

I. CONDITIONS OF APPROVAL

1. The developer shall design and construct all required intersection improvements of South Avenue W & Stephens Avenue (including but not limited to, a roundabout with 6" thickness of asphalt or concrete in the driving lane), Stephens Avenue & W Sussex Avenue (stop-controlled), Holborn Street & South Avenue W (T-intersection), and any other facilities (driveway approaches, parking lots, etc.) on private property prior to issuance of a Certification of Occupancy for any building on the parcel being developed/redeveloped. All designs are subject to review and approval of City Public Works & Mobility, City Parks and Recreation, and MDT (dependent on route designation). City Public Works & Mobility and Parks and Recreation Standards shall apply.
2. The developer shall design and construct all other right-of-way improvements as per Exhibits B and C, including but not limited to driving lanes, parking lanes, bike lanes, connections to adjacent bike/pedestrian trails, curb & gutter, sidewalks, boulevards, signage, striping, drainage, urban forest, stormwater facilities, and utility relocation. All improvements shall be constructed prior to issuance of a Certification of Occupancy for any building on the parcel being developed/redeveloped. All designs are subject to review and approval of City Public Works & Mobility, City Parks and Recreation, and MDT (dependent on route designation). City Public Works & Mobility and Parks and Recreation Standards shall apply.
3. Developer shall remove or abandon the existing sewer main and any other utilities lying within the Public Access Easement that runs through the vacated alley in Block 32 of Homevale Addition prior to removal of the Easement as established per Resolution 3465.
4. The developer shall design and install street lighting on South Avenue W and Stephens Avenue adjacent to the proposed development/redevelopment and the proposed roundabout. All designs are subject to review and approval of City Public Works & Mobility, City Parks and Recreation, and MDT (dependent on route designation). City Public Works & Mobility and Parks and Recreation Standards shall apply.
5. This vacation is contingent on approval of either the removal or relocation of the Montana Department of Transportation Urban Route System Designation that currently runs over the right-of-way proposed to be vacated.
6. The developers shall acquire and record any easements and/or right-of-way required for public infrastructure on block 32 and any parcels of land adjacent to the proposed infrastructure improvements as shown on Exhibit C prior to removing any of the existing infrastructure of the South-Sussex Bypass connection.
7. The developers shall design and construct any necessary transportation infrastructure improvements that will provide for the safe and convenient movement (reroute) for all modes of transportation currently being provided by the South-Sussex Bypass infrastructure, prior to removing any of the existing infrastructure of the South-Sussex Bypass connection. Public Works & Mobility staff will assist with determining what transportation infrastructure will need to be constructed prior to removing any of the existing infrastructure.
8. The developer shall set aside a minimum of 20% of the residential rental units, which shall not be less than 22 units, for households earning up to 80% of Area Median Income, for a minimum period of 35 years. Rents will be set, and income will be verified in accordance with federal guidelines. An approved Development Agreement outlining these details will be executed prior to the issuance of a Building Permit for any building on the parcel being developed/redeveloped.

II. PROJECT SUMMARY

Background & Introduction

Public Works & Mobility has received a request from Jeff Smith with WGM Group Inc. on behalf of Casa Loma, LLC to vacate the South-Sussex Bypass right-of-way that cuts diagonally through Block 32 of Homevale Addition, along with the Public Utility Easement that was created when the blocks alley was vacated in 1975 as seen in Exhibit B. The applicant proposes to reroute traffic around the 900 block of South Avenue W to free up over 2 acres of land for mixed-use development in midtown Missoula.

Per WGM: The 900 block of South Avenue W presents an opportunity for infill development of an under-utilized parcel in midtown with much-needed affordable housing and improved bicycle/pedestrian/vehicular movement; however, the bisection of this block due to the South-Sussex Bypass limits the developability of the site. Vacating the bypass would allow the proposed Casa Loma development to advance with 150%+ more housing units than could be constructed on the current triangular parcels. This vacation allows for an increase of more than 80 units over what would have previously been constructible because of the bypass. The project is committing to provide 20% of the for-rent units as affordable with rents restricted for people earning 80% AMI, this represents 22 rental units and is a significant step toward addressing the affordable housing challenges in Missoula. Vacating the bypass will also allow for a mixed-use commercial component to be included on the ground floor of the project. The proposed transportation improvements result in increased multimodal safety and mobility by returning this block to a grid pattern with a roundabout. This will reduce vehicular speeds at the roundabout and reduce the crossing distances for pedestrians, improving access to the surrounding neighborhoods, school, and Fairgrounds.

Property Information

1. The South-Sussex Bypass is within a 50-foot-wide public right-of-way that cuts diagonally through Block 32 of Homevale Addition recorded at Book 739 micro, Page 1718, Missoula County Public Records.
2. The Public Utility Easement was created when the 20-foot-wide alley was vacated per Resolution 3465 in 1975 and recorded at Book 75 micro, Page 85, Missoula County Public Records.
3. The South-Sussex Bypass has an Urban Route System Designation that needs to be either removed or relocated before the vacation can be approved.
4. A recommended condition of approval requires the developer to improve the South Avenue W and Stephens Avenue intersection with a roundabout that includes, but is not limited to, sidewalk, curb, gutter, splitter islands, paving, and stormwater facilities; and provide a shorter pedestrian crossing than current facilities.
5. A recommended condition of approval requires the developer to improve all four sides of the block to be developed with appropriate public infrastructure meeting City of Missoula standards.
6. There is currently a Missoula City sewer main and utilities from Northwest Energy, Blackfoot, Charter, Lumen, and Missoula Electric Co-op in the Public Utility Easement that need to be abandoned or rerouted.
7. This property is located within a Design Excellence Corridor (Typology 2).

Proposed Development

8. The applicant/owner has signed Petition #10109 requesting the right-of-way vacation acknowledging the future tax impacts and the necessity of any public utility or access easement.
9. The proposed design includes 132 housing units on four stories above 18,800 square feet of commercial space with 132 parking spaces.
10. The applicant states the vacation of the right-of-way and public utility easement are needed to construct a mixed-use development in midtown Missoula with a Neighborhood Mixed Use designation per the Our Missoula 2035 City Growth Policy.

Statutory Requirements:

11. Section 7-14-4114 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.
12. The titled owners have submitted Petition #10109 to the City Council to vacate the South-Sussex Bypass right-of-way and Public Utility Easement, contained in Block 32 of Homevale Addition, legally described as Lots 1-24 of Block 32 Homevale Addition in the SW 1/4 of Section 28, Township 13 N, Range 19 W, P.M., M.

III. AGENCY COMMENT

In Progress

IV. EXHIBITS:

Exhibit A—Area to be Vacated

Exhibit B—Proposed Site Plan
Exhibit C—Right of Way Improvements

Exhibit A – Area to be Vacated

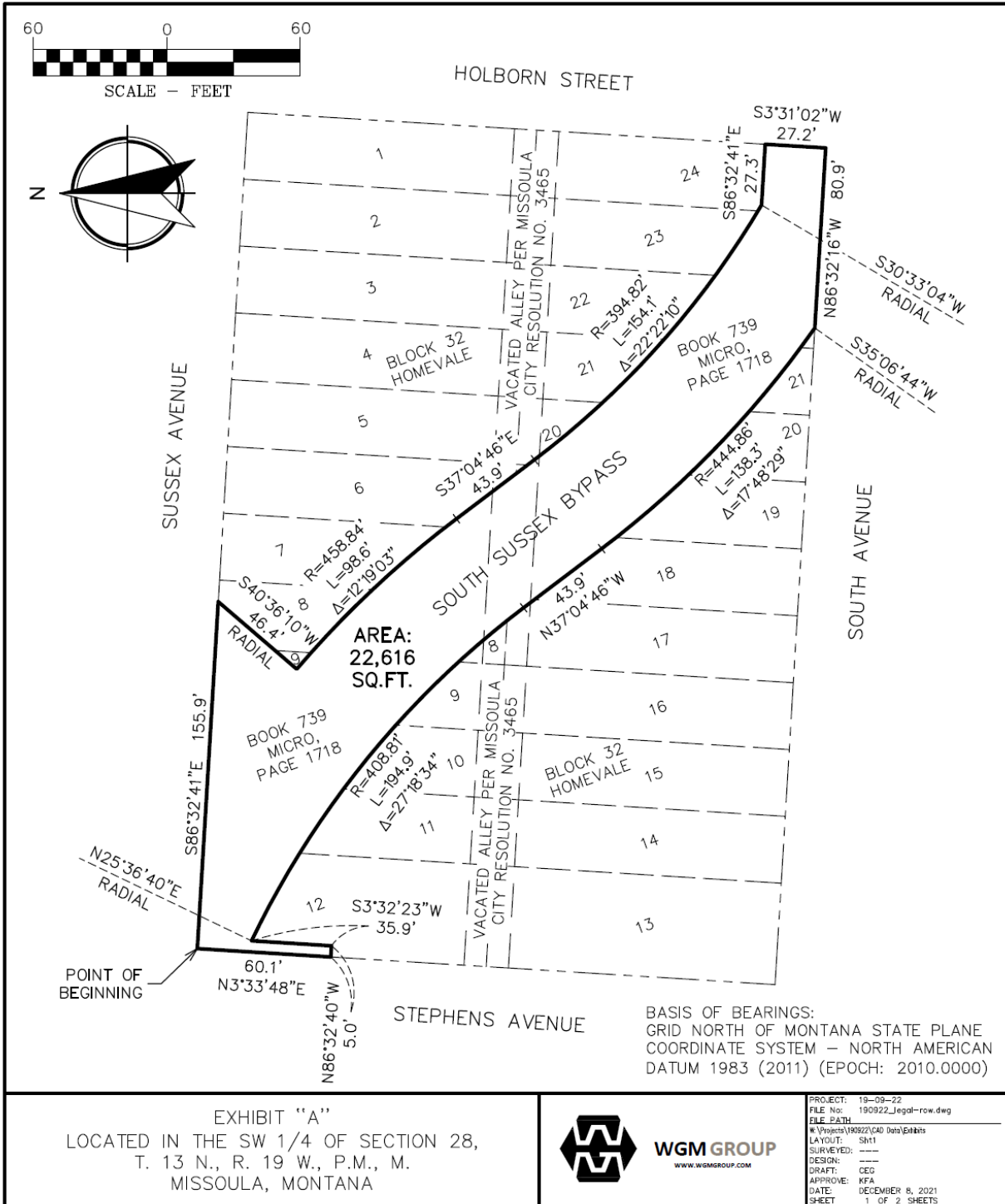
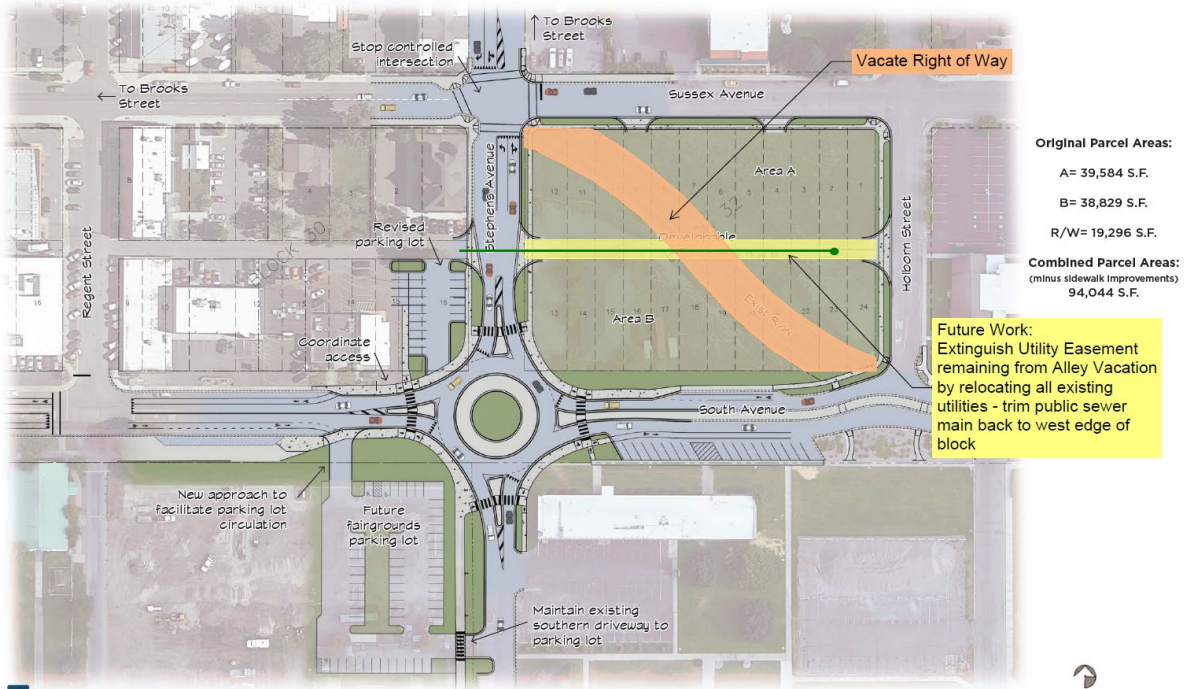


Exhibit B – Proposed Site Plan



Original Parcel Areas:
 A= 39,584 S.F.
 B= 38,829 S.F.
 R/W= 19,296 S.F.
Combined Parcel Areas:
 (minus sidewalk improvements)
 94,044 S.F.

Future Work:
 Extinguish Utility Easement remaining from Alley Vacation by relocating all existing utilities - trim public sewer main back to west edge of block

Exhibit C – ROW Improvements

