

**SIDEWALK WAIVER REQUEST  
STAFF REPORT**

**Date: May 4, 2017**

**NAME**

David M. Shumer

**LOCATION**

5999 U.S. Highway 90 West  
(South side of U.S. Highway 90 West, ¼ mile± East of  
Broadview Drive East.)

**PRESENT ZONING**

B-3, Community Business District

**ENGINEERING**

**COMMENTS**

As shown in the applicant’s submittal the existing ROW is occupied by an existing drainage ditch/swale and is just west of an existing, large box culvert for Muddy Creek - recommend approval of the sidewalk waiver.

**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 2015-116 and City Code Chapters 57 and 64).

**REMARKS**

The applicant is requesting a waiver for the construction of a sidewalk along U.S. Highway 90 West.

The site is proposed to be developed with two buildings and used as a veterinary clinic in a B-3, Community Business District. A Variance application to allow aggregate surfacing for the parking area associated with the proposed veterinary clinic is scheduled to be heard at the May 1, 2017 meeting of the Board of Zoning Adjustment.

The applicant discusses a lack of sidewalks and pedestrian traffic in the vicinity as justification for the request, stating:

*A sidewalk does not fit the character of this area and connectivity to future sidewalks is not likely. This site is located in close proximity to the limits of the City of Mobile on the west and a narrow crossing of Muddy Creek to the east.*

*With the low potential of generators for pedestrian traffic in the area, the difficulty of connecting to future sidewalks across Muddy Creek, and the lack of requirement for sidewalks west of the project side (outside City Limits) for future connections a sidewalk at this location is not warranted.*

U.S. Highway 90 West is an ALDOT-maintained U.S. Highway and proposed major street with a future right-of-way width of 250’. The site fronts on a three lane cross-section of U.S. Highway 90 West that is characteristic of an open ditch roadway where there are currently no sidewalks. It should be noted, however, that the area was brought into the City of Mobile in 2009 when many

properties were already fully or partially developed. While properties adjacent to the subject site are largely undeveloped, sidewalks will be required as development occurs.

It should be noted that the Mobile City Council adopted a “complete streets” policy on May 31, 2011; the purpose of which 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.

Furthermore, the site is located within what the Map for Mobile Comprehensive Plan describes as a **Suburban Corridor** Development Area, wherein the intent for development includes:

- accommodation of all users: automobile, bicycle, pedestrian and transit;
- greater connectivity to surrounding neighborhoods;
- development concentrated in centers rather than in strips along the corridor;
- eventual increase in density with residential above retail and services;
- increased streetscaping; and,
- improved traffic flow.

A waiver of the sidewalk, as requested, would not only negate the purpose of the “complete streets” policy, but also intercept the intent of the Map for Mobile Comprehensive Plan by inherently discouraging development of a Suburban Corridor.

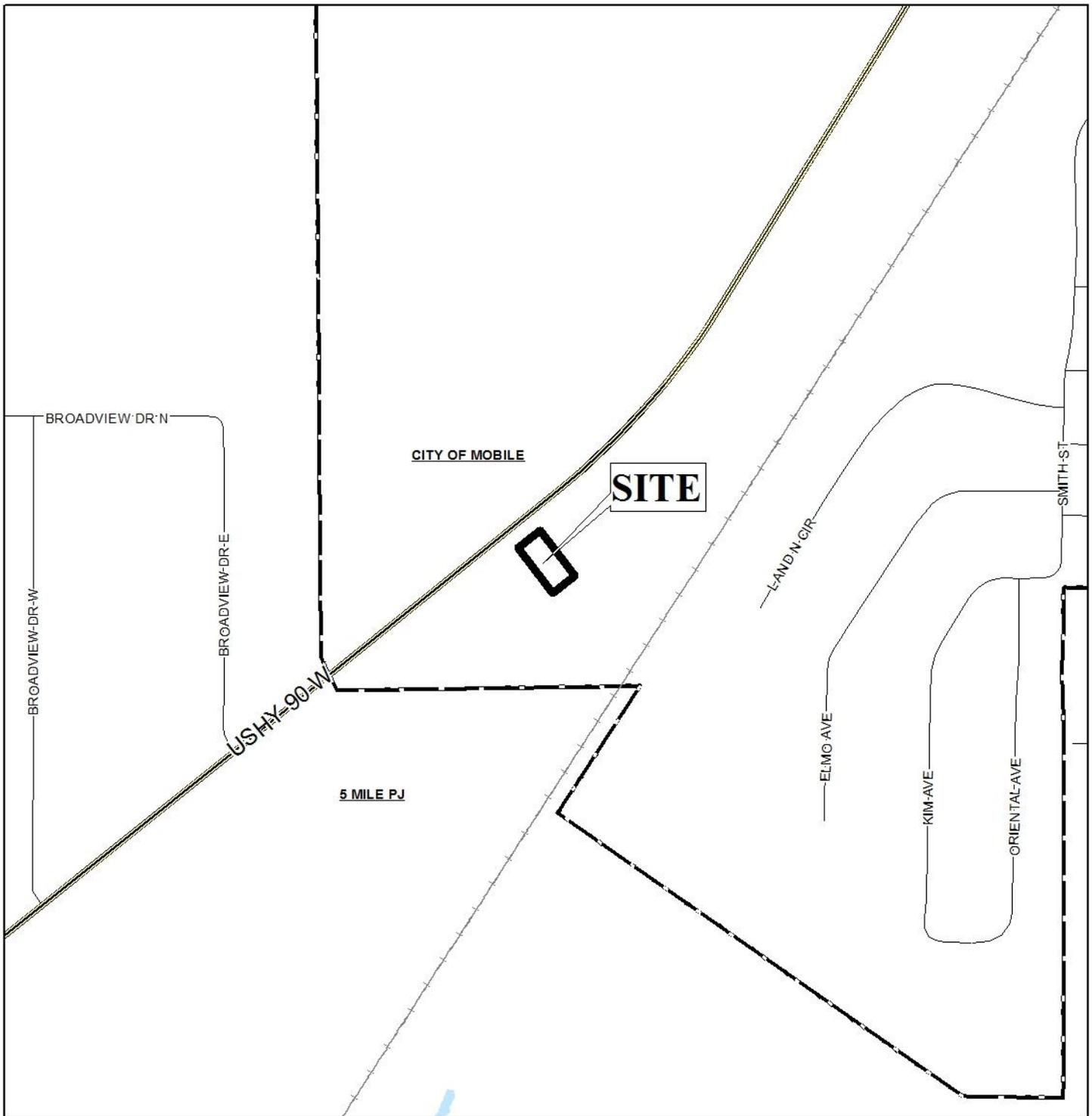
Nevertheless, it appears that pedestrian traffic in the vicinity is minimal and would not likely increase due to the immanent nature of the proposed major street or the proposed development of the subject site. Also, because U.S. Highway 90 West is lined with open ditches, the topography of the shoulder of the road would not seemingly facilitate the construction of a sidewalk. As such, and in considering Engineering comments, approval of the request may be appropriate.

Finally, it should be noted that the subject property is a metes-and-bounds parcel and not a legal lot of record. If approved, completion of the subdivision process would be required prior to any requests for land disturbance or building permits unless documentation is provided proving this lot has existed in its current configuration as a metes-and-bounds parcel since at least 1984. It should also be noted that the construction of a breezeway to connect the two proposed buildings on the site may require approval of a Planned Unit Development.

### **RECOMMENDATION**

Based upon the preceding, this application for waiver of the sidewalk along U.S. Highway 90 West is recommended for approval; however, future development or re-development of the site will necessitate a new application.

# LOCATOR MAP



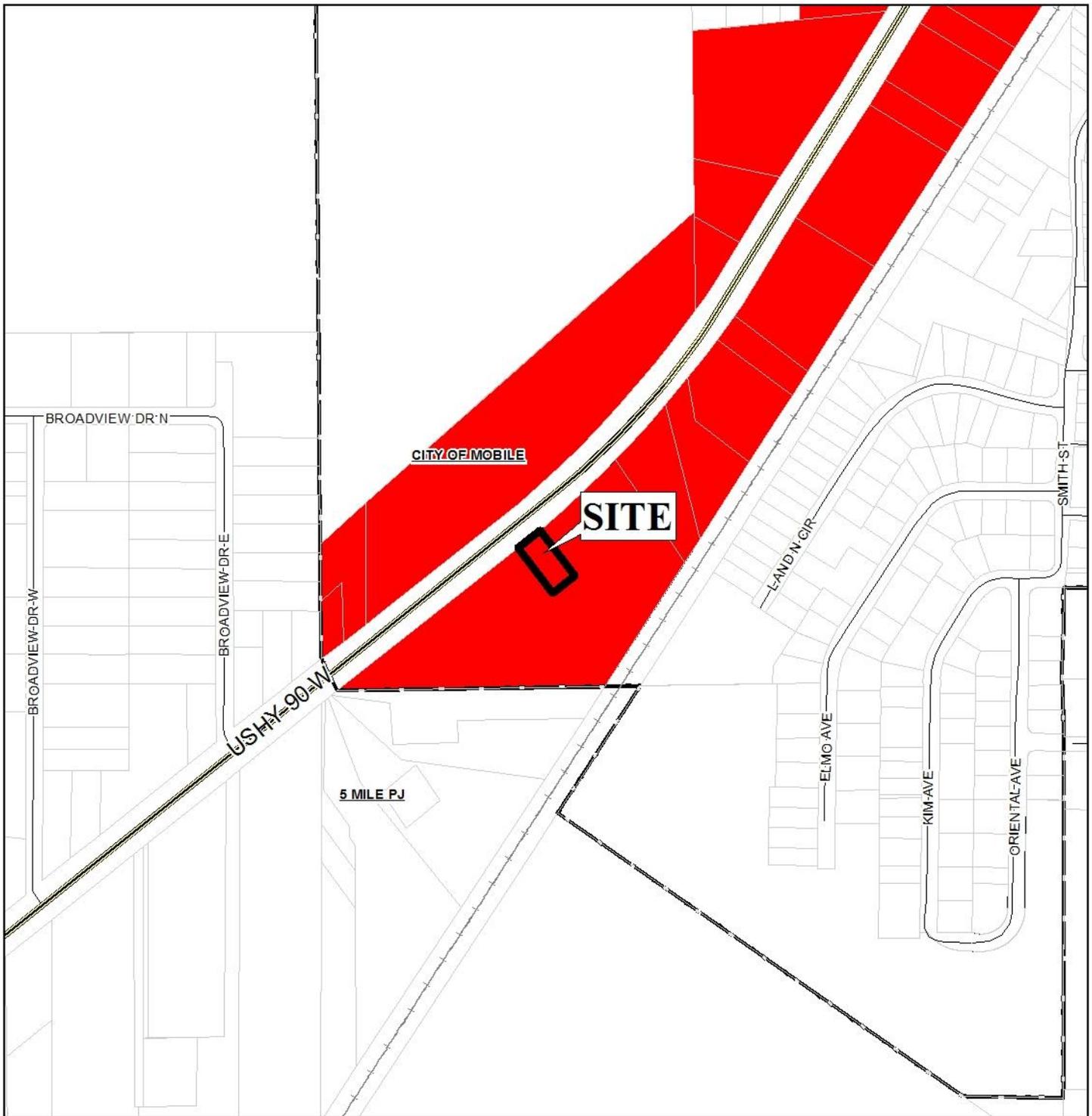
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# LOCATOR ZONING MAP



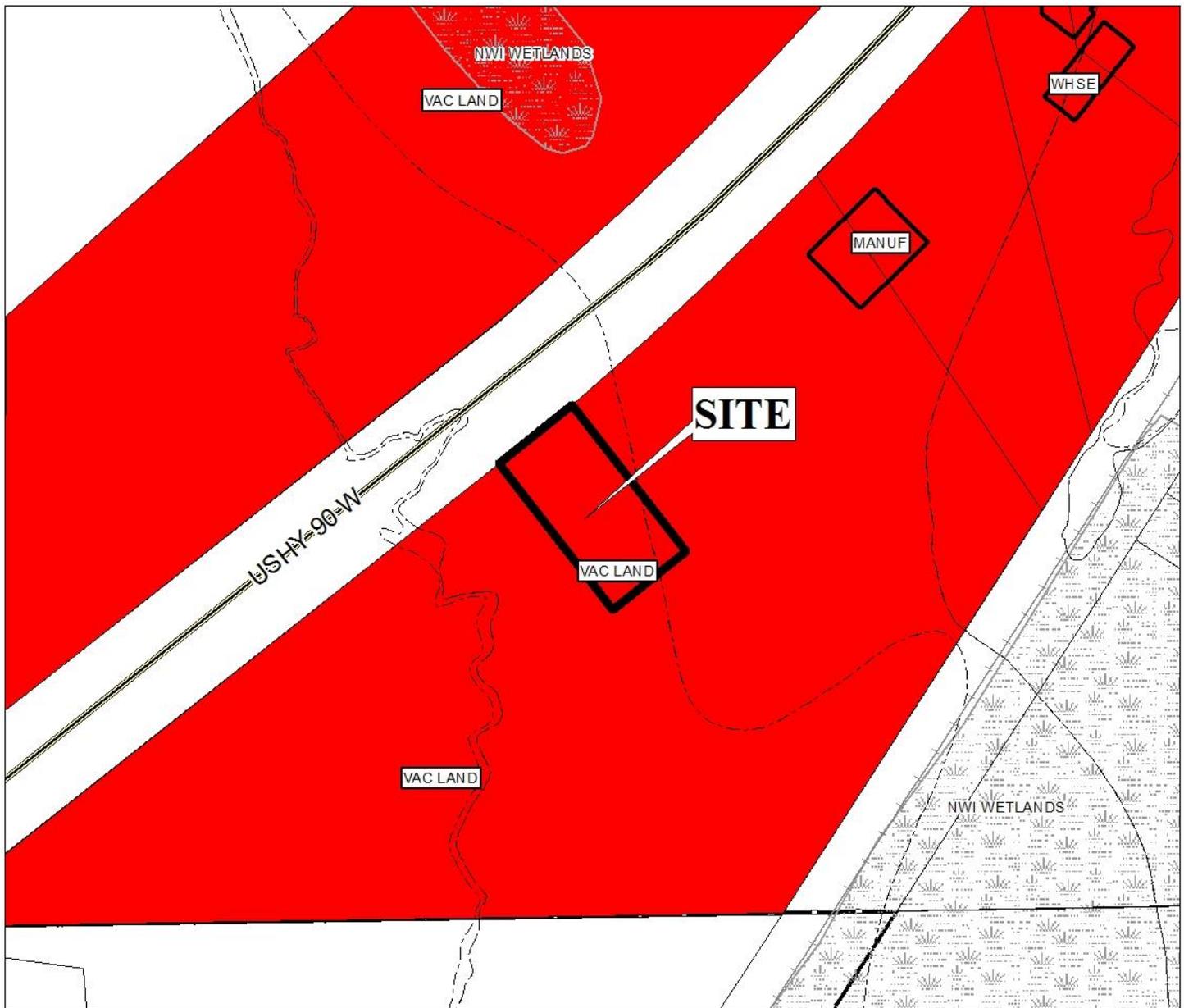
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial units.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

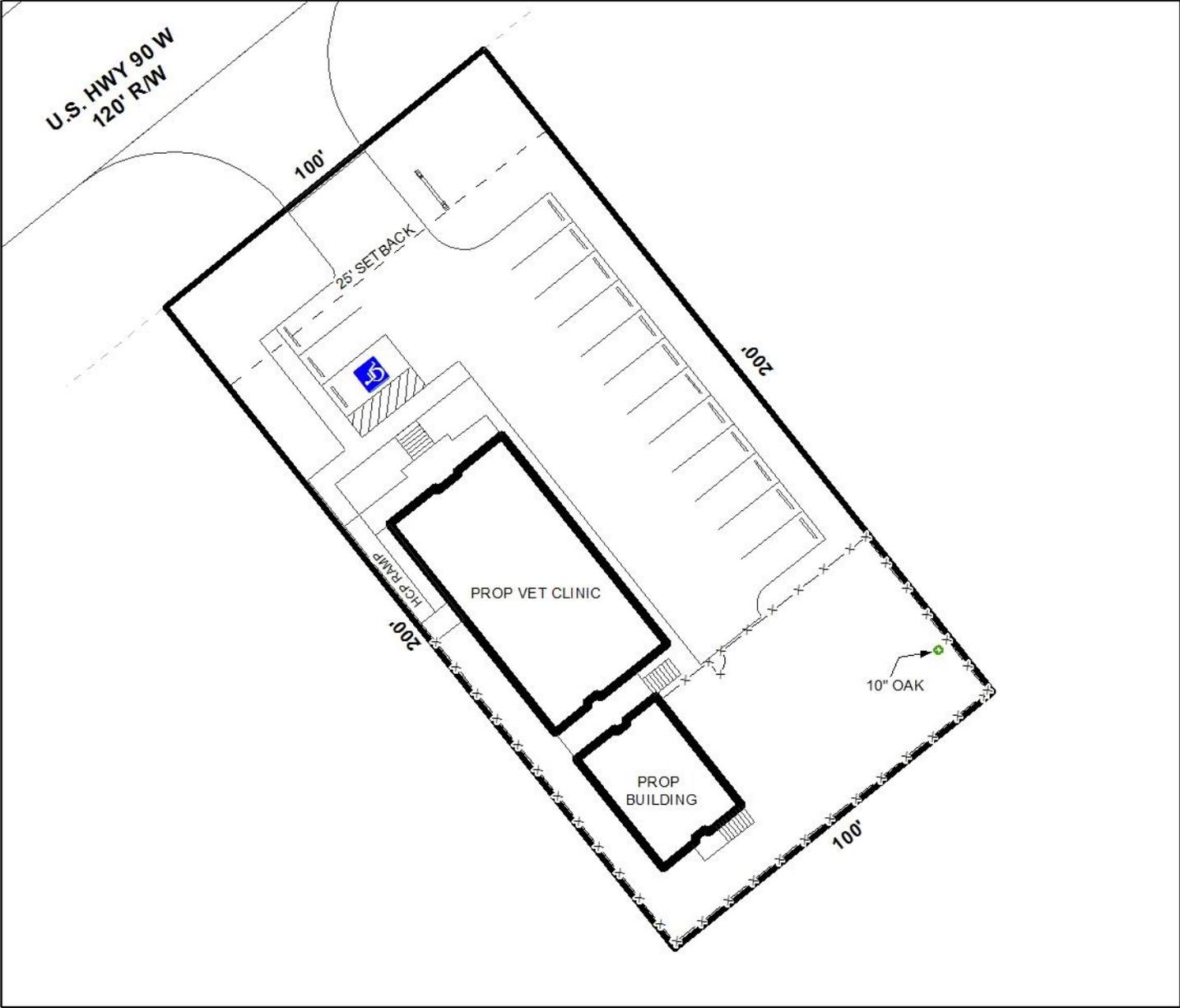


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# SITE PLAN



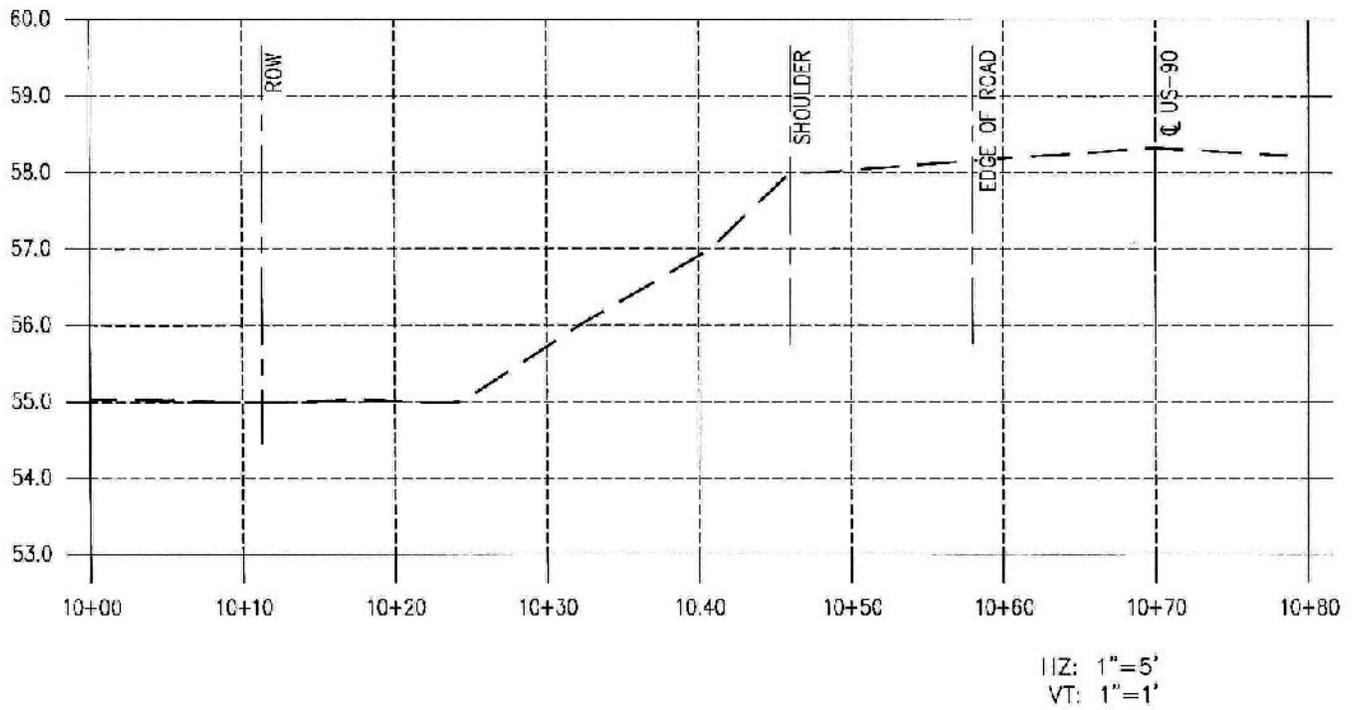
The site plan illustrates the proposed buildings, parking, and setback.

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# DETAIL SITE PLAN

## BODIE VET CLINIC CROSS SECTION



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