

BEFORE THE BOARD OF COUNTY COMMISSIONERS

TETON COUNTY, WYOMING

IN THE MATTER OF:

CONDITIONAL USE PERMIT APPROVAL (CUP2023-0005)

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING APPROVAL
OF A CONDITIONAL USE PERMIT**

THIS MATTER came before the Teton County Board of County Commissioners (hereafter “Board” or “Board of Commissioners”) for public hearing on October 17, 2023, upon the application of Cornelius Kinsey, on behalf of the Field House, LLC, for approval of a Conditional Use Permit Amendment, pursuant to Section 8.4.2, Conditional Use Permit of the Teton County Land Development Regulations. The Board of Commissioners, being fully advised herein, finds, concludes and orders as follows:

FINDINGS OF FACT

1. The property, Lot 24 of South Park Service Center 2nd Amended Subdivision 4th Filing, is owned by Field House, LLC, which is located at 3580 South Park Drive, and consists of 1.90 acres in size. The property is zoned Business Park (BP) and is within the Natural Resources Overlay (NRO). The lot is adjacent to the Bridger-Teton National Forest to the North.
2. The applicant has requested approval of a Conditional Use Permit CUP2023-0005 to amend the Developed Recreation Use Permit CUP2016-0005 to allow tournaments at the JH Indoor Sports Facility.
3. This application was brought before the Teton County Planning Commission on September 25, 2023, with a recommendation from the Planning Director for approval of CUP2023-0005 with four recommended conditions.
 - a) Tournament hosting is limited to Fridays after 1 pm, Saturdays, Sundays and Federal holidays.
 - b) An employee dedicated to parking and traffic control must be on-site during any tournaments.

- c) The facility operator shall offer the van shuttle to tournament participants from within the corporate limits of the Town of Jackson to the facility.
 - d) If the County becomes aware, either through neighbor complaint or its own investigation, that parking for the site is inadequate and causing significant neighborhood conflicts, the Planning Director may require the applicant to amend the parking plan or implement operations changes, which will be brought forward with a recommendation to the Board of County Commissioners to mitigate conflicts.
- 4. On September 25, 2023, the Planning Commission voted 5-0, resulting in a recommendation of approval of CUP2023-0005 with four conditions, to the Board of Commissioners.
 - a) Tournament hosting is limited to Fridays after 1 pm, Saturdays, Sundays, and Federal holidays.
 - b) An employee dedicated to parking and traffic control must be on-site during any tournaments.
 - c) The facility operator shall offer the van shuttle to tournament participants from within the corporate limits of the Town of Jackson to the facility.
 - d) If the County becomes aware, either through neighbor complaint or its own investigation, that parking for the site is inadequate and causing significant neighborhood conflicts, the Planning Director may require the applicant to amend the parking plan or implement operations changes, which will be brought forward with a recommendation to the Board of County Commissioners to mitigate conflicts.
- 5. The public hearings of the Planning Commission, on September 25, 2023, and the Board of Commissioners, on October 17, 2023, were properly noticed pursuant to Section 8.2.14.C. of the LDRs.
- 6. The application was brought before the Board of Commissioners on October 17, 2023.
- 7. A staff report was submitted to the Board of County Commissioners prior to the October 17, 2023, hearing for review regarding the Conditional Use Permit (CUP2023-0005) pursuant to Section 8.4.2., of the LDRs, to review the proposal to allow tournaments associated with the JH Indoor Developed Recreation Use.

8. As set forth in the October 17, 2023, staff report, and as presented by Planning staff at the October 17, 2023, meeting, the recommendation from the Planning Director and the Planning Commission to the Board of County Commissioners was for approval of the Conditional Use Permit (CUP2023-0005) with the following recommended conditions.
 - a) Tournament hosting is limited to Fridays after 1 p.m., Saturdays, Sundays, and Federal holidays.
 - b) An employee dedicated to parking and traffic control must be on-site during any tournaments.
 - c) The facility operator shall offer the van shuttle to tournament participants from within the corporate limits of the Town of Jackson to the facility.
 - d) If the County becomes aware, either through neighbor complaints or its own investigation, that parking for the site is inadequate and causing significant neighborhood conflicts, the Planning Director may require the applicant to amend the parking plan or implement operations changes, which will be brought forward with a recommendation to the Board of County Commissioners to mitigate conflicts.
9. The Board heard a presentation from staff.
10. The Board heard from the applicant, Cornelius Kinsey.
11. The Board closed public comment with none given.
12. The Board discussed the application and the conditions. The Board of County Commissioners reviewed the eight findings for a Conditional Use Permit pursuant to Section 8.4.2. of the LDRs which are:
 - a. Is compatible with the desired future character of the area;
 - b. Complies with the use specific standards of Div. 6.1. and the zone;
 - c. Minimizes adverse visual impacts;
 - d. Minimizes adverse environmental impacts;
 - e. Minimizes adverse impacts from nuisances;
 - f. Minimizes adverse impacts on public facilities;
 - g. Complies with all other relevant standards of these LDRs and all other County Resolutions; and
 - h. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.
13. The Board discussed and decided to change Condition #1(a) to remove the 1 p.m. requirement for Friday tournaments.

14. On October 17, 2023, the Board voted 5 to 0 and approved the Conditional Use Permit (CUP2023-0005) for the Amendment to CUP2016-0005 Condition #1 to allow for the hosting of tournaments with the following conditions of approval:
 - a) Tournament hosting is limited to Fridays, Saturdays, Sundays, and Federal holidays.
 - b) An employee dedicated to parking and traffic control must be on-site during any tournaments.
 - c) The facility operator shall offer the van shuttle to tournament participants from within the corporate limits of the Town of Jackson to the facility.
 - d) If the County becomes aware, either through neighbor complaints or its own investigation, that parking for the site is inadequate and causing significant neighborhood conflicts, the Planning Director may require the applicant to amend the parking plan or implement operations changes, which will be brought forward with a recommendation to the Board of County Commissioners to mitigate conflicts.

CONCLUSIONS OF LAW

- I. Based on the presentation and staff report of the Planning Department, the information presented by the applicant, and public comment, the application of Cornelius Kinsey on behalf of the Field House, LLC, for approval of a Conditional Use Permit (CUP2023-0005) complies with all applicable provisions of the Teton County Comprehensive Plan.
- II. Based on the presentation and staff report of the Planning Department, the information presented by the applicant, and public comment, the application of Cornelius Kinsey on behalf of the Field House, LLC, for approval of a Conditional Use Permit (CUP2023-0005) complies with all applicable provisions of the Teton County Land Development Regulations.
- III. The Board concludes and hereby finds that the application dated June 30, 2023 for a Conditional Use Permit (CUP2023-0005) does comply with and meets all eight (8) findings required pursuant to Section 8.4.2. of the LDRs for the proposed amendment to CUP2016-0005 Condition #1 to allow for hosting of tournaments, as recommended by the Planning Commission and Planning Director for approval of the Conditional Use Permit, and specifically finds as follows:

1. Is compatible with the desired future character of the area;

Can be made. This proposal complies with the desired future character of the South Park Business Park. The proposal is an amendment to a previously permitted use. See Relationship to Character District above for more details.

2. Complies with the use specific standards of Div. 6.1.and the zone;

Can be made. This proposed amended use complies with the standards for a Developed Recreation Use and the Business Park zone. See the Relationship to Applicable Land Development Regulations above.

3. Minimizes adverse visual impacts;

Can be made. The proposed amended use is not anticipated to have any visual impacts. The JH Indoor Facility physical development is already existing.

4. Minimizes adverse environmental impacts;

Can be made. The proposed use is not anticipated to have any adverse environmental impacts. There will be no additional physical impacts to the site. There are no wetland or waterbody resources in the project vicinity. A majority of tournament participants are anticipated to carpool or utilize the facility shuttle to reduce vehicle trips generated by the use.

5. Minimizes adverse impacts from nuisances;

Can be made as conditioned. The proposed use will minimize potential nuisance impacts. Limited tournament days shall be adhered to in order to reduce potential impacts of noise or traffic on the neighborhood.

6. Minimizes adverse impacts on public facilities;

Can be made. The proposed use is not anticipated to have any additional impact on public facilities. The facility is already connected to the Adams Canyon Sewer and constructed to the appropriate fire code for a commercial building with a fire sprinkler system included.

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

Can be made. All relevant standards of these LDRs have been met by this proposal for the amended Developed Recreation use. No County Resolutions are applicable to this project.

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

Can be made. The proposal complies with the previous permits issued for the site including CUP2016-0005, VAR2022-0002, ADJ2018-0008, ADJ2017-0002, DEV2019-0002, and SKC2016-0002. The exception being the nature of the proposal to amend conditions and allowances of CUP2016-0005.

IT IS HEREBY ORDERED:

The Board **APPROVES** the application for a Conditional Use Permit (CUP2023-0005), received June 30, 2023, for the Amendment to CUP2016-0005 Condition #1 to allow for the hosting of tournaments, as recommended by the Planning Director, with the following conditions:

- a) Tournament hosting is limited to Fridays, Saturdays, Sundays, and Federal holidays.
- b) An employee dedicated to parking and traffic control must be on-site during any tournaments.
- c) The facility operator shall offer the van shuttle to tournament participants from within the corporate limits of the Town of Jackson to the facility.
- d) If the County becomes aware, either through neighbor complaints or its own investigation, that parking for the site is inadequate and causing significant neighborhood conflicts, the Planning Director may require the applicant to amend the parking plan or implement operations changes, which will be brought forward with a recommendation to the Board of County Commissioners to mitigate conflicts.

DATED this ___ day of November 2023.

BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, WYOMING

BY: _____
Luther Propst, Chair

ATTEST: _____
Maureen E. Murphy, County Clerk

CERTIFICATE OF SERVICE

This is to certify that on the ____ day of November 2023, at Jackson, Wyoming, the Teton County Clerk served the foregoing document by sending a true and correct copy thereof in the U.S. Mail, postage prepaid, or via delivery as indicated to the following:

The Field House, LLC
PO Box 7805
Jackson, WY 83002

Keith Gingery, Chief Deputy County Attorney
Teton County Attorney's Office
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Via Email Only or Hand Delivery Only

Chandler Windom, Senior Planner
Teton County Planning and Development
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Via Email or Hand Delivery Only

Maureen E. Murphy, County Clerk