REZONING PETITION 581

DATE: May 8, 2012
FROM: David Nelson, Planner II
RE: Petition #581 Memo of 4th Revisions and Update

The following modification has been recorded on the site plan in response to a request by Town Council at the April 9th meeting:

- Fire Lane (11 ft wide) has been denoted on the plans. This is to reflect the designation of a fire lane by the Mecklenburg County Fire Marshal per the attached memo.

Additionally, Town of Matthews Fire Chief Green has inspected the site and determined that the rear parking lot is accessible by all fire and safety vehicles. His findings are presented in the attached memo.

All other site plan details and modification requests have been brought forward.
Main Temple Building Notes:

1. The petitioner agrees that no portion of the exterior parking areas will be used for outside events, services.
2. The petitioner agrees that the zoning requested shall be personal to the petitioner and its successors and only for usage for the operation and maintenance of a Hindu religious facility (temple) for the support and facilities associated with Hindu religious events, services and celebrations and if the facility should cease to operate as a Hindu religious temple, the zoning will revert to the current zoning classification of R-15.
3. The petitioner agrees that the zoning, if granted will be limited solely to the usage as a Hindu temple and the grant of the zoning shall not extend to any other allowed usage under the requested zoning classification.
4. The petitioner agrees that the property and the improvements located thereon, shall not be used for a public or private school or permanent day care facility and usage for instructional purpose or for child care, shall be limited solely to usage associated with the Hindu religion and Christian instruction associated with the Hindu religion.
5. The petitioner agrees to utilize its best efforts to provide off-street parking, sidewalks, curbs and gutters and to assure that the same are permanent, adequate and accessible to the public.
6. The petitioner agrees that the property and the improvements located thereon, shall not be used for a public or private school or permanent day care facility and usage for instructional purpose or for child care, shall be limited solely to usage associated with the Hindu religion and religious instruction associated with the Hindu religion.
7. The petitioner agrees that the exterior parking areas will be limited to the following six holy days, as dates are specified, but not such dates as may be specified in written notice of such dates, and approved by the town manager. All events are the day events. All such special events will occur only on Saturday or Sunday.

Hindu holy days:
1. Hari Jayanti/Ram Navmi (3/27/99)
2. Yogi Jayanti (5/16/99)
3. Guru Purnima (8/1/99)
4. Janmastmi/Patotsav (9/4/99)
5. Diwali/New Year (11/6/99)
6. Guru Hari Jayanti (12/18/99)

The maximum capacity shall be limited to the following six holy days, as dates are specified.
1. Hari Jayanti (3/27/99)
2. Yogi Jayanti (5/16/99)
3. Guru Purnima (8/1/99)
4. Janmastmi/Patotsav (9/4/99)
5. Diwali/New Year (11/6/99)
6. Guru Hari Jayanti (12/18/99)

Increased capacity shall be limited to 600 members.

Ancillary Classroom Building Notes:

1. Proposed structures would be accessible via ADA compliant concrete sidewalks.
2. No utility service is required and a fire line service is required for the firefighters to meet the operations and maintenance of a religious facility (temple) for the support and facilities associated with Hindu religious events, services and celebrations.
3. The existing playground will be relocated at a future date in order to facilitate the proposed structure.
4. The reception area of the proposed structure will match the existing building.
5. Property owners shall be responsible for the installation and maintenance of a 4' fire lane along the south 45th Avenue frontage, in addition to the existing fire lane.
6. The proposed structure shall be located on a 75' footprint.
7. All debris and materials in the path of travel will be removed.
8. The path of travel for access to proposed structure shall be limited to six holy days above specified, but not such dates as are specified in written notice of such dates, and approved by the town manager. All events are one day events. All such special events will occur only on Saturday or Sunday.

Increased capacity shall be limited to six members.