



Carson City Planning Division

2621 Northgate Lane, Suite 62
Carson City, Nevada 89706
(775) 887-2180
Plandiv@ci.carson-city.nv.us
www.carson-city.nv.us

MEMORANDUM

TO: Planning Commission **ITEM:** H-1

FROM: Jennifer Pruitt, Principal Planner *g*

MEMO DATE: July 17, 2009

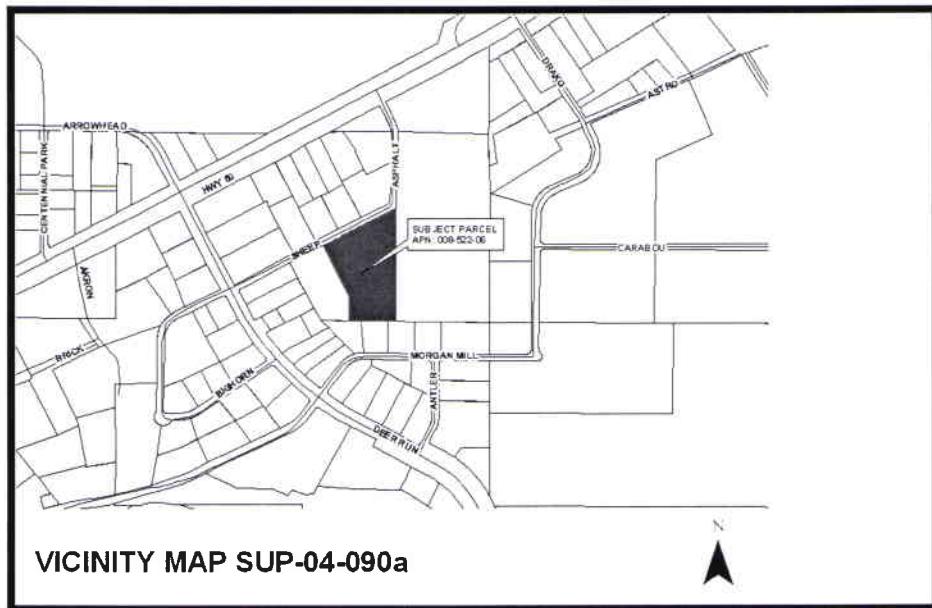
MEETING DATE: July 29, 2009

SUBJECT: Granite Construction SUP-04-090(a) extension request

LEGAL REQUIREMENTS:

CCMC 18.02.080 (Special Use Permits). Pursuant to the Carson City Municipal Code (CCMC) 18.02.080(8c):

- In the event that circumstances beyond the control of the applicant result in a failure to complete applicable Special Use Permit (SUP) conditions and construct or commence the use prior to the expiration date, the applicant may, in writing, request an extension of the expiration date. The written request for an extension shall be received by the Planning Division 30 days prior to the expiration date and shall state the reason for the extension. The Director may approve a one year extension from the original date of Special Use Permit expiration with the option of Commission review. The Commission may approve additional extensions of time subject to the consideration of the continued appropriateness of the Special Use Permit (SUP) and may be subject to the imposition of additional conditions by the Commission to ensure that the activity permitted by the Special Use Permit does not adversely impact other properties in the area or the public interest.



DISCUSSION:

The applicant has requested to extend the expiration date of the previously approved Special Use Permit SUP-04-090(a) from July 25, 2009 to July 25, 2011, to allow additional time for the existing construction market to become stable. As noted by the applicant, concrete material is directly related to construction in general and due to an unforeseen downturn in the construction industry, Granite Construction has not been able to erect and operate the concrete batch plant on site.

Granite Construction previously operated a concrete batch plant located less than one-half mile to the southwest of the subject site (at 5520 Sheep Drive, APN 008-541-67). This older facility was closed as a result of the approval of SUP-04-090(a).

The height of the proposed batch plant/silo will be approximately 67.5 feet, plus approximately four additional feet for some safety railings. The height of the previous asphalt plant was 65 feet, according to city records. The north/south elevations are ± 11.7 feet wide and the east/west elevations are about 33 feet wide at the maximum width, giving the structure an unobtrusive profile. A rising conveyor belt would move aggregate from the storage mounds to near the top of the silo. Concrete trucks will load under the batch plant apparatus.

The existing equipment maintenance building, two commercial office coaches and maintenance service continue to be in use on site. A small batch house office and a wheel wash basin for exit processing will be added at a later date. Concrete aggregate storage bins will also be added along the north property line, and settling, storm and washout ponds would be situated along the south property line.

It is important to note the reason we have expiration dates for Special Use Permits in Carson City, which is to allow for accountability of proposed projects. In most instances the typical SUP project can be initiated within a two year period of time. Initiation means the submittal of a building permit application or commencing the use approved by the SUP. In this case, a building permit application was submitted, but was ultimately rejected, due to inactivity and at that time the permit was deemed expired. (See attached history).

In Carson City it is not the intent of a Special Use Permit to have an open ended approval, for the simple reason the SUP approval is based on specific codes and regulations at the time of the approval, which in many cases are reflected in the conditions of approval. Open ended approvals could fall victim to code regulations that are not relevant or not in keeping with current code requirements at the time of building permit or commencement of the use.

The applicant has noted that circumstances beyond their control have resulted in their inability to complete the applicable SUP conditions and construct or commence the use prior to the expiration date.

The Planning Division staff believes the justification to grant the requested extension has been met. Therefore, it is recommended that the Planning Commission approve the extension request for SUP-04-090(a) based on the justification provided by the applicant.

PUBLIC COMMENTS: Public notices were mailed to 30 adjacent property owners within 700 feet of the subject site. At the writing of this memorandum, no written comments have been received either in favor of or in opposition to the requested extension. Any comments that are received after this memorandum is completed will be submitted to the Planning Commission prior to or at the meeting on July 29, 2009, depending on the date of submission of the comments to the Planning Division.

OTHER CITY DEPARTMENT COMMENTS: The following comments were received from various city departments.

Parks and Recreation Department:

- No comments

Building & Safety Division:

- No comments

Health Department:

- Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

RECOMMENDED MOTION TO APPROVE AN EXTENSION FROM THE DATE OF SUP EXPIRATION: "I move to approve a two-year extension for Special Use Permit (SUP-04-090(a) from July 25, 2009 to July 25, 2011 to allow the applicant additional time for the construction industry to improve."

Attachments: Extension request
Special Use Permit history
SUP-04-090(a) conditions of approval

June 24, 2009

Carson City Planning Division
2621 Northgate Lane, Suite 62
Carson City, Nevada 89706



**RE: Request for Two-Year Extension of Time
Concrete Batch Plant
Special Use Permit SUP-04-090a
Granite Construction Company
5855 Sheep Drive, APN #008-522-06**

RECEIVED

JUN 29 2009

CARSON CITY
PLANNING DIVISION

To The Carson City Planning Commission:

In conjunction with Section 18.02.080, the Granite Construction Company would like to ask for a two-year extension of time to commence operations of our concrete batch plant to be located at 5855 Sheep Drive in Carson City, Nevada.

Concrete is a material that is directly related to construction and due to an unforeseen downturn in the construction industry in the Carson City area, Granite Construction has not been financially able to erect and operate a concrete batch plant on this property.

We understand and agree to comply with all of the conditions identified in the original Use Permit.

If you have any questions regarding this notification, please feel free to contact me at (775) 352-5401.

Sincerely,



Jessica Rash

Environmental Engineer

cc: Matt Franz, Plants Manager, Granite Construction
Capitol City file

Nevada Operations

Reply to the following office

Northern Nevada Operations
1900 Glendale • P.O. Box 2087
Sparks, NV 89432-2087
(775) 358-8792 • FAX (775) 358-0372

Southern Nevada Operations
4675 West Teco Avenue, Suite 140
Las Vegas, NV 89118
(702) 696-1090 • FAX (702) 696-1091

Special Use Permit history for 5855 Sheep Drive

On February 27, 1979 a Special Use Permit was approved by the Planning Commission to allow Eagle Valley Construction an asphalt batch plant on the subject property.

On March 23, 1979 a Special Use Permit was granted by the Board of Supervisors to Eagle Valley Construction for an asphalt batch plant on the subject property.

In May 1991 Granite Construction took over the operation of the asphalt batch plant on site.

In June of 1994 correspondence was received from Granite Construction advising the City that they would be temporarily suspending their batch plant operations. The suspension of the batch plant operations was implemented; however the site has been continually used for truck parking and office functions.

In August of 1994 the Planning Commission approved a request for suspension and keeping the Special Use Permit valid for a period of five years.

In 1999 Granite Construction requested a continuation of the Special Use Permit in a suspended status for an indefinite period of time. It was noted in the staff report that the conditions of approval during the suspended period of time had been complied with by the applicant and would still be in effect. The Planning Commission approved a motion on July 28, 1999, granting Granite Construction Company a continuance in their suspension of their Special Use Permit, U-79-6, for a batch plant operated at 5855 Sheep Drive, not to exceed five years and with the understanding that all conditions of the original Special Use Permit would be maintained.

In March 2002, the Planning Division received a Notice of Intent to resume asphalt batch plant operations regarding Special Use Permit U-79-6. The applicant understood that they must comply with all conditions of approval identified in the original Special Use Permit. Plant operations began in May 2002. In August 2003 a second asphalt storage silo was approved for the site.

On June 30, 2004, Planning Commission approved renewal of the existing Special Use Permit (renumbered from U-79-6 to SUP-04-090) that allowed an asphalt batch plant on the subject site for a three-year period (2007). Granite construction continued operation of the asphalt plant until late 2005 when this aspect of the operation was discontinued. The site continued to be used for aggregate and recycled asphalt storage and distribution as well as for an equipment maintenance building. The site also contains two commercial office coaches.

On July 25, 2007, the Planning Commission approved an amended Special Use Permit SUP-04-090(a) to allow the operation of a concrete batch plant on this site. The height of the batch plant/silo would be approximately 67.5 feet, plus approximately four additional feet for some safety railings.

On November 15, 2007 Granite Construction Company submitted building permit plans to the Building Division for a concrete batch plant.

On June 17, 2008 Granite Construction obtained a one-year extension for SUP-04-090(a) from July 25, 2008 to July 25, 2009 from the Planning Director, Lee Plemel.

On December 31, 2008 the Building Division rejected the building permit due to inactivity. At that time the permit was deemed expired.

On June 25, 2009 Granite Construction requested in writing a two-year extension to commence the use described in SUP-04-090(a) from the Planning Commission from July 25, 2009 to July 25, 2011.

**PLANNING COMMISSION
JULY 25, 2007
NOTICE OF DECISION**

A request for a Special Use Permit, SUP-04-090a, was received from Granite Construction Company (original file #U-79-6) to allow a concrete batch plant facility operation and a request for an approximate 67.5-foot batch plant structure plus 4-foot high safety railings where 45 feet is the maximum height allowed on property zoned General Industrial (GI) located at 5855 Sheep Drive, APN 008-522-06, pursuant to the requirements of the Carson City Municipal Code. Special use permit SUP-04-090 is also authorized and approved, and runs concurrently with the subject special use permit, and allows the following: asphalt batch plant, lime marination plant, associated construction material storage and construction office buildings.

The Planning Commission conducted a public hearing on July 25, 2007, in conformance with City and State legal requirements, and approved SUP-04-090a, based on the findings contained in the staff report and subject to the following conditions of approval:

CONDITIONS OF APPROVAL:

The following shall be completed prior to commencement of the use:

1. The applicant must sign and return the Notice of Decision for conditions for approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item will be rescheduled for the next Planning Commission meeting for further consideration.
2. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
3. All on- and off-site improvements shall conform to City standards and requirements.
4. The applicant shall meet all the conditions of approval and commence the use for which this permit is granted within twelve months of the date of final approval. A single, one-year extension of time may be granted if requested in writing to the Planning Division thirty days prior to the one-year expiration date.

Should this permit not be initiated within one year and no extension granted, the permit shall become null and void.

5. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by the conditions of approval herein.
6. A Growth Management review must be approved in regard to the overall water usage of the site prior to commencement of the use for average daily water usage of more than 7500 gallons per day.

The following shall be submitted with a building permit application:

7. The applicant shall submit a copy of the signed Notice of Decision and conditions of approval with the building permit application.
8. Dust shall be controlled throughout construction.
9. A six-foot landscape buffer shall be provided along the Sheep Drive right-of-way and a landscape plan shall be submitted for review and approval by the Planning Division. The landscaping must be in place at the time of final inspection of the principal building permit, unless a time-extension is approved by the Planning Director.

Conditions required by the Engineering Division:

10. New water and sewer connection fees are required for the proposed concrete batch plant operation at 5855 Sheep Drive. City policy does not allow transfer of existing usage from one site to another. A copy of the Commercial/Industrial Water and Sewer Connection Fee Worksheet can be obtained from the Engineering Division by calling 887-2300. Based on water meter records obtained from Public Works Utilities, the existing concrete batch plant at 5520 Sheep Drive used an average of 8,731 gallons per day since December of 2005. This water usage, if applied to the new site, would amount to approximately \$72,000 in new water connection fees due at the time of issuance of building permit for the new facilities.
11. Street improvements along the 5855 Sheep Drive frontage are required in accordance with Carson City Municipal Code (CCMC) 11.12.081. These improvements shall consist of curbs, gutters, and tie-in street paving.
12. Cement concrete commercial driveway approaches at 5855 Sheep Drive are

required in accordance with Carson City Development Standards (CCDS) 12.12.3.

The following conditions apply over the life of this Special Use Permit:

13. The concrete batch plant shall be painted in an earth-tone color to blend in with the surrounding natural terrain. The color shall be reviewed by the Planning Division during the building permit process; no final inspection will be approved until the Planning Division has approved the color. No textual markings (except required safety information), logos or advertising shall be allowed above the 45-foot level.
14. The approved height of the concrete batch plant is 67.5 feet (plus four additional feet for the height of safety railings).
15. All open storage must be screened from view from the public right-of-way by a maintained 100% sight-obscuring fence or wall 6 feet in height.
16. Dust, aggregates, concrete mud and trails must be confined to the subject site through best management practices.
17. This special use permit shall be reviewed in two years (July 2009) for compliance with the conditions of approval enumerated herein.

This decision was made on a vote of 6 ayes, 0 nays, 1 absent.

Walter A. Sullivan
Planning Division Director

WAS/rmj

Mailed: _____ By: _____

**PLEASE SIGN AND RETURN THIS NOTICE OF DECISION
WITHIN TEN DAYS OF RECEIPT**

This is to acknowledge that I have read and will comply with the Conditions of Approval as approved by the Carson City Planning Commission.

OWNER/APPLICANT SIGNATURE

DATE

PLEASE PRINT YOUR NAME HERE

RETURN TO:
Planning Division
2621 Northgate Lane, Suite 62, Carson City, NV 89706

Enclosures: 1. Planning Commission Notice of Decision (2 copies - Please sign and return only one; the second copy is for your records.)
 2. Self-Addressed Stamped Envelope