

Save Historic Jackson Hole

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August 30, 2011

Press Release: SHJH v. Town of Jackson and Mills

Save Historic Jackson Hole, Armond Acri and James Genzer have prevailed in their three year battle against the Town of Jackson and S. R. Mills, the developer of the Mills Hotel Project, a four story, 156,338 square foot hotel planned for construction on the site of the current Painted Buffalo Hotel. On August 26, 2011, S.R. Mills filed a declaration vacating, forfeiting, and waiving all rights it was granted by the Town for this Planned Mixed Use Development (PMUD) project at 258 W. Pearl Street. (Filing attached.) In light of this development, Save Historic Jackson Hole (SHJH) will file to dismiss the pending lawsuit.

Armond Acri, Executive Director of SHJH, said “Although we would have preferred the court to rule favorably on our claims that the Teton County/Town of Jackson Comprehensive Plan does not allow large four story buildings like the Mills Hotel, we view this as a huge victory for our community. A number of polls have consistently shown that the community overwhelmingly believes that large four story buildings are not consistent with our community character. Since the project was first proposed, SHJH questioned the benefit of large projects like this that did not provide jobs for our local workers.”

In its lawsuit, SHJH objected to the project because Town Council ignored and violated key provisions of the Land Development Regulations and the Comp Plan when it approved the project, and because the project would cause significant adverse impacts to the Town and its citizens, including massive traffic, parking and congestion issues at and around the five way. In fact, the Town had ignored the concerns expressed by its own Chief of Police on these issues. In addition SHJH claimed that Town Council did not follow the proper internal Town procedure in approving the project. The project was approved in July of 2008. SHJH filed their lawsuit in September of 2008.

In May, SHJH filed a lengthy motion asking the Ninth District Court to vacate the Town’s approval of the proposed development on the basis of a variety of legal and factual deficiencies. Mills and the Town had obtained extensions of time from the Court to respond to the motion. Responses were finally due in a week. With S.R. Mills’ filing, the Town and S.R. Mills dropped their three year battle to proceed with this misguided and illegal project.

As approved, the project would have been three times the size of K-Mart or Albertsons. Large multi story projects typically are awarded to out of town contractors who bring in workers on a temporary basis, providing little benefit to local construction workers.

The PMUD is a controversial tool which Town Council adopted to encourage redevelopment of the downtown area. It allowed bonus development rights over and above the base zoning. According to Armond Acri “the PMUD has resulted in very little redevelopment but has promoted speculation in commercial properties. Properties that were approved for a PMUD were quickly listed for sale ‘with development rights.’ This enriched the few speculator land owners at the expense of our JH community character.”

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The PMUD bears a strong resemblance to the Town's failed Downtown Redevelopment District, DRD, initiative that was approved by the Town council in August 2003 and was overturned by a two-to-one margin in a citizen sponsored referendum in December 2003.

Mr. Acri said "While the PMUD has resulted in projects that built approximately 116,000 square foot of mixed use buildings, there are over 700,000 square foot of approved but un-built projects." The Jackson Hole News and Guide noted in an editorial on December 1, 2010 that the PMUD had outlived its purpose. The Editorial stated "The regulation was adopted as a way to stimulate flexible development in the face of exorbitant real estate values." The editorial noted with a slow market and a glut of commercial space that the development tool had outlived its purpose. The editorial went on to call for the repeal of the redevelopment tool. Town Council enacted a moratorium on the PMUD some time ago, but has taken no further action.

For more information contact Armond Acri Executive Director SHJH 307-733-4392, Louis Wang Chairman of SHJH 307-413-7537, or Andrew Salter, SHJH's attorney 307-732-4183.