

**SIDEWALK WAIVER REQUEST  
STAFF REPORT****Date: September 5, 2013****NAME**

Anthony Smeraglia

**LOCATION**1080 Montlimar Drive  
(Southwest corner of Montlimar Drive and Carlyle Close East)**PRESENT ZONING**

B-3, Community Business District

**ENGINEERING**

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**

Sidewalks are desirable in this area for connectivity due to the existence of sidewalks along many of the other frontages between Michael Blvd and Airport Blvd.

**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 Montlimar Drive and Carlyle Close East.

The sidewalk waiver site is commercially zoned as is all abutting property; however, it should be noted that the site is adjacent to an apartment complex which is located on Carlyle Close East, roughly 35 ± feet from the Northwestern boundary of the site.

Montlimar Drive, a minor street, has existing sidewalks along both sides within the site's vicinity; however, on the Western side, the sidewalk terminates roughly 350 ± feet north of the site and continues roughly 340 ± feet south of the site; however, there appears to be a worn path where no sidewalk is present. The site is currently undeveloped but the applicant is proposing to construct a new building. Aerial photography shows that since 1984, all new construction within a 1000-foot radius of the site has included a sidewalk for pedestrian travel.

There are also bus stops within the site's vicinity and it could be assumed that if the site is developed commercially as proposed, pedestrian traffic in the vicinity may increase as a result, thus making sidewalks desirable.

The applicant states "Based on the current right of way slopes that a sidewalk is not constructible because of the flat shoulder that exists per the City of Mobile's Ordinance. (The applicant) ask

that a waiver be granted so there are no violations to the city's ordinance and that no safety issues arise at a later date."

It should be pointed out that the Mobile City Council adopted a "complete streets" policy on May 31, 2011. The purpose of the complete streets policy is to support the design and construction of streets to enable safe access to all users, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities. A waiver of the sidewalk, as requested, will limit accessibility for pedestrians, transit riders and cyclists.

**RECOMMENDATION** Based upon the preceding, this application for waiver of the sidewalk along both Carlyle Close East and Montlimar Drive is recommended denial.

***Revised for the October 17, 2013 meeting:***

*The Planning Commission heldover the application from the September 5, 2013 meeting at the applicant's request. Since that time, no additional information has been submitted and as a result, the original recommendation of denial still stands.*

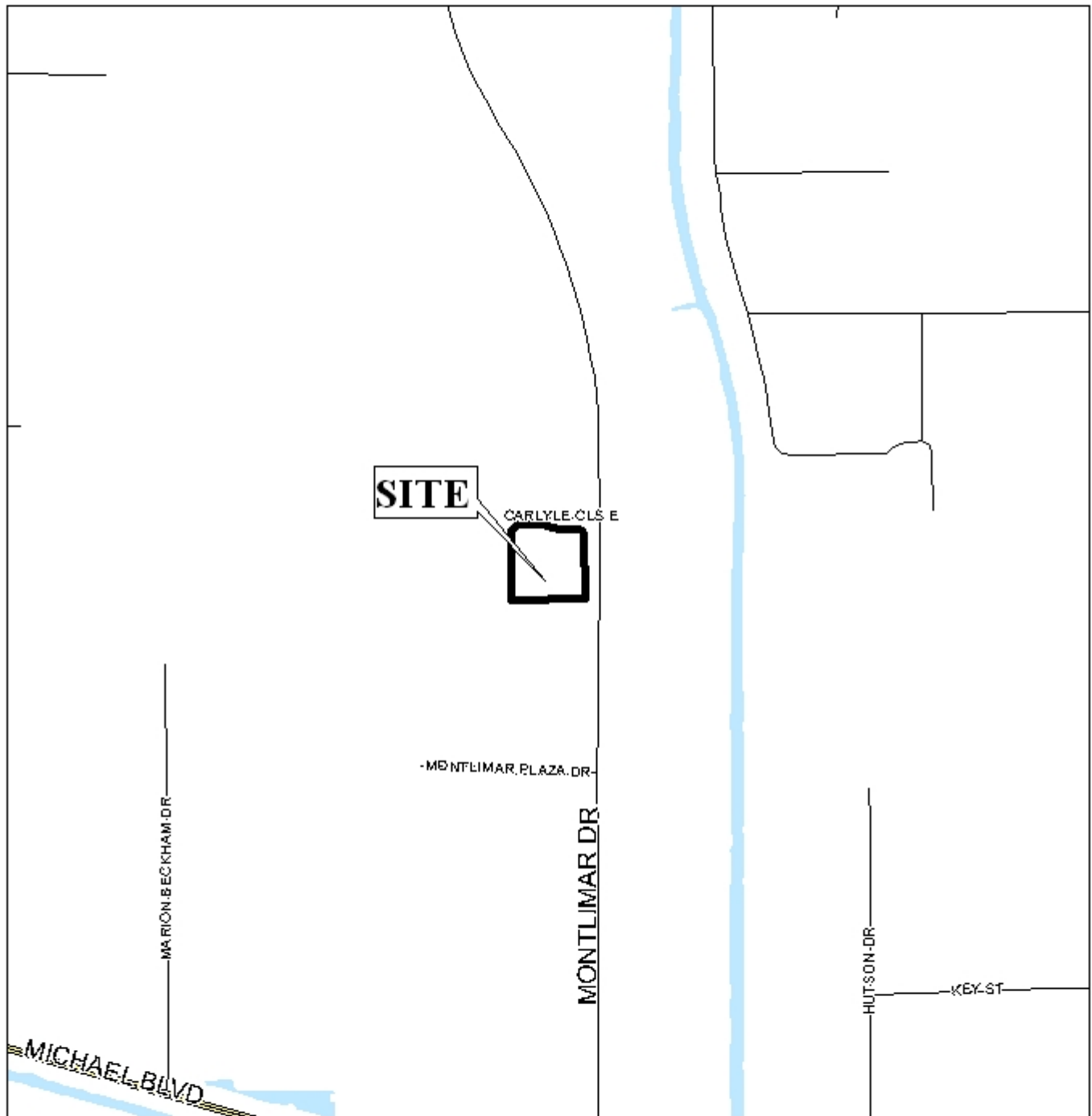
**RECOMMENDATION** Based upon the preceding, this application for waiver of the sidewalk along both Carlyle Close East and Montlimar Drive is recommended denial.

***Revised for the December 5, 2013 meeting:***

*The Planning Commission heldover the application from the October 17, 2013 meeting at the applicant's request. Since that time, no additional information has been submitted and as a result, the original recommendation of denial still stands.*

**RECOMMENDATION** Based upon the preceding, this application for waiver of the sidewalk along both Carlyle Close East and Montlimar Drive is recommended denial.

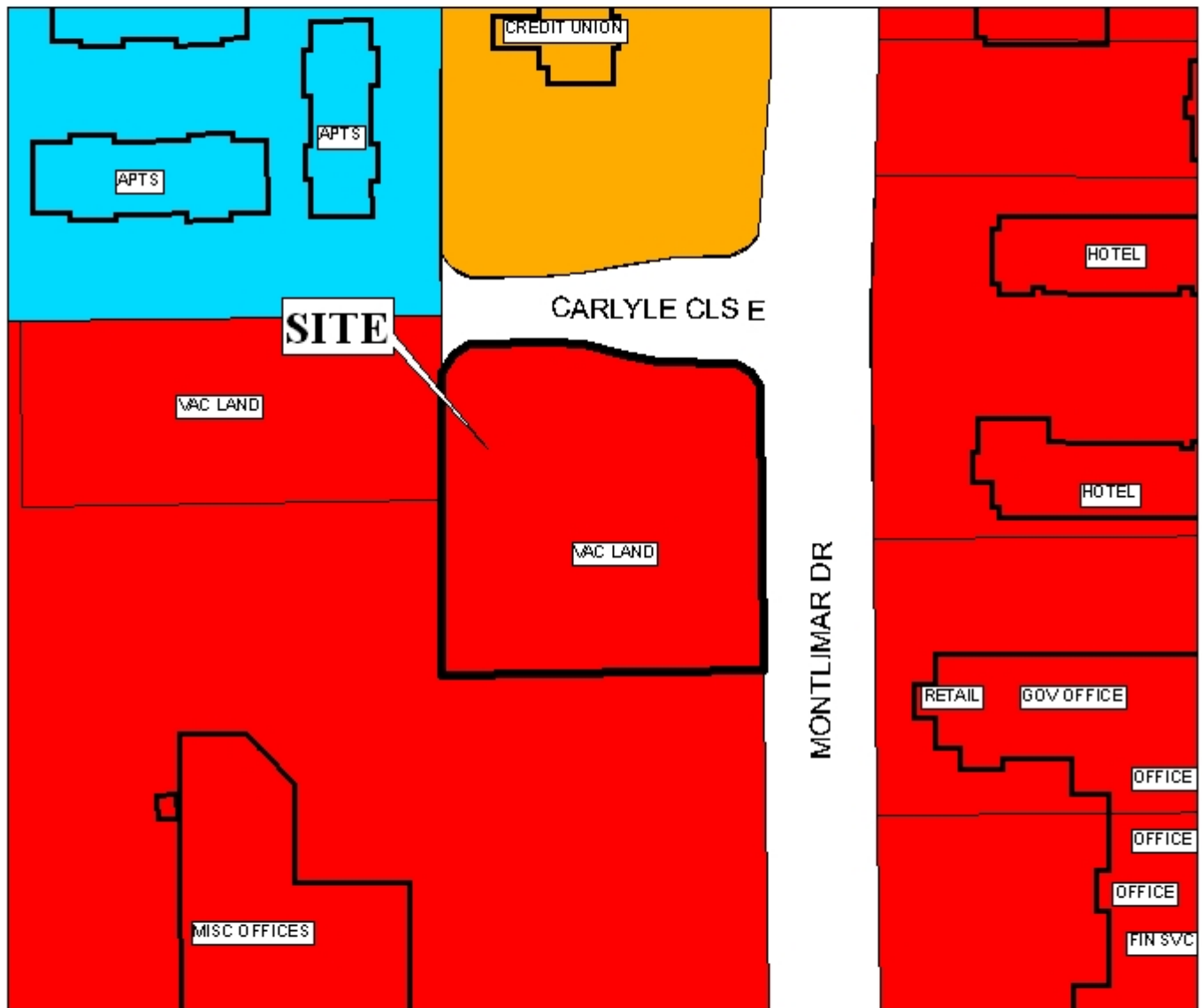
## LOCATOR MAP



APPLICATION NUMBER 10 DATE December 5, 2013  
APPLICANT Anthony Smeraglia  
REQUEST Sidewalk Waiver

N  
NTS

# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Businesses are located to the north, east, and south of the site.

APPLICATION NUMBER 10 DATE December 5, 2013

APPLICANT Anthony Smeraglia

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



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

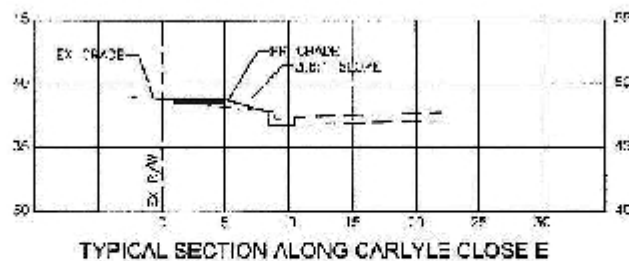
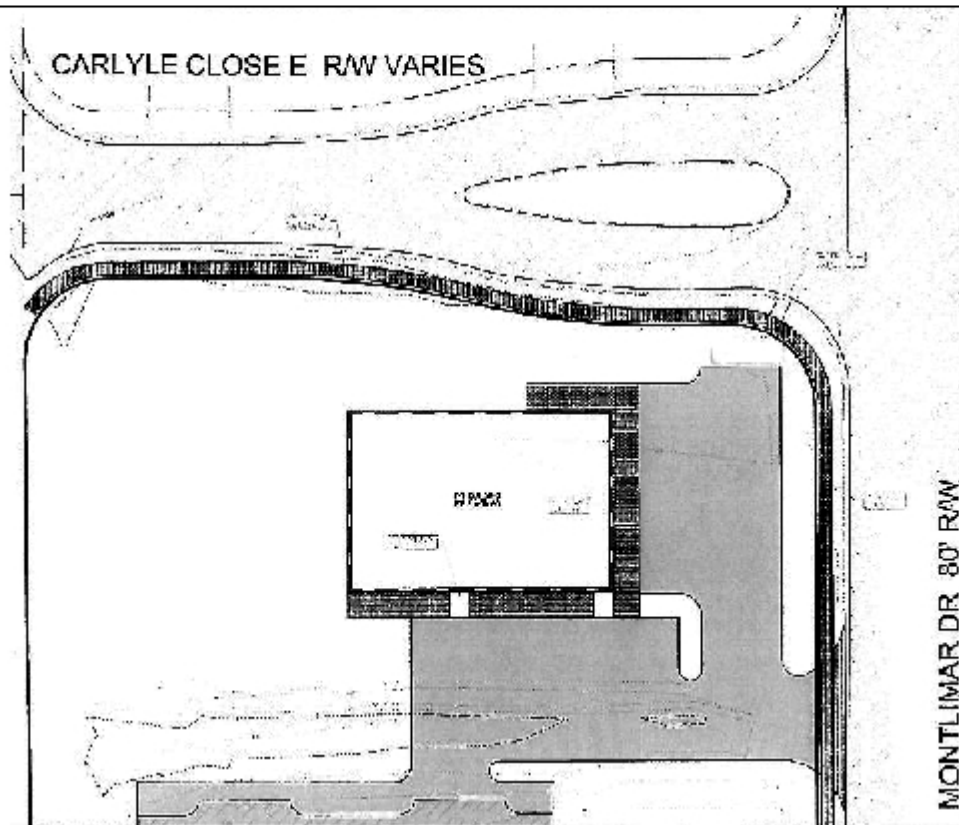


Businesses are located to the north, east, and south of the site.

APPLICATION NUMBER 10 DATE December 5, 2013  
APPLICANT Anthony Smeraglia  
REQUEST Sidewalk Waiver

N  
NTS

# SITE PLAN



The site plan illustrates the proposed development.

APPLICATION NUMBER 10 DATE December 5, 2013  
 APPLICANT Anthony Smeraglia  
 REQUEST Sidewalk Waiver

N  
  
 NTS