

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - March 12, 1996
7:05 p.m. to 11:00 p.m.

I. CALL TO ORDER

The regularly scheduled Planning Commission hearing was called to order at 7:05 p.m. in the City/County Auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Driscoll, Bob Withers, Tom Whitaker, Ron Halsey, and Paul Coleman. Jeff Vogel was absent.

In attendance, representing Planning Department staff, were: Kathy Portner (Planning Supervisor), Kristen Ashbeck (Associate Planner), Michael Drollinger (Senior Planner), and Bill Nebeker (Senior Planner).

Also present were John Shaver (Asst. City Attorney), Jody Kliska (City Development Engineer), Rick Beaty (Fire Chief), Hank Masterson and Jim Bright (Fire Department).

Terri Troutner was present to record the minutes.

There were approximately 34 citizens present.

II. CONSIDERATION OF MINUTES

The minutes of the February 6, 1996 hearing, including the Galley Subdivision amendment, were presented for consideration. Commissioner Halsey requested that the minutes be further amended to include his comment that, regarding the Fellowship of Excitement project (SUP-95-136), Commission would be opposed to the project if it required the expansion of the 201 Sewer District. No opposition to adding this amendment was expressed.

MOTION: (Commissioner Whitaker) "Mr. Chairman, I move that the minutes of the February 6 hearing, as amended previously by staff and Mr. Halsey tonight, be approved."

Commissioner Withers seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

There were no announcements, presentations and/or prescheduled visitors.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

CUP-96-23 CONDITIONAL USE PERMIT--DRIVE-THRU RESTAURANT

Request for a Conditional Use Permit for a drive-thru window for a Taco Bell Restaurant

Petitioner: Michael Saelens, Moss, Inc.

Location: 3231 - I-70 Business Loop

STAFF PRESENTATION

Michael Drollinger briefly outlined the project and noted the site location on the maps provided. He indicated that the project conformed to CUP criteria and that issues and condition 1 outlined in the staff

report had been satisfied. Staff recommended approval subject to the following condition being satisfied prior to issuance of the Planning Clearance:

1. The proposed signage as detailed on the Site Plan and Sheet "SN" (attached to the staff report) conform with City requirements with the exception of the following: an existing shopping center freestanding sign is located on the subject parcel. The petitioner is required to obtain a variance to permit a second freestanding sign on the parcel. The proposed freestanding sign is a monument-style sign (proposed size 32 square feet), not a pole sign as indicated in Sheet SN.

Mr. Drollinger indicated that the petitioner's variance request for the second sign had been submitted to the Board of Appeals for consideration and would be heard on March 13, 1996.

QUESTIONS

Commissioner Withers asked if a shared access agreement had been signed by owners of the Peachtree Shopping Center. Mr. Drollinger said that such agreement had already been received by staff and includes an inventory of spaces at Peachtree.

Commissioner Withers questioned whether the petitioner will have enough parking spaces available should the shopping center be completely built out; would an irrevocable permit prevent the shopping center from taking the Taco Bell spaces back? Mr. Drollinger said that even if built out, the shopping center would still have excess parking, so that this was not a problem. He added that parking requirements were routinely checked for any new development.

Chairman Elmer asked if this development was located on a single pad site, to which Mr. Drollinger replied affirmatively.

PETITIONER'S PRESENTATION

Mike Saelens, petitioner, responded to Commissioner Withers' question regarding parking and said that there was room on the Peachtree Shopping Center property to increase the number of parking spaces if deemed necessary for future development.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST: Mary Huber (580 ½ Melrose Court, Grand Junction) reminded the Commission that City Council had de-annexed the subject property. She felt that the project should go back through the County process for approval.

PETITIONER'S REBUTTAL

Mr. Saelens indicated that the project had been originally submitted to the County Planning Department but then it had been given over to the City. He didn't see much difference between City and County guidelines and felt that the project should conform to both.

DISCUSSION

Chairman Elmer asked John Shaver if a decision by the City's Planning Commission was legally appropriate. Mr. Shaver replied that it was, that the de-annexation process was pending and would take a couple of months to complete and that the County would likely consider the use as grandfathered.

Chairman Elmer added that the County was given a chance to comment on the item and no negative comments were received.

MOTION: (Commissioner Halsey) “Mr. Chairman, on item CUP-96-23, I recommend that we approve this, subject to condition 2. in the staff report.”

Commissioner Withers seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

The petitioner asked whether denial of the variance request would alter the Commission’s decision. Chairman Elmer said that denial would only prohibit installation of the second freestanding sign.

FPP-96-27 FINAL PLAT/PLAN--COBBLESTONE RIDGES, PHASE I AND II

Request to subdivide a portion of Lot 1, Block 23, Ridges Filing #6 into 13 single family residential lots on approximately 5.673 acres and Lot 3, Ridges Filing 6B into 21 single family residential lots on approximately 7.5 acres, all with zoning of PR-4 (Planned Residential with a density not to exceed 4 units per acre).

Petitioner: Steven Craven, Cobblestone Communities, Inc.

Location: Rana Road in the Ridges

STAFF PRESENTATION

Kathy Portner highlighted the project location on the maps provided. She indicated that during the Preliminary Plan development stage, City Council had opted not to require sidewalks on the internal streets but did require a *detached* 8-foot-wide pedestrian path along Rana Road (configuration noted on map). Staff proposed a modification to the verbiage to specify an *attached* 8-foot-wide pathway system shall connect from the detached pathway shown to Saddle Court along Rana Road. Staff recommended approval of Phases I and II, subject to the following conditions:

1. All technical concerns of the review agencies must be addressed with the final revised plats and construction drawings.
2. Saddle Way must be designated as a Court.
3. The Final Plat for Phase II must show the ridge line. Rear yard setbacks shall be designated as 10 feet for the ridge line except for the construction of shade structures such as patio covers, gazebos, etc. Such shade structures shall be allowed to the ridge line setback but not beyond.
4. Lots 9 and 10 in Phase II shall be reconfigured so that both lots have street frontage and a shared ingress/egress easement.
5. The developer will be responsible for all costs of the required lift station, with the exception of the materials required for the upsizing of the lift station, which will be paid for by the City of Grand Junction. Requests for City cost sharing of any additional costs of the lift station must be approved by the Director of Public Works.
6. The pathway system shall connect to Saddle Court along Rana Road.

Ms. Portner said that the petitioner had requested a credit to their TCP payment for the additional link; however, City Council had made the pathway a requirement without TCP credit. The off-site pathway system would be paid for by the City. For the additional link recently requested by staff, the petitioner had the option of asking for TCP credit, the decision resting with the Director of Public Works. If the petitioner

as dissatisfied with the Director's decision, such decision could be brought before the Board of Appeals for consideration.

QUESTIONS

Chairman Elmer asked for clarification on the attached pedestrian pathway. Ms. Portner said that due to width constraints of the lots it passed in front of, staff agreed that the recently requested path segment could be attached to the curb.

Chairman Elmer asked if the 10-foot rear yard setback requirement was due to the large open space area located adjacent to the lots. Ms. Portner said that this was the basic idea.

PETITIONER'S PRESENTATION

Steve Craven, petitioner, concurred with staff comments and conditions. He added that the rear yard setback was a ridge line setback and that it was consistent with other lots in Filing 6.

Chairman Elmer asked how drainage would be achieved from the back of the lots in Phase I. Mr. Craven replied that it would be overlotted, with drainage coming from around the house down to the street, then down the street to the detention pond.

PUBLIC COMMENTS

FOR: Dorothy Hoskin (411 Rio Vista Drive, Grand Junction) asked for clarification on where her property was in relation to the petitioner's maps and whether the project would impact access to Rio Vista Drive. Ms. Portner clarified these points, noting that the project would not alter access to Rio Vista Drive.

AGAINST: Gary Stubler (2374 Rana Road, Grand Junction) expressed concern over the current and potential increases in traffic along Rana Road. He wondered when the City would consider the street "at capacity." Would the City halt any further development when the street was at capacity, and could the residents oppose future proposals at that time?

Jody Kliska indicated that the street was classified as a "residential collector" with a carrying capacity of 1,000-3,000 cars per day. She said that even upon build-out of Cobblestone Ridges, the use would still be within the capacity range of a residential collector street.

Chairman Elmer added that the Growth Plan will address the buildout of all areas of the valley, including the Ridges. He pointed out that current Ridges development proposals were actually less dense than what its original zoning would allow.

Mr. Stubler felt that if the proposed golf course for the subdivision was not built, the area should be left in open space. He also requested a stop sign at the intersection of Prospector and Rana Road to slow traffic. Ms. Kliska agreed to pass the stop sign request on to the City's Traffic Engineer for consideration.

PETITIONER'S REBUTTAL

The petitioner offered no further comment.

DISCUSSION

Chairman Elmer suggested that if deficiencies in a road system existed, the City's staff should review them.

Commissioner Withers expressed disappointment that the internal sidewalk requirement was eliminated. He felt that all the other staff conditions met the requirements of the Preliminary Plan.

MOTION: (Commissioner Withers) “Mr. Chairman, on item FPP-96-27, I move that we approve the Final Plat and Plan for Cobblestone Ridges, Filings 1 and 2, subject to staff conditions as presented 1 through 6.”

Commissioner Whitaker seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

MS-96-21 MINOR SUBDIVISION--GRACE COMMERCIAL SUBDIVISION

Request to subdivide two lots consisting of approximately 3.65 acres into five lots in a C-2 (Heavy Commercial) zone district.

Petitioner: Jack Bogart

Location: West side of Faith Street

Representative: Jim Langford, Thompson-Langford

STAFF PRESENTATION

Bill Nebeker began by clarifying that the request actually called for a six lot replat from three platted lots. While normally this would be considered a major subdivision, the petitioner was allowed to file under the requirements of a Minor Subdivision because there would be no proposed change to the size or configuration of the sixth lot. The sixth lot should be included in the replat for improvements, drainage, and legal purposes. A detention pond would be located on Tract A. Since condition 2. in the staff report has been satisfied, staff recommended approval subject to the following: An association be formed to maintain Tract A.

QUESTIONS

Chairman Elmer noted that there seemed to be a discrepancy in the size of the development and wondered how much acreage was actually involved. Mr. Nebeker said that this would be clarified later in the hearing.

PETITIONER'S PRESENTATION

Jim Langford, representing the petitioner, said that there were approximately 3.65 acres included in the development. He added that Ms. Kliska had requested a drainage grate be installed at the project entrance and agreed to comply with the request.

PUBLIC COMMENTS

FOR: John Harris (602 Meander Drive, Grand Junction), adjacent property owner, wondered where the drainage water would end up. Ms. Kliska responded that there would be total detention on Tract A.

AGAINST: There were no comments against the proposal.

PETITIONER'S REBUTTAL

The petitioner offered no further comment.

DISCUSSION

Commissioner Withers wondered if the drainage grate requirement should be included in the motion. Ms. Kliska did not feel that this was necessary and that she and the petitioner could work out the details later.

MOTION: (Commissioner Halsey) “Mr. Chairman, on item MS-96-21, I move that we approve the Grace Commercial Subdivision replat at the northwest corner of Faith Street and Highway 6 & 50 with the condition stated in staff recommendation 1.”

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

PP-96-19 PRELIMINARY PLAN--SPARKMAN SUBDIVISION**Request to resubdivide Lots 1 and 2, Block 2, SWD Subdivision into 7 lots in an I-1 (Light Industrial) zone district.****Petitioner: Richard Sparkman**
Location: 726 and 740 Scarlett Street
Representative: Harry Mavrakis, MAVCO**STAFF PRESENTATION**

Kristen Ashbeck noted the location of the property on the maps provided. She indicated that the main outstanding issue concerned the handling of drainage water. The petitioner wanted to provide for drainage on a lot by lot basis which is unacceptable to the City's Development Engineer because part of the original subdivision drains into an undersized retention pond. Total retention has been a requirement of other sites within the SWD Subdivision. Topography of the property suggests that retention areas will have to be located at the front of properties if no regrading is performed; this may present design difficulties for future development on the smaller lots. The City's Development Engineer requires that the Sparkman Subdivision provide a common drainage area for all of the lots, which may require some reconfiguration of the lots for the Final Plat. Other concerns included addressing review agency comments regarding the Arrowest Drain easement, possible need to extend water lines to the eastern edge of the property in Colex and Sanford Drives and details of the language on the Final Plat.

Staff recommended approval with the condition that the final drainage plan and study submitted with the Final Plat address a common drainage area for the entire Sparkman Subdivision.

PETITIONER'S PRESENTATION

Keith Mumby, representing the petitioner, agreed that a drainage problem existed on the property. He said that a drainage study had been conducted when development was originally planned for the middle portion of the property. In that study, during a 100-year flood, with 2.41 inches falling in 24 hours on 100 percent asphalt, the determination was that 1.98 acres would serve all 27 original acres. The proposal currently under consideration included only 15 acres, yet staff was still requiring a two acre drainage pond. Mr. Mumby indicated that a tear drop area (noted on map) had been designated for drainage from which the south half of lot 2, 3, 4, 5, 6 and 7 would drain. He didn't think it reasonable for the City to still require two acres to drain the proposed lots when originally the requirement specified two acres to drain 27 acres within the SWD Subdivision. He expressed a willingness to work with staff to a mutually satisfactory solution, adding that he'd had two engineering firms conduct drainage studies.

Mr. Mumby also felt that, because it was unclear how many buyers would be involved or what type of businesses would be involved, it was difficult to determine just where to put the drainage area(s). Thus, he asked for staff and the Commission to consider addressing the drainage issue on a individual lot by lot basis as they were sold and developed.

QUESTIONS

Chairman Elmer reminded Mr. Mumby that the petitioner could still work out the final details of the drainage plan prior to Final Plan/Plat approval. According to the *Code*, resolution of this issue must be achieved before Final Plan/Plat approval could be granted, regardless of how the lots were split up.

Mr. Mumby did not feel that staff's recommendation was workable due to the topographical consideration of the property. He added that there were two retention ponds already located on the property.

Chairman Elmer suggested that grading the lots would eliminate the problem.

Ms. Ashbeck said that she hadn't received copies of the petitioner's drainage reports and that staff would need to review these reports while still in the Preliminary Plan stage.

Mr. Mumby didn't think that the easement required by the drainage district would pose a problem.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Halsey felt that the petitioner and staff were heading in the same direction. Chairman Elmer agreed with this sentiment.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item PP-96-19, I move that we approve the Sparkman Subdivision with the conditions stated in the staff recommendation."

Commissioner Coleman seconded the motion. A vote was called and the motion passed by a vote of 5-1, with Commissioner Whitaker opposing.

A brief recess was called at 8:10 p.m. The hearing reconvened at 8:15 p.m.

CUP-95-176 CONDITIONAL USE PERMIT--FUEL STORAGE TANKS

Request for a Conditional Use Permit to locate fuel storage tanks in an I-2 (Heavy Industrial) zone district.

Petitioner: Conoco, Inc.
Location: 631 S. 9th Street
Representative: Darrel Vanhooser, Conoco, Inc.

STAFF PRESENTATION

Kristen Ashbeck pointed out the site location on the maps provided. She provided an overview of the petitioner's proposal to construct two new storage tanks with a combined capacity of 2.3 million gallons. When the new tanks are built, the petitioner planned to either demolish some of the older existing tanks or remove them from service. Necessary safety improvements would be required for the tanks, and the petitioner is proposing to improve rail car unloading rates, truck loading rates and safety features of the site. *Fire Code* compliance and safety issues were the primary concerns. At this point, Ms. Ashbeck introduced Jim Bright from the Grand Junction Fire Department.

Mr. Bright, administration officer responsible for the division of fire prevention, said that the project was reviewed from the aspect of *Fire Code* compliance and fire safety issues. (The following testimony was accompanied by visual location references using an overhead projector and transparencies.) He said that the existing tanks which will remain have secondary containment around them which would hold tank fuel in the event of a rupture. Also in place is a 6-inch underground dryline which has hatch lids and a monitor nozzle. In the event of a fire, the Fire Department would attach to a hydrant located across 9th Street and bring in a 5-inch supply line from the hydrant and attach to the dryline. Water would then be supplied to that built in system. Two foam trailers are also available for foam application if necessary.

The proposed modifications called for tapping the existing 12-inch line on 9th Street, bringing it across, and convert the 6-inch line to a wet line. The petitioner proposed to modify its load-out rack to include a foam suppression system with a detection system which would be either automatic or which could be operated manually. An in-place foam system is proposed with application of foam built in for the secondary containment of the existing tanks.

Where the new tanks would be installed, the petitioner proposed attaching to a foam system which would be put in place and have an in-tank application of foam through foam chambers on both tanks. It would also have the ability to apply foam in the secondary containment. The secondary containment walls of the new

tanks would be approximately 12 feet high and would be capable of containing the spill of the largest tank plus the calculation of fire flow water and rainfall.

Rick Beaty, Grand Junction City Fire Chief, began by saying that the Fire Prevention Bureau had gone to great lengths to research the project, traveling to Denver to speak with experts, fire engineers for Colorado Springs and Bob Fairday with National Fire Protection Association concerning NFPA 30, which deals with the requirements for these types of facilities. He said that requirements were made to the letter of the *Fire Code* and in some cases, requirements were made beyond what the *Code* called for because of the project's location and nature. He acknowledged that Conoco had sought to comply with all requirements and had submitted recommendations that were better than what was initially requested.

The location of the project seemed to generate the most concern from citizens, based on the number and type of calls received from residents. No risk potential evaluation was submitted by the petitioner which would address an 'event' which might occur on site. Therefore, it was unclear how the adjacent property owners would be impacted. Conoco was asked to respond to a potentially 'worst case' scenario which included overflowing one of the tanks for having breached the tank and piping inside the secondary containment and having a full surface fire within that secondary containment. The Fire Department wanted to know what kind of thermal radiant characteristics that type of fire might present and how would that impact nearby properties and adjoining facility. Conoco is working to address this request; the information is unavailable for tonight's hearing.

The site for the new tanks would require fairly high secondary containment around the tanks. The Fire Department was concerned over potential difficulties in accessing that secondary containment if necessary. Clarification to item 3. in the staff report under 'Remaining Concerns...' was given, referencing the amount of foam available on the existing facility. Conoco proposed forming a joint relationship where a number of agencies and properties could be utilized as secondary sources of foam (e.g., rail yard, airport).

Mr. Beaty said that the Fire Department did not evaluate alternate sites for the project.

Rail traffic was a significant concern to the Fire Department with regard to emergency response time and access. He acknowledged current problems accessing the subject area because of delays caused by rail traffic at the intersection of 9th Street and 7th Street; it is unclear what impact those delays would have on accessing a fire on the property. Since there is no schedule available for the additional rail car load-outs, it is unclear what impact this would have on emergency response at the 9th Street intersection, specifically.

Conoco submitted three alternative plans on March 1, 1996 but since they call for changes in the secondary containment, the Fire Department has not had a chance to recalculate and review the impacts of the plans. Bob Benedetti, also from the NFPA, responded to a citizen question regarding the environmental risk potential of particulate fall-out of products of non-complete combustion should there be a major fire event on the facility. His response at a national level was that, although it was a concern, there was little data available to assess the impacts of that type of exposure on the community.

QUESTIONS

Chairman Elmer asked how and from where would the foam be transported. Mr. Beaty said that, primarily, it would come from Denver and arrive by truck.

Commissioner Withers said that in the event an airplane crashed into the tanks as a result of a winter blizzard, how would trucks be able to transport foam if roads and passes were closed. Mr. Beaty said that they'd have to look to another location as a source.

Commissioner Withers asked if there was any perforated piping running underneath the tanks as part of a leak detection system. Hank Masterson, responsible for Fire Department *Code* enforcement said that the

new tanks would be elevated approximately three feet above grade level with pipes located underneath the tanks.

Commissioner Withers wondered if electronic sensors could be installed which would not be dependent upon individuals stumbling upon a problem at the right time. Mr. Masterson said that electronic sensors had not been explored but that they could be.

Chairman Elmer asked staff for its recommendation, to which Ms. Ashbeck replied that the recommendation was denial because public safety issues had not been adequately addressed.

Chairman Elmer acknowledged the lack of needed information but hesitated to table the item. Hearing it would bring forth the information available. He asked Mr. Shaver if the Commission could still table the item after hearing the remaining testimony. Mr. Shaver responded that it was within the Commission's authority to do so; however, since the *Development Code* didn't address the situation specifically, past practice has been to decide on the item after hearing it. He added that City Council contacted staff, indicating if approved or denied and subsequently appealed, Council intended to hear the item per its authority as established in the *Code*. When asked, the petitioner's representatives indicated that they would still like the proposal to be heard.

Commissioner Withers asked the Fire Department representatives how they felt about tabling the item. Mr. Beaty said that while Conoco had been very cooperative during the process, he would still like to receive thermal criteria as could be garnered from a thermal modeling study. He said that a system to address a major event needed to be in place.

Commissioner Withers asked if the *Uniform Fire Code* (UFC) and NFPA requirements had been met, to which Mr. Beaty responded that they had. When asked by Commissioner Withers whether the facility, including the new tank facility, would be safer than what exists currently, Mr. Beaty replied that it would from strictly a fire protection aspect. Upgrades at the load-out racks and in the existing tank structures would be a significant improvement to what is currently in place. Commissioner Withers asked if the current facility met UFC requirements, to which Mr. Masterson responded that if built today, it would not meet UFC specifications but added that details would have to be researched.

Ms. Ashbeck said that seven letters were received from concerned citizens and other agencies and organizations. A petition opposing the proposal was also received which contained 67 signatures. Most of the opposition was traffic-related, primarily with regard to access across the railroad tracks and the back-up of traffic. The present facility owned 29 trucks with an estimated 18 trucks previously arriving daily from the Viking freight site; Conoco proposed adding another 11 trucks. The Public Works Department has determined that a signal light was not warranted for the intersection of 9th Street and D Road.

The Traffic Division examined gaps in traffic available for the large trucks, making either left or right turns from 2nd Avenue onto 9th Street. With gaps timed at 14 seconds, this was felt to be sufficient time for trucks to enter traffic. Ms. Ashbeck felt that it was perhaps the type of cargo the trucks carried that caused the greatest concern. An increase in trucks to and from the site would increase the potential for an incident involving one of them. She said that recently the turning radii on the southwest corners of 9th Street and Ute Avenue and 9th Street and Pitkin Avenue were upgraded to accommodate truck turning movements. However, the radius on the southeast corner of 9th Street and Pitkin Avenue for northbound trucks turning right from 9th Street to Pitkin Avenue should also be upgraded.

Rail traffic is a concern and there are times when traffic on 9th Street is halted from 5 to 15 minutes while rail cars are shifted at Conoco's tank terminal. Conoco was unsure if much could be done to improve scheduling with the railroad since the alteration of the narrow time window might adversely impact rail car handling at other facilities.

With regard to on-site circulation, Ms. Ashbeck pointed out the staging area and outlined from the staff report how staging would be conducted. She said that staging for westbound Conoco traffic in what is normally the eastbound direction of traffic was unacceptable and would create potential conflict points with Conoco's trucks exiting the site and other traffic using the 2nd Avenue right-of-way, particularly Denning Lumber.

The geometry of Conoco's circulation plan for traffic exiting from 2nd Avenue to 9th Street is based on 60-foot-long trucks; however, Conoco proposes to use trucks as large as 70 to 90 feet long. Conoco has not demonstrated that on-site circulation would work for these larger vehicles. Ms. Ashbeck felt that the petitioner had not adequately justified the need for the 8 to 11 staging areas proposed when the proposed number of trucks would only increase by 11.

Staff received comments from organizations and review agencies regarding environmental concerns, primarily emissions into the air and the potential for seepage should a spill incident occur. The Mesa County Health Department would require that a control device for the emission of volatile organic compound (VOC) be installed. Conoco has agreed to install the device which would achieve a 98 percent VOC destruction efficiency.

Soil contamination would be prevented by installing a geosynthetic clay liner under each of the proposed tanks. A 6-inch thick layer of sand will be placed on top of the clay liner, inside the concrete ringwall foundation for the dike wall, and under the steel tank bottom. To detect leakage from the tank, PVC piping will be installed in the sand layer and will be sloped to route product to the exterior of the tank.

Ms. Ashbeck summarized her presentation by saying that the project still did not adequately address public safety concerns, did not adequately address vehicular circulation and access questions, and the proposed site development did not meet requirements for adequate parking (staging) and loading routes.

QUESTIONS

Commissioner Withers said that given the traffic in the area and volatile nature of the facility and truck cargo, had there been any discussion about constructing an under- or overpass at 9th Street. He wondered how such an under- or overpass might affect traffic. Ms. Kliska responded that it had not be reviewed but that the right-of-way needed to construct either pass suggested would include most of the adjacent properties.

Commissioner Driscoll asked if any information on the number of rail cars had been submitted, to which Ms. Ashbeck replied that nothing on this had been received.

Commissioner Withers commented that he felt that there would be an increase in the number of rail cars initially from the filling of the tanks.

Chairman Elmer asked how would what he considered to be a worst case scenario, an explosion, be handled. Mr. Beaty said that an actual explosion would be unlikely, adding that he felt a fire in the secondary containment or in one of the tanks would be more likely. He said that the tanks would probably burn for awhile before any action could be taken due to time needed to hookup to the foam system. Once the system was in place, foam must be pumped into the foam chambers uninterrupted for a period of time. Additionally, the numbers of spectators, media and traffic generated by such an event would also impede access and operations. Mr. Beatty said that in some cases, fuel flow could be cut off from the fire, allowing the fire to eventually burn itself out, but added it wasn't viewed as a desired alternative. He said that the requested thermal modeling study would assess this scenario.

Commissioner Driscoll asked if there were any numbers available which would document the frequency of fires and/or explosions occurring with this type of facility. Mr. Beaty said that no information was

available,

adding that pertinent studies include only the last few years. He said that NFPA's Mr. Bendetti also commented on the lack of available documentation.

Mr. Shaver asked Mr. Beaty to describe briefly what the NFPA 30 was all about. Mr. Beaty said that the National Fire Protection Association sets forth national minimum standards which looks at every phase of fire protection, fire fighter qualifications, requirements for tanks farms, foam suppression systems, etc. which assists in putting local fire codes in place. National committees include fire service experts, industry experts and tank farm experts.

PETITIONER'S PRESENTATION

Darrel Vanhooser, Sr. Agent representing the petitioner, began his presentation by introducing others involved in the project: Ron Deville, Project Director; Michelle Ashton, Project Lead Engineer; Bob Lovelace, Refining Safety and Fire Protection Director at the Denver refinery; Jay Christopher, Environmental representative from the Denver refinery; Mark Johnke, Engineering Design Consultant. He provided a brief history of the site's acquisition and said that they had met with representatives of the Downtown Development Authority (DDA), Concerned Citizens Resource Association (CCRA) and the City's planning staff in trying to mitigate concerns and share information. At this point, the presentation was turned over to Mr. Deville.

Ron Deville presented a series of overhead transparencies and slides. Information presented included a background of the project: why they chose that particular site, the alternatives considered, and potential benefits derived from the project. He said that with regard to item 6. in staff's report under 'Remaining Concerns...' staff had requested that Conoco present alternatives to the proposed site; however, it was their wish and plan to focus on and pursue the currently proposed plan and site.

With regard to references made to 'worst case scenarios,' Mr. Deville said that there is no record of any tank fires or explosions occurring at any of the 40 Conoco terminals located across the United States. The only fires reported of any type included truck loading where there was improper grounding by the person loading the truck. He added that this was prior to the implementation of procedures and safeguards which are currently in place to prevent that type of grounding error.

Commissioner Withers asked if this meant that the pumps wouldn't pump fuel unless grounded. Mr. Deville said that this was correct.

The floor was then turned over to Michelle Ashton who covered in greater detail the specific design and construction issues. Slides and transparencies were referenced throughout her presentation which depicted the site plan, perspective drawings and comparisons between the proposed and existing facilities. Specific design details included: tank design and containment, redundant alarms, tank alarms, leak detection, clay liners, cathodic protection, secondary containment with a containment wall more than two feet lower than alternative layouts to maximize fire fighter access; fire protection alarms transmitted to the Fire Department, "state-of-the-art" fire protection equipment, sprinklers at the truck track site, sufficient foam stored on site for a 'worst case' scenario fire; environmental emission to be reduced by a factor of four, groundwater studies which show that migration to the river from the site would take over six years; (truck traffic) staging reduced due to shorter loading times and more reliable supply, staging layout to have no effect on neighboring property access, safety concerns minimized with proposed traffic plan. Conoco has agreed to provide a thermal radiant energy model and by Ms. Ashton's testimony the project meets or exceeds all applicable standards.

Specific comparison details included (existing vs. proposed): 231,000 gallons/day throughput to 336,000 gallons/day; truck traffic from 29 trucks/day to 42 trucks/day; rail traffic from 7.9 rail cars/day to 11.5 rail cars/day; tank capacity from 1.09 million gallons to 3.27 million gallons; storage days from 4.7 days to 13.1 days (existing throughput), 9.1 days (maximum throughput).

Ms. Ashton felt that fire, not an explosion, comprised a worst case scenario. She said that Denning Lumber's access would not be impacted and she'd received a letter from them stating that fact.

Photos were presented to Planning Commissioners depicting ring walls, trucks carrying equipment, the layout of tank floors and typical tank construction. Ms. Ashton turned the presentation back over to Mr. Deville.

Mr. Deville said that the new facility will accommodate the Grand Valley's growth and suggested that its present safety record be used as a model. He stated that the company's emphasis was on prevention and they would work with the Fire Department to incorporate its comments and suggestions whenever and wherever practical. He understood concerns over circulation and felt that by working with staff and the railroad, some agreement on rail traffic could be reached. He felt that the community's concerns over environmental and safety issues were very important and that the company would work to mitigate those concerns.

QUESTIONS

Commissioner Whitaker referenced previous statements that volatile emissions would be reduced by a factor of 4; he wondered what the current rate of emissions was and what would be done to control those emissions. Mr. Christopher said that the primary source of emissions was at the truck off-loading rack. Volumes for 1995 were slightly over 200 tons of volatile organic compounds (fuel vapors); this would drop by 98 percent with implementation of proposed improvements. Other 'fugitive' emissions from the storage tanks (small leakages from valves, etc.) are included in the numbers but constitute a very small total percentage. The installed enclosed flare control device would be responsible for these emissions reductions.

Commissioner Whitaker asked how long it would take to generate the thermal radiant energy model required by the Fire Department. Ms. Ashton was unsure but guessed a few weeks. She said that this hadn't been a requirement for any of their other facilities.

Commissioner Driscoll asked how long their trucks were, to which Ms. Ashton replied that the maximum length would be 70 feet, with most trucks at a 60-foot length.

Commissioner Whitaker asked how many trucks were staged at one time. Ms. Ashton said that currently, distributors were on "allocation" so that most loading occurred in the early morning hours.

Commissioner Driscoll asked for confirmation that no major incidents had occurred at any of Conoco's 40 terminals and wondered if the company had its own industry-wide figures on such occurrences. Mr. Christopher confirmed Mr. Driscoll's statement and added that they did not have any incident frequency figures available.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

John Aldrich, president of Aldrich Transportation Consultants (1082 Chimney Rock Road, Highlands Ranch, CO) made his presentation on behalf of the Concerned Citizens Resource Association. He outlined the contents of his report, the report was later submitted to staff as evidence. His findings determined that: 1) approving an atypical and potentially dangerous traffic situation on City property could expose the City to possible lawsuits should an accident occur; 2) the on-site circulation plan proposed by Conoco, Inc. impedes full use of a public street access to Denning Lumber. The options presented by Conoco put the new storage tanks into the street right-of-way which is unacceptable unless the City wishes to vacate the street; 3) City streets, particularly at 9th Street and Pitkin are not designed to handle large gasoline tankers

efficiently; 4) alternative routing is precluded by many factors including the lack of river crossings from 9th Street to 32 Road. Basically, no practical alternative is available to avoid the use of Ute and Pitkin Avenues via 9th Street; and 5) the adjacent railroad lines are very active and must be crossed constantly by the gasoline trucks. Even though gate and signal controls are in place, there is a clear and present danger at this location that should be minimized.

Mr. Aldrich submitted a graphic depicting the staging plan and truck circulation. He pointed out various conflict points near the Denning Lumber access, the 9th Street and 2nd Avenue access, the loading terminal and 2nd Avenue, 9th Street and both Pitkin and Ute Avenues. He pointed out that the current amount of curb damage and wheel tracks over curbs indicate the difficulty large trucks are experiencing in accomplishing the turn from westbound Ute Avenue to southbound 9th Street. The location of the railroad tracks, the volume of traffic crossing those tracks, the nature of the materials being carried by trucks crossing those tracks, and the delays which might be experienced by emergency response vehicles were all of significant concern.

Bill Waldron (2899 O Road, Hotchkiss, CO), owner of Rocky Mtn. Group of Companies, said that he'd been involved in the building of tank farms similar to the one proposed by Conoco for years (a brief history of his 25 years of experience and professional background was given). He concurred that the proposed site location created too dangerous a situation to be endorsed.

Ted Ciavonne (844 Grand Avenue, Grand Junction), owner of Ciavonne and Associates, expressed concerns over safety and the proposal's incompatibility with nearby uses as defined within the area bounded by 5th Street and 12th Street, Main Street to the Colorado River. He emphasized the amount of clean up and renovation which had been undertaken in the south portion of the City over the last few years, and he felt that the project went against all of those former and current efforts. He felt that the project needed to be relocated to a different location.

Jane Vandertuin (2422 Hidden Valley Drive, Grand Junction), also with the CCRA, felt that the project was economically motivated and that the company had no real concern for the safety of area residents. She felt that Conoco was attempting to get the community to subsidize its expansion efforts. She said that the project would increase the liability to surrounding businesses and recommended that the project be moved to a different location.

Ann Landman (115 - 16 1/2 Road, Glade Park), a member of the CCRA and participant in the mill tailings removal project, said that she'd worked across from the present site. She expressed concern over environmental protection and felt that the proposed linings would prove insufficient in preventing migration of leakage into soils. She also wondered how the City would address a situation where the company failed to meet the conditions of its Conditional Use Permit. She posed the question that if the permit were pulled, would that also mean the company would have to remove the tanks? She emphasized the proximity of a residential area located within two blocks of the tank site and recalled how those residents suffered through the mill tailings project and junk removal project. She felt that those citizens had borne enough hardship and urged denial of the project.

Chairman Elmer asked for clarification on the conditions which could be imposed by the Conditional Use Permit (CUP). Could removal of the tanks be required if the petitioner failed to comply with the conditions imposed? Ms. Ashbeck said that the CUP included the site as well. Mr. Shaver added that there was no clear answer as defined in the *Development Code*, but that it could be added as a condition if the Commission so chose.

Judd Perry (2945 Beechwood, Grand Junction) recalled his background in refinery operations. He said that combustible analyzers have been available for the last 25 years. He said that with all the state-of-the-art technology available, it still didn't account for the human error element. He felt that the project was too

dangerous for the proposed location. He added that while Conoco's statements would indicate that with increased availability comes decreased pricing, he noted that while the price of crude and refinery costs have gone down, the price of Conoco's gasoline continues to rise. Thus, he didn't feel that residents would see any 'benefit' at the gas stations, nor did he believe that Conoco was financially constrained to locate the project at the proposed site.

Bill Hiatt (140 Elm Street, Grand Junction), also with the CCRA, presented a 3-D model of two fuel storage tanks, comparing Conoco's proposed design vs. optimal design. He began by saying that the space restrictions of the small proposed site location forces Conoco to propose a design that increases tank vulnerability to natural forces and undetected construction flaws. He felt that an independent expert in the construction of above ground storage tanks should be retained by the City, with fees being paid by the petitioner, to review the appropriateness of the proposed use and design, testing, and construction of the tanks. With regard to optimal tank design, he said that Conoco proposes to use 17 percent more steel than the optimally designed tank. This means more welds which increases the potential for weld failure. He noted that corrosion occurring in welds increases the potential for failure.

He presented a transparency which gave figures for optimal tank design vs. Conoco's proposed tank design. These figures included (Conoco tanks vs. optimal tanks): diameter/height, 60/48 feet vs. 70.2/35.1 feet; volume, 136,000 cu. ft. vs. 136,000 cu. ft.; weight contents, 8.5M pds. vs. 8.5M pds.; interior area, 9,048 sq. ft. vs. 7,741 sq. ft.; bottom pressure, 20.8 pds./sq. in. vs. 15.2 pds./sq. in.; bottom hoop force, 7,500 pds. vs. 6,400 pds.; energy to fill, 768 KWH vs. 562 KWH; overturn moment, 1.24M ft. pds. vs. .778M ft. pds. in a 100 mph wind. Since the Conoco design is higher, the bottom pressure is higher and the force tending to burst the bottom of the tank is greater. This can be corrected by using more steel. Also due to the tank's greater height, more work will be required to lift product into the tank. Meeting the American Petroleum Institute's (API) requirement for wind resistance is 40 percent more difficult for the Conoco-designed tank vs. the optimal tank and the tanks' meeting API's requirement for earthquake disturbance is also more difficult.

Another transparency detailing the optimal features a buyer may include in tank purchases. He did not feel that there was adequate supervision available to ensure that optimal features necessary to ensure the integrity of the design and construction were included in Conoco's new tanks. He felt that Conoco would ultimately choose cost over safety.

Chris Brownlee (257 Belford Avenue, Grand Junction), Chairman of the local Emergency Planning Committee for Mesa County, submitted a letter of opposition. He said that the current Conoco facility had been reviewed in 1994 and concurred with previous statements and concerns over safety and traffic circulation. He felt that the project should be relocated to a more suitable site.

Fred Pierce (284 Mountain View, Grand Junction) wondered why the project had to be located in the heart of the downtown area. He felt that with Conoco's revenues, it should have the resources to consider alternate sites.

Rick Hittle (2615 Hawthorne Street, Grand Junction) recalled his background in the petroleum industry. He noted that in other cities, such storage facilities were located away from downtown areas. He didn't think any rail switching was occurring at any business other than the Conoco facility. He reminded the Commission that Conoco only employed three persons locally; thus, their interest and investment in the community could be considered minimal.

Ann Barrett (641 N. 16th Street, Grand Junction) used the petitioner's perspective drawings to elaborate just how large the tanks were in relation to persons standing next to them. She felt expansion of the Conoco facility went against all of the City's efforts to beautify the downtown area. She said that the Growth Plan provided for lessening the impacts of heavy industrial zones and that this project would be in direct

opposition to those guidelines.

Joe Gomez (857 Kimball Avenue, Grand Junction) said that, as a resident of the adjacent residential neighborhood, he was concerned about safety for himself and his family and expressed opposition to the proposal.

Jamie Hamilton (145 Pikes Peak Drive, Grand Junction), an insurance provider for Home Loan, said that such a project located downtown would almost certainly raise the insurance rates of persons and businesses living in the nearby area. There would also be the possibility that some might be denied insurance altogether. He agreed with previous statements that the use was incompatible with the City's efforts to clean up the area and urged denial of the proposal.

Craig Roberts (1320 Chipeta Avenue, Grand Junction), a downtown business owner, expressed great concern over the risks to businesses and residents in the area of such a project. He recalled an incident in Wisconsin where an event which occurred to a similar facility forced a virtual exodus of people from the town.

Ram Dan Kaur Kalsa (494 N. Sherwood Drive, Grand Junction) said that far from providing a benefit to the community, the project would detract from tourists who would normally be drawn to the downtown area and the nearby Riverfront Trail access. She felt that a larger site located elsewhere would be more appropriate. She noticed that the petitioners didn't address the risk of explosion at all. In the event that a tanker truck was caught on the railroad tracks waiting for traffic, how would the resultant explosion be dealt with? What about flood mitigation?

Perry Buda (3048 F 3/4 Road, Grand Junction), air pollution specialist for the Mesa County Health Department, said that while he was not necessarily in favor of the project, the expansion would result in significant reductions in volatile emissions which *would* be a benefit to the community.

PETITIONER'S REBUTTAL

Ms. Ashton clarified the dimensions of the new tanks, adding that they were more wide than tall; thus, they were not susceptible to the turnover referred to by Mr. Hiatt. She reiterated that Conoco had met all API 650 guidelines and said that adequate foam would be kept on site at all times. She said that with the height of the largest tank at 48 feet, it was only 8 feet taller than what existed at the current facility.

Darrell Vanhooser suggested that Conoco could look at submitting a request for the vacation of 2nd Avenue. He said that Conoco had high standards for tank construction and with this area being the only appropriate heavy commercial zoning, there were no other suitably zoned sites which could be considered. He said that Conoco wasn't responsible for trucks and their drivers, but added that they would make themselves available to answer any questions or continue to try mitigating concerns.

DISCUSSION

Commissioner Halsey saw this as a good project but a wrong location. He thought that the current facility was probably fine 40-50 years ago but that the location isn't necessarily appropriate for present expansion.

Commissioner Driscoll asked if it was typical for a surety bond to be required from contractors working on the project. Mr. Shaver said that if the project was a City project, bonding would be a requirement but the *Code* does not require it. He could not anticipate the petitioner's requirement for bonding but suggested that this, too, could be a condition of the CUP.

Commissioner Driscoll wondered how rejection of the proposal would affect the current facility. Mr. Vanhooser replied to the question by saying that several options would have to be reviewed. He said that Conoco had limited capital to invest and one of the options may be to continue operations as they were now

at the present site with no improvements.

Commissioner Withers agreed with Commissioner Halsey's comments about it being the wrong location but admitted that the zoning was appropriate for the use. He still felt that staff concerns needed to be addressed.

Chairman Elmer saw the site design features as being too crowded for the standards set forth in the *Development Code*. The vacation of 2nd Avenue to make the design work seemed an extreme alternative. He noted that if restaurants could be turned down for lack of adequate parking (even though appropriately zoned), he didn't feel rejecting a proposal because it couldn't meet safety and circulation requirements was out of line. He added that there were no assurances that the number of trucks accessing Denning Lumber would remain the same and not increase in the future. He felt the project was incompatible to surrounding uses and that the I-2 zoning was actually an inappropriate zone for the downtown area. He expressed concerns over risk involved and the inability to demonstrate a suitable source for a back-up foam supply.

MOTION: (Chairman Halsey) "Mr. Chairman, on CUP-95-176, because of the reasons indicated during discussion, I move that we deny this proposal."

Commissioner Coleman seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

The hearing was adjourned at 11:00 p.m.