

**City of Missoula, Montana  
New Business Item**

**Item:** Mill Site PUD Subdivision Development Agreement

**Council Meeting Date:** December 18, 2023

**Sponsor(s):** Mary McCrea, Ryan Sudbury & Jeremy Keene

**Department or Function:** Community Planning, Development and Innovation

**Prepared by:** Mary McCrea, CPDI, DS

**Ward(s) Affected:**

- |  |                                 |
|--|---------------------------------|
| <input type="checkbox"/> Ward 1            | <input type="checkbox"/> Ward 4 |
| <input type="checkbox"/> Ward 2            | <input type="checkbox"/> Ward 5 |
| <input checked="" type="checkbox"/> Ward 3 | <input type="checkbox"/> Ward 6 |
|  | <input type="checkbox"/> N/A    |

**Action Required:**

Approve/Deny the Mill Site PUD Subdivision Development Agreement

**Recommended Motion(s):**

I move the City Council:

Land Use and Planning committee: December 6, 2023:

Authorize the Mayor to sign the Development Agreement between Millsite Revitalization Project, LLC and the City of Missoula regarding the Mill Site PUD Subdivision.

City Council: December 13, 2023 (Consent Agenda or Committee Reports):

Authorize the Mayor to sign the Development Agreement between Millsite Revitalization Project, LLC and the City of Missoula regarding the Mill Site PUD Subdivision.

**Background and Alternatives Explored:**

At its regularly scheduled meeting on April 9, 2007, the Missoula City Council voted to approve the Mill Site PUD Subdivision subject to twenty-nine (29) conditions of approval. This subdivision approval was subject to a series of phasing plan amendments between 2009 and 2014.

On November 3, 2014, the most recent phasing plan amendment was conditionally approved by City Council. The 2014 amendments increased the number of phases from two to three. In addition, Phase 2 was split into six sub-phases and Phase 3 was split into four sub-phases. The deadline for Phase 1 was December 31, 2015. The Phase 1 - Wyoming North final plat was filed on May 27, 2015. The final plat submittal deadline for all the sub-phases in Phase 2 & 3 is December 31, 2025. Each sub-phase within Phase 2 and Phase 3 may be submitted in any order except Phase 2 - Welcome Court may not be filed before either Phase 2 – Montana or Phase 2 – Silver has been filed.

City Council's approval of the 2014 phasing plan amendment was conditioned on the phasing plan being amended to include the following four conditions in the final plat

submittal of the first sub-phase in Phase 2:

- a. Portions of the Common Area Green Scape (CAGS) between Silver Park and Milwaukee Trail that are not in Phase 1;
- b. the portion of Moose Creek Trail south of Wyoming;
- c. the portion of Clearwater Lane and Dakota Street along the southern property boundary between Moose Creek Trail and California Street; and
- d. An improvement agreement guaranteed by a security for the traffic signal installation at Cregg Lane and Orange Street.

Alternatively, the creation and installation of the items noted in the four conditions of the 2014 phasing plan amendment above could be provided in the form of a Development Agreement approved by Development Services and Parks and Recreation prior to the final plat submittal of the first sub-phase in Phase 2.

Beginning in November 2020, staff from CPDI, City Attorney's office and Public Works and Mobility have been negotiating with the Developer and the Developer's attorneys to come to agreement on the terms of a Development Agreement to satisfy the 2014 Phasing Plan Amendment Conditions of Approval. The attached Development Agreement is the result of those extensive negotiations, which produced at least 33 rounds of edits to reach the final result. The negotiations involved significant discussions and alternative proposals to address a variety of issues, but mainly how/when the greenspace areas would be developed and how/when the traffic signal would be provided.

The final development agreement utilizes a cost share approach for the traffic signal which uses the same approach for transportation infrastructure funding recently utilized in the Grant Creek Village and Riverfront Trails projects. This approach requires the developer to provide their pro rata share of the funding, and has the City build the project as soon as possible.

The common area greenspace provisions give protections to the City to ensure the greenspaces will be developed as proposed, while providing flexibility to use the greenspace areas for some limited staging purposes and greatly reducing the possibility that the constructed greenspace areas will be damaged by construction activities.

At this time City staff and the developer request City Council authorize the Mayor to sign the Development Agreement between the Developer, Millsite Revitalization Project LLC, and the City of Missoula.

**Financial Implications:**

Click or tap here to enter text.

**Links to external websites:**

Click or tap here to enter text.