

City of Fayetteville Staff Review Form

2019-0553

Legistar File ID

9/17/2019

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

Garner Stoll

8/30/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 19-6768: Vacation (SE OF S. ARMSTRONG AVE. & HAPPY HOLLOW RD./FAYETTEVILLE FLEET TRUCK WASH, 604): Submitted by OLSSON, INC. for property located SE OF S. ARMSTRONG AVE. & HAPPY HOLLOW RD The property is zoned I-2, GENERAL INDUSTRIAL and contains approximately 1.10 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 SEPTEMBER 17, 2019**

**TO:** Mayor; Fayetteville City Council

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

**FROM:** Jonathan Curth, Senior Planner

**DATE:** August 30, 2019

**SUBJECT:** **VAC 19-6768: Vacation (SE OF S. ARMSTRONG AVE. & HAPPY HOLLOW RD./FAYETTEVILLE FLEET TRUCK WASH, 604):** Submitted by OLSSON, INC. for property located SE OF S. ARMSTRONG AVE. & HAPPY HOLLOW RD The property is zoned I-2, GENERAL INDUSTRIAL and contains approximately 1.10 acres. The request is to vacate a portion of a general utility easement.

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**RECOMMENDATION:**

Staff and Planning Commission recommend approval of **VAC 19-6768** 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 in the Fayetteville industrial park, on the east side of Armstrong Avenue, and immediately south of the City's animal shelter. The property is currently undeveloped. In early July of 2019, a development proposal was submitted for the site to construct a truck wash for City vehicles.

*Proposal:* The applicant proposes to vacate a portion of an existing utility easement that encumbers all of the property between South Armstrong Avenue and the City's Compost Facility. The area to be vacated totals approximately 1.10 acres and is necessary prior to the construction of the City's truck wash building.

**DISCUSSION:**

At the August 26, 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:**

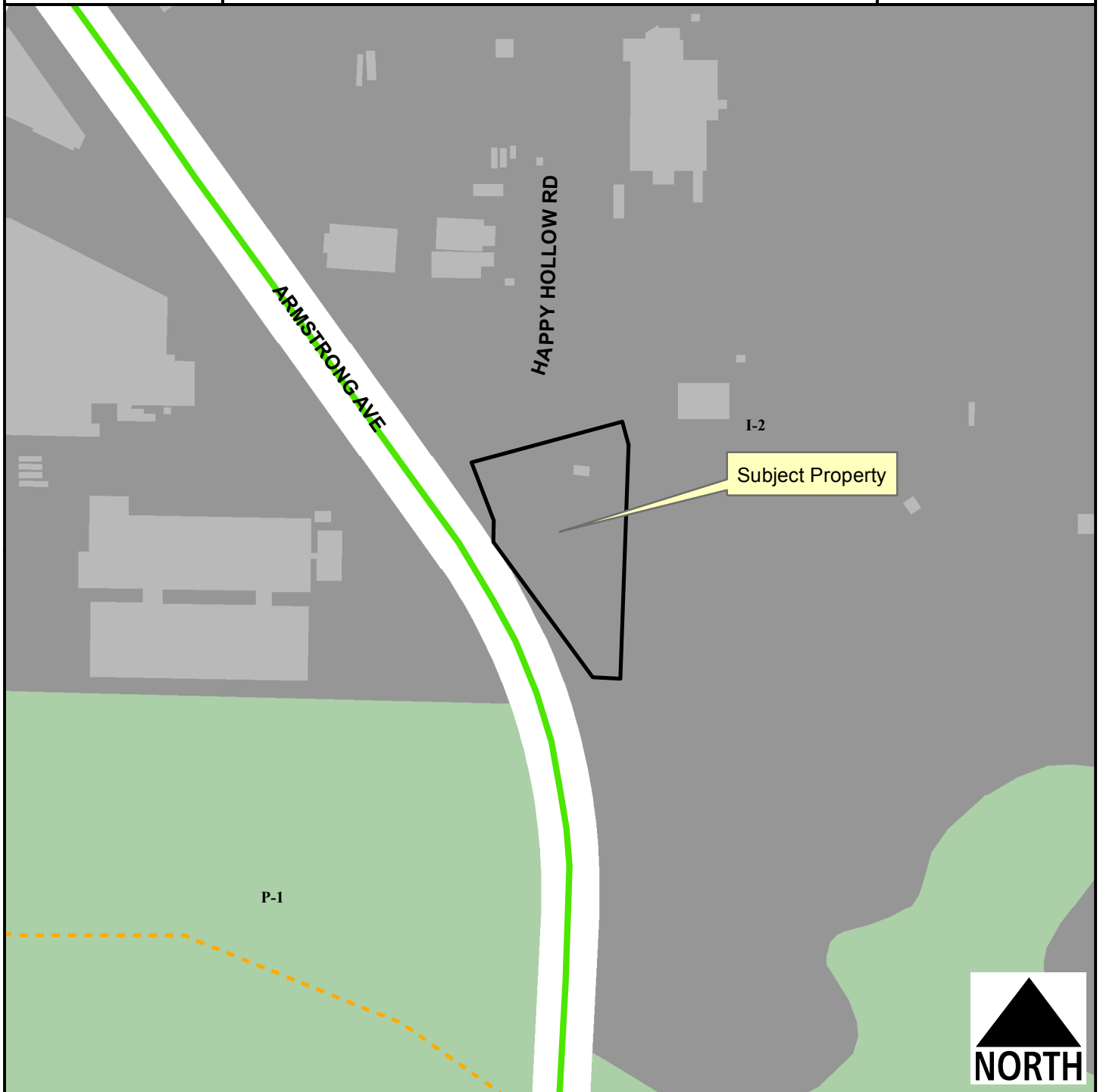
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

VAC19-6768

# FAY. FLEET TRUCK WASH

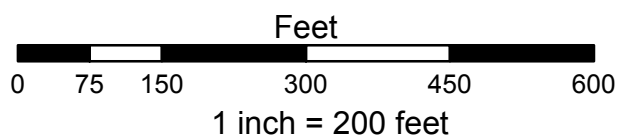
**EXHIBIT 'A'**  
**19-6768**

*Close Up View*



## Legend

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



- I-2 General Industrial
- P-1

**EXHIBIT 'B'**  
**19-6768**

A part of the Southwest Quarter (SW ¼) of Section 23, Township 16 North, Range 30 West in Washington County, Arkansas being more particularly described as follows: Commence at the found monument at the Southwest Corner of said Section 23, as shown on the plat of survey for the Final Replat of Fayetteville Industrial Park signed by Arnold D. Rankins, PS #849, dated July 20, 1995, recorded in Plat Book 14 at page 26 in the records of Washington County, Arkansas and run thence North 02° 29' 05" East along the boundary line of said survey and the West line of said Section 23 a distance of 507.05 feet; thence leaving said section line South 82° 42' 46" East along said boundary line a distance of 243.40 feet; thence North 07° 17' 16" East along said boundary line a distance of 390.00 feet; thence North 82° 42' 46" West along said boundary line a distance of 276.17 feet to said West line of said Section 23; thence North 02° 29' 05" East along said boundary line and said West line of said Section 23 a distance of 2390.50 feet; thence leaving said West line of said Section 23 South 86° 48' 55" East along said boundary line a distance of 1331.19 feet; thence South 03° 10' 14" West along said boundary line a distance of 139.94 feet to a point on the East line of a 50 foot wide road right of way, said road presently named South Happy Hollow Road; thence South 02° 02' 14" West along said East right of way line a distance of 151.41 feet to a Magnetic Nail; thence leaving said East right of way line continue South 02° 02' 14" West a distance of 1036.87 feet; thence South 87° 06' 46" East a distance of 87.85 feet; thence South 00° 20' 47" East a distance of 54.98 feet to the "TRUE POINT OF BEGINNING" of this existing General Utility Easement vacation description; thence South 15° 10' 49" East a distance of 33.35 feet; South 02° 02' 14" West a distance of 321.49 feet; thence North 87° 07' 00" West a distance of 38.51 feet; thence North 36° 16' 21" West a distance of 230.58 feet; thence North 01° 12' 35" East a distance of 29.56 feet; thence North 21° 10' 02" West a distance of 85.64 feet; thence North 74° 51' 57" East a distance of 215.35 feet to the point of beginning, containing 47,933 square feet or 1.10 acres, more or less.



**TO:** Fayetteville Planning Commission

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

**FROM:** Jonathan Curth, Senior Planner

**MEETING DATE:** August 26, 2019 **(Updated with Planning Commission Results)**

**SUBJECT:** **VAC 19-6768: Vacation (SE OF ARMSTRONG AVE. & HAPPY HOLLOW RD./FAY. FLEET TRUCK WASH, 604):** Submitted by CITY STAFF for property located SE OF ARMSTRONG AVE. & HAPPY HOLLOW RD. The property is zoned I-2, GENERAL INDUSTRIAL and contains approximately 1.10 acres. The request is to vacate a portion of a utility easement.

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**RECOMMENDATION:**

Staff recommends forwarding **VAC 19-6768** to the City Council with a recommendation of approval and a condition based on the findings contained in this report.

**RECOMMENDED MOTION:**

"I move to forward **VAC 19-6768** to City Council with a recommendation for approval with the condition as recommended by staff."

**BACKGROUND:**

The subject property is in the Fayetteville industrial park, on the east side of Armstrong Avenue, and immediately south of the City's animal shelter. The property is currently undeveloped. In early July of 2019, a development proposal was submitted for the site to construct a truck wash for City vehicles. Surrounding land use and zoning is depicted in Table 1.

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	City Animal Shelter	I-2, General Industrial
South	Undeveloped	I-2, General Industrial
West	Warehouse	I-2, General Industrial
East	City Compost Facility	I-2, General Industrial

*Proposal:* The applicant proposes to vacate a portion of an existing utility easement that encumbers all of the property between South Armstrong Avenue and the City's Compost Facility. The area to be vacated totals approximately 1.10 acres and is necessary prior to the construction of the City's truck wash building.

**DISCUSSION:**

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

Utility

Cox Communications

AEP/SWEPCO

BlackHills Energy AR

AT&amp;T

Ozarks Electric

Response

No objections and no comment.

No objections and no comment.

No objections and no comment.

No objections and no comment.

No objections and no comment.

City of Fayetteville

Water/Sewer

Solid Waste &amp; Recycling

Transportation

Response

No objections and no comment.

N/A

N/A

**Public Comment:**

No public comment has been received.

**RECOMMENDATION:** Staff recommends forwarding **VAC 19-6768** to the City Council with a recommendation for approval subject to the following condition:

**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:** **August 26, 2019**      ☐ Tabled      ☒ Forwarded      ☐ Denied

**Motion:** Winston, as recommended by staff, on the consent agenda.

**Second:** Johnson

**Vote:** 7-0-0

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**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 PART OF AN EASEMENT LOCATED IN THE FAYETTEVILLE INDUSTRIAL PARK, 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 the Fayetteville Industrial Park, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate part of an easement which is described as follows:

A part of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Section 23, Township 16 North, Range 30 West in Washington County, Arkansas being more particularly described as follows: Commence at the found monument at the Southwest Corner of said Section 23, as shown on the plat of survey for the Final Replat of Fayetteville Industrial Park signed by Arnold D. Rankins, PS #849, dated July 20, 1995, recorded in Plat Book 14 at page 26 in the records of Washington County, Arkansas and run thence North  $02^{\circ} 29' 05''$  East along the boundary line of said survey and the West line of said Section 23 a distance of 507.05 feet; thence leaving said section line South  $82^{\circ} 42' 46''$  East along said boundary line a distance of 243.40 feet; thence North  $07^{\circ} 17' 16''$  East along said boundary line a distance of 390.00 feet; thence North  $82^{\circ} 42' 46''$  West along said boundary line a distance of 276.17 feet to said West line of said Section 23; thence North  $02^{\circ} 29' 05''$  East along said boundary line and said West line of said Section 23 a distance of 2390.50 feet; thence leaving said West line of said Section 23 South  $86^{\circ} 48' 55''$  East along said boundary line a distance of 1331.19 feet; thence South  $03^{\circ} 10' 14''$  West along said boundary line a distance of 139.94 feet to a point on the East line of a 50 foot wide road right of way, said road presently named South Happy Hollow Road; thence South  $02^{\circ} 02' 14''$  West along said East right of way line a distance of 151.41 feet to a Magnetic Nail; thence leaving said East right of way line continue South  $02^{\circ} 02' 14''$  West a distance of 1036.87 feet; thence South  $87^{\circ} 06' 46''$  East a distance of 87.85 feet; thence South  $02^{\circ} 53' 14''$  West a distance of 45.93 feet to the "TRUE POINT OF BEGINNING" of this existing General Utility Easement vacation description; thence South  $15^{\circ} 10' 49''$  East a distance of 43.34 feet; South  $02^{\circ} 02' 14''$  West a distance of 321.49 feet; thence North  $87^{\circ} 07' 00''$  West a distance of 38.51 feet; thence North  $36^{\circ} 16' 21''$  West a distance of 230.58 feet; thence North  $01^{\circ} 12' 35''$  East a distance of 29.56 feet; thence North  $21^{\circ} 10' 02''$  West a distance of 85.64 feet to the beginning of a curve to the left, said curve having a Radius of 100.00 feet, a Chord bearing of North  $57^{\circ} 21' 56''$  East, a Chord Distance of 50.73 feet, thence along the arc of said curve a distance of 51.28 feet; thence leaving said curve North  $76^{\circ} 40' 16''$  East a distance of 167.04 feet to the point of beginning, containing 50,410 square feet or 1.16 acres, more or less.

That the abutted real estate affected by said abandonment of the easement in the Fayetteville Industrial Park are parcel numbers 765-19943-000 and 765-1944-000 which are both owned by the City of Fayetteville and have not been 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.

Dated this 23<sup>rd</sup> day of May, 2019.

Lioneld Jordan

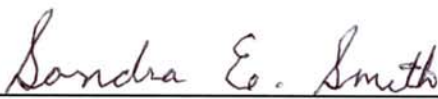
Printed Name



Signature

Sondra E. Smith

Printed Name



Signature





# Vacation Exhibit

**olsson**

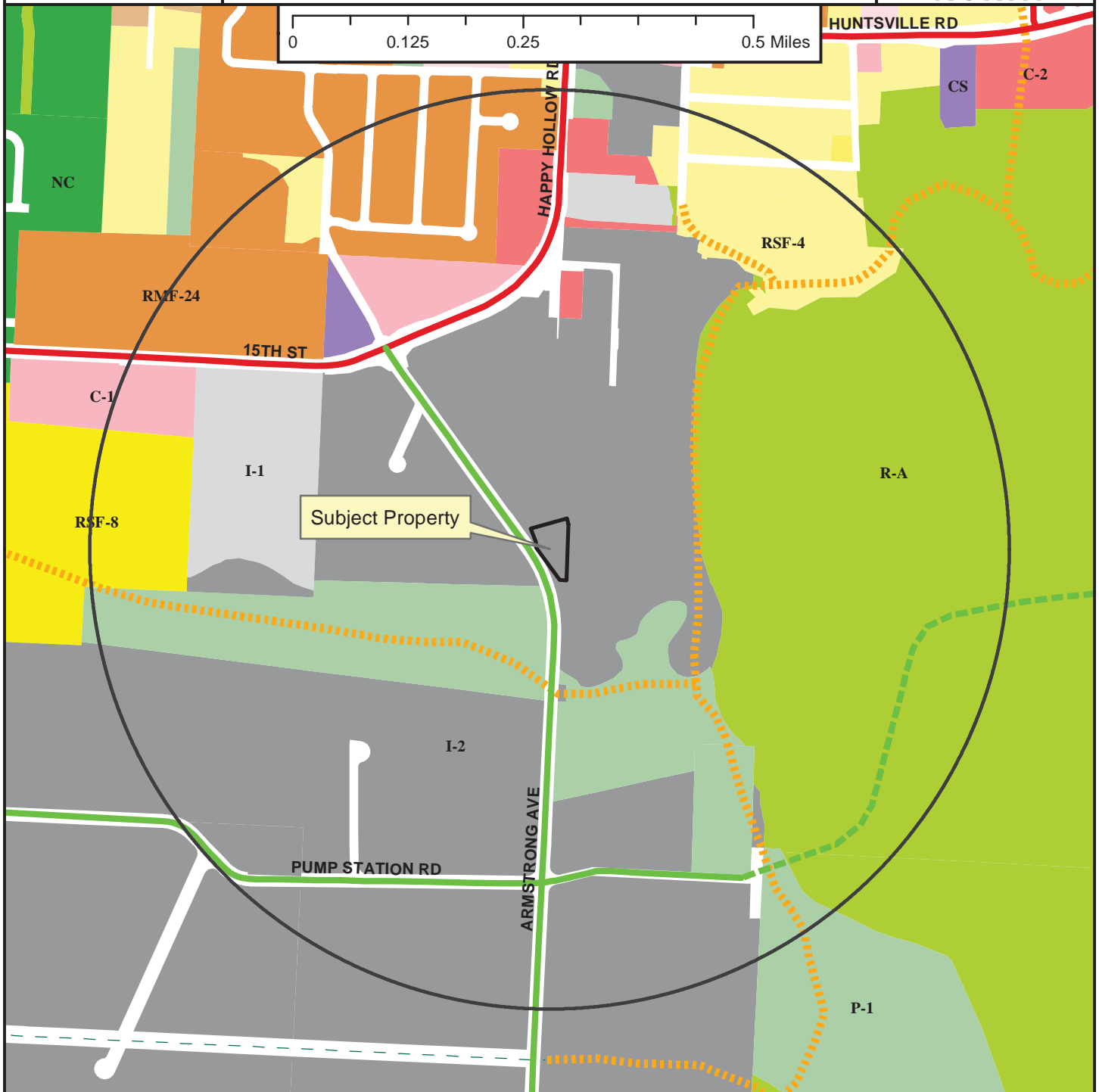
VAC19-6768

# FAY. FLEET TRUCK WASH

One Mile View



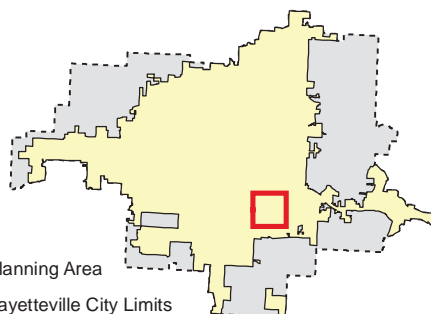
0 0.125 0.25 0.5 Miles



## Legend

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

- Planning Area
- Fayetteville City Limits



- |   |  |
|---|--|
| <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>RT-12 Residential Two and Three-family<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>Commercial-Office<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 |
|---|--|

VAC19-6768

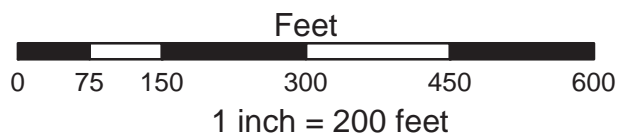
# FAY. FLEET TRUCK WASH

Close Up View



## Legend

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



- I-2 General Industrial
- P-1



VAC19-6768

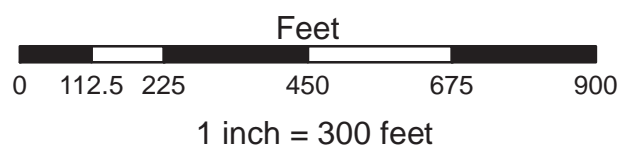
Current Land Use

# FAY. FLEET TRUCK WASH



## Streets Existing MSP Class

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



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway