

City of Fayetteville Staff Review Form

2019-0205

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 19-6575: Vacation (2090 W. HENSON HILL/RPH, LLC.- HENSON HILL, 520): Submitted by BATES & ASSOCIATES, INC. for property located at 2090 W. HENSON HILL. The property is zoned RMF-18, RESIDENTIAL MULTI FAMILY, 18 UNITS PER ACRE and contains approximately 0.50 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:** Jonathan Curth, Senior Planner

**DATE:** March 29, 2019

**SUBJECT:** **VAC 19-6575: Vacation (2090 W. HENSON HILL/RPH, LLC.- HENSON HILL, 520):** Submitted by BATES & ASSOCIATES, INC. for property located at 2090 W. HENSON HILL. The property is zoned RMF-18, RESIDENTIAL MULTI FAMILY, 18 UNITS PER ACRE and contains approximately 0.50 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 19-6575** 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 on the south slope of Markham Hill, just west of the intersection of Nettleship Street and Cross Avenue. The property was rezoned to RMF-18 in 2015 and a large scale development was approved in 2017, which is currently under construction.

*Proposal:* The applicant proposes to vacate a recently-platted, existing 20-foot utility easement that is located along the southern property line approximately midway between the east and west boundaries. The requested vacation totals approximately 820 square feet which will be rededicated approximately three feet further to the east (see attached exhibit). The applicant has commented that the vacation is necessary to accommodate a minor shift in the building layout necessitated by building code.

**DISCUSSION:**

At the March 15, 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





**Bates &  
Associates, Inc.**

**Civil Engineering - Land Surveying - Landscape Architecture**

7230 S. Pleasant Ridge Dr. Fayetteville, AR 72704

PH: 479-442-9350 \* FAX: 479-521-9350

[www.nwabatesinc.com](http://www.nwabatesinc.com)

Legal description of Utility Easement Vacation:

A PART OF LOT 31 INCLUSIVE, BLOCK 1, WEST END ADDITION, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 5 AT PAGE 75, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:  
COMMENCING AT AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF LOT 28 AND RUNNING THENCE S88°17'52"E 149.61', THENCE N02°47'54"E 10.00', THENCE S88°17'52"E 16.22' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE N01°21'31"E 41.46', THENCE S88°38'29"E 20.00', THENCE S01°21'31"W 41.58', THENCE N88°17'52"W 20.00', TO THE POINT OF BEGINNING, CONTAINING 0.02 ACRES, MORE OR LESS.



**TO:** Fayetteville Planning Commission

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

**FROM:** Jonathan Curth, Senior Planner

**MEETING DATE:** March 25, 2019 **(Updated with Planning Commission Results)**

**SUBJECT:** **VAC 19-6575: Vacation (2090 W. HENSON HILL/RPH, LLC.- HENSON HILL, 520):** Submitted by BATES & ASSOCIATES, INC. for property located at 2090 W. HENSON HILL. The property is zoned RMF-18, RESIDENTIAL MULTI FAMILY, 18 UNITS PER ACRE and contains approximately 0.50 acres. The request is to vacate a portion of a utility easement.

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**RECOMMENDATION:**

Staff recommends forwarding **VAC 19-6575** 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 19-6575** to City Council with a recommendation for approval with the conditions as recommended by staff."

**BACKGROUND:**

The subject property is located on the south slope of Markham Hill, just west of the intersection of Nettleship Street and Cross Avenue. The property was rezoned to RMF-18 in 2015 and a large scale development was approved in 2017, which is currently under construction. 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	Large Lot Single-family Residential	RSF-4, Residential Single-family 4 Units per Acre
South	Single-family Residential; Two-family Residential	RMF-24, Residential Multi-family 24 Units per Acre; RMF-18, Residential Multi-family 18 Units per Acre
East	Two-family Residential	RMF-24, Residential Multi-family 24 Units per Acre
West	Single-family Residential	RMF-24, Residential Multi-family 24 Units per Acre

*Proposal:* The applicant proposes to vacate a recently-platted, existing 20-foot utility easement that is located along the southern property line approximately midway between the east and west boundaries. The requested vacation totals approximately 820 square feet which will be rededicated approximately three feet further to the east (see attached exhibit). The applicant has commented that the vacation is necessary to accommodate a minor shift in the building layout necessitated by building code.

## DISCUSSION:

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

<u>Utility</u>	<u>Response</u>
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&T	No objections and no comment.
Ozarks Electric	No objections and no comment.

<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections and no comment.
Solid Waste & Recycling	Not applicable.
Transportation	Not applicable.

### Public Comment:

No public comment has been received.

**RECOMMENDATION:** Staff recommends forwarding **VAC 19-6575** 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;

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**PLANNING COMMISSION ACTION:** Required YES

**Date:** March 25, 2019      ☐ Tabled      ☒ Forwarded      ☐ Denied

**Motion:** Belden, on the consent agenda with conditions as recommended by staff

**Second:** Autry

**Vote:** 8-0-0

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

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



**Request  
Letter**



**Bates**  
**Associates, Inc.**

g eeri La yi cape

February 12, 2019

To the City Fayetteville Planning Staff,

Our client, RPH LLC, would like to vacate a utility easement on parcel #765-11947-000.

The utility easement we are requesting to vacate will be moved 3 feet to the east. The developer had to move proposed building to the east to have enough room between each building.

We will be filing another easement document to move this utility easement 3 feet east.

If you have any questions please feel free to contact us.

Sincerely,

Jose Rios  
Project Manager

# Petition to Vacate

## PETITION

PETITION TO VACATE AN EASEMENT LOCATED IN LOT 31, WEST END ADDITION, 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 easement hereinafter sought to be abandoned and vacated, lying in Lot 31, West End Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A UTILITY EASEMENT LOCATED OF LOT 31 INCLUSIVE, BLOCK 1, WEST END ADDITION, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 2018 AT PAGE 31916, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: COMMENCING AT AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF LOT 28 AND RUNNING THENCE S88°17'52"E 149.61', THENCE N02°47'54"E 10.00', THENCE S88°17'52"E 16.22' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE N01°21'31"E 41.46', THENCE S88°38'29"E 20.00', THENCE S01°21'31"W 41.58', THENCE N88°17'52"W 20.00', TO THE POINT OF BEGINNING, CONTAINING 0.02 ACRES, MORE OR LESS

That the abutting real estate affected by said abandonment of the easement are parcels #765-14582-000, #765-11949-000, #765-11940-000, #765-11941-000, #765-11942-000, #765-11943-000, #765-11944-000, #765-11945-000, & #765-11946-000 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 approve 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 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 day of February, 2019.

Andrew Henson

Print Name

Andrew P Henson  
Andrew P Henson (Feb 13, 2019)

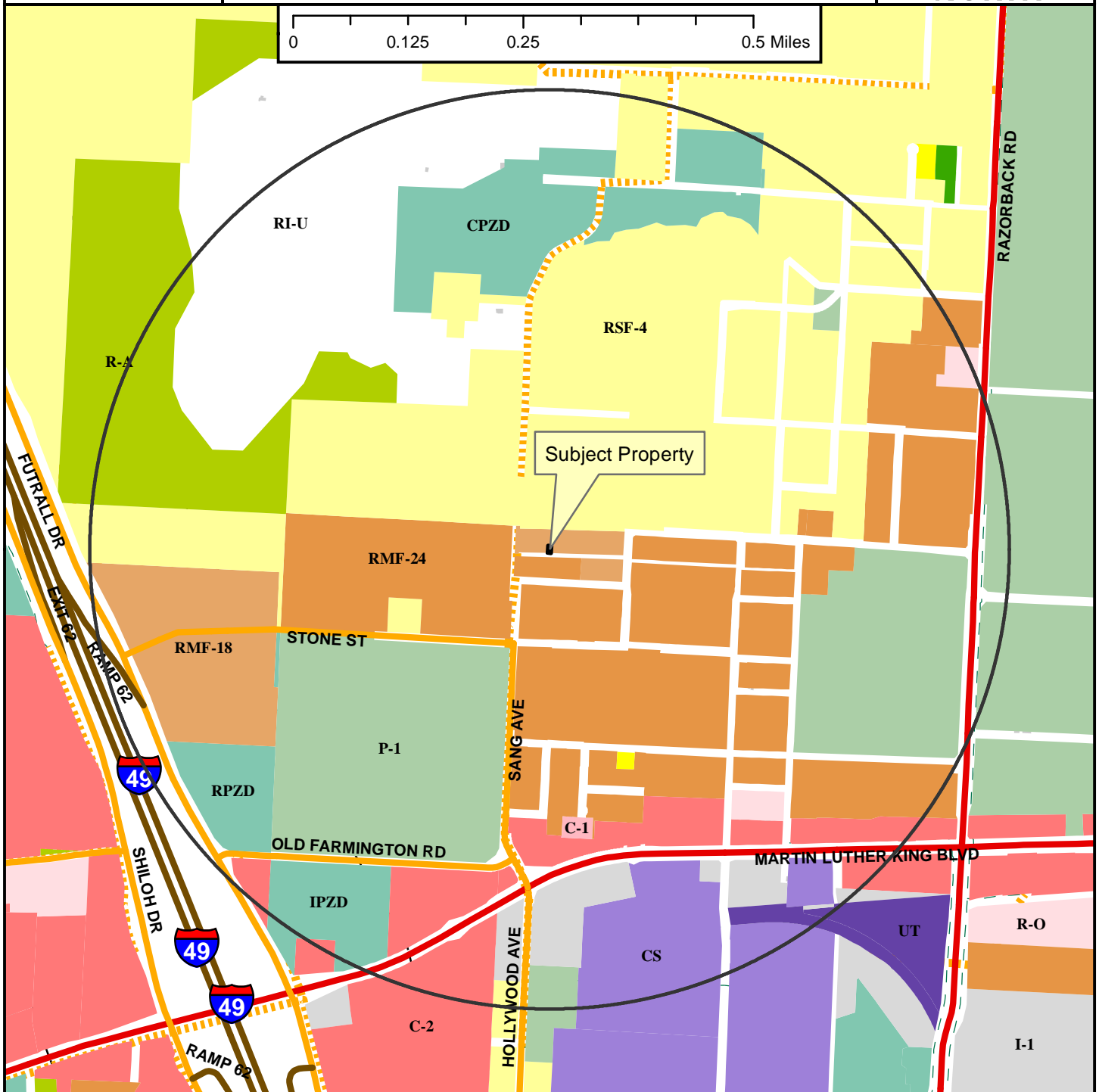
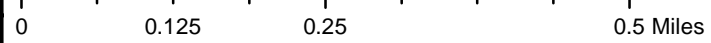
Signature



VAC19-6575

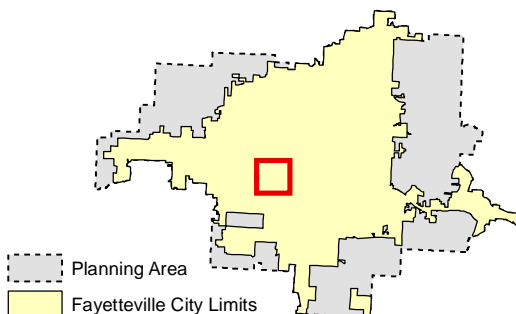
# RPH, LLC - HENSON HILL

One Mile View



## Legend

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



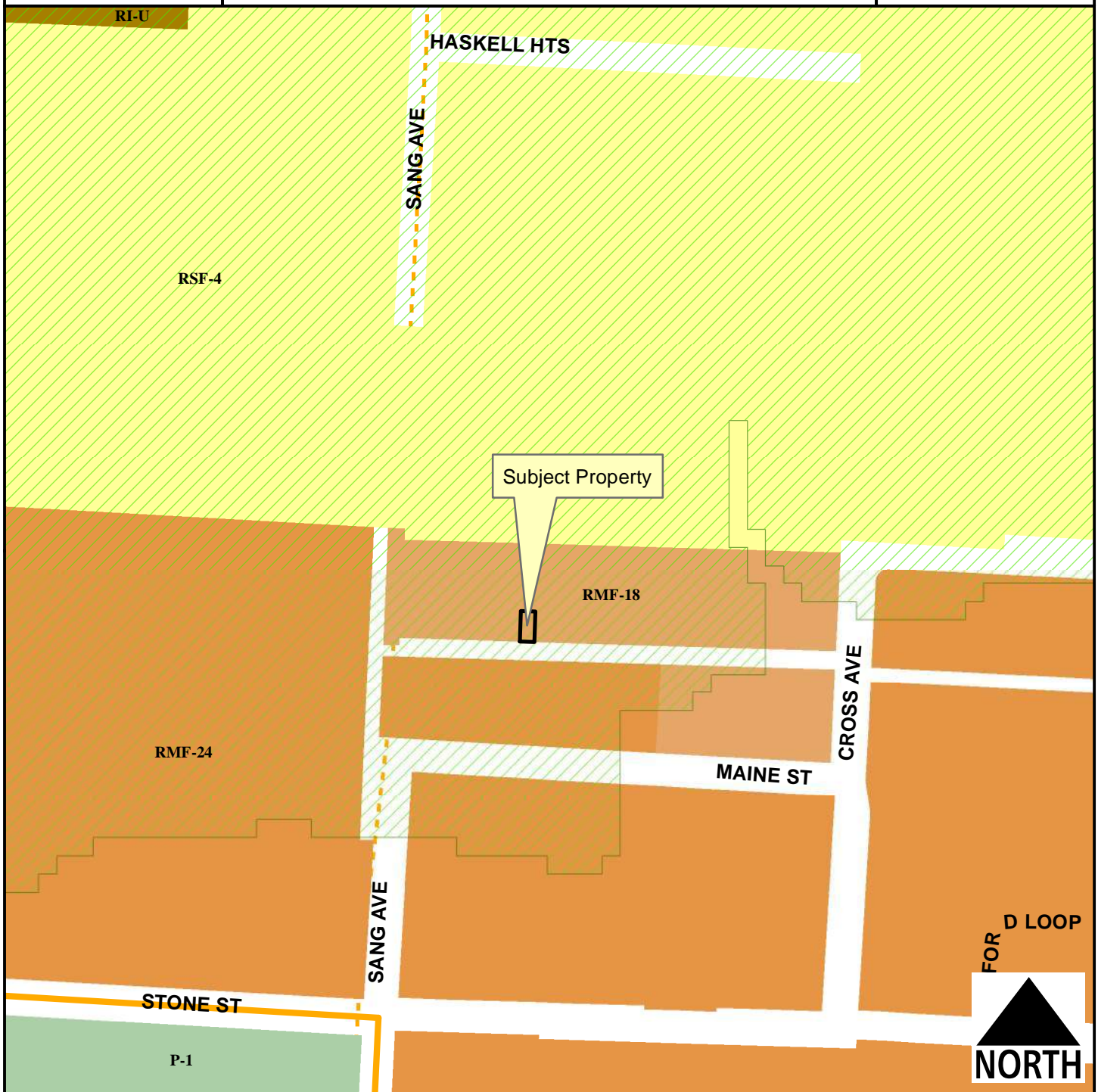
- |   |   |
|---|---|
| <b>Zoning</b><br><b>RESIDENTIAL SINGLE-FAMILY</b><br>RSF-5<br>RSF-1<br>RSF-2<br>RSF-4<br>RSF-7<br>RSF-8<br>RSF-18<br><b>RESIDENTIAL MULTI-FAMILY</b><br>RMF-6<br>RMF-12<br>RMF-18<br>RMF-24<br>RMF-40<br><b>INDUSTRIAL</b><br>I-1 Heavy Commercial and Light Industrial<br>I-2 General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



VAC19-6575

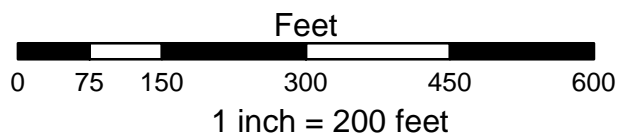
# RPH, LLC - HENSON HILL

Close Up View



## Legend

- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



- RSF-4
- RI-U
- RMF-18
- RMF-24
- P-1



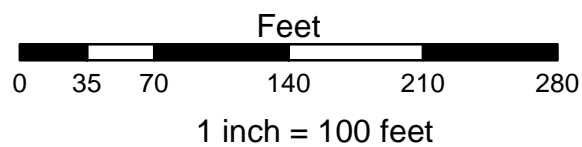
VAC19-6575

Current Land Use

# RPH, LLC - HENSON HILL



- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway