeline LLC has been operating a petroleum storage facility at the subject property since 1951. In 1987 a Conditional Use Permit was approved for the site to allow for the storage and loading of petroleum products with office space. Now the applicant wishes to enlarge their operation on-site which requires an amendment to their existing CUP.
Issues/Concerns:	• Compliance with the Comprehensive Plan. • Compliance with the Land Development Code.
Key Approval Criteria:	• Compliance with the Comprehensive Plan. • Compliance with the CUP approval criteria.
DRT Recommendation:	Approval with Conditions
Current Zone District:	I-3 (Heavy-Intensity Industrial Zone District)
Comp Plan Designation:	Industrial/Distribution

Attachments for Review: *Checked if applicable to case.*

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|---|--|
| ☒ Applicant's Narrative Summaries | ☒ Vicinity Map |
| ☒ Development Plan | |

Background Information

Site Information	
Site Size:	40.495 acres +/-
Current Conditions:	The site is currently developed for the storage and loading of petroleum products with office space.
Existing Right-of-Way:	E. 56 th Avenue to the north, Colorado Blvd to the east
Neighborhood:	Riverside
Existing Buildings:	There are several existing buildings on the subject property that facilitate the storage and distribution of petroleum products.
Site in Floodplain	☐ Yes ☒ No

Surrounding Properties			
Existing Land Use		Occupant	Zoning
North	Industrial	Suncor Energy and Sand Creek Business Park	PUD & I-3
South	Undeveloped/ Commercial	Union Pacific Railroad/Heavy Industrial sites	I-3
East	Industrial	Several Heavy Industrial Uses	I-2 & I-3
West	Industrial	Union Pacific Railroad/Several Heavy Industrial Sites	I-3

Case History

The table below provides the relevant case history for this site.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
A-934-87	December 1987	Variance to reduce the front building setback from 50 feet to 22 feet	Approved with conditions
Z-466-87	December 1987	Zone Change from C-2 to I-3	Approved with conditions
CU-002-87	December 1987	Conditional Use for operating a petroleum products storage and fuel distribution facility	Approved with conditions
CU-012-90	March 1990	Conditional Use for temporary installation of a liquid propane distribution plant	Approved with conditions
A-1045-90	October 1990	Variance from sign setback and height requirements	Approved with conditions
A-1094-91	October 1991	Variance for an 18-month extension of the temporary use of a mobile office structure	Approved
AH-1746-17	December 2017	Variance for a height exception	Approved with conditions
S-702-18	August 2018	Final Plat to subdivide four previously unplatted parcels	Approved

A-934-87:

In December of 1987, the Board of Adjustment approved a setback variance from 50 feet to 22 feet to allow for construction of an accessory building for billing truck drivers as they exit the subject property.

Z-466-87:

In December of 1987, the City Council approved a zone change on the subject property from C-2 to I-3 to allow the existing petroleum products storage and distribution facility to be in conformance with the Commerce City Zoning Ordinance.

CU-002-87:

In December of 1987, the City Council approved a Conditional Use Permit to allow the site to operate a petroleum products storage and distribution facility.

CU-012-90:

In March of 1990, the City Council approved a Conditional Use Permit to allow the temporary installation of a liquid propane distribution plant.

A-1045-90:

In October of 1990, the Board of Adjustment approved a 49'6" (forty-nine feet and six inch) setback variance from the east property line and an 11' (eleven-foot) sign height variance.

A-1094-91:

In October of 1991, the Board of Adjustment approved an extension for a period of 18 months to allow a temporary office structure to remain on site until the construction of a permanent building is completed.

AH-1746-17:

On December 12, 2017, the Board of Adjustment approved a height exception to allow for the construction of a 60-foot vapor combustion unit (VCU).

S-702-18:

On August 2, 2018, DRT approved a final plat to allow for the reconfiguration and platting of four parcels on the site. The parcels were previously unplatted. The plat has not been recorded.

Applicant's Request

History:

The Denver Products Terminal has been operating as a petroleum “refined products” storage and truck terminal since 1951. The property was acquired in 1946 and over the next five years the terminal was built and became operational in 1951. At the time the terminal became operational, the company conducted business under the company name of Phillips Petroleum Company. In 2012, the terminal was assigned to Phillips 66 Pipeline LLC, a subsidiary of Phillips 66.

General Information:

In addition to the storage of finished products, the facility also operates a seven-bay loading and unloading truck rack of refined products for third party and customer trucks. The terminal currently operates 24-hours a day, 365-days a year with nine employees working on-site during one of three specific shifts and the terminal maintains an “on-call” rotation outside of the normal operational hours worked, as needed. The terminal also houses staff for the following groups: pipeline operations for Colorado and Wyoming, environmental, internal Department of Transportation, and Real Estate Services.

Request:

Phillips 66 Pipeline LLC is requesting the approval of an amendment to their approved Conditional Use Permit (CUP), for the expansion of their existing petroleum storage facility to allow for the construction of a new petroleum products above-ground storage tank. In 1987, City Council approved a Conditional Use Permit (CUP) for this facility, allowing it to operate in full legal and conforming status. As a part of that CUP, several conditions were also approved which limited some future expansion, most likely because it was not fully known at the time. In order to allow for the ongoing legal and conforming operations of an expanded facility, the applicant is requesting to amend their existing Conditional Use Permit for the following specific request:

New Storage Tank:

Phillips 66 Pipeline LLC plans to construct a new above-ground storage tank that has been designed as the final component of its current growth project and expansion of the terminal's storage capacity. The tank will be constructed within an earthen diked containment and located to comply with the governing rules, regulations, and specifications that are required by the American Petroleum Institute. The inside of the tank will be coated with an epoxy, and externally coated with a polyurethane-based paint in order to protect the steel from corrosive elements. The tank will be designed to be up to 140-feet in diameter, up to 52'6" in height, and will have the capacity to store up to approximately 130 thousand barrels (5,460,000 gallons). Similar to the existing storage tanks at this facility, product will be transferred for storage to this tank by means of a closed system of piping, valves, and pumps. DRT is processing a Minor Modification to allow the storage tank to be constructed at 52'6" which is 2'6" higher than the fifty-foot maximum height allowed by the I-3 zone district. DRT supports this request.

Timing of Improvements:

Construction of the new above-ground storage tanks is anticipated to begin in Spring of 2019. Please see attached development plan for location of the additional above ground tank.

Operations:

The Denver Products Terminal currently maintains a total of twenty-two storage tanks with an approximate total storage capacity of 297,776 barrels (12,506,598 gallons). Product is transported to the site for storage in these tanks via pipelines or trucks. The Denver Products Terminal stores butane, ethanol, bio-diesel, diesel, gasoline, jet fuel, and propane. There are thirty LPG storage tanks on-site that vary in size and capacity, but all LPG tanks are purpose built to store propane. All tanks are located in the south and western part of the site and the refined product storage tanks are contained within an earthen diked perimeter, or berm, as federally regulated by the Environmental Protection Agency (EPA). The containment has been designed, documented, and continually inspected to meet all applicable regulations for the facility-specific Spill Prevention Countermeasures and Control Plan (SPCC). Design of the containment is specific for the facility's operations and the capacity is designed to protect the environment, the community, and facility personnel.

Typical Tank Elevation with Dike:

Existing Earthen Dike Containment:



The transfer of product to and from the refined storage tanks occurs by an internal pipeline system that consist of piping and valves. Piping components range in diameter from 2 to 10 inches, are X42 grade carbon steel and are fully coated using an epoxy paint to protect the pipe from weather and corrosion. Inspection of pipes and supporting components and required maintenance are conducted by qualified personnel. Pumps are utilized for transporting the refined products for the terminal's operations. A dedicated meter accompanies the pumping of product to monitor for any potential for loss of refined product during operations.

Access is provided via six locations on the northern perimeter of the property off E. 56th Avenue. Three of the six access points are primary locations that are controlled by electric sliding gates that are operated by either pre-programmed remotes (for employees) or by a mounted keypad (for employees and third parties) for access during or outside normal business hours. These drives are located east of the BNSF rail line that divides the terminal utilized for employees and the third party truckers at the site, as well as for access of the administrative building. The three additional access points/drives that are located west of the BNSF rail line are limited to employees and contractors.

The truck rack (where product is loaded and unloaded by truck, except for Butane) is located on the northeast side of the terminal. One truck rack provides seven bays. Ingress and egress for the trucks takes place off E. 56th Avenue. The truck rack operations are protected by a steel canopy with steel beam supports. Loading arms are extended and attached to each truck. Refined product is then loaded using a fully automated system that includes the following components: computer system, a closed system of piping, and pumps. The truck operations occur on a continual, twenty-four hours a day, seven days a week schedule. During the busiest months, the terminal may experience an average daily peak trip of approximately 220 trucks per day.

Containment for the trucking operations consists of an impervious concrete surface with floor drains designed to catch any spillage of refined product and is connected to an oil-water separator. An oil-

water separator serves in the event that if there becomes an accumulation of oil and water and is designed to separate the oil from the water. The wastewater is then transported to a storage tank where it can be pumped into a truck and transported to an appropriate hazardous waste disposal terminal.

Seven Bay Truck Rack:



Liquefied butane is transported to the terminal for off-loading and storage by means of third party carriers at its own location near the center of the property.

Butane Off-loading Area



The terminal has an onsite Vapor Combustion Unit (VCU) for the trucking operations and serves as a critical component in protecting the third party carriers, onsite terminal personnel, and the community. The VCU is designed to burn off any excess vapors that may exist in the truck loading operations.

Existing VCU:



Pipeline operations occurs at various points on the site and is situated in the area where the transfer of product from off-site pipelines either originates or terminates. A network of pipes and valves connect and monitor pipeline operations.

Pipeline Area:



Safety:☐ **Hazardous Materials:**

Hazardous materials that are present on the site consist of additives, gasoline, diesel, bio-diesel, butane, gasoline, propane, and oil wastewater if generated during trucking operations. These products are stored in regulated tanks that are in accordance to federal specifications and standards. Inspections and maintenance of these storage tanks are conducted; as required. Safety Data Sheets (SDS) of all chemicals and materials located on-site are provided and updated and stored in a common location that allows access to the information by any person.

☐ **Environmental Safety:**

The terminal is required to comply with all state, county and federal environmental rules, laws and regulations applicable to the facility. Environmental compliance training is conducted annually for terminal staff. The training courses cover several topics, including air, water, waste management, spill prevention and countermeasure control (SPCC) and emergency response requirements. As required by the terminal's air permit issued by the CDPHE Air Pollution Control Division (APCD), the facility calculates and maintains a record of air pollution emissions on a monthly basis for all emission sources. The purpose of the emissions tracking is to ensure the terminal is monitoring emission sources and complies with emission permit limits during every consecutive 12-month period. The terminal maintains a site-specific Facility Response Plan (FRP) and a Spill Prevention Control and Countermeasures Plan (SPCC) as required by EPA Oil Spills Prevention and Preparedness Regulations. Daily inspections of the terminal allow personnel to address any issues or concerns that may be identified and provide assistance for protecting the environment as it could prevent the release of product to the environment. Various precautions such as employee training and education, equipment safeguards, and operational practices are taken to ensure the safety and protection of the environment.

☐ **Personnel Safety:**

Phillips 66 personnel are required to become Hazardous Waste Operations and Emergency Response (HAZWOPER) certified. This certification trains and educates personnel on the proper handling, labeling, placement, and safety procedures for hazardous waste and how to respond to different emergency situations associated with it. Personnel are also required to take lessons and tests on a variety of internet-based safety modules throughout the year.

As well as the FRP that outlines what to do in an emergency, the terminal displays a site-specific emergency evacuation plan for personnel to follow during an emergency situation. It includes the safest and quickest evacuation routes and muster points, and the locations of fire extinguishers, safety eye-wash stations, and first aid kits. If personnel are located within the diked containment area of the storage tanks, a means of secondary access is provided via drives around the entire outside perimeter of the dike.

In the event of a fire, the property has been designed according to the National Fire Protection Agency's (NFPA) regulations with a complete fire and foam suppression system. Fire hydrants are located throughout the property and in close proximity to every operation conducted on-site.

❑ Customer (Truck Drivers) Safety:

Before a truck driver can enter the facility, they are required to take a driver training course developed and held by Phillips 66. The course includes hands-on lessons at the terminal, a video, and a final test before they are issued the pre-programmed access cards that allow them to enter and exit through the automated gates on site. The purpose of the course is to educate third party drivers on the use and operation of Phillips 66's truck loading and unloading system so that they are able to conduct operations effectively, ultimately protecting themselves, those on-site, and the neighboring community.

In addition to education, the fully automated computer-based system associated with the trucking operations, as well as, mechanical devices on the equipment, are used as safety precautions for customers. The computer based system monitors the capacity and rate at which product is being loaded or unloaded and can shut off if safety is being jeopardized. Mechanical devices, such as automated valves, are employed in the event that operations are being conducted in an unsafe manner as well.

A separate 24-hour secure control center monitors changes in the system, troubleshooting issues where appropriate and dispatching field technicians as necessary. Any anomaly in pressure, volume, etc., will automatically trigger an alarm and, if appropriate, can immediately shut down the closed-pipe system.

❑ Community Safety:

As a result of the implementation and dedication to the safety practices and procedures that exist at the terminal to protect the terminal's personnel and customers as well as the environment, the safety of the community is subsequently increased.

In conjunction with the mandated local, state, and federal regulations to be followed, the terminal has developed certain rules that are required to be followed on-site. In order to protect the safety of site personnel, customers, and the community, smoking anywhere on the property is prohibited. Also, proper procedures for operations are required to be followed including the location, appropriate tools, specific procedures, and personal protective equipment. For instance, welding activities may only be performed under specific conditions and distances away from hazardous areas, and with face shields specific for welding.

Security at the terminal also plays an important role in protecting the community. Restricted access, video surveillance, and the perimeter's barbed wire fencing provide for the control of trespassing and tampering of equipment by unqualified persons. The terminal is also private and not open to the public.

The continual inspecting of on-site equipment and operations also ensures the safety of the surrounding community. By being proactive, personnel become aware of and are able to provide immediate attention to any potential hazards that may exist, ultimately decreasing and removing the opportunity to harm the community, customers, the environment, or themselves.

Regulating Agencies:

The Denver Products Terminal is required to operate and be in compliance with several State and Federal agencies. The following list identifies each agency and their inspection frequency.

- ☐ The Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division:
 - Air Pollution Control Division (APCD) – Title V Operating Permit No. 960PAD160. Annual inspections are required and to date, the terminal has no violations.
- ☐ The Environmental Protection Agency (EPA) – Compliance with the Spill Prevention Countermeasures and Control Plan (SPCC) as well as the Facility Response Plan (FRP). Inspections by the EPA are unannounced and infrequent. However, facility personnel conduct routine inspections to look for signs of corrosion, leaks, brittle fracture, overflows and other problems. In addition, the SPCC and FRP plans are reviewed annually by Phillips 66 management and updated accordingly. To date, the terminal has no violations.
- ☐ The Federal Department of Transportation (DOT):
 - Pipeline and Hazardous Materials Safety Administration (PHMSA) – Emergency Response and Management Manual (ER & MM). Annual inspections are performed and the ER & MM manual is updated annually and revised as necessary. To date, the terminal has no violations.

