

AGENDA

Planning and Zoning Commission

June 25, 2024 – SPECIAL 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.

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. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT
4. PLANNING COMMISSION
 - I. PM24-004 Moratorium on Large Buildings (Paul Anthony)
5. ADJOURN

STAFF REPORT



Meeting Date:	December 12, 2023	Meeting Title:	Workshop Planning Commission
Submitting Department:	Planning	Presenter:	Paul Anthony
Agenda Item:	P23-180 Work Plan item to review potential tools to address large buildings	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose is to have the Planning Commission to provide initial direction to staff and the Council on whether changes to the Town Land Development Regulations (LDRs) are necessary to address the size, mass, and design of new buildings in the Town.

Requested Action.

This item is an annual Work Plan project for the Planning Department approved by the Council for FY24. The origin of this project stems from questions and concerns from the Council regarding the potential negative impacts of increasingly large commercial and multi-family buildings being constructed in the Town, especially in the downtown area and along the highway corridor. Recent projects such as the Sagebrush Apartments, The Loop, the Ranch Inn redevelopment, and the Cloudveil Hotel all present different development contexts, potential concerns, and architectural designs related to large buildings. Please note that this project is not intended to address “large” single-family homes in residential neighborhoods (this may be a future Work Plan item). In summary, this project is intended to identify the problem with big buildings (if any), explore possible solutions to those problems, and then draft and adopt LDR amendments to implement the desired outcomes.

This workshop is the first step in the process where staff is asking the Planning Commission to provide initial guidance to staff and the Council on the nature of the problem (if you, in fact, believe there is a problem) and discuss some conceptual strategies to address big buildings. Based on the feedback provided at this workshop, staff will come back with a much more detailed menu of options for future Planning Commission consideration. The Council discussed this item at a workshop on November 13, 2023. At the conclusion of the Council’s discussion they directed staff to bring this staff report (i.e., same information, key policy questions, etc.) to the Commission and Design Review Committee (DRC), and then to bring the item back to the Council with your input for further refinement. They did this because they wanted to get the PC’s and DRC’s ideas and concerns on big buildings without too much direction or influence from the Council itself. In that light, staff will not provide a detailed summary of the Council’s discussion other than to say that the Council generally seemed in agreement that some LDR changes are necessary to address big buildings but that more work needs to be done to clarify the ultimate outcomes we desire before we can move on to next steps.

Recommendations

Staff does not have a formal recommendation at this time because the task has still yet to be fully defined but staff has prepared questions and information for the Planning Commission’s consideration.

Background.

The size, mass, and design of buildings in the Town are controlled primarily by the Town’s LDRs and Design Guidelines. In simple terms, the LDRs place limits on the maximum height, floor area, number of stories, and other important characteristics of new buildings in Town. The Design Guidelines do not impose strict limitations on buildings but they do provide architectural guidance and best practices to ensure that a minimum level of architectural quality and consistency is achieved for all commercial and larger residential buildings.

Relevant to this discussion, it is important to understand that the Town made significant changes to the LDRs since 2015 as part of the “LDR Update” process required to implement the 2012 Comprehensive Plan that provided an updated vision for the community. Among the many changes, a new menu of zone districts was adopted to replace the 1994-vintage zone districts. While the new districts included many of the same standards as the previous districts, a number of important changes were made that affected the potential size and design of new structures. A primary motivation behind many of these changes was to incentivize workforce housing by reducing barriers to high-density buildings that had been identified by housing advocates and private developers alike (e.g., lack of by-right development, predictability, and incentives, etc.). These were the reasons so few multi-family buildings had been developed in the previous 20+ years. While the regulatory changes focused mostly on multi-family housing, the changes applied to large new commercial development as well.

Below is a summary of some of the most relevant LDR changes (since 2015) that can impact overall building size:

- **Maximum building size:** The Town eliminated the previous maximum building size limits in the LDRs as shown in table below (the one exception is that the Town Square -1 (TS-1) zone still has a 15,000 sf maximum building size).

Maximum Building Sizes Before 2015		
Zone	Max. Bldg Size	Max size with CUP
UC/UC-2	15,000 sf	35,000 sf
AC	15,000 sf	50,000 sf
Lodging Overlay (AC, UC, UC-2)		35,000 sf (also set 90,000 sf use max. if hotel located in more than one building)

The justification for removing the maximum building sizes was not only to financially incentivize workforce housing but a belief that new “form-based” standards, combined with the Design Guidelines, would effectively control and mitigate the size of larger structures.

- **Created high-density “by-right” residential zones/deleted Planned Unit Development (PUD) tool:** The pre-2015 LDRs had no residential or commercial zones that allowed multi-family housing by right. The only way to build multi-family housing was through the PUD tool that required case-by-case Council approval with a public hearing, usually with conditions of approval. Seeing this as a significant barrier to workforce housing, the Town deleted the PUD and replaced it with two higher density residential zones (NM-2, NH-1) that incorporated some of the PUD’s flexible development standards (higher height limits, less LSR) and that allowed all types of residential development by right. We also then created the new 2:1 workforce density bonus that allows additional density under certain parameters (see next bullet).
- **2:1 Workforce Bonus:** This new incentive allows developers to get 2 sf of market housing for every 1 sf of deed-restricted housing they provide. It is allowed in targeted residential and commercial zones to exceed the base FAR by significant amounts to “fill the box” (sometimes doubling the achievable floor area). There is no limit on how much bonus floor area can be added as long as it fits within all existing standards (height, setbacks, parking, number of stories, etc.).
- **Increased Height:** Town increased height maximums from 35’ to 42’ – 46’ (depending on roof pitch) in many commercial/mixed-use zones and from 28’ - 30’ to 35’ – 39’ feet in high-density residential zones;

- **4th Story Workforce Bonus (CR-3):** This incentive is limited to the CR-3 zone but allows a 4th story and 48' height limit for workforce housing instead of the regular 42' – 46' height limit and three stories. This incentive applies only to sites of 2 acres in size or larger.
- **Form-based Standards:** In general, form-based standards provide more specific requirements related to building design than traditional zoning. For example, our form standards now require a minimum "streetwall" on primary frontages, minimum ground-floor story heights, a minimum amount of windows, and a limit the extent of blank walls without windows.
- **Parking:** The Town adopted a new Administrative Adjustment process in 2015. This is a staff-level approval that is limited to providing modest adjustments to various development standards (larger deviations require a variance). It has been used to reduce parking for qualifying projects, often to encourage workforce housing. While reduced parking requirements often enable more units, it does not necessarily result in larger buildings, but it can.
- **3rd Story stepback:** This requires the 3rd story of a structure to be stepped back 10' or 20' but allows either a 40% or 60% encroachment into that stepback for flexibility. The intent is to reduce the mass of taller buildings with three stories. Projects that are 100% residential are often exempt from this stepback requirement.

Design Guidelines

The Design Guidelines were adopted in 2004 and have not been updated since that time. The Town has adopted, however, an appendix to the Design Guidelines (2021) that added more targeted architectural guidelines to address "western character" for downtown properties (Jackson Downtown Design Overlay) and to protect historic structures on the Jackson Historic Register (Historic Preservation Design Guidelines). As a general matter, all commercial projects and projects of four or more attached residential units must undergo design review.

As stated above, the Design Guidelines do not require any specific architectural standards, nor do they require any particular architectural style, rather they provide a set of fundamental design principles while still allowing for creative and innovative design. Below are some excerpts from the Design Guidelines:

"The design guidelines found here offer fundamental guidance that will help to enhance the quality and strengthen the visual continuity of the town. Their purpose is to stimulate creative design solutions for individual properties while providing a sense of cohesiveness among the entire town."

"The focus of these guidelines will be on the relationships between private and public spaces, composition, massing, street walls, and building materials."

It should be noted that the original Design Guidelines were intended to apply to commercial development, not residential development. However, over the years, the Town has applied them to higher density residential development. While this has generally worked well, there are instances where the guidelines arguably do not adequately address all of the design challenges of large multi-family buildings. The Design Review Committee (DRC) has sometimes struggled to find clear direction from the Design Guidelines to articulate the Town expectations regarding large building design, such as avoiding monolithic designs and breaking up the actual (or perceived) mass of large buildings. For example, do the Design Guidelines require that large projects be broken up into separate buildings or simply that large buildings be designed to look like separate buildings?

Analysis and Key Policy Questions.

Key Policy Questions:

1. Does the Planning Commission believe that some buildings in Jackson have gotten too large and are inconsistent with our intended character?
2. If so, what are the specific concerns the Planning Commission has regarding the actual or perceived size of large buildings? Is the issue total size in floor area? Architectural Design? Location? Use? Other?
3. What types of strategies does the Planning Commission want to pursue to address the identified concerns? Should the Design Guidelines be addressed? Are development incentives too aggressive or need to be adjusted (e.g., 2:1 workforce bonus)? Other?

The Town has experienced a significant increase in the number and size of large buildings in the past five or so years in particular, with more buildings to come that are approved but not yet built or in the review process. This increase is driven not only by the private sector but by the significant increase in large workforce housing projects developed through public-private partnerships led by the Housing Department. These are generally welcomed and expected trends because these are the results that the Town specifically wanted to create when we updated the LDRs. This is especially true for larger, multi-family projects which had largely ceased development from 1994 to about 2015. However, now that we have five or more years of experience with the new larger projects, it is fair to reassess whether we are getting what we want and/or whether adjustments are necessary.

While there is no standard definition of a “big building,” staff would offer that any building of 35,000 sf to 50,000 sf or greater may be considered large and something that could present concerns depending on its location and design. To provide context, the below table provides the size of a number of familiar older and newer buildings.

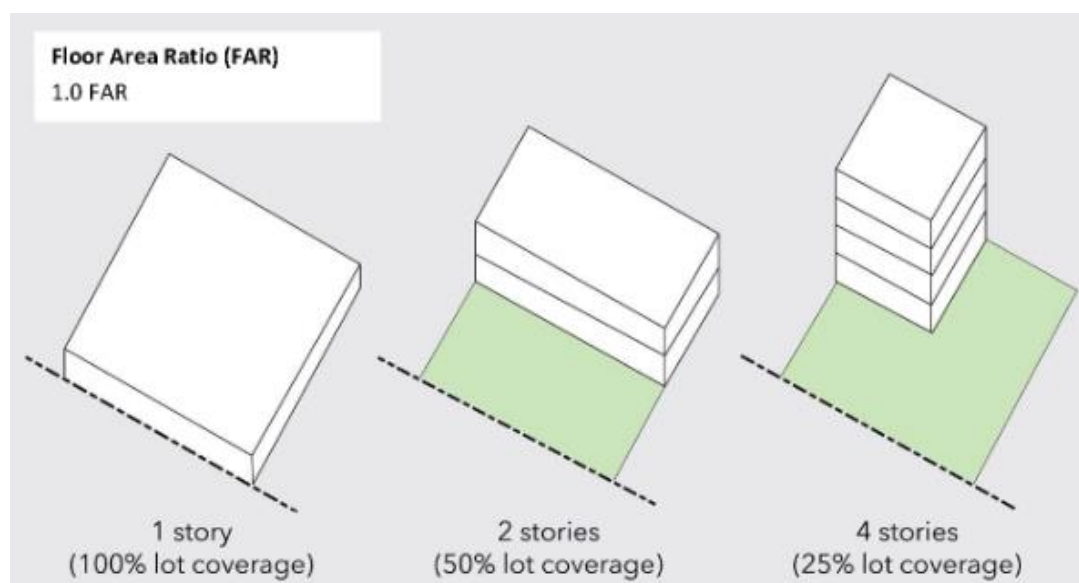
Project	Zoning	Building Size (habitable)	Site area
Target	CR-3	70,000 sf	5.4 acres
Albertson's	CR-3	65,000 sf	7.1 acres
Snow King Lodge	Resort	Approx. 130,000 sf	
Springhill Marriot Suites	CR-1 (PUD)	81,000 sf	1 acre
Wort Hotel	DC-1	52,000 sf	.64 acres
Staples/Hoback Sports/Dollar Tree	CR-3	46,000 sf	3.62 acres
Sagebrush Apartments	PUD NH-1	69,000 sf	2 acres
Hidden Hollow		66,000 sf (each large building)	1.5 acres
Ranch Inn Redevelopment (proposed)	DC-2	68,000 sf	1.2 acres
Cloudveil Hotel	TS-1, TS-2	80,000 sf	1.13 acres
Mogul Partners Hotel on N. Cache St. (proposed)	CR-2	260,000 sf	2.6 acres
The Loop (approved but not built)	CR-3	158,000 sf total (approx. 79,000 sf each bldg.)	2 acres
Millward Apts/Mixed-use	CR-2	41,000 sf	.65 acres

The above list can help the Planning Commission discuss whether the perceived “size” of a building can sometimes be driven as much by the design and context of the building as by its actual floor area – i.e., a building with less floor area can seem bigger and more massive due to its site and architectural design compared to a larger building. While this is a highly personal analysis, staff’s example of this relationship is that the Cloudveil Hotel (80,000 sf) appears significantly smaller in our opinion than either the Sagebrush Apartment building (65,000 sf) or Albertson’s building (65,000 sf) because the Cloudveil building is broken into three separate wings with varied design for each wing. Also, when large buildings are connected to other buildings in a block setting, instead of standing alone on a site where all sides are highly visible, they often appear smaller in scale because parts of the buildings are hidden by other buildings and are less visible.

The use of a large building can impact one’s perception of it. For example, if a large building that is providing deed-restricted housing for local workers may seem more acceptable than the same building if it contained short-term rentals for tourists and second-home owners. Location too is important. A large building near the Town Square may be much more acceptable than one along the highway or at the base of a butte/mountain. The surrounding context can matter greatly as well (a large building next to old historic single-story cabins might seem much more offensive than the same building next to other new large buildings. Then again, too many large building clustered together can present their own contextual and character problems.

In thinking about large buildings and ways to address their scale it is important to understand that no one factor can address all of the Council’s likely concerns. For example, while FAR determines the maximum amount of floor area on a site (minus incentives), FAR alone is not a good way to regulate the size of buildings. This is because FAR regulates the amount of floor area, it does not regulate the volume or mass of the building that contains that floor area. The reality is that other standards, such as height, number of stories, setbacks, design guidelines, etc., also play a critical role in affecting the final mass and design of a building.

The diagram below helps to demonstrate this point by showing three very different building designs that all contain the same amount of floor area (i.e., same FAR). To further make the point, if we assume that the height of the single-story building is 35’ tall because its use requires a high ceiling (e.g., a grocery store, movie theatre), then this building would have a much larger volume than either the 2-story or 4-story building with regular story heights of 10’ -12’. It might also have little setback or greenspace for landscaping to help screen the building.



The critical point here is that regulating the size of buildings to achieve a certain visual or character goal requires addressing multiple standards, not one.

Potential Causes of Larger Buildings

The Background section of this staff report provides a list of recent changes to the LDRs that potentially contribute to increasing the size of individual buildings in the Town. In staff's opinion, the biggest factors from this list are 1) elimination of maximum building size; 2) increased height of about 10' in many zones; 3) the addition of the 2:1 Workforce Bonus; and 4) the 4th story bonus with 48' height limit. Added to these factors, is the increasing trend of landowners/developers buying multiple adjacent properties to aggregate a large site for development using these new bonus tools. A good example of this is Mogul Partners who bought 11 individual properties (the equivalent of about 16 standard Town lots) under multiple ownerships on N. Cache Street and N. Glenwood Street to create a very large downtown site for development of a hotel and condominiums. The result is a proposed building of about 260,000 sf which would likely be the largest private building in Town by a large margin. This level of aggregation was not fully anticipated by staff when the various LDR changes and bonuses were made. In addition, with the cost of land and construction increasing so much in recent years, the best way to offset these costs is through higher-density (aka larger) projects, further incentivizing the market to build large buildings. Finally, it's worth noting that some larger buildings and projects can now bypass all public review (i.e., go straight to building permit) if they are 100% or mostly deed-restricted units. This was another incentive added to the LDRs since 2015 but it places more pressure on the internal review process to successfully address the impacts from large buildings without any input from the public, Planning Commission, or Council.

Key Policy Questions: A little more detail

Again, the purpose of this workshop is not to "solve" the issue of big buildings now but to identify the nature and scope of the problem, discuss some possible paths for solutions, and then have staff come back with more detailed menu of options for future Council and Planning Commission consideration and adoption.

To aid the Planning Commission in its deliberation of the Key Policy issues, staff has provided a list of premises that articulate certain perspectives that staff would like the Council to address regarding large buildings:

Premise #1: Certain buildings are just **too large** for the character of Jackson. We need an absolute limit.
Possible strategy: Consider floor area maximums for buildings (similar to previous LDRs).

Premise #2: Maximum building size should **vary by location** (e.g., downtown versus highway commercial).

Possible strategy: Consider different floor area limits in different parts of Town (e.g., higher along the highway and less downtown).

Premise #3: The total size of the building is less of a concern than getting good **architectural design**. If agree, what architectural design characteristics are most important (style, materials, massing, etc.)?
Possible strategy: Amend the existing Design Guidelines to better address desired outcomes for large buildings. Provide clearer direction to Design Review Committee so they can better use their expertise to help developers design higher quality buildings.

Premise #4: Larger buildings are more acceptable if they are for **deed restricted housing** but not if they are for less beneficial uses, such as short-term-rentals or some other use.

Possible strategy: Consider maximum building sized based on use.

Premise #5: More **greenspace/landscaping** is necessary to screen and buffer large buildings.

Possible strategy: Consider different or increased LSR requirements for different zones or for larger buildings.

Premise #6: Neighborhood context is important when considering the size of individual buildings (i.e., large new buildings next to small existing buildings is the problem, not so much large buildings next to other large buildings or on larger isolated sites).

Possible strategy: Consider context-sensitive design standards where building size and design may be impacted (i.e., reduced) depending on the size of existing surrounding buildings. This puts much more responsibility on the DRC process to define limitations through design and not objective standards and zoning maximums.

Premise #7: The large size of some **development sites** is a major concern and is one reason buildings are getting too large.

Possible strategy: Consider a limit on the number of lots or gross area size for developments in the Town. Consider different limits in different zones. Or possibly exceptions for certain uses (hotels).

Premise #8: Most large buildings are fine but there should be **additional Council review/process** for buildings over a certain size so the public can comment and potential impacts addressed through conditions of approval.

Possible strategy: Consider a Conditional Use Permit (CUP) process for buildings over a certain size.

Possible Alternatives.

There may be other approaches to address big buildings that Planning Commission would like to discuss or explore further. Staff will research and present any additional ideas the Council directs.

Comprehensive Plan and Priority Alignment.

The Comprehensive Plan does not say much directly about large buildings (other than Policy 2.4.e) but it does speak to our goals for encouraging workforce housing and ensuring that redevelopment is compatible with existing neighborhood character. The following policies may be relevant to the Planning Commission's consideration of this item.

Policy 2.4.e: Encourage smaller buildings

The Town and County will encourage the construction of smaller, energy efficient buildings to improve energy conservation communitywide. Energy efficiency and the amount of energy required to construct a building is directly related to overall building size. Smaller buildings require less material to achieve high energy efficiency and contain less volume to condition, light, and maintain. The community will explore regulations and incentives to encourage the construction of smaller buildings.

Policy 4.1.c: Promote compatible infill and redevelopment that fits Jackson's neighborhoods.

Infill and redevelopment will be key strategies for fostering the elements of a Complete Neighborhood in specific subareas in Town. Infill and redevelopment will be compatible in scale, use and character in Stable Subareas, and will be consistent with the desired future character in Transitional Subareas. Considerations should include the identification of appropriate relationships between land uses and development of varying intensities. An important goal will be to maintain or reestablish a strong sense of ownership by all residents of their neighborhoods. The Town Character Districts provide specific guidance for infill and redevelopment projects, consistent with the desired character for each Subarea of Town.

Policy 5.2.b: Housing will be consistent with Character Districts.

The development and redevelopment of all market and restricted housing, whether by-right or through incentive tools, will be consistent with the location, bulk, scale, and pattern described in the community's Growth Management policies and in the Illustration of Our Vision. Appropriate locations are identified in Town and County Character Districts for the allowance and encouragement of multifamily, small lot, small unit and other housing types that provide market and restricted workforce housing opportunities. No requirement, incentive, or allowance for workforce housing should directly, or indirectly, conflict with the Character Districts.

Policy 5.4.b: Avoid regulatory barriers to the provision of workforce housing

The Town and County will avoid regulatory barriers that inadvertently preclude workforce housing in a manner that is consistent with the community's Common Values. This may include providing exemptions from certain requirements for developments that provide new subsidized workforce housing that reduces the shortage of housing that is affordable to the local workforce.

Policy 5.4.d: Provide incentives for the provision of workforce housing

Incentives to provide workforce housing offer solutions that typically require less public financial subsidy. The community should provide incentives for the preservation of existing workforce housing and the construction of subsidized workforce housing. Incentives may continue to include performance-based density bonuses that enhance the character of applicable subareas of the Town and County while decreasing the shortage of housing that is affordable to the local workforce. Additional incentives such as tax reduction or deferral, fee waivers, expedited review, buy-down programs, and others should also be considered.

Fiscal Impact.

It is too early in the process to accurately estimate any potential fiscal impacts from any possible changes to the LDRs.

Staff Impact.

The amount of staff time to research and write this staff report is roughly 25 hours.

Attachments or Links.

Exhibit A: Pictures of local large buildings

Suggested Motion.

I move to direct staff to share with the Town Council the comments and ideas regarding “big buildings” expressed by the Planning Commission at this workshop consistent with this staff report, dated December 12, 2023.

Appendix A: Pictures of Large Buildings

Wort Hotel (52,000 sf)
50 N. Glenwood St.



Staples/Hoback Sports / Dollar Tree (46,000 sf)
520 W. Broadway Ave.



Target (70,000 sf)
510 S Highway 89



Springhill Marriott Suites (81,000 sf)
150 E. Simpson Ave.



Sagebrush Apartments (69,000 sf)
550 W. Broadway Ave.



Hidden Hollow (66,000 sf each building)
301 and 305 Hidden Hollow Dr.



Ranch Inn Redevelopment (68,000 sf)
50 S Cache St., 45 & 75 E Pearl Ave.



PEARL AVENUE ELEVATION

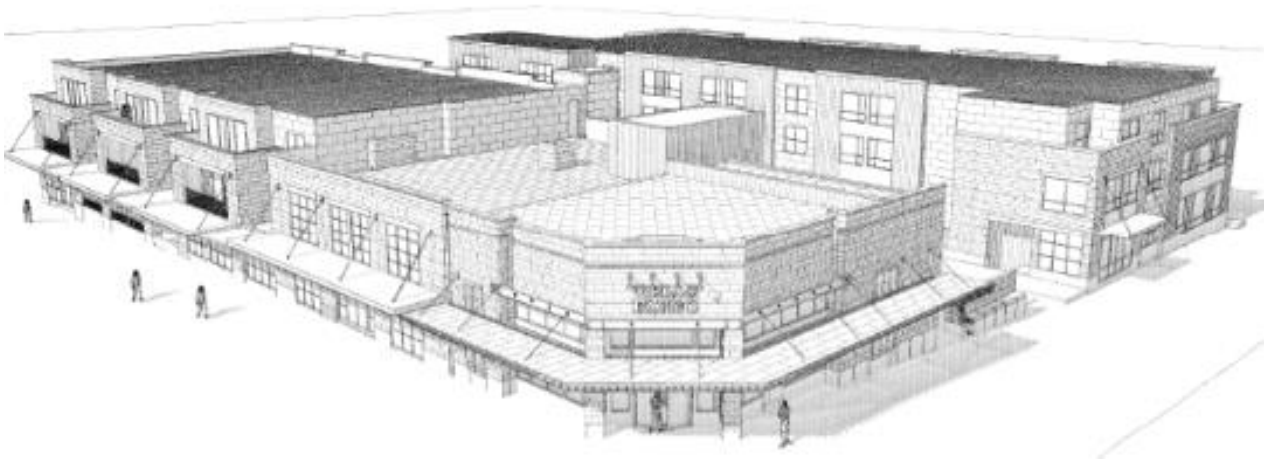


CACHE STREET ELEVATION

Millward Street Mixed Use (41,000 sf)
245-265 N. Millward St.



Cloudveil Hotel (80,000 sf)
112 Center St.



The Loop (79,000 sf each building, 158,000 total)
1050,1060,1080 South Park Loop Rd.



Albertson's (65,000 sf)
105 Buffalo Way (South Elevation)



Mogul Partners Hotel (260,000 sf estimated)
325-375 N. Cache St.



