

City of Fayetteville Staff Review Form

2021-0472

Legistar File ID

7/6/2021

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

Jonathan Curth

6/18/2021

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2021-000014: Vacation (3553 N. STEELE BLVD./FIRST NATIONAL BANK, 212): Submitted by TANYA MIMS for property located at 3553 N. STEELE BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL, subject to a bill of assurance, and contains approximately 0.01 acres. The request is to vacate a portion of a street right-of-way.

Budget Impact:

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

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF JULY 6, 2021

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessie Masters, Development Review Manager

FROM: Ryan Umberger, Senior Planner

DATE: June 18, 2021

SUBJECT: **VAC-2021-000014: Vacation (3553 N. STEELE BLVD./FIRST NATIONAL BANK, 212):** Submitted by TANYA MIMS for property located at 3553 N. STEELE BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL, subject to a bill of assurance, and contains approximately 0.01 acres. The request is to vacate a portion of a street right-of-way.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of VAC-2021-000014 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 on the west side of N. Steele Boulevard, roughly 325 feet south of the road's intersection with W. Van Asche Dr. The property is zoned C-1, Neighborhood Commercial and is currently the site of First National Bank of Northwest Arkansas. Based on aerial imagery the property appears to have been an undeveloped greenfield site since it was annexed into the city in 1967.

Request: The applicant proposes to vacate approximately 57 square feet of excess right-of-way between the current property line and the Master Street Plan right-of-way line, located 33.5-feet from the centerline of N. Steele Boulevard. The applicant is requesting the vacation in order to locate a monument sign which must be setback a minimum of 10 feet from the right-of-way. A concrete pad for the sign has already been poured. The location of the existing concrete pad, and presumably the proposed monument sign, straddles existing right-of-way and a general utility easement. In addition to, and separate from, right-of-way vacation approval the applicant must seek administrative approval from the Zoning and Development Administrator to locate a monument sign on a utility easement.

Staff Findings: Staff supports the request primarily due to of right-of-way in excess of Master Street Plan standards along the property's frontage. N. Steele Boulevard's original dedication predates its designation as a Neighborhood Link Street and provides limited value to the public.

Staff and the Planning Commission recommend expanding the vacated area to include a uniform dimension of 33.5 feet from-centerline along N. Steele Boulevard for the entirety of the property's frontage. Staff finds the vacation, as proposed, will create an inconsistent boundary which could lead to confusion for future property owners. Nevertheless, staff acknowledges that the applicant submitted the application with the intent of making the minimum possible request. A revised request requires a revised legal description, exhibit, and utility provider permission forms which would likely cause further delay.

Finally, the applicant has submitted the required vacation forms to the relevant City departments and franchise utility companies with the responses as found in the attached report. Adjacent property owner consent is also required for vacation; the right-of-way is bordered only by the applicant making the request.

DISCUSSION:

At the June 14, 2021 Planning Commission meeting, the request to vacate right-of-way in alignment with the applicant's original request was forwarded to City Council with a vote of 8-0-0, with a recommendation of approval. In a separate motion, Commissioners supported staff's recommendation to expand the area to be vacated to a uniform dimension of 33.5 feet from-centerline of N. Steele Boulevard for the entirety of the property's frontage, which would reflect the Master Street Plan Neighborhood Link street section. This recommendation was also forwarded to City Council with a vote of 8-0-0. No public comment was received before or at the meeting.

BUDGET/STAFF IMPACT:

N/A

Attachments:

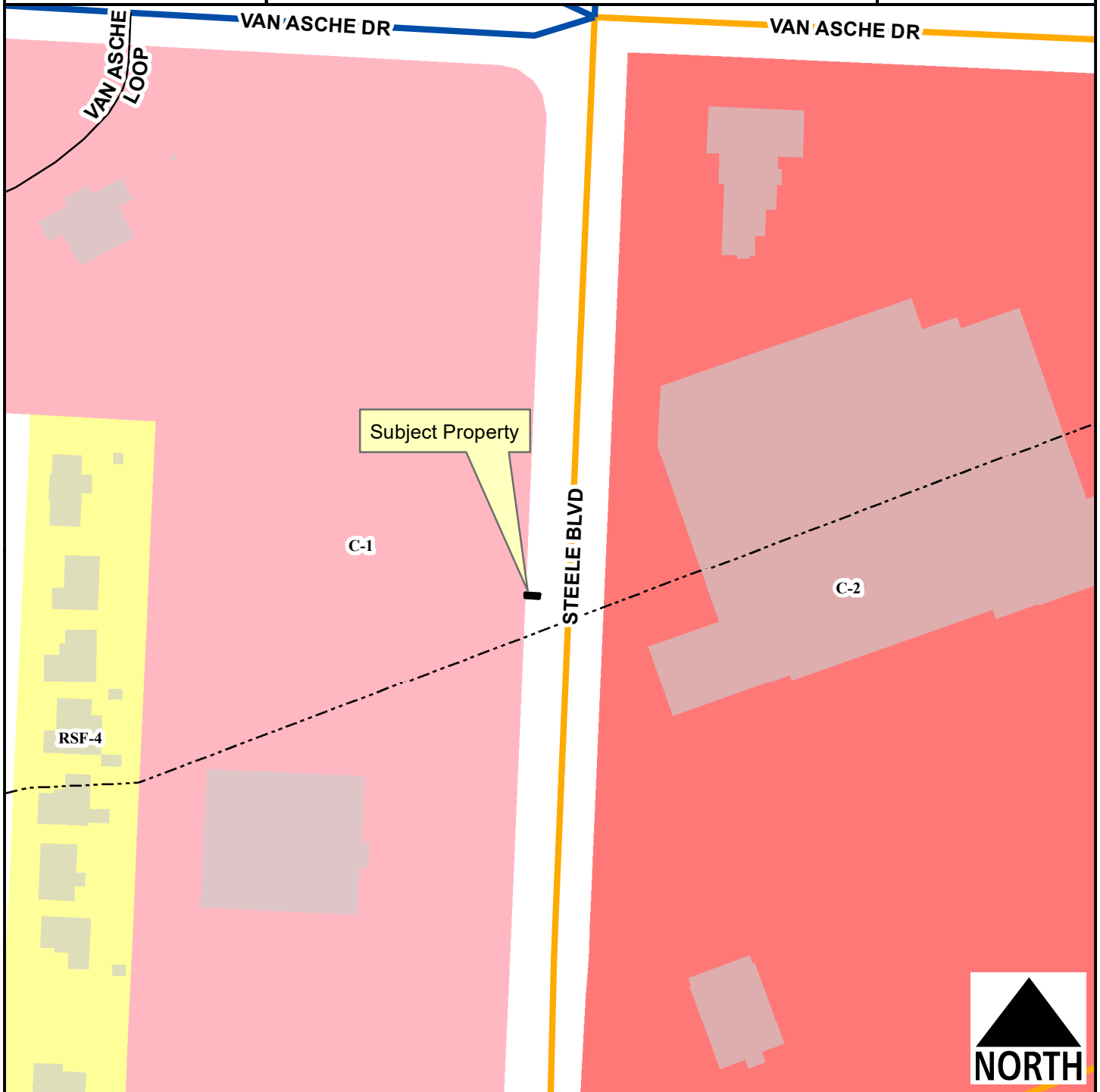
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

VAC-2021-000014

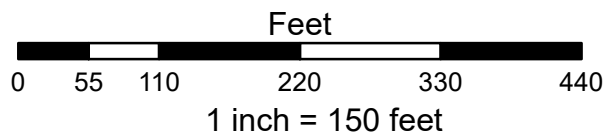
First National Bank

RZN-21-000014
EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Regional Link - High Activity
- Planning Area
- Fayetteville City Limits
- Design Overlay District



- RSF-4
- C-1
- C-2
- C-3

RZN-21-000014
EXHIBIT 'B'

