

**SIDEWALK WAIVER REQUEST
STAFF REPORT****Date: May 6, 2010****NAME**

Gospel Lighthouse Holiness Church Subdivision

LOCATION7727 Old Shell Road
(South side of Old Shell Road, extending from Fifth Avenue [unopened public right-of-way) to Harding Boulevard [unopened public right-of-way].**PRESENT ZONING**

R-1, Single Family Residential District

ENGINEERING**COMMENTS**

approval of sidewalk waiver.

Due to the location of existing guardrail, recommend

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

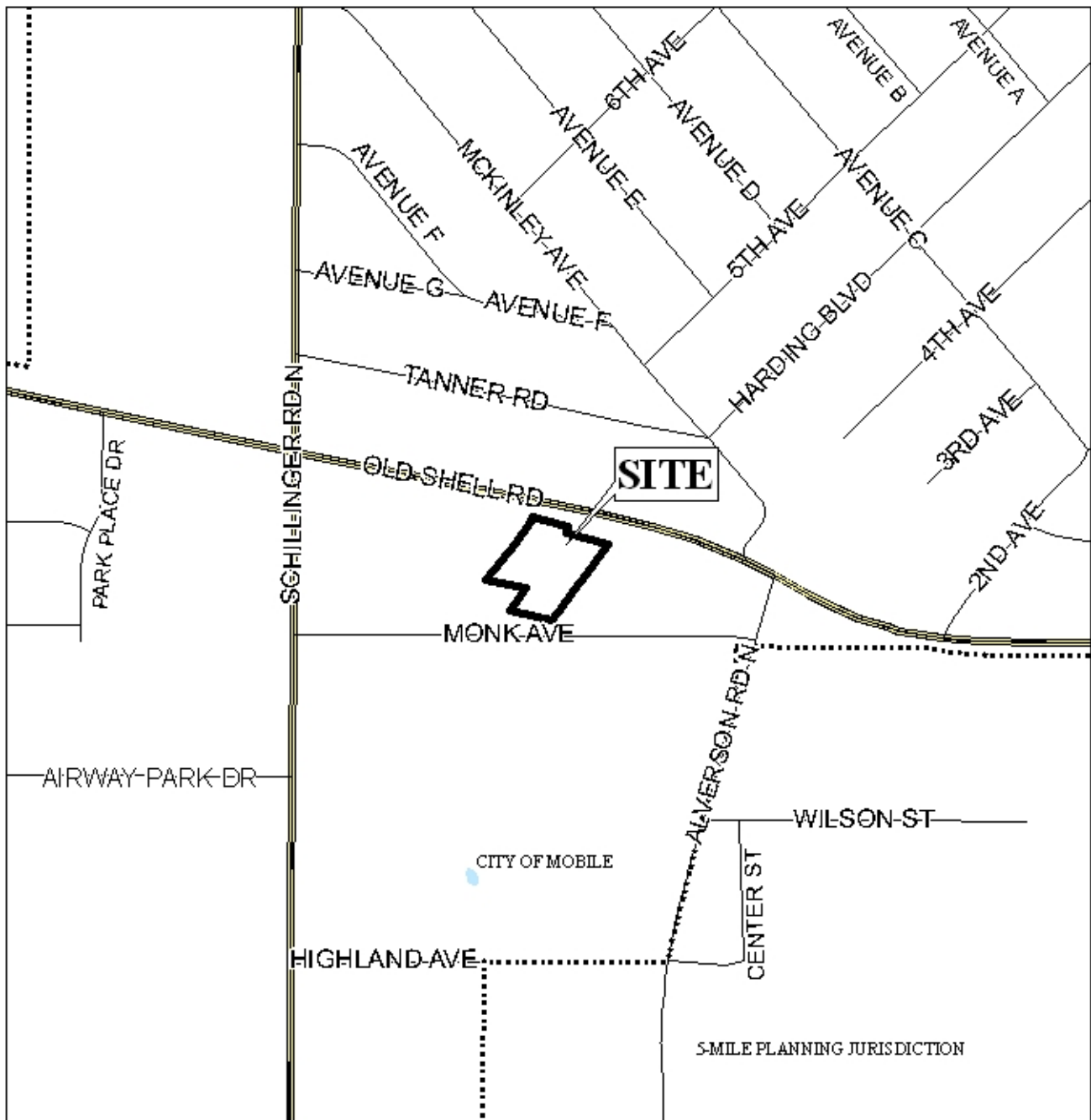
The applicant is requesting a waiver of the sidewalk construction requirements along Old Shell Road. The applicant states that the recent widening of Old Shell Road has created an irregular width in the right-of-way (an offset) and has placed the back of a concrete curb approximately 2'-6" from the right-of-way line. The applicant further states that a steel beam guardrail was installed within this strip due to the existing church building being located extremely close to the new edge of the road (7'-9"). The applicant also points out that this guardrail obstruction occurs for almost 50% of their road frontage; thus, making it impossible to construct a sidewalk. The applicant states that the remainder of the frontage does allow room for a new sidewalk due to the offset in the right-of-way; however, a new sidewalk at this location would have to terminate at the right-of-way offset with no continued means of passage due to the above described area where the guardrail exists; hence, this would create a very misleading path to follow.

With regard to the applicant's request, the steel beam guardrail being located within the right-of-way does not negate the fact that a sidewalk is required by the Zoning Ordinance. It should be noted that an analysis of GIS shows that there are no sidewalks in the vicinity of the site, and that there have been no sidewalk waiver requests near the site; however, it should also be noted that the Commission has rarely allowed the absence of sidewalks in an area as justification for waiving sidewalk requirements. Further, it has been the policy of the Commission to approve sidewalk waivers only in cases where there was an engineering reason or physical barrier that made installation of the sidewalk impracticable. In this instance, City Engineering has determined that due to the location of existing guardrail, recommend approval of sidewalk waiver.

RECOMMENDATION

Based on the preceding, it is recommended that this sidewalk waiver request along Old Shell Road, be approved.

LOCATOR MAP



APPLICATION NUMBER 13 DATE May 6, 2010

APPLICANT Gospel Lighthouse Holiness Church Subdivision

REQUEST Sidewalk Waiver



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



There are single family residential units to the east and west of the site,
and offices to the north.

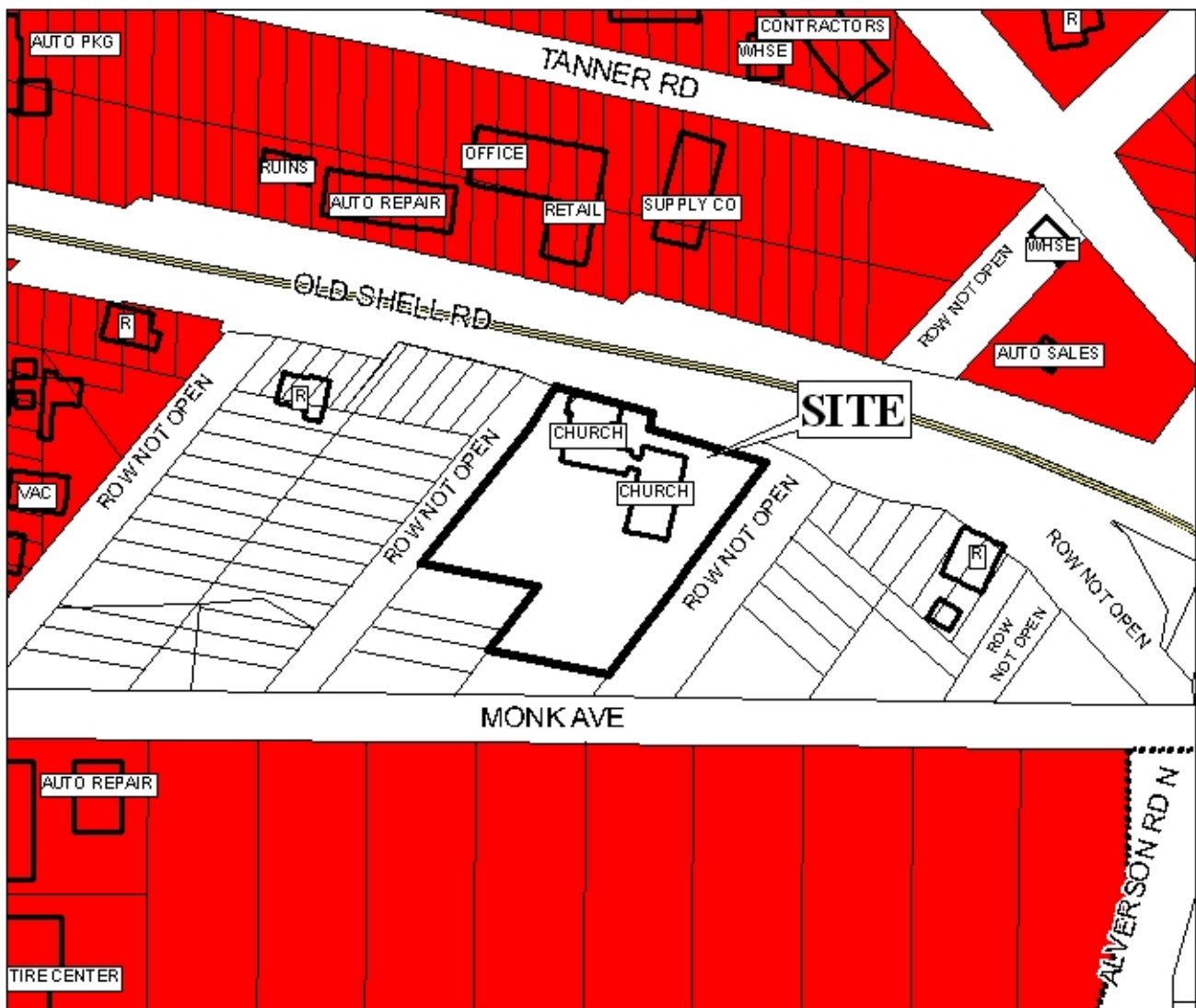
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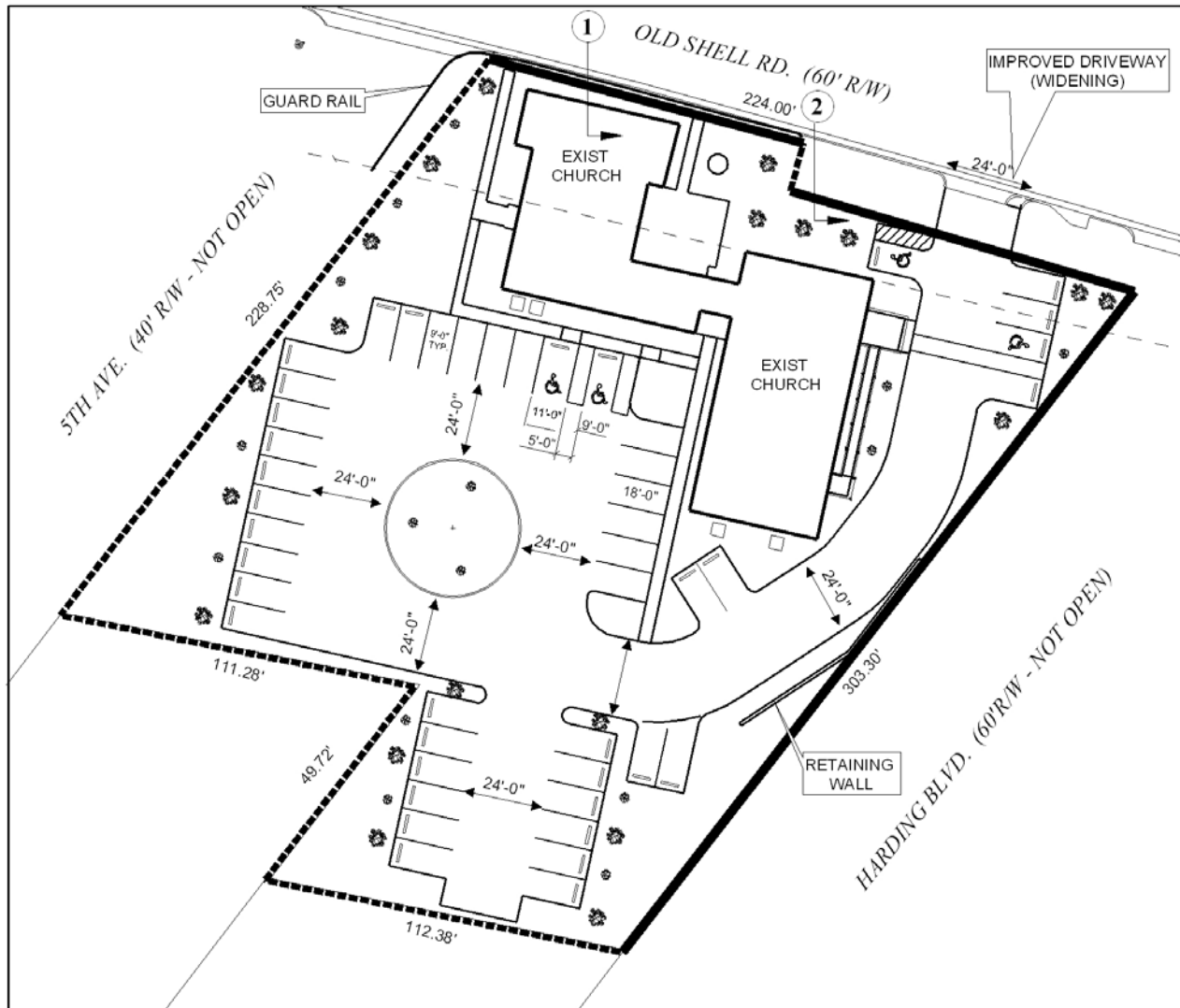
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LEGEND

R-1	R-2	R-3	R-4	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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 NTS

SITE PLAN



The site plan illustrates buildings, parking and location of sidewalk cross section details.

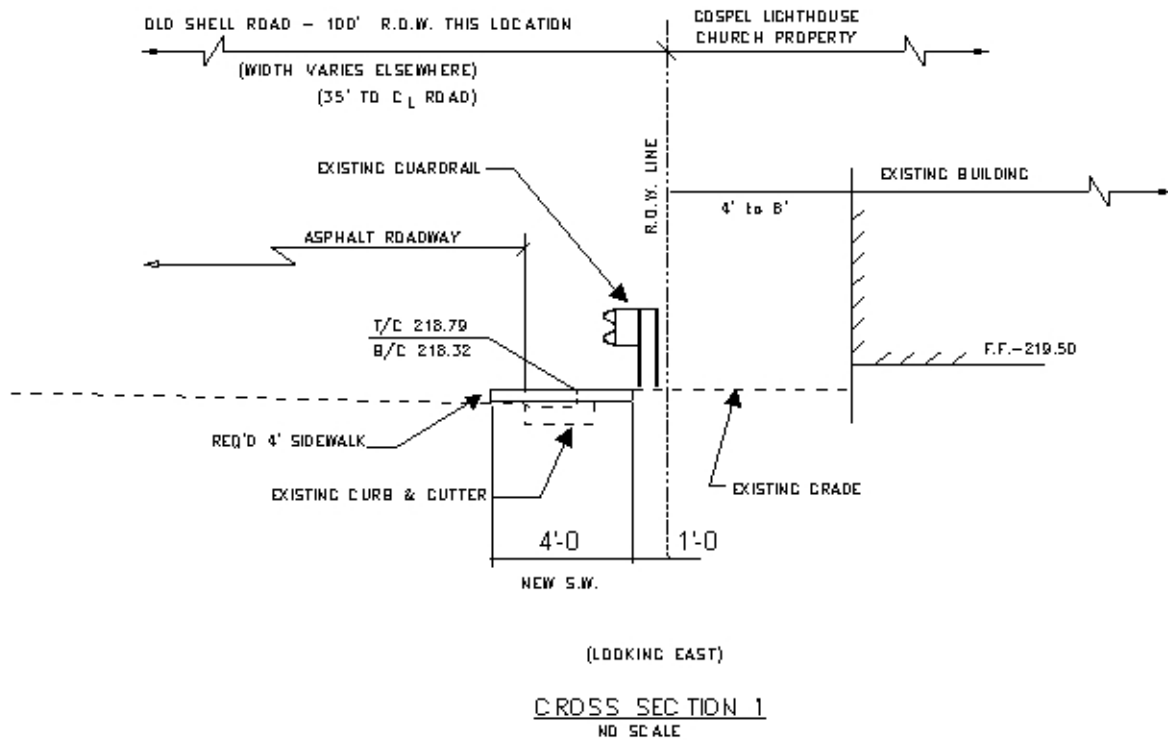
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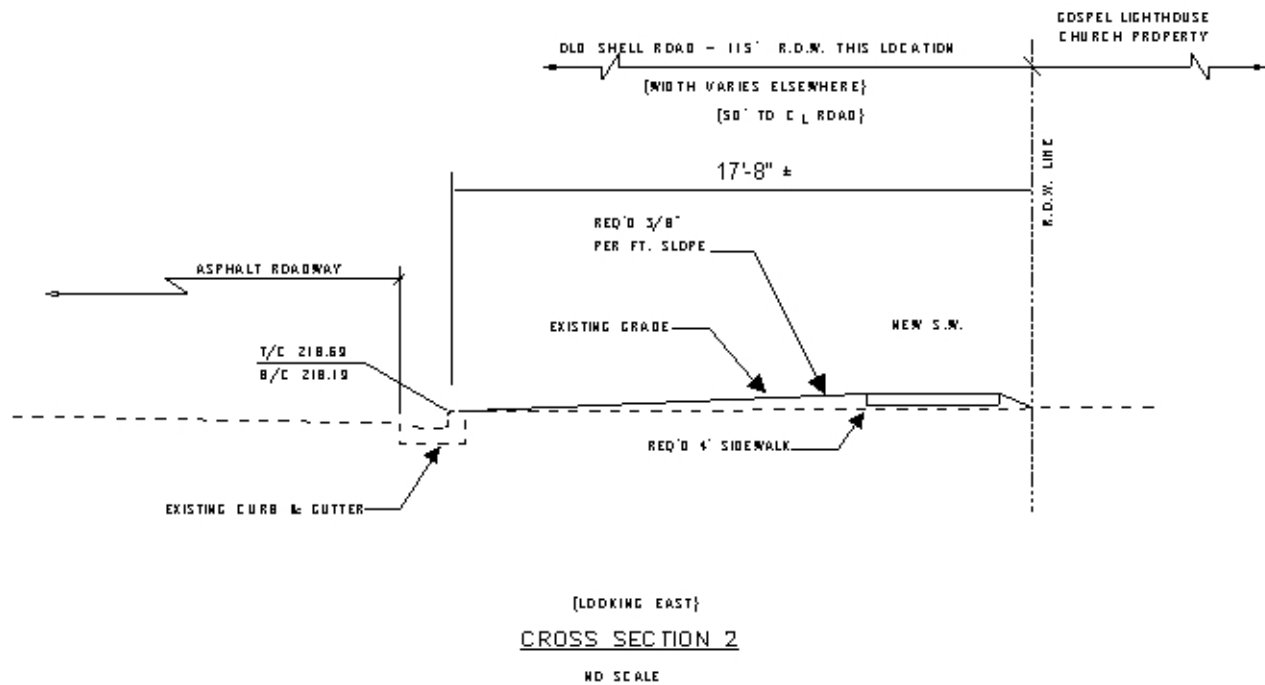
CROSS SECTION DETAIL 1



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CROSS SECTION DETAIL 2



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