

Name: Rock Creek Way - - Right-of-Way Abandonment

Location: North of West 36<sup>th</sup> Street, east of Bowman Road

Owner/Applicant: The Church at Rock Creek, Garth Development and Richardson Properties/Tim Daters, White-Daters and Associates

Request: The applicant proposes to abandon approximately 570 linear feet of the undeveloped 60 foot wide Rock Creek Way right-of-way. The right-of-way runs north from West 36<sup>th</sup> Street, approximately 700 feet east of Bowman Road.

Purpose: Private driveway/access to adjacent properties.

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STAFF REVIEW:

A. Public Need for this Right-of-Way:

As noted in paragraph G., none of the utility companies object to the abandonment request. None of the utilities request an easement. Public Works has reviewed the abandonment request and has the following comment:

Easements should be maintained for storm water drainage and private access.

B. Master Street Plan:

On February 26, 2015 the Planning Commission approved a Master Street Plan Amendment to remove this future collector street from the plan. There are no other Master Street Plan issues associated with this request.

C. Characteristics of Right-of-Way Terrain:

The area of right-of-way contains a paved private driveway which is one (1) of the access points to the Church at Rock Creek development.

D. Development Potential:

After abandonment, the area of right-of-way will continue to be used as a private driveway.

E. Neighborhood and Land Use Effect:

The Church at Rock Creek development (zoned POD) is located along the east side of the abandonment request. Undeveloped properties, zoned R-2 and PD-R are located along the west side of the right-of-way.

F. Neighborhood Position:

All of the abutting property owners have signed-off on the abandonment request. The John Barrow neighborhood association was notified of the abandonment request.

G. Effect on Public Services or Utilities:

Little Rock Wastewater: No objection to proposed abandonment.

Entergy: No objection to proposed abandonment.

Centerpoint Energy: No objection to proposed abandonment.

AT& T: AT&T approves the Rock Creek Way right-of-way abandonment as shown in the attached file with the understanding that any existing facilities in conflict that need to be addressed, will be at the cost of the developer on a Custom Work Order. The only potential conflict is along the north side of West 36<sup>th</sup> Street where we have 2 fiber cables and a copper cable paralleling 36<sup>th</sup> Street.

Central Arkansas Water: No objection to proposed abandonment.

H. Reversionary Rights:

Information submitted by a licensed abstract company states that there are no reversionary rights found of record.

I. Public Welfare and Safety Issues:

Abandoning this right-of-way will have no adverse impact on the public welfare and safety. The Little Rock Fire Department has reviewed and approved the abandonment request.

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SUBDIVISION COMMITTEE COMMENT: (MARCH 18, 2015)

Tim Daters was present representing the application. Staff presented the item and stated there were no outstanding issues. Mr. Daters explained the issue and stated the existing road would be incorporated into the private drive serving the adjacent properties. He stated a cross access easement would be put in.

Public Works and Utility comments were noted.

The committee determined there were no issues and forwarded the item to the full commission.

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STAFF RECOMMENDATION:

Staff recommends approval of the request to abandon approximately 570 linear feet of the undeveloped 60 foot wide Rock Creek Way right-of-way, subject to the area of abandonment being retained as a drainage and access easement.

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PLANNING COMMISSION ACTION:

(APRIL 9, 2015)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval as outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff by a vote of 11 ayes, 0 noes and 0 absent.