

Comment to June 23 FMPC meeting

Thank you for the opportunity to address the commission on agenda item 16-0513, consideration of ordinance 2016-21, and agenda item 16-0530, consideration of ordinance 2016-30 on the issue of Rizer Point Development Plan Revision and Rezoning, and Development requests.

My name is Eric Pan, and I reside at 1213 Reese Drive, one of five Goodall Rizer Point homes that borders the new property in question.

On May 15th, I was shocked to discover that there is a rezoning request for my neighborhood. My shock was only compounded when I learned the next day that it's going to be right behind my house, and I had already missed the first hearing! The first Goodall representative I spoke with said, "I was surprised I didn't see you there. I thought for sure this would be something you'd be all over on." Even Goodall knew and agreed that this issue would affect me deeply, that I would be actively involved, and that I would have a major stake in the outcome. If I had known, I would have taken every opportunity to be present and address the Commission on April 28th. I had planned on being here tonight in person, and would have been but for my father, a cancer survivor with failing health, who is flying in tonight to see us before he gets too sick to travel.

The next day, May 18th, I spoke with my alderman, Mr. McLendon, and the planning office to see why I wasn't notified about the April meeting. The planning office confirmed that my home, 1213 Reese Drive, was supposed to be notified for the April 28th meeting. However, the addressee list city provided to Goodall accidentally listed my home as still being owned by Goodall. I immediately requested the city to update the records and inform Goodall to correct their records, so I am notified for tonight's meeting and all future meetings.

I want to point out that section 2.3.8.4 of the Franklin Zoning Ordinance placed the entire responsibility of written notification on the applicant. Even though the city mistakenly listed Goodall as the owner of my home, it does not lessen Goodall's obligation to notify me when it has direct knowledge of the truth — Goodall knows that Goodall doesn't own my home, and Goodall knows that it sold me the home at the end of last year. I have also checked with the other 4 homes at Rizer Point that border the new property, and only 3 of 5 had received notice for the prior meeting. Tonight's rezoning request still erroneously identify no less than 8 private homes, including mine, as Goodall properties.

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Since May 19th, I have been trying to meet with Goodall to learn more about their plans and discuss my concerns. We've finally met on the evening of June 20th, and many issues were raised but not resolved. It has taken more than a month just to have a first meeting, and I need more time to understand Goodall's proposal and its implications.

Since I am not at this meeting in person, I want to be explicit to avoid misunderstanding. I want to be clear that I am not accusing Goodall of malice or conspiracy. Nonetheless, the fact remains that someone at Goodall knowingly accepted mistaken information from the city, conveniently overlooked the fact that Goodall no longer owns my home, avoided mailing the public notice to my home, and denied me the right to be notified about this important issue that affects my daily living and my property value.

The public notification process exist to protect and give private property owners time and opportunity to voice their concerns. There was inadequate public notice in this case, and the applicant's responsibility should not be lessened just because of a paperwork error on the city's part when the applicant has direct knowledge of the truth, and when a simple letter of notice to the property address would have fulfilled the applicant's obligation.

As such, I am asking the Commission to restart the hearing process on this rezoning request due to inadequate public notification, so that my neighbors and I have time to understand the plan and impacts to our community, give this matter our full consideration, and discuss our concerns with Goodall, so that other neighbors and stakeholders who are not here tonight won't have their rights and their voices taken away like mine was.

Thank you,

Eric Pan