

**SAGINAW CHARTER TOWNSHIP PLANNING COMMISSION
SAGINAW CHARTER TOWNSHIP HALL
JULY 15, 2009**

Members Present

A. Seaver
R. McGraw
J. Anderson
P. Brucker
E. Majask
C. Nolan
B. Nelson

Members Absent

Others Present

B. Smith, Planner
C. Edlinger, Recording Secretary
M. Mahlberg, Attorney

Mr. Brucker called the meeting to order at 7:00 p.m.

Approval of Minutes:

Motion by Mr. Anderson, supported by Mr. Nelson, to approve the minutes of June 3, 2009.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIES

New Business:

- A. **SUP-09-03 and S-09-11** – Islamic Center of Saginaw, Michigan is requesting a special use permit and site plan approval to construct a place of worship totaling 14,046 square feet located just north of the railroad tracks on the east side of the road, at an address commonly known as 4300 North Center Road. (12-4-04-3005-000)

Ms. Smith stated the proposed project consists of constructing a new place of worship and associated facilities for the Islamic Center of Saginaw. The proposed building totals 14,046 square feet and will be located on a 30.27-acre site. The church will have one access point on Center Road approximately 150 feet north of the railroad tracks.

The property is zoned A-2 Agricultural. Religious and social institutions, including hospitals and places of worship, are permitted within the Agricultural district after a special land use approval. Special land use provisions within the Township's zoning ordinance are designed to provide additional standards for certain uses. For places of worship, these additional standards include:

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- i) The proposed site shall be at least one-half acre in size plus one-half per 100 seats in the main auditorium.
- ii) The proposed site shall be so located as to have at least one property line on a major, minor or collector street as classified by the adopted street plan. All ingress and egress to the site shall be directly onto said thoroughfares or a marginal access service drive thereof.
- iii) No building shall be closer than 40 feet to any property or street line. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back from the initial 40 feet an additional one foot for additional height above the district height limitation.

All of the zoning standards regarding setbacks and district regulations as well as the standards guiding special land use approval have been met. As such, staff recommends approval of SUP-09-03 and S-09-11 with conditions contained in the report.

Mr. Chris Radke, Attorney with Shinners and Cook and representative for the Islamic Center of Saginaw, was present to answer any questions. He stated there seems to be a concern regarding the adhan or "call to prayer". He further stated that during the planning stages of this proposed development, the Islamic Center did not consider the call to prayer an integral part of the development. The intent of the applicant will be to be in full compliance with all of the Township ordinances and they look forward to being good neighbors with everyone.

Mr. Radke stated the applicant had no problems and will comply with the fourteen (14) conditions listed in staff's report.

Mr. Brucker then asked for public comments in favor or in opposition to the proposed site plan.

1. **Joan McCoy** of 1571 Wenonah Lane stated that she was delighted with the proposed Islamic Center and feels having another group of folks praying is a good thing. She welcomes the diversity to Saginaw Township.
2. **Doug Woodington** of 4389 Spurwood Drive stated his house is located behind the proposed Islamic Center and he is concerned with noise and would like a berm installed on the Islamic Center's property as a buffer between the Islamic Center and the residential neighborhood. Mr. Brucker inquired how far Mr. Woodington's house is from the proposed Islamic Center. Ms. Smith stated Mr. Woodington's house was approximately 750 feet from the prayer hall. Mr. Woodington also stated he was concerned with headlight glare from the Islamic Center's parking lot trespassing into the rear of his house and would like a 20 foot berm installed along the eastern property line. He also asked if anyone had actually visited his property. Ms. Smith stated she drove by Mr. Woodington's property and a berm near the entrance of the parking lot is being required by staff to address this issue of headlight trespass.

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3. **Amy Lauckner** of 4041 Oakside Drive stated she is a member of the Hopevale Church and they are in the process of building a new worship center north of this proposed Islamic Center on the southwest corner of N. Center Road and Tittabawassee. She does not see a problem with the Islamic Center and welcomes them to the Township. She also stated Hopevale Church will probably have more traffic and will be a larger facility than the proposed Islamic Center and they were approved by the Planning Commission earlier this year.
4. **Seymour Geiersbach** of 3660 Prairie Creek Lane was concerned with the call to prayer five times a day and the decibel level. He also inquired of staff why this property was not zoned residential and how tall can the proposed tower be? Bridget Smith stated it meets all of the standards of the special use permit. Places of worship are allowed in every zoning district with a special use permit just like Good Shepherd Church on Brockway in Saginaw Township, Faith Lutheran Church on Mackinaw and the proposed Hopevale Church to be located at the corner of N. Center and Tittabawassee Roads – these properties were not required to be rezoned. She further explained that on these church requests there was no discussion of ringing of bells.
5. **Marwan Wafa** of 4911 Arboretum described the duties of an Anan and the call for prayer. The Islamic Center has no intent for a “call to prayer” because no one is nearby that would hear the call for prayer. With today’s technology, they have a silent call for prayer on their PDA’s. We cook for you, teach at universities, provide medical staff and want to continue to be good neighbors. The call for prayer is not an issue.
6. **Christopher Wathen** of North Center Road inquired of the Planning Commission whether they were going to answer the questions already asked. Mr. Brucker stated they have answered every question they can. Mr. Wathen stated they did not answer the questions regarding decibel levels. Mr. Brucker stated decibel levels are regulated by Township ordinances. Attorney Mark Mahlberg stated the gentlemen already stated there will be no call for prayer so the issue is moot. If things were to change in the future and they did start doing a call for prayer, the Township would take appropriate action if it became a nuisance.
7. **Patrick Rapp** of 5117 Loganberry Drive stated he already can hear Covenant’s bells. He is concerned with the decibel level. What about the future and wanted some degree of protection if things changed in the future. Peter Brucker states the applicant has already stated in the minutes that this is not a problem and our lawyer, Mr. Mark Mahlberg, stated the Township would take action if noise became a problem.
8. **Gary Brownrigg** of 7545 Hospital Road in Tittabawassee Township, stated he lives three miles away and he has been around for years and has watched farm land eaten up and he thinks they should have located in one of the empty buildings on Bay Road. He used to live three miles from the prison in Freeland and they were told that the prison would remain a minimum security prison but as it stands today, the prison is now a maximum security prison. Things change over time and they might not have a “calling to prayer” but that

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- could change in the future. Mr. Brucker stated to protect the land you must own the land.
9. **John Koltvedt** of 4678 Cedar Crest Drive stated the Planning Commission job is to control zoning, to protect the integrity of the Township. What is the Township's long term plan for this area? Mr. Brucker stated the Future Land Use Map shows this area to be low density residential and how do you stop development? Bridget Smith stated the Township Board adopted the Future Land Use Map on January 28, 2008 and it shows the northwest section of the Township to stay rural and undeveloped due to lack of infrastructure. Ms. Smith stated that the plan was based on extensive public input including surveys and numerous public meetings. Mr. Majask stated be careful when it comes to property rights and government regulation.
 10. **Bob Wodarak** of 4203 N. Center stated he owns 4.2 acres of land and has been getting the run around for years. He was told his land could not be a "farm" because it was less than 5 acres but the State of Michigan says he is an orchard and felt he has received no justice from Saginaw Township. "They "don't pay taxes but he does and the Planning Commission is not doing its job.
 11. **Mr. Elashhab** of 4870 Henry Drive stated he works and pays taxes in the Township and believes in the constitutional right to worship and also stated Muslims want to be good neighbors and model citizens in the Township.
 12. **Mr. Rabior** of 4695 Elder Lane stated he hears the bells of Grace Lutheran Church and doesn't feel it is noise pollution. The Islamic Center of Saginaw is both a blessing and a gift. Mr. Rabior and his wife both endorse this proposed Islamic Center.
 13. **May Wathen** of Center Road stated she is concerned with the farm land and farming problems of the previous speaker. She cannot believe that for over 20 years that appeal to the farmer was never granted. These issues are a concern for her and the Township needs to take it seriously. Also it shows in the Township's core values to provide quality of life for the community. May Wathen is not fighting the mosque. Mr. Brucker stated the Planning Commission has completed a total comprehensive plan and requested input from all Township residents at a public meeting. Ms. Smith stated that Mr. Wodarak issues deals with property taxes and the Planning Commission doesn't control taxes or have the power to grant appeals regarding taxes. Those types of concerns should be addressed to the Assessing Department and during the annual Board of Review.
 14. **Carl Nitz** of 5165 Oakbrook was concerned with speeding. He stated that speed limits on North Center Road need to be lowered to 35 mph especially with the thousands of people who will be turning in and out of the Islamic Center. He stated the 6000 members of the mosque would add a lot of traffic. Bridget Smith stated the facility is designed to hold 102 people. Mr. Majask stated the Saginaw County Road Commission and the Michigan Department of Transportation are responsible for the roads in the Township as well as the speed limits. Mr. Majask also expressed his wish that more Township residents would attend planning meetings so they could understand the planning process.

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15. **Wayne Thomas** (address unknown) stated when churches are built, communities develop around them and this could be beneficial and attract new residents.
16. **Habib Kheil** of 3945 S. Hartford Drive stated this was an opportunity for communities to learn about each other and get to know each other. People should not believe what you see on TV or in the movies. Mr. Kheil stated the proposed Islamic Center could make the Township more attractive. It is a good place to live and he welcomes them to the Township. Mr. Kheil has lived in Saginaw Township for 20 years because it is a great place to live.
17. **Jeanette Fowler** of 4925 Hepburn Place was pleased with the proposed Islamic Center but had concerns regarding the “call to prayer” and the decibel levels. Would they have a P.A. system and it could possibly disrupt Heritage High School. Limits should be set prior to ~ not after the fact. Mr. Brucker stated it has already been discussed and the Islamic Center stated they would not be having a “call to prayer” and if in the future should they decide to start having a “call to prayer” and it became a nuisance, the Township would handle it the same way they would handle any noise nuisance through the Township Ordinances. Ms. Smith stated the Township has no right to infringe upon anyone’s religious rights which are protected and guaranteed under the U.S. constitution.
18. **Dr. Abdul Islam** of 7495 Cyprus in Bay City, Michigan stated the Islamic Center has no plans to put out loud speakers and “call to prayer” will not be recited. In Saginaw Township they will be using other technologies for the “call to prayer”.
19. **Wendy Trevino** of 3233 Arbutus asked the Islamic Center to put in writing and sign a contract that they will not have a “call to prayer” or use a loud speaker system. Ms. Smith stated the Township will not sign any such agreement or require any type of contract or letter. We cannot infringe on their constitutional rights. She also stated that the Islamic Center has already deferred to the neighbors and have stated they will not have a call to prayer that is audible to neighbors. We should accept that. Ms. Smith then stated that she hopes all the people requesting this type of contract will be present at the next application for a church requesting the same thing from them and to act this way is shameful.
20. **Cheri Berman** of 4362 Kirkwood Drive is heartbroken listening to the different objections to the Islamic Center because when she heard about the proposed Islamic Center she was ecstatic. After looking at the plans, Cheri Berman thinks the proposed center is beautiful. She is of the Catholic faith and welcomes them to Saginaw Township.
21. **Jamal Akbar** of 1455 S. Graham, Thomas Township, stated he is thankful for everyone’s concerns and doesn’t take them personally. He also does not like to spoil farm land and noise is a critical concern. The Islamic Center will address all concerns and they are not in the business of irritating people. People have done enough damage in the name of religion.
22. **Dan Soza** of 1081 Pius stated he is the co-chair of the Bridge Center for Racial Harmony and they support the mosque. Mr. Soza also stated he would like to read one line from the letter sent to the Planning Commission

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- from Frank Polasky dated July 10, 2009. "From a legal, moral and ethical consideration, no one should deny the local Muslim Community the right to have their own mosque as an addition to the Township of Saginaw." Mr. Soza stated he also supports the mosque.
23. **Abdul Raheem** stated he has lived in Saginaw for 60 years. He came to Saginaw in 1949 from Mississippi and he is the oldest Muslim in this area. Mr. Raheem stated in his younger days he was a wino, his health was bad and he did bad things. After becoming a Muslim, he feels better today than ever before at age 80. Islam means peace. Please allow us to build this center.
 24. **Tom Lawler** of 89 Sawmill supports the proposed Islamic Center.
 25. **Dana CJ Hilton**, address unknown, stated she is from out of town and then stated to Bridget Smith that her ignorance was shameful and she would be writing a letter to the editor.
 26. **Dave Loessel** of 3707 Northwood Place inquired what time and how often is the call to prayer. A Township resident stated the most important and the time at which everyone gathers is Fridays at 1:30 p.m.
 27. **David Berman** of 4362 Kirkwood stated he is in favor of adding diversity to the area. He is of the Jewish faith and wants to extend his courtesy to his Muslim neighbors. Someday he would like to see a Buddhist temple as well.

Attached to the minutes are comments and letters received by planning staff previous to the meeting.

There being no further comments, Mr. Brucker closed the public hearing portion of this proposed site plan.

Motion by Mr. Majask, supported by Mr. Nolan, to recommend approval of the proposed special use permit (SUP-09-03) to the Township Board upon the following fourteen (14) conditions listed below:

1. Approval of a final site plan by the Community Development Department, Fire Department, Building Department and the Department of Public Services.
2. A storm water management plan shall be submitted, along with the required checklist and calculations, and approved by the Township Engineer as part of the final site plan. Fees associated with the review will be passed on to the developer.
3. The driveway and parking area shall be constructed with curb and gutter.
4. Provide a written statement regarding the justification for parking deferment, specifically acknowledging the required 41 spaces to be deferred.
5. All special assessment fees are due upon land division or issuance of a building permit.

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6. If a dumpster is needed, a dumpster enclosure consistent with the architecture, materials and color of the building is required and the dumpster location shall specifically be approved as part of the final site plan.
7. Any and all rooftop equipment shall be effectively screened as required per the design guidelines. If, instead or in addition, ground equipment is to be provided, it too shall be effectively screened and noted on the final site plan.
8. The type of building materials shall be noted and approved as part of the final site plan.
9. A lighting plan showing layout, fixture type and illumination shall be reviewed and approved by the Township Engineer prior to construction. Light poles shall be arranged so that they are within landscaped islands or otherwise separated from traffic areas and circulation. Lighting within 200 feet of a residential use or dwelling is restricted to 12 feet in height, including any lighting along the entry drive. Fees associated with the review will be passed on to the developer.
10. If a mailbox is provided on site, it must be located internal to the site and coordinated with the USPS.
11. A final landscaping plan shall be submitted and approved meeting township ordinance standards. Prior to submittal of the final plan:
 - a. The owner/developer shall meet with the adjoining property owner to the north to discuss screening and determine if installation of a fence meeting township standards is needed.
 - b. The final landscaping plan shall reflect installation of a three-foot tall berm extending from the right-of-way of North Center Road northeast to the sidewalk.
 - c. Providing for landscaping around the perimeter of the building.
 - d. The final plan shall note that the out lawn area shall be maintained.
 - e. Shall include the type and caliper of trees, and type and height of shrubs and/or other plantings. Street trees shall be two and ½ inches (2 ½") in caliper and all landscaping shall meet the requirements of the ordinance.
12. All utility services shall be underground.
13. Future development may necessitate the installation of additional street trees and other such elements required under the zoning ordinance in existence at the time of future development.
14. The location and design of the drive entrance on North Center Road must be reviewed and approved by the Saginaw County Road Commission.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

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Motion by Mr. Majask, supported by Mr. Nolan, to recommend approval of the proposed site plan (S-09-11) upon the same conditions listed in the proposed special use permit SUP-09-03.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED

Receive and File All Correspondence:

- A. A copy of the June 2009 issue of Planning & Zoning News

Other New Business:

Old Business:

Adjournment:

Motion by Mr. McGraw, supported by Ms. Seaver, to adjourn the meeting at 8:10 p.m.

VOTE: 7 YEAS 0 NAYS 0 ABSENT MOTION CARRIED