



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

MEMORANDUM

Planning Commission Meeting of September 25, 2013

TO: Planning Commission **Item G-1**

FROM: Susan Dorr Pansky, Planning Manager

DATE: September 25, 2013

SUBJECT: **SUP-09-055(A) - Carson Shopping Center Special Use Permit Amendment
LATE INFORMATION and STAFF REPORT CORRECTION**

Staff is issuing this Late Information and Staff Report Correction memo for SUP-09-055(A) to provide the following information to the Commission:

1. Three letters in support of the proposed amendment received from Michael Suglia on September 19, 2013. Please find the letters attached to this memo.
2. Copies of the six complaints received regarding the expanded outdoor display area on the subject property. These are the written complaints that are outlined in the staff report and have been redacted to remove the complainants' names and personal information. Please find the complaints attached.
3. Staff received a phone call from Mr. Nick Galakatos, property owner of Evergreen Plaza across the street from the subject property, on September 24, 2013, stating that he has no problem with the Special Use Permit as it is currently proposed, but does not think the permit should be permanent because it is unknown what businesses might occupy the center in the future and use the outdoor display areas.
4. Staff received photos of the Carson Shopping Center from Michael Suglia on September 24, 2013 showing what the center looked like before occupancy by Evergreen Gene's and after. Please find the photos attached.
5. Staff received an exhibit from Rob Lauder on September 24, 2013 with an alternative option to use some of the originally proposed Display Area #2 space for a four foot wide dedicated pedestrian walkway area. Please find the exhibit attached.
6. Staff received follow up clarification from the Fire Department on September 24, 2013 regarding minimum mercantile aisle widths, the Fire Department's August inspection of the property and the basis behind the Fire Department's recommendation to limit display in the under eave pathways. Please find the email from the Fire Department attached.

7. Staff incorrectly did not list and strike out the following condition from the 2009 Special Use Permit to indicate that staff proposes to delete this condition as a part of the new approval:

~~[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.]~~

Thank you for your consideration of these additional items.

Attachments

RECEIVED

SEP 19 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

September 19, 2013

HAND DELIVERED

Susan Dorr Pansky, Manager
Planning Division
108 E. Proctor Street
Carson City, NV 89701

Re: Special Use Permit SUP-09-055(A)
Evergreen Gene's at 1811 N. Carson Street, Carson City, NV

Dear Ms. Pansky,

Attached are two emails and a letter in support of the above referenced application. I ask that this information be provided to the Planning Commission members at the meeting. I appreciate your anticipated cooperation.

Sincerely,



Michael T. Suglia, Esq.

MS:dk
w/ enclosures

To whom it may concern:

In my opinion, " Evergreen Gene's" is a wholesome,attractive, and positive environment. It is a place I enjoy visiting very much in Carson City, and I find everyone involved in and around the business to be completely professional, supportive of the community, and of exemplary character. This is the kind of warm, caring small business that any town could be proud of.

Yours Truly, Lacy J. Dalton

The owners of Evergreen Gene's Inc. should be praised, not condemned, for creating such a unique store and lovely nursery. They carry "Made In America" items, and the healthy plants and flowers are like a personal garden to wander around in.

I know that the owners of this gift store and nursery are also community minded and help others who are in need.

And I am very proud to say I shop here frequently.

Caroline Smith

The Evergreen Gene's Inc. store is just what Carson City needs - a gift shop and nursery combined.

It is a great store, a great business, with great owners who are always helpful in making sure you find the perfect item or get the information needed about a plant.

Shantell Davis

CODE ENFORCEMENT – MISDEMEANOR COMPLAINT FORM

Carson City Code Enforcement Division
108 E. Proctor Street
Carson City, NV 89701
(775) 887-2599; Fax: (775) 887-2278; Hearing Impaired: 711
Email: codeenforcement@carson.org

SUBJECT PROPERTY/LOCATION OF COMPLAINT:

Name or Business: EVERGREEN GENE Phone (if available): _____
Address: 1815 N. CARSON ST, CARSON CITY NV APN: _____

COMPLAINT: 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 they are suppose to I have gone to other stores in the center and cannot find parking in the center - he has also had craft fairs on week ends and it has made it difficult to find parking and I am sure he did not cover

Have you contacted any other Carson City official or department regarding this complaint? Yes No
If yes, what were the results? _____

By signing below, I acknowledge that it is unlawful to report a misdemeanor violation knowing such report to be false, and that by doing so a person is guilty of a misdemeanor pursuant to Nevada Revised Statute (NRS) 207.280.

If a citation is issued as a result of this complaint, will you be willing to testify in court against the alleged violator?
 Yes No

Action Taken: _____
Date Closed: _____

12

HAVE ANY PERMITS TO DO THIS - ALSO THERE IS
A COVERED WALK WAY IN 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 DUCK 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 4 SPACES - AND HE KEEPS
EXPANDING)

CODE ENFORCEMENT - MISDEMEANOR COMPLAINT FORM

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Email: codeenforcement@carson.org

SUBJECT PROPERTY/LOCATION OF COMPLAINT

Name or Business: EVER GREEN GENE NURSERY Phone (if available): _____

Address: 1815 N. CARSON ST APN: _____

COMPLAINT: 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

Have you contacted any other Carson City official or department regarding this complaint? Yes No
If yes, what were the results? _____

By signing below, I acknowledge that it is unlawful to report a misdemeanor violation knowing such report to be false, and that by doing so a person is guilty of a misdemeanor pursuant to Nevada Revised Statute (NRS) 207.280.

If a citation is issued as a result of this complaint, will you be willing to testify in court against the alleged violator? _____

Action Taken: _____

Date Closed: _____

2nd

CODE ENFORCEMENT - MISDEMEANOR COMPLAINT FORM

Carson City Code Enforcement Division

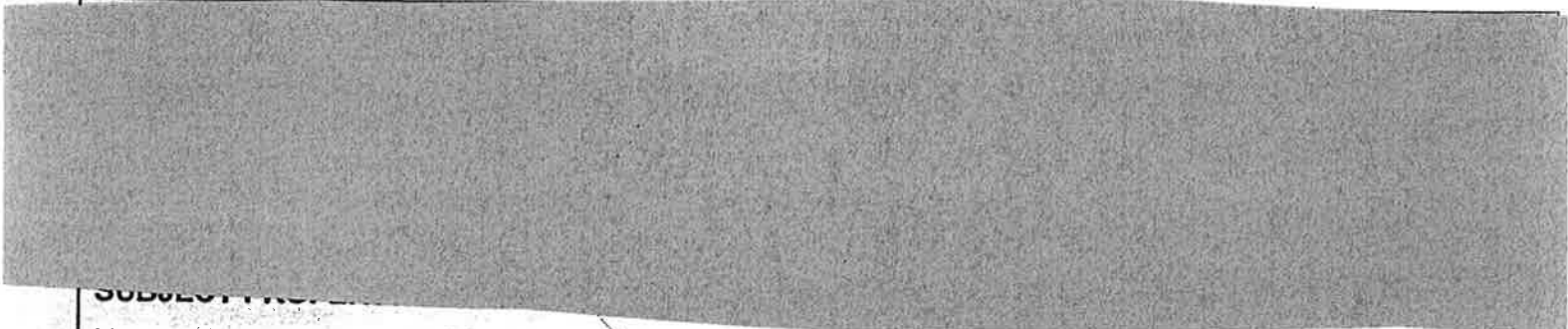
108 E. Proctor Street

Carson City, NV 89701

(775) 887-2599; Fax: (775) 887-2278; Hearing impaired: 711

Email: codeenforcement@carson.org

Hearing impaired: 711



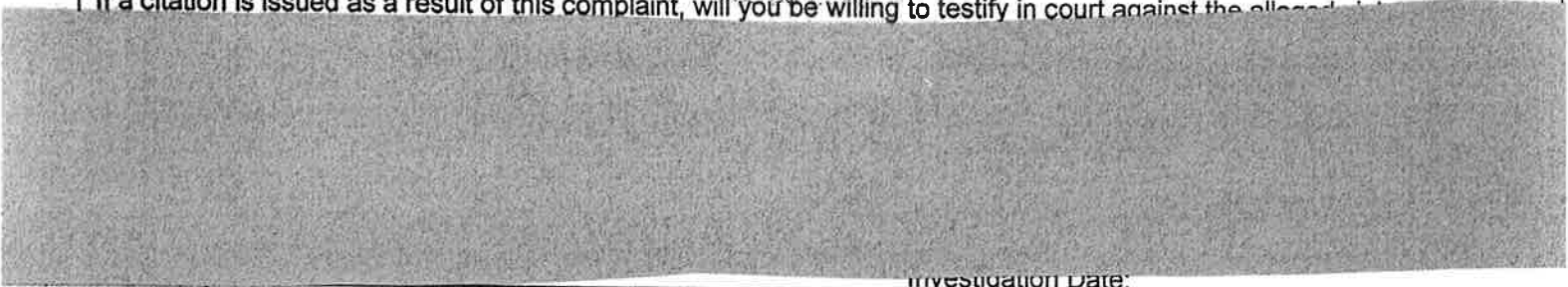
Name or Business: EVERGREEN GENES Phone (if available): _____

Address: 1815 N CARSON ST CARSON NV 89701 APN: _____

COMPLAINT: EVERGREEN GENES IS A NURSERY THAT WITH THE BUILDINGS 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.

Have you contacted any other Carson City official or department regarding this complaint? Yes No
If yes, what were the results? _____

By signing below, I acknowledge that it is unlawful to report a misdemeanor violation knowing such report to be false, and that by doing so a person is guilty of a misdemeanor pursuant to Nevada Revised Statute (NRS) 207.280.
If a citation is issued as a result of this complaint, will you be willing to testify in court against the alleged violator?



Investigation Date: _____
Action Taken: _____

Date Closed: _____

3rd

CODE ENFORCEMENT – MISDEMEANOR COMPLAINT FORM

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108 E. Proctor Street
Carson City, NV 89701
(775) 887-2599; Fax: (775) 887-2278; Hearing impaired: 711
Email: codeenforcement@carson.org

SUBJECT PROPERTY/LOCATION OF COMPLAINT

Name or Business: CARSON MAIL DEPOT Phone (if available): _____

Address: 1805 N. CARSON ST CC NV 89701 APN: _____

COMPLAINT: 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 PERSON 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 & BLIND FOLKS ARE DEFFINATELY AT RISK.

Have you contacted any other Carson City official or department regarding this complaint? Yes No
If yes, what were the results? _____

By signing below, I acknowledge that it is unlawful to report a misdemeanor violation knowing such report to be false, and that by doing so a person is guilty of a misdemeanor pursuant to Nevada Revised Statute (NRS) 207.280.
If a citation is issued as a result of this complaint, will you be willing to testify in court against the alleged violator?

Investigation Date: _____

Action Taken: _____

Date Closed: _____

AK

CODE ENFORCEMENT - MISDEMEANOR COMPLAINT FORM

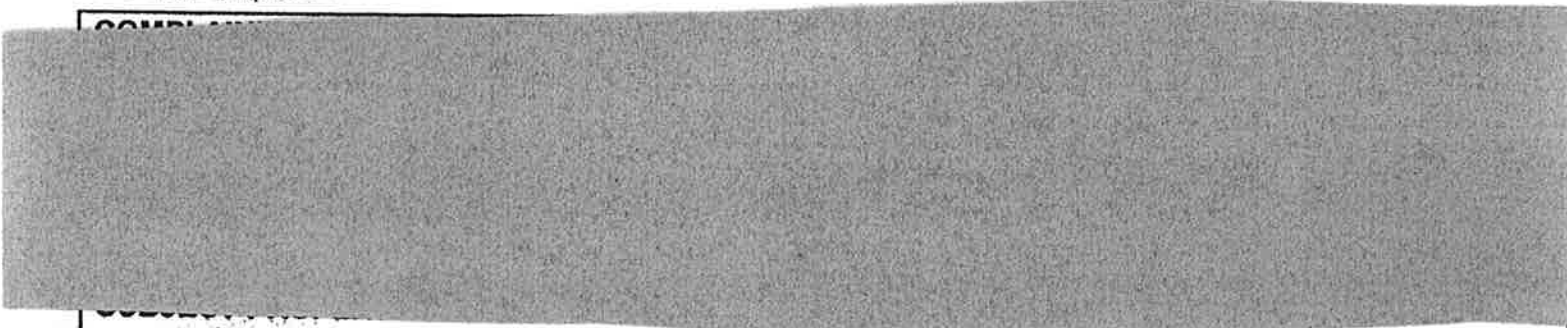
Carson City Code Enforcement Division

108 E. Proctor Street

Carson City, NV 89701

(775) 887-2599; Fax: (775) 887-2278; Hearing impaired: 711

Email: codeenforcement@carson.org



Name or Business: NONE Phone (if available): -
Address: EVERGREEN GENE APN: _____

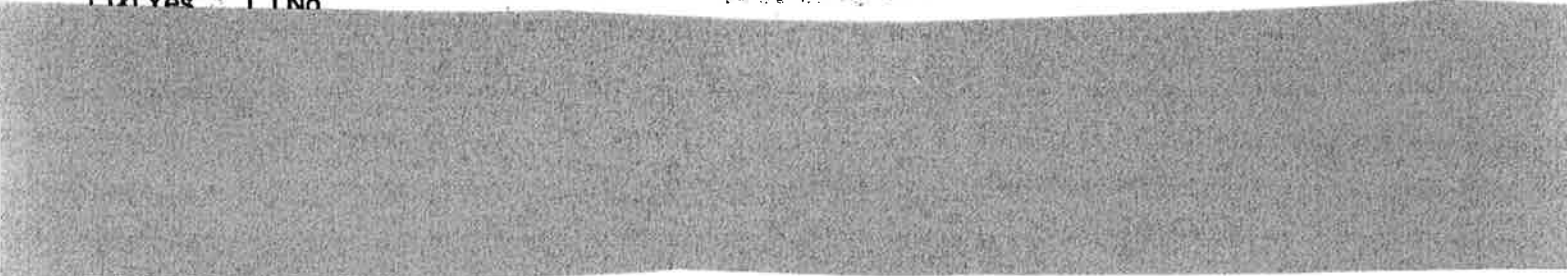
COMPLAINT: CAN'T PARK AT THE BEAUTY
SHOP TO GET MY HAIR DONE. THE
GARDEN SHOP TAKES UP WAY TOO MUCH
PARKING SPACE.

Have you contacted any other Carson City official or department regarding this complaint? Yes No

If yes, what were the results? _____

By signing below, I acknowledge that it is unlawful to report a misdemeanor violation knowing such report to be false, and that by doing so a person is guilty of a misdemeanor pursuant to Nevada Revised Statute (NRS) 207.280.

If a citation is issued as a result of this complaint, will you be willing to testify in court against the alleged violator?
 Yes No



Action Taken: _____

Date Closed: _____

SK

CODE ENFORCEMENT – MISDEMEANOR COMPLAINT FORM

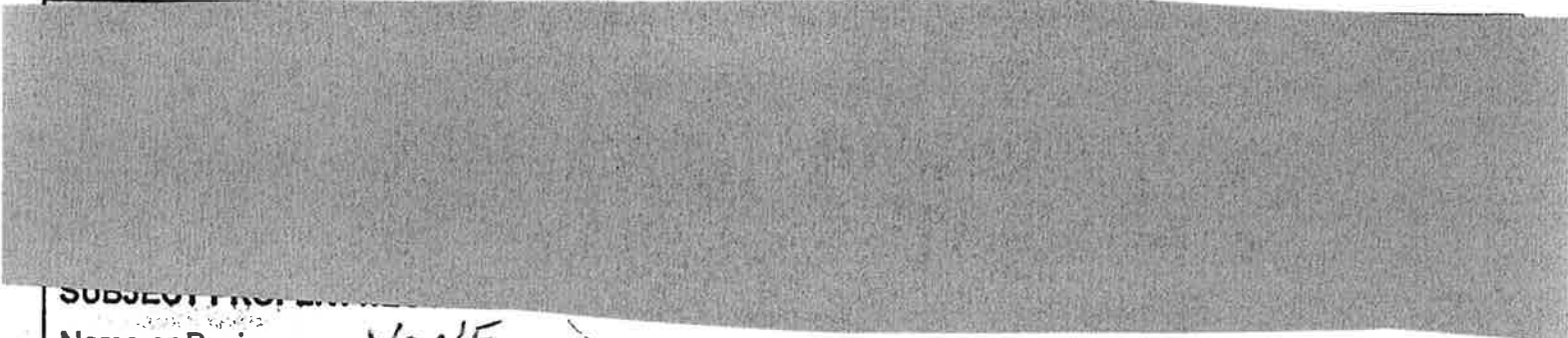
Carson City Code Enforcement Division

108 E. Proctor Street

Carson City, NV 89701

(775) 887-2599; Fax (775) 887-2278; Hearing impaired: 711

Email: codeenforcement@carson.org



SUBJECT PROPERTY:

Name or Business: NONE Phone (if available): _____

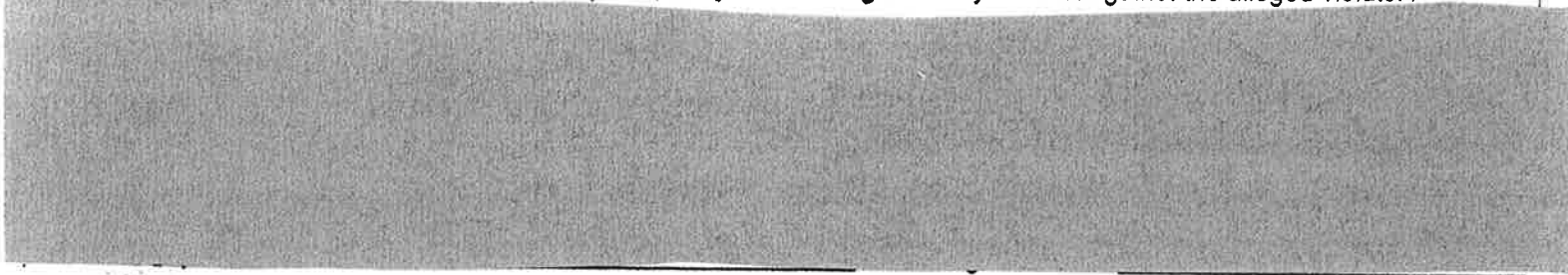
Address: EVERGREEN GENE APN: _____

COMPLAINT: CAN'T PARK AT THE GUN SHOP OR THE STORES, MARKET. HE ALSO PARKS HIS CAR & TRUCKS IN THE NO PARKING AREAS.

Have you contacted any other Carson City official or department regarding this complaint? Yes No
If yes, what were the results? _____

By signing below, I acknowledge that it is unlawful to report a misdemeanor violation knowing such report to be false, and that by doing so a person is guilty of a misdemeanor pursuant to Nevada Revised Statute (NRS) 207.280.

If a citation is issued as a result of this complaint, will you be willing to testify in court against the alleged violator?



Action Taken: _____

Date Closed: _____



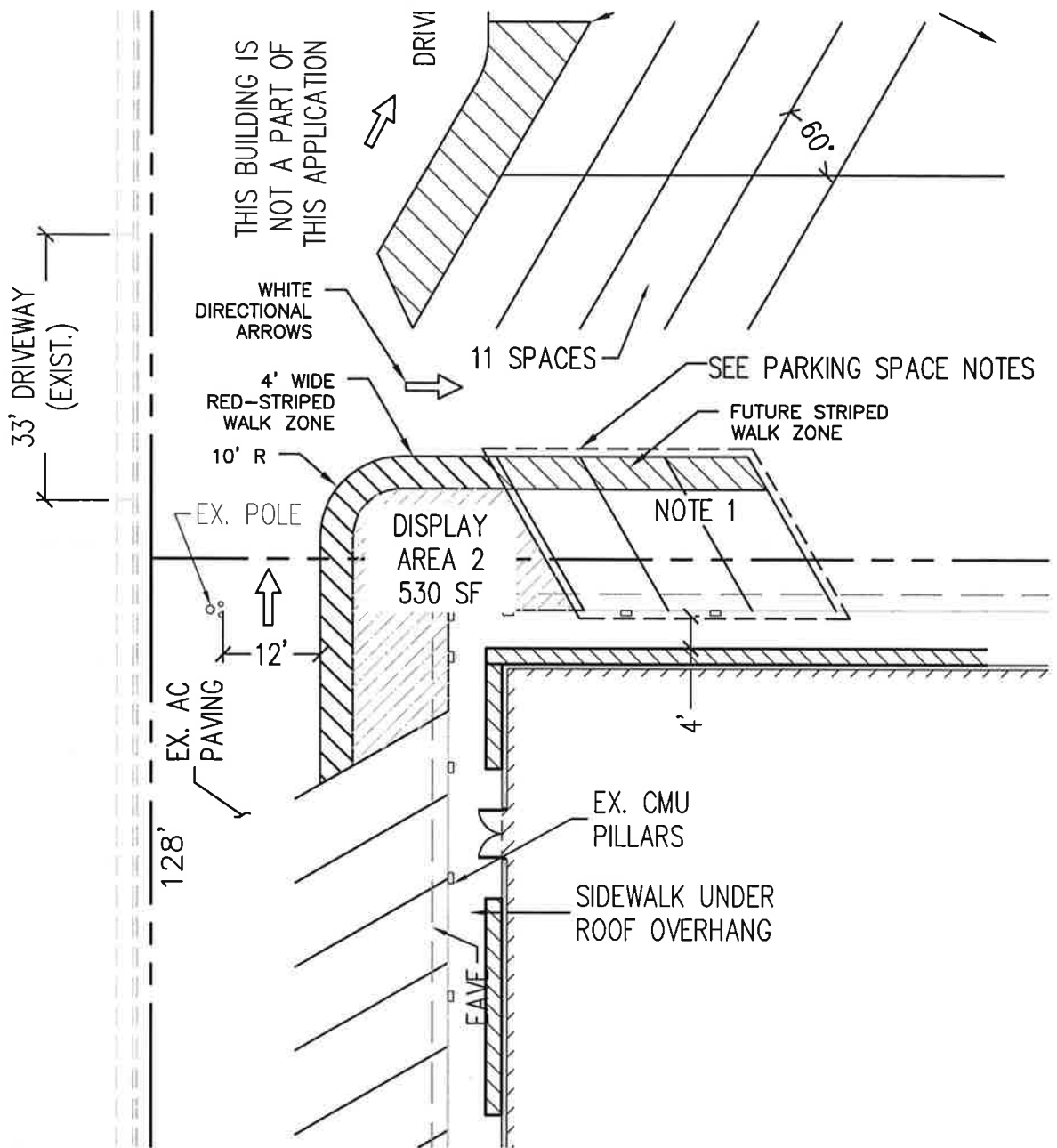
Photos Submitted by Michael Suglia on September 24, 2013 - 1 of 3



Photos Submitted by Michael Suglia on September 24, 2013 - 2 of 3



Photos Submitted by Michael Suglia on September 24, 2013 - 3 of 3



SCALE: 1" = 20'

JOB #	130723
DESIGN BY:	RFL
DRAWN BY:	RFL
CHECKED BY:	RFL
SCALE:	AS SHOWN
DATE:	9-24-13

CARSON SHOPPING CENTER
PARTIAL STRIPING PLAN ALTERNATE "A"
CARSON CITY, NV

RL ENGINEERING
675 Fairview Drive #223 Carson City, Nevada 89701 PHONE (775) 884-3205 FAX (775) 884-3265 EMAIL Rob.Lauder@RL-ENGR.COM

SHEET NO.
S1

Susan Dorr Pansky

From: Dave Ruben
Sent: Tuesday, September 24, 2013 6:05 PM
To: Susan Dorr Pansky
Cc: Kevin Gattis; Vann Clegg
Subject: RE: Evergreen Gene - Mercantile Aisle Widths

Susan,

My comments regarding aisle width are from the Fire Code, section 1014.4.1, which requires 36" aisles in Group M occupancies. The comments were specifically for within the parking lot display area.

You asked about the business inspection we conducted at 1811 N. Carson Street in August. Carson City FD conducted an annual life safety inspection of all businesses in the Carson City Shopping Center in August of 2013. We conducted a life safety inspection of 1811 N. Carson on 8-12-13. At the time of the inspection I verbally informed Gene Munnings that because of the pending actions of the Carson City Planning Department issuing him an Order to Comply with his special use permit, that we would only be inspecting the interior of his store. Carson City FD felt that it would be confusing to Mr. Munnings to inspect and possibly order corrective action on items that overlapped an area that was already under review and legal action by another City department. I informed Mr. Munnings that we would come back to look at the outdoor area once the problems surrounding his special use permit were resolved. I did speak to him about a CMU block "gate" area he constructed on the sidewalk just north of his store. The "gate" had decreased the walkway to about 30". I told him that the SUP required 48" and he needed to make the opening wider in the "gate".

In my comments to you dated 8-20-13, I recommended that no merchandise be allowed in the walkways or exit paths. The walkways under the storefront roof overhangs were designed as part of the building and are part of the means of egress system. The applicant wishes to modify the building design and use the walkway area for merchandise storage and display. The building was designed with open access to the public way directly into the parking lot. The parking lot display area directly in front of 1811 N. Carson limits the egress from the store fronts by adding additional travel distance to the public way for anyone exiting those stores. Since the exit travel distance is increased, my recommendation is that no merchandise or displays are allowed in the walkways or exit paths since we can expect a higher than designed number of occupants in the means of egress. If the parking lot display area was removed, display areas on the walkway could be considered.

Please let me know if you have any other questions.

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

From: Susan Dorr Pansky
Sent: Tuesday, September 24, 2013 2:54 PM
To: Dave Ruben
Subject: Evergreen Gene - Mercantile Aisle Widths

Hi Dave - can you tell me what the minimum aisle width is for mercantile operations (what you were referencing in the comments for Evergreen Gene)? Was it your intention for this to apply to the walkways under the overhang as well if the Commission approves them to stay?

Susan Dorr Pansky
Planning Manager
Carson City Community Development, Planning Division
108 E. Proctor Street
Carson City, NV 89701
Phone: 775.283.7076
Fax: 775.887.2278
spansky@carson.org
www.carson.org/planning