Development Review Team Analysis

The Development Review Team (DRT) began the review of this request by evaluating it against the city's adopted Comprehensive Plan. That analysis is provided in the table below.

Comprehensive Plan

The DRT recommendations for this case are supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1	Maintain a balanced mix of land uses.
<u>Analysis:</u>	The existing use is a heavy industrial use, which is consistent with the Comprehensive Plan, which calls this area out as general industrial, which allows for the heaviest industrial activities within the City. The Comprehensive Plan ensures a healthy mix of land uses.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 4	Retain existing industrial areas and land use for jobs.
<u>Analysis:</u>	The request in this application is being made by an existing industrial business. The approval of this CUP will help retain an existing industrial business.	

Site Layout:

The subject property's address is 3960 E. 56th Avenue. It is irregular in shape and located south of E. 56th Avenue with the Union Pacific Railroad to the south and west, and Colorado Blvd/Hwy 2 to the east. Along the site's north, south, east and west property lines are several other heavy industrial users. The site is currently developed as a petroleum storage facility with truck terminals that allow trucks to either deliver petroleum products to the site or take petroleum products from the site to individual retailers. The site was originally developed in the early 1950's and is laid out with operational structures on the north and east side of the terminal, with storage tanks in the south and central area of the site. There are significant portions of the site on the northwest side of the property that are undeveloped. These areas are generally used for temporary parking and storage of maintenance equipment and vehicles.

Analysis of the Request:

In reviewing the requested Conditional Use Permit (CUP), it was important for the DRT to remember that the Denver Products Terminal has been in operation for 65+ years. Since 1987, when City Council approved the Conditional Use Permit for this property, the existing operations were made legal and conforming. However, as a part of that application, certain conditions were placed upon the use which limited future expansion. Hence, that is why an amendment is needed to the existing CUP application: to allow for continued expansion of the facility in accordance with the approved development plan.

At this time, Phillips 66 has a desire to add one new storage tank on their property. This project will give Phillips 66 additional storage capacity in order to serve their customers. While DRT is supportive of the project, the property is required to receive approval for a CUP amendment before a building permit can be issued for the project. Therefore, the applicant has submitted this CUP application in order to allow for ongoing improvements and expansion to their operations and keep them legal and conforming.

In reviewing the application that was submitted, the DRT was able to determine that the operations on the property are compliant with the applicable federal and state standards that govern their operations. The DRT also determined that the site is well kept and paved in the appropriate places. The applicant

will be paving two access drives that enter the site from E. 56th Avenue that are currently gravel, and provide additional landscaping along E. 56th Avenue. Given the status of the site and the review comments from outside agencies provided below, the DRT is supportive of this CUP amendment request.

Outside Agency Review:

As with all applications that are submitted for review, the DRT provided Phillips 66's request to a variety of outside organizations for their review and comment. The relevant comments that were provided to the DRT have been detailed below. Given the level of comfort from the outside agencies, the DRT is supportive of this request.

Tri-County Health Department (TCHD):

"TCHD staff has reviewed the application for compliance with the applicable environmental and public health regulations and recommend the applicant conduct a methane study due to the site being near old landfill sites." The applicant completed the study and provided it to TCHD. The study found no trace of methane. TCDH had no other comments on the application.

South Adams County Fire Protection District (SACFPD):

"The Phillips 66 Denver Products Terminal meets or exceeds the requirements of the International Fire Code and the National Fire Protection Association Standards for the storage and processes involving flammable liquids, flammable gases, and combustible liquids. The facility encompasses fire protection systems that are designed to protect these materials and maintains them in accordance with our adopted codes. The proposed amendment of Phillips 66's existing Conditional Use Permit for the additional above storage tanks shall meet the requirements of the International Fire Code and National Fire Protection Association Standards in place at the time of construction. The South Adams County Fire Department does not have any issues with Phillip 66's proposed Amendment to their Conditional Use Permit."

Summary:

Phillips 66 is requesting the approval of an amendment to their Conditional Use Permit (CUP) in order to allow for ongoing operation expansions for their facility and to make their expansion legal and conforming in accordance with the Land Development Code (LDC). Once they are compliant with the LDC, they will be able to implement two projects on their property through the administrative building permit review process. The subject property is located in an industrial area that is identified for future heavy industrial uses by the Future Land Use Plan. Additionally, the request is being made by an applicant that has been in operation at the subject property for 65+ years and has a track record for complying with regulations. Therefore, based on the information provided above and the detailed analysis related to the Conditional Use Permit criteria listed below, DRT recommends that the Planning Commission forward the Conditional Use Permit amendment request to the City Council with a favorable recommendation.

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
☒	The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance;	The character of this area is heavy industrial in nature and the existing use is considered a heavy industrial use. Additionally, these operations have been in place at this site for 65+ years.
☒	Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;	The applicant has provided documentation that their operations are compliant with the necessary regulating agencies. Additionally, the applicant will be adding additional landscaping along E. 56 th Avenue.
☒	The characteristics of the site are suitable for the proposed use;	This site has been in operation for 65+ years and has adequately accommodated the use.
☒	The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents or the applicant has committed to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;	The requested use is an existing use and is adequately served by the necessary utilities and infrastructure.
☒	The applicant has provided adequate assurances of continuing maintenance;	The submitted application indicates continued maintenance for the existing operation. This will be ensured by a variety of regulating agencies at several levels of government.
☒	No evidence suggests that the use violates any federal, state, or local requirements.	There is no indication that the use violates any federal, state, or local requirements.
☒	The proposed use complies with the general purposes, goals, objectives, policies, and standards of all City plans, programs, and ordinances	The request complies with the City's plans and ordinances.
☒	The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the City.	The request is compliant with the purpose, goals, and objectives of the comprehensive plan as outlined above.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the request **meets** the criteria for a Conditional Use Permit amendment set forth in the Land Development Code and recommends that the Planning Commission forward the Conditional Use Permit amendment request to the City Council with a **favorable** recommendation, subject to the following conditions and advisory:

CONDITIONS:

- A. The applicant shall remain compliant with all standards regulating their operations.
- B. The applicant shall provide any updates to the Emergency Response and Management Manual to the City within 30 days of a change.
- C. This Conditional Use Permit approves the bulk storage of petroleum products. Any change in either of the following shall require an amendment to this Conditional Use Permit:
 - i. The storage of any other product that requires a Conditional Use Permit as identified in the Land Development Code as it may be amended.
 - ii. The bulk storage of any product at this property that is in excess of the latest approved development plan.

ADVISORY:

Any new construction, interior tenant finish work, paving, fences, walls, signs, and/or buildings on the site shall require a building permit as required by the City.

The DRT's Recommended Motion

To recommend approval subject to condition(s):

I move that the Planning Commission enter a finding that, subject to certain conditions, the request contained in this Conditional Use Permit amendment for the property located at 3960 E. 56th Avenue contained in case CU-87-002-19 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit amendment subject to the following conditions:

- A. The applicant shall remain compliant with all standards regulating their operations.
- B. The applicant shall provide any updates to the Emergency Response and Management Manual to the City with 30 days of a change.
- C. This Conditional Use Permit approves the bulk storage of petroleum products. Any change in either of the following shall require an amendment to this Conditional Use Permit:
 - i. The storage of any other product that requires a Conditional Use Permit as identified in the Land Development Code as it may be amended.
 - ii. The bulk storage of any product at this property that is in excess of the latest approved development plan.

Alternative Motions

To recommend approval:

I move that the Planning Commission enter a finding that the request of this Conditional Use Permit amendment for the property located at 3960 E. 56th Avenue contained in case CU-87-002-19 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit amendment.

To recommend denial:

I move that the Planning Commission enter a finding that the request of this Conditional Use Permit amendment for the property located at 3960 E. 56th Avenue contained in case CU-002-87-19 fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Conditional Use Permit amendment.