

To: Kelly Mullin, Planner  
From: Neighbors adjacent to Lodge Coffee & Wine  
RE: Request for Amendment Lodge Coffee & Wine  
Date: May 31, 2019

Kelly, some of the neighbors have spoken with each other after last night's CAB meeting and were disappointed to hear from Karen Mullen that Tom Burkhart was requesting a change in the hours. When in fact, property owners met with him regarding the outdoor music and asked if the hours were going to change and he said No, that it would be Sunday through Thursday 7pm closure and Friday and Saturday 8pm closure.

In fact, you had noted those times with Karen Mullen at the prior Board of Adjustment meeting that the original error was in the Conditions of Approval it stated M-F 7:00a.m. to 7p.m. with Saturday through Sunday 7:00a.m. to 8:00p.m. We validated that error (page 3 Exhibit A Conditions of Approval) and agreed that it made sense that it should have been an 8:00p.m. closure on Friday and Saturday. So, we were not concerned about the County cleaning up the error.

As you know the neighbors met with Mr. Burkhart up at the Lodge where we discussed the outdoor amplified music and our opposition to amplification and outdoor music as it would impact the quiet enjoyment of our residences. He agreed with our positions and talked with Debbie the lease holder of the Wine Bar. They made the decision not to move forward with the outdoor music request. He called some of the neighbors and said they did not need to show up because they were not going to do the music and would only be clarifying the hours.

As you know, Karen Mullen called you, to see if she or the neighbors should show up since Mr. Burkhart was going to withdraw their request for the Cabaret License and outdoor music. She said that you did not discuss hours most likely because our concern was outdoor entertainment. It was a surprise to Karen and to us that they were wanting longer hours and that it was on the agenda.

But what is most concerning, and confusing is that when we opened the link from the agenda to the Application being reviewed at last night CAB there is No Mention of hours. His application is about the Cabaret License and outdoor music. When we look at the Agenda it speaks to expanded hour change in one sentence and then towards the end says update hours but there is not a discussion of the hours that are changing. There is no staff report with the agenda that notes what the hours were being changed to, so how are we to know if we need to show up at the meeting if we don't know what exactly is being discussed. Could you send us a copy or a link to where this information was located for public review? Clearly, we were told that the issue was to clarify a prior error in the Conditions of Approval, and we did do that research. I think you can see how it was very understandable that Karen was surprised.

Further, we understand that the CAB is advisory to the Board of Adjustment but it should be noted in the minutes that a member quorum was not present for their motion because Mr. Burkhart is a member of the CAB and had to recuse himself which left the Board without a quorum on this action item.

Those of us who have had a chance to talk do agree with Karen's comment and appreciate Mr. Burkhart's agreeing to shut the lights off one hour after closing.

But we remain very concerned with the continued scope creep of this project and we feel this item lacked proper public notice and that we were bamboozled by Mr. Burkhart regarding the expanded hours. It was not right for him to tell people they do not need to attend an important public meeting when you are in fact requesting to expand your hours of operation. What Karen has relayed but we do not see it in writing, is that the hours would be extended from June 1<sup>st</sup> to Oct 31<sup>st</sup> on Sunday through Thursday from the existing 7p.m. closure to a closing of 8:00p.m. and on Friday and Saturday from the existing 8:00p.m. closure to 9:00p.m. closing. This is essentially an additional hour each day from June-October. Was this information given in writing to the CAB members?

The neighbors might agree to the extension of the hours, but we have not had time to talk with all of the property owners yet. At our neighborhood meeting we discussed only the outdoor entertainment and the correction of hours per your comments to Karen. Should the neighbors agree and if the BOA allows this extension of hours we wanted it noted that this is a very dangerous section of highway and we are opposed to any future additional extensions of hours that allows for the increased potential of more or longer drinking of alcohol and then driving on Mt. Rose Highway. We also want the lights off one hour after closing as they are obtrusive and impact our quality of life. These are city lights and should not be in a Scenic Corridor or in rural Washoe County.

Please advise us on the questions asked and if this is proceeding to the BOA.

Thank you.

**From:** [Mullin, Kelly](#)  
**To:** [Karen Mullen](#)  
**Cc:** [Dennis Callahan](#); [kkemmet@outlook.com](mailto:kkemmet@outlook.com); [kbaldwin59@outlook.com](mailto:kbaldwin59@outlook.com); [teri.wsrv@gmail.com](mailto:teri.wsrv@gmail.com); [billburko@gmail.com](mailto:billburko@gmail.com); [Ray Ehly Jr](#); [jhclandandcattle@sbcglobal.net](mailto:jhclandandcattle@sbcglobal.net); [Margaret Walker](#)  
**Subject:** RE: Lodge Coffee + Wine Request for Amendment  
**Date:** Tuesday, June 04, 2019 4:06:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Karen,

Thank you for your email. It will be provided to the Board of Adjustment as part the public record.

I will respond with a few clarifications:

- The staff report and exhibits are [available online here](#).
- At the Board of Adjustment meeting on May 2, the applicant requested a one-month deferral of the hearing to update the hours of operation listed in the conditions of approval. At the time, the request for outdoor live music was still applicable. Additional specifics regarding the requested change in hours were provided to staff the following week, with a subsequent email provided later to retract the original request for outdoor live music (this was in response to a separate meeting the applicant held with neighbors). These emails are included with the staff report under pages 28 and 29 of the PDF.
- As a courtesy in order to allow for additional public input, Washoe County re-scheduled the South Truckee Meadows/Washoe Valley Citizen Advisory Board (CAB) meeting for May 30 so it would occur prior the June Board of Adjustment hearing.
- On May 16, a courtesy notice was mailed to over 30 owners of 44 parcels located within 1,500 feet of the project site indicating that part of the request included updating the hours of operation for Lodge Coffee + Wine. Staff planner contact information is provided as a standard matter of practice on these notices for interested persons to contact. Additionally, it should be noted that the courtesy notice is just that, and it states on the notice itself that “this is not a legally required notice, but rather is provided to you as a courtesy to engage you earlier in the planning process with Planning and Building.” These notices are mailed on a postcard and not intended to provide a comprehensive overview of any request; rather, they are brief summary with contact info and tentative dates for upcoming meetings, including the May 30 CAB and June 6 Board of Adjustment.
- On May 23, the official public hearing notice for the Board of Adjustment meeting was mailed to over 30 owners of 44 parcels located within 1,500 feet of the project site. On May 24, this notice was also provided to the members of the CAB as required by Code. The notice describes the purpose of the hearing, including that the request is for “an expanded range of hours beyond what was approved as part of the original administrative permit.” This notice provides the details required by Code, as well as staff planner contact information and indicates where to view the staff report online. As always, staff remains available to speak with neighbors regarding the specifics of any application. Requirements for notices associated with an Administrative Permit can be found within [Washoe County Development Code](#) Section 110.808.40(c).

- On May 30, the CAB meeting was held, providing an opportunity for the applicant to offer more information about the current request and answer questions of the CAB and public. The CAB agenda for this item also specifies the request is for an expanded range of hours, with the details discussed at the meeting.
- Based on the request you made at the CAB, and the applicant's agreement to it, we have proposed an additional condition for the Board to consider – this would require the parking lot lights to be turned off an hour after close of business.

I hope this answers your questions. If you have specific comments you'd like to provide to the Board of Adjustment regarding the change in hours described in the staff report, I'm happy to forward any that are emailed to me by 5 p.m. Wednesday. Alternatively, please feel free to attend the hearing on Thursday to provide public comment. The public hearing is scheduled for this Thursday, June 6 in the County Commission Chambers at 1001 E. Ninth St., Bldg A. The meeting is scheduled to begin at 1:30 p.m., and the agenda is [available online here](#).

Regards,



**Kelly Mullin, AICP**

**Senior Planner | Planning & Building Division | Community Services Department**

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**From:** Karen Mullen [mailto:kmegalena@gmail.com]

**Sent:** Friday, May 31, 2019 9:15 PM

**To:** Mullin, Kelly

**Cc:** Dennis Callahan; kkemmet@outlook.com; kbaldwin59@outlook.com; teri.wsrv@gmail.com; billburko@gmail.com; Ray Ehly Jr; jhclandandcattle@sbcglobal.net; Margaret Walker

**Subject:** Lodge Coffee +Wine Request for Amendment

**Importance:** High

**[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

Kelly, please see attached letter from some of the neighbors on our lane. I would appreciate if you would respond to all Cc'd on this email so that they know where the information is located for public review, was there proper notice and what will be occurring at the Board of Adjustment meeting and please verify the date time of the BOA.

Thank you, Karen

Karen Mullen-Ehly

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