

City of Fayetteville Staff Review Form

2019-0346

Legistar File ID

6/18/2019

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

Garner Stoll

5/30/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 19-6671: Vacation (3956 N. STEELE BLVD./MALCO RETAIL LOT,173): Submitted by HARRISON FRENCH AND ASSOCIATES, INC. for property located at 3956 N. STEELE BLVD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 10.38 acres. The request is to vacate portions of a general utility and drainage 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:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 18, 2019

TO: Mayor; Fayetteville City Council

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

FROM: Andrew Garner, City Planning Director

DATE: May 30, 2019

SUBJECT: **VAC 19-6671: Vacation (3956 N. STEELE BLVD./MALCO RETAIL LOT,173):**
Submitted by HARRISON FRENCH AND ASSOCIATES, INC. for property located at 3956 N. STEELE BLVD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 10.38 acres. The request is to vacate portions of a general utility and drainage easement.

RECOMMENDATION:

Staff and Planning Commission recommend approval of **VAC 19-6671** 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 3956 N. Steele Blvd. (the parking lot of the Malco Movie Theatre). The property is zoned C-2, Thoroughfare Commercial.

Proposal: The request is to reduce a portion of an existing utility easement and drainage easement to allow future commercial development in the area (vacation exhibit attached).

DISCUSSION:

At the May 28, 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:

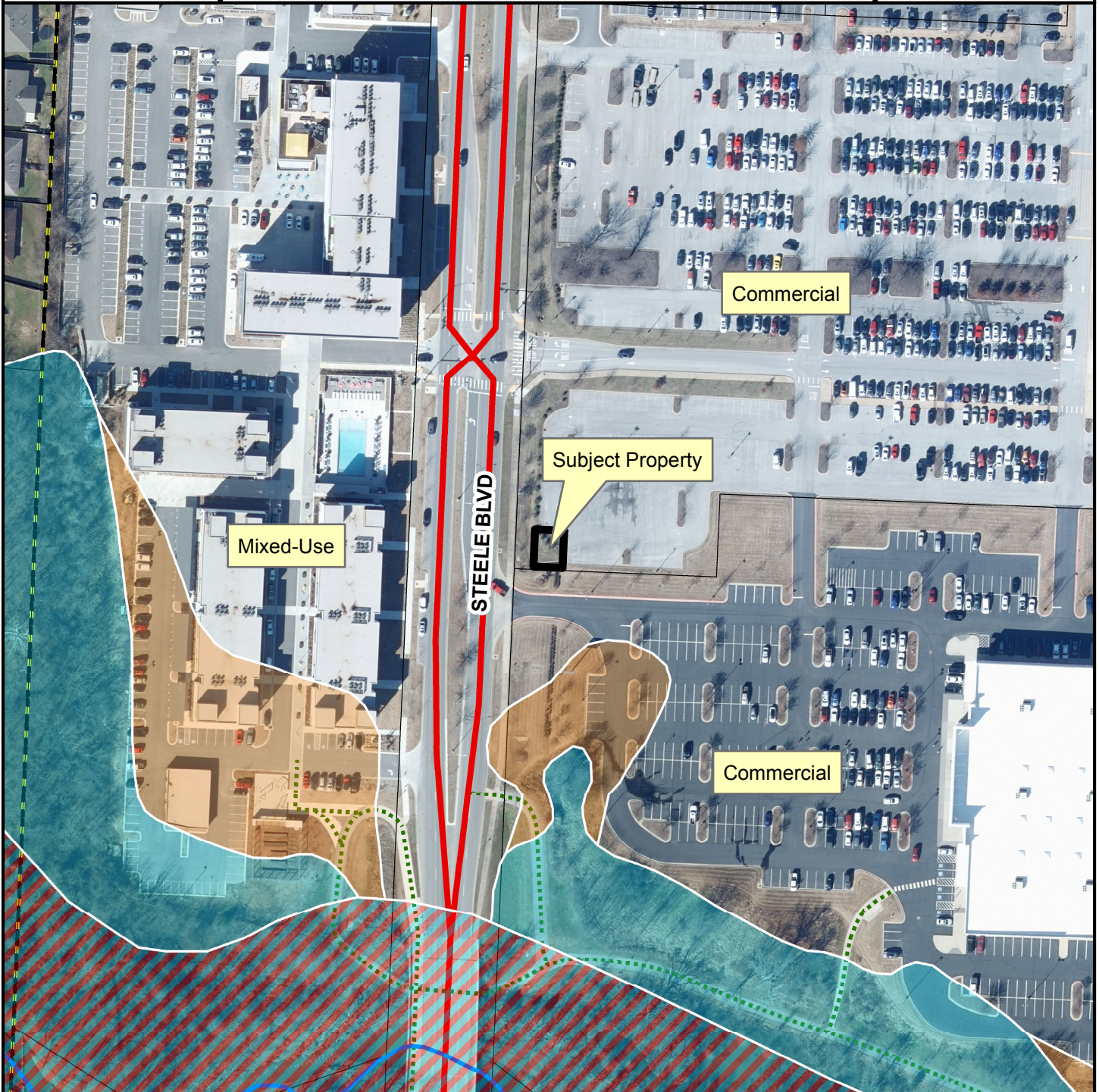
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

EXHIBIT 'A'

VAC19-6671

MALCO RETAIL LOT

Current Land Use



Streets Existing

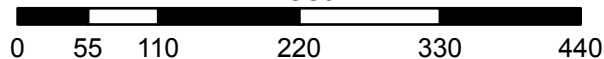
MSP Class

 PRINCIPAL ARTERIAL

 Planning Area


 Fayetteville City Limits

Feet



1 inch = 150 feet

FEMA Flood Hazard Data

 100-Year Floodplain

 Floodway

EXHIBIT 'B'

VAC 19-6671

Easement Vacation Description

A part of Lot 9F CMN Business Park II Phase I, to the City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

Commencing at the Southwest Corner of Lot 9F CMN Business Park II Phase I, thence South 87°31'05" East 20.00 feet to the Point of Beginning;

Thence North 02°28'46" East 38.45 feet;

Thence South 87°31'14" East 30.00 feet;

Thence South 02°28'46" West 38.45 feet;

Thence North 87°31'05" West 30.00 feet to the point of Beginning, containing 1,153.42 square feet or 0.03 acre, subject to any easements and Rights of Way of record.



TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: May 28, 2019 *(Updated with Planning Commission results)*

SUBJECT: VAC 19-6671: Vacation (3956 N. STEELE BLVD./MALCO RETAIL LOT,173):
Submitted by HARRISON FRENCH AND ASSOCIATES, INC. for property located at 3956 N. STEELE BLVD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 10.38 acres. The request is to vacate portions of a general utility and drainage easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 19-6671** 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 19-6671** to City Council with a recommendation for approval with the conditions as recommended by staff."

BACKGROUND:

The subject property is located at 3956 N. Steele Blvd. The property is zoned C-2, Thoroughfare Commercial. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Commercial	C-2, Thoroughfare Commercial
South	Commercial	C-2, Thoroughfare Commercial
East	Commercial	C-2, Thoroughfare Commercial
West	Commercial	C-3, Central Commercial

Proposal: The request is to reduce a portion of an existing utility easement and drainage easement to allow future commercial development in the area (vacation exhibit attached).

DISCUSSION:

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

City of Fayetteville

Response

Water/Sewer

No objections and no comment.

Solid Waste & Recycling

Not applicable.

Transportation	Not applicable.
AT&T	No objections.
Black Hills	No objections and no comment.
Cox	No objections.
Ozark Electric	No objections and no comment.
SWEPCO	No objections and no comment.

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

RECOMMENDATION: Staff recommends forwarding **VAC 19-6671** 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.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 28, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied		
Motion: <u>Belden</u>	Note: On consent agenda.				
Second: <u>Brown</u>					
Vote: <u>8-0-0</u>					

BUDGET/STAFF IMPACT:

None

Attachments:

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



From: Harrison French & Associates
1705 S. Walton Blvd. Suite 3,
Bentonville, AR. 72712
Date: January 18, 2019
Subject: MALCO Retail – Easement Vacation Request

Dear Commissioners,

Harrison French & Associates are pleased to submit Small Site Improvement plans for MALCO Retail, located on 0.99 acres at the SW corner of 3965 N. Steele Blvd. in Fayetteville, AR. The proposed project will be constructed within an existing parking lot. The scope of the project will consist of a commercial shopping center containing an 11,000 square foot building, removal and adjustments to existing parking lot configuration, new sanitary sewer main line and all utility services. The subject property will be split out from the larger parent tract of land.

As part of this submittal, an Easement Vacation request is being made. Due to site constraints, a portion of the proposed building is being sited within an existing general utility and drainage easement. The intent of this request is to reduce a portion of the existing easement down from 50 feet in width to 25 feet in width. According to recent surveys, no public utilities are within a portion of the existing easement.

Please don't hesitate to contact me should you have any questions or concerns regarding this notification.

Sincerely,

A handwritten signature in blue ink, reading 'Rick McGraw', is positioned below the 'Sincerely,' text. The signature is fluid and cursive, with a stylized 'M' and 'G'.

Rick McGraw, PLA, ASLA, CLARB
Program Manager
(479)273-7780x283
rick.mcgraw@hfa-ae.com

PETITION TO VACATE STREET RIGHT-OF-WAY, ALLEY, OR EASEMENT

PETITION TO VACATE A(N) easement LOCATED IN a part of Lot 9B CMN Business Park II Phase I, to the, **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 a part of Lot 9B CMN Business Park II Phase I, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a(n) easement which is described as follows:

A part of Lot 9B CMN Business Park II Phase I, to the City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

Commencing at the Southwest Corner of Lot 9B CMN Business Park II Phase I, thence South 87°31'05" East 20.00 feet to the Point of Beginning; Thence North 02°28'46" East 38.45 feet; Thence South 87°31'14" East 30.00 feet; Thence South 02°28'46" West 38.45 feet; Thence North 87°31'05" West 30.00 feet to the point of Beginning, containing 1,153.42 square feet or 0.03 acre, subject to any easements and Rights of Way of record.

That the abutting real estate affected by said abandonment of the alley are PT Lot 9B 10.31AC (PT Lot 9 Per Replat of Lot 9 23A-145 & Replat 24-24) of CMN Business Park II Phase I; PT Lot 9A 11.89AC (PT Lot 9 Per Replat of Lot 9 23A-145 & Replat 24-24) of CMN Business Park II Phase I; Lots Numbered Three (3) and Four (4), of the Final Plat of CMN Business Park II, Phase I and Phase II to the 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 the 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 to 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.

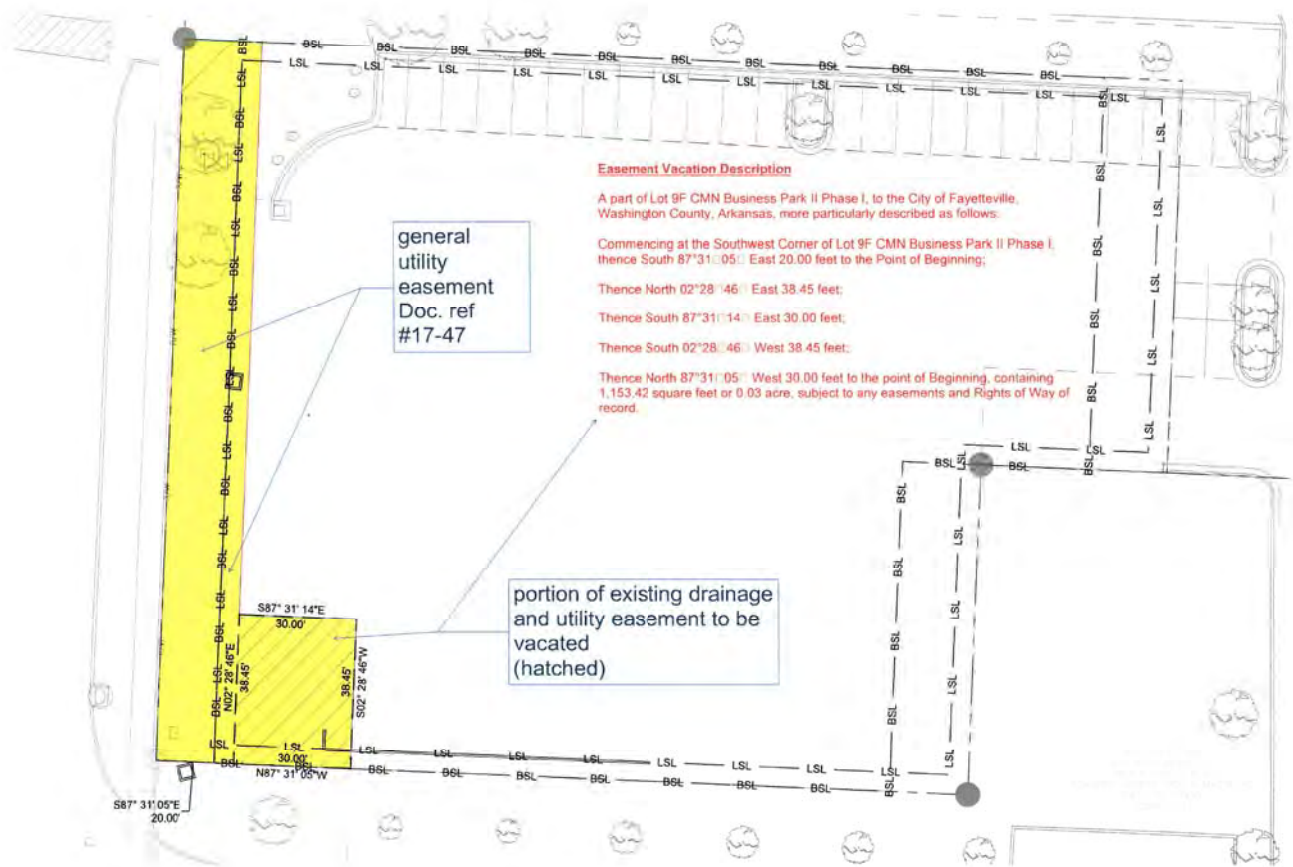
Dated this 22nd day of April, 2019.

Printed Name

Signature

Michael Lightman

Michael Lightman



Easement Vacation Description

A part of Lot 9F CMN Business Park II Phase I, to the City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

Commencing at the Southwest Corner of Lot 9F CMN Business Park II Phase I, thence South 87°31'05" East 20.00 feet to the Point of Beginning;

Thence North 02°28'46" East 38.45 feet;

Thence South 87°31'14" East 30.00 feet;

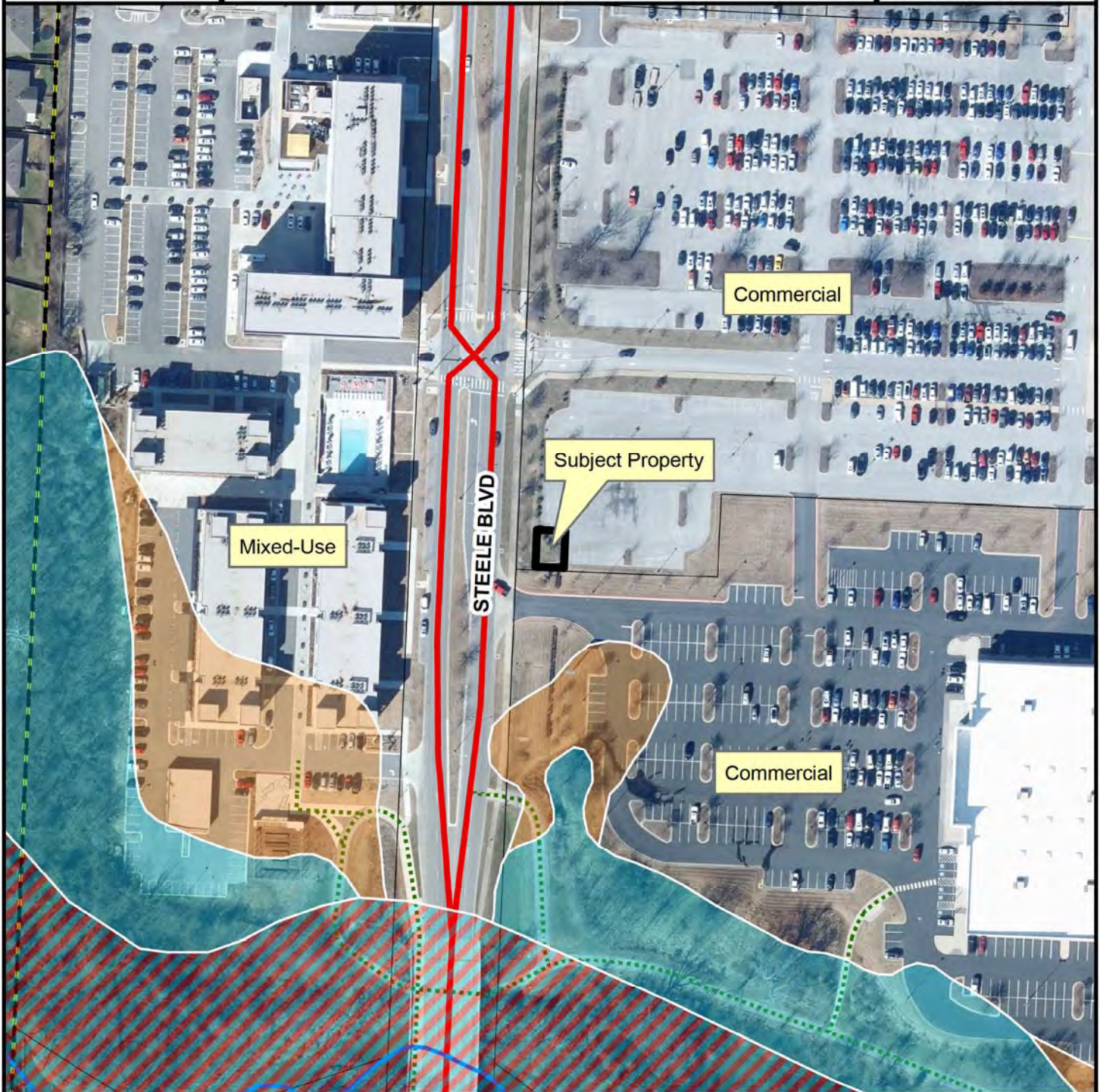
Thence South 02°28'46" West 38.45 feet;

Thence North 87°31'05" West 30.00 feet to the point of Beginning, containing 1,153.42 square feet or 0.03 acre, subject to any easements and Rights of Way of record.

VAC19-6671

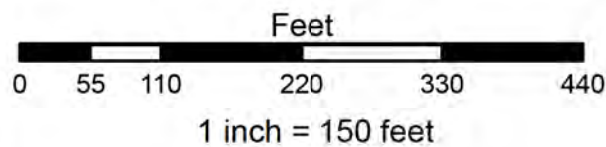
Current Land Use

MALCO RETAIL LOT



Streets Existing MSP Class

- PRINCIPAL ARTERIAL
- Planning Area
- Fayetteville City Limits



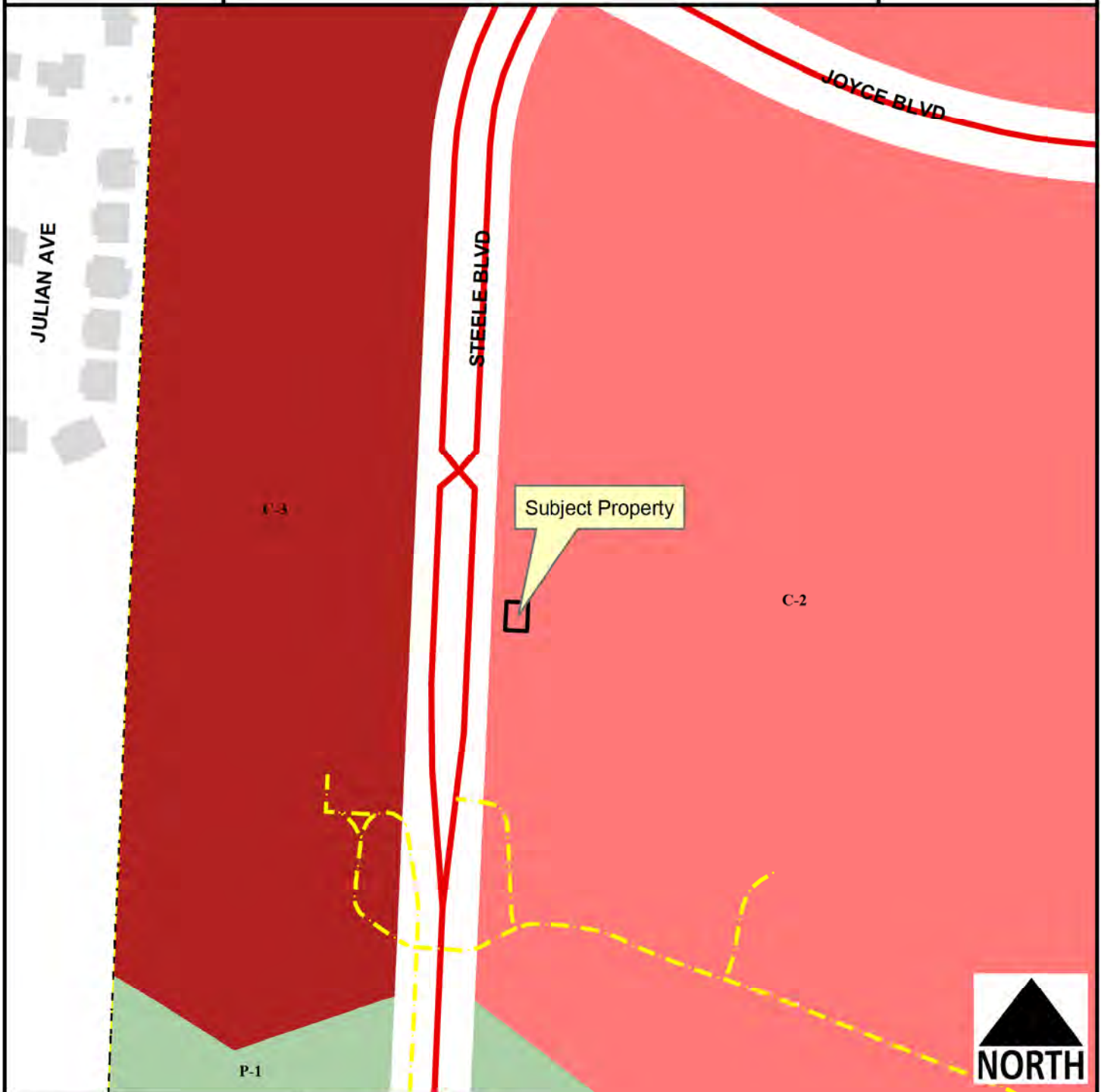
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

VAC19-6671

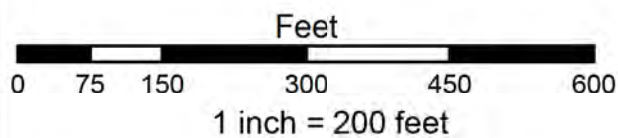
MALCO RETAIL LOT

Close Up View



Legend

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



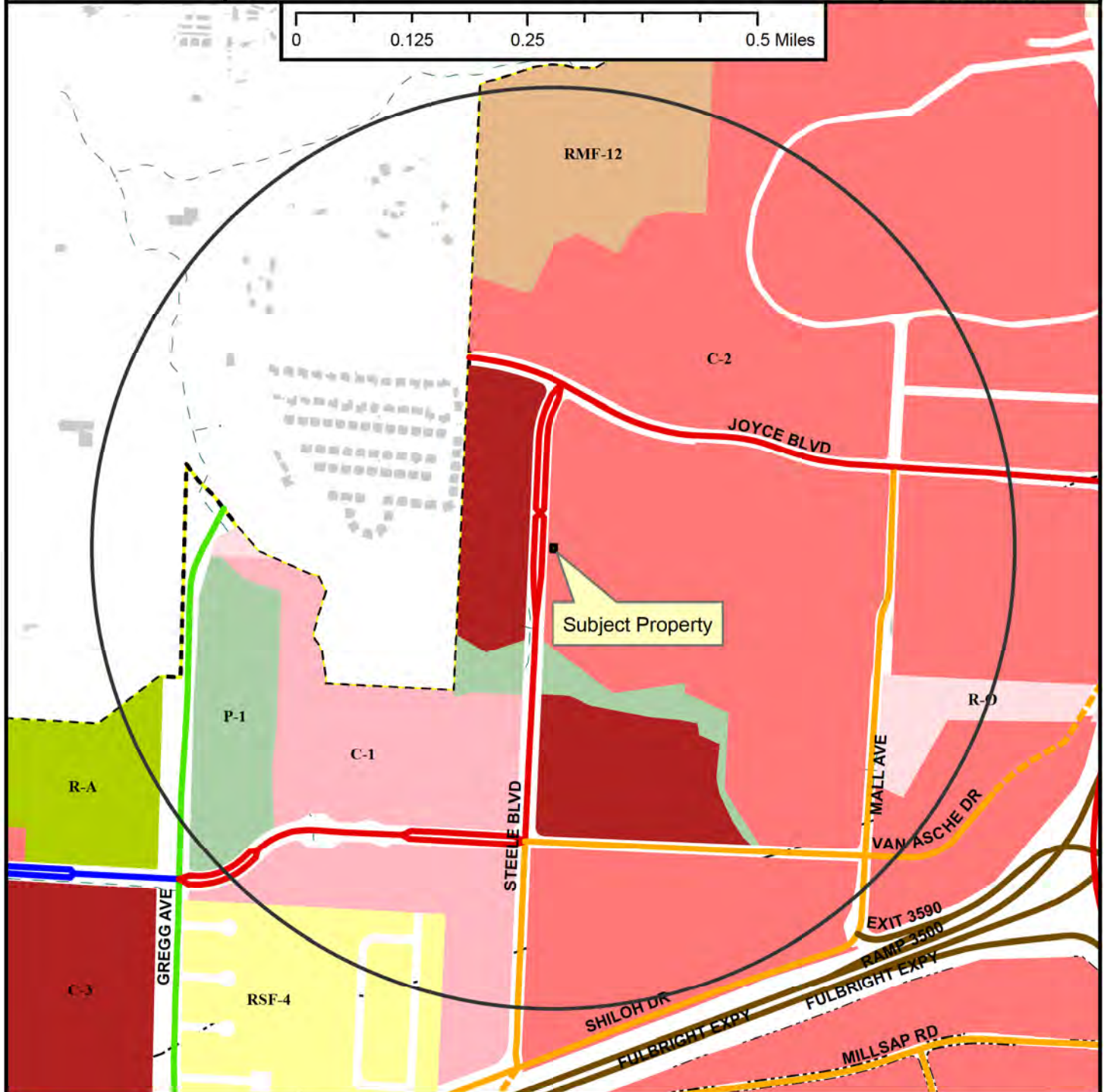
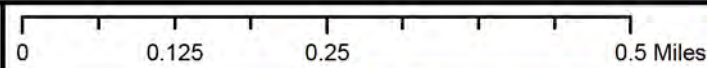
- C-2
- C-3
- P-1

VAC19-6671

MALCO RETAIL LOT



One Mile View



Legend

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



- | | |
|---|---|
| Zoning
RESIDENTIAL SINGLE-FAMILY
RSF-5 Residential-Agricultural
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18
RESIDENTIAL MULTI-FAMILY
RMF-12 Residential Two and Three-family
RMF-6
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 |
|---|---|