

**SIDEWALK WAIVER REQUEST
STAFF REPORT****Date: July 3, 2014****NAME**

O'MAR, Inc.

LOCATION**LOCATION**

5442 U.S. Highway 90 West

(West side of U.S. Highway 90 West, 325'± North of Tillmans Corner Parkway)

PRESENT ZONING

B-3, Community Business District

ENGINEERING**COMMENTS**

It appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be permitted through the ROW Permit process.

The drainage inlet shown in the typical section will NOT require major drainage work to allow the parking lot drainage to be collected on-site and tied to the existing drainage structure underground as part of the proposed development on the site.

TRAFFIC ENGINEERING**COMMENTS**

No comments.

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).

REMARKS

The applicant is requesting a waiver for the construction of a sidewalk along U.S. Highway 90 West.

The applicant states "A sidewalk for this site would be a severe safety hazard for the pedestrians using it, due to very heavy traffic in this area and the absence of a sidewalk on either side of this site. In addition, the open drainage ditch in front of this site that carries the majority of storm water run-off from the adjoining Godfathers's Pizza site to an existing inlet would cause water to run across the sidewalk, which would create an additional safety hazard."

"Based on the above, we request that a waiver be granted for this site."

The site was the subject of a two-lot Subdivision and Planned Unit Development to allow shared access between the two lots, both approved at the May 15th Commission meeting. No sidewalk was indicated along U.S. Highway 90 West on the PUD site plan and a condition of approval for the Subdivision was the submission of a Sidewalk Waiver application prior to signing the Final Plat, and the PUD had a condition that a Sidewalk Waiver application be submitted prior to the

approval of any permits. Subsequent to the submission of this application, the Subdivision plat was signed. No permits for site development have yet been applied for.

Surrounding properties were developed prior to annexation when sidewalks were not required by the County. However, there are a few properties in the area that were developed while under County jurisdiction which do have public sidewalks. There have been no Sidewalk Waivers requested for the annexed area between the North and West of Interstate 10 and Halls Mill Creek.

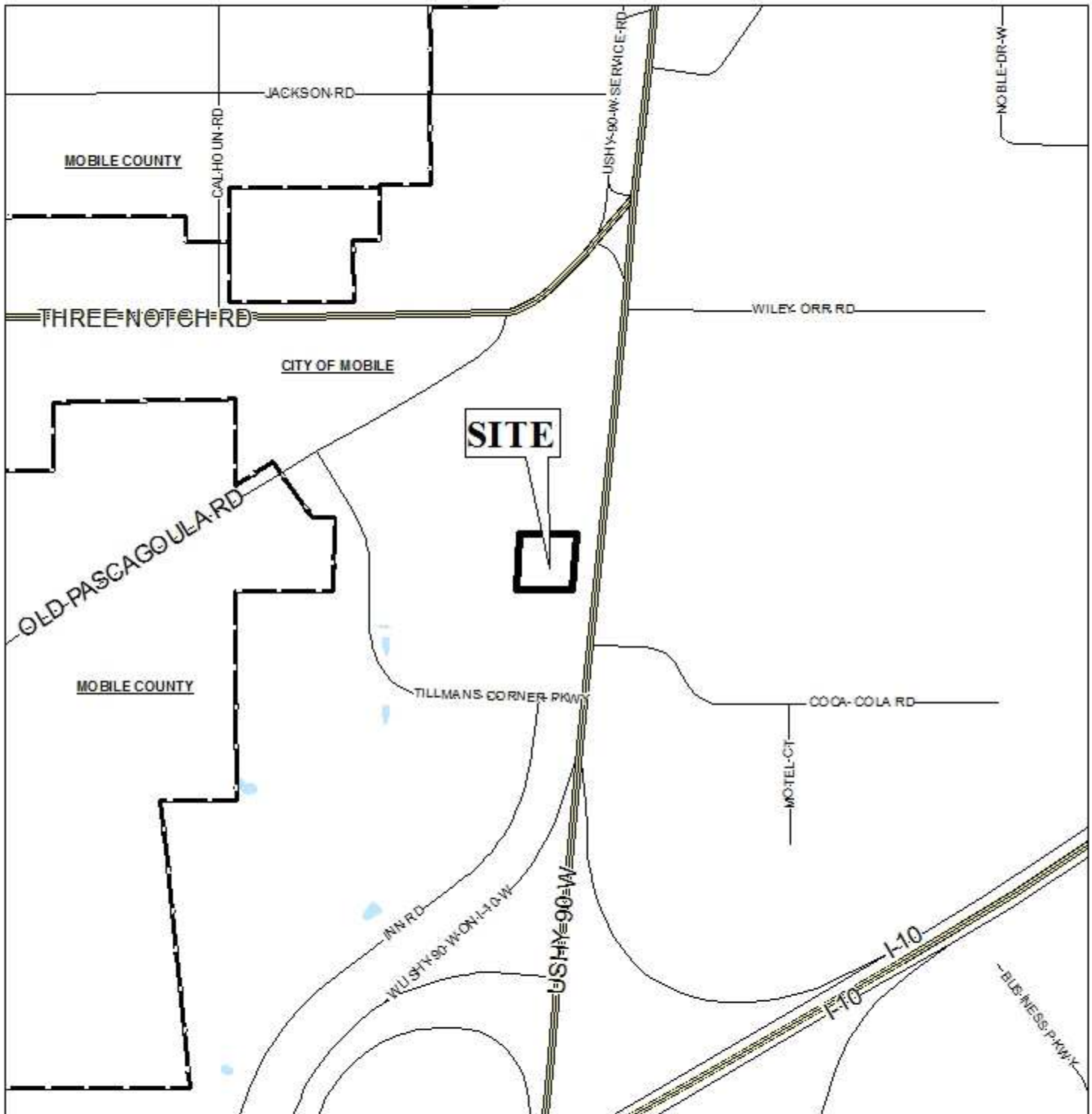
It should be noted that U.S. Highway 90 is an ALDOT controlled facility, and any work within the ROW will also require their approval. Engineering has determined that it appears there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be permitted through the ROW Permit process. Also, Engineering has determined that the drainage inlet shown in the typical section will NOT require major drainage work to allow the parking lot drainage to be collected on-site and tied to the existing drainage structure underground as part of the proposed development on the site.

The applicant has not illustrated any hindrances to the construction of a sidewalk, and the topography within most of the right-of-way would seem to accommodate a sidewalk. Also, there are no trees within that area which would interfere with such construction. And City Engineering has determined that it appears that there is sufficient room within the ROW, or within the property, for the construction of a sidewalk that could be approved through the ROW Permit process.

RECOMMENDATION

Based upon the preceding, this application for waiver of the construction of a sidewalk is recommended for denial. However, the site abuts an ALDOT right-of-way, so any sidewalk would also be subject to ALDOT approval.

LOCATOR MAP



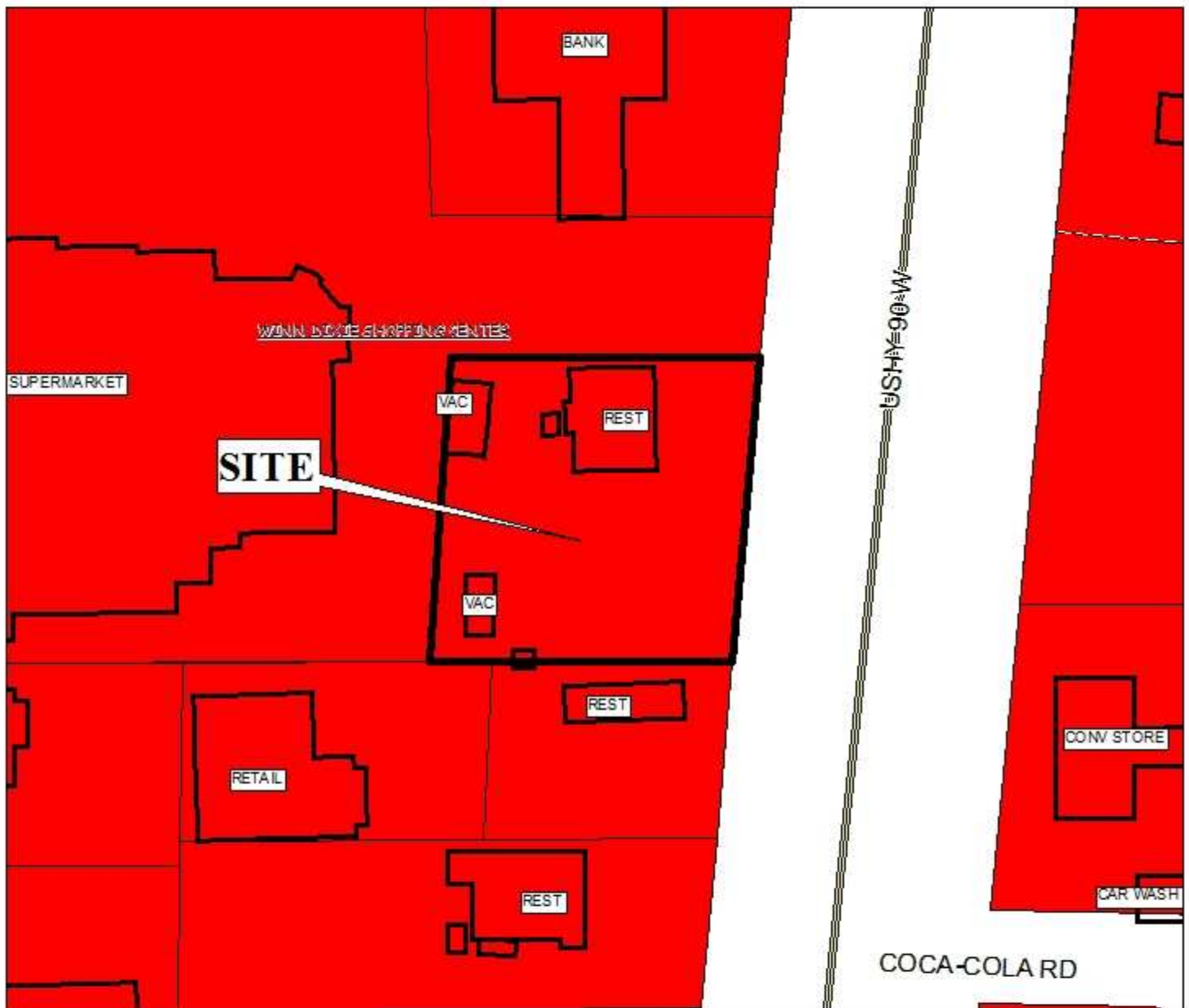
APPLICATION NUMBER 6 DATE July 3, 2014

APPLICANT O'MAR, Inc.

REQUEST Sidewalk Waiver



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

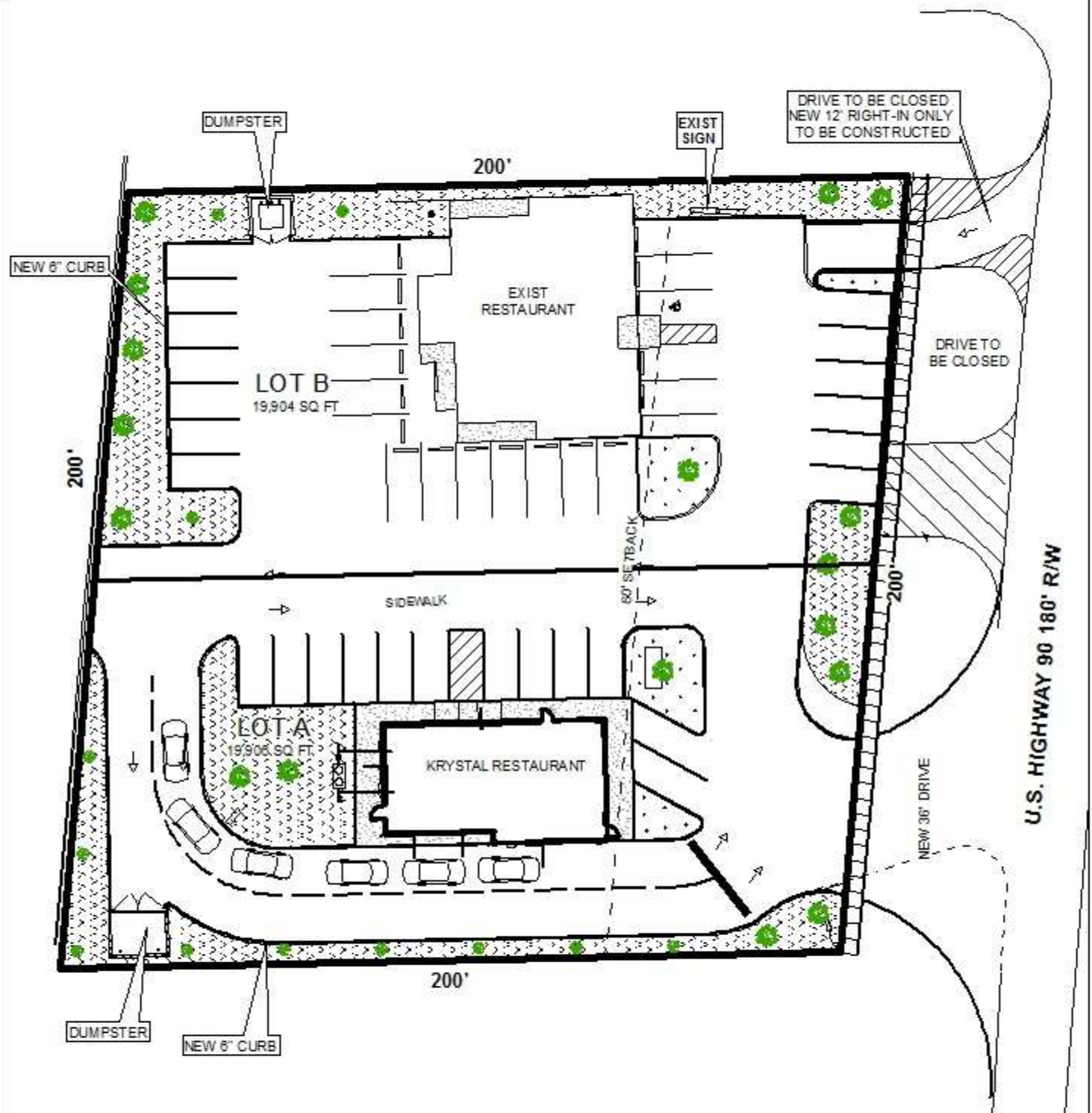
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DETAIL SITE PLAN



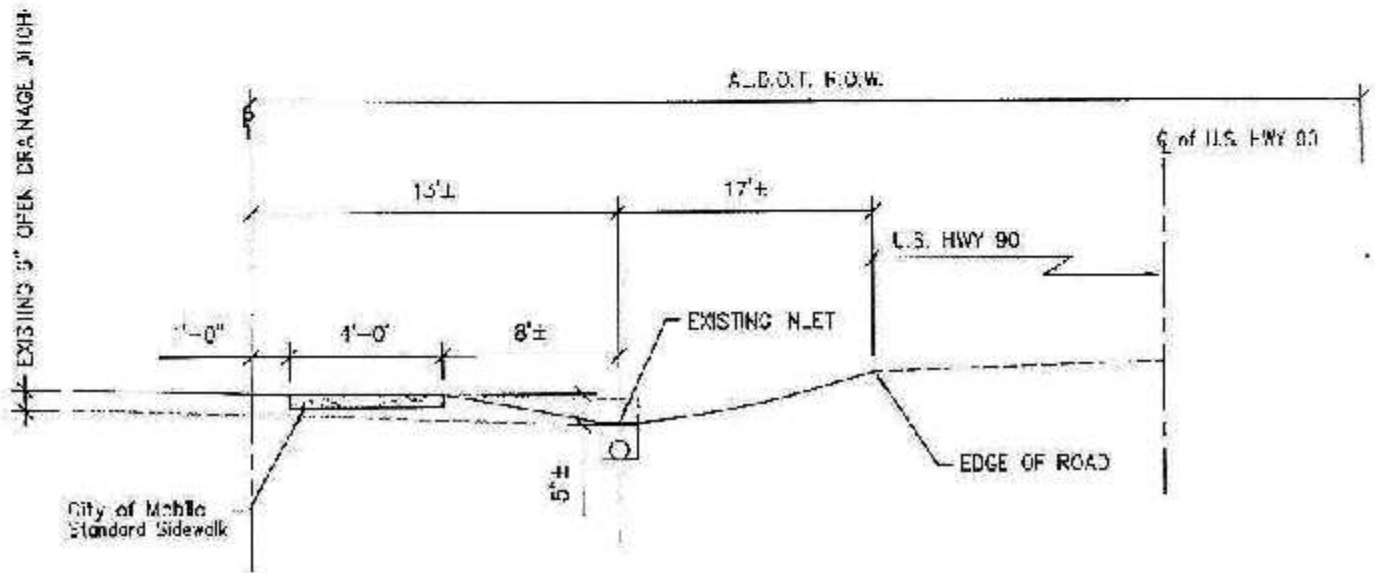
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