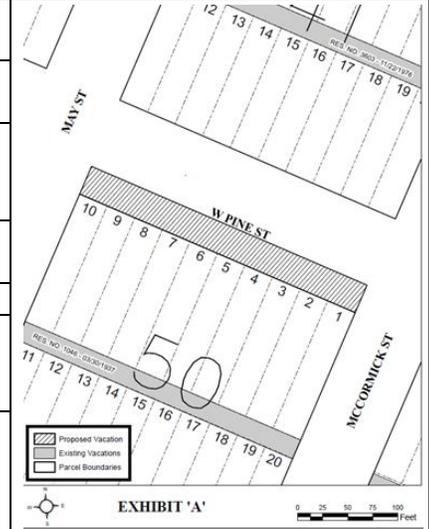




**STREET VACATION REFERRAL**

<b>Agenda item:</b>	St. Patrick's Hospital W. Pine Street Right-of-Way Vacation Between May and McCormick Streets
<b>Report Date:</b>	September 19, 2019
<b>Location of request:</b>	The southerly 33 feet of the W. Pine Street right-of-way between May and McCormick Streets.
<b>Applicant:</b>	St. Patrick Hospital Corp. (Phil Lafata – owner's designated representative)
<b>Representative:</b>	Jeff Smith, PE with WGM Group, Inc.
<b>Case Planner:</b>	Mary McCrea, Planning Supervisor
<b>Report Reviewed &amp; Approved By:</b>	Mary McCrea, Planning Supervisor with review by City Engineering and Aaron Wilson, Transportation Planning Manager
<b>Growth Policy:</b>	The applicable regional plan is the <i>2035 Our Missoula: City Growth Policy</i> , which recommends a land use designation of Urban Center.



**SCHEDULE AND RECOMMENDED MOTIONS**

<b>Public Works (PW) Committee:</b>	September 25, 2019
<b>PW recommended motion:</b>	Adopt a resolution of intention to vacate the southerly thirty-three (33) feet of the W. Pine Street right-of-way between May and McCormick Street adjacent to property legally described as Lots 11 – 20, Block 41 and Lots 1 – 10, Block 50 of W.J. McCormick's Addition in Section 21, Township 13 N, Range 19 W, P.M.M., as shown in Exhibit A, and subject to the conditions of approval and set a public hearing for October 28, 2019.
<b>Public Hearing (P/H):</b>	October 28, 2019
<b>P/H recommended motion:</b>	(Adopt/Deny) a resolution to vacate the southerly thirty-three (33) feet of the W. Pine Street right-of-way between May and McCormick Street adjacent to property legally described as Lots 11 – 20, Block 41 and Lots 1 – 10, Block 50 of W.J. McCormick's Addition in Section 21, Township 13 N, Range 19 W, P.M.M., as shown in Exhibit A, and subject to the conditions of approval.

## I. CONDITIONS OF APPROVAL

1. The developer shall prepare and file easements in the location of existing utility lines currently located within the portion of the W. Pine Street right-of-way to be vacated, subject to review and approval of the affected utility companies, Missoula Water, and the City Engineer. The easements shall be filed within sixty (60) days of approval of the Resolution to Vacate, or the right-of-way vacation is null and void and will revert back to the City of Missoula.
2. The developer shall prepare plans for and relocate existing utility lines into the remaining W. Pine Street right-of-way, within one hundred and twenty (120) days of approval of the Resolution to Vacate, or the right-of-way vacation is null and void and will revert back to the City of Missoula, subject to review and approval of the affected Utility companies, Missoula Water and the City Engineer. Building permits for structures within the vacated right-of-way shall not be approved until existing utility lines are relocated and the easements are vacated.
3. The developer shall provide a Revised W. Pine Street Conceptual Layout within sixty (60) days of approval of the Resolution to Vacate, or the right-of-way vacation is null and void and will revert back to the City of Missoula, to show the southerly 33 feet of W. Pine Street right-of-way vacated, moving the southerly sidewalk, boulevard, curb, gutter and drive lanes to the south and adding the additional 7 feet of roadway to the north side, subject to review and approval of the City Engineer.
4. The developer shall enter into an agreement with the City of Missoula that stipulates St. Patrick's Hospital Corp. will pay for construction and maintenance of the round-about and if the round-about does not function appropriately at this intersection as determined by the City Engineer, St. Patrick's Hospital Corp. will pay to remove the round-about and restore this intersection to meet typical engineering road standards, subject to review and approval of the City Attorney and the City Engineer. The Agreement will be filed with the County Clerk and Recorder within sixty (60) days of approval of the Resolution to Vacate, or the right-of-way vacation is null and void and will revert back to the City of Missoula.

## II. PROJECT SUMMARY

### Background & Introduction

St. Patrick's Hospital Corp., represented by Phil Lafata, owner's designated representative and Jeff Smith, WGM Group, Inc., request to vacate the southerly thirty-three (33) feet of the W. Pine Street right-of-way between May and McCormick Streets. The applicant's purpose for the right-of-way vacation is to facilitate construction of a proposed parking structure and medical office building on the block south of W. Pine Street between May and McCormick Streets.

The applicant states the parking structure will provide approximately five hundred (500) new off-street parking spaces for hospital patients, visitors, and employees, and will reduce the hospital's parking demand on the existing on-street parking inventory in the neighborhood. The building geometry necessary to create a parking structure layout that allows for this large number of parking spaces requires that the building extend north into the existing W. Pine Street right-of-way.

The original submittal packet requested vacation of the southerly forty (40) feet of W. Pine Street between May and McCormick Streets. The applicant received comment from John Olson with CenturyLink, informing them that relocation of CenturyLink high density cables would create significant delays for the hospital project. The applicant's representative, Jeff Smith of WGM Group, Inc., informed DS Staff that they would like to limit the right-of-way vacation to the southerly thirty-three (33) feet of W. Pine Street between May and McCormick Streets in order to maintain the existing location of the CenturyLink facilities.

### Property Information

#### General:

1. This is a request from Phil Lafata, St. Patrick's Hospital Corp. designated representative, to vacate the southerly thirty-three (33) feet of the W. Pine Street right-of-way between May and McCormick Streets.
2. The full legal description of the area to be vacated is: the southerly thirty-three (33) feet of the W. Pine Street right-of-way between May Street and McCormick Street adjacent to property legally described as Lots 11 – 20, Block 41 and Lots 1 – 10, Block 50 of W.J. McCormick's Addition in Section 21, Township 13 N, Range 19 W, P.M.M.

3. If vacated, the street square footage will be permanently added to Lots 1 – 10, Block 50 of W.J. McCormick's Addition in Section 21, Township 13 N, Range 19 W.
4. The zoning of the subject property is C1-4 Neighborhood Commercial /DE-D Design Excellence Downtown – Outer Core Overlay. Medical office use and a parking structure are permitted in the C1-4 zoning district.
5. The Our Missoula City Growth Policy 2035 is the applicable regional plan and recommends an Urban Center land use designation for the subject property.

Utilities:

6. Northwestern Energy commented that they currently own facilities in area proposed to be vacated and requested a 10 foot wide utility easement for their natural gas main pipeline be reflected/recorded to protect their access rights. Upon completion of the natural gas main pipeline relocation, the easement could be extinguished.
7. Staff recommends a condition of approval requiring the developer to prepare and file easements in the location of existing utility lines currently located within the portion of the W. Pine Street right-of-way to be vacated, subject to review and approval of the affected utility companies, Missoula Water, and the City Engineer.
8. Missoula Water commented that the City has plans to abandon the existing 6 inch water main from 1914 in W Pine Street from McCormick Street to the railroad tracks and replace it with a new 12 inch main. The exact alignment of the proposed water main is not yet determined but it will not be the same alignment as the existing main. Missoula Water plans to bid the water main replacement project this winter and construct the new main in the spring of 2020.
9. The applicant will need to coordinate relocation of utilities with Missoula Water so that the relocated natural gas main pipeline is not near the proposed alignment of the new water main.
10. Staff recommends a condition of approval requiring the developer to prepare plans for and relocate existing utility lines into the remaining W. Pine Street right-of-way, subject to review and approval of the affected Utility companies, Missoula Water and the City Engineer. Building permits for structures within the vacated right-of-way shall not be approved until existing utility lines are relocated and the easements are vacated.
11. John Olson with CenturyLink requested that the original request to vacate the southerly 40 feet of the W. Pine Street right-of-way be revised to vacate the southerly 33 feet of the W. Pine Street right-of-way between May and McCormick Streets in order to keep their existing high density cables in their current location within the right-of-way.
12. Jeff Smith with WGM Group, Inc., requested to revise their request to accommodate the current location of the CenturyLink high density cables.
13. Staff recommends a condition of approval requiring the developer to revise the W. Pine Street layout to show the southerly 33 feet of W. Pine Street right-of-way vacated, moving the southerly sidewalk, boulevard, curb, gutter and drive lanes to the south and adding the additional 7 feet of roadway to the north side as a parallel parking lane, subject to review and approval of the City Engineer.

### **Proposed Development**

14. The applicant's purpose for the right-of-way vacation is to facilitate construction of a proposed parking structure and medical office building on the block south of W. Pine Street between May and McCormick Streets.
15. The applicant states the parking structure will provide approximately five hundred (500) new off-street parking spaces for hospital patients, visitors, and employees, and will reduce the hospital's parking demand on the existing on-street parking inventory in the neighborhood.
16. The building geometry necessary to create a parking structure layout that allows for this large number of parking spaces requires that the building extend north into the existing W. Pine Street right-of-way.
17. The Air Program at the Missoula City-County Health Department did not express concerns regarding the right-of-way request. The Air Program requests that when the project is finalized, consideration for bike and pedestrian traffic be incorporated into the final design.
18. Development Services Transportation Division reviewed the request with a big picture look at traffic circulation and parking in the immediate area adjacent to the St. Patrick's Hospital Corp. campus. Transportation staff wanted the applicant and City Council to be aware of future near-term changes to Spruce Street which will result

in upgrades to Spruce Street including restriping to add bike lanes. Under the current Spruce Street configuration and curb-to-curb street width, there is currently insufficient width to accommodate the addition of bike lanes while still maintaining vehicle parking on both sides of the roadway.

19. Development Services Transportation Division noted that the W. Pine Street right-of-way vacation will result in the loss of thirty-six (36) on-street parking spaces on W. Pine Street between May and McCormick Streets. Additional on-street parking spaces will be lost along Spruce Street adjacent to the St. Patrick's Hospital property with the future changes to Spruce Street to add bike lanes, however parking pressures will be greatly relieved through St. Patrick's Hospital Corp. construction of a new structured parking facility.
20. Development Services Transportation Division provided the following reasons for the future near-term changes to Spruce Street:
  - a. Spruce St is a high priority project in the City and MPO's transportation plans. It is the 5<sup>th</sup> highest ranking non-motorized project in the Long Range Transportation Plan.
  - b. In the Long Range Transportation Plan, the Bicycle Facilities Master Plan, and in the draft Downtown Master Plan, Spruce Street between Orange St and Toole Ave is identified as a primary bicycle corridor requiring dedicated bicycle facilities.
  - c. Between the years of 2007-2017, there were three (3) identified bicycle crashes, all occurring between McCormick and May. The three (3) crashes led to two (2) serious/incapacitating injuries and one (1) possible injury. Given estimated bicycle volumes on Spruce Street, this indicates a potential safety issue with the current configuration.
  - d. The City's 2016 Complete Streets Policy calls for the following: "When there are conflicting needs among users and modes, the following prioritization will apply: (1) above all, safety is paramount, followed by mobility; (2) among modes, pedestrians shall come first city-wide, followed by the next most vulnerable types of users; and finally (3) seek balance among all modes involved.
  - e. Due to the crash trend and severity of injury to people on bikes, the limited right-of-way width of Spruce Street, and identified mobility need, the Complete Streets Policy supports that priority should be given to providing safe and comfortable bicycle facilities along Spruce Street.
  - f. Administrative Rule 415 requires the consideration of bicycle facilities on arterials and collectors designated as bike lanes or bike routes. The rule further requires the prioritization of bike lanes on these streets, and includes evaluation of "is there on-street parking which can be removed or reconfigured to make room for bike lanes?"
  - g. Spruce Street is functionally classified as a collector and is designated as a bike route. There is currently parking on both sides of Spruce Street between Orange and Toole (excepting the south side of the street between McCormick and Owen).
  - h. Bike lanes were precluded from previous restriping projects in part due to the need to maintain on-street parking near St. Patrick's Hospital Corp. campus.
  - i. The draft Missoula Downtown Master Plan update includes a recommendation that the City examine expansion of the Parking Commission jurisdiction to include the area between Orange St, Toole/Railroad, and W. Broadway. Expansion of the Parking Commission district could work in conjunction with planned St. Patrick's Hospital expansion and construction of structured parking to significantly reduce demand for on-street parking. Expansion of the district could include metered parking on W. Pine Street and McCormick Street.
  - j. Long-term improvements to Spruce Street could include reconstruction to a complete street within a wide right-of-way of 90 feet to 100 feet that would include sidewalks, boulevards, bike lanes, parking and travel lanes, however no funding has been identified for these improvements.
21. Development Services Transportation Division commented that the W. Pine Street right-of-way does not impact planned improvements to Spruce Street directly. However, the need and demand for on-street parking often results in the public or adjacent property owners opposing implementation of the City's area transportation, facilities, and other master plans. The loss of on-street parking on W. Pine Street and in the future on Spruce Street should not prevent the installation or striping of bicycle facilities on Spruce Street, especially since there is

a demonstrated need for these important public health and safety improvements. Improvements to Spruce Street rely on a shift in parking from public on-street to private off-street structured lots and if the W. Pine Street right-of-way vacation is approved, it should be done with the understanding that it may further compound availability of public on-street parking once Spruce Street projects are implemented in the future. However, safety and long range planning goals should prioritize installation of a bike lane as soon as feasible and that parking will be provided through the new parking structure rather than on street.

22. The conceptual W. Pine Street layout includes a round-about at the intersection of W. Pine Street and McCormick Street. The round-about is smaller than typical engineering design for a round-about. The City Engineer is comfortable with the installation of the round-about to see whether this round-about design can function appropriately at this intersection, however the City Engineer requires the owner to install and maintain the round-about and pay for the cost to remove the round-about if the City Engineer determines it does not function well.
23. The City Engineer recommends a condition of approval requiring St. Patrick's Hospital Corp. enter into an agreement with the City of Missoula that stipulates St. Patrick's Hospital Corp. will pay for construction and maintenance of the round-about and if the round-about does not function appropriately at this intersection as determined by the City Engineer, St. Patrick's Hospital Corp. will pay to remove the round-about and restore this intersection to meet typical engineering road standards.

#### **Statutory Requirements:**

24. Section 7-14-4114(1) of Montana Code Annotated states that City Council may discontinue a street or alley or any part of a street or alley in a city or town, if it can be done without detriment to the public interest.
25. The St. Patrick's Hospital Corp. representative has submitted Petition #9984 in support of this vacation request.

### **III. AGENCY COMMENT**

#### **Northwestern Energy:**

Mike Cassidy comment: Northwestern Energy currently owns facilities in this proposed vacation area in the form of a natural gas main pipeline. We would respectfully request that our 10' wide easement for this pipeline be reflected/recorded in the amended plat in order to protect our access rights. It should be noted that Northwestern Energy and St. Patrick Hospital are working together to relocate this existing natural gas main pipeline into the Pine Street right of way that will remain after this partial vacation. Upon completion of the main pipeline relocation, the requested easement could be extinguished.

#### **Missoula Water:**

Ross Mollenhauer comment: Missoula Water plans to abandon the existing 6" water main from 1914 in Pine St from McCormick Street to the railroad tracks and replace it with a new 12" main. The exact alignment of the proposed water main is not yet determined but will not be the same alignment as the existing main. It is likely that the alignment of the new water main will be approximately 8' south of the northern telephone lines. After reviewing the existing utilities in the vacated ROW, it looks as though Northwestern Energy will need to relocate their existing gas main that is currently within the vacated portion of the ROW. Missoula Water asks that this gas main not be relocated near the proposed alignment of our new water main. Missoula water plans to bid the water main replacement project this winter and construct this new main in the spring of 2020.

#### **Century Link:**

John Olson comment: CenturyLink would like to propose that the 40' right-of-way vacate be adjusted to a 33' along the southern edge of Pine St. in order to keep our existing facilities within right-of-way. At 40' this will have an impact on a number of high density cables that, if required to relocate, would create significant delays for the hospital project.

#### **City Fire:**

Adam Sebastian comment: The Missoula Fire Department has no concerns with the proposed right-of-way vacation request.

#### **City-County Health Department – Air Program:**

Ben Schmidt comment: The Air Program at the Missoula City-County Health Department has no concerns or comments for the ROW vacancy on W. Pine ST. The Air Program does request that when the project is finalized, that consideration for bike and pedestrian traffic be incorporated into the final design.

### **IV. EXHIBITS:**

Exhibit A—Map of Area to be Vacated  
Resolution of Intention to Vacate W. Pine Street  
Petition # 9984

