

City of Fayetteville Staff Review Form

2015-0633

Legistar File ID

1/5/2016

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jeremy Pate

12/18/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 15-5262: Administrative Item (GREGG AVE. BETWEEN CENTER ST. & MEADOW ST./MSP AMENDMENT, 484): Submitted by PLANNING STAFF for GREGG AVE. BETWEEN CENTER ST. & MEADOW ST. The request is to amend the Master Street Plan and reduce the right-of-way requirement for Gregg Avenue.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

MEETING OF JANUARY 5, 2016

TO: Mayor and City Council

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: December 18, 2015

SUBJECT: ADM 15-5262: Administrative Item (GREGG AVE. BETWEEN CENTER ST. & MEADOW ST./MSP AMENDMENT, 484): Submitted by PLANNING STAFF for GREGG AVE. BETWEEN CENTER ST. & MEADOW ST. The request is to amend the Master Street Plan and reduce the right-of-way requirement for Gregg Avenue.

RECOMMENDATION:

Staff and Planning Commission recommend approval of an ordinance to amend the Master Street Plan and reduce the right-of-way requirement for Gregg Avenue.

BACKGROUND:

The subject property is located at the northeast corner of Center Street and Gregg Avenue (**EXHIBIT 'A' ATTACHED**). The site is developed with warehouse-type buildings that have been converted into a number of commercial spaces. Frisco Trail runs along the east side of the property.

In 2004, the owner proposed to redevelop the site with a multi-story building called Rivendell. The project was approved, but never constructed. As part of the development review for this previous project, the owner also requested to vacate a portion of right-of-way for Gregg Avenue, which runs along the entire west side of the subject property, and to reclassify this section of Gregg Avenue as a public alley. The City Council approved this request by Ordinance No. 4629.

In 2005 the City of Fayetteville began implementing many of the recommendations of the Downtown Master Plan. One of those changes was reclassifying all of the downtown streets based on new cross-sections. This action was completed in August 2005. Unknowingly, this action reclassified the subject section of Gregg Avenue from an alley to an ST-45 street section, essentially nullifying Ordinance 4629. Gregg Avenue is still classified as an ST-45.

DISCUSSION:

The same property owner from 2004 contacted staff recently, having just discovered that the classification of Gregg Avenue had changed to an ST-45 in 2005. The subject property is very narrow, so requiring additional right-of-way dedication, which is required with an ST-45 classification, significantly impacts this property. The property is further limited, since the subject owner dedicated a 20-foot easement to the City of Fayetteville for the construction of the Frisco Trail and installation of a new sewer line.

The applicant has asked the City to reclassify Gregg Avenue between Center Street and Meadow Street as an alley, as was approved in 2004.

BUDGET/STAFF IMPACT:

None

Attachments:

- Request Letter
- Site Plan
- Ordinance No.4629
- One Mile Map
- Close Up Map

EXHIBIT 'A'
15-5262

ADM 15-5262

GREGG AVE. MSP AMENDMENT






Close Up View

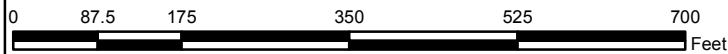


Legend

-  Shared-Use Paved Trail
-  Neighborhood/Park Trail
-  Natural Surface Trail

Overview ADM15-5262

-  Fayetteville City Limits
-  Footprints 2010
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Planning Area





PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~December 14, 2015~~ Updated December 17, 2015

SUBJECT: **ADM 15-5262: Administrative Item (GREGG AVE. BETWEEN CENTER ST. & MEADOW ST./MSP AMENDMENT, 484):** Submitted by PLANNING STAFF for GREGG AVE. BETWEEN CENTER ST. & MEADOW ST. The request is to amend the Master Street Plan and reduce the right-of-way requirement for Gregg Avenue.

RECOMMENDATION:

Staff recommends forwarding **ADM 15-5262** to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located at the northeast corner of Center Street and Gregg Avenue. The site is developed with warehouse-type buildings that have been converted into a number of commercial spaces. Frisco Trail runs along the east side of the property.

In 2004, the owner proposed to redevelop the site with a multi-story building called Rivendell. The project was approved, but never constructed. As part of the development review for this previous project, the owner also requested to vacate a portion of right-of-way for Gregg Avenue, which runs along the entire west side of the subject property, and to reclassify this section of Gregg Avenue as a public alley. The City Council approved this request by Ordinance No. 4629.

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The same property owner from 2004 contacted staff recently, having just discovered that the classification of Gregg Avenue had changed to an ST-45 in 2005. The subject property is very narrow, so requiring additional right-of-way dedication, which is required with an ST-45 classification, significantly impacts this property. The property is further limited, since the subject owner dedicated a 20-foot easement to the City of Fayetteville for the construction of the Frisco Trail and installation of a new sewer line.

The applicant has asked the City to reclassify Gregg Avenue between Center Street and Meadow Street as an alley, as was approved in 2004.

RECOMMENDATION:

Staff recommends forwarding **ADM 15-5262** to the City Council.

PLANNING COMMISSION ACTION: Required			
Date: <u>December 14, 2015</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Cook	Second: Hoskins	Vote: 8-0-0	
Notes:	_____		

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Request Letter
- Site Plan
- Ordinance No.4629
- One Mile Map
- Close Up Map

Denele Campbell
13251 Green Road
West Fork, AR 72774
479-839-2475
denele@windstream.net
November 15, 2015

City of Fayetteville
Planning, Engineering, and Street Departments
Re: Gregg Avenue between Center and Meadow // 546 W. Center & 541 W. Meadow

To Whom It May Concern:

Beginning the mid-1990s, city personnel in charge of trail construction engaged me in conversation about allowing trail construction along the north-south length of my property at the addresses shown above. I obtained this property as railroad right-of-way, legally described as 50 feet either side of the centerline of the track, meaning the property is 100 feet wide. The west side of the property borders Gregg Avenue for the full block.

Initially, the city requested easement to construct the trail (now known as Frisco Trail) along the original rail bed that bisected the property, which would have left me with two unusable 40 foot wide strips of land. While I fully support the concept of city trails, this option made no sense. By 2004, after much discussion and deliberation, I was told by the trail supervisor that there were three options for the trail route for this block: down the middle along the old rail bed, along the west side along Gregg Avenue (which would have obstructed any parking access to existing or future buildings), or along the east property line.

At the time, I was trying to develop the property with new mixed use construction. As my development plans advanced, I agreed to the east property line route for the trail right of way in exchange for certain concessions from the city. The primary points were that the City would abandon right of way along Gregg and would change street designation of Gregg to alleyway

In exchange, I was to provide a permanent easement along the east property line that included a utility easement for a new water line because the existing line along Gregg would become inaccessible due to limited width. I provided such easement, which ultimately took about 21% of my total property. I received zero remuneration.

I've now learned that at some later point, Gregg was re-designated to a street, which is the current status. This was done without any notification which would have given me a chance to protest. Even with a 'street' designation, Gregg has not seen attention from the city—no mowing or brush trimming along the edge of the pavement, no ditch cleanout, no maintenance or street cleaning. There's never been a center line painted. All this led me to assume the alley designation remained in force. My belief was further reinforced by the placement of my dumpster midblock without an enclosure. Sanitation remarked that an enclosure wasn't required on an alleyway. (This occurred in 2012.)

My ability to sell the property or to further develop the property is now compromised by the newly-discovered street designation. Required construction of sidewalks and curb would substantially reduce the remaining usable footprint of my land. In consulting with city planning personnel, I've learned that the change from alleyway designation came in the process of updating the city's master plan, at which time my property was lumped in without any institutional memory of our agreement.

I've also learned that "*street classification requires that right-of-way be dedicated if a new project is developed on your property.*" The potential loss of land to a future developer through required ROW dedication along Gregg creates an even greater erosion of my original property value.

I'd like to add that further loss of my property use resulted from the construction of the city's trail that joins Frisco in front of my property and runs west along Center Street to the campus. Yes, this is in the city's right of way. But the trail traffic impairs access to my property.

I gave up a significant portion of my land to accommodate the city's trail system. I expect meaningful consideration from the city in return, not inadvertent yet disastrous changes in what I believed was a permanent agreement. I can't 'take back' my part in this, and I'm hoping that with agreement in proper channels, the city will correct the situation.

It's not like that block of Gregg is a thoroughfare. Traffic count is absurdly low. Construction of sidewalks along Gregg would be redundant, given the existence of the trail just a few yards to the east. Please help me out on this. I'd very much appreciate your consideration.

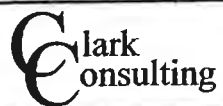
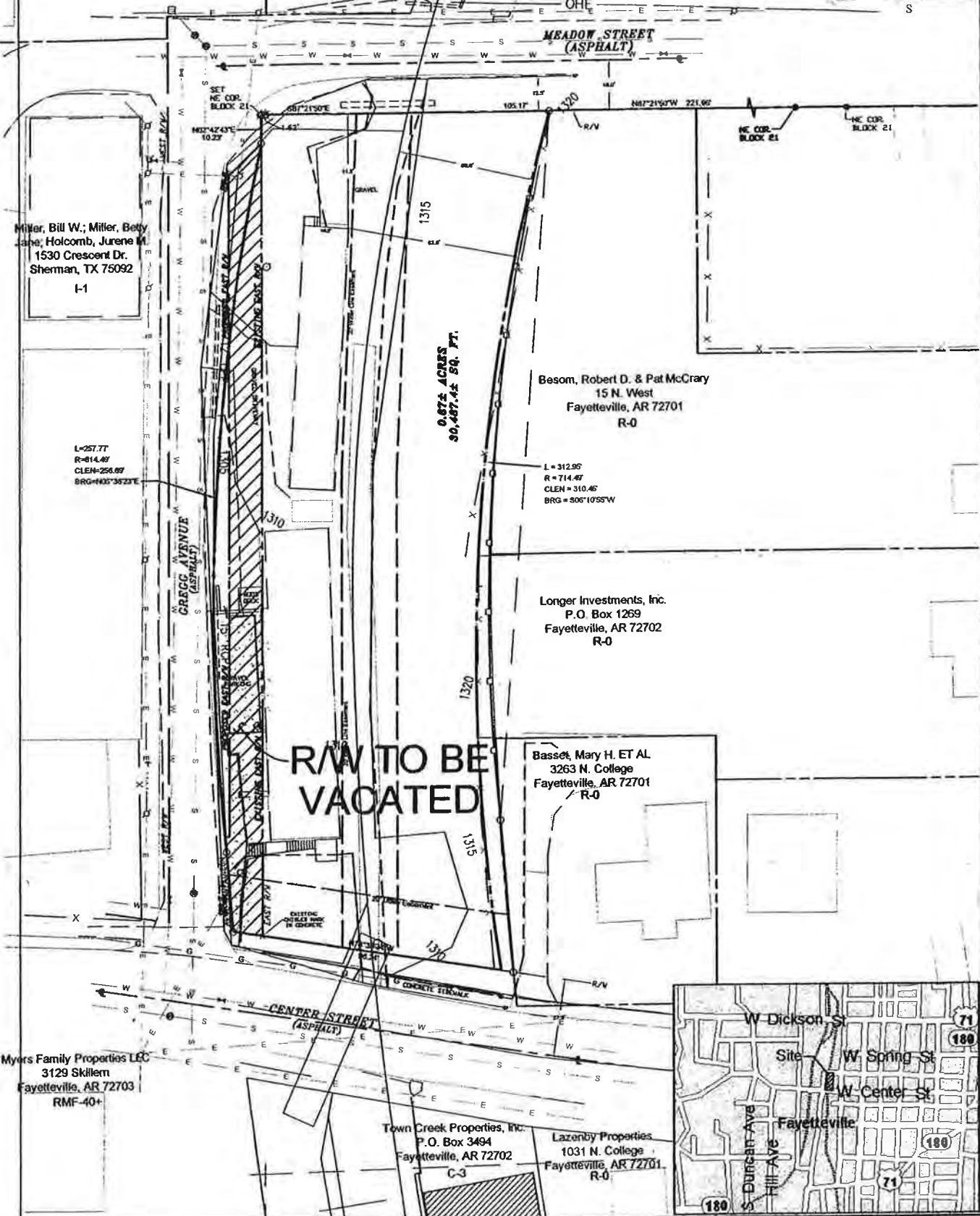
Sincerely,

Denele Campbell

Reindl Properties, Inc.
580 W. Meadow
Fayetteville, AR 72701
C-3

Reindl Properties, Inc.
580 W. Meadow
Fayetteville, AR 72701
C-3

BOARD OF TRUSTEES OF THE
University of Arkansas
C/O of 310
Fayette 01



CIVIL / ENVIRONMENTAL ENGINEERING

3715 Business Drive, Suite 202 Fayetteville, AR 72703 (479)444-8171

SCALE: 1" = 40'	DATE REVISED:	CHECKED BY:	DRAWN BY:
DATE: 7/30/04		JSC	BWS
Rivendell			1 1
Right-of-Way Vacation			

Exhibit "B" Planning Commission
December 14, 2015
Agenda Item 2
15-5262 Gregg Ave MSP Amend.
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ORDINANCE NO. 4629

AN ORDINANCE APPROVING VAC 04-1178 TO VACATE A PORTION OF THE RIGHT OF WAY FOR GREGG STREET LOCATED BETWEEN CENTER STREET AND MEADOW STREET AND RECLASSIFYING THIS SUBJECT RIGHT OF WAY AS AN ALLEY AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described platted right of way is no longer required for corporate purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

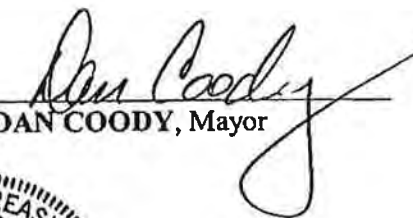
Section 1: That the City of Fayetteville, Arkansas hereby vacates and abandons the following described right of way, retaining the use as a public alley:

See Exhibit "A" attached hereto and made a part hereof.

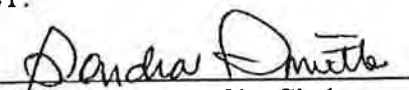
Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED and APPROVED this 19th day of October, 2004.


APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA SMITH, City Clerk




Doc ID: 007827850003 Type: REL
Recorded: 11/02/2004 at 08:53:31 AM
Fee Amt: \$11.00 Page 1 of 3
Washington County, AR
Bette Stamps Circuit Clerk
File **2004-00045127**



Description

We are requesting that a portion of Gregg Street between Center Street and Meadow Street be vacated and that the remainder of the street be changed to an alley. Gregg Street has always functioned more as an alley than as a street. There is very little traffic that uses the street on a regular basis.

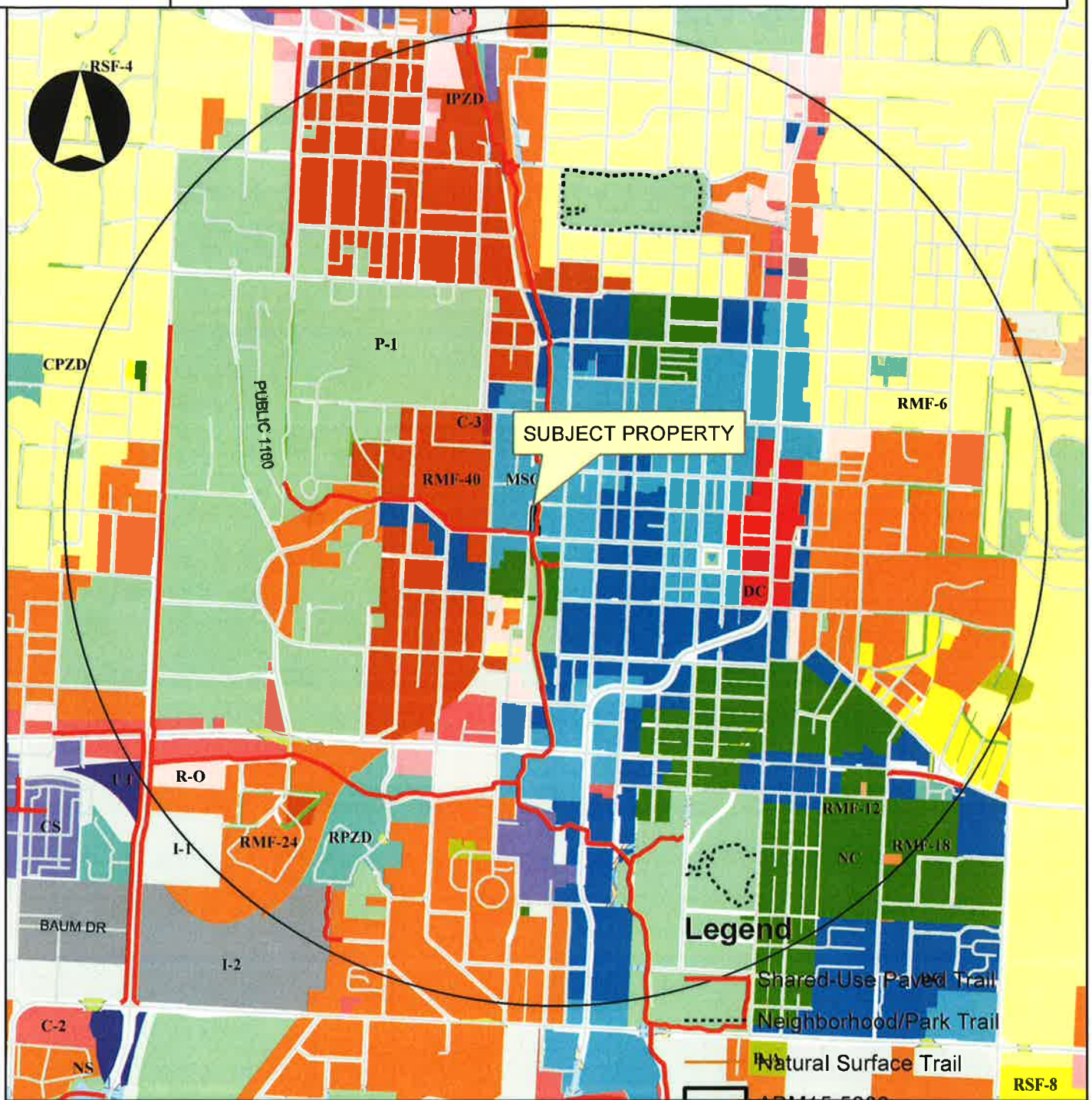
The property that was acquired by Ms. Denele Campbell from the railroad was previously a railroad spur that had not been actively used in many years. The legal description of the railroad property overlapped the Gregg Street Right-of-Way along the east side of the ROW. In fact Ms. Campbell's West property line is as much as 18 feet into the Gregg Street ROW.

The development that is being proposed will require that most of the parking be located under the proposed buildings. In order for this to function it will be necessary to back out of the garage structure on to Gregg Street. In order for this to be legal the Street Row will need to be converted to an alley.

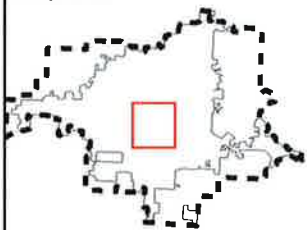
ADM15-5262

GREGG AVE. MSP AMENDMENT

One Mile View



Overview



Legend

Subject Property

Boundary

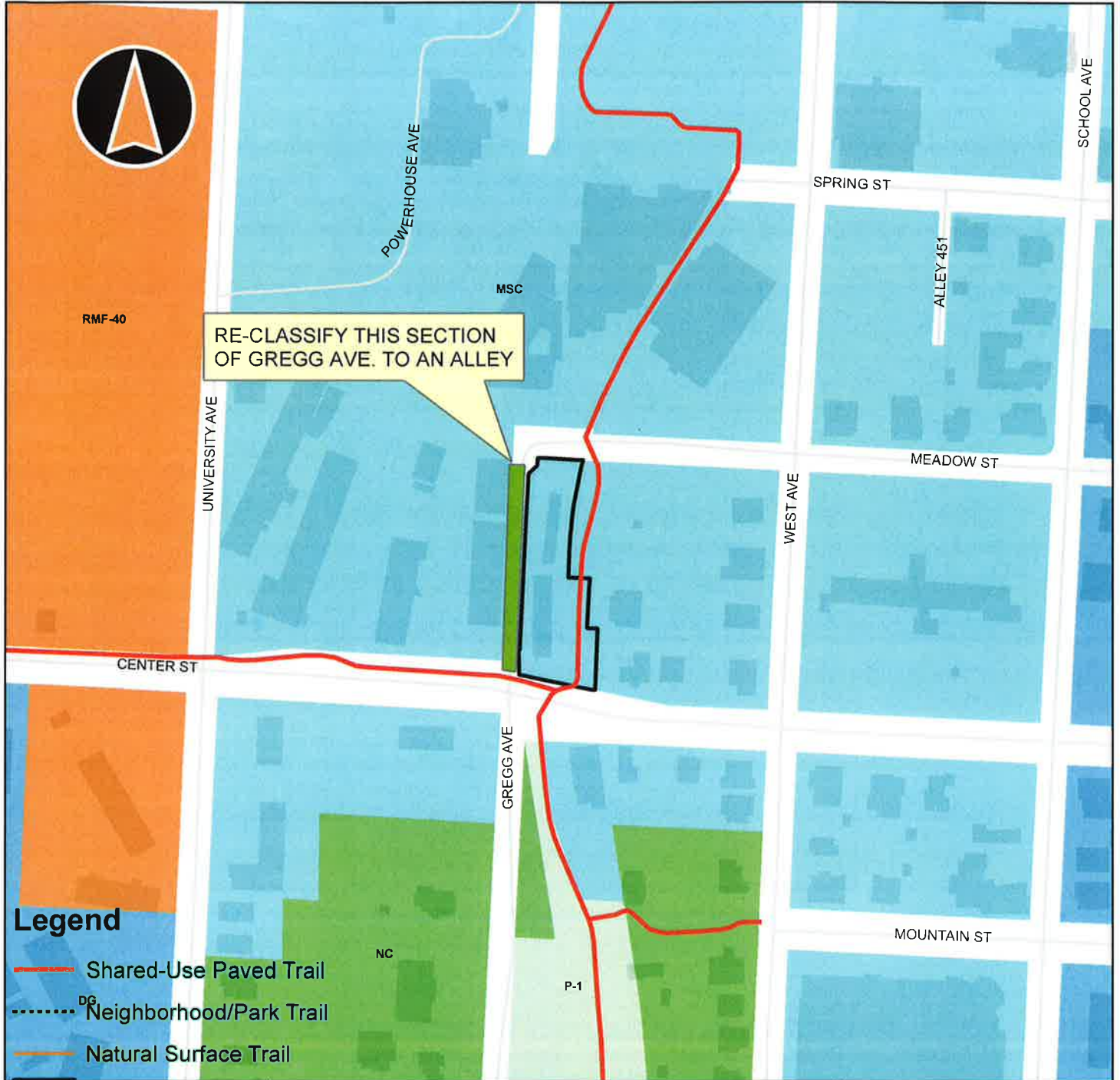
0 0.25 0.5

Miles

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

GREGG AVE. MSP AMENDMENT

Close Up View



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail

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