



**Planning Advisory Board/Zoning Commission  
Agenda  
February 13, 2024  
3:00 PM  
2 Park Drive South, Great Falls, MT  
Commission Chambers, Civic Center**

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
- Attend in person. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, February 13, 2024 to: [jnygard@greatfallsmt.net](mailto:jnygard@greatfallsmt.net). Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the Planning Advisory Board/Zoning Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

**OPENING MEETING**

1. Call to Order - 3:00 P.M.
2. Roll Call - Board Introductions

**Dave Bertelsen - Chair**

**Tory Mills - Vice Chair**

**Julie Essex**

**Lindsey Gray**

**Pat Green**

**Samantha Kaupish**

**Jake Schneiderhan**

3. Staff Recognition
4. Approval of Meeting Minutes - January 9, 2024

**BOARD ACTIONS REQUIRING PUBLIC HEARING**

5. Public Hearing - Zoning map amendment to change the zoning for the property addressed as 805 2<sup>nd</sup> Street SW and legally described as Lot 1-A of the Amended Plat of Lot 1, Garden

Home Tracts and Mark 23A of COS 4153, Located in the Southeast ¼ of Section 11, T20N, R3E, P.M.M., Cascade County, Montana, from R-1 Single-family Suburban to M-2 Mixed-use Transitional.

## **BOARD ACTIONS NOT REQUIRING PUBLIC HEARING**

## **COMMUNICATIONS**

## **PUBLIC COMMENT**

*Public Comment on any matter and that is within the jurisdiction of the Planning Advisory Board/Zoning Commission. Please keep your remarks to a maximum of five (5) minutes. Speak into the microphone, and state your name and address for the record.*

## **ADJOURNMENT**

*(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)*

*Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.*

*Planning Advisory Board/Zoning Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. Meetings are re-aired on cable channel 190 the following Thursday at 7 p.m.*

**MINUTES OF THE MEETING**  
**GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION**  
**January 09, 2024**

**CALL TO ORDER**

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Dave Bertelsen at 3:01 p.m. in the Commission Chambers at the Civic Center

**ROLL CALL & ATTENDANCE**

**UPDATES CONCERNING PROCESS OF MEETINGS**

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**Planning Board Members present:**

Dave Bertelsen, Chair

Tory Mills, Vice Chair

Julie Essex

Lindsey Gray

Pat Green

Samantha Kaupish

Jake Schneiderhan

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**Planning Board Members absent:**

None

**Planning Staff Members present:**

Brock Cherry, Director Planning and Community Development

Tom Micuda, Deputy Director Planning and Community Development

Sara Doermann, Associate Planner

Kayla Kryzsko, Assistant Planner

Jamie Nygard, Sr. Administrative Assistant

**Other Staff present:**

David Dennis, City Attorney

Rachel Taylor, Deputy City Attorney

Mr. Micuda affirmed a quorum of the Board was present.

**MINUTES**

Chair Bertelsen asked if there were any comments or corrections to the minutes of the meeting held on November 14, 2023. Seeing none, the minutes were approved.

**COMMISSION ACTIONS NOT REQUIRING A PUBLIC HEARING**

**Election of Officers for 2024**

Mr. Micuda stated that every year, the Board is required to elect officers for the year.

MOTION: That the Planning Advisory Board/Zoning Commission re-elect Dave Bertelsen as the Chair for 2024.



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Made by: Tory Mills

Second by: Samantha Kaupish

Vote: All in favor, the motion passed 7-0

MOTION: That the Planning Advisory Board/Zoning Commission re-elect Tory Mills as the Vice Chair for 2024.

Made by: Dave Bertelsen

Second by: Pat Green

Vote: All in favor, the motion passed 7-0

### **COMMISSION ACTIONS REQUIRING A PUBLIC HEARING**

#### **Conditional Use Permit for a “Type II Community Residential Facility” land use for the property addressed as 2201 11<sup>th</sup> St SW and legally described as Lot 7 of Block 5 of the Montana Addition**

Sara Doermann, Associate Planner, presented to the Board. She stated that the applicant, Annaliza Koczur, with Park View Assisted Living, was requesting a Conditional Use Permit to allow for an increase in the number of residents from 14 to 17, within the established assisted living facility. The property is currently zoned R-2 Single-family Medium Density and is roughly 12,850 square feet.

Ms. Doermann presented an Aerial Map, Zoning Map, and Site Photos.

Ms. Doermann presented some history on the facility. In 1999 the property was Donnalee's Assisted Living Care as a Type I Community Residential Facility, with 8 beds. In 2000 she obtained state licensure for up to 12 beds. In 2014, Park View Assisted Living was established by the current owner, and a Safety Inspection Certificate (SIC) was received for 12 beds. Currently, Park View Assisted Living has 14 beds and is up to date on state licensure as a Category A facility, which allows up to 19 beds. Per City Code, the applicant's request to increase the beds from 14 to 17 requires a Conditional Use Permit (CUP) for additional beds.

Ms. Doermann stated that the CUP process ensures that land uses not permitted, can fit into the proposed location, without specific negative impacts. The Commission must determine if impacts are reasonable or clearly negative. She stated that the request is for a nominal increase from 14 beds to 17 and that staff acknowledges that two conditions exist. One is the high amount of emergency responses to the property and the other is the location next to an existing,

unofficial school drop off area for Meadow Lark Elementary School. Staff is not providing a positive or negative recommendation for the request. Within the report, staff provides justification for the Zoning Commission to approve or deny the request based on the issue of public safety. She stated that after all of the testimony is heard, the Zoning Commission should determine which justification is the most appropriate.

Ms. Doermann presented the staff evaluation for transportation and expressed that an increase in 3 beds would be less than one vehicle trip during peak hours. She stated that the concern from nearby residents is that the school children may not be safe in the location due to generated traffic. However, the largest portion of vehicle and pedestrian travel comes from nearby residents using the unofficial drop off.

Ms. Doermann stated that staff does not have any parking concerns. There is off-street parking provided for employees and the guest parking is limited.

Ms. Doermann stated that there is larger than normal Emergency Medical Service (EMS) calls with an average of 31 calls per year. She showed a slide from the City of Great Falls Fire Department with 5 years' worth of calls.

Ms. Doermann presented an EMS Heat Map which illustrated a high EMS call volume at the facility.

Ms. Doermann stated that Neighborhood Council #1 met on October 10, 2023 and voted unanimously to recommend approval to the Zoning Commission. The Council is going to reconsider the request at its meeting scheduled January 9, 2024 at 7:00 P.M. Staff will provide a full report of the Council's discussion to the City Commission.

Ms. Doermann stated that the original Zoning Commission public hearing was scheduled for November 14, 2023. Due to a large number of public comments provided with a wide range of concerns, the applicant requested a continuance to January 9, 2024, to allow for more time to gather information. All of the public comments were included in the Agenda Packet and four additional letters were provided to the Board and posted on-line.

Ms. Doermann presented the Basis of Decision for the Approval Option:

2. The establishment, maintenance or operation of the zoning and conditional use will be detrimental to, or endanger the health, safety, morals, comfort or general welfare.

The proposed use of a Type II Community Residential Facility will allow the applicant to increase the facility by three individuals, which will not be a detrimental to, or endanger the health, safety, morals, comfort or general welfare. In this regard, the Commission can only consider whether the incremental increase in activity from 14 to 17 residents will create a new endangerment. The applicant has provided enough information to staff for a conclusion to be made that the applicant vets her residents, manages them appropriately, has adequate on-site parking for employees, and minimizes traffic impacts due to usage of transit. The delivery of equipment is reasonable, and there are virtually no visitors to the facility. The only issue identified by staff is that there is a potential cause for denial due to the EMS response. On the topic of concern, the applicant is not responsible for the school drop off activity to the north that

has created the public safety concern expressed by nearby residents. Staff simply has no measurable data indicating that additional call volumes generated by the small increase will result in public safety incidents.

Ms. Doermann presented the Basis of Decision for the Denial Option:

2. The establishment, maintenance or operation of the zoning and conditional use will be detrimental to, or endanger the health, safety, morals, comfort or general welfare.

The applicant's request to increase the residential occupant limit from 14 to 17 residences will increase the amount of EMS visits to the facility. Based on a 5-year time series data provided by the Fire Department, the number of visits is already higher than what would typically be expected with a permitted use in a single-family zoning district. Additionally, the applicant's facility adjoins a location with high amounts of vehicle and pedestrian activity during certain periods due to the proximity of Meadow Lark Elementary School. Approval of the applicant's Conditional Use Permit will increase the conflict and be detrimental to public safety.

Ms. Doermann presented the Conditions of Approval:

1. General Code Compliance. The proposed project shall be developed consistent with the conditions in the report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. Land use and Zoning. The proposed plans shall conform to the R-2 Single-family Medium Density zoning district development standards contained within the Official Code of the City of Great Falls.
3. Building Permit Review. The final architectural drawings and specification for the improvements to the subject property shall be submitted to the Planning and Community Development Department for review and approval.

### **APPLICANT'S PRESENTATION**

Annaliza Koczur, with Park View Assisted Living, presented a slide show that included videos of the traffic and parking on 11<sup>th</sup> Street Southwest. She stated that she works closely with Adult Protective Services and Big Sky Waiver for placement. It is difficult to find quick placement for individuals that have no other place to go and cannot take care of themselves. She stated that they are more flexible than other large companies. She stated that a Category A facility helps patients that need minimal assistance. It is a 6600 square foot facility and has 6 bathrooms. She addressed that there is a Tier I offender that is living at Park View and that she contacted Special Unit Detective, Scott Fisher and was informed that he is not on probation, has no restrictions and is compliant with the registry.

## PUBLIC QUESTIONS

Kevin Johnson, 1100 24<sup>th</sup> Ave SW, asked what a Community Residential Property was or if the proposed request was an Assisted Living Retirement Community. Mr. Micuda responded that it is a bit of a hybrid as it is an Assisted Living Facility that is conducted in a home environment. He stated that the parking could be handled under either option. If it is a Community Residential Property, there is no parking standard in the code. If it was called an Assisted Living Retirement Community, you would need 3 or 4 spaces, which the circular driveway accommodates. City staff stuck to what the facility was classified as in the City's records, which is a Type II Community Residential Facility so the parking was based off of number of employees. Mr. Johnson also asked if the CUP is approved and the business is sold, does the CUP go with the property, or does the new person that is buying the property have to reapply. Mr. Micuda responded that if the request gets approved, the Commission will approve it by Resolution and the CUP will run with the property and future owners.

Mary Bowe, 2109 11<sup>th</sup> St SW, wanted to know if the applicant wanted to add more beds in the future, could she do that because she is approved by the state for 19 beds. Mr. Micuda responded that the City has a regulatory process and if the CUP is approved it would only be approved for 17 beds. Ms. Bowe asked if the offender is ever sitting out on the porch and can look into the neighbor's backyards. Ms. Koczur responded that he is mainly in his room and does not socialize with the residents. There is a tiny window in his bedroom. He would need help to get out of bed.

Timothy Koczur, 2806 16<sup>th</sup> Ave S., asked if the resident that was the offender, was mobile. He also asked how many EMS calls on average per month occurred for the facility. He asked about the Fire Department on Fox Farm Road and if residents can hear the sirens every time they respond to a call. He wanted to know what the improvements were that have been done to the property.

Ms. Koczur responded that the resident that is an offender, is not mobile and needs assistance to get to the dining room. She also stated that since she bought the property, she has installed a new roof, replaced an upper deck, a vinyl fence, a wheelchair ramp and a retaining wall. Mr. Micuda responded that the average EMS calls per month is 2.61. He also stated that staff cannot get the data from the Fire Department on the siren usage.

Mr. Koczur asked what the assessment and vetting process was for the residents in the facility. Ms. Koczur responded that she looks at the medications that people are on and will not just take anybody that wants to live there. She also looks at history of health and behavior. Mr. Koczur asked if Ms. Koczur allowed medical marijuana. Mr. Micuda responded that the Zoning Commission is there to decide whether or not the increase in the beds causes the facility to have negligible impacts or if the collective impact is measurable and potentially negative. The proposed question would be about an internal policy which the Commission cannot take into consideration. Mr. Cherry stated that the staff was there to speak specifically to the land use

applications and any concerns about the facility practices should be taken to the licensing bodies.

### **BOARD QUESTIONS TO APPLICANT**

Ms. Essex asked about the average age of the residents living in the facility. Ms. Koczur stated that it is mainly an older population.

Ms. Essex asked about the typical EMS calls the facility receives. Ms. Koczur responded that it is typically for a drastic change of condition, severe pain, chest pain, or any medical emergencies.

Ms. Essex asked if she was aware that the 3 more beds would add a 23% increase in calls to EMS. Ms. Koczur responded that she was aware. They are staying at a level Category A, so most patients will not need as much care.

Mr. Bertelsen asked if a requirement to live in the facility was that patients couldn't drive. Ms. Koczur responded that in her 30 years of doing that kind of work, no one has ever driven but there could be a possibility in the future that someone could.

Ms. Kaupish asked the City Staff why the Neighborhood Council approved it in November but it is going back on January 9<sup>th</sup>. Ms. Doermann responded that there were some neighbors that went to the Neighborhood Council meeting in December with questions, but because the item was not on their Agenda, it had to be pushed to the January meeting. Ms. Kaupish asked if the original vote in November could be rescinded. Mr. Micuda responded that Neighborhood Councils do not have a formal vote in the process. Ms. Kaupish asked if the City is looking at Meadow Lark School and the issues with the traffic. Mr. Micuda responded that the district would like to re-engage with the City to discuss school drop-off traffic, but it has not happened yet.

Mr. Mills asked about the State Jurisdiction and the City Jurisdiction and if the application was denied, could the State come back against the City. Mr. Micuda responded that the City code regulates the land use. The State has no authority over the City's decision.

Ms. Essex asked City Staff if the application is approved, does it stay with whomever purchases the property in the future. Mr. Micuda responded that it would stay with the property unless there was a change in use.

Mr. Cherry addressed the Commission and stated that there could be a condition put on the approval if the application is approved.

Mr. Bertelsen asked about future visitors to the residence and if there should be parking spaces for them. Mr. Micuda responded that the parking requirement is based on the condition of the property as it is today.

Mr. Bertelsen asked if a CUP should have been requested when the facility went from 8 beds to 12. Mr. Micuda responded that it should have been flagged at that time and a CUP requested.

## PROPONENTS

Timothy Kozcur, 2806 16<sup>th</sup> Ave S, stated that Ms. Kozcur is a minority business owner in the community and uses a lot of other resources in the community. The property is kept clean and well taken care of. He stated that the house could easily be converted back to a single-family home. He also stated that she spends a lot of time vetting the resident's to get the right candidates for the facility. Ms. Kozcur errs on the side of caution, so if there is a question about the safety of a patient, she will call EMS. She also does not allow medical marijuana in the facility.

Charlene Kitto, 3001 15<sup>th</sup> Ave S #108, stated that she has a family member at the facility and visits at least once a week. She has never had any issues with parking and has never seen anyone outside. She stated that the staff is wonderful and gives exemplary care.

Faith Johnson, 2201 11<sup>th</sup> St. S.W., stated that the facility gives elderly people a chance to have a loving home when they have no place else to go. The house is always clean and quiet. There a lot of people that do not have anywhere to go and 3 more beds would give others in the community that opportunity.

Nonie Lane, 2201 11<sup>th</sup> St. S.W., stated that if it wasn't for Ms. Kozcur, she would not have a home. She could not live on her own and the facility and staff is loving and caring.

## OPPONENTS

Kevin Johnson, 1100 24<sup>th</sup> Ave. S.W., stated that he does not have any issue with the current facility, but is concerned about the future in the residential area.

Mary Bowe, 2109 11<sup>th</sup> St. S.W., stated that 17 beds is a lot and if the garage is converted than it is no longer a single-family home. She respects what Ms. Kozcur does but she has had residents approach them and one that tipped in a wheelchair that her husband had to assist with getting back up. The police have been called because people said they were trying to escape. Residents have yelled at her from the porch. There was a resident that came to her house on Christmas Eve and knocked on the door and claimed that two men lived there and that she knew the dog in the backyard, so she had already been around the yard. It can be very uncomfortable. She stated that had she known that before she purchased the property, she may not have.

## BOARD DISCUSSION AND ACTION

Mr. Bertelsen asked if there was any data about the valuation of the property, with the facility in a single-family area. Mr. Cherry responded that the resident was not talking valuation by monetary means and made the distinction that it was enjoyment of the property and neighborhood that the facility was diminishing.

Mr. Mills asked if the item should be tabled until the Neighborhood Council #1 met on January 9<sup>th</sup>. Mr. Cherry responded that the Neighborhood Council vote was not part of the process, and he believed the Zoning Commissioners had enough information to make a recommendation.

Ms. Essex stated that it appeared that the Great Falls Public Schools is conflicted about the request.

Mr. Bertelsen stated that it is obvious that Ms. Koczur runs a wonderful facility. It is unfortunate that the facility is right by a school drop-off. A 23% increase in calls is a significant increase if 3 more beds were added. The public safety impact is insurmountable.

Mr. Mills stated that 17 beds in a 5800 square foot space, is a tight area to fit that many people.

Mr. Green asked if the Commission's job was to predict the future and the odds of something happening. Mr. Bertelsen responded that it was for public safety.

Ms. Essex stated that with the increase in beds but no increase in staff, it would be unsafe for the residents living in the facility.

**MOTION:** That the Zoning Commission recommend the City Commission deny the Conditional Use Permit as legally described in the Staff Report and the accompanying Findings of Fact.

Made by: Ms. Essex

Second by: Mr. Mills

**Vote:** All in favor, the motion passed 7-0 (Zoning Commission issues a denial recommendation to City Commission)

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### **COMMUNICATIONS**

Mr. Cherry announced that Deputy Director Tom Micuda was retiring on February 2, 2024 and thanked him for his invaluable knowledge and dedication to the City of Great Falls.

Mr. Micuda stated that there will not be a Planning Board meeting on January 23, 2024.

Mr. Cherry stated that the Growth Policy Update is coming up and the Planning Board will play a large role in it.

### **PUBLIC COMMENTS**

None.

### **ADJOURNMENT**

There being no further business, Chair Bertelsen adjourned the meeting at 4:59 p.m.

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CHAIRMAN DAVE BERTELSEN

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SECRETARY BROCK CHERRY





Meeting Date: February 13, 2024

**CITY OF GREAT FALLS**  
**PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT**

**Item:** Public Hearing - Zoning map amendment to change the zoning for the property addressed as 805 2<sup>nd</sup> Street SW and legally described as Lot 1-A of the Amended Plat of Lot 1, Garden Home Tracts and Mark 23A of COS 4153, Located in the Southeast ¼ of Section 11, T20N, R3E, P.M.M., Cascade County, Montana, from R-1 Single-family Suburban to M-2 Mixed-use Transitional.

**Initiated By:** Craig and Robert Stainsby  
 Represented by Woith Engineering

**Presented By:** Lonnie Hill, Senior City Planner, Planning and Community Development

**Action Requested:** Recommendation to the City Commission

**Public Hearing:**

1. Chairman of the Commission conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
2. Chairman of the Commission closes public hearing and asks the will of the Board.

**Suggested Motion:**

1. Commission Member moves:

“I move that the Zoning Commission recommend the City Commission (approve/deny) the zoning map amendment for the subject property as legally described in the Staff Report to rezone the property from R-1 Single-family Suburban to M-2 Mixed-use Transitional, based on the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.”

2. Chairman calls for a second, Commission discussion, and calls for the vote.

**Background:**

The subject property, located at 805 2<sup>nd</sup> Street SW, is approximately 4.46 acres and is currently vacant. The property was most recently a mobile home court. City records show the property has had up to fourteen (14) mobile units, but most recently, it had ten (10) units on record with utility records. This larger acreage, multi-unit property has historically served as a transition between the industrial uses to the north and predominately single-family uses to the south. The subject property is currently within the R-1 Single-family Suburban zoning district. The applicant requests a zoning map amendment to rezone the subject property to M-2 Mixed-use Transitional to allow for the development of a mixed residential

project. The request does not include the single-family residence located at the southeast corner of Bay Drive and 2<sup>nd</sup> Street SW, addressed 803 2<sup>nd</sup> Street SW.

The applicant's rezoning request is to facilitate the sale of the property to developers who wish to construct a mixed residential development proposal that includes multiple phases and would result in the construction of 92 units in total. The development proposal includes one three-story 36-unit building in the first phase along the western side of the subject property, one three-story 42-unit building in the second phase in the center of the subject property, and seven 2-unit townhome buildings (14 units) in subsequent phases on the eastern portion of the site, near the Missouri River.

The developer proposes two accesses onto Bay Drive near the location of an existing access for the mobile home court. These accesses will cross a strip of parkland property that is located between the subject property and the right-of-way of Bay Drive. The applicant has approached the City, and specifically the Park and Recreation Department, about the use of that parkland for access to the site. City staff is generally agreeable to continue that use. Prior to the issuance of the Phase I Building Permit, the property owner must enter into an agreement with the City regarding the installation and maintenance of proposed improvements to the City's property adjoining the owner's site that will be used for access. An exhibit of this strip of parkland is included as *Attachment E - Parkland Access Exhibit*.

The developers expressed a willingness to work with the City to create a Voluntary Development Agreement outlining their commitments that go beyond what the M-2 zoning district would otherwise require. These voluntary commitments are outlined within *Appendix F* of the application packet and within the attachment entitled *Draft Voluntary Development Agreement*. Although it is not typical of the City to enter into development agreements with rezoning requests, staff recommends that the Zoning Commission review and consider all of the applicants' voluntary commitments within this draft agreement to become memorialized and recorded. This voluntary development agreement will be finalized and signed by the applicant before City Commission action.

The applicant proposes a boundary line adjustment in addition to the rezone request. A draft certificate of survey (COS) is provided within the application packet to reconfigure the subject property to create Lot A, which is approximately 1.27 acres and will contain the first phase, and Lot B, which is approximately 3.19 acres and will contain the future phases. The proposed boundary line adjustment is reviewed administratively by City planning staff but is provided as part of this request as a reference. The entire 4.46-acre subject property is included in the rezone request.

The subject property is currently within the R-1 Single-family Suburban zoning district. The property was most recently a mobile home court, a nonconforming use within the R-1 zoning district. The properties to the south and west and the single-family residential property directly northwest of the subject property are also within the R-1 zoning district. The property north of the subject property, across Bay Drive, is within the M-2 Mixed-use Transitional zoning district and is currently vacant. Garden Home Park, which is directly north of the subject property, is within the POS Parks and Open Space zoning district. *Attachment D - Zoning Map* shows the specific locations of surrounding zoning districts.

#### **Floodplain Analysis:**

The second and third phases of the proposed project are located within the Special Flood Hazard Area (SFHA), or 100-year floodplain. The applicant will be required to meet the requirements of the Federal.

Emergency Management Agency (FEMA) and City of Great Falls Floodplain Hazard Management Regulations. This will include a request to place fill within the SFHA to develop the 42-unit apartment building and 2-unit townhomes. The proposed first phase including the 36-unit apartment building is located outside the 100-year floodplain.

### **2013 Growth Policy Update Analysis:**

Staff has reviewed the City's 2013 Growth Policy Update and has concluded that the Growth Policy supports the proposed zoning map amendment to facilitate the development of apartments and townhomes. Specifically, on page 134, the Growth Policy lists multiple social policies regarding housing, such as encouraging a variety of housing types and densities so that residents can choose by price or rent, location, and place of work. Further, the Environmental section on page 144 and the Physical section on page 162 of the Growth Policy prioritize infill development. The subject property is surrounded by existing infrastructure, and the Public Works Department already maintains Bay Drive and 2nd Street SW. The supporting findings are listed in *Attachment A: Findings of Fact – Zoning Map Amendment*.

### **Missouri River Urban Corridor Plan Analysis:**

In addition to the City's 2013 Growth Policy Update, the subject property is located within the "Primary Impact Area" of The Missouri River Urban Corridor Plan shown on page 15. According to the plan, a primary impact area includes lands with strong relationships to the river that are most central to the Corridor Plan. On page 48, the plan identifies appropriate riverfront uses that reinforce the vision for the Missouri River corridor. The listed uses include 2-4 story rental apartments and town houses.

Further, a goal of the plan listed on page 36 is to remove barriers to success. One regulatory barrier that was identified is the lack of mixed-use/multi-use zoning districts or options in local regulations appropriate for riverfront redevelopment. In response to the Plan, the City adopted Mixed-use Transitional zoning along Bay Drive in 2005. Because this zoning map amendment request meets multiple goals of the Growth Policy and Missouri River Urban Corridor Plan and is proposed to replace a past multi-unit development, staff supports the request to rezone the property to M-2.

### **Transportation Analysis:**

City Code requires a formal Traffic Impact Analysis when the estimated peak-hour trips generated by the proposed development exceeds 300 peak-hour trips and gives the City the option to require one if the estimated peak-hour trips exceed 200 peak-hour trips. Although the proposed development is estimated to generate only 43 peak-hour trips, staff has performed an analysis based on anticipated public interest in the proposed use. The full analysis can be found within *Attachment B - Traffic Analysis* and is summarized in the following section.

Generally, a traffic analysis looks at existing traffic circulation and patterns, projected traffic circulation and patterns, effects of changes in traffic to the transportation network, and recommendations related to potential impacts attributable to the development.

### **Existing Conditions and Projected Growth**

Traffic volumes are generally low on the roads surrounding the development. Table 1 shows daily and peak-hour volumes, as well as projected growth. Growth projections are based upon studies performed for similar land uses, as summarized in the *ITE Trip Generation Manual, 11<sup>th</sup> Edition*.

Generally, traffic is in the expected range for the characteristics and function of the different affected road segments. Huffman Avenue and Bay Drive are wider roads built to urban road standards and direct

local traffic to higher-capacity roads. 10<sup>th</sup> Avenue SW and 2<sup>nd</sup> Street SW provide access to and from low-volume, mostly residential properties and are referred to as “local” roadways. Local roads around Great Falls generally carry between 200-1,200 trips, depending upon the characteristics of the neighborhood they serve. As expected, Huffman Avenue and Bay Drive carry more traffic than 10<sup>th</sup> Avenue SW and 2<sup>nd</sup> Street SW.

**TABLE 1**

STREET SEGMENT	DAILY VOLUME (DATE)	PROJECTED DAILY GROWTH	PROJECTED DAILY VOLUME	2023 PEAK HOUR VOLUME	PROJECTED PEAK HOUR GROWTH	PROJECTED PEAK HOUR VOLUME
Bay Drive (north of the development)	677 (2022)	185	862	n/a	12	n/a
Huffman Ave. (west of 2 <sup>nd</sup> St. SW)	810 (2022)	211	1,088	n/a	14	n/a
10 <sup>th</sup> Ave SW (btwn 4 <sup>th</sup> & 6 <sup>th</sup> Sts SW)	399 (2023)	132	531	52	9	61
2 <sup>nd</sup> St SW (south of Huffman Ave)	333 (2023)	132	465	39	9	48

### Speeds

Although not typically reviewed, travel speeds have been provided in the analysis for informational purposes. An average travel speed higher than 25 MPH on a local roadway could be a concern. However, as the attached analysis shows, 85% of the drivers traveled less than 26 MPH on 10th Avenue SW and 23 MPH on 2nd Street SW, with the average speed much lower. Additional traffic volumes are not expected to result in an increase in speeds.

### Conflict with Bicyclists

A 2014 study concluded that the characteristics of 10th Avenue SW/2nd Street SW were appropriate for shared bicycle usage. The relatively small increase in vehicular traffic anticipated from the development would not be expected to impact bicycle safety negatively. Additionally, the shared-use path proposed by the development should enhance bicycle safety in the area.

### Conclusions/Recommendations

An increase in peak-hour trips of between 9-14 trips per hour (less than one trip every 4 minutes during rush hour) should have little noticeable impact on area traffic, as the roads have sufficient capacity to allow for the increase and remain uncongested. Huffman Avenue and Bay Drive are wide enough to accommodate parking and 2-way travel, and 2<sup>nd</sup> Street SW and 10<sup>th</sup> Avenue SW have typical travel lane widths to safely carry traffic, with wider boulevards that are usually free of parked vehicles, further contributing to the safe use of the roads.

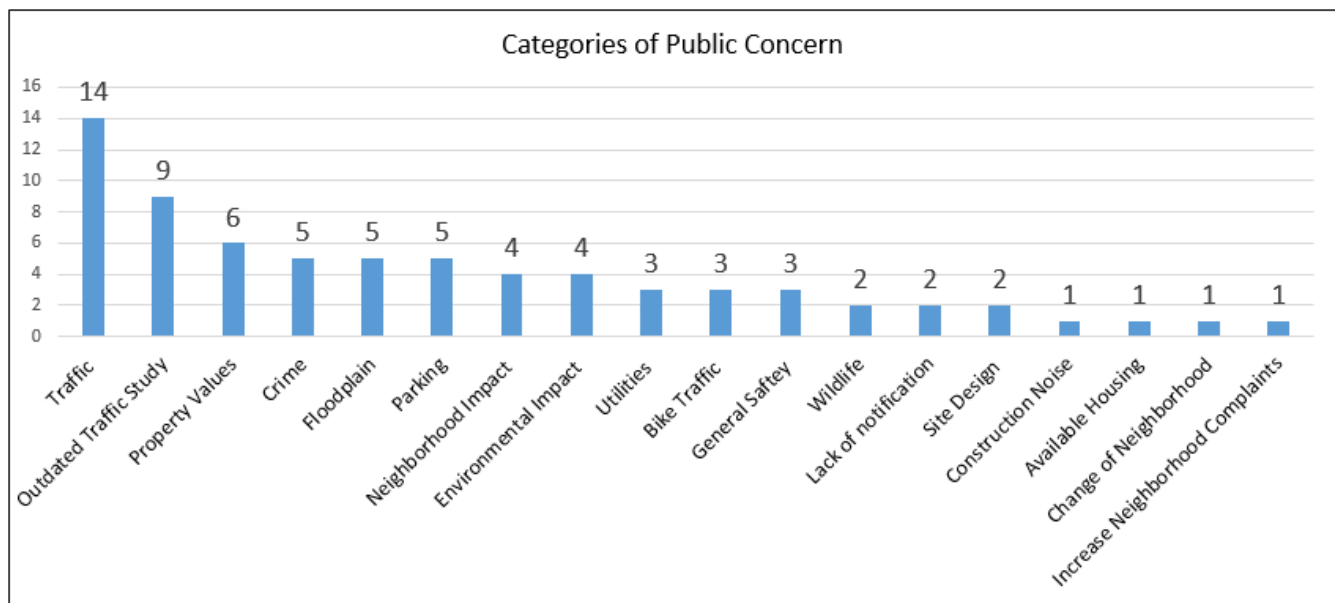
To enhance bicycle and pedestrian safety, a 10-foot shared path is recommended between the proposed development and the end of River’s Edge Trail in Garden Home Park. Due to the lack of pedestrian facilities on neighboring streets, no sidewalks are recommended on 2<sup>nd</sup> Street SW until full street improvements are implemented.

### Neighborhood Council:

The subject property is located in Neighborhood Council #2. The applicant's representative presented at the Council's regularly scheduled November 8<sup>th</sup> meeting. In response to the members in attendance commenting that not enough of the neighborhood was aware of the proposal or meeting, the Council voted to discuss the item at a second special meeting on December 6<sup>th</sup>. A number of residents attended the December 6<sup>th</sup> meeting and expressed various concerns, including traffic and safety. The Council did not take action on December 6<sup>th</sup> but has scheduled this item on its agenda for discussion at its February 13<sup>th</sup> meeting.

### Public Comment:

Public comment received before the publishing of this report is provided as *Attachment H: Public Comment*. Staff has compiled the concerns raised in the public comment and summarized the information into the categories listed in the chart below:



### Concurrences:

Representatives from the City's Public Works Department and Fire Department have been involved in the review process for this application. Review of the building permits for the proposed apartment buildings and townhomes will require review from other City departments at the time of building permit submittal. This review will include coordination with the other City Departments, including the Public Works Department, to develop the subject property. No code compliance issues have been identified in the interdepartmental review process.

### Fiscal Impact:

Approval of this request is expected to result in the construction of a 36-plex apartment building, a 42-plex apartment building, and 14 townhome units on the vacant parcel, which would greatly increase the property's value. This, in turn, would result in increased revenue to the City and other entities whose revenue is based upon property valuation. The applicant will bear the cost of utility connections, all site improvements, and the off-site trail connection. This infill project utilizes existing utility infrastructure and is located within an area already served by City Fire and Police.

**Staff Recommendation:**

Staff recommends approval of the zoning map amendment with the following conditions:

**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. **Land Use & Zoning.** The proposed plans shall conform to the M-2 Mixed-use Transitional zoning district development standards contained within the Official Code of the City of Great Falls.
3. **Engineering Review.** The final engineering drawings and specifications for improvements to the subject property shall be submitted to the City Public Works Department for review and approval.
4. **Agreement with the Park and Recreation Department.** Prior the time of building permit must enter into an agreement with the City regarding the installation and maintenance of proposed improvements to the City's property adjoining the owner's site that will be used for access.

**Formal Protest:**

Residents within 150 feet of the subject property have filed a formal protest of the request. This documentation is provided as *Attachment J – Public Comment – Formal Protest*. Per OCCGF 17.16.40.040 the request may not become effective except upon a favorable vote of two-thirds (2/3) of the present and voting members of the City Commission. The City Code procedure for zoning map amendments states the following:

***17.16.40.040 - Vote if protested.***

*An amendment relating to the zoning provisions of this Title may not become effective except upon a favorable vote of two-thirds (2/3) of the present and voting members of the City Commission if a protest against the amendment is signed by the owners of twenty-five (25) percent or more of:*

- 1. The area of the lots included in any proposed change; or*
- 2. Those lots one hundred fifty (150) feet from a lot included in a proposed change. (See 76-2-305(2), MCA)*

**Alternatives:**

The Zoning Commission could recommend denial of the zoning map amendment to the City Commission. For this action, the Zoning Commission must provide separate Findings of Fact for the zoning map amendment request.

**Attachments/Exhibits:**

- Attachment A - Findings of Fact – Zoning Map Amendment
- Attachment B - Traffic Analysis
- Attachment C - Aerial Map
- Attachment D - Zoning Map
- Attachment E - Parkland Access Exhibit
- Attachment F - Allowable Uses and Lot Area and Dimensional Standards of R-1 and M-2

- Attachment G - Application Packet
- Attachment H - Draft Voluntary Development Agreement
- Attachment I - Public Comment
- Attachment J - Public Comment – Formal Protest

## ATTACHMENT A

## FINDINGS OF FACT – ZONING MAP AMENDMENT

Lot 1-A of the Amended Plat of Lot 1, Garden Home Tracts and Mark 23A of COS 4153, Located in the Southeast ¼ of Section 11, T20N, R3E, P.M.M., Cascade County, Montana

**PRIMARY REVIEW CRITERIA:**

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls (OCCGF) §17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

**1. The amendment is consistent with and furthers the intent of the City's growth policy.**

The proposed zoning map amendment is consistent with the overall intent and purpose of the City of Great Falls 2013 Growth Policy Update. The proposal to amend the zoning of the proposed property from R-1, Single-family Suburban to M-2, Mixed-use Transitional will allow the applicant to construct a proposed multi-family development including a 36-plex, a 42-plex, and seven 2-unit townhomes. The land use of a Multi-family residence is not permitted within the R-1 zoning district, whereas it is permitted by right within the M-2 zoning district. Staff finds the City's Growth Policy supports the proposed zoning map amendment to facilitate higher density development upon an infill parcel, particularly to provide needed housing. The zoning map amendment request is consistent with several of the Plan's policies including:

Social – Housing (page 134)

- 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.

Environmental – Urban Form (page 144)

- Env2.3.1 In order to maximize existing infrastructure, identify underutilized parcels and areas with infill potential as candidates for redevelopment in the City.

Physical - Land Use (page 162)

- Phy4.1.4 Foster the development of safe, walkable, neighborhoods with a mix of uses and diversity of housing types.
- Phy4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

The proposed zoning map amendment will enable these policies to be addressed and further the implementation of the Growth Policy.

**2. 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



## ATTACHMENT A

Council #2. The applicant's representative presented at the Council's regularly scheduled November 8th meeting. In response to comments from members that not enough of the neighborhood was aware of the proposal or meeting, the Council voted to discuss the item at a second special meeting on December 6th. The Council did not take action on December 6th, but has scheduled this item on its agenda for discussion at its February 13th meeting. Because there is no adopted neighborhood plan adopted for the general area, the amendment is not inconsistent with Criterion #2.

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

The subject property is located within the "Primary Impact Area" of The Missouri River Urban Corridor Plan shown on page 15 of the plan. A primary impact area includes lands with strong relationships to the river that are most central to the Corridor Plan. On page 48, the plan identifies appropriate riverfront uses that reinforce the vision for the Missouri River corridor. The listed uses within the plan include 2-4 story rental apartments and town houses. Further, a goal of the plan on page 36 is to remove barriers to success. One regulatory barrier that is identified is the lack of mixed-use/multi-use zoning districts or options in local regulations appropriate for riverfront redevelopment. This zoning map amendment request and the proposed development meet multiple goals of the Missouri River Urban Corridor Plan. As a result, staff finds consistency between the applicants' request and the Missouri River Urban Corridor Plan.

### **4. The code with the amendment is internally consistent.**

If the applicants construct the project as conceptually proposed, the requested zoning map amendment will not be in conflict with any portion of the existing City Code and will be internally consistent. The developers expressed a willingness to work with the City to create a Voluntary Development Agreement outlining their commitments that go beyond what the M-2 zoning district would otherwise require. These voluntary commitments are outlined within "Appendix F" of the application and within the attachment entitled, "*Voluntary Development Agreement*".

### **5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.**

There are no existing public health, safety, or welfare issues that have been identified for this property. The proposed development will require water and sanitary sewer services to be extended from the utility mains that surround the property. In addition, the proposal will trigger the City's stormwater quantity and stormwater quality requirements. These items, and public safety, will be addressed during building permit review to ensure City requirements are met and safe access is provided within the property and to the surrounding streets. Residents to the south have expressed concern that if the zoning map amendment is adopted, that traffic safety impacts will be excessive. Staff analysis indicates that because potential residential trips will be dispersed in three different directions, and that additional traffic generated by the project can be reasonably accommodated by the existing nearby street system.

**ATTACHMENT A****6. 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 enforce the amendment if it is approved. The zoning map amendment will only affect the subject property, and the project will be developed in a manner consistent with Title 17 of the OCCGF.

## Traffic Analysis

### Bay View Apartments & SF Attached Units Rezone

**Project Description/Location:** A 92-unit multi-family development has been proposed at the bend of Bay Drive and Huffman Avenue, including frontage along 2<sup>nd</sup> Street SW. The project location is adjacent to Garden Home Park and across Huffman Avenue from vacant land owned by Burlington Northern-Santa Fe Railroad. Residential properties abut the site on the south, as well as a single residential parcel at the southeast corner of 2<sup>nd</sup> Street SW and Huffman Avenue.

The site of a former 14-unit mobile home park, the developer is proposing a boundary line adjustment, re-zone and future flood plain modifications to accommodate the proposed development. The development proposal includes one three-story 36-unit building in the first phase along the western side of the subject property; one three-story 42-unit building in the second phase in the center of the subject property; and, a future seven duplex condominium buildings (14 units) in subsequent phases on the eastern portion of the site, near the Missouri River (dependent upon permitted floodplain modifications). To accommodate the proposed uses, the developer has requested a zone change from R-1 to M-2.

**Existing Transportation Facilities:** The property abuts Huffman Avenue/Bay Drive on the north and 2<sup>nd</sup> Street SW on the west. Huffman Avenue/Bay Drive is a standard-width Local roadway with curb and gutter with a stormwater inlet, but no sidewalks. 2<sup>nd</sup> Street SW is a sub-standard Local street, approximately 22 feet wide and not centered in the right-of-way, with no curb, gutter, sidewalk or stormwater conveyance. 2<sup>nd</sup> Street SW is stop-controlled with a stop sign at the intersection with Huffman Avenue (northbound).

Private utilities, both overhead and underground, occupy the east side of the right-of-way of 2<sup>nd</sup> Street SW. The west side of the right-of-way is used for property owner parking.

Current access to the mobile home park is through one unpaved approach connecting to 2<sup>nd</sup> Street SW and one connecting to Huffman Avenue. Additionally, three of the units have driveways directly off of 2<sup>nd</sup> Street SW.

10<sup>th</sup> Avenue SW, 2<sup>nd</sup> Street SW and a portion of Huffman Avenue/Bay Drive adjoining the subject property are designated as on-street bike routes, serving as a connection for bicyclists between the shared use sidewalk on 6<sup>th</sup> Street SW and the end of River's Edge Trail in Garden Home Park along Bay Drive.

Huffman Avenue/Bay Drive is classified as a Local roadway that serves industrial land uses as well as access to River's Edge Trail and Garden Home Park. Due to its through connection and the land uses it serves, the roadway has a higher volume of traffic than a residential Local street.

2<sup>nd</sup> Street SW is a lower volume Local street with a rural paved road section. It serves mainly residential uses, with some through-traffic to Bay Drive/Huffman Avenue, as well as the above-noted bicycle use. It is an extension of 10<sup>th</sup> Avenue SW, a Local residential street that connects to 6<sup>th</sup> Street SW. Travel lane widths are around 11 feet, each direction.

## Attachment B

January 29, 2024

**Driveway Access:** The developer has proposed one driveway onto 2<sup>nd</sup> Street SW and two onto Huffman Avenue/Bay Drive.

**Travel Speeds:** A speed study was performed in 2018 on Huffman Avenue, 2<sup>nd</sup> St SW and 10<sup>th</sup> Ave SW, and in 2023 on 10<sup>th</sup> Avenue SW. Table 1 summarizes the speeds travelled by 85% of the traffic.

**TABLE 1**

STREET SEGMENT	Average travel speed of 85% of all vehicles
10 <sup>th</sup> Ave. SW between 4 <sup>th</sup> & 6 <sup>th</sup> Sts. SW	29.58 MPH (2018) 26 MPH (2023) 19 MPH Average Speed (2023)
2 <sup>nd</sup> St. SW (south of Huffman Ave.)	23 MPH (2023) 15 MPH Average Speed (2023)
Huffman Ave. between Crescent Circle & 3 <sup>rd</sup> St. SW	31.50 MPH (2018)

**Existing Traffic Volumes:** There are two recently counted traffic volume count locations in the area, with 2022 data:

- 1) Huffman Avenue, at the railroad crossing just east of Crescent Circle; and,
- 2) Bay Drive, at the railroad crossing just east of the railroad shops (at the west end of the Missouri River railroad bridge).

Additionally, due to neighborhood interest in traffic, traffic counters were placed on 10<sup>th</sup> Ave. SW and 2<sup>nd</sup> St. SW to gather current traffic counts.

The traffic for each location is shown on **Table 2**, along with the expected growth from the development.

**Trip Generation:** Average trips can be estimated by using trip-generation rates obtained from actual studies. The rates vary, based upon time of day and type of land use. For the proposed development, there are two different proposed land-uses: Multifamily Housing (Low-Rise) and Single Family Attached Housing. To accurately characterize the traffic impact of the proposed development, it is important to also subtract the trips that were generated by the current or most recent use (Mobile Home Park).

To estimate trips, the *ITE Trip Generation Manual, 11<sup>th</sup> Ed.*, provides average weekday trip calculations as follows:

- 1) 78 units of Multifamily Housing (Low Rise) would be expected to generate an average of 6.74 trips per dwelling unit on a weekday, for a total estimated average of **526 trips** per weekday.
- 2) 14 units of Single-Family Attached Housing would be expected to generate an average of 7.20 trips per dwelling unit on a weekday, for a total estimated average of **101 trips** per weekday.

## Attachment B

January 29, 2024

- 3) 14 Mobile Home Park units would be expected to generate an average of 7.12 trips per dwelling unit on a weekday, for a total estimated average of **100 trips** per weekday. To assess the impact of the development, these trips are subtracted.

The total estimated increase in daily trips generated by the development is **527 average daily weekday trips**.

Traffic from the proposed development during “peak hour” – that is, the evening “rush hour” where traffic on the adjoining street is highest – is also an impact worth estimating. From the same source, the following “peak hour” traffic can be calculated as follows:

- 1) 78 units of Multifamily Housing (Low Rise) would be expected to generate an average of .51 trips per dwelling unit during the evening peak hour, for a total estimated average of **40 trips** per hour.
- 2) 14 units of Single-Family Attached Housing would be expected to generate an average of .18 trips per dwelling unit during the evening peak hour, for a total estimated average of **3 trips** per hour.
- 3) 14 Mobile Home Park units would be expected to generate an average of .58 trips per dwelling unit during the evening peak hour, for a total estimated average of **9 trips** per hour. To assess impact of the development, these trips are subtracted.

The total estimated increase in PM peak hour trips generated by the development is **34 average daily PM peak hour trips**.

**Trip Distribution:** Based upon the proposed location of the development’s buildings and driveways, the trips generated by the proposed development are estimated to be distributed as follows: 25% via 2<sup>nd</sup> Street SW/10<sup>th</sup> Avenue SW (south of the development); 40% via Huffman Avenue (west of the development); and, 35% via Bay Drive (north of the development.)

**Summary of Existing and Estimated Future Traffic:** Table 2 summarizes existing and projected vehicular traffic on streets adjoining the proposed development.

**TABLE 2**

STREET SEGMENT	DAILY VOLUME (DATE)	PROJECTED DAILY GROWTH	PROJECTED DAILY VOLUME	2023 PEAK HOUR VOLUME	PROJECTED PEAK HOUR GROWTH	PROJECTED PEAK HOUR VOLUME
Bay Drive (north of the development)	627 (2022)	185	812	n/a	12	n/a
Huffman Ave. (west of 2 <sup>nd</sup> St. SW)	810 (2022)	211	1,021	n/a	14	n/a
10 <sup>th</sup> Ave SW (btwn 4 <sup>th</sup> & 6 <sup>th</sup> Sts SW)	399 (2023)	132	531	52	9	61

## Attachment B

January 29, 2024

2 <sup>nd</sup> St SW (south of Huffman Ave)	333 (2023)	132	465	39	9	48
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*Note: all numbers are vehicle trips per day or vehicle trips per hour*

**Pedestrian and Bicycle Facilities:** The developer would be required to construct sidewalk adjacent to Huffman Avenue. Because of the rural nature of 2<sup>nd</sup> Street/10<sup>th</sup> Avenue SW, a sidewalk is not recommended. Due to the nearness of River's Edge Trail, the developer will be asked to connect the sidewalk to River's Edge Trail in Garden Home Park.

No specific bicycle improvements are required, but the developer is encouraged to consider placement of bike racks or secure bicycle storage on-site.

10<sup>th</sup> Avenue SW, 2<sup>nd</sup> Street SW and Huffman Avenue are designated as a bike route to connect bicyclists between 6<sup>th</sup> Street SW and the start of River's Edge Trail in Garden Home Park. In 2014, following citizen inquiries regarding the designation, a study was performed by City staff to determine if Huffman Avenue/Crescent Circle would be a more appropriate route for bicyclists. After gathering data and analyzing route characteristics, it was determined that the preferred on-street bicycle connection was via 10<sup>th</sup> Avenue SW/2<sup>nd</sup> Street SW, and recommended no modification to the route.

During a 2-day period in December 2023 (in good weather), 18 bicycles and 27 pedestrians were counted on 10<sup>th</sup> Ave. SW at the counter site between 4<sup>th</sup> St. SW and 6<sup>th</sup> St. SW. The number of bike/ped trips would be expected to increase somewhat due to the development, though there is no method for quantifying the increase. However, because there is no on-street parking along the route and generally low speeds and low traffic, the relatively small increase in traffic is anticipated to have little impact upon the continued safety and appropriateness of use of the route for bicyclists.

**Recommendations/Conclusions:** The projected roadway volumes are within the normal range for a residential Local roadway (2<sup>nd</sup> Street SW/10<sup>th</sup> Ave SW) and a non-residential Local roadway (Huffman Avenue/Bay Drive) and, therefore, the existing street network has sufficient capacity to accommodate the projected growth.

Construction of either a 10-foot shared-use path or a standard 5-foot sidewalk connecting to the trailhead in Garden Home Park will provide safe pedestrian and bicycle connection to the recreational amenity. Staff recommends a 10-foot shared-use path connection to safely accommodate both pedestrians and bicyclists, both of whom are expected to use the nearby trail for recreational and safe commuter travel. Without a wider connection, bicyclists from the development would need to use the roadway to connect to River's Edge Trail.

Because of utility conflicts and concerns about stormwater conveyance, the City should consider deferring the construction of a sidewalk along the property's 2<sup>nd</sup> Street SW frontage until the street itself is brought to full City standards.

Provision of bicycle storage facilities at each of the multi-family buildings is recommended and encouraged.

**Attachment B**

January 29, 2024

To enhance safety, stop signs should be placed by the developer at all driveways.

Finally, posted speeds are appropriate for the area roadways. The 85<sup>th</sup> percentile of travel speeds are slightly higher or slightly lower than posted speed limits, and the average speeds are less than the posted limits.



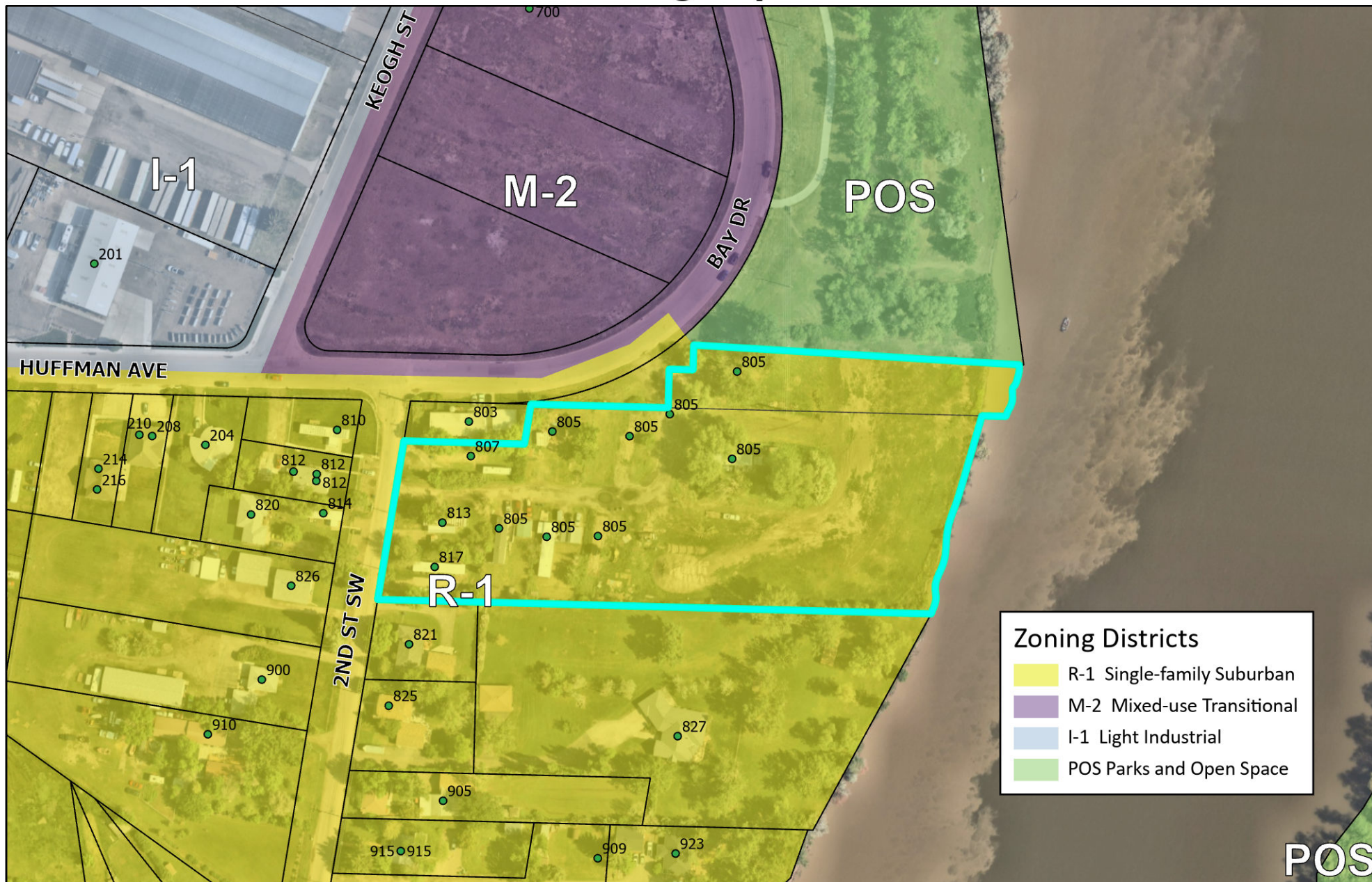


- Parcels
- Subject Property





# Zoning Map



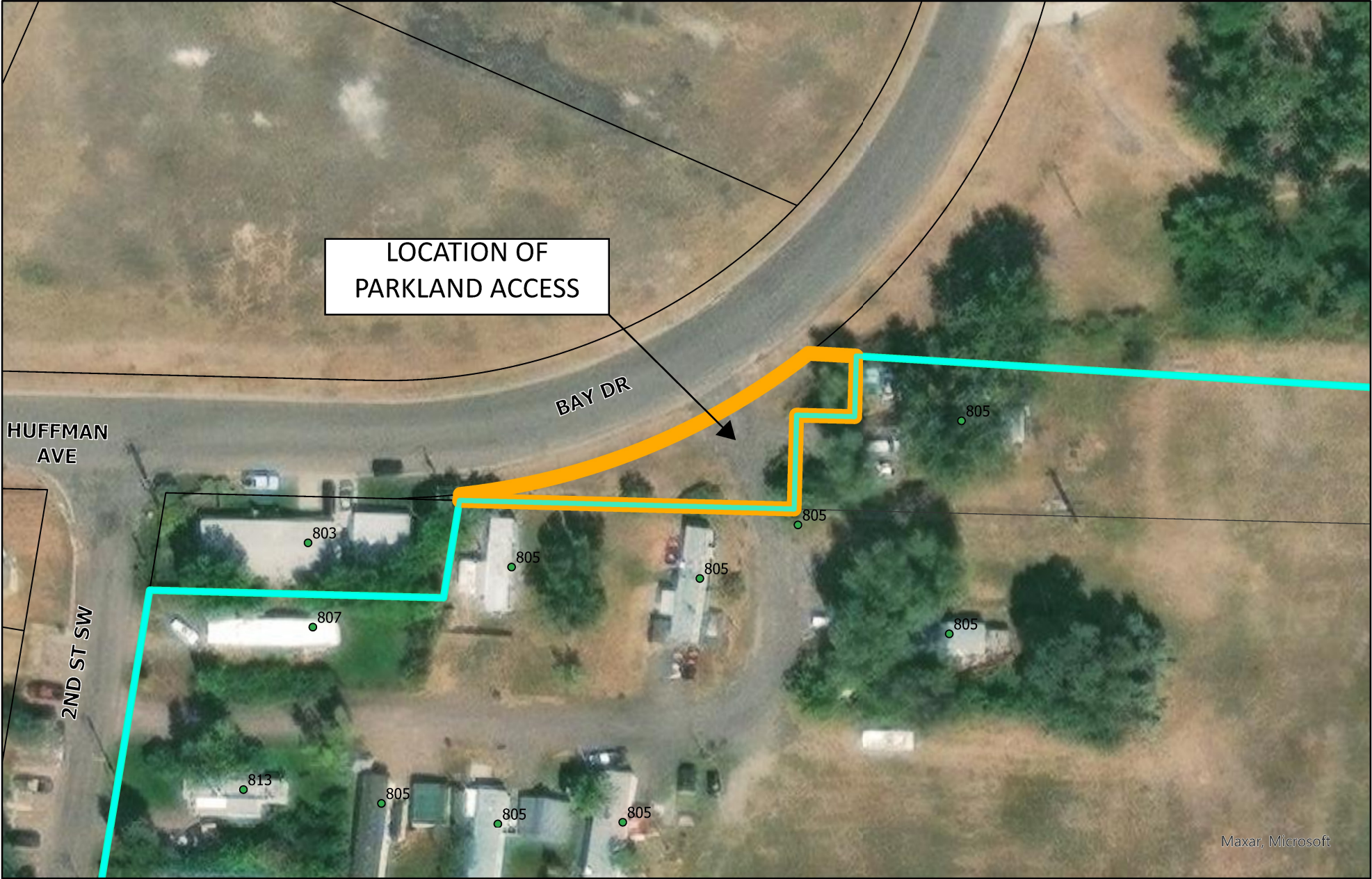
Parcels  
 Subject Property

0 200 400 Feet





Parkland Access Exhibit



- Parcels
- Subject Property
- Parkland Access



Title 17 - LAND DEVELOPMENT CODE  
Chapter 20 - LAND USE  
Article 3 ALLOWABLE USES

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### ***Article 3 ALLOWABLE USES***

#### **Sections:**

#### **17.20.3.010 Allowable uses within zoning districts.**

For the purposes of this Title, land uses are categorized as principal, accessory, and temporary. The land uses that are allowable in one (1) or more districts are defined in Chapter 8 of this Title. Exhibit 20-1 through 20-3 lists the uses as allowed in one (1) or more base zoning districts. The coding system, as described below, is used to identify the appropriateness of the land uses in each of the various base districts and the type of review if allowed.

"P" indicates that the use is permitted in the district by right, provided that all other provisions of this Title are met. These uses do not undergo public review, but are reviewed at the administrative level to ensure compliance.

"-" indicates that the use is not permitted in the district.

"C" indicates that the use is permitted in the district as a conditional use.

#### **17.20.3.020 Similarity of uses.**

Because the list of uses cannot include every conceivable type of activity, those uses that are listed shall be interpreted to include other uses that are of a similar nature and have similar impacts to the listed use.

#### **17.20.3.030 Uses not listed.**

Those uses not listed, and which cannot be interpreted to be similar to any listed use, as provided for above, shall be prohibited.

#### **17.20.3.040 Project classified in more than one (1) land use category.**

In the event that the proposed project includes more than one (1) land use category, the following rules shall apply:

1. **Prohibited and allowable uses in project.** If a proposed project includes both an allowable use(s) and a prohibited use(s), the prohibited portion of the project may not occur in the district.
2. **More than one (1) review type or development standard in project.** If a proposed project includes more than one (1) use, with different levels of approval, the strictest of the approval procedures shall apply to the whole project.

#### **17.20.3.050 Relationship of a principal use to an accessory use.**

Before an accessory use may be established, the premises shall host a principal use.

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**17.20.3.060 Certain land uses shown as permitted may be a conditional use.**

A permitted land use (as shown in Exhibit 20-1, 20-2, 20-3) that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.

**Exhibit 20-1. Principal Uses by District**

Use	R-1	M-2	Special Standards
Agriculture, horticulture, nursery	P	-	17.20.6.005
Marijuana cultivation	-	-	
Mobile home/park	-	-	17.20.6.010
Residence, single-family detached	P	P	
Residence, zero lot line	-	P	17.20.6.020
Residence, two-family	-	P	
Residence, multi-family	-	P	17.20.6.040
Residence, townhouse	-	P	17.20.6.050
Residence, manufactured/factory-built	P	P	17.20.6.060
Retirement home	-	P	
Community residential facility, type I	P	P	
Community residential facility, type II	C	C	
Day care center	C	P	
Emergency shelter	-	C	
Family day care home	P	P	
Group day care home	P	P	
Nursing home	-	P	
Campground	-	-	17.20.6.070
Hotel/motel	-	P	

Micro-brewery	-	C	17.20.6.080
Restaurant	-	P	17.20.6.080
Tavern	-	C	17.20.6.080
Agriculture sales	-	-	
Auction sales	-	-	
Construction materials sales	-	-	
Convenience sales	C	-	
General sales	-	P	
Manufactured housing sales	-	-	
Marijuana dispensary	-	-	
Off-site liquor sales	-	C	
Secondhand sales	-	-	
Shopping center	-	-	
Administrative services	-	P	
Commercial kennel	-	-	17.20.6.090
Financial services	-	P	
Funeral home	-	P	
General services	-	P	
Professional services	-	P	
Sexually-oriented business	-	-	17.20.6.100
Veterinary clinic, large animal	-	-	
Veterinary clinic, small animal	-	P	17.20.6.110
Large equipment rental	-	-	

Small equipment rental	-	-	
General repair	-	-	
Vehicle fuel sales	-	-	
Vehicle repair	-	-	17.20.6.120
Vehicle sales and rental	-	-	
Vehicle services	-	P	
Agricultural commodity storage facility	-	-	
Climate controlled indoor storage	-	P	
Fuel tank farm	-	-	
Marijuana transporter	-	-	
Mini-storage facility	-	C	17.20.6.130
Freight terminal	-	-	
Warehouse	-	C	
Casino	-	-	
Indoor entertainment	-	C	
Indoor sports and recreation	-	C	
Golf course/driving range	C	-	
Miniature golf	-	C	
Outdoor entertainment	-	-	
Park	P	P	
Recreational trail	P	P	
Administrative governmental center	-	P	

Animal shelter	-	C	17.20.6.160
Cemetery	C	-	17.20.6.170
Civic use facility	C	P	
Community center	C	P	
Community cultural facility	C	P	
Community garden	P	P	17.20.6.175
Public safety facility	C	P	
Worship facility	C	P	17.20.6.180
Health care clinic	-	P	
Health care facility	-	C	
Health care sales and services	-	P	
Commercial education facility	-	P	
Educational facility (K—12)	C	C	17.20.6.200
Educational facility (higher education)	-	C	
Instructional facility	-	P	
Composting facility	-	-	17.20.6.210
Recycling center	-	-	17.20.6.220
Solid waste transfer station	-	-	17.20.6.230
Amateur radio station	P	-	17.20.6.240
Telecommunication facility			17.20.6.250
Concealed facility	C	P	
Unconcealed facility	-	C	
Co-located facility	-	C	
Utility installation	C	C	



Airport	-	-	
Bus transit terminal	-	C	
Heli-pad	-	C	17.20.6.260
Parking lot, principal use	-	P	
Parking structure	-	P	
Railroad yard	-	-	
Taxi cab dispatch terminal	-	P	
Contractor yard, type I	C	P	17.20.6.270
Contractor yard, type II	-	C	17.20.6.280
Artisan shop	-	P	
Industrial, heavy	-	-	
Industrial, light	-	-	
Industrial park	-	-	
Junkyard	-	-	17.20.6.290
Light manufacturing and assembly	-	P	17.20.6.300
Marijuana manufacturing	-	-	
Marijuana testing laboratory	-	-	
Motor vehicle graveyard	-	-	17.20.6.310
Motor vehicle wrecking facility	-	-	17.20.6.320

- The use is not permitted in the district

C The use is allowed through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate  
( Ord. 3259 , 2023; Ord. 3251 , 2022; Ord. 3249 , 2022; Ord. 3221 , 2020; Ord. 3166, 2017; Ord. 3087, 2012; Ord. 3068, 2011; Ord. 3056, 2010)

**Exhibit 20-2. Accessory uses by district**

Use	R-1	M-2	Special Standards
Accessory living space	P	P	17.20.7.010
Agriculture, livestock	P	-	17.20.7.080
ATM, exterior	-	P	17.20.7.020
Bed and breakfast	C	P	17.20.7.030
Fences	P	P	17.20.7.040
Gaming, accessory	-	P	17.20.7.050
Garage, private	P	P	17.20.7.060
Home occupation	P	P	17.20.7.070
Private stable/barn	P	-	17.20.7.080
Residence, accessory	-	P	17.20.7.085
Roadside farmer's market	P	-	17.20.7.090
Storage containers	-	-	17.20.7.100
Wind-powered electricity systems	P	P	17.20.7.110

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 7 of this chapter, as appropriate

( Ord. 3251 , 2022; Ord. 3249 , 2022; Ord. 3087, 2012; Ord. 3056, 2010; Ord. 3034, 2009)

**Exhibit 20-3. Temporary uses by district (see 17.20.8.010 for Special Standards)**

Use	R-1	M-2	Special Standards
Garage sales	P	P	17.20.8.015
Itinerant outdoor sales	-	P	17.20.8.020
On-site construction office	P	P	17.20.8.030
On-site real estate sales office	P	P	17.20.8.040
Outdoor entertainment, temporary	-	-	
Sidewalk café	-	P	17.20.8.050
Sidewalk food vendor	-	P	17.20.8.060

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 8 of this chapter, as appropriate

( Ord. 3251 , 2022; Ord. 3249 , 2022; Ord. 3221 , 2020; Ord. 3056, 2010)

---

**17.20.3.070 Prohibited land uses.**

No use of land shall be permitted by right or conditionally permitted within the City of Great Falls that is in violation of federal, state or local law, except for land uses relating to activities licensed by the Montana Department of Revenue under the Montana Marijuana Regulation and Taxation Act and identified as allowed in 17.20.3.010 and its accompanying exhibits.

( Ord. 3249 , 2022; Ord. 3054, 2010)

Title 17 - LAND DEVELOPMENT CODE  
Chapter 20 - LAND USE  
Article 4 LOT AREA AND DIMENSIONAL STANDARDS

---

***Article 4 LOT AREA AND DIMENSIONAL STANDARDS***

**Sections:**

**17.20.4.010 Generally.**

Lots and buildings shall conform to the dimensional standards specified in Exhibit 20-4.

---

**17.20.4.020 Exceptions.**

The following are exemptions to the standards:

1. The requirements for the rear yard on through lots do not apply when the area of such required rear yard is provided elsewhere on the lot.
2. Every part of a required yard shall be open from its lowest points to the sky unobstructed, except for the projections of sills, belt courses, cornices, and ornamental features not to exceed four (4) inches.
3. Open or lattice enclosed fire escapes, fireproof outside stairways, and solid floored balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues shall be permitted where the same are so placed as not to obstruct the light and ventilation.
4. An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the width of the main part of the house.
5. Steps and eaves are allowed to encroach into the front and side yard setbacks.

**Exhibit 20-4. Development standards for residential zoning districts**

(See footnotes below for additional standards)

Standard	R-1	R-2	R-3	R-5	R-6	R-9	R-10
Residential density	-	-	-	1,875 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	1,200 sq. feet of lot area per dwelling unit	10 dwelling units per acre
Minimum lot size for newly created lots	15,000 sq. feet	11,000 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	n/a
Minimum lot width for newly created lots	90 feet	80 feet	60 feet	50 feet	50 feet	50 feet	n/a
Lot proportion for newly created lots (maximum depth to width)	3:1	3:1	2.5:1	2.5:1	2.5:1	2.5:1	n/a
Maximum building height of principal building	35 feet	35 feet	35 feet	45 feet	65 feet	35 feet, single-family 50 feet, multi-family	12 feet to exterior wall
Minimum front yard setback [2]	30 feet	20 feet	20 feet	10 feet	15 feet	10 feet	n/a
Minimum side yard setback [3]	Principal building: 15 feet each side	Principal building: 8 feet each side	Principal building: 6 feet each side	4 feet; 8 feet if adjoining a R-1, R-2, R-3 district	5 feet; 10 feet if adjoining a R-1, R-2, R-3 district	Principal building: 6 feet each side	n/a
Minimum rear yard setback	20 feet for lots less than 150 feet in depth; 25 feet for lots 150	15 feet for lots less than 150 feet in depth; 20 feet for lots 150	10 feet for lots less than 150 feet in depth; 15 feet for lots 150	10 feet for lots less than 150 feet in depth; 15 feet for lots 150	15 feet	10 feet for lots less than 150 feet in depth; 15 feet for lots 150	n/a

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	feet in depth and over	feet in depth and over	feet in depth and over	feet in depth and over		feet in depth and over	
Maximum lot coverage of principal and accessory structures	Corner lot: 40% Other types: 30%	Corner lot: 45% Other types: 35%	Corner lot: 55% Other types: 50%	Corner lot: 60% Other types: 50%	Corner lot: 70% Other types: 60%	Corner lot: 70% Other types: 60%	none
Detached Garages and other Accessory Structures							
Maximum building height	24 feet	24 feet	24 feet	24 feet	24 feet	24 feet	16 feet
Minimum front yard setback [5]	30 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	15 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	n/a
Minimum side yard setback	5 feet	5 feet	5 feet	4 feet; 8 feet if adjoining an R-1, R-2, R-3 district	5 feet; 10 feet if adjoining an R-1, R-2, R-3 district	5 feet	n/a
Minimum rear yard setback	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards, but must conform to all standards found in 17.20.7.060. ( Ord. 3232 , 2021)

[2] See Section 17.20.6.020 for side yard requirements for zero lot line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces. ( Ord. 3232 , 2021; Ord. 2950, 2007)

[3] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location. ( Ord. 3232 , 2021)

[4] For townhomes, see Section 17.20.6.050 for additional and superseding requirements. ( Ord. 3232 , 2021)

[5] If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback. ( Ord. 3232 , 2021)



Exhibit 20-4 (continued). Development standards for other zoning districts

	M-1	M-2	C-1	C-2	C-3	C-4	C-5	PLI	GFIA	I-1	I-2
Residential density	500 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum lot size for newly created lots	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet
Minimum lot width for newly created lots	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Lot proportion for newly created lots (maximum depth to width)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3:1	3:1
Maximum building height of principal building	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet	35 feet	65 feet	50 feet	100 feet by right; 101 feet to 160 feet as conditional use	55 feet	100 feet by right; 101 feet to 160 feet as conditional use, except as follows; in	65 feet	45 feet	none

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(Supp. No. 18)

	when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district						the proposed medical district master plan area, 160 feet by right			
Maximum building height of accessory building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	n/a	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	35 feet	none
Minimum front yard setback of principal and accessory buildings	none	Existing Industrial: 20 feet	15 feet	none	25 feet	none	15 feet	25 feet	25 feet	20 feet	10 feet
Minimum side yard setback of principal	Commercial: none Residential: none	Commercial: none Residential: 5 feet each	10 feet each side	10 feet each side	15 feet each side	none	10 feet each side	10 feet each side	none	10 feet each side	10 feet each side, 15 feet

and accessory buildings	5 feet each side	side Existing Industrial: 15 feet each side									when side yard abuts a non-industrial zoning district
Minimum rear yard setback of principal and accessory buildings	10 feet	10 feet	15 feet	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	5 feet	5 feet
Maximum lot coverage of principal and accessory buildings	Corner lot: 70% Other lots: 65%	Corner lot: 70% Other lots: 65%	Corner lot: 50% Other lots: 40%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	100%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	none	Corner lot: 85% Other lots: 70%	Corner lot: 85% Other lots: 70%

( Ord. 3232 , 2021; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)

# BAY VIEW APARTMENTS

*A Mixed-Use Development in Great Falls, Montana*

## Land Use Application Submittal

<i>Revision</i>	<i>Date</i>
Zoning Map Amendment Submittal	08/09/2022
Zoning Map Amendment Resubmittal	09/21/2023
Zoning Map Amendment Resubmittal	11/08/2023

Prepared for:

***Craig and Robert Stainsby***  
715 4<sup>th</sup> Ave N  
Great Falls, MT 59401

405 Third Street NW, Suite 206  
Great Falls, MT 59404  
(406) 761-1955

**WOITH ENGINEERING, INC.**  
**ENGINEERS & SURVEYORS**

3860 O'Leary Street, Suite A  
Missoula, MT 59808  
(406) 203-0869

LAND USE APPLICATION SUBMITTAL  
Bay View Apartments  
November 8, 2023



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The following headings follow the “Land Use Application Checklist” that was determined to be required for submittal from the City of Great Falls Planning and Community Development Department. The checklist was supplied to Woith Engineering on May 31<sup>st</sup>, 2023. See Appendix A for the signed Land Use Checklist.

## 1. ZONING MAP AMENDMENT (TABLE 3)

### 1.A. AERIAL EXHIBIT

See the Site Plan in Appendix B.

### 1.B. NARRATIVE OF THE REZONE

The proposed development will be comprised of a portion of the current Lot 1A of the Garden Home Tracts Subdivision. After a boundary line relocation, there will remain a total of two lots, with Lot 1A being 1.27-acres and Lot 2A being 3.19-acres. The intention for the rezone on Lot 1A is to place a 36-unit multi-family apartment building and accompanying site and utility improvements. The intention of the rezone on Lot 2A is for a similar 42-unit multi-family apartment building, along with townhouse residences. The current zoning of the Garden Home Tracts Subdivision is Single-family Suburban Residential (R-1). This proposal would include rezoning Lot 1A and 2A to Mixed-use Transitional (M-2). Surrounding and nearby zoning includes R-1, M-2, and Parks and Open Space (POS). The following sections outline the preliminary details of this proposed development.

This proposed phase of development will be the first of a multi-phase expansion to the east. This expansion to the east, Lot 2A, will cross into the “Special Flood Hazard Areas (SFHA’s) Subject to Inundation by the 1% Annual Chance Flood” Zone AE – Base Flood Elevations Determined. The owner and design team are currently working on filling a Conditional Letter of Map Revision (CLOMR) with FEMA in order to fill within the floodplain for the future phases. This first phase work on Lot 1A does not cross into Zone AE. This zoning map amendment applies to the 1.27-acre Lot 1A and the 3.19-acre Lot 2B.

### 1.C. SITE PLAN

See the Site Plan in Appendix B.

### 1.D. CONCEPTUAL PLANS FOR PUBLIC INFRASTRUCTURE

See the Site Plan in Appendix B.

### 1.E. PRELIMINARY SOILS/GEOTECHNICAL INFORMATION

See Appendix C.

### 1.F. ESTIMATED WATER AND WASTEWATER DEMAND/DISCHARGE

#### Water Usage:

The average daily demand, including domestic demands and irrigation demands, was calculated based on the following assumptions:

*Domestic: 100 gallons per day (as per DEQ 4)*

*Irrigation: two inches per week during the summer months (June-August). Assuming all of landscaped area is irrigated.*

The average daily domestic demand is calculated as follows:

Projected Max Number of Tenants: (assuming 2 tenants per unit)

Projected Max Number of Tenants:  $(36 \times 2) + (42 \times 2) + (14 \times 2) = 184$  Tenants

$D_{DOM} = 184 \text{ residences} \times 100 \text{ gpd (gallons per day)} = \mathbf{18,400 \text{ gpd}}$

The average daily irrigation demand during the summer months is calculated as follows (assuming all areas outside of the building and parking lot area are irrigated):

$$D_{IRR} = \left(\frac{2''}{\text{week}}\right) \left(\frac{1'}{12''}\right) \left(\frac{7.48 \text{ gal}}{\text{ft}^3}\right) \left(\frac{\text{week}}{7 \text{ days}}\right) (72,000 \text{ ft}^2 \text{ landscaping}) = \mathbf{12,823 \text{ gpd}}$$

Thus, the total average daily demand during the summer months, when water usage will be at its most severe, is **31,223 gpd**.

#### Wastewater Discharge:

The peak sanitary sewer design flow for the development was estimated using the wastewater flow rates outlined in Section 3.1 of Montana Department of Environmental Quality Circular 4. An average of 2 persons per living unit was used to calculate the total design flow for the proposed multi-family units. The proposed development will include 92-units. The average daily usage per person for the apartment will be 100 gallons per day (DEQ-4).

The peak design flow, including domestic and commercial demands was calculated based on the following assumptions:

Domestic: 100 gallons per day, per resident (as per DEQ 4)

The average daily domestic demand is calculated as follows:

Projected Max Number of Tenants:  $(92 \times 2) = 184$  Tenants (0.184 in thousands)

$$\text{Peaking Factor} = \frac{18 + \sqrt{P}}{4 + \sqrt{P}} = \frac{18 + \sqrt{0.184}}{4 + \sqrt{0.184}} = 4.16$$

$$D_{\text{DOM}} = 184 \text{ residents} \times 100 \text{ gpd} \times 4.16 = \mathbf{76,544 \text{ gpd}}$$

Therefore, the peak design flow rate for this phase of development is calculated as follows:

$$Q_{\text{max}} = 76,544 \text{ gpd} \times \left( \frac{0.13 \text{ cf}}{\text{gal}} \right) \times \left( \frac{\text{day}}{86,400 \text{ sec.}} \right) = \mathbf{0.115 \text{ cfs}}$$

#### 1.G. PRELIMINARY DRAINAGE PLAN

See the Site Plan in Appendix B.

#### 1.H. SPECIAL FUNDING PROPOSAL

There are no special funding proposals for the public infrastructure on this proposed development.

#### 1.I. PRELIMINARY EASEMENTS

Utility easements will be shown for needed routes with power and telecommunication companies. Coordination with said entities is currently occurring. These easements will be shown on the final COS.



LAND USE APPLICATION SUBMITTAL  
Bay View Apartments  
November 8, 2023



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# APPENDIX A

## Land Use Application and Checklist

CITY OF GREAT FALLS  
 PLANNING & COMMUNITY DEVELOPMENT DEPT.  
 P.O. BOX 5021, GREAT FALLS, MT, 59403 5021  
 406.455.8430 • WWW.GREATFALLSMT.NET

## LAND USE APPLICATION

### Bay View Apartments

**Name of Project (If applicable):**

805 2nd St SW, Great Falls, MT 59404

**Project Address:**

Craig and Robert Stainsby

**Applicant/Owner Name:**

715 4th Ave N, Great Falls, MT 59401

**Mailing Address:**

406-868-3467

rstains@hotmail.com

**Phone:**
**Email:**

Woith Engineering

**Representative Name:**

406-205-1761

robert@woitheng.com/spencer@woitheng.com

**Phone:**
**Email:**

- ☐ Annexation by Petition: \$500
- ☐ Preliminary Plat, Major: \$1,500 + \$50/lot
- ☐ Final Plat, Major: \$1,500 + \$25/lot
- ☐ Minor Subdivision: \$1,250
- ☒ Zoning Map Amendment: \$2,000
- ☐ Conditional Use Permit: \$1,500
- ☐ Planned Unit Development: \$2,000
- ☐ Amended Plat, Non-administrative: \$1,000

### LEGAL DESCRIPTION:

Lot A of Lot 1A of the Amended Plat of Lot 1 Garden Home Tracts and Certificate of Survey 4153

**Lot/Block/Subdivision:**

11/20N/R3E

**Section/Township/Range:**

### ZONING (ZONING MAP AMENDMENT ONLY):

R-1

M-2

**Current:**
**Proposed:**

### LAND USE (CONDITIONAL USE ONLY):

Mobile Home Park

Multi-Family

**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.

Applicant/Owner's Signature:

Date:

Representative's Signature:

Date:

08-09-2023

08/08/2023

## Land Use Application Checklist

All applicants are required to complete and submit the Land Use Application, associated fee, checklist, and required material per the checklist for the proposed development. This fee is non-refundable whether the request is approved or not. No processing will be performed until this fee has been paid. The applicant will also be responsible for the costs associated with publishing the legal ad. Per the Official Code of the City of Great Falls (OCCGF) Title 17 - Land Development Code, applicants requesting any of the following developments noted in the chart below are required to have a pre-submittal meeting with City Staff. Further, when directed by the City, the applicant will be required to present the proposed development to the Neighborhood Council.

### APPLICANT SHALL SUBMIT ALL INFORMATION THAT IS MARKED REQUIRED BY STAFF FOR A COMPLETE SUBMITTAL

Completeness Checklist		Req.	App.	Staff
<b>Annexation by Petition</b>	Annexation requires an aerial exhibit or an amended plat/certificate of survey of the property to be annexed. Applicant is also required to submit a narrative of the proposed use of the property to be annexed and the requested zoning to be established.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Preliminary Plat, Major Subdivision</b>	All major subdivisions require the approval of a preliminary plat. Submittal for the preliminary plat process also requires a narrative of the project as well as submittal of all information outlined in Table 1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Final Plat, Major Subdivision</b>	A final plat is required for each phase of a major subdivision. Submittal for final plat also requires submittal of all information outlined in Table 2. This information shall be submitted before the project will be put on an agenda for the Planning Advisory Board. Before a final plat can be recorded, all information noted in Table 2 must be approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Minor Subdivision</b>	All minor subdivisions require a narrative of the project and a site plan showing compliance with the Development Standards as stated in the OCCGF as well as submittal information to show compliance with stormwater regulations (See Table 3), and a minor subdivision plat (See Table 2).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Zoning Map Amendment</b>	Zoning map amendments require an exhibit of all properties to be proposed for the rezone, a narrative explaining the reasons for the rezone request, as well as submittal information to show compliance with stormwater regulations (See Table 3).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Conditional Use Permit</b>	A conditional use permit requires a narrative explaining the project and the reason for the request of a conditional use permit along with a site plan of the project (See Table 3).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Planned Unit Development</b>	A planned unit development request requires the submittal of a narrative explaining the project and reason for the request of a planned unit development. The submittal also requires the applicant to provide requested development standards that differ from those put forth in the OCCGF, a site plan showing the requested standards, as well as submittal information to show compliance with stormwater regulations (See Table 3).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Amended Plat, Non-Administrative</b>	Any amended plat altering six or more lots is required per State Statute to be reviewed by the governing body. This submittal requires a narrative of the project and an amended plat (See Table 2 for requirements).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LAND USE APPLICATION SUBMITTAL  
Bay View Apartments  
November 8, 2023

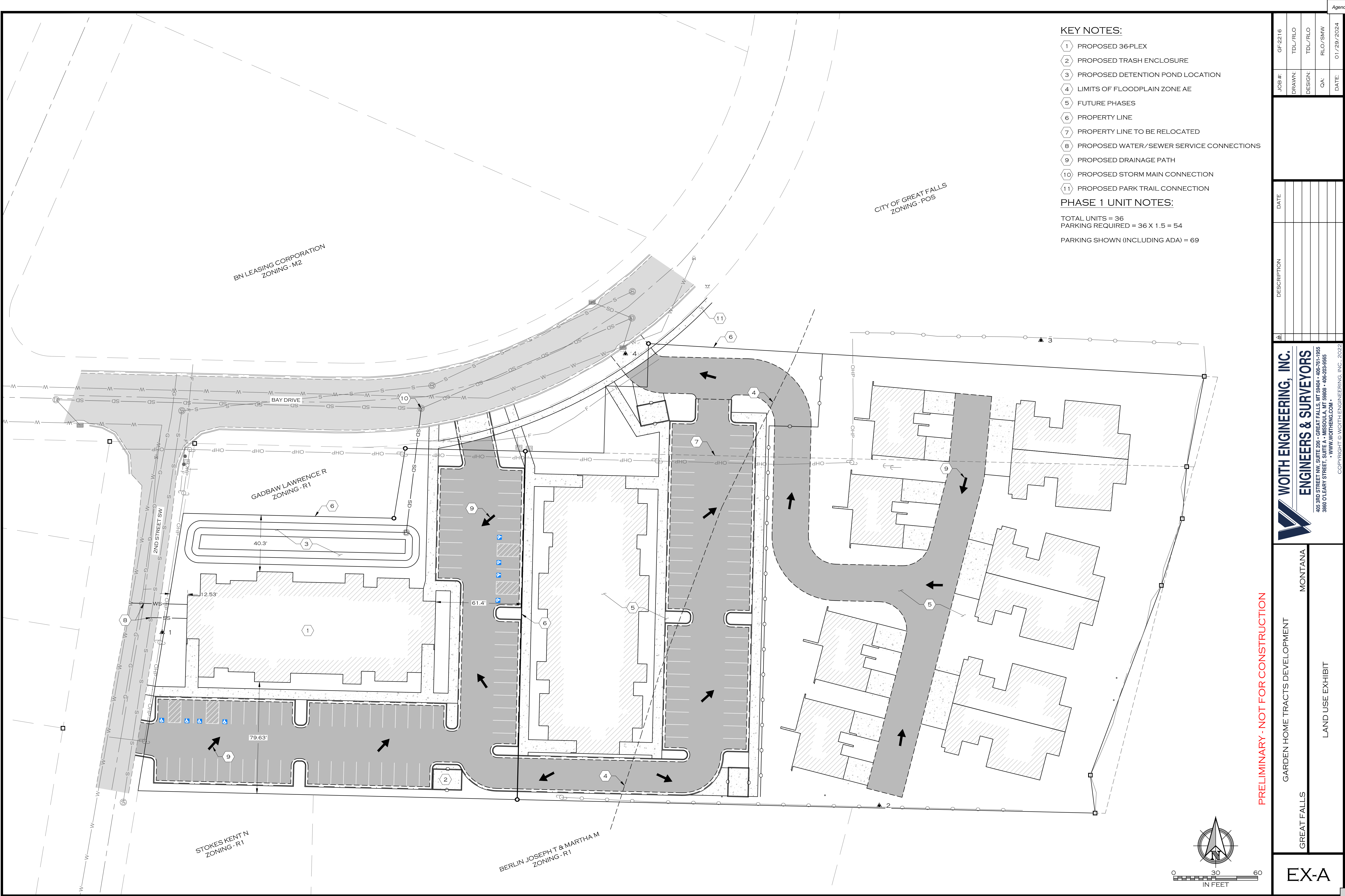


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# APPENDIX B

## Site Plan and Site Renderings





- KEY NOTES:**
- 1 PROPOSED 36-PLEX
  - 2 PROPOSED TRASH ENCLOSURE
  - 3 PROPOSED DETENTION POND LOCATION
  - 4 LIMITS OF FLOODPLAIN ZONE AE
  - 5 FUTURE PHASES
  - 6 PROPERTY LINE
  - 7 PROPERTY LINE TO BE RELOCATED
  - 8 PROPOSED WATER/SEWER SERVICE CONNECTIONS
  - 9 PROPOSED DRAINAGE PATH
  - 10 PROPOSED STORM MAIN CONNECTION
  - 11 PROPOSED PARK TRAIL CONNECTION
- PHASE 1 UNIT NOTES:**
- TOTAL UNITS = 36  
PARKING REQUIRED = 36 X 1.5 = 54  
PARKING SHOWN (INCLUDING ADA) = 69

**PRELIMINARY - NOT FOR CONSTRUCTION**

GREAT FALLS

GARDEN HOME TRACTS DEVELOPMENT

MONTANA

EX-A

LAND USE EXHIBIT

WOITH ENGINEERING, INC.

ENGINEERS & SURVEYORS

405 3RD STREET NW, SUITE 206 • GREAT FALLS, MT 59404 • 406-791-1995  
3000 CLARY STREET NW • BOZEMAN, MT 59717 • 406-530-5505  
WWW.WOITHENGINE.COM

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JOB #	DATE	DESCRIPTION
GF-2216		
DRAWN		
DESIGN		
QA		
DATE		

GF-2216

TDL/RLO

TDL/RLO

RLO/SWW

01/29/2024











LAND USE APPLICATION SUBMITTAL  
Bay View Apartments  
November 8, 2023



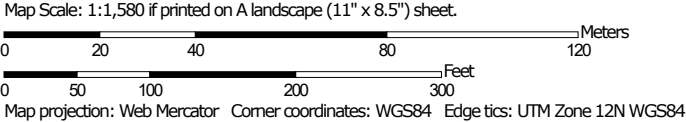
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# APPENDIX C

## Preliminary Geotechnical Report




Soil Map—Cascade County Area, Montana




## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cascade County Area, Montana

Survey Area Data: Version 18, Aug 26, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 6, 2021—Sep 30, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
96	Havre loam	10.2	89.7%
237	Water	1.2	10.3%
<b>Totals for Area of Interest</b>		<b>11.4</b>	<b>100.0%</b>

## Cascade County Area, Montana

### 96—Havre loam

#### Map Unit Setting

*National map unit symbol:* cgvs

*Elevation:* 2,800 to 3,700 feet

*Mean annual precipitation:* 11 to 19 inches

*Mean annual air temperature:* 37 to 45 degrees F

*Frost-free period:* 105 to 135 days

*Farmland classification:* Prime farmland if irrigated

#### Map Unit Composition

*Havre and similar soils:* 90 percent

*Minor components:* 10 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Havre

##### Setting

*Landform:* Flood plains

*Down-slope shape:* Linear

*Across-slope shape:* Linear

##### Typical profile

*A - 0 to 8 inches:* loam

*C - 8 to 60 inches:* stratified fine sandy loam to clay loam

##### Properties and qualities

*Slope:* 0 to 2 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water*

*(Ksat):* Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* NoneRare

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 5 percent

*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 3.0 mmhos/cm)

*Available water supply, 0 to 60 inches:* High (about 9.7 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 2e

*Land capability classification (nonirrigated):* 3e

*Hydrologic Soil Group:* B

*Ecological site:* R046XP801MT - Bottomland Group,

R052XN161MT - Silty (Si) 10-14" p.z.

*Hydric soil rating:* No

**Minor Components****Korent***Percent of map unit:* 4 percent*Landform:* Flood plains*Down-slope shape:* Linear*Across-slope shape:* Linear*Ecological site:* R052XN161MT - Silty (Si) 10-14" p.z.*Hydric soil rating:* No**Ryell***Percent of map unit:* 3 percent*Landform:* Flood plains*Down-slope shape:* Linear*Across-slope shape:* Linear*Ecological site:* R052XN161MT - Silty (Si) 10-14" p.z.*Hydric soil rating:* No**Rivra***Percent of map unit:* 3 percent*Landform:* Flood plains*Down-slope shape:* Linear*Across-slope shape:* Linear*Ecological site:* R046XC507MT - Shallow to Gravel (SwGr) RRU  
46-C 13-19 PZ*Hydric soil rating:* No**Data Source Information**

Soil Survey Area: Cascade County Area, Montana

Survey Area Data: Version 18, Aug 26, 2022

LAND USE APPLICATION SUBMITTAL  
Bay View Apartments  
November 8, 2023



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# APPENDIX D

## **COS for Boundary Line Relocation**

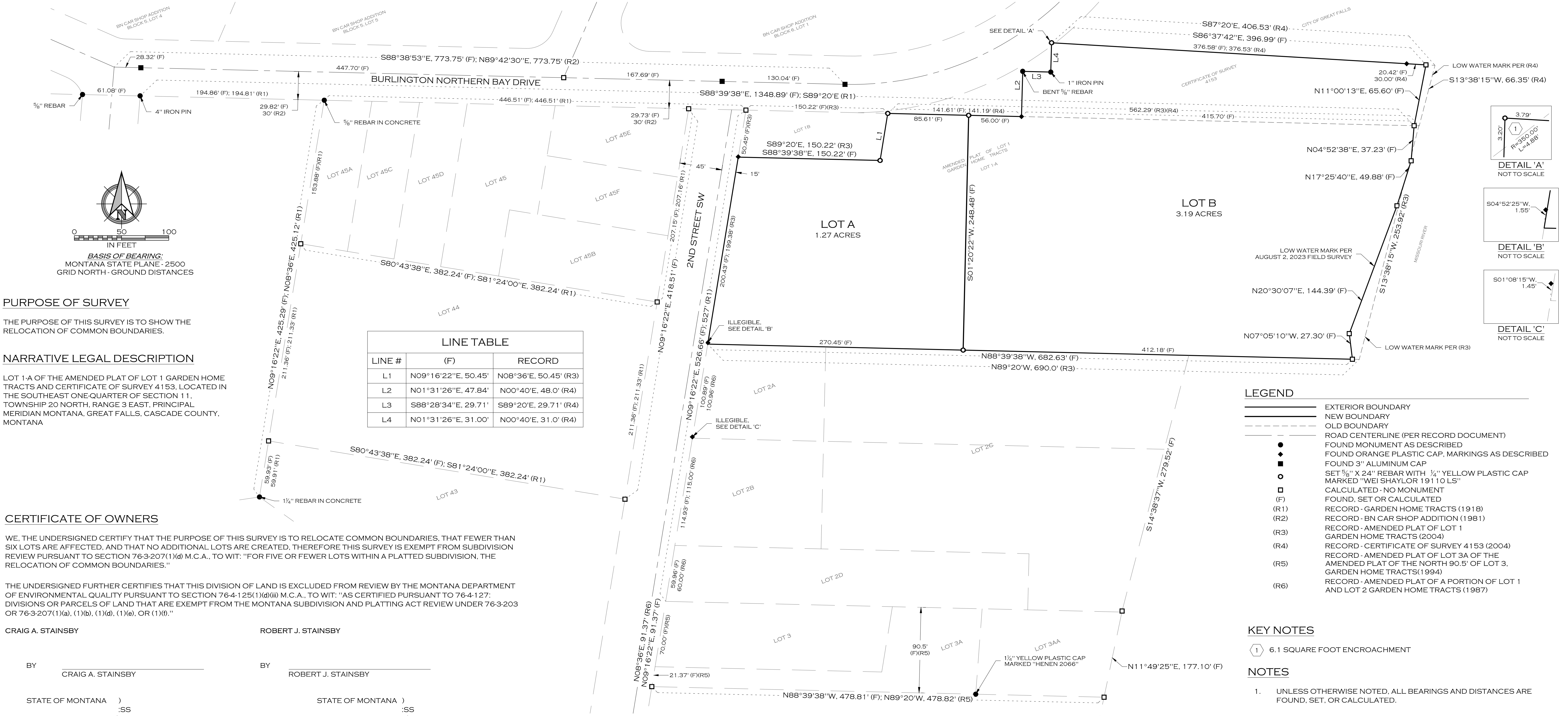


# CERTIFICATE OF SURVEY

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

OWNER(S) OF RECORD  
CRAIG A. STAINSBY &  
ROBERT J. STAINSBY

SURVEY COMMISSIONED BY  
CRAIG A. STAINSBY &  
ROBERT J. STAINSBY



## PURPOSE OF SURVEY

THE PURPOSE OF THIS SURVEY IS TO SHOW THE RELOCATION OF COMMON BOUNDARIES.

## NARRATIVE LEGAL DESCRIPTION

LOT 1-A OF THE AMENDED PLAT OF LOT 1 GARDEN HOME TRACTS AND CERTIFICATE OF SURVEY 4153, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 20 NORTH, RANGE 3 EAST, PRINCIPAL MERIDIAN MONTANA, GREAT FALLS, CASCADE COUNTY, MONTANA

## CERTIFICATE OF OWNERS

WE, THE UNDERSIGNED CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO RELOCATE COMMON BOUNDARIES, THAT FEWER THAN SIX LOTS ARE AFFECTED, AND THAT NO ADDITIONAL LOTS ARE CREATED, THEREFORE THIS SURVEY IS EXEMPT FROM SUBDIVISION REVIEW PURSUANT TO SECTION 76-3-207(1)(d) M.C.A., TO WIT: "FOR FIVE OR FEWER LOTS WITHIN A PLATTED SUBDIVISION, THE RELOCATION OF COMMON BOUNDARIES."

THE UNDERSIGNED FURTHER CERTIFIES THAT THIS DIVISION OF LAND IS EXCLUDED FROM REVIEW BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT TO SECTION 76-4-125(1)(d)(iii) M.C.A., TO WIT: "AS CERTIFIED PURSUANT TO 76-4-127: DIVISIONS OR PARCELS OF LAND THAT ARE EXEMPT FROM THE MONTANA SUBDIVISION AND PLATTING ACT REVIEW UNDER 76-3-203 OR 76-3-207(1)(a), (1)(b), (1)(d), (1)(e), OR (1)(f)."

CRAIG A. STAINSBY

ROBERT J. STAINSBY

BY  
CRAIG A. STAINSBY

BY  
ROBERT J. STAINSBY

STATE OF MONTANA )  
:SS  
COUNTY OF CASCADE )

STATE OF MONTANA )  
:SS  
COUNTY OF CASCADE )

THIS INSTRUMENT WAS ACKNOWLEDGED  
BEFORE ME ON  
BY CRAIG A. STAINSBY.

THIS INSTRUMENT WAS ACKNOWLEDGED  
BEFORE ME ON  
BY ROBERT J. STAINSBY.

NOTARY PUBLIC, STATE OF MONTANA

NOTARY PUBLIC, STATE OF MONTANA

## CERTIFICATE OF SURVEYOR

I, MICHAEL SHAYLOR, PROFESSIONAL LAND SURVEYOR, MONTANA REG. NO. 19110 LS, DO HEREBY CERTIFY THOSE ITEMS SHOWN ON THIS CERTIFICATE OF SURVEY PERTAINING TO THE PRACTICE OF LAND SURVEYING AS DEFINED IN TITLE 37, CHAPTER 67, MONTANA CODE ANNOTATED, REPRESENT A SURVEY MADE UNDER MY DIRECT SUPERVISION, AND FURTHER CERTIFY THIS SURVEY WAS COMPLETED ON THE DATE SHOWN HEREON IN ACCORDANCE WITH THE PROVISIONS OF TITLE 76, CHAPTER 3, MONTANA CODE ANNOTATED.

MICHAEL D. SHAYLOR, PLS  
MONTANA REGISTRATION NO. 19110LS

DATE

## CERTIFICATE OF COUNTY TREASURER

I, DIANE HEIKKILA, COUNTY TREASURER OF CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY PURSUANT TO 76-3-207(3), M.C.A. THAT ALL REAL PROPERTY TAXES ASSESSED AND LEVIED ON THE LAND DESCRIBED HEREIN HAVE BEEN PAID.

BY  
DIANE HEIKKILA, TREASURER  
CASCADE COUNTY

## CERTIFICATE OF PUBLIC WORKS DIRECTOR

I, \_\_\_\_\_, PUBLIC WORKS DIRECTOR FOR THE CITY OF GREAT FALLS, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING CERTIFICATE OF SURVEY AND THE SURVEY THAT IT REPRESENTS, AND I FIND THE SAME CONFORMS TO THE REGULATIONS GOVERNING THE PLATTING OF LANDS AND TO PRESENTLY PLATTED ADJACENT LAND, AS NEAR AS CIRCUMSTANCES WILL PERMIT AND I DO HEREBY APPROVE THE SAME.

BY  
PUBLIC WORKS DIRECTOR  
CITY OF GREAT FALLS, MONTANA

## CERTIFICATE OF CITY COMMISSION

I, GREGORY T. DOYON, CITY MANAGER OF THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY FOR LOT 1-A OF THE AMENDED PLAT OF LOT 1 GARDEN HOME TRACTS AND CERTIFICATE OF SURVEY 4153 WAS DULY EXAMINED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS AT ITS REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

BY  
GREGORY T. DOYON, CITY MANAGER  
CITY OF GREAT FALLS, MONTANA

## CERTIFICATE OF GREAT FALLS PLANNING BOARD

WE, THE UNDERSIGNED, \_\_\_\_\_, PRESIDENT OF THE SAID GREAT FALLS PLANNING BOARD, GREAT FALLS, CASCADE COUNTY, MONTANA, AND \_\_\_\_\_, SECRETARY OF SAID GREAT FALLS PLANNING BOARD, DO HEREBY CERTIFY THAT THE ACCOMPANYING CERTIFICATE OF SURVEY FOR LOT 1-A OF THE AMENDED PLAT OF LOT 1 GARDEN HOME TRACTS AND CERTIFICATE OF SURVEY 4153, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, HAS BEEN SUBMITTED TO THE SAID GREAT FALLS PLANNING BOARD FOR EXAMINATION BY THEM AND WAS FOUND BY THEM TO CONFORM TO LAW AND WAS APPROVED AT A MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY  
DAVE BERTELSEN  
CHAIR, GREAT FALLS PLANNING BOARD

BY  
SECRETARY, GREAT FALLS PLANNING BOARD

<b>WOITH ENGINEERING, INC.</b> <b>ENGINEERS &amp; SURVEYORS</b> <small>405 3RD STREET NW, SUITE 206 • GREAT FALLS, MT 59404 • 406-761-1955  3600 O'LEARY STREET, SUITE A • MISSOULA, MT 59808 • 406-203-9505  WWW.WOITHENG.COM</small>	1/4	SECTION	TOWNSHIP	RANGE	<small>PRINCIPAL MERIDIAN MONTANA  CASCADE COUNTY, MONTANA  WEI JOB#: 2216  DRAWN: CRH  QA: MDS  DATE: AUGUST 8, 2023  FILENAME: COS.DWG  SHEET 1 OF 1</small>
	<input type="checkbox"/>	11	20 N	3 E	

LAND USE APPLICATION SUBMITTAL  
Bay View Apartments  
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# APPENDIX E

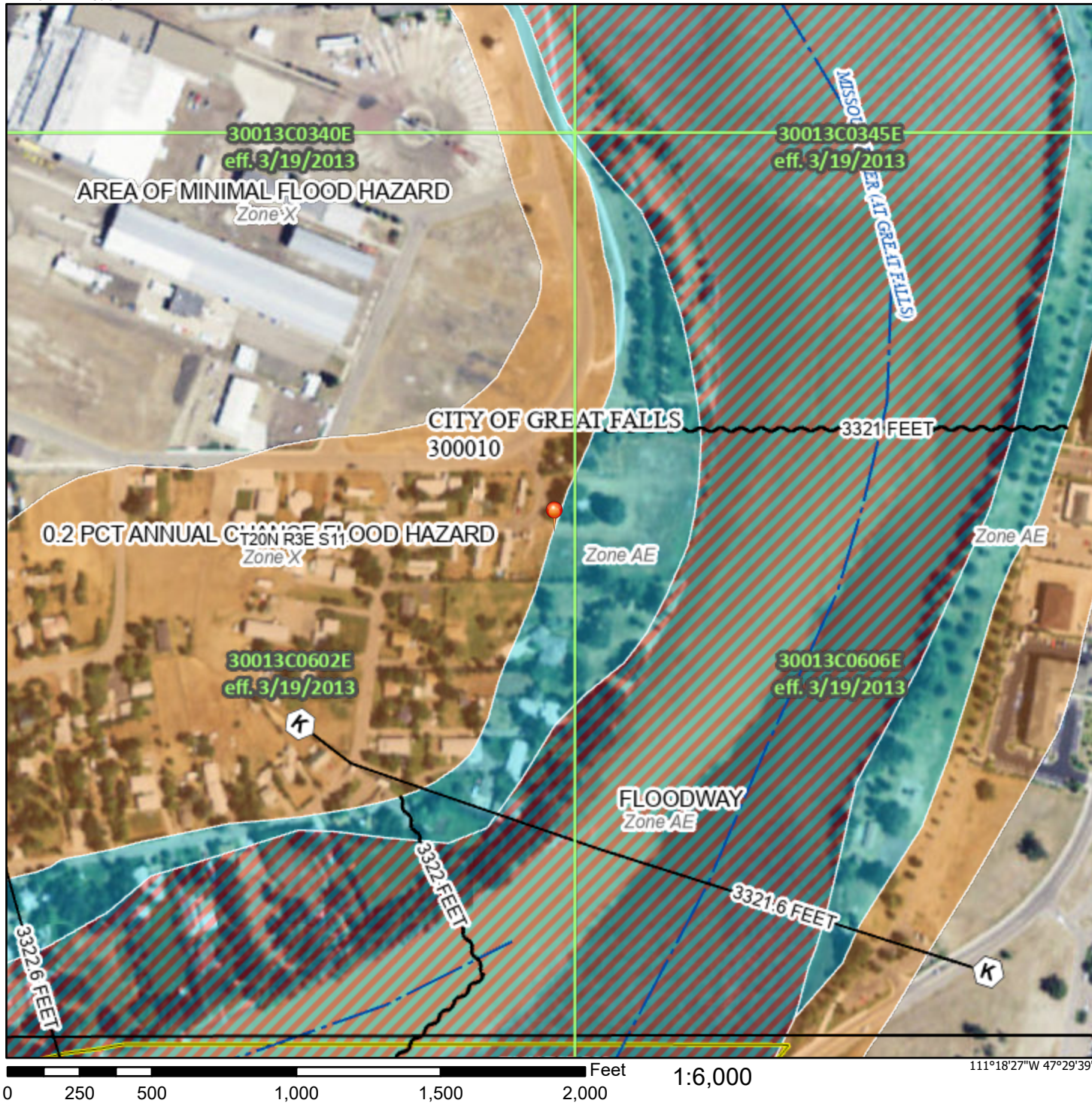
## FEMA Firmette Map



# National Flood Hazard Layer FIRMette



111°19'4"W 47°30'3"N



## Legend

Agenda #5.

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
OTHER AREAS OF FLOOD HAZARD		Regulatory Floodway
		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
OTHER AREAS		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
GENERAL STRUCTURES		Area with Flood Risk due to Levee Zone D
		NO SCREEN Area of Minimal Flood Hazard Zone X
OTHER AREAS		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
OTHER FEATURES		Base Flood Elevation Line (BFE)
		Limit of Study
OTHER FEATURES		Jurisdiction Boundary
		Coastal Transect Baseline
OTHER FEATURES		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
MAP PANELS		Unmapped
		The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/7/2023 at 4:45 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifier, FIRM panel number, and FIRM effective date. Map in unmapped and unmodernized areas cannot be used for regulatory purposes.

LAND USE APPLICATION SUBMITTAL  
Bay View Apartments  
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# APPENDIX F

## Development Agreement Additions



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*FEBRUARY 1, 2024*

**Lonnie Hill**

City of Great Falls Planning and Community Development  
2 Park Drive South, Suite 112  
Great Falls, MT 59401

RE: Bay View Apartments – Development Agreement Additions

Dear Lonnie,

This narrative is used to better describe the additions the development team is willing to include in the development agreement for the proposed rezone on the 4.46-acre Lot 1A and 1B as discussed with the City of Great Falls Planning and Community Development team. These additions will limit the use and design of the proposed development to ensure an integral connection to the surrounding neighborhood.

**1. Land Use Restrictions**

In order to restrict the allowable uses that could occur on this lot, the development team would like to remove the following uses from the standard Mixed Use Transitional (M-2) zoning. These uses will not be considered for development:

- a. Off-site Liquor Sales
- b. Vehicle Services
- c. Warehouse
- d. Animal Shelter
- e. Educational Facility (K-12)
- f. Educational Facility (Higher Education)
- g. Instructional Facility
- h. Telecommunication Facility (Concealed, Unconcealed Co-located Facilities)
- i. Bus Transit Terminal
- j. Heli-pad
- k. Parking Lot (Principal Use)
- l. Parking Structure
- m. Railroad Yard
- n. Taxi Cab Dispatch Terminal
- o. Contractor Yard (Type I, Type II)





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*FEBRUARY 1, 2024*

## **2. Fencing and Screening**

Around the perimeter of the proposed apartment project the development team will install a mixture of fencing and landscaping to increase the buffer to the nearby residential neighborhood. Fencing is to be a standard solid 6 foot high construction type.

## **3. Off-site Trail Connection**

A sidewalk/trail will be extended from the entrance of the development to the current walking path located at Garden Home Park. Further coordination will occur on precise location and connection details.

## **4. Access Through Parkland**

On the northern portion of the Lot A and B there is a small strip of land owned by the City of Great Falls. This land is encumbered by the current subject parcel and has no continuation with the neighboring park land. In discussions with the City of Great Falls, an agreement will be established to allow access from Bay Drive to the proposed development. Details of said agreement are yet to be established. Maintenance of said strip of land will be the sole responsibility of the developer.

## **5. Off-site Storm Arrangement**

At this time, the development team is looking into options of using and improving the stormwater pond that currently resides at Garden Home Park. The pond would be expanded to include the capacity from the proposed development as well as be improved to current Montana Department of Environmental Quality Standards and meet any concerns from the City of Great Falls Public Works Department.

## **6. Setback Increases**

The current M-2 zoning setback requirements are outlined below. In order to create a larger buffer from the neighboring properties the development team proposes the following increases to the setback requirements.

- a. Current M-2 Zoning
  - i. Front Yard = 0 feet
  - ii. Rear Yard = 10 feet
  - iii. Side Yard = 5 feet (adjacent to residential)



FEBRUARY 1, 2024

- b. Proposed Project
  - i. Front Yard = 5 feet
  - ii. Rear Yard = 30 feet
  - iii. Side Yard = 10 feet

## 7. Unit Density

Under the M-2 zoning requirements, the 4.46-acre Lot 1A and Lot 1B would be allowed 500 square feet per dwelling unit, allowing up to 388 total units.

$$4.46 \text{ acres} \times 43,560 \text{ sqft/acre} = 194,228 \text{ sqft} \div 500 \text{ sqft/unit} = 388 \text{ units}$$

The following breakdown shows that the development team would reduce the overall unit density to 2,111 square feet per dwelling unit, allowing only a maximum of 92 total units.

$$4.46 \text{ acres} \times 43,560 \text{ sqft/acre} = 194,228 \text{ sqft} \div 2,111 \text{ sqft/unit} = 92 \text{ units}$$

These restrictions will be added to the development agreement to further limit the lot use and design standards to ensure that the proposed and future development are an integral part of the surrounding neighborhood and landscape.

Sincerely,

**Woith Engineering, Inc.**

Spencer Woith  
President

## ATTACHMENT H

Return to:  
 City of Great Falls  
 PO Box 5021  
 Great Falls, MT 59403

## VOLUNTARY DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (“Agreement”) is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by and between Craig Stainsby whose address is 715 4<sup>th</sup> Avenue North, Great Falls, MT 59401 (“Developer”), and the City of Great Falls, a municipal corporation, organized and existing under and by virtue of the laws of the State of Montana, having an address of PO Box 5021, Great Falls, MT 59403 (“City”).

### RECITALS

**WHEREAS**, Developer is the owner of certain real property located in Great Falls, Montana as legally described on Exhibit A (the “Subject Property”); and,

**WHEREAS**, Developer has applied to rezone the Subject Property to Mixed-use Transitional (M-2), a zoning district defined in Title 17 of the Official Code of the City of Great Falls; and,

**WHEREAS**, the Developer has prepared a Master Site Development Plan (the “Master Plan”) for the Subject Property attached hereto as Exhibit B, and the Master Plan is a conceptual diagram showing the general location of existing and proposed buildings, parking areas, sidewalks and trails, open space, and various amenities, all of which are subject to zoning regulations, building codes and related City regulations; and,

**WHEREAS**, the Master Plan limits the overall density of the development to less than allowed by the M-2 Mixed-use Transitional zoning district and contains such other items which, while not required by zoning regulations, are items which Developer voluntarily incorporated into the Master Plan; and,

**WHEREAS**, the Developer voluntarily desires to enter into this Agreement as a demonstration that the development will occur in accordance with the Master Plan and its terms; and,

**WHEREAS**, to accommodate the Applicant’s desire to memorialize the language here within, the City is included as a signatory to this agreement.

## ATTACHMENT H

**AGREEMENT**

**NOW, THEREFORE**, in consideration of the foregoing recitals, which are material elements of this agreement, along with the covenants and promises contained herein which the parties agree constitute sufficient consideration for the Agreement, the Developer and the City agree as follows:

- 1. Development of the Project to be in Substantial Compliance with the Master Plan.** The development shall occur on the Subject Property in substantial compliance with the Master Plan and subject to compliance with all applicable zoning regulations, building codes, and other applicable City regulations and ordinances. “Substantial compliance” shall mean carrying out the project generally in the form shown in the Master Plan but shall not preclude minor adjustments to the location of buildings, parking areas, trails, and amenities as may be reasonably necessary to carry out the project and/or meet City requirements.
- 2. Additional Limitations and Obligations.** The Developer proposes and agrees that the following additional limitations and obligations shall apply to any development on the Subject Property:
  - a. No more than 92 dwelling units on the Subject Property. A dwelling unit is defined for these purposes as a living unit capable of being rented or sold as a separate unit, and which may colloquially be described as a studio, one-bedroom, two-bedroom, etc., apartment or unit.
  - b. Building setbacks for principal and accessory buildings shall be more restrictive than required in Title 17, Chapter 20 of the Official Code of the City of Great Falls for the M-2 Mixed-use Transitional zoning district. Said setbacks shall be a minimum of 5 feet for the front yard, 10 feet for the side yards, and 30 feet for the rear yard.
  - c. Eliminate a portion of the land uses permitted under the M-2 Mixed-use Transitional zoning district contained in Title 17, Chapter 20 of the Official Code of the City of Great Falls. The following land uses that would otherwise be allowed under the M-2 zoning district shall be prohibited on the Subject Property:
    - Off-site Liquor Sales
    - Vehicle Services
    - Warehouse
    - Animal Shelter
    - Educational Facility (K-12)
    - Educational Facility (Higher Education)
    - Instructional Facility
    - Telecommunication Facility (Concealed, Unconcealed Co-located Facilities)
    - Bus Transit Terminal
    - Heli-pad
    - Parking Lot (Principal Use)

## ATTACHMENT H

- Parking Structure
  - Railroad Yard
  - Taxi Cab Dispatch Terminal
  - Contractor Yard (Type I, Type II)
- d. At a minimum, the Developer agrees to provide the following amenities/additions on and adjoining the Subject Property when the Subject Property is developed and which the Developer has proposed as part of the Developer's plans for full buildout:
- i) A mixture of fencing and landscaping along the Subject Property lines abutting existing residential properties. Fencing is to be a standard solid 6-foot high construction type; and,
  - ii) A sidewalk/trail connection from the proposed development to the existing shared-use path located at Garden Home Park, upon mutual agreement with the City.
3. **Effect on Zoning and other Regulations.** Excepting modifications to the M-2 zoning district standards and permitted uses as provided herein, nothing in this Agreement is intended to override, replace, or supplant applicable local, state, or federal laws or regulations. Developers shall comply with all applicable zoning regulations, subdivision regulations, construction standards and specifications, and state and local laws that govern the development of the Subject Property.
4. **Effective Date.** This Agreement will be in force and effect on the date hereinabove shown.
5. **Amendment.** No part of this Agreement may be amended or deleted without prior written consent of the Great Falls City Commission and Developer or their successors and assigns.
6. **Enforcement.** Either party may enforce this Agreement by any means permitted by law. In the event a suit is brought for the enforcement of this Agreement or as a result of an alleged default, each party shall bear their own attorney fees and costs. Nothing herein shall be construed as obligating the Developer to construct the project; rather, the purpose of this Agreement is to set out various requirements and limitations upon the development of the Subject Property if and when any development occurs.
7. **Governing Law.** The law governing the interpretation or enforcement of the terms and conditions of the Agreement shall be the laws of the State of Montana.
8. **Severability.** If a part of this Agreement is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Agreement is invalid in one or more of its applications, it remains in effect in all valid applications that are severable from the invalid applications.
9. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement and supersedes all prior agreements and understandings, both oral and written, between the Parties with respect to the subject matter of this Agreement.



**ATTACHMENT H**

- 10. Drafting of Agreement.** Both Parties have participated in drafting this Agreement and have been represented by their own counsel.
- 11. Counterparts.** This Agreement may be executed and delivered in counterparts, each of which shall be deemed to be a duplicate original hereof, but all of which shall constitute one and the same document. Signatures transmitted electronically shall be treated and accepted as original signatures. The parties agree to communicate regarding this Agreement electronically as allowed by the Montana Uniform Electronic Transactions Act, Mont. Code Ann. § 30-18-101, et seq. After this Agreement is executed, any written document made under this Agreement may be created in original or an electronic record; any signature may be in original or by electronic signature.
- 12. Binding Effect.** The benefits and burdens of this Agreement touch and concern the use and enjoyment of the Subject Property. The obligations and benefits stated herein shall bind and inure to the benefit of all successors and assigns to any portion of the Subject Property and shall run with the land.
- 13. Indemnification.** To the fullest extent permitted by law, Developer shall indemnify and save harmless City, its officers, managers, agents and employees, against and from any and all actions, lawsuits, claims, demands, damages, judgments, losses, fines, penalties, fees and expenses or liability of any character whatsoever, brought or asserted for injuries to or death of any person or persons, damages to the property, or violation of any federal, state or local statute, rule, regulation or ordinance (including, but not limited to, environmental, safety or health statute, rule regulation or ordinance) arising out of, resulting from, or occurring in connection with the Developer's exercise of the provisions contained herein, except for any actions, lawsuits, claims, demands, damages, judgments, losses, fines, penalties, fees and expenses or liability of any character whatsoever, attributable in whole or in part to the City's own conduct.
- 14. Agreement Contingent Upon Zoning Action by City Commission.** The Parties to this Agreement acknowledge that this Agreement is being entered into in conjunction with a request by the Developer to the Great Falls City Commission for a rezoning of the Subject Property to an M-2 zoning district. This Agreement is expressly contingent upon the City Commission approving the requested rezoning request made by Developer. In the event the City Commission does not approve the rezoning request, the Agreement shall be null and void and have no further effect.

**IN WITNESS WHEREOF,** the Parties have hereunto set their hands and seals on the day and year in this certificate written below.

~ Signatures on Next Page ~

ATTACHMENT H

CRAIG STAINSBY:

\_\_\_\_\_  
By: Craig Stainsby

STATE OF MONTANA )  
County of \_\_\_\_\_ : ss.  
City of Great Falls )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the State of Montana, personally appeared **Craig Stainsby**, known to me to be the person whose name are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(NOTARIAL SEAL)

\_\_\_\_\_  
Notary Public for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at \_\_\_\_\_, Montana  
My Commission Expires: \_\_\_\_\_

CITY OF GREAT FALLS:

APPROVED:

\_\_\_\_\_  
By: Gregory T. Doyon, City Manager      Date

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk      Date

Approved as to form:

\_\_\_\_\_  
David Dennis, City Attorney      Date

ATTACHMENT H

**EXHIBIT A**  
**Draft of Certificate of Survey**

DRAFT

ATTACHMENT H

**EXHIBIT B**  
**Master Site Development Plan**

DRAFT



10<sup>th</sup> Ave SW has gone from a quiet residential street to a street that is hard to live on as we are now part of the River's Edge Trail and a bike route. There is a sign that says 'share the road!' We now share the road with bikes, electric bikes (that don't require license plates and are going way too fast) families frequently with toddlers on bicycles, strollers and dogs. Some dogs on leashes and some are not. Some dogs urinate and defecate in our yards. We have runners, high school cross country runners as it is the River's Edge trail and they are more often than not wearing dark colored clothing. They are hard to see amongst our tree lined street. There is a very sharp corner that is already hard to navigate around. We have no sidewalks, chipped edges of asphalt. This street, if this plan is implemented, will now become the main thoroughfare to 10<sup>th</sup> Ave South. There is no stop light to get onto 6<sup>th</sup> St SW which is already an issue that will need to be addressed. Changing our R1 status to an M2? This section of the River's Edge Trail will now become more dangerous than ever! We suggested to move the River's Edge Trail north two blocks to a wider street to no avail. We were told there were too many railroad tracks. The railroad crossing by the round house can be blocked for 1/2 hour plus at times which means traffic has to turn around and find an alternate route. To afford these apartments two plus families will probably share. Now we are talking double to triple



the amount of cars to park and double to triple the amount of traffic. There is a park located close to this property which has no off street parking. Parking is on the street or on the railroad's property. What will be happening to the banks of the Missouri River with this many people living on the water's edge? This plan simply should not come to fruition. This zone change should not happen as we don't know what other plans they may want to implement.

Jane Brinkman, 310 10th Ave SW

**Kayla Kryzsko**

---

**From:** Jamie Nygard  
**Sent:** Tuesday, December 5, 2023 6:52 AM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** FW: Bayview Apartments

FYI.

**From:** Jane Brinkman <gijane107@gmail.com>  
**Sent:** Tuesday, December 5, 2023 6:50 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Bayview Apartments

10th Ave SW simply does not have the infrastructure to support this project. Changing the zoning to a M2 will now give them the ability to construct something else if this project falls through. If this is to remain part of the River's Edge Trail and a bike path then there is absolutely no more room for additional traffic. Property owners have the additional responsibility of eradicating other peoples' trash. This project does not make sense and needs to be stopped.



Virus-free. [www.avast.com](http://www.avast.com)

**Kayla Kryzsko**

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**From:** Jamie Nygard  
**Sent:** Friday, December 8, 2023 8:45 AM  
**To:** Brock Cherry; Thomas Micuda; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** Fw: Bayview Apartments rezoning

FYI.

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**From:** Jane Brinkman <gijane107@gmail.com>  
**Sent:** Friday, December 8, 2023 5:50:36 AM  
**To:** Jamie Nygard  
**Subject:** Bayview Apartments rezoning

I am asking for a continuation for this project, please. After reviewing the paperwork received after the neighborhood council meeting, this project needs to be put on hold. The studies from 2013 are not sufficient information. There are no rentals in town with just two people living in them. Property owners along 10th Ave SW have numerous issues with trash, sharing the road, no sidewalks, broken asphalt, graveled edges, and speeding just to name a few concerns. People do not ride bikes more than they drive cars. 10th Ave SW cannot support this kind of increased traffic. If this is to remain part of The River's Edge Trail and a bike route then this project needs to be stopped before someone gets hurt. Keep it an R1 for everyones' safety. Thank you



## Lonnie Hill

---

**From:** Jamie Nygard  
**Sent:** Thursday, February 8, 2024 8:10 AM  
**To:** Lonnie Hill  
**Subject:** FW: Bayview Apartments.. zone change 805 2nd St SW

Hi Lonnie,  
 Here is another one to add if we can.  
 Thank you,



**Jamie Nygard, CPT**  
**Senior Administrative Assistant**  
*Planning & Community Development Department*  
*Permit Division, City of Great Falls*  
**T 406-455-8438**  
**E [jnygard@greatfallsmt.net](mailto:jnygard@greatfallsmt.net)**

**From:** Jane Brinkman <[gijane107@gmail.com](mailto:gijane107@gmail.com)>  
**Sent:** Thursday, February 8, 2024 8:09 AM  
**To:** Jamie Nygard <[jnygard@greatfallsmt.net](mailto:jnygard@greatfallsmt.net)>  
**Subject:** Bayview Apartments.. zone change 805 2nd St SW

I am reiterating, once again, please do not allow this zone change! 10th Ave SW simply cannot handle this increased traffic. We have one street between our Avenue and 9th Ave SW on our whole Avenue all the way out to 6th St SW and we have a river on the south side. We have no alleys between the north side of our Avenue and 9th Avenue SW. There was a meeting a few weeks ago that talked about the Baatz Block Apartments, the Elmore Roberts Apartments and the Ulmer Square Apartments in the works. Also, the Malmstrom Project will be having empty buildings in a few years. Another major concern is what other idea that they may come up with and try to incorporate in our residential neighborhood if this zone change is approved? Our Avenue has way too many safety issues and no infrastructure support. Please do not support this zone change.



Virus-free. [www.avast.com](http://www.avast.com)

**Kayla Kryzsko**

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**From:** Jamie Nygard  
**Sent:** Tuesday, December 5, 2023 6:13 AM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Kayla Kryzsko; Sara Doermann  
**Subject:** FW: Zoning revising for 805 2nd st sw

FYI

-----Original Message-----

From: Kirby Berlin <kirbyberlin@yahoo.com>  
 Sent: Monday, December 4, 2023 6:24 PM  
 To: Jamie Nygard <jnygard@greatfallsmt.net>  
 Subject: Zoning revising for 805 2nd st sw

I am the property owner of 825 2nd st sw near the subject property requesting rezoning.

I am 100% against this rezoning request.

As a former apartment building owner, I am fully aware of all of the negative issues which come with an apartment building in an established community.

Increased traffic, increased crime, increased neighborhood complaints, decrease in neighboring property values, (would you want to own property or live next to an apartment building)?

Again, I can not think of one positive of rezoning a property to high density in a established neighborhood.

I 100% oppose this rezoning as an established and long time owner of my property near the subject property.

Sincerely,  
 Kirby Berlin  
 406/217-3514

Sent from my iPhone

**Kayla Kryzsko**

---

**From:** Jamie Nygard  
**Sent:** Thursday, December 7, 2023 12:25 PM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** FW: 805 2nd st sw proposed zoning change

FYI.

-----Original Message-----

From: Kirby Berlin <kirbyberlin@yahoo.com>  
 Sent: Thursday, December 7, 2023 11:24 AM  
 To: Jamie Nygard <jnygard@greatfallsmt.net>  
 Subject: 805 2nd st sw proposed zoning change

Hello,  
 First and foremost, I am 100% against this proposal as there is not one benefit to this neighborhood and it's people regarding this proposal.

During the meeting at west side elementary school, we have been advised as concerned property owners and residents we must have arguments and concerns based upon facts for the commission to hear on Dec. 12 at 3 pm. In order to have the appropriate arguments and facts, We need ample time in order to both gather and prepare these. We just learned of the 78 page document which encompasses the proposal in order for this property to be rezoned. What is necessary to delay this hearing regarding this in order for us to be both properly informed and thoroughness completed?

I have placed a call into both Brock cherry and Nick hill regarding this matter and have yet to hear back.

Thank you,  
 Kirby Berlin  
 Owner  
 825 2nd st sw  
 Great falls, MT  
 406-217-3514

Sent from my iPhone

## Kayla Kryzsko

---

**From:** Jamie Nygard  
**Sent:** Thursday, December 7, 2023 2:46 PM  
**To:** Brock Cherry; Thomas Micuda; Lonnie Hill; Kayla Kryzsko; Sara Doermann  
**Subject:** Fw: 805 2nd st sw zoning

FYI

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**From:** Kirby Berlin <kirbyberlin@yahoo.com>  
**Sent:** Thursday, December 7, 2023 2:40:59 PM  
**To:** Jamie Nygard  
**Subject:** 805 2nd st sw zoning

Hello,  
 I would like to ask for a continuance regarding the proposed zoning change for 805 2nd st sw in order for a greater amount of information to be determined and studied regarding the concerns of the neighborhood.

Updated traffic and proposed traffic count rather than utilizing a model for representation from 2013 to make determination.

Crime elevation in relation to a police force which is strained already and is streamlining their law enforcement capabilities due the failed levy.

Economic impact study of the neighborhood homes and values. Depreciation of homes equals lower tax dollars to the city and threatens overall economic security for home and property owners within the neighborhood.

Deterred ambiance of entering a neighborhood by having an apartment when entering the neighborhood.

Full development disclosure and complete intentions over time on behalf of the development as m2. The proposal is way too vague and what will be the price point on the rents and if there will be any subsidized housing or section 8 initially or in the future.

The proposal is also only basing their numbers on two people per unit. Where in great falls are there only two people in a unit throughout an entire complex? Real life numbers not conservative numbers to make traffic and effects on the neighborhood to be less.

These are only a few of the concerns which need plenty of time for complete and adequate evaluation.

Thank you,  
 Kirby Berlin  
 Owner  
 825 2nd st sw  
 406-216-3514

Sent from my iPhone

## Kayla Kryzsko

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**From:** Jamie Nygard  
**Sent:** Monday, December 11, 2023 6:28 AM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** FW: Against rezoning 805 2nd st sw  
**Attachments:** CamScanner 12-09-2023 07.02\_1.pdf

Fyi.

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**From:** Kirby Berlin <kirbyberlin@yahoo.com>  
**Sent:** Saturday, December 9, 2023 7:09 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Against rezoning 805 2nd st sw

Try this powerful scanner app  
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Hello,  
 On Dec 6, 2023 at the meeting regarding the rezoning of 805 2nd sw, one of the city planners who spoke said there a waiting list for apartments and there is a shortage of four hundred available apartments.  
 As you can see from the image attached, utilizing only one source, and no other advertisements or options, on December 9, 2023 [Iapartments.com](#) had over 341 available apartments in Great Falls, Montana. These listings provided by apartments.com also have multiple apartments available for many of the listings which actually increases the overall rental availability.

Sincerely,  
 Kirby Berlin  
 Owner  
 825 2nd st sw  
 Great falls 406/217-3514

Sent from my iPhone



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Baths

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Home T

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Talus Apartment Homes

2100 26th St S, Great Falls, MT 59405

Email

## Kayla Kryzsko

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**From:** Jamie Nygard  
**Sent:** Thursday, December 14, 2023 8:23 AM  
**To:** Thomas Micuda; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** FW: Bike route regarding against rezoning of 805 2nd st sw

FYI.

---

**From:** Kirby Berlin <kirbyberlin@yahoo.com>  
**Sent:** Thursday, December 14, 2023 8:05 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>; Brock Cherry <bcherry@greatfallsmt.net>; Dad's Cell Phone <whfield@yahoo.com>; steve@williamsonfence.com; Corrybrooke@gmail.com; Dave Broquist <dbro@gpdpc.com>; gijane107@gmail.com  
**Subject:** Bike route regarding against rezoning of 805 2nd st sw

Hello,

In addition to our concerns with the placement of the traffic counters on 2nd st sw and tenth Ave sw, these streets are also a designated city bike route which connects the rivers city trail together.

Is there a bicycle count being done as well? The massive numbers of bikers especially during the spring, summer and fall months who utilize this route have to be accounted for.

An increase of traffic will create serious safety concerns as many of the bikers ride side by side in groups. With limited street space and a sharp corner on 2nd st sw, this is a serious safety concern which must be evaluated.





Thank you,  
Kirby Berlin  
Owner  
825 2nd st sw



**Kayla Kryzsko**

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**From:** Jamie Nygard  
**Sent:** Thursday, December 14, 2023 10:07 AM  
**To:** Thomas Micuda; Lonnie Hill; Sara Doermann; Kayla Kryzsko; Andrew Finch  
**Subject:** FW: Other concerns and protest against 805 2nd st sw rezoning

FYI.

-----Original Message-----

From: Kirby Berlin <kirbyberlin@yahoo.com>  
Sent: Thursday, December 14, 2023 10:06 AM  
To: Jamie Nygard <jnygard@greatfallsmtnet.net>; Brock Cherry <bcherry@greatfallsmtnet.net>; Dave Broquist <dbro@gpdpc.com>; steve@williamsonfence.com; gijane107@gmail.com; Corrybrooke@gmail.com; Dad's Cell Phone <whfield@yahoo.com>  
Subject: Other concerns and protest against 805 2nd st sw rezoning

Hello,

One of the neighbors also mentioned the frequent use by the local schools as a running route for the cross country and track teams. As this street is a designated bike route as well a connecting street for the continuation of the rivers edge trail, this is another safety concern for the school age children and other adults who frequently use this street as part of training and recreational use.

Thank you,

Kirby Berlin

Owner

825 2nd st sw

Sent from my iPhone

**Kayla Kryzsko**

---

**From:** Jamie Nygard  
**Sent:** Friday, December 8, 2023 11:27 AM  
**To:** Brock Cherry; Thomas Micuda; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** Fw: Re Zone 805 2nd Street South West

FYI.

---

**From:** JT Berlin <whitfield@yahoo.com>  
**Sent:** Friday, December 8, 2023 11:14:49 AM  
**To:** Jamie Nygard  
**Subject:** Re Zone 805 2nd Street South West

**Great Falls Planning Board: Re the above referenced rezoning request, I am hereby requesting a continuance of the schedule for rezoning the property located at 805 2nd Street SW. A six month continuance should be adequate.**

**We as adjacent property owners have not had an opportunity to verify nor challenge the findings of the 78 page report discovered as available at the December 6 meeting at the West Elementary School.**

**Your prompt acknowledgment is appreciated.**

**JT Berlin  
 827 2nd Street SW  
 Great Falls, Montana 59404  
 406/590-7980**

**Re: Zoning map amendment for 805 2nd St SW**

From: JT Berlin (whthfield@yahoo.com)

To: jnygard@greatfallsmnt.net

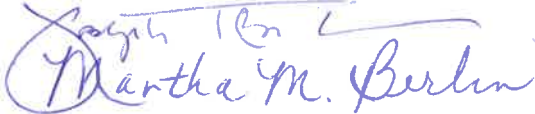
Date: Monday, December 4, 2023 at 03:42 PM MST

We live ADJACENT to the property subject to the rezoning request (827 2nd St SW) and adamantly are against the approval of the zoning change requested by Mr. Craig Stainsby and Mr. Robert Stainsby.

The proposed increase in population density for this tract will adversely affect the community in general. Vehicle traffic and it's effect on bike trail, storm water disposal, elevation of fill and consequences of drainage to adjacent property are concerns. Above all, decline in property values.

Again, we are against rezoning for a high density project.

Sincerely,  
Joseph and Martha Berlin

A handwritten signature in blue ink that reads "Martha M. Berlin". The signature is written in a cursive style with a large, looping initial "M".

JT Berlin  
TMC Farms  
PO Box 2646  
Great Falls, Montana 59403  
406/590-7980

## Kayla Kryzsko

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**From:** Jamie Nygard  
**Sent:** Friday, December 8, 2023 11:27 AM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** Fw: Rezoning of 805 2nd St. SW.

FYI.

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**From:** Neal Stokes <curlyskidman@gmail.com>  
**Sent:** Friday, December 8, 2023 11:06:57 AM  
**To:** Jamie Nygard  
**Subject:** Rezoning of 805 2nd St. SW.

Sent from. I Kent N Stokes  
 Owner of, 821 2nd St. SW., Great Falls, MT  
 Do strongly protest, the rezoning of 805 2nd St. SW., Great Falls, MT  
 Kent N Stokes  
 PO Box 47  
 Davenport Ca 95017

**I Kent N Stokes**

**Owner of, 821 2nd St.  
SW., Great Falls, MT**

**Do strongly protest, the  
rezoning of 805 2nd St.  
SW., Great Falls, MT**

**Kent N Stones**

**PO Box 47**

**Davenport Ca**

**95017**

**Kayla Kryzsko**

**From:** Jamie Nygard  
**Sent:** Monday, December 11, 2023 6:24 AM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** FW: Rezoning-Planning Advisory Board/Zoning Commission 12/12/23 meeting Agenda Item #5

FYI.

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**From:** Dave Broquist <dbro@gpdpc.com>  
**Sent:** Sunday, December 10, 2023 10:26 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Rezoning-Planning Advisory Board/Zoning Commission 12/12/23 meeting Agenda Item #5

I am writing to voice my absolute opposition to this rezoning effort. I am a 30 year + resident of this neighborhood and have lived at 711 10<sup>th</sup> Ave SW for over 29 years. I have purchased other property on which to build a home but have chosen to remain where I live due to the attributes that make this neighborhood special and more or less removed from the typical Great Falls residential arrangement. This is a special 'island' neighborhood that has quietly existed through generations and many residents are retired and enjoy the lack of traffic and the rural feel that this neighborhood affords. Lots are mostly large. There is no requirement for sidewalks or curb cuts, no restrictions on owning or raising most farm animals, and none of the routine 'neighborhood' restrictions. This rezoning effort threatens to change every one of those characteristics for the benefit of one Owner entity and those of the City, Development Authority and Zoning Commission who will get a feather in their cap for 'enforcing' the City's ill-advised river corridor development plan which hopes to populate the near-river property to the detriment of all. There are a number of reasons I object to this rezoning, but these are the primary inclusions in the recently published documents that I believe are flawed from an engineering prospective, and are based on inaccurate information, or entirely dubious information presented for the benefit of the Development Authority of the City:

- 1) The traffic data is undeniably faulted and is based on archaic information. It presumes this is a 'normal' neighborhood in terms of traffic. It is not. It is a very narrow road with no right-of-way in the vicinity of the proposed rezoning. It is very, very narrow – perhaps not up to standards at the curve joining 10<sup>th</sup> Ave SW to 2<sup>nd</sup> St NW very near the project site. It is often an issue, even without the added traffic. It ignores the fact that this road (2 St NW and 10<sup>th</sup> Ave SW) are officially parts of the River's Edge Trail and are a designated bicycle route. Increased traffic, in any amount, will be a safety risk. I believe, due to the nature of the residents in this quiet neighborhood, that the 'typical' formulas used for traffic predictions do not apply – why would they? There is a significant percentage of 'older' residents – many lifetime residents – who do not go to work everyday, as they are retired. This skews the 'normal' computational inputs significantly, without a doubt, but the City has made no accommodation for that in their figures. I believe, and think anyone with common sense would agree, that this is not a typical city neighborhood in terms of traffic patterns and that the predicted increase in traffic levels cited in the City's published documents, is far from accurate. Based on direction of travel to major thoroughfares, it is certainly possible that the traffic on 10<sup>th</sup> Ave SW will increase by over 100%. For those who may not know, 10<sup>th</sup> Ave SW does not have sidewalks, is an official connecting segment of the River's Edge Trail and is a designated bicycle route. It is extremely narrow for even today's traffic patterns. And yet, the City has not required a traffic study, despite the fact that their data is over 10 years – maybe 15 years - old. This is bogus and reflects very, very poorly on the proficiency of the City's staff and Committee members. It's a sham and they all know it. They know extremely well that the data and the characteristic of the traffic in this neighborhood is being misrepresented, but, still, they refuse to accomplish a traffic study because it doesn't fit their model – all to the benefit of those who favor this reprehensible and irreversible catalyst of unfortunate change to this neighborhood.

- 2) The proposed re-zoning has been more or less secretive and flies in the face of the intent of the requirements to notify those affected. At the December 6<sup>th</sup> Neighborhood Council #2 meeting, during which it was incumbent upon the Owner team to describe the project, and which, prior to the meeting was incumbent upon the Owner team to notify anyone with property within 150 feet of the prospective rezoning of that intent, there were residents whom had not been informed. In fact, the entire neighborhood felt they had been uninformed and duped. I believe that due to the limited access means of long, straight streets, and only those, and only those which access this site, this decision for re-zoning affects the entire neighborhood and not just those residing within 150 feet of its boundaries, as the statute may suggest as being appropriate and legal. It is now, I believe, almost a foregone conclusion that the Development Authority, the City and the Commission have concealed their intent to rezone this property regardless of its impact to the neighborhood upon which they are forcing it. This fits with their professional goals and gains at the tremendous expense of the residents. How that is moral, professional, or ethical in any way, and how it will not invite litigation remains to be seen. It is my hope, that if the City passes this rezoning, that the neighborhood will organize and hire an attorney to fight this in court. It is nothing short of declaring public domain – very Putin-like. It is a death sentence for the character of this long-standing neighborhood – the City and the Development Authority know it and yet they don't seem to care.
- 3) The 'logic' cited in the "Finding of Fact – Zone Map Amendment", Item #2 is inexcusably flawed. It presumes that the fact that Neighborhood Council #2 did not have an enacted resolution to avoid such development as this, constitutes an acceptance of it is completely inane – moronic and totally refutable. A neighborhood should not have to initialize a restriction of things that are not acceptable under their current, totally legal and irrefutable right, to exist without threat of change initiated, obligated or pushed forward by the City. Again, I believe this to be grounds for legal action against the City, the Zoning Commission, and the Development Authority who wields pressure onto the City officials. This statement of 'fact' is reprehensible – very 'Putin-like' as most would see it, I believe.
- 4) Lastly, I believe there has been, as often there is, a total misrepresentation of the parking situation that will occur as a result of this proposed construction. The proposal includes the 'minimum' number of parking spaces, which is an amazingly unrealistic number of the vehicles that will need to be accommodated -especially at the river where "water toys" and additional vehicles will need to be accommodated. The width of the street along 2<sup>nd</sup> St NW hardly accommodates moving traffic, let alone bicycle traffic, which – again, by the way, is designated as a bicycle path failed to be recognized by the re-zoning paperwork or adequately addressed by the City. Parking on the streets in the vicinity of this development will, of course, be strictly forbidden, but, as all know, will become a rule. The street at this location is barely legal in width for two moving cars passing but will, as all know, be subject to tenant parking. It's a joke, ignored by all who want this re-zoning to occur but ignore the 'minor' inconveniences that constitute life-safety and traffic concerns. Additionally, the parking at the River's Edge Trail access approximately 200 feet to the northeast will be continuously crowded with the tenants' excess vehicles. Not legal, mind you, but an absolute and un-ignorable reality for which the City and Development Authority want us to not be cognizant of or to voice our opinion in opposition. Ignoring these facts would constitute a gross error on the part of the Committees or the Commission. The Development folks really won't care because that's not their problem – they gave the City what they asked for – again, I would only assume this is grounds for legal action against the City, the Zoning Commission, and the Development Authority.

It seems those who are zealous to push this re-zoning effort forward for personal or program gain have lost their focus on the needs and priorities of those who live and reside here in favor of those – whomever they may be – who have been lured here, sometimes by the promises of those who lured them here, themselves. Many of the residents who have lived in this neighborhood have spent their entire lives -or very nearly so – here, at the very place of their current residence. This project, this re-zoning, is a bad idea for many reasons, and I think everyone who is familiar with this actual neighborhood will agree. It threatens a historically quiet and isolated neighborhood way of life – our safety, our quality of life and the reason we stay – for the sake of the few who will benefit. I believe the reason this re-zoning request has reached its current state of advancement is that information has been intentionally far from forthcoming to those in the entire neighborhood that will be affected due to the intent of the Development Board and others who will win accolades for its so-called 'success'. I can't disagree more with the thought patterns and the willingness to 'lay down' to pat equations regarding 'social success' that the City Planning Board has put forth or that of the 'river corridor'



concept, at this location, needs to be so-called 'enhanced' by this development. As an aside, they (City, Development Authority, Zoning Commission) have dodged the presentation of any information regarding river access, water sports equipment storage or affect upon current river usage due to potential impact ( noise or other ) from river users – a historic activity for more than half a century. This appears to be racing forward only at the bequest of the Development Authority, intent to show success in fulfilling their own goals for housing infill and river corridor development. To assume anything else is naïve.

This rezoning is bad for Great Falls. It's bad for it's historical and faithful, empowering, and sustaining residents – true Great Falls people. These people, and those of this small, isolated residential neighborhood, want to remain as they have planned for their entire lives – good and decent citizens doing good things for a good community. The only 'good' that will come of this re-zoning will be to the advantage of the Development Authority and the those in the City government seeking to redeem themselves by saying they have accomplished the task given to them and for which they were (ha – e.g. to help the people) elected. Not so much for the people who live here.

Many thanks for your consideration,

David Broquist  
711 10<sup>th</sup> Ave SW  
Great Falls, MT 59404

## Kayla Kryzsko

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**From:** Jamie Nygard  
**Sent:** Monday, December 11, 2023 6:24 AM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** FW: Protest zoning change of 805 2nd st sw on behalf of Sheryl and R. Dewey Schmidt

fyi

-----Original Message-----

From: Kirby Berlin <kirbyberlin@yahoo.com>  
 Sent: Sunday, December 10, 2023 7:15 PM  
 To: Jamie Nygard <jnygard@greatfallsmt.net>  
 Subject: Protest zoning change of 805 2nd st sw on behalf of Sheryl and R. Dewey Schmidt

On behalf of Sheryl Schmidt and R. Dewey Schmidt of 900 2nd st sw , whom are unable to send electronic communication, the following has been transcribed from their letter to the city.

I am writing this letter in protest of the zoning change at 805 2nd st sw . We are also asking for a continuance for evaluation and the necessary studies to be performed which we feel need to be addressed.

### Environmental impact (EPA)

Across Bay drive, the empty lot owned by BNSF and zoned M-2, was formally occupied by a chemical plant. From what we believe and have been told, the lot is contaminated and potentially hazardous. If this development would occur, where would the children play? More than likely the empty lot across the street which could be potentially very dangerous. In addition, other options would be, down by the river which is dangerous or just as bad, the street.

**Ecological and Biological impact (Fish wildlife and parks)** The Fish wildlife and parks definitely need to evaluate this project. The area is habitat for bald eagles which are still protected under the MIGRATORY BIRD TREATY ACT AND THE BALD AND GOLDEN EAGLE PROTECTION ACT.

This area is also a main migration and nesting area for geese, ducks, owls and home to other wildlife which is what makes great falls, Montana what it is.

### Holding Pond

The holding pond is a big concern for the wildlife. Contamination from the vehicles in the parking from dripping oil and gas and other toxins which will then be collected in the holding pond. Wildlife such as birds, frogs and other creatures may become contaminated by landing in this pond.

### Increased area foot traffic

With all of the proposed extra people, what will be the foot traffic damage and issues which will effect the area full of habitat.

### Neighborhood

This project does nothing beneficial for the neighborhood in which it will impact. The majority of the people have lived in this area for decades. Turnover is extremely low, thus leading us to have the safest neighborhood in great falls for that very reason. This neighborhood is full of long standing, hard working or retired individuals who have been tax payers to the city, state and federal government for decades. Do not take away the peace, quiet and stable neighborhood for the sake of someone else who doesn't even live in the area.

Property values will go down. Stop taking and punishing the good long standing taxpayers of the city for the benefit of others!

The development will not only effect the traffic, but many other issues that have yet to be addressed properly. Example the use of a ten year old traffic study, vagueness on true number of occupants and number of bedrooms in each unit which will ultimately effect true traffic count, water usage, waste water, property values, parking issues, biological and ecological issues and overall disruption of a stable neighborhood.

Again, we 100% oppose this rezoning from R-1 to M-2 as this only sets a precedent to homeowners that no neighborhood or household is safe with their home and neighborhood if there is an empty lot within it.

Sincerely,  
Sheryl and R.Dewey Schmidt  
900 2nd st sw

Sent from my iPad

December 10, 2023

Great Falls Planning Advisory Board/Zoning Commission

Attn: Brock Cherry  
Great Falls, MT 59401

Dear Sir and To Whomever It Concerns:

RE: Zone change from R-1 to M-2 in Neighborhood #2

I am Velma Thompson of 409 10<sup>th</sup> Ave SW which I purchased in 1988. I am appalled that the parcel at 805 2<sup>nd</sup> St SW seems to be already in the middle of transformation when the Zoning Law is still currently an R-1.

**UTILITIES:** The area of the proposal is part of the Garden Home Tracts which is a well-established, long-term area located on the north side (10<sup>th</sup> Ave SW) of the Sun River and curves around to part of the Missouri River (Bay Dr). There are wonderful, mature, old trees and the community is rural with its narrow paved streets and no sidewalks. In all probability, there has been no major upgrade to utilities in this area for over 30 years. All of the utilities have assumed that the neighborhood is only occupied by single-family homes. What will happen to the sewer and water systems if the zoning changes to M-2?

**FLOOD PLAIN:** The entire Garden Home Tracts is in a flood plain, and it has flooded in this area. While I was looking at property in 1988, I found that some houses next to the Sun River did flood in their basements. Also a few years ago, water did rise on the Missouri near Bay Drive and near the river on 10<sup>th</sup> Ave SW. Will the utilities be able to handle these complications?

**STREET:** The 10<sup>th</sup> Ave SW paved street in front of my house is only 21' wide. Various vehicles such as motor homes, 5<sup>th</sup> wheel trailers, semi-trucks, ambulances, fire trucks, school buses plus regular business trucks and trailers use the streets regularly. Sometimes, driving off of the paved section is necessary. Also there is no valid parking areas as most property lines, I believe, go all the way to the paved street section. Most families have 2 vehicles and if there is a teenager, there will be 3 vehicles per household which will greatly affect our quiet street and the ability to find parking space on very narrow streets.

**TRAIN:** The train goes by several times a day. Often, commuters will reverse their direction and then drive down 10<sup>th</sup> Ave SW and Huffman Dr; thereby, increasing the traffic.

**PUBLIC TRANSPORTATION:** The closest bus stop is on 6<sup>th</sup> St SW which will also increase traffic on 10<sup>th</sup> Ave SW.

**CRIME:** Up to this point, crime has been minimal. By increasing the population with all of these units; that will, in all probability, double our crime rate.

**TAX VALUES:** Also, the tax that you gain in the complex will probably lower the value of all of the homes in the Garden Home Tracts creating no gain, and perhaps a loss, to the city.

**THE NEIGHBORHOOD:** However, my biggest concern is that the monstrosity of the apartment buildings proposed does NOT fit with nor enhance the character of the Garden Home Tracts. Building single-family units to match the neighborhood would be a nice fit for the property and for the community.

Changing the zoning within the Garden Home Tracts would be like starting a 'cancer' in the community. It would be like a knife in a body at one end of the neighborhood. Eventually, more sections would be rezoned to M-2 and the beautiful, established neighborhood would come to an end.

A better area for such a large, sterile complex would be on the Missouri River by the railroad tract near the Great Northern Railroad building or even farther north. That would give easy access to 1<sup>st</sup> Ave N and the bridge.

I strongly oppose rezoning from R-1 to M-2 to accommodate landlords who will be ruining my neighborhood for now and for the future.

Sincerely,

Velma Thompson  
409 10<sup>th</sup> Ave SW  
Great Falls, MT 59404  
mateesha83@hotmail.com

## Kayla Kryzsko

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**From:** Jamie Nygard  
**Sent:** Monday, December 11, 2023 6:27 AM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** FW: Bayview Apartments proposal rezone

Fyi.

**From:** ron brinkman <brinksrepair@gmail.com>  
**Sent:** Sunday, December 10, 2023 8:20 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Bayview Apartments proposal rezone

I am asking for a continuance on this proposed project. We have not received enough notice on said project and this rezone needs to stop. We have failed our police and fire departments by not passing funds for them. This map that they have proposed does not show near enough parking for said project. The economic impact needs to be studied. The studies from 2013 do not suffice as this River's Edge Trail and bike route on our roads is totally not up to date. What about our property values on property that is actually owned by people in this area? Renters don't pay taxes. What about representing the people actually involved around this project? The railroad used to own that property there. Across the street, which the railroad still owns, is a hazmat site. How do they plan on keeping these numerous tenants off that property? There were no more than 9 trailers on that property and I read where they said there were 14. There are homeowners that have owned and have been paying taxes on their homes for generations. Numerous ones for forty plus years! The infrastructure in this area cannot accommodate this kind of a project. They said two people per unit in their proposal. We know this won't happen. Probably two or three families! To keep this the River's Edge Trail and a bike path, I recommend not changing the zoning from a R1 to an M2.



Virus-free. [www.avast.com](https://www.avast.com)

## Kayla Kryzsko

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**From:** Jamie Nygard  
**Sent:** Tuesday, December 12, 2023 6:14 AM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Kayla Kryzsko; Sara Doermann  
**Subject:** FW: Formal protest to rezoning 2nd ST SW

FYI.

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**From:** WANDA CARLSON <wandacarlson100@hotmail.com>  
**Sent:** Monday, December 11, 2023 5:21 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** FW: Formal protest to rezoning 2nd ST SW

Sent from Mail for Windows

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**From:** WANDA CARLSON  
**Sent:** Sunday, December 10, 2023 2:20 PM  
**To:** jnygard@greatfalls.net  
**Subject:** Formal protest to rezoning 2nd ST SW

My name is Alexander Smithson and I purchased a home at 820 2nd St SW this past March. There is a mobile in the front yard I rent to my mom, Wanda Carlson. The trailers address is 814 2nd St SW.

We are very opposed to two apartment buildings and numerous townhouses being built directly across the street.

The construction noise alone for a few years would be unbearable. Now rumor is the city will give the developers the south end of Garden Park. This would deny access to the river for people in the neighborhood. There is a small pond with frogs and salamanders that is rumored to be used for the developments runoff. This will kill everything living in there.

We hear the ground will be build way up which really increases our chances for flooding.

If dumpsters are placed along 2nd ST SW that will be my mom's view.

Please consider encouraging the builders to move their plan from our quiet residential neighborhood to a different area.

Please allow more time for ground and environmental studies and give residents more time to express their opinion.

Thank you for your time and consideration.

Sincerely,  
 Alexander Smithson  
 Wanda Carlson

Get Outlook for Android



## Kayla Kryzsko

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**From:** Jamie Nygard  
**Sent:** Monday, December 11, 2023 11:25 AM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** FW: Formal protest against the change for Bay View Apartments

Fyi.

**From:** Kathy Steffenson <ksteffenson@citymotor.com>  
**Sent:** Monday, December 11, 2023 11:17 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Formal protest against the change for Bay View Apartments

By way of this email we are formally protesting the change for Bay View Apartments from R-1 to M-2. The area is way too small for 100 units and the access to the road will impact traffic and make it too congested for current residents to get in and out of the area. It would also be more dangerous for people using River's Edge Trail.

Steve and Kathy Steffenson  
 826 2nd St SW  
 Great Falls, MT 59404

## Kayla Kryzsko

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**From:** Jamie Nygard  
**Sent:** Monday, December 11, 2023 11:30 AM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Kayla Kryzsko; Sara Doermann  
**Subject:** FW: Re zoning of the property-5th 2nd street sw

Fyi.

-----Original Message-----

**From:** Susan Broquist <susanbroquist@yahoo.com>  
**Sent:** Monday, December 11, 2023 11:27 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Re zoning of the property-5th 2nd street sw

I wish to make comment about the rezoning of 8052 2nd St. SW. As someone who lives in the neighborhood at 711 10th Ave. SW. my concern on this change is the increase of traffic in the area. The proposal shows traffic diverted to three different streets. What is not mentioned is the fact of the railroad traffic in these areas closes to two of those quite often leading to most traffic to use 10th Ave. Southwest. Entering 6th St., Southwest will be a problem as the traffic on 10th Ave. South already leads to long waits. I do believe a new traffic study should be done in this area during the summer months as we have the river's edge trail that enters 10 Ave SW with numerous runners, walkers and bikers on this Avenue already. The study the proposal was using is outdated. I feel if this zoning remains the same and single unit housing is built in that area. We would have no problem or issue with that.

Sincerely.

Susan Broquist  
 711 10 Ave SW  
 Great Falls MT 59404  
 406-788-4659  
 Sent from my iPad

## Kayla Kryzsko

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**From:** Jamie Nygard  
**Sent:** Monday, December 11, 2023 12:52 PM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Kayla Kryzsko; Sara Doermann  
**Subject:** FW: 2nd St SW

FYI.

**From:** Brooke Corry <corrybrooke@gmail.com>  
**Sent:** Monday, December 11, 2023 12:43 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** 2nd St SW

Hello,

I would like to ask for a continuance regarding the proposed zoning change for 805 2nd St SW in order to gather more information.

As an Army veteran and having worked for the VA for the last 6 years, I am understanding that there are policies and procedures that need to be followed. There are many concerns with this project, it is hard to know where to start. It is hard to know what rights we have and what will be blocked by the codes or policies that are in place.

Our little road is busy with runners, walkers, bikers, wildlife, etc while sharing it with motor vehicles, I can't imagine adding even more traffic to it. The increase of traffic will without a doubt increase the chance for an accident. Our road also does not get taken care of as it is. (I have emailed the photos of the drainage.) Even though people find the enjoyment of going through the puddles fast, this sprays rocks. I personally, have had my vehicle damaged, along with my trash can, along with multiple other close calls. Our road is not wide enough to absorb the increase in traffic.

My kids and I frequent the Rivers Edge Trail, we are able to go right from our home, our safe place, what does an apartment complex do to ones sense of safety? The neighbors and our community frequent and enjoy this piece of the River's Edge Trail and its raw state. We do not just enjoy it, it is our home, it is our safe place for our parents, grandparents, children, we have groups of families that have banded together to take care of one another. I have been boots on the ground with our houseless population for several years. I recognize the need for development, but it should be a development that is built with good intentions and grace. Intentions of increasing the value of our community and not commercializing a space that is unique.

It is concerning that the owners are selling it to a developer. If the zoning is changed how many more apartments will be built on that piece of property? The developer said that the drawings are just the beginning. What will this do to the value of our homes?

Thank you for your time.

Brooke Corry

Concerns that have been discussed amongst neighbors;

Low income housing

What will be the price point for these?

Average income for Great Falls – this will determine who is able to rent

Increase in crime

Overflow parking

Soil/water test

Bird habitat

Traffic

Apartment building VS Townhomes

West Elementary School will have to absorb the children

Train tracks blockage

Maximum unit restriction

December 12, 2023

To whom it may concern:

The proposed rezoning and development of apartments and townhomes in the Garden Home Tracts area must NOT happen! This will destroy our neighborhood! We are currently a very quiet, relatively crime free neighborhood and we want it to stay that way. Having almost 100 new families will increase both crime and traffic. 2<sup>nd</sup> Street SW and 10<sup>th</sup> Avenue SW are part of the River's Edge Trail, we don't have sidewalks and so people of all ages use our roads as a place to walk their dogs, ride their bikes, and run. We also have a lot of wildlife in the neighborhood such as deer, porcupines and racoons. All the extra traffic would be dangerous to the people and the animals.

In addition, this area is in the flood zone, so again, a terrible place to put 100 families. And, the Garden Home Park, directly next to the proposed build site, is a Riparian Restoration Project and an extra 100 families could affect the health of the riparian ecosystem.

There definitely is a spot to put what is being proposed, but this spot is not the right spot. We are aware that Great Falls needs additional housing, but please, not here. Please take it elsewhere where it wouldn't cause so much damage.

Thank you.

Michael S & Paige A Smith  
525 10<sup>th</sup> Ave SW  
Great Falls, MT 59404  
(406)799-7367 and (406)564-7265

**Kayla Kryzsko**

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**From:** Lonnie Hill  
**Sent:** Thursday, December 14, 2023 8:51 AM  
**To:** Kayla Kryzsko  
**Subject:** FW: Ticket ID: 291077aaf - Traffic study for development on Bay drive

Kayla – Please add the correspondance below to the public comment for the Bay View Rezone request.  
 Thanks!

**Traffic study for development on Bay drive**

**Email:** [jwblake32@gmail.com](mailto:jwblake32@gmail.com)

**Name:** Jacob Blake

**Status:** New

**Assigned To:** Ihill (Planning and Community Development)

**Ticket ID:** 291077aaf

To whom it may concern,

I am reaching out with regards to the development of apartment buildings and condominiums intended to be built near the river on 2nd St SW and Bay Drive.

It is my knowledge that no traffic study is scheduled or intended to be done before the city considers whether to rezone that parcel of land for the development.

I am strongly opposed to this decision to not consider a traffic study and the impacts of significantly increasing the flow of traffic up the street on which I reside as both my family and I live in this neighborhood. And while we are acutely aware of the detrimental affects this development and it's increased traffic will have on our living environment, it appears to me that those with the power to make such decisions (those to whom this email is addressed) have blatantly overlooked this impact and who may not even care about it's impact when it doesn't directly affect their own living environment.

I implore you to take into consideration a resident of this neighborhood and one to whom this knowledge was brought to his attention. I speak in behalf of many other neighbors who were kept in the dark with no knowledge of this intended development.

Once again, please reconsider a traffic study of this development on this neighborhood and please reconsider the zoning of the land in consideration.

Thank you.

Jacob Blake

## Kayla Kryzsko

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**From:** Lonnie Hill  
**Sent:** Monday, January 8, 2024 11:26 AM  
**To:** jwblake32@gmail.com  
**Cc:** Kayla Kryzsko  
**Subject:** RE: Ticket ID: 291077aaf - Traffic study for development on Bay drive

Jacob – Sorry for not getting back to you last week, I got a little behind on emails. Thank you for sending over the public comment. It will be included in the packet of public comment that was submitted and provided to the Zoning Commission and the City Commission. Please let me know if you have any other questions.

Regards,



**Lonnie Hill, CFM**  
**Senior City Planner, Floodplain Administrator**  
*Planning & Community Development Department*  
*Planning Division, City of Great Falls*  
**T 406-455-8435**  
**E [lhill@greatfallsmt.net](mailto:lhill@greatfallsmt.net)**

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**From:** jwblake32@gmail.com <jwblake32@gmail.com>  
**Sent:** Thursday, January 4, 2024 9:55 PM  
**To:** Lonnie Hill <lhill@greatfallsmt.net>  
**Subject:** Re: Ticket ID: 291077aaf - Traffic study for development on Bay drive

Thank you Lonnie for your help and responses. You have been very helpful

I would like to provide a comment to be read, if you don't mind:

“To whom it may concern.

With regards to the development of apartment buildings and condominiums intended to be built near the river on 2nd St SW and Bay Drive and as a resident in this neighborhood, I wish to voice my concerns about the increase in traffic this would bring to already subpar roads. Currently there are no sidewalks, no storm drains, and scarcely room to pass another vehicle on these roads, even without any cars parked on the roadside. As such, whenever it rains, large muddy puddles collect on both sides of the road which are difficult to avoid when driving. When it freezes, the puddles and standing water turn to ice making it cumbersome to drive through. In addition, any form of predication makes it unsightly and difficult to walk. Storm drains and sidewalks would immensely help this issue, as well as greatly improve the quality of the neighborhood and value of the homes to the homeowners and the city.

I would think that a neighborhood so centrally located on the west side of Great Falls would greatly benefit the city to include these improvements. Especially a neighborhood so poised for developments, increased traffic, and new city members.

Please consider my thoughts and concerns with regards to improving the roads by adding sidewalks and storm drains, and know that my voice is shared by many in this neighborhood who may yet be unaware of these changes and developments that are under consideration.

Thank you,  
 Jacob Blake “



My address is  
923 4th St SW  
Great falls MT 59404

Once again. Thanks for the help Lonnie!

Jacob Blake

On Dec 19, 2023, at 3:07 PM, Lonnie Hill <[lhill@greatfallsmt.net](mailto:lhill@greatfallsmt.net)> wrote:

to the development of apartment buildings and condominiums intended to be built near the river  
on 2nd St SW and Bay Drive

Becky Chase

212 10TH AVE SW

GREAT FALLS MT 59404

City of Great Falls

Planning and Community Development Dept.

P.O. Box 5021, Great Falls, MT, 59403 5021

Att: L. Hill

Dear Sir;

I am against rezoning 805 2nd ST SW, Great Falls, MT 59404.

(1) Traffic

a. 9th ave SW narrow road

b. 10th ave SW narrow road

(2) Crime

(3) Bike route

a. interference with cyclists on 10th ave SW

b. interference with cyclists on park garden path

(4) Park Garden Park

a. hinder wildlife at Park

Sincerely,  
Becky Chase

## Kayla Kryzsko

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**From:** Brock Cherry  
**Sent:** Monday, January 22, 2024 8:38 AM  
**To:** gs2bhill@aol.com  
**Cc:** Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** RE: [Brock Cherry] Bay View Development Proposal (Opposed)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms. Hill,

Thank you for your comment; it will be added to the application packet, which will be reviewed by the Planning & Zoning Board and the City Commission.

Have a great day,



**Brock Z. Cherry, M.S.**

**Director**

*Planning & Community Development Department*

*City of Great Falls*

**T 406-455-8530, C 406-750-5365**

**E bcherry@greatfallsmt.net**

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**From:** City of Great Falls Montana <greatfalls-mt@municodeweb.com>  
**Sent:** Sunday, January 21, 2024 8:11 PM  
**To:** Brock Cherry <bcherry@greatfallsmt.net>  
**Subject:** [Brock Cherry] Bay View Development Proposal (Opposed)

Beth Hill ([gs2bhill@aol.com](mailto:gs2bhill@aol.com)) sent a message using the contact form at <https://greatfallsmt.net/>.

January 21, 2024

Great Falls City Commissioners

City of Great Falls Planning and Community Development Director – Brock Cherry

I am writing regarding the re-zoning request for the property adjacent to Garden Home Park for the Bay View multi-family complex proposal.

This is wrong on so many levels.

First – they are building in a known flood zone. The property has been flooded (or nearly so) at least four times in the past 50 years, including the flood of 1964. Trying to correct any flood zone problem just moves the issue downstream. I've seen it happen in all the cities I've ever lived in (St. Louis, Mo, Cedar Rapids, IA, Winston-Salem, NC and here in MT).

The river bank and land is very sandy. Erosion can be seen happening when boats and jet skis run up and down the river. It just so happens that the city boat launch is just across the river. The soil does not appear to be very stable.

The development plan that supported development along the river front is old (2004 – Missouri River Corridor

plan). It was wrong to begin with and it is still wrong to develop to the river edge. Doug Wicks had the right idea. Use the riverfront to build walking trails. The current trails are a feature that helps draw new residents to the area. All areas of the River's Edge Trail are heavily used. Build more and it will get used. Build structures and it benefits just a few people. Structures degrade the natural beauty along the river.

Traffic problems were addressed, but the last traffic study was 2013. 10 years ago, there was not nearly as much traffic as there is now going up and down 6th St SW and on Central Ave W. Just try turning south (left) onto 6th St SW sometime during the day. So, to be relying on 10-year-old data to estimate the effect on traffic is just going to give you a wrong answer.

Garden Home Park is used by many walkers, runners, bikers and even bird watchers. It is only 6+ acres and doesn't even have a vault toilet. It will be more heavily used. Trash is a continuing problem. People recreate in the river as well. 92 dwellings right next door will add even more wear and tear on this park. Until I moved recently I walked up to the park several times a week and daily when the osprey are nesting.

Garden Home Park is nice because it isn't "developed". It attracts a side variety of birds throughout the year. NW Energy has even erected 2 Osprey nesting platforms. They have been in use since they were placed. The nesting success hasn't been good. Unless you consider 50% of the years they fledge young successful. They are closely watched by many park users. Smaller birds also use the park – many warblers, flycatchers, sparrows, wrens, pheasants, flickers, downy woodpeckers, merlins, hawks and even eagles have stopped by. What attracts them? The cattails growing in the storm drain ditch, the volunteer ash and Russian olive trees, the cottonwood trees, the thick growth along the river bank and between the park and what used to be a small trailer park. It is a small pocket refuge for wildlife.

I could go on about why this is just wrong, including considering the objections of neighboring property owners.

The best possible use for the adjacent property is to declare it an addition to Garden Home Park.

Beth Hill  
29 Broken Spoke Lane  
Great Falls, MT 59404  
406-217-2364

January 27, 2024

To: City of Great Falls, MT (Civic Ctr.)  
 P.O. Box 5021  
 (Planning Dept.) atten: Lonnie Hill, CFM

From: Maurice B. Cameron Jr.  
 607 10<sup>th</sup> Ave SW  
 Great Falls, MT. 59404

Subject: Letter of Concern ( Bay View Apartment, App./Proposal )

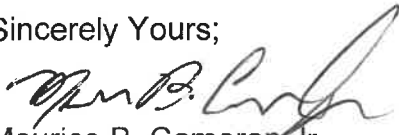
To Whom It May Concern:

Hello; my name is Maurice "aka" (Mark) Cameron). I've lived at this residence for over 25 years, and walked these streets of Great Falls as mailman for 20 of them years. I got to talk with, and personally know 1000's of these wonderful Montanans. What impressed me most from the get go, & (I'm a Jersey Boy) was their simple way of life! Excellent morals, helpful attitude, and their easy going demeanor ( they don't even beep when the light turns green here) lo! They just want to maintain their (well earned) quality of life, and live in **Peace & Safety**!

I'll keep this short for now, and keep in mind; I'm a proponent (for) more affordable housing here in Great Falls, MT. **But not, not** when it (jeopardizes) the Peace & Safety, and not to mention the quality of life & property values of **ALL** concerned. i.e. current homeowners, renters, people using the "River Edge Trail" etc. I live here on 10<sup>th</sup> Ave SW aka (River Edge Trail) and see many mothers with infants, bicyclist, hikers etc. daily. Sometimes 100's daily In the Summer & Fall. That's not counting the existing vehicle, bike Traffic we have here currently. It's a past, and still an ongoing safety issue!

That said; this (Land Use Application) doesn't have the infrastructure to support the above concerns, especially the **Safety concern**. Also what's this M2 rezoning? Sounds like there's a future agenda! That's a big jump from a R1 zone, there's many options from R1 – M2 that can be used! In closing, let us reevaluate this "Proposal, and come to some middle ground here! You are for us homeowners, and the people's safety, "right"? Or are you for the investors??

Sincerely Yours;



Maurice B. Cameron Jr.

Cc/file/governor GG's office



January 21, 2024

City of Great Falls Planning and Zoning Board

RE: Bay View Development Rezoning

I am writing on behalf of the Great Falls Development Alliance (GFDA) in support of a zoning change for the proposed Bay View Development, and to insert into the public record documents which should be considered for this and future zoning recommendation decisions. GFDA strongly supports this zoning change and believes it is appropriate for the area and conforms with city land use policies.

Increasing the supply of quality housing for City residents is critically important. Doing so through land use policies that encourage increased density and infill development is a wise strategy for the City to continue to support to be able to afford to provide essential community services.

The Great Falls Development Authority (GFDA) is a community economic development partnership and certified Community Development Financial Institution (CDFI). We are organized as a Montana non-profit 501 (c) 3 charitable corporation. GFDA is a broad public, private, nonprofit partnership that serves the Great Falls Montana MSA and the surrounding thirteen-county rural and tribal trade area of north central Montana. Our partnership includes the City of Great Falls, Cascade County, Great Falls College MSU, Little Shell Tribe of Chippewa Indians, University of Providence, Great Falls Public Schools, Great Falls International Airport Authority, Great Falls Tourism, Great Falls Area Chamber of Commerce, NeighborWorks Great Falls, Downtown Development Partnership of Great Falls, Great Falls Association of Realtors, Homebuilders Association of Great Falls, Sweetgrass Development, Great Falls Business Improvement District, Cascade County Tavern Association, McLaughlin Research Institute, and over 130 leading local businesses and institutions who invest in our work.

Increasing housing production is the highest priority for GFDA because housing costs have the largest impact on cost of living overall. The best tool we have available to keep housing costs from rising is to increase our supply of available housing units in the market. Developments like Bay View, which increase density adding homes within the existing footprint of the City of Great Falls, are essential to affordably meeting the housing supply needs of our city, are consistent with existing growth and development plans endorsed by the City of Great Falls as well as recommendations from state-level leadership, have a positive effect on neighboring property values, and lower crime.

There is a significant undersupply of housing forecasted in Great Falls and Cascade County over the next 10 years, **about 4,500 units** ([Concord Group, 2021](#)). This undersupply leads to increases in home sales and rental prices, and the dilapidation of existing housing stock. New home stock can act as a market force requiring existing stock to be rehabilitated, upgraded, and vacated by residents who have the financial capacity to afford newly build homes, leaving older stock available for workforce ([Concord Group 2021](#)). Additionally, a supply approach to affordability in the housing market can stabilize or reduce rents, decreasing the likelihood of existing residents being displaced ([Governor's Housing Task Force, 2022](#)).

The proposed Bay View development meets the call set forth in the 2004 Missouri River Urban Corridor plan as well as the 2022 Governor's Housing Task force recommendations. The Missouri River Urban Corridor plan calls for new regulations to allow appropriate riverfront development that orients new housing to the open space and river amenities the City of Great Falls already offers, specifically stating "a list of land uses that reinforce the new vision for the Missouri River Corridor" to include "Urban residential rental apartments 2-4 story owner [-occupied] condominiums, 2-4 story urban lofts, row houses, and townhouses..." ([CTA LandWorks Group, 2004](#)). The best way to encourage development is to partner with developers to support projects that can feasibly increase density and for municipalities within the state to incentivize density ([Governor's Housing Task Force, 2022](#)).

This board will certainly hear concerns about increased density lowering home values and increasing crime. These concerns are not substantiated in land use planning literature. Peer reviewed research suggests that not only does new higher-density development not adversely affect nearby home values but can increase sale prices of single-family homes within 2,000 feet ([Haughey, 2005](#); [Craw, 2017](#)). Crime rates within this type of proposed development do not significantly differ from those at lower-density development ([Haughey, 2005](#)). Locally, our police department relies on crime data to determine where to deploy patrol resources most effectively. New apartment developments in town do not attract crime nor would recent crime data support the need for Great Falls Police department officers to patrol these apartments to prevent crime (Schaffer, 2023).



Please find documentation of the above-referenced land use planning studies below. I look forward to reviewing the City Planning staff findings and testifying in person when the rezoning hearing is scheduled.

Thank you for your continued support of sound land use practices throughout the City. The Bay View development will bring substantial benefits to the neighborhood and the entire Great Falls community.

Very truly yours,



Brett Doney, AICP  
President & CEO

#### References:

Concord Group. (2021) Housing Market Demand Assessment for Great Falls, Montana.

[www.theconcordgroup.com](http://www.theconcordgroup.com). Link to assessment summary:

<https://growgreatfallsmontana.org/wp-content/uploads/2023/12/Great-Falls-Housing-Demand-Summary-12-21.pdf>

CTA LandWorks Group. (2004) Missouri River Urban Corridor Plan. Great Falls, Montana 2004. Link to Corridor plan:

[https://greatfallsmt.net/sites/default/files/fileattachments/planning\\_and\\_community\\_development/page/27411/mrucp1.pdf](https://greatfallsmt.net/sites/default/files/fileattachments/planning_and_community_development/page/27411/mrucp1.pdf)

Craw, M. (2017). Effects of Multi-Family Housing on Property Values, Crime and Code Violations in Little Rock, 2000-2016.

[https://ualr.edu/publicaffairs/files/2016/06/lr\\_multifamily\\_report\\_final.pdf](https://ualr.edu/publicaffairs/files/2016/06/lr_multifamily_report_final.pdf)

Governor's Housing Task force. (2022) Recommendations and Strategies to Increase the Supply of Affordable, Attainable Workforce Housing.

[https://deq.mt.gov/files/About/Housing/HTF\\_PhaseI\\_Final\\_10142022.pdf](https://deq.mt.gov/files/About/Housing/HTF_PhaseI_Final_10142022.pdf)

Haughey, Richard M. (2005) Higher-Density Development: Myth and Fact. Washington, D.C.: ULI—the Urban Land Institute, 2005.

[https://uli.org/wp-content/uploads/ULI-Documents/HigherDensity\\_MythFact.ashx.pdf](https://uli.org/wp-content/uploads/ULI-Documents/HigherDensity_MythFact.ashx.pdf)

Schaffer, Cpt. John. (2023) Apartment Data. Email to Jake Clark. December 12, 2023. Available upon request.

February 5, 2024

Karen and Ed Venetz  
939 2<sup>nd</sup> St. SW  
Great Falls, MT 59404

City of Great Falls Planning Advisory/Zoning Commission  
2 Park Drive  
Great Falls, MT 59401

RE: Zoning Map Amendment at 805 2<sup>nd</sup> St SW from R1 to M2

Dear Commission members,

We are writing to express our concerns about the project. We are unable to attend in person to express our concerns.

It's in the news daily Great Falls is experiencing a housing shortage. This project agrees with the Missouri River Corridor Plan's strategy to encourage land use change along the Missouri River; the strategy also includes and encourages careful planning and development.

Our concerns include:

- Increased volume of traffic:
  - Thank you for conducting a traffic impact assessment. Staff determined roadway volumes for the project are within the normal range for the residential local roadway of 2<sup>nd</sup> St. SW and 10<sup>th</sup> Ave SW and a non-residential roadway of Huffman Ave and Bay Drive.
- Did the analysis include?:
  - Lack of sidewalks on the roadways
  - Both roadways are Bike Routes leading to the Rivers Edge Trail
  - Frequent speeding
  - Lack of adhering to the STOP sign at the intersection of 10<sup>th</sup> Ave SW and Bay Drive
  - Tight corner at 10<sup>th</sup> Ave SW and 2<sup>nd</sup> St SW – again no sidewalks
- Photos of the area are included in this email; if you have not personally inspected the area, I strongly recommend it.
- Would the following be considered?:
  - Frequent patrolling
  - Installation of speed bumps to deter speeding

Zone Change

- How is the community assured that the change from R1 to M2 zoning includes only apartments and townhouses? What will keep the property owner from changing the submitted plans to another project type allowed under M2 zoning?

River shoreline

- The Missouri River in Cascade County is closed to motorized watercraft from the Burlington Northern Railway Bridge No. 119.4 at Broadwater Bay in Great Falls to Black Eagle: and it is a controlled no-wake zone 200 feet from the western shore as buoyed from the Warden Bridge on 10<sup>th</sup> Ave. S to the Burlington Northern Railway Bridge from May 1 to September 30.
- This area is extremely busy and noisy during the summer months.

As per the MRCP Guiding Principles, No. 3, The Corridor Plan will promote beneficial, sustainable economic development that utilizes the river as an amenity while preserving and enhancing its ecological integrity and asset values. Specifically, water quality, natural shoreline vegetation, and wetlands will be restored, enhanced, or protected, and the river's environmental health will not be compromised by development.

Respectfully submitted,  
Karen and Ed Venetz  
[kvenetz183@gmail.com](mailto:kvenetz183@gmail.com)  
406-868-5989









**Kayla Kryzsko**

---

**From:** Jamie Nygard  
**Sent:** Monday, December 11, 2023 6:25 AM  
**To:** Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko  
**Subject:** FW: 805 2nd st sw protest signatures for those within 150ft and those of the neighborhood  
**Attachments:** CamScanner 12-10-2023 15.59.pdf

Fyi.

---

**From:** Kirby Berlin <kirbyberlin@yahoo.com>  
**Sent:** Sunday, December 10, 2023 4:03 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** 805 2nd st sw protest signatures for those within 150ft and those of the neighborhood

Try this powerful scanner app  
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Hello,  
Attached are the two protest lists which include both a list of those protesting the rezoning of 805 2nd st sw within 150 feet of the subject property as well as another list of those in the neighborhood which protest this rezoning as well.

Thank you,  
Kirby Berlin  
Owner  
825 2nd st sw  
406-217-3514

Sent from my iPhone



12-8-2023

We the undersigned are protesting  
the proposed rezoning of property  
at 805 2nd St S.W.  
(Residents not within the 150ft area)

Print

Signature

Address

Sheryl Schmidt

Sheryl Schmidt

910 2nd St. S.W.

R. Dewey Schmidt

910 2nd St. S.W.

~~[Redacted]~~

~~[Redacted]~~

~~[Redacted]~~

Mandee Nardinger

Mandee Nardinger

200 10th Ave SW

John Harding

John Harding

200 1/2 10th Ave SW

Ronald Brinkman

Ronald Brinkman

310 10th Ave SW

Jane Brinkman

Jane Brinkman

310 10th Ave SW

Kirby  
Berlin

Kirby Berlin

825

2nd St

SW

12-8-2023

We the undersigned are protesting  
the proposed reasoning of property  
at 805 2nd St S.W.

PrintSignatureAddress

<u>Print</u>	<u>Signature</u>	<u>Address</u>
Martha M. Berlin	Martha M. Berlin	827 2 <sup>nd</sup> St. S.W.
Joseph Berlin	[Signature]	827 2 <sup>nd</sup> St S.W.
Alexander Smithson	Alexander Smithson	820 2nd St. SW
Kent Stokes	(see Attached) (Also wrote letter)	821 2nd St. SW
Donald Schmidt	Donald Schmidt	900 2 <sup>nd</sup> St. S.W. - Renter
Sheryl Schmidt	Sylsmit	900 2 <sup>nd</sup> ST S.W
R. Dewey Schmidt	Wanda Carlson	900 2nd ST. S.W
Wanda Carlson	[Signature]	814 2nd ST SW
Kirby Berlin	[Signature]	825 2 <sup>nd</sup> St SW
Lawrence Gadbow	[Signature]	803 2 <sup>nd</sup> ST SW
<del>Mary Steffenson</del> Kathy Steffenson	Kathy [Signature]	826 2nd St SW
Steve Steffenson	Steve Steffenson	826 2nd ST SW.

## Kayla Kryzsko

---

**From:** Jamie Nygard  
**Sent:** Monday, December 11, 2023 6:26 AM  
**To:** Brock Cherry; Thomas Micuda; Lonnie Hill; Kayla Kryzsko; Sara Doermann  
**Subject:** FW: Protest letter in regaurd to 805 rezoning 2nd st sw  
**Attachments:** 20231210\_143357.jpg

Fyi.

---

**From:** Steve Steffenson <steve@williamsonfence.com>  
**Sent:** Sunday, December 10, 2023 2:41 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Protest letter in regaurd to 805 rezoning 2nd st sw

Sent from my Verizon, Samsung Galaxy smartphone  
 Get [Outlook for Android](#)

12-8-2023

We the undersigned are protesting  
the proposed rezoning of property  
at 805 2nd St S.W.

<u>Print</u>	<u>Signature</u>	<u>Address</u>
Martha M. Berlin	<i>Martha M. Berlin</i>	827 2nd St S.W.
Joseph Berlin	<i>Joe Berlin</i>	827 2nd St S.W.
Alexander Smithson	<i>Alexander Smithson</i>	820 2nd St. S.W.
Kent Stokes	(see Attached) (Also wrote letters)	821 2nd St S.W.
Donald Schmidt	<i>Donald Schmidt</i>	900 2nd St. S.W. - Renter
Sheryl Schmidt	<i>Sheryl Schmidt</i>	900 2nd St S.W.
R. Dewey Schmidt		900 2nd St S.W.
Wanda Carlson	<i>Wanda Carlson</i>	814 2nd ST SW
Kirby Berlin	<i>Kirby Berlin</i>	825 2nd st SW
Lawrence Gadbow	<i>Lawrence Gadbow</i>	803 2nd ST SW
<del>Mary Steffenson</del> Kathy Steffenson	<i>Kathy Steffenson</i>	826 2nd St S.W.
Steve Steffenson	<i>Steve Steffenson</i>	826 2nd ST SW.

## Kayla Kryzsko

---

**From:** Jamie Nygard  
**Sent:** Monday, December 11, 2023 6:26 AM  
**To:** Thomas Micuda; Brock Cherry; Sara Doermann; Lonnie Hill; Kayla Kryzsko  
**Subject:** FW: Protest zoning of 805 2nd st s.w.

Fyi.

---

**From:** Sheryl Schmidt <sbschmidt63@gmail.com>  
**Sent:** Sunday, December 10, 2023 2:39 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Protest zoning of 805 2nd st s.w.



12-8-2023

We the undersigned are protesting  
the proposed rezoning of property  
at 805 2nd St S.W.

<u>Print</u>	<u>Signature</u>	<u>Address</u>
Martha M. Berlin	Martha M. Berlin	827 2nd St S.W.
Joseph Berlin	[Signature]	827 2nd St S.W.
Alexander Smithson	Alexander Smithson	820 2nd St. S.W
Kent Stokes	(see Attached) (Also wrote letter)	821 2nd St. S.W
Donald Schmidt	Donald Schmidt	900 2nd St. S.W. - Renter
Sheryl Schmidt	[Signature]	900 2nd St S.W
R. Dewey Schmidt	[Signature]	900 2nd St. S.W
Wanda Carlson	Wanda Carlson	814 2nd ST SW
Kirby Berlin	[Signature]	825 2nd St SW
Lawrence Gadbow	[Signature]	803 2nd ST SW
<del>Mary Steffenson</del> Kathy Steffenson	Kathy [Signature]	826 2nd St SW
Steve Steffenson	Steve Steffenson	826 2nd ST SW.