



Joint Planning Board and Zoning Commission Meeting Agenda

The regular meeting of the Livingston Planning Board, and a special meeting of the Zoning Commission, is scheduled for November 15, 2023 at 5:30 PM in the Community Room of the City/County Building at 414 E. Callender Street. The meeting will be facilitated by Planning Board Chair Stacy Jovick and Zoning Commission Chair Jim Baerg.

A virtual option will also be available:

Join Zoom Meeting

<https://us02web.zoom.us/j/83788485046?pwd=RnZMN2FkYU5qdmZ4TnViWGpwWnVYdz09>

Meeting ID: 837 8848 5046

Passcode: 889354

Call in: (669) 900-9128

- 1. Call to Order**
- 2. Roll Call Planning Board**
- 3. Approval of Planning Board Minutes**
 - A. August 16, 2023
 - B. August 30, 2023 (special meeting)
- 4. Roll Call Zoning Commission**
- 5. Approval of Zoning Commission Minutes**
 - A. July 13, 2023
- 6. General Public Comments**
- 7. New Business**
 - A. Presentation by the Downtown Master Plan Consultants (no action required)
 - B. Brief Discussion of Possible Consolidation of Planning Board and Zoning Commission by City Manager (no action required)
- 8. Board Comments (both boards)**
- 9. Adjournment**

File Attachments for Item:

A. APPROVAL OF PLANNING BOARD MINUTES AUGUST 16, 2023



Planning Board Minutes

The regular meeting of the Livingston Planning Board was held on August 16, 2023 at 5:30 PM in the Community Room of the City/County Building at 414 E. Callender Street. The meeting was facilitated by Chair Stacy Jovick.

1. Call to Order (5:31 pm)

2. Roll Call (0:00 mins)

In attendance: Board members Torrey Lyons, Jonathan Hettinger, Taya Cromley, Jim Barrett, Amy Schilling, Shannon Holmes, Stacy Jovick. Staff: Jennifer Severson.

3. Approval of Minutes April 19, 2023 (0:35 mins)

- A. Cromley made motion to approve the minutes; second by Lyons.
- B. Motion passes 7-0

4. General Public Comments (1:55 mins)

- A. City Manager Gager thanks the Board Members for their service on the Planning Board.

5. New Business

A. Public Hearing for Mountain View Subdivision (3:00 mins)

Chris Naumann (Sr. Planner Sanderson Stewart) is before the board on behalf of the Plat applicant, Livingston West to highlight key components of their Preliminary Plat application and revisions for Mtn. View Subdivision. There are fewer lots in the revised subdivision application (due to PFL being removed); subdivision supports goals and objectives in the Growth Policy. Property annexed by the city over 18 years ago and it is zoned as highway commercial. The applicant's intent is to improve the west entrance into Livingston. The current subdivision submission includes a total of 43.9 acres, whereas the original intended to use 64.2 acres (33% smaller). Their proposal is a phased subdivision and all of the infrastructure for Phase 1 is already in place. Benefits to the City of Livingston through additional tax base from future uses in subdivision were stated, as were alignment with the Growth Policy and mention of traffic impacts.

Bill Fanning (representing applicant) (11:00 mins)

Addressed Friends of Park County comments received by the City earlier same day as the public hearing.

Planning Board Minutes

Severson presented subdivision proposal (15:20 minutes):

Total of 22 developable lots, 2 open-space lots, and right of way dedication (3 phrases). Location is I-90 and Highway 10 interchange. Zoning is Highway Commercial and Future Land Use is Community Commercial. There are six criteria that the governing body will review in order to approve or deny a subdivision. Six Criteria: Effects on Agriculture, Agricultural Water User Facilities, Local, Natural Environment, Wildlife & Wildlife Habitat, and Public Health & Safety. Action requested by Planning Board; may Approve, Approve with Condition, or Deny.

See [Staff Report](#) attached to August 16 Planning Board agenda packet for criteria evaluation of the proposal.

MCA Section 3: A governing body cannot deny approval of a subdivision based on the subdivision's impacts on educational services or based solely on parcels within the subdivision.

Staff recommended seventeen conditions of approval for the subdivision (see Staff Report) (43:30 mins)

Clarifying questions for Staff (48:37 minutes)

If there were needs to improve the water and sewer lines, including extension of 15-inch main from Del Mar development to Radio Shak/ Kenyon Noble, who would cover the cost? The impact fees should cover the cost depending on the need of the replacement. Holmes estimated cost would be about \$1.25 million.

Would Wind Rider (bus) cover that area and who would pay for the expansion? Ask applicant to contribute the required funding.

Barrett expressed concern of wildfire issues near and within the subdivision.

What process was used to determine traffic levels for the subdivision? Has MDT been contacted about possible Hwy-10 improvements necessitated by the subdivision?

Applicant responses (1:12:45)

Joey Staszczuk (Sanderson Stewart) discussed how traffic impacts were determined in the Traffic Study included in the application.

Planning Board Minutes

Jovick referenced HOA Summary of Covenants included in the application.

Barrett questioned use of existing wetlands as park land; applicant responded with possible concepts for park use. Holmes confirmed residential development could be assessed for park improvements. Hettinger asked about potential impact fees that could be generated; Holmes responded that unknown as they are based on types of uses and scope of development in subdivision. Andrew Field (applicant) also addressed infrastructure expansion concerns.

Break at 1:41:47 mins.

General Public comments and questions (1:42:38 mins)

Ken Cochran- Friends of Park County (60 Majestic Ridge Trail): The revised application does not address inconsistencies with Growth Policy goals and objectives.

Thom Bluerock- Friends of Park County (address not given): Concerned with commercial competition with existing downtown businesses; also questioned designated parkland in application; concerns about sprawl.

Patricia Grabow (204 E. Callender St): The “wetlands” on the subdivision property is actually a creek that is a tributary of Yellowstone. Believes wildlife will be affected by this subdivision and associated development. Concerns with commercial competition with the downtown. Does not support this proposed sprawl.

Cathy Foote- Friends of Park County (no address given): Same ‘errors’ as in original subdivision application submittal.

Robert Liberty- Friends of Park County (no address given): All of the objections referenced to the old application apply to this new application as well.

Deliberation (1:56:05 mins)

Jovick reiterated process and potential motions that can be made by Planning Board.

Lyons made motion to Deny the subdivision application; second by Hettinger
(1:56:20 mins)

Planning Board Minutes

There is an unsatisfactory level of projected congestion for the subdivision, and board members are nervous because there are too many “unknown factors and numbers”.

Requiring Bear-proof trashcans is something that the board would like to see in the subdivision. **(2:07:50)**

Not enough information to show that the subdivision will pay for itself. Worried of the fire hazards associated with the subdivision on strong wind days.

Many things mentioned in the subdivision application are anti-ethical to the growth policy. **(2:15:14 mins)**

Cromley stated that efforts were made by the subdivision to adhere to the growth policy. The land is already annexed, and the infrastructure is already in place to accommodate the addition to Livingston. **(2:16:55 mins)**

Holmes commented that based on what he is hearing there will be no effect on local services, nothing specific on the effect of the natural environment. Are there conditions that we can put on the development in order to satisfy the board? **(2:20:05 mins)**

A board member states that there is a need for this type of development in Livingston. Encouraging the idea of building a hotel and gas station. It could help lower VRBO and Airbnb usage in the town. **(Amy 2:23:30 mins)**

Barrett questioned if possible to rezone the land for the third time, and turn it back into light industrial land, in order to mitigate the problem of high traffic usage due to it being commercial. **(2:40:30)**

Lyons recommended denial due to safety and local services and public health and safety (too much congestion and impacts of unknown congestion.)

Barrett supports denial due to negative effect on natural environment and animal habitats, fire issues and destruction of wetland.

Holmes puts a condition on the creation of a SID to help fund city projects to aid the creation of the subdivision. Financial burden would impact local citizens.

Restatement of Motion to Deny Mountain View Subdivision Preliminary Plat based on findings of fact during this board meeting. (2:50:40 mins)

Planning Board Minutes

For Motion to Deny: Lyons, Barrett and Hettinger. Against motion: Cromley, Schilling, Holmes and Jovick. **Motion Fails 4-3 (2:51:38 mins)**

Holmes made **motion to Approve the subdivision with seventeen conditions** in the staff report and additional conditions discussed in planning meeting: the waiver of protest for SID water loop and sewer extension; require bear-proof trash cans and animal-safe fencing in the subdivision; provision of Welcome to Livingston sign; dogs must be leashed in open areas on public property. Motion seconded by Cromley. **(2:53:00 mins)**

Lyons requested clarification on how many votes constitutes a quorum since only seven of nine Planning Board members were present. City Manager Gager confirmed a quorum requires a majority of total membership of the board (i.e. nine); **a minimum of five votes is required to pass a motion.**

For Motion to Approve with Conditions: Schilling, Cromley, Holmes and Jovick. Against motion to approve with conditions: Lyons, Barrett and Hettinger. The motion to approve with conditions does not pass because no majority of the board was achieved.

Motion made by Jovick and seconded by Lyons to continue public hearing to August 30th, 2023 at 5:30 (3:18:00 mins). For- Lyons, Cromley, Barrett, Schilling, Holmes, Jovick. Against- Hettinger. Motion passes 6-1.

- 6. Old Business (3:20:35 mins)- none**
- 7. Board Comments (3:20:37 mins)- none**
- 8. Adjournment (9:06 pm)**

File Attachments for Item:

B. APPROVAL OF PLANNING BOARD MINUTES SPECIAL MEETING AUGUST 30, 2023



Planning Board Minutes

A special meeting of the Livingston Planning Board was held on August 30, 2023 at 5:30 PM in the Community Room of the City/County Building at 414 E. Callender Street. The purpose of the special meeting was to continue the Public Hearing for the Mountain View Subdivision from the Board's August 16, 2023 meeting. The meeting was facilitated by Chair Stacy Jovick.

1. Call to Order (5:43 PM)

2. Roll Call (0:36 mins)

In attendance: Shannon Holmes, Taya Cromley, Jim Barrett, Mija Hamilton, Amy Schilling, Jessica Wilcox, Torrey Lyons, and Stacy Jovick. Staff: Jennifer Severson, Planning Director.

3. General Public Comment: (1:54 mins)

Nancy Atkins: 408 Brookline Unit D. Myles Street and Maple Street are always being worked on and the public speaker does not know day-to-day whether she can get out of her home. Would like help from the City to get this resolved.

4. Old Business (7:30 mins)

A. Public Hearing for Mountain View Subdivision Continued

Hamilton made motion, second by Jovick, to reconsider the motion from the August 16 Planning Board meeting:

Motion to Approve the application for the Mountain View Subdivision Preliminary Plat, with the seventeen Conditions on approval recommended in Staff Report, plus the following conditions:

- 1: Waiver of protest for an SID (Special Improvement District) for future water and sewer improvements
- 2: Bear-proof trash cans, wildlife friendly fencing, and dogs must be leashed in open spaces.
- 3: Include area on property within the subdivision for a Welcome to Livingston sign.

Board unanimously approved motion (Motion passes 8-0).

Planning Board Minutes

Wilcox expressed concerns about subdivision as discussed at August 16 meeting as relates to Findings of Fact: Effects on Local Services, Natural Environment, and Public Health and Safety. Concerned about exit strategy for subdivision if Highway closes during winter or if there is a fire or other emergency, and questions if City has adequate resources to handle an emergency. **(21:00 mins)**.

Barrett questioned if the annexed property could be rezoned to Light Industrial. Wilcox agreed that changing it back to Light Industrial could lower risks associated with traffic and emergency issues.

Staff confirmed that 5 votes are required to pass the motion.

Vote: For- Holmes, Cromley, Hamilton, Schilling and Jovick. Against- Lyons, Wilcox and Barrett. Motion passes 5-3. (38:08 mins)

5. Board Comments (38:40 mins)

Lyons states thanks to Stacy Jovick and Jennifer Severson for their help in these board meetings.

Holmes states there will be changes to subdivision process after October 1st based on recent state legislative session. These changes should be discussed at an upcoming Planning Board meeting.

6. Adjournment (6:24 PM)

File Attachments for Item:

C. APPROVAL OF ZONING COMMISSION MINUTES JULY 13, 2023



Livingston Zoning Commission Minutes

A meeting of the Livingston Zoning Commission was held June 13, 2023 at 5:30 PM in the Community Room of the City/County Building at 414 E. Callender Street. This meeting was facilitated by Vice-Chair Deborah Monaghan.

1. Call to Order (5:40 pm)

2. Roll Call (0:15 mins on recording)

In Attendance: Commissioners Deb Monaghan, Wendy Weaver, Michael DeChellis, and Mike Wojdylak. Staff: Jennifer Severson

3. Approval of April 11, 2023 Minutes (no May 2023 meeting) (0:40 mins)

- Motion to approve by DeChellis; second by Wojdylak (Monaghan abstained, absent at 4/11/23 meeting)
- Motion passes 3-0

4. General Public Comments (none)

5. New Business

A. Review and Recommendation of Chapter 30 PUD Ordinance (3:14 mins)

- Severson clarified code format and specific citations will be finalized after LZC review and before City Commission 1st reading on July 18, 2023.
- Severson presented draft PUD Ordinance
 - Ordinance intent includes preserve natural resources, provide additional open space, promote efficient land use beyond base zoning district (encourage cluster development), reduce vehicular trip generation, promote affordable/workforce housing, support Growth Policy. Minimum 1 acre size. Developer Incentives (additional density, height increase, impact fee reduction) and Public Benefits (affordable housing, reduced traffic, additional open space) formula table. Affordable housing must be similar to market rate; min. 2 affordable units to get density bonus; max. 25% additional residential density over base zoning; height bonus RII zoning only- max = 40 ft.
 - Application 'highlights'- before application submittal applicant must notify landowners within 300' of PUD and allow comments- comments must be included with application; detailed submittal requirements will be included in application form instead of PUD ordinance; additional info may be required by LZC, Planning Board, City Commission to fully evaluate PUD and conclusively demonstrate how review criteria met.
 - Variance will be separate but concurrent process if PUD is a subdivision; if not a subdivision, variance will be approved as part of PUD process.

Livingston Zoning Commission Minutes

- Public Comments (1:11:25 mins)
 - Stacy Jovick (Chair Planning Board) -requested clarification about how deviations from base zoning district will be identified; also questioned how extension of PUD approval will work
- Continued discussion by Commission and staff (1:18:20 mins)
 - Severson agreed to bring PUD application form to Planning Board and LZC for review at a future meeting before finalizing
 - For non-subdivision projects that are not phased, developer must provide construction timing details; developer must follow a completion schedule included in PUD approval; Zoning Administrator (Planning Director) will be responsible for ensuring approved schedule is met;
- Proposed Revisions to Ordinance proposed by LZC includes:
 1. Add language that explains can mix/ match bonus and benefits, but height and impact fee redux limited to 1 time only
 2. For Phased PUDs, required a performance bond for Public Benefits to be constructed in future PUD phases (beyond initial phase)
 3. Add to Application Process- Work Session required after application submitted but at least 2 weeks before 1st public hearing; listening session only for Planning Board, LZC, City Commission but public can ask questions.
 4. Add to Planning Board Review Criteria “The proposed PUD supports the adopted Growth Policy with respect to applicable goals, objectives and/or strategies identified in the Growth Policy”.
 5. Developer bonuses other than increased height must be developed proportionally with corresponding public benefit

Motion by Wojdylak to recommend approval of Staff Recommendation with the proposed revisions discussed above; Second by DeChellis. Vote 4-0, passed unanimously (1:42:15 mins)

6. Old Business

- Questioned status of developing Gateway Overlay District ordinance

7. Board Comments

8. Adjournment (7:28 pm)