

STAFF REPORT



Meeting Date:	August 19, 2024	Meeting Title:	Workshop Town Council
Submitting Department:	Planning Department	Presenter:	Paul Anthony
Agenda Item:	Workshop for Temporary Emergency Building Moratorium (PM24-004)	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose is for the Town Council to review and confirm the direction it provided staff on August 5, 2024, on proposed changes to the Town of Jackson Land Development Regulations (LDRs) and/or Design Guidelines to address the size of buildings in response to the 120-day emergency building moratorium adopted by the Council on June 3, 2024.

Requested Action.

Staff are requesting that the Council confirm and/or clarify its initial direction for making changes to the LDRs and Design Guidelines so that staff can draft a redline version of changes for consideration at upcoming meetings.

In addition, staff is requesting that the Council approve extending the moratorium deadline from October 1, 2024, to November 20, 2024.

Recommendation.

The Planning Director is supportive of all of the Council's initial direction presented in this staff report. A final recommendation will be provided in the next phase of the review once staff has had adequate time to fully analyze and finalize each of the proposed changes.

The Planning Director recommends approval of extending the moratorium deadline from October 1, 2024, to November 20, 2024.

Key Policy Questions.

1. Can the Council confirm (and clarify, if necessary) the initial direction it provided to staff on August 5, 2024, related to the moratorium, as summarized in this staff report?
2. Are there changes not included in this staff report that the Council would like to include to address large buildings as part of the moratorium?
3. Does the Council support extending the moratorium deadline from October 1, 2014, to November 20, 2024, to provide more time to draft and adopt changes related to the moratorium?

Background.

On June 3, 2024, the Town Council adopted Ordinance 1373 which was an emergency declaration to impose a 120-day moratorium to halt the acceptance of development applications for "large buildings." Since that time, staff has been meeting with the Planning Commission, Design Review Committee, and Council to consider and draft targeted changes to the LDRs and Design Guidelines to address the scale and character of big buildings consistent with Council direction.

Most recently, the Council met on August 5, 2024, and provided staff detailed direction that focused on the following six items:

- Maximum building size;
- Maximum use size;
- Conditional Use Permit for large buildings;
- Maximum façade width;
- 2:1 Workforce Housing Bonus
- Design Guidelines

The Council continued this moratorium discussion to the Council's regular workshop on August 19, 2024, for additional confirmation and clarification on these same items.

Review Schedule.

Below is staff's most current summary of the upcoming moratorium meeting schedule, which is subject to change based on Council action.

August (2024)

- **August 14: DRC meeting (purpose is to focus on changes to Design Guidelines)**
- **August 19: TC workshop (today's meeting)**
- **August 19: TC Regular Meeting (potentially extend moratorium deadline)**
- **August 28: PC Regular meeting (review and recommend on redline)**

September (2024)

- **September 9: TC public hearing (approve redline)**
- **September 16: TC 1st Reading**
- **September 16 – Oct. 1: 2nd and 3rd reading (Special Meetings)**

October (2024)

- **October 1 – end of moratorium (can be extended by Council if necessary)**

Staff notes that finishing all of the required ordinance readings before the October 1 deadline will be difficult without multiple special meetings and tight deadlines on staff reports. For this reason, staff recommends that the moratorium deadline be extended from October 1, 2024, to November 20, 2024. This would provide another 45+ days (and four regular Council meetings) for staff, Council, and the community to work together to finalize and adopt changes to address big buildings. Staff will ask Council for its input on this request at this workshop and if the Council is supportive then staff would present an ordinance for first reading at the Council's regular evening meeting that same day on August 19.

Analysis.

Below staff has summarized the initial direction provided by the Council to staff at the August 5, 2024, meeting. The goal of this workshop is for the Council to confirm this direction and/or clarify any items if necessary. The purpose of staff's summary is not to provide every detail or nuance of the change but to provide the core changes we heard from the Council to confirm whether we are on the right track.

In addition, we have provided a list of the items that did not make it on the proposed changes list because these items were determined to be longer-term items that need significant public outreach and/or staff time to address and so are documented for potential future action.

MAXIMUM BUILDING SIZE

Intent: To establish a clear maximum size(s) for buildings that applies in all/some areas of Town.

Council Direction:

- 40,000 sf in Downtown Area (DC-1; DC-2; CR-1; CR-2).
- 50,000 sf in Highway Corridor (CR-3).
- No change outside of these two areas – i.e., Neighborhood Low-Density -1 (NH-1); Business Park (BP); Public/Semi-public (P/SP); or single-family residential zones (already have 10,000 sf max.).
- All above ground habitable floor area and non-habitable garage floor area counts against maximum building size.

MAXIMUM USE SIZE

Intent: To consider whether certain uses have special needs to justify a higher use size (and building size) than the maximum building sizes chosen by the Council. The two uses raised by staff are hotels and 100% deed restricted housing.

Council Direction:

- 50,000 sf for hotels and 100% deed-restricted housing in downtown area (DC-1; DC-2; CR-1; CR-2)
 - This would mean that hotels and 100% deed-restricted housing could be in buildings that are 50,000 sf in size in the downtown area, more than the 40,000 sf maximum. However, no increased size would be allowed in the highway corridor for these two uses.
 - Council wanted to make sure that “hotel” use would be defined to clearly limit the total amount of amenity space (i.e., not hotel rooms) that is allowed, such as restaurant, spa, gift shop, etc.
 - Also need to better define a “hotel room” to clearly distinguish it between a short-term rental unit. This may also require that we establish maximum size of an individual hotel room and/or short-term rental unit.

- Staff will likely recommend that we allow a certain small percentage (e.g., 10%) of non-residential floor area be included with deed restricted housing to allow for ground-level commercial uses (e.g., King Street Condos and 105 Mercill).

CONDITIONAL USE PERMIT (CUP) REVIEW FOR LARGER BUILDINGS

Intent: *To require public review by the Planning Commission and Council for large buildings to address any significant negative impacts to the public and neighbors from a specific large project. A CUP process would allow addition of conditions of approval and greater scrutiny by staff, Council, and the public, including the use of 3rd-party experts/consultants when necessary.*

Council Direction:

- Require a CUP for projects that exceed a certain size (four town lots (30,000 sf) was offered as one possibility).
 - The list of issues/impacts that the CUP would be designed to address include: Traffic, groundwater, historic preservation, stormwater, landscaping, public space, and lighting.
 - Staff's is comfortable with the four-lot threshold for a CUP but will also further consider a smaller 3-lot threshold as a possibility.
 - Staff will also consider whether additional substantive standards need to be adopted to clarify the purpose of the CUP and provide clear guidance for landowners, the public, and town officials so they know what to expect from the process.

MAXIMUM BUILDING FAÇADE LENGTH

Intent: *To establish a maximum length for a building façade along a street to reduce the perceived scale of the building. This would prevent, for example, a building from spanning the entire length of a block.*

Council Direction:

- Maximum facade length: 150' – 200' in the Downtown area.
 - Need to propose additional specific standards for corner lots because they have two street frontages and so can have greater visual impacts.
- Maximum facade length: 200' – 300' in highway corridor (if located within first 100' of street ROW).

2:1 WORKFORCE HOUSING BONUS

Intent: *To make targeted changes to the 2:1 Workforce Housing Bonus to reduce its role in creating large buildings.*

Council Direction:

- To require all 2:1 floor area (both market units and deed restricted units) to be located on site.

- To not exempt 2:1 bonus floor area from the newly adopted maximum building size limits.
- To not exempt 2:1 bonus floor area from development review thresholds.

DESIGN GUIDELINES

Intent: To amend the Design Guidelines to provide better clarity, predictability, and “teeth” for review of large buildings. A more comprehensive update of the Design Guidelines may be appropriate but that should wait until after the moratorium.

Council Direction:

- Council supported the initial recommendations (see immediately below) provided by the DRC. These recommendations will be updated by the DRC in their August 14 meeting and staff can update the Council on any changes at the workshop on August 19.
 - **Large individual buildings:** Add direction that the larger the building the larger the required architectural changes will need to be (e.g., roof changes, additive and subtractive elements, etc.). Higher design standards will apply to larger buildings to address mass and scale.
 - **Multiple adjacent buildings:** Add text that adjacent buildings cannot look the same (cannot repeat same design) and then provide guidance on factors to make buildings different (materials, windows, roofs, general design, etc.).
 - **Neighborhood Context:** Add text that clarifies that building design must better address neighborhood location/context.
 - **Exterior Materials:** Clarify that exterior materials need to have integrity, be authentic, and not mimic other materials (e.g., vinyl that imitates wood).

Items not included in Council direction but documented for potential future action:

- Full update of 2:1 Workforce Housing Bonus tool
- Full update of the Design Guidelines
- Comprehensive Plan full update
- Addressing of secondary impacts of big buildings (traffic, jobs, environmental, etc.)
- Addressing unintended consequences of LDRs on our community goals
- Sustainability standards in LDRs (reduce GHGs/landscaping) and possibly building code
- Reconsideration of our form-based standards in LDRs.
- Consideration of context sensitive standards
- Consideration of establishing a maximum development site size

Council may consider and direct staff to address some of these items at this time.

Public Comment.

No public comment on this item has been received by staff since the Council’s August 5, 2024, regular meeting.

Fiscal Impact.

No fiscal impact is identified at this time.

Staff Impact.

The amount of staff time to draft and present this staff report is approximately 8 hours.

Attachments or Links.

Staff Report from August 5, 2014, Council regular meeting

Suggested Motion.

I move to direct Staff to prepare a redline draft of the recommended amendments to the Land Development Regulations and Design Guidelines as provided in this staff report, dated August 19, 2024, and as provided in the Council's discussion in this workshop.

STAFF REPORT



Meeting Date:	August 5, 2024	Meeting Title:	Town Council Regular Meeting
Submitting Department:	Planning Department	Presenter:	Paul Anthony
Agenda Item:	Temporary Emergency Building Moratorium (PM24-004)	Public Comment:	Yes

This item was continued by the Council at the Planning Commission/Town Council Joint Workshop on July 15, 2024. This staff report and review packet are the same as the ones presented for that Joint Workshop. The meeting on August 5 is for the Council only. Staff will continue to facilitate the Council's discussion of potential changes to the Land Development Regulations and Design Guidelines to address the goals of the moratorium on large buildings. Please note, however, that staff has included the Design Review Committee's recommendations in the nine summary tables and has updated the moratorium hearing schedule below to better estimate the evolving final review schedule.

Purpose & Policy Considerations.

The purpose is for the Planning Commission and Town Council to consider changes to the Town of Jackson Land Development Regulations (LDRs) and/or Design Guidelines to address the size of buildings in response to the 120-day emergency building moratorium adopted by the Council on June 3, 2024.

Requested Action.

Staff are requesting that the Council, in consultation with the Planning Commission, provide direction on its preferred options for making changes to the LDRs and/or Design Guidelines to address the current building moratorium. Staff will use this feedback to create a redline draft of changes for consideration at upcoming meetings.

Recommendation.

The Planning Director has provided initial recommendations and analysis for each topic in the body of this staff report.

Key Policy Questions.

1. Does the Council agree with the recommendations provided by Staff and the Planning Commission in this staff report?
2. Are there changes not included in this staff report that the Council would like to address?

Background.

On June 3, 2024, the Town Council adopted Ordinance 1373 which was an emergency declaration to impose a 120-day moratorium to halt the acceptance of development applications for "large buildings." More specifically, the adopted language stated the following:

"A moratorium is imposed on the submission and acceptance of applications to create, add, or change the use of the habitable floor area pursuant to the Town of Jackson Land Development Regulations for non-residential buildings larger than 35,000 habitable square feet in habitable floor area within the Commercial Residential – 1 (CR-1), Commercial Residential – 2 (CR-2), Commercial Residential – 3 (CR-3), Downtown Core – 1 (DC-1), and

Downtown Core – 2 (DC-2). During the term of this moratorium, the Town will continue to accept, review, and process applications for non-residential buildings within all other zones.”

The adoption of the emergency ordinance created a short timeline for staff, the community, and decision makers to consider, draft, and adopt amendments to the LDRs and, if necessary, the Design Guidelines. Even so, the Town will follow all required and regular procedural requirements to make these changes, including having three readings to approve any LDR text amendments. The three readings cannot be done in less than a 10-day period. The 120-day moratorium expires on October 1, 2024, unless the Council extends the moratorium period through another emergency ordinance.

To help ensure the Town meets its deadlines for the moratorium, the Council approved the below moratorium review schedule on June 17, 2024. *[Note that staff has updated this schedule to better reflect recent changes to the meeting timeline]*

July (2024)

- **July 10: DRC workshop**
 - Purpose is to discuss and provide recommendations on LDR/Design Guidelines amendments.
- **July 15: TC/PC joint workshop**
 - Purpose is to discuss and provide recommendations on LDR/Design Guidelines amendments.

August (2024)

- **August 5: TC Public hearing (Council continues discussion from July 15 Joint TC/PC workshop)**
- **August 14: DRC meeting**
- **August 19: TC Workshop (if needed)**
- **August 21 (+ 22th if necessary): PC public hearing**
 - Purpose is to review redline draft of proposed LDR/Design Guideline changes and make final recommendations.

September (2024)

- **September 9: TC Public hearing**
 - Purpose is to review redline draft of proposed LDR/Design Guideline changes and approve changes.
- **September 16: TC 1st Reading**
- **September 16 – October 1: TC 2nd and 3rd Reading [Special Meetings]**

October (2024)

- **October 1 – end of moratorium** (can be extended by Council if necessary)

[NOTE: This schedule may be modified by the Council as necessary to include additional meetings and/or extend the moratorium period.]

The Planning Commission held a workshop on this item on June 25, 2024, and provided initial recommendations on most of the primary topics discussed in this staff report. These initial recommendations are provided below in the ‘Analysis’ section of the staff report.

The Design Review Committee (DRC) held a brief workshop on this item on June 12, 2024, but will hold a full workshop on July 10, 2024. Because the July 10 workshop predates the publishing of this staff report, the DRC's recommendations cannot be included in this report but will be shared during staff's presentation at the joint workshop on July 15.

Analysis.

The goal of this workshop is for the Council, in consultation with the Planning Commission, to provide staff with initial recommendations on ways to address large buildings in sufficient detail that staff can then produce a redline draft of proposed changes to the LDRs and (perhaps) the Design Guidelines. These changes would then be reviewed by the Commission and Council according to the schedule provided above. The Planning Commission has already largely done this exercise which will assist Council in providing staff direction. In addition, this joint workshop will allow the Council to benefit by hearing directly from Commission members on why they did or did not support certain changes.

As has been discussed previously on this topic, after the Town made significant changes to the LDRs to incentivize higher-density, workforce housing (including deleting nearly all maximum building size limits and adding the 2:1 Workforce Bonus), the result was that much larger buildings became more common in both downtown and the highway corridor. The attached staff report from the Council's November 23, 2023, discussion on "big buildings" summarizes these changes in more detail. It also provides photos and sizes of various buildings from around town to help visualize the scale and character of various well-known buildings. Ultimately, for the moratorium, the Council will need to decide which aspects of large buildings (e.g., total floor area, the use, the exterior look/architecture, neighborhood context, off-site impacts, etc.) are the issues that matter most and then what immediate LDR and Design Guideline changes they want to make to address those issues.

Staff understand that many of the topics included in this staff report may involve technical jargon and seem complex. For this reason, staff recommend that the boards leave the technical details to staff for now and focus instead on providing clear direction on the higher-level policy changes presented in this staff report. This approach will give the Town the greatest chance to move through the review process efficiently, address the issue(s) and meet the 120-day deadline.

A common theme that will be raised frequently is whether a certain change is something that should be done now as part of the moratorium process or is a larger change that should be considered in the future as part of more comprehensive discussion. It is staff's understanding that the purpose of the moratorium is not to fully "solve" the big building issue now but to implement quick and effective changes that will reduce the size of buildings in a reasonable manner with the knowledge that a more thorough and comprehensive future review of larger issues identified during the moratorium review process may be necessary. Many of these larger issues are specifically called out below so they are documented for potential future action.

It is important to note too that staff's focus for the staff report is on changes that directly address the size of buildings and not on changes that may address secondary or off-site impacts of large buildings. For example, issues related to possible environmental, traffic, or other similar impacts of large buildings are certainly worthy of discussion but are best addressed as part of a more in-depth analysis that would likely require the

coordination and expertise of many different Town departments. Such efforts may require more time than is available for the moratorium effort. Along those lines, however, the Council should know that the Regional Transportation Planning Administrator, Charlotte Frei, is currently working to develop a Traffic Impact Study (TIS) program that would require projects of a certain size (i.e. including large projects) to conduct a thorough traffic analysis and then implement mitigation measures (i.e., a Transportation Demand Management Plan) as necessary.

To facilitate the workshop discussion, staff has provided below many of the same potential LDR changes that were discussed recently as part of the previous “big building” review. Some additional topics have been included and there may be options beyond those listed that can be discussed. The purpose is not to return to the previous discussion (although we have provided that November 23, 2023, staff report for important context) but to move that conversation forward from mere consideration of possible changes to clear agreement on specific changes to be considered for adoption.

In that spirit, it is staff’s intent to facilitate the workshop generally as follows:

- Staff presents background and context on why we are seeing more large buildings in Town;
- Staff presents the recommendations supported by either the Planning Commission or Staff from the nine primary potential LDR/Design Guideline changes contained in this staff report;
 - This means that staff will not present changes that did not receive any support from either the Commission or staff. The Council may, of course, choose to raise any of these changes for discussion.
- Council asks clarifying questions of staff on the potential changes;
- Public comment is taken;
- Council discusses and analyzes potential changes and rely on the Planning Commission for explanations of their recommendations and for general feedback.
- Staff asks Council to straw poll each change under discussion to clearly indicate which items should move forward to a redline draft for future consideration;
- Council makes a motion directing staff to prepare text amendments for presentation to the DRC and PC for recommendation and for Council final consideration.

Below, staff has provided a summary of each item that includes the intent of the change, pros and cons, recommendations from both the Planning Commission and Planning Director, and commentary to help explain the recommendations if necessary. Green text is used to designate a positive recommendation, yellow text for an undecided recommendation, and red text for a negative recommendation. Items that receive support will be drafted into a redline set of changes for future consideration and action by the Commission and Council.

TOPIC 1: MAXIMUM BUILDING SIZE

Intent: *To establish a maximum size for buildings that applies to buildings in all/some zones. Boards should discuss whether it applies to residential and/or commercial buildings. Exceptions should be discussed for certain special or unique uses (e.g., deed restricted housing, hotels, etc.).*

For context, the pre-2016 LDRs limited buildings to the following sizes:

Zone	Maximum Building Size (above ground)
CR-1, CR-2, DC-1, DC-2, TS-1, TS-2, and BP	15,000 sf
CR-3	15,000 sf but 50,000 sf with CUP
Lodging Overlay	35,000 sf with CUP; 90,000 sf of lodging use allowed if in multiple buildings
P/SP	None

- **Pros:** Most direct, simple, and clear way to regulate building size.
- **Cons:** Could be overly simplistic in some cases, might need some exceptions.

	Recommendation (max. building size)	Comments
Planning Commission	<ul style="list-style-type: none"> • YES, Town needs it • Should be different by zone (downtown versus highway corridor) • Use FAR definition of floor area (i.e., only <u>above ground, habitable floor area counts</u> -- habitable basements and garages do not count) 	PC did not finalize discussion on whether deed-restricted units or 2:1 units should count against limit or whether limit should apply to both residential and commercial buildings.
Planning Director	<ul style="list-style-type: none"> • YES, agrees with PC direction • Should apply to <u>both</u> residential and commercial buildings • Recommend that deed-restricted units and 2:1 units count <u>against</u> building size limit • May want to exempt only one level of habitable basement (i.e., not 3 levels) • Recommended maximum building sizes: <ul style="list-style-type: none"> ○ DC-1; DC-2; CR-1; CR-2 = 40,000 sf ○ CR-3 = 50,000 sf ○ NH-1: N/A ○ All other zones: N/A 	<ul style="list-style-type: none"> • Need to have standards to make clear how architecturally different new adjacent buildings must be from each other (i.e., can't just build same buildings next to each other). • 40,000 sf limit was based on full development of 4 downtown DC lots at a 1.3 FAR. • 50,000 sf limit in CR-3 is because buildings can be bigger on highway and this was previous maximum use size.
Design Review Committee	<ul style="list-style-type: none"> • 50,000 sf within Downtown Design Overlay • 60,000 sf outside of DDO but still in downtown • 60,000sf – 70,000sf (Highway corridor) • Includes all floor area above ground – both habitable and non-habitable • NH-1 and P/SP: none 	
Town Council	TBD	

TOPIC 2: MAXIMUM USE SIZE

Intent: To establish a maximum allowed size of an individual use (e.g., retail, office, restaurant, lodging) within a building. Would likely be done with different use size limits in different zones. The purpose is to prevent or

deter “big box” retailers or chain stores or chain lodging. This standard is already used in our two Town Square zones which limit retail/service/restaurant uses to 12,500 sf and in the CR-3 zone which limits the same uses to a maximum of 50,000 square feet.

- **Pros:** Can be effective at preventing chain stores and lodging (large and small).
- **Cons:** Does not really impact building size, especially if already have max. building size limit. Can be difficult to enforce. Probably only needed in certain zones. Perhaps best addressed as a topic for another day.

	Recommendation (max. use size)	Comments
Planning Commission	• NO	PC felt this was not necessary for purposes of the moratorium and would be hard to enforce.
Planning Director	• 50,000 sf for hotels in Lodging Overlay	• 50,000 sf for hotels is based on fact that hotels have certain needs for economies of scale. Previous LDRs allowed up to 90,000 sf for hotel use if in multiple buildings. This size is about 20,000 sf less than Ranch Inn redevelopment.
Design Review Committee	• 50,000sf for hotels in Lodging Overlay • 60,000sf - 70,000sf (Highway corridor) for all uses • Did not discuss size limits on Retail/Service/Restaurants	
Town Council	TBD	

TOPIC 3: GREENSPACE (LSR) OR LANDSCAPING REQUIREMENTS

Intent: To change or increase existing greenspace/landscaping requirements to better mitigate impacts of large buildings. For example, could require more greenspace or trees as buildings get larger.

- **Pros:** Increased landscape buffers could help soften appearance of large buildings and offer more space for trees and other greenery.
- **Cons:** This strategy would be most applicable in our less dense zones, such NH-1 and CR-3, because they have more required greenspace area and so more options for adjusting/increasing landscaping (i.e., downtown lots have little, if any, landscaping requirements this tool would be of very limited value). In addition, this type of strategy could be complex to draft standards and to then regulate. Might be simple for first building but could be difficult to apply when site undergoes redevelopment or modifications, which is common.

	Recommendation (landscaping requirements)	Comments
Planning Commission	• NO	PC did not feel current landscaping standards are a significant problem in the context of large buildings. Not clear how this would be written.
Planning Director	• NO	Agrees with PC

Design Review Committee	• Did not discuss	
Town Council	TBD	

TOPIC 4: CONTEXT SENSITIVE STANDARDS

Intent: To provide standards that would require new large buildings located adjacent to smaller existing buildings to adjust their design to better “blend” with and not overwhelm smaller buildings. For example, such standards might require a larger building to “step down” by a full story or more next to the smaller building or modify window/balcony placement to minimize impacts on privacy of adjacent neighbor.

- **Pros:** Can be an effective strategy to mitigate the immediate impact of a large new building(s) in areas where significant redevelopment is happening.
- **Cons:** Is complex to draft and requires much “site specific” and ad-hoc review to implement because it treats buildings within the same zone differently. It can also seem to penalize new buildings in an area because future buildings in same area/block may be treated with more flexibility (i.e., each new building changes the “context” so standards tend to get less restrictive as each new larger building allows the next building to get a littler larger).

	Recommendation (context sensitive standards)	Comments
Planning Commission	• NO	PC felt that each building within the same zone should be treated the same. Too subjective.
Planning Director	• NO	Agrees with PC
Design Review Committee	• NO	But see recommendations for some changes to Design Guidelines to better address existing development context.
Town Council	TBD	

TOPIC 5: MAXIMUM DEVELOPMENT SITE SIZE

Intent: To establish a maximum site/property size that could be developed as one project. The goal would be to limit the size of new buildings indirectly by limiting how many lots could be aggregated into one development site because maximum floor area is currently determined by site size through our FAR standard (i.e., FAR is a ratio where development potential of a property increases as the size of a property increases (e.g., a 0.4 FAR means that the maximum allowed floor area is 40% of the site area – so a 10,000 sf site with a 0.4 FAR gets 4,000 sf of development potential (or 6,000 sf for a 15,000 sf lot). Also, different zones get a different FAR ratio based on how much development is deemed appropriate for that location. For example, a higher FAR of 1.3 is provided for the DC zones than for the CR-3 zone at a 0.4 FAR).

- **Pros:** Would limit the ability of developers to aggregate large sites over time and with deep pockets to create large sites with larger buildings. Could be paired with maximum building size limit, or not.
- **Cons:** Novel idea that has not been tried by many (any?) other communities so we would need to invent a new program, which comes with greater risk of unintended consequences. Legal

complications concerning ownership (shifting LLCs) when multiple adjacent sites are owned by same apparent person/entity.

	Recommendation (max. site size)	Comments
Planning Commission	• NO	PC felt that this would be hard to regulate and could become a legal game of ownership and site definition – i.e., how to distinguish between two adjacent sites when under common ownership and developed as similar/same projects.
Planning Director	• NO	Agrees with PC
Design Review Committee	• NO	
Town Council	TBD	

TOPIC 6: CONDITIONAL USE PERMIT (CUP) REVIEW FOR LARGER BUILDINGS

***Intent:** To require public review by the Planning Commission and Council for large buildings. The rationale is that the CUP process would give the Council greater discretion to add conditions to (and possibly deny) a project to mitigate negative impacts to the public and neighbors. Also gives the public greater say in the review of large buildings. The pre-2016 LDRs had a CUP process to allow larger buildings in certain zones.*

An alternative to this option would be to decrease the general thresholds for development review so that smaller commercial and residential buildings would require public hearings with the Planning Commission and Council. Currently, most development thresholds for most zones are set at full development of two downtown lots (anything more than two lots typically requires a Development Plan and public review). However, to incentivize workforce housing, the LDRs exempt all deed restricted floor area and all 2:1 floor area which can result in very large buildings that do not require public hearings. The solution would be to remove some (or all) of these exemptions for workforce housing but that would raise broader policy implications.

- **Pros:** A CUP requirement would give the public and, ultimately, the Council greater ability to scrutinize large buildings through a site-specific review. Could also provide basis for denial if the impacts of the use of the building are not properly addressed.
- **Cons:** All buildings over 20,000 sf already undergo public review (excluding floor area dedicated to deed restricted units or the 2:1 bonus) because they trigger a Development Plan, so adding a CUP review is of limited value unless it is triggered below 20,000 sf. On a more technical note, CUPs are intended to address the impacts of the use itself (e.g., off-site traffic) and are not designed to address the physical impacts of a new building itself, which is the focus of the current moratorium on “big buildings.” Also, any additional process would need to be coupled with additional clear standards by which large buildings would be reviewed so that all parties -- landowners, public, and decision makers -- know what to expect from the additional CUP process.

	Recommendation (CUP for big buildings)	Comments
Planning Commission	• YES	PC stated that putting larger buildings through additional public review, such as a CUP process, would be beneficial because it would allow the public to participate and allow the Council require conditions to mitigate certain impacts. PC did not discuss changing the Town's general development review thresholds that trigger public hearings.
Planning Director	• NO	Staff is concerned that adding public process, such as a CUP, would be time consuming, possibly confusing, and of limited value, especially if the project already requires a Development Plan. Alternatively, the Council may want to consider modifying (decreasing) the general development thresholds in the LDR so that buildings below 20,000 sf would now require public hearings.
Design Review Committee	• Did not discuss	
Town Council	TBD	

TOPIC 7: MAXIMUM BUILDING FAÇADE LENGTH

Intent: To establish a maximum length for any building façade along a street. In simple terms, this standard would limit the total length of a building adjacent to the street. Since most people experience the size of a building by how large its facade appears on a street frontage, limiting the length of the building should significantly reduce the perceived scale of the building. The key is to determine what the maximum façade length should be (see Planning Director recommendation below). This standard would allow the “back” of buildings to be longer than the street façade because such areas are not generally visible to the public, other than from alleys.

- **Pros:** Would limit building mass where most people see and perceive that mass – on the street frontage. It could be used to prevent a building from occupying the entire length of a town block, which many people find objectionable.
- **Cons:** Could argue that it is not necessary if the Town adopts a restrictive maximum building size. This is not a common standard so staff would likely need to draft it from scratch, with the usual risks of unintended consequences if not properly drafted.

To help the Council better evaluate this issue, the below table provides the primary façade lengths of many familiar large buildings in the Town:

Project	Façade length (street frontage)
Glenwood Gill Condo	200' (Phase 1); 300' (Phase 1 and 2) (Glenwood)
Wort Hotel	200' (Glenwood); 140' (Broadway)
Cloudveil Hotel	180' (Center)
Hidden Hollow (large buildings)	71' wide x 340' long (Hidden Hollow Drive)
105 Mercill housing project	145' (Mercill)
175 S. Glenwood	150' (Glenwood)
Springhill Marriott Suites	300' (Simpson); 150' (Glenwood/Millward)
Mogul Hotel (proposed)	400' (N. Cache); 130' (Perry);
Creekside Deli (building)	220' (N. Cache)
TJ Maxx building	260' (W. Broadway)
49er Motel	200' (W. Pearl)
Staples building	250' (W. Broadway)
Sagebrush Apartments	290' (W. Broadway)
Virginian Motel	250' (W. Broadway)
Hillside Building (Sidewinders)	300' (W. Broadway)
Gables Apartments (new)	175' (S. Hwy 89 / Hwy 22)
Target	300 (S. Hwy 89); 225' (Maple Way)
Jackson Street Apartments	135' each building (Hansen)

	Recommendation (max. building façade length)	Comments
Planning Commission	<ul style="list-style-type: none"> NO 	PC that this standard was not necessary if max. building size is adopted. Also might too restrictive on design.
Planning Director	<ul style="list-style-type: none"> YES Maximum building façade length should be 200 feet (equal to 4 regular Town lots) Maximum façade length would apply up 75' deep into the lot. 	<ul style="list-style-type: none"> Staff finds that preventing buildings from spanning an entire block (often 6 lots) is important. Standard would complement max. building size limit because that standard limits overall building mass while this standard limits the size of the most visible part of the building which is the street facade. For context, Cloudveil Hotel's Center Street facade is approx. 190 ft in length, the Wort Hotel's Glenwood facade is 200 ft long, and the Ranch Inn redevelopment is 350' long on Pearl Street.
Design Review Committee	<ul style="list-style-type: none"> 100' - 150' (downtown) Approx. 200' - 300' (highway corridor) if building is located in first 100' of site but no limit beyond that. Did not discuss depth of building standard 	
Town Council	TBD	

TOPIC 8: 2:1 WORKFORCE BONUS (DO NOT EXEMPT FROM MAXIMUM BUILDING SIZE)

Intent: The 2:1 Workforce Housing Bonus in LDR Sec. 7.8 allows landowners to exceed the maximum allowed FAR for a property. While often used for relatively small increases, it has been used in some cases to more than double the size of a building. As such, it can be a significant contributor to large buildings. The 2:1 Bonus has also been the subject of a broader criticism that it may be too generous to landowners while not providing enough public benefit through the workforce deed restricted units. The question for the moratorium review is not to fix the 2:1 bonus (that is for future conversations) but to decide whether the Town should make any targeted changes to the 2:1 bonus to directly address its role in creating large buildings.

Staff is proposing to not exempt 2:1 bonus floor area from a maximum building size limit (if approved per Topic 1) or from development review thresholds and to require all 2:1 floor area (both market units and deed restricted units) to be located on site

- **Pros:** By not exempting the 2:1 Workforce Bonus from a maximum building size limit (see Topic 1) or our general development thresholds and requiring all 2:1 units to be located on site, the Town can ensure that there are no “loopholes” to the maximum building size. This will provide the community predictability. It would still provide balance between promoting workforce housing and meeting community character goals.
- **Cons:** Staff recommendation would partially disincentivize use of the 2:1 bonus because it would no longer be exempt from all floor area limits in the LDRs. It might also exclude the 2:1 from the DC zones.

	Recommendation (2:1 bonus)	Comments
Planning Commission	<ul style="list-style-type: none"> • Still under consideration 	PC had a broad discussion on the 2:1 bonus but did not yet agree on clear changes at this time. They wanted to know whether 2:1 floor area would count against any new max. building size limit. They generally agreed that most of the needed changes to 2:1 should probably be addressed in a future conversation. Additional discussion needed.
Planning Director	<ul style="list-style-type: none"> • YES • Require all 2:1 floor area to be on site • 2:1 is NOT exempt from maximum building size (See Topic 1) or development review thresholds (but does not apply to NH-1 zone). <p><u>Potential future changes:</u></p> <ul style="list-style-type: none"> • Change 2:1 ratio (e.g., make 1:1) • Change deed restriction from workforce to affordable • Change zones in which it is allowed • Cap how much can be used on site 	<ul style="list-style-type: none"> • Recommended changes are relatively simple to draft and enforce and do not get into the more complex financial aspects of the 2:1 incentive better suited for a future conversation. • By counting 2:1 floor area as part of the maximum building size, the 2:1 cannot make a building bigger than our desired limit. This addresses one current problem which is that the 2:1 bonus “fill the box” standard adds an unpredictable amount of floor area to each building that can be much bigger than the base FAR.

		<ul style="list-style-type: none"> As proposed, if 40,000 sf max. building size is adopted in DC zones, this would effectively eliminate 2:1 as option in DC zones because 40,000 sf equals the entire allowed based FAR in the DC zones, but in CR-1/CR-2 zones this would allow approx. 16,000 sf of 2:1 bonus to be used because base FAR allows 24,000 sf of development. Finally, in the CR-3 zone 18,000 sf would be allowed for the 2:1 bonus for the same sized lot.
Design Review Committee	<ul style="list-style-type: none"> Did not discuss 	
Town Council	TBD	

TOPIC 9: DESIGN GUIDELINES

Intent: To amend the Design Guidelines to provide better clarity, predictability, and “teeth” for review of large buildings. In particular, Section C.3 Volume Complexity should be the focus of changes during the moratorium. A more comprehensive update of the Design Guidelines may be appropriate but that should wait until after the moratorium.

- Pros:** Until the DRC provides its recommendation at their July 10, 2024, meeting, no specific changes are recommended yet. However, in general, the goal would be to make targeted amendments to the Design Guidelines that work in tandem and augment whatever LDR amendments are adopted to address large buildings.
- Cons:** Until the DRC provides its recommendation at their July 10, 2024, meeting, no specific changes are recommended yet. Staff does not anticipate any drawbacks to making targeted changes to the Design Guidelines provided that the focus stays on the goals of the moratorium only.

	Recommendation (2:1 bonus)	Comments
Planning Commission	<ul style="list-style-type: none"> Still under consideration, but defer mostly to the Design Review Committee (DRC) 	<ul style="list-style-type: none"> PC had a broad discussion about the relationship between the LDRs and Design Guidelines. General consensus was that even if various new LDRs were adopted to address big buildings, there may still need to clarify and strengthen Design Guidelines to address the visual character and massing of big buildings. PC generally felt that the Guidelines need a comprehensive update because they are outdated. They also agreed that such an update should be done in the future and that only targeted changes for the moratorium should be made now. There was some discussion on having a 1st and 2nd story stepback requirement to help break up buildings but no consensus.

Planning Director	<ul style="list-style-type: none">• Still under consideration. The DRC will meet on July 10, so it has not provided recommendations as of this writing.	<ul style="list-style-type: none">• Staff would like to wait to hear from the DRC before making any formal recommendation. Staff will share DRC recommendations at the July 15 workshop.• In general, staff finds that the two biggest needs in the Design Guidelines are to clarify rules for 1) breaking up the mass of a single, large building and 2) better distinguishing between multiple buildings on same site or adjacent sites (i.e., can't repeat same building three times in a row).
Design Review Committee	<ul style="list-style-type: none">• Adjacent buildings: Add text that adjacent buildings cannot look the same (cannot repeat same design) and then provide guidance on factors to make buildings different (materials, windows, roofs, general design, etc.);• Large buildings: Add direction that the larger the building the larger the required architectural changes will be (e.g., roof changes, additive and subtractive elements, etc.); Higher design standards apply to larger buildings to address mass and scale.• Context: Add text that clarifies that building design must better address location/context.• Materials: Clarify that exterior materials need to have integrity, be authentic, and not mimic other materials (e.g., vinyl that replicates wood).	<ul style="list-style-type: none">• Consensus that proposed LDR changes that reduce building size will significantly reduce "stress" on Design Guidelines but that changes are still necessary (see recommendations).
Town Council	TBD	

Public Comment.

No public comment on this item has been received by staff at the time of this report.

Fiscal Impact.

No fiscal impact is identified at this time.

Staff Impact.

The amount of staff time to draft and present this staff report is approximately 30 hours.

Attachments or Links.

Staff Report from Planning Commission Workshop, December 12, 2023.

Design Guidelines - excerpts

Suggested Motion.

For Council:

I move to direct Staff to prepare a redline draft of the recommended amendments to the Land Development Regulation as listed below:

1. Require maximum building size limits as provided in the Planning Director recommendation for Topic 1 above;
2. Require a maximum use size limit for hotels as provided in the Planning Director recommendation for Topic 2 above;
3. Require a maximum building façade length as provided in the Planning Director recommendation for Topic 7 above;
4. Require changes to the 2:1 Workforce Bonus as provided in the Planning Director recommendation for Topic 8 above;
5. Require changes to the Design Guidelines as provided by the Council during this meeting, dated August 5, 2024.

STAFF REPORT



Meeting Date:	December 12, 2023	Meeting Title:	Workshop Planning Commission
Submitting Department:	Planning	Presenter:	Paul Anthony
Agenda Item:	P23-180 Work Plan item to review potential tools to address large buildings	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose is to have the Planning Commission to provide initial direction to staff and the Council on whether changes to the Town Land Development Regulations (LDRs) are necessary to address the size, mass, and design of new buildings in the Town.

Requested Action.

This item is an annual Work Plan project for the Planning Department approved by the Council for FY24. The origin of this project stems from questions and concerns from the Council regarding the potential negative impacts of increasingly large commercial and multi-family buildings being constructed in the Town, especially in the downtown area and along the highway corridor. Recent projects such as the Sagebrush Apartments, The Loop, the Ranch Inn redevelopment, and the Cloudveil Hotel all present different development contexts, potential concerns, and architectural designs related to large buildings. Please note that this project is not intended to address "large" single-family homes in residential neighborhoods (this may be a future Work Plan item). In summary, this project is intended to identify the problem with big buildings (if any), explore possible solutions to those problems, and then draft and adopt LDR amendments to implement the desired outcomes.

This workshop is the first step in the process where staff is asking the Planning Commission to provide initial guidance to staff and the Council on the nature of the problem (if you, in fact, believe there is a problem) and discuss some conceptual strategies to address big buildings. Based on the feedback provided at this workshop, staff will come back with a much more detailed menu of options for future Planning Commission consideration. The Council discussed this item at a workshop on November 13, 2023. At the conclusion of the Council's discussion they directed staff to bring this staff report (i.e., same information, key policy questions, etc.) to the Commission and Design Review Committee (DRC), and then to bring the item back to the Council with your input for further refinement. They did this because they wanted to get the PC's and DRC's ideas and concerns on big buildings without too much direction or influence from the Council itself. In that light, staff will not provide a detailed summary of the Council's discussion other than to say that the Council generally seemed in agreement that some LDR changes are necessary to address big buildings but that more work needs to be done to clarify the ultimate outcomes we desire before we can move on to next steps.

Recommendations

Staff does not have a formal recommendation at this time because the task has still yet to be fully defined but staff has prepared questions and information for the Planning Commission's consideration.

Background.

The size, mass, and design of buildings in the Town are controlled primarily by the Town's LDRs and Design Guidelines. In simple terms, the LDRs place limits on the maximum height, floor area, number of stories, and other important characteristics of new buildings in Town. The Design Guidelines do not impose strict limitations on buildings but they do provide architectural guidance and best practices to ensure that a minimum level of architectural quality and consistency is achieved for all commercial and larger residential buildings.

Relevant to this discussion, it is important to understand that the Town made significant changes to the LDRs since 2015 as part of the “LDR Update” process required to implement the 2012 Comprehensive Plan that provided an updated vision for the community. Among the many changes, a new menu of zone districts was adopted to replace the 1994-vintage zone districts. While the new districts included many of the same standards as the previous districts, a number of important changes were made that affected the potential size and design of new structures. A primary motivation behind many of these changes was to incentivize workforce housing by reducing barriers to high-density buildings that had been identified by housing advocates and private developers alike (e.g., lack of by-right development, predictability, and incentives, etc.). These were the reasons so few multi-family buildings had been developed in the previous 20+ years. While the regulatory changes focused mostly on multi-family housing, the changes applied to large new commercial development as well.

Below is a summary of some of the most relevant LDR changes (since 2015) that can impact overall building size:

- **Maximum building size:** The Town eliminated the previous maximum building size limits in the LDRs as shown in table below (the one exception is that the Town Square -1 (TS-1) zone still has a 15,000 sf maximum building size).

Maximum Building Sizes Before 2015		
Zone	Max. Bldg Size	Max size with CUP
UC/UC-2	15,000 sf	35,000 sf
AC	15,000 sf	50,000 sf
Lodging Overlay (AC, UC, UC-2)		35,000 sf (also set 90,000 sf use max. if hotel located in more than one building)

The justification for removing the maximum building sizes was not only to financially incentivize workforce housing but a belief that new “form-based” standards, combined with the Design Guidelines, would effectively control and mitigate the size of larger structures.

- **Created high-density “by-right” residential zones/deleted Planned Unit Development (PUD) tool:** The pre-2015 LDRs had no residential or commercial zones that allowed multi-family housing by right. The only way to build multi-family housing was through the PUD tool that required case-by-case Council approval with a public hearing, usually with conditions of approval. Seeing this as a significant barrier to workforce housing, the Town deleted the PUD and replaced it with two higher density residential zones (NM-2, NH-1) that incorporated some of the PUD’s flexible development standards (higher height limits, less LSR) and that allowed all types of residential development by right. We also then created the new 2:1 workforce density bonus that allows additional density under certain parameters (see next bullet).
- **2:1 Workforce Bonus:** This new incentive allows developers to get 2 sf of market housing for every 1 sf of deed-restricted housing they provide. It is allowed in targeted residential and commercial zones to exceed the base FAR by significant amounts to “fill the box” (sometimes doubling the achievable floor area). There is no limit on how much bonus floor area can be added as long as it fits within all existing standards (height, setbacks, parking, number of stories, etc.).
- **Increased Height:** Town increased height maximums from 35’ to 42’ – 46’ (depending on roof pitch) in many commercial/mixed-use zones and from 28’ - 30’ to 35’ – 39’ feet in high-density residential zones;

- **4th Story Workforce Bonus (CR-3):** This incentive is limited to the CR-3 zone but allows a 4th story and 48' height limit for workforce housing instead of the regular 42' – 46' height limit and three stories. This incentive applies only to sites of 2 acres in size or larger.
- **Form-based Standards:** In general, form-based standards provide more specific requirements related to building design than traditional zoning. For example, our form standards now require a minimum "streetwall" on primary frontages, minimum ground-floor story heights, a minimum amount of windows, and a limit the extent of blank walls without windows.
- **Parking:** The Town adopted a new Administrative Adjustment process in 2015. This is a staff-level approval that is limited to providing modest adjustments to various development standards (larger deviations require a variance). It has been used to reduce parking for qualifying projects, often to encourage workforce housing. While reduced parking requirements often enable more units, it does not necessarily result in larger buildings, but it can.
- **3rd Story stepback:** This requires the 3rd story of a structure to be stepped back 10' or 20' but allows either a 40% or 60% encroachment into that stepback for flexibility. The intent is to reduce the mass of taller buildings with three stories. Projects that are 100% residential are often exempt from this stepback requirement.

Design Guidelines

The Design Guidelines were adopted in 2004 and have not been updated since that time. The Town has adopted, however, an appendix to the Design Guidelines (2021) that added more targeted architectural guidelines to address "western character" for downtown properties (Jackson Downtown Design Overlay) and to protect historic structures on the Jackson Historic Register (Historic Preservation Design Guidelines). As a general matter, all commercial projects and projects of four or more attached residential units must undergo design review.

As stated above, the Design Guidelines do not require any specific architectural standards, nor do they require any particular architectural style, rather they provide a set of fundamental design principles while still allowing for creative and innovative design. Below are some excerpts from the Design Guidelines:

"The design guidelines found here offer fundamental guidance that will help to enhance the quality and strengthen the visual continuity of the town. Their purpose is to stimulate creative design solutions for individual properties while providing a sense of cohesiveness among the entire town."

"The focus of these guidelines will be on the relationships between private and public spaces, composition, massing, street walls, and building materials."

It should be noted that the original Design Guidelines were intended to apply to commercial development, not residential development. However, over the years, the Town has applied them to higher density residential development. While this has generally worked well, there are instances where the guidelines arguably do not adequately address all of the design challenges of large multi-family buildings. The Design Review Committee (DRC) has sometimes struggled to find clear direction from the Design Guidelines to articulate the Town expectations regarding large building design, such as avoiding monolithic designs and breaking up the actual (or perceived) mass of large buildings. For example, do the Design Guidelines require that large projects be broken up into separate buildings or simply that large buildings be designed to look like separate buildings?

Analysis and Key Policy Questions.

Key Policy Questions:

1. Does the Planning Commission believe that some buildings in Jackson have gotten too large and are inconsistent with our intended character?
2. If so, what are the specific concerns the Planning Commission has regarding the actual or perceived size of large buildings? Is the issue total size in floor area? Architectural Design? Location? Use? Other?
3. What types of strategies does the Planning Commission want to pursue to address the identified concerns? Should the Design Guidelines be addressed? Are development incentives too aggressive or need to be adjusted (e.g., 2:1 workforce bonus)? Other?

The Town has experienced a significant increase in the number and size of large buildings in the past five or so years in particular, with more buildings to come that are approved but not yet built or in the review process. This increase is driven not only by the private sector but by the significant increase in large workforce housing projects developed through public-private partnerships led by the Housing Department. These are generally welcomed and expected trends because these are the results that the Town specifically wanted to create when we updated the LDRs. This is especially true for larger, multi-family projects which had largely ceased development from 1994 to about 2015. However, now that we have five or more years of experience with the new larger projects, it is fair to reassess whether we are getting what we want and/or whether adjustments are necessary.

While there is no standard definition of a “big building,” staff would offer that any building of 35,000 sf to 50,000 sf or greater may be considered large and something that could present concerns depending on its location and design. To provide context, the below table provides the size of a number of familiar older and newer buildings.

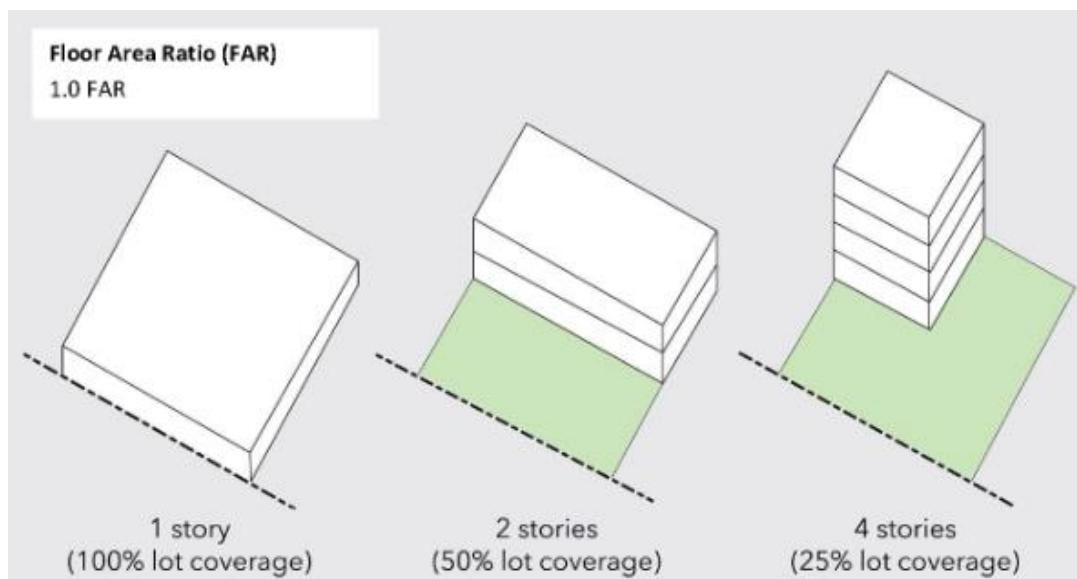
Project	Zoning	Building Size (habitable)	Site area
Target	CR-3	70,000 sf	5.4 acres
Albertson's	CR-3	65,000 sf	7.1 acres
Snow King Lodge	Resort	Approx. 130,000 sf	
Springhill Marriot Suites	CR-1 (PUD)	81,000 sf	1 acre
Wort Hotel	DC-1	52,000 sf	.64 acres
Staples/Hoback Sports/Dollar Tree	CR-3	46,000 sf	3.62 acres
Sagebrush Apartments	PUD NH-1	69,000 sf	2 acres
Hidden Hollow		66,000 sf (each large building)	1.5 acres
Ranch Inn Redevelopment (proposed)	DC-2	68,000 sf	1.2 acres
Cloudveil Hotel	TS-1, TS-2	80,000 sf	1.13 acres
Mogul Partners Hotel on N. Cache St. (proposed)	CR-2	260,000 sf	2.6 acres
The Loop (approved but not built)	CR-3	158,000 sf total (approx. 79,000 sf each bldg.)	2 acres
Millward Apts/Mixed-use	CR-2	41,000 sf	.65 acres

The above list can help the Planning Commission discuss is whether the perceived “size” of a building can sometimes be driven as much by the design and context of the building as by its actual floor area – i.e., a building with less floor area can seem bigger and more massive due to its site and architectural design compared to a larger building. While this is a highly personal analysis, staff’s example of this relationship is that the Cloudveil Hotel (80,000 sf) appears significantly smaller in our opinion than either the Sagebrush Apartment building (65,000 sf) or Albertson’s building (65,000 sf) because the Cloudveil building is broken into three separate wings with varied design for each wing. Also, when large buildings are connected to other buildings in a block setting, instead of standing alone on a site where all sides are highly visible, they often appear smaller in scale because parts of the buildings are hidden by other buildings and are less visible.

The use of a large building can impact one’s perception of it. For example, if a large building that is providing deed-restricted housing for local workers may seem more acceptable than the same building if it contained short-term rentals for tourists and second-home owners. Location too is important. A large building near the Town Square may be much more acceptable than one along the highway or at the base of a butte/mountain. The surrounding context can matter greatly as well (a large building next to old historic single-story cabins might seem much more offensive than the same building next to other new large buildings. Then again, too many large building clustered together can present their own contextual and character problems.

In thinking about large buildings and ways to address their scale it is important to understand that no one factor can address all of the Council’s likely concerns. For example, while FAR determines the maximum amount of floor area on a site (minus incentives), FAR alone is not a good way to regulate the size of buildings. This is because FAR regulates the amount of floor area, it does not regulate the volume or mass of the building that contains that floor area. The reality is that other standards, such as height, number of stories, setbacks, design guidelines, etc., also play a critical role in affecting the final mass and design of a building.

The diagram below helps to demonstrate this point by showing three very different building designs that all contain the same amount of floor area (i.e., same FAR). To further make the point, if we assume that the height of the single-story building is 35' tall because its use requires a high ceiling (e.g., a grocery store, movie theatre), then this building would have a much larger volume than either the 2-story or 4-story building with regular story heights of 10' -12'. It might also have little setback or greenspace for landscaping to help screen the building.



The critical point here is that regulating the size of buildings to achieve a certain visual or character goal requires addressing multiple standards, not one.

Potential Causes of Larger Buildings

The Background section of this staff report provides a list of recent changes to the LDRs that potentially contribute to increasing the size of individual buildings in the Town. In staff's opinion, the biggest factors from this list are 1) elimination of maximum building size; 2) increased height of about 10' in many zones; 3) the addition of the 2:1 Workforce Bonus; and 4) the 4th story bonus with 48' height limit. Added to these factors, is the increasing trend of landowners/developers buying multiple adjacent properties to aggregate a large site for development using these new bonus tools. A good example of this is Mogul Partners who bought 11 individual properties (the equivalent of about 16 standard Town lots) under multiple ownerships on N. Cache Street and N. Glenwood Street to create a very large downtown site for development of a hotel and condominiums. The result is a proposed building of about 260,000 sf which would likely be the largest private building in Town by a large margin. This level of aggregation was not fully anticipated by staff when the various LDR changes and bonuses were made. In addition, with the cost of land and construction increasing so much in recent years, the best way to offset these costs is through higher-density (aka larger) projects, further incentivizing the market to build large buildings. Finally, it's worth noting that some larger buildings and projects can now bypass all public review (i.e., go straight to building permit) if they are 100% or mostly deed-restricted units. This was another incentive added to the LDRs since 2015 but it places more pressure on the internal review process to successfully address the impacts from large buildings without any input from the public, Planning Commission, or Council.

Key Policy Questions: A little more detail

Again, the purpose of this workshop is not to "solve" the issue of big buildings now but to identify the nature and scope of the problem, discuss some possible paths for solutions, and then have staff come back with more detailed menu of options for future Council and Planning Commission consideration and adoption.

To aid the Planning Commission in its deliberation of the Key Policy issues, staff has provided a list of premises that articulate certain perspectives that staff would like the Council to address regarding large buildings:

Premise #1: Certain buildings are just **too large** for the character of Jackson. We need an absolute limit.

Possible strategy: Consider floor area maximums for buildings (similar to previous LDRs).

Premise #2: Maximum building size should **vary by location** (e.g., downtown versus highway commercial).

Possible strategy: Consider different floor area limits in different parts of Town (e.g., higher along the highway and less downtown).

Premise #3: The total size of the building is less of a concern than getting good **architectural design**. If agree, what architectural design characteristics are most important (style, materials, massing, etc.)?

Possible strategy: Amend the existing Design Guidelines to better address desired outcomes for large buildings. Provide clearer direction to Design Review Committee so they can better use their expertise to help developers design higher quality buildings.

Premise #4: Larger buildings are more acceptable if they are for **deed restricted housing** but not if they are for less beneficial uses, such as short-term-rentals or some other use.

Possible strategy: Consider maximum building sized based on use.

Premise #5: More **greenspace/landscaping** is necessary to screen and buffer large buildings.

Possible strategy: Consider different or increased LSR requirements for different zones or for larger buildings.

Premise #6: Neighborhood context is important when considering the size of individual buildings (i.e., large new buildings next to small existing buildings is the problem, not so much large buildings next to other large buildings or on larger isolated sites).

Possible strategy: Consider context-sensitive design standards where building size and design may be impacted (i.e., reduced) depending on the size of existing surrounding buildings. This puts much more responsibility on the DRC process to define limitations through design and not objective standards and zoning maximums.

Premise #7: The large size of some **development sites** is a major concern and is one reason buildings are getting too large.

Possible strategy: Consider a limit on the number of lots or gross area size for developments in the Town. Consider different limits in different zones. Or possibly exceptions for certain uses (hotels).

Premise #8: Most large buildings are fine but there should be **additional Council review/process** for buildings over a certain size so the public can comment and potential impacts addressed through conditions of approval.

Possible strategy: Consider a Conditional Use Permit (CUP) process for buildings over a certain size.

Possible Alternatives.

There may be other approaches to address big buildings that Planning Commission would like to discuss or explore further. Staff will research and present any additional ideas the Council directs.

Comprehensive Plan and Priority Alignment.

The Comprehensive Plan does not say much directly about large buildings (other than Policy 2.4.e) but it does speak to our goals for encouraging workforce housing and ensuring that redevelopment is compatible with existing neighborhood character. The following policies may be relevant to the Planning Commission's consideration of this item.

Policy 2.4.e: Encourage smaller buildings

The Town and County will encourage the construction of smaller, energy efficient buildings to improve energy conservation communitywide. Energy efficiency and the amount of energy required to construct a building is directly related to overall building size. Smaller buildings require less material to achieve high energy efficiency and contain less volume to condition, light, and maintain. The community will explore regulations and incentives to encourage the construction of smaller buildings.

Policy 4.1.c: Promote compatible infill and redevelopment that fits Jackson's neighborhoods.

Infill and redevelopment will be key strategies for fostering the elements of a Complete Neighborhood in specific subareas in Town. Infill and redevelopment will be compatible in scale, use and character in Stable Subareas, and will be consistent with the desired future character in Transitional Subareas. Considerations should include the identification of appropriate relationships between land uses and development of varying intensities. An important goal will be to maintain or reestablish a strong sense of ownership by all residents of their neighborhoods. The Town Character Districts provide specific guidance for infill and redevelopment projects, consistent with the desired character for each Subarea of Town.

Policy 5.2.b: Housing will be consistent with Character Districts.

The development and redevelopment of all market and restricted housing, whether by-right or through incentive tools, will be consistent with the location, bulk, scale, and pattern described in the community's Growth Management policies and in the Illustration of Our Vision. Appropriate locations are identified in Town and County Character Districts for the allowance and encouragement of multifamily, small lot, small unit and other housing types that provide market and restricted workforce housing opportunities. No requirement, incentive, or allowance for workforce housing should directly, or indirectly, conflict with the Character Districts.

Policy 5.4.b: Avoid regulatory barriers to the provision of workforce housing

The Town and County will avoid regulatory barriers that inadvertently preclude workforce housing in a manner that is consistent with the community's Common Values. This may include providing exemptions from certain requirements for developments that provide new subsidized workforce housing that reduces the shortage of housing that is affordable to the local workforce.

Policy 5.4.d: Provide incentives for the provision of workforce housing

Incentives to provide workforce housing offer solutions that typically require less public financial subsidy. The community should provide incentives for the preservation of existing workforce housing and the construction of subsidized workforce housing. Incentives may continue to include performance-based density bonuses that enhance the character of applicable subareas of the Town and County while decreasing the shortage of housing that is affordable to the local workforce. Additional incentives such as tax reduction or deferral, fee waivers, expedited review, buy-down programs, and others should also be considered.

Fiscal Impact.

It is too early in the process to accurately estimate any potential fiscal impacts from any possible changes to the LDRs.

Staff Impact.

The amount of staff time to research and write this staff report is roughly 25 hours.

Attachments or Links.

Exhibit A: Pictures of local large buildings

Suggested Motion.

I move to direct staff to share with the Town Council the comments and ideas regarding “big buildings” expressed by the Planning Commission at this workshop consistent with this staff report, dated December 12, 2023.

Appendix A: Pictures of Large Buildings

Wort Hotel (52,000 sf)

50 N. Glenwood St.



Staples/Hoback Sports / Dollar Tree (46,000 sf)

520 W. Broadway Ave.



Target (70,000 sf)
510 S Highway 89



Springhill Marriott Suites (81,000 sf)
150 E. Simpson Ave.



Sagebrush Apartments (69,000 sf)
550 W. Broadway Ave.



Hidden Hollow (66,000 sf each building)
301 and 305 Hidden Hollow Dr.



Ranch Inn Redevelopment (68,000 sf)
50 S Cache St., 45 & 75 E Pearl Ave.



PEARL AVENUE ELEVATION

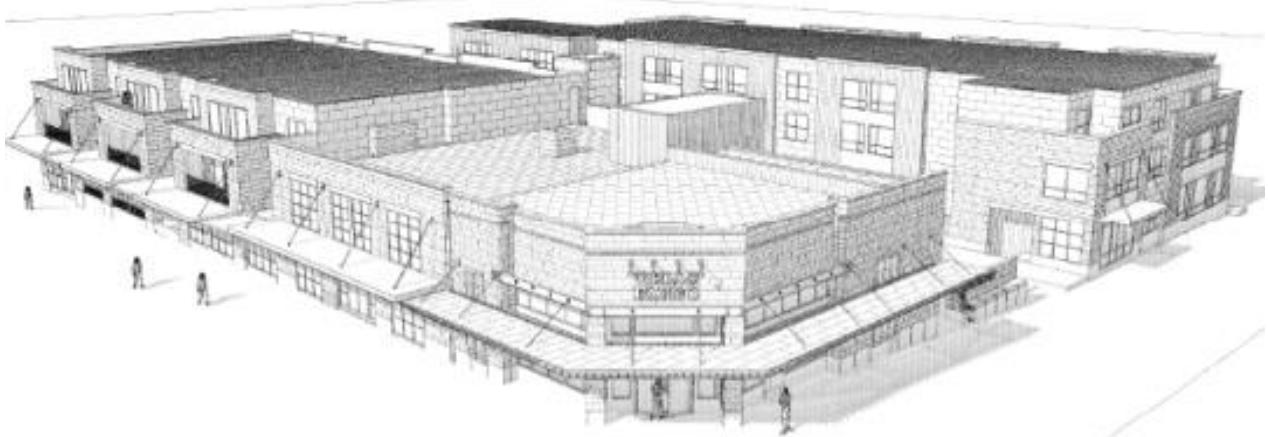


CACHE STREET ELEVATION

Millward Street Mixed Use (41,000 sf)
245-265 N. Millward St.



Cloudveil Hotel (80,000 sf)
112 Center St.



The Loop (79,000 sf each building, 158,000 total)
1050,1060,1080 South Park Loop Rd.



Albertson's (65,000 sf)
105 Buffalo Way (South Elevation)



Mogul Partners Hotel (260,000 sf estimated)
325-375 N. Cache St.





Town Design Guidelines.

Introduction



Town of Jackson
Design Guidelines

Vision Statement

The guiding vision for the Town of Jackson is to create a vibrant urban village to improve the quality of life and physical environment for both residents and visitors alike. The emphasis is on encouraging development that is economically, socially and ecologically sustainable. This concept includes a variety of land uses in the Town where citizens live and work. Future development should consider the regional vernacular of the Intermountain West while inspiring innovative design and creativity that emphasizes a positive pedestrian experience. This will become a reality when the entire community - including government, the private sector, social service groups and special interest groups - agree to positively impact the Town through cooperation, collaboration and partnership.

Guidelines - Intent

The design guidelines were created to realize the Town's vision statement.

The intent of the guidelines is to direct the physical development of the Town through building design and land planning.

These guidelines will act as a tool to coordinate various public and private development proposals and measure how they will further advance the Town's vision.

The focus of these guidelines will be on the relationships between private and public spaces, composition, massing, street walls and building materials.

Town Design Guidelines.

C. Massing

Introduction

A building's mass is defined by its component parts, including the size of its footprint and number of stories. Building mass is also determined by building form, roof shape, and orientation.

A building's form can be a simple rectangular box or a more complex combination of volumes.

Massing refers to the size of buildings and how they meet the street. Consequently, massing affects the experience of pedestrians. The way in which a particular building 'meets the street' can produce an exciting and vital experience for the person on the street: it is not overbearing, rather it is engaging and stimulating. To ensure this experience, building massing should address the relationship between the size of the proposed building and the scale of the pedestrian.

Appropriate massing will also create a gentle transition between adjacent zoning areas with no abrupt changes in height or mass of adjacent structures.

The Town of Jackson has a 'sawtooth' profile of building heights that is a product of the historic building pattern, especially along the Town Square. The gaps that exist in the historic sawtooth profile provide opportunities to insert new buildings which are compatible in both scale and material, yet are distinguishable from the historic vernacular. Reaching a balance between old and new is the goal of the Design Guidelines, requiring the retention of the sawtooth profile while encouraging compatible new buildings which respect Jackson's urban fabric.

Town Design Guidelines.

C. Massing

Guidelines

1. Mass & Height:

The architectural form of development should have a human-scale, pedestrian orientation; the height of buildings should not overwhelm people walking in the vicinity of the buildings, therefore;

A. Canopies should be utilized over sidewalks or property lines to give buildings a human scale. (This should work in concert with guideline 2, **Additive & Subtractive Massing**.)

Town Design Guidelines.

C. Massing

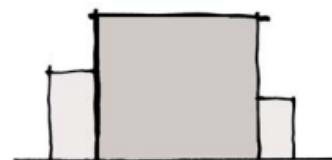
Guidelines

2. Additive and Subtractive Massing:
Both additive and subtractive massing approaches are encouraged to reduce the visual impact of large building masses. The additive massing approach increases the size of the building by linking smaller, compatible elements in a way that allows them to remain visible as separate pieces after they are put together. A simple building with additions is an example. The subtractive massing approach is to take a building as a large mass, and then reduce it by taking parts of it away, in a logical manner. This approach is especially useful when buildings are built on the property line.

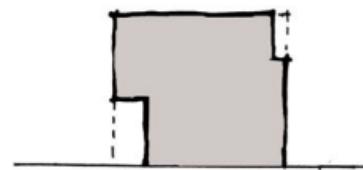
A. Utilize both additive and subtractive massing including sky plane techniques to reduce the visual impact of building masses. Balconies that partially step into the building and partially cantilever out away from the building face achieve this.

B. Architectural features on the second story and above may protrude into the public right-of-way a maximum of 5-feet.

Guidelines



additive



subtractive

Town Design Guidelines.

C. Massing

Guidelines

3. Volume complexity

Large building masses should be achieved by linking a series of smaller masses. The result should be a building which can be seen as a group of related structures, rather than one large element. In the case of a project which covers multiple adjacent lots, density can be achieved in a positive way if the buildings themselves are designed with a certain amount of volume complexity, to avoid a large, monolithic structure.

A. Avoid large monolithic buildings. Translate the building program into a building complex, whose exterior reflects the interior uses and functions. At higher densities, a single building can be treated as a building complex, if its important parts (e.g. entries) are picked out and made identifiable while still part of one three-dimensional fabric.

B. Projects that contain multiple lots shall pay close attention to breaking up the vertical facade into a pattern typical of single lot development.

Guidelines

4. Roofs

Jackson will be comprised of linked building elements of one, two, and three stories. The roof types will either be parapet, flat, sloping or barrel vault roofs. Flat and parapet roofs are particularly appropriate at the edges of the site because they avoid some of the serious engineering and safety problems associated with snow sliding onto the public right-of-way.

A. A project should ensure that roofs are designed so that no snow or rain is deposited onto adjacent public or private walking surfaces.

Criteria

The mass, height, volume complexity and arrangement of building components of the proposed development enhances the streetscape within the context of the Town, while creating a comfortable experience for the pedestrian and mitigating adverse effects on the adjoining properties.

Town Design Guidelines.

D. Street Wall

	<h3>Introduction</h3>	<h3>Guidelines</h3>
<p>Street walls result when buildings are constructed to or near the front and side property lines of a site. This pattern of development - typical of the properties surrounding the Town Square - creates a strong edge that defines the sidewalk and street. Avoiding breaks (e.g. parking lots and low-intensity development) will further enhance the character and strengthen the identity of the Town.</p> <p>The goal of street walls in the Town district is to continue the connected network of comfortable and inviting pedestrian paths that form the transition between the street and adjacent buildings.</p>	<ol style="list-style-type: none"><i>1. The project should generally be built to the property lines at the sides and along the street frontage.</i><i>2. There should be no voids in the street wall except for the circumstances described in these guidelines, below.</i><i>3. It is appropriate to open up the street wall for a portion of the frontage as necessary to create areas of public open space, identify entrances and make pedestrian connections.</i><i>4. At the corner, it is appropriate to step back the street wall to create comfortable pedestrian areas.</i><i>5. Vehicle entrances to underground or rear parking areas may be acceptable, but should be minimized to avoid conflicts with pedestrians.</i>	