

City Council Agenda Summary Sheet (Non Purchases)

Agenda No: 2004-0867, Conditional Land Use Request – Ahmadiy’ya Mosque and Muslim Community Center
Date: February 7, 2005
Prepared By: Derek Delacourt, Planning and Development, ext. 2573
City File No: 02-013

Meeting Date: February 16, 2005

PURPOSE:

To consider the request for Conditional Land Use Approval for the Ahmadiy’ya Mosque. Places of worship may be permitted by City Council in any zoning district after review and recommendation by the Planning Commission per Section 138-1337 of the Zoning Ordinance, based on two conditions of Section 138-1337 and five general requirements found in Section 138-1306(d).

The Planning Commission discussed the proposed project after the required public hearing at its October 19, 2004 meeting. Several issues were raised, including the plan’s configuration, and the meeting was subsequently postponed and the applicants advised to look at alternatives to the plan. Based on the comments by the Planning Commission, the applicant revised the plan, which was approved at its February 1, 2005 meeting. The Planning Commission also recommended approval of the Conditional Land Use, a condition of Site Plan approval. Please refer to Planning Commission Minutes for more details.

DISCUSSION:

The proposal is for construction of a place of worship and community center on approximately 4.6 acres located on the north side of Auburn, between Crooks and Livernois. The surrounding land to the east, west and south is zoned R-4, One Family Residential and the property to the north is zoned I-1, Light Industrial.

For clarification, places of worship are permitted in any zoning district, subject to the following two conditions:

1. *The site is so located as to provide ingress to and egress from the site directly onto a major or secondary thoroughfare having an existing or planned right-of-way at least 86 feet in width.*
 - The proposed project will access Auburn Road, which has a right-of-way width of 120 feet.
2. *Buildings of greater than the maximum height allowed may be permitted, provided the front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.*

- The maximum building height in the R-4 zoning district is 25 feet. The height of the proposed building is 34' and the proposed tower structure is 50'. Based on the closet point of the building to a minimum setback, (an additional 28' above the required 10' side yard) the applicant may have a height of up to 53' feet. All proposed structures and features are below the 53' allowed.

Section 138-1306[d] of the Zoning Ordinance details the general requirements for a conditional land use, which are as follows:

1. *Will promote the intent and purpose of this ordinance.* As previously mentioned, churches are permitted in all City zoning districts.
 - Therefore, the use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-1337 in particular.
2. *Will be designed, constructed, operated, maintained and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.*
 - Although the development should be operated, maintained and managed so as to be compatible and harmonious, City Council will need to determine whether the proposed architecture and materials are compatible, harmonious and appropriate in appearance with the character of the general vicinity and adjacent uses of land. Staff recommends that the proposed project will not negatively impact the above stated criteria and the improvements being made will not have an adverse effect on the area.
3. *Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.*
 - The development is adequately served by essential public facilities and services.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
 - The development does not appear to be, after meeting any conditions of approval, detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.
5. *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*
 - The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

FISCAL INFORMATION:

None

RECOMMENDATION:

If City Council agrees with the Planning Commission that the proposed architecture and materials are compatible, harmonious and appropriate in appearance with the existing character of the general vicinity and adjacent uses of land, both the Planning Commission and Staff recommend approval of the Conditional Land Use for Ahmadiy'ya Mosque and Muslim Community Center (City File No. 02-013) based on the findings contained in the proposed resolution.

ATTACHMENTS:

Department Authorization: Ed Anzek, Director of Planning and Development

Reviewed by:

Fiscal: *Jean Farris*

Clerks: *Susan Koliba-Galeczka*

Approved by: *Pat Somerville*

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA