



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
- Joint Housing Dept

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: November 3, 2020

Item #: P20-206

Planner: Tyler Valentine

Phone: 733-0440 ext. 1305

Email: tvalentine@jacksonwy.gov

Owner

Kelly Vine, LLC
PO Box 1665
Wilson, WY 83014

Applicant:

Holland and Hart – Matt Kim-Miller
PO Box 68
Jackson, WY 83001

REQUESTS:

The applicant is submitting a request for a Pre-Application for Conditional Use Permit for the property located 310 Vine Street, legally known as PT SE1/4NW1/4, SEC. 34, TWP. 41, RNG. 116.

For questions, please call Tyler Valentine at 733-0440, x1305 or email to the address shown below. Thank you.

Please respond by:

November 24, 2020 (with Comments)

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



PRE-APPLICATION CONFERENCE REQUEST (PAP)
Planning & Building Department

150 E Pearl Ave. | phone (307)733-0440
P.O. Box 1687 | www.townofjackson.com
Jackson, WY 83001

For Office Use Only

Fees Paid _____

Time & Date Received _____

Application # _____

Please note: Applications received after 3 PM will be processed the next business day.

APPLICABILITY. This application should be used when applying for a **Pre-application Conference**. The purpose of the pre-application conference is to identify the standards and procedures of these LDRs that would apply to a potential application prior to preparation of the final proposal and to identify the submittal requirements for the application.

For additional information go to www.townofjackson.com/204/Pre-Application

PROJECT.

Name/Description: Kelly Vine, LLC Home Business Conditional Use Permit

Physical Address: 310 Vine Street

Lot, Subdivision: PT SE1/4NW1/4, SEC. 34, TWP. 41, RNG. 116

PIDN: 2-41-16-34-2-00-010

PROPERTY OWNER.

Name: Kelly Vine, LLC

Phone: _____

Mailing Address: POB 1650, Wilson, WY

ZIP: 83014

E-mail: _____

APPLICANT/AGENT.

Name, Agency: Matt Kim-Miller

Phone: 307 699 2938

Mailing Address: POB 68

ZIP: 83001

E-mail: mwkimmiller@hollandhart.com

DESIGNATED PRIMARY CONTACT.

Property Owner xx Applicant/Agent

ENVIRONMENTAL PROFESSIONAL. For EA pre-application conferences, a qualified environmental consultant is required to attend the pre-application conference. Please see Subsection 8.2.2.C, Professional Preparation, of the Land Development Regulations, for more information on this requirement. Please provide contact information for the Environmental Consultant if different from Agent.

Name, Agency: N/A Phone: _____
Mailing Address: _____ ZIP: _____
E-mail: _____

TYPES OF PRE-APPLICATION NEEDED. Check all that apply; see Section 8.1.2 of the LDRs for a description of review process types.

<input type="checkbox"/> Physical Development Permit	This pre-application conference is:
<input checked="" type="checkbox"/> Use Permit	<input type="checkbox"/> Required
<input type="checkbox"/> Development Option or Subdivision Permit	<input type="checkbox"/> Optional
<input type="checkbox"/> Interpretations of the LDRs	<input type="checkbox"/> For an Environmental Analysis
<input type="checkbox"/> Amendments to the LDRs	<input type="checkbox"/> For grading
<input type="checkbox"/> Relief from the LDRs	
<input type="checkbox"/> Environmental Analysis	

SUBMITTAL REQUIREMENTS. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Provide one electronic copy (tstolte@jacksonwy.gov).

Have you attached the following?

- Application Fee.** Go to www.townofjackson.com/204/Pre-Application.com for the fees.
- 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. Please see the Letter of Authorization template at www.townofjackson.com/DocumentCenter/View/102/Town-Fee-Schedule-PDF.
- Narrative Project Description.** Please attach a short narrative description of the project that addresses:
 - Existing property conditions (buildings, uses, natural resources, etc)
 - Character and magnitude of proposed physical development or use
 - Intended development options or subdivision proposal (if applicable)
 - Proposed amendments to the LDRs (if applicable)
- Conceptual Site Plan.** For pre-application conferences for physical development, use or development option permits, a conceptual site plan is required. For pre-application conferences for interpretations of the LDRs, amendments to the LDRs, or relief from the LDRs, a site plan may or may not be necessary. Contact the Planning Department for assistance. If required, please attach a conceptual site plan that depicts:
 - Property boundaries
 - Existing and proposed physical development and the location of any uses not requiring physical development
 - Proposed parcel or lot lines (if applicable)
 - Locations of any natural resources, access, utilities, etc that may be discussed during the pre-application conference
- Grading Information (REQUIRED ONLY FOR GRADING PRE-APPS).** Please include a site survey with topography at 2-foot contour intervals and indicate any areas with slopes greater than 25% (or 30% if in the NC Zoning District), as well as proposed finished grade. If any areas of steep slopes are man-made, please identify these areas on the site plan.
- Other Pertinent Information.** Attach any additional information that may help Staff in preparing for the pre-app or identifying possible key issues.

Under penalty of perjury, I hereby certify that I have read this application 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


Matt Kim-Miller

Name Printed

November 2, 2020

Date

Attorney/agent

Title

Narrative Accompanying Pre-Application Conference Request for 310 E. Kelly Home Business CUP

This pre-application conference request relates to a proposed “home business” conditional use permit for the property at 310 E. Kelly Avenue (the “Property”). The Property is owned by Kelly Vine, LLC. The property is depicted on Exhibit A. It is zoned NM-2 (Neighborhood Medium Density-2).

The owner seeks to construct a single family residence which would have an accessory as a “Home Business” as defined in LDR 6.1.11.E. The proposed home business is described below. The operation of a home business in the NM-2 zone requires the issuance of a conditional use permit. In order to obtain a conditional use permit, LDR 8.4.2 requires a pre-application conference.

In 2018, the owner of the Property submitted a development plan for a single family residence, which was reviewed as development plan P18-327. The proposed square footage in relation to the P18-327 development plan is approximately 19,000 sqft. Under LDR 2.2.8.B.10, physical development between 15,000 and 30,000 sqft requires a development plan.

At the time the development plan was submitted and throughout the majority of 2019, the intended use of the Property was to serve as a second residence for the sole member of Kelly Vine, LLC, so that his residence could store and display his growing art collection in one location. In mid-November the sole member of Kelly Vine, LLC unexpectedly passed away leaving both the Property and his art collection to his wife and son as beneficiaries of testamentary trusts.

The death of the sole member of Kelly Vine, LLC revised much of the family’s planning. The son succeeded the sole member of Kelly Vine, LLC as the owner of the existing family investment office business based in Jackson with two full-time employees. The original plan to use the Property as a full-time residence has since changed to a part-time residence as both the wife and son live on the East coast, but visit Jackson regularly. Since the Property will only be occupied part-time, the owner wishes to better utilize the space by relocating the family office inside the residential improvements that are depicted in the P18-327 development plan. Certain minor interior revisions such as adding desks and office equipment such printers and scanners will need to be made to allow for the home business use, but no exterior revisions will be made to the development plan.

The proposed home business use would be as follows:

- The home business use would be an office use in relation to employees of the owner who perform various management work for the assets of the owner.
- While the art collection does comprise a significant asset of the owner, the office’s involvement in the work is limited to insuring and cataloging the work. As described in the development plan, the art would only be for private viewing, and there is little to no turnover expected in relation to the art (i.e., very infrequent deliveries after move-in, which would only be for delivery of art for the owner’s private viewing, and there will not be any on-site sales or public or semi-private viewing of the art).
- As described in LDR 6.1.11.E (attached as Exhibit B), there would be a maximum of 2 employees who would come to the Property from off-site.

- The maximum amount of space used for the office is currently not finalized but is estimated the use would be approximately 750 sqft. Under the applicable LDR, a maximum of 25% of the building may be used for the home business (which could have approximately 4,770 sqft as a maximum accessory office use).
- The resident owner/operator of the building will be a trust established for the benefit of the wife and/or son; however, such decision will not be finalized until the estate is probated and subsequent distribution to a trust or trusts is completed. The resident of the building will be the son.
- The Property has two interior parking spaces and three exterior parking spaces. As required under the LDRs, all employees for the office space shall park at the Property or will use public transportation or walk.
- There will be no window displays or signage.

EXHIBIT A

PROPERTY DEPICTION



EXHIBIT B

HOME BUSINESS LDR SECTION 6.1.11.E

E. Home Business

1. **Definition.** A home business is an accessory nonresidential use conducted in conjunction with a residential use, on the site of the residential use, in which employees are employed on-site. The intent of a home business is to give small, local businesses a place to start. Home businesses are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home businesses.
 - a. **Includes:**
 - i. Office (6.1.6.B.)
 - ii. Service (6.1.6.D.)
 - iii. Contracting businesses
 - iv. Schools (music, art, other)
 - v. Art studios and galleries
 2. **Primary Uses**
 - a. All residential uses
 - b. Accessory residential unit
 3. **Standards**
 - a. The home business shall not change the residential character of the site or adversely affect the uses permitted in the zone in which it is located.
 - b. A home business shall be operated by a person residing within the dwelling.
 - c. A home business shall not have more than 3 total employees.
 - d. No more than 2 persons residing off-site may be employed on the site of a home business.
 - e. No more than 25% of the maximum habitable floor area of the primary dwelling unit shall be occupied by the home business; however, part or all the nonhabitable floor area in permitted accessory structures may be used for the business.
 - f. All vehicles and materials must be stored within buildings.
 - g. All parking shall be provided on-site, and shall be located to the rear of the structure or in another location that is visually unobtrusive.
 - h. There shall be no window display or other public display of material or merchandise connected with the home business.
 - i. No more than one wall sign, not to exceed two 2 square feet in area, shall be permitted.

14451204_v3

LETTER OF AUTHORIZATION

Kelly Vine, LLC, "Owner" whose address is: POB 1650, Wilson, WY, 83044

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

through its undersigned manager of Kelly Vine, LLC.

more specifically legally described as: PT SE1/4NW1/4, SEC. 34, TWP. 41, RNG. 116;
2-41-16-34-2-00-010; 310 Vine Street

(If too lengthy, attach description)

HEREBY AUTHORIZES Matt Confer and Matt Kim-Miller, and either acting individually 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)

(SIGNATURE) (SIGNATURE OF CO-OWNER)
Title: CEO of Big Spruce, Inc. as Manager of Kelly, Inc., LLC

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

STATE OF Wyoming

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COUNTY OF TETON

13

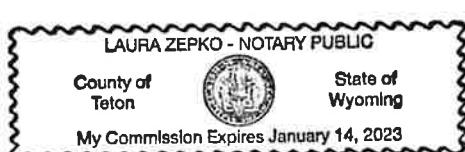
The foregoing instrument was acknowledged before me by Matthew Confer this 3rd day of August 2020

WITNESS my hand and official seal.

(Notary Public)

My commission expires: 01-14-2023

(Seal)



UMB BANK, N.A.
36-1901/1012

HOLLAND & HART LLP
ATTORNEYS AT LAW
PROFESSIONAL ACCOUNT
25 South Willow Street, Suite 200
P.O. Box 68
Jackson, Wyoming 83001

63001766

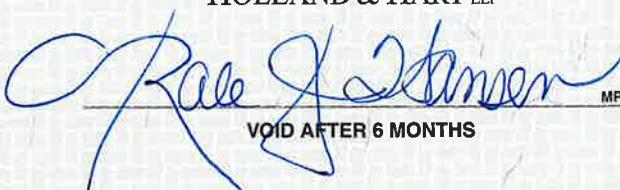
DATE November 2, 2020

PAY Three hundred and 00/100 **** \$ ***300.00***

PAY
TO THE
ORDER OF

Town of Jackson, Planning & Building
PO Box 1687
150 E. Pearl Avenue
Jackson, WY 83001

HOLLAND & HART LLP


VOID AFTER 6 MONTHS

11022020 11012190171 5008016038

Payee: Town of Jackson, Planning & Building

Holland & Hart LLP

Check #: **63001766**

Vendor: 59862

Check Date: 11/2/2020

<u>Invoice Number</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Amount Paid</u>	<u>Discount Taken</u>	<u>Payment Amt</u>
11022020	11/2/2020	300.00	300.00		300.00

Pre-application fee for Conditional Use Permit

Totals	300.00	300.00	300.00
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