



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

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| Date: May 21, 2024 | REQUESTS: The applicant is submitting a request for a Zoning Compliance Verification for the properties located at 50 S. Cache, 45 E. Pearl Avenue, and 75 E. Pearl Avenue, legally known as N 1/2 LOT 14-16, BLK. 1, CACHE-1; LOT 12-13, S 1/2 LOTS 14-16 BLK. 1, CACHE-1; and LOT 10-11, BLK. 1, CACHE-1 respectively. 50 S. Cache PIDN: 22-41-16-34-2-05-006 45 E. Pearl Avenue PIDN: 22-41-16-34-2-05-007 75 E. Pearl Avenue PIDN: 22-41-16-34-2-05-008 For questions, please call Tyler Valentine at 307-733-0440, x 1305 or email at the address shown to the left. Thank you. |
| Item #: P24-082 | |
| Planner: Tyler Valentine Phone: 733-0440 ext. 1304 Email: tvalentine@jacksonwy.gov | |
| Owner/Applicant: Crystal Creek Capital, LLC PO Box 844 Jackson, WY 83001 | |
| Please respond by: June 11, 2024 (with Comments) | |

RESPONSE: For Departments not using SmartGov, 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
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: Cache and Pearl Condominiums
Physical Address: 50. S. Cache Street, 45 and 74 E. Pearl Ave.
Lot, Subdivision: Multiple, see attached letter PIDN: Multiple, see attached

PROPERTY OWNER.

Name: CCC's Ranch Inn, LLC Phone: 307-733-4733
Mailing Address: P.O. Box 844, Jackson, WY ZIP: 83001
E-mail: mark@crystalcreekcapital.com

APPLICANT/AGENT.

Name: _____ Phone: _____
Mailing Address: _____ ZIP: _____
E-mail: _____

DESIGNATED PRIMARY CONTACT.

XXX Property Owner _____ Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; review the type of application at www.townofjackson.com/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
XXX 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 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 and select the relevant application type for submittal requirements.

Have you attached the following?

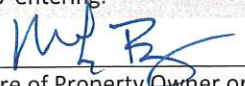
XXX **Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees. \$640⁰⁰

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 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.



Signature of Property Owner or Authorized Applicant/Agent



Name Printed

5-10-24

Date

C.O.O.

Title

Crystal Creek Capital Real Estate Advisors, LLC

P.O. Box 844 | 25 S. Willow Street, Suite 200 | Jackson, Wyoming 83001 | Telephone 307-733-4733

May 10, 2024

Town of Jackson Planning Department
Attn: Tyler Valentine
150 E. Pearl Ave
Jackson Wyoming, 83001

Re: Zoning Compliance Verification
Properties addressed as 50 S. Cache Street, 45 and 74 E. Pearl Avenue

To the Town of Jackson Planning Department:

We are asking for verification of the below listed items for the approximately 1.2-acre property at the above-captioned address, being the same property legally described, in three parcels, as Lots 10 and 11 of Block 1 of the Cache Creek Addition (PIDN: 22-41-16-34-2-05-008), Lots 12 and 13 and the South ½ of Lots 14, 15, and 16 of Block 1 of the Cache Creek Addition (PIDN: 22-41-16-34-2-05-007), and the North ½ of Lots 14, 15, and 16 of Block 1 of the Cache Creek Addition (PIDN: 22-41-16-34-2-05-006) (collectively, the "Property"). The property is owned by CCC's Ranch Inn, LLC.

This Zoning Compliance Verification ("ZCV") request is to establish the zoning, permitted use, and other items as set forth below in order to, among other purposes, induce the owner's title company to issue a zoning endorsement to its title policy.

For the purposes of the ZCV, the "Plans" shall mean those certain architectural plans prepared by Northworks Architects, designated as "Cache and Pearl Condominiums". For convenience, a copy of the first page of the Plans is attached hereto, as is a copy of the Zoning Compliance Verification letter that your office provided to Crystal Creek Capital with respect to the same property on May 11, 2021.

We are requesting verification or confirmation of the following:

1. The Property is currently zoned "Downtown Core 2".
2. Provided that the Property is developed in accordance with the Plans, the development of the Property as a mixed-use development consisting of 18 residential units and 6 commercial units is a permitted use on the Property.
3. Provided that the Property is developed in accordance with the Plans, the following items comply with the Town of Jackson land development regulations:

- a. the area, width, or depth of the Property as a building site for the improvements contemplated by the Plans;
- b. the floor space area of the Property, as contemplated by the Plans;
- c. the setbacks of the improvements, as contemplated by the Plans;
- d. the height of the improvements, as contemplated by the Plans; and
- e. the number of parking spaces, as contemplated by the Plans.

Should you have any questions regarding the above, please do not hesitate to contact me at 734-9381.

Thank you.



Mark Berry
Chief Operating Officer

ISSUE FOR PERMIT REV 4

05/08/2024

[illegible]



PLANNING & BUILDING DEPARTMENT

May 11, 2021

Mr. Jim Walter
PO Box 844
Jackson, WY 83001

RE: Item P21-062
Zoning Compliance Verification
Properties addressed as 50 S. Cache Street, 45 and 74 E. Pearl Avenue

Dear Mr. Walter:

After reviewing the files for the property referenced above and the information in your letter dated March 12, 2021, the following information is provided as requested:

1. Please confirm the zoning classification for the Ranch Inn is Downtown Core 2:

Staff Response: Yes, the subject property is zoned Downtown Core 2 (DC-2).

2. Please confirm the uses allowed under said zoning classification:

Staff Response: Allowed uses are listed in Sec. 2.2.10.C. of the LDRS and include the following. (B) denotes Basic Use Permit required, (C) denotes Conditional Use Permit required, (LO) denotes Lodging Overlay:

Residential Uses: Attached Single-Family Unit (B), Apartment (B), Dormitory (C), Group Home (C).

Lodging: Conventional Lodging (B) (LO), Short-term Rental Unit (B) (LO)

Commercial Uses: Office (B), Retail (B), Service (B), Restaurant/ Bar (B)

Amusement/ Recreation: Amusement (B), Developed Recreation (B), Outfitter/Tour Operator (C)

Institutional Uses: Assembly (C), Daycare/Education (B)

Transportation/Infrastructure: Parking (C), Utility Facility (C), Wireless Communications Facilities (B)

Accessory Uses: Accessory Residential Unit (B), Home Occupation (B), Family Home Daycare (B)

Temporary Uses: Christmas Tree Sales (Y), Farm Stand (B)

3. That the current use of the land, and all approved structures, comply with all zoning ordinances and amendments thereto with respect to the following:
- a. area, width or depth of the land as a building site for the structure;
 - b. floor space area of the structure;
 - c. setback of the structure from the property lines of the land;
 - d. height of the structure; and
 - e. number of parking spaces

Staff Response: As a general matter, given the age of the structures (approx. 1935 for art gallery; 1974 original motel; 1989 mixed-use building on Cache; and 1993-1995 for Tower 1 and Tower 2), we do not have building plans for these structures. As such, staff cannot verify without a survey provided by the applicant the exact location of the existing structures in relation to setbacks or possible encroachments into the Public ROW. For the same reason, we also do not have exact floor area calculations or height for any of the buildings, except that the Tower 1 and Tower 2 buildings are 35' in height (other than as discussed in subsection d. below). While the Teton County Assessor provides floor areas for buildings, these are estimates and are not official for LDR purposes because the assessor does not necessarily use the same definitions for floor area as does the LDRs. Thus, the best we can do is answer the above questions based on information that can be verified independently by the Planning Department or whether there have been code enforcement actions relevant to the questions.

a. area, width or depth of the land as a building site for the structure

It is not clear what information this question is seeking. However, each of the three properties exceeds the minimum lot size in the DC-2 zone of 5,000 sf.

b. Floor space of the structure

The three properties total 1.2 acres in size. With an allowed 1.3 FAR, a maximum of 67,953 sf of habitable development is allowed on all three properties. In terms of compliance of existing building on each of the three properties, this cannot be done on 50. S. Cache and 45 E. Pearl without additional information because buildings cross property lines and there is no way for staff to determine exactly how much floor area exists on each property. For 75 E. Pearl, according to the Assessor's data, the existing building contains approximately 10,452 sf, which (while not official) indicates that it is well below the approximately 19,253 sf allowed on the property by the 1.3 FAR for the two lots on which it is located.

c. Setback of the structure from the property lines of the land

The DC zone setback requirements are 0'(min.) to 5'(max) for Primary and Secondary street setbacks and 0' or 5' for rear and side setbacks. The existing buildings, except the building on 50 S. Cache, are built across internal property lines which have not been vacated as would be required today, unless a deed restriction is placed on the property to legally combine the lots for development purposes. As for front setbacks, based on review of the GIS and the available records, there are no

apparent from setbacks violations of any of the structures, although a survey would be required to be certain.

d. Height of the structure

Staff does not have accurate or current height information on the three buildings on 50 S. Cache and so we cannot offer a determinative opinion on their current state of compliance with the LDRs other than there are no known code compliance cases involving height with these buildings. In addition, because the height limit in the DC-2 has been increased from 35' to 42' if the roof pitch is less $< 5/12$ or 46' if the roof pitch is $\geq 5/12$, it is likely that all three structures comply with the current height limit. For the hotel addition done in 1993/1994 fronting E. Pearl Avenue, while there was a code compliance case in 1994 for a height violation (which the Town ultimately did not require remediation), the hotel presumably meets this higher height standard.

e. Number of parking spaces

Required parking is determined by use. The existing use of retail requires 2.25 spaces per 1,000 sf of business space. Therefore, the existing building, if entirely retail, would require $1,421 \times 0.00225$ or 3.12 spaces which is rounded up to 4 spaces. There appear to be 11 spaces on site.

4. Pursuant to the Land Development Regulation ("LDR") Section 2.2.10.DC2 Section D.1 Allowed Subdivision and Development Options allow a condominium subdivision. Our understanding is residential units, the 28 lodging units located on lots 10-13 (Tower 1 and Tower 2) and commercial units can be subdivided into condominium ownership on the subject property. Please confirm. Per LDR Section 2.2.10.DC2 Section C.1 Allowed Uses and Use Standards, conventional lodging and short-term rental units are allowed on the subject property. Please confirm:

Staff Response: The DC-2 zone allows units to be condominiumized for residential, lodging, or commercial purposes. In addition, the DC-2 zone allows conventional lodging and short-term rental units per the use table in Sec. 2.2.10.C.

5. There is a Shared Parking Agreement that satisfies the parking requirements associated with the 28 lodging units on Pearl Avenue, the retail space and restaurant space located on lots 10 – 13 ("Tower 1 and Tower 2"). Please confirm. Those parking spaces reside in the location depicted in the attached Exhibit A. Please confirm.

Staff Response: Yes, both statements are correct.

6. On August 25, 2000, Tyler Sinclair approved a shared parking agreement on lots 10-13. See attached letter on page 5. The Town of Jackson accepted a fee-in lieu payment for 18 spaces, an employee housing restriction for one 820sf one bedroom accessory apartment, and 3.38 parking credits located on Lots 10, 11, 12, and 13. It is also our understanding that the 47 on-site parking spaces that exist on Lots 10 – 13 fully satisfy all parking requirements for Tower 1 and Tower 2 uses which are:
- 28 lodging units, three apartments (one restricted),
 - 2,325 square feet of retail,
 - 3,000 square foot conference room,
 - 3,000 square foot restaurant

Please confirm

Staff Response: Yes, staff confirms the above statement.

7. The parking requirements in the LDR's have been reduced since the Tower 1 and Tower 2 buildings (Lots 10-13) were constructed and the shared parking agreement described in #5 above was approved. In summary:

- There are 47 parking spaces that serve Tower 1 and Tower 2. 18 spaces were paid as a fee in lieu, an additional 3.38 parking credits currently exist. This totals 68.38 spaces.
- Today's LDR's would require an owner to generate 52.67 spaces. An owner would continue to have the option to pay for a portion of those spaces via a fee in lieu, they can utilize credits, and would be required to build spaces too.

As a result, does Tower 1 and Tower 2 have 15.71 credits (68.38 – 52.67) that could be utilized for future development on the 1.2 acre site?

Staff Response: Not necessarily, it all depends on what the future uses are. Parking requirements for lodging rooms and short-term rental uses cannot be met with credits or fees-in-lieu because they require actual, on-site parking spaces. So, any expansion of these lodging uses would require the provision of additional on-site parking, regardless of the existence of any credits or fees-in-lieu (unless the recent reduction in parking requirements in 2016 for hotel/motel rooms creates a de-facto credit that would allow existing parking spaces to meet a limited amount of future expansion before more spaces would need to be provided).

However, to the degree that parking requirements for commercial and restaurant uses have been reduced since the time the parking agreement was approved, then, yes, any excess parking spaces (including those created by credits and fee-in-lieu) over current requirements could be considered new credits that would apply to future development of eligible uses, such as commercial and restaurants.

Staff cannot confirm the applicant's calculation of 15.71 credits because the methodology is incorrect given the different role that different uses play in this discussion as explained above.

8. Please confirm that the LDR's allow the Ranch Inn to utilize additional parking credits derived from on-street parallel parking along Pearl and Cache street frontages at a ratio of one parking credit per 22 feet of available curb space. See location for reference in Exhibit A attached.

Staff Response: Exhibit A seems to show the entire curb along Pearl Avenue as eligible for on-street parking credit. However, in fact, much of the Pearl Street curb on this side of the block is "red curb" and does not allow for on-street parking due to the needs of the Fire House across the street. These "red curb" areas cannot be used for on-street parking credits. All other non-reserved curb areas on the map are eligible for the on-street parking credits in 22' increments. See also response from Town Engineer in attached departmental reviews.

9. A proposed redevelopment of the Standard Building, Ranch Square and the Willow Gallery building ("Lots 14, 15, 16" – see exhibit A attached) allow for the following:

PO Box 1687 • Jackson, WY 83001 • 307-733-0440 or 0520 • www.townofjackson.com

- a. Parking: Using the methodology noted in #8 above and noted within the LDR's, 14 parking credits would be derived from the Pearl and Cache Street frontages (see exhibit A attached). Please Confirm.

Staff response: See staff response above to Question #9. See also response from Town Engineer in attached departmental reviews.

- b. If the lodging and retail spaces were demolished, an owner may apply 4.054 housing credits to a new development on the Ranch Inn property. Please confirm. Please confirm our understanding is accurate. Lots 14,15,16 currently contains:
- i. 29 conventional lodging units
 - ii. 5060 square feet of retail

Staff response: Based on the above information, yes, the current credit would be 4.054 units.

- c. Currently there is one deed restricted 2 bedroom unit located on Lot 10 and 11) in Tower 1 (see Exhibit A for reference). It is our understanding that this deed restriction was created to address parking requirements, yet housing requirements did not exist within the LDR's at that time. Please confirm.

Staff response: It appears that the deed restriction was recorded in 2019, well after mitigation requirements were adopted into the LDRs. The fact that the deed restriction was apparently recorded to address parking requirements and not housing mitigation requirements still means that the deed restriction is "required" and so cannot be (re)used to meet a future housing mitigation requirement (see next response).

1. If we were to redevelop Lots 14, 15, 16, would we be able to utilize this deed restricted apartment to satisfy housing requirements for these properties?

Staff response: No, existing deed-restricted units are not eligible to be reused to meet a new/additional mitigation requirement.

- d. There is one, 2 bedroom unit and one, 1 bedroom unit located in Tower 1 that do not have deed restrictions associated with them. If we were to deed restrict these free market units in accordance with the LDR's, could they be utilized when calculating housing requirements for a new development on Lots 14, 15, 16 or within the 1.2 acre site?

Staff response: Potentially. However, per Sec. 6.3.5.B, please be aware that restricting an existing unit (as proposed) to meet a housing mitigation requirement is a low-priority method (4th out of 5 options) for providing mitigation units. To be approved for method 4, the applicant would need to prove that the three higher priority methods are not feasible.

- e. Regarding property access for the proposed redevelopment area: Is the alley on the north side of the property available for vehicular and pedestrian access to the property? Are any special

requirements necessary to use this alley for access? Can we continue to use the access directly across from Bank of Jackson Hole for the new development? There are currently two entrances and exits off Pearl Avenue. If the property is redeveloped are we able to maintain the use of both entry/exits so long as those locations remain unchanged?

Staff response: Please see response from Town Engineer in attached departmental reviews. Planning Staff adds that any accesses off Pearl would need to be approved by the Town and coordinated with any new access from the alley. In terms of maintaining the two existing accesses in relation to a future redevelopment, staff cannot commit to a future approval until an application is submitted, as the future rules for vehicle access and potential changes on the streetscape along Pearl are not known at this time.

f. Our understanding is a roof top deck on existing (assuming a roof redesign) and proposed buildings are allowed, including rooftop structures ranging from a small, enclosed building area to shade canopies which cannot exceed 46 feet from the ground elevation. Please confirm.

Staff response: Rooftops decks are allowed in the DC-1 zone. However, all structural element associated with the deck (e.g., railings, structural tent components, etc.) must comply with the maximum height standard and any other applicant standards. The applicable height standard for the DC-1 zone for a flat-roofed structure (as would be applicable for a rooftop deck) is 42 feet, not 46 feet as mentioned in the question.

g. Will off-site improvements be required for utilities, infrastructure, transportation, or other facility? Specifically, if a new development does not interfere with an above ground power line, does the Town of Jackson have the right to require an owner to bury lines? If so, please provide an explanation why. Are there known limitations with utilities adjacent to this site that will limit redevelopment of the subject property?

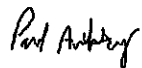
Staff response: Please see response from Town Engineer in attached departmental reviews.

h. Can a free-standing building be constructed entirely from the bonus floor area that is derived from the two to one workforce housing option?

Staff response: Yes

If you should have any further questions, please do not hesitate to contact me.

Sincerely,



Paul Anthony
Planning Director