



# 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: October 17, 2022	<b>REQUESTS:</b>  The applicant is submitting a request for a Zoning Compliance Verification for the property located at 105 Mercill Ave., legally known as PT. LOTS 15-17, BLK.2 J.R. JONES (CHILDREN'S CENTER) PIDNs 22-41-16-28-4-02-012  For questions, please call Tyler Valentine at 733-0440, x1305 or email to the address shown below. Thank you.
Item #: P22-251	
Planner: Tyler Valentine  Phone: 733-0440 ext. 1305  Email: tvalentine@jacksonwy.gov	
<b>Owner:</b> Teton County PO Box 1727 Jackson, WY 83001  <b>Applicant:</b> Jackson/Teton Co. Housing Dept. PO Box 714 Jackson, WY 83001	
<b>Please respond by:   October 28 2022 (Sufficiency)                                   November 4, 2022 (with Comments)</b>	

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



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

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

**For Office Use Only**

Fees Paid \_\_\_\_\_ Date & Time Received \_\_\_\_\_  
Application #s \_\_\_\_\_

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

**PROJECT.**

Name/Description: \_\_\_\_\_  
Physical Address: \_\_\_\_\_  
Lot, Subdivision: \_\_\_\_\_ PIDN: \_\_\_\_\_

**PROPERTY OWNER.**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ ZIP: \_\_\_\_\_  
E-mail: \_\_\_\_\_

**APPLICANT/AGENT.**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ ZIP: \_\_\_\_\_  
E-mail: \_\_\_\_\_

**DESIGNATED PRIMARY CONTACT.**

\_\_\_\_\_ Property Owner \_\_\_\_\_ Applicant/Agent

**TYPE OF APPLICATION.** Please check all that apply; review the type of application at [www.townofjackson/200/Planning](http://www.townofjackson/200/Planning)

**Use Permit**

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

**Relief from the LDRs**

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

**Physical Development**

\_\_\_\_\_ Sketch Plan  
\_\_\_\_\_ Development Plan  
\_\_\_\_\_ Design Review

**Subdivision/Development Option**

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

**Interpretations**

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

**Amendments to the LDRs**

\_\_\_\_\_ LDR Text Amendment  
\_\_\_\_\_ Map Amendment

**Miscellaneous**

\_\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_ Environmental Analysis

**PRE-SUBMITTAL STEPS.** To see if pre-submittal steps apply to you, go to [www.townofjackson.com/200/Planning](http://www.townofjackson.com/200/Planning) and select the relevant application type for requirements. Please submit all required pre-submittal steps with application.

Pre-application Conference #: \_\_\_\_\_ Environmental Analysis #: \_\_\_\_\_  
Original Permit #: \_\_\_\_\_ Date of Neighborhood Meeting: \_\_\_\_\_

**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. Go to [www.townofjackson.com/200/Planning](http://www.townofjackson.com/200/Planning) and select the relevant application type for submittal requirements.

Have you attached the following?

\_\_\_\_\_ **Application Fee.** Fees are cumulative. Go to [www.townofjackson.com/200/Planning](http://www.townofjackson.com/200/Planning) and select the relevant application type 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 <http://www.townofjackson.com/DocumentCenter/View/845/LetterOfAuthorization-PDF>.

\_\_\_\_\_ **Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is required, the submittal requirements will be provided to applicant at the conference. The submittal requirements are at [www.townofjackson.com/200/Planning](http://www.townofjackson.com/200/Planning) under the relevant application type.

**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.

Kristi Malone  
Signature of Property Owner or Authorized Applicant/Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
Title



**Jackson/Teton County Affordable Housing Department**  
**Kristi Malone**

kristi.malone@tetoncountywy.gov  
P: 307.732.0867

October 14, 2022

Town of Jackson Planning & Building Department  
Vía Email: [planning@jacksonwy.gov](mailto:planning@jacksonwy.gov)

RE: Application for a Zoning Compliance Verification of a Proposed Boundary Adjustment

Dear Planners,

Please accept this application for a Zoning Compliance Verification that contemplates a Boundary Adjustment with Replat of the lots at 105 Mercill Avenue in the Town of Jackson. The subject lots are Lots 15, 16, and 17 of Block 2 of the Joseph R. Jones subdivision (Plat No. 113). This 1925 plat includes many vacations, but there is no notation on the plat that the subject lots were merged or had lot lines vacated. Per LDR Section 8.5.6.B.3, “a change in the lot configuration...in a limited part of a platted subdivision that does not abridge or destroy any of the rights and privileges of other landowners or others who have an interest in the plat shall be reviewed as a boundary adjustment”.

