



Planning Director - Staff Report

Subject: BUP2023-0015 Stage Stop Inc., Bakery Goods Store

Applicant: Hal Hutchinson, HH Land Strategies

Property Owner: Stage Stop Inc.

Reviewer: Chandler Windom

REQUESTED ACTION

Basic Use Permit, pursuant to §8.4.1 Basic Use Permit (BUP), of the Teton County Land Development Regulations, to allow a Bakery Goods Store.

BACKGROUND/DESCRIPTION

PROJECT DESCRIPTION

The applicant wishes to establish a Bakery Goods Store within the structure formally used for an assisted living facility known as the Legacy Lodge.

The site is subject to permits approved in 2021, PUD2021-0001 and CUP2021-0005, to change the use from an assisted living facility to workforce housing (apartments). The 2021 PUD Amendment (PUD2021-0001) approved by the Board, which was appealed by a small group of neighbors in Rafter J Ranch, was affirmed in an Order on Appeal issued by the Teton County District Court (Brazinski et. al. v. Board of County Commissioners of Teton County; Civil Action No. 18701). The Order on Appeal issued by the District Court is currently on appeal to the Wyoming Supreme Court. A condition on the Conditional Use Permit (CUP2021-0005) approved by the Board in 2021 delayed issuance of that use permit until a final determination is issued from the courts regarding the approved PUD amendment.

A Basic Use Permit for Professional Office Use (BUP2022-0077) was issued by the Planning Director earlier this year, which was recently affirmed by the Board on appeal following a contested case hearing. Twenty-four (24) Basic Use Permits for Accessory Residential Units (ARUs) (BUP2022-0076 and BUP2022-0085 through -0107) were remanded back to the Planning Director following the same appeal and contested case hearing before the Board. The office and any ARU permits issued would only operate until the workforce housing apartment use became possible under the conditions placed on the approval of CUP2021-0005. The Bakery Goods Store can operate adjacent to either the professional office, (BUP2022-0077), any future ARU use permits, or the workforce housing apartments (PUD2021-0001/CUP2021-0005).

None of the previously approved uses contemplated any primary use of the existing commercial kitchen facilities.

EXISTING CONDITIONS

The site contains the Legacy Lodge, which was developed and operated as an assisted living center from the completion of construction in 2004 until its closure in early Spring of 2021. Since the assisted living center closed, the two-story ~50,000 sf building it occupied has been vacant. The building contains 57 residential units, which vary from studios to 2-bedrooms. Each unit contains a private bathroom and a kitchenette, which includes a sink, microwave and refrigerator but lacks an oven and stovetop. The building includes a commercial kitchen on the first floor, which was previously used to prepare and provide facility residents and their guests with meals. The building also includes several common areas and some spaces previously used as beauty salons and medical offices for serving residents and non-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 site does not have direct access to the highway but is approximately 1,500 linear feet (just over a ¼ mile) from the northern most entrance into the Rafter J Ranch subdivision. Directly east of the property is S Highway 89 and a Teton County pathway.

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

SITE PLAN



STAFF ANALYSIS

The Bakery Goods Store is proposed to operate within the existing 838 sf commercial kitchen which was previously used to prepare meals for the residents of the assisted living facility.

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 “Bakery Goods Store” is an “Outright Use” within the category of Retail Commercial Uses.

In accordance with the zoning compliance verification completed for the site as ZCV2021-0012, *“...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 Bakery Goods Store will serve the occupants of the Professional Office space and any other future occupants of the building directly from the existing kitchen location. The goods will also be available to the general public through other third party retail venues such as the farmers market or other retail stores in downtown Jackson.

KEY ISSUES

KEY ISSUE 1: RELATIONSHIP TO PAST APPLICATIONS

The above staff analysis and application of the standards of the Rafter J PUD for Lot 333 is consistent with the analysis by the Planning Director and Board of County Commissioners that took place when the Assisted Living Facility was approved for this site and associated permits issued in 1998 through 2000 (DEV1998-0056, CUP1998-0008, & DEV2000-0002).

The above staff analysis and application are also consistent with the more recent approvals of the board for this site that occurred in 2021, PUD2021-0001 and CUP2021-0005, which amended the Rafter J Planned Unit Development and implemented workforce apartments as a conditional use in the existing facility on Lot 333.

The above staff analysis and application are also consistent with the Basic Use Permit issued by the Planning Director in 2022 for professional office use (BUP2022-0077) that was recently upheld by the Board. Like the Professional Office Use, a “Bakery Goods Store” is an “Outright” Use under the Rafter J Ranch PUD standards applicable to Lot 333 found in the 11th printing of the 1978 LDRs. Bakery Goods Store, like Professional Office, are uses allowed under the Rafter J Ranch PUD and the decision on this application is not dependent on the outcome of the appeal of the 2021 amendment to PUD that facilitated the workforce apartment use permits.

This application is for a separate primary use that is not dependent on the approval of any of these past applications.

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 “Bakery Goods Store” requirement of 10 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 bakery goods store use will be 838 sf. This generates a requirement for 9 spaces in accordance with the 1978 LDRs.

However, utilizing the equivalent standard in these [current] LDRs as directed, Section 6.2.2 requires 4.5 spaces per 1,000 sf of Retail Commercial use. Therefore, the requirement for this proposal is 4 parking spaces. There are currently 36 spaces available on the site, however 41 spaces can be accommodated within the existing parking lot through restriping. Two (2) additional spaces for the Bakery Goods Store can be provided in what was previously a loading area. The assisted living facility previously required the loading spaces, however that is no longer necessary for the uses as described. The previously approved professional office and accessory residential unit uses generated a shared requirement for 39 parking spaces. Neither the office nor the ARU uses may be implemented until building permits are obtained. Therefore, by restriping the existing spaces and adding 2 additional spaces in the loading area, the 4 required spaces can be provided on-site along with the office/ARU shared parking requirement. However, as no other uses are currently operating on the site, ample parking exists for the Bakery Goods Store.

The Apartment use approved by CUP2021-0005, but not yet issued, requires a minimum of 1 parking space per apartment unit i.e., 57 total parking spaces. If the proposed Bakery Goods Store operates in conjunction with the future Apartment use, the parking required for the nonresidential uses may be considered shared with on-site residential uses in accordance with Section 6.2.2.B of the current LDRs.

B. Shared Parking

If two or more uses occupy a site or structure, the required parking, queuing and loading shall be the additive total for each individual use unless the Planning Director determines uses are compatible for sharing parking based on the following standards.

1. **Residential and Nonresidential Uses.** A percentage of the parking spaces required for nonresidential uses may be considered shared with on-site residential uses in accordance with the table below, and the extent to which:
 - a. The residential use provides on-site affordable workforce housing; and
 - b. The location and design of the development enhances the shared parking function.

Percentage of Nonresidential Parking Spaces that May Be Shared		
Nonresidential Use	Affordable Workforce Housing or ARU	Other Residential Use
Retail	100%	25%
Office	100%	75%
Restaurant/Bar	100%	20%
Service	100%	25%
All Industrial Uses	100%	75%
Other nonresidential uses	100%	20%

As the approval of CUP2021-0005 required that the apartments be deed restricted for workforce housing, 100% shared parking with the Bakery Goods Store retail use is permitted.

A Grading & Erosion Control application (GEC2023-0026) to expand the on-site parking area has been submitted and is currently under review. This physical application proposal would increase the total on-site parking from 36 to 91 spaces. However, the completion of this physical development permit is not required for the operation of the proposed Bakery Goods Store use.

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. Below is a screenshot from the Affordable Workforce Housing Mitigation Calculator.

Proposed Use	Housing Requirement (Sec. 6.3.3.A)	Use Size: bedrooms	Use Size: habitable sf	Use Quantity	Housing Required
Retail	0.000188*sف	1	838	1	0.158

Affordable Workforce Housing Required: **0.158 units** Fee-in-Lieu Amount: **\$ 32,864.63**

The mitigation requirement for retail use is less than 1 unit, therefore paying a fee-in-lieu is an acceptable method as proposed by the applicant. 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 bakery goods store, no building permit is required for the kitchen space, therefore the fee-in-lieu of \$32,864.63 must be paid prior to the issuance of this permit. There is a possibility per LDR Section 6.3.5.D.5.g for a “Clawback” i.e., refund of the in-lieu fees, if the required affordable workforce housing is provided by a higher priority method within 2 years.

ATTACHMENTS

- [Application Materials](#) (digital only)
- BUP2023-0015 Decision
- [ZCV2021-0012 File](#) (digital only)
- [1978 Land Development Regulations- 11th Printing](#) (digital only)

DECISION

BUP2023-0015

The Planning Director **APPROVES BUP2023-0015**, submitted March 13, 2023, for the **Bakery Goods Store**, subject to the conditions below, based on the findings below.

CONDITIONS OF APPROVAL

1. Prior to issuance of this use permit the affordable workforce housing mitigation shall be met through the payment of a fee-in-lieu by the applicant in the amount of \$32,864.63.

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. Retail uses do 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 bakery goods store 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 Bakery Goods Store (retail) 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 standards of the Planned Unit Development which identified this site for Local Convenience Commercial uses. This proposal is not dependent on the approval of other use permits for the site.