



- Item:** Ordinance 3142 - An Ordinance assigning a zoning classification of R-6 Multi-family residential high density district to Smelter Avenue Apartments, legally described as Lot 4 Block 1, located in the NE¼ of Section 2, Township 20 North, Range 3 East, PM MT., Cascade County, Montana
- From:** Gregory Gordos, Planner I, Planning and Community Development
- Initiated by:** Farran Realty Partners – Jim McLeod
- Presented By:** Craig Raymond, Director of Planning and Community Development
- Action Requested:** City Commission accept Ordinance 3142 on first reading and set a public hearing for July 5, 2016.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3142 on first reading and set a public hearing for July 5, 2016.”

2. Mayor calls for a second, discussion, public comment, and calls the vote.

Recommendation: At the conclusion of a public hearing held on May 24, 2016, the Planning Advisory Board recommended the City Commission approve annexation of the subject property located at Lot 4, Block 1, Division Addition, and the Zoning Commission approved assigning a zoning classification of R-6 Multi-family residential high density district upon annexation into the City, subject to fulfillment of the following Conditions of Approval:

1. General Code Compliance. The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. Final build out of the project shall be in substantial compliance with the final approved site plan documents and drawings as approved by the City Commission.
3. The final engineering drawings and specifications for the required public improvements to serve Smelter Avenue Apartments shall be submitted to the City Public Works Department for review and approval prior to any building permits being issued by the City.
4. A Grading Plan, State Stormwater Discharges Associated with Construction Activities Permit, Dust Mitigation Plan, and Stormwater Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review

and approval prior to issuance of building permits.

5. Applicant shall submit proposed project drawings including site, architectural, landscape, signage and lighting plans as required for review and approval by the Design Review Board prior to submittal of permit plans.
6. The applicant shall meet all requirements of the City's Fire Department including providing internal driveway widths and internal driveway turning radii that accommodate access by large emergency vehicles prior to any building permits issued by the City.
7. An Improvement Agreement shall be prepared containing terms and conditions for development of the subject property including, but not limited to, agreement by application to the following:
 - A. The Owner understands on-street vehicle parking for all roadways abutting the subdivision is and will continue to be prohibited after annexation and development.
 - B. The Owner hereby agrees to install sidewalk on all street frontages abutting the subject property. Said sidewalk shall be installed in accordance with Title 17 - Land Development Code of the Official Code of the City of Great Falls after review and approval by the City Public Works Department. Said sidewalk may include curb and gutter and minor street repair, if required by the City Public Works Department.
 - C. The Owner hereby agrees to install safe, ADA accessible pedestrian crossings of 1st Avenue NW at Smelter Avenue NW and 18th Avenue NW, in compliance with direction from and review by the City Public Works Department, including but not limited to curb ramps, truncated domes, striping and signage. Said curb ramps may include some curb removal and replacement, as well as some roadway replacement/repair to ensure ADA compliance across 1st Avenue NW.
 - D. The Owner hereby agrees to loop a public water main through the subject property, including the addition of fire hydrants. The improvements shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. The portion of the water main (including fire hydrants) located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement. The improvement is to be maintained by the City.
 - E. The Owner hereby agrees to extend a public sanitary sewer through the subject property located along the south side of Lot 4. The improvement shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. The portion of the sanitary sewer main located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement. The improvement is to be maintained by the City.

The Owner agrees to install all on-site improvements required for the Development, prior to certificate of occupancy of any structure built upon the Subject Property, which shall be installed as shown on the final construction plans that are submitted to and approved by the City's Public Works Department. The on-site improvements shall include everything required to provide water, sanitary sewer, Low Impact Development stormwater management, and access. The Owner shall provide public utility easements for all required public utilities. The Owner will be

permitted temporary certificates of occupancy by the City on a building by building basis as each building is completed and inspected.

To date, staff has received one phone call from a resident with questions about the proposed development. These questions were strictly informational in nature.

Background: The subject property is located on the northwest side of the City of Great Falls, abutting Division Road to the east, 1st Street Northwest to the west, Smelter Avenue Northwest to the north and multi-family apartment complexes to the south. The subject parcel is an unincorporated enclave currently in the county; it is bound by incorporated property on three sides and by Montana Department of Transportation (MDT) property east across Division Road. The application is requesting annexation of the property within City limits and establishing the R-6 Multi-family residential high density zoning classification upon said annexation. The applicant is seeking to build a 216-unit apartment complex containing a clubhouse, pool, and other amenities priced at market-driven rates. The project has not been named by the applicant.

Annexation Request:

Representatives from the City's Public Works, Park and Recreation, Police, and Fire Departments have been involved in the review process for this application. All comments made by the above parties have been addressed by the applicant or in the conditions of approval.

The subject property is approximately 9.209 acres. The existing use of the site is vacant, undeveloped land, with Cascade County Mixed Use zoning. South of the site, multi-family units have been recently constructed by Accessible Space, Inc., Single-family residential neighborhoods are found to the north. MDT industrial uses are found to the east across Division Road; a traffic roundabout is at the northeast corner of the property. Riverview Elementary School and Riverview Park are neighboring the subject property immediately to the west.

A preliminary site plan (Exhibit E) as submitted shows nine (9), 24-unit buildings at an undetermined height and three stories each. Sixty-four carports are shown although the applicant has expressed interest in adding more. Four buildings surround the pool and clubhouse.

The applicant has requested the subject property receive R-6 Multi-family residential high density zoning designation upon annexation. Title 17 - Land Development Code, of the Official Code of the City of Great Falls (OCCGF), states the R-6 Multi-family residential high density zoning classification is:

Intended to accommodate multi-family units of the highest density allowed in the City. These districts are typically found close to work and leisure, and are close to the downtown.

The proposed R-6 zoning designation will permit high density residential units. This will have some impact to the surrounding area in terms of increased traffic, increased use of infrastructure, and impact the visual character of the site (as it will convert from a vacant lot to a fully developed 23.46 units per acre complex). However, staff finds the proposed use is compatible with the existing, adjacent uses and that the development will provide a transition between the MDT industrial and commercial use, existing multi-family, and single-family homes to the north of the subject property. It is anticipated that development of this lot will be similar in character to the lots south of the subject property that have the same zoning.

Review Criteria:

17.16.40.030 - Basis of decision.

The Zoning Commission/Planning Advisory Board recommendation and the City Commission's decision shall at a minimum consider the following criteria:

The amendment is consistent with and furthers the intent of the City's growth policy;

The proposed application is consistent with the City's growth policy. In terms of the *2013 Growth Policy Update*, the proposed project will provide more diversity in terms of housing stock and rental choices, meeting an existing demand and need in the City.

This project supports the Social, Environmental and Physical portions of the Growth Policy, specifically the goals and principles to; 1) encourage a safe, adequate and diverse supply of housing and fair housing opportunities in the City; and 2) develop new and diverse housing supply throughout the City, including single-family residential and multi-family housing.

Additional supportive Policies that this project is consistent with include:

Social - Housing

- Soc1.4.1* Work with the private sector and non-profits to increase housing opportunities in the city.
- Soc1.4.2* Expand the supply of residential opportunities including single family homes, apartments, manufactured homes and assisted living facilities.
- Soc1.4.6* Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.
- Soc1.4.12* When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.
- Soc1.4.13* Protect the character, livability and affordability of existing neighborhoods by ensuring that infill development is compatible with existing neighborhoods.

Environmental – Urban Form

- Env2.3.1* In order to maximize existing infrastructure, identify underutilized parcels and areas with infill potential as candidates for redevelopment in the City.
- Env2.3.5* Prioritize and implement sidewalk installation and repair in the City based on safety concerns, safe routes to school, and the needs of special populations in the community.

Physical - Land Use

- Phy4.1.3* Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.
- Phy4.1.4* Foster the development of safe, walkable neighborhoods, with a mix of uses and diversity of housing types.
- Phy4.2.3* Inventory the City's enclaves and develop a cost-effective approach for addressing their long-term status in the City.
- Phy4.3.10* Support stormwater conveyance that are acceptable to the Department of Public Works, methodically sound, avoids adverse impacts to affected property owners, and water quality.
- Phy4.4.2* Support efforts and programs that seek to improve school crossings, pedestrian access and the safety of those enroute to and from schools.
- Phy4.7.5* Require all annexation to demonstrate a commitment to meet the City's development standards, including connecting to the City water and waste water service. This commitment may be demonstrated through the implementation of the conditions stated in the applicable annexation agreement and or developer's agreement.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth, while at the same time encourages the development of underutilized or vacant land.

The amendment is consistent with and furthers adopted neighborhood plans, if any;

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #3. The applicant's representative met with that Council on February 2, 2016. The Council's minutes are attached as Exhibit F.

The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan, and sub-area plans.

The area that this project is located in does not have a set of planning documents beyond the Growth Policy that assess existing conditions and/or provide recommendations for the area. The applicant, through TD&H Engineering, has completed a traffic analysis (see Exhibit G) and has determined that the proposed project will increase traffic in the area, but not to an extent that will exceed capacity of the adjacent roadways. Additionally, Route #5 buses for the Great Falls Transit District currently run down 1st Street Northwest. As a result, the proposed project is compatible with the City's Long Range Transportation Plan.

The code with the amendment is internally consistent;

As proposed the project is consistent with the OCCGF and is consistent with applicable zoning code and regulations. The project is subject to review by the Planning and Community Development Department and the Design Review Board, for consistency with applicable codes prior to construction. Recently approved, adjacent properties to the south are zoned R-6 Multi-family high density.

The amendment is the least restrictive approach to address issues of public health, safety, and welfare;

The City does not anticipate an increased concern related to this project regarding public health, safety and welfare. The proposed project will meet a need in terms of providing a wider range of rental choices and housing stock.

In this location, the R-6 districts (including the adjacent Voyager Apartments) serve as a transition between commercial development along 3rd Street Northwest to the south/southeast and single-family residential development to the north of the site across Smelter Avenue Northwest. The introduction of a new multi-family project, with amenities, serves a need in the community and will complement the need of both families and professionals on the northwest side. The subject property is adjacent to Riverside Park and Riverside Elementary School for education and recreation. A Housing Study commissioned in 2015 for the 2015-2019 Comprehensive Plan submitted to U.S. Housing and Urban Development Department specifically addresses the market need for higher-end rental units to provide housing choice to residents who (at present) may choose apartments of a lower quality than they are willing to pay for (Johnson Economics LLC. 2015).

Additionally, the annexation of the entirety of Lot 4 into the city limits of Great Falls fulfills the Growth Policy goal of reducing unincorporated enclaves within the City.

Staff finds the zoning amendment allows for reasonable development and is the least restrictive approach to address issues of public health, safety, and welfare.

The City has or will have the financial and staffing capability to administer and enforce the amendment.

The City has the financial and staffing capability to administer and enforce the zoning amendment. The property is well served with infrastructure and nearby services, so it presents no unusual issues for City staff administration nor does it create future capital project needs.

Improvements:

Transportation

Vehicles accessing the proposed development would use either the Division Road or 1st Avenue South entrances, potentially making turns from Smelter Avenue Northwest. The adjoining major roadways have capacity for the additional traffic, but no additional traffic control has been recommended in the Parking & Traffic Study Report (Exhibit G). Using a trip generation rate from the ITE Trip Generation Manual (9th Edition), a development of this size and type (216 apartment units) would be expected to generate an average of 6.65 trips per occupied dwelling unit on a weekday. Average rates result in 718 daily trip ends per access, 55 in the a.m. peak hour, and 67 in the p.m. peak hour. See Exhibit G for full traffic analysis information.

Planning and Community Development staff provided the following comment to the applicant from their preliminary review for traffic:

In the Quarterly City/MDT meeting, MDT expressed concerns, and felt that a west bound, left turn lane at Smelter and 1st Street NW was needed. Their concern is the volume of traffic, especially when Riverview Elementary is letting out.

In response, a supplemental study to the Parking & Traffic Study was completed by the applicant's consultant. Chris Ward of TD&H Engineering worked with MDT for traffic counts targeted at the intersection of 1st Street Northwest and Smelter Avenue Northwest. As part of this supplemental study, the results determined no further action on either road was warranted. In addition, the MDT Traffic Unit in Helena, Montana, reviewed the information and stated via email that MDT reviewed all the information presented and did not have any further comments to provide.

Parking is provided exclusively onsite; there are 319 surface parking spaces provided and 64 carports as proposed. This amounts to 383 total automobile parking spaces. No parking for bicycles is currently shown but is recommended by staff, and important given the high density nature of the project. The current site plan shows 59 spaces above the minimum 324 required parking spaces when measured at 1.5 spaces per unit. For residential developments, a net lot coverage requirement of 50% on the site in turf grass or ground cover plants may require deviation from the number of spaces currently provided in order to meet requirements under Title 17 - Land Development Code. Per the most up to date Improvement Agreement, on-street parking shall be prohibited on all adjacent streets.

Utilities

The preliminary utility layout has been attached to the Improvement Agreement as Exhibit A of that document. Items addressed include hydrant placement, internal sanitary, storm, and water lines, and utility easements for said lines within the property. The final engineering drawings and

specifications for the required public improvements to serve the subject property shall be submitted to the City Public Works Department for review and approval prior to any building permits being issued by the City.

Stormwater

The Owner is required to utilize Low Impact Development (LID) best management practices and structural controls for meeting onsite stormwater management requirements. Practices include, but are not limited to, minimizing impervious cover, utilizing natural drainage, and bioretention.

Public Works provided the following comments from their preliminary review for stormwater:

According to our current (January 2015 - December 2016) Municipal Separate Storm Sewer General Permit (MTR 040000) Part II.B.5.a.vii., new development projects greater than or equal to one acre, (when such practices are practicable), shall implement low impact development practices that infiltrate, evapotranspire, or capture for reuse (i.e. retain) the runoff generated from the first 0.5 inches of the rainfall from a 24-hour storm preceded by 48 hours of no measurable precipitation.

The surface geology maps indicate favorable conditions for infiltration of stormwater, yet the proposed detention pond does not appear to meet the above retention standard. Site plans and accompanying engineering report will need to clearly identify:

- *The total run-off volume from the site that constitutes the first half inch of the 24 hour event,*
- *Total retention volume of the proposed pond and/or ancilliary retention facilities (underground retention is an also an option to conserve space)*
- *The drain-down rate for the retained volume, and*
- *The supporting analysis that demonstrates the proposed facilities meet the above retention standard. OR*
- *Provide a detailed description and analysis supporting the conclusion that the required retention volume is not achievable at this site, and*
- *Provide the design treatment\removal efficiency for treatment system(s) and low impact development techniques intended to be used in lieu of the required retention treatment standard.*

Public Works-Environmental Division will review and approve the construction Stormwater Pollution Prevention Plan (SWPPP). Our review does not replace review and permitting required by the Montana DEQ, if applicable; however, submitting the DEQ stormwater permit application form NOI to the City is acceptable. We look forward to receiving the construction SWPPP at least 10 days (and preferably 30 days) prior to construction at the site.

A stormwater detention pond is located on the southeast corner of the site plan (Exhibit E).

Conclusion and Recommendations:

The proposed development would provide a housing alternative to residents of the northwest side while removing a vacant unincorporated enclave. The existing transportation network is expected to have sufficient capacity to accommodate the proposed development's traffic. However, to facilitate and encourage non-motorized and Transit usage, the following conditions are provided:

- 1) The developer will provide bike racks onsite at each building.
- 2) The Owner hereby agrees to install safe, ADA accessible pedestrian crossings of 1st Avenue NW at Smelter Avenue NW and 18th Avenue NW, in compliance with direction from and review by the City Public Works Department, including but not limited to curb ramps, truncated domes, striping and signage. Said curb ramps may include some curb removal and replacement, as well as some roadway replacement/repair to ensure ADA compliance across 1st Avenue NW.
- 3) At a minimum one (1) concrete bus stop pad with shelter will be constructed, along with signage, in a location agreed upon by the Transit District and the City Planning and Community Development Department. Further analysis and dialogue with the Transit District will determine the location and final number of stops installed.

Concurrences: The legal counsel of each party has been involved throughout the drafting, review, and approval process for this Improvement Agreement.

Fiscal Impact: The Development Agreement identifies the obligations, including financial, for each party, with the terms and conditions that those obligations shall be executed. Moreover, providing services is expected to be an additional cost to the City. Any increased costs may be covered by increased tax revenues from improved properties.

Alternatives The City Commission could deny acceptance of Ordinance 3142 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments:

- Exhibit A - Application
- Exhibit B - Aerial Photo
- Exhibit C - Zoning Map
- Exhibit D - Site Photography
- Exhibit E - Preliminary Site Plan
- Exhibit F - Neighborhood Council #3 February 2, 2016 minutes
- Exhibit G - Traffic & Parking Study Report
- Exhibit H - Improvement Agreement
- Exhibit I – Ordinance 3142

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Jana Cooper, TD&H Engineering, Jana.Cooper@tdhengineering.com
Jim McCloud, Farran Realty Partners, jmcleod@farranco.com

Exhibit A: Application Form

CITY OF GREAT FALLS
 PLANNING & COMMUNITY DEVELOPMENT DEPT.
 P.O. Box 5021, GREAT FALLS, MT, 59403-5021
 406.455.8415 • WWW.GREATFALLSMT.NET

DEVELOPMENT APPLICATION

Smelter Ave. Apartments

Name of Project / Development:

Farran Realty Partners - Jim McLeod

Owner Name:

101 E. Front Street, Suite 304
 Missoula, MT 59802

Mailing Address:

406.541.4653

jmcleod@farranco.com

Phone:

Email:

TD&H Engineering - Jana Cooper

Representative Name:

1800 River Drive North, Great Falls, MT 59401

Mailing Address:

406.761.3010

jana.cooper@tdhengineering.com

Phone:

Email:

PROPERTY DESCRIPTION / LOCATION:

Mark/Lot:	Section:	Township/Block:	Range/Addition:
Lot 4	02	Block 1/R20N	Division Addition R3E
N/A			

Street Address:

ZONING:

LAND USE:

County	R-6	Vacant	Multi-family
Current:	Proposed:	Current:	Proposed:

I (We), the undersigned, understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (We) further understand that public hearing notice requirements and associated costs for land development projects are my (our) responsibility. I (We) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Property Owner's Signature:

Representative's Signature:

Date:

Date:

Exhibit B: Aerial Photo

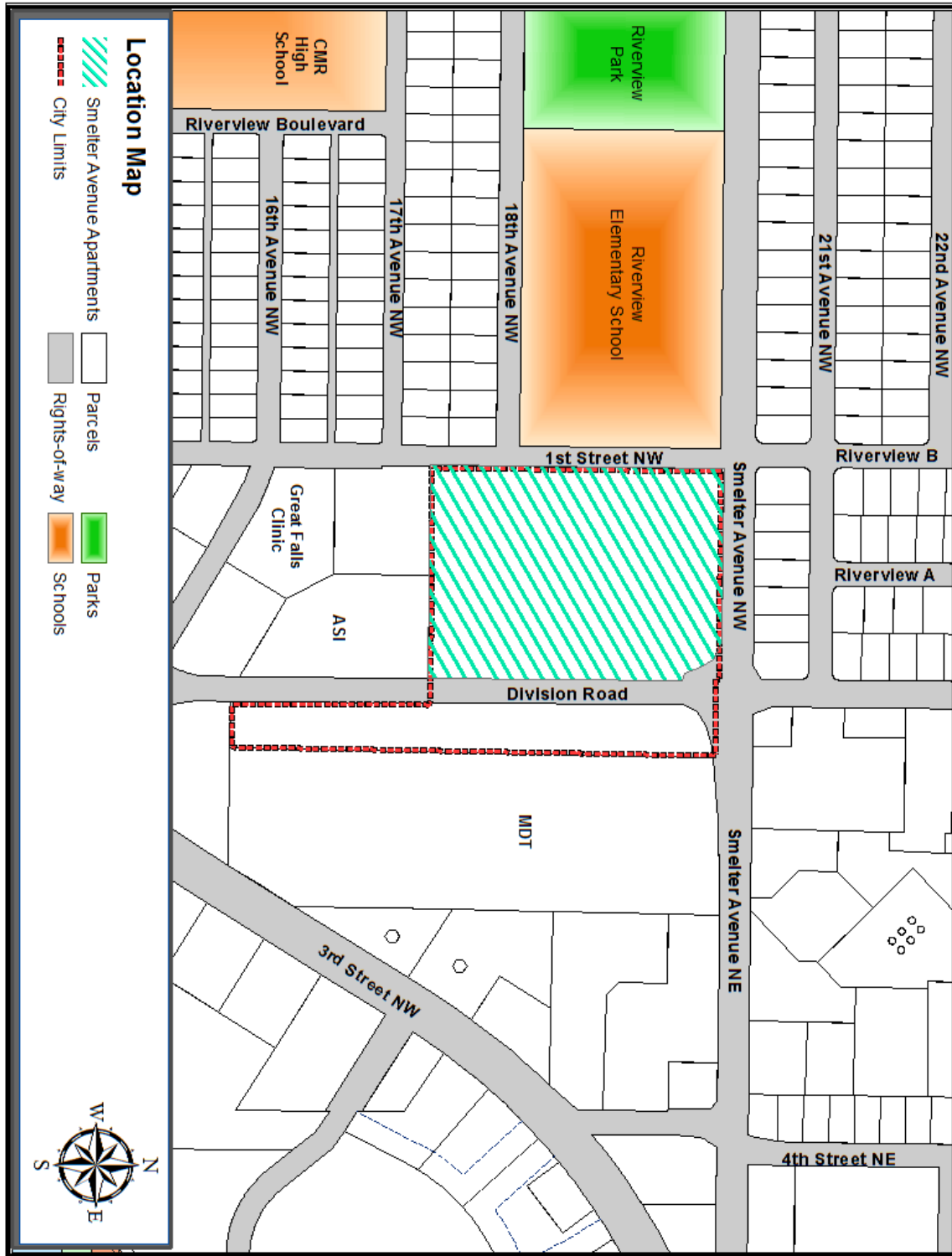
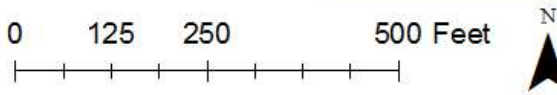
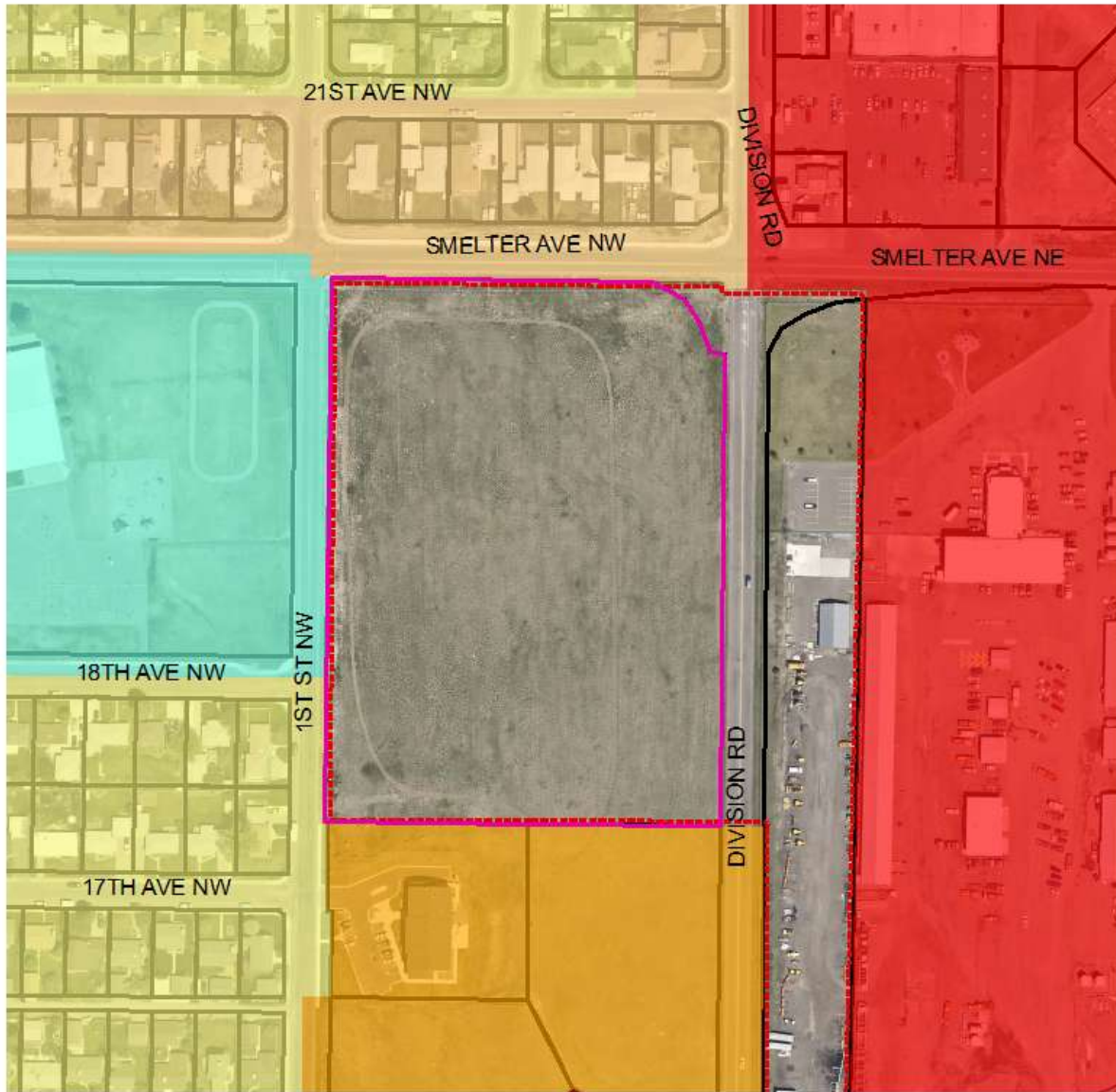


Exhibit C: Zoning Map



Subject Property	R-10 Mobile Home Park	M-2 Mixed-use Transitional
Parcels	PUD Planned Unit Development	I-1 Light Industrial
R-1 Single-family Suburban	C-1 Neighborhood Commercial	I-2 Heavy Industrial
R-2 Single-family Medium Density	C-2 General Commercial	PLI Public Lands and Institutional
R-3 Single-family High Density	C-3 Highway Commercial	POS Parks and Open Space
R-5 Multi-family Medium Density	C-4 Central Business Core	AI Airport Industrial
R-6 Multi-family High Density	C-5 Central Business Periphery	U Unincorporated Enclave
R-9 Mixed Residential	M-1 Mixed-use District	

Exhibit D: Site Photos



**1. Looking north along Division Road,
adjacent to Voyageur Apartments site**



**2. Looking east along 1st Street Northwest;
adjacent multi-family uses visible**



3. Looking east at the intersection of 1st Street Northwest and Smelter Avenue Northwest



4. Looking northwest across the subject property; single-family homes in background

Exhibit E: Preliminary Site Plan



Exhibit B - Conceptual Site Plan
SMELTER AVENUE MULTI FAMILY SCHEMATIC SITE PLAN
 Great Falls, Montana

Minutes Neighborhood Council District 3 (NC3)

Thursday, February 4, 2016 at 7 PM

Music Room at Riverview School

Call to Order: Terry Thompson, Chair, called the meeting to order at 7:00 p.m. Council members present: Cyndi Baker, Jana Cooper, Andrea Dean, and Kathleen (Kathy) Gessaman.

Unfinished Business:

• **Bylaws:** Kathleen G. moved to accept the following underlined changes to the Secretary's position in the NC3 Bylaws that were approved by Sara Sexe, City Attorney, via email:

“Secretary: The Secretary shall maintain all written records as required by the Bylaws and produce all written communication as directed by the Council membership. At the option of the Secretary, the production of the meeting minutes may be rotated monthly among all the Council members; the Secretary shall remain responsible for ensuring the minutes are filed with the Neighborhood Council Liaison/Coordinator. If no Council member agrees to be Secretary, the position shall be rotated monthly among all of the Council members with all members jointly sharing responsibility for filing the minutes.”

Jana C. seconded the motion. The motion passed 5-0. The approved Bylaws will be dated 2-4-2016.

• **Minutes:** Jana C. moved to accept the minutes of the January 7, 2016 NC3 meeting; Cyndi B. seconded. The motion carried unanimously.

• **Committee Reports:** Terry T. reported on the 1-26-16 Council of Councils meeting; there were reports on the Holman Building petition, the status of the Rocky Mountain Building downtown, and the work volunteers do for the Police Dept by the Police Dept. volunteer coordinator. Commissioner Fred Burow also mentioned Mayor Bob Kelly would like each Neighborhood Council to attend a scheduled Commission Work Session for 10-15 minutes to update the commissioners on neighborhood concerns – Patty Cadwell will schedule. Kathy G. reviewed some of the 2-2-16 City Commission agenda items of interest to NC3: the approval of an amended plat and conditional use permit for a new townhouse at 114 2nd St NW; Calumet's withdrawal of its appeal of it's effluent discharge permit and dismissal of the stay; and staff at the City-run Animal Shelter and the Maclean Animal Adoption Center opening a dialogue with a hopes of collaborating in the future. Jana C. reported the 1-12-16 Planning Advisory board/Zoning Commission meeting was cancelled and at the 1-26-16 Planning/Zoning meeting, Andrew Finch, Senior Transportation Planner, discussed the transportation improvement report. Cyndi B. said the next Police Advisory meeting would be on 3-17-16. Cyndi also reported on the 2-4-16 School Board meeting and noted the GFPS District does not plan to take any parkland for school use but plans to use some of the grass area north of GFHS for the expansion of high school parking.

• **Calumet Refining Update:** Hadley Bedbury said Calumet is closer to final startup and introduced Jack, Calumet's safety manager, who is coordinating with the Fire Rescue group and others about the startup. Jack said the blue flame out of the taller flare stack is hydrogen burning and is a normal part of the startup. The new Crude unit started up about six days ago and is ramping up. The Hydrocracker is undergoing a final test on the flare relief system, which may involve a flare and 100-130 decibels noise for about three minutes. Calumet is keeping Fire Chief Hester and the GF Fire Dept. informed about the refinery startup schedule. Kathy G. asked if the new taller flare stack will be used just for emergencies; Hadley said it is a secondary flare and will be used during startup or shutdown while the smaller stack will used for routine operation.

New Business:

Brownstone Apartments: Jana Cooper recused herself from the Council and represented TD&H for the proposed Brownstone project to be located on about ten acres south of the roundabout on Smelter Ave, north of the new Voyager Apartments, and west of the State Highway complex. Jana introduced Jim McLeod a partner with the Farran Group; the Talus Apartments is one of their developments. Jim said his group wants to build

216 apartment units on the property. The development will have nine three-story buildings with mostly studio, 1-bedroom, or 2-bedroom apartments for young professionals and 24 3-bedroom units for families. The main entrance for the development will be off Division Road. Jim said the development will be zoned R-6 and noted all the property south of the project is zoned R-6 and the property to the north across Smelter Ave is zoned R-5. Answers to some of the Council questions: Jim is a Butte native and a Griz fan; the Farran Group is based in Missoula; they will check into a crosswalk from the apartments to Riverview School at 18th Ave NW; Galen at City Planning also asked about solar collectors on the carport rooftops; the price of the apartments depends on location and square footage and will start at \$700/month; the drawings show 373 parking places (324 spaces are required); 12 to 14 month build out; presently the Farran Group doesn't plan to convert any of units to condos; the current building regulations make most new buildings very efficient; the lighting will be efficient and night sky friendly; Jana is working on the landscaping; they'll consider community gardens in the retention pond area; etc. **Cyndi B. moved to approve the proposed Brownstone Apartment development and Kathy G. seconded. The motion carried 4-0 (Jana C. abstained).**

Park Master Plan Planning: A recused Jana C. said PROS hired TD&H as consultants for the Great Falls Park Master Plan update; the previous Master Plan was produced in 1995. Jana asked the NC3 group for feedback on three questions: 1) Park Facilities Features [people liked open space in parks for playing team sports, walking; Gibson/Elk Riverside Parks had many amenities like paved trails, restrooms, pond, basketball, skate park, tennis, picnic areas with tables and benches, etc.; all the pools - Natatorium, Mitchell pool, water park, and Jaycee pool; multi sports complex – baseball, soccer; and River's Edge Trail] 2) Programs and Services [the group liked having many sport opportunities like golfing, tennis, softball; swimming lessons; sharing parks with private groups like soccer, football, etc.; children's programs with the Park & Rec. Dept.] 3) Top Unmet Needs [natural grass dog park across from Skyline School; cleaner water in Gibson Pond – run the river water directly through the pond; more park benches and tables for parents/grandparents to watch children; well maintained grass; and more coordination with neighbors adjacent to the parks to get their input.]

Petitions and Communications:

Ron Gessaman (1006 36th Ave NE) said he heard that Calumet and BNSF wanted to close the rail crossing at 4th St NE, which provides access to the Sewer Plant, River's Edge Trail, West Bank Park, etc. Patty Cadwell suggested NC3 add this item to its March agenda and invite Andrew Finch to discuss the issue.

Terry T. asked Neil Fortier, Director of Real Estate Development at NeighborWorks Great Falls (NWGF), how the Thaniel Addition was progressing. Neil said four families qualified so far for the NWGF Self Help program in the addition, eight foundations are installed, two houses have roofs, two have walls up, two more have the rafters installed, and they still hope to have ten houses finished by the end of September. Andrea D. asked about the lift station; Neil said the DEQ still must approve the streets and infrastructure before contractors can be hired. Jana said the houses wouldn't get approval to be occupied until the lift station is completed. Neil said 41st Ave NE will be developed first and then 40th Ave NE and Division would be last. Neil said NWGF has added two more floor plans for people to choose from and more will come later.

Patty C. will arrange for Council members and neighbors in NC3 to attend one of the Commission Work Sessions. Terry said she would be in Texas in March; Cyndi B. said she could Chair the meeting if the School Board meeting didn't run too long. Kathy G. agreed to Chair the meeting until Cyndi arrived.

Other Business:

Agenda item for March 3, 2016 NC3 meeting: Invite Andrew Finch to discuss the possible closure of 4th St NE, access to West Bank Park and River's Edge Trail if rail expansion occurs behind "Westgate Mall," etc.

Andrea D. moved to adjourn at 8:30 p.m. and Cyndi B. seconded. The motion passed unanimously.

Respectfully submitted by Kathleen Gessaman

PARKING & TRAFFIC STUDY REPORT SMELTER AVENUE APARTMENTS GREAT FALLS, MONTANA

MARCH 2016

FOR BROWNSTONE CAPITAL, INC.
101 EAST FRONT STREET, SUITE 304
MISSOULA, MT 59802



*Great Falls • Bozeman • Kalispell • Shelby, Montana
Spokane, Washington • Lewiston, Idaho
Watford City, North Dakota • Media, Pennsylvania*

1800 River Drive North • Great Falls, MT 59401 • (406) 761-3010

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EXHIBITS

- A** Aerial
- B** Conceptual Site Plan

1.0 PROJECT BACKGROUND

Farran Realty Partners, LLC (Farran) is proposing to develop a ±216 unit apartment complex on approximately 9.21 acres that is generally located on the southwest corner of Smelter Ave NE and Division Road, in Great Falls, MT, see Exhibit A. A preliminary site plan was provided to the City of Great Falls Planning Department in January, 2016, see Exhibit B. A pre-application meeting was held on January 21, 2016 and based on the information provided by Farran at that meeting, the City determined it was necessary to for the developer to provide additional information related to traffic and parking impacts of the proposed development. Specifically, the City requested the developer:

Provide an analysis of the impact of the entrances of the proposed development upon traffic movements at peak-hour on Division Road. Specifically, quantify projected north-bound delays, if any, due to north-bound left turn movements on Division Road at AM and PM peaks.

Also, note that current configurations of 1st St NW, Division Rd and Smelter Ave NE prohibit parking adjacent to the proposed site, and this will be continued. Given the large size of the apartment complex, the mix of unit sizes and the lack of on-street parking or other off-site parking options, the complex must accommodate all parking demand upon their site, above and beyond the basic code requirement, which doesn't take the abovementioned into consideration. Therefore, a parking demand study will be required, with analysis and comparison of this complex to the actual demand of similarly situated developments.

Email from Galen Steffens dated 02/16/16

TD&H Engineering was hired to complete the above mentioned impacts studies. This report includes the findings for both the traffic impacts and the parking impacts as requested by the City of Great Falls.

2.0 TRAFFIC IMPACT ANALYSIS

2.1 Site Description

The site consists of nine three-story apartment buildings with a total of 216 dwelling units. The site has two proposed accesses, one in the middle of the east side of the site on Division road about 400 feet south of the roundabout at Smelter Ave NW (Main Entrance) and one on the southwest corner of the site onto 1st Street NW (West Access). Parking is provided on site in a mixture of open and carport spaces.

2.2 Non-Site Traffic

The City of Great Falls conducts regular average daily traffic counts on Division Road, just north of 16th Ave NW, Map Ref. No. 188, about 1000 feet south of the proposed Main Entrance. City records between 2003 and 2011 indicate an average of 2754 ADT on Division Rd.

2.3 Site Traffic Generation

ITE Trip Generation, 9th Edition, was consulted for average trip generation rates for residential land uses. Trip Generation relies on studies that generally reflect free standing developments in suburban areas heavily served by vehicular trips. Due to the close proximity to schools and shopping, average rates are likely to be a conservative assumption at this site. Trip Generation lists land use 223, Mid-Rise Apartment as being applicable to rental buildings having between three and 10 levels. Reported rates are more similar to those for land use 222, High-rise apartment. For this development average rates for land use 220, Apartment, can be used. The generation rates are somewhat higher than for mid-rise or high-rise apartment land usages. The average rates are 6.65 vehicle trip ends per dwelling unit on a weekday, 0.51 per hour for the peak a.m. hour of the adjacent street, and 0.62 for the peak p.m. hour of the adjacent street.

2.4 Trip Assignment and Distribution

There are no particular factors that can be expected to cause users to favor one site access over another. Most drivers will be familiar with the site and use the access that appears most convenient. Both driveways provide good access to the street grid. 1st St NW is likely to have lower traffic and may appear more appealing due to less likelihood of delay (count location 272, 16th Ave NW, just west of Division Rd, indicates traffic about 2/3 that on Division), and the Main Entrance has some landscaping features that may cause congestion, generally leading to the conclusion that drivers would be likely to favor the West Access. However, we make the conservative assumption that traffic will use the nearest access to the generating building and as such buildings 3, 5, 6 and 9 are assigned to the West Access; 1, 2, 4 and 8 to the Main Entrance; and building 7 split evenly between both accesses. As such each access will receive trips generated by 50% of the dwelling units or 108 units. Average rates result in 718 daily trip ends per access, 55 in the am peak hour, and 67 in the pm peak hour.

Traffic exiting the site and heading south on either Division or 1st Street NW can reach 3rd Street NW, most likely by use of the unsignalized intersection with 16th Ave NW. This direction reaches downtown Great Falls west of 8th St, and nearby west side shopping areas (estimated as 35% of site traffic). Traffic headed north from the site accesses can either continue west on Smelter Ave. to reach I-15 and shopping areas to the west such as Marketplace (estimated as 15% of site traffic), or east on Smelter to reach North Middle School, Walmart, and the bulk of Great Falls 9th St and

east including Benefis and Malmstrom Air Force Base (estimated as 50% of site traffic). The movement that is the subject of the study is the left turn into the Main Entrance. 35% of the trips have origins or destinations served by the left turn.

2.5 Site Access Analysis

The Highway Capacity Manual does not provide a specific method for analyzing delay at midblock left turns. The MDT traffic manual provides charts for evaluating warrants for left turn lanes based on traffic volumes, however the lowest speed range evaluated is 45 mph. Division Road is an urban street where a design speed of 30 mph is appropriate. However, because the threshold volumes decrease as design speed increases, use of the 45 mph chart is conservative for a location with a 30 mph design speed as a screening technique.

Directional design hour volume is the average daily traffic times K (peak hour proportion) and D (peak direction proportion). In urban areas values of D can be in the range of 60%. Values for K are typical around 10%. Thus direction design hour volume is around 6% of the daily traffic. It can be assumed that the southbound direction on Division, away from residential areas, is heavier in the am peak and northbound heavier in the pm peak. Thus the opposing volume for the left turn is 165 ($0.06 * 2754$) in the am design hour, and 110 ($0.04 * 2754$) in the pm design hour.

Assuming this 60/40 split, in the pm peak hour we have an advancing volume of 165 and an opposing volume of 110 on Division. Using figure 28.4F in the MDT Traffic Manual, for 45 mph design, these volumes fall comfortably in the range of "Left-Turn Treatment Not Necessary."

For land use 220, Trip Generation reports a directional distribution of 20% entering in the am peak hour and 65% entering in the pm peak hour. As a result the left turn volume is 4 vehicles in the am peak hour ($55 \text{ vph} * 35\% \text{ of site traffic} * 20\% \text{ entering}$) and 15 vehicles in the pm peak hour ($67 \text{ vph} * 35\% * 65\% \text{ entering}$). Capacity calculations are typically based on analysis using the flow rate from the peak 15 minutes. A peaking factor of 80% is conservative for an urban area. Thus the peak flow rate in the pm hour would be approximately 19 left turns per hour with an advancing volume of 138 vehicles per hour. Due to the roundabout north of the site access, headways of vehicles reaching the Main Entrance should be fairly evenly distributed, arriving on average about every 26 seconds. MDT Road Design Manual, figure 13.4L gives the design gap acceptance time for a passenger car making a left turn as 5.5 seconds. As the average gap in advancing traffic significantly exceeds the time required to execute a left turn, delays for left turning vehicles can be expected to be minimal. This provides a confirmation of the finding using the volume guidelines that a dedicated left turn lane is not warranted at the Main Entrance site access on Division Rd.

3.0 PARKING DEMAND STUDY

The City of Great Falls Land Development Code (LDC) is typically utilized to determine the required number of parking spaces for a development project. Per the LDC (Title 17, Chapter 36) for a multi-family residential development 1.5 parking spaces per dwelling unit are required. In this case, the City has a concern that this will not be adequate due to the mix of unit sizes and lack of on-street or other off-site parking options. For a 216, unit apartment complex the typical required parking would be 324 parking spaces. Of the 324 required, it should be noted that 8 of these spaces are required to be ADA accessible. Additionally, the City of Great Falls allows for up to 5% or maximum of 10 spaces reduction in parking for providing bicycle parking.

In order to determine actual parking demand a number of resources were researched including:

1. Comparison of Montana Cities Multi-Family Residential Standards
2. National Best Practices, Planning Trends & Standards
3. Similarly Designed Developments (2 were researched)

3.1 Comparison of Montana Cities Multi-Family Residential Standards

First, an analysis of parking standards for similarly sized communities in Montana was completed. Five cities were researched and include: Billings, Bozeman, Butte, Helena & Missoula.

Billings Residential Parking Requirements:

One-Bedroom – 1 spaces per unit

Two or more Bedrooms – 1.5 spaces per unit

If the proposed development were being developed in Billings 264 spaces would be required.

Bozeman Residential Parking Requirements:

Efficiency Unit – 1.25 spaces per unit

One-Bedroom – 1.5 spaces per unit

Two-Bedroom – 2 spaces per unit

Three Bedroom – 3 spaces per unit

If the proposed development were being developed in Bozeman 384 spaces would be required. It should be noted that, per Bozeman code, there are a few instances where the developer can request a reduction in parking, where residents are prohibited from driving and for affordable housing projects, but neither of these instances would apply to the proposed development.

Butte Residential Parking Requirements:

Residential multifamily dwelling – 1.5 parking spaces per dwelling unit.

If the proposed development were being developed in Butte 324 spaces would be required.

Helena Residential Parking Requirements:

Residence, multiple-dwelling units (3 or more units) – 1 space per dwelling unit.

If the proposed development were being developed in Helena 216 spaces would be required. It should be noted that a twenty percent reduction in the total number of off street parking spaces is permitted in Helena if a city approved transit stop is located within three hundred feet of the property or if other transportation services are provide to and from the property.

Missoula Residential Parking Requirements:

Multi-dwelling unit (2,000 sq. ft. or more) – 2 spaces per dwelling unit

Multi-dwelling unit (850 sq. ft. – 1,999 sq. ft.) – 1.5 spaces per dwelling unit

Multi-dwelling unit (under 850 sq. ft.) – 1 spaces per dwelling unit

If the proposed development were being developed in Missoula 312 spaces would be required, since floor plans for the proposed development have not been completed the assumption was made that efficiency units would be under 850 sq. ft., one & two bedroom units would be between 850-1,999 sq. ft. and three bedroom units would be 2,000 sq. ft. or more.

The standard 324 parking spaces required by the City of Great Falls seems reasonable in line with the requirements of other similar communities around the state of Montana.

3.2 National Best Practices, Planning Trends & Standards

In assessing national standards and best practices it is important to consider that every development and community across the country is different, what works as a best practice for an area like San Francisco should be considered, but not necessarily applied as a best practice for Great Falls, Montana. The following is information gathered to help guide the City in its decision on the requirements for parking for the Smelter Avenue Apartment project.

Parking demand refers to the amount of parking that would be used at a particular time, place and price. Parking demand is affected by vehicle ownership, trip rates, mode split, duration (how long motorists park), geographic location, the quality of travel alternatives, type of trip, and factors such as fuel and road pricing.

Victoria Transportation Policy Institute, www.vtpi.org

A standard of practice in determining the appropriate amount of off-street parking is to use information from the *Institute of Transportation Engineers* (ITE) as a guide for developing standards. According to both the “Transportation and Traffic Engineering Handbook, Second Edition”, published by the *Institute of Transportation Engineers* and “Special Report 125, Parking Principles”, published by the *Highway Research Board* the following is recommended for multi-family residential parking:

Efficiency: 1 parking space per dwelling unit

1-2 Bedroom: 1.5 parking spaces per dwelling unit

3 or more Bedrooms: 2 parking spaces per dwelling unit

ITE notes that the demand listed is based on studies conducted in locations where few transportation alternative exist and the parking regulations reflect an 85th percentile demand standard, which means that 85 out of 100 sites will have unused parking supply even during peak periods. This approach will help prevent spillover parking in all but extreme cases, but will also

leave a large supply of parking to sit vacant most of the time. It is recommended that using these standards alone should be considered on a case, by case basis.

According to “Parking Solutions, PAS Essential Info Pack”, by the American Planning Association (2009).

The amount of parking provided for the range of land uses in a community is an important link between land use, transportation, design, and environmental quality. Not only is thought given to matching the amount of off-street parking required by municipal zoning codes to the actual parking demand, but planners and policy makers increasingly pay attention to the ways in which an excess supply of free or inexpensive parking influences demand and creates externalities.

And;

Much recent parking literature argues that excessive parking supply discourages alternative modes of transportation, reduces density, increases the cost of development, creates an uninviting built environment, and degrades the natural environment (e.g., by increasing polluted stormwater runoff into area water bodies, increasing air pollution by inducing automobile travel, and contributing to urban heat islands). While benefits may accrue from minimizing the amount of off-street parking, downsizing minimum parking requirements may be a tricky proposition in many communities due to the feared impact on other community objectives.

The report also suggests that the most effective way to analyze demand is to get out into the community and record information. In terms of residential parking requirements the paper notes that, like Great Falls, parking requirements are expressed as a ratio related to the number of dwelling units. Further, the report states that, “communities should be mindful of the impact standards may have on housing affordability”. Requiring excessive amounts of parking will ultimately drive the cost of development and housing affordability up.

There is further information provided in “Parking Management Best Practices: Making Efficient Use of Parking Resources”, by Todd Litman that suggests parking amounts from the standards recommended by ITE should be adjusted/reduced based on certain factors, for Residential Density, for example, parking should be reduced by 1% for each resident per acre, reduce parking by 15% where there are 15 residents per acre and 30% if there are 30% per acre. It should be noted that Mr. Litman also recommends a contingency plan, because it is impossible to predict future demand precisely, which means that planners identify solutions that can be deployed if needed in the future. This gives decision makers confidence that any future problems will be solved.

Nationally, it appears there is a trend to reduce the amount of required parking and approach parking standards for communities and developments with a “right-sized parking” approach, where parking standards are developed based not solely on the published ITE standards, but also consider location, proximity to transportation alternatives, walk/bike-ability of the area, demographics of the project, potential for shared parking, etc.

In applying these principles to the proposed project, specifically, it can be noted that the development is in close proximity to amenities including two grocery stores, schools (elementary & high schools), healthcare and employment opportunities. Additionally, there is a bus route that runs along the north and west sides of the site that offers a public transportation option.

Consideration for this project should also be given to the political and social climate of Great Falls, Montana. A complete streets policy was developed by members of the community and recommended in 2012, which was not adopted by the City Commission. From this we may ascertain that there conflicting points of views within the City and can thereby assume that Great Falls may not be ready to allow, politically, a reduction in the amount of required parking in a large multi-family development, based on national trends alone.

Based on the ITE recommendations, national trends noted and knowledge of the Great Falls community, it is reasonable to assume that the adopted LDC regulation of 1.5 spaces per dwelling unit, which is more than what the ITE would require (316 spaces), would be an adequate amount of parking for the proposed development.

3.3 Similarly Designed Developments (2 were researched)

The final consideration of the study was to examine similarly design developments and determine an actual need for the proposed development based on the findings. TD&H Engineering research 2 other developments, Autumn Run Apartments & Talus Apartments, both located in Great Falls, MT.

Autumn Run Statistics:

Location: South of 2nd Ave N and North of Central Ave

Size: Approximate 7.2 acres

Units: 121 units, even mix of one bedroom, two bedroom and three bedroom apartments

Parking: 1 reserved space per unit plus guest parking – 181 total spaces (121 garages, appeared to be used by residents for storage, not parking).

Autumn Run Analysis:

The site was visited three times, each time parking was counted and included the number of spaces available and how many spaces were parked. Garages were not considered as a part of the study because it is unknown if the garage was being utilized for parking or not.

March 23, 2016 6:00 pm:

Unoccupied: 107 Spaces – 59% unoccupied

Parked: 74 Spaces – 41% parked

There were four cars parked along 2nd Ave N adjacent to the subject property.

March 27, 2016 6:00 pm:

Available: 80 Spaces – 49% unoccupied

Parked: 101 Spaces – 51% parked

There were five cars parked along 2nd Ave N adjacent to the subject property.

March 28, 2016 6:00 pm:

Unoccupied: 98 Spaces – 54% unoccupied

Parked: 83 Spaces – 46% parked

There were five cars parked along 2nd Ave N adjacent to the subject property.

Note: The five cars parked along 2nd Ave N adjacent to subject property appeared to be the same five cars each time the site was visited.

Talus Apartments Phase I Statistics:

Location: Southwest corner of 21st Ave S and 26th St S

Size: Approximately 9.1 acres

Units: 216, 54 Efficiency, 72 One bedroom, 90 Two bedroom

Parking: 332 total spaces

Talus Apartments Phase I Statistics:

The site was visited three times. Each time parking was counted noting the number of spaces available and how many spaces were parked. There is on-street parking available on 21st Ave S, and it was noted if parking along 21st Ave S was being utilized. While cars parked along 21st Ave S are likely related to the Talus development, no observations were made that could definitively verify that.

March 23, 2016 6:30 pm:

Unoccupied: 174 Spaces – 52% unoccupied

Parked: 158 Spaces – 48% parked

Cars Parked on 21st Ave S: 18 Cars

March 27, 2016 5:30 pm:

Unoccupied: 154 Spaces – 46% unoccupied

Parked: 178 Spaces – 54% parked

Cars Parked on 21st Ave S: 25 Cars

March 28, 2016 6:30 pm:

Unoccupied: 179 Spaces – 54% unoccupied

Parked: 153 Spaces – 46% parked

Cars Parked on 21st Ave S: 18 Cars

3.4 Parking Demand Conclusions

Based on the actual counts of the two studied multi-family developments in Great Falls, it appears that there is adequate parking at each of these facilities for tenants. The City's code requirement of 1.5 space per dwelling unit appears to require a more than sufficient amount of parking for this type of development. Both 21st Ave S and 2nd Ave N were being utilized for parking, although 21st Ave S was used significantly more. It appears that the tenants are parking on 21st Ave S because they perceive access from 21st Ave S to the adjacent apartment buildings to be more convenient as roughly half the parking spaces were empty. If the City is concerned with tenants parking on 21st Ave S, parking could be prohibited on that street.

Based on all parking elements studied including researching similar cities, understanding national trends and completing actual parking counts for similar type complexes in Great Falls, it appears that the Great Falls standard parking rate of 1.5 spaces per dwelling unit is a reasonable, if not excessive amount of parking for a multi-family apartment complex. No deviation, in terms of requiring additional parking, from the amount of required parking for the Smelter Avenue project is recommended.



SMELTER AVE NW

RIVERVIEW
ELEMENTARY
SCHOOL

MONTANA
DEPARTMENT
OF
TRANSPORTATION

DIVISION RD

18TH AVE NW

17TH AVE NW

16TH AVE NW

15TH AVE NW

2ND ST NW

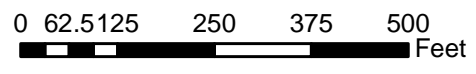
1ST ST NW

17TH AVE

16TH AVE NW

- City Limits
- ▭ Parcels

Exhibit A - Aerial



TABULATIONS

SITE AREA: 9.209 AC.

UNIT TABULATION:

EFFICIENCY: 48 UNITS (22.3%)
 1 BEDROOM: 72 UNITS (33.3%)
 2 BEDROOM: 72 UNITS (33.3%)
 3 BEDROOM: 24 UNITS (11.1%)
 TOTAL: 216 UNITS @ 23.46 UNITS/ACRE

PARKING TABULATION:

319 SURFACE PARKING
 64 CARPORTS
 383 TOTAL PARKING
 @ 1.73 PARKING/UNIT
 @ 1.11 PARKING/BED

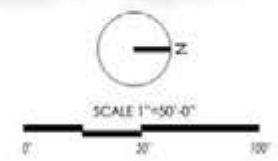
*324 PARKING REQUIRED
 (1.5 P/UNIT PER GREAT FALLS
 ZONING)



Note: Conceptual Plan,
 Subject to Change

Exhibit B - Conceptual Site Plan
SMELTER AVENUE MULTI FAMILY SCHEMATIC SITE PLAN

Great Falls, Montana





April 19, 2016

Planning & Community Development Department
Attn: Gregory Gordos – Planner 1
PO Box 5021
Great Falls, MT 59403
ggordos@greatfallsmt.net

RE: Smelter Avenue Apartments Supplemental Traffic Analysis

BACKGROUND

The purpose of this analysis is to identify any travel delays on Smelter Ave NW at the intersection with 1st St NW resulting from the proposed Smelter Avenue Apartments development to the southeast of the intersection. A prior report, *Parking & Traffic Study Report, Smelter Avenue Apartments*, dated March 2016, analyzed operation of the main site access on Division Road and adequacy of onsite parking.

The intersection is configured as one shared approach lane in each direction. The westbound approach provides a wide shoulder that can be used for right turns. The shoulder was also observed being used as a right-hand bypass by westbound through traffic when a westbound left turning vehicle queue was present. The west side of the intersection is wide enough that vehicles using the shoulder can continue straight through the intersection.

The eastbound approach provides a wide shoulder that can be used for right turning vehicles when the through lane is blocked by waiting left turning vehicles. The right-hand bypass operation was observed for west bound traffic but not eastbound. This may be due primarily to the low eastbound left turning volumes but also due to the east side of the intersection lacking a shoulder to receive through traffic.

Great Falls Transit provides bus service on a route that makes a northbound right at the intersection as well as a westbound left. The bus was observed making westbound stops at the northeast corner and then turning left from the shoulder without establishing itself in the through lane prior to the turn. The bus needed to wait for a gap in westbound traffic in order to make the maneuver.

BACKGROUND TRAFFIC

Manual intersection turning movement counts were conducted for three separate one-hour periods, two during the afternoon and one during the morning. Count summaries are attached. The midafternoon count that included the release time for the adjacent elementary school indicated higher volumes than the later “rush hour” peak.

The manual counts were used to calculate peak hour factors and hourly volumes for use with the Two Way Stop Control Methodology in HCS+ software. Comparison of the pm and am peak hours indicates that the pm peak experiences greater delay.

ADT numbers from the City of Great Falls Average Daily Traffic Count station matrix were used to identify growth rates for the area. Data from the nearest station, number 189 (Smelter Ave NE, just west of 4th St NE), was used to project a growth rate. The data extends to 2012, the year that the roundabout at Smelter and Division was constructed. The trend line equates to a decrease in ADT of 87 per year. Other count stations in the vicinity exhibit similar declining or stagnant traffic volumes for the years available. For purposes of this analysis a no growth condition for background traffic is a reasonable assumption.

SITE GENERATED TRAFFIC

Our previous analysis of the site generated traffic identified a total of 67 trip ends per approach in the pm peak hour, 65% entering, and destinations 50% to the east on Smelter, 15% to the west on Smelter, and 35% to the south. Using this information, site generated turn movements at the Smelter Ave. 1st St NW intersection were developed as shown in the attached figure. These were added to the mid-afternoon peak hour volumes and analyzed in HCS+.

CAPACITY ANALYSIS

Analysis was based on shared left/through/right lanes on all legs as this is conservative for identifying capacity issues. However, the analysis indicates the east and west legs of the approach function at level of service A, both with existing and existing plus site traffic. The 95% queue length for westbound traffic is less than one car length, which indicates minimal queuing and low likelihood of interference with the operation of the roundabout 1 block to the east.

Both north and south legs of the intersection show low to failing levels of service in the existing (LOS E) and existing plus site (LOS F) scenarios. This equates to high amounts of delay and long queues on these legs. The northbound right is a fairly high volume movement, but is not likely to experience excessive delay. The delay on the minor legs is associated with through and left turn movements. LOS F is not unusual for two-way stop controlled intersections. The neighborhood street grid provides alternate access to Smelter Avenue and facilitating minor street movements at this location may not be necessary or desirable.

OPERATIONAL ISSUES

In addition to delay on the minor approach, field observations indicated some uncertainty on the part of westbound drivers whether to queue behind left turning vehicles or make a right side bypass. Overtaking on the right is not illegal, but can be unsafe due to reduced sight lines and confusion. This is especially problematic at a marked school crosswalk.

If the overtaking maneuver is a concern, crash statistics can be consulted to identify any possibly related crash trends.

CONCLUSIONS

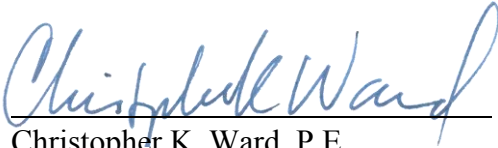
Traffic signal warrant analysis is beyond the scope of the present study, however signalization or conversion to a roundabout would be typical measures to handle excessive delay on the minor approach. Due to the low volumes it is unlikely that warrants would be met.

Geometric treatments to deal with the westbound overtaking issue might include:

1. Channelization to limit the approach to one lane by eliminating the shoulder. This could consist of median curbing along the shoulder line to reinforce the painted shoulder stripe, or a curb bulb at the intersection. Curb bulbs would have the added benefit of reducing pedestrian crossing distances.
2. An alternative solution would be mark the east leg of the approach to consist of an exclusive left turn bay and a through-right lane adjacent to the curb. This configuration would require a corresponding exclusive left turn bay on the west leg, or a median, to align lanes through the intersection. Ideally the left turn bay would be centered in the roadway, which might require widening of the south curb line of Smelter Ave. east of the intersection. Parking on the north side of Smelter west of the intersection would be eliminated for the distance of the turn bay and taper. The bus stop on the northeast corner would probably need to be relocated further east in a dedicated bus stop pullout so that the bus would not block through traffic and induce drivers to use the median turn bay to avoid stopping for the bus.

In general as there are no specific operational or capacity issues to be addressed, the extensive changes involved in channelizing traffic do not appear justified.

TD&H ENGINEERING



Christopher K. Ward, P.E.
Sr. Transportation Engineer

Attachments: Intersection Turning Movement Count Summary
PM Design Hour Site Generated Turn Movements
Two-Way Stop Control

INTERSECTION TURNING MOVEMENT COUNT SUMMARY

General Information

Counted By:	CKW	Intersection:	Smelter and 1st St NW
Agency/Company:	TD&H	Jurisdiction:	City of Great Falls
Date Performed:	4/14/2015	Conditions:	Rain
Count Time Period:	PM - School Release	Project Description:	Brownstone Capital Apts
Project Number:	15-315	East/West Street:	Smelter Ave NW
		North/South Street:	1st St NW / Riverview B

Vehicle Volumes and Adjustments

Start Time	Northbound					Southbound					Eastbound					Westbound					Total All	
	L	T	R	Ped	Total	L	T	R	Ped	Total	L	T	R	Ped	Total	L	T	R	Ped	Total		
Factor																						
3:00 PM	2	3	17	0	22	2	5	0	0	7	2	41	5	0	48	37	92	4	0	133	210	
3:15 PM	3	5	36	9	53	0	8	4	0	12	19	78	11	8	116	15	58	5	0	78	259	
3:30 PM	6	12	31	0	49	0	4	3	0	7	7	52	3	4	66	18	58	5	0	81	203	
3:45 PM	1	10	26	0	37	2	1	0	0	3	1	50	1	0	52	10	49	3	0	62	154	
Grand Total	12	30	110	9	161	4	18	7	0	29	29	221	20	12	282	80	257	17	0	354	826	
Approach %	7.5	18.6	68.3	5.6	100.0	13.8	62.1	24.1	0.0	100	10.3	78.4	7.1	4.3	100	22.6	72.6	4.8	0.0	100		
Total %	1.5	3.6	13.3	1.1	19.5	0.5	2.2	0.8	0.0	3.5	3.5	26.8	2.4	1.5	34.1	9.7	31.1	2.1	0.0	42.9	100	
PHF	0.50	0.63	0.76	0.25	0.76	0.50	0.56	0.44	1.00	0.60	0.38	0.71	0.45	0.38	0.61	0.54	0.70	0.85	1.00	0.67	0.80	

INTERSECTION TURNING MOVEMENT COUNT SUMMARY

General Information

Counted By:	CKW	Intersection:	Smelter and 1st St NW
Agency/Company:	TD&H	Jurisdiction:	City of Great Falls
Date Performed:	4/14/2015	Conditions:	Rain
Count Time Period:	PM - Peak	Project Description:	Brownstone Capital Apts
Project Number:	15-315	East/West Street:	Smelter Ave NW
		North/South Street:	1st St NW / Riverview B

Vehicle Volumes and Adjustments

Start Time	Northbound					Southbound					Eastbound					Westbound					Total All	
	L	T	R	Ped	Total	L	T	R	Ped	Total	L	T	R	Ped	Total	L	T	R	Ped	Total		
Factor																						
4:45 PM	3	9	16	0	28	0	4	1	0	5	1	36	5	0	42	12	62	2	0	76	76	151
5:00 PM	8	10	20	0	38	2	5	5	0	12	1	41	1	0	43	13	67	6	0	86	86	179
5:15 PM	7	16	21	0	44	3	5	2	0	10	6	33	2	0	41	17	67	5	0	89	89	184
5:30 PM	7	9	15	0	31	2	8	1	0	11	0	38	1	0	39	12	53	4	0	69	69	150
Grand Total	25	44	72	0	141	7	22	9	0	38	8	148	9	0	165	54	249	17	0	320	320	664
Approach %	17.7	31.2	51.1	0.0	100.0	18.4	57.9	23.7	0.0	100	4.8	89.7	5.5	0.0	100	16.9	77.8	5.3	0.0	100	100	100
Total %	3.8	6.6	10.8	0.0	21.2	1.1	3.3	1.4	0.0	5.7	1.2	22.3	1.4	0.0	24.8	8.1	37.5	2.6	0.0	48.2	48.2	100
PHF	0.78	0.69	0.86	1.00	0.80	0.58	0.69	0.45	1.00	0.79	0.33	0.90	0.45	1.00	0.96	0.79	0.93	0.71	1.00	0.90	0.90	0.90

INTERSECTION TURNING MOVEMENT COUNT SUMMARY

General Information

Counted By:	JJC	Intersection:	Smelter and 1st St NW
Agency/Company:	TD&H	Jurisdiction:	City of Great Falls
Date Performed:	4/15/2015	Conditions:	Snow
Count Time Period:	AM - Peak	Project Description:	Brownstone Capital Apts
Project Number:	15-315	East/West Street:	Smelter Ave NW
		North/South Street:	1st St NW / Riverview B

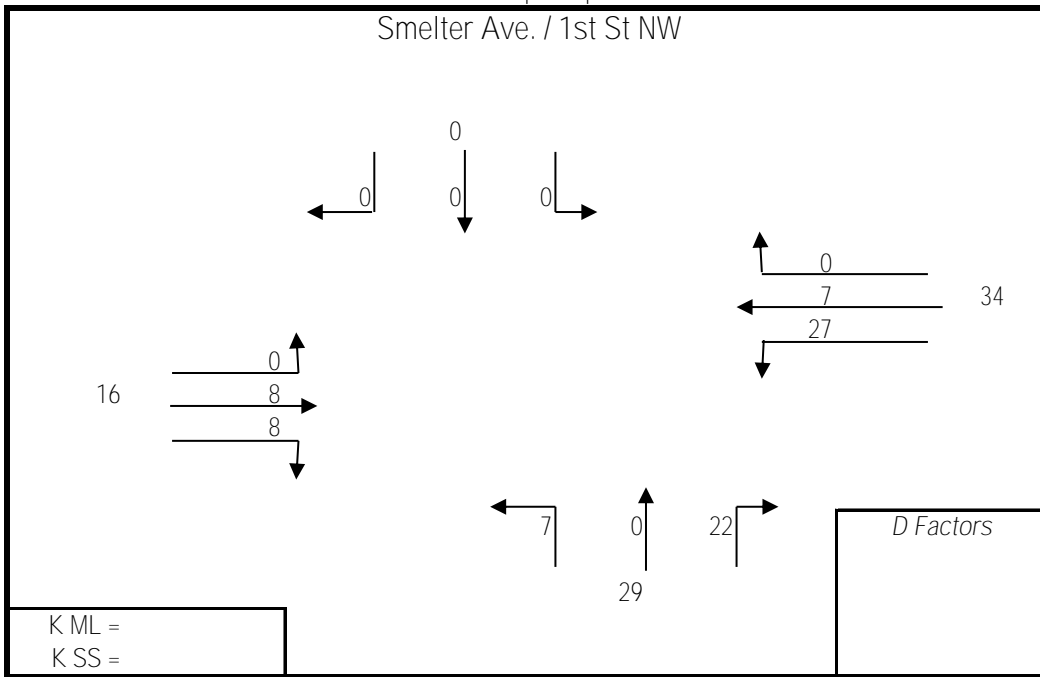
Vehicle Volumes and Adjustments

Start Time	Northbound					Southbound					Eastbound					Westbound					Total All	
	L	T	R	Ped	Total	L	T	R	Ped	Total	L	T	R	Ped	Total	L	T	R	Ped	Total		
Factor																						
7:15 AM	0	1	12	0	13	1	5	2	0	8	0	54	4	0	58	19	29	0	1	49	128	
7:30 AM	0	3	24	0	27	1	2	3	0	6	2	63	3	0	68	46	64	0	0	110	211	
7:45 AM	0	1	16	0	17	1	4	5	0	10	6	51	6	0	63	37	56	0	0	93	183	
8:00 AM	0	4	26	0	30	2	9	3	2	16	4	44	7	0	55	49	39	2	0	90	191	
Grand Total	0	9	78	0	87	5	20	13	2	40	12	212	20	0	244	151	188	2	1	342	713	
Approach %	0.0	10.3	89.7	0.0	100.0	12.5	50.0	32.5	5.0	100	4.9	86.9	8.2	0.0	100	44.2	55.0	0.6	0.3	100		
Total %	0.0	1.3	10.9	0.0	12.2	0.7	2.8	1.8	0.3	5.6	1.7	29.7	2.8	0.0	34.2	21.2	26.4	0.3	0.1	48.0	100	
PHF	1.00	0.56	0.75	1.00	0.73	0.63	0.56	0.65	0.25	0.63	0.50	0.84	0.71	1.00	0.90	0.77	0.73	0.25	0.25	0.78	0.84	

PM DESIGN HOUR SITE GENERATED TURN MOVEMENTS

Brownstone Capital Apartments

Smelter Ave. / 1st St NW



TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	CKW			Intersection	Smelter & 1st St NW			
Agency/Co.	TD&H			Jurisdiction	City of Great Falls			
Date Performed	4/15/2016			Analysis Year	2016			
Analysis Time Period	AM							
Project Description 15-315 Brownstone Capital Apt								
East/West Street: Smelter Ave NW				North/South Street: 1st St NW / Riverview B				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	12	212	20	151	188	2		
Peak-Hour Factor, PHF	0.50	0.84	0.71	0.77	0.73	0.25		
Hourly Flow Rate, HFR (veh/h)	24	252	28	196	257	8		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration	LTR			LTR				
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	0	9	78	5	20	13		
Peak-Hour Factor, PHF	1.00	0.56	0.75	0.63	0.56	0.65		
Hourly Flow Rate, HFR (veh/h)	0	16	104	7	35	20		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration		LTR			LTR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LTR	LTR	LTR			LTR		
v (veh/h)	24	196	120			62		
C (m) (veh/h)	1311	1294	567			251		
v/c	0.02	0.15	0.21			0.25		
95% queue length	0.06	0.53	0.79			0.95		
Control Delay (s/veh)	7.8	8.3	13.0			24.0		
LOS	A	A	B			C		
Approach Delay (s/veh)	--	--	13.0			24.0		
Approach LOS	--	--	B			C		

TWO-WAY STOP CONTROL SUMMARY									
General Information				Site Information					
Analyst	CKW			Intersection	Smelter & 1st St NW				
Agency/Co.	TD&H			Jurisdiction	City of Great Falls				
Date Performed	4/15/2016			Analysis Year	2016				
Analysis Time Period	PM - School								
Project Description 15-315 Brownstone Capital Apt									
East/West Street: Smelter Ave NW				North/South Street: 1st St NW / Riverview B					
Intersection Orientation: East-West				Study Period (hrs): 0.25					
Vehicle Volumes and Adjustments									
Major Street		Eastbound			Westbound				
Movement	1	2	3	4	5	6			
	L	T	R	L	T	R			
Volume (veh/h)	29	221	20	80	257	17			
Peak-Hour Factor, PHF	0.38	0.71	0.45	0.54	0.70	0.85			
Hourly Flow Rate, HFR (veh/h)	76	311	44	148	367	19			
Percent Heavy Vehicles	0	--	--	0	--	--			
Median Type	Undivided								
RT Channelized			0					0	
Lanes	0	1	0	0	1	0			
Configuration	LTR			LTR					
Upstream Signal		0			0				
Minor Street		Northbound			Southbound				
Movement	7	8	9	10	11	12			
	L	T	R	L	T	R			
Volume (veh/h)	12	30	110	4	18	7			
Peak-Hour Factor, PHF	0.50	0.63	0.76	0.50	0.56	0.44			
Hourly Flow Rate, HFR (veh/h)	24	47	144	8	32	15			
Percent Heavy Vehicles	0	0	0	0	0	0			
Percent Grade (%)		0			0				
Flared Approach		N			N				
Storage		0			0				
RT Channelized			0			0			
Lanes	0	1	0	0	1	0			
Configuration		LTR			LTR				
Delay, Queue Length, and Level of Service									
Approach	Eastbound	Westbound	Northbound			Southbound			
Movement	1	4	7	8	9	10	11	12	
Lane Configuration	LTR	LTR	LTR			LTR			
v (veh/h)	76	148	215			55			
C (m) (veh/h)	1184	1215	297			161			
v/c	0.06	0.12	0.72			0.34			
95% queue length	0.21	0.41	5.21			1.41			
Control Delay (s/veh)	8.2	8.4	43.4			38.5			
LOS	A	A	E			E			
Approach Delay (s/veh)	--	--	43.4			38.5			
Approach LOS	--	--	E			E			

TWO-WAY STOP CONTROL SUMMARY							
General Information				Site Information			
Analyst	CKW			Intersection	Smelter & 1st St NW		
Agency/Co.	TD&H			Jurisdiction	City of Great Falls		
Date Performed	4/15/2016			Analysis Year	Existing Plus Site		
Analysis Time Period	PM - School						
Project Description 15-315 Brownstone Capital Apt							
East/West Street: Smelter Ave NW				North/South Street: 1st St NW / Riverview B			
Intersection Orientation: East-West				Study Period (hrs): 0.25			
Vehicle Volumes and Adjustments							
Major Street	Eastbound			Westbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)	29	229	28	107	264	17	
Peak-Hour Factor, PHF	0.38	0.71	0.45	0.54	0.70	0.85	
Hourly Flow Rate, HFR (veh/h)	76	322	62	198	377	19	
Percent Heavy Vehicles	0	--	--	0	--	--	
Median Type	Undivided						
RT Channelized			0			0	
Lanes	0	1	0	0	1	0	
Configuration	LTR			LTR			
Upstream Signal		0			0		
Minor Street	Northbound			Southbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)	19	30	110	4	18	7	
Peak-Hour Factor, PHF	0.50	0.63	0.76	0.50	0.56	0.44	
Hourly Flow Rate, HFR (veh/h)	38	47	144	8	32	15	
Percent Heavy Vehicles	0	0	0	0	0	0	
Percent Grade (%)	0			0			
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	1	0	0	1	0	
Configuration		LTR			LTR		
Delay, Queue Length, and Level of Service							
Approach	Eastbound	Westbound	Northbound			Southbound	
Movement	1	4	7	8	9	10	11
Lane Configuration	LTR	LTR	LTR			LTR	
v (veh/h)	76	198	229			55	
C (m) (veh/h)	1174	1186	215			121	
v/c	0.06	0.17	1.07			0.45	
95% queue length	0.21	0.60	10.18			2.01	
Control Delay (s/veh)	8.3	8.6	127.2			57.4	
LOS	A	A	F			F	
Approach Delay (s/veh)	--	--	127.2			57.4	
Approach LOS	--	--	F			F	

**IMPROVEMENT AGREEMENT FOR
LOT 4, BLOCK 1 OF DIVISION ADDITION,
LOCATED IN THE NE¼ OF SECTION 2, TOWNSHIP 20
NORTH, RANGE 3 EAST, P.M. MT, CASCADE COUNTY, MONTANA**

The following is a binding Agreement dated this _____ day of _____, 2016, between Great Falls North Apartments, LLC a private real estate investment firm of the State of Montana, hereinafter referred to as "Owner," and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation into the corporate limits of City of a tract of land legally described as Lot 4 of Block 1 of Division Addition, located in the NE¼ of Section 2, Township 20 North, Range 3 East, P.M. MT, Cascade County, Montana, hereinafter referred to as "Subject Property". Great Falls North Apartments, LLC (hereafter "GF North"), owner of Lot 4 of Block 1 of Division Addition, located in the NE¼ of Section 2, Township 20 North, Range 3 East, P.M. MT, Cascade County, Montana, agrees to and is bound by the provisions of this Agreement outlined in Paragraphs 3-A, 4A-E, and by signing this Agreement, therefore agree to terms applicable to GF North-owned property. The City is authorized to enter into this Agreement by 17.68.010-040 of the Official Code of the City of Great Falls (OCCGF).

1. Supporting Documents.

- A. Amended Plat of Division Addition filed of record in the Clerk and Recorder's Office of Cascade County, Montana (P-2014-0000014 PL).
- B. Engineering drawings, specifications, reports and cost estimates, preliminary and final, prepared for the Subject Property, consisting of documents for, but not limited to the public sanitary sewer, water, storm drain and street improvements.
- C. Legal documents, including but not limited to any articles of incorporation, bylaws, covenants, and declarations establishing the responsibilities of owners recorded in the Clerk and Recorder's Office of Cascade County, Montana.

2. Changes.

Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by the City Engineer and the City's Public Works Department

and which do not materially affect the hereinabove mentioned Subject Property, can be made as follows:

- A. The Owner understands that failure to build in compliance with approved plans is a breach of this Agreement and a violation of the OCCGF, subject to the penalties provided for such violations. The City recognizes, however, that minor changes are often necessary as construction proceeds and the Administrators (the Administrators are the persons charged by the City Manager with the administration of this improvement agreement) are hereby authorized to permit minor changes to approved plans, as provided below.
 - a. Before making changes, the applicant must submit revised plans to the Administrator(s) for review. Failure to do this before the proposed change is made is a breach of this Agreement and a violation of the OCCGF. The Administrator(s) shall respond to all proposed changes within ten (10) business days of receipt of the revised plans.
 - b. Based on a review of the revised plans, the Administrator(s) may permit minor dimensional changes provided they do not result in a violation of the conditions of approval for the Subject Property or the OCCGF.
 - c. Based on a review of the revised plans, the Administrator(s) may permit substitutions for proposed building and construction materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.
 - d. Minor changes in the location and specifications of the required public improvements may be permitted. Revised plans showing such changes must be submitted to, and then reviewed and approved by the Administrator(s).
- B. Substantial changes are not permitted by this Agreement. A new public review and permitting process will be required for such changes. 'Substantial Change' versus 'Minor Change' is described as follows:
 - a. 'Substantial Change' is defined here in order to further clarify what may be permitted as a 'Minor Change.' A substantial change adds one or more lots; changes the approved use; changes the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); changes the location, extent, or design of any required public improvement, except where a minor change is approved by the Administrator(s); or changes the approved number of buildings, structures or units; or the size of any building or structure by more than 10%. A smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change.
- C. "As Built" reproducible drawings of public infrastructure, private utilities, and drainage facilities shall be supplied to the City Engineer upon completion of the construction.

3. Fees and Charges.

A. Owner shall pay the following fees and reimbursements as provided by City policy and resolution:

a. City Fees and Reimbursements:

- i. Storm Drain Fee (\$250/acre x 9.209 acres) \$ 2,302.25
- ii. Recording fees for Improvement Agreement and Resolutions \$11 per page x 16 pages (10 pages Improvement Agreement, 6 pages Resolution 10140 to Annex, Ordinance 3142 to assign a zoning designation) \$ 176.00
- iii. Reimbursement owed for City funded public water main improvements previously constructed in 2014 along Smelter Avenue Northwest, adjacent to Lot 4, as part of a Montana Department of Transportation reconstruction project. Reimbursement owed to the City is 50% of the cost of the water main related improvements. Refer to the February 11, 2016 reimbursement compilation/Inter-Office Memo on file in City Office File 1668.3. \$ 50,615.14
- iv. Reimbursement owed for City funded public roadway improvements previously constructed in 1996 along the east one-half of 1st street Northwest, adjacent to Lot 4, as part of Special Improvement District (SID) 1280. Reimbursement owed to the City is 100% of the cost of the street reconstruction related improvements. Refer to the February 19, 2016 reimbursement compilation on file in City Office File 1668.3. \$ 39,897.50
- v. Reimbursement owed for City funded public roadway improvements previously constructed in 2015 along Division Road, adjacent to Lot 4, as part of construction of Accessible Space Incorporated Voyageur Apartments. Reimbursement owed to the City is 50% of the cost of the roadway related improvements. Refer to the February 3, 2016 reimbursement compilation on file in City Office Files 1660 and 1668.3. \$ 22,358.24
- vi. Reimbursement owed for City funded public water improvements previously constructed in 2015 along Division Road, adjacent to Lot 4, in 2014 as part of construction of Accessible Space Incorporated Voyageur Apartments. Reimbursement owed to The City is 50% of the cost of the water main related improvements. Refer to the February 3, 2016 reimbursement compilation on file in City Office Files 1660 and 1668.3. \$ 5,123.15
- ii. Reimbursement owed for City funded public sewer main previously constructed in 2015 along Division Road adjacent to Lot 4, in 2014 as part of construction of Accessible Space Incorporated Voyageur Apartments. Reimbursement owed to Accessible Space Incorporated is 100% of the cost of the sanitary sewer main related improvements. Refer to the February 3, 2016 reimbursement compilation on file in City \$ 2,952.82

Office Files 1660 and 1668.3.

- iii. Reimbursement owed for City funded public storm drain previously constructed in 2015 along Division Road adjacent to Lot 4, in 2014 as part of construction of Accessible Space Incorporated Voyageur Apartments. Reimbursement owed to the City is 100% of the cost of the storm drain related improvements. Refer to the February 3, 2016 reimbursement compilation on file in City Office Files 1660 and 1668.3. \$ 6,286.10

Total City Fees And Reimbursements: \$129,711.20

b. Great Falls Clinic Reimbursements:

- ix. Reimbursement owed for public storm drain improvements previously constructed along Division Road and 16th Avenue Northwest as part of construction of Great Falls Clinic West. Reimbursement owed to Great Falls Clinic is a proportional share of the Division Addition cost of the storm drain related improvements. Refer to the February 22, 2016 reimbursement compilation on file in City Office File 1668.3. \$ 7,423.26

Total fees made payable to third parties (Great Falls Clinic) \$ 7,423.26

These fees are in addition to the \$2,000.00 application fee for City zoning and the \$500.00 application fee for Annexation, which have been paid prior to this Improvement Agreement.

- B. The total fees summarized in Section A above shall be paid to the City no later than 30 days after City Commission action to annex Subject Property into the City.
- C. Owner or its successors or assigns shall reimburse City for its expenses incurred for inspection, testing and acceptance of public utilities and roadways serving the Subject Property and sidewalk at the rates charged by City for said work at the time performed.
- D. Water service tapping and water and sewer service connection fees will be assessed at the time of installation.
- E. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver by the City.

4. Public Improvements (Upon Annexation of Lot 4, Block 1, Division Addition) as shown in Exhibit A.

- A. The Owner understands on-street vehicle parking for all roadways abutting the subdivision is and will continue to be prohibited after annexation and development.

- |
- B. The Owner hereby agrees to install sidewalk on all street frontages abutting the subject property. Said sidewalks shall be installed in accordance with Title 17 - Land Development Code of the Official Code of the City of Great Falls after review and approval by the City Public Works Department. Said sidewalks may include curb and gutter and minor street repair, if required by the City Public Works Department.
 - C. The Owner hereby agrees to install safe, ADA accessible pedestrian crossings of 1st Avenue NW at Smelter Avenue NW and 18th Avenue NW, in compliance with direction from and review by the City Public Works Department, including but not limited to curb ramps, truncated domes, striping and signage. Said curb ramps may include some curb removal and replacement, as well as some roadway replacement/repair to ensure ADA compliance across 1st Avenue NW.
 - D. The Owner hereby agrees to loop a public water main through the subject property, including the addition of fire hydrants. The improvements shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. The portion of the water main (including fire hydrants) located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement. The improvement is to be maintained by the City.
 - E. The Owner hereby agrees to extend a public sanitary sewer through the subject property located along the south side of Lot 4. The improvement shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. The portion of the sanitary sewer main located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement. The improvement is to be maintained by the City.
 - F. The Owner agrees to install all on-site improvements required for the Development, prior to certificate of occupancy of any structure built upon the Subject Property, which shall be installed as shown on the final construction plans that are submitted to and approved by the City's Public Works Department. The on-site improvements shall include everything required to provide water, sanitary sewer, stormwater management, and access. The Owner shall provide public utility easements for all required public utilities. The Owner will be permitted temporary certificates of occupancy by the City on a building by building basis as each building is completed and inspected.
 - G. At a minimum one (1) concrete bus stop pad with shelter will be constructed, along with signage, in a location agreed upon by the Transit District and City Planning and Community Development Department. Further analysis and dialogue with the Transit District will determine the location and number of stops installed.

5. Stormwater Management.

A Stormwater Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits.

The Owner is required to utilize Low Impact Development (LID) best management practices and structural controls for meeting on-site stormwater management requirements. Practices include but

are not limited to minimizing impervious cover, utilizing natural drainage, and bioretention. For the purposes of this agreement, low-impact development is defined as using:

“various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID still allows land to be developed, but in a cost-effective manner that helps mitigate potential environmental impact (“The Practice of Low Impact Development”. U.S. Housing and Urban Development. July 2003.)”

6. Site Conditions.

The Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements on the site and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits within the Development will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

7. Maintenance Districts.

Owner hereby agrees to waive its right to protest and appeal the lawful creation by City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Property.

8. Public Roadway Lighting.

Owner hereby agrees to waive its right to protest any future special lighting district for public roadway lighting facilities that service the Subject Property, and further agrees to pay for its proportionate share of the costs associated with roadway lighting which services the Subject Property that may be installed with or without a special lighting district.

9. Warranty, Ownership and Inspection of Public Improvements.

Installation of all public streets, sidewalks, curb ramps, water, sewer, storm drain, and other public improvement required for the Subject Property shall be subject to the City’s inspection policy in place at the time of installation.

10. City Acceptance and Zoning.

In consideration of the terms of this Agreement, the City hereby accepts and approves Lot 4 of Block 1 of Division Addition, located in the NE¼ of Section 2, Township 20 North, Range 3 East, P.M. MT, Cascade County, Montana, for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of R-6 Multi-family high density.

11. Design Review Board

Owner hereby agrees to apply for and obtain Design Review Board approval of the site plans and structures proposed to be constructed and/or modified on parcels within the Subject Property, including landscaping, signage, lighting and sight-obscuring fence or other such improvements, as defined by the Design Review Board.

12. **Limitation of Liability.**

The City will conduct a limited review of plans and perform inspections for compliance with requirements set forth in this agreement and/or in applicable law. The scope of such review and inspections will vary based upon development type, location and site characteristics. The Owner is exclusively responsible for ensuring that the design, construction drawings, completed construction, and record drawings comply with acceptable engineering practices, State requirements, and other applicable standards. The City's limited plan review and inspections are not substantive reviews of the plans and engineering. The City's approval of any plans or completed inspections is not an endorsement of the plan or approval or verification of the engineering data and plans. Neither the Owner, GF North, nor any third party may rely upon the City's limited review or approval.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that owner's property described herein. Upon the transfer of ownership of property, the prior owner's (whether the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

13. **Binding Effect.**

The provisions, covenants and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

|

(Seal of City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

DRAFT

Great Falls North Apartments, LLC
A Limited Liability Corporation of the State of Montana

By: _____

Its: _____

State of _____)
 :ss.
County of _____)

On this _____ day of _____, in the year Two Thousand and Sixteen, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of _____

(NOTARIAL SEAL)

Exhibit A

Location of Future Public Improvements for Lot 4 in the
Division Addition
Provided by TD&H Engineering and
Reviewed by the City of Great Falls Public Works Department

DRAFT

ORDINANCE 3142

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-6
MULTI-FAMILY HIGH DENSITY DISTRICT TO THE PROPERTY
LEGALLY DESCRIBED AS LOT 4, BLOCK 1, LOCATED IN THE NE¼
OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.MT.,
CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Great Falls North Apartments, LLC is the owner of record and has petitioned the City of Great Falls to annex the subject property, consisting of ±9.209 acres, as legally described above; and,

WHEREAS, Great Falls North Apartments, LLC has petitioned said property be assigned a City zoning classification of R-6 Multi-family high density district, upon annexation to City; and,

WHEREAS, notice of assigning said zoning classification to said property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 5th day of July, 2016, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that said zoning designation be made.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. It is determined that the herein requested zoning designation will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning classification of said property be designated as R-6 Multi-family high density district classification.

Section 3. This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk

and Recorder the resolution annexing said property, as legally described above, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading June 7, 2016.

ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading July 5, 2016.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3142 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Courthouse;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(CITY SEAL)