

May 7, 2024

Knoxville-Knox County Planning Commission
City-County Building | Suite 403
400 Main Street
Knoxville, TN 37902

SUBJECT: Submission of Public Comments on Development Plan 5-C-24-DP and Subdivision Concept Plan 5-SE-24-C | 9900 Westland Drive | Parcel ID 154 002

To Whom It May Concern:

We, the undersigned, as residents and property owners in the Westland Oaks Subdivision are presenting the following comments to **object** to the Development Plan 5-C-24-DP and Subdivision Concept Plan 5-SE-24-C (herein referred to collectively as “the Plan”), as presented here: https://agenda.knoxplanning.org/2024/may/5-SE-24-C_5-C-24-DP.pdf. These written comments are being submitted for public record and consideration by the Planning Commission because many of us are not available to attend the planned public hearing on May 9, 2024. At least one resident of the Westland Oaks Subdivision, Ray Ishak, will be in attendance at the public hearing on Thursday, May 9th, and will be on hand to serve as a representative of our subdivision. We are deeply concerned about several issues related to the potential development, as outlined below.

First and foremost, we are requesting that the **public hearing on these matters be delayed for a minimum of 90 days**, until the Westland Oaks Subdivision Homeowners Association (HOA) has been rightfully transferred from Ball Homes’ current management company to the actual homeowners. Until that point, our legal rights as residents and property owners within the Westland Oaks Subdivision cannot be adequately represented concerning development and planning matters.

Our specific comments include the following:

Property Value Impacts

The Plan indicates the proposed use would be “attached residential subdivision,” which requires a change in housing density. The Westland Oaks Subdivision was intended to contain single-family homes, not townhomes. As indicated in the Declaration of Covenants, Easements, Conditions, and Restrictions for the Westland Oaks Subdivision (available at <https://www.ballhomes.com/media/imagemanager/documents/restrictiveCovenants/Wes>

[tland%20Oaks.pdf](#)), Section IV. Use and Restrictions, it states “[e]xcept as otherwise permitted, each Lot shall be occupied and used exclusively for single-family, residential purposes and purposes customarily incidental to a residence.” It goes on to state, “[a] primary residential home or structure built on a Lot must, at a minimum...[iii] meet or exceed the following minimum residential living square footage requirements...: for two (2) story or one and half (1 ½ story homes, a minimum of 2,000 square feet, and for one (1) story homes, a minimum of 1800 square feet.” This covenant applies to all Phases of the Westland Oaks Subdivision, including the undeveloped area proposed as Phase 3 of the subdivision. The proposed change in housing density directly violates the covenant. Additionally, it is unclear from the Plan whether these townhomes will be condominiums or rental properties. New development can affect a home’s value, depending on the type of development and the proximity of existing homes to the new development.

Comment #1: We are concerned that including townhomes in the Westland Oaks Subdivision, whether condominiums or rental properties, violate the Westland Oaks Subdivision covenant and will negatively impact current property values, especially for those homes in close proximity to the proposed development area. Therefore, we are opposed to the addition of townhomes within the Westland Oaks Subdivision.

Traffic Impacts

According to the Plan, a Westland Oaks Subdivision Units 1-3 Traffic Impact Study was submitted to the Knoxville-Knox County Planning Commission on December 23, 2019, which concluded that the intersection of Ridge Climber Road and Westland Drive does not require an eastbound right turn lane on Westland Drive. The only recommendation for this intersection was for the addition of a westbound left turn lane on Westland Drive.

Comment #2: The traffic study included in the Plan did not evaluate current traffic conditions. The Plan does not specify the specific dates of this traffic impact study, but based on its submission date of December 23, 2019, we can assume that this study was done prior to the Phase 1 and Phase 2 development of the Westland Oaks Subdivision and therefore, does not represent an accurate assessment of current traffic conditions. As residents, we witness on a daily basis that current traffic patterns on Westland Drive cannot handle the current volume of vehicles during both AM and PM peak times. Traffic is frequently backed up on Westland Drive at the intersection of Ridge Climber Road, making it difficult to enter and/or exit the Westland Oaks subdivision at this point. Adding 68 attached dwellings, as proposed in the Plan, will only serve to further exacerbate traffic impacts at the intersection of Ridge Climber Road and Westland Drive, as well as along the eastbound and westbound lanes of Westland Drive in the area of the Westland Oaks Subdivision. As such, we are asking

that an additional traffic impact study be completed to evaluate **current** traffic patterns prior to the consideration of the Plan and/or any other development plan.

Comment #3: Increased traffic patterns could also negatively impact the ability of emergency services to reach residents living within the Westland Oaks Subdivision. This presents a safety concern for all residents, as well as residents living in surrounding areas.

Ecological and Environmental Impacts

There is no information in the Plan related to any assessments of potential environmental and/or ecological impacts. The land on this lot is currently vacant and undeveloped (existing land use in the Plan is identified as “agriculture/forestry/vacant land, water”) and is densely vegetated with a mixture of various species of mature trees, shrubs, and herbaceous vegetation. There is also a stream and wetland area located directly behind the houses along the western side of Ridge Climber Road.

Comment #4: Based on qualitative surveys conducted by residents along the western side of Ridge Climber Road, there are numerous flora and fauna species present on this area of undeveloped land, including but not limited to, songbirds, pileated woodpeckers (a protected species according to the U.S. Migratory Bird Act), raptors (e.g., red-tailed hawks, ospreys), amphibians, reptiles, and small and large mammals, including arboreal and ground-dwelling species. The Plan will undoubtedly impact local flora and fauna in this area. Without an appropriate evaluation, such as an environmental impact statement (EIS) or environmental assessment (EA) by the Tennessee Department of Environment & Conservation, it is unclear if this undeveloped land may represent a significant ecological area and/or if threatened and/or endangered plant and/or animal species are present. Prior to development, appropriate environmental reviews should be completed to comply with federal and state regulations, such as the National Environmental Policy Act (NEPA). The results of such studies must be considered prior to any development plans.

Comment #5: The undeveloped area directly behind the houses along the western side of Ridge Climber Road contains a wetland and associated tributary. According to the U.S. Environmental Protection Agency (US EPA), wetlands provide values that no other ecosystem can provide, such as flood protection, shoreline erosion control, and habitat for a variety of fish, amphibians, reptiles, insects, birds, and mammals. According to the Tennessee Department of Environment and Conservation (TDEC), both TDEC and the U.S. Army Corps of Engineers (USACE) have jurisdictional authority under various federal and state laws to regulate wetland impacts.^[i] There is no information in the Plan to indicate whether or not a wetland delineation and/or functional assessment was

completed for this area to determine if this area constitutes a jurisdictional wetland. According to the USACE, wetlands are characterized by hydrophytic vegetation, hydrology, and soils – all of which have been observed to be present within this wetland area. According to the TDEC, if an area is determined to be a jurisdictional wetland, federal, state, and/or local permits may be required before the area can be impacted or altered.ⁱ Based on the Plan (specifically Figure C2-00 that shows the overall site layout), it appears that there inevitably will be impacts to the wetland and its associated tributary. As such, at a minimum, a wetland delineation must be conducted to identify potential impacts and determine necessary mitigation efforts.

Comment #6: There is some concerning language in the Plan related to Hillside and Ridgeway Protection Area Development Standards. Specifically, it states on page 3 that there are 18.6 acres of the 22.14-acre property in the Hillside Protection (HP) area and that the proposal indicates 10.08 acres of the HP area will be disturbed. According to Knoxville-Knox County Planning Department, the HP district is intended to protect Knoxville's significant natural topographic features, and to prevent potential serious consequences from hillside development, such as increased erosion, fire, or flood hazards, and property damage.^[ii] Given this definition, it is unclear why the disturbance of 10.08 acres of the HP area would be allowed and if allowed, how these disturbances and any potential threats to property owners would be mitigated. Prior to the consideration of this Plan, a clear explanation of proposed impacts and an associated mitigation plan should be provided to the current residents of Westland Oaks Subdivision to address these uncertainties given the potential threats to their property should the current topography of the undeveloped land be altered. Removing the vegetation from the forested area along the embankment directly behind the houses on the western side of Ridge Climber Road could lead to increased erosion, among other things. For these reasons and other reasons stated above in previous comments, it is our preference as residents of the Westland Oaks Subdivision that the entire hillside remain undeveloped and left in its current vegetated state (including mature trees, shrubs, and herbaceous vegetation) rather than being developed as a common area as indicated on Figure C2-00 in the Plan. If any development moves forward in the future, at a minimum, current residents and property owners on the western side of Ridge Climber Road should be allowed to choose their preference for the Type B landscape screening.

School Impacts

The Plan does not include detailed information about the potential impacts on nearby schools. As indicated on page 3, it only identifies an estimated student yield, which does not clearly qualify or quantify the potential impacts on nearby schools for the reader.

Comment #7: It's a fair assumption that young families with multiple school-age children will purchase and/or rent the proposed 68 attached dwellings identified in the Plan. This will increase the number of school-age children attending Northshore Elementary, West Valley Middle, and Bearden High. The addition of these new students will likely increase classroom size, student-to-teacher ratios, and could possibly impact the learning potential of current students. According to the Tennessee Department of Education, Knox County schools in general were "in need of improvement" in 2022 and were "satisfactory" in 2023.^[iii] The Plan seems vague in its assessment with its statement of "[s]tudent yields from new development do not reflect a net addition of children in schools." As residents in the Westland Oaks Subdivision, one of our priorities is to avoid placing any increased demands on our local schools.

We thank you for your consideration of these comments on the Plan. Should you have any questions concerning these comments, please reach out to Serese Marotta (property owner at 1618 Ridge Climber Road) at serese.marotta@gmail.com or 937.321.8124. We look forward to a response from the Planning Committee regarding our request to delay the public hearing, as well as responses to our concerns identified above.

Signed,

Residents and Property Owners of Westland Oaks Subdivision
(individual names, emails, and addresses are listed below)

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[i] Tennessee Department of Environment & Conservation. Frequently Asked Questions Regarding Wetlands in Tennessee. Available at https://www.tn.gov/content/dam/tn/environment/external-affairs/documents/business/oea_business-faq-regarding-wetlands-tn.pdf. Accessed May 3, 2024.

[ii] Knoxville-Knox County Planning. City Land Use Classifications. Available at <https://knoxplanning.org/plans/land-use?city=HP>. Accessed May 3, 2024.

[iii] Tennessee Department of Education. District and School Accountability. Available at <https://www.tn.gov/education/districts/lea-operations/accountability.html>. Accessed May 3, 2024.