

City of Fayetteville Staff Review Form

2019-0555

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 19-6782: Vacation (SE OF W. MCMILLAN DR. & N. PAM ANGUS DR./SPRINGS HOSPITALITY, 441): Submitted by ENGINEERING SERVICES, INC. for property located SE OF W. MCMILLAN DR. & N. PAM ANGUS DR. The properties are zoned UT, URBAN THOROUGHFARE and contain approximately 0.12 acres. The request is to vacate a portion of one electrical and one 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 19-6782: Vacation (SE OF W. MCMILLAN DR. & N. PAM ANGUS DR./SPRINGS HOSPITALITY, 441):** Submitted by ENGINEERING SERVICES, INC. for property located SE OF W. MCMILLAN DR. & N. PAM ANGUS DR. The properties are zoned UT, URBAN THOROUGHFARE and contain approximately 0.12 acres. The request is to vacate a portion of one electrical and one general utility easement.

RECOMMENDATION:

Staff and Planning Commission recommend approval of **VAC 19-6782** 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.
2. Additional easement shall be dedicated along Pam Angus Drive towards the public right-of-way, converting the drainage easement to a general utility easement.

BACKGROUND:

The subject property includes a portion of two lots located southeast of McMillan and Pam Angus Drives, near the interchange of Wedington and Interstate 49. These lots were platted with the McMillan Estates subdivision in 2002 and are currently undeveloped. In March of 2019, a development application was submitted for a hotel on the subject property.

Proposal: As a part of a development currently under review, the applicant proposes to vacate portions of two existing easements. The first is a general utility easement that bisects the subject property from northwest to southeast and was platted on the property line between Lots 4 and 6 of McMillan Estates. The second is the northeastern half of an electrical easement that parallels Pam Angus Drive and conflicts with the developer's ability to locate a proposed hotel within the build-to zone.

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

EXHIBIT 'B'

19-6782

EASEMENT VACATION DESCRIPTION:

PART OF LOTS 4 AND 6 OF MCMILLAN ESTATES, A SUBDIVISION IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON FINAL PLAT, PLAT BOOK 23 PAGE 33 OF THE WASHINGTON COUNTY, ARKANSAS RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF LOT 6 OF SAID MCMILLAN ESTATES; THENCE N55°47'54"E A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE N34°13'28"W A DISTANCE OF 204.01 FEET; THENCE N55°48'06"E A DISTANCE OF 20.00 FEET; THENCE S34°13'28"E A DISTANCE OF 204.01 FEET; THENCE S55°47'54"W A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 4,080 SQ.FT., MORE OR LESS.

EASEMENT VACATION DESCRIPTION (EASTERN 5'):

PART OF LOT 6 OF MCMILLAN ESTATES, A SUBDIVISION IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON FINAL PLAT, PLAT BOOK 23 PAGE 33 OF THE WASHINGTON COUNTY, ARKANSAS RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF LOT 6 OF SAID MCMILLAN ESTATES; THENCE N34°13'31"W A DISTANCE OF 40.00 FEET; THENCE N55°47'54"E A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE N34°13'31"W A DISTANCE OF 182.37 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 101.95 FEET, AN ARC LENGTH OF 23.74 FEET AND A CHORD BEARING & DISTANCE OF N27°33'10"W A DISTANCE OF 23.69 FEET; THENCE N63°00'30"E A DISTANCE OF 5.03 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 96.95 FEET, AN ARC LENGTH OF 23.12 FEET AND A CHORD BEARING & DISTANCE OF S27°23'40"E – 23.06 FEET; THENCE S34°13'31"E A DISTANCE OF 182.37 FEET; THENCE S55°47'54"W A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 1,029 SQ.FT., 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 19-6782: Vacation (SE OF W. MCMILLAN DR. & N. PAM ANGUS DR./SPRINGS HOSPITALITY, 441):** Submitted by ENGINEERING SERVICES, INC. for property located SE OF W. MCMILLAN DR. & N. PAM ANGUS DR. The properties are zoned UT, URBAN THOROUGHFARE and contain approximately 0.12 acres. The request is to vacate a portion of one electrical and one general utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 19-6782** 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 19-6782** to City Council with a recommendation for approval with the conditions as recommended by staff."

BACKGROUND:

The subject property includes a portion of two lots located southeast of McMillan and Pam Angus Drives, near the interchange of Wedington and Interstate 49. These lots were platted with the McMillan Estates subdivision in 2002 and are currently undeveloped. 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	UT, Urban Thoroughfare
South	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Pond (Starr Lake SD POA Property)	UT, Urban Thoroughfare; P-1, Institutional
East	Single-family Residential	UT, Urban Thoroughfare; RSF-4, Residential Single-family, 4 Units per Acre

Proposal: As a part of a development currently under review, the applicant proposes to vacate portions of two existing easements. The first is a general utility easement that bisects the subject property from northwest to southeast and was platted on the property line between Lots 4 and 6 of McMillan Estates. The second is the northeastern half of an electrical easement that parallels Pam Angus Drive and conflicts with the developer's ability to locate a proposed hotel within the build-to zone.

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 and no comment
AEP/SWEPCO	No objections, provided the utility easement along Pam Angus is expanded by converting the existing drainage easement in to a general utility easement.
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	No objections and no comment.
Transportation	No objections and no comment.

Public Comment:

The property owner to the south and east of this property has contacted staff inquiring whether this will impact their ability to be served by utilities in the future. Staff advised that underground electrical infrastructure associated with the electrical easement will remain in place along Pam Angus and the proposed utility easement vacation will not remove easement abutting any off-site property lines.

RECOMMENDATION: Staff recommends forwarding **VAC 19-6782** 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; and
 2. Additional easement shall be dedicated along Pam Angus Drive towards the public right-of-way, converting the drainage easement to a general utility easement.
-

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

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 AN *easement* LOCATED IN *lots 4 and 6 of McMillan Estates Subdivision*, 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 *lots 4 and 6 of McMillan Estates Subdivision*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an *easement* which is described as follows:

PART OF LOTS 4 AND 6 OF MCMILLAN ESTATES, A SUBDIVISION IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON FINAL PLAT, PLAT BOOK 23 PAGE 33 OF THE WASHINGTON COUNTY, ARKANSAS RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF LOT 6 OF SAID MCMILLAN ESTATES; THENCE N55°47'54"E A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE N34°13'28"W A DISTANCE OF 204.01 FEET; THENCE N55°48'06"E A DISTANCE OF 20.00 FEET; THENCE S34°13'28"E A DISTANCE OF 204.01 FEET; THENCE S55°47'54"W A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 4,080 SQ.FT., MORE OR LESS.

That the abutting real estate affected by said abandonment of the *easement* are *lots 4 and 6 of McMillan Estates Subdivision of each adjoining lot to the area requested to be vacated* 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 17 day of July, 2019.

SPRINGS HOSPITALITY, LLC

Printed Name

[Signature]

Signature

NARENDER KENNAIKEN MEMBER

Printed Name

Signature

PETITION TO VACATE AN *easement* LOCATED IN lot 6 of McMillan Estates Subdivision, 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 6 of McMillan Estates Subdivision*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an *easement* which is described as follows:

PART OF LOT 6 OF MCMILLAN ESTATES, A SUBDIVISION IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON FINAL PLAT, PLAT BOOK 23 PAGE 33 OF THE WASHINGTON COUNTY, ARKANSAS RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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That the abutting real estate affected by said abandonment of the *easement* is *lot 6 of McMillan Estates Subdivision of each adjoining lot to the area requested to be vacated* 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 17 day of July, 2019. SPRINGS HOSPITALITY, LLC

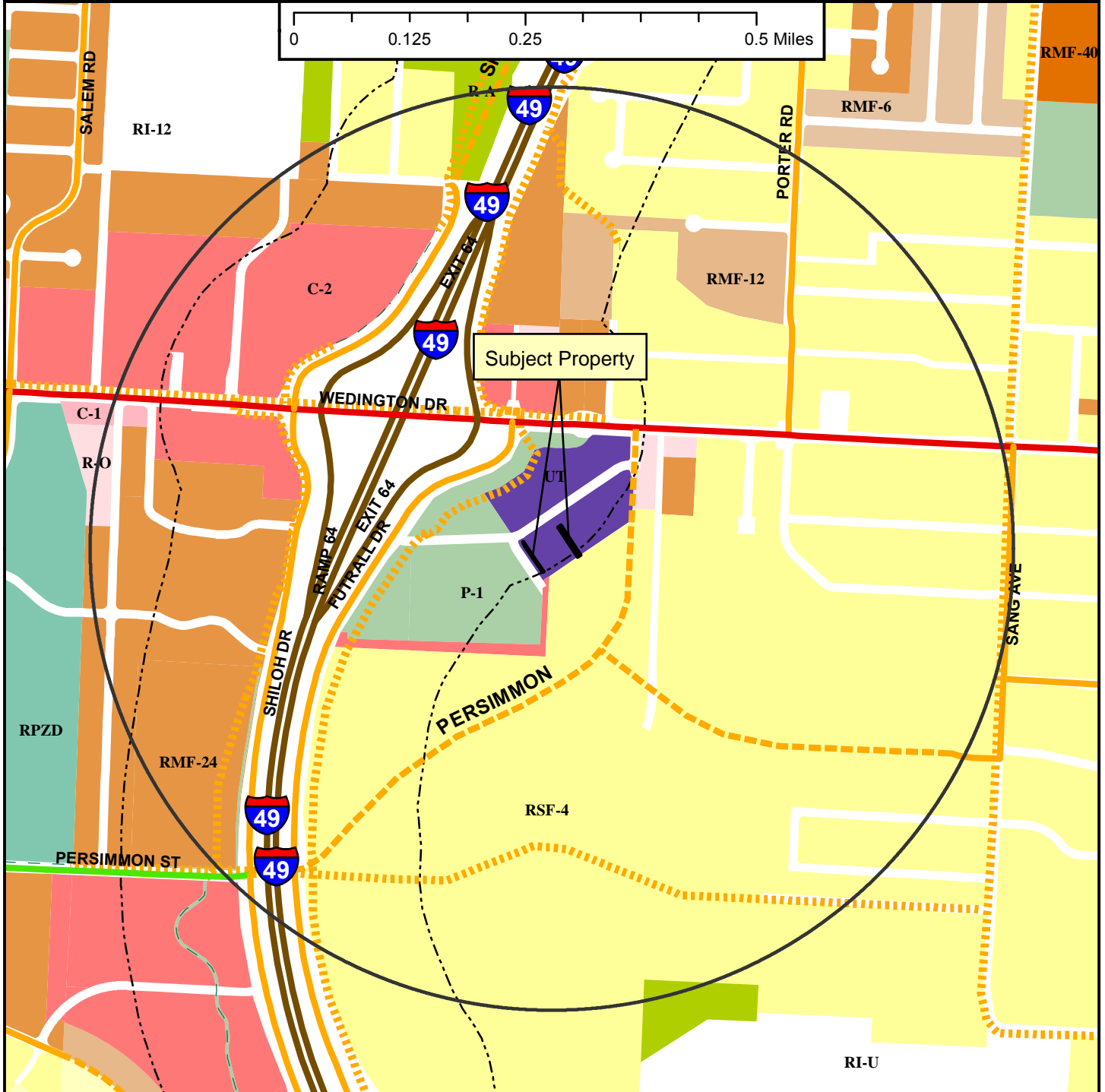
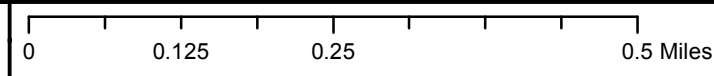
NARENDRA KRUSHIKER MEMBER
Printed Name

Narendra M. Krushiker
Signature

VAC19-6782

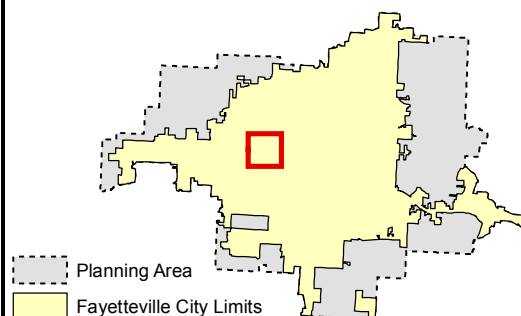
SPRINGS HOSPITALITY

One Mile View



Legend

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



- | | |
|---|--|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> RSF-5 RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RMF-6 RMF-12 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial I-2 General Industrial | <p>EXTRACTION</p> <ul style="list-style-type: none"> E-1 <p>COMMERCIAL</p> <ul style="list-style-type: none"> Commercial-Office C-1 C-2 C-3 <p>FORM BASED DISTRICTS</p> <ul style="list-style-type: none"> Downtown Core Urban Thoroughfare Main Street Center Downtown General Community Services Neighborhood Services Neighborhood Conservation <p>PLANNED ZONING DISTRICTS</p> <ul style="list-style-type: none"> Commercial, Industrial, Residential <p>INSTITUTIONAL</p> <ul style="list-style-type: none"> I-1 |
|---|--|

Planning Commission

August 26, 2019

Agenda Item 3

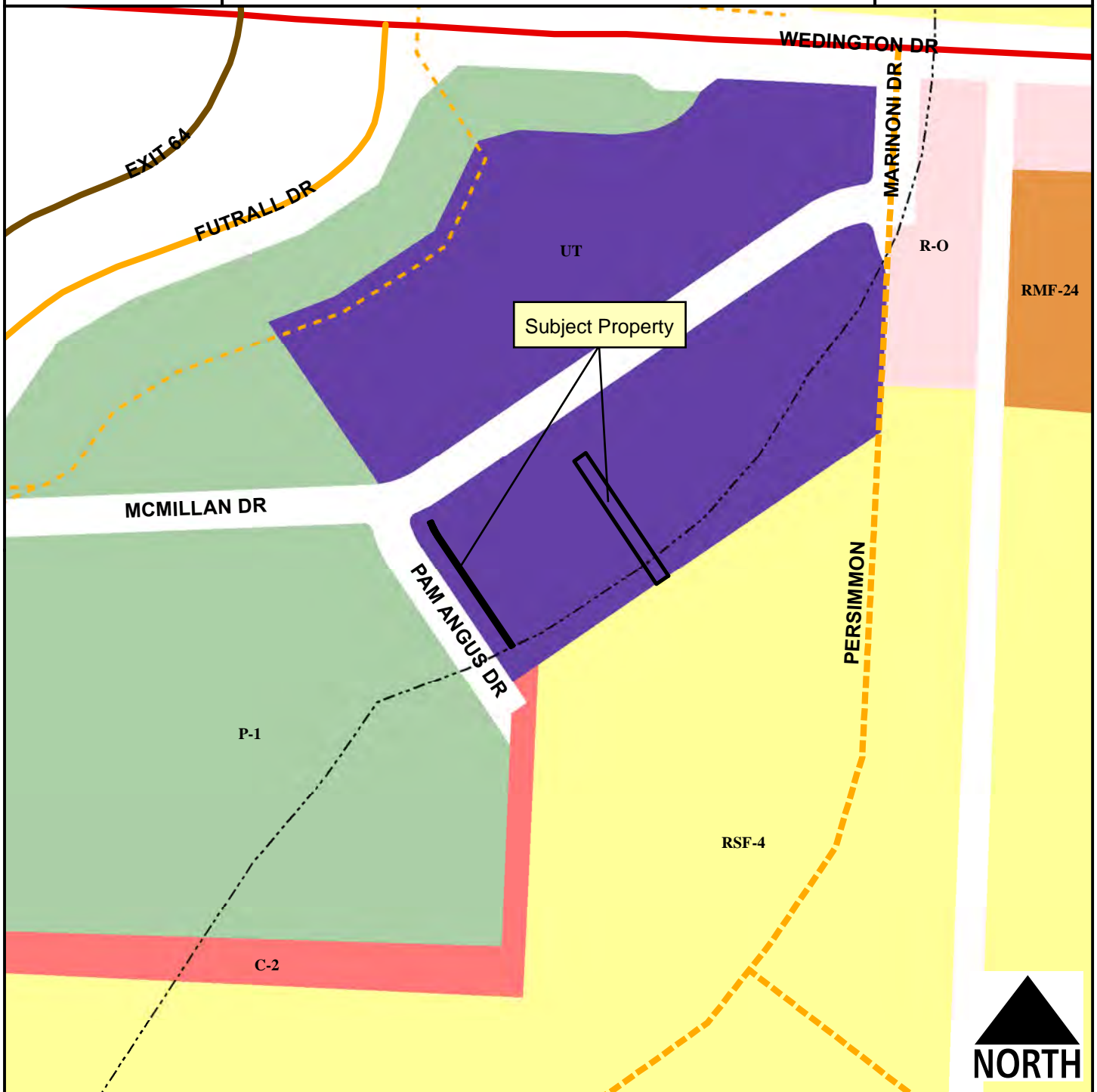
19-6782 Springs Hospitality

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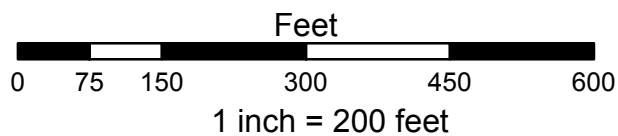
SPRINGS HOSPITALITY

Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



- RSF-4
- RMF-24
- Residential-Office
- C-2
- Urban Thoroughfare
- P-1

VAC19-6782

Current Land Use

SPRINGS HOSPITALITY



Streets Planned

MSP Class

COLLECTOR

Streets Existing

MSP Class

COLLECTOR

FREEWAY/EXPRESSWAY

PRINCIPAL ARTERIAL

Trail (Proposed)

Planning Area

Fayetteville City Limits

Design Overlay District

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

