

City of Fayetteville Staff Review Form

2019-0544

Legistar File ID

9/17/2019

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

Garner Stoll

8/29/2019

DEVELOPMENT SERVICES (620)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

LSP 19-6795: Lot Split (2763 N. CROSSOVER ROAD/CITY MULTI-USE TRAILS, 293-294): Submitted by DEVELOPMENT SERVICES DEPARTMENT for properties located at 2763 N. CROSSOVER ROAD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 2.11 acres. The request is for City Council approval of a non-conforming lot split pursuant to UDC § 164.20 to facilitate construction of a public multi-use trail.

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 SEPTEMBER 17, 2019

TO: Mayor; Fayetteville City Council

THRU: Garner Stoll, Development Services Director

FROM: Andrew Garner, City Planning Director
Matt Mihalevich, Trails Coordinator

DATE: August 28, 2018

SUBJECT: **LSP 19-6795: Lot Split (2763 N. CROSSOVER ROAD/CITY MULTI-USE TRAILS, 293-294):** Submitted by DEVELOPMENT SERVICES DEPARTMENT for properties located at 2763 N. CROSSOVER ROAD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 2.11 acres. The request is for City Council approval of a non-conforming lot split pursuant to UDC § 164.20 to facilitate construction of a public multi-use trail.

RECOMMENDATION:

Staff recommends approval of a lot split to facilitate a land purchase and construction of a public multi-use trail across the subject property.

BACKGROUND:

The subject property includes one parcel located at 2763 N. Crossover Road. The parcel is zoned R-A, Residential Agricultural, contains approximately 2.11 acres and is developed with one single-family dwelling built in 1993. The western portion of the property is bisected by Niokaska Creek and is shown on the Active Transportation Plan as the future location of a piece of the Niokaska Multi-use Trail (see attached exhibit).

Request: The City proposes to split the applicant's property into two lots as shown on Exhibit 'A'. The western lot (Tract B) would be 0.42 acres and would be a land-locked parcel containing the Niokaska Creek and Trail corridor and is being purchased by the city for \$14,886.00. The eastern lot (Tract A) would be 1.69 acres and would retain the property owners' single family dwelling, shop, and driveway access to Crossover Road. The lot split configuration was agreed between the property owner and City staff as part of the negotiation for construction of the trail through this area. The property owner does not want to own the property for the trail. This necessitates a lot split to create a legal lot to be purchased by the City. The proposed Tracts A and B would be non-conforming as neither meet the R-A District bulk and area minimums of 2 acres, and Tract B would not meet the required 200 feet of street frontage.

DISCUSSION:

The proposed lot split creating non-conforming lots is necessary to facilitate construction of a public multi-use trail. Fayetteville Unified Development Code §164.20 allows this type of proposal:

***Fayetteville Unified Development Code
164.20 Approval Of Vital Municipal Facilities***

Regardless of any other provision within the Unified Development Code, the City Council after a public hearing and by a two-thirds majority vote may approve a Lot Split, Lot Line Adjustment or other appropriate development action and authorize the construction of a vital municipal facility including, but not limited to: a water storage tank, water or sewer pump station, water or sewer pipelines, fire station, police station, public communications facility and all accessory structures needed for such facilities.

The proposed lot split is recommended pursuant to the above referenced code section as necessary for an essential public facility.

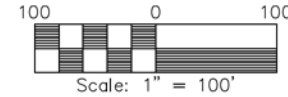
BUDGET/STAFF IMPACT:

N/A

Attachments:

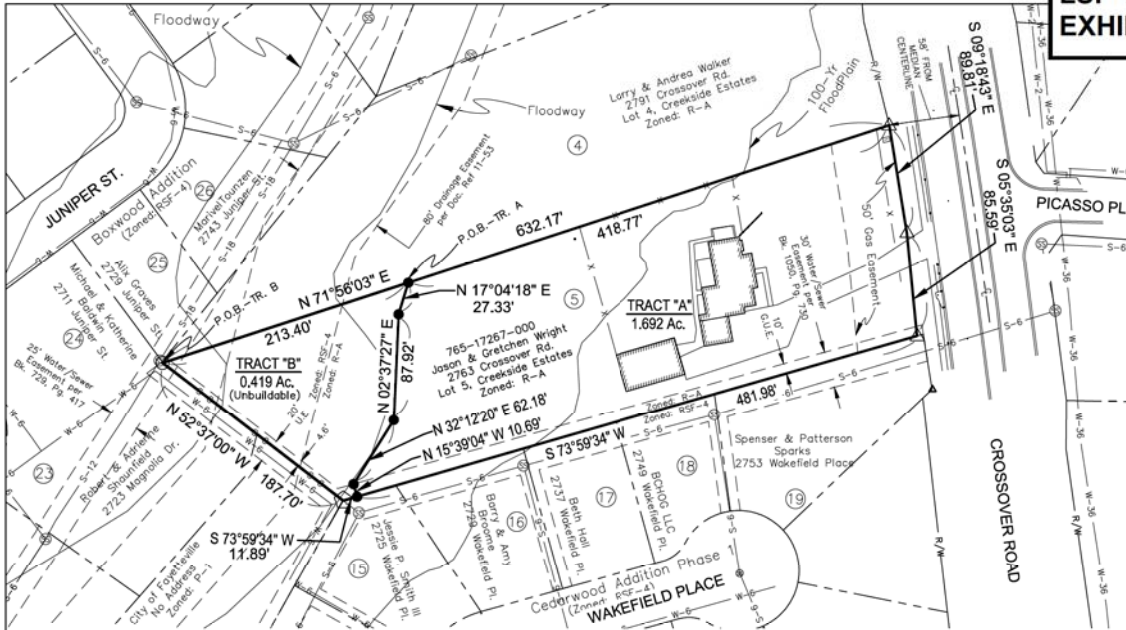
- Exhibit A, Proposed Lot Split
- Request Letter
- Trails Master Plan
- Vicinity Maps

LSP 19-6795 EXHIBIT 'A'



BUILDING SETBACKS: ZONING R-A

Front	30'
Side	20'
Rear	35'



ORIGINAL PROPERTY DESCRIPTION

LOT 5, CREEKSIDE ESTATES, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER THE FINAL PLAT RECORDED IN PLAT RECORD BOOK 11, AT PAGE 53, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS. **LESS AND EXCEPT:** PART OF LOT 5 OF CREEKSIDE ESTATES, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, TOWNSHIP 17 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT BEING USED AS THE NORTHWEST CORNER OF LOT 5 OF CREEKSIDE ESTATES; THENCE NORTH 71°52'57" EAST ALONG THE NORTH LINE OF LOT 5 OF CREEKSIDE ESTATES A DISTANCE OF 633.50 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ARKANSAS STATE HIGHWAY 265 AS ESTABLISHED BY AHTD JOB 4704; THENCE SOUTH 09°16'52" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 89.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 09°16'52" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 84.80 FEET TO A POINT ON THE SOUTH LINE OF LOT 5 OF CREEKSIDE ESTATES; THENCE SOUTH 73°59'44" WEST ALONG SAID SOUTH LINE A DISTANCE OF 5.51 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ARKANSAS STATE HIGHWAY 265 AS ESTABLISHED BY AHTD JOB 040517; THENCE NORTH 05°36'51" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 85.62 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.111 ACRES, MORE OR LESS.

TRACT 'A' PROPERTY DESCRIPTION

PART OF LOT 5, CREEKSIDE ESTATES, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER THE FINAL PLAT RECORDED IN PLAT RECORD BOOK 11, AT PAGE 53, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN LABELED PLS 56 BEING USED AS THE NORTHWEST CORNER OF LOT 5 OF CREEKSIDE ESTATES; THENCE NORTH 71°56'03" EAST ALONG THE NORTH LINE OF LOT 5 OF CREEKSIDE ESTATES A DISTANCE OF 213.40 FEET TO THE POINT OF BEGINNING BEING AN IRON PIN WITH CAP COF PS 1514; THENCE CONTINUING NORTH 71°56'03" EAST ALONG THE SAID NORTH LINE OF LOT 5, 418.77 FEET TO A FOUND ALUMINUM CAP LABELED AHTD PS 1710 ON THE WESTERLY RIGHT OF WAY LINE OF ARKANSAS STATE HIGHWAY 265 AS ESTABLISHED BY AHTD JOB 4704; THENCE SOUTH 09°18'43" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 89.81 FEET TO A FOUND ALUMINUM CAP LABELED A.H.T.D. PS 1710; THENCE CONTINUING SOUTH 05°35'03" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 85.59 FEET TO A FOUND ALUMINUM CAP LABELED A.H.T.D. PS 1710 ON THE SOUTHEASTERLY LINE OF LOT 5 OF CREEKSIDE ESTATES; THENCE SOUTH 73°59'34" WEST ALONG SAID SOUTHEASTERLY LINE A DISTANCE OF 481.98 FEET TO AN IRON PIN WITH CAP COF PS #1514; THENCE LEAVING SAID SOUTHEASTERLY LINE NORTH 15°39'04" WEST 10.69 FEET TO AN IRON PIN WITH CAP COF PS 1514; THENCE NORTH 32°12'20" EAST 62.18 FEET TO AN IRON PIN WITH CAP COF PS 1514; THENCE NORTH 02°37'27" EAST 87.92 FEET TO AN IRON PIN WITH CAP COF PS 1514; THENCE NORTH 17°04'18" EAST 27.33 FEET THE POINT OF BEGINNING AND CONTAINING 1.692 ACRES, MORE OR LESS.

TRACT 'B' PROPERTY DESCRIPTION

PART OF LOT 5, CREEKSIDE ESTATES, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER THE FINAL PLAT RECORDED IN PLAT RECORD BOOK 11, AT PAGE 53, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIN LABELED PLS 56 BEING USED AS THE NORTHWEST CORNER OF LOT 5 OF CREEKSIDE ESTATES; THENCE NORTH 71°56'03" EAST ALONG THE NORTH LINE OF LOT 5 OF CREEKSIDE ESTATES A DISTANCE OF 213.40 FEET TO THE AN IRON PIN WITH CAP LABELED COF PS 1514; THENCE LEAVING SAID NORTH LINE OF LOT 5 SOUTH 17°04'18" WEST 27.33 FEET TO AN IRON PIN WITH CAP LABELED COF PS 1514; THENCE SOUTH 02°37'27" WEST 87.92 FEET TO AN IRON PIN WITH CAP LABELED COF PS 1514; THENCE SOUTH 32°12'20" WEST 62.18 FEET TO AN IRON PIN WITH CAP LABELED COF PS 1514; THENCE SOUTH 15°39'04" EAST 10.69 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 5 AND AN IRON PIN WITH CAP LABELED COF PS 1514; THEN ALONG SAID SOUTHEASTERLY LINE SOUTH 73°59'34" WEST 11.89 FEET TO A FOUND REBAR IN CONCRETE BEING THE MOST SOUTHERLY POINT OF SAID LOT 5; THENCE NORTH 02°37'00" WEST 187.70 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 5 TO THE POINT OF BEGINNING AND CONTAINING 0.419 ACRES, MORE OR LESS.

CERTIFICATE OF OWNERSHIP & DEDICATION:

WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO THE CITY OF FAYETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

TRACT A OWNER: JASON AND GRETCHEN WRIGHT
2763 CROSSOVER ROAD
FAYETTEVILLE, AR. 72703

DATE _____ JASON WRIGHT
DATE _____ GRETCHEN WRIGHT

FLOOD CERTIFICATION:

A portion of this property is located within Flood Zone "A" OR "AE" as determined by the National Flood Insurance Program, Flood Insurance Rate Map for Washington County, Arkansas.
FIRM Panel #0514C0230F Dated April 2, 2008

LEGEND

- △ FOUND ALUMINUM CAP LABELED A.H.T.D. PS 1710
- ◇ REBAR IN CONCRETE
- FOUND IRON PIN #56
- SET REBAR W/CAP #1514
- WATER METER

SURVEYOR'S STAMP

CIRCUIT CLERK STAMP

PLANNING STAMP

CERTIFICATION:

THIS IS TO CERTIFY that the plat hereon is a true representation of the above described property as determined by survey and that I, Daryl V. Doyal, P.L.S. #1514, have surveyed and marked on the ground the boundaries and corners as shown and that there are no encroachments or protrusions except as shown herein.

PLAT PAGES 293 & 294

SURVEYED BY: DVD +JB
DRAWN BY: JTS
DESIGNED BY:
FILE NAME: Wright Lot Split.dwg

LOT SPLIT
CITY OF FAYETTEVILLE AND
JASON AND GRETCHEN WRIGHT

REVISIONS

CITY OF
FAYETTEVILLE
ARKANSAS
ENGINEERING DIVISION
1113 W. MOUNTAIN STREET
FAYETTEVILLE, AR 72703

Aug 26, 2019

1

PROJECT: Wright Lot Split



August 13th, 2019

Jason & Gretchen Wright
2763 Crossover Road
Fayetteville, AR 72703
765-17267-000

RE: Lot Split 19-6795

The City of Fayetteville has been working with property owners to acquire property for the Niokaska Creek Trail that will connect Gulley Park to the Razorback Regional Greenway. Jason and Gretchen Wright own property where the trail is planned and have agreed to sell a 0.419 portion of their property to the City. The property owner prefers to sell the western part of property including the creek instead of creating a multi-use trail easement. A lot split is required for the City to purchase the portion of the Wright's property for the Niokaska Creek Trail as shown on the attached plat.

The zoning of this property is R-A and the minimum size for this zoning is 2 acres. The current tract parcel 765-17267-000 is 2.111 acres. The proposed lot split creates Tract "B" at 0.419 acres and the remaining Tract "A" will be 1.692 acres. Once split, Tract "A" will be below the required 2 acres for R-A zoning therefore two non-conforming lots will be created. City Council approval for the non-conforming lots will be requested.

Sincerely,

Matt Mihalevich,
Trails Coordinator



LSP19-6795

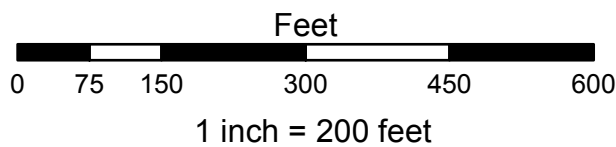
Current Land Use

WRIGHT



Streets Existing MSP Class

- PRIN ARTERIAL PKWY
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



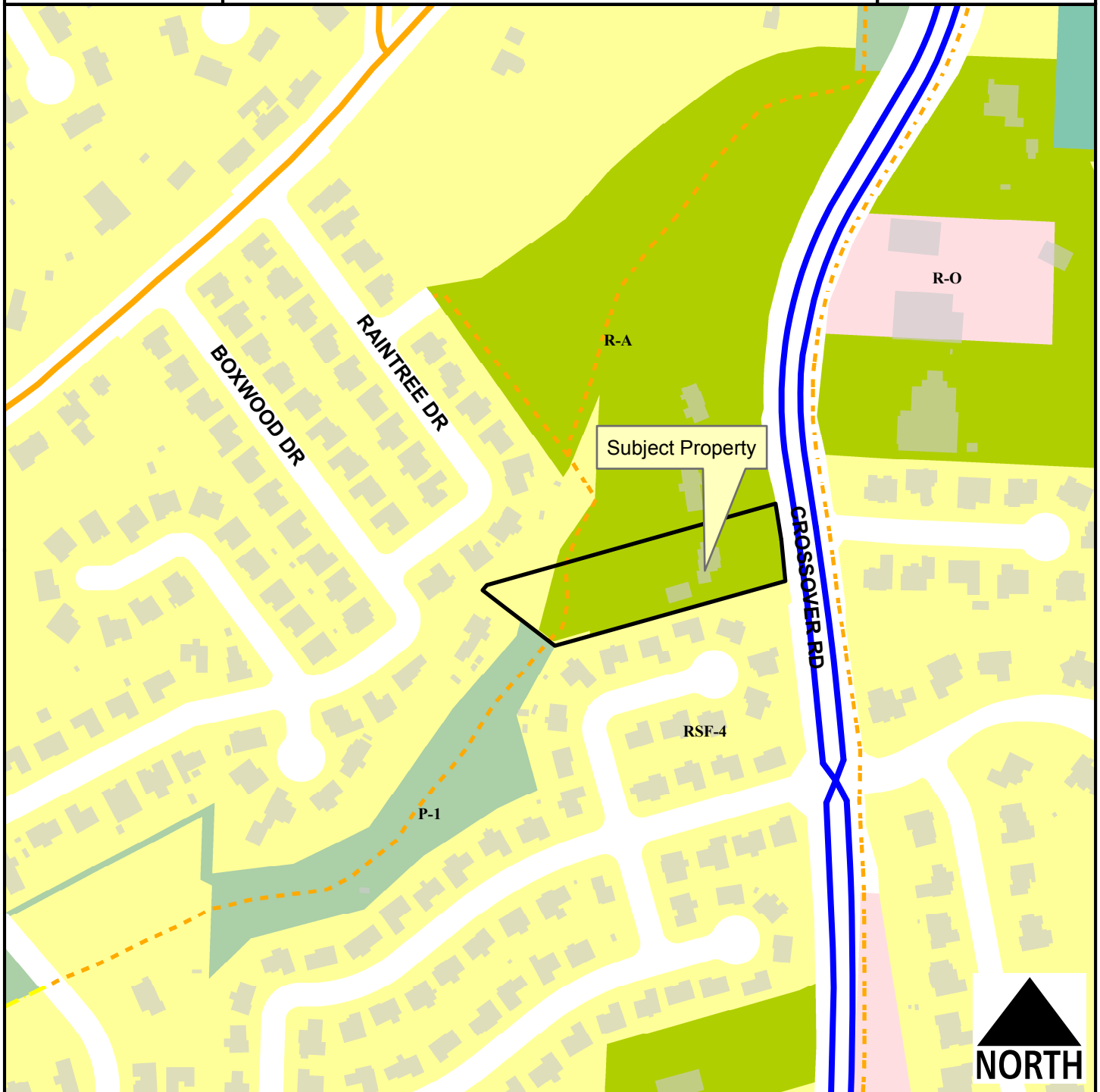
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

LSP19-6795

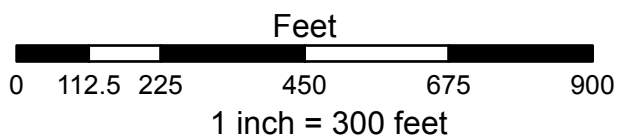
WRIGHT

Close Up View



Legend

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



- Residential-Agricultural
- RSF-4
- Residential-Office
- Commercial, Industrial, Residential
- P-1

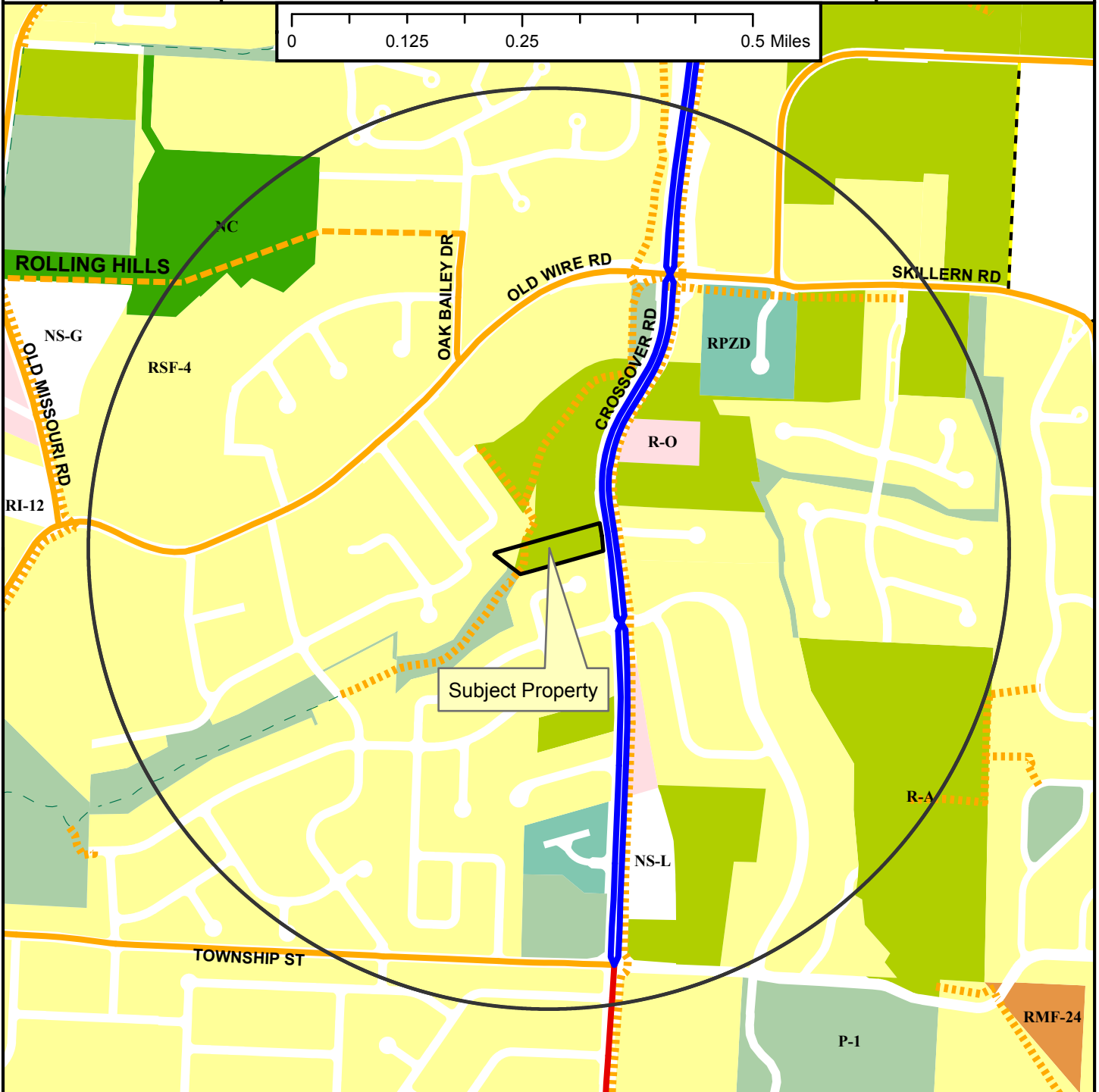
LSP19-6795

One Mile View

WRIGHT



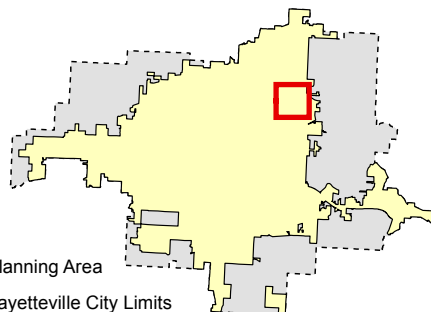
0 0.125 0.25 0.5 Miles



Legend

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

- Planning Area
- Fayetteville City Limits



Zoning

RESIDENTIAL SINGLE-FAMILY

- RSF-5 Residential-Agricultural
- 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

COMMERCIAL

- E-1 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