



Board of Adjustment Staff Report

Meeting Date: May 2, 2019

Agenda Item: 8A

AMENDMENT OF CONDITIONS/ADMINISTRATIVE PERMIT CASE NUMBER:
WAC19-0003 (Lodge Coffee + Wine) for Administrative Permit Case Number WADMIN18-0009

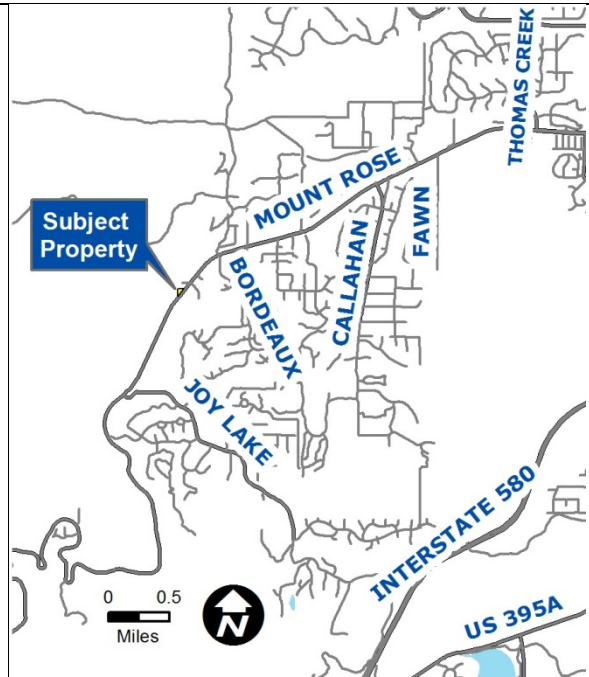
BRIEF SUMMARY OF REQUEST: Allow for live entertainment (primarily live music) at the Lodge Coffee + Wine.

STAFF PLANNER: Kelly Mullin, AICP
775.328.3608
kmullin@washoecounty.us

CASE DESCRIPTION

For possible action, hearing and discussion to approve an administrative permit with an expanded scope of operations beyond what was approved as part of the original administrative permit, Case WADMIN18-0009, approved August 2, 2018. The original permit allowed for the Liquor Sales – On-Premises and Retail Sales – Specialty Stores use types. If approved, this new permit would supersede the original permit and would be the same as the original permit, except that it would also allow indoor and outdoor live entertainment at the Lodge Coffee + Wine, involving live music and other similar forms of audio and visual artistic performances. To ensure continuity in the enforcement of original and new permit conditions, the original administrative permit case number will carry forward, supplemented with an amendment of conditions case number.

Applicant/Owner: Burkhart Management Group LLC
Location: 17025 Mt. Rose Hwy
APN: 047-161-13
Parcel Size: ±.99-ac.
Master Plan: Commercial
Regulatory Zone: Neighborhood Commercial
Area Plan: Forest
Citizen Advisory Board: South Truckee Meadows/Washoe Valley
Development Code: Authorized in Article 808, Administrative Permits
Commission District: 2 – Commissioner Lucey



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Administrative Permit/Amendment of Conditions Case Number WAC19-0003 for Administrative Permit WADMIN18-0009, for Burkhart Management Group, having made all four findings in accordance with Washoe County Code Section 110.808.25, and the additional finding F.2.13 as required by the Forest Area Plan.

(Motion with Findings on Page 8)

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Exhibit Contents

Amended Conditions of Approval for WADMIN18-0009 Exhibit A

Comments from Reviewing Agencies..... Exhibit B

Public Comments..... Exhibit C

Citizen Advisory Board Minutes Exhibit D

Project Application Exhibit E

Public Notice Map..... Exhibit F

Action Order with Conditions of Approval for WADMIN18-0009 Exhibit G

Original Staff Report for WADMIN18-0009..... <https://bit.ly/2YVljGC>

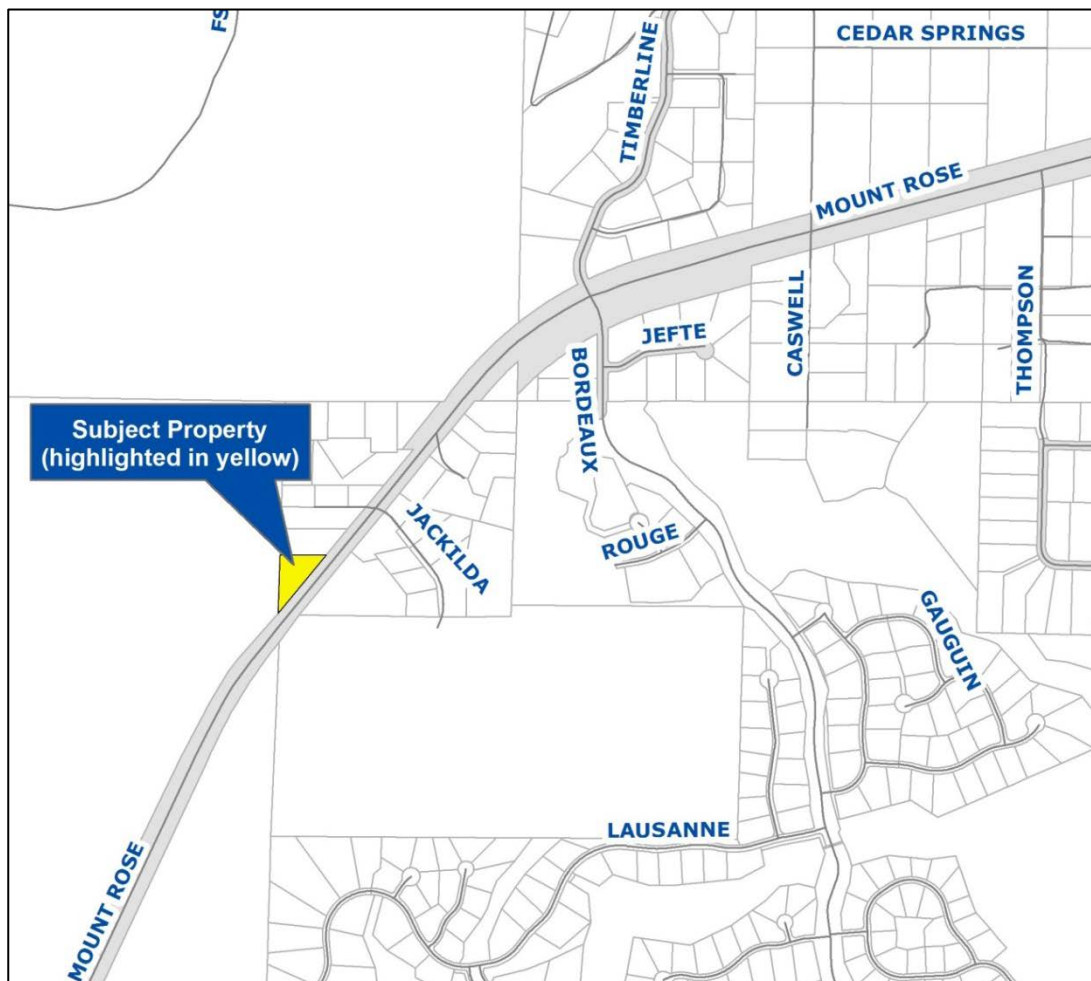
Amendment of Conditions

An Amendment of Conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an Amendment of Conditions application is submitted are listed below:

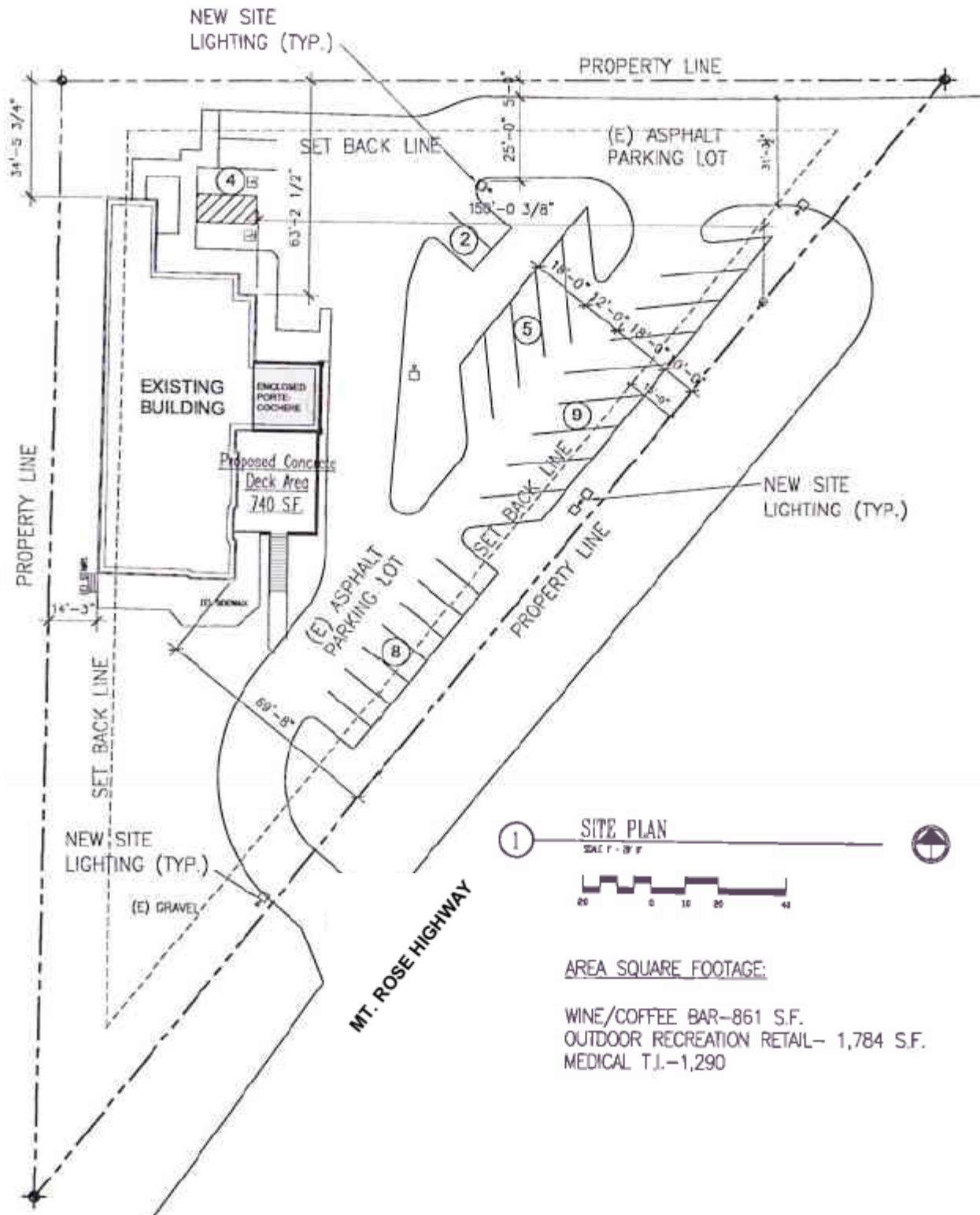
- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The Amendment of Conditions request is required to be heard by the same board that approved the original application and only the specific amendment may be discussed and considered for approval. The Amendment of Conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, possible involvement of a citizen advisory board, agency review and analysis, and satisfying the required findings. If the Board of Adjustment grants an approval of the Amendment of Conditions request, an amended Action Order is created along with amended conditions of approval.

The amended Conditions of Approval for Administrative Permit Case Number WADMIN18-0009 is attached to this staff report and will be included with the amended Action Order, if approved.



Vicinity Map



Site Plan



Aerial photo showing surrounding properties
(Subject site outlined in blue)



From south side of property, looking north at existing structure and parking lot
(Mt. Rose Highway is on far right side of photo)

Background and Evaluation of Amendment Request

The ±.99-acre subject site is located at 17025 Mt. Rose Hwy, approximately ½ mile southwest of the intersection with Timberline Dr. It is within the Mt. Rose Scenic Highway Commercial Overlay District and has a regulatory zone of Neighborhood Commercial (NC). The ±4,135 sq. ft. on-site structure houses three businesses, either existing or proposed: Snowind Sports, Lodge Coffee + Wine, and a doctor's office. Administrative Permit WADMIN18-0009 was approved with conditions by the Board of Adjustment on August 2, 2018, allowing for Retail Sales – Specialty Stores use type (Snowind Sports); and a wine/coffee bar, classified within the Liquor Sales – On-Premises use type (Lodge Coffee + Wine). The current request is, in effect, an amendment of the conditions in the original permit. If this amendment request is denied for any reason, the original permit will continue to be valid as-is.

The current Amendment of Conditions seeks to allow Lodge Coffee + Wine to offer live entertainment, described by the applicant as follows:

“The Lodge Coffee + Wine would like occasional music for both inside and outside on the deck during the summer months. Any amplification would be modest with speakers turned toward the building. We envision a trio at most playing popular songs. We respect the neighbors across the highway and will not allow loud hard rock as we don't envision our patrons wanting that. We also will not allow any music after 8:00 PM.”

The previously approved permit indicated the wine and coffee bar occupies ±800 sq. ft., with the outdoor, uncovered concrete patio being ±740 sq. ft. Original conditions of approval for the Administrative Permit limited hours of operation to 7 a.m. to 7 p.m. on weekdays, and 7 a.m. to 8 p.m. on weekends.

The Building Program has advised that the addition of live entertainment results in a change of use that will require the deck to meet accessibility requirements, for which a building permit will be required. A condition to this effect has been included with Exhibit A.

As is visible on the aerial photo on page 5 of this staff report, a mix of regulatory zones are nearby. To the north are other properties with a Neighborhood Commercial (NC) regulatory zone. To the west is federally-owned land with a regulatory zone of Open Space (OS). To the east across the highway are residential properties with a mix of Medium Density Suburban (MDS) and Low Density Suburban (LDS) regulatory zones.

The property is subject to Washoe County Code Section 110.204.05, *Mt. Rose Scenic Roadway Corridor Standards*, which is intended to protect the aesthetics of the Mt. Rose Scenic Corridor. The site is also subject to the standards within the Forest Area Plan for the Mt. Rose Scenic Highway Commercial Overlay District, which seek to ensure commercial development adjacent to Mt. Rose Highway will “contribute to the community character, promote neighborhood, and create a sense of place founded in the quality of life that comes with environmental and community responsibility.”

Potential noise impacts are expected from the proposed amendment to the Administrative Permit. Owners of residential properties across the highway have previously expressed concern from lighting impacts once the new uses were established earlier this year. The property owner worked to alleviate those impacts and come into compliance with code standards. Some of the same property owners have also expressed concern over noise impacts from outdoor live entertainment. Due to the proximity of residential properties, concerns raised by the local community, and policies within the Forest Area Plan (above), staff recommends that no amplification or speakers be permitted outside of the structure. A condition to this effect has been included with Exhibit A. Additionally, the recommended conditions propose to limit sound levels generated by on-site uses to 65 dB at the eastern and western property lines at any given time. Finally, since the applicant's proposal identifies a desire for outside music only during the summer months, a condition has been included which limits outdoor live entertainment to the months of May through September.

With these conditions of approval, staff believes that the proposed amendment to the Administrative Permit can be supported.

South Truckee Meadows/Washoe Valley Citizen Advisory Board (STM/WV CAB)

The amendment of conditions request was presented by the applicant's representative at the regularly scheduled Citizen Advisory Board meeting on April 4, 2019. The CAB voted to forward meeting comments to the Board of Adjustment. The draft CAB minutes are attached as Exhibit D and reflect discussion on the following items:

- Appreciation of the presence of the new businesses;

- Concerns about overall noise, decibel levels, enforcement and possibility of other music besides “soft music” being played;
- Concerns about maintaining the character of the neighborhood; and
- Concerns about parking overflowing the existing parking lot.

Additional public comment in the form of a group letter is included as Exhibit C and mentions several of the same concerns identified at the CAB meeting.

Reviewing Agencies

The following agencies received a copy of the Amendment of Conditions application for evaluation.

- Washoe County Community Services Department
 - Engineering and Capital Projects
 - Planning and Building Division
 - Utilities/Water Rights
- Washoe County Health District
 - Environmental Health Services Division
 - Emergency Medical Services Program
- Washoe County Sheriff's Office
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Nevada Department of Transportation
- Washoe-Storey Conservation District

Four of the above-listed agencies/departments provided comments and/or recommended conditions in response to their evaluation of the Amendment of Conditions application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. An Amended Conditions of Approval document is attached to this staff report and will be included with the Amended Action Order, if the request is approved.

- Washoe County Planning Program addressed operational requirements for noise/ parking.
Contact: Kelly Mullin, 775.328.3608, kmullin@washoecounty.us
- Washoe County Building Program provided a condition related to the change of use.
Contact: Dan Holly, 775.328.2027, dholly@washoecounty.us
- Washoe County Sheriff's Office stated they did not have concerns as long as the business adheres to the operating parameters identified in the application.
Contact: Captain Don Gil, 775.328.3354, dgil@washoecounty.us
- Washoe County Water Management Planner Coordinator indicated previous conditions were sufficient to address water rights and water demand for the project.
Contact: Vahid Behmaram, 775.954.4647, vbehmaram@washoecounty.us
- Truckee Meadows Fire Protection District indicated any new structures would need to meet applicable code standards. Since this comment is not applicable to the current request, it has been included with the list of agency comments, but is not included with the amended conditions of approval.
Contact: Don Coon, 775.326.6077, dcoon@tmfpd.us

Washoe County Engineering and Capital Projects, and the Washoe County Emergency Medical Services Program indicated they had reviewed the request and had no conditions or comments.

Recommendation

With the recommended conditions of approval included with Exhibit A, staff believes that the required findings listed below can still be met for the Administrative Permit. Therefore, after a thorough review and analysis, Amendment of Conditions Case Number WAC19-0003 for Administrative Permit WADMIN18-0009 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Administrative Permit/Amendment of Conditions Case Number WAC19-0003 for Administrative Permit WADMIN18-0009, for Burkhart Management Group, with the amended conditions as included in Exhibit A, having made the four findings in accordance with Washoe County Code Section 110.808.25, and the additional finding F.2.13 as required by the Forest Area Plan:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development, and for the intensity of such a development; and
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

F.2.13 The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant(s), unless the action is appealed to the Washoe County Board of Commissioners, in which case the outcome of the appeal shall be determined by that Board. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant/Owner: Burkhart Management Group
 Attn: Tom Burkhart
 6593 Champetre Ct.
 Reno, NV 89511



Amended Conditions of Approval

Amendment of Conditions Case Number WAC19-0003

For Administrative Permit Case Number WADMIN18-0009

The project approved under Amendment of Conditions Case Number WAC19-0003 for Administrative Permit Case Number WADMIN18-0009 shall be carried out in accordance with the Amended Conditions of Approval granted by the Board of Adjustment on May 2, 2019, and the Original Conditions of Approval granted by the Board of Adjustment on August 2, 2018. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the amendment of conditions approval regarding the Administrative Permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the original and amended conditions of approval related to Administrative Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the original or amended conditions imposed regarding the approved Administrative Permit may result in the initiation of revocation procedures.

Operational Conditions are subject to review by the Planning and Building Division prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Planning and Building Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

Washoe County reserves the right to review and revise the original and amended conditions of approval related to this Administrative Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “Conditions of Approval” are referred to as “Operational Conditions.” These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agency.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

CONDITIONS MARKED WITH A DOUBLE-ASTERISK (**) ARE CONDITIONS THAT ARE NEW OR HAVE BEEN MODIFIED AS PART OF AMENDMENT OF CONDITIONS WAC19-0003 ON MAY 2, 2019.

Washoe County Planning Program

1. The following conditions are requirements of the Planning Program, which shall be responsible for determining compliance with these conditions.

Contact: Kelly Mullin, 775.328.3608, kmullin@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- c. The applicant shall attach a copy of the Action Order approving this project to all administrative permit applications (including building permits) applied for as part of this administrative permit.
- d. **A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- e. Prior to the issuance of a building permit, the applicant shall provide a lighting plan and photometric study showing no light spillover across the parcel boundaries.
- f. Prior to the issuance of any business license for the development, the applicant shall submit a landscaping and design plan to the Planning and Building Division for review and approval. Said plan shall address parking, parking lot circulation and striping, signage, exterior lighting, trash enclosures, landscaping and plant material, type and size of plants, maturation size at full growth, landscaping location, and landscaping irrigation system.
- g. Prior to the issuance of a business license, the applicant shall provide appropriate screening for all storage tanks, mechanical and electrical equipment in accordance with the provisions of the Development Code.
- h. No business license or building permit shall be issued unless the applicable provisions of Washoe County Code Section 110.204.05, *Mt. Rose Scenic Roadway Corridor Standards* have been met.

- i. Prior to the issuance of a business license or building permit, the applicant shall meet all applicable standards and policies of the Forest Area Plan, including, but not limited to Policies F.2.2, F.2.5, F.2.6, F.2.8, F.2.14, and F.3.5.
- j. All landscaping, irrigation and screening shall be completely installed and shall satisfy the requirements as set forth in the Washoe County Development Code prior to issuance of a Certificate of Occupancy.
- k. The following **Operational Conditions** shall be required for the life of the business:
 - i. This administrative permit shall remain in effect until or unless it is revoked or is inactive for one year.
 - ii. This administrative permit shall remain in effect as long as the use is in operation and maintains a valid business license.
 - iii. Failure to comply with the conditions of approval shall render this approval null and void.
 - iv. Hours of operation for the uses subject to this administrative permit are limited to 7 a.m. to 7 p.m. Monday through Friday, and 7 a.m. to 8 p.m. Saturday through Sunday.
 - v. All lighting and noise generated by the site shall comply with the provisions of the Washoe County Development Code and Forest Area Plan.
 - vi. The applicant and any successors shall direct any potential purchaser/operator of the site and/or this permit to meet with the Planning and Building Division to review conditions of approval prior to the final sale of the site and/or this permit. Any subsequent purchaser/operator of the site and/or this permit shall notify the Planning and Building Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
 - vii. ****Outside live entertainment is limited to the months of May through September, and is limited to the 740 sq. ft. outdoor deck.**
 - viii. ****This limited approval for outside live entertainment is separate and distinct from Outdoor Community Events and Outdoor Festivals and should not be construed as allowing for that or any other type of special events. The normal permitting process for events still applies.**
 - ix. ****No amplification or speakers shall be used outside of the structure, and sound levels generated by the on-site use shall not exceed 65 dB at the eastern and western property lines at any given time.**
 - x. ****Parking shall be in accordance with the standards of Washoe County Development Code Article 410; shall be located on-site unless the provisions of Section 110.410.20 have been met; and shall only occur in designated parking spaces that meet Code standards.**

Washoe County Building Program

- 2. The following conditions are requirements of the Building Program, which shall be responsible for determining compliance with these conditions.

Contact: Dan Holly, 775.328.2027, dholly@washoecounty.us

- a. The applicant shall obtain the appropriate building permits and comply with all adopted Building Codes.
- b. The tenant improvement entails a change in use according to the building codes (I-Codes). Changing to a sports retail use (M Occupancy) from a restaurant (A-3

Occupancy) triggers compliance with all currently adopted Building codes located at: www.washoecounty.us/building/Building%20Codes.php.

- c. **The wine and coffee bar was originally classified as a B occupancy as it was viewed as accessory to the other uses in the building. Expanding to a stand-alone use with live entertainment will require that the use be changed to an A occupancy. The deck will be required to meet all accessibility requirements including two accessible exits. The bathrooms will need to be sufficient for the total occupant load. An appropriate building permit reflecting these requirements is required to be obtained prior to the issuance of a cabaret license.

Washoe County Water Management Planner Coordinator

3. The following conditions are requirements of the Water Management Planner Coordinator, who shall be responsible for determining compliance with these conditions.

Contact: Vahid Behmaram, 775.954.4647, vbehmaram@washoecounty.us

- a. The applicant shall file the necessary documents and a “Report of Conveyance” with the Nevada Division of Water Resources (NDWR) to bring title to the subject water rights current to the owners of the land and project “Burkhart Management Group LLC”.
- b. Prior to the issuance of a business license, the applicant shall provide estimated water demand for all proposed projects past and currently proposed on this site. The fixture unit count method may be used to arrive at this estimate and shall be provided for Washoe County’s review.
- c. If the estimated water demand exceeds the available water rights, the applicant must secure and transfer additional water rights to the well on this site. If the estimated water demand is equal to or less than the available water rights, then the project is in conformance, subject to condition 3(a). If future water consumption data as required by the NDWR indicates an over-consumption of water, then the applicant must secure and transfer additional water rights to the well on this site to the satisfaction of both NDWR and Washoe County within 90 days of notification. Lack of sufficient water rights at any time in the future may revoke the approval of this project.

Washoe County Health District (WCHD)

4. The following condition is a requirement of the Washoe County Health District, which shall be responsible for determining compliance with the condition. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

Contact: Wes Rubio, 775.328.2635, wrubio@washoecounty.us

- a. Prior to the issuance of a final inspection or Certificate of Occupancy for the building, the development must be permitted as a Public Water System and meet the minimum operational requirements.

Nevada Department of Transportation (NDOT)

5. The following conditions are a requirement of NDOT, which shall be responsible for determining compliance with these conditions.

Contact: Jae Pullen, 775.834.8300, jpullen@dot.nv.gov

- a. NDOT requires the applicant to submit an encroachment permit application (driveway(s)) to NDOT’s Permit Office for the access.
- b. The applicant shall schedule a meeting to discuss access for the subject property by contacting NDOT’s Traffic Engineering Division, Richard “OJ” Oujevolk (775-834-8304)

or Tara Smaltz (775-834-8320). NDOT staff had met with several other individuals on the subject property in the past.

- i. The current access may be acceptable if the applicants will support one-way circulation for the parking area. One driveway would be ingress only, and the other driveway would be egress only.
- ii. If not, justification shall be provided to retain both driveways. This would require a traffic analysis by a licensed professional engineer.
- c. Based on a one-way circulation design, the traffic impact information is sufficient. Contact NDOT's Traffic Engineering Division and request for a traffic impact acceptance letter. The approval letter is required as part of your permit application.
- d. Existing encroachment permits are personal; however, the upkeep and repair responsibilities shall transfer to the property owner's successor. Actual work being performed in NDOT right-of-way is cannot be transferred without prior written approval from NDOT. If the property changes use, the new property owner will need to apply for a new encroachment permit for access to the state highway.
- e. An encroachment permit is required for facilities within NDOT right-of-way. Please see the Terms and Conditions Relating to Right of Way Occupancy Permits (2017 edition) booklet available online at nevadadot.com. Contact the Permit Office at (775) 834-8330 for more information regarding an encroachment permit.
- f. The applicant is encouraged to coordinate with the Permit Office early for any required permit (access management, hydraulic design and drainage facilities, maintenance memo of understanding (MOU), roadway abandonment, intersection control evaluation, leases, etc.). NDOT's permit processing time may vary based on project complexity; however, the processing time is approximately forty-five (45) working days. This does not include any revision time needed to make necessary changes in the design. Significant design applications may take more than one revision, please allow adequate planning and schedule ahead.
- g. Prior to any grading adjacent to NDOT right-of-way, a Drainage Information Form, including a grading plan, must be submitted to the Permit Office.
 - i. A drainage report shall be submitted for any development or construction that impacts flow to or within NDOT right-of-way.
 - ii. Please contact the Permit Office to coordinate with NDOT's Hydraulic Design Division. It is beneficial to the developer to work with the Hydraulic Design Division early in the design process to answer questions and give guidance.
 - iii. The Drainage Information Form shall be stamped by a professional engineer, unless waived at the discretion of the District Engineer. To request for a waiver, please submit the following:
 - Submit a signed letter addressed to the District Engineer on official letterhead describing the development or construction activities and provide supporting reasons to approve the waiver.
 - Include FEMA flood maps pertaining to the proposed project location.
 - Include construction plans or any other supporting documentation.
- h. If temporary traffic control for any improvements to the site impacts the adjacent State or US Route, a Temporary Occupancy Permit will be required for any traffic control devices placed within NDOT right-of-way. Contact the Permit Office for more information. Site-specific temporary Traffic Control Plan (TCP) may be needed. Site-specific TCP shall be prepared and signed by an American Traffic Safety Services Association (ATSSA)

Traffic Control Supervisor or a Professional Traffic Operations Engineer (PTOE), certified by Institute of Transportation Engineers (ITE).

- i. Applicant shall be responsible into perpetuity for all maintenance of plants, shrubs and trees and related irrigation systems installed on NDOT right-of-way. All shrubs and plant material placed within the right-of-way must be low profile. The shrub and plant height shall be two feet or lower from existing ground and shall be maintained to ensure adequate sight distance for the traveling public. All trees must have a four (4) inch caliper or less at maturity.
- j. The Nevada Revised Statutes (NRS) prohibits advertising within NDOT right-of-way. Please refer to NRS 405.110 Unlawful advertising on or near a highway or on bridge. Signs for advertising will not be allowed within NDOT right-of-way. Please ensure sign base, post and sign edge is outside of the right-of-way.
- k. The property owner must provide adequate parking on the property. NDOT does not issue permits for long-term parking for business use. If needed, NDOT will post NO PARKING signs to mitigate any parking concerns. NDOT recommends not depending on the right-of-way to accommodate parking. Per the NRS 484B.457, if operations impact safety and/or traffic flow, NDOT may install "NO PARKING" signs along this section of roadway.
- l. Significant public improvements within NDOT right-of-way developed after the municipal land use development public involvement process may require additional public involvement. It is the responsibility of the permit applicant to perform such additional public involvement. We would encourage such public involvement to be part of a municipal land use development process.

***** End of Conditions *****

From: [Holly, Dan](#)
To: [Mullin, Kelly](#)
Subject: Amendment of Conditions Case Number WAC19-0003 (Lodge Coffee + Wine, WADMIN18-0009)
Date: Tuesday, April 09, 2019 1:18:43 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hello Kelly: The wine and coffee bar was originally classified as a B occupancy as it was viewed as accessory to the other uses in the building. Expanding to a stand alone use with live entertainment would require that we change the use to an A occupancy. The deck would be required to meet all accessibility requirements including two accessible exits. The bathrooms would need to be sufficient for the total occupant load. Thank You,



Dan Holly
Plans Examiner Supervisor, Planning and Building Division | Community Services Department

dholly@washoecounty.us | Office: (775) 328-2027

1001 E. Ninth St., Bldg. A, Reno, NV 89512



From: [Gil, Donald](#)
To: [Mullin, Kelly](#)
Subject: FW: March Agency Review Memo IV
Date: Tuesday, April 02, 2019 9:49:31 AM
Attachments: [March Agency Review Memo IV.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
Importance: High

Kelly,

I have reviewed item #1 involving the Lodge Coffee and Wine application and location. The Washoe County Sheriff's Office Patrol Division has no issues or concerns with this project if the owners / business complies with the potential noise issues as laid out in their application.

Thank you!

Don

Don Gil

Captain – Patrol Division

911 Parr Blvd. Reno, NV 89512

Desk: 775-328-3354

Email: dgil@washoecounty.us

Web: www.WashoeSheriff.com

From: Fagan, Donna
Sent: Thursday, March 21, 2019 4:51 PM
To: Gil, Donald <DGil@washoecounty.us>
Subject: March Agency Review Memo IV

Captain Gil,

Please find the attached Agency Review Memo with a case received this month by CSD, Planning and Building.

You've been asked to review items #1, #2, #3 and #5. Click on the highlighted item descriptions for a link to the application.

Please send any comments or conditions to the planner for that item.

Thank you,

Donna



Donna Fagan

Planning and Building Division | Community Services Department

dfagan@washoecounty.us | Office: 775.328.3616

1001 E. 9th Street, Reno, NV 89521



WAC19-0003W

Truckee Meadows Fire Protection District (TMFPD)

1. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions. Unless otherwise stated, these conditions shall be met prior to the issuance of any building or grading permit or on an ongoing basis as determined by TMFPD.

Contact Name – Don Coon, 775.326.6077, Dcoon@tmfpd.us

- a. Fire protection of the new structures shall be as required by the current adopted International Fire Code, (*IFC*) International Wildland Urban Interface Code (*IWUIC*) 2012 *Ed*, with amendments and the requirements of the NFPA standard(s). (<https://codes.iccsafe.org/content/IWUIC2012> <https://codes.iccsafe.org/content/IFC2012>)



WASHOE COUNTY
COMMUNITY SERVICES
INTEGRITY COMMUNICATION SERVICE

P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-3600
Fax: (775) 328-3699

March 25, 2019

TO: Kelly Mullin, Senior Planner, CSD, Planning & Development Division

FROM: Vahid Behmaram, Water Management Planner Coordinator, CSD

SUBJECT: Amendment of Conditions Case Number WAC19-0003 (Lodge Coffee + Wine, WADMIN18-0009)

Project description:

The applicant is proposing to approve an amendment of conditions to the original approval for Administrative Permit WADMIN18-0009. The request seeks to allow indoor and outdoor liveentertainment at the Lodge Coffee + Wine. Project located at 4105 Old Highway 395, Assessor's Parcel Number: 055-041-08.

The Community Services Department (CSD) recommends approval of this project with the following Water Rights conditions:

No conditions of approval.

Comments: conditions imposed on the original application deals with adequacy of water rights and remedies if future consumption data indicates a deficit in amount of water rights.

To: Kelly Mullin, Washoe County Community Development

Date: April 3, 2019

RE: Case Number: WAC 19-003 (Lodge Coffee + Wine)

Cc: Bob Lucey County Commissioner

South Truckee Meadows/Washoe Valley CAB

The undersigned residents are opposed to the amending the conditions of approval of the Lodge Coffee + Wine to allow Outdoor Entertainment for the following reasons:

1. It will negatively impact our properties and their associated values as sound easily carries. We can hear folks talking on the Lodge deck already. We live in a rural forested environment and have the right to quiet enjoyment of our property and not to have music impeding our enjoyment of the outdoors- our yards. At no time during the Board of Adjustment hearing did the owner or his representatives mention a cabaret license or outdoor entertainment in fact they keep saying that the wine bar would be modest operation. If they had applied for a cabaret license, they would have mentioned it in their original report and in their presentation. We believe they didn't because they knew we would have opposed the project at that time. In the Forest Area Plan F.2.13 The Administrative Permit approval must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any potential negative impacts. (The plan notes-Respecting private property rights; recognizing and respecting the rural character of the area; managing development to minimize negative impacts on the area's character, particularly those impacts related to light, ...and the blending of new development with existing while protecting the area's unique natural as well as its scenic and rural heritage) **Let us be clear we don't think that having commercial outdoor entertainment-music next to residential is appropriate in many if not all rural areas of Washoe County whether you live in Cold Springs, Verdi, Washoe Valley or here on Mt. Rose Highway. We live in these places to enjoy the natural environment.**

2. Music is a personal choice and the sound levels will vary every time there is music depending on the musician or who turns on the amplifiers. Why would the County place themselves in a policing situation? The Administrative Permit says noise generated by the site shall comply with the provisions of the Washoe County Development Code and the Forest Area Plan. Codes that note that next to a park the interior sound levels cannot exceed 45 Ldn and in residential areas the exterior levels cannot exceed 65 Ldn at the property line. Washoe County's Galena Creek Park & Visitor Center in conjunction with the USFS is their neighbor and we know the visitors to the park expect peace and quiet. If we can hear the PGA tournament at Montreux every year you can bet the park will hear the Lodge ever time music is played or there is outdoor entertainment. You can bet Montreux and other residential areas will hear their music. There is no way to control this with residential lots adjoining and across the street from the Lodge. There has never been outdoor music allowed at this location. Your code requires sound attenuation barriers—a wall! Facing the music toward the building will not work. How does outdoor entertainment maintain the rural character per the Forest Area Plan?

3. This is an attempt to encourage additional business for the wine bar and for patrons to stay longer. How does this enhance the safety of the Mt. Rose Highway as required in the Forest Area Plan? We have noted to the Board of Adjustments our concerns over the safety on the highway and previous deaths in this very segment with patrons of the prior Galena Lodge. We have also noted that parking is inadequate in our opinion and spillover parking is hazardous to the motorist on Mt. Rose Highway. Safety should be your utmost concern on this segment of highway, and this only encourages more traffic or more drinking.

4. From their Permit: "Compliance with the conditions of approval related to this Administrative Permit is the responsibility of the applicant, his/her successor in interest and all owners, assignees, and occupants of the property and their successors in interest." You might like the current owner's outdoor entertainment plan, but the successor could be another story. In the end, this will become the responsibility of the County to enforce.

5. Outdoor Entertainment is very subjective and not very well defined in the code. The code merely states the number of people 75-999 is minor outdoor entertainment category but the fact is 75-persons with the right type of entertainment can be a major impact to not only neighbors but to Law enforcement. This is not a venue in town with existing commercial surrounding it. This is a residential area and sound carries easily.

6. This is a prime example of project scope creep! This happened with the last owners of the Galena Lodge where the Bar area was restricted in size and that owner went ahead significantly increasing the size. Why would the County approve an amendment to the original conditions to increase the number of people and or the length of stay at the wine bar with the known hazards of this area and knowing that this amendment will place additional responsibilities on County staff who are already stretched thin?

We ask that you preserve our community's rural character, our right to quiet enjoyment of our property and do not risk the safety of residents and visitors using the Mt. Rose Hwy.

Respectfully,

Dennis Callahan

Ray + Karen Muller-Ehly

Judy Ehring

Margaret Walker



South Truckee Meadows/Washoe Valley Citizen Advisory Board

DRAFT: Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB. Minutes of the regular meeting of the South Truckee Meadows/Washoe Valley Citizen Advisory Board held April 4, 2019 6:00 p.m. the South Valleys Library at 15650A Wedge Parkway, Reno, Nevada.

1. *CALL TO ORDER/ DETERMINATION OF QUORUM - Meeting was called to order at by Patricia Phillips at 6:00 p.m.

Member Present: Patricia Phillips, Kimberly Rossiter, Tom Burkhart, Shaun O’Harra, Jim Rummings. A quorum was determined.

Absent: Bob Vaught (alternate, not excused).

2. *PLEDGE OF ALLEGIANCE - Patricia Phillips led the Pledge of Allegiance.

3. *GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF- Hearing no requests for public comment, Patricia Phillips closed the public comment item.

4. APPROVAL OF AGENDA FOR THE MEETING OF APRIL 4, 2019 (for Possible Action) –Tom Burkhart moved to approve the agenda for **APRIL 4, 2019**. Shaun O’ Harra seconded the motion to approve the agenda for **APRIL 4, 2019**. Motion carried unanimously.

5. APPROVAL OF THE MINUTES FOR THE MEETING OF MARCH 7, 2019 (for Possible Action) – Tom Burkhart moved to approve the meeting minutes for **MARCH 7, 2019**. Kimberly Rossiter seconded the motion to approve the meeting minutes for **MARCH 7, 2019**. Motion carried unanimously.

6. DEVELOPMENT PROJECTS– The project description is provided below.

6.A. Administrative Permit Case Number WADMIN19-0006 (Esslin Barn) – Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for a 7,185 sq. ft. accessory structure to be used for indoor volleyball and basketball practice facility and storage area. The new structure will be larger than the main 2,942 sq. ft. existing residence and will replace an existing 2,520 sq. ft. barn. (for Possible Action)

- Applicant/Property Owner: Sage River Development/Scott and Kerry Esslin Trust
- Location:1600 Holcomb Ranch Lane
- Assessor’s Parcel Number: 044-27-008
- Staff: Julee Olander, Planner, 775-328-3627; jolander@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Board of Adjustment on May 2, 2019

Jeff Turk, project representative, provided project overview:

- The project proposed is 7,000+ square feet (5,000 sq. ft. for the shop, and rest in garage).
- The goal of the accessory dwelling is to serve as storage and training facility for his kids in extra curricular activity.
- He said they went 500 feet to notice the neighbors, and received some positive feedback. He said it will enhance the property value of his home and adjacent properties.

- They provided the photo of the proposed structure
- This is at the 'S' curve on Holcomb Ranch Lane.
- Indoor basketball and volleyball just for the kids. Just the family use.
- Neighbors submitted approval comments, phone calls, and emails, and no concerns were expressed.

MOTION: Shaun O’Harra moved to recommend approval for Administrative Permit Case Number WADMIN19-0006 (Esslin Barn). Kimberly Rossiter seconded the motion to recommend approval. Motion carried unanimously.

6.B.Amendment of Conditions Case Number WAC19-0003 (Lodge Coffee + Wine, WADMIN18-0009) – Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for an amendment of conditions to the original approval for Administrative Permit WADMIN18-0009. The request seeks to allow indoor and outdoor live entertainment at the Lodge Coffee + Wine. (for Possible Action)

- Applicant/Property Owner: Burkhart Management Group
- Location: 17025 Mt. Rose Hwy., approx. ½ mile SW of the intersection with Timberline Dr.
- Assessor’s Parcel Number: 047-161-13
- Staff: Kelly Mullin, Senior Planner; 775-328-3608 and kmullin@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Board of Adjustment on May 2, 2019.

Debbie Bullentini, manager of the lodge, provided a project overview:

- She said they have open for two months, and have been well received.
- She said they want to bring in some live music to enhance the experience on the deck. She said they are requesting a cabaret license.
- She said they will obey the curfews.
- Shaun O’Harra asked when and how many nights a week she plans to have live music. She said in the late Spring or early summer, one or two nights: Friday and Saturday night. It will be acoustic or jazz.
- Kimberly Rossiter asked about parking. Debbie said they have the minimum requirement for parking, and overflow parking.
- Patricia Phillips asked how late will the music will be played. Debbie said the latest 9:00 p.m.

Public Comment:

Patricia Phillips a prepared statement provided by a concerned neighbor, Karen Mullen-Ely, expressing opposition to the amendment of conditions case.

Dennis Callahan, Mt. Rose Highway resident, said he is 700 feet from the wine shop. He said the community welcomed them. It’s nice to have someone back in that building. He said our neighborhood has been negatively impacted by the lighting. It’s 3-4 times brighter than what it was; it’s light pollution. He said he’s asking the board to deny it. This current owner could have a soft quartet band, but it doesn’t guarantee the next owner won’t have the same soft music. It’s not character of the rural neighborhood. They have been good neighbors, but this establishment has never had any outdoor music. This is potential to turn into something that isn’t conducive to residential neighborhood. He said people are already using the parking across the street by the mailboxes for that business. He is concerned if the manager doesn’t have control or if the new owner manager doesn’t manage it well.

Donna Pennington, Galena Forest Estates, said she attended the lodge twice. She said she has gone in for coffee and bagels. She said she likes to socialize. She never sees the parking lot full. She said it’s a nice

gathering place for neighbors. She said it would be nice to hear some ambient music. She spoke about decibel control. The traffic is louder than the guitar. She said she is in full support. She said it's a nice community offering for socialization. Perhaps the board could suggest putting a decibel limit on it. She said she welcomes it.

Cindy Callahan, lives across from the lodge, she reiterated the future impact on any other businesses that come into that location. It would impact her enjoyment of our property. She said she has been to the lodge and it's beautiful. They did a good job. She is concerned about traffic. She said we live directly across the street. The parking across the street hinders us. It's a safety concern. Ambient music is great in an indoor environment. She asked about regulatory possibility for decibels. She wants that clarified. She wants to know if this permit would roll over to new owner. If it went from a wine bar to a marijuana dispensary or another type of business, they might not be as accommodating. The lights were turned off to accommodate the neighborhood which has been fantastic. She said someone could come in and have rock music. She thanked Debbie for what she has done.

Julee Olander, Washoe County Planner, provided code and policy information:

Indoor/outdoor entertainment is an agreed upon use stays with the property. It could be conditioned. The entertainment stay within the hours. She said the next owner could play Metallica. If they stop doing that activity use for two years, that use is gone. Shaun O'Harra asked about certain decibel levels. Julee Olander said yes, LDN is the decibel level. She addressed how the neighborhood is across the street, not adjacent to the property. Julee Olander said she is here filling in for Kelly Mullin who is the planner for this application, and would have to look up. Patricia Phillips asked if we could only give permission to the current owner. Julee Olander said there isn't a mechanism for that. This is to amend the administrative permit conditions to add live entertainment to be added.

Tony Gonzalez asked about decibel reading. Julee Olander said if a neighbor is being noisy, the sheriff or code enforcement will manage it. In this case, because they have a permit, the code enforcement can go out and measure the decibels. The property owner needs to show they are staying within the limit.

Patricia Phillips asked Debbie Bullentini if there is a way to put up a sound barrier to keep the sound in the area. Debbie said we brought in an engineer to build a screen to block the sound of the highway. The engineer said it would make it worse. It would enhance the noise.

Shaun O'Harra said he understands the concern if the next owner would play loud rock music. Perhaps they had an agreement with current owner and neighbors, and nothing carries over to the next owner.

Dennis Callahan said the band has to compete with the highway noise. There is a possibility there would be a new owner in the future, and they would want different music. It's a nice place to meet. We aren't against that. We are concerned that there isn't a guarantee. He said we can measure the sound and call for help and the music would stop by the time they came out. We don't want to get into a battle over enjoying our property.

Patricia Phillips asked Julee Olander if there was a new owner, and the use isn't continued for a certain amount of time, it goes away. Julee said you can condition this application that it has to be 65 LDN decibel sound averages and stop by 9:00 p.m. Julee said the decibels are measured by an average of day and night noises. Noise could seem a lot louder at night and sometimes music travels. We can conditions lights, hours, and sound.

Debbie Bullentini addressed the letter writer's concern and said we didn't try to sneak this in. We applied for this over a year ago at the County office. Tom Burkhart paid for it, but it fell through the County's cracks. She said we have been compliant with everything that is required by the County. The lodge is beautifully designed. It's not a trashy bar. It's high scale to go with the neighborhood. We have been following everything by the book. We love being in the neighborhood. She said she understands we are a business in a residential neighborhood.

Shaun O'Harra said if this gets approved, and gets loud and neighbors complain, can this be revoked. Julee said usually you have to get a special use permit or admin permit, so if the music is too loud, the code enforcement or sheriff would fine them. Sound is a tough sense to capture. She said it's a day and night average. For instance, an alarm cannot be in violation because it's an average throughout the day. Julee said this will go to the Board of Adjustment, and Kelly will address those questions and concerns.

Debbie Bullentini asked if this doesn't get approved, she asked if she could apply for special use permit. Julee said yes, there are permits for outdoor activity. She would have to look up the zoning.

Patricia said notices are sent out for special events at Montreux, this may be necessary for something like this.

MOTION: Shaun O'Harra moved to forward all the comments onto the Board of Adjustment. Jim Rummings said there are some open ended issues; it's hard to decide on anything. Jim Rumping seconded the motion to forward comments. He said the other boards should have more information to make a firm decision. The motion passed unanimously.

6.C. Administrative Permit Case Number WADMIN19-0005 (Zweifel Garage Addition)– Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for an Administrative Permit for a detached accessory structure that is larger than the existing main structure on the same parcel. The Administrative Permit is needed to bring an existing detached accessory structure into compliance with County Code requirements.(for Possible Action)

- Applicant/Property Owner: Jerry and Adrienne Zweifel
- Location: 2405 Walnut Street, Reno, NV
- Assessor's Parcel Number: 021-132-04
- Staff:Jacob Parker, Planner; 775-328-3628 and jparker@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Board of Adjustment on May 2, 2019.

Jerry Sweifel, Walnut Street, said we have lived in the area for 8 year at this location. He said we have done whatever it takes to improve the appearance for the neighborhood by adding trees, built a garage addition, and painted them the same color; we don't have storage container, horse huts, and junk cars that are throughout the neighborhood. There are only a few places that keep their place up. He said he has applied for this permit for 3 years. He doesn't understand what they have against it. He said he dug up the septic and leach field to make sure it wasn't going under the structure. The Health Department approved it. The County cancelled it. The shop is bigger than the house.

Shaun O'Harra asked if neighborhood has an issue with it. He said one gentleman had an issue, but he has passed away since then.

Mike Montgomery said he lives across the way from the property. He said the subject property is the nicest property in the neighborhood. The owner keeps it neat.

Tom Burkhart asked how long it's been up. Jerry Sweifel said it's been up for 3 years without a permit, and we want to get it permitted. He said the neighbors have horse huts. There are a lot of properties that need to be addressed and weren't permitted as well. He said he wanted to apply for the permit. Jerry said he was told that it was built over the leach field, so he dug it up to prove it wasn't built over it. The Health Department signed off on it.

Jacob Parker, Washoe County Planner, said it's an admin permit to permit an accessory dwelling larger than the house so he can then get a building permit to be in compliance.

Veera Matthews said she lives behind them by 50 feet. She said we are the closest to the property, and we don't have a problem with it.

Jerry Zweifel asked the planner about the structure size, Parker said it's accumulative size.

MOTION: Shaun O'Harra moved to recommend approval of Administrative Permit Case Number WADMIN19-0005. Jim Rummings seconded the motion to recommend approval. Motion carried unanimously.

7. *CHAIRMAN/BOARD MEMBER ITEMS – No announcements.

8. * GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF – Limited to no more than three (3) minutes. Anyone may speak pertaining to any matter either on or off the agenda. The public are requested to submit a Request to Speak form to the Board Chairman. Comments are to be addressed to the Board as a whole.

Hearing no requests for public comment, Patricia Phillips closed the public comment item.

ADJOURNMENT

ADJOURNMENT – the meeting adjourned 7:03 p.m.

Number of CAB members present: 5

Number of Public Present: 25

Presence of Elected Officials: 0

Number of staff present: 2

Community Services Department
Planning and Building
AMENDMENT OF CONDITIONS
APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

Property Owner Affidavit

Applicant Name: BURKHART MANAGEMENT GROUP, LLC

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
COUNTY OF WASHOE)

I, THOMAS A. BURKHART
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 047-161-13

Printed Name THOMAS A. BURKHART

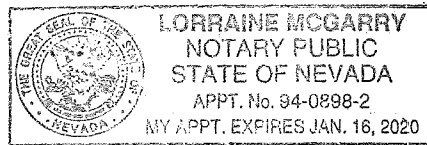
Signed [Signature]

Address 6593 CHAMPETRE DT, RENO, NV 895

Subscribed and sworn to before me this 15 day of March, 2019.

[Signature]
Notary Public in and for said county and state
My commission expires: 1-16-2020

(Notary Stamp)



*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: <i>BURKHART MANAGEMENT GROUP, LLC</i>			
DBA: <i>THE LODGE COFFEE + WINE</i>			
Project Description: <i>CABARET LICENSE FOR THE LODGE COFFEE + WINE</i>			
Project Address: <i>17025 MOUNT ROSE HIGHWAY, RENO, NEVADA 89511</i>			
Project Area (acres or square feet): <i>.99 ACRES</i>			
Project Location (with point of reference to major cross streets AND area locator): <i>CLOSEST CROSS STREET IS AREQUIPA LN</i>			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
<i>047-161-13</i>	<i>.99</i>		
Indicate any previous Washoe County approvals associated with this application: Case No.(s): <i>WADMIN 18-0009</i>			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: <i>BURKHART MANAGEMENT GRP</i>		Name:	
Address: <i>6593 CHAMPETRE CT</i>		Address:	
<i>RENO, NEVADA</i> Zip: <i>89511</i>		Zip:	
Phone: <i>715 810 7202</i> Fax:		Phone: Fax:	
Email: <i>TBURKHART1938@GMAIL.COM</i>		Email:	
Cell: <i>AS ABOVE</i> Other:		Cell: Other:	
Contact Person:		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name: <i>AS ABOVE</i>		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Amendment of Conditions Application Supplemental Information

(All required information may be separately attached)

Required Information

1. The following information is required for an Amendment of Conditions:
 - a. Provide a written explanation of the proposed amendment, why you are asking for the amendment, and how the amendment will modify the approval.
 - b. Identify the specific Condition or Conditions that you are requesting to amend.
 - c. Provide the requested amendment language to each Condition or Conditions, and provide both the **existing** and **proposed condition(s)**.

I APPLIED FOR AND PAID THE FEE FOR A CABARET LICENSE OVER A YEAR AGO BUT WAS NOT APPROVED WHEN THE CERTIFICATE OF OCCUPANCY WAS ISSUED. THUS, I WAS TOLD TO AMEND MY ORIGINAL APPLICATION

2. Describe any potential impacts to public health, safety, or welfare that could result from granting the amendment. Describe how the amendment affects the required findings as approved.

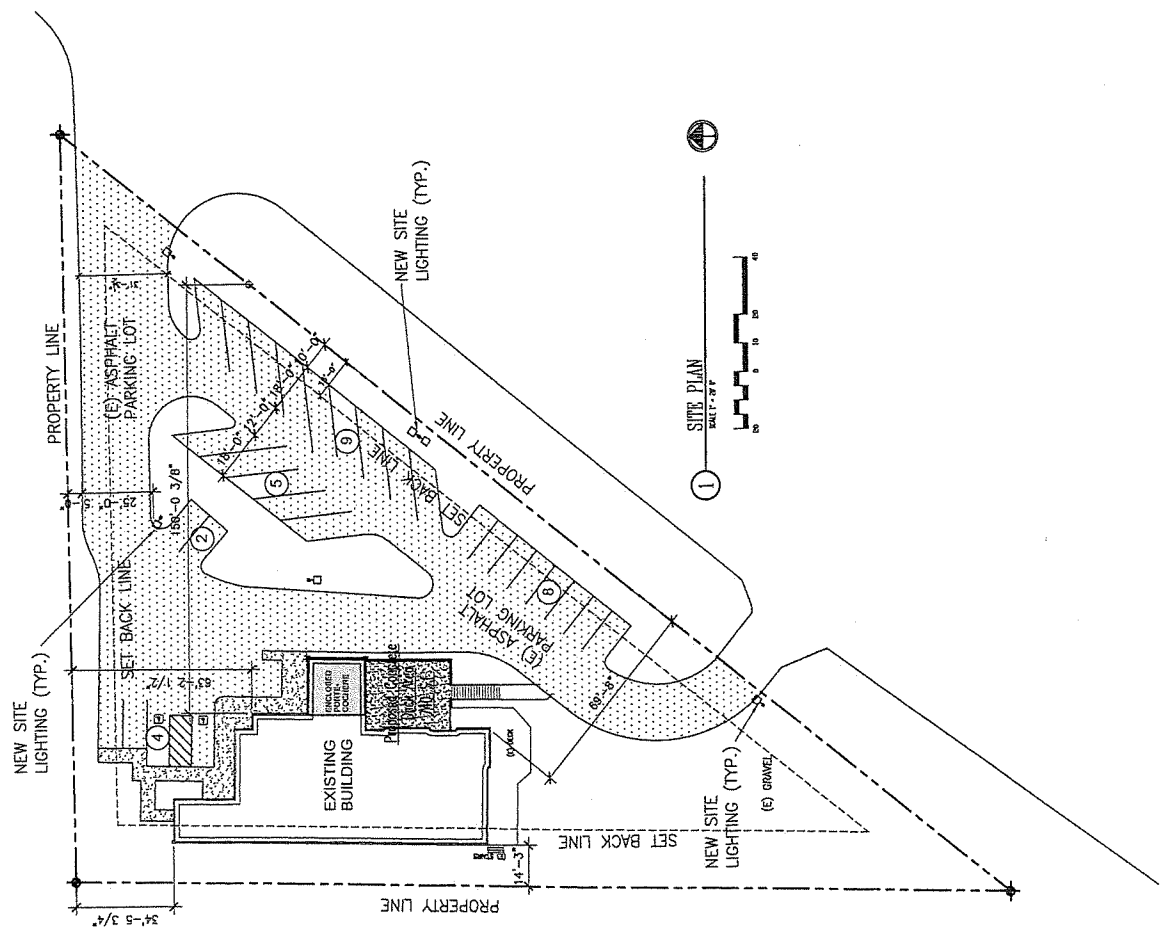
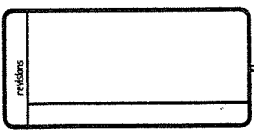
THE LODGE COFFEE + WINE WOULD LIKE OCCASIONAL MUSIC FOR BOTH INSIDE AND OUTSIDE ON THE DECK. DURING THE SUMMER MONTHS. ANY AMPLIFICATION WOULD BE MODEST WITH SPEAKERS TURNED TOWARD THE BUILDING. WE ENVISION A TRIO AT MOST PLAYING POPULAR SONGS. WE RESPECT THE NEIGHBORS ACROSS THE HIGHWAY AND WILL NOT ALLOW LOUD HARD ROCK AS WE DON'T ENVISION OUR PATRONS WANTING THAT. WE ALSO NOT ALLOW ANY MUSIC AFTER 8:00 PM

A-1.0	
Sheet	of 1
Drawn by	E
Checked by	E
Date	05/27/14
Project	The Lodge at Galena Remodel

Sheet Title
SITE PLAN

Project
The Lodge at Galena Remodel
17025 Mt. Rose Hwy
Reno, Nevada 89511

architects + llc
1800
1775-22-22-22
1775-22-22-22
1775-22-22-22



Account Detail

[Back to Account Detail](#)

[Change of Address](#)

[Print this Page](#)

CollectionCart

Collection Cart	Items	Total
Collection Cart	0	\$0.00

Pay Online

No payment due for this account.

Washoe County Parcel Information

Parcel ID	Status	Last Update
04716113	Active	3/14/2019 2:07:12 AM

Current Owner:

BURKHART MANAGEMENT GROUP LLC

6593 CHAMPETRE CT
RENO, NV 89511

SITUS:

17025 MOUNT ROSE HWY

Taxing District

4000

Geo CD:

Legal Description

Township 17 SubdivisionName _UNSPECIFIED Range 19 Section 3

Tax Bill (Click on desired tax year for due dates and further details)

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Balance Due
2018	\$5,536.42	\$5,536.42	\$0.00	\$0.00	\$0.00
2017	\$5,628.93	\$5,628.93	\$0.00	\$0.00	\$0.00
2016	\$5,910.62	\$5,910.64	\$0.00	\$0.00	\$0.00
2015	\$5,909.81	\$5,909.81	\$0.00	\$0.00	\$0.00
2014	\$5,726.56	\$5,726.56	\$0.00	\$0.00	\$0.00
Total					\$0.00

Disclaimer

- **ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience online payment is available on this site. E-check payments are accepted without a fee. However, a service fee does apply for online credit card payments. See Payment Information for details.

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

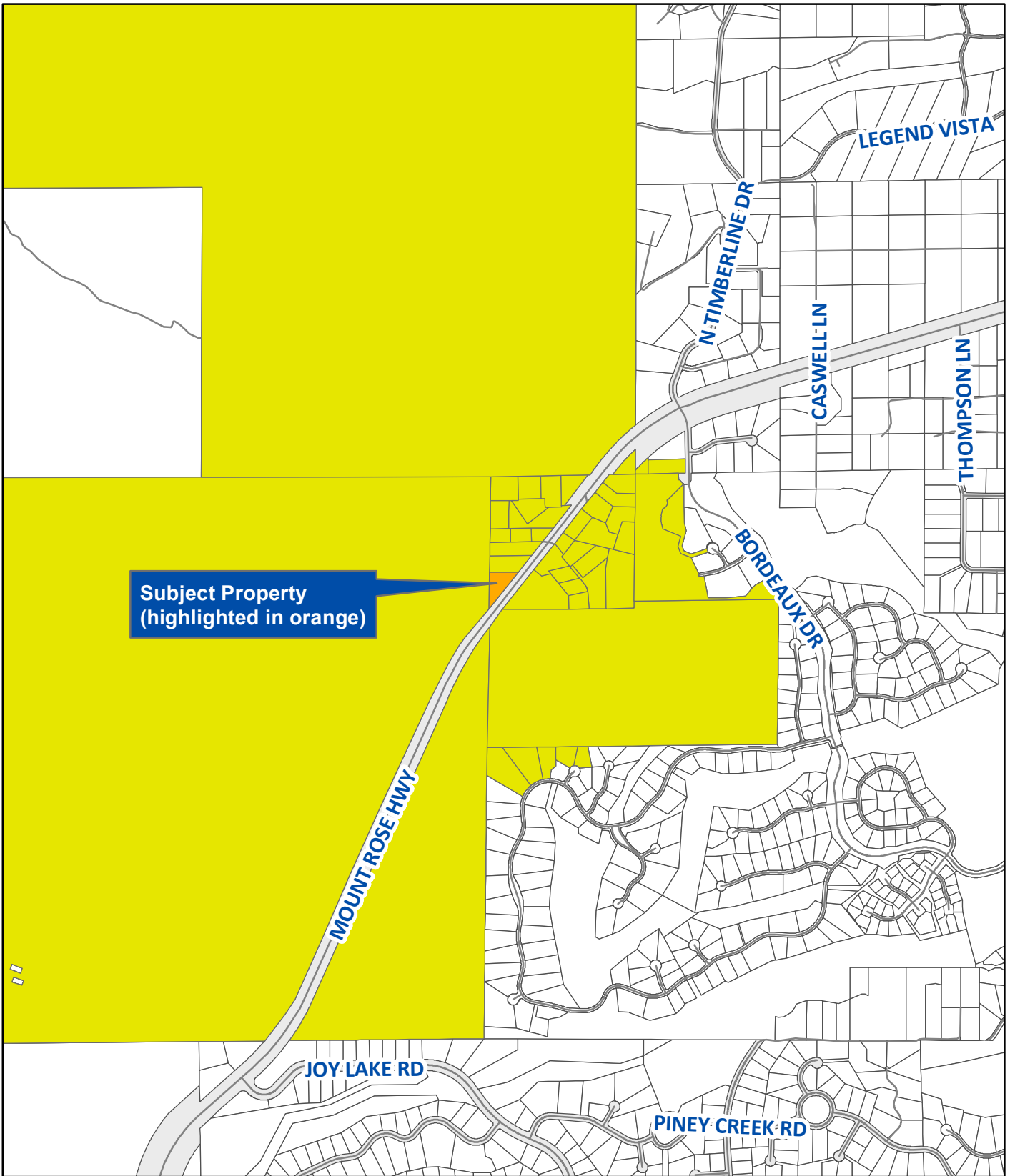
Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

[Payment Information](#)

[Special Assessment District](#)

[Installment Date Information](#)

[Assessment Information](#)



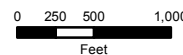
**Subject Property
(highlighted in orange)**

Public Notice Map

Amendment of Conditions WAC19-0003, for Administrative Permit
Case Number WADMIN18-0009 (Lodge Coffee + Wine)

*Provided with notice: 34 owners of 44 parcels
within a distance of 1,500 feet of the project site.*

Source: Planning and Building Division



Date: March 20, 2019

**Community Services
Department**



Post Office Box 11130
Reno, Nevada 89520 (775) 328-3600

**WAC19-0003
EXHIBIT F**



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
 Planning and Building

1001 EAST 9TH STREET
 PO BOX 11130
 RENO, NEVADA 89520-0027
 PHONE (775) 328-3600
 FAX (775) 328.6133

Board of Adjustment Action Order
Administrative Permit Case Number WADMIN18-0009

Decision: Approval with Conditions
 Decision Date: August 2, 2018
 Mailing/Filing Date: August 7, 2018
 Applicant: Burkhart Management Group, LLC
 Assigned Planner: Kelly Mullin, AICP, Senior Planner
 Washoe County Community Services Department
 Planning and Building Division
 Phone: 775.328.3608
 E-Mail: kmullin@washoecounty.us

Administrative Permit Case Number WADMIN18-0009 (Lodge at Galena) - For possible action, hearing, and discussion to allow for two separate uses, each of which requires an administrative permit, on the subject property: (1) Snowind Sports, classified under the Retail Sales – Specialty Stores use type; and (2) a wine/coffee bar, classified under the Liquor Sales – On-Premises use type. If approved, the uses would be undertaken by 2 of the 3 tenants expected to occupy the building on-site, which is approximately 4,135 square feet. The retail sales use type is proposed to occupy 1,700 square feet, while the wine and coffee bar is proposed to occupy 800 square feet. A 740 sq. ft. outdoor, uncovered concrete patio is also proposed to be added adjacent to the existing structure, primarily for the use of the coffee and wine bar patrons. The Board of Adjustment may choose to approve or deny either use independent of the other.

- Applicant/Owner: Burkhart Management Group LLC
- Location: 17025 Mt. Rose Hwy (formerly known as the Lodge at Galena restaurant)
- APN: 047-161-13
- Parcel Size: ±.99-ac.
- Master Plan: Commercial
- Regulatory Zone: Neighborhood Commercial
- Area Plan: Forest
- Citizen Advisory Board: So. Truckee Meadows/Washoe Valley
- Development Code: Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 808, Administrative Permits. If no appeals have been filed within 10 calendar days from the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code.



To: Burkhart Management Group, LLC
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The action was based on the following findings in accordance with Washoe County Code Section 110.808.25, and the additional finding required by the Forest Area Plan:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development, and for the intensity of such a development; and
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

F.2.13 The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy, or final approval shall not be issued until all of the Conditions of Approval are satisfied. Additionally, compliance shall be required with all federal, state, and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Planning and Building Division.

Washoe County Community Services Department
Planning and Building Division



Trevor Lloyd
Secretary to the Board of Adjustment

TL/KM/df

Attachments: Conditions of Approval

Applicant/Owner: Burkhart Management Group, LLC
Attn: Tom Burkhart
6593 Champetre Ct.
Reno, NV 89511

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Representatives: Architects + LLC
Attn: Gregory Erny
35 Martin St.
Reno, NV 89509

Action Order xc: Nathan Edwards, District Attorney's Office; Keirsten Beck, Assessor's Office; Cori Burke, Assessor's Office; Vahid Behmaram, Planning and Building; Mojra Hauenstein, Planning & Building; Leo Vesely, Engineering and Capital Projects; Wes Rubio, Health District; STM/WV Citizen Advisory Board, Chair



Conditions of Approval

Administrative Permit Case Number WADMIN18-0009

The project approved under Administrative Permit Case Number WADMIN18-0009 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on August 2, 2018. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the approval of this Administrative Permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this Administrative Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Administrative Permit may result in the initiation of revocation procedures.

Operational Conditions are subject to review by the Planning and Building Division prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Planning and Building Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

Washoe County reserves the right to review and revise the conditions of approval related to this Administrative Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions." These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies:

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning Program

1. The following conditions are requirements of the Planning Program, which shall be responsible for determining compliance with these conditions.

Contact: Kelly Mullin, 775.328.3608, kmullin@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- c. The applicant shall attach a copy of the Action Order approving this project to all administrative permit applications (including building permits) applied for as part of this administrative permit.
- d. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- e. Prior to the issuance of a building permit, the applicant shall provide a lighting plan and photometric study showing no light spillover across the parcel boundaries.
- f. Prior to the issuance of any business license for the development, the applicant shall submit a landscaping and design plan to the Planning and Building Division for review and approval. Said plan shall address parking, parking lot circulation and striping, signage, exterior lighting, trash enclosures, landscaping and plant material, type and size of plants, maturation size at full growth, landscaping location, and landscaping irrigation system.
- g. Prior to the issuance of a business license, the applicant shall provide appropriate screening for all storage tanks, mechanical and electrical equipment in accordance with the provisions of the Development Code.
- h. No business license or building permit shall be issued unless the applicable provisions of Washoe County Code Section 110.204.05, *Mt. Rose Scenic Roadway Corridor Standards* have been met.

Washoe County Conditions of Approval

- i. Prior to the issuance of a business license or building permit, the applicant shall meet all applicable standards and policies of the Forest Area Plan, including, but not limited to Policies F.2.2, F.2.5, F.2.6, F.2.8, F.2.14, and F.3.5.
- j. All landscaping, irrigation and screening shall be completely installed and shall satisfy the requirements as set forth in the Washoe County Development Code prior to issuance of a Certificate of Occupancy.
- k. The following **Operational Conditions** shall be required for the life of the business:
 - i. This administrative permit shall remain in effect until or unless it is revoked or is inactive for one year.
 - ii. This administrative permit shall remain in effect as long as the use is in operation and maintains a valid business license.
 - iii. Failure to comply with the conditions of approval shall render this approval null and void.
 - iv. Hours of operation for the uses subject to this administrative permit are limited to 7 a.m. to 7 p.m. Monday through Friday, and 7 a.m. to 8 p.m. Saturday through Sunday.
 - v. All lighting and noise generated by the site shall comply with the provisions of the Washoe County Development Code and Forest Area Plan.
 - vi. The applicant and any successors shall direct any potential purchaser/operator of the site and/or this permit to meet with the Planning and Building Division to review conditions of approval prior to the final sale of the site and/or this permit. Any subsequent purchaser/operator of the site and/or this permit shall notify the Planning and Building Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

Washoe County Building Program

2. The following conditions are requirements of the Building Program, which shall be responsible for determining compliance with these conditions.

Contact: Mojra Hauenstein, 775.328.3619, mhauenstein@washoecounty.us

- a. The applicant shall obtain the appropriate building permits and comply with all adopted Building Codes.
- b. The tenant improvement entails a change in use according to the building codes (I-Codes). Changing to a sports retail use (M Occupancy) from a restaurant (A-3 Occupancy) triggers compliance with all currently adopted Building codes located at: www.washoecounty.us/building/Building%20Codes.php.

Washoe County Water Management Planner Coordinator

3. The following conditions are requirements of the Water Management Planner Coordinator, who shall be responsible for determining compliance with these conditions.

Contact: Vahid Behmaram, 775.954.4647, vbehmaram@washoecounty.us

- a. The applicant shall file the necessary documents and a "Report of Conveyance" with the Nevada Division of Water Resources (NDWR) to bring title to the subject water rights current to the owners of the land and project "Burkhart Management Group LLC".
- b. Prior to the issuance of a business license, the applicant shall provide estimated water demand for all proposed projects past and currently proposed on this site. The fixture

unit count method may be used to arrive at this estimate and shall be provided for Washoe County's review.

- c. If the estimated water demand exceeds the available water rights, the applicant must secure and transfer additional water rights to the well on this site. If the estimated water demand is equal to or less than the available water rights, then the project is in conformance, subject to condition 3(a). If future water consumption data as required by the NDWR indicates an over-consumption of water, then the applicant must secure and transfer additional water rights to the well on this site to the satisfaction of both NDWR and Washoe County within 90 days of notification. Lack of sufficient water rights at any time in the future may revoke the approval of this project.

Washoe County Health District (WCHD)

4. The following condition is a requirement of the Washoe County Health District, which shall be responsible for determining compliance with the condition. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

Contact: Wes Rubio, 775.328.2635, wrubio@washoecounty.us

- a. Prior to the issuance of a final inspection or Certificate of Occupancy for the building, the development must be permitted as a Public Water System and meet the minimum operational requirements.

Nevada Department of Transportation (NDOT)

5. The following conditions are a requirement of NDOT, which shall be responsible for determining compliance with these conditions.

Contact: Jae Pullen, 775.834.8300, jpullen@dot.nv.gov

- a. NDOT requires the applicant to submit an encroachment permit application (driveway(s)) to NDOT's Permit Office for the access.
- b. The applicant shall schedule a meeting to discuss access for the subject property by contacting NDOT's Traffic Engineering Division, Richard "OJ" Oujevolk (775-834-8304) or Tara Smaltz (775-834-8320). NDOT staff had met with several other individuals on the subject property in the past.
 - i. The current access may be acceptable if the applicants will support one-way circulation for the parking area. One driveway would be ingress only, and the other driveway would be egress only.
 - ii. If not, justification shall be provided to retain both driveways. This would require a traffic analysis by a licensed professional engineer.
- c. Based on a one-way circulation design, the traffic impact information is sufficient. Contact NDOT's Traffic Engineering Division and request for a traffic impact acceptance letter. The approval letter is required as part of your permit application.
- d. Existing encroachment permits are personal; however, the upkeep and repair responsibilities shall transfer to the property owner's successor. Actual work being performed in NDOT right-of-way is cannot be transferred without prior written approval from NDOT. If the property changes use, the new property owner will need to apply for a new encroachment permit for access to the state highway.
- e. An encroachment permit is required for facilities within NDOT right-of-way. Please see the Terms and Conditions Relating to Right of Way Occupancy Permits (2017 edition)

booklet available online at nevadadot.com. Contact the Permit Office at (775) 834-8330 for more information regarding an encroachment permit.

- f. The applicant is encouraged to coordinate with the Permit Office early for any required permit (access management, hydraulic design and drainage facilities, maintenance memo of understanding (MOU), roadway abandonment, intersection control evaluation, leases, etc.). NDOT's permit processing time may vary based on project complexity; however, the processing time is approximately forty-five (45) working days. This does not include any revision time needed to make necessary changes in the design. Significant design applications may take more than one revision, please allow adequate planning and schedule ahead.
- g. Prior to any grading adjacent to NDOT right-of-way, a Drainage Information Form, including a grading plan, must be submitted to the Permit Office.
 - i. A drainage report shall be submitted for any development or construction that impacts flow to or within NDOT right-of-way.
 - ii. Please contact the Permit Office to coordinate with NDOT's Hydraulic Design Division. It is beneficial to the developer to work with the Hydraulic Design Division early in the design process to answer questions and give guidance.
 - iii. The Drainage Information Form shall be stamped by a professional engineer, unless waived at the discretion of the District Engineer. To request for a waiver, please submit the following:
 - Submit a signed letter addressed to the District Engineer on official letterhead describing the development or construction activities and provide supporting reasons to approve the waiver.
 - Include FEMA flood maps pertaining to the proposed project location.
 - Include construction plans or any other supporting documentation.
- h. If temporary traffic control for any improvements to the site impacts the adjacent State or US Route, a Temporary Occupancy Permit will be required for any traffic control devices placed within NDOT right-of-way. Contact the Permit Office for more information. Site-specific temporary Traffic Control Plan (TCP) may be needed. Site-specific TCP shall be prepared and signed by an American Traffic Safety Services Association (ATSSA) Traffic Control Supervisor or a Professional Traffic Operations Engineer (PTOE), certified by Institute of Transportation Engineers (ITE).
- i. Applicant shall be responsible into perpetuity for all maintenance of plants, shrubs and trees and related irrigation systems installed on NDOT right-of-way. All shrubs and plant material placed within the right-of-way must be low profile. The shrub and plant height shall be two feet or lower from existing ground and shall be maintained to ensure adequate sight distance for the traveling public. All trees must have a four (4) inch caliper or less at maturity.
- j. The Nevada Revised Statutes (NRS) prohibits advertising within NDOT right-of-way. Please refer to NRS 405.110 Unlawful advertising on or near a highway or on bridge. Signs for advertising will not be allowed within NDOT right-of-way. Please ensure sign base, post and sign edge is outside of the right-of-way.
- k. The property owner must provide adequate parking on the property. NDOT does not issue permits for long-term parking for business use. If needed, NDOT will post NO PARKING signs to mitigate any parking concerns. NDOT recommends not depending on the right-of-way to accommodate parking. Per the NRS 484B.457, if operations

impact safety and/or traffic flow, NDOT may install "NO PARKING" signs along this section of roadway.

- I. Significant public improvements within NDOT right-of-way developed after the municipal land use development public involvement process may require additional public involvement. It is the responsibility of the permit applicant to perform such additional public involvement. We would encourage such public involvement to be part of a municipal land use development process.

***** End of Conditions *****