

Urban Renewal

District III

Plan

Adopted December 11, 2000

CITY OF MISSOULA

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Chapter I -Introduction

Background & Statement of Purpose

A group of business people and property owners became concerned about the condition of the south Missoula area and approached the Missoula City Council about the possibility of creating an urban renewal district. On July 10, 2000, the Missoula City Council adopted Council Resolution No. 6333, endorsing the City of Missoula Redevelopment Agency's entering into a contract with this group to conduct a professional study for the purpose of determining if blight exists within the south Missoula area.

The Study that was conducted revealed that blight as defined by Urban Renewal Law (7-15 Parts 42 & 43 M.C.A.) exists in the area. On October 2, 2000, City Council adopted Resolution Number 6370 "declaring a blighted area exists within the City of Missoula, Montana" and directing MRA Staff to prepare an urban renewal plan to address the conditions of blight discussed in the *Urban Renewal Study Area Report*. This Plan is the result of that directive. *Please see URD 3 Study Boundary vs. District Boundary map.*

An area is determined to be "blighted" if conditions are found which meet definitions set forth in the Urban Renewal Law. The statute declares that prevention and elimination of such areas is of public concern. Even though Urban Renewal Law recognizes it is in the public interest to eliminate blight, the blighting conditions which exist are faced most immediately by the citizens who reside, work or own property in the area. The idea that these private interests must be engaged in partnership with the City in order to correct blighting conditions and take advantage of opportunities is the underlying principle guiding this Plan.

This Plan is intended to provide the basic outline of the City's response to the conditions of blight found in the study report. The Plan identifies potential ways to address the problems and opportunities which may face the area as it undergoes change. The Plan also recognizes that conditions which cause and result in change are continually unfolding and so allows for a large measure of flexibility in devising solutions and provides for ongoing planning on the part of the City, the residents, the business and property owners.

Boundary Description of the Urban Renewal District

The boundaries of the District as determined by the City Council are based on factors including transportation corridors, existing and desired land use patterns as well as other considerations. *Please see URD 3 District Boundary Map.*

The Urban Renewal District III constitutes approximately 555 acres, which is approximately 4% of the land area of the City of Missoula. It is an area that has been developed largely due to the influences of transportation features, particularly Brooks Street (U.S. Highway 93), Reserve Street, and the Bitterroot Branch Line of the Montana Rail Link. These transportation corridors shape almost every key element of the URD III area including platting of land and land use, access, traffic and circulation, development patterns and a host of other aspects of the URD III area. At the time of the drafting of this Plan, portions of the District lie within City Council Ward boundaries 3 and 4, but the majority of the Study Area falls within Wards 5 and 6.

Portions of the District lie within the boundaries of several of the City's Neighborhood Councils as well. The area is made up of both commercial and residential areas, which are sometimes blended together in less than appropriate ways. When commercial and residential uses intermix in this way it is usually an indication of “evolution” of the area as it makes a transition from one predominant use to another.

Brief History of the Area

Construction of the Northern Pacific Railroad in 1883 allowed Missoula's economy (based on agriculture, timber and mining) to thrive. Missoula began to expand to the south side of the Clark Fork River in the late 1800's, and continued to grow in a southwesterly direction. By 1920, Missoula was a city of 12,000 citizens, mostly living north of the river or near the University of Montana.

According to aerial photo images in the *Missoula County Images Vol. II* by Stan Cohen, there was virtually no urban development in the District area before 1939, although some agricultural and industrial uses were present. Some development was beginning to take place south of Mount and west of Higgins Avenue by 1940. The Missoula County Fairgrounds were also in place at that time, having been sited at what was then outside Missoula's urban area. Missoula's first airfield was located on the eastern edge of the Fairgrounds, near the site of present day Sentinel High School and the University of Montana College of Technology campus. Another photo taken of the Fairgrounds in the early 1950's reveals that still very little development had occurred in the URD III area yet. Between 1950 and 1960, the area south of the Slant Street Neighborhood saw a significant amount of subdivision and platting. Development in the area of the URD III area began to occur in the 1950's and by 1964 much of the area was built out. By the 1970's the District area appears to have been almost entirely developed, including the 1978 construction of Southgate Mall on the former Hamilton Lumber Mill site.

Findings of Study

The following findings are taken from the *Urban Renewal Study Area Report*. They are organized according to the factors that define blight under Urban Renewal Law (M.C.A. 7-15-4206).

- (a) the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; and/or age obsolescence of buildings or improvements, whether residential or nonresidential; **No case was able to be made that physical dilapidation of the area was "substantial", however, examples of it were found.**
- (b) inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; **No examination of the area was made by competent appraisers. However, the City has determined the need to provide assistance to low and moderate-income households. Even though this is a blighting influence, it is being addressed.**
- (c) inappropriate or mixed uses of land or buildings; **There are areas of inappropriate and mixed uses of land, the most obvious of which is on South Avenue. Other examples found were areas of *Industrial Zoning*, which are contrary to the Comprehensive Plan designation of *Residential*. This situation should be re-examined in light of the existing uses and the community's need for light industrial areas in the future.**
- (d) high density of population and overcrowding; **According to demographics, the population of this area has not changed significantly in the last 20 years, therefore this is not a blighting influence. In the Study Area there is only one dedicated neighborhood park. Given the value the Missoula community places on parks and open space, this may not be adequate.**
- (e) defective or inadequate street layout; **There is evidence of inadequate street layout due to the configuration of streets adjacent to Brooks and the railroad tracks. This causes traffic circulation problems and may be a contributing factor to automobile crashes.**
- (f) faulty lot layout in relation to size, adequacy, accessibility, or usefulness; **Faulty lot layout was found in relation to size, adequacy, accessibility, or usefulness due to the orientation of Brooks and the railroad tracks. This caused many lots to be laid out in odd shapes and sizes, rendering many of them inadequate in terms of accessibility or usefulness.**
- (g) excessive land coverage; **Examples of excessive land coverage were found in residential neighborhoods particularly in mobile home lots. The City, through its zoning authority, has determined minimum size lots for mobile homes. Whether that standard is suitable or adequate should be re-examined.**
- (h) unsanitary or unsafe conditions; **Examples of unsafe conditions were found in the high number of crash locations found in the Study Area in relation to the**

rest of the City. Also, lack of provisions for pedestrians and bicyclists can lead to unsafe conditions.

- (i) deterioration of site; **No glaring examples of deterioration of site were uncovered.**
- (j) diversity of ownership; **No example was found where diversity of ownership constituted a blighting influence.**
- (k) tax or special assessment delinquency exceeding the fair value of the land; **Cursory review of the tax records did not indicate this situation. In light of the County's practice of filing tax liens for tax and special assessment delinquencies, it is unlikely that this situation exists.**
- (l) defective or unusual conditions of title; **Because of the vast number of properties involved in the Study Area, it was impossible to undertake a determination of whether defective or unusual condition of title exist.**
- (m) improper subdivision or obsolete platting; **The Bitterroot Branch Line and Brooks Street cross the underlying grid system at an angle and have created irregular shaped lots which are reflected in the orientation of the buildings and improvements. This situation creates undesirable intersection configuration and poor access to commercial properties.**
- (n) the existence of conditions which endanger life or property by fire or other causes; **In the residential area west of the Bitterroot Branch Line, there is an open irrigation ditch. Over the years several Missoulians (mostly children) have drowned in ditches. They persist as blighting influence in various areas of the City. Fire call data and crime information received suggests that the Study Area has a proportionately higher share of such incidences than that of the City as a whole.**
- (o) any combination of the factors listed in this subsection (2).

Chapter II - Problems & Opportunities (Policies and Goals)

This section contains information regarding policies and goals of *the Missoula Urban Comprehensive 1998 Plan Update*. It should be recognized that the Comprehensive Plan may change during the life of the Urban Renewal District III Plan. Conversely, opportunities may arise in URD III that would prompt changes in the Comprehensive Plan or Zoning. The two Plans should inform one another. While the URD III Plan does not anticipate specific amendments to the Comprehensive Plan or the municipal zoning code, it would be unreasonable to assume that over the course of 15 year, opportunities would not arise requiring such changes or making such changes desirable. In any case, the URD III Plan and projects that may arise pursuant to carrying it out that require changes in either zoning or comprehensive land use planning will be required to follow whatever requirements exist at that time for such amendments or variances prior to being approved or funded by the Urban Renewal Agency. *Please see URD 3 Comp Plan designations and URD 3 Zoning Designation Maps.*

Transportation

One of the main blighting influences in the District is the status of the transportation system. As stated in the Findings Section of the Study, unusual street layout and lot layout resulting from the configuration of Brooks Street and the railroad right-of-way has caused a number of undesirable conditions including poor and difficult access to properties, unusually small and irregularly shaped parcels, and dangerous street intersections.

The Study also discussed the influence that the currently proposed (by the City and Montana Department of Transportation) widening of South Avenue and the reconfiguration of the Brooks/South/Russell intersection will have on the area. Both of these projects are being undertaken to address traffic congestion and air quality concerns. Widening South Avenue and reconfiguration of Brooks/South/Russell will route traffic along small side streets that currently do not experience much traffic. Those changes will change the physical and perceptual character of the properties along the street. These two projects are scheduled to occur in 2003.

The Study also noted there are very few bicycle and pedestrian facilities in the area. With the exception of the bicycle/pedestrian trail adjacent to the railroad tracks, there are virtually no bicycle lanes and few sidewalks. Some sidewalks along Brooks Street were installed during the summer of 2000, however, a comprehensive sidewalk system that connects retail and other commercial and recreational opportunities with residential neighborhoods and motels is still lacking. Currently Missoula Urban Transportation District bus service in the area is limited. Investigations undertaken through the Study process revealed that nearly 90% of the area has no sidewalks and a large portion does not have curbs and gutters either.

Most parking in the area is accomplished through private off-street parking lots constructed prior to the City's parking lot landscaping requirements. There is a negative

visual impact to an area when landscaping and other aesthetic elements are not used liberally to break up the "asphalt sea" effect that large parking lots create. In addition to other findings of the Study relating to transportation impacts, it was found that just to the north of South Avenue there is an intact, apparently stable neighborhood where preservation and protection from negative impacts of transportation and non-residential uses should be attentively considered.

Comprehensive Plan

The following Policies and Goals are taken directly from the *Missoula Urban Comprehensive 1998 Plan Update* and are reprinted here to be used as tools to guide urban renewal efforts in this area.

Policies to Provide Guidance for decisions Regarding Transportation (page 41 *Missoula Urban Comprehensive 1998 Plan Update*):

- Increase the efficiency of the transportation system.
- Encourage use of alternative transportation (bus system, bicycle and pedestrian) through subdivision design and the land use pattern.
- Specify design standards for new development which provide non-motorized transportation networks, accommodate public transportation and limit air pollution.

Goal:

- Encourage a land use pattern which facilitates all modes of transportation (motorized and non-motorized vehicles, pedestrian and mass transit) for safe, healthy, affordable, efficient and convenient access for residential, commercial and industrial uses and emergency response (page 51 *Missoula Urban Comprehensive 1998 Plan Update*).

Specific Goals Regarding Transportation (page 51 *Missoula Urban Comprehensive 1998 Plan Update*):

- Integrate street improvement plans with land use plans and goals; allow for input from those affected by planned improvements and mitigate negative impacts.
- Improve existing and provide for new bicycle and pedestrian facilities recommended in the 1996 *Missoula Urban Transportation Plan Update* and the City of Missoula Transportation Policy resolution.
- Plan for and provide transportation facilities that implement air quality objectives in the 1996 *Missoula Urban Transportation Plan Update* and the City of Missoula Transportation Policy resolution.
- Plan for and provide transportation facilities that implement safety objectives in the 1996 *Missoula Urban Transportation Plan Update* and the City of Missoula Transportation Policy resolution.

URD III Goals

- Projects arising out of the URD III Plan affecting transportation issues will be expected comply with the relevant parts of the Missoula Transportation Plan as adopted and amended from time to time. Where projects fall outside the provisions of the Missoula Transportation Plan they will be required to go through

the local Metropolitan Planning Organization (MPO) or the review and approval of the City's Engineering Office, as appropriate.

- Encourage placement of street trees, boulevard enhancements landscaping and pedestrian friendly amenities to soften any strip-development appearance.

Community and Public Facilities

Public spaces and buildings are places where the community recreates, interacts and conducts civic business. Community spaces provide places for civic gathering and involvement which is essential to the vitality of the community. The placement, design and construction of these community spaces is an expression of the community's character.

The aim of the design and construction of community space should be to make it a facility that is not only functional but also aesthetically pleasing. However, because the community invests heavily in such capital improvements, durability, flexibility, and simplicity should be considered among the first attributes considered.

Like public buildings and spaces, private spaces and structures have a visual impact on the community, and should be designed with careful consideration given to aesthetics. Aesthetic consideration should include choice of building materials, surrounding environment, land coverage, massing and scale. Where the private sector can be influenced by a public partner in development, the community should strongly encourage excellence in urban design as an element of the partnership.

The Study found that there is only one public park and one public school in this area. The two are in close proximity to one another, leaving the rest of the District with very few private or public gathering places, indoors or out, outside of Southgate Mall and the nearby Fairgrounds. This may not be adequate for the Missoula community that places a high value on parks, open spaces and public interaction. Southgate Mall provides indoor shopping, community meeting rooms and high volume public interaction, but its use is subject to Mall policies and is therefore, not completely "public". One of the area's predominant public amenities is the portion of the Bicycle Commuter Network that largely follows along the Bitterroot Branch Line of the MRL railroad tracks. While this is a great asset to the area, there is an approximate 2000 foot long gap in the trail forcing users to search for alternate routes on the street network around the gap, which lessens its value as a true commuter route.

The Study also noted that there are few aesthetic amenities in the area, especially in terms of landscaping, either associated with businesses or public facilities or in the public right-of-way. Street trees will be planted as part of the major street projects but much of the URD III area lacks healthy trees which provide shade and a pleasant contrast to the urban built environment, as well as help to clean the air.

Comprehensive Plan

The following Policies and Goals are taken directly from the *Missoula Urban Comprehensive 1998 Plan Update* and are reprinted here to be used as tools to guide urban renewal efforts in this area.

- Consider development design and site planning as elements of each infrastructure decision (page 45 *Missoula Urban Comprehensive 1998 Plan Update*).

Policies (page 85 *Missoula Urban Comprehensive 1998 Plan Update*):

- Preserve areas with scenic open space value (river corridors, vistas) through land preservation techniques such as conservation easements, public acquisition, transfer of development rights, and land preservation techniques such as clustered development.
- Incorporate artwork into public places and other parts of the urban environment.
- Encourage interesting and innovative design of structures.
- Require landscaping in site development and in public places.

URD III Goals

- Encourage the use of landscaping in all URD private and public projects and facilities.
- Encourage the Bicycle Commuter Network to be considered not only as a bicycle/pedestrian facility but also as a public amenity to the adjacent neighborhoods.
- Develop landscaping standards for public places and rights-of-way that encourage planting of trees, shrubs, flowers and other ornamental plantings as appropriate.
- Encourage park development of currently undeveloped dedicated parkland where appropriate.
- Develop public amenities such as Bicycle/pedestrian facilities, parks, public art, etc. which would encourage the use of Commercial areas as gathering places which could be accessed by a variety of transportation modes.

Commercial Development

The District provides a broad mix of commercial and retail services to the south side of the community. It also contains businesses that serve the entire community and region. Most of the commercial activity is concentrated along Brooks, Russell and South Avenue, as well as Stephens Avenue with four major shopping centers (Southgate Mall, Paxson Plaza, Tremper's and Holiday shopping centers).

The Study found that the configuration of Brooks Street and the railroad right-of-way interrupts the underlying street grid system. This causes difficulties at intersections and business accesses, and an over abundance of small and irregular shaped lots. Many businesses in the area rely heavily on easy access (such as those with drive-in windows or

quick-stop types) and would not be suited to lots with poor access. Also, the trend in commercial development seems to be towards larger stores, especially those that attract patrons using vehicular transportation. The small lots that are prevalent in this area would not accommodate these enterprises unless aggregated into larger parcels. In some instances, existing businesses have been successful in assembling a number of small, irregular shaped lots into one larger, more appropriate sized lot. This should be encouraged where appropriate, to facilitate efficient land use. In some cases these odd , remainder lots may be appropriate spots for amenities such as public art or landscaping.

The configuration of Brooks and the railroad tracks also has caused some vacant parcels to have very limited access by being located on streets that are either dead ends or are not thru-streets. Businesses that rely somewhat on exposure would not be suited for these parcels which may make them difficult to lease or develop. Moreover, where access is difficult or confusing, frustrated motorists spend extra time and fuel finding their commercial destinations or simply avoid the area.

Although the Study found no glaring examples of deterioration of sites, many structures and improvements are showing signs of age and obsolescence. The older shopping centers, for example, lack many of the basic amenities which would be required of them if they were proposed for construction today. Additionally, there were several areas where trash and debris have accumulated.

It was pointed out in the Study that many properties along some of the major street arterials, especially South Avenue, have been converted from residential use to commercial use. In most cases, this use is reinforced through the Comprehensive Plan designations and zoning districts. However, there are a few areas where the Comprehensive Plan designations and zoning remain residential where clearly the property is no longer suitable for residential use. This inconsistency should be addressed. The conversion of residential structures to commercial use along major arterial streets generally occurs when an area is in transition as with South Avenue. This situation creates opportunities for redevelopment and, as the area changes, redevelopment tools can be used to encourage redevelopment in way that will take advantage of the opportunities, while considering the impact on the adjacent neighborhoods and surrounding uses.

The following commercial land use designations of the *Missoula Urban Comprehensive 1998 Plan Update* are represented within the District:

Community Commercial Designation - this designation is intended to encompass those retail goods and services, financial institutions, business and professional offices and personal services which are routinely used by residents. These areas need to be located for convenient access.

Highway/Heavy Commercial Designation - is intended to accommodate uses that have unique land use needs and impacts. It is intended to encompass uses with large land requirements; uses which involve outdoor storage of merchandise or

materials; uses which are automobile or heavy equipment related; uses which provide support services to business or industry; and uses which support highway travel such as motels, truck stops, or shipping/warehouse facilities.

Community and Highway/Heavy Commercial Designation - is a combination of the two above designations.

Commercial Zones as outlined in the *Missoula City Zoning Ordinance* represented in the area are as follows:

SC Shopping Center District - a zone to accommodate retail business area comprised of one or more adjacent or adjoining commercial establishments with a total gross floor area of 30,000 square feet or more with adjacent off street parking.

C commercial - Maximum building height of 125 feet.

C-I Commercial - no height restrictions and commercial structures may be constructed to the property line.

C-II Commercial - as in C-I, there are no height restrictions and commercial structures may be constructed to the property line. The difference between the two is a different set of permitted uses.

CLB Commercial On-premise Liquor/Beer Establishment District - a zone overlay allowing for establishments that serve liquor and or beer.
(Note: CLB Overlay, because it dictates location of establishments with liquor licenses, also dictates locations where gambling may occur.)

C/CLB Commercial On-premise Liquor/Beer Establishment District - an overlay on a C-Commercial Zone allowing for establishments that serve liquor or beer.

C or C-I/CLB-I Commercial On-premise Wine/Beer Establishment District - an overlay on a commercial zone allowing for establishments that serve wine or beer.

CG Commercial Gasoline Station District - an overlay zone allowing for commercial gas stations.

Other zones represented in the District:

There is some Light Industrial (I-I) property at the north end of the Study Area along the railroad tracks and along South Avenue. The Forest Service property and Jefferson School are zoned Public Lands (P-II).

Comprehensive Plan

The following Policies and Goals are taken directly from the *Missoula Urban Comprehensive 1998 Plan Update* and are reprinted here to be used as tools to guide urban renewal efforts in this area.

Comprehensive Plan Policies regarding Commercial Land Use

- Maintain an ongoing and open discussion of land use issues and concerns with the business community (Page 30 *Missoula Urban Comprehensive 1998 Plan Update*).
- Allow for diverse business and employment opportunities and a competitive business climate (Page 30 *Missoula Urban Comprehensive 1998 Plan Update*).
- Provide the necessary land use elements for successful commercial and industrial development in a way that is harmonious with other adopted community goals and quality of life concerns (Page 66 *Missoula Urban Comprehensive 1998 Plan Update*).
- Provide Guidance to the Missoula community in developing a clear pattern of commercial and industrial land uses is to allocate sufficient land for all industrial uses in an amount which realistically anticipates market demands and provides the necessary services to support their development (Page 75 *Missoula Urban Comprehensive 1998 Plan Update*).

Specifically (found on Page 76 *Missoula Urban Comprehensive 1998 Plan Update*):

- Maintain and expand the redevelopment of the City Center through continued public/private partnership.
- Support development of neighborhood commercial centers which satisfy community-wide goals and are designed to mitigate negative impacts on residential neighborhoods.
- Improve the appearance and functioning of existing commercial strips within and leading to the community.
- Allocate land for commercial use which distinguishes between diverse land use needs and of the use and ensure compatibility among uses.
- Create smooth transitions from commercial to non-commercial uses.
- Continue to encourage the relocation of legal non-conforming commercial and industrial uses to appropriately designated areas.
- Further designations of industrial land-use areas should be limited until such time as existing areas are approaching capacity.

URD III Goals

- Create a vibrant commercial area which is typified by architectural excellence and compatibility with adjacent neighborhoods.
- Redevelop existing industrial and light industrial areas, when appropriate, to assure the community has adequate opportunity to develop businesses which create jobs and expand and diversify the tax base. Redevelopment of such industrial property should be mindful of community changes over the years and the existence of other uses nearby.
- Consider ways to effectively temper conflicts at commercial/residential interfaces.
- Balance the commercial/retail need for auto related facilities and infrastructure with the need for human scale facilities and infrastructure.

Residential Development

As noted in the Commercial Section of this Plan, many houses are in transition from residential to commercial use, especially along the South Avenue corridor and Russell Street bordering the “McLeod Park Area”. These residential structures are being converted to commercial office and retail use which often do not adequately support long term commercial needs as well as meet adopted fire and building codes for commercial uses. In residentially zoned areas bordering the railroad, some of the use is more industrial in nature than residential. This can result in real and perceived negative impacts to the neighborhoods.

Future expansion of South Avenue and traffic efficiency measures to be undertaken at the Brooks/South/Russell intersection may lead to increased commercial and industrial pressure on this neighborhood. Although higher density and intensity of uses along South Avenue is appropriate, it should be undertaken with suitable planning and consideration to prevent incongruous development adjacent to the neighborhood, continued conversion of neighborhood homes to commercial establishments, and increased commercial traffic circulation within the neighborhood.

Similar to South Avenue, North Avenue and the industrial area along the railroad, as well as pressure along Russell Street, have some impacts on the residential neighborhoods.

Like the rest of the country, Missoula is experiencing a change in demographics to an increasingly older population with a need for housing with convenient access by all modes of transportation, to shopping, recreational opportunities, and personal services. In addition, the Study observed that the need for assistance to low and moderate income households is currently being addressed by several other agencies. However, forming partnerships with other department and other agencies to accelerate this effort will be part of the urban renewal efforts.

The following land use designations of the *Missoula Urban Comprehensive 1998 Plan Update* are represented within the District.

Urban Residential 16 Dwelling Units per Acre

Urban Residential D 12-16 Dwelling Units Per Acre

The following Residential Zones according to the *Missoula City Zoning Ordinance* are represented in the area:

B Residential - Minimum lot area of 1000 square feet to 3,500 square feet
depending on number of bedrooms

R-H High Rise Multiple-dwelling Residential - 125 feet maximum building height

R-I Residential - minimum lot area of 5,000 square feet or more

R-II Two Family Residential - minimum lot area of 5,400 square feet or 2,700 square feet per dwelling unit (whichever is greater)

R-IV Multiple Dwelling Residential - Multi-unit dwellings and limited commercial uses

R-V Neighborhood Business - allows for residential uses and limited commercial uses

R-XII Residential - a maximum density of 12 dwelling units per acre

(Source: Missoula City Zoning Ordinance)

(please see maps of comp plan designations and zoning districts)

Comprehensive Plan

The following Policies and Goals are taken directly from the *Missoula Urban Comprehensive 1998 Plan Update* and are reprinted here to be used as tools to guide urban renewal efforts in this area.

Comp Plan Policies regarding Residential Land Use

- Preserve and enhance the diversity, integrity, and unique values of neighborhoods, communities, and rural areas (page 67 *Missoula Urban Comprehensive 1998 Plan Update*).
- Recognize that there may be social as well as physical limitations to the ability of an area to accommodate growth (page 67 *Missoula Urban Comprehensive 1998 Plan Update*).

Specifically (page 67 *Missoula Urban Comprehensive 1998 Plan Update*):

- Encourage development at appropriate densities within the urban growth area.
- Encourage the design of low density development within or adjacent to the urban growth area in such a way as to accommodate potential re-subdivision and in-fill.
- Provide design standards and flexibility in land use regulations to enhance opportunities for developing a variety of housing and other types of development to meet community needs.

URD III Goals

- Provide opportunities to develop a broad range of housing alternatives including market-rate housing, affordable housing, as well as subsidized public housing.
- Encourage the continuance of vibrant residential neighborhoods through partnerships with existing agencies taking full advantage of the established network of services targeting residential development.
- Promote commercial development design that considers impacts to the residential neighborhoods.

Development in General

As stated in the section above, the area is lacking many aesthetic qualities and amenities in both the commercial and residential areas. The Transportation Section touched upon the problems of unsafe intersections and lack of bicycle and pedestrian facilities. These problems can be caused from a number of conditions and can be addressed in a variety of ways with plans used as a guide.

Urban sprawl is an issue addressed by the community on a number of occasions and in-filling of the existing urban area has been identified as a priority. Vacant and underutilized land is found throughout the District area and should be encouraged to be developed appropriately where access and public facilities allow.

Comprehensive Plan

The following Policies and Goals are taken directly from the *Missoula Urban Comprehensive 1998 Plan Update* and are reprinted here to be used as tools to guide urban renewal efforts in this area.

Comprehensive Plan Goals & Policies Relating to All Types of Development

- Goal: Pursue urbanization in a manner which protects and enhances our natural resources and ensures public health, safety and welfare (page 32 *Missoula Urban Comprehensive 1998 Plan Update*).
- Encourage and support new land development within or immediately adjacent to areas where public services are currently available to both maximize local government efficiency and to promote a logical growth pattern (page 45 *Missoula Urban Comprehensive 1998 Plan Update*).
- Solicit and consider the values and goals of the community when determining the types and location of infrastructure (page 45 *Missoula Urban Comprehensive 1998 Plan Update*).
- Create a safe environment in which residents live and work reflecting the values of the area (page 53 *Missoula Urban Comprehensive 1998 Plan Update*).
- Encourage an urban level of development in those areas which are or can be adequately served by emergency service as determined by the emergency service agencies and local governing body with jurisdiction (page 54 *Missoula Urban Comprehensive 1998 Plan Update*).
- Encourage interesting and innovative design of structures (page 85 *Missoula Urban Comprehensive 1998 Plan Update*).
- Encourage a development pattern along major streets within and leading to the community which is visually pleasing (page 85 *Missoula Urban Comprehensive 1998 Plan Update*).
- Encourage upgrading and maintenance of private property and structures (page 85 *Missoula Urban Comprehensive 1998 Plan Update*).

URD III Goals

- In coordination with other public agencies, non-profit and for-profit developers, encourage sound residential land use development which will provide a variety of housing alternatives for people of all ages, incomes and backgrounds.
- Encourage development of vacant property in this area to enhance in-fill in the urban core.
- Promote residential development of vacant and underutilized property where appropriate and where access and public facilities allow.
- Promote rehabilitation of existing housing units and preservation of existing sound neighborhoods.
- Encourage consideration of creative and innovative housing alternatives, such as co-housing, housing cooperatives, and condominiums.
- In conjunction with the Missoula Office of Planning and Grants, assure suitable, compatible, and adequate residential development opportunities exist through appropriate zoning and re-zoning in the area.

Chapter III- Subsequent Special Redevelopment Planning Efforts & Public Involvement

This Urban Renewal Plan is a responsive, adaptable document that can accommodate changing conditions, discovery of new information or development opportunities as they arise. It is envisioned that once the District is in place and before projects are conceived and monies spent, further planning and public involvement including participation by Neighborhood Councils, business owners, and the general public, will take place. Planning as the District evolves will allow the community to identify priorities based on current information, conditions and opportunities.

Because of time constraints on the Urban Renewal District III creation process, there was not adequate time to conduct extensive public meetings and gather sufficient information and input to distill a vision for this area. It is essential the vision of the area be in place prior to redevelopment projects being undertaken. Therefore, further planning in the Urban Renewal area should ensue. Among topics for which additional planning is required are the following, including areas of specific information to be developed. *Please see URD 3 Planning Corridors/Areas map.*

- **MRL Corridor**
 - Defining its present and future character.
 - Definition of appropriate uses.
 - Integration of vehicular traffic and train traffic.
 - Access to railroad corridor by street system.
 - Parameters of design.
 - Other
- **South Avenue Corridor**
 - Defining it's present and desired character.
 - Traffic circulation, particularly after Brooks/South/Russell improvements.
 - Ingress and egress from properties.
 - Pedestrian circulation.
 - Integration/buffering with adjoining residential neighborhoods.
 - Landscaping standards (street trees, etc.)
 - Design themes and standards.
 - Other
- **Brooks Street Corridor**
 - Defining it's present and desired character.
 - Non right angle ingress and egress onto the street.
 - Age and condition of private improvements.
 - Bicycle and pedestrian circulation.
 - Landscaping standards (street trees, etc.)
 - Design themes and standards.
 - Odd size and odd shaped parcels.
 - Other

- **East Russell Commercial Area**
 - Defining its present and desired character.
 - Parking and traffic circulation.
 - Ingress and egress to and from properties
 - Pedestrian circulation.
 - Landscaping standards (street trees, etc.)
 - Other
- **Large Scale Commercial Property (in excess of 20,000 sq. ft. footprint)**
 - Design and massing.
 - "Placemaking" (how it relates to surroundings. Is it a central point or does it improperly dominate?)
 - Traffic/Circulation.
 - Heights/setbacks/material.
 - Tenant mix.
 - Facades and windows.
- **Commercial/Residential Interface**
 - Traffic impact on circulation
 - Noise mitigation.
 - Customer/Resident interface.
- **Discussion of Problems and Opportunities**
 - Vacant land.
 - Consideration of odd-shaped/odd-sized properties.

An urban renewal plan that addresses an area for 15 years will no doubt encounter circumstances where additional, focused planning will be helpful if not necessary. It is anticipated, therefore, that other circumstances or conditions that are either problems or opportunities may arise in the future.

Future redevelopment planning efforts that purport to flesh out the URD III Plan should be consistent with the efforts and approach taken to draft this Plan, namely collection and analysis of pertinent conditions and circumstances and consultation of effected parties in a public manner which allows citizens to observe and/or participate the process.

In addressing these topical issues or treatment of the areas, a report will be prepared which compiles findings of fact and public testimony. These reports will be reviewed and approved by the MRA Board and the City Council and included as an appendix to the Plan.

URD III Goals

- Revisit the vision and goals of the Plan at regular intervals in addition to the regular annual review of the Annual Report, Budget and the Capital Improvement Plan.
- Adopt criteria for various areas of commercial/residential interface.
- Adopt a procedure for input by the general public, neighborhood groups and business owners.
- Work with OPG and the Mayor's Office to facilitate neighborhood planning efforts which may include implementation of design criteria, zoning, transportation planning, etc..

Chapter IV- Implementation

Introduction

The Urban Redevelopment District III (URD III) Plan identifies community attitudes, problems and opportunities and sets a direction for achieving redevelopment of the urban core. After adoption, this document is the official policy guide for public action. These policies can only be transformed into action through an effective implementation. The implementation of community policies will depend on sound processes of administration, financing and evaluation.

Administration

The Missoula Redevelopment Agency is responsible for the administration of the redevelopment effort outlined in this Plan under the provisions of Title VII, Chapter 15, Section 42-43, M.C.A..

The Missoula Redevelopment Agency may exercise project powers in accordance with M.C.A. 7-15-4251 thru 4259.

Any powers granted in Title VII, Chapter 15, Section 42-43, M.C.A. that are not included in this section as powers of the Missoula Redevelopment Agency may only be exercised by the local governing body as provided under existing law. The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions that are expressly for the benefit of owners of property in the Project area may be enforced by such owners.

Annual Program Budget

The Agency shall prepare an Annual Work Program as part of the fiscal year budget that will list the activities and costs of activities for the coming fiscal year, as well as the method of financing those activities. This program and budget may be amended during the course of the fiscal year, in light of funding and program changes. All budgets and revised budgets shall be reviewed and approved by the City, and administered in accordance with City policies.

Annual Independent Audit

The Agency shall cause to be performed an annual independent audit covering the operations of the Agency in carrying out this Plan.

The first such audit shall be completed within ninety (90) days of the close of the first fiscal year following the adoption of this Plan by City Council.

All such annual independent audits shall be maintained as a part of the public records of the City of Missoula

Evaluation

The Missoula Redevelopment Agency shall provide to the City Council and the public an annual program evaluation as part of the Annual Report. Such evaluation shall review the Urban Renewal District III Plan and the past annual work program.

The City Council shall evaluate, every five years during implementation of the plan, the goals and objectives and the fulfillment thereof and the necessity for the continuation of the district.

Amendment

The URD III Plan may be amended in accordance with Montana statute. In addition, any changes to the land use element shall be made consistent with Missoula zoning regulations.

The City Council may modify and amend the Plan, including modifications and amendments to designate and approve urban renewal projects to be undertaken pursuant thereto, by enacting an ordinance providing for and setting forth the modification and amendment. No such ordinance shall be adopted until after a public hearing has been conducted thereon and notice of said hearing has been given in accordance with State Law.

If the modification or amendment involves the addition or deletion of land from the District, mailed notice shall be given to all persons owning property to be added or deleted at the time and the manner provided by Section 7-15-4215 (1), M.C.A.. All notices shall provide the information regarding the modification required by Section 7015-4215 (1), M.C.A.. Nothing herein shall limit or affect the authority of the Council to undertake and carry out renewal activities on a yearly basis as provided by Section 7-15-4220, M.C.A.

Property Acquisition

It is contemplated that the Agency will not be purchasing most of the property in the District area, but will be assisting and encouraging public and private entities to eliminate blight or blighting influences and strengthening the City's economy by developing property in the URD III area consistent with the Plan.

Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, all real property located in the URD III area by gift, devise, exchange, purchase, eminent domain or any other means authorized by law.

For the public interest and in order to eliminate the conditions requiring redevelopment and to execute the Plan, it may be necessary, from time to time, for the power of eminent domain to be exercised by the City to acquire real property in the Project area for redevelopment purposes. The power of eminent domain shall only be exercised pursuant to action of the Missoula City Council directing it be used.

The Agency shall not acquire interests in oil, gas or other mineral substances more than five hundred (500) feet from the surface nor the right to extract such substances through any opening or penetration for any purpose connected therewith more than five hundred (500) feet from the surface.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless (1) such building requires structural alterations, improvements, modernization or rehabilitation; or (2) the site or lot on which the building situated requires modification in size, shape or use; or (3) it is necessary to impose upon such property any of the standards, restrictions and controls of the Plan and the owner fails or refuses to participate in the Plan by executing a participation agreement.

Acquisition of Personal Property

In general, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the URD III area by any lawful means.

Acquisition Governed by Federal, State & Local Law

Any acquisition of property made under the Plan will be in accordance with appropriate federal, state and local law.

Participation by Owner & Tenants

Opportunities for Owner and Tenant Participation

The Agency may extend preferences to persons who are engaged in business in the URD III area, to reenter in business within the URD III area if they otherwise meet the requirements prescribed by the Plan. The Agency may also extend preference to other owners and tenants in the URD III area if they otherwise meet the requirements prescribed by the Plan. The Agency is authorized to permit business, residential,

institutional and semi-public owners and tenants, if they so desire, to purchase and develop or re-develop real property in the URD III area.

The Agency is also authorized to permit persons who are owners of residential, business and other types of real property in the URD III area to be given the opportunity to participate in redevelopment by rehabilitation, by retention of improvements, or by new development, by retaining all or a portion of their properties, by acquiring adjacent or other properties from the Agency, and by purchasing other properties in the URD III area.

In the event an owner-participant fails or refuses to rehabilitate or newly develop his real property pursuant to this Plan, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Plan.

If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and tenants and to determine a solution by consideration of such factors as: length of time in the area, accommodation of as many participants as possible, ability to perform and conformity with intent and purpose of this Plan.

In addition to opportunities for participation by individual persons and firms, participation to the extent feasible shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations or other joint entities.

Participation is desired in the redevelopment of the URD III area by as many business and residential owners and tenants as possible. Participation opportunities shall necessarily be subject to and limited by such factors as the expansion of public facilities; elimination and changing of land uses; realignment of streets; the ability of owners to finance acquisition and development in accordance with the Plan; any reduction in the total number of individual parcels in the URD III area; and assembly and development of areas for public and /or private development in accordance with this Plan.

Participation Agreements

Subject to the provisions below (Determination of Conformance), each person desiring to become a participant shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop or use the property in conformance with the Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties.

Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the URD III area.

Determination of Conformance

The URD III area is large and contains many parcels of real property. As a result there is a need to simplify the availability of participation opportunities. Therefore, as an alternative to requiring a participation agreement for each property not to be purchased or subject to Agency acquisition by eminent domain, the Agency is authorized to make determinations of those properties that conform to the Plan. The Agency shall, in good faith, review the property contained in the Project area and issue Certificates of Conformance to qualifying properties when requested by the Owner of the property as soon as possible consistent with the redevelopment permitted by this Plan and specific designs for development adopted by the Agency pursuant to this Plan.

The Agency is authorized to enter into participation agreements regarding properties not purchased or not to be purchased by eminent domain by the Agency and not included in any Agency Determination of Conformance.

Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the Planning, undertaking, construction or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is authorized to acquire real property owned by public bodies with the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies that own or intend to acquire property in the URD III area. The Agency shall impose on all public bodies planning and design controls to ensure that present uses and any future development by public bodies will conform to the requirements and objectives of this Plan. Any public body that owns or leases property in the URD III area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency.

Relocation of Persons Displaced by URD III

Assistance in Finding Other Locations

The Agency shall assist all persons (including families, business concerns, and others) displaced by Agency acquisition of property in the URD III area in finding other locations and facilities and shall pay relocation payments in accordance with the City of Missoula Relocation Policy (adopted and reviewed March 11, 1991) unless otherwise required by state or federal law.

Demolition, Clearance, Public Improvements, Building and Site Preparation

Demolition and Clearance

The Agency is authorized to demolish and clear buildings, structures and other improvements from any real property in the URD III area as necessary to carry out the purposes of this Plan.

Public Improvements, Public Facilities and Public Utilities

The Agency is authorized to install and construct or cause to be installed and constructed the public improvements, public facilities and public utilities (within or outside the URD III area) as appropriate or necessary to carry out the Plan or of benefit to the URD III. Such improvements, facilities and utilities include, but are not limited to, over or underpasses, bridges, pedestrian walkways, malls streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, natural gas distribution systems, water distribution systems, parks, plazas, playgrounds, telephone systems, motor vehicle parking facilities, landscaped area, civic buildings, bus or pedestrian shelters and transit facilities.

Preparation of Building Sites

The Agency is authorized to prepare or cause to be prepared as building sites any real property in the URD III area owned or acquired by the Agency, or subject to an approved development agreement.

Rehabilitation and Moving of Structures by the Agency

Rehabilitation

The Agency is authorized to rehabilitate or to cause to be rehabilitated any building or structure in the URD III area. The Agency is also authorized to advise, encourage and assist in the rehabilitation of property in the URD III area.

Moving of Structures

As necessary or appropriate in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard or habitable structure or building to a location within or outside the URD III area.

Property Disposition and Development

Real Property Disposition

The City or Agency may sell, lease or otherwise transfer real property or any interest therein acquired by it in the URD III area pursuant to this Plan for residential,

recreational, commercial, industrial or other uses or for public use, and may enter into contracts with respect thereto, or may retain such property or interest only for parks and recreation, education, public transportation, public housing, public safety, health, highways, streets and alleys, administrative buildings or civic centers in accordance with the Plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of blighted areas or otherwise to carry out the purposes of the Plan. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the Plan and may be obligated to comply with such other requirements as the Agency may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such real property required by the Plan. Such real property or interest shall be sold, leased, otherwise transferred or retained at not less than its fair value for uses in accordance with the Plan, the Agency shall take into account, and give consideration to, the uses provided in such a Plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the Agency until he has completed the construction of any and all improvements which he has obligated himself to construct thereon. Real property acquired by the Agency which, in accordance with the provisions of the Plan, is to be transferred, shall be transferred as rapidly as feasible, in the public interest, consistent with the carrying out of the provisions of the Plan. The inclusion restrictions or conditions (including the incorporation by reference therein of the provisions of the Plan or any part thereof) shall not prevent the recording of such contract or conveyance in the land records of the Clerk and Recorder of the County in such manner as to afford actual or constructive notice thereof.

The Agency may dispose of real property in URD III area to private persons only under such reasonable procedures as it shall prescribe or as hereinafter provided. The Agency shall, by public notice by publication once each week for three consecutive weeks in a newspaper having a general circulation in the community, prior to the execution of any contract or deed to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from and make available all pertinent information to, private redevelopers or any person interested in undertaking to redevelop or rehabilitate a part of the URD III area. Such notice shall identify the area, shall state that such further information as is available may be obtained at such office as shall be designated in said notice. The Agency may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this act. Thereafter, contracts, deeds, lease and other instruments of transfer.

Actions by the City

The City may aid and cooperate with the Agency in carrying out this Plan and may take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and

to prevent the recurrence or spread in the area of conditions causing blight. Action by the City may include, but not be limited to the following:

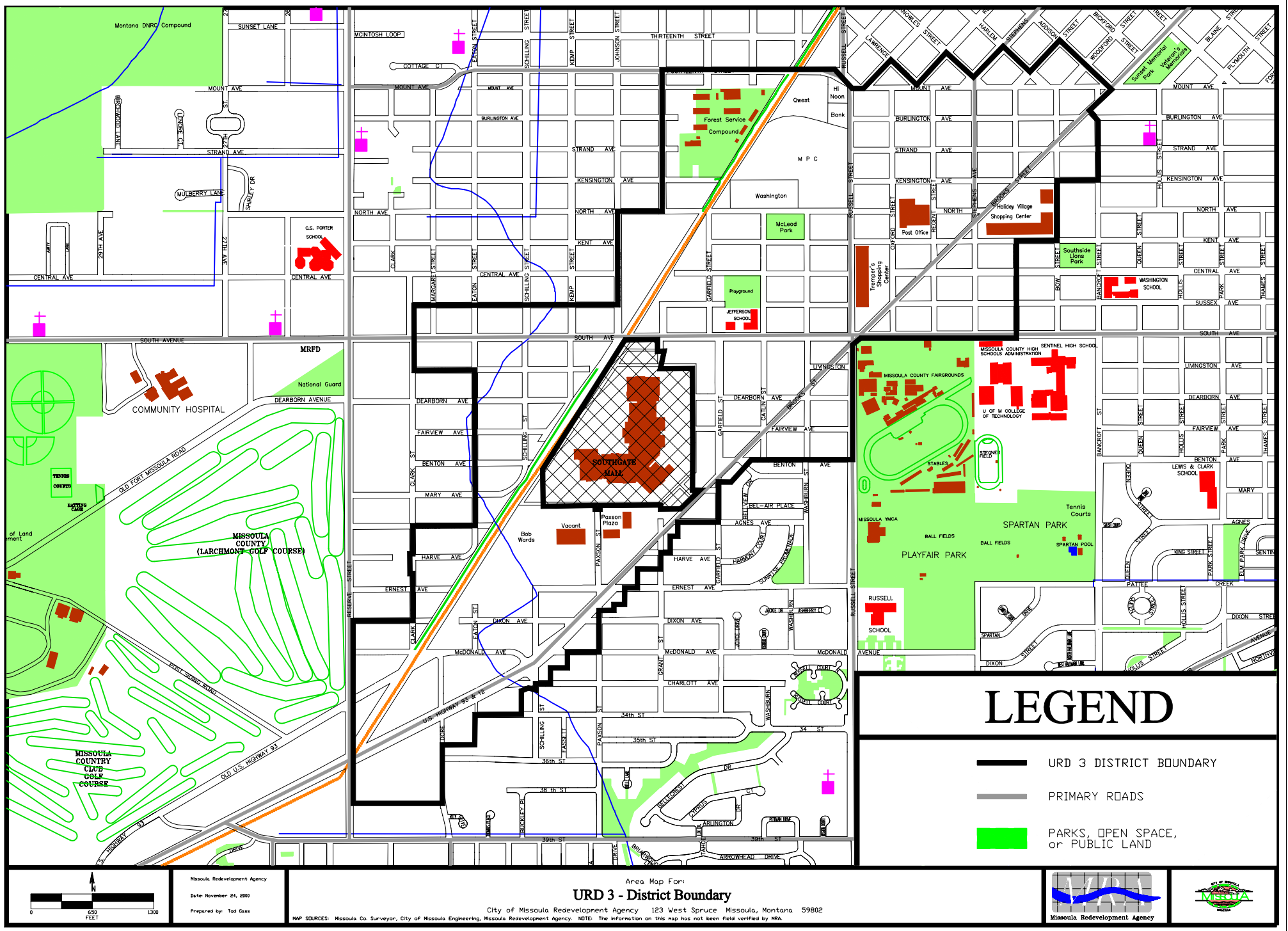
1. Institution and completion of proceedings for opening, closing, vacating, widening or changing the grades of streets, alleys and other public rights-of-way and for other necessary modifications of the streets, the street layout and other public rights-of-way in the URD III area. Such action by the City shall include the requirement of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan.
2. Institution and completion of proceedings necessary for changes and improvements in publicly owned utilities within or affecting the URD III Area.
3. Revision of zoning within the URD III area to permit the land uses and development authorized by this Plan as proposals come forward.
4. Performance of the above, and of all other functions and services relating to public health, safety and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the URD III area to be commenced and carried to completion without unnecessary delays.
5. The undertaking and completing of any other proceedings necessary to carry out the provisions of this Plan.

Financing

The Agency is authorized to develop financing programs for the redevelopment projects from the City and State of Montana, property tax increments, Special Improvement Districts (SID), interest income, Agency bonds or any other available sources such as gifts and federal grants.

Tax increment financing will become a major source of funding for redevelopment activities. The implementation of this feature will be in accordance with Title VII, Chapter 15, Part 42, Sections 4282-4292 M.C.A..

The Agency will annually develop a program and budget to be reviewed and adopted by the Council. During this procedure, specific actions will be proposed in detail for community review. This process will allow maximum community input to further the redevelopment interests of the community and to evaluate past actions of the Agency.

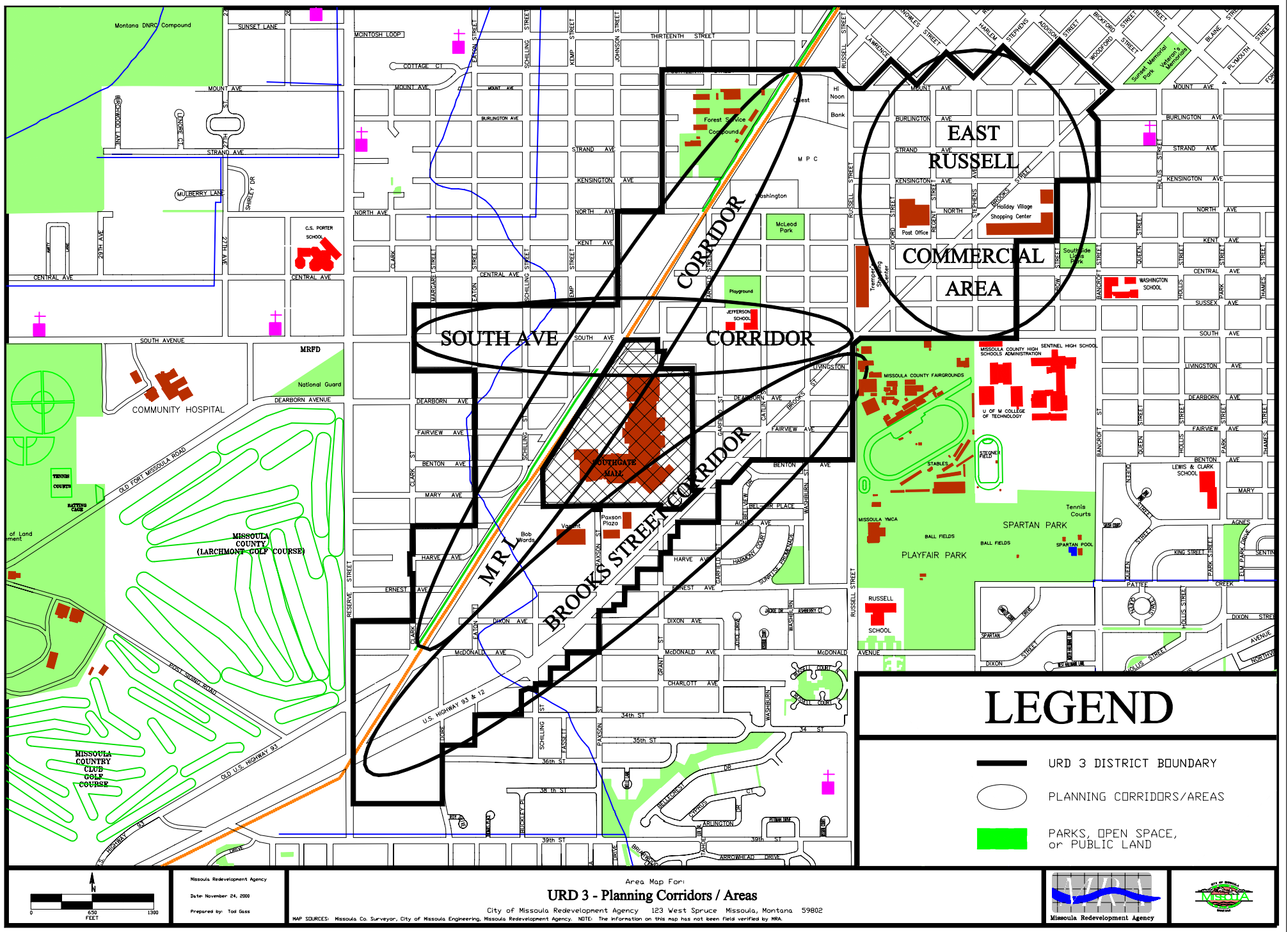


Area Map For:
URD 3 - District Boundary

City of Missoula Redevelopment Agency 123 West Spruce Missoula, Montana 59802

Missoula Redevelopment Agency
Date: November 24, 2008
Prepared by: Todd Goss





Appendix A

Urban Renewal Powers under State Law (Montana Codes Annotated 7-15-4233)

For more urban renewal powers see M.C.A. 7-15-4251 thru 4259

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