

FILE NO.: G-23-479

NAME: West 2nd Street and Alley – Partial Right-of-Way Abandonment

LOCATION: Adjacent to and within Block 5, Union Depot Addition
(West 2nd Street and S. Battery Street)

DEVELOPER:

TJM Third and Bishop Properties, LLC
501 Woodlane Street, Suite 105
Little Rock, AR 72201

OWNER/AUTHORIZED AGENT:

TJM Third and Bishop Properties, LLC – Adjacent Owner
Bradley A. Peterson. – Agent

SURVEYOR/ENGINEER:

Crafton Tull
10825 Financial Centre Parkway, Suite 300
Little Rock, AR 72211

AREA: 0.199 acre NUMBER OF LOTS: N/A FT. NEW STREET: N/A

WARD: 3 PLANNING DISTRICT: 4 CENSUS TRACT: 48

CURRENT ZONING: N/A

Variance/Waivers: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant requests to abandon the 50 foot wide West 2nd Street right-of-way between S. Battery Street and the alley right-of-way within Block 5, Union Depot Addition, and the south 91 feet of the 14 foot wide alley right-of-way within Block 5, Union Depot Addition.

B. EXISTING CONDITIONS:

The area of abandonment is currently undeveloped. Some site work has taken place around this area over the last several years.

C. NEIGHBORHOOD COMMENTS:

All owners of property abutting the site and all neighborhood associations registered with The City of Little Rock were notified of the public hearing.

D. ENGINEERING COMMENTS:

1. Easements are required to be provided for all storm water drainage.

E. UTILITIES/FIRE DEPARTMENT/PARKS/COUNTY PLANNING:

Little Rock Water Reclamation Authority: Please verify the existing sewer lines. Retain a 10' sewer easement for all existing mains.

Entergy: Entergy has existing overhead primary in this area that serves customers on S. Battery Street.

CenterPoint Energy: CenterPoint has a small segment of existing gas main along the south side of 2nd Street. Retain utility easement over this area. Otherwise, all the remaining areas can have their ROW abandoned.

AT & T: No objection to abandonment.

Central Arkansas Water: Regarding the proposed ROW abandonment, Central Arkansas Water Approves with the following comments:

- The ROW abandonment is contingent on the participation of the relocation/replacement of the 24" main located within said ROW in the amount of \$25,000.
- Easements will be provided for all existing and future water utilities that would otherwise be with in the described ROW that is to be abandoned.
- All Central Arkansas Water requirements in effect at the time of request for water service must be met.

Fire Department:

Maintain Access:

Fire Hydrants.

Maintain fire apparatus access roads at fire hydrant locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.1 Access road width with**

a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders.

Grade

Maintain fire apparatus access roads as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D103.2 Grade.** **Fire apparatus access roads shall not exceed 10 percent in grade except as approved by the fire chief. If the grade exceeds 10 percent, approval will be denied and the applicant must submit request to be reviewed by Fire Chief for Approval.**

Loading

Maintain fire apparatus access road design as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 **Section D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

Dead Ends.

Maintain fire apparatus access roads at dead end locations as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. Requirements for Dead-end fire apparatus access roads.

Gates

Maintain fire apparatus access road gates as per Appendix D of the 2012 Arkansas Fire Prevention Code Vol. 1 Section D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Minimum gate width shall be 20 feet.
2. Gates shall be of swinging or sliding type.
3. Construction of gates shall be of material that allow manual operation by one person.
4. Gate components shall be maintained in an operable condition at all times and replaces or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the keys to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.

8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates, intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F 2200.

One- or Two-Family Residential Developments.

As per Appendix D, Section D107.1 of the Arkansas Fire Prevention Code Vol. 1, One- or Two-Family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are **more than 30 dwelling units** on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved **automatic sprinkler system** in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the Arkansas Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

Fire Hydrants

Locate Fire Hydrants as per Appendix C of the 2012 Arkansas Fire Prevention Code. Section C101 – C105, in conjunction with Central Arkansas Water (Daniel Tull 501-377-1245) and the Little Rock Fire Marshal’s Office (Capt. Tony Rhodes 501-918-3757, or Fire Marshal Derek N. Ingram 501-918-3756 Number and Distribution of Fire Hydrants as per Table C105.1.

Parks and Recreation: No comments received.

County Planning: No comments.

F. **BUILDING CODES/LANDSCAPE:**

Building Code: No comments received.

Landscape: No comments.

G. **TRANSPORTATION/PLANNING:**

Rock Region Metro: No comments received.

Planning Division: No comments.

H. ANALYSIS:

The applicant proposes to abandon a portion of the West 2nd Street right-of-way and an alley right-of-way as follows:

1. The 50 foot wide West 2nd Street right-of-way located between S. Battery Street right-of-way and the alley right-of-way within Block 5, Union Depot Addition (approximately 149 linear feet).
2. The south 91 feet of the 14 foot wide alley right-of-way located within Block 5, Union Depot Addition (between Lots 5/6 and Lots 7/8, Block 5, Union Depot Addition).

The areas of abandonment will be incorporated into the properties to the east, west and south for future development. The areas of abandonment are currently undeveloped. Some site work has taken place around these areas over the past several years.

A letter from an abstract company refers to a reversionary clause for the rights-of-way in favor of Sam W. Rayburn, Trustee. The applicant is currently working with their legal counsel to determine the current ownership implications of the reversionary clause.

Several of the public utility companies request that all or parts of the area of abandonment be retained as a utility easement. The engineering division requests that the areas of abandonment be retained as a drainage easement. Therefore, the entire areas of abandonment will be retained as a utility and drainage easement.

There are no Master Street Plan issues, as the areas of abandonment are not classified as collector streets or higher.

Abandoning these rights-of-way will have no adverse impact on the public welfare and safety. The Little Rock Fire Department submitted no negative comments to the proposed abandonment request.

I. STAFF RECOMMENDATION:

Staff recommends approval of the requested right-of-way abandonment, subject to the following conditions:

1. Compliance with the comments and conditions outlined in paragraphs D and E of the staff analysis.
2. The entire area of abandonment must be retained as a utility and drainage easement.

PLANNING COMMISSION ACTION:

(OCTOBER 14, 2021)

The applicant was present. There were no persons present registered in support or opposition. 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, including all staff comments and conditions. The vote was 10 ayes, 0 nays and 0 absent and 1 open position.