

City of Fayetteville Staff Review Form

2019-0376

Legistar File ID

7/2/2019

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

Garner Stoll

6/14/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 19-6689: Vacation (1923 N. CANDLESHOE DR./PILCHER, 373): Submitted by MARITA PILCHER for property located at 1923 N. CANDLESHOE DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.02 acres. The request is to vacate a portion of a general 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 JULY 2, 2019

TO: Mayor and City Council

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

FROM: Jonathan Curth, Senior Planner

DATE: June 14, 2019

SUBJECT: **VAC 19-6689: Vacation (1923 N. CANDLESHOE DR./PILCHER, 373):**
Submitted by MARITA PILCHER for property located at 1923 N. CANDLESHOE DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.02 acres. The request is to vacate a portion of a general utility easement.

RECOMMENDATION:

Staff and Planning Commission recommend approval of **VAC 19-6689** as shown in the attached Exhibits 'A' and 'B' and with the following conditions 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 in East Fayetteville, one lot south of the intersection on Madison Drive and Candleshoe Drive, and on the west side of Candleshoe. The property is currently developed with single-family dwelling.

Proposal: The applicant proposes to vacate a portion of an existing 20-foot utility easement running north-to-south along the subject property's western property line. The area to be vacated totals approximately 700-square feet (see attached Exhibit 'A').

DISCUSSION:

At the June 10, 2019 Planning Commission meeting, this item was forwarded as part of the consent agenda to the City Council with a recommendation of approval, with all conditions as recommended by staff.

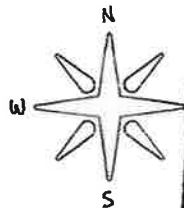
BUDGET/STAFF IMPACT:

N/A

Attachments:

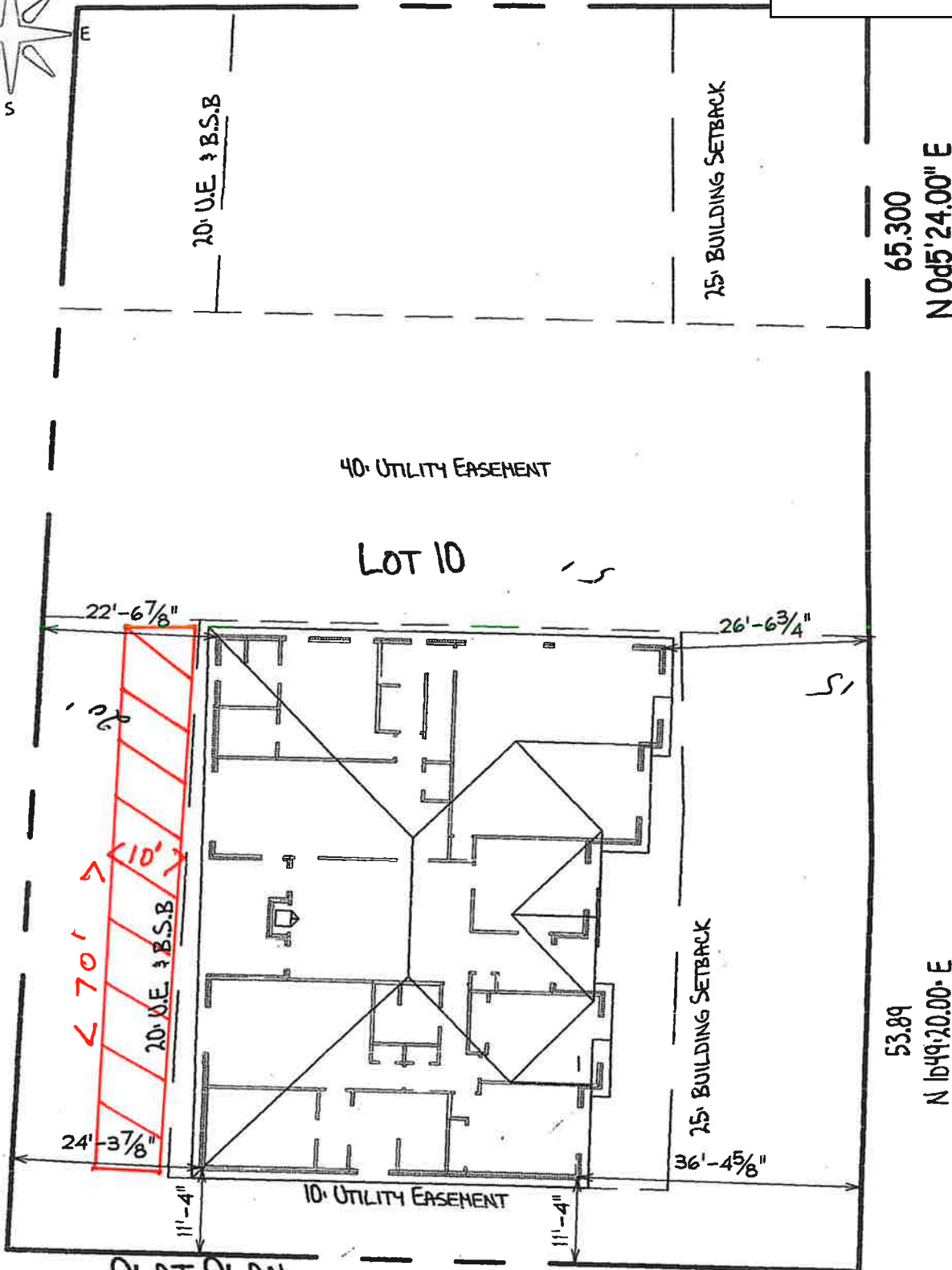
- Exhibit A
- Exhibit B
- Planning Commission packet

- Site-plan -
(house-on-lot.)
161.840
N 3°16'8.57" E



101.17
N 89°40'42.00" E

19-6689
EXHIBIT 'A'

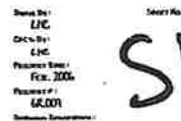


PLAT PLAN

SCALE: 1" = 20'-0"

109.11
N 88°10'40.00" W

A NEW HOME FOR THE FAMILY OF
-BUDDY POEPLER-
CRYSTAL COVE P.D.A. LOT # 10



SI

19-6689
EXHIBIT 'B'

The eastern 10' of the existing 20' easement, said easement being 70' in length, located at 1923 N. Candleshoe Drive, Fayetteville, Arkansas, Lot 10, Crystal Cove Subdivision.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: June 10, 2019 (**Updated with Planning Commission Results**)

SUBJECT: **VAC 19-6689: Vacation (1923 N. CANDLESHOE DR./PILCHER, 373):**
Submitted by MARITA PILCHER for property located at 1923 N. CANDLESHOE DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.40 acres. The request is to vacate a portion of a general utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 19-6689** 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 19-6689** to City Council with a recommendation for approval with the conditions as recommended by staff."

BACKGROUND:

The subject property is located in East Fayetteville, one lot south of the intersection on Madison Drive and Candleshade Drive, and on the west side of Candleshoe. The property is currently developed with single-family dwelling. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Pond (Starr Lake SD POA Property)	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

Proposal: The applicant proposes to vacate a portion of an existing 20-foot utility easement running north-to-south along the subject property's western property line. The area to be vacated totals approximately 700-square feet.

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 the remainder of the north-south easement along the western property line remain.

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.

City of FayettevilleResponse

Water/Sewer

No objections and no comment.

Solid Waste & Recycling

N/A

Transportation

N/A

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC 19-6689** 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 **YES**

Date: **June 10, 2019** ☐ Tabled ☒ Forwarded ☐ Denied

Motion: Belden, on the Consent Agenda

Second: Brown

Vote: 7-0-1, Johnson abstained

BUDGET/STAFF IMPACT:

None

Attachments:

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

Petition to Vacate

PETITION TO VACATE the Eastern 10' of the existing 20' utility easement, said easement being 70' in length, located at 1923 N. Candleshoe Drive, Fayetteville, Arkansas, Lot 10, Crystal Cove Subdivision.

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

We, the undersigned, being all the owners of the real estate abutting the utility easement hereinafter sought to be abandoned and vacated, lying at lot 10, Crystal Cove Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of a utility easement which is described as follows:

The Eastern 10' of the existing 20' utility easement, said easement being 70' in length, located at 1923 N. Candleshoe Drive, Fayetteville, Arkansas, Lot 10, Crystal Cove Subdivision.

The petitioners request that the City of Fayetteville, Arkansas, vacate the utility easement as described above to the property of 1923 N. Candleshoe Dr., Fayetteville and that the above described real estate be available for use to the benefit and purpose of the abutting property as approved by law.

The petitioner's further request that the above real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully request that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to the utility and sewer easements, and that title of said real estate sought to be vacated 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 utility easement.

Dated this 29 day of April, 2019.

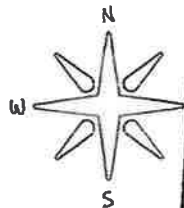
MARITA Pilcher
Printed Name

Marita Pilcher
Signature

Michael T. Pilcher
Printed Name

Michael T. Pilcher
Signature

- Site-plan -
(house-on-lot.)
161.840
N 3°16'8.57" E



101.17
N 89°40'42.00" E

VAC 19-6689
**Vacation
Exhibit**

20' U.E. & B.S.B

25' BUILDING SETBACK

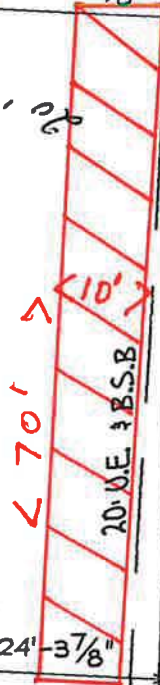
65.300
N 0d5'24.00" E

40' UTILITY EASEMENT

LOT 10

22'-6⁷/₈"

26'-6³/₄"



20' U.E. & B.S.B

25' BUILDING SETBACK

53.89
N 1d49'20.00" E

24'-3⁷/₈"

10' UTILITY EASEMENT

36'-4⁵/₈"

PLAT PLAN

SCALE: 1" = 20'-0"

109.11
N 88°10'40.00" W

A NEW HOME FOR THE FAMILY OF
-BUDDY POEPLER-
CRYSTAL COVE P.D.A. LOT # 10

Centerline of Street

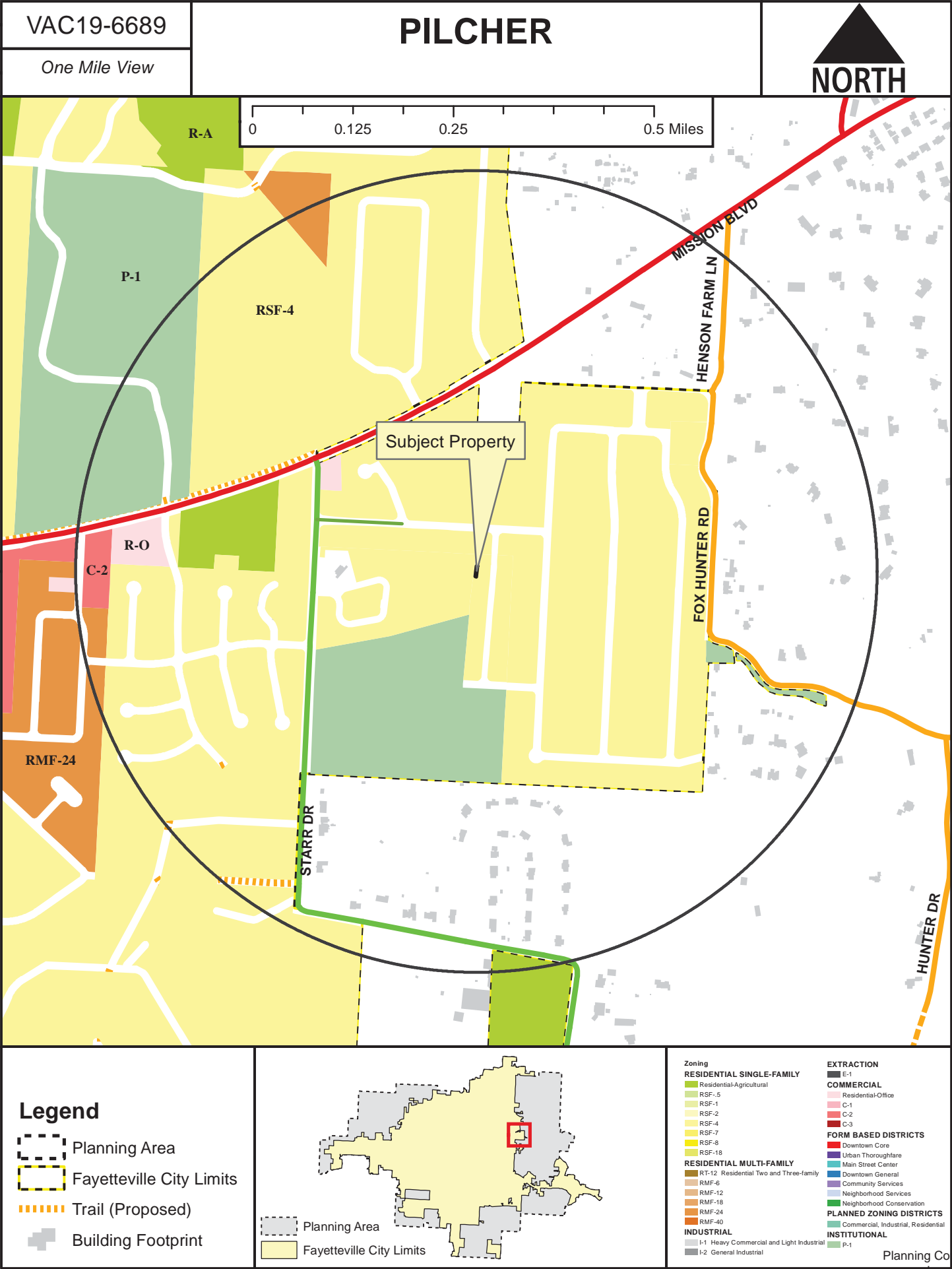
DWGS BY
FACED BY
CHECKED BY
DATE
10/10/2019



NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
3. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF ALL UTILITIES.
4. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF ALL FOUNDATION WORK.
5. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF ALL ROOFING WORK.
6. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF ALL INTERIOR FINISHES.
7. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF ALL EXTERIOR FINISHES.
8. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF ALL LANDSCAPING WORK.
9. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF ALL FURNITURE AND APPLIANCES.
10. THE OWNER SHALL BE RESPONSIBLE FOR THE COST OF ALL OTHER ITEMS NOT SPECIFICALLY LISTED.

Drawn By:
LHC
Checked By:
CHC
Plotted By:
FACED BY
Date:
10/10/2019

SI



VAC19-6689

PILCHER

Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint

Feet
0 75 150 300 450 600
1 inch = 200 feet

- RSF-4
- P-1

VAC19-6689

Current Land Use

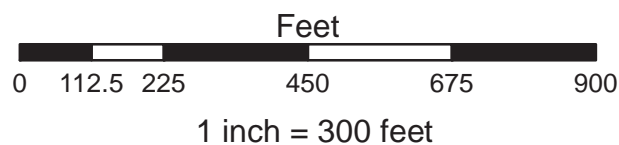
PILCHER



Streets Existing

MSP Class

- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway