



In court: Church's use of former Wal-Mart

By Martin King

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CARLINVILLE, Ill. (BP)--Carlinville Southern Baptist Church "can do everything we want in the new facility except use it for worship," the church's First Amendment attorney, Daniel Dalton, said.

Dalton made the statement following a federal court ruling allowing the Illinois church to remodel a former Wal-Mart to accommodate the growing congregation.

"It was actually a great day for us when the federal court in Springfield entered an order allowing us to continue renovating the building and to utilize it for offices, a daycare center and other things," said Dalton of Royal Oak, Mich.

Still ahead, however: A decision on more complicated First Amendment issues that will allow the church to also worship on the property.

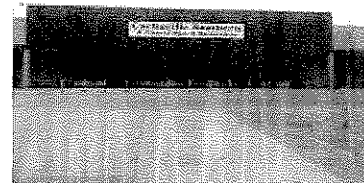
Wal-Mart, as it has done in many communities, built a new super store in Carlinville, a community of 6,000 residents located between Springfield, Ill., and St. Louis and attempted to sell their old building. After six months, Wal-Mart had been unable to sell the property so Carlinville Southern Baptist Church, having experienced significant growth the past few years, purchased the 60,000-square-foot building.

The former Wal-Mart was zoned commercial by the city of Carlinville which allowed uses as an "auditorium" defined "as part of a church, theater, school or recreation building." At the time, however, churches were only being allowed in areas zoned "R" for religious or rehabilitative, even though two other churches in town already were located in property zoned commercial.

The church applied to have the property rezoned "R" but was denied because the church is tax-exempt.

Carlinville Mayor Robert Schwab told the local news media the city has been ravaged by business closings and needs the revenue of a commercial enterprise rather than a church. "The city must look out for the economic interest of the entire community," Schwab said.

The church attempted to meet with city officials to resolve the issue amicably, but instead the city filed a lawsuit in state court seeking an injunction to prevent the church from renovating the facility or moving any of its offices to the site. The church filed suit in the U.S. District Court in Springfield alleging violation of its First and Fourteenth Amendment rights as well as violations of the Religious Land Use and Institutionalized Persons Act (RLUIPA).



A Southern Baptist church that purchased a former Wal-Mart is awaiting a federal court ruling on whether Carlinville, Ill., can block its worship services at the building.

RLUIPA is a federal statute intended to protect churches and religious institutions from discrimination and unreasonable burdens imposed by land use regulations. Courts have held that RLUIPA prevents governments from discriminating against churches just because they are tax-exempt and thus reduce tax revenues for a city.

Carlinville pastor Tim Rhodus asked Christians to pray that the matter will be resolved quickly so the church can expand its witness to the community.

"This is not about a building, and we're not just trying to win a court case," Rhodus told The Illinois Baptist. "We're asking God for a spiritual awakening for our entire community. Everyone in this area is paying attention, and we need God to show up in undeniable ways so that undecided masses recognize His power."

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Martin King is editor of The Illinois Baptist newsjournal.

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