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Knoxville-Knox County Planning Commission
400 Main Street, Suite 403
Knoxville, Tennessee 37902

Re: Opposition to Innsbruck Farms Concept Plan

KKPC File Numbers 3-SB-21-C

Dear Chairman Phillips and Planning Commission Members,

I represent concerned residents of the Ruggles Ferry Community who are united in opposition to the concept plan for Innsbruck Farms, KKPC file 3-SB-21-C. With 482 new dwelling units on 201 acres, we believe the Innsbruck concept plan is the single largest residential subdivision plan ever proposed for the East County Sector. My clients and their neighbors are particularly concerned about the adverse impact on transportation and the rural character of their community. They are also concerned that the proposal ignores many principles of good planning that would ensure this subdivision will be an asset to East Knox County. Finally, the community is concerned about the speed with which the Innsbruck application has moved through the planning process.

For the reasons discussed in this letter, and to avoid substantial and irreparable harm to the Ruggles Ferry Community, we respectfully request that the planning commission deny this concept plan. Alternatively, we request a minimum 30-day postponement that will allow the community more time to investigate the subdivision's impact and work with the developer to make improvements.

PLANNING COMMISSION'S AUTHORITY – HARMONIOUS DEVELOPMENT

As you have been advised by counsel, planning commission must apply principles of good planning to ensure that every subdivision is developed in harmony with the surrounding community. In fact, you have "greater rights" and "more latitude" to impose conditions on the review of a concept plan than you have on any other application presented to you.¹ Your hands are not tied by the RA (low density residential) zoning applied to the subject property in 1988. You may look to over three decades of intervening planning policies and accumulated knowledge in making your decision.

You should also not be misled by arguments that a developer has any "right" to subdivide property to the maximum density specified by the underlying zoning district. Moreover, whether a subdivision is economically feasible absent a minimum density is an "utterly inappropriate

¹ Video of Planning Commission Agenda Review Meeting, comments of planning commission counsel at 1:54:00. available online at https://www.youtube.com/watch?v=oiBC_LYaa7A (last accessed March 10, 2021).

criteria” when you consider a concept plan.² The densities contained within the zoning ordinance itself are “merely an opportunity to ask” for approval.³ Harmonious development requires the planning commission to consider appropriate density, open spaces, buffers, amenities, and other conditions that will further the goal of harmonious development.⁴

IMPACT ON RUGGLES FERRY’S RURAL CHARACTER

The rural character of the Ruggles Ferry Community is unmistakable. The subject property is farmland. It is surrounded by farmland and residential tracts ranging from 2 to 5 acres in size. The highest density residential development in the vicinity of the subject property lies across Ruggles Ferry Pike to the south where residential lots of approximately one acre border the Ruggles Ferry Golf Course. The Innsbruck Farms proposal, with a density of 2.4 dwellings per acre and lots of less than ¼ acre, is radically inconsistent with the uses and development on all surrounding land.

In addition to inconsistent density, the concept does nothing to achieve related policies set out in the East County Sector Plan and East County Community Plan. Both planning documents acknowledge Ruggles Ferry’s rural character and identify protecting farmlands, open spaces, and rural character as the “number one” community priority.⁵ The East County Sector Plan proposes “a neighborhood park acquisition program for new neighborhood parks (5 to 10 acres each) in the general vicinity indicated on the plan map.”⁶ The plan map shows Ruggles Ferry Park and Lyons Creek Park north of Ruggles Ferry Pike in the vicinity of the proposed Innsbruck Farm subdivision. Over 10 years after the adoption of the East County Sector there are still no neighborhood parks north of Ruggles Ferry Pike.



² Video of Planning Commission Agenda Review Meeting, comments of planning commission counsel at 1:58:00. available online at https://www.youtube.com/watch?v=oiBC_LYaa7A (last accessed March 10, 2021).

³ *Id.*

⁴ *Id.*

⁵ East County Sector Plan, p. 28 (“preserve agricultural/rural character”); East County Community Plan, p. 28 (“preserving rural character is their number one priority”).

⁶ East County Sector Plan, p. 44.

East County Sector Plan, Map 12, p. 45.

Planning commission has authority to protect the rural character of the Ruggles Ferry Community and achieve other related planning goals by reducing the subdivision's proposed density and applying the following conditions:

- Under Subdivision Regulation 3.01.A, planning commission may require stream buffers, hillside buffers, slope buffers, and a peripheral boundary buffer.
- Under Subdivision Regulation 3.12, planning commission may require the dedication or reservation of usable open space within a subdivision up to a total of ten (10) percent of the gross area or water frontage of the subdivision for park, school, or recreation purposes.”

Applying these conditions to the Innsbruck concept plan would protect neighboring farms, residences, and natural resources in addition to reducing density and creating a more functional and attractive development. At present the Innsbruck Concept plan fails to address any of these points.

IMPACT ON TRANSPORTATION

The transportation impact study (“TIS”) prepared for the developer shows that that proposed subdivision will generate over 4,400 additional trips per average weekday. The study argues that signalization at the intersection of Asheville Highway and Ruggles Ferry Pike is warranted based on “existing traffic volumes.”⁷ Later the engineer explains that his warrant analysis is based on “existing (+20% adjusted) traffic count volumes.”⁸ This allows the engineer to categorize signalization as an “existing transportation need.”⁹ However, TDOT does not allow installing a traffic signal on a state route like Asheville Highway based on “speculative developments or unrealized traffic volumes.”¹⁰ This analysis is further contradicted by Senior Director of Knox County Engineering and Public Works, Jim Snowden, who has said that no signalization is required at Asheville Highway “due to the existing traffic, or lack thereof, on Ruggles Ferry.”¹¹

Another glaring issue that requires further analysis is the following statement:

[The unsatisfactory results of signal warrant analysis] is founded on the **unreasonable assumption** that all the residents would travel to and from the west via this intersection without exception and not seek alternate routes to avoid the high vehicle delays for eastbound left turns and southbound right-turns at the intersection. In reality, subdivision residents would more likely utilize North Patty

⁷ TIS, p. 2.

⁸ TIS, p. 64.

⁹ TIS, p. 2.

¹⁰ TIS, p. 65.

¹¹ Video of Planning Commission Agenda Review Meeting, at 1:58:00. available online at https://www.youtube.com/watch?v=oiBC_LYaa7A (last accessed March 10, 2021).

Road or Cash Road off North Ruggles Ferry Pike to avoid turning at the intersection and travel thru the intersection on Asheville Highway instead.

Put another way, the traffic resulting from this development is so great, *even after signalization* at Asheville Highway, that motorists will likely choose to cut through unclassified, local streets to avoid congestion. If the engineer believes the development will impact local streets in this way, planning commission should instruct the developer to expand the TIS to include recommendation for North Patty Road and Cash Road. The developer's TIS appears to be based on unreasonable assumptions and incomplete data.

SPEED OF APPLICATION

The full staff report, which does not contain the full TIS, was posted to knoxplanning.org on March 4, at 4:08 p.m. By the time of planning commission's regular March meeting, the public will have had less than one week to understand the impact of this development. We received the full TIS only this past Tuesday morning and have retained an independent traffic engineer for assistance. Although our independent engineer has identified the issues discussed above, his work is not yet complete. My clients and the public deserve more time to understand the impact of this subdivision on their community.

CONCLUSION

For all the forgoing reasons, we respectfully request that planning commission deny this application. Alternatively, we request a minimum 30-day postponement and a planning commission directive for the developer to work with the community to revise the concept plan.

Very truly yours,



Daniel A. Sanders

cc: Clients