

LIVINGSTON CITY COMMISSION ADDENDUM

REGULAR MEETING 07.12.2022

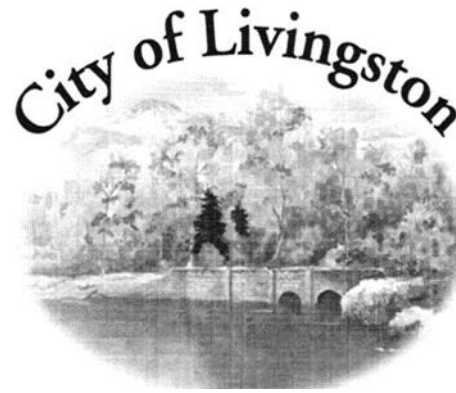
ADDENDUM TO ORDINANCES:

- A. SUPPORTING DOCUMENTS PERTAINING TO ORDINANCE NO. 3036 ZONING  
KAUL PROPERTY
- B. SUPPORTING DOCUMENTS PERTAINING TO ORDINANCE NO. 3037 ZONING  
HAUG PROPERTY

**City Manager**  
Michael Kardoes

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Melissa Nootz

**Vice Chair**  
Karrie Kahle

**Commissioners**  
Mel Friedman  
Quentin Schwarz  
Torrey Lyons

June 21, 2022

City Manager  
414 East Callender Street  
Livingston, MT 59047

The City Zoning Commission makes the following recommendation to the City Commission:

Recommend Approval of the of the Zoning Amendment for the Kaul Property and that the parcel be zoned High Density Residential (RIII).

Sincerely,

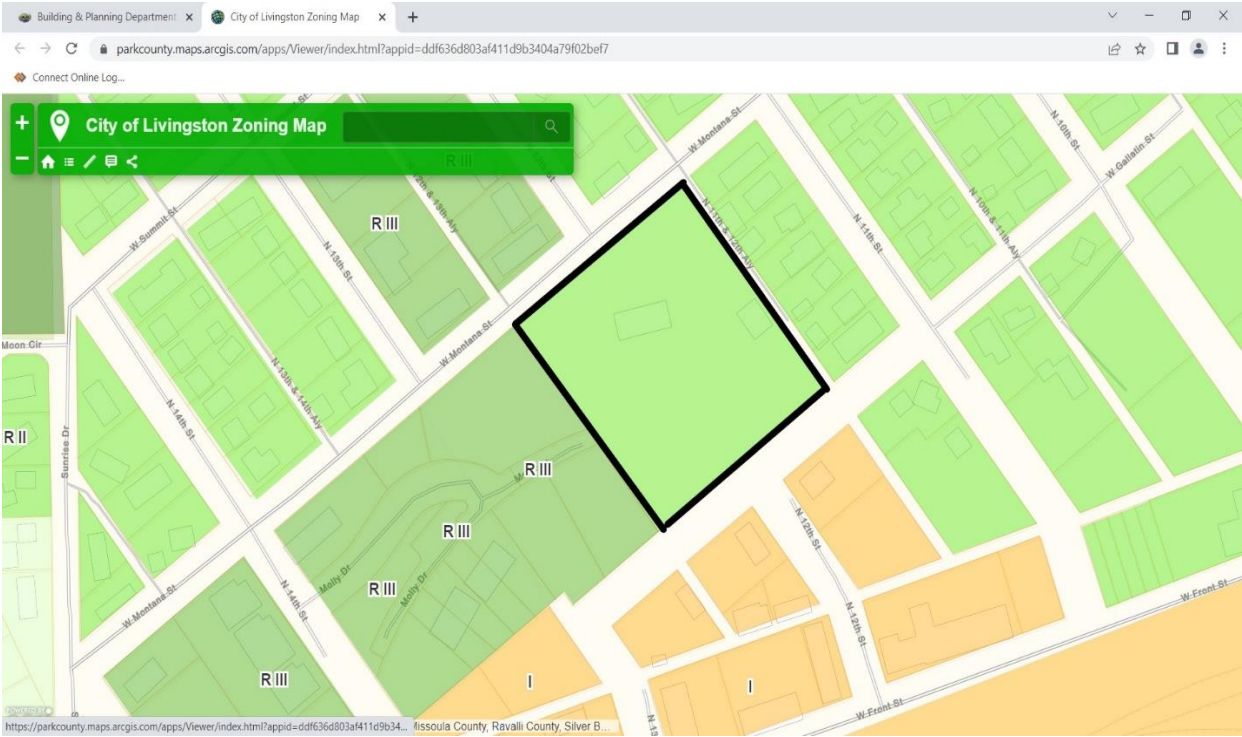
Jim Woodhull  
Director of Building/Planningc

May 23, 2022

**STAFF REPORT**  
**ZONING MAP AMENDMENT – 1200 W. MONTANA**

**Background**

Diamond Lodge Development, represented by Mr. Dan Kaul, owner of property described as Lots 1-16 of Block 22 and Lots 17-32 of Block 23, Palace Addition, located at 1200 West Montana Street, is requesting a zone change from RII to RIII. This Parcel has a very large single-family home on it that has recently been used as an assisted living facility. The applicant would like to be able to convert the exiting building into several studio style apartments as well as provide another 25 building sites suitable for two or more dwellings on each lot.



## **Proposed Findings of Fact**

*Criteria and Guidelines for Zoning Regulations (MCA 76-2-304): (1) Zoning regulations must be:*

*(a) made in accordance with a growth policy:*

### **Staff Comments:**

- The adopted Growth Policy doesn't specifically address the land use of this parcel or its potential for change. However, the Growth Policy does provide general guidance in relation to zoning such as:
- *Strategy 3.1.1.2: Evaluate and amend the zoning ordinance to allow for higher densities and wider land uses in areas that can support such development.*
  - The designation of RIII zoning would allow for higher density housing and a smaller, more compact footprint.
  - Adjacent infrastructure is adequate for increased density. Any development on the parcel will require that sidewalks are brought to City Standards and connection to the City's water and sewer system.
- *Strategy 3.1.1.8: Reduce urban sprawl through compact development consistent with the Future Land Use Map of this Growth Policy.*
  - Again, the FLUM does not address the potential for zone change at this location. However, zoning for higher densities in already developed areas of the City and adjacent to existing higher density residential and commercial services has the potential to reduce urban sprawl by concentrating housing in a much smaller area and facilitates a more walkable and bikeable City.
- *Objective 5.1.4: Promote a mix of housing within neighborhoods that supports a variety of household income levels, household age groups, and housing types.*
  - The proposed RIII designation allows for a variety of residential uses from single-family homes to multi-unit buildings. The potential for denser, multi-unit buildings should promote affordability serving a currently underserved group in the City. Also, the potential for multiple small units can also support a variety of age groups and income levels.

*(b) designed to:*

*(i) secure safety from fire and other dangers;*

Staff Comments:

- Any future development on the parcel will be required to meet all adopted fire and building codes.
- Generally, the uses allowed in the RIII district would have a low fire danger.

*(ii) promote public health, public safety, and the general welfare; and*

Staff Comments:

- The proposed zoning allows for a higher density, residential use. No impact on public health, safety, or general welfare is anticipated.

*(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.*

Staff Comments:

- Zoning the parcel to a higher density residential use should not affect the provision of transportation or other services. The sewer and water infrastructure in this area is adequate for the proposed density.

*(2) In the adoption of zoning regulations, the municipal governing body shall consider:*

*(a) reasonable provision of adequate light and air;*

Staff Comments:

- The RIII zoning district was initially designed to provide adequate light and air.

*(b) the effect on motorized and nonmotorized transportation systems;*

Staff Comments:

- The intent of the zoning amendment is to provide a higher density potential for property that is, largely, undeveloped. The development of this land, as RIII or at the current RII density, will generate an increase in both motorized and non-motorized traffic.
- The parcel is across Montana Street from an existing Windrider stop.

*(c) promotion of compatible urban growth;*

Staff Comments:

- The City's Growth Policy seeks in-fill development, higher densities and the avoidance of sprawl. This zoning amendment seems to embody all of these goals.

*(d) the character of the district and its peculiar suitability for particular uses;*

Staff Comments:

- The subject property is bounded by RIII zoning to the north and west, RII zoning to the east and Industrial zoning to the south. The amendment to RIII would be compatible with the district.

*(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.*

Staff Comments:

- The proposed map amendment would allow the conversion of the existing structure into multiple units. The current zoning would only allow four total units in this building.

***Spot Zoning Criteria:***

*(1) the proposed use is significantly different from the prevailing use in the area.*

Staff Comments:

- The proposed zoning would be an extension of the existing RIII zoning to the west and north.

*(2) the area in which the requested use is to apply is rather small from the perspective of concern with the number of separate landowners benefited from the proposed change.*

Staff Comments:

- The proposed zoning applies to just over 3 acres of land. This parcel is quite large in relation to those in the area and the City as a whole.

*(3) the change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.*

Staff Comments:

- The proposed zoning is designed to facilitate the development of additional housing for the general public.

**Public Hearing**

**Staff Recommendation**

The Zoning Coordinator believes that the proposed zoning designation of RIII meets the requirements of the City, State Statute, and avoids spot zoning. Staff recommends that the Commission adopt the proposed zone map amendment.

Attachment I.....Windrider Route Map

May 6, 2022

Dan Kaul  
19 Lake Drive  
Livingston, MT 59047

Dear City of Livingston Department of Planning,

Please find attached my application for a zone change from R2 to R3 for our project at 1200 West Montana Ave. Included is our preliminary plat, a zoning map showing adjacent R3 zoning. We make this request in order to expediently reduce the critical shortage of housing in our community.

There are two principal reasons we seek this zone change. First, the existing structure, with R2 zoning, we would only be able to convert this structure into a 4-plex, which is not its highest and best use. R3, would allow us to be able to convert this building into a dozen or so very nice studio units for work force housing. As a downtown business owner and one who has ties to many local businesses, the need for this type of housing cannot be overstated. Employers can't find employees to fill open job positions, employees can't find a place to live that is affordable. All partners in this effort are affected by this need (Mike White, Gayle Laufer-Caslen Living Center and the Kauls and Bawecks-The Murray Hotel). Secondly, we have divided the rest of the property into smaller sized lots. The homes we plan to build will be smaller homes, each with ADU's. R3 for this is essential given the difference in setbacks allowing for greater flexible for building sites on the smaller sized lots. R3 will also make the lower lots more viable for building given they are on a steep pitch.

We believe this project dovetails perfectly with the new growth policy, meeting all criteria. This project is in total accordance especially given the proximity to the downtown area, the fact that its expanding existing R3 zoning, which is adjacent on 2 sides, and the scale of this project at 3.2 acres will not overwhelm existing traffic crossings. We have begun working closely with the city planning staff to address all issues for compliance with 76-2-304 MCA. We will be making considerable infrastructure improvements and all health and safety concerns will be addressed. R3 just makes sense for this property, especially when you do consider the actions taken to develop the new growth policy and other relevant ordinance changes made recently. We need more housing and more housing close to downtown is ideal.

I have been working on projects in and around downtown for many years and find that infilling and increasing density and now utilizing the new policies for ADU's very appealing. This is the best way to support and preserve our beautiful downtown. I personally have gotten a great deal of satisfaction from these projects over a 30-year period. I believe that this property is truly unique given where it is and how it will help address one of our community's greatest needs. Given the existing buildings potential as work force housing and the fact that seven lots are adjacent to Montana and can tie into infrastructure, we can begin to address these needs quickly.

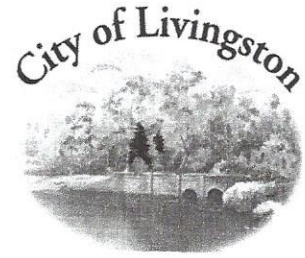
Thank you for your consideration. We believe this to be a unique opportunity to accomplish the intentions of the new growth policy.

Thank you,

  
Dan Kaul 406-220-1272



City of Livingston  
Department of Planning  
220 E. Park St.  
Livingston, MT 59047  
(406)222-4903  
[planning@livingstonmontana.org](mailto:planning@livingstonmontana.org)



### City of Livingston Zoning Map Amendment Application

1. **Property Owner Name:** DIAMOND LODGE DEVELOPMENT, LLC

2. **Location of Property**

General Location: PALACE ADDITION - LIVINGSTON

Address: 1200 WEST MONTANA

Subdivision: PALACE ADDITION Lot: 1-16 Block: 22

Zoning District: \_\_\_\_\_ 17-32 23

3. **Contact Information**

*Property Owner*

Home Address: 19 LAKE DRIVE

LIVINGSTON, MT 59047

Phone Number: 406 220 1272

Email Address: danielekaul@gmail.com

*Primary Contact/ Applicant*

Name: DAN KAUL

Address: 19 LAKE DR

LIVINGSTON, MT 59047

Phone Number: 406 220 1272

Email Address: danielekaul@gmail.com

*Secondary Contact*

Name: MIKE WHITE

Address: 74 LILY VALLEY CR STE 101

BILLINGS, MT 59105

Phone Number: 406 281 8544

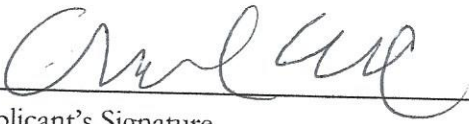
Email Address: MIKE@CASLENIC.COM

4. Property Information

Existing Structures on Property: ONE EXISTING RESIDENCE  
5800A ONE EXISTING STORAGE BUILDING

Proposed Zoning Designation: R3

I hereby certify that the information included in this application is true and accurate.

  
Applicant's Signature

9/6/22  
Date



Search bar



POWERED BY **esri** Montana State Library, Montan...

AA 🔒 kcounty.maps.arcgis.com ↻







NORTH

GRAPHIC SCALE



**DIAMOND K BOUNDARY RELOCATION**  
 CITY OF LIVINGSTON  
 STATE OF MONTANA

**DEVELOPMENT NOTES**  
 1) ALL LOTS TO BE RELOCATED TO THE NEW BOUNDARIES OF LOTS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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 PRINCIPAL MERIDIAN  
 SOUTHERN PLATON  
 PARK COUNTY

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FOR DIAMOND K DEVELOPMENT  
 2023/04/20  
 LARRY W. HOFFMANN  
 REVISIONS  
 DIVISION OF DEVELOPMENT  
 PLANNING & RELOCATION  
 FILE NO.  
 DIAMOND K/121



**CERTIFICATE OF SURVEY NO. 116**

PURPOSE OF SURVEY: MADE AT THE REQUEST OF DIAMOND K DEVELOPMENT TO RELOCATE THE BOUNDARIES OF LOTS 1, 16 OF BLOCK 22 AND LOTS 17, 30, 31, 32, 33, 34, 35 AND A PORTION OF VACATED 12TH STREET AND A PORTION OF ABANDONED ALLEY OF BLOCK 22, ALL LOCATED IN THE PALACE ADDITION TO THE CITY OF LIVINGSTON, BEING IN THE SE 1/4 OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 ESST, P.M.M., CITY OF LIVINGSTON, COUNTY OF PARK, STATE OF MONTANA.

1:10000 Survey and Platting License No. 19800-0001, 07/01/2018



# Windrider

Ride Free!

## Comments, Questions or Concerns

We would love to hear from you.  
Please contact us:

**406.922.5683** (Phone)

**TTY: DIAL 711**

414 East Callender Street  
Livingston, MT 59047

transit@parkcounty.org

www.parkcounty.org/Government-  
Departments/Transit

 Windrider Transit

### Title VI:

In accordance with state and federal law, Windrider Transit does not discriminate on the basis of race, color, national origin, sex, age, disability or other protected class.

The Park County Windrider Transit Board meets on the third Thursday of each month at 1:00 p.m. in the City-County Complex. The meetings are typically held in the Community Room. Please contact [transit@parkcounty.org](mailto:transit@parkcounty.org) to be placed on the agenda or to verify meeting dates and times.



## PLEASE KEEP IN MIND...

Schedule fluctuations may occur due to unforeseen breakdowns, weather, traffic, trains, etc.

If the designated stop area is blocked or seen as dangerous at the time drivers make a stop, they will find the safest spot to stop to pick up passengers, in the very near vicinity.

Please be at designated stops at least five minutes before the scheduled departure time.

Once permanent stops are determined, bus shelters will be incorporated based on future funding.

Drivers will pick up/drop off passengers at certain corners along routes IF it is safe AND IF they have time, based on departure times at other stops on the fixed route schedule.

The most recent version of the fixed route schedule is always posted on the Park County website—under the Transit Department page. Please refer to the schedule on that page, as it is the most accurate schedule.

We **ARE NOT** an ambulance service and **DO NOT** transport passengers in need of immediate medical attention. We do transport passengers to Livingston HealthCare for appointments.

Service animals or animals in small crates are allowed; emotional support and comfort animals are not allowed.

Like us on Facebook, where you will get the most up-to-date information regarding upcoming events, schedule fluctuations, out-of-service days, etc.

Please periodically check our website for bus news and updates, new services, maps and schedules!

We thank our many local community partners for providing additional cash and in-kind contributions to help make this program viable and successful.



**Livingston HealthCare**

Billings Clinic Affiliate



Community Closet

Community Health Partners

Livingston Business Improvement Dist.

Park County Community Foundation

Town & Country Foods

### Friends of Windrider

American Bank

Coffee Crossing

Fairfield Inn by Marriott

Give a Hoot Campaign Donors

Huppert, Swindlehurst & Woodruff

NorthTown Livingston

Printing for Less

Rx Coffee



Montana Department of Transportation (MDT) administers federal and state capital and operating grants to help qualified organizations provide transportation to the rural general public, including the elderly and disabled. Eligible recipients of this funding are local public bodies; private nonprofit organizations; tribal governments and agencies; and, operators of transportation services.

## Schedules & Routes



### A Free Public Transportation Service in Park County, Montana

Fixed route services are available between 6:15 a.m. and 6:15 p.m., Monday through Friday. The bus does not run on weekends or holidays.

As required by the Americans with Disabilities Act, we also provide Paratransit Dial-A-Ride (DAR) service, which is an appointment-based, shared-ride specialized public transit service for people who have disabilities or other conditions that might make it difficult for them to utilize our fixed-route service. DAR operates up to 3/4 of a mile from our fixed bus route.

Prearranged para-transit services (an application process is required) are available Monday through Friday.

Morning Routes					Afternoon Routes				
Fixed Stop	Depart	Depart	Depart	Depart	Fixed Stop	Depart	Depart	Depart	Depart
Shane Lalani Center	6:15 AM	--	--	--	Shane Lalani Center	12:45 PM	--	--	--
Lewis St. (between Main/2nd)	6:19 AM	--	--	--	Lewis St. (between Main/2nd)	12:49 PM	--	--	--
Public Library	6:22 AM	7:35 AM	--	10:37 AM	Public Library	12:51 PM	2:13 PM	DRIVER BREAK	--
Ace Hardware	6:31 AM	7:39 AM	--	10:41 AM	Ace Hardware	12:55 PM	2:17 PM	DRIVER BREAK	--
Town & Country	--	7:43 AM	DRIVER BREAK	10:45 AM	Town & Country	12:58 PM	2:20 PM	DRIVER BREAK	--
Chinook / Main (324 N. Main)	6:35 AM	--	--	--	Sacajawea Park (near Bandshell)	--	2:25 PM	--	--
Scenic Trl & Prairie Dr (NorthTown)	6:40 AM	--	--	--	Park High School	--	2:29 PM	3:48 PM	--
Sacajawea Park (near Bandshell)	--	7:48 AM	--	10:50 AM	Sherwood Apartments (by Loaves & Fishes)	--	2:31 PM	3:50 PM	--
Park High School	--	7:51 AM	--	10:52 AM	Public Library	--	2:34 PM	3:53 PM	--
Sherwood Apartments (by Loaves & Fishes)	--	7:53 AM	9:42 AM	10:55 AM	Chinook / Main (324 N. Main)	1:03 PM	--	3:56 PM	5:11 PM
Public Library	--	7:56 AM	9:45 AM	--	Scenic Trl & Prairie Dr (NorthTown)	1:08 PM	--	--	5:16 PM
Chinook / Main (324 N. Main)	--	8:00 AM	--	10:59 AM	Summit Apartments	1:14 PM	--	4:00 PM	--
Scenic Trl & Prairie Dr (NorthTown)	--	--	--	11:05 AM	Northside Park/Soccer Fields	--	--	4:04 PM	--
Summit Apartments	--	8:05 AM	--	11:13 AM	Katie Bonnell Park	--	--	4:13 PM	5:26 PM
Northside Park	--	8:08 AM	--	11:16 AM	Lewis St. (between Main/2nd)	1:23 PM	2:37 PM	4:21 PM	5:33 PM
Katie Bonnell Park	--	8:16 AM	--	11:24 AM	Lewis Street/H Street	1:26 PM	2:40 PM	4:24 PM	--
Lewis St. (between Main/2nd)	6:49 AM	8:23 AM	9:48 AM	11:32 AM	Rx Coffee	1:28 PM	2:42 PM	4:26 PM	--
Lewis Street/H Street	6:51 AM	8:25 AM	9:50 AM	11:34 AM	Livingston HealthCare	1:37 PM	2:51 PM	4:35 PM	5:44 PM
Rx Coffee	6:53 AM	8:27 AM	9:52 AM	11:36 AM	Public Library	1:45 PM	2:59 PM	4:43 PM	5:51 PM
Livingston HealthCare	7:00 AM	8:36 AM	10:01 AM	11:45 AM	Ace Hardware	1:48 PM	3:02 PM	4:46 PM	5:54 PM
Public Library	7:07 AM	8:43 AM	10:09 AM	11:53 AM	Albertsons	1:55 PM	3:09 PM	4:53 PM	6:01 PM
Ace Hardware	7:11 AM	8:47 AM	10:13 AM	11:57 AM	McDonalds	1:59 PM	3:13 PM	4:57 PM	6:04 PM
Albertsons	7:18 AM	8:54 AM	10:20 AM	12:04 PM	Fairfield Inn	2:02 PM	3:16 PM	5:00 PM	6:07 PM
McDonalds	7:21 AM	8:58 AM	10:23 AM	12:07 PM	Town & Country	2:05 PM	3:19 PM	5:03 PM	6:10 PM
Fairfield Inn	7:24 AM	9:01 AM	10:26 AM	12:10 PM	Ace Hardware	--	--	--	6:14 PM
Town & Country	7:27 AM	9:04 AM	10:29 AM	12:13 PM	Lewis St. (between Main/2nd)	2:10 PM	Drop off only	5:08 PM	Drop off only
Lewis St. (between Main/2nd)	7:32 AM	Drop off only	10:34 AM	Drop off only					

**Monday–Friday**  
\*Except Federal Holidays

Departure Times by Location			
Please arrive at your stop at least 5 minutes prior to departure.			
<b>Lewis Street (Main &amp; 2nd)</b>	6:19 AM 6:49 AM 7:32 AM 8:23 AM 9:48 AM 10:34 AM 11:32 AM	12:49 PM 1:23 PM 2:10 PM 2:37 PM 4:21 PM 5:08 PM 5:33 PM	
<b>Public Library</b>	6:22 AM 7:07 AM 7:35 AM 7:56 AM 8:43 AM 9:45 AM 10:09 AM 11:53 AM	12:51 PM 1:45 PM 2:13 PM 2:34 PM 2:59 PM 3:53 PM 4:43 PM 5:51 PM	
<b>Town &amp; Country</b>	7:27 AM 7:43 AM 9:04 AM 10:29 AM 10:45 AM	12:13 PM 12:58 PM 2:05 PM 2:20 PM 3:19 PM 5:03 PM 6:10 PM	
<b>Sacajawea Park (Bandshell)</b>	7:48 AM 10:50 AM	2:25 PM	
<b>Lewis &amp; H Street</b>	6:51 AM 8:25 AM 9:50 AM 11:34 AM	1:26 PM 2:40 PM 4:24 PM	
<b>Summit Apartments</b>	8:05 AM 11:13 AM	1:14 PM 4:00 PM	
<b>Northside Park</b>	8:08 AM 11:16 AM	4:04 PM	
<b>Rx Coffee</b>	6:53 AM 8:27 AM 9:52 AM 11:36 AM	1:26 PM 2:42 PM 4:26 PM	
<b>Albertsons</b>	7:18 AM 8:54 AM 10:20 AM	12:04 PM 1:55 PM 3:09 PM 4:53 PM 6:01 PM	
<b>NorthTown Development</b>	6:40 AM 11:05 AM	1:08 PM 5:16 PM	
<b>Shane Lalani Center for the Arts</b>	6:15 AM	12:45 PM	
<b>Ace Hardware</b>	6:31 AM 7:11 AM 7:39 AM 8:47 AM 10:13 AM 10:41 AM 11:57 AM	12:55 PM 1:48 PM 2:17 PM 3:02 PM 4:46 PM 5:54 PM 6:14 PM	
<b>Park High School</b>	7:51 AM 10:52 AM	2:29 PM 3:48 PM	
<b>Livingston HealthCare</b>	7:00 AM 8:36 AM 10:01 AM 11:45 AM	1:37 PM 2:51 PM 4:35 PM 5:44 PM	
<b>McDonalds</b>	7:21 AM 8:58 AM 10:23 AM	12:07 PM 1:59 PM 3:13 PM 4:57 PM 6:04 PM	
<b>Chinook &amp; Main Street</b>	6:35 AM 8:00 AM 10:59 AM	1:03 PM 3:56 PM 5:11 PM	
<b>Katie Bonnell Park</b>	8:16 AM 11:24 AM	4:13 PM 5:26 PM	
<b>Fairfield Inn</b>	7:24 AM 9:01 AM 10:26 AM	12:10 PM 2:02 PM 3:16 PM 5:00 PM 6:07 PM	
<b>Sherwood Apartments</b>	7:53 AM 9:42 AM 10:55 AM	2:31 PM 3:50 PM	

