

## MEMORANDUM



**TO:** MEMBERS OF THE PLANNING COMMISSION  
**FROM:** KRISTEN KAPELANSKI, AICP, PLANNER *Kristen*  
**THROUGH:** BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT  
DEPUTY DIRECTOR  
**SUBJECT:** REVIEW OF PROPOSED TEXT AMENDMENT 18.273  
**DATE:** DECEMBER 1, 2014

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The applicant, Brightmoor Christian Church, is proposing modifications to Article 4, R-1 through R-4 One-Family Residential Districts, Section 402, Principal Uses Permitted Subject to Special Conditions to allow for additional building height of up to 65 feet for places of worship. The applicant is proposing the ordinance change to 'accommodate modern worship sanctuaries with a seating capacity over 2,000 persons in a riser configuration as well as the pre-service and post-service lobby areas'.

### Previous Planning Commission Consideration

The Planning Commission previously considered the proposed text amendment at the October 22, 2014 Planning Commission meeting. Relevant meeting minutes are attached. At the time, the Planning Commission set the public hearing for December 10, 2014.

Relevant text excerpts from both the Troy and Southfield Zoning Ordinances are attached. Staff has provided a map highlighting existing places of worship in the City on parcels larger than 15 acres. There are only two existing places of worship in the City on parcels large enough to allow for additional height under the proposed amendment: Crosspointe Meadows Church (41.2 acres) and Brightmoor Christian Church (40.1 acres). Oakpointe Church (27.2 acres) could be eligible for additional height if they were to acquire adjacent parcels. The applicant has also provided supplementary information indicating the additional height would be applied to the main building and not necessarily a proposed 'feature'. Attached is correspondence and a sketch from the applicant further describing and demonstrating the need for the additional height and how improvements

to the building would be configured. Lastly, the Zoning Ordinance currently includes the provision listed below specifically noting church spires are not included in the prescribed height limitations of a district but an interpretation of the allowable height may be made by the Zoning Board of Appeals.

- **Sec. 2903. - Height Limit.** The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments or commercial wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure requires authorization as a conditional use and provided further that the height of any such structure shall not be greater than the distance to the nearest property line.

This standard has been considered by the Zoning Board of Appeals for places of worship with elements or features that exceed the general height limitations of a district several times including items brought forward by Oakland Baptist Church and the Sri Venkateswara Temple.

#### Staff Review

Planning staff continues to recommend approval of the proposed text amendment (with the suggested staff modifications as attached) to allow for additional height for places of worship located on larger development sites. Staff agrees with the applicant's proposed condition to require an additional 1.5 feet of setback for each foot of height above 35 feet (the current maximum height for all uses within the district). Staff's review of two local ordinances revealed Places of Worship may exceed the height standards of the district, provided that one foot of additional building setback is provided for each one foot of additional building height that is proposed:

- Troy: Buildings of greater than the maximum height allowed in the District in which a place of worship is located, may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed. (Zoning Ordinance excerpt attached.)
- Southfield: Height of Public and Semi Public Buildings. The height of public and semi public buildings such as churches, cathedrals, temples, hospitals, sanitariums, or

schools shall not exceed fifty-five (55) feet, provided that if any such building exceeds the height limitation for the district in which it is located, then, in addition to the required setback, the building shall be set back an additional one (1) foot for each foot by which the building exceeds the height standard. (Zoning Ordinance excerpt attached.)

The applicant has also proposed an increase in the required minimum site size and minimum site width along the front yard. Staff's version of the ordinance allows increased height for Churches and Places of Worship that would be located on larger sites – 30 acres is provided as recommended by the applicant -- while still allowing for sites as small as 3 acres to accommodate a place of worship of up to 35 feet in height.

The Planning Commission is asked to hold the public hearing and make a recommendation to the City Council regarding the proposed amendment. The City Council will ultimately approve or deny the amendment and may propose alterations as well. Please contact Kristen Kapelanski (248-347-0586 or [kkapelanski@cityofnovi.org](mailto:kkapelanski@cityofnovi.org)) with any questions or concerns.

## APPLICANT VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14- 18 – 273

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 4, R-1 THROUGH R-4 ONE-FAMILY RESIDENTIAL DISTRICTS, SECTION 402, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS; IN ORDER TO ALLOW ADDITIONAL HEIGHT FOR PLACES OF WORSHIP.

THE CITY OF NOVI ORDAINS:

**Part I.** That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, hereby amended to read as follows:

### ARTICLE 4. R-1 THROUGH R-4 ONE-FAMILY RESIDENTIAL DISTRICTS

Section 400. [Unchanged.]

Section 401. [Unchanged.]

Section 402. Principal Uses Permitted Subject to Special Conditions

1. Churches and other facilities normally incidental thereto subject to the following conditions
  - a. Minimum site size shall be ~~three (3) acres~~ thirty (30) acres.
  - b. Minimum site width shall be ~~two hundred (200)~~ seven hundred fifty (750) feet along the front yard.
  - c. All access to the site shall be onto a Major Arterial, Arterial or Minor Arterial road as shown on the City's Thoroughfare Plan.
  - d. Minimum building setbacks shall be seventy-five (75) feet from all property lines.
  - e. Buildings may be constructed up to sixty-five (65) feet in height with building setbacks increased by one and one-half (1.5) feet for every one (1) foot of building height in excess of thirty-five (35) feet.
  - f. There shall be no parking in the front yard, nor closer than twenty (20) feet from any side or rear lot line, except in those instances where the lot abuts a residential lot and in those instances, no closer than thirty-five (35) feet.
  - g. Screening of vehicular parking areas shall be in conformity with requirements at Section 2514.
  - h. A noise impact statement is required subject to the standards of Section 2519.10(c).

### Part II

**Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

## APPLICANT VERSION

### PART III.

**Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

### PART IV.

**Repealer.** All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

### PART V.

**Effective Date: Publication.** Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
ROBERT J. GATT, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

## APPLICANT VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14- 18 – 273

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 4, R-1 THROUGH R-4 ONE-FAMILY RESIDENTIAL DISTRICTS, SECTION 402, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS; IN ORDER TO ALLOW ADDITIONAL HEIGHT FOR PLACES OF WORSHIP.

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MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
ROBERT J. GATT, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:  
Nays:  
Abstentions:  
Absent:

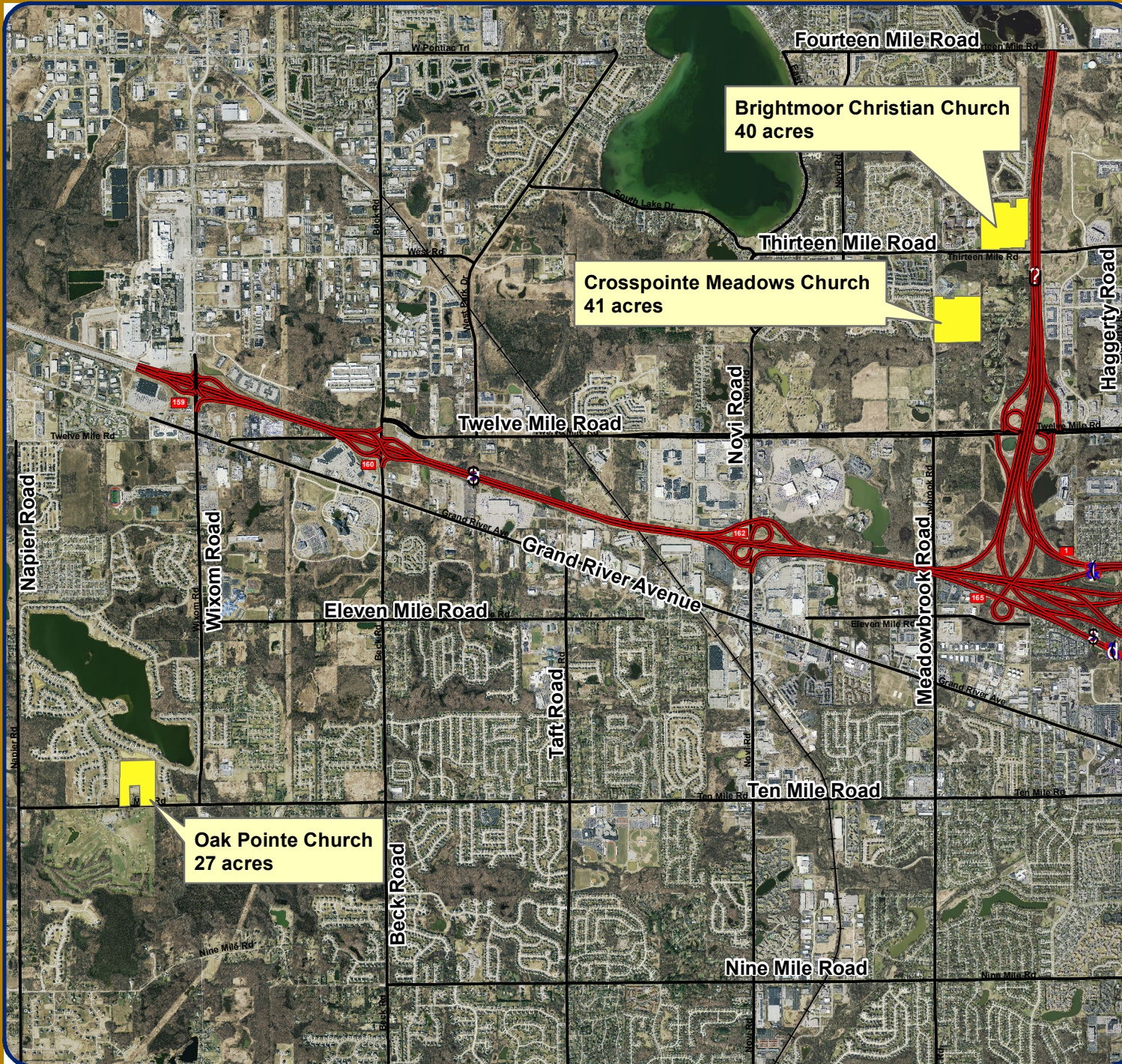
**Additional Information from Staff**

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# Text Amendment 18.273

## Places of Worship in Properties Larger than 15 Acres



### Map Legend

Places of Worship >15 Acres



**City of Novi**  
 Planning Division  
 Community Development Dept.  
 45175 W Ten Mile Rd  
 Novi, MI 48375  
 cityofnovi.org

Map Author: Kristen Kapelanski  
 Date: 10-16-14  
 Project: TA 18.273  
 Version #: 1.0

**MAP INTERPRETATION NOTICE**

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

# Southfield Zoning Ordinance - Excerpt

H = height of building as defined in Article 2, Section 5.3 (11).

In all zoning districts which are regulated by this footnote, not more than fifty (50%) percent of any required yard abutting a street shall be used for vehicular parking or driveways. Adjacent to any lot line abutting a street, there shall be a continuous landscaped area not less than fifteen (15') feet (4.575 meters) wide except at points of approved vehicular access to the street.

(w) Exceptions to Height Standards (Amended – Ordinance 1613 – 8/4/13)

Exceptions. The height limitation of this Ordinance shall not apply to chimneys, cooling towers, elevators, bulkheads, fire towers, penthouses, stacks, stage towers, scenery lofts, tanks, water towers, pumping towers, monuments, steeples, cupolas, and mechanical appurtenance accessory to and necessary for the permitted use in the district in which they are located.

Height of Public and Semi Public Buildings. The height of public and semi public buildings such as churches, cathedrals, temples, hospitals, sanitariums, or schools shall not exceed fifty-five (55) feet, provided that if any such building exceeds the height limitation for the district in which is is located, then, in addition to the required setback, the building shall be set back an additional one (1) foot for each foot by which the building exceeds the height standard.

Height of Parapet Walls. Parapet walls may extend up to five (5) feet above the permitted height in the district in which the building is located.

- C. The site shall have frontage on and primary access to a [major](#) or [minor arterial](#).
- D. Buildings of greater than the maximum height allowed in the District in which a place of worship is located, may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.
- E. [Front](#), [side](#) and [rear yard](#) setbacks shall be a minimum of fifty (50) feet.
- F. Parking shall not be permitted in the required [yards](#) adjacent to any public [street](#) or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped [open space](#).
- G. Traffic from events, including church worship services and other large assemblies, shall be controlled so as not to create congestion or unreasonable delays on the public [street](#).

## SECTION 6.22 POST-SECONDARY SCHOOLS

- A. All ingress and egress from said site shall be directly on to a [major arterial](#).
- B. No [building](#) shall be closer than eighty (80) feet to any property line that is residentially zoned or used. In all other cases, front, side, and rear setbacks shall be a minimum of forty (40) feet.
- C. Off-street parking areas shall be located at least fifty (50) feet from any residential property line.
- D. Those [buildings](#) to be used for servicing or maintenance, such as heating plants, garages, and storage structures shall be screened from view of residentially zoned or used property, in accordance with the standards set forth in [Section 13.02.B](#).

## SECTION 6.23 PRIMARY/SECONDARY SCHOOLS

- A. All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way.
- B. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.

**Additional Information from the Applicant**

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# BRIGHTMOOR CHRISTIAN CHURCH

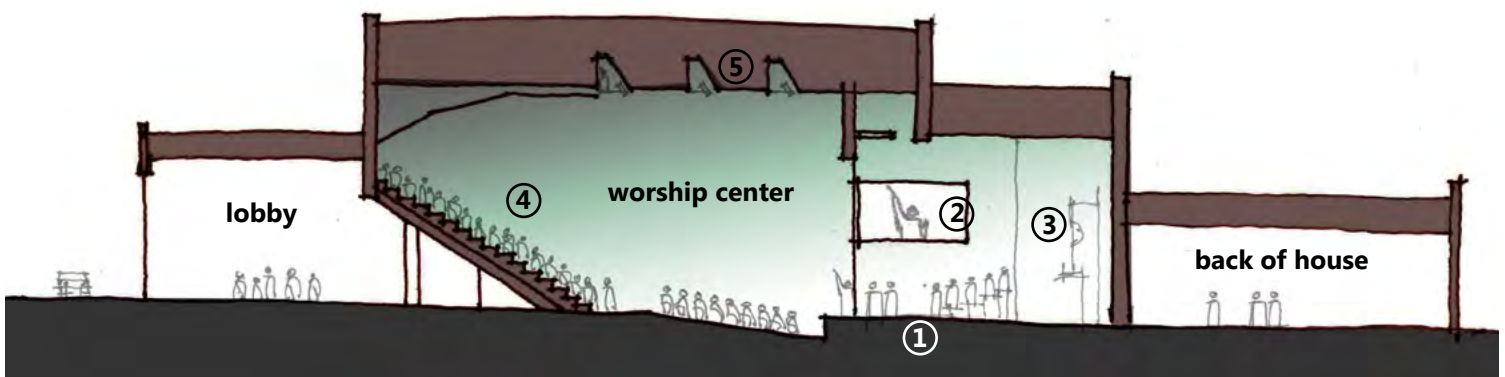
[ Preliminary Zoning Text Amendment Review ]



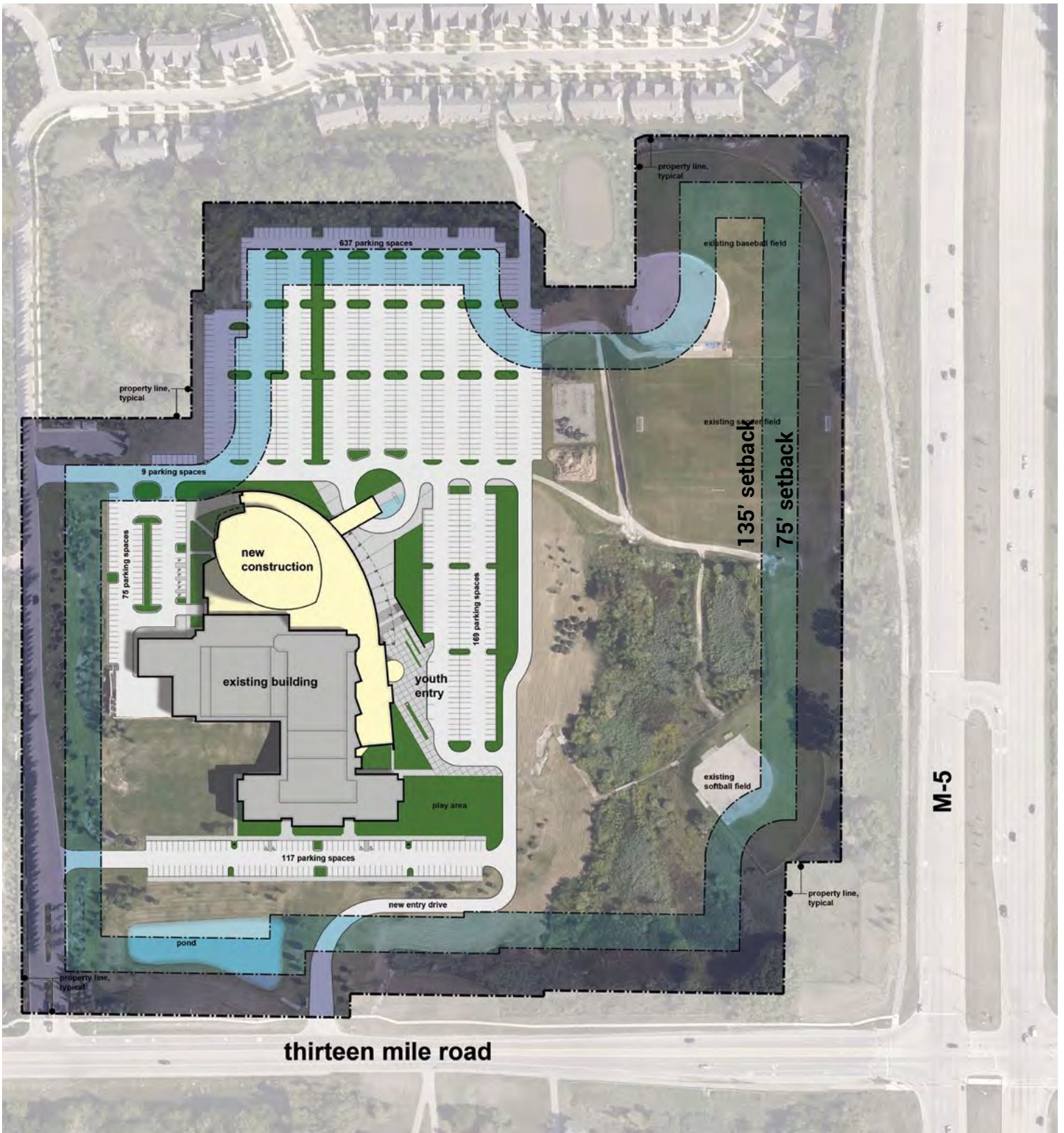
We understand that the City of Novi permits religious projects within a zoned residential area. After further investigation, we have discovered the current ordinance as written has not stayed current with the needs of large worship centers. Our experience shows that centers that are 30 plus acres and require a seating capacity of more than 1800 seats have special needs, specifically when it pertains to the building height. The primary rationale for the need for height is as follows:

1. The venue must be tall enough to accommodate lighting and sound equipment utilized on a platform large enough to support orchestral or large bands providing musical accompaniment.
2. Multi-screen image magnification of presenter and instructional aides also requires tall volume space. Large projection screens allow the congregation to see facial expressions of the pastor or read presented text. It is necessary to mount screens above the presenters to insure clear views resulting in a tall building height.
3. Similar to a secular auditorium, set design and props add to the experience of the event and require extensive area to build and incorporate into presentations at large theatrical style presentations for events like Christmas and Easter.
4. Seating on a sloped or stepped floor to maintain clear sightlines. Communication works best face to face and 70' to 90' is the outer range that most people can clearly see and understand facial expression. For this reason seating is often arranged in a wide fan shaped to maximize the number of people within this optimal viewing distance. Along with the fan shape, a sloped or stepped floor allows for compact seating and improved sightlines. This is the primary reason for balcony's in the past though stadium style seating, allowing for a direct connection of the upper seats to the platform, has grown in popularity. The result is longer structural spans requiring a deeper structural system to enclose the venue.
5. Area to accommodate catwalks to access specialty lighting and projectors for service and adjustability.

When the elements of a broad, uninterrupted footprint and high seating are combined the result is a building reaching 60 to 70 feet in height. Brightmoor Christian Church's proposed new worship center plans to incorporate all of the elements discussed. (1) Generous platform size (2) Image magnification (3) Theatrical support accommodations (4) Sloping and stadium style multi-level seating. (5) Catwalks

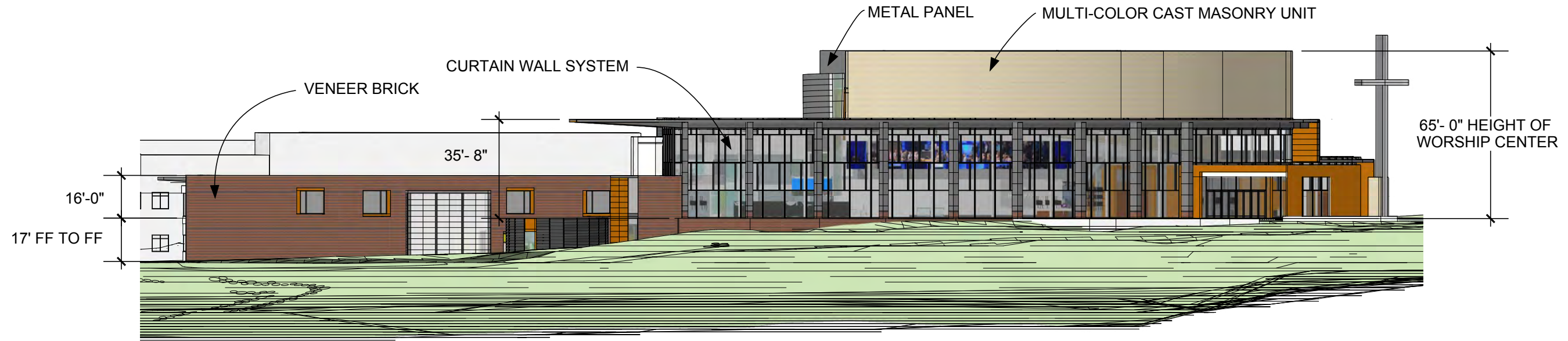


Furthermore, neighboring communities, specifically, Troy and Southfield have updated their ordinance to include extra height allowance for every additional foot of setback. This logical addition supports the historical inclusion of religious projects within a residential use area. By including this clause, these communities have considered the current requirements and needs of worship facilities of today.

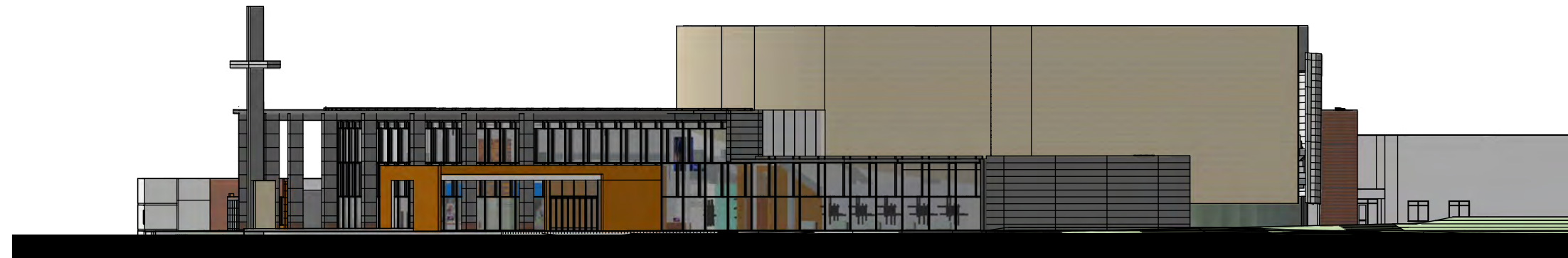


Site Plan 

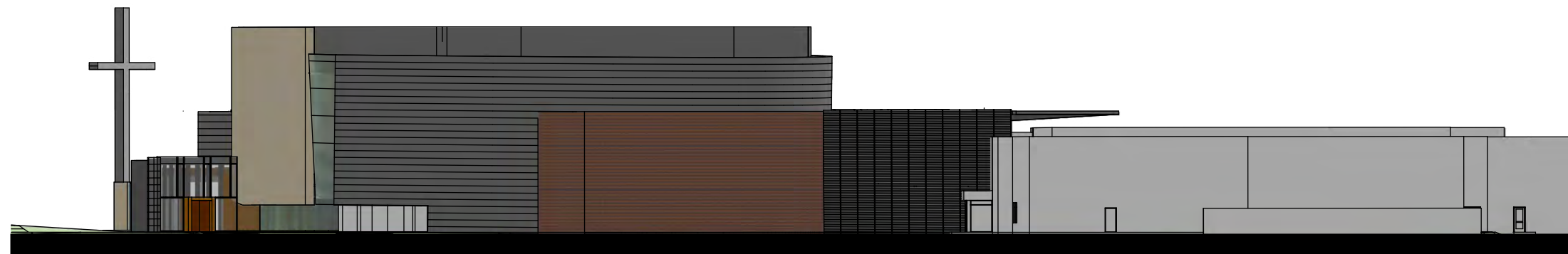
 0 60 120



East Elevation



North Elevation



West Elevation







view from M5



view from parking



worship



lobby hub

Planning Commission Meeting Minutes  
Excerpt – October 22, 2014

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## PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**OCTOBER 22, 2014 7:00 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:** Member Anthony, Member Baratta, Member Lynch, Chair Pehrson

**Absent:** Member Giacometti (excused), Member Greco (excused), Member Zuchlewski (excused)

**Also Present:** Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Jeremy Miller, Staff Engineer; Tom Schultz, City Attorney; Rod Arroyo, Traffic Consultant

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF AGENDA

Moved by Member Baratta and seconded by Member Lynch:

### VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER LYNCH:

*Motion to approve the October 22, 2014 Planning Commission Agenda. Motion carried 4-0.*

### MATTERS FOR CONSIDERATION

#### 1. SET PUBLIC HEARING FOR DECEMBER 10, 2014 FOR TEXT AMENDMENT 18.273, BUILDING HEIGHT STANDARDS FOR PLACES OF WORSHIP

Planner Kapelanski said the City has received a proposed text amendment to allow for additional building height of up to 65 feet for places of worship. Staff is generally in support of the proposed amendment with some minor revisions to the conditions noted in the suggested text. Suggested conditions include the following: The site must exceed 30 acres; The minimum front, side and rear yard building setbacks shall be increased by 1.5 feet for every one foot of building height in excess of 35 feet. These requirements are generally consistent with those listed in other local ordinances. The Planning Commission first considered this amendment on October 8<sup>th</sup>. At that time, the Planning Commission asked staff for additional information. The packet includes ordinance excerpts from other local ordinances, a description of the need for the additional height by the applicant and a map indicating parcels that could qualify for additional height. The Planning Commission is asked to schedule the public hearing for December 10<sup>th</sup>.

Gary Jonna said I'm here this evening representing Brightmoore Christian Church. Just some very brief history on our church; it actually started in 1926 in the Brightmoor District of Detroit. After many years, they moved to Southfield at Franklin Road and Telegraph, in 1980. Then the move to Novi was made in 2000. So they've now been in the community for 14 years. What brings us here this evening is that the church has flourished and grown dynamically and when we did the initial phase of the project, we could not afford a modern sanctuary so we built what's termed 'a fellowship hall' and actually use that as our place of worship. So as we've continued to grow, we've looked at our full build out of the campus and that would include about 90-100 thousand square foot expansion; the center piece of that being a modern worship sanctuary. So in reading the ordinance, it was quite apparent that the type of sanctuary that we want to construct would not fit within the current limitation. So what I'd like to do is take a few moments and allow our architect, Ryan Cane, to walk you through, from a technical standpoint, the physical requirements and the need for the height increase.

Ryan Cane said we did a schematic section and it's really not to address just this project but it's to address larger worship centers that are presentation style that might have a more theatrical presentation thrust to their DNA. We've been working on churches for quite a few years and we're doing them all over the country and what we're finding is that with the presentation style you have a gentle rake. You're probably about 120 seats here and my gentle rake it's allowing people to see over heads. And then what we're trying to do is keep it as intimate as possible. So some churches have a balcony and others have more of a stadium style seat. So you come in at the midpoint of the church with a rake in front of you and then a stadium style in back. What we're finding is they prefer the stadium style. Even with the balcony, you start to get a certain height to that volume. It has to be free span because you don't want to have columns coming doing into your space. Then there's a height that's required over a platform because of the types of presentations that they put on. What we've been trying to do as professionals, if you think of the old performance halls or auditorium, there's usually a fly loft and that fly loft starts to get really tall. What we've done in our strategy is a side fly. So along on each side of the platform we create space that allows them to stage and bring in scenes instead of going up. So we're trying to keep height down as much as possible. But on top of that with the theatrical lighting and the free span, you're starting to get a structure that is ranging from 14 feet to 16 feet deep. But inside that we also have catwalks so that they can service and adjust their lights. So when you starting adding it up, looking at just this section, you're getting up to 60-65 foot range when you're in a 2,000 seat capacity in this worship space. So that's what's starting to push the height. So when we started reviewing the ordinance, and we've had some experience with Troy and knowing that there's this additional requirement that if you increase your setback you can increase your height. That's what started this conversation.

Mr. Jonna said just too briefly summarize, some of this phenomena is actually attributable to the growth of the southwest suburbs. Older communities, provided for the ordinance and additional height. Novi has a dynamic growth leading Oakland County and is newer in terms of places of worships. So this is kind of something that is a progression. So case in point is the fact that we were in Southfield and they allowed 55 feet. We actually went higher with the setback allowances that we have. So you see a few sites that are noted by staff but that doesn't mean that where could be further projects where land is assembled 30 plus acres. Our site is 40 acres, just for the record. So I think it's an issue of population growth. Again, the Southfield and Troy ordinances provide for that. We are actually adding a 50% increase, where Southfield and Troy will say we want one foot of additional setback for every foot. We're proposing one and a half feet, which is a 50% increase. As Brian touched on, it's really an issue of physical and structural requirements to build a modern and contemporary worship sanctuary. The way we view this is it's only applied to large scale sites. It's not that this is 30 acres or more. And that's where you're

really seeing it is large worship campuses of 30 plus acres generally include a sanctuary of 2,000 plus seats. In our case we're 2,100 seats. So it's an order of magnitude. It's a campus seating and it's really this. We really view this as just a logical and reasonable modernization of the ordinance to allow for the appropriate structure and use. So we respectfully request that you set this for a public hearing.

Member Anthony said I see in our packet we have a staff version and an applicant version. In the public hearing, do both go in front or the staff version?

Planner Kapelanski said the staff would recommend that you set the staff version for a public hearing.

Member Anthony said ok I have a question for you Gary. Have you taken a look at the staff version?

Mr. Jonna said yes we have and we're fully supportive of the staff version.

Member Anthony said alright so that allows you to do what you've proposed to do with your addition.

Mr. Jonna said that's correct.

Member Baratta said I understand that you want to cubic volume for the people to be in there, have you looked at doing what the theatres have done in the past and that's dig down a little bit so you don't have to go as high so you'll get the same volume.

Mr. Jonna said excellent point. We have looked at that and we are actually sloping down into earth three feet. So we are sloping into the ground and we have some limitation to that because of outside grade and drainage and other things. But yes we are actually excavating the earth below our current finish floor.

Mr. Cane said the only reason that it's only three feet is you want to have good access to the stage to service it. So if they're bringing in sets. So that stage is actually at grade. So the rake is cutting into the ground. So that's all contiguous.

Member Baratta said but you could get your objectives met by digging down like a theatre or what schools do in some instances, is that accurate? I guess my concern we have a 65 foot high proposal building and it could go anywhere. If we want to do a text amendment that would limit it to a couple of areas but inevitably a place of worship it's got some capabilities of going into residential areas. I don't think the community would want a 65 foot building in their backyard. Obviously that's an extreme example. So if you can obtain your own objectives and get a lower building because you're digging down, that would be my question.

Mr. Cane said I hate to call it an issue, but accessibility is part of what we try to balance. So the more you dig down, and then you're entering at the very back or the larger the raked floor component gets. The rule of thumb is that you try to keep the rake floor so you can still see facial expressions. So you try to keep the rake floor no more than 60-70 feet from the platform. The farther you dig down, the further you put the rake. So it starts to have a function of how you access the space and where you put the back row of the rake.

Mr. Jonna said let me add just one thing. The current requirement is a 75 foot setback and if we

were to go to the 65 then that would be another 45 feet. So it would be a minimum 120 feet from the property line.

Member Baratta said thank you very much.

Moved by Member Baratta and seconded by Member Lynch:

**ROLL CALL VOTE TO SET THE PUBLIC HEARING FOR TEXT AMENDMENT 18.273 MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER LYNCH:**

**Motion to set public hearing for Text Amendment 18.273 for December 10, 2014. *Motion carried 4-0.***