R/W VACATION DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP X 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS. TO-WIT: COMMENCING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF LOT 6A OF A SPLIT OF LOT 6 OF THE CMN BUSINESS PARK II, PHASE 1 ADDITION TO THE CITY OF FAYETTEVILLE AND RUNNING THENCE S02°25'48"W 384.99' TO AN EXISTING REBAR, THENCE S87°35'04"E 3.31' TO AN EXISTING STONE, THENCE S02°35'38"W 60.88' TO AN EXISTING REBAR, THENCE S87°35'04"E 388.68' TO AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF NORTH STEELE BOULEVARD, THENCE ALONG SAID RIGHT-OF-WAY N02°28'45"E 111.93' TO THE. TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N02°28'45"E 4.00', THENCE LEAVING SAID RIGHT-OF-WAY S86°34'42"E 14.14'. THENCE S03°10'23"W 4.00'. THENCE N86°34'42"W 14.11' TO THE POINT OF BEGINNING, CONTAINING 56.54 SQUARE FEET. MORE OR LESS.



TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Ryan Umberger, Senior Planner

MEETING DATE: June 14, 2021 **Updated with Planning Commission Results**

SUBJECT: **VAC-2021-000014: Vacation (3553 N. STEELE BLVD./FIRST NATIONAL BANK, 212):** Submitted by TANYA MIMS for property located at 3553 N. STEELE BLVD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.70 acres. The request is to vacate a portion of a street right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2021-000014** to City Council, with conditions.

RECOMMENDED MOTION:

"I move to forward **VAC-2021-000014** to City Council, recommending approval and with conditions as recommended by staff."

BACKGROUND:

The subject property is located on the west side of N. Steele Boulevard, roughly 325 feet south of the road's intersection with W. Van Asche Dr. The property is zoned C-1, Neighborhood Commercial and is currently the site of First National Bank of Northwest Arkansas. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Restaurant/Commercial	C-1, Neighborhood Commercial
South	Undeveloped	C-1, Neighborhood Commercial
East	Retail	C-2 Thoroughfare Commercial
West	Office/Single-family Residential	C-1, Neighborhood Commercial/RSF-4, Residential Single-family, 4 Units per Acre

Proposal: The applicant proposes to vacate approximately 57 square feet of excess right-of-way between the current property line and the Master Street Plan right-of-way line, located 33.5-feet from the centerline of N. Steele Boulevard.

DISCUSSION:

Vacation Approval: The applicant has not submitted all of the required vacation forms for a complete review. Staff's full recommendation is pending revised AT&T utility provider authorization for a complete application.

City of Fayetteville

Response

Water/Sewer

No objections and no comment.

Solid Waste

No objections and no comment.

Transportation

No objections and no comment.

Utilities

Response

AT&T

No objections and no comment.

Cox

No objections provided the following conditions are met: Any damage or relocation of existing facilities will be at the applicant's expense.

AEP/SWEPCO

No objections and no comment.

Blackhills Energy

An easement being 20 feet in width running adjacent and parallel to N. Steele Blvd., location being further depicted on the attached Property Line Adjustment and Lot Split filed in the records of Washington County, Arkansas at 2008-00008701.

Ozarks Electric

No comments were provided. Mike Phipps of Ozarks Electric indicated the location is in the AEP/SWEPCO service area.

Public Comment: No public comment has been received at the time of writing this report.

RECOMMENDATION: Staff recommends forwarding **VAC-2020-000009** to City Council recommending approval with the following conditions:

Conditions of Approval:

1. Area to be vacated shall be expanded to include a uniform dimension of 33.5 feet from-centerline of N. Steele Boulevard for the entirety of the property's frontage; and
2. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense.

PLANNING COMMISSION ACTION: Required **YES**

Date: **June 14, 2021**

☐ **Tabled**

☒ **Forwarded**

☐ **Denied**

Motion: **Paxton**

Item split into two motions:

Forward applicant's request to the City Council

1 Paxton

2 Belden

8-0-0

Second: **Belden**

Expand the vacated area to include a uniform right-of-way along the property's frontage per the MSP.

1 Winston

2 Belden

8-0-0

Vote: **8-0-0**

BUDGET/STAFF IMPACT:

None

Attachments:

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



City of Fayetteville Planning Commission
City Hall
113 W. Mountain Street
Room 219
Fayetteville, AR 72701

Dear Fayetteville Planning Commission,

First National Bank of NWA (a division of First National Bank of Fort Smith) is requesting that the right of way in front of our building along Steele Blvd be vacated for the purpose of placing a monument sign there.

Thank you for considering our request.

A handwritten signature in black ink, appearing to read "Tanya C. Mims".

Tanya C. Mims
Fayetteville Community President



PETITION TO VACATE A(N) (alley/street right-of-way) LOCATED IN CMN Business Park CITY OF
FAYETTEVILLE, ARKANSAS II, Phase I

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the (alley/street right-of-way) hereinafter sought to be abandoned and vacated, lying in CMN Business Park, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a(n) (alley/street right-of-way) which is described as follows:

Part of the NW 1/4 of the SW 1/4 of S 26, T 17 N, R 30 W Washington County, AR

That the abutting real estate affected by said abandonment of the alley are (lot, block, 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 (alley/street 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 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 26th day of May, 2021.

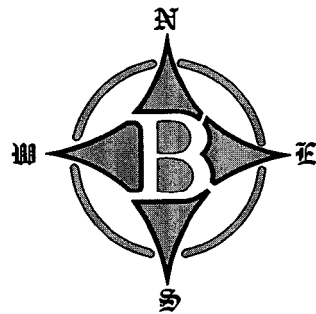
Tanya Mims
Printed Name

Tanya Mims
Signature

Printed Name

Signature

R/W VACATION EXHIBIT



POC
NW CORNER
LOT 6A

S 02°25'48" W 384.99' (N.T.S.)

S 87°35'04" E
3.31' (N.T.S.)

S 02°35'38" W
60.88' (N.T.S.)

174.68' (N.T.S.)

S 87°35'04" E

N 02°28'45" E 145.00'

S 87°35'04" E 214.00'

PARCEL #765-22234-003
OWNED BY FIRST NATIONAL BANK OF FORT SMITH

S 87°35'04" E 214.00'

TOTAL AREA OF
R/W VACATION
56.54 SQ. FT.
(HATCHED)

POB
R/W
VACATION

4.00'

111.93'

N 02°28'45" E 145.00'

SIDEWALK

48'

N. STEELE BOULEVARD (NEIGHBORHOOD LINK)

36' ASPHALT - 96' PLATTED R/W
55' MIN. R/W / 67' MAX. R/W (PER M.S.P.)

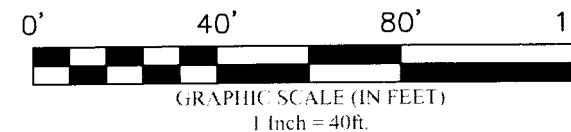
CURB

CURB

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LINE	BEARING	DISTANCE
L1	S 86°34'42" E	14.14'
L2	S 03°10'23" W	4.00'
L3	N 86°34'42" W	14.11'



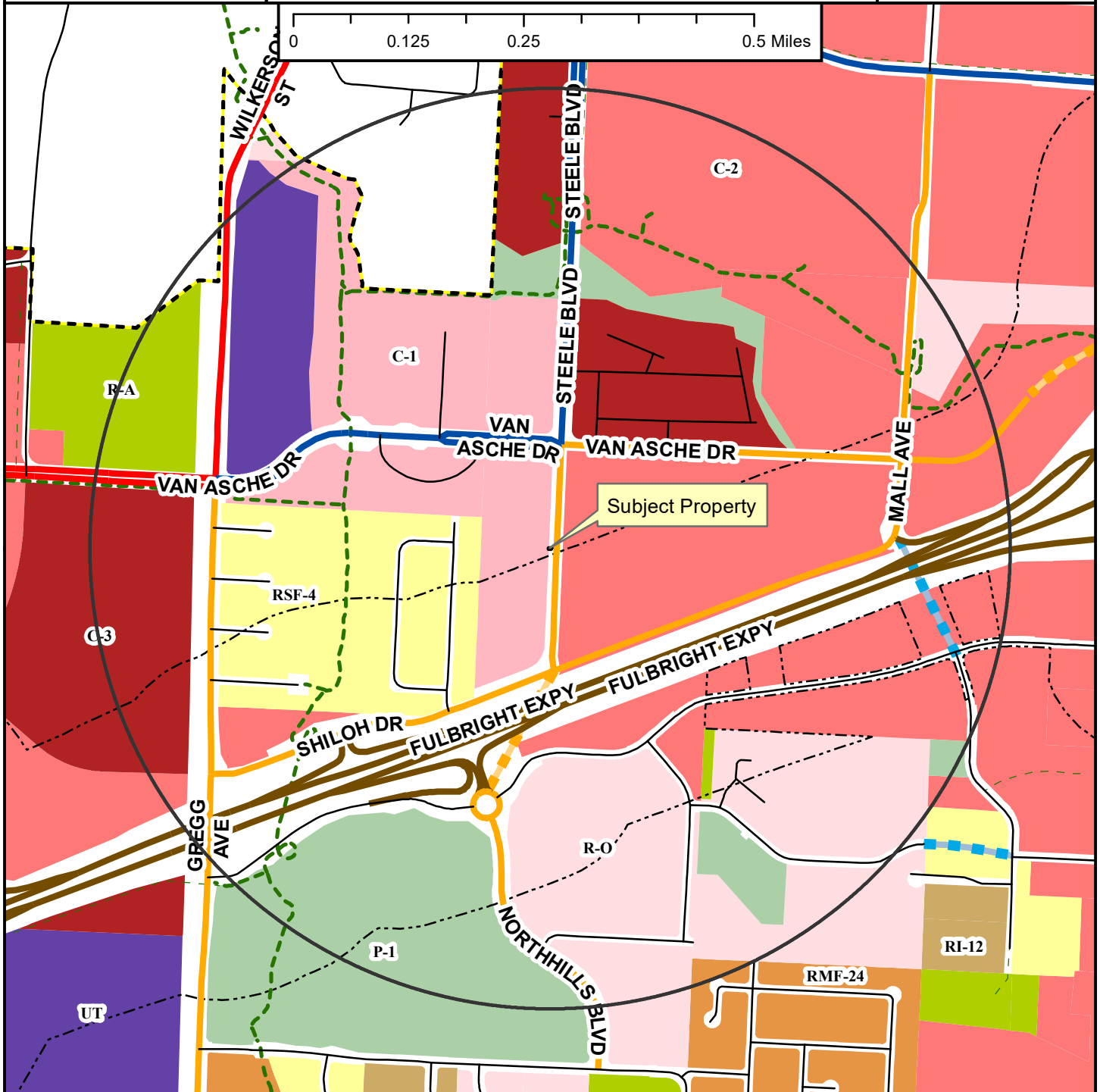
VAC-2021-000014

First National Bank

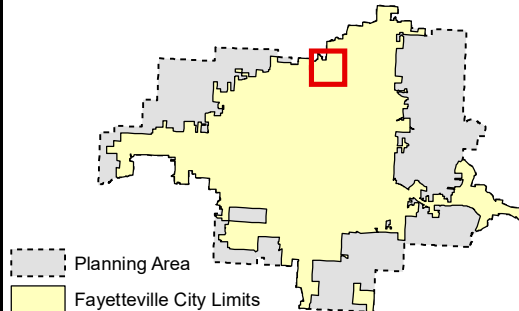
One Mile View



0 0.125 0.25 0.5 Miles



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

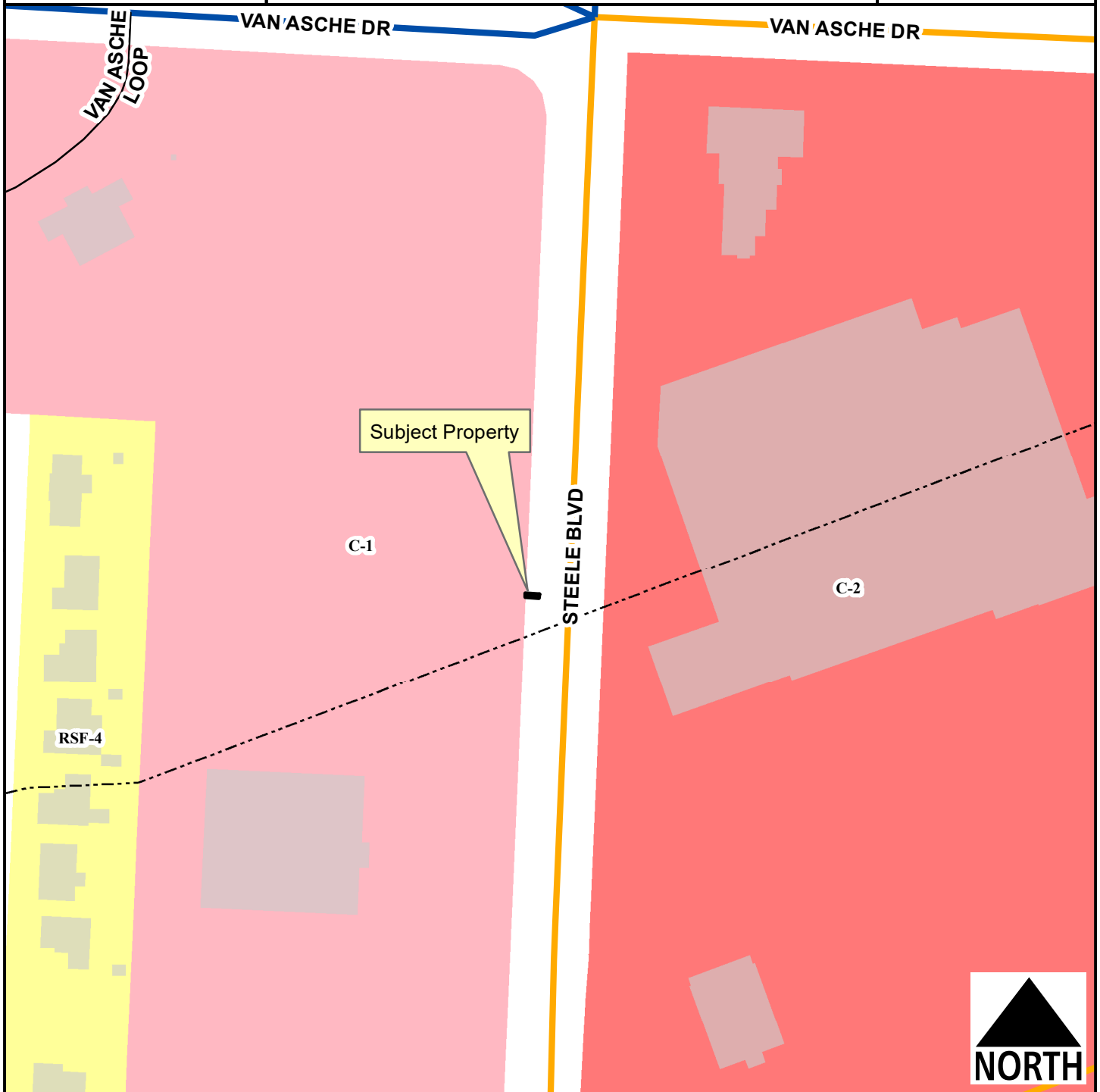


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial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

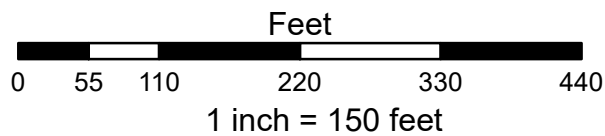
VAC-2021-000014

First National Bank

Close Up View



- Neighborhood Link
- Regional Link - High Activity
- Planning Area
- Fayetteville City Limits
- Design Overlay District



- RSF-4
- C-1
- C-2
- C-3

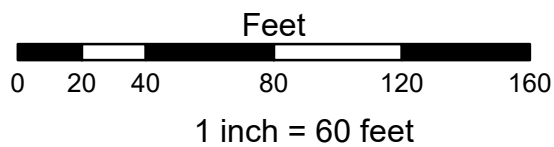
VAC-2021-000014

First National Bank

Current Land Use



- Neighborhood Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway