

MEMO



To: Teton Planning & Zoning Commission

From: Ashley Koehler, Contract Planner

Report Date: December 4, 2020

Meeting Date: December 7, 2020

Project Name: Teton Peaks Lodge Hotel Zone Change, Land Use Code Text Amendment
& Conditional Use Permits

SUMMARY

The Purpose of the hearing is to consider a REZONE, CODE TEXT AMENDMENT, and CONDITIONAL USE PERMIT related to Teton Peaks Lodge Hotel property in order to permit long term tenants in addition to maintaining the use for short term lodging. The request is to rezone the property from C-3 to C-2 and process a Text Amendment to permit “multi-family dwellings” and “hotel/motel” in the C-2 zone and permit “RV, trailer park” and “manufactured home park” as Conditional Uses in the C-2 zone.

PARCELS: RPC00000332500 & RPC6N45E333050
OWNER: Teton Peaks Lodge & RV LLC
APPLICANT: Jordan Gootnick/NEXPA, LLC (pending buyer) represented by Herb Heimerl
LOCATION: 2901 Egbert Ave
ACRES: ~4.8 acres
ZONING: C-3 Highway Business

ATTACHMENTS Application packet received 11/11/20, Vicinity Maps, Public Works comments, public comments, applicant’s response, and site photos.

CRITERIA

Zone Change & Code Text Amendment (City Code 9-5)

“The planning and zoning commission, prior to recommending an amendment, supplement, or repeal of a comprehensive plan provision or land use regulation, shall conduct at least one public hearing in which interested persons have an opportunity to be heard” (9-5-4).

“No later than four regular meetings from the receipt of the proposed amendment, reclassification, or annexation, the planning and zoning commission shall transmit its recommendation to the city council. The planning and zoning commission may recommend that the amendment, reclassification, or annexation request be granted as submitted or it may recommend a modification of the request, or recommend that the request be denied. The planning and zoning commission shall ensure that any recommendation for amendment, reclassification, or annexation is in accordance with the comprehensive plan.” (9-5-6)

Conditional Use Permit (CUP) (City Code 9-6)

“The planning and zoning commission shall hold a public hearing on each conditional use permit as specified in the official schedules of district regulations. Subject to section 9-6-7 of this chapter, the planning and zoning commission may approve, conditionally approve or deny a conditional use permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this Title.” The review criteria is quoted below in the Analysis section of the Report.

ANALYSIS

ZONE CHANGE

1. See the applicant’s narrative and the Zoning Vicinity Map. Property is surrounded by C1, R3, and TA zones so a rezone from C3 to C2 is compatible with the surrounding zones.

2. Land Use Code descriptions of the zones (9-10-02-1):
 - **C2 Community Commercial:** Commercial uses allowed in neighborhood commercial zones and commercial uses that are more intensive than those permitted in neighborhood commercial zones.
 - **C3 Highway Business:** Areas for travel related services such as hotels, motels, service stations, offices, limited warehousing, commercial services and retail sales. This district is specifically designed in clusters to service the motoring public on major highways.
3. Currently, there are no properties in city limits zoned C2.
4. Comprehensive Plan Land Use Map: Categorizes this property as “commercial”

CODE TEXT AMENDMENT

The Use Table in City Code 9-10-04-1 lists the Permitted and Conditional Uses in each zone.

