

AGENDA
Planning and Zoning Commission
February 15, 2023 – 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 March 1, 2023 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

I. Link to

Zoom: <https://us02web.zoom.us/j/85384834029?pwd=akd0UnRjTDdkU2lYUjZBL2tRTkNSZz09>

2. CALL TO ORDER

3. ROLL CALL

4. MATTERS FROM THE PUBLIC

5. APPROVAL OF MINUTES

I. January 18, 2023 Minutes

6. OLD BUSINESS

7. NEW BUSINESS

8. BOARD OF ADJUSTMENT

9. PLANNING COMMISSION

I. P21-333: Short-Term Rental LDR Text Amendment - Continued to March 1, 2023

II. LDR Cleanup Workshop

10. MATTERS FROM THE COMMISSION

11. AGENDA FOLLOWUP

12. MATTERS FROM STAFF

13. ADJOURNMENT

**MINUTES
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
January 18, 2023**

The meeting of the Planning and Zoning Commission was called to order at 5:30 p.m. on 01/18/2023, via ZOOM and in Town Hall Chambers.

ROLL CALL:

X Anne Schuler X Wendy Martinez, X Katie Wilson, X Abby Petri, X Christie Schutt,
 Thomas Smits

STAFF: Tyler Valentine, Katelyn Page, Paul Anthony

MATTERS FROM THE PUBLIC: None

APPROVAL OF 11/16/22 MINUTES: A motion was made by: Schuler & seconded by:
Martinez

Motion approved by a 5 to 0 vote

OLD BUSINESS: None

PLANNING COMMISSION

ITEM P22-269 & P22-278: LDR Text Amendment- NH-1 -Section 2.2.9 and fee waiver request

STAFF PRESENTATION: Tyler Valentine

QUESTIONS FOR STAFF: None

APPLICANT PRESENTATION: Michael Stern

QUESTIONS FOR THE APPLICANT: None

PUBLIC COMMENT: None

COMMISSION DISCUSSION:

Motion: I move to **recommend approval** to Town Council of the proposed LDR Text Amendment P22-269, based upon factors 1-6 in Section 8.7.2.C of the Land Development Regulations as

presented by staff in the staff report dated January 18, 2023.

A motion was made by: Schutt & seconded by: Martinez

Motion approved by a 5 to 0 vote

ITEM P22-242: Development Plan for a future 2-lot subdivision of the property located at 180 Aspen Drive.

STAFF PRESENTATION: Tyler Valentine

QUESTIONS FOR STAFF: Why does staff say future access on Pine St. for Lot 2? Preference is to have access point from a street with lower traffic.

APPLICANT PRESENTATION: Jeannie

QUESTIONS FOR THE APPLICANT: None

PUBLIC COMMENT: none

COMMISSION DISCUSSION:

General agreement that this is good project and fits with the neighborhood, supportive. Already two houses on the property.

Motion: I move to **recommend approval** to the Town Council of Development Plan (P22-242) for a future 2-lot subdivision for the property located at 180 Aspen Drive based upon the findings presented in the staff report, the departmental reviews, and subject to the condition(s) of approval recommended in this staff report dated January 18, 2023.

A motion was made by: Martinez & seconded by: Petri

Motion approved by a 5 to 0 vote

ITEM P22-253: Development Plan for a new 3-story mixed use building at the properties addressed 245 and 265 N. Millward St.

Petri recused from voting

STAFF PRESENTATION: Katelyn Page

QUESTIONS FOR STAFF: Questions about how fee in-lieu for parking spaces work and how LSR - landscaping requirements work. Staff responds that LDRs do not require that landscaping be visible to the public, only that it be provided on the property in the required amount. Commission also asked about how the NRO applies to the project. Staff responded by noting that the project site is not in the NRO and sits outside of 25' creek buffer, thus these requirements do not apply to the project. Questions were also asked about how the 2:1 Workforce Housing bonus works and whether applicant intended to sell units in the future. Staff provided a summary on how the 2:1 bonus works (i.e., landowner gets 2 sf of additional market housing in exchange for providing 1 sf of deed-restricted workforce housing) and that the applicant is proposing apartments for now but could decide to convert to condominiums in the future.

APPLICANT PRESENTATION: Adam Janak, Hans Flinch

QUESTIONS FOR THE APPLICANT: The Commission asked a variety of questions to the applicant including question about how the LSR worked on the site; about whether the alley can handle projected traffic and stormwater runoff; whether there are plans to sell the units and whether there are there any differences in rent costs between workforce and market units. It was noted that a standard alley in the Town of Jackson is 20ft and that a platted alley of 20ft currently exists. Additional questions were asked about whether there will be screening on the back (west) of the building and whether there was a parking study for the project regarding usability of some of the spaces mentioned in public comment. Applicant responded by stating that Nelson Engineering completed a turning movement study for a variety of different-sized vehicles, including typical trash and delivery trucks (FedEx, UPS) and that this was submitted in the Planning Commission packet.

PUBLIC COMMENT:

- Peter Holland (landowner across Flat Creek at 204 W. Saddle Butte Drive): Says project does not meet LDRs, LSR far less than the required 10% and the parking plan does not provide enough functional parking spaces.
- Rose Robertson (rents house at 285 N. Millward, north side of the project): Project has design flaw which is the one lane alley is too narrow to handle traffic from project and traffic on Gill can be a problem. Project needs an exit onto Millward so people have option if the alley is blocked.
- Diana Welch (represents Lukas Farms LLC at 385 West Gill Avenue): States that she does not oppose density, design is good, but back of building is not so great and LSR proposed is not meeting LDR requirement.

- Jacob Henrie (lives at 285 N. Millward, north side of the project): Project should not get any parking reductions, parking is full on Millward Street in front of project. The entire alley should be paved (i.e., not stop at north property line of applicant) or there will be mud near their property and run into the creek. He also expressed concern that that sewer cleanouts will be paved over, that the 1-way alley is not adequate, and that no second access is there in case of the need to evacuate from a wildfire.
- Reade Dornan (382 W. Saddle Butte Drive): The culture of the neighborhood is being destroyed, this end of town is being swamped by big projects (e.g., CLC, 105 Mercill Condominium building) with bad landscaping. Traffic is already a problem because it's a truck route, traffic backed up to fish hatchery hill in summer. Aesthetics of this building - turns it back to the houses on flat Creek. Workforce housing is not always for the workforce. Many workers can't afford to live there.
- John Bickner Jr (family owns multiple properties across the alley from project): Agrees with Mr. Holland, problems with this project should have been addressed by staff. Outlaw Hotel (previous to Angler's) example that they had no access to the alley from that hotel. The alley is private, they added gravel down the alley. It's criminal not to add proper access to project from Millward. Concerns about putting in sewer (closing alley), environmental concerns about runoff, building is too big for the scale of the neighborhood.
- Rick Bickner (family owns multiple properties across the alley from project): Project need entrance and exit on Millward. Flat Creek floods, what about evacuation with a one lane road. There's no way to turn around at the end of the alley.
- Eugenie Copp (370 N. Millward Street): This area is a flyway for ducks, JH Wildlife Foundation has nature mapping for this area, she will present 13-14 years' worth of data to Game and Fish Department and Town. The Flat Creek corridor should be protected.
- Leslie Steen from Trout Unlimited: Has concerns about water quality - encourage developer to look at stormwater runoff, should be spawning habitat, use trout friendly landscaping methods, consider snow storage and chemicals that run off.
- Stuart Suna (owner/developer of this property): New resident in Jackson the last 3 years. Hoping for support and trying to upgrade what is currently there. Supports workforce housing.
- Dave Sollitt, Executive Director of Conservation Alliance: Drove down the one-way alley. This will make traffic worse, snow storage and drainage, pretty good area for housing but not for commercial development, too large and too dense for this area.

COMMISSION DISCUSSION

The project fits the LDRs and zoning for that area. Neighbors know their neighborhood and the Commission appreciates public comments. Concerns were expressed about the long-term affordability of the units and about the creek, fire trucks getting in and out, truck route, and neighborhood character but this is exactly what the zoning allows, is a good project in area where redevelopment is needed.

Motion: I move to **recommend approval** to the Town Council of Development Plan P22-253 for a

new 3-story mixed-use building at the property addressed 245 and 265 N. Millward Street based upon the findings and conditions presented in the staff report, the departmental reviews, and subject to this staff report dated January 18, 2023.

A motion was made by: Schuler & seconded by: Martinez

Motion failed by a 2 to 1 (Schutt) vote 1 abstention by Martinez but vote was then amended to address concerns of Schutt and Martinez where same motion was made by: Schuler & seconded by: Martinez and approved by a 4 to 0 vote with an added condition of approval (Condition #5) as follows:

Motion: I move to **recommend approval** to the Town Council of Development Plan P22-253 for a new 3-story mixed-use building at the property addressed 245 and 265 N. Millward Street based upon the findings and conditions presented in the staff report, the departmental reviews, and subject to this staff report dated January 18, 2023.

5. The Fire/EMS Department shall review again the fire access to the project and the Public Works Department shall review again the suitability of the alley to accommodate proposed traffic from the project; all updated information shall be presented to the Town Council.

MATTERS FROM COMMISSION: Would like discussion on Historic Preservation Guidelines and how this works with the Building Department standards.

MATTERS FROM STAFF: Agenda follow-up: short-term rentals in residential neighborhoods, have a redline version and will be presented during the second meeting in February. Will also be reviewing big buildings and the 2 for 1 bonus. Need to assess the public benefit and potentially change. Karns Meadow Master Plan will be upcoming. PC members, still down 1. Deadline is the 24th of January to accept applicants.

Adjourn: A motion was made by: Schuler & seconded by: Martinez

Motion approved by a 5 to 0 vote at 8:22 pm.

STAFF REPORT



Meeting Date:	February 15, 2023	Meeting Title:	Planning Commission
Submitting Department:	Planning	Presenter:	Paul Anthony
Agenda Item:	P21-333 Amendment to Town LDRs related to Short-term Rental requirements in residential zones	Public Comment:	Yes

Requested Action.

The applicant, the Town of Jackson, is requesting that this item (P21-333) be continued to the Commission's March 15, 2023, regular meeting.

Suggested Motion.

I move to **continue** Item P21-333 to the Planning Commission's regular meeting on March 15, 2023.

STAFF REPORT



Meeting Date:	February 15, 2022	Meeting Title:	Planning Commission Workshop
Submitting Department:	Planning Department	Presenter:	Paul Anthony
Agenda Item:	P23-026 LDR Cleanup Workshop	Public Comment:	No

Purpose & Policy Considerations.

Discuss components of the LDR Cleanup prior to finalizing the proposed amendments for consideration at the March 15 PC meeting.

Requested Action.

Discussion of the following issues in the LDRs.

- Height on sloped sites
- Rooftop decks
- Detached/accessory structures
- Definition of a unit
- Guest parking
- Parking off alleys and in front yards
- Construction staging in residential areas

Recommendations.

This is a discussion item with no recommendation at this time.

Background.

Periodically the Town completes an LDR cleanup, which is suite of minor LDR text amendments to address errors, contradictions, sections that lack clarity, and issues that have arisen consistently in implementation. The last LDR cleanup was in 2018.

Analysis.

At the March 15, 2023 Planning Commission meeting staff will present the full LDR cleanup proposal. The intent is that most of the 50-75 minor LDR amendments proposed will be “consent” items that do not require discussion. However, there will be a few of the proposed amendments that look different to different perspectives and require more work. This workshop is an effort to identify a few of those issues while we are still drafting the LDR cleanup so that your input can be incorporated into the proposal.

Attached you will find the Powerpoint slides that will be presented at the February 15 meeting. Come prepared with your questions and initial inclinations on the issues. At the meeting we will discuss each. Staff and our consultant, Alex Norton of OPS Strategies, will take notes and use the input provided to finalize the proposal. That proposal (scheduled for the March 15 meeting) will include analysis and a formal recommendation.

Public Comment.

None.

Comprehensive Plan & Priority Alignment.

Comprehensive Plan alignment will be analyzed in full for the March 15 amendment. Issues of Comprehensive Plan alignment on the topics to be discussed are highlighted in the attached presentation deck.

Fiscal Impact.

No fiscal impact identified at this time.

Staff Impact.

The amount of staff time to review and write this report including future work is roughly 40 hours.

Attachments or Links.

February 15 Powerpoint slides

Suggested Motion.

No motion required.

LDR Cleanup

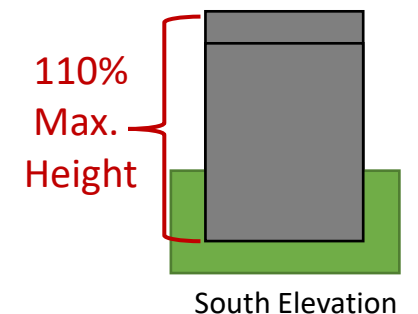
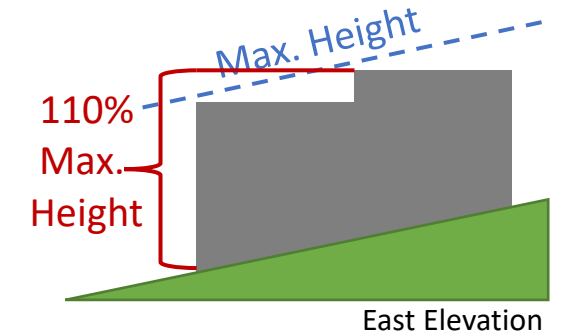
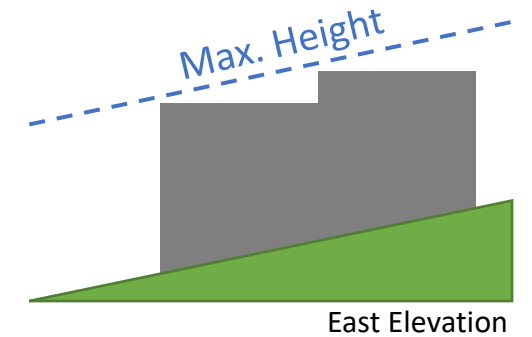
Planning Commission Workshop

Topics

- Height on sloped sites
- Rooftop decks
- Detached/accessory structures
- Definition of a unit
- Guest parking
- Parking off alleys and in front yards
- Construction staging in residential areas

Height on sloped sites: Issue

- Intent is to allow a building to “step” with slope
 - Max height is measured to nearest point of finish grade, meaning the allowed roof elevation moves with the slope
- Current rule also limits the amount a building can step up/down a slope to 10% of max height
 - Intent is to limit height perceived when looking up at house on sloped site
 - Makes sense for lots on County buttes/Snow King that are elevated above the valley floor
 - Makes less sense for “flat” Town lots



Height on sloped sites: Proposal

- Remove the 110% overall height rule from “flat” sites and instead allow the nearest point standard to encourage stepping of buildings
 - E.g., a 4’ drop in elevation on a 50’ x 150’ lot would not qualify as a “sloping site” although applicants currently claim that it does.
- Apply a 125% overall height rule to sites with more than 10 ft (or 10%) of natural grade elevation change within the proposed building footprint
 - An Upper Snow King or Upper Cache building footprint typically has 10-20 ft of elevation change and a 26-30 ft height limit depending on roof pitch
 - The current 10% step allowance only allows 2.6-3 ft of stepping with the slope
 - A 25% step allowance would give 6.5-7.5 ft of stepping with the slope

Rooftop decks: Issue

- When used as a deck, a roof must have a railing, which must be at least 36" tall. If the building is built to maximum height, rooftop deck use raises a number of questions.
 - Currently railing height counts against building height. Do we want to change this?
 - If so, how transparent does the railing have to be?
 - Can planters be used?
 - Are deck furniture allowed on the deck?
 - Does it matter if they are temporary?
 - Is there a setback?
 - What about tents, shade sails, or pergolas?
 - Does it matter if they are temporary? Fixed to the roof?
 - Is there a setback?

Detached/Accessory Structures: Issue

- Residential zones allow accessory structures closer to side and rear lot lines and push them away from the primary street
 - What happens when a landowner wants to come back and connect the structures?
 - How far do the units need to be apart to be detached?
 - What makes a structure accessory?
 - Why are there so many different standards?

	Primary Building	Accessory Structure
Primary Street	20' or 25'	30'
Secondary Street	10' or 15'	same
Side Interior	10' or 15'	5' less (except 10' if 14' or taller or with a second floor deck in the NL-3, 4, NM-1)
Rear	10' (NL-5, NM-1) 20' (NM-2, NH-1) 25' (NL-2, 3, 4) 40' (NL-1)	5' (NL-5) 5' no alley, 10' alley (NM-2, NH-1) 10', except 5' if under 14' tall with no second level deck (NL-3, 4, NM-1) 10' (NL-1, NL-2)

Detached/Accessory Structures: Options

- Define “detached” as a 10’ (or other distance) separation
 - Prohibit enclosed connection of detached structures
 - Allow covered walkway between?
- Define a detached ARU as an ARU in a detached structure
 - Or remove the difference in allowable ARU size to alleviate the need for definition
- Define “accessory structure” as less than 25% (or other percentage) of FAR
- Remove the variability by structure height
 - Or keep height variable setback, but remove detachment requirement
- Remove the variability based on alley presence
- Remove distinction all together
 - Or remove distinction except for NL-1,2,3,4 rear setbacks, which are larger

Definition of a unit: Issue

- Some requirements are based on the number of residential units proposed. As a result, there is incentive to design space for future conversion into a separate unit, without designating it as a unit.
- Unit based standards include:
 - Density limits
 - ARU definitions
 - Parking requirements
 - Hookup fees
 - Building code
 - Short-term Rentals
- Typical application red flags:
 - Kitchenettes with room for full fridge and cooktop
 - Exterior entrance/ lack of continuous internal flow (i.e., has internal lock-off door)
 - Multiple laundry areas

Definition of a unit: Options

- Santa Barbara has a standard that the city, not the applicant, will determine whether something is a unit based on a list of criteria
- Move all possible unit-based standards to floor area-based standards to remove the need for definition gymnastics (i.e., 2022 Housing Nexus Study)

Guest parking for multifamily development

- When parking standards were updated for multifamily housing to reduce the parking as a barrier to housing provision, the requirement for guest parking was removed from all multifamily zones.
- Options
 - Reinstitute a guest parking requirement for projects over a certain size.
 - Only reinstitute a guest parking requirement where there is not adjacent on-street parking or nearby public parking.
 - Allow the Planning Director/Council to require guest parking as site constraints dictate.
 - Keep no guest parking requirement to deemphasize single-occupancy vehicle transportation.

Parking location: Issue

- There are issues with how parking is designed within front setbacks and adjacent to alleys
 - Front setback
 - Driveway as parking space
 - Sidewalk encroachment
 - Driveway surface
 - Min driveway width
 - Allowance for turnarounds?
 - Prohibit parking on grass?
 - Alleys
 - Alley surface/parking surface match
 - 2' buffer for parking spaces:
 - Perpendicular space 22' long
 - Parallel space 11' wide

Construction staging: Issue

- Town redevelopment projects are seeing greater use of vacant lots (residential and commercial) as construction staging for off-site projects. In creating standards what should we consider?
 - Proximity to the construction site to limit traffic/VMT
 - Zone of the staging area
 - We don't need standards beyond the Construction Management Plan standards Public Works is developing
 - Hours of operation
 - Other