

Planning Commission may reapprove mosque after adequate notice

MURFREESBORO — Local Muslims may be able to move into a new mosque sooner than expected despite a lawsuit appeal if local planning officials have their way.

“We have to do the right thing,” Rutherford County Regional Planning Commissioner Mike Kusch said after Monday night’s meeting.

Kusch and the other planning officials in June voted to appeal Chancellor Robert Corlew’s ruling that voided their approval of the Islamic Center of Murfreesboro’s long-term plans to build 52,960 square feet including a mosque on Veals Road off Bradyville Pike.

“We were told we have the right to bring it up at any time if we feel the appeal process is too long,” Kusch said after the Monday meeting. “If it takes a year and the mosque is done and they (congregation

members) are wanting to move in, I'm inclined to vote on it again with proper adequate notice. You can't discriminate. It's illegal for us to discriminate. I feel we did the right thing."

Corlew determined the county failed to provide adequate public notice prior to approving the construction plans May 24, 2010. The chancellor also ruled the county can't issue a certificate of occupancy to the ICM. He suggested the county place the mosque issue back on a future meeting agenda, provide proper public notice and vote on the plans again place land use or discriminating against the congregation's religious land use rights to build a bigger place of worship. The ruling also stipulated not to hold a public hearing for 15 acres already zoned for religious meeting place land use. The county only holds public hearings for rezoning of land use.

Kusch asked the planning commissioners' backup advising attorney Jeremy Cothorn

on Monday if they could reapprove mosque site plans with proper public notice while waiting on a lawsuit appeal if the congregation is ready to move in.

Cothern said the appeals process could take six months to 15 months.

“It’s time consuming,” said Cothern, who filled in for law firm partner Josh McCreary.

ICM leaders have said they hope to move into the first 12,000 square feet of their mosque by the start of the holy month of Ramadan, which starts by around July 20. The congregation of about 1,000 people currently meets in about 2,250 square feet on the back side of a small office park at 862 Middle Tennessee Blvd.

Kusch noted that Corlew’s ruling did not define what proper public notice is.

The chancellor’s late May ruling found that

the county's legal notice buried in The Murfreesboro Post on May 2, 2010, to advertise the meeting prior to mosque approval failed to provide adequate public notice because the free publication wasn't reaching drive ways in the unincorporated areas, including where the ICM is building its future place of worship near southeast city limits of Murfreesboro.

Corlew also noted the county failed to include the meeting agenda on the county government's website or cable TV channel prior to the meeting.

Fellow Planning Commissioner Rhonda Allen in June suggested they approve the congregation's plans again while waiting on the appeal, but no one else spoke up then.

"My feelings on it haven't changed," Allen said after Monday's meeting. "Unless I get the sense from this body they are willing to support that, I won't bring it up again, but I'm willing to support it. I'm wondering at

some point if we don't need to hear from the mosque because if they get their building completed and they are willing to move on their certificate of occupancy I'm willing to give them access to their building. Chancellor Corlew didn't find fault with the vote. He only found fault with the notice."

Allen said the issue has become messy because the officials aren't sure what would pass for proper public notice.

"It's a tough call, and I really hate that the ICM has gotten caught in the middle of this," Allen said.

#### Rezoning votes

In addition to discussing the ICM, the planning officials voted on recommending a rezoning for a Dollar General store of about 9,000 square feet and two smaller stores of about 1,200 square feet each on Lascassas Pike across the street from the Lascassas Convenience Center.

If the County Commission ratifies the rezoning during an Aug. 16 meeting, the Dollar General should be ready within the first three months of 2013, developer Monte Turner said. He envisions the store being the anchor for a sandwich shop and another small business, such as a hair salon, nail salon or insurance office.

The agenda had included mention of reconsidering rezoning of about 188 acres of rural farmland off Epps Mill Road and Manchester Highway for commercial land uses, but the applicants requested deferral while they seek to schedule a meeting with neighbors who have expressed concerns about being next to warehouses and other business developments.