



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT REPORT**

▶ **FILE #:** 1-A-15-SP

AGENDA ITEM #: 21

AGENDA DATE: 1/8/2015

▶ **APPLICANT:** QUINT BOURGEOIS

OWNER(S): Quint Bourgeois

TAX ID NUMBER: 69 P E 017-018

[View map on KGIS](#)

JURISDICTION: Council District 5

STREET ADDRESS: 791 Bear Cub Way

▶ **LOCATION:** West side Bruhin Rd., north of Dutch Valley Dr.

▶ **APPX. SIZE OF TRACT:** 4.73 acres

SECTOR PLAN: North City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Bruhin Rd., a minor arterial street with 20' of pavement width within 45' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) / R-1A (Low Density Residential)

▶ **PROPOSED PLAN DESIGNATION:** MDR (Medium Density Residential)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Apartments

EXTENSION OF PLAN DESIGNATION: Yes, extension of small MDR site to the west

HISTORY OF REQUESTS: LDR plan designation has not changed. Property was rezoned from R-2 to R-1A in 2013 as part of the Inskip area general rezoning (11-F-13-RZ).

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Residential subdivision / LDR

South: House / LDR

East: Bruhin Rd. - Inskip Pool / PP

West: Apartments, houses / MDR, LDR

NEIGHBORHOOD CONTEXT This area is developed with low to medium density residential uses under R-1, R-1A and R-2 zoning. The Inskip Pool is across Bruhin Rd. to the east, zoned OS-2.

STAFF RECOMMENDATION:

▶ **DENY the request to amend the future land use map of the North City Sector Plan to MDR (Medium Density Residential) land use classification.**

This property was designated for LDR uses on the One Year Plan prior to being rezoned from R-2 to R-1A as

part of the Inskip general rezoning in 2013. LDR uses are compatible with the surrounding area and there is no justification to amend the plan.

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

No known improvements have been recently made along this section of Bruhin Rd. Public water and sewer utilities are available to serve the site.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

The North City Sector Plan currently designates this site for LDR (Low Density Residential) uses, consistent with its current R-1A zoning. The LDR designation is appropriate, intentional and has been in place at least since the last plan update in 2007, so there is no error in the plan.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

With the general rezoning to R-1A last year, MPC and City Council approved a zoning change to bring the zoning into conformance with the One Year Plan designation, establishing that low density residential uses are appropriate for the future development of this site.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

No new information or development trend has emerged to reveal the need for a plan amendment. The proposed land use pattern has long been established in this area.

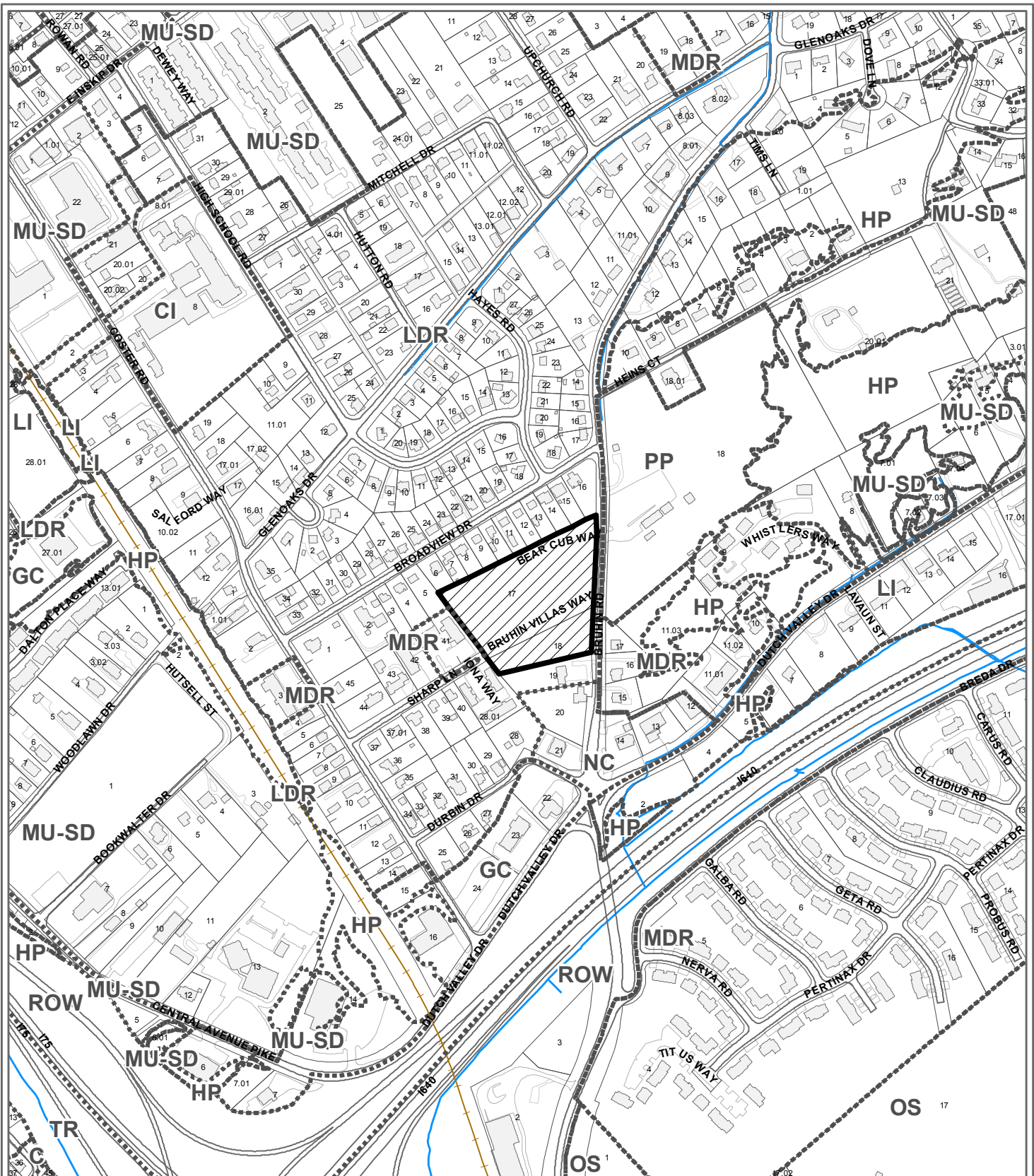
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 2/3/2015 and 2/17/2015. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**1-A-15-SP
NORTH CITY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: MDR (Medium Density Residential)

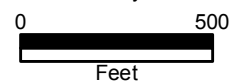


Petitioner: Bourgeois, Quint

Map No: 69

Jurisdiction: City

Original Print Date: 12/22/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

FILE #: 1-A-15-RZ
1-A-15-PA

AGENDA ITEM #: 21
AGENDA DATE: 1/8/2015

APPLICANT: QUINT BOURGEOIS
OWNER(S): Quint Bourgeois

TAX ID NUMBER: 69 P E 017-018 [View map on KGIS](#)
JURISDICTION: Council District 5
STREET ADDRESS: 791 Bear Cub Way

LOCATION: West side Bruhin Rd., north of Dutch Valley Dr.

TRACT INFORMATION: 4.73 acres.

SECTOR PLAN: North City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Bruhin Rd., a minor arterial street with 20' of pavement width within 45' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

PRESENT PLAN DESIGNATION/ZONING: LDR (Low Density Residential) / R-1A (Low Density Residential)

PROPOSED PLAN DESIGNATION/ZONING: MDR (Medium Density Residential) / R-2 (General Residential)

EXISTING LAND USE: Vacant land

PROPOSED USE: Apartments

DENSITY PROPOSED: up to 24 du/ac

EXTENSION OF PLAN DESIGNATION/ZONING: Yes, extension of MDR from the west

HISTORY OF ZONING REQUESTS: LDR plan designation has not changed. Property was rezoned from R-2 to R-1A in 2013 as part of the Inskip area general rezoning (11-F-13-RZ).

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Residential subdivision / LDR / R-1 (Low Density Residential)

South: House / LDR / R-1A (Low Density Residential)

East: Bruhin Rd. - Inskip Pool / PP / OS-2 (Parks and Open Space)

West: Apartments, houses / MDR, LDR / R-1 (Low Density Residential) and R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This area is developed with low to medium density residential uses under R-1, R-1A and R-2 zoning. The Inskip Pool is across Bruhin Rd. to the east, zoned OS-2.

STAFF RECOMMENDATION:

► **DENY MDR (Medium Density Residential) One Year Plan designation.**

This property was designated for LDR uses on the One Year Plan prior to being rezoned from R-2 to R-1A as part of the Inskip general rezoning in 2013. LDR uses are compatible with the surrounding area and there is no justification to amend the plan.

► **DENY R-2 (General Residential) zoning.**

Although the property was previously zoned R-2, the 2013 general rezoning to R-1A brought the zoning into conformance with the plan. The plan amendments required in order to consider R-2 zoning are not justified. The current R-1A zoning conforms with the LDR plan designations on the property, is appropriate for the area, and allows reasonable use of the site for future development. If MPC votes to recommend approval of the associated plan amendments to MDR, then staff would recommend rezoning to RP-1 (Planned Residential) zoning at some density less than 24 du/ac, rather than the requested R-2 zoning. If this site is to be developed at medium density, a development plan review by MPC should be required. The RP-1 zone requires use on review approval by MPC prior to construction of any use on the site.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN (May meet any one of these.)

- A. AN ERROR IN THE PLAN - The One Year Plan currently designates this site for LDR (Low Density Residential) uses, consistent with its current R-1A zoning. The LDR designation is appropriate, intentional and has been in place for quite some time, so there is no error in the plan.
- B. A SIGNIFICANT CHANGE IN THE DEVELOPMENT PATTERN, OR THE COMPLETION OF A PUBLIC IMPROVEMENT (ROAD, PARK, SEWER), WHICH CHANGES THE BASIS ON WHICH THE PLAN WAS DEVELOPED FOR AN AREA - No known improvements have been recently made along this section of Bruhin Rd. Public water and sewer utilities are available to serve the site.
- C. A CHANGE IN PUBLIC POLICY, UNANTICIPATED BY THE PLAN - The plan has designated this site for LDR uses for quite some time. With the general rezoning to R-1A last year, MPC and City Council approved a zoning change to bring the zoning into conformance with the One Year Plan designation, establishing that low density residential uses are appropriate for the future development of this site.
- D. NEW INFORMATION (INCLUDING NEW PLANS AND STUDIES PRODUCED BY MPC) BECOMING AVAILABLE, WHICH REVEALS THE NEED FOR A PLAN AMENDMENT - No new information has become available to reveal the need for a plan amendment. The proposed land use pattern has long been established in this area.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

- 1. Conditions have not changed in the area since the 2013 rezoning to R-1A, so the proposed rezoning to R-2 is not warranted.
- 2. R-2 uses are not compatible with the majority of the surrounding land uses and zoning pattern, which consists primarily of detached dwellings on individual lots.
- 3. There is no justification for the required plan amendments to MDR that must be approved in order to consider R-2 zoning.
- 4. The current R-1A zoning allows reasonable use of the site for future development. Because of the site's frontage on Bruhin Rd., which is classified as a minor arterial street, apartments may be considered by MPC as a use on review. The use on review will allow the opportunity for MPC staff to address landscape screening, appropriate lighting, access control and other development strategies that will minimize the impact on neighboring properties. It will also provide the opportunity for input from citizens at a public hearing.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

- 1. The requested R-2 zoning is a residential district to provide for medium population density. The principal uses of land may range from houses to low density multi-dwelling structures and developments. Certain uses, which are more compatible functionally with intensive residential uses than with commercial uses are

permitted. Some recreational, religious, educational facilities and other related uses in keeping with the residential character of the district may be permitted on review by the planning commission. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and usable open space for dwellings and related facilities, and through consideration of the proper functional relationship to each use permitted in this district.

2. Based on the above description, R-2 is not an appropriate zone for this site.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. The proposed R-2 zoning is not compatible with the most of the surrounding land uses and zoning pattern.
2. Without MPC development plan review, there are few regulations under R-2 to maximize compatibility with surrounding land uses. Through the recommended use on review process, MPC can eliminate or minimize any possible negative impacts that may result from the development of this site.

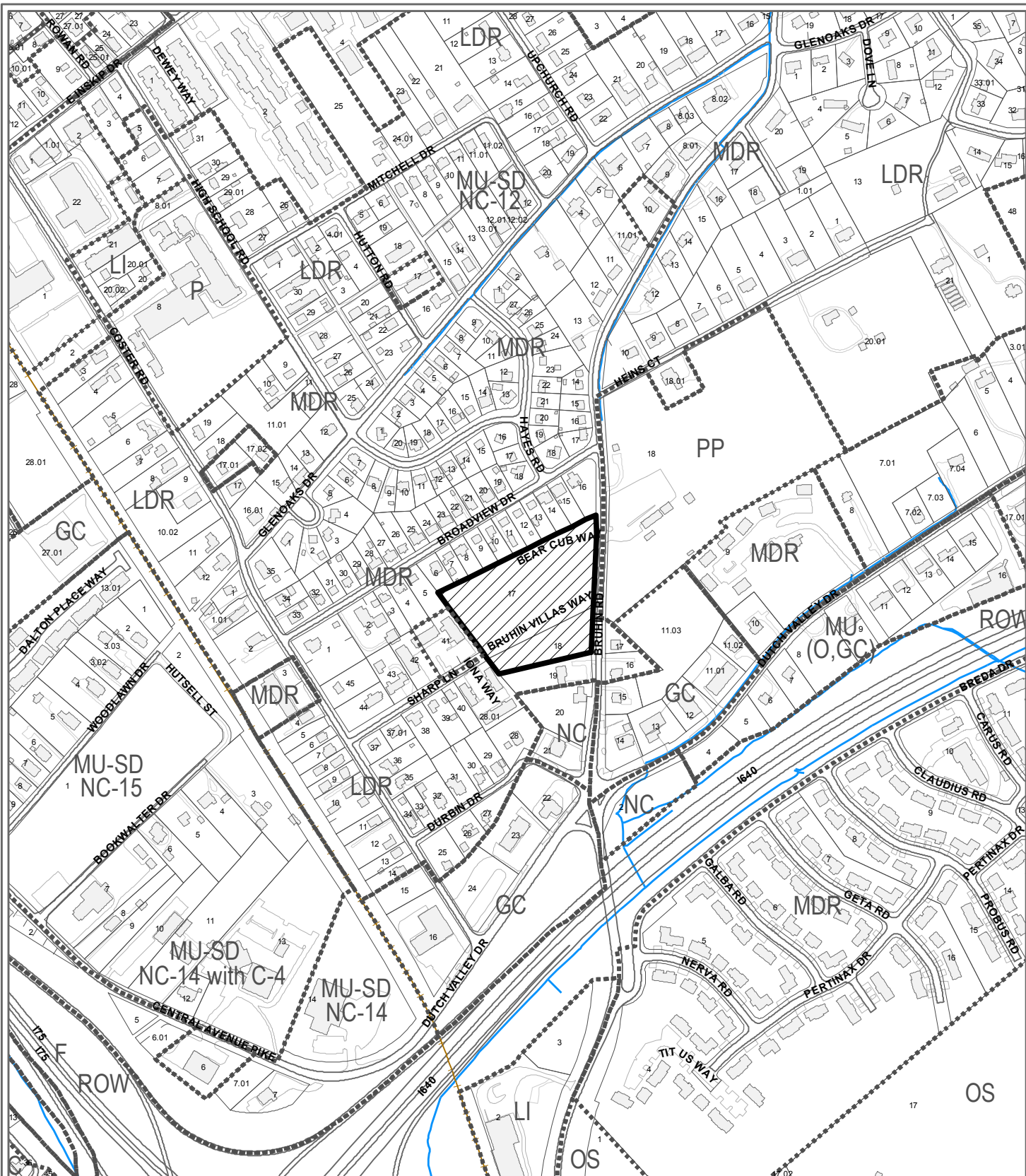
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. With the proposed amendment to the North City Sector Plan to medium density residential on the accompanying application (1-A-15-SP), R-2 zoning would be consistent with the plan.
2. With the recommended amendment of the City of Knoxville One Year Plan to MDR, the proposed R-2 zoning would be consistent with the plan.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.
4. This proposal conflicts with the proposed land uses on the adopted sector plan and One Year Plan for the area. R-1A zoning is consistent with adopted plans and allows reasonable use of the property for future development.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

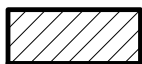
If approved, this item will be forwarded to Knoxville City Council for action on 2/3/2015 and 2/17/2015. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**1-A-15-PA / 1-A-15-RZ
PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: MDR (Medium Density Residential)

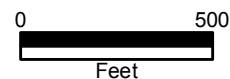


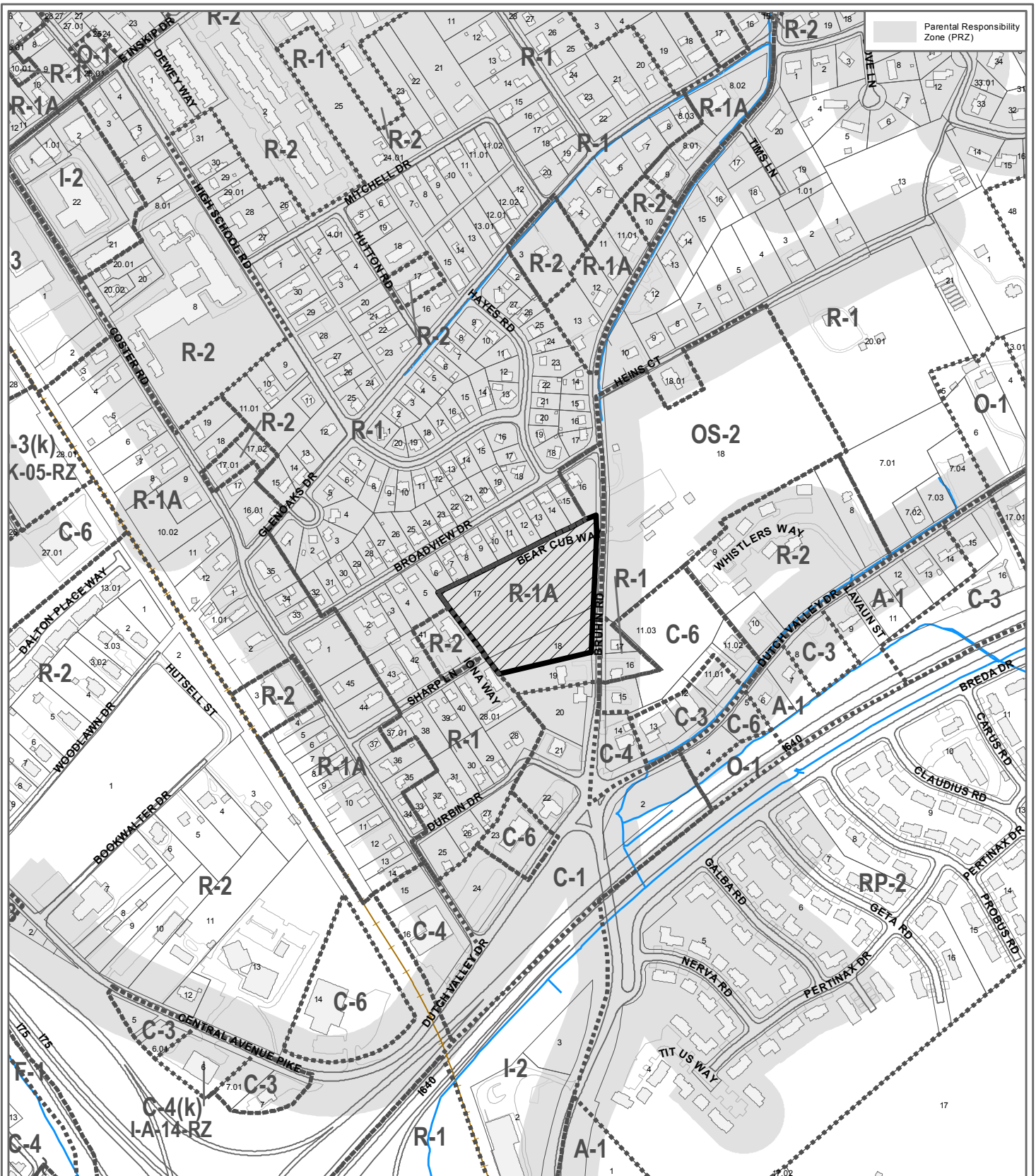
Original Print Date: 12/22/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Bourgeois, Quint

Map No: 69

Jurisdiction: City





**1-A-15-RZ
REZONING**

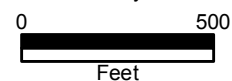
From: R-1A (Low Density Residential)
To: R-2 (General Residential)



Petitioner: Bourgeois, Quint

Map No: 69
Jurisdiction: City

Original Print Date: 12/22/2014 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Bruhin Road Plan and Rezoning Request 1-A-15-RZ for January 8

Michael Brusseau <mike.brusseau@knoxmpc.org>
To: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Wed, Dec 31, 2014 at 12:21 PM

----- Forwarded message -----

From: **Betty Jo Mahan** <bettyjo.mahan@knoxmpc.org>
Date: Wed, Dec 31, 2014 at 12:16 PM
Subject: [MPC Comment] Bruhin Road Plan and Rezoning Request 1-A-15-RZ for January 8
To: Commission <commission@knoxmpc.org>

Commissioners,

Many of you may remember in November of 2013 a large part of the Inskip community was rezoned to a low density residential designation of R-1 or R-1A. This rezoning was to help stabilize this fragile community and keep more and more apartment and high density residential from overrunning the community. During this process we realized that the Inskip community had the highest density neighborhood in Knoxville second only to UT and Fort Sanders. We also have not had any infrastructure improvements; mostly maintenance of existing.

This particular site sits right across Bruhin Road from the Inskip Pool and Park which the City has spent much time and money to improve over the past years. It is already dangerous for children and adults to walk along this hill up Bruhin to go the pool and park with no sidewalks or paths. More density in this area would just increase that danger. Inskip Elementary School is crowded and has the most mobile classrooms than any other in the school system.

We are definitely against Mr. Bourgeois request to change this almost 5 acre site to medium density and back to R-2 General Residential. We have not talked with the applicant yet, but hope to meet with him Monday and see what he actually proposes for this property.

Thank you for your consideration of the Inskip community as a whole.

Betty Jo Mahan
Inskip Community Association
679-2748

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This message was directed to commission@knoxmpc.org

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Michael A. Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
400 Main St.
Knoxville, TN 37902
Phone: (865) 215-2500
Fax: (865) 215-2068
www.knoxmpc.org



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Bruhin Road Plan and Rezoning Request

1 message

Deborah Rosford <Deborah.Rosford@travisco.net>

Wed, Dec 31, 2014 at 1:59 PM

To: Commission <commission@knoxmpc.org>

Cc: Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Commissioners,

I have to say I am very unhappy to hear about a rezoning request to medium density for a site across from the Inskip Park and Pool. Of course this would only put more money in the pockets of the people behind this project while making things more dangerous and unstable for the people who live in the Inskip neighborhood and call Inskip home. I have called Inskip home for about 25 years and I know very well that it has become a neighborhood that could go either way very easily as far as quality of life and quality of life affects human behavior and human behavior affects everything else. Please put the people of Inskip and their lives first in this matter.

Thank you,

Deborah Rosford



CITY OF KNOXVILLE
LAW DEPARTMENT

Charles W. Swanson
Law Director
cswanson@cityofknoxville.org

Ronald E. Mills
Deputy Law Director
rmills@cityofknoxville.org

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KNOXVILLE, TENNESSEE 37901
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Lisa Belle Hatfield
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Jimmy Brown Johnson
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Devin P. Lyon
dlyon@cityofknoxville.org

December 8, 2014

Congressman John J. Duncan, Jr.
2207 Rayburn House Office Building
Washington, D.C. 20515-4202

Re: Zoning Issue of Mr. Quint Bourgeois

Dear Congressman Duncan:

I have received and thank you for your letter of November 7, 2014 with inquires about a zoning matter on Bruin Road in the City of Knoxville for a parcel of property owned by Mr. Quint Bourgeois. You may recall that Mr. Bourgeois' dissatisfaction arises out of the fact that his property has been rezoned from R-2 (a general residential district) to R-1A (which is a low-density residential district.) The rezoning of this and a number of other parcels of property in close proximity to Mr. Bourgeois' property was initiated by the Metropolitan Planning Commission consistent with authority that body possesses under state and local law.

One of Mr. Bourgeois' chief complaints about the re-zoning of his property is his assertion that he did not have actual notice of the rezoning at the time it occurred. While it is significant to note that the law does not require that a property owner have **actual** notice prior to a rezoning, in this case it is quite apparent that any reasonably prudent property owner would have had notice of this rezoning. The proposed rezoning was published in the newspaper at least three (3) times. Signs about the general rezoning were posted in multiple locations in the Inskip area where the rezoning was taking place. There were no fewer than three public meetings concerning the issue at the Metropolitan Planning Commission and Knoxville City Council. Perhaps most telling and most importantly, a postcard giving notice of the rezoning was mailed directly to Mr. Bourgeois at the address he furnished to the Property Assessor, which is the same address to which his annual tax bills are sent. As his tax payments on the property are current, it may be reasonably inferred that he does receive those tax notices. The MPC staff maintains a record of any postcards returned by the Postal Service due to either an incorrect or insufficient address. Mr. Bourgeois' postcard was not returned.

We do not minimize Mr. Bourgeois' stated concerns about the funds he has spent in contemplation of developing this property nor are we unsympathetic to his situation. As you know, however, the City is obligated to follow the law as it exists and to treat similarly situated citizens in an even-handed fashion. The law in this circumstance is very clear. In Tennessee, consistent with the law in a majority of the states in this country, in order to establish a vested right to develop, a property owner must show that the owner has obtained both a building permit and expended substantial expenditures in reliance upon that permit. Effective January 1, 2015

December 8, 2014

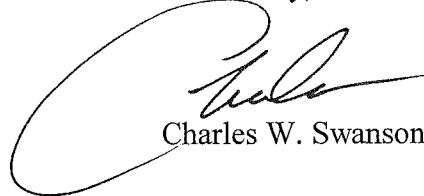
(so it will not specifically be applicable to this case), the Tennessee legislature has adopted the Vested Property Rights Act of 2014 to provide even greater vested property right protections to potential Tennessee developers. Even if the Vested Property Rights Act of 2014 applied to Mr. Bourgeois' circumstances (which it clearly does not), this heightened protection would not afford relief to Mr. Bourgeois under the facts and circumstances of this case.

After thoroughly reviewing this case, I am forced to conclude that both the City of Knoxville as well as the Metropolitan Planning Commission properly adhered to the required procedural steps for a lawful rezoning of property. Consequently, the City of Knoxville cannot permit Mr. Bourgeois to proceed with his proposed development in clear contradiction and violation of the City's zoning ordinance. At this point, it appears to me that Mr. Bourgeois has two viable options which he may elect to pursue. He can develop the property consistent with its current zoning of R-1A, which the professional planners at MPC have expressed would be best for the neighborhood in which it is located. In the alternative, he certainly is entitled to initiate a rezoning process in an effort to rezone the property in a fashion which will permit his proposed development plans.

I hope that the foregoing information provides you with the information you need to respond to your constituent. I recognize this is not the response which Mr. Bourgeois seeks or desires but it is the response that I feel we are compelled to provide based upon the facts and the law as they pertain to this case. If you have any questions or should you require additional information concerning this or any other matter related to the City, please do not hesitate to contact me.

On a personal note, I hope that this letter finds you well and that you and your family enjoy a blessed holiday season and a happy and prosperous New Year.

Yours truly,



Charles W. Swanson

CWs/akm

Cc: Madeline Rogero, Mayor
Christi Branscom, Deputy to the Mayor

OFFICE OF THE EXECUTIVE DIRECTOR

November 25, 2014

The Honorable John J. Duncan, Jr.
Member of Congress
800 Market Street, Suite 110
Knoxville, TN 37902

RE: Mr. Quint Bourgeois
Zoning Matter

Dear Representative Duncan:

I received your letter in regard to correspondence received from Mr. Quint Bourgeois, and I have reviewed the attached letter.

MPC staff has met with Mr. Bourgeois on several occasions, attended one meeting between Mr. Bourgeois and the City of Knoxville legal staff, and offered our advice as to how to proceed.

The property of Mr. Bourgeois was one of several hundred involved in a general rezoning of the entire Inskip neighborhood initiated by City Council in an effort to bring the zoning into conformity with the future land use plan for the neighborhood. When providing public notice regarding general changes to the zoning map MPC is required by ordinance to utilize the current owner information and mailing address as maintained by the Knox County Property Assessor. We have record that the notice was provided to the address on record with the Assessor.

For some reason, Mr. Bourgeois did not read the notice of the potential change of zoning that was mailed to the property owner address that was on record with the Assessor. The root of issue is not that MPC did not send him a certified letter, rather it is that the Knox County Property Assessor was not provided correct or current information to assure proper correspondence with regard to the property in question.

If there is any other information desired or I can be of assistance in any way please do not hesitate to contact me.

Regards,



Mark Donaldson
Director

JOHN J. DUNCAN, JR.
2ND DISTRICT, TENNESSEE

2207 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4202
PHONE: (202) 225-5435
FAX: (202) 225-6440

800 MARKET STREET, SUITE 110
KNOXVILLE, TN 37902
PHONE: (865) 523-3772
FAX: (865) 544-0728

331 COURT STREET
MARYVILLE, TN 37804
PHONE: (865) 984-5464
FAX: (865) 984-0521

Congress of the United States
House of Representatives
Washington, DC 20515-4202

November 7, 2014

COMMITTEES:
TRANSPORTATION AND INFRASTRUCTURE
VICE CHAIRMAN
SUBCOMMITTEES:
HIGHWAYS AND TRANSIT
RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS
AVIATION
OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEES:
ECONOMIC GROWTH, JOB CREATION,
AND REGULATORY AFFAIRS
NATIONAL SECURITY, HOMELAND DEFENSE,
AND FOREIGN OPERATIONS

Mr. Mark Donaldson
Executive Director
Metropolitan Planning Commission
400 West Main Street, Room 403
Knoxville, Tennessee 37902

Dear Mr. Donaldson:

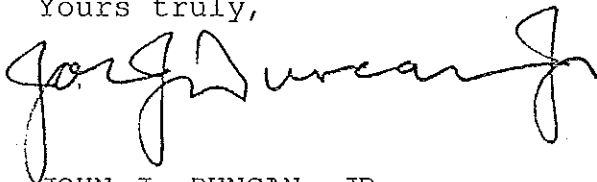
I have recently been contacted by Mr. Quint Bourgeois, a member of my constituency, regarding a zoning matter with his piece of property on Bruhin Road. I find the attached information to be explanatory.

It would be greatly appreciated if you would look into this matter, and supply my office with a response suitable for forwarding.

Thank you for your courtesy in this matter.

With kindest regards, I am

Yours truly,



JOHN J. DUNCAN, JR.
Member of Congress

JJD:bb

OCT 27 2014

October 23, 2014

Congressman John Duncan Jr.
800 Market Street, Suite 110
Knoxville, TN 37902

Congressman Duncan,

While I understand you are on a federal level, and my zoning dilemma is on a local level, I felt with your influence and attitude towards government over-reach this would be worth bringing to your attention.

I own a piece of property on Bruhin Road consisting of approximately 4.73 acres. I bought the property 11 years ago in 2003. I originally bought it solely for the reason that it was zoned R-2. Even though I have been in the real estate industry for 29 years, I was never under the understanding that the city would "down-zone" a piece of property without the owners authorization, but apparently that is not the case.

Earlier this year, there was a rezoning which was predicated by the mailing of a postcard announcing such. I either didn't receive the postcard, or received it and didn't realize the significance. Either way, a meeting was held at the City County Building where 100% of the people that attended were allowed to "opt out" of the zoning of their property changing if they so wished. By not being at the meeting, that would consequently allow the committee to change the zoning to whatever had been recommended. R1A is what my property was zoned to.

It is worth noting that it can and will make a significant difference in the value of the property. I feel somewhere in the \$150,000.00 range. It is also worth noting that I had almost developed this property at one point and had planned to re-visit it in the near future. I have a full set of plans with all engineering done to the tune of \$53,000.00. I at one point went to the final meeting where I was requesting a fifteen foot variance on the road right of way. Had this been granted or had I gone with the present right of way, the property would have been platted and thus grandfathered. I even had a permit from the state.

All this to say, I think it is a great over-reach for a municipality according to their own rules be able to so significantly effect the value and ownership rights of my personal

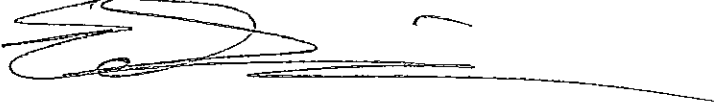
property without my knowledge or input, especially when bought under zoning already in place and after having spent \$53,000.00 to develop, not to of course mention had I been aware of a simple meeting where everyone else got to "opt out" I would still be "whole" with my property.

I did meet with MPC who while seemingly sympathetic had no way to "undo" what had been done. I met with the city legal department twice to only learn they were unwilling to try to correct the problem, for what seemed to me the concern of how it would be viewed by anybody else they might want to rezone in the future. I contended that the process is flawed, especially without certified mail process, and even if it did occur in the future to someone else, the process is incorrectly implemented and should be corrected.

The last point I will make is I asked MPC why something so important to owns property value wasn't handled with certified mail for guaranteed delivery, which would protect all parties. I was told certified mail is used in smaller mailings for that reason, but the cost cannot be justified in larger mailings. That seems so arbitrary. It hardly seems to me I should be penalized \$150,000.00 because I'm in a larger mailing compared to a smaller one. I have had certified mail process from municipalities before in much less valuable or potentially damaging property issues.

I have always respected your candor and views and truly feel our government would be much better off with people of your attitudes and work ethics in our higher offices. From your newsletters, it is clear you do not believe in government over-reach. Anything you could do to assist my plight would be greatly appreciated. Also of course feel free to contact me with any questions. I understand how busy you must be and appreciate your time and attention. I truly would not reach out if this wasn't so financially damaging and so unjust in its process.

Sincerely,

A handwritten signature in black ink, appearing to read "Quint Bourgeois", with a long horizontal line extending to the right.

Quint Bourgeois