

**PLANNED UNIT DEVELOPMENT &  
PLANNING APPROVAL STAFF REPORT****Date: April 4, 2013****NAME**

The North American Islamic Trust, Inc.

**LOCATION**63 East Drive  
(East side of East Drive, 400' South of Old Shell Road, and  
extending to the West side of Allen Drive)**CITY COUNCIL  
DISTRICT**

District 6

**PRESENT ZONING**

R-1, Single-Family Residential District

**AREA OF PROPERTY**

1.6± Acres

**CONTEMPLATED USE**Planned Unit Development Approval to allow multiple  
buildings on a single building site and Planning Approval  
to amend a previously approved Planning Approval to  
allow a church in an R-1, Single-Family Residential  
District.**TIME SCHEDULE  
FOR DEVELOPMENT**

Phases

**ENGINEERING****COMMENTS**

Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing East Dr. or Allen Dr. ROW will require a City of Mobile ROW Permit. The City ROW permit may be obtained from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. An ADEM NOI is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. Due to the proposed phasing of the construction the applicant will need to provide a detailed phasing plan for the construction and erosion control plans.

**TRAFFIC ENGINEERING****COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

**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).

**FIRE DEPARTMENT****COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

**REMARKS**

The applicant is requesting Planned Unit Development Approval to allow multiple buildings on a single building site and Planning Approval to amend a previously approved Planning Approval to allow a church in an R-1, Single-Family Residential District. Planning Approval is required for churches or religious facilities in R-1 districts.

The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate development of the district.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is site plan specific, thus if any new construction is anticipated that will change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

It is very important to note that the Planning Approval and PUD review are site plan specific; therefore *any* future changes to the overall site plan must be submitted for PUD and PA review. Additionally, if the scope of operations for the church or the site plan are changed from what is approved by the Planning Commission, a new application for Planning Approval will be required.

The applicant, The North American Islamic Trust, Inc, proposes to redevelop their facilities through three phases. The Planning Approval and Planned Unit Development applications are intended to amend applications previously approved by the Planning Commission at its June 16, 2005 meeting. Phase One will consist of the demolition of building # 3 (existing school), removal of the playground and some asphalt paving, and construction of a 6,400 square foot Mosque. Building #1 and building #2 will remain in use as the school. Upon completion and after the issuance of a Certificate of Occupancy for the Mosque, building #1 will be used as a school.

Phase 2 will consist of demolition building #2 and construction of a 5,000 square foot education building. Upon completion and issuance of a certificate of occupancy, the school and daycare would be moved to the new building.

The Final Phase, Phase 3 will consist of demolition of building #1 and completion of the new parking layout and all other site improvements.

It appears that the plans depict general compliance with the overall minimum requirements of the Zoning Ordinance after completion of all phases of construction. However, after construction of the Mosque, which requires approximately 78 parking spaces, the site will only provide approximately 25 parking spaces during phases 2 & 3 and, after the completion of the whole project the site plan illustrates the provision of 96 parking spaces. The final 96 spaces would be in compliance at the completion of the entire project. In addition, no time periods have been submitted for completion of each phase; moreover, there may be considerable time lag from completion of Phase 1 and the beginning of Phase 2 depending on delays due to construction and weather related issues. While phase development have been approved in the past, a provision to require the applicant to provide specific periods for start dates and end dates of phases due to the nature of possible parking shortages, should be required.

It should be noted that while the site plan submitted shows the phases of development the applicant should provide more detailed site plans for each phase of development. Then a clearer understanding of possible parking issues could be remedied before construction begins. The site plan does not illustrate a dumpster; however, it does provide a note on the site plan stating the owner will utilize curbside pick up..

Since this site will provide more than 25 parking spaces, lighting of the parking area and site must comply with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance.

Also, no buffer is illustrated on the East boundary of the site to serve as a protection buffer to the adjacent residential lots as required by Section 64-4.D.1. of the Zoning Ordinance. In addition, the area indicated as dedicated to the City of Mobile has already been dedicated and thus should be removed from the site and be replaced with the accurate property line boundary along Allen Drive. If approved, a revised site plan should be submitted that shows the entire site in compliance with parking, landscaping, and residential buffer requirements for each phase of development.

The geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected non-game species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

### **RECOMMENDATION**

**Planned Unit Development:** Based on the preceding Planned Unit Development (PUD) request is recommended for Holdover until the May 2<sup>nd</sup> meeting, with new site plan submitted no later than April 10<sup>th</sup>, to allow the applicant to address:

- 1) compliance with Engineering comments (*Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing East Dr. or Allen Dr. ROW will require a City of Mobile ROW Permit. The City*

*ROW permit may be obtained from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. An ADEM NOI is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. Due to the proposed phasing of the construction the applicant will need to provide a detailed phasing plan for the construction and erosion control plans.);*

- 2) revision of the site plan to illustrate full compliance with landscaping requirements;
- 3) revision of the site plan to illustrate full compliance with parking requirements during phases;
- 4) revision of the site plan to illustrate a residential buffer to the East of the site as per Section 64-4.D.1. of the Zoning Ordinance;
- 5) revision of the site plan to provide lighting of the parking area must comply with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance;
- 6) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;
- 7) placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities;
- 8) submission of two (2) copies of the revised PUD site plan to the Planning Section of Urban Development prior to the issuance of permits; and
- 9) full compliance with all municipal codes and ordinances.

### **RECOMMENDATION**

**Planning Approval:** Based on the preceding Planning Approval (PA) request is recommended for Holdover until the May 2<sup>nd</sup> meeting, with new site plan submitted no later than April 10<sup>th</sup>, to allow the applicant to address:

- 1) compliance with Engineering comments (*Any work, including grading, drainage, driveways, sidewalks, utility connections, irrigation, or landscaping performed in the existing East Dr. or Allen Dr. ROW will require a City of Mobile ROW Permit. The City ROW permit may be obtained from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. An ADEM NOI is required for any land disturbance activity over 1 acre. Provide a copy of the ADEM registration information for the site prior to the issuance of a Land Disturbance permit. Due to the proposed phasing of the construction the applicant will need to provide a detailed phasing plan for the construction and erosion control plans.);*
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- 5) revision of the site plan to provide lighting of the parking area must comply with Sections 64-4.A.2 and 64-6.A.3.C of the Zoning Ordinance;
- 6) placement of a note on the site plan stating that any changes to the site plan will require new applications for Planning Approval and Planned Unit Development approval prior to the issuance of any permits;
- 7) placement of a note on the site plan stating that approval of all applicable Federal, state and local agencies is required for endangered, threatened or otherwise protected species, if any, prior to the issuance of any permits or land disturbance activities; and
- 8) full compliance with all municipal codes and ordinances.

***Revised for the May2, 2013 meeting:***

*A revised site plan was submitted by the applicant. The site plan reflects most of the requested modifications, however, the applicant still proposes approximately 65 parking spaces to be located on site during Phase I development of which 26 would be an aggregate surface. The aggregate surface parking spaces would place the parking ratio short 6 spacesr, these parking spaces would also be a substandard surface.*

*Ordinarily, this surface would not be allowed; however, for the Phase I development the 9 spaces illustrated between the Mosque and the proposed educational building proposed in Phase II may be allowed to be aggregate until Phase II is completed; however, the 17 spaces illustrated as aggregate should be asphalted during Phase I.*

*At completion of Phase II the parking lot will cease to exist due to the educational building would encompass the aggregate parking lot.*

*During Phase II, the parking would further be reduced due to the demolition and reconstruction of a larger educational building. As the parking ratio for religious facilities is based on the number of seats within the sanctuary, the seating within the Mosque dictates that 71 spaces be provided. During Phase II the site would provide only 60 spaces; therefore, some type of temporary parking should be implemented during this phase to provide adequate parking during service hours.*

*While the proposed parking ratio during Phases I and II does not meet the minimum requirements, the reduction is less than 10 percent; the intrusion into the existing residential neighborhood may still pose a concern for neighbors. Expansion of special uses allowed by Planning Approval in residential areas frequently comes at the expense of the residents; therefore, the application as proposed does not meet the requirements for Planned Unit Development and Planning Approval.*

*One of the reasons for the holdover from the last meeting was to provide parking sufficient to provide the required parking ratio for all phases of development.*

**RECOMMENDATION**

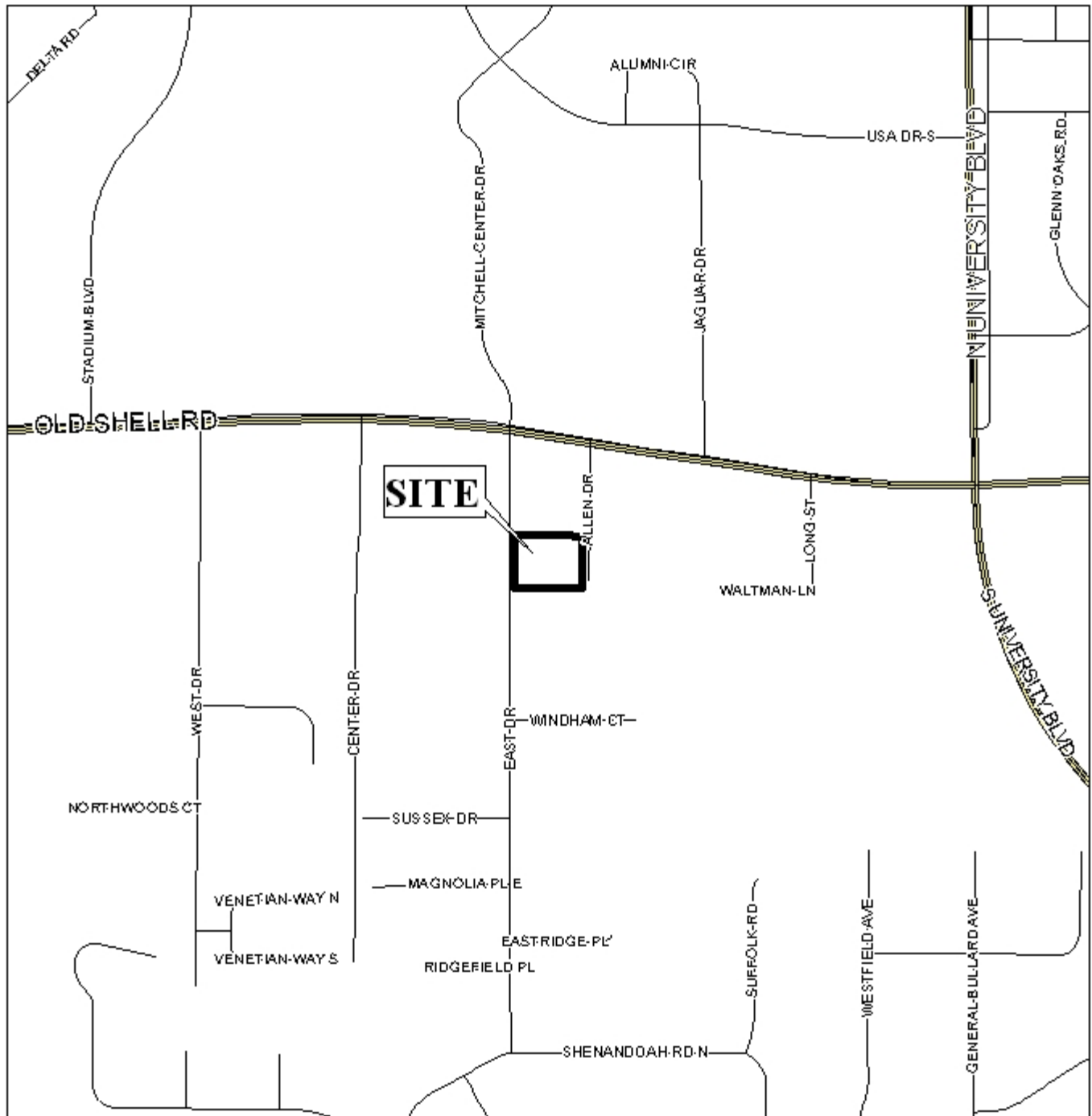
*Planned Unit Development:* Based on the preceding the Planned Unit Development (PUD) request is recommended for denial for the following reasons:

- 1) *the phased development does not provide sufficient parking for each phase which may be detrimental to the neighboring residents.*

*Planning Approval:* Based on the preceding the Planning Approval (PA) request is recommended for denial for the following reasons:

- 1) *the phased development does not provide sufficient parking for each phase which may be detrimental to the neighboring residents.*

# LOCATOR MAP



APPLICATION NUMBER 5 & 6 DATE May 2, 2013

APPLICANT The North American Islamic Trust, Inc.

REQUEST Planned Unit Development, Planning Approval



# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use.

APPLICATION NUMBER 5 & 6 DATE May 2, 2013

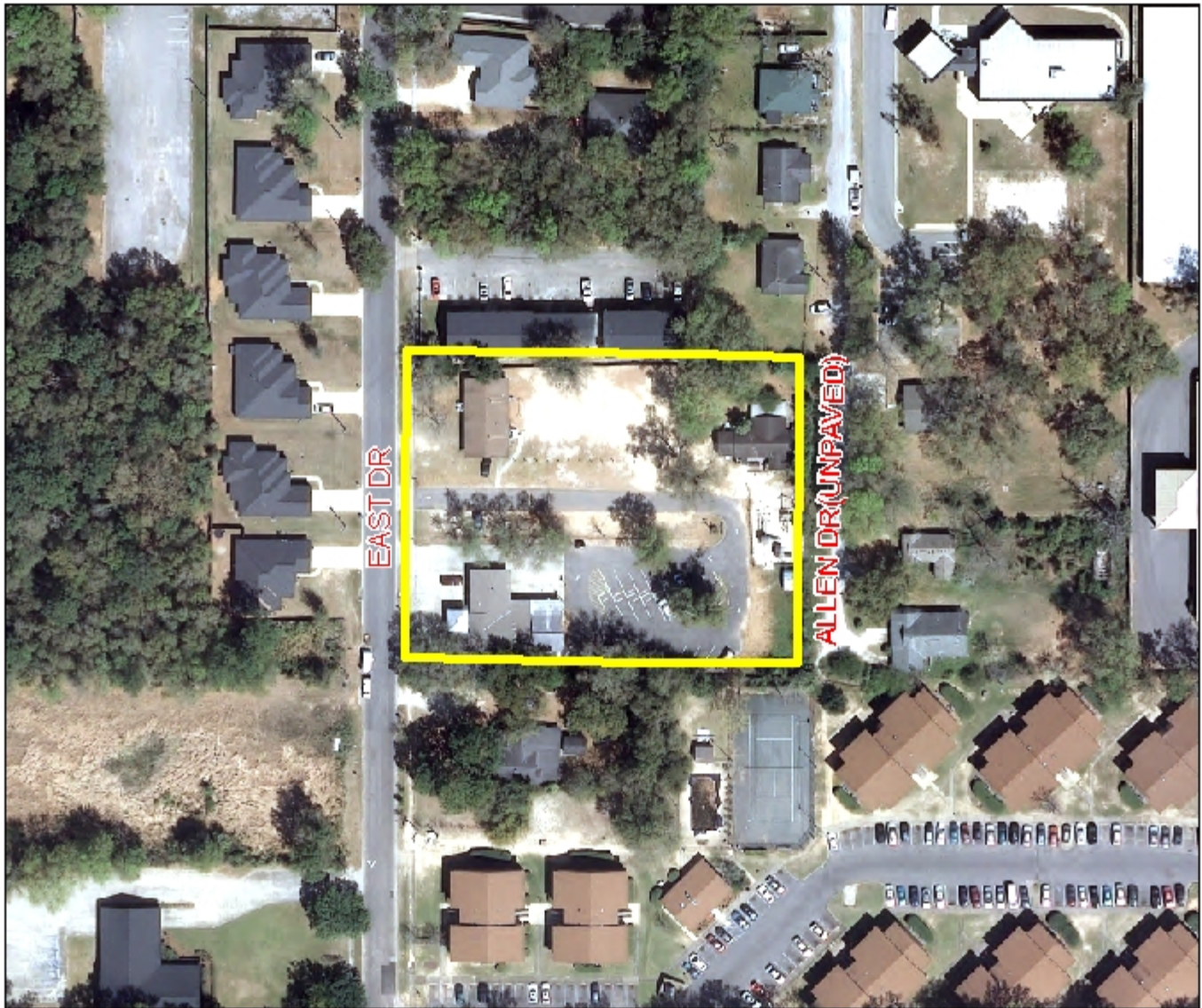
APPLICANT The North American Islamic Trust, Inc.

REQUEST Planned Unit Development, Planning Approval

LEGEND 

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING

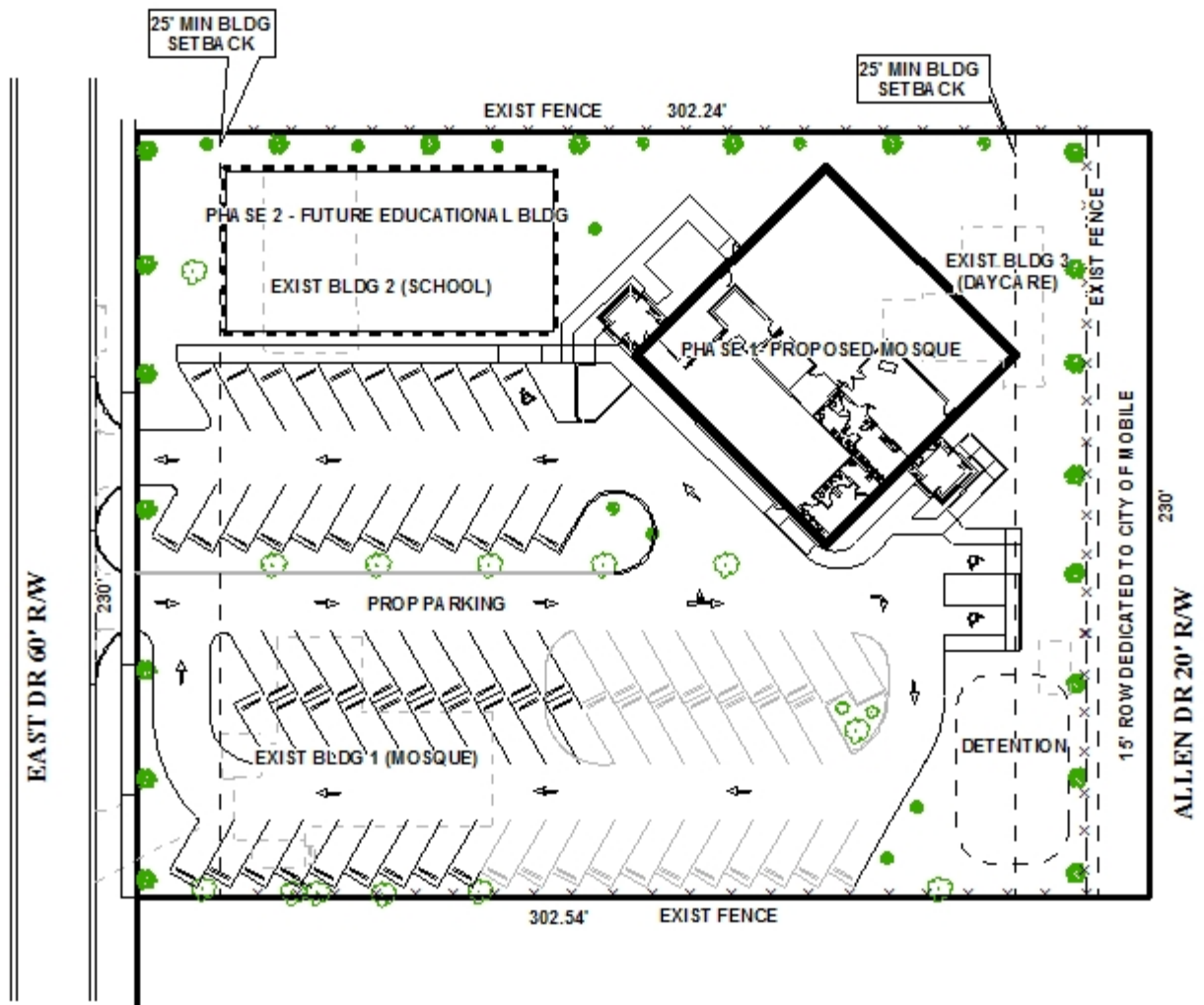


The site is surrounded by residential land use.

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REQUEST Planned Unit Development, Planning Approval

N  
NTS

# SITE PLAN



The site plan illustrates the proposed buildings and parking.

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