

**SIDEWALK WAIVER REQUEST STAFF REPORT****Date: May 18, 2006****NAME**

Paul Pham

**LOCATION**1395 North University Boulevard  
(Southwest corner of North University Boulevard and  
Overlook Road)**PRESENT ZONING**

B-2, Neighborhood Business

**ENGINEERING****COMMENTS**Recommend waiver of sidewalk requirements. There is not  
enough right-of-way to safely provide a sidewalk.**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).Installation of a sidewalk near the base of the Live Oak Tree will negatively impact the roots of  
the tree.**REMARKS**The applicant is requesting a waiver of the sidewalk  
construction requirements for a small portion of the sidewalk along the northwest corner of the  
property on Overlook Road. The applicant states that the area required is insufficient to allow  
the construction of the sidewalk, due to the location of a 40-inch Live Oak Tree.It should be noted that the Commission has rarely allowed the absence of sidewalks in an area as  
justification for waiving sidewalk requirements. Furthermore, it has been the policy of the  
Commission to approve sidewalk waivers only in cases where an engineering reason or physical  
barrier that made installation of the sidewalk impracticable.City Engineering and Urban Forestry recommend waiving the requirements, commenting that  
there is not adequate right-of-way to construct a safe sidewalk due to the location of a 40-inch  
Live Oak Tree.**RECOMMENDATION**Based on the preceding, this application is recommended  
for approval.

## LOCATOR MAP



APPLICATION NUMBER 13 DATE May 18, 2006

APPLICANT Paul Pham

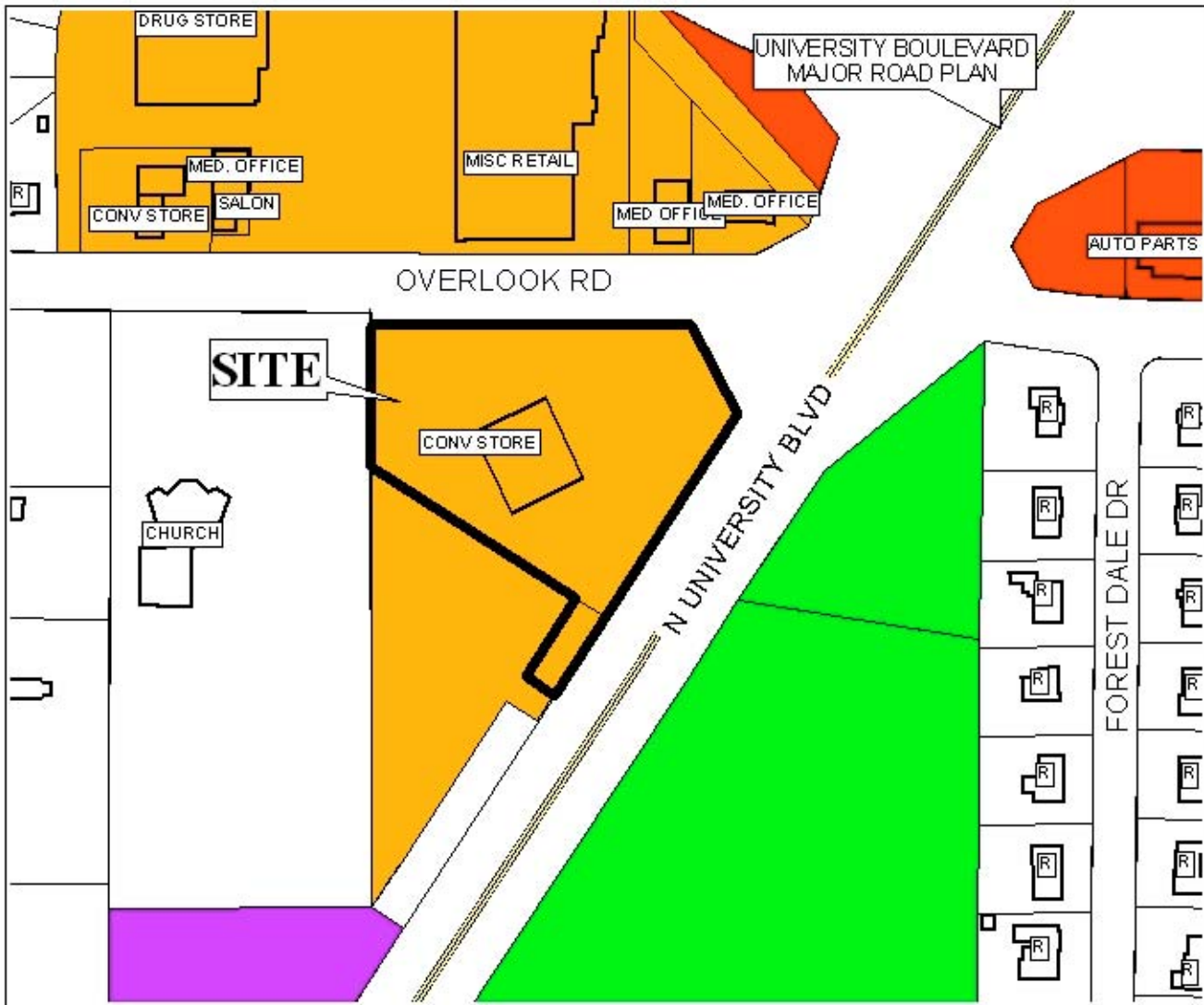
REQUEST Sidewalk Waiver

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NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is located in an area of mixed land use.

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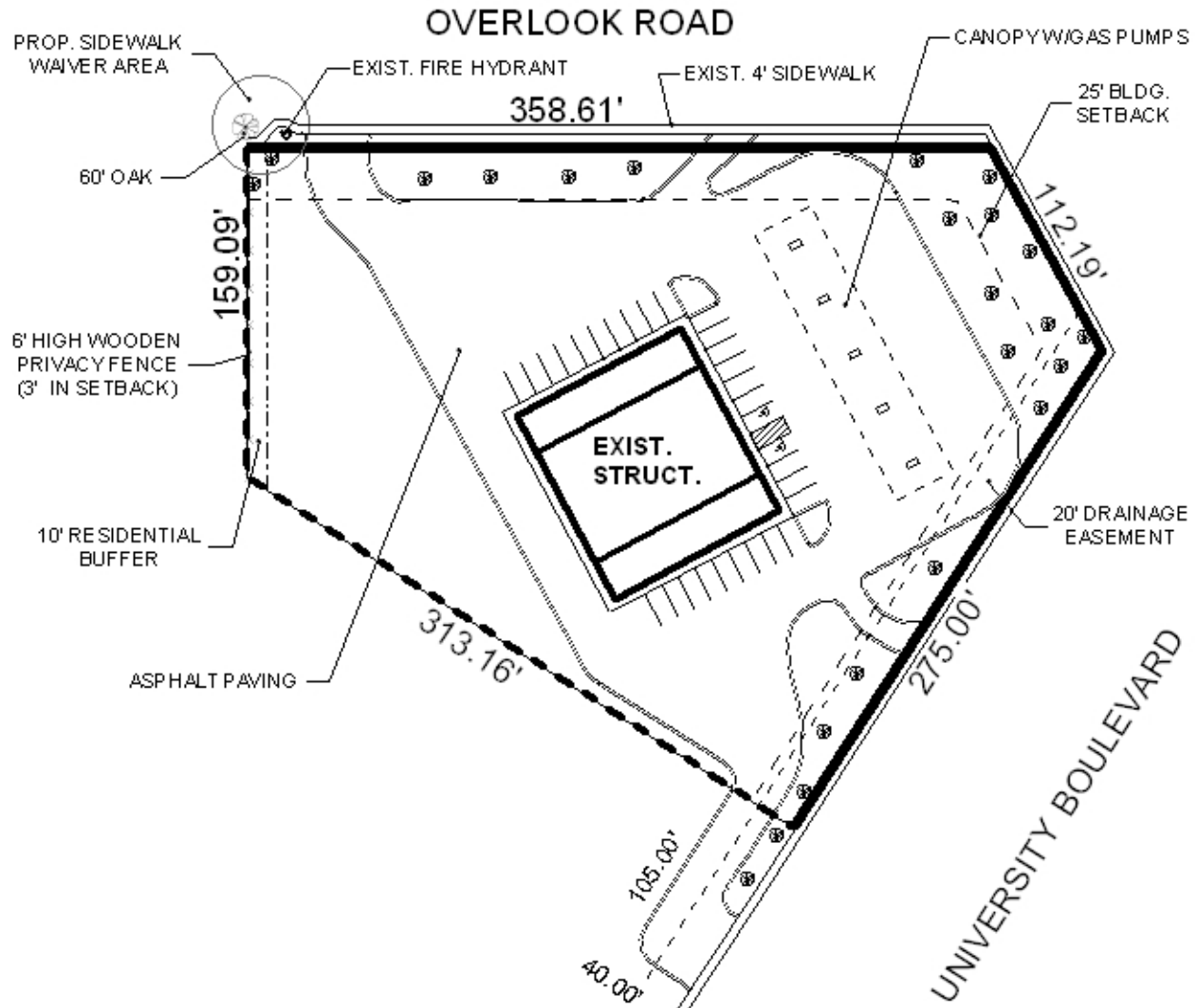
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REQUEST Sidewalk Waiver

LEGEND              NTS



# SITE PLAN



The site is located at the Southwest corner of North University Boulevard and Overlook Road. The plan illustrates the development and waiver area.

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