

City of Fayetteville Staff Review Form

2020-0779

Legistar File ID

10/6/2020

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

Garner Stoll

9/18/2020

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2020-000001: Vacation (SOUTH OF 2011 W. FOX GLOVE DR./CRAIN KIA, 323): Submitted by ENGINEERING SERVICES INC. for property located SOUTH OF 2011 W. FOXGLOVE DR. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 0.13 acres. The request is to vacate portions of general utility and access easements.

Budget Impact:

| | |
|--|--|
| Account Number | Fund |
| Project Number | Project Title |
| Budgeted Item? <u>NA</u> | Current Budget \$ - |
| | Funds Obligated \$ - |
| | Current Balance \$ - |
| Does item have a cost? <u>No</u> | Item Cost |
| Budget Adjustment Attached? <u>NA</u> | Budget Adjustment |
| | Remaining Budget \$ - |

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF OCTOBER 6, 2020

TO: Mayor; Fayetteville City Council

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

FROM: Jonathan Curth, Development Review Manager

DATE: September 18, 2020

SUBJECT: **VAC-2020-000001: Vacation (SOUTH OF 2011 W. FOX GLOVE DR./CRAIN KIA,323):** Submitted by ESI ENGINEERING, INC. for property located SOUTH OF 2011 W. FOXGLOVE DR. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 0.13 acres. The request is to vacate portions of general utility and access easements.

RECOMMENDATION:

Staff and Planning Commission recommend approval of VAC-2020-000001 as shown in the attached Exhibits 'A' and 'B' and with the following condition of approval:

1. Any damage or relocation of existing facilities will be at the applicant's expense.

BACKGROUND:

The subject property is located along the west side of Interstate 49 at the corner between Foxglove Drive, Moore Lane, and Shiloh Drive. The overall property is approximately 5.87 acres, zoned as a Commercial Planning Zoning District, and is currently undeveloped. In June of 2020, the Planning Commission approved a large scale development for a car dealership on the site.

Request: The applicant proposes vacation of two easements to facilitate construction of the approved car dealership on the site as approved. The first, an access easement totaling approximately 2,881-square feet, was platted with the Meadow Field Commercial Subdivision to facilitate cross access between Lots 20 and 21 and limit access to Shiloh Drive to the east. The second, a utility easement totaling approximately 2,659-square feet, extended sanitary sewer into Lot 20. With development of the property spanning both Lots 20 and 21, the access easement is no longer necessary and the applicant has proposed reducing the length of the sanitary sewer line, relocating a manhole approximately 135 feet to the northwest.

DISCUSSION:

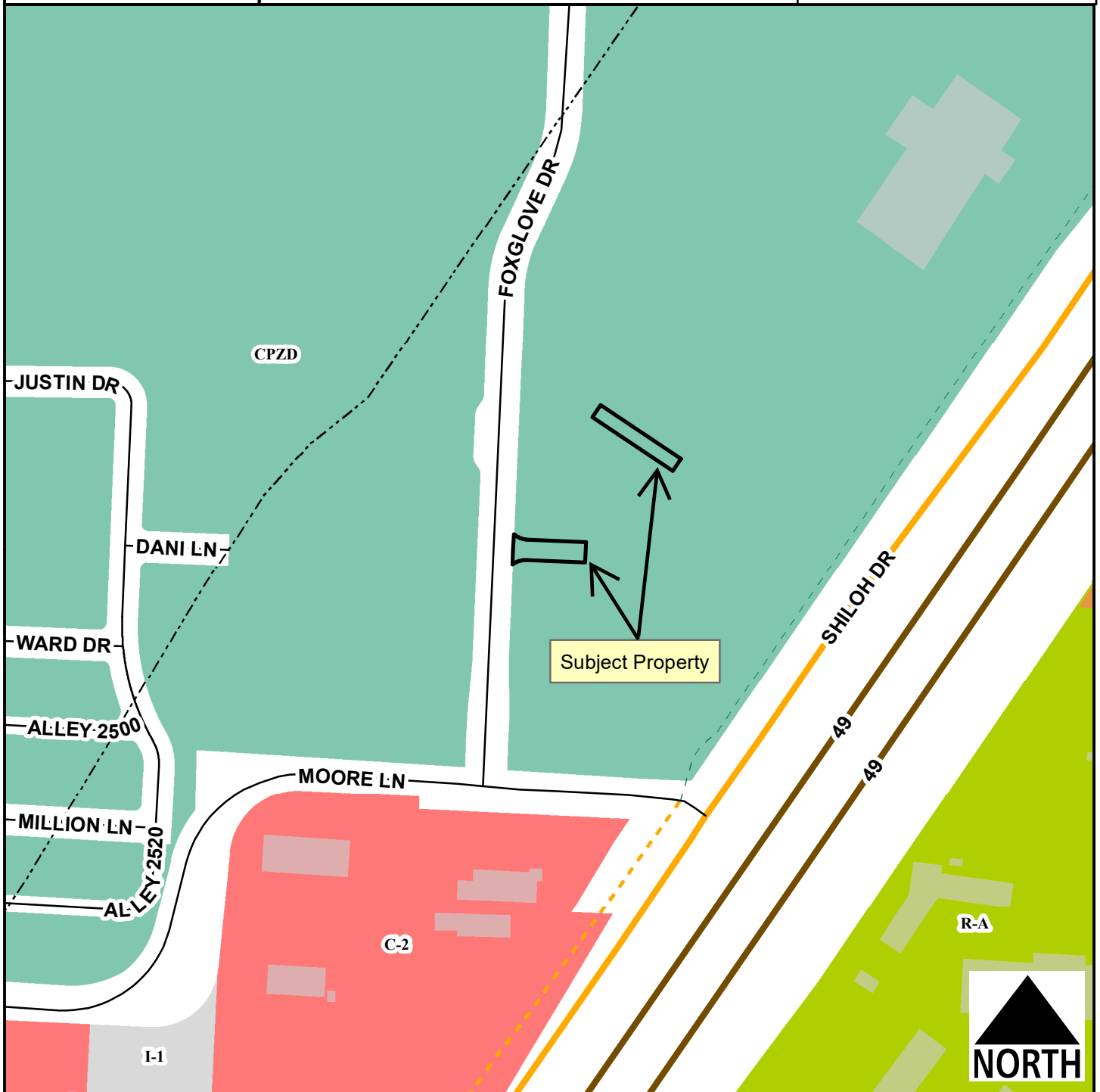
At the September 14, 2020 Planning Commission meeting, this item was forwarded as part of the consent agenda to City Council with a recommendation for approval and the conditions as recommended by staff.

BUDGET/STAFF IMPACT:

N/A

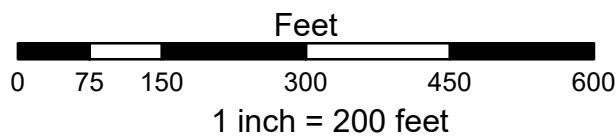
Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



Legend

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



- Residential-Agricultural
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-2
- Commercial, Industrial, Residential

VAC-2020-000001

EXHIBIT 'B'

LOTS 20 & 21 OF MEADOW FIELD COMMERCIAL SUBDIVISIONS ACCESS EASEMENT VACATION LEGAL DESCRIPTION:

PART OF LOTS 20 AND 21 OF MEADOW FIELD COMMERCIAL SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS PER PLAN IN FILE 0023-00000234, BEING A REPLAT OF SPRINGWOODS LOT 1 AND FILED AMONG THE RECORDS IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 20 OF MEADOW FIELD SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID LOT 20, S02°26'52"W – 263.56 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 20.57 FEET AND A CHORD BEARING & DISTANCE OF S67°54'15"E – 20.17 FEET; THENCE S87°33'08"E – 81.00 FEET; THENCE S02°26'52"W – 28.00 FEET; THENCE N87°33'08"W – 81.00 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 20.57 FEET AND A CHORD BEARING & DISTANCE OF S72°48'37"W – 20.17 FEET; THENCE N02°26'52"E – 41.56 FEET TO THE POINT OF BEGINNING. CONTAINING 2,881 SQ.FT., MORE OR LESS.

LOT 20 OF MEADOW FIELD COMMERCIAL SUBDIVISIONS PARTIAL UTILITY EASEMENT VACATION LEGAL DESCRIPTION:

PART OF LOT 20 OF MEADOW FIELD COMMERCIAL SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS PER PLAN IN FILE 0023-00000234, BEING A REPLAT OF SPRINGWOODS LOT 1 AND FILED AMONG THE RECORDS IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 20 OF MEADOW FIELD SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID LOT 20, S02°26'52"W – 12.94 FEET; THENCE S55°43'14"E – 18.20 FEET; THENCE S56°21'06"E – 112.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S56°21'06"E – 132.95 FEET; THENCE S33°38'54"W – 20.00 FEET; THENCE N56°21'06"W – 132.95 FEET; THENCE N33°38'54"E – 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2,659 SQ.FT., MORE OR LESS.



TO: Fayetteville Planning Commission

FROM: Jonathan Curth, Development Review Manager

MEETING DATE: September 14, 2020 (Updated with Planning Commission Results)

SUBJECT: **VAC-2020-000001: Vacation (SOUTH OF 2011 W. FOX GLOVE DR./CRAIN KIA,323):** Submitted by ESI ENGINEERING, INC. for property located SOUTH OF 2011 W. FOXGLOVE DR. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 0.13 acres. The request is to vacate portions of general utility and access easements.

RECOMMENDATION:

Staff recommends forwarding **VAC-2020-000001** 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-2020-000001** to the City Council with a recommendation for approval and the condition recommended by staff.”

BACKGROUND:

The subject property is located along the west side of Interstate 49 at the corner between Foxglove Drive, Moore Lane, and Shiloh Drive. The overall property is approximately 5.87 acres, zoned C-PZD, and is currently undeveloped. In June of 2020, the Planning Commission approved a large scale development for a car dealership on the site. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

| Direction | Land Use | Zoning |
|------------------|-----------------|------------------------------|
| North | Car Dealerships | C-PZD |
| South | Commercial | C-2, Commercial Thoroughfare |
| East | Interstate 49 | ARDOT |
| West | Undeveloped | C-PZD |

Proposal: The applicant proposes vacation of two easements to facilitate construction of the approved car dealership on the site. The first, an access easement totaling approximately 2,881-square feet, was platted with the Meadow Field Commercial Subdivision to facilitate cross access and access management between Lots 20 and 21. The second, a utility easement totaling approximately 2,659-square feet, extended sanitary sewer into Lot 20. With development of the property spanning both Lots 20 and 21, the access easement is no longer necessary and the applicant has proposed reducing the length of the sanitary sewer line, relocating a manhole approximately 135 feet to the northwest.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the relevant City 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 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. |

| <u>City of Fayetteville</u> | <u>Response</u> |
|-----------------------------|-------------------------------|
| Water/Sewer | No objections and no comment. |
| Solid Waste & Recycling | Not required. |
| Transportation | Not required. |

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC-2020-000001** 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.

| |
|---|
| PLANNING COMMISSION ACTION: Required <u>YES</u> |
| Date: <u>September 14, 2020</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied |
| Motion: Belden |
| Second: Paxton |
| Vote: 8-0-0, on the consent agenda |

BUDGET/STAFF IMPACT:

None

Attachments:

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

VAC-2020-000001

Petition to Vacate

PETITION TO VACATE AN ACCESS EASEMENT BETWEEN LOTS 20 AND 21 & UTILITY EASEMENT ON LOT 20 IN MEADOW FIELD COMMERCIAL 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 access easement & utility easement hereinafter sought to be abandoned and vacated, lying along the southern/northern property line of lots 20 and 21, & lying on the Northwestern part of lot 20 in the Meadow Field Commercial Subdivision to the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a access easement which is described as follows:

LEGAL DESCRIPTION OF ACCESS EASEMENT TO BE VACATED:

