

# CASE SUMMARY

APPLICATION TYPE: PLAN AMENDMENT

SOUTHWEST COUNTY SECTOR PLAN AMENDMENT



**File Number:** 3-A-21-SP                      **Related File Number:** 3-D-21-RZ  
**Application Filed:** 1/21/2021                      **Date of Revision:**  
**Applicant:** BENJAMIN MULLINS OBO HOME FEDERAL BANK OF TENNESSEE

## PROPERTY INFORMATION

**General Location:** East of Ebenezer Road, south side of Bexhill Drive, north side of Gatwick Drive  
**Other Parcel Info.:**  
**Tax ID Number:** 144 L B 003                      **Jurisdiction:** County  
**Size of Tract:** 2.51 acres  
**Accessibility:** This property has three frontages. Ebenezer Road is a minor arterial with four lanes and a center turning lane and 65 ft of pavement width within 75 ft of right-of-way. Bexhill Drive and Gatwick Drive are both local roads with a 29-ft pavement width inside a 50-ft right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Undeveloped land  
**Surrounding Land Use:**  
**Proposed Use:**    **Density:**  
**Sector Plan:** Southwest County                      **Sector Plan Designation:** LDR (Low Density Residential)  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This area consists of predominantly single family detached residential uses, though there is a small node of Neighborhood Commercial zoning nearby to the south at the corner of Bluegrass and Ebenezer Roads. Bluegrass School is at the northwest quadrant of that intersection.

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 1401 Bexhill Drive  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** PC (Planned Commercial) & RA (Low Density Residential)  
**Former Zoning:**  
**Requested Zoning:** CN (Neighborhood Commercial)  
**Previous Requests:**  
**Extension of Zone:** No  
**History of Zoning:** None noted for this property

## PLAN INFORMATION (where applicable)

**Current Plan Category:** LDR (Low Density Residential)  
**Requested Plan Category:** MU-NC (Mixed Use - Neighborhood Center)

**SUBDIVISION INFORMATION (where applicable)**

**Subdivision Name:**  
**No. of Lots Proposed:** **No. of Lots Approved:** 0  
**Variances Requested:**  
**S/D Name Change:**

**OTHER INFORMATION (where applicable)**

**Other Bus./Ord. Amend.:**

**PLANNING COMMISSION ACTION AND DISPOSITION**

**Planner In Charge:** Michelle Portier  
**Staff Recomm. (Abbr.):** Deny the Southwest County Sector Plan amendment to MU-NC (Mixed Use - Neighborhood Center) because it does not meet the criteria for a plan amendment.

**Staff Recomm. (Full):**

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

**CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:**

1. There are no recent significant changes to conditions that would warrant a plan amendment to the MU-NC (Mixed Use - Neighborhood Center).

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

1. No new roads or additional utilities have been introduced in this area.

**AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:**

1. The sector plan did not recognize the commercial zoning on the property even though the zoning predates the sector plan. The property is zoned PC (Planned Commercial) and has been since 1976, when it was rezoned from RA (Low Density Residential) to PC (Planned Commercial). The staff report for that rezoning noted that the surrounding area was projected to have one of the greatest population growth rates in the County, which would create a market for commercial services. However, the property was never developed and a commercial node has developed along S. Northshore Drive instead.
2. All uses in the Planned Commercial zone require a use on review approval from the Planning Commission. One of the stipulations of a use on review application is for the plans to be in compliance with the sector plan. But the PC zone only allows commercial uses and the LDR (Low Density Residential) land use only allows residential uses. As such, the property cannot be developed with the current zoning and land use designations.
3. There is an error on the property regarding consistency between the sector plan and zoning. However, the fact that they are inconsistent doesn't necessarily mean it is the sector plan that is in error. Along its length, Ebenezer is developed with single family residential uses with the exception of a small node at the intersection with Westland before Ebenezer Road changes to S. Peters Drive. And there is a large commercial node 1 mile to the south along S. Northshore Drive.

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

1. There are no trends in development, population, or traffic that warrant reconsideration of the sector plan to MU-NC.

State law regarding amendments of the general plan (which includes 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:

- 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.
- 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.

**Action:** Approved **Meeting Date:** 4/8/2021  
**Details of Action:** Approve the Southwest County Sector Plan amendment to MU-NC (Mixed Use - Neighborhood Center) because of an error in the sector plan.  
**Summary of Action:** Approve the Southwest County Sector Plan amendment to MU-NC (Mixed Use - Neighborhood Center) because of an error in the sector plan.  
**Date of Approval:** 4/8/2021 **Date of Denial:** **Postponements:** 3/11/2021  
**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

### ***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:** Knox County Commission  
**Date of Legislative Action:** 7/26/2021 **Date of Legislative Action, Second Reading:**  
**Ordinance Number:** **Other Ordinance Number References:**  
**Disposition of Case:** Approved **Disposition of Case, Second Reading:**  
**If "Other":** **If "Other":**  
**Amendments:** **Amendments:**  
**Date of Legislative Appeal:** **Effective Date of Ordinance:**