STATEMENT/PURPOSE

The applicant is requesting approval of an Amendment to the Master Plan for the Pearl & Willow Planned Mixed-Use Development (PMD) to allow a phasing plan in two phases where the approved plan contained a phasing plan of three phases on the property located at 155 & 199 E. Pearl Avenue. The applicant is also requesting an extension of three years from the date of Council approval to apply for a Final Development Plan for the final phase.

APPLICABLE REGULATIONS

Section 2325 Planned Mixed Use Development

LOCATION

The subject area is described as Lot 3, Pearl & Willow Amended Addition and 199 E. Pearl Condominium Addition and is addressed as 155 & 199 E. Pearl Avenue. An aerial photo and zoning map of the vicinity are shown on the following page:
The Town Council approved the Pearl & Willow Master Plan on September 17, 2001. In September 2002, Phase I construction was commenced as the 199 East Pearl Condominium Addition. The construction was substantially completed in 2004, and the last residential condominium of Phase I was sold on December 30, 2005. No construction on subsequent phases has taken place since that time. In a letter dated September 19, 2008, the Planning Director determined that the project failed to proceed in accordance with the applicant’s approved Phasing Plan, which stated that the entire project would be completed within a five (5) year time period from the date of Recordation of the Master Plan (September 11, 2002). In accordance with Section 2325.C.2.a(3)(g) of the Land Development Regulations, on December 15, 2008, the Jackson Town Council voted to approve a Reconsideration request to allow for an amendment to the Pearl and Willow Master Plan. The Town Council granted an extension of three (3) years from the date of the hearing until December 15, 2011, to submit an amendment to the Master Plan. The applicant submitted an application for the amendment to the PMD Master Plan for consideration by the Town on November 7, 2011.
Staff notes that this is the only Planned Mixed Use Development that has completed a Final Development Plan for Phase 1, received a building permit and completed construction of the permitted phase and then failed to proceed with the development according to the applicant’s phasing plan.

PROJECT DESCRIPTION

The original Master Plan approval is for the development and construction of a mixed use project consisting of a total of 60,276 square feet of above grade development with the proposed phases as follows:

- Phase I was constructed with 22,212 square feet including office/retail, six free market residential units, and three affordable/employee housing units with a below grade parking structure.
- Phase II may include up to 21,000 square feet of office/retail space and a below grade parking structure.
- Phase III may include a four story mixed use building (approximately 16,976 square feet) with office/retail on the first floor, affordable housing on the second floor, and market rate housing on the third and fourth floors together with the completion of a below grade parking structure.

The applicant is requesting to combine Phases II and III and amend the proposed phasing plan to allow for three additional years to submit a Final Development for the final phase.

PLANNING COMMISSION REVIEW

The Planning Commission reviewed the proposed request on January 4, 2012, and forwarded a positive recommendation to Council subject to two conditions of approval. The Commission found that the first phase of the project had been received well by the community and that the applicant should be allowed more time to complete the remaining portions of the project. The Commission found that by combining the remaining two phases into one final phase, construction disruption could be minimized. The Commission did discuss whether a shorter extension than the requested three (3) years should be considered since an additional three (3) years would be allowed upon approval of a Final Development Plan to submit for a building. Upon further discussion, the Commission did recommended the requested three (3) year extension to allow the applicant to submit for a Final Development Plan. The Commission also discussed the proposed staff condition requiring all properties owners in the Phase 1 of the project to sign off on the proposed amendment. The Commission discussed whether it was required that all property owners sign or whether the Owners Association for phase 1 were able to sign an amended Certificate of Standards and Conditions similar to the Owners Association being able authorize the application submittal. The Commission added a second condition of approval directing staff to work with the applicant on this matter prior to Council approval. As directed by the Commission, staff has worked with the applicant and modified the proposed condition to mirror the language found in Section 2325.C.2.d. which requires the landowner/applicant in this case Willow Street Partners LLC and all governing associations within the development in this case 199 East Pearl Homeowner’s Association to execute the required amended Certificate of Standards and Conditions—not all property owners as was previously required.

STAFF ANALYSIS

Section 2325.D.10 Phasing Element states that the PMD development shall have a phasing element to ensure that development within a PMD occurs in logical sequence, including amenities and necessary capital improvements. PMD Master Plans shall contain a Phasing Plan that identifies the sequence of structures, uses and amenities, installation of infrastructure, implementation of the Transportation Demand Management
Plan, Housing Mitigation Plan, and implementation of PMD Master Plan conditions of approval. Phasing shall be coordinated with the capital improvements program as identified in the Capital Improvement Element. The Phasing Plan may contain more than one sequence for development of different major components of the Master Plan. Further, Section 2325.E.7 states that the Phasing Plan must ensure development of the plan, its amenities, and public facilities necessary to serve the Plan, occur in logical sequence.

Staff notes that the applicant has not proposed any changes to the dimensional limitations, affordable and employee housing, parking, infrastructure, or other components of the originally approved Master Plan.

Staff finds that by combining Phases II and III into one final phase, there would be no impact on the ability of the applicant to satisfy all previously approved requirements and conditions of the Master Plan. In addition, Staff finds that by combining the two previous phases into one final phase, it will limit the length of disturbance due to construction to surrounding property owners and the community in general.

Staff finds that in considering this request, Council will need to consider what the appropriate amount of time is that the applicant should be allowed to complete an approved Master Plan. The applicant originally proposed to have the entire project completed by September 2007. The Council will need to consider whether the required eight (8) findings of approval for a Planned Mixed Use Development Plan can still be found. Specifically, staff would have Council consider finding #7 related to Phasing. Staff has provided the original findings made for the Master Plan in 2001 for Council consideration. Staff has updated the original findings to reference the approved conditions of approval to clarify that they are no longer “proposed conditions” as stated in the original staff report.

In addition in considering this request, staff offers the following items for consideration:

- Have there been changes to the Comprehensive Plan?
  - Policy portion of the new plan approved by Town Council on June 29, 2011, but not adopted and thus has not taken affect
  - Character District portion of the new plan scheduled for review beginning in January and concluding in April 2012, has not been adopted and has not taken affect

- Have there been significant changes to the Land Development Regulations
  - PMD development tool placed under moratorium
  - Affordable Housing mitigation rates raised from 15% to 25% percent
  - Employee Housing mitigation rates changed from person requirement to square footage requirement
  - Town Design Guidelines and Design Review Committee established

Should Council find that an amendment to the Phasing Plan is acceptable, the Council should consider whether the requested additional three (3) years for the submission of a Final Development Plan is appropriate. The Council has the ability to shorten or lengthen this amount of time. Please note that upon approval of a Final Development Plan, the applicant would have another three (3) years to obtain a building permit.

Staff notes that should Town Council not approve the proposed amendment to the phasing plan, the Master Plan would expire and all unvested and all unexercised rights that were established by the Master Plan shall lapse and the remaining lands shall thereafter be subject to the then applicable Land Development Regulations.
STAFF FINDINGS

Pursuant to Section 2325.E Findings for Approval of the Land Development Regulations, the following findings were made for the original approval of the PMD Master Plan. Staff has updated the original findings to reference the approved conditions of approval to clarify that they are no longer “proposed conditions” as stated in the original staff report.

1. **Consistent with the Comprehensive Plan.** The PMD Master Plan is consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan and the Transportation Plan with its Town as Heart of the Region policy.

   Staff finds that the PMD Master Plan, as submitted, is consistent with the goals and objectives of the Comprehensive Plan, Transportation Plan and Town as Heart of Region Policy.

   Staff is supportive of this application in that it proposes a master site plan that is consistent with the goals and objectives of the above described documents. More specifically, objectives of Chapter 8 Transportation of the Comprehensive Plan state:

   “Pursue changes in land development patterns that promote non-vehicular and transit travel in place of personal vehicle travel.”

   “Pursue public/private sector programs that reduce the rate of vehicular travel growth and increase the efficiency of necessary vehicular travel.”

   “Maintain or reduce existing accident levels, and reduce accident severity by 10 percent.”

   Staff is able to find the application is compatible with these objectives.

   In addition, staff finds the proposed PMD Master Plan is consistent with the Town as Heart of Region strategy. By providing a mix of nonresidential and residential uses and thus a reduction of vehicular trips; the proposed plan has met the purpose and intent of this strategy.

2. **Consistency with purpose and intent.** The PMD Master Plan is consistent with the purpose and intent of this Section, as set forth in Subsection A, Purpose and intent.

   Staff finds that the proposed application with the originally approved conditions of approval meets the purpose and intent of the PMD Regulations as follows:

   “1. Encouraging flexibility and creativity in the development of the land to promote its most appropriate and efficient use:

   Staff finds that the proposed development has been successful in developing a site plan and accompanying supporting material that achieves a product that is appropriate for its location within the Urban Commercial zoning district and one, which will be a benefit to the Town as a whole.

   “5. Providing a functional and interconnected system of pedestrian walkways and streetscape, and pedestrian-friendly areas;”

   Staff finds that the proposed Master Plan, with the originally approved conditions of approval, is successful in producing an environment that is functional and efficient to all modes of transportation.
“7. Allowing creative alternative to surface parking, and encouraging and permitting shared parking between uses.”

Staff finds that the proposed Parking Analysis has created a Master Plan that provides alternatives to surface parking and encourages captive trips and shared parking not only within the development but also between the development and surrounding land uses.

3. **Design guidelines.** The PMD Master Plan contains design guidelines that:

   a. establish standards for buildings, open spaces, landscape areas, signs, and lighting within the Plan;
   b. promote the design concepts set forth in subsection D.5, Design element; and
   c. establish a method for consistent implementation of the guidelines.

Subject to the originally approved conditions of approval, staff finds that the proposed design guidelines are sufficient to ensure the orderly and consistent development of the Master Plan as phased.

4. **Transportation element.** The PMD Master Plan contains a traffic impact analysis and transportation demand management plan that promotes alternative forms of transportation consistent with the transportation goals of the Jackson/Teton County Comprehensive Plan.

Staff finds that the proposed transportation element subject to the original approved conditions of approval will adequately meet the transportation goals of the Jackson/Teton County Comprehensive Plan.

5. **Affordable and employee housing.** The PMD Master Plan ensures a supply of affordable and employee housing that is in accordance with the requirements for housing created by development within the plan.

Staff finds that the proposed Master Plan has adequately satisfied the requirements of the PMD regulations for providing Affordable and Employee Housing.

6. **Capital improvement plan.** The PMD Master Plan contains a capital improvement plan that ensures infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected plan demands.

Subject to the originally approved conditions of approval, staff finds that the proposed capital improvement plan is sufficient to ensure the site is served adequately by all necessary public infrastructure and that the proposed project will not have any negative impacts on the existing public infrastructure in the area.

7. **Phasing plan.** The PMD Master Plan contains a Phasing Plan that ensures development of the plan, its amenities, and public facilities necessary to serve the Plan, occur in logical sequence.

Subject to the originally approved conditions of approval, staff finds that the proposed phasing plan will be adequate to guide future development of the Master Plan.

8. **Development standards.** The PMD Master Plan meets the required criteria in subsection D.2 Development Standards and includes design and/or use features which substantially advance the goals of the Transportation Plan with its Town as Heart of the Region policy.

Please see findings for #1 and #2 above.
FISCAL IMPACT

None identified

STAFF IMPACT

None identified

LEGAL REVIEW

Completed

ATTACHMENTS

Applicant Submittal
199 East Pearl Homeowner’s Association Letter dated October 7, 2011
Town of Jackson letter dated October 1, 2001, including the original conditions of approval

ALIGNMENT WITH COUNCIL’S STRATEGIC INTENT

Staff finds that the proposed application is in alignment with the Council’s Strategic Intent, specifically, Town as Heart supporting mixed use, smart growth development in downtown Jackson.

RECOMMENDATIONS/ CONDITIONS OF APPROVAL

The Planning Director has not made a recommendation on this request but offers the following conditions of approval for consideration:

1. An Amendment to the Affidavit and Agreement for the Master Plan Certificate of Standards and Conditions shall be reviewed and approved by Staff and the Town Attorney and recorded in the Teton County Clerk’s Office within 60 days of Town Council approval, unless extended with the approval of the Planning Director. Willow Street Partners LLC, ETAL and the 199 East Pearl Homeowner’s Association shall be required to execute this Amendment.

SUGGESTED MOTION

I move to confirm findings 1-6 and 8 as set forth in Section 2325.E (PMD Findings for Approval) of the Land Development Regulations relating to 1) Consistency with Comprehensive Plan; 2) Consistency with purpose and intent; 3) Design guidelines; 4) Transportation element; 5) Affordable and employee housing; 6) Capital improvement plan; and 8) Development standards and to make finding 7) Phasing Plan for Item P11-056 and further to approve Item P11-056, an Amendment to the Master Plan for the Pearl & Willow Planned-Mixed Use Development to allow a Phasing Plan to construct the project in two phases and allow three years from the date of Council approval to apply for a Final Development Plan for the final phase on the property located at 155 & 199 East Pearl Avenue, subject to one condition of approval.
LETTER OF EXPLANATION
APPLICATION FOR DEVELOPMENT PERMIT ACTION
PMD MASTER PLAN AMENDMENT
(155 East Pearl Street PMD)

Requested Action. Willow Street Partners LLC ("Willow Street") requests that its PMD Master Plan be amended as follows:

(a) Amend its phasing plan to combine the Two (2) remaining Project phases into a single phase; and

(b) Extend the deadline for Three (3) years to file the final development plan submittal.

General Project Description. Willow Street was the first applicant under Section 2325 PMD, Town of Jackson Land Development Regulations. Its PMD Master Plan was approved by the Town Council on September 17, 2001. Phase 1 of the Project was substantially completed in 2004.

On December 15, 2008, the PMD Master Plan was reconsidered and the Town Council granted a Three (3) year extension until December 15, 2011 to submit a revised Phasing Plan.

The Master Plan including the building size, layout, square footage, and residential/commercial mix will remain essentially unchanged. However, certain design changes including sky planing, changes in the underground parking design and circulation, expanding exterior living spaces and other minor changes may be proposed with the final development plan.

We have attached copies of the Master Plan Site Plan and Elevations of the approved PMD Master Plan.

Special Project Features and Characteristics. We believe the approved Master Plan is an excellent project and represents the best use of the property given its location and community conditions. Completion of the Project will compliment Phase 1. We did learn from Phase 1 and believe that some minor design changes to the next phase(s) may be appropriate. It is our present intention that Phases 2 and 3 of the Master Plan will be constructed in a single phase.
The Master Plan provides for the development of an open courtyard fronting on Pearl Street which provides a nice amenity to the Project and provides an enhanced streetscape for the community. If the Master Plan expires, we may not be able to develop the courtyard as proposed. Additionally, the Master Plan provides for underground parking for the entire Project which we may be unable to provide if the Master Plan lapses.

The Master Plan represents a uniform and integrated design of the entire Project site which may be compromised if the Master Plan expires. The first phase of the Project provided excess residential space which should be credited to the next Project phase.

Market conditions (lack of financing and lack of market demand) dictate that the Project be delayed until market conditions improve to justify the substantial cost and risk to complete the Project.

We believe that Phases 2 and 3 of the Project should be combined into a single construction project to avoid disruption to the occupants in the Project as well as the community.

Thank you for your consideration of this matter. We look forward to meeting with you.

Very truly yours,
Willow Street Partners LLC

By: [Signature]

By: [Signature]
October 7, 2011

Town of Jackson
Attention: Mark Barron
PO Box 1687
Jackson, WY 93001

Re: 155 E. Pearl – Consent to PMD Extension and Amendment

Dear Mayor Barron:

On behalf of the 199 E. Pearl Homeowner’s Association, I would like to express our strong support for the above referenced PMD Extension and Amendment for Phase II and III of 155 E. Pearl being developed by Willow Street Partners, LLC.

By virtue of this letter, we wish to have our conditional consent made a part of the public record. The “conditional” aspect of our support arises from some private agreements regarding shared infrastructure between Phase I and Phases II and III of this project.

The 199 E. Pearl Homeowner’s Association feels that an extension of three years or more (5) would provide the applicant with adequate opportunity to build Phases II and III of this project as market conditions improve and hope the Town Council will see that this extension request as a worthwhile investment in our Town core.

The reconfigured application received the strong support of our membership and we urge the Council to approve the extension and amendment.

Regards,

[Signature]

199 E. Pearl Homeowner’s Association
Michael T. Halpin, President
Willow Street Partners, LLC
PO Box 4099
Jackson, WY 83001

Re: Item No. 93-85.3 (PC) 155 E. Pearl

Dear Sirs:

This letter is to confirm that on September 17, 2001, the Jackson Town Council voted to approve a Planned Mixed-Use Development Master Plan as per Section 2325 Planned Mixed Use Development of the Town’s Land Development Regulations.

The proposed Planned Mixed Use Development will be built in three phases. Phase 1 will involve the construction of a below grade parking structure and a 21,000 square foot office/retail building; Phase 2 will include the construction of a 20,000 square foot office/retail building and extension of the below grade parking and Phase 3 will include a four story mixed use building with office/retail on the first floor, affordable housing on the second floor and market rate housing on the third and fourth floors. The below grade parking garage will also be completed in phase 3. The approximate total buildout for this project will include 60,726 square feet of above grade development.

This approval is subject to the following 14 conditions of approval:

1. Prior to building permit issuance for Building B, an agreement for securing affordable housing pursuant to Division 49400 (Residential Affordable Housing Standards) of the Town of Jackson Land Development Regulations shall be executed and the agreement shall be recorded with the Teton County Office of the County Clerk.

2. Prior to the issuance of a building permit for Building B, an agreement for securing employee housing pursuant to Division 49500 (Employee Housing Standards) of the Town of Jackson Land Development Regulations shall be executed and the agreement shall be recorded with the Teton County Office of the County Clerk.

3. An exterior lighting plan shall be submitted to and approved by the Planning Department prior to the issuance of any building permit for the project.

4. The applicant should consider providing functional entrances along the Pearl Avenue frontage of the project in conjunction with the submission of a Final Development Plan for each phase of the project.

5. The applicant and staff shall closely examine the use of the proposed exterior materials terra cotta or ceramic tile and stained cast in place or integrally colored concrete to determine whether a mix of additional building materials should be used in combination with these two materials in
conjunction with Final Development Plan reviews for this project.

6. The applicant shall be required to stipulate how all requirements for each individual phase will be satisfied along with the amount of on and off site improvements that are planned to be completed for each phase, as part of the submission for a Final Development Plan. Said analysis shall address comments identified by the Transit Department dated June 16, 2001.

7. The applicant shall revise the proposed traffic study to include an analysis and recommendations on pedestrian, bicycle and public transportation where appropriate in conjunction with the submittal of the first Final Development Plan.

8. All conditions identified by the Pathways Department in their letter dated June 15, 2001 shall be satisfied in conjunction with the submittal of each Final Development Plan as follows:

   A. The applicant shall revise the proposed site plan to eliminate the proposed diagonal parking along Pearl Avenue. Said parking shall be replaced by parallel parking spaces pursuant to requirements of the Town’s Land Development Regulations. Proposed improvements along the north side of Pearl Avenue Ave., within the Town right-of-way, should be consistent with the concepts generated at the recently held design Charrette. This included a ten foot wide attached sidewalk, including street trees, adjacent to the subject property’s south property line.

   B. A covered walkway / canopy, with support columns is proposed along the south elevation. If a canopy is constructed the support columns / bases should be as narrow as possible or ideally eliminated. The support poles and accompanying bases constrict sidewalk width and obstruct pedestrian flow. If the covered sidewalk is built where currently proposed, a public access easement will be required across the sidewalk corridor.

   C. Based on the “Main Level” site plan it appears that the street corridor treatment along the Willow Street side will include a five foot detached sidewalk with a five foot landscape strip adjacent to the curb. If this is not the case the section should be revised to reflect this configuration.

9. The applicant shall ensure that the proposed affordable housing units meet the minimum unit size of approximately 850 square feet as per Teton County Housing Authority regulations for minimum net livable area. The applicant shall provide a detailed discussion and justification for any unit sizes proposed not meeting the requirements as stated above for the review and approval by staff and Town Council.

10. The applicant shall post and stripe the proposed one way entry and exit ramps “one way only”.

11. The applicant shall pay a fee in lieu of parking for 16 parking spaces in the amount of $43,000.00 to the Town of Jackson. The amount required per Phase shall be provided as part of
the Final Development Plan submission for each phase.

12. The applicant shall ensure that each phase of the Master Plan meets the requirements of Section 2325.D.13 of the Land Development Regulations regarding required mixes of residential and nonresidential uses provided onsite. The applicant shall as part of each Final Development Plan submit a break down of the proposed onsite uses to be reviewed and approved by staff.

13. The applicant shall meet all requirements of the Town Engineer as follows:

A. It is recommended that the design of the underground parking area be revised to allow the one-way flow of traffic thru the parking structure. This would be accomplished by lowering the northeast portion of the parking area such that it can be connected to the westerly parking area under the access ramp.

B. In addition the design shall be revised to include a chamfered corner along the northeast corner of the exit ramp. This shall be designed to allow exit-turning movements to be completed without encroaching into the inward bound lane.

C. During the first phase of this project, the underground egress/ingress ramp to the parking structure shall include a signalized access ramp. The design of same shall be approved by the Town prior to Final Development Plan approval.

D. Prior to the issuance of a Final Development Plan in Phase II, the sewer easement will be provided by the applicant in conjunction with a design for the 8” sewer main on the west side of the property and the relocation costs will be born by the applicant, but cost sharing considerations, if any will be discussed during the Final Development Plan.

E. In conjunction with the first proposed Final Development Plan, additional information regarding the stormwater system shall be provided. This shall include but not be limited to: a preliminary design layout of the onsite stormwater system, stormwater treatment systems proposed as maybe necessary, detention systems, discharge controls and the location(s) of connections to the Town system.

F. Improvements along the property frontage with Pearl Avenue and Willow Street shall be completed as a requirement of this development. The improvements shall be consistent with the conceptual plans completed by the Town or as otherwise authorized by the Town.

G. It is anticipated that at a minimum, sidewalk improvements, stormwater systems, curb/gutter modifications, roadway improvements, landscaping and lighting shall be installed along Pearl Avenue and Willow Street. A conceptual plan indicating these improvements shall be provided for review, comment and approval in conjunction with the first Final Development Plan.
H. Prior to acceptance of the provided water system analysis, current field fire flow tests shall be completed to verify the “base” information used. These fire flow tests shall be completed under the supervision of the Fire Marshall and the Town Engineer. It is recommended that the fire flows be completed under similar system conditions as that used in the hydraulic modeling. This shall be provided in conjunction with the first Final Development Plan.

14. The applicant shall revise the proposed site plan to eliminate the proposed diagonal parking along Pearl Avenue. Said parking shall be replaced by parallel parking spaces pursuant to requirements of the Town’s Land Development Regulations.

Please note that upon approval the PMD Master Site Plan and a Certificate of Standards and Conditions, and any amendments thereto, shall be recorded in the land records of Teton County, Wyoming, and in the Town of Jackson, Wyoming, Clerk’s Office. The applicant shall prepare the affidavit to be reviewed, and approved by the Planning Director in a form acceptable to the Town Attorney with the participation and written consent of each owner/applicant prior to execution.

For your information, the Planned Mixed-Use Development Master Plan approval will expire three years from the date of its recordation following the final approval, unless prior to that date an application for Final Development Plan is filed with the Planning Department. The Master Plan shall expire five years from the date of its recordation following final approval unless prior to that date an application for a building permit has been filed with the building department for new development on site to establish the use authorized and demonstrates that substantial and continuous progress toward the Master Plan has been made in accordance with the Phasing Plan specified in the conditions of approval.

An approved copy of the approved Planned Mixed-Use Development Master Plan is forthcoming. If you have any questions or require additional information on this matter, please don’t hesitate to contact me.

Sincerely,

Tyler W. Sinclair, AICP
Senior Planner

TS: mt
Cc: File 93-85.3 (PC)
    John Carney, Carney Architects
    Shawn O’Malley, Town Engineer
    Kelly Bowlin, Development Coordinator