1. Request: Add “Multifamily dwellings” as a Permitted Use in the C2 zone.
 - The C2 zone currently permits townhouses, vertical mixed use residential, and rooming/boarding houses as a CUP. Adding the option for “Multifamily dwellings” in the C2 zone as a CUP supports more options for housing types in this zone.
2. Request: Change “Hotel/Motel” from a CUP to a Permitted Use in the C2 zone.
 - This is a commercial zone so changing this from a CUP to a Permitted Use could be considered an appropriate change if the City wants to remove permits/review processes as a means to be more business-friendly by saving time and costs. A Business License would still be required and a zoning review completed at that time to ensure parking standards, sign and lighting standards are met. **P&Z should discuss if this is an appropriate change.**
3. Request: Add “RV, trailer Park” and “Manufactured Home Park” as a CUP in the C2 zone.
 - Definitions:
 - Travel Trailer Park: A tract of land retained under one ownership for the purpose of rental of spaces for temporary placement of travel trailers.
 - Travel Trailer: A vehicle equipped with wheels capable of unrestricted highway use, intended for temporary human occupancy and for vacation travel or recreational purposes. Includes, but not limited to, travel trailers, motor homes, camper units and camp tents...
 - Manufactured Home Park: A parcel of ground retained under one ownership for the purpose of lease or rental of spaces for the placement of manufactured homes.
 - Manufactured Home: A single-family dwelling fabricated in one or more sections at a location other than the home site. Every section shall bear a label certifying that it is built in compliance with Federal Manufactured Home Construction and Safety Standards, June 15, 1976, and it shall also meet HUD and Uniform Building Code standards. A manufactured home may be designed to be towed on its own chassis or it may be site delivered by alternative means.
 - Zoning standards listed in 9-10-06-3 also apply, such as min of 600sf, skirting placed around the home, and a separate water and sewer hook-up provided. The units would not have to be placed on a permanent foundation.
 - The applicant would like to offer RV stays longer than 30 days. The City of Victor permits RV parks to offer stays up to 30 days and Driggs is undefined in the Code so assumed it is determined with a CUP. Driggs also permits RVs to be used as a temporary residence when parked on a lot with a water/sewer connection for up to 3 months and Teton County permits using a RV as a residence for up to 180 days.
 - **It is recommended that any CUP approval would include a condition to prohibit stays in RVs for longer than 3-6 months. Only manufactured/mobile homes could be used as permanent residences. P&Z to discuss an appropriate maximum stay length in RVs.**

CONDITIONAL USE PERMIT (CUP)

In order to adequately consider the Rezone, information related to the intended land use was requested so they could be jointly reviewed. Therefore, the applicant concurrently applied for CUPs for the Multi-family dwellings, RV Park, and Manufactured Home Park. Any recommendation on the CUPs by the P&Z Commission is conditional and is only a recommendation if and until the City Council approves the Rezone and Code Amendment.

- See the applicant's narrative and follow up letter. 27 hotel rooms and 20 RV spaces currently.
- Code review criteria and Staff's analysis: *"The planning and zoning commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location will:*

1. Conditional use: Constitute a conditional use as established in this Title.

If the Rezone is approved, then the RV Park, Manufactured Home Park, and Multi-Family Dwellings are eligible uses to be reviewed as a CUP. Any recommendation by P&Z Commission on the CUPs is conditioned on the City Council's final approval of the Rezone and Code Amendment.

2. Comprehensive Plan: Be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this Title;

The Comp Plan raises the issue of if multi-family housing detracts from the quality of life in Tetonia and later includes an objective to "encourage varied types of housing to meet the needs of a growing population." The conversion of the hotel to apartments and providing a manufactured home park would support this objective, but a discussion on standards to ensure the manufactured home park is maintained in an orderly way.

The Comp Plan also cites an objective to "identify and preserve potential highway and community level commercial development areas." This location is conveniently located near the highway and has been an existing commercial operation serving tourists and supporting the economic base for Tetonia. **The conversion of the commercial use to a residential use should be discussed by P&Z with the applicant.**

3. Existing Character: Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as far as is possible;

The conversion of the hotel to apartments will not include any exterior changes. The RV Park is existing and no improvements have been reported. The conversion of some of the RV Park spaces to manufactured/mobile home spaces is proposed, but how many and where on the site has not been identified. These long term residences may result in outside storage needs (boats, snow mobiles, recreation equipment, etc.), additional parking, construction of canopies/carports, and a need for common area/green space. **P&Z to discuss with the applicant these issues and how to mitigate to ensure the new uses will meet this criterion.**

A Site Plan should be submitted to ensure adequate parking is provided per the Land Use Code.

- Hotel/Motel = 1 per each sleeping room, plus 1 for each 2 employees
- Apartments = 1.75 for each studio unit.
- Manufactured/Mobile Home Park = 2.25 spaces for 2 bdrm units and 1.25 for 1bdrm units.
- RV Park = 1 per RV/trailer

4. Neighboring Uses: Not be unduly hazardous or disturbing to existing or future neighboring uses;

Public comments received in opposition. **P&Z to review and consider. Discuss options to mitigate impacts such as providing shared storage units for tenants (or prohibiting outside storage), landscaping, separation/distinction of RV sites from manufactured home sites (to support a neighborhood feel for the long term residents), and a limit on maximum length of stay in the RVs.**

5. *Public Facilities and Services:*

- a. *Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the city;*
- b. *Be served adequately by essential public facilities and services or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such service;*

Public Works commented that the water/sewer service for the RV spaces that are converted to mobile/manufactured homes would be impacted and the owner would need to be prepared for an adjustment to the billing and/or make necessary modifications to the infrastructure. Applicant will be in contact with Public Works to discuss.

6. *Pollutants: Not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes or other pollutants;*

The traffic will likely increase from the conversion from the hotel to apartments and RV stalls to manufactured homes due to multiple cars for each unit.

7. *Traffic Hazards: Have vehicular approaches to the property that will be so designed as not to constitute a hazard to traffic on adjacent public thoroughfares; and*

Existing access ways on Egbert Ave and 3000 W. No comments from Public Works on hazards.

8. *Historic Features: Not result in the destruction, loss or damage of a scenic or historic feature of major importance.*

None identified.

OPTIONAL RECOMMENDATIONS

Rezone

Approve: Motion to approve the rezone of the property described in this Report to be rezoned from C-3 to C-2 based on the finding that the property would support the Comp Plan by retaining its commercial zoning designation.

Continue: Motion to continue the decision to rezone the property described in this Report until the following information is submitted or responded to: _____

Deny: Motion to recommend denial of the Rezone of the property due to the finding that: _____

Code Amendment

Approve: Motion to recommend approval of the Code Text Amendments to the Land Use Schedule in Title 9 Chapter 10 Article 4 be amended as follows:

1. The land use "Hotel/Motel" is a Permitted Use in the C-2 zone.
2. The land use "Multi family dwelling" is a Conditional Use in C-2 zone with 12 max units per acre.
3. The land use "RV, trailer Park" is a Conditional Use in the C-2 zone.
4. The land use "Manufactured Home Park" is a Conditional Use in the C-2 zone.

Continue: Motion to continue a recommendation on the Code Amendment until the following information is submitted: _____

Conditional Use Permits

Approve: Motion to approve the Conditional Use Permit for the "Multi-Family Dwellings" if the City Council approves the Rezone and Code Text Amendment (with the following conditions: _____)

Approve: Motion to approve the Conditional Use Permit for the "RV Park" if the City Council approves the Rezone and Code Text Amendment, with the following conditions:

1. The maximum stay for a tenant in a RV/Travel Trailer shall be limited to _____ months.

2. Others? _____

Approve: Motion to approve the Conditional Use Permit for the “Manufactured Home Park” if the City Council approves the Rezone and Code Text Amendment, with the following conditions:

1. A Site Plan is submitted showing that adequate parking can be met.
2. A plan for mitigating outdoor storage concerns by _____
3. Others? _____

Continue: Motion to continue the decision on the CUP request until the following information is provided: _____

Attachments:

1. Application
2. Vicinity Map- zoning
3. Vicinity Map- aerial photo
4. Public Works comment letter
5. Public Comments (4)
6. Applicant’s response to public comments
7. Site Photos



3192 Perry Avenue | P.O.Box 57-Tetonia, ID | Ph: 208-456-2249 | www.tetoniaidaho.com

Rezone Application

Fee: \$500 (5 acres or less) – Paid Date _____ Chk# _____

Name of Applicant: _____ NEXPA, LLC. Jordan Gootnick _____ Phone: _____ 415-250-3555

Applicant is: Owner _____ Lessee _____ Buyer ☒ Developer _____ Other _____

Mailing Address: _____ 270 Yellow Rose Dr., Alta, WY 83414

Owner of Property: _____ Teton Peaks Lodge and RV, LLC _____ Phone: _____

Mailing Address: _____ 2901 Egbert Avenue, Tetonia ID 83452

Representative: _____ Herb Heimerl _____ Phone: _____ 208.557.5220

Mailing Address: _____ PO Box 499, Victor, ID 83455

Send correspondence to: Applicant _____ Property Owner _____ Representative ☒

Location of Property: _____ 2901 Egbert Avenue, Tetonia ID 83452

Number of Acres: _____ 4.33 _____ Related Applications/Permits: _____ 2 Parcels TAX #2679 SEC

Zoning District:

Current Zoning: _____ C-3 _____ Zoning North of Site _____ C-1

Proposed Zoning _____ C-2 _____ Zoning West of Site _____ TA

Zoning East of Site _____ R-3 _____ Zoning South of Site _____ C-1

Existing Site Characteristics (check all that apply):

☐ Mature trees ☐ Floodplain ☐ Evidence of erosion ☐ Steep slopes
☐ Stream/Creek/Pond ☐ Unique animal life ☐ Unique vegetation ☐ Unstable soil
☐ Agriculture ☐ Historical feature ☐ Scenic feature ☐ Fish Habitat
☐ Wetland ☐ Riparian land

Existing Public Services: Description (Size of Pipes, hydrants, type of school, street classifications, etc.)

Potable Water _____ Agency providing service _____

Irrigation Water _____ Agency providing service _____

Sanitary Sewer _____ Agency providing service _____

Streets _____ Agency providing service _____

The attached applications for property commonly known as Teton Peaks Lodge and RV encompass 2 conditional use permit applications, one to allow for the subject property to be used for a the multi family residential category and a second to allow for the subject property to be used doe an RV/Trailer Park. We have also submitted an application for a code amendment which would amend the C2 zone use chart as follows:

- Allow hotel/motel as a permitted use
- Allow RV/Trailer Parks as a conditional use
- Allow multi-family residential as a conditional use

In addition, we have submitted an application to rezone the subject parcel as C2. The property has historically been used as a hotel/motel and has proven to be harmonious with the character of the vicinity. Being that the property is on Main Street on the edge of the downtown core we also believe that this use further the goals and objectives of the comprehensive plan. The expansion of use to multi-family residential is also in character with the surrounding neighborhood. In fact, we believe that the introduction of multi-family residential units will further the needs and goals of the comprehensive plan as there is a great need for work force housing and this use will help facilitate that need. Multi-family residential will not place any further strain on the surrounding infrastructure nor do we believe that the incremental number of units this use will provide for will place an undue burden on the City's public facilities. In addition, we do not believe that the proposed use will introduce additional pollutants, traffic hazards, nor will they result in the loss of any historic features.

The current plan is to remodel certain or all of the hotel units so they can be used as residential units. kitchenettes will be installed, but no additional plumbing is planned as no disposals or dishwashers are planned. There will be the added sink. They will all be studio style units. At least 1 parking spot per unit will be accommodated.

Application Submittal Requirements

1. Legal Description - TAX #1709 SEC 33 T6N R45E
2. Copy of Deed - attached
3. Affidavit of Interest – waiting on owner signature
4. Names and address of adjoining property

North – Robert E. Foster

PO Box 401

Driggs, ID 83422

South – CCT Investments LLC

6655 N Vista Lane

Jackson, WY 83001

East – Elaine Johnson

310 W 4000 N

Driggs, ID 83422

West – MEW3S LLC

1220 W Stewart Rd

Midland, MI 48640

5. Site plan –
6. Narrative:

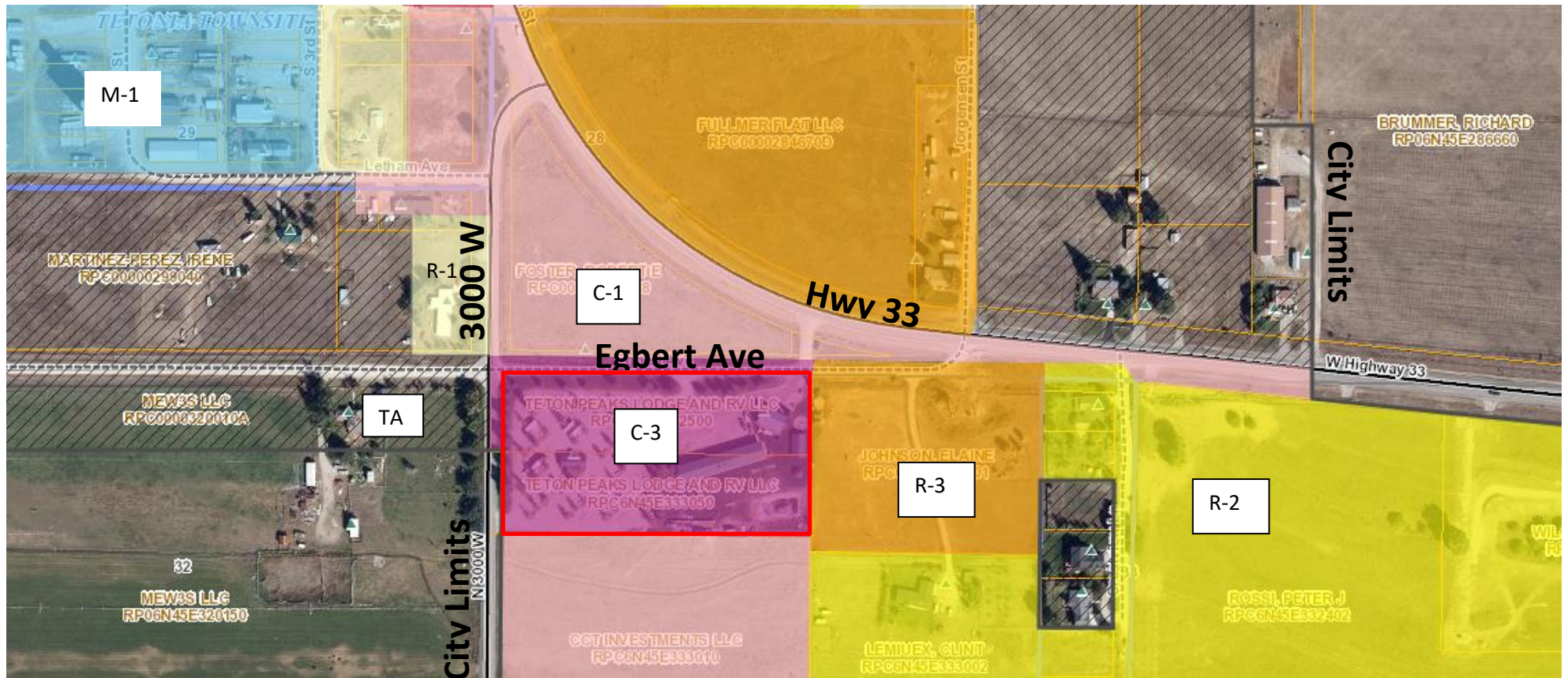
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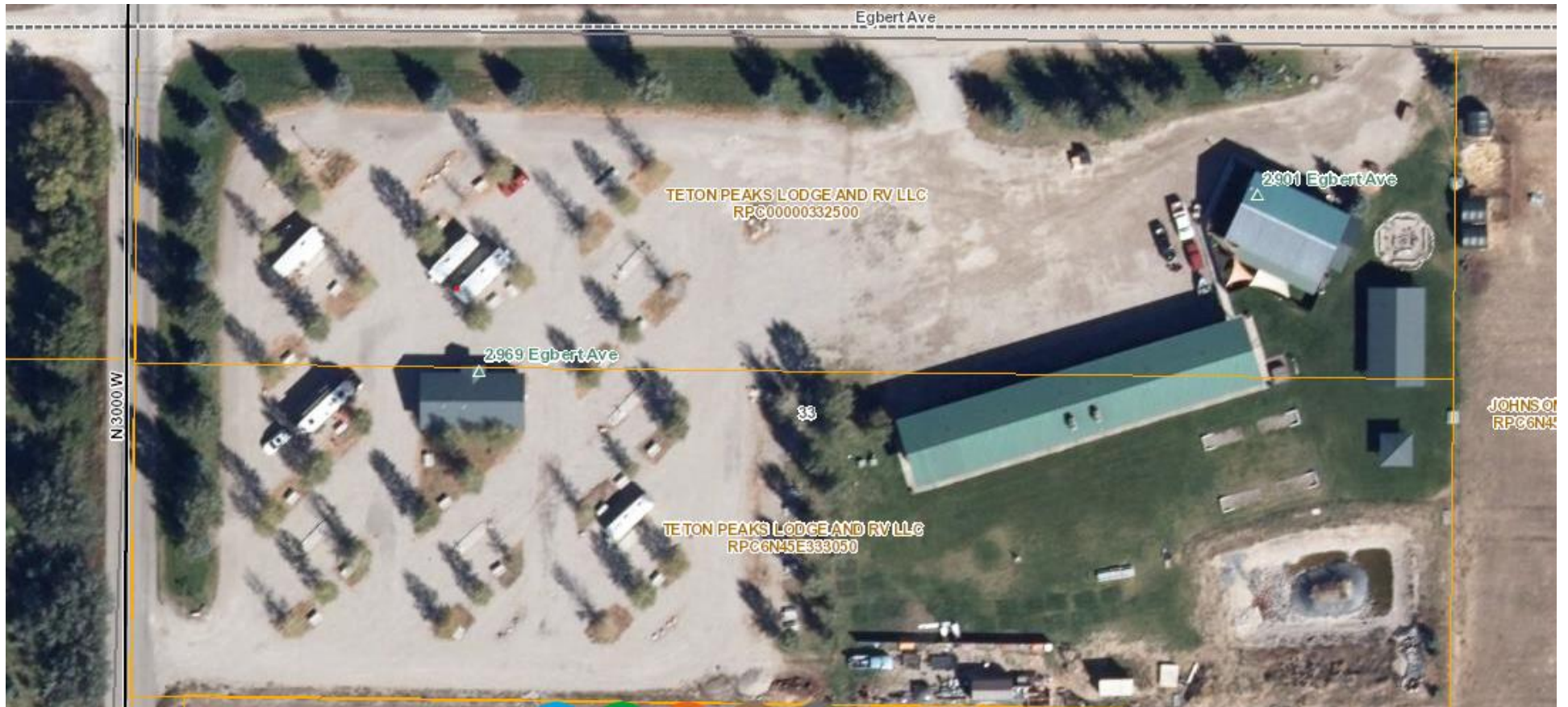
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Vicinity Map- Tetonia Zoning

Subject Property





Subject Property

Aerial Photo- 2019

City of Tetonia - Public Works
Braiden Klingler
12/2/2020

Ashley, here are a few comments concerning the following projects:

Buckrail 20 lot subdivision

There are no relations concerning our service connections but a comment to be noted.

Every spring and early summer the property tends to flood, with some years it has flooded over highway 32.

Teton Peaks Lodge & RV

The conversion of the hotel transferring into an apartment complex will raise the water intake and waste discharge resulting in a higher than existing billing payment.

Noted: Sewer line overloading caused a buildup on a downhill neighbor but no problems proceeded afterwards, more discharge in the line may cause a build up in the future.

The conversion from the seasonal RV park to a permanent living RV/ trailer park should be noted for the owner that each connection may result in a residential household causing a service billing for each household/trailer or RV.

Concerns regarding our sewage lagoons, Rv's and/or camper trailers with a sewage tank containing organic materials is harmful to the sewage plant. Chemicals used in mobile tanks and portable toilets are not allowed in our system. These chemicals destroy and disrupt the breakdown of our existing sewage lagoons, also causing future violations.

Tetonia Public works not recommended to allow RV/trailer parks as a conditional use and allowance of permitted use to motel and multi-family residential for a conditional use is acceptable.



Ashley Koehler <planner83452@gmail.com>

Letter about re-zoning

1 message

Paige Lemieux

Mon, Nov 30, 2020 at 4:39 PM

To: Jacque Beard <Clerk@cityoftetonia.com>, "planner83452@gmail.com" <planner83452@gmail.com>

In regards to [2901 Egbert Avenue](#) in Tetonia I am strongly opposed to rezoning for trailers. There are already trailers on the northwest side of town. Adding An additional area Would decrease the value of the existing homes in the area. The location being on the main highway would be an eyesore. With the tenants being transient the city won't gain anything from it.

Gerry Wade
[5906 Crestview Lane](#)
[Tetonia](#)



Ashley Koehler <planner83452@gmail.com>

Property re-zoning

1 message

Marc Lemieux

Mon, Nov 30, 2020 at 3:21 PM

To: "planner83452@gmail.com" <planner83452@gmail.com>, "clerk@cityoftetonia.com" <clerk@cityoftetonia.com>

To whom it may concern,

It has come to my attention that the Teton Lodge and the adjacent property to the east are seeking to be re-zoned into apartments and a trailer park, respectively. I can't even begin to tell you how disappointed I am that it is even being considered by planning and zoning committee. Not only will this create an eyesore for the town, it will also drive down the value of nearby homes and properties. I had such high hopes after the 4th of July parade that maybe the town could see the possibility of revitalizing our town. What is being proposed is extremely detrimental to make our town a place where people would want to live. I've seen 1st hand what happens to neighborhoods when low income housing is forced into a community. Property values drop, crime rates rise and pretty soon you have everything around it start getting dragged down the sinkhole too. I've seen it happen over and over again in Arizona, please don't let it happen in Tetonia. You have a great town right now, with endless potential to grow and compete economically with your sister towns to the south. What is being proposed will not do anything in the long run to revitalize Tetonia. I've seen what they're building in Victor and it isn't section 8 housing!

I purchased a home very close to this location, with the intent of moving there. My family loves going up there to enjoy not only the weather, but the ambiance of small town living. A place where our kids and grandkids can walk to the gas station to get a treat and not have to be overly concerned about something bad happening to them. Please don't be so shortsighted on this matter and don't sell yourselves short on what you have there. Right now it's a great place to visit, a great place to live. Don't make it a place to pass up, a "wide spot in the road" so to speak. Take some pride in what we have here, it's a great place to be. think back to the buzz the 4th had, let's build on that. We need more than a gas station, a bar, and a good restaurant to draw people to Tetonia. The parade was a good start, let's build on that and not let something be built that will only drag us down.

Just to make myself perfectly clear, my wife and I are opposed to rezoning the property at 2901 Egbert ave. to allow the lodge and properties to be changed to an apartment complex and trailer park.

Respectfully,
Marc and Jeanette Lemieux



Ashley Koehler <planner83452@gmail.com>

RE-ZONING OF 2901 Egbert Avenue in TETONIA

1 message

Paige Lemieux

To: planner83452@gmail.com

Mon, Nov 30, 2020 at 2:25 PM

To Whom It May Concern-

We are property owners neighboring [2901 Egbert Avenue](#) in Teton. We were given notice there would be a meeting to discuss the re-zoning to the parcel currently known as Teton Peaks Lodge located at [2901 Egbert Avenue](#) in Teton. We are out of town and are unable to be at the meeting tonight, so we are writing to voice our opposition on this matter. We hope this property will not be re-zoned.

Many people in Teton and near the property, including ourselves, are raising families. Our concern is that this change will attract transient people. This is not what we want for our neighborhood or our city. We would like to see developments that will contribute to our community in Teton, not the transient labor force who are not invested in our city or community.

We have liked living near the motel with travelers coming to visit our beautiful Teton Valley and surrounding areas.

We are opposed to the re-zoning of the property located at [2901 Egbert Avenue](#) in Teton and hope to see it remain the same.

- Clint and Paige Lemieux



development in Tetonia

Tue, Dec 1, 2020 at 4:30 PM

From: **Dan Burr**
Date: Mon, Nov 30, 2020, 3:15 PM
Subject: development in Tetonia
To: <clerk@cityoftetonia.com>

To whom it may concern,

I can't imagine that the city of Tetonia would actually consider a development of apartments and a trailer park in the heart of the city that would affect the property values of all that surround it, not to mention the eyesore that it would be for Tetonia.

please consider this very carefully as to the future of Tetonia, we have lived here for nearly 30 years and love our little town, it would be a disaster to see this happen here.

thanks for your consideration,

Dan

Dan Burr Illustration

www.danburr.com

Represented by Deborah Wolfe LTD.

IllustrationOnline.com



FW: Closing Timeline

Jordan Gootnick <>

Wed, Dec 2, 2020 at 1:21 PM

To: Ashley Koehler <planner83452@gmail.com>

Cc: Herb Heimerl <hheimerl@beardstclair.com>, Jacque Beard <clerk@cityoftetonia.com>, Ali Warner

<>

Hi Ashley

Thank you for your comments. We truly appreciate your responsiveness and the opportunity to work with you to enhance the community.

I'll start by saying that we greatly care about the community. I live full time in the Teton Valley with my family (2 kids 8 and 6 and our dog) and want to ensure that the community is safe and that it thrives. We have seen many friends and community members struggle with the increasingly high cost of living and we are happy to be proposing a slight change in use that we view as important to the community in providing much needed cost effective housing. An interesting article on this topic is linked below:

https://www.tetonvalleynews.net/news/housing/driggs-affordable-housing-project-wins-funding/article_1984a1df-0560-5a8d-ab0d-f5714823ec96.html)

The property is currently a transient use with hotels and RV slips and our proposal is to update the property and convert the motel to apartments and the short-term RV and Trailers to longer-term with year round use. These updates will create long-term residents for use by teachers, fire fighters, ski area employees and others looking to be part of this special valley. These are good people and integral to the fabric of the community. We are thrilled to be part of this solution.

In addition to providing housing, there are a number of local jobs created through the property such as local property management and construction of the updated units.

All in, the benefit is those critical to the Teton Valley no longer need to endure long commutes. They can live and work in the same area. They can enhance the community and invigorate business by shopping locally.

There are so many benefits to having long-term affordable housing, as a resident, we are really thankful to work with the community and the planning department to be part of the solution.

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Thanks,
Jordan



View from Hwy 33. Photo from Google Street View



Parking lot. Photo from Hotel's website