

City of Fayetteville Staff Review Form

2019-0207

Legistar File ID

4/16/2019

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

Garner Stoll

3/29/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 19-6574: Vacation (1270 & 1272 N. CORSICA DR./BASHAM HOMES, 400): Submitted by BATES & ASSOCIATES, INC. for property located at 1270 & 1272 N. CORSICA DR. The property is zoned RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE and contains approximately 0.17 acres. The request is to vacate a portion of a utility easement.

Budget Impact:

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

V20180321

Purchase Order Number: \_\_\_\_\_

Previous Ordinance or Resolution # \_\_\_\_\_

Change Order Number: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Comments:



**MEETING OF APRIL 16, 2019**

**TO:** Mayor and City Council

**THRU:** Don Marr, Chief of Staff  
Garner Stoll, Development Services Director  
Andrew Garner, Planning Director

**FROM:** Harry Davis, Current Planner

**DATE:** March 29, 2019

**SUBJECT:** **VAC 19-6574: Vacation (1270 & 1272 N. CORSICA DR./BASHAM HOMES, 400):** Submitted by BATES & ASSOCIATES, INC. for property located at 1270 & 1272 N. CORSICA DR. The property is zoned RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE and contains approximately 0.17 acres. The request is to vacate a portion of a utility easement.

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**RECOMMENDATION:**

Staff and Planning Commission recommend approval of **VAC 18-6574** as shown in the attached Exhibits 'A' and 'B' and with the following condition of approval:

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense.

**BACKGROUND:**

The subject property is located at the corner of Corsica Drive and Santa Maria Lane, lot 50 of the Ruppel Meadows subdivision. The property is zoned RMF-12, Residential Multi-family, 12 Units per Acre and currently undergoing construction for a duplex.

*Proposal:* The applicant proposes to vacate a utility easement that varies in size along the property's western boundary, totaling approximately 0.01 acres (see attached exhibit).

**DISCUSSION:**

At the March 25, 2019 Planning Commission, this item was forwarded as part of the consent agenda to City Council with a recommendation for approval, with all conditions as recommended by staff.

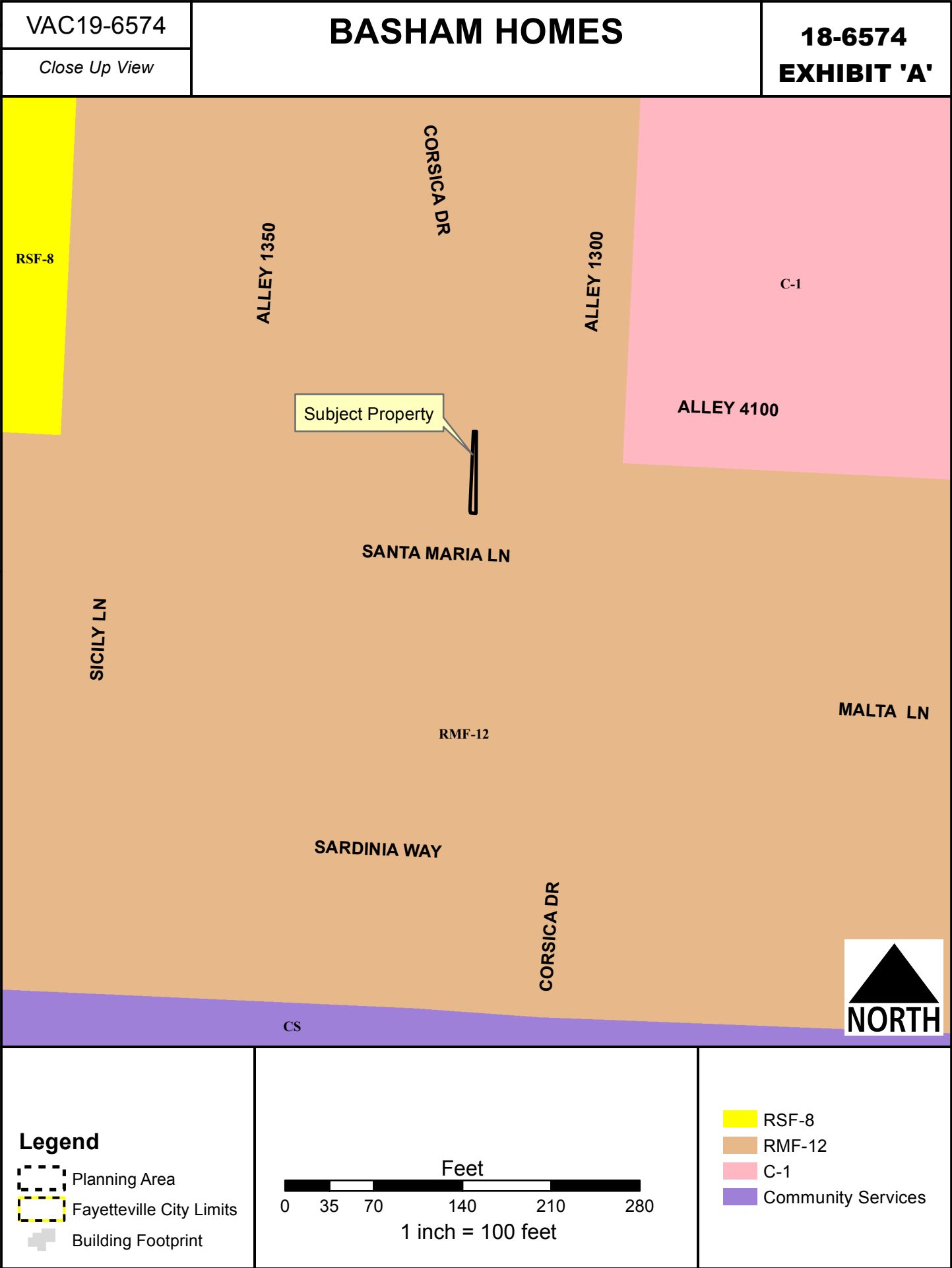
**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A

- Exhibit B
- Planning Commission packet



**19-6574**  
**EXHIBIT 'B'**

**LEGAL DESCRIPTION OF AREA OF UTILITY EASEMENT VACATION:**

A UTILITY EASEMENT LOCATED ON LOT 50 OF RUPPLE MEADOWS SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON THE RECORDED PLAT THEREOF, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 50 AND RUNNING THENCE S87°20'57"E 2.24', THENCE S00°16'44"W 64.58', THENCE N87°20'57"W 4.33', THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 14.00' FOR A CHORD BEARING AND DISTANCE OF N05°41'54"W 4.02', THENCE N02°39'03"E 60.55' TO THE POINT OF BEGINNING, CONTAINING 0.01 ACRES, MORE OR LESS.



**TO:** Fayetteville Planning Commission

**THRU:** Andrew Garner, City Planning Director

**FROM:** Harry Davis, Planner

**MEETING DATE:** March 25, 2019 **UPDATED W PC RESULTS**

**SUBJECT:** **VAC 19-6574: Vacation (1270 & 1272 N. CORSICA DR./BASHAM HOMES, 400):** Submitted by BATES & ASSOCIATES, INC. for property located at 1270 & 1272 N. CORSICA DR. The property is zoned RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE and contains approximately 0.17 acres. The request is to vacate a portion of a utility easement.

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**RECOMMENDATION:**

Staff recommends forwarding **VAC 19-6574** to City Council with a recommendation of approval and conditions based on the findings contained in this report.

**RECOMMENDED MOTION:**

"I move to forward **VAC 19-6574** to City Council with a recommendation for approval with the conditions as recommended by staff."

**BACKGROUND:**

The subject property is located at the corner of Corsica Drive and Santa Maria Lane, lot 50 of the Ruppel Meadows subdivision. The property is zoned RMF-12, Residential Multi-family, 12 Units per Acre and currently undergoing construction for a duplex. Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1**  
**Surrounding Land Use and Zoning**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Duplex	RMF-12, Residential Multi-family, 12 Units per Acre
South	Duplex	RMF-12, Residential Multi-family, 12 Units per Acre
East	Duplex	RMF-12, Residential Multi-family, 12 Units per Acre
West	Duplex	RMF-12, Residential Multi-family, 12 Units per Acre

*Proposal:* The applicant proposes to vacate a utility easement that varies in size along the property's western boundary, totaling approximately 0.01 acres (see attached exhibit).

**DISCUSSION:**

*Vacation Approval:* The applicant has submitted the required vacation forms to the City utility departments, and franchise utility companies with the following responses:

UtilityResponse

Cox Communications

No objections, provided that any damage to or relocation of existing facilities will be at the owner/developer's expense.

AEP/SWEPCO

No objections and no comment.

BlackHills Energy AR

No objections and no comment.

AT&amp;T

No objections and no comment.

Ozarks Electric

No objections and no comment.

City of FayettevilleResponse

Water/Sewer

No objections and no comment.

Solid Waste &amp; Recycling

Not applicable.

Transportation

Not applicable.

*Public Comment:* No public comment has been received at the time of writing this report.

**RECOMMENDATION:** Staff recommends forwarding **VAC 19-6574** to the City Council with a recommendation for approval subject to the following conditions:

**Conditions of Approval:**

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense;

<b>PLANNING COMMISSION ACTION:</b>				<b>Required</b>	<b><u>YES</u></b>
<b>Date:</b> <u>March 25, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied		
<b>Motion:</b> Belden	Motion to forward as part of consent agenda				
<b>Second:</b> Autry	Motion passes; Commissioner Niederman abstained				
<b>Vote:</b> 7-0-1					

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Request Letter
- Petition to Vacate
- Vacation Exhibit
- Utility Approval Forms
- One Mile Map
- Close-up Map
- Current Land Use Map



PETITION

**PETITION TO VACATE AN EASEMENT LOCATED IN LOT 50, RUPPLE MEADOWS, CITY OF FAYETTEVILLE, ARKANSAS**

TO: The Fayetteville City Planning Commission and The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easements hereinafter sought to be abandoned and vacated, lying in Lot 50, Ruppel Meadows, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A UTILITY EASEMENT LOCATED ON LOT 50 OF RUPPLE MEADOWS SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON THE RECORDED PLAT THEREOF, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 50 AND RUNNING THENCE S87°20'57"E 2.24', THENCE S00°16'44"W 64.58', THENCE N87°20'57"W 4.33', THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 14.00' FOR A CHORD BEARING AND DISTANCE OF N05°41'54"W 4.02', THENCE N02°39'03"E 60.55' TO THE POINT OF BEGINNING, CONTAINING 0.01 ACRES, MORE OR LESS.

That the abutting real estate affected by said abandonment of the alley are Lots 40, 41, 49, 51, 60 & 61 of Ruppel Meadows City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title of said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dates this 13<sup>th</sup> day of February, 2019.

Greg R. Hester

Print Name

[Signature]

Signature

*DRAWING* #18-352

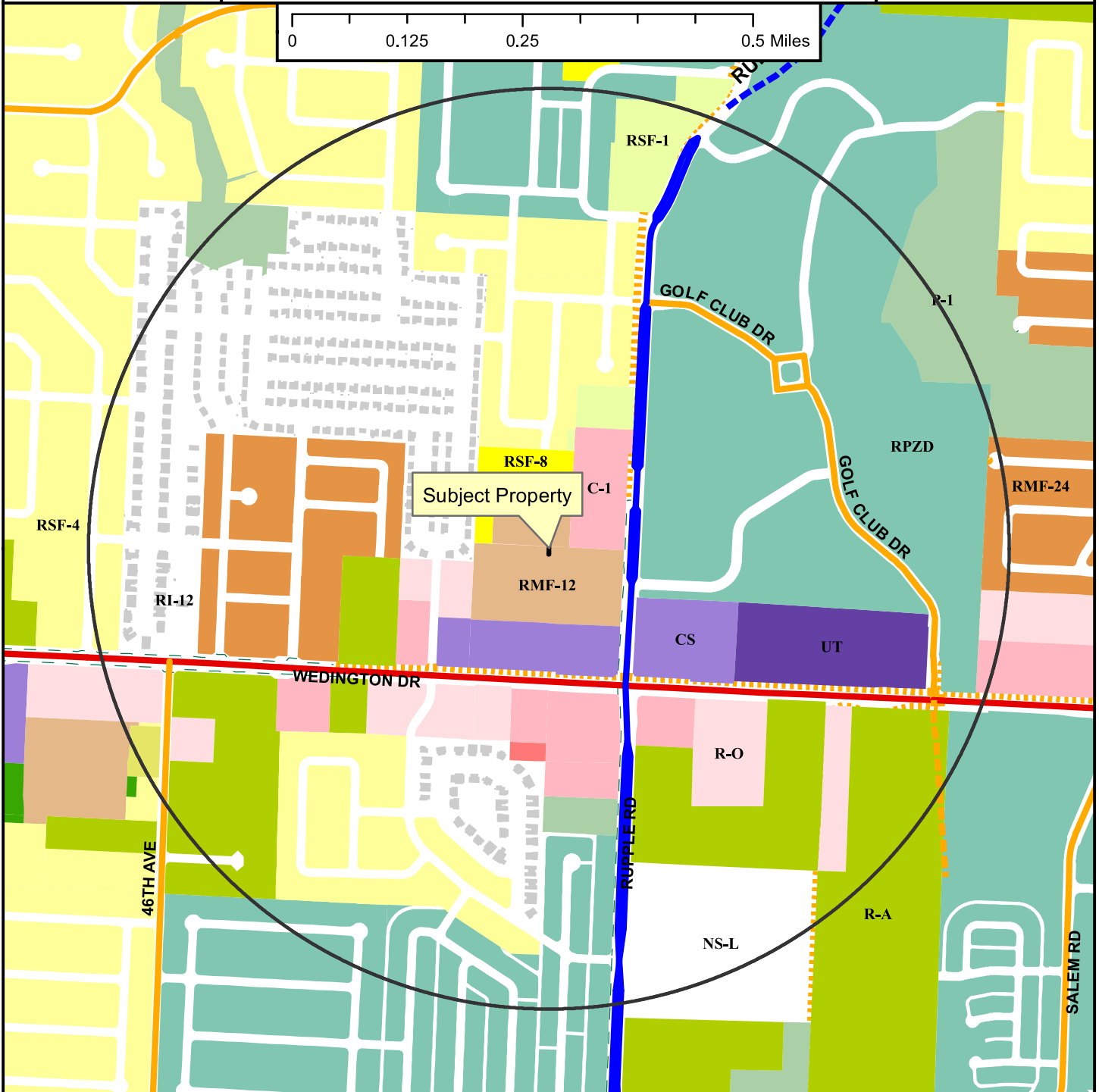
VAC19-6574

One Mile View

# BASHAM HOMES

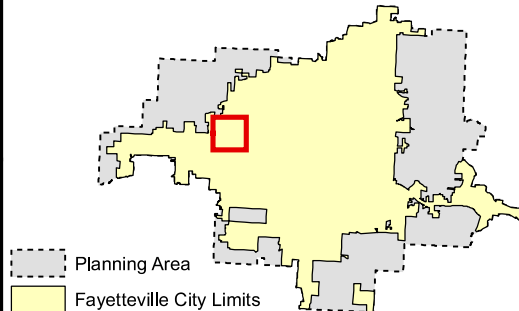


0 0.125 0.25 0.5 Miles



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint

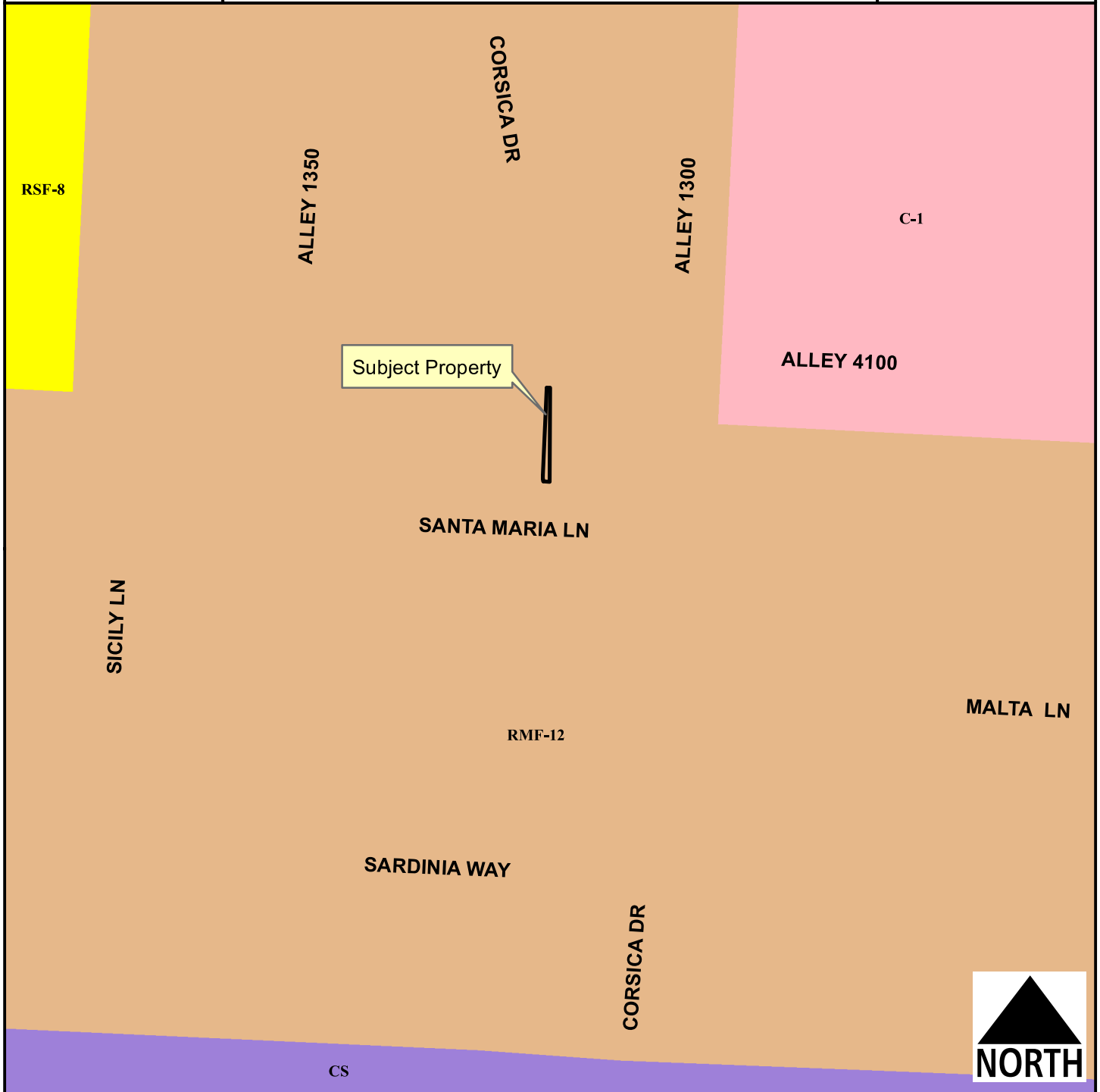


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
    - Residential-Agricultural
    - RSF-5
    - RSF-1
    - RSF-2
    - RSF-4
    - RSF-7
    - RSF-8
    - RSF-18
  - RESIDENTIAL MULTI-FAMILY**
    - RT-12 Residential Two and Three-family
    - RMF-6
    - RMF-12
    - RMF-18
    - RMF-24
    - RMF-40
  - INDUSTRIAL**
    - I-1 Heavy Commercial and Light Industrial
    - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
  - C-1
  - C-2
  - C-3
- FORM BASED DISTRICTS**
- Downtown Core
  - Urban Thoroughfare
  - Main Street Center
  - Downtown General
  - Community Services
  - Neighborhood Services
  - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

VAC19-6574

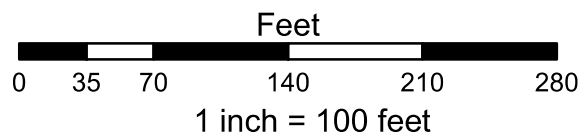
# BASHAM HOMES

Close Up View



## Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



- RSF-8
- RMF-12
- C-1
- Community Services



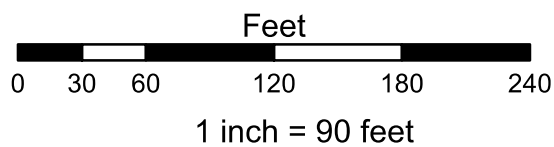
VAC19-6574

Current Land Use

# BASHAM HOMES



- Planning Area
- Fayetteville City Limits



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway