

**PLANNING COMMISSION MINUTES
FEBRUARY 25, 2009**



cityofnovi.org

PLANNING COMMISSION

CITY OF NOVI

Regular Meeting

Wednesday, February 25, 2009 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Members David Baratta, David Greco, Andy Gutman, Brian Larson, Michael Lynch, Michael Meyer, Mark Pehrson, Leland Prince

Absent: Member Victor Cassis (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Ben Croy, Civil Engineer; John Freeland, Wetland Consultant; Martha Holzheuer, Woodland Consultant, Sarah Merrill, Traffic Consultant; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

Member Meyer led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Greco:

VOICE VOTE ON AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO:

A motion to approve the Agenda. *Motion carried 8-0.*

1. SRI VENKATESWARA TEMPLE AND CULTURAL CENTER, SP08-08C

The Public Hearing was opened on the request of Manyam Group, LLC, for Preliminary Site Plan, Special Land Use, Wetland Permit, Woodland Permit and Stormwater Management Plan approval. The subject property is located in Section 16 on the west side of Taft Road between Grand River Avenue and Eleven Mile in the RA, Residential Acreage District. The subject property is approximately 10.11 acres and the Applicant is proposing a two phase project consisting of a Temple and Cultural Center. The Temporary Temple/Priest Residence has been eliminated from the plans since the Planning Commission's previous approval of the project in October 2008.

Planner Kristen Kapelanski described the project for the Planning Commission. She reminded them that the Planning Commission postponed their decision on this project at the September 24, 2008 meeting. On October 22, 2008, the Planning Commission approved the Special Land Use Permit, the Preliminary Site Plan, Stormwater Management Plan, Wetland and Woodland Permits. Following that meeting, the Applicant appeared before the ZBA for variances relating to the building's height variations, the dumpster location and the parking space deficiency. The Applicant received Variances and/or positive Findings regarding the building height and dumpster location. The ZBA postponed the parking space deficiency request for a Variance. In response, the Applicant has since modified the plan to eliminate the temporary temple/priest residence, which was previously Phase 1 of the project. Instead, the project now has two buildings and the Parking Standards have been met. Under this alternate proposal, Phase 1 will be the Temple and Phase 2 will be the Cultural Center.

The property is zoned RA, Residential Acreage. The Temple is a Special Land Use in the RA District, and the site is bordered by mostly residential zoning. There is Industrial property to the east and Office property to the north. The Future Land Use Map indicates Single Family Residential uses for the subject property, and Single Family Residential and Light Industrial uses for the surrounding properties.

There are existing wetlands on the property and the proposed plan will fill a portion of the wetlands. The amount of fill has increased slightly from the previous plan. The City's Consultant recommends approval of the plan with specific

items to be addressed on the Final Site Plan. There are regulated woodlands on a large portion of the site. A number of trees are proposed for removal; however, with the changes made to the plan an additional six trees will be saved. The Woodland Consultant does not recommend approval of the Woodland Permit, because the plan does not respond to the significant natural features of the site and the impacts are too great. Both Consultants were available at the meeting for answering questions.

The Temple has now been slightly repositioned to the southwest. Parking has been added around the Temple. The Planning Review indicates that the Applicant is now generally in compliance with the Ordinance. They have received the necessary Findings and Variances from the ZBA. Only minor items must be addressed on the Final Site Plan. The Applicant has been asked to consider reducing the height of the lighting at the entrance drive. The phasing lines should be further defined with regard to the infrastructure. Additional documentation is necessary to confirm that no major events will concurrently take place at the Temple and Cultural Center.

The Landscape Review recommended approval. The Planning Commission is asked to re-affirm the previously granted Landscape Waivers.

The Traffic Review noted minor items to be addressed at the time of Final Site Plan submittal. Previously the Planning Commission asked the Applicant to install "No Parking" signs and "No Driveway Blocking" signs along Taft Road to the extent permitted. The Traffic Consultant was available to answer any questions for the Planning Commission.

The Engineering Review and Fire Department Review recommended approval with minor items to be addressed at the time of Final Site Plan submittal.

The Façade Review indicates that the Temple façade has not been altered since the prior submittal. The north façade of the Cultural Center has been altered to incorporate an additional exit stair. The façade is recommended for approval and the Planning Commission is asked to re-affirm the Section 9 Waivers previously granted. The Applicant is again asked to provide brick on the background wall areas pursuant to the previous façade letter.

Praveen Manyam addressed the Planning Commission. He said the changes to the plan were meant to accommodate the City's concerns relating to parking. The use will now be less intense. He offered to answer any questions.

Chair Pehrson opened the floor for public comment:

- Matt Rozak, neighbor: Questioned whether the project should move forward based on four criteria: Adequate parking, noncompliance with Section 2516.2.c regarding Special Land Use; Ordinance 37 on woodland protection and the Novi woodland habitat plan. He thought the parking was allocated on the site 40% for the Temple, and 50% for the Cultural Center. Concurrent building use has been described as, "The buildings won't be used at the same time," to "Major events won't occur at the same time," to "Maximum capacity use will not occur simultaneously." He viewed the plan as having a 44% shortfall in parking. Other Temples have doubled their parking capacity for overflow needs. He thought that four of the Special Land Use requirements had not been met: detrimental impact to thoroughfares, compatibility with natural features, compatibility with adjacent uses, and compatibility with the Master Plan for Land Use relating to preserving natural features. His concerns also included traffic, Taft Road parking, pedestrian safety and noise. He envisioned traffic back-ups on Taft Road and felt that it was inappropriate to bring so much non-Novis traffic into a Novi residential area. The surrounding property values would be negatively affected. He said the traffic would also impact the intersections at Eleven Mile and Grand River. He concluded that the project was in conflict with the City's Ordinance and plans. This could be a wonderful project for the Hindus who reside in Novi, but the size of this project must be altered or the location must be better selected. He asked the City to require the Applicant to quantify their site occupancy through describing limits on building capacity or number of cars for the major events. The City could limit the number of times per year that off-site parking can be used. The Applicant should be held accountable if their data regarding the use of the site are misleading.
- Jane Gardner, neighbor: Expressed excitement regarding this cultural experience coming to Novi, but she wanted to ensure that the needs of the long-term residents of the area are met. She did not believe that the parking needs for the Cultural Center have been met. She did not consider the Cultural Center to be an

"incidental use" when it was larger than the Temple. She was concerned about traffic and volume. She said the total square footage of the aggregate buildings is limited by the ground floor area of the principal building. She said the Temple's size is 12,700 square feet and the Cultural Center is 22,743 square feet. She wanted more information regarding the lighting and the timing of their use.

- Ray Kazcor, Andes Hills: Concerned about the traffic and parking. He didn't see how the parking requirement changed from over 900 to 287. He thought the Berm Waivers conflicted with the Applicant's need to provide noise and view deterrents. He recommended that the lights be lowered and the tree height requirement be increased. He was also concerned about the concurrent use of the buildings.

Member Greco read the correspondence into the record:

- Linda Siebert, Andes Hills: Objected for traffic reasons.
- David Hayden, Andes Hills: Objected for the reason that the overflow parking will negatively affect him.
- Jane Ban, Taft Road: Objected for traffic reasons and that the Cultural Center is not appropriate. She wanted the Applicant to confirm that they will not rent the Center out.
- Felix Valbuena, Andes Hills: Objected because the parcel of land was too small. The Cultural Center will become a commercial use and will negatively impact his property. The traffic will also negatively affect the area.
- Gondhi Shihari Prasad, Donston Road: Approved of the request and thought it would bring cultural diversity to the City.
- Ram Narayan and Mallika Ram, Willowbrook: Approved of the request and felt the Temple would provide their family with opportunities to learn culture and traditions.
- Saiprasad Jammalamadara, Bloomfield Ct.: Approved of the request.
- Anan Gandahardaran, Vice President of the Temple: Stated that the Temple and the Cultural Center will not be used concurrently at maximum capacity. Specifically, the Cultural Center's use will be constrained on days of major celebrations.

Chair Pehrson closed the Public Hearing.

Member Gutman thought the new plan was less intense and more compliant. Ms. Kapelanski agreed. He understood the concerns of the citizens, but he did not wish to reopen the issues that have previously been addressed. He asked the Woodland Consultant to explain her lack of approval on this plan. Martha Holzheuer addressed the Planning Commission. She said the plan removes more trees and woodland area than it is proposing to save. She said it reduces the core, or the interior habitat, and this practice shoves edge habitat and reduces the woodland patch in half. This is a prime example of how fragmentation occurs. She said the plan impacts the forested vernal pool known as Wetland H on the plan. This is a good amphibian habitat. It proposes filling the wetlands of C, F and G. This reduces connectivity between upland and woodland habitat on the site. This is a reduction of quality. There is a potential for more woodland impact with the secondary access. If that access is built, there will be additional woodland impacts. Her concerns are broad and at the landscape scale.

Member Gutman asked how this plan compares to the previous plan that was approved. Ms. Holzheuer responded that the impact has been improved by about 2%. Member Gutman asked whether the Applicant can do anything more to address the woodland concerns. Mr. Brian Aman responded that the Applicant respects the concerns that have been voiced, and he explained that when they realized they would be redesigning the site, their efforts included finding ways to reduce the woodland impacts. Now six large trees will remain. The additional impact to the wetland is only 5/1000 of an acre and accommodates more parking.

Member Gutman said that the plan is consistent and actually it is an improvement over the previously approved plan.

Moved by Member Gutman, seconded by Member Greco:

In the matter of the request of Sri Venkateswara Temple Phases 1 and 2, SP08-08c, a motion to reaffirm approval of the Special Land Use permit subject to: 1) A Planning Commission Finding per Section 2516.2.c of the Zoning Ordinance for the Special Land Use permit that, relative to other feasible uses of the site, the proposed use: A) Will not cause any detrimental impact on existing thoroughfares; B) Will not cause any detrimental impact on the capabilities of public services and facilities; C) Is compatible with the natural features and characteristics of the land; D) Is compatible with adjacent uses of land in terms

of location, size, character, and impact on adjacent property or the surrounding neighborhood; E) Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; F) Will promote the use of land in a socially and economically desirable manner; G) Is (1) listed among the provision of uses requiring Special Land Use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located; 2) Planning Commission approval of the required Noise Impact Statement since there are no outdoor activities or external loudspeakers proposed on the site; 3) As a condition of Special Land Use Approval, Planning Commission finding that major events at the Temple and events at the Cultural Center will not occur at the same time, with the finding that the parking for the more intense use (Temple) would be required to be provided on site (306 spaces required, 306 spaces proposed). The Applicant is asked to verify the statement that the Cultural Center will not be used when major events at the Temple are taking place and if this is the case, this statement will be made a condition of Special Land Use Approval and enforceable on the property in the future; and 4) Compliance with all conditions and requirements listed in the Staff and Consultant Review letters; for the reasons that the plan is otherwise in compliance with Article 3, Article 4, Section 2400, Article 25 and all other applicable provisions of the Zoning Ordinance.

DISCUSSION

Member Greco said that this is the third review of this project by the Planning Commission. He thanked the Applicant for accommodating the concerns of the Planning Commission and the City with each revised plan. Many residents and congregants have come to the Planning Commission meetings to voice their concerns and/or support. He will again support this request. The ZBA has approved the necessary variances and the parking issues have been addressed. The Traffic Consultant has not identified any traffic reason why this plan should be turned down.

Member Greco said the Planning Commission is in fact concerned about the needs of the residents. He said that the Temple is being built in an area just one hundred yards away from Rock Financial Showplace, a hotel, a school, a bus depot, a church, and another project to this project's south. This plan is not necessarily inconsistent with the area. Will there be more traffic on certain days and times? Absolutely. But this is not inconsistent with what generally goes on in the area. It is entirely appropriate that this site is so close to Grand River and so close to the new hotel. This plan is smaller than the previous plan. The Applicant has accommodated the concerns of the City.

Member Meyer thanked the Applicant for addressing the Planning Commission concerns and for making a sincere effort to abide by the wetland and woodland requirements. Whatever is built on this site will impact the wetland and woodland areas to some extent, but it seems the Applicant has made every effort possible to address those issues. He appreciated that the parking spaces have now been provided.

Member Lynch said the remaining question is whether the Applicant has met the parking requirement. This appears to be a less intense than the previously approved plan. He thought that the project was good and the Applicant had done a lot of work on it. He understood the residents' concerns, but he thought that this large church in a residential area has been done in other areas of the City, e.g., Oak Pointe on Ten Mile.

Member Meyer added that there are about seven to ten high holy days in the Hindu calendar. The Applicant confirmed that number.

Chair Pehrson confirmed that the lights have been lowered. Ms. Kapelanski added that the Applicant confirmed that the lights would be turned off at 11 PM.

Chair Pehrson said the Planning Commission takes its consideration of this and all projects very seriously. This is an arduous process for the residents and the Applicant alike. The Planning Commission is charged with making the determination on whether the Special Land Use criteria have been met. He said that the Planning Commission has been transparent in their process such that it is apparent why they have come to the conclusion that the criteria have indeed been met. Chair Pehrson called for the vote.

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE SPECIAL LAND USE APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO:

In the matter of the request of Sri Venkateswara Temple Phases 1 and 2, SP08-08c, a motion to reaffirm approval of the Special Land Use permit subject to: 1) A Planning Commission Finding per Section 2516.2.c of the Zoning Ordinance for the Special Land Use permit that, relative to other feasible uses of the site, the proposed use: A) Will not cause any detrimental impact on existing thoroughfares; B) Will not cause any detrimental impact on the capabilities of public services and facilities; C) Is compatible with the natural features and characteristics of the land; D) Is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood; E) Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; F) Will promote the use of land in a socially and economically desirable manner; G) Is (1) listed among the provision of uses requiring Special Land Use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located; 2) Planning Commission approval of the required Noise Impact Statement since there are no outdoor activities or external loudspeakers proposed on the site; 3) As a condition of Special Land Use Approval, Planning Commission finding that major events at the Temple and events at the Cultural Center will not occur at the same time, with the finding that the parking for the more intense use (Temple) would be required to be provided on site (306 spaces required, 306 spaces proposed). The Applicant is asked to verify the statement that the Cultural Center will not be used when major events at the Temple are taking place and if this is the case, this statement will be made a condition of Special Land Use Approval and enforceable on the property in the future; and 4) Compliance with all conditions and requirements listed in the Staff and Consultant Review letters; for the reasons that the plan is otherwise in compliance with Article 3, Article 4, Section 2400, Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 8-0.*

Moved by Member Gutman, seconded by Member Greco:

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE REVISED PRELIMINARY SITE PLAN AND PHASING PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO:

In the matter of Sri Venkateswara Temple Phases 1 and 2, SP08-08c, a motion to approve the revised Preliminary Site Plan and Phasing Plan subject to: 1) Acknowledgment of the November 12th, 2008 Zoning Board of Appeals Findings regarding the height of several decorative elements and variances granted regarding height, and dumpster location; 2) Reaffirmation of the previously granted Planning Commission Waivers for landscaped berms along Taft Road and a Waiver from the landscaped berm standard of Section 2509.3.a of the Zoning Ordinance for landscaped berms along the western, northern and southern lot lines, as a berm would significantly compromise native vegetation, slopes and/or wetlands; 3) The Applicant extending the water main along Taft Road to Grand River Avenue in order to loop the system per the Engineering Review dated September 12, 2008, and as identified in the Applicant's previous response letter dated October 5, 2008; 4) Reaffirmation of three previously granted Section 9 Waivers for the Temple building to permit less than thirty percent brick on all sides, to permit the use of pre-glazed block, contingent upon an exact match with the sample board, and to permit the use of glass fiber reinforced concrete, as both Waivers are discussed in the Façade Consultant's review letter dated October 13, 2008; 5) The Applicant providing brick on the background wall areas of the Temple building to be in compliance with the standard of Section 2520 of the Zoning Ordinance, as recommended by the Façade Consultant in his Review Letter dated September 9, 2008; 6) The Applicant installing "No Parking" signs along Taft Road from Grand River to Eleven Mile and "No Blocking the Driveways" signs along Taft Road to the extent that this will be permitted following the appropriate departmental reviews as the Planning Commission previously required; 7) The Applicant exploring the possibility of lowering the lighting fixtures along the entrance drive; and 8) The conditions and items listed in the Staff and Consultant Review letters being addressed on the plans prior to Stamping Sets; for the reasons that the plan is otherwise in compliance with Article 3, Article 4, Section 2400, and Article 25 of the Zoning Ordinance and all other applicable provisions of the Zoning Ordinance. *Motion carried 8-0.*

Moved by Member Gutman, seconded by Member Greco:

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE WETLAND PERMIT APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO:

In the matter of Sri Venkateswara Temple Phases 1 and 2, SP08-08c, a motion to approve the Wetland Permit subject to the conditions and items listed in the Staff and Consultant Review letters being addressed on the Final Site Plan, for the reason that the plan is in compliance with Chapter 12 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 8-0.*

Member Gutman thanked the Woodland Consultant for her hard work. He said this plan provides less impact to the woodlands and he was therefore able to approve the plan.

Moved by Member Gutman, seconded by Member Greco:

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE WOODLAND PERMIT APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO:

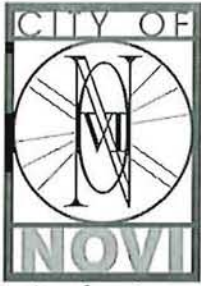
In the matter of Sri Venkateswara Temple Phases 1 and 2, SP08-08c, a motion to approve the Woodland Permit, subject to: 1) The conditions and items listed in the Staff and Consultant Review letters being addressed on the Final Site Plan; and 2) The Applicant providing a conservation easement, as offered by the Applicant and reviewed and approved by the City and its Consultants; for the reason that it is in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 8-0.*

Moved by Member Gutman, seconded by Member Greco:

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE STORMWATER MANAGEMENT PLAN APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO:

In the matter of Sri Venkateswara Temple Phases 1 and 2, SP 08-08c, a motion to approve the Stormwater Management Plan, subject to the conditions and items listed in the Staff and Consultant Review letters being addressed on the Final Site Plan, for the reasons that the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 8-0.*

**PLANNING COMMISSION MINUTES
OCTOBER 22, 2008**



cityofnovi.org

PLANNING COMMISSION

AMENDED

CITY OF NOVI
Regular Meeting

Wednesday, October 22, 2008 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Members Brian Burke, Victor Cassis, David Greco, Andrew Gutman, Brian Larson, Michael Meyer, Mark Pehrson, Wayne Wrobel

Absent: Member Michael Lynch (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Lindon Ivezaj, Civil Engineer; Martha Holzheuer, Woodland Consultant; John Freeland, Wetland Consultant; Doug Necci, Façade Consultant; Steve Dearing, Traffic Consultant; Kristin Kolb, City Attorney

PLEDGE OF ALLEGIANCE

The meeting attendees recited the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Wrobel, seconded by Member Gutman:

VOICE VOTE ON OCTOBER 22, 2008 PLANNING COMMISSION AGENDA MOTION MADE BY MEMBER WROBEL AND SECONDED BY MEMBER GUTMAN:

Motion to approve the October 22, 2008 Planning Commission Agenda. *Motion carried 8-0.*

AUDIENCE PARTICIPATION

Chair Pehrson opened the floor for public comment:

- Jane Gardner: Stated that the Ordinances in Novi are in place to maintain the quality of life. She stated that the Sri Venkateswara Temple bought the property on Taft Road knowing the Ordinances that are in place here – wetlands, woodlands, height requirements, size, parking, traffic, etc. She was concerned that approving the Sri Venkateswara Temple plan would set a precedent. She did not think that the Cultural Center fit into the community, though she welcomed the Temple. She asked the Planning Commission to consider the magnitude of the variances the Sri Venkateswara Temple would be seeking.
- Matt Roczak: Happy to welcome the Sri Venkateswara Temple but was concerned that the development was too intense. He described the Troy and Pontiac temples and their parking for the purpose of clarifying his concern about this Temple's need for overflow parking. He asked the Planning Commission to consider that parking must be provided for both the Temple and Cultural Center use, because they would be used at the same time. He said that southern Hindus observe ten festivals per year. He was concerned about the traffic and that the problem would be increased with drop-off traffic whose drivers would then need to leave the property to park off-site. He summarized that the plan did not make sense for this site, and that the Master Plan already listed Eleven Mile and Taft Road as the worst intersection in the City.
- Ray Kaczor, Andes Hills: Stated that a Troy Temple traffic study would not be comprehensive or comparable because that site is under construction and has two driveways. He said the Canton Temple is booked for the next four months. He said that that this use would compound the traffic at Eleven Mile and Taft Road. He said that this plan does not require high berms, allows for higher lights and the trees are being cut down.
- Steve Babinchek: Thought the plan would impact the regulated woodlands and wetlands. He said that the land is home to owls, deer, coyotes and hawks and this project will destroy the habitat. He considered the Cultural Center to be a banquet hall.
- Saed: Supported the community's need for a Temple and Cultural Center, and felt that it outweighed the hiccups like noise and traffic that can be addressed.
- Marie Mazza: Chose to build in a home on Eleven Mile because it was a dirt road and was rustic in nature. Her concern was the change in character of Eleven Mile, with the addition of paving, Catholic Central, the hospital, etc. She thought that the Temple was fine but the Cultural Center was too much. She asked that Novi preserve the natural features.

- Penny Hamblin, Andes Hills: She asked for clarification of the Cultural Center uses. She said the Montessori school could open earlier than 9:00 AM – and stay open to perhaps 7:00 PM. She was concerned about the traffic on the Taft Road corridor.
- Rada Eady: Noted that when she moved here Novi Road was simple and lined with trees. One year later, the road became five lanes wide and all of the trees were cut down. She wondered why people didn't complain then about those trees, the habitat or increased traffic. She said she has been affected by traffic coming out of St. James Church. She said that adding a Temple to Novi adds to its culture. She said the congregation would add to the City's economy. She also stated that Rock Financial brings a lot of traffic.
- Tom Ryan, attorney representing the neighbors of Sri Venkateswara Temple: Said his clients are pleased to welcome the Temple. The neighbors do not like the Cultural Center. These are two single uses on one piece of property. The Cultural Center is 4% smaller than the Temple, about 21,000 square feet. An accessory use should be incidental to the principal use. He said that the RLUIPA laws do not eviscerate the zoning laws in cities and municipalities across the United States. A use is not protected by the RLUIPA law as a religious matter just because it is performed by a religious institution. The Temple is the principal use, but a Cultural Center is actually a secondary principal use that will involve many other things. He urged the Planning Commission to go to the ZBA and ask for an interpretation of the term "accessory use." He said the Cultural Center does not meet three of the Special Land Use criteria: The Cultural Center will adversely impact the neighborhood and area. It is not favorable with the Master Plan. It is not a feasible use of the property. There will be a disaster caused by the parking. He said the Cultural Center does not fit the property. The Temple, if moved to where the Cultural Center is proposed, would be in sync with the Ordinance. It wouldn't affect the woodlands and wetlands as much.
- Roger Rahti: Believed ignorance is the biggest fear. The plan came with an environmental impact study. The Cultural Center is integral to the Temple – it provides language class, dance class, festivals, etc. It is not intended for public use or for a banquet hall. The Cultural Center is incidental – a language or dance class, a speech from a great sage, and a religious festival are all different from a banquet hall.
- Ramann Abersity: Moved here because he anticipates a beautiful Temple being built here, and he pays high taxes as a consequence. Traffic and preserving nature seem to be concerns. When he purchased his land for a home, no one complained that a wetland and woodland would be affected by his building because the development would bring revenue to the City. He thought the addition of the Sri Venkateswara Temple in Novi would bring more residents here.
- Tricia Dooley: Suggested that this property was not appropriate for a development of this size. This land is protected, it is zoned residential, there isn't enough space and there are plenty of places that this development could go. She said the infrastructure was not in place. Will this Applicant pay for the upgrade to the roads? She concluded that the magnitude of the development was greater than this property could support.
- Ram Riddy: Lives near St. James, and remembered how he supported their first development and then their expansion. He agreed that the Cultural Center is an integral part of the Temple. The Temple is a place of tranquility, which is why the Cultural Center is necessary for the activities. The Cultural Center is not a banquet hall. He said this development is meant to be peaceful.
- Padma: Stated that the use of the Temple would likely be greatest in the evenings and on the weekends, since the children go to school and the adults work. This is not during the peak traffic times.
- Shridar: Clarified that the Troy Temple has been in place for 27 years. The Temple will move into the new building. The parking at Troy is less than what will be here in Novi. The Sri Venkateswara Temple will have overflow parking options at the Novi schools and other locations.
- Shri Nuahs: He said there are few temples in southeast Michigan. He noted that the traffic that goes to Troy will be lessened once this Temple opens, and correspondingly, as more temples open in Michigan, the traffic will be distributed among the various locations.
- Annovadotria Magicapollan: Moved to Novi because a Temple was being built here in Novi. He wished to live near his Temple as he had a seven-year old daughter he wished to expose to Indian culture.
- Padhi Dotamadora: Was happy to live here in Novi and was not concerned to drive by the churches in the area. She was sad that she didn't have a nearby Temple to visit. She encouraged the Planning Commission to approve this plan so that, among other things, this Cultural Center is available to children in the community. The economy will improve with the addition of the Temple.
- Yogidum Si: Stated that the pictures of the Pontiac overflow parking prove the point that more temples are needed.
- Ramesh Saynarti: Was in favor of the Temple and Cultural Center. He said he, like others, don't want to go to

other cities if there can be a Temple here in Novi. He encouraged the Planning Commission to approve the plan.

Chair Pehrson closed the audience participation.

CORRESPONDENCE

Chair Pehrson asked Member Gutman to read the correspondence into the record:

- Members of the Hindu community sent in several letters supporting the project because it fulfills the need for a Cultural Center and Temple. Families can benefit from learning customs and languages. There will be access to a library with religious books. Members can visit the Temple and offer prayers at convenient times, similar to a church. The building will become a great architectural landmark for Novi. Their religious needs can be met and they will be able to keep in touch with their spiritual and cultural values. It will provide a place for children to learn traditions. It will be nice to have a place of worship closer to their homes. It will show the world that there is a diversified religion and community in Novi. It will provide a nice place to hold celebrations, birthdays and other events. It will bring people to the community who will support the local businesses. Everyone can benefit.

Letters were received from Serad Arreti; Mathews and Bency Mathew; Prathapa Madhusudhan; Mohan Gidijala; Sunitha Gotur; Arun Marah; Sidhakar Medypalhi; Nitin Chouthai; Jeseiano; Lerin; Suhas and Sonali Sathe; Venkat and Srividya Panyam; B.V. Rao; Srinivasarao V. Gadde; The Ram Family; Joge. Rao Peddiboyina; Aniruddhetreya Rajapopalan; Ajit Bodas; N. Ramadavi and Sri N.V. Subba Rao; Subha Kannan; Shobha and Sudheer Ramakrishna; Jitender Sunke; Pijush K. Roy and Sanchita Roy; Sirisha Sistla; Anupam Arora; Harasimham Nistala; Lalit Vyas; Suresh Raju Kanumuri and Poornima Bhupathiraju; Bala Gomathi; Bama Meenakshisundaram; Rajan Shrivastava; Madhavi and Srikanth Vadrevu; Anantha Man Sristy and Archana Mehta; Bela Shanham; Sanjay Mehta; Venkat Gustaz; Subbarao Satyavolu; Himabindu Chalasani; Ramesh; Rafi C.; Padmo Sarom; Parimal and Dipika Mehta; Anchita S.; Bheema Varanasi; Siva Ratnala; Jeff Dziedzic and Priya Dziedzic; The Meda Family; The Kakar Family; V. FAmanna Bolisetty; Parajatha and Aazer Medhora; Sreenivas Poyapati and Kruna Anne; Smitha Krothapalli; Jayasree Ramakanth Lanka and Ramalakshori Lanka; Durai Palanivelu; Srikanth and Sunita Gogineni; Sree Basabathina; Sudhakar Ghandikota and family; Venu and Sharmila Yeduru; Anita S. Katkar; Venkata K. Venigalla; Narahari Kodali; Chiranjeevi Kandikonda; Srinivasa Churra; VenkatarAmanna Kongara; Aruna and Sriram Vaidyanathan; Ravichandran Salem and Lalitha Ravichandran; Prasad and Tulasi Surapaneni; Srinivas and Kusuma Mysore; Prasad and Vandana Gullapalli; Srikanth and Sunita Gogineni; Doraswamy and Supraja Morasa; Kanitkar Family; Padma and Siddhi Nair Suresh; Srinivasa Karlapati and Kavitha Karlapati; P. Janhdi; PattabhirAmann Ganeshan; Kamala BalansubrAmannian; Rao Ravipati and Usha Ravipati; Vimala Ravipati and Prasad Ravipati; Vinaya and Bhavani Vallabhaneni; Udayakumar Ramasami and Latha Ramasami; Niranjan Srungavarapu and Swarna Vuyyuru; Vijay Madala and Neeta Madala; Sarada Reddy; Shyam Sunder; Dave and Deepika Bhardwaj; Madan Vunnam and Sailaja Vunnam; Hari Addanki and Prasanne Vajjha; Punnaiah Chervkuri; N. Dalalth; Gajata Asar; Padmaja Venu Talluri; Anil and Poduturu; K.S. Vijaya; Kasi Vallabhaneni; Mogalayapalli Family; Nilesh and Sangeeta Parikh; Dhana Murugan; A. Murugan; M. Suhasini; Krishna Reddy Baddam and Vandana Reddy Baddam; Asha Thalla and Venkata Thalla; V. Vadapalli and Radha Vadapalli; Surender Ravi and Anuradha Ravi; Himaja and SubrAmannya Manda; Sireesha C.; Chinnam Macharareddy; Satti and Sobha Reddi; Vasuki Venigopal and Venigopal Shar; Anu Nagorajan and JayarAmann Nagorajan; Viji and Sree Sridharan; Sunil and Jyothis Palakodati; Srinivasa Tetalj; Lakshmi and Mahi Vallapareddy; Prasad and Meena Kondapi and Prasad Kondapi; Anitha Goparapu; Goutham Marneni; Harish Magal and Prasanna Bobbadi; Brig Royli; Keirthi Sunke; Kalarani Kakarla Family; A. Supraja; A. V. Subrannauyani; Jignesh Shah; Gaurav Agrawal; Sudhakar Kolluri; Mahesu Ghintalapati and Mansu Vani Veyesna; Venkat Adapa; Srinivas Bommi; Shuninga Rao; Hemachandra Nalamolu and Padmasree Nalamolu; Sandeep Vadera; Harikrishna Carimella; Ganesh Srinivasan; Sai Prasad Viswanatha; Raj Verma; Kalyan Guda and Rekha Yedavilli; Srinivasarao Nakirikanti; Krishna Nichanametla and J. Yothi; Y.P. Reddy; Jainagaraj and Jessica Raju; Manoj and Anjali Sehgal; Bala RajarAmann; Ahhil and Nimi Ramam; Kalyani Nulu; Srinnasa and Parauthi Doddipatla; Sridevi Peddeti and Ramesh Peddeti; Sairam Pagadal and Reeshma Pagadala; Sanat and Rupali Joshi; Shashikanti Rayoraju and Jyotsha Chitri; Venkateswar Ivaturi and Vijayalakshmi Neela.

[Some of the letters were received at the meeting; the writers were not acknowledged at the meeting, but their names are listed above. Their letters were also made part of the public record.]

Member Gutman read the correspondence objecting to the project:

- Patricia Dooley: Concerned about the number of variances and what precedent the City was setting. She thought the construction would be exempt from rules and regulations. She was worried about the natural features.
- Janet Ban: Asked if the project would disrupt the aquifer. Is there any assurance that the property will not flood? Will the neighbors lose their wells? How much of the natural features will be affected? Has an environmental study been done? What will be done to compensate for the berms and larger trees, other than the brick wall? Will there be 24-hour lighting? What activities will be at the Cultural Center? Why is the trash receptacle in the front of the site? She had traffic and parking concerns. Are 14 variances necessary? Will this impact property values?

MATTERS FOR CONSIDERATION

1. SRI VENKATESWARA TEMPLE AND CULTURAL CENTER, SP08-08A

Consideration of the request of Manyam Group, LLC, for Preliminary Site Plan, Special Land Use, Wetland Permit, Woodland Permit and Storm Water Management Plan approval. The subject property is located in Section 16, west of Taft Road between Grand River Avenue and Eleven Mile, in the RA, Residential Acreage District. The subject property is approximately 10.11 acres and the Applicant is proposing a three-phase project: Temporary Temple/Priest Residence, Temple, and Cultural Center.

Deputy Director of Community Development Barbara McBeth stated that the subject project last appeared before the Planning Commission on September 24th for a Public Hearing. The Planning Commission postponed consideration of the request to allow the Applicant additional time to address the concerns of the Planning Commission and consider alternatives. Staff held a meeting and had a number of conversations with the Applicant since that time, and the plans have now been revised and resubmitted for further consideration by the Planning Commission.

The subject property is zoned RA and master planned for Single Family Residential. The westerly property is zoned RA and master planned for Single Family Residential. To the north is land zoned OST and Single Family Residential, and master planned for Light Industrial and Single Family Residential. To the south is land zoned Single Family Residential. To the east is land zoned Light Industrial and Single Family Residential. There are wetlands in the front and rear of the property. There are dense woodlands on the rear half of the site.

Phase 1 consists of a 6,693 square-foot, two-story temporary Temple/Priest Residence. Phase 2 is approximately 22,693 square foot, two-story Temple – the same size as previously proposed. Phase 3 is approximately 21,823 square-foot two-story Cultural Center without a basement - previously it was proposed as a 31,833 square-foot one-story building with a basement.

Among the changes made to the plans are the following:

- Modification to the location of the proposed Temple and Priest Residence/Temple approximately 62 feet to the east to further preserve woodlands.
- Modification to the location of the proposed Temple approximately 18 feet to the north, and relocation of one tier of parking from the north side of the Temple to the south side.
- Modification to the location of the proposed Cultural Center approximately six feet to the north, with the proposed screen wall moved six feet off the property line to allow additional space as a buffer for the home to the south.
- Removal of terrace in front (east side) of the Cultural Center.
- Modification to the location of the dumpster enclosure and loading area closer to Taft Road along the south side of the Cultural Center.
- The Cultural Center has been reduced in size from 31,833 square feet to 21,823 square feet, and the building is now proposed to be two stories above grade (previously one story above grade and a basement). There do not appear to be any changes to the floor plans for the Priest Residence/Temporary Temple (Phase 1) or the Temple (Phase 2).
- The parking lot lighting has been modified to reduce the mounting height of the fixtures from 25 feet to 20 feet.
- The secondary access has been relocated from the south side of the property to the north side of the property.

The RA District permits places of worship and other facilities normally incidental thereto as a Special Land Use. During the initial Planning Review, the position was taken that the Priest Residence/Temporary Temple and the Cultural Center were "accessory to" the Temple. Based on further information revealed at the Public Hearing

regarding the intended uses within the buildings and on further discussion with Staff and the city attorney's office, the Planning Division's position is that the Priest Residence/Temporary Temple and the Cultural Center are "normally incidental" to the Temple use of the property as the Ordinance allows. Many religious institutions provide housing, such as a parsonage or rectory for leaders or caretakers. Often, religious institutions provide space in a basement, gymnasium or other multiple-purpose areas for a variety of social and cultural activities. If the interpretation that housing and social/cultural space is normally incidental to the primary use as a Temple is applied, several variances from Zoning Ordinance standards are eliminated from consideration as indicated in the review letter, e.g., variances for accessory structures in front yard, total area of accessory uses, and provisions for parking in the front yard.

The Planning Review continues to recommend approval, with a number of Variances that must first be sought from the ZBA. The Temple itself meets the height standard of 35 feet, but seven decorative elements and the mechanical equipment screening require Variances. The decorative element Variances are for:

- The Maha Rajagopuram in front of the building entrance that is 37'4.5" in height;
- Two decorative elements at the front of the building that are 36.5' and 40.5' in height;
- Two identical decorative ornaments near the rear of the building that are 50' in height each; and
- The brass pole in the courtyard and the tower at the rear of the building that are each 55'1" in height.

The Zoning Ordinance states that church spires are not required to meet the height standard and it is Staff's opinion that these elements could be considered the equivalent of a spire on a church. However, Special Land Use requests, which include the Temple and therefore these spires, may be subject to a height limitation as determined by the ZBA. The final height Variance for the proposed 42 feet of building height is requested for the mechanical equipment screening; 35 feet is the limit.

The dumpster near the Cultural Center is located nearer to Taft Road and requires a variance to address the location in the side yard setback. Staff continues to recommend that the dumpster be moved to a location further from the adjacent home.

The potential parking demands on the site were analyzed. The Planning Review revealed the following regarding Phase 1 and 2 together based on the rationale that the two main areas of assembly in the Temple building are the Multi-Purpose Room on the first floor and the Prayer Hall on the second floor. Neither room has fixed seats, but several assumptions were made in the Staff report to arrive at the requirement for a total of 306 parking spaces based on occupancy of both the Prayer Hall and the Multi-Purpose Room. If the Planning Commission makes both a finding and a condition of approval that the Prayer Hall and multi-purpose space may be occupied simultaneously, and that parking may be based on the only on occupancy of these areas of use, a Zoning Board of Appeals variance would be necessary for a deficiency of 49 spaces (308 parking spaces required for Phases 1 and 2, and only 259 parking spaces are proposed with these two phases).

The Planning Division prepared the following calculations for the Cultural Center based on additional information provided for the occupancy in the main conference area on the first floor of the building and the classrooms and offices on the second floor of the building. The main conference room would need approximately 150 parking spaces and the classrooms need an additional 89 parking spaces, for a total of 239 parking spaces required if both rooms are occupied at the same time.

If the Planning Commission accepts the representation by the Applicant that major events at the Temple and events at the Cultural Center will not occur at the same time, Staff suggests that the Planning Commission may approve the Special Land Use and Preliminary Site Plan with a Finding that the parking for the more intense use (Temple) would be required to be provided on site, subject to the Zoning Board of Appeals variance of 34 parking spaces (308 spaces required, 274 total spaces proposed). The Applicant is asked to verify the statement that the Cultural Center will not be used when major events at the Temple are taking place and this statement would need to be indicated as a specific condition of approval of the Preliminary Site Plan and Special Land Use approvals and subject to the standards of the Zoning Ordinance under the Special Land Use criteria and will be enforceable on the property in the future.

Several other options were presented in those reports and can be discussed later if the Planning Commission chooses to do so. The noise impact statement indicates that there are no outdoor activities or loudspeakers. The study was found to be acceptable.

The Wetland Review continues to recommend approval and notes that the plan requires a City of Novi Non-Minor Use Permit, a Natural Features Setback Authorization and an MDEQ Wetland Permit. The Woodland Review does not recommend approval, although reduced impact to the woodlands has been accomplished with the proposed plan. The Applicant has agreed to place a Conservation Easement on the remaining natural features.

The Landscape Review recommends approval; however, based on the current plan, a Planning Commission Waiver is requested for the berm along the north, south and western lot lines. The berm would compromise the existing native vegetation, slopes and wetlands. An additional Waiver noted in the review letter, but overlooked on the cover sheet, was the Planning Commission Waiver for the required four-foot tall berm within the greenbelt along the Taft Road right-of-way. Staff supports these Planning Commission Waivers if the Planning Commission is inclined to approve the Special Land Use and Preliminary Site Plan.

The Traffic Review continues to recommend approval of the Preliminary Site Plan, traffic study and shared parking study. The Engineering Review continues to recommend approval contingent on the Applicant extending the watermain north to Grand River in order to loop the system to provide appropriate fire flow.

The Façade Review on the residence shows that the Applicant has made some modification to the design pursuant to the previous comments but there are still questions regarding details, materials and colors of materials that are proposed. The Applicant and Consultant will need to continue discussions on these questions.

The Temple requires two Section Nine Waivers for the materials (glass fiber reinforced concrete and pre-glazed block), and are recommended by the Consultant. In order to provide a traditional Temple, the glass fiber reinforced concrete is the only material suitable to Michigan's environment and it provides the ability for carving, while being practical from a cost perspective. The pre-glazed block is consistent with the other proposed materials and colors. The Temple is deficient on brick, but if the background walls are provided in brick, it would then meet the standard. Otherwise, a third Section Nine Waiver would be required and is not recommended by the Consultant at this time. The Cultural Center meets the Façade Ordinance standards.

The Fire Department Review did not indicate any outstanding issues related to the site. Most reviews had other minor issues to be addressed on the Final Site Plan, if the Commission is inclined to approve the Preliminary Site Plan. Ms. McBeth offered to answer any questions.

Anand Gangadharan addressed the Planning Commission on behalf of the Applicant. He thanked the Planning Commission for taking their time to visit to temples and making the effort to understand this project. Much like the concerns expressed, he said that the members of the Sri Venkateswara Temple wish to be good neighbors. They have addressed the comments made by the residents. He said they will ensure that parking needs are addressed.

Mr. Anand highlighted the changes made to the plan. They have moved the one building forward sixty feet (to the east). This will preserve more trees – now they are saving 116 trees, an increase of 24. They have decreased the Cultural Center by about 33%. Mr. Praveen Manyam listed the changes. The priest residence has been moved away from the westerly boundary, further preserving the natural features. The Temple has been moved further east, which also increases the natural feature preservation. The Cultural Center was reduced in size by reducing every program space. A berm wall has been added to the southerly property line, and was pushed back to allow more natural planting and screening. Rain gardens and sidewalks have been moved to increase the planting buffer and provide more screening along the northerly boundary. The light poles have been reduced in height. The development was pulled inward to increase wetlands and woodlands and the Conservation Easement. The proportion of the buildings was changed.

Mr. Anand addressed the parking concerns. The proposal consists of three buildings that are germane to the practice of their faith. Congregants will come to the prayer hall, which is 2,880 square feet. Prayers are an open format, and it does require a certain amount of personal space. People are welcome to walk around, sit, spread their arms or lie prostrate before the deity. Conservatively, he considered that one person per five square feet in the prayer hall yielded space for 560 people. He did not expect to pack that many people into the hall. That number would require 186 parking spaces for the Temple. The multi-purpose room is 6,750 square feet with a maximum occupancy of 450, which yields 150 parking spaces. In total, the need for parking is 336. Currently the plans propose 272, so the delta is 65 parking spaces. They have no intentions of scheduling events for both buildings to the extent that parking would become an issue.

Mr. Anand has a letter of intent from Miracle Software that offers use of their parking lot for the overflow Temple parking. The public school system also has interest in helping the Sri Venkateswara Temple achieve parking availability. At the present time, the amount of parking is reasonable.

There is room on the site to place more parking but it would require removing more trees. They have no interest in doing so. This Temple will grow over a period of time.

Mr. Anand reiterated that the Cultural Center is integral to the Temple. This is the general structure of the Hindu worship site, though the term may occasionally change from "Cultural Center." This Hindu community in Michigan is settling down and it wants to provide the same experience to their children as they once had.

Mr. Anand said they will be bringing water from Grand River, and this will be of benefit to the other residents. Also, this Temple will lead to increased economic activity in Novi. He has met with Rock Financial, and he believes that the Temple could provide business for the showplace in the future.

Mr. Bryan Amann, attorney for the Applicant, addressed the Planning Commission. He emphasized the sameness of this Cultural Center to the halls and gymnasiums of the protestant and Catholic churches. The buildings have been separated in part by the locations of the wetlands on site. The use of the Cultural Center is integral to the Temple. He has heard the comments made about the other temples; he is the attorney for those temples as well. The comparisons made at this meeting were interesting, but Mr. Amann didn't think they were material to the Planning Commission's determination, other than the Troy Temple as it relates to the parking calculation issue. He felt the City's Traffic Consultant understood the parking calculations as a reflection of space needed to pray, for instance, in a prostrate position. The other temples cited are sometimes just fifty feet from adjacent homes, 25 feet from the property lines, and others are 30,000 square feet in size and sitting on just five or seven acres. He felt it was dangerous to compare these factors, other than the parking calculation.

Mr. Amann said what the Planning Commission should consider is how this proposal is consistent with the Ordinance requirements. There are some concerns, but the written Ordinance and this project are consistent. Approving this project is consistent with the City's past practices in applying these standards to these types of projects. These are the considerations that are relevant under Michigan law. RLUIPA laws obviously apply to this project as it does to places of worship across the country, and any case can be picked out to review – on both district and circuit court levels. He knew that the Planning Commission would do its job in applying the Ordinances consistently.

Mr. Anand offered to answer any questions. He reiterated that they will sign a Conservation Easement of over three acres. This should further satisfy the Andes Hills residents.

Member Burke felt the issues that remained with the Planning Commission were with the Cultural Center. He understood the Staff and City Attorney that the Cultural Center was incidental to the Temple. Mr. Amann explained that it will provide the same kind of social functions that occur as part of any other religious experience to the extent there may be marriages, wakes, events or educational activity. Mr. Anand said that fundamentally, it will provide the necessary accoutrements – lamps, stages, etc., and this is currently not available to these members. Because there are so many ways a Hindu might worship, the Sri Venkateswara Temple wishes to have as many of these accoutrements available for use. Children may learn dancing that requires, for example, certain instruments. A religious leader may also come in to lecture, which may not mean he will stand behind a lectern – there may be mats instead. There are no daycare facilities planned for the site. There will be classrooms that function similar to Sunday school.

Member Burke asked about the dumpster. Mr. Anand responded that he thought the request made by Staff to move it away from the neighbor could be accommodated.

Member Burke asked about the timeline. Mr. Anand replied that Phases 1 and 2 will start as soon as possible. Phase 3 will happen after Phase 2 is complete and things are settled a bit. Likely, this will be in a few years.

Member Burke referred to the quasi-letter of agreement for parking on the Miracle Software site. Mr. Anand said that they were granted approval to use as much of their parking space as needed. A van will be used to shuttle the members back to the Temple. The vans will be housed at the rear of the lot.

Member Wrobel said this is not a religious issue, the City welcomes this Temple. He wished to discuss with the Traffic Consultant the worst case scenarios for Taft Road traffic and parking. Mr. Stephen Dearing responded that the traffic study was not modified with the revision of plans just received. The thought was insofar as the Cultural Center space was being reduced by a substantial amount, there was no reason to regenerate all of the capacity calculations.

Mr. Dearing said the weekday peak periods are the commute times. The weekends that coincide with worship times are not changing. No impacts from this use are anticipated during peak commute times or weekend peak times. He recognized that the Taft Road/Eleven Mile intersection was a point of concern for the area, but this will be resolved when the corner is signalized. The need is going to be driven by factors other than whether this property develops or not. Mr. Dearing didn't see any significant traffic issues with this project. Member Wrobel asked about a major Hindu festival, and this Temple's need to use off-site parking. He felt that if several people entered the site on those busy days and had to leave because there were no parking spaces, this would create a traffic problem, given the size of the road.

Mr. Dearing said the high-intense uses do not coincide with the peak commute times when the road is otherwise burdened with a lot of other traffic. Any faith-based community has its high holidays. This Temple's celebrations, like Mr. Dearing's own church at Easter, will have additional traffic within a short intense peak of time. The burden of addressing the congestion is borne by the Temple. He reiterated that these Hindu celebrations will be held at a time when the roads are not otherwise strained. This gets back to a fundamental question of whether the site should be designed for the absolute peak – this is normally not done because it is wasteful. Generally, the idea is to put up with the handful of hours throughout the year when there are congestive conditions. Though he didn't know specifically how many high holy-days the Hindus would celebrate, he surmised it resulted in a tiny fraction of time that does not coincide with morning or evening commutes.

Member Wrobel asked whether parking could occur along Taft Road. Ms. McBeth responded that it is generally not an acceptable thing to park along the side of Taft Road. She said she could check with the police to see if they have any regulations against doing so. If it is signed "No parking at any time" then the police could ticket and tow if they need to. Member Wrobel thought it would be good to look into this to relieve any future potential problems.

Member Wrobel asked about the parking. Mr. Dearing said the Applicant did not modify their parking information with the revision. What Mr. Dearing reviewed closely was the method used with the original analysis. Troy was used as the base point, and the ebbs and flows of the parking demand were reviewed over an entire week. The study tried to identify what the maximum parking onsite was. It became obvious that parking was not temple-based so much as it was Cultural Center-based. The traffic study indicated their maximum parking number was 182 vehicles. The size of the Troy meeting hall is different from the original Sri Venkateswara Temple proposal.

Originally, this proposal had a Cultural Center 45% larger than the Troy center. Therefore, the maximum parking demand of 182 was scaled up by 45%. Having done that, the study also added an additional 5% to cushion the parking number. This resulted in 277 parking spaces. The proposal is down by five parking stalls, and the Cultural Center has been reduced by about 30%. All of this space didn't come from the meeting hall, but it was one of the program areas that was reduced. Mr. Dearing felt that the method of determining parking requirements made sense to him. It appeared to be a productive way of using a comparable site and applying it to the specific conditions in Novi. As the Applicant has indicated, it doesn't do them any good to build in a chronic inadequacy at their facility. Mr. Dearing tends to trust their judgment if a lot of money is being put on the line – they certainly don't want to cripple themselves with inadequate parking. There are limited opportunities to squeeze more parking onsite, but it would be at the expense of the natural features. Mr. Dearing reiterated that the approach to the traffic study was done in what he considered a logical manner.

Member Wrobel asked Façade Consultant Doug Necci about the Temple façade. Mr. Necci replied that the material proposed is glass reinforced concrete panels, which is apropos for this application. The Temple façade will not be entirely carved, but the end result will be ornate. This material can be molded and provide for shaping. He definitely recommended the Waiver for this project, given the fact that it is the only practical material. He did have an issue with the priests' residence, mostly because the Applicant's efforts were more on the Temple and they haven't addressed some of the issues raised in the reviews. They need to show all of the finite details of the building.

Member Meyer thanked the public for their input. He thanked the Applicant for reaching out to the school system and Rock Financial, and their efforts of working with the neighbors. Member Meyer thought generally the consideration of

this plan has progressed without incident. With the City coming of age, land is going to be developed and amenities like quiet and peacefulness may be displaced, but this project hopes to return these amenities in a spiritual manner.

Member Meyer thought that the Applicant had really taken the Planning Commission's comments to heart, and he thought the reduction in the Cultural Center size was admirable. He was concerned though, was that events would unfold onsite that are not related to the Temple but were profit-making in nature.

Member Meyer asked about the tree replacement. Landscape Architect David Beschke responded that the Applicant has accounted for the removed trees. His role is to review the landscape and the Woodland Consultant can speak about the woodland replacements. The Landscape Ordinance has been met with this design and the Applicant has done his best to replace as many replacements as possible. Some variances are being requested, but Mr. Beschke thought they were simple requests.

Woodland Consultant Martha Holzheuer addressed the Planning Commission. The current plan proposes the removal of 148 trees of which 75 replacements will go back on site. The 191 credits remaining will go into the tree fund. This is an impact of 56% of the regulated trees onsite, similar to the previous plan proposed. Member Meyer said the concern for the natural habitat is not touchy-feely but sensitive and compassionate awareness.

Member Greco commended the public for their passion on this project. This is a growing community and new development is going to happen. He was not at the Public Hearing but he read the materials relating to it. He thought the Applicant has shown great care in addressing the concerns of the community and the Planning Commission. A broader picture of the area includes Rock Financial, a park, schools, etc. Will this project add to the area? Yes it will, but is it different from the area, on what is being proposed? He didn't think so. There is a church on the corner. This proposal is not out of character for what is generally going on in the area. He thought the Traffic Consultant addressed the congestion appropriately by noting that one can't plan for the worst case but for the normal scenario. Member Greco commented that his home is interior to two football fields and sometimes there are cars parked everywhere and the bands can be heard. This noise and congestion is sometimes what defines a community. These issues are incidental to being a community. Sometimes the residents crowd each other a little bit, but being accepting of these goings-on makes a community. With the concessions and commitments made by the Applicant and the recommendations made by the Staff, he felt he had gained somewhat of an understanding of a religion with which he is not too familiar. He did not think there would be Temple and Cultural Center events being scheduled at the same time. Member Greco suggested that if one looked at his own faith, he wouldn't find a wedding or dance recital occurring during Easter Sunday mass. He felt that if the Applicant was willing to make these commitments, he was able to go along with the proposal.

Member Gutman felt the Applicant has done a great job trying to address the concerns voiced at the last meeting. He felt this concept was new to many in the community. The Applicant extended an offer to the Planning Commission to visit the Troy Temple. Member Gutman took advantage of the opportunity and he viewed the Troy Temple on a Saturday. He found that the traffic during what is supposed to be one their busiest times was steady but never more than half of the parking lot. The Troy site is a much harder site to develop. He clarified the comment that the Troy Temple is not fully developed; there is some new development but the existing development is 24,000 square feet. There was activity going on but there were no traffic issues. The building aspects were explained to him so he understood them to be indicative of the culture. He thought the community should be respectful of the culture, as much as it would be for a temple or something of that sort in a different religion. Some heights are used for the Temple's purpose, and Member Gutman thought that was okay, as long as it is respectful of the neighbors. Member Gutman thought the Applicant went far out of his way to accommodate the concerns. Reducing the Cultural Center by one-third is significant. Increasing the setbacks is significant. Their willingness was shown this evening by the Applicant's willingness to relocate the trash receptacle. This is nice to see. The light poles have been reduced from 25 feet to twenty feet. This is another modification intended to accommodate the concerns of the citizens.

Member Gutman did not think the Traffic Consultant gave the Planning Commission any reason to believe this Temple will cause significant traffic impacts beyond what is normal. The Façade Consultant indicates the building materials are appropriate. Member Gutman thanked the Applicant for trying to remove some of the fears of the community and accommodating them. This will be a nice development and will be an architectural gem of the community. He supported the Applicant in his pursuit.

Member Larson asked if the Cultural Center was open to the general public. Mr. Anand said that at the present time he didn't believe so. It is meant for the internal use of the members. It would not be rented out for parties and the like. The building would be rentable to those who want to use it for cultural and religious activities. He said there will be a procedure that would be upheld by a Temple manager. Conditions will be put in place. There will be about four years for them to determine how to design this procedure. Member Larson concluded that the Cultural Center's use will be by the members and not the general public.

Member Cassis asked about the wetlands. Dr. John Freeland, the City's Wetland Consultant, said the impacts to the wetlands are about two-tenths of an acre. The wetland slated for fill is not in the woodland. The wetlands are out in open areas. They are of modest wetland quality with a number invasive species. He would not consider them high-quality wetlands. The Applicant is mitigating for the impacts, so at the end of the project there will be approximately .35 acres of wetland to compensate for the impacts. The big issue regarding natural resources on this site is the woodlands. The wetland mitigation plan is reasonable and meets the requirements of the Ordinance. Dr. Freeland said the wetlands are MDEQ and City regulated but the impacts are being mitigated. The Applicant is also proposing some rain garden facilities that help compensate for the proposed wetland permits. Member Cassis confirmed that the Woodland Consultant gave a negative recommendation.

Member Cassis said this decision is agonizing for him. It is very difficult for him. He wholeheartedly and enthusiastically welcomed the building of an Indian Temple in this City. It is a beautifully-architected, majestic house of worship that Novi will be honored to have to satisfy the spiritual needs of one of the most respected members of the community. He supported the Temple request if the building were properly placed on the property. However, due to the intensity and overbuilding of the third phase, he had reservations and would not support the application as presented. The placing of over 50,000 square feet on this property, with its sensitive character, is disproportionate and will cause undue hardship on the area and the residents surrounding it, and thus it has eleven variances facing it.

Member Cassis commended the Applicant for scaling down the Cultural Center. He said the City always embraces and celebrates cooperation. His concerns were the following. There is a shortage of 34 parking spaces – he heard how the Applicant addressed this and he said it was commendable that they came up with a solution. MDEQ-regulated wetlands are being filled in. The Woodland Consultant did not recommend approval of the plan. His regret was that the traffic study was, in his opinion, lacking and wanting in any detail as to how the Applicant's report would fit and apply to this particular site – with a two-lane residential street and two stop signs within a block, two schools, church and the Basilian Fathers project with a Taft Road entrance within 150 feet. Traffic was his main concern, not so much the parking.

Member Cassis wanted to make a suggestion. He said the comment was made about ancillary uses. There are two or more lawyers in the room; he said they could choose their own weapon, whatever that would be. This proposal is for three uses. He respected that there will be festivals. He told the Traffic Consultant that the Planning Commission had a list of how many festivals there would be – quite a few of them. Member Cassis suggested that the Applicant celebrate all the things they want to celebrate. He didn't think 21,000 square feet was necessary. He suggested that the Applicant accept a Cultural Center in the size range of 14,000-15,000 square feet, because he thought would help minimize many of the variances. It might protect the wetlands and woodlands. It would be more in tune with the small street that has residences on it and so many people traversing on it. Four hundred people leaving this site at once is going to put some inconveniences on the residents in the area. He wanted to apply the relevant Ordinances consistently on this project, as the Applicant's attorney suggested, just as those projects that came before this one and the ones that will come forward in the future.

Chair Pehrson thanked the Applicant for all the work he has done and the spirit with which he did so. The Applicant took the Planning Commission's suggestions to heart. Chair Pehrson visited the Troy Temple to get a sense and feel for this project. His concern was purely about the intense use that is going to be placed on the property, not the type of use. The Applicant has met the standards within the Ordinance because a religious building can be built in a residential area. The Planning Commission has to make the Special Land Use determination as to whether this project fits, given the criteria that is before it. Chair Pehrson agreed with Member Greco regarding his comments about community. Community is important, as is evidenced by the audience at the meeting. The Applicant's desire to build a Temple here has been met with open arms. There are concerns about the intensive use of the site. He appreciated the Applicant offering that the Temple and Cultural Center would not be used concurrently, and he would require that language in any approving motion.

Chair Pehrson said that this Temple is going to prosper. The missing information for the Planning Commission is how many parking spaces will this use be deficient? This Temple will be flooded with good luck and good fortune, and people are going to want to come to this destination. This is going to become a part of the community at large. People will want to experience this, whether they are of the Hindu faith or not. Chair Pehrson is not convinced he knows what this parking deficiency is, nor does he think the offset parking is resolved from the standpoint that when Phase 3 is built, the Applicant is going to have to add parking to the north side of the site. Perhaps the Applicant has a long term plan to purchase more land for parking. Chair Pehrson said these assessments were being made against the standards found in the City's Ordinance.

Chair Pehrson said these items have to be reviewed for the Special Land Use. The Planning Commission routinely takes suggestions that will make the best of a situation from the Consultants. The tree fund satisfies those instances where the Applicant does not have enough space on his site to replant the woodlands. This is a mechanism that augments the woodlands in the City. The City tries to respect the land that is here, knowing that this community is going to grow into something that doesn't include dirt roads, five-cent candy stores or other things the community remembers from the past. The City tries to protect its land for the future. He noted that the easy parcels to develop are gone; Novi has difficult parcels remaining for development.

Member Meyer added that he has also visited the Troy Temple.

Moved by Member Meyer, seconded by Member Gutman:

In the matter of the request of Sri Venkateswara Temple Phases 1, 2, and 3, SP08-08B, motion to approve the Special Land Use Permit subject to: 1) A Planning Commission Finding per Section 2516.2.c of the Zoning Ordinance for the Special Land Use Permit that, *whether relative to other feasible uses of the site, the proposed use:* a) Will not cause any detrimental impact on existing thoroughfares; b) Will not cause any detrimental impact on the capabilities of public services and facilities; c) Is compatible with the natural features and characteristics of the land; d) Is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood; e) Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; f) Will promote the use of land in a socially and economically desirable manner; is (1) listed among the provision of uses requiring Special Land Use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located; 2) Planning Commission approval of the required Noise Impact Statement since there are no outdoor activities or external loudspeakers proposed on the site; 3) As a condition of Special Land Use Approval, the Planning Commission makes a Finding regarding the representation by the Applicant that major events at the Temple will not occur at the same time, with the Finding that the parking for the more intense use (Temple) would be required to be provided on site, with a favorable recommendation to the Zoning Board of Appeals for a variance of 34 parking spaces (308 spaces required, 274 spaces proposed). The Applicant is asked to verify the statement that the Cultural Center will not be used when major events at the Temple are taking place and if this is the case, this statement will be made a condition of Special Land Use Approval and enforceable on the property in the future; and 4) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reasons that the request is otherwise in compliance with Article 3, Article 4, Section 2400, Article 25 and all other applicable provisions of the Zoning Ordinance.

DISCUSSION

Member Burke confirmed that the word "approval" was correct in the second stipulation.

Member Cassis confirmed with City Attorney Kristin Kolb that the Special Land Use motion allows or denies the use. It is not the Preliminary Site Plan motion.

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE, SP08-08B, SPECIAL LAND USE MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:

In the matter of the request of Sri Venkateswara Temple Phases 1, 2, and 3, SP08-08B, motion to approve the Special Land Use Permit subject to: 1) A Planning Commission Finding per Section 2516.2.c of the

Zoning Ordinance for the Special Land Use Permit that, *whether relative to other feasible uses of the site, the proposed use:* a) Will not cause any detrimental impact on existing thoroughfares; b) Will not cause any detrimental impact on the capabilities of public services and facilities; c) Is compatible with the natural features and characteristics of the land; d) Is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood; e) Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; f) Will promote the use of land in a socially and economically desirable manner; is (1) listed among the provision of uses requiring Special Land Use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located; 2) Planning Commission approval of the required Noise Impact Statement since there are no outdoor activities or external loudspeakers proposed on the site; 3) As a condition of Special Land Use Approval, the Planning Commission makes a Finding regarding the representation by the Applicant that major events at the Temple will not occur at the same time, with the Finding that the parking for the more intense use (Temple) would be required to be provided on site, with a favorable recommendation to the Zoning Board of Appeals for a variance of 34 parking spaces (308 spaces required, 274 spaces proposed). The Applicant is asked to verify the statement that the Cultural Center will not be used when major events at the Temple are taking place and if this is the case, this statement will be made a condition of Special Land Use Approval and enforceable on the property in the future; and 4) Compliance with all conditions and requirements listed in the Staff and Consultant review letters; for the reasons that the request is otherwise in compliance with Article 3, Article 4, Section 2400, Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 6-2 (Yes: Burke, Greco, Gutman, Larson, Meyer, Pehrson, Wrobel; No: Cassis, Pehrson Pehrson).*

Moved by Member Meyer, seconded by Member Gutman:

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE, SP08-08B, SPECIAL LAND USE MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:

In the matter of Sri Venkateswara Temple Phases 1, 2, and 3, SP08-08B, motion to approve the Preliminary Site Plan and Phasing Plan subject to: 1) The Applicant requesting height Variances from the Zoning Board of Appeals for the following seven decorative elements on the proposed Temple building that exceed the 35' maximum height standard of Section 2400 of the Zoning Ordinance, but which may be permitted by the Zoning Board of Appeals to be a specific height limit, per Section 2903 of the Zoning Ordinance: a) The Maha Rajagopuram in front of the building entrance that is 37'4.5" in height; b) A decorative element at the front of the building that is 36.5' in height; c) A second decorative element at the front of the building that is 40.5' in height; d) Two identical decorative ornaments near the rear of the building that are 50' in height each; e) The brass pole in the courtyard that is 55'1" in height; and f) The tower at the rear of the building that is 55'1" in height; 2) A redesign of the mechanical units and related screening on the Temple roof to meet the Zoning Ordinance standard or the Applicant requesting a Zoning Board of Appeals Variance from Section 2503.2.E.(2) of the Zoning Ordinance, which states that rooftop appurtenances shall not exceed the maximum height standard. The mechanical screening structure on the Temple building is proposed to be 42' in height, and, per Section 2400 of the Zoning Ordinance, the height standard for the Residential Acreage district is 35'; 3) A relocation of the proposed dumpster to meet the Zoning Ordinance standard or the Applicant requesting a Zoning Board of Appeals Variance from Section 2503.2.F.1 of the Zoning Ordinance, which states that dumpsters are to be located in the rear yard. 4) A Planning Commission Waiver from the landscaped berm standard of Section 2509.3.a of the Zoning Ordinance for landscaped berms along the western, northern and southern lot lines, as a berm would significantly compromise native vegetation, slopes and/or wetlands; 5) The Applicant extending the water main along Taft Road to Grand River Avenue in order to loop the system, per the Engineering Review dated September 12, 2008 and as identified in the Applicant's response letter dated October 5, 2008; 6) Two Section 9 Waivers for the Temple building to permit the use of pre-glazed block, contingent upon an exact match with the sample board, and to permit the use of glass fiber reinforced concrete, as both Waivers are discussed in the Façade Consultant's Review dated October 13, 2008; 7) The Applicant providing brick on the background wall areas of the Temple building to be in

compliance with the standard of Section 2520 of the Zoning Ordinance, as recommended by the Façade Consultant in his review dated September 9, 2008; and 8) The conditions and items listed in the Staff and Consultant review letters being addressed on the plans prior to Stamping Sets; for the reasons that the plan is otherwise in compliance with Article 3, Article 4, Section 2400, and Article 25 of the Zoning Ordinance and all other applicable provisions of the Zoning Ordinance.

DISCUSSION

Ms. McBeth said that one of the Planning Commission Waivers was left off of the motion sheet – a Waiver for the berm in the front yard greenbelt. Chair Pehrson asked Mr. Anand whether his intention was to place the berm in this area; he said no. Mr. Amann said that the vegetative wall of screening was proposed in its stead. Mr. Beschke said the berm was raised along the southern line and the Applicant has a six-foot wall. They are planting on the residential side. That is the berm through there and it actually falls off quite a bit. It's well protecting the property. The second Waiver is along the frontage, where a four-foot berm is required. This has been an issue that the Planning Commission has seen before – it's almost a technicality. From Taft Road, the berm should go up and come down four feet so the viewer is not staring into the side of the building or into the parking lot. As this site sits, it is going up seven feet, and the Applicant is adding another three feet before starting the fall-down. The Applicant is placing the building one hundred feet back. Technically, this isn't a four-foot berm, but it creeps up so fast and it is so heavily landscaped that it makes sense. He supported this Waiver request for the berm along Taft Road, as well as the other Waiver request. **Member Meyer add to the motion, "A Planning Commission Waiver for landscaped berms along Taft Road;" Member Gutman agreed to the change.**

There was some discussion about the dumpster relocation, and City Attorney Kristin Kolb suggested the language remain in the motion and the Applicant can still submit new plans with the dumpster relocated and he will know that he doesn't have to go to the ZBA. Mr. Amann said that he believes his client can get the dumpster relocated to a compliant location.

Member Cassis offered a friendly amendment to the motion, that the Cultural Center (Phase 3) be limited in size to 15,000 square feet and the Applicant will work with the Planning Staff to adjust the plan. Member Meyer said he would not add this stipulation to the motion. Ms. Kolb explained that Member Cassis' request was that Member Meyer add this stipulation to the motion. If he doesn't, then Member Cassis can make a separate motion but she added the Planning Commission has to make a motion on the plan that is before it. If the Applicant offers to change the size of the building, that is for them to represent and submit new plans. Unless the Applicant is going to agree to this stipulation, Member Cassis can't make a motion unilaterally to that effect.

Chair Pehrson asked whether the Planning Commission has the purview to ask the petitioner for the placement of "No parking" signs along both sides of Taft Road, and "Do not block intersection" signs along residents' egress points. Ms. Kolb said that the Planning Commission can not require anything to the extent that it is off-site. The Planning Commission must take action on the plan that is before it. If the Applicant is willing to make an offer to that effect, it becomes a different story. For the purposes of site plan review the Planning Commission is limited to issues on the site plan.

Ms. McBeth said that an additional Section 9 Waiver is also required for the underage of brick on the Temple building. **Member Meyer added to the motion, "A Section 9 Waiver for less than 30% brick on all facades of the building." Member Gutman agreed to the additional language.**

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE, SP08-08B, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN:

In the matter of Sri Venkateswara Temple Phases 1, 2, and 3, SP08-08B, motion to approve the Preliminary Site Plan and Phasing Plan subject to: 1) The Applicant requesting height Variances from the Zoning Board of Appeals for the following seven decorative elements on the proposed Temple building that exceed the 35' maximum height standard of Section 2400 of the Zoning Ordinance, but which may be permitted by the Zoning Board of Appeals to be a specific height limit, per Section 2903 of the Zoning Ordinance: a) The Maha Rajagopuram in front of the building entrance that is 37'4.5" in height; b) A decorative element at the front of the building that is 36.5' in height; c) A second decorative element at

the front of the building that is 40.5' in height; d) Two identical decorative ornaments near the rear of the building that are 50' in height each; e) The brass pole in the courtyard that is 55'1" in height; and f) The tower at the rear of the building that is 55'1" in height; 2) A redesign of the mechanical units and related screening on the Temple roof to meet the Zoning Ordinance standard or the Applicant requesting a Zoning Board of Appeals Variance from Section 2503.2.E.(2) of the Zoning Ordinance, which states that rooftop appurtenances shall not exceed the maximum height standard. The mechanical screening structure on the Temple building is proposed to be 42' in height, and, per Section 2400 of the Zoning Ordinance, the height standard for the Residential Acreage district is 35'; 3) A relocation of the proposed dumpster to meet the Zoning Ordinance standard or the Applicant requesting a Zoning Board of Appeals Variance from Section 2503.2.F.1 of the Zoning Ordinance, which states that dumpsters are to be located in the rear yard. 4) A Planning Commission Waiver from the landscaped berm standard of Section 2509.3.a of the Zoning Ordinance for landscaped berms along the western, northern and southern lot lines, as a berm would significantly compromise native vegetation, slopes and/or wetlands; 5) The Applicant extending the water main along Taft Road to Grand River Avenue in order to loop the system, per the Engineering Review dated September 12, 2008 and as identified in the Applicant's response letter dated October 5, 2008; 6) Two Section 9 Waivers for the Temple building to permit the use of pre-glazed block, contingent upon an exact match with the sample board, and to permit the use of glass fiber reinforced concrete, as both Waivers are discussed in the Façade Consultant's Review dated October 13, 2008; 7) The Applicant providing brick on the background wall areas of the Temple building to be in compliance with the standard of Section 2520 of the Zoning Ordinance, as recommended by the Façade Consultant in his review dated September 9, 2008; 8) The conditions and items listed in the Staff and Consultant review letters being addressed on the plans prior to Stamping Sets; 9) A Planning Commission Waiver for landscaped berms along Taft Road; and 10) A Section 9 Waiver for less than 30% brick on all facades of the building; for the reasons that the plan is otherwise in compliance with Article 3, Article 4, Section 2400, and Article 25 of the Zoning Ordinance and all other applicable provisions of the Zoning Ordinance. *Motion failed 4-4 (Yes: Burke, Greco, Gutman, Meyer; No: Cassis, Larson, Pehrson, Wrobel).*

DISCUSSION

Member Cassis said that in good faith, he tried to forge a compromise. He said there are affected people in the audience who reside in the area. He made a plea that the Planning Commission request a scaled-down of the Cultural Center, as he stated earlier. He thought this would go a long way, as so many of the Sri Venkateswara Temple members have said that they want to be good neighbors. The affected people want to be good neighbors too. They are affected by the traffic and the commotion that goes with the project. Member Cassis has agonized over this consideration and it was tough for him. He said his colleagues have agonized too. He hoped and prayed that the Applicant would accept the compromise.

Mr. Amann appreciated Member Cassis' agony and the difficulty. None of the decisions are easy. The Planning Commission is trying to apply a lot of information to this project and he understood that, especially with a lot of people present and the concerns that have come forth. He addressed the specific nature of Member Cassis' comment that he relied on the fact that the Woodland Consultant recommended denial, ignoring the fact that all of the other Consultants were finding consistency and approval of the plan. He said that Member Cassis also indicated that he ultimately believed that the site was disproportionate and that was the basis for his request of the Cultural Center size reduction further down from 21,000 square feet, which is already a 33% reduction. Mr. Amann said that the fact is, this proportionality of the use on this site is determined not by a feel, concern or view, but is determined by the very written Ordinances that the Planning Commission is sworn to uphold. The disproportionality is determined by the setbacks that are provided in the Ordinances. The fact is the Applicant has met the Ordinance requirements. He has exceeded the setback requirements and the other Ordinance requirements that affect the proportionality. Although he deeply respects Member Cassis' request to reduce the size of the Cultural Center, he said his Applicant cannot do so, as he has indicated. The functions and activities that will go on, i.e., social, religious, educational, and are an integral part of the religious objective of this institution. Many other places in which others share their faith, the "cultural" area is physically connected to the worship building; this is not how a temple operates. The prayer hall is that: a prayer hall. He said most of those present may attend someplace where the worship includes services, hymn-singing and other things. That does not occur in a prayer hall. That is why the "Cultural Center" is in fact an integral portion of the Hindu religion. As a practical matter, the size of that building is more important than the size of any other building on

the site. The Applicant has already substantially reduced the size below what would otherwise be required.

Mr. Amann said that if this site were to develop under its current zoning, with one acre lots, a total of eight homes could be built. By Ordinance, this could yield over 200,000 square feet of building on this site. Would they be massive homes? Absolutely. Would they be homes that would be built today? Probably not in light of the economy but there may be a day it could happen. The fact is, the proposed use on this site is so small in scale as compared to what is already allowed if in fact the Applicant chose to build eight individual homes. He understood the concern about the size of the Cultural Center, but the objective to lessen the impact or the proportionality would not be met by that request. In fact, none of the trees that the Applicant would be trying to save would be saved by reducing the building because the trees are not in the Cultural Center area. Mr. Amann said his client would not be able to improve upon the size of the Conservation Easement which is already more than three acres. As a practical matter, the voiced concerns do not match up to the specific concerns expressed regarding proportionality. More importantly, they are contrary to the Applicant's ability to fulfill his religious objective on this site. With all due respect, Mr. Amann said the Applicant could not honor Member Cassis' request.

Mr. Amann said however, that the Applicant could provide signage, as it relates to Chair Pehrson's request for "No parking" and "No blocking" signs.

Member Cassis said he appreciated Mr. Amann's circular logic. With all due respect, there was another attorney present who said these are three buildings. He said that Mr. Amann said that the plan is abiding by the Ordinances. How come there are eleven variances? Apparently the Applicant is not abiding by all of the Ordinances. Mr. Amann said that the variances listed are all variances supported by the Staff. Mr. Amann said that more importantly, the comment made by that attorney was contrary to the opinion expressed and the Finding of the Planner. From a statutory perspective, this is much more important for the Planning Commission's consideration than an opinion expressed from a member of the audience.

Chair Pehrson asked Mr. Amann about the signage. Mr. Amann said that the Applicant would be willing to add the signage for "No parking" on Taft Road and "No blockading" of the intersections of the residences along Taft Road. Chair Pehrson was unsure of what the exact language would be. Mr. Amann said they would approach this issue through a process with Public Safety to make that determination.

Moved by Member Gutman, seconded by Member Burke [Member Meyer's motion was not re-stated, but referred to by Member Gutman as Member Meyer's motion and the additional language was then added]:

In the matter of Sri Venkateswara Temple Phases 1, 2, and 3, SP08-08B, motion to approve the Preliminary Site Plan and Phasing Plan subject to: 1) The Applicant requesting height Variances from the Zoning Board of Appeals for the following seven decorative elements on the proposed Temple building that exceed the 35' maximum height standard of Section 2400 of the Zoning Ordinance, but which may be permitted by the Zoning Board of Appeals to be a specific height limit, per Section 2903 of the Zoning Ordinance: a) The Maha Rajagopuram in front of the building entrance that is 37'4.5" in height; b) A decorative element at the front of the building that is 36.5' in height; c) A second decorative element at the front of the building that is 40.5' in height; d) Two identical decorative ornaments near the rear of the building that are 50' in height each; e) The brass pole in the courtyard that is 55'1" in height; and f) The tower at the rear of the building that is 55'1" in height; 2) A Redesign of the mechanical units and related screening on the Temple roof to meet the Zoning Ordinance standard or the Applicant requesting a Zoning Board of Appeals Variance from Section 2503.2.E.(2) of the Zoning Ordinance, which states that rooftop appurtenances shall not exceed the maximum height standard. The mechanical screening structure on the Temple building is proposed to be 42' in height, and, per Section 2400 of the Zoning Ordinance, the height standard for the Residential Acreage district is 35'; 3) A relocation of the proposed dumpster to meet the Zoning Ordinance standard or the Applicant requesting a Zoning Board of Appeals Variance from Section 2503.2.F.1 of the Zoning Ordinance, which states that dumpsters are to be located in the rear yard. 4) A Planning Commission Waiver from the landscaped berm standard of Section 2509.3.a of the Zoning Ordinance for landscaped berms along the western, northern and southern lot lines, as a berm would significantly compromise native vegetation, slopes and/or wetlands; 5) The Applicant extending the water main along Taft Road to Grand River Avenue in order to loop the system,

per the Engineering Review dated September 12, 2008 and as identified in the Applicant's response letter dated October 5, 2008; 6) Two Section 9 Waivers for the Temple building to permit the use of pre-glazed block, contingent upon an exact match with the sample board, and to permit the use of glass fiber reinforced concrete, as both Waivers are discussed in the Façade Consultant's Review dated October 13, 2008; 7) The Applicant providing brick on the background wall areas of the Temple building to be in compliance with the standard of Section 2520 of the Zoning Ordinance, as recommended by the Façade Consultant in his review dated September 9, 2008; 8) The conditions and items listed in the Staff and Consultant review letters being addressed on the plans prior to Stamping Sets; 9) A Planning Commission Waiver for landscaped berms along Taft Road; 10) A Section 9 Waiver for less than 30% brick on all facades of the building; and 11) The Applicant installing "No Parking" signs along Taft Road from Grand River to Eleven Mile and "No Blocking the Driveways" signs along Taft Road to the extent that this will be permitted following the appropriate departmental reviews; for the reasons that the plan is otherwise in compliance with Article 3, Article 4, Section 2400, and Article 25 of the Zoning Ordinance and all other applicable provisions of the Zoning Ordinance.

DISCUSSION

Ms. Kolb said that to the extent that most of the land adjacent to the road is probably City of Novi right-of-way the request shouldn't be an issue. Some of the old plats may extend the property lines to the ~~Cultural Center~~ Cultural Center of the road. In these cases, the Applicant will have to work with the property owners. Mr. Amann said that if the property owners are willing to have the signs, his Applicant was willing to place them. Chair Pehrson said that as a condition of the Applicant's good neighborliness, he asked that they discourage their membership from parking on Taft Road.

Member Wrobel asked whether the City would have to review this stipulation of adding the signage. Ms. Kolb said that Applicant can make the offer; she assumed they will work with Staff to figure out the logistics of the stipulation. Member Wrobel confirmed that if a City Staff member doesn't want the signage, the point would become moot.

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE, SP08-08B, PRELIMINARY SITE PLAN MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BURKE:

In the matter of Sri Venkateswara Temple Phases 1, 2, and 3, SP08-08B, motion to approve the Preliminary Site Plan and Phasing Plan subject to: 1) The Applicant requesting height Variances from the Zoning Board of Appeals for the following seven decorative elements on the proposed Temple building that exceed the 35' maximum height standard of Section 2400 of the Zoning Ordinance, but which may be permitted by the Zoning Board of Appeals to be a specific height limit, per Section 2903 of the Zoning Ordinance: a) The Maha Rajagopuram in front of the building entrance that is 37'4.5" in height; b) A decorative element at the front of the building that is 36.5' in height; c) A second decorative element at the front of the building that is 40.5' in height; d) Two identical decorative ornaments near the rear of the building that are 50' in height each; e) The brass pole in the courtyard that is 55'1" in height; and f) The tower at the rear of the building that is 55'1" in height; 2) A Redesign of the mechanical units and related screening on the Temple roof to meet the Zoning Ordinance standard or the Applicant requesting a Zoning Board of Appeals Variance from Section 2503.2.E.(2) of the Zoning Ordinance, which states that rooftop appurtenances shall not exceed the maximum height standard. The mechanical screening structure on the Temple building is proposed to be 42' in height, and, per Section 2400 of the Zoning Ordinance, the height standard for the Residential Acreage district is 35'; 3) A relocation of the proposed dumpster to meet the Zoning Ordinance standard or the Applicant requesting a Zoning Board of Appeals Variance from Section 2503.2.F.1 of the Zoning Ordinance, which states that dumpsters are to be located in the rear yard. 4) A Planning Commission Waiver from the landscaped berm standard of Section 2509.3.a of the Zoning Ordinance for landscaped berms along the western, northern and southern lot lines, as a berm would significantly compromise native vegetation, slopes and/or wetlands; 5) The Applicant extending the water main along Taft Road to Grand River Avenue in order to loop the system, per the Engineering Review dated September 12, 2008 and as identified in the Applicant's response letter dated October 5, 2008; 6) Two Section 9 Waivers for the Temple building to permit the use of pre-glazed block, contingent upon an exact match with the sample board, and to permit the use of glass fiber reinforced concrete, as both Waivers are discussed in the Façade Consultant's Review dated October 13, 2008; 7) The Applicant providing brick on the background wall areas of the Temple building to be in

compliance with the standard of Section 2520 of the Zoning Ordinance, as recommended by the Façade Consultant in his review dated September 9, 2008; 8) The conditions and items listed in the Staff and Consultant review letters being addressed on the plans prior to Stamping Sets; 9) A Planning Commission Waiver for landscaped berms along Taft Road; 10) A Section 9 Waiver for less than 30% brick on all facades of the building; and 11) The Applicant installing "No Parking" signs along Taft Road from Grand River to Eleven Mile and "No Blocking the Driveways" signs along Taft Road to the extent that this will be permitted following the appropriate departmental reviews; for the reasons that the plan is otherwise in compliance with Article 3, Article 4, Section 2400, and Article 25 of the Zoning Ordinance and all other applicable provisions of the Zoning Ordinance. *Motion carried 6-2 (Yes: Burke, Greco, Gutman, Meyer, Pehrson, Wrobel; No: Cassis, Larson).*

Moved by Member Meyer, seconded by Member Burke:

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE, SP08-08B, WETLAND PERMIT MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER BURKE:

In the matter of Sri Venkateswara Temple Phases 1, 2, and 3, SP08-08B, motion to approve the Wetland Permit subject to the conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan; for the reasons that the plan is in compliance with Chapter 12 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 8-0.*

Moved by Member Meyer, seconded by Member Burke:

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE, SP08-08B, WOODLAND PERMIT MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER BURKE:

In the matter of Sri Venkateswara Temple Phases 1, 2, and 3, SP08-08B, motion to approve the Woodland Permit subject to: 1) The conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan; and 2) The Applicant providing a Conservation Easement, as offered by the Applicant and reviewed and approved by the City and its Consultants; for the reasons that the plan is in compliance with Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 8-0.*

Moved by Member Meyer, seconded by Member Burke:

ROLL CALL VOTE ON SRI VENKATESWARA TEMPLE, SP08-08B, STORMWATER MANAGEMENT PLAN MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER BURKE:

In the matter of Sri Venkateswara Temple Phases 1, 2, and 3, SP08-08B, motion to approve the Stormwater Management Plan subject to the conditions and items listed in the Staff and Consultant review letters being addressed on the Final Site Plan; for the reasons that the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 8-0.*

**PLANNING COMMISSION MINUTES
SEPTEMBER 24, 2008**