Physical development of the subject lots was designed, approved and constructed as if two lots exist at the site with a vertical boundary separating two distinct uses. This ZCV proposes adjusting the two horizontal platted lot lines that intersect existing development to a single vertical lot line that is consistent with the development and use of the site. According to Plat No. 113, the site is 150' by 334' in dimension and comprised of three 50' by 334' lots. The forthcoming boundary adjustment proposes reducing the number of lots to two by bisecting the site into an eastern half and a western half, comprised of two 150' by 167' lots. The proposed western lot is currently developed with a childcare facility (Children's Learning Center) and the proposed eastern lot is currently developed with thirty condo homes over a ground floor childcare facility (105 Mercill Condos + Jackson Hole Children's Museum).

The following application materials are attached for your review:

1. Site Plan of Proposed Lot Configuration
2. Land Development Regulations Review: demonstrates compliance of the proposed lot configuration with all relevant standards of the LDR and other Town Ordinances. Elements that may need to be specifically addressed in the Boundary Adjustment application are highlighted in yellow, noted as “complies with conditions,” and are summarized here:
  - a. Floor Area share – the built floor area on Proposed Lot 1 exceeds the allowed Floor Area for the lot by approximately 3,477sf. However, Proposed Lot 2 has an excess of 4,511sf unbuilt Floor Area. It appears that Floor Area allowance for the three existing lots was pooled to serve the site as a whole. To codify this shared use of a site-wide zoning allowance, we may need to record a development agreement or other document to ensure continued compliance with the Floor Area maximum.
  - b. Legal Access & Utilities—the existing access drive for CLC is bisected by the proposed lot line; the existing CLC Ground Lease (doc 862278) legal description speaks to a driveway easement, but this may need to be revised and re-recorded to reflect the new lot configuration and ensure legal access is provided to both lots. The same may apply to utilities and stormwater/drainage.

3. Prior Permits Review: demonstrates substantial conformance with all standards or conditions of any prior applicable permits or approvals

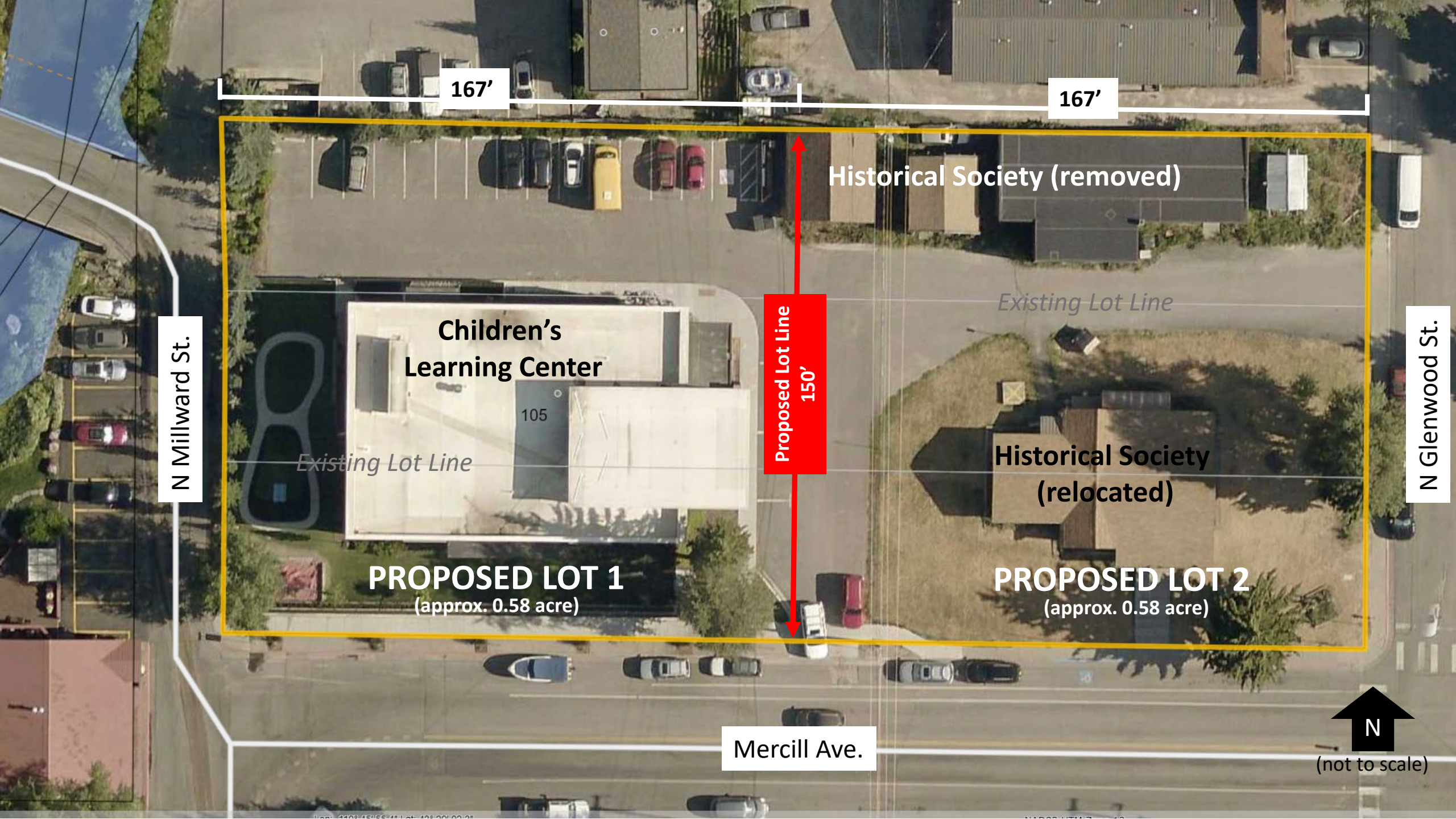
I look forward to your formal verification that the proposed lot configuration complies with all applicable LDRs and confirmation that we may proceed with a Plat memorializing the boundary adjustment.

Sincerely,

*Kristi Malone*

Kristi Malone, *Housing Supply Specialist*





167'

167'

N Millward St.

N Glenwood St.

Historical Society (removed)

Children's Learning Center

105

Existing Lot Line

Existing Lot Line

Historical Society (relocated)

Proposed Lot Line  
150'

PROPOSED LOT 1  
(approx. 0.58 acre)

PROPOSED LOT 2  
(approx. 0.58 acre)

Mercill Ave.

N  
(not to scale)

## Attachment 2: Land Development Regulations Review

PHYSICAL DEVELOPMENT (§ 2.2.12.B, ARTICLE 5)				COMPLIES W/ CONDITIONS
	LDR Standard	Proposed Lot 1	Proposed Lot 2	Proposed Result
1. Lot Standards				Complies
Primary street setback range for buildings (min-max)	0' – 10'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing streets
Secondary street setback range for buildings (min-max)	0' – 10'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing streets
Side Interior setback for buildings (min)	5'	12.5'	19.5'	Complies
Rear setback for buildings (min)	10'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing adjacent lots
Abutting protected zone setback (min)	10'	n/a	n/a	n/a—no abutting protected zones
Landscape Surface Ratio (min)	10%	LSR Zone #1: 247sf LSR Zone #2: 5978sf LSR Zone #3: 1425sf LSR Zone #4: 615sf Total: 8,265sf/25,050sf = 33%	2,816sf/25,050 = 11%	Complies
Plant Units (min)	1/1,000sf landscape area + 1/12 parking spaces	2,505sf/1,000sf = 3pu required 18 spaces/12 = 2pu 11 pu installed	2,505sf/1,000sf = 3pu required All parking interior to structure 3 pu provided	Complies
Fence height in street or side yard (max)	4'	No fencing located in newly created interior side yard	No fencing located in newly created interior side yard	Complies

Fence height in rear yard (max)	6'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing adjacent lots
Fence setback from pedestrian frontage (min)	1'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing pedestrian frontages
Fence setback from side or rear lot line (min)	0'	No fencing located in newly created interior side yard	No fencing located in newly created interior side yard	Complies
Parking setback from primary street, above ground (min)	30'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing streets
Parking setback from secondary street, surface (min)	30'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing streets
Parking setback from secondary street, tuck-under, enclosed or structured (min)	0'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing streets
Curb cut width (max)	24'	n/a	n/a	n/a – not impacted by lot line reconfiguration
2. Bulk Standards				Complies w/ Conditions
Width of ground and 2nd story in primary street setback range as % of lot width (min)	70%	n/a	n/a	n/a—the proposed lot line reconfiguration



				does not impact the relationship of existing physical development to existing streets
Width of ground and 2nd story in primary street setback range as length from street corner (min)	30'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing streets
Width of ground and 2nd story in secondary street setback range as % of lot width (min)	35%	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing streets
Width of ground and 2nd story in secondary street setback range as length from street corner (min)	30'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing streets
Building Height (max) if roof pitch $\geq 5/12$	46'	n/a	n/a	n/a – not impacted by lot line reconfiguration
Building Height (max) if roof pitch $< 5/12$	42'	n/a	n/a	n/a – not impacted by lot line reconfiguration
Stories (max)	3	n/a	n/a	n/a – not impacted by lot line reconfiguration
Stories or Height (min) in any street setback range	2 or 24'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical development to existing streets
Stepback for any 3rd story street facade or street facade over 30' (min)	10'	n/a	n/a	n/a—the proposed lot line reconfiguration does not impact the relationship of existing physical

				development to existing streets
Encroachment in stepback (max % of overall facade width) (a building with only residential use that has at least 4 units is exempt from the stepback requirement)	60%	n/a	n/a	n/a – not impacted by lot line reconfiguration
Floor area ratio (FAR max) (E.3.)	0.46	25,050sf(0.46)= 11,523sf allowed 15,000sf existing	25,050sf(0.46)= 11,523sf allowed 54,384sf existing -225sf basement habitable -26,636sf restricted housing (2 <sup>nd</sup> & 3 <sup>rd</sup> floors) -1,311sf restricted housing (1 <sup>st</sup> floor circulation) -19,200sf non-habitable =7,012sf total FA	While Proposed Lot 1 exceeds allowed Floor Area for the lot by 3,477sf, Proposed Lot 2 has 4,511sf less Floor Area than allowed. May need to record development agreement to codify shared entitlement
Deed restricted housing exemption	Sec. 7.8.3	none	30 Workforce restricted condos	Complies
Workforce housing floor area bonus	Sec. 7.8.4	none	30 Workforce restricted condos	Complies
3. Form Standards				Not applicable
Design Guidelines	Apply to all development	n/a	n/a	n/a – not impacted by lot line reconfiguration
Pedestrian frontage, trees in grates	see Sec. 2.2.1.C	n/a	n/a	n/a – not impacted by lot line reconfiguration
Building Frontage Options	see Sec. 2.2.1.D	n/a	n/a	n/a – not impacted by lot line reconfiguration
Parking Type Options	see Sec. 2.2.1.E	n/a	n/a	n/a – not impacted by lot line reconfiguration
4. Environmental Standards				Not applicable
Natural Resource Setback (min)	see Sec. 5.1.1	n/a	n/a	n/a – not impacted by lot line reconfiguration
Irrigation Ditch Setback (min)	15'	n/a	n/a	n/a – not impacted by lot line reconfiguration
5. Scenic Standards				Complies
Exterior light trespass	Prohibited	Limited lighting for ingress/egress	Limited lighting for ingress/egress	Complies

Lumens per site (max)	3/sf site dev			
All fixtures	100,000	n/a	n/a	n/a – not impacted by lot line reconfiguration
Unshielded fixtures	5,500	n/a	n/a	n/a – not impacted by lot line reconfiguration
Light Color	≤3000 Kelvin	n/a	n/a	n/a – not impacted by lot line reconfiguration
Scenic Resources Overlay	see Sec. 5.3.2	n/a	n/a	n/a – not impacted by lot line reconfiguration
6. Natural Hazards to Avoid				Not applicable
Steep Slopes	Development prohibited on slopes >25%, Hillside CUP required if average cross-slope ≥ 10%	n/a	n/a	n/a – not impacted by lot line reconfiguration
Areas of Unstable Soils	Sec. 5.4.2	n/a	n/a	n/a – not impacted by lot line reconfiguration
Fault Area	Sec. 5.4.3	n/a	n/a	n/a – not impacted by lot line reconfiguration
Floodplains	Sec. 5.4.4	n/a	n/a	n/a – not impacted by lot line reconfiguration
Wildland Urban Interface	Sec. 5.4.5	n/a	n/a	n/a – not impacted by lot line reconfiguration
7. Signs				Complies
Number of signs (max)	3 per business per frontage	n/a	n/a	n/a – not impacted by lot line reconfiguration
Background color	No white or yellow	n/a	n/a	n/a – not impacted by lot line reconfiguration
Total sign area (max)	3 sf per ft of street facade width up to 150 sf	n/a	n/a	n/a – not impacted by lot line reconfiguration
Penalty	10% per projecting and freestanding sign	n/a	n/a	n/a – not impacted by lot line reconfiguration
Canopy sign Setback (min)	18" from back of curb	n/a	n/a	n/a – not impacted by lot line reconfiguration

Freestanding sign Setback (min)	5'	No freestanding signs w/in 5' of proposed lot line	No freestanding signs w/in 5' of proposed lot line	Complies
Projecting sign Setback (min)	18" from back of curb	n/a	n/a	n/a – not impacted by lot line reconfiguration
8. Grading, Erosion Control, Stormwater				Complies w/ conditions
Grading	(Sec. 5.7.2.)	n/a	n/a	n/a – not impacted by lot line reconfiguration
Erosion Control	(Sec. 5.7.3.)	n/a	n/a	n/a – not impacted by lot line reconfiguration
Stormwater Management	(Sec. 5.7.4.)	Existing	Existing	May need stormwater cross-lot agreement or easement
9. Physical Development Permits Required				Not applicable
None required – no physical development proposed				

USE (§ 2.2.12.C, ARTICLE 6)				COMPLIES
	LDR Standard	Proposed Lot 1	Proposed Lot 2	Proposed Result
1. Allowed Use: Day Care/Education				Not applicable
Individual Use (max)	n/a	n/a	n/a	n/a—no zone standard
Density (max)	n/a	n/a	n/a	n/a—no zone standard
Additional Zone-Specific Standards (§ 2.2.12.E.3)	Existing Floor Area Allowed	n/a	n/a	n/a
Allowed Use: Attached Single-Family Unit				Complies
Individual Use (max)	8,000 sf habitable excluding basement	n/a	Each condo unit <8,000sf	Complies
Density (max)	n/a	n/a	n/a	n/a—no zone standard
Additional Zone-Specific Standards (§ 2.2.12.E.3)	Existing Floor Area Allowed	n/a	n/a	n/a
2. Use Requirements				Complies
Required Parking (min)	independent calculation + 1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	22 spaces required per B16-124; 22 provided	50 spaces required per B20-0512; 50 spaces provided	Complies
Parking Location	On-site preferred	On-site + street (4)	On-site	Complies
Additional Zone-Specific Standards (§ 2.2.12.E.1)	Provision of Nonresidential, Nonlodging Parking	n/a	n/a	n/a-Parking defined in Building Permits

Additional Zone-Specific Standards (§ 2.2.12.E.2)	Loading Requirement	n/a	n/a	n/a – not impacted by lot line reconfiguration
Affordable Workforce Housing mitigation units required	independent calculation + exempt	n/a	n/a	n/a – not impacted by lot line reconfiguration
Affordable Workforce Housing mitigation method	On-site preferred	n/a	n/a	n/a – not impacted by lot line reconfiguration
3. Operational Standards				Not applicable
Outside Storage (§ 6.4.1)	Prohibited	n/a	n/a	n/a – not impacted by lot line reconfiguration
Refuse and Recycling (§ 6.4.2)	Enclosure required if > 4 DUs and all nonresidential	n/a	n/a	n/a – not impacted by lot line reconfiguration
Noise (§ 6.4.3)	65 DBA sound level at property line (max)	n/a	n/a	n/a—sound at new interior lot line limited to cars and patrons of commercial uses
Vibration (§ 6.4.4)	N/A	n/a	n/a	n/a – not impacted by lot line reconfiguration
Electrical Disturbance (§ 6.4.5)	N/A	n/a	n/a	n/a – not impacted by lot line reconfiguration
Fire/Explosive Hazard (§ 6.4.6)	N/A	n/a	n/a	n/a – not impacted by lot line reconfiguration
Heat/Humidity (§ 6.4.7)	N/A	n/a	n/a	n/a – not impacted by lot line reconfiguration
Radioactivity (§ 6.4.8)	N/A	n/a	n/a	n/a – not impacted by lot line reconfiguration
Other Prohibitions (§ 6.4.9)	N/A	n/a	n/a	n/a – not impacted by lot line reconfiguration

DEVELOPMENT OPTIONS & SUBDIVISION (§ 2.2.12.D, ARTICLE 7) COMPLIES W/ CONDITIONS				
	LDR Standard	Proposed Lot 1	Proposed Lot 2	Proposed Result
1. Allowed Subdivision and Development Options				Complies
Lot Size (min)	7,500sf	25,050sf	25,050sf	Complies
2. Residential Subdivision Requirements				Not applicable
Schools exaction	.020 acres per 1- or 2-family unit	n/a	n/a	n/a—not creating new lots



	.015 acres per multi-family unit			
Parks exaction	9 acres per 1,000 resident	n/a	n/a	n/a—not creating new lots
3. Infrastructure				Complies with conditions
Access	Required	Existing	Existing	The existing access drive for CLC is bisected by the proposed lot line; the existing CLC Ground Lease (doc 862278) legal description speaks to a driveway easement, but may need to be revised and re-recorded
Right-of-way for Minor Local Road (min)	60'	n/a	n/a	n/a – not impacted by lot line reconfiguration
Paved travel way for Minor Local Road (min)	20'	n/a	n/a	n/a – not impacted by lot line reconfiguration
Water	public	Existing	Existing	May need utility easement
Sewer	public	Existing	Existing	May need utility easement
4. Required Subdivision and Development Option Permits				Not applicable
None required – no subdivision proposed				

### Attachment 3: Prior Permits Review

PRIOR PHYSICAL DEVELOPMENT PERMITS				COMPLIES
	Status	Proposed Lot 1	Proposed Lot 2	Proposed Result
B21-0025	Complete	n/a	demo storage building and foundations	Complies
B20-0748	Complete	n/a	Grading permit to regrade and pave new access	Complies
B20-0527	Complete	n/a	Demo to remove 3 cabins from property	Complies
B20-0512	In construction	n/a	New mixed use building	Complies – above LDR Review based on this Building Permit
P18-055	Complete	Wall sign for CLC	n/a	n/a – wall sign not impacted by lot lines
P17-175	Complete	Admin Adjustment to increase the fence height to 6'4" where 6' max is allowed	n/a	n/a—does not apply to interior side where lot line is proposed
B16-0125	Complete	Grading permit for site prep for CLC building	n/a	Complies
B16-0124	Complete	New child care center for CLC	n/a	Complies – above LDR Review based on this Building Permit
B15-0560	Complete	Demo all structure/utilities	n/a	Complies
P15-073	Complete	Development Plan for CLC	n/a	Complies— Development Plan resulted in B16-124 on which the above LDR Review is based

PRIOR USE PERMITS				COMPLIES
	Status	Proposed Lot 1	Proposed Lot 2	Proposed Result
P15-092	Complete – use ongoing	Basic Use Permit for Daycare/Education	n/a	Complies