

**SIDEWALK WAIVER REQUEST
STAFF REPORT****Date: August 18, 2005****NAME**

Persons Service Company

LOCATION4355 Halls Mill Road
(South side of Halls Mill Road, 375 feet \pm west of Riviere
du Chien Road)**PRESENT ZONING**

I-1, Light Industry District

ENGINEERING**COMMENTS**Recommend Waiver. Significant earthwork and drainage
improvements would be required to construct a sidewalk to city standards.**TRAFFIC ENGINEERING****COMMENTS**

No 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
requirements along Halls Mill Road on the north side of the site.

The applicant states that the existing ditch will make construction of a sidewalk impractical due to the fact that the ditch is in the approximate location of the required sidewalk.

Year 2002 aerial photos indicate that there are no sidewalks along Halls Mill Road within one-quarter mile of the site in either direction. The posted speed limit for this section of Halls Mill Road, which is a two-lane road, is 40 miles an hour. The road lacks curb and gutter, and does not have a paved shoulder.

Halls Mill Road is considered a "collector" street, and as such, should have a right-of-way width of 70 feet, instead of the existing 60-foot width. The dedication of additional right-of-way was not required when the subdivision including the site was approved by the Planning Commission at its July 8, 2005 meeting; thus no additional right-of-way will be available at the site.

The site is adjacent to commercial and light industrial uses and undeveloped land, and for the most part is surrounded by commercial and industrial zoning. The extensive undeveloped and underdeveloped land in the general vicinity can support the development of additional commercial, industrial and single-family residential uses due to the existing zoning.

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.*”

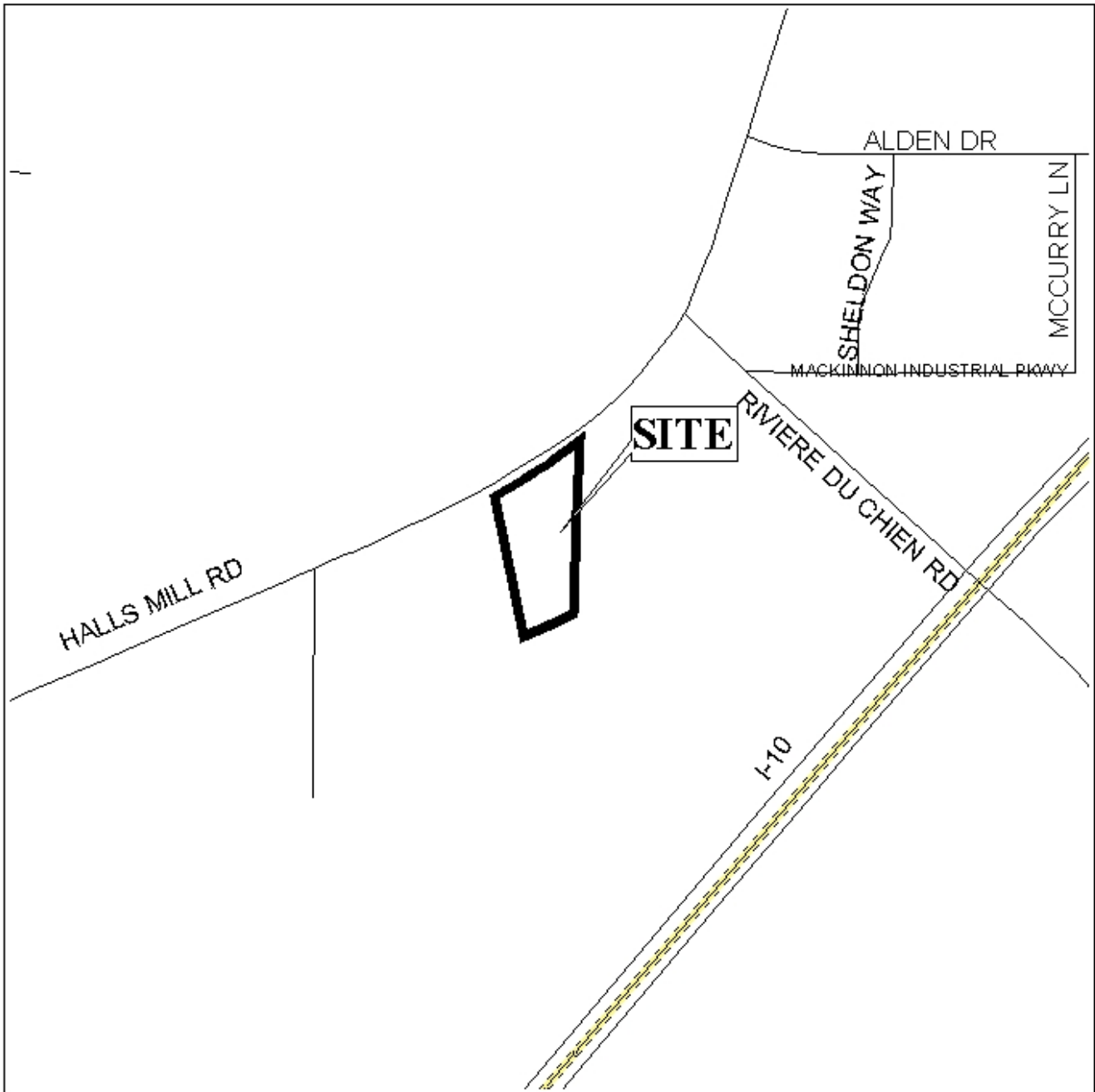
The existing drainage ditch and limited right-of-way width appears to create a sufficient hardship to warrant the applicant’s request. Furthermore, the Engineering Department recommends the waiver because significant earthwork and drainage improvements would be required to construct a sidewalk to city standards. If, however, future development of the site results 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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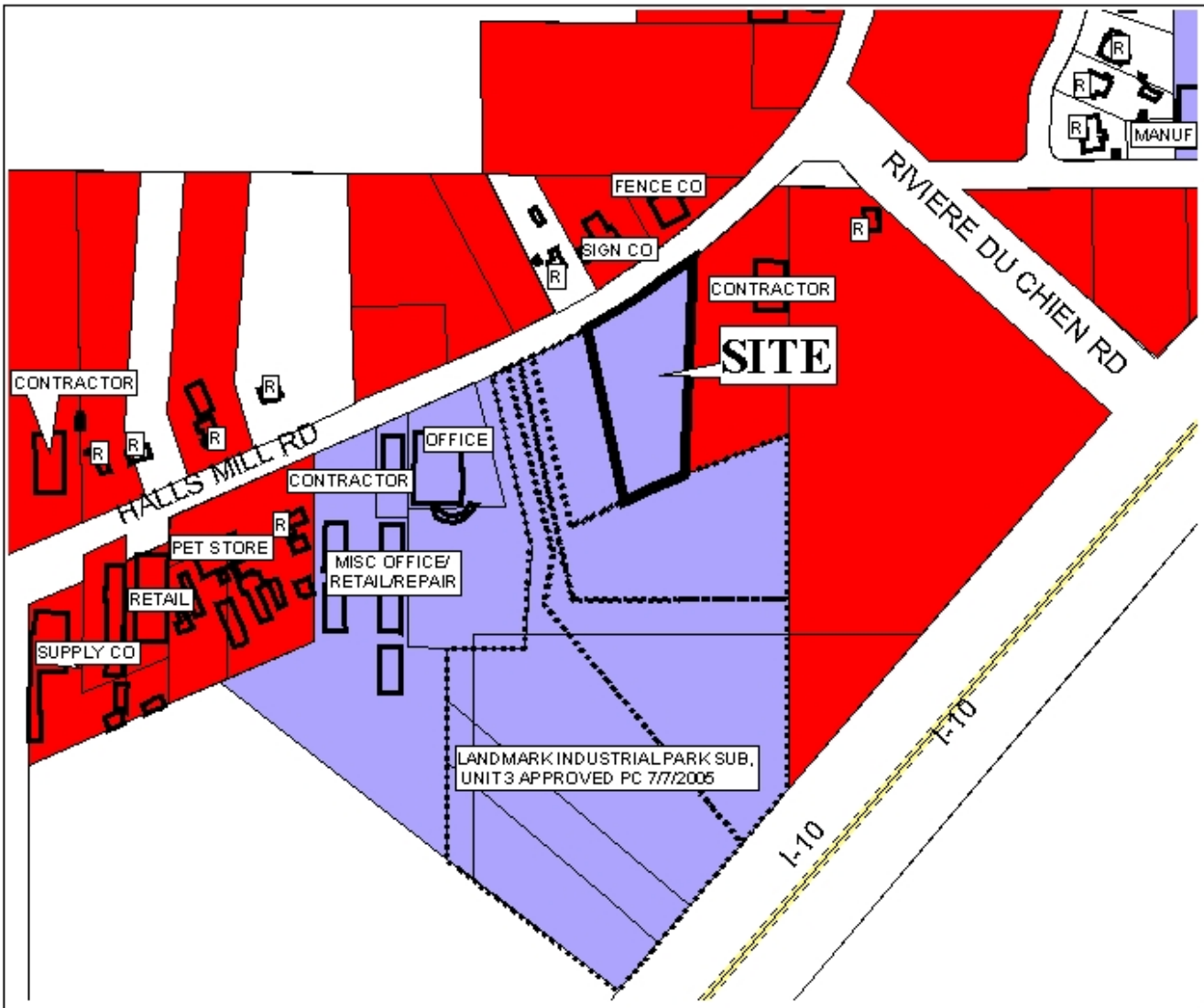
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use.

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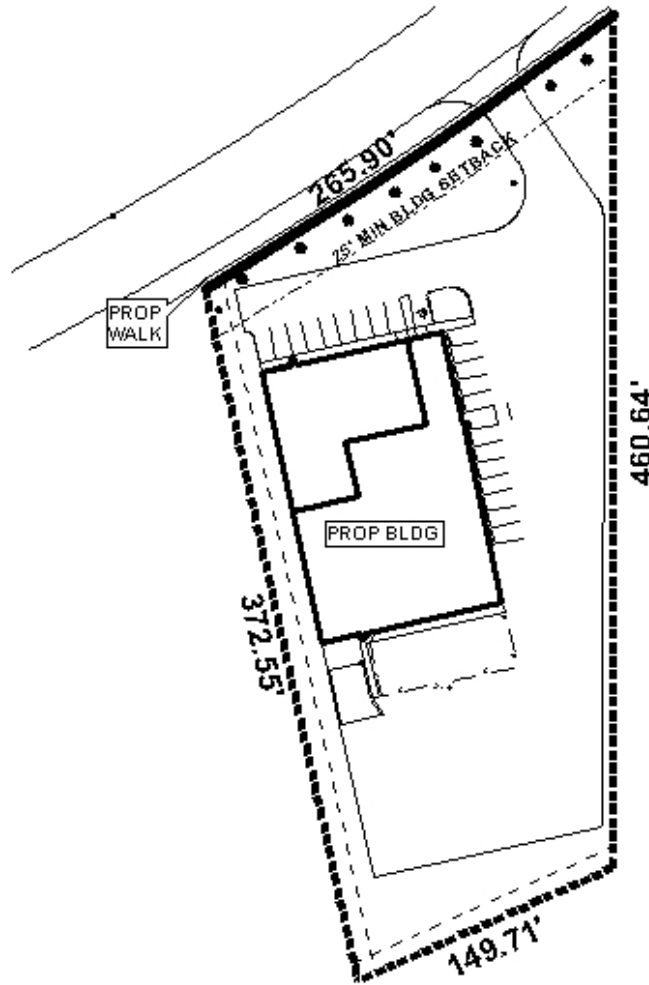
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LEGEND

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
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SITE PLAN



The site plan illustrates the proposed buildings, parking, and drives.

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