PART OF LOTS 20 AND 21 OF MEADOW FIELD COMMERCIAL SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS PER PLAN IN FILE 0023-00000234, BEING A REPLAT OF SPRINGWOODS LOT 1 AND FILED AMONG THE RECORDS IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 20 OF MEADOW FIELD SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID LOT 20, S02°26'52"W – 263.56 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 20.57 FEET AND A CHORD BEARING & DISTANCE OF S67°54'15"E – 20.17 FEET; THENCE S87°33'08"E – 81.00 FEET; THENCE S02°26'52"W – 28.00 FEET; THENCE N87°33'08"W – 81.00 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 20.57 FEET AND A CHORD BEARING & DISTANCE OF S72°48'37"W – 20.17 FEET; THENCE N02°26'52"E – 41.56 FEET TO THE POINT OF BEGINNING. CONTAINING 2,881 SQ.FT., MORE OR LESS.

LEGAL DESCRIPTION OF UTILITY EASSMENT TO BE PARTIALLY VACATED:

PART OF LOT 20 OF MEADOW FIELD COMMERCIAL SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS PER PLAN IN FILE 0023-00000234, BEING A REPLAT OF SPRINGWOODS LOT 1 AND FILED AMONG THE RECORDS IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 20 OF MEADOW FIELD SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID LOT 20, S02°26'52"W – 12.94 FEET; THENCE S55°43'14"E – 18.20 FEET; THENCE S56°21'06"E – 112.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S56°21'06"E – 132.95 FEET; THENCE S33°38'54"W – 20.00 FEET; THENCE N56°21'06"W – 132.95 FEET; THENCE N33°38'54"E – 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2,659 SQ.FT., MORE OR LESS.

That the abutting real estate affected by said abandonment of the access & partial utility easement are Lots 20 and 21 in the Meadow Field Commercial Subdivision in the City of Fayetteville as shown on a lot split at file number 2020-9426, that the right-of-way to be vacated has 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 above described right-of-way.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility 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 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 of the above described real estate be free from the easements of the public for the use of said right-of-way.

Dated this 7th day of July, 2020.

Crain Investments LP

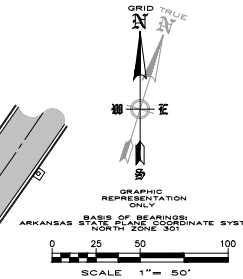
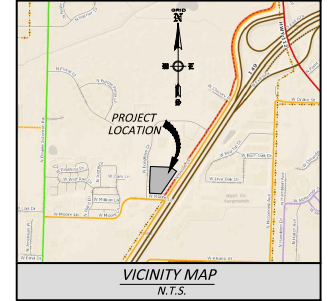
Printed Name (Owner of Lots 20 & 21 Meadow Field Commercial Subdivision)



Signature

VAC-2020-00001

Vacation Exhibit



OWNER: CRAIN INVESTMENTS LP
5883 WADLEY ROAD
SHERWOOD, AR 72120

SURVEYOR: ENGINEERING SERVICES, INC.
1207 S. OLD MISSOURI ROAD
P.O. BOX 282
SPRINGDALE, AR 72702

WORK ORDER #: 19937

CITY ZONING: CPZD
PLAT 23-0234

FRONT - 30' FROM STREET R/W
BACK - 30' FROM PROPERTY LINE
SIDE - 15' FROM INTERIOR PROPERTY LINES

SURVEYOR'S NOTES:
THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR. THE ORIGINAL SIGNATURE, IF NOT BLUE IN COLOR, IS NOT VALID.

FEMA FLOOD PLAIN ZONE:
THIS PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN ZONE AS SHOWN ON THE F.I.R.M. MAP # 0514520201 F, WASHINGTON COUNTY, ARKANSAS & INCORPORATED AREAS. EFFECTIVE DATE: MAY 16, 2008.

UTILITIES:
THE UTILITY INFORMATION, IF ANY SHOWN HEREON, IS PROVIDED BY THE SURVEYOR AND IS BASED ON (1) ABOVE GROUND UTILITY FEATURES, (2) RECORD DRAWINGS, (3) FIELD DESIGNATIONS/MARKINGS BY ARKANSAS ONE CALL (1-800-462-6898) TICKET NO. 190904-1891. THE DESIGNATIONS AND LOCATIONS OF THESE UTILITY FEATURES SHOWN HEREON ARE NOT TO BE CONSTRUED AS ALL INCLUSIVE OR ABSOLUTE AND ARE PROVIDED WITHOUT WARRANTY.

REFERENCES:
EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED BELOW. THE SURVEYOR RESEARCHED OR WAS PROVIDED NECESSARY DEEDS, RIGHT-OF-WAY MAPS, AND OTHER PERTINENT INFORMATION AS SHOWN BELOW. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR COURT CASE DECREES, ADVERSE POSSESSION CLAIMS, SUBSURFACE RIGHTS OR OWNERSHIP, ENCUMBRANCES, OR RESTRICTIVE COVENANTS.

ALL RECORDS LISTED BELOW ARE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS UNLESS OTHERWISE NOTED.

A. WARRANTY DEED: CRAIN INVESTMENTS, L.P., RECORDED JULY 22, 2015, DOCUMENT FILE NO. 2015-20386.

B. FINAL PLAT: MEADOW FIELD COMMERCIAL SUBDIVISION, RECORD BOOK 0023, PAGE 234

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.

| | |
|------------|-------------|
| DATE _____ | OWNER _____ |
| DATE _____ | OWNER _____ |

SURVEYOR'S DECLARATION:

I HEREBY DECLARE THAT I HAVE THIS DAY COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAT. I FURTHER DECLARE THAT THIS SURVEY MEETS THE CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS" PER THE STATE OF ARKANSAS.

S. CRAIG DAVIS, L.P.S. NO.1156, AR. DATE _____

LEGAL DESCRIPTION: WARRANTY DEED 2015-20386

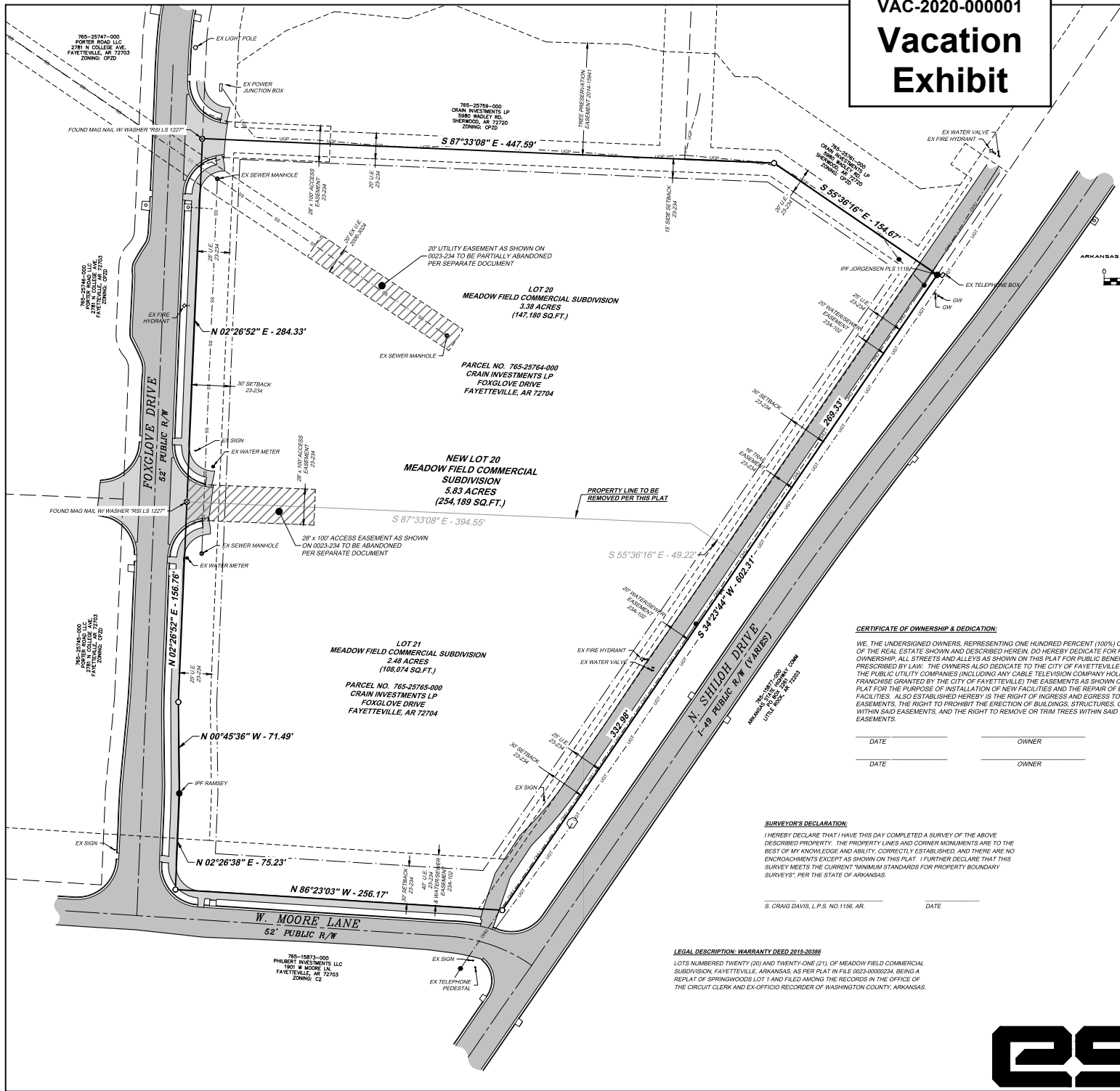
LOTS NUMBERED TWENTY (20) AND TWENTY-ONE (21), OF MEADOW FIELD COMMERCIAL SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS PER PLAT IN FILE 0023-0000234, BEING A REPLAT OF SPRINGWOODS LOT 1 AND FILED AMONG THE RECORDS IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.



FAYETTEVILLE CITY PLAT PAGE: 286

| REVISION | DATE | DESCRIPTION |
|----------|------|-------------|
| | | |
| | | |
| | | |

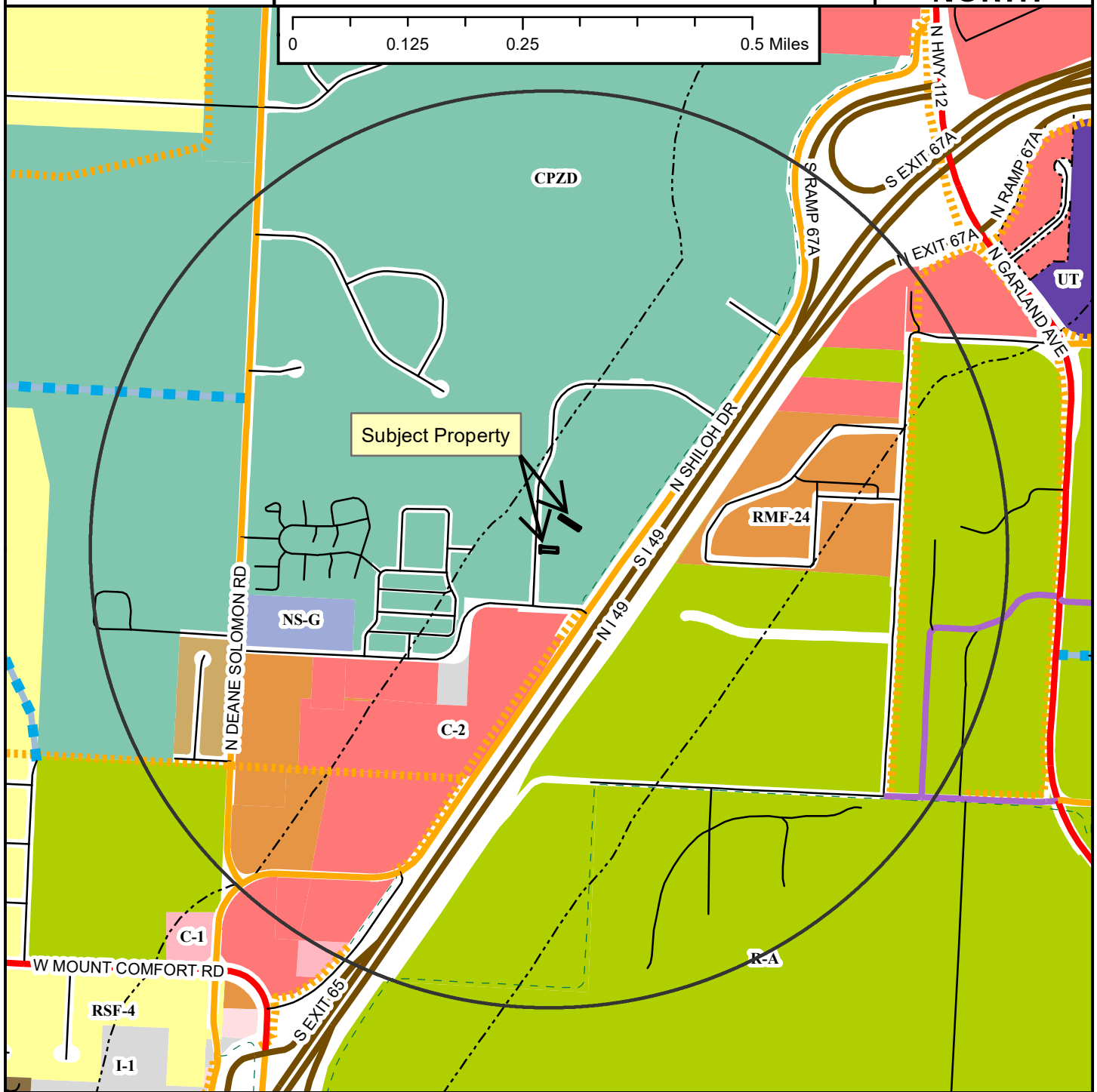
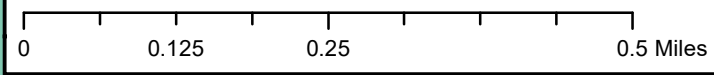
| | | | |
|---|--------------------|---------------|----------------------|
| LOT COMBINATION PLAT | | | |
| MEADOW FIELD COMMERCIAL SUBDIVISION | | | |
| FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS | | | |
| SCALE: 1"=50' | DATE: May 12, 2020 | DRAWN BY: RKW | |
| ENGINEERING SERVICES, INCORPORATED | | | |
| SPRINGDALE, ARKANSAS | | | |
| © COPYRIGHT 2020, ENGINEERING SERVICES, INC. ALL RIGHTS RESERVED. 1/23/20 | | | W.O. # 19937 SHEET 1 |



VAC-2020-000001

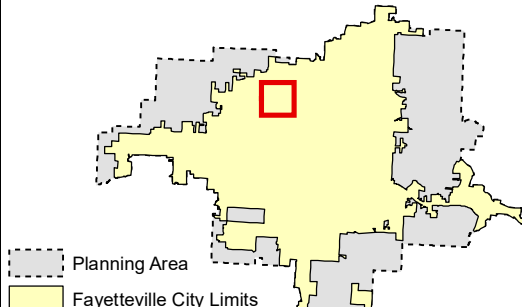
Crain Kia

One Mile View



Legend

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

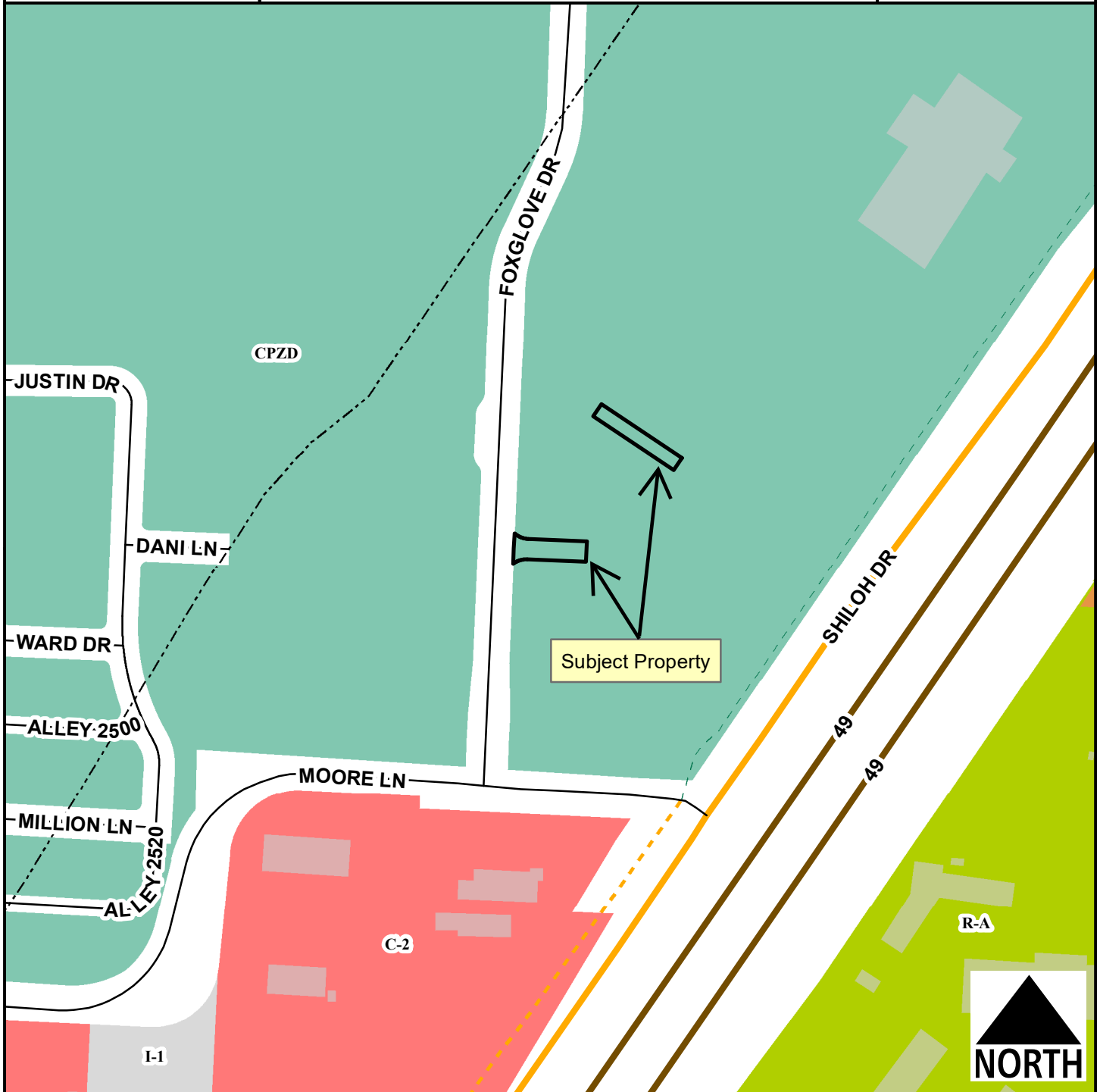


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - 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-2020-000001

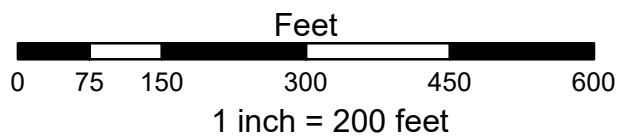
Crain Kia

Close Up View



Legend

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



- Residential-Agricultural
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-2
- Commercial, Industrial, Residential

VAC-2020-000001

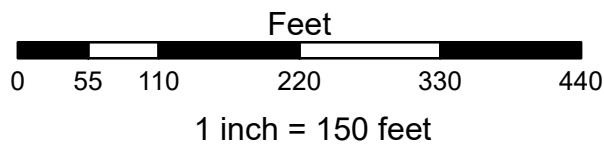
Crain Kia



Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway