

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

COMPREHENSIVE STUDY OF RELIGIOUS FACILITY PRECEDENTS FOR THE TOWN OF FAIRVIEW REGARDING THE PROPOSED LDS TEMPLE



TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

173'-8" TALL TOWER FEATURE & 65'-0" TALL BUILDING ROOF PEAK

Israel Roberts

Town Planner

iroberts@fairviewtexas.org

James Chancellor

Town Engineer

jchancellor@fairviewtexas.org

Julie Couch

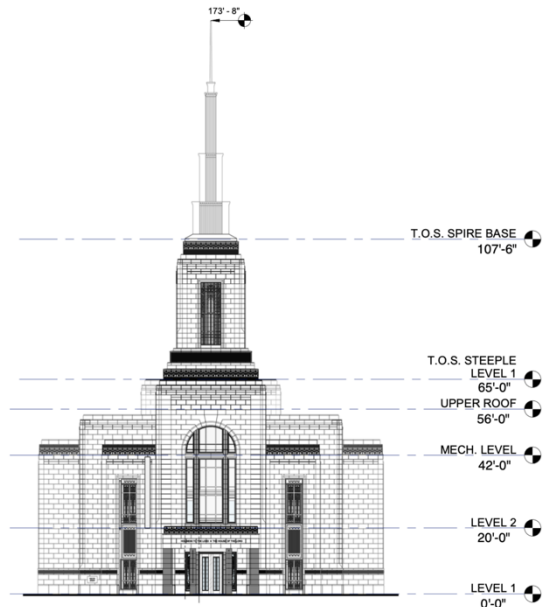
Town Manager

jcouch@fairviewtexas.org

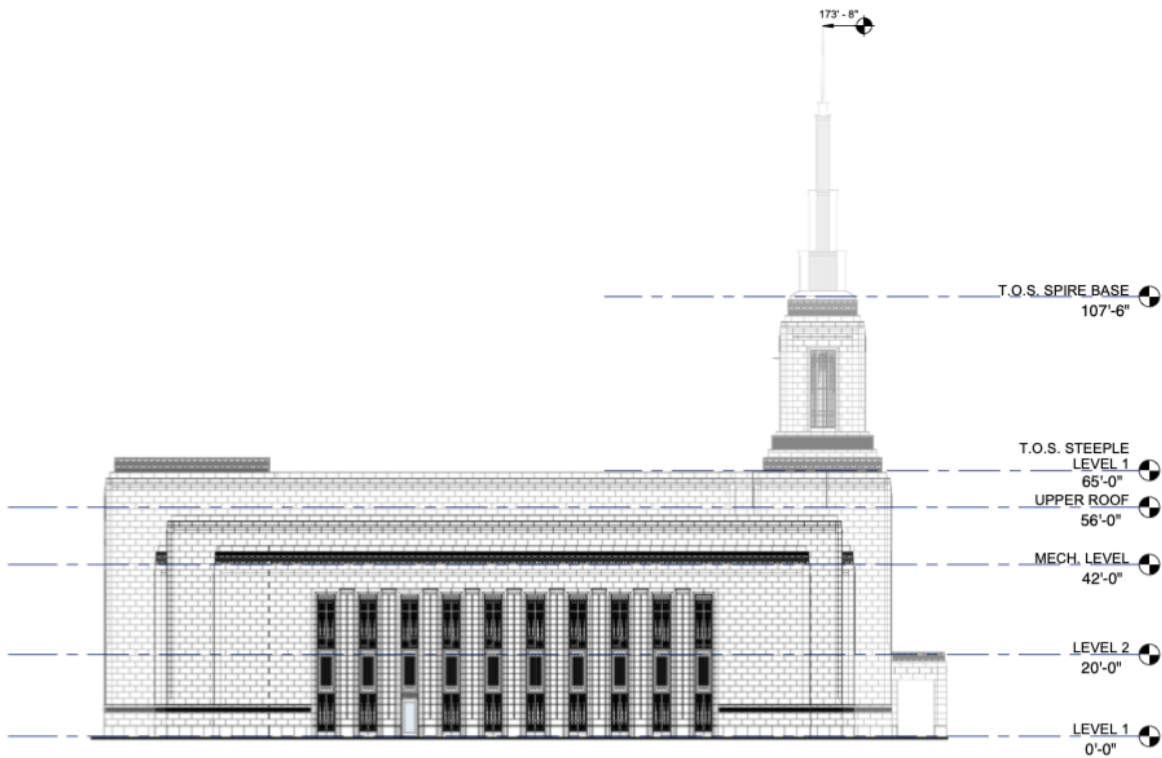
Henry Lessner

Town Mayor

mayor@fairviewtexas.org



4 **EXTERIOR ELEVATION - SOUTH**
1" = 20'-0"



2 **EXTERIOR ELEVATION - WEST**
1" = 20'-0"

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

CONCERNS ABOUT GRANTING MORE OR LESS FAVORABLE ZONING

To: Town of Fairview, Planning & Zoning Commission, Town Council & Mayor
From: Concerned Fairview TX Residents

WHEREAS, THE LDS TEMPLE APPLICATION (CASE: #CUP2024-04) MEMORANDUM SENT OUT ON APRIL 11, 2024, BY ISRAEL ROBERTS (TOWN OF FAIRVIEW PLANNING MANAGER) APPEARS TO CONTAIN INVALID OR INACCURATE REFERENCES TO RELIGIOUS FACILITY ZONING PRECEDENTS REGARDING THE BUILDING ROOF HEIGHT, TOWER FEATURE HEIGHT, AND MORE, AND AS A RESULT, THE APPLICATION MAY BE FLAWED REQUIRING A COMPREHENSIVE FINDING OF FACTS BY THE TOWN OF FAIRVIEW ON BEHALF OF ITS RESIDENTS AND THE LDS TEMPLE; AND

WHEREAS, FEDERAL & TEXAS COURTS HAVE FREQUENTLY UPHELD THE LEGAL RIGHT OF A MUNICIPALITY (INCLUDING TOWNS LIKE FAIRVIEW, TEXAS) TO APPLY ZONING ORDINANCES TO RELIGIOUS INSTITUTIONS (INCLUDING RESTRICTIONS ON BUILDING ROOF HEIGHT, TOWER FEATURE HEIGHT, BUILDING SETBACKS, LANDSCAPE PLANS, IMPERVIOUS COVERAGE, DRAINAGE PLANS, FIRE CODE, EMERGENCY ACCESS, DARK SKY LIGHTING PLANS, NOISE NUISANCE, AND MORE) THROUGH THE ISSUANCE OF CONDITIONAL USE PERMITS SO LONG AS THE REGULATION IS NOT MORE FAVORABLE OR LESS FAVORABLE THAN ANY OTHER VALID ORDINANCE PREVIOUSLY GRANTED BY THE TOWN OF FAIRVIEW TO ANY OTHER RELIGIOUS INSTITUTIONS; AND

WHEREAS, THE TOWN OF FAIRVIEW HAS AN OBLIGATION TO ALLOW THE LDS TEMPLE TO BE BUILT AT THE PROPOSED LOCATION BASED ON FEDERAL LAW (RLUIPA), THE UNITED STATES CONSTITUTION, TEXAS LAW (TRFRA), THE TEXAS CONSTITUTION, AND PREVIOUS TOWN OF FAIRVIEW ORDINANCES GRANTED THROUGH VALID CONDITIONAL USE PERMITS TO OTHER RELIGIOUS INSTITUTIONS IN THE PAST; HOWEVER, THE TOWN OF FAIRVIEW HAS AN OBLIGATION TO ENSURE THAT THE LDS TEMPLE ALONG WITH ANY FUTURE RELIGIOUS FACILITIES ARE NOT GRANTED ANY ORDINANCES THAT ARE MORE FAVORABLE OR LESS FAVORABLE THAN ANY OTHER ORDINANCE PREVIOUSLY GRANTED TO OTHER EXISTING RELIGIOUS INSTITUTIONS; AND

WHEREAS, IF THE TOWN OF FAIRVIEW GRANTS THE LDS TEMPLE MORE FAVORABLE ORDINANCES THAN THOSE GRANTED TO EXISTING RELIGIOUS INSTITUTIONS IN FAIRVIEW, THEN THOSE RELIGIOUS INSTITUTIONS MAY SUE THE TOWN OF FAIRVIEW IN FEDERAL COURT & TEXAS COURT. CONVERSELY, IF THE TOWN OF FAIRVIEW GRANTS THE LDS TEMPLE LESS FAVORABLE ORDINANCES THAN THOSE GRANTED TO EXISTING RELIGIOUS INSTITUTIONS IN FAIRVIEW, THEN THE LDS TEMPLE MAY SUE THE TOWN OF FAIRVIEW IN FEDERAL COURT & TEXAS COURT; AND

THEREFORE, IN AN EFFORT TO HELP THE TOWN OF FAIRVIEW AVOID UNNECESSARY AND COSTLY LITIGATION FROM ANY RELIGIOUS INSTITUTION (PAST, PRESENT AND FUTURE), WE THE RESIDENTS OF FAIRVIEW DEMAND THAT THE TOWN OF FAIRVIEW IMMEDIATELY PERFORM A COMPREHENSIVE PRECEDENT STUDY OF ALL PRIOR TOWN OF FAIRVIEW CONDITIONAL USE PERMITS AND ORDINANCES GRANTED TO ANY OTHER RELIGIOUS INSTITUTIONS AS A FINDING OF FACT TO ENSURE THAT THE LDS TEMPLE DOES NOT RECEIVE MORE FAVORABLE OR LESS FAVORABLE TREATMENT THAN ANY OTHER RELIGIOUS INSTITUTIONS.

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE



Memorandum *April 11, 2024*

TO: Planning and Zoning Commission
Julie Couch, Town Manager

FROM: Israel Roberts, AICP
Planning Manager

SUBJECT: **CONDITIONAL USE PERMIT FOR THE MCKINNEY LDS TEMPLE
(CASE #CUP2024-04)**

BACKGROUND: This is a request for approval of a Conditional Use Permit (CUP) for a religious facility. The 8.1-acre site is located on the north side of Stacy Road, west of Meandering Way and is zoned for the (RE-1) One-acre Ranch Estate District. Applicant: Tom Coppin, Kimley-Horn and Associates representing owners The Church of Jesus Christ of Latter-Day Saints.

Development along Stacy Road:

Along this section of Stacy Road, immediately to the west of this site is the Chase Oaks Church (2013) and the LDS Chapel (2013). The Twin Creeks Church of Christ owns the adjacent 5-acre parcel to the east, and is anticipated to submit for CUP consideration later this year.

STATUS OF ISSUE:

The project reflects the main ceremonial temple building, surrounding parking and landscaped grounds, and a remote building which provides mechanical and ground maintenance support. Included within this remote building is a small distribution center that provides ceremonial clothing for members attending the temple. This is a private function and is not open to the general public.

The main temple building is 45,375 Square Feet (SF) and consists of two above-ground floors and a partial basement. A 173'-8" spire will be located on the south end of the building. The combined grounds/distribution building will measure 5,042 SF and consist of a single-story structure, measuring 16' in height, with an exterior façade which compliments the main temple building.

The main temple structure is over 220' feet from the northern property line, far exceeding the 160' building setback that would typically be required in the CPDD area of town.

P:\- Planning Department\DEVELOPMENT FILES\CUP - SUP- TUP\2024\CUP2024-04 Temple\Staff Reports\McKinney LDS Temple.docx

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

A BRIEF OVERVIEW OF STATE LAW (TRFRA) & FEDERAL LAW (RLUIPA)

What is the 1999 Texas Religious Freedom Restoration Act (TRFRA)?

The TRFRA was passed in Texas in 1999 to ensure that Religious Institutions are not shown bias in the zoning process by any municipality (collectively a city, town, or municipality). The TRFRA “prohibits a government agency from substantially burdening a person’s free exercise of religion” unless the agency can prove the burden “is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest”. The TRFRA does not specifically define the term “substantial burden”, and the TRFRA essentially mirrors the Federal RLUIPA passed by Congress in 2000. For clarity, TRFRA SECTION § 110.010 states “a municipality has no less authority to adopt or apply laws and regulations concerning zoning, land use planning, traffic management, urban nuisance, or historic preservation than the authority of the municipality that existed under the laws as interpreted by Federal Courts” before the TRFRA or RLUIPA. In other words, the TRFRA did NOT stop the rights of any municipality from requiring Religious Institutions to receive a Conditional Use Permit (“CUP”) with precedent-based zoning restrictions in the form of a valid Ordinance, providing that all Religious Institutions in that municipality were held to the same precedent-based zoning standards where no Religious Institution was granted MORE FAVORABLE or LESS FAVORABLE Ordinances than any other Religious Institutions.

Primary Source: Christa E. Laneri, Texas Wesleyan Law Review, Rev 457 (2010)

What is the 2000 Federal Religious Land Use & Institutionalized Person’s Act (RLUIPA)?

The RLUIPA was passed by Congress in 2000. The land use provisions of the RLUIPA, 42 U.S.C. §§ 2000cc (et seq.), protect individuals, houses of worship, and other Religious Institutions from discrimination in zoning and landmarking laws. Religious assemblies, especially smaller or unfamiliar ones, may be illegally discriminated against on the face of zoning codes and in the highly individualized and discretionary processes of land use regulation. Zoning codes and landmarking laws may illegally exclude religious assemblies in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes. Or the zoning codes or landmarking laws may permit religious assemblies only with individualized permission from the zoning board or landmarking commissions, and zoning boards or landmarking commissions may use that authority in illegally discriminatory ways. To address concerns, RLUIPA prohibits zoning and landmarking laws that “substantially burden” the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest. This prohibition applies in any situation where: (i) the state or local government entity imposing the substantial burden receives federal funding; (ii) the substantial burden affects, or removal of the substantial burden would affect, interstate commerce; or (iii) the substantial burden arises from the state or local government's formal or informal procedures for making individualized assessments of a property's uses. Also, the United States Supreme Court has varied in its definition of “substantial burden” over the years, but more recently, it has stated a substantial religious burden was present “when the government put substantial pressure on an adherent to modify his behavior and to violate his beliefs”.

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

In addition, RLUIPA prohibits zoning and landmarking laws that:

- (1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions;
- (2) discriminate against any assemblies or institutions on the basis of religion or religious denomination;
- (3) totally exclude religious assemblies from a jurisdiction; or
- (4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

Primary Source: Civil Rights Division, US Department of Justice, [Justice.gov/crt/religious-land-use-and-institutionalized-persons-act](https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act), Website (Updated April 16, 2024)

Can any Religious Institution bring a claim under TRFRA or RLUIPA against a municipality?

Yes, but the burden is on the plaintiff to show that the government is “substantially burdening” their free exercise of religion. The Court will ask two questions. First, is the burdened activity “religious exercise”, and second, is the burden “substantial”? TRFRA defines “free exercise of religion” as “an act or refusal to act that is substantially motivated by sincere religious belief”. TRFRA explicitly does NOT define “substantial burden”. Since the TRFRA does not define “substantial burden”, Texas Courts have often looked to four definitions of “substantial burden” from a ruling by the Fifth Circuit called *Hicks v. Garner* (1995):

First, a burden is substantial when the believers demonstrate that the government’s conduct prevents them “from engaging in conduct or having a religious experience which the faith mandates. This interference must be more than an inconvenience; the burden must be substantial and an interference with a tenet or belief that is central to religious doctrine”.

Second, a burden exceeds the substantiality threshold when the government either compels conduct in contravention of the adherent’s belief or requires the adherent to refrain from conduct that is required by religious beliefs.

Third, government regulation must significantly inhibit or constrain conduct or expression that manifests some central tenet of a [person’s] ability to express adherence to his or her faith; or deny a [person] reasonable opportunities to engage in those activities that are fundamental to the [person’s] religion.

Fourth, the burden is substantial “where the state conditions receipt of an important benefit upon conduct proscribed by a religious faith, or where it denies such a benefit because of conduct mandated by religious belief, thereby putting substantial pressure on an adherent to modify his behavior and to violate his beliefs”.

Primary Source: Christa E. Laneri, Texas Wesleyan Law Review, Rev 457 (2010)

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

Based on TRFRA and RLUIPA and Legal Precedent, how should the Town of Fairview handle any zoning change application from any Religious Institution to build a Religious Facility?

It appears very clear that the Town of Fairview has not violated any TRFRA or RLUIPA provision as evidenced by the prior approval of multiple Religious Facility Conditional Use Permits on Residential RE-1 and RE-2 zoning. Therefore, the LDS Temple has the right to build a Religious Facility on the proposed RE-1 zoned property because it would place a “substantial burden” on the LDS Temple if it was not granted a Conditional Use Permit to build its Religious Facility on this RE-1 zoned property.

However, the Town of Fairview has the right to enforce zoning restrictions through Conditional Use Permits that are not MORE FAVORABLE or LESS FAVORABLE than those previously granted to other Religious Facilities for similar Residential RE-1 and RE-2 zoning.

For example, the LDS Temple cannot reasonably claim that any precedent-based restrictions to the LDS Temple Building Roof Height, Tower Feature Height and Lighting Plan are a “substantial burden” because (i) the Town of Fairview has consistently granted Conditional Use Permits to Religious Facilities with these types of restrictions, and (ii) the LDS Meetinghouse agreed to the restrictions placed upon its Building Roof Height (30'-0”) and Tower Feature Height (68'-0”), and (iii) many other LDS Temples already are built or under construction in Texas with much shorter Building Roof Heights, much shorter Tower Feature Heights, and reduced Lighting Plans located near McAllen, Lubbock, San Antonio, Austin, and Ft. Worth, and (iv) other Religious Facilities were forced to adopt the same zoning restrictions in the Town of Fairview, and (v) the LDS Temple Tower Feature is often labeled as an “unoccupied architectural embellishment” on LDS Temple plans similar to an attic, and it is clearly not a place for assembly and worship. For clarity, the LDS Temple has a right to have a Tower Feature (such as a Steeple/Spire/Bell Tower) on their Religious Facility because other Religious Facilities have been granted this right by the Town of Fairview. However, the LDS Temple does not appear to have any reasonable claim that using precedent to restrict the Maximum Tower Feature Height of this unoccupied architectural embellishment is a “substantial burden” nor is Tower Feature Height a pre-existing “central tenant” of their religious expression. Furthermore, the LDS Temple Application documents state in writing that the LDS Temple will adhere to zoning and restrictions enforced by the Town of Fairview including lighting, so it is clear that the LDS Temple already recognizes the legal right of the Town of Fairview to enact precedent-based zoning restrictions.

Let's be clear. Any Religious Institution (whether a church, chapel, synagogue, cathedral, mosque, temple, or any other building of worship) has the right to build a Religious Facility in the Town of Fairview on land zoned as Residential RE-1 and RE-2 based on zoning precedent. Therefore, the LDS Temple has the right to be built, but it does not have the right to receive MORE FAVORABLE zoning precedent than other Religious Institutions. If the LDS Temple is granted MORE FAVORABLE zoning precedent than other Religious Institutions, then those same Religious Institutions may file a claim against the Town of Fairview for violating RLUIPA, the United States Constitution, TRFRA, and the Texas Constitution. Conversely, if the LDS Temple is granted LESS FAVORABLE zoning precedent than other Religious Institutions, then the LDS Temple may file a claim against the Town of Fairview for violating RLUIPA, the United States Constitution, TRFRA, and the Texas Constitution.

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

TOWER FEATURE HEIGHT: 68'-0" MAX APPROVED PRECEDENT

What is the EASY solution to avoid litigation from either party?

The answer is simple. The LDS Temple should be granted the same valid and approved Town of Fairview zoning precedents already granted to other Religious Institutions in the Town of Fairview.

Not an inch more. Not an inch less. Precedents matter for decades into the future.

Precedent-based zoning restrictions placed on Religious Facilities are supported by numerous Federal & State Court Cases. The next step is for the Town of Fairview Planning Commission to more diligently perform its own **Comprehensive Precedent Study** to determine exactly what those precedents are down to the inch for Religious Institutions. These precedents can then be easily provided to any Religious Institution in the future to make it clear in the beginning the exact legal position of the Town of Fairview. For example, Prosper, Texas, does a professional job at providing clearly detailed and accurate lists of relevant precedents to interested parties.

Exhibit 1: What is the Town of Fairview's Tallest Tower Feature Height precedent for a Religious Facility as provided by Israel Roberts (Town Planner) on April 11, 2024?

Ordinance - Date	Religious Facility	Tower Feature Height
#2006-024 - 9/5/06	Creekwood UMC v1.0	Est 154'-0" (Rejected 9/5/06)
#2013-7-2B - 7/2/13	LDS Fairview Meetinghouse	Est 68'-0" (Approved 7/2/13)
#2006-007 - 3/7/06	Friendship Baptist Add-On	Est 65'-0" (Approved 3/7/06)
#2017-14 - 8/1/17	Creekwood UMC v2.0	Est 51'-0" (Approved 8/1/17)
#2014-47 - 12/2/14	Faith Church v1.0	Est 48'-0" (Approved 12/2/14)
#2019-11 - 7/8/19	Faith Church v2.0	Est 48'-0" (Approved) 7/8/19)

CONCLUSION: A MAXIMUM 68'-0" TOWER FEATURE HEIGHT IS THE TALLEST APPROVED HEIGHT FOUND SO FAR FOR A VALID CONDITIONAL USE PERMIT FOR A RELIGIOUS FACILITY.

THE 154' TOWER FEATURE HEIGHT WAS NOT APPROVED ON 9/5/06 EVEN THOUGH IT IS REFERENCED BY THE LDS TEMPLE IN THE DOCUMENT PROVIDED BY ISRAEL ROBERTS.

IF THE TOWN OF FAIRVIEW ALLOWS MORE THAN 68'-0" FOR THE LDS TEMPLE TOWER FEATURE HEIGHT, THEN THE LDS TEMPLE WOULD RECEIVE MORE FAVORABLE TREATMENT THAN ANY OTHER RELIGIOUS FACILITY IN THE TOWN OF FAIRVIEW WHICH WOULD LEAVE FAIRVIEW OPEN TO LITIGATION UNDER TRFRA AND RLUIPA FROM ALL OTHER EXISTING RELIGIOUS FACILITIES (INCLUDING THE LDS FAIRVIEW MEETINGHOUSE THAT WAS LIMITED TO 68'-0").

IF THE TOWN OF FAIRVIEW REQUIRES LESS THAN 68'-0" FOR THE LDS TEMPLE TOWER FEATURE HEIGHT, THEN THE LDS TEMPLE WOULD RECEIVE LESS FAVORABLE TREATMENT THAN ANY OTHER RELIGIOUS FACILITY IN THE TOWN OF FAIRVIEW WHICH WOULD LEAVE THE TOWN OF FAIRVIEW OPEN TO LITIGATION UNDER TRFRA AND RLUIPA FROM THE LDS TEMPLE.

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

Exhibit 2: What are the precedents that the LDS Temple is using to justify their request for a 173'-8" Tower Feature Height in the document provided by Israel Roberts on April 11, 2024?

Project	Date	Height	Feature Height
LDS Temple (proposed)		42' mechanical level 56' upper roof 65' bottom steeple	107' top steeple 173'-8" top spire
Faith Anglican Church	2019	39'	48' bell tower
LDS Chapel	2013	30'	68' spire
Chase Oaks Church	2013	42'	
Creekwood UMC	2006	38'	154' bell tower
redesign	2017		51' spire
Fairview Water Towers		140' – 150'	
Radio Tower on HWY 5		163'	
Town Hall		64'	

Let's now examine the LDS Temple request for a 173'-8" tall Tower Feature (Steeple/Spire).

The tallest Tower Feature Height submitted as precedent by the LDS Temple to justify their request for a 173'-8" Tower Feature Height is the 2006 precedent for Creekwood United Methodist Church (Creekwood UMC) implying that a 154' tall bell Tower Feature was approved by the Town of Fairview. This one precedent is the primary basis the LDS Temple is using in their application to justify their "right" to build a Tower Feature of similar or MORE FAVORABLE height.

What is the status of each of the Ordinances referenced by the LDS Temple?

LDS Application

Proposed
Proposed

Religious Facility

LDS Temple (Steeple/Spire)
LDS Temple (Steeple Only)

Tower Feature Height

173'-8" (Pending Hearing)
107'-0" (Pending Hearing)

Ordinance - Date

#2006-024 - 9/5/06
#2013-7-2B - 7/2/13
#2017-14 - 8/1/17
#2019-11 - 7/8/19

Religious Facility

Creekwood UMC (v.1 Bell Tower)
LDS Fairview (Steeple/Spire)
Creekwood UMC (v.2 Bell Tower)
Faith Church (v.2 Bell Tower)
Fairview Water Towers
Hwy 5 Radio Tower
Fairview Town Hall

Tower Feature Height

Est 154'-0" (Rejected 9/5/06)
Est 68'-0" (Approved 7/2/13)
Est 51'-0" (Approved 8/1/17)
Est 48'-0" (Approved 7/8/19)
Est 140'-150' (Not Applicable)
Est 163' (Not Applicable)
Est 64' (Commercial Zoning)

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

Exhibit 3: Let's examine Ordinance #2006-024 - 9/5/06 - Creekwood UMC v1.0

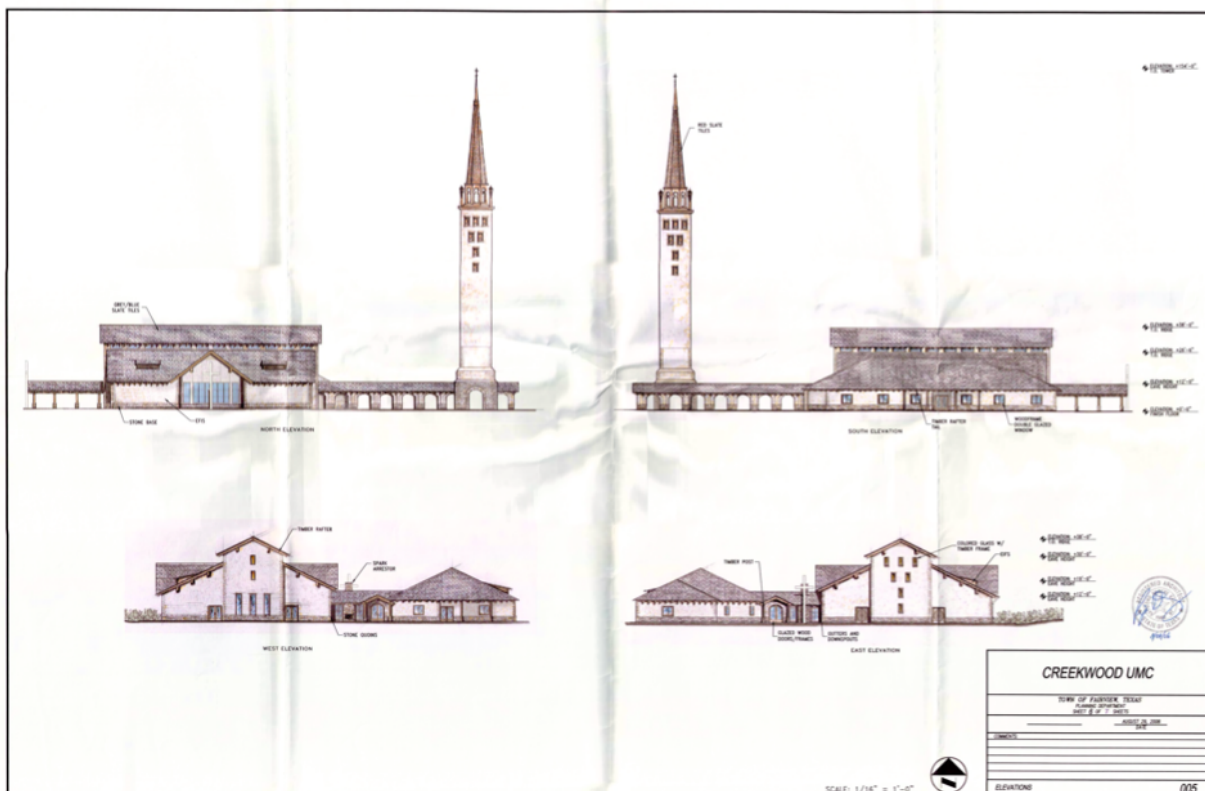
Requested - 154' Tall Tower Feature Height (REJECTED 9/5/06)

Requested - 38'-0" Building Roof Height (APPROVED 9/5/06)

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2006-024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, GRANTING A CONDITIONAL USE PERMIT FOR THE CREEKWOOD UNITED METHODIST CHURCH, CONSISTING OF 28.4 ACRES OF LAND, LOCATED AT THE SOUTHWEST CORNER OF STACY ROAD (FM 2786) AND COUNTRY CLUB ROAD (FM 1378), AND ZONED ONE-ACRE RANCH ESTATE ZONE (RE-1).



TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

THE TOWN OF FAIRVIEW DID NOT APPROVE THE TOWER FEATURE HEIGHT OF 154' SO THIS ORDINANCE CANNOT BE FAIRLY USED AS PRECEDENT TO JUSTIFY ANY TOWER FEATURE THIS TALL.

The following condition was set on Creekwood UMC on 9/5/06 in Ordinance #2006-024 - Exhibit "C"

The following shall be conditions of approval regarding the Conditional Use Permit for the Creekwood United Methodist Church:

1. The location and footprint of the bell tower is approved, with the height, noise, and sound system of the bell tower to be addressed at a later time in the development process before the planning and zoning commission;
2. Final review and approval of water utilities and fire hydrant location by the City of Allen;
3. Establishment of a developer's agreement regarding timing and payment of the 10' trail requirement;
4. All conditions subject to the administrative approval of the town staff, except the height, noise and sound system;
5. All conditions of approval must be stated as notes on the Site Development Plan, or as a separate sheet attachment.

8-29-06 Exhibit "C" CUP for Creekwood UMC

"The location and footprint of the bell tower is approved, with the height, noise, and sound system of the bell tower to be addressed at a later time in the development process before the planning and zoning commission".

Ordinance - Date	Religious Facility	Tower Feature Height
#2006-024 - 9/5/06	Creekwood UMC (v.1 Bell Tower)	Est 154'-0" (Rejected 9/5/06)
#2017-14 - 8/1/17	Creekwood UMC (v.1 Bell Tower)	Est 51'-0" (Approved 8/1/17)

Please note that the Tower Feature Height for Creekwood UMC was addressed at a later date through Ordinance #2017-14 with a Tower Feature Height of 51'-0" approved rather than the originally rejected number of 154'-0".

As a result, the 154' tall precedent from Creekwood UMC appears INVALID and SHOULD NOT be used. The right to have a Tower Feature was approved, but the height, noise and sound was not approved. Also, the 38'-0" Building Roof Height was approved, so based on this precedent, the LDS Temple has the right to demand at least 38'-0" Building Roof Height, and they have the right to demand the existence of a Tower Feature, but they do not appear to have a valid right to use the 154'-0" Tower Feature Height as precedent.

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

NONRELIGIOUS FACILITY PRECEDENTS

What about the 165'-0" Water Tower Height in Ordinance #2006-024 as justification for 154'-0" Bell Tower? What about Radio Antennas and the Fairview Town Hall as height precedents?

The original rationale for justifying the 154' tower request by Creekwood UMC was based on their reference to an existing local water tower height of 165'-0", and the Town of Fairview rejected this variance request. In other words, there is NO PRECEDENT for approval of a Conditional Use Permit based on a water tower feature height for any Religious Facility.



If you recall, the RLUIPA states that municipalities like the Town of Fairview must not treat churches or other religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions. The LDS Temple application references water towers, radio antennas and even Town Hall, so we must explore if rejecting these precedents causes a "substantial burden" on the LDS Temple. Based on many Federal & State Court Rulings, the Town of Fairview did not cause a "substantial burden" to be placed on Creekwood UMC when it rejected their Tower Feature Height that used a water tower as precedent. The reason why is that a water tower (and/or radio antenna) is not considered a "nonreligious assembly or institution", and as a result, the RLUIPA was not violated by limiting the Tower Feature Height. Water towers and radio antennas are for the safety and security of local residents and not valid gathering places for worship. Therefore, any reference by the LDS Temple to use water towers and radio antennas as precedent appears to be invalid.

Lastly, any reference to the 64'-0" height of the Fairview Town Hall as a precedent should also be invalid because that area is zoned for Commercial use and not Residential use.

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

WHAT CONSTITUTES A VALID PRECEDENT?

What about the lack of Signature and Town Seal on Creekwood UMC Ordinance #2006-024?

It is interesting to note, that the Ordinance regarding the 154' Tower Feature Height being REJECTED does not appear to be properly signed and sealed like all the other Ordinances referenced by the LDS Temple as precedent and supplied by Israel Roberts on April 11, 2024. In an early April meeting with the current Fairview Town Secretary, this lack of signature and seal from the 2006 Town Secretary in the Ordinance was addressed, and it was also discussed at that time with the Town Attorney, Clark McCoy. The Town of Fairview has a provision that automatically cures mistakes in any document (typically every three years), so missing signatures are not necessarily an issue.

declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. That this ordinance shall take effect upon passage and publication, and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, this 5th day of September, 2006.



Sim Israeloff, Mayor
Town of Fairview

ATTEST:

Carolyn Jones, Town Secretary

FYI, here is an example of what the other Ordinances look like on the signature page...


PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, this 7th day of March, 2006.





Sim Israeloff, Mayor
Town of Fairview

ATTEST:



Carolyn Jones, Town Secretary

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

Exhibit 4: Let's also examine Ordinance #2013-7-2B since it appears to be the tallest Tower Feature Height ever approved as precedent by the Town of Fairview for a Religious Facility.

Ordinance - Date	Religious Facility	Tower Feature Height
#2013-7-2B - 7/2/13	LDS Fairview Meetinghouse	Est 68'-0" (Approved 7/2/13)
#2006-007 - 3/7/06	Friendship Baptist Add-On	Est 65'-0" (Approved 3/7/06)
#2017-14 - 8/1/17	Creekwood UMC v2.0	Est 51'-0" (Approved 8/1/17)
#2014-47 - 12/2/14	Faith Church v1.0	Est 48'-0" (Approved 12/2/14)
#2019-11 - 7/8/19	Faith Church v2.0	Est 48'-0" (Approved) 7/8/19)

TOWN OF FAIRVIEW, TEXAS

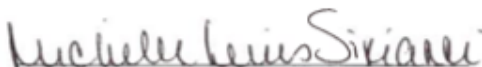
ORDINANCE NO. 2013-7-2B

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 14 (ZONING), AND THE ZONING MAP OF THE TOWN OF FAIRVIEW, TEXAS; GRANTING CONDITIONAL USE PERMIT (CU) ZONING FOR A RELIGIOUS INSTITUTION (CHURCH) ON A 5.818± ACRE PROPERTY THAT IS ZONED ONE-ACRE RANCH ESTATE (RE-1) AND IS GENERALLY LOCATED NORTH OF STACY ROAD AND 900 FEET WEST OF MEANDERING WAY; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, THIS 2ND DAY OF JULY, 2013.


Darion Culbertson Mayor
Town of Fairview

ATTEST:


Michelle Lewis Sirianni, Town Secretary

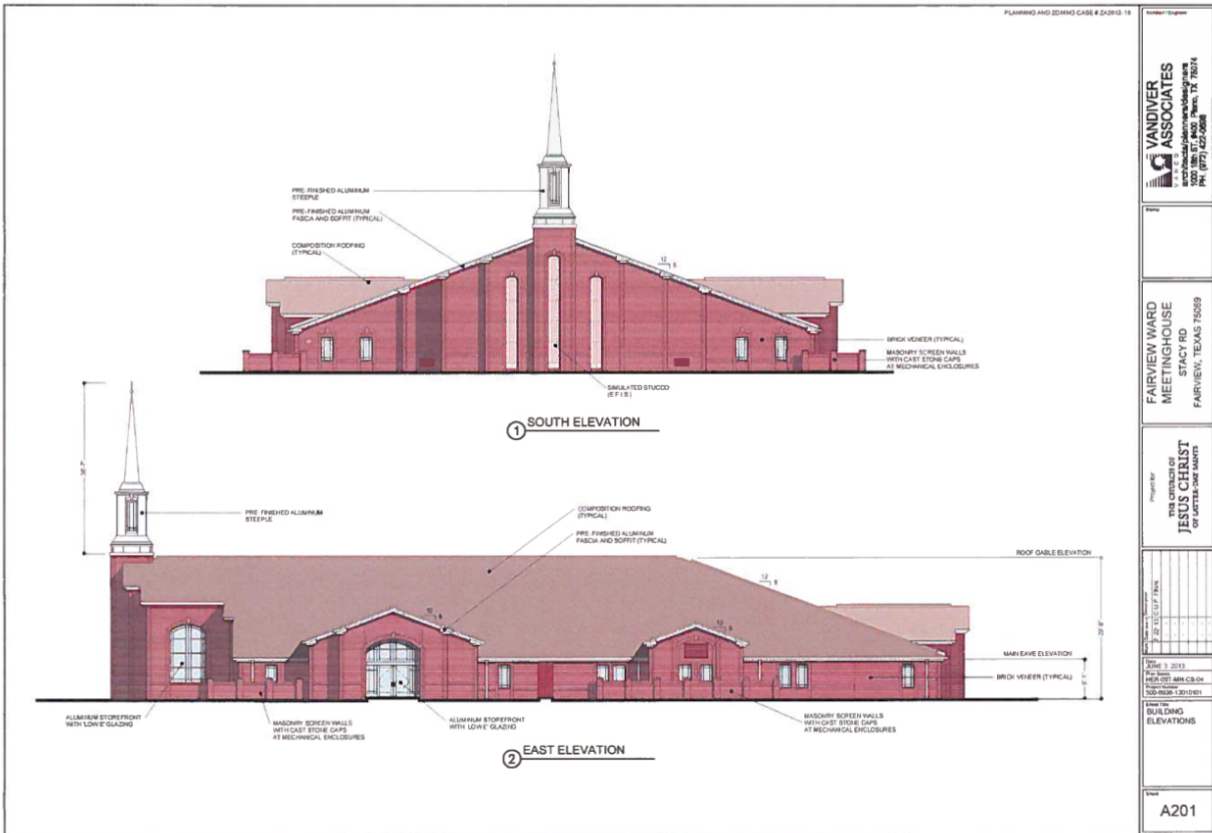


APPROVED AS TO FORM:


Clark McCoy, Town Attorney

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

The LDS Fairview Meetinghouse was approved on 7/02/13 with a 68'-0" Tower Feature Height consisting of a Steeple with a Spire on top. The Building Roof Height was approved at 30'-0".



- e. A traffic impact study shall be completed during the plat application process. The property owner shall implement the recommendations of the study for any appropriate and necessary mitigation measures such as deceleration or turn lanes, as approved by TxDOT;
- f. The subject property shall be developed in accordance with the Site Plan referenced as Exhibit "C" attached hereto and incorporated herein;
- g. The subject property shall be developed in accordance with the Facade Plan referenced as Exhibit "D" attached hereto and incorporated herein; and
- h. The subject property shall be developed in accordance with the Floor Plan referenced as Exhibit "E" attached hereto and incorporated herein.

CONCLUSION: A MAXIMUM 68'-0" TOWER FEATURE HEIGHT IS THE TALLEST APPROVED HEIGHT FOUND SO FAR FOR A VALID CONDITIONAL USE PERMIT FOR A RELIGIOUS FACILITY. THE LDS TEMPLE DESERVES TO BE GRANTED A TOWER FEATURE HEIGHT OF 68'-0".

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

BUILDING ROOF HEIGHT: 39'-10" MAX APPROVED PRECEDENT

Exhibit 5: What is the Town of Fairview's Tallest Building Roof Height precedent for a Religious Facility as provided by Israel Roberts (Town Planner) on April 11, 2024?

Ordinance - Date	Religious Facility	Building Roof Height
#2006-024 - 9/5/06	Creekwood UMC v1.0	Est 38'-0" (Approved 9/5/06)
#2013-7-2B - 7/2/13	LDS Fairview Meetinghouse	Est 30'-0" (Approved 7/2/13)
#2013-11-5A - 11/5/06	Chase Oaks Church Roof (Small Roof A/C Box - Never Built)	Est 38'-0" (Approved 7/2/13) Est 42'-0" (Approved 7/2/13)
#2006-007 - 3/7/06	Friendship Baptist Add-On	Est 35'-0" (Approved 3/7/06)
#2017-14 - 8/1/17	Creekwood UMC v2.0	Est 38'-0" (Approved 8/1/17)
#2014-47 - 12/2/14	Faith Church v1.0	Est 39'-10 (Approved 12/2/14)
#2019-11 - 7/8/19	Faith Church v2.0 (24'-0" Built)	Est 39'-10" (Approved) 7/8/19)

Exhibit 6: What are the precedents that the LDS Temple is using to justify their request for a 65'-0" Building Roof Height in the document provided by Israel Roberts on April 11, 2024?

Project	Date	Height	Feature Height
LDS Temple (proposed)		42' mechanical level 56' upper roof 65' bottom steeple	107' top steeple 173'-8" top spire
Faith Anglican Church	2019	39'	48' bell tower
LDS Chapel	2013	30'	68' spire
Chase Oaks Church	2013	42'	
Creekwood UMC	2006	38'	154' bell tower
redesign	2017		51' spire
Fairview Water Towers		140' – 150'	
Radio Tower on HWY 5		163'	
Town Hall		64'	

Let's now examine the LDS Temple request for a 42'-0" Mechanical Roof Level, a 56'-0" Upper Roof Level, and a 65'-0" Bottom Steeple Roof Level.

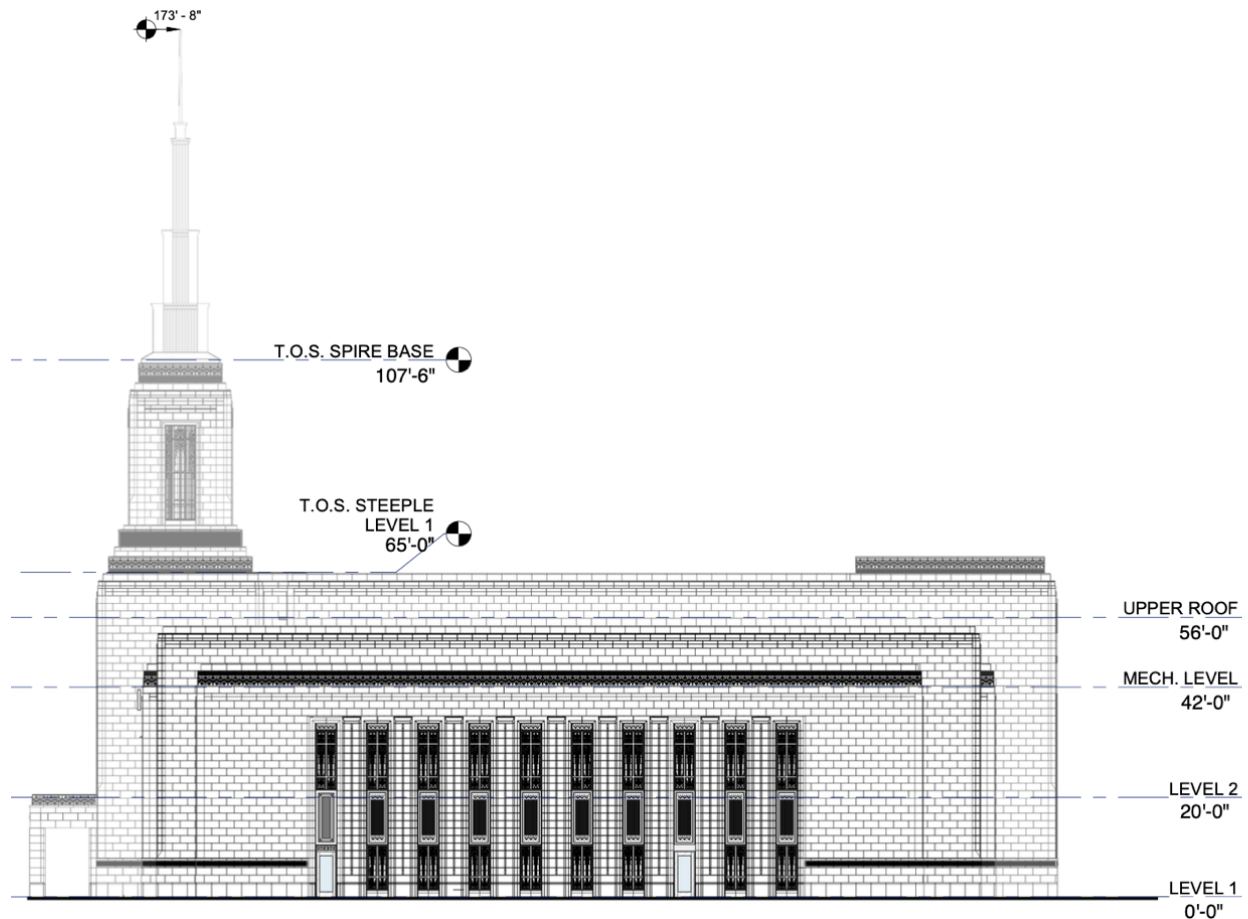
First and foremost, the LDS Temple Application is confusing regarding the Building Roof Heights they are suggesting for their Religious Facility. Clearly the proposed building has a roof peak that spans from one end to the other that is 65'-0" tall. Let's take a closer look at their elevation plans and research some of the other LDS Temples that are generally similar in design and height to the proposed LDS Temple located in the Town of Fairview.

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

The proposed LDS Temple clearly has a 65'-0" Building Roof Peak.

The elevations appear to be labeled in a confusing manner. Let's be clear, the Building Roof Height is 65'-0" tall, and the tallest Building Roof Height precedent ever granted for a Religious Facility by the Town of Fairview appears to be 39'-10" granted to Faith Anglican Church (even though they only built their structure 24'-0" tall after listening to concerns of local residents).

Regardless, it is reasonable for the LDS Temple to receive a Conditional Use Permit that allows the Religious Facility to have a Building Roof Peak is 39'-10" based on valid precedent.



We the residents of Fairview DEMAND a FINDING OF FACT that the TOWN OF FAIRVIEW determines the valid Building Roof Height of 65'-0" versus the LDS Temple Application elevations that imply the 65'-0" Building Roof Height is simply the "Bottom of the Steeple" and not an actual Building Roof Height. Their plans suggest the "roof" is 42'-0" and/or 56'-0".

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

Let's look at the structural steel construction of similar LDS Temples to determine whether or not the 65'-0" tall roof plate (called the "Bottom of the Steeple") that spans from front to back of the building is part of the Building Roof Height or just a Steeple base...

These construction photo from similar LDS Temples show an estimated 65'-0" Building Roof Height spanning from one end to the other with a SEPARATE structural steel base for the steeple. In fact, you can even see a staircase structure going up to the top level indicating three stories rather than two stories. Clearly the proposed LDS Temple has a 65'-0" Building Roof Height.



TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

More construction photos...

Once again, it is clear from this construction photo of an LDS Temple that the so called "Bottom of the Steeple" actually spans the entire roof line which means it should be treated as the Building Roof Height of 65'-0" which vastly exceeds the 39'-10" Building Roof Height precedent established by the Town of Fairview for Religious Facilities. Also, a study of the floorplans and elevations shows that for Fire Safety, these "roof levels" often have fire ladders which indicates they are "Roof" and not simply the "Bottom of the Steeple" as referenced in the proposed LDS Temple architectural elevations.

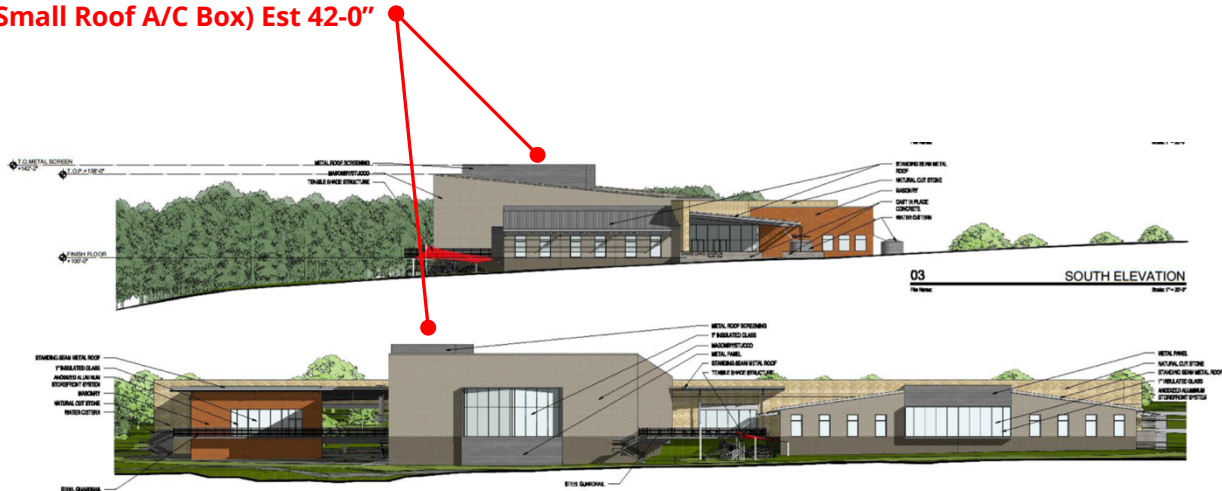


TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

Exhibit 7: Let's examine the actual Chase Oaks Church Building Roof Height of 38'-0" versus the 42'-0" number referenced by the LDS Temple Application as a precedent.

Ordinance ##2013-11-5A
Chase Oaks Church Roof
Est 38'-0" (Approved 7/2/13)

(Small Roof A/C Box) Est 42'-0"



It is clear from the architectural elevations for Chase Oaks Church that the 38'-0" Building Roof Height approved by the Town of Fairview represents the vast majority of the Building Roof Height. Chase Oaks was also granted a 42'-0" Height for the small A/C concealment box covering less than 10% of the total Building Roof Height.

Chase Oaks Church never ended up building the 42'-0" A/C concealment box, and it adhered to the 38'-0" Building Roof Height granted by the Ordinance #2013-11-5A.

Therefore the 42'-0" Building Roof Height for A/C concealment is valid precedent if used to approve 10% or less of the total Building Roof Height of the LDS Temple to remain consistent with the Conditional Use Permit granted to Chase Oaks Church.



TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

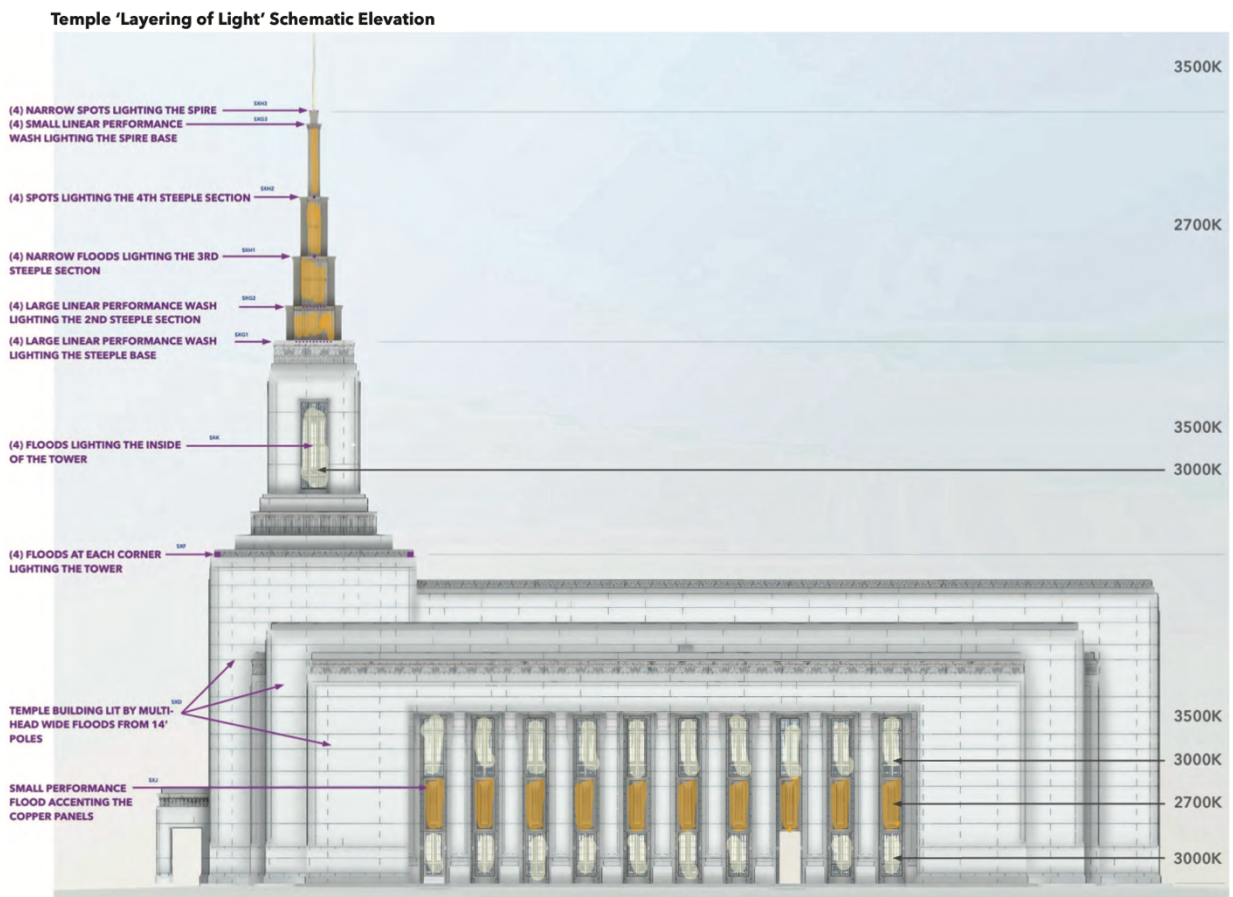
LIGHTING PLAN – MUST ADHERE TO DARK SKY POLICY

What about the dark sky policy of the Town of Fairview relative to the requested lighting plan of the LDS Temple?

In a face-to-face meeting in early April with James Chancellor, Town Engineer, he indicated that the initial lighting plan for the LDS Temple was rejected because it did not meet the dark sky policies. Article 3.14 “Outdoor Lighting” is the regulation for determining lighting plans in the Town of Fairview. It requires outdoor lighting to be **“FULL CUT-OFF LUMINAIRES WITH THE LIGHT SOURCE DOWNCAST AND FULLY SHIELDED WITH NO LIGHT EMITTED ABOVE THE HORIZONTAL PLANE”**.

The maximum number of compliant lumens cannot exceed 50,000, and the maximum number of non-compliant lumens cannot exceed 10,000. Accent lighting of the Tower Feature or Building **MUST CAPTURE ALL THE LIGHT**. Parking lot lights must be 20’ tall or less with downlighting.

Here is the proposed lighting plan for the LDS Temple...



TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

The LDS Temple says in their Conditional Use Permit application that “Site lighting will comply with the Town of Fairview’s lighting ordinances and restrictions”. See below:



Page 4

Lighting

Site lighting will comply with the Town of Fairview’s lighting ordinance and restrictions. Site lighting will consist of both parking lot and building lighting intended to enhance the exterior façade of the temple and its grounds while maintaining safety and functionality of the parking lot and exterior grounds. Parking lot lighting will be shielded to avoid light trespass to neighboring properties. Building lighting will be directed at the building surfaces. Exterior lighting levels will extend one hour before and one hour after the temple hours of operation and will then dim to code minimum for security purposes.

This statement about complying with Town of Fairview ordinances and restrictions is evidence that the LDS Temple supports and believes that the Town of Fairview has the RIGHT to place zoning restrictions on a Religious Facility.

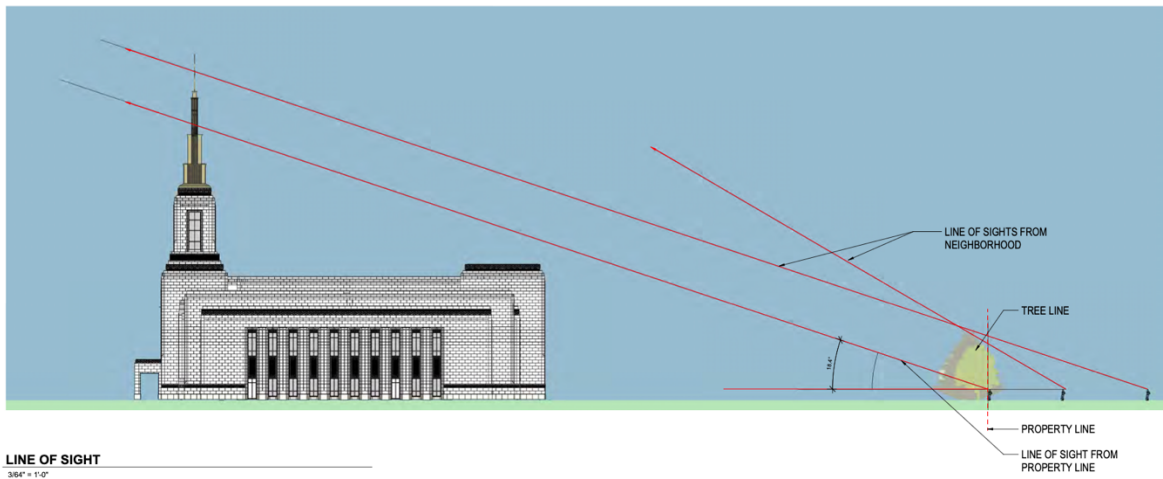
The vast majority of LDS Temples are extremely well-lit from top to bottom. Any cursory review of LDS Temple photos will show the brightness of their typical lighting plans.

LDS Temple Lighting Example...



TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

What is the LDS Temple Line of Sight proposal?



What would the LDS Temple look like from Forest Oaks next door?



Google Street View 650 Forest Oaks Showing the LDS Meetinghouse.



Google Street View Showing the Potential Scaled View of the Proposed LDS Temple.

We the residents of Fairview DEMAND that the TOWN OF FAIRVIEW does not allow any light pollution into the night sky in conflict with the provisions of dark sky policy. Additionally, we DEMAND the creation of a detailed light-dimming plan presented to the public before the next hearing that is clearly defined with no ambiguity.

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

TRAFFIC STUDIES

What about Traffic Congestion along Stacy Road and Meandering Way?

The LDS Temple has submitted a detailed 124-page analysis of increased traffic from their preferred vendor Kimley Horn. Essentially, they are suggesting traffic will not be a problem because the visitors will be scheduled to arrive throughout the day. Also, the LDS Temple is not open on Sundays.

Traffic studies are difficult to overturn unless the public pays for an alternative study. A shorter LDS Temple would by default cut down on traffic because it would likely have 2 Instruction Rooms rather than 4 Instruction Rooms. Thus, less traffic would flow through the LDS Temple. Incidentally, the majority of LDS Temples in Texas only have 2 Instruction Rooms each so any reduction in Instruction Rooms does not place a "substantial burden" on the LDS Temple.

Here is the cover page of the traffic study...

TECHNICAL MEMORANDUM

To: James Chancellor, P.E.
Town Engineer
Town of Fairview, Texas

From: Pete Kelly, P.E.
Kimley-Horn and Associates, Inc.
Registered Firm #928
Kimley-Horn Project #061275909

Date: March 6, 2024

Subject: McKinney Temple Traffic Engineering Study
Fairview, Texas



Executive Summary

This study contains an evaluation of the proposed Church of Jesus of Latter-Day Saints Temple, located at the northeast corner of the intersection of Stacy Road and River Oaks Drive in the Town of Fairview, Texas. The Temple is anticipated to build out in the year 2026. Two (2) full access points are proposed to be provided to the development. Drive 1 is an existing driveway which currently provides access to a church building also owned by the Church of Jesus Christ of Latter-day Saints. Drive 1 will function as a shared driveway for both the church building and the Temple. Drive 2 is a proposed driveway just east of Drive 1 along Stacy Road and is proposed to provide right-in/right-out access only. The focus of this memo is to determine trip generation, trip assignment, auxiliary lane analysis, driveway spacing analysis, and verify adequate sight distance. A previously completed Due Diligence study is included in the Appendix of this memo for reference.

Based on our review of the proposed development, we offer the following conclusions and recommendations:

- The site is anticipated to generate 64 total trips in the AM peak hour and 74 total trips in the PM peak hour.
- No auxiliary lanes are warranted at the proposed site drives.
- A 135-foot variance to the minimum access spacing criteria is recommended to be granted for Drive 2 due to no auxiliary lanes being warranted and the drive operating with right-in/right-out configuration and low volumes.
- Drive 2 along Stacy Road will provide adequate sight distance for right-turns from stop.

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

PROPERTY VALUES

What about increases or decreases in property values for homes adjacent to an LDS Temple?

The Foundation for Apologetic Information & Research (FAIR) is a pro-LDS group that wrote a document many years ago suggesting that an LDS Temple will likely increase property values in the area. This study is often the basis for LDS officials stating that LDS Temples help increase property values. This claim is certainly true in some areas, and of course, the opposite is true in other areas.

Many people have refuted the claims made by FAIR as biased, and several more comprehensive and objective studies from non-LDS sources have been done over the years that typically show the introduction of an LDS Temple into a community doesn't help or harm property values on a broader basis. Of course, the properties directly adjacent to any large LDS Temple would often attest to a negative impact on their property values unless they lived in a high-density LDS community.

THE IMPACT OF LDS TEMPLES ON LOCAL PROPERTY VALUES

by Steven J. Danderson

Opponents of temples of the Church of Jesus Christ of Latter-day Saints claim that by drawing tourists and traffic into residential neighborhoods, they cause local homes to lose value. Others admit that churches, by themselves, do not detract from local property values, but claim that the large size and the ornate nature of temples is the detriment. This paper tests both contentions by using a regression analysis on a sample of 207 properties taken from three U.S. cities where the Church of Jesus Christ of Latter-day Saints have built temples.

BACKGROUND

In July of 2001, Sally Braid announced that she was selling her home after hearing from Belmont, Massachusetts resident Charles Counselman that the Boston Temple of the Church of Jesus Christ of Latter-day Saints caused local homes to become "unmarketable," by drawing traffic jams of "Mormon tourists" into surrounding residential neighborhoods.¹

Counselman was one of the plaintiffs involved in a lawsuit against the Church of Jesus Christ of Latter-day Saints to prevent construction of the Boston Temple, or at least the steeple that tops it. The theory is that such a large structure not only draws the faithful, but also curious onlookers into an area that had been zoned for residences only. The increased traffic (so the theory goes) deprives the neighbors of their property of peace and quiet, as reflected in the value of their homes.²

How sound is that theory? In 1991, residents of Windermere, Florida filed suit to prevent construction of the Orlando Temple using the same theory. However, the expected traffic volume did not appear. Daily attendance at the Orlando Temple averages 600 or less.³ It is hard to substantiate a charge that high traffic volume is detrimental to local property values if there is no high traffic volume.

Perhaps there is another factor involved in concerns that LDS temples impose costs on the local community. Historically, secular governments support official churches in their respective nations, but the first amendment of the U.S. Constitution makes this illegal in the United States.

This was especially true in ancient Israel. King Solomon erected a temple to the Lord, which was quite ornate and lavishly furnished.⁴ This was quite costly to the people of Israel, though. Solomon's own son likened the tax structure imposed to build the temple to the sting of whips.⁶

Since the Church of Jesus Christ of Latter-day Saints base their temples on those of ancient Israel,⁵ it is perhaps natural to assume that the whole community would bear the costs of temple building, as did ancient Israel. However, the costs of LDS temples in Boston and elsewhere differ from those of ancient Israelite temples in that the costs are wholly borne by the LDS minority; not by the greater community. Indeed, it may be argued that there are not enough LDS temples, as the benefits are diffuse throughout the community, while the costs, which are less than the total benefits, are wholly borne by members of The Church of Jesus Christ of Latter-day Saints.

But what if Counselman and other opponents of the temple are only wrong in the supporting theory, but right in their conclusion that the temple is harmful to local property values? Does the temple make local homes unmarketable?



METHODOLOGY

How does one test such the claim that LDS temples lower local property values? Damodar N. Gujarati of West Point Academy provides us with a general model for exploring economic theories:

The Foundation for Apologetic Information & Research

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

2024 RESIDENT SURVEY

Why did the Town of Fairview spend thousands on a survey of 900+ residents in early 2024 if it isn't going to listen to the results of the survey?

Here are the top 20 most important concerns of Fairview Residents as published for the Town of Fairview in early 2024 by OnPointe Insights. Often, these types of surveys can cost \$15,000 or more. Hopefully, this survey was money well spent by our Town Officials to help guide their decisions.

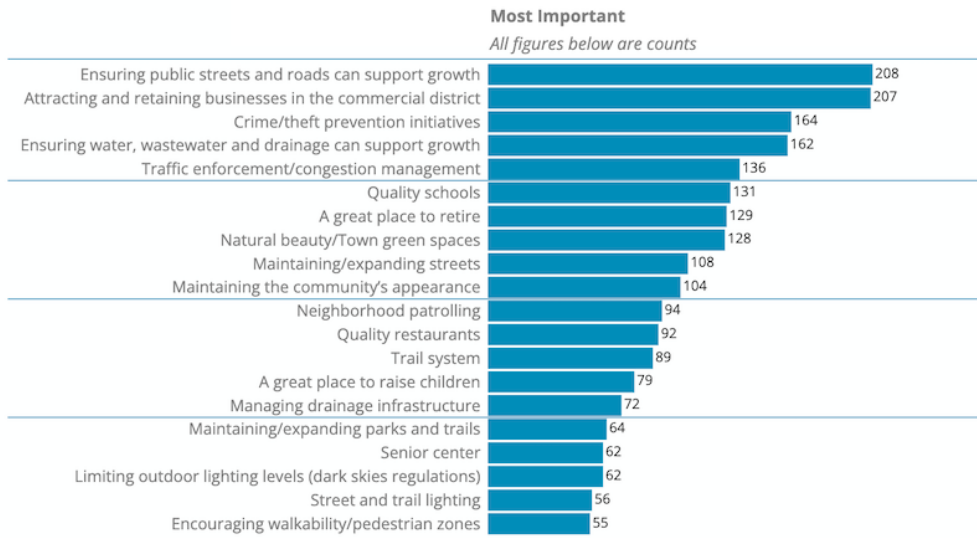
- #1 – Ensuring public streets and roads can support growth
- #8 – Natural beauty/Town green spaces
- #10 – Maintaining the community's appearance
- #13 - Trail system
- #15 – Managing drainage infrastructure
- #16 – Maintaining/expanding parks and trails
- #18 – Limiting outdoor lighting levels (dark skies regulations)

You can find the entire survey on the Town of Fairview Website...

(Top 20) Importance

Fairview:

From the list of your MOST important priorities (determined in the five main question groups), which 3 are most important do you?



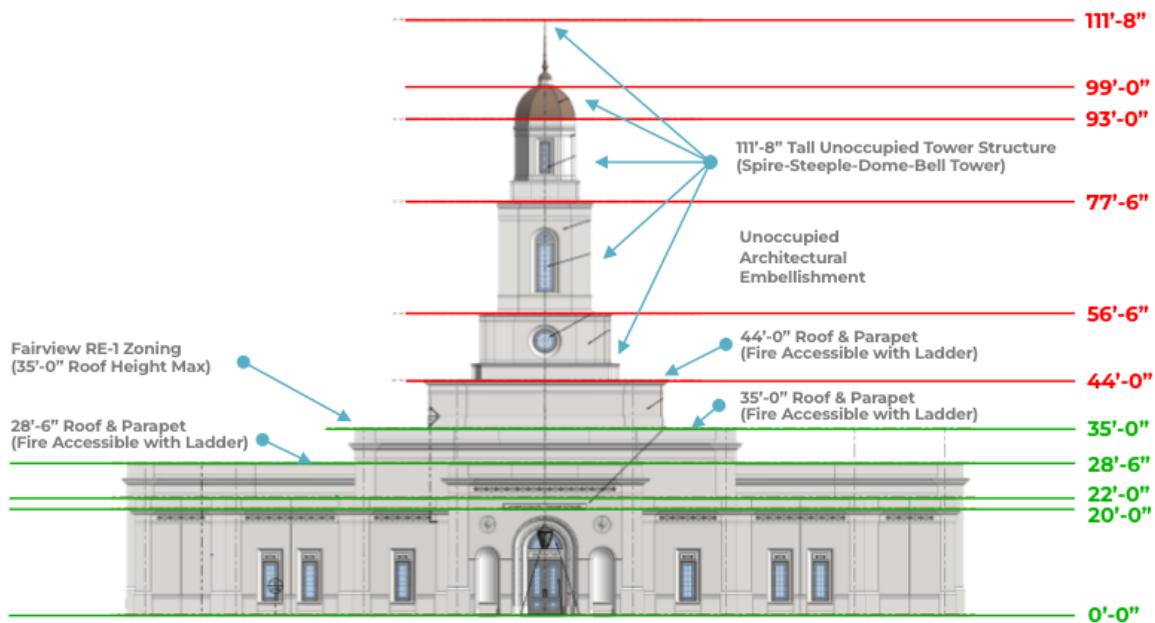
TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

ARE THERE SHORTER LDS TEMPLE OPTIONS?

Yes, there are many LDS Temples in Texas and surrounding States that are able to meet the zoning restrictions with no “substantial burden” placed on the LDS Temple.

Let’s start by looking at the Bentonville Arkansas LDS Temple that is very similar to LDS Temples in Texas cities such as McAllen, Austin, and Ft. Worth. And these plans are also somewhat similar to even smaller LDS Temples which are in Lubbock, San Antonio, Oklahoma City, and Baton Rouge.

Example: Bentonville LDS Temple Elevation



BUILDING ROOF HEIGHT:

This design would nearly meet the Town of Fairview zoning restrictions. Since the highest approved precedent for a Religious Facility appears to be 39'-10" for the Building Roof Peak, everything in green above might immediately qualify for a Conditional Use Permit since it is already below 39'-10".

BUILDING ROOF HEIGHT (10% COVERAGE TOWER BASE)

Since the highest approved precedent for a Religious Facility for a small portion of the total roof appears to be 42'-0" for the Building Roof Peak (10% Coverage Tower Base), If the 44'-0" Tower Base Roof Parapet is lowered by two feet to 42'-0", it might meet zoning requirements. Or it could be lowered to 39'-10" to meet precedent.

TOWER FEATURE HEIGHT

Since the highest approved precedent for a Religious Facility appears to be 68'-0" for Tower Feature Height, everything that is greater than 68'-0" tall would need to be reduced to meet current precedent. There are many different heights, sizes and types of Tower Features on LDS Temples.

TOWN OF FAIRVIEW - PROPOSED LDS TEMPLE

UNOCCUPIED ARCHITECTURAL EMBELLISHMENT (“TOWER FEATURE”)

Typically, the architectural plans for an LDS Temple call the Tower Feature an “Unoccupied Architectural Embellishment”. A study of structural steel construction photos of this type of LDS Temple shows that it is easy to lower the Tower Feature Height to meet local zoning restrictions because it consists of an unoccupied structural shell. As a result, no actual assemblies or worship services would be held in the Tower Feature. It is essentially an empty box under a Tower Feature.

Bentonville LDS Temple Construction Photos

