Jackson Town Council Workshop

March 15, 2021
3:00 PM
Town Council Chambers

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS. PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

I. ZOOM LINK FOR PUBLIC PARTICIPATION

To join, click the link or copy to your browser: https://us02web.zoom.us/j/86022143025?pwd=NVFqL1B3R0FGbGN4b0QreC96UVRWQT09
If the link does not work, join at zoom.com with Webinar ID **860 2214 3025** Password: **toj**
or join by phone **1.253.215.8782** with Webinar ID **860 2214 3025** and Passcode **776441**

II. CALL TO ORDER AND ROLL CALL

A. Announcements / Employee Introductions: Joseph Ash and Orlando Cruz

III. WORKSHOP ITEMS

A. Director Updates: START, Legal, Personnel, Police (20 minutes)
B. Budget Check-In (Larry Pardee, 30 minutes)
C. Application Process for Retail/Bar & Grill Liquor Licenses (Sandy Birdyshaw, 30 minutes)
D. Residential Character in East Jackson (Tyler Sinclair, 30 minutes)

IV. PROPOSED ITEMS FOR FUTURE WORKSHOPS

4/19 *Begins at 2pm* Director Updates (Public Works, Planning, IT, Fire, 20 mins)
4/19 Council Priority and Staff Capacity Check-In
4/19 Discussion of Ord 473/Related Occupancy
4/19 Municipal Code Title 6 Liquor Updates Related to HB0013
4/19 Complete Street Project on Rancher Street
5/17 Director Updates (Housing, Finance, Parks & Rec, Community Development)
5/17 North Cache Streetscape as a Town Gateway
5/17 Municipal Code Title 13 Update
5/17 Pearl Street Sidewalk Project
6/21 Public/Private Partnership Fees
6/21 Work Plan Review from Retreat

V. ADJOURN

Adjourn to executive session to discuss personnel matters in accordance with Wyoming Statute 16-4-405(a)(ii).

Please note that at any point during the meeting, the Mayor and Council may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.

STAFF REPORT

Meeting Date:	March 15th, 2021	**Meeting Title:**	Budget Update
Submitting Department:	Administration	**Presenter:**	Larry Pardee, & Kelly Thompson
Agenda Item:	Review FY21 budget update year to date	**Public Comment:**	Yes

Purpose & Policy Considerations.
The purpose of these items is to update Council on the year-to-date overview of FY21 budget revenues.

Requested Action.
None at this time.

Recommendations.
None at this time.

Background.
Continuation of our monthly budget updates to Council:
For Fiscal Year 2021, the Town projected a 50% reduction in sales tax and a 50% reduction in lodging tax after COVID19 arrived in late March. As we have seen, sales and lodging tax have exceeded this projection. The Town sales and use tax is leading budget projections $7,315,256 thru 2/28/2021. Lodging tax is leading budget projections $592,826? thru 2/2021/2021. Staff recommends only using a portion at this time due to the uncertainty of summer revenue projections.

We would also like to communicate the impacts of SLIB Coronavirus Relief Funds (commonly called CARES). These reimbursable grants were not defined until after the budget adoption. As such, revenues were unbudgeted in FY2021. All our reimbursements request totaling $4,596,544 have been reimbursed. $1,493,167 of this are pass-thru funds requested by subrecipients. These pass-thru funds will be amended into the budget and distributed with the third budget amendment in April. However, there are new, recurring expenditures (mainly PPE and IT) that will continue going forward. Staff intends to build the fund reserve with these reimbursements and allocate thru the FY2022 budget process.

The below table shows actual reductions and increases as percentages for FY21 compared to FY20 budget years:

Month Collections	Sales & Use Tax	Lodging Tax
Fourth quarter of Fiscal Year 2020 budget		
April	*- 15%*	*- 74%*
May	*- 20%*	*- 64%*
June	*- 28%*	*- 47%*
Adopted Fiscal Year 2021 Budget		
July	*- 16%*	*- 4%*
August	*- 2%*	*- 5%*
September	*- 20%*	*+ 6%*
October	*+ 30%*	*+ 67%*
November	*+ 23%*	*+ 66%*
December	*+ 12%*	*+ 20%*
January	*+ 36%*	*+ 22%*

Analysis.

Alternatives.

Comprehensive Plan & Priority Alignment.

Common Value #3 - Quality of Life, Section 8. Quality Community Service Provision

- Principle 5.4 – Use a balanced set of tools to meet our housing goal.
  - Policy 5.4.e: Establish a reliable funding source for workforce housing provision.
- Principle 7.1 Meet future transportation demand through the use of alternative modes.
  - Policy 7.1.g: Establish a permanent funding source for an alternative transportation system Staff Report Page 3 of 3
- Principle 8.1- Maintain current, coordinated service delivery
  - Policy 8.1.e: Budget for service delivery
- Principle 8.2 - Coordinate the provision of infrastructure and facilities needed for service delivery
  - Policy 8.1.S.1: Use budgeting to affirm desired service levels from government service providers that address all policies of Principle 8.1.

Fiscal Impact.

Next Steps

In addition, staff notes a few areas in the FY22 Priority Driven Budget Process (PDB) needing time for future discussion. The areas are: 1) 39-Program worksheets (mission statements, level of service, performance metrics, desired outcomes to be achieved) and 2) prioritization metrics. In addition, staff recommends postponement of the establishment of a Public Peer Review Committee until the fiscal year 2023 budget process.

Staff Impact.

The staff impact of the recommended budget amendments is positive in that it acknowledges staff contributions and assists with keeping up with expenses and provides working funds to maintain our capital infrastructure and offsets the need for compounding expenses in the future related to equipment, health insurance and housing.

Attachments or Links.

Suggested Motion.

None requested

STAFF REPORT

Meeting Date:	3/15/2021	**Meeting Title:**	Workshop
Submitting Department:	Clerk	**Presenter:**	Sandy Birdyshaw
Agenda Item:	Discussion of Process for Applying for a Retail & Bar & Grill Liquor License	**Public Comment:**	Yes

Purpose & Policy Considerations.
To consider the process and timeline for accepting applications for liquor licenses held by the Town.

Requested Action.
1. To set an application process, including application packet contents, timeline, public hearing date, and effective date of the license.
2. To determine if the Town Council is ready to start this process.

Recommendations.
Staff recommends the Council comply with the statutory process and consider any additional steps they would like to add to the process, consulting legal counsel if needed.

Background.
On February 1, 2021, the Town Council directed staff to bring a recommendation for an application process, definable criteria for review, a timeline that would not interfere with budget review, to review fees, and explain how licenses are allocated by the State.

Population 10,449	**Retail Liquor License**	**Bar & Grill Liquor License**
Number allowed:	20. Allocated by State by population formula. (see reference material) If 2020 Census is 12,500+ we get one more.	6. Allocated by State based on population. (see reference material) Population range of 7,501 to 20,000 = 6 licenses
Number available:	Currently 2. 1 in a 'stayed' status pending appeal. Possibly 1 more with 2020 Census.	1 at 4/1/2021
Town Fee:	$1,500. State range allows $300-$1500	$1,500. * $1,514, see fiscal impact State range allows $1,500-$10,500
License Allows:	sale of alcohol for on-premises consumption, off-premises consumption, and package sales	allows full-service restaurants to have a bar
Restrictions:	sales must be made within licensed building	sales must be made within licensed building
	grocery store type must have separate area	a dispensing room is not required
	(is the least r retail restricted type of license)	sale of alcohol is for on-premises consumption
		must have a food permit
		alcohol sales limited to 40% of annual gross sales
		alcohol sales must stop when food sales stop
Transferability:	ownership and location may be transferred with Council approval	ownership or location cannot be sold, transferred, or assigned

There are two retail liquor licenses currently in the Town Council's 'possession'. These were previously held by Town Square Tavern and Lucky's Market. A third retail license is in a 'stayed' status pending the outcome of the Tastebuds appeal. On April 1st, a bar and grill license will revert to the Town, currently issued to Moe's BBQ.

For other types of liquor licenses, the Town Clerk must process applications and provide them to the Wyoming Liquor Division upon receipt. On March 4, 2019, the Town Council directed staff to not accept applications for a retail liquor license until further notice. The Town is not obligated to issue liquor licenses in its possession (Wyo. Stat. 12-4-101(a)). Staff feels it may be prudent for the Council to provide the same direction today on the bar & grill liquor license.

Proposed Process for Accepting Applications.
The following outline is presented for discussion. For this example, staff used sample dates and a timeline that would not interfere with the Council's budget review meetings.

1. Council determines what information they want to review in the application packet.
    a. The standard packet includes:
        i. Checklist for Applicants
        ii. New Liquor License Application, as prepared by the state attorney general
        iii. Affidavit of Authorization & Understanding
        iv. Plan of Operations *(see b. iv. below)*
        v. Local liquor law - JMC 6, Liquor Licenses and Permits
        vi. State liquor law – Wyo. Stat. Title 12, Alcohol Beverages
        vii. Wyoming Liquor Division contact information
        viii. Information on Server Training and a sample recordkeeping log
    b. Suggested additions to packet:
        i. Letter to applicants highlighting what Town Council expects from license holder
            a) If the Council identifies specific information they want from the applicant, we could ask for it in the packet. This would make Council's initial review a little more enlightening and shorten the length of presentations during the meeting.
        ii. Provide outline of process, timeline, effective date of the liquor license, and prorated fee
        iii. Business Plan (or expand our Plan of Operations form) to include an executive summary, description of company and leadership team, who is their target market, description of services and products to be provided, description of operations, demonstrate ability to be operational within one year and remain operational, and financial information.
        iv. A disclaimer that application packets will be a public record. Any requests for applications will go through the legal department for redaction of personal or financial information.

2. Council opens application process by directing staff and setting dates.
    a. *For example*. In April, or at a meeting that is 2-3 weeks prior to the proposed application opening date, the Council would open the application process for the number and type of licenses by making a motion.

    The suggested motion could be, "**to direct the Town Clerk to provide notice to the public that application packets for *[number and type of]* liquor licenses will be available on May 3rd and further direct the Clerk to accept those completed applications between June 1 and June 15. After June 15, staff is directed to not accept applications for retail and bar & grill licenses until further notice. I further move that special meetings be set during the last two weeks of July to conduct public hearings on those applications**."

        i. Making the motion in advance of having the packets ready, would allow the Town Clerk time to prepare a special application packet including instructions and materials required for a

complete application.

ii. This also allows time for those who may be interested to be thinking about their business plan, to obtain required bank letters, lease commitments, etc., so they can submit a complete application during the specified time.

iii. Public notice would include the how and when applicants may apply, timeline, cost, required materials, incomplete applications will be returned, state and local liquor regulations, etc.

a) Public notice would be given via website, email distribution lists, social media, and newspaper ads

iv. On May 3rd, the application packet would be available to download from the website or paper copies from the Town Clerk.

v. The motion would close the open application period, so it does not stay open indefinitely.

vi. Setting the time frame for public hearings well in advance would be advantageous to those applying. Once we know how many applications we have, the specific meeting date will need to be determined for the legal notice.

3. Application Packets are available on May 3 (or date specified) from our website and town clerk.

4. Applications are accepted only from June 1 to June 15, M-F, 8-5pm (or the dates specified).
   a. Town clerk reviews each for completeness and works with applicant to complete, if needed.

5. Required Legal Publishing.
   a. Town clerks sends a list of applicants to the newspaper for 2-week legal publishing. Applicants bear this cost ($50 each). The legal publishing must include the hearing date.

6. Town clerk scans and distributes applications.
   a. to Wyoming Liquor Division to be certified complete (they have 10 days)
   b. to Planning, Building, Police, Fire, and Attorney for departmental review and comment
   c. to the Town Council to begin reviewing (before the staff report)

7. Schedule applicant presentations.
   a. Town clerk works with applicants to schedule 10-15? minute presentation / interview during the *last-2-weeks* of July special meeting(s).

8. Town clerk prepares staff report including departmental reviews and the presentation schedule.

9. Special Town Council meeting(s) are held during the last 2 weeks of July.
   a. to hear protests and public comment
   b. to spend 10-15 minutes with each applicant to discuss their plan and hold Q&A.
   c. This could be a rather lengthy meeting, or it could be held over multiple days depending on the number of applicants.

10. Options then available for Town Council.
    a. to take action at that meeting
    b. to set another special meeting to have more time with all, or only certain applicants
    c. to approve, to reject all applications, to continue the matter, or to provide other direction

11. After the Council takes action, Town clerk:
    a. notifies the State of the approvals and denials
    b. return license fees to those denied

c. deposit license fees to those approved
d. print certificates and issue licenses as appropriate

Summary of a 4-month timeline:

April 12	Motion to open process	3 weeks before apps available
May 3	Applications made available	1 ½ month before apps accepted
June 1-15	Applications Accepted, then closed	a 2-week period, then closes
June 16-30	Dept review, WLD certification, copy to Council	10 days
Jun 30, Jul 7	Legal Publishing	2 weekly newspapers
July 7-16	Staff Report Packet to Council	7-14 days before hearing
July 20-30	Special Meeting(s) for presentations/action	as determined by Council (9-mth prorated fee $1125)
August 2	Potential license effective date in August	8-month prorated fee $1000

Analysis.
The State offers the following criteria for the issuance of liquor licenses in Wyo. Stat. 12-4-104 (b).

(b) A license or permit shall not be issued, renewed or transferred if the licensing authority finds from evidence presented at the hearing:

(i) The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;

(ii) The purpose of this title shall not be carried out by the issuance, renewal or transfer of the license or permit;

(iii) The number, type and location of existing licenses or permits meet the needs of the vicinity under consideration;

(iv) The desires of the residents of the county, city or town will not be met or satisfied by the issuance, renewal or transfer of the license or permit; or

(v) Any other reasonable restrictions or standards which may be imposed by the licensing authority shall not be carried out by the issuance, renewal or transfer of the license or permit.

Comprehensive Plan & Priority Alignment.
This application was processed according to Title 12 of the state statutes, and as related to the Comprehensive Plan Policy 8.1.a. the delivery of quality levels of service to the community and the decisions related to temporary liquor permits also have a direct correlation to the health, safety, and welfare of the community as discussed in Section 8.

Fiscal Impact.
The liquor license will generate an undetermined amount of sales tax revenue. Revenue for the Town would initially be a prorated amount of the $1,500 annual fee. Upon renewal the full $1,500 fee for each license would be deposited.

The range of fees allowed by Wyo. Stat. are provided below. Many fee ranges go back to the 1930s when the licenses were created. As license types have been added throughout the years, the fee ranges indicate a higher 'current dollar' amount. The Wyoming State Liquor Association actively participates in legislature and their mission is "to remain committed to improving the business climate and profit of all retailers and related industries." *from www.wyoliquor.org*
The WLD Chief Agent mentioned that previous attempts to increase fees by the Wyoming Liquor Division were averted by the Liquor Association.

The bar & grill license was created by the WLD in 2006-2007 as a license that would not carry a market value, as it is not transferable. It does carry a higher fee range for licensing authorities to ponder. A few local authorities charge $3,000 or $10,500 for a new bar & grill license, and then lower the renewal fee to $1,500.

Wyo. Stat.	Type of License	Fee Range	Jackson's Fee	
§ 12-4-201(e)	Retail, created 1935	300 – 1,500	$1,500	since 1935
§ 12-4-301(a)	Limited Retail (Club), created 1935	100 – 1,500	$500*	since 1995 *$ 505.00
§ 12-4-405	Resort, created 1970s	500 – 3,000	$3,000	Since 2020, previously $1500, 1995
§12-4-411	Restaurant, created 1970s	500 – 3,000	$1,500*	since 1995 *$ 1,514.00
§12-4-413(d)	Bar & Grill, created 2006	1,500 – 10,500	$1,500*	since 2006 creation *$ 1,514.00
§12-4-412(b)(viii)	Microbrewery	300 – 500	$500	since 1993
§12-4-412(b)(viii)	Winery	300 – 500	$500	Since 2020
§12-4-412(d)	Satellite Winery	100	$100	since 2003
Temporary, 24-hour liquor permits:				
§12-4-502(e)	Catering (all alcohol)	10 - 100	$20	Since 2006, previously $100, 2002
§12-4-502(e)	Malt Beverage	10 - 100	$50	Since 2020, previously $100, 2002
§12-4-412	Malt Bev for Microbrewery	10 - 100	$50	Since creation, 2019
§12-2-203	Manufacturer's Off-Premises	10 - 100	$50	Since creation, 2019

* current proposed increase in Town of Jackson Fee Schedule
If Council wishes to increase any liquor license fee within the state's range, the Fee Schedule Resolution is on tonight's agenda.

Staff Impact.
Significant. Staff impact for the town clerk includes approximately 3 hours to prepare a custom application packet conveying the information that the Town Council wishes to review. And then approximately 2-3 hours per application to review, work with the applicant to complete the application package, scan and distribute, provide legal notice, review follow-up, working with the Wyoming Liquor Division, communication, working with departments during review, scheduling applicants for the meeting, providing a complete staff report, presenting to Council, preparing letters and returning fee checks or depositing them, if any are approved printing and issuing the license, and final filing of the applications.

Plus, impact to other reviewing departments including Planning, Building, Police, Legal, and Fire. For estimation purposes, should the Town receive a total of 15 applications, impact to staff time would be approximately 48 hours.

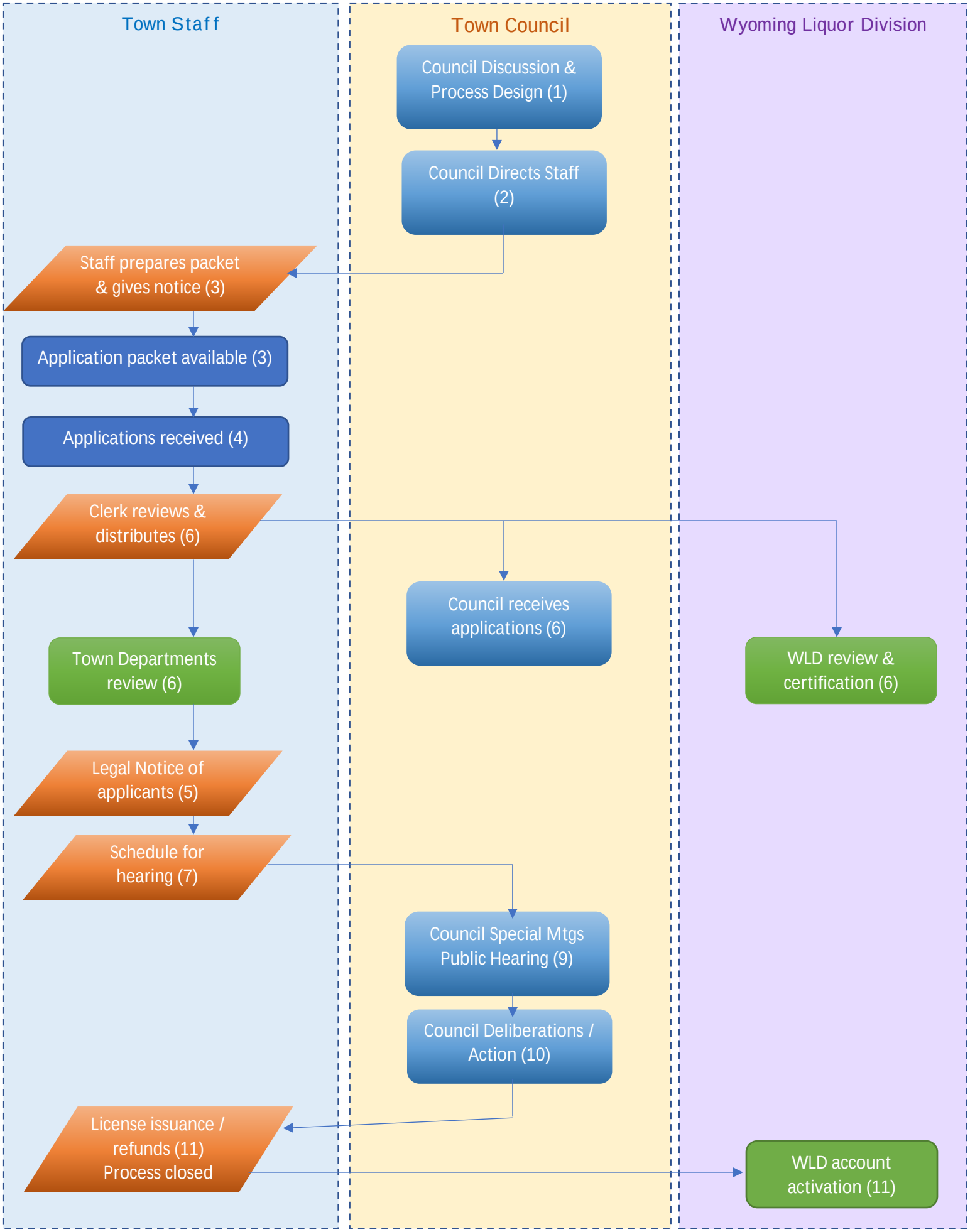
This would also impact Wyoming Liquor Division agents who review and certify each application.

Any approved licenses would be included in the Police Department's future compliance visits.

Attachments or Links.
Reference Material

Suggested Motion. *Council always has the option to adopt, approve with conditions, continue, or deny items.*

I move to direct staff to not accept applications for a bar & grill liquor license until directed to do so.


Town Staff
Town Council
Wyoming Liquor Division
Council Discussion & Process Design (1)
Council Directs Staff (2)
Staff prepares packet & gives notice (3)
Application packet available (3)
Applications received (4)
Clerk reviews & distributes (6)
Council receives applications (6)
WLD review & certification (6)
Town Departments review (6)
Legal Notice of applicants (5)
Schedule for hearing (7)
Council Special Mtgs Public Hearing (9)
Council Deliberations / Action (10)
License issuance / refunds (11) Process closed
WLD account activation (11)

Reference Material

Plan of Operations:

The Council could expand this form to include any other information they wish to consider on the proposed operation of a retail or bar & grill liquor license.

Our current form includes the following questions:

1. Describe how the premises will be operated? *include nature of business (restaurant, bar, package store), any regular events or special events to be held on premises*
2. What type of alcoholic beverages will be available to customers?
3. Describe the process that a customer will follow to order alcohol or malt beverages, and how an employee will prepare and deliver an alcoholic beverage to the customer.
4. What is the official building capacity?
5. Do you plan to serve alcohol outside on a deck or patio? If so, include a sketch or site plan showing the outside area and describe the outside area, including egress.
6. What is your plan to keep customers from leaving with open alcohol containers?
7. Provide the names of up to three (3) people who should receive communication from the Town and Police Department related to liquor operations.

CONDITIONS AND RESTRICTIONS CHART

The following conditions and restrictions of approval have been previously placed by Town Council at the time of the initial license approval (or added since then) and carry forward to renewed licenses.

Hotel Jackson	The retail liquor license was approved on November 18, 2013 for Woodshed, LLC and conditioned to prohibit the use of the liquor license in the aspect of a package retail liquor store. The license was transferred to Hotel JH, LLC on June 1, 2015 with the same restriction.
Creekside	The retail liquor license was approved on August 2, 2001 and included one condition as volunteered by the applicant, the license will revert back to the Town of Jackson if Bochicchio, Inc dba Creekside Market and Deli goes out of business.
The Rose	The retail liquor license was approved on May 25, 2010 for Pink Garter LLC and conditioned as follows: all alcohol sales will be for * on-premises consumption only, and when minors are permitted in the theater area alcohol consumption will be prohibited in the theater area. * On August 1, 2016, Council lifted the condition of approval that alcohol sales were for on-premises consumption only and added a new condition that the package retail store known as The Rackhouse would close at 10:00 p.m.

Glorietta	The retail liquor license was transferred from Nani's Inc. on November 2, 2015 to Anvil Hotel Partners LLC and conditioned as follows: The retail liquor license is restricted from including a package liquor store component, except for bottled Italian wines. In December 2016, Anvil Hotel Partners changed their *doing business name* from Nani's to Glorietta.
Snake River Grill	The retail liquor license was approved on February 6, 2006 for Snake River Corporation and conditioned as follows; that the license is conditioned to prohibit a package liquor store component.
Spirits & Spice	The retail liquor license was approved on August 2, 2011 for VFJH, LLC and conditioned as follows: As volunteered by the applicant, the license will revert back to the Town of Jackson if VFJH, LLC goes out of business. In January 2018 the *doing business name* was changed from Vom Fass to Spirits & Spice. In November 2018, Council approved the location transfer from 60 E Broadway to 80 W Broadway, Suite 101 and added specific language to motion: Alcoholic beverages may be sampled on the premises by customers and sold by the package. Tenant shall be permitted to serve and sell alcohol, wine and/or beer by the glass for private or promotional events on the premises.
Roadhouse (on Gregory)	The microbrewery permit was approved on March 20, 2017 for Roadhouse Brewery Group LLC and because of zoning and use, the tasting room was conditioned as follows: The brewery operation shall be allowed to have a 'tasting room' that is incidental to the principal brewery use. A 'tasting room' is an incidental use to the brewery provided it complies with the following provisions: a) The hours of operation for the tasting room shall be limited to, opening no earlier than 4:00 p.m. and closing no later than 10:00 p.m. b) Only free samples of food shall be served to customers for on-site consumption. c) A maximum of ten seats shall be provided and the 'tasting room' shall be limited to 10% of the total square footage. d) On-premises consumption shall be limited to 10% of yearly production. e) The 'tasting room' shall not generate any additional employees or car trips to the site than the principal brewery use. The ownership name transferred to Get Funky, LLC with the same dba name on January 16, 2018.

The Wyoming Liquor Division (WLD) views conditions of approval as a contract between the applicant and the local licensing authority. The WLD can only support and enforce state law, they cannot enforce conditions made by a local authority. If the Council wishes to place conditions of approval on a new license, it should be confirmed and stated clearly in the record that the applicant agrees to the condition of approval.

Wyoming Statute References

Retail Liquor Licenses, W.S. 12-4-201:

(a) provides authority to sell liquor, wine, and beer for use or consumption. Not for resale (except under temporary permits).

(d) Number of retail licenses are determined by a population formula:

(i) Not more than two (2) licenses in incorporated towns of five hundred (500) population or less;

(ii) Not more than one (1) additional license for each additional five hundred (500) population or major fraction thereof in incorporated cities or towns up to a population of nine thousand five hundred (9,500); and

(iii) Not more than one (1) additional license for each additional full three thousand (3,000) population over nine thousand five hundred (9,500).

The current (2015) population of Jackson is 10,449 = 20 retail licenses.
We have 21, including Cutty's annexation.
An additional license would be allotted by the State at a population of 12,500. See WLD's table.

(e) The License fee is to be between $300 to $1,500. Ours is $1,500.

WLD Municipal License Allocation Table
Retail, Microbrewery & Winery

Number of Licenses:	Per Population of	Number of Licenses:	Per 3,000 additional Population:
2	1-750	21	12,500-15,499
3	751-1,250	22	15,500-18,499
4	1,251-1,750	23	18,500-21,499
5	1,751-2,250	24	21,500-24,499
6	2,251-2,750	25	24,500-27,499
7	2,751-3,250	26	27,500-30,499
8	3,251-3,750	27	30,500-33,499
9	3,751-4,250	28	33,500-36,499
10	4,251-4,750	29	36,500-39,499
11	4,751-5,250	30	39,500-42,499
12	5,251-5,750	31	42,500-45,499
13	5,751-6,250	32	45,500-48,499
14	6,251-6,750	33	48,500-51,499
15	6,751-7,250	34	51,500-54,499
16	7,251-7,750	35	54,500-57,499
17	7,750-8,250	36	57,500-60,499
18	8,251-8,750	37	60,500-63,499
19	8,751-9,250	38	63,500-66,499
20	9,501-12,499	39	66,500-69,499

Bar & Grill Liquor License, W.S. 12-4-413:

(a) Restaurants as defined by W.S. 12-1-101(a)(xiv) may be licensed by the appropriate licensing authority in counties, cities and towns under a bar and grill liquor license. In addition to the application requirements required by this title, the license applicant shall submit a valid food service permit upon application.

W.S. 12-1-101(a)(xiv): "Restaurant" means space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on-premise consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is intended for use as a full service restaurant. "Full service restaurant" means a restaurant at which waiters or waitresses deliver food and drink offered from a printed food menu to patrons at tables or booths. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section;

(b) The number of bar and grill liquor licenses for cities and towns shall be based on the following population formula:

(i) Not more than two (2) licenses in incorporated cities or towns of seven thousand five hundred (7,500) or less; and

(ii) Not more than six (6) licenses for population in incorporated cities between seven thousand five hundred one (7,501) and twenty thousand (20,000); and

(iii) Not more than ten (10) licenses for population in incorporated cities between twenty thousand one (20,001) and thirty thousand (30,000)

In July 2017, Wyo.Stat. 12-4-413 was amended which allotted three additional bar & grill liquor licenses to Jackson, for a total of six. Jackson's population is 10,449, so we fall in (ii) above. On August 15, 2017, the Council heard from 15 applicants for the three new licenses. On August 29, 2017, the new licenses were issued to Moe's, Hole Bowl, and Hand Fire Pizza.

(d) The license fee assessed for a bar and grill liquor license shall be not less than one thousand five hundred dollars ($1,500.00) nor more than ten thousand five hundred dollars ($10,500.00).

(e) A bar and grill liquor license shall not be sold, transferred, or assigned by the holder.

(f) Bar and grill liquor licenses shall be subject to the provisions of W.S. 12-4-408 and 12-4-410(c) to the same extent those provisions are applicable to restaurant liquor licenses.

W.S. 12-4-408: 60/40 sales split applies (60%+ of annual gross sales must be from food)
W.S. 12-4-410(c): Alcohol sales stop when food sales stop (or at 2a.m.)

Bar and grill liquor licensees shall not sell alcoholic or malt beverages for off-premises consumption from the licensed building owned or leased by the licensee except as allowed under W.S. 12-4-410(e).

W.S. 12-4-410(e): partial bottle of wine, properly sealed may be taken from restaurant.

W.S. 12-4-102 addresses the Application, contents, signature and verification:

(a) apply to the clerk, under oath, on form prepared by attorney general

Application will include:

(i) location of the building to be licensed. If not built yet, include architect's drawing or suitable plans
(ii) age and residence of applicant, and each applicant or partner if made by more than 1 person
(iii) criminal record disclosure to felony conviction and of conviction related to liquor law violation in past 10 years
(iv) Corporation applicants:
  a. Name, age, and residence of each officer, director, and stockholder holding 10% or more of stock
  b. The same criminal record disclosure
(v) LLC applicants:
  a. Name, age, and residence of each officer, manager, and member holding 10% or more of stock
  b. The same criminal record disclosure
(vi) Financial statement of good standing from local bank – account name must match the applicant's name
(vii) Legal description and zoning of the location to be licensed

(b) Corporation applicants must have 2 officers or directors sign and verify the application. If stock is held by 1 person, only 1 signature is required. LLC applicants must have 1 officer, manager, or member sign and verify the application.

(c) Corporations and LLC licensees must notify the Town of any change in its members, officers, directors, and managers within 30 days. Town then notifies the State.

Restrictions on applicants found in W.S. 12-4-103:

(a) License shall not be issued to:
(iii) Any person not owning or leasing the licensed building. Contractors for resorts are an exception
(iv) licensee failing to bring license operational with 1 year. May apply for additional year to Council for good cause. Operational means operational consecutively for 12 months, or for not less than 3 months if determined by the Council to be a seasonal operation.
(vi) a manufacturer or wholesaler
(vii) anyone under 18 years old
(viii) a college fraternity
(ix) a chamber of commerce (excludes temporary permits)
(x) corporation, LLC, LP, or LLP that is not qualified to do business in WY (registered with Sec of State)
(xi) a non-resident

(b) Council cannot issue more than 1 license to any 1 person. (Person is the applicant, in many cases an LLC or Corporation. Members of different LLCs could be the same) REPEALED JULY 2021

When application has been filed, W.S. 12-4-104:

(a) prepare a notice of the application and hearing date, and display it on the proposed premises, in the newspaper for 2 weeks, and on the website. The applicant pays the cost of advertising.

(d) forward the application to the WLD for certification. Applications are deemed certified after 10 days unless objections or request for additional information are made.

(e) Applications for a new license cannot appeal the council's decision to deny.

(f) Licenses under appeal cannot be granted to another applicant.

12-4-105 application fees are non-refundable after license issuance.

12-4-106 (a) license is a personal privilege to the holder for 1 year unless sooner revoked

(b) the term of a license is 1 year, as specified by the State (Apr 1 to Mar 31). Licenses issued mid-year have a pro-rated fee.

STAFF REPORT

Meeting Date:	December 21, 2020 – Original Item **March 15, 2021 - Continuation**	**Meeting Title:**	Workshop
Submitting Department:	Community Development	**Presenter:**	Tyler Sinclair
Agenda Item:	Changes to Residential Character in East Jackson	**Public Comment:**	Yes

Purpose & Policy Considerations.
The purpose of this item is to present Council with an overview of the major land use changes made in our residential zones in East Jackson since adoption of the 1994 Land Development Regulations including all subsequent amendments.

Requested Action.
Staff requests that Council discuss and provide any desired direction on next steps including further research, discussion and analysis.

Recommendations.
None

Background.
At the November 16, 2020 Town Council meeting Council directed staff to place an item on a future workshop before the end of the year to discuss changes to the residential character of East Jackson. Some see this as gentrification, which as a planning term, is defined as:

> *" an influx of wealthy people into a particular neighborhood leading to renovations and rebuilding of homes and businesses, which often results in an increase in property values and the displacement of earlier, usually lower-income residents"*

The below information is intended to show the major changes made in our residential zones in East Jackson since adoption of the 1994 LDRs. All of these zones are considered "Stable" in the 2012 Comprehensive Plan, which means additional density is not expected but that redevelopment will still happen according to the market and development standards. Please see the Comprehensive Plan section below for further policy direction and guidance on staff areas. Maps of the areas generally being discussed will be provided at the meeting.

The primary residential zones from 1994 to 2018 (date of major LDR update) were:

- Neighborhood Conservation (NC) — allowed 1 single family detached unit (1 unit)
- Neighborhood Conservation - 2 (NC-2) — allowed 2 single family detached or duplex units (2 units)
- Auto-Urban Residential (AR) — allowed 1 single family detached and two accessory residential units/apartments (3 units)
- Suburban (S) — allowed 1 single family detached (1 unit)

Major changes to these zones since 1994 that impact density, massing, and design of residential properties are as follows:

- **2009 (NC District):** Town adopted maximum Floor Area Ratio (.40), Landscape Surface Ratio (.45), lot coverage (32%), and minimum lot size (7,5000 sf) requirements for first time in NC District and due to concern about overly large houses being built in Gill Addition. These changes had the net impact of reducing the potential mass of homes in the NC zone.

- **2016 (Apartment/ARUs):** Town allowed apartments/ARUs in all residential zones. This impacted NC, NC-2, and S zones because these zones did not allow apartments/ARUs prior to this change.
  - NC lots without alleys allowed 1 ARU, while NC lots with an alley allowed 2 ARUs.
  - NC-2 lots allowed 1 ARU per primary home (potential for 4 units on one lot).
  - S lots allowed 1 ARU
    - NOTE: Floor area was not increased, or setbacks reduced to allow ARUs, so maximum floor area and building massing were unchanged. However, the potential for increased intensity of use (more people/cars) was allowed.
- **2018 (all residential zones):** A major LDR update was approved for all residential zones, including new names and some new standards relevant to this discussion as provided below:
  - NL-3 (old NC with no alley access): No major changes, except reduced height from 30' for all structures to 26' for flat roofs and up to 30' for steep pitched roofs;
  - NL-4 (old NC with alley access): No major changes, except reduced height from 30' for all structures to 26' for flat roofs and up to 30' for steep pitched roofs;
  - NL-5 (old AR): Increased FAR from .32. to .40 to match NL-3 and NL-4. Changed height from 26' for all structures to 26' for flat roofs and up to 30' for steep pitched roofs (same as NL-3/NL-4) Allowed three structures on any kind (except condos) to be attached or detached instead of just SF with two ARUs.
  - NM-1 (old NC-2): mostly small changes to accommodate ARUs.

Major things that have NOT changed from 1994:

- Other than as summarized above, the amount of floor area, amount of greenspace, and setbacks have remained essentially the same since 1994. There is not now nor has there ever been design review for single family homes and apartments/ARUs. Thus, most of the large structures being built today in the Gill Addition and East Jackson could have been built in years past (except for ARUs, if present).

Analysis.

As stated, above staff finds that the only significant land use change to these "stable" zones has been the addition of apartments/ARUs in 2016. Below staff offer some initial thoughts that need to be further researched about why we may have been seeing increased redevelopment in these areas:

- Historic large supply of rural County lots decreasing with little supply being added
- Outside investment into the speculative Town real estate market not seen before
- Increased demand to live in Town with increased amenities and services
- Apartments/ARUs added rental income to properties
- Single family homes are easy to build; 2-week permit review, no public hearings, short time on market
- Housing stock had reached its typical life cycle, 50 plus years old
- Long-time owners retiring and either moving away or downsizing
- Rush to sell properties and build single family homes before an influx of homes in northern south park
- National trend of wealthy people with ability to work remotely leaving troubled urban areas for higher quality of life with good air service (much better than in 1990s/early 2000s) [This is different point than bullet #2]

In addition, to the above initial thoughts staff has identified the following additional questions that could be researched:

- Who is purchasing and living in these new homes?
- How has the pace of redevelopment in these areas compared to other areas of Town?
- How does this type of redevelopment effect our Workforce Housing goal?
- How does redevelopment effect the services the Town must provide? Impact to infrastructure (e.g., alleys)?

- Etc.

Furthermore, as Council and the public begin to discuss and consider these areas and the redevelopment occurring what if any changes to Land Development Regulations or other Town Policy may be appropriate including but not limited to:

- Floor area
- Building mass
- Amount of greenspace and lot coverage
- Density (number of units)
- Intensity (number of people/cars/parking) on the site
- Cookie-cutter floor plans (tract housing)
- Demographics/people living inside (local workforce vs. wealthy remote workers, etc.) not utilizing zoning as expected
- Lot split – allow smaller lots for smaller homes to provide ownership opportunities for an under-served segment of the workforce
- Require permanent deed restriction on ARUs
- Bonus tool if restricted ARUs provided (could consider further reducing height allowance, but give it back for restrictions, etc.)
- Update nexus study → update mitigation requirements for these homes
- Other?

The goal of the workshop is not to "solve" a problem but instead to begin to identify if there is an "issue" that needs to be addressed and, if so, how. Staff will provide a presentation of the information provided to date on the topic, ask for initial thoughts and discussion from Council and determine what if any further discussion/research should be done on the topic.

Alternatives (Optional).

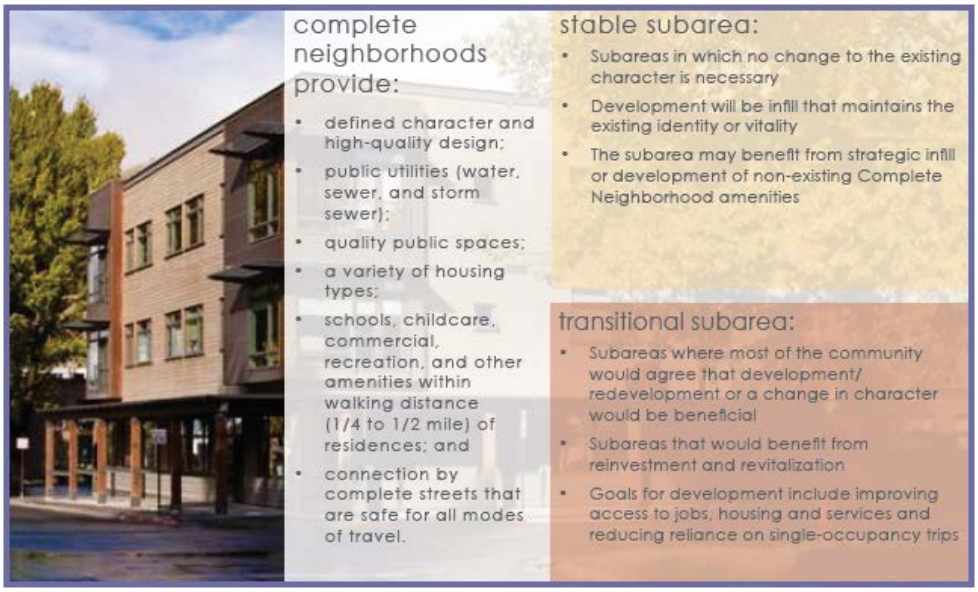
Staff have identified the following alternatives for Council consideration:

1. No further action/discussion on the topic
2. Consider further research, analysis and discussion of Town Gentrification as part of the FY22 Comprehensive Plan Work Plan
3. Direct staff to complete LDR text amendments and/or rezoning
4. Moratorium?
5. Etc.

Comprehensive Plan & Priority Alignment.

Policy 4.3.a: Preserve and enhance Stable Subareas

The characteristics of Stable Subareas include a predominance of owner-occupied units, a variety of residential unit types, including workforce housing, and some limited nonresidential uses. Residents of these Subareas should be able to walk to local convenience commercial that should generally be within ¼ to ½ mile of their residences. Public spaces will typically be provided in public parks. Complete streets, including options for walking, biking, and transit, will be provided throughout. The consolidation of multiple lots to create larger single-family homes is inconsistent with existing character and with our growth management goals. **Even with a consistent physical character, the social character of these stable subareas is likely to change without efforts to preserve historic workforce occupancy.**



Fiscal Impact.
None at this time.

Staff Impact.
Staff utilized approximately 15 hours to prepare for this workshop.

Attachments or Links.
None

Suggested Motion. *Council always has the option to adopt, approve with conditions, continue, or deny items*.

I move to direct staff to develop a scope of work to include further research, analysis, and discussion of changes to residential character in East Jackson and throughout the Town to be included in the FY22 Comprehensive Plan Work Plan.