



# TOWN OF JACKSON PLANNING & BUILDING DEPARTMENT

## TRANSMITTAL MEMO

**Town of Jackson**

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

**Joint Town/County**

- Parks and Recreation
- Pathways
- Housing Department

**Teton County**

- Planning Division

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

**State of Wyoming**

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

**Federal Agencies**

- Army Corp of Engineers

**Utility Providers**

- Qwest
- Lower Valley Energy
- Bresnan Communications

**Special Districts**

- START
- Jackson Hole Fire/EMS
- Irrigation Company

Date: June 15, 2018	<b>REQUESTS:</b>
Item #: P18-194	
Planner: Tyler Valentine	The applicant is submitting a request for a Pre-Application Conference for a Zoning Map Amendment for the property located at 135 and 175 E. Broadway legally known as, PT SW1/4SW1/4, SEC. 27, TWP. 41, RNG. 116 and PT SW1/4SW1/4, SEC. 27, TWP. 41, RNG. 116.
Phone: 733-0440 ext. 1305	
Fax: 734-3563	
Email: <a href="mailto:tvalentine@jacksonwy.gov">tvalentine@jacksonwy.gov</a>	
<b>Owners:</b> 135 E. Broadway – Deloney Street, LLC 175 E. Broadway – BWD Street, LLC PO Box 10309 Jackson, WY 83001	
<b>Applicant:</b> Jeff Golightly VP, Gardner Capital Mgt PO Box 10309 Jackson, WY 83001	
<b>Please respond by:</b> <b>July 5, 2018 (with Comments)</b>	

**RESPONSE:**

For Departments not using Trak-it, please send responses via email to:  
[tstolte@jacksonwy.gov](mailto:tstolte@jacksonwy.gov)

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

### **Proposal**

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

### **Recent History, Context**

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

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

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

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

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

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

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

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

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

### **Justification**

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

### *Comprehensive Plan*

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

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

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

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

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

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

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

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

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

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

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

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

### Intent of the DC Zone

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

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

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

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

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

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

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

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

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

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

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

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

3. Is necessary to address changing conditions or public necessity

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

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

4. Is consistent with other adopted Town Ordinances

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



## PRE-APPLICATION CONFERENCE REQUEST (PAP)

### Planning & Building Department Planning Division

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

#### *For Office Use Only*

Fees Paid \_\_\_\_\_

Check # \_\_\_\_\_

Credit Card \_\_\_\_\_

Cash \_\_\_\_\_

Application # \_\_\_\_\_

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

#### **When is a Pre-application Conference required?**

A pre-application conference is required for the following applications:

- Sketch Plan
- Development Plan
- Conditional Use Permit
- Special Use Permit
- Development Option Plan
- Zoning Map Amendment ✓
- Planned Unit Development
- Plan-level Grading Permit
- Environmental Analysis

When not required, the applicant may request a pre-application conference for other types of applications.

#### **PROJECT.**

Name/Description: 135 & 175 East Broadway Zoning amendment from UC to DC

Physical Address: 135 & 175 East Broadway, Jackson, WY 83001

Lot, Subdivision: \_\_\_\_\_ PIDN: \_\_\_\_\_

#### **OWNER.**

Name: Delaney Street LLC & BWD Street LLC Phone: 307 739 4655

Mailing Address: PO Box 10309, Jackson, WY ZIP: 83002

E-mail: jeffgolightly1@gmail.com

#### **APPLICANT/AGENT.**

Name, Agency: Jeff Golightly, VP, Gardner Capital Mgt Phone: 307 739 4655

Mailing Address: P.O. Box 10309, Jackson, WY ZIP: 83002

E-mail: jeffgolightly1@gmail.com

**DESIGNATED PRIMARY CONTACT.**

Owner  Applicant/Agent

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

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

**ANTICIPATED TYPES OF REVIEW PROCESS NEEDED.** Check all that apply; see Section 8.1.2 of the LDRs for a description of review process types.

- Physical Development Permit (includes grading)
- Use Permit
- Development Option or Subdivision Permit
- Interpretations of the LDRs
- Amendments to the LDRs
- Relief from the LDRs
- Environmental Analysis

**This pre-application conference is:**

- Required
- Optional
- For an Environmental Analysis
- For grading

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

Have you attached the following?

- Application Fee.** See the currently adopted Fee Schedule in the Administrative Manual for more information.
- Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation is also required. Please see the Letter of Authorization template in the Administrative Manual for a sample.

**Narrative Project Description.** Please attach a short narrative description of the project that addresses:

- Existing property conditions (buildings, uses, natural resources, etc)
- Character and magnitude of proposed physical development or use
- Intended development options or subdivision proposal (if applicable)
- Proposed amendments to the LDRs (if applicable)

**Conceptual Site Plan.** For pre-application conferences for physical development, use or development option permits, a conceptual site plan is required. For pre-application conferences for interpretations of the LDRs, amendments to the LDRs, or relief from the LDRs, a site plan may or may not be necessary. Contact the Planning Department for assistance. If required, please attach a conceptual site plan that depicts:

- Property boundaries
- Existing and proposed physical development and the location of any uses not requiring physical development
- Proposed parcel or lot lines (if applicable)
- Locations of any natural resources, access, utilities, etc that may be discussed during the pre-application conference

**Grading Information (REQUIRED ONLY FOR GRADING PRE-APPS).** Please include a site survey with topography at 2-foot contour intervals and indicate any areas with slopes greater than 25% (or 30% if in the NC Zoning District), as well as proposed finished grade. If any areas of steep slopes are man-made, please identify these areas on the site plan.

**Other Pertinent Information.** Attach any additional information that may help Staff in preparing for the pre-app or identifying possible key issues.

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

  
Signature of Owner or Authorized Applicant/Agent

  
Name Printed

6/11/2018

Date

VP

Title

## LETTER OF AUTHORIZATION

LETTER OF AUTHORIZATION  
Delaney Street, LLC, "Owner" whose address is: P.O. Box  
10309, 135 E Broadway Ave, Jackson, WY 83001  
(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

, as the owner of property

more specifically legally described as: PT SW 1/4 SW 1/4, SEC. 27,  
Twp. 41, Rng. 11G - Parcel 22-41-16-27-3-00-010

**(If too lengthy, attach description)**

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

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

**OWNER:**

OWNER: Max C. Chay  
(SIGNATURE) (SIGNATURE OF CO-OWNER)

**Title:** Managing Partner

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

COUNTY OF Teton

The foregoing instrument was acknowledged before me by MAX C. CHAPMAN, this 13 day of JUNE, 2018.

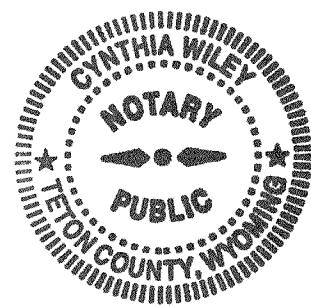
WITNESS my hand and official seal.

WITNESS my hand and seal  
Cynthia Wiley  
(Notary Public)

(Notary Public)

My commission expires: 6/18/21

(Seal)



## LETTER OF AUTHORIZATION

LETTER OF AUTHORIZATION  
BWD Street, LLC, "Owner" whose address is: P.O. Box  
10309, 175 E Broadway, Jackson, WY 83001  
(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

, as the owner of property  
more specifically legally described as: PT SW 1/4 SW 1/4, SEC. 27,  
TWP. 41, RNG. 116 - Parcel 22-41-16-27-3-00-009

**(If too lengthy, attach description)**

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

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

**OWNER:**

OWNER: max c clay 1  
(SIGNATURE) (SIGNATURE OF CO-OWNER)

**Title:** Managing Partner

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

STATE OF Wyoming

)  
)SS.

COUNTY OF Teton

1

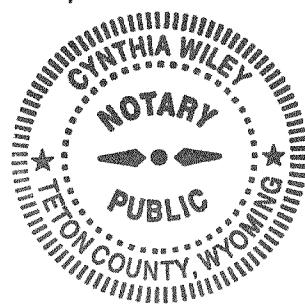
The foregoing instrument was acknowledged before me by Max C. Chapman Jr. this 13 day of June, 2008.

WITNESS my hand and official seal.

WITNESS my hand and official seal  
Cynthia Wiley  
(Notary Public)

(Notary Public)  
My commission expires: 6/18/21

(Seal)



**Exhibit A**  
**Legal Description**

That part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 27, Township 41N, Range 116W, 6th P.M., Teton County, Wyoming. Being more particularly described as follows:

Beginning at a point on line eight hundred and six and one half (806 $\frac{1}{2}$ ) feet East of the Southwest corner of Section 27, Township 41 North, Range 116 West, 6th P.M., thence East along said section line, eighty seven and one half (87 $\frac{1}{2}$ ) feet, thence North one hundred and fifty (150) feet, thence West eighty seven and one half (87 $\frac{1}{2}$ ) feet, thence South one hundred and fifty (150) feet to the point of beginning; and Beginning at a point on section line seven hundred and ninety four (794) feet East of the Southwest corner of Section 27, Township 41 North, Range 116 West, 6th P.M., thence East along said section line twelve and one half (12 $\frac{1}{2}$ ) feet, thence north one hundred and fifty (150) feet, thence West twelve and one half (12 $\frac{1}{2}$ ) feet, thence South one hundred and fifty (150) feet to the point of beginning; and Beginning at a point which is 150 feet north of a point on section line 794 feet east of the southwest corner of Section 27, TWP 41 N., Range 116 W., 6th P.M., thence east 100 feet, thence north 50 feet, thence west 100 feet, thence south 50 feet to the point of beginning.