Print Edition Date:  
09/01/2021

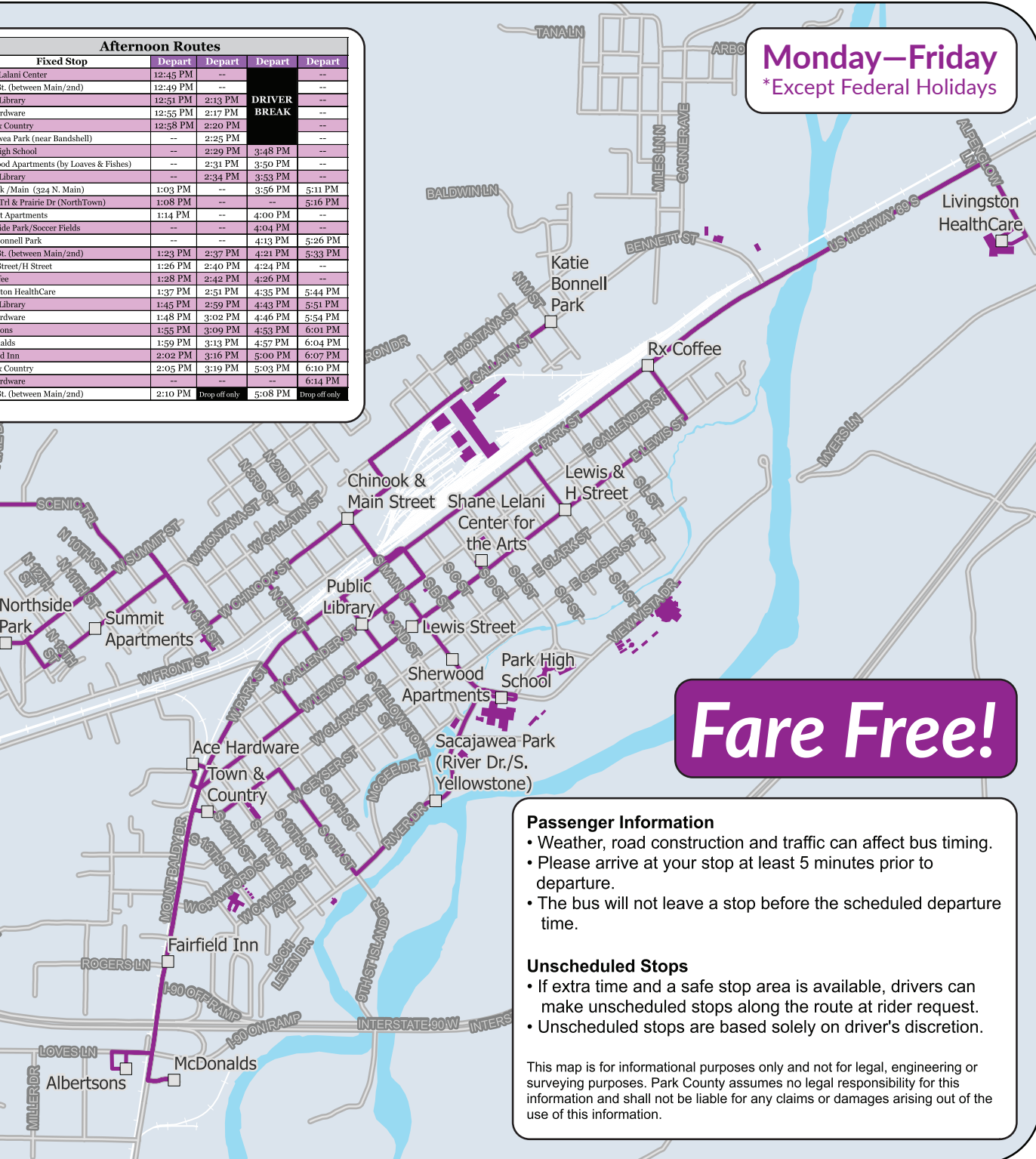
Ride Free!

**Fixed Routes**

**Legend**

- Fixed Stop
- Windrider Route

\*Check schedule for times and frequency



**Fare Free!**

**Passenger Information**

- Weather, road construction and traffic can affect bus timing.
- Please arrive at your stop at least 5 minutes prior to departure.
- The bus will not leave a stop before the scheduled departure time.

**Unscheduled Stops**

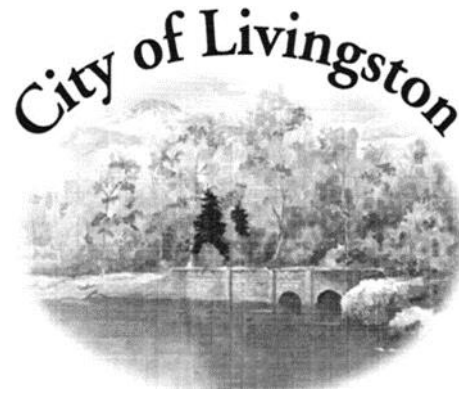
- If extra time and a safe stop area is available, drivers can make unscheduled stops along the route at rider request.
- Unscheduled stops are based solely on driver's discretion.

This map is for informational purposes only and not for legal, engineering or surveying purposes. Park County assumes no legal responsibility for this information and shall not be liable for any claims or damages arising out of the use of this information.

**City Manager**  
Michael Kardoes

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Melissa Nootz

**Vice Chair**  
Karrie Kahle

**Commissioners**  
Mel Friedman  
Quentin Schwarz  
Torrey Lyons

June 21, 2022

City Manager  
414 East Callender Street  
Livingston, MT 59047

The City Zoning Commission makes the following recommendation to the City Commission:

Recommend Approval of the of the Zoning Amendment for the Haug Property and that the parcel be zoned High Density Residential (RIII).

Sincerely,

Jim Woodhull  
Director of Building/Planningc

May 26, 2022

**STAFF REPORT**  
**ZONING MAP AMENDMENT – 9 & 21 ROGER’S LANE**

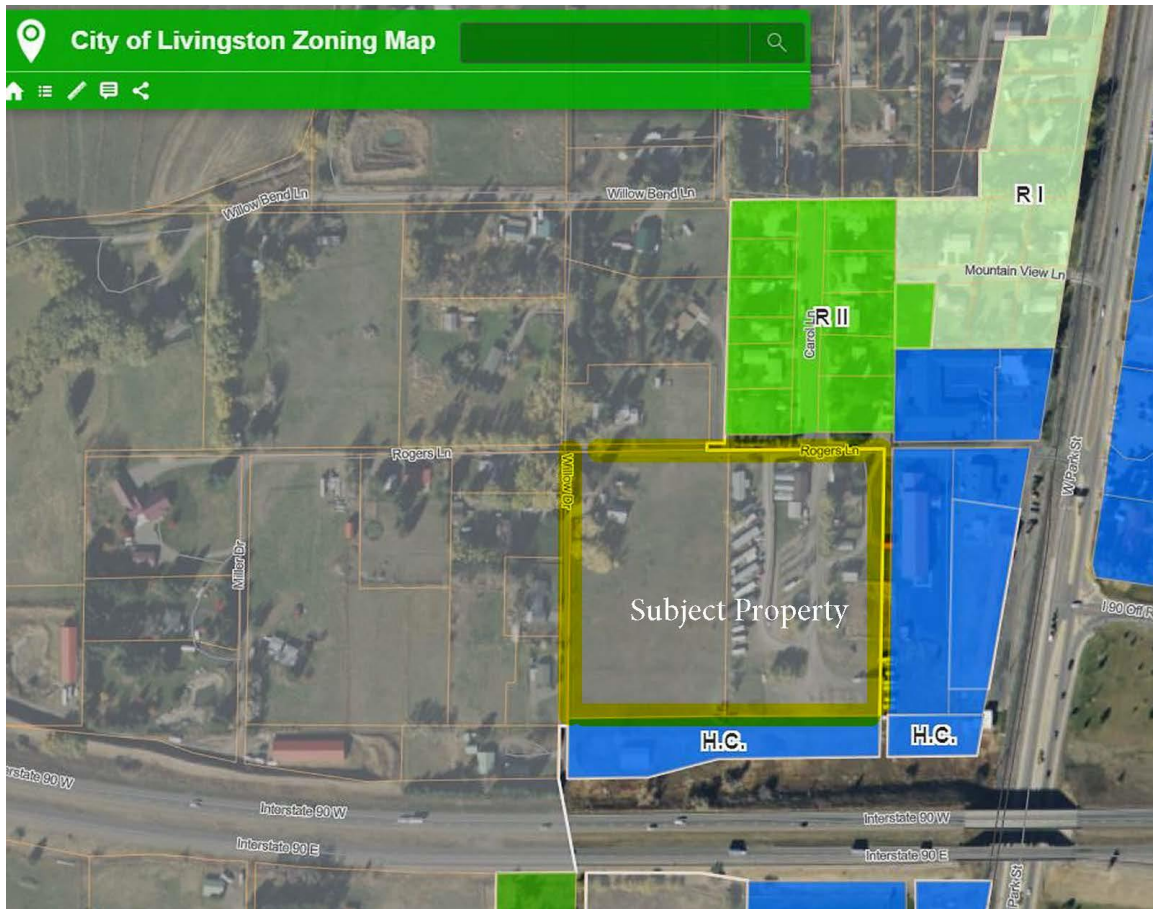
**Background**

On April 19<sup>th</sup>, 2022, the City Commission Adopted a Resolution (No. 5031) approving the annexation of the parcels commonly addressed as 9 & 21 Roger’s Lane. The parcels are legally described as Lots 16 & 17 of the Acreville Subdivision in Section 23, Township Two South (T02S), Range Nine East (R09E), as shown outlined on the map below.

As the property was annexed into the City a zoning amendment must be undertaken to update the Official Zoning Map to include the property. The property is currently used for two single-family residences, a greenhouse and a commercial RV park, and the applicant has stated that they plan to develop multi-family dwellings on the property and they have asked to be zoned Highway Commercial. The intent of the Highway Commercial Zoning District is “[a] district intended to provide areas for residential structures, commercial and service enterprises which serve the needs of the tourist, traveler, recreationalist or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of freeway interchanges, intersections on limited access highways, or adjacent to primary and secondary highways.”

The adjoining properties in the City are zoned HC to the east and south and there is an RII neighborhood to the north. The HC property to the south is currently vacant while the property to the east consists of three motels, a butcher shop/restaurant and a laundry facility. The RII neighborhood to the north contains about 12 single-family homes. Adjacent properties in the County are generally used for single-family residences.





## **Proposed Findings of Fact**

***Criteria and Guidelines for Zoning Regulations (MCA 76-2-304): (1) Zoning regulations must be:***

*(a) made in accordance with a growth policy:*

### **Staff Comments:**

- The parcel is shown in the Extra-territorial Jurisdiction (ETJ) as it has recently been annexed into the City. The ETJ Future Land Use Map shows the area as "Mixed Use" (MU) described as a "a designation intended to accommodate a mix of residential, neighborhood scale commercial and offices, and small scale manufacturing." The designation of HC would allow a very similar density as described by the Growth Policy. The primary differences between MU and HC is that HC allows a greater variety of land uses, most significantly, Travel Trailer Parks, Motels/Hotels and Drive-in Restaurants are allowed in HC and not MU. The potential developer of this property has stated that they wish to construct multi-family housing on the site, but it should be

noted that while there is a stated intent, there is no requirement for the applicant to construct the development or retain the property, anything allowed by zoning could be built on the property once the zoning is approved by the City Commission.

- *Strategy 3.1.1.2: Evaluate and amend the zoning ordinance to allow for higher densities and wider land uses in areas that can support such development.*
  - The designation of HC zoning would allow for high density for both housing and/or commercial uses.
  - Adjacent infrastructure is adequate for increased density. Any development on the parcel will require that, at a minimum, Roger's Lane and sidewalks are brought to City Standards and connection to the City's water and sewer system.
- *Strategy 3.1.1.6: Encourage residential developments to provide neighborhood commercial areas serving residents within walking distance.*
  - Any future development would be within easy walking distance of the entire Park Street corridor.
- *Strategy 3.1.1.8: Reduce urban sprawl through compact development consistent with the Future Land Use Map of this Growth Policy.*
  - The proposed zoning allows for a high density consistent with what is shown on the ETJ FLUM for the parcel.
  - Zoning for higher densities in already developed areas of the City/County interface and adjacent to existing higher density residential and commercial services has the potential to reduce urban sprawl by concentrating housing on a much smaller footprint than possible without connection to the City's water and sewer infrastructure and facilitates a more walkable and bikeable City.
- *Strategy 3.4.3.2: Encourage development near transit routes and active transportation infrastructure to promote development that produces minimal strain on the environment and existing transportation infrastructure.*
  - The parcel is within walking distance of an existing Windrider Transit line (Attachment III) and the 89S multi-use path.
- *Strategy 4.1.3.3: Reduce climate disruption through compact growth and increased transportation choices that reduce the need for driving.*
  - The parcel is in an existing developed area and the HC designation would allow for a significant increase in dwelling units within walking distance of a Windrider bus stop, the 89S multi-use path, and the rest of the Park Street corridor, promoting transportation choices and minimizing the need to drive.
- *Objective 5.1.4: Promote a mix of housing within neighborhoods that supports a variety of household income levels, household age groups, and housing types.*

- The proposed HC designation allows for a variety of structures from a single-family home to multi-unit buildings. The potential for denser, multi-unit buildings should promote affordability serving a currently underserved group in the City. Condos and apartment buildings can also support a variety of age groups as maintenance requirements are lowered compared to traditional single-family homes.

*(b) designed to:*

*(i) secure safety from fire and other dangers;*

Staff Comments:

- Any future development on this parcel will be required to meet all adopted fire and building codes, no increase in fire or other danger is anticipated.

*(ii) promote public health, public safety, and the general welfare; and*

Staff Comments:

- The parcel has recently been annexed, as the City's Zoning Ordinance is designed to protect the health, safety, and welfare of the community the zoning should have a positive impact on all three.

*(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.*

Staff Comments:

- The parcel is accessed by an existing public road (Roger's Lane). Zoning the parcel allows the City to ensure transportation is adequate prior to development of the parcel. Additional development on the parcel will require that Roger's Lane is brought to city standards.
- Increasing the density allowed on the parcel could add additional students to the school system and users to the parks system. The schools and parks should have capacity to maintain service with any future development.
- The lot is required to connect to City water and sewer. Analysis of the water and sewer capacity will need to occur with any development proposal.

*(2) In the adoption of zoning regulations, the municipal governing body shall consider:*

*(a) reasonable provision of adequate light and air;*

Staff Comments:

- The intent of the zoning amendment is to zone the newly annexed land, there should be no impact to the provision of light and air.

- By zoning the lot any new structures will be required to meet the setbacks as listed in the City's Zoning Ordinance and Building Code separation distances which do not currently apply to the lot, ensuring separation between structures for light and air.

*(b) the effect on motorized and nonmotorized transportation systems;*

Staff Comments:

- Zoning the parcel HC could increase the traffic on Roger's Lane, and increase usage of the Windrider bus and sidewalk. All three systems should be able to accommodate future growth and impacts will be evaluated at time of development.

*(c) promotion of compatible urban growth;*

Staff Comments:

- Adjacent lots in the City are zoned HC and RII and the proposal would be a continuation of adjacent urban growth.

*(d) the character of the district and its peculiar suitability for particular uses;*

Staff Comments:

- The parcel sits within an existing, transitional neighborhood, and consists of low density residential, county properties bounded on the east and south by high density commercial zoning. The proposed zoning on the parcel is consistent with the adjacent parcels within the City.
- As noted above, the location of the parcel is in the vicinity of Park Street and multiple transportation systems and is appropriate for higher density development.

*(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.*

Staff Comments:

- The few existing buildings on the property may be removed. The allowable density of the proposed zoning district should make up for any loss in dwelling units. The required infrastructure improvements for the development of this parcel will likely increase the surrounding property values.

***Spot zoning Criteria:***

- (1) the proposed use is significantly different from the prevailing use in the area.*

Staff Comments:

- The proposed zoning is an extension of the HC zoning to the east and south.

(2) *the area in which the requested use is to apply is rather small from the perspective of concern with the number of separate landowners benefited from the proposed change.*

Staff Comments:

- The proposed zoning is for two lots with a single owner that has been annexed into the City. This ten-acre parcel is not small in relation to the majority of properties in the vicinity or within the City as a whole.

(3) *the change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.*

Staff Comments:

- The proposed zoning is for two lots with a single owner that has been annexed into the City. Far from being special legislation, the proposed zoning is designed to encourage the development of additional housing for the general public.

**Public Hearing**

**Staff Recommendation**

The Zoning Coordinator believes that the proposed zoning designation (HC) meets both the requirements of the City of Livingston, State Statute, and avoids spot zoning. Staff recommends that the Commission adopt the proposed zone map amendment.

**Attachments**

Attachment I..... Windrider Route Map



City of Livingston  
Department of Planning  
220 E. Park St.  
Livingston, MT 59047  
(406)222-4903  
[planning@livingstonmontana.org](mailto:planning@livingstonmontana.org)

### City of Livingston Zoning Map Amendment Application

1. **Property Owner Name:** David + Mary Haug

2. **Location of Property**

General Location: 9 + 21 Rogers Lane  
Address: 9 + 21 Rogers Ln  
Subdivision: n/a Lot: 16 Block: 17  
Zoning District: \_\_\_\_\_

3. **Contact Information**

*Property Owner*  
Home Address: 33 Willow Creek Rd  
Livingston MT 59047  
Phone Number: 406-223-0768  
Email Address: haugfarms@gmail.com

*Primary Contact/ Applicant*  
Name: David Haug  
Address: 33 Willow Cr Rd  
Livingston MT 59047  
Phone Number: 406-223-0768  
Email Address: haugfarms@gmail.com

*Secondary Contact*  
Name: Kristin Haug  
Address: \_\_\_\_\_  
Phone Number: 406-223-8467  
Email Address: kzhinvestments@gmail.com

**4. Property Information**

Existing Structures on Property: RV Park, Mobile Home Park  
9 Rogers Lane house, greenhouse & commercial  
21 Rogers Lane house & barn

Proposed Zoning Designation: Highway Commercial

I hereby certify that the information included in this application is true and accurate.

  
Applicant's Signature

3-23-22  
Date