

TOWN COUNCIL REGULAR MEETING

Monday, August 20, 2018

6:00 PM

Town Council Chambers

NOTICE: The video and audio for this meeting are streamed to the public via the internet and mobile devices with views that may encompass all areas, participants, and audience members. *Please silence all electronic devices during the meeting.*

I. OPENING

- A. Call to Order / Roll Call
- B. Pledge of Allegiance
- C. Announcements:
 - 1. Employee Introduction Floren Poliseo, Public Works Director

II. PUBLIC COMMENT

This section is reserved for questions and comments from the public on items that are not otherwise included in this agenda. If you would like to communicate with the Council during the meeting, please address them during open public comment, when public comment is called for on a specific item, or send an email to Council@jacksonwy.gov.

III. PUBLIC HEARINGS, DISCUSSION AND/OR ACTION ITEMS

III.A. Administration

- 1. Consultant Selection for Karns Environmental Assessment (Larry Pardee, Town Manager)
- Documents:

[A1_KarnsMeadowEA.pdf](#)

III.B. Planning

- 1. **Item P18-163:** Conditional Use Permit for an antenna at Lot 59, Grand View Lodges, Third Addition. *Applicant requests continuation*
- 2. **Item P18-164:** Conditional Use Permit for an antenna at 402 E. Snow King Ave. *Applicant requests continuation*
- 3. **Item P18-156:** Development Plan for Glenwood+Simpson at 175 S. Glenwood Street (Brendan Conboy, Associate Planner)
- 4. **Item P18-198:** Grand Targhee Master Plan (Roby Hurley, Teton County Planner)

Documents:

[B3_GlenwoodSimpsonDEVP18-156.pdf](#)

[B4_GrandTargheeMasterPlanP18-198.pdf](#)

III.C. Public Works

- 1. Intersection Turn Lanes at Maple Way and Buffalo Way (Johnny Ziem, Interim Public Works Director)

Documents:

[C1_InterstecctionTurnLanesMaple-Buffalo.pdf](#)

IV. RESOLUTIONS

V. ORDINANCES

- A. **Ordinance N:** An Ordinance Amending and Reenacting Section 13.12.020 of the Jackson Municipal Code regarding Procurement of Water Meters (Presented for 2nd Reading, Brian Lenz, Town Engineer)
- B. **Ordinance O:** An Ordinance Amending and Reenacting Section 1.12.010 of the Jackson Municipal Code regarding Penalties for Municipal Code Violations (Presented for 2nd Reading, Audrey Cohen-Davis, Town Attorney)

Documents:

[Ordinance-N_WaterMeters.pdf](#)
[Ordinance-O_AmendingPenaltyProvision.pdf](#)

VI. MATTERS FROM MAYOR AND COUNCIL

- A. Board and Commission Reports

VII. MATTERS FROM THE TOWN MANAGER

- A. Town Manager's Report

Documents:

[TownManagerReport082018.pdf](#)

VIII. ADJOURN

Please note that at any point during the meeting, the Mayor and Council may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.



TOWN OF JACKSON

TOWN COUNCIL

AGENDA DOCUMENTATION

PREPARATION DATE: August 16, 2018

MEETING DATE: August 20th, 2018

SUBMITTING DEPARTMENT: Town Administration

DEPARTMENT DIRECTOR: Larry Pardee

PRESENTER: Larry Pardee

SUBJECT: Environmental Consultant Selection for Karns Meadow Environmental Assessment

STATEMENT/PURPOSE

To inform Town Council that staff has reviewed the proposals from three Environmental Consulting firms and request that Council approve a Notice of Award for the Environmental Assessment.

BACKGROUND/ALTERNATIVES

In the February 5th Town Council meeting, the Council discussed various project components and an environmental assessment for Karns Meadow. Staff was directed to prepare a Memorandum of Understanding with the Jackson Hole Land Trust to cover the funding of this process.

In the June 4th Town Council meeting, the Council reviewed and approved the Memorandum of Agreement with Jackson Hole Land Trust for funding the Karns Meadow Environmental Assessment.

The Parks and Recreation Department prepared and issue a Request for Qualifications for an Environmental Consultant which were due back by July 27th, 2018. Three statements of qualifications were received from 1) Eco-Connect Consulting LLC, 2) Y2 Consultants, and 3) Biota Research and Consulting, Inc.

Three independent reviews were made by department directors and the town manager. Each making their recommendations for Council's consideration. The quick overview is as follows:

- Eco-Connect – was recommended because they completed the requirements in full, prior working experience in the area with a former employer who did not apply, and much lower billing rates.
- Y2- Did not provide insurance sheet and had significantly higher billing rates.
- Biota – did not provide estimated cost of services/billing rates and recent references pertaining to project were very dated.

ATTACHMENTS

None

FISCAL IMPACT

None at this time until staff meets with consultant to finalize complete scope of services and deliverables.

STAFF IMPACT

Staff impact thus far includes drafting and releasing the RFQ, and time to review each response. Staff impact if an award is made, will be time to negotiate contract services and costs for the Environmental Assessment Services and to bring back a contract for Council's consideration.

LEGAL REVIEW

Yes, Town Attorney will be required to review contract for services.

RECOMMENDATION

Staff recommends Town Council move forward with a Notice of Award to Eco-Connect Consulting LLC.

SUGGESTED MOTION

Should Council be ready to make a motion, a suggestion would be:

I move to direct staff to issue a Notice of Award to Eco-Connect Consulting LLC to provide an Environmental Assessment of Karns Meadows.



TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

PREPARATION DATE: AUGUST 16, 2018
MEETING DATE: AUGUST 20, 2018

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: TYLER SINCLAIR
PRESENTER: BRENDAN CONBOY

SUBJECT: **ITEM P18-156:** DEVELOPMENT PLAN FOR A NEW PLANNED MIXED USE BUILDING CONTAINING COMERCIAL SPACE, SHORT TERM RENTAL UNITS, AND EMPLOYEE HOUSING LOCATED WITHIN THE LODGING OVERLAY AND COMMERCIAL RESIDENTIAL-ONE (CR-1) (LO) ZONING DISTRICT.

APPLICANT: Y2 CONSULTANTS, SCOTT PIERSON

OWNER: ARTS DISTRICT DEVELOPMENT LLC

REQUESTED ACTION

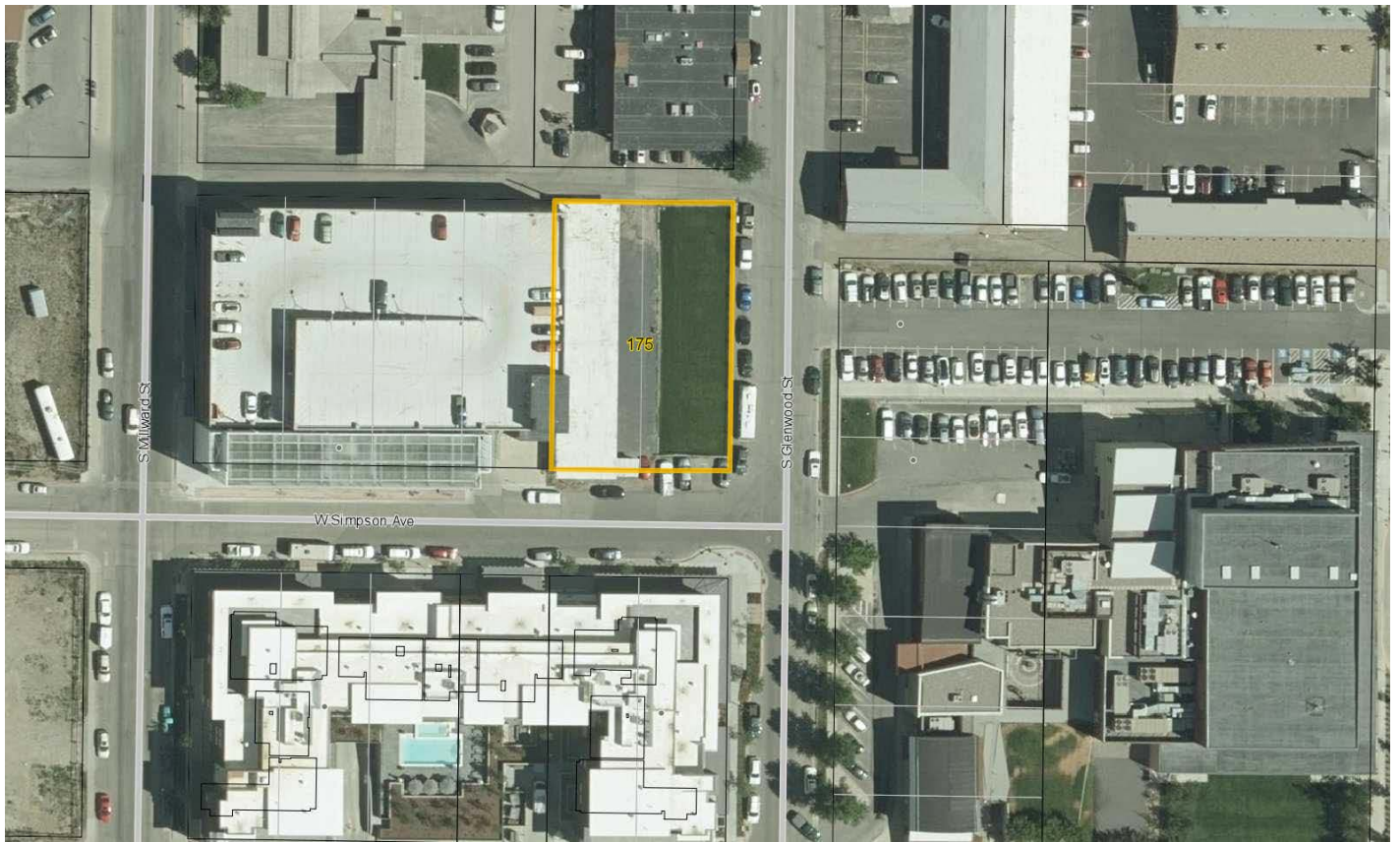
The applicant, representing Arts District Development, is requesting approval of a Development Plan to construct a new mixed use building as part of Phase 2 of the Millward + Simpson Planned Mixed Use Development with employee housing totaling 26,689 square feet located at 175 South Glenwood Street.

APPLICABLE REGULATIONS

Section 2325 Planned Mixed-Use Development (repealed)
Section 8.3.2. Development Plan

LOCATION

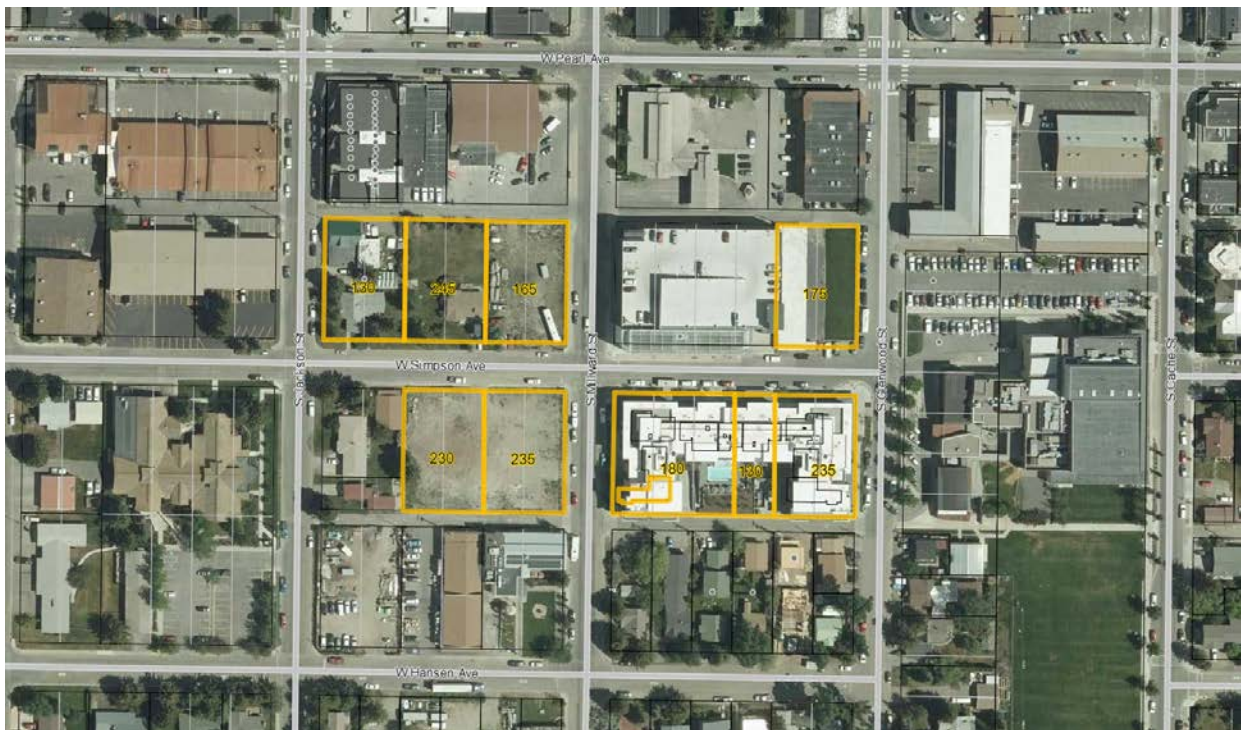
The property is located at 175 South Glenwood Street and legally known as LOTS 11-12, BLK 2, WORT-2. An aerial photo and zoning map are shown below:



BACKGROUND

The subject property is a 0.34 acre (15,000 sf) lot within the Commercial Residential-1 (CR-1) zoning district and Lodging Overlay. The site is located at the northwest corner of South Glenwood Street and East Simpson Avenue. The site is home to the former Western Motel, which operated from 1954 to 2007. The parcel in question contains ten remnant one-story lodging units that were built as an extension of the Western Motel in 1964 from the original Western Motel on the other side of West Simpson Avenue where the Springhill Marriott now stands. At one point a pool existed on the lot which was removed in 2012 in expectation of redevelopment.

On September 16th, 2002 Town Council approved a Planned Mixed-Use Development Master Plan #02-02.2, for 18 lots fronting Simpson Avenue to the east and west of Millward Street, essentially surrounding the Town's parking structure. The project consisted of 289,471 square feet of above grade development in addition to below grade parking garages, with a mix of uses including residential, office, commercial retail, restaurant, and short term lodging.



Original Millward + Simpson PMD Lot Configuration

The history of the project approved is provided below:

- The Planned Mixed Use Development Master Plan #02-02.2 was approved by the Town Council on September 16, 2002 and recorded on December 3, 2002.
- The Town Council granted a one-time, 90-day extension of the Master Plan with an expiration date of March 3, 2006 to submit an application for Final Development Plan.
- The Final Development Plan for Phase I (now Phase 2) of the project was submitted on March 3, 2006 and approved by the Town Council on September 18, 2006.

- A Building Permit application for what was then Phase I located at 175 S. Glenwood was submitted on November 30, 2007. The Master Plan was set to expire on December 3, 2007, without an application for a Building Permit.
- The Town Council approved the construction staging plan for Phase I on September 15, 2008, with a completion date of November 2009.
- An Encroachment permit was issued on September 23, 2008, to install water and sewer to 175 South Glenwood and subsequently these utilities were installed that fall.
- A Building Permit was issued on October 1, 2008, which expired on September 30, 2009. An extension to the Building Permit was granted for 180 days or until March 30, 2010. The Building Permit has since expired due to the lack of activity.
- In a letter dated July 1, 2010 from the Town to the applicant, the Town informed the applicant that the Master Plan would expire on December 3, 2012 based upon the representation in the Master Plan phasing discussion that all portions of the plan would be completed within this 10 year timeframe from the date of original approval unless a request for extension was received by the Town 60 days prior to its expiration.
- The applicant submitted a request for extension of the Master Plan on October 3, 2012, meeting the requirement that the request be received 60 days prior to the expiration date.
- The Town Council approved on April 8, 2013, an extension to the Millward + Simpson PMD subject to an Affidavit and Agreement (“Affidavit”) with the Town and certain conditions of approval. The main requirements of the Affidavit and conditions are summarized below:
 - The PMD shall be reduced from 18 lots to 10 lots. All of the lots on the west side of Millward were removed, leaving 6 lots on the south side of Simpson between Glenwood and Millward (the full block), and the 2 lots subject to this application on the north side of Simpson fronting Glenwood Street;
 - The PMD Master Plan extension shall expire on March 18, 2015;
 - By the expiration date of March 18, 2015, a Final Development Plan 1) shall be approved by the Town for a six-lot hotel development (Phase 1); 2) a building permit for the six-lot hotel shall be submitted; and 3) within 60 days of approval of the building permit construction shall begin with continuous progress to completion;
 - Provided the applicant meets the conditions regarding the expiration, a 2-year period from the issuance of a Certificate of Occupancy for Phase 1 would be granted within which the same conditions of approval would be applied to the 2 remaining lots in the PMD at 175 South Glenwood (Phase 2).
- The Town Council approved on December 15, 2014, an Amendment to the Millward + Simpson PMD Master Plan P14-070, a Final (Major) Development Plan for Phase 1 (the hotel) P14-071, and a Conditional Use Permit (dormitory) P14-072 to allow a 92,219 sf hotel containing 121 keys of lodging rooms, nine short-term rental condominiums, a 3,041 sf restaurant, four employee housing units, and a 6-bedroom dormitory in the Urban Commercial - Two (UC-2 (LO)) zoning district on the property addressed as 130-180 West Simpson Avenue and 235 South Glenwood subject to conditions of approval. The property has since been rezoned to Commercial Residential – One (CR-1 (LO)).
- A Building Permit B15-011 was issued on June 25, 2015 to construct the hotel and a Certificate of Occupancy was issued on May 8, 2017. Per the Extension Agreement the PMD Master Plan shall expire on May 8, 2019, unless a Development Plan for Phase 2 is approved and an associated Building Permit is submitted with construction commencing within 60 days of issuance of the Building Permit with continuous progress until completion.
- An approved Master Plan under the PMD ordinance serves as a Sketch Plan pursuant to the previous LDR Section 512000, Development Plan. The applicant has submitted this Development Plan application within the two year deadline from the date of issuance of the Certificate of Occupancy for the hotel as required by the Affidavit for Phase 2.

PROJECT DESCRIPTION

The applicant is requesting approval of a Development Plan for Phase 2 of the Millward + Simpson PMD Master Plan at the property located at 175 South Glenwood Street. The approval in 2014 of the Amendment to the Millward + Simpson Master Plan and FDP included approval of a 2.05 FAR (92,219 sf) for the 6-lot Marriott hotel. A maximum FAR of 2.0 is allowed across the entire PMD Master Plan area, therefore the FAR for the two remaining lots for Phase 2 was reduced to 1.78 FAR (26,689 sf). The previous Glenwood + Simpson PMD FDP approval in 2006 which expired was for a 32,680 sf development at a FAR of 2.01. Consequently, the resubmission of this Development Plan has reduced the total floor area to comply with the requirement that both Phase 1 and 2 not exceed the collective FAR of 2.0 by reconfiguring the floor plan with one less employee unit (while still providing 4 bedrooms with the conversion of a single unit to a two bedroom), one less short term rental unit on the second floor, and two less parking spaces on site in the underground garage. While the floor area has been reduced, the overall bulk, scale, and design of the building generally mirrors the 2006 FDP that was approved by the town.

The revised development plan consists of four commercial/retail spaces totaling 5,201 sf, eleven short term rental lodging units totaling 17,999 sf, and three employee housing units totaling 2,107 sf, with underground parking totaling 25 spaces. The total project contains 26,689 sf of floor area, not including employee housing. The ground floor of the development consists of retail space fronting Glenwood and Simpson with employee housing located in the interior. The second and third floors consist of short term rental units with third floor units featuring interior lofts set back from the street front.

The Millward + Simpson PMD Master Plan provides for bonus development standards if a project meets at least two of the following criteria:

- 50% or more of the total square footage is residential or lodging uses (within the Lodging Overlay). This condition is met with Phase 2 as 70% of the development is short term rental lodging.
- Sub-grade parking must satisfy the majority of the parking requirements. Phase 2 meets this requirement with 25 underground parking spaces.
- Exceeding the employee housing requirements (not including allowable credits) by at least 20%. Phase 2 employee housing requirements have been exceeded by 21% however this is achieved using existing credits.
- Design and use features that substantially advance the goals of the Transportation Section within the Comprehensive Plan (1994). Phase 2 meets this requirement.

The development standards presented in the Millward + Simpson PMD Master Plan as amended govern the review of the Glenwood + Simpson PMD. A summary of the approved PMD Master Plan dimensional limitations are shown below:

| | Allowed/ Required by Master Plan and Affidavit | 2006 FDP Approval (Expired) | 2018 Development Plan Proposal | Complies? |
|--------------------|---|--|---|------------------|
| FAR | 2.0 over total PMD area | 2.01 or 30,150 SF | 1.78 or 26,689 SF | Yes |
| LSR (min) | 5% or 750 SF | 5% or 772 SF | 5% or 750.2 SF | Yes |
| Plant Units | N/A | N/A | 1 Plant Unit required Applicant proposes 3.42 Plant Units * | Yes |

| | | | | |
|--|-----------------------------|--|---|-----|
| Minimum Lot Size | 15,000 SF | 15,000 SF | 15,000 SF | Yes |
| Height (Max) | 46' | 46' | 46' | Yes |
| Off-Street Parking (See Staff Analysis on Parking) | 27 basement spaces proposed | 34 spaces required/ 27 basement spaces proposed | 23 spaces required**/ 25 basement spaces proposed | Yes |
| Parking Credits | 10 | 10 | 10 | Yes |
| On-Street Spaces | 10 | 8 | 7 | Yes |
| Bicycle Parking | N/A | N/A | 12 spaces proposed | Yes |
| Primary/Secondary Street Yard Setback | 0' | 0' | 0' (Variable setback along Glenwood: 0' to 14' Simpson: 0' to 1') | Yes |
| Rear Yard Setback | 0' | 0' | 2' | Yes |
| Side Interior Yard Setback (Alley) | 0' | 0' | 0' (Variable setback 0' to 6') | Yes |
| Number of Stories | 4 | 3 rd floor contains loft | 3 rd floor contains loft | Yes |
| Street Façade Width (min) | N/A | N/A | Simpson: 100% or 100' Glenwood: 27% or 40'*** | Yes |
| 3rd-Story Stepback | 0' | 0' | 0' | Yes |
| | N/A | N/A | N/A | |
| Transparency (min) | N/A | N/A | Ground Story: 60% Upper Story: 40% | Yes |
| Blank Wall Area (max) | N/A | N/A | 3'-6" to 6'-0" | Yes |
| Story Height (min) | N/A | N/A | Ground: 12'-2" to 14'-2" Upper Stories: 12'-6" Lofts: 9'-5" | Yes |

* Based on an Average Plant Unit Cost of \$2,600. In addition to tree grates, the applicant proposes equivalents such as bicycle parking and planters in lieu of all required 6'-8' large shrubs to maintain pedestrian frontage which is allowed per Sec. 5.5.3.E.3 - Alternative to Standard Plant Units, and Sec. 5.5.3.E.4 - Substitutions for Standard Plant Units

** 2014 Millward + Simpson PMD Master Plan – 1st Amendment reduced parking requirement for lodging/residential use from 2 spaces per unit to 1 space per unit.

*** The building façade along Glenwood steps back from the property line to create an expanded pedestrian area.

The following is a breakdown of each floor by size and use:

| LEVEL | SIZE | USES |
|--------------|------------------|--|
| First Floor | 8,887 sf | 3 Employee Housing Units: 2,107 sf 4 Commercial Spaces: 5,201 sf Common Areas: 1,579 sf |
| Second Floor | 9,686 sf | 6 Short Term Rental Units: 8,622 sf Common Areas: 1,064 sf |
| Third Floor | 8,172 sf | 5 Short Term Rental Units: 7,326 sf Common Areas: 846 sf |
| Lofts | 2,051 sf | 5 Short Term Rental Units: 2,051 sf |
| TOTAL | 28,796 sf | 3 Employee Housing Units 4 Commercial Spaces 11 Short Term Rental Lodging Units |

STAFF ANALYSIS

Current LDRs

Staff's analysis of LDR compliance for the Development Plan is based primarily on determining consistency with the requirements of the approved Master Plan as amended which provides conceptual approval and direction for all future development of the site. The dimensional standards for PMD projects are found in Section 2325.D (repealed) and in the approved Master Plan. Per Section 2325.D.2, in order to allow design flexibility, deviation from all LDR standards may be allowed for a PMD based on the merits of the plan itself. Many of the dimensional standards are project-specific and only can be determined by reference to the approved Master Plan. Nevertheless, the proposed development meets many of the dimensional standards of the current LDRs for Complete Neighborhoods and CR-1 zoning and is in conformance with the requirements of the Master Plan.

Conformance with the Comprehensive Plan

All development rights that were approved in the original PMD Master Plan in 2002 that were not directly modified by the 2012 amendments are vested and deemed consistent with the 1994 Comprehensive Plan by virtue of the original PMD approval. Since the applicant is submitting an application for a Development Plan which is consistent with the original Master Plan and has not requested any amendments to the Millward + Simpson PMD Master Plan – 1st Amendment, the application need only demonstrate consistency with the 1994 Comp Plan. This was the determination made by Staff during Phase 1, however the Phase 1 development was based off of the 2012 Comp Plan because amendments were made to the Master Plan pertaining to height and setbacks. Even so, the proposed Phase 2 Development Plan is consistent with both the 1994 and 2012 Comprehensive Plan as detailed below in Staff Findings.

Traffic/Access/Circulation

Traffic Analysis: The original 18-lot Master Plan provided a Traffic Impact Analysis and Transportation Demand Management Plan, as required by the PMD. Under that Master Plan, the estimated peak AM hour trip generation was 283 trips and the peak PM hour was 281 trips for the entire development. These traffic counts did not lower the Level of Service (LOS) on nearby intersections to below a LOS C, which was considered acceptable by the Town and not in need of mitigation by the applicant. Under the amended 8-lot

Master Plan for the Phase 1, Springhill Suites, and Phase 2, Glenwood + Simpson, the estimated peak AM hour generation is 110 trips and the peak PM hour is 114 trips. The approximate 60% reduction in peak traffic volume anticipated by the smaller-scale amended Master Plan led Staff at the time of approval of the Phase 1 SpringHill Suites development to conclude that the traffic impacts from the hotel and the proposed Phase 2 development should not cause any significant traffic impacts to nearby intersections or require mitigation. The Millward + Simpson PMD Master Plan as amended states that “any type of monitoring of the travel demand management plan is unnecessary” under the section titled Transportation Demand Management. Staff finds that the application for Phase 2 complies with the PMD’s requirements for the Traffic Impact Analysis and Transportation Demand Management Plan as the project has not substantially changed and the changes that have been made have been to reduce the overall size of the project.

Vehicular Access/Circulation: The proposed development restricts vehicular access to one alley access to underground parking. The alley is a one-way, single travel lane west to east, and is less wide than the Town standard of twenty feet. The vehicular entrance ramp to the underground parking is located as far as possible from the street as practical to minimize street and sidewalk traffic conflicts. The ramp is designed to provide a loading bay without obstructing traffic at the alley or otherwise block access to the ramp and parking garage itself. The applicant has submitted diagrams which demonstrate adequate turning movement clearance for all aspects of the project, along with site distances for vehicles exiting the alley.

Capital Improvements Plan

The PMD required approval of a Capital Improvement Plan (CIP) as part of the Master Plan. The Master Plan contains an updated CIP as part of the amendment to the Master Plan. Public Works has provided conditions as part of their departmental review which require the applicant to provide a stormwater management plan as part of their building permit submittal and to demonstrate the location of all onsite underground power.

Phasing Plan

The amended Master Plan contains a Phasing Plan that ensures that the development of the plan, its amenities, and public facilities necessary to serve the Plan, occur in a logical sequence. Public Works has required that the applicant submit for Town Engineer and Planning Director approval a detailed construction staging/phasing plan and narrative on the expected public impact prior to Building Permit approval. This application is in conformance with the Phasing Plan of the PMD at this point in time.

Trash/Snow Storage/Bicycle Parking

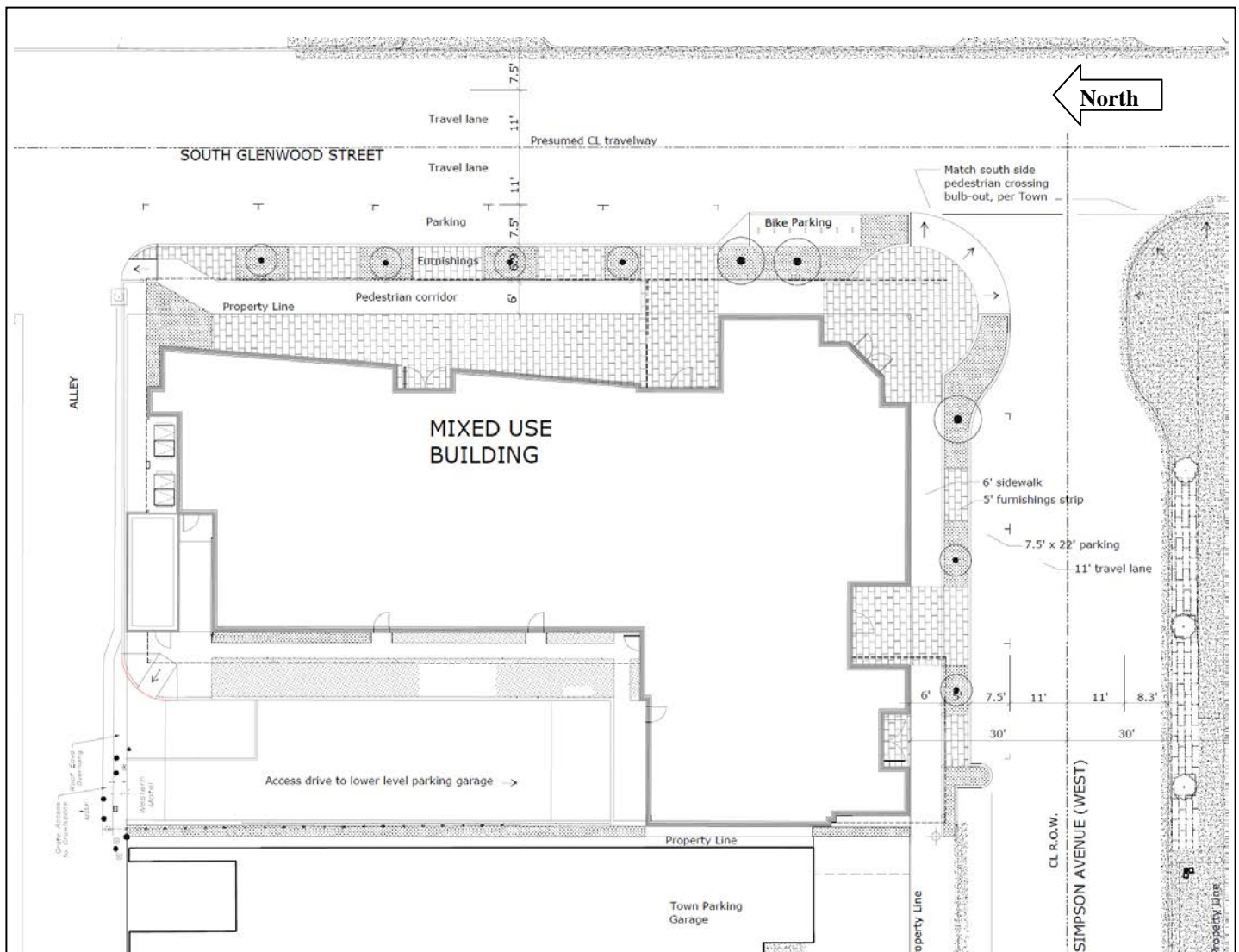
Trash and Snow: Service areas are consolidated, and trash and recycling areas are incorporated in enclosed areas along the alley. Snow storage is proposed adjacent to the curb on both Simpson and Glenwood in a five foot buffer comprised of sandset pavers. Proposed cantilevered canopies directed towards the building will provide cover and help keep walkways snow free.

The applicant had previously proposed 12 bicycle parking spaces in the form of a U-rack style parking structure adjacent to the curb on both Simpson and Glenwood as well as adjacent to the employee housing units on the west. The revised site plan submitted on August 14, 2018, and shown below indicates bicycle parking in a centralized location adjacent to the edge of the curb on the bulb-out. Pathways Coordinator Brian Schilling has already provided detailed comments in his departmental review of appropriate bicycle parking locations and standards for both short and long term parking. As a condition of approval, Staff recommends that prior to Building Permit submittal, the applicant shall consult with and gain approval from the Pathways Director the appropriate location of bicycle parking spaces.

Streetscapes/Pedestrian Access

The proposal is in conformance with the Master Plan as required. The proposal also complies with many of the form standards of the current LDRs.

Streetscapes: Under existing conditions on the site, no sidewalk or curb is currently in place. Following the Planning Commission hearing, and in response to departmental review comments regarding the previously proposed pedestrian frontages, the applicant met with Staff, Town Engineering, and the Pathways Coordinator on July 26, 2018 to discuss changes to the pedestrian streetscape. Staff wanted to ensure that the streetscape maintains a 6' wide unobstructed pedestrian corridor around the entirety of the pedestrian frontage on Glenwood and Simpson, that the bulb-out aligns with the bulb-out across Simpson Avenue at the Marriott, and that the ride-to-fly bus stop and loading area utilized by Vertical Harvest along the southwestern property line would be preserved. The applicant has since revised the pedestrian frontage and provided a preliminary site plan on August 14, 2018 for review. Shown below is the revised site plan:



Revised Site Plan

The changes made to the streetscape include:

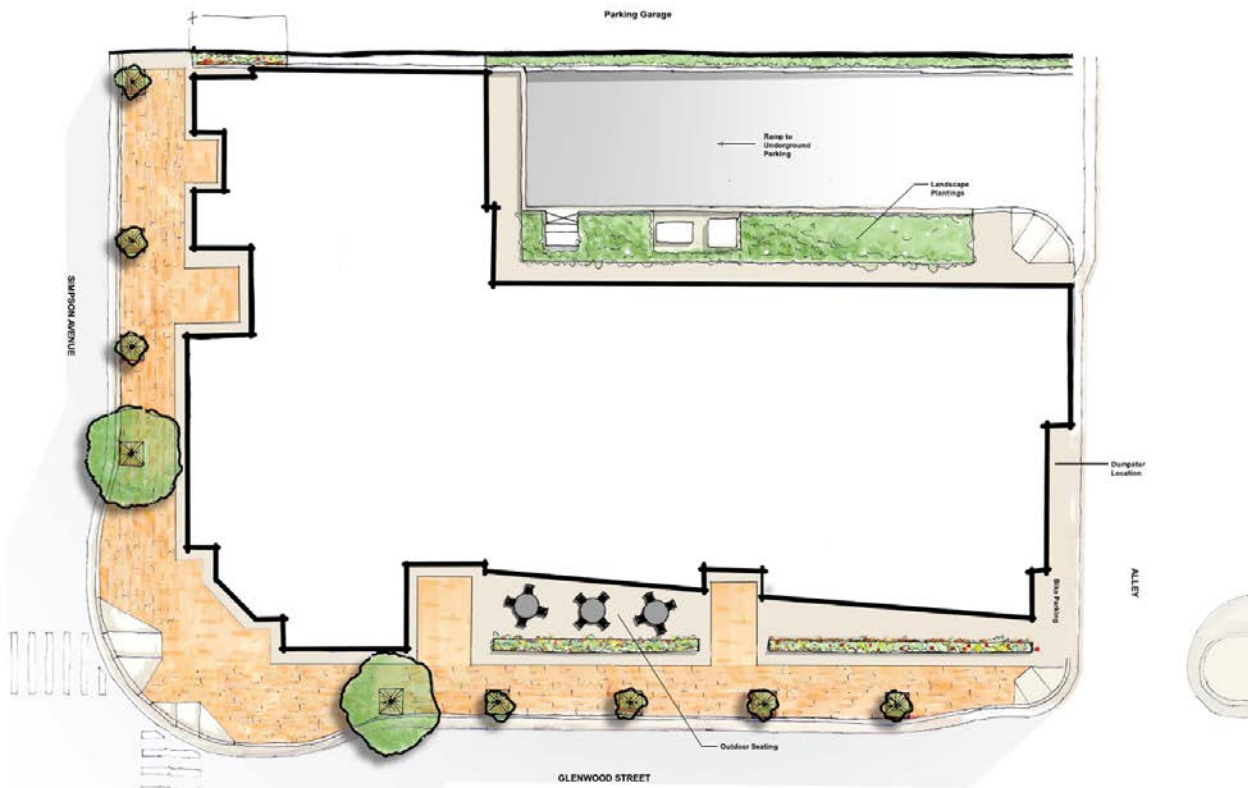
- A 6' wide unobstructed pedestrian corridor around the perimeter of the building where support columns for the canopy were previously obstructing
- A buffer to protect the loading zone and ride-to-fly bus stop
- The expansion of the sandset pavers from 4' to 5' to accommodate tree grates; and
- The alignment of the bulb-out with the bulb-out across Simpson Avenue at the Marriott.

The Town Engineer had discussed with the applicant the need for a 23' width between bulb-outs where the applicant has shown 22'. In addition, the on-street parking on Glenwood has been pushed back to accommodate the expanded bulb-out, however this results in an on-street parking space directly adjacent to the alley entrance. Should the Town Engineer require, the applicant may need to reduce their on-street parking by one space to provide a red-curb at the entrance to the alley in order to maintain clear sightlines. As of the date of this report the Town Engineering and the Pathways Coordinator have not had a chance to review the revised streetscape proposal, however as a condition of Public Works' departmental review the applicant will be required to provide a Pedestrian Corridor Plan prior to Building Permit approval which includes all dimensions and elevations in relation to existing curbs, future development, and demonstrate ADA compliance. Planning Staff has reviewed the proposal against the PMD Master Plan and finds that the overall function of the sidewalk is compatible with the current LDR form standards and that the applicant has responded adequately to Staff's previous concerns. All changes will require approval by Planning, Public Works, and the Pathways Coordinator at time of Building Permit. As a condition of approval, Staff recommends that the final Pedestrian Corridor Plan shall demonstrate a clear 6 foot unobstructed pedestrian corridor around the entirety of the building as measured from the building to any support column.

The applicant will be providing both a covered walkway as well as trees in grates along the streetscape. The covered walkway alternates between support columns for the second floor balconies on the northeast portion of the site on Glenwood and the southwest portion of the site on Simpson with a cantilevered awning around the main entrances of the building near the bulb-out. The sandset pavers are a change from the originally approved 2006 FDP plan which was formerly greenspace planted area to match the Center for the Arts across the street, however this was changed in response to Public Works' concerns for adequate snow storage. Staff finds that the pedestrian frontages meet the intent and standards of the LDRs and the Comprehensive Plan.

Pedestrian Access: Each proposed grade level commercial space has at least one large public storefront entry directly from the sidewalk arcade. Each commercial space has a secondary, rear entrance leading to common areas.

Landscaping: The applicant has provided a landscape plan which proposes an LSR of .05 which equates to 750.2 sf of landscaping which is coincident with what is required by the Master Plan. Under the development rights granted by the PMD Master Plan, development is permitted to extend directly to the lot lines on all sides. The applicant proposes to install 199 sf of screening along the west property line, 31.2 sf in a planting bed along the southwest corner, and 520 sf in a planting bed adjacent to the employee housing units. Additionally, each street tree contains 16 sf of landscaping in planters which adds an additional 144 sf. The applicant is required to provide 2 plant units. Due to the urban nature of the site, the applicant proposes providing bicycle parking and attractive planters in addition to their required 2 plant units for a total of 3.42 plant units. The applicant is reserving the right to add additional plantings in the form of moveable planters at the applicant's discretion at a later date.



Location of proposed landscaping

Parking

Parking for the development is proposed to be on-site in an underground garage accessed from the alley. The Millward + Simpson PMD contains an approved shared parking methodology. The shared parking formula utilized follows the shared parking model derived from the Urban Land Institute (ULI) with modifications suggested by the Institute of Traffic Engineers (ITE). The approved Master Plan shared parking methodology follows four steps:

1. Project Review: The number of units/square footage for each use are inserted into the parking formula.
2. Project Demand Ratios: Base parking demand ratios are set forth in the amended Master Plan for each use.
3. Analysis of Hourly Accumulation: Using base parking demand ratios, the parking requirements of each use are determined for time of day, day of week, and seasonal cycles of demand. The shared parking analysis utilizes 100% peak parking demand (determined to be evening in July) as the representative design model in order to ensure residential parking year-round and to provide a conservative buffer/margin of error.
4. Estimated Shared Parking Formula: The parking formula is as follows,

$$(\text{Parking Demand Ratio}) \times (\text{Square Footage/\# of Units}) \times (\text{Seasonal Adjustment Factor}) \times (\text{Alternative Mode of Transportation Split}) = \text{Peak Parking Demand}$$

| Use | Parking Ratio per PMD | Quantity | Time of Day (9 PM) | Season (July) | Alternative Transit Mode Split | Total Required |
|---------------------|-----------------------|----------|--------------------|---------------|--------------------------------|----------------|
| Residential/Lodging | 1.0 per Unit | 11 | 98% | 100% | 1.0 | 10.78 |

| | | | | | | |
|------------------|--------------|----------|-----|------|-----|--------------|
| Commercial | 3/1000 SF | 5,200 SF | 61% | 100% | .75 | 7.14 |
| Employee Housing | 1.5 per Unit | 3 | 98% | 100% | 1.0 | 4.41 |
| Total | | | | | | 22.33 |

This formula results in a requirement of 23 spaces where 25 spaces are provided in the underground parking garage. The PMD Master Plan does not allow for on-street parking to be included in the tally of parking supply to meet parking demand. Staff finds that the applicant has sufficiently addressed parking on site both under what is required under the PMD Master Plan and what would be required under the current LDRs.

For reference, the following table shows the parking requirements under CR-1 zoning:

| Use | Unit Parking Ratio | # of Units/SF | Requirement |
|-----------------------|--|---------------|--|
| Residential/Lodging | 1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU 25% Shared w/ Commercial | 11 | 16.5 spaces -4.13 shared 12.38 Required |
| Employee Housing | 100% Shared | 3 | 100% Shared |
| Commercial Space | 3.37/1000 SF | 5,201 SF | 17.53 Spaces -7 On-street 10.53 Off-street Required |
| TOTAL REQUIRED | | | 22.91 |

Based upon CR-1 parking standards, only the 11 short term rental units and 4 commercial units generate parking. The 3 employee units benefit from 100% shared parking according to Section 6.2.2.B Shared Parking. This results in a 23 space requirement, identical to what is proposed by the PMD Master Plan parking formula, which the applicant would exceed with the proposed 25 garage spaces and 7 on-street spaces (allowed to be counted towards parking requirement in CR-1).

Affordable/Employee Housing

The applicant is required to provide employee housing for the proposed development according to the PMD Master Plan, LDR Division 49500, and the requirements of the Teton County Housing Authority. The Housing Mitigation Plan in the 2016 Millward + Simpson PMD Master Plan 1st amendment states that employee housing shall be provided for the commercial retail and residential/lodging proposed according to the requirements and standards of the current LDRs at the time of submission:

Employee housing shall be provided in conjunction with non-residential development pursuant to Division 49500 Employee Housing Standards of the current LDRs at the time of submission of the Final Development Plan applications with the exception of the following:

Fee-in-Lieu payment shall not be permitted as a method of providing required employee housing with the exception of satisfying a fractional requirement.

The applicant has mitigated at the rate required for short term rental units only and not residential uses despite the application referencing the second and third floors being a mix of residential and lodging uses.

Previous approvals in Town of dual entitlement short-term rental/residential uses have required the higher mitigation rate of short-term rental and residential, with residential requiring 20% affordable housing and a mixture of Categories 1, 2, and 3. Should the applicant at a later point wish to convert short term rental units to long term residential units they will be required to receive a separate approval from the Town. Approval of this Development Plan is for short term rental use only as identified in the application. Staff recommends as a condition of approval that the applicant shall not use any short term rental unit for long term residential use without a separate approval from the Town.

The total requirement for the project with 28,876 sf and an FAR of 1.78 is as follows:

| Use | Square Footage | Requirement | Requirement |
|---------------------------------|----------------|-------------------|-----------------|
| New Short Term Rental | 20,961.6 SF | 47 SF / 1,000 SF | 985.2 SF |
| New Commercial | 5,727.3 SF | 156 SF / 1,000 SF | 893.5 SF |
| Existing Credit (Western Motel) | 3,552 sf | 47 SF / 1,000 SF | -167 SF |
| Net Total | | | 1,712 SF |

Applicant's Proposal:

| Use | # of Units | Square footage |
|--------------------|------------|-------------------|
| Employee 2 BR Unit | 1 | 876 SF |
| Employee 1 BR Unit | 2 | 631 SF and 600 SF |
| Total | 3 | 2,107 SF |

The Housing Department has reviewed the housing mitigation plan and approved the proposal with conditions. The Housing Manager's comments noted that the applicant had proposed to either rent or sell the Employee Housing units as employment-based units and that this is contrary to the LDRs as well as the Housing Rules and Regulations as Employee Housing Units are required to serve households earning less than 120% of Area Median Income. Ownership Units are required to be an even mix of Category 1, 2, and 3 beginning with Category 1.

Since the Planning Commission hearing, the applicant has worked with the Housing Department to clarify what will be required of the applicant, and the requirements for outdoor space and storage. The mitigation required for short term rental and commercial retail uses requires the following:

- Ownership: these units will be employee units which may be owned by different businesses but can only be occupied by persons employed in Teton County meeting the Housing Departments rules, i.e. 30 hours per week and not by the business owners. The units will be restricted based on hours worked and income earned per the employee deed restriction.
- Parking: Available to employees in the underground parking garage.
- Outdoor Space: On patios across from the unit's doorways.
- Storage: There will be storage allocated to the units in the underground parking area.

Easement Request and Encroachment Agreement

As part of this application the applicant is requesting that the Town consider providing an easement on the Town-owned property located along the Simpson Avenue Parking Garage, immediately to the southwest of 175 South Glenwood. Although included in the narrative for this application, approval of this Development Plan does not constitute approval of an easement. Instead the applicant would be required to appear before Council at a later date to gain such approval. Staff is supportive of the request from a planning perspective,

however Staff requests Council's direction regarding the easement and whether the Town would seek compensation for such a request. The applicant is in the process of composing a draft Easement.

The purpose of the easement would be to ensure in perpetuity that the existing plaza area in front of the airport shuttle remain unbuilt so as to allow windows/openings in the applicants building on the southwest corner. When Phase 2 was initially approved in 2006 it was unclear what the Parking Garage building dimensions would be and the applicant anticipated having a blank wall as it was thought that the property would abut directly against the Parking Garage structure which was expected to extend to the lot line. However, because the Parking Garage wall does not extend to the street next to the applicant's property, an easement would allow the applicant to add windows and transparency to the southwest corner of the proposed development which would otherwise be precluded by building and fire codes. The applicant's concern is that if the Parking Garage structure (or any future structure) were ever to be expanded in that location towards the Simpson Avenue lot line the windows would not be allowed. The Design Review Committee and the Planning Commission unanimously supported the design with ground floor windows over what would otherwise be a blank wall along the streetscape, however they did not discuss how this would benefit the Town over the applicant other than from a more aesthetic streetscape. Should Council decide against such an easement the southwest corner of the building will likely need to remain a blank wall.

As a condition of approval, Staff recommends that prior to Building Permit submittal the applicant shall either obtain an easement to allow the design as proposed or otherwise comply with all building and fire codes in their plans.



GLENWOOD+SIMPSON MIXED USE BUILDING
View From West, Looking East Down Simpson Avenue

The location of proposed windows shown is circled in red. The requested general easement area is demarcated by a green rectangle. The blue rectangle is a proposed area where the applicant would like to provide public art such as a mural.

In addition, the applicant has provided a draft Encroachment Agreement for the covered walkway which will encroach into the Town right-of-way. The Encroachment agreement will be finalized at the time of Building Permit.

DRC Review

This item was reviewed by the DRC three times, first as part of the original 2006 approval and then more recently voluntarily for preliminary review on February 14, 2018. No motion or vote was taken but the DRC

avored the overall design and materials and stated their support for the project. With this Development Plan submittal, the design went back before the DRC on July 11, 2018.

The DRC unanimously recommended approval of the project to the Planning Director with the following additional comments:

1. The DRC supports the applicant's request that the Town Council consider granting an easement to allow for the southwest corner of the property to have windows where the building code otherwise would not allow.
2. The DRC supports the inclusion of public art opportunities in the project.

Planning Commission

The applicant appeared before the Planning Commission on July 18, 2018 and received unanimous approval for the proposal. The Planning Commission discussed the need for a six foot clear unobstructed pedestrian walkway, and how the sidewalk would align with the existing curb in front of Vertical Harvest which the applicant has since addressed with their revised pedestrian frontage. In addition, the Commission discussed the requested easement and voiced approval of the request from an aesthetic perspective in that it allows for improvements to the streetscape and the building design, though they did not weigh in on whether the Town should require any payment or what the merits to the Town of providing such an easement other than the aesthetic improvements to the streetscape would be. The Commission suggested that potentially a deal could be reached between the Town and the applicant to locate additional bike parking off street in the location of the easement. The Planning Commission unanimously recommended approval of the proposed Development Plan subject to the following six conditions:

1. Prior to issuance of a Building Permit the applicant shall provide a landscape bond in the amount of 125% of the cost of the required plant units.
2. Prior to issuance of a Certificate of Occupancy for the building the applicant shall work with the Jackson/Teton County Affordable Housing Department to record the required deed restrictions against the property.
3. The applicant shall adhere to the rules and regulations of the Jackson/Teton County Affordable Housing Department if they propose to sell Employee Housing units.
4. Prior to Building Permit submittal, the applicant shall consult with the Pathways Director to determine the location of 12 bicycle parking spaces. The applicant shall demonstrate on Building Permit plans six spaces located internally for long term bike parking and six spaces on Glenwood and Simpson frontages for short-term parking.
5. Prior to Building Permit submittal the applicant shall either receive approval of an easement to allow the design as proposed or otherwise comply with all building and fire codes in the submitted plans.
6. The applications for Phase 2 of this Millward + Simpson PMD Master Plan shall be in compliance with the phasing requirements in the amendment to the Master Plan Extension Agreement recorded on May 6, 2016 in the Teton County land records."

Since the Planning Commission hearing, the applicant has satisfied Condition Number 3:

3.) The applicant shall adhere to the rules and regulations of the Jackson/Teton County Affordable Housing Department if they propose to sell Employee Housing units.

The applicant has met with the Housing Department and made clear the rules pertaining to the employee housing units required for mitigation.

The wording of Condition Number 4 has been changed to “Prior to Building Permit submittal, the applicant shall consult with and gain approval from the Pathways Director to determine the appropriate location of bicycle parking.” This change has been made in order to provide the applicant and the Pathways Director flexibility since there have been revisions to the pedestrian frontage which may provide better opportunities for the location of bicycle parking and since the Pathways Director has not yet had a chance to review the revised site plan’s proposed bicycle parking location.

Prior to the Planning Commission hearing, Condition Number 6 in the Staff Report read:

6.) Per the Amended Master Plan Extension Agreement, The Master Plan shall expire and this Development Plan Shall expire on May 8, 2019, unless an associated Building Permit for this development plan is issued and upon issuance the applicant commences construction on Phase 2 within sixty (60) days of issuance of the Building Permit with continuous progress to completion.

At the hearing the applicant requested an amendment to that condition which was approved by the Planning Director and the Planning Commission. The Planning Director deemed this change acceptable as it restates what was agreed to in the Master Plan. It is Staff’s judgment that the May 8, 2017 Certificate of Occupancy for the Springhill Suites Hotel governs the beginning of the two year window and expiration of Phase 2. The one point of clarification that the Planning Director made at that meeting was that the deadline was not incumbent on the issuance of a Building Permit, but rather the submission of a sufficient Building Permit within the allotted timeframe of May 8, 2019.

See the Recommendations/ Conditions of Approval Section for the final and updated conditions from the Planning Commission.

Staff Findings

Staff has reviewed the proposal for conformance with both the 1994 Comprehensive Plan as well as the 2012 Comprehensive Plan.

1994 Comp Plan:

Consistent With The Comprehensive Plan. *The proposed development plan shall be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.*

Staff finds that the proposed Development Plan is consistent with the Comprehensive Plan. Mixed-use development is strongly encouraged where it is appropriate as a way to achieve a sustainable development pattern.

Current LDRs:

Development Plan. All Development Plan proposals may be approved only if all of the following findings are made:

1. ***Comprehensive Plan:*** *The proposed project is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan.*

The subject property is located within District 2 Town Commercial Core, specifically within Subarea 2.3 Downtown.

Subarea 2.3 Downtown: This large, mixed-use, TRANSITIONAL Subarea currently consists of a variety of retail, restaurant, office and other commercial activities, along with long-term residences and lodging in a variety of building sizes and forms. Downtown is the center of civic, cultural, economic and social activity for our community as well as the center of the visitor experience, as a significant amount of lodging is located here. The existing character and built form is varied and inconsistent.

The goal of this subarea is to create a vibrant mixed use area by accommodating a variety of uses and amenities. The Subarea will be the starting point for the development of a refined Lodging Overlay boundary and future discussion of the type and size of lodging desired. A key challenge will be to provide a balance between lodging and long-term residential housing. Future structures will be predominantly mixed use, while multifamily structures will be allowed if it properly addresses the street. Commercial uses that create an active and engaging pedestrian experience will be predominantly located on the first and second floors of buildings. Example of these units include restaurants, bars, a variety of retail shops and commercial amusement. Furthermore, as portions of the subarea will be located within a future Downtown Retail Shopping District, uses such as office, residential and lodging will be predominantly located on upper floors.

A goal of the subarea will be to create a consistent building size and form. In the future, a variety of two to three story buildings are desired. Buildings should be located to create an attractive street wall and take advantage of good urban design principles including massing, articulation and the provision of public space. The pedestrian realm will be of great importance in this mixed use subarea, and emphasis should be placed on adding improvements focusing on the pedestrian experience. Parking should continue to be provided predominantly in public lots and on the street to create a vibrant, walkable area that is orientated to the pedestrian. On-site parking should be predominantly underground or screened from view. Future redevelopment should enhance the Flat Creek corridor for recreational and ecological purposes. Buildings should front onto the creek to provide opportunities for interaction and enjoyment of this community resource.

Complies. Staff finds that the project is consistent with the described vision for Subarea 2.3. The proposed uses fit within the lodging overlay and are consistent with the physical development standards as approved in the Millward + Simpson PMD Master Plan. From a pedestrian standpoint, the proposed project will benefit the public with new sidewalks and landscaping to encourage walking. Parking will be primarily underground and screened from the street. In regards to size and scale, the new project will be consistent with surrounding development as it abuts the four story parking garage, the four story SpringHill Suites across West Simpson Avenue, and the four story Center for the Arts across South Glenwood Street. Furthermore, the project will create a new and attractive street wall with recessed third floor lofts that will provide an improved pedestrian experience.

In addition, Staff finds that the application should be reviewed for consistency specifically with the policy objectives of District 2 Town Commercial Core as follows

Common Value 1: Ecosystem Stewardship

Complies. Not Applicable.

Common Value 2: Growth Management

Policy 4.1.b: Emphasize a variety of housing types, including deed-restricted housing

Complies. Staff finds that the proposed project provides short term lodging options with the potential for conversion to residential uses. In addition the applicant has provided three deed-restricted employee units on site, thus the project complies with Policy 4.1.b.

Policy 4.1.d: Maintain Jackson as the economic center of the region

Complies. Staff finds that the proposed project will maintain Jackson as the economic center of the region by improving an undeveloped site and by enhancing South Glenwood Street and West Simpson Avenue which serves as an important corridor within Town limits.

Policy 4.2.c: Create vibrant walkable mixed use subareas

Complies. Staff finds that the proposed project provides a significant improvement to this section of South Glenwood Street and West Simpson Avenue as it enhances pedestrian sidewalks along a busy town corridor. As the proposed development contains a mix of commercial and short term rental lodging uses, the new development will enhance and complement the neighborhood and accommodate foot traffic with the new pedestrian elements.

Policy 4.2.d: Create a Downtown Retail Shopping District

Not Applicable.

Policy 4.2.f: Maintain lodging as a key component in the downtown

Complies. Staff finds the proposal directly meets the intent of Policy 4.2.F as it provides the opportunity for lodging units on the second and third floors.

Policy 4.4.b: Enhance Jackson Gateways

Not Applicable.

Policy 4.4.d: Enhance natural features in the built environment

Not Applicable.

Common Value 3: Quality of Life

Policy 5.2.d: Encourage deed-restricted rental units

Complies. The applicant is meeting their employee housing requirement in the form of three, on-site deed restricted units.

Policy 6.2.b: Support businesses located in the community because of our lifestyle

Complies. The proposed development will serve both the community and tourists and guests with a mix of lodging and commercial development. The proposed pedestrian improvements will also benefit all who use them including local business employees and patrons.

Policy 6.2.c: Encourage local entrepreneurial opportunities

Complies. The provision of additional commercial space for lease may benefit local entrepreneurs.

Policy 6.3.a: Ensure year-round economic viability

Complies. Staff finds that the proposed project ensures year-round economic viability because of the need for the increasing need for year round lodging for tourists and guests, and the inclusion of ground floor commercial space.

Policy 7.1.c: Increase the capacity for use of alternative transportation modes

Complies. As conditioned, staff finds that the capacity for alternative transportation modes is slightly increased with the provision of bicycle parking and with improved pedestrian sidewalks and streetscapes. This site is already located within walking distance to the Downtown Core thus foot and bike traffic are already viable options. Furthermore, this site is within reasonable walking distance to the bus stops at the Antler Inn and Pearl and Glenwood.

2. ***NRO/SRO:*** *The proposed project achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO).*

Not applicable. The property is not located within the Natural Resource Overlay (NRO) or Scenic Resources Overlay (SRO).

3. ***Impact on Public Facilities:*** *The proposed project does not have a have a significant impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMS facilities.*

Complies. As conditioned, staff finds that the proposed project will not have significant impacts on public facilities and infrastructure. In addition, the new building will be fire sprinkled which helps reduce impacts on the Fire Department. Furthermore, the removal of the existing access points to the Western Motel and replacement with one entrance from the alley significantly improves vehicular circulation and safety on South Glenwood Street and West Simpson Avenue.

4. ***Design Guidelines:*** *The proposed project complies with the Town of Jackson Design Guidelines, if applicable.*

Complies. Per the Amended Master Plan, Development Plan applications must comply with the then-current Town of Jackson Design Guidelines. Staff finds that the application complies with the Town of Jackson Design Guidelines based on the applicant going before the DRC and receiving unanimous support from all DRC members.

5. ***LDR Compliance:*** *The proposed project complies with all relevant standards of these LDRs and other Town Ordinances.*

Complies. Staff finds that the application meets all standards required of the Millward + Simpson PMD Master Plan as amended and other Town Ordinances.

6. ***Past Approvals:*** *The proposed project is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

Complies. The applicant has submitted a Development Plan which is in conformance with the PMD Master Plan (which serves as Sketch Plan) and the applicant has submitted the application within the timeframes required for the approved extension agreement for the PMD Master Plan.

ATTACHMENTS

Department Reviews
Applicant Submittal

STAKEHOLDER ANALYSIS

The main stakeholders are the adjacent property owners, the public and pedestrians who will utilize the sidewalks.

PUBLIC COMMENT

None.

FISCAL IMPACT

There will be no significant fiscal impact to the Town if the proposed project is approved.

STAFF IMPACT

There will be no significant impact to staff resources if the proposed project is approved.

LEGAL REVIEW

Complete. The no-build easement on the parking Garage property will have to be separately addressed with the Town Council due to the restriction on future options within and on the Town's property. The legal department has not seen or been provided with any draft easement from the applicant.

RECOMMENDATIONS/ CONDITIONS OF APPROVAL

The Planning Commission and the Planning Director recommend **approval** of Development Plan (P18-156) for a mixed use building with employee housing on a property located at 175 South Glenwood Street, subject to the department reviews attached hereto and the following seven revised conditions of approval:

1. Prior to issuance of a Building Permit the applicant shall provide a landscape bond in the amount of 125% of the cost of the required plant units.
2. Prior to issuance of a Certificate of Occupancy for the building the applicant shall work with the Jackson/Teton County Affordable Housing Department to record the required deed restrictions against the property.
3. Prior to Building Permit submittal, the applicant shall consult with and gain approval from the Pathways Director the appropriate location of bicycle parking spaces.
4. The final Pedestrian Corridor Plan shall demonstrate a clear 6 foot unobstructed pedestrian corridor around the entirety of the building as measured from the building to any support column.
5. Prior to Building Permit submittal the applicant shall either receive approval of an easement to allow the design as proposed or otherwise comply with all building and fire codes in the submitted plans.

6. The applications for Phase 2 of this Millward + Simpson PMD Master Plan shall be in compliance with the phasing requirements in the amendment to the Master Plan Extension Agreement recorded on May 6, 2016 in the Teton County land records.
7. The applicant shall not use any short term rental unit for long term residential use without a separate approval from the Town.

SUGGESTED MOTIONS

Based upon the findings for a Development Plan as presented in the staff report and by the applicant related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Compliance with Town Design Guidelines; 5) Compliance with LDRs & Town Ordinances; 6) Conformance with past permits & approvals for Item P18-156, I move to make findings 1-6 as set forth in Section 8.3.2.C (Development Plan) of the Land Development Regulations to approve item P18-156 to develop a mixed-use building with employee housing for the property located at 175 South Glenwood Avenue, subject to the department reviews attached hereto and the following seven conditions of approval:

1. Prior to issuance of a Building Permit the applicant shall provide a landscape bond in the amount of 125% of the cost of the required plant units.
2. Prior to issuance of a Certificate of Occupancy for the building the applicant shall work with the Jackson/Teton County Affordable Housing Department to record the required deed restrictions against the property.
3. Prior to Building Permit submittal, the applicant shall consult with and gain approval from the Pathways Director the appropriate location of bicycle parking spaces.
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7. The applicant shall not use any short term rental unit for long term residential use without a separate approval from the Town.



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LANDSCAPE ARCHITECTURE, GIS
NATURAL RESOURCE SERVICES



Glenwood + Simpson PMD Final Development Plan Phase Two of Millward + Simpson PMD Master Plan 175 South Glenwood Street

Owner/Applicant:

Arts District Development LLC
P.O. Box 1569
Jackson, WY 83001
Representative: Jay Varley

Applicant Agent:

Y2 Consultants LLC
180 S. Willow / P.O. Box 2870
Jackson, WY 83001
(307) 733-2999
Scott Pierson
scott@y2consultants.com

Developer/Applicant:

Spectrum Wyoming, LLC
781 Larson Street
Jackson, MS 39202
Representative: Stephen King

Architect:

Harger Architects LLC
P.O. Box 487
Jackson, WY 83001
307-690-9950
Keith Harger
keith@hargerarchitects.com

May 16, 2018

PAP# P18-001

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Stakeholder Team & Property

| | |
|----------------------------------|--|
| Owner/Applicant: | Arts District Development LLC P.O. Box 1569 Jackson, WY 83001 Representative: Jay Varley |
| Developer/Applicant: | Spectrum Wyoming, LLC C/O Spectrum Capital, LLC 781 Larson Street Jackson, MS 39202 Representative: Stephen King |
| Applicant's Agent: | Y2 Consultants, LLC Scott Pierson 180 S. Willow / PO Box 2870 Jackson, WY 83001 (307) 733-2999 scott@y2consultants.com |
| Architect: | Keith Harger Harger Architects LLC P.O. Box 487 Jackson, WY 83001 (307) 699-9955 keith@hargerarchitects.com |
| Location & Legal Description: | 175 South Glenwood Street Lots 11-12; Block 2; 2nd Wort Addition to the Town of Jackson PIDN: 22-41-16-33-1-08-004 |
| Pre-Application: | P18-001 January 30, 2018 |

Project Overview & Background

Overview

The Applicant is submitting this application for a Final Development Plan (FDP) for the Glenwood + Simpson Planned Mixed-Use Development (PMD). The Glenwood + Simpson PMD is the second and final phase of development under the Millward + Simpson PMD Master Plan. Glenwood + Simpson will be a mixed-use development combining commercial/retail and employee housing units on the lower floor with market residential/lodging units above. Parking for the proposed development is provided on site in an underground parking structure accessed from the alley.

The property is at the northwest corner of South Glenwood Street and East Simpson Avenue, addressed as 175 S. Glenwood, and legally described as Lots 11-12, Block 2 of the 2nd Wort Addition to the Town of Jackson. It is Parcel Number: 22-41-16-33-1-08-004 and is approximately .34 acres or about 15,000 square feet. Under current regulations the property is zoned CR-1 (Commercial Residential -1) and it is within the Lodging Overlay. However, the development standards applicable to all aspects of the site are those specified in the approved and recorded Millward + Simpson PMD Master Plan.

The property is directly north and across Simpson Avenue from the four-story SpringHill Suites by Marriott Jackson Hole ("SpringHill Suites"). The Center for the Arts which reaches 64-feet in height, is across Glenwood Street to the southeast and the two-story Antler Motel is across Glenwood Street to the northeast. The Town of Jackson's four story 56.5-foot high parking structure and the four-story Vertical Harvest greenhouse are immediately adjacent and contiguous with the west side of the property. To the north, immediately across the alley running east west between Simpson Avenue and Pearl Avenue is the two-story Pearl Place Commercial Building and a branch of Bank of the West. Just across that alley to the north the zoning is Downtown Core and all existing development along Pearl Avenue is commercial. The property is approximately two and half blocks from the Town Square.

This property is under developed. It contains the ten (10) remaining one-story lodging units and some associated parking of the former Western Motel, which had extended across Simpson Avenue immediately to the south to the lots redeveloped as the SpringHill Suites. There was a swimming pool associated with the Western Motel on this site, but it was removed several years ago in anticipation of redevelopment. The project offers the opportunity to redevelop and significantly improve the streetscape of the intersection of Simpson Avenue and Glenwood that lies between two prominent civic features of the Town – the Center for the Arts and the Vertical Greenhouse.

This application for a FDP mirrors the FDP approved by the Town Council for this property in September 2006 except for those alterations necessary to bring the application in compliance with its PMD Master Plan, which was amended in 2013. The FAR for this development has been reduced to comply with the requirement that FAR for the entire development (Phase I and Phase II) not exceed 2.0 collectively. The SpringHill Suites across Simpson Avenue

was developed as “Phase I” under the amended Millward + Simpson PMD Master Plan. Glenwood + Simpson will be Phase II of the Master Plan. ¹

Background

The property is subject to an approved Master Plan, the Millward + Simpson PMD Master Plan – 1st Amendment recorded in the land records on May 6, 2016 as Document 0903940, Book 919, Pages 406-451. This FDP application is submitted for review under the standards for development established within that amended PMD Master Plan.

On September 16, 2002, the Jackson Town Council approved the original Millward + Simpson Planned Mixed-Use Development Master Plan pursuant to the Planned Mixed-Use Development Option, Section 2325 of the Town Land Development Regulations, which has since been repealed. Though repealed, the PMD Ordinance and the Millward + Simpson PMD Master Plan govern review and approval of development of this property. A Master Plan under the PMD Ordinance is reviewed and approved under the procedures set forth for Sketch Plans and an approved PMD Master Plan serves as a Sketch Plan (pursuant to previous LDR Section 512000, Development Plan). Following approval, the approved PMD Master Plan was incorporated into an Affidavit and Agreement executed between the Town and the applicant and is recorded in the land records. The original Millward + Simpson PMD Master Plan was recorded as document 0583871 at pages 638-760 of Book 480 of Photo on December 03, 2002 in the Clerk’s Office of Teton County.

The purpose of the PMD Option was “to provide flexibility in encouraging mixed-use commercial, office, and lodging (within the Lodging Overlay (LO)), and/or residential development which will, though an overall unified approach, provide superior results then would be achieved through lot by lot development that adheres to more rigid standards.” This PMD Master Plan was designed to provide a mix of synergistic uses responsive to a variety of community goals such as parking and transportation, on site employee housing, and prioritizing pedestrians consistent with its central downtown location and “Town as Heart” community ideals.

The Millward + Simpson PMD Master Plan originally outlined the redevelopment of 18 essentially contiguous undeveloped or underdeveloped lots in downtown Jackson that front Simpson Avenue (north and south side of the street) to the east and west of Millward Street - from Glenwood Street to Jackson Street. The Master Plan approved approximately 289,471 square feet of above-grade development consisting of a mix of residential, office, commercial retail, restaurant, and short-term lodging uses with employee housing and below-grade parking garages. The properties would be developed in phases with a FDP application submitted for each phase.

The Millward + Simpson PMD Master Plan received approval of a bonus to 2.0 FAR which could be averaged across the buildout of the 18 lots. An individual phase could exceed 2.0 FAR as long as subsequent phases were below 2.0. The PMD Ordinance gave the Town Council the flexibility to grant the 2.0 FAR upon a finding of “an extraordinary benefit to the Town of Jackson.” The Millward + Simpson Master Plan met the bonus requirement by providing development that was at least 50% residential and lodging and by providing the majority of its parking on site in

¹ To avoid confusion please note that at the time it received approval from the Town in 2006, the Glenwood + Simpson project was characterized as “Phase I” of the Millward + Simpson PMD Master Plan. Subsequently, the SpringHill Suites project was developed first and became “Phase I” and the Glenwood + Simpson PMD project is now referred to as “Phase II.”

underground parking garages. It also met the bonus criteria by providing employee housing in excess of the requirements, decreasing employee generated traffic and downtown parking use, and by increasing the vitality of downtown Jackson.

As per the standards established for the PMD Option, a deadline was established for the submission of the first FDP application as three years from the date of recordation, or December 3, 2005. This deadline for the owner/applicant to submit its first FDP under the Millward + Simpson PMD Master Plan was extended by the Town Council to March 3, 2006 in order to further explore the potential for a cooperative relationship and/or land swap between the Town and the applicant so that the private development would “wrap” around the Town’s then unbuilt parking structure (essentially surrounded by the Master Plan Development), which would have enabled the Town to potentially increase the capacity of the garage and screen the parking structure from the street.

In 2006, a FDP application for the Glenwood + Simpson PMD was submitted as Phase I of the Millward + Simpson PMD Master Plan and approved by the Jackson Town Council on September 18, 2006. An Encroachment Agreement was issued for Glenwood + Simpson on September 23, 2008 to allow for the immediate installation of water and sewer before the October 15th deadline to dig in the public right-of-way and those utilities were, in fact, installed that fall. A Building Permit for this site was issued on October 1, 2008 (followed by an amendment to that Building Permit) but subsequently expired due to inactivity.

The project was not built because of the global financial panic that occurred during September and October of 2008 leading to global fiscal crisis and the most serious recession in the United States since the Great Depression of the 1930s. The real estate market crashed, the stock market lost fifty percent of its value between September 2008 and March 2009, banks failed, the credit markets seized up, and borrowing rates for banks and businesses skyrocketed. Economic indicators did not begin to turn up again in the US until 2013.

On July 10, 2010, the Town notified the owner/applicant that, based upon the representation in the Millward + Simpson PMD Master Plan that construction of the 18-lot development would be completed within 10 years, the development rights pursuant to that Master Plan would expire December 3, 2012 unless a request for extension was received by the Town sixty (60) days prior to that date.

The owner/applicant requested an extension within the allotted time frame and on April 8, 2013 the Town Council granted an extension of the Millward+ Simpson PMD Master Plan which was memorialized in an *Affidavit and Agreement Relating to Extension and Amendment of a Planned Mixed-Use Development Master Plan* recorded on July 25, 2013 as Document 0841300 in Book 849 at Pages 640-645. The most significant condition imposed by the Town Council before granting the extension was the removal of ten (10) lots from the original Master Plan development - reducing the size of the Master Plan development from eighteen (18) lots to eight (8) lots. The eight lots remaining within the Master Plan development were intended to allow the hotel development planned as Phase I on the six lots on the south side of Simpson Avenue (Lots 1-6, Block 7 of 2nd Wort Addition), and, the two lots of this Glenwood + Simpson project (Lots 11-12, Block 2 of 2nd Wort Addition), that had previously received a FDP and Building Permit, now Phase II.

The 2013 *Affidavit and Agreement* established that the amended Master Plan would expire March 18, 2015 unless a FDP application for development of the six-lot hotel (Phase I) was approved by the Town Council, a Building Permit issued, and construction begun within 60 days of the Building Permit issuance. The 2013 *Affidavit and Agreement*

stated that if the conditions for development of Phase I were satisfied, the same conditions would apply to the development of Phase II, the Glenwood + Simpson PMD. The owner/applicant would have two years following issuance of a Certificate of Occupancy for the hotel to secure a FDP and begin construction for the Glenwood + Simpson PMD.

The 2013 *Affidavit and Agreement* also made modifications to some of the standards specific to the six-lot hotel site. Specifically, the hotel was reduced from 103,600 square feet to 95,000 square feet (excluding employee housing), its maximum allowable height would be 46' with no 110% bonus allowed for slopped sites, the 4th floor could not be visible from Simpson Avenue, Glenwood Street, or Millward Street, and changes were made to the allowable setbacks. The agreement stated that the applicants could "apply for an amendment to the Master Plan" concurrent with a Final Development Plan application.

Phase I –SpringHill Suites by Marriott

An application for a FDP for the SpringHill Suites (Phase I) was timely submitted and was approved by the Town Council on December 14, 2014. In addition to the application for a Final Development Permit for the six lots comprising the hotel in Phase I, the applicant did request "additional amendments" to Master Plan – specifically to the development standards for the hotel site that had been altered in the 2013 when the extension was granted. These requested additional amendments were to once again allow the 110% height bonus for sloping sites, allow for different setbacks, and to allow the 4th story to be visible. All of the amendments requested by the SpringHill Suites developers were granted by the Town. An *Affidavit and Agreement Relating to the 1st Amendment of the Millward and Simpson Planned Mixed-Use Development Master Plan* that memorialized the 2013 and the 2016 changes to the Master Plan was drafted and recorded on May 6, 2016 as Doc 0903940 in Book 919 at pages 406-451. Exhibit B to that document is the *Millward + Simpson PMD Master Plan – 1st Amendment*.

The SpringHill Suites was constructed in 2016 and 2017 and a partial Certificate of Occupancy for the hotel within the building was issued on May 8, 2017. A final Certificate of Occupancy for the residential/lodging portion of the project has not been issued as of May 15, 2018.

Phase II – Glenwood + Simpson PMD

There are no requested amendments to the Millward + Simpson PMD Master Plan for this application for an FDP for Phase II - the Glenwood+ Simpson PMD. This FDP application mirrors the FDP approved in 2006 for the Glenwood + Simpson PMD except for those necessary alterations to comply with the allowable FAR of 2.0 for the eight lots combined - both Phase I and Phase II together.

The SpringHill Suites developed as Phase I was built with a FAR of 2.05. Therefore, the FAR for this phase will be reduced to comply with the requirement that FAR for the entire Master Plan development (Phase I and Phase II) not exceed 2.0 collectively. The 2006 Glenwood + Simpson PMD approved had a FAR of 2.01. This project, Phase II, now has a FAR of 1.78. In all other respects the project is identical to the 2006 FDP that was approved by the Town.

A Pre-application Conference was held for the Glenwood + Simpson PMD FDP on January 30, 2018 (P18-001). The following information is provided in a format that tracks the Pre-Application Conference Summary subsequently provided by the Town Planning Department.

GENERAL INFORMATION

Planning Permit Application

See **Exhibit A:** DEV Application

Applicant will apply for a Basic Use Permit (BUP) application in the future.

Notarized Letter Of Authorization

See **Exhibit B:** Notarized Letter of Authorization

Application Fees

See **Exhibit C:** Copy of Y2 check dated 5/9/2018 for \$2,500 for DEV Application fees

Mailed Notice Fee

Per LDR 8.2.14.C.2, Notice for Public Hearing, if more than twenty-five (25) notices are required to be mailed, the Applicant will provide a check to the Town for the appropriate fee.

Other Information Needed

See **Exhibit D:** A thumb drive containing this application in its entirety will be provided to the Town upon determination of sufficiency and may be inserted in the original submittal binder as an Exhibit.

Nine (9) hard copies of this application in its entirety will be provided to the Town upon determination of sufficiency.

Response To Submittal Checklist

See **Exhibit E:** *Pre-Application Conference Summary dated January 30, 2018*

Please refer to this application in its entirety with narratives and exhibits which is organized according to the Pre-Application Conference Summary.

Title Report

See **Exhibit F:** Title Report

See **Exhibit G:** Corrected Quitclaim Deed dated March 7, 2016

Narrative Description of the Phase II Development

In the Pre-Application Summary checklist, the Planning Department requested the Applicant address how the proposed development is consistent with the previous PMD from 2006. The Comprehensive Proposed Development Summary provided below details the differences between the approved 2006 FDP Design, the approved 2008 Building Permit design and the currently proposed 2018 FDP design. See also **Exhibit H – Design Diagram Side by Side Glenwood + Simpson (2008 and 2018)**.

The project is a mixed-use development combining Commercial/Retail and Employee Housing units on the lower floor with Market Residential/Lodging units on the second and third floors, with third-floor units featuring interior lofts set back from the street front. There is underground parking accessed off the alley next to a semi-private rear court that provides access to the employee housing units. See also **Exhibit I – Artistic Renderings**.

The previous Glenwood + Simpson PMD that received a FDP in 2006 and a Building Permit in 2008 was 32,680 square feet of gross area, 20,098 square feet of tabulated area, with a FAR of 2.01. There were four commercial/retail units on the first floor along with four (4) one-bedroom employee housing units. There were seven (7) market residential/lodging units on the second floor and five (5) on the third floor. There were twenty-seven (27) parking spaces provided on site in the underground parking garage.

Due to the reduction in FAR necessary to comply with the Master Plan since Phase I was built, the project now includes one less employee unit on the first floor (but the number of employee housing bedrooms is still four because of the inclusion of a two-bedroom unit), one less market/residential unit on the second floor, and twenty-five (25) parking spaces on site in the underground parking garage.

This 2018 Glenwood + Simpson PMD is 26,689 square feet of gross area, a reduction of almost six thousand square feet and a tabulated site area of 14,811 square feet, a reduction of over five thousand feet. FAR for Glenwood + Simpson is now 1.78. The development is forty-six feet high- the third story has interior lofts that are set back from the street. On the first floor there are four (4) commercial/retail spaces of approximately 5,201 square feet total and approximately 2,107 square feet of employee housing in three (3) units –two (2) one-bedroom units and one (1) two-bedroom unit. The second level has about 8,622 square feet of market residential / lodging – two (2) three-bedroom units and four (4) two-bedroom units with balconies overlooking Glenwood Street and Simpson Avenue. The third level is about 7,326 square feet with two (2) four-bedroom and three (3) three-bedroom market residential / lodging units each with a mezzanine/loft (for a total of 2,051 square feet) and balconies. There are twenty-five (25) parking spaces in an underground parking garage access from the alley that runs between Simpson Avenue and Pearl Avenue.

The purpose of the Millward + Simpson PMD Master Plan is to provide flexibility in encouraging mixed-use development that will, through an overall unified approach, achieve results superior to those produced when development occurs lot by lot and adheres to rigid standards. The Master Plan contemplated a mix of compatible uses at a scale consistent with the surrounding neighborhood, offering commercial, residential, and lodging uses in the heart of downtown. These types of developments are intended to combat sprawl; however properties suitable for these types of developments are rare.

The following objectives were established in the Millward + Simpson PMD Master Plan to guide the planning effort and have been maintained through the design of this proposed project:

- Jointly plan the 2 contiguous lots; Block Two within the context of the Millward + Simpson Master Plan, to provide a mix of compatible and complementary land uses that support one another so that the “whole is greater than the sum of its parts”;
- Create a project embodying the type of development that will support the “Town as Heart of the Region” concept;
- Prioritize Pedestrians (sidewalks, covered walkways, pedestrian-scaled spaces, articulated entries - all to make walking desirable);
- Contribute to the long-term parking/transportation solution - parking is provided as a shared utility between uses within the project;
- Effectively address bicycle and transit transportation modes;
- Create a mixed-use development to incorporate lodging and residential / lodging units in the downtown core.

Additional objectives set forth in the Master Plan are to:

- Encourage flexibility and creativity in the development of land to promote its most appropriate and efficient use;
- Provide a mixture of compatible commercial, office, lodging and residential uses:
 - ❖ Lodging
 - ❖ Office and Services
 - ❖ Commercial/Retail
 - ❖ Restaurants
 - ❖ Residential;
- Improve the design character and quality of the development beyond that which would be achieved by strict application of the underlying land development regulations;
- Facilitate the efficient and economical provision of street improvements and utilities;
- Preserve the significant features of a site;
- Provide a functional and interconnected system of pedestrian walkways and streetscape, and pedestrian areas;
- Encourage the conservation of energy;
- Allow creative alternatives to surface parking and encourage and permit shared parking between proposed uses; and
- Accommodate alternative transportation including transit, bikeways, and pathways where appropriate as consistent with the Transportation Master Plan.

Consistent with the objectives of the Millward + Simpson PMD Master Plan - Phase II, the Glenwood + Simpson PMD, addresses architectural form and space, vehicular access and parking, pedestrian use and streetscape in ways that respond creatively to its Downtown context. The result is a development planned to house a mix of synergistic uses, providing a pedestrian emphasis and making a positive contribution to the urban fabric of the neighborhood.

The development will also support the recent downtown core/ urban neighborhood concepts in the Town's new Comprehensive Plan and the new downtown character districts. With its varied forms and articulated, stepped down roofline, the Glenwood + Simpson PMD will act as a transition between the scale of the nearby Center for the Arts, the adjacent Vertical Greenhouse and the contiguous Town Parking Garage, all three of which are taller, have a higher density and FAR, and more massive street frontages than the downtown core. Similarly, the project adds a variety of quality housing, lodging, and complimentary commercial space to this transition area between the downtown core and the strictly residential area just south.

The primary location of the commercial/retail on Glenwood Street and Simpson Avenue addresses the commercial character of these streets. And at the time of Master Plan approval it was expected that the construction of the Town's parking structure would add to the busy character of these streets as would the Center for the Arts. This has been achieved. Since that time the addition of the SpringHill Suites to the neighborhood as well as the Vertical Greenhouse, which has attracted worldwide press, have only increased pedestrian traffic in the immediate vicinity.

Given the site's proximity to the Center for the Arts, the Town's parking structure, other office/retail ½ block away on Pearl Avenue and Glenwood Street, and existing lodging in the area (Antler Motel and SpringHill Suites), it is anticipated that the commercial/retail space will attract a wide variety of potential tenants including retail and businesses such as law firms, advertising firms, financial planning and accounting companies, property managers and realtors, as well as lodging support businesses. It is also likely that the proximity to the Center for the Arts will make this location desirable to an art gallery tenant or other arts-related use. This is anticipated to create a fairly constant level of activity rather than a pattern of seasonal fluctuations characteristic of purely tourist-oriented operations. The implications of this constant level of activity for short- and long-term parking have been considered in the planning process and were anticipated and incorporated within the shared parking formula used to determine the parking requirement of this proposal.

A goal of the Millward + Simpson Master Plan is to provide lodging and residential lodging units in the downtown core of Jackson. The residential/lodging units of Glenwood + Simpson are larger and have more amenities than typical motel rooms. They increase the diversity of available short-term accommodation options in Town. Growing numbers of visitors, especially families seek out a more intimate visitor experience - staying together in a single unit to experience our community on a more familiar home like setting, while supporting the local economy by staying for longer periods of time. Such options would hold particular appeal during events like the Fall Arts Festival, Jackson Hole Wildlife Film Festival, Snowmobile Hill Climb, Stage Stop Sled Dog Race, Antler Fest, and various music festivals.

Proposed Development Program

Town Development Standards Form (Amended)

| AREA CALCULATIONS | | | |
|--|--|--|--|
| | County GIS | Base Site Area | Adj. Site Area |
| GROSS SITE AREA | 15,000 SF (Phases 1+2 = 60,000 SF) | | |
| Land within road easements and rights-of-way | | 0 | |
| Land within existing vehicular access easements | | | 0 |
| Land between levees or banks of rivers and streams | | 0 | 0 |
| Lakes or ponds > 1 acre | | 0 | 0 |
| Land previously committed as open space | | 0 | |
| 50% of lands with slopes greater than 25% | | 0 | |
| CALCULATED TOTALS | | 15,000 SF (Phases 1+2 = 60,000 SF) | 15,000 SF (Phases 1+2 = 60,000 SF) |

| DEVELOPMENT CALCULATIONS | | | | | |
|---|---------------------------|---|-----------------------|-----------------------------------|-----------------|
| TOWN ZONING: CR-1: COMMERCIAL RESIDENTIAL-1 | Current LDR Standard | PMD Master Plan | Existing | Proposed | Gross |
| Number of units or density | | | 10 ¹ | 19 ² | 19 ² |
| Floor Area | n/a | 26,698 SF (Phase 1+2= 120,000 SF) | 3,552 sf ¹ | 26,689 sf (+93,311 Phase 1) | 26,698 SF |
| FAR or maximum floor area | .65 + .15 | FAR 1.78 (Phase 1+2 = 2.0) | FAR 0.24 | FAR 1.78 (Phase 1+2 = 2.0) | FAR 1.78 |
| Site Development | | | | | |
| Landscape Surface Ratio | (BSA x 0.10) 15,000 SF | (BSA x 0.5) 750.00 SF | N/A | 750.20 SF | 750.20 SF |
| Building Setbacks | | | | | |
| Primary Street | 0' - 5' | 0' | 0' / 73' ± | 0' / 0' | 0' / 0' |
| Secondary Street | 0' - 5' | 0' | N/A | N/A | N/A |
| Side interior (min) | 0' - 5' | 0' | 3' ± | 2' | 2' |
| Rear (min) | 10' | 0' | 1' ± | 0' | 0' |
| Abutting protected zone (min) | 10' | N/A | N/A | N/A | N/A |
| Building Setbacks | | | | | |
| 3rd story street façade | 10' | 0' | N/A | 0' | 0' |
| Encroachment in setback (%) | 60% | N/A | N/A | N/A | N/A |
| Parking Setbacks | | | | | |
| Primary street, above ground (min) | 30' | N/A | 0' / 48' ± | N/A | N/A |
| Secondary street, surface (min) | 30' | N/A | N/A | N/A | N/A |
| Secondary street, other | 0' | N/A | N/A | N/A | N/A |
| Height | | | | | |
| Overall | 46' | 46' | 12' ± | 46' | 46' |
| Stories (max) | 3 | 4 | 1 ¹ | 4 ³ | 4 ³ |

Notes:

- Existing lodging structure to be removed.
- Proposed unit mix: (4) Commercial/Retail; (12) Lodging/Residential; (3) Employee Housing.
- Fourth floor is comprised of loft spaces internal to 3rd level units.

Comprehensive Proposed Development Plan Summary

Glenwood + Simpson PMD (Phase II of Millward + Simpson PMD Master Plan)

| | Underlying 2018 Zoning (CR-1) | Approved 2002 PMD Master Plan (Snapshot Design) | Approved 2006 FDP Design | Approved 2008 Building Permit Design | Proposed, Revised 2018 FDP Design |
|--------------------------------|--|---|---|---|---|
| Program Details | | | | | |
| Commercial / Retail | | 4 units, or 2 units + restaurant | 4 units | 4 units | 4 units |
| Lodging / Residential | | | | | |
| No. of Units | | 14 units | 13 units | 12 units | 11 units |
| No. of Bedrooms | | 37 bedrooms | 27 bedrooms | 29 bedrooms | 26 bedrooms |
| Employee Housing | | | | | |
| No. of Units | | 4 units | 4 units | 4 units | 3 units |
| No. of Bedrooms | | 4 bedrooms | 4 bedrooms | 4 bedrooms | 4 bedrooms |
| Floor Area Allowed | | | | | |
| Lot Size | 15,000 sf | 15,000 sf | 15,000 sf | 15,000 sf | 15,000 sf |
| Maximum FAR | 0.65 + 0.15 for lodging use | 2.0 spread over entire PMD | 2.01 | 2.01 | 1.78 |
| Maximum Floor Area | 12,000 sf | N/A | 30,150 | 30,150 | 26,689 sf |
| Floor Area Proposed | | | | | |
| Commercial / Retail | | 7,200 sf | 5,834 sf | 5,564 sf | 5,201 sf |
| Common / Circ. Areas | | | | | |
| Grade Level | | -- | 1,474 sf | 1,788 sf | 1,579 sf |
| 2 nd Level | | -- | 1,244 sf | 1,482 sf | 1,064 sf |
| 3 rd Level | | -- | 1,244 sf | 1,217 sf | 846 sf |
| Subtotal | | 4,170 sf | 3,962 sf | 4,487 sf | 3,489 sf |
| Lodging / Residential | | | | | |
| 2 nd Level | | -- | 9,865 sf | 9,603 sf | 8,622 sf |
| 3 rd Level | | -- | 8,219 sf | 8,240 sf | 7,326 sf |
| 3 rd Level Loft | | -- | 2,254 sf | 2,204 sf | 2,051 sf |
| Subtotal | | 22,570 sf | 20,338 sf | 20,047 sf | 17,999 sf |
| Total Tabulated Floor Area | | 33,940 sf | 30,134 sf | 30,098 sf | 26,689 sf |
| Tabulated FAR | | 2.26 | 2.01 | 2.01 | 1.78 |
| Employee Housing | | 2,350 sf | 2,545 sf | 2,582 sf | 2,107 sf |
| Total Above Grade Area | | 36,290 sf | 32,679 sf | 32,680 sf | 28,796 sf |
| Dimensional Limitations | | | | | |
| Bldg. Height Above Grade | 46' if roof ≥ 5/12 42' if roof < 5/12 | 46 feet | 46 feet | 46 feet | 46 feet |
| No. of Stories Above Grade | 3 stories | 4 stories | 4 stories (3rd level contains interior lofts) | 4 stories (3rd level contains interior lofts) | 4 stories (3rd level contains interior lofts) |
| Building Setbacks | | | | | |
| Street | 0' - 5' | 0 ft | 0 ft | 0 ft | 0 ft |
| Alley | 0' or 5' | 0 ft | 0 ft | 0 ft | 0 ft |
| Rear (side) | 10' | 0 ft | 0 ft | 0 ft | 2 ft |
| Landscape Area | | | | | |
| Minimum LSR | 0.10 | 0.05 | 0.05 | 0.05 | 0.05 |
| Landscape Area Provided | | 750 sf | 772 sf | 772 sf | 750.2 sf |
| LSR Achieved | | 0.05 | 0.051 | 0.051 | 0.058 |

| | Underlying 2018 Zoning (CR-1) | Approved 2002 PMD Master Plan (Snapshot Design) | Approved 2006 FDP Design | Approved 2008 Building Permit Design | Proposed, Revised 2018 FDP Design |
|---|-------------------------------|---|---------------------------------|--------------------------------------|-----------------------------------|
| Employee Housing Required | | | | | |
| Commercial / Retail | | | | | |
| Rate | 156 sf/1000 sf | Defers to LDRs | 0.42 persons/1000 sf | .42 persons/1000 sf | 156 sf/1000 sf |
| Calculated | | -- | 2.45 persons | 2.45 persons | 811.36 sf |
| Plus Circulation Areas | | | | | 82.10 sf |
| Lodging / Residential | | | | | |
| Rate | 47 sf/1000 sf | Defers to LDRs | 1.75 persons/unit | 1.75 persons/unit | 47 sf/1000 sf |
| Calculated | | -- | 3.5 persons | 3.5 persons | 845.95 sf |
| Plus Circulation Areas | | | | | 139.20 sf |
| Total Required | | -- | 7.95 persons | 7.95 persons | 1,878.70 sf |
| Credit (calculation below) | | | | | 167 sf |
| Total minus Credit | | | | | 1,711.70 sf |
| Employee Housing Proposed | | | | | |
| Floor Area Provided | | N/A | N/A | N/A | 2,107 sf |
| No. of Units Provided | | 5 | 4 | 4 | 3 |
| 1 Bedroom Units | | 5 | 4 | 4 | 2 |
| Persons housed | | 7.0 persons | 7.0 persons | 7.0 persons | N/A |
| 2 Bedroom Units | | 0 | 0 | 0 | 1 |
| Persons housed | | 0 | 0 | 0 | N/A |
| Credit for Existing 10-unit motel bldg: | | | | | |
| Credit Rate | 47 sf/1000 sf | .13 persons/bedroom | .13 persons/bedroom | .13 persons/bedroom | 47 sf/1000 sf (24'x148' bldg.) |
| Credit Calculated | | 1.3 persons | 1.3 persons | 1.3 persons | 167 sf |
| Total Housing Provided | | | | | 2,274 |
| No. of People Housed | | 10.05 persons | 8.3 persons | 8.3 persons | N/A |
| Surplus Provided sf | | N/A | N/A | N/A | 228.3 sf |
| Surplus Provided as % | | ----- | ----- | --- | 21% |
| Parking Required | LDR | PER MASTER PLAN FORMULA | PER MASTER PLAN FORMULA | PER MASTER PLAN FORMULA | PER MASTER PLAN FORMULA |
| Commercial / Retail | | | | | |
| Rate | 3.37 spaces/1000 sf | 3 spaces/1000 sf within formula | 3 spaces/1000 sf within formula | 3 spaces/1000 sf within formula | 3 spaces/1000 sf within formula |
| Calculated | | ----- | ----- | ----- | 7.14 |
| Lodging / Residential | | | | | |
| Rate | 1.5 spaces/DU | 2/unit within formula | 2/unit within formula | 2/unit within formula | 1/unit within formula** |
| Calculated | | ----- | ----- | ----- | 10.78 |
| Employee Housing | | | | | |
| Rate | 0 (on-site housing) | 1/unit within formula | 1/unit within formula | 1/unit within formula | 1.5/unit within formula** |
| Calculated | | 3.92 spaces | 3.92 spaces | 3.92 spaces | 4.41spaces |
| Subtotal Required | 34 spaces | -- | -- | -- | 22.33 spaces |
| Total Off-Street Req'd. | | Not specified for individual phase | 34 spaces | 32 spaces | 23 spaces |
| Parking | | | | | |
| Basement Spaces | | 27 spaces | 27 spaces | 25 spaces | 25 spaces |
| Credit for Existing Dev. | 10 spaces | 10 spaces | 10 spaces | 10 spaces | 10 spaces |
| Total Parking Provided | | 37 spaces | 35 spaces | 35 spaces | 35 spaces |
| Surplus Parking | | -- | 1 space | 3 spaces | 12 spaces |
| Curbside Street Spaces Available | | 10 spaces | 8 spaces | 7 spaces | 7 spaces |

** 2014 Millward + Simson PMD Master Plan -1st Amendment changed lodging/residential requirement to 1 space per unit and changed the requirement for employee housing to 1.5 spaces per unit.

Site Plan

See **Exhibit J**: Site Plan

Floor Plans

See **Exhibit K**: Floor Plans and Elevations

Posted Notice

Public Notice in accordance with LDR Section 8.2.14.C.4. shall be posted on site by the applicant when public meetings are scheduled by the Town Planning Department.

