SIDEWALK WAIVER REQUEST
STAFF REPORT **Date: June 4, 2015**

NAME Kleban Properties, LLC

LOCATION 5753 Old Shell Road
(Southeast corner of Old Shell Road and Long Street

PRESENT ZONING B-1, Buffer 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 approved through the ROW Permit process.

TRAFFIC ENGINEERING COMMENTS There is a worn path adjacent to this site, which demonstrates the presence of pedestrians in this area. The developer is proposing to provide sidewalk along the newly reconstructed Long Street that will not connect to any sidewalk along Old Shell Road if this sidewalk waiver is approved. This may encourage mid-block pedestrian crossings on Old Shell Road at Long Street. The provided profile is slightly misleading, and may be the worst case scenario for the site. Behind the existing curb, there is a somewhat level area in which the drainage structures and utility poles are located that must be maintained to some degree. Walkability should be highly encouraged in this area surrounding the college.

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 Old Shell Road.

The sidewalk waiver site is adjacent to property that has been cleared of an existing building in order to make way for new construction, which is proposed to include restaurant, retail and hotel uses.

The applicant states:

> *"A sidewalk is not feasible along the ROW of Old Shell Rd due to the steep slopes necessary in develop the site. Also, multiple utility poles existing along Old Shell and in the area that a sidewalk would be constructed. Alabama Power has indicated that, due to the type of poles and the equipment mounted on the poles, it would not be feasible to relocate the utility poles so as to better accommodate a sidewalk."*

Old Shell Road is a proposed major street at this location, with a five (5) lane cross-section with median. According to 2010 traffic counts, this segment of Old Shell Road had an average daily traffic count of 26,900 cars per day.

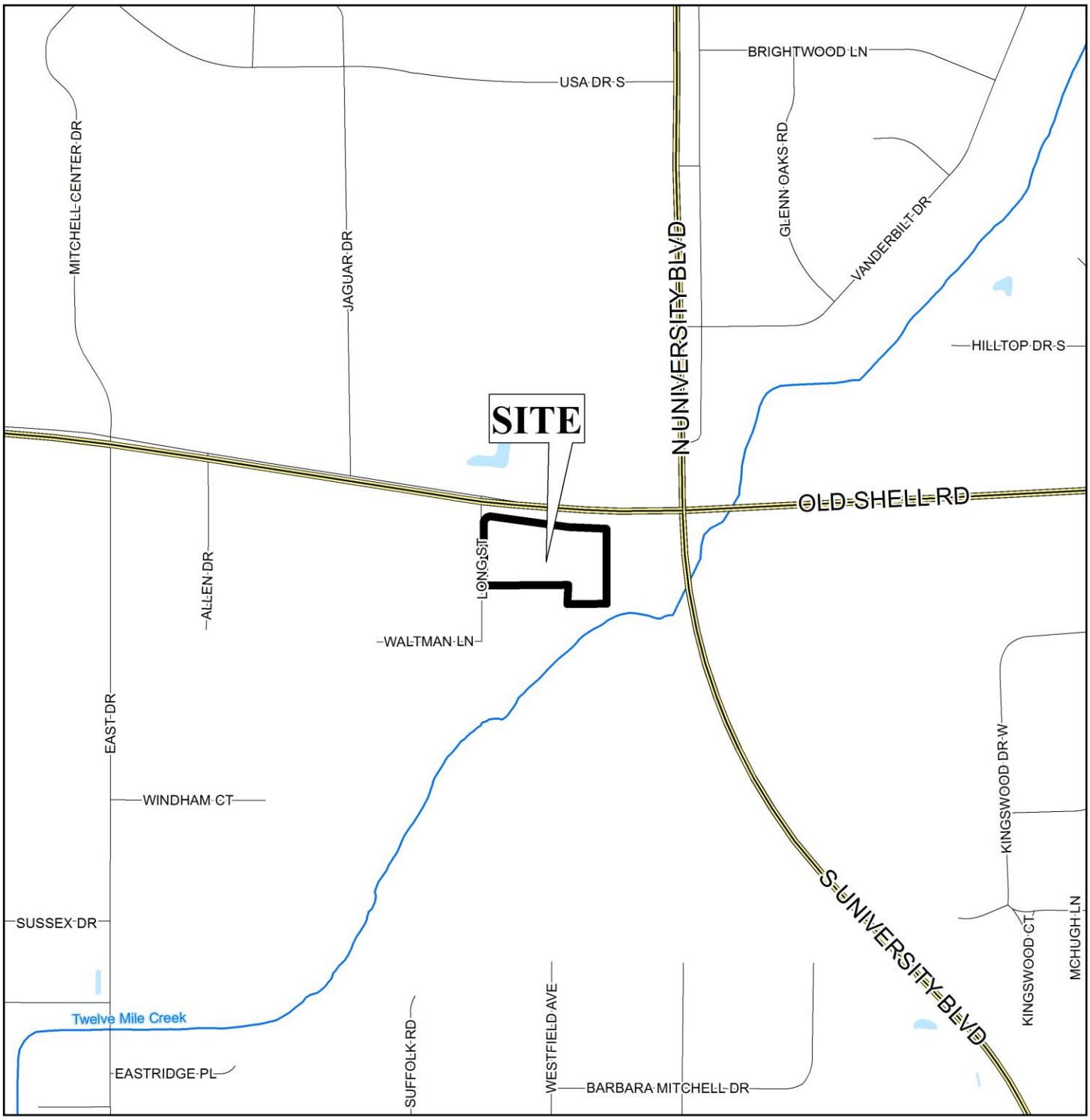
The site is across Old Shell Road from the University of South Alabama, and across Long Street, a minor street on the West side of the property, from a small apartment complex. To the East is a fast food restaurant. Both the apartment complex and the fast food restaurant were built prior to 1975, and neither property has sidewalks.

There are sidewalks on the South side of Old Shell Road approximately 360 feet west of the site, associated with recent construction, as well as approximately 360 feet east of the site, at the East side of University Boulevard and Old Shell Road. There is a continuous sidewalk on the North side of Old Shell Road, from University Boulevard to Cody Road.

The site has topographic and utility challenges, however, they must be weighed against the fact that the site is being redeveloped after nearly 40 years and as such, this may be the most opportune moment to provide a sidewalk. The proposed development on the site – retail, restaurant and hotel uses – will generate pedestrian and automotive traffic, attracting people to the site for work or purchases, as well as possibly providing a source of pedestrian traffic walking to the University or to other nearby businesses. Furthermore, as noted in Traffic Engineering comments, there is an existing wear path created by pedestrian traffic, and not providing a sidewalk may encourage mid-block crossings.

RECOMMENDATION Based upon the preceding, this application for waiver of the sidewalk is recommended for Denial.

LOCATOR MAP



APPLICATION NUMBER 15 DATE June 4, 2015

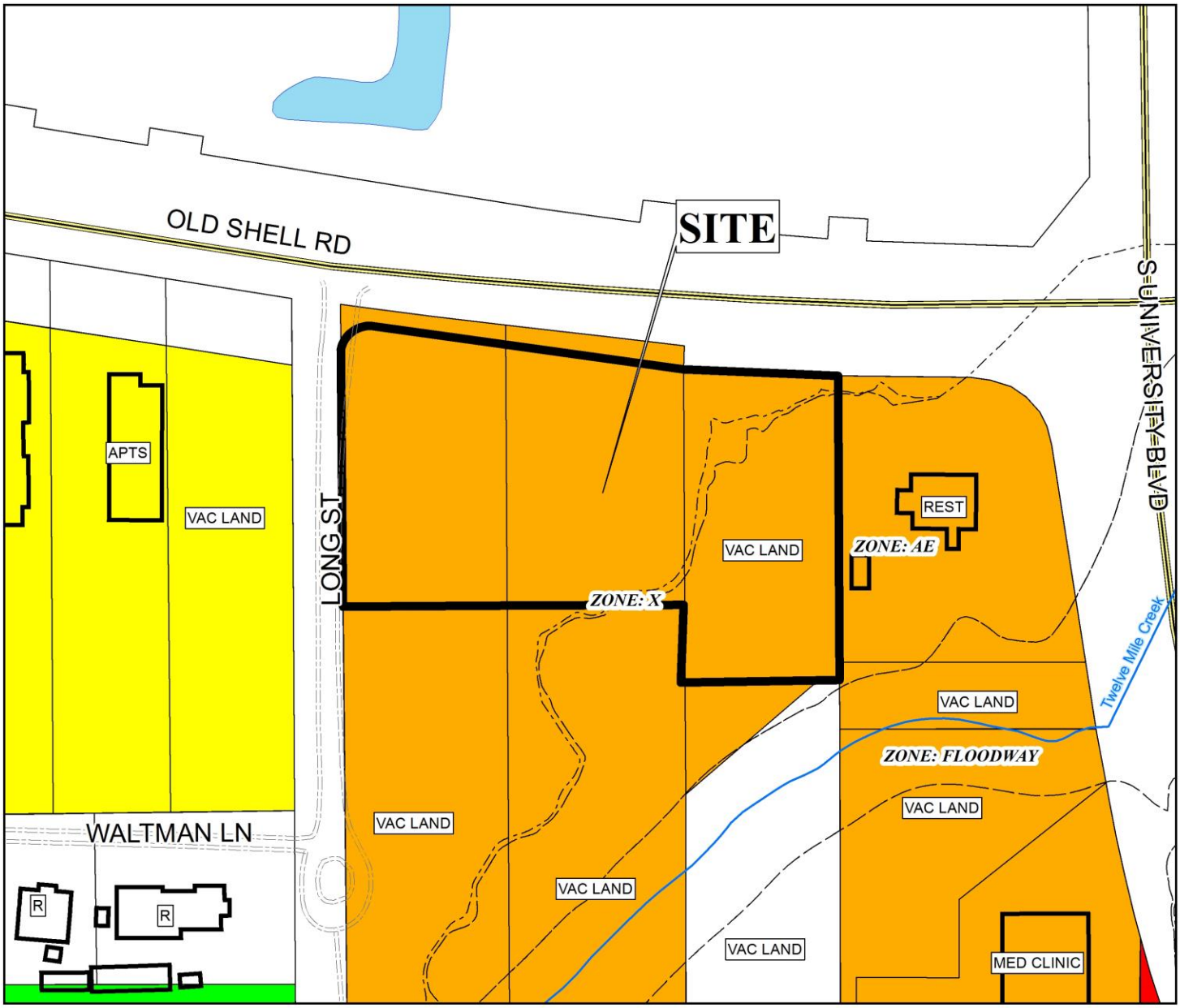
APPLICANT Kleban Properties, LLC

REQUEST Sidewalk Waiver

N

NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the west, and commercial units to the east.

APPLICATION NUMBER 15 DATE June 4, 2015

APPLICANT Kleban Properties, LLC

REQUEST Sidewalk Waiver

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	

N

NTS

PLANNING COMMISSION
VICINITY MAP - EXISTING ZONING

The site is surrounded by residential units to the west, and commercial units to the east.

APPLICATION NUMBER 15 DATE June 4, 2015

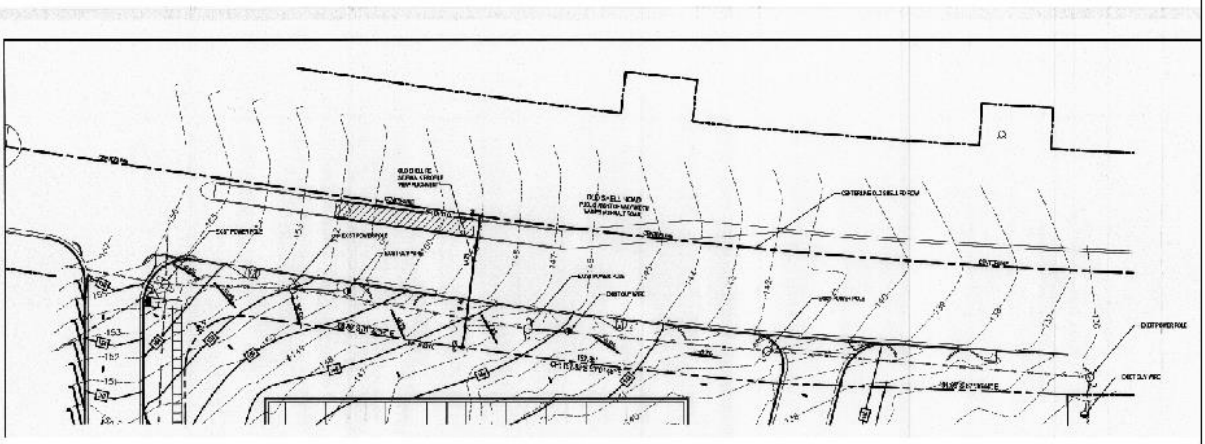
APPLICANT Kleban Properties, LLC

REQUEST Sidewalk Waiver

N

NTS

DETAIL SITE PLAN



APPLICATION NUMBER 15 DATE June 4, 2015

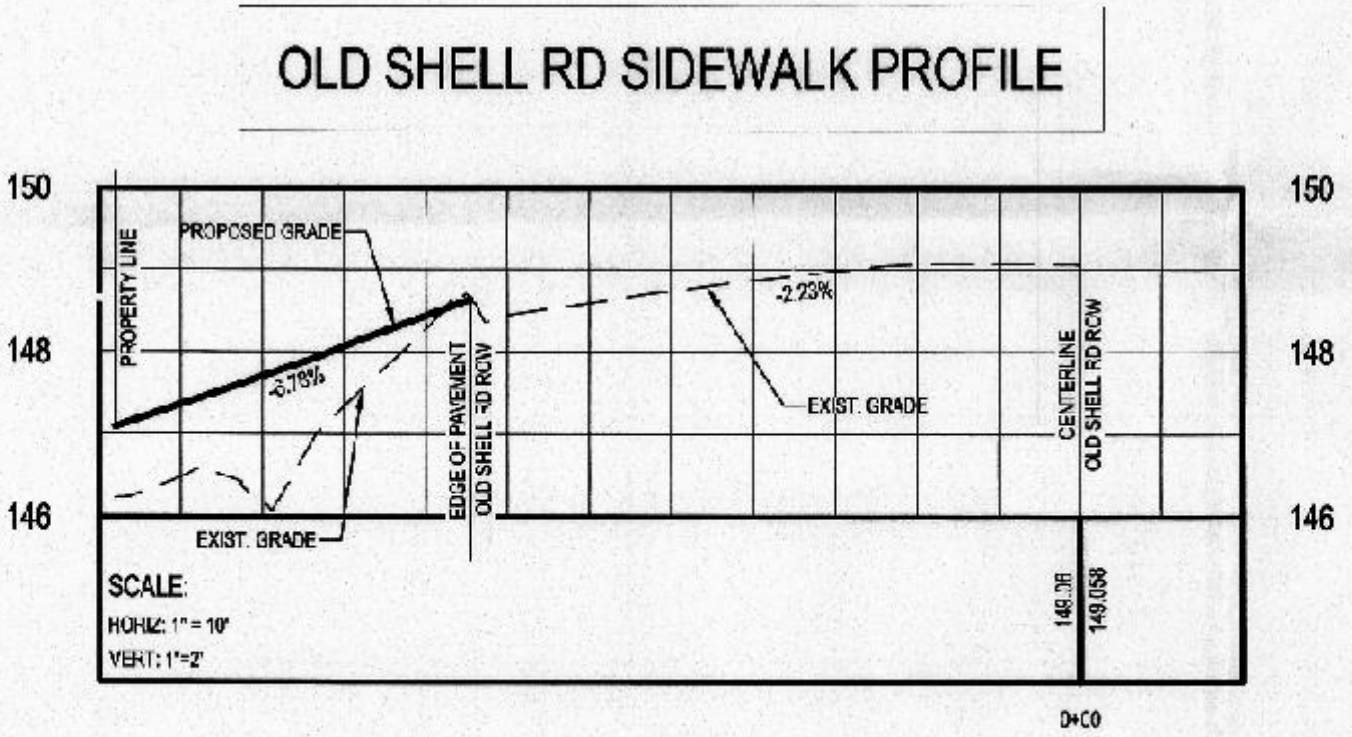
APPLICANT Kleban Properties, LLC

REQUEST Sidewalk Waiver

N

NTS

DETAIL SITE PLAN



APPLICATION NUMBER 15 DATE June 4, 2015

APPLICANT Kleban Properties, LLC

REQUEST Sidewalk Waiver

N

NTS