

City of Fayetteville Staff Review Form

2015-0434

Legistar File ID

10/6/2015

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

Jeremy Pate

9/18/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 15-5176: Vacation (MARK MILLS LANE/SUMMIT PLACE SD, 329): Submitted by BLEW & ASSOCIATES, INC. for properties located at MARK MILLS LANE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 1.06 acres. The request is to vacate a portion of a conservation easement.

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 \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 6, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director
Chris Brown, City Engineer

DATE: September 15, 2015

SUBJECT: **VAC 15-5176: Vacation (MARK MILLS LANE/SUMMIT PLACE SD, 329):** Submitted by BLEW & ASSOCIATES, INC. for properties located at MARK MILLS LANE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 1.06 acres. The request is to vacate a portion of a conservation easement.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to vacate conservation easement.

BACKGROUND:

The property is located within the Summit Place Subdivision located on the south side of Township Street, east of College Avenue. A re-plat of the Summit Place subdivision in 2011 (PPL 11-3902) increased the number of residential lots from 50 to 123. To avoid having to increase the size of the detention pond to accommodate the additional impervious surface from the additional lots, the applicant platted a conservation easement throughout the rear of the lots. This easement restricted impervious surface in the easement area. On August 24, 2015 the Planning Commission approved the applicant re-platting a portion of this neighborhood back into larger lots (CCP 15-5142). The applicant now proposes to reduce the size of the existing conservation easement because it is no longer needed to meet storm water detention requirements.

DISCUSSION:

On September 14, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 7-0-1 (Commissioner Hoskins recused).

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director
Corey Granderson, Staff Engineer

MEETING DATE: September 14, 2015 *Updated with Planning Commission results*

SUBJECT: **VAC 15-5176: Vacation (MARK MILLS LANE/SUMMIT PLACE SD, 329):** Submitted by BLEW & ASSOCIATES, INC. for properties located at MARK MILLS LANE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 1.06 acres. The request is to vacate a portion of a conservation easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 15-5176** to the City Council with a recommendation for approval.

BACKGROUND:

The property is located within the Summit Place Subdivision located on the south side of Township Street, east of College Avenue. A re-plat of the Summit Place subdivision in 2011 (PPL 11-3902) increased the number of residential lots from 50 to 123. To avoid having to increase the size of the detention pond to accommodate the additional impervious surface from the additional lots, the applicant platted a conservation easement throughout the rear of the lots. This easement restricted impervious surface in the easement area. On August 24, 2015 the Planning Commission approved the applicant re-platting a portion of this neighborhood back into larger lots (CCP 15-5142). The applicant now proposes to reduce the size of the existing conservation easement.

The surrounding zoning and land uses are depicted in *Table 1*.

**Table 1
Surrounding Zoning and Land Use**

Direction from Site	Land Use	Zoning
North	Single family lots	RSF-4, Residential Single Family Four Units Per Acre
South	Single family lots	NC, Neighborhood Conservation
East	Single family lots	RSF-4, Residential Single Family Four Units Per Acre
West	Detention pond; College Avenue Commercial Corridor	NC, Neighborhood Conservation; RSF-4, Residential Single Family Four Units Per Acre, C-2, Thoroughfare Commercial

Proposal: The applicant proposes to reduce the size of the conservation easement as indicated on the attached plats.

DISCUSSION:

Vacation Approval: The applicant has submitted the proposal to the City Engineering Division who are recommending in favor of the request. No other franchise utilities or City Departments have review over this easement area.

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 15-5176 to the City Council with a recommendation for approval.

Planning Commission Action:	<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Meeting Date:	<u>September 14, 2015</u>		
Motion:	<u>Chesser</u>		
Second:	<u>Cook</u>		
Vote:	<u>7-0-1 (Hoskins recused)</u>		

BUDGET/STAFF IMPACT:

None.

Attachments:

- City Engineering Memo
- Request Letter
- Petition to Vacate
- Easement Vacation Exhibit
- One Mile Map
- Close Up Map



Date: September 8, 2015

Planning Commission Staff Memo

To: Andrew Garner, Planning Director
From: Corey Granderson, Staff Engineer
Through: Chris Brown, City Engineer

Re: Vacation Review Comments - VAC 15-5176 Marks Mill Lane
Engineer: Blew & Associates

Recommendation:

The Engineering Division recommends approval of this vacation request.

Background & Findings:

The subject areas in this application consist of residential lots that are decreasing in number and therefore decreasing in density per concurrent plat CCP 15-5142, currently in process. Originally, all of the lots in Summit Place were larger lots – approximately half acre in area. CCP 11-3902 re-platted the subdivision into approximately quarter acre lots at which time conservation easements were platted along the rear of each lot in order to preserve the originally calculated balance of impervious/pervious areas and NOT have to modify the detention pond or drainage facilities. This logic was reviewed and approved at that time and several of these lots were built-out.

CCP 15-5142 proposes to increase the lot size on several unbuilt lots and reduce the conservation easement areas on the unbuilt lots via this vacation request. Updated drainage calculations have been provided which follow the exact same logic as the previously approved calculations used to plat the conservation easements originally. It is the Engineering Division's opinion that the constructed detention pond and drainage facilities will continue to function as designed based on the engineer's calculations which show the reduced conservation easements matching this vacation request.

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

Charlie Zardin
Blew & Associates, PA
524 West Sycamore, Suite 4
Fayetteville, Arkansas 72703

Planning Commission
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

SUBJECT: Summit Place Subdivision Conservation Easement Vacation

August 5, 2015

To **Whom** It May Concern:

The property developer, Elite Equity Group of Arkansas, LLC, is requesting the vacation of portions of Conservation Easements within Summit Place Subdivision. These Conservation Easements are non-buildable areas and were created with the Replat of Phase 1 Summit Place for storm water control in relation to the detention pond size. The subject lots are now being re-platted with the Concurrent Plat of Lots 82-91, 93, 94, 96-98, 113-116, 120 & 121 to reduce the number of lots from 21 to 16 single family lots. This will reduce the density from 5.50 lots/ac to 4.19 lots/ac. This reduction in density will allow for the Conservation Easements to be reduced on the subject lots, while allowing the storm water detention pond to function as originally designed.

Sincerely,



Charlie Zardin
Blew & Associates, PA

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

PETITION

PETITION TO VACATE PORTIONS OF TREE CONSERVATIONS EASEMENTS LOCATED IN SUMMIT PLACE SUBDIVISION, PHASE 1, CITY OF FAYETTEVILLE, ARKANSAS

The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Summit Place Subdivision, Phase 1, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate easements which are described as follows:

EASEMENT VACATION 1 DESCRIPTION:

A PART OF LOTS 113, 114, 115, AND 116, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S79°47'01"E 46.49' FROM THE SOUTHWEST CORNER OF SAID LOT 113, AND RUNNING THENCE N01°52'25"E 162.33', THENCE S59°21'44"E 9.76', THENCE N59°14'35"E 73.97', THENCE S53°38'42"E 55.29', THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 342.50', HAVING A CHORD BEARING AND DISTANCE OF S24°45'27"W 187.36', THENCE N79°47'01"W 44.04' TO THE POINT OF BEGINNING. CONTAINING 0.31 ACRES, MORE OR LESS.

EASEMENT VACATION 2 DESCRIPTION:

A PART OF LOTS 120 AND 121, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S41°51'01"E 44.99' FROM THE SOUTHWEST CORNER OF SAID LOT 120, AND RUNNING THENCE N50°28'34"E 40.03', THENCE N53°18'34"E 40.16', THENCE S41°51'01"E 24.16', THENCE S47°59'19"W 80.00', THENCE N41°51'01"W 29.62' TO THE POINT OF BEGINNING. CONTAINING 0.05 ACRES, MORE OR LESS.

EASEMENT VACATION 3 DESCRIPTION:

A PART OF LOTS 96, 97 AND 98, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N74°48'39"W 62.49' FROM THE SOUTHEAST CORNER OF SAID LOT 98, AND RUNNING THENCE N74°48'39"W 19.31', THENCE N02°58'09"E 15.95', THENCE N18°33'39"E 50.19', THENCE N41°15'16"E 81.45', THENCE S41°51'01"E 19.94', THENCE S29°33'09"W 132.15' TO THE POINT OF BEGINNING. CONTAINING 0.09 ACRES, MORE OR LESS.

EASEMENT VACATION 4 DESCRIPTION:

A PART OF LOTS 93 AND 94, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N44°17'04"W 45.04' FROM THE SOUTHEAST CORNER OF SAID LOT 94, AND RUNNING THENCE N44°17'04"W 37.53', THENCE N47°53'21"E 115.36', THENCE S44°17'04"E 38.06', THENCE S48°08'59"W 115.39' TO THE POINT OF BEGINNING. CONTAINING 0.10 ACRES, MORE OR LESS.

EASEMENT VACATION 5 DESCRIPTION:

A PART OF LOTS 86, 87, 88, 89, 90 AND 91, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N46°24'34"W 38.23' FROM THE SOUTHEAST CORNER OF SAID LOT 91, AND RUNNING THENCE N46°24'34"W 48.36', THENCE N44°59'45"E 38.13', THENCE N35°27'34"E 49.06', THENCE N26°23'33"E 89.70', THENCE N20°18'10"E 113.30', THENCE S72°47'36"E 85.90', THENCE S25°07'12"W 148.32', THENCE S43°01'08"W 173.95' TO THE POINT OF BEGINNING. CONTAINING 0.47 ACRES, MORE OR LESS.

EASEMENT VACATION 6 DESCRIPTION:

A PART OF LOTS 84 AND 85, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S72°47'36"E 67.60' FROM THE SOUTHWEST CORNER OF SAID LOT 85, AND RUNNING THENCE N20°18'10"E 0.51', THENCE N36°54'40"E 42.26', THENCE N64°38'21"E 18.17', THENCE N88°56'47"E 13.39', THENCE S52°37'11"W 69.67' TO THE POINT OF BEGINNING. CONTAINING 0.01 ACRES, MORE OR LESS.

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

Charlie Zardin
Blew & Associates, PA
524 West Sycamore, Suite 4
Fayetteville, Arkansas 72703

Planning Commission
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

SUBJECT: Summit Place Subdivision Conservation Easement Vacation

August 5, 2015

To Whom It May Concern:

The property developer, Elite Equity Group of Arkansas, LLC, is requesting the vacation of portions of Conservation Easements within Summit Place Subdivision. These Conservation Easements are non-buildable areas and were created with the Replat of Phase 1 Summit Place for storm water control in relation to the detention pond size. The subject lots are now being re-platted with the Concurrent Plat of Lots 82-91, 93, 94, 96-98, 113-116, 120 & 121 to reduce the number of lots from 21 to 16 single family lots. This will reduce the density from 5.50 lots/ac to 4.19 lots/ac. This reduction in density will allow for the Conservation Easements to be reduced on the subject lots, while allowing the storm water detention pond to function as originally designed.

Sincerely,

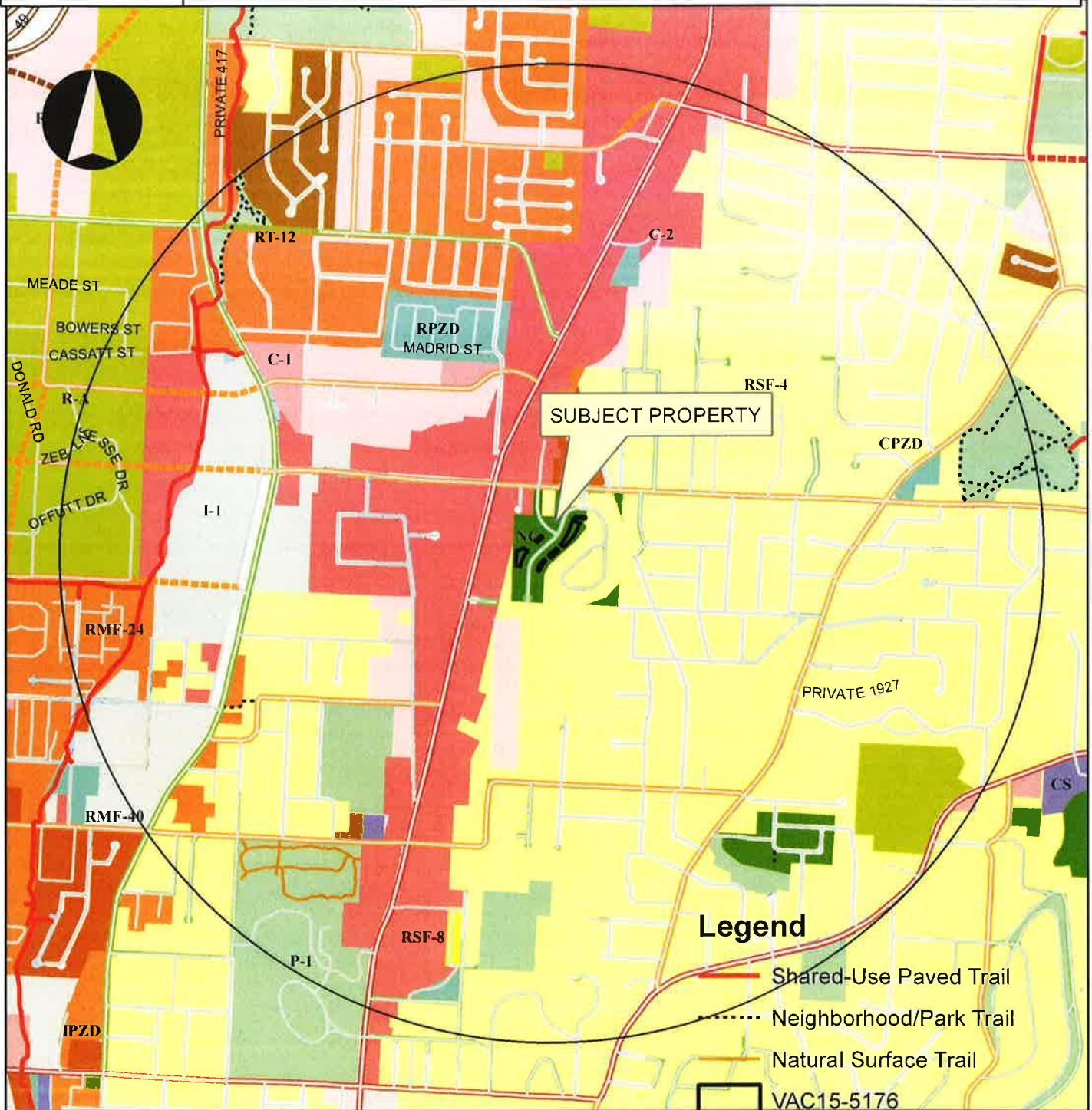


Charlie Zardin
Blew & Associates, PA

VAC15-5176

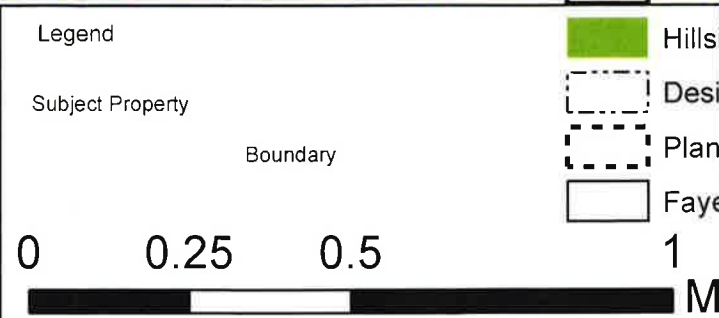
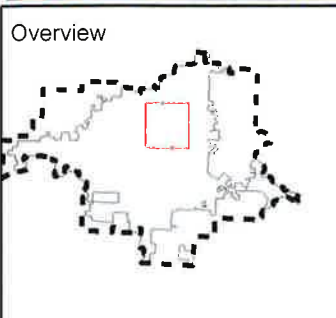
SUMMIT PLACE SD

One Mile View



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- VAC15-5176

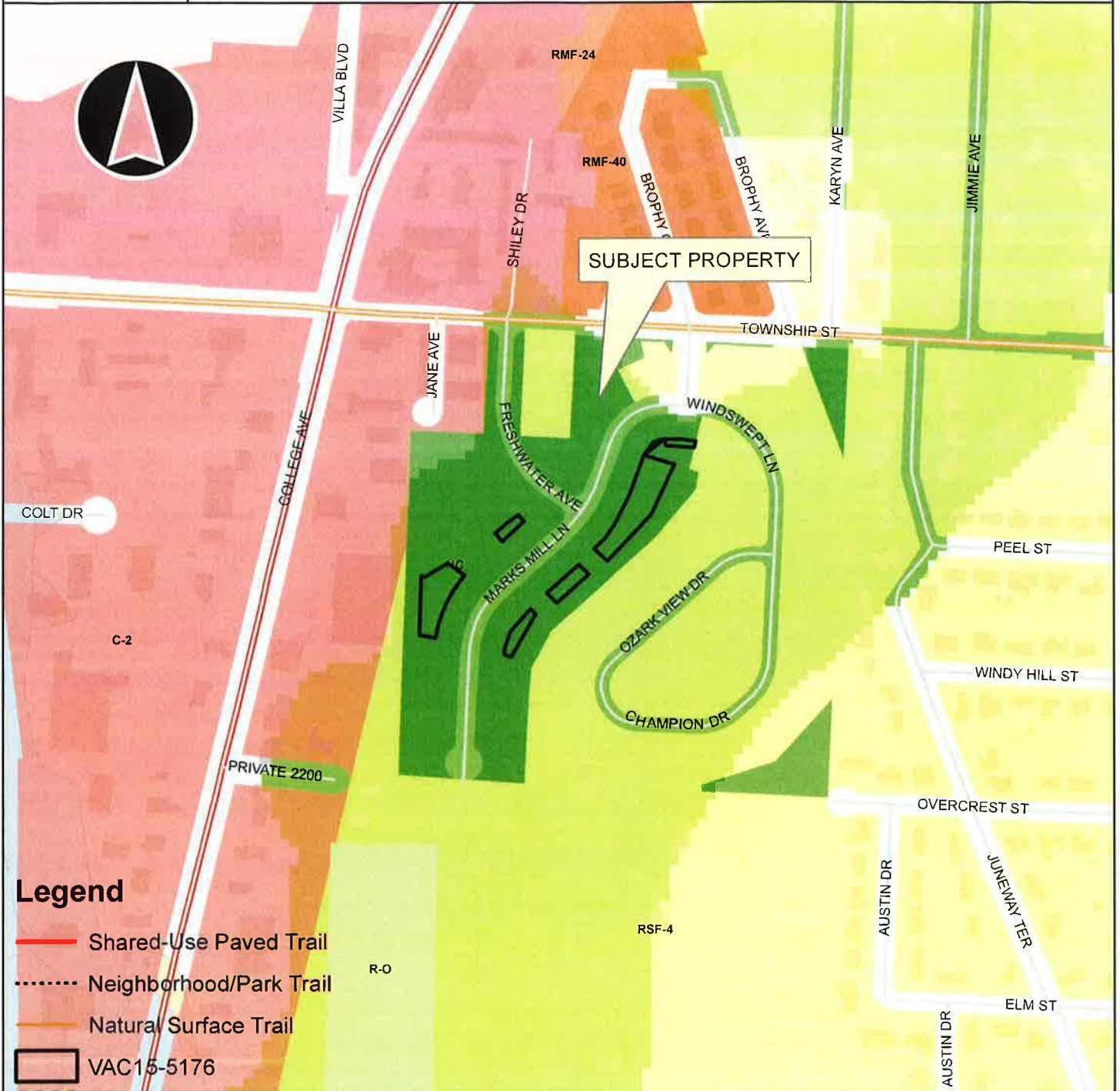


- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville





VAC15-5176


SUMMIT PLACE SD

Close Up View




Legend


-  Shared-Use Paved Trail
-  Neighborhood/Park Trail
-  Natural Surface Trail
-  VAC15-5176

 Fayetteville City Limits

 Footprints 2010

 Hillside-Hilltop Overlay District

 Design Overlay District

 Design Overlay District

 Planning Area



Planning Commission
September 14, 2015

EXHIBIT 'B'

15-5176

SURVEY DESCRIPTION:

LOTS 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 96, 97, 98, 113, 114, 115, 116, 120, AND 121, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "24" AT PAGE 1 AND PLAT RECORD "24A" AT PAGE 2.

EASEMENT VACATION 1 DESCRIPTION:

A PART OF LOTS 113, 114, 115, AND 116, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S79°47'01"E 46.49' FROM THE SOUTHWEST CORNER OF SAID LOT 113, AND RUNNING THENCE N01°52'25"E 162.33', THENCE S59°21'44"E 9.76', THENCE N59°14'35"E 73.97', THENCE S53°38'42"E 55.29', THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 342.50', HAVING A CHORD BEARING AND DISTANCE OF S24°45'27"W 187.36', THENCE N79°47'01"W 44.04' TO THE POINT OF BEGINNING. CONTAINING 0.31 ACRES, MORE OR LESS.

EASEMENT VACATION 2 DESCRIPTION:

A PART OF LOTS 120 AND 121, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S41°51'01"E 44.99' FROM THE SOUTHWEST CORNER OF SAID LOT 120, AND RUNNING THENCE N50°28'34"E 40.03', THENCE N53°18'34"E 40.16', THENCE S41°51'01"E 24.16', THENCE S47°59'19"W 80.00', THENCE N41°51'01"W 29.62' TO THE POINT OF BEGINNING. CONTAINING 0.05 ACRES, MORE OR LESS.

EASEMENT VACATION 3 DESCRIPTION:

A PART OF LOTS 96, 97 AND 98, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N74°48'39"W 62.49' FROM THE SOUTHEAST CORNER OF SAID LOT 98, AND RUNNING THENCE N74°48'39"W 19.31', THENCE N02°58'09"E 15.95', THENCE N18°33'39"E 50.19', THENCE N41°15'16"E 81.45', THENCE S41°51'01"E 19.94', THENCE S29°33'09"W 132.15' TO THE POINT OF BEGINNING. CONTAINING 0.09 ACRES, MORE OR LESS.

EASEMENT VACATION 4 DESCRIPTION:

A PART OF LOTS 93 AND 94, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N44°17'04"W 45.04' FROM THE SOUTHEAST CORNER OF SAID LOT 94, AND RUNNING THENCE N44°17'04"W 37.53', THENCE N47°53'21"E 115.36', THENCE S44°17'04"E 38.06', THENCE S48°08'59"W 115.39' TO THE POINT OF BEGINNING. CONTAINING 0.10 ACRES, MORE OR LESS.

EASEMENT VACATION 5 DESCRIPTION:

A PART OF LOTS 86, 87, 88, 89, 90 AND 91, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N46°24'34"W 38.23' FROM THE SOUTHEAST CORNER OF SAID LOT 91, AND RUNNING THENCE N46°24'34"W 48.36', THENCE N44°59'45"E 38.13', THENCE N35°27'34"E 49.06', THENCE N26°23'33"E 89.70', THENCE N20°18'10"E 113.30', THENCE S72°47'36"E 85.90', THENCE S25°07'12"W 148.32', THENCE S43°01'08"W 173.95' TO THE POINT OF BEGINNING. CONTAINING 0.47 ACRES, MORE OR LESS.

EXHIBIT 'B'
15-5176

EASEMENT VACATION 6 DESCRIPTION:

A PART OF LOTS 84 AND 85, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S72°47'36"E 67.60' FROM THE SOUTHWEST CORNER OF SAID LOT 85, AND RUNNING THENCE N20°18'10"E 0.51', THENCE N36°54'40"E 42.26', THENCE N64°38'21"E 18.17', THENCE N88°56'47"E 13.39', THENCE S52°37'11"W 69.67' TO THE POINT OF BEGINNING. CONTAINING 0.01 ACRES, MORE OR LESS.

EASEMENT VACATION 7 DESCRIPTION:

A PART OF LOTS 82 AND 83, SUMMIT PLACE SUBDIVISION, PHASE 1 TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S12°16'09"E 70.95' FROM THE NORTHWEST CORNER OF SAID LOT 83, AND RUNNING THENCE N88°56'47"E 45.61', THENCE S80°42'29"E 38.76', THENCE S13°30'46"W 16.50', THENCE N86°11'33"W 76.60', THENCE N12°16'09"W 16.76 TO THE POINT OF BEGINNING. CONTAINING 0.03 ACRES, MORE OR LESS.