

BASIC USE PERMIT

BUP2022-0077

GRANTED TO

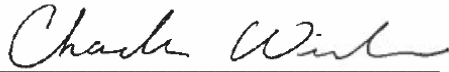
Stage Stop, Inc.

FOR A PROFESSIONAL OFFICE USE

HH Land Strategies, having made application on behalf of Stage Stop, Inc., for a Basic Use Permit, to have a Professional Office Use located in the Planned Unit Development- Rural 3 zone, and the Teton County Planning Director, having determined that all of the required standards are met, concludes that the applicant is entitled as a matter of law to the issuance of a permit. Stage Stop, Inc. is hereby granted a Basic Use Permit for a Professional Office Use located at 3000 W Big Trail Drive as set forth in the application materials received August 26, 2022 and updated October 14, 2022. This Permit is subject to the limitations and conditions outlined in the Staff Report dated January 17, 2023 and listed below.

Dated this 17th day of January, 2023

TETON COUNTY PLANNING AND BUILDING DEPARTMENT



Chandler Windom, Senior Planner

PERMIT ISSUED FOR: To allow a Professional Office Use

LOCATION: 3000 W Big Trail Drive
Lot 333 Rafter J Subdivision
PIDN 22-40-16-17-2-03-001

LIMITATIONS AND CONDITIONS;

1. The applicant shall submit and obtain an issued building permit for the commercial change of use prior to any occupation or start of operations.
2. Prior to issuance of certificate of occupancy/completion for the office space, the required affordable workforce housing mitigation shall be implemented, including the recording of required deed restrictions and payment of a fee-in-lieu.
3. Prior to issuance of certificate of occupancy/completion for the office space, the parking lot shall be restriped in order to clearly provide the required 39 parking spaces.
4. If the use approved by CUP2021-0005 is implemented, this use permit shall be considered discontinued.

PERMIT NUMBER: BUP2022-0077

NOTE REGARDING EXPIRATION OF PERMITS: According to Section 8.4.1.D, Basic Use Permit, Permit Expiration of the Teton County Land Development Regulations, this permit shall expire twelve (12) months from the date of approval except under one of the following circumstances:

1. The use is commenced and has not been operationally discontinued or abandoned for a period of one year or more;
2. A physical development permit (Building Permit) has been issued and is active for physical development needed to commence the use; or
3. An alternate expiration is set through the approval of the basic use permit

PERMIT EXPIRATION DATE: JANUARY 17, 2024.



Planning Director - Staff Report

Subject: BUP2022-0077 Stage Stop Inc., Professional Office
Applicant: Hal Hutchinson, HH Land Strategies
Property Owner: Stage Stop Inc.
Reviewer: Chandler Windom

REQUESTED ACTION

Basic Use Permit, pursuant to Section 8.4.1 Basic Use Permit (BUP), of the Teton County Land Development Regulations, to allow a Professional Office Use.

BACKGROUND/DESCRIPTION

PROJECT DESCRIPTION

Applicant wishes to establish a Professional Office Use within the structure formally used for an assisted living facility known as the Legacy Lodge. The site is subject to two other recent permit approvals, PUD2021-0001 and CUP2021-0005, to change the use from assisted living to workforce housing (apartments). According to the BUP2022-0077 application, "The PUD amendment application is currently the subject of a lawsuit, rendering the future use of the property for workforce housing, which necessitates significant upgrades to the individual units, infeasible at this time." The proposed Professional Office use is intended to operate within the first floor of the building until the possibility for workforce apartments in accordance with PUD2021-0001 & CUP2021-0005 becomes feasible. Separate from this application, although submitted concurrently, is a proposal for 28 Accessory Residential Units on the second floor of the facility, reviewed as BUP2022-0076 and BUP2022-0085 through -0110.

EXISTING CONDITIONS

The site contains a structure that previously operated as the Legacy Lodge, which was an operational assisted living center from the completion of construction in 2004 until its closure in early Spring of 2021. Since the closure of the center the ~50,000 sf building has been vacant. The facility contains 57 residential units, which vary from studios to 2-bedrooms. Each unit contains a kitchenette, which lacks an oven and stovetop. The building includes a commercial kitchen, which was previously used to provide facility residents and their guests with meals. The building also includes several common areas and some spaces previously used as salons and medical offices for serving residents. The existing parking lot provides 37 parking spaces but there is room for 41 spaces if restriped.

LOCATION

3000 W Big Trail Drive is situated in the northeast corner of the Rafter J Ranch. The lot is approximately 1,500 linear feet from the northern most entrance into the subdivision. Directly east of the property is South Highway 89 and a Teton County pathway. The site does not have direct access to the highway.

Legal Description: Lot 333 Rafter J Ranch
PIDN: 22-40-16-17-2-03-001
Site Size: 5.37 acres
Character District: 10: South Park
Subarea: 10.1: Southern South Park
Zone: Planned Unit Development- Rural 3
Overlay: None

STAFF ANALYSIS

According to LDR Section 1.8.2.C, in a Planned Unit Developments with PUD zoning *“The standards of the PUD shall apply except where the PUD is silent, in which case the standards of the underlying zoning shall apply.”* Under the current standards of the Rafter J PUD, this site is subject to the uses and standards of the Local Convenience Commercial (CL) District of the 1978 LDRs. Under these standards (specifically the 11th printing of the 1978 LDRs) a proposal for “Medical, Dental, Legal, Engineering, and other types of professional office” is considered an Outright Use. In accordance with the zoning compliance verification completed as ZCV2021-0012, *“...it should also be noted that those uses identified as Conditional would require a Conditional Use Permit in accordance with the current LDRs, and those uses identifies as Outright would still require, at minimum, a Basic Use Permit in accordance with the current LDRs. This is based on the permit processes described in the 1978 LDRs and the closest similar permit type that exists in the current LDRs. Where the CL zone of the 1978 LDRs is silent, the Rural-3 zoning of the current LDRs shall apply.”*

The specific business that will be utilizing the office space will not be determined until a use permit is issued, however the occupant shall meet the above description from the 11th printing of the 1978 LDRs as well as the building code description included in the BUP2022-0077 application; “professional services such as architects, attorneys, dentists, physicians, engineers, etc.” It is expected that the space be leased by a professional entity whose operations and services meet the above office use descriptions.

KEY ISSUES

KEY ISSUE 1: *How is Floor Area calculated?*

The application proposes that the office use will only encompass 7,418 sf within the building, which was updated in the supplemental application materials dated October 14, 2022. This overall calculation provided by the applicant is based on the living and bedroom area within the existing first floor of the building, currently still containing the floor plan of an assisted living facility. The calculation excludes the kitchenette and bathroom space within each unit per the following excerpt from the application, *“having a number of bathrooms and kitchenette spaces within the existing building far in excess of what would otherwise be required by a professional service office use does not increase the number of office spaces or number of professional service occupants within the building. Considering that the purpose of calculating overall floor area of a particular use is intended to apply development standards that ensuring adequate facilities are provided to support the proposed intensity of use, and the intensity of use will not increase because of these excessive and redundant bathroom and kitchenette facilities, the floor area dedicated to these facilities has not been included in the proposed professional service office use.”*

While staff concurs that the number of bathrooms and kitchenettes would far exceed that of a typical office, there is not a clear exemption for that space from the definition of gross floor area. LDR Division 9.5, Defined Terms, states *“Gross floor area is the total of all habitable and non-habitable floor area in a structure on all levels. Gross floor area includes basements, and partial levels such as lofts, mezzanines, and interior balconies. It also includes foyers, hallways, restrooms, storage, and other common areas within a building.”* Gross floor area of the combined office spaces is calculated to be 11,816 sf. Gross floor area is directed to be used for certain standards in the LDRs, including parking. For the purpose of applying other standards of the LDRs, such as the amount of affordable workforce housing mitigation, the regulations do not use gross floor area and do apply certain exemptions. See below in relationship to applicable land development regulations for the review of each standard.

KEY ISSUE 2: *Relationship to Past Applications.*

The previous approvals on this site include PUD2021-0001 and CUP2021-0005 to amend the Rafter J Planned Unit Development and implement a workforce apartment use in the existing facility on Lot 333. This Professional Office use does not rely upon either of those previous approvals, however, does utilize the same space as CUP2021-0005. CUP2021-0005 is not yet issued, pending compliance with the required conditions of approval. However,

upon that issuance and subsequent establishment of the use permitted by CUP2021-0005, this Office Professional Basic Use Permit would be considered discontinued. While multiple primary uses may exist on a single site, that is not the basis of this proposal, and the applicant shall choose which approved use to establish and operate.

As this request follows the original PUD approval for Rafter J, decision on this application is not dependent on the outcome of the appeal of the Board of County Commissioners decision on PUD2021-0001.

RELATIONSHIP TO APPLICABLE LAND DEVELOPMENT REGULATIONS

Parking

Complies. The Rafter J PUD directs this site to utilize the standards of the Local Convenience Commercial (CL) District of the 1978 LDRs. There are no zone specific parking standards outlined in the CL District. There are parking standards elsewhere in the 11th printing of the 1978 LDRs, which are referenced in the Basic Use Permit application. However, LDR section 1.8.2.C which vests the validity of PUD zoning, also states that “*references to previous LDRs in a project’s approval shall be construed to reference the equivalent standard in these LDRs.*”

The application applied the “general office” requirement of 5 parking spaces per 1,000 sf of gross floor area from the 11th printing of the 1978 LDRs. According to the application the floor area dedicated to the professional office use will be 7,418 sf. This generates a requirement for 35 spaces in accordance with the 1978 LDRs. However, utilizing the equivalent standard in these [current] LDRs as directed, Section 6.2.2 requires 3.3 spaces per 1,000 sf of office use. As stated above in Key Issue #1, the gross floor area of 11,816 sf shall apply to the parking and loading standards. Therefore, the requirement for this proposal is 39 parking spaces. There are currently 36 spaces available on the site, however 41 spaces can be accommodated within the existing parking lot through restriping.

Affordable Workforce Housing Mitigation

Complies as conditioned. When determining the amount of required affordable workforce housing mitigation required for this commercial use the standards in LDR Section 6.3.3 direct the use of habitable floor area of the proposed use excluding common hallways, entryways, stairways, and other circulation areas. Because the number and size of the existing bathrooms is not consistent with an office use, it is appropriate to exclude that floor area from the mitigation for the professional office. However, the method that the applicant used to remove the “kitchen” or kitchenette floor area from the “office area” appears convoluted. The kitchen space highlighted in the application is often coincident with the entry into the office room and open to the office area with no clear distinction. It is not clear to staff how this area of the floor plan will not be potentially utilized by day-to-day office operations. Therefore, staff remeasured the size of each unit type, including the usable floor area of the kitchenette space, and recorded below.

Room Type	Number of Units	Office Use Floor Area (sf)	Total
Unit “A”	9	337 sf	3,033 sf
Unit “A-2”	4	334 sf	1,336 sf
Unit “B”	2	456 sf	912 sf
Unit “C”	9	334 sf	3,006 sf
Unit “C-2”	1	279 sf	279 sf
Unit “C-3”	1	258 sf	258 sf
Unit “C-4”	1	270 sf	270 sf
Unit “C-5”	1	230 sf	230 sf
Total:			9,324 sf

Mitigation requirements shall be met prior to the granting of the applicable certificate of occupancy or use permit for the employee generating development. In the case of the office use, a building permit shall be required, both for the office space and for potential on-site housing, therefore mitigation shall be completed prior to occupancy.

Transportation

Complies. In accordance with the Institute of Traffic Engineers rates and the study completed by Y2 Consultants for CUP2021-0005, a medical/dental office of 50,500 sf would generate 1,825 Average Daily Trips (ADT). Considering the fraction of that floor area that is proposed for a general office use with this proposal (11,816 sf of gross floor area) the traffic generation is estimated to be 427 ADT. LDR Section 7.6.4.I., only calls for a Traffic Impact Study to be completed for proposed subdivisions or developments which will generate more than 1,000 vehicle trips per day. In addition, the proposed Office Use is an outright use in the Local Convenience Commercial zone which was established for Lot 333 through the original Rafter J PUD approval. Therefore, as an outright use, which is now applicable as a Basic Use Permit, these uses are already considered, “compatible with the character of the zone in which they are proposed.” (LDR Section 8.4.1).

Building Permit Requirements

Complies as conditioned. Through consultation with the Building Official, it was determined that a building permit is required for changes of use as determined by the Building Code. As the building was constructed for a residential assisted living facility, the building official must review and approve a building permit for commercial office occupation. The Jackson Hole Fire/EMS Department shall also review a building permit proposal for a commercial remodel. Very few physical alterations are expected, however the office use may not commence until certificate of occupancy is issued.

ATTACHMENTS

- [Application & Supplemental Application Materials \(digital only\)](#)
- BUP2022-0077 Decision

DECISION

BUP2022-0077

The Planning Director **APPROVES BUP2022-0077**, submitted August 26, 2022 and updated October 14, 2022 for the **Professional Office Use**, subject to the conditions below, based on the findings below.

CONDITIONS OF APPROVAL

1. The applicant shall submit and obtain an issued building permit for the commercial change of use prior to any occupation or start of operations.
2. Prior to issuance of certificate of occupancy/completion for the office space, the required affordable workforce housing mitigation shall be implemented, including the recording of required deed restrictions and payment of a fee-in-lieu.
3. Prior to issuance of certificate of occupancy/completion for the office space, the parking lot shall be restriped in order to clearly provide the required 39 parking spaces.
4. If the use approved by CUP2021-0005 is implemented, this use permit shall be considered discontinued.

FINDINGS

Pursuant to Section 8.4.1 of the Land Development Regulations, A basic use permit shall be approved upon finding the application:

1. *Complies with the Use-Specific Standard of Div. 6.1 and the zone;*

Can be made. An Office Use does not have use-specific standards in the current LDRs, nor in the CL District of the 1978 LDRs in accordance with the Rafter J PUD. The office use complies with all other standards, as conditioned.

2. *Complies with all other relevant standards of these LDRs and all other County Resolutions; and*

Can be made. The proposed office use complies with all relevant LDRs and other County Resolutions pursuant to the above staff report.

3. *Is in substantial conformance with all standards or conditions of any prior applicable permits and approvals.*

Can be made. The proposal complies with the prior approvals regarding the original Rafter J Subdivision and Planned Unit Development. This proposal is not dependent on the approvals of PUD2021-0001 nor CUP2021-0005.