

## **Temple Approval**

On April 29, 2009, Beus Gilbert PLLC—the law firm representing the Church on the zoning for the Phoenix Arizona Temple site—submitted its initial application on behalf of the Church to the City of Phoenix to rezone an 8.94-acre site on Pinnacle Peak Road from Single-Family Residential to Planned Unit Development to allow for the height of the temple. The acreage includes an existing meetinghouse, a bare lot, and the unlandscaped portions of two residences north of the bare lot.<sup>1</sup> According to Maricopa County records, the Church purchased the bare lot in September 2000 and the adjacent meetinghouse lot in October 2002. Later, it acquired the two residences directly north of the bare lot at 5207 and 5217 W. Creedance Blvd., one in August 2008, and the other in March 2009. Together, these parcels create an 8.94-acre "L"-shaped site with 4.2 acres already occupied by the meetinghouse.

As part of the rezoning process, the first neighborhood meeting was held in early June 2009 at the meetinghouse adjoining the temple site. Representatives of the Church met with neighbors to present information on the project—including a rendition of the proposed site design—and to answer questions and resolve concerns.



On July 20, 2009, Beus Gilbert PLLC delivered its second submittal of the rezoning request for the temple—to be located in the Phoenix urban village of Deer Valley—pursuant to review by Deer Valley Village Planner, Kelly P. Walker. Mr. Walker made numerous editorial requests to the first submittal including wording changes and omissions, more detailed explanations, and more specific limits. The revised application included updated commentary, data, maps, photographs, and renderings of the project.<sup>2</sup>

On September 14, 2009, over 200 residents gathered for a second neighborhood meeting to discuss the proposal for the temple. Some of those in opposition expressed concern over the height, color, and lighting of the 126-foot building, saying it would disrupt their quality of life because of the light pollution and blocked mountain views. Others said the temple is out of place in the neighborhood and of no benefit to those who do not belong to the Church. Supporters pointed out the benefit of improving the community

and increasing property values. One resident expressed his support for developing the empty lot, which he called a "dumping ground," into a beautifully landscaped and softly lit worship facility. Phoenix Councilwoman Thelda Williams noted that not having the building period was not an option, encouraging residents to give constructive input.<sup>3</sup>

On September 17, 2009, Paul Gilbert of Beus Gilbert PLLC gave a presentation to the public on the rezoning request for the temple at the Deer Valley Village Planning Committee meeting. Because the presentation was for information only—in anticipation of the next meeting where the proposal would be formally considered—no committee action was taken and no public comment was heard.<sup>4</sup>

On September 25, 2009, Councilwoman Thelda Williams, who represented north Phoenix, said at her monthly breakfast meeting that there was little she could do to stop the Phoenix Arizona Temple from being built. "A temple is a church, and a church can go in any zone. It has a right to be there," she said. Referring to the Church's rezoning proposal, she added, "I fully expect the council to pass the proposal in some form." Williams served as mediator between the Church and neighbors.<sup>5</sup>

On Thursday, October 15, 2009, the Deer Valley Village Planning Committee formally heard the request by Paul Gilbert to rezone the site of the Phoenix Arizona Temple and an existing adjacent meetinghouse from residential to planned unit development, which would permit an increase in the building height limit from 30 feet to 48 feet on that parcel. Numerous supporters and opponents crowded into the meeting, which resulted in a lengthy and sometimes passionate debate. Because residents had voiced concern over lighting a white building, the Church made a concession by choosing an earth-tone exterior concrete, which was on display at the meeting. In the end, the Committee voted 6 to 5 to recommend rezoning.<sup>6</sup>

On Tuesday, November 3, 2009, a staff report addendum was produced clarifying that the actual building height needed was only 40 feet, not 48 feet as previously recorded. Also included in the addendum were a series of stipulations including a revised Traffic Impact Study, dedication of 32 feet of right-of-way for half-street roadway improvements, a Multi Use Recreational Trail Easement, one streetlight, improvements to Pinnacle Peak Road, and

landscaping and irrigation in accordance with plans approved by the Development Services Department.<sup>7</sup>

On Tuesday, November 10, 2009, the Phoenix Planning Commission unanimously recommended that the City Council approve the rezoning application that would clear the way for construction of the temple. Paul Gilbert said, "I was very pleased with the fact that we got a unanimous vote from the planning commission." He added, "the planning commission did a very thorough job, gave everyone an opportunity to speak. I believe their recommendation will carry substantial weight before the city council."<sup>8</sup>

On Sunday, November 22, 2009, thirty people with picketing signs stood at the intersection where the temple-meetinghouse site is located to express their opposition to construction of the temple. Scott Anderson, a spokesperson for the Little Deer Valley Homeowners Association, said, "What it's about is a building that's incompatible with the neighborhood." Neighbors believe that for one, the temple will bring additional traffic that the area cannot handle. The protest came 10 days before the final vote and hearing by the City Council.<sup>9</sup>

On December 2, 2009, the Phoenix City Council unanimously approved rezoning with stipulations, which would allow the Church to construct the temple at 40 feet high—10 feet higher than the limit established for surrounding residences—with an 86-foot spire, which is a height unregulated by zoning laws. The issue was not completely settled, however. A group of opposing neighbors said they would not give up in bringing the issue directly to the voters. City leaders said the group must gather 9,798 legitimate Phoenix-voter petition signatures within 30 days to bring the issue to a September 6, 2011, ballot. Supporters, on the other hand, were eager to begin construction. Church representative Paul Gilbert said, "We're going to make every effort to make peace with the neighbors," noting that several concessions had already been made including turning off the lighting at 10:00 p.m. and changing the color of the exterior.<sup>10</sup>

On December 31, 2009, the Phoenix Property Rights Coalition delivered over 16,000 signatures to the City of Phoenix to overturn the City Council's decision of December 2. On January 4, 2010, Church officials publicly expressed their desire to work with the coalition to bring about a peaceful resolution. The Church also indicated that it would not move the temple to

another location; rather, as Paul Gilbert stated, "We want to show the neighbors that we can be a good neighbor."<sup>11</sup>

On January 26, 2010, two weeks after a meeting with the Phoenix Property Rights Coalition, Church officials announced that the Phoenix Arizona Temple would be redesigned to comply with the residential zoning building height limit of 30 feet, eliminating the need to rezone the property. The redesign was expected to take 8 to 12 months. Church spokesman, Len Greer, said he hoped neighbors would be pleased with the new design, noting that temples are valuable assets to a neighborhood with their peaceful atmosphere and beautiful grounds, often increasing property values.<sup>12</sup>

On February 2, 2010, the Phoenix City Council rescinded its decision of December 2, in response to the Church's withdrawal of its rezoning application. Rezoning became a moot point when the Church announced its intention to redesign the building to comply with the existing residential zoning requirements.<sup>13</sup>

On August 17, 2010, the modified plan for the Phoenix Arizona Temple was revealed at a special neighborhood meeting. "We want the neighbors to understand that their concerns were considered as the new design was drawn up," said Church spokesman Jennifer Wheeler. The temple was redesigned from scratch, turning the two-story building into a single-story building with a full basement. Wheeler notes that the temple complies with all zoning requirements including height, lighting, setbacks, and parking (nearly 400 spaces). No visitors' center will operate on the grounds, no pageant will be held, and no Christmas lights will be hung.<sup>14</sup>

On November 30, 2010, the City of Phoenix Planning and Development Services Department approved the preliminary site plan for the Phoenix Arizona Temple, which meets all zoning requirements including set-backs, height, lighting, landscaping, and parking.

On January 13, 2011, a City of Phoenix zoning adjustment hearing officer heard two formal determination requests, submitted by legally represented neighbors of the temple, as it pertains to a variety of questions related to the city ordinance that regulates parking for places of worship and public assembly. The attorney for the Church, Paul Gilbert, underscored that the Church's plans for 394 spaces was more than ample parking for the temple.<sup>15</sup>

On January 29, 2011, opponents expressed their dissatisfaction with the "The Temple of 'Ill Will'" by erecting a wall of protest signatures, inflating a 27-foot gorilla, and floating a helium-filled balloon to represent the height of the spire. They opposed the size and height of the building and expressed concerns over traffic and night-time lighting. The Church responded saying, "This new design, which was shared with neighbors in August 2010, complies with all zoning requirements including building height, set-backs, landscaped open spaces, parking places, and lighting. This design balances the needs of the church and the desires of the neighborhood." The Church is committed to being a good neighbor and to beautifying the community.<sup>16</sup>

Protests are expected to continue, however. "We are going to keep protesting," said neighborhood organizer Scott Anderson. "Even if they go forward with building the temple, we will protest the groundbreaking, dedication ceremonies and any and every event that comes. We have neighbors who want to chain themselves to the bulldozer. We will ensure that the temple remains a sore spot with them and an example of what happens when they do not respect the concerns of the surrounding neighborhood."<sup>17</sup>

On February 2, 2011, the Maricopa County Air Quality Department issued a dust control permit in preparation for construction of the temple.

On February 28, 2011, a determination was rendered by City of Phoenix Zoning Adjustment Hearing Officer, Ray Jacobs, regarding an appeal of the required number of parking spaces for the Phoenix Arizona Temple. Jacobs upheld the number and the basis for arriving at that number but did ask the Church to add three spaces since the City calculated less pew space than the Church. The Church agreed to the additional spaces.<sup>18</sup>

On March 11, 2011, the City of Phoenix issued permits for preliminary work to begin at the Phoenix Arizona Temple site including vegetation removal and salvage, fencing, drainage, and construction of a temporary parking lot. One ward in the adjoining meetinghouse was relocated to reduce traffic and parking during construction.

Also on March 11, 2011, neighbors appealed the parking ruling made by Zoning Adjustment Hearing Officer, Ray Jacobs, to the city's Board of Adjustment. "We will continue our legal challenge to the city's parking calculations and we will continue our protests," said neighborhood organizer Scott Anderson. "We are doing this in an attempt to get the LDS Church to not

leave the lights on until 11 p.m., to not erect the spire to 120 feet and to agree to take responsibility for future traffic and parking problems. If they would address these concerns, we would be satisfied."<sup>19</sup>

On May 5, 2011, the City of Phoenix Board of Adjustment unanimously upheld a decision rendered by the Zoning Adjustment Hearing Officer in February that the number of parking spaces planned for the Phoenix Arizona Temple is more than adequate. The Board plans to revisit the issue one year after the temple has been dedicated, allowing neighbors to voice any parking concerns. The Church openly welcomes this dialogue with the neighbors.

On October 17, 2011, the building permit for the temple proper was issued by the City of Phoenix.

## **Temple Announcement**

When President Thomas S. Monson announced that a fifth temple for Arizona would be built in Phoenix, he stated: "The blessings of the temple are eternal. Those who come to this holy house will feel of God's love for His children and come to a greater understanding of their own divine origin and potential as His sons and daughters." The announcement came less than a month following the announcement that temples would be built in Gilbert, Arizona, and in Arizona's Gila Valley. All three temples would serve members belonging to the district of the Mesa Arizona Temple, which was attended by more patrons than any other temple outside of Utah.<sup>20</sup>

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