

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
DECEMBER 11, 2017**

ROLL CALL:

Members Present: Eric Prause, Chairman
Michael Stebe, Secretary
Timothy Bergin
Jessica Scorso

Alternates: Teresa Ike (Sitting)
Julian Stoppelman
Patrick Kennedy

Absent: Andy Kidd, Vice Chairman

Also Present: Renata Bertotti, Senior Planner
Gary Anderson, Director of Planning &
Economic Development
Matthew Bordeaux, Environmental
Planner/Wetlands Agent
Katie Williford, Administrative Secretary

The Chairman opened the Public Hearing at 7:01 p.m. The Secretary read the legal notice for the application when the call was made.

Mr. Prause announced that the third agenda item under New Business, the Church of Pentecost, needs to be removed from the agenda due to an incomplete application.

MOTION: Mr. Stebe moved to modify the agenda to remove New Business item #3, Church of Pentecost, and renumber the remaining items. Mr. Stoppelman seconded the motion and all members voted in favor.

OM FOUNDATION, INC. – Special exception under Art. II Sec. 1.00.02 to allow a place of worship at 15 Burnham Street Extension, Rural Residence zone. – Special Exception (2017-086); Erosion and Sedimentation Control Plan (2017-087)

Attorney Stanley Falkenstein from the law office of Falkenstein, Meggers, Paul & Robinson, P.C. introduced the application. The applicant has a contract to purchase the property and is seeking to build an approximately 10,000 sq. ft. Hindu temple on the 6.5 acre site, he said. The temple currently rents a building in Middletown that is not adequate for their use, and they wish to own their own building.

Attorney Falkenstein explained that the applicant applied to the Zoning Board of Appeals (ZBA) for a variance because the zoning regulations require places of worship to be located on arterial or collector streets. Because the design requires that access be from Burnham Street Extension, which is not an arterial or collector street, a variance was needed. Otherwise, access to the temple would have crossed north of the existing single family home, which would have been undesirable for all parties involved, Attorney Falkenstein said.

Attorney Falkenstein explained that this site was selected because there is a large Hindu community in Manchester and the surrounding towns, and this location would serve as central area for the local Hindu population.

Attorney Falkenstein noted that a wetlands permit was approved on December 7, 2017 and tonight the applicant is seeking approval of the special exception and erosion and sedimentation control plan. He noted that Patrick O'Leary, an engineer with VHB in Wethersfield, was present, as were members of temple. Attorney Falkenstein submitted letters of support from neighbors in the abutting South Windsor neighborhood.

Patrick O'Leary, a principle with VHB, 50 Great Meadow Road, Wethersfield, CT introduced himself as a licensed professional engineer in Connecticut. He described the location of the property at the intersection of Clark Street, Chapel Road, and Burnham Street Extension, which is currently a dead end road. The site is bordered by vegetated wetland to the east and a wetlands permit was approved administratively, he said. No work is proposed within the wetlands area, and only very minimal grading is proposed at the perimeter of the regulated area for storm drains, he said.

The site is readily accessible, Mr. O'Leary said, as it is about two miles in either direction north or south to access I-291 or I-84. There is a limited interchange off of Chapel Road about a mile south of the project that allows traffic heading northbound in this area and allows traffic getting off in the southbound direction, he said. Members of the temple will be coming from a fairly large geographical area across Connecticut, so it was important for the site to be accessible, he said. To the east there is a residential subdivision underway and to the northwest there is a residential community in South Windsor. There is one additional residence on Burnham Street Extension prior to the dead end and on the other end past the dead end is a residential neighborhood, Mr. O'Leary said. Further southeast are commercial industrial light manufacturing areas, he said. Diagonally from the site are the North Korean Presbyterian church, a Buddhist temple, and, further to the north, a Christian church on Chapel Road.

There is an existing residence that will remain, Mr. O'Leary said, and they support the project. Other existing structures including sheds, houses, and driveways, will be removed. The site is fairly open and water generally flows northeast toward the wetland area, Mr. O'Leary said. Efforts were made to ensure that no work would be performed in the wetlands, and to minimize the impacts in the regulated area adjacent to the wetlands.

Mr. O'Leary reiterated that the proposal was to build a 10,000 to 11,000 sq. ft. Hindu temple on the site, which is zoned Rural Residential (RR). Houses of worship are allowed by special exception in the RR zone, he noted. Mr. O'Leary requested that the Commission hear the details about both the special exception application and the erosion control plan during this hearing, rather than hearing two separate presentations. Mr. Prause agreed.

In conjunction with the development of the temple itself, about 120 parking spaces are proposed, Mr. O'Leary said. He displayed a plan and pointed out the outline of the temple. In front of the temple would be an aesthetic amenity leading into the temple, he said. He noted that the upland review area would be undisturbed except for a small portion of a storm drain that would enter into it. The plan meets all setbacks, landscaping, lot coverage requirements, he said.

Mr. O'Leary explained that the operations of a Hindu temple are different from those of a

traditional church or synagogue, where the congregation meets two or three times a week, with parishioners congregating and significant traffic impact and neighborhood impact. In contrast, a Hindu temple is open throughout the course of the day and generally does not have prescribed masses or congregation times. He noted that there are eight holidays a year that do have higher attendance. On an average weekday or weekend, the temple would be open from 9 a.m. to 12 p.m. and again from around 6 p.m. to 9 p.m. or 5 p.m. to 8 p.m. Priests are there at those hours and people come and go to meet with the priests. On a typical weekday, there would be approximately 10-20 visitors to the temple through the course of a day, and on weekends there would be possibly 50 visitors. Assuming about 2.5 members per car, there might be four to eight cars visiting the temple over the course of a typical weekday, so there would be very little impact on traffic or the neighborhood, Mr. O'Leary said.

During the eight annual holidays, the temple would operate similarly to weekdays, but the attendance might be 300 people through the course of the holiday, Mr. O'Leary explained. The temple has approximately 400 members and does not expect enormous growth, he said, but plans have been made to accommodate growth if needed. Visitors on the holidays would be dispersed over an 8 to 10 hour period, and if there were 2.5 people per car, there would be approximately 110 to 120 vehicular trips over an entire day, he said. He estimated there might be 20 to 25 vehicles visiting the temple during peak hour.

Mr. O'Leary explained that the applicant had sought a variance to allow access from Burnham Street Extension because locating the driveway in proximity to the intersections with Clark Street and Chapel Road was not a good practice from an engineering standpoint. Locating the access on Burnham Street Extension would allow stacking distance for cars queueing up and would offer better sight distance, he said.

Based on counts from the Department of Transportation, Mr. O'Leary said, Clark Street and Chapel Road generally have 3,000 to 4,000 vehicles per day. This project may add 25 to 50 vehicles on the eight holidays at peak times, he said, so it would have an insignificant impact on traffic.

Mr. O'Leary said the applicant has shown concern for the temple's fit into the environment, including wetlands, neighbors, and storm water. The storm water management plan is sensitive to the environment and recognizes the new residential neighborhood to the north, he said. Storm water will be collected the paved area and landscaped areas into a grass-lined swale to provide water treatment. The water will transmit down to a detention pond and will ultimately be released through an overflow, if necessary, toward the wetland area, Mr. O'Leary explained. It is about 100' out of the wetlands and no discharge will occur onto adjacent properties, he said. The system was designed conservatively; there was an opportunity to design the storm water system without taking into account infiltration, he said. The soils here are receptive to surface flows and will percolate back into the ground water. Part of the reason for the conservative design, not taking into account the infiltration, is because there is a residential neighborhood immediately to the north. When the ground freezes, storm water cannot infiltrate the frozen ground, which can create drainage problems. During normal times, water will percolate into the ground and recharge groundwater, but in the event of winter freezes this system will not create a problem for neighbors because water will be stored in a detention pond and released appropriately. Similarly, for the parking area, the parking lot area is sheet flowing into another grass-lined swale which ultimately discharges into the detention pond, at which point, should it be necessary, there are overflows and a regulated discharge coming out to a riprap pad.

Mr. O'Leary went on to describe the extra precautions that have been taken with respect to the erosion control plan for the site. Erosion control mats will be used as an extra step for stabilization. Along the wetland area, silt fence with straw wattles will be used to ensure no erosion makes its way into the upland review area or wetland. Along the northern border up to the existing structure and along Burnham Street, silt fence will be used; there won't be a large amount of runoff heading in those directions, Mr. O'Leary said.

Water and all public utilities are available to the site, Mr. O'Leary said, and the sewage goes to South Windsor. The applicant has obtained a letter indicating that South Windsor has sufficient capacity, he said.

Mr. O'Leary displayed a rendering of temple and explained that, although it looks large, in context it is smaller than a CVS building. A CVS would be 12,000 to 13,000 sq. ft. while the proposed temple is 10,000 to 11,000 sq. ft., he said. He noted that the grand entrance is important and there is a water feature at the entrance.

Mr. O'Leary described the two floors. The bottom or basement floor would be an operational area with storage, children's activities, offices for the priests, restrooms, a utility room, an audiovisual room for equipment, coat and foot wash, office, and a kitchen area. He noted that there would be no food preparation at this facility; there will be no cooking of food, no serving of alcohol, and no banquet facilities. The kitchen is just for warming food, he said. On the primary floor or the first floor, there is the actual place of worship where the deities are observed during meditation, yoga, etc. There are eight stations associated with the deities. There are also activity rooms, coat rooms, and offices, he said.

Mr. O'Leary said the temple would be 26 feet tall from proposed grade to roof line, with two 47-foot tall spires and a center 77-foot tall spire. The applicant recognizes that there are neighbors immediately to the north and adjacent to the project, and proposes to densify the tall arborvitae hedge circling the house, he said. Along the northern border, a double row of white spruce is proposed, which will be supplemented by a fence line adjacent to the parking area to prevent headlight spillage. He noted that there is a site lighting plan and there is proposed to be less than a foot-candle of spillage over any property line. The applicant has worked hard to ensure minimal impact to the adjacent neighborhood, Mr. O'Leary said, adding that there are no external speakers to cause any noise pollution.

Mr. O'Leary stated that the application satisfies all of the criteria for a special exception. The proposal is in a suitable location and is consistent with the Plan of Conservation and Development, which discusses diversity in Manchester, he said. The temple is a suitable structure for the site in scope, size, and scale, he said. In the rendering, the temple looks large, but he reminded the Commission of the context: The temple would be located in an open expanse, a 6-acre site. The temple is consistent with neighborhood, he said, noting that there is a Korean Presbyterian Church and a Buddhist temple across the street, and a Christian church to the north. The structure is attractive and the temple will be a good neighbor, he added. With help from staff, Mr. O'Leary said, the applicant has made the site plan more compatible with the neighborhood with respect to storm water, lighting, etc. There will be adequate parking and, if needed, there is enough area to provide more parking to the north, he said. That area has been left open for green space now; the plans show that to be used for a future home for the temple priest, but that is not part of this application at this time, Mr. O'Leary explained. There is adequate street access, he said, noting that the Fire Marshal had comments regarding truck turning movements, and the applicant has provided truck turning templates to validate that there

is adequate room. Public utilities serve the site, the design has been sensitive to protect the environment and conserve resources, and the proposal is consistent with ensuring no detrimental effects to public health, safety, and welfare, Mr. O’Leary said.

Mr. Stebe asked about the swale on the north side, specifically about the elevations for where the tree line will be compared to the parking lot. He asked if it would be a similar height on both sides with just the swale in middle. Mr. O’Leary confirmed it would be a similar elevation, with maybe two to three feet difference. In conjunction with the swale you can see the fence and white spruce buffer, and this has been supplemented with deciduous trees adjacent to the parking lot, he said. Mr. Stebe asked about the fence and Mr. O’Leary replied it would be a 4-foot, solid, vinyl clad fence.

Mr. Stoppelman asked about the location of handicap parking and handicap access to the building. Mr. O’Leary replied that the handicap parking is immediately in front of the temple and indicated where the handicap access to the building would be, noting that there are elevators inside the building.

Mr. Stoppelman asked what building materials would be used for the spires and if there would be anything inside them. Mr. O’Leary replied that the spires are void and they will be concrete finished with stucco. The building itself is finished in stucco and vinyl, he said.

Mr. Prause asked if there are only 10 arborvitaes proposed on the left side and if those 10 are just making up for gaps in the existing hedge. Mr. O’Leary confirmed they are filling in the gaps. The existing arborvitaes are around 20 feet tall and, in the area that is light, the applicant proposes to plant others to ensure the hedge remains dense into the future.

Mr. Prause asked about the white spruce proposed to the north. Mr. O’Leary confirmed there would be a double row of white spruce, and there would be fencing along the parking area. Because it is an open green area, rather than fencing everything in, the proposed fencing is limited to the parking area for the purposes of shielding headlights and vehicles, Mr. O’Leary explained.

Attorney Falkenstein noted that Ms. Bertotti’s memo to the Commission quotes a section from the application narrative that offered certain restrictions. He stated that one of those restrictions should not have been listed, which was to provide a restriction in the deed requiring Town approval for transfer of the property. The Town and Commission should not be concerned about who owns the property, he said, and any transferee would be subject to the same restrictions.

Mr. Prause asked how the applicant had come up with the possible conditions discussed in the narrative. Mr. O’Leary replied that VHB has worked for other Hindu temples in the northeast, and reviewed issues that occurred within those communities. The temple is willing to validate traffic information after the site is operating, and has no intention of preparing food, holding banquets, or serving alcohol. The restrictions are not something the applicant necessarily wants, he explained, but if the Commission felt they were necessary, the applicant would accept these restrictions as conditions of approval.

Mr. Prause read the restrictions quoted in Ms. Bertotti’s memo:

“OMD is willing to file a deed restriction for the property specifying the various use limitations and restrictions. The deed will state that: (a) there shall be no

hosting of banquets, weddings, or parties at the property other than Vedic wedding (it is religious ceremony participated by immediate family members and friends). Typically this event is followed by a banquet or a celebration outside the temple premises; (b) servicing of alcoholic beverages shall be prohibited; and (c) the only food preparation will be in connection with spiritual practices. Furthermore, the deed restriction will also state that any future sale of the property will require an approval from the town, which may be reasonably withheld if the use of the facility by its new owner would be more intense than was represented by OMD to the county and is not in conformance with applicable regulations, (d) the Temple will provide traffic counts post development (6 months after opening) to verify the assumptions and data contained within this memo. We will submit the precise language to be included in the deed record for Town approval before filing.”

Mr. O’Leary said the applicant requests that the third restriction, relating to the sale of the property, not be included. He reiterated that the applicant does not believe these restrictions are necessary, but put them forth to demonstrate that what has been presented today is how the temple will operate into the future. Should the applicant desire to do banquets, for example, they would need to appear before the Commission and demonstrate that it would be consistent with all the traffic parameters presented this evening.

Mr. Prause stated that the Commission has not had the experience of imposing this type of condition on a place of worship, and he was not comfortable imposing restrictions on banquets or weddings, as it would set a poor precedent for other places of worship. Mr. Prause asked Ms. Bertotti if the Commission could regulate the serving of alcoholic beverages, and Ms. Bertotti replied that they could, but that is a condition that the Commission has never imposed on any other religious use. Mr. Prause noted that a condition relating to the traffic counts would make sense, as the Commission has placed such conditions before and this location is not on an arterial road. Mr. O’Leary said the applicant would accept that as a condition.

Mr. Kennedy agreed with Mr. Prause’s comments, stating that banquets, weddings, and alcoholic beverages may not be important to the applicant’s particular religion, but conditions on those practices would get into first amendment and free exercise issues. He advised avoiding these restrictions, aside from the one pertaining to traffic.

Ms. Bertotti said that four members of staff had minor technical comments relating to minor plan modifications, which the applicant has agreed to address. She noted that some of the maps in the Commission’s packet show the drainage outlet design in a different location than was presented tonight; that was done to address a comment from Engineering to redirect this even further away from the residential neighborhood in South Windsor, she explained. In order to do that, there was a need for an administrative wetlands permit, which was obtained, she said. Ms. Bertotti said she agreed with the Commission with regard to the conditions. The Commission has not imposed any of these conditions previously on any other religious uses it has approved, and except for the condition relating to traffic generation, Ms. Bertotti said she did not feel any of these conditions were necessary. She said that future proposals for additional parking or for a priest’s residence would require a special exception modification, so that would require some review.

Mr. Stoppelman asked if the 77-foot height on the spire would be a problem in a residential zone. Ms. Bertotti said it would not be a problem because the height of such spires is not regulated;

many churches have steeples like that.

Chairman Prause asked that any member of the public that wished to speak either in favor of or in opposition to this application come forward at this time.

Mr. Ram, 71 Chaponis Way, South Windsor, CT expressed concern about the parking lot, fence, and trees. He asked about the exact location of the fence and about the height of the fence and trees. He explained that his house is on the border between South Windsor and Manchester, and he is interested in the fence and trees because of privacy issues. There is also a play area nearby, he said, and showed it on the map. He asked if there will be any disturbance of the play area. If the fence or trees go to the play area, that may be good enough, he said, but if not something saying “do not enter” may need to be added to the play area in the future because a lot of children play there.

Sylvester Chaponis, 3 Burnham Street Extension, said his property is the closest to the proposed temple; it is the house that has the arborvitaes around it. Mr. Chaponis said he would appreciate the applicant planting arborvitaes, as some were lost to an ice storm. He said it is good to be located on a dead end so trucks aren't going by, and the site has good access to I-291. Traffic is not a big issue even with the Korean church across the street, he said. Regarding the neighborhood, he said that most of the houses themselves are already quite large. Mr. Chaponis said it would be nice to have a non-liquor, non-partying, and spiritual neighbor. He said it has been a 10-year process in his family trying to have this property used for something, and to be able to hand it over to someone like the applicant had a calming effect. The proposed temple would be valuable to the Town and to the people in the area who want it, he said, and the applicant has covered all the bases and is bending over backward with their application.

Mr. Sreedhar Arvapalli, 43 Franks Way, South Windsor, CT said he was very happy to have the temple coming in, as it would be nearer to his home and that would be helpful. The temple will be beautiful for Manchester, he said.

Mr. Kamal Swami, a pharmacy owner in Manchester who lives in Ellington, said it takes him 45 minutes to an hour to get to a temple. This will be closer for him and will also be good for the Town, he said, so he supports this application.

Mr. Sintil, 29 Chaponis Way, said his property is just north of the site. He said he welcomes the temple's construction but is concerned about privacy issue between his community and the temple. He said he agreed with his neighbor Ram that it would be good to have a 6-foot fence along the border between the temple and community.

Ms. Bertotti said she had received some testimony in writing, including an email from Robert Mannarino, which she emailed to the Commission last week and again today. The email is neither for nor against the application, but pointed out things about the residential neighborhood to the north and their desire to have a fence on the edge of the parking lot to screen from car headlights, as well as arborvitaes. The email also talks about the storm water management drainage design, she said. In addition, there were two letters submitted by Attorney Falkenstein during the hearing. The first was from Sreedhar Arvapalli, 43 Franks Way, South Windsor, in support of the application. The second letter was from Ramesh Koppu, 71 Franks Way, South Windsor, in support of the application.

Mr. O'Leary said the applicant will provide a 4-foot vinyl clad solid fence in the vicinity of the

parking area that will shield headlights. He added that the parking spots closest to the fence would be the last ones used because people usually park closest to the door. There will also be a double row of spruce which will be 7 feet tall at the time of construction and will grow, he said. Mr. O’Leary said it is not necessary to provide a fence along the entire property line and it would be an aesthetic nuisance.

Mr. Stebe asked about the administrative wetlands permit. Mr. Bordeaux explained that the original plans called for direction of the storm water overflow from the detention basin in the northerly direction to South Windsor. Ms. Bertotti noted that the maps in the Commission’s packet show the original design and the new design. Mr. Bordeaux said, in response to the Assistant Town Engineer’s comments, overflow was redirected toward the wetland. To do that, the overflow outlet structure encroached into the 100-foot review area. This was a minor activity, so it could be administratively approved, he said.

The public hearing on this application was closed.

EL REINO UN MINISTERIO NUEVO – For a place of worship in the lower level of an existing commercial building at 485 Hartford Road.– Special Exception (2017-101)

Ms. Ruby Puerto presented the application. Ms. Puerto and her husband are the pastors and they propose to use the lower space in the building at 485 Hartford Road for a place of worship. It would be located in the basement and would be about 5,000 sq. ft., she said. The congregation is currently 40 people and the church has a 15-passenger van for transportation. A couple of people live close by and about 6 to 7 cars use parking spaces, she explained. The services are Tuesdays from 7:00 p.m. to 9:00 p.m., Saturdays from 7:00 to 9:00 p.m. and Sundays from 3:00 to 5:00, Ms. Puerto said. At that time most of the tenants of the upper level are closed, except that La Bomba is sometimes open later at night, she said.

Mr. Prause asked for a description of the layout of the space and the entrance to it. Ms. Puerto said the entrance is on the west side of building and indicated it on the map. Mr. Prause asked about the stairwells going up and Ms. Puerto said the stairwells are the emergency exit from Cosmic Omelet. There are stairs that go into the basement, she said. Mr. Prause asked about signage and Ms. Puerto replied they do not have any sign.

Mr. Prause asked about parking spaces and Ms. Puerto showed them on the plan. Since the congregation is not large, they usually only need parking on one side of the building, but as a tenant they are allowed to have overflow parking into the main lot if needed, she said. The parking lot is usually pretty empty during the church’s hours, she said.

Mr. Prause asked how the size and location of the place of worship would be an appropriate fit with what is in the area. Ms. Puerto said there is not any other church nearby, but it is a good impact to the community to bring a place of worship closer to their homes. Mr. Prause asked if the place of worship would exist in harmony with the other tenants and Ms. Puerto said the church does not conflict with the other tenants’ hours.

Mr. Prause asked if there would be any modifications to the outside of the building. Ms. Puerto said there would be no changes to the outside; if any changes were needed they would be done on the inside.

Mr. Prause asked if there was adequate access and parking for the site and Ms. Puerto replied

there are about 123 parking spaces for the whole plaza. Mr. Prause asked about the adequacy of the streets for this use, and whether there is much traffic. Ms. Puerto said the congregation is currently about 30 adults and 10 children now. They would be coming around 7:00 p.m., she said except on Sundays the church hours are 3:00 to 5:00, but most of the businesses close at 1:30 or 2:00 on Sundays.

Mr. Prause said he did not think there was any concern about emergency access, since this is an existing building. He asked about public utilities and Ms. Puerto replied the space has water, electricity, and electric heat.

Mr. Prause asked if there would be any environmental impacts, any disturbance to the surrounding areas, or anything detrimental to the public health, safety, welfare, or property values. Ms. Puerto replied there would not.

Ms. Puerto said they requested a waiver for landscaping in the back, but there is a fence in that area. Mr. Prause asked if the landscaping requirement would apply to the north and west boundaries. Ms. Bertotti said the requirement would apply. The property to the west of the site is vacant, residentially zoned property that is completely wooded, so a landscaped buffer seems superfluous, she said. Ms. Bertotti said she had advised the applicant to seek a waiver for the entire screening requirement. She said that there is a 6-foot high stockade wood fence that provides screening to the north, and the site to the west is fully wooded. Mr. Prause said he thought the site to the west was clear cut. Ms. Bertotti replied that, in that case, she looked at the wrong aerial photo. The use requires a landscaping buffer, some sort of screening, or a waiver, she said. If there is nothing to screen between the two sites then something would be required, Ms. Bertotti said, and she did not see how the Commission could grant a waiver if there is nothing on the property next door. At minimum, if there is no landscaping on the other site, the applicant would need to include a landscaping plan showing some kind of screening buffer, she said, either with landscaping or fencing. That requirement is related to use, she explained; it is specific to places of worship. Mr. Prause said the applicant had a few options, such as having plantings or a fence installed on the west side; the north side has an existing fence. In response to questions from the applicant, Ms. Bertotti explained that the screening would have to be on the west side border in front of the part of the property that the applicant would occupy, and the property owner would have to agree to that. Ms. Puerto said she had talked to the owner about this and he had said it was fine with him, but she was confused about which side the screening was needed for. Mr. Prause said there is an existing fence on the north side, so that is already covered. He asked if the owner said he would put fencing up and Ms. Puerto said he had mentioned arborvitaes. Mr. Prause asked if the Commission could put a condition on the approval that the screening had to be approved by staff, and Ms. Bertotti said it would be best to require a revised landscaping plan to be approved by staff.

Mr. Bergin asked if the applicant only has to screen the 50 feet of the building width that they occupy. Ms. Bertotti said, if she were the Zoning Enforcement Officer, she would require them to screen in front of portion they occupy, as the requirement is specifically related to the use, but she might be overruled. She added that she thought this requirement was a flaw in the regulation, since the site next door is a vacant site and the applicant is a tenant, not the owner.

Mr. Nahin Puerto, the pastor for the church, said that there are four-foot high bushes at the entrance. He did not know if that would be sufficient. Mr. Puerto said he was unsure where the property line is between the parking lot and the concrete blocks, so he was not sure if the owner would be able to put trees there. He indicated on the map where there are trees, all the way to

the church's entrance. There is an empty lot and there is a fence, he said, and in his opinion there are a lot of businesses in this plaza that haven't put screening in in the past, so he did not see why it is necessary to put it in now. He added that the owner was willing to work with the applicant but the owner had said they have to consider the property line.

Ms. Bertotti said that the staff had three technical comments. The Health Department had commented that this place of worship shares some area with storage for the restaurant on the first floor, and there are certain requirements for separation. The applicant will need to address that through the proper permitting process, she said, and they will also need Building, Fire, and Health permits following this. The Engineering Department commented that the narrative should state clearly that there are no changes to the outside of the site. There were some changes to the parking lot widths to meet some of the code that was required, but that is just striping, not substantial, Ms. Bertotti said. Regarding the landscaping waiver, Ms. Bertotti said that, the way the regulations are written, there is no way to forgive the requirement even though it is almost appropriate in this situation. They are required to install a fence, wall, or screening, she said. Ms. Bertotti said she was not sure if there would be enough area on their site to do that, or how that could be done. Mr. Anderson said there have been discussions in the past about differentiating between religious uses and places of worship, and he thought that was something to look at. Religious uses, he said, seem more like an assembly use to him; this is not the main use of the building. Mr. Anderson said he agreed with Ms. Bertotti, but staff can work with the applicant to do something that is reasonable.

Ms. Bertotti said that this use is a special exception use in this zoning district. This particular church has hours that are compatible with what goes on at this property, she said. The building was built and the parking lot designed in the '60s or '70s, and it does not flow very well and the entrance is not defined very well, she said. A use that provides less traffic conflict and less parking generation conflict is more desirable here than a use that would be allowed as of right in a Business II zone, she said. While a different church could come here and have a completely different hours and completely different impact, this particular applicant seems to have compatible hours, she said.

Chairman Prause asked that any member of the public that wished to speak either in favor of or in opposition to this application come forward at this time. No member of the public came forward.

The public hearing on this application was closed and the Chairman closed the Public Hearing portion of the meeting at 8:43 p.m.

NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.