

City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-1785

VAC-2024-0002: Vacation (N. BOB YOUNKIN DR AND W. BISHOP DR/LEGACY VENTURES NWA, 251): Submitted by LEGACY VENTURES NWA for property located at N. BOB YOUNKIN DR. & W. BISHOP DR. in WARD 3. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains three parcels with approximately 1.16, 1.15, and 1.06 acres. The request is to vacate a 140-square-foot (0.003-acres) portion of street right-of-way.

AN ORDINANCE TO APPROVE VAC 24-002 FOR PROPERTY LOCATED AT NORTH BOB YOUNKIN DRIVE AND WEST BISHOP STREET IN WARD 3 TO VACATE APPROXIMATELY 140 SQUARE FEET OF STREET RIGHT OF WAY

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 general utility easement is not required for corporate purposes.

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

<u>Section 1</u>: That the City Council of the City of Fayetteville, Arkansas hereby vacates the general utility easements as described in Exhibit B attached to the Planning Department's memo.

<u>Section 2</u>: 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.

<u>Section 3</u>: This vacation approval is subject to the following conditions:

- 1. Any damage to or relocation of existing facilities will be at the applicant's expense;
- 2. Ducts shall be provided from the Bob Younkin Street right of way to the individual units as required by AT&T; and
- 3. New easements shall be dedicated along new utility routes and equipment following the plat layout as requested by AEP/SWEPCO.



CITY COUNCIL MEMO

2024-1785

MEETING OF MARCH 19, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff

Jonathan Curth, Development Services Director Jessica Masters, Development Review Manager

FROM: Donna Wonsower, Planner

SUBJECT: VAC-2024-0002: Vacation (N. BOB YOUNKIN DR AND W. BISHOP DR/LEGACY

VENTURES NWA, 251): Submitted by LEGACY VENTURES NWA for property located at N. BOB YOUNKIN DR. & W. BISHOP DR. in WARD 3. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains three parcels with approximately 1.16, 1.15, and 1.06 acres. The request is to vacate a

140-square-foot (0.003-acres) portion of street right-of-way.

RECOMMENDATION:

Staff and Planning Commission recommend approval of **VAC-2024-0002** 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;
- 2. Ducts shall be provided from the Bob Younkin Street ROW to the individual units as required by AT&T; and
- 3. New easements shall be dedicated along new utility routes and equipment, following the plat layout as requested by AEP/SWEPCO.

BACKGROUND:

The subject property is in north Fayetteville and contains three parcels (765-24866-000, 765-24865-000, and 765-24864-000) that are approximately 1.16, 1.15, and 1.06 acres. A property line adjustment has been approved to combine all three parcels but has not yet been recorded. The site is currently undeveloped. In September 2023, a large-scale development was approved for the subject property including thirty-two residential structures totaling sixty-four dwelling units.

Request: The applicant proposes to vacate a portion of the street right-of-way adjacent to the subject property at the intersection of N. Bob Younkin Dr. and W. Bishop Dr., which totals approximately 140 square feet or 0.003 acres. This ROW is required to be vacated in order to continue with the associated proposed project for multi-family housing.

DISCUSSION:

City of Fayetteville staff recommends in favor of the requested right-of-way vacation. The applicant submitted the required approvals with no objections, though with added conditions from franchise utility providers. The right-of-way is 140-square feet at the edge of an existing intersection and staff finds the removal of this portion of right-of-way is not likely to impact the existing service of the associated streets. Further, the associated large-scale development includes the addition of public trails, sidewalks, and on-street parking that would

Mailing address:

facilitate both vehicle and pedestrian transportation. With submittal of the required vacation forms and utility consent, staff recommends approval.

At the February 26, 2023 Planning Commission meeting, this item was unanimously forwarded to City Council with a recommendation of approval by a vote of 7-0-0. Commissioner Garlock motioned to forward the request, stating that the request was straightforward, and Commissioner Sparkman seconded. There was no additional discussion. No public comment was provided either prior to or during the public meeting.

BUDGET/STAFF IMPACT:

NA

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



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: February 26, 2024 (UPDATED WITH MEETING RESULTS)

SUBJECT: VAC-2024-0002: Vacation (N. BOB YOUNKIN DR AND W. BISHOP

DR/LEGACY VENTURES NWA, 251): Submitted by COMMUNITY BY DESIGN for property located at N. BOB YOUNKIN DR. & W. BISHOP DR. in WARD 3. The property is zoned RMF-24, RESIDENTIAL MULTIFAMILY, TWENTY-FOUR UNITS PER ACRE and contains three parcels with approximately 1.16, 1.15, and 1.06 acres. The request is to vacate a

150-square-foot (0.003-acres) portion of street right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2024-0002** to City Council with a recommendation of approval and with conditions.

RECOMMENDED MOTION:

"I move to forward **VAC-2024-0002** to City Council with a recommendation of approval and with conditions as recommended by staff."

BACKGROUND:

The subject property is in north Fayetteville and contains approximately 3.59 acres in the Appleby Landing Subdivision. The property is currently undeveloped, though it is surrounded by established single- and two-family neighborhoods to the east and west, a multi-family development to the south, and medical offices to the north. No environmentally sensitive areas are present on site and the property is not located within any zoning overlays. The property was successfully rezoned from R-O, Residential Offices to RMF-24, Residential Multi-Family, 24 units per Acre in early 2023. A separate request to vacate several utility easements will be heard by City Council at their March 5 meeting. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1: Surrounding Land Uses and Zoning

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Direction	Land Use	Zoning
North	Medical Offices	R-O, Residential Office
South	Multi-family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Single-family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Undeveloped (Future Phase of Midtown Landing)	CS, Community Services

Proposal: The applicant proposes to vacate a portion of the street right-of-way adjacent to the subject property at the intersection of N. Bob Younkin Dr. and W. Bishop Dr., which totals approximately 150 square feet or 0.003 acres.

DISCUSSION:

Staff is supportive of the applicant's request to vacate a portion of the street right-of-way. The right-of-way is 150-square feet at the edge of an existing intersection and staff finds the removal of the right-of-way is not likely to impact the existing service of the associated streets. Further, the associated large-scale development includes the addition of public trails, sidewalks, and the on-street parking that would facilitate both vehicle and pedestrian transportation.

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses. No other property owner is adjacent to the proposed right-of-way to be vacated.

<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, provided that new easements are granted

following utility routes and equipment layout on new plat.

Black Hills Energy No objections and no comments.

AT&T No objections, provided that, as described in discussions with the

developer, forthcoming duct paths from the street ROW of Bob

Younkin Dr. to the individual units

Ozarks Electric No objections and no comments.

City of Fayetteville Response

Water/Sewer No objections and no comments.

Solid Waste & Recycling No objections and no comments.

Transportation No objections and no comments.

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

RECOMMENDATION: Staff recommends forwarding **VAC-2024-0002** with the following conditions:

Conditions of Approval:

- Any damage or relocation of existing facilities will be at the property owner/developer's expense;
- 2. Ducts shall be provided from the Bob Younkin Street ROW to the individual units as required by AT&T; and
- 3. New easements shall be dedicated along new utility routes and equipment, following the plat layout as requested by AEP/SWEPCO.

PLANNING COMMISSION ACTION: Required <u>YES</u>

Date: February 26, 2024 ☐ Tabled ☐ Forwarded ☐ Denied

RECOMMENDATION OF APPROVAL WITH ALL CONDITIONS RECOMMENDED BY

STAFF

Second: SPARKMAN

Vote: 7-0-0 (MCGETRICK & HOLCOMB ABSENT)

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Applicant Request Letter
- Applicant Petition to Vacate
- Survey
- One Mile Map
- Close-Up Map
- Current Land Use Map

LEGACY VENTURES, LLC P.O. BOX 8216 FAYETEVILLE, AR 72703

January 15, 2024

City of Fayetteville Planning Commission / City Council 125 West Mountain Street Fayetteville, AR 72701

RE: Appleby Landing ROW Vacation Request

Dear Planning Commission and City Council,

Please accept this written request to vacate a small portion of the Right of Way (ROW) in the northwest corner of the subject property and as shown on the attached plat and impacting lots seven (7), eight (8) and nine (9) of the Appleby Landing subdivision.

This is being done to facilitate the construction of our Midtown Landing community and is a condition of approval for LSD 2023-0009 and grading permit GRD 2023-0104.

Our objective with this request is twofold; (1) to complete alignment of the street more closely with the City of Fayetteville's Residential Link street section and (2) allow the placement of our buildings closer to the street creating a unique street scape. We are envisioning a street planted heavily with trees in the 6 feet of greenspace on either side, on street parking and pedestrian friendly with wide sidewalks down either side.

Furthermore, we want to take advantage of the vacated ROW to be able to place our buildings closer to the street with parking in the rear hidden from public view. Welcoming front porches and stoops will connect the buildings to the public way and be very inviting.

All utilities have provided their approval in writing. Additionally, the lots mentioned above are the only ones impacted by this request.

We feel by granting this ROW/Easement vacation will be the final step in a long entitlement process and pave the way for a wonderful new community providing much needed housing. This mid-town location with proximity to the medical core and main transportation corridors makes it an excellent location for this type of multifamily. Our plan is to build a diverse, dense mix of high quality multifamily residential units. This community will contain units ranging in both size and bedroom count as well as one- and two-story units.

We are looking forward to developing a community that delivers high quality housing catering. And in doing so create a community that exemplifies urban planning and together leaving our *Legacy* one *Venture* at a time.

Sincerely,

Tim Brisiel



PETITION TO VACATE A PORTION OF THE RIGHT-OF-WAY LOCATED IN (35-17N-30W), CITY OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being the owner for the real estate abutting the right-of-way hereinafter sought to be abandoned and vacated, lying in (35-17N-30W), City of Fayetteville, Arkansas a municipal corporation, petition to vacate a right of way which is described as follows:

See attached legal description.

That the abutting real estate affected by said abandonment of the right of way are (35-17N-30W) 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 right of way.

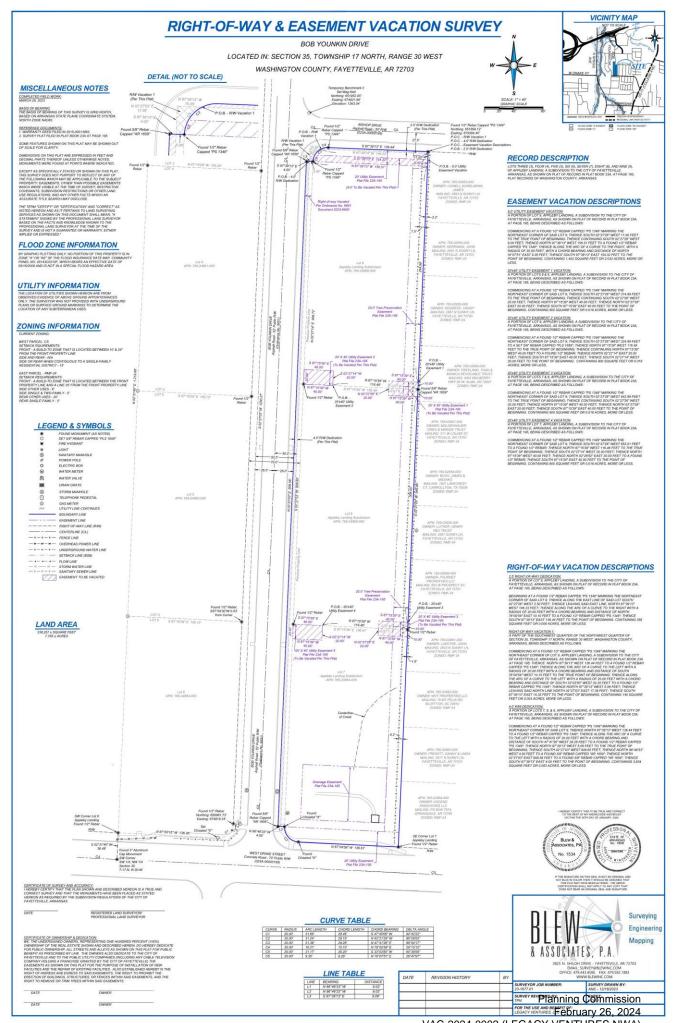
The petitioners pray that the City of Fayetteville, Arkansas abandon and vacate the above-described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above-described real estate be used for the respective benefit ad purpose as now approved by law.

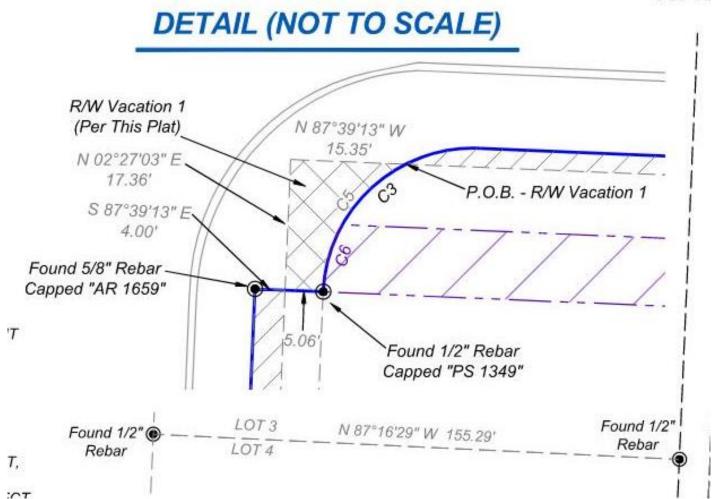
The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

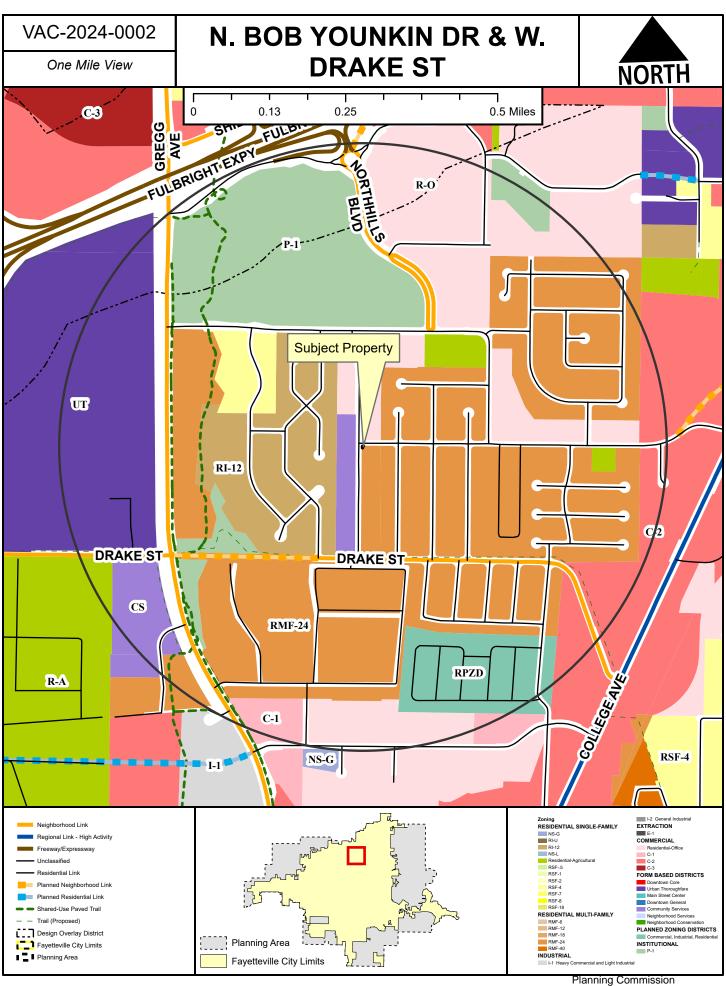
WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sough to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from easements of the public for the use of said right of way.

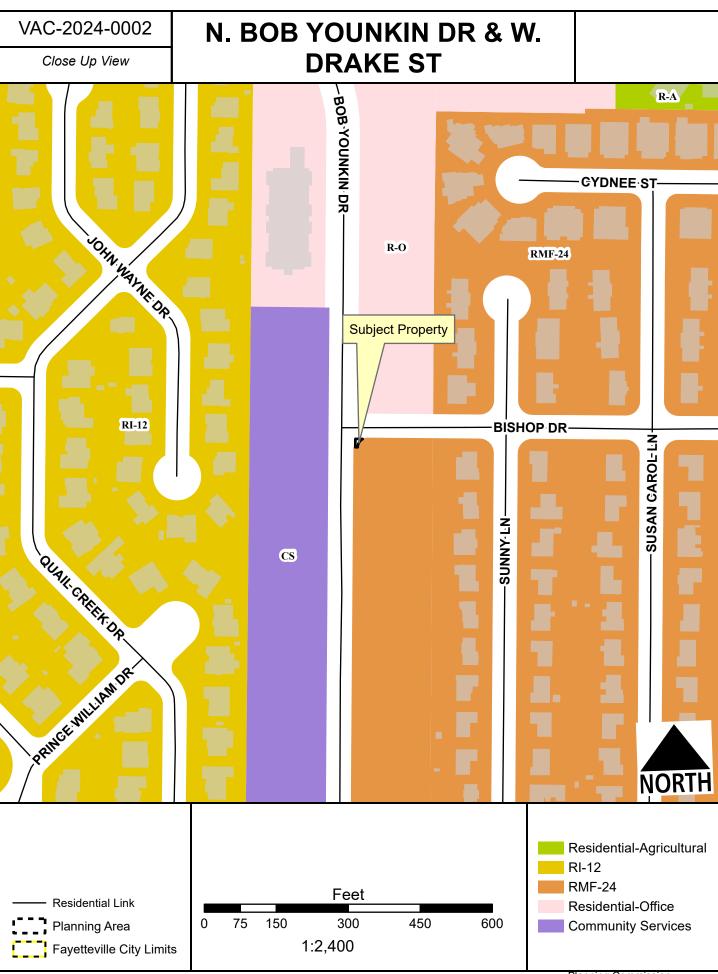
Dated this 15rd day of January, 2024.

Tim Brisiel









VAC-2024-0002

Current Land Use

N. BOB YOUNKIN DR & W. DRAKE ST



