

SIDEWALK WAIVER REQUEST STAFF REPORT **Date: February 16, 2006****NAME**

Billy Lovelace

LOCATION

(Southwest corner of Higgins Road and Audubon Drive, extending South and West to the Southern terminus of Clemson Drive, and to the Northeast corner of Cole Drive and Audubon Drive)

PRESENT ZONING

R-1, Single-Family Residential

ENGINEERING

Recommend waiver. Sidewalk cannot be safely constructed without significant drainage and earthwork improvements.

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 of the sidewalk requirements within the proposed Audubon Cove Subdivision. The applicant states that the existing ditch will make construction of a sidewalk impractical because the ditch is in the approximate location of the required sidewalk.

The Commission approved a one-year extension of Audubon Cove Subdivision at the October 20, 2005 meeting.

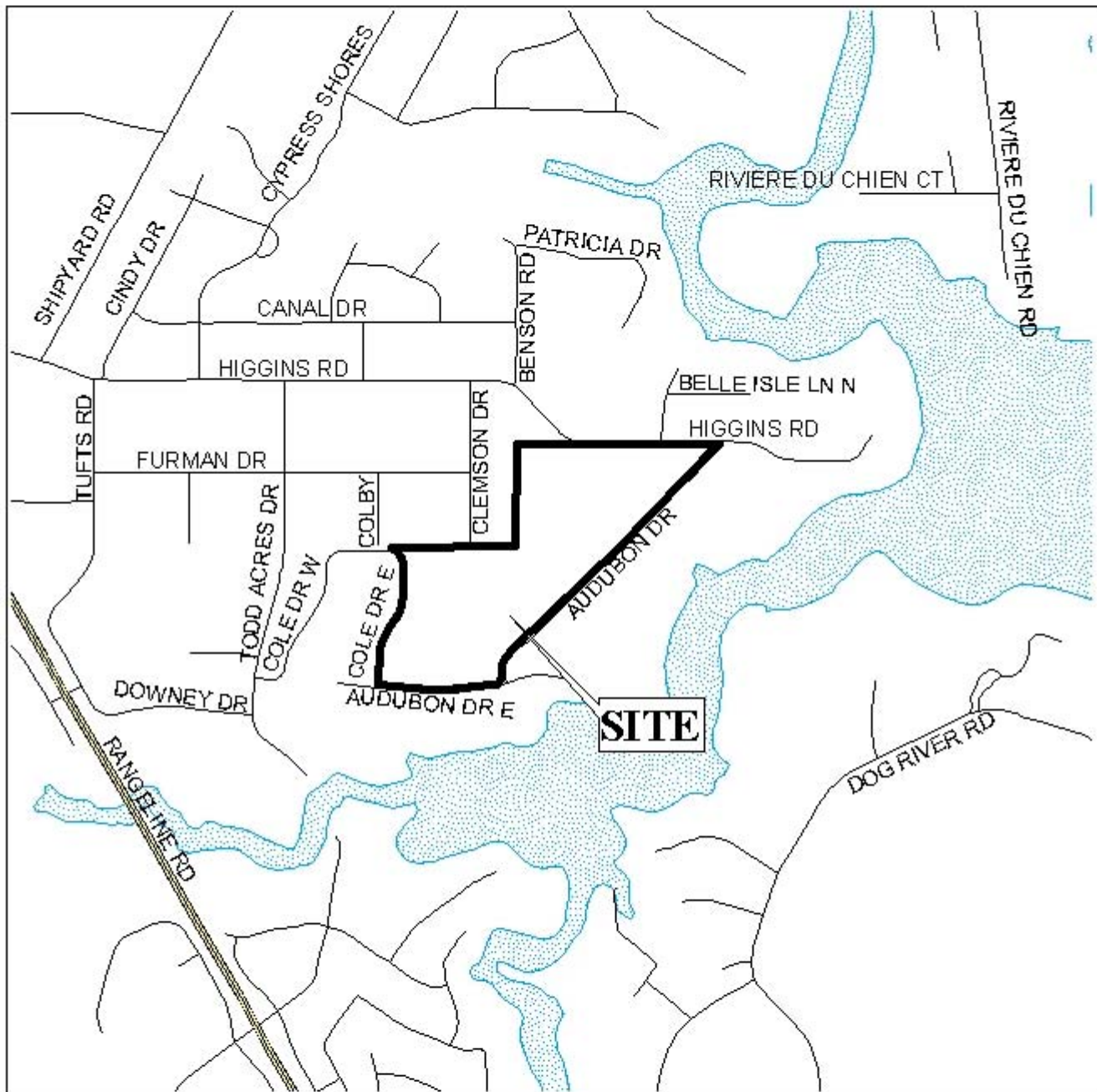
The site is surrounded by developed residential properties without sidewalks. While the absence of sidewalks in the area are not grounds for waiver, the open ditches throughout the community make sidewalk construction impractical. According to Section VIII.B. of the Subdivision Regulations, the existence of "*peculiar and practical difficulties or exceptional and undue hardship*" can be the basis for the modification of the application of regulations. Furthermore, "*the difficulty or hardship must be inherent in the exceptional topographic or other extraordinary or exceptional characteristics of the tract proposed to be subdivided and shall not be the result of actions of the Subdivider.*"

The existing drainage ditch and right-of-way width appears to create a sufficient hardship to warrant the applicant's request. Furthermore, the Engineering Department recommends the waiver because significant earthwork and drainage improvements would be required to construct a sidewalk to city standards.

RECOMMENDATION

Based on the preceding, it is recommended that this request be approved for waiver of the sidewalk requirements for all streets within Audubon Cove Subdivision.

LOCATOR MAP

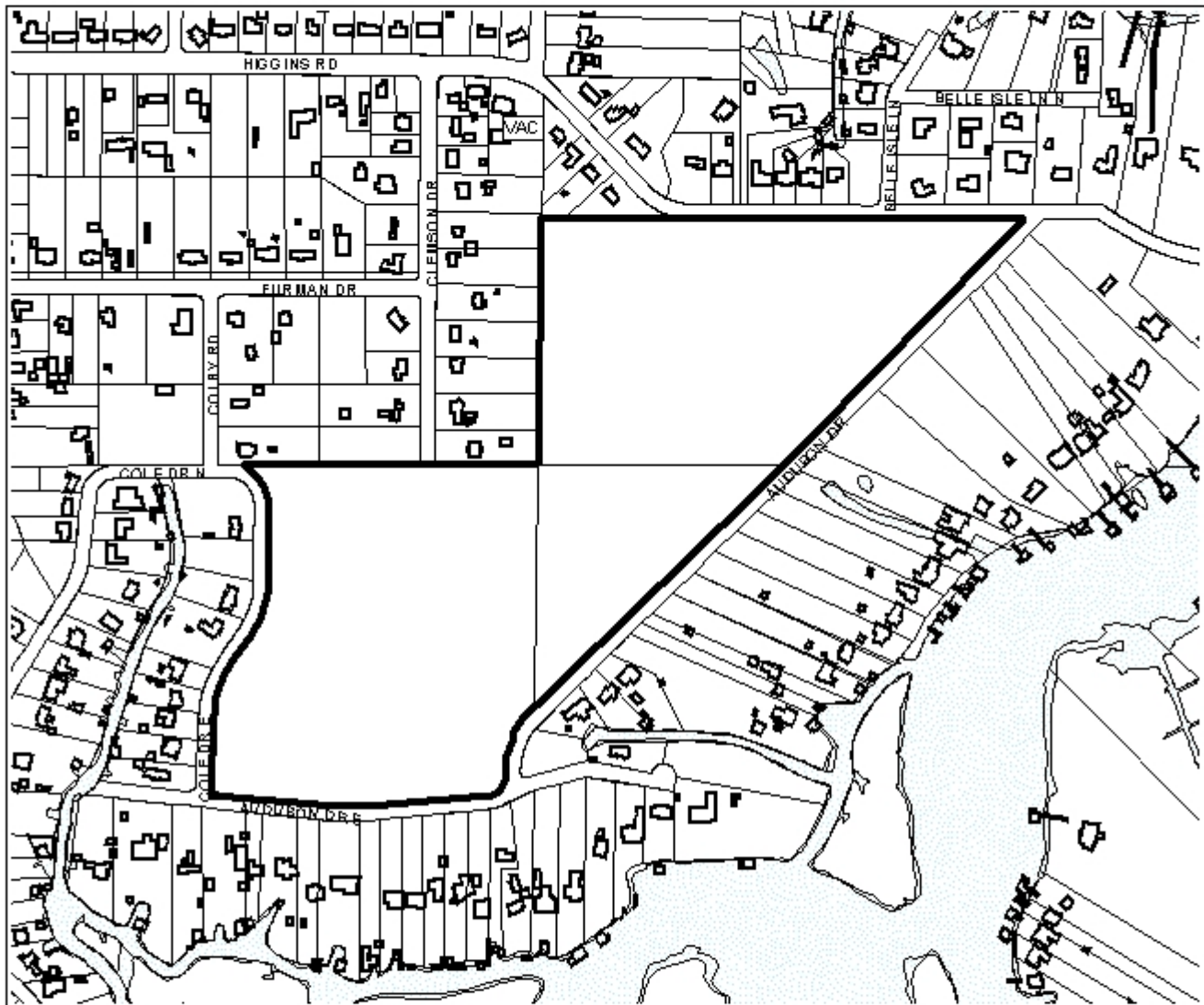


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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

















The site is surrounded by single family residential dwellings.

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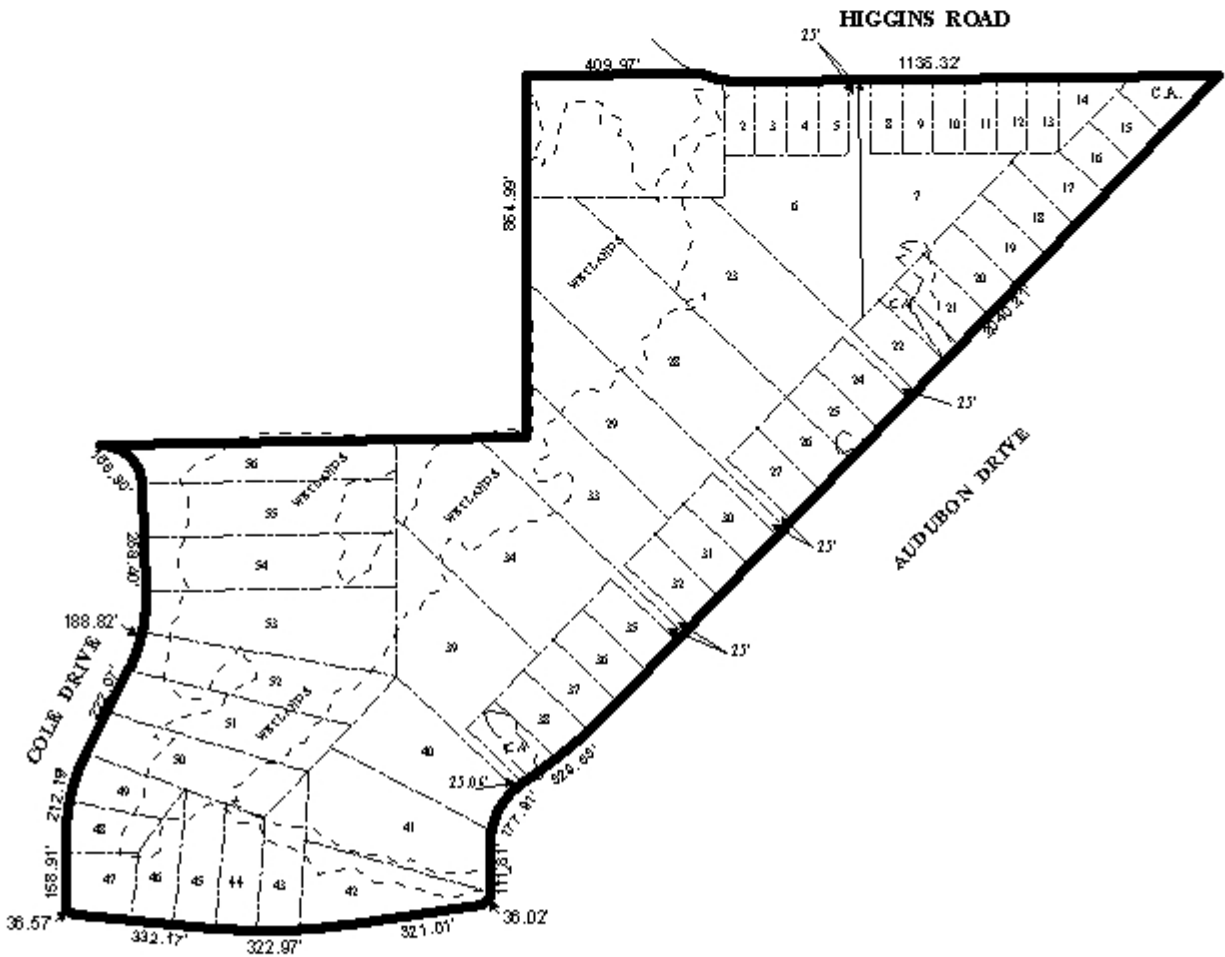
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LEGEND

 R-1	 R-2	 R-3	 R-A	 R-B	 H-B	 B-1	 LB-2	 B-2	 B-3	 B-4	 B-5	 I-1	 I-2	NTS
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SITE PLAN



The site is located on the Southwest corner of Higgins Road and Audubon Drive, extending South and West to the Southern terminus of Clemson Drive, and to the Northeast corner of Cole Drive and Audubon Drive. The plan illustrates the proposed subdivision.

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