

**SIDEWALK WAIVER REQUEST
STAFF REPORT**

Date: May 5, 2005

NAME

Syble Watson

LOCATION

4175 Halls Mill Road
(East side of Halls Mill Road, 930 feet ± north of Alden Drive)

PRESENT ZONING

B-3, Community Business District

ENGINEERING

COMMENTS

No waiver recommended. No “engineering” reason stated or otherwise provided for waiver of sidewalk requirements.

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 the waiver of the sidewalk requirements along Halls Mill Road on the west side of the site.

The applicant states that the provision of sidewalks would create a hardship in the reopening of the existing building, which is currently vacant. The only construction that is otherwise proposed is the removal of existing paving in the Halls Mill Road right-of-way, and the landscaping of the parking area.

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.

A condition of an approved subdivision of this site and adjoining property in December 2004 was the dedication of additional right-of-way sufficient to provide 35 feet from the centerline of Halls Mill Road, for a total right-of-way width of 70 feet for a “collector” street for future widening. Therefore, sufficient right-of-way should be available for the construction of a sidewalk without impacting the existing pole sign, which extends 6 inches into the dedicated right-of-way.

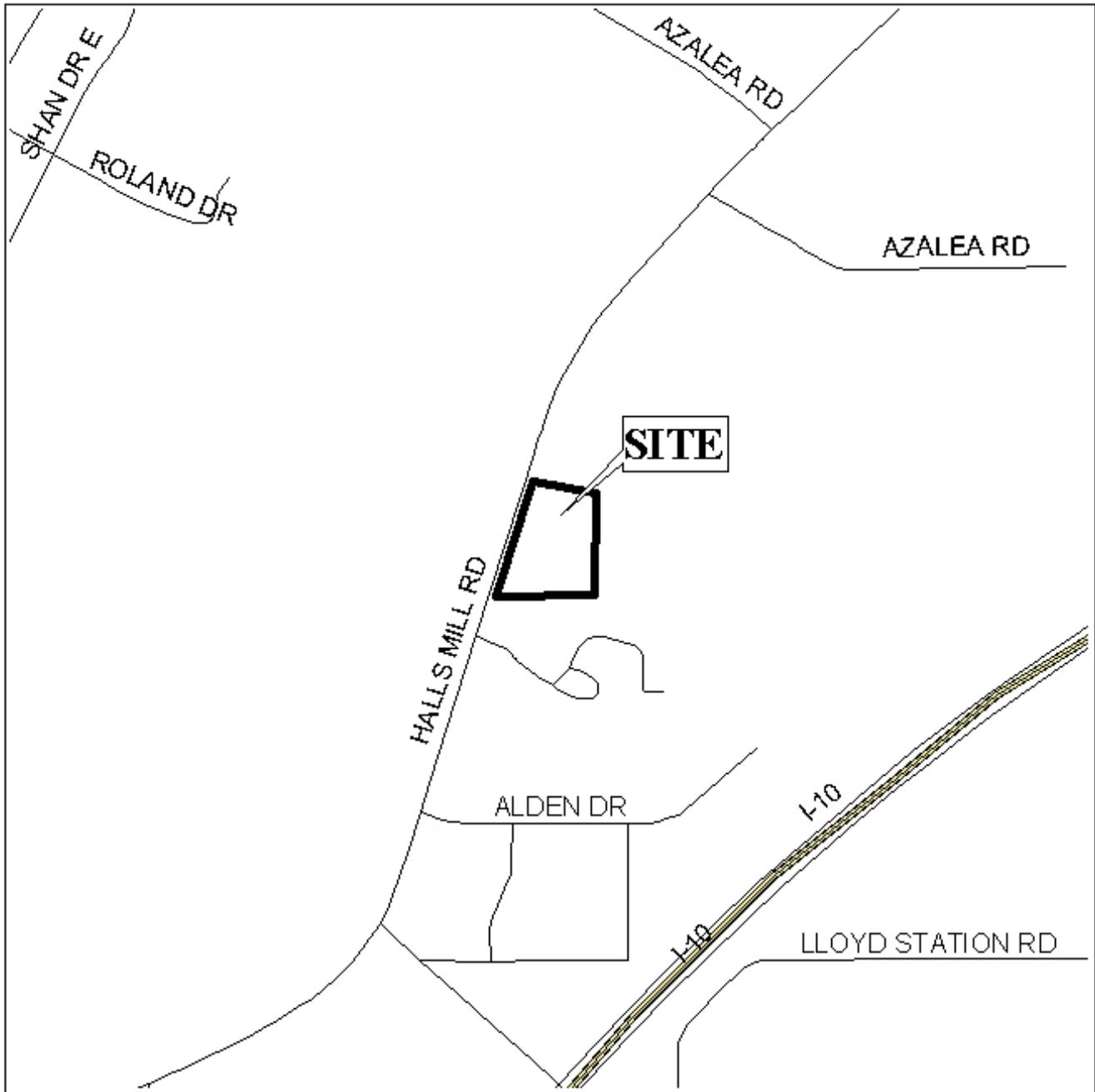
The site is adjacent to commercial and light industrial uses and undeveloped land, and for the most part is surrounded by commercial and industrial zoning. The extensive undeveloped and underdeveloped land in the general vicinity can support the development of additional commercial, industrial and single-family 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 applicant has not indicated any other hardships or unusual circumstances other than the potential economic hardship related to the cost of the sidewalk.

RECOMMENDATION Based upon the preceding, the sidewalk waiver request is recommended for denial, as insufficient evidence has been provided to show that there are hardships beyond those associated with economic considerations regarding the modifications to the parking area prior to opening a business at the site.

LOCATOR MAP



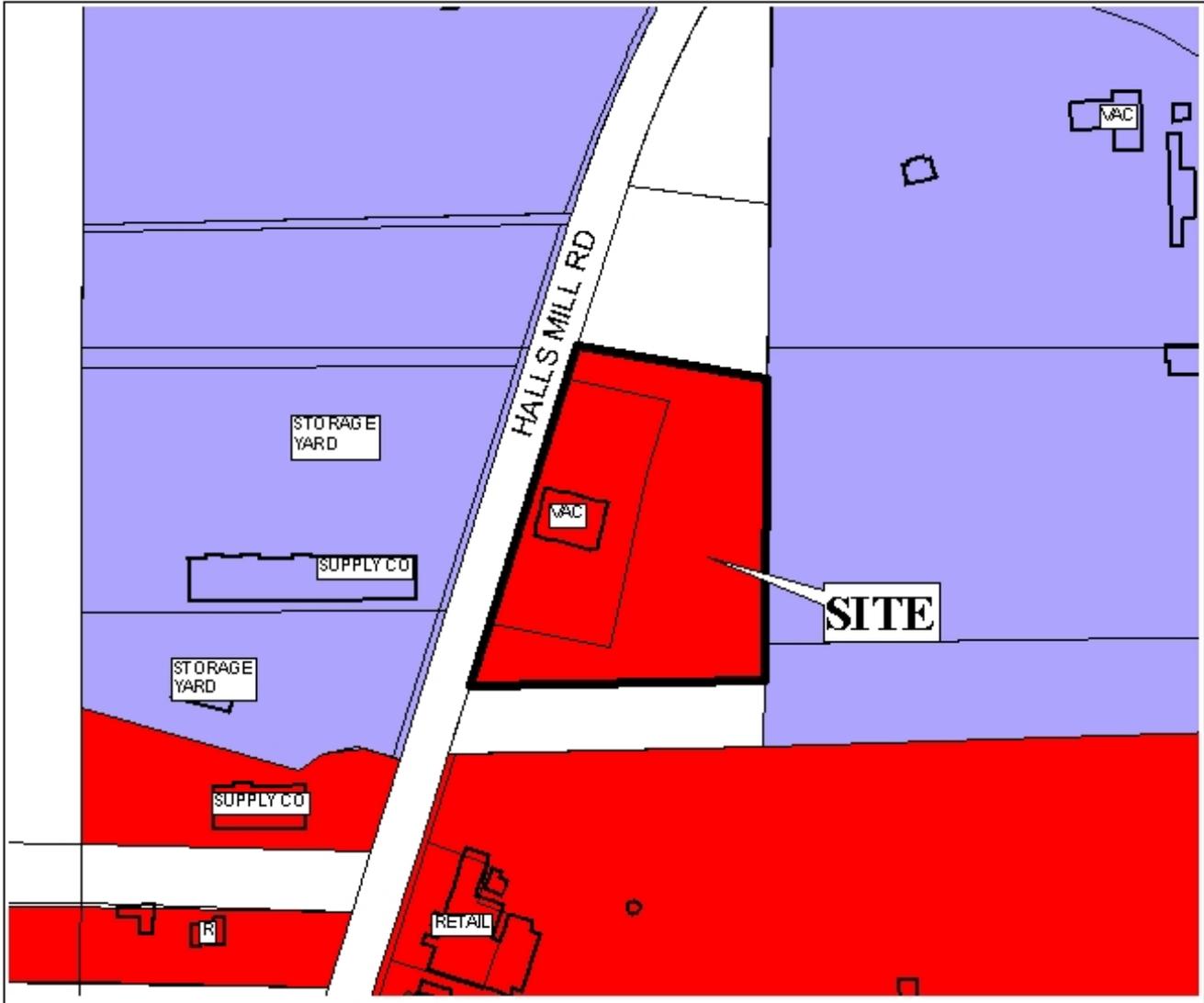
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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



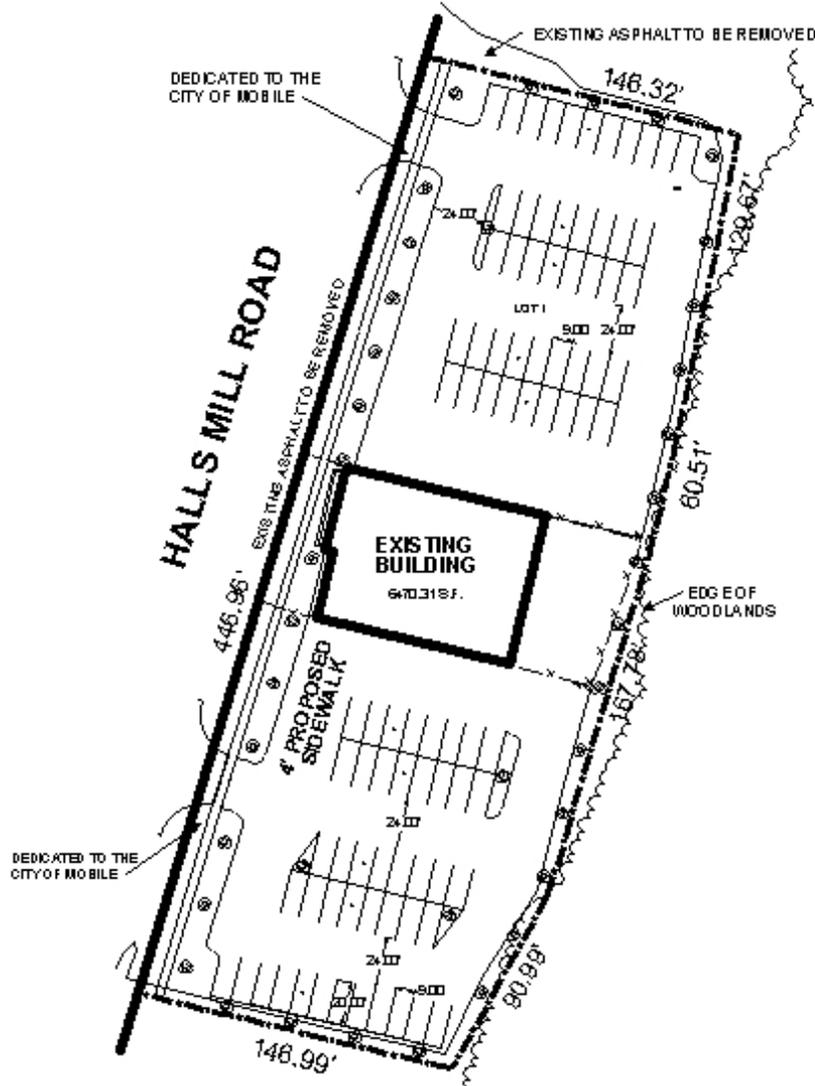
Located to the North of the site are vacant properties; to the East is a metal fabrication business. Located to the South and West are retail.

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LEGEND



SITE PLAN



The site is located on the East side of Halls Mill Road, 930' North of Alden Drive. The plan illustrates the existing structure and asphalt, along with the proposed asphalt parking.

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