

**SIDEWALK WAIVER REQUEST  
STAFF REPORT****Date: November 5, 2009****NAME**

David S. Marks, III

**LOCATION**

Southwest corner of Airport Boulevard and Linlen Avenue and Southeast corner of Airport Boulevard and Pinemont Drive.

**PRESENT ZONING**

B-2, Neighborhood Business District

**ENGINEERING**

Construction of a sidewalk along the Linlen Ave ROW would require the area between the north and south drives to be graded to achieve compliance with ADA Standards which would most likely require removal of all the trees in this area.

Construction of a sidewalk along the Pinemont Ave ROW would require removal of the Magnolia tree located just north of the south drive and would also require a retaining wall to be constructed to support the AT&T transformer located between the north and south drives.

**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 will have a negative impact on the existing tree roots along Linlen Avenue.

**REMARKS**

The applicant is requesting a waiver for the construction of a sidewalk along Pinemont Drive and Linlen Avenue.

The sidewalk waiver site is the LA-Z-BOY Addition to Pinehurst Subdivision previously approved as a 3-lot subdivision in 2003. The subdivision process was not completed on time so the applicant submitted the identical application for approval in 2007. The applicant states that when the store was designed and built in 1992 the City waived the sidewalk requirement because there were no neighborhood sidewalks and in order to preserve the stand of trees on both the east and west side of the building. The applicant stated that this allowed them to receive the Tree Preservation Award from the City. The applicant further states that they built a retaining wall on the east (Linlen) side in 1993 to preserve a live oak tree and they would not want to subject the same live oak to the trauma of constructing a sidewalk. The applicant states for these reasons, the sidewalk requirements should be waived for this particular site.

Urban Forestry has commented that sidewalk construction will have a negative impact on existing tree roots along Linlen Avenue.

**RECOMMENDATION**

Based upon the preceding, this application for waiver of the sidewalk along Linlen Avenue and Pinemont Drive is recommended for approval.

# LOCATOR MAP



APPLICATION NUMBER 15 DATE November 5, 2009

APPLICANT David S. Marks, III

REQUEST Sidewalk Waiver



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



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REQUEST Sidewalk Waiver

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
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



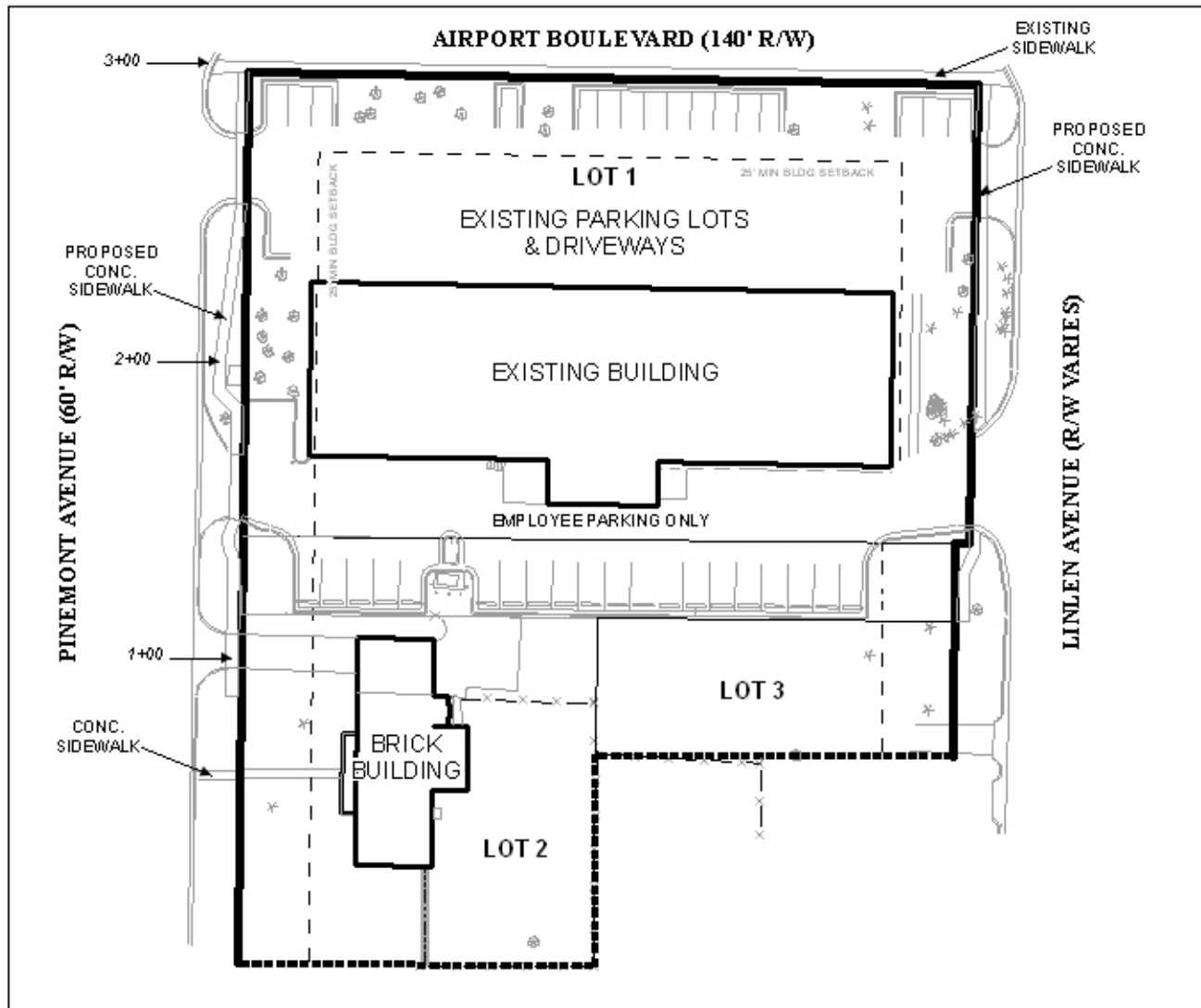
This site is surrounded by residential and business land use.

APPLICATION NUMBER 15 DATE November 5, 2009  
APPLICANT David S. Marks, III  
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# SITE PLAN

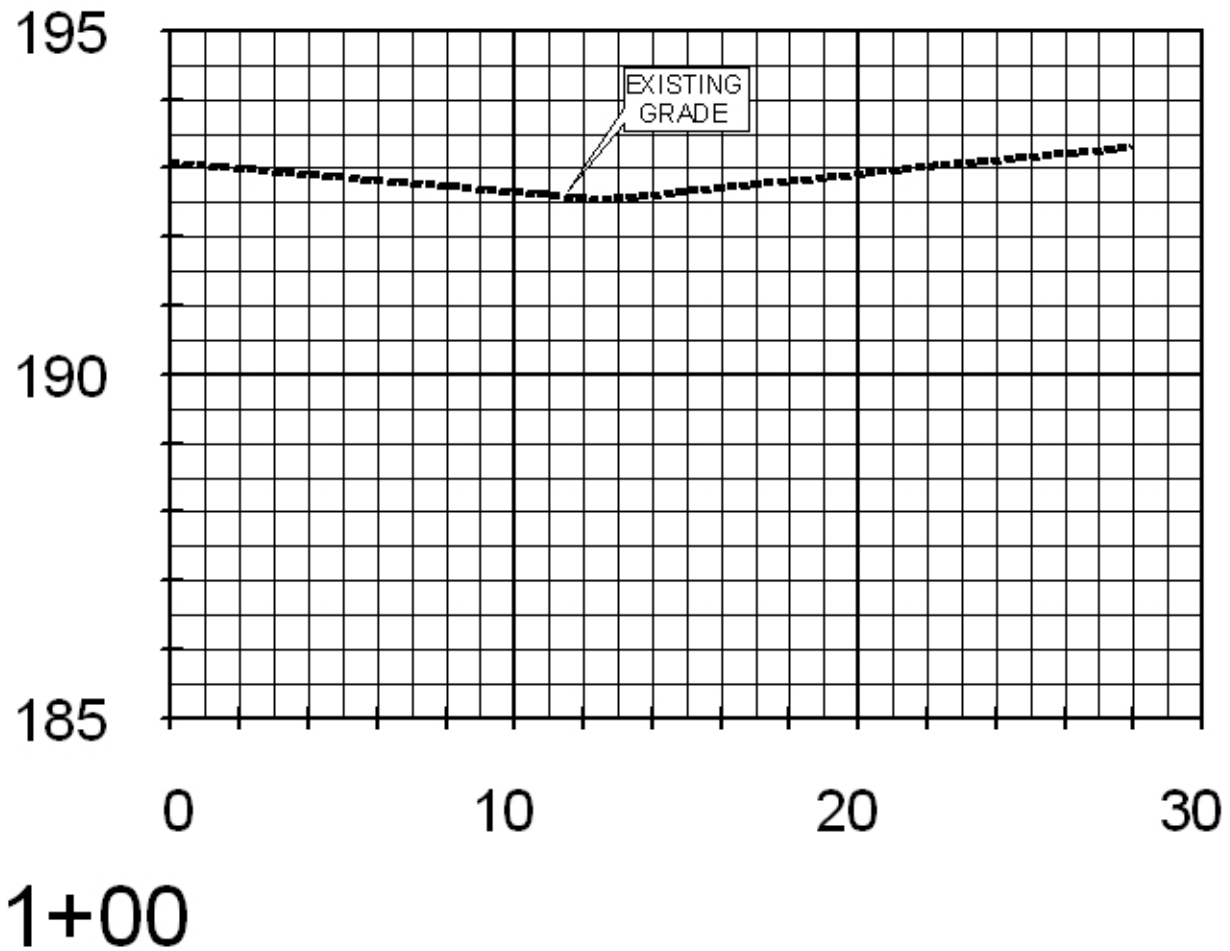


This site plan illustrates the existing lot configuration.  
See detail site plan for sidewalk cross sections.

APPLICATION NUMBER 15 DATE November 5, 2009  
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N  
  
 NTS

## DETAIL SITE PLAN



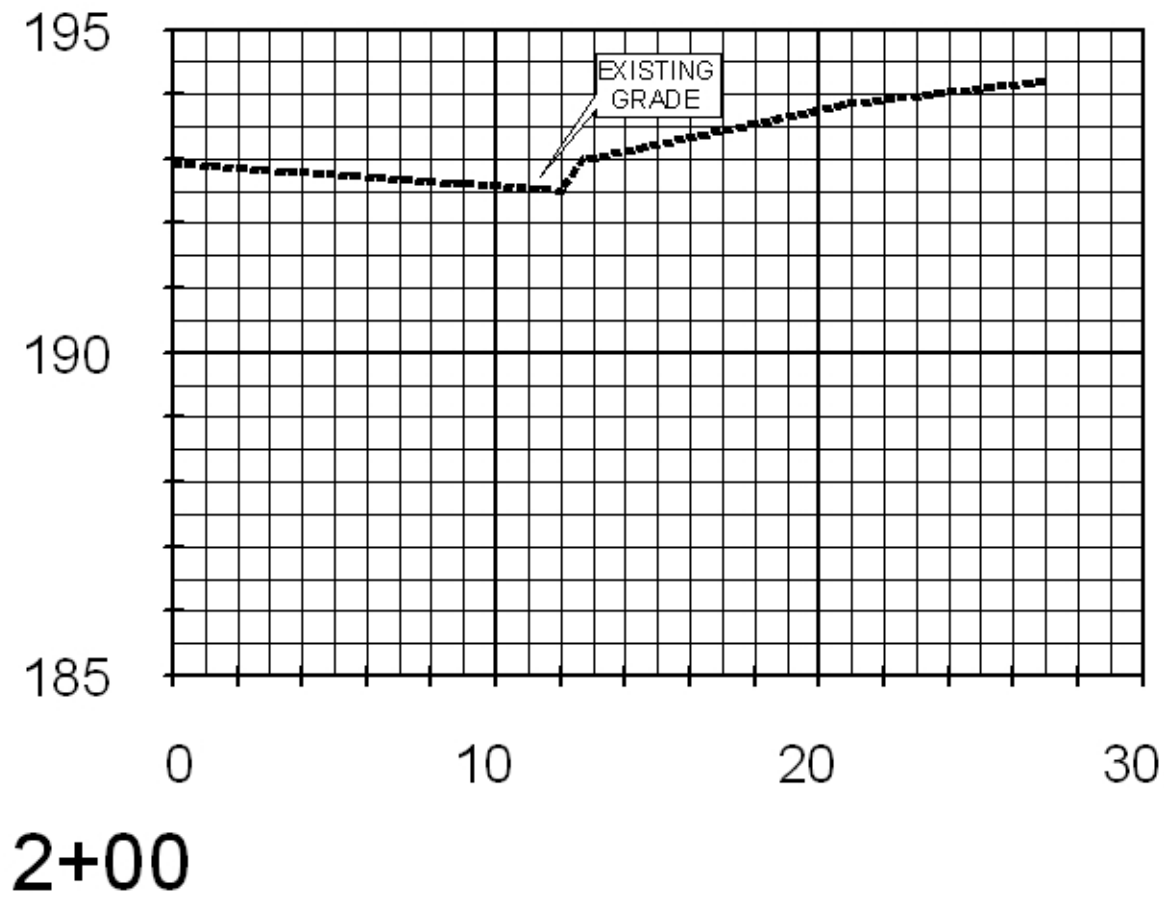
APPLICATION NUMBER 15 DATE November 5, 2009

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## DETAIL SITE PLAN



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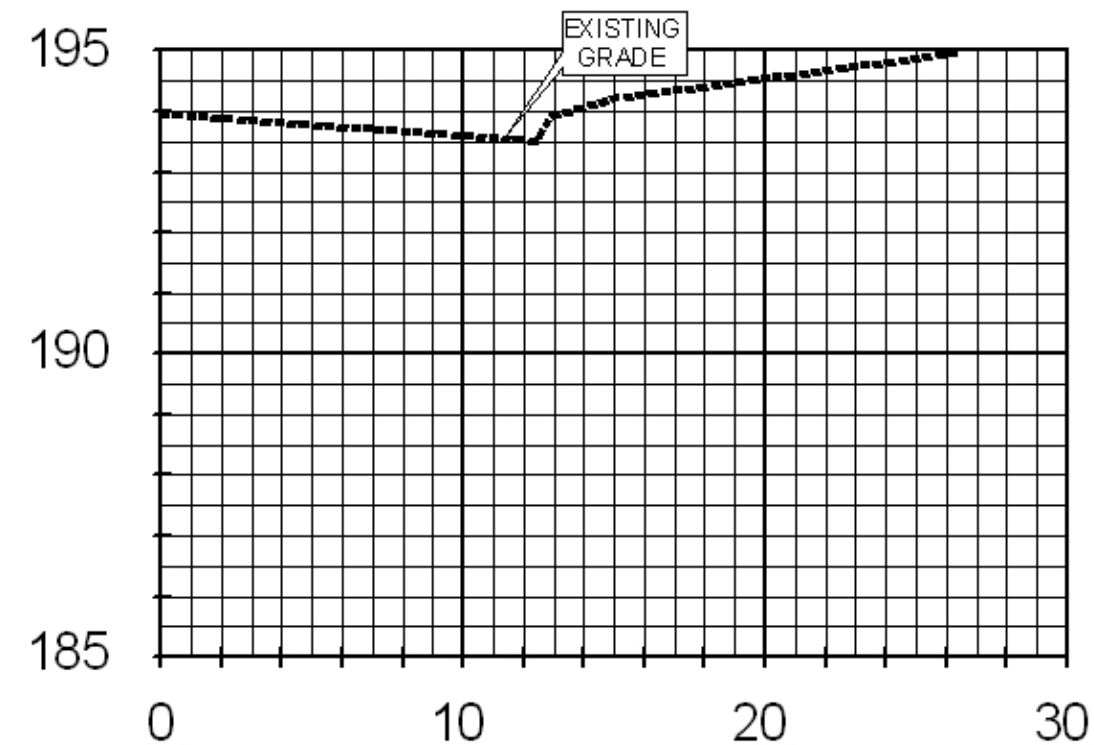
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## DETAIL SITE PLAN

### EAST SIDE OF BUILDING LINLEN AVE. (NORTH TO SOUTH)



3+00

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