

**SIDEWALK WAIVER REQUEST STAFF REPORT****Date: June 1, 2006****NAME**

Jerry Stewart

**LOCATION**4380 Halls Mill Road  
(North side of Halls Mill Road, 900'± West of the North terminus of Riviere du Chien Road)**PRESENT ZONING**

B-3, Community Business

**ENGINEERING  
COMMENTS****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. The applicant states that there is a large open ditch along this section of Halls Mill Road that would prohibit construction of a sidewalk.

It should 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.

The cross section and photographs submitted by the applicant illustrate the existing ditch, which is located approximately 4'-5' from the edge of pavement. Given the type of construction, with no curb and gutter nor any other barrier to protect pedestrians, along with the traveled rate of speed typical for Halls Mill Road, sidewalk construction at this location may be a safety concern.

Comments from City Engineering i

**RECOMMENDATION**

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