See **Exhibit L**: Posted Public Notice Template

IDENTIFIED APPLICABLE ARTICLES OF THE TOWN LDRS

The Town Planning Department identified the following Land Development Regulations as applicable in the January 30, 2018 Pre-Application Conference Summary:

Article 1: General Provisions. Division 1.9 Nonconformities

There are no nonconformities associated with the Glenwood + Simpson PMD FDP application. The proposed development must be consistent with the approved Millward + Simpson PMD Master Plan, as amended.

Article 2: Complete Neighborhood Zones

The current zoning and neighborhood character zones are not applicable to this project. The development standards presented in the Millward + Simpson PMD Master Plan as amended govern the review of the Glenwood + Simpson PMD. However, in addition to conformance with the Master Plan the applicant will demonstrate the project's benefits to the neighborhood considering the current zoning and the town's current Comprehensive Plan, Community Streets Plan and Design Guidelines.

Division 2.2.1: Rules Applicable to All Complete Neighborhoods

Division 2.2.2.A: Form Standards

The physical development and form standards in the current LDRs for the Town are not applicable to this project. The development standards presented in the Millward + Simpson PMD Master Plan as amended govern the review of the Glenwood + Simpson PMD. However, in addition to conformance with the Master Plan this application will demonstrate the project's benefits to the neighborhood considering the form standards adopted in recent years regarding Streets, Pedestrian Frontages, Building Frontages and Parking.

2.2.1.B: Streets

The physical development and form standards in the current LDRs for sidewalks are not applicable to this project. The development standards presented in the Millward + Simpson PMD Master Plan as amended govern the review of the Glenwood + Simpson PMD. However, in addition to conformance with the Master Plan this application will demonstrate the project's benefits to the neighborhood considering the form standards adopted in recent years.

The Town of Jackson's 2015 Community Streets Plan, specifically Town Neighborhood Form D2 "Town Commercial Core", states that the "Town intent is that all residential areas shall have sidewalks provided on both sides of every street... Detached sidewalks with tree-planted furnishings zones are encouraged." The Application meets this philosophical intent and the literal terms of 2.2.1.B as described below in *Pedestrian Frontages* and *Building Frontages*.

2.2.1.C: Pedestrian Frontages

The physical development and form standards in the current LDRs regarding pedestrian frontages are not applicable to this project. The development standards presented in the Millward + Simpson PMD Master Plan as amended govern the review of the Glenwood + Simpson PMD. However, in addition to conformance with the Master Plan this application will demonstrate the project's benefits to the neighborhood considering the form standards adopted in recent years.

Pedestrian frontages are the spaces that occur on public and private property between the curb and the building and are required along primary and secondary streets. In the current LDRs, good pedestrian frontages are deemed essential for fostering mixed-use, walkable, and pedestrian oriented development.

One of the main objectives driving the planning and design process for the Millward + Simpson PMD Master Plan and the Glenwood + Simpson PMD for this site has been to place a priority on the development of great pedestrian spaces and connections. To the pedestrian the site is primarily experienced along its two most public faces – Simpson Avenue and Glenwood Street. The site plan responds to the character of these two streets.

Along the entirety of both primary street frontages, the applicant proposes to construct an arcade or covered pedestrian walkway, which varies in width from 6'-2" to 18'-2" along its length with additional space indented at building entryways. The arcade will provide shelter from the elements and a clear walkway for pedestrians, adding to the covered walkways extending south from the Town Square, 1½ blocks to the north. Combining the covered arcade and paved/planted strip areas, the total sidewalk width, from back of curb to face of building, will vary from 11'-6" to 23'-6". Although the narrowest points are slightly less than the current 13' standard for CR-1 Zoning, the overall function, appearance and intent are comparable - in fact matching the conditions at the Vertical Greenhouse to the west and greatly exceeding the conditions found at the property across the alley to the north. Clear head height at the covered arcade area varies from 10'-0" at the north east corner to 12'-5" at the southwest corner.

A four-foot-wide area of sandset pavers, to match Town's streetscape standards, is proposed adjacent to the curbline on both Simpson and Glenwood to separate pedestrians from the street and provide snow storage space. Tree grates are proposed for all street trees to match the Town's streetscape standards. In the 2006 FDP application a four-foot-wide planted area was originally proposed in part to mirror the Center for the Arts across the street, but public works was very concerned with having adequate snow plowing storage, so it was changed to pavers.

In addition to using that area for snow storage, it will look much better in the spring than snow-salt-smashed planting areas typically do. With parallel parking along the street, people will be stepping out of their cars onto pavers, and not wet grass or mulch. In this potentially high-traffic area, landscapes may receive a lot of traffic and therefore compaction. The trees will fare better if provided with Engineered Soils beneath permeable pavers protected by tree grates. Tree grates will be selected to reinforce the building's design. Pavers can also reduce the amount of dog mess in front of the building which may occur with a planted area.

The three required components of the Pedestrian Frontage under current LDR Section 2.2.C have been addressed:

The Furnishing/Planting Area in the Glenwood + Simpson PMD is designed to accommodate utilities, door swing, street trees, snow storage, and building columns. A pattern of scored concrete, interspersed with sand-set pavers to match the Town's streetscape standards, will further define use areas and provide interest on the ground plane.

Additional sand-set pavers are located behind the curb in areas where parallel parking will occur. These pavers serve several purposes: 1) they differentiate the walking route from the door-opening, toddler/parcel juggling area, thus reducing collisions; 2) provide safe all-season footing for those exiting their vehicles at the curb; 3) provide an easy-to-clean surface during the year and after spring thaw; 4) provide a temporary snow-storage area in winter; and 5) repeat the urban pavement pattern created elsewhere by the Town.

Greenery is located specifically to contribute to the pedestrian safety and interest described above.

Tree grates will be selected to reinforce the building's design for aesthetic continuity. The grates will also protect the trees' roots and maintain the ADA walking surface around the trees. The subgrade design and engineering will allow each tree's root zone to extend well beyond the "root ball" zone typically allowed for street trees by installing the curb-back pavers atop plant-friendly engineered soils throughout the sand set paver area.

The Applicant also will include stand-alone planters, selected to reinforce the building's design for aesthetic continuity and to highlight outdoor gathering areas while maintaining pedestrian flow and width.

Under the current LDRs the distance of the Furnishing/ Planting area is 18" to 3' (min to max). For Glenwood + Simpson PMD the distance is 24".

The Clear Sidewalk minimum is eight feet under current LDR Section 2.2.1D. Consistent with the Millward + Simpson Master PMD Master Plan governing the site, the Glenwood + Simpson PMD will be a minimum of 6' wide where direct movement is anticipated but widening at nodes and building entrances. A covered walkway is provided, where the building overhang creates a gallery to further define the space and to continue the pattern of covered walkways extending to the Town Square. The gallery extends approximately 100% of the south façade along Simpson Avenue and 100% of the east façade along Glenwood Street. Current LDR Section 2.2.1.C requires galleries be contiguous and extend for 75% of the Primary Street façade.

The Building Transition Area in the Glenwood + Simpson PMD benefits from the varied pavement width where the building footprints steps back, and patterns of sand-set pavers serving as visual "rugs" at

entries, all in order to invite pedestrians to the businesses inside and to provide gathering areas. This is consistent with the current LDR section 2.2.1.C which requires Building Transition areas to be hardscape.

A handicap ramp shall be installed at the intersection of Glenwood and Simpson streets – immediately adjacent to the building's Main Entry and associated with painted crosswalks - to facilitate pedestrian circulation to Center for the Arts and all points south. Bicycle racks are included along both the Glenwood and Simpson frontages, as well as adjacent to the employee housing units on the west, for a total of 12 bike parking spaces.

2.2.1.D: Building Frontages

The physical development and form standards in the current LDRs regarding building frontages are not applicable to this project. The development standards presented in the Millward + Simpson PMD Master Plan as amended govern the review of the Glenwood + Simpson PMD. However, in addition to conformance with the Master Plan this application will demonstrate the project's benefits to the neighborhood considering the form standards adopted in recent years regarding building frontages.

All of the uses along Glenwood Street and Simpson Avenue are commercial retail spaces which are considered "Shopfront" under the current LDRs (Section 2.2.1.D.1). However, it is quite possible one or more of the commercial retail spaces will end up being used for a law firm, financial planner/accounting firm, and/or real estate office and therefore "Office" form standards would apply (Section 2.2.1.D.2).

Building frontages in the current LDRs set standards for building facades that face primary and secondary streets to ensure that the facades address each street appropriately. They play an important role in shaping the built environment and enhance the pedestrian experience.

Both the Glenwood Street and Simpson Avenue frontages are considered "primary", whereas the north alley façade is considered "secondary." The project is built to the property edges: at the ground level on Glenwood, the street wall steps back to acknowledge entrances to the retail and create wider and more inviting pedestrian space. Forty feet of the building is proposed to extend to the lot line along the Glenwood Street (east side) frontage, providing the immediate street/building connection that lends such a strong character to the center of the Town of Jackson. The remaining 110-feet is pulled back from the property line on the ground floor from 11-18 feet from the curb to provide an interesting and expanded pedestrian area.

As noted, the ground floor along Glenwood Street and Simpson Avenue will have a number of retail and/or office tenants. A cantilevered canopy will act as a common space addressing the individualized retail storefronts and entrances. The space created by the canopy will be at a human scale, reducing the perceived mass of the building and increasing the comfort of approaching the building on foot. By cantilevering the canopy from the face of the building and reducing the need for support columns, the canopy will provide the cover and character described above while keeping the walkway clear for pedestrian circulation, snow storage and removal. Where columns are located in the pedestrian right-of-way they are placed to ensure a minimum 6-foot clear, unobstructed walk and form the edge to the area along the curbline to create an inviting and unimpeded pedestrian way.

The corner where Glenwood Street meets Simpson Avenue is the most prominent position on the site. A primary retail entrance is in this location and addresses the street corner. The sidewalk is widened and the building entrance steps back from the corner, creating 5-feet of extra room along both streets for the casual gathering or just

waiting to cross Glenwood on the way to a performance or opening at the Center for the Arts or for those headed to and from the SpringHill Suites across the street – perhaps to dine in their restaurant which is highly visible on the opposite corner of that intersection. That intersection also offers a significant and potentially “first” view of the community’s Vertical Greenhouse – one of the first of its kind in the world and a tourist attraction. Another function of the wider sidewalk is to narrow the street slightly at the corner – providing a comfortable pedestrian crossing of Glenwood Street over to the west Entry Plaza for the Center for the Arts located directly opposite. Such a crossing was envisioned by the South Glenwood St. Design Charrette; the proposed development aims to contribute to the realization of that community vision.

Turning onto Simpson Avenue, the proposed building fronts directly onto the sidewalk to create a continuous building edge intended to be compatible with the parking structure and the Vertical Greenhouse. The unit on the ground floor of Simpson Avenue is also a commercial/retail use. Access to the employee units is from a walkway on the west side of the building. Each employee housing unit has its own private entry off the walk, and planting areas flank the walkway and each entry door.

The transition to Building Frontage is eased with the attention to detail in the Pedestrian Frontage which is in accordance with both the Millward + Simpson PMD Master Plan.

Story Height - Shopfronts (2.2.1.D.1)

The ceiling height of the grade level commercial/retail spaces (and the floor height of the second level residential/lodging spaces) is at a constant elevation, while the elevation of the ground level itself varies in response to the site’s sloped grade. Ceiling finishes at the grade level commercial/retail spaces will be the responsibility of the individual owners or tenants as is customary - and thus may vary - but clear height from floor to bottom of structure varies from 10’-6” to 12’-6.” Actual floor-to-floor dimension, or story height, varies from 12’-2” to 14’-2”. The floor-to-floor height between second and third floors is a constant 12’-6” throughout the building. The floor-to-floor height between the third level spaces and their internal lofts is 9’-5”, however those loft floors are not visible at the front of the building.

Transparency – Shopfronts (2.2.1.D.1)

Along the Glenwood and Simpson frontages, windows or glazed doors comprise 60% of the surface area of the grade level building façade below the sidewalk canopy, while windows or balcony openings comprise 40% of the second and third levels façade above the sidewalk canopy.

Blank Wall Area – Shopfronts (2.2.1.D.1)

At the grade level facade below the sidewalk canopy, the longest continuous section of blank, non-perforated wall is 3’-6”. At the second and third levels façade above the sidewalk canopy, the longest section of blank, non-perforated wall is 6’-0”.

Pedestrian Access – Shopfronts (2.2.1.D.1)

All grade level commercial/retail spaces have at least one large, well-articulated, public storefront entry leading directly from the sidewalk arcade. If the two northern most units located on Glenwood Street are combined, the

resulting unit would have two entries. In addition, each commercial/retail space has a secondary, rear entrance leading to the common lobby and restroom or loading dock areas.

2.2.1.E: Parking

The Glenwood + Simpson PMD will provide its required parking on site, in sufficient quantity to meet the maximum parking demand for this phase as per the shared parking methodology approved within the Millward + Simpson PMD Master Plan. The amount of required parking is 23 spaces. There are 25 spaces in the onsite underground parking garage. There are ten (10) existing parking credits allotted to the site under the Town LDRs for parking provided by existing development as of 1988 as determined in 2005. There are also 7 on-street parking spaces adjacent to the project frontage on Glenwood Street and Simpson Avenue that can serve as convenient short-term spaces for visitors, guests and patrons of the development and provide a buffer for high-season peak parking needs. See *Comprehensive Development Plan Summary* above and Section 6.2 *Parking and Loading* below, which has the detailed calculations of the shared parking formula.

Division 2.2.3.A: CR-1 Commercial Residential-1

Again, the development standards for the current zoning and neighborhood character zones are not applicable to this project. The development standards presented in the Millward + Simpson PMD Master Plan as amended govern the review of the Glenwood + Simpson PMD. However, in addition to conformance with the Master Plan the applicant will demonstrate the project's benefits to the neighborhood considering the current zoning.

The property lies within the Commercial Residential - 1 (CR-1) zone adopted last year and is within the Lodging Overlay (LO). The intent of the CR-1 zone is to provide for mixed-use development consisting primarily of offices, retail and residential development. Lodging uses are allowed within the Lodging Overlay. This zone is often located between secondary corridors and may serve as a transition zone between higher intensity commercial areas and residential neighborhoods (LDR 2.2.3.A. CR-1, *Intent*). The Glenwood + Simpson PMD lies is immediately adjacent to Downtown Core zoning along Pearl Avenue and one block north of an Auto-Urban Residential (AR) zone on Hanson Street.

Division 2.2.3.B: Physical Development

The physical development standards in the current LDRs for the Town are not applicable to this project. The development standards presented in the Millward + Simpson PMD Master Plan as amended govern the review of the Glenwood + Simpson PMD. However, in addition to conformance with the Master Plan the applicant will demonstrate the project's benefits to the neighborhood considering the current standards adopted in recent years.

Dimensional Schedule for Millward + Simpson PMD Master Plan

The approved Master Plan established the following dimensional limitations for the overall PMD:

| | Min. LSR | Max Gross Density (du/ac) | FAR | Min. Site Area (sf) | Min. Lot Size (sf) | Min. Street Yard (ft) | Min. Side Yard (ft) | Min. Rear Yard (ft) | Max Height (ft) |
|----------------------------|---------------------|--|-------------|--|---------------------------------------|--|--|--|--------------------------------|
| PMD Master Plan | 0.05 | n/a | 2.0 Avg. | 22,500 | n/a | 0 | 0 | 0 | 46' |

The Millward + Simpson Master Plan provides that a development may utilize the bonus standards provided two of the following criteria are met:

- Fifty percent (50%) or more of the total square footage as residential or lodging uses (within the LO), which is met as the Glenwood + Simpson PMD is seventy percent (70%) residential or lodging.
- Sub-grade parking to satisfy the majority of the parking requirement (excepting surface spaces for loading/unloading or similar short term uses, which is met with the twenty-five (25) subgrade parking spaces.
- Exceeding the employee housing requirements (not including allowable credits) by at least twenty percent (20%).
- Design and use features that substantially advance the goals of the Transportation Section within the Comprehensive Plan (2004 Comprehensive Plan), which is met.

Structure Location and Mass:

Setbacks (2.2.3.B.1)

Consistent with the Millward + Simpson PMD Master Plan, the proposed setbacks are 0' on all primary and secondary streets and interiors, along Glenwood Street and Simpson Avenue, and 2' feet along the rear of the site which abuts the east wall of the Town Parking Garage. The project is built to the property edges. At the ground level on Glenwood Street, the street wall steps back to acknowledge entrances to the retail and create wider and more inviting pedestrian space.

Setbacks in the CR-1 zone range from 0' - 5' on all primary and secondary streets and interiors, and 10' minimum at the rear of the site and against abutting protected zone(s).

Height (2.2.3.A.2)

Under the Amended Millward + Simpson PMD Master Plan buildings:

[A]re 4-story, 46-foot to a maximum of 50.6 feet (when utilizing the 110% bonus for sloped sites) in height with a 3 -story façade along public streets and alleys. The fourth-floor steps back from the footprint to reduce the perceived mass of the buildings from the pedestrian realm as measured

from the immediately adjacent property boundaries (measurement per Town Design Guidelines). This stepping-back also allows southern exposure, natural light and views of the surrounding mountains and buttes to penetrate to the street level and the interior of the buildings. Utility elements of the buildings (elevator run-outs, mechanical, etc.) may be an additional 4-feet above the allowed building height as consistent with the Town of Jackson Design Guidelines.

The maximum height of the Glenwood + Simpson PMD building is 46 feet. Consistent with the Master Plan, the fourth floor, which serves as loft areas for the third-floor units, is set back from the front of the building resulting in a 3-story façade.

Under current LDRs Section 2.2.3.A.2, for CR-1 "Buildings can be up to 3 stories in height. Buildings are pulled up to the street, awnings, galleries, porches, stoops, and windows and doors work in concert to provide an attractive pedestrian environment that complements and serves the surrounding neighborhood." Under Section 2.2.3.B.2 buildings may achieve a maximum of 46' if the roof pitch is greater than or equal to 5/12. The roof pitches at the tallest parts of the proposed building are 3.5/12 or flat. However, in addition to being consistent with the Master Plan, those elements mirror the vocabulary of forms used at the adjacent buildings while at the same time being shorter than those buildings.

FAR (2.2.3.B.2)

Under current zoning for C-R-1. Maximum FAR is .65 with a .15 bonus of additional FAR for lodging uses. The Millward + Simpson PMD Master Plan, consistent with the goals of the PMD Ordinance, has an approved maximum FAR of 2.0 that may be averaged over the entire development. Individual blocks as originally contemplated could exceed 2.0 as long as subsequent proposals are less than 2.0 and in aggregate the entire Master Plan does not exceed 2.0 FAR.

During review and approval of the Millward + Simpson PMD Master Plan, architectural floor plans and site level plans were submitted and reviewed as part of the process to show an example of development that could be expected when applying the dimensional limitations, design guidelines and other provisions of the Master Plan. The floor/site plans, elevations program and uses, represented a Sketch Plan or "snap-shot" that was used to assist those reviewing the Master Plan in understanding the feasibility and character that could reasonably result from applying the Master Plan provisions. The "snapshot" floor/site plans illustrated the following FAR for the blocks within the Master Plan:

| Millward + Simpson PMD Master Plan Phases: | <u>Block 1A:</u> Removed from Master Plan (2013) | Block 1B: Removed from Master Plan (2013) | <u>Block 2:</u> Glenwood + Simpson PMD (Phase II) | <u>Block 3:</u> Springhill Suites by Marriott (Phase I) | Block 4: Removed from Master Plan (2013) |
|--|---|--|--|--|---|
| FAR in 2002 | 1.68 | 1.86 | 2.26 | 2.30 | 1.68 |

The 2006 Glenwood + Simpson PMD approved by the Town Council had a FAR of 2.01. The SpringHill Suites developed as Phase I has a FAR of 2.05. Therefore, the FAR for this phase has been reduced to comply with the requirement that FAR for the entire Master Plan development (Phase I and Phase II) not exceed 2.0 collectively.

Glenwood + Simpson PMD as proposed in this application has a FAR of 1.78.

Scale of Development

Building projections and the continuous sidewalk canopy bring the scale of the building down to human proportion at the pedestrian level. Stepping back the upper floors provides opportunities for screening taller building elements through “sky-plane” devices and yields a street-level experience of a two-story building. Along the street and alley frontages, the third level is set back significantly from the front of the building and, in most of those cases, is also obscured by protruding, second story, covered balcony elements. The only exception to this is at the northeast corner of the building, where the building’s most-prominent three-story mass extends all the way to the sidewalk - solidly anchoring the building to the site. A significant portion of that mass above the sidewalk canopy is broken up by a two-story, covered balcony area. In addition to serving as a beacon for the commercial retail functions of the building, this mass is also a necessary response to the rhythm of masses created by adjacent buildings: The Center for the Arts, with its soaring studio spaces and 64’ tall theater fly-tower lies directly to the east of this building. The Vertical Greenhouse and the Town of Jackson’s parking structure, including 56’ tall circulation towers are immediately adjacent to this building on the west and the four-story SpringHill Suites is across the street to the south.

Both additive and subtractive massing have been employed to reduce the visual impact of the building and to create engaging entrances and pedestrian spaces. The stepped-back upper roofs shed onto terraces or canopies, avoiding the deposit of snow and rain on pedestrian ways. The peaked upper roofs also further pull the highest parts of the building away from the view of the street and tuck the loft levels into roof structure as anticipated in the Master Plan sketches.

Mechanical equipment is screened from view within the roof structure and directs noise upward, away from the inhabited spaces of the building and the outdoor public spaces.

Building Design

The Glenwood + Simpson PMD project will compliment other development in the immediate area such as the Center for the Arts, the SpringHill Suites, the Vertical Greenhouse as well, the two-story commercial building to the north on the southwest corner of Pearl and Glenwood and other buildings and infrastructure along Pearl Avenue. The project will also significantly mask the mass of the Town Parking Structure on its east side. The proposed project- located within 2 blocks of Jackson’s Town Square will contribute to the ongoing evolution of this vibrant, mixed-use, pedestrian-friendly neighborhood. The ground floor will include commercial retail or office space and lobby access to the lodging / residential units at the public street fronts, with employee housing accessed from a semi-private rear court. The upper floors are comprised exclusively of market residential/lodging.

Structured underground parking for the project will be accessed from the alley. A fully-enclosed and screened garbage collection area is recessed off the alley ROW.

Ground-floor retail spaces are provided in a variety of configurations. Along the Glenwood Street frontage, where it is anticipated that the commercial occupants may be art galleries taking advantage of proximity to the Center for the Arts and helping to reinforce an “arts corridor” connection between the Town Square and the Center with large, unobstructed spaces and expansive exterior window walls combine to offer flexible floor plans with ample, indirect, natural lighting. On the Simpson Avenue frontage, the retail spaces were designed to be more intimate in nature

for small boutique shops that may be the occupants in order to directly capitalize on proximity to the newly built hotel traffic not to mention Vertical Greenhouse and the Parking Garage.

At the upper floors, luxury apartments are available in a range of sizes and configurations. All apartments enjoy private exterior balconies, vaulted ceilings with high-window views to the mountains to the south, east or both, and all bedrooms have ample access to direct or indirect natural lighting.

The ordering principles that have shaped the design are to provide a functional and appealing pedestrian experience and to ensure compatibility of uses and scale with surrounding potential development based on current zoning. The resulting project is a positive contribution to the growth of the region - by optimizing the land within the Town and offering mixed use retail and residential/lodging unit types not currently available in the marketplace, the plan combats the tendency for sprawl. The proposed building meets all of the requirements of the design guidelines established in the approved Master Plan, as well as the Town of Jackson Design Guidelines, as follows:

Public Space

- The project creates usable, human-scale public spaces that relate to the uses within the building and the individual characters of the adjacent streetscapes.
- The building form creates a protected and inviting pedestrian way that connects to adjacent uses and walkways, including the primary link between the Town's parking garage and the downtown area.
- The public spaces surrounding the building form clear, engaging pedestrian entries along the street edges and at the street corner.
- The public streetscape forms a seamless extension of the pedestrian walkway network of the downtown area, upgrading the existing sidewalks and encouraging pedestrian use.
- The proposed sidewalks follow the precedent set by the Center for the Arts for the design of Glenwood Street. Most significantly, at the street corner the expanded sidewalk will make a more recognizable pedestrian entry to the building and provides a shorter crossing at the point directly opposite the Center for the Arts as pedestrians make their way between the Center for the Arts and the parking structure, or the Hotel and the Town Square.

Composition

The composition, proportion and rhythm of building elements and transparency of the ground floor make for clear entries and an inviting visual impact, particularly at the pedestrian level.

The character of the Glenwood + Simpson building with its saw-toothed roof design and clerestory windows was designed specifically to mirror the roof forms at the Center for the Arts roofline and relate to its modulated, contemporary elements, without being directly derivative.

The character of the development was intended to contribute to the appearance of a neighborhood that evolved and was built over time by ensuring a mix of styles and forms that are unique yet still respectful of each other.

Site Development

The driveway for vehicular access to the below grade parking is accessed off the alley. For further discussion of the driveway and vehicular access standards (per Pre-Application Summary checklist), please see below under Article 6 Division 6.2 *Parking and Loading Standards* and Division 7.6 *Transportation Facility Standards*.

Fencing

There are no fences proposed for this project.

Division 2.2.3.D: Development Options

The project, once a building permit is issued, will begin the subdivision process for condominium ownership. The condominium subdivision will account for the various types of use and provide General and Limited Common Areas allocated appropriately for the various uses.

Division 2.2.3.E: Additional Zone-Specific Standards

Additional specific standards identified by the Town Planning Department applicable to this development is the Millward + Simpson PMD Master Plan. The current FDP submittal is consistent with the Millward + Simpson PMD Master Plan as amended.

See **Exhibit M:** *Affidavit and Agreement Relating to the 1st Amendment of the Millward and Simpson Planned Mixed-Use Development Master Plan* recorded May 6, 2016

See **Exhibit N:** *Affidavit and Agreement Relating to Extension and Amendment of a Planned Mixed-Use Development Master Plan* recorded on July 25, 2013

See **Exhibit O:** LDR Section 2325 Planned Mixed-Use Development (PMD) Ordinance

Article 5: Physical Development Standards Applicable In All Zones

In the Pre-Application Conference Summary, the Planning Department identified the following divisions of Article 5 as applicable to Glenwood + Simpson PMD but noted that it is the Millward + Simpson PMD Master Plan that governs the uses and standards:

- Division 5.5: Landscaping Standards
- Division 5.6: Sign Standards
- Division 5.7: Grading, Erosion Control and Stormwater Management
- Division 5.8: Design Guidelines

The physical development standards in the current LDRs for the Town are not applicable to this project. The development standards presented in the Millward + Simpson PMD Master Plan as amended govern the review of

the Glenwood + Simpson PMD. However, in addition to conformance with the Master Plan the applicant will demonstrate the project's benefits to the neighborhood considering the current standards adopted in recent years.

Division 5.5: Landscaping Standards

Currently, the site boasts broken pavements and some luckless weeds, and is currently used for random overflow parking. There are no existing trees nor landscaping of note.

The approved Millward + Simpson PMD Master Plan 1st Amendment's stated Site Design Intent is "to place a priority on the development of pedestrian spaces and connections."

Under the development rights granted by virtue of the PMD (and the site's current zoning), development is permitted to extend directly to the lot lines on all sides. At the same time the site is a principal north-south pedestrian corridor – all the way from Snow King to the Town Square, with side trips to the Snake River Brewing and the Center for the Arts along the way - and as such has an obligation to provide pedestrians with a pleasing, safe, and engaging experience.

To the pedestrian the site is primarily experienced along its two most public faces – Simpson Avenue and Glenwood Street. The landscape plan responds to the character of these two streets and the anticipated volume of foot traffic. In addition, the landscape elements are intended to compliment the architecture, and to allow the various street-level enterprises to engage pedestrians.

Therefore, the Applicant considers hardscape and street furnishings a part of this Landscape discussion. Refer to, **Exhibit P - Landscape Plans Revised 2018** for elements discussed below.

Revisions to the landscaping approved in 2006 reflected in this current application include:

1. Reduced building footprint
2. Additional street trees, increased number of trees and tree grates from 8 to 10
3. Revised street tree species, to accommodate the overhead canopy
4. Revised bicycle parking location and expanded bicycle parking
5. Planting beds at-grade along west property line
6. Additional plantings in the form of moveable planters (at Applicant's discretion)

5.5.2: Landscape Plan

The required landscape areas are intended to:

- (1) enhance interest and safety of the pedestrian experience throughout the Furnishing/Planting area, as intended by the PMD
- (2) soften the walkway to the employee residential units, further separate the walkway from the underground parking ramp, and soften the appearance of utility boxes in that area

The proposed Landscape Plan meets all of the requirements of the design guidelines established in the approved Master Plan, as well as the Town of Jackson Design Guidelines, as follows:

Public Space

- The project creates usable, human-scale public spaces that relate to the uses within the building and the individual characters of the adjacent streetscapes.
- The building form creates a protected and inviting pedestrian way that connects to adjacent uses and walkways, including the primary link between the Town's parking garage and the downtown area.
- The public spaces surrounding the building form clear, engaging pedestrian entries along the street edges and at the street corner.
- The public streetscape forms a seamless extension of the pedestrian walkway network of the downtown area, upgrading the existing sidewalks and encouraging pedestrian use.
- The proposed sidewalks follow the precedent set by the Center for the Arts for the design of Glenwood Street. Most significantly, at the street corner the expanded sidewalk will make a more recognizable pedestrian entry to the building and provides a shorter crossing at the point directly opposite the Center for the Arts as pedestrians make their way between the Center for the Arts and the parking structure, or the Hotel and the Town Square.

Concrete walks shall feature score patterns sized for interest at the pedestrian scale; mortar-set pre-cast pavers will highlight the building entries; sand-set pavers to match the Town's streetscape standards, will further define use areas and provide interest on the ground plane.

Additional sand-set pavers are located behind the curb in areas where parallel parking will occur. These pavers serve several purposes: 1) they differentiate the walking route from the car-door-opening, toddler/parcel juggling area, thus reducing collisions; 2) provide safe all-season footing for those exiting their vehicles at the curb; 3) provide an easy-to-clean surface during the year and after spring thaw; 4) provide a temporary snow-storage area in winter; 5) repeat the urban pavement pattern created elsewhere by the Town; reinforce the pattern of street tree plantings; and 6) provide a suitable growing environment for successful street trees (described previously in the discussion on the Furnished/Planting Area) .

Greenery, although minimal, is located specifically to contribute to the pedestrian safety and interest described above.

Tree grates will be selected to reinforce the building's design for aesthetic continuity. The grates will also protect the trees' roots and maintain the ADA walking surface around the trees.

The Applicant also intends to provide stand-alone Planters, selected to reinforce the building's design for aesthetic continuity and to highlight outdoor gathering areas.

5.5.3: Required Plant Units

The LSR program for this Glenwood + Simpsons PMD and the differences from the 2006 design are as follows:

| | Underlying 2018 Zoning (CR-1) | Approved 2002 PMD Master Plan (Snapshot Design) | Approved 2006 FDP Design | Approved 2008 Building Permit Design | Proposed Revised 2018 FDP Design |
|------------------------------|----------------------------------|--|-----------------------------|--|--|
| Site Area = 15,000 SF | | | | | |
| Landscape Area | | | | | |
| Minimum LSR | 0.10 | 0.05 | 0.05 | 0.05 | 0.05 |
| Landscape Area Required | 1,500 SF | 750 SF | | 750 SF | 750 SF |
| Landscape Area Provided | | 840 SF | 772 SF | 752.2 SF | * 750.2 SF |
| LSR Achieved | | 0.06 | 0.051 | 0.05 | 0.05 |

* Note: The Applicant reserves the right to add additional plantings in moveable planters, outside the pedestrian travel area in order to highlight future uses and activities within the building frontage.

Accordingly, 750.2 square feet of Landscape Area is provided under the current application, as shown on the Exhibit P - *Landscape Plans Revised 2018*, where the Landscape Area provided is achieved via at-grade plantings. One (1) Plant Unit is provided (where one (1) plant unit is provided per 1000 square feet of required landscape area). By comparison, under current LDRs in the CR-1 zone, the landscape surface ratio required is 10% (Section 2.2.3.B) and Per the Rules of Measurement (Section 9.4.7.E) 1,500 square feet of landscaping would be required:

$$\text{LSR (0.10)} / \text{Gross Site Area (15,000 SF)} = 1,500 \text{ square feet of landscape area required}$$

Plant Units required for all uses = 1/1000 SF of landscape area required + 1/12 parking spaces. Whereas no surface parking spaces are proposed to be constructed, no parking space plant units would be required. Therefore, 1.5 plant units, rounded up to two (2) plant units – would be required (Section 5.5.3.2).

Per Section 5.5.E.1, the following Plant Units, Alternative A, are proposed:

| Per unit | x | # units | = | Required plants | Material |
|----------|---|---------|---|-----------------|--|
| 1 | x | 2 | = | 2 | 3" caliper canopy tree |
| 6 | x | 2 | = | 12 | 6'-8' large shrubs or multi-stem trees x |
| 4 | x | 2 | = | 8 | #5 container shrubs |

Because of the confined space on the site, the urban character which precludes large screening shrubs, and the importance to the pedestrian experience of street trees, the applicant proposes equivalents such as bicycle parking and attractive planters in lieu of all required 6'-8' large shrubs. In keeping with LDR 5.5.E.3, and per LDR 5.5.E.4, the following substitutions would be proposed:

Four (4) each #5 container shrubs may be replaced with 10 SF planters
 One (1) each 3" canopy tree may be replaced with one (1) 6-bike rack

Therefore:

| <u>Required Plants</u> | <u>Provided Plants and/or Equivalents</u> | <u>Material</u> |
|----------------------------|---|---|
| 2 | 10 | 3" caliper canopy tree |
| | 1 | Bike rack (= 1 canopy tree) |
| 12 | 0 | 6'-8' large shrubs or multi-stem trees |
| 8 | 0 | #5 container shrubs |
| | 750.2 SF | In-ground planters (= 300 #5 container shrubs) |

The landscape materials required under the current LSR standards are exceeded under the proposed Glenwood + Simpson PMD. See Exhibit P *Landscape Plans Revised 2018*.

5.5.4: General Landscaping Standards

In response to 5.5.4.C, the site currently has no mature trees, nor beneficial nor attractive plant materials, preservation of which would benefit the neighborhood. Clearing of existing weeds is considered a positive improvement to the parcel.

Per 5.5.4.B, the plants proposed, although non-native, are nevertheless naturalized to the urban environment. They are not considered to be a threat to nearby native plant communities.

Per 5.5.4.F, the Applicant is aware of the necessity to provide ongoing maintenance of the proposed landscaping, see below.

5.5.5: Installation and Maintenance

The Applicant agrees that supplemental irrigation must be provided to all plants proposed for the site. An underground irrigation system will be designed and specified to meet current standards: the irrigation system will be isolated from the public water supply and the building's water supply, at the point-of-connection, with a dedicated double-check valve backflow preventer. The backflow prevention device will be specified to be installed per code, in a location readily available for inspection. The underground system will irrigate the street trees.

The Applicant agrees that regular landscape maintenance will be required, including but not limited to weeding, pruning, deadheading, insect control, and repair and/or replacement of any damaged or deceased plant materials.

Division 5.6: Sign Standards

The Glenwood + Simpson PMD project will feature a combination of wall-mounted and canopy suspended signage elements as pertinent to the individual commercial/retail spaces. Additionally, the residential/lodging and employee housing components will be addressed as a whole and identified with the central lobby space entry which is located on Simpson Avenue. Dedicated locations for all such signs have been incorporated and designed into the architecture itself and are clearly shown on the exterior elevations included in Exhibit K *Floor Plans & Elevations*.

In order to encourage individuality, to enhance the visual interest of the building and to alleviate monotony otherwise common in large developments, each individual sign will be up to the tenant to design and propose on a one-by-one basis. Thus, review, approval and permitting of each sign will occur at a future date and will be subject to the Town of Jackson's signage code.

Wall-mounted signs will feature direct front-lit illumination from surface-mounted light fixtures as indicated, and control of those fixtures will be by the building maintenance manager. It is anticipated that, because of the nature of the upper floors functioning as sleeping quarters, the lights may be turned off during some non-business hours. The proposed light fixtures themselves are the same as approved as during the original 2006 FDP process, and are included in the attached **Exhibit Q - Exterior Light Fixtures**.

Division 5.7: Grading, Erosion Control and Stormwater Management

Although the site is relatively level (Teton County GIS Contours indicate less than 2 feet of elevation change across the site), the percentage of proposed impervious surface triggers a Plan-level grading review (LDR 5.7.1.D.4). Accordingly, a Pre-Application conference will be requested during development of the complete Grading and Erosion Control Plan for the proposed development. Following the Pre-App, requested changes will be made to the Plan as appropriate, and a formal Grading and Erosion Control Plan will be submitted for review.

See also attached **Exhibit R – Geotechnical Report (2008)**.

5.7.2: Grading Standards

The site is nearly level, sloping slightly to the west-southwest at approximately 1%. Proposed grading will meet existing grades at the property lines. Refer to **Exhibit S – Civil Drawings (2008)**.

General Standards (LDR 5.7.2.A) and Grading Standards (LDR 5.7.2.B) are, overall, not applicable.

5.7.3: Erosion Control Standards

Best Management Practices will be specified to reduce the potential for wind- or water- erosion of materials stockpile areas. Due to the nature of the site, on site stockpiling of material will be minimal, with the majority of material storage and administrative activities occurring one block west at 165 S Milward.

Design Criteria, Standards and Specifications (LDR 5.7.3.B) will be meticulously followed in order to avoid runoff of any contaminants. Preliminary, suggested placement of runoff control measures is indicated in Exhibit AA – *Construction Staging Plan*.

Formal details will be provided with the Grading and Erosion Control Plan submittal.

5.7.4: Stormwater Management Standards

As noted above, Best Management Practices will be specified to reduce the potential for stormwater runoff through the site during construction.

Detention and management of stormwater (LDR 5.7.4.A.2 and .3) will be meticulously followed in order to avoid runoff of any contaminants. Storage capacity and outlet calculations will be provided with the Grading and Erosion Control Plan submittal.

Currently the site holds an old one-story motel building, gravel and asphalt drives with parking and the lawn where a swimming pool used to be.

The existing conditions on the site route stormwater runoff primarily to adjacent roads and ultimately to TOJ stormwater infrastructure. The LDR's allow post- development stormwater flows to be released from a proposed development at a rate equal to or lower than the pre-development runoff rate. For the vehicular parking ramp and all roofed building areas, this will be achieved via subgrade infiltration system, similar to other systems permitted by the Town of Jackson. Runoff from the suspended sidewalk canopy areas that are located along minor portions of both public frontages will be discharged directly to the street, via internal drain piping which daylights at the sidewalk curb.

The Amended Master Plan identifies the use of stormwater facilities for storage and controlled release. An underground storage facility is shown on the attached plans for collecting and storing stormwater. A sand/oil separator will be included in the garage to treat the runoff collected from the access ramp and drippings from automobiles as is indicated. The elevation of the parking garage will require a pump to route drainage to the stormwater collection system at the utility connection level. The final design configuration of the stormwater collection and storage system as well as the parking garage drainage system and pumping station will be detailed at the building permit level of the project as is appropriate.

Division 5.8: Design Guidelines

The physical development standards in the current LDRs for the Town are not applicable to this project. The development standards presented in the Millward + Simpson PMD Master Plan as amended govern the review of the Glenwood + Simpson PMD. However, in addition to conformance with the Master Plan the applicant will demonstrate the project's benefits to the neighborhood considering the current standards adopted in recent years.

5.8.2: Design Guidelines

Under the Millward + Simpson PMD Master Plan – 1st Amendment:

Final Development Plan applications under the Amended Master Plan will comply with the then-current Town of Jackson Design Guidelines. The Town of Jackson Design Guidelines were written and adopted after the original Millward + Simpson PMD approval, and are wholly consistent with design intent and substantially similar in prescriptive language to the original Millward and Simpson PMD Master Plan design guidelines. Compliance with Town Guidelines is intended to coordinate with current Town regulations and simplify the review of FDP applications under the Amended Master Plan.

The Millward + Simpson PMD Master Plan – 1st Amendment envisioned the redevelopment of this “low-density, relatively-low-aesthetic quality area that is slightly off the beaten path into a vibrant pedestrian oriented anchor to the neighborhood.” The site is not on the Town Square or in the residential developments to the south but is a

transition area. The site is appropriate for development with an urban character mixing uses that cater to both visitors and residents. The proposed uses and scale and design are suitable to its location adjacent to the Town Parking Garage and between the Center for the Arts and the Vertical Greenhouse.

Under the current Town Design Guidelines:

A. Public Spaces, by definition, should be useable and desirable to inhabit. This aspect includes the “transition” area between buildings and adjacent streets, and Entry points. The proposed Glenwood + Simpson PMD offers public spaces by virtue of the sidewalks, improved pedestrian experience and commercial spaces. The site design pays close attention to the pedestrian experience including useable spaces created by the building footprint, connections from north to south by virtue of wide and welcoming walkways.

B. Composition of proportion and rhythm will be a strong influence on the pedestrian experience. The articulation of windows and doors, paving patterns and planters, street trees and furnishings, will enhance the pedestrian experience.

C. Massing, in the form of articulation of building forms and masses, is carefully considered in this Application. The Applicant is aware that the building will be highly visible from many vantage points around Town, including distant views (from the top of Snow King mountain) to close-up views (that of pedestrians traversing the property). The building is conscientiously designed to appeal to observers’ sense of balance and form.

D. Street Wall is a strong feature at this site in accordance with the requirements of Division 2.2, Complete Neighborhood Character Zones: Building Frontage (addressed above).

E. Materials are selected with the immediate and far-flung environment in mind: another interpretation of “form follows function”. The choice of building materials reflects the need to utilize durable, high-quality materials that befit the vernacular building tradition of Jackson. Materials are employed to reflect the different uses within the building while providing an engaging pedestrian experience that has an element of overall unity. Weathered, natural wood siding and trim, along with highly articulated, patinaed steel structural elements will make up the bulk of exterior surfaces and details. While offering a nod to the contemporary expression of materials used at the Center for the Arts, the application of these materials will serve as a transitional gesture between Center for the Arts and the more traditional design and character of the SpringHill Suites. Refer also to **Exhibit T - Exterior Materials**.

5.8.3 Design Review Committee

The Applicant informally and voluntarily presented a snapshot preview of this Glenwood + Simpson PMD to the Design Review Committee on February 14, 2018, before submittal of this FDP application, in order receive preliminary comments and feedback on the design. Many of the current DRC members reviewed and approved the project back in 2006. No motion or vote was taken but the DRC favored the overall design and materials and stated their support for their project. See **Exhibit U - February 15, 2018 letter from Town of Jackson to Applicant re: DRC preliminary review**.

A final, formal presentation and recommendation from the DRC will be solicited upon determination of sufficiency of this FDP application.

Article 6: Use Standards Applicable in All Zones

The use standards in the current LDRs for the Town are not applicable to this project. The development standards presented in the Millward + Simpson PMD Master Plan as amended govern the review of the Glenwood + Simpson PMD. However, in addition to conformance with the Master Plan the applicant will demonstrate the project's benefits to the neighborhood considering the current standards adopted in recent years.

In the Pre-Application Conference Summary, the Planning Department identified the following divisions of Article 6 as applicable to Glenwood + Simpson PMD but noted that it is the Millward + Simpson PMD Master Plan that governs the uses and standards:

- Division 6.1: Allowed Uses
- Division 6.2: Parking and Loading Standards
- Division 6.3: Employee Housing Requirements
- Division 6.4: Operational Standards

Division 6.1: Allowed Uses

The *Millward + Simpson PMD Master Plan – 1st Amendment* allowed uses permitted under then-existing underlying zoning of UC-2 / LO. All of the proposed uses for the Glenwood + Simpson PMD are allowed under UC-2/LO as matter of right (no CUP is necessary). This includes a restaurant although one is not currently proposed. These uses are all allowed under the current LDRs with a Basic Use Permit pursuant to Division 6.1.1.

The Millward + Simpson Master Plan set the following limits on the balance of uses within the total development:

| <u>Use:</u> | <u>Square Footage:</u> | <u>% of PMD Development:</u> |
|-----------------------------|------------------------|--|
| Lodging/Residential: | 135,000 - 200,000 | 50% - 75% * * including Affordable & Employee Housing |
| Commercial/Non-residential: | 67,500 - 135,000 | 25% - 50% |

Division 6.2: Parking and Loading Standards

The majority of the parking is provided as a shared utility between uses and occupants within the building by the formula developed for the Millward + Simpson PMD Master Plan. This methodology was reviewed and approved during the Millward + Simpson PMD Master Plan submission. It follows the shared parking model developed by the Urban Land Institute (ULI) with modifications suggested by the Institute of Traffic Engineers (ITE). The “shared parking formula” is applied to each FDP proposal within the Master Plan to determine the peak parking demand. The Millward + Simpson PMD Master Plan – 1st Amendment states, “Application of the shared parking formula produces a reasonable calculation of peak parking demand for the proposed mix of uses. This formula shall be the acceptable calculation to determine the peak parking requirement for future Final Development Plan applications.”

The approved Master Plan shared parking methodology follows four steps:

1. Project Review. Any proposed FDP will include a summary of uses which are anticipated to include any of the following as appropriate to the phase: offices, commercial/retail and restaurant space, employee housing, and lodging/residential units. The specific number of units and square footages for each use, as identified in a Development Summary for each proposal within the Master Plan, are inserted into the formula to generate the specific parking requirement for that proposal based on the unique type/size of uses and number of lodging/residential and/or employee units. The Glenwood Simpson PMD proposed uses as outlined in the Development Plan Summary above are as follows:

| Use | # of Units | Square footage |
|-----------------------|-----------------------------------|----------------|
| Commercial/Retail: | 4 or 3 (if unit O and P combined) | 5,200 SF |
| Residential / Lodging | 11 | 17,999 SF |
| Employee Housing | 3 | 2,107 SF |

2. Parking Demand Ratios. The Amended Millward + Simpson PMD Master Plan sets forth the following base parking demand ratios for each type of use within any proposed Master Plan project:

| Use: | Factor per Unit: | Factor per Square Foot: |
|-----------------------|------------------|-------------------------|
| Residential / Lodging | 1.0/unit | N/A |
| Employee Housing | 1.5/unit | N/A |
| Retail | N/A | 3/1,000 SF |
| Office | N/A | 2.2/1,000 SF |
| Restaurant | 0.2/per seat | N/A |

3. Analysis of Hourly Accumulation. Using the base parking demand ratios, the parking requirements of each use are then determined for time of day, day of the week and seasonal cycles of demand.

Traffic counts in Jackson show that historically 75% of the July peak is greater than the maximum volumes seen over the ten non-summer-peak months of the year. As per the Amended Millward + Simpson PMD Master Plan, the shared parking analysis determined that the peak parking demand occurs on a July midweek day at approximately 9pm – all other times of day and months of the year can be expected to generate less than this peak. The shared parking analysis takes the 100% peak as the representative

design model, for two reasons: first, the parking demand of the residential and commercial retail uses is not expected to be significantly seasonal; and second, by using the peak seasonal model the analysis allows a conservative buffer or margin of error.

The rates/factors for Parking Generation, Seasonal, Time of Day and Mode Split to be utilized in calculating the requirement for each use are set forth in the amended Millward + Simpson PMD Master Plan. They are as follows:

| Use | Parking Generation | Time of Day Adjustment | Seasonal Adjustment (July) | Mode Split |
|---------------------|--------------------|------------------------|----------------------------|------------|
| Lodging/Residential | 1 | 98% | 100% | 1.0 |
| Employee Housing | 1.5 | 98% | 100% | 1.0 |
| Commercial Retail | 0.003 | 61% | 100% | 0.75 |
| Office | 0.0022 | 3% | 100% | 0.75 |
| Restaurant | 0.2 | 100% | 100% | 0.75 |

4. Estimate of Shared Parking Using Formula. The ULI methodology hinges on a series of calculations based on the following formula:

$$\left[\frac{\text{Parking Generation}}{\text{Ratio}} \right] \times \left[\frac{\text{Area or No. of Units}}{\text{No. of Units}} \right] \times \left[\frac{\text{Seasonal Adjustment}}{\text{Factor}} \right] \times \left[\frac{\text{Time of Day}}{\text{Factor}} \right] \times \left[\text{Mode Split} \right] = \boxed{\text{PEAK PARKING DEMAND}}$$

The following table outlines the parking requirements for the Glenwood + Simpson PMD according to the formula and rates set forth in the Amended Millward + Simpson PMD Master Plan.

| Use/Component | Parking Ratio/Factor | Applicable Unit of Measurement | Quantity | Time of Day (9:00 PM) | Season (July) | Mode Split | Total |
|------------------------|----------------------|--------------------------------|----------|-----------------------|---------------|------------|--------------|
| Lodging/Residential | 1.0 | Unit | 11 | 98% | 100% | 1.0 | 10.78 |
| Commercial Retail | 0.003 | Square footage | 5,200 | 61% | 100% | 0.75 | 7.14 |
| Employee Housing | 1.5 | Units | 3 | 98% | 100% | 1.0 | 4.41 |
| TOTAL REQUIRED: | | | | | | | 22.33 |

There were conservative factors built into the shared parking calculation itself and its application to Glenwood + Simpson PMD. For example, the formula is based on providing 100% of the yearly peak demand on site (parking necessary for 9pm in July). Additionally, adjustments were made to the seasonal and time of day factors in the ULI methodology to produce a more conservative result. The table in the ITE handbook used gives a parking generation rate for retail use of two (2) spaces per thousand square feet (1,000 SF) but the Master Plan used the more conservative rate of three (3) spaces per thousand square feet (1,000 SF). The downtown location makes alternative modes extremely convenient, as evidenced by a County study that measured mode split in the downtown core to be well in excess of the 25% utilized here - for bikers, walkers and those arriving in Town by car but making trips to multiple locations on foot once their car is parked. The ground floor spaces are treated as retail for the parking

requirement, although some amount of the space may be used for office (a use with a lesser parking requirement). The development is also immediately adjacent to significant existing public parking. For a more detailed description of the shared parking methodology, please refer to *Shared Parking Formula* in Exhibit M - *Millward + Simson PMD Master Plan – 1st Amendment*.

The parking requirement for the Glenwood + Simpson PMD is twenty-three (23) spaces. The project includes twenty-five (25) spaces on-site in the underground parking garage. There are ten (10) existing parking credits under the Town LDRs for parking provided by existing development as of 1988 as determined by the Town in 2005. There are also seven (7) on-street parking spaces adjacent to the project frontage on Glenwood Street and Simpson Avenue that can serve as convenient short-term spaces for visitors, guests and patrons of the development and provide a buffer for high-season peak parking needs. See also the *Comprehensive Development Plan Summary*.

The underground parking structure is accessed from the alley between Simpson Avenue and Pearl Avenue. The vehicular entrance to the underground parking is located as far in from the street as practical to minimize conflicts with street and sidewalk traffic. The access is off the alley between Simpson Avenue and Pearl Avenues well clear of the corner. The existing alley is a one-way, single travel lane west to east, and is less wide than the Town's twenty-foot standard along this stretch. There is no surface parking proposed along the alley. In addition to parking access being a use that the alley is intended to accommodate, alley access also acts to eliminate any additional curb cuts along Glenwood Street or Simpson Avenue, eliminating any conflict as automobiles cross pedestrian paths.

Service areas are consolidated and loading areas, waste, and recycling areas are incorporated along the alley. Trash areas will be enclosed. Loading is proposed to be accommodated along the parking structure access drive. This allows a delivery vehicle to pull off the alley and maintain a clear travel lane on both the alley and the parking drive. This is appropriate given the minimal retail square footage proposed, and the typical timing and duration of such deliveries.

Division 6.3: Employee Housing Requirements

Employee housing is proposed to be provided according to the Millward + Simpson PMD Master Plan, the Town LDR's Division 49500, and the requirements of the Teton County Housing Authority. The Housing Mitigation Plan in the 2016 Millward + Simpson PMD Master Plan – 1st Amendment, which mirrors the original Master Plan, states that employee housing shall be provided for the commercial retail and residential/ lodging proposed according to the requirements and standards of the current LDRs at the time of submission:

Employee housing shall be provided in conjunction with non-residential development pursuant to Division 49500 Employee Housing Standards of the current LDRs at the time of submission of the Final Development Plan applications with the exception of the following:

Fee-in-Lieu payment shall not be permitted as a method of providing required employee housing with the exception of satisfying a fractional requirement.

The number of employees required to be housed and the location where they will be housed shall be finalized as Final Development Plans within the Amended Master Plan are reviewed and acted upon. Each approved Final Development Plan shall establish the square footage of

employee housing required in accordance with applicable regulations and the locations in which they will be housed for that portion of the Amended Master Plan.

The Millward + Simpson PMD Master Plan also has a phasing chart. Under *Employee Housing* it states,

As individual developments are proposed, Requirement for square footage as per then Town LDR Section 49560. Requirement for unit sizes as per Town LDR's. Required Special Restrictions agreement granted/executed.

The employee housing requirement for the residential/lodging and retail uses for the larger building approved in 2006 (32,680 square feet gross area and 2.01 FAR) was 4.65 people. The employee housing included in that previously approved design consisted of four (4) one-bedroom units totaling 2,582 square feet, each of approximately 650 square feet, and housed 7 people (1.75 occupants per bedroom). This was in excess of what was required.

The current proposal for the project with 28,876 square feet and FAR of 1.78 also has 4 bedrooms but in one (1) two-bedroom unit and two (2) one-bedroom units totaling 2,107 square feet.

Employee Housing Required - Glenwood + Simpson PMD:

| Use | Square Feet | LDR Requirement Section 6.3.1. D | Required Gross Square Feet |
|---|-----------------------------------|-------------------------------------|-------------------------------|
| Commercial Retail | 5,201 SF | 156 SF/1,000 SF | 811.36 SF |
| Circulation: | <u>526.3 SF</u> | | <u>82.1 SF</u> |
| Sub-Total: | 5,727.3 SF | | 893.5 SF |
| Residential / Lodging | 17,999 SF | 47 SF/ 1,000 SF | 845.95 SF |
| Circulation: | <u>2,962.6 SF</u> | | <u>139.20 SF</u> |
| Sub-Total: | 4761.6 SF | | 985.20 SF |
| Total Required: | ----- | ----- | 1,878.70 SF |
| Credit for Existing 10-Unit Motel Building | 24' X 148' building (3,552 SF) | 47 SF / 1000 SF | <167.0 SF> |
| Total Required After Credit: | ----- | ----- | 1,711.70 SF |

Employee Housing Provided – Glenwood + Simpson PMD:

| Use | # of Units | LDR Requirement Section 6.3.1. D | Square footage |
|---------------------------------------|------------|-------------------------------------|-------------------|
| Employee 2 BD Unit | 1 | ----- | 876 SF |
| Employee 1 BD Unit | 2 | ----- | 631 SF + 600 SF |
| Total Provided: | 3 | ----- | 2,107 SF |
| Surplus Over Required SF: | ----- | ----- | 228.3 SF * |
| Surplus Over Required as % | ----- | ----- | 21% |

*In addition, Phase I also provide a surplus of Employee Housing of 536 SF

As approved in the Master Plan, the developer may maintain title to the deed-restricted affordable and employee housing units and make them available for rent according to the LDR's and the Housing Authority's guidelines. Alternately, the employee housing units may be deed-restricted and sold in conjunction with the commercial non-

residential units within the development. If sold, these units would be sold as employment-based deed-restricted housing as established by the Housing Authority (similar to the 810 West and Pearl & Willow developments).

A draft Special Restriction for Employee Housing, pursuant to Division 49500, is included for Teton County Housing Authority review and approval in conjunction with this Final Development Plan application process. See **Exhibit V**.

Division 6.4: Operational Standards

6.4.1: Outside Storage

Each of the residential/lodging units located on the upper floor features a private exterior balcony area. Occupants will be permitted to place furnishings, planters and small barbeque grilles at these spaces, both on and off-season, as would be expected to utilize and enjoy those spaces. Storage of other items will not be permitted. All balconies are screened from below by solid railing features.

6.4.2: Refuse and Recycling

The FDP design features a common recycling sorting and collection area, located in the basement adjacent to the elevator lobby. Refuse collection for all building occupants will occur in the two full-size dumpsters which are located adjacent to the alley and which are screened with overhead doors. Please see attached Exhibit K - *Floor Plans and Elevations*.

6.4.3: Noise

No noise in violation of Town Ordinances will be permitted.

Note that all rooftop-mounted mechanical equipment, with the exception of solar panels, is set back from the roof edge and screened from public view by sky planning. (Note that it will be possible to see and possibly hear some equipment by peering over the edge of the adjacent parking garage, as it is taller than the proposed FDP.)

6.4.4: Vibration.

No uses causing vibrations are anticipated.

6.4.5: Electrical Disturbances.

No uses causing electrical disturbances are anticipated.

6.4.6: Fire and Explosive Hazards.

No uses causing fires nor explosions are anticipated.

Article 7: Development Option and Subdivision Standards Applicable in All Zones

In the Pre-Application Conference Summary, the Planning Department identified the following divisions of Article 7 as applicable to Glenwood + Simpson PMD but noted that it is the Millward + Simpson PMD Master Plan that governs the uses and standards:

Division 7.6: Transportation Facility Standards

Division 7.7: Required Utilities

Division 7.6: Transportation Facility Standards

The purpose of this Division in the current LDRs is to control access to public roadways in manner that maintains the safety, capacity, and function of the roadway and to provide standards for transportation facilities, including streets, alleys, access easements, and pathways.

A Transportation Demand Management (TDM) Plan and Traffic Impact Analysis was developed as a part of the original 18 lot Millward + Simpson PMD Master Plan, as was required. The Amended Master Plan incorporated the same analysis to identify the impacts the incremental increase in traffic may have on the surrounding roadway network. The current FDP submittal is entirely consistent with the uses explicitly allowed in the Millward + Simpson PMD Master Plan – 1st Amendment.

Under the Master Plan, the estimated peak AM hour trip generation was 283 trips and the peak PM hour was 281 for the entire development. This did not lower the Level of Service (LOS) on nearby intersections to below a LOS C, which was considered acceptable by the Town and no mitigation was required. That original traffic analysis was utilized as the existing neighboring conditions and hotel development were consistent with the strategies of the original TDM which was based on the anticipated development of an additional ten lots under the original Millward + Simpson PMD Master Plan.

When Phase 1, the SpringHill Suites was developed, no formal action or mitigation was proposed or required. However, because the original TDM describes the location of the hotel site as playing a key role in the ability to manage travel behavior, the applicants for the hotel committed to strategies to reduce vehicular trips including: providing an airport shuttle during peak season; communicating in promotional materials that a vehicle is not necessary for hotel visitors based on its downtown location and the availability of START Bus; encourage trips by modes other than single occupant vehicles by providing public information for potential customers, clients and guests; purchase START passes for employees; offer employee incentive programs for utilizing other transportation modes along with on-site shower and locker facilities for staff.

Phase II, the Glenwood + Simpson PMD, by its location and proximity to the Town Square, Center for the Arts, the SpringHill Suites, the Vertical Greenhouse, the Town Parking Garage, various restaurants, professional and public offices, commercial businesses, transit services, and the bike route on Millward, encourages trips by modes other than single occupant vehicles. The overall program of the Millward + Simpson Master Plan was based on a pedestrian friendly environment located in close proximity to many amenities within the Town of Jackson.

The staff report for the FDP/CUP for the SpringHill Suites also stated:

“Given the approximate 60% reduction in peak traffic volume expected from the smaller-scale amended Master Plan, **the traffic impacts from the proposed hotel and future Phase 2 development should not cause any significant traffic impacts to nearby intersections** or require mitigation.”

The Millward + Simpson PMD Master Plan – 1st Amendment, under *Transportation Demand Management* stated that “any type of monitoring of the travel demand management plan is unnecessary.” For more discussion please refer to the amended Master Plan.

7.6.2: Access to Roads, Streets and Highways

Vehicle entrances to the underground parking have been limited to one alley access to eliminate auto/pedestrian conflicts. The ramp is also designed to accommodate a loading bay for the building occupants, without obstructing traffic at the alley or blocking access to the ramp and parking garage itself.

The attached **Exhibit W** – *Parking Basement* and **Exhibit X** - *Street Access and Loading*, includes diagrams which show adequate turning movement clearance for all aspects of the project, along with site distances for vehicles exiting the alley. Note that some of these diagrams were prepared for the prior 2006 FDP but that the current FDP design is virtually identical. In the case of the alley sight distance diagram however, the northeast corner of the building is actually pulled back relative to the old design as a result of floor area reductions, allowing for even better visibility.

7.6.3: Streets, Alleys and Easements

Street and alley access and easements for the Glenwood + Simpsons PMD project comply with the Millward + Simpson PMD Master Plan and are generally in harmony with current requirements of the Town. For more discussion see above in *Narrative Description of Phase II Development, Parking and Loading Standards*, and *Transportation Facility Standards*.

A draft Encroachment Agreement for balconies, canopies and columns within the sidewalk area of Town property is attached as **Exhibit Y**.

The applicant is requesting that the Town consider providing a ‘fire separation distance’ easement on the public property located along Simpson Avenue, immediately to the southwest of this property, and outside of the southeast entrance to the Parking Garage - approximately 17’ 2” x 18’ 6”. Please see the attached K - *Floor Plans and Elevations*, for illustration. The purpose of this easement would be to allow the Glenwood + Simpson PMD to address the Garage entry plaza in an appropriate and aesthetically appealing manner and potentially create a more useful public space in this area. At the time of the earlier, 2006 PMD approval, it was not yet known how the Town would address this corner of the yet-to-be built Parking Garage, or how they would dispose of the remaining strip of property which eventually became the site of the Vertical Greenhouse. Therefore in 2006, the Glenwood + Simpson PMD design simply presented an exposed, blank, CMU fire separation wall. Now that those areas are resolved however, and since the resulting entry plaza is part of a public way, the Applicant would prefer to treat the adjacent part of this building with wood siding and storefront windows as it does at all other public ways. No portion of the Glenwood + Simpson project would be constructed in the easement, and it would remain the exclusive property of the Town. However, with the acquisition of an easement, the Building Inspector will essentially be able to review that portion of the Glenwood +Simpson PMD as if it is set further from a property line, which would in turn allow for the addition of wood siding and glazing materials. As noted, the alternative would be to extend the CMU fire separation wall all the way to the south property boundary.

Division 7.7: Required Utilities

In 2008, the sewer and water lines and taps for the Glenwood + Simpson PMD were installed. When the project did not proceed the lines connected to the tap going into the site was reduced in size to accommodate and serve the existing 10-unit motel building.

7.7.2: Potable Water Supply

Per the 2006 development plans and per Permit No. B07-0770 issued in 2008, the property owner paid fees to the Town of Jackson for a 6" water tap. This 6" tap was brought onto the site, separated into fire suppression and domestic service connections. The fire suppression line was capped, and a 2" metered domestic service connection exists to the Motel structure that has remained on the site. The water main is tapped off the Town of Jackson water main located in Glenwood Ave to the East of the project site. See **Exhibit Z – Potable Water Demand Calculations** and Exhibit R – *Civil Drawings (2008)*.

7.7.3: Sanitary Sewer Systems

Per the 2006 development plans and 2008 Building Permit, a 6" SDR35 Sanitary Sewer Service has been brought onto the site from a manhole in the alleyway to the North of the subject property. At 50% capacity this pipe will convey upwards of 150 Gallons Per Minute of effluent, sufficient capacity for the proposed development. Fees for this connection have already been assessed on a per-bedroom basis, although no indication of connection size is shown on the fee schedule. Assumed sewer connection size is based on available drawings and will need to be verified in the field. See Exhibit R – *Civil Drawings (2008)*.

7.7.4: Irrigation Ditch Systems and Design

No irrigation ditch systems on site.

7.7.5: Other Utilities

Electric power will be brought in to the site from the existing power vault located at the northeast corner of the adjacent Town parking garage and encased in the concrete parking ramp for this project. Natural Gas services will be brought into the site from the alleyway to the north as well.

7.7.6: Fuel Storage Tank

No fuel tank storage on site.

DIVISION 8.2.3 CONFORMANCE WITH APPLICABLE FINDINGS

The staff report for the FDP, CUP and requested amendments to the Millward + Simpson PMD Master Plan related to the development of Phase I, the Springhill Suites, stated the if not for the amendments requested to the Master Plan, the applicant would have to demonstrate the FDP's consistency with the Town's 1994 Comprehensive Plan and not the 2012 Comprehensive Plan. Specifically, in *Consistency with Comprehensive Plan*, the staff report stated:

Subsequent to the approval of the Simpson + Millward [sic] PMD Master Plan in 2002, the Town adopted a new Comprehensive Plan in 2012. If the applicant were simply submitting its FDP for

the proposed hotel consistent with the original Master Plan without any requested amendments, then the FDP would need only to demonstrate consistency with the 1994 Comp Plan. However, because the applicant is requesting amendments to the Master Plan – specifically to the amendments to the conditions of approval of the 2013 Affidavit related to the 110% height bonus, visibility of the 4th story, and the average setback – after the adoption of the 2012 Plan [2014], these amendments must demonstrate consistency with the 2012 Plan. This approach is consistent with Staff’s recent review of PMD amendments requested after adoption of the 2012 Plan (e.g., North Cache PMD). More specific to this PMD, the Town Council’s conditional of approval of the Simpson + Millward [sic] PMD extension was based on Staff’s representation and analysis that the 2012 Plan applied to the approval of that extension and amendment to the PMD. Thus, given that the 2013 Master Plan amendments were reviewed against the 2012 Plan, the amendments to the 2013 amendments should also be reviewed against the 2012 Plan.

As Mentioned briefly above, the only exception or clarification to the above analysis is that any development rights that were approved in the original PMD Master Plan [2002] that were not directly modified by the 2012 amendments are vested and deemed consistent with the previous 1994 Plan by virtue of the original PMD approval. The status of these rights remain unchanged by subsequent changes to the Comp Plan. As stated in the 2012 Comprehensive Plan in Section 10 Administration: Applicability of the Comprehensive Plan, where conflicts arise between the Comprehensive Plan and the Land Development Regulations the mechanism with the force of law – in this case the Land Development Regulations – will prevail. For example, the conflict between the PMD Master Plan that allows the hotel to have a 4th story and the 2012 Plan that specifies that 3 stories represents the community’s highest desired number of stories is resolved in favor of the PMD because the 4th story was allowed by the LDRs and has not been disallowed (although it has been modified) by any subsequent Town action.

Consistent with the above analysis, the requisite findings related to the applicant’s request for amendments to the Millward + Simpson PMD Master Plan for Phase I were evaluated against the 2012 Comprehensive Plan, while the findings necessary for the FDP for Phase I were evaluated against the 2004 Comprehensive Plan.

There are no requested amendments to the Millward+ Simpson PMD Master Plan – 1st Amendment by the Applicant for Phase II. Because the current application is only a request for a FDP (nearly identical to the one approved in 2006) it is properly evaluated against the 2004 Comprehensive Plan and only the requisite findings related to the 2004 Comprehensive Plan are applicable. However, the Applicant will demonstrate the project’s benefits to the community and the neighborhood considering the current 2012 Comprehensive Plan as well.

2004 Comprehensive Plan

The goals of the 2004 Comprehensive Plan played a significant role in shaping the Millward + Simpson PMD Master Plan. The Glenwood + Simpson PMD is consistent with the goals and objectives of the 2004 Jackson / Teton County Comprehensive Plan. As reflected in the staff report for the Glenwood + Simpson FDP approved in 2006, the followings findings can be made:

1. Consistency with Comprehensive Plan.

The finding can be made that the Glenwood + Simpson PMD is consistent the purposes, goals, objectives and policies of the 2004 Comprehensive Plan, including standards for buildings and structural intensities and densities, and intensities of use. Mixed--use development is strongly encouraged where it is appropriate as a way to achieve a sustainable development pattern.

2. **Impact on Public Facilities.**

The finding can be made that the Glenwood +Simpson PMD will not have a significant adverse impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMT facilities.

3. **NRO/SRO.**

This is not applicable as the proposed FDP is not in the NRO or SRO.

4. **Other relevant standards of these Land Development Regulations.**

The finding can be made that the Glenwood + Simpson PMD complies with all of the standards imposed on it by all other applicable provisions of these Land Development Regulations for use, layout, and general development characteristics. Specifically, the project complies with relevant section of the LDRs and the standards set forth in the amended Millward + Simpson PMD Master Plan.

5. **Conditional and Special Uses.**

This is not applicable as the proosed FDP does not require any Conditional or Special Use permits.

2012 Comprehensive Plan Findings

While the Glenwood + Simpson PMD is not required to demonstrate that it is consistent with the 2012 Comprehensive Plan, the Applicant will demonstrate how the project benefits the neighborhood in light of the current Comprehensive Plan and its policies.

1. **Consistency with Comprehensive Plan.**

The Glenwood + Simpson PMD is consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan and the Transportation Plan with its Town as Hearty of the Region Policy. The proposed development is located within District 2 Town Commercial Core and within Subarea 2.3 Downtown of the 2012 Comprehensive Plan. Policy goals and objectives for Subarea 2.3 Downtown include:

- Create a vibrant mixed-use area by accommodating a variety of uses and amenities
- Provide a balance between lodging and long term residential housing
- Commercial uses which may include restaurants/bars, a variety of retail shops and commercial amusement will be predominately located on the first and second floors of buildings and will create and active and engaging pedestrian experience
- Create consistent building size and form for the Downtown subarea - a variety of two and three-story buildings are desired
- Buildings should be located to create an attractive street wall

- The pedestrian realm will be of great importance in this mixed-use subarea and emphasis should be placed on adding improvements focusing on the pedestrian experience
- Parking should continue to be provided predominately in public lots and on-street to create a vibrant, walkable area that is oriented to the pedestrian
- On-site parking should be predominately underground or screened from view

The Glenwood + Simpson PMD also addresses several Common Values, Principles and Policies identified in the 2012 Jackson / Teton County Comprehensive Plan including but not limited to:

- Emphasize a variety of home types including deed-restricted housing (*Policy 4.1.b of Common Value 2: Growth Management*.)
- Create vibrant walkable mixed-use subareas (*Policy 4.c of Common Value 2: Growth Management.*)
- Maintain Jackson as the economic center of the region (*Common Value 2: Growth Management Policy 4.1.d*)
- Ensure year-round economic viability (*Common Value 3: Quality of Life, Policy 6.3a*)
- Increase the capacity for use of alternative transportation modes (*Common Value 3; Quality of Life, Policy 7.1.c*)
- Promote compatible infill and redevelopment that fits Jackson's neighborhoods (*Policy 4.1.c: of Principle 4.1—Maintain Town as the central Complete Neighborhood*)
- Direct growth out of habitat, scenery, and open space (*Principle 3.1 of Growth Management and Policy 2.2.b of Principle 2.2 Reduce energy consumption through land use*)
- Enhance suitable locations as Complete Neighborhoods (*Principle 3.2 of Growth Management and Policy 2.2.a of Principle 2.2 Reduce energy consumption through land use*)
- Meet future transportation demand through the use of alternative modes (*Policy 2.3.a of Principle 2.3 Reduce energy consumption through transportation*)
- Direct development toward suitable Complete Neighborhoods subareas (*Policy 3.1.b of Principle 3.1 Direct growth out of habitat, scenery and open space*)
- Cluster nonresidential development in existing locations (*Policy 3.1.d of Principle 3.1 Direct growth out of habitat, scenery, and open space*)
- Enhance the quality of, desirability, and integrity of Complete Neighborhoods (*Policy 3.2.a of Principle 3.2 Enhance suitable locations as Complete Neighborhoods*)
- Locate nonresidential development in Complete Neighborhoods (*Policy 3.2.b of Principle 3.2 Enhance suitable locations as Complete Neighborhoods*)
- Maintain Town as the central Complete Neighborhood (*Principle 4.1 Section 4 - Town as the Heart of the Region*)
- Promote vibrant, walkable mixed-use areas (*Principle 4.2 of Section 4 - Town as the Heart of the Region*)
- Create mixed use Subareas (*Policy 4.2.a of Section 4 - Town as the Heart of the Region*)
- Maintain a diverse population by providing workforce housing (*Principle 5.1 of 5 Local Workforce Housing*)
- House at least 65% of the workforce locally (*Policy 5.1.a of Principle 5.1—Maintain a diverse population by providing workforce housing*)

- Provide a variety of housing options (*Policy 5.2.a of Principle 5.2—Strategically locate a variety of housing types*)
- Provide workforce housing solutions locally (*Policy 5.2.c of Principle 5.2—Strategically locate a variety of housing types*)

The project is also consistent with the desired character for the site as set forth in the 2012 Comprehensive Plan. It is an appropriate scale and density of development for this location, adjacent to the Town parking garage, the Vertical Greenhouse and the Center for the Arts all of which are taller, have a higher density and FAR, and more massive street frontages. With its varied forms and articulated, stepped down roofline, the Glenwood + Simpson PMD will act as a transition between the scale of those buildings and the downtown core. Similarly, the project adds a variety of quality housing, lodging, and complimentary commercial space to the neighborhood - a transition area between the downtown core and the strictly residential area just south. In keeping with the objectives of the Transportation Section of the Town/County Comprehensive Plan, the development is the type needed for Town to meet its downtown urban character goals; adding new dwelling units downtown “to ease the employee housing problem, to decrease employee-generated traffic and parking downtown, and to increase the vitality of downtown Jackson.”²

2. Consistency with Purpose and Intent

The Glenwood + Simpson PMD is a redevelopment that will significantly improve the level of use, mix of uses, pedestrian streetscape, architectural character, amount and efficiency of off-street parking and residential density on this site. The redevelopment responds creatively to a broad array of community issues and achieves a unified mix of synergistic development.

By maximizing density, the development achieves an efficiency that allows for the provision of subgrade parking, a generous amount of on-site employee housing and significant improvement to the public realm. This is consistent with the intent of the Comprehensive Plan and the LDRs to promote redevelopment and density downtown to allow more people to live and work downtown moving towards the goal of a more sustainable and vibrant downtown.

3. Design Guidelines

The Glenwood + Simpson PMD conforms to the Town Design Guidelines. A number of architectural strategies were utilized to achieve compliance and result in a building form that reduces the perceived bulk, scale and mass of the structure from the street including but not limited to the dramatic saw tooth roof.

4. Transportation Element

The Glenwood + Simpson PMD, as determined by the Traffic Impact Analysis and Transportation Demand Management Plan in the Millward + Simpson PMD Master Plan – 1st Amendment, demonstrates that the traffic generated by this development will result in no significant impact to the level of service on the adjacent existing street network. The development promotes alternative forms of transportation consistent

² From the *Town of Jackson Redevelopment Opportunities and Parking Analysis* done by Fregonese Calthorpe Associates, December 1999 as set forth in the Millward + Simpson PMD Master Plan – 1st Amendment.

with the Transportation goals of the 2004 Comprehensive Plan. The project - by virtue of its mix of uses in this downtown location will - by its very nature encourage less reliance on the single occupant vehicle. The development encourages people to live, work, and recreate in Town resulting in higher levels of sustainability and livability with less dependence on the automobile. The mix of uses is a more efficient end use that maximizes the use of this site which is appropriate for its location. It allows more people to live and work in Town, focusing development in Town making efficient use of existing infrastructure rather than expanding the infrastructure network. The development makes a significant contribution to quality of the public realm, supporting the goal of maintaining and enhancing the Town as a welcoming environment for pedestrians.

5. Employee Housing

The employee housing needs generated by the Glenwood + Simpson PMD as calculated under the current Town of Jackson LDRs, will be provided on site. In fact, employee housing in excess of that required is provided accommodating more people working in the community with affordable livable housing in the center of Town.

6. Capital Improvements

The Glenwood + Simpson PMD ensures infrastructure and essential services will be provided in an efficient and timely manner to accommodate the project demands.

7. Phasing Plan

The Glenwood + Simpson PMD ensures that development and all amenities and public facilities necessary occur in logical sequence. The utilities, sewer and water taps, appropriate for this development have in fact already been installed (in 2008). Pursuant to the Millward + Simpson PMD Master Plan - 1st Amendment. The applicant is required to obtain a FDP for this Glenwood + Simpson PMD, Phase II, within two years of issuance of the final Certificate of Occupancy for Phase I, the SpringHill Suites constructed across the street. Construction must commence within sixty days following issuance of a Building Permit with continuous progress until completion.

8. Development Standards

The intent of the Millward + Simpson PMD Master Plan was to encourage flexibility and creativity to produce a better quality design than what could be achieved under the LDRs. The Glenwood + Simpson PMD meets all the development standards set forth in the Millward + Simpson PMD Master Plan – 1st Amendment. The project also comports with most of the development standards under the existing LDRs for CR-1/ LO.

PERMITTING FEES PAID IN 2008

The Applicant believes that the following fees were paid in 2008 when the Building Permit (#B07-0770) was issued for the previously approved Glenwood + Simpson PMD:

| | |
|-----------------------------------|--------------------|
| 2-inch water meter compound fee: | \$1,046.00 |
| 6-inch water tap fee: | \$2,124.00 |
| Building Permit New/Addition fee: | \$28,632.20 |
| Sewer capacity fee: | \$15,816.56 |
| <u>Water capacity fee:</u> | <u>\$3,307.00</u> |
| Total fees paid: | \$50,916.76 |

The Applicant requests consideration of an appropriate and reasonable credit for some for the fees already paid – in particular the tap and connection fees.

RESPONSE TO COMMENTS FROM PLAN REVIEW COMMITTEE

The following comments received by Plan Review Committee members were provided in the Pre-Application Conference Summary, PAP # P18-0-001, date of conference 01/30/18. Responses by Applicant are included below or reference more detailed responses elsewhere here appropriate.

Public Works / Town Engineer. “APPROVED W/COND”, per Josh Frappart, 1/17/2018.

The conditions imposed by Engineering are either addressed preliminarily above or will be addressed in detail during application for Building Permit.

Mr. Frappart added the following specific requests for information:

“A construction-staging narrative shall be submitted for review and approval with the final development plan.”

See the attached **Exhibit AA**, *Construction Phasing Plan*, for a diagrammatic narrative of intended construction staging activities as well as **Exhibit BB** *Shoring*, for a narrative of intended excavation shoring methods.

“A preliminary potable water system plan shall be provided on the plans consistent with the LDRs. This plan shall include backflow device and meter locations.”

All proposed plumbing fixtures are indicated on the detailed architectural floor plans included as part of Exhibit K - Floor Plans and Elevations. Additionally, the civil drawings attached as Exhibit S, indicate the location and size of the potable water connection already installed to this site in anticipation of this development. Detailed specifications of all actual equipment and plumbing components will be included as part of a future Building Permit application as is appropriate. Also see comments above in Article 2 Division 7.7 *Required Utilities*.

“A water system analysis indicating the required fire flow demands and the impacts to the Town’s existing system shall be required.”

Please note that a complete fire protection plan was designed and approved as part of the Building Permit process for the previous, larger version of this FDP design; that a 6” water main supply was actually installed to the site in anticipation of that construction as shown at Exhibit S - Civil Drawing (2008); and that the existing supply remains adequate for the current version of the design. Also see comments above in Article 2 Division 7.7 *Required Utilities*.

Water supply information utilized in the previous fire sprinkler design was as follows:

| | |
|--------------------|-----------|
| Static Pressure: | 65 psi |
| Residual Pressure: | 44 psi |
| Flow Rate: | 1,200 gpm |

“Information concerning the additional wastewater flows to be delivered to the Town’s system shall be required. In addition, this information shall include a review of downstream impacts created from the additional flows being created.”

Please see attached Exhibit Z - *Potable Water Demand Calculations*, for an estimate of anticipated potable water needs. Inflow water demands and wastewater outflows may be considered as a directly correlated. Please note that a 6” sewer connection was already installed to the site in anticipation of the previously approved version of this FDP as indicated at Exhibit R *Civil Drawings (2008)*; that Town’s utilities were already deemed adequate based on that larger development; and that the sewer line itself remains adequate for the current reduced-size design. Also see comments above in Article 2 Division 7.7 *Required Utilities*.

“A preliminary irrigation system design (if applicable) with backflow system plan shall be provided on the plans consistent with the LDRs” and

“A complete and detailed landscaping plan shall be required.”

Please see the attached Exhibit P - *Landscape Plans Revised 2018*, for a complete, preliminary design of all site improvements including paved areas, planted areas, proposed plant types and street furnishings. Preliminary sprinkler system details are included in those drawings. Detailed, final specifications of all components will be included as part of a future Building Permit application as is appropriate

“A preliminary stormwater management plan shall be provided on the plans consistent with the LDRs.”

See comments above in Article 2 Division 5.7 *Grading, Erosion and Stormwater Management*. Also see the attached Exhibit S, which indicates proposed locations for a detention basin, oil and sand separator and connection to the Town’s stormwater line. Please recall that these drawings were part of a complete stormwater system design that was prepared and approved as part of the previous permitting process, that the connection to the town’s stormwater system was established in anticipation of that development as shown at Exhibit S; and that the general stormwater management system design will remain similar if not identical in this new version of the FDP.

“A complete grading and erosion control plan shall be provided on the plans consistent with the LDRs.”

See comments above Article 2 Division 5.7 *Grading, Erosion and Stormwater Management*. Also see the attached Exhibit S, which indicates all floor slab elevations, spot elevations for all sidewalks and curbs, and all finished grades associated with the previous version of the Glenwood + Simpson FDP. This drawing was part of the previously submitted and approved permit drawings, and the current FDP design is intended to remain largely identical. This drawing will be sufficient for discussion purposes during the required pre-application conference, and a new drawing will be submitted as part of the final Building Permit application as is appropriate.

Building Official. “NO COMMENT” per Jim Green

Town Attorney. “APPROVED” per A. Cohen-Davis, 1/18/2018

Pathways Coordinator. “NO COMMENT” per Brian Schilling

Teton County Housing Authority. "NO COMMENT" per Stacy Stoker, 1/23/2018.

Police Department. "APPROVED W/COND" per Todd Smith, 1/4/2018.

Chief Smith added: "Only concern is utilizing a traffic count from 2002 (16 years old). I believe the area has developed and changed enough to warrant a more current look at traffic counts. No other concerns at this time."

Applicant refers to the discussion above in Division 7.6 *Transportation Facility Standards*. In particular, the Staff Report for the FDP for Phase I noted that, because of the substantial reductions to the previously-anticipated size of the PMD, future traffic should not cause any significant traffic impacts to nearby intersections or require mitigation.

START Bus. "NO COMMENT" per Darren Brugmann, 1/23/2018.

Jackson Hole Fire EMS. "APPROVED W/COND, per Kathy Clay, 1/3/2018.

The conditions imposed by Chief Clay are either addressed preliminarily above or will be addressed in detail during application for Building Permit. Kathy Clay included a list of standard reminders regarding the necessity to comply with adopted fire codes and Department policies, upon finalization of construction documents at the Building Permit stage.

Proposed locations for a fire department connection, strobe and fire sprinkler equipment room are shown at the attached Exhibit K, Floor Plans and Elevations. Remaining items will be addressed as part of the Building Permit Application as is appropriate.

Parks & Recreation Department. No response provided in the Pre-App Conference summary.

LIST OF EXHIBITS

| | |
|------------|---|
| Exhibit A | (DEV) Development Plan Permit Application |
| Exhibit B | (LOA) Notarized Letter of Authorization |
| Exhibit C | Application Fee (copy of check) |
| Exhibit D | Digital application |
| Exhibit E | Pre-Application Conference Summary - January 30, 2018 |
| Exhibit F | Title Report |
| Exhibit G | Corrected Quitclaim Deed dated March 7, 2016 |
| Exhibit H | Design Diagram Side by Side (2008 and 2018) |
| Exhibit I | Artistic Renderings |
| Exhibit J | Site Plan |
| Exhibit K | Floor Plans and Exterior Elevations |
| Exhibit L | Posted Notice (template to be used) |
| Exhibit M | <i>Affidavit and Agreement Relating to the 1st Amendment of the Millward and Simpson Planned Mixed-Use Development Master Plan</i> recorded May 6, 2016 |
| Exhibit N | <i>Affidavit and Agreement Relating to Extension and Amendment of a Planned Mixed-Use Development Master Plan</i> recorded on July 25, 2013 |
| Exhibit O | LDR Section 2325 Planned Mixed-Use Development (PMD) Ordinance |
| Exhibit P | Landscape Plans - Revised 2018 |
| Exhibit Q | Exterior Light Fixtures |
| Exhibit R | Geotechnical Report (2008) |
| Exhibit S | Civil Drawings (2008) |
| Exhibit T | Exterior Materials |
| Exhibit U | Letter re: DRC preliminary review |
| Exhibit V | Deed with Special Restrictions for Employee Housing |
| Exhibit W | Parking Diagram - Basement |
| Exhibit X | Street Access and Loading |
| Exhibit Y | Encroachment Agreement |
| Exhibit Z | Potable Water Demands |
| Exhibit AA | Construction Staging Plan |
| Exhibit BB | Shoring Plan |



PLANNING PERMIT APPLICATION
Planning & Building Department
Planning Division

150 E Pearl Ave. | ph: (307) 733-0440
P.O. Box 1687 | fax: (307) 734-3563
Jackson, WY 83001 | www.townofjackson.com

For Office Use Only

Fees Paid _____
Check # _____ Credit Card _____ Cash _____
Application #s _____

PROJECT.

Name/Description: Glenwood+Simpson PMD
Physical Address: 175 South Glenwood Street, Jackson
Lot, Subdivision: Lots 11-12, Block 2 of the 2nd Wort Add'n to the ToJ PIDN: 22-41-16-33-1-08-004

OWNER.

Name: Arts District Development LLC Phone: _____
Mailing Address: P. O. Box 1569, Jackson WY ZIP: 83001
E-mail: _____

APPLICANT/AGENT.

Name: Scott Pierson Phone: 307-733-2999
Mailing Address: P. O. Box 2870, Jackson WY ZIP: 83001
E-mail: Scott@Y2Consultants.com

DESIGNATED PRIMARY CONTACT.

____ Owner ☒ Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; see Fee Schedule for applicable fees.

| | | |
|-----------------------------------|--|-------------------------------------|
| Use Permit | Physical Development | Interpretations |
| ____ Basic Use | ____ Sketch Plan | ____ Formal Interpretation |
| ____ Conditional Use | <input checked="" type="checkbox"/> Development Plan | ____ Zoning Compliance Verification |
| ____ Special Use | | |
| Relief from the LDRs | Development Option/Subdivision | Amendments to the LDRs |
| ____ Administrative Adjustment | ____ Development Option Plan | ____ LDR Text Amendment |
| ____ Variance | ____ Subdivision Plat | ____ Zoning Map Amendment |
| ____ Beneficial Use Determination | ____ Boundary Adjustment (replat) | ____ Planned Unit Development |
| ____ Appeal of an Admin. Decision | ____ Boundary Adjustment (no plat) | |

PRE-SUBMITTAL STEPS. *Pre-submittal steps, such as a pre-application conference, environmental analysis, or neighborhood meeting, are required before application submittal for some application types. See Section 8.1.5, Summary of Procedures, for requirements applicable to your application package. If a pre-submittal step is required, please provide the information below. If you need assistance locating the project number or other information related to a pre-submittal step, contact the Planning Department. If this application is amending a previous approval, indicate the original permit number.*

Pre-application Conference #: P 18-001 Environmental Analysis #: n/a
Original Permit #: _____ Date of Neighborhood Meeting: t.b.d.

SUBMITTAL REQUIREMENTS. *Twelve (12) hard copies and one (1) digital copy of the application package (this form, plus all applicable attachments) should be submitted to the Planning Department.. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant.*

Have you attached the following?

- ☒ **Application Fee.** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See the currently adopted Fee Schedule in the Administrative Manual for more information.
- ☒ **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation is also required. Please see the Letter of Authorization template in the Administrative Manual for a sample.
- ☒ **Response to Submittal Checklist.** All applications require response to applicable review standards. These standards are outlined on the Submittal Checklists for each application type. If a pre-application conference is held, the Submittal Checklists will be provided at the conference. If no pre-application conference is required, please see the Administrative Manual for the applicable Checklists. The checklist is intended as a reference to assist you in submitting a sufficient application; submitting a copy of the checklist itself is not required.

FORMAT.

The main component of any application is demonstration of compliance with all applicable Land Development Regulations (LDRs) and Resolutions. The submittal checklists are intended to identify applicable LDR standards and to outline the information that must be submitted to sufficiently address compliance with those standards.

For some submittal components, minimum standards and formatting requirements have been established. Those are referenced on the checklists where applicable. For all other submittal components, the applicant may choose to make use of narrative statements, maps, drawings, plans and specifications, tables and/or calculations to best demonstrate compliance with a particular standard.

Note: *Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine compliance with the LDRs.*

Under penalty of perjury, I hereby certify that I have read this application and associated checklists and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application, and hereby authorize representatives of Teton County to enter upon the above-mentioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering.

Scott R. Pierson

Signature of Owner or Authorized Applicant/Agent

SCOTT R. PIERSON

Name Printed

May 8, 2018

Date

Agent

Title

LETTER OF AUTHORIZATION

Arts District Development LLC, "Owner" whose address is: _____

25 East Simpson, P.O. Box 1569, Jackson, Wyoming 83001

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

John S. Varley Jr., as the owner of property

more specifically legally described as: _____

175 S. Glenwood Street, Lots 11-12, Blk 2, Wort-2

(If too lengthy, attach description)

HEREBY AUTHORIZES _____ Y2 Consultants, LLC _____ as

agent to represent and act for Owner in making application for and receiving and accepting on Owners behalf, any permits or other action by the Town of Jackson, or the Town of Jackson Planning, Building, Engineering and/or Environmental Health Departments relating to the modification, development, planning or replatting, improvement, use or occupancy of land in the Town of Jackson. Owner agrees that Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in said application or any Owner information in support thereof, and shall be deemed to be aware of and to have authorized any subsequent revisions, corrections or modifications to such materials. Owner acknowledges and agrees that Owner shall be bound and shall abide by the written terms or conditions of issuance of any such named representative, whether actually delivered to Owner or not. Owner agrees that no modification, development, platting or replatting, improvement, occupancy or use of any structure or land involved in the application shall take place until approved by the appropriate official of the Town of Jackson, in accordance with applicable codes and regulations. Owner agrees to pay any fines and be liable for any other penalties arising out of the failure to comply with the terms of any permit or arising out of any violation of the applicable laws, codes or regulations applicable to the action sought to be permitted by the application authorized herein.

Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

OWNER: John S. Varley, Jr. John S. Varley Jr.

(SIGNATURE OF CO-OWNER)

Title: Manager and Sole Member, Arts District Development, LLC

(if signed by officer, partner or member of corporation, LLC (secretary or corporate owner) partnership or other non-individual Owner)

STATE OF WYOMING)

COUNTY OF TETON)

The foregoing instrument was acknowledged before me by JOHN S. VARLEY this 7th day of

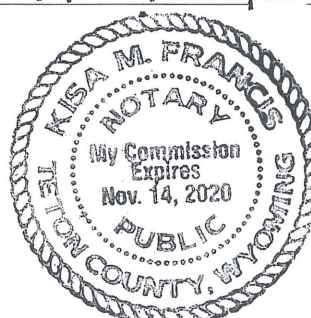
DECEMBER, 2007, 2017.

WITNESS my hand and official seal

[Signature]
(Notary Public)

My commission expires:

(Seal)



Y2 CONSULTANTS, LLC
PH. 307-733-2999
PO BOX 2870
JACKSON, WY 83001

BANK OF JACKSON HOLE
990 WEST BROADWAY
JACKSON, WY 83002

5/9/2018

CHECK # 4937

PAY TO THE
ORDER OF

Town of Jackson

\$ 2,500.00

Two Thousand Five Hundred and 00/100

DOLLARS

Town of Jackson
P.O. Box 1687
Jackson, WY 83001

MEMO

Glenwood/Simpson

⑈001937⑈ ⑆102304099⑆ 031 740 1⑈



BRANDY JONES
AUTHORIZED SIGNATURE

Y2 CONSULTANTS, LLC

4937

Town of Jackson

Date 5/9/2018
Type Bill
Reference Glenwood-Simpson

Original Amt.
2,500.00

Balance Due
2,500.00

Check Amount

Payment
2,500.00
2,500.00

Exhibit C

**Glenwood + Simpson PMD Final Development Plan
Phase Two of Millward + Simpson PMD Master Plan
175 South Glenwood Street**

EXHIBIT D

THUMB DRIVE W/ DIGITAL APPLICATION

(TO BE PROVIDED UPON DETERMINATION OF SUFFICIENCY OF THIS APPLICATION)



PRE-APPLICATION CONFERENCE SUMMARY

Planning & Development Department Planning Division

150 E Pearl Ave. | ph: (307) 733-0440
P.O. Box 687 | fax: (307) 734-3563
Jackson, WY 83001 | www.townofjackson.com

This Summary will be prepared by Planning Staff. The applicant, or the applicant's agent, shall receive a copy of this summary for their reference in submitting a sufficient application.

Staff may request additional materials during review as needed to determine compliance with the LDRs.

PRE-APPLICATION MEETING BASICS.

PAP#: P18-001
Date of Conference: 01/30/18
Planning Staff: Tyler Valentine & Paul Anthony

PROJECT.

Name/Description: Glenwood & Simpson Development – Phase II (Millward & Simpson PMD)
Physical Address: 175 S. Glenwood Street
Lot, Subdivision: LOTS 11-12, BLK 2, WORT-2 PIDN: 22-41-16-33-1-08-004
Zoning District(s): CR-1 (Commercial Residential-1) PMD
Overlay(s): Lodging Overlay

STAKEHOLDERS.

Applicant: Y2 Consultants – Scott Pierson
Owner: Arts District Development LLC
Agent: Scott Pierson

REQUIRED APPLICATIONS. (See B.12, C.1, D.4 of applicable zone in Article 2, 3 or 4) *This project will require the following applications:*

| Application | Reason | Fee |
|----------------------------------|--|---------|
| Development Plan (8.3.2) | Required since original FDP expired | \$2,500 |
| Design Review Committee (DRC) | Required for new commercial development | No fee |
| Demolition Permit | Required for removal of physical development | TBD |
| Grading Permit Pre-Application | Required for all grading permits | \$150 |
| Grading Permit / Building Permit | Required for physical development | TBD |
| | | |
| | | |

Exhibit E

MEETING ATTENDEES:

| Name | Company | Phone/Email |
|-----------------|------------------------------------|---------------------|
| Tyler Valentine | Town Planning Department | 307-733-0440, x1305 |
| Paul Anthony | Town Planning Department | 307-733-0440, x1303 |
| Josh Frappart | Town Public Works Department | 307-733-3079 x1413 |
| Andrew Erskine | Town Parks & Recreation Department | 307-739-9025 |
| Scott Pierson | Y2 Consultants | 307-733-2999 |
| Keith Harger | Harger Architects | 307-690-9955 |
| Jay Varley | Arts District Development LLC | |
| Stephen King | Spectrum Capital LLC | 251-923-5404 |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

TIMELINES. This table is intended to provide general information regarding the review process and timing of decisions. See Article 8 for a complete explanation of the review process.

