



**MEETING OF FEBRUARY 21, 2023**

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

**SUBJECT:** **VAC-2022-0029: Vacation (1074 E. SAIN ST/ THE TRAILS ON THE CREEK, 174): Submitted by BLEW AND ASSOCIATES for property located at 1074 E SAIN STREET in WARD 3. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 10.55 acres. The request is to vacate a 0.10-acre portion of right-of-way.**

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**RECOMMENDATION:**

Staff and Planning Commission recommend approval of VAC-2022-0029 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 developer's expense.
2. Any new utility easements to serve LSD-2022-000006 must be coordinated when the Master Street Plan right-of-way is established.
3. A 20-foot wide easement must be retained for any existing sanitary sewer.
4. Right-of-way vacation subject to approval and issuance of grading permit in association with LSD-2022-000006.

In the intervening time between Planning Commission's recommendation and the City Council meeting, the Engineering Division identified additional conditions for the Council's consideration. They are included in the attached staff memo, and listed here.

1. LSD-2022-000006 procure and install 2 bus shelters per the City's and University of Arkansas' standard on the already installed bus stop concrete/paver pads.
2. LSD-2022-000006 shall provide an executed deed to the City transferring property at the SE corner of the roundabout (see exhibit) at no cost to the City.

**BACKGROUND:**

The subject property is in north Fayetteville, south of Mud Creek, and west of Butterfield Trail Village. The eastern and southern portions of the main site are characterized by steep slopes down to Mud Creek and its floodplain to the north, and up to Brookhaven Estates and Christian Life Cathedral to the south. A relatively level area is found between these two grades and across the remainder of the property. Despite the terrain, no portion of the property falls within the Hillside-Hilltop Overlay district. The property received its current zoning designation of Residential Planned Zoning District on November 5, 2020 with the passage of Ordinance 6377

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Mailing address:

113 W. Mountain Street  
Fayetteville, AR 72701

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by City Council. An associated large-scale development of multi-family housing was approved by the Planning Commission on November 28, 2022.

*Request:* The applicant proposes to vacate 0.10 acres of right-of-way following the construction of the recently completed E. Sain Street connection and associated bridge.

*Public Comment:* No public comment was offered on this item.

**DISCUSSION:**

The right-of-way vacation request is associated with an approved large-scale development for multi-family housing that was approved by Planning Commission on November 28, 2022. The vacation request comes on the heels of the completion of the Sain Street connection, and it has been determined that the right-of-way is no longer needed to serve the public interest.

At the January 23, 2023 Planning Commission meeting, this item was forwarded to City Council with a recommendation of approval by a vote of 8-0-0, on the consent agenda. Commissioner Brink made the motion and Commissioner Johnson seconded. No comment was offered by the Commission. No public comment was received on the item.

**BUDGET/STAFF IMPACT:**

N/A

**ATTACHMENTS:** SRF, EXHIBIT A, EXHIBIT B, ENGINEERING MEMO, APPLICANT REQUEST LETTER, PETITION TO VACATE, SURVEY

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Mailing address:

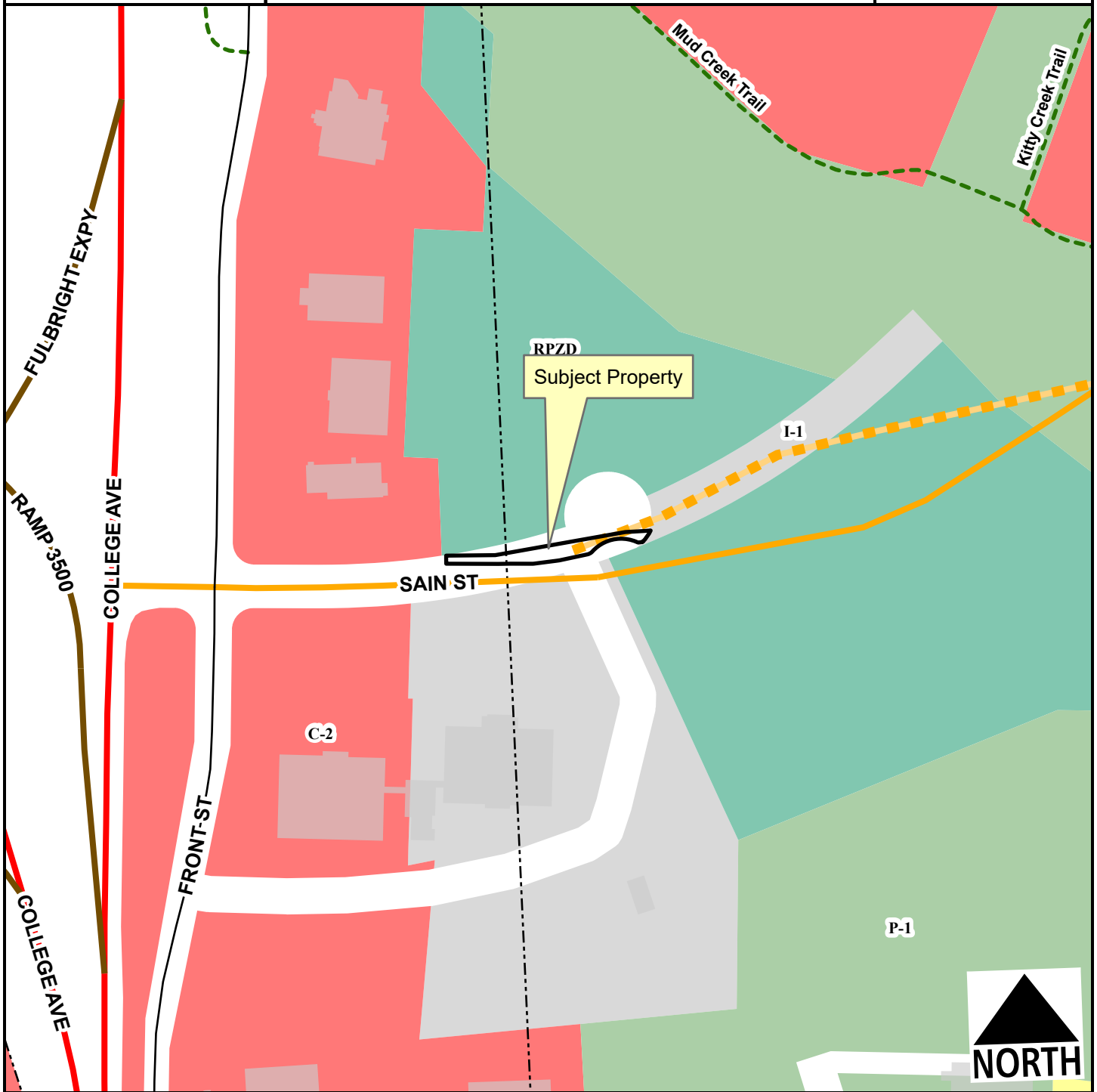
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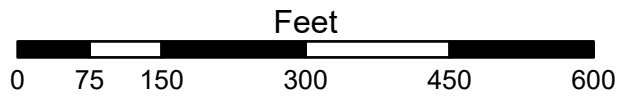
VAC-2022-0029

# 1074 E. Sain St

Close Up View



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



1:2,400

- RSF-4
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-2
- Commercial, Industrial, Residential
- P-1