

STAFF REPORT FOR PLANNING COMMISSION MEETING OF SEPTEMBER 25, 2013

FILE NO: SUP-09-055(A)

AGENDA ITEM: G-1

STAFF AUTHOR: Susan Dorr Pansky, Planning Manager

REQUEST: Amend a previously approved Special Use Permit for permanent outdoor display of merchandise on property zoned Retail Commercial (RC).

APPLICANT: Rob Lauder/RL Engineering

OWNER: Bernard-Bernard-Cuccaro LLC and William F. and D. Horne et. al.

LOCATION: 1803, -05, -07, -09, -11, -15, -17 and -21 North Carson Street

APN: 002-091-03, -04 and -06

RECOMMENDED MOTION: “I move to approve SUP-09-055(A), an amendment to a previously approved Special Use Permit from Rob Lauder (property owners: Bernard-Bernard-Cuccaro LLC and William F. and D. Horne et. al.) for permanent outdoor display of merchandise on property zoned Retail Commercial, located at 1803, -05, -07, -09, -11, -15, -17 and -21 North Carson Street, APNs 002-091-03, -04 and 06 based on the findings and subject to the conditions of approval outlined in the staff report.”



RECOMMENDED CONDITIONS OF APPROVAL:

The following conditions include previously approved conditions of approval for SUP-09-055 as well as new and/or revised conditions associated with the amendment request. **Bold, underlined** text is added, ~~stricken~~ text is deleted. The original conditions of approval that remain a part of this recommendation are not necessarily in the same order as in the original staff report or Notice of Decision, and change in order is not identified with bold, underlined and stricken text.

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

1. The applicant must sign and return the Notice of Decision for conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, the item may be rescheduled for the next Planning Commission meeting for further consideration.
2. The applicant shall meet all of 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 ~~and Community Development Department~~ **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.
3. The applicant shall obtain a building permit from the Carson City Building ~~and Safety Department~~ **Division** for any proposed construction. Contact the Building ~~Department~~ **Division** for approximate fees, design criteria, number of plans to submit and general assistance in the City's Building Permit process.
4. If the merchandise being displayed is either a windmill or photovoltaic panel connected for the production of electricity, and is connected to electrical utilization equipment, then an electrical permit will be required, since this is not an item exempted from the permit process. (*CCMC 15.05.010 Section 105.2*)
5. If the merchandise being displayed is a solar panel used to provide either conditioned air or heated water for human consumption, then a plumbing permit will be required, since this is not an item exempted from the permit process. (*CCMC 15.05.010 Section 105.2*)

The following shall be incorporated into the proposed development plan:

6. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
7. All on and off-site improvements, **including lighting and electrical improvements**, shall conform to City standards and requirements.
8. **Display Area No. 2 shall be limited to maintain 25 foot drive aisles on the west and the north sides of the display area. If the display from Display Area No. 3 is relocated to Display Area No. 2, the relocated display area shall be subject to the same minimum drive aisle requirements as that of Display Area No. 2 and shall be limited to the three spaces adjacent to Display Area No. 2 as shown on the site plan.**

9. Display Area No. 3 shall be cut off at a 45 degree angle on the northwest corner a distance of 20 feet from the eastern edge of the display area to ensure that a vehicle parking in the space directly north will have visibility when backing out.
10. The under eave display areas shall be limited to those areas that do not have adjacent parking lot display areas.
11. The outside of Display Areas 2 and 3 shall be designated a “fire lane - no parking” area. It may be marked with signage per the International Fire Code or, at a minimum, a red stripe at least six inches wide with the words “Fire Lane - No Parking” painted in a contrasting color on the stripe shall be painted on the pavement outlining the outer edge of the display areas. The wordage shall be at a minimum of every 10 feet.
12. All curb stops shall be removed from the display areas. For display areas subject to relocation per the site plan, curb stops shall be replaced in areas not being used for display, and removed in new display areas where applicable.
13. Outside display areas shall comply with the International Fire Code aisle requirements for mercantile occupancies.
14. Show a directional arrow with the change in direction next to the street frontage in front of Building 2.
15. The driveway just north of Building 3 must have both a one way do not enter sign and an arrow and do not enter painted on the pavement.

The following shall be submitted with any Building Permit application:

16. The applicant shall submit a copy of the Notice of Decision and conditions of approval, signed by the applicant and owner, with any Building Permit application.

The following conditions are applicable throughout the life of the project:

17. The permanent outdoor display and sales areas are strictly limited to the areas shown on the submitted site plan~~[-], [in front of the buildings and the parking islands and two parking spaces.]~~ **and as modified by these conditions of approval.** Within the approved display areas, the business or property owners ~~[must]~~ **shall** regulate and decide which businesses will utilize which display areas.
18. Trash and debris generated at the areas of the outdoor display and sales areas must be collected by the businesses and placed in an appropriate trash container on the site.
19. Advertising of product or services is limited to the promotion of an existing permanently licensed primary business activity within the addresses which are included in this review.
20. Display areas cannot impede, restrict or block any aisle, doorway, pathway or pedestrian access from the parking lot or street, or to or from buildings for either customers or employees.

21. **Parking in any area designated no parking area by either signage or striping is prohibited.**
22. **The amended Special Use Permit shall be subject to a one year review by the Planning Commission to ensure compliance with the conditions of approval by both the owners and the owners' tenants. The one year review will take place at the September 2014 Planning Commission meeting. Failure to comply with the amended Special Use Permit conditions of approval at any time during the one year period prior to review may result in immediate citation and recommendation from staff to revoke the Special Use Permit at the next Planning Commission meeting.**

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.080 (Special Use Permits); 18.02.115.8 (Outdoor Sales and Activities); 18.04.130.3 (Retail Commercial District Conditional Uses)

MASTER PLAN DESIGNATION: Community/Regional Commercial

ZONING DISTRICT: Retail Commercial (RC)

KEY ISSUES: Will the proposed expansion of the existing permanent outdoor displays be consistent with the standards of the Carson City Municipal Code? Is the location appropriate for expanded outdoor display areas?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Retail Commercial/Retail

SOUTH: Retail Commercial/Office

EAST: Multi-Family Apartment/Apartments

WEST: Retail Commercial/Retail

ENVIRONMENTAL INFORMATION:

- FLOOD ZONE: Zone B
- SLOPE/DRAINAGE: Flat
- EARTHQUAKE: Zone II, beyond 500 feet

SITE DEVELOPMENT INFORMATION:

- PARCEL AREA: Three lots combined for a total of 1.66 acres
- EXISTING LAND USE: Retail and Commercial Uses
- STRUCTURES: No proposed changes to existing structures
- APPROVED PARKING: 47 spaces, two used by previously approved permanent outdoor display area for a total of 45 usable spaces for parking purposes
- PARKING PROPOSED: 48 spaces with parking lot reconfiguration and restriping to accommodate additional proposed outdoor display area, including two handicap parking spaces
- VARIANCES REQUESTED: None

SITE HISTORY:

- A Special Use Permit for permanent outdoor display areas was approved on July 29, 2009.

BACKGROUND:

On July 29, 2009, the Planning Commission conditionally approved Special Use Permit SUP-09-055 to allow the permanent outdoor display of merchandise on property commonly known as the Carson Shopping Center. This permit provides tenants with the ability to display merchandise outside the limits of their stores in an effort to encourage customer interest from vehicles passing the property on North Carson Street. The total display area approved was 2,030 square feet including the utilization of two parking spaces, which took the total parking space count from 47 spaces to 45 spaces. The Special Use Permit includes 13 conditions of approval that are outlined in the Notice of Decision signed by the property owners on August 12, 2008. The Notice of Decision and approved site plan are included with this staff report as Exhibit "A".

On or about July 3, 2013, Code Enforcement staff received a written complaint that Evergreen Gene's garden shop had taken up "more than 30% of the parking" at the Carson Shopping Center. The specific complaint is stated below:

"This is a flower shop that has expanded out into the parking lot. Has taken up more than 30% of the parking. In the ways he has done this Carson fire trucks cannot get in where there are supposed to. I have gone to other stores in the center and cannot find parking in the center. He has also had craft fairs on weekends and it has made it difficult to find parking and I am sure he did not have any permits to do this. Also there is a covered walk way in the front of the stores and he has it blocked off where the customers of the stores have to walk out into the parking lot to get around his store. He has lighting up for his plants at dusk and they have not been installed correctly – all extension cords. From what I have been told, he has or had a permit to take up four spaces, and he keeps expanding."

In response to this complaint, staff visited the site to verify the reported conditions and reviewed the approved Special Use Permit for compliance. Staff determined that outdoor display areas being utilized by Evergreen Gene's did not comply with the approved Special Use Permit, and issued a letter on July 12, 2013 to Mr. Gene Munnings ordering the reduction of the outdoor display areas to those allowed in the Special Use Permit. The photos taken during the site visit are included in this staff report as Exhibit "B" and the July 12, 2013 letter issued by staff is included as Exhibit "C".

Subsequent written complaints were received by Code Enforcement staff between July 15, 2013 and August 14, 2013 as follows:

"Usurped parking so it is impossible for customers to get in other stores. Temporary lights illegally used permanently. Building sidewalk blocked. Fire exit on south of building blocked."

"Evergreen Genes is a nursery that with the building owners consent has taken over at least 13 parking spaces and blocked the breezeway so that wheelchair bound persons and blind persons are forced to navigate the parking lot at their own peril. Also by doing so they have reduced the parking lot capacity so that many folks have to park a longer distance away again putting handicap people at further risk."

"The owner of Carson Mail Depot also owns 1815 N. Carson St. A nursery that has blocked the breezeway so that handicap people are forced to navigate the parking lot. In addition the owner has allowed the nursery to take over multiple parking spaces,

again forcing handicap persons to park great distances from other stores. The owner also does not provide any access for handicap people to get from the parking lot to the breezeway. Wheelchair and blind folk are definitely at risk.”

“Can’t park at the gun shop or the stores, market. He also parks his cars and trucks in the no parking areas.”

“Can’t park at the beauty shop to get my hair done. Garden shop takes up way too much parking space.”

In total, six written complaints have been received by Code Enforcement staff.

On July 18, 2013, the Community Development Director (Director) received a letter from Mr. Rob Lauder, PE of RL Engineering on behalf of his client, Mr. Munnings, proposing resolutions to the various Special Use Permit violations, which included submitting a new Special Use Permit Application by August 15, 2013. This letter is attached to the staff report as Exhibit “D”.

On July 22, 2013, the Director responded via email to Mr. Lauder’s letter stating that the outdoor displays cannot continue outside the areas originally approved by the Special Use Permit pending submittal of a new application due to complaints received, and directed Mr. Lauder to have his client remove the materials outside the approved display areas, as well as correct any building and fire code violations. This email is attached to the staff report as Exhibit “E”.

On July 24, 2013, the Director received an email from Mr. Munnings explaining the reason why his product placement exceeds the display areas approved with the Special Use Permit, addressing the code violation complaints and requesting that his product be allowed to remain pending a new permit being heard by the Planning Commission because he was allowed to leave his product in place pending Special Use Permit approval during the original permit process four years ago. This email is attached to the staff report as Exhibit “F”.

On July 30, 2013, the Planning Division received a letter from Mr. Michael Suglia, Esq. stating that he was retained to represent Mr. Munnings regarding the Special Use Permit. Mr. Suglia requested time to review the previously approved Special Use Permit and present a mutually agreeable resolution by the week of August 19, 2013. This letter is attached to the staff report as Exhibit “G”.

On August 7, 2013, staff issued a Notice of Violation/Final Order to Comply to the property owners subject to SUP-09-055, ordering compliance with the approved Special Use Permit by August 19, 2013 or a citation would be issued. This Notice acknowledged the letter submitted by Mr. Lauder, the email submitted by Mr. Munnings and the letter submitted by Mr. Suglia; and stated that allowing the outdoor display areas to remain out of compliance until the permit may be modified is not an acceptable option, as the unauthorized expansion is causing harm to other businesses and patrons within the Carson Shopping Center. This Notice is attached to the staff report as Exhibit “H”.

On August 15, 2013, a revised Special Use Permit application was submitted by Mr. Lauder on behalf of the applicant. This application including a revised site plan is included as Exhibit “I”.

On August 16, 2013, staff was directed by the City Manager not to issue a citation for non-compliance pending the amended Special Use Permit application being heard by the Planning Commission on September 25, 2013. Staff concurred that this approach is consistent with how similar situations involving Special Use Permits have been handled in the past.

DISCUSSION:

Per Carson City Municipal Code (CCMC), Section 18.04.130.3, Conditional Uses in a Retail Commercial zoning district, Permanent Outdoor Sales are allowed as a conditional use subject to the provisions of Section 18.02.115.8 (Outdoor Sales and Activities).

The applicant is requesting to amend SUP-09-055 to expand the currently approved outdoor display area at the Carson Shopping Center from approximately 2,030 square feet including two parking spaces to approximately 3,798 square feet including eight parking spaces to accommodate the nursery operation of Evergreen Gene's as well as provide outdoor display areas for the other tenants in the Carson Shopping Center.

The outdoor display area proposed consists of three display areas in the parking lot as shown on the revised site plan, and multiple display areas under the eaves of the pedestrian walkways. The display areas are broken down as follows:

<u>Description</u>	<u>Size</u>
Display Area No. 1	302 sf
Display Area No. 2	767 sf
Display Area No. 3	2,275 sf
Under Eave Display Area	454 sf
Total	3,798 sf

Approval of this request will accommodate outdoor display areas that have already been expanded beyond the limits of the previously approved Special Use Permit, particularly Display Areas No. 2 and 3. Based on Code Enforcement staff's site visit, the display areas have been expanded to include a total of nine parking spaces, bringing the total current parking spaces to 38. Staff is unable to determine precisely when the expansion of these display areas occurred.

The requested Special Use Permit amendment includes the addition of outdoor lighting in Display Area No. 3 and the restriping of the existing parking lot to accommodate the display area expansion. The applicant proposes to completely restripe the parking lot accomplish the following:

- Replace the additional parking spaces lost with the expansion and bring the number of spaces to 48, which is three more that what is approved under the current Special Use Permit. This will be achieved by reconfiguring the parking spaces within standard design requirements and adding parking on the north side of the parking lot.
- Move parking spaces away from Outdoor Display Area No. 3 to provide better vehicle and pedestrian circulation and provide adequate space for fire truck access.
- Provide two handicap parking spaces with an unloading zone between them. Handicap spaces do not currently exist anywhere on the site.
- Provide better directional striping and signage in the parking for the parking lot.

The applicant recognizes that the tenant space to the north of Evergreen Gene's is currently vacant and has proposed that, in the event the space is rented, a portion of the outdoor display area in Display Area No. 3 be relocated to be adjacent to Display Area No. 2, as discussed in the Parking Space Notes on the revised site plan.

Staff notes that the proposed parking lot revisions meet minimum design requirements. This shopping center has been in existence since the late 1950s and doesn't meet current retail parking requirements, and is not required to because the retail commercial use of the property is preexisting. Staff has determined that the proposed revisions to the parking lot are acceptable to restore parking to the 45 spaces allowed under the original Special Use Permit, to improve private and emergency vehicle and pedestrian access in the parking lot, to provide handicap parking and to provide better vehicle circulation through striping and directional signage.

Due to the fact that the proposed expansion of the permanent outdoor display areas is a more intense use and has a greater impact than what is permitted in the Retail Commercial zoning district, staff believes that additional restrictions beyond the minimum code requirements are appropriate to address vehicle and pedestrian safety, future permit compliance and tenant visibility in the Carson Shopping Center. With that said, staff makes the following recommendations with regard to the proposed Special Use Permit amendment:

- Display Area No. 1: No change proposed.
- Display Area No. 2: Limit display area to maintain 25 foot drive aisles on the west and the north sides of the display area, consistent with the narrowest width proposed between the parking spaces and Display Area No. 3, to ensure that adequate vehicle and pedestrian access may be achieved with minimal conflict between the two. The proposed minimum width of 12 feet on the west side and 16 feet on the north side is not adequate to accommodate the combination of vehicles navigating for parking and customers navigating around the display area to view products. This limit will also ensure that visibility into the center from Carson Street is not further impaired. The visibility space between Carson Coffee and A to Zen is already limited and a smaller display area will help other tenants of the center maintain their visibility.
- Display Area No. 3: Cut the display area off at a 45 degree angle on the northwest corner a distance of 20 feet from the eastern edge of the display area to ensure that a vehicle parking in the space directly north will have visibility when backing out.
- Under Eave Display Areas: Limit under eave displays to those areas that do not have an adjacent parking lot display areas to ensure that pedestrian access between the parking lot display areas and the building is maintained.
- Relocatable Display Area from No. 3 to No. 2: If relocated, this display area would be subject to the same minimum drive aisle requirements as that of Display Area No. 2, and would be limited to the three spaces adjacent to Display Area No. 2 as shown on the revised site plan to ensure that some parking will continue to exist on the north side of Building 2.
- The amended Special Use Permit shall be subject to a one year review by the Planning Commission to ensure compliance with the conditions of approval by both the owners and the owners' tenants. The one year review will take place at the September 2014 Planning Commission meeting. Failure to comply with the amended Special Use Permit conditions of approval at any time during the one year period prior to review may result in immediate citation and recommendation from staff to revoke the Special Use Permit at the next Planning Commission meeting. This proposed condition will help to ensure that compliance with the Special Use Permit conditions will be maintained in the future.

Staff's proposed changes to the display areas are further depicted on the site plan attached to this staff report as Exhibit "J".

In reviewing the information provided by the applicant and the required findings as identified below, the findings to grant approval of this Special Use Permit can be made with the recommended conditions of approval. It is recommended that the Planning Commission approve the amended Special Use Permit application with the conditions outlined by staff.

In the event that the Planning Commission determines the required findings cannot be met for the amended Special Use Permit, the Planning Commission may deny the requested amendment. Denial of the amendment request would allow the Special Use Permit to continue as it is currently approved with existing conditions of approval, and the applicant would be required to reduce all outdoor display areas to those outlined in Exhibit "A" within a reasonable timeframe not to exceed 30 days following the Planning Commission meeting. An alternate motion for denial has been included at the end of this staff report.

PUBLIC COMMENTS:

Public notices were mailed on September 6, 2013 to 174 adjacent property owners within 300 feet of the subject site pursuant to the provisions of NRS and CCMC. As of the date this report was completed, the following comments have been received by the Planning Division:

- Mr. Chester Parks, owner of Nevada Gun Exchange and Mr. Nowland Parker, customer of Nevada Gun Exchange came to the Planning Division offices and provided the comments below:
 - Evergreen Gene's takes up seven spaces for the outdoor display, plus two or three spaces in the parking lot for a flatbed truck and unlicensed trailer plus a car that consistently parks in the no parking area of the parking lot.
 - There is not enough parking for customers because Evergreen Gene's is taking up spaces with display area and with permanent parking for commercial vehicles associated with the business.
 - There is a sandwich board for Evergreen Gene's right at the entrance of the parking lot that blocks visibility for cars trying to enter Carson Street. This board remains in this location constantly and is not taken down during non-business hours.
 - Why is the display area permitted in front of an unrented tenant space?
 - People cannot walk down the covered overhang walkway due to Evergreen Gene's outdoor displays narrowing and/or blocking the walkway. Especially difficult for handicap people (Gun Exchange owner is functionally blind and has handicap customers).
 - Walkway near display area is sometimes wet and could be unsafe and water pools in the parking lot near the nursery display area. Why is a nursery allowed on paved areas?
 - Product displays expand beyond designated display areas on a regular basis.

Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

The following comments were received from various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

Building Division Comments:

The current tenant at the subject location has created possible life/safety hazards since opening the business by placing items in the required exit paths/walkways beyond what was approved and adding on to the existing electrical system without the required permits and inspection. I would recommend that no display or sales items be allowed in the exit paths/walkways and no cord and plugged display lighting be allowed.

Engineering Division Comments:

1. Please show directional arrows with the change in direction next to the street frontage. This is in front of A to Zen.
2. The driveway just north of Carson Coffee must have both a one way do not enter sign and an arrow and do not enter painted on the pavement.
3. The 12 foot wide access between the new display area number 2 and the pole and bollards in front of A to Zen must be maintained as a minimum.
4. It is recommended that the northwest corner of display area 3 be cut off at a 45 degree angle to allow some sight distance for cars exiting the parking space just to the north.

Fire Department Comments:

1. The current tenant has created possible life safety and exiting hazards by the display of merchandise on the walkways in front of the store and the parking lot beyond what was approved by the original SUP. We recommend that no merchandise or display items be allowed in the exit paths or walkways.
2. The outside of display areas 2 and 3 shall be designated a “fire lane-no parking” area. It may be marked with signage per the IFC or, at a minimum, a red stripe at least six inches wide with the words “Fire Lane-No Parking” painted in a contrasting color on the stripe shall be painted on the pavement outlining the outer edge of the display area. The wordage shall be at a minimum every 10 feet.
3. Remove all curb stops in the display areas.
4. Outside display areas shall comply with the International Fire Code aisle requirements for mercantile occupancies.

Public Works, Environmental Control Comments:

No comments.

FINDINGS: Staff recommends approval of the Special Use Permit based on the findings outlined below, pursuant to CCMC 18.02.080 (Special Use Permits), subject to the recommended conditions of approval.

1. **The use will be consistent with the objectives of the Master Plan elements.**

The proposed expansion of the outdoor display area is consistent with the following applicable goals of the Master Plan in accordance with the seven findings (in bold) required for approval of a Special Use Permit:

Goal 1.2 – Promote Infill and Redevelopment in Targeted Areas

Goal 2.1 – Provide Opportunities for a Range of Retail Services

The expanded outdoor display areas will provide existing tenants of the Carson Shopping Center with additional means to market their product and to drive business to the center through visibility of product from passing vehicles on Carson Street.

- 2. The proposed use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no noise, vibrations, fumes, odors, dust, glare or physical activity.**

The proposed expansion of the outdoor display areas will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood if approved with staff's recommended conditions of approval that limit the display areas and further improve vehicle circulation, pedestrian walkability and safety throughout the center. The expansion is not anticipated to cause noise, vibrations, fumes, odors, dust, glare or unusual physical activity not associated with normal retail commercial operations.

- 3. The project will have little or no detrimental effect on vehicular or pedestrian traffic.**

With the amended site plan and conditions of approval recommended by staff, the proposed outdoor display area expansion will have little detrimental effect on vehicular or pedestrian traffic in the Carson Shopping Center as the parking lot will be reconfigured to better accommodate pedestrian and vehicle circulation, and to provide additional parking for the center.

- 4. The project will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements.**

Businesses are established at this location, with no enlargement of the existing buildings or uses other than the expanded outdoor display areas proposed. No additional public services will be used as a result of the proposed outdoor display area expansion.

- 5. The project meets the definition and specific standards set forth elsewhere in this Title 18 for such particular use and meets the purpose statement of that district.**

A permanent outdoor display area is a conditional use in the Retail Commercial zoning district. Upon approval of the amended Special Use Permit with the recommended conditions of approval, the proposed project will be in conformance with the requirements of the Carson City Municipal Code.

6. The project will not be detrimental to the public health, safety, convenience and welfare.

The proposed expansion will not be detrimental to the public health, safety, convenience and welfare provided that the amended Special Use Permit is approved with the proposed site plan amendments and conditions of approval recommended by staff because the changes and conditions proposed will ensure that pedestrians and vehicles will have adequate room to navigate the parking lot and walkway areas. The reconfigured parking lot will help to maintain a higher level of health, safety, convenience and welfare through the addition of standard and handicap parking spaces and clearer directional signage and striping for vehicles.

7. The project will not result in material damage or prejudice to other property in the vicinity.

The expanded outdoor display areas at the Carson Shopping Center is not anticipated to result in material damage or prejudice to other property in the vicinity. The existing businesses are permitted uses in the Retail Commercial zoning district and the outdoor display areas will generally only affect tenants within the center.

ALTERNATIVE MOTION FOR DENIAL: “I move to deny SUP-09-055(A), an amendment to a previously approved Special Use Permit from Rob Lauder (property owners: Bernard-Bernard-Cuccaro LLC and William F. and D. Horne et. al.) for permanent outdoor display of merchandise on property zoned Retail Commercial, located at 1803, -05, -07, -09, -11, -15, -17 and -21 North Carson Street, APNs 002-091-03, -04 and 06 based on the inability to make the required findings as noted in the staff report.”

ALTERNATIVE FINDINGS FOR DENIAL: If the Planning Commission votes to **deny** the application based upon the inability to meet all of the findings as required by Carson City Municipal Code (CCMC) Sections 18.02.080 (Special Use Permits), staff recommends the following findings for denial.

- 1. The proposed amended Special Use Permit will have detrimental effect on vehicular or pedestrian traffic because adequate space for vehicles and pedestrians to navigate the parking lot and outdoor display areas simultaneously does not exist.*
- 2. The proposed amended Special Use Permit will be detrimental to the public health, safety and welfare as it reduces size of a parking lot that is already underparked by current code requirements, and impairs both vehicle/pedestrian capabilities in the parking lot and on the covered walkways.*

Attachments:

- Exhibit “A” – SUP-09-055 Notice of Decision and Approved Site Plan
- Exhibit “B” – Site Photos
- Exhibit “C” – July 12, 2013 Compliance Letter from Staff
- Exhibit “D” – July 18, 2013 Letter from Rob Lauder, Consultant for Evergreen Gene's/Carson Shopping Center
- Exhibit “E” – July 22, 2013 Email from Lee Plemel, Community Development Director
- Exhibit “F” – July 24, 2013 Email from Gene Munnings, Owner of Evergreen Gene's
- Exhibit “G” – July 30, 2013 Letter from Michael Suglia, Attorney for Gene Munnings
- Exhibit “H” – August 7, 2013 Notice of Violation/Final Order to Comply
- Exhibit “I” – SUP-09-055(A) Revised Special Use Permit Application and Reduced Revised Site Plan
- Exhibit “J” – Staff Recommended Site Plan Revisions
- City Comments
- Full Size Revised Site Plan (Continuation of Exhibit “I”)



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

★ CLERK ★
FILED
Time 1:52p

AUG - 5 2009

By K. King
Deputy
Carson City, Nevada

**PLANNING COMMISSION
JULY 29, 2009**

NOTICE OF DECISION

A request to review a Special Use Permit, SUP-09-055, was received from, Rob Lauder of RL Engineering (property owner: Bernard-Barnard-Cuccaro, LLC, William F. and D. Horne et al) for a permanent outdoor display of merchandise, on property zoned Retail Commercial (RC), located at 1803, 1805, 1807, 1809, 1811, 1815, 1817, 1819, and 1821 N. Carson Street, APN(s) 002-091-03, -04, and -06, pursuant to the requirements of the Carson City Municipal Code.

The Planning Commission conducted a public hearing on July 29, 2009, in conformance with City and State legal requirements, and approved SUP-09-055 for a permanent outdoor display of merchandise, 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 obtain a building permit from the Carson City Building and Safety Department for any proposed construction. Contact the Building Department for approximate fees, design criteria, number of plans to submit and general assistance in the City's Building Permit process.

PLANNING DIVISION • 2621 Northgate Lane, Suite 62 • Carson City, Nevada 89706
Phone: (775) 887-2180 Fax: (775) 887-2278 E-mail: plandiv@ci.carson-city.nv.us



5. 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 and Community Development Department 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.

The following shall be submitted with any building permit application:

6. The applicant shall submit a copy of the Notice of Decision and conditions of approval, signed by the applicant and owner, with any building permit application.

The following applies to the site throughout the life of the project:

7. The permanent outdoor display and sales area is strictly limited to the areas shown on the submitted site plan; in front of the buildings and the parking islands and two parking spaces. Within the approved display areas, the business or property owners must regulate and decide which businesses will utilize which display areas.
8. Trash and debris generated at the areas of the outdoor display and sales must be collected by the businesses and placed in an appropriate trash container on the site.
9. Advertising of a product or service is limited to promote an existing permanently licensed primary business activity within the addresses which are included in this review.
10. Display cannot impede, restrict or block any aisle, doorway, pathway or pedestrian access from parking lot or street or to or from buildings for either customers or employees.
11. If the merchandise being displayed is either a windmill or photovoltaic panel connected for the production of electricity, and is connected to electrical utilization equipment, then an electrical permit will be required, since this is not an item exempted from the permit process. (*CCMC 15.05.010 Section 105.2*)
12. If the merchandise being display is a solar panel used to provide either conditioned air or heated water for human consumption, then a plumbing permit will be required, since this is not an item exempted from the permit process. (*CCMC 15.05.010 Section 105.2*)

13. The Special Use Permit will be reviewed by the Planning Commission in five years. The next review will be at the Planning Commission meeting in July of 2014.

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


Jennifer Pruitt, AICP, LEED AP
Principal Planner

JP:jmb

Mailed by: RMT

By: Aug 10, 2009

**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.

William F. Horne
OWNER/APPLICANT SIGNATURE

8-12-09
DATE

WILLIAM F. HORNE
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 one is for your records.
2. Self-addressed stamped envelope

Approved Permanent Outdoor Display and Sales Areas Per SUP-09-055

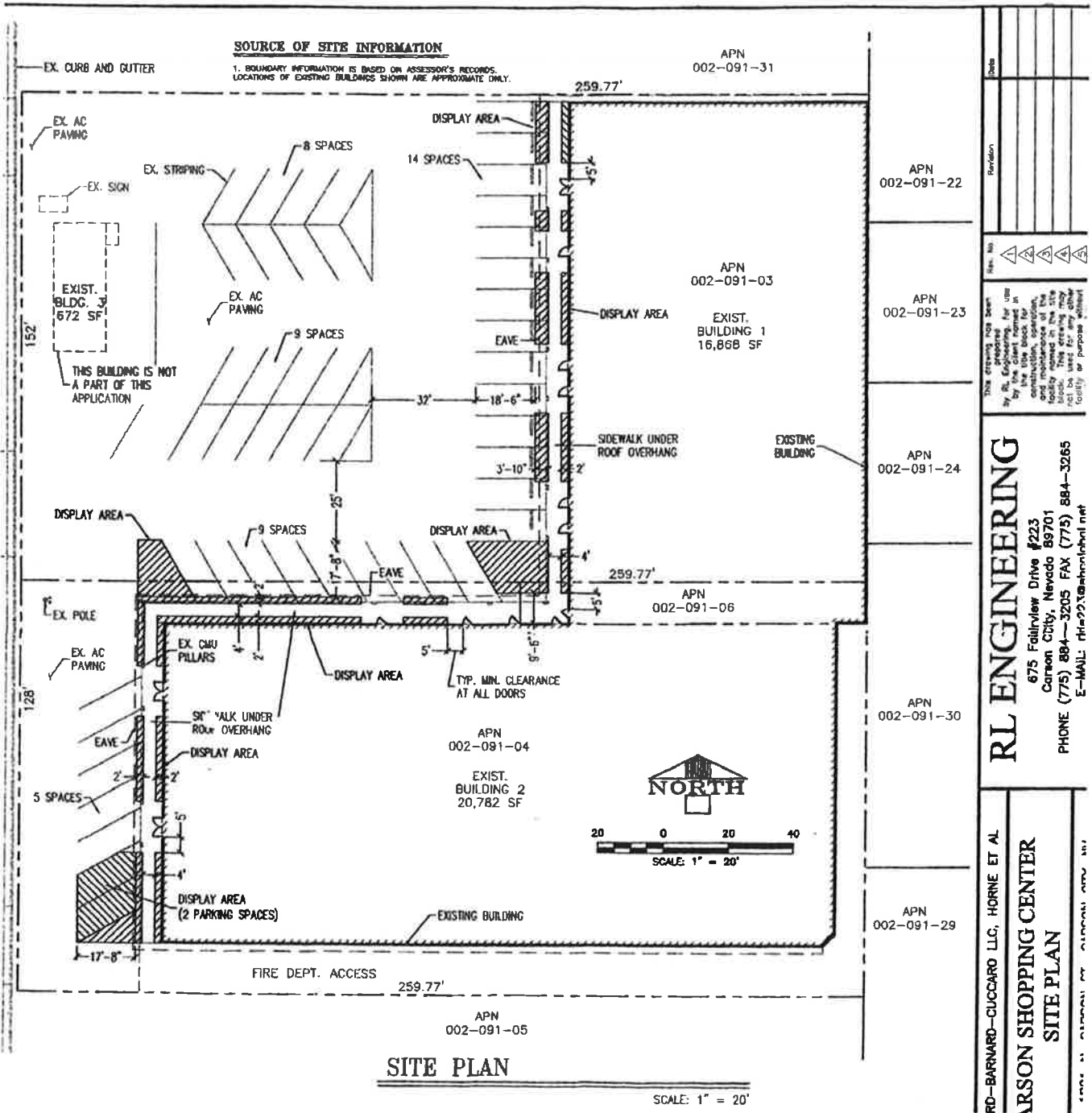


EXHIBIT "A"













Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
planning@carson.org
www.carson.org/planning

July 12, 2013

Gene Munnings
Evergreen Gene's
1815 N Carson St
Carson City, NV 89706

Re: SUP-09-055
Permanent Outdoor Display and Sales
1815 N. Carson St.

Dear Mr. Munnings:

I am contacting you regarding a violation of the terms of approval of the Special Use Permit, SUP-09-055, for outdoor display and sales at your location at 1815 N. Carson Street. A copy of the signed notice of decision and a portion of the site plan showing allowed areas of display are attached to this letter for your review. Under the conditions of approval only certain areas of the property at 1803, 1805, 1807, 1809, 1811, 1815, 1817, 1819 and 1821 N. Carson Street are allowed to be used for the outside display and sales. Those areas were shown clearly on the site plan submitted with the request to allow the permanent display and sales. The conditions of approval also stated that the businesses within the complex would regulate among themselves who would utilize what areas for display and sales.

We have received a complaint regarding the encroachment of your outdoor display and sales at 1815 N. Carson St into areas not authorized by the Special Use Permit. In addition, display areas are not allowed to impede, restrict or block any aisle, doorway, pathway or pedestrian access from the parking lot or street or to or from buildings for either customers or employees. Electrical extension cords across pathways are also a hazard and are not allowed. Exterior light fixtures require review by the Planning Division. Lighting of exterior areas must be done with proper procedures, including submission of a building permit for review of proper wiring and fixtures.

You must restrict your outdoor display areas to those shown on the attached site plan, and remove displays that encroach into areas in which it is not allowed. All hazards and impediments to access for pedestrians, customers or employees and parking must also be removed. All temporary electrical cords, wiring and fixtures must be removed until properly permitted. You must be in compliance with the restrictions of the original Special Use Permit within seven days, by July 19, 2013. The compliance officer will be at your site following that date to verify the site is acceptable.

As was stated in the original Special Use Permit, compliance with the conditions of approval is required and is a condition of approval of the permit. This permit is scheduled to be reviewed in July of 2014. However, if this situation is not resolved satisfactorily within seven days, by July 19, 2013, this permit may be scheduled for review and possible revocation by the Planning Commission.

EXHIBIT "C"

Please contact this office at 887-2180 if you have any questions or need additional information.

Sincerely,

Kathe Green

Kathe Green
Assistant Planner

c: Kevin McCoy, Code Enforcement Officer
Lee Plemel, Director, Planning Division
Susan Dorr Pansky, Planning Manager
Kevin Gattis, Chief Building Official

Bernard-Bernard-Cuccaro LLC
c/o MDB Properties
1805 N Carson St
Carson City, NV 89701-1218

Horne, Wm F & D ½ et al
c/o MDB Properties
1805 N Carson St
Carson City, NV 89701-1218

RL Engineering

Civil and Structural Design

675 Fairview Drive #223, Carson City, NV 89701
(775)884-3205 Fax (775)884-3265

July 18, 2013

Mr. Lee Plemel, Director
Carson City Planning Division
108 E. Proctor Street
Carson City, NV 89701

Re: Evergreen Gene's, 1815 N. Carson St.

Dear Mr. Plemel:

I was contacted by Mr. Munnings on July 15, 2013 in regard to the letter he received from your office dated July 12, 2013. Gene indicated that he wanted to file a revised special use permit application to enable him to use the parking spaces in front of his shop for display of plants and other products for sale consistent with his business. I told him I would be happy to help him, but I am overburdened with prior work commitments at this time. I presently have over 20 projects in various sizes and stages from beginning design through construction management. The nearest deadline to submit an application is July 18, which I simply cannot meet, even if I had no other commitments.

Mr. Munnings is interested in the following resolutions to the issues raised in the letter from the city:

1. Encroachment into non-authorized areas: Submit a new application with revision of display areas, and also revision of parking space layout to maintain or increase the original permitted space count of 45.
2. Lighting: Submit plans to the building department for electrical improvements to allow lighting the display area in front of his store in a manner consistent with current building and electrical codes as adopted by Carson City.
3. Access blockage: Move racks, hoses, cords, merchandise, etc. as necessary to maintain minimum travel paths for all users of the shopping center.

On behalf of my client I would like to propose the following schedule:

1. Submit a new special use permit application by August 15.
2. Submit new lighting plans for permit by August 15.
3. Remove blockages to access immediately.

We would appreciate your approval of this proposal at your earliest opportunity. If you have any questions or require additional information please contact me at your convenience at (775)884-3205 or rob.lauder@rl-engr.com.

Sincerely,



Robert F. Lauder, P.E.
RL Engineering

C: Gene Munnings

From: Lee Plemel
Sent: Monday, July 22, 2013 5:29 PM
To: 'rob.lauder@rl-engr.com'
Cc: Kevin McCoy; Kevin Gattis
Subject: RE: Evergreen Gene's

Rob,

I reviewed the letter regarding Mr. Munnings' proposed resolutions to the complaints submitted regarding outside displays at 1815 N. Carson Street. Following is my response on behalf of the Planning Division:

1. We cannot allow the outdoor displays to continue outside and beyond the areas originally approved by the Special Use Permit pending resolution through the submittal of a new Special Use Permit. The earliest we could take an application to the Planning Commission would be September 25 if an application were submitted by August 15. One of the complaints specifically relates to excessive outdoor display in parking spaces where it was not approved. The materials need to be removed from areas not approved for outdoor display in the Special Use Permit.
2. My understanding is that a permit is needed for the electrical to the lighting, as you indicate in your letter. Any existing lighting must be removed immediately pending approval of a building permit. The Building Division cannot allow a code violation to continue pending approval of a permit. Such permit may only be for areas approved for outdoor display in the Special Use Permit, pending approval of any additional areas in a new Special Use Permit.
3. While the proposed resolution to move racks, cords, etc., from pedestrian travel paths is certainly necessary, I would note that it is not merely adequate to move such things if they remain in violation of numbers 1 or 2 above. Items in violation must be removed entirely.

I understand Mr. Munnings was given seven days, initially, to correct the violations. With the clarifications noted above, please have Mr. Munnings correct any building or fire code violations (lighting and electrical) immediately, and remove any outdoor display items from outside areas approved by the Special Use Permit by Wednesday, July 31, 2013. I will have Code Compliance Officer Kevin McCoy inform Mr. Munnings, as well. You can work directly with Kevin regarding the timing of bringing things into compliance.

Regards,

Lee

Lee Plemel, AICP, Director
Carson City Community Development Department
108 E. Proctor St., Carson City, NV 89701
775-283-7075
lplemel@carson.org
www.carson.org/planning

EXHIBIT "E"

From: rob.lauder@rl-engr.com [mailto:rob.lauder@rl-engr.com]
Sent: Monday, July 22, 2013 3:16 PM
To: Lee Plemel
Subject: Evergreen Gene's

Lee,

I was curious when we should expect a response to my letter of last week.

I've been playing with the parking lot layout and found that even accounting for the space Gene is using for display, re-striping would provide a total of at least 50 spaces (5 more than at present), and possibly we could shoe-horn in 2-3 more, but I'm not anxious to do that. The present arrangement has drive aisles much wider than the minimum, and some of the spaces are wider than minimum, which is why more spaces is possible.

Robert F. Lauder, P.E.

RL Engineering
675 Fairview Drive #223
Carson City, NV 89701
(775)884-3205

From: Yahoo Help!! [<mailto:evergreengene@att.net>]

Sent: Wednesday, July 24, 2013 9:15 PM

To: Lee Plemel

Subject: Evergreen Gene's Permit

My name is Gene Munnings and I am the owner of Evergreen Gene's at 1811 North Carson Street. We currently have a special use permit for an outdoor display. When that was done we had no idea as to what was actually needed for the plant area. Since then the main areas that were on the north side edge are useless since there is no sun and even most shade plants do not thrive there. For the past 3 years we have used the area in front of our store and in front of 1815. We have had to make adjustments as the theft rate was over \$2000.00 a month so we build small fencing and have gates that are closed at night to prevent people from coming onto the site after hours and theft has dropped to about \$100.00 a month on average and most of that is from the temporary area in front for annuals and vegetables. Our sales from this area in front of the store amount to 60% of our total sales from May to present. To take this away now would essentially put our store out of business since the small sales from inside would not support even the paying of utilities not to mention the rent. We are catching up on our back rent of \$12,000.00 that we still owe. We have no place to move the plants to and the tables, etc. Since we are submitting another permit application to keep at least 45 parking spaces but Mr. Lauder has a drawing that has 50 spaces leaving the current display area as is which is working for our ability to survive. The State Department of Agriculture in Licensing our Nursery had us do what ever we could to sterilize the black top which we did by a lot of cleaning and coating the surface. The other area in the corner we were able to do this by a mulch covering which we decided not to do in the rest of the area due to the problems that the mulch has but its working fine where it is at. We grow all of our shrubs except roses and 50% of all the perennials right on the site. That is why we were classified as a nursery not a garden center since we grow most of what we sell. I take good care of the area by sweeping the area inside and around it daily which sometimes fills a trash bag from all the trash that blows in there. Once a week I blow out the area to get it completely clean better than the sweeping alone can do. No one else in the entire center does the amount of cleaning I do to maintain the area in and around the display areas. Since there is no using and the abandoning of the far 2 parking spaces in front of the thrift store which are only used for parking their display use is being transferred to the current area in front of my store. These 2 along with another space that was added in repainting the parking spaces in front would mean 3 of the 7 spaces in front of my store are already available for parking in front of the thrift store. The temporary display area next to the thrift store on the north side (this is used from Mid May to Mid August only) is being emptied out of plants and will be vacated within 2 weeks. This allows another parking space to be available. The other issue of Electrical which was installed over 4 years ago and meets code will be adjusted to make the existing Christmas lights that are used from 8pm to 10pm daily up to code. The only time we have any extension cords on the ground was during the Breast cancer fundraiser on July 6th an extension cord was run along the outside edge to the front of 1805 for the bands use for their equipment. No one from the public should have had these in their way. As for hoses of which there is 1 in front and one in front of our store, they are used at the end of the day for daily watering. I have been there past 10 pm watering Wal mart. Lowes and Home Depot water at anytime and I should not have any

EXHIBIT "F"

more restrictions on watering than they do, but I always water late in the day to avoid people having to go through the hoses. In conclusion I am asking that the current display area be allowed to remain as is pending the new permit application being submitted and going before the planning commission.. No additional areas will be used and the area in front north will be vacated by August 10th so that everything will be condensed down to the existing display area. I was allowed to leave the plants in the outdoor area 4 years ago while the permit was being processed and I should be allowed to do likewise now as to do otherwise would essentially place my business out of business since that is 60% of our sales and the existing plants and tables have no place to go that they can be cared for and are safe from theft. If you have any questions please call me at 530-0946. Thank you,
Gene Munnings

RECEIVED

JUL 30 2013

✓
CARSON CITY
PLANNING DIVISION

MICHAEL SUGLIA, LTD.

ATTORNEY AT LAW

1950 COLLEGE PARKWAY, SUITE 102-A

CARSON CITY, NV 89706-7983

PHONE (775) 882-5554 FAX (775) 883-6592 E-MAIL Suglia@SugliaLaw.com

July 30, 2013

HAND DELIVERED

Lee Plemel, Director
Planning Division
108 E. Proctor Street
Carson City, NV 89701

✓ Kathe Green, Assistant Planner
Planning Division
108 E. Proctor Street
Carson City, NV 89701

Kevin McCoy, Compliance Officer
Code Enforcement
108 E. Proctor Street
Carson City, NV 89701

Re: Gene Munnings
Evergreen Gene's at 1811 N. Carson Street, Carson City, NV

Dear Mr. Plemel, Ms. Green and Mr. McCoy,

I write to inform you that I represent Gene Munnings, owner of Evergreen Gene's at 1811 N. Carson Street in Carson City, regarding his Special Use Permit. I was retained by Mr. Munnings on the afternoon of July 30, 2013. While we might all agree that retaining me earlier would have been prudent, it took Mr. Munnings a little time to locate me, since I do not advertise, and then I needed time to schedule an appointment with him.

I understand that Mr. Munnings is affected by Planning Department decisions that directly impact his ability to earn a living and to operate a Carson City small business. Mr. Munnings is certainly entitled to competent representation on such serious matters and I ask for the necessary time to fully comprehend the City's concerns and the legal issues involved and

EXHIBIT "G"

to review the prior Special Use Permits. I will do my best to present a mutually agreeable resolution to the issues by the week August 19, 2013.

Please contact me at your earliest convenience to let me know if you will agree to this brief extension of time.

Sincerely,

A handwritten signature in cursive script that reads "Michael T. Suglia". The signature is written in black ink and is positioned above the typed name.

Michael T. Suglia, Esq.

MS:dk
cc: Client



Carson City Planning Division
108 E Proctor St
Carson City, Nevada 89701
(775) 887-2180
www.carson.org
www.carson.org/planning

NOTICE OF VIOLATION
FINAL ORDER TO COMPLY

August 7, 2013

Mr. Donald Bernard
Bernard-Bernard-Cuccaro, LLC
and
Mr. William Horne
Horne, WM F&D ½ et. al.
c/o MDB Properties
1805 N. Carson St.
Carson City, NV 89701

Via Certified and Regular Mail
Certified: 7011 2970 0000 0867 2382

Re: SUP-09-055
Permanent Outdoor Display and Sales
1815 N Carson St.

Dear Mr. Bernard and Mr. Horne:

This letter is final correspondence regarding the violation of SUP-09-055, a Special Use Permit allowing permanent outdoor display and sales at 1803, 1805, 1807, 1809, 1811, 1815, 1817, 1819 and 1821 N. Carson Street (APNs 002-091-03, 002-091-04 and 002-091-06). As outlined in the July 12, 2013 letter to Gene Munnings from Kathe Green, Assistant Planner, the outdoor display and sales areas currently being utilized by Evergreen Gene's are not in conformance with the areas approved with the Special Use Permit.

Staff is in receipt of a letter from Rob Lauder of RL Engineering, stating proposed actions regarding violation including the following:

1. *Encroachment into non-authorized areas: Submit a new application with revision of display areas, and also revision of parking space layout to maintain or increase the original permit space count of 45.*
2. *Lighting: Submit plans to the building department for electrical improvements to allow lighting the display area in front of his store in a manner consistent with current building and electrical codes as adopted by Carson City.*
3. *Access blockage: Move racks, hoses, cords, merchandise, etc. as necessary to maintain a minimum travel path for all users of the shopping center.*

The letter submitted by Mr. Lauder does not eliminate Mr. Munnings' responsibility to relocate his outdoor displays into the areas approved with the Special Use Permit and comply with all

EXHIBIT "H"

other City requirements as outlined in the original conditions of approval; *nor does it eliminate your responsibility to enforce such relocation and compliance as the property owners subject to the terms of the Special Use Permit.*

The current outdoor display and sales area is in violation of the following Special Use Permit conditions of approval:

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.**

The outdoor display and sales area has expanded well beyond the development plans approved with the Special Use Permit and is no longer substantially in accordance with the approved plans.

3. **All on- and off-site improvements shall conform to City standards and requirements.**

The outdoor display and sales area is not in conformance with City standards and requirements for electrical service or minimum access. An electrical permit is required to extend electrical service to the outdoor display area and a minimum clear path of 36 inches for pedestrian circulation must be maintained at all times. Please note that the minimum required clear path per the approved Special Use Permit site plan is 48 inches.

7. **The permanent outdoor display and sales area is strictly limited to the areas shown on the submitted site plan; in front of the buildings and the parking islands and two parking spaces. Within the approved display areas, the business or property owners must regulate and decide which businesses will utilize which display areas.**

Four complaints confirmed by a subsequent site visit on July 26, 2013 indicate that the permanent outdoor display and sales area has expanded beyond the areas limited by the Special Use Permit as shown on the marked up site plan attached.

10. **Display cannot impede, restrict or block any aisle, doorway, pathway or pedestrian access from parking lot or street or to or from buildings for either customers or employees.**

The display areas were observed to be impeding on and restricting pathways and pedestrian access to and from businesses surrounding Evergreen Gene's during the July 26, 2013 site visit.

Staff is in receipt of a July 24, 2013 email from Mr. Munnings, owner of Evergreen Gene's, requesting the outdoor display and sales areas in violation of the approved Special Use Permit be allowed to remain in place until the Special Use Permit can be brought to the Planning Commission for amendment. Staff has received four complaints regarding the aforementioned violations. While Mr. Munnings alleges his business will be harmed by having to remove the display materials, other businesses in the retail center believe they are being harmed by the reduction of available parking. Therefore, allowing the outdoor display area to remain in place until such time as the Special Use Permit may be modified is not an acceptable option.

Regardless of any intentions to submit a revised Special Use Permit application and revised parking lot layout, the current violations need to be resolved until such time as an amended Special Use Permit is approved by the Planning Commission.

Finally, staff is also in receipt of a July 30, 2013 letter from Michael Suglia, legal counsel for Mr. Munnings, requesting an extension until August 19, 2013 to allow adequate time to review the previously approved Special Use Permit and present a mutually agreeable resolution. Staff acknowledges this request and will allow the outdoor display and sales area to remain as is until August 19, 2013.

Required Action: Reduce the size of the permanent outdoor display and sales area to the areas specifically approved with Special Use Permit SUP-09-055 by no later than August 19, 2013.

Failure to comply with this notice will result in the issuance of citation to you, the property owners subject to the terms of the Special Use Permit, and possible revocation of the approved Special Use Permit by the Planning Commission. The authority for these requirements is from CCMC 18.02.030 Enforcement and CCMC 18.02.080.8(d) Special Use Permits, Expiration; Revocation which are quoted below:

18.02.030 Enforcement. *It is unlawful for any person, firm or corporation, whether as a principal, agent, employee, or otherwise (hereinafter referred to as "party"), to construct, build, convert, alter, erect, maintain a building, structure or any use of property, equipment, or operation in violation of a provision of this Title. Any use contrary to this Title is a misdemeanor offense as defined in Title 1 (Misdemeanor Declared) and a public nuisance. The following procedure shall apply to enforce the provisions of this Title:*

1. *In the event of a violation of this Title, the Director may deliver to any party in violation of this Title an order to comply with the provision of this Title in a time period up to 30 days from the issuance of the order to comply at the Director's discretion.*
2. *Upon failure of any party in violation of this Title to comply with the order described above, the Director is authorized and empowered to prepare, sign, and serve a criminal misdemeanor citation for said violation. A party is guilty of a separate offense for each and every day which such violation of this Title or failure to comply with any order is committed, confined, or otherwise maintained.*
3. *The Director may also refer notice of such violation to the district attorney for commencement of action to abate, remove and enjoin such violation as a public nuisance and a criminal action in the manner provided by law.*
4. *The conviction and punishment of any person under this Section shall not relieve such person from the responsibilities of correcting the nuisance.*

18.08.080.8(d) Expiration; Revocation.

- a. *A Special Use Permit shall be, upon violation, subject to revocation or amendment by the Commission.*

Thank you for your immediate compliance with this order. If you have any questions, please contact me at (775) 283-7076 or via email at spansky@carson.org.

Sincerely,
Community Development Department, Planning Division



Susan Dorr Pansky
Planning Manager

cc: Gene Munnings, Evergreen Gene's
Rob Lauder, RL Engineering
Michael Suglia, Michael Suglia, Ltd.
Lee Plemel, Community Development Director
Kevin Gattis, Building Official
Vann Clegg, Building Inspector
Dave Ruben, Captain – Fire Prevention Division
Kevin McCoy, Compliance Officer
Kathe Green, Assistant Planner

Attachments:

July 12, 2013 Letter to Gene Munnings from Planning Division
SUP-09-055 Notice of Decision
Site Photos
Originally Approved Site Plan
Marked Up Site Plan



Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
planning@carson.org
www.carson.org/planning

July 12, 2013

Gene Munnings
Evergreen Gene's
1815 N Carson St
Carson City, NV 89706

Re: SUP-09-055
Permanent Outdoor Display and Sales
1815 N. Carson St.

Dear Mr. Munnings:

I am contacting you regarding a violation of the terms of approval of the Special Use Permit, SUP-09-055, for outdoor display and sales at your location at 1815 N. Carson Street. A copy of the signed notice of decision and a portion of the site plan showing allowed areas of display are attached to this letter for your review. Under the conditions of approval only certain areas of the property at 1803, 1805, 1807, 1809, 1811, 1815, 1817, 1819 and 1821 N. Carson Street are allowed to be used for the outside display and sales. Those areas were shown clearly on the site plan submitted with the request to allow the permanent display and sales. The conditions of approval also stated that the businesses within the complex would regulate among themselves who would utilize what areas for display and sales.

We have received a complaint regarding the encroachment of your outdoor display and sales at 1815 N. Carson St into areas not authorized by the Special Use Permit. In addition, display areas are not allowed to impede, restrict or block any aisle, doorway, pathway or pedestrian access from the parking lot or street or to or from buildings for either customers or employees. Electrical extension cords across pathways are also a hazard and are not allowed. Exterior light fixtures require review by the Planning Division. Lighting of exterior areas must be done with proper procedures, including submission of a building permit for review of proper wiring and fixtures.

You must restrict your outdoor display areas to those shown on the attached site plan, and remove displays that encroach into areas in which it is not allowed. All hazards and impediments to access for pedestrians, customers or employees and parking must also be removed. All temporary electrical cords, wiring and fixtures must be removed until properly permitted. You must be in compliance with the restrictions of the original Special Use Permit within seven days, by July 19, 2013. The compliance officer will be at your site following that date to verify the site is acceptable.

As was stated in the original Special Use Permit, compliance with the conditions of approval is required and is a condition of approval of the permit. This permit is scheduled to be reviewed in July of 2014. However, if this situation is not resolved satisfactorily within seven days, by July 19, 2013, this permit may be scheduled for review and possible revocation by the Planning Commission.

Please contact this office at 887-2180 if you have any questions or need additional information.

Sincerely,

Kathe Green

Kathe Green
Assistant Planner

c: Kevin McCoy, Code Enforcement Officer
Lee Plemel, Director, Planning Division
Susan Dorr Pansky, Planning Manager
Kevin Gattis, Chief Building Official

Bernard-Bernard-Cuccaro LLC
c/o MDB Properties
1805 N Carson St
Carson City, NV 89701-1218

Horne, Wm F & D ½ et al
c/o MDB Properties
1805 N Carson St
Carson City, NV 89701-1218



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

★ CLERK ★
FILED
Time 1:52p

AUG - 5 2009

By K. King
Deputy
Carson City, Nevada

**PLANNING COMMISSION
JULY 29, 2009**

NOTICE OF DECISION

A request to review a Special Use Permit, SUP-09-055, was received from, Rob Lauder of RL Engineering (property owner: Bernard-Barnard-Cuccaro, LLC, William F. and D. Horne et al) for a permanent outdoor display of merchandise, on property zoned Retail Commercial (RC), located at 1803,1805, 1807, 1809, 1811, 1815, 1817, 1819, and 1821 N. Carson Street, APN(s) 002-091-03, -04, and -06, pursuant to the requirements of the Carson City Municipal Code.

The Planning Commission conducted a public hearing on July 29, 2009, in conformance with City and State legal requirements, and approved SUP-09-055 for a permanent outdoor display of merchandise, 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 obtain a building permit from the Carson City Building and Safety Department for any proposed construction. Contact the Building Department for approximate fees, design criteria, number of plans to submit and general assistance in the City's Building Permit process.

PLANNING DIVISION ● 2621 Northgate Lane, Suite 62 ● Carson City, Nevada 89706
Phone: (775) 887-2180 Fax: (775) 887-2278 E-mail: plandiv@ci.carson-city.nv.us



5. 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 and Community Development Department 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.

The following shall be submitted with any building permit application:

6. The applicant shall submit a copy of the Notice of Decision and conditions of approval, signed by the applicant and owner, with any building permit application.

The following applies to the site throughout the life of the project:

7. The permanent outdoor display and sales area is strictly limited to the areas shown on the submitted site plan; in front of the buildings and the parking islands and two parking spaces. Within the approved display areas, the business or property owners must regulate and decide which businesses will utilize which display areas.
8. Trash and debris generated at the areas of the outdoor display and sales must be collected by the businesses and placed in an appropriate trash container on the site.
9. Advertising of a product or service is limited to promote an existing permanently licensed primary business activity within the addresses which are included in this review.
10. Display cannot impede, restrict or block any aisle, doorway, pathway or pedestrian access from parking lot or street or to or from buildings for either customers or employees.
11. If the merchandise being displayed is either a windmill or photovoltaic panel connected for the production of electricity, and is connected to electrical utilization equipment, then an electrical permit will be required, since this is not an item exempted from the permit process. (CCMC 15.05.010 Section 105.2)
12. If the merchandise being display is a solar panel used to provide either conditioned air or heated water for human consumption, then a plumbing permit will be required, since this is not an item exempted from the permit process. (CCMC 15.05.010 Section 105.2)

13. The Special Use Permit will be reviewed by the Planning Commission in five years. The next review will be at the Planning Commission meeting in July of 2014.

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


Jennifer Pruitt, AICP, LEED AP
Principal Planner

JP:jmb

Mailed by: RMT

By: Aug 10, 2009

**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.

William F. Horne
OWNER/APPLICANT SIGNATURE

8-12-09
DATE

WILLIAM F. HORNE
PLEASE PRINT YOUR NAME HERE

RETURN TO:

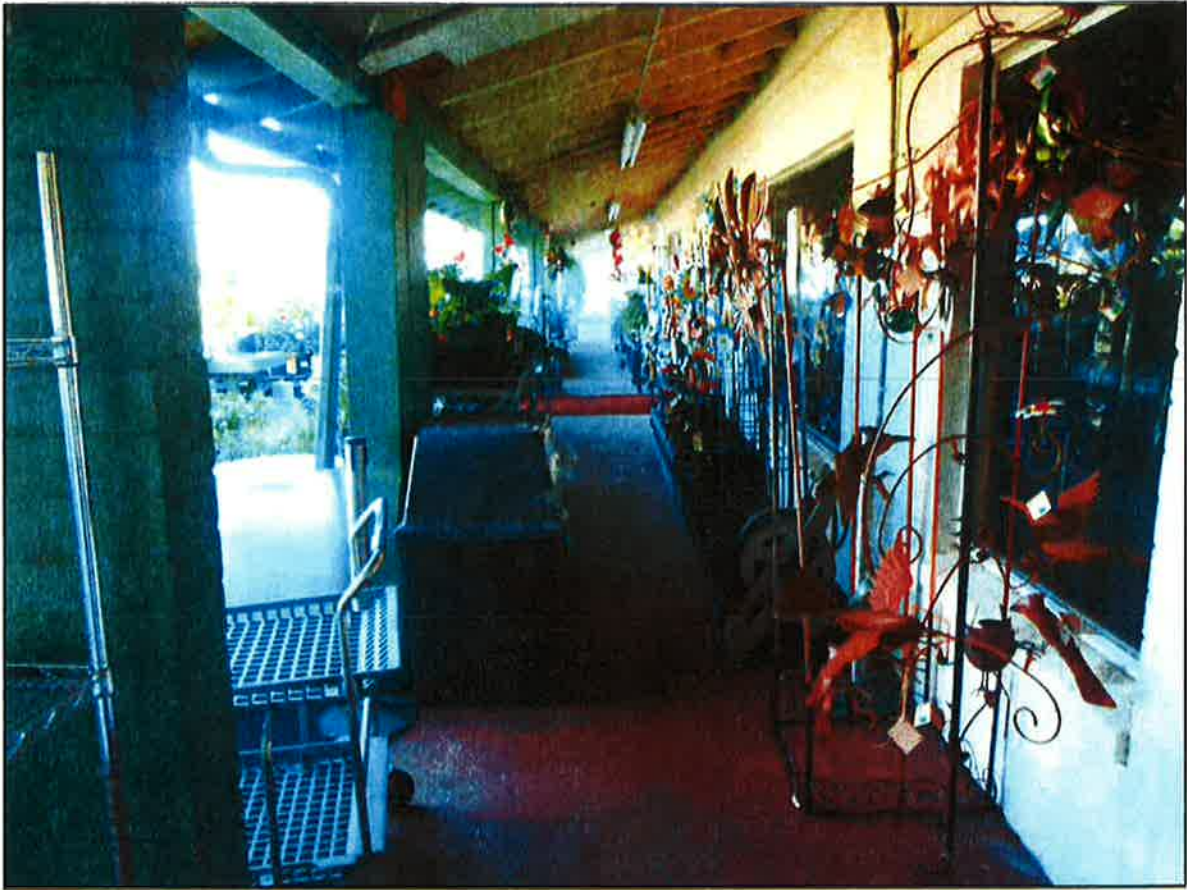
Planning Division
2621 Northgate Lane, Suite 62, Carson City, NV 89706

- Enclosures: 1. Planning Commission Notice of Decision (2 copies)-Please sign and return only one. The second one is for your records.
2. Self-addressed stamped envelope











RECEIVED

AUG 15 2013

CARSON CITY PLANNING DIVISION

Carson City Planning Division
108 E. Proctor Street • Carson City NV 89701
Phone: (775) 887-2180 • E-mail: planning@carson.org

FOR OFFICE USE ONLY:
CCMC 18.02

FILE # ~~SUP-43~~ - SUP-09-055

SPECIAL USE PERMIT

FEE: \$2,450.00 MAJOR
\$2,200.00 MINOR (Residential zoning districts)

+ noticing fee and CD containing application digital data (all to be submitted once the application is deemed complete by staff)

Bernard-Barnard-Cuccaro LLC, William F. and D. Horne et al
PROPERTY OWNER
1805 N. Carson Street, Carson City, NV 89701
MAILING ADDRESS, CITY, STATE, ZIP
775-884-4748 775-884-4211
PHONE # FAX #

SUBMITTAL PACKET

- 8 Completed Application Packets (1 Original + 7 Copies) including:
- Application Form
- Written Project Description
- Site Plan
- Building Elevation Drawings and Floor Plans
- Proposal Questionnaire With Both Questions and Answers Given
- Applicant's Acknowledgment Statement
- Documentation of Taxes Paid-to-Date (1 copy)
- Project Impact Reports (Engineering) (4 copies)

Name of Person to Whom All Correspondence Should Be Sent
Robert F. Lauder, P.E. RL Engineering

Application Reviewed and Received By:

APPLICANT/AGENT
675 Fairview Drive #223, Carson City, NV 89701

Submittal Deadline: See attached PC application submittal schedule.

MAILING ADDRESS, CITY, STATE ZIP
775-884-3205 775-884-3265

Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional Information may be required.

PHONE # FAX #
rob.lauder@rl-engr.com
E-MAIL ADDRESS

Project's Assessor Parcel Number(s): 002-091-03, 002-091-04, 002-091-06	Street Address 1803, 1805, 1807, 1809, 1811, 1815, 1817, 1819, 1821 N. Carson St.	ZIP Code 89701
--	--	-------------------

Project's Master Plan Designation Community/Regional Commercial	Project's Current Zoning RC	Nearest Major Cross Street(s) Long Street
--	--------------------------------	--

Briefly describe your proposed project: (Use additional sheets or attachments if necessary). In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal. In accordance with Carson City Municipal Code (CCMC) Section: 18.04.130.3, or Development Standards, Division _____, Section _____, a request to allow as a conditional use is as follows:
permanent outdoor merchandise display.

PROPERTY OWNER'S AFFIDAVIT

I, M.B.D. PROPERTIES, LP, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application. (See ADDITIONAL AFFIDAVIT)
Signature: William F. Horne Address: 1805 N CARSON ST. Date: 8-13-13

Use additional page(s) if necessary for other names.

STATE OF NEVADA
COUNTY Carson City

On 13 Aug 2013, William F. Horne, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.
Melissa G. Cochran
Notary Public

personally appeared before me, a notary public, Melissa G. Cochran, and who acknowledged to me that he/she executed the foregoing document.
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 1-21-2014
Certificate No: 10-1400-12
1/21/14

NOTE: If your project is located within the historic district, airport area, or downtown area, it may need to be scheduled before the Historic Resources Commission, the Airport Authority, and/or the Redevelopment Authority Citizens Committee prior to being scheduled for review by the Planning Commission. Planning personnel can help you make the above determination.

EXHIBIT "1"

ACKNOWLEDGMENT OF APPLICANT

I certify that the foregoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one year of the date of the Planning Commission's approval; and I understand that this permit may be revoked for violations of any of the conditions of approval. I further understand that approval of this application does not exempt me from all city code requirements.

William L. Horne
Applicant

8-13-13
Date

[Signature]
Applicant

8-13-13
Date

SPECIAL USE PERMIT APPLICATION
APN 002-091-03, -04, and -06
1803-1821 N. CARSON STREET, CARSON CITY, NV

EXHIBIT "A"
AFFIDAVITS OF ADDITIONAL PROPERTY OWNERS

PROPERTY OWNER'S AFFIDAVIT

I, Donald A. Bernard, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and agree to, the filing of this application.

Signature

[Handwritten Signature]

Date 8-13-13

Address

2500 East Lake Ridge

Reno, Nevada 89519

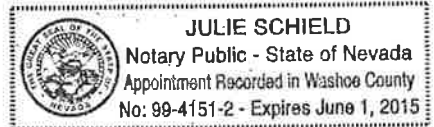
Shore

STATE OF NEVADA)
COUNTY OF WASHOE)

On August 14, 2013, Donald A. Bernard personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

[Handwritten Signature]

Notary Public



RL Engineering

Civil and Structural Design

675 Fairview Drive #223, Carson City, NV 89701

(775)884-3205 Fax (775)884-3265

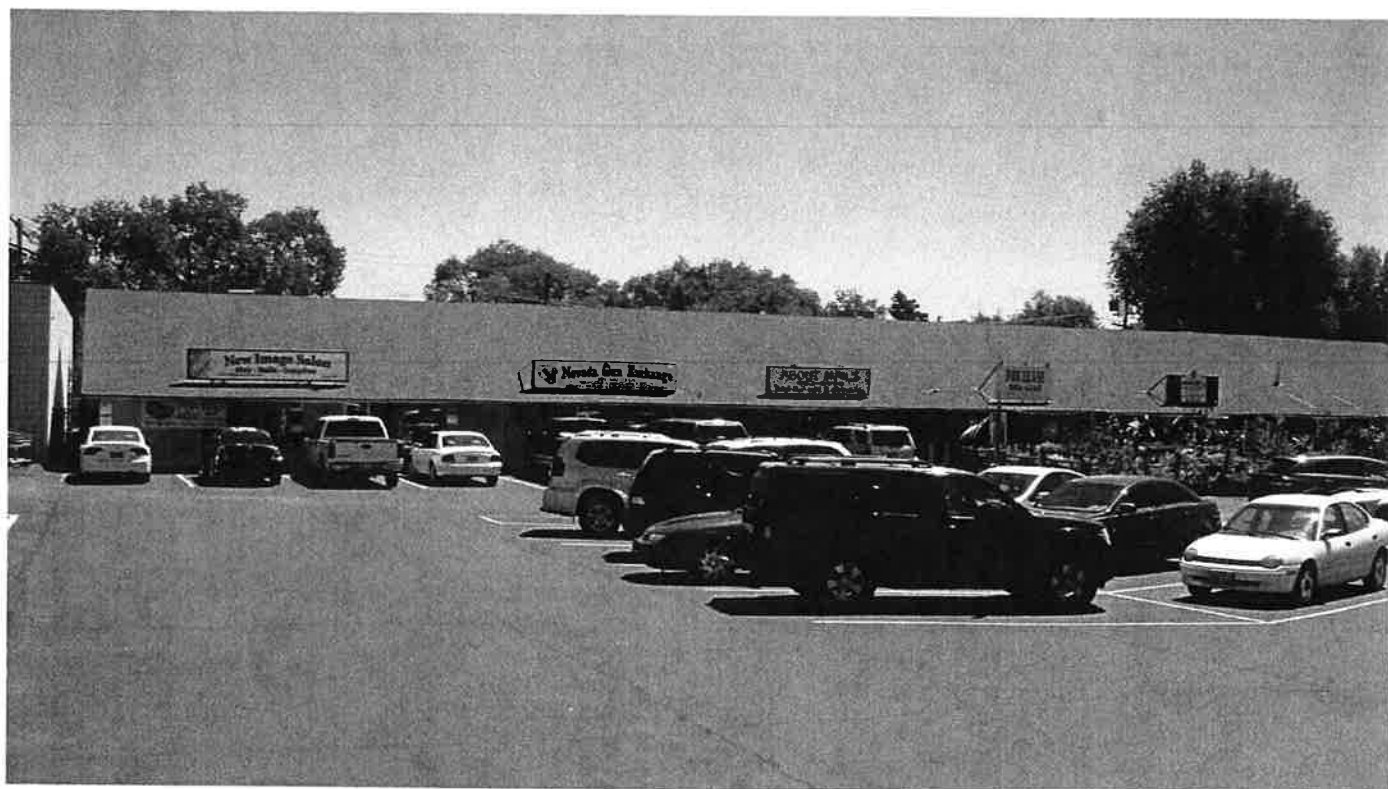
2013 SPECIAL USE PERMIT APPLICATION
CARSON SHOPPING CENTER
APN 002-091-03, -04, -06
1803-1821 N. CARSON STREET, CARSON CITY, NV

EXHIBIT "A"

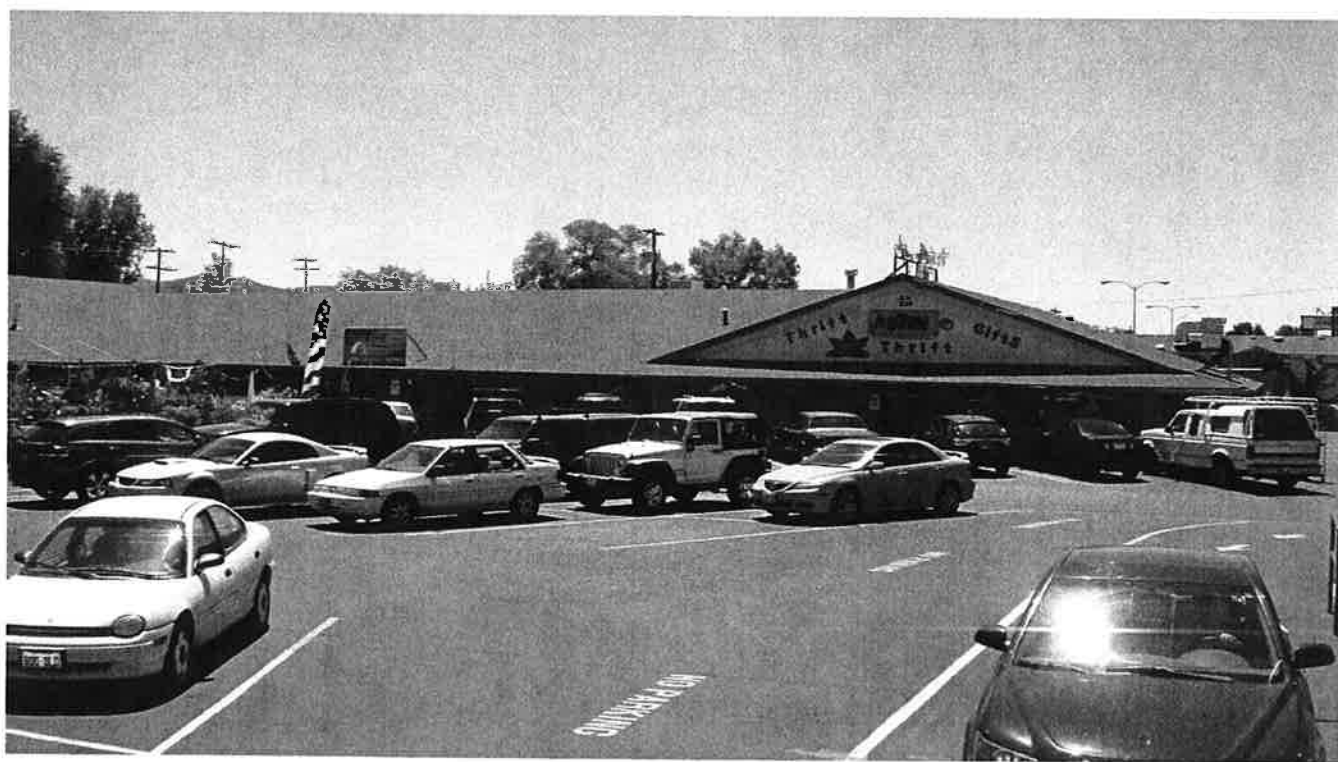
SITE PHOTOGRAPHS

The accompanying photographs are provided instead of elevation drawings, as follows:

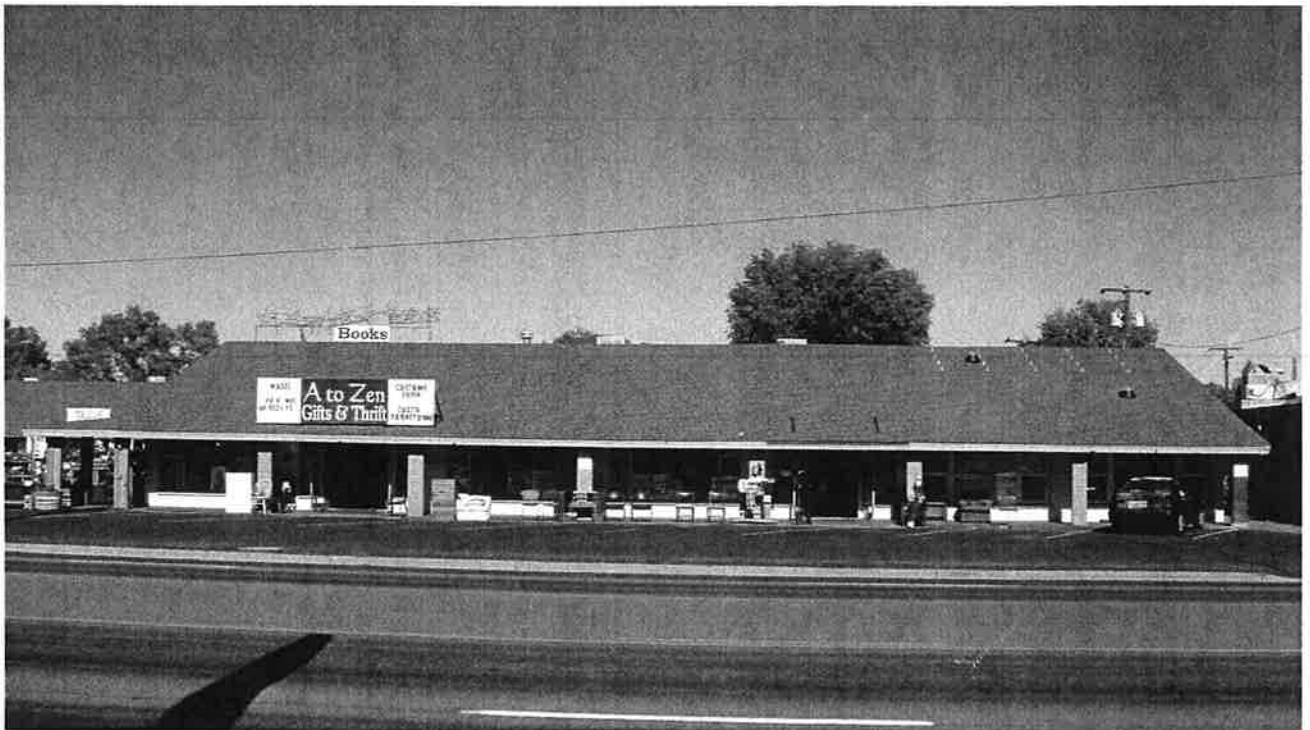
1. West elevation – Building 1.
2. North elevation – Building 2.
3. West elevation – Building 2.
4. Evergreen Gene's main display area.



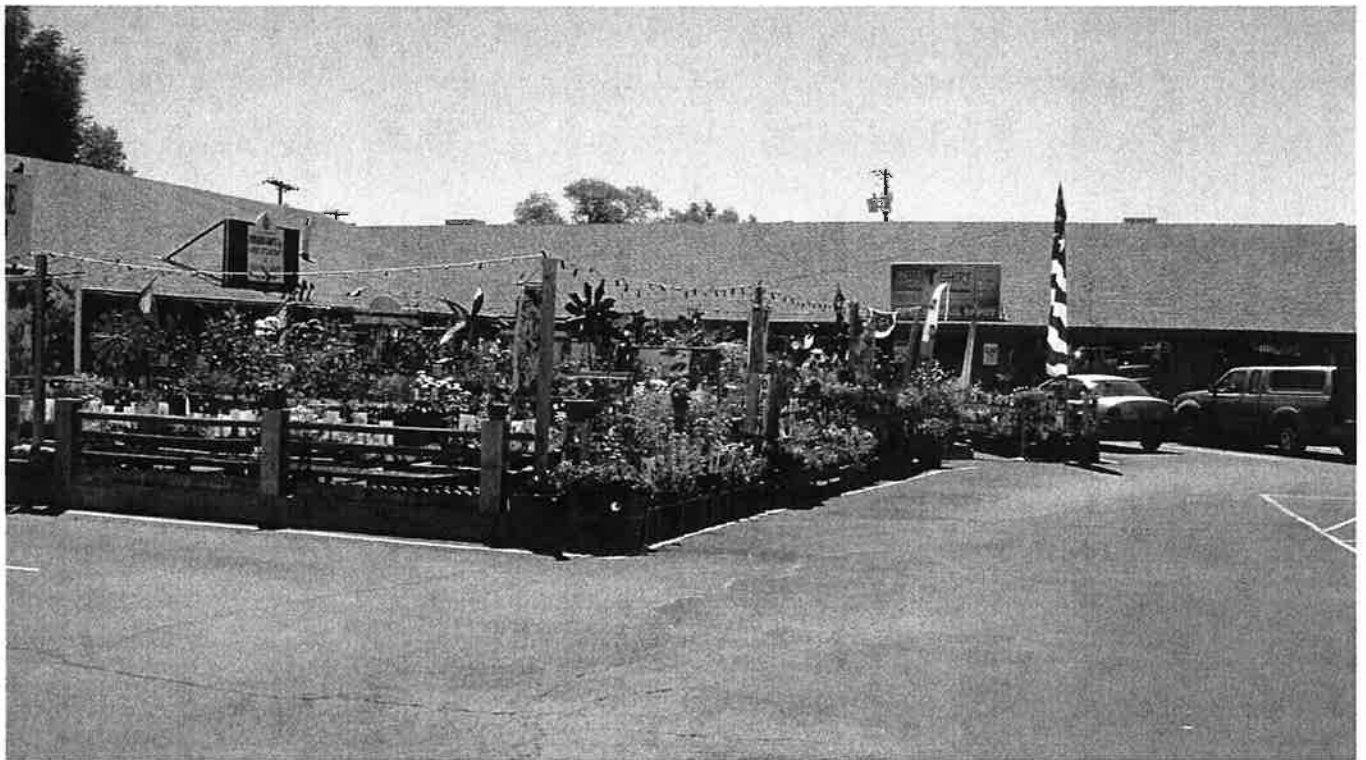
West elevation – Building 1.



North elevation – Building 2.



West elevation – Building 2.



Evergreen Gene's main display area.

RL Engineering

Civil and Structural Design
675 Fairview Drive #223, Carson City, NV 89701
(775)884-3205 Fax (775)884-3265

2013 SPECIAL USE PERMIT APPLICATION
CARSON SHOPPING CENTER
APN 002-091-03, -04, -06
1803-1821 N. CARSON STREET, CARSON CITY, NV

EXHIBIT "B"

PROJECT DESCRIPTION, QUESTIONNAIRE AND RESPONSES

PROJECT DESCRIPTION

This application is an amendment to an existing special use permit. The reason for the amendment is to increase the amount of display area beyond the area allowed by the original permit, which was granted in 2009. This application also includes provision of outdoor lighting in one display area, and re-striping of the lot to maintain or increase the present number of parking spaces.

The owners seek permission for an increase in the area of permanent outdoor display of merchandise. The tenant businesses are housed in suites which are components of a small shopping mall which has been located on this site since the 1950's (the buildings were built in the 40's and 50's). The project is located on the east side of N. Carson Street between Long Street and Winnie Lane. The southerly part of the building is approx. 40' back from the curb, while the northerly part is approx. 140' back from the curb. The buildings have 385 linear feet of frontage; however 285 feet of that (74%) is either perpendicular to the street or so far back from the street that it is not easy to see the shops from Carson Street.

The original application was prompted by the desire of the tenants to display merchandise outside for sale. That desire remains. The display areas consist of narrow strips along the perimeter of the building facing the parking lot, and areas at the corners of the ell-shaped building complex (see attached site plan). The display areas will be held back 5 feet on each side of the entrance doors of each of the stores as requested by the fire department at the time of the original application. All areas will be considered as being for permanent display as opposed to maximum 30 days per year display (CCMC 18.04.130).

The parking lot will re-arranged and re-striped to maintain or increase the number of spaces. Two accessible parking spaces and an unloading zone will be striped to bring the lot in conformance with ADA guidelines.

Question 1: How will the proposed development further and be in keeping with, and not be contrary to, the goals of the Master Plan Elements?

Explanation A:

Chapter 3: A Balanced Land Use Pattern

The project meets the provisions of the Growth Management Ordinance in that no increase in population is expected as a result. No construction materials are being used, conserving water and energy. The property is fully developed but not fully leased – there are 2 vacant spaces at present. The displays do not impede pedestrian access through the site. No site features are negatively impacted by the addition of the displays. The project is in keeping with Master Plan Goal 1.2a.

Chapter 5: Economic Vitality

The purpose of the project is to stimulate economic activity by making merchandise more visible to passers-by. As such it encourages the re-development of under-used retail spaces. This is in keeping with Master Plan Goal 5.2b.

Question 2: Will the effect of the proposed development be detrimental to the immediate vicinity? To the general neighborhood?

Explanation A:

Land use and zoning of properties to the north, south and west are the same (Retail commercial) as the subject parcels. Land use and zoning to the east is residential. The project will enhance rather than be detrimental to the existing adjacent land use. The residential zone is isolated from the commercial zone by being on a separate parallel street, so it is relatively unaffected by the project.

Explanation B:

This project is similar to other development in the neighborhood because the buildings house small retail and service enterprises similar in size and type to many other businesses on Carson Street. The project will involve outdoor display of merchandise, which will be changed and moved in and out as the business owners see fit to promote their businesses.

Other businesses in this immediate area have used outdoor displays in the past to promote their businesses, but have ceased that practice upon recent notice from the city that they lacked a special use permit to do so.

Explanation C:

The project will not be detrimental to the use, peaceful enjoyment or development of the surrounding properties and the general neighborhood. The use of the property will remain the same as before. It is common knowledge in the retail business that increased visits to one business will likely lead to increased visits to adjoining businesses. Rather than being

detrimental to neighboring businesses, the project is seen as being helpful to surrounding businesses.

Explanation D:

The project will have negligible impact on pedestrian and vehicular traffic that currently exists on the road serving this project (N. Carson St.). The display areas are on the private sidewalks (not in the right-of-way) under the building porch roofs and in the space between the parking spaces and the sidewalk. The display areas are narrow so that walking on the sidewalks will not be impeded. No change in vehicle turning movements will be required. No additional walkways or traffic lights will be required. Traffic will be increased negligibly by the number of vehicles attracted to the stores by the displays. Emergency vehicle response time will be unchanged.

The short-range benefit will be that the appearance of the area will be markedly improved by the addition of a variety of displays and decorations. Currently the site is an older shopping mall surrounded by an undecorated asphalt parking lot. The long range benefit will be that because of the increased ease of attracting customers and commerce, sales tax revenues will increase, thereby increasing the viability of the community as a whole. The short-range benefit will also extend into the future and become a long-term benefit, increasing the attractiveness and vitality of the North Carson Street area.

Question 3: Has sufficient consideration been exercised by the applicant in adapting the project to existing improvements in the vicinity?

Explanation A:

The project will have negligible effect on the school district, and is not expected to add to the student population. It will not provide a service to the student population. Theft of displayed merchandise will be easier than merchandise displayed indoors, so increased rate of theft would affect the Sherriff's office to an undetermined degree.

Explanation B:

There will be no increase in impervious ground coverage.

Explanation C:

Water supply serving the project is sufficient to meet its needs without degrading supply and quality to others in the area. Water supply pressure is adequate. No leaks have been detected, so water lines are not in need of replacement. The site is not served by a well.

Explanation D:

No additional bathrooms or other sanitary drainage facilities are part of the project; therefore there will be no adverse effect on trunk sewers serving the complex.

Explanation E:

No road improvements are proposed or needed to accommodate the project.

Explanation F:

Information concerning the project described herein is provided by RL Engineering and the owners.

Explanation G:

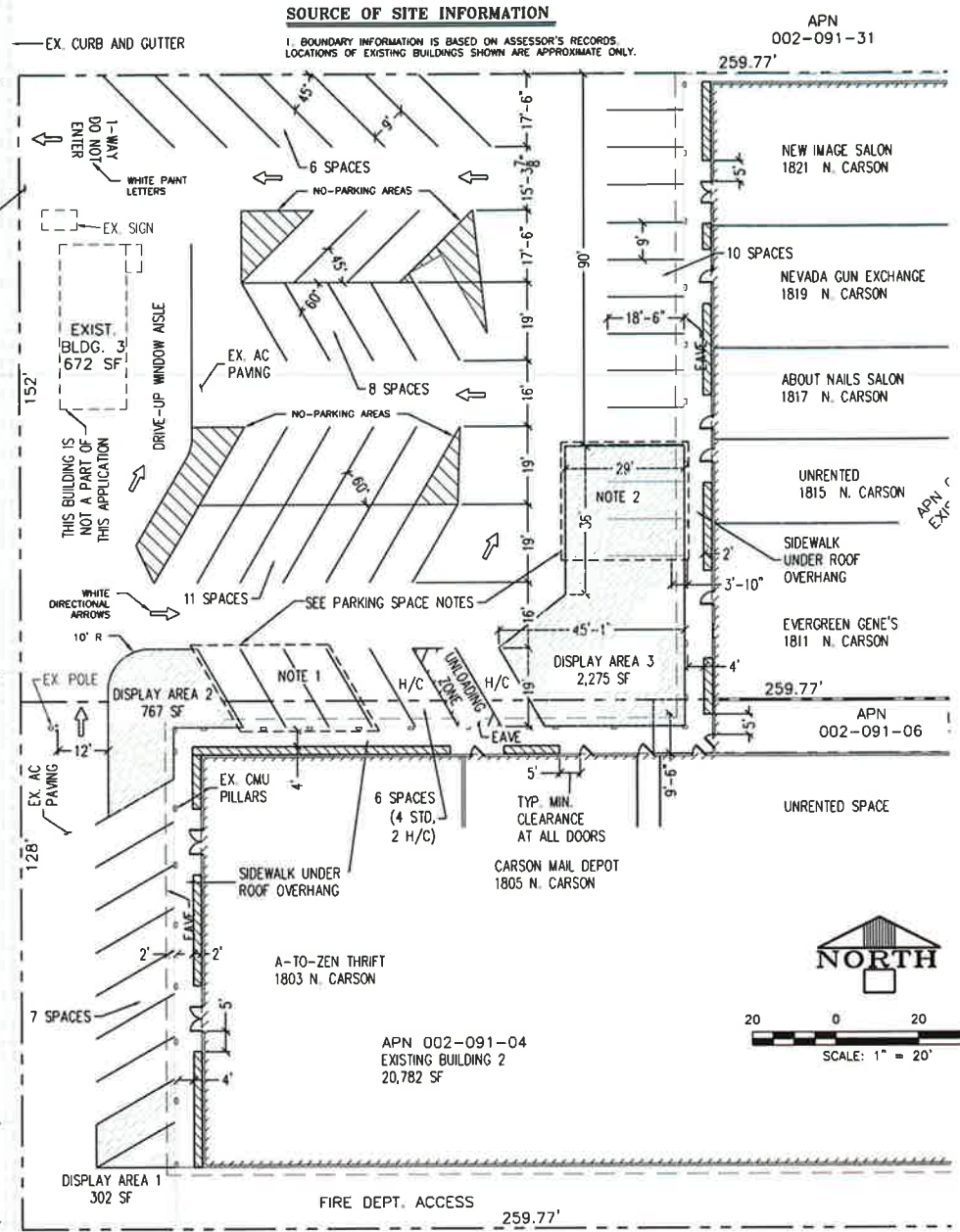
Outdoor lighting is to be provided in front of 1811 N. Carson Street. The lighting will consist of strings of low-wattage lights (Christmas tree-style), plugged into approved outdoor receptacles. The lights will be approx. 8'-9' above grade. The lighting is far enough back from the street that glare is not anticipated to be a problem. The lights will not impact any residential properties.

Explanation H:

No permanent landscaping is proposed to be added to the complex.

Explanation I:

See site plan for proposed parking layout. The number of existing parking spaces is 45. Several spaces will be lost to enlarged display areas and an unloading zone for accessible parking. Re-striping will create additional spaces to bring the count to 48. The source of space for the additional parking is existing drive lanes that are wider than are required by the city standard details.



NEW STRIPING AND DISPLAY PLAN
SCALE: 1" = 20'

NEW PROJECT STATISTICS:

APN	LAND AREA	BUILDING AREA
002-091-03	0.91 AC	16,868 SF
002-091-04	0.72 AC	20,782 SF
002-091-06	0.03 AC	1,248 SF
TOTAL	1.66 AC	38,898 SF

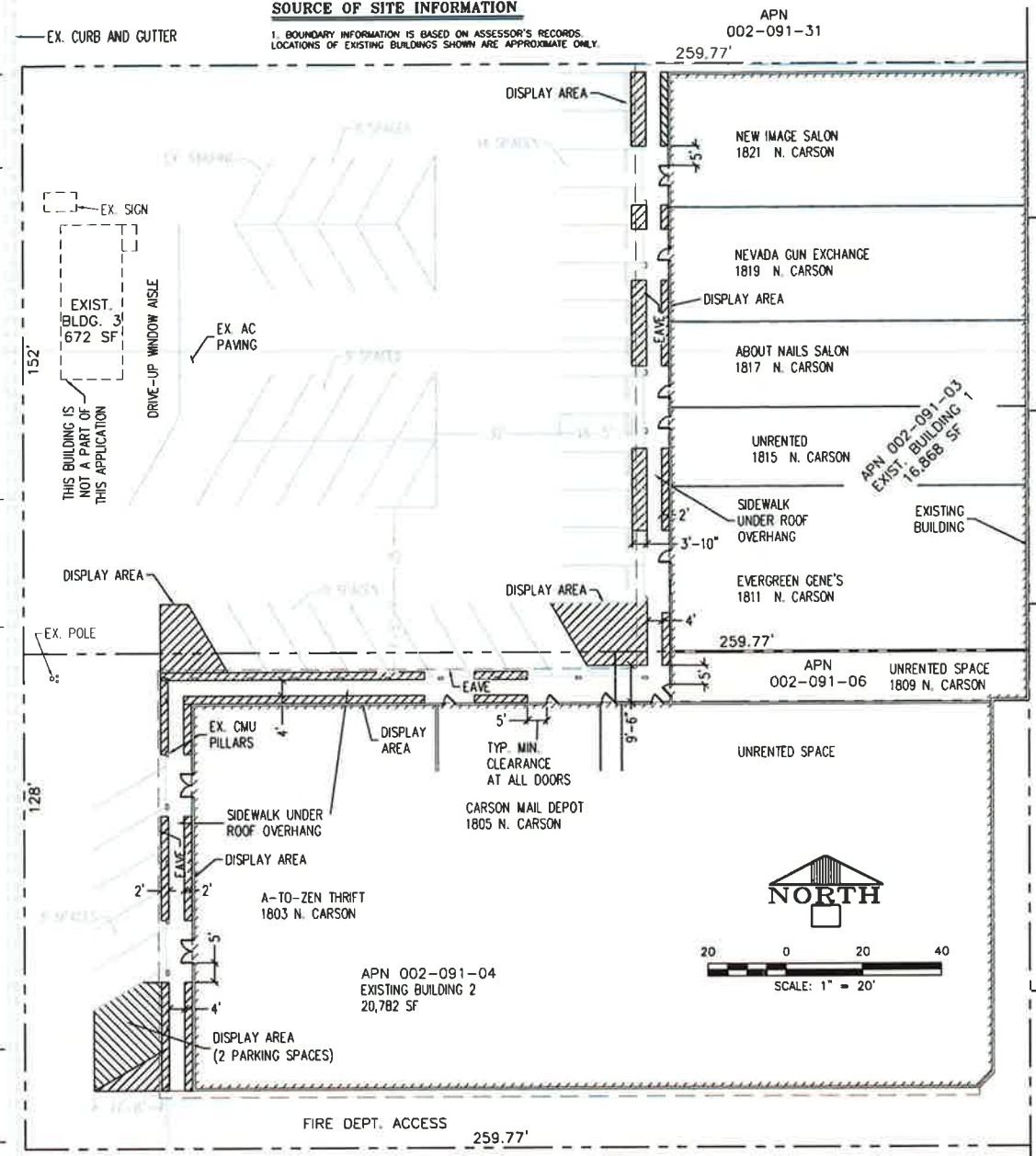
PARKING SPACES: 57 EXISTING PLUS NEW - 8 FOR DISPLAY
NET: 49 UNLOADING ZONE 48 SPACES

DISPLAY AREA PROPOSED: 3,344 SF (IN PARKING LOT) 454 SF (UNDER EAVES) 3,798 SF TOTAL

- PARKING SPACE NOTES:**
- THESE 3 SPACES ON THE NORTH SIDE OF A-TO-ZEN THRIFT (MARKED "NOTE 1") WILL BE AVAILABLE FOR PARKING UNLESS 1815 N. CARSON (THE TENANT SPACE NORTH OF EVERGREEN GENE'S) BECOMES OCCUPIED. SEE NOTE 2.
 - THESE 3 SPACES IN FRONT OF 1815 N. CARSON ST. (MARKED "NOTE 2") WILL REMAIN AVAILABLE FOR DISPLAY UNTIL 1815 N. CARSON IS OCCUPIED. AT THAT TIME THESE 3 SPACES WILL BE VACATED AND THE DISPLAY IN THOSE SPACES WILL BE MOVED TO THE 3 SPACES ON THE NORTH SIDE OF A-TO-ZEN THRIFT (SEE SPACES MARKED "NOTE 1").



VICINITY MAP
NOT TO SCALE



EXISTING DISPLAY PLAN
SCALE: 1" = 20'

OLD PROJECT STATISTICS:

APN	LAND AREA	BUILDING AREA
002-091-03	0.91 AC	16,868 SF
002-091-04	0.72 AC	20,782 SF
002-091-06	0.03 AC	1,248 SF
TOTAL	1.66 AC	38,898 SF

PARKING SPACES: 47 EXISTING - 2 FOR DISPLAY 45 SPACES

DISPLAY AREA PROPOSED: 2,030 SF

AGENT:
RL ENGINEERING
675 FAIRVIEW DRIVE #223
CARSON CITY, NV 89701
(775)884-3205

OWNERS:
APN 002-091-03: BERNARD-BARNARD-CUCCARO LLC
C/O MBO PROPERTIES
1805 N. CARSON ST.
CARSON CITY, NV 89701
(775)884-4748

APN 002-091-04: WILLIAM F. & D. HORNE ET AL
C/O MBO PROPERTIES
1805 N. CARSON ST.
CARSON CITY, NV 89701

APN 002-091-06: BERNARD-BARNARD-CUCCARO LLC
C/O MBO PROPERTIES
1805 N. CARSON ST.
CARSON CITY, NV 89701

ADJACENT ZONING:
NORTH - RC
WEST - RC
SOUTH - RC
EAST - MFA

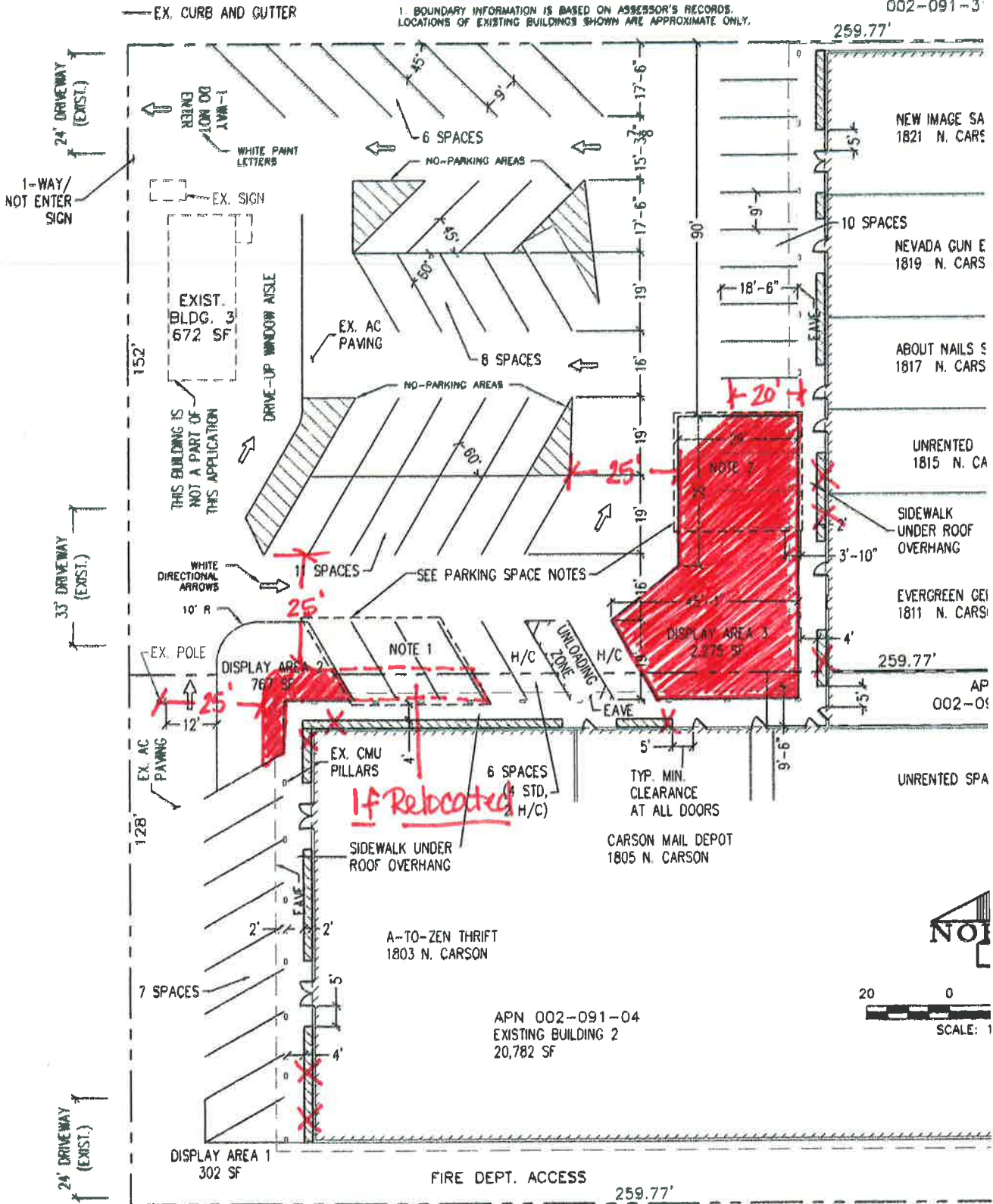
<p>RL ENGINEERING 675 Fairview Drive #223 Carson City, Nevada 89701 PHONE (775) 884-3205 FAX (775) 884-3265 E-MAIL: rob.lauder@rl-engr.com</p>	<p>APN 002-091-22 APN 002-091-23 APN 002-091-24 APN 002-091-30 APN 002-091-29</p>
<p>BERNARD-BARNARD-CUCCARO LLC, HORNE ET AL CARSON SHOPPING CENTER SITE PLAN 1803-1821 N. CARSON ST., CARSON CITY, NV</p>	<p>JOB # 130723 DESIGN BY: RFL DRAWN BY: KAL CHECKED BY: RFL DATE: 8-21-13 FILE: 130723 SHEET: C1</p>

EXHIBIT "1" REDUCED

SOURCE OF SITE INFORMATION

1. BOUNDARY INFORMATION IS BASED ON ASSESSOR'S RECORDS. LOCATIONS OF EXISTING BUILDINGS SHOWN ARE APPROXIMATE ONLY.

APN 002-091-3



APN 002-091-04
EXISTING BUILDING 2
20,782 SF

APN 002-091-05

NEW STRIPING AND DISPLAY PLA

SCALE: 1" = 20'

NTS

EXHIBIT "J"

September 9, 2013

Major Project Review Committee

Re: # SUP – 09-055A

Dear Susan,

After initial plan review the Carson City Environmental Control Authority (ECA), a Division of Carson City Public Works Department (CCPW), has the following requirements per the Carson City Municipal Code (CCMC) and the Uniform Plumbing Code (UPC) for the SUP 09-055A@ Carson Shopping Center project:

ECA has no comments concerning this project.

Please notify Mark Irwin if you have any questions regarding these comments, I can be reached at 775-283-7380.

Sincerely;

Mark Irwin
Environmental Control Officer 3

RECEIVED

SEP 09 2013

CARSON CITY
PLANNING DIVISION

c: Kelly Hale, Environmental Control Supervisor

RECEIVED

AUG 20 2013

CARSON CITY
PLANNING DIVISION

August 20, 2013

Fire Comments

SUP-09-055 A

1. The current tenant has created possible life safety and exiting hazards by the display of merchandise on the walkways in front of the store and the parking lot beyond what was approved by the original SUP. We recommend that no merchandise or display items be allowed in the exit paths or walkways.
2. The outside of display areas 2 and 3 shall be designated a "fire lane-no parking" area. It may be marked with signage per the IFC or at a minimum, a red stripe at least 6 inches wide with the words "Fire Lane-No Parking" painted in a contrasting color on the stripe shall be painted on the pavement outlining the outer edge of the display area. The wordage shall be at a minimum every 10 feet.
3. Remove all curb stops in the display areas.
4. Outside display areas shall comply with the International Fire Code aisle requirements for mercantile occupancies.

Thank you.

Dave Ruben

Captain – Fire Prevention
Carson City Fire Department
777 S. Stewart Street
Carson City, NV 89701

Direct 775-283-7153
Main 775-887-2210
FAX 775-887-2209

File # (Ex: MPR #07-111)	<i>SUP-09-055</i>
Brief Description	<i>Outdoor Sales and Display</i>
Project Address or APN	<i>002-091-03, 04, 06</i>
Bldg Div Plans Examiner	<i>Kevin Gattis</i>
Review Date	<i>August 28, 2013</i>
Total Spent on Review	

BUILDING DIVISION COMMENTS:

The current tenant at the subject location has created possible life/safety hazards since opening the business by placing items in the required exit paths/walkways beyond what was approved and adding on to the existing electrical system without the required permits and inspection.

I would recommend that no display or sales items be allowed in the exit paths/walkways and no cord and plugged display lighting be allowed.

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AUG 19 2013

CARSON CITY
PLANNING DIVISION

RECEIVED

AUG 20 2013

CARSON CITY
PLANNING DIVISION

**Engineering Division
Planning Commission Report
File Number SUP 09-055 Revision**

TO: Planning Commission
FROM: Rory Hogen, E.I.
DATE: August 20, 2013 **MEETING DATE:** August 28, 2013

SUBJECT TITLE:

Action to consider the revision of SUP 09-055 to change parking areas and display areas at 1803 through 1821 N. Carson St.

RECOMMENDATION:

The Engineering Division has no preference or objection to the special use request.

DISCUSSION:

The Engineering Division has reviewed the conditions of approval within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.080, Conditional Uses.

CCMC 18.02.080 (2a) - Adequate Plans

The plans are adequate for this review with the following conditions:

- 1) Please show directional arrows with the change in direction next to the street frontage. This is in front of A to Zen.
- 2) The driveway just north of Carson Coffee must have both a one way do not enter sign and an arrow and do not enter painted on the pavement.
- 3) The 12 foot wide access between the new display area number 2 and the pole and bollards in front of A to Zen must be maintained as a minimum.
- 4) It is recommended that the northwest corner of display area 3 be cut off at a 45 degree angle to allow some sight distance for cars exiting the parking space just to the north.

CCMC 18.02.080 (5a) - Master Plan

The request is not in conflict with any Engineering Master Plans for streets or storm drainage.

CCMC 18.02.080 (5c) - Traffic/Pedestrians

The request is not in conflict with pedestrian or traffic movements. This request is being made to improve traffic and pedestrian access.

CCMC 18.02.080 (5d) - Public Services

No new City water, sewer or access services will be needed for this project.