For administrative decisions made by the Planning Director, the following timelines are generally applicable:

| Application Types: | Sufficiency | Planning Director |
|--------------------|-----------------------------|--|
| | Within 14 days of Submittal | Decision within days of Sufficiency |
| | | |
| | | |

For decisions requiring a public hearing process, the following timelines are generally applicable:

| Application Types: | Sufficiency | Planning Commission (PC) | Town Council |
|--------------------|-----------------------------|---------------------------------------|---|
| | | | |
| Development Plan | Within 14 days of Submittal | Hearing within 90 days of Sufficiency | Hearing within 60 days of PC Recommendation |

GENERAL INFORMATION.

☒ Required, If Checked.

☐ If not checked, review requirement with a Staff member to determine if necessary for your application.

Requirement**Notes**

☒ **Planning Permit Application.** The application should list all pertinent permits (use, physical development, interpretation, relief from the LDRs, Development Option/Subdivisions, Amendments to the LDRs) for which you are applying.

One digital copy & (9) hard copies

Requirement**Notes**

| | | |
|---|---|--|
| ✓ | Notarized Letter of Authorization. See Section 8.2.4.A for requirements. A template is established in the Administrative Manual. | One digital copy & (9) hard copies |
| ✓ | Application Fees. Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See the currently adopted Fee Schedule in the Administrative Manual for more information. | \$2,500 total for Development Plan |
| | Review fees. The applicant is responsible for paying any review fees and expenses from consulting services necessitated by the review of the application by the Town Surveyor, Town Engineer, Town Associate Engineer, Title Company and any other required consultant. Such fees shall be paid prior to approval of the permit. | |
| ✓ | Mailed Notice fee. See Section 8.2.14.C.2 for notice requirements. If mailed notices are required, the applicant is responsible for paying for any mailing in excess of 25 notices. | |
| ✓ | Other information needed. All applications submitted to the Town of Jackson Planning Department must be submitted in digital format once the application is determined to be sufficient. | |
| ✓ | Response to Submittal Checklist. All applications require response to applicable review standards. For applications where a pre-application conference is required, applicable standards are identified below. If a pre-application conference is optional, see the submittal checklist for the relevant application type, established in the Administrative Manual. | One digital copy & (9) hard copies |
| ✓ | Title Report. A title report, title certificate or record document guarantee prepared within the last six months that includes evidence of ownership and all encumbrances on the subject property. Copies of the documents referenced in the report should not be submitted unless requested by the planner during review. | If applicable. |
| ✓ | Narrative description of the proposed development. Briefly describe the existing condition of the property and the proposed use, physical development, subdivision or development option for which you are seeking approval. | One digital copy & (9) hard copies Applicant should address how the project is consistent with the previous PMD and list all changes. |
| ✓ | Proposed Development Program. Please use the attached template established in the Administrative Manual. | One digital copy & (9) hard copies |
| ✓ | Site Plan. Please see the attached list of minimum standards for a site plan, established in the Administrative Manual. | One digital copy & (9) hard copies |
| ✓ | Floor Plans. Include floor plans for any existing buildings that will be occupied by a proposed use. If changes to existing buildings are proposed, indicate those on the floor plans. | One digital copy & (9) hard copies |
| | Neighborhood Meeting Summary. See Section 8.2.3 for Neighborhood Meeting requirements. | Optional |
| ✓ | Posted Notice. See Section 8.2.14.C.4 for Posted Notice requirements for all public hearings. | Required to be installed a minimum of 10 days prior to the first public hearing. |

Requirements listed under each Article will be checked if required for the application.

✓ *Required, If Checked.*

_____ *If not checked, this requirement is not applicable to your application.*

ARTICLE 1, GENERAL PROVISIONS.

| Requirement | Notes |
|--|--|
| <input checked="" type="checkbox"/> Division 1.9, Nonconformities | The proposed development must be consistent with the approved PMD. |
| 1.9.2 Nonconforming Physical Development | |
| 1.9.3 Nonconforming Uses | |
| 1.9.4 Nonconforming Development Options and Subdivisions | |
| 1.9.5 Nonconforming Signs | |

ARTICLE 2, COMPLETE NEIGHBORHOODS, ARTICLE 3, RURAL AREA ZONES, and ARTICLE 4, SPECIAL PURPOSE ZONES – (Public/Semi-Public & Park and Open Space zones only).

Applicable Zone: _____ Applicable LDR Section: _____

SUBSECTION B, PHYSICAL DEVELOPMENT. *Please provide the following information for the applicable zone.*

| Requirement | Notes: |
|---|---|
| <input checked="" type="checkbox"/> Structure Location and Mass (Setbacks, Height, total site FAR) | One digital copy & (9) hard copies |
| <input checked="" type="checkbox"/> Maximum Scale of Development (Individual building size) | |
| <input checked="" type="checkbox"/> Building Design (Design Review Process) | Applicant shall present in front of the Design Review Committee. Please see the design guidelines for submittal requirements. |
| <input checked="" type="checkbox"/> Site Development (Driveway and Access limits) | One digital copy & (9) hard copies |
| <input checked="" type="checkbox"/> Fencing (Height, Setback, Orientation) | One digital copy & (9) hard copies (if applicable) |

Additional Comments:

SUBSECTION C, ALLOWABLE USES. *Please provide the following information for the applicable zone.*

| Requirement | Notes: |
|----------------------------|--------|
| _____ Maximum Scale of Use | |

Additional Comments:

SUBSECTION D, DEVELOPMENT OPTIONS. *Please provide the following information for the applicable zone.*

| Requirement | Notes: |
|--|---|
| <input checked="" type="checkbox"/> Subdivision and Development Option Permits | State in the narrative whether the future plan will include subdividing any of the commercial or residential/short-term rental units. |

Additional Comments:

SUBSECTION E, ADDITIONAL ZONE-SPECIFIC STANDARDS. *Please provide the following information for the applicable zone.*

| Requirement | Notes: |
|---|--|
| <input checked="" type="checkbox"/> Consistency with Millward/Simpson PMD Master Plan | One digital copy & (9) hard copies. Describe how the development is consistent with the PMD. List all changes. |
| <input type="checkbox"/> Consistency with Conditions of Approval of Sketch Plan | |
| <input type="checkbox"/> Consistency with Development Agreement | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |

Additional Comments:

See standards in Sec. 2.3.6.E Additional Zone-specific Standards

ARTICLE 4, SPECIAL PURPOSE ZONES (Planned Resort Zones and Planned Unit Development Zones only)

| Requirement | Notes |
|--|-------|
| <input type="checkbox"/> Division 4.3, Planned Resort Zones | |
| 4.3.1 All Planned Resort Zones | |
| 4.3.2 Snow King | |
| <input type="checkbox"/> Division 4.4, Planned Unit Development | |
| 4.4.1 All Planned Unit Development (PUD) Zones | |
| 4.4.2 Planned Unit Development – Town | |

ARTICLE 5, PHYSICAL DEVELOPMENT STANDARDS APPLICABLE IN ALL ZONES.

| Requirement | Notes |
|---|-------|
| <input type="checkbox"/> Division 5.1, General Environmental Standards | |
| 5.1.1 Waterbody and Wetland Buffers | |
| 5.1.2 Wildlife Friendly Fencing | |
| 5.1.5 Water Quality (reserved for future standards) | |

| | | |
|---------|---|---|
| <hr/> | Division 5.2, Environmental Standards Applicable in Specific Areas | |
| | 5.2.1 Natural Resources Overlay (NRO) Standards | |
| <hr/> | Division 5.3, Scenic Standards. | |
| | 5.3.1 Exterior Lighting Standards | |
| | 5.3.2 Scenic Resources Overlay (SRO) Standards | |
| <hr/> | Division 5.4, Natural Hazard Protection Standards | |
| | 5.4.1 Steep Slopes | |
| | 5.4.2 Unstable Soils | |
| | 5.4.3 Faults | |
| | 5.4.4 Floodplains | |
| | 5.4.5 Wildland Urban Interface | |
| <hr/> ✓ | Division 5.5, Landscaping Standards | One digital copy & (9) hard copies of Landscape Plan prepared by licensed landscape architect. |
| | 5.5.2 Landscape Plan | |
| | 5.5.3 Required Plant Units | |
| | 5.5.4 General Landscaping Standards | |
| | 5.5.5 Installation and Maintenance | |
| <hr/> ✓ | Division 5.6, Sign Standards | No signs advertising businesses will be approved through the Development Plan but rather separately through a Sign Permit. However, directional, handicap, and other related signage shall be included with the Development Plan. |
| ✓ | Division 5.7, Grading, Erosion Control and Stormwater Management | At the time when a grading permit is required, please apply for a pre-application meeting with Public Works for said grading activities. |
| | 5.7.2 Grading Standards | |
| | 5.7.3 Erosion control standards | |
| | 5.7.4 Stormwater Management Standards | |
| ✓ | Division 5.8, Design Guidelines | Required for all commercial development. |
| | 5.8.2. Design Guidelines | |
| | 5.8.3. Design Review Committee | |

ARTICLE 6, USE STANDARDS APPLICABLE IN ALL ZONES.

| Requirement | Notes |
|--|---|
| ✓ Division 6.1, Allowed Uses | Proposed uses and standards will need to be consistent with the Millward/Simpson PMD Master Plan. |
| ✓ Division 6.2, Parking and Loading Standards | Applicant shall demonstrate how the proposed plan is parked according to the LDRs or PMD. |
| | 6.2.2 Required Parking and Loading |
| | 6.2.3 Location of Required Parking |
| | 6.2.4 Maintenance of Off-Street Parking and Loading |
| | 6.2.5 Off-Street Parking and Loading Design Standards |
| | 6.2.6 Parking and Loading Standards in the Downtown Parking District |

| | | |
|---|--|--|
| ✓ | Division 6.3, Employee Housing Requirements | Applicant shall provide a housing mitigation plan, affordable/employee housing calculation worksheet and draft deed restriction at the time of Development Plan submittal. |
| ✓ | Division 6.4, Operational Standards | |
| | 6.4.1 Outside Storage | |
| | 6.4.2 Refuse and Recycling | |
| | 6.4.3 Noise | |
| | 6.4.4 Vibration | |
| | 6.4.5 Electrical Disturbances | |
| | 6.4.6 Fire and Explosive Hazards | |

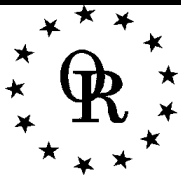
ARTICLE 7, DEVELOPMENT OPTION AND SUBDIVISION STANDARDS APPLICABLE IN ALL ZONES.

| Requirement | Notes |
|--|--|
| Division 7.1, Development Option Standards | |
| 7.1.3 Urban Cluster Development | |
| 7.1.4 Mobile Home Park | |
| Division 7.2, Subdivision Standards | |
| 7.2.2 Standards Applicable to all Subdivision | |
| 7.2.3 Land Division Standards | |
| 7.2.4 Condominium and Townhouse Subdivisions | |
| Division 7.3, Open Space Standards | |
| 7.3.3 Configuration and Location of Required Open Space | |
| 7.3.4 Use of Open Space | |
| 7.3.5 Physical Development Permitted in Open Space | |
| 7.3.6 Record of Restriction | |
| 7.3.7 Ownership of Open Space | |
| Division 7.4, Affordable Housing Standards | |
| Division 7.5, Development Exaction Standards | |
| 7.5.2. Park Exactions | |
| 7.5.3. School Exactions | |
| ✓ Division 7.6, Transportation Facility Standards | |
| 7.6.2 Access to Roads, Streets and Highways | |
| 7.6.3 Streets, Alleys, and Easements | |
| ✓ Division 7.7, Required Utilities | Proposed standards will need to be consistent with the Millward/Simpson PMD Master Plan. |
| 7.7.2 Potable Water Supply | |
| 7.7.3 Sanitary Sewer Systems | |
| 7.7.4 Irrigation Ditch Systems and Design | |
| 7.7.5 Other Utilities | |
| 7.7.6 Fuel Storage Tank | |

PLAN REVIEW COMMITTEE. *The Plan Review Committee consists of the following listed agencies. Planning Staff will transmit pertinent portions of the application to each agency. **Other agencies and individuals not checked off on this list may be added to the PRC if necessary.***

| | | | |
|-------------------------------------|--------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Public Works/Town Engineer | <input checked="" type="checkbox"/> | Police Department |
| <input checked="" type="checkbox"/> | Building Official | <input checked="" type="checkbox"/> | START Bus |
| <input checked="" type="checkbox"/> | Town Attorney | <input checked="" type="checkbox"/> | Jackson Hole Fire EMS |
| <input type="checkbox"/> | Town Clerk | <input checked="" type="checkbox"/> | Parks and Recreation Department |
| <input checked="" type="checkbox"/> | Pathways Coordinator | <input type="checkbox"/> | Teton County School District #1 |
| <input type="checkbox"/> | Surveyor | <input type="checkbox"/> | Teton County Sheriff |
| <input type="checkbox"/> | Title Company | <input type="checkbox"/> | Wyoming Department of Game & Fish |
| <input checked="" type="checkbox"/> | Teton County Housing Authority | <input type="checkbox"/> | Wyoming Department of Transportation |
| <input type="checkbox"/> | Teton County Weed & Pest | <input type="checkbox"/> | Wyoming Department of Environmental Quality |
| <input type="checkbox"/> | Teton County Planning | <input type="checkbox"/> | Army Corp of Engineers |
| <input type="checkbox"/> | Teton County Engineer | <input type="checkbox"/> | Lower Valley Energy |
| <input type="checkbox"/> | Teton County Assessor | <input type="checkbox"/> | U.S. National Park Service |
| <input type="checkbox"/> | Integrated Solid Waste and Recycling | <input type="checkbox"/> | U.S. Forest Service |
| <input type="checkbox"/> | Teton County Clerk | <input type="checkbox"/> | U.S. Fish and Wildlife |
| <input type="checkbox"/> | Teton County Public Health | <input type="checkbox"/> | Other |
| <input type="checkbox"/> | Teton County Scenic Preserve Trust | | |

Additional Comments:



Guarantee

SG 08010176

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, AND SUBJECT TO THE FURTHER EXCLUSION AND LIMITATION THAT NO GUARANTEE IS GIVEN NOR LIABILITY ASSUMED WITH RESPECT TO THE IDENTITY OF ANY PARTY NAMED OR REFERRED TO IN SCHEDULE A OR WITH RESPECT TO THE VALIDITY, LEGAL EFFECT OR PRIORITY OF ANY MATTER SHOWN THEREIN. Old Republic National Title Insurance Company, a Minnesota corporation, herein called the Company GUARANTEES the Assured named in Schedule A, against actual monetary loss or damage not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

In witness whereof, Old Republic National Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Guarantee to become valid when countersigned on Schedule A by an authorized officer or agent of the Company.

Issued through the Office of:

Jackson Hole Title & Escrow

Authorized Signature

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company

400 Second Avenue South, Minneapolis, Minnesota 55401

(612) 371-1111

By

President

Attest

Secretary

GUARANTEE CONDITIONS AND STIPULATIONS

1. Definition of Terms.

The following terms when used in the Guarantee mean:

- (a) the "Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
- (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
- (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (e) "date": the effective date.

2. Exclusions from Coverage of this Guarantee.

The Company assumes no liability for loss or damage by reason of the following:

- (a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- (b) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water: whether or not the matters excluded by (1), (2) or (3) are shown by the public records.
- (c) Assurances to title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A)(C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, alleys, lanes, ways or waterways in which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
- (d) (1) Defects, liens, encumbrances, or adverse claims against the title, if assurances are provided as to such title, and as limited by such assurances.

(2) Defects, liens, encumbrances, adverse claims or other matters (a) whether or not shown by the public records, and which are created, suffered, assumed or agreed to by one or more of the Assureds; (b) which result in no loss to the Assured; or (c) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of assurances provided.

3. Notice of Claim to be Given by Assured Claimant.

An Assured shall notify the Company promptly in writing in case any knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which such prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured under this Guarantee unless the Company shall be prejudiced by such failure and then only to the extent of the prejudice.

4. No Duty to Defend or Prosecute.

The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

5. Company's Option to Defend or Prosecute Actions; Duty of Assured Claimant to Cooperate.

Even though the Company has no duty to defend or prosecute as set forth in Paragraph 4 above:

- (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title

to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.

- (b) If the Company elects to exercise its options as stated in Paragraph 5(a) the Company shall have the rights to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
- (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.
- (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, the Assured hereunder shall secure to the Company the right to prosecute or provide defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

6. Proof of Loss or Damage.

In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within 90 days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.

7. Options to Pay or Otherwise Settle Claims: Termination of Liability.

In case of a claim under this Guarantee, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.
The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase. Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase the indebtedness,

the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.

Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 5, and the Guarantee shall be surrendered to the Company for cancellation.

(b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.

To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligations to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 5.

8. Determination and Extent of Liability.

This Guarantee is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the exclusions stated in Paragraph 2.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

- (a) the amount of liability stated in Schedule A;
- (b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 7 of these Conditions and Stipulations or as reduced under Section 10 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or
- (c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to the defect, lien or encumbrance assured against by this Guarantee.

9. Limitation of Liability.

- (a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.
- (c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

10. Reduction of Liability or Termination of Liability.

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 5 shall reduce the amount of liability pro tanto.

11. Payment of Loss.

- (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

12. Subrogation Upon Payment or Settlement.

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

13. Arbitration.

Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is \$1,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the Amount of Liability is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

14. Liability Limited to this Guarantee; Guarantee Entire Contract.

- (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
- (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

15. Notices, Where Sent.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to: Old Republic National Title Insurance Company, 400 Second Avenue South, Minneapolis, Minnesota 55401, (612) 371-1111.



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Full Recorded Owner Guarantee - Wyoming

Schedule A

| File No. | Liability | Fee | Reference | Guarantee No. |
|-----------|------------|----------|---|--------------------|
| 672106JAC | \$1,000.00 | \$250.00 | Arts District Development, LLC FROG | SG 08010176 |

1. Name of Assured: Joe Moore
2. Date of Guarantee: 02/27/2018 at 8:00 A.M.
3. The estate or interest in the land hereinafter described is: Fee Simple.
4. Title to said or estate or interest at the Date hereof is vested in:

Arts District Development, LLC, a Wyoming limited liability company
5. The land referred to in this Guarantee is situated in the County of Teton, State of Wyoming and is described as follows:

Lots 11 and 12 of Block 2 of the Second Wort Addition to the Town of Jackson, Teton County, Wyoming, according to that plat recorded in the Office of the Teton County Clerk on September 28, 1940 as Plat No. 129.



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Full Recorded Owner Guarantee - Wyoming

Schedule B-I Exceptions/Recorded Documents

| File No. | Liability | Fee | Reference | Guarantee No. |
|-----------|------------|----------|---|--------------------|
| 672106JAC | \$1,000.00 | \$250.00 | Arts District Development, LLC FROG | SG 08010176 |

As of the Date of this Guarantee, the following exceptions reference all recorded documents which may affect title to the herein described land:

1. Covenants, conditions, restrictions, reservations, easements, encroachments, ditches, roadways, rights-of-way, common areas and building set back requirements as delineated on the recorded Plat Number(s) 129, records of Teton County, Wyoming.
2. Affidavit and Agreement :

Between: Town of Jackson, Teton County, Wyoming
And: Undersigned Applicant Relating to a Planned Mixed Use
Development Master Plan
Recording Information: Book 480 of Photo, Pages 638-760
3. Affidavit and Agreement Relating to Extension and Amendment of a Planned Mixed Use Development Master Plan:
Recording Information Book 849 of Photo, Pages 640-645

First Amendment to said Affidavit and Agreement recorded in Book 919 of Photo, Pages 406-451.



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

Full Recorded Owner Guarantee - Wyoming

Schedule B-II Informational Notes

| File No. | Liability | Fee | Reference | Guarantee No. |
|-----------|------------|----------|---|--------------------|
| 672106JAC | \$1,000.00 | \$250.00 | Arts District Development, LLC FROG | SG 08010176 |

The following is provided for informational purposes and is not part of the Assurances given under this Guarantee:

The Status of real property taxes is as follows:

| Tax ID# | 2017 Tax Status | 2018 Tax Status |
|-----------|--|--------------------------------------|
| OJ-000259 | 1st Half in the Amount of \$2,065.92 is PAID | Accruing lien not yet due or payable |
| | 2nd Half in the Amount of \$2,065.91 is PAID | |

We recommend that the person responsible for closing this verify this tax information prior to closing.

*Real Estate Taxes are payable as follows

*If making one payment: Due on or before December 31.

*If making two payments: First half payable September 1 and delinquent November 10;
second half due March 1 and delinquent May 10.

The PIDN for this property appears to be: 22-41-16-33-1-08-004

FACTS
**WHAT DOES OLD REPUBLIC TITLE
DO WITH YOUR PERSONAL INFORMATION?**

| Why? | Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do. | | |
|---|--|--------------------------------|-----------------------------|
| What? | <p>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</p> <ul style="list-style-type: none">• Social Security number and employment information• Mortgage rates and payments and account balances• Checking account information and wire transfer instructions <p>When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.</p> | | |
| How? | All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Old Republic Title chooses to share; and whether you can limit this sharing. | | |
| Reasons we can share your personal information | | Does Old Republic Title share? | Can you limit this sharing? |
| For our everyday business purposes — such as to process your transactions, maintain your account(s), or respond to court orders and legal investigations, or report to credit bureaus | | Yes | No |
| For our marketing purposes — to offer our products and services to you | | No | We don't share |
| For joint marketing with other financial companies | | No | We don't share |
| For our affiliates' everyday business purposes — information about your transactions and experiences | | Yes | No |
| For our affiliates' everyday business purposes — information about your creditworthiness | | No | We don't share |
| For our affiliates to market to you | | No | We don't share |
| For non-affiliates to market to you | | No | We don't share |

Questions

Go to www.oldrepublictitle.com (Contact Us)

| Who we are | |
|--|---|
| Who is providing this notice? | Companies with an Old Republic Title name and other affiliates. Please see below for a list of affiliates. |
| What we do | |
| How does Old Republic Title protect my personal information? | To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. For more information, visit http://www.OldRepublicTitle.com/newnational/Contact/privacy . |
| How does Old Republic Title collect my personal information? | <p>We collect your personal information, for example, when you:</p> <ul style="list-style-type: none"> • Give us your contact information or show your driver's license • Show your government-issued ID or provide your mortgage information • Make a wire transfer <p>We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.</p> |
| Why can't I limit all sharing? | <p>Federal law gives you the right to limit only:</p> <ul style="list-style-type: none"> • Sharing for affiliates' everyday business purposes - information about your creditworthiness • Affiliates from using your information to market to you • Sharing for non-affiliates to market to you <p>State laws and individual companies may give you additional rights to limit sharing. See the "Other important information" section below for your rights under state law.</p> |
| Definitions | |
| Affiliates | <p>Companies related by common ownership or control. They can be financial and nonfinancial companies.</p> <ul style="list-style-type: none"> • <i>Our affiliates include companies with an Old Republic Title name, and financial companies such as Attorneys' Title Fund Services, LLC, Lex Terrae National Title Services, Inc., Mississippi Valley Title Services Company, and The Title Company of North Carolina.</i> |
| Non-affiliates | <p>Companies not related by common ownership or control. They can be financial and non-financial companies.</p> <ul style="list-style-type: none"> • <i>Old Republic Title does not share with non-affiliates so they can market to you</i> |
| Joint marketing | <p>A formal agreement between non-affiliated financial companies that together market financial products or services to you.</p> <ul style="list-style-type: none"> • <i>Old Republic Title doesn't jointly market.</i> |

Other Important Information

Oregon residents only: We are providing you this notice under state law. We may share your personal information (described on page one) obtained from you or others with non-affiliate service providers with whom we contract, such as notaries and delivery services, in order to process your transactions. You may see what personal information we have collected about you in connection with your transaction (other than personal information related to a claim or legal proceeding). To see your information, please click on "Contact Us" at www.oldrepublictitle.com and submit your written request to the Legal Department. You may see and copy the information at our office or ask us to mail you a copy for a reasonable fee. If you think any information is wrong, you may submit a written request online to correct or delete it. We will let you know what actions we take. If you do not agree with our actions, you may send us a statement.

Affiliates Who May be Delivering This Notice

| | | | | |
|--|---|---|---|---|
| American First Abstract, LLC | American First Title & Trust Company | American Guaranty Title Insurance Company | Attorneys' Title Fund Services, LLC | Compass Abstract, Inc. |
| eRecording Partners Network, LLC | Genesis Abstract, LLC | Kansas City Management Group, LLC | L.T. Service Corp. | Lenders Inspection Company |
| Lex Terrae National Title Services, Inc. | Lex Terrae, Ltd. | Mara Escrow Company | Mississippi Valley Title Services Company | National Title Agent's Services Company |
| Old Republic Branch Information Services, Inc. | Old Republic Diversified Services, Inc. | Old Republic Exchange Company | Old Republic National Title Insurance Company | Old Republic Title and Escrow of Hawaii, Ltd. |
| Old Republic Title Co. | Old Republic Title Company of Conroe | Old Republic Title Company of Indiana | Old Republic Title Company of Nevada | Old Republic Title Company of Oklahoma |
| Old Republic Title Company of Oregon | Old Republic Title Company of St. Louis | Old Republic Title Company of Tennessee | Old Republic Title Information Concepts | Old Republic Title Insurance Agency, Inc. |
| Old Republic Title, Ltd. | Republic Abstract & Settlement, LLC | Sentry Abstract Company | The Title Company of North Carolina | Title Services, LLC |
| Trident Land Transfer Company, LLC | | | | |

| | |
|------------|--|
| RELEASED | |
| INDEXED | |
| ABSTRACTED | |
| SCANNED | |

CORRECTED QUITCLAIM DEED
(Plat No. Correction Only)

John S. Varley Jr., a married man, **GRANTOR**, for Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt and sufficiency of which is hereby acknowledged, **CONVEYS AND QUITCLAIMS** to **Arts District Development, LLC**, a Wyoming Limited Liability Company, **GRANTEE**, the following described real estate situated in the Town of Jackson, the County of Teton, State of Wyoming, hereby waiving and releasing 1 lnder and by virtue of the Homestead Exemption Laws of the State of Wyoming, to wit:

Lots 11 and 12 of Block 2 of the Second Wort Addition to the Town of Jackson according to the plat recorded as Plat No. 129 in the office of the County Clerk of Teton County, Wyoming.

Together with and including all improvements thereon and all appurtenances and hereditaments thereunto belonging; subject to all covenants, conditions, restrictions, easements, reservations, encumbrances, rights and rights-of-way of sight and/or record, and subject to applicable zoning laws and restrictions;

And further including all rights, obligations, and interest in that fully approved Master Plan as more fully described in the Affidavit and Agreement between the Town of Jackson, Teton County, Wyoming and the Undersigned Applicant Relating to a Planned Mixed Use Development Master Plan Pursuant to Ordinance No. 680, Section 2325 of the Town of Jackson Land Development Regulations recorded in the land records of Teton County, Wyoming on December 3, 2002 at 12:21 p.m. as Document No. 0583871 at book 480 page 638-760 and the approved Final Development Plan related thereto.

PIDN 22-41-16-33-1-08-004

WITNESS my hand this 7th day of March, 2016.

John S. Varley, Jr.
John S. Varley, Jr, GRANTOR

Rilla E. Varley, Wife of Grantor, executes this Corrected Quitclaim Deed for the limited and sole purpose of waiving and releasing her Homestead Rights, if any.

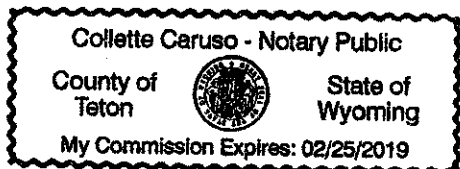
Rilla E. Varley
Rilla E. Varley

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

On this 7th day of March, 2016 John S. Varley, Jr. and Rilla E. Varley appeared personally before me and each **ACKNOWLEDGED** this instrument (Corrected Quitclaim Deed) as their free act and deed.

Witness My Hand and Seal

SEAL



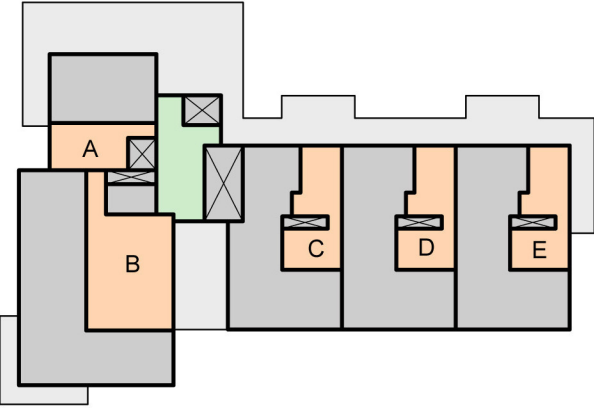
Collette Caruso
Notary Public

My Commission Expires: 2-25-19

GRANTOR: VARLEY, JOHN S JR
GRANTEE: ARTS DISTRICT DEVELOPMENT LLC
Doc 0900327 bk 915 pg 552-552 Filed At 15:52 ON 03/07/16
Sherry L. Daigle Teton County Clerk fees: 12.00
By Mary D Antrobus Deputy

2008 DESIGN

32,680 sf gross area
30,098 sf tabulated area
2.01 Floor Area Ratio

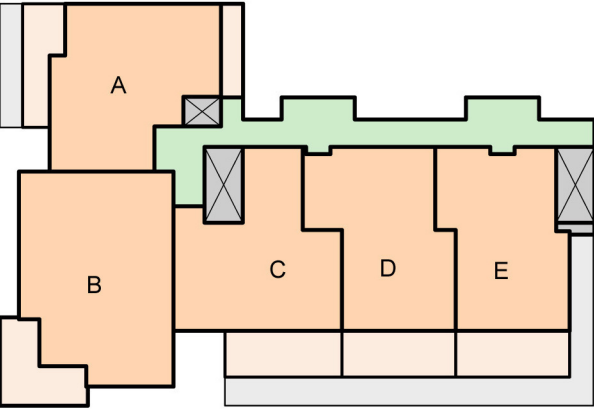


3rd LEVEL MEZZANINE / LOFT:

MARKET LODGING / RESIDENTIAL = 2,204 sf
A 279 sf, part of 3rd level unit
B 749 sf, part of 3rd level unit
C 392 sf, part of 3rd level unit
D 392 sf, part of 3rd level unit
E 392 sf, part of 3rd level unit

MECHANICAL PENTHOUSE
(Not counted toward FAR)

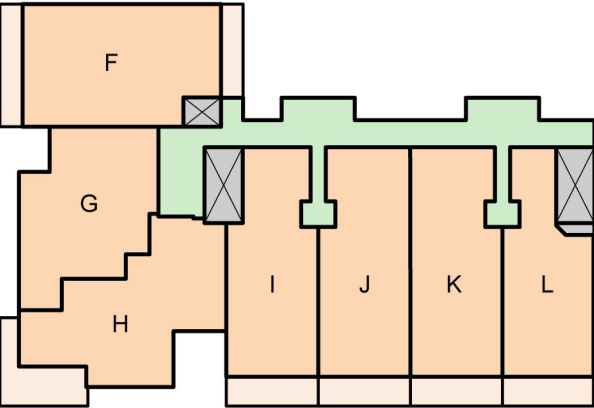
VAULTED / OPEN TO BELOW
(Not counted toward FAR)



3rd LEVEL:

MARKET LODGING / RESIDENTIAL = 8,240 sf
A 1,617 sf this level / 3 1/2 BR / 3 ba / 419 sf balconies
B 2,100 sf this level / 4 BR / 3 ba / 363 sf balcony
C 1,559 sf this level / 3 BR / 3 ba / 307 sf balcony
D 1,515 sf this level / 3 BR / 3 ba / 307 sf balcony
E 1,449 sf this level / 3 BR / 3 ba / 307 sf balcony

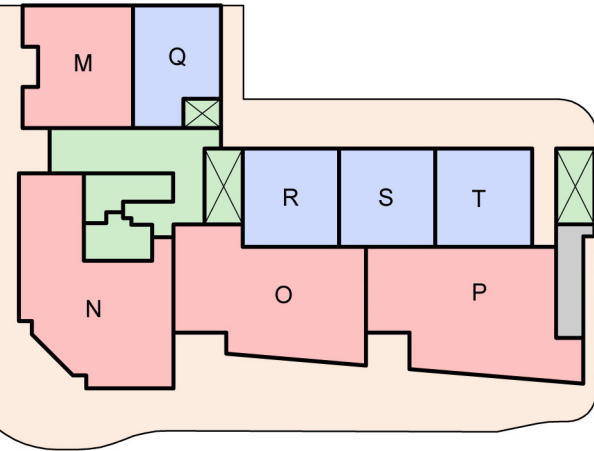
COMMON AREAS = 1,217 sf
(Lobby / Corridor / Janitorial / Enclosed Porch)



2nd LEVEL:

MARKET LODGING / RESIDENTIAL = 9,603 sf
F 1,574 sf / 3 BR / 2 ba / 332 sf balconies
G 1,358 sf / 2 BR / 2 1/2 ba
H 1,491 sf / 2 BR / 2 1/2 ba / 298 sf balconies
I 1,290 sf / 2 BR / 2 ba / 184 sf balcony
J 1,376 sf / 2 BR / 2 ba / 184 sf balcony
K 1,376 sf / 2 BR / 2 ba / 184 sf balcony
L 1,138 sf / 1 BR / 2 ba / 184 sf balcony

COMMON AREAS = 1,482 sf
(Lobby / Corridor / Janitorial)



GRADE LEVEL:

COMMERCIAL / RETAIL = 5,564 sf
M 876 sf
N 1,595 sf
O 1,481 sf
P 1,612 sf

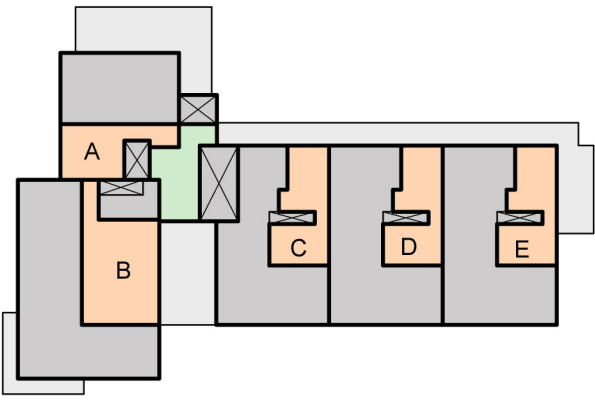
COMMON AREAS = 1,788 sf
(Stairs / elevator / restrooms / lobby / dumpsters)

EMPLOYEE HOUSING = 2,582 sf
(Not counted toward FAR)

Q 656 sf / 1 BR
R 642 sf / 1 BR
S 642 sf / 1 BR
T 642 sf / 1 BR

2018 DESIGN (FDP)

28,796 sf gross area
26,689 sf tabulated area
1.78 Floor Area Ratio

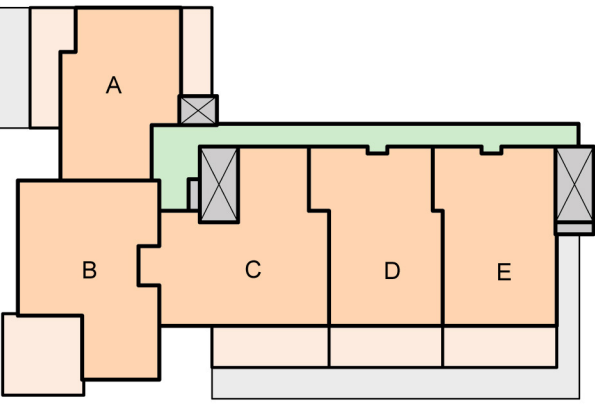


3rd LEVEL MEZZANINE / LOFT :

MARKET LODGING / RESIDENTIAL = 2,051 sf
A 317 sf, part of 3rd level unit
B 597 sf, part of 3rd level unit
C 379 sf, part of 3rd level unit
D 379 sf, part of 3rd level unit
E 379 sf, part of 3rd level unit

MECHANICAL PENTHOUSE
(Not counted toward FAR)

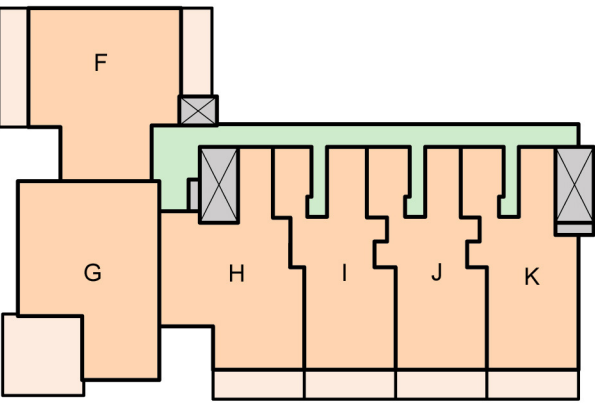
VAULTED / OPEN TO BELOW
(Not counted toward FAR)



3rd LEVEL:

MARKET LODGING / RESIDENTIAL = 7,326 sf
A 1,257 sf this level / 2 BR / 2 1/2 ba / 475 sf balconies
B 1,575 sf this level / 3 BR / 3 ba / 431 sf balcony
C 1,660 sf this level / 3 BR / 3 ba / 325 sf balcony
D 1,422 sf this level / 3 BR / 3 ba / 325 sf balcony
E 1,412 sf this level / 3 BR / 3 ba / 325 sf balcony

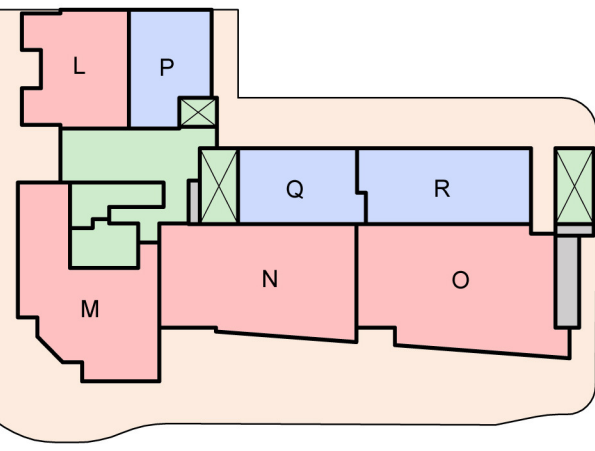
COMMON AREAS = 846 sf
(Lobby / corridor)



2nd LEVEL:

MARKET LODGING / RESIDENTIAL = 8,622 sf
F 1,561 sf / 2 BR / 2 1/2 ba / 422 sf balconies
G 1,631 sf / 2 BR / 2 1/2 ba / 421 sf balconies
H 1,464 sf / 2 BR / 2 ba / 182 sf balconies
I 1,310 sf / 2 BR / 2 ba / 182 sf balcony
J 1,317 sf / 2 BR / 2 ba / 182 sf balcony
K 1,339 sf / 2 BR / 2 ba / 182 sf balcony

COMMON AREAS = 1,064 sf
(Lobby / corridor)



GRADE LEVEL:

COMMERCIAL / RETAIL = 5,201 sf
L 794 sf
M 1,263 sf
N 1,475 sf
O 1,669 sf

COMMON AREAS = 1,579 sf
(Stairs / elevator / restrooms / lobby)

EMPLOYEE HOUSING = 2,107 sf
(Not counted toward FAR)

P 600 sf / 1 BR
Q 631 sf / 2 BR
R 876 sf / 1 BR

Exhibit H



GLENWOOD+SIMPSON MIXED USE BUILDING
View of Southeast Corner, Approximately from Front Entry of Center¹⁹¹ for the Arts



GLENWOOD+SIMPSON MIXED USE BUILDING
Interior of 3rd Level Lodging / Residential Unit, Looking Northeast



GLENWOOD+SIMPSON MIXED USE BUILDING
Interior of 3rd Level Lodging / Residential Unit, Looking Southwest



GLENWOOD+SIMPSON MIXED USE BUILDING
Interior of 3rd Level Lodging / Residential Unit, Looking West Toward Kitchen



GLENWOOD+SIMPSON MIXED USE BUILDING
Interior of 2nd Level Lodging / Residential Unit, Looking East



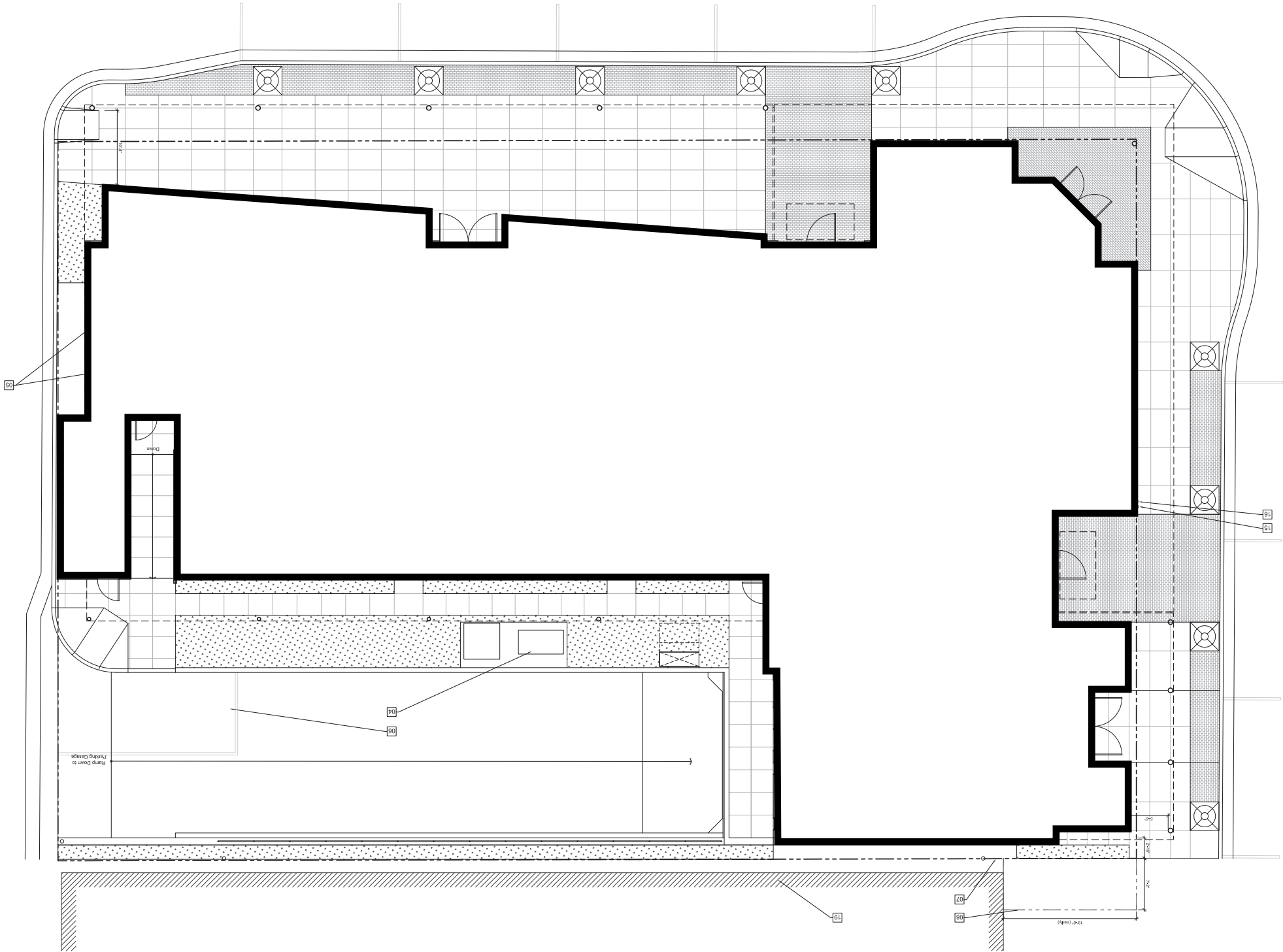
GLENWOOD+SIMPSON MIXED USE BUILDING
Porch of 2nd Level Lodging / Residential Unit, Looking West Toward Interior

FDP Drawing Notes

- 01 Catchment basin and sump, for stormwater and roof drainage, located below slab.
- 02 Oil and sand separator for garage floor drainage, located below slab.
- 03 Overhead door
- 04 Electrical Transformer
- 05 Dumpsters, (Overhead door access)
- 06 11'-6" x 25'-0" Loading Zone.
- 07 See vehicle access diagrams
- 08 Requested fire separation distance access
- 09 Gutter at sidewalk canopy, connected to internal drains within building.
- 10 Daylight location at face of curb for sidewalk canopy drain system
- 11 Roof drain and overflow, connected to storm water drainage system via internal drains. See C&I drawings for preliminary storm water system design.
- 12 Rooftop access ladder, typical as shown.
- 13 Rooftop equipment pad (for air conditioner compressors)
- 14 Evacuated tube solar water pre-heat array, typical as shown.
- 15 Fire Department connection
- 16 Fire alarm strobe
- 17 Wall signage location, with indirect lighting locations indicated. See lighting fixture cut sheets provided with FDP application.
- 18 Suspended signage below sidewalk canopy, typical as shown.
- 19 Town parking garage structure
- 20 Elevator

Room Key

- 101 Commercial / Retail Space "L"
- 102 Lobby
- 103 Men's Restrooms
- 104 Women's Restrooms
- 105 Commercial / Retail Space "M"
- 106 Commercial / Retail Space "N"
- 107 Commercial / Retail Space "O"
- 108 Employee Housing Unit "P"
- 109 Employee Housing Unit "Q"
- 110 Employee Housing Unit "R"



01
A101
Grade Level Floor Plan
1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)

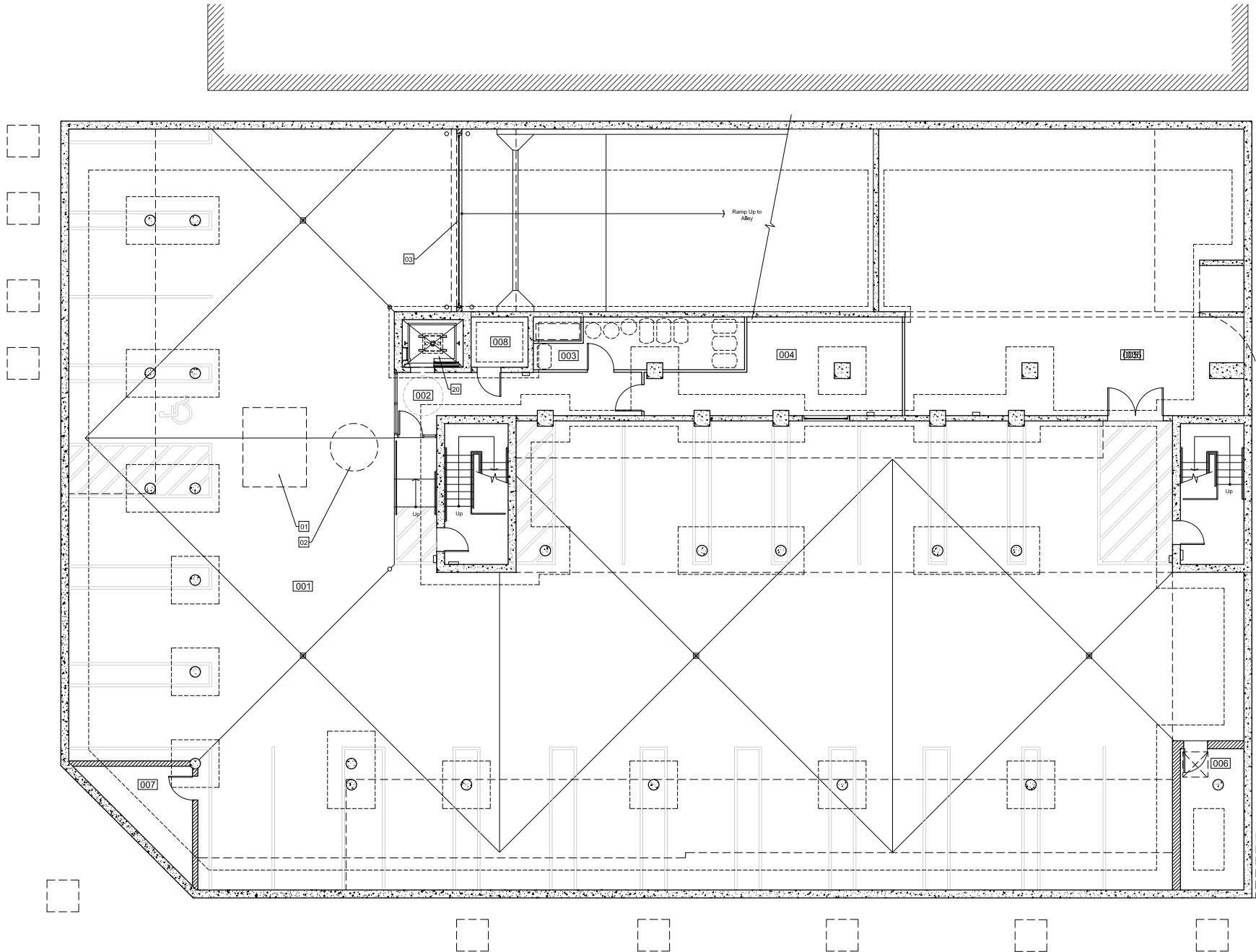


FDP Drawing Notes

- 01 Catchment basin and sump, for stormwater and roof drainage, located below slab.
- 02 Oil and sand separator for garage floor drainage, located below slab.
- 03 Overhead door
- 04 Electrical Tranformer
- 05 Dumpsters, (Overhead door access)
- 06 11'-6" x 25'-0" Loading Zone.
See vehicle access diagrams
- 07 Project property boundary
- 08 Requested fire separation distance access easement at parking garage entry plaza on Town of Jackson property.
- 09 Gutter at sidewalk canopy, connected to internal drains within building.
- 10 Daylight location at face of curb for sidewalk canopy drain system
- 11 Roof drain and overflow, connected to storm water drainage system via internal drains. See Civil drawings for preliminary storm water system design.
- 12 Rooftop access ladder, typical as shown.
- 13 Rooftop equipment pad (for air conditioner compressors)
- 14 Evacuated tube solar water pre-heat array, typical as shown.
- 15 Fire Department connection
- 16 Fire alarm strobe
- 17 Wall signage location, with indirect lighting locations indicated. See lighting fixture cut sheets provided with FDP application.
- 18 Suspended singage below sidewalk canopy, typical as shown.
- 19 Town parking garage structure
- 20 Elevator

Room Key

| | |
|-----|---|
| 001 | Parking Garage |
| 002 | Elevator Lobby |
| 003 | Recycling |
| 004 | Electrical Equipment |
| 005 | Mechanical Equipment |
| 006 | Mechanical Equipment (Garage Ventilation) |
| 007 | Mechanical Equipment |
| 008 | Elevator Equipment |



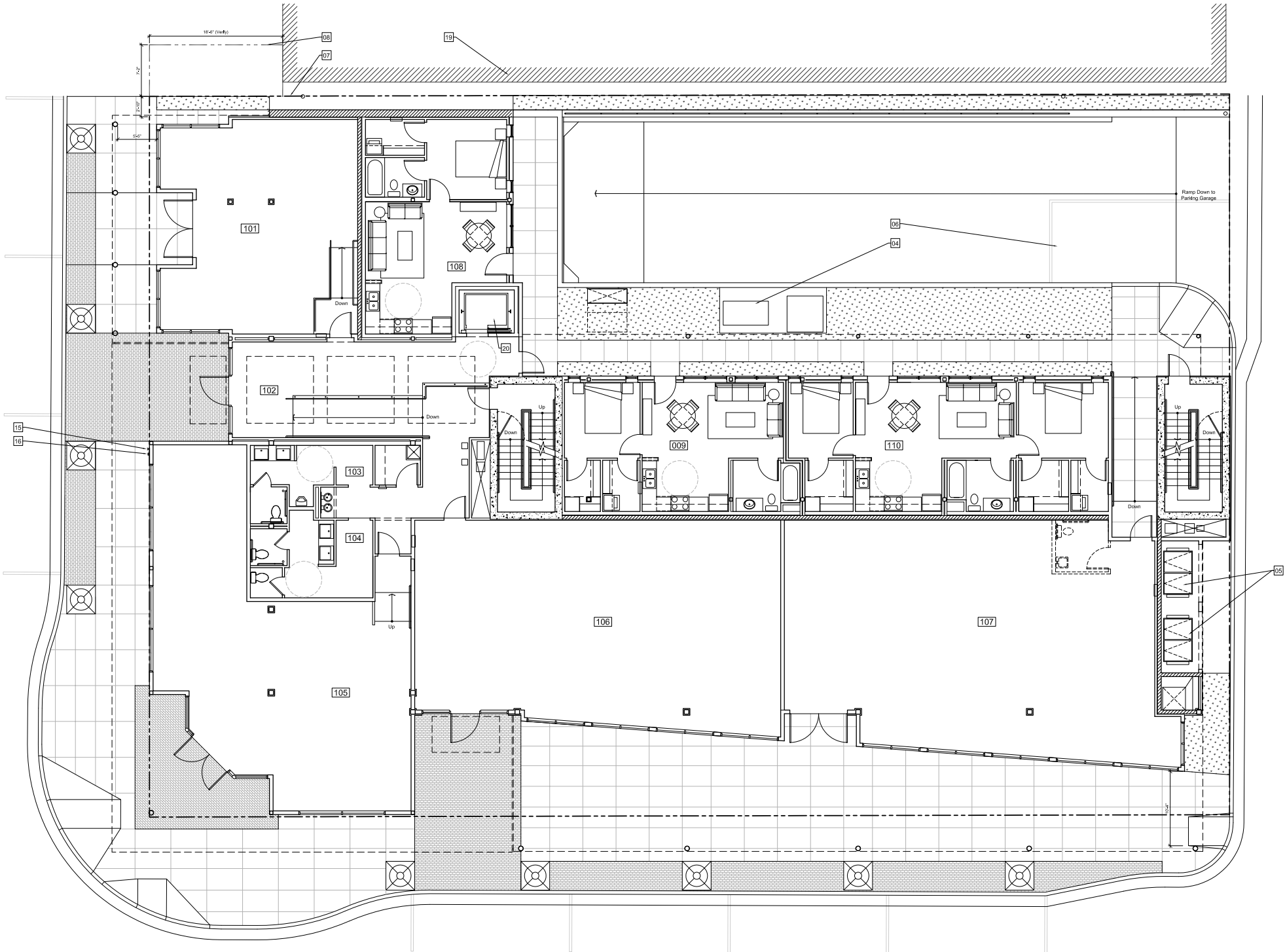
01
A101
Basement Level Floor Plan
1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)

FDP Drawing Notes

- 01 Catchment basin and sump, for stormwater and roof drainage, located below slab.
- 02 Oil and sand separator for garage floor drainage, located below slab.
- 03 Overhead door
- 04 Electrical Tranformer
- 05 Dumpsters, (Overhead door access)
- 06 11'-6" x 25'-0" Loading Zone.
See vehicle access diagrams
- 07 Project property boundary
- 08 Requested fire separation distance access easement at parking garage entry plaza on Town of Jackson property.
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- 13 Rooftop equipment pad (for air conditioner compressors)
- 14 Evacuated tube solar water pre-heat array, typical as shown.
- 15 Fire Department connection
- 16 Fire alarm strobe
- 17 Wall signage location, with indirect lighting locations indicated. See lighting fixture cut sheets provided with FDP application.
- 18 Suspended singage below sidewalk canopy, typical as shown.
- 19 Town parking garage structure
- 20 Elevator

Room Key

| | |
|-----|-------------------------------|
| 101 | Commercial / Retail Space "L" |
| 102 | Lobby |
| 103 | Men's Restrooms |
| 104 | Women's Restrooms |
| 105 | Commercial / Retail Space "M" |
| 106 | Commercial / Retail Space "N" |
| 107 | Commercial / Retail Space "O" |
| 108 | Employee Housing Unit "P" |
| 109 | Employee Housing Unit "Q" |
| 110 | Employee Housing Unit "R" |



01
A101 Grade Level Floor Plan
1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)



Glenwood + Simpson Mixed Use Building
(Phase II of the Milward + Simpson PMD)
Lots 11 & 12, Block 2, 2nd Ward Addition
Jackson, Wyoming 83001

Date 03 / 01 / 2018

Revisions

Sheet Number

A-101

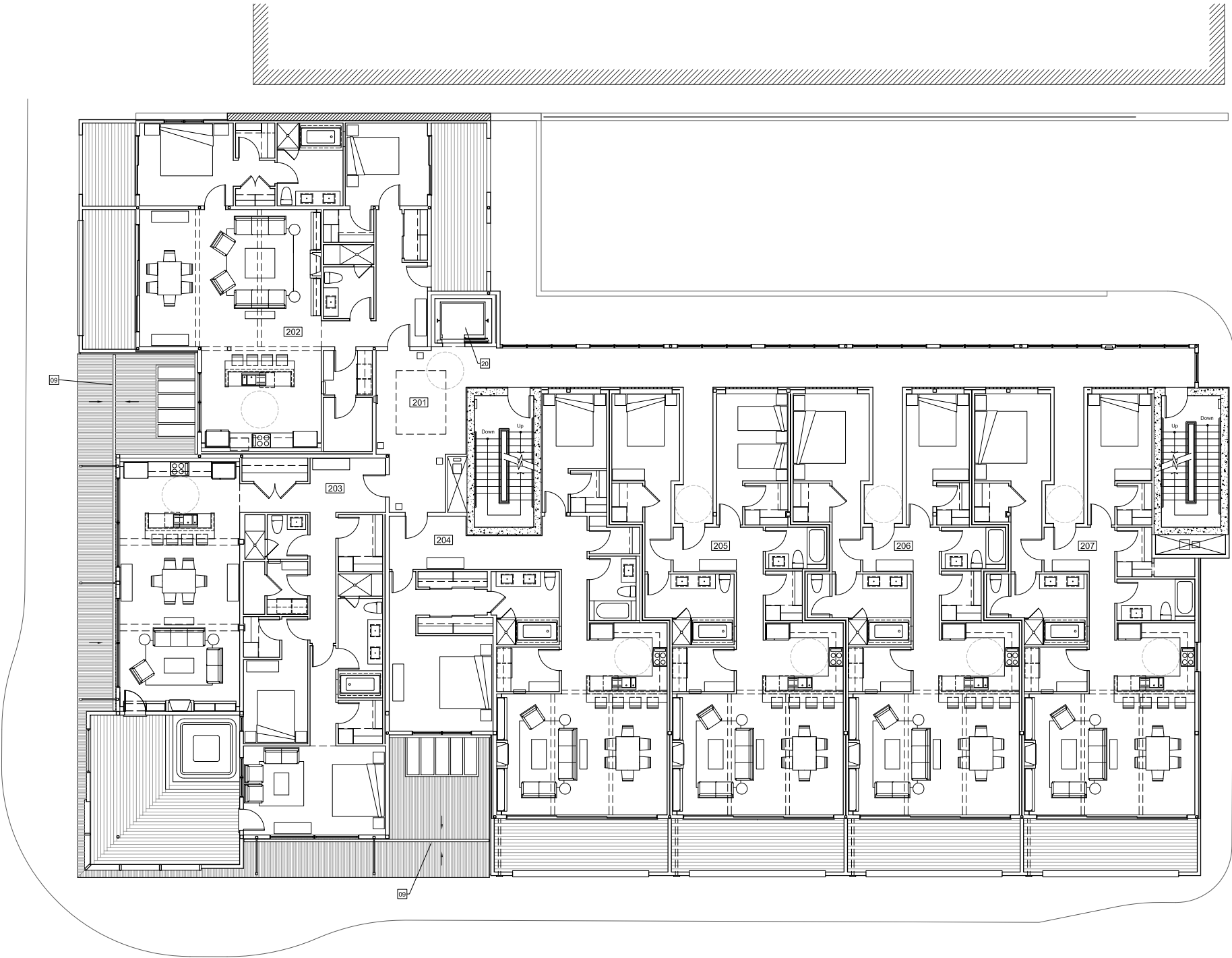
Grade Level
Floor Plan

FDP Drawing Notes

- 01 Catchment basin and sump, for stormwater and roof drainage, located below slab.
- 02 Oil and sand separator for garage floor drainage, located below slab.
- 03 Overhead door
- 04 Electrical Tranformer
- 05 Dumpsters, (Overhead door access)
- 06 11'-6" x 25'-0" Loading Zone.
See vehicle access diagrams
- 07 Project property boundary
- 08 Requested fire separation distance access easement at parking garage entry plaza on Town of Jackson property.
- 09 Gutter at sidewalk canopy, connected to internal drains within building.
- 10 Daylight location at face of curb for sidewalk canopy drain system
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- 13 Rooftop equipment pad (for air conditioner compressors)
- 14 Evacuated tube solar water pre-heat array, typical as shown.
- 15 Fire Department connection
- 16 Fire alarm strobe
- 17 Wall signage location, with indirect lighting locations indicated. See lighting fixture cut sheets provided with FDP application.
- 18 Suspended singage below sidewalk canopy, typical as shown.
- 19 Town parking garage structure
- 20 Elevator

Room Key

- 201 Lobby / Corridor
- 202 Lodging / Residential Unit "F"
- 203 Lodging / Residential Unit "G"
- 204 Lodging / Residential Unit "H"
- 205 Lodging / Residential Unit "I"
- 206 Lodging / Residential Unit "J"
- 207 Lodging / Residential Unit "K"



01

A102

Second Level Floor Plan

1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)

FDP Drawing Notes

- 01 Catchment basin and sump, for stormwater and roof drainage, located below slab.
- 02 Oil and sand separator for garage floor drainage, located below slab.
- 03 Overhead door
- 04 Electrical Tranformer
- 05 Dumpsters, (Overhead door access)
- 06 11'-6" x 25'-0" Loading Zone.
See vehicle access diagrams
- 07 Project property boundary
- 08 Requested fire separation distance access easement at parking garage entry plaza on Town of Jackson property.
- 09 Gutter at sidewalk canopy, connected to internal drains within building.
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- 13 Rooftop equipment pad (for air conditioner compressors)
- 14 Evacuated tube solar water pre-heat array, typical as shown.
- 15 Fire Department connection
- 16 Fire alarm strobe
- 17 Wall signage location, with indirect lighting locations indicated. See lighting fixture cut sheets provided with FDP application.
- 18 Suspended singage below sidewalk canopy, typical as shown.
- 19 Town parking garage structure
- 20 Elevator

Room Key

- 301 Lobby / Corridor
- 302 Lodging / Residential Unit "A"
- 303 Lodging / Residential Unit "B"
- 304 Lodging / Residential Unit "C"
- 305 Lodging / Residential Unit "D"
- 306 Lodging / Residential Unit "E"



01
A103
Third Level Floor Plan
1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)

Glenwood + Simpson Mixed Use Building
(Phase II of the Milward + Simpson PMD)
Lots 11 & 12, Block 2, 2nd Ward Addition
Jackson, Wyoming 83001

Date 03 / 01 / 2018

Revisions

Sheet Number
A-103

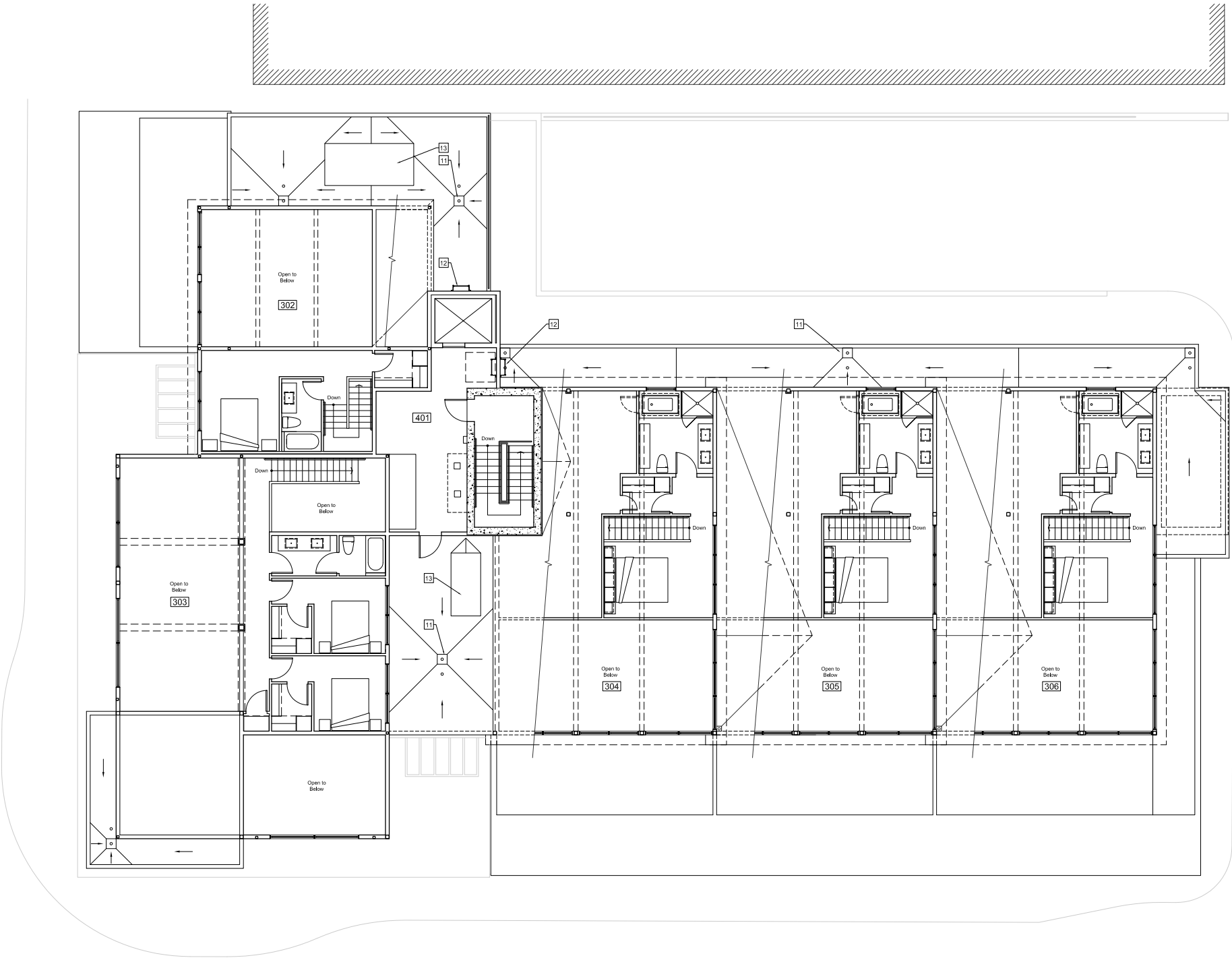
Thlrld Level
Floor Plan

FDP Drawing Notes

- 01 Catchment basin and sump, for stormwater and roof drainage, located below slab.
- 02 Oil and sand separator for garage floor drainage, located below slab.
- 03 Overhead door
- 04 Electrical Tranformer
- 05 Dumpsters, (Overhead door access)
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See vehicle access diagrams
- 07 Project property boundary
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- 15 Fire Department connection
- 16 Fire alarm strobe
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- 18 Suspended singage below sidewalk canopy, typical as shown.
- 19 Town parking garage structure
- 20 Elevator

Room Key

| | |
|-----|------------------------------------|
| 302 | Lodging / Residential Unit "A" |
| 303 | Lodging / Residential Unit "B" |
| 304 | Lodging / Residential Unit "C" |
| 305 | Lodging / Residential Unit "D" |
| 306 | Lodging / Residential Unit "E" |
| 401 | Mechanical Penthouse & Roof Access |

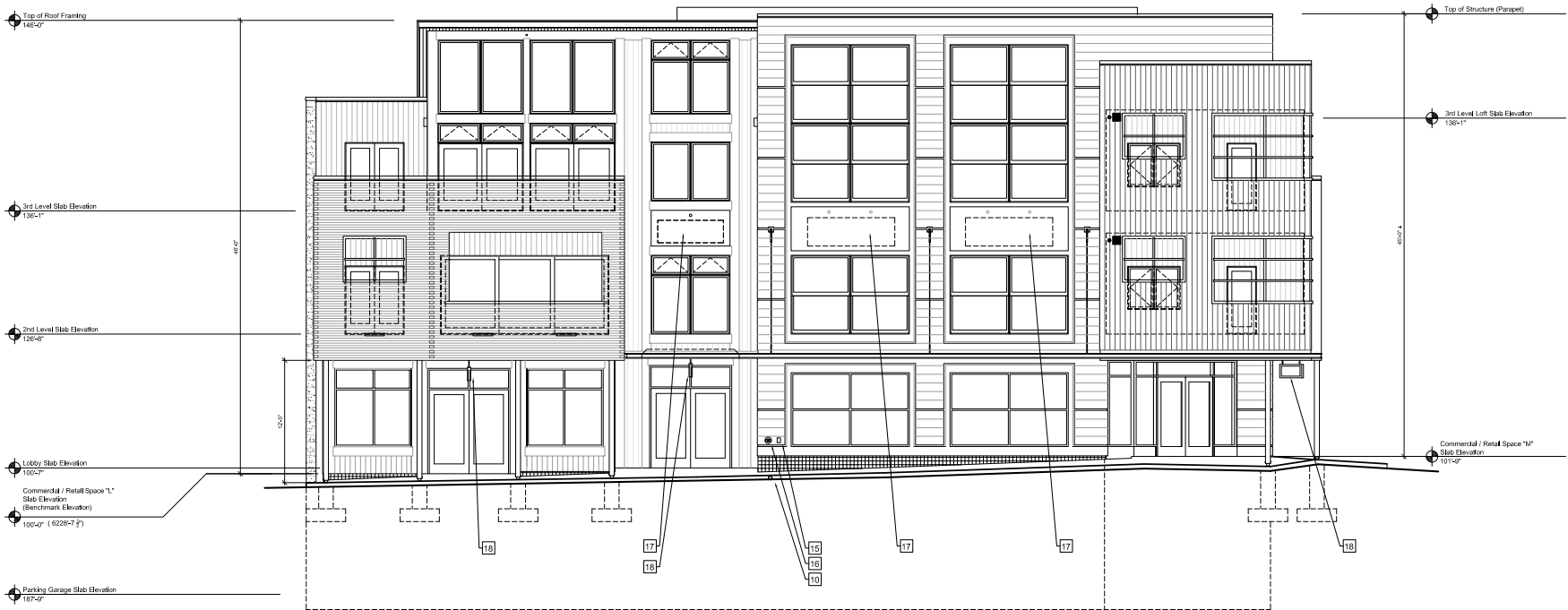


01 Third Level Loft Floor Plan
A104 1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)



FDP Drawing Notes

- 01 Catchment basin and sump, for stormwater and roof drainage, located below slab.
- 02 Oil and sand separator for garage floor drainage, located below slab.
- 03 Overhead door
- 04 Electrical Tranformer
- 05 Dumpsters. (Overhead door access)
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- 15 Fire Department connection
- 16 Fire alarm strobe
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- 19 Town parking garage structure
- 20 Elevator



01

A200

South (Simpson Avenue) Elevation

1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)



02

A200

East (Glenwood Street) Elevation

1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)

Glenwood + Simpson Mixed Use Building
(Phase II of the Milward + Simpson PMD)

Lots 11 & 12, Block 2, 2nd Ward Addition
Jackson, Wyoming 83001

Date 03 / 01 / 2018

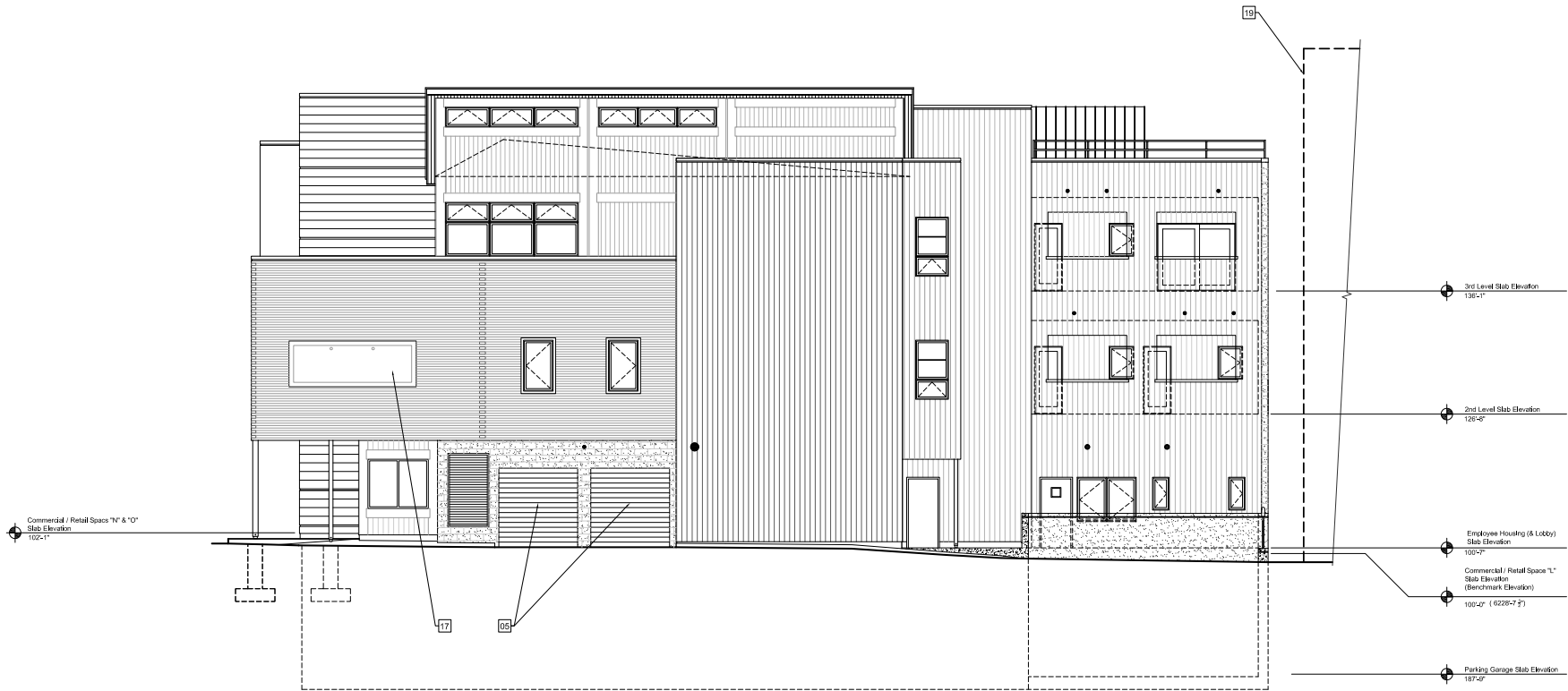
Revisions

Sheet Number
A-200

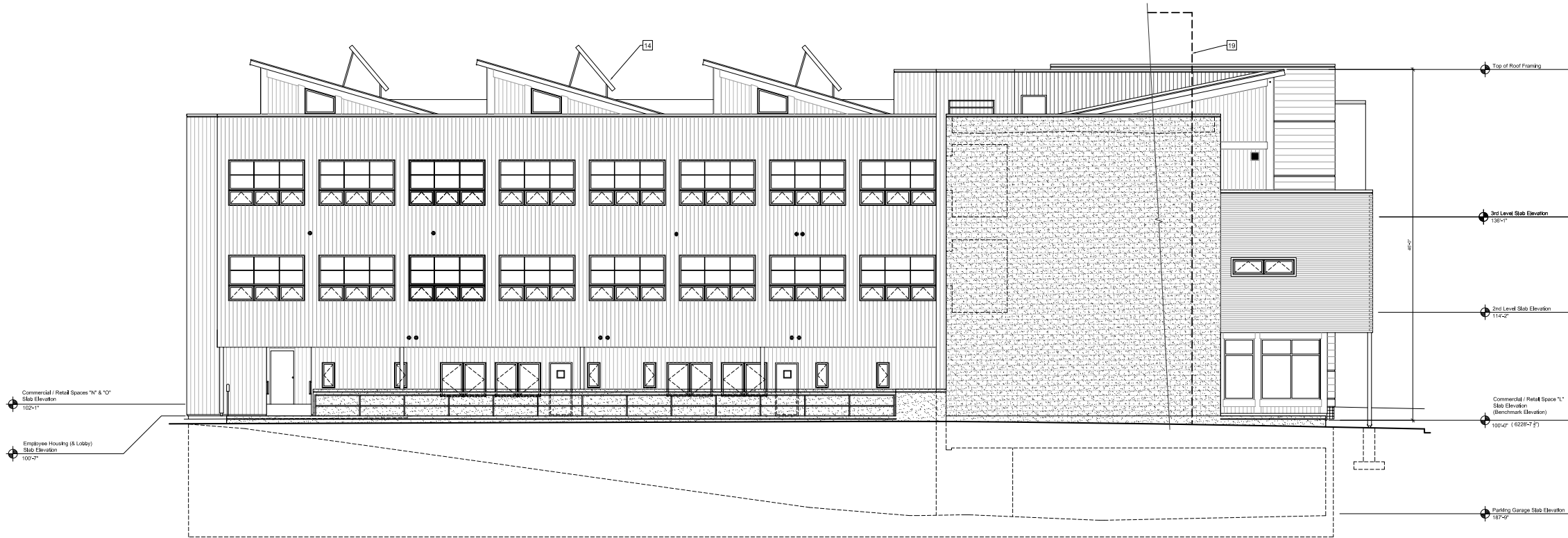
South & East
Exterior Elevations

FDP Drawing Notes

- 01 Catchment basin and sump, for stormwater and roof drainage, located below slab.
- 02 Oil and sand separator for garage floor drainage, located below slab.
- 03 Overhead door
- 04 Electrical Tranformer
- 05 Dumpsters, (Overhead door access)
- 06 11'-6" x 25'-0" Loading Zone.
See vehicle access diagrams
- 07 Project property boundary
- 08 Requested fire separation distance access easement at parking garage entry plaza on Town of Jackson property.
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- 16 Fire alarm strobe
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- 18 Suspended singage below sidewalk canopy, typical as shown.
- 19 Town parking garage structure
- 20 Elevator



01 North (Alley) Elevation
A200 1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)



02 West (Parking Ramp) Elevation
A200 1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)

Glenwood + Simpson Mixed Use Building
(Phase II of the Milward + Simpson PMD)
Lots 11 & 12, Block 2, 2nd Ward Addition
Jackson, Wyoming 83001

Date 03 / 01 / 2018

Revisions

Sheet Number
A-201

North & West
Exterior Elevations

NOTICE OF PUBLIC HEARING

JACKSON TOWN COUNCIL: DATE and TIME

**Location of Hearing: Council Chambers, Town Hall
150 E Pearl Avenue
Jackson, WY**

Request: FINAL DEVELOPMENT PLAN

Proposal: FDP FOR THE GLENWOOD + SIMPSON PLANNED MIXED-USE DEVELOPMENT

**A mixed-use development combining commercial/retail and
employee housing units of the lower floor
with market residential/lodging units above.**

Project Number: P18-001

**For information regarding this application, please contact:
Y2 Consultants at (307) 733-2999**

-or-

Jackson Planning and Building Department at (307) 733-0440

Posting Date: insert date posted

NOTICE OF PUBLIC HEARING

PLANNING AND ZONING COMMISSION/BOARD OF ADJUSTMENT: DATE and TIME

**Location of Hearing: Council Chambers, Town Hall
150 E Pearl Avenue
Jackson, WY**

Request: FINAL DEVELOPMENT PLAN

Proposal: FDP FOR THE GLENWOOD + SIMPSON PLANNED MIXED-USE DEVELOPMENT

**A mixed-use development combining commercial/retail and
employee housing units of the lower floor
with market residential/lodging units above.**

Project Number: P18-001

**For information regarding this application, please contact:
Y2 Consultants at (307) 733-2999**

-or-

Jackson Planning and Building Department at (307) 733-0440

Posting Date: insert date posted

**AFFIDAVIT AND AGREEMENT RELATING TO THE
1st AMENDMENT OF THE
MILLWARD AND SIMPSON
PLANNED MIXED-USE DEVELOPMENT
MASTER PLAN**

**Property subject to the Millward and Simpson Planned Mixed Use Development
Master Plan pursuant to its 1st Amendment:**

Lots 11 and 12, Block 2, 2nd Wort Addition to Town of Jackson,
a subdivision of record in the Office of the Clerk of Teton County, Wyoming
as Plat 129; and

Lots 1, 2, 3, 4, 5 and 6, Block 7, 2nd Wort Addition to Town of Jackson,
a subdivision of record in the Office of the Clerk of Teton County, Wyoming
as Plat 129.

**Property subject to the originally approved Millward and Simpson Planned
Mixed-Use Development Master Plan NO LONGER under the Master Plan
pursuant to its 1st Amendment:**

Lots 7, 8, 9, 10, 11 and 12, Block 3, 2nd Wort Addition to Town of Jackson,
a subdivision of record in the Office of the Clerk of Teton County, Wyoming
as Plat 129; and

Lots 1, 2, 3, and 4, Block 6, 2nd Wort Addition to Town of Jackson,
a subdivision of record in the Office of the Clerk of Teton County, Wyoming
as Plat 129.

This Affidavit and Agreement is executed by Sara Flitner, as Mayor of the
Town of Jackson, a municipal corporation of the State of Wyoming, and by the
following:

1. Arts District Development, LLC, a Wyoming limited liability company,
owner of said Lots 11 and 12, Block 2, 2nd Wort Addition, and
2. Jackson Hotel Investors, LLC, a Utah limited liability company,
owner of said Lots 1, 2, 3, 4, 5 and 6, Block 7, 2nd Wort Addition.

This Affidavit and Agreement is made and recorded pursuant to Subsections C.2.d. and C.2.a.(3) of the now repealed Section 2325 of the Town of Jackson Land Development Regulations, which provided for the Planned Mixed-Use Development Option. Said Section 2325 of the Town of Jackson Land Development Regulations was in effect at the time of the approval of the Millward and Simpson Planned Mixed-Use Development Master Plan, and continues to be a governing document of said Master Plan.

The undersigned, being first duly sworn upon their oaths, agree and state the following:

1. **THAT** on September 16, 2002 the Jackson Town Council approved a Planned Mixed-Use Development Master Plan referred to as the Millward and Simpson Planned Mixed-Use Development Master Plan, which was memorialized in that instrument titled "AFFIDAVIT AND AGREEMENT BETWEEN THE TOWN OF JACKSON, TETON COUNTY, WYOMING AND THE UNDERSIGNED APPLICANT RELATING TO A PLANNED MIXED USE DEVELOPMENT MASTER PLAN PURSUANT TO ORDINANCE NO. 680, SECTION 2325 OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS" of record in the Office of the Clerk of Teton County Clerk, Wyoming in Book 480 of Photo, pages 638-760, and which was appurtenant to the following described real property located in the Town of Jackson:

Lots 11 and 12, Block 2, 2nd Wort Addition to Town of Jackson,
a subdivision of record in the Office of the Clerk of Teton County,
Wyoming as Plat 129;

Lots 1, 2, 3, 4, 5 and 6, Block 7, 2nd Wort Addition to Town of Jackson,
a subdivision of record in the Office of the Clerk of Teton County,
Wyoming as Plat 129;

Lots 7, 8, 9, 10, 11, and 12, Block 3, 2nd Wort Addition to Town of Jackson,
a subdivision of record in the Office of the Clerk of Teton County,
Wyoming as Plat 129; and

Lots 1, 2, 3, and 4, Block 6, 2nd Wort Addition to Town of Jackson, a
subdivision of record in the Office of the Clerk of Teton County,
Wyoming as Plat 129.

AFFIDAVIT AND AGREEMENT RELATING TO THE 1st AMENDMENT OF THE
MILLWARD AND SIMPSON PLANNED MIXED-USE DEVELOPMENT MASTER PLAN

Page 2 of 8

2. **THAT** on April 8, 2013 the Jackson Town Council, pursuant to Sub-Section C.2.f. of said now repealed Section 2325 of the Town of Jackson Land Development Regulations, approved an extension of the Millward and Simpson Planned Mixed-Use Development Master Plan, which extension was memorialized in that instrument titled "AFFIDAVIT AND AGREEMENT RELATING TO EXTENSION AND AMENDMENT OF A PLANNED MIXED USE DEVELOPMENT MASTER PLAN" of record in the Office to the Clerk of Teton County, Wyoming in Book 849 of Photo, pages 640-645.
3. **THAT** the April 8, 2013 Jackson Town Council approval of the extension of the Millard and Simpson Planned Mixed-Use Development Master Plan (hereinafter referred to as the "2013 Extension") contains certain conditions and stipulations, which include, but are not limited to the following:
 - The applicant shall submit an amendment to the Master Plan removing the ten (10) lots located on the west side of Millward Street from the Master Plan.
 - The applicant would be allowed to apply for an amendment to the Master Plan including changes to the proposed parking requirements, etc. concurrently with a Final Development Plan application.
4. **THAT** an application that is in accord with the now repealed Section 2325 of the Town of Jackson Land Development Regulations and the conditions and stipulations of the 2013 Extension was made to the Town of Jackson for an amendment to the Millward and Simpson Planned Mixed-Use Development Master Plan (under Item P14-070) (hereinafter referred to as the "1st Amendment to the Master Plan"), and was approved by the Jackson Town Council on December 15, 2014.
5. **THAT** in accord with the conditions of approval of the 2013 Extension, the lands included in the approved 1st Amendment to the Master Plan does not include the ten (10) lots located on the west side of Millward Street, which are more particularly described as follows:

Lots 7, 8, 9, 10, 11, and 12, Block 3, 2nd Wort Addition to Town of Jackson, a subdivision of record in the Office of the Clerk of Teton County, Wyoming as Plat 129; and

AFFIDAVIT AND AGREEMENT RELATING TO THE 1st AMENDMENT OF THE
MILLWARD AND SIMPSON PLANNED MIXED-USE DEVELOPMENT MASTER PLAN

Lots 1, 2, 3, and 4, Block 6, 2nd Wort Addition to Town of Jackson, a subdivision of record in the Office of the Clerk of Teton County, Wyoming as Plat 129.

6. **THAT** attached hereto, and by this reference made a part hereof, are true and correct copies of the following:

- **EXHIBIT A** - December 17, 2014 letter from Paul Anthony, Town of Jackson Principal Planner, setting forth the conditions of approval of the 1st Amendment to the Millward and Simpson Planned Mixed-Use Development Master Plan, and
- **EXHIBIT B** - the 1st Amendment Master Plan document, which is titled "Millward + Simpson PMD Master Plan – 1st Amendment" and dated December 15, 2014.

7. **THAT** it is specifically understood, acknowledged and agreed that pursuant to said now repealed Section 2325 of the Town of Jackson Land Development Regulations this instrument and the EXHIBITS A and B attached hereto shall be recorded in the land records of Teton County, Wyoming and in the Town of Jackson Clerk's records.

8. **THAT** this instrument may be executed in several counterparts and each counterpart hereof shall be deemed to be an original instrument, but all such counterparts together shall constitute but one instrument and the combined counterparts shall form one original instrument for recordation.

9. **THAT** the effective date of this instrument is to be the date of its recordation in the records of the Office of the Clerk of Teton County, Wyoming.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

AFFIDAVIT AND AGREEMENT RELATING TO THE 1st AMENDMENT OF THE
MILLWARD AND SIMPSON PLANNED MIXED-USE DEVELOPMENT MASTER PLAN

Page 4 of 8

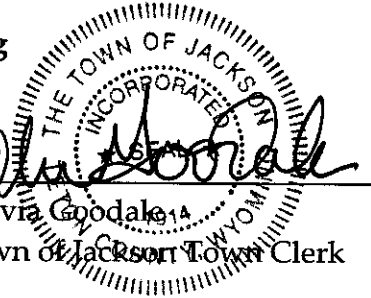
Town of Jackson,
a municipal corporation of the State of Wyoming

By: _____

Sara Flitner
Its: Mayor

Attest
By: _____

Olivia Goodale
Town of Jackson Town Clerk



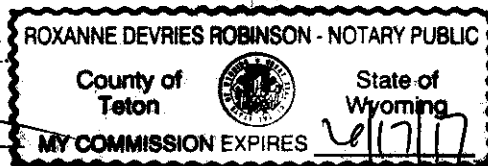
STATE OF WYOMING)
) SS.
COUNTY OF TETON)

On the 2nd day of May, 2016, before me personally appeared Sara Flitner, to me personally known, who being by me duly sworn, did say that she is the Mayor of the Town of Jackson, Teton County, Wyoming and that this instrument was signed on behalf of said Town of Jackson by authority of its Town Council, and further that this instrument is the free act and deed of said Town of Jackson.

Witness my hand and official seal.

Notary Public

My Commission Expires:



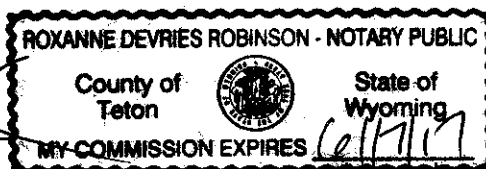
STATE OF WYOMING)
) SS.
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by Olivia Goodale, acting in her capacity as Town Clerk of the Town of Jackson this 2nd day of May, 2016.

Witness my hand and official seal.

Notary Public

My Commission Expires:



AFFIDAVIT AND AGREEMENT RELATING TO THE 1st AMENDMENT OF THE
MILLWARD AND SIMPSON PLANNED MIXED-USE DEVELOPMENT MASTER PLAN

Arts District Development, LLC,
a Wyoming limited liability company

By: John S. Varley, Jr.
John S. Varley, Jr.,
Its: Sole Member

STATE OF WYOMING)
) SS.
COUNTY OF TETON)

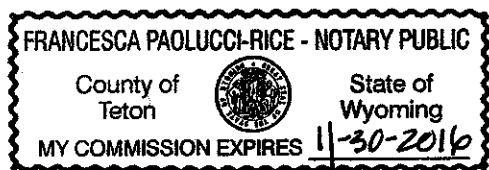
On this this 13th day of April, 2016 before me personally
appeared John S. Varley, Jr. to me personally known, who being by me duly sworn,
did say that he is the Sole Member of Arts District Development, LLC, a Wyoming
limited liability company, and that this instrument was signed on behalf of said
limited liability company, and further that this instrument is the free act and deed of
said limited liability company.

Witness my hand and official seal.

Francesca Paolucci-Rice

Notary Public

My Commission Expires: November 30, 2016

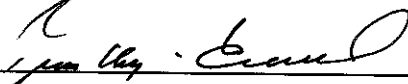


AFFIDAVIT AND AGREEMENT RELATING TO THE 1st AMENDMENT OF THE
MILLWARD AND SIMPSON PLANNED MIXED-USE DEVELOPMENT MASTER PLAN

Page 6 of 8

Jackson Hotel Investors, LLC,
a Utah limited liability company

By: Brown Manager IV LLC,
a Delaware limited liability company
Its: Co-Manager

By: 
Print Name: Timothy M. Gisriel
Its: Vice President

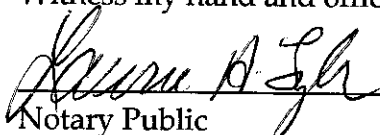
By: Bingham Family Alaska, LLC,
an Alaska limited liability company
Its: Co-Manager

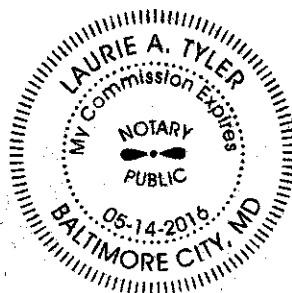
By: _____
Michael C. Bingham
Its: Manager

STATE OF MARYLAND)
) SS.
CITY OF BALTIMORE)

On this this 27th day of April, 2016 before me personally
appeared Timothy M. Gisriel to me personally known, who being by me duly
sworn, did say that he is the Vice President of Brown Manager IV LLC, a
Delaware limited liability company, and that this instrument was signed on behalf of
said limited liability company, and further that this instrument is the free act and deed
of said limited liability company, which is acting for and on behalf of Jackson Hotel
Investors, LLC, a Utah limited liability company, as a Co-Manager of said Utah
limited liability company.

Witness my hand and official seal.


Notary Public
My Commission Expires:



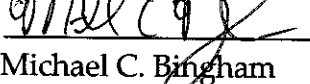
AFFIDAVIT AND AGREEMENT RELATING TO THE 1st AMENDMENT OF THE
MILLWARD AND SIMPSON PLANNED MIXED-USE DEVELOPMENT MASTER PLAN

Jackson Hotel Investors, LLC,
a Utah limited liability company

By: Brown Manager IV LLC,
a Delaware limited liability company
Its: Co-Manager

By: _____
Print Name: _____
Its: _____

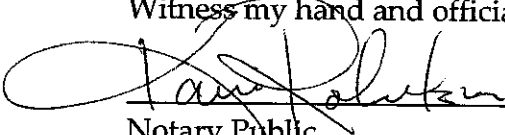
By: Bingham Family Alaska, LLC,
an Alaska limited liability company
Its: Co-Manager

By: 
Michael C. Bingham
Its: Manager

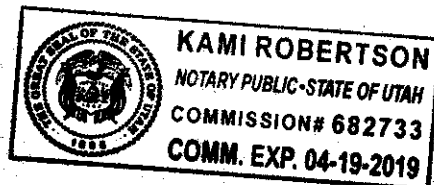
STATE OF Utah)
) SS.
COUNTY OF Utah)

On this this 25th day of April, 2016 before me personally appeared Michael C. Bingham to me personally known, who being by me duly sworn, did say that he is the Manager of Bingham Family Alaska, LLC, an Alaska limited liability company, and that this instrument was signed on behalf of said limited liability company, and further that this instrument is the free act and deed of said limited liability company, which is acting for and on behalf of Jackson Hotel Investors, LLC, a Utah limited liability company, as a Co-Manager of said Utah limited liability company.

Witness my hand and official seal.


Notary Public

My Commission Expires: 4-19-2019



AFFIDAVIT AND AGREEMENT RELATING TO THE 1st AMENDMENT OF THE
MILLWARD AND SIMPSON PLANNED MIXED-USE DEVELOPMENT MASTER PLAN

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PLANNING & BUILDING DEPARTMENT

December 17, 2014

Carney Logan Burke Architects LLC
Attn: Matt Thackray
P.O. Box 9218
Jackson, WY 83002

RE: Items P14-070, P14-071 & P14-072
Amendment to Millward + Simpson PMD Master Plan, Final (Major) Development Plan
for Phase 1 (hotel), & Conditional Use Permit (dormitory)
130 – 180 West Simpson Avenue and 235 South Glenwood Street

Dear Mr. Thackray:

This letter is to confirm that on December 15, 2014 the Jackson Town Council voted to **approve** your request for approval of an amendment to the Millward + Simpson PMD Master Plan, a Final (Major) Development Plan for Phase 1 (hotel), and a Conditional Use Permit (dormitory) to allow a 92,219 sf hotel that will include 121 keys of lodging rooms, nine short-term rental condominiums, a 3,041 sf restaurant, four employee housing units, and 6-bedroom dormitory in the Urban Commercial - Two (UC-2 (LO)) zoning district on the property addressed as 275 North Willow Street subject to the following conditions of approval and attached departmental reviews, as applicable:

1. P-14-070: Amendment to Millward + Simpson PMD Master Plan, subject to the following one condition:
 - a. The phasing-related elements of the Affidavit shall be included into the amended Master Plan document to ensure that all phasing requirements are located in one place.
2. P-14-071: Final (Major) Development Plan for Phase 1 (hotel), subject to the following three conditions and attached departmental reviews:
 - a. The final design for any improvements, such as snow storage and paving and widening of the alley shall be approved by the Town Engineer.
 - b. The landscape strip on Glenwood Street shall be a minimum of 5' in width.
 - c. The applicant shall provide a landscape plan that clearly demonstrates compliance with the landscape area requirements for the hotel project.
3. P-14-072: Conditional Use Permit (dormitory), subject to no conditions but to attached

EXHIBIT A

departmental reviews.

All conditions of approval shall be satisfied prior to approval of any building permits related to Phase 1 (hotel) of the Master Plan.

The approval of the proposed Master Plan amendment and FDP includes approval of a 2.05 FAR (92,219 sf) for the 6-lot hotel. Given that a maximum FAR of 2.0 is allowed across the entire PMD Master Plan area, the FAR for the two remaining lots for Phase 2 will be reduced to whatever number is required to ensure the average FAR of does not exceed 2.0 — this would appear to be an FAR of approximately 1.85 for Phase 2 but the final FAR shall be determined during the future FDP review process for Phase 2. The only exception to the 2.0 FAR limit is if the Town Council makes a finding of "extraordinary benefit" according to Sec. 2315.D.2.e in the LDRs.

Approval of any changes to the PMD Master Plan shall be in accordance with Sections 5140.H Minor Deviations and 2325.C.2.d Amendment of Master Plan. Approval of any changes to the Final Development Plan shall be in accordance with Sections 51200.J Minor Deviations, and 51200.K, Amendment to a Development Plan Permit, of the Town of Jackson Land Development Regulations. Approval of any changes to the Conditional Use Permit shall be in accordance with Sections 5140.H Minor Deviations, 2325.C.2.d Amendment of Master Plan, and 5140.I Amendment to Development Permit for Conditional or Special Use.

With this approval of the FDP for the Phase 1 hotel project, the Master Plan requires that a building permit for the six-lot hotel be submitted before **March 18, 2015** and that within 60 days of approval of the building permit that construction begins with continuous progress to completion. If these conditions are not met, the PMD Master Plan shall expire.

Should you have any questions or require further information on this matter, please feel free to contact me at 733-0440, Ext. 1303.

Respectfully,



Paul Anthony
Principal Planner

Enclosure

EXHIBIT A

Millward + Simpson PMD Master Plan – 1st Amendment

December 15, 2014

Applicant/Owner:
John S. (Jay) Varley,
Arts Center View LLC and Arts District Development LLC
25 East Simpson
Jackson, WY 83001

PEG Development
180 N. University Avenue, #200
Provo, UT 84601

In partnership with **ScanlanKemperBard**

Land Planning + Landscape Architecture:
Hershberger Design
560 South Glenwood Street
PO Box 1648
Jackson, WY 83001
307.739.1001

Engineering:
Jorgensen Associates, PC
1315 South Hwy 89, Suite 203
PO Box 9550
Jackson, WY 83002
307.733.5150

EXHIBIT B

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Project Description

This application is submitted on behalf of PEG Development in partnership with ScanlanKemperBard Companies, and John S. (Jay) Varley, Arts Center View LLC and Arts District Development LLC, as required as part of the Affidavit and Agreement Relating to Extension and Amendment of a Planned Mixed Use Development Master Plan (hereinafter referred to as Extension Agreement). The Extension Agreement contains conditions of approval which have been incorporated into this Amended Master Plan for purposes of consolidation and clarity. As such, this Amended Master Plan supersedes the conditions of approval in the Extension Agreement.

The land included in this Amended Master Plan is comprised of 8 lots (60,000 square feet) under ownership or ownership agreement by the submitting entities, located along West Simpson Avenue between Millward Street and Glenwood Street. Underlying Zoning on the site is UC-2/LO; all 8 lots are within the Lodging Overlay and Downtown Special Parking Area. The development described in this proposal amounts to the redevelopment of a neighborhood central to the Town of Jackson; Redevelopment will be in two phases more specifically described in later sections. The scope of the development provides an opportunity to redevelop and significantly improve the streetscape of the multiple blocks of public street that face the site. The proposed Amended Master Plan will develop sidewalks and pedestrian spaces that will be a positive contribution to the Town while complimenting the existing pedestrian character of downtown Jackson. The redevelopment program calls for the addition of a mix of commercial space that is complementary to the fabric of Town, along with the addition of residential / lodging units within the downtown core. The building program for development within this mixed-use Master Plan combines a hotel, office, commercial / retail and restaurant space on street level with employee and market housing / lodging at the street level and above.

Purpose & Intent

The purpose of the Planned Mixed-Use Development is to provide flexibility in encouraging mixed-use development that will, through an overall unified approach, achieve results superior to those produced when development occurs lot by lot and adheres to rigid standards. The proposed Amended Master Plan presents the opportunity to integrate a mix of lodging, office, commercial/retail and residential uses. The Amended Master Plan considers structural mass, vehicular access and circulation, pedestrian use, pedestrian streetscape and architectural space in order to respond creatively to a broad array of community issues and development situations.

The proposed Amended Master Plan seeks to create an economically, environmentally and socially sustainable mixed-use development responsive to the Downtown context, providing a pedestrian emphasis and a mix of synergistic uses.

The following objectives were established to guide the master planning effort:

- Jointly plan the 8 contiguous lots to provide a mix of compatible and complementary land uses that support one another so that the "whole is greater than the sum of its parts";

- Support the downtown core/urban neighborhood concepts in the Town's Comprehensive Plan and the downtown character district concepts currently in development as part of LDR amendments;
- Prioritize Pedestrians (sidewalks, covered walkways, pedestrian-scaled spaces, articulated entries, separation of walkways from traffic, appropriate sun/shade - all to make walking desirable);
- Contribute to the long-term parking/transportation solution. (Parking is provided as a shared utility between uses within the Master Plan and in a manner that promotes the use of other modes).
- Effectively address bicycle and transit transportation modes.
- Create a mixed-use development to incorporate lodging and residential / lodging units in the downtown core.

Additionally:

1. Encouraging flexibility and creativity in the development of the land to promote its most appropriate and efficient use;

- This proposal was developed keeping in mind both the downtown core and transportation concepts of the Town's Comprehensive Plan, and the location of the project site adjacent to current and future urban uses & activities.
- Achieves an appropriate density of development for a Town Center location, with a significant proportion of housing – an important part of a more sustainable future development mix for the town.
- Includes a significant amount of lodging in close proximity to the Downtown core which strengthens commercial activity and pedestrian modes of transportation – goals behind the Lodging overlay and the Transportation Plan.

2. Improving the design character and quality of the development beyond that which would be achievable by strict application of underlying land development regulations;

- By accommodating higher density and a more efficient parking solution, this proposal provides for a more comfortable and inviting pedestrian environment.
- Includes the mix and density of uses required to support the construction of covered pedestrian walkways and arcades.
- Providing the opportunity for a different type of Downtown urban-style multi-family residential / lodging development to occur that currently has limited availability.

3. Facilitating the efficient and economical provision of street improvements and utilities;

- Includes the provision of improved street and alley services & pedestrian sidewalks.
- Includes a significant contribution to the infrastructure of the Town.
- Increases density where utilities are already provided; upgrades existing utilities rather than extending Town commitments by building new infrastructure.

4. Preserving significant natural features of a site;

- Carefully considers the sloping aspect of the land and the topographic position of the site in relation to the surrounding neighborhood. The proposed 46' height with 110% bonus for a sloped site allowance is consistent with the allowable development under the PMD and allows for the best density configuration and character benefits to the Town and neighborhood while maintaining views of such landmarks as Snow King Mountain, Nowlin Peak, Cache Creek Canyon, the Snake River Range and East Gros Ventre Butte.

5. Providing a functional and interconnected system of pedestrian walkways and streetscape, and pedestrian friendly areas;

- By minimizing surface parking and eliminating curb-cuts, and by including features such as improved sidewalks and south-facing greenspaces, this proposal connects to existing sidewalks and provides for a significant improvement to the pedestrian realm.
- The connection of sidewalks throughout the proposed development creates a porous, contiguous streetscape that encourages pedestrian movement into and through the area.

6. Encouraging the conservation of energy;

- This proposal was conceived with the goal of providing for the kind of development which will foster within the Town of Jackson a thriving, pedestrian-oriented Town Center where people live, work and spend their leisure time.
- To the extent that the proposal actively encourages pedestrian activity and adds residential and lodging development wherein people may live and stay right in the center of town, this proposal is moving in the direction of a town that is less dependent on vehicular travel.
- The proposed buildings are oriented toward south-facing open spaces, taking maximum advantage of solar gain.

7. Allowing creative alternatives to surface parking, and encouraging and permitting shared parking between proposed uses;

- All off-street parking is to be accommodated below grade. Access to the parking structures will be from the adjacent alleys – reducing the number of points where automobiles cross sidewalks to maintain the pedestrian emphasis of the streetscape.
- On street parking spaces coincident with the Master Plan boundaries are used only as buffer spaces available for high-season peaking.
- The parking proposal provides a model of sharing facilities to make more efficient use of this costly but necessary infrastructure.

8. Accommodating alternative transportation including transit, bikeways and pathways where appropriate as consistent with the Transportation Master Plan;

- The combination of residential, office, lodging, commercial/retail and restaurant uses in such close proximity to the center of Town significantly encourages non-vehicular travel.

- The plan meets the Town's LDR's by providing bicycle parking at 10% of the vehicular parking supporting the ease of using alternative transportation within Town.

9. Providing a mix of compatible commercial, office, lodging and residential uses;

- Lodging
- Office & Services
- Commercial/Retail
- Restaurants
- Residential

Existing Conditions

The land included in this proposal is comprised of 8 Lots (60,000 square feet) located along West Simpson Avenue between Millward Street and Glenwood Street. Existing Zoning on the site is UC-2/LO; all 8 Lots are within the Lodging Overlay and within the Downtown Special Parking District. Six of the Lots comprise Phase One of the Amended Master Plan and currently contain two single family dwelling units that are rented either short or long term, 29 units of the Western Motel, five mobile homes used for housing and offices and associated parking. Two of the Lots comprise Phase Two of the Amended Master Plan and currently contain 10 units of the Western Motel and associated parking.

Adjacent to the site on Pearl Street to the north are a row of commercial buildings including the Art Association, Post Office, First Interstate Bank, Pearl Place commercial building, the Town-owned parking structure at Millward & Simpson and a proposed greenhouse operation. To the east is the current Center for the Arts. To the south are a block of single-family and multi-family residences and to the west is the Snake River Brew Pub.

The Phase One and Phase Two properties are situated 2½ blocks from the Town Square, in a transition zone between more intense commercial activity to the north and a mostly multi-family residential neighborhood to the south.

The Phase One site is situated on the western slope of the Downtown area, and drops in elevation approximately 7 feet across the block running from east to west. Phase Two is adjacent to the Town parking structure and has minimal topographic change.

There are 10 structures existing on the 8 Lots:

| Phase One – Block 3 | (Approx. Area) |
|---------------------|---------------------|
| 130 West Simpson | 1600 sf Office |
| 150 West Simpson | 3400 sf Lodging |
| 180 West Simpson #1 | 1000 sf Residential |
| 180 West Simpson #2 | 1000 sf Residential |
| 180 West Simpson #3 | 1000 sf Residential |
| 180 West Simpson #4 | 1000 sf Residential |
| 180 West Simpson #5 | 1000 sf Residential |
| 225 South Glenwood | 8000 sf Lodging |

| | |
|---|-----------------|
| 247 South Glenwood | 1200 sf Lodging |
| Phase Two – Block 2 175 South Glenwood | 5000 sf Lodging |

There are 31 existing legal off-street parking spaces (per Town of Jackson documentation) serving the buildings on the 6 West Simpson lots and 10 existing legal off-street parking spaces serving the building on South Glenwood in October of 1988. Given the existing structures, uses and parking provided on site, this project would be eligible for a parking credit, as calculated according to Section 4240.B.9. The Millward & Simpson PMD proposal, however, does not propose to claim any credit under Section 4240. It is proposed instead that parking demand be evaluated through a shared parking analysis (see Transportation Summary).

Master Site Plan

The purpose of this Amended Master Plan is to establish the development standards and serve as a guide to all future development within the Amended Master Plan area.

Site Design Intent

One of the main objectives driving the planning process for the Amended Millward & Simpson Planned Mixed-Use Development Master Plan is to place a priority on the development of pedestrian spaces and connections. To the pedestrian the site is primarily experienced along its most public faces. The proposed Amended Master Plan incorporates new sidewalks, arcades articulated entrances and courtyards to offer this area a sense of place .

Covered pedestrian walkways extend over sidewalks, providing shelter from the elements and an inviting walkway for pedestrians. Buildings at street level extend to the lot line in Phase Two providing the immediate street/building connection that lends such a strong character to the center of the Town of Jackson. Phase One building will be setback from the north, east and west streets 5.75-feet minimum to 17-feet maximum with an average of 9.55-feet. Street level in Phase One and Phase Two is proposed to have a number of commercial/retail, restaurant and office tenants; the pedestrian walkways acting as a unifying element addressing the individualized commercial/retail storefronts and entrances. The human-scale spaces created by canopied walkways reduces the perceived mass of the buildings and increases the comfort of approaching the buildings on foot. Where practical, cantilevered canopies can eliminate the need for support columns allowing the arcades to provide the cover and character described above while keeping the walkway clear for pedestrian circulation, and snow storage or removal.

The corner of Glenwood and Simpson is the most central position to the Amended Master Plan development, and will include restaurant space and/or office/retail space addressing this street corner. Restaurant space will offer a convenient location adjacent to Center for the Arts to grab a bite before or after events and performances.

In Phase One, the building form is proposed to wrap around a south-facing courtyard providing a central greenspace that could serve at various times as an extension of the lobby/lounge and conference space. This courtyard would be screened from the alley behind, forming an enclosed outdoor space for the use of hotel guests and visitors. The "U" shape of the building sets the majority of the building mass back 70-feet from the alley, minimizing mass along the alley and providing a significant transition and buffer to the adjacent properties to the south.

Automobile parking in a subgrade structure is proposed to be accessed from the alleys in both Phase One and Phase Two. The full parking requirement is proposed underground. Adjacent on-street spaces typically allowed in the Town code to be used toward a project's requirement, would only provide buffer spaces for high-season peaking. Entrances to underground parking structures are located as far in from the street as is practical to minimize conflicts with street and sidewalk traffic.

Service areas are consolidated, and loading docks, waste and recycling areas are incorporated along the alleys and meet the Town regulations. Trash areas will be enclosed.

Architectural Intent

The Amended Master Plan will compliment other development in the immediate area such as the Center for the Arts and buildings and infrastructure on Pearl Avenue. Development within this Master Plan will contribute to the ongoing evolution of a vibrant, mixed-use, pedestrian-friendly neighborhood; a neighborhood that will be a welcome discovery for visitors while also being geared toward the people who live and work in Jackson. Street level uses will include employee housing, office, restaurants and uses associated with a hotel, including conference spaces. The upper floors will provide market rate short term rental apartments / lodging.

The buildings in the Amended Master Plan are 4-story, 46-foot to a maximum 50.6-feet (when utilizing the 110% bonus for sloped sites) in height with a 3-story façade along public streets and alleys. The fourth floor steps back from the footprint to reduce the perceived mass of the buildings from the pedestrian realm as measured from the immediately adjacent property boundaries (measurement per Town Design Guidelines). This stepping-back also allows southern exposure, natural light and views of the surrounding mountains and buttes to penetrate to the street level and the interior of the buildings. Utility elements of the buildings (elevator run-outs, mechanical, etc) may be an additional 4-feet above the allowed building height as consistent with the Town of Jackson Design Guidelines.

The ordering principles that have shaped the design are to provide a positive streetscape and significant public open space and to ensure compatibility of uses and scale with surrounding potential development based on its current zoning. The resulting project is a positive contribution to the heart of the Town by optimizing in-town land and offering commercial, residential and lodging unit types that currently have limited availability in the marketplace, therefore combating the tendency for sprawl.

Program Summary

The Amended Master Plan Program Summary provides the maximum and minimum floor areas for residential/lodging, and commercial uses:

| Proposed Amended Master Plan Program Summary | | | |
|---|--------|----------|--|
| Location/Use | sf* | Lot Size | FAR* |
| Phase One - Block 3, 6 Lots - Hotel/short term rental lodging/restaurant | 93,311 | 45,000 | 2.07 |
| **Phase Two - Block 3, 2 Lots - short term rental lodging/restaurant/commercial | 26,689 | 15,000 | 1.78 (No greater than 2.0 as averaged over all 8 Lots) |
| | | | * excludes Employee Housing provided on site |

** Phase Two had an approved FDP of 30,000SF or 2.0 FAR. It is intended that the future Phase Two application will be allowed to be submitted using the previously approved building permit documents for consideration within the submission process.

Proposed non-residential uses shall not exceed 50%.

Dimensional Limitations Schedule

The proposed Amended Master Plan dimensional limitations schedule, including a comparison of the proposed development standards for the UC-2 zoning district, is as follows:

| Development type | Min. LSR | Max Gross Density (du/ac) | Max. Floor Area Ratio | Min. Site Area (sf) | Min. Lot Size (sf) | Min. Street Yard (ft) | Min. Side Yard (ft) | Min. Rear Yard (ft) | Max Height (ft) |
|---|----------|---------------------------|---|---------------------|--------------------|---|---|---------------------|------------------------------|
| UC-2 Single Family | 0.3 | 8.7 | 0.45 | 15,000 | 5,000 | 12 | 5 | 20 | 24/28 |
| UC-2 Non-Residential | 0.2 | n/a | 0.65 | n/a | 7,500 | 10 | 0 | 20 | 28/35 |
| UC-2/LO Lodging | 0.2 | n/a | 0.8 | n/a | 7,500 | 10 | 0 | 20 | 28/35 |
| Amended Master Plan Phase One - Block 3 | 0.05 | n/a | 2.11 | 22,500 | n/a | 5.75 feet min.-17 feet max. 9.55-foot avg | 5.75 feet min.-17 feet max. 9.55-foot avg | 0 | 46 (plus 110% bonus allowed) |
| Amended Master Plan Phase Two - Block 2 | 0.05 | n/a | No greater than 2.0 as averaged over all 8 Lots | 15,000 | n/a | 0 | 0 | 0 | 46 (plus 110% bonus allowed) |

This application proposes to meet the bonus development standards as follows:

"Bonus Criteria. An applicant may propose development standards provided any two of the following criteria are met:

- (1) The master plan proposes 50% or more of the total square footage as residential uses or lodging uses (within the LO);
- (2) The master plan proposes sub-grade parking to satisfy the majority of the parking requirement (excepting surface spaces for loading/unloading or similar short-term uses);
- (3) The master plan proposes to exceed the required employee housing requirements (not including allowable credits) by at least 20%;
- (4) The master plan includes design and/or use features that substantially advance the goals of the Transportation Section within the Comprehensive Plan.

The Amended Master Plan proposes to meet the bonus requirement by meeting criteria (1) and (2) above:

- Residential & lodging uses will comprise at least 50% of the development - meeting criteria #1.
- Parking spaces are proposed to be accommodated in an underground parking structure – meeting criteria #2.

Permitted Uses

| Table 2200. Use Schedule (Abbreviated) | |
|--|-------------------------------|
| Zoning District: | UC-2/LO under existing zoning |
| Residential | |
| Conventional Single Family Unit | Y |
| Planned Residential | Y |
| Planned Unit Development | Y |
| Accessory Residential Unit | Y |
| Institutional Residential | C |
| Nonresidential | |
| Institutional | |
| Institutional | C |
| Utilities | C |
| Day Care Center, Group | Y |
| Commercial | |
| Office | Y |
| Commercial Retail | Y |
| Heavy Retail / Services | C |
| Services | Y |
| Post Office | Y |
| Restaurant/Bar | Y |
| Drive-in Facility | Y |
| Commercial Lodging | Y |
| Bed & Breakfast | Y |
| Residential Short-term Rental | Y |
| Resort | |
| Commercial Amusement | C |
| Outdoor Recreational | C |
| Indoor Recreational | Y |
| Tour Operators/Outfitters | Y |
| Home Uses | |
| Home Occupations | Y |
| Home Businesses | C |
| Day Care Home, Family | Y |
| Day Care Home, Group | C |
| Industrial | |
| Light Industry | C |
| Temporary Uses | |
| Christmas Tree Sales | Y |
| Contractor's Office | Y |
| Special Events | Y |
| Real Estate Sales Office | Y |
| Shelter | Y |
| Farm Stand | Y |
| Gravel Extraction & Processing | Y |

The permitted uses within the Amended Master Plan will be those permitted under the existing underlying zoning.

The existing zoning of the lands within the proposed PMD is UC-2 / LO; the permitted uses are as indicated in the adjacent Table 2200, Use Schedule.

Design Guidelines

Final Development Plan applications under the Amended Master Plan will comply with the then-current Town of Jackson Design Guidelines. The Town Design Guidelines were written and adopted after the original Millward and Simpson PMD Master Plan approval, and are wholly consistent with design intent and substantially similar in prescriptive language to the original Millward and Simpson PMD Master Plan design guidelines. Compliance with the Town Design Guidelines is intended to coordinate with current Town regulations and simplify the review of FDP applications under the Amended Master Plan.

General character and design.

The Amended Master Plan is envisioned to allow, in its simplest form, a redevelopment of this low-density, relatively-low-aesthetic-quality area that is slightly off the beaten path into a vibrant pedestrian-oriented anchor to the neighborhood. The position of the Amended Master Plan area is key to defining the appropriate character. The Master Plan site is not on the Town Square, nor is it in the residential neighborhoods to the south; the proposed Amended Master Plan sits along a line of transition that makes it an appropriate location for short term rental lodging development of an urban character, offices and retail businesses that cater to visitors as well as local residents, and restaurant space that compliments the adjacent Center for the Arts.

The following objectives were established in Chapter 6 of the Jackson / Teton County Comprehensive Plan addressing Commercial and Resort Development:

- To achieve commercial development which is sensitive to the scale and character of Teton County and which minimizes disruption of existing neighborhoods.
- To ensure that commercial development places the most minimal possible economic and natural resource demands on the community.
- To control sprawl and strip commercial development, and to provide for the effective control of commercial signs.
- To develop effective mechanisms for providing employee housing.
- To encourage the continuation of ranching and to minimize the disruption of agricultural activities by new development.
- To encourage further economic growth only when the higher priority objectives of community character, natural resources, and affordable housing are achieved.
- To allow resort expansion only in a community-wide context, and to achieve balance between the community and the resorts.

Additionally, the following neighborhood concerns were identified as part of the community vision:

- Safe, secure residential neighborhoods with quiet streets.
- A variety of housing types to support a diverse community.
- An efficient transportation system which is safe for pedestrians and cyclists as well as vehicles.

- A vital, pedestrian-oriented downtown area which welcomes both visitors and locals.
- Major streets which are attractive and set a positive community image.
- Residential and commercial buildings which reflect Jackson's heritage, character, and image.

Factors and characteristics that are important to the proposed Amended Master Plan include:

- Making use of the opportunity to re-develop the land to a much higher use and aesthetic value
- Capitalizing on the strengths of this slightly off-center location and the ability to provide elements that are missing in the downtown core
- Creating an active, attractive, pedestrian streetscape along Simpson Avenue, Millward, & Glenwood Streets
- Making attractive, safe and direct pedestrian connections to Pearl Avenue & the Town Square to the north, the Center for the Arts to the east, and the adjacent neighborhoods to the south and west
- Providing attractive screening for the Town Parking Lot on the east side of Glenwood & Simpson, providing a more comfortable and inviting pedestrian streetscape
- Minimizing conflicts between pedestrians and vehicles, both parked and moving
- Putting parking in its place; finding ways to provide efficient and convenient parking that will not dominate the street frontage, thereby allowing the development to create an inviting pedestrian realm
- Creating a porous streetscape throughout the development that encourages pedestrian movement into and through the area
- Providing for a continuity of architecture and activities within the Amended Master Plan area, creating a multi-use sense of place

The proposed Amended Master Plan framework allows the opportunity to address all of the above objectives and provide positive additions to the fabric of the Town. The type of development allowed, the position of development in its context within the Town and the ability to respond to the above objectives combine to make the proposed Amended Master Plan an excellent vehicle to allow the continued evolution and strengthening of the Town's character. The following design objectives address these concerns and goals in further detail.

Character and design objectives.

The design intent of the Amended Master Plan shall have an emphasis on communicating integration, pedestrian circulation, and creating "a sense of place". A "sense of place" is created when site planning and architecture:

- Create spaces for gathering and activities;
- Create buildings and spaces with complimentary uses, character, scale, design and materials;
- Incorporate the natural features and cultural heritage of the area within the design; and
- Reflect the western architectural styles and themes of the region.

Development shall be compatible with the surrounding built and allowable environment in both scale and character.

Transportation Summary

Traffic Impact Analysis

I. Introduction

The following analysis was part of the approved original Millward + Simpson PMD Master Plan. The same analysis is proposed to be used under the Amended Master Plan to determine the amount of additional traffic that will be generated by the Amended Master Plan, and to identify the impacts this incremental increase in traffic may have on the surrounding roadway network. This section describes the procedure for performing the analysis, and summarizes the findings.

II. Project Location

The location of the Amended Master Plan has significant bearing on the impacts to traffic and the community. Located within 2 blocks of Town Square, this Amended Master Plan is located in the downtown core. It is in close proximity to other motels/hotels, commercial businesses, professional offices, and retail stores. It is across the street from the Center for the Arts (CCA). The CCA houses a 500 seat theatre, conference room spaces, and 19 non-profit art and education organizations and hosts numerous events, classes, exhibits, and meetings throughout the year attracting residents and visitors alike. As such, the mixed-use nature of the proposal is consistent with downtown developments. Close proximity to where people live, shop, eat, socialize, and work makes this location much more appropriate than other locations further west in Town and throughout the County. It is consistent with the Town's Comprehensive Plan. Increased density in Town will increase the total number of trips made in Town. However, it is important to realize that a majority of these trips will be of shorter distances, thereby increasing the ability for these trips to be made by walking, biking, and transit. For this reason an increase in downtown density would not be expected to create increased traffic volumes to the same extent as development outside the downtown area. A great many of the vehicle trips that do originate from downtown will be non-peak and/or in the reverse direction of peak flows. In addition, this area of Town has a gridded roadway network allowing route choices depending on congestion, time of day, etc. Unfortunately, traffic congestion in Town is somewhat inevitable if Town is to remain a vibrant center. However, many more choices are available to alleviate this congestion in the Town center than in locations outside the Town center.

III. Traffic Counts

Traffic counts at key intersections were conducted in summer 2002 at the time of the original Master Plan submission. Morning and evening peak hour traffic counts were performed at the Pearl Avenue intersections of Jackson Street, Millward Street, and Glenwood Street; the West Kelly Avenue and Jackson Street Intersection; and the Snow King intersections of Millward Street and Glenwood Street. These intersections are referred to as the study intersections. The counts were made in fifteen-minute intervals between the hours of 7:00 and 9:00 A.M and 4:00 and 6:00 P.M. on June 12, 13, and 14, 2001 (Tuesday, Wednesday, and Thursday). For each intersection, the A.M. and P.M. peak hours were determined by identifying the four consecutive fifteen-minute intervals that totaled the highest amount of traffic.

IV. Trip Generation

The trip generation of the Amended Master Plan was calculated using the *ITE Trip Generation 7th Edition* manual, which identifies generation rates for specific land uses. Because the proposed development is spread out among two (2) town blocks, trip generation and distribution was conducted for each block separately. For this study, Phase Two - Block 2 is the northeast block (2 Glenwood lots) and Phase One - Block 3 is the southeast block (six Simpson lots). The trips generated by the existing land uses were subtracted from the trips generated by the proposed Amended Master Plan to determine the incremental increase caused by this development. These trips were then distributed on the adjacent street network based on our best assumption of travel directions to and from the Amended Master Plan. At the study intersections, the trips were assigned directionally based on the directional splits identified during the turning movement counts. The trip generations for the existing conditions and the Amended Master Plan are summarized in the tables below.

EXISTING TRIP GENERATION

| ITE Trip Gen. Manual Land Use | Units | Units | AM Peak Hour Rate | Total Trips | PM Peak Hour Rate | Total Trips |
|----------------------------------|-------|-------|----------------------|-------------|----------------------|-------------|
| | | | | | | |
| | | | | | | |
| Phase Two - BLOCK 2 | | | | | | |
| Motel (320) | rooms | 10 | 0.64 | 7 | 0.58 | 6 |
| Total Trips Generated | | | | 7 | | 6 |
| Phase One - BLOCK 3 | | | | | | |
| Motel (320) | rooms | 29 | 0.64 | 19 | 0.58 | 17 |
| Residential (220) | D.U. | 6 | 0.51 | 3 | 0.62 | 4 |
| Total Trips Generated | | | | 22 | | 21 |

Trip generation for the Amended Master Plan has been developed based on the Master Plan included in this submittal. It represents the best estimate available based on the amended Master Plan. Many of the ITE Land Use trip generations assume non-integrated development patterns. In other words, they do not anticipate integrated developments such as this one that contain a certain amount of interdependency (i.e. a resident of the PMD that works in an office or restaurant within the Amended Master Plan). The table below identifies trip generation rates for the land uses that will reside within the Amended Master Plan as identified in the *ITE Trip Generation 7th Edition* manual. Consistent with the Parking Analysis, it also shows a modal factor that takes the location and mixed-use nature of this development into account. For example, for the residential component, we are reducing the generation rate by 25% to account for the amount of non-vehicular trip making that occurs in Town. As discussed below in the Transportation Demand Management section, the Teton County Travel Study 2001 identifies Town residents making 54% of all trips by modes other than single occupant vehicles. Furthermore, it is expected that a large proportion of the employee housing residents will be employed by businesses within the Amended Master Plan; this makes for an easy commute by foot. Based on this information and our experience with employees of businesses in this vicinity, we believe the mode splits assumed below are appropriate.

PROPOSED DEVELOPMENT LAND USES

| | ITE Trip Generation, 6th Edition Land Use | Independent Variable | AM Peak Hour Rate | PM Peak Hour Rate | Mode Split | Adjusted AM Peak Rate | Adjusted PM Peak Rate |
|--------------------|---|----------------------|-------------------|-------------------|------------|-----------------------|-----------------------|
| Market Residential | (230) Residential Condominium/Townhouse | Dwelling Unit | 0.44 | 0.54 | 75% | 0.33 | 0.41 |
| Employee Housing | (220) Apartment | Dwelling Unit | 0.51 | 0.62 | 75% | 0.38 | 0.47 |
| Retail | (814) Specialty Retail Center | 1000 sf | 6.41 | 4.93 | 75% | 4.81 | 3.70 |
| Hotel | (310) Hotel | Rooms | 0.67 | 0.71 | 80% | 0.54 | 0.57 |
| Restaurant | (831) Quality Restaurant | 1000 sf | 0.81 | 7.49 | 38% | 0.31 | 2.85 |
| | | | | | | | |

The trip generation for the Amended Master Plan is shown in the tables below.

PROPOSED TRIP GENERATION

| Land Use | Units | Units | AM Peak Hour | | PM Peak Hour | |
|------------------------------|---------|--------|--------------|-------------|--------------|-------------|
| | | | Rate | Total Trips | Rate | Total Trips |
| | | | | | | |
| | | | | | | |
| Phase Two - BLOCK 2 | | | | | | |
| Residential (230) | D.U. | 13 | 0.33 | 5 | 0.41 | 6 |
| Residential (220) | D.U. | 4 | 0.38 | 2 | 0.47 | 2 |
| Retail Space (814) | 1000 sf | 5.83 | 4.81 | 28 | 3.70 | 22 |
| Total Trips Generated | | | | 35 | | 30 |
| Phase One - BLOCK 3 | | | | | | |
| Hotel (310) | rooms | 121 | 0.54 | 65 | 0.57 | 69 |
| Residential (220) | D.U. | 3+Dorm | 0.38 | 6 | 0.47 | 2 |
| Residential (230) | D.U. | 9 | 0.33 | 3 | 0.41 | 4 |
| Restaurant (831) | 1000 sf | 3.04 | 0.31 | 1 | 2.85 | 9 |
| Total Trips Generated | | | | 75 | | 84 |
| | | | | | | |
| | | | | | | |
| | | | | | | |

VI. Level of Service Analysis

In the 2001 Traffic Impact Study, capacity analysis was performed for the following adjacent street intersections:

Pearl / Jackson (NB / SB)
Pearl / Millward
Pearl / Glenwood (NB / SB)
W Kelly / Jackson (NB / SB)
Snow King / Millward
Snow King / Glenwood (NB / SB)

The level of service (LOS) of these intersections did not fall below LOS C. Given that the traffic generated by the Amended Master Plan is estimated to be less than that used in the original analysis, the Amended Master Plan will not degrade the LOS at these intersections beyond LOS C.

Transportation Demand Management

The purpose of the Transportation Demand Management Plan is to demonstrate how the travel behavior of visitors and employees generated by the plan will be managed to minimize the number of vehicle trips on the roadway network resulting from the development.

The location of this particular development will play a large role in the ability to manage travel behavior. The Amended Master Plan is consistent with the recently adopted (May 2012) Jackson/Teton County Comprehensive Plan. Section 7: Multimodal Transportation is based upon residents and visitors safely, efficiently, and economically moving throughout the region using alternative modes. The Amended Master Plan proposes residential, retail, lodging, restaurant and office professional. Located within two blocks of Town Square, adjacent to the Center for the Arts, in the vicinity of several professional and public offices, and close to a number of commercial businesses and hotels/motels, the Amended Master Plan will, by its very location, encourage trips by modes other than the single occupant vehicles. The Amended Master Plan is consistent with Principle 7.3 - Coordinate land use and transportation plan of the Comprehensive plan. Dense, mixed-use development patterns as proposed with this Amended Master Plan promote this principle. The Amended Master Plan location is within the town core area, and is consistent with Strategy 7.3.S.1 which states "Reevaluate parking standards and other regulations that currently promote travel by single occupant vehicles". Consistent with measures included in the Teton Village Master Plan, the parking requirement has been limited to 0.75 spaces per room to promote the use of other modes. The Teton Village Master Plan has been very successful in reducing the rate of traffic growth on WY390. The Amended Master Plan is within 2 blocks of the nearest START Bus stop.

The Teton County Travel Study 2001 identifies Town residents making 54% of all trips by modes other than single occupant vehicle. As an anecdotal comparison, an informal survey

of employees of the three firms previously working on this project (Design Workshop, Carney Architects, and Jorgensen Engineering and Land Surveying, P.C.) was performed. The three firms all had or have offices within 3 blocks of the subject PMD, and are business types that are likely to reside within the Amended Master Plan area. In a poll of these firms, 15 out of 51, or 29.4% full time employees either bike or walk to work almost daily, year-round. By comparison, the Travel Study conducted in 1996 as part of the Jackson Hole Transportation Planning Process identified a modal split of only 15% of all trips for biking and walking in Town and County. In addition, Chapter 8 – Transportation of the former Teton County/Town of Jackson Comprehensive Plan (included as Appendix E of the current Comprehensive Plan) targets a goal of 23% for biking and walking. 19 of these firm's employees reside within 1 mile of their respective offices, which is an ideal distance for getting to work by modes other than a single occupant vehicle year-round. We strongly believe that this specific development is in concert with the Comprehensive Plan. We therefore believe any type of monitoring of the travel demand management program is unnecessary.

The businesses and residents within the Amended Master Plan will be encouraged to utilize modes other than the single occupant vehicle. Potential measures for the Transportation Demand Management Plan that will be explored are:

- Communicating that a vehicle is not necessary for hotel visitors in promotional materials based on location and availability of START Bus.
- Providing an airport shuttle during peak season.
- Purchasing START passes for employees (particularly those residing out of the downtown area).
- On-site shower and locker facilities for employees.

Shared Parking Formula

Summary

The shared parking formula shall be applied to each FDP proposal under the Amended Master Plan to determine the peak parking demand of that Phase.

Application of the shared parking formula produces a reasonable calculation of peak parking demand for the proposed mix of uses. This formula shall be the acceptable calculation to determine the peak parking requirement for future Final Development Plan applications.

Methodology

The shared parking formula has been developed following the shared parking model developed by the Urban Land Institute (ULI), with modifications as suggested by the Institute of Traffic Engineers (ITE). This methodology follows four steps:

- Project Review
- Adjustment for Peak Parking Factor (Parking Generation Rates)
- Analysis of Hourly Accumulation
- Shared Parking Formula

The assumptions underlying each of the four steps are described in more detail below:

1. Project Review

Potential Master Plan development includes offices, commercial/retail space, restaurant/lounge, employee housing, one-, two- and three-bedroom short term rental lodging units, and a hotel with meeting space. The number of units and square footages for each use will be part of future Final Development Plan applications for each Phase.

2. Adjustment for Peak Parking Factor (Parking Generation Rates)

The following parking demand generation rates shall be used for the shared parking formula:

| use | spaces per unit | spaces per X/SF |
|---------------------------------------|--------------------|--------------------|
| a. Residential / Lodging 1-Bed | 1.0/unit | |
| a. Residential / Lodging 2-Bed | 1.0/unit | |
| a. Residential / Lodging 3-Bed | 1.0/unit | |
| | | |
| a. Employee Housing 1-Bed | 1.5/unit | |
| a. Employee Housing 2-Bed | 1.5/unit | |
| a. Employee Housing Dormitory | 0.5/BR | |
| b. Office | | 2.2/1,000 SF |
| b. Retail | | 3/1,000 SF |
| c. Restaurant | 0.2/seat | |
| d. Hotel (w/conference space) - rooms | 0.75/room | |
| d. Assembly Space | | 1/150 SF |

a. Residential Parking Generation ratios.

These ratios are based on the ULI Shared Parking study of actual residential parking demand within mixed-use developments:

"In remote *suburban* areas, the average peak demand was 1.5 vehicles per occupied unit, with a range of 1.2 to 1.85... in other areas, the average peak was 0.5 vehicles per occupied unit, with a range of 0.35 to 1.0"

Given its urban location, the Amended Master Plan uses the upper range of the "other area" ratio, or 1.0 vehicles per occupied unit for the short term rental unit program.. Given the center-of-town location and hotel relationship there is likely to be a significantly reduced use of second and third vehicles for these units – making it likely that this rate proves to err well on the conservative side.

b. Office and Retail Parking Generation ratios:

These ratios are taken from "Table 2.5 – Downtown Parking Generation Rates" in The Parking Handbook for Small Communities, published by the Institute of Transportation Engineers (ITE) in 1994. In their discussion of generation rates they caution:

"*Parking generation rates* have been determined empirically by surveying typical building uses. Table 2.5 illustrates typical parking generation rates taken from a number of studies of downtown parking over the past 20 years. These rates represent the peak number of parkers likely to patronize a

specific use in a downtown location. *Be sure to use parking generation rates for downtown as opposed to suburban rates, since the latter are much higher and do not reflect the multi-purpose vehicle trips typical of people who drive downtown.*" (Their italics)

Note that while the table gives a parking generation ratio of 2 spaces per 1000 sf retail space, we have opted to use the more conservative rate of 3 spaces per 1000 sf; this is equivalent to the rate given for banks. Without knowing the exact mix of commercial retail tenants that may be in Phase Two of the Master Plan development, it is prudent to use a more conservative generation ratio for this space.

c. Restaurant Parking Generation ratio:

As there is no downtown generation rate given for restaurant uses in the study mentioned above, we have proposed a ratio of 1 parking space per 5 seats. This reduction of the parking requirement from what is currently called for in the Town's LDR's follows the same reasoning for reduced parking demand generation in downtown locations put forth by the ITE. As a comparison, the following table compares the restaurant parking ratios utilized by similar mountain communities:

| | Restaurant Parking Ratio | Equivalent Ratio per Seat (based on 20sf/seat) |
|-----------------|--------------------------|--|
| Town of Jackson | 1/55SF dining area | 1:2.75 seats |
| Telluride, CO | 1/500sf seating area | 1:25 seats |
| Vail, CO | 1/250 sf seating area | 1:12.5 seats |
| Aspen, CO | 1/500sf gross area | 1:12.5 seats |

d. Hotel Parking Generation Ratios:

The Amended Master Plan location is within the town core area, and is consistent with Strategy 7.3.S.1: Reevaluate parking standards and other regulations that currently promote travel by single occupant vehicles by reducing the parking requirement to 0.75 spaces per room. An 80% maximum auto use is expected, which equates to a 20% mode split for the parking demand generated per hotel room. Please see the discussion of mode split below.

e. Seasonal and Time-of-Day demand adjustment factors:

The shared parking analysis uses the seasonal and time-of-day factors given for the methodology presented in Shared Parking by the ULI. Adjustments have been made to these factors that will in fact produce a more conservative result:

e1. Seasonal:

The parking demand ratio for Retail space has been increased 25% to reflect the fact that Jackson retail businesses experience their peak season in the summer (as opposed to the more typical December retail peak). This brings the seasonal factor to 100%, which also reflects the less seasonal nature of the retail businesses likely to occupy this space.

e2. Time of Day:

The parking demand ratio for Restaurant space has been increased 10% for the 1:00pm generation table to reflect the fact that a restaurant in this location will likely do a greater-than-average lunch business.

f. Mode Split:

As discussed under Transportation Demand Management, three businesses within the neighborhood of the proposed PMD were polled to determine the rate of vehicular use by employees. The results suggest that roughly 29% of the people working in this neighborhood either walk or bike to work, and 37% live within walking distance. It is suggested that a 25% non-vehicular mode split is a conservative assumption.

- Note that this mode split is not the same as a reduction for multi-purpose trips characteristic of a downtown location (multi-purpose trips are part of the reasoning behind the base parking generation rates given by the ITE discussed in 1.b, above, and are factored into those rates). Rather, the mode split accounts for those people who do not use a vehicle to arrive at the offices, retail or restaurant spaces within the Amended Master Plan; who choose to leave their cars at home or place of lodging. For this reason, mode split is not factored into the parking demand for residential, short term lodging or employee housing units; when these people choose not to drive, their vehicles will remain at home and require parking spaces. A mode split of 20% has been factored into the hotel room calculations as recommended by the ULI study.
- The reasoning behind applying a 25% non-vehicular mode split to the restaurant parking requirement is twofold: first, to account for the proportion of restaurant patrons who live and work in close proximity (similar to the segment accounted for in the office & retail mode split). Second, to account for the significant amount of lodging units within walking distance, which can be assumed to generate a portion of the total restaurant patrons - especially at peak season. The presence of significant quantities of lodging within and near the Amended Master Plan will also provide a captive market for the proposed retail that will further increase the expected mode split.
- Because of the capture of patronage by internal guests, the mode split of the restaurant within the hotel takes the 25% non-vehicular trip rate assumed for the rest of the development multiplied by an assumed 50% guest patronage. The ULI study recommends an even higher assumption of internal captive market effect: "For hotel guests, the potential for market synergy appears stronger... the questionnaire data indicated strong links between hotel guests and nearby restaurant or retail land uses (within or adjacent to the hotel). For eight hotels, 73 to 100 percent of the guests indicated they were also patrons of retail establishments and/or restaurants. Results for six hotels indicated a smaller range, 80 to 90 percent. These results appeared to be consistent for both downtown and suburban hotels."
- It is also worth noting that although hard to quantify, restaurants in this location will likely capture a significant number of their patrons from the pre- and post-theater

crowd at the Center for the Arts across the street. Parking for these patrons will have already been provided. This captive market segment would suggest a further reduction in the total parking demand generated by the restaurants.

- The 2001 Teton County Travel Study identifies the current modal split for the whole Town of Jackson as 26% non-auto.
- The Travel Study also identifies that the modal split rises to 67% for all trips less than ½ mile; given that a ½ mile radius from this project encompasses most of the lodging and a significant portion of housing in town, it would suggest that a 25% modal split is actually quite conservative.
- There is some precedent for using the modal split projections found in Chapter 8 of the Comprehensive Plan as a basis for planning; the 2030 projection of a 28% modal split is assumed in the Transportation Impact Study that has been submitted for the Porter Trust Lands Master Plan. We chose to use a more conservative factor in our calculations.

3. Analysis of Hourly Accumulation

Once a baseline of peak demand by use has been established, the parking requirements of each use are analyzed for time of day, day of the week and seasonal cycles of demand.

4. Shared Parking Formula

The shared parking analysis follows the methodology established by the Urban Land Institute (ULI). This methodology hinges on a series of calculations based on the following formula:

□ □ □ □ □

Area
or
Units

X

Seasonal
Adjustment
Factor

Time-
of-Day
Factor

X

Mode
Split

X

= Parking Demand

This formula shall establish the peak parking demand for each Phase of the Amended Master Plan. Each Phase of the Amended Master Plan will include the peak parking demand calculation for that Phase as part of each individual FDP applications.

5. Parking Requirement Calculation

It was determined as part of the original Master Plan approval that the month of July at 9:00pm was the season and time resulting in a peak parking demand. The rates/factors for Parking Generation, Seasonal, Time of Day and Mode Split that shall be used to determine the parking requirement for future Final Development Plan applications shall be as follows:

| Use | ULI | ULI | ULI | ULI |
|----------------------------------|---------|------|------|------|
| Short term Lodging/Res. 1-Bed | 1 | 98% | 100% | 1 |
| Short term Lodging/Res. 2-Bed | 1 | 98% | 100% | 1 |
| Short term Lodging/Res. 3-Bed | 1 | 98% | 100% | 1 |
| Employee Housing Unit | 1.5 | 98% | 100% | 1 |
| Employee Dorm | 0.5 | 98% | 100% | 1 |
| Office | 0.0022 | 3% | 100% | 0.75 |
| Retail | 0.003 | 61% | 100% | 0.75 |
| Restaurant | 0.2 | 100% | 100% | 0.75 |
| Hotel (w/ meeting space) - rooms | 0.75 | 95% | 100% | 0.8 |
| Hotel - Meeting space | 1/150SF | 100% | 100% | 0.8 |

A note on assumptions:

The intent of the shared parking analysis is to arrive at a conservative yet realistic determination of parking demand. The following assumptions have been made which lead the analysis to err on the conservative side, raising the level of confidence that the development will be adequately parked by allowing a sizable margin of error:

- None of the **adjacent on-street parking spaces** will be included in the tally of parking supply to meet the parking requirement – providing a sizable buffer. While the development must meet the entire parking requirement on site, these on-street spaces will likely serve as convenient short-term spaces for visitors, guests and patrons of the development.
- The base generation rates for residential units of 1.0/unit are double the “other area” (read urban) average peak parking demand for multi-family housing of 0.5 spaces/unit measured by the ULI study. The resulting calculations for peak demand are conservatively high for this use.
- The projected parking demand for the hotel assumes 100% occupancy. According to statistics compiled by the Jackson Hole Chamber of Commerce, summertime peak lodging occupancy for downtown Jackson averaged, over the last 3 years, 79%. Our assumption of maximum occupancy results in a conservative projected demand for the hotel.
- Standard traffic engineering practice is to plan for 85% of peak demand. Traffic counts completed as part of the background study of the Teton County / Town of Jackson Transportation Plan indicated that 10 months of the year see traffic that is never more than 75% of the peak. This shared parking analysis, however, makes no seasonal adjustment. The analysis identifies the peak demand at the highest seasonal peak; from 7:00 pm to 9:00 pm in the first two weeks of July. This peak demand occurs for 0.3% of the calendar year. As discussed above, there is evidence to suggest that the 25% mode split used in this analysis is quite conservative; the 2001 Teton County Travel Study suggests that the mode split for this location may be as high as 67%.

Based on the conservative assumptions, no monitoring is proposed for parking use within the Amended Master Plan development area.

Housing Mitigation Plan

The Amended Master Plan will address the Employee housing demand created by this development, as required by Section 49500 of the Town of Jackson LDR's and Teton County Housing Authority regulations outlining the provision of Employee housing.

Employee housing shall be provided in conjunction with nonresidential development pursuant to Division 49500 Employee Housing Standards of the current LDR's at the time of submission of Final Development Plan applications, with the exception of the following:

Fee in-lieu payment shall not be permitted as a method of providing required employee housing with the exception of satisfying a fractional requirement.

The number of employees required to be housed and the location where they will be housed shall be finalized as Final Development Plans within the Amended Master Plan are reviewed and acted upon. Each approved Final Development Plan shall establish the square footage of employee housing required in accordance with applicable regulations and the locations in which they will be housed for that portion of the Amended Master Plan.

Requirements of the Town of Jackson applicable at the time of FDP application shall be the regulations applicable to any Final Development Plan application actually filed by the applicant or their successors.

For units provided on-site it is proposed that the developer may retain title to the employee housing units and make them available for rent with preference for employees of businesses within the Amended Master Plan, according to the LDR's and the Housing Authority's guidelines. Alternately, the employee housing units might be deed-restricted according to the requirements of the LDR's and sold.

Capital Improvements Plan

Stormwater Summary

The proposed West Simpson Avenue and East Millward Street Amended Master Plan will be located on Lots 11-12 of Block 2, , and Lots 1 through 6 of Block 7 of the Second Wort Addition in the Town of Jackson.

Existing surface areas within the proposed Amended Master Plan include gravel and paved parking areas, building roofs, concrete walkways, and lawns and other related landscaping. Presently, stormwater runoff flows in west-southwest direction off-site to West Simpson Avenue and to the alley between West Simpson Avenue and West Hansen Avenue. Eventually, the stormwater runoff enters the Town of Jackson stormwater line on South Clissold Street, which conveys the stormwater to the "Kelly Tube" under West Kelly Avenue.

Development and design requirements for stormwater management within the Town of Jackson are contained in the Town of Jackson Land Development Regulations (LDR's), Section 4910 General Provisions and Section 4920 Design Requirements for Stormwater Management Facilities. Currently, these provisions allow post-development stormwater flows to be released from a proposed development at a rate equal to or lower than the pre-development runoff rate. These requirements also state that *"No development or subdivision shall cause adjacent landowners, water courses, or conduits to receive stormwater runoff from the proposed development site at a higher peak flow rate or at higher velocities than would have resulted from the same storm event occurring over the site of the proposed subdivision and/or development with the land in its previous condition"*.

Overall, the proposed Amended Master Plan will reduce the current total of pervious surface area. Small courtyards and landscaped areas are planned so that some pervious surface area will be incorporated within the Amended Master Plan. Onsite parking will primarily be sited in underground parking garages beneath large portions of each block. Post-development stormwater flows will be routed away from underground parking ramps and properties that are not included in the Amended Master Plan. Handling drainage from the parking garages will be coordinated with the Architect. Most likely it will be pumped from the garage; however, a sub-floor percolation drain may be viable pending further investigation of soil conditions. Stormwater from underground parking areas should be the only water requiring on-site cleaning; the rest is roof runoff and other basically 'clean' water. The lack of groundwater at this site makes foundation drain requirements minimal.

Stormwater Analysis Summary

The stormwater analysis, completed by Jorgensen Associates, P.C., is summarized in the following tables:

Block 2 – Lots 7 thru 12:

Basin 7: (Existing Town of Jackson Public Parking, not part of proposed AMENDED MASTER PLAN)

| Storm Frequency (years) | Post Development Peak Flow (ft ³ /s) | Allowable Release (ft ³ /s) | Projected Total Inflow (ft ³) | Minimum Required Storage (ft ³) | Post- |
|-------------------------|---|--|---|---|-------|
| 10 | 0.92 | 0.92 | 2,866 | 0 | |
| 25 | 1.10 | 1.10 | 3,057 | 0 | |
| 50 | 1.29 | 1.29 | 3,451 | 0 | |
| 100 | 1.53 | 1.53 | 3,981 | 0 | |

Development Basin 3

| Storm Frequency (years) | Post Development Peak Flow (ft ³ /s) | Allowable Release "Pre" 100-Year (ft ³ /s) | Projected Total Inflow (ft ³) | Minimum Required Storage (ft ³) | Block 7 – Lots 1 thru 6: Post- |
|-------------------------|---|---|---|---|--------------------------------|
| 10 | 0.55 | 0.52 | 164 | 8 | |
| 25 | 0.66 | 0.52 | 197 | 41 | |
| 50 | 0.77 | 0.52 | 444 | 148 | |
| 100 | 0.91 | 0.52 | 575 | 217 | |

Development Basin 5

| Storm Frequency (years) | Post Development Peak Flow (ft ³ /s) | Allowable Release "Pre" 100-Year (ft ³ /s) | Projected Total Inflow (ft ³) | Minimum Required Storage (ft ³) |
|-------------------------|---|---|---|---|
| 10 | 1.62 | 1.58 | 485 | 11 |
| 25 | 1.94 | 1.58 | 582 | 108 |
| 50 | 2.26 | 1.58 | 1,255 | 402 |
| 100 | 2.69 | 1.58 | 1,649 | 606 |

In general, two concepts are available for handling stormwater generated at the Amended Master Plan. The first, which is in keeping with the LDR's, consists of mitigating the Amended Master Plan's stormwater impacts onsite. The existing stormwater runoff patterns into the public rights of way would generally neither be improved nor worsened. The second concept would involve a more urban treatment. Rather than providing for stormwater management onsite, the stormwater would be tied to a public system much like urban water and sewer systems. The discussion below presents an overview of both approaches.

Onsite Stormwater Management

In order to maintain the post-development runoff rate from the proposed Amended Master Plan that is equal to or lower than the pre-development runoff rate, stormwater facilities for storage and controlled releases will be required.

More often than not, the choices for stormwater retention facilities within an urban development are somewhat limited. This is most always due to a lack of sufficient area in which to place these structures. The calculated post-development minimum required storage volumes for this proposed Amended Master Plan are not especially large and are proposed as subsurface or underground storage.

Two approaches to underground stormwater storage facilities have been used in the Town of Jackson with good results.

Perforated 24-inch diameter, or larger, CMP set in 1.5- to 2-inch washed rock. The perforated CMP and washed rock occupy an excavation of desired volume and dimension. The entire structure is lined with a geotextile fabric to reduce silt from entering the washed rock and allow the stormwater to exfiltrate into the underlying soil.

Subsurface chambered stormwater storage systems such as *The Infiltrator* or *Rainstore*³. The advantage of these types of stormwater storage systems is the reduction of the amount of washed rock that otherwise would be considered necessary. Typically, the washed rock occupies approximately 65% of the total void area or volume, which only leaves about 35% available for storage. Storage chambers can be used in place of the washed rock increasing the total storage volume available for the same area. As with the CMP-washed rock systems, these systems are lined with a geotextile fabric to help control siltation and allow the stormwater to exfiltrate into the surrounding soil. These chambers also have the advantage of different configurations such as trench and bed layouts and stacking or layering.

As with any subsurface retention or detention structure, careful consideration must be taken to incorporate up-stream sediment traps to handle siltation before it enters the system. In a retention storage system, the complete runoff volume is stored and exfiltrated into the underlying soil. The long-term effects of siltation clog the infiltrative surface of the soil reducing permeability. Accumulated silt within the system also reduces the total available

storage volume. In addition to sediment traps an overflow structure is recommended to handle storm events greater than the design storm and frequency.

Detention systems are similar to retention systems except that stormwater is held for later release through a normal outflow such as a storm sewer or curb and gutter. The goal of the detention system is to store runoff during peak storm conditions and slowly meter the outflow into an existing drainage system. By providing an outlet structure the risks of depending on total infiltration are eliminated.

Providing good accessibility to these structures is necessary as it permits easier maintenance. Without proper maintenance, system performance may be affected. Ice, snow, leaves and silt, if allowed to accumulate, may clog the system. Localized flooding can occur and aesthetic qualities may be affected.

Public Stormwater Management

Presently, the Town of Jackson is developing a Surface Water Drainage Infrastructure Master Plan that is intended to develop further public stormwater infrastructure while developing an assessment program whereby new development and re-development share in the cost of establishing new infrastructure, and maintaining existing infrastructure. Consistent with this program, we propose that the entire stormwater volume generated by this development be conveyed to the public stormwater infrastructure in a manner that does not have adverse impacts on the system. We propose developing a stormwater master plan for this specific project whereby we will develop an equitable assessment to this development for the impacts of the additional post-development runoff. We may determine that it is more cost effective and equitable for the Amended Master Plan to construct portions of public stormwater infrastructure in lieu of constructing a system that interconnects each detention/retention facility across public right of way.

The stormwater analysis indicates that the post development volume of stormwater generated by the Amended Master Plan will not adversely impact the existing infrastructure. Constructing a new stormwater line from the Amended Master Plan to the line in Glenwood appears viable. Handling the stormwater conveyed from the Town parking lot, which currently flows to the adjacent streets will also be taken into consideration. Coordination is required with the Town Engineer to determine the stormwater infrastructure requirements, the actual assessment methodology and amount, and when and how payment would be required. Ideally, the timing of this particular Amended Master Plan will be in line with the adoption of a Stormwater Master Plan by the Town of Jackson.

Conclusions and Recommendations

Discussions with the Town during the Pre-application Conference indicate that the Surface Water Drainage Infrastructure Master Plan faces an uncertain future. Therefore, we propose developing a stormwater line that conveys stormwater from all of the area encompassed by the Amended Master Plan (the Amended Master Plan lots and adjacent public streets and

alleys) to the existing stormwater line in Glenwood. Accommodating the stormwater from the Town public streets will be considered equitable compensation for the Town allowing the Amended Master Plan access to the public stormwater system.

The advantage of densely developed, urban development patterns is that they can be served by community infrastructure. Requiring stormwater to be managed onsite in an urban area is similar to requiring water to be provided by individual wells or sewer to be handled in septic systems, neither of which are either practical or environmentally sound solutions. The Amended Master Plan regulations allow multiple Town lots to be planned in a cohesive, mixed-use pattern that results in well-designed developments that enhance and promote urban centers. We recommend designing a stormwater management system that effectively and efficiently conveys the stormwater to the Town system, while meeting the requirements of future NPDES regulations and the considerations of the Stormwater Management Plan of the Town of Jackson.

Utility Summary

Existing utilities in the area consist of waterlines, sanitary sewer lines, gas lines, communication lines, and overhead power lines. Town of Jackson water mains run in Millward Street, Jackson Street, and Simpson Avenue. The project will coordinate with the Town of Jackson to identify appropriate water service tap locations. The water mains within Simpson and Glenwood were upgraded to 8" ductile iron pipe in 2004-2005. Based on the size of the lines, it is expected that adequate capacity is available. An analysis of the capacity will be conducted as part of the Wyoming DEQ Permit to Construct Water application.

The alleys between Pearl and Simpson and Simpson and Hansen contain utilities including sanitary sewer, gas, overhead power, and communication lines. Sewer, underground telephone, gas, and overhead power also run along Jackson Street. Confirmation on the adequacy of sewer lines to handle flows from the proposed Amended Master Plan will be provided as part of the DEQ Permit to Construct Water and Wastewater. Connection to the sanitary sewer lines will be coordinated with the Town of Jackson to identify appropriate tap locations. The project will coordinate with Lower Valley Energy to identify exact gas and power line locations within the alley and potential connection locations. The project will coordinate with Qwest to identify optimal connection locations as well.

At this time, it is uncertain as to the limits of Amended Master Plan impacts within public right of way. It is assumed that the developer of each individual FDP application within the Amended Master Plan will pay for the associated surface impacts (sidewalks, curb and gutters, pavement, etc.) of the development proposal. Should the limits of the project impacts extend into the street such that pavement removal is required, water and sewer lines within the street will be evaluated for replacement. The cost of upgrading any water and/or lines within the public right of way due to poor physical condition will be reviewed with the Town of Jackson. We would anticipate upgrades necessary due to poor physical pipe condition to be paid for by the Town from the water and sewer general fund. The Amended Master Plan desires to have the cost of improvements made to the public sewer and/or water

systems by the Amended Master Plan due to insufficient capacity to be credited towards the required tap fees, as these improvements may benefit other people served by the system. The construction would be administered by the Amended Master Plan as part of the overall project. This proposal may prove irrelevant if the existing system is of sufficient capacity, which will be determined as the utility demands of each phase of the Amended Master Plan are more specifically defined within each FDP application.

Phasing Plan

The sequence in which the various projects within the Amended Master Plan are likely to be constructed will ultimately be determined by such things as the state of the regional real-estate market, project financing, and the timing of other developments in Jackson. It is required that the redevelopment proposed in the Amended Master Plan would be phased per the conditions of the Extension Agreement which are summarized as follows:

The PMD Master Plan expiration date is established as March 18, 2015 and that within this time period a Final Development Plan (FDP) would be approved by the Town for Phase One - a six lot hotel development by SKB, an associated Building Permit for the FDP would be submitted and upon issuance the applicant would commence construction on Phase One within sixty (60) days of issuance of the building permit with continuous progress to completion. Should these conditions of the extension be satisfied, an additional two (2) year increment would be allowed beginning on the date of the issuance of a certificate of occupancy for Phase One under the same conditions to allow for the development of Phase Two - the remaining two(2) lots. Should at any time the conditions of the extension not be satisfied, the Master Plan would expire and all unvested and unexercised rights established by the Master Plan would lapse and all the remaining lands would thereafter be subject to the then applicable Land Development Regulations. Conditions of the extension would be as follows:

- 1. The applicant shall submit an amendment to the Master Plan removing the ten (10) lots located on the west side of Millward Street from the Master Plan. Said amendment shall be reviewed and approved by Town Council prior to any additional approvals under the Master Plan. Should the Master Plan Amendment not be approved, the Master Plan would expire and all unvested and unexercised rights established by the Master Plan would lapse and all the remaining lands would thereafter be subject to the then applicable Land Development Regulations.*
- 2. SKB would be allowed to proceed immediately with applications to the Town for future development of the six (6) lot hotel portion of the Master Plan including but not limited to pre-application conference, Master Plan Amendment (if necessary) and/or Final Development with the understanding that the Town Council will not take any action on any application(s) until such time that condition #1 has been satisfied.*

The following phasing chart is intended to show the portions of the Master Plan would be developed in a logical sequence, including amenities and necessary public service improvements.

| Element | Functional Phasing |
|--|---|
| Hotel-six Simpson lots. | Phase One |
| Short term rental/Lodge units/retail/office/restaurant – two Glenwood lots | Phase Two/Buildout |
| Pedestrian/Streetscape improvements | As individual developments are proposed, curb, gutter and sidewalk improvements to immediately adjacent streetscape sections are required. Encroachment Agreements granted/executed. |
| Parking | Requirement calculated as per the shared parking analysis methodology for individual development proposals. |
| Employee Housing | As individual developments are proposed, Requirement for square footage as per then current Town LDR Section 49560. Requirement for unit sizes as per Town LDR's. Required Special Restrictions agreement granted/executed. |
| Water | Individual development constructs all on-site water infrastructure improvements. Utility easements will be granted as appropriate for individual developments. |
| Sewer | Individual development constructs all on-site sewer infrastructure improvements and/or connection to the central system. Utility easements will be granted as appropriate for individual developments. |
| Stormwater drainage | Individual development constructs conveyance into the Town stormwater system Storm sewer infrastructure will be completed simultaneously with streetscape improvements |

Amended Master Plan - Findings for Approval

As required by the Town of Jackson Land Development Regulations, Section 2325.E:

1. Consistency with Comprehensive Plan. The Amended Master Plan is consistent with the goals and objectives of the Jackson / Teton County Comprehensive Plan and the Transportation Plan with its Town as Heart of the Region policy.

The goals of the Town's Comprehensive Plan played a significant role in shaping the proposed Amended Master Plan. The proposed PMD will achieve an appropriate density of development for this location, adding a variety of quality housing and lodging, and complimentary commercial space to this neighborhood. The proposed PMD is an example of the type of redevelopment needed if the Town is going to meet its downtown urban character goals; adding new dwelling units downtown "to ease the employee housing problem, to decrease employee-generated traffic and parking downtown, and to increase the vitality of downtown Jackson"¹.

2. Consistency with Purpose and Intent. The Amended Master Plan is consistent with the purpose and intent of this Section, as set forth in Subsection A, Purpose and Intent.

The proposed Amended Master Plan provides flexibility to produce a redevelopment plan that will significantly improve the level of use, mix of uses, pedestrian streetscape, architectural character, amount and efficiency of off-street parking and residential density on this site. The Amended Master Plan proposes a redevelopment scenario that "responds creatively to a broad array of community issues and development situations" to achieve a unified mix of development that is truly synergistic.

Additionally, please refer to the earlier section titled 'Purpose and Intent'.

3. Design Guidelines. The Amended Master Plan will comply with the Town's design guidelines that:

- a. *Establish standards for buildings, open spaces, landscape areas, signs, and lighting within the Plan;*
- b. *Promote the design concepts set forth in Subsection D.5, Design Element; and*
- c. *Establish a method for consistent implementation of the guidelines.*

Please refer to the earlier section titled "Design Guidelines".

4. Transportation Element. The Amended Master Plan contains a Traffic Impact Analysis and Transportation Demand Management Plan that promotes alternative forms of transportation consistent with the transportation goals of the Jackson / Teton County Comprehensive Plan.

The proposed Amended Master Plan demonstrates that the traffic generated by this development will result in no significant impact on the level of service on the adjacent existing street network. As noted in the Transportation Demand Management Plan,

¹ Town of Jackson Redevelopment Opportunities and Parking Analysis, Fregonese Calthorpe Associates, December 1999.

the proposed project – by virtue of its mix of uses in this downtown location – will by its very nature encourage less reliance on the single-occupant vehicle. The proposed Amended Master Plan provides a model of development that will encourage people to live, work and recreate in Town, accomplishing higher levels of sustainability and livability, and less dependence on the automobile. This project engages the concept of mixing uses within a development to achieve a more efficient end result; an appropriate maximization of the development potential of the site. This type of development allows more people to live and work in Town, focusing on enhancing and making efficient use of existing infrastructure rather than creating the need to expand the infrastructure network. At the same time, the development will provide a significant contribution to the quality of the public realm, further supporting the goal of maintaining and enhancing the Town as a welcoming environment for pedestrians.

5. Employee Housing. The Amended Master Plan ensures a supply of Employee housing that is in accordance with the requirements for housing created by development within the plan.

The Amended Master Plan demonstrates a process by which the employee housing needs generated by this redevelopment will be met on site. The Housing Mitigation Plan demonstrates that the housing requirements calculated as per the current Town of Jackson Land Development Regulations can be met on site. This Amended Master Plan accounts for the necessary parking, infrastructure and servicing required in accommodating more people in affordable, livable housing in the center of Town.

6. Capital Improvement Plan. The Amended Master Plan contains a Capital Improvement Plan that ensures infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected plan demands.

Each Phase of development within the Amended Master Plan will participate in a tap fee as typically required of developments within the Town

The proposed Amended Master Plan has identified the location, jurisdictional control and mechanisms necessary for connection to adjacent water, sewer, gas, communication and power utilities. In addition to identifying and coordinating the necessary utility connections for the proposed Amended Master Plan, the development is also exploring the feasibility of burying the existing overhead lines located on poles adjacent to the site, with the cooperation of other property owners, Lower Valley Energy, and the Town. The time of construction of the proposed development would appear to be an efficient and appropriate time for the burial of such lines, and the development is willing to share in the costs of making these improvements.

7. Phasing Plan. The Amended Master Plan contains a Phasing Plan that ensures development of the plan, its amenities, and public facilities necessary to serve the Plan, occur in logical sequence.

The sequence in which the various projects within the Amended Master Plan are likely to be constructed will ultimately be determined by such things as the state of the regional real-estate market, project financing, and the timing of other developments in

Jackson. The proposed phasing plan accounts for any sequence of portions of the Master Plan to be developed in a logical sequence, including amenities and necessary public service improvements. The plan identifies the functional requirements of the different elements of the Planned Mixed-Use Development, and addresses the impacts associated with the development of each specific element in turn.

8. Development Standards. The Amended Master Plan meets the required criteria in Subsection D.2, Development Standards, and includes design and/or use features, which substantially advance the goals of the Transportation Section of the Comprehensive Plan.

The Amended Master Plan proposes development standards; please refer to the Dimensional Limitations Schedule and corresponding discussion of how the proposed development meets the established criteria for bonus dimensional limitations.

The two Glenwood lots, Phase Two – Block 2, would be allowed a 0' front, side and rear setbacks consistent with the surrounding zoning and allowing the development to provide a continuous, inviting pedestrian connection with the adjacent streetscape. The site of the proposed Amended Master Plan is in between a more urban higher-density commercial area and a less urban lower-density mixed commercial and residential (largely multi-family) neighborhood. The six Simpson lots, Phase One – Block 3, will meet a 5.75-foot minimum/17-foot maximum and 9.55-foot average setback from the property line.

Likewise, while the proposed Amended Master Plan has a maximum building height of 46' and is allowed to use the 110% bonus for sloped sites, it does so stepped back from the property boundary. The buildings step down toward the South so that the portions of the building next to adjacent development are buffered from neighboring buildings within the AR zone.

The Amended Master Plan proposes a maximum FAR of 2.0 averaged over all 8 Lots with the Employee Housing subtracted. As discussed above, compliance with the Town's Design Guidelines requires a number of architectural strategies that result in a building form that reduces the perceived bulk, scale and mass of the structure from the street. As determined by the Traffic Impact Analysis and Transportation Demand Management Plan, the proposed development will not result in traffic or any external impacts having a substantial adverse impact on the surrounding neighborhood or adjacent property. By maximizing the density of development, the Amended Master Plan achieves an efficiency that will allow the provision of sub-grade parking, a generous amount of Employee Housing on site, and significant improvements to the public realm. This is entirely consistent with the intent of the LDR's to allow redevelopment which will allow more people to live and work in this type of in-town location, moving toward the goal of a more sustainable, vibrant Town.

**AFFIDAVIT AND AGREEMENT RELATING TO EXTENSION AND
AMENDMENT OF A PLANNED MIXED USE DEVELOPMENT MASTER PLAN**

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

| | |
|------------|-------------------------------------|
| Released | |
| Indexed | <input checked="" type="checkbox"/> |
| Abstracted | <input checked="" type="checkbox"/> |
| Scanned | |

Subject Property: **Lots 11 and 12, Block 2, 2nd Wort Addition, Town of Jackson,
Teton County, Wyoming**

**Lots 1, 2, 3, 4, 5 and 6, Block 7, 2nd Wort Addition, Town of
Jackson, Teton County, Wyoming**

**Lots 7, 8, 9, 10, 11 and 12, Block 3, 2nd Wort Addition, Town of
Jackson, Teton County, Wyoming**

**Lots 1, 2, 3, and 4, Block 6, 2nd Wort Addition, Town of Jackson,
Teton County, Wyoming**

This Affidavit and Agreement is executed by the Town of Jackson, by Robert F. Lenz, Vice-Mayor, and by the following:

John S. Varley, Jr., owner of JH Development, LLC, as Applicant.

Arts District Development, LLC, owner of Lots 11 and 12, Block 2, 2nd Wort Addition, Town of Jackson, Teton County, Wyoming.

Arts Center View, LLC, owner of Lots 1,2, 3, 4, 5, and 6 of Block 7, 2nd Wort Addition, Town of Jackson, Teton County, Wyoming

John S. Varley, Jr., owner of Lots 7 & 8 of Block 3, 2nd Wort Addition, Town of Jackson, Teton County, Wyoming

Church View, LLC, owner of Lots 9, 10, 11 & 12 of Block 3, 2nd Wort Addition, Town of Jackson, Teton County, Wyoming

Pub View, LLC, owner of Lots 1, 2, 3 & 4 of Block 6, 2nd Wort Addition, Town of Jackson, Teton County, Wyoming

Scanlan Kemper Bard Companies as potential developer of the hotel on part of the subject properties identified above.

This Affidavit and Agreement is made and recorded pursuant to Section 2325.C.2.f of the Land Development regulations of the Town of Jackson as duly adopted by the Town Council of the Town of Jackson as Ordinance No. 680. The undersigned being first duly sworn upon their oaths agree and state the following:

1. On September 16, 2002, the Jackson Town Council voted to approve a Planned Mixed-Use Development Master Plan for the Subject Property pursuant to Section 2325 - Planned Mixed-Use Development of the Town's Land Development Regulations consisting of approximately 289,471 square feet of above grade development consisting of a mix of residential, office, commercial retail, restaurant and short-term lodging uses in addition to below grade parking garages.

2. The approved Millward-Simpson Planned Mixed-Use Development Master Plan was extended by the Town of Jackson, at its meeting on April 8, 2013. By letter dated May 1, 2013, from Tyler Sinclair, AICP, Director of Planning, and Building for the

GRANTOR: TOWN OF JACKSON ET AL

GRANTEE: THE PUBLIC

Doc 0841300 bk 849 pg 640-645 Filed At 16:09 ON 07/25/13

Sherry L. Daigle Teton County Clerk fees: 35.00

By Michele Fairhurst Deputy

Exhibit N

Town of Jackson, a true and correct copy of which is attached hereto as **Exhibit A**, set forth the conditions of approval of the Extension of the approved Millward-Simpson Planned Mixed-Use Development Master Plan [02.02.2] and Final Development Plan [P-6-030]. This Affidavit and Agreement is being executed pursuant to that letter.

Consent of Owners

3. By their signatures hereto, the undersigned owners of the subject real estate consent to the terms and conditions on which approval of the Master Plan extension was based.


4. By their signature hereto ScanlanKemperBard Companies and Its Affiliated Assigns consent to the terms and conditions on which approval of the Master Plan extension was based.

5. The undersigned parties, and each of them, do acknowledge and agree that **Exhibit A** sets forth in detail the conditions of approval of the extension of the existing Master Plan and Final Development Plan.

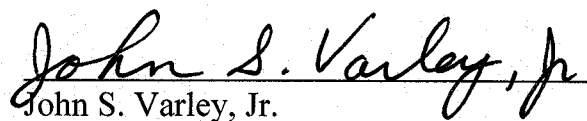
6. It is specifically understood, acknowledged and agreed that this document the Exhibit attached hereto and made a part hereof shall, pursuant to Section 2325 of the Town of Jackson Land Development Regulations be recorded in the land records of Teton County, Wyoming and in the Town of Jackson, Wyoming Clerk's Office.

DATED this 23rd day of ^{July}~~June~~, 2013.

TOWN OF JACKSON:

By: 
Robert F. Lenz
Its: Vice-Mayor

APPLICANT: JH Development, LLC

By: 
John S. Varley, Jr.
Its: Manager and Sole Member

PROPERTY OWNER APPLICANTS:

Arts Center View, LLC
Arts District Development, LLC
Church View, LLC
Pub View, LLC

By: John S. Varley Jr.
John S. Varley, Jr., Individually and
Manager and/or Sole Member of the
above Wyoming Limited Liability
Companies

**APPROVED AGREED AND
ACKNOWLEDGED BY:**

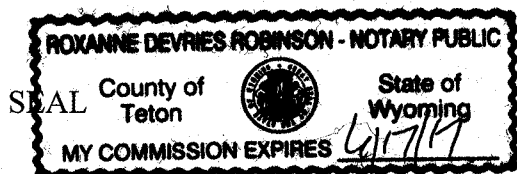
ScanlanKemperBard Companies on its own
behalf and on behalf of Its Affiliated Assigns

By: Robert D. Scanlan
Robert D. Scanlan
Its: Chairman and CEO

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

On this 23rd day of July 2013, before me personally appeared **ROBERT F. LENZ**, to me personally known, who, being by me duly sworn, did say that he is the Vice-Mayor of the Town of Jackson, Teton County, Wyoming and that said instrument was signed on behalf of said Town of Jackson by authority of its Town Council, and said Vice-Mayor of Teton County, Wyoming acknowledged said instrument to be the free act and deed of said Town of Jackson.

Given under my hand and seal the date first above written.



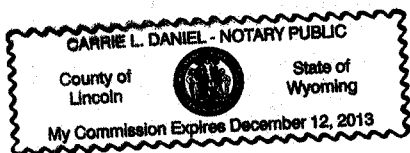
Roxanne Devries Robinson
Notary Public
My Commission Expires: 6/17/17


STATE OF WYOMING:)
) ss.
COUNTY OF TETON:)

On this 27th day of June, 2013, before me personally appeared **JOHN S. VARLEY, JR.**, to me personally known, who, being by me duly sworn, did say that he is the Manager and Sole Member of JH Development, LLC, and that said instrument was signed on behalf of said limited liability company, and said Manager and Sole Member acknowledged said instrument to be the free act and deed of said limited liability company.

Given under my hand and seal the date first above written.

SEAL



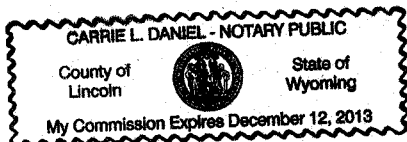

Notary Public
My Commission Expires: 12/12/2013


STATE OF WYOMING:)
) ss.
COUNTY OF TETON:)

On this 27th day of June, 2013, before me personally appeared **JOHN S. VARLEY, JR.**, to me personally known, who, being by me duly sworn, did say that he Individually, and Manager and/or Sole Member of the Arts Center View, LLC, Arts District Development, LLC, Church View, LLC, and Pub View, LLC, and that said instrument was signed on behalf of said limited liability companies, and said Individual, Manager and Sole Member acknowledged said instrument to be the free act and deed of said limited liability company.

Given under my hand and seal the date first above written.

SEAL



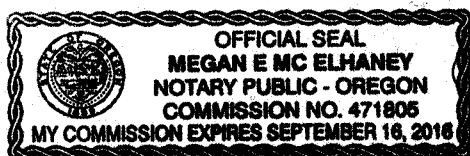

Notary Public
My Commission Expires: 12/12/2013

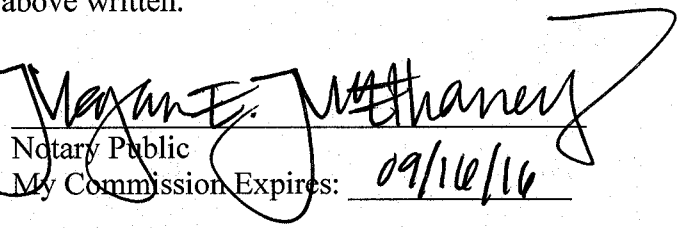
STATE OF OREGON:)
) ss.
COUNTY OF MULTNOMAH:)

On this 28th day of June, 2013, before me personally appeared **ROBERT D. SCANLAN**, to me personally known, who, being by me duly sworn, did say that he is the Chairman and CEO of ScanlanKemperBard Companies (SKB) and that said instrument was signed on behalf of SKB and that he is duly authorized to act on behalf of SKB and that the acknowledgment of the instrument as the free act of SKB

Given under my hand and seal the date first above written.

SEAL




Notary Public
My Commission Expires: 09/16/16

AFFIDAVIT AND AGREEMENT RELATING TO EXTENSION AND AMENDMENT
OF A PLANNED MIXED USE DEVELOPMENT MASTER PLAN



PLANNING & BUILDING DEPARTMENT

May 1, 2013

John S. Varley, Jr.
P.O. Box 1569
Jackson, WY 83001

RE: Item P12-093
Millward-Simpson Master Plan Amendment
165-235 S Millward Street
175-247 S Glenwood Street
130-275 W Simpson Avenue

Dear Mr. Varley:

This letter is to confirm that on April 8, 2013, the Jackson Town Council voted to **approve** your request for an Extension to the Millward and Simpson Planned Mixed Use Development (PMD) Master Plan subject to the following conditions:

- An Affidavit and Agreement shall be reviewed and approved by Staff and the Town Attorney and recorded in the Teton County Clerk's Office within sixty (60) days of Town Council approval, unless extended with the approval of the Planning Director establishing the following:
 - The PMD Master Plan expiration date as March 18, 2015 and that within this time period a Final Development Plan (FDP) would be approved by the Town for a six lot hotel development by SKB, an associated Building Permit for the FDP would be submitted and upon issuance the applicant would commence construction within sixty (60) days of issuance of the building permit with continuous progress to completion. Should these conditions of the extension be satisfied, an additional two (2) year increment would be allowed beginning on the date of the issuance of a certificate of occupancy for the previous phase under the same conditions to allow for the development of the remaining two (2) lots. Should at any time the conditions of the extension not be satisfied, the Master Plan would expire and all unvested and unexercised rights established by the Master Plan would lapse and all the remaining lands would thereafter be subject to the then applicable Land Development Regulations. Conditions of the extension would be as follows:
 1. The applicant shall submit an amendment to the Master Plan removing the ten (10) lots located on the west side of Millward Street from the Master Plan. Said amendment shall be reviewed and approved by Town Council prior to any additional approvals under the Master Plan. Should the Master Plan Amendment not be

P.O. Box 1687 • Jackson, Wyoming 83001 • 307-733-0440 or 0520 Fax 307-734-3563 www.townofjackson.com

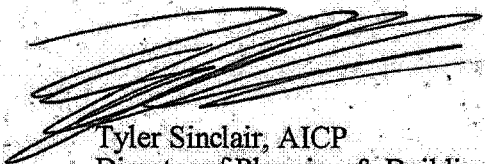
EXHIBIT A, To Affidavit and Agreement

approved, the Master Plan would expire and all unvested and unexercised rights established by the Master Plan would lapse and all the remaining lands would thereafter be subject to the then applicable Land Development Regulations.

2. SKB would be allowed to proceed immediately with applications to the Town for future development of the six (6) lot hotel portion of the Master Plan including but not limited to pre-application conference, Master Plan Amendment (if necessary) and/or Final Development with the understanding that the Town Council will not take any action on any application(s) until such time that condition #1 has been satisfied.
3. SKB agrees to the following items related to the future development of the six (6) lot hotel portion of the Master Plan:
 - A reduction in the size of the hotel from 103,600 square feet to 95,000 square feet excluding required onsite employee housing.
 - That the maximum allowable height will be 46' with no 110% bonus given for the sloped site; with the understanding that the proposed partial fourth floor will not be visible from Simpson, Glenwood or Millward Streets.
 - That the future building plans will incorporate an average building setback of 8 feet from the north, west and east property lines. However the 8 foot setback would be an average setback - a 6 foot minimum and a 10 foot maximum, so as to allow a proper architectural design.
 - That the applicant would be allowed to apply for an amendment to the Master Plan including changes to the proposed parking requirements, etc. concurrently with a Final Development Plan application.

Should you have any questions or require further information on this matter please feel free to contact me at 307-733-0440, Ext. 1301.

Respectfully,



Tyler Sinclair, AICP
Director of Planning & Building

TS:sth

2. That the proposed project substantially meets the character objectives of preservation or enhancement of the zoning district and neighborhood in which it is to be located. Projects which are out of scale and character with their surroundings will not be approved;
3. That streets and intersections serving the project will not be reduced to unacceptable levels of service, nor will the safety of motorists, pedestrians, and cyclists be jeopardized;
4. That the density and distribution of population resulting from the project will not overburden schools, parks, utilities, or other public services; and
5. That all adverse impacts associated with the proposed project are effectively mitigated to the extent possible. [Ord. 505 § 1, 1995]

SECTION 2325 PLANNED MIXED-USE DEVELOPMENT

A. Purpose and intent. The purpose of the Planned Mixed-Use Development option is to provide flexibility in encouraging mixed-use commercial, office, and lodging (within the Lodging Overlay (LO)) and/or residential development which will, through an overall unified approach, achieve results superior to those produced when development occurs lot by lot and adheres to rigid standards. This option presents the opportunity to integrate a mix of commercial, office, residential and/or lodging (within LO) uses, structural mass, vehicular access and circulation, pedestrian use, pedestrian streetscape and architectural space in order to respond creatively to a broad array of community issues and development situations in furtherance of the health, safety and general welfare of the citizens by:

1. Encouraging flexibility and creativity in the development of the land to promote its most appropriate and efficient use;
2. Improving the design character and quality of the development beyond that which would be achievable by strict application of underlying land development regulations;
3. Facilitating the efficient and economical provision of street improvements and utilities;
4. Preserving significant natural features of a site;
5. Providing a functional and interconnected system of pedestrian walkways and streetscape, and pedestrian-friendly areas;
6. Encouraging the conservation of energy;
7. Allowing creative alternatives to surface parking, and encouraging and permitting shared parking between proposed uses;
8. Accommodating alternative transportation including transit, bikeways and pathways where appropriate as consistent with the Transportation Master Plan.
9. Providing a mix of compatible commercial, office, lodging (within the LO) and residential uses;

B. Where Established. Lands within the commercial zoning districts, UC, UC2, AC, OP2, OP, BP-R shall be eligible for the Planned Mixed-Use Development (hereinafter PMD) development option, provided a master plan is submitted, reviewed and approved pursuant to subsection C. Procedure. A minimum site area of 22,500 square feet of contiguous land (excluding public streets) shall be required to exercise the PMD development option. Non-contiguous sites for providing the required employee and/or affordable housing shall be allowed subject to the dimensional limitations of those sites.

Smaller parcels may be considered by the Town Council due to special and unusual circumstances and on the basis of their potential to satisfy the intent of these regulations. The Town Council shall make a preliminary determination on whether an application is able to meet the above-described criteria before a formal application is made under the PMD option.

C. Procedure. One or more landowners may propose a PMD Master Plan, and all the proposing owners shall jointly be deemed the applicant as identified herein. Two stages of review are required prior to commencement of construction or operation of land uses within a PMD: PMD Master Plan review and approval and Final Development Plan review and approval.

1. **Unified Planning.** The development site of a Planned Mixed-Use Development shall be planned as a whole by all owner/applicants working in cooperation.
2. **Application and Review Procedures.** All Planned Mixed-Use Developments shall be submitted, processed, and reviewed, according to the provisions of Section 51200, Development Plan and this section.

a. **PMD Master Plan. Public review and approval for a PMD Master Plan** follows the procedures set forth for Sketch Plans and serves as a Sketch Plan pursuant to Section 51200, Development Plan. The standards for review of the Master Plan, however, are the standards set forth in this Section, in order to allow for flexibility and creativity in the Master Plan and discretionary review thereof.

(1) **Purpose and intent of Master Plan.** The purpose of a PMD Master Plan is to establish the development standards and serve as a guide to all future development within the PMD. The PMD Master Plan is intended to be of sufficient detail to describe the amount, type, size, location, and impact of the proposed development, but detail and technical specifications of the proposed development, such as fully engineered plans or fully detailed architectural drawings, are not required.

(2) **Submittal components.** A PMD Master Plan application shall include only lands as listed in subsection B, Where Established. The minimum requirements for a Master Plan application shall include:

- (a) Statement of Purpose
- (b) Master Site Plan
- (c) Dimensional Limitation Plan
- (d) Design Guidelines
- (e) Traffic Impact analysis and Transportation Demand Management Plan
- (f) Housing Mitigation Plan
- (g) Capital Improvements Plan (sewer, water, stormwater, etc.)
- (h) Phasing Plan for all or each separate component of the Master Plan.

(3) **Recordation.** Upon approval. The PMD Master Site Plan and a Certificate of Standards and Conditions, and any amendments thereto, shall be recorded in the land records of Teton County, Wyoming and in the Town of Jackson, Wyoming Clerk's Office. The Certificate shall be in the form of an affidavit and agreement executed by an authorized representative of the Town of Jackson and each applicant and shall detail the PMD Master Plan, conditions of approval and the development standards to be applied within the PMD, as well as any other

standards, conditions, or agreements pertaining to future development or responsibilities of landowners within the PMD. The applicant shall prepare the affidavit to be reviewed, and approved by the Planning Director in a form acceptable to the Town Attorney with the participation and written consent of each owner/applicant prior to execution. The Certificate shall comply in all respects with the requirements for recordation of the State of Wyoming.

- b. **Final Development Plan review and approval.** After approval of a PMD Master Plan, Final Development Plan and building permit approvals are required prior to commencement of any construction or operation of any new land use within the PMD.

(1) **Final Development Plan application.** Final Development Plan applications shall be in accordance with the PMD Master Plan and shall be reviewed and approved pursuant to Section 51200, Development Plan. No Sketch Plan review is required. No Final Development Plan shall be approved unless the proposal is consistent with the PMD Master Plan, and any amendment thereto.

(2) **Phasing.** A Final Development Plan application may encompass only an increment of the total development, in accordance with the approved Master Plan and the Phasing Plan included therein.

- c. **Standing of PMD Master Plan.** Upon approval of a PMD Master Plan any amendments to these Land Development Regulations shall not affect the approval of the PMD Master Plan unless otherwise specified in this section or the conditions of approval, provided the PMD Master Plan has not expired or been revoked, pursuant to subsections C.2.e, Expiration and C.2.g. (1) Revocation.

- d. **Amendment of Master Plan.** Any landowner within a PMD Master Plan site may apply for amendment to the PMD Master Plan only with the written consent of all governing associations within the development. The amendment shall be reviewed and acted upon pursuant to the procedures set forth in this Section for review and action on a PMD Master Plan. The amendment shall be subject to all applicable standards of this Section that are in effect at the time of review of the amendment. Notwithstanding, minor deviations from a PMD Master Plan may be approved by the Planning Director, pursuant to Section 51200.J, Minor deviations, or a process for approval of minor deviations may be proposed as part of the PMD application.

- e. **Expiration.**

(1) **Time-frame.** A PMD Master Plan shall expire three (3) years from the date of its Recordation following final approval, unless prior to that date an application for Final Development Plan is filed with the Planning Department. The Master Plan shall expire five (5) years from the date of its Recordation following final approval unless prior to that date an application for a building permit has been filed with the building department for new development on site to establish the use authorized and demonstrates that substantial and continuous progress toward the Master Plan has been made in accordance with the Phasing Plan specified in the conditions of approval.

- (2) **Effect.** Upon expiration, approval of a PMD Master Plan and all unvested and all unexercised rights that are established by the Master Plan shall lapse and the remaining lands shall thereafter be subject to the then applicable Land Development Regulations.
- f. **Extension.** The expiration date of an approved PMD master plan may be extended by the Town Council provided a written request for extension is received by the Planning Department at least sixty (60) calendar days prior to expiration of the PMD master plan.
- (1) **Procedure.** The request for extension shall be reviewed by the Town Council at a regularly scheduled meeting, by which time a public hearing notice shall be advertised and any necessary information pertinent to the extension request can be made available at least ten (10) business days in advance thereof. The PMD Master Plan shall be deemed extended until Town Council takes final action upon the request for extension.
- (2) **Grounds for extension.** The ground for extending a PMD Master Plan approval shall be specified by the Council and shall include, but not be limited to, the following:
- (a) **No change in conditions.** Conditions in the community have not substantially changed since the Master Plan approval. An extension may be denied if the Council finds that specific enumerated changes in the community result in the Master Plan being inconsistent with the community's land use patterns, or the community's ability to provide infrastructure and services to accommodate the development.
- (b) **Good faith efforts.** Activities such as securing a building permit for new development on site that demonstrates substantial and continuous progress toward the Master Plan on the part of the landowners within the PMD demonstrate good faith efforts in pursuing the development permitted by the Master Plan.
- g. **Reconsideration.** If the development within a PMD fails to proceed in general accordance with the approved Phasing Plan, the Town Council may require reconsideration of the PMD Master Plan and revoke or amend the Master Plan.
- (1) **Revocation.** Revocation of the Master Plan shall have the effect of forfeiting all unvested or unexercised rights within the PMD to any further development according to the Master Plan and shall be appropriate if:
- (a) No material progress has been made in development of the site for seven (7) consecutive years, or;
- (b) There is substantial noncompliance with the performance objectives, standards and/or Phasing Plan specified in the conditions of approval, and no agreement can be reached between representatives of the landowners within the PMD or applicant of record and the Town Council for bringing the development into compliance with the standards of this Section.
- (2) **Procedure.** The Town Council shall not less than sixty (60) days after notice to the applicants or their successors hold a public hearing, in accordance with Section 5120.E, Notice of public hearings, and Section 5120.F, Public hearing

procedure, for the purpose of examining the development that has occurred within the PMD and its consistency with the Master Plan. The notice to the applicants shall include specific grounds and reasons for the proposed revocation and detailed description of facts, documents and other information upon which the Town relies in seeking revocation. The Town Council shall issue a determination as to whether amendment or revocation of the Master Plan is appropriate, in accordance with the above-specified standards. Amendments to the Master Plan shall be accomplished pursuant to subsection C.2.d, Amendment of Master Plan. Revocation of the Master Plan shall be accomplished in accordance with Section C.2.a(3), Recordation, herein.

D. Standards applying to all Planned Mixed-Use Developments.

1. Consistency with Comprehensive Plan. PMD Master Plans shall be consistent with the goals and objectives of the Town of Jackson Comprehensive Plan.

2. Development Standards.

a. **Deviation from Land Development Regulations.** In order to allow design flexibility, deviation from all LDR standards may be allowed except for the Standards in Table 2325.A or the Bonus Standards in Table 2325.B. based on the merits of the plan itself. It is fully consistent with this Section that PMD's may have dimensional, design, and other development standards different from and more flexible than those described in other sections of these Land Development Regulations due to the unique circumstances of, and community objectives for, mixed use development, based upon the following:

(1) **Front setbacks (street yards).** Front setbacks shall reflect the general allowable standards of the neighborhood, character area, and zoning district in which the Planned Mixed Use Development is located.

(2) **Side and rear setbacks.** Setbacks for side and rear yards are important factors in terms of neighborhood compatibility. Generally, side and rear setbacks in Planned Mixed Use Developments should be generally compatible with those allowed within the immediate neighborhood but need not mirror those allowed on adjacent properties.

While side setbacks may be reduced to zero in appropriate urban applications, no setback shall be reduced to the extent that drainage of rain, snow, or snow melt falls on to adjacent property.

(3) **Density.** In a Planned Mixed Use Development, density is a function of the development standards, the type and mix of development proposed, and the allowed character of the surrounding neighborhood. The density proposed should be appropriate and compatible with that allowed within the neighborhood in terms of total population and bulk, scale, and massing of structures. Project density should not result in traffic or any other external impacts, which will have a substantial adverse impact the surrounding neighborhood or adjacent property.

(4) **Height of structures.** Height shall be measured consistent with the Division 8300 Definitions: Height, Building or Structure of these LDR's or as otherwise approved as part of the Master Plan. Structures in a PMD shall not be limited as to

the number of levels above finished grade. Each building proposed in a Master Plan shall be evaluated based upon the following criteria and additional criteria found in Section D.6 Design Element:

- (a) The proposed building height should be in scale with the allowable height in the surrounding neighborhood;
- (b) The proposed building height should be appropriate to the terrain of the project site and to the type of development proposed;
- (c) The proposed building height should be compatible with the character of the immediate vicinity of the land proposed for development;
- (d) The design, development and bulk and scale of the proposed structures shall mitigate the adverse effects, including visual impact of the proposed use on adjacent lands.

- b. **Development standards.** The development standards for FAR (floor area ratio), height, and LSR (landscape surface ratio), for all structures are found in Table 2325.A. Development Standards for the Planned Mixed Use Development Option.

| Zoning District | Avg. FAR | Height | Min. LSR | Min. Lot Area ft ² * |
|-----------------|----------|--------|----------|---------------------------------|
| AC | 0.4 | 35' | 0.25 | 22,500 |
| BP-R | 0.4 | 35' | 0.25 | 22,500 |
| OP | 0.75 | 35' | 0.10 | 22,500 |
| AC/LO | 0.9 | 35' | 0.05 | 22,500 |
| OP2 | 1.5 | 42' | 0.05 | 22,500 |
| UC2 | 1.5 | 42' | 0.05 | 22,500 |
| UC | 1.83 | 42' | 0.0 | 22,500 |
| UC - TSO | 1.83 | 35' | 0.0 | 22,500 |

*See subsection B.

- c. **Bonus Criteria.** An applicant may propose the development standards in Table 2325.B Bonus Development Standards for Planned Mixed Use Development Option, provided any two of the following criteria are met:

- (1) The master plan proposes 50% or more of the total square footage as residential uses or lodging uses (within the LO);
- (2) The master plan proposes subgrade parking to satisfy the majority of the parking requirement (excepting surface spaces for loading/unloading or similar short-term uses);
- (3) The master plan proposes to exceed the required affordable and employee housing requirements by at least 20%. Applications shall not be allowed to utilize any existing employee and affordable housing exemptions in order to satisfy this criterion; (Rev. Ord. 884 § 1, 2008.)
- (4) The master plan includes design and/or use features that substantially advance the goals of the Transportation Plan with its Town as Heart of the Region policy.

| Table 2325.B Bonus Development Standards for Planned Mixed Use Development Option | | | | |
|--|----------|--------|----------|---------------------------------|
| Zoning District | Avg. FAR | Height | Min. LSR | Min. Lot Area ft ² * |
| AC | 0.5 | 35' | 0.25 | 22,500 |
| BP-R | 0.5 | 46'** | 0.25 | 22,500 |
| OP | 0.9 | 35' | 0.05 | 22,500 |
| AC/LO | 1.25 | 42' | 0.05 | 22,500 |
| OP2 | 2.0 | 46' | 0.05 | 22,500 |
| UC2 | 2.0 | 46' | 0.05 | 22,500 |
| UC | 2.0 | 46' | 0.0 | 22,500 |
| UC – TSO | 2.0 | 35' | 0.0 | 22,500 |

* See subsection B.

** Subject to the conditions established in Section 2368

- d. **FAR.** Average FAR shall be calculated using the total square footage proposed in the master plan divided by the base site area within the master plan boundaries. Square footage of proposed affordable and/or employee housing provided on site shall be exempt from the FAR calculations.
 - e. Additional deviation from the LDR standards including those set forth in Table 2325A and 2325B may be allowed by the Town Council upon finding that the PMD provides an extraordinary benefit to the Town of Jackson.
3. **Statement of purpose.** The PMD Master Plan shall have a Statement of Purpose that describes the applicant's rationale. The statement also shall describe how the Master Plan fulfills the intents of this Section, as specified in subsection A, Purpose and intent.
 4. **Master Site Plan.** The PMD Master Plan shall have a Master Site Plan that clearly illustrates the proposed development and the site. Refer to Section 2325.D.6, Design element for design standards and performance criteria.
 5. **Dimensional Limitation Plan.** The PMD Master Plan shall have a Dimensional Limitation Plan, which specifies dimensional limitations necessary to achieve the design theme identified by the applicant. The plan shall include floor areas and floor area ratios, densities, landscape ratios, height, setbacks, building footprints, lot coverage, maximum building size, easements and other data on which restrictions of development are to be imposed and areas in square feet for each lot or building. The applicant shall provide a summary of the existing permitted and proposed dimensional limitations for comparison.

Any dimensional limitations unspecified by the PMD Master Plan shall be established by the standards in the applicable zoning district.
 6. **Design element.** The PMD Master Plan shall include detailed design guidelines, and a mechanism for their implementation, that establish design parameters for both buildings, open spaces and landscape areas in the PMD. The design theme shall be defined by the applicant and be consistent with the Standards of this Section. This subsection establishes design standards and performance criteria that the master plan must address. The resulting design guidelines shall address these design standards. The design

guidelines shall be prepared by an architect or landscape architect licensed in the State of Wyoming.

a. **General.** The design theme of the PMD Master Plan shall have an emphasis on communicating integration, pedestrian circulation, and creating “a sense of place”. A “sense of place” is created when site planning and architecture:

- Create spaces for gathering and activities;
- Create buildings and spaces with common character, scale, design and materials;
- Incorporate the natural features and cultural heritage of the area within the design; and
- Reflect the western architectural styles and themes of the region.

Development shall be compatible with the surrounding built and allowable environment in both scale and character.

b. **Architecture.** Building design guidelines shall include and reflect the following:

- (1) The community’s and district’s architectural character, themes, and goals for future development;
- (2) A human scale, pedestrian-orientation, which are created when:
 - The height of buildings does not overwhelm people walking in the vicinity of the buildings; and
 - Ground level doors, windows and design features of buildings create an interesting diversity for pedestrians.
- (3) Development should be consistent with community goals and aesthetic values;
- (4) Natural attributes of the immediate vicinity shall be incorporated into the site design and architectural style; and
- (5) Building materials and colors compatible with the surrounding natural and built environment.

c. **Bulk and scale.** The design guidelines shall ensure that the bulk, scale and orientation of individual buildings achieve compatibility with:

- (1) Other structures within the PMD master plan site when the development is completed;
- (2) Neighboring properties and structures including allowed development thereon that are not a part of the development including other master plan sites; and
- (3) The Town development goals as set forth in the Comprehensive Plan and the Transportation Plan with its Town as Heart of the Region studies.

d. **Site planning.**

- (1) **Orientation and aspect.** Structures and public spaces within the PMD Master plan site generally, shall be arranged to take advantage of southern exposure where practicable.
- (2) **Entrance features.** Entrances to the PMD master plan site shall create a “sense of arrival”. A “sense of arrival” is created when the entrance into the PMD site is easily identifiable and is consistent with the design theme, thereof.
- (3) **Natural resources.** The site design shall highlight available natural resources and integrate them into the layout in order to promote a connection to the natural

environment. Consequently, natural features of the site, such as significant vegetation, rock outcroppings, water bodies, etc., shall be preserved and incorporated into the project design to the extent practicable.

- (4) **Walkways and pedestrian facilities.** Walkways and pedestrian facilities, including access for the disabled, shall be integral components of the site design. The site shall provide an attractive, outdoor atmosphere that encourages use and reliance upon walkways and pedestrian spaces. Within the site, a strong pedestrian orientation shall be achieved through the use of outdoor seating areas, gathering and queuing areas, transit stop locations, and information areas. Walkways shall form a logical, safe and convenient system for pedestrian access to all on-site uses and major off-site destinations.
 - (5) **Transportation facilities.** Site design shall integrate safe, convenient, and direct access to transportation services and facilities (i.e., bus shelters, information sites) and shall incorporate the facilities necessary for the proper functioning of the Transportation Demand Management Plan. Alternatives to surface parking, such as parking below structures, parking below grade, and/or parking structures should be used to the greatest extent practical.
 - (6) **Circulation.** The layout of local streets, alleyways, and parking lots shall be sensitive to the natural terrain and landscape. Cut and fill areas shall be minimized, and natural features of the site such significant trees shall be preserved to the extent practical. Circulation should be free-flowing. Conflicts with pedestrians and vehicles entering and exiting the site should be avoided.
 - (7) **Access.** Safe vehicular access appropriate for refuse removal, recycling, emergency services, and delivery shall be provided. Service access should generally be located to the rear of structures and off alleyways where practical. Curb cuts shall be minimized and access points consolidated.
 - (8) **Streetscape.** Structures shall be on or near the front property boundary, with no more than a 10-foot setback along street frontages.
 - (9) **Landscape.** Project landscaping shall be consistent with the overall design theme of the PMD Master Plan. Use of indigenous plant materials is encouraged and shall provide visual relief by softening structural mass and screening parking, driveways and loading areas.
- e. **Signs.** The design guidelines shall include a sign component that sets forth the sign theme for development and specifies criteria for determining permitted sign sizes, types, and locations. The guidelines shall contain prototypical examples of all types of signs, including wall, canopy, freestanding, directional, and informational signs.
- f. **Lighting.** The design guides shall establish the design criteria for project lighting. Areas to be illuminated (parking areas, walkways, entries, etc.) shall be identified, and general standards should be set forth. Identification of models and types of standards and fixtures is encouraged, but specific illumination plans and photometric footprints are not required. Generally, lighting shall be low-intensity, low-profile, and shielded to avoid "light pollution" and glare to off-site areas. General illumination standards are set forth in Section 49370, Exterior Lighting and Glare.

7. **Transportation Element.** The PMD Master Plan shall have a transportation element to ensure that the development does not produce an amount of vehicular traffic that undermines the community's character, and endangers the public health, safety and welfare (i.e., noise, air quality and traffic impacts.) The PMD Master Plan shall provide an optimum mix of automobile, transit, and walkway, sidewalk and/or pathway facilities within the plan, encourage coordination of facilities with Town and County-wide transportation system, and promote design, which encourages other transportation modes.
- a. **Traffic impact analysis.** A traffic impact and access analysis shall be required. This analysis shall contain the following:
 - (1) Projections of external vehicle trips generated by the Plan.
 - (2) Analysis of levels of service (LOS) impacts on roadway system segments and/or intersections serving the Plan area.
 - (3) Identification of any improvements needed to roadway system segments and/or intersections as a result of increased traffic from the Plan.
 - b. **Transportation Demand Management Plan.** A Transportation Demand Management (TDM) Plan shall be required that demonstrates how the travel behavior of visitors and employees generated by the plan will be managed to minimize the number of vehicle trips on the roadway network resulting from the development. A goal of the applicant's TDM Plan shall be to manage the transportation demands of the development so that it is consistent with the Transportation Chapter of the Jackson/Teton County Comprehensive plan and the Town of Jackson Transportation Master Plan. Potential mechanisms for managing travel behavior may include the following if applicable:
 - (1) Providing incentives for residents, visitors and employees of the development to use public transit.
 - (2) Providing incentives for residents, visitors and employees of the development to use walking, bicycling and other non-motorized means.
 - (3) Reducing vehicular trips through internal capture associated with mixed land use patterns.
 - c. **Parking and loading.** The PMD Master Plan shall provide parking and loading areas of sufficient amount and type to accommodate the plan's projected demand including parking for visitors and lodging guests, waiting and loading areas for transit vehicles and their passengers, and loading areas for delivery vehicles. Parking shall be designed to encourage non-motorized transportation; transit and high occupancy vehicle use and discourage single-occupancy vehicle use. Scenarios that share parking between compatible uses are encouraged.
8. **Capital Improvements Element.** The PMD Master Plan shall have a capital improvements element to ensure that infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected development demands. PMD Master Plans shall include a capital improvement element that identifies service providers and proposes a capital improvement plan for facilities and services needed by the plan. Such facilities and services may include: parking; pathways; potable

water and wastewater treatment services; utilities; stormwater management and snow storage facilities.

a. **Identification and acknowledgement of service providers.** The applicant shall identify the provider of all infrastructure facilities and services included in the plan. A document from the service provider shall demonstrate the commitment and ability to provide such service.

b. **Impact Analysis.** An impact analysis may be required by the Planning Director. The impact analysis shall identify the following if applicable:

- (1) The maximum daily peak capacity of existing facilities.
- (2) The current daily peak demand on existing capacity.
- (3) The daily peak capacity available for new development.
- (4) The projected daily peak demand generated by new development in the plan.
- (5) Any planned improvements by other entities and the timing of such improvements.
- (6) An analysis or explanation of the anticipated shared use of the various facilities by users, residents and employees.

In the event of undeveloped or underdeveloped property within the Master Plan site the Impact Analysis shall also set forth, as a baseline, the daily peak capacity of the land if developed with structure and uses allowed under the zoning and LDR's applicable before Master Planning.

c. **Capital improvements.** The capital improvement plan includes descriptions of the infrastructure improvements, the responsibility and sources of funding for the improvements, and the timing for completion of improvements. The capital improvement plan shall also be consistent with the impact analyses if required, and specify how any deficiencies in infrastructure attributable to the Master Plan Development will be remedied or mitigated. A conceptual capital improvement plan shall be included in the PMD master plan. Engineered capital improvement plans shall be provided in the final development plan application for subsequent development.

d. **Infrastructure standards.** All infrastructure proposed within the Master Plan shall meet the minimum public standards even if proposed for private ownership and maintenance. This shall include but not be limited to water distribution and sanitary collection system elements, storm drainage facilities, streets and pedestrian ways. Deviations from these standards shall be allowed with approval of the Town engineer.

9. **Housing element.** The PMD Master Plan shall have a housing element to ensure a supply of affordable and employee housing that is commensurate with the demand for housing created by development within the plan, under the then current Land Development Regulations including if applicable:

- a. **Affordable Housing.** Affordable housing shall be provided in conjunction with residential development pursuant to Division 49400, Residential Affordable Housing Standards of the current LDR's at the time of submission of Final Development Plan applications, with the exception of the following:
 - (1) Conveyance of land to the Town shall not be permitted as a method of providing required affordable housing;
 - (2) Fee in-lieu payment shall not be permitted as a method of providing required affordable housing, with the exception of satisfying a fractional requirement.
- b. **Employee Housing.** Employee housing shall be provided in conjunction with nonresidential development pursuant to Division 49500, Employee Housing Standards of the current LDR's at the time of submission of Final Development Plan applications, with the exception of the following:
 - (1) Fee in-lieu payment shall not be permitted as a method of providing required employee housing with the exception of satisfying a fractional requirement;
- c. **Master Plan Estimate.** The number of employees required to be housed and the location where they will be housed, as presented in the PMD Master Plan, shall be treated as an estimate/concept, and shall be finalized as Final Development Plans within the PMD are reviewed and acted upon. Each approved Final Development Plan shall establish the actual number of employees required to be housed in accordance with applicable regulations and the locations in which they will be housed for that portion of the Master Plan.
 - (1) In order to encourage development of Employee and/or Affordable housing within the boundaries of the Town of Jackson and in consideration of the time required and expense incurred by the applicants in conjunction with PMD Master Plans and Final Development Planning, and in further consideration of the limitations of this Section 2325 prohibiting compliance with affordable and/or employee housing requirements by payment of fee-in-lieu or conveyance of land, the affordable and employee housing requirements of the Town of Jackson applicable on the date of Town Council approval of the PMD Master Plan shall continue to be the only regulations applicable to any Final Development Plan application actually filed by the applicant or their successors within the initial three (3) year timeframe referenced in Section 2325 C.2e.(1), and not extended under the provision of Section 2325.2.f or revoked under the provision of Section 2325.2.g. hereof.
 - (a) In addition, and to encourage prompt development of Employee and/or Affordable housing, any applicant or their successor may satisfy all of the employee or affordable housing requirements for the entire PMD Master Plan or any separate phase thereof by actually housing the quantity of Affordable and/or Employee occupants as set forth in the approved Master Plan Estimate prior to issuance of a Certificate of Occupancy for the first phase of a multiphase PMD and further provided that the building permit for affordable

and/or employee housing units be issued prior to the expiration of the three (3) year timeframe set forth in Section 2325 C.2.e.(1). In calculating the requirement of this section, available allowable credits may be counted and applied. Thereafter, the applicant and their successors will be deemed to have satisfied all applicable requirements for Employee and/or Affordable housing for all subsequent Final Development Plans. If at Master Plan buildout the actual quantity of affordable and/or employee occupants to be housed (as calculated using the LDR requirements used to quantify the Master Plan Estimate) differs from the quantity provided under this section by more than ten percent (10%), any additional requirement shall be satisfied by the applicant or their successors by providing the actual housing, or by paying a fee in lieu for the incremental increase, and any excess shall be credited to the applicant or their successors to be used as credit by them or others toward future requirements.

- (b) In addition, and to encourage early development of Employee and/or Affordable housing in the Town of Jackson, any applicant or their successor may propose within any Final Development Plan application to satisfy the then-applicable requirements for Employee and/or Affordable housing for any and all subsequent phases by actually providing same in accordance with Section (1)(a) above. This provision is applicable only to Final Development Plan applications filed after the three (3) year timeframe set forth in Section 2325 C.2.e.(1).
 - (c) The Town Council may at the request of the applicant, and upon a finding of substantial and extraordinary benefit to the Town of Jackson, permit an applicant or their successor to propose, prior to any Final Development Plan application, to satisfy the approved Master Plan Estimate requirement for Employee and/or Affordable housing by actually providing same in accordance with Section (1)(a) above.
 - d. **Location.** It is encouraged that Master Plan proposals include affordable and/or employee housing on-site or within reasonable walking distance to the Master Plan boundary and within the Town of Jackson in conjunction with a proposed Transportation Demand Management Plan.
- (1) All affordable and/or employee housing requirements may be proposed off-site in conjunction with an approved TDM Plan. On-site requirements, if any, shall be determined at Master Plan approval and that on-site requirement (whether expressed in number of units, number of employees to be housed, total square footage, a percentage of total requirements, or otherwise) shall not increase with subsequent changes to the LDR's. The exact number of employees generated by any phase of Master Plan implementation shall be determined at Final Development Plan application according to the then-current LDR's. Any requirement exceeding the on-

site requirement established at Master Plan approval shall be allowed to be satisfied off-site in accordance with an approved TDM Plan.

- 10. Phasing Element.** The PMD development shall have a phasing element to ensure that development within a PMD occurs in logical sequence including amenities and necessary capital improvements. PMD master plans shall contain a Phasing Plan that identifies the sequence of structures, uses and amenities, installation of infrastructure, implementation of the Transportation Demand Management Plan, Housing Mitigation Plan, and implementation of PMD Master Plan conditions of approval. Phasing shall be coordinated with the capital improvements program as identified in the Capital Improvement Element. The Phasing Plan may contain more than one sequence for development of different major components of the Master Plan.
- 11. Conformance with other applicable regulations.** Except for those requirements and standards listed in this Section 2325, deviation from standards above, Planned Mixed-Use Developments shall conform to all requirements of these Land Development Regulations, The Jackson Municipal Code/other Town of Jackson regulations, and the Wyoming Statutes.
- 12. Uses permitted.** In any Planned Mixed-Use Development, the allowed and conditional uses are to be determined by Table 2200, Use Schedule, provided however, the conditional uses shall be determined at the time of and as part of the Final Development Plan Application and Approval unless otherwise approved as part of the Master Plan.
- 13. Multiple or Mixed Uses.** Under the Planned Mixed-Use Development option, a mix of at least two compatible uses is required in order to attain some degree of internal interaction.
 - (a) For purposes of this section, multiple use shall mean a Planned Mixed-Use Development project with at least two (2) or more separate uses from among:
 1. The classification for allowed non-residential uses found in Table 2200, Use Schedule, for the underlying and existing zoning and;
 2. Residential development described and defined in Section 2220 A.2.
 - (b) At a minimum, one proposed use must be residential unless the proposed property is within the Lodging Overlay, in which case one proposed use must be lodging or residential.
 - (c) No non-residential use may occupy more than seventy percent (70%) of the total gross floor area within the total Master Plan area of the development.

E. Findings for approval.

A PMD Master Plan shall be approved only if all of the following findings are made.

1. **Consistency with Comprehensive Plan.** The PMD Master Plan is consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan and the Transportation Plan with its Town as Heart of the Region policy.
2. **Consistency with purpose and intent.** The PMD Master Plan is consistent with the purpose and intent of this Section, as set forth in subsection A, Purpose and intent.
3. **Design guidelines.** The PMD Master Plan contains design guidelines that:
 - a. Establish standards for buildings, open spaces, landscape areas, signs, and lighting within the Plan;
 - b. Promote the design concepts set forth in subsection D.5, Design element; and
 - c. Establish a method for consistent implementation of the guidelines.
4. **Transportation element.** The PMD Master Plan contains a Traffic Impact Analysis and Transportation Demand Management Plan that promotes alternative forms of transportation consistent with the transportation goals of the Jackson/Teton County Comprehensive Plan.
5. **Affordable and employee housing.** The PMD Master Plan ensures a supply of affordable and employee housing that is in accordance with the requirements for housing created by development within the plan.
6. **Capital improvement plan.** The PMD Master Plan contains a capital improvement plan that ensures infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected plan demands.
7. **Phasing plan.** The PMD Master Plan contains a Phasing Plan that ensures development of the plan, its amenities, and public facilities necessary to serve the Plan, occur in logical sequence.
8. **Development standards.** The PMD Master Plan meets the required criteria in subsection D.2 Development Standards, and includes design and/or use features, which substantially advance the goals of the Transportation Plan with its Town as Heart of the Region policy.

(Ord. 680 § 1, 2001)

Glenwood+Simpson

Mixed-Use Building

Phase One - Millward + Simpson PMD Master Plan
Lots 11-12; Block 2; 2nd Wort Subdivision
JACKSON, WYOMING

DETAIL KEY

| Sym. # / Sheet | Description |
|------------------|---------------------------------|
| A 1/14.01 | Ornamental Grass Over Structure |
| B 2/14.01 | Perennial Over Structure |
| C 3/14.01 | Deciduous Tree Planting |
| D 4/14.01 | Street Tree w/ Grate |
| E 5/14.01 | Bike Rack |
| F 6/14.01 | Concrete - 4" Slab |
| G 7/14.01 | Expansion Joint |
| H 8/14.01 | Mortar Set Precast Paver |
| I 9/14.01 | SandSet Precast Paver |
| J | At-Grade Planter |

LAYOUT NOTES

- Lay out and verify dimensions prior to construction. If discrepancies exist contact Landscape Architect for direction before proceeding.
- Refer to architect drawings for all building layout information.
- Written dimensions take precedence over scale. Do not scale drawings.
- Where dimensions are called as "equal," space referenced items equally, measured to their center lines.
- Measurements are to finished face of building, wall or the fixed site improvement. Dimensions to center lines are indicated.
- Install intersecting elements at 90 degree angles to each other unless otherwise noted.
- Provide expansion joints where concrete framework meets vertical structures such as walls, curbs, steps and building elements unless otherwise noted.

IRRIGATION NOTES

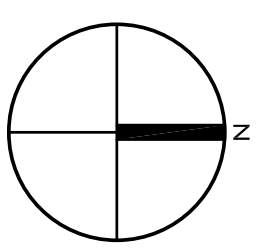
- Provide an automated underground drip irrigation system, designed and installed to serve all proposed plantings such that all plantings receive irrigation at the following RELATIVE rates:
Trees shall receive irrigation at a rate of 12 GPH
Shrubs " " " " " " " " 1 " " at every 8" O.C.
Planting beds " " " " " " " " 1 " " at every 8" O.C.
2. At the building's potable water supply, downstream from the water meter, install a tee to a ball-valve shut-off and 1" irrigation supply Main Line. Isolate the irrigation system from the potable water with a reverse pressure principle backflow preventer as approved by the Town Engineer; provide fittings on either side of BFP to allow for removal and servicing.
3. Provide appropriate fittings for forced-air winterization. Slope Main Line and any rigid piping to manual drains at low points.
4. Run all irrigation components (piping and control wires) beneath pavements in sleeves, 12"-18" below grade.
5. Install an automatic controller at the location designed by the Architect.

HERSHBERGER DESIGN

Landscape Architecture · Environmental Planning · Urban Design
560 South Glenwood P.O. Box 1648 Jackson, Wyoming 83001 T307.239.1001 F307.234.8322

Issue Dates:

| |
|------------------------------------|
| 28 November 2007 - Building Permit |
| 8 August 2008 - GMP Pricing Set |
| 4 April 2018 - REVISED 2018 FDP |



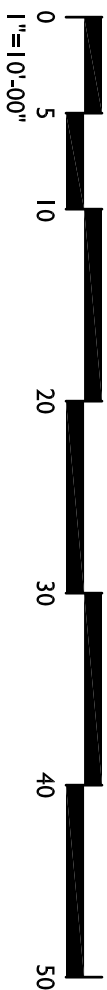
Drawing Title:

**SITE MATERIALS
PLAN
REVISED 2018 FDP**

Drawing Number:

L1.01

Exhibit P



Glenwood+Simpson

Mixed-Use Building

Phase One - Millward + Simpson PMD Master Plan
Lots 11-12; Block 2; 2nd Wort Subdivision
JACKSON, WYOMING

PLANT LIST

| SYMBOL | BOTANICAL NAME | COMMON NAME | SIZE | QTY | NOTE |
|-----------------------|---|----------------------------|--------------------|---------------|--------------------|
| DECIDUOUS TREES | | | | | |
| | Fr. Fraxinus nigra 'Fullleaf' | Fullleaf Ash | 2" GAL. | 8 | B&B |
| | PT.E. Populus tremula 'Erecta' | Columbian Aspen | 3" cal. | 10 | B&B |
| PERENNIALS & GRASSES: | | | | | |
| | Brunnera macrophylla | Falses Forget-Me-Not | 1 GAL. | 73 | 12" O.C. |
| | Bm Jack Frost Sedum | Dead Needle | 4" POT | 36 | 12" O.C. |
| | White Nancy | Tufted Hairgrass | 1 GAL. | 104 | 18" O.C. |
| | Dc Deschampsia cespitosa | | | | |
| | U Ligularia 'Little Rocket' | Ragwort | 1 GAL. | 200 | 12" O.C. |
| | Lm Lamium maculatum | Dead Needle | 4" POT | 108 | 12" O.C. |
| | Wm White Nancy | | | | |
| | Lr Ligularia 'The Rocket' | Ragwort | 1 GAL. | 48 | 18" O.C. |

Irrigation:

All proposed plant material shall be irrigated by a pressurized subsurface irrigation system with automatic controller. Irrigation system shall include a Watts series 009 reduced pressure zone backflow prevention assembly, to be installed at the point of connection to possible water supply.

Landscape Cales:

1) Minimum Landscape Area:
0.05 LSR x 15,000 SF Site Area = 750 SF Required Landscape Area
Landscape Area Provided = **752.2 SF (750.2 sq.ft.)**

2) Plant Units:
1 Plant Unit / 1,000 SF Required Landscape Area = 10 Plant Units
Plant Material Shown = 3,442 Plant Units (Based on an Average Plant Unit Cost of \$2460)

PLANTING NOTES

1. Refer to civil engineer's, utility plans. If site conditions vary from what is shown, contact the landscape architect and civil engineer for direction before proceeding.
2. Verify locations and timing of site improvements installed under other actions. If any part of the work cannot be completed due to site conditions, contact the landscape architect.
3. Obtain approval of finish grading from landscape architect prior to installing any plant material.
4. Excavation near underground utilities shall be done carefully and, if necessary, by hand. The contractor is responsible for the safety of all workers and for any damage to the site and/or improvements shall be repaired immediately at no expense to the owner.
5. Confirm all plant counts and square footages quantities shown are provided as owner information only. If quantities indicated in the plant list differ from symbols shown on the plans, then the plans shall govern the plant count. If discrepancies exist, contact LA for direction before proceeding.
6. The landscape architect reserves the right to reject any unacceptable plant material either at the source or when delivered to the project site.
7. The final location of plant materials is to be approved by the landscape architect on site prior to installation. The contractor is responsible for staking or marking the location of all plant materials on site prior to installation. If the contractor is unable to locate the plant materials, the landscape architect reserves the right to adjust the counts and locations of plants on site.

Landscape Area Provided:

West property line, screening = 199.0 sq.ft.
Planting bed, south-west corner = 31.2 sq.ft.
Planting bed, employee housing = 520.0 sq.ft.
750.2 sq.ft. *

In addition:
Street tree planters, 10 x 16 = 160.0 sq.ft.
* NOTE: The Applicant reserves the right to add additional movable planters (outside the pedestrian corridor) in future.

HERSHBERGER DESIGN

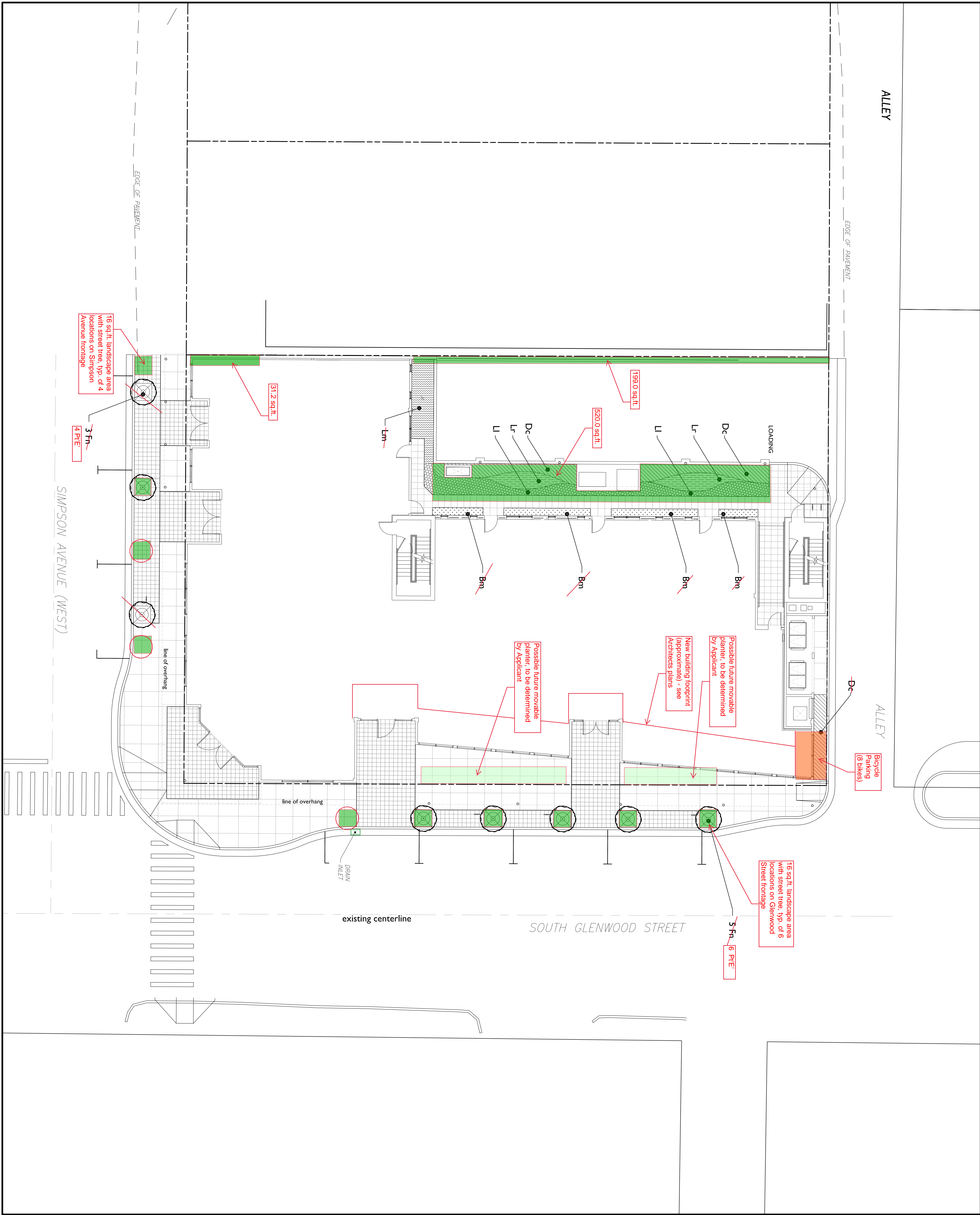
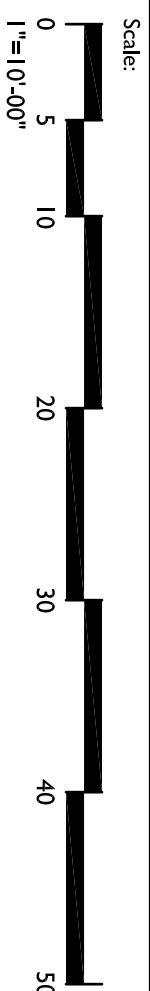
Landscape Architecture · Environmental Planning · Urban Design
560 South Glenwood P.O. Box 1648 Jackson, Wyoming 83001 T.307.279.1001 F.307.274.8322

Issue Dates:

28 November 2007 - Building Permit
8 August 2008 - GMP Pricing Set
14 April 2018 - REVISED 2018 FDP

| | |
|-----------------|------------------|
| Drawing Title: | LANDSCAPE PLAN |
| Drawing Number: | REVISED 2018 FDP |

L3.01

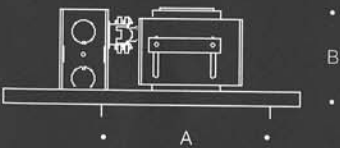
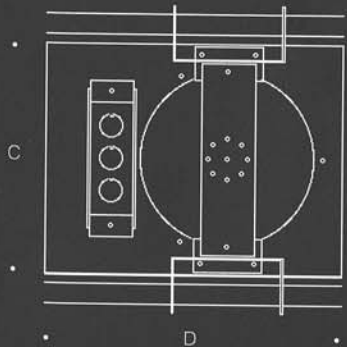


Phase One - Millward + Simpson PMD Master Plan
Lots 11-12; Block 2; 2nd Wort Subdivision
JACKSON, WYOMING

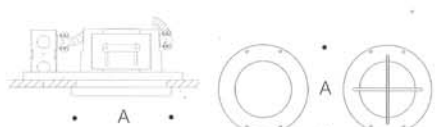
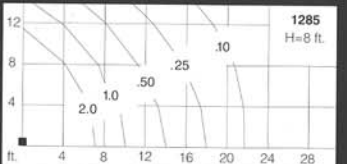
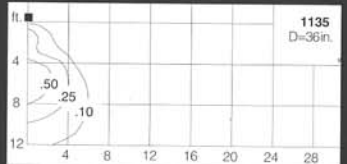
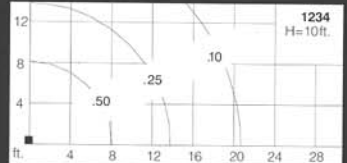
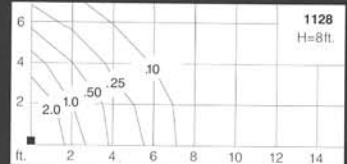
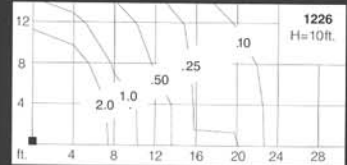
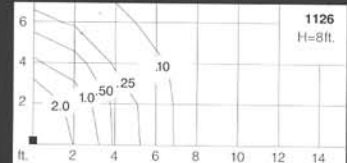
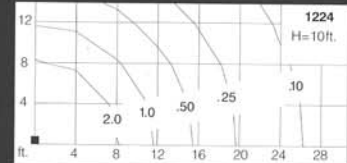
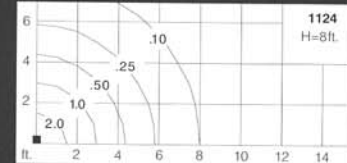
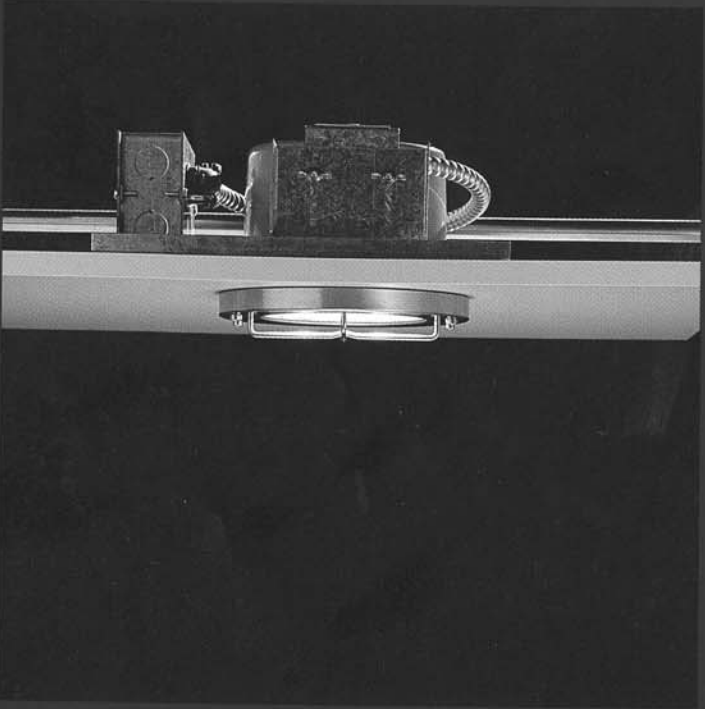
| DETAIL KEY | |
|------------|---|
| Sym. # | Sheet Description |
| A | 11/L-4.01 Oriented Grass Over Structure |
| B | 2/L-4.01 Perennial Over Structure |
| C | 3/L-4.01 Deciduous Tree Planting |
| D | 4/L-4.01 Street Tree w/ Grate |
| E | 5/L-4.01 Bike Rack |
| F | 6/L-4.01 Concrete - 4" Slab |
| G | 7/L-4.01 Expansion Joint |
| H | 8/L-4.01 Wet Lay Set Precast Paver |
| I | 9/L-4.01 Smo-Set Precast Paver |

Recessed ceiling luminaires
for wet locations - stainless steel

Small scale, extremely durable recessed ceiling luminaires with high performance tungsten halogen or long life compact fluorescent light sources. Stainless steel requires regular cleaning and maintenance, much like household appliances, to maintain its luster and to prevent tarnishing or the appearance of rust like stains. Thermally protected, U.L. listed for wet locations. Specify the trim/housing style and rough-in kit number - ie: 1124/540 for complete luminaire.

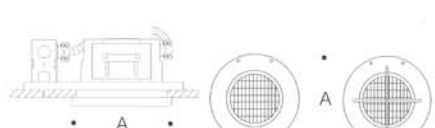


| | | A | B | C | D |
|-----|---|--------|---------|--------|-----|
| 540 | Rough-in kit only for the 4 3/4" ϕ luminaire | 4 3/8" | 4 9/16" | 8 1/2" | 11" |
| 560 | Rough-in kit only for the 6 3/4" ϕ luminaire | 6 1/4" | 4 9/16" | 8 1/2" | 11" |



Etched glass with symmetrical distribution. Lamp supplied.

| | Lamp | Lumen | A |
|-----------------|-------------------|-------|--------|
| 1124/540 | 1 20W G4, 12V | 350 | 4 3/4" |
| 1125/540 %guard | 1 20W G4, 12V | 350 | 4 3/4" |
| 1224/560 | 1 50W GY6.35, 12V | 1000 | 6 3/4" |
| 1223/560 %guard | 1 50W GY6.35, 12V | 1000 | 6 3/4" |



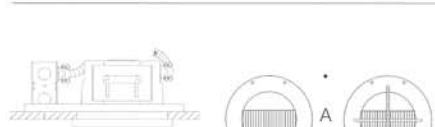
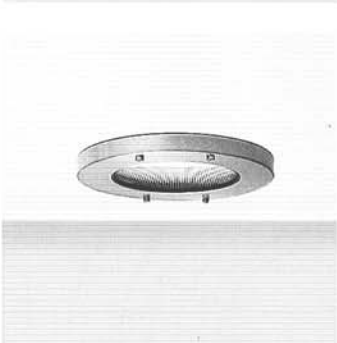
Convex spread lens with wide elliptical distribution. Lamp supplied.

| | Lamp | Lumen | A |
|-----------------|-------------------|-------|--------|
| 1126/540 | 1 20W G4, 12V | 350 | 4 3/4" |
| 1127/540 %guard | 1 20W G4, 12V | 350 | 4 3/4" |
| 1226/560 | 1 50W GY6.35, 12V | 1000 | 6 3/4" |
| 1227/560 %guard | 1 50W GY6.35, 12V | 1000 | 6 3/4" |



Ribbed glass lens with narrow elliptical distribution. Lamp supplied.

| | Lamp | Lumen | A |
|-----------------|-------------------|-------|--------|
| 1128/540 | 1 20W G4, 12V | 350 | 4 3/4" |
| 1129/540 %guard | 1 20W G4, 12V | 350 | 4 3/4" |
| 1234/560 | 1 50W GY6.35, 12V | 1000 | 6 3/4" |
| 1233/560 %guard | 1 50W GY6.35, 12V | 1000 | 6 3/4" |



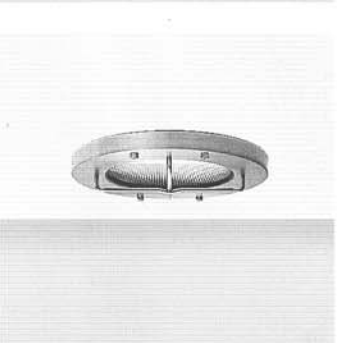
Asymmetrical wall wash distribution. Lamp supplied.

| | Lamp | Lumen | A |
|-----------------|-------------------|-------|--------|
| 1135/540 | 1 20W G4, 12V | 350 | 4 3/4" |
| 1136/540 %guard | 1 20W G4, 12V | 350 | 4 3/4" |
| 1235/560 | 1 50W GY6.35, 12V | 1000 | 6 3/4" |
| 1236/560 %guard | 1 50W GY6.35, 12V | 1000 | 6 3/4" |



White tempered glass with symmetrical distribution.

| | Lamp | Lumen | A |
|------------------|----------|-------|--------|
| 1285P/565 | 1 9W PLC | 575 | 6 3/4" |
| 1286P/565 %guard | 1 9W PLC | 575 | 6 3/4" |



Recessed wall luminaires
- low voltage - stainless steel

Designed for low mounting heights for the illumination of steps, stairs, ramps, aisles and other locations indoors and outdoors where guidance and security lighting is required. These small scale luminaires feature high output asymmetrical light distribution.

Housing: Constructed of die cast aluminum with integral wiring compartment.

Enclosure: Die formed, .035" stainless steel faceplate, secured by four (4) socket head, stainless steel, captive screws threaded into stainless steel inserts in the housing casting. 3/16" thick, tempered glass spread lens with 14 linear prisms per inch and translucent ceramic mask. Continuous high temperature silicone rubber O-ring gasket for weather tight operation.

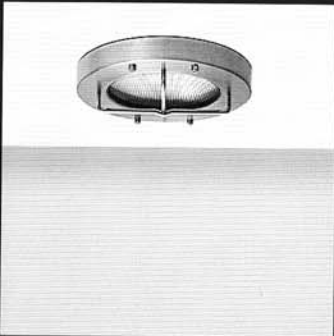
Electrical/Optical: All components are assembled together on a removable gear tray incorporating a G4 (20W) or GY 6.35 (50W), bi-pin lampholder with ceramic insulator and high temperature leads. Integral electronic 120V/11.6V transformer. An internal thermal protection device is provided. Reflector is semi-specular anodized aluminum. Available in 120V only.

Through Wiring: Maximum of four (4) No. 12 AWG conductors (plus ground) suitable for 90°C. Two 7/8" knockouts provided for 1/2" conduit.

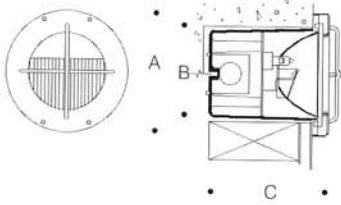
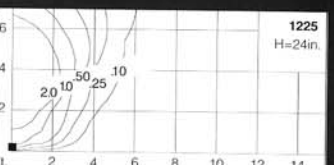
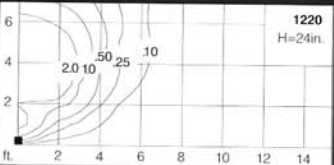
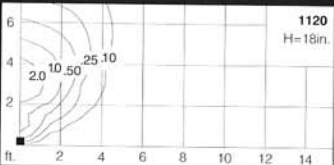
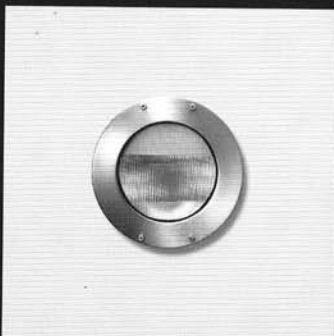
Finish: Natural brushed #4 stainless steel. Stainless steel requires regular cleaning and maintenance, much like household appliances, to maintain its luster and to prevent tarnishing or the appearance of rust like stains. Custom colors supplied on special order.

U.L. listed, suitable for wet locations and for installation within 3 feet of ground. Suitable for all types of construction including poured concrete.

Optional CPC, Concrete Protection Cover: Consists of a molded polymer sleeve which is recommended for poured concrete construction as a "rough-in" housing forming a corrosion barrier between the luminaire recessed housing and the concrete. Also contains its own through wiring box, provides a clean finished installation cavity and facilitates perfect rotational orientation.

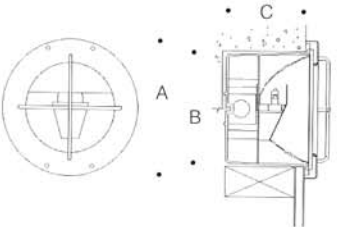


For recessed ceiling luminaires for wet locations - see pages 42 & 43.



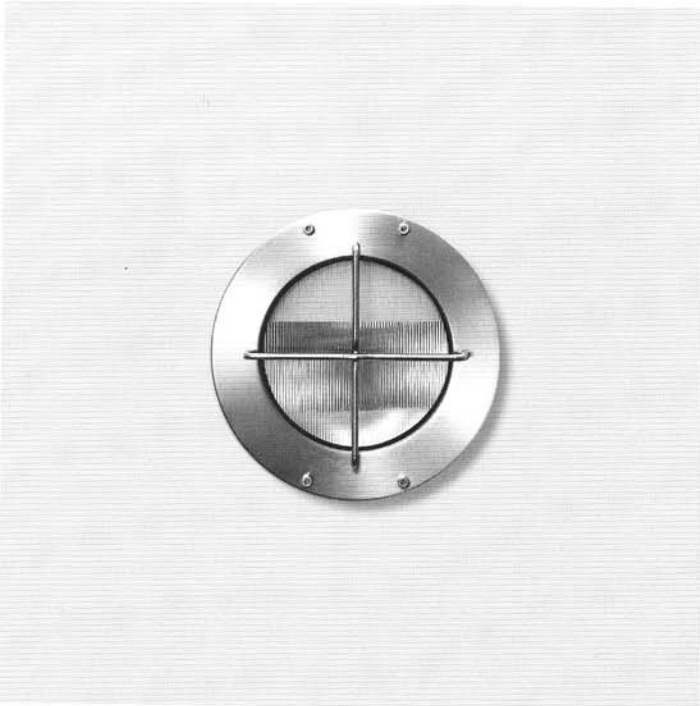
Brushed stainless steel trim with or without guard. Tempered, ribbed glass lens with mask. Asymmetrical reflector. Integral 120V-11.6V electronic transformer. Lamp supplied with luminaire. 1120/1121 Opening: 3 1/16"φ x 4" 1220/1222 Opening: 5 3/4"φ x 4"

| | | Lamp | | Lumen | A | B | C |
|---------------|--|-------------------|--|-------|-------|--------|---|
| 1120 | ADA | 1 20W G4,12V | | 350 | 4 3/4 | 3 3/8 | 4 |
| 1121 w/ Guard | ADA | 1 20W G4,12V | | 350 | 4 3/4 | 3 3/8 | 4 |
| 1220 | ADA | 1 50W GY6.35, 12V | | 1000 | 6 3/4 | 5 9/16 | 4 |
| 1222 w/ Guard | ADA | 1 50W GY6.35, 12V | | 1000 | 6 3/4 | 5 9/16 | 4 |
| 500 | C.P.C., Concrete Protection Cover for 1120, 1121 | | | | | | |
| 510 | C.P.C., Concrete Protection Cover for 1220, 1222 | | | | | | |



Brushed stainless steel trim with or without guard. Tempered, clear glass with mask. Asymmetrical reflector with lamp shield. Integral 120V-11.6V electronic transformer. Lamps supplied with luminaire. 1225/1228 Opening: 5 3/4"φ x 4"

| | | Lamp | | Lumen | A | B | C |
|---------------|--|--------------|--|-------|-------|--------|---|
| 1225 | ADA | 2 20W G4,12V | | 700 | 6 3/4 | 5 9/16 | 4 |
| 1228 w/ Guard | ADA | 2 20W G4,12V | | 700 | 6 3/4 | 5 9/16 | 4 |
| 510 | C.P.C., Concrete Protection Cover for 1225, 1228 | | | | | | |



Round recessed wall luminaires with asymmetrical distribution

Designed for low mounting heights for the illumination of steps, stairs, ramps aisles and other locations indoor and outdoor where guidance and security lighting is required. These luminaires feature high output controlled distribution illumination without glare.

Housing: Constructed of die cast aluminum with integral wiring compartment.

Enclosure: One piece die cast aluminum faceplate, 1/4" thick, domed, molded clear tempered glass. Faceplate is secured by three (3) hex socket head stainless steel captive screws threaded into stainless steel inserts in the housing casting. High temperature one piece molded U-channel gasket for weather tight operation.

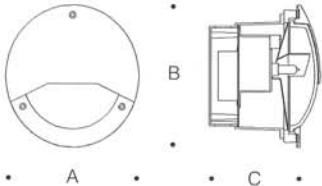
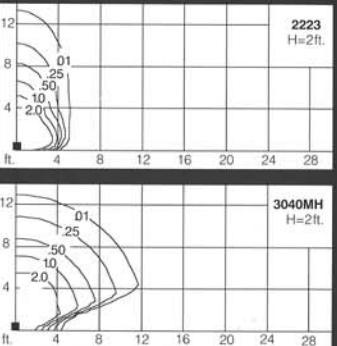
Electrical: Incandescent: G9, ceramic, bi-pin lampholder with high temperature leads. Internal thermal protection device is provided. Internal reflector is semi-specular anodized aluminum. H.I.D.; Lampholder: Single ended porcelain G12 bi-pin with nickel plated contacts supplied with 180°C high temperature leads, rated 600V pulse rated 5KV. Ballasts: Magnetic HPF. Available in 120V or 277V - specify.

Through Wiring: Maximum of four (4) No. 12 AWG conductors (plus ground) suitable for 90°C. Two 3/8" knockouts provided for 1/2" conduit.

Finish: Standard finish is an eight step process consisting of two coats of black or white polyurethane, one with light texture over a phosphate base. Custom colors supplied on special order.

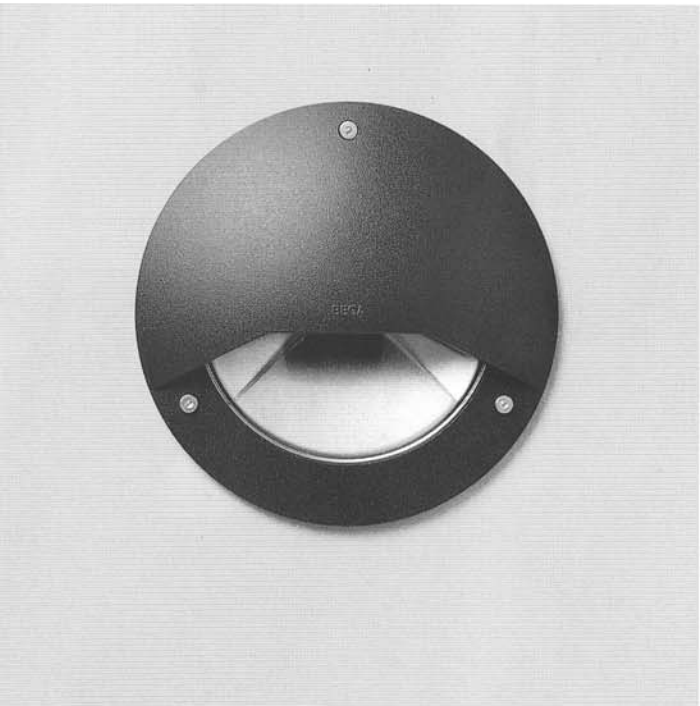
U.L. listed, suitable for wet locations and for installation within 3 feet of ground. Suitable for all types of construction including poured concrete.

Optional CPC, Concrete Protection Cover: Consists of a molded polymer sleeve which is recommended for poured concrete construction as a "rough-in" housing forming a corrosion barrier between the luminaire recessed housing and the concrete. Also contains its own through wiring box, provides a clean finished installation cavity and facilitates perfect rotational orientation.

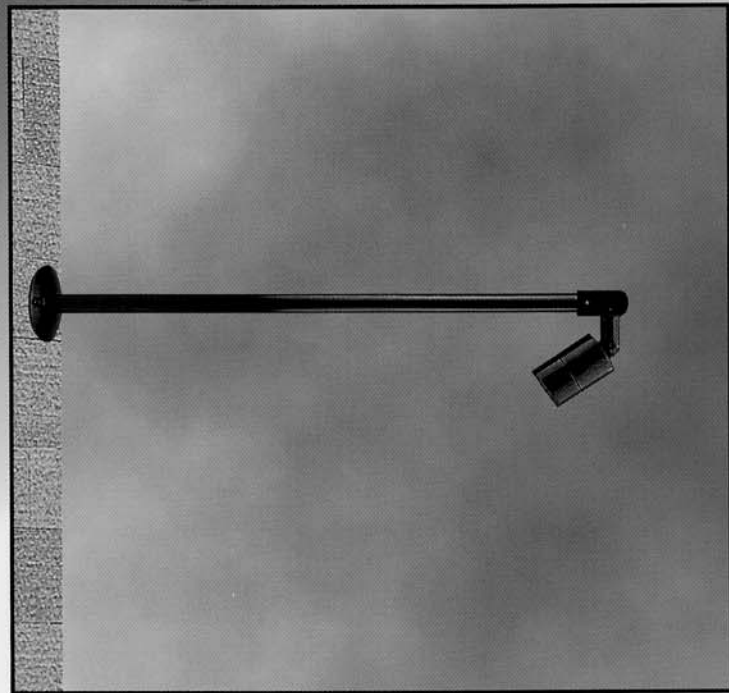


Die cast aluminum faceplate with eyelid. Molded clear tempered glass. Full internal reflector for asymmetrical distribution. Stainless steel fasteners. Color: Black or white.

| | | | Lamp | Lumen | A | B | C |
|--------|--|-----|----------------|-------|-------|-------|-------|
| 2223 | Recessed | ADA | 1 60W G9, 120V | 830 | 7 1/2 | 7 1/2 | 4 |
| 3040MH | Recessed | ADA | 1 39W G12T6MH | 3300 | 9 7/8 | 9 7/8 | 4 7/8 |
| 521 | C.P.C., Concrete Protection Cover for 2223 | | | | | | |
| 523 | C.P.C., Concrete Protection Cover for 3040MH | | | | | | |



Sign Star™ Style 'C'



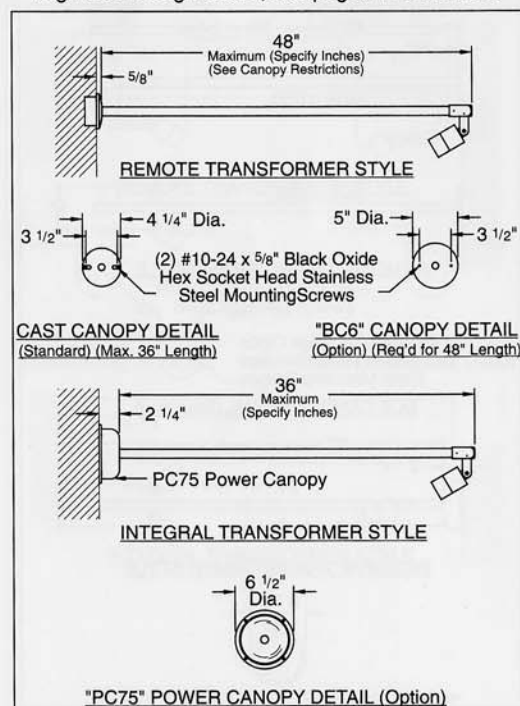
The **Sign Star™ Style 'C'** provides the least visual impact of all the Sign Stars when mounted above or below a building mounted sign. Its straight, sleek appearance can be mounted to any building and provide a precise lighting pattern to that very important sign. Manufactured from all aluminum and stainless steel components and finished in one of eight polyester powder coat finishes, Sign Star will illuminate your sign for many years to come.

Features

- Tamper proof design.
- 1" diameter machined aluminum stem with stainless steel hardware.
- Aluminum canopy. (Box gasket by others.)

- Utilizes machined aluminum Nite Star™.
- & Listed with MR16 lamps to 50 watts.
- For remote transformers, see page 79.

Sign Star Design Guide, see pages 102 and 103.



See page 78 for additional Power Canopy™ details.

CATALOG NUMBER LOGIC

Example: SN - 15 - SAP - 9 - 30" - C - PC75

Series

Lamp Type

| | |
|----------------------------|-----------------------------|
| 0 - By others | 16 - EYS(42W), 25° N. Flood |
| 1 - ESX(20W), 12° Spot | 17 - EYP(42W), 40° Flood |
| 2 - BAB(20W), 40° Flood | 6 - EXT(50W), 13° Spot |
| 3 - FRB(35W), 12° Spot | 7 - EXZ(50W), 26° N. Flood |
| 4 - FRA(35W), 23° N. Flood | 8 - EXN(50W), 40° Flood |
| 5 - FMW(35W), 40° Flood | 9 - FNV(50W), 60° W. Flood |
| 15 - EYR(42W), 12° Spot | |

Finish

| Powder Coat Color | Satin | Wrinkle |
|-------------------|-------|---------|
| Bronze | BZP | BZW |
| Black | BLP | BLW |
| White(Gloss) | WHP | WHW |
| Aluminum | SAP | |
| Verde | | VER |

Lens Type

9 - Clear (Standard), 10 - Spread, 13 - Rectilinear

Projection From Wall (Specify Inches)

18", 24", 30", 36" or *48" (*Requires use of BC6 canopy option.)

Style

C - Straight Mount

Options

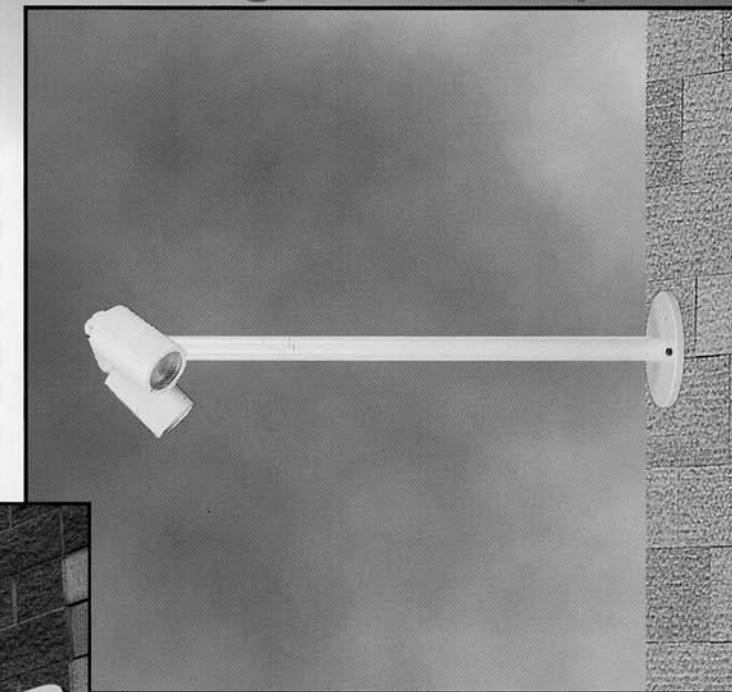
PC75 - Power Canopy™ with 75W Transformer (For use with maximum 36" length.)

BC6 - Machined Aluminum Wall Plate (Must be specified for over 36" length.)

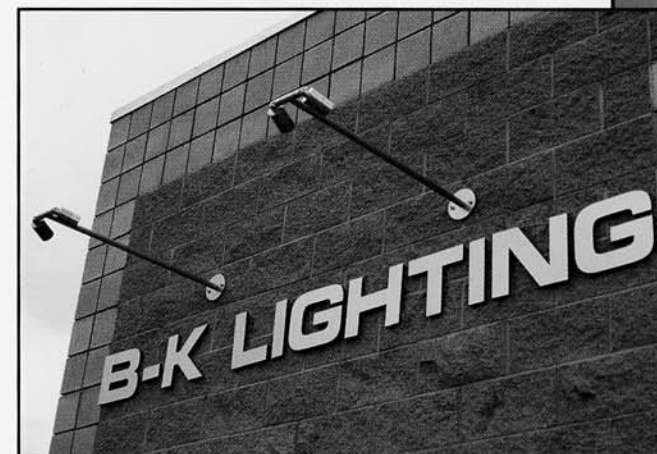
B-K LIGHTING



Twin Sign Star™ Style 'C'



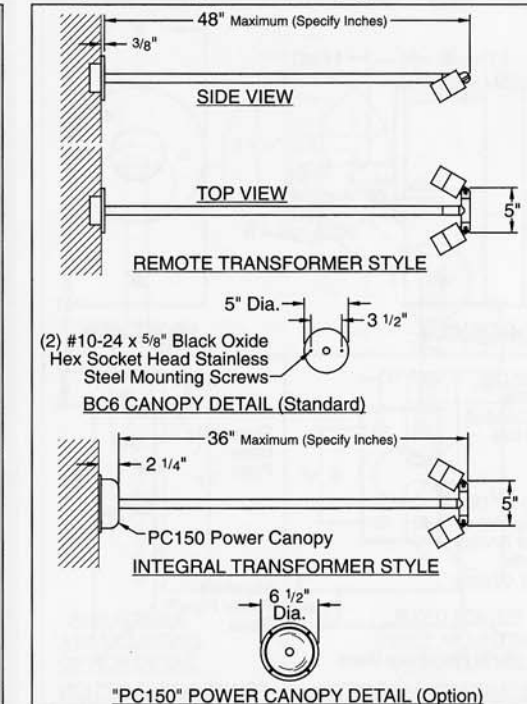
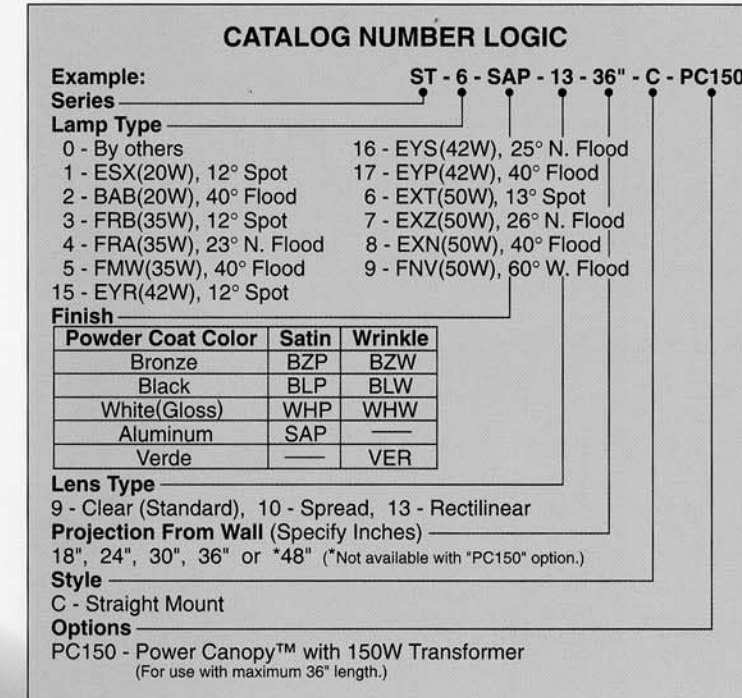
Twin Sign Star™ Style 'C' provides a sleek and unobtrusive look to any building facade. By utilizing two Nite Star™ fixtures, fully adjustable within the machined aluminum 'T', fewer Sign Star fixtures need be used to light larger signs. Both remote and integral transformer styles are available. The complete fixture is machined from aluminum and finished in your choice of one of eight polyester powder coat finishes.



Features

- Tamper proof design.
- 1" diameter machined aluminum stem with stainless steel hardware.
- Machined aluminum canopy. (Box gasket by others.)
- Utilizes two machined aluminum Nite Stars™.
- & Listed with MR16 lamps to 50 watts.
- For remote transformer, see page 79.

Sign Star Design Guide, see pages 102 and 103.



See page 78 for additional Power Canopy™ details.

B-K LIGHTING





WOMACK & ASSOCIATES, INC.

P.O. Box 12650 • Jackson, WY 83002 • Office (307) 733-7209

Fax (307) 733-8005 • Cell (307) 690-4033

• Geotechnical Engineering

• Geology

June 30, 2008

Keith Harger, AIA
Harger & Hoyt Architects
P.O. Box 1129
Jackson, Wyoming 83001

RE: GEOTECHNICAL REVIEW, LOT AT SIMPSON AND GLENWOOD, JACKSON, WYOMING

Dear Keith:

We are pleased to present this geotechnical review for the proposed development at Simpson and Glenwood in Jackson, Wyoming. Three copies are enclosed. If you have any questions or if we may be of further assistance, please contact us.

If you have any questions about this report, or if we may provide other services to you, please contact us. As the project progresses, we will be available to answer questions for you.

Respectfully submitted,

WOMACK & ASSOCIATES, INC.

J. Rolfe (by rw)

Jason Rolfe, P.G.

Ray Womack

Ray Womack, P.E., P.G.
Enclosure: Reports

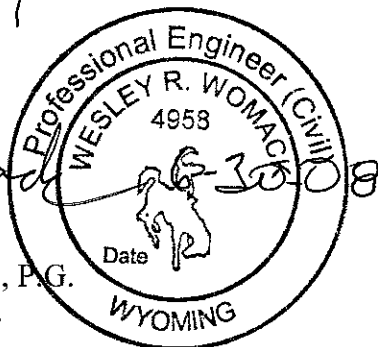


Exhibit R

**GEOTECHNICAL REVIEW
LOT AT SIMPSON AND GLENWOOD
JACKSON, WYOMING**

Prepared for:

**Keith Harger, AIA
Harger & Hoyt Architects
P.O. Box 1129
Jackson, Wyoming 83001**

Prepared by:

**Womack & Associates, Inc.
P.O. Box 12650
Jackson, Wyoming**

June 30, 2008

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1.0 INTRODUCTION

As authorized by Keith Harger of Harger & Hoyt Architects, Womack & Associates conducted a geotechnical review of existing subsurface data for the proposed development at the northwest corner of Simpson Avenue and Glenwood Street in the town of Jackson, Wyoming (Figure 1). The scope of services included review of subsurface soil and water conditions at adjacent developments, review of soil-engineering properties, and development of recommendations for construction of foundation elements. Available geotechnical data includes two test pits logs from the Center for the Arts Building, located across Glenwood Street to the East, and five borehole logs from the Town of Jackson Parking Garage, located west of the proposed development.

No new subsurface data were acquired for this project and it is important to note that the extrapolation of existing subsurface data involves an element of risk. We must stress the importance of observation during the excavation phase of this project. If unexpected soils or other subsurface conditions are encountered during the construction of this property, significant design changes may be required. No warrant of performance is made or implied.

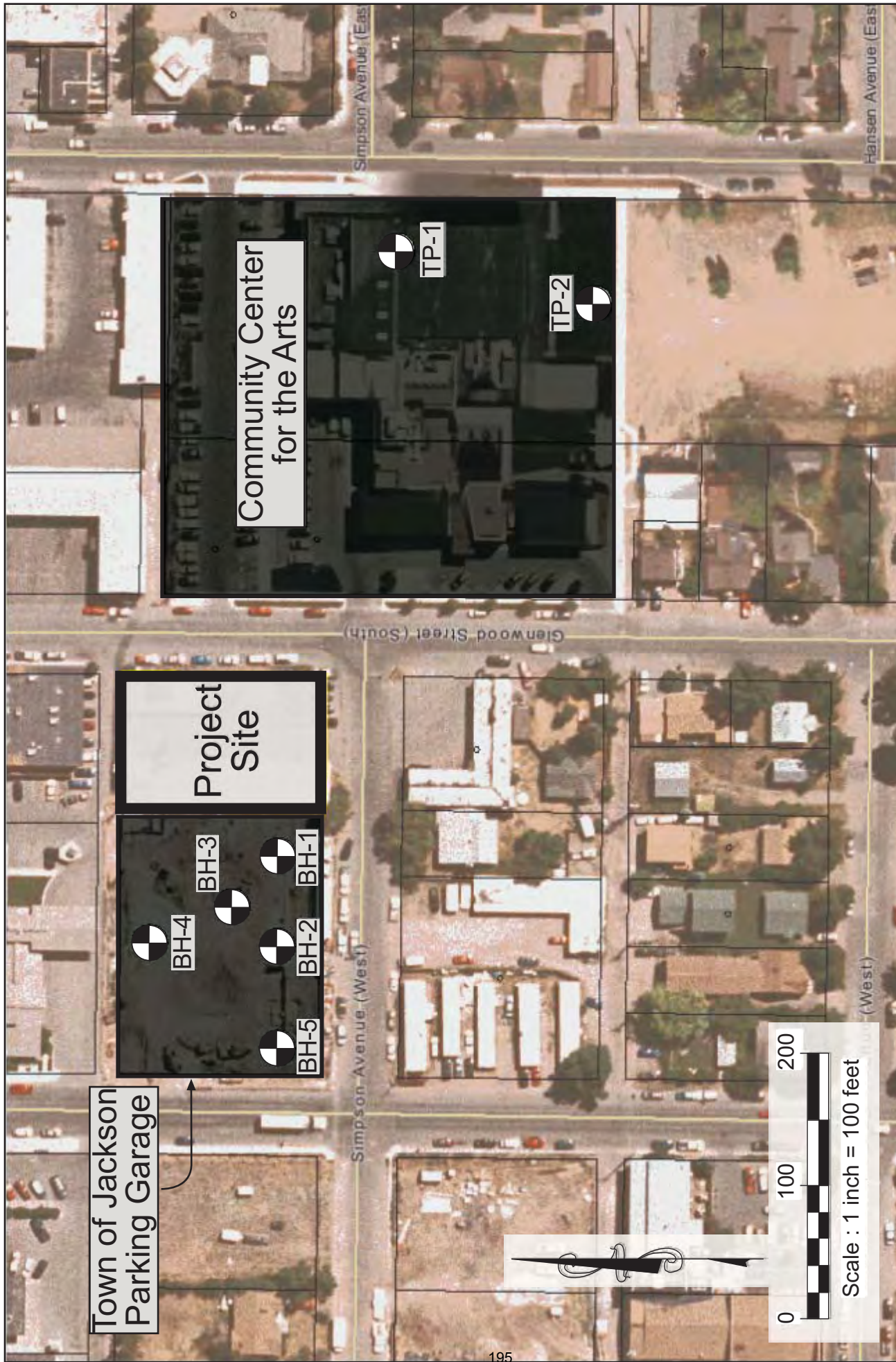
2.0 PROPOSED CONSTRUCTION

According to preliminary site development plans, a mixed use building with underground parking is planned for the site. Project documents indicate that the basement will be approximately twelve feet below existing grade.

3.0 INVESTIGATION PROCEDURES

3.1 Geotechnical Report Review

Two existing reports were utilized for the geotechnical review of this project. The first, dated August 17, 1999, was completed by Womack & Associates, Inc., for Harry Teague Architects and is titled "Geotechnical Site Investigation, Community Center for the Arts, Jackson, Wyoming," and includes two test pit logs. The second, dated September 2005, was completed by Nelson Engineering for the Town of Jackson and includes five borehole logs..



Pre-Existing Test Pit and Borehole Location Map
 Geotechnical Review Report
 Lot at Simpson and Glenwood
 Jackson, Wyoming

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FIGURE

1

3.2 Laboratory Analysis

Laboratory test results from the previous site investigations were used in the engineering calculations and recommendations for this report. No new laboratory data were generated and no new samples were taken for this report.

3.4 Report Preparation

This report presents a geotechnical review of previous investigations near the project site, in lieu of a site specific investigation. The soil and groundwater conditions discussed in this report may differ from actual conditions at the project site. Test pit and borehole logs and laboratory data are appended. The engineering analyses and foundation recommendations are based on previous investigations. We note that allowable bearing capacity and other parameters vary substantially between the two reports.

4.0 SITE CONDITIONS

4.1 Description

The project site is located in the Town of Jackson, on the northwest corner of the intersection between Glenwood Street and Simpson Avenue. A single story hotel occupies the lot. An unpaved alleyway bounds the property to the north and a public multi-story parking garage exists to the west.

Preliminary plans indicate the new structure will be a mixed use, multi-story building with an underground parking garage. The site is flat and has an elevation of about 6,238 feet. At the time of this report, no demolition, site grading, excavation, or construction activity had been initiated for the new building.

4.2 Geology

A geologic map of the Grand Teton National Park (Figure 2), which encompasses the town of Jackson and the project site, was published by Love, et al, in 1992. The map shows the location of surficial deposits, bedrock units, and geologic structures (i.e., faults and folds). As depicted on the map, the project site is covered by Holocene to Quaternary aged alluvial fan deposits (Qf). The alluvial fan deposits are presumably underlain at depth by Tertiary and Paleozoic aged bedrock. Bedrock was not encountered in the boreholes, and depth to bedrock is unknown.



Qc - Colluvium
Qf - Alluvial-Fan Deposits

Qls - Landslide Debris
Qs - Swamp Deposits

Ql - Loess
Kb - Bacon Ridge Sandstone

Site Location and Geologic Map

Geotechnical Review Report
Lot at Simpson and Glenwood
Jackson, Wyoming



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\\server\JH\HargerHoyt\varley\Figure 2 Glenwood and Simpson geo map.pdf

FIGURE

2

Numerous Quaternary aged (relatively young and potentially active) faults have been mapped in the Jackson area (Case, 1997; Machette et al, 2001), notably the East Gros Ventre fault, faults on the west side of West Gros Ventre Butte, and the Teton fault system along the east side (base) of the Teton Range. The surface trace of the Teton fault is located approximately 6 miles west of the project site. The mapped trace of the East Gros Ventre fault lies along the eastern base of East Gros Ventre Butte (Figure 2). This feature is mainly concealed beneath late Pleistocene to Holocene alluvium (Machette et al, 2001).

Two east-west trending buried fault segments, the Cache Creek thrust fault and the Jackson thrust fault, are mapped south of the project site (dotted lines with black triangles on Figure 2). The fault segments appear to be truncated by the north-south trending Teton fault system, and offset only the older geologic units (i.e., the Paleozoic and Tertiary aged rocks). These fault traces do not appear to offset the younger geologic units and therefore are inferred to be very old and inactive structures.

4.3 Soils

Similar soil conditions were encountered at both of the previous geotechnical investigation sites. Test pits TP-1 and TP-2, excavated at the Community Center for the Arts, encountered alluvial gravel and cobble with a clayey sand matrix below depths of 2.2 and 3.4 feet, respectively, down to the bottom of the pits at about 18 feet below ground surface (bgs). Gravel, cobble, and boulders up to two feet in diameter were estimated to account for 60% to 70% of the volume. Clasts of limestone, sandstone, and igneous rock types were encountered. The gravel was estimated to be medium dense to dense. Occasional pockets of loose sand and gravel were observed.

Exploratory boreholes at the adjacent Town of Jackson Parking Garage encountered dense to very dense sandy gravel and cobbles overlying dense clayey silty sandy gravel and cobbles below about 20 feet. Borings were advanced using eight-inch diameter, hollow stem augers, and samples were taken using Standard Penetration Tests, which involves driving a split spoon sampler and recording the hammer blows required to drive the sampler one foot. When adjusted to account for variables such as hammer energy and overburden pressure, blow counts were more than 50 blows per foot (bpf) down to about 20 feet, and in the range 34 to 44 bpf below 20 feet. Laboratory tests on the matrix classify the material as a well graded gravel with silt and sand (GW-GM). Occasional sand lenses were recorded in the boring logs. Four of the five boreholes were taken to 25.5 feet below the ground surface, and the fifth met refusal at 16 feet.

4.4 Groundwater

Groundwater was not encountered at either site to depths of more than 25 feet bgs.

4.5 Earthquakes and Ground Shaking

Jackson Hole is located within the Intermountain Seismic Belt, a zone of seismicity that extends from southern Utah through eastern Idaho, western Wyoming, and western Montana (Smith and Arabasz, 1991). The Teton fault along the eastern margin of the Teton Range about 6 miles west of the project site is considered an important structural element of the Intermountain Seismic Belt. Predicted recurrence intervals for maximum credible earthquakes have passed for most of the fault systems capable of generating magnitude 7.5 events in western Wyoming (Case, 1997), implying that the risk of major earthquakes may be high.

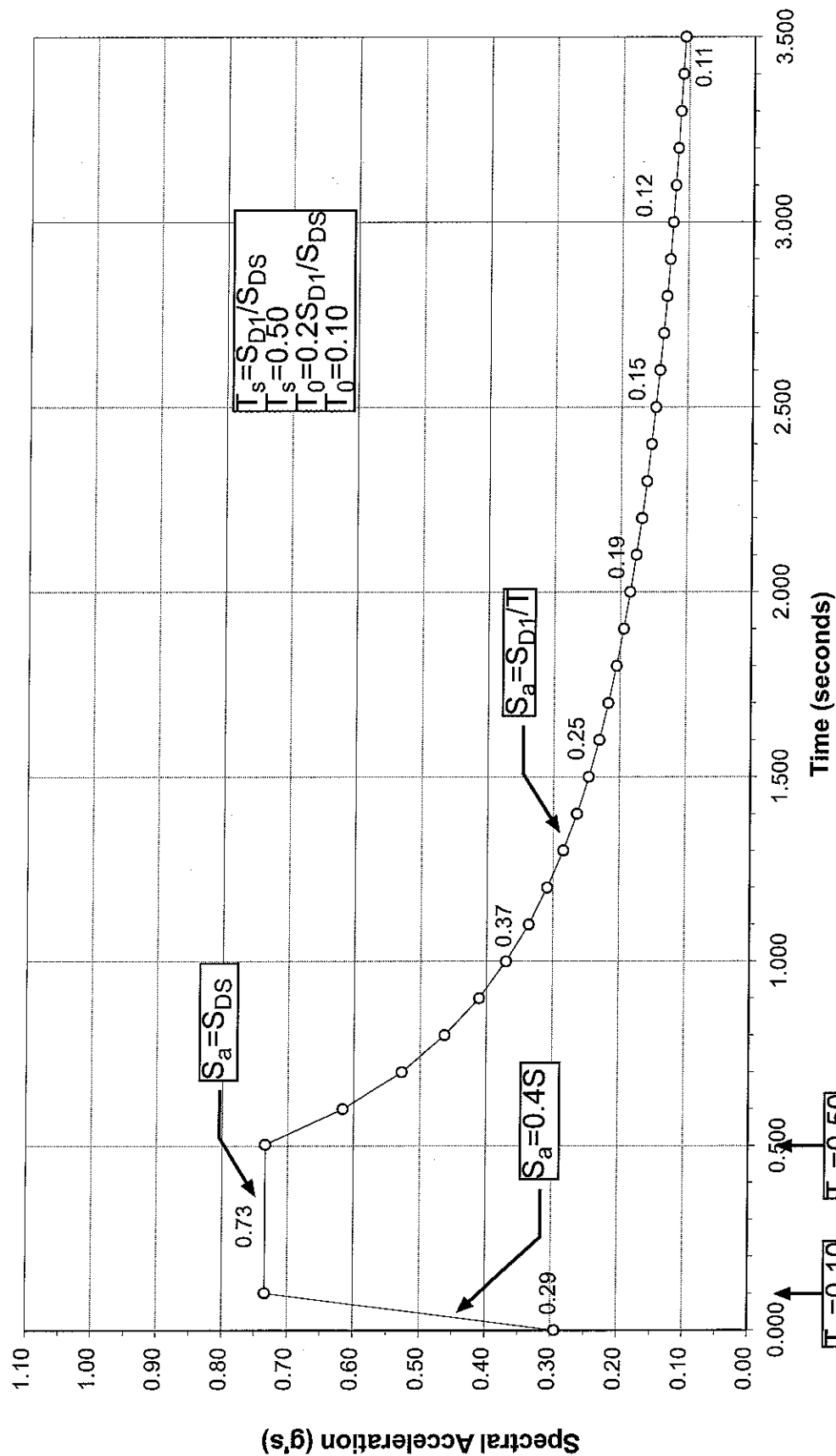
Gilbert et al (1983) estimated that an earthquake of approximately magnitude M_s 6.5 might be anticipated along the Teton fault about once in 500 years, which is consistent with the design earthquake specified by the IBC (2006). Historically, no significant earthquake epicenters have been associated with the Teton fault, although earthquakes occurred in Jackson Hole along other faults during the last century. Research by Smith and others (1993), suggests that the southern portion of the Teton fault may have stored sufficient energy to produce a magnitude $M_s = \sim 7.2+$ earthquake. However, Machette, et al (2001), do not classify the Teton Fault as an active fault south of Phillips Canyon, and estimate that slip rates along the southern portion of the south end of the active fault (north of Phillips Canyon) and along fault splays in Phillips Canyon are less than 0.2 mm/yr (i.e., very low).

The recurrence interval for a magnitude 7.5 event on the Teton fault is estimated to be in the range of 700 to 2,000 years (Case, 1997; Machette et al, 2001). To put this recurrence interval into perspective, an earthquake with a 10% chance of occurrence in 250 years (commonly used for design of major dams and sensitive structures) has an average recurrence interval of about 2,500 years. Such an event would cause shaking typical of the *maximum considered earthquake* (MCE). The owner should be aware that, although the *design* ground motion (2/3 MCE) is consistent with the 2006 International Building Code (IBC) for the site, much larger earthquakes are possible, although the risk is smaller.

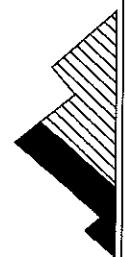
Site ground motion accelerations and a design response spectrum were derived in accordance with the general procedure defined in the 2006 International Building Code (IBC). The provisions of the 2006 IBC are intended to provide uniform levels of performance for structures, depending on their occupancy and use and the risk inherent to their failure.

The approach adopted in the 2006 IBC is intended to provide a uniform margin of safety against collapse at the *design* ground motion. The *design* earthquake ground motion is selected at a ground shaking level that is 2/3 of the *maximum considered earthquake* (MCE) ground motion. The MCE ground motion is defined with a uniform likelihood of exceedance of 2 percent in 50 years (a return period of about 2,500 years). The Site Ground Motion and Design Response Spectrum for the 2000 IBC is presented in Figure 3.

Design Response Spectrum (2006 IBC) - Site Class C
 Lot at Simpson and Glenwood, Jackson, Wyoming



Design Response Spectrum
 Geotechnical Review Report
 Lot at Simpson and Glenwood
 Jackson, Wyoming



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\\server\clients\j\harder\hvt\figure 3 design response spectrum.pdf

FIGURE

3

Earthquake Loads – Site Ground Motion and Design Response Spectrum 2000 International Building Code (IBC)*

Approximate Site Location: **Latitude = 43.477° Longitude = -110.764°**

Mapped Maximum Considered Earthquake (MCE) Spectral Response Acceleration Parameters:
(Tables 1615.1-10) Short Period (S_s) = **1.101**

1-Sec Period (S_1) = **0.395**

Site Class Definition:

C - Very Dense Soil – Site Class Definitions (Table 1615.1.1)

Site Coefficients and Adjusted MCE Spectral Response Acceleration Parameters: [Equations 16-16 and 16-17 and Tables 1615.1.2(1) and 1615.1.2(2)]

S_{MS} = **1.101**

S_{MI} = **0.554**

F_a = **1.0** *interpolated from table

F_v = **1.405** *interpolated from table

Design Spectral Response Acceleration Parameters: [Equations 16-18 and 16-19]

S_{DS} = **0.734**

S_{DI} = **0.370**

*2006 International Building Code, Chapter 16, Section 1615 - Earthquake Loads – Site Ground Motion.

4.6 Liquefaction Potential

Loose, saturated sands and silty sands, and in some cases silts and gravels, may liquefy when exposed to seismic shaking. Liquefaction has been most prevalent in areas where loose saturated sand occurs within about 30 feet or less of the ground surface, but in some instances, liquefaction has been reported in saturated deposits up to 60 feet deep (EERI, 1994).

The previous investigations encountered sandy gravel and cobbles that appear to be too coarse and dense to liquefy in a seismic event. Furthermore, groundwater does not occur down to at least 25 feet. It is possible that liquefiable materials occur below the exploration depth. At this flat-lying location, liquefaction could potentially cause damaging differential settlement. However, there appears to be little risk of “lateral spreading”, which is a major slope movement that is a common source of catastrophic failure during earthquakes.

4.7 Geologic Hazards

The owner should be aware that in the event of a large magnitude earthquake, there are several geologic hazards that could potentially cause damage to planned structures (Smith et al, 1993). Potential hazards at this site might include strong ground shaking, ground cracking, and liquefaction (Section 4.6).

5.0 ENGINEERING ANALYSIS

5.1 Settlement

Significant consolidation or settlement of the dense coarse-grained gravel and cobble alluvial fan material is not anticipated. Topsoil, fill, or other fine-grained material should be removed.

5.2 Bearing Capacity

Bearing capacity of soil refers to its ability to resist shear failure under load. The bearing capacity of the coarse-grained alluvial fan deposits was estimated using Meyerhof's bearing capacity equation for strip footings (Bowles, 1996). Soil properties were estimated based on the previous geotechnical investigations. The average unit weight of the soil is estimated to be about 135 pcf and the friction angle is estimated to be about 36 degrees (Pit Slope Manual, 1982; Huang, 1983). The foundation footings are assumed to be 16 inches wide, and placed on the sandy gravel and cobble alluvial fan material. Assuming continuous 16-inch strip footings at a depth of 12 feet, an allowable bearing capacity for the coarse-grained alluvial material is estimated to be about 8,000 psf for full dead and 50% live load.

5.3 Lateral Pressures

Lateral pressures against foundation and retaining walls can be estimated using several methods, and there is no overwhelming consensus favoring any one technique. We have used what we believe to be reasonably conservative values that can be justified from normal practice and the technical literature. The main variables are assumptions regarding seismic forces, wall friction, and surcharge pressures created by slopes. As discussed above, the Jackson Hole area is potentially susceptible to ground shaking from earthquakes. A maximum horizontal seismic acceleration k_h in bedrock of 0.23g has been selected for this site (USGS, 2002). Lateral pressures have been calculated assuming horizontal backslope conditions. Table 5-1 summarizes lateral pressure parameters applicable to the site.

Table 5-1: Lateral Pressure Parameters

| Condition | Coefficient of Earth Pressure | γK (equivalent fluid pressure) |
|------------------------------|-------------------------------|--|
| Static Conditions | | |
| Level Backfill | $K_o = 0.41$ | 56 pcf |
| | $K_a = 0.26$ | 35 pcf |
| | $K_p = 3.85$ | 520 pcf |
| Earthquake Conditions | | |
| Level Backfill | $K_{ac} = 0.32$ | 44 pcf |
| Level Backfill | $K_{pe} = 3.62$ | 489 pcf |

5.3.1 Active Pressures

For lateral pressure design of retaining walls, which are allowed to deflect and develop an active soil wedge, the calculated equivalent fluid pressure (γK_a) is about 35 pcf (pounds per cubic foot), assuming a horizontal ground surface behind the retaining wall. This pressure distribution would be equivalent to a force of approximately $18H^2$ pounds per horizontal foot of wall acting at one-third the wall height (H) above the base.

Research has indicated that lateral pressures due to earthquakes are non-hydrostatic in distribution, and the resultant acts above the lower third-point of the wall (Bakeer, et al, 1990). Accordingly, active soil pressures have been divided into two components that act at different wall heights. The static force acts at the lower third-point, as discussed above. The Mononobe-Okabe equations are often used to estimate dynamic forces against retaining walls. Although there is considerable debate about the theoretical applicability of these equations to rigid walls, they have been used for many years for seismic design and the performance record of underground walls during earthquakes has generally been good. The Mononobe-Okabe equations were applied using half the maximum horizontal acceleration (Bowles, 1996; Whitman, 1990). This force would be in addition to static active earth pressure, equivalent to $4.5H^2$ pounds per horizontal foot of wall applied at 50% of the wall height above the base.

5.3.2 Passive Pressures

For passive pressures, an equivalent fluid pressure (γK_p) of about 520 pcf was estimated for static conditions and about 489 pcf for seismic conditions. Passive earth pressures were calculated using the Coulomb and Mononobe-Okabe equations, respectively (Bowles, 1996).

5.3.3 At-Rest Pressures

For lateral pressure design of foundation walls, which are restrained and not allowed to deflect, the calculated at rest earth pressure (γK_o) is about 56 pcf, assuming a horizontal ground surface behind the foundation wall. Use the at-rest pressure or the active pressure under seismic conditions for foundation wall design, whichever creates the larger resultant force.

5.4 Soil Friction

Terzaghi, et al (1996) suggests use of 30 degrees for the maximum friction angle along a concrete base in granular soils. Accordingly, a friction value of 0.58, which is the tangent of 30 degrees, is suggested. The friction value may be combined with the passive pressure to resist horizontal loads.

5.5 Shoring

It is our understanding that the basement footings may be more than 12 feet below ground surface. Shoring will likely be required adjacent to buildings and along the streets adjacent to the new building. The Occupational Safety & Health Administration (OSHA) classifies granular materials (sand and gravel) as Type C soils, which would require unsupported excavation slopes to be no steeper than 1.5H:1V.

5.5.1 Shoring Alternatives

Shoring recommendations and alternatives include H-pile walls and soil nails. When a building design has been selected, this office should be involved in selection of shoring techniques, if necessary. Previous H-pile wall designs in this area have proven most effective when combined with tiebacks. This office is capable of designing H-pile shoring, while design and construction of soil nail shoring is normally performed by specialized design/build contractors with assistance from our Geotechnical Engineer.

5.5.2 Soil Nail Design Parameters

We assume the soil nail design will be prepared by a specialized design-build contractor. The following parameters are recommended for design:

Unit weight: $\gamma = 135$ pcf

Friction angle: $\phi' = 36$ degrees

Unit ultimate bond stress = 20 psi

$K_a = 0.26$

$\gamma K_a = 35$ pcf

At least two sacrificial soil nails should be placed and tested to failure. During production, at least 3 soil nails should be tested to design loads. This office should observe testing of the soil nails. Should the actual soils differ from those at adjacent project sites, additional design considerations may be necessary.

6.0 RECOMMENDATIONS

6.1 Foundations

In our opinion, the coarse-grained sandy gravel and cobble alluvium observed at adjacent developments will provide adequate support for anticipated foundation loads of the proposed structure. This office should be regularly involved in the excavation portion of this project to observe actual site conditions. Design change is possible should observed soils differ from adjacent project sites. Excavation for the foundation footings should remove fine-grained soil, fill, or other inappropriate soils, and expose the underlying gravel and cobbles. Foundation footings may be placed directly on the coarse-grained alluvium. If any layers of clay, silt, or loose sand are encountered, this office should be notified and additional excavation or design considerations may be necessary.

To further reduce the risk of potential settlement, the owner should compact the surface of the native alluvium prior to pouring the concrete footings. A vibrating, smooth-drum roller compactor or "whacker" may be used to densify the coarse-grained soils. If the groundwater level is above the bottom of the footing excavation, compaction may not be feasible.

In the unlikely event that shallow groundwater is encountered, this office should be notified. Shallow groundwater would significantly alter the design of the basement/underground parking area and would require waterproofing. At this point we do not consider it necessary to address dewatering procedures.

A Structural Engineer should review the plans to check that adequate support is provided to the foundation systems. Minor settlement of footings, foundation walls, and floor slabs may result in small fractures in the concrete walls, concrete floor slabs, and sheetrock. These occurrences are normal and should not be a cause for concern.

6.2 Final Grading and Backfilling

Properly compacted backfill will reduce settlement of the soil against foundation walls and beneath exterior concrete slabs. Exterior backfill around the building should consist of site materials placed in lifts no greater than 9 inches loose thickness and compacted. Site material may be used for exterior and utility trench backfill, if suitable.

Structural fill should be used beneath exterior slabs-on-grade. Utility trenches should also be backfilled in lifts and compacted. Final grading should provide protection from frost. Do not over-compact exterior backfills against "green" foundation walls.

Prior to placement of structural fill for the foundation subgrade or exterior slabs-on-grade, the site should be cleared and grubbed. No brush, roots, sod, frozen material, or other deleterious or unsuitable materials shall be incorporated in the foundation subgrade or structural fill.

6.3 Site Grading and Preparation

Properly compacted backfill and good site drainage are extremely important. Structural fill should consist of imported granular fill placed in lifts no greater than 9 inches loose thickness and compacted using the methods specification described below.

Alluvial gravel and cobbles are relatively easy to compact, and due to the assumed coarse, granular nature of the materials, nuclear density testing can yield variable compaction results. Place coarse, granular fill in lifts and compact using the methods specification described below. If the methods specification is consistently applied, density testing is not required. Gravel will compact into a dense, strong, well-drained structural fill, and tight moisture control is usually not required. Any disturbed soil should be compacted with a vibrating smooth-drum roller prior to footing construction. Table 5-2 contains compaction parameters for the coarse-grained alluvial soils.

Table 5-2: Compaction Parameters for Coarse-Grained Fill

| Compactor Type | Lift Thickness | Maximum Particle Size | Minimum Number of Passes |
|-----------------------|-----------------------|------------------------------|---------------------------------|
| 5-ton vibratory | 12 inches | 9-inch* | 3 |
| 1.5-ton vibratory | 9 inches | 6-inch | 5 |
| Hand-held | 4 inches | 4-inch | 5 |

* Occasional clasts to 12-inch are permitted, but should not be nested

The actual number of passes should be determined by observing the compaction after each pass to determine if the surface is non-yielding. If the fill surface appears to be yielding, the number of passes should be increased until a non-yielding condition is observed. Fill should be placed in horizontal lifts.

All footings should be placed below the frost line. The building code for Teton County requires that footings be placed at a minimum depth of 36 inches from finished grade, with a minimum foundation exposure of 6 inches above finished grade.

Structural fill should be used beneath exterior slabs-on-grade. Do not overcompact exterior backfills against “green” foundation walls. Cohesive materials should be used in the upper 2 feet of the exterior backfill to provide a lower permeability cap.

Prior to placement of structural fill for exterior slabs-on-grade, the site should be cleared. No brush, roots, sod, frozen material, or other deleterious or unsuitable materials shall be incorporated in the foundation subgrade or structural fill.

Final grading should provide positive drainage of at least 1 foot in the first 12 feet away from the structure unless the surface is paved. Adequate gutters or other roof runoff measures are strongly recommended. Roof runoff should be discharged at least 3 feet away from the building or exterior slabs.

OSHA regulations (29CFR1926) appear to classify the soil at the site as Type C based on the granular nature of the alluvial soil. Therefore, temporary cut slopes should be no steeper than 1.5H:1V for excavations less than 20 feet in height. A trench box may be used if necessary to reduce trench excavation during utility installation. The contractor shall be responsible for adherence to OSHA and other safety regulations.

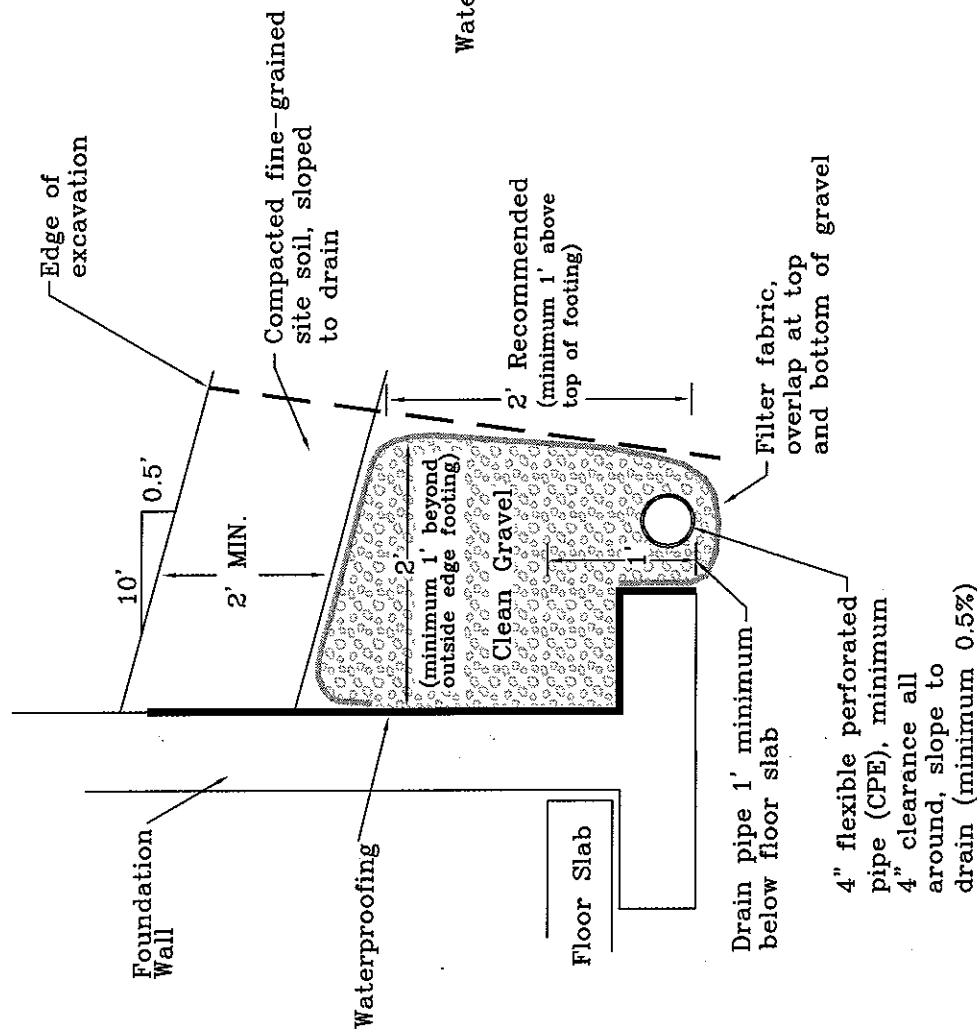
6.4 Foundation Drainage

Foundation footing drains are recommended if the basement is not waterproofed and is within 5 feet of seasonal groundwater highs. Footing drains will reduce the potential for seepage from perched water. Although code does not require drains in coarse granular soils, experience has shown that they can reduce the risk of seepage from leaking pipes.

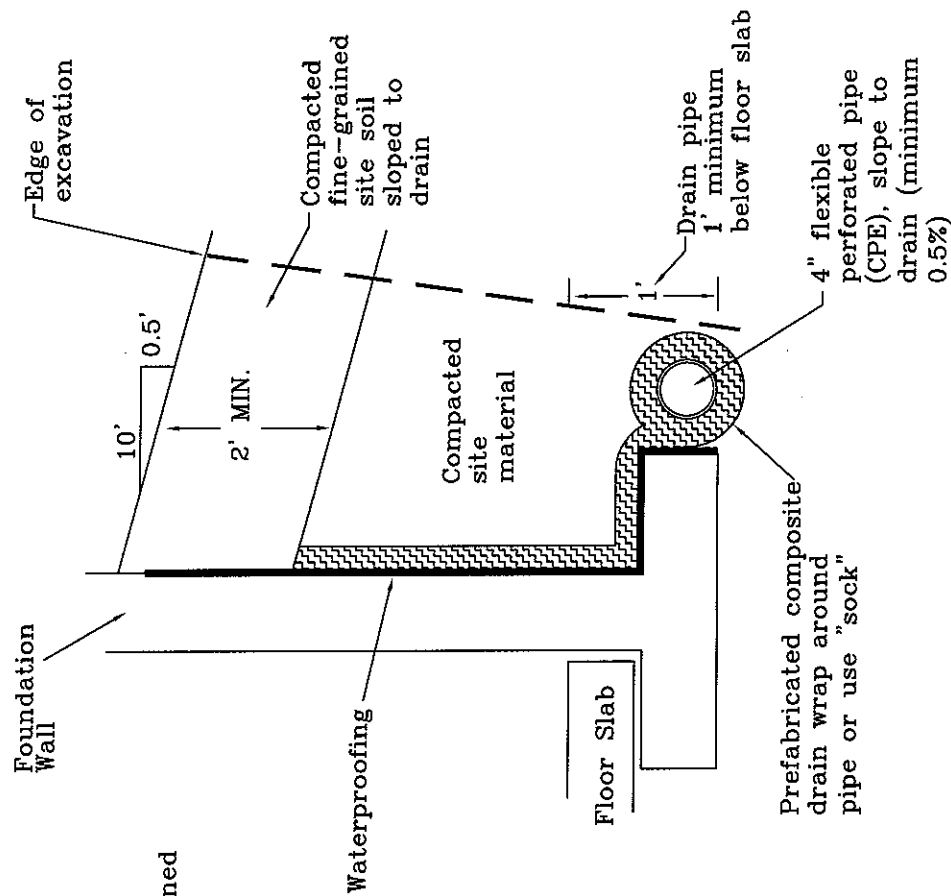
Two drainage alternatives are illustrated on Figure 4. The least expensive technique would probably be a prefabricated composite drain. The composite drain consists of an open wick layer laminated to filter fabric to reduce infiltration of soil. The exterior (upslope side) of the wall is waterproofed, and the drain is laid against the waterproofing layer. The excavation is backfilled with compacted site material, as discussed in Section 6.3, and the drain is covered by at least 2 feet of compacted site soil, sloped to drain (minimum 10%). The composite drain is wrapped around a perforated drain pipe at footing level. The drain pipe may slope at a minimum of 0.5%, and drain to a sump.

An alternative technique would involve placement of clean angular drain gravel between the foundation wall and the edge of the excavation. The gravel backfill is wrapped in filter fabric and a drain pipe is placed at the bottom of the trench. At least 2 feet of compacted backfill (sloped to drain) is placed above the gravel envelope. The advantage of this technique is that the gravel backfill can usually be placed without compaction, reducing backfill cost and difficulty.

USING GRAVEL DRAIN AND FILTER



USING PREFABRICATED COMPOSITE DRAIN



Geotechnical Review Report
Lot at Simpson and Glenwood
Jackson, Wyoming

FOUNDATION AND RETAINING WALL
DRAINAGE ALTERNATIVES

FIGURE

4



6.5 Interior Slabs-on-Grade

Basement floor slabs or other interior slabs should be at least 4 inches thick, and any slabs bearing vehicles should be at least 6 inches thick, or as approved by the structural engineer. Minor floor cracking of slab-on-grade construction is difficult if not impossible to prevent. Such cracking is normal and should be expected to occur with time. Buildings are almost never free of cracks, and cracking is caused by many factors other than soil movement, such as concrete shrinkage and daily and seasonal variability in temperature and humidity.

6.6 Exterior Slabs-on-Grade

Exterior slabs (sidewalks, patios, driveways, etc.) typically sustain the greatest damage. Cracking is almost impossible to avoid, and freeze-thaw adds to the difficulty caused by soil consolidation. Fine-grained alluvium, topsoil, silt and clay fill material could potentially cause severe frost or settlement damage. The following suggestions may reduce differential movement of exterior slabs:

Exterior concrete slabs should be at least 4 inches thick, 6 inches if supporting vehicles. Exterior slabs should not be tied to foundation walls. Any movement of exterior slabs may be transmitted to the foundation walls, resulting in damage. Posts for exterior columns should not bear on exterior slabs. If the slabs settle or rise, the movement can be transmitted to the post, resulting in damage to the structure.

Exterior slabs placed on fine-grained soils may be very susceptible to frost heave, and any exterior flat work placed on these soils may perform poorly. Performance of the slabs may be improved by placement of at least 6 inches, preferably 12 inches, of gravel beneath the slab. Expansion joints are recommended in all concrete flatwork.

6.7 Ventilation and Radon

Teton County Building Code requires that slabs below living spaces be ventilated and sealed. Ventilation should also be provided for areas under crawl spaces. Examination of the site for potential radon levels was beyond the scope of this report. If the owner wishes to pursue this matter, we can recommend appropriate contractors.

6.8 Reinforcing, Concrete Considerations, and Utilities Testing

Footings, slabs, and foundation walls should be reinforced to resist differential movement. We strongly recommend consultation with a structural engineer to specify adequate reinforcement. Exterior concrete should contain 5% to 7% entrained air. We recommend pressure testing of water and sewer lines before backfilling.

6.9 Observation during Construction

Observation is critical during construction considering that no subsurface data was collected for this site. It is very important that a representative of this office observe site grading, foundation excavations, soil compaction and construction of any foundation or drainage elements recommended in this report. If any suspicious soils or conditions are revealed during construction, this office should be notified immediately to survey the conditions and make necessary modifications.

7.0 LIMITATIONS

This report relies on previous site investigations prepared for adjacent properties. The owner should be aware that extrapolation of subsurface data from offsite sources involves an element of risk. No new geotechnical investigations, including, but not limited to: boreholes, test pits, groundwater readings, or laboratory tests, were performed for this site. Actual site conditions may vary. This report, including engineering analysis, recommendations, figures, and design details are exclusive to the referenced site. Under no circumstances shall the figures be separated from the text and used independently. No warranty or guarantee is made or implied.

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APPENDIX A
BOREHOLE AND TEST PIT LOGS

GENERAL GEOTECHNICAL NOTES

SPT values given in the logs are corrected for overburden utilizing the Liao and Whitman (1986) method for overburden pressure greater than 500 PSF, Skempton (1986) method for overburden pressures less than 500 PSF

DRILLING, SAMPLING, SOIL PROPERTIES ABBREVIATIONS AND SYMBOLS

N: Standard Penetration Test number

U_c : Unconfined compressive strength, Pounds/ft² (PSF)

Pp: Pocket Penetrometer values, Ton/ft² (TSF)

FILGC: Fragments indicate gravels and cobbles larger than split spoon diameter.

w: Water content, %

LL: Liquid limit, %

PI: Plasticity index, %

γ_d : In-situ dry density, lbs/ft³ (PCF)

: Ground water level

SS: Split-Spoon Sample

ST: Shelby Tube Sampler

CS: Cylindrical Brass Lined Sample



Monitoring Well, diagonal hatching indicates screened interval

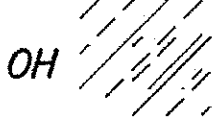
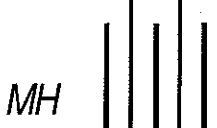
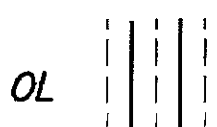
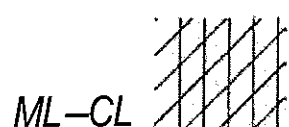
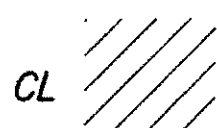
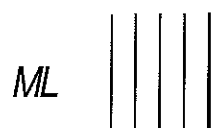
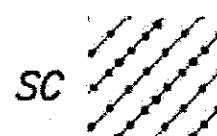
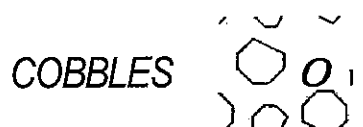
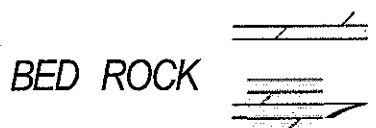
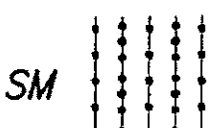
RELATIVE DENSITY AND CONSISTENCY CLASSIFICATION

| Non-Cohesive Soils | Standard Penetration | Cohesive Soils | Pp-(tons/ft ²) |
|--------------------|----------------------|----------------|----------------------------|
| Very Loose | 0 - 4 | Very Soft | 0 - 0.25 |
| Loose | 4 - 10 | Soft | 0.25 - 0.50 |
| Slightly Compact | 8 - 15 | Firm (Medium) | 0.50 - 1.00 |
| Medium Dense | 10 - 30 | Stiff | 1.00 - 2.00 |
| Dense | 30 - 50 | Very Stiff | 2.00 - 4.00 |
| Very Dense | 50+ | Hard | 4.00+ |

PARTICLE SIZE

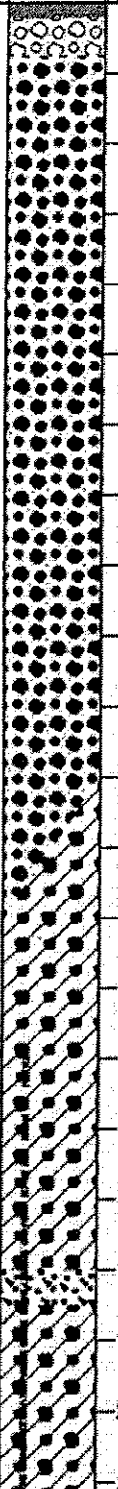
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|----------------------|-------------------------------------|--------------------------|
| Boulders: 8 in.+ | Coarse Sand: 5 mm(#4)-0.6 mm(#30) | Silts: 0.074mm(#200) |
| Cobbles: 8 in.-3in. | Medium Sand: 0.6 mm(#30)-0.2mm(#80) | -0.005mm |
| Gravel: 3in.-5mm(#4) | Fine Sand: 0.2mm(#80)-0.074mm(#200) | Clays: 0.005mm & Smaller |

SOIL GRAPHICS



NOTE: ANGLED DEMARCATIONS ON THE LOGS INDICATE APPROXIMATE OR POORLY DEFINED BOUNDARIES BETWEEN SOIL TYPES.

| | | |
|--|--|---------------------|
| PROJECT NAME: TOJ Parking Garage | DRILL HOLE No. 1 | PAGE: 1 of 2 |
| DATE STARTED / FINISHED: August 24, 2005 | DRILLER: AGEC | |
| LOGGED BY: JR | DRILL TYPE: CME 750 | |
| BOREHOLE LOCATION/ELEVATION: SE corner of lot | HOLE DIAMETER: 8" Hollow Stem Auger | |
| | HAMMER TYPE: 140# with 30" fall | |

| WELL LOG | GRAPHIC LOG | DEPTH (FT) | SAMPLES | | | RECOVERY (%) | MATERIAL DESCRIPTION | LIQUID LIMIT | PLASTIC LIMIT | CORRECTED SPT | DRY DENSITY (PCF) | MOISTURE (%) | REMARKS |
|----------|--|------------|---------|-------------|------|-------------------|--|--------------|---------------|---------------|-------------------|--------------|-----------------|
| | | | DRIVE | UNDISTURBED | BULK | | | | | | | | |
| |  | 1 | | | | | Asphaltic concrete, 3" thick 3/4" Crushed base, structural fill | | | | | | Spud @ 12:50 |
| | | 2 | | | | | | | | | | | |
| | | 3 | | | | | | | | | | | |
| | | 4 | | | | | | | | | | | |
| | | 5 | 20 | 33 | | BH1-1 2" SS 72 | Gravel with sand and cobbles, tan to yellow brown, low to non-plastic fines, dry, very dense slow drilling, grinding | | | 148 | | | |
| | | 6 | | | | | | | | | | | |
| | | 7 | | | | | slightly dry | | | | | | |
| | | 8 | | | | | | | | | | | |
| | | 9 | 26 | 28 | | BH1-2 2" SS 77 | Gravel with sand and cobbles, trace clay, tan to yellow brown, low to moderately plastic fines, dry to slightly moist, very dense moderately slow drilling | | | 76 | | | |
| | | 10 | 32 | | | | | | | | | | |
| | | 11 | | | | | | | | | | | |
| | | 12 | | | | | | | | | | | |
| | | 13 | | | | | | | | | | | |
| | | 14 | 17 | 50 | | BH1-3 2" SS 38 | Gravel with clayey sand and cobbles, yellow brown, moderate to highly plastic fines, moist, very dense | | | >50 | | | |
| | | 15 | | | | | | | | | | | |
| | | 16 | | | | | | | | | | | |
| | | 17 | | | | | | | | | | | |
| | | 18 | | | | | | | | | | | |
| | | 19 | | | | | sand lense, red brown, approx. 6" thick | | | | | | |
| | | 20 | 21 | 31 | | BH1-4 2" SS 88 | Gravel with clayey sand and cobbles, yellow brown, fines are red brown, moderate to highly plastic fines, slightly moist to moist, very dense | | | 66 | | | |
| | | 21 | 43 | | | | | | | | | | |

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CLIENT: Highland Associates
Town of Jackson Public Parking Garage
Jackson, WY

| WELL LOG | PHIC L OG | DEEP (FT) | SAMPLES | | SA # | ID | RECD Y (%) | MATERIAL DESCRIPTION | LIQUID IT | PLASTIC LIM IT | CORREVED IBT | DRY DETENT (PCF) | MOISTURE (%) | REMARKS |
|----------|-----------|-----------|---------|------------|------|----|------------|--|-----------|----------------|--------------|------------------|--------------|-------------|
| | | | DRIVE | UNDI RIBED | | | | | | | | | | |
| | | 22 | | | | | | - smooth drilling, Ettle grinding | | | | | | |
| | | 23 | | | | | | | | | | | | |
| | | 24 | | | | | | | | | | | | |
| | | 25 | | | | | | Gravel with clayey sand and cobbles, yellow brown, fines are red brown, moderate to highly plastic fines, slightly moist to moist, dense | | | 44 | | | |
| | | 26 | | | | | | Bottom of drill hole at 25.5'. no groundwater encountered, drill hole backfilled with cuttings | | | | | | End @ 14:18 |
| | | 27 | | | | | | | | | | | | |
| | | 28 | | | | | | | | | | | | |
| | | 29 | | | | | | | | | | | | |
| | | 30 | | | | | | | | | | | | |
| | | 31 | | | | | | | | | | | | |
| | | 32 | | | | | | | | | | | | |
| | | 33 | | | | | | | | | | | | |
| | | 34 | | | | | | | | | | | | |
| | | 35 | | | | | | | | | | | | |
| | | 36 | | | | | | | | | | | | |
| | | 37 | | | | | | | | | | | | |
| | | 38 | | | | | | | | | | | | |
| | | 39 | | | | | | | | | | | | |
| | | 40 | | | | | | | | | | | | |
| | | 41 | | | | | | | | | | | | |
| | | 42 | | | | | | | | | | | | |
| | | 43 | | | | | | | | | | | | |
| | | 44 | | | | | | | | | | | | |

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CLIENT:

Highland Associates
Town of Jackson Public Parking Lot
Jackson, WY

| | | |
|--|-------------------------------------|--------------|
| PROJECT NAME: TOJ Parking Garage Geotech. | DRILL HOLE No. 2 | PAGE: 1 of 2 |
| DATE STARTED / FINISHED: August 24, 2005 | DRILLER: AGECE | |
| LOGGED BY: JR | DRILL TYPE: CME 750 | |
| BOREHOLE LOCATION/ELEVATION: S side center of lot, See Map | HOLE DIAMETER: 8" Hollow Stem Auger | |
| | HAMMER TYPE: 140# with 30" fall | |

| WELL LOG | GRAPHIC LOG | DEPTH (FT) | SAMPLES | | | RECOVERY (%) | MATERIAL DESCRIPTION | LIQUID LIMIT | PLASTIC LIMIT | CORRECTED SPT | DRY DENSITY (PCF) | MOISTURE (%) | REMARKS |
|----------|-------------|------------|---------|-------------|------|--------------|--|--------------|---------------|---------------|-------------------|--------------|--------------|
| | | | DRIVE | UNDISTURBED | BULK | | | | | | | | |
| | | | | | | | This log is part of a report prepared by Nelson Engineering for this project and should be read with the report. This summary applies only at the location of the boring and at the time of the drilling. Subsurface conditions may differ at other locations and may change at this location with passage of time. The data presented is a simplification of actual conditions encountered. | | | | | | |
| | | | | | | | Asphaltic concrete, 3" thick ¾" Crushed base, structural fill | | | | | | Spud @ 14:46 |
| | | 1 | | | | | | | | | | | |
| | | 2 | | | | | | | | | | | |
| | | 3 | | | | | - hard grinding, slightly moist cuttings | | | | | | |
| | | 4 | | | | | | | | | | | |
| | | 5 | | | | | Gravel with sand and cobbles, tan to yellow brown, low to non-plastic fines, dry to slightly moist, very dense | | | 157 | | | |
| | | 6 | | | | | | | | | | | |
| | | 7 | | | | | | | | | | | |
| | | 8 | | | | | - rough grinding - smooth drilling | | | | | | |
| | | 9 | | | | | | | | | | | |
| | | 10 | | | | | Gravel with silty to clayey sand and cobbles, yellow brown, low to moderately plastic fines, slightly moist, very dense | | | 68 | | | |
| | | 11 | | | | | - moderately slow drilling | | | | | | |
| | | 12 | | | | | | | | | | | |
| | | 13 | | | | | | | | | | | |
| | | 14 | | | | | | | | | | | |
| | | 15 | | | | | Gravel with silt and sand, cobbles FILGC, yellow brown, low to moderately plastic fines, slightly moist, very dense | | | >50 | | | |
| | | 16 | | | | | | | | | | | |
| | | 17 | | | | | - smooth, moderately easy drilling | | | | | | |
| | | 18 | | | | | | | | | | | |
| | | 19 | | | | | | | | | | | |
| | | 20 | | | | | Gravel with silt and sand, GW-GM, yellow brown, fines are red brown, moderate to highly plastic fines, slightly moist to moist, dense, FILGC | 19 | 17 | 41 | | 5 | |
| | | 21 | | | | | | | | | | | |

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CLIENT: Highland Associates
Town of Jackson Public Parking Lot
Jackson, WY

| | | |
|--|--|---------------------|
| PROJECT NAME: TOJ Parking Garage | DRILL HOLE No. 3 | PAGE: 1 of 2 |
| DATE STARTED / FINISHED: August 25, 2005 | DRILLER: AGEC | |
| LOGGED BY: JR | DRILL TYPE: CME 750 | |
| BOREHOLE LOCATION/ELEVATION: Center of lot. See Map | HOLE DIAMETER: 8" Hollow Stem Auger | |
| | HAMMER TYPE: 140# with 30" fall | |

| WELL LOG | GRAPHIC LOG | DEPTH (FT) | SAMPLES | | | RECOVERY (%) | MATERIAL DESCRIPTION | LIQUID LIMIT | PLASTIC LIMIT | CORRECTED SPT | DRY DENSITY (PCF) | MOISTURE (%) | REMARKS |
|----------|-------------|------------|---------|-------------|------|--------------|---|--------------|---------------|---------------|-------------------|--------------|--------------|
| | | | DRIVE | UNDISTURBED | BULK | | | | | | | | |
| | | | | | | | <p>This log is part of a report prepared by Nelson Engineering for this project and should be read with the report. This summary applies only at the location of the boring and at the time of the drilling. Subsurface conditions may differ at other locations and may change at this location with passage of time. The data presented is a simplification of actual conditions encountered.</p> | | | | | | |
| | | | | | | | <p>Asphaltic concrete, 3" thick $\frac{3}{4}$" Crushed base, structural fill</p> | | | | | | Spud @ 08:25 |
| | | 1 | | | | | | | | | | | |
| | | 2 | | | | | | | | | | | |
| | | 3 | | | | | - moderate drilling, grinding | | | | | | |
| | | 4 | | | | | | | | | | | |
| | | 5 | | | | | Gravel with silty sand and cobbles, dark brown, low plasticity fines, moist, medium dense | | | 13 | | | |
| | | 6 | | | | | - debris/trash in cuttings | | | | | | |
| | | 7 | | | | | - cuttings change: gravel with clayey sand, yellow brown to moderate brown in color | | | | | | |
| | | 8 | | | | | - moderately difficult drilling | | | | | | |
| | | 9 | | | | | - slow grinding | | | | | | |
| | | 10 | | | | | Gravel with silt and sand and cobbles, medium to dark brown, moderately plastic fines, moist, very dense | | | 128 | | | |
| | | 11 | | | | | - moderately slow drilling | | | | | | |
| | | 12 | | | | | | | | | | | |
| | | 13 | | | | | | | | | | | |
| | | 14 | | | | | Gravel with silt and sand and cobbles, medium to dark brown, moderately plastic fines, moist, very dense | | | >50 | | | |
| | | 15 | | | | | | | | | | | |
| | | 16 | | | | | - grinding, slow advance | | | | | | |
| | | 17 | | | | | | | | | | | |
| | | 18 | | | | | | | | | | | |
| | | 19 | | | | | Gravel with silt and sand and cobbles, medium to dark brown, moderately plastic fines, moist, very dense | | | 56 | | | |
| | | 20 | | | | | | | | | | | |
| | | 21 | | | | | | | | | | | |

S:\STANDARD\GEOTECH\REPORT\BORELOGS.DWG

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220

CLIENT: **Highland Associates**
Town of Jackson Pubic Parking Lot
Jackson, WY

| L LOG | GRAPHIC LOG | DEPTH () | SAMPLES | | | SAMPLER ID | RECOVERY (%) | MATERIAL DESCRIPTION | LIQUID LIMIT | PLASTIC LIMIT | CORRECTION (%) | DRY DENSITY (pcf) | MOISTURE (%) | REMARKS |
|-------|-------------|-----------|---------|------|--------|------------|--------------|---|--------------|---------------|----------------|-------------------|--------------|-------------|
| | | | TYPE | UNIT | TESTED | | | | | | | | | |
| | | 22 | | | | | | - slow drilling, abundant grinding | | | | | | |
| | | 23 | | | | | | | | | | | | |
| | | 24 | | | | | | | | | | | | |
| | | 25 | | | | | | Gravel with silt and sand and cobbles, medium to dark brown, moderately plastic fines, moist, dense | | | 34 | | | |
| | | 26 | | | | | | | | | | | | |
| | | 27 | | | | | | | | | | | | |
| | | 28 | | | | | | | | | | | | |
| | | 29 | | | | | | | | | | | | |
| | | 30 | | | | | | | | | | | | |
| | | 31 | | | | | | | | | | | | |
| | | 32 | | | | | | | | | | | | |
| | | 33 | | | | | | | | | | | | |
| | | 34 | | | | | | | | | | | | |
| | | 35 | | | | | | | | | | | | |
| | | 36 | | | | | | | | | | | | |
| | | 37 | | | | | | | | | | | | |
| | | 38 | | | | | | | | | | | | |
| | | 39 | | | | | | | | | | | | |
| | | 40 | | | | | | | | | | | | |
| | | 41 | | | | | | | | | | | | |
| | | 42 | | | | | | | | | | | | |
| | | 43 | | | | | | | | | | | | |
| | | 44 | | | | | | | | | | | | |
| | | | | | | | | Bottom of drill hole at 25.5'. no groundwater encountered. drill hole backfilled with cuttings | | | | | | End @ 10:53 |

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CLIENT: Highland Associates
Town of Jackson Public Parking Lot
Jackson, WY

| | | | |
|---|--|--|---------------------|
| PROJECT NAME: T0J Parking Garage | | DRILL HOLE No. 4 | PAGE: 1 of 2 |
| DATE STARTED / FINISHED: August 25, 2005 | | DRILLER: AGEC | |
| LOGGED BY: JR | | DRILL TYPE: CME 750 | |
| BOREHOLE LOCATION/ELEVATION: N side center of lot, See Map | | HOLE DIAMETER: 8" Hollow Stem Auger | |
| | | HAMMER TYPE: 140# with 30" fall | |

| WELL LOG | GRAPHIC LOG | DEPTH (FT) | SAMPLES | | RECOVERY (%) | MATERIAL DESCRIPTION | LIQUID LIMIT | PLASTIC LIMIT | CORRECTED SPT | DRY DENSITY (PCF) | MOISTURE (%) | REMARKS |
|----------|-------------|------------|-------------|------|--------------|---|--------------|---------------|---------------|-------------------|--------------|--------------|
| | | | UNDISTURBED | BULK | | | | | | | | |
| | | | | | | <p><i>This log is part of a report prepared by Nelson Engineering for this project and should be read with the report. This summary applies only at the location of the boring and at the time of the drilling. Subsurface conditions may differ at other locations and may change at this location with passage of time. The data presented is a simplification of actual conditions encountered.</i></p> <p>Asphaltic concrete, 3" thick ¾" Crushed base, structural fill</p> | | | | | | Spud @ 11:28 |
| | | 1 | | | | | | | | | | |
| | | 2 | | | | | | | | | | |
| | | 3 | | | | | | | | | | |
| | | 4 | | | | | | | | | | |
| | | 5 | | | | Gravel with sand and cobbles, yellow brown to medium brown, non-plastic fines, slightly dry, very dense | | | 98 | | | |
| | | 6 | | | | | | | | | | |
| | | 7 | | | | - slightly moist, smooth drilling | | | | | | |
| | | 8 | | | | | | | | | | |
| | | 9 | | | | | | | | | | |
| | | 10 | | | | Gravel with clayey sand and cobbles, yellow brown to red brown, moderately to highly plastic fines, moist, very dense | | | 68 | | | |
| | | 11 | | | | | | | | | | |
| | | 12 | | | | - slow drilling, infrequent grinding | | | | | | |
| | | 13 | | | | | | | | | | |
| | | 14 | | | | | | | | | | |
| | | 15 | | | | Gravel with clayey sand and cobbles, yellow brown to red brown, moderately to highly plastic fines, moist, very dense | | | >50 | | | |
| | | 16 | | | | | | | | | | |
| | | 17 | | | | - smooth drilling, minor grinding | | | | | | |
| | | 18 | | | | | | | | | | |
| | | 19 | | | | | | | | | | |
| | | 20 | | | | Gravel with silt and sand and cobbles, yellow brown to red brown, moderately to highly plastic fines, moist, very dense | | | >50 | | | |
| | | 21 | | | | | | | | | | |

S:\STANDARD\GEOTECH\REPORT\BORELOGS.DWG

**NELSON
ENGINEERING**

P.O. BOX 1599, JACKSON WYOMING (307) 733-2087

CLIENT: **Highland Associates**
Town of Jackson Public Parking Lot
Jackson, WY

| | | | |
|---|--|--|---------------------|
| PROJECT NAME: TOJ Parking Garage | | DRILL HOLE No. 5 | PAGE: 1 of 2 |
| DATE STARTED / FINISHED: August 25, 2005 | | DRILLER: AGEC | |
| LOGGED BY: JR | | DRILL TYPE: CME 750 | |
| BOREHOLE LOCATION/ELEVATION: N side center of lot, See Map | | HOLE DIAMETER: 8" Hollow Stem Auger | |
| | | HAMMER TYPE: 140# with 30" fall | |

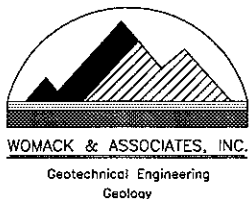
| WELL LOG | GRAPHIC LOG | DEPTH (FT) | SAMPLES | | | RECOVERY (%) | MATERIAL DESCRIPTION | LIQUID LIMIT | PLASTIC LIMIT | CORRECTED SPT | DRY DENSITY (PCF) | MOISTURE (%) | REMARKS |
|----------|-------------|------------|---------|-------------|------|--------------|--|--------------|---------------|---------------|-------------------|--------------|--------------|
| | | | DRIVE | UNDISTURBED | BULK | | | | | | | | |
| | | 1 | | | | | Asphaltic concrete, 3" thick 3" Crushed base, structural fill Sandy silt with gravel, dark brown, low to moderately plastic fines, moist, roots | | | | | | Spud @ 16:20 |
| | | 2 | | | | | | | | | | | |
| | | 3 | | | | | - moderately loose, rocky drilling to 3.5' | | | | | | |
| | | 4 | | | | | Gravel with silt and sand, FILGC, medium brown to yellow brown, moderate to highly plastic fines, moist, very dense | 20 | 19 | 145 | | 3 | |
| | | 5 | | | | | - slow drilling, abundant grinding | | | | | | |
| | | 6 | | | | | | | | | | | |
| | | 7 | | | | | | | | | | | |
| | | 8 | | | | | | | | | | | |
| | | 9 | | | | | Gravel with silt and sand and cobbles, medium brown to yellow brown, moderate to highly plastic fines, moist, very dense, some free water noted in sample but material was not saturated | | | 75 | | | |
| | | 10 | | | | | - slow drilling, abundant grinding | | | | | | |
| | | 11 | | | | | | | | | | | |
| | | 12 | | | | | | | | | | | |
| | | 13 | | | | | | | | | | | |
| | | 14 | | | | | Gravel with silt and sand and cobbles, medium brown to yellow brown, moderate to highly plastic fines, moist, very dense | | | >50 | | | |
| | | 15 | | | | | | | | | | | |
| | | 16 | | | | | Drill refusal at 16.0' after 15 minutes with no advancement, no groundwater encountered, drill hole backfilled with cuttings, monitoring well installed | | | | | | End @ 17:30 |
| | | 17 | | | | | 2 additional holes attempted 10' south and 20' south, refusal met at 12.5' and 15.5', respectively | | | | | | |
| | | 18 | | | | | | | | | | | |
| | | 19 | | | | | | | | | | | |
| | | 20 | | | | | | | | | | | |
| | | 21 | | | | | | | | | | | |

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NELSON ENGINEERING

P.O. BOX 1599, JACKSON WYOMING (307) 733-2087

CLIENT: **Highland Associates**
Town of Jackson Public Parking Lot
Jackson, WY



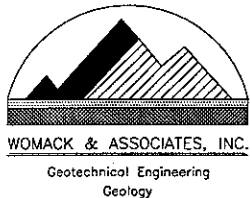
5825 Lazy Lane
Billings, MT 59106
Telephone: (406) 656-5398
Fax: (406) 656-8912

TEST HOLE LOG

PAGE 1 OF 1

| PROJECT NAME: Community Center for the Arts | | | | | | DATE: 6/22/99 | | | | | | |
|--|---------------|--------|----------------------|--------------|---------------------------|---------------------------------|--|----------------------|-----------------------|------------------|----------------------|-----------------|
| PROJECT LOCATION: Lots 8-14, east 1/2 of 15, Block1, 2nd Wort Addition, and portion of NE1/4NE1/4 Sec. 33, T41N, R116W, Jackson, Wyoming | | | | | | HOLE NO.: TP-1 (P-1) | | | | | | |
| TEST HOLE LOCATION: 200' south and 40' west of the northeast corner of the property | | | | | | | | | | | | |
| ELEVATION G.S.: 6238 | | | TOTAL DEPTH: 18.5 | | | GROUNDWATER LEVEL: na | | | MEASURED FROM: | | | |
| DRILL TYPE: DAEWOO DH-130Z Track Excavator | | | HAMMER: | | | DRILL CO: Westwood Construction | | | DRILLER: Jim Shlinger | | LOGGED BY: ccvs | |
| DEPTH (FT.) | GRAPHICAL LOG | SAMPLE | S.P.T. (N) BLOWS/FT. | RECOVERY (%) | UNCONFINED STRENGTH (TSF) | CLASSIFICATION | DESCRIPTION | MOISTURE CONTENT (%) | DRY DENSITY (PCF) | LIQUID LIMIT (%) | PLASTICITY INDEX (%) | WELL COMPLETION |
| 1 | | | | | | | 0.0-0.6' GRAVEL - moist, dark brown, base coarse gravel and sod [TOPSOIL/FILL] | | | | | |
| 2 | | | | | | | 0.6-2.2' GRAVEL - moist, loose to medium dense, well rounded, with bricks, concrete pieces, and wood from demolition of part of old school [FILL] | | | | | |
| 3 | | | | | | | 2.2-4.8' GRAVEL and COBBLES - moist to very moist, medium dense, sub- to well rounded, in a light to medium brown, slightly Clayey Sand matrix; Gravels were imbricated, stratified, and oriented generally with the ground surface, various lithologies (gray limestone, red sandstone, and igneous types) [ALLUVIUM] | | | | | |
| 4 | | | | | | | 4.8-7.0' GRAVEL and COBBLES - moist to very moist, medium dense to dense (some patches are more cemented), sub- to well rounded, in a light to medium brown, Clayey Sand matrix; Gravels were, stratified, and oriented generally with the ground surface and most were coated with white salts, various lithologies (gray limestone, red sandstone, and igneous types), some pockets of loose, finer gravel and sand; ~40-50% Gravel (1-3-inch), 20-30% oversized (up to 2'-diameter), 15-20% Sand, and 5% fines [ALLUVIUM] | | | | | |
| 5 | | | | | | | 7.0-18.0' GRAVEL and COBBLES - as above but wet, loose to medium dense, less cementation, some caving of sides below 13', but no seepage observed in test pit | | | | | |
| 6 | | | | | | | | | | | | |
| 7 | | | | | | | | | | | | |
| 8 | | | | | | | | | | | | |
| 9 | | | | | | | | | | | | |
| 10 | | | | | | | | | | | | |
| 11 | | | | | | | | | | | | |
| 12 | | | | | | | | | | | | |
| 13 | | D1 | | | | | | | | | | |
| 14 | | | | | | | | | | | | |
| 15 | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | |
| 17 | | | | | | | | | | | | |
| 18 | | | | | | | | | | | | |
| 19 | | | | | | | | | | | | |

TEST_HOLE_LOG2 J_CCA99.GPJ WOMACK.GDT 8/17/99



5825 Lazy Lane
 Billings, MT 59106
 Telephone: (406) 656-5398
 Fax: (406) 656-8912

TEST HOLE LOG

PAGE 1 OF 1

| PROJECT NAME: Community Center for the Arts | | | | | | | DATE: 6/22/99 | | | | | |
|--|---------------|--------|-------------------------|--------------|------------------------------------|----------------|--|-------------------------|----------------------|---------------------|-------------------------|--------------------|
| PROJECT LOCATION: Lots 8-14, east 1/2 of 15, Block1, 2nd Wort Addition, and portion of NE1/4NE1/4 Sec. 33, T41N, R116W, Jackson, Wyoming | | | | | | | HOLE NO.: TP-2 (P-2) | | | | | |
| TEST HOLE LOCATION: 10' north and 80' west of the southeast corner of the property | | | | | | | | | | | | |
| ELEVATION G.S.: 6235 | | | TOTAL DEPTH: 19 | | GROUNDWATER LEVEL: na | | | MEASURED FROM: | | | | |
| DRILL TYPE: DAEWOO DH-130Z Track Excavator | | | HAMMER: | | DRILL CO: Westwood Construction | | | DRILLER: Jim Shlinger | | LOGGED BY: ccvs | | |
| DEPTH (FT.) | GRAPHICAL LOG | SAMPLE | S.P.T. (N) BLOWS/FT. | RECOVERY (%) | UNCONFINED STRENGTH (TSF) | CLASSIFICATION | DESCRIPTION | MOISTURE CONTENT (%) | DRY DENSITY (PCF) | LIQUID LIMIT (%) | PLASTICITY INDEX (%) | WELL COMPLETION |
| 1 | | | | | | | 0.0-1.5' Silty CLAY - moist, dark brown, with sod on top, possibly imported [TOPSOIL/FILL] | | | | | |
| 2 | | | | | | | 1.5-3.4' Clayey GRAVEL - moist to very moist, dark brown, medium dense [TOPSOIL] | | | | | |
| 3 | | | | | | | | | | | | |
| 4 | | | | | | | 3.4-7.5' GRAVEL and COBBLES - moist to very moist, medium dense to dense (some patches are more cemented), sub- to well rounded, in a light to medium brown, Clayey Sand matrix; Gravels were, stratified, and oriented generally with the ground surface and most were coated with white salts, various lithologies (gray limestone, red sandstone, and igneous types), some pockets of loose, finer gravel and sand; ~40-50% Gravel (1-3-inch), 20-30% oversized (up to 2'-diameter), 15-20% Sand, and 5% fines [ALLUVIUM] | | | | | |
| 5 | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | |
| 7 | | | | | | | | | | | | |
| 8 | | | | | | | 7.5-19.0' GRAVEL and COBBLES - very moist to wet, loose to medium dense, sub- to well rounded, in a lightly Clayey Sand matrix; Gravels were imbricated, stratified, and oriented generally with the ground surface, various lithologies (gray limestone, red sandstone, and igneous types), few Boulders up to 2'-diameter [ALLUVIUM] | | | | | |
| 9 | | | | | | | | | | | | |
| 10 | | | | | | | | | | | | |
| 11 | | | | | | | | | | | | |
| 12 | | | | | | | | | | | | |
| 13 | | | | | | | | | | | | |
| 14 | | | | | | | | | | | | |
| 15 | | | | | | | | | | | | |
| 16 | | | | | | | | | | | | |
| 17 | | | | | | | | | | | | |
| 18 | | | | | | | | | | | | |
| 19 | | | | | | | | | | | | |

TEST_HOLE_LOG2.J.CCA98.GPJ WOMACK.GDT 8/17/99

APPENDIX B
LABORATORY TEST DATA

Soil Classification Report
Nelson Engineering
P.O Box 1599
430 South Cache
Jackson, WY 83001
(307) 733-2087

Project: TOJ Parking Lot
Job Number: 5-220-1
Sample ID: BH2-4
Visual ID: Tan Brown Gravelly Clay

Sampled By: JR
Date: 8/24/2005
Tested By: AP
Date: 9/20/2005

| Standard Sieve No. | Particle Size (mm) | Tare Weight (g) | Sample + Tare (g) | Sample Weight (g) | Cumulative % Retained | Percent Passing |
|----------------------------|--------------------|-----------------|-------------------|-------------------|-----------------------|-----------------|
| 1" | 25 | 114.6 | 154.2 | 39.6 | 4% | 96% |
| 3/4" | 18.75 | 114.6 | 214.7 | 100.1 | 16% | 84% |
| #4 | 4.75 | 114.6 | 398.7 | 284.1 | 48% | 52% |
| #10 | 2.00 | 114.6 | 236.1 | 121.5 | 62% | 38% |
| #40 | 0.425 | 114.6 | 234.1 | 119.5 | 75% | 25% |
| #200 | 0.075 | 114.6 | 262.1 | 147.5 | 92% | 8% |
| Pan | 0 | 114.6 | 186.7 | 72.1 | 100% | 0% |
| Total Weight of Sample (g) | | | | 884.4 | | |

| Moisture Content | |
|---------------------|--------|
| Wet Wt. + Tare (g) | 1044.3 |
| Dry Wt. + Tare (g) | 998.5 |
| Wt of Water (g) | 45.8 |
| Tare Wt. (g) | 114.1 |
| Dry Wt. (g) | 884.4 |
| Moisture Content | 5.2% |
| Wash | |
| Wet Wt. + Tare (g) | |
| Pre Wash Dry (g) | 884.4 |
| Post Wash Dry (g) | 812.3 |
| Tare Wt. (g) | 114.1 |
| Wt. Of Minus #200 = | 72.1 |

Unified Soils Classification:
Well Graded Gravel with Silt and Sand (GW-GM)

Gravel 48%
Fines 44%

| Fines | |
|-------------------|----|
| Liquid Limit: | 19 |
| Plastic Limit: | 17 |
| Plasticity Index: | 2 |

| | |
|--------------------------|------|
| In-Situ Moisture Content | 5.2% |
|--------------------------|------|

Particle Size

D60= 6.9
D30= 0.81
D10= 0.092
Cu= 75
Cc= 1

Soil Classification Report
Nelson Engineering
P.O Box 1599
430 South Cache
Jackson, WY 83001
(307) 733-2087

Project: TOJ Parking Garage
Job Number: 5-220-1
Sample ID: BH5-1
Visual ID: Tan Gravelly Sand

Sampled By: JR
Date: 8/25/2005
Tested By: AP
Date: 9/20/2005

| Standard Sieve No. | Particle Size (mm) | Tare Weight (g) | Sample + Tare (g) | Sample Weight (g) | Cumulative % Retained | Percent Passing |
|----------------------------|--------------------|-----------------|-------------------|-------------------|-----------------------|-----------------|
| 1" | 25 | 110.2 | 177.3 | 67.1 | 7% | 93% |
| 3/4" | 18.75 | 110.2 | 199.0 | 88.8 | 17% | 83% |
| #4 | 4.75 | 110.2 | 396.8 | 286.6 | 48% | 52% |
| #10 | 2.00 | 110.2 | 235.1 | 124.9 | 61% | 39% |
| #40 | 0.425 | 110.2 | 260.9 | 150.7 | 77% | 23% |
| #200 | 0.075 | 110.2 | 255.3 | 145.1 | 93% | 7% |
| Pan | 0 | 110.2 | 175.0 | 64.8 | 100% | 0% |
| Total Weight of Sample (g) | | | | 928.0 | | |

| Moisture Content | |
|---------------------|--------|
| Wet Wt + Tare (g) | 1065.7 |
| Dry Wt. + Tare (g) | 1038.0 |
| Wt of Water (g) | 27.7 |
| Tare Wt. (g) | 110.0 |
| Dry Wt. (g) | 928.0 |
| Moisture Content | 3.0% |
| Wash | |
| Wet Wt. + Tare (g) | |
| Pre Wash Dry (g) | 928.0 |
| Post Wash Dry (g) | 863.2 |
| Tare Wt. (g) | 110.0 |
| Wt. Of Minus #200 = | 64.8 |

Unified Soils Classification:
Well Graded Gravel with Silt and Sand (GW-GM)

| | |
|--------|-----|
| Gravel | 48% |
| Sand | 45% |
| Fines | 7% |

| | |
|-------------------|----|
| Liquid Limit: | 20 |
| Plastic Limit: | 20 |
| Plasticity Index: | 0 |

| | |
|--------------------------|------|
| In-Situ Moisture Content | 3.0% |
|--------------------------|------|

Particle Size

D60= 6.9
D30= 0.88
D10= 0.12
Cu= 58
Cc= 1

GENERAL NOTES

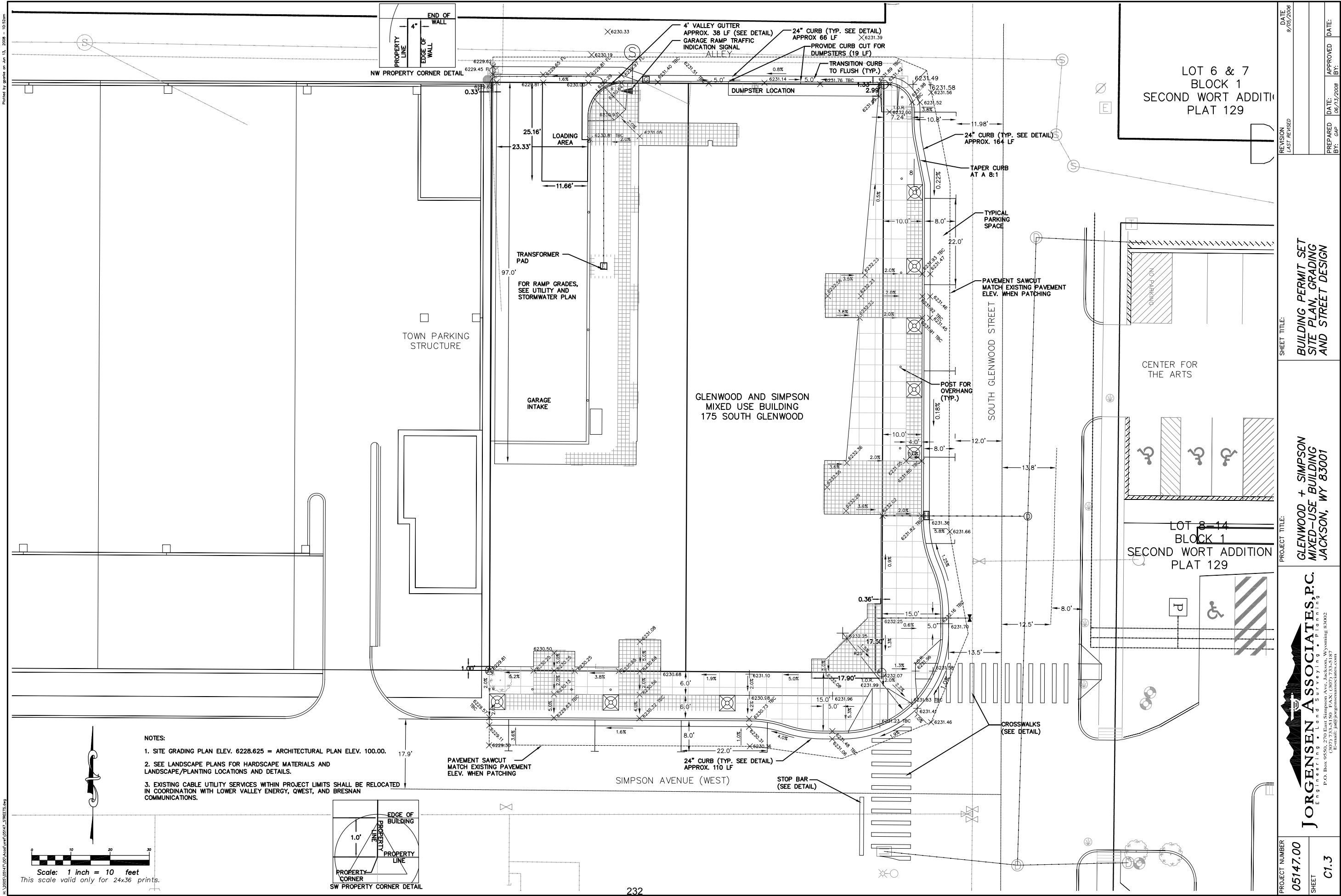
NOTES:

1. CONTACT THE ENGINEER FOR ABBREVIATIONS NOT LISTED.
2. SOME ABBREVIATIONS MAY APPEAR ON THIS AND NOT ON THE DRAWINGS.

1. LIMITS OF DISTURBANCE ARE APPROXIMATELY 19,500 SQUARE FEET AND RELATIVELY FLAT (EXISTING CROSS SLOPE APPROXIMATELY 2%). THEREFORE, PER TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS, SECTION 49120 SUBMITTAL REQUIREMENTS FOR GRADING AND EROSION CONTROL PERMITS, A GRADING AND EROSION CONTROL STATEMENT IS REQUIRED.
2. GRADING AND EROSION CONTROL STATEMENT: SITE GRADING SHALL CONSIST OF COMPLETE LOT EXCAVATION FOR THE PARKING GARAGE AND FOUNDATION SYSTEMS AND EXCAVATION TO SOUTH GLENNWOOD STREET AND SIMPSON AVENUE FOR SIDEWALK, CURB AND GUTTER, AND UNDERGROUND UTILITIES. EROSION CONTROLS SHALL PRIMARILY CONSIST OF FIBERMAT CONTROL COIR LOGS PLACED ALONG EXCAVATION PERIMETERS TO PREVENT SILTS FLOWING ONTO STREETS OR ALONG GUTTER FLOWLINES.
3. CONSTRUCTION IS SCHEDULED TO OCCUR FROM SPRING OF 2008 THROUGH SPRING OF 2009
4. THE GRADING PLAN IS INCLUDED IN SHEET C1.3 SITE PLAN, STREET PLAN, AND SITE GRADING OF THIS BUILDING PERMIT SET.
5. THE SITE WILL CONSIST OF BUILDING, HARDSCAPE, AND LANDSCAPE AREAS. SEE LANDSCAPE PLANS FOR THESE SITES ELEMENTS.

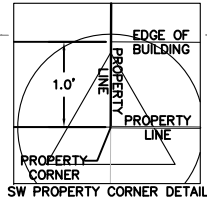
| PROPOSED | EXISTING | STORM SEWER |
|----------|----------|--|
| 12"STM | stm | BURIED POWER |
| ugp | BP | BURIED UTILITIES |
| GAS | BU | GAS LINE |
| 8"S | G | BURIED TELEPHONE |
| 6"W | BT | SEWER LINE |
| | s | WATER LINE |
| | w | OVERHEAD POWER LINE |
| | OP | CENTERLINE |
| | OP | TOP BACK CURB |
| | | SIDEWALK |
| | | EDGE OF PAVEMENT |
| | | SAWCUT |
| | | EDGE OF GRAVEL |
| | | BUILDINGS |
| | | SUBJECT LOT LINES |
| | | ADJACET LOT LINES |
| | x | FENCE |
| | | CONTOURS MAJOR (5' INTERVALS) |
| | | CONTOURS MINOR (1' INTERVALS) |
| ⊙ | ⊙ | SEWER MAN HOLE |
| ⊕ | ⊕ | SEWER CLEAN OUT |
| ⊕ | ⊕ | WATER VALVE |
| ⊕ | ⊕ | DECIDUOUS TREE |
| ⊕ | ⊕ | CONIFER TREE |
| ⊕ | ⊕ | 3/8" STEEL REINFORCEMENT ROD W/ ALUMINUM CAP (PE-LS 578) "FOUND THIS SURVEY" |
| ⊕ | ⊕ | 3/8" STEEL REINFORCEMENT ROD W/ PLASTIC CAP (PLS 3831) "FOUND THIS SURVEY" |
| ⊕ | ⊕ | 3/8" STEEL REINFORCEMENT BAR (NO CAP) "FOUND THIS SURVEY" |
| ⊕ | ⊕ | POWER POLE |
| ⊕ | ⊕ | SWIMMING POOL UTILITIES |
| ⊕ | ⊕ | ELECTRICAL VAULT |
| ⊕ | ⊕ | GAS VALVE |
| ⊕ | ⊕ | GAS METER |
| ⊕ | ⊕ | GAS MAN HOLE |
| ⊕ | ⊕ | STREET SIGN |
| ⊕ | ⊕ | IRRIGATION CONTROL VALVE |
| ⊕ | ⊕ | FINISH SPOT ELEVATION |
| ⊕ | ⊕ | STORM INLET |
| ⊕ | ⊕ | STORM MANHOLE |
| ⊕ | ⊕ | TELEPHONE PEDESTAL |
| ⊕ | ⊕ | ELECTRICAL TRANSFORMER |
| ⊕ | ⊕ | WATER SERVICE |
| ⊕ | ⊕ | FIRE HYDRANT |

Exhibit S

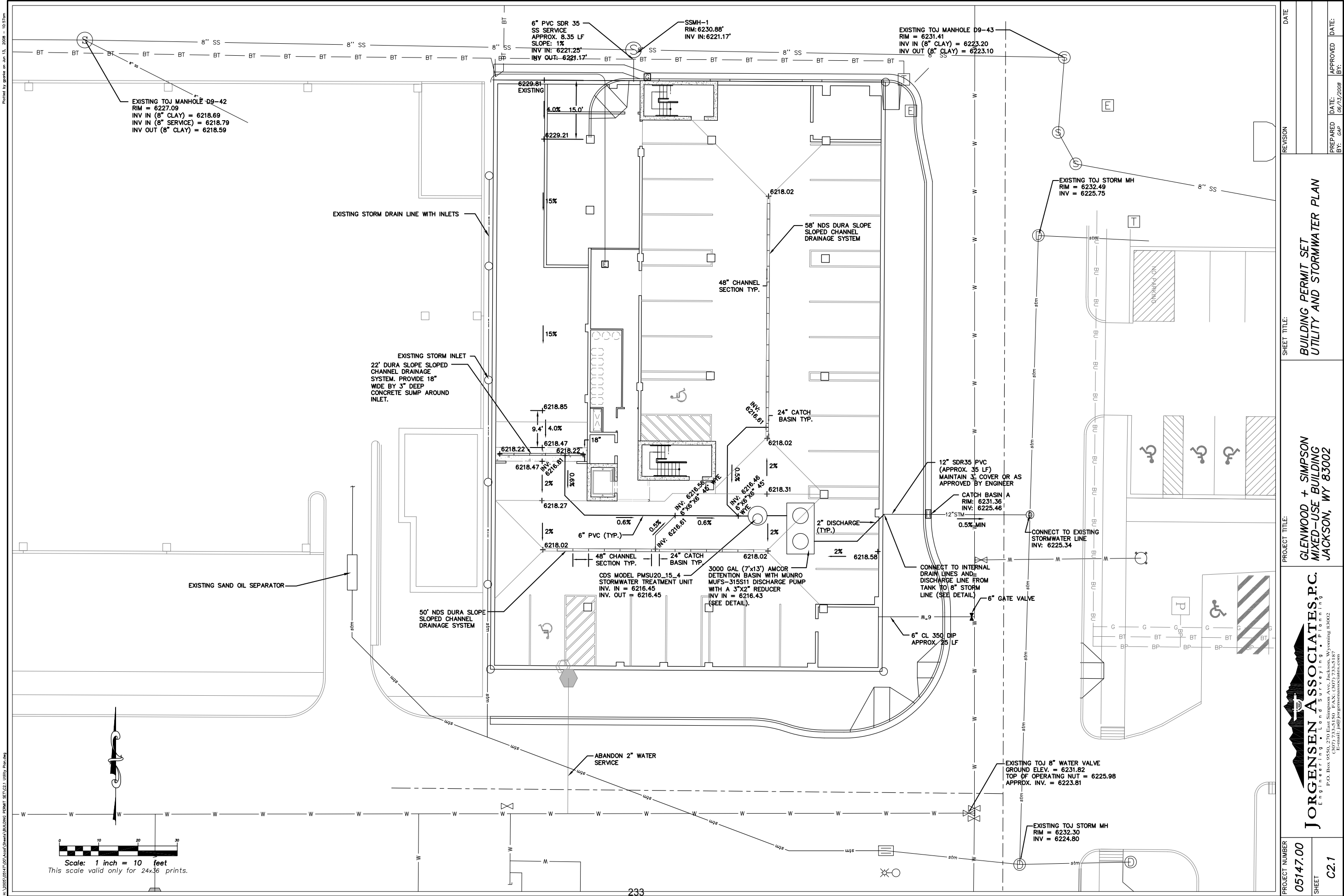


- NOTES:
1. SITE GRADING PLAN ELEV. 6228.625 = ARCHITECTURAL PLAN ELEV. 100.00.
 2. SEE LANDSCAPE PLANS FOR HARDSCAPE MATERIALS AND LANDSCAPE/PLANTING LOCATIONS AND DETAILS.
 3. EXISTING CABLE UTILITY SERVICES WITHIN PROJECT LIMITS SHALL BE RELOCATED IN COORDINATION WITH LOWER VALLEY ENERGY, QWEST, AND BRESNAN COMMUNICATIONS.

Scale: 1 inch = 10 feet
This scale valid only for 24x36 prints.

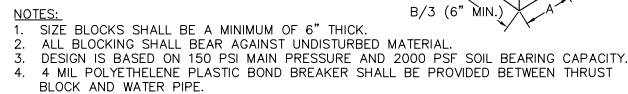


| | | | | | | | | |
|-----------------------------------|----------------------|--|--|---|--|--------------------------|--|-------------------|
| PROJECT NUMBER 05147.00 | SHEET C1.3 | PROJECT TITLE: GLENWOOD + SIMPSON MIXED-USE BUILDING JACKSON, WY 83001 | | SHEET TITLE: BUILDING PERMIT SET SITE PLAN, GRADING AND STREET DESIGN | | REVISION LAST REVISED | | DATE 9/05/2006 |
| | | JORGENSEN ASSOCIATES, P.C. Engineering • Land Surveying • Planning P.O. Box 9550, 270 East Simpson Ave. Jackson, Wyoming 83002 Phone: (307) 733-7777 E-mail: jae@jorgensenassociates.com | | PREPARED BY: GAP | | DATE: 06/13/2006 | | APPROVED BY: |



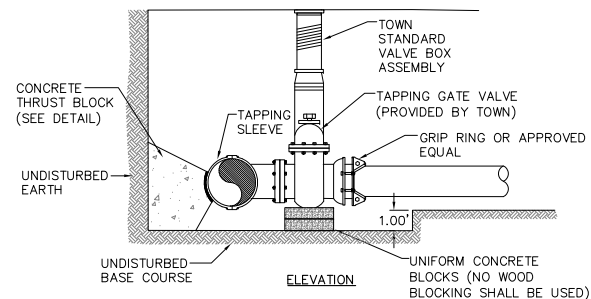
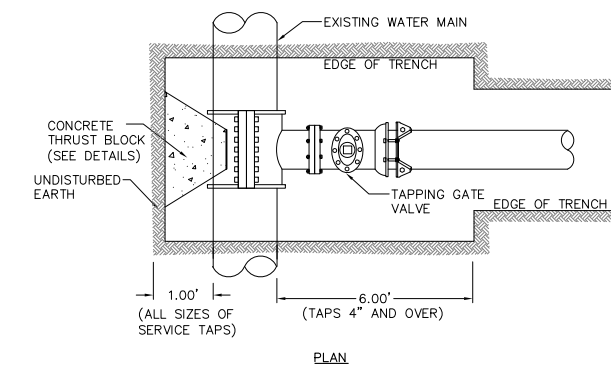
| | | | | | |
|-----------------------------------|-----------------------|--|--|-----------------------------|--|
| PROJECT NUMBER 05147.00 | SHEET C.2.1 | PROJECT TITLE: GLENWOOD + SIMPSON MIXED-USE BUILDING JACKSON, WY 83002 | SHEET TITLE: BUILDING PERMIT SET UTILITY AND STORMWATER PLAN | REVISION | DATE |
| | | | | DATE: 06/13/2008 BY: GAP | APPROVED: [Signature] DATE: [Blank] |

JORGENSEN ASSOCIATES, P.C.
Engineering • Land Surveying • Planning
P.O. Box 9550, 270 East Simpson Ave., Jackson, Wyoming 83002
Phone: 307.733.8888
E-mail: jae@jorgensenassociates.com

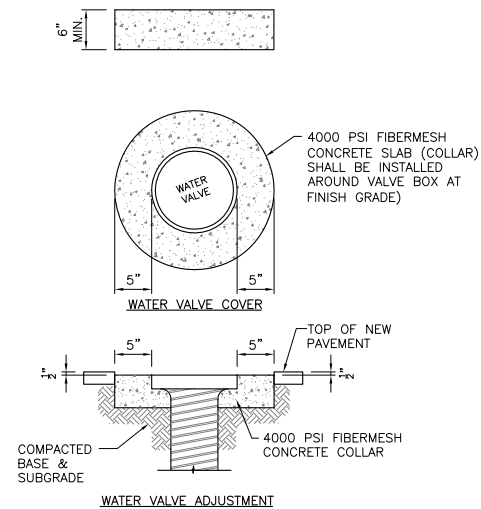


THRUST BLOCK DETAILS

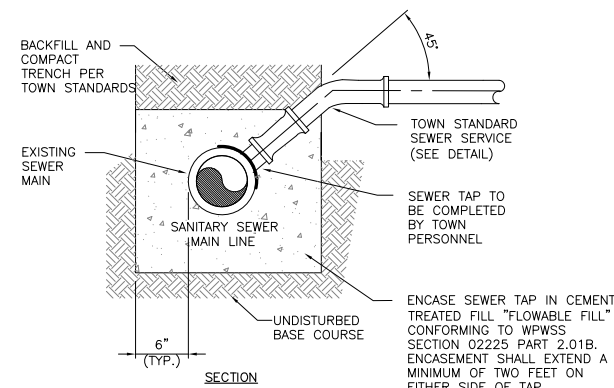
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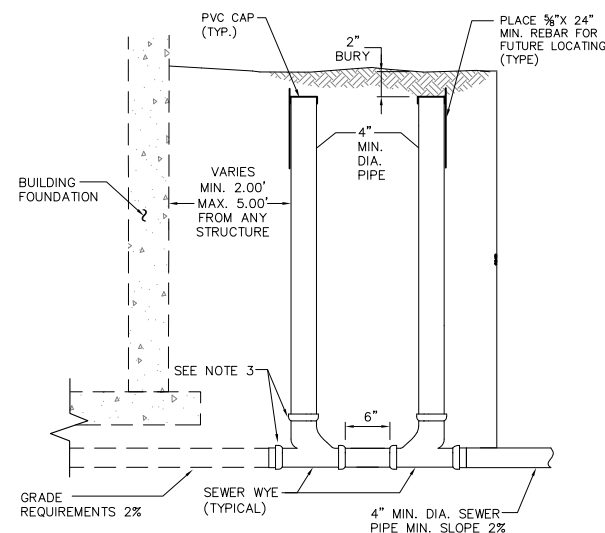
WATER MAIN TAPPING DETAIL
NO SCALE



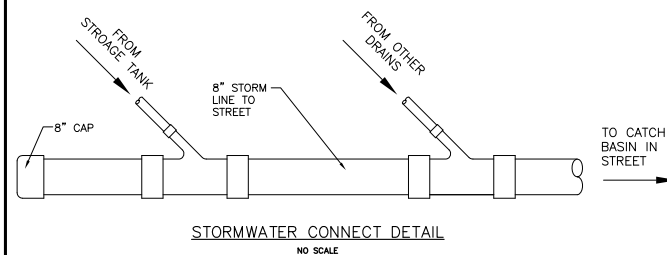
WATER VALVE COLLAR DETAIL
NO SCALE



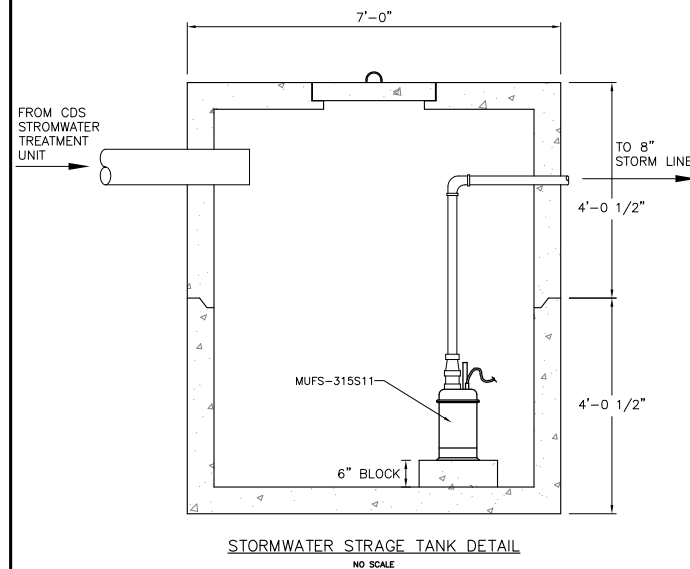
SANITARY SEWER MAIN TAPPING DETAIL
NO SCALE



SANITARY SEWER LATERAL CLEANOUT DETAIL
NO SCALE

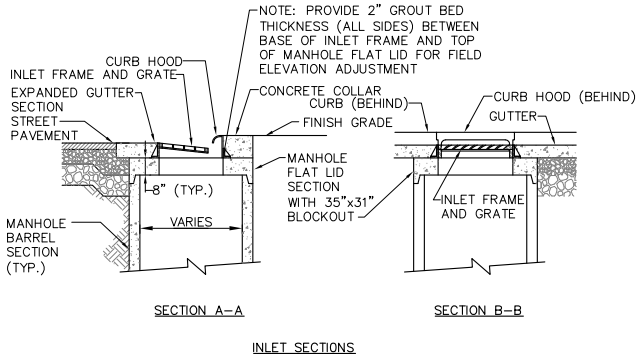
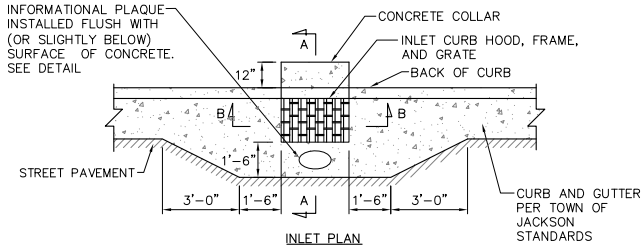


STORMWATER CONNECT DETAIL
NO SCALE

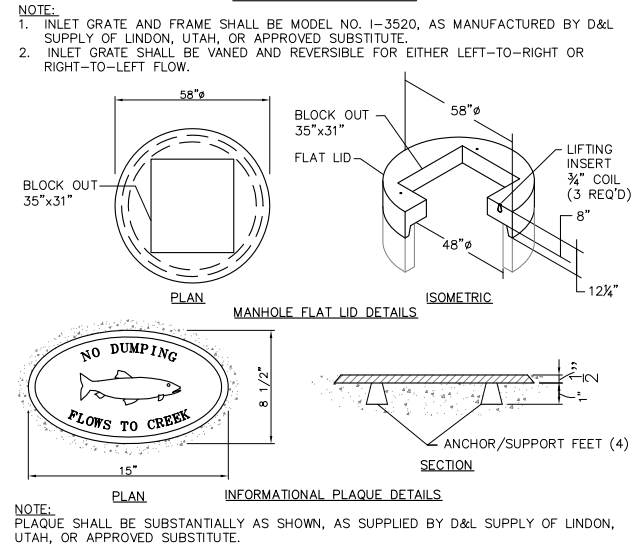
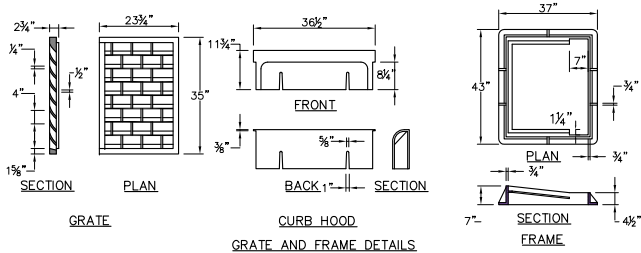


STORMWATER STRAGE TANK DETAIL
NO SCALE

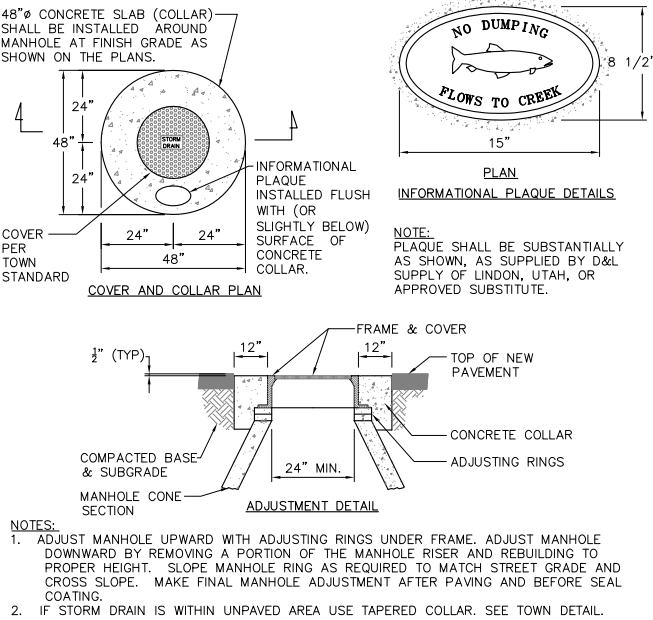
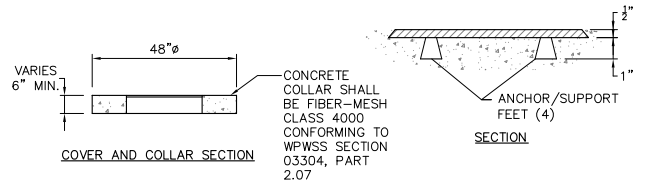
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H:\2005\05147\05147\05147\Sheet\03 - Details.dwg



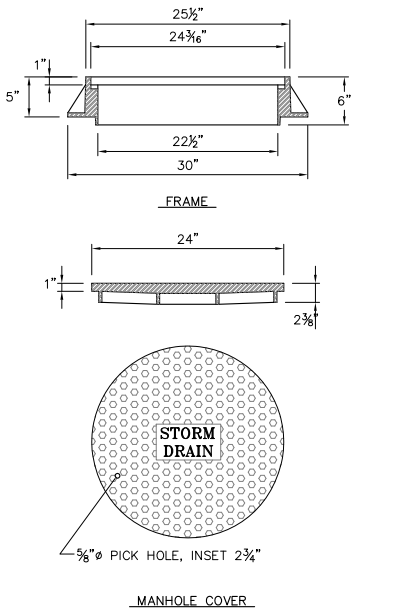
CURB HOOD INLET AND SECTIONS
NO SCALE



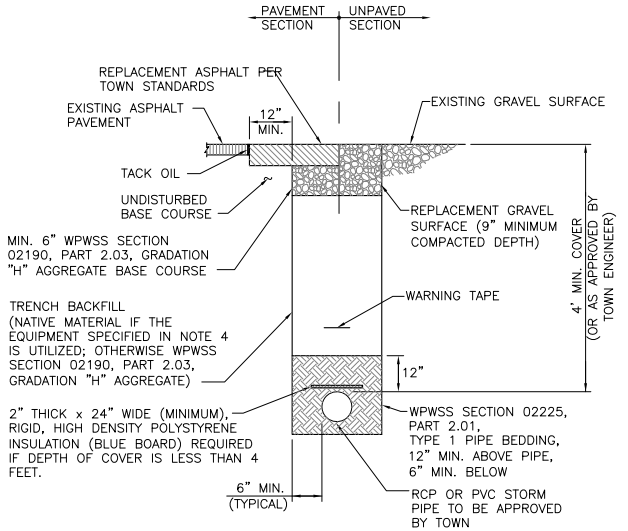
FRAME, GRATE AND PLAQUE DETAILS
NO SCALE



STORM DRAIN MANHOLE COLLAR AND PLAQUE DETAILS
NO SCALE

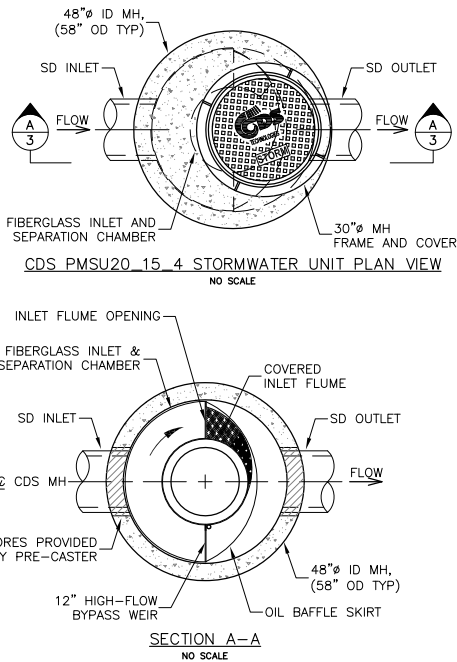


STORM DRAIN MANHOLE FRAME AND COVER DETAIL
NO SCALE

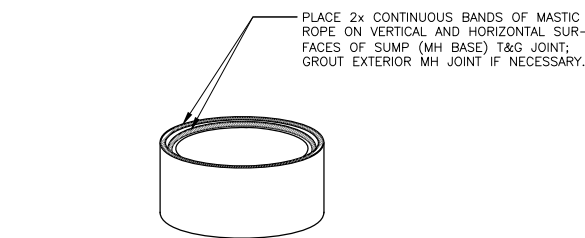
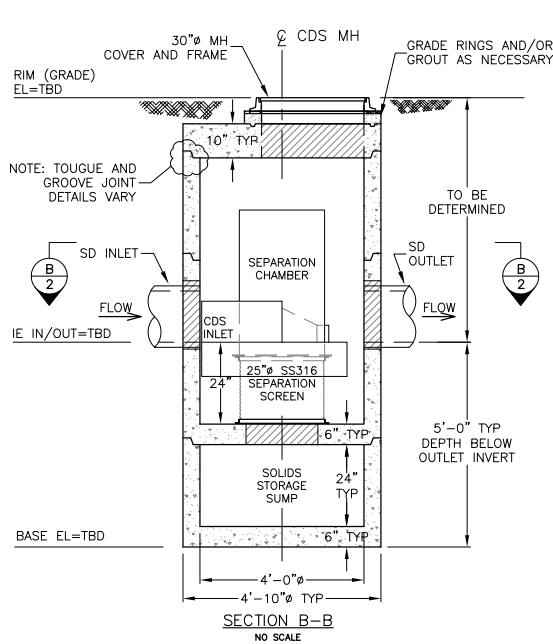
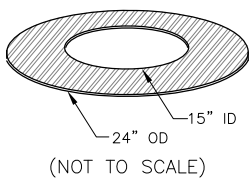


- NOTES:
1. TRENCH BACKFILL BELOW THE SURFACE SHALL MEET THE FOLLOWING CRITERIA:
 - 95% MODIFIED PROCTOR DENSITY WITHIN STREET AND ALLEY RIGHTS-OF-WAY.
 - 90% MODIFIED PROCTOR DENSITY OUTSIDE STREET AND ALLEY RIGHTS-OF-WAY.
 2. COMPACTION OF TRENCH BACKFILL SHALL BE CARRIED OUT WITH A HOE-PACK OR A SHEEPS FOOT ROLLER ON A BACK-HOE ARM.
 3. PIPE BEDDING SHALL BE PLACED IN 6" LIFTS AND THOROUGHLY COMPACTED TO PROVIDE UNIFORM PIPE SUPPORT.
 4. ALL TRENCH EXCAVATION SHALL CONFORM TO WYOMING OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION (WOSHSA) REGULATIONS.

STORM SEWER TRENCH DETAIL
NO SCALE



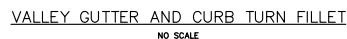
HDPE HYDRAULIC SHEAR PLATE



- CONSTRUCTION NOTES:
1. APPLY BUTYL MASTIC TO SEAL JOINTS OF MANHOLE STRUCTURE (SEE INSET DETAIL DRAWING); APPLY GROUT TO EXTERIOR T&G JOINTS OF MH SECTIONS TO COMPLETELY SEAL IF NECESSARY (UNIT MUST BE WATER TIGHT, HOLDING WATER UP TO FLOWLINE INVERT, MINIMUM).
 2. BEFORE PLACING MORE PRECAST COMPONENTS OR BACKFILLING, ENSURE FIBERGLASS INLET AND PIPE INLET INVERTS MATCH ELEVATIONS (CERTAIN JOBS WILL HAVE INLET PIPE HIGHER THAN FIBERGLASS INLET).
 3. GROUT PIPE CONNECTIONS TO SEAL JOINT.
 4. USE GRADE RINGS AND/OR GROUT TO MATCH FINISHED GRADE; SEAL AS NECESSARY.

- GENERAL NOTES:
- A. CDS UNIT TYPICALLY DELIVERED WITH THE STAINLESS STEEL SCREEN, FIBERGLASS SEPARATION CYLINDER/INLET AND OIL BAFFLE PRE-INSTALLED; FOR FIELD INSTALLATIONS, THE GREEN PAINTED SCREEN FLANGE SHALL FACE UP FOR RIGHT-HANDED UNITS AND RED FLANGE FACES UP FOR LEFT-HANDED CONFIGURATIONS.
 - B. HDPE HYDRAULIC SHEAR PLATE IS PLACED ON SHELF AT BOTTOM OF SCREEN CYLINDER. REMOVE AND REPLACE AS NECESSARY DURING CLEANING.
 - C. INSTALL CDS UNIT PER CDS INSTALLATION SPECIFICATIONS.
 - D. CONTRACTOR TO BE EQUIPPED TO LIFT THE HEAVIEST SECTION.

| PROJECT TITLE: | | PROJECT NUMBER | |
|---|--|--|--|
| GLENWOOD + SIMPSON MIXED-USE BUILDING JACKSON, WY 83001 | | 05147.00 | |
| SHEET | | C3.2 | |
| DATE | | DATE | |
| 06/13/2008 | | 06/13/2008 | |
| BY: | | BY: | |
| GAP | | GAP | |
| REVISION | | REVISION | |
| BUILDING PERMIT SET STORM SEWER DETAILS | | BUILDING PERMIT SET STORM SEWER DETAILS | |



JORGENSEN ASSOCIATES, P.C.
Engineering • Land Surveying • Planning

P.O. Box 955 • East Simpson, WY 83002
Phone: (307) 733-2187
E-mail: jag@jorgensenassociates.com



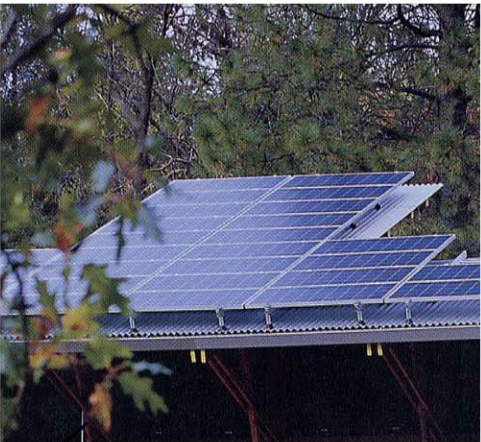
Exposed Metal Hardware & Structural Components
(at canopy structure, cloumns)

- Galvanized Steel
- Patined to dull-grey color



Metal Roofing

- Standing-seam profile
- "Bondurized" steel finish
(etched galvanized coating
to yield non-reflective dull-gray color)



Solar Panels

- (At sloped roofs)
- By nature, are dark blue/black color with mill-finish aluminum frame
 - Obscured from most views



Wood Paneling at Interior of Porches / Balconies, and at Underside of Sidewalk Canopy

- New Material
- Smooth-sawn Western Red Cedar
In tounge and groove profile
- Transparent stain in light, warm golden shade to contrast starkly with weathered finish of exterior siding types



Aluminum-framed Glazing System, (Showing New Soffit Material)

- Extruded aluminum frames throughout
(same at residences and commercial)
- Integral thermal break
- Narrow sight-lines
- Clear-anodized finish
- Rough-sawn Douglas Fir timbers, with highly articulated joinery, used as casing between windows at exterior



Exterior Vertical Siding

- New material
- Rough-sawn Western Red Cedar, in square-edge tounge & groove profile
- Semi-transparent weathering stain in warm tan/grey color, to approximate color of weathered fir "corn-crib" siding



Patterned Horizontal Siding (at Primary Corner Volume only)

- New material
- Rough-sawn Western Red Cedar, installed in banded-pattern to reduce visual scale of wall
- Flush siding and trim/casing details, with slight reveal expressed between components
- Weathering stain, as at left



Simulated "Corn Crib" Siding (at 2nd Floor Balconies)

- New, rough-sawn, dimensional Douglas Fir
- Finish surface knocked-down slightly, after installation, to yield even, planar surface
- Installed over vertical furring to create "vented" weep space
- Bleaching oil applied, then allowed to patina to natural silver/tan color

EXTERIOR MATERIALS



BALCONY SIDING AND TIMBER CASING
(WEATHERED, R.S. DOUGLAS FIR.)



METAL HARDWARE
(GALVANIZED STEEL)



SOFFITS & BALCONY INTERIORS
(SMOOTH CEDAR W/ CLEAR STAIN)



WINDOW CLADDING
(CLEAR ANODIZED ALUMINUM)



TYPICAL EXTERIOR SIDING
(R.S. CEDAR W/ WEATHERING TREATMENT)



SLOPED METAL ROOFING
(BONDURIZED STEEL)



PLANNING & BUILDING DEPARTMENT

February 15, 2018

Y2 Consultants
Attn: Scott Pierson
PO Box 2870
Jackson, WY 83001

RE: Design Review Committee
Item: P18-240

Dear Mr. Pierson:

This letter is to confirm that on February 14, 2018 the DRC reviewed your request to receive preliminary comments for a proposed Development Plan at the property located at 175 S. Glenwood Street, legally known as LOTS 11-12, BLK 2, WORT-2. No motion was required for this item, however the DRC favored the overall design and materials and stated their support for such a project.

Should you have any questions or need additional information, please contact me at 307-733-0440, ext. 1305 or by email at tvalentine@jacksonwy.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Valentine".

Tyler Valentine
Senior Planner

Exhibit U

**Special Restrictions
for Employee Housing
Located at 175 S. Glenwood Street , The Town of Jackson**

These Special Restrictions for Employee Housing (the "Special Restrictions"), are made and entered into this ____ day of _____, 2018, by the undersigned Declarant ("Declarant").

RECITALS:

WHEREAS, the Declarant holds fee ownership interest in that certain real property, located in the Town of Jackson Wyoming, and more specifically described as follows:

Lots 11-12; Block 2; 2nd Wort Addition to the Town of Jackson

PIN: 22-41-16-33-1-08-004 (the "Land")

WHEREAS, as a condition of its approval for permit #P18-001 (the "FDP Approval"), the Declarant is providing employee housing for 2,107 square feet or the equivalent of three (3) units of employee housing, as follows:

The Final Development Plan Application for the Glenwood + Simpson PMD at 175 South Glenwood Street, Jackson, Wyoming for 26,689 square feet of commercial retail and market residential/lodging which generated a requirement to provide (requirement) 1,711.70 square feet of Employee Housing (the "Residential Unit"). The declarant wishes to restrict Unit P, a 600 square foot one-bedroom apartment , Unit Q, a 631 square foot one-bedroom apartment, and Unit R, a 876 square foot two bedroom apartment (for a total of 2,107 square feet of Employee Housing provided).

WHEREAS, in furtherance of the goals, objectives, requirements and conditions of the FDP or other Approval, and consistent with the Town of Jackson's goal of providing decent, safe and sanitary housing to qualified employees working in Teton County, Wyoming, that is affordable, Declarant agreed to restrict the use and occupancy of the Residential Unit to a "Qualified Household", which meets employment, income and asset ownership qualifications as set forth herein; and

WHEREAS, in accordance with the FDP Approval, the Residential Unit is intended to address the need for rental housing for employees in Teton County, Wyoming and therefore Declarant agrees it will not be owner-occupied.

WHEREAS, Declarant desires to adopt these Special Restrictions and declare that the Land and the Residential Unit (sometimes collectively referred to herein as the "Property") shall be held, sold, and conveyed in perpetuity subject to these Special Restrictions, which Special Restrictions shall be in addition to all other covenants, conditions or restrictions of record affecting the Property, and shall be enforceable by the Jackson/ Teton County Housing Authority, a duly constituted Housing Authority pursuant to W.S. §15-10-116, as amended, and its successors or assigns (collectively, "JTCHA"), the Jackson/Teton County Affordable Housing Department (the "Housing Department"), and the Town of Jackson, Wyoming;

RESTRICTIONS:

NOW, THEREFORE, in satisfaction of the conditions in the FDP Approval, and in consideration of such FDP Approval and the foregoing Recitals, which are incorporated herein by this reference, Declarant hereby declares, covenants and agrees for itself and each and every person acquiring ownership of the Residential Unit, that the Land and Residential Unit shall be held, used, occupied, developed, transferred and conveyed subject to the following Special Restrictions in perpetuity:

SECTION 1. JACKSON/TETON COUNTY HOUSING RULES AND REGULATIONS (GUIDELINES). References made herein to the Housing Rules and Regulations and/or Guidelines or are references to the written Rules and Regulations of JTCHA and/or the Housing Department, as the same may be amended, modified, or updated from time to time and which policies, procedures, and guidelines are on file with the Housing Department or otherwise with the Town of Jackson, Wyoming, or if there are no such written policies, procedures or guidelines (or a written policy, procedure or guideline with respect to a specific matter) then the reference shall be to the current applied policy or policies of JTCHA and/or the Housing Department (the "Guidelines"). Procedural and administrative matters not otherwise addressed in these Special Restrictions shall be as set forth in the Rules and Regulations.

SECTION 2. RESTRICTIONS ON OCCUPANCY AND USE OF RESIDENTIAL UNIT. Occupancy and use of the Residential Unit shall be restricted as follows:

A. Qualified Household. The use and occupancy of the Residential Unit shall be limited to a "Qualified Household", defined as follows:

1. Employment. At least one member of the household must demonstrate on average thirty (30) hours per week of employment or volunteer work in Teton County, Wyoming, for a profit or non-profit employer(s), respectively, physically located in Teton County, Wyoming.
2. Income Restriction. The Qualified Household shall not earn more than one hundred twenty percent (120%) of the median household income in Teton County, Wyoming, as determined by the current year's published Federal Department of Housing & Urban Development median income chart for Teton County, Wyoming (the "Income Cap").
3. No Teton County Residential Real Estate. No member of the Qualified Household may own (whether individually, in trust, or through an entity including without limitation a partnership, limited partnership, limited liability company, corporation, association, or the like) residential real estate in The Town of Jackson, Wyoming.
4. Determination by the Housing Department. The Housing Department shall determine whether a prospective tenant is a Qualified Household. In addition to any requirements set forth in the Rules and Regulations, such determinations shall be based upon written applications, representations, information and verification as are deemed by the Housing Department to be necessary to establish and substantiate eligibility.
5. Continuing Obligation to Remain a Qualified Household. The occupants of the Residential Unit shall satisfy the definition of a Qualified Household at all times during the occupancy of the Residential Unit.

No owner of the Residential Unit, prospective purchaser of the Residential Unit, Tenant, renter or occupant, or other party shall have the right to sue or bring other legal process against the Town of Jackson, Wyoming, JTCHA or the Housing Department, or any person affiliated with the Town of Jackson, Wyoming, JTCHA or the Housing Department arising out of these Special Restrictions, and neither shall the Town of Jackson, Wyoming, JTCHA or the Housing Department have any liability to any person aggrieved by the decision of the Town of Jackson, Wyoming, JTCHA or the Housing Department regarding qualification of a Qualified Household or any other matter relating to these Special Restrictions.

B. No Owner Occupancy. No owner shall reside in or occupy the Residential Unit. For purposes of this paragraph, if an owner is an entity (including without limitation, a partnership, limited partnership, Limited Liability Company, corporation, association, or

other) or a trust, this prohibition on owner-occupancy shall extend to any partner, member, shareholder, other principal or owner of the entity, or trustee or beneficiary of the trust.

C. Household Composition. Only members of the Qualified Household may occupy a Residential Unit, except that the owner may restrict who may reside in a Residential Unit, provided that such owner-restriction does not violate Federal or state fair housing laws. Notwithstanding the foregoing, occupancy of the Residential Unit shall be in compliance with any and all building codes (or other relevant law, code, statute, ordinance or the like) regarding maximum occupancy standards or limitations.

D. Rental. Occupancy of the Residential Unit shall be pursuant to a written lease, the form of which may be approved by Housing Department as it may require. At all times, the Residential Unit shall remain a rental unit for Qualified Households. The owner of the Residential Unit shall obtain written verification of income, asset ownership, and employment in Teton County, Wyoming for each Qualified Household proposing to rent the Residential Unit prior to such Household's occupancy, and upon each extension or renewal of any lease therefore.

E. Rental Term. The Residential Unit shall be offered for rent in periods of not less than one (1) month. No Residential Unit shall be used as a guest house or guest facility.

F. Rental Rates. The rental rates for the Residential Unit shall not be greater than the current Fair Market Rent Assessment numbers for Teton County, Wyoming, as provided by the U.S. Department of Housing and Urban Development (HUD) and maintained by the Housing Department. For purposes of applying the Fair Market Rent Assessment numbers for Teton County, Wyoming published by HUD to the Residential Unit, a dorm-style or studio Residential Unit shall be considered a "studio". The rent charged must include basic utilities (electric, gas, water, sewer) and trash removal. Notwithstanding the foregoing to the contrary, the rental rates charged by the owner may at any time be less than the applicable Fair Market Rent Assessment.

G. Vacancies. The Residential Unit may be vacant intermittently between tenancies to allow for proper verification, advertisement for Qualified Households and reasonable maintenance. However, no Residential Unit shall be vacant for a period greater than sixty (60) days, unless authorized by Housing Department. If any Residential Unit remains vacant for more than sixty (60) days without approval, then the Housing Department shall have the right, but not the obligation to identify a Qualified Household to rent the Residential Unit. Anything herein and above notwithstanding, the owner shall have the right to deny occupancy to any proposed tenant who in its reasonable discretion does not

meet owner's standard for occupancy, so long as such denial does not violate Federal or state fair housing laws.

H. Compliance with Laws, Declaration. The Residential Unit shall be occupied in full compliance with all laws, statutes, codes, rules, or regulations, covenants, conditions and restrictions, and all supplements and amendments thereto, and any other rules and regulations of any applicable homeowners association, as the same may be adopted from time to time.

I. Maintenance. The owner shall be responsible for the cost and expense to keep and maintain the interior of the Residential Unit and all other aspects of the Residential Unit not otherwise maintained by a homeowners association in a safe, decent and sanitary condition. In the event the owner fails to maintain the Residential Unit in a safe, decent and sanitary condition and such condition continues for fourteen (14) days after notice from the Housing Department, the Housing Department shall have the right but not the obligation to enter the Residential Unit and repair such condition and owner shall reimburse Housing Department for such reasonable repair costs. Payment to Housing Department from the owner shall be due upon receipt of invoice.

J. Insurance. The owner shall cause the Residential Unit to be continuously insured against "all risks" of physical loss (not otherwise covered by a homeowners association insurance), for the full replacement value of the Residential Unit

K. Periodic Reporting, Inspection. In order to confirm compliance with these Special Restrictions, each owner shall comply, and cause its tenants to comply, with any reporting or inspection requirements as set forth herein and as may be required by the Housing Department from time to time. Upon reasonable notice to owner, the Housing Department shall have the right to inspect the Residential Unit from time to time to determine compliance with these Special Restrictions and to review the written records required to be maintained by Owner. Owner shall maintain such records for a period of two (2) years.

L. Preference. The owner, at such owner's option may give first priority to rent the Residential Unit to Qualified Households of which a member of the Household is an employee of the owner. In the event there are no persons directly employed by the owner to whom the owner desire to rent the Residential Unit, then the owner may rent to any Qualified Household.

Notwithstanding the foregoing, the Housing Department may approve uses inconsistent with this Section in accordance with the Rules and Regulations.

SECTION 3. TERMINATION AND MODIFICATION OF SPECIAL RESTRICTIONS.

A. Termination. These Special Restrictions may be terminated after a determination by the Town of Jackson, Wyoming that these Special Restrictions are no longer consistent with the goal of providing housing affordable to employees in Teton County, Wyoming and that they should therefore be terminated.

B. Amendment. These Special Restrictions may be amended, in whole or in part, as follows:

1. With the written consent of the owner of the Residential Unit, the Housing Manager for the Housing Department, and the Planning Director for the Town of Jackson, Wyoming.
2. The Housing Department may unilaterally modify these Special Restrictions (i) to provide clarification to any provisions hereto which may be unclear or subject to differing interpretations, (ii) to correct any errors identified herein, or (iii) where the Housing Department deems such modification necessary to effectuate the purposes and intent of the Special Restrictions or the goals of the Town of Jackson in providing decent, safe and affordable housing, and where such modification does not, in the Housing Department's reasonable discretion, materially impair the owner rights.

SECTION 4. VIOLATION. In the event of a violation of these Special Restrictions, the Housing Department shall send written notice to the owner of such violation, the required action to cure and the timing for such cure. If the owner disputes the violation, the owner shall proceed in accordance with the Rules and Regulations. JTCHA, the Housing Department and the Town of Jackson shall have the right of specific performance of these Special Restrictions and the right to obtain from any court of competent jurisdiction a temporary restraining order, preliminary injunction and permanent injunction to obtain such performance. Any equitable relief provided for herein may be sought singly or in combination with such other remedies as JTCHA, the Housing Department and the Town of Jackson may be entitled to, either pursuant to these Special Restrictions or under the laws of the State of Wyoming.

SECTION 5. SPECIAL RESTRICTIONS AS COVENANT. These Special Restrictions shall constitute covenants running with the Land and the Residential Unit, as a burden thereon, and shall be binding on all parties having any right, title, or interest in the Land, the Residential Unit, or any part thereof, their heirs, devisees, successors and assigns, and shall

inure to the benefit of and shall be enforceable by JTCHA, the Housing Department and the Town of Jackson.

SECTION 6. NOTICES. Any notice, consent or approval which is required to be given hereunder shall be in writing and when to an owner shall be deemed given by mailing the same, certified mail, return receipt requested, properly addressed and with postage fully prepaid to the owner's mailing address as provided to the Housing Department or such address as is on record with the Teton County Assessor. Any notice which is required to be given hereunder to JTCHA or the Housing Department shall be given by mailing the same, certified mail, return receipt requested, properly addressed and with postage fully prepaid to either JTCHA or the Housing Department, P.O. Box 714, Jackson, WY 83001. Alternatively, notice may be hand delivered, but any such hand delivery shall require a signed receipt from the owner or Housing Manager of the Housing Department, respectively, evidencing the same. Failure of either party to pick up and/or sign for a certified mailing does not constitute failure to provide notice provided it was properly addressed and evidence of that mailing is retained. In the event of notice by mailing, notice shall be deemed given when deposited in the U.S. Mail.

SECTION 7. ATTORNEY'S FEES. In the event any party shall be required to retain counsel and file suit for the purpose of enforcing the terms and conditions of these Special Restrictions, the prevailing party shall be entitled to recover, in addition to any other relief recovered, a reasonable sum as determined by the court for attorney's fees and costs of litigation.

SECTION 8. CHOICE OF LAW, FORUM. These Special Restrictions and each and every related document, are to be governed by and construed in accordance with the laws of the State of Wyoming. The parties agree that the appropriate court in Teton County, Wyoming and/or the Ninth Judicial District for the State of Wyoming shall have sole and exclusive jurisdiction over any dispute, claim, or controversy which may arise involving these Special Restrictions or its subject matter

SECTION 9. SEVERABILITY. Each provision of these Special Restrictions and any other related document shall be interpreted in such a manner as to be valid under applicable law; but, if any provision, or any portion thereof, of any of the foregoing shall be found by a court of competent jurisdiction to be invalid or prohibited under said applicable law, such provision shall be deemed modified to the extent necessary and possible to render it valid and enforceable and the rights and restrictions set forth herein shall be construed and enforced accordingly, preserving to the fullest extent the intent of these Special Restrictions as set forth herein; , or if such modification is not possible, such provision shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provision(s) of these Special Restrictions.

SECTION 10. SECTION HEADINGS. Paragraph or section headings within these Special Restrictions are inserted solely for convenience or reference, and are not intended to, and shall not govern, limit or aid in the construction of any terms or provisions contained herein.

SECTION 11. WAIVER. No claim of waiver, consent or acquiescence with respect to any provision of these Special Restrictions shall be valid against any party hereto except on the basis of a written instrument executed by the parties to these Special Restrictions. However, the party for whose benefit a condition is inserted herein shall have the unilateral right to waive such condition.

SECTION 12. INDEMNIFICATION. The owner shall indemnify, defend, and hold the JTCHA, the Housing Department and the Town of Jackson, and its directors, officers, agents and employees harmless against any and all loss, liability, claim, or cost (including reasonable attorneys' fees and expenses) for damage or injury to persons or property from any cause whatsoever on or about the Residential Unit, or for an owner's breach of any provision of these Special Restrictions. The owner waives any and all such claims against JTCHA, the Housing Department and the Town of Jackson.

SECTION 13. SUCCESSORS AND ASSIGNS. These Special Restrictions shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors, heirs, devisees, administrators and assigns.

SECTION 14. SOVEREIGN IMMUNITY. Neither the Town of Jackson, JTCHA, nor the Housing Department waive governmental immunity by executing these Special Restrictions and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. § 1-39-104(a) and any other applicable law.

IN WITNESS WHEREOF, the Declarant has executed this instrument on the ____ day of _____, 20__ (the "Effective Date").

DECLARANT:

TBD

TBD

STATE OF _____)
) ss.
COUNTY OF _____)

On the _____ day of _____, 20 ____, the foregoing Special Restrictions for Employee Housing was acknowledged before me by [Click here to enter Name of signer](#).as [Click here to enter title of signer](#).of[Click here to enter name of entity](#)..

Witness my hand and official seal.

(Seal)

Notary Public

THE TOWN OF JACKSON:

[Click here to enter name of Mayor.](#), Mayor

ATTEST:

[Click here to enter name of Town Clerk.](#), Town Clerk

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

On the _____ day of _____, 20__, the foregoing instrument was acknowledged before me by [Click here to enter name of Chair](#).as Chair of the The Town of Jackson Board of County Commissioners.

Witness my hand and official seal.

(Seal)

Notary Public
My commission expires:

JACKSON/THE TOWN OF JACKSON AFFORDABLE HOUSING DEPARTMENT:

[Click here to enter name of Housing Manager](#)., Housing Manager

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

On the _____ day of _____, 20__, the foregoing instrument was acknowledged before me by [Click here to enter name of Housing Manager](#)., as Housing Manager of the Jackson/The Town of Jackson Affordable Housing Department.

Witness my hand and official seal.

(Seal)

Notary Public
My commission expires:

Architectural floor plan of a building, likely a school or institutional facility, showing a central corridor and various rooms. The plan is numbered 01 through 25. Key features include:

- Room 01:** A small room at the top left, containing a desk and chair.
- Room 02:** A small room below Room 01, containing a desk and chair.
- Room 03:** A small room below Room 02, containing a desk and chair.
- Room 04:** A small room below Room 03, containing a desk and chair.
- Room 05:** A small room below Room 04, containing a desk and chair.
- Room 06:** A small room below Room 05, containing a desk and chair.
- Room 07:** A small room below Room 06, containing a desk and chair.
- Room 08:** A small room at the bottom left, containing a desk and chair.
- Room 09:** A small room below Room 08, containing a desk and chair.
- Room 10:** A small room below Room 09, containing a desk and chair.
- Room 11:** A small room below Room 10, containing a desk and chair.
- Room 12:** A small room below Room 11, containing a desk and chair.
- Room 13:** A small room below Room 12, containing a desk and chair.
- Room 14:** A small room below Room 13, containing a desk and chair.
- Room 15:** A small room below Room 14, containing a desk and chair.
- Room 16:** A small room below Room 15, containing a desk and chair.
- Room 17:** A small room below Room 16, containing a desk and chair.
- Room 18:** A small room below Room 17, containing a desk and chair.
- Room 19:** A small room at the bottom right, containing a desk and chair.
- Room 20:** A small room below Room 19, containing a desk and chair.
- Room 21:** A small room below Room 20, containing a desk and chair.
- Room 22:** A small room below Room 21, containing a desk and chair.
- Room 23:** A small room below Room 22, containing a desk and chair.
- Room 24:** A small room below Room 23, containing a desk and chair.
- Room 25:** A small room below Room 24, containing a desk and chair.

The plan also shows a central corridor, a large circular area on the left, and various rooms with furniture and fixtures. Dimensions and section lines are indicated.

- Minimum turning radius = 24'-0"
- Outside front radius = 26'-0"
- Inside rear radius = 15'-6"
- Straight lane width = 10'-0"
- Curved lane width = 13'-6"
- Inside curb radius = 12'-6"
- Tangent length = 27'-7"

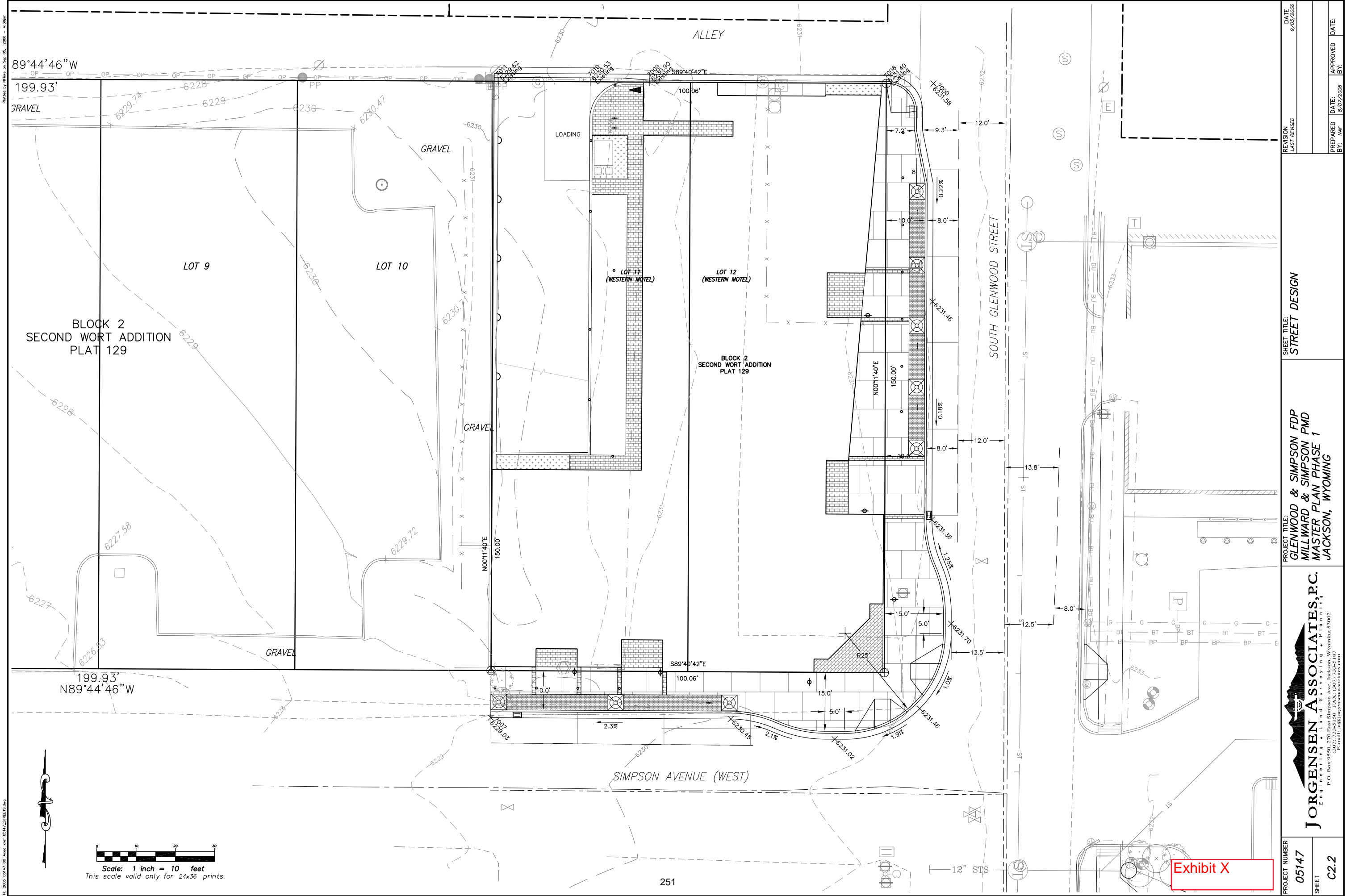
Source: American Association of State Highway and Transportation Officials (AASHTO).

- 25 Spaces total.
- One ADA-compliant accessible space (#4).
- All spaces 18'-0" deep as indicated.
- One space at 8'-7" wide (#18);
- All other spaces exceed 9'-0" usable width as indicated.
(Entrance width is restricted to 8'-7" at #s17 & 23, but functional width increases beyond columns.)

1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)

A compass rose with a circle divided into four quadrants by a vertical and a horizontal line. The top quadrant is shaded black. To the right of the circle, the text "Project North" is written.

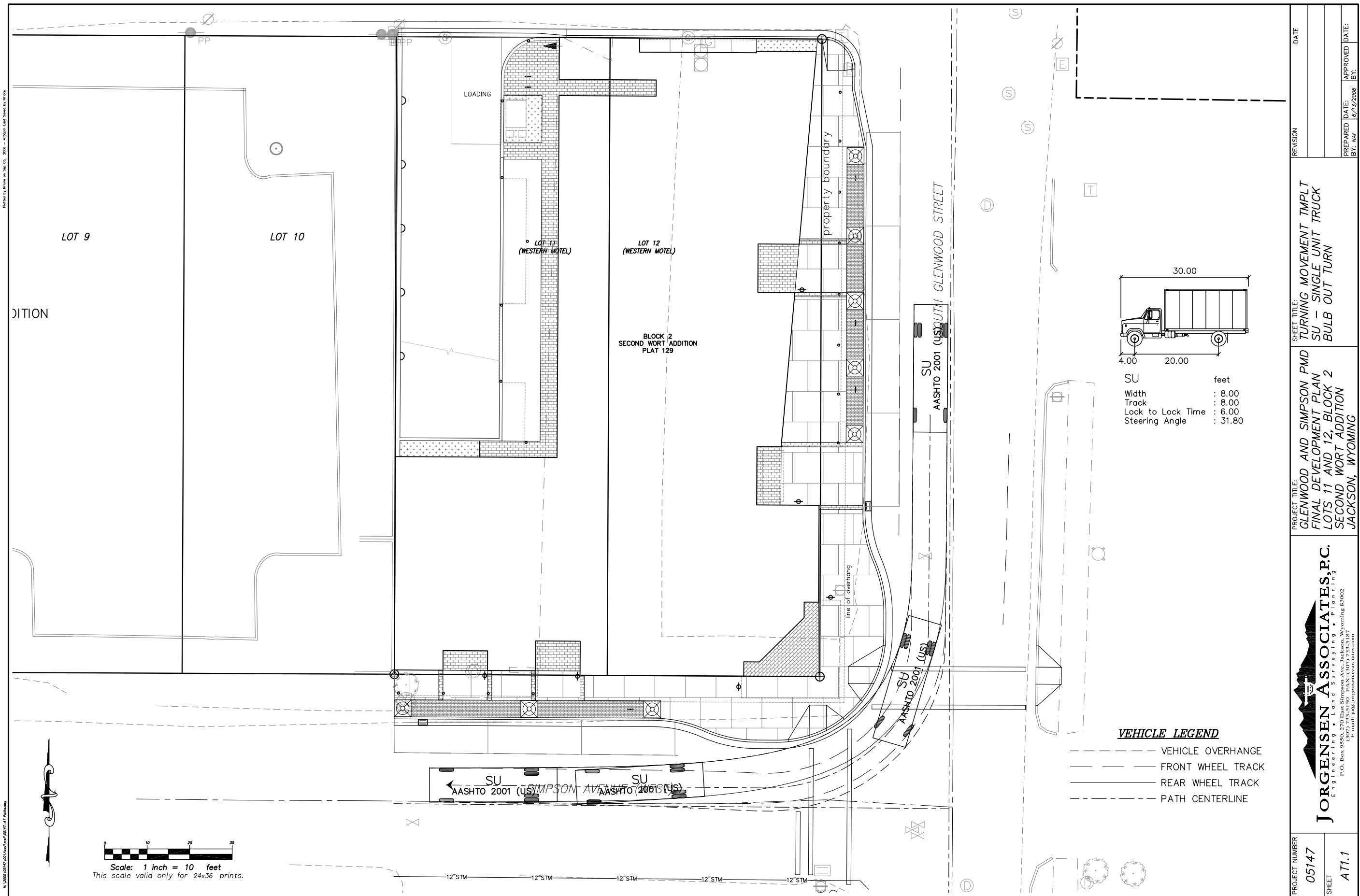
Basement
Parking
Plan for
FDP

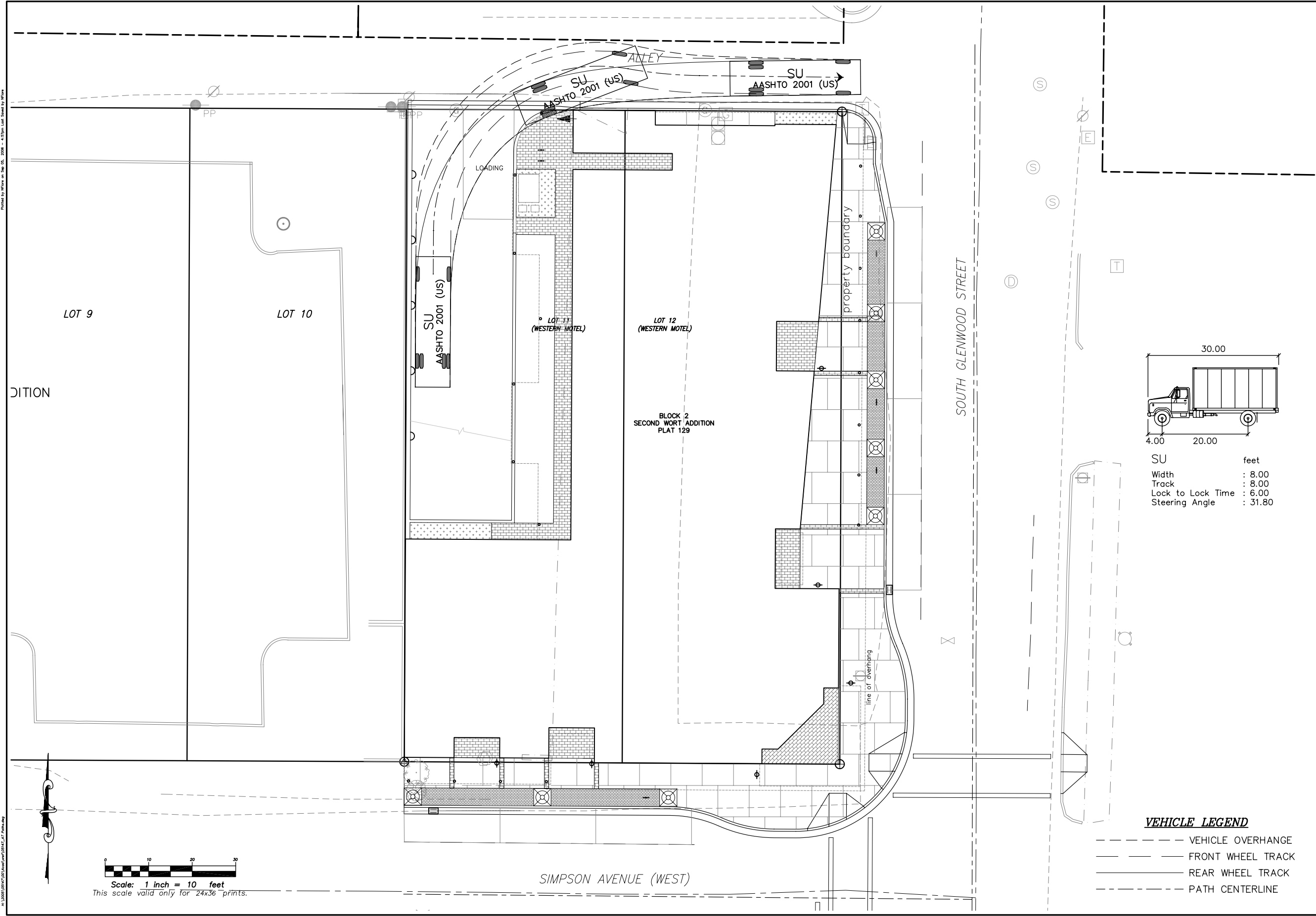



Printed by Millward on Sep 05, 2006 - 4:35pm

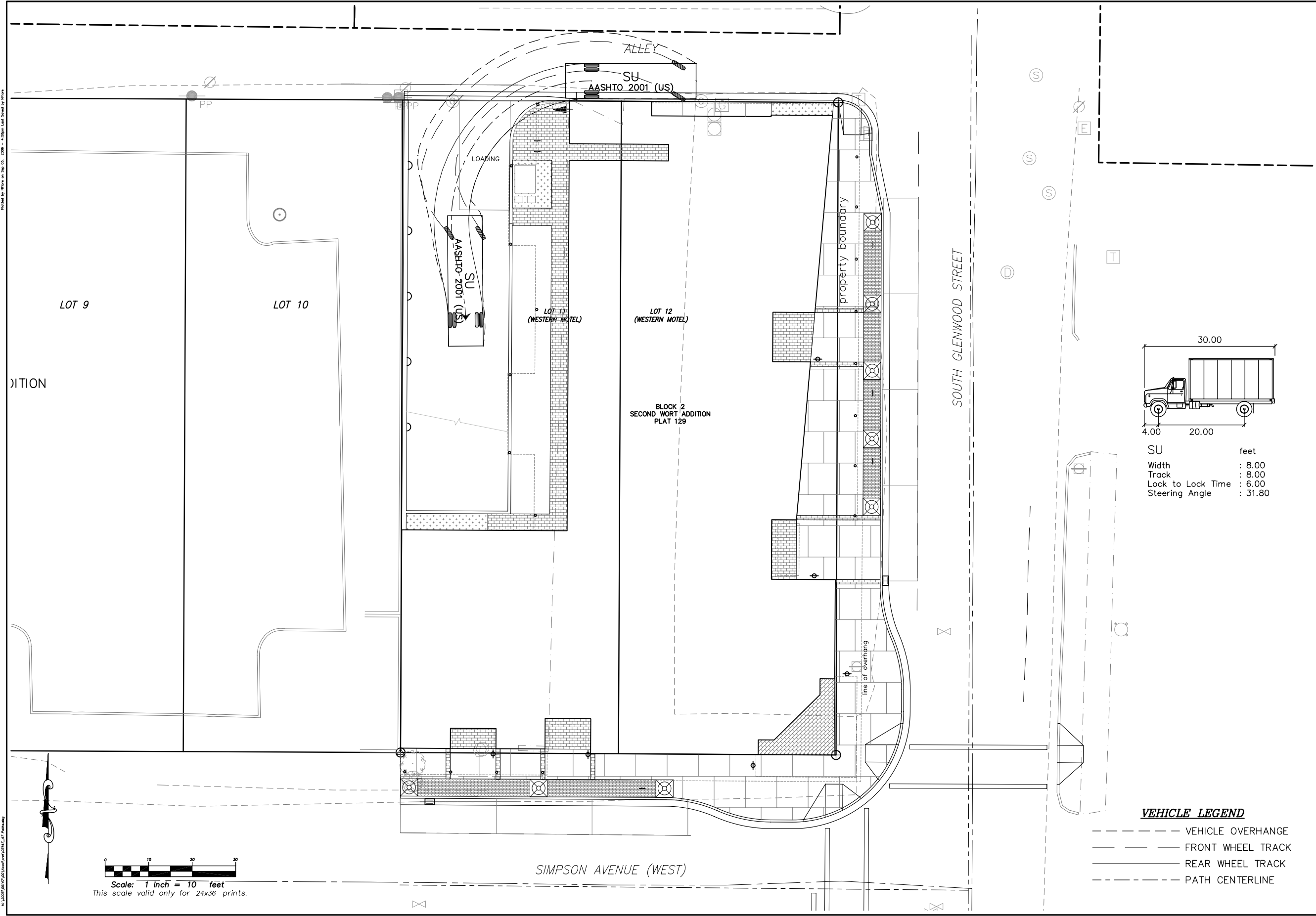
H: 2005 05147 00 Acad.mxd 05147_STREETS.dwg


| | | | | | | |
|--------------------------------|---|---------------------|--------------------------------------|--------------|--------------------------|--------------------|
| PROJECT NUMBER 05147 | PROJECT TITLE: GLENWOOD & SIMPSON FDP MILLWARD & SIMPSON PMD MASTER PLAN PHASE 1 JACKSON, WYOMING | | SHEET TITLE: STREET DESIGN | | REVISION LAST REVISED | DATE 9/05/2006 |
| | SHEET C2.2 | PREPARED BY: NMF | | APPROVED BY: | | DATE: 9/07/2006 |



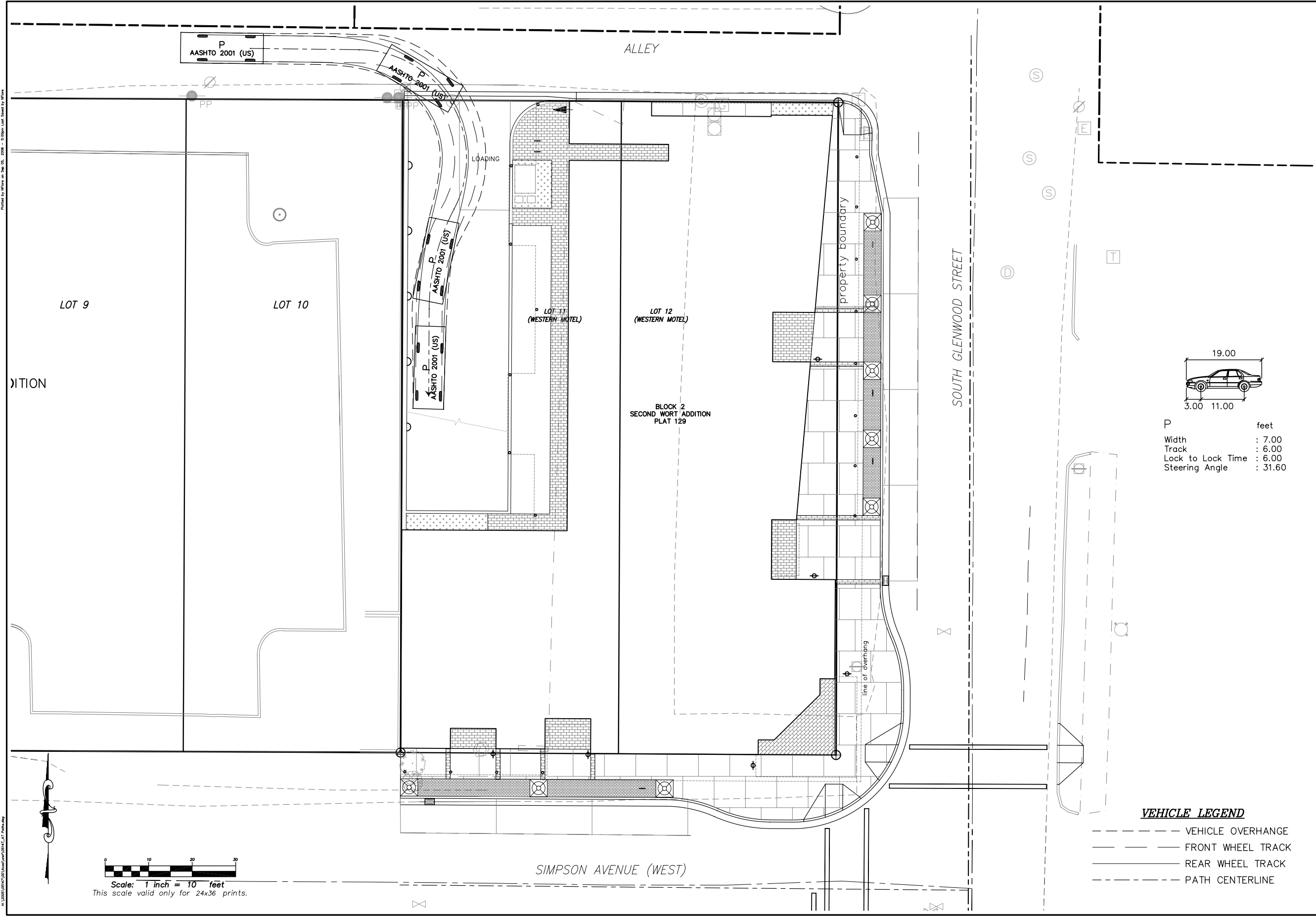


| | | | | | | | |
|--------------------------------|-----------------------|--|--|---|----------|------------------|-----------------|
| PROJECT NUMBER 05147 | SHEET A72.1 |  JORGENSEN ASSOCIATES, P.C. Engineering • Land Surveying • Planning P.O. Box 9560, 270 East Simpson Ave., Jackson, Wyoming 83002 (307) 733-5150 FAX: (307) 733-5187 E-mail: jae@jorgensenassociates.com | PROJECT TITLE: GLENWOOD AND SIMPSON PMD FINAL DEVELOPMENT PLAN LOTS 11 AND 12, BLOCK 2 SECOND WORT ADDITION JACKSON, WYOMING | SHEET TITLE: TURNING MOVEMENT TMPLT SU – SINGLE UNIT TRUCK EXITING PARKING RAMP | REVISION | DATE | |
| | | | | | | | |
| | | | | | | PREPARED BY: NAF | DATE: 6/13/2006 |
| | | | | | | APPROVED DATE: | |
| | | | | | | BY: | |



| | | | | | | | | | | | |
|-------------------------|--|---|--|---|--|---|--|--------------|--|-------|--|
| PROJECT NUMBER 05147 | |  JORGENSEN ASSOCIATES, P.C. Engineering • Land Surveying • Planning P.O. Box 92600 • Jackson, Wyoming 83002 (307) 791-5500 • Fax (307) 791-5501 E-mail: jae@jorgensenassociates.com | | PROJECT TITLE: GLENWOOD AND SIMPSON PMD FINAL DEVELOPMENT PLAN LOTS 11 AND 12, BLOCK 2 SECOND WORT ADDITION JACKSON, WYOMING | | SHEET TITLE: TURNING MOVEMENT TMPLT SU – SINGLE UNIT TRUCK BACKING INTO PARKING RAMP | | REVISION | | DATE | |
| SHEET A72.2 | | | | PREPARED BY: NAF | | DATE: 6/13/2006 | | APPROVED BY: | | DATE: | |

Plotted by HP/ma on 06-05-2006 at 4:58pm. User: HP/ma



| | | | | | | |
|-------------------------|---|------------------|--|--------------|----------|------|
| PROJECT NUMBER 05147 | PROJECT TITLE: GLENWOOD AND SIMPSON PMD FINAL DEVELOPMENT PLAN LOTS 11 AND 12, BLOCK 2 SECOND WORT ADDITION JACKSON, WYOMING | | SHEET TITLE: TURNING MOVEMENT TMPLT P - PASSENGER CAR ENTERING PARKING GARAGE | | REVISION | DATE |
| | SHEET A72.3 | | | | | |
| | | PREPARED BY: NAF | DATE: 6/13/2006 | APPROVED BY: | DATE: | |

Plotted by NAF on 6/13/06 at 10:00 AM. 2006 - 0.00mm. Last Saved by NAF on 6/13/06 at 10:00 AM.

Vehicular Turning Data:

Turning diagrams based on composite private vehicle dimensions:

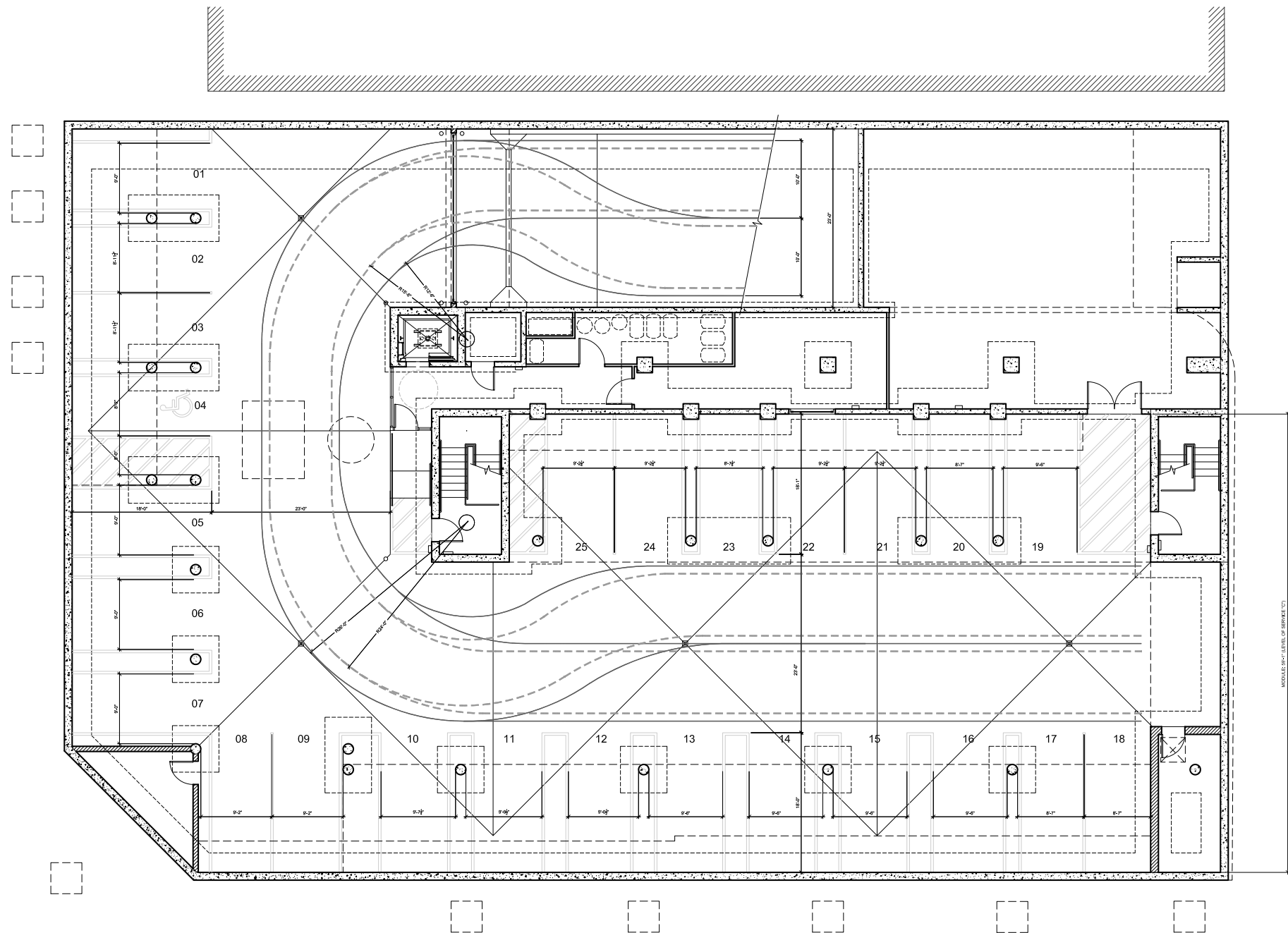
- Minimum turning radius = 24'-0"
- Outside front radius = 26'-0"
- Inside rear radius = 15'-6"
- Straight lane width = 10'-0"
- Curved lane width = 13'-6"
- Inside curb radius = 12'-6"
- Tangent length = 27'-7"

Diagrams are based on *minimum* turning radii, at 10 mph.
More subtle maneuvers create less interference.

Source: American Association of State Highway and
Transportation Officials (AASHTO).

Parking Summary:

- 25 Spaces total.
- One ADA-compliant accessible space (#4).
- All spaces 18'-0" deep as indicated.
- One space at 8'-7" wide (#18);
- All other spaces exceed 9'-0" usable width as indicated.
(Entrance width is restricted to 8'-7" at #s17 & 23,
but functional width increases beyond columns.)

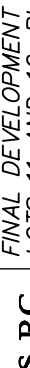


 Basement Level Parking Plan
1/8" = 1'-0" (Scale accurate when printed full size on 24"x36" media only)



Printed by HP DesignJet 1000 on 10/18/2006 11:18 AM

Plot: 10/18/2006 11:18 AM, 10/18/2006 11:18 AM, 10/18/2006 11:18 AM


| | | | | | | | |
|----------------|--|---|--|---|--|---|--|
| PROJECT NUMBER | |  | | PROJECT TITLE: | | SHEET TITLE: | |
| 05147 | | JORGENSEN ASSOCIATES, P.C. Engineering • Land Surveying • Planning | | GLENWOOD AND SIMPSON PMD FINAL DEVELOPMENT PLAN LOTS 11 AND 12, BLOCK 2 SECOND WORT ADDITION JACKSON, WYOMING | | INTERSECTION SIGHT DISTANCE ALLEY/GLENWOOD ST LDR SIGHT TRIANGLES | |
| SHEET | | P.O. Box 955 Jackson, Wyoming 83402 (307) 734-1541 E-mail: jae@jorgensenassociates.com | | REVISION | | DATE | |
| ISD 2.1 | | | | PREPARED | | DATE: | |
| | | | | BY: NAF | | 9/18/2006 | |
| | | | | APPROVED | | DATE: | |
| | | | | BY: | | | |

JORGENSEN ASSOCIATES, P.C.
ENGINEERS, ARCHITECTS, PLANNERS
P.O. Box 9560, 270 East Simpson Ave., Jackson, Wyoming 83002
(307) 733-5150 FAX: (307) 733-5187
E-mail: jae@jorgensenassociates.com



Printed by HP on 09/18/2006 at 1:50pm. User: jorgensen

Plot: J:\05147\05147.dwg, User: jorgensen, AT: jorgensen

| | | | | | | | | | | | |
|-------------------------|--|--|--|---|--|---|--|------------------|--|-----------------|--|
| PROJECT NUMBER 05147 | |  JORGENSEN ASSOCIATES, P.C. Engineering • Land Surveying • Planning P.O. Box 9550 • Jackson, Wyoming 83402 (307) 734-1515 • Fax (307) 734-1577 E-mail: jae@jorgensenassociates.com | | PROJECT TITLE: GLENWOOD AND SIMPSON PMD FINAL DEVELOPMENT PLAN LOTS 11 AND 12, BLOCK 2 SECOND WORT ADDITION JACKSON, WYOMING | | SHEET TITLE: INTERSECTION SIGHT DISTANCE ALLEY/GLENWOOD ST PRACTICAL SIGHT TRIANGLES | | REVISION | | DATE | |
| SHEET ISD 2.2 | | | | | | | | PREPARED BY: MAF | | DATE: 9/18/2006 | |
| | | | | | | | | APPROVED BY: | | DATE: | |

ENCROACHMENT AND EASEMENT AGREEMENT

This Agreement dated this ____ day of _____, 2018, by and between TBD Jackson, WY 83001, hereinafter collectively referred to as “Encroaching Party” and the Town of Jackson, a municipal corporation of the State of Wyoming, hereinafter referred to as “the Town”, provides as follows:

WHEREAS, Encroaching Party is the owner in fee simple of that certain real property in Teton County, Wyoming, described as follows:

Lots 11 and 12, Block 2, Second Wort Addition to the Town of Jackson, Teton County, Wyoming, according to that Plat recorded September 28, 1940 as Plat No. 129.

PIN: 22-41-16-33-1-08-004

WHEREAS, the above real property is subject to an Approved Amended Master Plan and the Affidavit and Agreement Between the Town of Jackson, Teton County, Wyoming and the Undersigned Applicant Relating to a Planned Mixed-Use Development Master Plan Pursuant to Ordinance No. 680, Section 2325 of the Town of Jackson Land Development Regulations, which *Affidavit and Agreement Relating to the 1st Amendment of the Millward and Simpson Planned Mixed-Use Development Master Plan* recorded May 6, 2016 as Doc 0903940 in Book 919 at pages 406-451.

WHEREAS, the Town is the owner of those certain public rights-of-way known as Glenwood Street and Simpson Avenue contiguous to said Lots, as shown on:

The Plat of the Second Wort Addition to the Town of Jackson, also known as Plat 129, as recorded in the Office of the Teton County Clerk,

which public rights-of-way adjoin Encroaching Party’s property.

WHEREAS, Encroaching Party desires in the future to erect, construct, and maintain private improvements within, on, and above the above-referenced public rights-of-way described as follows:

Building projections and roof overhangs including but not limited to canopies, enclosed (but non-interior and non-habitable) balconies, roofs, parapets, support columns, and structures, together with overhead lighting and related utilities as shown on:

(a) The sketch attached as **Exhibit A**, and

Exhibit Y

(b) The dimensional legal description attached hereto as **Exhibit B**

WHEREAS, Encroaching Party recognizes that it cannot acquire any right, title or interest in and to the said public rights-of-way by adverse possession or otherwise due to the encroachment and has agreed to quitclaim to the Town any and all right, title or interest it may have in and to the said public rights-of-way.

WHEREAS, the development project approved for Lots 11 & 12 of Block 2 of the 2nd Wort Addition permits seven separate residential and/or commercial units to encroach upon the Town rights-of-way in general compliance with the Exhibits attached hereto, and

WHEREAS, the Encroaching Party has further agreed that such payment shall be made prior to issuance of the Certificate of Occupancy with regard to the structure, and,

WHEREAS, the Encroaching Party and the Town agree that payment of such sums shall be a condition precedent to issuance of the Certificate of Occupancy.

NOW, THEREFORE, it is hereby agreed that for and in consideration of the aforesaid promises and other good and valuable consideration, the receipt of which is hereby acknowledged, Encroaching Party and the Town do mutually covenant and agree as follows:

1. Conveyance and Quitclaim. Encroaching Party conveys and quitclaims to the Town all right, title and interest now owned or hereafter acquired in and to the afore-referenced public rights-of-way.
2. Agreement to Allow Encroachment. The Town agrees that Encroaching Party shall have the right to have the private improvements overlap and extend beyond the boundary line of the Lots and to encroach on, in, and above the Town rights-of-way as generally depicted on **Exhibits A and B**.
3. Right to Maintain. Encroaching Party shall have the right from time to time to go upon the adjoining Town rights-of-way for the purpose of maintaining the private improvements, provided that any damage occurring to the property of the Town as a result of such maintenance shall be corrected or repaired at the sole expense of Encroaching Party or its successors and assigns. Under no circumstances shall the Encroaching Party be allowed to increase the existing encroachment, absent written approval (including applicable regulatory approval) from the Town. Notwithstanding the foregoing, no provision in this Agreement shall limit or prohibit Town from pursuing its right of eminent domain with regard

to the Encroaching Improvements and no provision of this Agreement shall limit or prohibit Encroaching Party from defending its property therefrom.

4. Release of Claims. Encroaching Party, and his successors or assigns, hereby releases and holds harmless the Town of Jackson from any and all damage, claim, cause, or right of action which may arise from normal Town use, maintenance, construction, repair or replacement activities by the Town associated with the Town rights-of-way in its present configuration and alignment and any of the present utilities within the Town rights of way and which may arise due to the proximity of the encroaching private improvements to the work activity being conducted by the Town.

5. Indemnification – General. Encroaching Party, and his successors in interest and assigns, hereby agrees to indemnify and hold harmless the Town of Jackson from any and all losses, damages, claims, causes of action, or rights of action, including reasonable attorneys fees, which the Town may incur as a result of in any way related to the construction, use, and/or maintenance of these encroaching improvements. The Town will give the Encroaching Party prompt notice of any claims against it arising from or related to such improvements and the Encroaching Party will be kept fully informed and advised of material matters relating to the defense and handling of such claim by the Town, its insurers, or its attorneys. Nothing in this Agreement shall alter, amend, modify, or diminish the existing statutory, constitutional, or legal defenses of the Town in relation to such claims under the Wyoming law.

6. Insurance. Encroaching Party, on his own behalf and on behalf of his successors and assigns, further covenants and agrees that, starting with the commencement of construction activities within the Town right-of-way and continuing thereafter during the entire term of this Agreement, the Town of Jackson shall be an additional insured on the policies of general liability insurance, with aggregate limits of at least One Million Dollars issued to Encroaching Party, his successors or assigns, including, specifically, any building owner, building/unit/condominium/homeowner's association, or other entity comprised of the owners of the units within the structure, including any or all of the encroaching units.

a. Encroaching Party and/or his successors and assigns, hereby agrees to provide the Town Clerk written evidence of the required insurance at the time of issuance of a building permit for any structure involving encroachments and within thirty (30) days of each annual or other periodic renewal of such insurance coverage.

b. This obligation to maintain insurance shall be absolute, without regard to any disputes between or among members of the Owner's Association, with regard to the payment of the premiums for such insurance. This obligation shall be included in the Declaration of Condominium, Declaration of Covenants, Conditions, and Restrictions or other legal documents relating to the Owner's Association or the structure, its governance and management.

7. Binding Covenant. The provisions of this Agreement shall operate as a covenant running with all parcels of land above described and shall bind both parties hereto and their respective successors and assigns.

8. Effective Date of Agreement. This Agreement shall become effective only upon approval of a Final (Major) Development Plan for Phase II of the Millward & Simpson Planned Mixed Use Development located at 175 S. Glenwood Street.

9. Term of Agreement. This instrument and all the undertakings, promises and covenants contained herein shall remain in full force and effect until such time as the structure encroaching is removed, demolished or destroyed, whether intentionally or by casualty loss, such as fire, earthquake, or other unforeseen occurrence, in which event all of the rights of the Encroaching Party or its successors and assigns hereunder to the encroachment shall cease. Provided, however, if, within a reasonable time (not to exceed two years) after such event, the Encroaching Party or their successor in interest initiates repairs, replacements, or reconstruction of the structure in essentially the same outside dimensions and configurations as the original encroaching structure, then all its rights shall be reinstated nunc pro tunc and preserved on the same terms set forth in this Agreement. Upon the development of compelling municipal interests with which the encroachments may interfere, Encroaching Party, its successors and assigns agree to cooperate with the Town to the fullest extent possible under then existing circumstances to accommodate and/or mitigate such interference by its encroachment.

10. Additional Documents and Acts. Each party agrees to execute and deliver such additional documents and instruments and to perform such additional acts as may be necessary or appropriate to effectuate, carry out and perform all of the terms, provisions, and conditions of this Agreement and the transactions contemplated hereby.

11. No Third-Party Beneficiary. This Agreement is made solely and specifically among and for the benefit of the parties hereto, and their respective successors and assigns, and no other person or entity will have any rights, interest,

or claims hereunder or be entitled to any benefits under or on account of this Agreement as a third party beneficiary or otherwise.

12. Headings. Headings used in this Agreement are for convenience only and shall not be deemed to constitute a part hereof, or shall not be deemed to limit, characterize, or in any way affect the provisions of this Agreement.

13. Modification in Writing. No modification, waiver, amendment, addition or cancellation of this document shall be effective unless in writing and signed by corporate officers of both parties.

14. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

15. Recording. This Agreement shall be executed upon its approval by the Jackson Town Council and shall thereupon be filed with the Town Clerk and recorded in the Land Records of Teton County, Wyoming.

TOWN OF JACKSON

APPROVED AS TO FORM:

Pete Muldoon, Mayor

Audrey Cohen-Davis
Town Attorney

ATTEST:

APPROVED:

Sandy Birdyshaw, Town Clerk

Brian Lenz, Town Engineer

ENCROACHING PARTY

TBD

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by Pete Muldoon and Sandy Birdyshaw, as Mayor and Town Clerk, respectfully, of the Town of Jackson, this ____ day of _____, 2018.

Witness my hand and official seal.

SEAL

Notary Public

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by _____, this ____ day of _____, 2018.

Witness my hand and official seal.

SEAL

Notary Public



Exhibit A

PERSPECTIVE RENDERING - VIEW FROM SOUTHEAST

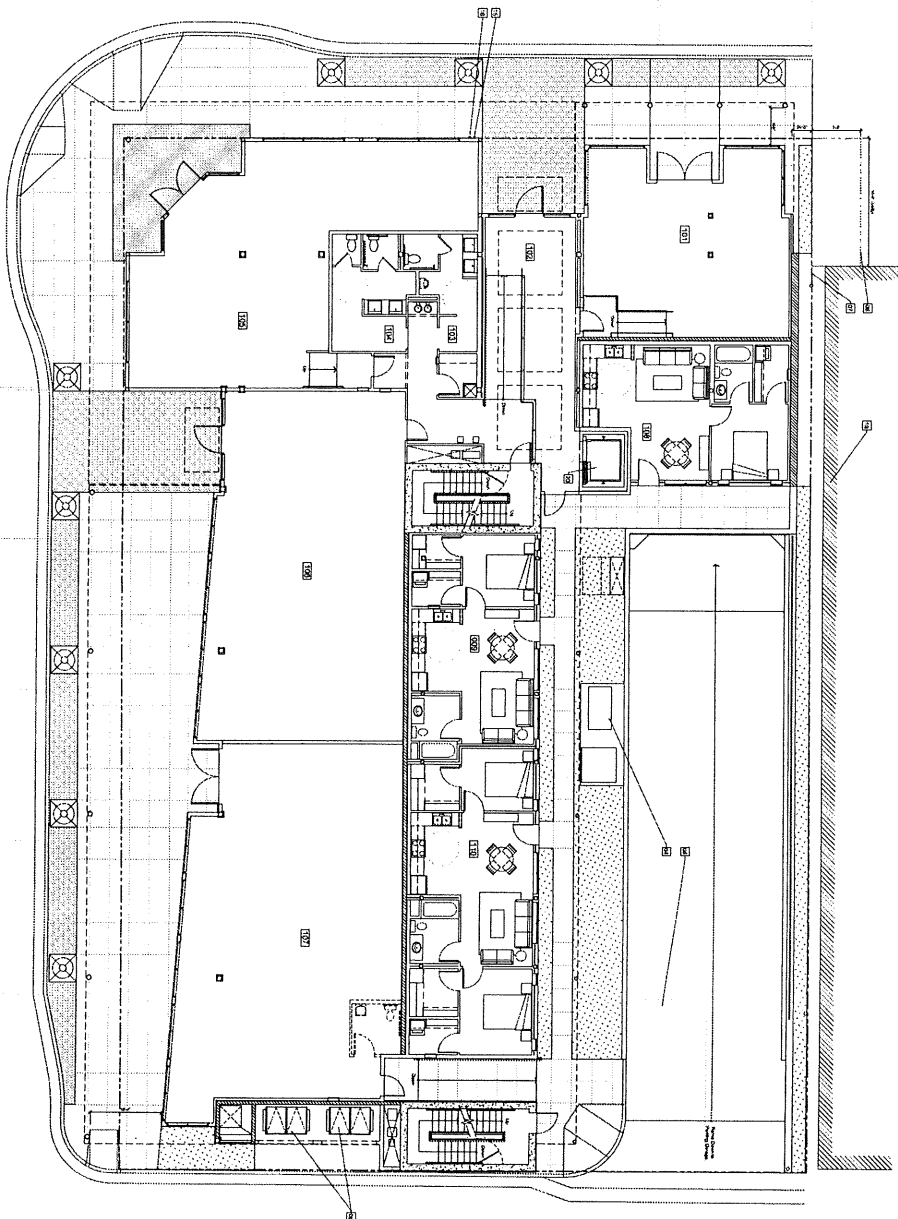
08/08/06

FDP Drawing Notes

- | | |
|----|---|
| 16 | Statement table and data, for intermediate and final datasets, including schema and metadata. |
| 17 | SQL table and schema for getting flow data/usage. |
| 18 | Operational data. |
| 19 | Operational data. |
| 20 | Dimensions. (Overlapped your schema) |
| 21 | 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 267 |

Room Key


- | | |
|-----|-------------------------------|
| 101 | Commercial / Retail Space "C" |
| 102 | Lobby |
| 103 | Men's Restrooms |
| 104 | Women's Restrooms |
| 105 | Commercial / Retail Space "N" |
| 106 | Commercial / Retail Space "N" |
| 107 | Commercial / Retail Space "C" |
| 108 | Employee Housing Unit "P" |
| 109 | Employee Housing Unit "C" |
| 110 | Employee Housing Unit "P" |



Grade Level Floor Plan



2005 = 144 (side account was added all the on 2005) make only



PharVet Animal Health, LLC
P.O. Box 60
Kenilworth, NJ 07033
Phone: 201-981-2000
<http://www.pharvet.com>

Chad Kinghorn & Associates
ARCHITECTS

216 K. JENNINGS ST.
BIRMINGHAM, AL 35201
678-666-1071, 678-670-8391

How/What/Why/When/Where

Actis Chemical Development, LLC
PO Box 1560

701 Larson Street
Archery, MD 20720

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Date 03 / 01 / 2018

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268
EXHIBIT B to Encroachment Agreement

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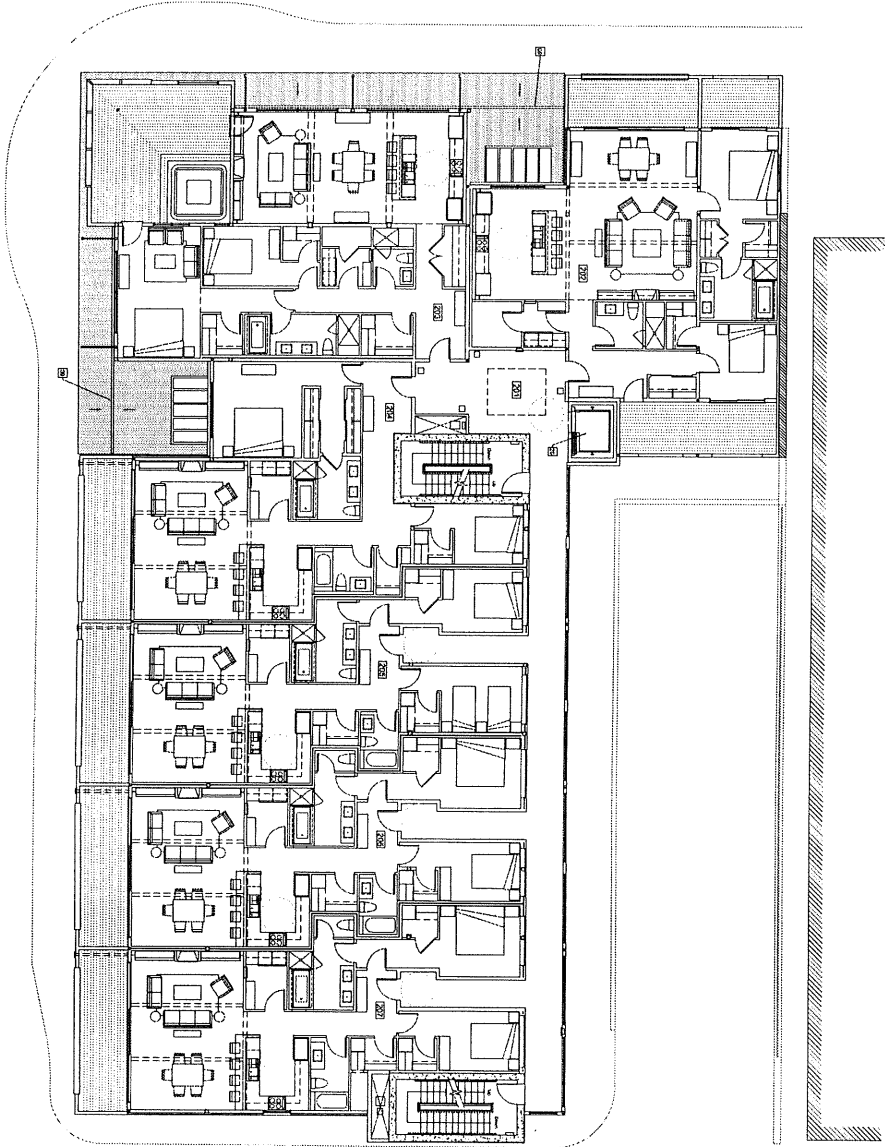
FDP Drawing Notes

20. **Answered:** cables and buses for transmission and control, data bus, power bus, control bus, and control/data, medium data bus.
21. **Answered:** bus system for garage, two parking spaces, two parking spaces.
22. **Answered:** bus.
23. **Answered:** bus.
24. **Answered:** CAN-bus.
25. **Answered:** CAN-bus (open access).
26. **Answered:** 12V, 24V, 48V, 72V, 144V, 288V, 576V, 1152V, 2304V, 4608V, 9216V, 18432V, 36864V, 73728V, 147456V, 294912V, 589824V, 1179648V, 2359296V, 4718592V, 9437184V, 18874368V, 37748736V, 75497472V, 150994944V, 301989888V, 603979776V, 1207959552V, 2415919104V, 4831838208V, 9663676416V, 19327352832V, 38654705664V, 77309411328V, 154618822656V, 309237645312V, 618475290624V, 1236950581248V, 2473901162496V, 4947802324992V, 9895604649984V, 19791209299968V, 39582418599936V, 79164837199872V, 158329674399744V, 316659348799488V, 633318697598976V, 1266637395197952V, 2533274790395904V, 5066549580791808V, 10133099161583616V, 20266198323167232V, 40532396646334464V, 81064793292668928V, 162129586585337856V, 324259173170675712V, 648518346341351424V, 1297036692682702848V, 2594073385365405696V, 5188146770730811392V, 10376293541461622784V, 20752587082923245568V, 41505174165846491136V, 83010348331692982272V, 166020696663385964544V, 332041393326771929088V, 664082786653543858176V, 1328165573307087716352V, 2656331146614175432704V, 5312662293228350865408V, 10625324586456701730816V, 21250649172913403461632V, 42501298345826806923264V, 85002596691653613846528V, 170005193383307227693056V, 340010386766614455386112V, 680020773533228910772224V, 1360041547066457821544448V, 2720083094132915643088896V, 5440166188265831286177792V, 10880332376531662572355584V, 21760664753063325144711168V, 43521329506126650289422336V, 87042659012253300578844672V, 174085318024506601157689344V, 348170636049013202315378688V, 696341272098026404630757376V, 1392682544196052809261514752V, 2785365088392105618523029504V, 5570730176784211237046059008V, 11141460353568422474092118016V, 22282920707136844948184236032V, 44565841414273689896368472064V, 89131682828547379792736944128V, 178263365657094759585473888256V, 356526731314189519170947776512V, 713053462628379038341895553024V, 1426106925256758076683791106048V, 2852213850513516153367582212096V, 5704427701027032306735164424192V, 11408855402054064613470328848384V, 22817710804108129226940657696768V, 45635421608216258453881315393536V, 91270843216432516907762630787072V, 182541686432865033815525261574144V, 365083372865730067631050523148288V, 730166745731460135262101046296576V, 1460333491462920270524202092593152V, 2920666982925840541048404185186304V, 5841333965851681082096808370372608V, 11682667931703362164193616740745216V, 23365335863406724328387233481490432V, 46730671726813448656774466962980864V, 93461343453626897313548933925961728V, 18692268690725379462709786785192352V, 37384537381450758925419573570384704V, 74769074762901517850839147140769408V, 149538149525803035701678294281538816V, 299076299051606071403356588563077632V, 598152598103212142806713177126155264V, 1196305196206424285613426354252310528V, 2392610392412848571226852708504621056V, 4785220784825697142453705417009242112V, 9570441569651394284907410834018484224V, 19140883139302788569814821668036968448V, 38281766278605577139629643336073936896V, 76563532557211154279259286672147873792V, 153127065114422308558518573344295747584V, 306254130228844617117037146688591495168V, 612508260457689234234074293377182990336V, 1225016520915378468468148586754365980672V, 2450033041830756936936297173508731961344V, 4900066083661513873872594347017463922688V, 9800132167323027747745188694034927845376V, 19600264334646055495490377388069855690752V, 39200528669292110990980754776139711381504V, 78401057338584221981961509552279422763008V, 156802114677168443963923019104558845526016V, 313604229354336887927846038209117691052032V, 627208458708673775855692076418235382104064V, 1254416917417347551711384152836470764208128V, 2508833834834695103422768305672941528416256V, 5017667669669390206845536611345883056832512V, 10035335339338780413691073222691766113665024V, 20070670678677560827382146445383532227330048V, 40141341357355121654764292890767064454660096V, 80282682714710243309528585781534128909320192V, 160565365429420486619057171563068257818640384V, 32113073085884097323811

Room Key

- [201]** Lobby / Corridor
- [202]** Lobby / Residential Unit "P"
- [203]** Lobby / Residential Unit "O"
- [204]** Lobby / Residential Unit "N"
- [205]** Lobby / Residential Unit "T"
- [206]** Lobby / Residential Unit "Y"
- [207]** Lobby / Residential Unit "X"

Second Level Floor Plan

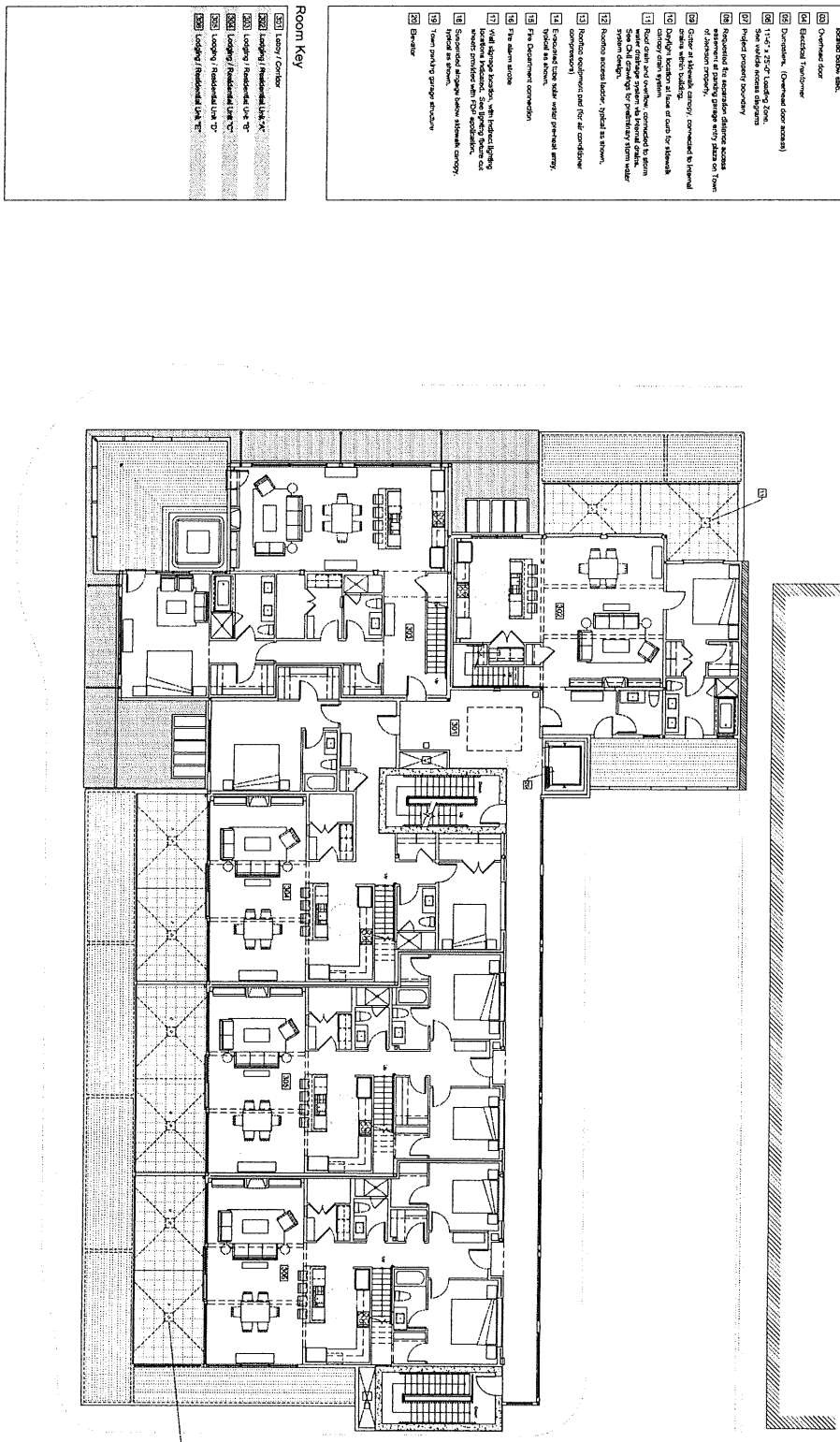


FDP Drawing Notes

- 1) Callout and notes, for annotation and
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Room Key

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01 Third Level Floor Plan

A-103 1/4" = 1'-0" (Scale shown on sheet A-103, 1/4" = 1'-0")



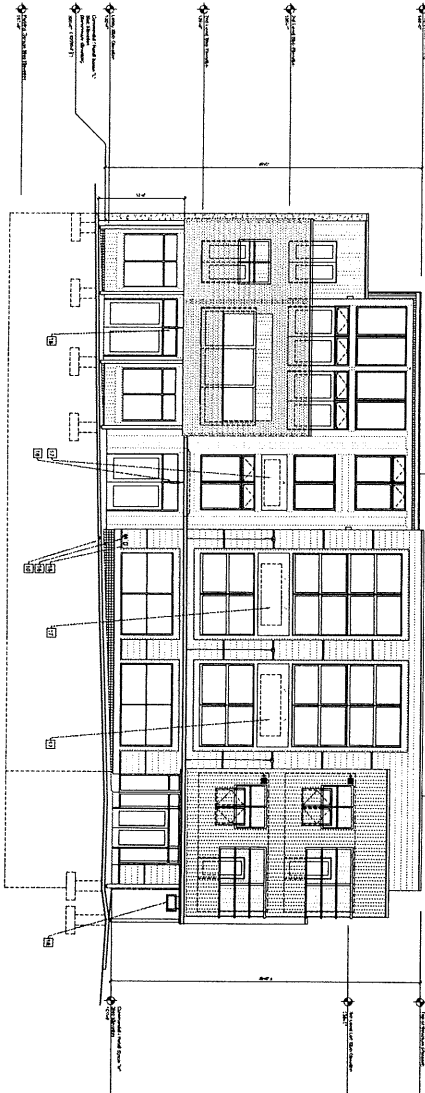
| | | | | | |
|--|--|---|--|--|--|
| HANGER HANGER ARCHITECTS, LLC 1000 N. 10TH STREET, SUITE 200 JACKSON, WY 83201 TEL: 307.733.1111 FAX: 307.733.1112 WWW.HANGERARCHITECTS.COM | | PROJECT INFORMATION PROJECT: GLENWOOD + SIMPSON MIXED USE BUILDING (PHASE II OF THE MILLWARD + SIMPSON PMD) LOCATION: LOIS 11 & 12, BLOCK 2, 2ND WEST ADDITION, JACKSON, WY 83201 DATE: 03/01/2018 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name] | | DESIGNER GLENWOOD + SIMPSON MIXED USE BUILDING (PHASE II OF THE MILLWARD + SIMPSON PMD) 1000 N. 10TH STREET, SUITE 200 JACKSON, WY 83201 TEL: 307.733.1111 FAX: 307.733.1112 WWW.HANGERARCHITECTS.COM | |
| SHEET INFORMATION SHEET NUMBER: A-103 TOTAL SHEETS: 10 SHEET TITLE: Third Level Floor Plan | | Glenwood + Simpson Mixed Use Building (Phase II of the Millward + Simpson PMD) Lois 11 & 12, Block 2, 2nd West Addition Jackson, Wyoming 83201 | | | |

EXHIBIT B

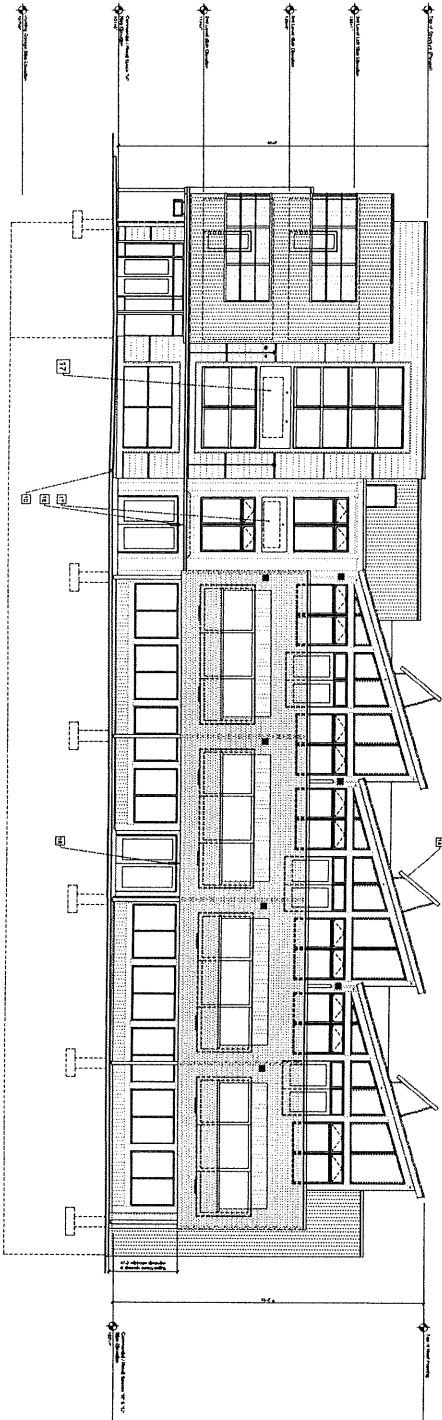
FDP Drawing Notes

01. Carport units and ramps, for basement and first floor parking, located below main building, adjacent to garage floor change.
02. Overhead door.
03. Blanked Translucence.
04. Overhead door (Overhead door access).
05. 11'-0" x 25'-0" Landing Zone.
06. Single vehicle access driveway.
07. Single vehicle access driveway.
08. Requested to separate driveway access from main building, to be located on 1st floor of Jackson property.
09. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.
10. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.
11. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.
12. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.
13. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.
14. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.
15. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.
16. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.
17. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.
18. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.
19. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.
20. Outer at alternate canopy, connected to main building, to be located on 1st floor of Jackson property.

01 South (Simpson Avenue) Elevation
A200 1/8" = 1'-0" (Scale includes view of building and carport units)



02 East (Glenwood Street) Elevation
A200 1/8" = 1'-0" (Scale includes view of building and carport units)



| | | | | | |
|---|--|--|--|--|---|
| Glenwood + Simpson Mixed Use Building (Phase II of the Millward + Simpson PMD) Lots 11 & 12, Block 2, 2nd Ward Addition Jackson, Wyoming 83001 | | Owner: The Jackson Company, LLC 1111 Broadway, Suite 100 Jackson, WY 83001 Architect: Harger Architects, LLC 1111 Broadway, Suite 100 Jackson, WY 83001 | Designer: The Jackson Company, LLC 1111 Broadway, Suite 100 Jackson, WY 83001 | Engineer: The Jackson Company, LLC 1111 Broadway, Suite 100 Jackson, WY 83001 | Date: 03/01/2018 Sheet Number: A-200 South & East Exterior Elevations |
|---|--|--|--|--|---|

ENCROACHMENT AND EASEMENT AGREEMENT

This Agreement dated this ____ day of _____, 2018, by and between TBD Jackson, WY 83001, hereinafter collectively referred to as “Encroaching Party” and the Town of Jackson, a municipal corporation of the State of Wyoming, hereinafter referred to as “the Town”, provides as follows:

WHEREAS, Encroaching Party is the owner in fee simple of that certain real property in Teton County, Wyoming, described as follows:

Lots 11 and 12, Block 2, Second Wort Addition to the Town of Jackson, Teton County, Wyoming, according to that Plat recorded September 28, 1940 as Plat No. 129.

PIN: 22-41-16-33-1-08-004

WHEREAS, the above real property is subject to an Approved Amended Master Plan and the Affidavit and Agreement Between the Town of Jackson, Teton County, Wyoming and the Undersigned Applicant Relating to a Planned Mixed-Use Development Master Plan Pursuant to Ordinance No. 680, Section 2325 of the Town of Jackson Land Development Regulations, which *Affidavit and Agreement Relating to the 1st Amendment of the Millward and Simpson Planned Mixed-Use Development Master Plan* recorded May 6, 2016 as Doc 0903940 in Book 919 at pages 406-451.

WHEREAS, the Town is the owner of those certain public rights-of-way known as Glenwood Street and Simpson Avenue contiguous to said Lots, as shown on:

The Plat of the Second Wort Addition to the Town of Jackson, also known as Plat 129, as recorded in the Office of the Teton County Clerk,

which public rights-of-way adjoin Encroaching Party’s property.

WHEREAS, Encroaching Party desires in the future to erect, construct, and maintain private improvements within, on, and above the above-referenced public rights-of-way described as follows:

Building projections and roof overhangs including but not limited to canopies, enclosed (but non-interior and non-habitable) balconies, roofs, parapets, support columns, and structures, together with overhead lighting and related utilities as shown on:

(a) The sketch attached as **Exhibit A**, and

Exhibit Y
continued

(b) The dimensional legal description attached hereto as **Exhibit B**

WHEREAS, Encroaching Party recognizes that it cannot acquire any right, title or interest in and to the said public rights-of-way by adverse possession or otherwise due to the encroachment and has agreed to quitclaim to the Town any and all right, title or interest it may have in and to the said public rights-of-way.

WHEREAS, the development project approved for Lots 11 & 12 of Block 2 of the 2nd Wort Addition permits seven separate residential and/or commercial units to encroach upon the Town rights-of-way in general compliance with the Exhibits attached hereto, and

WHEREAS, the Encroaching Party has further agreed that such payment shall be made prior to issuance of the Certificate of Occupancy with regard to the structure, and,

WHEREAS, the Encroaching Party and the Town agree that payment of such sums shall be a condition precedent to issuance of the Certificate of Occupancy.

NOW, THEREFORE, it is hereby agreed that for and in consideration of the aforesaid promises and other good and valuable consideration, the receipt of which is hereby acknowledged, Encroaching Party and the Town do mutually covenant and agree as follows:

1. Conveyance and Quitclaim. Encroaching Party conveys and quitclaims to the Town all right, title and interest now owned or hereafter acquired in and to the afore-referenced public rights-of-way.
2. Agreement to Allow Encroachment. The Town agrees that Encroaching Party shall have the right to have the private improvements overlap and extend beyond the boundary line of the Lots and to encroach on, in, and above the Town rights-of-way as generally depicted on **Exhibits A and B**.
3. Right to Maintain. Encroaching Party shall have the right from time to time to go upon the adjoining Town rights-of-way for the purpose of maintaining the private improvements, provided that any damage occurring to the property of the Town as a result of such maintenance shall be corrected or repaired at the sole expense of Encroaching Party or its successors and assigns. Under no circumstances shall the Encroaching Party be allowed to increase the existing encroachment, absent written approval (including applicable regulatory approval) from the Town. Notwithstanding the foregoing, no provision in this Agreement shall limit or prohibit Town from pursuing its right of eminent domain with regard

to the Encroaching Improvements and no provision of this Agreement shall limit or prohibit Encroaching Party from defending its property therefrom.

4. Release of Claims. Encroaching Party, and his successors or assigns, hereby releases and holds harmless the Town of Jackson from any and all damage, claim, cause, or right of action which may arise from normal Town use, maintenance, construction, repair or replacement activities by the Town associated with the Town rights-of-way in its present configuration and alignment and any of the present utilities within the Town rights of way and which may arise due to the proximity of the encroaching private improvements to the work activity being conducted by the Town.

5. Indemnification – General. Encroaching Party, and his successors in interest and assigns, hereby agrees to indemnify and hold harmless the Town of Jackson from any and all losses, damages, claims, causes of action, or rights of action, including reasonable attorneys fees, which the Town may incur as a result of in any way related to the construction, use, and/or maintenance of these encroaching improvements. The Town will give the Encroaching Party prompt notice of any claims against it arising from or related to such improvements and the Encroaching Party will be kept fully informed and advised of material matters relating to the defense and handling of such claim by the Town, its insurers, or its attorneys. Nothing in this Agreement shall alter, amend, modify, or diminish the existing statutory, constitutional, or legal defenses of the Town in relation to such claims under the Wyoming law.

6. Insurance. Encroaching Party, on his own behalf and on behalf of his successors and assigns, further covenants and agrees that, starting with the commencement of construction activities within the Town right-of-way and continuing thereafter during the entire term of this Agreement, the Town of Jackson shall be an additional insured on the policies of general liability insurance, with aggregate limits of at least One Million Dollars issued to Encroaching Party, his successors or assigns, including, specifically, any building owner, building/unit/condominium/homeowner's association, or other entity comprised of the owners of the units within the structure, including any or all of the encroaching units.

a. Encroaching Party and/or his successors and assigns, hereby agrees to provide the Town Clerk written evidence of the required insurance at the time of issuance of a building permit for any structure involving encroachments and within thirty (30) days of each annual or other periodic renewal of such insurance coverage.

b. This obligation to maintain insurance shall be absolute, without regard to any disputes between or among members of the Owner's Association, with regard to the payment of the premiums for such insurance. This obligation shall be included in the Declaration of Condominium, Declaration of Covenants, Conditions, and Restrictions or other legal documents relating to the Owner's Association or the structure, its governance and management.

7. Binding Covenant. The provisions of this Agreement shall operate as a covenant running with all parcels of land above described and shall bind both parties hereto and their respective successors and assigns.

8. Effective Date of Agreement. This Agreement shall become effective only upon approval of a Final (Major) Development Plan for Phase II of the Millward & Simpson Planned Mixed Use Development located at 175 S. Glenwood Street.

9. Term of Agreement. This instrument and all the undertakings, promises and covenants contained herein shall remain in full force and effect until such time as the structure encroaching is removed, demolished or destroyed, whether intentionally or by casualty loss, such as fire, earthquake, or other unforeseen occurrence, in which event all of the rights of the Encroaching Party or its successors and assigns hereunder to the encroachment shall cease. Provided, however, if, within a reasonable time (not to exceed two years) after such event, the Encroaching Party or their successor in interest initiates repairs, replacements, or reconstruction of the structure in essentially the same outside dimensions and configurations as the original encroaching structure, then all its rights shall be reinstated nunc pro tunc and preserved on the same terms set forth in this Agreement. Upon the development of compelling municipal interests with which the encroachments may interfere, Encroaching Party, its successors and assigns agree to cooperate with the Town to the fullest extent possible under then existing circumstances to accommodate and/or mitigate such interference by its encroachment.

10. Additional Documents and Acts. Each party agrees to execute and deliver such additional documents and instruments and to perform such additional acts as may be necessary or appropriate to effectuate, carry out and perform all of the terms, provisions, and conditions of this Agreement and the transactions contemplated hereby.

11. No Third-Party Beneficiary. This Agreement is made solely and specifically among and for the benefit of the parties hereto, and their respective successors and assigns, and no other person or entity will have any rights, interest,

or claims hereunder or be entitled to any benefits under or on account of this Agreement as a third party beneficiary or otherwise.

12. Headings. Headings used in this Agreement are for convenience only and shall not be deemed to constitute a part hereof, or shall not be deemed to limit, characterize, or in any way affect the provisions of this Agreement.

13. Modification in Writing. No modification, waiver, amendment, addition or cancellation of this document shall be effective unless in writing and signed by corporate officers of both parties.

14. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

15. Recording. This Agreement shall be executed upon its approval by the Jackson Town Council and shall thereupon be filed with the Town Clerk and recorded in the Land Records of Teton County, Wyoming.

TOWN OF JACKSON

APPROVED AS TO FORM:

Pete Muldoon, Mayor

Audrey Cohen-Davis
Town Attorney

ATTEST:

APPROVED:

Sandy Birdyshaw, Town Clerk

Brian Lenz, Town Engineer

ENCROACHING PARTY

TBD

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by Pete Muldoon and Sandy Birdyshaw, as Mayor and Town Clerk, respectfully, of the Town of Jackson, this ____ day of _____, 2018.

Witness my hand and official seal.

SEAL

Notary Public

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by _____TBD_____, this ____ day of _____, 2018.

Witness my hand and official seal.

SEAL

Notary Public



PO Box 487 Jackson, WY 83001
(307)690-9955
keith@hargerarchitects.com

March 01, 2018

Re: Glenwood & Simpson Mixed Use Building
(Phase 2 of the Milward + Simpson PMD)
Domestic Water Demand Calculations

The following table is a summary of the plumbing fixtures proposed for this development and the appropriate water use calculation:

GROUND LEVEL RETAIL, PRIVATE RESTROOM

| <u>Quantity</u> | <u>Fixture</u> | <u>Fixture unit</u> | <u>Total</u> |
|-----------------|-------------------------|---------------------|--------------|
| 1 | Flush tank water closet | 2.5 | 2.5 |
| 1 | Lavatory | 1.0 | 1.0 |
| | <i>Subtotal</i> | | <i>3.5</i> |

GROUND LEVEL RETAIL, COMMON RESTROOMS

| <u>Quantity</u> | <u>Fixture</u> | <u>Fixture unit</u> | <u>Total</u> |
|-----------------|------------------------------|---------------------|--------------|
| 3 | Flush tank water closet | 2.5 | 7.5 |
| 1 | Urinal | 20.0 | 20.0 |
| 2 | Lavatory | 1.0 | 2.0 |
| 1 | Drinking fountain (in lobby) | 0.5 | 0.5 |
| 1 | Janitor's sink | 2.5 | 2.5 |
| | <i>Subtotal</i> | | <i>32.5</i> |

GROUND LEVEL EMPLOYEE HOUSING

| <u>Quantity</u> | <u>Fixture</u> | <u>Fixture unit</u> | <u>Total</u> |
|-----------------|-------------------------|---------------------|--------------|
| 3 | Flush tank water closet | 2.5 | 7.5 |
| 3 | Shower | 2.0 | 6.0 |
| 3 | Lavatory | 1.0 | 3.0 |
| 3 | Kitchen sink | 1.5 | 4.5 |
| 3 | Clothes washer | 4.0 | 12.0 |
| | <i>Subtotal</i> | | <i>77.0</i> |

Exhibit Z

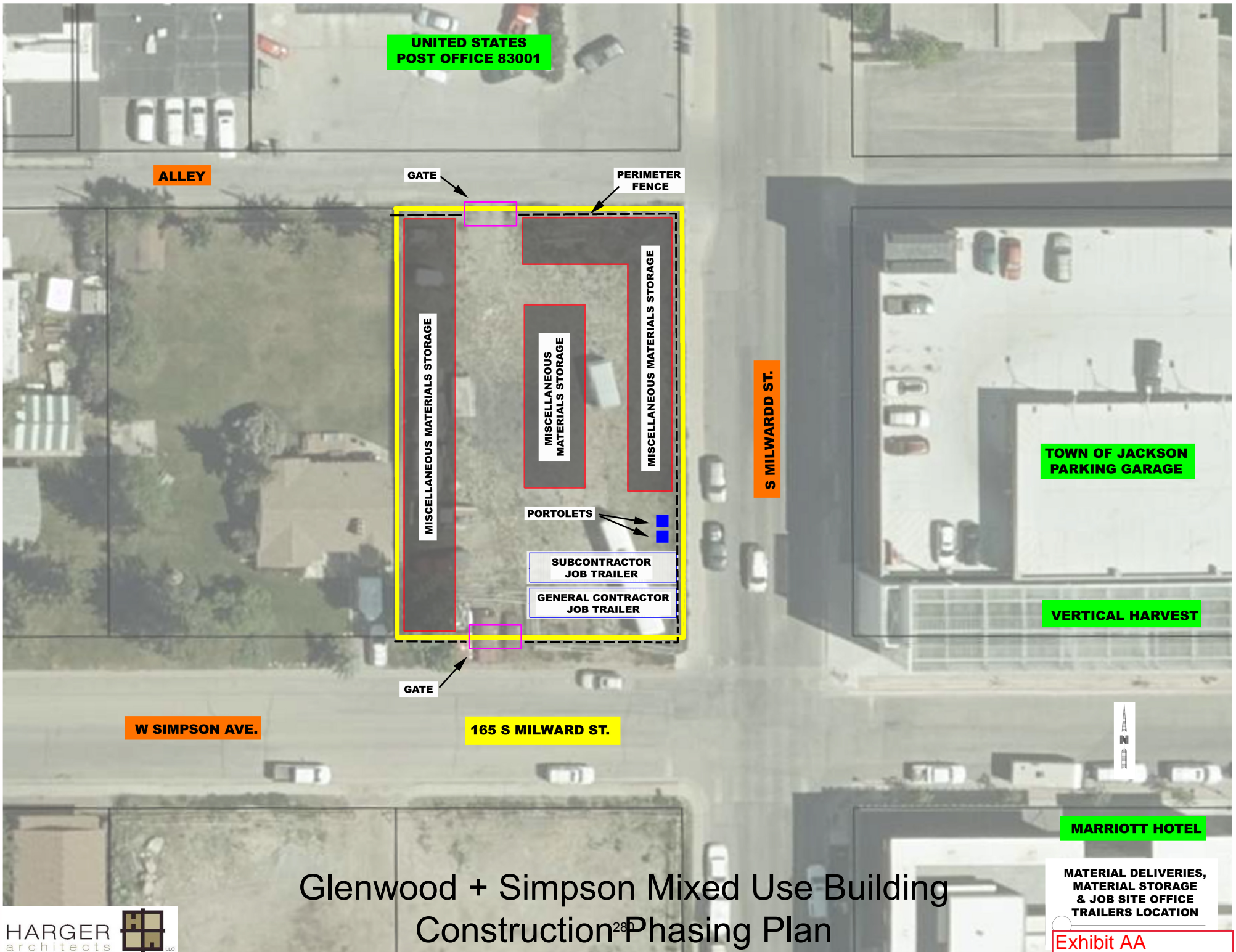
2ND LEVEL LODGING / RESIDENTIAL UNITS

| <u>Quantity</u> | <u>Fixture</u> | <u>Fixture unit</u> | <u>Total</u> |
|-----------------|-------------------------|---------------------|--------------|
| 14 | Flush tank water closet | 2.5 | 35.0 |
| 12 | Shower | 2.0 | 24.0 |
| 20 | Lavatory | 1.0 | 20.0 |
| 6 | Kitchen sink | 1.5 | 9.0 |
| 6 | Clothes washer | 4.0 | 24.0 |
| | <i>Subtotal</i> | | <i>112.0</i> |

3RD LEVEL LODGING / RESIDENTIAL UNITS

| <u>Quantity</u> | <u>Fixture</u> | <u>Fixture unit</u> | <u>Total</u> |
|-----------------|-------------------------|---------------------|---------------------|
| 15 | Flush tank water closet | 2.5 | 37.5 |
| 14 | Shower | 2.0 | 28.0 |
| 20 | Lavatory | 1.0 | 20.0 |
| 5 | Kitchen sink | 1.5 | 7.5 |
| 5 | Clothes washer | 4.0 | 20.0 |
| | <i>Subtotal</i> | | <i>87.0</i> |
| | <i>Total</i> | | <i>309.5</i> |

Based on the Hunter Curve in the ASHRAE Applications Manual, 310 fixture units = 56 gpm peak hour demand for hotels (42 gpm for apartment houses), or 28 gpm average demand at a 50% usage factor. The daily water use would be 28 gpm x 1,440 min. (24 hr. day x 60 min.) = 40,320 GPD (gallons per day)



UNITED STATES
POST OFFICE 83001

ALLEY

GATE

PERIMETER
FENCE

MISCELLANEOUS MATERIALS STORAGE

MISCELLANEOUS
MATERIALS STORAGE

MISCELLANEOUS MATERIALS STORAGE

PORTOLETS

SUBCONTRACTOR
JOB TRAILER

GENERAL CONTRACTOR
JOB TRAILER

GATE

W SIMPSON AVE.

165 S MILWARD ST.

S MILWARD ST.

TOWN OF JACKSON
PARKING GARAGE

VERTICAL HARVEST



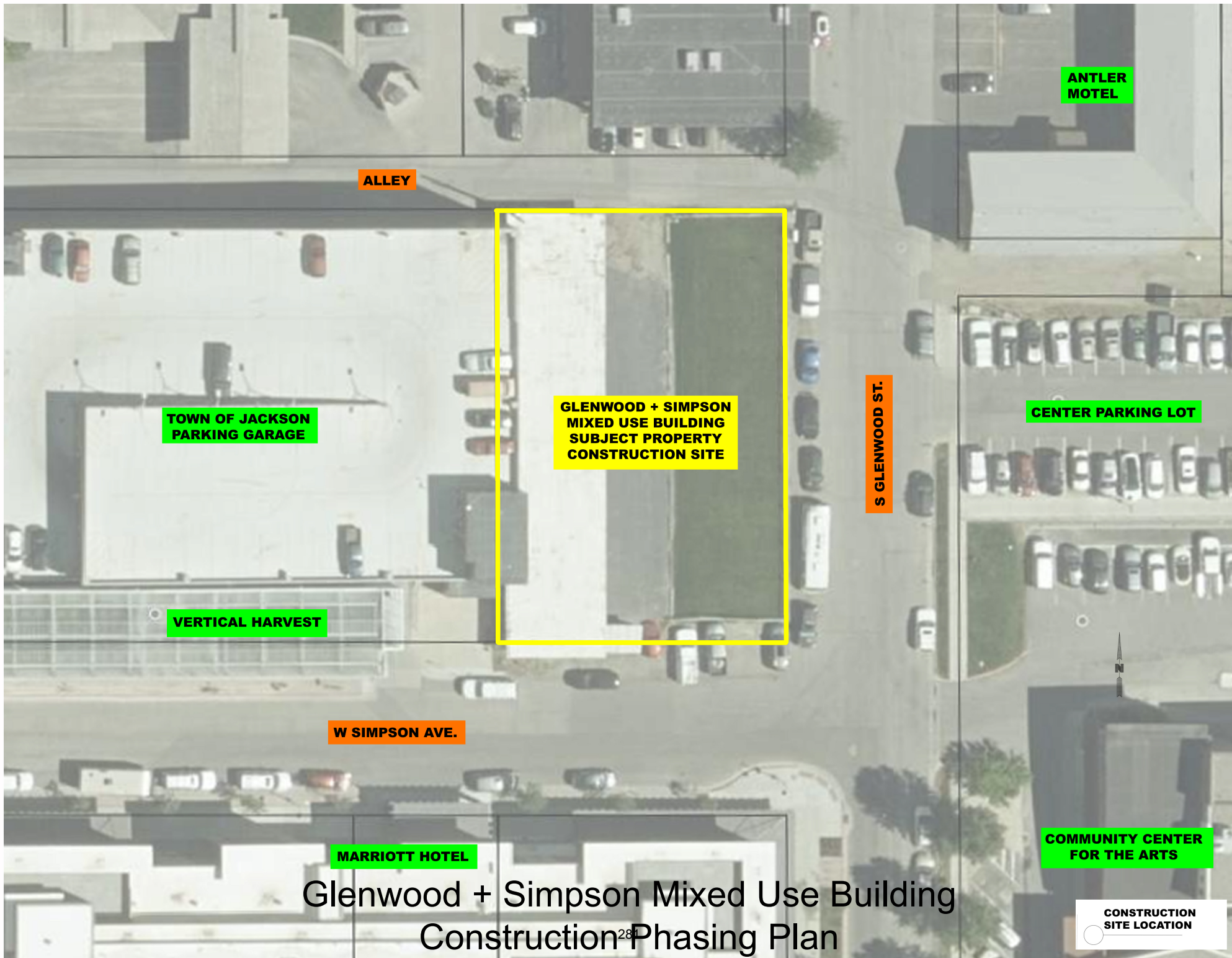
MARRIOTT HOTEL

Glenwood + Simpson Mixed Use Building Construction Phasing Plan

MATERIAL DELIVERIES,
MATERIAL STORAGE
& JOB SITE OFFICE
TRAILERS LOCATION

Exhibit AA





ANTLER
MOTEL

ALLEY

TOWN OF JACKSON
PARKING GARAGE

GLENWOOD + SIMPSON
MIXED USE BUILDING
SUBJECT PROPERTY
CONSTRUCTION SITE

S GLENWOOD ST.

CENTER PARKING LOT

VERTICAL HARVEST

W SIMPSON AVE.



MARRIOTT HOTEL

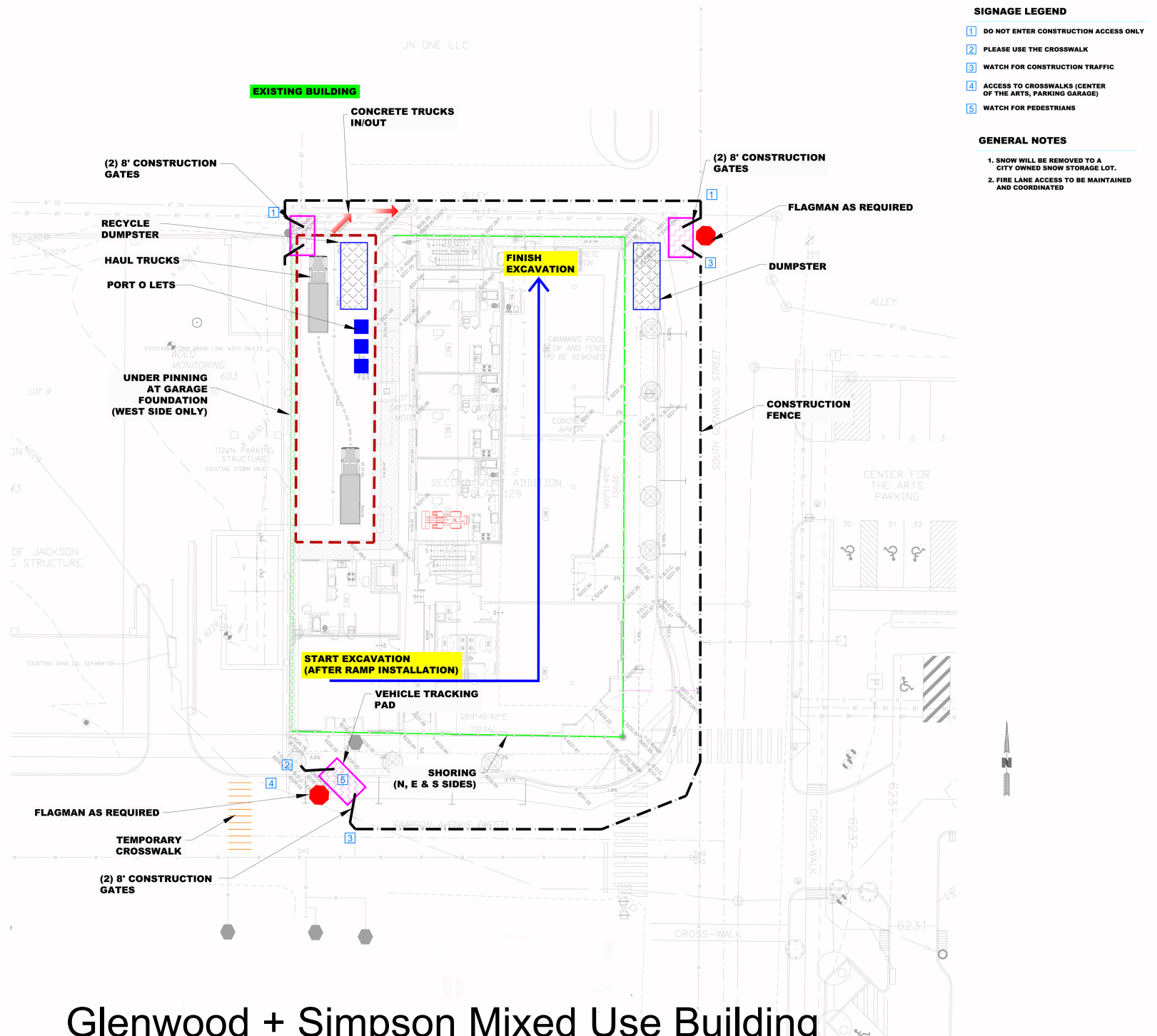
COMMUNITY CENTER
FOR THE ARTS

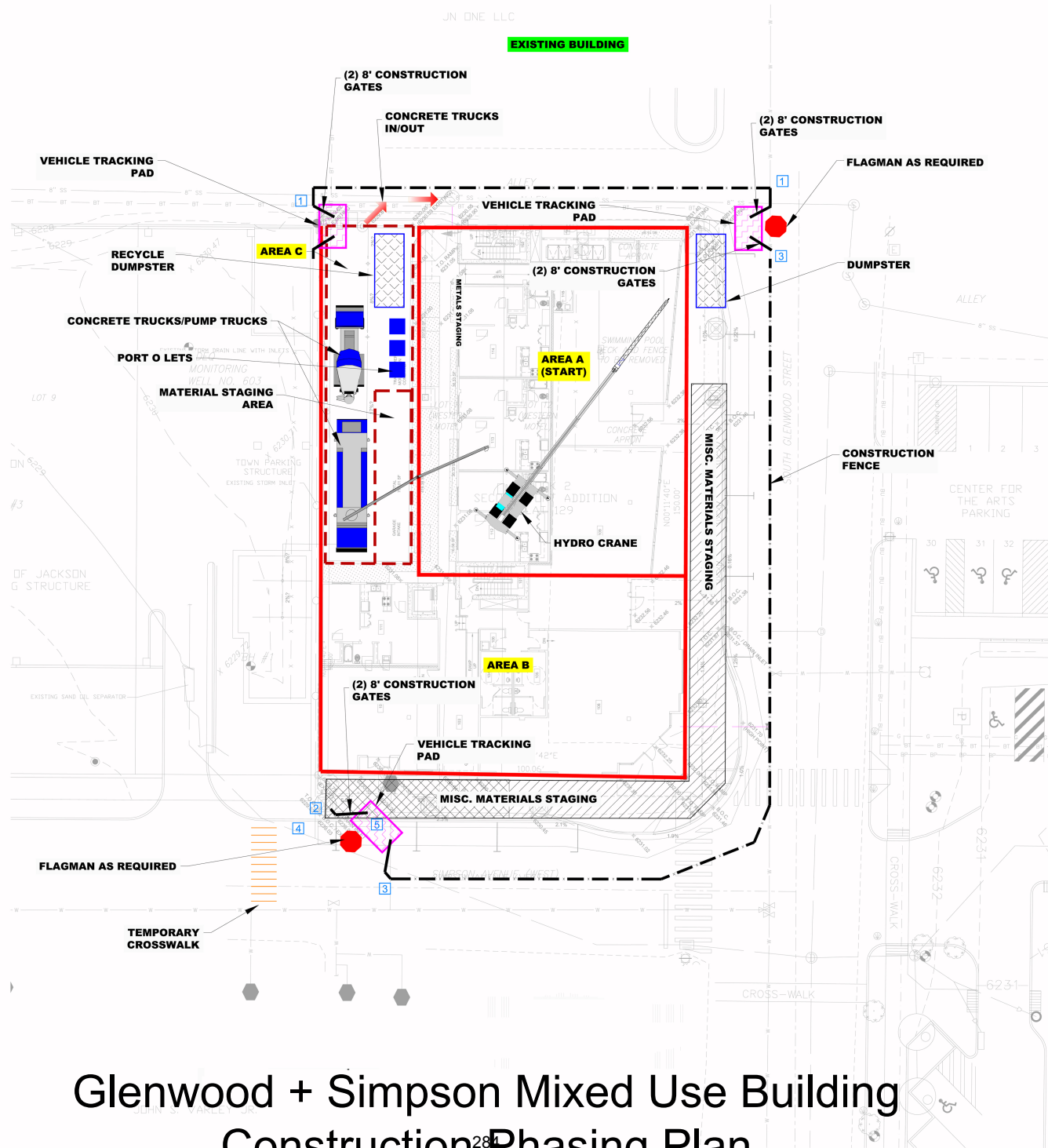
Glenwood + Simpson Mixed Use Building Construction Phasing Plan

CONSTRUCTION
SITE LOCATION



JOHN S. VARLEY JR.





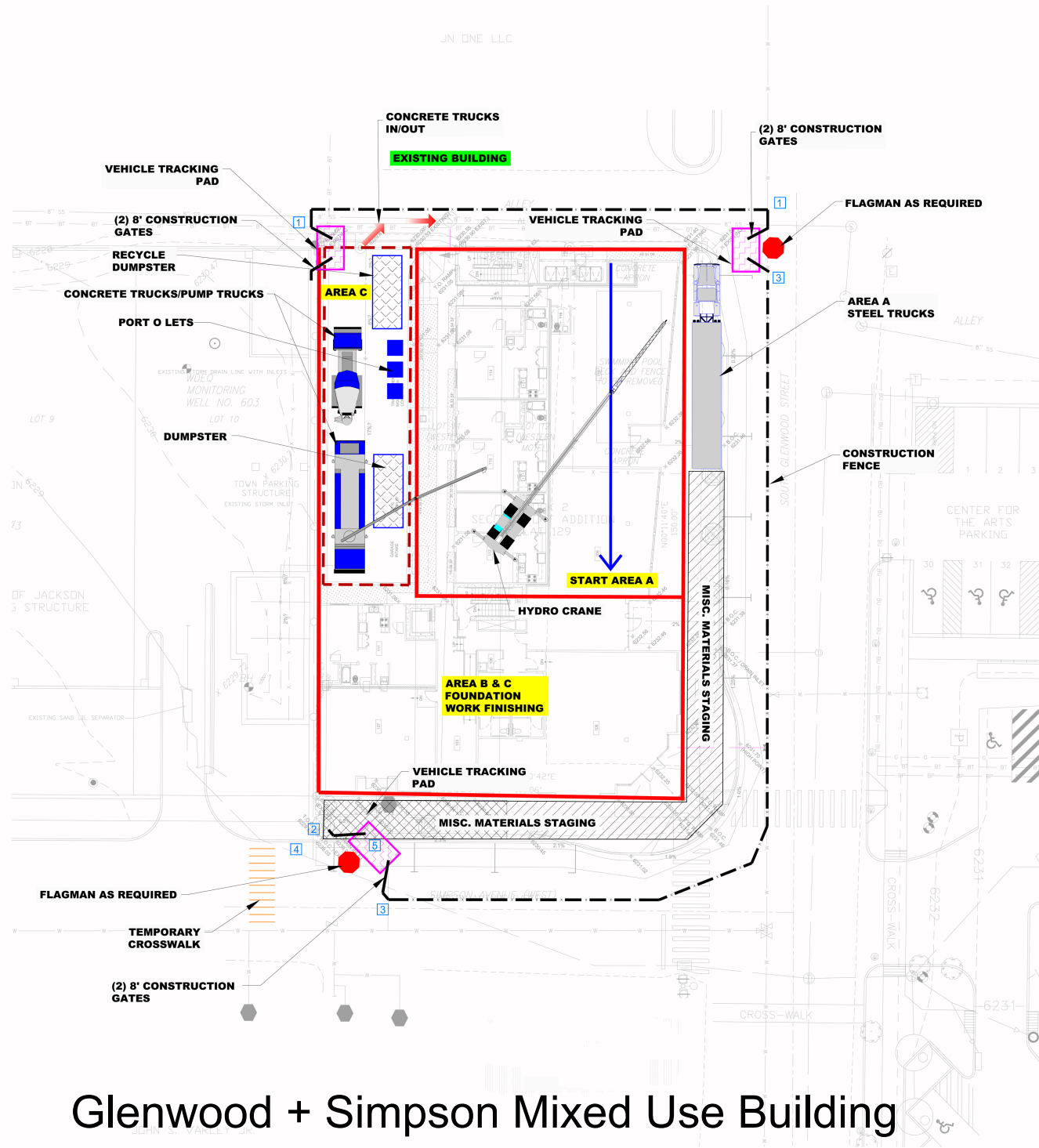
SIGNAGE LEGEND

- 1 DO NOT ENTER CONSTRUCTION ACCESS ONLY
- 2 PLEASE USE THE CROSSWALK
- 3 WATCH FOR CONSTRUCTION TRAFFIC
- 4 ACCESS TO CROSSWALKS (CENTER OF THE ARTS, PARKING GARAGE)
- 5 WATCH FOR PEDESTRIANS

GENERAL NOTES

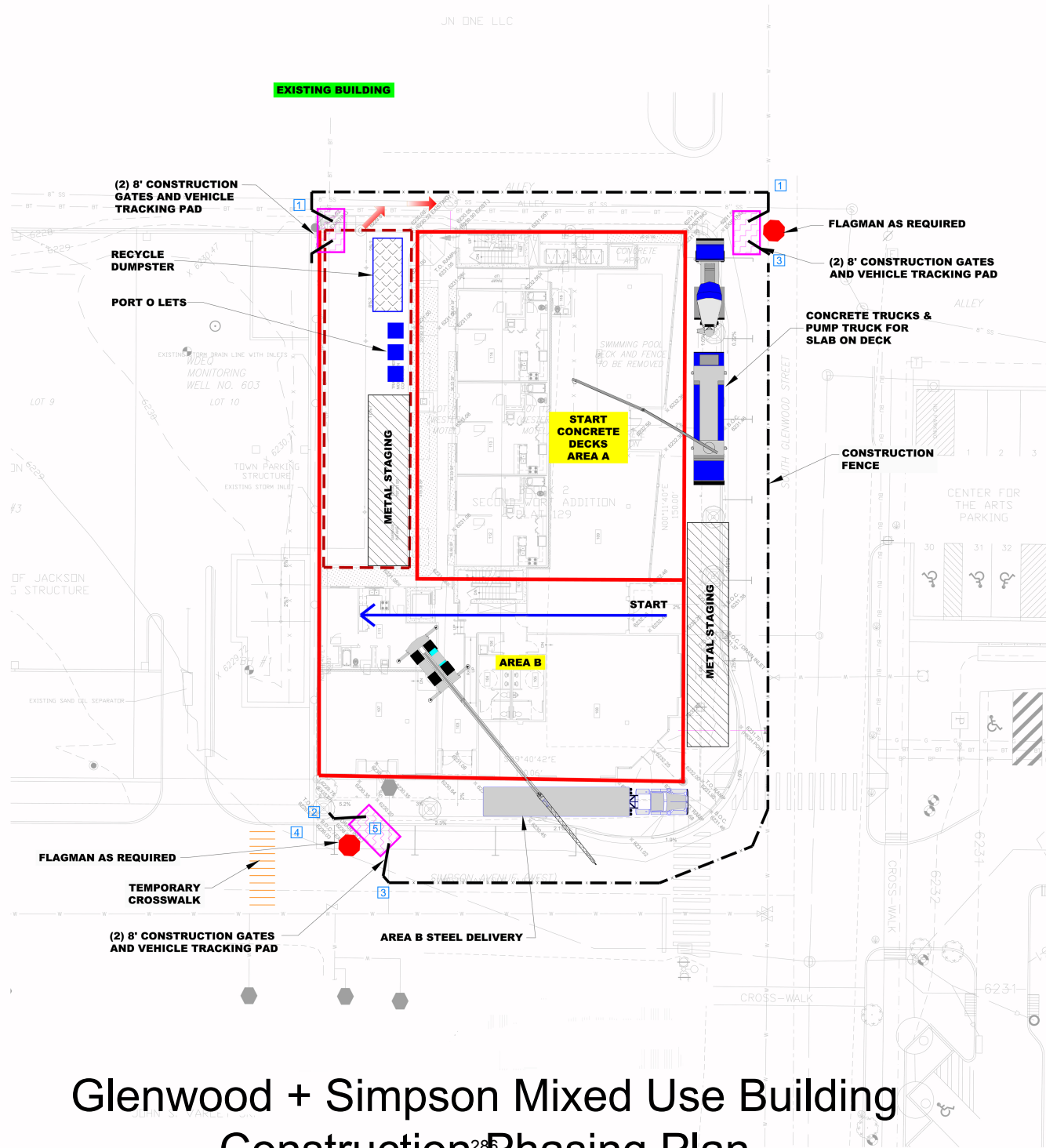
1. SNOW WILL BE REMOVED TO A CITY OWNED SNOW STORAGE LOT.
2. FIRE LANE ACCESS TO BE MAINTAINED AND COORDINATED

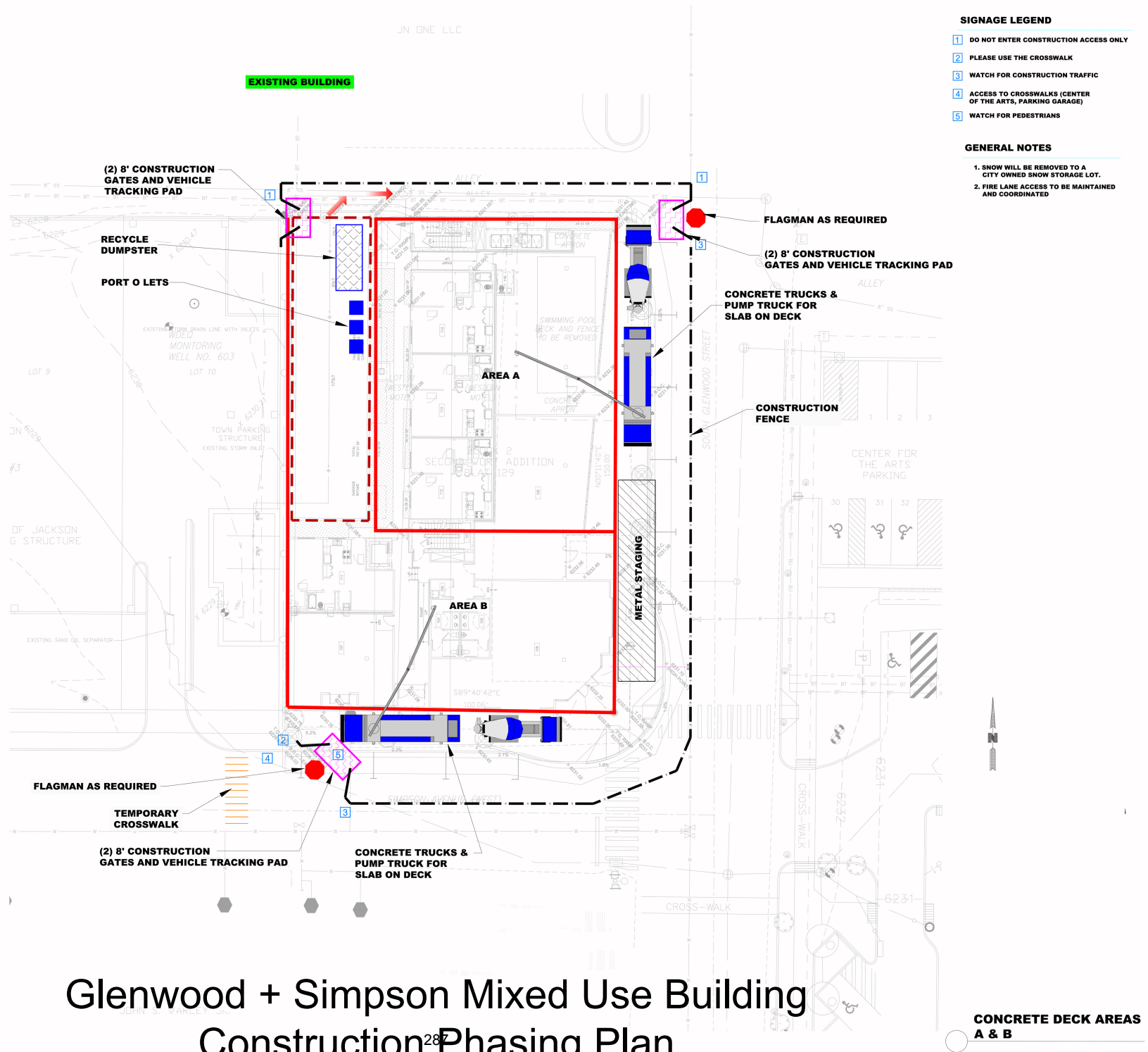
Glenwood + Simpson Mixed Use Building Construction Phasing Plan

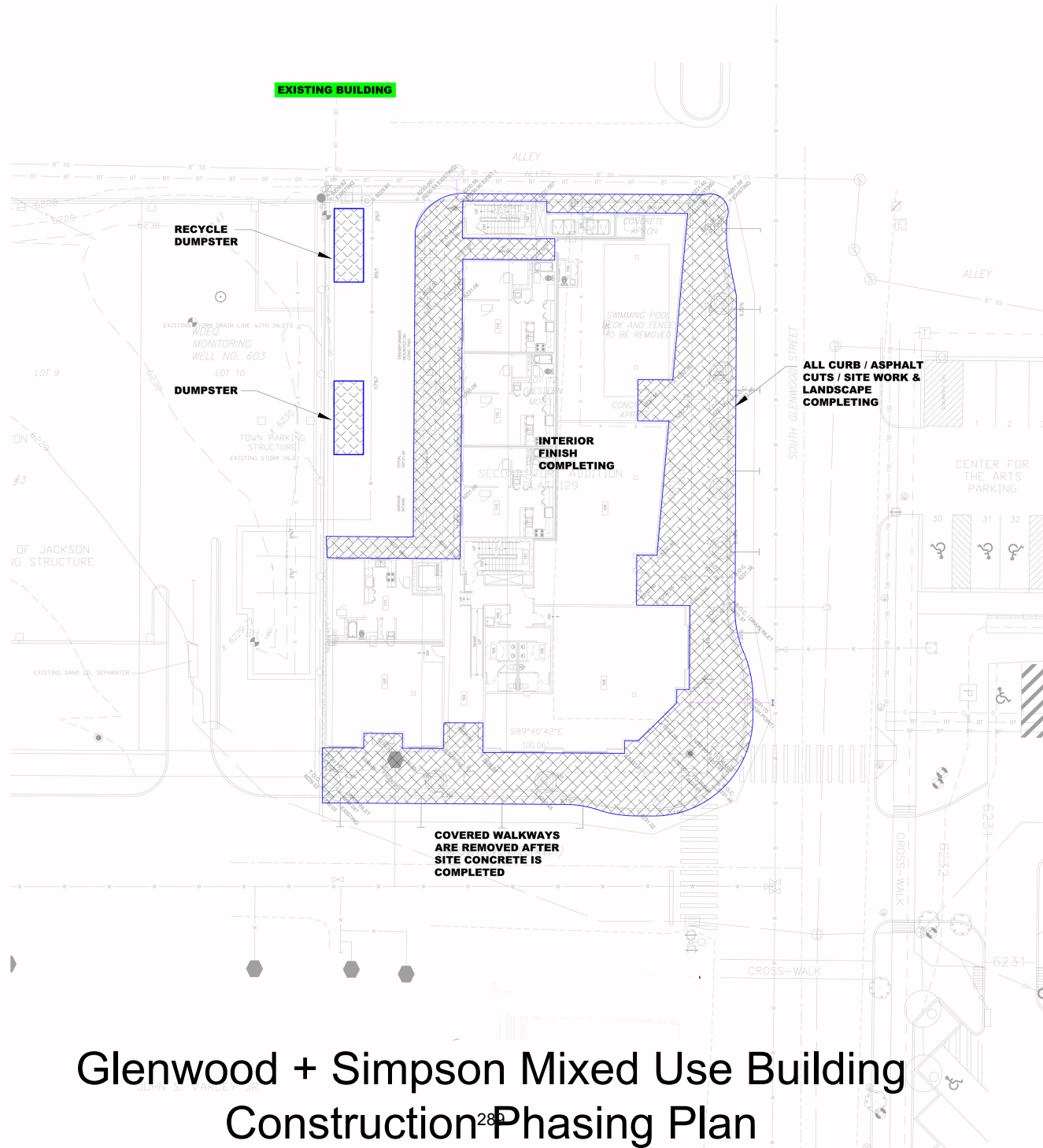


- SIGNAGE LEGEND**
- 1 DO NOT ENTER CONSTRUCTION ACCESS ONLY
 - 2 PLEASE USE THE CROSSWALK
 - 3 WATCH FOR CONSTRUCTION TRAFFIC
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- GENERAL NOTES**
- 1. SNOW WILL BE REMOVED TO A CITY OWNED SNOW STORAGE LOT.
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Glenwood + Simpson Mixed Use Building Construction Phasing Plan







- GENERAL NOTES**
1. SNOW WILL BE REMOVED TO A CITY OWNED SNOW STORAGE LOT.
 2. FIRE LANE ACCESS TO BE MAINTAINED AND COORDINATED

Glenwood + Simpson Mixed Use Building Construction Phasing Plan

SITE WORK



PO Box 487 Jackson, WY 83001
(307)690-9955
keith@hargerarchitects.com

March 01, 2018

Re: Glenwood & Simpson Mixed Use Building
(Phase 2 of the Milward + Simpson PMD)
Proposed Excavation Shoring Methods

This development anticipates using a vertically cantilevered shoring system, consisting of steel piles and wood lagging. This system eliminates the need for over-dig, minimizes encroachment into adjacent public rights of way, reduces risk to adjacent utility installations, and is suitable for use in excavations which are located in close proximity to neighboring foundations, such as exists at the parking garage.

The shoring system design and installation will be performed by a qualified, specialized geotechnical shoring contractor, to be determined at the time of construction.

The following excerpt from the *Earth Retention Handbook* adequately describes the cantilever shoring system as follows:

Typically used when the vertical face of the excavation is less than 20 feet, cantilever shoring consists of soldier piles and lagging. Soldier piles are constructed with steel I-beams, driven vertically into the ground to some distance below the depth of the excavation.

Wood or steel plate lagging is then placed between the I-beams to hold the earth in place

A slurry system is applied to the inside face of the wood or steel plates and, when the actual foundation wall is poured against it, ultimately becomes the waterproofing for the foundation.

In cantilevered shoring situations, a wall accepts a horizontal force against it and resists the force by rigidity of its embedment into the soils beneath the excavation. The embedded portion of the wall will develop a point of rotation, and passive forces will act on both sides of this point. (See force diagram 9.1) This is called a moment couple. ¹

The above-referenced soil loading *force diagram*, along with a typical construction detail and pictorial example, are included on the following pages:

1. Earth Retention Systems Handbook; McNabb; McGraw Hill, 2002.

Exhibit BB

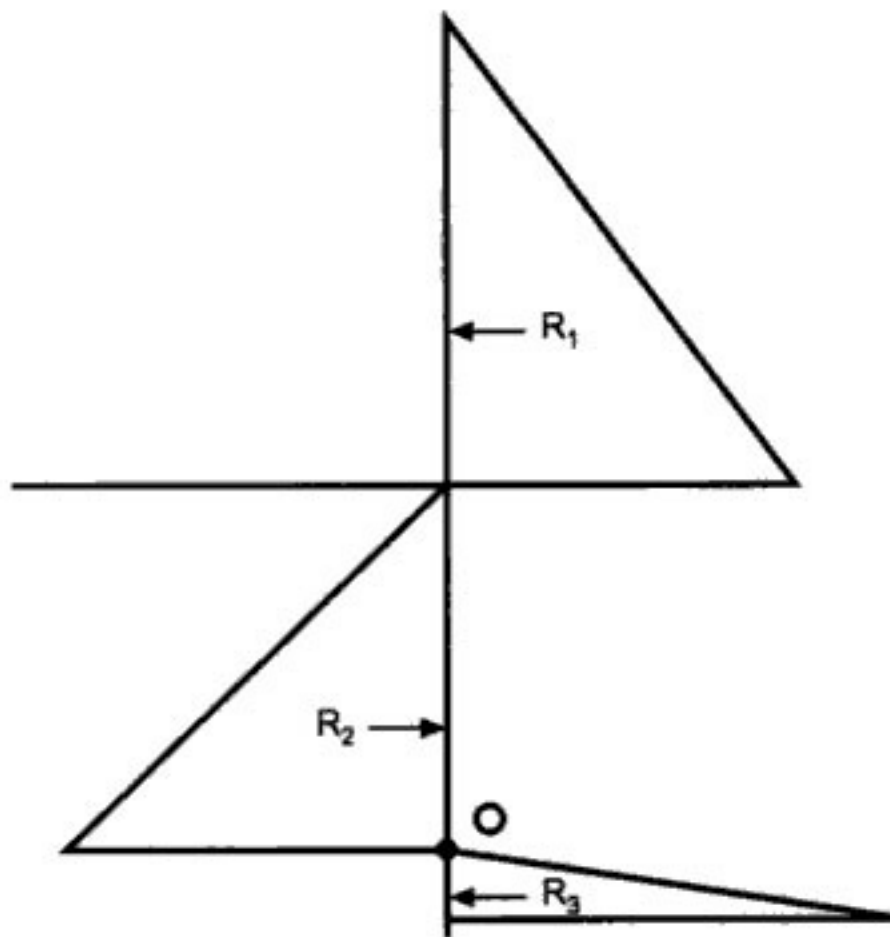


FIGURE 9.1 Cantilever force diagram.

The basic equation which defines lateral earth pressure at any point on the wall can be shown to be

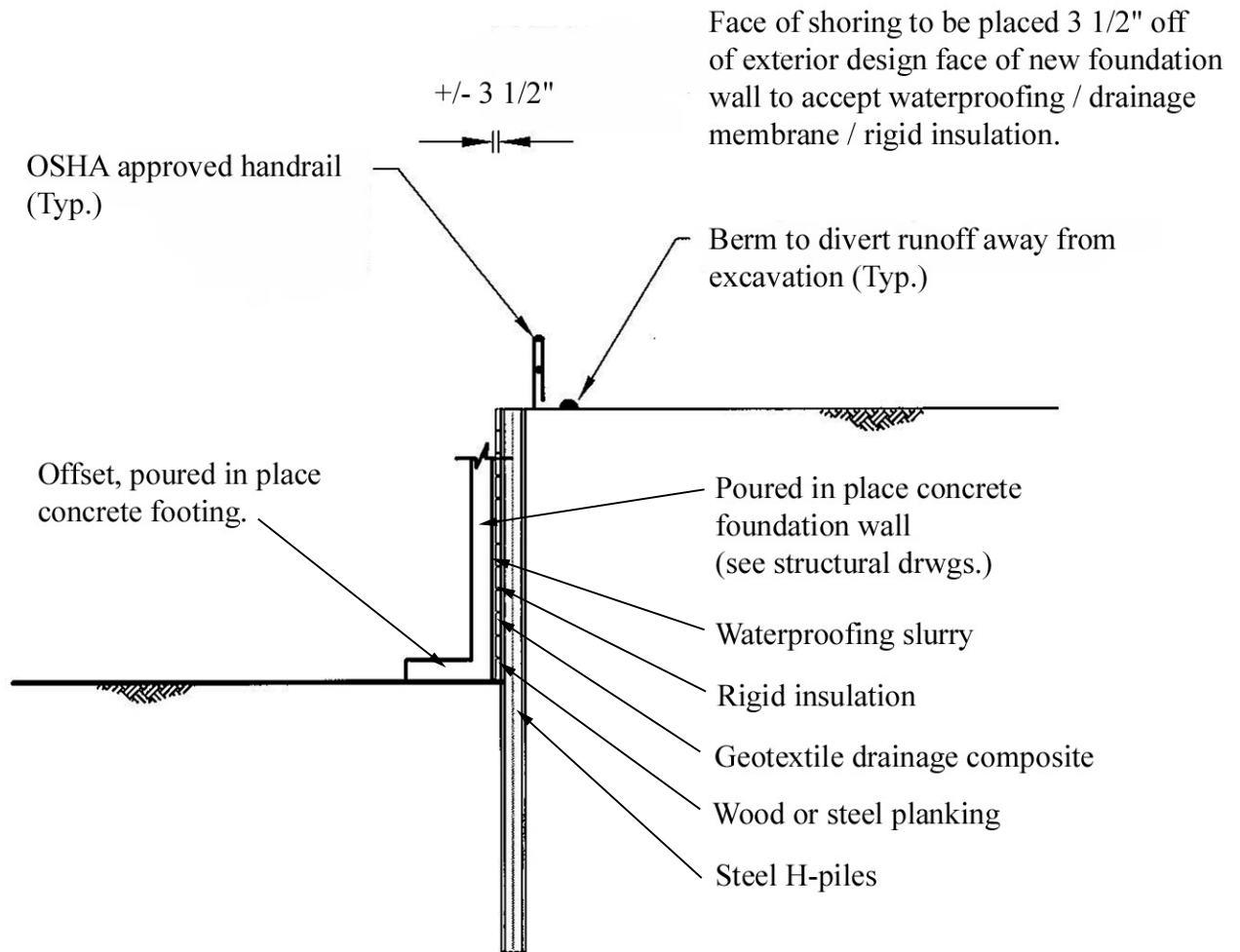
$$P = K_a (\gamma H + q) \quad (9.1)$$

where

- P is the pressure at any point
- K_a is the coefficient of active earth pressure
- γ is the unit weight of the soil being retained (in the case of soil below the static water table it is defined as γ').
- H is the height of earth retained at the point of calculation
- q is the vertical component of the surcharge load at the depth considered

Although the earth pressure is triangular, in the case of cohesive soils the pressure diagram in its theoretical development is laterally shifted so that the upper portion of the diagram actually indicates a negative lateral pressure (see Figure 9.4). When you think about this it actually makes sense. A soil mass that has cohesion will stand vertically for some height. In this height, the pressure diagram indicates that no lateral restraint is necessary.

Typical cantilevered shoring diagram



TYPICAL CANTILEVER SECTION
NO TO SCALE



PLANNING

| | | | | |
|-----------------------|--------------------------------|------------------|--------------------------------|------------|
| Project Number | P18-156 | Applied | 5/17/2018 | STOL |
| Project Name | DevPlan - Glenwood+Simpson PMD | | Approved | |
| Type | DEVPLAN | Closed | | |
| Subtype | | Expired | | |
| Status | STAFF REVIEW | Status | | |
| Applicant | Scott Pierson | Owner | ARTS DISTRICT DEVELOPMENT, LLC | |
| Site Address | | City | State | Zip |
| 175 S GLENWOOD STREET | JACKSON | WY | 83001 | |
| Subdivision | | Parcel No | General Plan | |
| WORT ADDITION 2ND | 22411633108004 | | | |

| Type of Review | Status | Dates | | | |
|-----------------------|------------|-----------|----------|----------|---------|
| | | Sent | Due | Received | Remarks |
| Contact Notes | | | | | |
| Building Jim Green | NO COMMENT | 5/17/2018 | 6/7/2018 | | |

| | | | | | |
|--------------------|--------------------|-----------|----------|-----------|------------------|
| Fire Kathy Clay | APPROVED W/CONDITI | 5/17/2018 | 6/7/2018 | 5/22/2018 | see notes please |
|--------------------|--------------------|-----------|----------|-----------|------------------|

| Type of Review | Status | Dates | | | |
|----------------|--------|-------|-----|----------|---------|
| | | Sent | Due | Received | Remarks |
| Contact | | | | | |
| Notes | | | | | |
| MEMO | | | | | |
| FIRE REVIEW | | | | | |

TO: Paul Anthony, Principal Planner
Tiffany Stolte
Cc: Keith Harger, keith@hargerarchitects.com

FROM: Kathy Clay, Fire Marshal

DATE: May 22, 2018

SUBJECT: Mixed Use Structure
130-180 W Simpson, 235 S Glenwood Street
P18-156

This office has received the request for Development Plan at the above location. The most current edition of the International Fire Code (IFC) and the 2017 edition of the National Electric Code (NEC) shall be used for building design.

PLEASE TAKE SPECIAL NOTE OF ALL ***STARRED*** ITEMS.

Comments include, but are not limited to:

General Requirements

1. Fire apparatus access shall be provided. (2015 IFC 503.1.1)
2. Visible address numbers, a minimum of 4 inches in height and 0.5 inch stroke width, shall be installed on all structures. (IFC 505.1)
3. Portable fire extinguishers shall be placed in accordance with code requirements. (IFC 906).
4. Interior finishes shall meet fire code requirements. (IFC Chapter 8)
5. Means of egress shall meet fire code requirements. (IFC Chapter 10)
6. The means of egress, including exit discharge, shall be illuminated at all times building space served by means of egress is occupied. (IFC 1008.1)
7. Illumination shall be provided in the means of egress in accordance with (1008.2). Under emergency power, means of egress illumination shall comply with (1008.3).
8. Any hazardous material storage shall meet fire code requirement. (IFC Chapter 27)
9. Should any fuel-fired appliances be installed, requirements for carbon monoxide detection shall be followed. (IFC 908.7)
10. Final fire inspection shall be required before certificate of occupancy is released.
11. Plans submitted to Fire Department for review shall consist of one set of paper plans and one set of electronic plans (CD, thumb drive, or PDF format).

Emergency Responder Radio Coverage

1. Where required, new building shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. (IFC 510)

Sprinklers

1. As determined by the Building Official, the structure will have an automatic fire sprinkler system in accordance with appropriate NFPA standard for the occupancy type; mixed use shall require NFPA 13 design. (IFC 903.2.7)
2. Fire Department Connection (FDC) location shall be determined by the AHJ and noted in the fire sprinkler plan review.
3. Knox Box shall be installed in an approved location at each structure having a fire sprinkler system. (IFC 506.1)
4. Water main shall be installed in accordance to NFPA 13 and NFPA 24 to provide for proper clearances, seismic requirements, flushing and hydro testing. (IFC 901.4.1)
5. Fire flow requirements shall meet Appendix B of the International Fire Code.
6. Pitot water flow test is required on all new fire sprinkler installations for NFPA 13R and NFPA 13 systems. Plans will not be approved without certified test. (NFPA 291)
7. Horn/strobe shall be installed above the fire department connection. (IFC 912.2.2.1)
8. Room which houses fire sprinkler riser shall be no less than 5' x 7' in dimension and shall be accessible from outside grade. (IFC

| Type of Review | Status | Dates | | | |
|---|--------|-------|-----|----------|---------|
| | | Sent | Due | Received | Remarks |
| Contact | | | | | |
| Notes | | | | | |
| 903.2.11.1.1) | | | | | |
| 9. Concealed spaces within NFPA 13 protected structures having combustible materials shall comply with the requirements and may require additional protection. (IFC 903.3) ALL CONCEALED SPACES REQUIRE FIRE DEPARTMENT INSPECTION PRIOR TO CLOSE UP. | | | | | |
| 10. Exterior overhangs exceeding 4 feet shall be protected using fire sprinklers when combustible construction is used (NFPA 13). | | | | | |
| 11. Exterior egress stairways built of combustible construction shall be protected with fire sprinklers (NFPA 13). | | | | | |
| Alarms | | | | | |
| 12. Building shall have a complete alarm system per NFPA 72. A full set of fire alarm plans from a fire alarm contractor shall be submitted with all calculations and cut sheets of all equipment. | | | | | |
| (IFC Chapter 9) | | | | | |
| 13. Tactile appliances shall be installed where needed to notify occupants unable to see or hear emergency alarms, per most current edition of NFPA 72. | | | | | |
| 14. Audible appliances provided for the sleeping areas to awaken occupants shall produce a low frequency alarm signal per most current edition of NFPA 72. | | | | | |
| 15. Any structure with Group R occupancy shall have required carbon monoxide detection as required. (IFC 915.1) | | | | | |
| Elevator | | | | | |
| 16. Elevator shall comply with ASME A17.1 with Phase I and Phase II of elevator emergency operations; subject to recall if required. (IFC Section 607) | | | | | |
| Kitchen Fire Suppression | | | | | |
| 17. Commercial cooking hood exhausting foods creating grease laden vapors shall be of Type I and follow requirements of the International Mechanical Code. (IFC 609.2) | | | | | |
| 18. The automatic fire extinguishing system for commercial cooking systems shall be tested in accordance with UL300. (IFC 904.1) | | | | | |
| 19. Horn strobe shall tie into the fire extinguishing system under the commercial hood and be placed to alert occupants in the dining area (IFC 904.3.4) | | | | | |

Please feel free to contact me if you have any further questions at 307-733-4732 or kclay@tetoncountywy.gov

6. The means of egress, including exit discharge, shall be illuminated at all times building space served by means of egress is occupied. (IFC 1008.1)
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| Contact Notes 903.2.11.1.1) | | | | | |
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Please feel free to contact me if you have any further questions at 307-733-4732 or kclay@tetoncountywy.gov

| | | | | | |
|-------|--------------------|-----------|----------|-----------|----------------------------|
| Legal | APPROVED W/CONDITI | 5/17/2018 | 6/7/2018 | 7/18/2018 | Concern regarding easement |
|-------|--------------------|-----------|----------|-----------|----------------------------|

A Cohen-Davis

(7/18/2018 2:04 PM AC)

The easement will have to be separately addressed with the Town Council due to the restriction on future options within and on the Town's property. The legal department has not seen or been provided with any draft easement from the applicant.

| | | | |
|---------------|------------|-----------|----------|
| Parks and Rec | NO COMMENT | 5/17/2018 | 6/7/2018 |
|---------------|------------|-----------|----------|

Steve Ashworth

| | | | | |
|----------|--------------------|-----------|----------|-----------|
| Pathways | APPROVED W/CONDITI | 5/17/2018 | 6/7/2018 | 6/25/2018 |
|----------|--------------------|-----------|----------|-----------|

Brian Schilling

| Type of Review | Status | Dates | | Remarks |
|--|------------|-----------|----------|------------------|
| | | Sent | Due | |
| Contact Notes (6/25/2018 9:00 AM STOL) ** See Attachment for pictures*** P18-156 – 175 S Glenwood – Arts District Development Plan Comments from Teton County/TOJ Pathways Department Status: approved w/conditions | | | | |
| <ul style="list-style-type: none"> It appears that the majority of comments from the pre-app review with regards to the street frontages were not addressed. (If this is incorrect, please inform where changes were made in the plans to address the comments from the pre-app review). Repeated from pre-app comments The streetscape on Glenwood should match the dimensions laid out in the Community Streets plan. This block of Glenwood is classified as a local non-BT street, which calls for a 37' street width (curb to curb) where there is on-street parking. The curb line should be adjusted to match that. (This should actually allow for moving the Glenwood face of the building further east, maybe allow for greater square footage?) The sidewalk width on both frontages needs to be a minimum of 8' clear width (with a buffer "frontage zone" space of 2.5') and (typically) a 5' min furnishing zone. Provided that there is an ample bumpout at the corner that will accommodate the pedestrian ramps, a 4'-wide tree grate area along the majority of the sidewalk may be sufficient. See the example for Commercial Pedestrian Frontage on p. 31 of the Community Streets Plan. The curblin on Simpson should match the curb to the west in front of Vertical Harvest (except at the bumpout, where the distance between curbs should be 22-24'). The curb radius on the bumpout should match the bumpout to the south, or be 15', whichever is smaller. The curblin at the alley to the north along Glenwood should not bend in—this reduces the sidewalk width unnecessarily. Also, the sidewalk should be carried across the alley to meet the sidewalk on the north half of the block, and it should be a "continuous" sidewalk (see below). Continuous sidewalk Sidewalks shall be continuous when crossing access driveways and alleys. (See inset). The concrete sidewalk surface and texture shall continue uninterrupted across the entire access driveway. The sidewalk shall be constructed so that it remains at a consistent vertical alignment with the sidewalk legs on either side of the driveway. I.e., the sidewalk shall not ramp down when crossing the driveway access, rather the driveway should rise to the level of the sidewalk. Any vertical change from the street elevation to the sidewalk elevation should be restricted to the driveway apron in the buffer space between the sidewalk and street. Bicycle Parking The proposed location for bike parking (in the alley, next to the dumpsters) is neither convenient for short-term parking nor secure for long-term parking. Racks need to be moved to locations that meet the criteria for short-term or long-term parking, i.e. not next to the dumpster. The landscape plans maybe show racks located in the furnishings zone along Glenwood (but these may have been deleted—the plans are not entirely clear). This is an excellent location for short term parking. The rack detail (Sheet L4.01) for the U-rack looks great. Given the location, type of use, and parking plan of the proposed development, staff expects that there will be a high demand for bicycle parking. The bike parking should ideally be a mix of short-term (for visitors) and long-term (for employees or residents). Given the project's downtown location, it is quite likely that visitors would utilize the Town's new bike share system. The applicant may even wish to consider locating a START Bike hub on the property as an amenity for tenants. Staff supports credits for bike parking towards the development's overall parking requirement. Short-term parking (for visitors or guests parking for a few hours or less): the best location for a rack area is immediately adjacent to the entrance it serves. Bike parking should be hardscaped and should not obstruct pedestrian flow. The furnishing zones along Glenwood and Simpson are suitable places to locate short term parking. Long-term parking (for employees/residents parking for more than a few hours—i.e. all-day or overnight): the recommendations for long-term parking include providing a secure, well-lit, covered area with racks or lockers that will protect bikes from rain, snow and other elements and deter bike theft. The area does not have to be immediately adjacent to the access door for the business or residence, but should be located in a secure or monitored location or in a locked enclosure. Staff supports including the bike parking towards the landscape surfacing requirement so that bike parking does not detract from the applicant's landscape requirements. Conversion of a car parking spot to bike parking would also be supported. Jackson Hole Community Pathways will be happy to provide additional background information and guidance on site selection, layout, rack selection, and rack installation. For any of these recommendations, JHCP staff will be happy to clarify the comments or provide assistance and design guidance. | | | | |
| Planning Brendan Conboy | NO COMMENT | 5/17/2018 | 6/7/2018 | See Staff Report |

| Type of Review Contact Notes | Status | Dates | | | Remarks |
|--|--------------------|-----------|----------|-----------|---------|
| | | Sent | Due | Received | |
| Police Todd Smith (5/21/2018 11:35 AM STOL) No concerns from the police department. | NO COMMENT | 5/17/2018 | 6/7/2018 | 5/18/2018 | |
| Todd | | | | | |
| Public Works Jeremy Parker | APPROVED W/CONDITI | 5/17/2018 | 6/7/2018 | 7/16/2018 | |

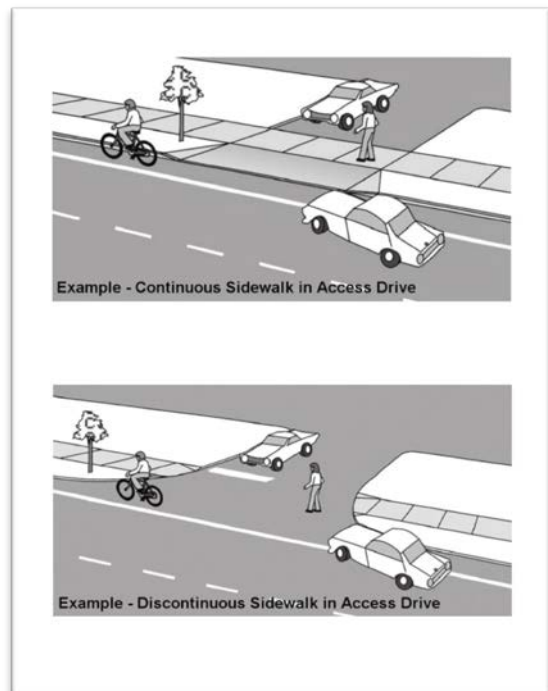
| Type of Review | Status | Dates | | | |
|---|--------|-------|-----|----------|---------|
| | | Sent | Due | Received | Remarks |
| Contact | | | | | |
| Notes | | | | | |
| (7/16/2018 11:45 AM JP) | | | | | |
| Plan Review Comments – Approved w/ CONDITIONS | | | | | |
| | | | | | |
| P18-156 | | | | | |
| Development Plan | | | | | |
| Scott Pierson – Y2 Consultants (Owner: Arts District Development, LLC) | | | | | |
| 175 South Glenwood Street | | | | | |
| | | | | | |
| June 28, 2018 | | | | | |
| Jeremy Parker, (307)733-3079 | | | | | |
| | | | | | |
| The sidewalk area shall have a minimum width of 6-feet as measured from the back of the brick paver buffer zone. | | | | | |
| | | | | | |
| The buffer zones shall be a minimum of 5-feet in width as measured from the top back of curb. This width allows for installation of a TOJ standard concrete tree well (4’ 10” square box) within the brick paver buffer area. | | | | | |
| | | | | | |
| The proposed pedestrian ADA ramps on the corner of Glenwood and Simpson shall be constructed to align as best as possible with existing ramps south of Simpson and future improvements east of Glenwood. Please coordinate with TOJ Engineering staff prior to Commercial Building permit submittal. | | | | | |
| | | | | | |
| Prior to Commercial Building permit approval: | | | | | |
| | | | | | |
| • The applicant shall be required to submit for Town Engineer and Planning Director approval a detailed construction staging/phasing plan and narrative on the expected public impact. Please be advised that the project will be required to construct and install temporary sidewalk protection (hoarding) per TOJ standards. | | | | | |
| | | | | | |
| • Prior to the start of construction, the applicant/contractor shall be required to obtain approval from Town Council for the construction staging and phasing plan and the anticipated impacts to the public right-of-way. | | | | | |
| | | | | | |
| • A complete water system plan shall be provided for review which includes the proposed locations of water meters and required backflow prevention devices (fire suppression system, irrigation system, commercial potable system). Please be advised that principle backflow assemblies are required on all systems. | | | | | |
| | | | | | |
| • A complete stormwater management plan for the site shall be provided on the plans consistent with the LDR’s. Complete plans, calculations, and details shall be included for review. | | | | | |
| | | | | | |
| • An irrigation system design (if applicable) with backflow system plan shall be provided on the plans consistent with the LDR’s. | | | | | |
| | | | | | |
| • A complete and detailed landscaping plan shall be required. | | | | | |
| | | | | | |
| • A complete grading and erosion control plan shall be provided on the plans consistent with the LDR’s. | | | | | |
| | | | | | |
| • Site contours (existing and proposed) shall be provided on the plans beyond all property boundaries per the LDR’s to ensure the development’s integration into the surrounding public and private property. | | | | | |
| | | | | | |
| • A pedestrian corridor plan shall be provided for review. This shall include all dimensions and elevations in relation to existing curb and future development together with ADA compliance. If awnings or canopies are proposed within the right-of-way, dimensional and drainage information shall be included on the plans. | | | | | |
| | | | | | |
| • All work to be completed within the Town’s right-of-way shall be specifically addressed. | | | | | |
| | | | | | |
| • All onsite power shall be shown as underground and location(s) of transformers indicated. | | | | | |
| | | | | | |
| • Snow storage areas for the site shall be indicated on the plans. | | | | | |

| Type of Review Contact Notes | Status | Dates | | | |
|---|--------------------|-----------|----------|-----------|-----------|
| | | Sent | Due | Received | Remarks |
| Please be advised that infrastructure improvements necessary to meet the capacity demands and requirements for the proposed development shall be the responsibility of the developer. The Town of Jackson is not responsible for upsizing or extending of potable water, sanitary sewer, or storm drainage to meet development needs so long as the existing utility systems are within a reasonable distance of the subject property. | | | | | |
| Please be advised that a demolition permit shall be required for each existing structure to be removed from the site. Water and sewer services to be abandoned for the project shall be abandoned at the main during the demolition phase of the project. | | | | | |
| Please be advised that failure to commence with construction activities and/or show reasonable progress within two (2) years of Building Permit approval shall result in pulling of appropriate bonds in order to abandon utility connections to Town of Jackson utility systems (Water, Wastewater, Storm Drainage) and/or repair impacted areas of the Town right-of-way. | | | | | |
| START Darren Brugmann | NO COMMENT | 5/17/2018 | 6/7/2018 | | |
| | | | | | |
| TC Housing Authority Stacy Stoker (6/21/2018 11:57 AM SAS) | APPROVED W/CONDITI | 5/17/2018 | 6/7/2018 | 6/21/2018 | See Notes |
| The Employee Housing Units must meet the Jackson/Teton County Housing Rules and Regulations Livability Standards: | | | | | |
| Size Requirement: The units meet the size requirement. | | | | | |
| Ownership or Rental: The applicant has proposed to either rent or sell the Employee Housing units. They have indicated that if sold, they will be sold as Employment-based units. This is contrary to the Land Development Regulations as well as the Housing Rules and Regulations as Employee Housing Units are required to serve households earning less than 120% of Median Income. Ownership Units are required to be an even mix of Category 1, 2, and 3 beginning with Category 1. | | | | | |
| Parking: The applicant is proposing shared parking. The tenants/owners of the Employee Housing shall have access to the shared parking. | | | | | |
| Outdoor Space: The tenants are required to have access to outdoor space such as a patio and/or deck. It does not appear that there are any patios or decks. If patios or decks are not possible. The applicant shall address access to outdoor space for tenants. | | | | | |
| Storage: Exterior storage is required to be provided. This should be in the form of enclosed storage space that is located exterior from the unit. | | | | | |
| The Housing Department shall inspect the units prior to Certificate of Occupancy and will work with the applicant to record the appropriate restriction prior to Certificate of Occupancy | | | | | |

P18-156 – 175 S Glenwood – Arts District Development Plan
Comments from Teton County/TOJ Pathways Department

Status: approved w/conditions

- It appears that the majority of comments from the pre-app review with regards to the street frontages were not addressed. (If this is incorrect, please inform where changes were made in the plans to address the comments from the pre-app review).
- Repeated from pre-app comments
 - The streetscape on Glenwood should match the dimensions laid out in the Community Streets plan. This block of Glenwood is classified as a local non-BT street, which calls for a 37' street width (curb to curb) where there is on-street parking. The curb line should be adjusted to match that. (This should actually allow for moving the Glenwood face of the building further east, maybe allow for greater square footage?)
 - The sidewalk width on both frontages needs to be a minimum of 8' clear width (with a buffer "frontage zone" space of 2.5') and (typically) a 5' min furnishing zone. Provided that there is an ample bumpout at the corner that will accommodate the pedestrian ramps, a 4'-wide tree grate area along the majority of the sidewalk may be sufficient. See the example for Commercial Pedestrian Frontage on p. 31 of the Community Streets Plan.
 - The curbline on Simpson should match the curb to the west in front of Vertical Harvest (except at the bumpout, where the distance between curbs should be 22-24').
 - The curb radius on the bumpout should match the bumpout to the south, or be 15', whichever is smaller.
 - The curbline at the alley to the north along Glenwood should not bend in—this reduces the sidewalk width unnecessarily. Also, the sidewalk should be carried across the alley to meet the sidewalk on the north half of the block, and it should be a "continuous" sidewalk (see below).
 - Continuous sidewalk
 - Sidewalks shall be continuous when crossing access driveways and alleys. (See inset).
 - The concrete sidewalk surface and texture shall continue uninterrupted across the entire access driveway. The sidewalk shall be constructed so that it remains at a consistent vertical alignment with the sidewalk legs on either side of the driveway. I.e., the sidewalk shall not ramp



down when crossing the driveway access, rather the driveway should rise to the level of the sidewalk. Any vertical change from the street elevation to the sidewalk elevation should be restricted to the driveway apron in the buffer space between the sidewalk and street.

- Bicycle Parking
 - The proposed location for bike parking (in the alley, next to the dumpsters) is neither convenient for short-term parking nor secure for long-term parking. Racks need to be moved to locations that meet the criteria for short-term or long-term parking, i.e. not next to the dumpster.
 - The landscape plans maybe show racks located in the furnishings zone along Glenwood (but these may have been deleted—the plans are not entirely clear). This is an excellent location for short term parking.
 - The rack detail (Sheet L4.01) for the U-rack looks great.
 - Given the location, type of use, and parking plan of the proposed development, staff expects that there will be a high demand for bicycle parking. The bike parking should ideally be a mix of short-term (for visitors) and long-term (for employees or residents).
 - Given the project's downtown location, it is quite likely that visitors would utilize the Town's new bike share system. The applicant may even wish to consider locating a START Bike hub on the property as an amenity for tenants.
 - Staff supports credits for bike parking towards the development's overall parking requirement.
 - Short-term parking (for visitors or guests parking for a few hours or less): the best location for a rack area is immediately adjacent to the entrance it serves. Bike parking should be hardscaped and should not obstruct pedestrian flow.
 - The furnishing zones along Glenwood and Simpson are suitable places to locate short term parking.
 - Long-term parking (for employees/residents parking for more than a few hours—i.e. all-day or overnight): the recommendations for long-term parking include providing a secure, well-lit, covered area with racks or lockers that will protect bikes from rain, snow and other elements and deter bike theft. The area does not have to be immediately adjacent to the access door for the business or residence, but should be located in a secure or monitored location or in a locked enclosure.
 - Staff supports including the bike parking towards the landscape surfacing requirement so that bike parking does not detract from the applicant's landscape requirements. Conversion of a car parking spot to bike parking would also be supported.
 - Jackson Hole Community Pathways will be happy to provide additional background information and guidance on site selection, layout, rack selection, and rack installation.
- For any of these recommendations, JHCP staff will be happy to clarify the comments or provide assistance and design guidance.



TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

PREPARATION DATE: AUGUST 10, 2018
MEETING DATE: AUGUST 20, 2018

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: TYLER SINCLAIR
PRESENTER: TYLER SINCLAIR

SUBJECT: **ITEM P18-198** A REQUEST TO AMEND THE GRAND TARGHEE MASTER PLAN PURSUANT TO SECTION 8.7.3, PLANNED UNIT DEVELOPMENT (PUD) OF THE TETON COUNTY LAND DEVELOPMENT REGULATIONS.

APPLICANT: JORGENSEN ASSOCIATES P.C.

PROPERTY OWNER: GRAND TARGHEE RESORT, LLC

REQUESTED ACTION

Grand Targhee is requesting to amend the Resort Master Plan by submitting the following applications:

- Amend the Grand Targhee Master Plan (Master Plan) pursuant to Section 8.7.3, Planned Unit Development (PUD) (PUD2017-0005),
- Sketch Plan (SKC2017-0007) pursuant to Section 8.3.1, and
- LDR Text Amendment (AMD2017-0006) pursuant to Section 8.7.1 of the Teton County Land Development Regulations.

The application states that the applicant proposes to amend the Master Plan, based on the following goals:

- I. Submit one consolidated Amended and Restated Master Plan document that conforms to the format style, order and content of the current Teton County Land Development Regulations (LDRs) and other master plans recently approved by the Teton County Planning Department.
- II. Remove regulations contained in the 2008 Master Plan and 2009 Standards and Conditions that can be deferred to the LDRs, including certain use and development standards and definitions.
- III. Eliminate conditions and regulations contained in the approved 2008 Master Plan and 2009 Standards and Conditions that conflict with the Comprehensive Plan and LDRs or otherwise prevent Grand Targhee Resort from achieving the Comprehensive Plan's vision.
- IV. Incorporate all other relevant regulations and guidelines contained within the 2008 Master Plan and the 2009 Standards and Condition into the new Master Plan.
- V. Incorporate the most recent iteration of the Resort's phasing plan and site plan into the amended Master Plan.
- VI. Incorporate most of the original 36 conditions of approval of the PUD into the amended Master Plan as appropriate

APPLICABLE REGULATIONS

Division 4.3 Planned Resort Zones

Section 4.3.1.E.4 Joint Review by Town and County

Section 8.7.3 Planned Unit Development

LOCATION MAP

Legal Description: Tract 39, Being Parts Of Unsurveyed SE1/4 S 11 & SW1/4 S12, T44, R118

PIDN: 22-44-18-11-4-00-001

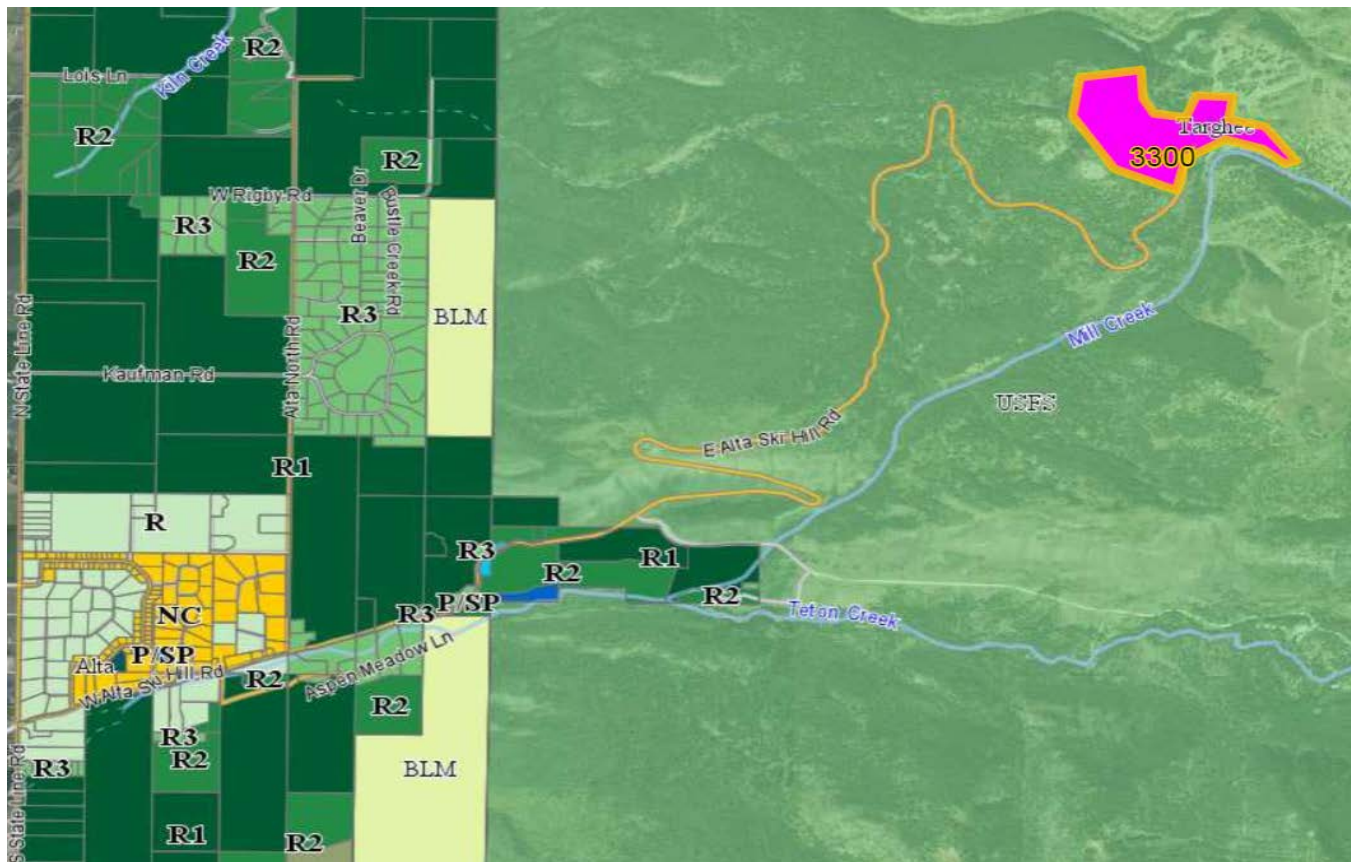
Site Size: 120 acres

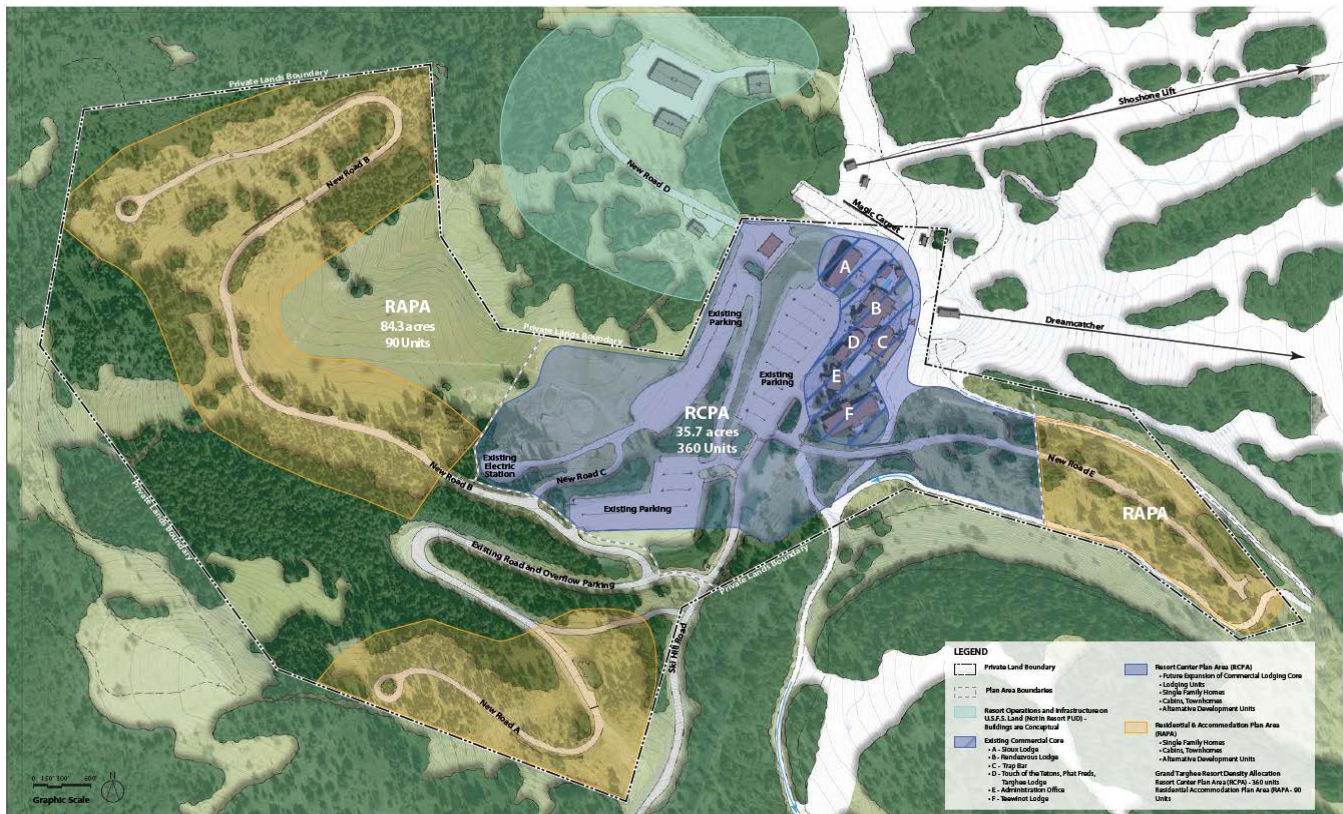
Character District: 14: Alta (Rural)

Subarea: 14.3 - Grand Targhee Resort (Transitional, Resort/Civic Form)

Zone: Planned Resort (PR)

Overlay: N/A





Sketch Plan - Master Plan Map Grand Targhee Resort

JANUARY 2, 2018



BACKGROUND/PROJECT DESCRIPTION

Grand Targhee is requesting to update their current 2008 Resort Master Plan to accurately reflect current economic operating conditions, update the Plan to reflect the 2012 Comprehensive Plan and 2016 LDRs, update the phasing plan and produce a viable Master Plan that does not contain separate conditions. The 2008 Master Plan was approved with 36 conditions. Grand Targhee updated its Caribou-Targhee National Forest Master Development Plan (MDP) in 2017. The Resort can now proceed with applications for specific improvements in the National Forest, identified in the MDP. This application reflects changes in the MDP.

Grand Targhee has been unable to implement its Master Plan due to economic conditions related to the nationwide recession and the challenges of meeting the approval conditions. The application contends that satisfying all thirty-six conditions of the 2008 approval under current market conditions and zoning regulations have proved economically unviable. Mechanisms to meet the land conservation conditions, such as the previous PRD tool are no longer available.

No changes are proposed for the shape or size of the Resort parcel (120 ac.), number of dwelling units (450), total commercial square footage (150,000), transportation plan (70% ridership), or employee or affordable housing plans (Located in Driggs/Victor Area, built commensurate with Lodging at Resort). In addition to the organizational changes and updates, the major changes being proposed include a more detailed phasing plan, better coordination between improvements in the National Forest and the base area and an alternative Community Services Element.

Staff and the applicant will provide a brief presentation and opportunity for questions at the meeting.

In addition, staff has provided to following links to the application for review and consideration by the Commission:

- Amended Application dated August 6, 2018 can be found on line at:
 - Master Plan: <http://weblink.tetonwyo.org/weblink8/6/doc/169603/Page1.aspx>.
 - Application Narrative & Findings: <http://weblink.tetonwyo.org/weblink8/6/doc/169601/Page1.aspx>.
 - LDR Amendment: <http://weblink.tetonwyo.org/weblink8/Search.aspx?dbid=0&searchcommand=%7bLF:Id=169138%7d>.
 - Sketch Plan Map: <http://weblink.tetonwyo.org/weblink8/Search.aspx?dbid=0&searchcommand=%7bLF:Id=169604%7d>.

STAFF ANALYSIS

According to Sec. 4.3.1.E.4 of the Teton County LDRs, each jurisdiction shall receive and consider recommendations from the other jurisdiction when a Planned Resort application is submitted for review or amendment. The text of Sec. 4.3.1.E.4 is as follows:

4. **Joint Review by Town and County.** The County Planning Commission and the Board of County Commissioners shall receive and consider recommendations from the Town Planning Commission and Town Council regarding any Planned Resort master plan application in the County. For the same purpose, The County Planning Commission and Board of County Commissioners shall make recommendations to the Town Planning Commission and Town Council regarding any Planned Resort master plan application within the Town of Jackson.
 - a. **Purpose.** The purpose of the County's and Town's review of any Planned Resort in the other jurisdiction is to recognize the impact of resorts on neighboring jurisdictions and to provide an opportunity for cooperation in planning and mitigation of potential impacts.
 - b. **Intent.** The intent of review is for the Town Planning Commission and Town Council to have an opportunity for review and comment on a proposed Master Plan. The Town's role is advisory only and does not include a voting participation in review of the Planned Resort master plan.

Staff has concluded that the proposed amendments should not have any significant adverse impacts on the Town of Jackson largely due to the location of the resort to Town and lack of interaction as a result. Impacts from traffic, housing, and issues related to public benefit will be primarily focused on Alta Wyoming and Teton County, Idaho and Teton County, Wyoming west of the Tetons and the Town of Jackson.

PLANNING COMMISSION

The Town Planning Commission reviewed this application on August 15, 2018 and found that there would not be any significant impacts to the Town as a result of the application. Generally the Commission found the proposed amendments to be neutral or positive overall. Discussion and questions focused on the primary change to the application related to the community benefit changes to the application. The Commission was interested in the location and benefits of the proposed Trout Creek enhancement project as opposed to the previous requirement to conserve 600 acres. The Commission asked what the benefit to the community was now as compared to before as the acreage being proposed was much less. The applicant responded that the current requirement of 600 acres would be very difficult to achieve based upon the revised County Comprehensive Plan and Land Development Regulations taking away the previously allowed Planned Residential Development

Option. In addition, the applicant stated that the Trout Creek proposal allow less acreage played a strategic role due to its location and function in the greater eco-system.

ATTACHMENTS

None

SUGGESTED MOTION

None required

The LDRs state that the Town Council does not have a 'voting participation' in the review of a Resort Master Plan amendment, thus no motion is intended. However, the Town Council is expected to provide its recommendations and comments as appropriate, which staff will then forward to Teton County for consideration.



TOWN OF JACKSON

TOWN COUNCIL

AGENDA DOCUMENTATION

PREPARATION DATE: August 13th, 2018

MEETING DATE: August 20th, 2018

SUBMITTING DEPARTMENT: Public Works

DEPARTMENT DIRECTOR: Johnny Ziem

PRESENTER: Johnny Ziem

SUBJECT: Redesign of the Intersection of Maple Way and Buffalo Way

STATEMENT/PURPOSE

The purpose of this item is to discuss and get Town Council input on the concept of installing a left and right turn lane south bound at the intersection of Maple Way and Buffalo Way.

BACKGROUND/ALTERNATIVES

Staff has received several requests from members of our community to make efficiency changes to the intersection of Maple Way and Buffalo Way, and staff would like the Town Council to consider changing the pavement marking and street layout at the intersection of Maple Way and Buffalo Way in order to improve traffic movement and congestion.

In order for this concept to work, staff first measured the complete width of south bound Buffalo Way near the intersection of Maple Way to ascertain the existing width dimension. A site meeting was conducted by multiple Public Works staff and after review and discussion, agreement was reached on how best to proceed within the confines of the existing street width. The current street width at this location is 40 ft., which provides ample room to administer this redesign.

Since the redesign of the Y Intersection (WYDOT), staff began to notice that drivers were changing their routes based on the fact that a driver can no longer drive straight north thru the Y Intersection at Buffalo Way and Broadway Avenue. What is being observed currently is drivers are now taking alternative routes (Alpine Lane, Maple Way, U turns on the highway near Powderhorn Lane) to compensate for this traffic design. This has begun to put a bigger burden on the traffic "stacking" at the intersection of Buffalo Way and Maple Way at certain times of the day, during higher traffic volumes.

Currently Buffalo Way is two oversized travel lanes and curbside on-street parking along the west and east sides of the south end of Buffalo Way. In order to improve the efficiency of the intersection, staff recommends Council consider making this intersection of south bound Buffalo Way transition into a right and left turn lane, and remove seven parking places (two on the west side and five on the east side) which will be consumed by the additional travel lane width. This intersection is somewhat unique due a yellow curbed loading and unloading zone on the west side of the street that serves the commercial needs of the area businesses.

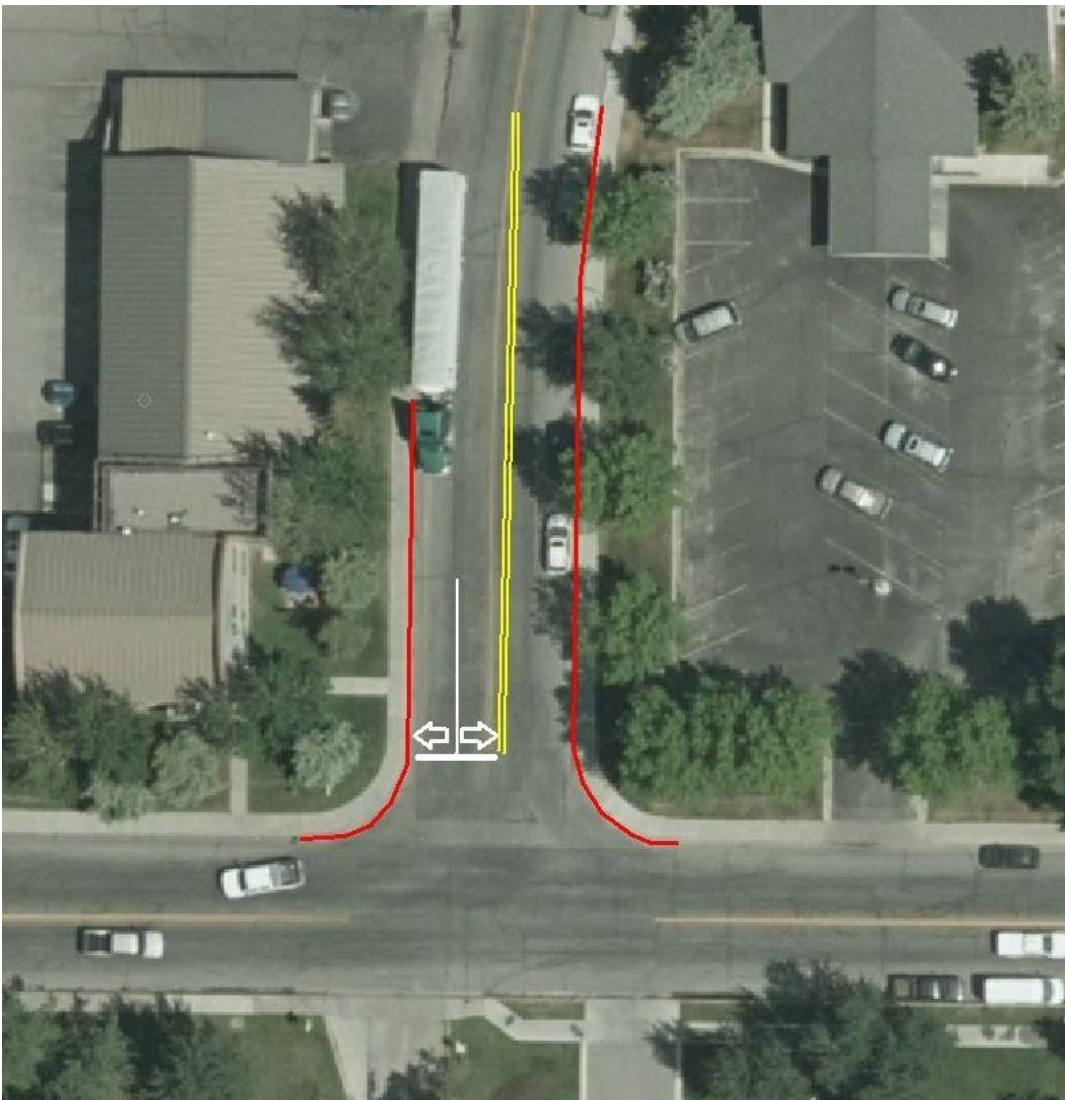
Town staff is proposing to redesign the yellow striping to shift slightly to the east to provide a safe travel lane (southbound) when the current loading and unloading zone is occupied. Town staff is also proposing to redesign the parking on the east and west sides by adding additional red curb. The loss of parking is in direct relation to the center double yellow line shifting to the east. The resulting north bound lane (on Buffalo Way) unfortunately will not have enough width to satisfy a travel lane and a parking lane. Consideration was given to larger vehicles like START Bus and Albertson's semi-trucks who will need to navigate this intersection.

Stakeholders

Staff has reached out to internal departments (START Bus, Streets Department, and Police Department) to gather their thoughts and opinions on this potential change. START Bus will do some trial runs making the right hand turn from Buffalo Way onto Maple Way to make sure they feel comfortable with the change. Further, staff handed out a meeting notice (to businesses that may be affected by this change) that the Town Council will be discussing this item on the August 20th, 2018, evening Town Council Meeting.

START Bus is a stakeholder for this project in that their drivers would be affected by the new layout design. The Police Department is a stakeholder for this project in that they will be tasked with traffic and parking enforcement. The Jackson Hole News and Guide is a stakeholder for this project in that they would be losing parking places in front of their business. Businesses located within this intersection are stakeholders for this project in that their businesses are located within an area surrounding this intersection.

ATTACHMENTS



FISCAL IMPACT

Fiscal impact for this project will require painting roughly 247 linear feet of red paint, removing the existing double yellow line (sand blast), painting of stop bar, turn arrows, white lane designation, and additional signage. Removing the existing yellow line and repainting it will represent the biggest cost to this project, which is estimated at \$1,400. The Streets Department will have the double yellow line paint contractor back in town to finish stripping areas where PW applied a chip seal, so no additional mobilization costs will be charged. Other costs are minor and encompasses paint and additional signage.

STAFF IMPACT

Staff impact for this project will require 4-5 hours for painting, managing contractor, and sign installation.

LEGAL REVIEW

N/A

RECOMMENDATION

Staff recommends approving the redesign of the north side of the Maple Way and Buffalo Way intersection which includes the addition of a right and left hand turn lane and removal of curbside parking.

SUGGESTED MOTION

Should the Town Council be ready to take action, one possible motion would be:

I move to approve the redesign of the north side of the Maple Way and Buffalo Way intersection which includes the addition of a right and left hand turn lane and the removal of curbside parking.



TOWN OF JACKSON

TOWN COUNCIL

AGENDA DOCUMENTATION

PREPARATION DATE: August 1, 2018
MEETING DATE: August 6, 2018

SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Johnny Ziem, Interim
PRESENTER: Brian Lenz

SUBJECT: Water Meter and Appurtenances Fees; ToJ Code 13.12.020 Procurement of Water Meters

STATEMENT/PURPOSE

The purpose of this item is to present Ordinance N for first reading to revise the Town of Jackson Municipal Code ("JMC") § 13.12.020 pertaining to the Procurement of Water Meters. The intent of the changes is to provide a means for the Town to recover the full costs of water meters and appurtenances in perpetuity.

BACKGROUND/ALTERNATIVES

JMC § 13.12.020 states that, "[a]ll water meters that are installed or used in connection with the Town water and sewer systems shall be procured from the Town" and was last updated in 2011. The table in this section documenting the Water Meter Provision Fees associated with meter and accessory procurement are the fees that the Town is able to collect for meters that it issues. There are two problems associated with having a static table for the cost of meters and accessories in the Code:

1. The first issue is that due to the date of the last update the cost to the Town for the meters and accessories is significantly higher than the amount of revenue it receives from the fee set forth in the table.
2. The second issue is that the cost of the meters and accessories changes regularly, but the Town is unable to adjust the table timely to reflect the increased cost because it requires an ordinance to update the fees.

Staff therefore recommends amending the Code with the proposed Ordinance N, which keys the fees for meters and accessories to the price actually paid for them by the Town. This change will remove the need to update the Code with every cost increase.

For example, the Town's current cost for a 1-inch meter and accessories, the most common meter the Town issues, is \$691.53 and the Town's fee is \$351.50, a difference of \$340.03. The Town does not issue larger meters that often, but if it was to issue one today the cost for a 4-inch compound meter would be \$3,550.77 and the fee is \$2925.75, a difference of \$625.02. This net difference needs to be adjusted so that the actual cost of the meters and accessories is recovered.

ALIGNMENT WITH COUNCIL'S STRATEGIC INTENT

The proposed ordinance is in line with the Town's fiduciary responsibility to recover its costs of the meters and accessories from the consumer.

ATTACHMENTS

Ordinance N is attached.

FISCAL IMPACT

The fiscal impact is positive as the Town will be able to recover its full costs for meters and appurtenances.

STAFF IMPACT

Staff impact is minimal and will require updated pricing as meters are purchased, without having to revise the pricing through an Ordinance or Resolution.

LEGAL REVIEW

Legal has helped prepare this ordinance and their review is complete.

RECOMMENDATION

The staff recommends that the Town Council approve Ordinance N to revise § 13.12.020 of the Town Municipal Code allowing for the Town to recover the full cost of meters and appurtenances distributed to customers of the Town.

SUGGESTED MOTION

I move to approve Ordinance N at first reading.

Synopsis for PowerPoint (120 words max):

An ordinance revising Town of Jackson Municipal Code § 13.12.020 pertaining to the Procurement of Water Meters to provide a means for the Town to recover the full costs of water meters and appurtenances in perpetuity.

Purpose:

The purpose of this item is to provide a means for the Town to recover its full costs of water meters and appurtenances in perpetuity.

Background:

The existing ordinance has not been updated since 2011 and does not reflect the current prices of meters and appurtenances.

Fiscal Impact:

The fiscal impact is positive as the Town will be able to recover its full costs for meters and appurtenances.

ORDINANCE N

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 993, 937 AND 868, SECTION 2 OF TOWN OF JACKSON ORDINANCE NOS. 754 AND 746, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 685, SECTION 2 (PART) OF TOWN OF JACKSON ORDINANCE NO. 374 AND SECTION 13.12.020 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING PROCUREMENT OF WATER METERS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 993, 937, and 868, Section 2 of Town of Jackson Ordinance Nos. 754 and 746, Section 1 of Town of Jackson Ordinance No. 685, Section 2 (part) of Town of Jackson Ordinance No. 374, and Section 13.12.020 Procurement of Water Meters of the Municipal Code of the Town of Jackson are hereby amended and reenacted to read as follows:

13.12.020 Procurement of Water Meters

- A. All water meters and necessary appurtenances thereto installed or used in connection with the Town water and sewer systems shall be procured from the Town.
- B. The charge for water meters and appurtenances procured from the Town is the cost paid by the Town for that meter and its appurtenances.

(Ord. ____; Ord. 993 § 1, 2011; Ord. 937 §1, 2009; Ord. 868 § 1, July 2008; Ord. 754 § 2 ,2004; Ord. 746 §2, 2003; Ord. 685 § 1, 2001; Ord. 374 § 2(part), 1988.)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE ____ DAY OF _____, 2018.

PASSED 2ND READING THE ____ DAY OF _____, 2018.
PASSED AND APPROVED THE ____ DAY OF _____, 2018.

TOWN OF JACKSON

BY: _____
Pete Muldoon, Mayor

ATTEST:

BY: _____
Sandra P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. ____ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the ____ day of _____, 2018.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw
Town Clerk



TOWN OF JACKSON

TOWN COUNCIL

AGENDA DOCUMENTATION

PREPARATION DATE: August 1, 2018

MEETING DATE: August 6, 2018

SUBMITTING DEPARTMENT: Legal

DEPARTMENT DIRECTOR: Audrey Cohen-Davis

PRESENTER: Lea Colasuonno

SUBJECT: Amending the Penalty Provision of Jackson Municipal Code, Sec. 1.12.010

STATEMENT/PURPOSE

The purpose of this item is to amend Jackson Municipal Code § 1.12.010.

BACKGROUND/ALTERNATIVES

The Town Council enacted various provisions that carry administrative rather than criminal penalties. In order to clarify which provisions carry these different penalties, the Legal Department amended the General Penalty Provision of the Jackson Municipal Code, specifically § 1.12.010.

ALIGNMENT WITH COUNCIL'S STRATEGIC INTENT

This item aligns with providing effective and efficient service to the community.

ATTACHMENTS

- Ordinance O

FISCAL IMPACT

The fiscal impact of passage of this ordinance after third reading varies between \$250.00 and \$700.00 depending on the length of the ordinance. Whereas shorter ordinances average around \$350.00, a short franchise ordinance can reach \$700.00.

STAFF IMPACT

The staff impact of amending this Municipal Code section was minimal.

LEGAL REVIEW

Complete.

RECOMMENDATION

Staff recommends amending Jackson Municipal Code §1.12.010.

SUGGESTED MOTION

I move to approve Ordinance O at first reading.

ORDINANCE O

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 428, 289 AND 160 AND SECTION 1.12.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING PENALTIES FOR MUNICIPAL CODE VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 428, 289 and 160 and Section 1.12.010 penalties for municipal code violations of the Municipal Code of the Town of Jackson is hereby amended and reenacted to read as follows:

1.12.010 Penalty for violations.

A. No person shall violate any of the provisions of the ordinances of the Town. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person who violates any of the provisions of the ordinances of the Town shall be guilty of a misdemeanor and punished by a fine of not more than ~~s~~Seven ~~h~~Hundred ~~and~~ ~~f~~Fifty ~~d~~Dollars (\$750.00).

B. Violations of the following provisions of the Jackson Municipal Code carry a civil penalty of Seven Hundred and Fifty Dollars (\$750.00):

1. Jackson Municipal Code Chapter 5.60 for a first offense.

2. Jackson Municipal Code Chapter 9.26.

A.C. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Town is committed, continued or permitted by any such person, or for each separate offense committed, or for parking limitations for each additional limited period of time for which the violation is continued, and s/he shall be punished accordingly.

(Ord. : Ord. 428 § 1, 1991; Ord. 289 § 1, 1982; Ord. 160 § 1, 1973.)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE ____ DAY OF _____, 2018.

PASSED 2ND READING THE ____ DAY OF _____, 2018.

PASSED AND APPROVED THE ____ DAY OF _____, 2018.

TOWN OF JACKSON

BY: _____

Pete Muldoon, Mayor

ATTEST:

BY: _____

Sandy P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. ____ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the ____ day of _____, 2018.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandy P. Birdyshaw
Town Clerk

ORDINANCE O

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 428, 289 AND 160 AND SECTION 1.12.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING PENALTIES FOR MUNICIPAL CODE VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 428, 289 and 160 and Section 1.12.010 penalties for municipal code violations of the Municipal Code of the Town of Jackson is hereby amended and reenacted to read as follows:

1.12.010 Penalty for violations.

- A. No person shall violate any of the provisions of the ordinances of the Town. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person who violates any of the provisions of the ordinances of the Town shall be guilty of a misdemeanor and punished by a fine of not more than Seven Hundred and Fifty Dollars (\$750.00).
- B. Violations of the following provisions of the Jackson Municipal Code carry a civil penalty of Seven Hundred and Fifty Dollars (\$750.00):
 - 1. Jackson Municipal Code Chapter 5.60 for a first offense.
 - 2. Jackson Municipal Code Chapter 9.26.
- C. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Town is committed, continued or permitted by any such person, or for each separate offense committed, or for parking limitations for each additional limited period of time for which the violation is continued, and s/he shall be punished accordingly.

(Ord. _____; Ord. 428 § 1, 1991; Ord. 289 § 1, 1982; Ord. 160 § 1, 1973.)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE ____ DAY OF _____, 2018.

PASSED 2ND READING THE ____ DAY OF _____, 2018.

PASSED AND APPROVED THE ____ DAY OF _____, 2018.

TOWN OF JACKSON

BY: _____
Pete Muldoon, Mayor

ATTEST:

BY: _____
Sandy P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. ____ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the ____ day of _____, 2018.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandy P. Birdyshaw
Town Clerk

MEMORANDUM

TO: Mayor and Town Council
FR: Larry Pardee, Town Manager
DT: August 20, 2018
RE: Town Manager's Report

Sales and Lodging Tax

The Town budgeted a total of \$1,106,184 in lodging tax revenues for FY19 from the 30% visitor impact portion combined with the 10% general fund portion. We have collected \$212,772 to date which is 19.2% of total projected collections. August 2018 revenue represents collections from June 2018. These amounts are tracked through the Special Revenue Fund for the Lodging Tax.

Sales tax collections year to date are 10.3% over last year. Collections are currently tracking at \$249,029 more than budgeted. However, we are only two months into collections and we still have the majority of the fiscal year, September 2018 through June 2019, collections to account for before realizing any unanticipated revenue. August 2018 revenue represents collections from June 2018.

Referendum Petition against Ordinance 1197

On August 7 the Town Clerk received a referendum petition against Ordinance 1197 related to zoning updates in Character Districts 3-6. The petition did not contain 10% of qualified electors registered in the Town of Jackson and was not found legally sufficient; therefore it was not presented to the Town Council. The petition was placed into the Town's public records.

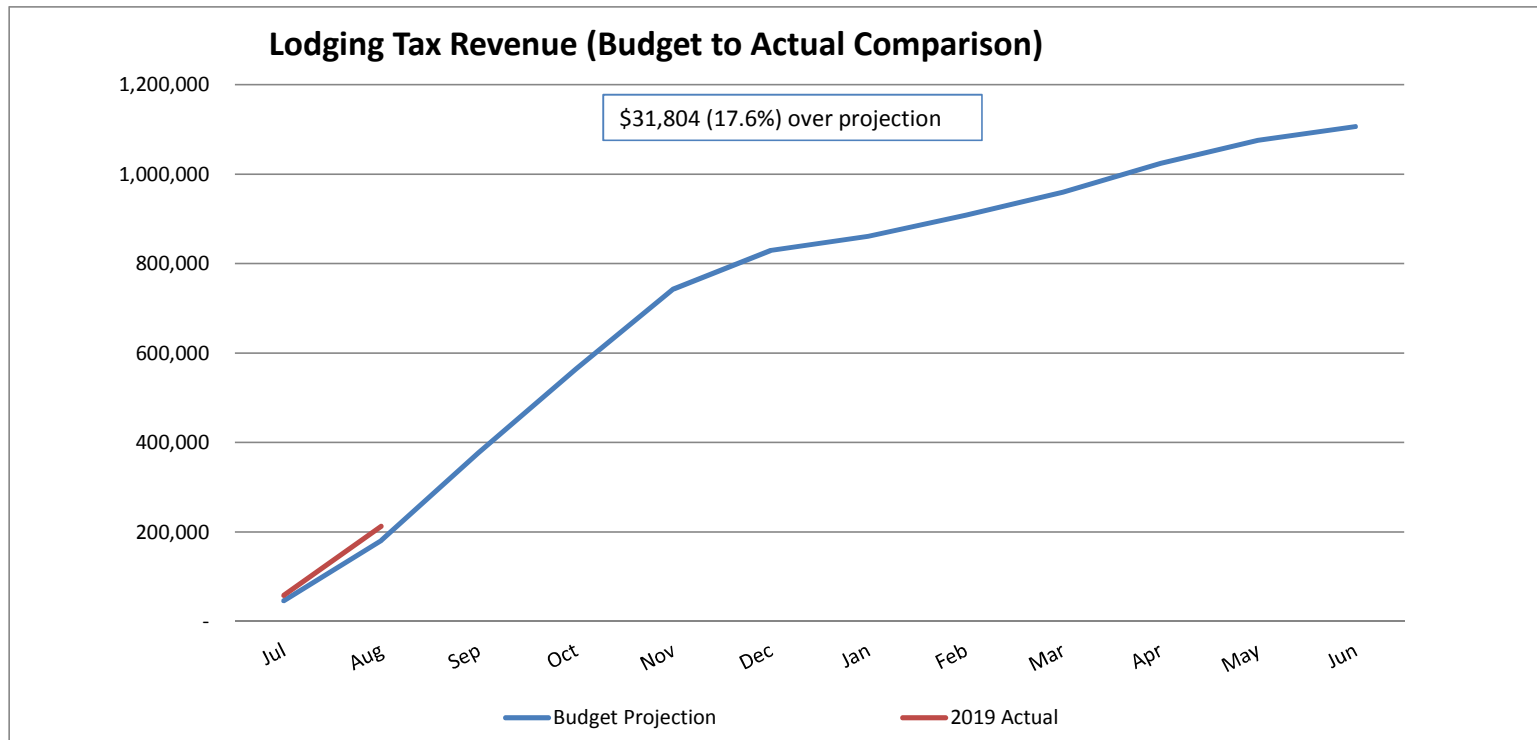
TOWN OF JACKSON, WYOMING
LODGING TAX REPORT
August-18

| Month Received (2 mos. lag) | Lodging Tax - Total | | | | Town | | | | County | | | |
|-----------------------------------|---------------------|------------------------|-------------------|-------------------|-------------------|------------------|-------------------|----------------------|-------------------|------------------|-------------------|----------------------|
| | Total | Promotion T&T Board | Visitor Impact | General Fund | Visitor Impact | General Fund | Total | T/C Split Percent | Visitor Impact | General Fund | Total | T/C Split Percent |
| FY2019: | | | | | | | | | | | | |
| July | \$ 323,950 | \$ 194,370 | \$ 97,185 | \$ 32,395 | \$ 43,597 | \$ 14,532 | \$ 58,130 | 44.9% | \$ 53,588 | \$ 17,863 | \$ 71,450 | 55.1% |
| August | 1,096,755 | 658,053 | 329,027 | 109,676 | 115,982 | 38,661 | 154,642 | 35.3% | 213,045 | 71,015 | 284,060 | 64.7% |
| September | - | - | - | - | - | - | - | --- | - | - | - | --- |
| October | - | - | - | - | - | - | - | --- | - | - | - | --- |
| November | - | - | - | - | - | - | - | --- | - | - | - | --- |
| December | - | - | - | - | - | - | - | --- | - | - | - | --- |
| January | - | - | - | - | - | - | - | --- | - | - | - | --- |
| February | - | - | - | - | - | - | - | --- | - | - | - | --- |
| March | - | - | - | - | - | - | - | --- | - | - | - | --- |
| April | - | - | - | - | - | - | - | --- | - | - | - | --- |
| May | - | - | - | - | - | - | - | --- | - | - | - | --- |
| June | - | - | - | - | - | - | - | --- | - | - | - | --- |
| Totals | \$ 1,420,705 | \$ 852,423 | \$ 426,212 | \$ 142,070 | \$ 159,579 | \$ 53,193 | \$ 212,772 | 37.4% | \$ 266,632 | \$ 88,877 | \$ 355,510 | 62.6% |

| | Visitor Impact | General Fund | Total |
|---------------|-------------------|-----------------|--------------|
| TOJ Budget | \$ 829,638 | \$ 276,546 | \$ 1,106,184 |
| Budget Remain | \$ 670,059 | \$ 223,353 | \$ 893,412 |
| Earned | | | 19.2% |
| Remaining | | | 80.8% |

12 Month
Rolling Avg
19.1%

| | FY2018 Year-to-Date | FY2019 Year-to-Date | Increase (Decrease) |
|------------------|------------------------|------------------------|------------------------|
| T&T 60%: | \$ 713,938 | \$ 852,423 | \$ 138,485 |
| TOJ 30% Visitor: | 124,527 | 159,579 | 35,052 |
| TOJ 10% General: | 41,509 | 53,193 | 11,684 |



TOWN OF JACKSON, WYOMING
SALES TAX COLLECTIONS (4% and 1%)
August-18

| Receipt Month | FY2015 | FY2016 | 15/16 Change | 15/16 Percent Change | FY2017 | 16/17 Change | 16/17 Percent Change | FY2018 | 17/18 Change | 17/18 Percent Change | FY2019 | 18/19 Change | 18/19 Percent Change | 12 Mth Rolling Avg | Sales Month |
|---------------|----------------------|----------------------|---------------------|----------------------|----------------------|-------------------|----------------------|----------------------|---------------------|----------------------|---------------------|-------------------|----------------------|--------------------|-------------|
| Jul | \$ 621,792 | \$ 713,141 | \$ 91,349 | 14.7% | \$ 807,564 | \$ 94,423 | 13.2% | \$ 807,972 | \$ 408 | 0.1% | \$ 890,746 | \$ 82,774 | 10.2% | 11.1% | May |
| Aug | 1,249,588 | 1,287,639 | 38,051 | 3.0% | 1,411,501 | 123,863 | 9.6% | 1,551,376 | 139,875 | 9.9% | 1,711,050 | 159,674 | 10.3% | 11.2% | Jun |
| Sep | 1,488,138 | 1,705,468 | 217,330 | 14.6% | 1,920,244 | 214,777 | 12.6% | 1,971,647 | 51,402 | 2.7% | - | ---- | --- | ---- | Jul |
| Oct | 1,513,838 | 1,750,353 | 236,515 | 15.6% | 1,665,117 | (85,236) | -4.9% | 1,897,973 | 232,856 | 14.0% | - | ---- | --- | ---- | Aug |
| Nov | 1,523,192 | 1,420,820 | (102,372) | -6.7% | 1,533,746 | 112,925 | 7.9% | 1,850,527 | 316,781 | 20.7% | - | ---- | --- | ---- | Sep |
| Dec | 826,299 | 1,002,143 | 175,844 | 21.3% | 1,046,289 | 44,146 | 4.4% | 1,054,095 | 7,806 | 0.7% | - | ---- | --- | ---- | Oct |
| Jan | 587,477 | 600,037 | 12,560 | 2.1% | 655,026 | 54,989 | 9.2% | 680,672 | 25,645 | 3.9% | - | ---- | --- | ---- | Nov |
| Feb | 822,382 | 831,587 | 9,205 | 1.1% | 1,032,128 | 200,542 | 24.1% | 1,166,026 | 133,898 | 13.0% | - | ---- | --- | ---- | Dec |
| Mar | 683,968 | 850,550 | 166,581 | 24.4% | 947,188 | 96,639 | 11.4% | 1,066,105 | 118,917 | 12.6% | - | ---- | --- | ---- | Jan |
| Apr | 712,992 | 915,256 | 202,263 | 28.4% | 859,580 | (55,676) | -6.1% | 1,041,459 | 181,879 | 21.2% | - | ---- | --- | ---- | Feb |
| May | 815,782 | 842,792 | 27,010 | 3.3% | 874,371 | 31,579 | 3.7% | 1,010,453 | 136,082 | 15.6% | - | ---- | --- | ---- | Mar |
| Jun | 544,020 | 610,312 | 66,292 | 12.2% | 660,771 | 50,459 | 8.3% | 728,398 | 67,628 | 10.2% | - | ---- | --- | ---- | Apr |
| Totals | \$ 11,389,469 | \$ 12,530,098 | \$ 1,140,628 | 10.0% | \$ 13,413,526 | \$ 883,428 | 7.1% | \$ 14,826,704 | \$ 1,413,178 | 10.5% | \$ 2,601,796 | \$ 242,447 | 10.3% | | |

Budgeted Sales Tax for FY 2018 4.00% \$ 14,576,001
Budgeted Sales Tax Year-to-Date 4.00% 2,352,766
Actual Sales Tax Collected Year-to-Date 2,601,796
Leading (Lagging) Budget - through August \$ 249,029

Sales Tax Revenue (Budget to Actual Comparison)

