

**SIDEWALK WAIVER REQUEST
STAFF REPORT****Date: November 3, 2011****NAME**

KMS Development Moffett, LLC

LOCATION5723 Moffett Road
(South side of Moffett Road, 1400'± West of Howells
Ferry Road)**PRESENT ZONING**

B-3, Community Business District

ENGINEERING**COMMENTS**

Considering the ALDOT denial to remove the existing trees, there does not appear to be sufficient room to construct a City standard sidewalk within the ROW.

URBAN FORESTRY**COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

The sidewalk installation along Moffett Road can be installed with little or no impact to the existing 20" Water Oak Tree and 23" Pecan Tree by curving around and ramping over the existing root system. Installation of the sidewalk shall be coordinated with Urban Forestry.

REMARKS

The applicant is requesting a waiver for the construction of a sidewalk along Moffett Road.

The sidewalk waiver site is adjacent to a site that is currently being redeveloped to add a new car wash facility to an existing automobile service station. The applicant states that the required sidewalk is not buildable due to the denial of construction permits by ALDOT. The applicant submitted a copy of the letter from ALDOT stating that the permit had been denied because of two large trees (one 20-inch Water Oak, and one 23-inch Pecan) that currently exist where the sidewalk would be placed. The letter from ALDOT goes on to state that "The sidewalk will be an unsafe distance from Moffett Road if placed North of the large Oak trees. The City will have to agree to partial placement of the sidewalk onto private property in order to obtain an approved permit in this instance". It should be noted that on the site plan submitted by the applicant that these two trees are labeled as "proposed to be removed by ALDOT permit".

Moffett Road, a major street, has a five lane cross-section at this location. There is currently a sidewalk along Moffett Road in front of the adjacent shopping center to the East; however, the property to the West of the site is undeveloped, and as such has no existing sidewalk. A business 740'± East from the site on Moffett Road applied for a sidewalk waiver which was denied at the May 17, 2001 Planning Commission meeting.

It should be pointed out that the Mobile City Council adopted a “complete streets” policy on May 31, 2011. The purpose of the complete streets policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities. A waiver of the sidewalk, as requested, will limit accessibility for pedestrians.

The site has a B-3, Community Business District to the South and East; however, there is an R-1, Single-Family Residential District to the West and North. It is also important to note that the use itself will be an automobile service station and car wash, thus the business is automotive based and does not typically attract pedestrians to the site. However, the adjacent development is a shopping center with several retail businesses that are not automobile centered, and therefore likely to attract pedestrian traffic.

The applicant has not provided sufficient reasoning to justify the approval of the sidewalk waiver. The applicant plans to remove the existing trees that are given as the reason for the inability to construct the sidewalk, and there are no other factors that would prevent the sidewalk from being constructed. If the trees remain on the site, Urban Forestry has commented that the sidewalk can be installed with little or no impact to either tree by curving around and ramping over the existing root structure. The letter the applicant submitted from ALDOT stated that the sidewalk could be constructed if partially on private property, which the City of Mobile has allowed previously in similar situations.

RECOMMENDATION

Based upon the preceding, this application for waiver of the sidewalk along Moffett Road is recommended for denial, with the installation of the sidewalk to be coordinated with Urban Forestry.

LOCATOR MAP



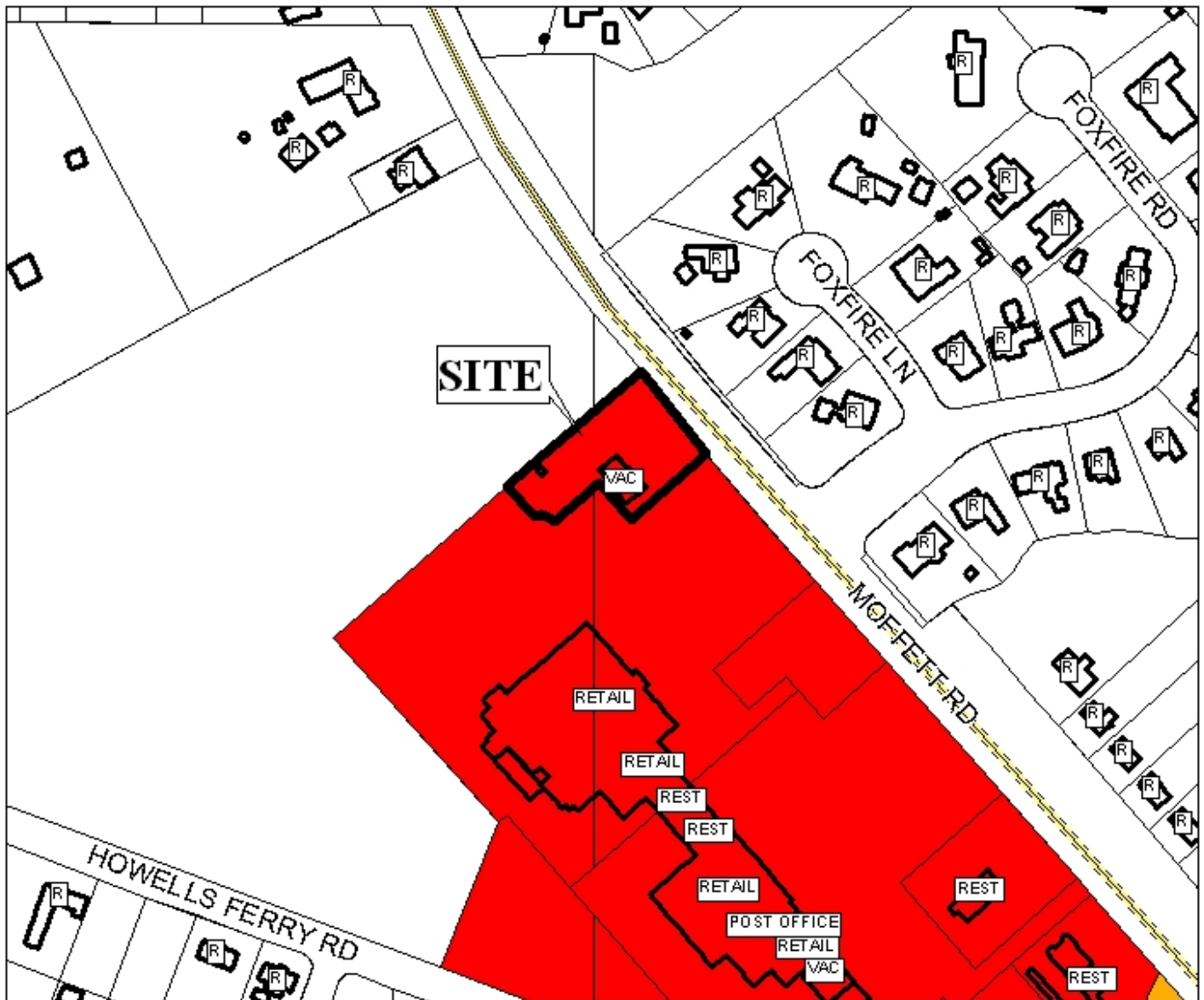
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING


















There is a shopping center to the southeast of the site and single family residential units to the west, north and east.

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LEGEND

 R-1	 R-2	 R-3	 R-A	 R-B	 H-B	 T-B	 B-1	 LB-2	 B-2	 B-3	 B-4	 B-5	 I-1	 I-2	NTS
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

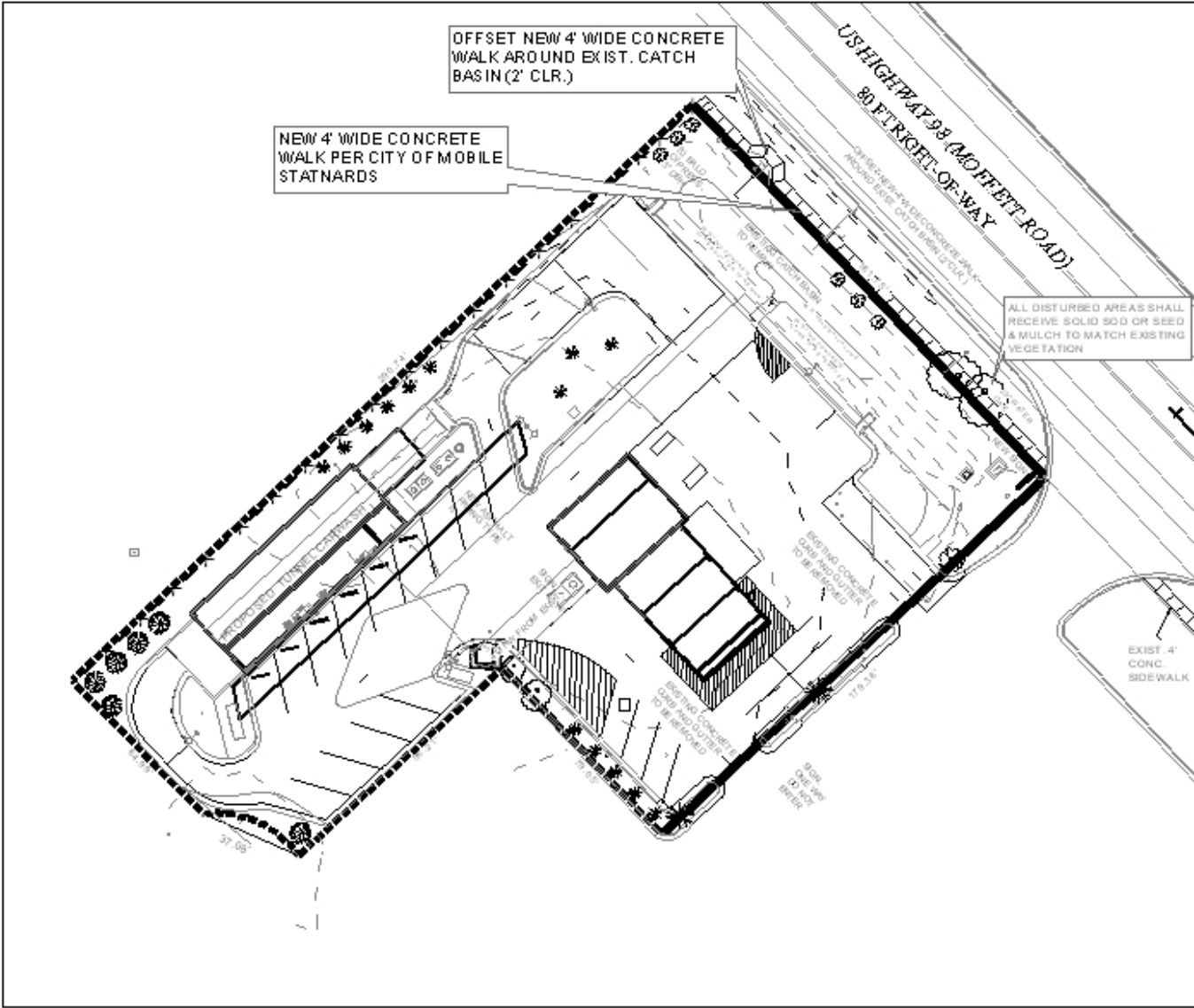


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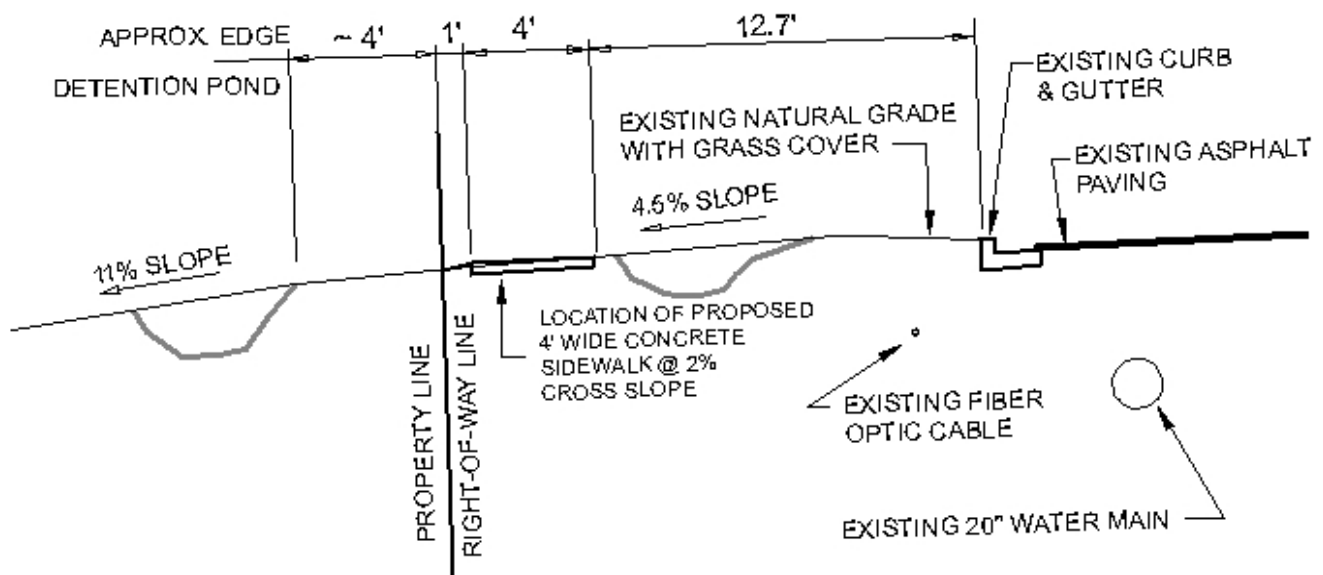
SITE PLAN



The site plan illustrates drives, parking, and area of sidewalks.

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CROSS - SECTION DETAIL



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N
NTS