



MEETING OF NOVEMBER 21, 2023

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager
FROM: Gretchen Harrison, Senior Planner
DATE:

SUBJECT: **VAC-2023-0011: Vacation (2417 N. SHILOH DR./LEWIS BROTHERS LEASING CO., 286): Submitted by CLARK LAW FIRM PLLC for property located at 2417 N. SHILOH DR. in WARD 2. The property is zoned C-2, THOROUGHFARE COMMERCIAL & I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 22.76 acres. The request is to vacate portions of street right-of-way totaling 0.28 acres.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of VAC-2023-0011 as shown in the attached Exhibits 'A' and 'B', with the following conditions of approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense,
2. Easements shall be dedicated as requested by Black Hills Energy and AT&T to ensure that those entities maintain their right to access existing facilities, and
3. A drainage easement shall be dedicated over the proposed stormwater pipe within the area where right-of-way is proposed to be vacated.

BACKGROUND:

The subject property is located in northwest Fayetteville just southwest of the intersection of Shiloh Drive and Moore Lane. The property encompasses multiple parcels totaling roughly 22.76 acres which are currently under development as the new Lewis Automotive Mall. A portion of the property at the westernmost extent was rezoned in 2021 to C-2, Thoroughfare Commercial, subject to a Bill of Assurance (Ordinance 6513) which increased the landscaping requirement along Deane Solomon Road and Moore Lane.

Request: The applicant proposes to vacate portions of right-of-way along Moore Lane totaling 0.28 acres. The land within the right-of-way proposed to be vacated is currently undeveloped. Prior to 2019, the area was the location of Moore Lane's alignment.

Public Comment: Staff received one inquiry about this request, though no support or opposition to the vacation was offered.

DISCUSSION:

Staff is supportive of the requested right-of-way vacation. Moore Lane was realigned in 2018 as part of the

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

development of the Timber Ridge Estates Subdivision and, as a result, the segment of the street which previously bisected the subject right-of-way was shifted farther west. Staff finds that, from a land use planning perspective, maintaining the subject right-of-way no longer serves the public interest since the existing right-of-way along Moore Lane is wider than what is required by the Master Street Plan. Similarly, the right-of-way is not necessary to support Goal #3 of City Plan 2040, by helping to create a complete, compact, and connected street network, particularly given the limitation on future street connections to the south and east due to active redevelopment of adjacent property for Lewis Automotive.

At the October 23, 2023 Planning Commission meeting, a vote of 9-0-0 forwarded this item to City Council with a recommendation of approval, with conditions. Commissioner Brink made the motion and Commissioner Sparkman seconded it. Commissioners found the request to be appropriate and offered little comment on the item, recommending that an additional condition be added to accommodate stormwater infrastructure. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2023-1223

VAC-2023-0011: Vacation (2417 N. SHILOH DR./LEWIS BROTHERS LEASING CO., 286): Submitted by CLARK LAW FIRM PLLC for property located at 2417 N. SHILOH DR. in WARD 2. The property is zoned C-2, THOROUGHFARE COMMERCIAL & I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 22.76 acres. The request is to vacate portions of street right-of-way totaling 0.28 acres.

AN ORDINANCE TO APPROVE VAC 23-11 FOR PROPERTY LOCATED AT 2417 NORTH SHILOH DRIVE IN WARD 2 TO VACATE PORTIONS OF STREET RIGHT-OF-WAY TOTALING 0.28 ACRES

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portions of street right-of-way are not required for corporate purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portions of street right-of-way as described in Exhibit B attached to the Planning Department's memo.

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3: This vacation approval is subject to the following conditions:

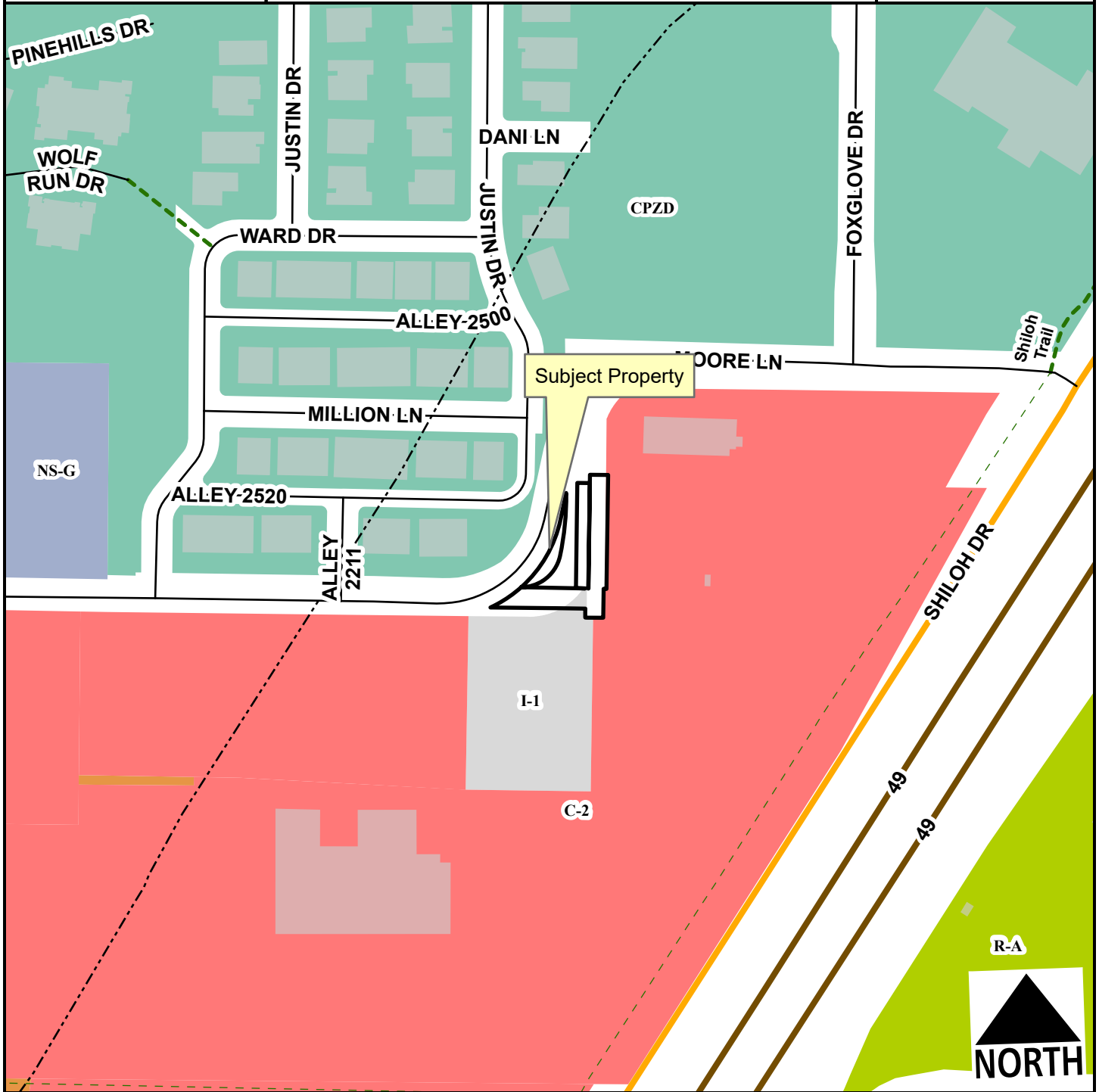
1. Any damage to or relocation of existing facilities will be at the property owner/developer's expense.
2. Easements shall be dedicated as requested by Black Hills Energy and AT&T to ensure that those entities maintain their right to access existing facilities.
3. A drainage easement shall be dedicated over the proposed stormwater pipe within the area where right-of-way is proposed to be vacated.

VAC-2023-0011

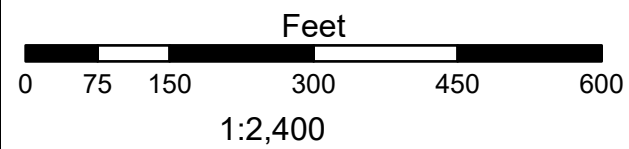
2417 N. SHILOH DR

VAC-2023-0011
EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District



- Residential-Agricultural
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-2
- Neighborhood Services - Gen.
- Commercial, Industrial, Residential