



TOWN OF JACKSON PLANNING COMMISSION AGENDA DOCUMENTATION

PREPARATION DATE: SEPTEMBER 16, 2016
MEETING DATE: SEPTEMBER 21, 2016

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: TYLER SINCLAIR
PRESENTER: TYLER VALENTINE

SUBJECT: **ITEMS P16-001 & P16-085:** DEVELOPMENT PLAN & HILLSIDE CONDITIONAL USE PERMIT (CUP) TO DEVELOP 20 RESIDENTIAL UNITS AT 1255 WEST HIGHWAY 22.

APPLICANT: JORGENSEN ASSOCIATES - REED ARMIJO

OWNER: FSD INVESTMENTS - ERIC GROVE & CHARLIE SCHWARTZ

REQUESTED ACTION

The applicant is requesting approval of a Development Plan (P16-085) and Hillside CUP (P16-001) to develop 20 residential units located at 1255 West Highway 22.

APPLICABLE REGULATIONS

Section 8.3.1 Development Plan
Section 8.4.2 Conditional Use Permit
Section 5.4.1 Steep Slopes

LOCATION

The property is located at 1255 W Hwy 22, legally described as PT SW1/4NE1/4, Section 32, Township 41, Range 116. An aerial photo and zoning map are shown below:



BACKGROUND

1. Sketch Plan - Item P16-096:

The Town Council approved a Sketch Plan for this project to develop 20 residential units at 1255 West Highway 22 on May 16, 2016. The Sketch Plan was approved with the following conditions:

- 1) The applicant shall apply and be approved for a Basic Use Permit for the Attached Single-Family use prior to the occupancy of the proposed units.
- 2) Applicant shall obtain an access easement and/or formal permission from Teton County to utilize Batch Plant Road to access the upper units prior to submittal of the Development Plan.
- 3) The applicant shall submit a Landscape Plan prepared by a Wyoming licensed landscape architect that specifically addresses staff concerns related to screening the parking lot and buildings contained in this staff report.
- 4) The applicant shall submit a detailed, reconnaissance-level soil and subsurface investigation of the project site for review by a third-party independent engineer and approval by the Town Engineer prior to submittal of the Development Plan.
- 5) The applicant shall revise the site plan to show a back-up area for western unit in Pod 4 that complies with the LDRs prior to approval of the Development Plan. In addition, the revised site plan shall demonstrate compliant back-out areas for all units in the project.
- 6) In order to address the pedestrian access, the applicant shall include in the site plan for the Development Plan access between the lower and upper pads through use of the existing (or new) stair case.
- 7) The applicant shall work with the Pathways Director and Town Engineer to identify and provide a safe pedestrian facility on their property prior to Development Plan approval.

2. Planned Unit Development, Zoning Map Amendment & LDR Text Amendment - Item P16-017:

The Town Council approved a Planned Unit Development (UR-PUD), Zoning Map Amendment and LDR Text Amendment for this project to develop 20 residential units at 1255 West Highway 22 on May 16, 2016.

3. Hillside Conditional Use Permit (CUP) - Item P16-001:

The Town Council continued this item to run concurrently with this Development Plan.

PROJECT DESCRIPTION

The project has no significant changes from its last appearance at Sketch Plan. Since the applicant has received Sketch Plan approval, the final step as required by the LDRs is to obtain Development Plan approval. In addition to the Development Plan, the applicant is requesting approval of a previously continued Hillside CUP. The reason the Hillside CUP was continued was because the final geotechnical investigation report had not been performed, thus the Council did not feel comfortable reviewing the CUP until such information was presented. The applicant has since provided the final geotechnical report along with the third party review (see Hillside CUP section below).

As a recap, the applicant is proposing to construct 20 residential units within a 1.1 acre lot which was recently rezoned to UR-PUD. The proposal consists of 6 buildings (pods) with a total of 22,560 SF of habitable space. The proposal is to construct sixteen (16), 960 SF two-bedroom residential units within four (4) pods on the lower building pad which are accessed from Highway 22. These units will be rental (apartments) units but the applicant has reserved the right to subdivide for individual ownership. All sixteen units on the lower pad will be deed restricted employee units which is above and beyond the requirements of

the LDRs (Please see Affordable/Employee Housing discussion below). Each of the four pods is 3-stories with parking on the ground level (tandem) and four (4) units above. Each unit has outdoor balconies, two garaged parking spaces and there are fifteen (15) surface guest spaces. As shown on the site plan, the buildings on the lower pad are configured in a U-shape with circulation and parking in the middle. The applicant has also provided a 6' wide pedestrian walkway that leads from the center of the site's parking lot toward the southern corner of the property where it connects to the existing cyclepath.

The upper pad, proposed to have access from Batch Plant Road, consists of four (4), 1,800 SF units within two (2) pods. All four upper units are proposed to be ownership units which will eventually require a Subdivision Plat. Each pod is also 3-stories with parking on the ground level with two (2) units above. Each unit also has outdoor balconies and two garaged parking spaces. There are also a few informal guest parking spaces located in front of a few of the garages. Total guest parking for the entire site ranges from 15-18 spaces. The applicant currently has a Road Exception Request (RER) submitted to the Teton County Engineering Department for the use of Batch Plant Road and it is anticipated that some road improvements will need to be made provided the County grants access. Finally, pedestrian access between the upper and lower pads will be taken from a new stair case located along the southeast (side) property line.

The following table shows the approved and proposed development standards:

Approved Master Plan			
Development Standard	Approved (Sketch Plan)	Proposed	Complies
FAR	48% (20,934 sf)	52% max. (22,560 sf) ¹	Yes
LSR	55% min. (23,879 sf)	55% min. (23,879 sf)	Yes
Plant Units	23 units	22 units ²	Yes
Maximum Lot Coverage	24% max (10,496 sf)	24% max (10,496 sf)	Yes
Height	35' max.	35' max.	Yes
Stories	3 max.	3 max.	Yes
Density	20 units max.	20 units max.	Yes
Parking	40 spaces + approximately 27 guest spaces (67 total)	40 spaces + approximately 15-18 guest spaces (55-58 total) ³	Yes
Front Yard Setback	20' min.	20' min.	Yes
Rear Yard Setback	24' min.	24' min.	Yes
Lower Level Yard Setback (both sides)	5' – 15' min.	5' min.	Yes
Upper Level Side Setback (north)	5' – 16' min.	5' min	Yes
Upper Level Side Setback (south)	5 – 10' min	5' min.	Yes
Any development standards not included above will be applied as allowed or required in Sec. 2.3.4 Urban Residential (UR)	See UR standards		
Allowed Uses	Allowed/Proposed	Proposed	Complies
Residential			

Attached Single-family Unit (condominiums / townhouses)	B	B	Yes
Apartment	B	B	Yes
Transportation/Infrastructure			
Utility Facility	C	C	Yes
Accessory Uses			
Home Occupation	B	B	Yes

1. FAR increase is explained below under 'Development Plan.'
2. One plant unit was eliminated based on the reduction in overall surface parking. See 'Open Space & Landscaping' discussion below.
3. The overall guest parking was reduced as a result of shifting buildings further out of the hillside. See 'Parking' discussion below.

STAFF ANALYSIS

Conformance with the Comprehensive Plan

This site is located within District 4, specifically Subarea 4.2 - Northern Hillside which is a transitional area sought to have redevelopment with mixed use and residential development. As stated in the Staff Findings section below, staff finds that the proposed project is in conformance with the Comprehensive Plan. The proposed development meets many of the goals of the Comprehensive Plan related to Community Vision, Natural and Scenic Resources, Transportation and the provision of Affordable Housing.

Development Plan

The purpose of the Development Plan is to ensure consistency with the previously approved Sketch Plan and with the standards approved with the PUD. As shown in the applicant's submittal and in the table above, the proposed layout and site plan is generally consistent with the previously approved plans and meets all applicable regulations related to setbacks, height restriction and FAR, and in some areas exceeds the requirements. There are no major changes in the Development Plan that are not consistent with past approvals, however some minor changes have been made which are discussed below under each specific heading. One change that staff would like to highlight is the change in exterior colors. The previous design was a grey metal for the exterior siding and roof. The proposed materials have remained the same but have a brown tone and appear to be a different type of metal material. Staff is seeking feedback regarding these changes.

In regards to conditions of approval, the applicant was required to address seven (7) conditions associated with the Sketch Plan and one (1) condition with the Hillside CUP. The condition for the Hillside CUP has been met as the applicant provided the final geotechnical investigation report along with a third party review from Landslide Technology (Please see the Hillside CUP section below for a full analysis). Regarding the Sketch Plan, the applicant has met all but one condition, Condition #2 which required the applicant '*to obtain an access easement and/or formal permission from Teton County to utilize Batch Plant Road to access the upper units prior to submittal of the Development Plan.*' At this time, the applicant has submitted their Road Exception Request (RER) with the Teton County Engineering Department which is currently in review. Staff has added a condition of approval that the applicant have the agreement approved and finalized prior to Town Council Review (Please see the 'Access/Circulation/Traffic' discussion below for more details).

Department Reviews

Staff finds that as conditioned, all department reviews have been addressed either through the project design or as part of the approval along with conditions. It should be noted that the Town Engineering Department

has provided comments related to utilities and necessary infrastructure improvements. The site will need water connection from the Y-intersection in addition to sewer improvements. At this time the applicant is required to provide such improvements unless the Town agrees to a cost sharing plan.

The following are comments taken from the Public Works Department Reviews related to water and sewer:

“Please be advised that infrastructure improvements necessary to extend the existing Town of Jackson water system to the property are the responsibility of the developer and must be constructed to Town of Jackson and WYDEQ standards. Future upgrades to the Town of Jackson’s water system to address the existing 6” water main from the connection point, back to the tie-in with the 12” water main will be the responsibility of the Town of Jackson, and completed at a later date.”

“Please be advised that ongoing discussions between Town of Jackson and Spring Creek regarding the existing sanitary sewer system and the proposed connection for the development have yet to be finalized. Further discussion of this matter with Town staff is encouraged. Given the expected timeline of improvements necessary for transfer of ownership from Spring Creek to the Town of Jackson, and the determination from Spring Creek not to allow connection of the proposed development to the existing system, the Developer would be responsible for completing necessary improvements for sanitary sewer service connection if the desired timeline for completion cannot be met by Spring Creek and Town of Jackson.”

FAR (Floor Area Ratio)

There is also a slight increase in the overall FAR by approximately 1,600 SF on the upper four (4) units. The total allowed FAR for a UR-PUD based on the size of the lot is a .65 FAR (28,207 SF), of which the applicant only proposed to use a .48 (20,934 SF) at the time of Sketch Plan. The proposed FAR in this Development Plan is a .52 (22,560 SF). Staff finds that the additional square footage is not significant enough to require the applicant to amend the Sketch Plan or PUD because the square footage doesn’t present a significant change in bulk and scale and does not increase density, reduce setbacks, or increase stories and height.

Open Space & Landscaping

Open space: Staff finds the proposed open space is consistent with the approved Sketch Plan and generally limits site disturbance protecting the existing hillside vegetation. As shown on the site plan, the applicant has provided substantially more than the required amount of Landscape Surface Ratio, approximately 10,000 sf more. Previously with the Sketch Plan, ideas were thrown around as to what to do with the open space between the lower buildings and the roadway. It was discussed that this 40’+ area should be well landscaped and possibly include a pedestrian sidewalk that connects with the one directional cycletrack. The applicant has modified this area to now serve as a focal point with the inclusion of a public art piece within a circular pad surrounded by benches and landscaping. The plan also includes a 6’ sidewalk adjacent to a 4’-6’ sound screening retaining wall. Staff finds that these changes are an improvement and serve as a useful design of this space. Some landscaping is proposed within the WYDOT ROW and will require an encroachment permit from WDOT but they are usually supportive of such permits when only landscaping is involved. Staff has added a condition of approval that prior to building permit submittal, all necessary permits must be obtained through WYDOT for work in the ROW. Staff finds that the changes made improve the use of this space visually and functionally.

Landscaping: A landscape plan prepared by a Wyoming Licensed Landscape Architect has been submitted which satisfies Condition #3 from the previously approved Sketch Plan. Previously, the applicant was required to provide 23 plant units based on the number of residential units and surface parking. Since some of the surface parking was reduced by shifting two of the upper pods further out of the hillside, the plant requirement was reduced to 22. Two of the 22 plant units have been substituted out and replaced with alternatives; benches, bike racks and public art. The LDRs (Section 5.5.3.E.4) allow substitution of 1 canopy tree for a two-person bench, 1 canopy tree for a 6-bicycle bike rack, and also allows for flexible substitutions for public art. Based on providing three (2-person) benches and five bike racks (6-bicycle capacity), staff finds that a one plant unit reduction is reasonable. Regarding the art piece, staff doesn't have a rendering of the proposed piece, but the applicant described it as a fishing theme. Based on the location and cost of the art, staff finds that a one plant unit reduction is reasonable, especially considering that 20 plants units is a sufficient amount of plantings, if used properly, to screen and soften the development.

Previously with the Sketch Plan, the preliminary landscape plan depicted general locations of plantings with recommendations to properly screen the parking lot, the lower buildings, and portions of the exposed concrete of the upper units. The proposed landscape plan now shows a combination of trees and shrubs screening the exposed concrete portions of the upper units which is consistent with staff's recommendation. Because these plantings are on the steep hillside, they will need to be irrigated and care will need to be taken to ensure that adding water to the hillside will not compromise the stability of the slope. With the lower units, there are three clusters of plantings between the street and the development which address staff concerns for screening the parking lot and buildings.

Staff finds that the proposed landscape plan, along with the berm and retaining wall, will adequately screen the parking lot while softening the site's appearance.

Access/ Circulation/Traffic

Access to lower building pad: No changes in accessing the lower building pad have been presented. The plan is to eliminate one of the two existing accesses (i.e., the one closest to Town) and shift the northern access to the South about 40 feet. Public Works and WYDOT have reviewed and commented on the proposed access and at this time do not have any significant circulation or access concerns regarding the lower building pad. WDOT, along with Police Chief Todd, did express concern that left turns out of either access would be difficult at certain times of day and year. However, neither WYDOT nor the Town Engineer are recommending any turning movement improvements or traffic controls to address left turns from the lower site (see discussion of traffic analysis below that estimates that the proposed project will create significantly less traffic than the existing car rental operation or past uses).

Access to upper building pad: No changes in accessing the upper building pad have been presented. The upper building pad is proposed to be accessed through Batch Plan Road, which is a County road located approximately 500' north of the subject site. Previously with the Sketch Plan, a condition of approval (Condition #2) was added requiring the applicant to have formal permission from the County to use Batch Plant Road to access the upper four units. This was due in part to some deficiencies in the width of the road and the entrance/exit turning radius. Teton County Search and Rescue previously received approval for an RER for their facility and use of the road and it was understood that any new development would trigger road improvements. At this time the applicant has submitted their RER which is being reviewed by the Teton County Engineering Department. The preliminary improvements are shown in the applicant's submittal packet under Section 7 which include changes to the upper and lower portions of Batch Plant Road. Staff is comfortable with essentially carrying the previous condition forward, but revise it to state that the RER be approved and finalized prior to Town Council review. The applicant is also aware and assumes the risk knowing that if the County does not approve the request, significant changes to the plan will be required OR

an alternative means of access will need to be obtained, perhaps with the adjacent property owner to the south.

Circulation for lower building pad: No significant changes have been made to the circulation on the lower pad. Access to the site is consolidated into one access point, which will improve turning movements entering and exiting the site. Internal circulation will be provided by a two-way drive aisle that will provide direct access to all of the lower garages and guest parking located on the west side of the parking/drive area. The applicant has addressed a previous condition of approval (Conditions #5) requiring the back-up area for the western unit in Pod 4 be modified in the site plan to meet the LDRs. As shown on the site plan the back-up area for POD #4 meets the minimum 24' back out distance.

Circulation for upper building pad: Circulation to the upper units will be provided by Batch Plant Road which will function as a dead end road providing access to and from the upper units (i.e., residents will be required to back out or their garages and exit the way they came). According to the site plan, there is adequate back-up space between the buildings and the rear property line which is consistent with the minimum 24' requirements according to the LDRs.

Bike Access: An existing one-way cycletrack heading west crosses the applicant's property adjacent to Hwy 22. A 10'-wide multi-use pathway will be completed on the opposite side of the highway likely this summer. Thus the site has excellent bike access. Brian Schilling, Director of the Pathways Department, however, has concerns that the cycletrack will not function safely if pedestrian traffic is added to it. To address these concerns, the applicant has added a separate pedestrian sidewalk which provides a segment of safe walkability toward Town amenities and transportation. (See section below on 'pedestrian access' for more discussion on this topic). It should be noted that until such improvements are completed between the subject site and the Y-intersection, pedestrians will not have a safe functional method of access toward Town. Staff is looking for feedback on whether 1) a condition of approval should be added requiring the applicant to provide the necessary off-site pedestrian improvements to connect the subject property to the Y-intersection, 2) whether the Town should pay for the off-site improvements, or 3) do nothing and allow each property to provide the improvements as they develop over time.

Streetscapes

The applicant is still proposing to create a large landscape buffer strip of approximately 40 feet (20' on the applicant's property and 20' in WDOT ROW), where only a partial, 20+' strip of mostly unmaintained dirt currently exists. Thus, the project will constitute a significant upgrade over current conditions. The proposed landscape plan identifies a variety of tree and shrub plantings between the highway and the development, most of which are located on the applicant's property. In addition to the landscaping, a 3'-4' berm, 4'-6' retaining wall and pedestrian sidewalk have been proposed which is anticipated to enhance the visual appearance and functionality of this area. Staff finds that the proposed plan is a significant improvement from the current condition and will adequately buffer the development from the busy highway. Furthermore, the applicant has proposed to add an art piece in the middle of a circular gathering space access from the pedestrian path. The Public Art Task Force is currently not involved in the designing of the art piece. Staff finds that the proposed project, as conditioned, is consistent with the Sketch Plan and PUD.

Parking

The applicant is proposing to construct a total of 55 parking spaces: 40 garage spaces (2 spaces per unit) plus 15 guest parking spaces. The majority of the 15 guest spaces are informal guest parking spaces located in front of garage doors of many of the lower units and won't interfere with the required drive aisle width. Previously the design showed a total of 27 informal parking spaces, however many of those spaces did not technically meet the minimum dimensional requirements and back out distances. The reduction in parking

was a result of the applicant shifting the upper units further out of the hillside toward the rear property line, thus reducing the space for guest parking. Ultimately the tradeoff is less hillside disturbance with less guest parking. At 55 spaces for 20 units, the result is 2.75 parking spaces per unit which is still greater than the standard requirement of 2.5 spaces per unit. Staff finds that 2.75 spaces per unit is sufficient to meet the off-street demands of the two-bedroom and three-bedroom units. There is still room for a few informal parking spaces on the upper level that were not called out on the site plan. Staff anticipates that 3-4 informal guest spaces are available based on the width in certain areas. One minor change that needs to be addressed in the parking layout on the lower pad, is that the parking space adjacent to where the pedestrian path connects to the parking lot. This needs to be modified to ensure that a parked car does not encroach into the drive aisle. Staff has added a condition of approval that this be revised prior to submittal of Building Permit.

Pedestrian Access

Previously with the Sketch Plan, a condition of approval (Condition #7) was added related to addressing how residents would safely walk from the site to Town. As previously discussed with the Sketch Plan, there are a variety of desirable locations to access by walking, such as the grocery store, a bar, a few restaurants, local services, and a START stop just south of Broadway/Hwy 89 on Buffalo Way. The outstanding concern was that pedestrians would use the one-way (to the West) cycletrack which is not the intended use of the cycletrack and is not a safe situation. Brian Shilling, Director of the Pathway Department, previously brought up a few options, one being to add a 6' sidewalk separated from the cycletrack by a few feet. The applicant ultimately chose to add the detached 6' sidewalk which is shown on the site plan. Brian Schilling has provided comments on the proposal and is satisfied that a sidewalk was added, but further recommends that the sidewalk run immediately adjacent to the cycletrack rather than having it angle toward the center of the site. Staff finds that because this development is at the edge of Town, it makes practical sense that a sidewalk would end at this development and not continue west. Staff finds that the sidewalk as proposed adequately serves the site and transports residents through the site rather than forcing them to walk through the driveway entrance to access the sidewalk. Staff finds that the proposed plan meets the previous condition of approval (Condition #6) and is a safe method for access.

Steep Slopes and Hillside Conditional Use Permit (CUP)

Steep Slopes: Section 5.4.1. Steep Slopes of the LDRs prohibits the physical development of *natural* slopes greater than 25%. It states that *manmade* slopes in excess of 25% may be developed, provided the final grade otherwise complies with our grading and other standards. Thus, because the primary slope on the site is approximately 30%, it needs to be determined whether this slope is manmade. According to the geotechnical report submitted by the applicant, the slope in question is nearly all the product of human activity, most likely fill pushed down the hillside to create the upper building pad. The bulk of this work was done in the 1950s and 1960s. Aerial photographs on the Town GIS system seem to verify this conclusion. Even so, it is staff's position that the exception for manmade slopes only applies where the original, natural slope was less than 25% (i.e., if the original, natural slope was more than 25% then it should not become "developable" simply because it was manipulated into an even steeper slope). Staff asked the applicant to provide a reasonable estimate of the grade of the natural slope before it was developed. The applicant provided an analysis using available data to conclude that the original natural slope was 24%. Obviously, this is very close to the 25% threshold, but staff finds the analysis credible and accepts it. The result is that the applicant is not required to get a variance or administrative adjustment to allow, for example, some of the lower buildings to be built into the hillside.

Hillside CUP: Under Sec. 5.4.1.D Standards for Hillside Areas, any lot of record with an average cross-slope of 10% requires a Hillside CUP to allow any terrain disturbance, even if the proposed development would not disturb any slope of greater than 10%. Single-family detached homes are exempted. The applicant's site requires a Hillside CUP for development.

The following standards and criteria are required to be met for approval of Hillside CUP:

1. *The amount of terrain disturbance related to the otherwise allowable or conditioned uses for the property and the proposed mitigation efforts;*

The primary terrain disturbance associated with the project is related to the decision to build some of the lower buildings into the hillside up to about 25 feet. The upper units are located on relatively flat ground and, compared to the Sketch Plan, the units disturb less of the hillside and have been shifted several feet toward the rear property line. While the applicant could certainly reduce the amount of land disturbance by moving the units closer to the road and/or reducing the number of units, staff finds that the amount of proposed land disturbance does not appear to be excessive based on the preliminary slope stability study that indicates that any negative impacts should be able to be mitigated through proper building and site design. The fact that the proposed buildings are embedded into the hillside and will act to support the hillside (rather than leaving an exposed and unsupported slope), will likely help maintain the long-term integrity of the slope. Furthermore, any site disturbance will need to meet all of the grading requirements to the satisfaction of the Town Engineer. Finally, as noted below in more detail, staff finds that based on the final slope analysis provided in the geotechnical report, that the amount of soil disturbance does not create any potential hazards provided the recommended construction methods are followed according to the report.

2. *Retention or replacement of native, existing vegetation consistent with any proposed lawful use of the property;*

Because the vast majority of slope is a manmade fill slope, the vegetation on the slope is largely disturbed and compromised, with little native grassland vegetation. Only a small area of native xeric shrub exists on the upper level. Given these conditions, the amount of vegetation proposed to be impacted will be consistent with any proposed lawful use of the property as conditioned by staff.

3. *Mitigation measures for mitigating impacts on wildlife or crucial winter range; and*

The applicant has provided an environmental report from Biota Research and Consulting that analyses the potential impacts to wildlife from the proposed project. The report states that the project site is located within mapped crucial winter range for mule deer but that there have not been any direct observations of deer on the site from field surveys. However, deer tracks in the snow were observed by the consultant on a recent site visit. It appears then that the site is mostly used as a movement corridor for deer to travel to other locations. The site is not crucial winter range for elk or moose. The report concludes that because the site has little forage suitable for deer, is used by deer mostly as an infrequent movement corridor, and that the proposed project is confined mostly to previously disturbed areas, that “no negative impacts to mule deer, their crucial habitat, or crucial movement corridors are expected to result from the proposed action.” Staff finds that the project is consistent with this Hillside CUP standard.

4. *Mitigation measures for avoiding or minimizing visual impacts, subsurface, and any other natural hazards associated with hillside development.*

Visual analysis: The applicant has provided a visual analysis of the proposed development. On the lower level, the units will be set into the base of the hillside in a manner that the rising hillside behind them will help minimize their perceived mass. For the upper units, while they will be elevated approximately 35’ above the lower building pad, they do not skyline and will have the large hillside behind them as a backdrop to minimize their perceived mass. Also, because the lower units are

proposed to be approximately 35' in height, it appears that the first story of the upper units may be largely blocked by the lower units as viewed from the street, further reducing the visual impact of the upper units. In addition, proposed landscaping along the landscape berm and on the hillside will help to soften the visual impacts of the proposed buildings.

Geotechnical study: Jorgensen Associates provided a final geotechnical and slope stability analysis of the proposed site. Prior to commencing the site-specific testing, the applicant met with Landslide Technology to ensure the methodology and scope of work was sufficient in its approach and thoroughness. The study provided site-specific data estimating the likely slope stability, seismic, and other associated risks of developing the applicant's property. The study's conclusion is that the slopes do not present any 'red flags' or obviously high risks to developing the site. In addition, no landslide conditions were evident. Jorgensen Associates has since reviewed the third-party comments and provided a response to the Town resulting in an addendum to the original report to fix any needed changes/recommendations. The response from Jorgensen (attached) was reviewed by the Town of Jackson Engineering Department who further provided a written confirmation of their satisfaction and comfort with the level of detail and proposed addendum.

Staff finds that the project, as conditioned by staff, is consistent with this Hillside CUP standards for visual and geotechnical impacts for Development Plan.

Affordable/Employee Housing

The Teton County/Jackson Housing Department (TCJHD) has worked with the applicant and is supportive of the proposed housing plan to restrict more units rather than restrict the typical 25%. The result is the Town gets more units at a lesser affordability rather than less units at a higher affordability. Although the applicant is reserving the right to future subdivision (ownership), whether that be by subdividing each building POD or by subdividing individual units within each POD, the 16 units will always be subject to the restriction placed on them which requires them to be rentals and restricts owners from occupying them. The end user is not affected either way.

The following was taken directly from the Jackson Teton County Housing Department (JTCHD) comments:

According to the Jackson Teton County Housing Department (JTCHD), the proposed development of 20 condominium units will require deed-restricted housing for 9.6 persons. The 9.6 persons would normally be required to be housed in Category 1, 2, and 3 ownership units evenly distributed over the categories. However, the applicant has indicated they plan on restricting all (16) of the lower section 2-bedroom units for employee housing rentals. These 16 units will house 36 people, which is 26.4 more than the requirement. The applicant is proposing a new model with the intention of getting employers involved in housing the workforce. The restriction will not be the same as a standard Employee Housing rental unit. Rather, it will include the following:

- *The restriction shall apply to the lower 16, 2-bedroom units only.*
- *Restricted units will be master leased to businesses to be used as housing for their employees or other employees working in Teton County.*
- *No more than 3 unrelated people in a 2 bedroom unit per TOJ regulations.*
- *Master Leases to businesses shall be market rate.*
- *Rents shall be determined & negotiated by the Owner and the Employer based on local market rate rents.*
- *The business holding the master lease shall be responsible for meeting the Employee workforce regulations of the units.*

- *At least 1 person occupying the unit must be employed full time in Teton County.*
- *Rents charged to Employees (occupants) may not exceed the rents being charged to the business holding the master lease.*
- *Owners of the business who master lease the units shall not occupy the rental units.*
- *Businesses who master lease the units will keep records of employees occupying the units for 2 years.*
- *This Restriction can be modified with the approval of the Housing Department & Planning department without Town Council Approval.*

The terms of the new Employee Deed Restriction will not include the following;

- *Rent rates shall not be regulated by the Housing Department or HUD.*
- *This restriction does not apply to the upper 3-bedroom units.*

Development Exactions

The applicant has stated their intent to subdivide for individual ownership, however the park & school exaction requirements do not apply at this time. If in the future the applicant/owner chooses to subdivide the units, then the property will be subject to the park and school exactions in Section 7.5.2: Park Exactions and Section 7.5.3: School Exactions.

PUBLIC COMMENT

Staff has received public comment (see attached letter) from a property owner with concerns related to the density of the project, traffic and access.

STAFF FINDINGS

Item A: Development Plan. All Development Plan proposals may be approved only if all of the following findings are made:

1. *The proposed project is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan.*

Complies. The proposed application is located in Character District #4 Midtown, specifically Sub-area 4.2 Northern Hillside of the 2012 Comprehensive Plan. In order to review the application for conformance with the Comprehensive Plan, staff has reviewed the Policy Objectives for District 4 as follows:

Common Value 1: Ecosystem Stewardship

Policy 1.1.c: Design for wildlife permeability

Complies. Staff finds that the proposed project is designed for wildlife permeability based on the Environmental Analysis conducted by Biota Research and Consulting. The research and analysis addressed any/all potential environmental concerns in the site plan and it is not anticipated to have significant adverse impacts on the ability of deer to move through the site.

Common Value 2: Growth Management

Policy 4.1.b: Emphasize a variety of housing types, including deed-restricted housing

Complies. As conditioned, staff finds that by providing a combination of ownership and deed restricted employee units, the project is providing a much-needed type of housing product lacking in the community. In addition, the applicant has committed to deed restricting 16 of the 20 units as employee housing which is above and beyond the requirements of the LDRs and further addresses a critical affordable housing need in the community.

Policy 4.1.d: Maintain Jackson as the economic center of the region

Not applicable.

Policy 4.2.c: Create vibrant walkable mixed use subareas

Complies. Although the property is located on the outer edge of Town not close to major pedestrian corridors, the project is envisioned to have some pedestrian use and need to access nearby amenities, such as START, the grocery store, restaurants, and services. Based on a previous condition of approval, the applicant has worked with Pathways to find a solution toward the absence of safe, walkable access between the site and the Y-intersection. The applicant is providing a 6' wide pedestrian sidewalk connecting from the site's parking lot to the southeast corner of the property where it meets up adjacent to the existing one-way cycletrack. Pathways has reviewed the proposal and is satisfied that the 6' wide detached sidewalk was added.

Policy 4.3.a: Preserve and enhance stable areas

Not applicable.

Policy 4.3.b: Create and develop transitional areas

Complies. As conditioned, staff finds that the proposed development will revitalize a currently underdeveloped site in a prominent entry location to the Town. The proposed project is located within a transitional area and staff finds the development to be consistent with the desired future vision described for Subarea 4.2 by adding needed housing to the community.

Policy 4.4.b: Enhance Jackson gateways

Complies. The proposed development will enhance Jackson's gateways through redevelopment of a site that has for many years been underdeveloped and visually unimpressive. This is one of the first and most visible sites as you enter the Town from Highway 22 and the proposed development will significantly improve the visual appearance from its existing condition as a car rental site. Staff finds that the quality design and the placement of the buildings provides an aesthetically pleasing look and feel, especially as two of the PODs are pushed up toward the highway creating a semi-street wall which is helpful for traffic calming.

Policy 4.4.d: Enhance natural features in the built environment

Complies. Staff finds that the proposed development does enhance natural features in the built environment. Specifically staff is able to make the necessary finding required for a Hillside CUP which is designed to protect our steep slopes from the impacts of development.

Common Value 3: Quality of Life

Policy 5.2.d: Encourage deed-restricted rental units

Complies. The proposed project has gone above and beyond by deed restricting a total of 16 units which houses 26.4 more people than the minimum requirement.

Policy 5.3.b: Preserve existing workforce housing stock

Not applicable.

Policy 6.2.b: Support businesses located in the community because of our lifestyle

Not applicable.

Policy 6.2.c: Encourage local entrepreneurial opportunities

Not applicable.

Policy 7.1.c: Increase the capacity for use of alternative transportation modes

Complies. Staff finds that the proposed project does increase the capacity for use of alternative transportation modes such as pathways and the START bus. A bike path runs adjacent to Highway 22 and the closest bus stop at Buffalo Junction is approximately .3 miles away. The site is also located within walking distance to banking, restaurants, a grocery store and the post office. In addition, the proposed 6' sidewalk is one step in the right direction toward encouraging a safe means of pedestrian access to the Y-intersection.

Policy 7.2.d: Complete key Transportation Network Projects to improve connectivity

Not applicable.

Policy 7.3.b: Reduce wildlife and natural and scenic resource impacts

Complies. According to the Environmental Analysis done for the site, no significant negative impacts to mule deer, their crucial habitat, or crucial movement corridors are expected to result from the proposed action. No significant impacts to other natural resources, such as wetlands, watercourses, are anticipated either. Furthermore, based on the submitted visual analysis, the proposed project should not have any skylining impacts or other major adverse visual impacts given the hillside location. Staff finds the proposed project is consistent with this policy.

In addition, staff finds that the application should be reviewed for consistency specifically with subarea 4.2 Northern Hillside which states as follows as the desired vision for the subarea:

This TRANSITIONAL Subarea must strike a delicate balance between allowing some mixed use and residential development while maintaining wildlife permeability and the natural form of the undeveloped hillsides. A key to successful future development will be to sensitively place development in harmony with the existing terrain in order to minimize land disturbance. Development intensity in this area should be less than that found within the adjacent Midtown Highway Corridor (Subarea 4.1). Structures will be allowed up to two stories and may be configured in a variety of layouts with attached and detached units blending into the natural surroundings. Smaller building footprints will be encouraged in order to provide adequate open and/or landscaped areas. A variety of residential types, including live/work, multifamily, and duplexes, may be appropriate in this area depending on the specific characteristics of a site and its existing topography. Low density single family housing

may continue to be appropriate at the edges of this area, particularly when adjacent to existing undisturbed hillsides. Future development should address wildlife permeability and assist in guiding wildlife movement to future roadway crossings.

Complies. As conditioned, staff finds that the proposed project design, density, and quality of design is consistent with the desired vision for this transitional subarea. Although this particular development is purely residential, the subarea overall would benefit from a balance of uses. Specifically, the adjacent sites to the southeast are commercial in nature, thus by adding a residential development the overall subarea would benefit from the mixture of uses. The Comprehensive Plan also envisions the use of smaller building footprints which the applicant has done by placing multiple pods throughout the site to break up the bulk and mass. In regards to hillside sensitivity, the vision states that the placement of development should be located in such a way to reduce hillside disturbance. Staff has received the conclusions of the final slope stability analysis as part of the final Development Plan along with a third party review. No slope stability issues were found based on the proposed design. In terms of the development intensity being lesser than the adjacent Highway Midtown subarea (primarily AC zoning), staff finds that a residential use of this site will be less intense in terms of use than many of the commercial sites along the highway subarea and also less intense than the previous use of the subject site in terms of traffic generation. When comparing development intensity, staff finds that the lot coverage (building footprints) and paved surfaces is less than that of a typical AC lot. In addition, the amount of LSR provided is substantially beyond what is required on an AC zoned development. Finally, while not in the NRO, an environmental analysis was conducted and found the development to not have significant negative impacts on wildlife, their habitat or crucial movement corridors.

2. *The proposed project achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO).*

Not applicable.

3. *The proposed project does not have a have a significant impact on public facilities and services, including transportation, portable water and wastewater facilities, parks, schools, police, fire, and EMS facilities.*

Complies. As conditioned, staff finds that the proposed project is not anticipated to have adverse impacts on public facilities including Police, Fire and EMT. The applicant is coordinating with the Town Engineer to properly address stormwater runoff and to identify the necessary water and sewer service improvements to ensure available capacity to serve the development. In regards to traffic impact, one of the site's accesses will be eliminated to reduce impacts on Highway 22. A traffic analysis was conducted based off of previous uses of the property and concluded that the effects of the proposed development will not increase traffic volumes compared to existing and previous uses. A final outstanding issue regards the use of Batch Plant Road for access to the upper units and this has been addressed with a condition of approval that the applicant will need to gain the proper permits to approve this access, which may require physical improvements to the road.

4. *The proposed project complies with the Town of Jackson Design Guidelines, if applicable.*

Not applicable.

5. *The proposed project complies with all relevant standards of these LDRs and other Town Ordinances*

Complies. As conditioned, staff finds that the proposed project complies with the standards of these LDRs as the request meets all requirements such as FAR, LSR, setbacks, height, etc. In addition the project is in compliance with all other Town Ordinances.

6. *The proposed project is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

Complies. As conditioned, staff finds that the proposed project is in substantial conformance with the previously approved Sketch Plan and PUD.

Item B: Pursuant to Section 5.4.1.D.5 Findings for Hillside Areas of the Land Development Regulations, the following finding shall be made for the approval of a Conditional Use Permit.

1. ***Findings.** The following finding shall be made before granting a Conditional Use Permit for hillside areas: that the mitigation measures identified will be effective in mitigating any adverse impacts identified, and associated with the proposed physical development, uses, development option, or subdivision.*

Complies. Staff finds that, as conditioned for the Development Plan, the proposed mitigation measures will be effective in mitigating any adverse impacts identified with the proposed physical development and use. The final slope stability report provided by Jorgensen Associates found that the site did not present landslide or slope stability concerns. The study also received a satisfactory third party review which provided additional alternatives and recommendations for best practices related to site disturbance and installation of foundations.

In addition, Pursuant to Section 8.4.2.C (Conditional Use Permit Standards) of the Land Development Regulations, a Hillside CUP requires that the following regular CUP findings shall be made for the approval of a Hillside CUP.

1. *The proposed project is compatible with the desired future character of the area.*

Complies. Staff finds the proposed project is compatible with the desired future character of the area as stated above in **Item A**, finding #1.

2. *The proposed projects complies with the use specific standards of Division 6.1.*

Complies. Staff finds that the proposed project complies with the use specific standards of Division 6.1. The proposal is for Attached Single-Family Residential and Apartments which are allowed uses within the UR-PUD zone.

3. *The proposed project minimizes adverse visual impacts.*

Complies. Staff finds that based on the submitted visual analysis that the proposed project will minimize adverse visual impacts through the site design and the proposed landscaping. The proposed project will constitute a major visual improvement compared to the existing site development.

4. *The proposed project minimizes adverse environmental impacts.*

Complies. Staff finds the proposed project to minimize adverse environmental impacts. An Environmental Report was prepared for the parcel and no negative impacts to wildlife are expected to

result from the project. Any potential adverse impacts have been considered and addressed with the proposed site plan.

5. *The proposed project minimizes adverse impacts from nuisances.*

Complies. Compared to the existing commercial use of the property, the proposed residential development is not anticipated to have any nuisances. In addition, noise and other impacts are anticipated to be far less than the adjacent commercial operations (rental car business, fuel storage yard, etc.).

6. *The proposed project minimizes adverse impacts on public facilities.*

Complies. Staff finds that the proposed project is not anticipated to have adverse impacts on public facilities including Police, Fire and EMT. The applicant is coordinating with the Town Engineer to properly address stormwater runoff and to identify the necessary water and sewer service improvements to ensure available capacity to serve the development. In regards to traffic impact, one of the site's accesses will be eliminated to reduce impacts on Highway 22. The site also is served by pathways, is within walking distance to START service and close to a grocery store, restaurants and banks. However, given existing deficiencies in Batch Plant Road (which is a County road), staff has conditioned the approval of the Development Plan that the applicant shall obtain an access easement and/or formal permission from Teton County to utilize Batch Plant Road to access the upper units prior to Town Council review.

7. *The proposed project complies with all other relevant standards of these LDRs and all other Town Ordinances.*

Complies. Staff finds that the proposed project complies with Town Ordinances and all relevant standards of these LDRs including use and physical development (setbacks, FAR, LSR, etc.).

8. *The proposed project is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

Complies. As conditioned, staff finds that the proposed project is in substantial conformance with the previously approved Sketch Plan and PUD.

[ATTACHMENTS](#)

Applicant Submittal
Department Reviews

[RECOMMENDATIONS/ CONDITIONS OF APPROVAL](#)

Item A: The Planning Director recommends **approval** of a Development Plan to develop 20 residential units for the property located at 1255 W. Highway 22 subject to the department reviews and the following conditions:

- 1) Prior to issuance of a Building Permit, the applicant shall provide a landscape bond to the Town of Jackson in the amount of 125% of the total cost for the proposed landscaping.
- 2) Prior to Town Council review, the applicant shall obtain an access easement and/or formal permission from Teton County to utilize Batch Plant Road to access the upper units.

- 3) Prior to issuance of a Building Permit, the applicant shall obtain the necessary permit from WYDOT for all work done within the right-of-way.
- 4) Prior to issuance of Certificate of Occupancy, the applicant shall work with the Jackson Teton County Housing Department and record employee deed restrictions against the property for the proposed 16 rentals units on the lower building pad.
- 5) Prior to submittal of a Building Permit, the applicant shall revised the site plan so that the parking space located adjacent to the pedestrian path does not encroach into the drive aisle.

Item B: The Planning Director recommends **approval** of a Hillside Conditional Use Permit to develop 20 residential units for the property located at 1255 W. Highway 22 subject to the department reviews and the following condition:

- 1) Prior to issuance of a Grading & Erosion Control Permit & Building Permit, the applicant shall adequately address all concerns and recommendations as presented in the Geotechnical Investigation report and third-party review.

SUGGESTED MOTIONS

Item A: Based upon the findings for a Development Plan as presented in the staff report related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Complies with the Town's Design Guidelines; 5) Compliance with LDRs & Town Ordinances; 6) Conformance with past permits & approvals as presented by the applicant and staff for Item P16-085, I move to recommend **approval** to the Town Council approval of a Development Plan to develop 20 residential units at the property addressed at 1255 W Highway 22, subject to the department reviews attached hereto and following conditions of approval:

- 2) Prior to issuance of a Building Permit, the applicant shall provide a landscape bond to the Town of Jackson in the amount of 125% of the total cost for the proposed landscaping.
- 3) Prior to Town Council review, the applicant shall obtain an access easement and/or formal permission from Teton County to utilize Batch Plant Road to access the upper units.
- 4) Prior to issuance of a Building Permit, the applicant shall obtain the necessary permit from WYDOT for all work done within the right-of-way.
- 5) Prior to issuance of Certificate of Occupancy, the applicant shall work with the Jackson Teton County Housing Department and record employee deed restrictions against the property for the proposed 16 rentals units on the lower building pad.
- 6) Prior to submittal of a Building Permit, the applicant shall revised the site plan so that the parking space located adjacent to the pedestrian path does not encroach into the drive aisle.

Item B: Based upon the findings for a Hillside CUP as presented in the staff report related to 1) Compatibility with Future Character; 2) Use Standards; 3) Visual Impacts; 4) Minimizes adverse environmental impact; 5) Minimizes adverse impacts from nuisances; 6) Impact on Public Facilities; 7) Other Relevant Standards/LDRs; and 8) Previous Approvals for a Conditional Use Permit and findings required by Sec. 5.4.1 Steep Slopes regarding hillside mitigation measures as presented by the applicant and staff for Item P16-001, I move to recommend **approval** of a Hillside CUP to Town Council to develop 20 residential units for the property addressed at 1255 W Highway 22, subject to the departmental reviews attached hereto and the following condition of approval:

- 1) Prior to issuance of a Grading & Erosion Control Permit & Building Permit, the applicant shall adequately address all concerns and recommendations as presented in the Geotechnical Investigation report and third-party review.

