



# Board of Adjustment Staff Report

Meeting Date: February 4, 2021

Agenda Item: 8A

APPEAL CASE NAME: Mommies & Daddies Daycare Appeal

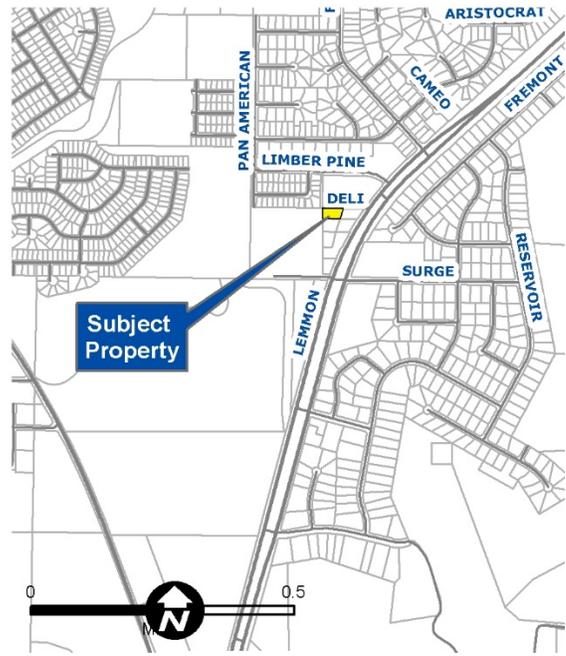
BRIEF SUMMARY OF REQUEST: To appeal staff's determination of WCC requiring Deli Street to be paved

STAFF PLANNER: Planner's Name: Trevor Lloyd  
Phone Number: 775.328.3617  
E-mail: tlloyd@washoecounty.us

### CASE DESCRIPTION

For possible action, hearing, and discussion on an appeal of the Community Services Department's requirement to impose required roadway improvements to Deli Street per Section 110.436.20 and 110.436.60 of the Washoe County Code.

Appellant/Owner: Nikole Jacob-Jones, Mommies and Daddies PreSchool, llc.  
Location: 100 Deli Street  
APN: 080-191-06  
Parcel Size: .045 acres  
Master Plan: Commercial (C)  
Regulatory Zone: General Commercial (GC)  
Area Plan: North Valleys  
Citizen Advisory Board: North Valleys  
Development Code: Authorized in Article 302, Article 304, Article 810  
Commission District: 5 – Commissioner Herman



Vicinity Map

### 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 Board of Adjustment approve with conditions the appeal of staff's decision for Nikole Jacob-Jones, with the following conditions at a minimum:

- 1) Enter into an agreement related to the paving of Deli Street between owner/applicant and Washoe County to include: target deadlines, rider insurance, and financial assurances for the project value AND subject to receiving BCC approval for this agreement.
- 2) Provide a 3-year timeframe for completions for the paving of Deli Street.
- 3) Provide approved construction plans and cost estimate (including Exhibit A) for the paving of Deli Street to the BCC.
- 4) Provide temporary access easement on parcel 080-191-20.
- 5) Other conditions as the Board deems fit to protect public life-safety and welfare.

(Motion with Findings on Page 8)

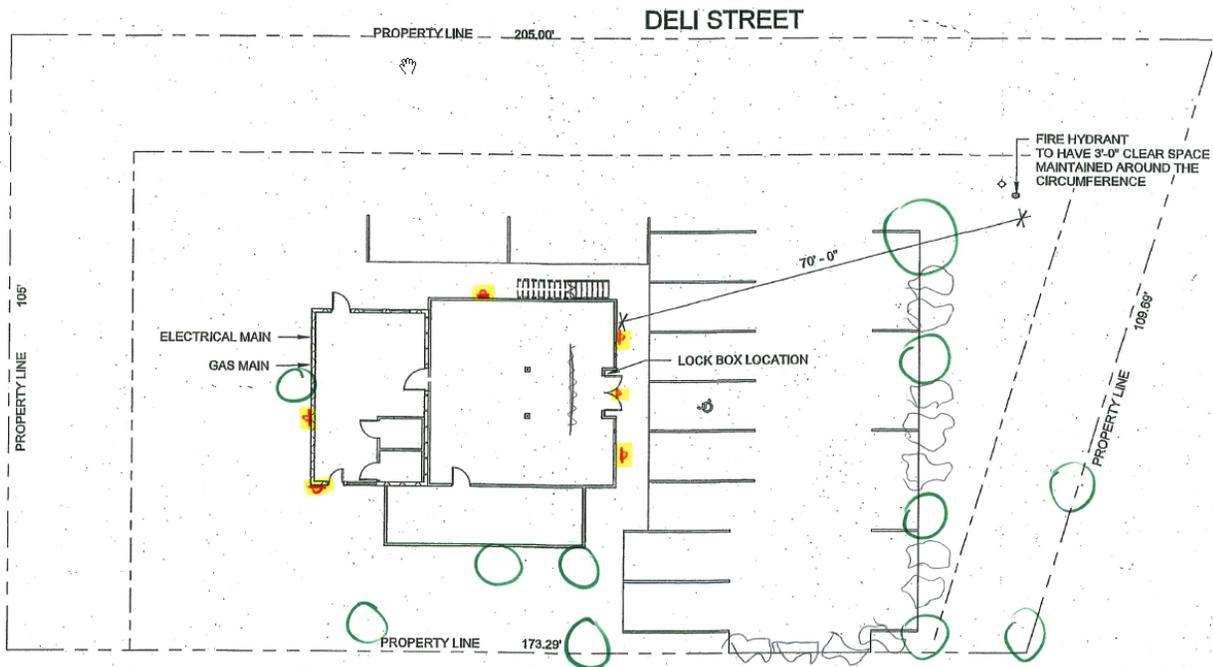
**Staff Report Contents**

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**Exhibits Contents**

Appeal Letter ..... Exhibit A



**Site Plan**

### **Appeal Evaluation**

On April 16, 2020, the Board of Adjustment (BOA) approved an administrative permit allowing for the care of up to 45 children for Mommies and Daddies Preschool LLC. A condition of approval (#2b) was requested by the Engineering and Capital Projects Division and approved by the BOA which requires that the applicant comply with code requirements for the improvement of Deli Street. Per Section 110.436.20 and 110.436.60, the applicant is required to pave proposed streets or access adjacent to or necessary to serve the development. The language for this code provision is provided below:

### **Condition #2b from WADMIN20-0002:**

### **Washoe County Engineering and Capital Projects**

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

**Contact Name – Mitchell Fink, 775.328.2050, mfink@washoecounty.us**

- a. A letter shall be obtained from the affected property owners granting permission for the proposed off-site parking use by the school on their property.
- b. **Deli Street shall be improved to meet current County standards.**
- c. The parking lot shall be brought up to current County standards in regard to striping, signage, safe accessibility, and ADA requirements.
- d. Regional Road Impact Fees will be assessed for the project with the issuance of a building permit.

### **Section 110.436.20: General Requirements**

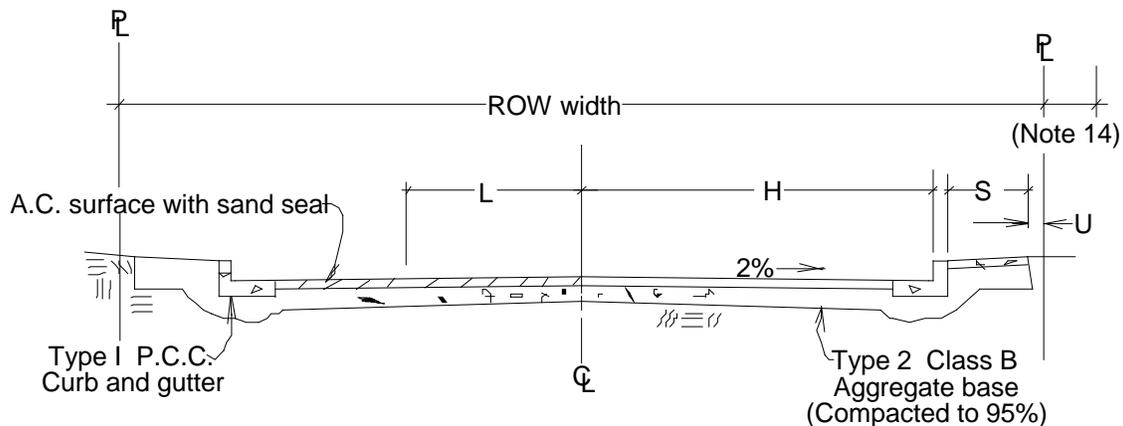
- (e) *Streets Adjacent to Property Boundaries. The location of streets adjacent to property boundaries shall comply with the following provisions:*

- (1) *A proposed street, or streets or access adjacent to or necessary to serve a proposed development, which are not within the boundaries of the development, shall be improved full width with the development in accordance with County standards as required by the County Engineer.*
- (f) *Asphalt Pavement Structural Section. Asphalt pavement structural sections shall be designed in accordance with AASHTO, Asphalt Institute or other industry standard design methods as may be approved by the County Engineer.*
  - (1) *Such design sections shall be prepared by a Nevada Registered Civil Engineer and submitted with street improvement plans.*

**Section 110.436.60: Paving.** *Design of the structural section for asphalt concrete pavement for public and private streets shall be in accordance with this section.*

Table 110.436.25.2

**ROADWAY SECTIONS - B**  
**GENERAL APPLICATIONS: STREETS SERVING LOT SIZES LESS THAN 0.5 ACRES**



ROW	H	S	U	L	B	PL	ADT Maximum per 2 Travel Lanes	Remarks
52	20	5	0.5	12	4	0	9,600	Collector
42	16	4	0.5	11	0	2	1,000	Local

- Notes:
1. All widths are in feet.
  2. H is measured to the front face of the curb.
  3. L is travel lane; S is sidewalk; B is bicycle lane; PL is maximum number of parking lanes allowed; ROW is right-of-way, ADT is average daily traffic.
  4. ADT represents the design volume for a two (2) lane facility.
  5. Bicycle lanes shall be provided in accordance with the Bicycle and Pedestrian Element of the Regional Transportation Plan and to the satisfaction of the County Engineer.
  6. Structural sections shall be designed by a registered engineer for a twenty (20) year life based on subgrade characteristics, as determined by a geotechnical investigation and anticipated traffic volume. Refer to Section 110.436.60(d) for minimum pavement section thickness.
  7. All curb and gutter is monolithic concrete and L shaped per standard detail.
  8. Sidewalks are to be provided in accordance with Table 110.436.25.5.
  9. All A.C. surfaces shall be sealed in accordance with Washoe County standards.
  10. Residential driveway access not allowed to streets on which ten (10) year ADT design exceeds two thousand (2,000).

11. Design of improvements to be done in accordance with Article 420, Storm Drainage Standards, and Article 436, Street Design Standards, of the *Washoe County Development Code*.
12. All construction is to be done to current Washoe County standards and specifications.
13. Slope easements may be required in certain terrain to accommodate roadway section.
14. A seven and one-half (7.5) foot wide public utility, traffic control signage and plowed snow easement on both sides of the ROW is required per standard detail.

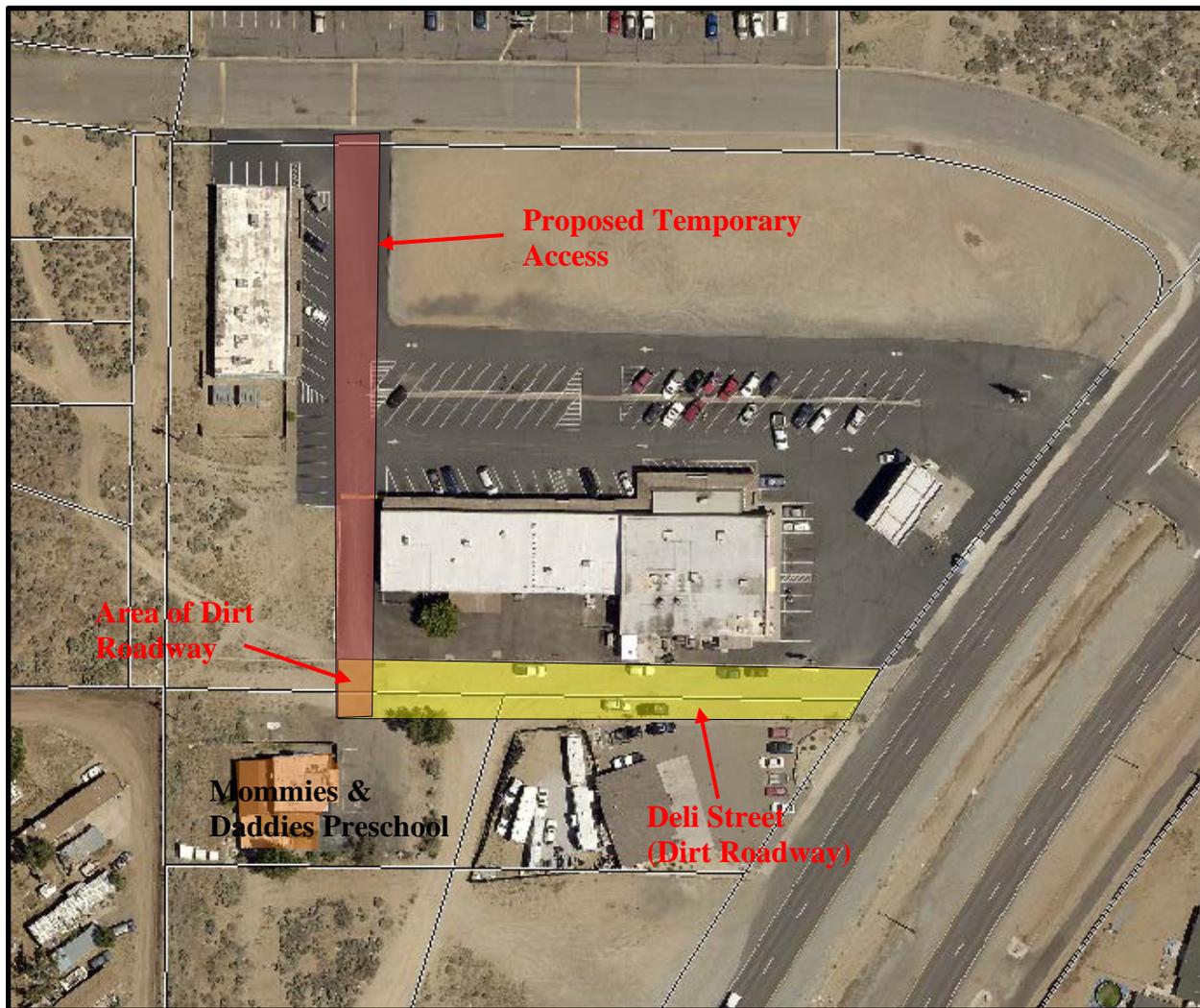
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Source: Washoe County Department of Public Works.

The proposed/approved use of the subject property is *Child Daycare Center*, a commercial use per Article 302 of the Washoe County Development Code. Deli Street has been identified as the primary access to serve this commercial use. The code provisions identified above require the paving of the primary access, Deli Street. Per Washoe County Engineering and Capital Projects staff, the required paving is necessary to provide proper access per county standards, prevent potential hazards and support the safety and wellbeing of the customers, users, occupants and staff of the approved preschool facility.

Mommies & Daddies Preschool LLC., has filed an appeal of staff's determination of this code provision and contends that this requirement to pave Deli St. to County roadway standards prior to opening the preschool is unfeasible and costly at this time (please see exhibit A – appellant letter). The preschool caters to the low-income spectrum of working parents and the expense of the roadway improvement would create a hardship for providing affordable preschool services. The appellants wish to pave the road at a future date when funding becomes available, but in order for this to become a reality additional time will be needed after the operation of the preschool has commenced. Additionally, discussions have begun with the owner of the adjacent property, Mr. Greg Peak, in order to obtain an alternate access from the north at Lumber Pine and across the parking lot of the shopping center. Mr. Peak is of the opinion that this is a much needed facility in Lemmon Valley Community and that it should be opened sooner, rather than later and therefore has verbally agreed to work with the appellants to accommodate a temporary access through the shopping center while the funds are secured for the improvement of the primary access on Deli Street. A temporary access easement shall be established on the shopping center and parking lot parcel, APN 080-191-20. With this appeal, Mommies & Daddies Preschool is asking that the facility be allowed to commence operation prior to paving Deli street and receive a three-year time frame to complete paving of Deli Street subject to the approval of BCC for a separate agreement requiring target completion dates, placing county as a rider on applicant's insurance and providing for financial assurance.

The approved administrative permit allowed the establishment of a child daycare center to accommodate up to 45 children from ages 0 to 12 years old. The existing 2,932 sq. ft two- story building will have the daycare on the first floor and the upstairs will be used for the daycare's office(s). The parking lot is currently paved and meets all minimum parking requirements. The daycare still needs to procure final building permit approvals.



### Overhead Site Graphic

#### Recommendation

After a thorough analysis and review of the appeal, it is recommended that the Board of Adjustment approve the appeal with the following conditions at a minimum:

1. Enter into an agreement related to the paving of Deli Street between owner/applicant and Washoe County to include: target deadlines, rider insurance, and financial assurances for the project value AND subject to receiving BCC approval for this agreement.
2. Provide a 3-year timeframe for completions for the paving of Deli Street.
3. Provide approved construction plans and cost estimate (including Exhibit A) for the paving of Deli Street to the BCC.
4. Provide temporary access easement on parcel 080-191-20.
5. Other conditions as the Board deems fit to protect public life-safety and welfare.

#### Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve with conditions the appeal of staff's decision for Nikole Jacob-Jones, in accordance with Washoe County Code Section 110.436.20, with the following conditions at a minimum:

- 1) Enter into an agreement related to the paving of Deli Street between owner/applicant and Washoe County to include: target deadlines, rider insurance, and financial assurances for the project value AND subject to receiving BCC approval for this agreement.
- 2) Provide a 3-year timeframe for completions for the paving of Deli Street.
- 3) Provide approved construction plans and cost estimate (including Exhibit A) for the paving of Deli Street to the BCC.
- 4) Provide temporary access easement on parcel 080-191-20.
- 5) Other conditions as the Board deems fit to protect public life-safety and welfare.

### **Alternative Motion**

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment **deny** the appeal and affirm that the applicant must meet the code requirements and pave Deli Street prior to issuance of a business license for the Mommies and Daddies Preschool facility.

### **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 original applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. 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 original applicant.

Applicant/Property Owner: Nikole Jacobs-Jones  
8945 Artesian Way  
Reno, NV 89506  
Email: mommiesanddaddies@yahoo.com

## 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.

<b>Project Information</b>		Staff Assigned Case No.: _____	
Project Name: <u>Mommies &amp; Daddies Spot</u>			
Project Description: <u>Lounge/hangout for parents to bring their kids to play when they hangout serving snack &amp; drinks Also renting the location for b-day parties</u>			
Project Address: <u>100 DELI St Reno NV 89506</u>			
Project Area (acres or square feet):			
Project Location (with point of reference to major cross streets AND area locator): <u>Off Lemmon drive behind Mikes Automotive</u>			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
<b>Indicate any previous Washoe County approvals associated with this application:</b>			
Case No.(s). <u>WABMIN 20-0002</u>			
<b>Applicant Information</b> (attach additional sheets if necessary)			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: <u>Nikole Jacobs</u>		Name:	
Address: <u>1101 S deador way</u>		Address:	
<u>Reno NV</u> Zip: <u>89506</u>		Zip:	
Phone: <u>775-750-4835</u> Fax:		Phone: Fax:	
Email: <u>mommiesanddaddies@yahoo</u>		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: <u>Nikole Jacobs</u>		Name: <u>Rebecca Madewell</u>	
Address: <u>1101 S deador way</u>		Address:	
<u>Reno NV 89506</u> Zip:		Zip:	
Phone: <u>775-750-4835</u> Fax:		Phone: <u>775-772-8398</u> Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
<b>For Office Use Only</b>			
Date Received: Initial:		Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: Nikole Jacobs-Jones

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, Nikole Elizabeth Jacobs-Jones  
(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): 080-191-06

Printed Name Nikole Jacobs Jones

Signed [Signature]

Address 100 Deli St.

Reno, NV 89506

(Notary Stamp)

*State of Nevada  
County of Washoe*

Subscribed and sworn to before me this 2 day of December, 2020.

[Signature]  
Notary Public in and for said county and state

My commission expires: 8-25-21



\*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

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)**.

We are struggling to pave Deli St. Part of our conditions to open states Deli St has to be brought up to county standards. At a ticket price of \$80,000. During a very unfortunate time for everyone I CAN NOT afford this.

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 potential impacts of being able to open prior to the road being paved would be tremendous for our community. I feel grading the road so there are not any potholes will allow ample access for vehicles to get to our buildings.