

City of Fayetteville Staff Review Form

2020-0816

Legistar File ID

10/20/2020

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

Garner Stoll

10/2/2020

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 2020-000003: Vacation (SE OF RAZORBACK RD. & 15TH ST./TITAN RBR PROPERTIES,599): Submitted by BATES & ASSOCIATES, INC. for property located SE OF RAZORBACK RD. & 15TH ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, NS-G, NEIGHBORHOOD SERVICES, GENERAL, & UT, URBAN THOROUGHFARE and contains approximately 2.28 acres. The request is to vacate a 0.09 acre portion of a water & sewer 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 OCTOBER 20, 2020

TO: Mayor, Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Garner Stoll, Development Services Director

FROM: Jonathan Curth, Development Review Manager

DATE: October 2, 2020

SUBJECT: **VAC 2020-000003: Vacation (SE OF RAZORBACK RD. & 15TH ST./TITAN RBR PROPERTIES,599):** Submitted by BATES & ASSOCIATES, INC. for property located SE OF RAZORBACK RD. & 15TH ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, NS-G, NEIGHBORHOOD SERVICES, GENERAL, & UT, URBAN THOROUGHFARE and contains approximately 2.28 acres. The request is to vacate a 0.09 acre portion of a water & sewer easement.

RECOMMENDATION:

Staff and Planning Commission recommend approval of VAC-2020-000003 as shown in the attached Exhibits 'A' and 'B' and with the following conditions of approval:

1. Any damage or relocation of existing facilities will be at the applicant's expense; and
2. Dedication of utility easement along the path of the proposed, realigned water line to a minimum of 10 feet, up to a property line.

BACKGROUND:

The subject property includes an existing water and sewer easement within the larger lot on the southeast corner of Razorback Road and 15th Street. The overall property is exceptionally narrow, ranging from approximately 45 feet to 161 feet in depth between Razorback Road and railroad right-of-way to the east. The Town Branch riparian corridor bisect the property from east to west which includes areas of floodway, floodplain, and streamside protection zone. A large scale development for 34 dwelling units was approved on the property by the Planning Commission in February of 2020.

DISCUSSION:

At the September 28, 2020 Planning Commission meeting, this item was forwarded as part of the consent agenda to City Council with a recommendation for approval and the conditions as recommended by staff. Although a recent ordinance change directs easement vacation requests directly to the City Council, public notification was made for the Planning Commission prior to enactment of the legislation. Accordingly, it was placed on the September 28, 2020 Planning Commission agenda.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report

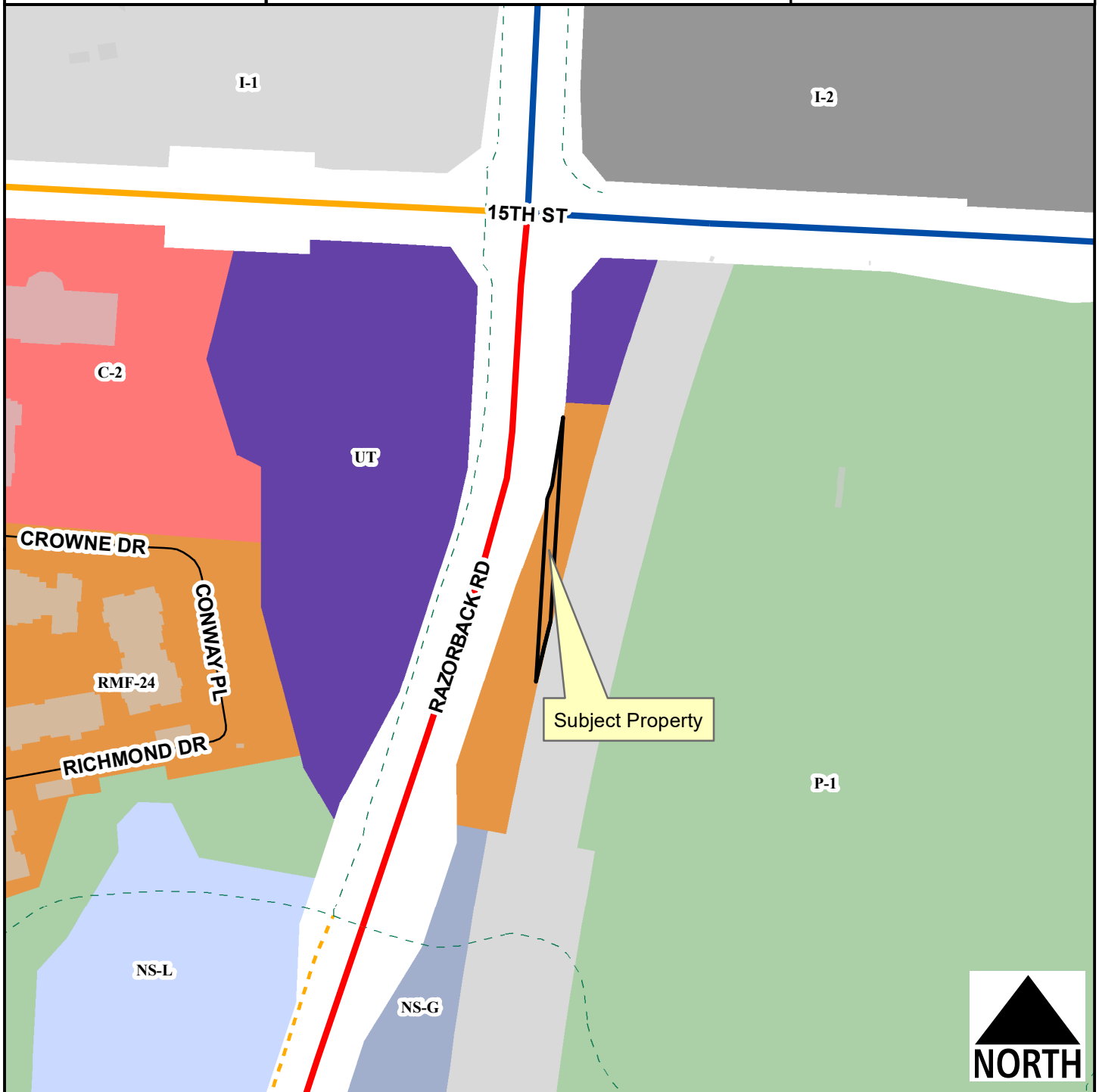
VAC-2020-000003

Titan RBR Properties

VAC-2020-000003

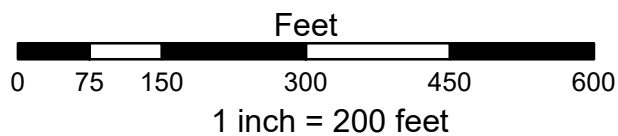
Close Up View

EXHIBIT 'A'



Legend

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



- RMF-24
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial
- C-2
- Urban Thoroughfare
- Neighborhood Services - Ltd.
- Neighborhood Services - Gen.
- P-1



**Bates &
Associates, Inc.**
Civil Engineering · Land Surveying · Landscape Architecture

7230 S. Pleasant Ridge Dr. Fayetteville, AR 72704

PH: 479-442-9350 * FAX: 479-521-9350

www.nwabatesinc.com

August 18, 2020

RE: Legal Descriptions for Partial Water Easement Vacation

SURVEY DESCRIPTIONS:

PARCEL #765-14877-011:

A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF THE ARKANSAS & MISSOURI RAILROAD WHICH IS N87°08'58"W 118.84' FROM THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND RUNNING THENCE N87°08'58"W 155.81' TO THE EAST RIGHT-OF-WAY OF RAZORBACK ROAD, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: N18°25'52"E 170.19' TO AN EXISTING NAIL, N31°27'23"E 153.97', N18°28'12"E 149.88' TO AN EXISTING NAIL, N01°00'49"W 106.14' TO AN EXISTING NAIL, N18°22'41"E 256.92' TO AN EXISTING NAIL, N20°27'06"E 150.49' TO AN EXISTING NAIL, N08°48'12"E 105.83' TO AN EXISTING NAIL, N04°21'39"E 73.60' TO AN EXISTING NAIL, N02°53'05"E 90.53', N44°05'17"E 60.80' TO AN EXISTING NAIL ON THE SOUTH RIGHT-OF-WAY OF 15TH STREET, THENCE ALONG SAID RIGHT-OF-WAY S86°45'23"E 76.99' TO AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF ARKANSAS & MISSOURI RAILROAD, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5357.79' FOR A CHORD BEARING AND DISTANCE OF S14°52'49"W 821.02' TO AN EXISTING REBAR, N79°28'17"W 24.84' TO AN EXISTING REBAR, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5078.71' FOR A CHORD BEARING AND DISTANCE OF S08°32'44"W 457.49' TO THE POINT OF BEGINNING, CONTAINING 2.28 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PORTION OF WATER EASEMENT VACATION DESCRIPTION:

A PORTION OF A 15 FOOT WIDE WATER EASEMENT TO BE VACATED WHICH IS LOCATED IN A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM AN EXISTING REBAR MARKING THE SOUTHEAST CORNER OF

SAID FORTY ACRE TRACT AND RUNNING THENCE N87°08'58"W 118.84' TO AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF THE ARKANSAS/MISSOURI RAILROAD, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5078.71' FOR A CHORD BEARING AND DISTANCE OF N08°32'44"E 457.49' TO AN EXISTING REBAR, S79°28'17"E 24.84' TO AN EXISTING REBAR, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5357.79' FOR A CHORD BEARING AND DISTANCE OF N11°40'04"E 220.99' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE LEAVING SAID RIGHT-OF-WAY N03°11'33"E 252.08' TO EAST RIGHT-OF-WAY OF RAZORBACK ROAD, THENCE ALONG SAID RIGHT-OF-WAY N20°27'06"E 18.87', THENCE LEAVING SAID RIGHT-OF-WAY N08°48'12"E 96.14' THENCE S03°11'33"W 281.69' TO THE WEST RIGHT-OF-WAY OF THE ARKANSAS/MISSOURI RAILROAD, THENCE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5357.79' FOR A CHORD BEARING AND DISTANCE OF S13°18'22"W 85.42' TO THE POINT OF BEGINNING, CONTAINING 0.09 ACRES, MORE OR LESS.



TO: Fayetteville Planning Commission

FROM: Jonathan Curth, Development Review Manager

MEETING DATE: September 28, 2020 (**Updated with Planning Commission Results**)

SUBJECT: **VAC 2020-000003: Vacation (SE OF RAZORBACK RD. & 15TH ST./TITAN RBR PROPERTIES,599):** Submitted by BATES & ASSOCIATES, INC. for property located SE OF RAZORBACK RD. & 15TH ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, NS-G, NEIGHBORHOOD SERVICES, GENERAL, & UT, URBAN THOROUGHFARE and contains approximately 2.28 acres. The request is to vacate a 0.09 acre portion of a water & sewer easement.

RECOMMENDATION:

Staff recommends forwarding **VAC-2020-000003** to the City Council with a recommendation of approval and conditions based on the findings contained in this report.

RECOMMENDED MOTION:

"I move to forward **VAC-2020-000003** to the City Council with a recommendation for approval with the conditions recommended by staff."

BACKGROUND:

The subject property includes an existing water and sewer easement within the larger lot on the southeast corner of Razorback Road and 15th Street. The overall property is exceptionally narrow, ranging from approximately 45 feet to 161 feet in depth between Razorback Road and railroad right-of-way to the east. The Town Branch riparian corridor bisect the property from east to west which includes areas of floodway, floodplain, and streamside protection zone. A large scale development for 34 dwelling units was approved on the property by the Planning Commission in February of 2020. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Surface Parking Lot	I-2, Heavy Commercial
South	Multi-family Residential;	RMF-24, Residential Multi-family, 24 Units per Acre
West	Multi-family Residential; City Park; Undeveloped	UT, Urban Thoroughfare; P-1, Institutional; NS-L, Neighborhood Services, Limited
East	RV Park	P-1, Institutional

Proposal: The approved large scale development requires abandonment of an existing water main and its realignment elsewhere on the site. Construction plans were approved for the utility work and the applicant now proposes vacating portions of the existing water and sewer easement.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the relevant City department with the following response:

City of FayettevilleResponse

Water/Sewer

No objections and no comment.

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC-2020-000003** 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. Dedicate utility easement along the path of the proposed, realigned water line to a minimum of 10 feet, up to a property line.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>September 28, 2020</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Paxton, on the consent agenda			
Second: Winston			
Vote: 7-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

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

VAC-2020-000003

Petition to Vacate

PETITION

**PETITION TO VACATE AN EASEMENT LOCATED AT THE CORNER OF WEST 15TH STREET
AND SOUTH RAZORBACK ROAD, 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 easements hereinafter sought to be abandoned and vacated, lying at the corner of West 15th Street and South Razorback Road, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A PORTION OF A 15 FOOT WIDE WATER EASEMENT TO BE VACATED WHICH IS LOCATED IN A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM AN EXISTING REBAR MARKING THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N87°08'58"W 118.84' TO AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF THE ARKANSAS/MISSOURI RAILROAD, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5078.71' FOR A CHORD BEARING AND DISTANCE OF N08°32'44"E 457.49' TO AN EXISTING REBAR, S79°28'17"E 24.84' TO AN EXISTING REBAR, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5357.79' FOR A CHORD BEARING AND DISTANCE OF N11°40'04"E 220.99' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE LEAVING SAID RIGHT-OF-WAY N03°11'33"E 252.08' TO EAST RIGHT-OF-WAY OF RAZORBACK ROAD, THENCE ALONG SAID RIGHT-OF-WAY N20°27'06"E 18.87', THENCE LEAVING SAID RIGHT-OF-WAY N08°48'12"E 96.14' THENCE S03°11'33"W 281.69' TO THE WEST RIGHT-OF-WAY OF THE ARKANSAS/MISSOURI RAILROAD, THENCE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5357.79' FOR A CHORD BEARING AND DISTANCE OF S13°18'22"W 85.42' TO THE POINT OF BEGINNING, CONTAINING 0.09 ACRES, MORE OR LESS.

That the abutting real estate affected by said abandonment of the easement located in 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 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 approve 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 of said real estate sought to 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.

Dates this 18 day of August, 2020.

Bransen Harris

Print Name

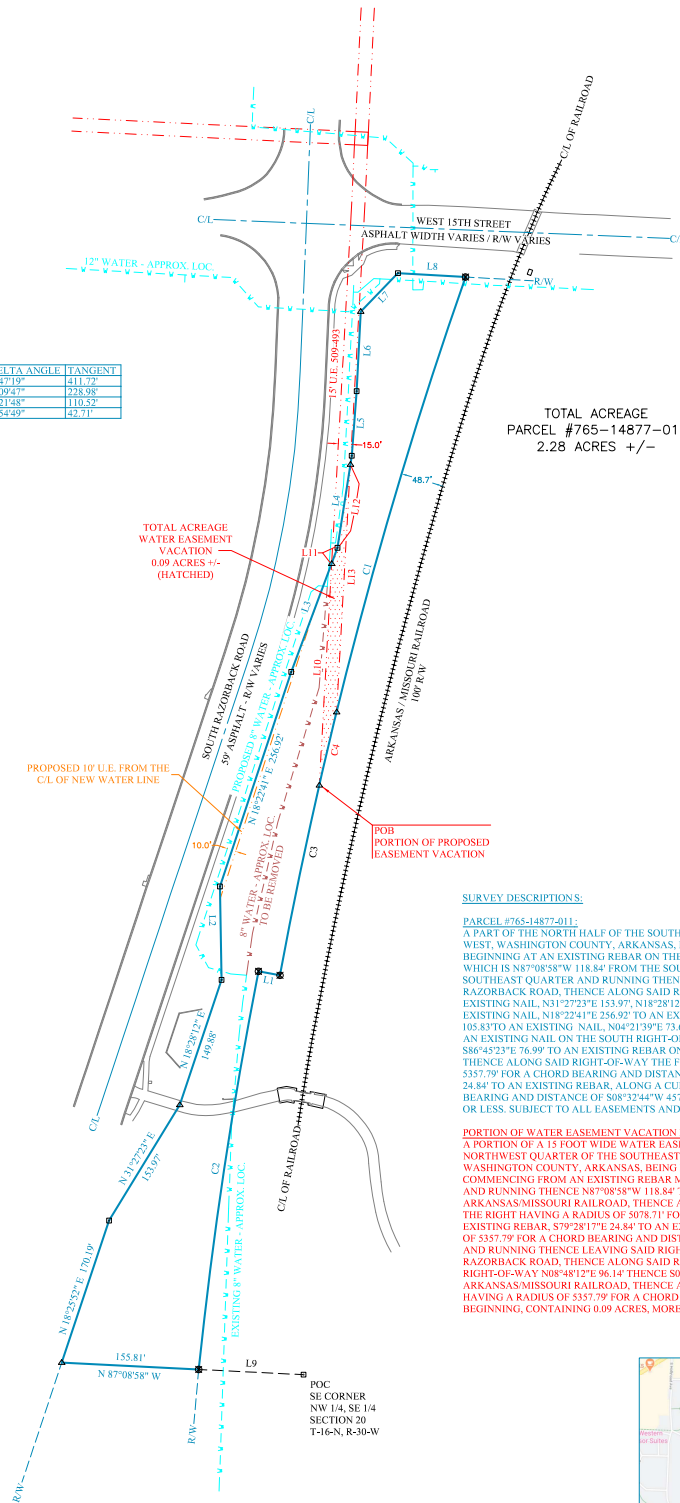
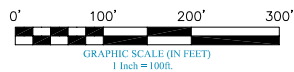
Signature

VAC-2020-000003

Vacation Exhibit

CURVE TABLE						
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CURVE BEARING	DELTA ANGLE	TANGENT
C1	5357.79'	821.83'	821.02'	S 14°52'49" W	8°47'19"	411.72'
C2	5078.71'	457.64'	457.49'	S 08°32'44" W	5°09'47"	228.98'
C3	5357.79'	221.00'	220.99'	N 11°40'04" E	2°21'48"	110.52'
C4	5357.79'	85.42'	85.42'	S 13°18'22" W	0°54'49"	42.71'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 79°28'17" W	24.84'
L2	N 01°00'49" W	106.14'
L3	N 20°27'06" E	150.49'
L4	N 08°48'12" E	105.83'
L5	N 04°21'39" E	73.60'
L6	N 02°53'05" E	90.53'
L7	N 44°05'17" E	60.80'
L8	S 86°45'23" E	76.99'
L9	N 87°08'58" W	118.84'
L10	N 03°11'33" E	252.08'
L11	N 20°27'06" E	18.87'
L12	N 08°48'12" E	96.14'
L13	S 03°11'33" W	281.69'



TOTAL ACREAGE
PARCEL #765-14877-011
2.28 ACRES +/-

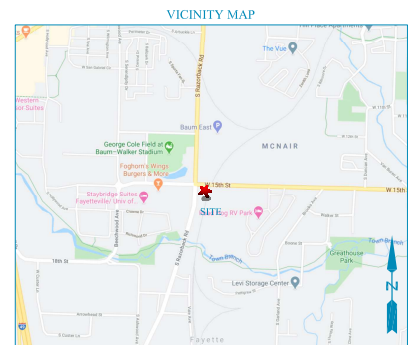
SURVEY DESCRIPTIONS:

PARCEL #765-14877-011.

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PORTION OF WATER EASEMENT VACATION DESCRIPTION:

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RECORDING NUMBER/DATE

DRAWING #11

FOR USE AND BENEFIT OF: TITAN RBR PROPERTIES LLC
ADDRESS: S. RAZORBACK ROAD PAYETTEVILLE, ARKANSAS

DATE: 08/18/20	SCALE: 1"=100'	
LOCATION:	SURVEYED:	DRAFTED:
SECTION: 20	XX	AH
TOWNSHIP: 16 NORTH	REVIEWED: XX	
RANGE: 30 WEST		



**Bates &
Associates, Inc.**
Engineers • Surveyors • Landscape Architects








7230 S. Pleasant Ridge Dr., Fayetteville, Arkansas 72704 • 479,442,9350 • Fax 479,521,0356

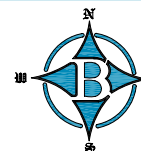
LEGEND:

THESE STANDARD SYMBOLS WILL

BE FOUND IN THE I

FOUND 1/2" REBAR
 NAIL
 COMPUTED POINT

- | | |
|---|---------------------------|
|  | BOUNDARY LINE (MEASURED) |
|  | FORTY LINE/ TIE LINE |
|  | CENTERLINE OF ROAD |
| | RIGHT-OF-WAY |
| | WATER LINE |
|  | WATER LINE TO BE REMOVED |
|  | UTILITY EASEMENT |
|  | PROPOSED UTILITY EASEMENT |
|  | RAILROAD |



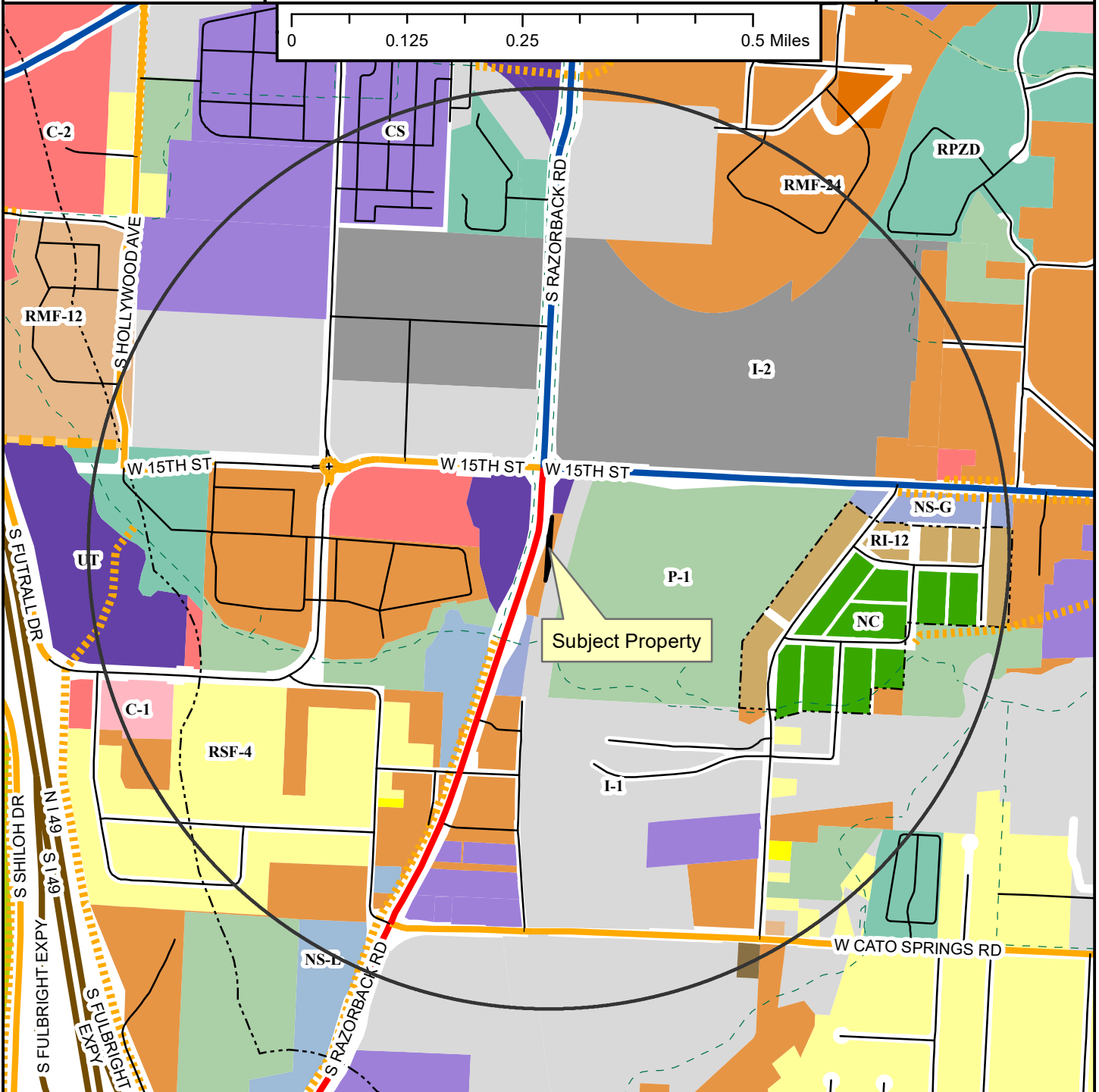
VAC-2020-000003

One Mile View

Titan RBR Properties



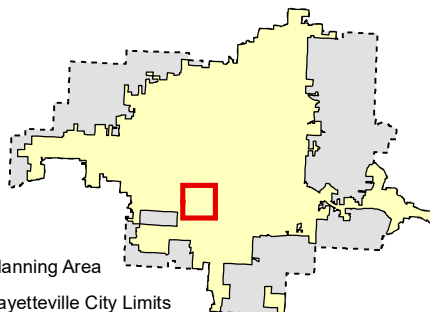
0 0.125 0.25 0.5 Miles



Legend

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

- Planning Area
- Fayetteville City Limits

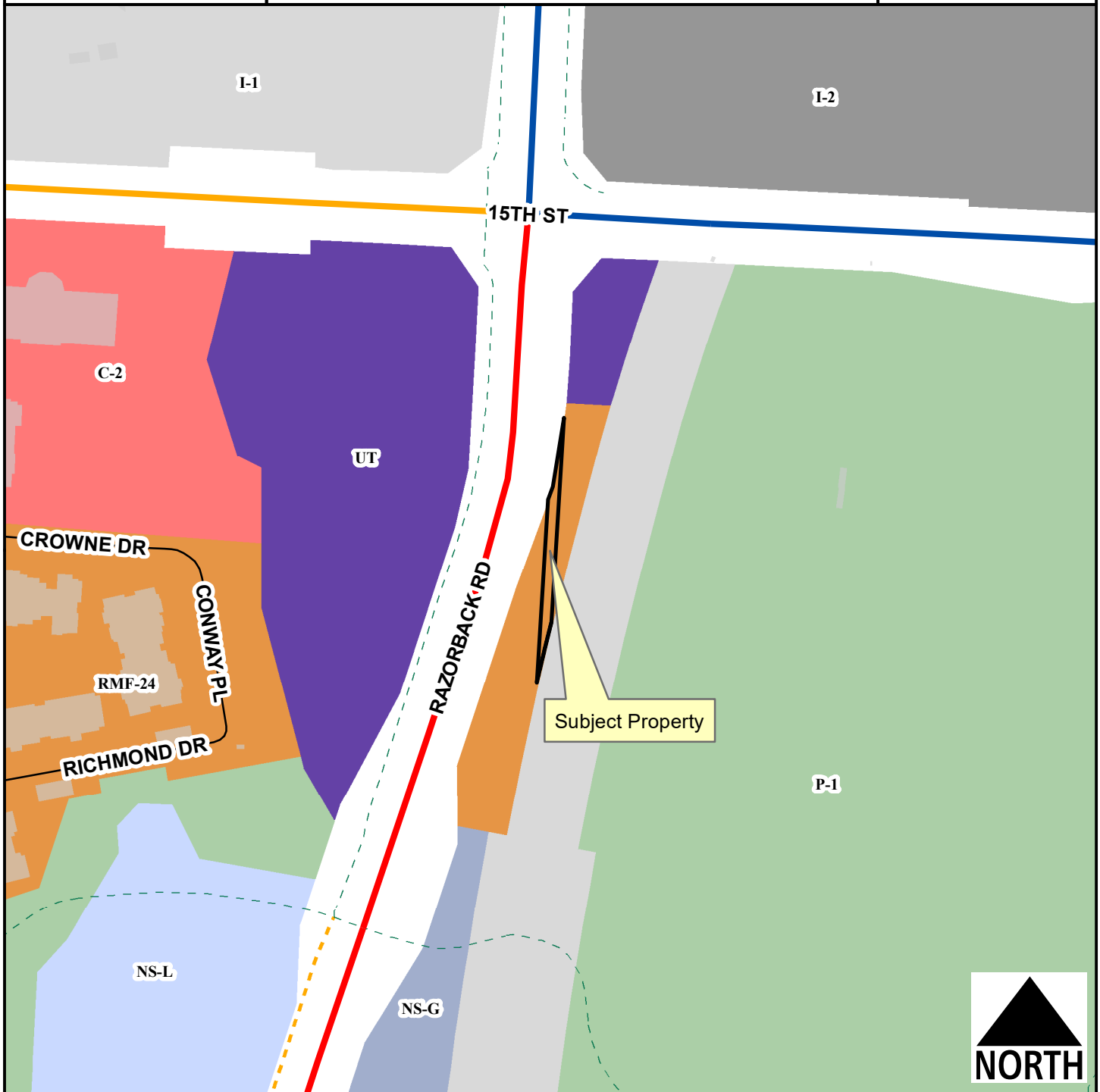


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - 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

VAC-2020-000003

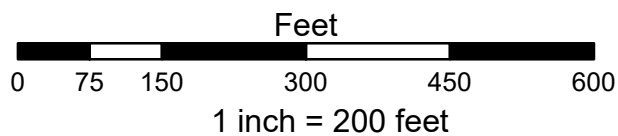
Titan RBR Properties

Close Up View



Legend

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

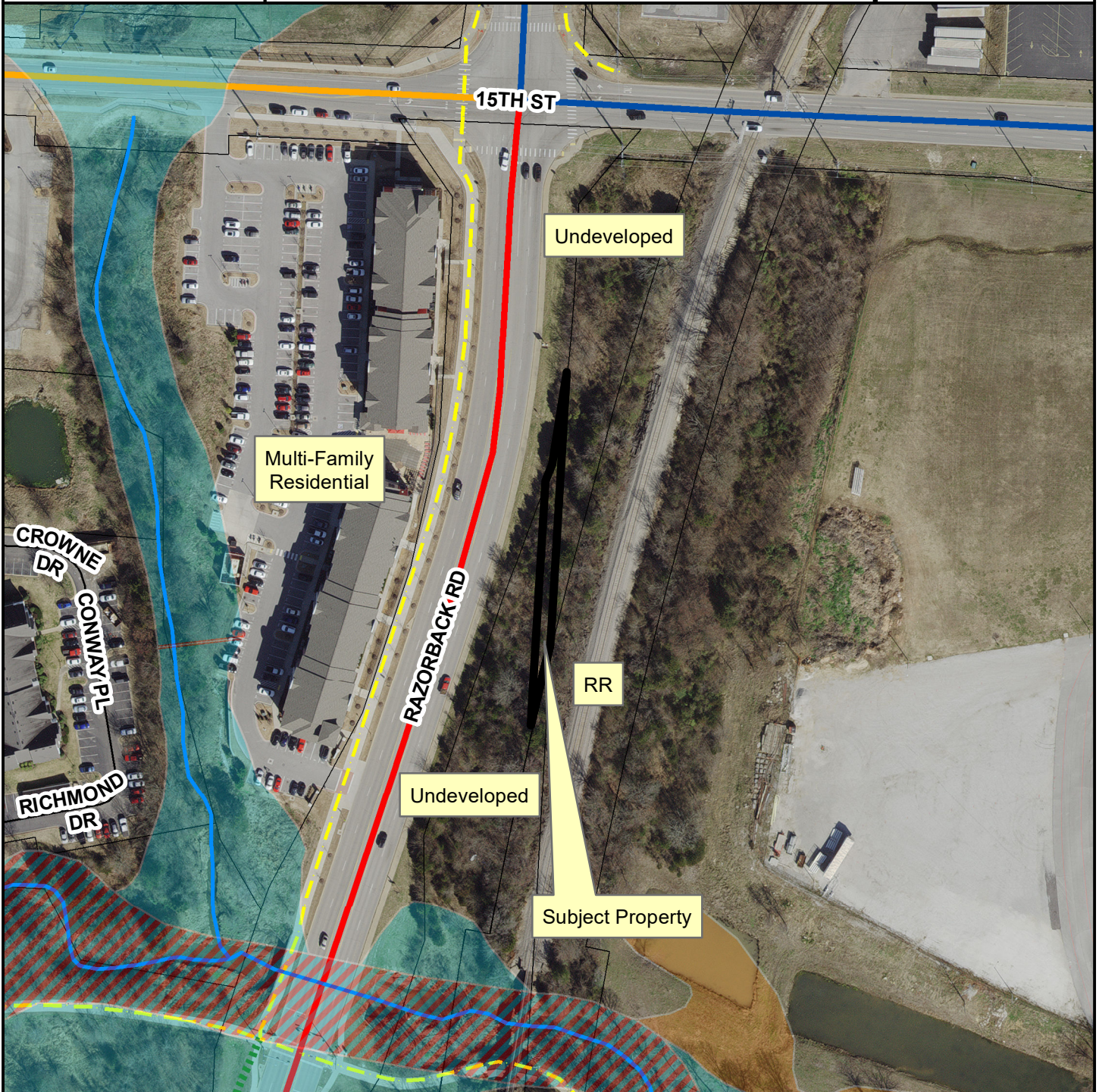


- RMF-24
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial
- C-2
- Urban Thoroughfare
- Neighborhood Services - Ltd.
- Neighborhood Services - Gen.
- P-1

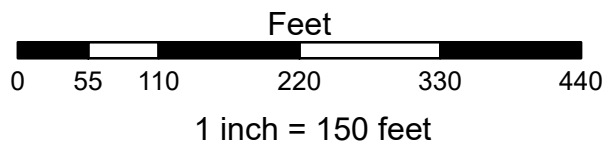
VAC-2020-000003

Current Land Use

Titan RBR Properties



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway