

# **Livingston Zoning Commission Agenda**

**Date: June 14, 2022**

A virtual meeting of the Livingston Zoning Commission has been scheduled for Tuesday, June 14, 2022, from 5:30 p.m. to 7:00 p.m. This meeting will be held via Zoom.

<https://us02web.zoom.us/j/89729535904?pwd=VEd1MHVPTVBMZTIsREM2NHEyRE1VQT09>

Telephone: (669) 900 9128

Meeting ID: 897 2953 5904

Passcode: 904959

**5:30: Approval of Minutes**

**5:40: Public Comments:**

The public is invited to make comments on any items related to Zoning in Livingston. If you wish to comment on scheduled Agenda items before the Commission, please wait until that item comes up on the agenda. Otherwise, please state your name and address and make your comments to the Commission.

**5:45: Old Business:**

**5:50: New Business:**

- Recommendation on a Zone Map Amendment following the annexation of 9 & 21 Rogers Lane owned by Dave Haug.
- Recommendation on Zone Map Amendment of 1200 W. Montana Street, requested by Dan Kaul.

**6:45: Plans and topics for next month's meeting**

**6:50: Staff Comments**

**6:55: Zoning Commission member Comments:**

**7:00: Adjournment:**

**City of Livingston Zoning Commission Meeting Minutes**  
**Tuesday April 12, 2022**

- 1) Call to Order: (5:32PM)
- 2) Roll Call: (5:33PM)
  - i) Zoning Commission members in attendance: Jim Baerg, Deborah Monaghan, Michael Wojdylak, Wendy Weaver, Michal DeChellis
    - (1) Quorum present
- 3) Consent Items: (5:34 PM)
  - i) Approve last meeting minutes (5:34PM)
    - (1) WW says to make a motion to approve the minutes
    - (2) MW seconds the motion
- 4) Public Comment (5:38 PM)
  - i) No public comment
- 5) Agenda Items: (5:39 PM)
  - i) Old business
    - (1) No old business
  - ii) New business
    - (1) Continuation of zoning of school district (SD) property
      - (a) MD motions to untable this issue
      - (b) DM seconds the motion
    - (2) City – Michael Kardoes goes through the staff report again
      - (a) Property is unzoned – if we don't zone it, anything could be done with it, R2 mainly surrounds it
      - (b) SD requested R3, but SD can do anything it wants with it currently
      - (c) Staff suggests R2 or R3
        - (i) Gross units – to absolute max density/typically 60-70% build-outs
          1. 497 – R2
          2. 747 – R3
          3. 995 – MU
          4. Could be zoned public
            - a. Would need to be rezoned if/when someone buys it

- (i) Would like more info on public zoning
  - 1. If school sells or trades, then it would need to be rezoned at that time?
    - a. JB says yes
    - b. A sale of this land would need to go to a public vote, SD has no plans to sell, but may consider some development
- (b) Todd Wester – SD recommends still R3, but wouldn't oppose other zoning considerations, unless the school can afford to build something with its own dollars, anything happening there would require voter approval, SD doesn't really want to be a landlord and they currently can't build anything without running a bond.
- (c) Cynthia Westover – 1105 Prairie Drive
  - (i) Opposes R3 because other area has been turned down for R3, would advocate for R2 or Public
- (d) Rich Crossland
  - (i) Would agree to leave it as public for now
- (e) David Westover, 1105 Prairie Drive
  - (i) Against R3, This wouldn't still be affordable housing for sure, this may not happen
- (f) Janet Rawlings – 1110 Sweetgrass lane
  - (i) Agree with R2 or Public, but not R3
- (g) Nathan Bolton/Amanda Herrera - 1110 West Reservoir
  - (i) Zone public since we don't know what the SD wants to do with it, since there is an option to zone later
  - (ii) Ellen Steckheart– 1111 Prairie Drive
    - 1. Do not suggest R3, prefer R2 or public
- (h) Jonathan Hettinger – 111 N C street
  - (i) Would like to see this zoned at higher density, great opportunity to develop more housing for working class people on the north, could there be a land trust that the SD could do that, the growth policy says that there is more need for MU, great opportunity for higher use – community seems to want that option, R3 could be a good use
- (i) Mary Strickroth – 11 Prairie
  - (i) Would prefer this to stay public, opposed to R3
- (j) Alyssa Durkee – 829 North 12<sup>th</sup> street
  - (i) Opposed to R3, recommend Public use because this is a great space for dogs, wouldn't want this field to be developed, agree that this wouldn't be affordable housing and the very most R2

- (4) Commissioner comments (6:00pm)
- (a) JB we have received many many letters from the public, they are good and thoughtful
  - (b) JB – Trying to think about what this town will become in the future and how to maintain its character and also help it be what the community needs it to be
    - (i) Started out talking about R3 because the SD asked for this, the community who have participated have preferred R2 or the public
    - (ii) ZC brought up the mixed use designation last time – we consider this because this town needs more rental housing, assume that developers would build and sell at market rate – how to add to density so that people can have options to rent, which is why people want to consider R3, there is a transportation issue as well
      - 1. Public comment to consider residential residential/commercial zoning – this has piqued interest on the zoning board
      - 2. Would like to propose this as Neighborhood commercial – change zoning specifications such that density of the property is closer to medium density of R2, opportunity to put in some commercial district – control the density – limit the height to 27', increase the setbacks like R2 – creates a parcel that would have max 500 units, which is right at R2
  - (c) Michael Kardoes – No residential in NC, we can't vote on a new designation tonight
  - (d) Deborah Monaghan – We need to zone tonight, NC with edits is not possible, NC could happen next month
    - (i) Like that idea cause it seems to be middle ground with the growth policy – not sure that the process would roll the way that we want it too
    - (ii) Any zoning change would have to go through any text amendment
      - 1. Can we ensure that these would get put in front of the commission
    - (iii) Michal DeChellis – interested in considering this NC with amendments
    - (iv) Todd Wester – we are not in the master planning process for this property – this could still be a school site, this could still be swapped if voters approve this, there isn't a plan in place
    - (v) WW – what is that process for planning?
      - 1. TW – helps us understand that we need to move faster on the master plan – need to replace aging facility, desire to consolidate campus – discussions will be happening throughout the school year – need engineering analysis at Winans and Washington, Dr. Scalia said at meeting in homeowners association that she isn't committed to building anything until there is a better railroad crossing
    - (vi) Michael W – Understand Jim's idea of diversification, but would want to look more at NC, not sure that he wants to change NC definition, running

right into MU or HC designation – we’d need time to redefine NC – and we need to come to a conclusion on this property and sounds like the SD needs more time to make decisions – the ZC could have more time to make NC designation, moving towards with SD being owner and no plans, want it to stay public until we redefine zoning restrictions

- (vii) WW – thanks for articulating what we are trying to capture, feels like cart before the horse, maybe at some point we can rezone this if this gets sold
- (viii) JB – a revised NC – would be really different than what MU/HC is currently- really medium density and some commercial in it, scale and heights would be compatible with R2 zoning.
- (ix) MD – when would a zoning designation happen? Often a new buyer would ask the SD to come to zoning commission to
- (x) DM – when does this come to the public to the vote on the sale?
  1. MK – this is a SD process – there isn’t a vote really – there needs to be a public hearing, City commission has to agree to the sale as well.
  2. TW – the sale would have to be voter approved

(e) WW motions to zone it public

- (i) MW seconds that motion
- (ii) JB is opposed, Motion passes 4-1

6) Future agenda items (6:34 PM)

- i) Sign ordinance
- ii) Gateway Overlay
- iii) NC – MU – medium density zoning designation conversations

b) Staff comments (6:38)

- i) Hiring process for the planner – planner withdrew application when they couldn’t find housing – hoping to finish the hiring process in the next 45/60 days
- ii) Would ask that ZC not send recommendations up unless they are zoning annexations

7) Adjournment (6:42 PM)

The next regular meeting will occur on May 10, 2022, at 5:30pm,

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: \_\_\_\_\_

Zoning District: \_\_\_\_\_ 17

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: k2hinvestments@gmail.com

**4. Property Information**

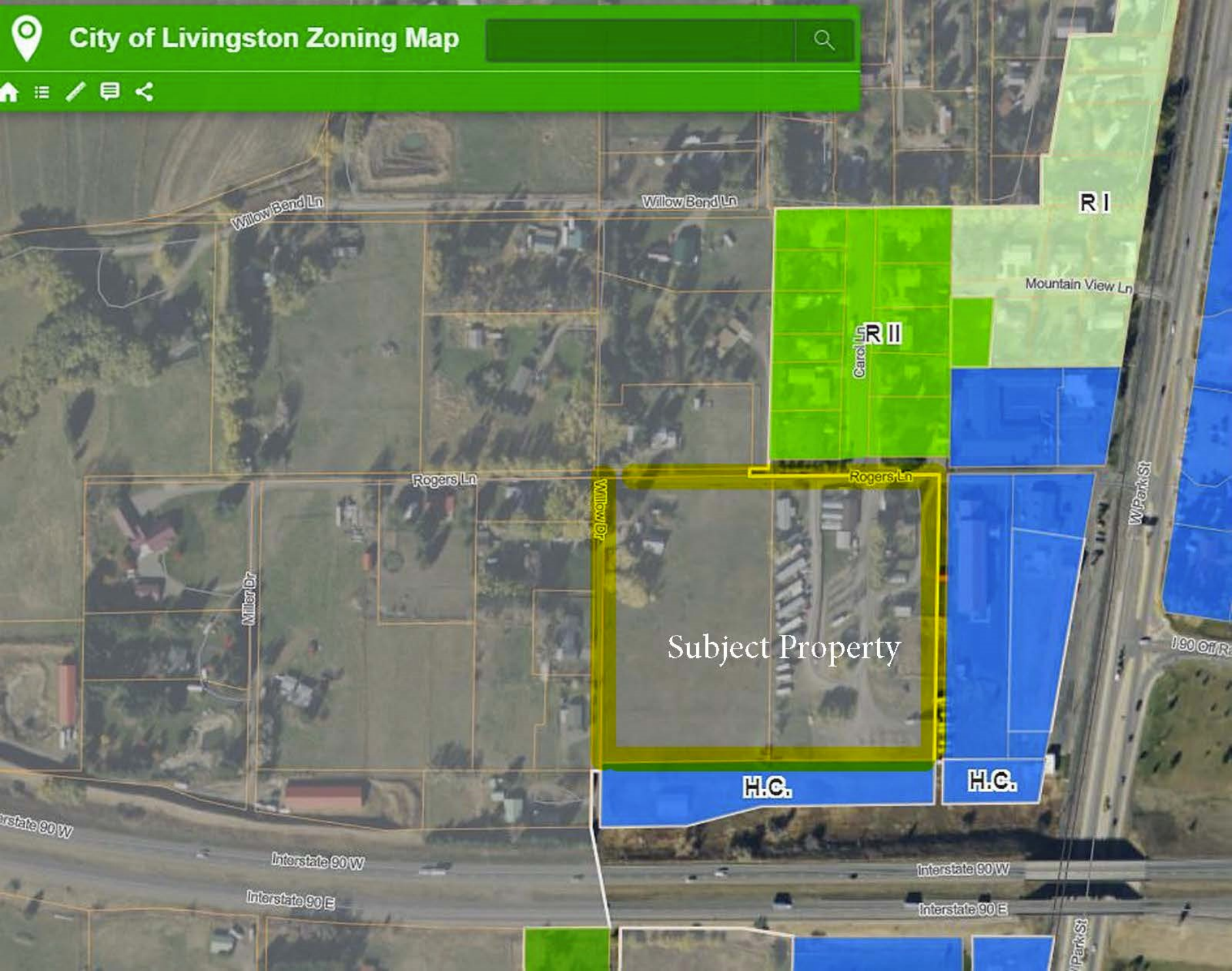
Existing Structures on Property: RV Park, Mobile Home Park  
9 Rogers Lane house, greenhouse & commercial  
21 Rogers Lane house & barn

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



Subject Property

RI

RII

H.C.

H.C.

Willow Bend Ln

Willow Bend Ln

Mountain View Ln

Rogers Ln

Rogers Ln

Miller Dr

W Park St

Interstate 90 W

Interstate 90 W

Interstate 90 W

Interstate 90 E

Interstate 90 E

W Park St

190 Ct R



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 Baweks-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.

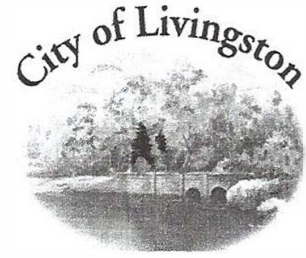
I have been working on projects in and around downtown for many years and find that infilling and increasing density and now utilizing the new policies for ADU's very appealing. This is the best way to support and preserve our beautiful downtown. I personally have gotten a great deal of satisfaction 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



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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

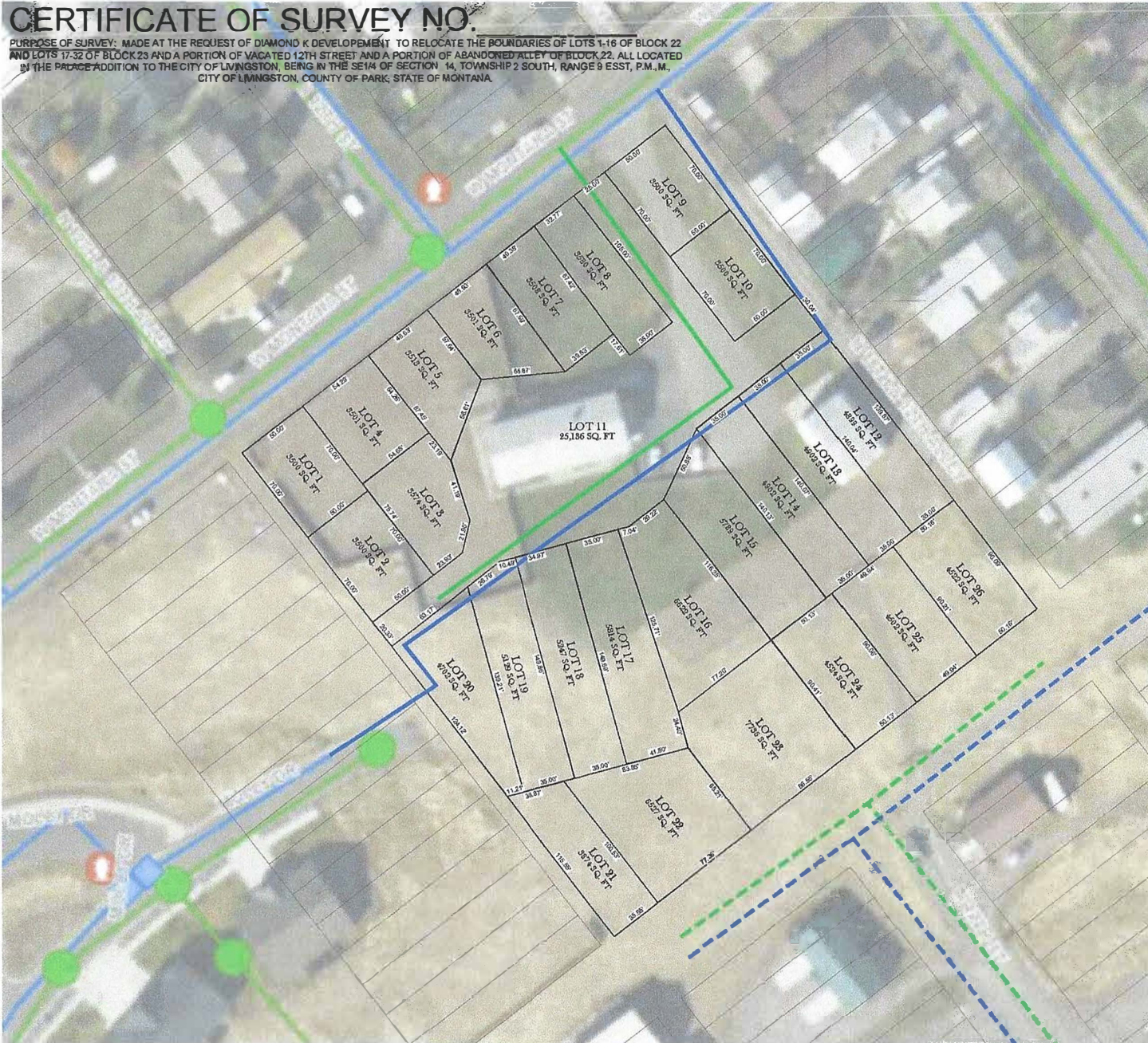
Search bar



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# CERTIFICATE OF SURVEY NO. \_\_\_\_\_

PURPOSE OF SURVEY: MADE AT THE REQUEST OF DIAMOND K DEVELOPMENT TO RELOCATE THE BOUNDARIES OF LOTS 1-16 OF BLOCK 22 AND LOTS 17-32 OF BLOCK 23 AND A PORTION OF VACATED 12TH STREET AND A PORTION OF ABANDONED ALLEY OF BLOCK 22, ALL LOCATED IN THE PRADGE ADDITION TO THE CITY OF LIVINGSTON, BEING IN THE SE1/4 OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 ESST, P.M.M., CITY OF LIVINGSTON, COUNTY OF PARK, STATE OF MONTANA.



**Cushing Terrell**

05/17/2022



NORTH

GRAPHIC SCALE



- DEVELOPMENT NOTES**
- 1) STARTING NUMBER OF LOTS 33
  - 2) VACATED 12TH ST AND VACATED ALLEY
  - 3) ENDING NO. LOTS 32
  - 4) MINIMUM LOT SIZE 5,500
  - 5) MAXIMUM LOT SIZE 25,136

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

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PRINCIPAL MERIDIAN  
 MONTANA  
 PARK COUNTY

15	20	7	25
14	25	02	

FOR DIAMOND K DEVELOPMENT

20220420  
 KNOWN BY SURVEYOR  
 REVISIONS

DIAMOND K DEVELOPMENT  
 BOUNDARY RELOCATION

FILE NO.  
 05/17/2022