

DNI, Broden: County should bolster public notice requirements (9.17.12)

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MURFREESBORO — The nearly four-year-long marathon that Rutherford County officials have been running to update land-use regulations should be heading to the finish line soon without any changes to the way the county gives notice about such decisions.

Folks working on the proposed ordinance are pleased and will discuss the plans during a joint Regional Planning Commission and County Commission meeting at 6 p.m. Monday at the County Courthouse.

Although the planners are satisfied with their recommendation, more could be done on requiring public notice when it comes to site plan decisions.

No one can question that many people uncomfortable with the Islamic Center of Murfreesboro building a bigger mosque threw a hissy fit because the county's Regional Planning Commission approved the plans May 2010 without them knowing about it.

Chancellor Robert Corlew III agreed when he ruled that the county failed to provide adequate public notice prior to planning commissioners approving the mosque plans. Given his decision meant the mosque approval was void, Corlew suggested the county planners place the mosque back on an agenda, provide proper public notice and vote on it without discriminating against the religious land-use rights of the congregation.

County officials, instead, chose to appeal this decision. Because Corlew and the FBI and local deputies saw no evidence that the ICM did anything wrong in seeking to build a bigger place of worship, a federal judge intervened to allow the congregation to complete its building and obtain a certificate of occupancy.

A different federal judge, though, ruled that the plaintiffs who sued the government can still challenge whether the county provided proper notice.

Corlew's decision found that the county's legal advertisement in The Murfreesboro Post failed to provide adequate notice because the free paper in May 2010 didn't reach driveways in the unincorporated areas of the county, including where the ICM built its mosque on 15 acres on Veals Road off Bradyville Pike.

The county also neglected to post the meeting agenda in advance of the meeting on the local government's website.

County officials should respond at the very least by stipulating in the new zoning ordinance that all meeting agenda notices should be posted on the main county government webpage in advance of the event. But are county officials willing to take this step given the pending state and federal lawsuits?

The county also should go beyond buying legal advertisements in getting the word out about even site plan meetings.

Government officials, no doubt, will say residents get their chance to speak up during public hearings on rezoning of land uses that take place first before the Regional Planning Commission, which makes recommendations on changes to land use, and then second before the County Commission, which has final authority on the zoning of land.

The county typically announces public hearings in newspaper advertising, on the government's website, on signs on the property in question and through letters to the property owners within 500 feet of the rezoned land.

County planning officials, however, do not put out signs or send letters to neighbors for site plans, which typically deal with technical details, such as setbacks, utility accessibility, drainage systems.

I've sat through enough site plan discussions to know they could indeed put most of us to sleep. But I can guarantee they might keep us awake if we're concerned about what's being built next door to us or in some cases in our community.

What if a neighbor is allergic to certain types of trees or flowers? Wouldn't that next-door neighbor want to be present to hear about the landscaping plans and be given the chance to speak up about allergy concerns? Wouldn't planners want to hear about the allergy concerns and ask the developer to come up with alternatives that won't make life harder on the neighbor?

If the planners treated a site plan like they do rezoning, it would cost more money to mail out letters to neighbors, make signs and post them at the properties in question, as well as longer advertisements that mention what site plans are going to be voted on.

No doubt, developers would oppose paying higher fees to cover greater notice on their site plans. And, no doubt, developers would be leery of having to spend extra money on landscaping and drainage to appease the neighbors. In some cases, the neighbors' main goal may be to kill the project.

The ICM wouldn't want to sit through mosque opponents contending the congregation is led by terrorists with ties to Hamas and that Islam is not a religion. I wouldn't want to see my congregation at Blackman United Methodist Church be accused of having links to terrorism from supposed Christian groups, such as the KKK, or to have anyone question if Methodism is a true Christian way to worship.

Chancellor Corlew doesn't want that either because his ruling stipulated the county vote on the site plan without holding a public hearing, something that only takes place for rezoning under current zoning regulations.

Since residents can have strong feelings about large religious meeting places being built near their homes, the county's proposed zoning ordinance does address this for larger group assembly buildings, be they churches, mosques, temples or club lodges. If they will seat between 150 to 500 for a building in a residential areas, the applicant must go before a public hearing in front of the the County Board of Zoning Appeals to get approval. If the seating exceeds 500, the congregation would have to go through public hearings before the planning commissioners and then the county commissioners to get rezoned for institutional land use.

Given the proposal will let folks speak up about larger religious buildings, shouldn't the county do a better job of letting folks know in advance about site plans regardless of the size of the building or if a public hearing is held?

Anything the county can do that will improve public notice regarding proposed land use will benefit residents. An updated land use document that includes guarantees for better public notice would be a great way for the county to cross the finish line of this long marathon.

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