

City of Fayetteville Staff Review Form

2022-0634

Legistar File ID

8/2/2022

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jonathan Curth

7/15/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2022-0017: Vacation (9 S. BLOCK AVE./HOLCOMB, 523): Submitted by JOSEPH HOLCOMB for property located at 9 S. BLOCK AVE. in WARD 2. The property is zoned MSC, MAIN STREET/CENTER and contains approximately 0.07 acres. The request is to vacate a 30-square-foot portion of alley 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 AUGUST 2, 2022**

**TO:** Mayor; Fayetteville City Council

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

**FROM:** Gretchen Harrison, Planner

**DATE:** July 15, 2022

**SUBJECT:** **VAC-2022-0017: Vacation (9 S. BLOCK AVE./HOLCOMB, 523):** Submitted by JOSEPH HOLCOMB for property located at 9 S. BLOCK AVE. in WARD 2. The property is zoned MSC, MAIN STREET/CENTER and contains approximately 0.07 acres. The request is to vacate a 30-square-foot portion of alley right-of-way.

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**RECOMMENDATION:**

Planning Commission and City Staff recommend approval of VAC-2022-0017 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 property owner/developer's expense; and
2. The existing water meters within the vacated right-of-way must be relocated at the property owner/developer's expense. The remainder of the right-of-way should contain the existing water line and relocated water meters.

**BACKGROUND:**

The subject property includes roughly 30-square-feet of alley right-of-way just west of the Downtown Fayetteville Square behind the building located at 9 South Block Avenue. The platted right-of-way behind Block Avenue is 10 feet wide, though the alley itself is 17 feet wide and extends beyond the platted right-of-way to the west. Neighboring buildings are currently located within the platted alley right-of-way—the building to the north currently encroaches by two feet while the building to the south encroaches by about one foot.

*Request:* The applicant proposes to vacate a 1.5-foot-wide, 30-square-foot portion of alley right-of-way just west of the building located at 9 South Block Avenue. The applicant shared in their request letter that the vacation would allow them to construct stairs on the rear side of the building in line with neighboring properties to provide access to the roof.

*Staff Findings:* City staff recommends in favor of the proposed right-of-way vacation. Adjacent properties currently encroach into the alley right-of-way and the 30-square-foot portion that the applicant is requesting to vacate no longer contributes to vehicular ingress and egress. Staff is thus supportive of the request finding that the vacation would not impact connectivity. Vacating a portion of the right-of-way would allow for the adaptive reuse of the building located at 9 South

Block Avenue since it would allow an exterior staircase to be constructed on the rear side of the building to provide access to a future roof deck.

The applicant has submitted the required adjacent property owner approval forms with no objections to the stated request. The applicant has also submitted the required vacation approval forms to relevant City departments and franchise utility companies, and the conditions included in this report reflect their responses.

**DISCUSSION:**

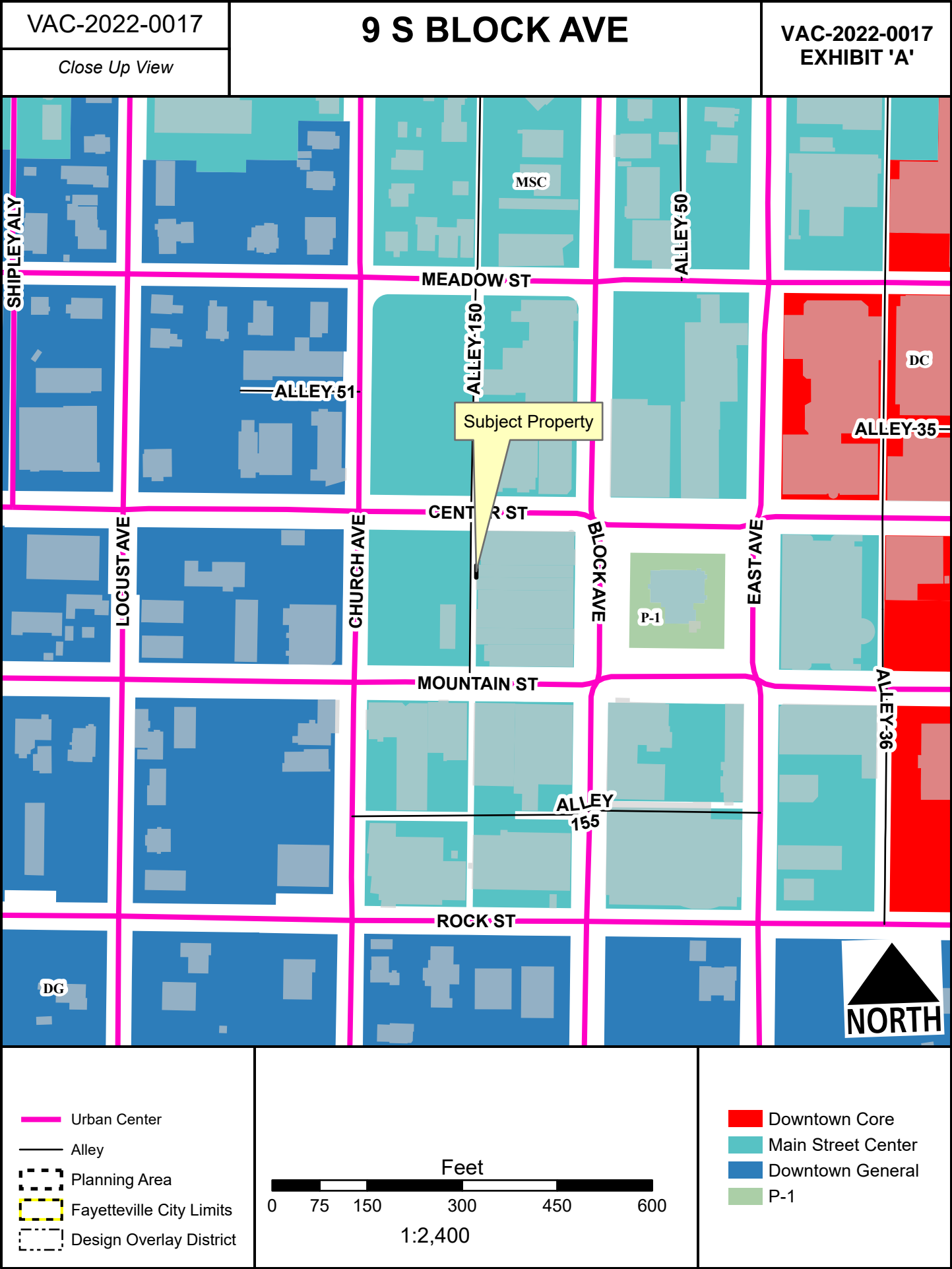
At the July 11, 2022 Planning Commission meeting, this item was forwarded to City Council with a vote of 7-0-1, on the consent agenda with a recommendation of approval. Commissioner Holcomb recused. No public comment was received on the item.

**BUDGET/STAFF IMPACT:**

N/A

**ATTACHMENTS:**

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



**VAC-2022-0017**  
**EXHIBIT 'B'**

**EASEMENT VACATION DESCRIPTION:**

*A PART OF A 10' ALLEY TO THE CITY FAYETTEVILLE, AS DESIGNATED UPON THE ORIGINAL PLAT OF SAID TOWN (NOW CITY), ON FILE IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF BLOCK 26, SAID ORIGINAL TOWN (NOW CITY) PLAT OF FAYETTEVILLE AND RUNNING THENCE N87°23'43"W 155.00', THENCE S02°44'04"W 54.12' TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN DEED BOOK 2020, PAGE 48300 FOR THE POINT OF BEGINNING, THENCE ALONG THE WEST LINE OF SAID LAND DESCRIBED IN DEED BOOK 2020, PAGE 48300 S02°44'04"W 20.00', THENCE LEAVING SAID WEST LINE N87°23'43"W 1.50', THENCE N02°44'04"E 20.00', THENCE S87°23'43"E 1.50' TO THE POINT OF BEGINNING. CONTAINING 30.00 SQ. FEET, MORE OR LESS.*



**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Gretchen Harrison, Planner

**MEETING DATE:** July 11, 2022 (Updated with results from PC hearing.)

**SUBJECT:** **VAC-2022-0017: Vacation (9 S. BLOCK AVE./HOMCOMB, 523):**  
Submitted by JOSEPH HOLCOMB for property located at 9 S. BLOCK AVE. The property is zoned MSC, MAIN STREET/CENTER and contains approximately 0.07 acres. The request is to vacate a 30-square-foot portion of alley right-of-way.

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**RECOMMENDATION:**

Staff recommends forwarding **VAC-2022-0017** to the City Council with a recommendation of approval with conditions.

**RECOMMENDED MOTION:**

*"I move to forward **VAC-2022-0017** to the City Council with a recommendation of approval with conditions as recommended by staff."*

**BACKGROUND:**

The subject property includes roughly 30-square-feet of alley right-of-way just west of the Downtown Fayetteville Square behind the building located at 9 South Block Avenue. The platted right-of-way behind Block Avenue is 10 feet wide, though the alley itself is 17 feet wide and extends to the west. Neighboring buildings are currently located within the right-of-way—the building to the north currently encroaches by two feet while the building to the south encroaches by about one foot. Surrounding land use and zoning is depicted on *Table 1*.

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Commercial	MSC, Main Street/Center
South	Commercial	MSC, Main Street/Center
East	Commercial/Square Gardens	MSC, Main Street/Center; P-1, Institutional
West	Parking Area	MSC, Main Street/Center

*Proposal:* The applicant proposes to vacate a 1.5-foot-wide, 30-square-foot portion of alley right-of-way just west of the building located at 9 South Block Avenue. The applicant shared in their request letter that the vacation would allow them to construct stairs on the rear side of the building in line with neighboring properties.

**DISCUSSION:**

City of Fayetteville staff recommends in favor of the proposed right-of-way vacation. Adjacent properties currently encroach into the alley right-of-way and the 30-square-foot portion that the applicant is requesting to vacate no longer contributes to vehicular ingress and egress. Staff is thus supportive of the request finding that the vacation would not impact connectivity. Vacating a portion of the right-of-way would allow for the adaptive reuse of the building located at 9 South Block Avenue since it would allow an exterior staircase to be constructed to provide pedestrian ingress and egress to a future roof deck.

*Vacation Approval:* The applicant has submitted the required adjacent property owner approval forms with no objections to the stated request. The applicant has also submitted the required vacation approval forms to relevant City departments and franchise utility companies with the following responses.

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided that any damage or relocation of existing Cox facilities will be at the applicant's expense.
AEP/SWEPCO	No objections and no comments.
Black Hills Energy	No objections and no comments.
AT&T	No objections, provided that if there are any AT&T facilities that are required to be located, then the cost of relocation will be the responsibility of the property owner/developer.
Ozarks Electric	No objections and no comments.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections, provided that the existing water meters within the vacated right-of-way must be relocated at Holcomb Development Group's expense. The remainder of the right-of-way will contain the existing water line and relocated water meters.
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections and no comments.

*Public Comment:* Staff has not received any public comment regarding the request.

**RECOMMENDATION:** Staff recommends forwarding **VAC-2022-0017** with the following conditions:

**Conditions of Approval:**

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense; and

2. The existing water meters within the vacated right-of-way must be relocated at the property owner/developer's expense. The remainder of the right-of-way should contain the existing water line and relocated water meters.
- 

<b>PLANNING COMMISSION ACTION:</b>				<b>Required</b>	<b><u>YES</u></b>
<b>Date:</b> <u>July 11, 2022</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied		
<b>Motion:</b> Johnson	on consent with a recommendation of approval.				
<b>Second:</b> Brink					
<b>Vote:</b> 7-0-1 (Holcomb recused from consent agenda)					

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**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Applicant Request Letter
- Applicant Petition to Vacate
- Site Exhibit – ROW to be vacated
- One Mile Map
- Close-up Map
- Current Land Use Map



5/23/2022

To: The Fayetteville City Council

We are requesting to vacate the alley right-of-way west of the current building located at 9 S Block Ave. This vacation of property is being requested to allow for a necessary egress stair to be constructed for a future roof deck above the building. The adjacent properties currently extend into the alley therefore adding this stair should not be any more intrusive than those specific properties. We are requesting a 18" vacation to match those properties from our current perceived property line. This 18" will allow us to construct a stair to meet this need.

A handwritten signature in black ink, appearing to read 'J. Holcomb', with a stylized flourish at the end.

Joe Holcomb  
Managing Member  
Holcomb Development Group LLC

## **PETITION - 9 SOUTH BLOCK AVE**

### **PETITION TO VACATE AN ALLEY RIGHT-OF-WAY LOCATED IN LOTS 2-3, BLOCK 26, FAYETTEVILLE ORIGINAL 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 alley right-of-way hereinafter sought to be abandoned and vacated, lying in lots 2-3, Block 26, Fayetteville Original Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an alley right-of-way which is described as follows:

**A PART OF A 10' ALLEY TO THE CITY FAYETTEVILLE, AS DESIGNATED UPON THE ORIGINAL PLAT OF SAID TOWN (NOW CITY), ON FILE IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF BLOCK 26, SAID ORIGINAL TOWN (NOW CITY) PLAT OF FAYETTEVILLE AND RUNNING THENCE N87° 23'43"W 155.00', THENCE S02°44'04"W 54.12' TO THE NORTHWEST CORNER OF THE LAND DESCRIBED IN DEED BOOK 2020, PAGE 48300 FOR THE POINT OF BEGINNING, THENCE ALONG THE WEST LINE OF SAID LAND DESCRIBED IN DEED BOOK 2020, PAGE 48300 S02°44'04"W 20.00', THENCE LEAVING SAID WEST LINE N87°23'43"W 1.50', THENCE N02°44'04"E 20.00', THENCE S87° 23'43"E 1.50' TO THE POINT OF BEGINNING. CONTAINING 30.00 SQ. FEET, MORE OR LESS.**

That the abutting real estate affected by said abandonment of the alley are Lots 2-3, Block 26, Fayetteville Original subdivision 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 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 23 day of May, 20 22.

Joseph Holcomb


Printed Name



Signature

Bhakti Holcomb

Printed Name



Signature

*A Part Of Lot 2 & Lot 3, Block 26  
Original Plat Of Fayetteville*



CURRENT ZONING:  
MSC, MAIN STREET / CENTER

BUILDING SETBACKS:  
FRONT: 25' B. I. Z. \*\*

STATE RECORDING NUMBER:  
500-16N-30W-0-16-210-72-1873

COMPLETED FIELD WORK:  
JANUARY 19, 2022

FOR FURTHER INTERPRETATION AND/OR DETAILED EXPLANATION OF THE FAYETTEVILLE ZONING ORDINANCE AND LAND CONFERATIONS, PLEASE CONTACT THE FAYETTEVILLE ARKANSAS PLANNING DEPARTMENT.

FAYETTEVILLE PLANNING DEPARTMENT  
ADDRESS: 125 W MOUNTAIN ST, FAYETTEVILLE, AR 72701  
PHONE: (479) 575-8267

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

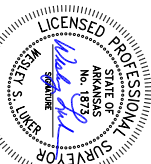
**BEFORE DIGGING IN THIS AREA,  
CALL "ONE CALL" 811 FOR FIELD  
LOCATIONS (REQUEST FOR  
GROUND MARKINGS) OF  
UNDERGROUND UTILITY LINES**

 **Know what's below.  
Call before you dig.**




Know what's below.  
Call before you dig.

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT  
TO THE BEST OF MY KNOWLEDGE AND BELIEF  
ON THIS THE 20TH DAY OF MAY, 2022.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

			
<b>BLEWIS &amp; ASSOCIATES, PA</b> CIVIL ENGINEERS & LAND SURVEYORS 3825 N. SHILOH DRIVE FAYETTEVILLE, ARKANSAS 72703 OFFICE: 479.443.4506 FAX: 479.582.1883 www.BLEWIS.com			
Certificate of Authorization No. 1534			
ORDER BY STATE J.C. - 01/06/2022	PROJECT NO. WL	DRAWING NO. R.S.	DATE 21-10036.01
LOCATION: ORIGINAL PLAT OF FAYETTEVILLE TOWNSHIP AND RANGE 10S RANGE 10S SECTION 36 MAGNOLIA COUNTY, ARKANSAS			
JOEL HOLCOLMB			



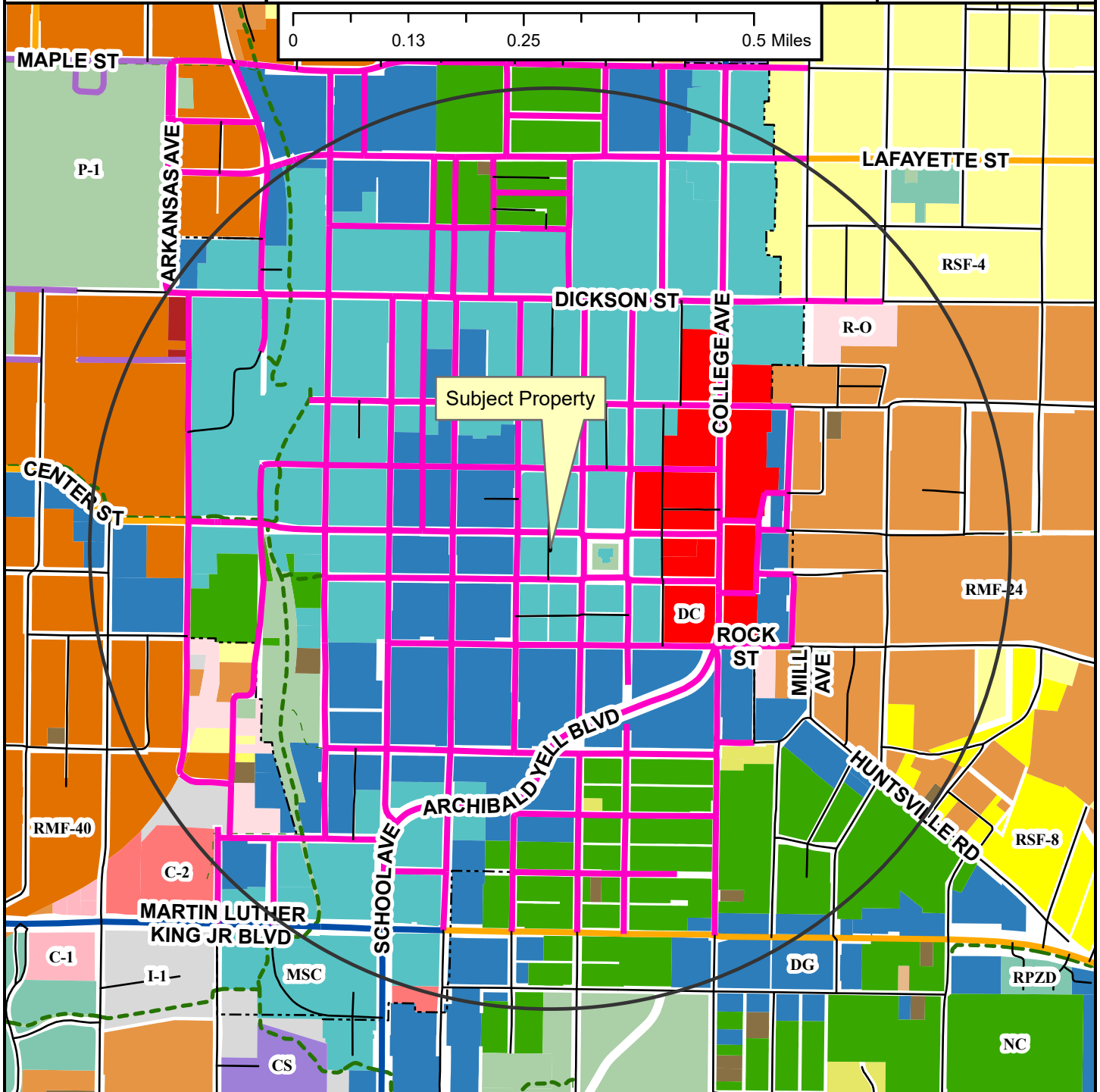
VAC-2022-0017

# 9 S BLOCK AVE

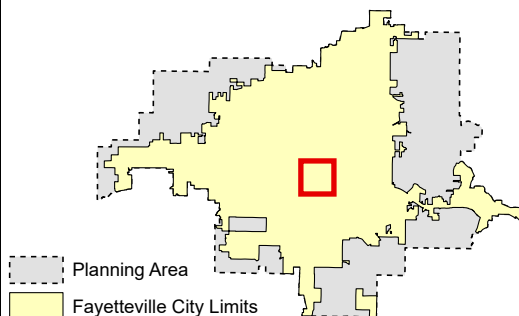
One Mile View



0 0.13 0.25 0.5 Miles



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

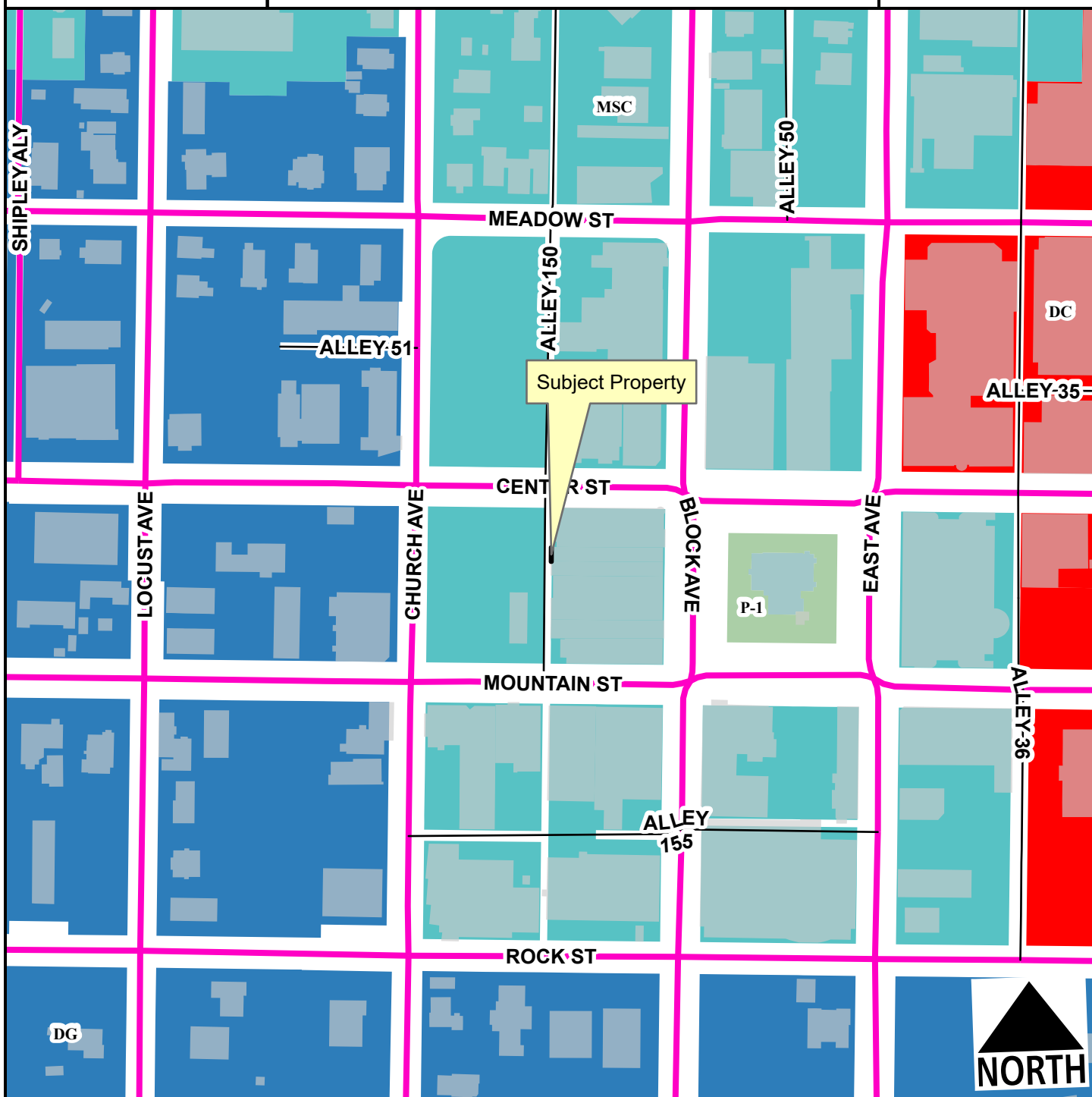


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
  - RI-U
  - RI-12
  - NS-L
  - Residential-Agricultural
  - RSF-5
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
  - RMF-12
  - RMF-13
  - RMF-24
  - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light 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

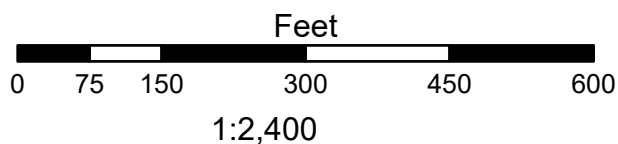
VAC-2022-0017

# 9 S BLOCK AVE

Close Up View



- Urban Center
- Alley
- Planning Area
- Fayetteville City Limits
- Design Overlay District



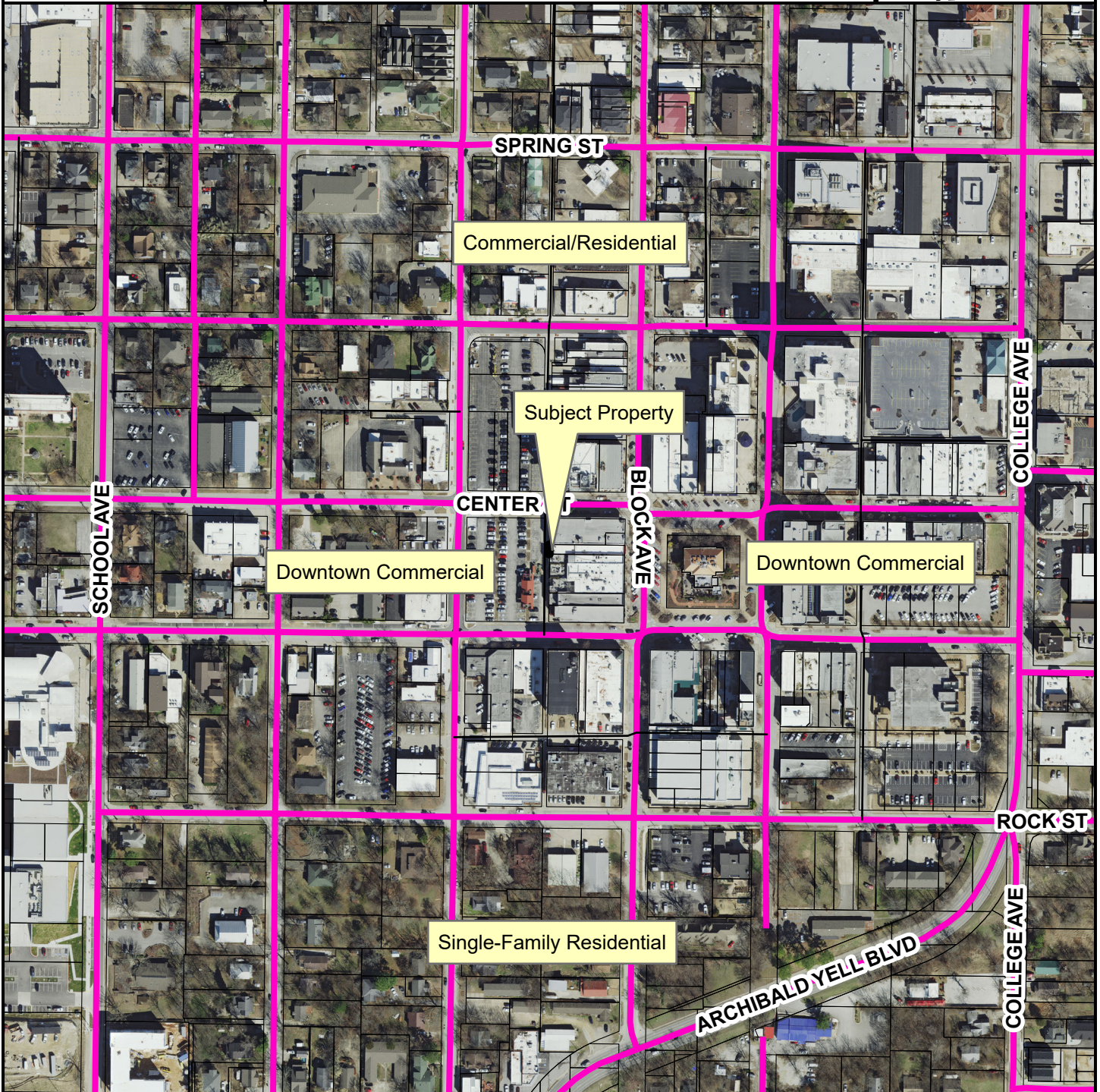
- Downtown Core
- Main Street Center
- Downtown General
- P-1



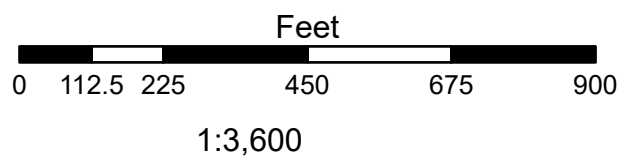
VAC-2022-0017

# 9 S BLOCK AVE

Current Land Use



- Urban Center
- Alley
- Planning Area
- Fayetteville City Limits
- Design Overlay District



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway