



# TOWN OF JACKSON PLANNING & BUILDING DEPARTMENT

## TRANSMITTAL MEMO

### Town of Jackson

- ☒ Public Works/Engineering
- ☐ Building
- ☐ Title Company
- ☒ Town Attorney
- ☒ Police

### Joint Town/County

- ☐ Parks and Recreation
- ☐ Pathways
- ☐ Housing Department

### Teton County

- ☐ Planning Division

- ☐ Engineer
- ☐ Surveyor- *Nelson*
- ☐ Assessor
- ☐ Clerk and Recorder
- ☐ Road and Levee

### State of Wyoming

- ☐ Teton Conservation
- ☐ WYDOT
- ☐ TC School District #1
- ☐ Game and Fish
- ☐ DEQ

### Federal Agencies

- ☐ Army Corp of Engineers

### Utility Providers

- ☐ Qwest
- ☐ Lower Valley Energy
- ☐ Bresnan Communications

### Special Districts

- ☒ START
- ☒ Jackson Hole Fire/EMS
- ☐ Irrigation Company

Date: September 7, 2018	<b>REQUESTS:</b>  The applicant is submitting a Zoning Map Amendment for the property located at 135, 175 E. Broadway Ave. legally known as, PT SW1/4SW1/4, SEC. 27, TWP. 41, RNG. 116 and PT SW1/4SW1/4, SEC. 27, TWP. 41, RNG. 116.  For questions, please call Paul Anthony at 733-0440, x1303 or email to the address shown below. Thank you.
Item #: P18-267	
Planner: Paul Anthony  Phone: 733-0440 ext. 1303  Fax: 734-3563  Email: panthony@jacksonwy.gov	
<b>Owner/Applicant:</b> Deloney St LLC & BWD St LLC - Jeff Golightly PO Box 10309 Jackson, WY 83002	
<b>Please respond by: September 21, 2018 (Sufficiency) September 28, 2018 (with Comments)</b>	

**RESPONSE:** For Departments not using Trak-it, please send responses via email to:  
tstolte@jacksonwy.gov



**PLANNING PERMIT APPLICATION**  
**Planning & Building Department**  
**Planning Division**

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

**For Office Use Only**

Fees Paid \_\_\_\_\_  
Check # \_\_\_\_\_ Credit Card \_\_\_\_\_ Cash \_\_\_\_\_  
Application #s \_\_\_\_\_

**PROJECT.**

Name/Description: E. Broadway Rezoning  
Physical Address: 135, 175 East Broadway PIDN: 22-41-16-27-3-00-010;  
Lot, Subdivision: n/a PIDN: 22-41-16-27-3-00-009

**OWNER.**

Name: Deloney Street, LLC; BWD Street, LLC Phone: 690-1304  
Mailing Address: POB 10309, Jackson, WY ZIP: 83002  
E-mail: jeff@gardnercmc.com

**APPLICANT/AGENT.**

Name: Jeff Golightly Phone: same as above  
Mailing Address: same as above ZIP: \_\_\_\_\_  
E-mail: same as above

**DESIGNATED PRIMARY CONTACT.**

\_\_\_\_ Owner ☒ Applicant/Agent

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

**Use Permit**

\_\_\_\_ Basic Use  
\_\_\_\_ Conditional Use  
\_\_\_\_ Special Use

**Physical Development**

\_\_\_\_ Sketch Plan  
\_\_\_\_ Development Plan

**Interpretations**

\_\_\_\_ Formal Interpretation  
\_\_\_\_ Zoning Compliance Verification

**Relief from the LDRs**

\_\_\_\_ Administrative Adjustment  
\_\_\_\_ Variance  
\_\_\_\_ Beneficial Use Determination  
\_\_\_\_ Appeal of an Admin. Decision

**Development Option/Subdivision**

\_\_\_\_ Development Option Plan  
\_\_\_\_ Subdivision Plat  
\_\_\_\_ Boundary Adjustment (replat)  
\_\_\_\_ Boundary Adjustment (no plat)

**Amendments to the LDRs**

\_\_\_\_ LDR Text Amendment  
☒ Zoning Map Amendment  
\_\_\_\_ Planned Unit Development  
\_\_\_\_ Other: \_\_\_\_\_

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

Pre-application Conference #: P18-194 Environmental Analysis #: n/a  
Original Permit #: n/a Date of Neighborhood Meeting: 9/6/2018

**SUBMITTAL REQUIREMENTS.** Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant. Provide **one electronic copy** (via email or thumb drive), and **two hard copies** of the submittal packet.

Have you attached the following?

- ☒ **Application Fee.** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See the currently adopted Fee Schedule in the Administrative Manual for more information.
- ☒ **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation is also required. Please see the Letter of Authorization template in the Administrative Manual for a sample.
- ☒ **Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is held, the submittal requirements will be reviewed at the conference followed by a written summary. The submittal requirements on the TOJ website are intended as a reference to assist you in submitting a sufficient application.

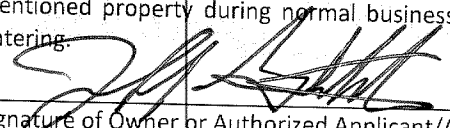
#### FORMAT.

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

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

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

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

  
Signature of Owner or Authorized Applicant/Agent

Jeff Golightly

Name Printed

8/30/2018

Date

VP

Title

## **135, 175 EAST BROADWAY REZONING REQUEST FROM UC/LO TO DC/LO**

### **Proposal**

This application proposes to rezone property at 135 and 175 East Broadway from Urban Commercial/Lodging Overlay (UC/LO) to Downtown Core/Lodging Overlay (DC/LO).

### **Recent History, Context**

This application proposes to complete the task that was initiated by Town planners and officials in 2014 and 2015 and zone property on East Broadway, located 225 feet from the Town Square, as DC/LO. Town planners, acting on the direction of the Mayor and Town Council and implementing the Comprehensive Plan, brought forward a 2014 plan to rezone the downtown commercial core to DC. This plan created a zoning district designed to accomplish numerous Comprehensive Plan goals and apply the newly conceived form-base-zoning code. This Town initiative included 135 and 175 East Broadway, the property that is the subject of this request to amend the zoning map.

In addition to the favorable recommendation from the Planning Department, the Planning Commission also recommended approval of the zoning plan with the East Broadway property included. The Mayor and Town Council progressed toward a vote on the zoning plan with no hesitation about including the subject property when, at one of the last meetings before the Council's approval of the zoning plan, the East Broadway property was removed from the plan.

A concern expressed by the Teton County Historic Preservation Board precipitated the removal. The TCHPB was concerned that inadequate tools existed to preserve buildings that have historic significance. The subject property contains one historic structure that houses Café Genevieve, and two additional buildings of significance to TCHPB that house Persephone's Bakery and the Juicery. Owners of the subject property took TCHPB's concern seriously and have devised a plan in conjunction with the TCHPB to preserve all three buildings. TCHPB now supports moving forward to add the property to the DC zoning district. Below is a motion unanimously approved by the TCHPB during a recent meeting.

"The TCHPB agrees to support efforts to rezone 135-175 East Broadway to the downtown core zoning in exchange for Garner Capital management's commitment to preserve the three existing recognized historic structures that currently occupy the site (Genevieve Van Vleck's house, Persephone Bakery, and Juicery). The TCHPB will participate actively in the planning process and the determination of appropriate incentives and/or bonuses."

To further implement the above decision, the applicant for this proposed rezoning continues to work with the TCHPB and presented to the Board the attached Special Restriction to be

recorded against the property. After reviewing the Special Restriction, the TCHPB passed the following motion.

“Motion to accept the spirit of the special restrictions as presented, excluding the alternative clause outlining demolition option timeline. The board shall review and provide comment prior to the September 2018 meeting for review during the meeting. Final comments to be discussed and submitted to Town of Jackson Planning. Prior to Town of Jackson Planning recommendation to Town of Jackson Council, the Teton County Historic Preservation Board reserves the right to retract formal support of Genevieve block Special Restriction language.”

The only reason the subject property was removed from the DC zoning plan now has been eliminated. The owners will work with the TCHPB to record a deed restriction or execute a similar mutually agreed upon mechanism, that guarantees the historic preservation plan will be honored when future redevelopment plans are created.

Two other areas were similarly removed from the DC zone for the same reason. Reportedly, these other locations also contain historic structures. The applicant for this request, however, pro-actively and creatively worked with the TCHPB to develop a preservation plan and gained the Board's support. This preservation plan accomplishes what current rules and regulations do not accomplish. It is foreseeable that historic preservation regulations will not exist for years, and when they do exist, they will not be more comprehensive or effective than the voluntary preservation plan that the applicant and TCHPB have created. Furthermore, under the current Urban Commercial zoning designation, nothing preserves the historic buildings that are on the property. The work and commitment to develop and execute a preservation plan for the East Broadway property has gained the applicant the right to move forward with this application for DC zoning.

In addition to the preservation plan, the East Broadway property fits squarely into the overall DC district, in terms of its characteristics, location and the Comprehensive Plan goals.

- The land uses on the subject property are similar to the other properties in the DC zone,
- and the property fulfills the intent of the DC zone as well or better than other properties in the district. (See the DC intent detailed below.)
- The DC zone is rectangular and extends east-west from Braun/Willow to the 5-way, and north-south from Gill to south side of Pearl. The subject property is a conspicuous gap missing from the DC district.
- Finally, as detailed below, the East Broadway property is perfectly located to implement the Comprehensive Plan goals for which the DC zone was created. The DC zone is generally derived from the Comprehensive Plan Subarea 2.3. The DC district encompasses almost all of Subarea 2.3, except for a northern extension that is zoned CR. The subject property is in Subarea 2.3, as are all other properties in the DC zone.

“Commercial uses that create an active and engaging pedestrian experience will be predominantly located on the first and second floors of buildings.”

Design standards in the DC zoning district require building fronts and pedestrian amenities that promote the pedestrian experience. The Comprehensive Plan and our modern planning approach want the prominent 400-foot long street frontages of 135 and 175 East Broadway to be redeveloped by the new DC standards.

“A goal of this subarea will be to create a consistent building size and form.

Properties to the south and north are zoned DC. The exclusion of the subject property from the DC plan creates a significant hole in the DC zoning district. Including this property in the DC will apply the same design, size and form standards that already apply to neighboring properties to the south and north.

“Buildings should be located to create an attractive street wall and take advantage of good urban design principles ... .”

As stated above, this property contains 400 feet of street frontage along East Broadway and Deloney, and provides an outstanding opportunity to achieve the type of street wall envisioned in the Comprehensive Plan. Including the subject property in the DC zone will ensure this vision is accomplished. Continuing to apply the outdated UC zoning will provide no such assurance.

#### Intent of the DC Zone

Below are the five stated Intents that are adopted in the DC zone followed by the applicant's response.

1. General intent of the Downtown Core (DC) zone is to provide for a vibrant mixed use area with a variety of uses and amenities, consisting of wide sidewalks and retail shopfronts pulled up to the street.
2. Buildings can be up to 3 stories in height. Massing, articulation, openings, and step backs are used to reduce bulk and mass. Buildings are located close to the sidewalk, creating an attractive street edge. Large storefront windows invite and encourage pedestrian activity.
3. Parking is primarily provided off-site on public lots and on-street. Parking provided on-site is underground or screened from view by buildings.
4. Active and engaging uses are encouraged on ground floors but not required, with offices, apartments, single-family attached, and lodging primarily located on upper stories.
5. Based primarily on sub area 2.3 of the Comprehensive Plan.

The DC zoning district was created to accomplish these intent statements through the various land use, design and development standards. Approving the requested rezoning for 135 and

175 East Broadway will ensure future changes and redevelopment of the property will occur consistently with the standards and intentions of the DC zone.

In addition to the intentions of the DC zone, another key intention must be considered. By the inclusion of the subject property in Comprehensive Plan Subarea 2.3, and the inclusion of the property in the Planning Department's initial proposal, it always has been intended to include the East Broadway property in the new downtown zoning district.

### **Findings for Approval – Zoning Map Amendment**

Below are the applicant's responses to the Findings for Approval, which are essentially the same Findings the Planning Department proposed and the Mayor and Town Council adopted in 2015, with minor changes.

#### **1. Is consistent with the purposes and organization of the LDRs**

The proposed District 2 amendments to the Official Zoning Map were the first targeted mapping update to the LDRs and were deemed by the Mayor and Town Council to be consistent with the LDRs' primary purpose which is to implement the Jackson/Teton County Comprehensive Plan adopted in May 2012. In addition, the new District 2 zoning districts were found by the Mayor and Council to be consistent with the LDRs' goals to improve predictability in LDR implementation and to focus on desired future character as the organizing principle for development in the Town.

The subject property is included in the same Comprehensive Plan Subarea 2.3, which is the basis for the new DC zoning district. The property is prominently and strategically located to implement the Comprehensive Plan.

#### **2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan**

The proposed District 2 amendments to the Official Zoning Map were intended as the first step in updating the Official Zoning Map to implement the Jackson/Teton County Comprehensive Plan adopted in May 2012. The proposed zoning map changes were found by the Mayor and Council to implement the desired future character of Character District 2: Town Commercial Core, which is for a vibrant, walkable, and "lights on" downtown area, consistent with the new policy direction of the 2012 Comprehensive Plan.

See the above Comprehensive Plan section for a discussion specific to 135 and 175 East Broadway and its inclusion in the same Subarea as the other DC properties.

3. Is necessary to address changing conditions or public necessity

The adoption of a Jackson/Teton County Comprehensive Plan adopted in May 2012 is a new condition that requires the Town to update its LDRs and Official Zoning Map to be consistent with the new Comprehensive Plan. The District 2 zoning map amendments, which provide updated zoning regulations for Character District 2: Town Commercial Core, is the first targeted mapping update by the Town to implement the new Comprehensive Plan.

The subject property is included in the same Comprehensive Plan Subarea 2.3 as all the existing DC zoning. It is prominently and strategically located to implement the Comprehensive Plan.

4. Is consistent with other adopted Town Ordinances

The proposed District 2 amendments to the Official Zoning Map were deemed by the Mayor and Council to be consistent with other adopted Town Ordinances. Including the subject property in the DC does not change this Finding.



SPECIAL RESTRICTIONS FOR  
135 E. BROADWAY AND 175 E. BROADWAY  
(Preservation of Historic Buildings)

KNOW ALL MEN BY THESE PRESENTS that the undersigned Declarants, as owners of property located at 135 E. Broadway and 175 E. Broadway (collectively the Property) in the Town of Jackson, Wyoming, adopts these Special Restrictions and hereby declares that the properties described above shall be held, sold, and conveyed subject to the following restrictions, covenants, and conditions affecting all buildings, appurtenances, and improvements, upon each Lot and shall be in addition to all other covenants, conditions or restrictions of record effecting each Lot, and shall be enforceable by the Jackson, Wyoming Mayor and Town Council.

RECITALS:

WHEREAS, Declarants have agreed to restrict the sale, purchase, transfer, use, development and redevelopment of each Lot within the Property to accomplish the Historic Preservation Board's goal of preserving historic buildings; and

WHEREAS, the Historic Preservation Board has identified buildings throughout Teton County that have historic significance and three such buildings are located on the Property; and

WHEREAS, the Declarants and Historic Preservation Board have agreed to a certain plan to preserve said three buildings on that are currently on the Property; and

WHEREAS, the Declarants have agreed to a binding commitment on itself, successors and assigns to implement the agreed upon historic preservation plan for the said Property; and

WHEREAS, the Historic Preservation Board has committed to support the Declarants' proposed plan to rezone the subject Property under the Town of Jackson zoning scheme to match the zoning classification of adjoining properties.

NOW, THEREFORE, the Declarant, in consideration of the said commitment of support from the Historic Preservation Board, covenants and agrees for itself and each and every person, entity or organization acquiring ownership of each Lot or the entire Property, to the following special covenants, conditions and deed restrictions:

1. Van Fleck House Retained on Property. The building known as the Van Fleck House that currently houses the Genevieve restaurant and has housed Jedidiah's restaurant in the past, shall be retained on the Lot at 135 E. Broadway or be more moved to 175 E. Broadway. This restriction does not preclude the structure from being moved to a different location on said Property provided the new location fronts onto East Broadway.

2. Visual Prominence. In addition to fronting East Broadway, the Van Fleck House shall be maintained or relocated to be visually prominent within any redevelopment scheme of the Property. Visual prominence shall mean that the Van Fleck House stands alone with sufficient separation from other buildings to allow it to be in scale with its immediate surroundings and to maintain its architectural integrity.
3. Relocate Two Buildings. At the landowners expense the two buildings currently housing Persephone's Bakery and the Juicery may be maintained anywhere on the Property or relocated to another meaningful location.
4. Meaningful Location. For purposes of these Special Restrictions, a meaningful location shall consist of the following characteristics:
  - a. Within Jackson Valley. The location may be within or outside of the Town of Jackson but shall be within Jackson Valley.
  - b. One or Two Locations. The two structures that may be moved off the property may be moved to the same property or to separate properties.
  - c. Legal Lot, Tract. The location(s) that receive the building(s) shall exist as a legally created lot, tract or parcel under Wyoming State Statutes and/or the applicable Land Development Regulations.
  - d. LDR Compliance. The relocated structures shall be placed on the new property in compliance with all applicable land use regulations and building codes.
  - e. Visually Prominent. The location(s) shall be visible from a public street or road, or if relocated to the unincorporated portion of Teton County, the buildings shall be visible from a public or private street or road.
  - f. Meaningful Use. The relocated structures shall be placed on the new property in a manner and location that allows them to serve a meaningful use or purpose. The placement also shall allow the structures to continue serving a meaningful use or purpose in the event the property is further developed or redeveloped.
  - g. Longevity. While these Special Restriction do not establish a minimum length of time the relocated structures shall remain in the new locations, at the time of the relocation, there shall be no foreseeable factors or reasons that will cause the structures to be further relocated.
5. Identify Locations. The first application submitted to the Town of Jackson for a development permit to redevelop the Property shall identify the locations to where each of the three buildings will be moved, whether the locations are on the Property or

in another location. This first application shall include proof of ownership of the land that will receive the structures or a binding contract or agreement to purchase said land.

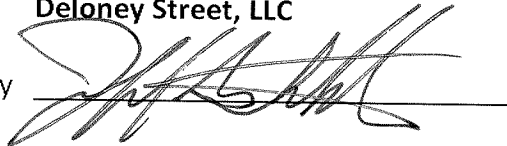
6. Timing of Relocation. The first application for a construction permit to redevelop the Property, which could be for a permit for demolition, grading or building construction, shall be accompanied by any necessary application(s) for the applicable permits to relocate each of the three structures.
7. Rezoning Denied. In the event the Declarants' proposal to rezone the Property to match the zoning classification of the adjoining properties is denied by the Jackson Mayor and Town Council, these Special Restrictions shall become null and void.
8. Severability. Whenever possible, each provision of these Special Restrictions shall be interpreted in such a manner as to be valid under applicable law; but, if any provision of the foregoing shall be invalid or prohibited under said applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provisions of these Special Restrictions.
9. Modifications. The Declarants agree that any modification to these Special Restrictions shall be made in writing, signed by the Declarants, approved by the Historic Preservation Board, and recorded with the Clerk of Teton County, Wyoming.

IN WITNESS WHEREOF, the Declarants have executed this instrument on August  
30, 2018.

DECLARANTS:

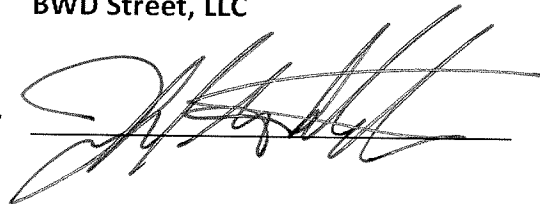
**Deloney Street, LLC**

By



**BWD Street, LLC**

By



# LETTER OF AUTHORIZATION

Deloney Street/BWD, LLC

, "Owner" whose address is: \_\_\_\_\_

135 & 175 E. Broadway Jackson, WY 83001

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

Max C. Chapman, Jr.

, as the owner of property

more specifically legally described as: PT SW1/4SW1/4, SEC. 27, TWP. 41, RNG. 116

(If too lengthy, attach description)

HEREBY AUTHORIZES Jeff Golightly

as

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

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

OWNER:

(SIGNATURE) (SIGNATURE OF CO-OWNER)

Title: Managing Partner

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

STATE OF Wyoming

)

)SS.

COUNTY OF Teton

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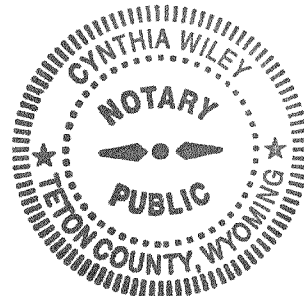
The foregoing instrument was acknowledged before me by Max C. Chapman this 6<sup>th</sup> day of September, 2018.

WITNESS my hand and official seal.

(Notary Public)

My commission expires: 6/18/21

(Seal)



# PLEASE SIGN IN

	First & Last Name	Phone Number	Email Address
1	ANNA SULLIVAN	303-807-3795	ANNASULLIVANphotography@GMAIL.COM
2	Julien Hass	970 909 0780	Julien.Hass@gmail.com
3	MIKEY FRANCO	307 690 3732	mikey@franco snowshoes.com
4	Jennifer Franco	307 690 5257	jencfranco@yahoo.com
5	Alice Widdess	307-690-5015	alice@alicewiddess.com
6	Allie Gros	307 732 7063	countryejnewsandguide.com
7	Jim Miller	263-561-3130	PSYCHIC @ gillco.com
8	ESTHER LUBER	307-409-7200	ESTHERLUBER@gmail.com
9	Adam Connor	517 335 4912	adamconnor@aol.com
10	Kevin Cohane	690-4135	kevin@persephorahkny.com
11	Ali Cohane	413-4749	ali@
12	Josh Governale	690-2800	
13	Linda Cohane	732-5492	
14	Andrew Smith	690 4238	andrepasmith@gmail.com
15	Karen Stewart	690-0701	kstewart3050@gmail.com
16	RYAN KOURAI	310 600-3947	RYANKOURAI@MAC.COM
17	Antley Campbell		
18	Jessica Vandenberg	690-6601	JESSICA@HBCAFEANDJUICERY.COM
19	Morgan Jaouen	733-2414	
20	Fred Pugh	413 1030	fred@genieveugh.com
21	NICK FREDRICKS	(517) 643 5577	FREDRI41@GMAIL.COM
22	Charles Bemis	(612) 709-1270	bemis17@gmail.com
23	Sam Fitz	307 413 4907	abigwarden@aol.com

	First & Last Name	Phone Number	Email Address
24	Michelle Lynago	708-534-8308	MichelleWine@hotmail.com
25	MAC GREGOR	413 5555	MAC GREGOR W/ @ MA
26	Mike Clement		
27	Biel		
28	Ann B		
29	Way St		
30	Ally		
31	Hindi Christine Ramsey	307-690-8956	the.hindi.christine@gmail.com
32	Walter Gerald	864-918-3636	Waltergerald@gmail.com
33	Shane Rothman	970 275 1684	bredtoshred@hotmail.com
34	Kate Winters	307 200 1932	kate.winters@gmail.com
35	Peter Rosenberg	617-771-4680	peter@parosenberg.com
36	Sara Kirkpatrick	307-699-3540	sara.kirkpatrick17@gmail.com
37	NOAH OSNOS	307 203-2009	sonsony 2 charter
38	Chris Kirkpatrick		.net
39	Andy Ripas	307 690-7722	aripras@gmail.com
40	Penny		
41	Daryl Peightal	307-413-1632	dmpaightal@hotmail.com
42			
43			
44			
45			
46			
47			
48			

Name	Address 1	Address 2
1 HUTCHINGS, MELVIN D. ET UX	1892 COUNTY ROAD 125	THAYNE, WY 83127
2 DELONEY STREET, LLC	P.O. BOX 10309	JACKSON, WY 83002
3 98 CENTER STREET, LLC	217 WEST 22ND STREET	NEW YORK, NY 10011
4 RTN-PSN TRUST, THE	PO BOX 6754	JACKSON, WY 83002
5 JACKSON STATE BANK C/O THOMSON PROPERTY TA	P. O. BOX 2609	CARLSBAD, CA 92009
6 REDEEMER LUTHERAN CHURCH OF JACKSON, WY	PO BOX 1016	JACKSON, WY 83001
7 CHET'S WAY, LLC	P.O. BOX 694	JACKSON, WY 83001
8 BROADWAY MILLENNIUM LLC C/O GTPM	P.O. BOX 2282	JACKSON, WY 83001
9 BROADWAY & WILLOW LLC	P.O. BOX 4719	JACKSON, WY 83001
10 GILL FAMILY, LLC	2505 SHOOTIN' IRON RANCH ROAD	JACKSON, WY 83001
11 FOAM CAPITAL, LLC	PO BOX 1045	JACKSON, WY 83001
12 TETON COUNTY SCHOOL DISTRICT #1	P.O. BOX 568	JACKSON, WY 83001
13 JACKSON STATE BANK & TRUST, THE	P. O. BOX 2609	CARLSBAD, CA 92009
14 BALD EAGLE, LLC	P.O. BOX 6368	JACKSON, WY 83002
15 BROADWAY CENTRE LLC	PO BOX 489	JACKSON, WY 83001
16 KOMINSKY, RAYMOND J. & SHARLEEN KAY	PO BOX 1318	JACKSON, WY 83001
17 CRABTREE CORNER, LLC	PO BOX 3767	JACKSON, WY 83001
18 JOURDAN FAMILY LIMITED PART.	P.O. BOX 3159	JACKSON, WY 83001
19 JACKSON STATE BANK ATTN: ACCOUNTING DEPT.	P. O. BOX 2609	CARLSBAD, CA 92009
20 ZIONS FIRST NATIONAL BANK	1 SOUTH MAIN STREET	SALT LAKE CITY, UT 84133-1109
21 JACKSON HOLE DEVELOPMENT CO. C/O MATHIEU, J.	PO BOX 1659	JACKSON, WY 83001
22 MILLER HOUSE, LLC	P.O. BOX 4902	JACKSON, WY 83001
23 COLTER BAY RESORTS, LLC	6067 NORTH SEQUOIA DRIVE	FRESNO, CA 93711-1256
24 BWD STREET, LLC	PO BOX 10309	JACKSON, WY 83002
25 TOWN OF JACKSON	P.O. BOX 1687	JACKSON, WY 83001
26 YAMINI LLC	PO BOX 9696	JACKSON, WY 83002
27 SOLEIL HOLDING COMPANY, LLC	P.O. BOX 4316	JACKSON, WY 83001
28 DOWNTOWN HOLDINGS, LLC	P.O. BOX 126	JACKSON, WY 83001

August 23, 2018

### Neighborhood Meeting Notice

Application Type:	Zoning Map Amendment
Location of Land Zoning Amendment Would Change:	135 & 175 West Broadway Jackson, WY 83001  PT SW1/4SW1/4, SEC. 27, TWP. 41, RNG. 116  AKA The block that contains: Café Genevieve / Persephone / Flower Hardware / Healthy Being Café and Juicery / Susan Fleming Jewelry / Belle Cose at Home
Meeting Details:	Thursday, September 6 <sup>th</sup> at 3:00 pm. Centennial Building Suite 204 610 West Broadway, Jackson WY 83001
How to view the Final Application:	The final application will be filed with the Town of Jackson Wyoming Building and Planning Department. Tyler Valentine, Principle Planner, is leading the staff review. He can be reached at 307.733.0440 ext. 1305 or <a href="mailto:tvalentine@jacksonwy.gov">tvalentine@jacksonwy.gov</a>
Description of the Proposal:	See Attached Documents



## **135, 175 EAST BROADWAY REZONING REQUEST FROM UC/LO TO DC/LO**

### **Proposal**

This application proposes to rezone property at 135 and 175 East Broadway from Urban Commercial/Lodging Overlay (UC/LO) to Downtown Core/Lodging Overlay (DC/LO).

### **Recent History, Context**

This application proposes to complete the task that was initiated by Town planners and officials in 2014 and 2015 and zone property on East Broadway, located 225 feet from the Town Square, as DC/LO. Town planners, acting on the direction of the Mayor and Town Council and implementing the Comprehensive Plan, brought forward a 2014 plan to rezone the downtown commercial core to DC. This plan created a zoning district designed to accomplish numerous Comprehensive Plan goals and apply the newly conceived form-based zoning code. This Town initiative included 135 and 175 East Broadway, the property that is the subject of this request to amend the zoning map.

In addition to the favorable recommendation from the Planning Department, the Planning Commission also recommended approval of the zoning plan with the East Broadway property included. The Mayor and Town Council progressed toward a vote on the zoning plan with no hesitation about including the subject property when, at one of the last meetings before the Council's approval of the zoning plan, the East Broadway property was removed from the plan.

A concern expressed by the Teton County Historic Preservation Board precipitated the removal. The TCHPB was concerned that inadequate tools existed to preserve buildings that have historic significance. The subject property contains one historic structure that houses Café Genevieve, and two additional buildings of significance to TCHPB that house Persephone's Bakery and the Juicery. Owners of the subject property took TCHPB's concern seriously and have devised a plan in conjunction with the TCHPB to preserve all three buildings. TCHPB now supports moving forward to add the property to the DC zoning district. Below is a motion unanimously approved by the TCHPB during a recent meeting.

"The TCHPB agrees to support efforts to rezone 135-175 East Broadway to the downtown core zoning in exchange for Garner Capital management's commitment to preserve the three existing recognized historic structures that currently occupy the site (Genevieve Van Vleck's house, Persephone Bakery, and Juicery). The TCHPB will participate actively in the planning process and the determination of appropriate incentives and/or bonuses."

The only reason the subject property was removed from the DC zoning plan now has been eliminated. The owners will work with the TCHPB to record a deed restriction or execute a

similar mutually agreed upon mechanism, that guarantees the historic preservation plan will be honored when future redevelopment plans are created.

Two other areas were similarly removed from the DC zone for the same reason. Reportedly, these other locations also contain historic structures. The applicant for this request, however, pro-actively and creatively worked with the TCHPB to develop a preservation plan and gained the Board's support. This preservation plan accomplishes what current rules and regulations do not accomplish. It is foreseeable that historic preservation regulations will not exist for years, and when they do exist, they will not be more comprehensive or effective than the voluntary preservation plan that the applicant and TCHPB have created. Furthermore, under the current Urban Commercial zoning designation, nothing preserves the historic buildings that are on the property. The work and commitment to develop and execute a preservation plan for the East Broadway property has gained the applicant the right to move forward with this application for DC zoning.

In addition to the preservation plan, the East Broadway property fits squarely into the overall DC district, in terms of its characteristics, location and the Comprehensive Plan goals.

- The land uses on the subject property are similar to the other properties in the DC zone,
- and the property fulfills the intent of the DC zone as well or better than other properties in the district. (See the DC intent detailed below.)
- The DC zone is rectangular and extends east-west from Braun/Willow to the 5-way, and north-south from Gill to south side of Pearl. The subject property is a conspicuous gap missing from the DC district.
- Finally, as detailed below, the East Broadway property is perfectly located to implement the Comprehensive Plan goals for which the DC zone was created. The DC zone is generally derived from the Comprehensive Plan Subarea 2.3. The DC district encompasses almost all of Subarea 2.3, except for a northern extension that is zoned CR. The subject property is in Subarea 2.3, as are all other properties in the DC zone.

### **Justification**

All the reasons that led the Planning Department and Planning Commission to recommend DC zoning for the subject property in 2014 – 2015, and the Council's inclusion of the property in the DC until the TCHPB comment, continue to exist today. As detailed below, including the property in the DC implements the Comprehensive Plan and is consistent with the adopted intent of the DC zoning district.

### Comprehensive Plan

The property is in Comprehensive Plan Subarea 2.3, Downtown. Below are excerpts from the Plan followed by the applicant's responses.

Subarea 2.3 is classified as "Transitional" and is described by the Plan as "the center of civic, cultural, economic and social activity as well as the center of the visitor experience, as a significant amount of lodging is located here."

The “transitional” classification identifies the property in Subarea 2.3, including 135 – 175 East Broadway, for future change and redevelopment. The DC zoning district was created with numerous form-based-zoning and dimensional standards to guide future changes toward a desired character and development pattern. DC zoning will ensure that future changes and redevelopment of the East Broadway property will be consistent with the character and pattern of downtown development. The subject property is critical to achieving this consistency because it is

- centrally located in the downtown commercial core,
- maintains a prominent location in the area that is zoned DC, and
- sits between DC-zoned areas that are located to the south and north.

“The goal of this subarea is to create a vibrant mixed use area by accommodating a variety of uses and amenities. The subarea will be the starting point for the development of a refined Lodging Overlay.”

The subject property is perfectly located and configured to accomplish this adopted vision for downtown. It is located 225 feet from the Town Square and contains 400 feet of street frontage along East Broadway and Deloney. The land uses and building design will occupy a prominent and central location in downtown. Applying the new DC standards for mixed uses, form-based building design and dimensions will allow this property to be redeveloped in a manner that creates vibrancy and a variety of uses.

“Commercial uses that create an active and engaging pedestrian experience will be predominantly located on the first and second floors of buildings.”

Design standards in the DC zoning district require building fronts and pedestrian amenities that promote the pedestrian experience. The Comprehensive Plan and our modern planning approach want the prominent 400-foot long street frontages of 135 and 175 East Broadway to be redeveloped by the new DC standards.

“A goal of this subarea will be to create a consistent building size and form.

Properties to the south and north are zoned DC. The exclusion of the subject property from the DC plan creates a significant hole in the DC zoning district. Including this property in the DC will apply the same design, size and form standards that already apply to neighboring properties to the south and north.

“Buildings should be located to create an attractive street wall and take advantage of good urban design principles ... .”

As stated above, this property contains 400 feet of street frontage along East Broadway and Deloney, and provides an outstanding opportunity to achieve the type of street wall envisioned in the Comprehensive Plan. Including the subject property in the DC zone will ensure this vision is accomplished. Continuing to apply the outdated UC zoning will provide no such assurance.

### Intent of the DC Zone

Below are the five stated Intents that are adopted in the DC zone followed by the applicant's response.

1. General intent of the Downtown Core (DC) zone is to provide for a vibrant mixed use area with a variety of uses and amenities, consisting of wide sidewalks and retail shopfronts pulled up to the street.
2. Buildings can be up to 3 stories in height. Massing, articulation, openings, and step backs are used to reduce bulk and mass. Buildings are located close to the sidewalk, creating an attractive street edge. Large storefront windows invite and encourage pedestrian activity.
3. Parking is primarily provided off-site on public lots and on-street. Parking provided on-site is underground or screened from view by buildings.
4. Active and engaging uses are encouraged on ground floors but not required, with offices, apartments, single-family attached, and lodging primarily located on upper stories.
5. Based primarily on sub area 2.3 of the Comprehensive Plan.

The DC zoning district was created to accomplish these intent statements through the various land use, design and development standards. Approving the requested rezoning for 135 and 175 East Broadway will ensure future changes and redevelopment of the property will occur consistently with the standards and intentions of the DC zone.

In addition to the intentions of the DC zone, another key intention must be considered. By the inclusion of the subject property in Comprehensive Plan Subarea 2.3, and the inclusion of the property in the Planning Department's initial proposal, it always has been intended to include the East Broadway property in the new downtown zoning district.

### **Findings for Approval – Zoning Map Amendment**

Below are the applicant's responses to the Findings for Approval, which are essentially the same Findings the Planning Department proposed and the Mayor and Town Council adopted in 2015, with minor changes.

1. Is consistent with the purposes and organization of the LDRs

The proposed District 2 amendments to the Official Zoning Map were the first targeted mapping update to the LDRs and were deemed by the Mayor and Town Council to be consistent with the LDRs' primary purpose which is to implement the Jackson/Teton County Comprehensive Plan adopted in May 2012. In addition, the new District 2 zoning districts were found by the Mayor and Council to be consistent with the LDRs' goals to improve predictability in LDR implementation and to focus on desired future character as the organizing principle for development in the Town.

1

The subject property is included in the same Comprehensive Plan Subarea 2.3, which is the basis for the new DC zoning district. The property is prominently and strategically located to implement the Comprehensive Plan.

2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan

The proposed District 2 amendments to the Official Zoning Map were intended as the first step in updating the Official Zoning Map to implement the Jackson/Teton County Comprehensive Plan adopted in May 2012. The proposed zoning map changes were found by the Mayor and Council to implement the desired future character of Character District 2: Town Commercial Core, which is for a vibrant, walkable, and "lights on" downtown area, consistent with the new policy direction of the 2012 Comprehensive Plan.

See the above Comprehensive Plan section for a discussion specific to 135 and 175 East Broadway and its inclusion in the same Subarea as the other DC properties.

3. Is necessary to address changing conditions or public necessity

The adoption of a Jackson/Teton County Comprehensive Plan adopted in May 2012 is a new condition that requires the Town to update its LDRs and Official Zoning Map to be consistent with the new Comprehensive Plan. The District 2 zoning map amendments, which provide updated zoning regulations for Character District 2: Town Commercial Core, is the first targeted mapping update by the Town to implement the new Comprehensive Plan.

The subject property is included in the same Comprehensive Plan Subarea 2.3 as all the existing DC zoning. It is prominently and strategically located to implement the Comprehensive Plan.

4. Is consistent with other adopted Town Ordinances

The proposed District 2 amendments to the Official Zoning Map were deemed by the Mayor and Council to be consistent with other adopted Town Ordinances. Including the subject property in the DC does not change this Finding.

SPECIAL RESTRICTIONS FOR  
135 E. BROADWAY AND 175 E. BROADWAY  
(Preservation of Historic Buildings)

KNOW ALL MEN BY THESE PRESENTS that the undersigned Declarants, as owners of property located at 135 E. Broadway and 175 E. Broadway (collectively the Property) in the Town of Jackson, Wyoming, adopts these Special Restrictions and hereby declares that the properties described above shall be held, sold, and conveyed subject to the following restrictions, covenants, and conditions affecting all buildings, appurtenances, and improvements, upon each Lot and shall be in addition to all other covenants, conditions or restrictions of record effecting each Lot, and shall be enforceable by the Jackson, Wyoming Mayor and Town Council.

RECITALS:

WHEREAS, Declarants have agreed to restrict the sale, purchase, transfer, use, development and redevelopment of each Lot within the Property to accomplish the Historic Preservation Board's goal of preserving historic buildings; and

WHEREAS, the Historic Preservation Board has identified buildings throughout Teton County that have historic significance and three such buildings are located on the Property; and

WHEREAS, the Declarants and Historic Preservation Board have agreed to a certain plan to preserve said three buildings on that are currently on the Property; and

WHEREAS, the Declarants have agreed to a binding commitment on itself, successors and assigns to implement the agreed upon historic preservation plan for the said Property; and

WHEREAS, the Historic Preservation Board has committed to support the Declarants' proposed plan to rezone the subject Property under the Town of Jackson zoning scheme to match the zoning classification of adjoining properties.

NOW, THEREFORE, the Declarant, in consideration of the said commitment of support from the Historic Preservation Board, covenants and agrees for itself and each and every person, entity or organization acquiring ownership of each Lot or the entire Property, to the following special covenants, conditions and deed restrictions:

1. Van Fleck House Retained on Property. The building known as the Van Fleck House that currently houses the Genevieve restaurant and has housed Jedidiah's restaurant in the past, shall be retained on the Lot at 135 E. Broadway or be more moved to 175 E. Broadway. This restriction does not preclude the structure from being moved to a different location on said Property provided the new location fronts onto East Broadway.

2. Visual Prominence. In addition to fronting East Broadway, the Van Fleck House shall be maintained or relocated to be visually prominent within any redevelopment scheme of the Property. Visual prominence shall mean that the Van Fleck House stands alone with sufficient separation from other buildings to allow it to be in scale with its immediate surroundings and to maintain its architectural integrity.
3. Relocate Two Buildings. At the landowners expense the two buildings currently housing Persephone's Bakery and the Juicery may be maintained anywhere on the Property or relocated to another meaningful location.
4. Meaningful Location. For purposes of these Special Restrictions, a meaningful location shall consist of the following characteristics:
  - a. Within Jackson Valley. The location may be within or outside of the Town of Jackson but shall be within Jackson Valley.
  - b. One or Two Locations. The two structures that may be moved off the property may be moved to the same property or to separate properties.
  - c. Legal Lot, Tract. The location(s) that receive the building(s) shall exist as a legally created lot, tract or parcel under Wyoming State Statutes and/or the applicable Land Development Regulations.
  - d. LDR Compliance. The relocated structures shall be placed on the new property in compliance with all applicable land use regulations and building codes.
  - e. Visually Prominent. The location(s) shall be visible from a public street or road, or if relocated to the unincorporated portion of Teton County, the buildings shall be visible from a public or private street or road.
  - f. Meaningful Use. The relocated structures shall be placed on the new property in a manner and location that allows them to serve a meaningful use or purpose. The placement also shall allow the structures to continue serving a meaningful use or purpose in the event the property is further developed or redeveloped.
  - g. Longevity. While these Special Restriction do not establish a minimum length of time the relocated structures shall remain in the new locations, at the time of the relocation, there shall be no foreseeable factors or reasons that will cause the structures to be further relocated.
5. Identify Locations. The first application submitted to the Town of Jackson for a development permit to redevelop the Property shall identify the locations to where each of the three buildings will be moved, whether the locations are on the Property or

in another location. This first application shall include proof of ownership of the land that will receive the structures or a binding contract or agreement to purchase said land.

6. Timing of Relocation. The first application for a construction permit to redevelop the Property, which could be for a permit for demolition, grading or building construction, shall be accompanied by any necessary application(s) for the applicable permits to relocate each of the three structures.
7. Rezoning Denied. In the event the Declarants' proposal to rezone the Property to match the zoning classification of the adjoining properties is denied by the Jackson Mayor and Town Council, these Special Restrictions shall become null and void.
8. Severability. Whenever possible, each provision of these Special Restrictions shall be interpreted in such a manner as to be valid under applicable law; but, if any provision of the foregoing shall be invalid or prohibited under said applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provisions of these Special Restrictions.
9. Modifications. The Declarants agree that any modification to these Special Restrictions shall be made in writing, signed by the Declarants, approved by the Historic Preservation Board, and recorded with the Clerk of Teton County, Wyoming.

IN WITNESS WHEREOF, the Declarants have executed this instrument on \_\_\_\_\_  
\_\_\_\_\_, 2018.

DECLARANTS:

**Deloney Street, LLC**

By \_\_\_\_\_

**BWD Street, LLC**

By \_\_\_\_\_