

AGENDA

Planning and Zoning Commission

January 19, 2022 – REGULAR MEETING

5:30 PM

The New Business items have been placed on the agenda in the order they were received. Please note that at 9:00 p.m., the Commission will evaluate the remainder of the agenda to determine if time constraints will permit the full agenda to be heard at this meeting. All items not heard at this meeting will be postponed to the next regularly scheduled PC/BOA meeting of February 2, 2022 or to a special meeting scheduled by the Commission.

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

1. LOG INTO PC/BOA MEETING AND NEW PUBLIC COMMENT OPTIONS

I. Link to ZOOM Meeting:

<https://us02web.zoom.us/j/86978243617?pwd=UWZjMHF6MW5SMmJhSU95ODcwTEcvQT09>

2. CALL TO ORDER

3. ROLL CALL

4. MATTERS FROM THE PUBLIC

5. APPROVAL OF MINUTES

I. January 5, 2022 Minutes

6. OLD BUSINESS

7. NEW BUSINESS

I. **ITEM P21-320:** LDR Text Amendment to amend Section 3.3.1.D to increase the minimum lot size in the Rural Residential District from 12,000 square feet to 35 acres.

II. **ITEM P21-336:** LDR Text Amendment to limit the height of Attached Dwellings in the NM-2 District and NH-1 District to 26'-30' and 2 stories.

8. BOARD OF ADJUSTMENT

9. PLANNING COMMISSION

10. MATTERS FROM THE COMMISSION

11. AGENDA FOLLOWUP

12. MATTERS FROM STAFF

13. ADJOURNMENT

Due to recommended social distancing practices the public is encouraged to view meetings online and participate remotely. Planning Commissioners, presenters, and staff members will not be physically present at the meeting and will all be participating remotely.

Your options for watching or participating in public meetings:

To just watch a meeting live: www.jacksonwy.gov/live (town's website)

3 Ways to Make Public Comment, either on items that are on the agenda or not on the agenda

1. Public comment can be sent anytime via email to planningcommission@jacksonwy.gov. These emails get sent to each Planning Commissioner and are placed in the public record.
2. Public comment can be made virtually through a Zoom platform in real-time.
 - a. In brief, those wishing to make verbal public comment may do so by joining the meeting via Zoom and using the 'hand raise' feature.
 - b. Instructions are below for using the Zoom platform.

Instructions to join a meeting via Zoom:

This option is intended for those who wish to participate in a meeting as the applicant or a member of the community making public comment.

1. Pull-up the meeting agenda. The Zoom link is provided on the agenda and is shown as the first item.
 2. Click the link or copy the URL to your browser. The Zoom password is "toj"
 - a. Remember, Zoom links will change for each meeting and will be found on the agenda.
 - i. Find meeting agendas here: <http://townofjackson.com/491/Agendas-Minutes>
 - b. Type in your first and last name and your email address as prompted. The password is 232522 Those who do not provide a valid name will not be recognized and will not have the ability to speak in the meeting.
 3. Once you have joined the meeting, familiarize yourself Zoom's tools and options.
 - a. Of particular importance is the "raise hand" feature. Please locate this tool if you desire to make public comment. This is the only way we will know you want to make a comment.
 - b. As you join the meeting, your audio will automatically be muted.
 4. When public comment is open. Town staff will look for those that have "raised their hand." Your name will be announced, and your microphone will be unmuted. At that time, you can state your name and comment.
 - a. You will be heard by all those participating in or watching the meeting. Your video will not be projected, only audio.
 - b. Please be in a place with no background noise and speak in a clear, strong voice.
- Those using only the telephone call-in feature through Zoom telephone will not be recognized.
 - The Zoom chat feature will not be used.
 - We encourage you to log in early for any given meeting. Generally, the Town of Jackson strives to have the Zoom platform ready at least 10 minutes before a listed meeting's start time.
 - If you've not used Zoom before, you may be required to download Zoom's tools and/or software and apps. The Zoom platform, its tools, and apps are provided by Zoom directly. As these services are from

a third party, we aren't able to provide support directly to end users. If you should have trouble with the platform, please reference Zoom's help resources at <https://support.zoom.us/hc/en-us>

Please understand for these virtual Planning Commission meetings, just like any public meeting, uncivil discourse, threatening language, or disruptions will not be allowed from participants.

**MINUTES
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
January 5, 2022**

The meeting of the Planning and Zoning Commission was called to order at 5:30 p.m. on 01/05/2022, via ZOOM.

ROLL CALL:

☒ Anne Schuler, ☐ Wendy Martinez, ☒ Katie Wilson, ☒ Abby Petri, ☒ Christie Schutt,
☒ Thomas Smits, ☒ Rachael Stewart

STAFF: Tyler Valentine, Paul Anthony

MATTERS FROM THE PUBLIC: None

APPROVAL OF MINUTES:

December 1, 2021

A motion was made by: Schuler seconded by: Petri
Motion approved by a 6 to 0 vote

OLD BUSINESS: None

PLANNING COMMISSION

ITEM P21-290: The applicant is requesting approval of a Development Plan for a 6-lot subdivision in the Neighborhood Low Density – 5 (NL-5) zoning district located at 445 E Kelly Ave.

STAFF PRESENTATION: Tyler Valentine

APPLICANT PRESENTATION: April Norton

PUBLIC COMMENT: None

PC DISCUSSION:

The Commission was generally supportive of the project and its design. Some noted that it was good location for workforce housing. While there was some concern about the unique lot configuration, most found that the configuration was necessary due to the shape and constraints of the project site. It was noted that while two of the lots did not meet the strict LSR requirement that the site as a whole did meet the intent of the landscaping standards and so the requested Administrative Adjustment seemed justified. Additional questions were raised about future storage space for the units and about whether the dumpster location might be moved to better serve the residents. A

concern was expressed about potential negative health impacts from the adjacent substation but the applicant responded that the issue was studied by the applicant before the property was purchased and no adverse health impacts were identified as likely by the study.

MOTION:

A motion was made by: Schuler seconded by: Smits
Motion approved by a 6 to 0 vote to:

ITEM P21-320: LDR Text Amendment for Rural Zone Minimum Lot Size Change has been continued to the January 19, 2022 Planning and Zoning Commission Meeting.

STAFF PRESENTATION: None

APPLICANT PRESENTATION: None

PUBLIC COMMENT: None

MATTERS FROM COMMISSION: None

MOTION:

A motion was made by: Schuler seconded by: Smits
Motion approved by a 6 to 0 vote to:

AGENDA FOLLOWUP: None

MATTERS FROM STAFF:

- Paid parking interviews for RFP process
- Northern South Park preferred plan release
- Stable/Transitional and Lodging/ Short-term rental LDR changes
- Council to review Ranch Inn redevelopment on Monday, January 10.

ADJOURN:

A motion was made by: Schuler seconded by: Smits
Motion approved by a 6 to 0 vote

STAFF REPORT



Meeting Date:	January 19, 2022	Meeting Title:	Regular Planning Commission
Submitting Department:	Community Development	Presenter:	Tyler Sinclair
Agenda Item:	SUBJECT: ITEM P21-320: Request for a Land Development Regulation (LDR) Text Amendment to change the minimum lot size in Rural District from 12,000 sf to 35 acres in Sec. 3.3.1.D.	Public Comment:	Yes

Purpose & Policy Considerations.

All Text Amendments to the Town of Jackson Land Development Regulations (LDRs) require review and recommendation by the Planning Commission according to LDR Section 8.7.1. The Town Council makes the final decision on all LDR Text Amendments.

Requested Action.

As directed by the Community Planning Director, the Town of Jackson Planning Department has drafted an LDR Text Amendment to:

1. Amend LDR Section 3.3.1.D to increase the minimum lot size in the Rural Residential District from 12,000 square feet to 35 acres.

The proposed amendment is shown in redline below:

D. Development Options and Subdivision

Standards applicable to development options and subdivision in the R-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the R-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the R-ToJ zone, however, all standards in Article 7, are applicable in the R-ToJ zone, unless stated otherwise.

1. Allowed Subdivision and Development Options		
Option	Lot Size (min)	Standards
Allowed Subdivision Options		
Land Division	12,000 sf 35 acres	(Sec. 7.2.3.)

Recommendation.

The Community Development Director recommends **approval** of LDR Text Amendment (P21-320).

Background.

Planning staff has recently become aware of a mistake in the Rural Residential-Town District (R District). In 2015, as part of the comprehensive reorganization of the LDRs, the R District minimum lot size was changed to 12,000 sf (i.e., approximately a quarter-acre lot). This rural minimum lot size is significantly smaller than both the Neighborhood Low Density - 1 (NL-1) and Neighborhood Low Density - 2 (NL-2) Districts that are intended to be higher density districts than the R District but currently have larger minimum lot sizes of 43,560 sf (1 acre) and 21,780 sf (half acre), respectively. Thus, in order to make the R District the Town's least dense zone as intended, the minimum lot size should be increased

significantly. To further support this point of increasing the minimum lot size beyond 12,000 square feet, the intent of the R District in the LDRs is provided below:

3.3.1. Rural Residential-Town (R-ToJ) (7/18/18, Ord. 1198)

A. Intent

The purpose of the Rural Residential-Town (R-ToJ) Zone classification is to preserve the existing character in rural areas of the Town, typified by expansive open areas, natural features and resources, and agricultural lands.

As demonstrated by the intent statement of the R District, the current 12,000 sf minimum lot size is inconsistent with the intent of preserving rural areas, expansive open spaces, and natural resources. Interestingly, the previous 2014 version of the Town LDRs did not have a minimum lot size for the R District at all but presumably it would have been interpreted to be 35 acres given that that was the only minimum lot size available in the County's Rural zone, which is the zoning that all our Town R District properties had before they were annexed into the Town. The only caveat to the minimum lot size of 35 acres in the County rural zone was that an option for additional density was permitted if the density was clustered on a small portion of property and a conservation easement was provided on the remainder of the property.

Relevant to staff's proposed amendment, the County amended its LDRs in 2018 to split its previous single R District into three rural districts (R-1, R-2, R-3), each with different uses and development potentials. All three of these County rural zones are adjacent to the Town R District properties. In analyzing the three County rural zones, the R-3 District is the County zone that best approximates the intent and purpose of the Town R District because it is intended for smaller rural properties that typically have only a single detached residential home and accessory buildings. The R-1 and R-2 zones are intended instead for large ranches, ranchettes, and estate-type properties. Below is an excerpt from the County R-3 district that shows that the minimum lot size is 35 acres.

Teton County LDRs Section 3.2.4.D (Rural-3 District)

D. Development Options and Subdivision

Standards applicable to development options and subdivision are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 7 are applicable unless stated otherwise.

1. Allowed Development and Subdivision Options							
Option	Lot Size (min)	Rural Area (min)	Conserv. Area (min)	Develop. Area (max)	Density (max)	Additional Floor Area (max)	Strds.
Subdivision Options							
Land Division	35 ac	n/a	n/a	n/a	n/a	n/a	(7.2.3.)
Development Options							
				none			

As can also be seen from the above County LDR excerpt, there are no Development Options allowed in the R-3 District that permit additional density beyond the 35-acre minimum, such as the Rural Planned Residential Development (Rural PRD) or Complete Neighborhood Planned Residential Development (CN-PRD). Both of these density options are allowed in the R-1 and R-2 Districts. However, even if these two PRD options were available in the R-3, they still could not be used on any of the Town R District properties because they are all too small to qualify for the PRD options that require at least 35 acres to qualify for the option (i.e., all of the Town R properties are smaller than 35 acres in size).

Proposed Text Amendment/Analysis

Staff's conclusion from the above discussion is that the Town's R District should use the County's R-3 District as its model for adopting a new minimum lot size because the impacted Town rural properties have characteristics similar to those in the R-3 zone. In fact, because most of the Town's R District properties are located on the steep slopes of Antelope Butte (aka Highschool Butte), East Gros Ventre Butte, and Snow King Mountain, the Town's R properties are often more constrained than the typical County R-3 property, thus reinforcing that the 35-acre minimum lot size is appropriate. This large minimum lot size is further justified by the fact that the Town's R District properties are all located in either the Natural Resource Overlay (NRO) or Scenic Resource Area (SRO), or both, and so are considered a priority to protect against over-development. They are also all located within the draft Geohazard Overlay map that is currently under review by the Town and will be soon adopted into the LDRs to provide new standards, limits, and procedures for developing on steep and sometimes unstable slopes. Thus, again, staff finds that using the County R-3 zone is an appropriate template for the Town R District in terms of minimum lot size because the Town's rural properties and the County's R-3 properties share a common history and intended future character.

Comprehensive Plan & Priority Alignment.

The Comprehensive Plan's first Common Value is 'Ecosystem Management,' which highlights our community's commitment to ensuring that development is designed to minimize impacts on our natural resources and scenery. This goal includes limiting development on steep and sensitive slopes that are often located in the R District on the periphery of the Town. The Comprehensive Plan sums up our commitment to ecosystem management by stating, "The community's stewardship of our surrounding ecosystem has been and will continue to be our legacy to future generations."

Staff Factors

Pursuant to Section 8.7.1.C of the Town of Jackson Land Development Regulations, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

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

Complies. One of the primary purposes of the LDRs is to implement the community's goals for protecting natural resources and avoiding or minimizing development on steep and/or unstable slopes. The proposed text amendment will accomplish this goal by fixing a clear mistake in the LDRs where the purpose of the existing R District is not being met and can only be met by increasing the existing 12,000 sf minimum lot size to 35 acres or to some similar large size.

2. Improves the consistency of the LDRs with other provisions of the LDRs;

Complies. As stated above, increasing the minimum lot size of the R District will make the proposed R District more consistent with the hierarchy of residential zones where the R District is intended to be the least dense zone followed by the existing NL-1 and NL-2 Districts, which is not the case now.

3. Provides flexibility for landowners within standards that clearly define desired character;

Complies. Staff finds that the proposed text amendment provides adequate flexibility for landowners to reasonably develop their property according to an increased minimum lot size that better represents both the existing and intended future character of R District in the Town.

4. *Is necessary to address changing conditions, public necessity, and/or state or federal legislation;*

Complies. While the intended character of these R District properties has not changed, staff is proposing a text amendment to fix an error in the current LDRs related to the minimum lot size in the R District. As such, the proposed 35-acre minimum lot size better meets the purpose and intent of the R District.

5. *Improves implementation of the Comprehensive Plan; and*

Not Applicable per Wyoming State statute.

6. *Is consistent with other adopted Town Ordinances.*

Complies. The proposed amendment does not conflict with any other Town Ordinances.

FISCAL IMPACT:

None.

STAFF IMPACT:

Staff has spent approximately 10 hours to complete research on this topic and prepare this staff report.

ATTACHMENTS OR LINKS

Application packet

Departmental reviews

SUGGESTED MOTION

I move to recommend **approval** to the Town Council of the proposed text amendment P21-320, based upon factors 1-6 in Section 8.7.1.C of the Land Development Regulations as presented in the January 19, 2022, staff report.

STAFF REPORT



Meeting Date:	January 19, 2022	Meeting Title:	Regular Planning Commission
Submitting Department:	Community Development	Presenter:	Tyler Sinclair
Agenda Item:	SUBJECT: ITEM P21-336: Request for a Land Development Regulation (LDR) Text Amendment to limit the height of Attached Dwellings in the NM-2 District and NH-1 District to 26'-30' and 2 stories	Public Comment:	Yes

Purpose & Policy Considerations.

All Text Amendments to the Town of Jackson Land Development Regulations (LDRs) require review and recommendation by the Planning Commission according to LDR Section 8.7.1. The Town Council makes the final decision on all LDR Text Amendments.

Requested Action.

As directed by the Community Planning Director, the Town of Jackson Planning Department has drafted an LDR Text Amendment to:

1. Amend LDR Section 2.2.8.B.3 to limit the height of Attached Dwellings in the Neighborhood Medium-Density – 2 (NM-2) District to 26' – 30' (depending on roof pitch) and to 2 stories.
2. Amend LDR Section 2.2.9.B.3 to limit the height of Attached Dwellings in the Neighborhood High-Density – 2 (NH-1) District to 26' – 30' (depending on roof pitch) and to 2 stories.

The proposed amendment is to add the following text to Sec. 2.2.8.B.3 and 2.2.9.B.3 shown below:

For all uses except Detached Dwelling		For Attached Dwelling only	
Primary Building Height	(Sec. 9.4.9.)	Primary Building Height	(Sec. 9.4.9.)
Height (max): roof pitch $\leq$ 3/12	3 stories, not to exceed 35' ^A	Height (max): roof pitch $\leq$ 3/12	2 stories, not to exceed 26' ^A
Height (max): roof pitch 4/12, 5/12	3 stories, not to exceed 37' ^A	Height (max): roof pitch 4/12, 5/12	2 stories, not to exceed 28' ^A
Height (max): roof pitch $\geq$ 6/12	3 stories, not to exceed 39' ^A	Height (max): roof pitch $\geq$ 6/12	2 stories, not to exceed 30' ^A

Recommendation.

The Community Development Director recommends **approval** of LDR Text Amendment (P21-336).

Background.

Planning staff recently become aware of two similar errors in the LDRs in the NM-2 District and the NH-1 District: In both districts, the LDRs mistakenly state that Detached Dwellings (formerly known as Detached Single-Family Unit) have a height limit of 35' – 39' (depending on roof pitch) and 3 stories. This mistake was made in 2018 when the NM-2 and NH-1 Districts were first created as new residential districts in the Town. The goal of the higher heights was to facilitate development of workforce housing in higher-density, apartments/condo buildings with multiple units, not single Detached Dwellings. Rather, the height and story limits for single Detached Dwellings were intended to be the same as in all other residential zones (i.e., at 26' – 30' and two stories). But because this important distinction was neglected, this proposed amendment is both necessary and intended to fix this oversight.

Staff has fielded phone calls from property owners inquiring about the possibility of either expanding their current detached home or a building a new home to the 35' – 39' height limit in the NM-2 District in particular. Staff has explained to them that the LDRs contain a mistake and that single homes are not intended to be this tall but that until the Town amends the LDRs they will have the option to take advantage of the mistake and build larger-than-intended homes. The large “art house” on the corner of Kelly Avenue and Vine Street is the only house in Town that has utilized the increased height limit, although building permits for other homes may be submitted in the next few months.

Proposed Text Amendment/Analysis

Staff's conclusion from the above discussion is that the proposed amendment is clearly needed to protect the residential character of the NM-2 and NH-1 Districts. As a practical matter the need for the amendment is greater in the NM-2 District because Detached Dwellings are prohibited in the NH-1 District, meaning that the additional height can only apply to expansions of existing homes in the NH-1 and not to new homes. While we have had only one house take advantage of the increased height thus far, staff anticipates that more property owners will want to gain the additional height for their houses if the Town does not act quickly to approve this amendment.

Comprehensive Plan & Priority Alignment.

The Comprehensive Plan speaks to maintaining the integrity of our residential neighborhoods. For example, Subarea 3.2 Core Residential (Rodeo grounds to hospital area), which is designated as a Transitional area, is composed mostly of NM-2 and NH-1 zoning. Because of this, Subarea 3.2 is the area that is currently most at risk of development that is incompatible with the intended residential character of the existing neighborhoods if the proposed amendment is not adopted.

Staff Factors

Pursuant to Section 8.7.1.C of the Town of Jackson Land Development Regulations, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

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

Complies. One of the primary purposes of the LDRs is to implement the community's goals for protecting the character of residential neighborhoods, including those where single Detached Dwellings are common. The proposed text amendment will accomplish this goal by fixing a clear mistake in the LDRs where the purpose of the existing NM-2 and NH-1 districts is not being met due to the threat from out-of-scale and too-tall Detached Dwellings. The proposed amendment will address this threat by requiring the same height and story limits on Detached Dwellings that is required in all other residential zones in the Town.

2. Improves the consistency of the LDRs with other provisions of the LDRs;

Complies. As stated above, reducing the height and story limits of Detached Dwellings in the NM-2 and NH-1 Districts will make these districts more consistent with all other residential districts in the Town in which Detached dwellings are all limited to 2 stories and 26' – 30' in height.

3. Provides flexibility for landowners within standards that clearly define desired character;

Complies. Staff finds that the proposed text amendment provides adequate flexibility for landowners in the NM-2 and NH-1 Districts to reasonably develop or redevelop their property with Detached Dwellings according to a height and story limit that is applied consistently throughout all residential zones.

4. *Is necessary to address changing conditions, public necessity, and/or state or federal legislation;*

Complies. In the process of adopting the new NM-2 and NH-1 Districts in 2018, the Town made an error regarding the height and story limits of Detached Dwellings in the NM-2 and NH-1 Districts that this proposed amendment is intended to rectify.

5. *Improves implementation of the Comprehensive Plan; and*

Not Applicable per Wyoming State statute.

6. *Is consistent with other adopted Town Ordinances.*

Complies. The proposed amendment does not conflict with any other Town Ordinances.

FISCAL IMPACT:

None.

STAFF IMPACT:

Staff has spent approximately 5 hours to complete research on this topic and prepare this staff report.

ATTACHMENTS OR LINKS

Application packet
Departmental reviews

SUGGESTED MOTION

I move to recommend **approval** to the Town Council of the proposed text amendment P21-336, based upon factors 1-6 in Section 8.7.1.C of the Land Development Regulations as presented in the January 19, 2022, staff report.