



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: May 18, 2018

Item #: P18-159, 160

Planner: Tyler Valentine

Phone: 733-0440 ext. 1305

Fax: 734-3563

Email: tvalentine@jacksonwy.gov

Owner/Applicant:

FCH, LLC - Richard Martin
PO 526
Jackson, WY 83001

REQUESTS:

The applicant is submitting a request for a Basic Use Permit and a front yard Variance for the property located at 515 W. Broadway Ave, legally known as, PT NW1/4NE1/4, SEC. 33, TWP. 41 RNG. 116 WENDY'S, ORVIS.

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

Please respond by: **May 31, 2018 (Sufficiency)**
June 7, 2018 (with Comments)

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



PLANNING PERMIT APPLICATION
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

<i>For Office Use Only</i>		
Fees Paid _____	Credit Card _____	Cash _____
Check # _____	Application #s _____	_____

PROJECT.

Name/Description: FCH LLC, a Wyoming limited liability Co
Physical Address: 515 West Broad Way
Lot, Subdivision: PT NW 1/4, NE 1/4 Sec. 33 Two 01 PIDN: 22-41-16-33-1-00-029
RNG 116

OWNER.

Name: FCH LLC, a Wyoming limited liability Co Phone: 307-733-3762
Mailing Address: Po. Box 526 Jackson, WY ZIP: 83001
E-mail: dl.martin@wyom.net

APPLICANT/AGENT.

Name: Owner / by Richard W Martin Phone: 307-733-3762
Mailing Address: Po. Box 526 Jackson, WY ZIP: 83001
E-mail: dl.Martin@wyom.net

DESIGNATED PRIMARY CONTACT.

Owner Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; see Fee Schedule for applicable fees.

Use Permit	Physical Development	Interpretations
<input checked="" type="checkbox"/> Basic Use	<input type="checkbox"/> Sketch Plan	<input type="checkbox"/> Formal Interpretation
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Development Plan	<input type="checkbox"/> Zoning Compliance Verification
<input type="checkbox"/> Special Use		
Relief from the LDRs	Development Option/Subdivision	Amendments to the LDRs
<input type="checkbox"/> Administrative Adjustment	<input type="checkbox"/> Development Option Plan	<input type="checkbox"/> LDR Text Amendment
<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Subdivision Plat	<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Beneficial Use Determination	<input type="checkbox"/> Boundary Adjustment (replat)	<input type="checkbox"/> Planned Unit Development
<input type="checkbox"/> Appeal of an Admin. Decision	<input type="checkbox"/> Boundary Adjustment (no plat)	

PRE-SUBMITTAL STEPS. *Pre-submittal steps, such as a pre-application conference, environmental analysis, or neighborhood meeting, are required before application submittal for some application types. See Section 8.1.5, Summary of Procedures, for requirements applicable to your application package. If a pre-submittal step is required, please provide the information below. If you need assistance locating the project number or other information related to a pre-submittal step, contact the Planning Department. If this application is amending a previous approval, indicate the original permit number.*

Pre-application Conference #: n/a Environmental Analysis #: _____
Original Permit #: n/a Date of Neighborhood Meeting: _____

SUBMITTAL REQUIREMENTS. *Twelve (12) hard copies and one (1) digital copy of the application package (this form, plus all applicable attachments) should be submitted to the Planning Department.. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant.*

Have you attached the following?

- Application Fee.** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See the currently adopted Fee Schedule in the Administrative Manual for more information.
- N.A. 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.
- Response to Submittal Checklist.** All applications require response to applicable review standards. These standards are outlined on the Submittal Checklists for each application type. If a pre-application conference is held, the Submittal Checklists will be provided at the conference. If no pre-application conference is required, please see the Administrative Manual for the applicable Checklists. The checklist is intended as a reference to assist you in submitting a sufficient application; submitting a copy of the checklist itself is not required.

FORMAT.

The main component of any application is demonstration of compliance with all applicable Land Development Regulations (LDRs) and Resolutions. The submittal checklists are intended to identify applicable LDR standards and to outline the information that must be submitted to sufficiently address compliance with those standards.

For some submittal components, minimum standards and formatting requirements have been established. Those are referenced on the checklists where applicable. For all other submittal components, the applicant may choose to make use of narrative statements, maps, drawings, plans and specifications, tables and/or calculations to best demonstrate compliance with a particular standard.

Note: Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine compliance with the LDRs.

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

Richard W. Martin for F.C.H. LLC
Signature of Owner or Authorized Applicant/Agent
Richard W. Martin
Name Printed

5/17/18
Date
Property Manager
Title

Town of Jackson
Application Submittal for a Variance

1) There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood

There are several conditions that make 485 W. Broadway Avenue unique to Development and non-conforming to the new standards developed for the CR-2 zoning.

A) This parcel of property is an undivided parcel of land that is 1.72 acres +/- . Its' only public access is Broadway on the eastern frontage. The rear of the property is Flat Creek at the base of a very steep hill and no public streets on the north and south sides, only other private properties.

B) This property has 3 separate buildings located on it that are all owned by a single owner, FCH, LLC. FCH, LLC leases these buildings to Wendy's Restaurant, Orvis and Rocky Mountain Hardware and the subject of this application, referred to as the Old Bubba's site.

C) These buildings were all constructed prior to any building codes and setbacks were not a factor, as to building locations, only perhaps the 25 foot setback from Flat Creek. When the buildings were constructed, the property owners made the decision to place them far enough back from Broadway (Highways 26, 89, 189 & 191) to allow enough room for a frontage road parallel to the highways. The purpose of this frontage road was to provide the following:

1) The means to be able to leave Broadway, one of the busiest highways in the State, and be able to then drive along the frontage road at a pace that allowed access to the various businesses that were there or would be there. The frontage road also allows all businesses along the frontage road to access the street light.

2) To provide enough space to have storefront parking in front of the structures and, in one case, Ace Hardware parking next to Broadway, as well as store front and still allows room for cars to carry on two-way traffic.

3) With the exception of the WYDOT R.O.W. that was expanded from 80' to 132" from the five-way intersection south to Flat Creek Bridge & beyond, the land used for the frontage road is private land provided by the owners and, without easements or setbacks. This frontage road by means of 5 curb-cuts and the intersection of the 5-way provides off-highway access from El Tequila Restaurant (soon to be North Republic Bank) all the way up to MacPhail's Burgers. This frontage road provides a much needed safety solution at a pace that allows autos to travel at a much lower speed than highway speed, provides access from all businesses along the frontage road to the street light and also provides storefront parking for Ace, Orvis/Rocky Mountain Hardware and the Old Bubba's.

2) The special circumstances and conditions have not resulted from any willful modification of the land or building;

All of the buildings constructed on the property were completed prior to the implementation of the Land Development Regulations and the frontage road was installed at the same time. We have not made any modifications to the subject building since its initial construction.

3) The special circumstances and conditions are such that the strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community;

We believe that there would be no protection afforded to the community by the denial of these variance requests. The proposed placement of the new building will allow for existing frontage line of the Orvis/Rocky Mountain Hardware and Ace buildings to remain which creates a "street wall effect" and allows for storefront parking. The strict application of the LDRs would remove the existing frontage parking which is at a premium for commercial businesses. Further, the regulations require a substantial investment in glass windows and doors for an attractive entrance and the continued application of

storefront parking will direct traffic to such required features. There is spill-over parking at the side of the building and at the rear of the building but the handicap parking will be placed at the frontage. The denial of the requested variances would also require the applicant to remove the existing two mature trees and the existing greenspace to the detriment of the applicant and in contradiction with the CR-2 Character District intent. The removal of the frontage parking and the trees/greenspace would be a hardship to the applicant and would be to the detriment of the community which has historically and successfully used the frontage parking and greenspace when the subject building was operating as Old Bubba's. Further, all of the utilities are in place to service the existing building location and it would add considerable expense to relocate the power, water and sewer to a new location as well as tearing up existing paving and paving over the old location site. Finally, if we are forced to move the new building closer to the street from its existing location, the building will block the view of the new community art display on the side of the Orvis location – a community project where material money, time and effort has been spent to accomplish.

4) The variance sought is the minimum variance necessary to provide a balance between the purpose of the regulation sought to be varied and its impact on the applicant;

We believe that the variances requested are the minimum widths necessary to provide a balance between the purpose of the regulation sought and its impact on the applicant. The purpose of the regulation is to provide for a vibrant mixed-use zone consisting primarily of retail, office, lodging and residential uses at a location on the periphery of the core of downtown which will serve as a transition to the lower density residential areas. The granting of the variances will allow for the current placement of the existing structure and frontage parking to continue which will allow for an attractive and green street edge consistent with the foregoing described intent and will not obstruct the new community art display on the side of the Orvis building. The current placement of the building and frontage parking will not materially change with the construction of the new building and the new building will comply with the current building codes to benefit of

public welfare. The new building's design is similar to the old one and has already been approved by the design committee as to material, color and design. The DRC also recommended having the new building within the current footprint to keep the new building from appearing too far out of line with the other similar buildings to the northeast. The DRC also agreed that the current proposed placement of the building and parking would allow for the side walls to not be the main attraction of the new building from vehicles traveling along Broadway Avenue, which was a material concern of the DRC.

5) The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare;

The granting of the variance will not be injurious to the neighborhood surrounding the land and is not detrimental to the public welfare. In fact, the variance will allow all of the similar buildings along the frontage road to continue to align and provide frontage parking to the public. The only building that will not align is Wendy's which was specifically designed and placed on the property in its current location for the sole purpose of providing drive-through facilities. El Tequila (soon to be First Republic Bank), Orvis, Rocky Mountain Hardware and Ace will all continue to be generally aligned which will allow for the public to continue to use the vehicular access from Broadway Avenue to the frontage road and to continue to utilize frontage parking which has historically and consistently worked well for the public and have never been detrimental to the public welfare. The Old Bubba's was a very thriving business which attracted a large number of cars for many years and the current placement of the building, frontage parking, deck and green space is well-known to the public. We all recall the large number of people waiting for tables utilizing the front covered patio, deck and frontage parking and you would always see children playing on the front deck/greenspace because it was safe to do so behind the frontage parking. Additionally, as is noted above, the granting of the variance will keep the side walls of the building setback from Broadway Avenue which aesthetic placement is a material concern of the DRC.

6) The granting of the variance is consistent with the general purpose and intent of these LDRs.

The variance is consistent with the general purpose and intent of the current Land Development Regulations which is to promote the health, safety and general welfare of the present and future inhabitants of the community and to implement the policy objectives for each Character District. The CR-2 Character District zone intent is to provide for a vibrant mixed-use zone consisting primarily of retail, office, lodging and residential uses at a location on the periphery of the core of downtown which will serve as a transition to the lower density residential areas. While the CR-2 Character District regulations provide that the parking is to be primarily provided onsite (at the rear or side of the buildings and screened from view) the intent of the CR-2 Character District also provides that front setbacks will be varied, with some buildings pulled up to the street and others set back with landscaping in front, creating an attractive and green street edge. The unique character and history related to this site which currently implements a frontage road with frontage parking and a green space buffer is consistent with the foregoing described intent of the LDRS and the Character District. The granting of the variance for the building and parking placement will allow for the continuous allocation of frontage parking and the replacement of the front deck with greenspace which will provide an attractive and green street edge consistent with the intent. Again, this area of the CR-2 Character District is unique in that there is a history of consistent and safe use of the frontage road and frontage parking which the public has enjoyed and which the public has a history of acknowledging worked well for the very busy Old Bubba's business. The frontage road allows for all the businesses along the frontage road to have access to the stoplight and to access the businesses and utilize frontage parking at lower speeds off of the extremely busy and fast-moving Broadway Avenue. Additionally, as is noted above, the granting of the variances will keep the side walls of the building setback from Broadway Avenue which aesthetic placement is a material concern of the DRC and which placement reduces bulk and mass of the side walls consistent with the intent of

the CR-2 Character District set forth in the LDRs. The new building will replace an existing dilapidated structure with a new structure in its current location that meets the current building code to the benefit of public welfare and which design has been approved by the DRC. This is a benefit to the community. The denial of these variance requests and the implementation of a 10' setback from the frontage road would not be consistent with the general purpose and intent of the LDRS because the building would be out of place with the other similar use buildings and frontage parking that exists today along the frontage road in this neighborhood.

As we are getting to the age that this will be the last project we will be doing to the property building-wise, we expect that our children will sell this property to a new owner who, at that time would redevelop the entire property according to the guidelines currently in place.

Our goal is to improve the property for ourselves and the community in an economically viable way given the circumstances that exist, understanding a full site redevelopment is not possible at this time.

Thank You for your time and consideration.

FCH, LLC

By Richard Martin

Merrell Design Works

By Rick Merrell

Town of Jackson
Application Submittal for Variance

Proposal

Replace the building known as Old Bubba's restaurant with new construction of a building suitable for retail, office or a restaurant. The request for a variance is to allow the building to be located on basically the same foot print (not as long) as the Old Bubba's building.

Property Information -

515 West Broadway (existing Old Bubba's building site) situated on 1.72 undivided acres. CR-2 zoning.

Applicant/Owner

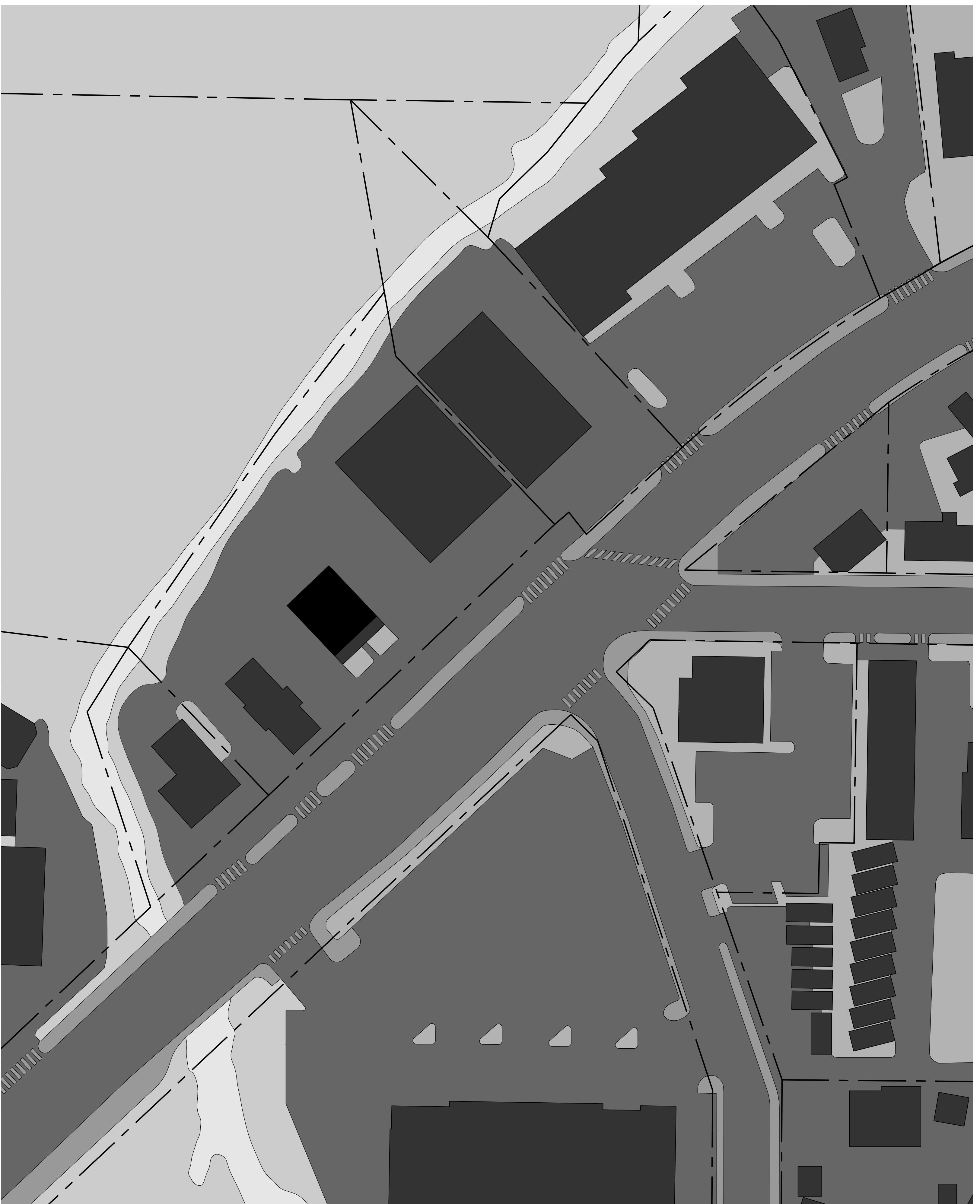
FCH, LLC – A Wyoming Limited Liability Company
PO Box 526
Jackson, WY 83001

Requested Variance

Street setback requirement 0-10 feet
Request 45 feet, same as existing building

FIGURE GROUND LEGEND

- PROPOSED DEVELOPMENT
- SURROUNDING BUILDING
- ROADS AND PARKING
- PEDESTRIAN CIRCULATION
- DESIGNED GREEN SPACE
- UN-DEVELOPED AREA



FCH, LLC BUILDING

485 BROADWAY AVENUE
JACKSON, WYOMING

16 MAY 2018

**FIGURE GROUND
SITE PLAN**

NORTH 1
A1.1 1" = 50'-0"



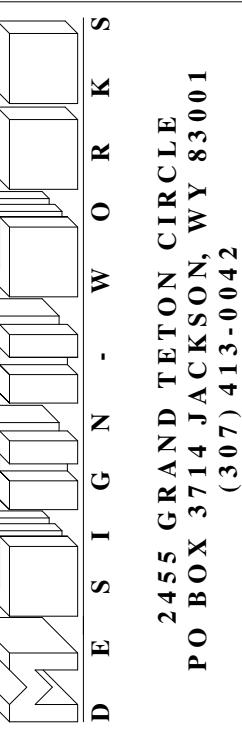
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A1.1

1" = 50'-0"

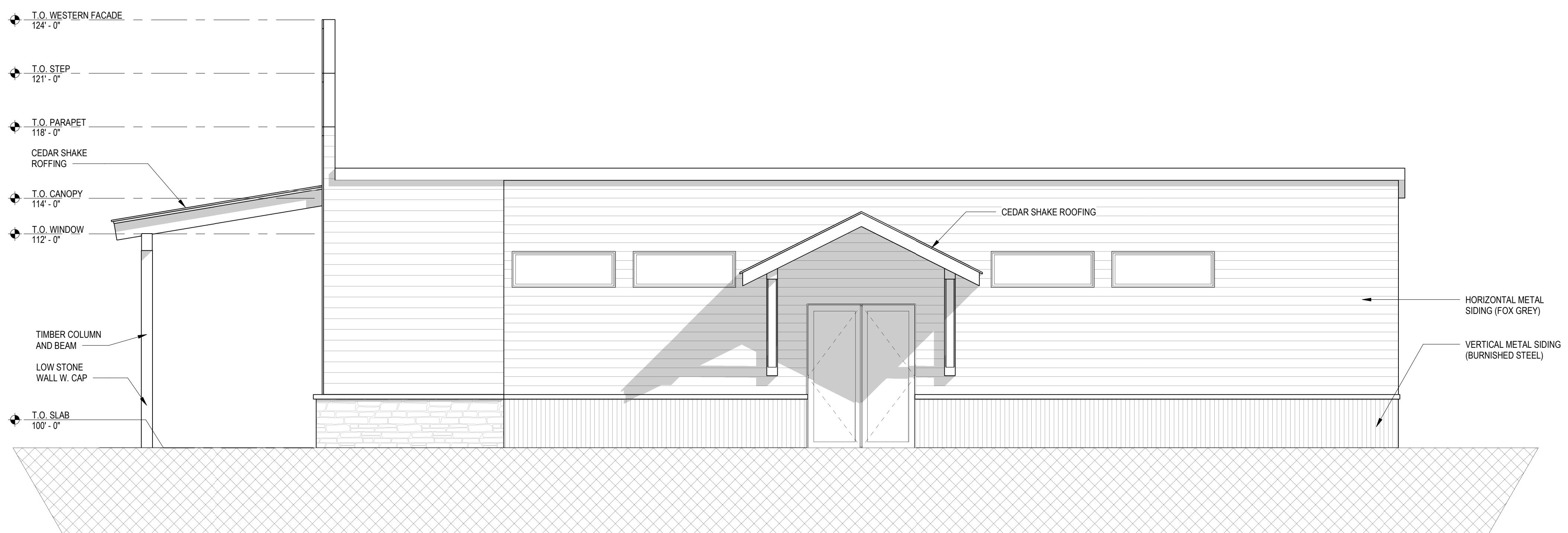
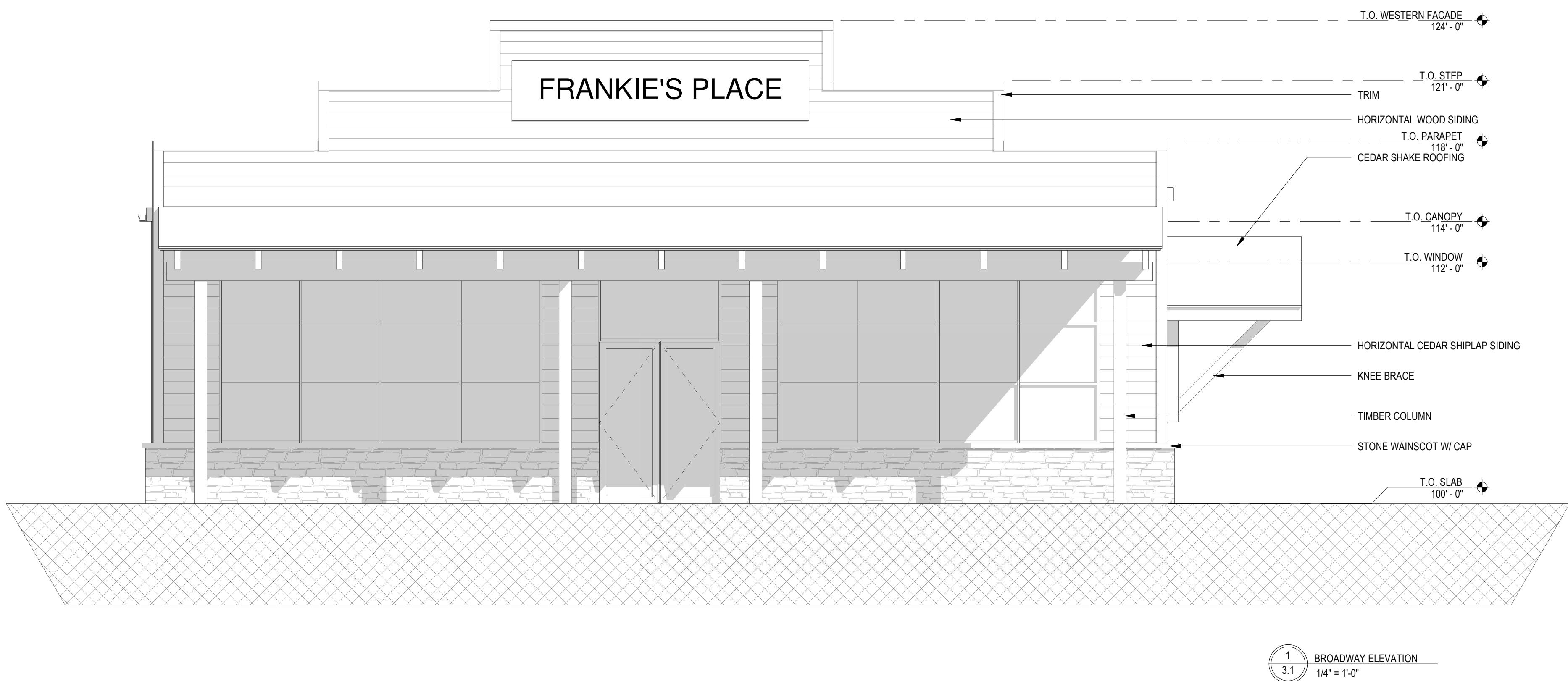
A1.1

DESIGN WORKS
310 EAST BROADWAY, SUITE 8
PO BOX 3714, JACKSON, WY 83001
(307) 731-0042
www.madvj.com


D E S I G N - W O R K S
 2455 GRAND TETON CIRCLE
 P O BOX 3714 JACKSON, WY 83001
 (307) 733-0042

FCH, LLC BUILDING

485 BROADWAY AVENUE
 JACKSON, WYOMING



16 MAY 2018

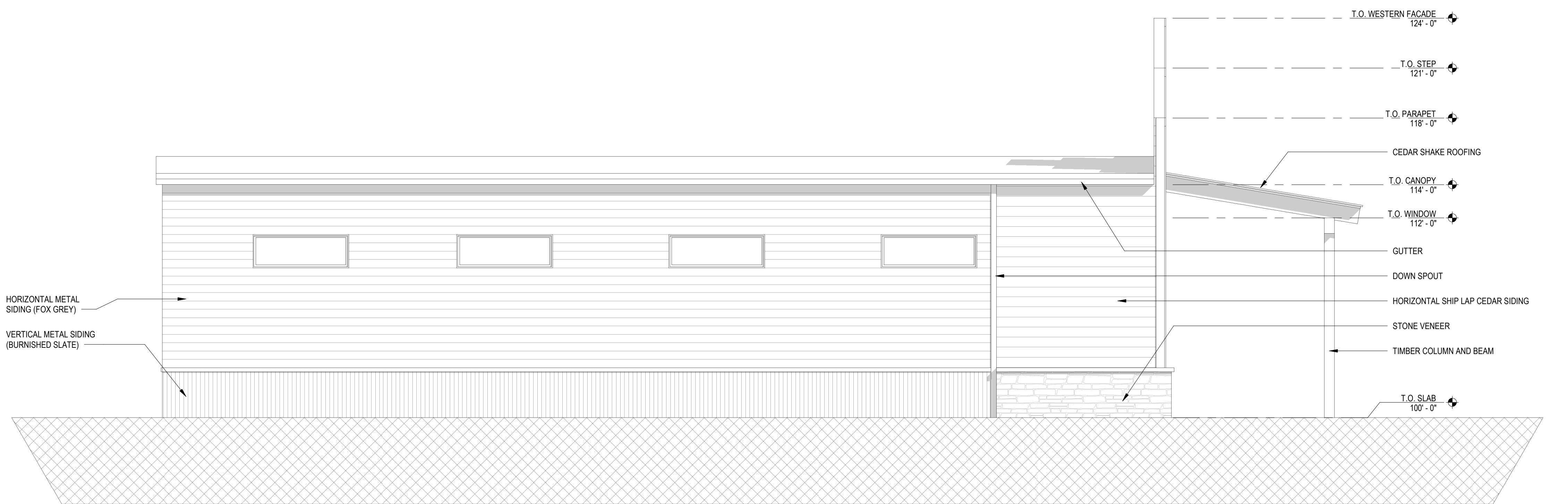
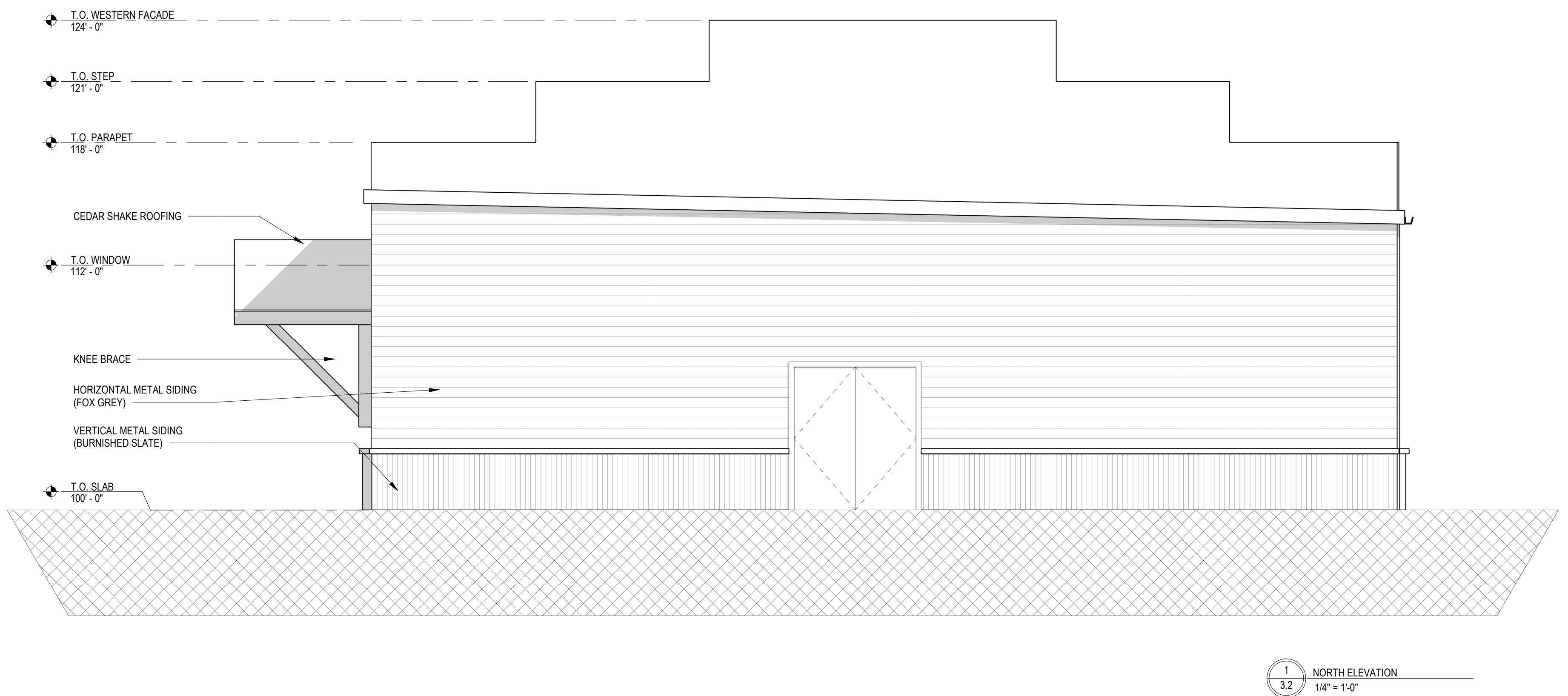
ELEVATIONS

SCALE: 1/4" = 1'-0"

A3.1

FCH, LLC BUILDING

485 BROADWAY AVENUE
JACKSON, WYOMING



FCH, LLC BUILDING

485 BROADWAY AVENUE
JACKSON, WYOMING

16 MAY 2018

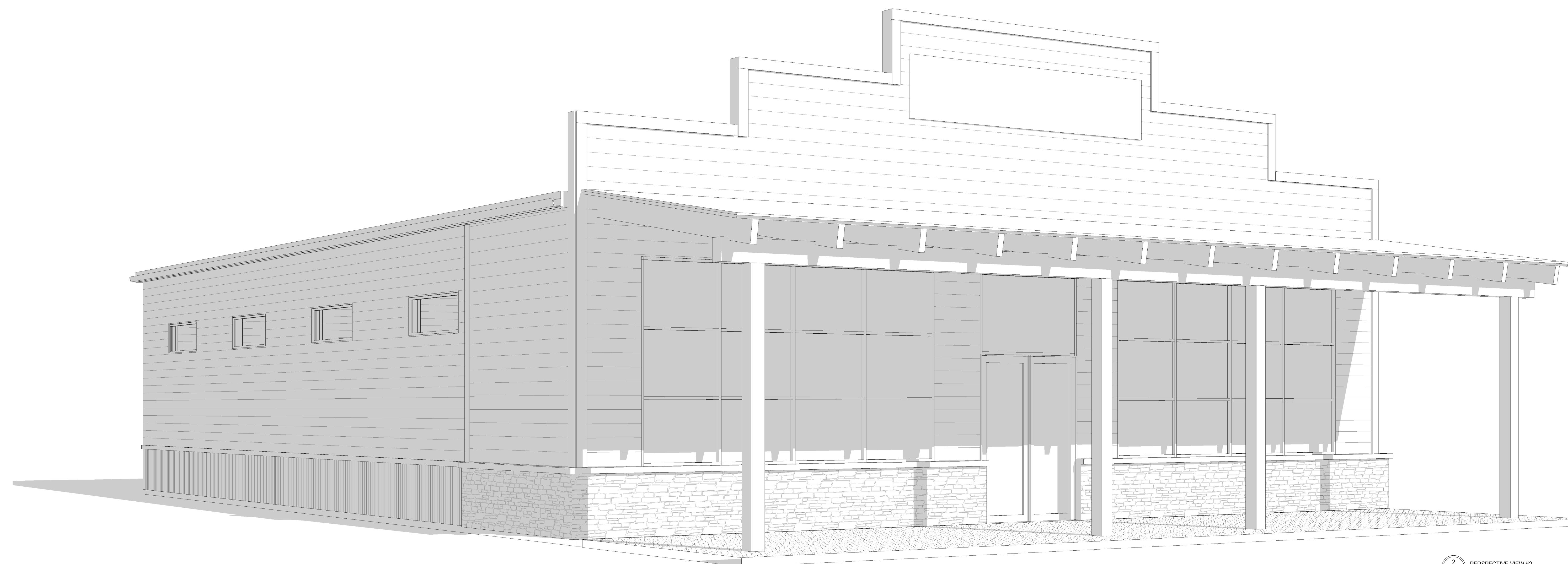
MODEL IMAGES

NOT TO SCALE

A3.3



1 PERSPECTIVE VIEW #1
3.3

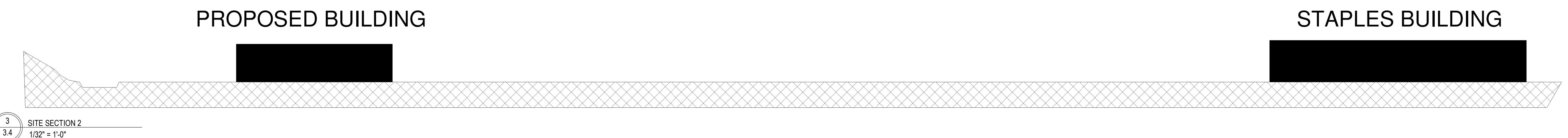
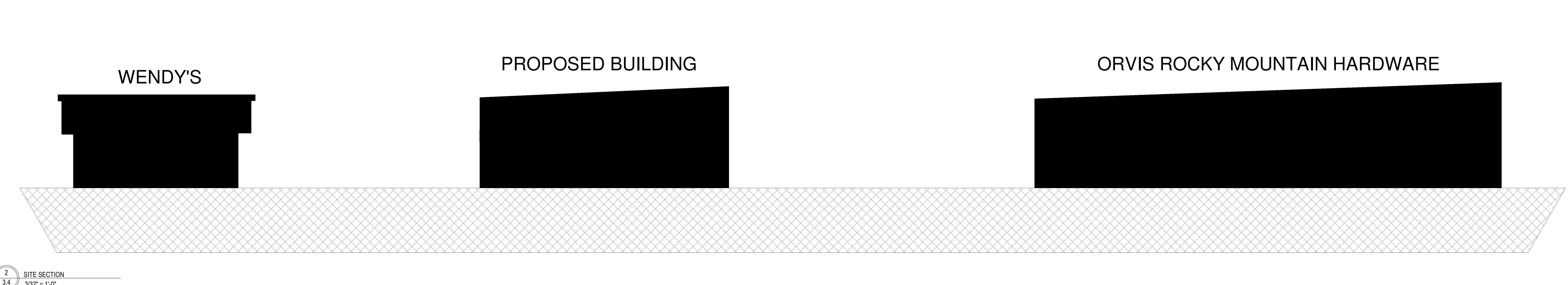
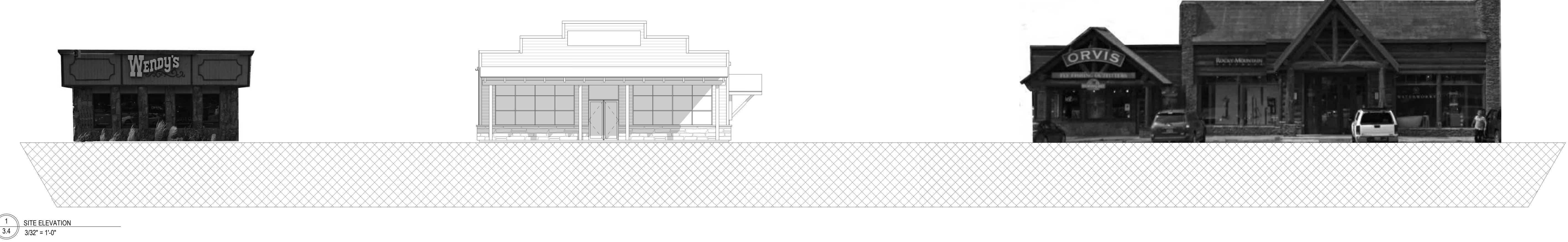


2 PERSPECTIVE VIEW #2
3.3

FCH, LLC BUILDING

485 BROADWAY AVENUE
 JACKSON, WYOMING

16 MAY 2018



SITE ELEVATION & SECTION

SCALE: AS NOTED As indicated

A3.4