

**SIDEWALK WAIVER REQUEST
STAFF REPORT**

Date: July 7, 2005

NAME

Blue Rents (Grant Harkness, Agent)

LOCATION

1601 East I-65 Service Road South
(East side of I-65 Service Road South, 950 feet ± north of I-65 and Commerce Drive)

PRESENT ZONING

B-3, Community Business District

**ENGINEERING
COMMENTS**

Engineering recommends a sidewalk waiver due to the location of a roadside stormwater drainage ditch. The sidewalk cannot be constructed without significant drainage “improvements” and costs to the developer/owner.

REMARKS

The applicant is requesting the waiver of the sidewalk requirements along the East I-65 Service Road South, on the west side of the site.

The applicant states that an existing ditch makes it impossible to install the standard sidewalk required by the City of Mobile.

Year 2002 aerial photos indicate that there is a sidewalk approximately 840 feet ± south along East I-65 Service Road South from the site, and a site inspection shows a sidewalk 1280 feet ± to the north. East I-65 Service Road South is a two-lane road, which lacks curb and gutter, does not have a paved shoulder, and has open ditches along most of roadway segment on each side.

The existing sidewalk to the south was built with a similar condition to the site in question; specifically, there was an existing ditch. However, the location of the ditch in relation to the property-line may have been such as to permit the construction of the sidewalk east of the existing ditch. In 1997, the Saturn automotive dealership to the north was granted a sidewalk waiver due to the presence of an existing drainage ditch and minimal shoulder width. The existing sidewalk further to the north was able to be constructed due to the lack of a ditch.

The site is adjacent to non-pedestrian oriented commercial uses and undeveloped land, and is surrounded by commercial and residential zoning. The undeveloped residentially-zoned property is located to the rear of the site in question, and lacks direct access to any portion of East I-65 Service Road South.

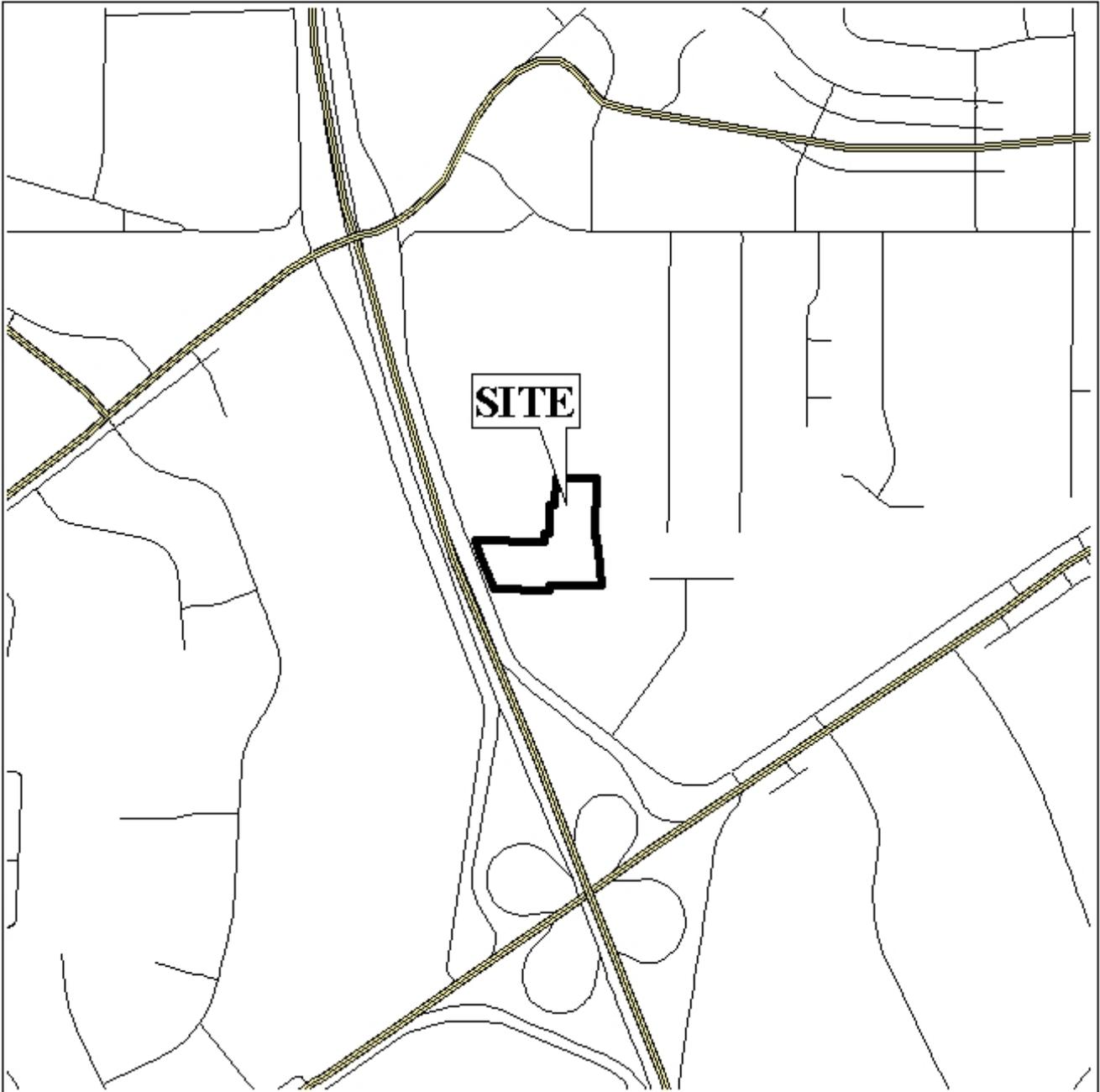
According to Section VIII.B. of the Subdivision Regulations, the existence of “*peculiar and practical difficulties or exceptional and undue hardship*” can be the basis for the modification of the application of regulations. Furthermore, “*the difficulty or hardship must be inherent in the exceptional 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 limited right-of-way width appears to create a sufficient hardship to warrant the applicant's request. However, should future development of the site result in the coverage of the drainage facility, a sidewalk should be required.

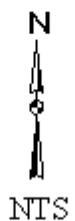
RECOMMENDATION
recommended for Approval.

Based upon the preceding, the sidewalk waiver request is

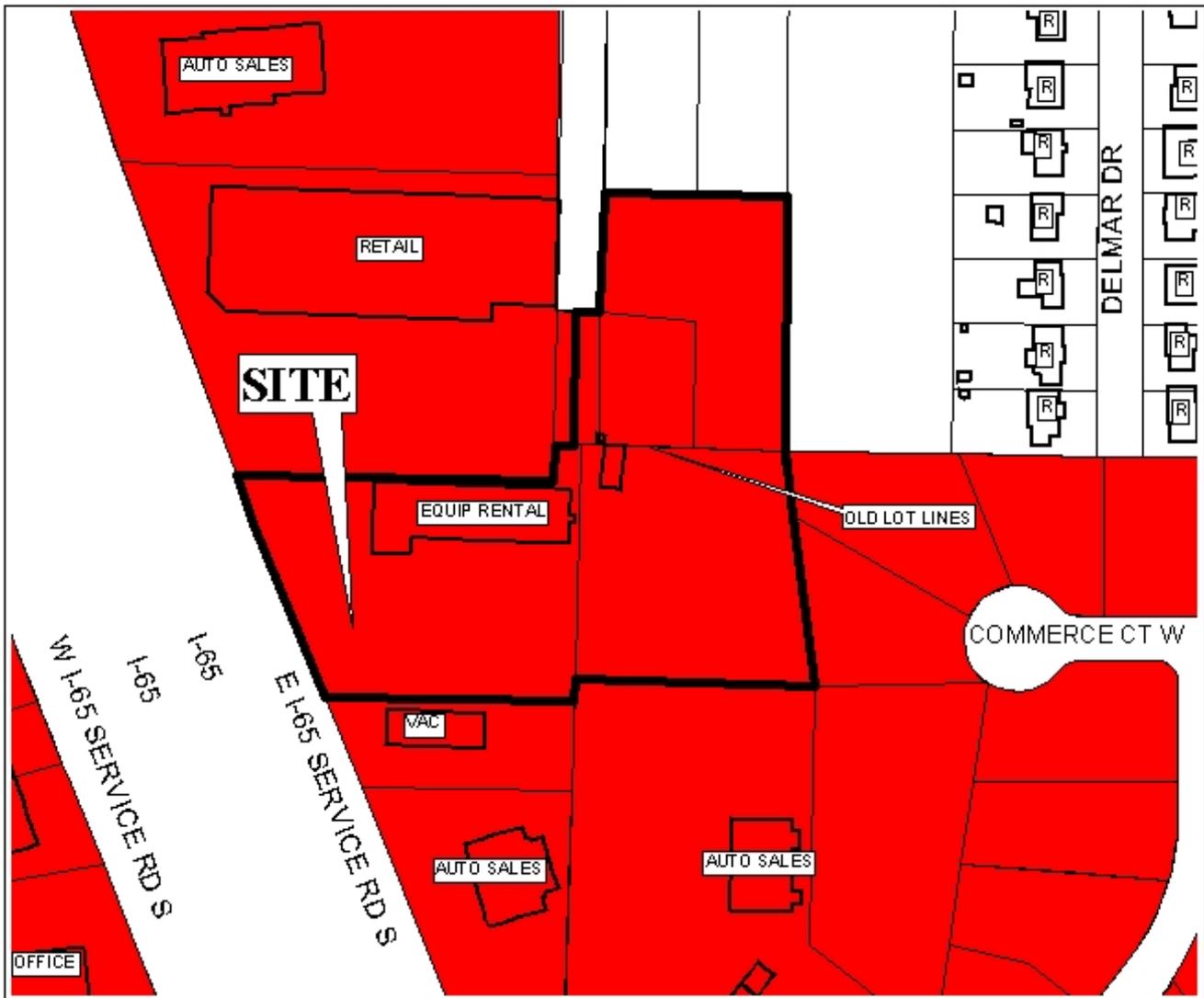
LOCATOR MAP



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



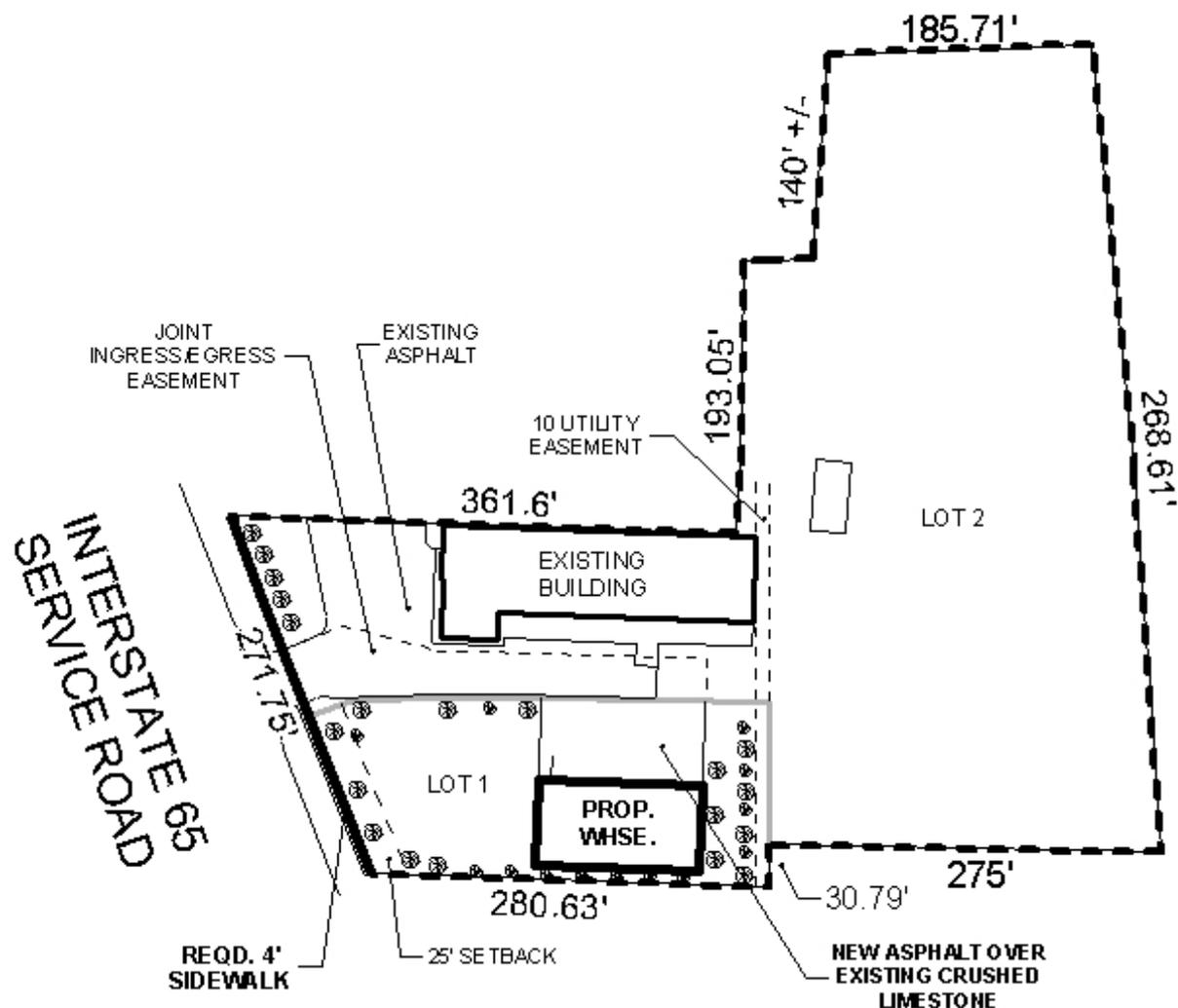
The site adjoins commercial property to the North and South.
Single family residential units are located to the East of the site.

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- LEGEND
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| 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 |



SITE PLAN



The site is located on the East side of I-65 Service Road South, 950' North of I-65 Commerce Drive. The plan illustrates the existing and proposed buildings, paving and easements.

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