



# TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

**PREPARATION DATE:** SEPTEMBER 27, 2018  
**MEETING DATE:** OCTOBER 1, 2018

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

**SUBJECT:** **ITEMS P18-047, 048 & 049:** REQUEST FOR APPROVAL OF A ZONING MAP AMENDMENT, SKETCH PLAN, AND CONDITIONAL USE PERMIT, TO DEVELOP A NEW EDUCATIONAL CENTER FOR CENTRAL WYOMING COLLEGE

**OWNER:** CENTRAL WYOMING COLLEGE

**APPLICANT:** BRENDAN SCHULTE, JORGENSEN ASSOCIATES

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## REQUESTED ACTION

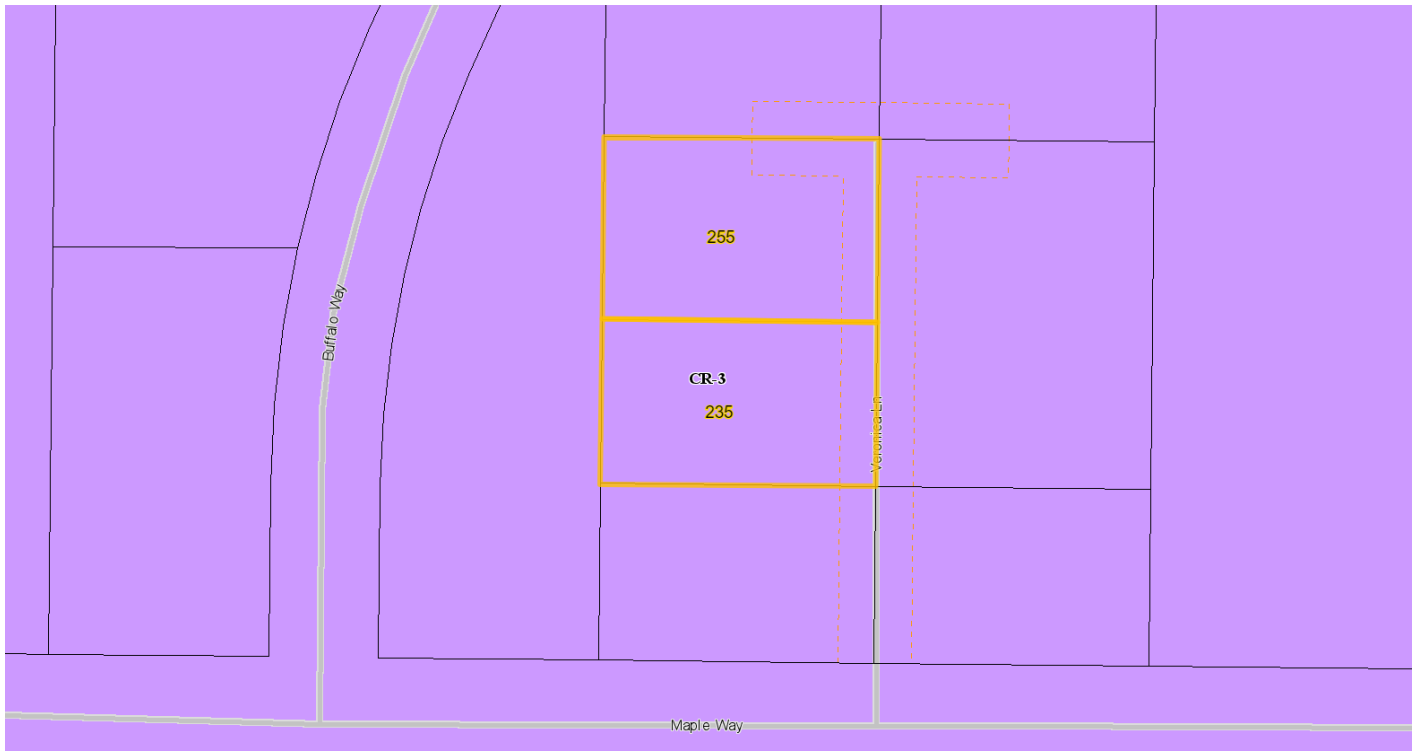
The applicant is requesting approval to rezone their property from Commercial Residential-3 (CR-3) to Public/Semi-Public (P/SP) in addition to a Sketch Plan and a Conditional Use Permit in order to construct a two story, 17,358 square foot educational facility for Central Wyoming College (CWC) located at 235 & 255 Veronica Lane.

## APPLICABLE REGULATIONS

Section 8.7.2 Zoning Map Amendment  
Section 8.3.1 Sketch Plan  
Section 8.4.2 Conditional Use Permit

## LOCATION

The properties are located at 235 & 255 Veronica Lane, legally described as Lots 6 & 3, Stockhouse-Patterson Addition to the Town of Jackson. An aerial photo and zoning map are shown below:



## BACKGROUND

### **Existing Site Characteristics:**

The subject site (Lots 3 & 6) are located on a private lane within the Commercial Residential – 3 (CR-3) zoning district and surrounded by CR-3 zoning. The area was recently rezoned in July, 2018, to CR-3 from Auto-Urban Commercial (AC) zoning as part of the Districts 3-6 updates to the Land Development Regulations. The two lots are a combined total 0.65 acres (28,314 sf) in size and are currently vacant. The lots are relatively flat and take their access from Veronica Lane, a 40' wide private common way easement which connects solely to Maple Way.

### **Project Background and History:**

- Central Wyoming College is an accredited two-year college offering Associate Degrees which serves Fremont, Hot Springs, and Teton Counties. In 1976, The CWC Jackson Outreach Center (CWC-Jackson) opened and has continued to grow and change locations over the years. Currently, CWC-Jackson is located in leased space at the Center for the Arts and other auxiliary spaces at the High School and St. John's Medical Facility.
- A roughly defined Complete Neighborhood Master Plan P94-054 was approved for the Stockhouse-Patterson Addition on June 20, 1994, in accordance with the provisions of Section 17.64.060 (Title 17 Subdivisions, Chapter 17.64 Variances) of the Municipal Code, just prior to the adoption of the 1994 LDRs.
- Plat No. 882 was approved on August 15, 1994 which grants setbacks separate from the LDRs and coincident with building envelopes depicted on the plat.
- Previous development approvals/submittals: On October 6<sup>th</sup>, 2008, Council approved P08-091, a Final Development Plan for a 7,000 sf office building (5,284 sf above grade, .40 FAR) under the standards of the Auto-Urban Commercial Zone located at 235 Veronica Lane. The Development Plan subsequently expired in 2011 to lack of activity. In July of 2015, a pre-application meeting was held with the Town Council at the request of ESW Investments, LLC Fodor Law Firm to consider potential policy and LDR issues related to the development of two apartment buildings on the lots in question. No further applications were submitted.
- In May of 2017 the Jackson community voted on the Special Purpose Excise Tax (SPET) to award Central Wyoming College \$3.82 million dollars in order to fund acquisition of land and easements, as well as the planning, design, engineering, construction, equipping, and furnishing of a new CWC-Jackson Center containing classrooms, medical/science labs, offices, and a commercial kitchen. In March, 2018 House Bill 194 signed by Governor Matt Mead appropriated \$500,000 from the Legislative Stabilization Reserve Account to the Community College Endowment Challenge Account for use as matching funds for the new CWC-Jackson Center.
- The applicant held a Pre-Application meeting with Planning Department Staff on September 19, 2017.
- The applicant held a neighborhood meeting on February 15, 2018.
- The applicant appeared before the Planning Commission on May 2, 2018, and received unanimous approval.

## Project Description:

The applicant is requesting approval of a Zoning Map Amendment to rezone the property from the Commercial Residential - 3 (CR-3) zone to Public/Semi-Public (P/SP) zone, a Sketch Plan, and a Conditional Use Permit for Institutional - Daycare/Education use. The proposed project consists of a single building totaling 17,358 square feet of floor area, or a Floor Area Ratio (FAR) of .61. The proposed building will be two-stories and ranges in height from 25' to a maximum height of 35'. The Science, Nursing, and Culinary Arts programs have seen the most rapid growth and the new Jackson Center aims to provide a centralized location for all of CWC-Jackson's programs with dedicated lab and culinary facilities. Programming space consists of Nursing (29%), Science (12%), Culinary/Hospitality (19%), and Shared Space (42%). The applicant has applied for the following:

- Zoning Map Amendment –The applicant is requesting a rezone in order to gain the flexibility provided by the P/SP zone which cannot be achieved with existing CR-3 zoning. According to the LDRs:

*The P/SP zone is intended to allow flexibility for public and semi-public uses and facilities that often have unique functional needs, such as for height, floor area, setbacks, and impervious surface, which cannot be accommodated in other zoning districts. Land in the P/SP zone and/or facilities operated therein may be under the control of federal, state, or local governments, or other governmental entities.*

CWC is a state-created governmental entity.

- Sketch Plan – Required for development greater than 15,000 SF.
- Conditional Use Permit – Institutional uses (Daycare/Education) require a CUP in the P/SP Zone.

The dimensional limitations of the Complete Neighborhood Master Plan/Plat No. 882, existing CR-3 zoning, and requested P/SP zoning are shown below. For the purposes of this application, the applicant need only comply with P/SP zoning provided a rezone is granted:

	<b>Master Plan/ Plat</b>	<b>CR-3 Allowed/Required</b>	<b>P/SP Allowed/ Required</b>	<b>CWC Proposal</b>	<b>Complies with P/SP?</b>
<b>Lot Size (min)</b>	Per Plat	7,500 sf	N/A	28,314 sf	Yes
<b>FAR</b>	.25 to .38	.40 (11,326 sf) (2:1 option higher)	N/A	.61 (17,358 sf)	Yes
<b>LSR (min)</b>	.25	.10 (2,831 sf)	N/A	.10 (2,831 sf)	Yes
<b>Plant Units</b>	Per LDRs	1 per 1,000 sf of landscape area + 1 per 12 parking spaces	1 per 8 parking spaces	4 required as proposed	Yes
<b>Height/ Stories</b>	N/A 1-2 stories	42' to 46' 3 Stories (48' and 4 stories w/ workforce housing incentive)	N/A	35' 2 Stories	Yes

	<b>Master Plan/ Plat</b>	<b>CR-3 Allowed/Required</b>	<b>P/SP Allowed/ Required</b>	<b>CWC Proposal</b>	<b>Complies with P/SP?</b>
<b>Parking</b>	Use not specified: TBD by closest approximate use in Municipal Code (Pre-94 LDRs)	Independent Calculation	Independent Calculation	30 spaces	Yes, as conditioned
<b>Front Yard Setback (east)</b>	20' min	0' – 10' (min-max)	N/A	24'	Yes
<b>Rear Yard Setback (west)</b>	15' min	10' min	N/A	42'	Yes
<b>Side Yard Setback (north)</b>	10' min	5' min	N/A	14'	Yes
<b>Side Yard Setback (south)</b>	10' min	5' min	N/A	11'	Yes

The dimensions of existing development in the Stockhouse-Patterson Addition are listed below for comparison to the proposed CWC Jackson Outreach Center:

	<b>235/255 Veronica CWC (Proposed)</b>	<b>275 Veronica Berlin Architects*</b>	<b>270 Veronica Office Building</b>	<b>250 Veronica Hoke &amp; Co.</b>	<b>1115 Maple Way Dental Office</b>	<b>1135 Maple Way Whitechapel</b>
Lot Size	0.65 acres (2 lots) or 28,314 sf	0.34 acres or 14,810 sf	0.34 acres or 14,810 sf	0.65 acres (2 lots) or 28,314 sf	0.33 acres or 14,375 sf	0.33 acres or 14,375 sf
Building Square Feet	17,358 sf (8,679 per lot average)	7,659 sf	4,780 sf	10,472 sf (5,236 per lot average)	5,099 sf	4,528 sf
FAR	.61	.53*	.32	.37	.35	.315
Parking Spaces	30	23	15	30	17	16
Stories	2	3+ (mechanical equipment)	2	2	2	3
Height	35'	42'*	Unknown	33' – 6"	29' – 2 ½"	35'

\* Variances from AC zoning granted in 2005 and 2006 for FAR, Parking, and height.



## STAFF ANALYSIS

### **Zoning Map Amendment**

According to the LDRs:

*The purpose of a zoning map amendment is to publicly review a change to the Official Zoning Map to ensure that it improves implementation of the Jackson/Teton County Comprehensive Plan or addresses other health, safety, or welfare issues in the community.*

As described in the Staff Findings section below, land in the P/SP zone and/or facilities operated therein must be under the control of federal, state, or local governments, or other governmental entities. CWC is a state governmental entity that advances the goals of the Comprehensive Plan and therefore the rezone from CR-3 to P/SP is justifiable.

### **Sketch Plan Review**

The Sketch Plan is a written and graphic representation of a development concept. According to the LDRs:

*The purpose of a sketch plan is to publicly review a large physical development or development option for general consistency with these LDRs at a preliminary, conceptual level of detail before the development is fully designed. The objectives of the sketch plan review are:*

- 1. Identification of the opportunities to achieve the desired future character for the site;*
- 2. Identification of development related issues to be addressed through the development plan;*
- 3. Discussion of alternative site designs that may better implement these LDRs; and*
- 4. Identification of natural and scenic resource protected by these LDRs.*

Sketch Plan approval permits the submittal of a Development Plan, it does not permit actual physical development. The applicant will be required to address any concerns raised during Sketch Plan approval when they apply for a Development Plan. Staff has identified development related issues which need to be addressed prior to Development Plan submittal which include conditions addressing parking, trash, snow storage, bicycle parking, and sidewalks. These and other issues such as the scale and floor area of the proposed facility are within the purview of the Town Council.

### **Conditional Use Permit**

The applicant has submitted an application for a Conditional Use Permit (CUP) for approval of the proposed educational uses which is required in the P/SP zone, but which is a Basic Use Permit (BUP) in the CR-3 zone. The majority of uses allowed within the P/SP zone require CUPs due to the fact that it provides the Town some degree of oversight of a project where the P/SP zone's standards are so flexible. Staff has added conditions of approval to the CUP regarding class scheduling as it relates to traffic impacts, and parking management requirements to ensure parking does not overflow and impact neighboring properties.

### **Conformance with the Comprehensive Plan**

As stated in the Staff Findings section below, staff finds that the proposed project is in conformance with the Comprehensive Plan. The proposed development meets the goals of the Comprehensive Plan related to Community Vision, in particular a "better not bigger" economic philosophy that shifts our economy toward sustainable businesses and year-round lifestyle-based tourism. The proposed project promotes compatible infill development which maintains Jackson as the economic center of the region, helps create a more vibrant,

walkable mixed-use subarea, and helps provide a balanced mix of nonresidential uses to the town. This site is located within District 4, specifically subarea 4.3, which is a transitional subarea that has the goal of transforming the area into a walkable mixed use district. Opportunities to promote local entrepreneurship are encouraged for this subarea. It can be expected that students will frequent local businesses nearby the school. The college supports these types of businesses in the community and will produce trained employees that will work in or start their own local businesses.

## **Conformance with Other Applicable Regulations**

### **Complete Neighborhood Master Plan:**

A roughly defined Complete Neighborhood Master Plan was approved for the Stockhouse-Patterson Addition on June 20, 1994, in accordance with the provisions of Section 17.64.060 (Title 17 Subdivisions, Chapter 17.64 Variances) of the Municipal Code, just prior to the adoption of the 1994 LDRs. A component of the Master Plan is a Concept Development Plan, which is contained in the CC&Rs (shown in Section 6 of the application materials) that shows the range of options for each lot based off general assumptions and lists guideline ranges for building footprints, building sizes, FAR, LSR, and parking spaces.

On March 21, 1996, then Planning Director Robert Horne wrote a letter to the Stockhouse-Patterson Subdivision lot owners clarifying what the development standards of the subdivision were under the Complete Neighborhood Master Plan. The standards identified in the letter were meant to better define what lot owners would be allowed to build in comparison to the even broader standards listed in the Concept Development Plan. Mr. Horne listed what the FAR and LSR would be for the subdivision, which corresponds roughly with averages of AC zone standards for commercial and office uses, while retaining previous parking standards. Combined, the Master Plan letters and Plat provide development standards separate from the LDRs. Where the Master Plan and Plat are silent, the LDRs govern. Development in the Stockhouse-Patterson Addition over the past decade or more has not strictly adhered to the standards set forth by the Complete Neighborhood Master Plan, instead the underlying town zoning was utilized.

The applicant is proposing a development under the LDR standards of P/SP zoning which allows for greater flexibility for governmental uses. The Town Attorney has confirmed that the Town has the authority to rezone the property to P/SP if the Town Council can make the findings in LDR Section 8.7.2.C, which would allow the applicant to develop the CWC facility in the dimensions proposed; however, any issues raised by the CC&R's are beyond the scope of the Town's control and are issues that would need to be resolved between the applicant and the HOA. Staff finds that the applicant complies with the regulations set forth by the P/SP zone as described in the dimensional limitation table above, and as discussed in this report. Should Council approve the Zoning Map Amendment, the proposal will meet the requirements of the LDRs.

## **Current and Proposed LDRs**

As shown in the dimensional limitation table above, the project meets all applicable LDR regulations related to setbacks, height restriction, and FAR for the P/SP zone. In addition the applicant meets most of the physical development standards for the CR-3 zone in regards to setbacks, height, LSR, and lot size, with the exception of base FAR. Staff finds that the proposed FAR is consistent with or below what could be developed utilizing the workforce housing tool in the CR-3 zone. As described above, the intent of the P/SP zone is to provide flexibility for public and semi-public uses that have unique functional needs.

## **Site Design**

Staff finds that the proposed setbacks and 2 story, 35' building are compatible with the surrounding neighborhood in terms of bulk, scale, structural mass, and character. The proposed 35' height of the building

is lower than what would be allowed in CR-3, 46' for a roof pitch  $\geq 5/12$ , or 48' with the workforce housing incentive for additional height. Staff finds that the applicant has successfully placed the building adjacent to Veronica Lane which helps create a more pedestrian oriented street frontage. This helps achieve the goals of subarea 4.3, Central Midtown, which calls for orienting mixed-use non-residential structures towards the street with parking behind. The applicant proposes a landscape buffer between the building and Veronica Lane as well as adding a sidewalk in the front and around the sides of the building.

### **DRC Review/Building Design**

The proposed building is two stories in height with exterior materials consisting of corrugated and flat weathered steel panels, fiber-cement panels, and reclaimed wood siding. The scale of the building is a direct result of the programmatic needs of CWC which requires approximately 18,000 square feet of space.

This item was reviewed at the DRC on April 11, 2018 and was approved with the following conditions:

The applicant shall consider:

1. The direction of the slope of the roof and drainage.
2. The placement and appearance of rooftop equipment.
3. Simplification of the design.
4. More focus on the change in plane from the second to the first level.
5. Fenestration and size of windows.
6. Pedestrian access and landscaping.

The Design Review Committee discussed the idea that the site design could potentially benefit from reconfiguring the slope of the roof in the opposite direction so as to lessen the appearance of mass and height upon approaching the site from Veronica Lane in order to create a more human-scale pedestrian orientation. The applicant has stated that this is a preliminary design and that they are open to revising and/or simplifying the design prior to Development Plan. The applicant will need to reappear before the DRC prior to Development Plan.

### **Parking**

In the P/SP Zone, an Institutional: Daycare/Education use calls for an independent calculation to determine parking. The CC&R's for the subdivision state that parking should be approximately 12-19 spaces per lot, which would result in an average of 15.5 spaces per lot, or 31 spaces for the combined 2 lots. The applicant has proposed 30 spaces for the site, 2 of which are required disability spots, by utilizing an independent parking calculation of 1.5 spaces per 1,000 sf, generating a need for 26.04 parking spaces. According to the applicant, the independent calculation was derived by analyzing enrollment data, scheduling, and a proposed staff of 7 fulltime employees on site all day with an additional 14 adjunct staff that will only attend when they teach.

Staff, the Planning Commission, and neighboring property owners in the Stockhouse Patterson HOA have expressed concern that the proposed amount of parking may be inadequate for the proposed size of the CWC-Jackson Center and the number of students enrolled. In staff's analysis of the proposed parking we believe the following measures could be taken by Council to address and/or alleviate the concern of sufficient parking on site:

- Require the applicant to increase the amount of parking on site by providing underground parking or reconfiguring the building to provide more surface parking.
- Reduce the building size.
- Limit the number of students allowed on site at any one time.



- Some combination of the aforementioned options; or
- Accept the proposed number of parking spaces with the requirement of a parking management plan and associated conditions of approval.

A preliminary Parking Management Plan is attached to this report. The applicant has stated that the total number of students enrolled is 430 students in the fall and 260 students in the spring. CWC is currently developing a scheduling model to identify the number of students, instructors and staff that will be in the building at one time on an hourly basis. Staff has yet to see this, but it will be required as part of the final Parking Management Plan to be submitted at Development Plan. However, per the preliminary Parking Management Plan provided by the applicant, the peak parking demand during business hours is estimated to be 43 persons between the hours of 11am and 12pm and the highest peak demand during non-business hours is 60 people between the hours of 8pm-9pm. The final parking plan submitted with the Development Plan will need to explain, for example, who the 60 people are and how they will be able to use 30 parking spaces. The plan also presents 4 successive tiers to address parking issues, with Tier 1 slated for implementation as soon as CWC begins operations at the new location. The applicant will have to clarify exactly how the 4 tiers will be implemented in the final parking plan. For example, staff is unsure when Tiers 2 – 4 would be triggered and what is meant by a “Full Parking Study” done as part of Tier 3. The proposed tiers are as follows:

- Tier 1: Alternative Mode Use Requirements
  - Class schedule balancing, promotional information for students, visitors, and faculty about alternative travel modes, availability of priority carpooling spots, bike racks, and encouragement of walking.
- Tier 2: As Built Evaluation and Fees/Incentives
  - Sidewalk upgrades, evaluation of parking behaviors and reassessment of fees and incentives if need be, and a parking management and enforcement program.
- Tier 3: Advanced Management Techniques
  - Full Parking Study, car share spots, and trip reduction program.
- Tier 4: Offsite and Overflow
  - Contingency-based overflow parking plan, on-street parking supplies, off-site satellite parking.

While staff finds that the applicant’s preliminary Parking Management Plan is adequate for Sketch Plan, more detail is needed before the plan can be considered complete for final review. Thus, staff has added a condition of approval that requires the applicant to provide a more detailed, final Parking Management Plan with the submittal of the Development Plan. Furthermore, staff also has concerns about the Town’s ability to enforce parking issues given that Veronica Lane is a private road and not subject to Town parking enforcement should Central Wyoming College be unable to adequately manage the impacts of students parking on the road or on neighboring property owner’s lots. Therefore, staff has added an additional condition of approval that should the applicant be unable to manage parking on site the Town may take measures such as limiting student numbers at any given time, or potentially modifying or revoking the applicant’s Conditional Use Permit should parking management problems persist.

Another option for the Council is to delay final approval of the CUP until the Development Plan so that it has the opportunity to review the applicant’s final Parking Management Plan. In this scenario, the Council could approve the Zoning Map Amendment to P/SP and Sketch Plan now but would wait to officially approve the CUP as part of the Development Plan.

## **Access/ Circulation/Traffic**

Vehicular Access/Circulation: Site circulation is achieved through two (2) two-way access points off Veronica Lane. The proposed access points have been coordinated with the Teton County Fire Marshall and road widths and circulation meet the needs for emergency vehicle access. Staff has concerns that on-street parking on Veronica Lane may visually obstruct vehicles entering and exiting the site. Public works has stated that Veronica Lane does not meet the standards for on street parking, which has been an issue, and could impede emergency access, and therefore recommend that 'no parking' signs should be installed with the project. The Town does not have the ability to enforce this, however, as Veronica Lane is a private road.

Traffic Analysis: A traffic impact statement prepared by Jorgensen Associates has been provided as part of this application. In summary, the analysis concludes that the proposed development will add an additional 530 trips per day during the fall and during peak enrollment to the adjacent transportation network of Maple Way. According to the traffic statement, the existing traffic along Maple Way and in the vicinity was 9,598 vehicles per day in 2017, 9,785 vehicles per day in 2014, and 9,937 vehicles per day in 2006, which indicates that traffic volumes along the corridor are relatively stable and that the proposed CWC campus will not significantly impact traffic along the corridor. Staff recommends that as a condition of approval of the CUP, CWC-Jackson Center shall schedule the majority of classes at times during the day that do not coincide with peak traffic hour volumes (7 to 9 a.m. and 4 to 6 p.m.) on the adjacent street network in order to lessen traffic impacts.

## **Trash/Snow Storage/Bicycle Parking**

A required trash enclosure is not shown on the site plan and staff has added a condition of approval requiring that this be provided on the site plan prior to Development Plan review. Trash and recycling enclosures are required for all nonresidential uses. The applicant has stated that CWC-Jackson will have onsite refuse and recycling and that this will be located as part of the Development Plan.

The applicant has indicated locations on the Sketch Plan to accommodate snow storage at or in excess of 2.5% of impervious surfaces as is required in the LDRs.

The applicant has indicated the location of bicycle parking racks. Pathways Coordinator Brian Schilling has provided detailed comments regarding the location, design, and number of bicycle parking spaces that should be provided. Since the applicant is proposing to reduce traffic and parking impacts by promoting and encouraging multi-modal transportation options, the number of bike parking spaces provided should correspond with what the Pathways Coordinator deems sufficient which was stated as one bike parking spot per car parking spot. In the preliminary Parking Management Plan schematic that the applicant has provided following the Planning Commission hearing, the applicant proposes 1 bike space per parking space, or 30 total bike parking spaces. Staff recommends that as a condition of approval that the applicant coordinate with the Town of Jackson Pathways Coordinator regarding bicycle parking prior to Development Plan submittal.

## **Streetscapes/Pedestrian Access**

The applicant is proposing a landscape buffer adjacent to the main building between the sidewalk and Veronica Lane. Staff supports the comments made by Pathways Coordinator Brian Schilling which requests that the sidewalks on site be buffered from the adjacent travel lanes by landscaping and/or surfacing or otherwise detached. Upon further review by the Planning Director, Staff is recommending as a condition of approval that the applicant demonstrate that the sidewalks on site are buffered from the adjacent travel lanes by landscaping and/or surfacing, or are otherwise detached at Development Plan.

## **Affordable/Employee Housing**

The applicant is exempt from employee housing mitigation pursuant to Sec 6.3.1.C.5 - Institutional Uses (deleted) as the application was received on February 21, 2018, and is therefore subject to the standards in place at that time. The applicant has not proposed providing any voluntary employee housing on or off-site. Were the applicant to submit the same application today under the newly adopted Affordable Workforce Housing Standards the application would still be exempt if the Zoning Map Amendment is approved, as employee generating development in the P/SP zone is exempt, otherwise Daycare/Education as a use would necessitate an independent calculation to determine the required Affordable Workforce Housing in another zone.

## **Planning Commission**

The items were reviewed before the Planning Commission on May 2, 2018, and received unanimous approval. The Commission expressed concerns related to the proposed amount of off-street parking and questioned whether the proposed 30 spaces is sufficient for the scope of the project, however the Commission was interested in gaining more information from a Parking Management Plan at the time of Development Plan submittal. The Commission was interested in learning how many students would be on site at one time and how this would affect parking and as a result decided to alter the condition of approval requiring a Parking Management Plan to also include snow management to ensure that parking spaces would not be used for snow storage. In addition, the Commission conveyed disappointment in the fact that the project has no affordable housing requirement or a voluntary proposal for affordable housing by the applicant.

The Planning Commission recommended approval of the project with the following recommended conditions of approval:

1. The applicant shall provide a landscape plan prepared by a licensed Wyoming Landscape Architect which reflects the minimum plant unit requirement with adequate screening at Development Plan submittal.
2. The applicant shall indicate the location and dimensions of required trash and recycling enclosures at Development Plan submittal.
3. Prior to Development plan submittal the applicant shall coordinate with the pathways Department regarding bicycle parking location, design, and quantity.
4. The applicant shall provide a parking and snow management plan that will address management of class schedules, carpooling, off-site impacts, and any other strategies to reduce parking demand at Development Plan submittal.
5. The CWC-Jackson center shall schedule the majority of classes at times during the day that do not coincide with peak traffic hour volumes (7 to 9 a.m. and 4 to 6 p.m.) in order to lessen traffic impacts.

Following the Planning Commission hearing some slight rewording of conditions and additional conditions have been added to the report by the Planning Director in order to address parking management and enforcement as well as the timing of approvals regarding required ordinance readings for the Zoning Map Amendment.

## **Staff Findings**

**Item A: Zoning Map Amendment.** The findings for a Zoning Map Amendment found in Section 8.7.2.C must be made:

1. *The proposed project is consistent with the purposes and organization of the LDRs.*

Complies. Staff finds the proposed project to be consistent with the purpose and intent of the LDRs, specifically the P/SP zoning district. The purpose of the P/SP zone is to provide locations for new and existing uses and facilities of a public or semi-public nature. In particular, the P/SP zone is intended to allow flexibility for public and semi-public uses and facilities that often have unique functional needs, such as for height, floor area, setbacks, and impervious surface, that cannot be accommodated in other zoning districts. Land in the P/SP-ToJ zone and/or facilities operated therein may be under the control of federal, state, or local governments, or other governmental entities such as a school district or hospital district.

2. *The proposed project improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan.*

Complies. Staff finds that the proposed project improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan. See **Item B**, Finding #1.

3. *The proposed project is necessary to address changing conditions or a public necessity.*

Complies. Staff finds that the proposed project is necessary to address the institutional and facility needs of Central Wyoming College's educational curriculum which in turn provides the community with qualified graduates for a number of fields which are in demand.

4. *The proposed project is consistent with other adopted Town Ordinances.*

Complies. Staff finds that the proposed project is consistent with all other Town Ordinances.

**Item B: Sketch Plan.** Pursuant to Section 8.3.1.C (Sketch Plan Standards) of the Land Development Regulations, the following findings shall be made for the approval of a Sketch Plan.

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 proposed development is located within District 4 Midtown - Subarea 4.3 Central Midtown of the 2012 Comprehensive Plan which states:

*Subarea 4.3: Central Midtown. This TRANSITIONAL Subarea in the core of the district will be critical in achieving the overall goal of transforming the area into a walkable mixed use district. Opportunities should be taken to expand the currently limited street network in order to break up large existing blocks and increase connectivity for all transportation modes. Key to this transition will be the addition of increased residential intensity in a variety of types and forms to take advantage of the Complete Neighborhood amenities in the area. Mixed use structures will be encouraged with non-residential uses located predominantly on the street level and residential units on upper levels. Multifamily structures in a variety of forms will also be desirable. Mixed use and multifamily residential buildings should be a combination of two and three story structures oriented to the street, though a buffer should be placed between buildings and the street with green space and/or hardscaping. Parking areas should be predominantly located behind buildings or screened from view. Live-work housing opportunities will be encouraged, as well as any other opportunities to promote local entrepreneurship. Single family residential units are not envisioned for this area. Particular care and attention will need to be given to ensure a successful transition between this mixed use subarea to the adjacent Midtown Residential (Subarea 4.3). The location of buildings and parking,*

*types of uses and overall intensity of use should be considered to ensure a successful blend of these two subareas.*

Complies. Staff finds that the project is consistent with the described vision for Subarea 4.3. The proposed use fits within the existing neighborhood and is consistent with the physical development standards within the P/SP zoning district. In regards to size and scale, the new project will be consistent with surrounding development. Parking is located behind the main building and the site plan emphasizes pedestrian access. The project helps to transform the area into a more walkable mixed use district and anticipates utilizing multimodal transportation options in order to decrease the impact of increased vehicle traffic.

In addition, Staff finds that the application should be reviewed for consistency specifically with the policy objectives of District 4 Midtown 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. Not Applicable.

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

Complies. CWC-Jackson provides opportunities for Teton County residents to attain higher education and skills in fields that are in demand in the region such as culinary arts and nursing. In turn, employers have a pool of well qualified applicants to choose from. This will help maintain Jackson as the economic center of the region by keeping talented individuals employed locally as employees or business owners.

***Policy 4.2.c: Create vibrant walkable mixed use subareas***

Complies. The project is an infill development situated in an established mixed use area along a walkable corridor. Furthermore, the applicant is proposing to add sidewalks where none currently exist.

***Policy 4.3.a: Preserve and enhance stable subareas***

Complies. Not Applicable.

***Policy 4.3.b: Create and develop transitional subareas***

Complies. The project helps to create and develop Central Midtown by providing a balanced mix of nonresidential uses to the town.

***Policy 4.4.b Enhance Jackson gateways***

Complies. The project is located near major gateways to Jackson just south of “The Y” and Highway 89. The project enhances these gateways by showcasing the educational opportunities available in Jackson.

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

Complies. Not Applicable.

***Common Value 3: Quality of Life***

*Policy 5.2.d: Encourage deed-restricted rental units*

Complies. Not Applicable.

*Policy 5.3.b: Preserve existing workforce housing stock*

Complies. Not Applicable.

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

Complies. The programmatic offerings of CWC-Jackson are geared towards providing students with the skills and qualifications necessary to be employed in the region. These include tourism related industries like the culinary arts, hospitality, and outdoor education, but also the healthcare, education, and business sectors.

*Policy 6.2.c: Encourage local entrepreneurial opportunities*

Complies. CWC-Jackson will prepare graduates to be employed in a number of different fields in demand but also to start their own businesses. Having a dedicated CWC-Jackson Center will increase the likelihood of retaining entrepreneurial-minded individuals in Jackson who might otherwise go elsewhere to gain the skills they need to start a business.

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

Complies. Students and faculty will benefit from nearby existing START Bus stops on Buffalo Way and Maple Way. Additionally, the proposed project will provide bicycle parking on site. START has expressed interest in the addition of a covered bus stop at Veronica Lane which could be a discussion and potential condition of approval regarding what role the applicant may play, if any, in helping to provide resources for a covered stop should the Town see fit.

*Policy 7.2.d: Complete key Transportation Network Projects to improve connectivity*

Complies. Not Applicable.

*Policy 7.3.b: Reduce wildlife and natural and scenic resource transportation impacts*

Complies. Not Applicable.

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. Staff finds that the proposed project will not have significant impacts on public facilities and infrastructure as conditioned, however Public Works has submitted comments regarding whether any upgrades to the water supply structure are required for this project and this should be addressed at Development Plan. The new building will have an automatic fire sprinkler apparatus which helps reduce impacts on the Fire Department.

4. ***LDR Compliance:*** *The proposed project complies with all relevant standards of these LDRs and other Town Ordinances as can be determined by the level of detail of a sketch plan.*

Complies. Staff finds that the application meets all standards required of the LDRs for development in the P/SP zoning district. Staff also finds the project to be in compliance will all other Town Ordinances.

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

Complies. Should the applicant be granted a Zoning Map Amendment, the dimensional standards of P/SP zone would allow for the applicant to build the CWC facility in the dimensions proposed on these parcels.

**Item C: Conditional Use Permit.** Pursuant to Section 8.4.2.C (Conditional Use Permit Standards) of the Land Development Regulations, the following findings shall be made for the approval of a Conditional Use Permit.

1. ***Compatibility with Future Character.*** *The proposed Conditional Use shall be compatible with the desired future character of the area.*

Complies. See **Item B** Finding #1.

2. ***Use Standards.*** *The proposed Conditional Use shall comply with the use specific standards of Division 6.1.*

Complies as conditioned. Staff finds that the proposal is compliant with the standards of Division 6.1. The proposed Institutional (Education) use is an allowed use within the Public/Semi-Public – (P/SP) zoning district with the approval of a Conditional Use Permit.

3. ***Visual Impacts.*** *The design, development, and operation of the proposed Conditional Use shall minimize the visual impact of the proposed use on adjacent lands.*

Complies. Staff finds that the proposed facility will minimize the visual impact on adjacent lands by situating the building adjacent to Veronica Lane. The design will also include a delineated parking area and entrance which is helpful in keeping the use contained to a certain area.

4. ***Minimizes adverse environmental impact.*** *The development and operation of the proposed Conditional Use shall minimize adverse environmental impacts.*

Complies. Staff finds that the proposed use will not have an adverse environmental impact. The site is also not located within the NRO and SRO, and all proposed use and operations will be conducted within previously platted and an otherwise developed area save for the vacant lots the facility will be built upon.

5. ***Minimizes adverse impacts from nuisances.*** *The development and operation of the proposed Conditional Use shall minimize adverse impacts from nuisances.*

Complies as conditioned. Parking has the greatest potential to be a nuisance to the surrounding neighborhood. The applicant has provided a preliminary parking management plan that addresses parking demand through class scheduling, alternative mode use requirements, fees and incentives, advanced management techniques, and contingency-based overflow parking locations if needed. Conditions of approval have been added to address potential impacts from parking.

6. ***Impact on Public Facilities.*** *The proposed Conditional Use shall 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.*

Complies. Staff finds that the proposal will not have significant impacts on public facilities and services as conditioned.

7. ***Other Relevant Standards/LDRs.*** *The development and operation of the proposed Conditional Use shall comply with all standards imposed on it by all other applicable provisions of the LDRs and all other Town Ordinances.*

Complies. Staff finds that the proposed use and building improvements complies with the provisions of the LDRs and with all other Town Ordinances. Since the property is located within the P/SP zone, development standards such as setbacks, building height, FAR, etc. are flexible.

8. ***Previous Approvals.*** *The proposed Conditional Use shall be in substantial conformance with all standards or conditions of any prior applicable permits or approvals*

Not applicable to this proposal.

## ATTACHMENTS

Stockhouse-Patterson HOA Letter of Protest and Signatures  
Response from Applicant - Holland & Hart  
Parking Management Plan - Schematic  
Applicant Submittal  
Department Reviews

## STAKEHOLDER ANALYSIS

The main stakeholders are the community members who will attend/work for CWC-Jackson, business owners who will employ the graduates locally, and adjacent property owners in the Stockhouse-Patterson Addition.

## PUBLIC COMMENT

Staff received a phone call on 4/26 from Ms. Liza Hoke, a property owner in the Stockhouse-Patterson Addition with questions pertaining to the Zoning Map Amendment request. In particular, Ms. Hoke sought clarification on the differences that P/SP zoning would entail for the project. Staff also discussed the proposed zone change for the other lots in the Stockhouse-Patterson Addition to CR-3 with the upcoming District 3-6 LDR updates this summer. Ms. Hoke also sought materials related to the required neighborhood meeting which were sent to her via email.

Staff received an email on 4/27 from Mr. Jim Stockhouse, co-developer of the Stockhouse-Patterson Addition and a lot owner in the subdivision. Mr. Stockhouse has concerns about the zoning change to accommodate a larger sized building in the subdivision and questions what the impact the building will have on traffic, parking, infrastructure, snow storage, impermeable surface area / stormwater runoff, landscaping, and general aesthetics to the subdivision. The email is attached to this report.

Staff met with Ms. Liza Hoke on 5/29 in regards to the scale of the proposal, traffic and infrastructure impacts, and other P/SP zoned properties in town.

Staff received a Letter of Protest on 5/29 addressed to Council from John Wylie of Wylie Baker LLP which is attached. The firm represents the Stockhouse-Patterson Homeowner's Association (the "HOA") whose members own Lots 1-8 of the Stockhouse Patterson Addition to the Town of Jackson. The letter protests the applicant's proposal for a Zoning Map Amendment to rezone Lots 3 and 6 to P/SP zoning, and the request for a Conditional Use Permit. The HOA is concerned about the scale of the proposed facility and the impact it will have on parking in the subdivision. In addition, the HOA is concerned about the impacts the CWC facility will have on the subdivision's infrastructure and sewer system, noting that the HOA is responsible for the operation and maintenance of Veronica Lane and the sewer infrastructure. Please see the Legal Review section below regarding the requirements of State Statute as it affects the Zoning Map Amendment vote by Council as a result of the Letter of Protest, and regarding the applicant's formal response to the Letter of Protest.

## 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 applicant has held a series of meetings with the Stockhouse-Patterson Home Owners Association in an attempt to alleviate the concerns of the HOA. Staff and the applicant have continued this item multiple times to provide additional time for the parties to reach a resolution. As of this writing, however, the applicant has yet to reach an official agreement with the HOA and the HOA has not withdrawn its Letter of Protest. Per Wyoming State Statute, an affirmative vote of three-fourths of all members of the Council is required to make effective the Zoning Map Amendment as a result of the Letter of Protest:

***15-1-603. Regulations; protest makes change ineffective; exception; hearing and notice.***

*(a) If there is a protest against a change in the regulations, restrictions or district boundaries signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed*

*change, or of those immediately adjacent within a distance of one hundred forty (140) feet, the change is not effective except upon the affirmative vote of three-fourths (3/4) of all the members of the governing body. In determining the one hundred forty (140) feet, the width of any intervening street or alley shall not be included.*

Due to the protest submitted by the Stockhouse-Patterson HOA, which appears to provide the required landowner signatures to meet State requirements, the Council is now required to have **four (4) affirmative votes** (i.e., 3/4 of a 5-person board) to adopt the proposed zoning map amendment to P/SP.

Additionally, attached hereto is a letter from the Applicant to the Town Attorney formally responding to the Letter of Protest from the HOA.

#### RECOMMENDATIONS/ CONDITIONS OF APPROVAL

**Item A:** The Planning Director recommends **approval** of a Zoning Map Amendment P18-048 for the property located at 235 and 255 Veronica Lane from Commercial Residential - 3 (CR-3) to Public-Semi-Public (P/SP-ToJ), subject to three ordinance readings.

**Item B:** The Planning Director recommends **approval** of a Sketch Plan P18-047 for a new two-story CWC Jackson Center for the property located at 235 and 255 Veronica Lane, subject to the department reviews attached hereto and 6 conditions of approval:

1. The applicant shall provide a landscape plan prepared by a licensed Wyoming Landscape Architect which reflects the minimum plant unit requirement with adequate screening at Development Plan submittal.
2. The applicant shall indicate the location and dimensions of required trash and recycling enclosures at Development Plan submittal.
3. Prior to Development plan submittal the applicant shall coordinate with the Pathways Coordinator regarding bicycle parking location, design, and quantity.
4. At Development Plan submittal the applicant shall provide a final Parking and Snow Management Plan. This plan shall clarify in detail the proposed strategies and tools the applicant will use, such as management of class schedules, carpooling, off-site shared parking, etc., to ensure that the proposed parking is adequate to handle all of CWC's demand without negatively impacting Veronica Lane or surrounding land owners.
5. The applicant shall demonstrate that the sidewalks on site are buffered from the adjacent travel lanes by landscaping and/or surfacing, or are otherwise detached at Development Plan submittal.
6. This Sketch Plan shall not be effective until the third ordinance reading of the Zoning Map Amendment is approved.

**Item C:** The Planning Director recommends **approval** a Conditional Use Permit P18-049 for the Institutional: Education/Daycare use for a CWC Jackson Center for the property located at 235 and 255 Veronica Lane, subject to the department reviews attached hereto and 3 condition of approval:

1. If the Town becomes aware, either through neighbor complaint or its own investigation, that parking for the site is inadequate and causing significant neighborhood conflicts, the Town Council shall review the parking plan and CUP and may require the applicant to implement operational changes (e.g., parking fees, formal shared parking agreements, limitations on class sizes, etc.) to reduce parking conflicts to acceptable levels. If conflicts are unable to be resolved the Council may consider revocation of the applicant's Conditional Use Permit.
2. This CUP shall not be effective until the third ordinance reading of the Zoning Map Amendment is approved.

3. The CWC-Jackson center shall schedule the majority of classes at times during the day that do not coincide with peak traffic hour volumes (7 to 9 a.m. and 4 to 6 p.m.) in order to lessen traffic

### SUGGESTED MOTIONS

**Item A:** Based upon the findings for a Zoning Map Amendment as presented in the staff report for P18-048 and by the applicant related to 1) The proposed project is consistent with the purposes and organization of the LDRs.; 2) Consistency with the Comprehensive Plan; 3) Public necessity; 4) Consistency with other adopted Town Ordinances I move to **approve** a Zoning Map Amendment for the property located at 235 and 255 Veronica Lane from Commercial Residential - 3 (CR-3) to Public-Semi-Public (P/SP-ToJ), and direct staff to prepare the required ordinances for first reading.

**Item B:** Based upon the findings for a Sketch Plan as presented in the staff report for P18-047 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 LDRs & Town Ordinances; 5) Conformance with past permits & approvals for Item P18-047,48,49, I move to **approve** a Sketch Plan for a new two-story CWC Jackson Center for the property located at 235 and 255 Veronica Lane, subject to the department reviews attached hereto and 6 conditions of approval:

1. The applicant shall provide a landscape plan prepared by a licensed Wyoming Landscape Architect which reflects the minimum plant unit requirement with adequate screening at Development Plan submittal.
2. The applicant shall indicate the location and dimensions of required trash and recycling enclosures at Development Plan submittal.
3. Prior to Development plan submittal the applicant shall coordinate with the Pathways Coordinator regarding bicycle parking location, design, and quantity.
4. At Development Plan submittal the applicant shall provide a final Parking and Snow Management Plan. This plan shall clarify in detail the proposed strategies and tools the applicant will use, such as management of class schedules, carpooling, off-site shared parking, etc., to ensure that the proposed parking is adequate to handle all of CWC's demand without negatively impacting Veronica Lane or surrounding land owners.
5. The applicant shall demonstrate that the sidewalks on site are buffered from the adjacent travel lanes by landscaping and/or surfacing, or are otherwise detached at Development Plan submittal.
6. This Sketch Plan shall not be effective until the third ordinance reading of the Zoning Map Amendment is approved.

**Item C:** Based upon the findings for a Conditional Use Permit as presented in the staff report for P18-049 and by the applicant related to 1) Compatibility with Future Character; 2) Use Standards; 3) Visual Impacts; 4) Minimizes adverse environmental impact; 5) Minimizes adverse impacts from nuisances; 6) Impact on Public Facilities; 7) Other Relevant Standards/LDRs; and 8) Previous Approvals with past permits & approvals for Item P18-047,48,49, I move to **approve** a Conditional Use Permit for the Institutional: Education/Daycare use for a CWC Jackson Center for the property located at 235 and 255 Veronica Lane, subject to the department reviews attached hereto and 3 condition of approval:

1. If the Town becomes aware, either through neighbor complaint or its own investigation, that parking for the site is inadequate and causing significant neighborhood conflicts, the Town Council shall review the parking plan and CUP and may require the applicant to implement operational changes (e.g., parking fees, formal shared parking agreements, limitations on class sizes, etc.) to reduce parking conflicts to acceptable levels. If conflicts are unable to be resolved the Council may consider revocation of the applicant's Conditional Use Permit.

2. This CUP shall not be effective until the third ordinance reading of the Zoning Map Amendment is approved.
3. The CWC-Jackson center shall schedule the majority of classes at times during the day that do not coincide with peak traffic hour volumes (7 to 9 a.m. and 4 to 6 p.m.) in order to lessen traffic



May 29, 2018

Town of Jackson Town Council  
P.O. Box 1687  
150 East Pearl Avenue  
Jackson, WY 83001

**Delivered via email and hand delivery** ([council@jacksonwy.gov](mailto:council@jacksonwy.gov))

**RE:** *Protest to Central Wyoming College's Zoning Map Amendment and Conditional Use Permit at 235 and 255 Veronica Lane, Jackson, Wyoming*

Dear Council Members:

This firm represents the Stockhouse-Patterson Homeowner's Association (the "HOA"), whose members own Lots 1-8 of the Stockhouse-Patterson Addition to the Town of Jackson (Plat No. 822). This letter presents the HOA's concerns about the zone change proposed by Central Wyoming College (the "CWC") that will be discussed at the Town Council's June 7, 2018 meeting. The CWC is proposing its new facilities on Lots 3 and 6 of the Stockhouse-Patterson Addition (235 & 255 Veronica Lane, Jackson, WY) pursuant to a proposed zoning map amendment ("ZMA") as well as a conditional use permit ("CUP").

While the HOA is not opposed to the presence of a new CWC facility in Jackson or in the Stockhouse-Patterson subdivision, the HOA is concerned about the potential impacts to the Stockhouse-Patterson subdivision and HOA if CWC's current proposal is approved.

*Standards for Approval & Opposition*

The proposed ZMA seeks to change the zoning for CWC's property located at 235 and 255 Veronica Lane from Auto-Urban Commercial (AC) to Public/Semi-Public (P/SP). The standards for approving this ZMA are as follows:

*The advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:*

- 1. Is consistent with the purposes and organization of the LDRs;*
- 2. Improves implementation of the desired future character defined in the*

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172 Center Street, Suite 200

P.O. Box 4211

Jackson, Wyoming 83001

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- Illustration of Our Vision chapter of the Comprehensive Plan;*  
3. *Is necessary to address changing conditions or a public necessity; and*  
4. *Is consistent with the other adopted Town Ordinances.*

(TOJ LDRs § 8.7.2.C.).

The CWC asserts that its proposed ZMA is necessary to allow CWC to build facilities that are much larger than the facilities that would be allowed under the current AC zoning. The current AC zoning would allow for a 7,079 square-foot facility when using a .25 floor area ratio (FAR), whereas the proposed P/SP zoning does not provide a FAR limitation on the size of the facility. (Planning Commission report, p. 4.) If approved, CWC's proposed zoning change would allow CWC to construct a 17,358 square-foot facility—more than twice the size of the facility that would be allowed under the current zoning. A zone change permitting a structure of this size is not necessary to achieve the goals of the LDRs, the vision of the Comprehensive Plan, and the objectives for neighborhood character for this area of Midtown—these goals can all be accomplished with a smaller building within the limitations of the *existing AC zoning*.

Please accept this letter as the HOA's official protest of the CWC's proposed ZMA in accordance with W.S. § 15-1-603 and section 8.7.2 of the Town of Jackson Land Development Regulations. We will supplement this correspondence with the required signatures for this protest by the end of the week.

By this letter, the HOA also presents its opposition to the issuance of the CUP. The necessary findings for approval for a CUP are as follows:

*A conditional use permit shall be approved upon finding the application:*

- 1. Is compatible with the desired future character of the area;*
- 2. Complies with the use specific standards of Div. 6.1.;*
- 3. Minimizes adverse visual impacts;*
- 4. Minimizes adverse environmental impacts;*
- 5. Minimizes adverse impacts from nuisances;*
- 6. Minimizes adverse impacts on public facilities;*
- 7. Complies with all other relevant standards of these LDRs and all other Town Ordinances; and*
- 8. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

(TOJ LDR, 8.2.4.C.) The HOA strongly opposes the scale of the proposed CWC facility as inconsistent with these necessary findings for a CUP. Therefore, the HOA opposes the issuance of the CUP.

#### *Specific Areas of Concern*

Given its familiarity with 235 & 255 Veronica Lane, the members of the HOA are uniquely positioned to foresee issues with the parking and infrastructure that will be necessary to support the proposed CWC facilities. The HOA is concerned about how the subdivision's current

parking spaces, access road, and septic system will each be impacted by the CWC's proposed facilities. These three issues are discussed in more detail below.

First, the HOA is concerned about the impact the CWC's proposed facilities will have on the subdivision's parking. The Stockhouse-Patterson subdivision currently consists of several businesses. The existing parking is utilized by the HOA's members, which are all local businesses. The parking spaces currently serving the businesses within the subdivision are maximized and there are often no parking spaces available. The Town of Jackson Planning Commission report, issued April 27, 2018, states a need for an additional 30 parking spaces as a result of CWC's proposed facilities. (*CWC Jackson Center Sketch Plan Application, Conditional Use Permit and Zoning Map Amendment*, hereinafter "Sketch Plan," p. 18.) The subdivision's parking areas are insufficient to serve the CWC's additional use, even with an additional 30 parking spaces. It is extremely likely that CWC's employees, guests, and students will use the parking areas of other businesses when overflow is needed, and this usage will make the current parking shortage a much bigger problem. Even if the HOA attempts to prohibit CWC use of other parking spaces, the HOA will be the party forced to enforce parking. This level of enforcement is something the HOA is not currently doing, so an additional administrative burden will likely be forced upon the HOA with its associated increased costs.

Second, the HOA is concerned about the impact CWC will have on its access road. The subdivision is serviced by a private right-of-way known as Veronica Lane. The Planning Commission report estimates that "the proposed development will add an additional 530 trips per day during the fall and during peak enrollment to the adjacent transportation network of Maple Way." (Planning Commission report, p. 7.) The HOA is responsible for the operation and maintenance of Veronica Lane. CWC's proposed increased use of Veronica Lane will place a large maintenance burden on the HOA. A small group of private property owners should not have to shoulder the financial responsibility of maintaining an access road for a community college.

Third, the HOA is concerned about the increased impact on its sewer connections to the Town's wastewater system. The Planning Commission report sets forth as follows:

*The water and sanitary sewer services will be connected to service lines owned and controlled by the subdivision HOA. The HOA-owned service lines run along Veronica Lane connect to Town of Jackson Water and Sewer Mains at the intersection of Maple Way and Veronica Lane. Maintenance of the HOA-owned service lines on Veronica Lane are[sic] the responsibility of the HOA.*

(Sketch Plan, p. 15.) In addition to the increased load on the sewer system that would be incident to any educational facility, CWC's proposed facilities include culinary programs. Commercial kitchens place an additional, atypical load on sewer systems. The Sketch Plan states, "The ability of the existing lift station and Town of Jackson infrastructure that serves Veronica Lane to handle the increased flows from the project will be confirmed." (Sketch Plan, p. 17.) However, the HOA is more generally concerned about all of its sewer infrastructure, and the financial impact of maintaining the same under this increased load. Again, the HOA feels it is inequitable that a small group of private property owners be forced to bear an increased financial burden for

CWC's use.

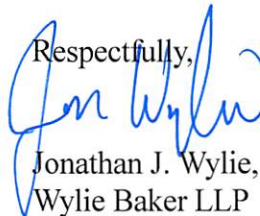
Summary & Conclusion

Although the HOA is not opposed to the presence of CWC within its subdivision, the HOA believes that the large, 17,000-square-foot scale of the CWC facilities is not necessary to bring CWC facilities to Jackson. The HOA opposes the issuance of the ZMA and the CUP as a result of its concerns set forth above. These concerns present practical considerations that have not been adequately considered in the Town's process of evaluating the CWC proposal. The proposed ZMA and CUP place an inequitable and undue financial burden associated with a public educational facility on a small, private subdivision. Each of the HOA's concerns would be addressed by a smaller-scale version of the CWC facilities applying the current zoning.

Therefore, the HOA respectfully requests that the Council **deny** the ZMA that would change the 235 & 255 Veronica Lane zoning from AC to P/SP. The HOA also respectfully requests that the Council **deny** CWC's CUP. In the alternative, should the Council decide to approve the CWC proposal, the HOA requests **conditional approval**, and for the Council to include conditions that address each of the HOA's concerns set forth in this letter. Of course, any approval also needs to comply with W.S. 15-1-603(a).

Representatives of the HOA will be in attendance at the Town Council meeting to discuss the items set forth in this letter and answer any questions you may have. Thank you for your consideration.

Respectfully,



Jonathan J. Wylie, Partner  
Wylie Baker LLP

CC: Sandy Burdyshaw, Town Clerk (via email only at [sbirdyshaw@jacksonwy.gov](mailto:sbirdyshaw@jacksonwy.gov))  
Audrey Cohen-Davis, Town Attorney (via email only at [acohendavis@jacksonwy.gov](mailto:acohendavis@jacksonwy.gov))



June 5, 2018

Town of Jackson Town Council  
P.O. Box 1687  
150 East Pearl Avenue  
Jackson, WY 83001

**Delivered via email and hand delivery** ([council@jacksonwy.gov](mailto:council@jacksonwy.gov))

**RE:** *Protest to Central Wyoming College's Zoning Map Amendment and Conditional Use Permit at 235 and 255 Veronica Lane, Jackson, Wyoming*  
***Submission of signatures***

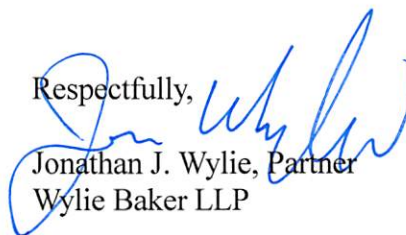
Dear Council Members:

This letter follows up from my May 29, 2018 letter.

First, we understand that the Town Council hearing on the zoning map amendment ("ZMA") and conditional use permit for the CWC campus proposed to be located at 235 & 255 Veronica Lane, Jackson, WY, which are Lots 3 and 6 of the Stockhouse-Patterson Addition subdivision, has been postponed until August 6, 2018. We will schedule our plans to appear at this hearing accordingly.

Second, my May 29, 2018 letter stated that signatures regarding the Stockhouse-Patterson Homeowner's Association members' protest to the ZMA in accordance with W.S. § 15-1-603 and section 8.7.2 of the Town of Jackson Land Development Regulations would be forthcoming. Please find signatures from 4 out of the 6 lots that sit within 140 feet of the proposed CWC site enclosed herewith as Exhibit A. If additional signatures are obtained, we will supplement this correspondence.

Respectfully,



Jonathan J. Wylie, Partner  
Wylie Baker LLP

**CC:** Sandy Burdyslaw, Town Clerk (via email only, [sbirdyslaw@jacksonwy.gov](mailto:sbirdyslaw@jacksonwy.gov))  
Audrey Cohen-Davis, Town Attorney (via email only, [acohendavis@jacksonwy.gov](mailto:acohendavis@jacksonwy.gov))

**Enclosures:** Exhibit A – Signatures of owners of Lots 1, 2, 4 & 5 of the Stockhouse-Patterson Addition subdivision

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P.O. Box 4211  
Jackson, Wyoming 83001  
o: 307.733.6688  
f: 307.733.3758

**Exhibit A**

The following property owners protest the Zoning Map Amendment proposed regarding Lots 3 & 6 of the Stockhouse-Patterson Addition to the Town of Jackson in accordance with W.S. § 15-1-603 and section 8.7.2 of the Town of Jackson Land Development Regulations. This amendment seeks to change the zoning for these lots from AC zoning to P/SP zoning to allow for the development of Central Wyoming College (CWC) facilities. The undersigned own property within 140 feet of the proposed CWC site.

**2LSN, LLC,**  
**a Wyoming limited liability company**

P.O. Box 3737  
Alpine, WY 83128  
270 Veronica Lane  
Lot 1, Stockhouse-Patterson Addition

By: Heidi E. Tolson  
Date: 5/30/2018

**Robert Maxwell Dunstan**  
**Family Trust, U/A/D June 24, 2007**

P.O. Box 136  
Wilson, WY 83014  
1135 Maple Way  
Lot 7, Stockhouse-Patterson Addition

By: Kaidi Morgan Dunstan, Trustee  
Date: \_\_\_\_\_

**PML, LLC,**  
**a Wyoming limited liability company**

P.O. Box 14580  
Jackson, WY 83002  
275 Veronica Lane  
Lot 2, Stockhouse-Patterson Addition

By: Michael Barry  
Date: 5/30/2018

**Maple Way LLC,**  
**a Wyoming limited liability company**

P.O. Box 454  
Jackson, WY 83001  
1115 Maple Way  
Lot 8 Stockhouse-Patterson Addition

By: \_\_\_\_\_  
Date: \_\_\_\_\_

**Hoke & Co., LLC,**  
**a Wyoming limited liability company**

P.O. Box 130  
Wilson, WY 83014  
250 Veronica Lane  
Lots 4 & 5, Stockhouse-Patterson Addition

By: \_\_\_\_\_  
Date: \_\_\_\_\_



**Exhibit A**

The following property owners protest the Zoning Map Amendment proposed regarding Lots 3 & 6 of the Stockhouse-Patterson Addition to the Town of Jackson in accordance with W.S. § 15-1-603 and section 8.7.2 of the Town of Jackson Land Development Regulations. This amendment seeks to change the zoning for these lots from AC zoning to P/SP zoning to allow for the development of Central Wyoming College (CWC) facilities. The undersigned own property within 140 feet of the proposed CWC site.

**2LSN, LLC,**  
**a Wyoming limited liability company**

P.O. Box 3737  
Alpine, WY 83128  
270 Veronica Lane  
Lot 1, Stockhouse-Patterson Addition

By: \_\_\_\_\_  
Date: \_\_\_\_\_

**Robert Maxwell Dunstan**  
**Family Trust, U/A/D June 24, 2007**

P.O. Box 136  
Wilson, WY 83014  
1135 Maple Way  
Lot 7, Stockhouse-Patterson Addition

By: Kaidi Morgan Dunstan, Trustee  
Date: \_\_\_\_\_

**PML, LLC,**  
**a Wyoming limited liability company**

P.O. Box 14580  
Jackson, WY 83002  
275 Veronica Lane  
Lot 2, Stockhouse-Patterson Addition

By: \_\_\_\_\_  
Date: \_\_\_\_\_

**Maple Way LLC,**  
**a Wyoming limited liability company**

P.O. Box 454  
Jackson, WY 83001  
1115 Maple Way  
Lot 8 Stockhouse-Patterson Addition

By: \_\_\_\_\_  
Date: \_\_\_\_\_

**Hoke & Co., LLC,**  
**a Wyoming limited liability company**

P.O. Box 130  
Wilson, WY 83014  
250 Veronica Lane  
Lots 4 & 5, Stockhouse-Patterson Addition

By: Elizabeth Hoke, Mgr.  
Date: 05-30-18

June 25, 2018

Town of Jackson Town Council  
P.O. Box 1687  
150 East Pearl Avenue  
Jackson, WY 83001

**Delivered via email and hand delivery** ([council@jacksonwy.gov](mailto:council@jacksonwy.gov))

**RE:** *Protest to Central Wyoming College's Zoning Map Amendment and Conditional Use Permit at 235 and 255 Veronica Lane, Jackson, Wyoming*  
*Submission of additional signature*

Dear Council Members:

This letter follows up from the letter from Jon Wylie dated June 5, 2018 regarding the zoning map amendment ("ZMA") and conditional use permit for the CWC campus proposed to be located at 235 & 255 Veronica Lane. By that letter, you received several signatures evincing the Stockhouse-Patterson Homeowner's Association members' protest to the CWC ZMA in accordance with W.S. § 15-1-603 and section 8.7.2 of the Town of Jackson Land Development Regulations.

The purpose of this letter is to provide you with an additional signature from the owner of Lot 8 of the Stockhouse-Patterson Addition. Enclosed please find this signature. You now have protest signatures from Lots 1, 2, 4, 5, and 8 of the Stockhouse-Patterson Addition.

Respectfully,



Laurie J. Stern, Associate Attorney  
Wylie Baker LLP

**CC:** Sandy Burdyslaw, Town Clerk (via email only, [sbirdyslaw@jacksonwy.gov](mailto:sbirdyslaw@jacksonwy.gov))  
Audrey Cohen-Davis, Town Attorney (via email only, [acohendavis@jacksonwy.gov](mailto:acohendavis@jacksonwy.gov))

**Enclosures:** Signature of owner of Lot 8 of the Stockhouse-Patterson Addition

**Exhibit A**

The following property owners protest the Zoning Map Amendment proposed regarding Lots 3 & 6 of the Stockhouse-Patterson Addition to the Town of Jackson in accordance with W.S. § 15-1-603 and section 8.7.2 of the Town of Jackson Land Development Regulations. This amendment seeks to change the zoning for these lots from AC zoning to P/SP zoning to allow for the development of Central Wyoming College (CWC) facilities. The undersigned own property within 140 feet of the proposed CWC site.

**2LSN, LLC,**  
**a Wyoming limited liability company**

P.O. Box 3737  
Alpine, WY 83128  
270 Veronica Lane  
Lot 1, Stockhouse-Patterson Addition

By: \_\_\_\_\_  
Date: \_\_\_\_\_

**Robert Maxwell Dunstan**  
**Family Trust, U/A/D June 24, 2007**

P.O. Box 136  
Wilson, WY 83014  
1135 Maple Way  
Lot 7, Stockhouse-Patterson Addition

By: \_\_\_\_\_  
Date: \_\_\_\_\_

**PML, LLC,**  
**a Wyoming limited liability company**

P.O. Box 14580  
Jackson, WY 83002  
275 Veronica Lane  
Lot 2, Stockhouse-Patterson Addition

By: \_\_\_\_\_  
Date: \_\_\_\_\_

**Maple Way LLC,**  
**a Wyoming limited liability company**

P.O. Box 454  
Jackson, WY 83001  
1115 Maple Way  
Lot 8 Stockhouse-Patterson Addition

By: \_\_\_\_\_  
Date: \_\_\_\_\_

**Hoke & Co., LLC,**  
**a Wyoming limited liability company**

P.O. Box 130  
Wilson, WY 83014  
250 Veronica Lane  
Lots 4 & 5, Stockhouse-Patterson Addition

By: \_\_\_\_\_  
Date: \_\_\_\_\_

*Manager Mapleway LLC*  
*Thomas Hoke*  
*6/6/18*



September 24, 2018

**BY E-MAIL**

Audrey Cohen-Davis  
Town Attorney  
Town of Jackson  
150 E. Pearl Street  
Jackson, WY 83001

RE: Central Wyoming College's request for approval of a zoning map amendment, sketch plan, and conditional use permit to develop a new educational center; planning items P18-047, 048, and 049

Dear Audrey:

You have asked us to correspond with the Town on two matters: (1) whether Central Wyoming College is exempt from the Town of Jackson's zoning regulations, and (2) the status of discussions between Central Wyoming College (CWC) and the owners association for the Stockhouse-Patterson Addition (the Association). This letter relates to 235 and 255 Veronica Lane, which are owned by CWC.

**Summary:**

**1. The CWC property should be zoned public/semi-public.** Based on a Wyoming Attorney General opinion that found that school district property is not subject to local zoning requirements, CWC's property should be zoned public/semi-public. The Attorney General opinion was based on the fact that the State Board of Education has authority over school district site selection and this state-level right preempts local zoning powers.

While CWC is not a "school district," the same reasoning of the Attorney General opinion should apply to CWC, which is a statutorily-created "community college district" and a subdivision of Fremont County. Similar to the Board of Education's role for school districts, the state-level Wyoming Community College Commission is in charge of approving the state-wide plan for all community colleges, which includes planning for all community colleges, general budgeting, *approval of all capital construction*, and creating a statewide college system that meets the express goals of the state.

Further, all community college facilities are subject to the authority of two other state-level agencies: the State Building Commission and the State Construction Department. The State Building Commission is involved in establishing, reviewing and prioritizing construction plans, capital budgets, and long-range plans, including future building space needs. The State Construction Department serves a further role of reviewing, analyzing and studying construction needs and providing engineering and design review, among other functions. The State Building

Commission submits these plans and a request for funds to the legislature for the legislature's consideration.

Because of the State's role in planning for, constructing dictating the parameters for community college district facilities, the property owned by CWC should be zoned in the public/semi-public category or otherwise exempted from zoning requirements that conflict with the capital plans of the relevant State agencies. Of note, CWC's facility will involve state-appropriated funds.

**2. CWC is in the process of discussions with the Association for the Stockhouse-Patterson Addition.** The Stockhouse-Patterson Addition is subject to a set of private covenants. As you know, the Association has raised concerns about the impact that CWC's project may have on the Stockhouse-Patterson Addition. We have not yet reached an agreement with the Association on how these concerns may be resolved, but we have made a proposal to the Association in relation to traffic, parking and infrastructure. Because of the Attorney General opinion and because the private covenants are just that—private covenants—we do not believe that unresolved private covenant matters should halt the Town's consideration of the zoning map change and related applications.

### **Discussion:**

**1. The CWC property should be zoned public/semi-public based on an Attorney General opinion reviewed school district property and has reasoning directly applicable to Wyoming community colleges.** The Wyoming Attorney General issued an opinion on whether a school district is "subject to the zoning authority of a city, town, or county." This Opinion Number 81-14 is attached as Exhibit A to this letter. The Attorney General came to the conclusion that school site selection is "within the authority of the State Board of Education, clearly a state agency" and thus "As to school site selection, the Wyoming legislature has delegated that authority to state and local school officials and thus preempted county officials from applying their zoning requirements to public schools." Meaning, because the State Board of Education and local trustees have the authority to site schools, city/town or county zoning is preempted.<sup>1</sup>

The opinion specifically noted a state statute that provides that the State Board of Education is required to "Prescribe minimum standards with which public schools and other educational institutions receiving money from any state funds, except the University of Wyoming and the community colleges, must comply. Such standards relate to and include: . . . (B) Site selection and building and construction of public schools." Former W.S. 21-2-304(a)(i).<sup>2</sup>

**Central Wyoming College is in a very similar position to school districts, and thus the Attorney General opinion should apply to CWC's property.** Just like a school district,

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<sup>1</sup> Of note, that Attorney General opinion went on to conclude that "a public school is subject to reasonable city-town and county building codes," a separate point from zoning considerations.

<sup>2</sup> This statute has been amended to remove a specific reference to "site selection," but the other provision noted in the attorney general opinion remains in place, that "Subject to review by the state construction department . . . for any project involving state capital construction assistance," a school district's board of trustees is empowered and required to "fix the site of each school building and facility considering the needs of the people of each portion of the district." W.S. 21-3-110(a)(x).

Central Wyoming College is a separate governmental subdivision, whose budgeting, siting and construction process is overseen by state agencies: the Wyoming Community College Commission, the State Building Commission and the State Building Department.

Central Wyoming College is a “community college district,” created by state statute, W.S. § 21-18-101, *et seq.* As a community college district, it is a subdivision of Fremont County. W.S. § 21-18-102(a)(viii). The full name of Central Wyoming College is “Fremont County Community College District, State of Wyoming.” W.S. § 21-18-301. Community college districts do not constitute a “school district.”<sup>3</sup> Thus, the overall structure of community college districts must be reviewed in light of the reasoning in the Attorney General opinion.

In Wyoming, community college districts involve a mix of state level functions and county/community college district level functions. At an overarching state level, the “Wyoming Community College Commission” exists to establish a strategic plan for community colleges and to approve capital construction projects that involve state funds. W.S. § 21-18-201, -202(a)(v), -202(d)(v), -202(h). The seven-member Wyoming Community College Commission is appointed by the governor, with the advice and consent of the senate.

The Wyoming Community College Commission is required to:

- “Develop and maintain a statewide college system strategic plan for the delivery of educational programs in Wyoming by each college.” W.S. § 21-18-202(a)(v).
- “Approve all new capital construction projects in excess of one hundred thousand dollars (\$100,000.00) for which state funds are or could be eventually applied.” W.S. § 21-18-202(d)(v).
- “[R]eview, update and modify the statewide college system strategic plan. The plan shall clearly prescribe the components of the educational program and attach program components to statewide system priorities. This plan shall serve as the basis for state operational and capital construction budget requests and funding of the statewide college system for the applicable biennial budget period. In developing, reviewing and updating the strategic plan, the commission shall: . . . Include mechanisms within the planning process which adhere to the state's interests in establishing a statewide college system identified as assuring statewide access to academic programs, career-technical education and training programs, dual and concurrent enrollment programs, remedial and continuing education programs responding to needs of students, employers and the state

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<sup>3</sup> W.S. § 21-18-102(a)(xiv) (defines “school district” to exclude community colleges and community college districts); *see also Goshen Cty. Cmty. Coll. Dist. v. Sch. Dist. No. 2, Goshen Cty.*, 399 P.2d 64 (Wyo. 1965) (holding that community college districts are not school districts for purposes of constitutional debt limitations). We note that there is a state statute providing as to school districts (and not as to other governmental subdivisions) that “If a building owned by a [school] district meets the applicable standards . . . for use by the district to educate students and was previously used for the purpose of educating students, no municipal or county zoning requirements shall be construed or applied so as to prevent the district from using the building for the purpose of educating students, or to require the district to make any modification to the building as a condition of using the building for the purpose of educating students.” W.S. § 21-15-115(a). The 1981 opinion did not rely on this statute that applies to buildings that were previously used for education purposes.



workforce, including program access through outreach or coordinated electronic system technology.” W.S. § 21-18-202(d)(h).

Once approved by the Wyoming Community College Commission, all construction projects for community colleges require the involvement of two State agencies: the State Construction Department and the State Building Department. W.S. § 21-18-225. The State Construction Department first reviews budget requests and forwards these “recommendations for community college capital construction projects” to the State Building Commission. The State Building Commission prioritizes building needs for community colleges and processes and distributes state funds for buildings that have been approved by the legislature, after recommendations have been made by the State Building Commission. All disbursements of State funds need to be “in accordance with payment schedules established by rule and regulation” of the State Building Department, including approval by the State Building Department of project development, plans and change orders. W.S. § 21-18-225(j). All capital construction must comply with State Building Commission Regulations. W.S. § 21-18-225(b). The role of the State Construction Department in relation to community colleges has parallels to the role of the State Construction Department in relation to school districts. W.S. § 21-15-109.

The Wyoming Community College Commission, the State Building Commission and the State Building Department oversee the initial approvals for, and siting and construction of community colleges, according to rules and regulations adopted by those state agencies. State funds will make up a portion of the funding for Central Wyoming’s Jackson campus.

As the Wyoming Supreme Court has explained, “The authority of a municipality to adopt a zoning ordinance is limited by state statute, and the general grant of power to municipalities to adopt zoning laws in the interest of public welfare does not permit the local governing bodies to override the state law and the policies supporting it.” *Ahearn v. Town of Wheatland*, 2002 WY 12, ¶ 14, 39 P.3d 409, 415 (Wyo. 2002).

Because of the State’s involvement—which extends to a review and approval of the projected size and scope of CWC’s facilities, CWC’s property is subject to the same conclusion as was made as to school districts by the Attorney General.

**In addition, municipalities often use public zoning categories to zone land owned by other governmental subdivisions.** There are currently over a dozen properties in the Town of Jackson that are designated as public/semi-public zoning. Among these properties are St. John’s Hospital, properties associated with Teton County School District, the Teton County Courthouse, the Teton County Administrative Building, the public parking garage on Millward Street, Teton County Library, the Jackson Hole Fire House, the United States Post Office on Maple Way, and the administrative offices for Bridger-Teton National Forest. Each of these properties is controlled by the government or a governmental entity such as a school district or hospital district.

The LDRs allow for special purpose zones “for development and uses that are desired by the community, but not easily incorporated into the complete neighborhood and rural area zones.” Div. 4.1. Among the three types of special purpose zones are civic zones, which “accommodate

public and semi-public uses that are necessary to the community and require flexibility from the standards of the complete neighborhood and rural area zones.” Div. 4.2. And among the subtypes of civic zones are public/semi-public zones, which “may be under the control of federal, state, or local governments, or other governmental entities such as a school district or hospital district.” Div. 4.2.1. Exhibit B describes how two other jurisdictions (the City of Riverton and the City of Cheyenne) have zoned publicly owned property.

Like the various public/semi-public properties described above, the proposed new community college would be controlled by a governmental entity—Central Wyoming College—and would serve the civic function of promoting secondary education in Teton County. Therefore, there is a strong case for zoning the new campus as public/semi-public, which would allow Central Wyoming College flexibility to operate.

**2. CWC is in the process of discussions with the Association for the Stockhouse-Patterson Addition.** The private covenants applicable to the Stockhouse-Patterson Addition subdivision contain an architectural review process, where the Association has certain review and approval rights. In addition, those covenants provide a process for the Association to maintain and repair the private driveway, water and sewer systems that are part of this subdivision. These private covenants provide mechanisms for the private owners to work out any issues in relation to the common, private infrastructure. The questions that the Association has raised are going to be addressed, in their proper context—that of the private covenants.

As always, we are happy to discuss these matters further. Please let us know if you have any questions or concerns.

Sincerely,



Matt Kim-Miller

Exhibit A

Attorney General Opinion No. 81-14

See attached.

## Westlaw.

1981 Wyo. Op. Atty. Gen. 75, 1981 WL 157757 (Wyo.A.G.)  
(Cite as: 1981 Wyo. Op. Atty. Gen. 75, 1981 WL 157757 (Wyo.A.G.))

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1981 Wyo. Op. Atty. Gen. 75, 1981 WL 157757  
(Wyo.A.G.)

Office of the Attorney General  
State of Wyoming  
Opinion No. 81-14

October 28, 1981

Lynn Simons Superintendent of Public  
Instruction QUESTION #1:

What is a developer? Can a Laramie County  
school District be a developer?

ANSWER:

See discussion.

QUESTION #2:

Is a school district subject to the zoning authority  
of a city, town, or county?

ANSWER:

See discussion.

QUESTION #3:

Is a school district subject to the building codes of  
a city, town, or county?

ANSWER:

See discussion.

QUESTION #4:

What fees may the City of Cheyenne or Laramie  
County assess upon a school district pursuant to their  
municipal police powers?

ANSWER:

See discussion.

### PREFACE

Before engaging in any discourse on the statutes  
and court decisions which have a bearing on these

questions, we want to preface our opinion by saying  
that this matter presents a serious decision which  
undoubtedly would be better resolved by clear and  
unambiguous legislation formulated after open and  
bigorous debate. But in view of present ambiguities  
in the statutes, we offer the following as our opinion  
after lengthy and cautious research and examination.

### DISCUSSION OF QUESTION #1

What is a developer?

The term "developer" is not statutorily defined in  
the planning and zoning or subdivision legislation for  
either cities, towns, or counties. The term is defined,  
however, under the joint Cheyenne and Laramie  
County Subdivision Regulations as follows:

Subdivider or Developer. Any person who  
causes land to be subdivided into a subdivision  
for himself or others, or who undertakes to  
develop a subdivision. Chapter II, Section 1. (aa)  
1979.

The term "person," as used in defining a  
developer, is defined in those same regulations as  
follows:

Person. An individual, corporation,  
government, or governmental subdivision or  
agency, business trust, estate, trust partnership,  
unincorporated association, or any combination  
of the above, or any other legal or commercial  
entity. Chapter II, Section 1(q.) 1979.

The term developer, employed in the city and  
county regulations, is apparently intended to be  
synonymous with the term subdivider.

For cities, the term "subdivision" is defined by  
statute as "the division of a tract or parcel of land into  
three or more parts for immediate or future sale or  
building development." W.S. 15-1-501 (a)(iii).

For counties, "subdivider" means any person who  
lays out any subdivision or parts thereof either for the  
account of the subdivider or other." W.S. 18-5-  
302(a)(vi). "Subdivision" means a division of a lot,  
tract, parcel, or other unit of land into three (3) or  
more lots, plots, units, sites, or other subdivisions of  
land for the immediate or future purpose of sale,  
building development or redevelopment, for  
residential, recreational, industrial, commercial, or  
public uses. . ." W.S. 18-5-302(a)(vii). For

counties, there are also certain exemptions. W.S. 18-5-303.

The critical statutory definition is that of a subdivision or subdivider of land. A city or the county is certainly free to use and define the term "developer," provided such definition does not attempt to expand and thus exceed the grant of authority expressed by the legislature in the cities' or counties' respective subdivision enabling legislation. See Attorney General Opinion 80-007.

Can a Laramie County school district be a developer?

The circumstances surrounding your request for an opinion reveal that this question might be more meaningfully asked as follows:

Is a school district subject to the authority of a city, town, or county to regulate real estate subdivisions, when developing school district lands for public school buildings or ancillary educational facilities? Cities, Towns, or Counties.

The construction of a public school building or ancillary educational facilities does not constitute the subdivision of land as defined either for cities and towns in W.S. 15-1-501(a)(iii), or for counties in W.S. 18-5-302(a)(vii). See Attorney General Opinions 81-010 and 79-035.

#### DISCUSSION OF QUESTION #2

We must examine this question separately as to cities and counties, their respective zoning authority not always being coterminous, (any contrary indication in Attorney General Opinion 81-002 notwithstanding).

##### Cities

City zoning authority is provided for in W.S. 15-1-601 to W.S. 15-1-611. The basic grant of zoning power is contained in Section 15-1-601, and reads in part as follows:

- (a) The governing body of any city or town, by ordinance, may:
  - (i) Regulate and restrict the:
    - (A) Height, number of stories and size of buildings and other structures;
    - (B) Percentage of lot that may be occupied;
    - (C) Size of yards, courts and other open spaces;
    - (D) Density of population; and
    - (E) Location and use of buildings,

structures and land for trade, industry, residence or other purposes; . . . (emphasis added). Construing the general language "or other purposes," as limited by the specific subjects of "trade, industry, [or] residence," it is our opinion that public school construction is not within the activities which may be regulated under this grant of authority. Town of Atherton v. Superior Court, 324 P.2d 328, 332-333 (Cal. App. 1958); 2A Sutherland Statutory Construction, Sec. 47.17 (4th ed. Sands 1973); State v. Copenhaver, 64 Wyo. 1, 184 P.2d 594 (1947); Witzenburger v. State, 575 P.2d 1100 (Wyo. 1978).

##### Counties.

County zoning authority is contained in two articles of Title 18, Chapter 5, Wyoming Statutes. Article 1 contains the enabling statutes on county regulation of sanitary facilities. Article 2 contains the general county zoning enabling legislation. See Attorney General Opinion 81-010. Both articles give counties the authority to regulate by zoning in the "unincorporated" areas of the county, as defined in W.S. 18-5-101.

W.S. 18-5-201 provides, in pertinent part:

To promote the public health, safety, morals and general welfare of the county, each board of county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county. (emphasis added). Simple comparison of this provision with that of W.S. 15-1-601 reveals that public use is contemplated within the county's zoning legislation. However, by judicial decision, certain limits have been set on local zoning control with respect to public schools. A local government may not entirely exclude public schools from residential zones or from the boundaries of the municipality. 64 A.L.R. 3d 1087, 74 A.L.R. 3d 136; 6 Yokley, Zoning Law and Practice, Section 35-62 (4th ed. 1980).

Temperance of local zoning authority with regard to public schools stems from conflicting delegations of authority. Where cities and counties are given broad powers to regulate land use generally, school

officials are often given specific authority over school site selection. This same situation exists in Wyoming.

For the State Board of Education, the legislature has said:

(a) In addition to any other duties assigned to it by law, the state board [ of education] shall:

i) Prescribe minimum standards with which public schools and other educational institutions receiving money from any state fund, except the University of Wyoming and the community colleges, must comply. Such standards shall relate to and include:

\*\*\*

(B) Site selection and building and construction of public schools. . .

W.S. 21-2-304.

Subject to the authority of the State Board to establish minimum standards, school districts which are political subdivisions, Witzenburger v. State, supra, at 1110, 1113, fix the location of public schools. W.S. 21-3-110(a)(x).

In view of similar conflicts between school officials and municipal officials, the courts have applied one or more legal theories in order to resolve the dispute. The two most common legal theories applied by the courts are the doctrine of sovereign immunity and the theory of preemption.

Exemplary of the application of sovereign immunity is Hall v. City of Taft, 302 P.2d 574 (Cal. 1956). In that case, the California Supreme Court ruled that public schools were state property held in trust by local school officials, and as such, were exempt from the city's building restrictions. Involved in Hall were local zoning regulations and a municipal building code ordinance.

But in Port Arthur Independent School District v. City of Groves, 376 S.W.2d 330 (Tex. 1964), it was found that a school district was a political subdivision and not a state agency. Therefore, as a political subdivision, the school district was not cloaked by the state's sovereign immunity.

In Wyoming, minimum standards for school site selection are within the authority of the State Board of Education, clearly a state agency. Any waiver of sovereignty by the state must be clear and should not be inferred. Retail Clerks Local 187 v. University of Wyoming, 531 P.2d 884 (Wyo. 1975); Board of Regents of Universities v. City of Tempe, 356 P.2d 399 (Ariz. 1960). As to school site selection, the Wyoming legislature has delegated that authority to state and local school officials and thus preempted county officials from applying their zoning requirements to public schools. Town of Atherton v. Superior Court, supra; Hall v. City of Taft, supra; Board of Regents of Universities v. City of Tempe, supra.

DISCUSSION OF QUESTION #3

The authority to adopt and enforce building codes or regulations is related to and yet distinct from zoning authority. Both are exercises of the police power delegated by the state. Both deal generally with the manner of constructing, altering, or repairing physical structures. 62 C.J.S. Munic. Corp. Sections 224, 225. Although perhaps an over simplification, it may help to think of zoning as embracing the location and use of physical structures and building codes as addressing the condition and structural safety of buildings.

The Wyoming legislature recently amended W.S. 35-9-121 to provide, in part:

(b) The state fire marshal shall delegate complete authority to municipalities or counties who apply to enforce local or state fire, energy efficiency, building and electrical safety standards. The state fire marshal shall notify the governing body of the municipality or county of minimum fire prevention, energy efficiency, building and electrical safety standards and requirements of W.S. 35-13-101 and W.S. 35-13-102 and transfer jurisdiction and authority by letter. This delegation to local authorities does not evidence an intention to preempt the field of construction standards. As the state fire marshal's duties, before the amendment of W.S. 35-9-121 extended to public schools, those responsibilities now may be reposed in city or county officials upon proper application. W.S. 35-9-116.

Therefore, it is our opinion that a school district is subject to reasonable city and county building code requirements.

DISCUSSION OF QUESTION #4

1981 Wyo. Op. Atty. Gen. 75, 1981 WL 157757 (Wyo.A.G.)  
(Cite as: 1981 Wyo. Op. Atty. Gen. 75, 1981 WL 157757 (Wyo.A.G.))

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It being our opinion that public school construction does not constitute real estate subdivision, and that it is not subject to city, town, or county zoning authority, no fees in connection with those activities may be charged. State v. City of Kansas City, 612 P.2d 578 (Kan. 1980).

But, it being our further opinion that a public school is subject to reasonable city-town or county building codes, those entities may charge reasonable fees in direct relation to services provided. Kansas City v. School District of Kansas City, 201 S.W.2d 930 (Mo. 1947); Hartford Union High School v. City of Hartford, 187 N.W.2d 849 (Wis. 1971); Unemployment Compensation Commission v. Renner, 143 P.2d 181 (Wyo. 1943).

Steven F. Freudenthal  
Attorney General

Peter J. Mulvaney  
Deputy Attorney General

Civil Division John W. Renneisen  
Assistant Attorney General

Copr. (C) West 2006 No Claim to Orig. U.S. Govt. Works  
1981 Wyo. Op. Atty. Gen. 75, 1981 WL 157757  
(Wyo.A.G.)

END OF DOCUMENT



## Exhibit B

### Zoning of Governmentally-Owned Property in Other Jurisdictions

While some jurisdictions, like Central Wyoming College's home of Riverton and Fremont County, do not have a specific "public" zones within their zoning code, the City of Riverton does have the "Office and Institution" zone ("C-O"), which has been used to zone Central Wyoming College's campus. The Riverton Memorial Hospital (a public entity), and the Child Development Services of Fremont County, Inc., a nonprofit corporation, among other entities that are primarily public entities (though some private entities are included as having this zoning), also share this "Office and Institution" zone. Attached is an excerpt of Riverton's zoning map that shows CWC's main campus as being zoned Office and Institution. Per the Riverton zoning ordinance: "It is the intent of the office and institutional district 'C-O' to permit public, quasi-public, private, institutional and professional service uses."<sup>4</sup>

In addition, the City of Cheyenne—which has to deal with many state government buildings—has a "Public District" zone. And, the City of Cheyenne uses that Public District zoning for the many government building within that city.

The light blue in the Cheyenne zoning map excerpt below relates to the Public District, which "is intended primarily for public sites, buildings and uses where activities conducted provide service to the public, including educational facilities, recreational areas, and community service facilities" and is "applicable to government buildings and uses in areas where it is necessary to support adjacent or nearby development with public services or facilities, and specifically the Parks and Open Space or Public and Quasi-public future land use categories in the Comprehensive Plan."<sup>5</sup>

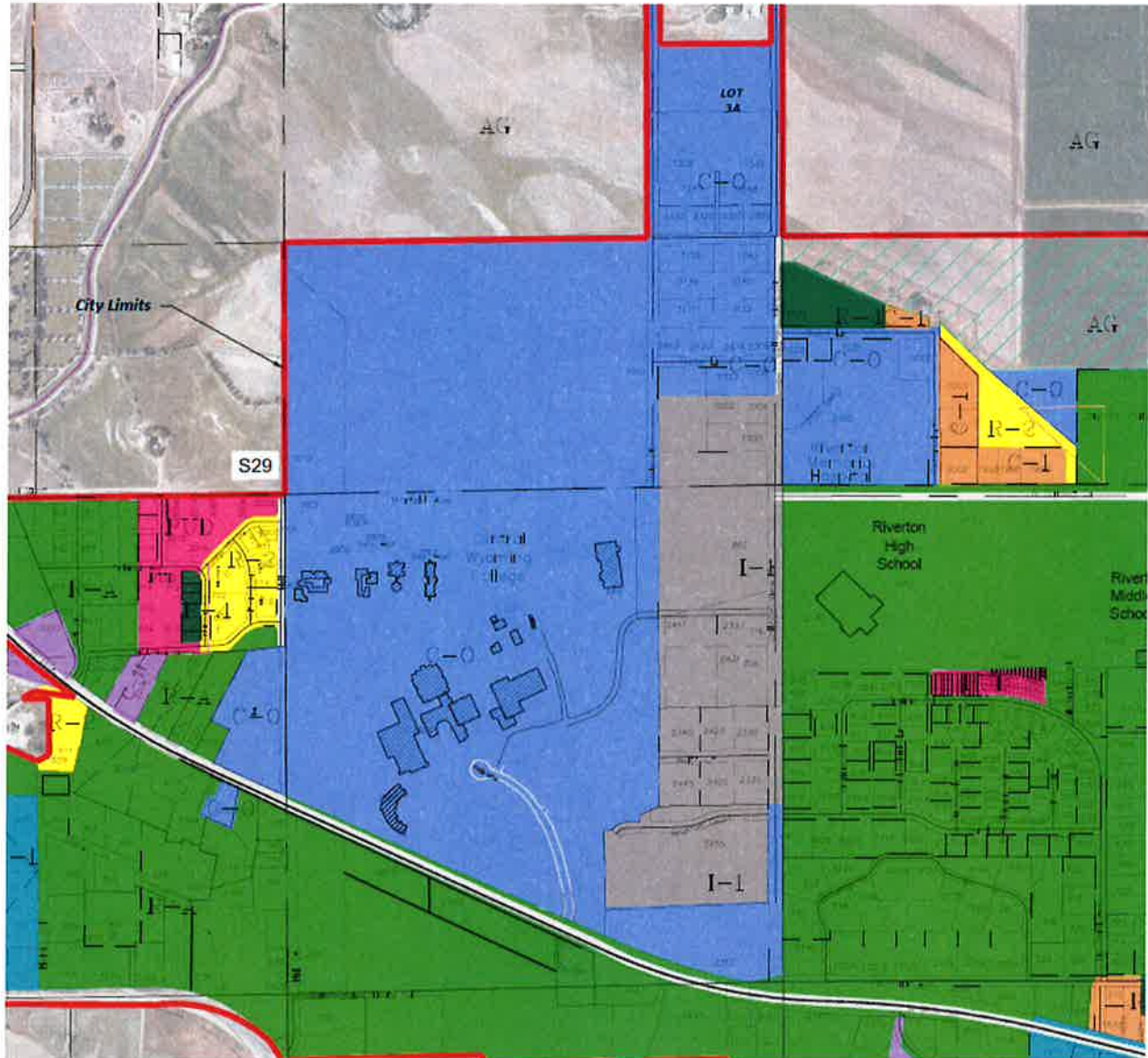
See attached zoning maps:

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<sup>4</sup> <http://qcode.us/codes/riverton/>.

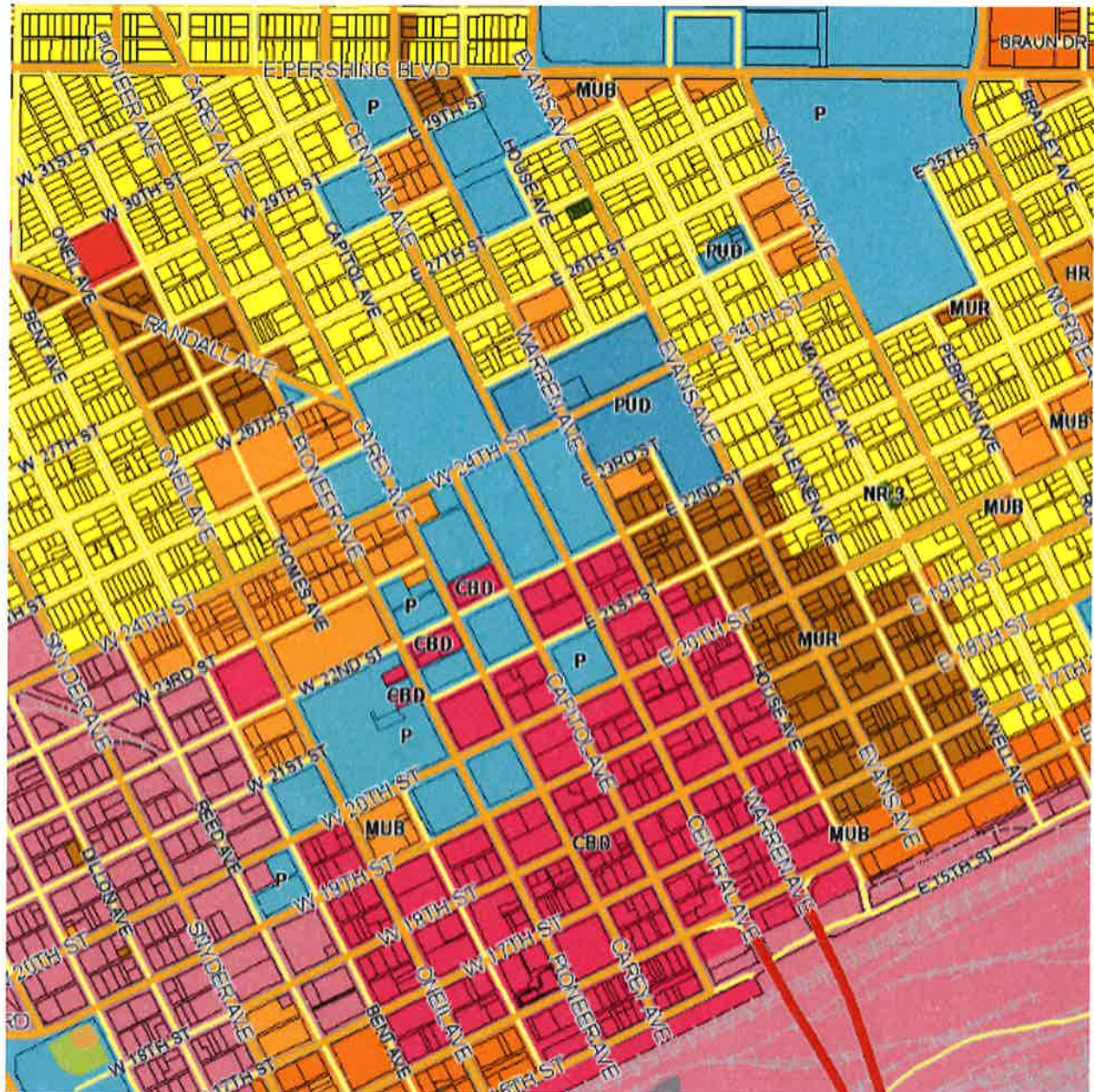
<sup>5</sup> <https://www.cheyennecity.org/DocumentCenter/View/26398/Entire-UDC-as-amended-171113?bidId=>

# City of Riverton Zoning Map Excerpt





## City of Cheyenne Zoning Map and GIS Excerpt





## **CENTRAL WYOMING COLLEGE – JACKSON CENTER PARKING MANAGEMENT PLAN - SCHEMATIC**

**Prepared by: Jorgensen Associates, P.C.**

**Date: August 27, 2018**

**Project No.: 17067**

The Central Wyoming College – Jackson Center (CWC) is being developed on Lots 3 & 6 within the Stockhouse-Patterson addition to the Town of Jackson. This parking management plan considers the schematic design of the new building, its programming, and ensures parking demands are met on site and will not adversely impact adjacent neighbors and/or the Veronica Lane corridor.

### **Central Wyoming College - Jackson Center**

CWC currently operates out of the Community Center for the Arts. The Science, Nursing, and Culinary Arts programs have specialized lab and classroom space requirements that require partnerships with Jackson Hole High School, St. Johns Medical Center, and the Elks Club to provide auxiliary spaces and to alleviate some of the classroom demands. The new Jackson Center will consolidate these programs within one approximately 18,000 square foot building. Note that offsite coursework such as Nursing, CNA, and outdoor classes will still have some portion of their programs off site or in the field. CWC Jackson is less than 500 feet away from 2 START Bus stop locations. Dense mixed-use development patterns exist in the area providing housing options within walking distance (< 1/4 mile) to the Jackson Center. Faculty and students residing in this neighborhood can readily utilize alternative modes of transportation to access the Jackson Center.

CWC does not operate as a traditional business with 8 a.m. to 5 p.m. standard operating hours. It is a college serving the needs of non-traditional students. As many of these students have traditional day time jobs, a significant period of their operation extends into the evenings (after 6 p.m.). This allows CWC the ability to distribute classes, etc. throughout the day in a manner that minimizes impacts. CWC is committed to accommodating their parking requirements by balancing supply with a series of strategies targeted and managing parking demand.

It is also important to recognize that CWC has the ability to manage how faculty and staff commute to the Jackson Center by imposing strategies that must be adhered to.

### **Parking Demand**

Demand will be driven by the number of students, professors and administrative staff needing to be at Jackson Center at one time while courses are being taught. Therefore, the course schedule is the most impactful factor that will affect parking demand. The scheduling of courses is first designed to meet the needs and schedules of our community and then to work around community concerns such as traffic and parking. To that end, CWC is currently developing a scheduling model that will identify the number of students, instructors, and administrative staff





that will be in the building at one time on an hourly basis. The model will allow shifting of class times to minimize the number of students on site at one time. Currently the peak demand for parking during business hours is estimated to be 43 people between 11am and 12pm. The highest peak demand of 60 people will occur between 8pm-9pm when the remainder of the neighborhood will be less active.

The parking demand will be compared to national and local parking demands identified based upon vehicular occupancy rates. Surveying existing students, instructors, and administrative staff to develop a CWC specific data set will assess current travel behavior and mode share to compare with standard rates. Parking demand by hour will be calculated based on people present at one time. Preliminary indications using standard rates and the proposed schedule indicate that the site addresses the probable demand. None of the on-street parking spaces available on Maple Way are considered in the calculations, providing a sizeable off-site parking supply buffer as a contingent supply to ensure no CWC overflow parking impacts neighboring properties.

### **Parking Strategies & Management Program**

Parking management refers to policies, programs and strategies that result in more efficient use of parking resources. One does not solve parking demand by simply building more parking. Too much supply can be harmful as it makes commuting in a single occupant vehicle too convenient thus generating more traffic on Veronica Lane and the adjacent street network. Therefore, when developing the site plan, putting a reasonable constraint on parking will allow parking management to make the site more efficient and reduce the amount of traffic generated CWC.

Parking strategies and a management program will be developed to ensure supply is adequate. Cost-effective parking management programs can usually reduce parking requirements by 20-40% compared with conventional planning requirements, providing many economic, social and environmental benefits.

Strategies will be implemented in successive tiers as appropriate. Tier 1 strategies are anticipated to begin immediately upon the school opening its doors at the new location.

- **Tier 1 – Alternative mode use requirements:**

- Schedule balancing – CWC has the ability to manipulate the class schedule in a manner that can alleviate peak parking needs on site.
- Provide promotional information to students, employees and visitors about transit (START), rideshare and taxi services, bicycling facilities, and overflow parking options. Educate about the benefits and need for alternative travel modes.
  - Provide incentives for students to use START - CWC has begun conversations with START to identify opportunities for partnerships
- Carpooling – Estimated at 1.3 persons per car. Provide priority located spots or other incentives for carpoolers
- Bicycling – Bike Racks for 30 bikes are provided, 1 for each car parking space



- Walking – Sidewalks are depicted in the site plan to provide an inviting environment for walking – Students can walk from nearby housing, START bus stops and on street parking on Maple Way.
- **Tier 2 – As built evaluation and Fees/Incentives**
  - Incorporate excellent walking facilities, including sidewalk upgrades if needed to allow convenient access to nearby destinations, overflow parking facilities and transit stops. This would require cooperation from the other lot owners and Home Owners Association. The current 40' right of way is large enough to accommodate 2 travel lane 1 row of on-street parking and 1 sidewalk (note that some vehicles are already parking in this space)
  - Conduct a 2<sup>nd</sup> round of building occupant surveys once CWC is operational to evaluate “build out” parking behaviors at Jackson Center and assess the need for imposing further management strategies such as specific fees and incentives.
  - Permit Parking - As much as possible, users should pay directly for the parking facilities they use. This will include an enforcement program. CWC has offered to provide this to the HOA.
  - Incentives could include discounts to local cafes and restaurants using punch cards for utilizing multimodal options among others
- **Tier 3 - Advanced Management Techniques**
  - Parking Study – Full study of Jackson Center and neighborhood demands will further alter scheduling and enhance incentive/fee program
  - Car share spots – Typically substitutes for 5 personal vehicles reducing 4 parking spaces.
  - Trip reduction program – cashing out parking spaces. Staff and students are offered, as an example, \$50 per month. This typically reduces automobile commuting by 20%.
- **Tier 4 – Offsite and Overflow** - Develop a contingency-based overflow parking plan that indicates where is available nearby if on-site facilities are full, and how and spillover impacts will be addressed. For example, identify where additional parking spaces can be rented if needed. Begin providing offsite parking opportunities including:
  - Public on-street parking supplies - Maple Way is underutilized in the evenings or highest peak periods for the Jackson Center
  - Satellite parking - Private partnerships with nearby entities with parking supplies or entities in the Town of Jackson that are close the Town Shuttle

**Town of Jackson**  
**Project Plan Review History**

**PLANNING**

<b>Project Number</b>	P18-047	<b>Applied</b>	2/21/2018	STOL
<b>Project Name</b>	Sketch Plan - CWC	<b>Approved</b>		
<b>Type</b>	SKETCH PLAN	<b>Closed</b>		
<b>Subtype</b>		<b>Expired</b>		
<b>Status</b>	STAFF REVIEW	<b>Status</b>		
<b>Applicant</b>	Jorgensen Associates, P.C.	<b>Owner</b>	FREMONT COUNTY COMMUNITY COLLEGE	
<b>Site Address</b>		<b>City</b>	<b>State</b>	<b>Zip</b>
235 & 255 VERONICA LANE		JACKSON	WY	83001
<b>Subdivision</b>		<b>Parcel No</b>	<b>General Plan</b>	
STOCKHOUSE-PATTERSON ADDITION		22411632429003		

Type of Review	Status	Dates				
Contact		Sent	Due	Received	Remarks	
Notes						
Building		2/21/2018	3/14/2018			
Jim Green						
Fire	APPROVED W/CONDITIONS	2/21/2018	3/14/2018	2/23/2018	Please read notes	
Kathy Clay						



Type of Review	Status	Dates			
		Sent	Due	Received	Remarks
Contact					
Notes					
MEMO					
FIRE REVIEW					

TO: Brendan Conboy, Associate Planner  
Tiffany Stolte, Office Manager

FROM: Kathy Clay, Fire Marshal

DATE: February 23, 2018

SUBJECT: Central Wyoming College  
235, 255 Veronica Lane  
P18-046, 047, 048, 049

This office has received the request for a <summary of project> 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. Any hazardous material storage shall meet fire code requirement. (IFC Chapter 27)
8. Should any fuel-fired appliances be installed, requirements for carbon monoxide detection shall be followed. (IFC 908.7)
9. Final fire inspection shall be required before certificate of occupancy is released.
10. 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).

#### 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. (IFC 903.2.7) Unless specified within construction document notes, systems shall be designed to NFPA 13.
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 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)
10. Exterior overhangs exceeding 4 feet shall be protected using fire sprinklers when combustible construction is used (NFPA 13).

Type of Review	Status	Dates			
		Sent	Due	Received	Remarks
Contact					
Notes					
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. (IFC915.1)					
Elevator, if provided					
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 kclay@tetoncountywy.gov or 307-733-4732.					
Legal	APPROVED	2/21/2018	3/14/2018	3/14/2018	
A Cohen-Davis					
Parks and Rec	NO COMMENT	2/21/2018	3/14/2018		
Steve Ashworth					
Pathways	APPROVED W/CONDITI	2/21/2018	3/14/2018	3/21/2018	
Brian Schilling					

Type of Review	Status	Dates		Remarks
		Sent	Due	
Contact				
Notes				
(3/21/2018 3:49 PM STOL)				
P18-046 to 049, 235 and 255 Veronica (CWC) Pre-app				
Comments from Teton County/TOJ Pathways Department				
Status: approved w/conditions				
<ul style="list-style-type: none"><li>• General<ul style="list-style-type: none"><li>o This area of town is highly supported by transit and convenient bicycle access to housing and other destinations throughout town. The development should prioritize access by bicycling and walking, and de-emphasize the standard car-oriented style of development seen in many of the surrounding properties. Given that it's a college building, it should include outstanding bicycle parking facilities, comfortable sidewalks, and elements that make walking and biking a viable, preferred option. The site should not be dominated by car-oriented infrastructure. (Currently half the site is dedicated to car access and parking).</li><li>o Dedicate more space to infrastructure that supports the purpose of this development—learning, and less space to storing personal vehicles.</li><li>o Make transit access a priority.</li></ul></li><li>• Bicycle Parking<ul style="list-style-type: none"><li>o Given the location, type of use, and parking plan of the proposed development, there will be a high demand for bicycle parking.</li><li>o Bicycle parking is a critical element for a college building.</li><li>o Staff supports crediting the bike parking toward the development's overall parking requirement.</li><li>o The bike parking should ideally be a mix of short-term (for visitors, frequent/regular use) and long-term (for employees etc.).</li><li>? Short-term parking (for visitors or guests parking for a few hours or less): the recommended style for short-term bike parking is one or more "single inverted-U" racks. "Wave," "ribbon," and "toaster" style racks shall not be used. The best location for a rack area is immediately adjacent to the entrance it serves. The rack area should be as close as or closer to the front entrance than the nearest car parking space, visible from the front entrance, hardscaped, and should not obstruct pedestrian flow.</li><li>? 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, conveniently-accessed, 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. Clustered bike racks, wall racks, or external bike lockers (i.e. not an indoor closet) are appropriate.</li><li>o At least one bike parking space should be provided for each car parking space.</li><li>o The bike parking should be constructed on a concrete pad. A grass surface will quickly deteriorate into mud from foot traffic during wet seasons and will be difficult to keep clear of snow. Also, a concrete surface will provide a more secure mounting surface for the racks and will discourage theft.</li><li>o The proposed location indicated on sheet A-01 works—concrete surface, near the main entrance—but it appears that there may be a capacity issue. It will be difficult to fit a sufficient number of racks in the indicated space.</li><li>o The rack area should be covered to provide sheltered parking, even for short-term parking.</li><li>o 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.</li><li>o Rack details and locations should be shown on site plans.</li><li>o Jackson Hole Community Pathways will be happy to provide additional background information and guidance on site selection, layout, rack specification, and rack installation.</li></ul></li><li>• Sidewalks<ul style="list-style-type: none"><li>o Sidewalks should be buffered from adjacent travel lanes by vegetation and/or surfacing.</li><li>o On Veronica Lane, the row of trees should be placed adjacent to the curb to provide a buffer between the street lane and the sidewalk. The sidewalk should still be offset from the building face enough (at least 2') with vegetation or softening features that there is a 6' minimum clear space for pedestrians to walk. The proposed curb line along Veronica Lane could be moved to the east if necessary in order to accommodate an improved cross section.</li><li>o Similar concern for the access road to the parking area—make this a detached sidewalk so that pedestrians are not walking immediately adjacent to the travel lane.</li></ul></li></ul>				
Planning	NO COMMENT	2/21/2018	3/14/2018	See Staff Report
Brendan Conboy				
Police	NO COMMENT	2/21/2018	3/14/2018	
Todd Smith				

Type of Review Contact Notes	Status	Dates			Remarks
		Sent	Due	Received	
Public Works Brian Lenz (4/5/2018 6:21 PM BTL) Sketch Plan Review – APPROVED with Conditions	APPROVED W/CONDITI	2/21/2018	3/14/2018	4/5/2018	
P18-047 Jorgensen Associates, Brendan Schulte; for Central Wyoming College 235 & 255 Veronica Lane					
4/5/2018 Brian Lenz, 307 733-3079					

\*The following comments are being provided for use in preparation of future Development Plan submittals and are required for sufficiency.

In addition to the required Town of Jackson submittal requirements, The Engineering Department requests applicants to submit plans, documents, etc in electronic PDF format in addition to the standard paper submittal(s). Please submit these materials through Tiffany Stolte of the Planning Department (tstolte@jacksonwy.gov).

#### PRIOR TO DEVELOPMENT PLAN APPROVAL:

A construction-staging narrative and plan shall be submitted.

A detailed potable water system plan shall be provided on the plans consistent with the LDR's. This plan shall include but is not limited to:

1. Backflow device type, size, and locations
  - a. This development shall be equipped with a Reduced Pressure Principal Valve Assembly.
  - b. Any additional backflow prevention required by code, or recommended by the design engineer, shall be installed on the lab fixtures.
2. Water meter sizes and locations
3. Calculations, methodology, and modeling supporting the water calculations in the Engineer's Report, including fire demands.
  - a. Modeling and calculations should show if any upgrades to the water supply structure are required for this project. The Town's water supply lines in Maple Way are only 6-inch diameter, and the line in Veronica is only 4-inches.
  - b. A flow test of the Patterson-Stockhouse hydrant is recommended to verify modeling.
4. Consideration of the design to minimize the number of abandonments and connections to the water main, e.g. can the 4-inch service be tapped from one of the 1-inch abandonments.
5. The Town's understanding of the 4-inch private watermain in Veronica Lane is that it is not constructed to current Town Standards, and is not constructed of standard potable water supply materials, which should be considered in the design.

An irrigation system design (if applicable) with backflow system plan shall be provided on the plans consistent with the LDR's.

A detailed sanitary sewer system plan shall be provided on the plans consistent with the LDR's. This plan shall include but is not limited to:

1. Calculations, methodology, and peak flows for the wastewater calculations shall be included in the Engineer's Report.
2. Provide additional information on the lift station referenced in Engineer's report.
3. Consideration of the design to minimize the number of abandonments and connections to the sewer main, e.g. can the new 6-inch service and manhole connect at one of the 4-inch abandonments. Is a 4-inch service adequate and utilize one of the existing services?
4. The proposed doghouse manhole does not meet TOJ standards and should be installed as a pre-cast base with boots.

A Wyoming DEQ permit to construct is required for the construction of the water and sewer utilities.

Where ToJ standard details are used, use the latest standard detail, e.g. the typical trench detail does not meet the Town's standards. Providing a reference to the standard detail used is helpful for review purposes.

A detailed stormwater management plan for the site shall be provided on the plans consistent with the LDR's.

1. Pollution Abatement. Where a physical development, use, development option, or subdivision will cause the introduction of new pollutants into the runoff water, adequate provision shall be made for the storage, treatment, and removal of such pollutants.

Type of Review	Status	Dates			
		Sent	Due	Received	Remarks
Contact					
Notes					
2.	Review storm water calculations for the pavement C value and weighted C value. It appears to be zero in this application.				
3.	Underground infiltration systems require a notice of intent filed with the Wyoming DEQ for a 5D2 Rule Authorized UIC permit for storm water drainage facilities.				
4.	Results of 2018 groundwater monitoring.				

A complete grading and erosion control plan shall be provided on the plans consistent with the LDR’s. This plan shall include but is not limited to:

1. Proposed contours, spot elevations, break lines, tie ins to adjacent road and property grades.
2. Snow Storage area calculations; porous paver details. Clarify if snow storage takes up parking spaces.
3. Provide runoff routing information for the roof and it’s drains.
4. A pre-application conference for engineering will be required prior to building permit submittal.
5. ADA parking and access isle dimensions.
6. Dimensions of Parking along the building and sidewalk to allow for 2-feet of overhang. Rough scaling of the plans shows 18-foot long spaces with only a 5-feet wide sidewalk, which would reduce the sidewalk to less than 4 feet with a 2 feet overhang.
7. 3-inch-thick paving in two 1.5-inch thick lifts is not typical
8. Review water and sewer crossing detail. Notes 1 and 2 are the same.
9. Design engineer shall be required to inspect and certify final grading.

Public sidewalks and accessible route sidewalks shall conform to ADA standards.

Veronica Lane does not meet the standards for on street parking, which has been an issue, and could impede emergency access. No parking signs should be installed with the project.

For ease of review, it helps if the architecture, existing conditions, and civil plans are oriented the same way.

#### PRIOR TO 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.

A complete and detailed landscaping plan shall be required.

All work to be completed within the Town’s right-of-way shall be specifically addressed.

#### PLEASE BE ADVISED THAT:

A Public Right-of-Way (Encroachment) Permit is required for any work within the public right-of-way.

Water and sewer services to be abandoned for the project shall be abandoned at the main.

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.

Nothing in this approval constitutes an endorsement by the Town of Jackson of the construction or the design of the facility described herein.

This approval does not relieve the applicant from any duty to obtain any other permit or authorization that may be required by any provision of federal, state or local codes and ordinances; nor does it permit violation of any section of federal, state or local codes and ordinances.

J:\Public\_Works\Engineering\DEVELOPMENT BY ADDRESS\VERONICA\_LANE\225-235\APPLICATIONS\P18-046-049 SKETCH\P18-047 SKETCH Plan APPROVED w Conditions.docx

TC Housing Authority	NO COMMENT	2/21/2018	3/14/2018	2/21/2018	No Housing Requirement
Stacy Stoker					