

# CASE SUMMARY

**APPLICATION TYPE: USE ON REVIEW**

KNOXVILLE • KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

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**File Number:** 11-A-12-UR                      **Related File Number:**  
**Application Filed:** 9/14/2012              **Date of Revision:**  
**Applicant:** MIDWAY REHABILITATION CENTER

## PROPERTY INFORMATION

**General Location:** North side of E. Magnolia Av., west side of Myrtle Av.  
**Other Parcel Info.:**  
**Tax ID Number:** 82 P L 021                      **Jurisdiction:** City  
**Size of Tract:** 0.37 acres  
**Accessibility:** Access to the proposed parking lot is via Myrtle St., a local street with 30-35' of pavement width within 75' of right of way. On street parallel parking occurs on both sides of the street.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Medical facility / Rehabilitation center  
**Surrounding Land Use:**  
**Proposed Use:** Medical facility                      **Density:**  
**Sector Plan:** Central City                      **Sector Plan Designation:** Mixed use  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** This area is developed with office and commercial uses under O-1 and C-3 zoning. Caswell Park is located to the north of the site.

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

**Street:** 1515 E Magnolia Ave  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** O-1 (Office, Medical, and Related Services)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** 64 bed rehab center approved in 2004 (7-E-04-UR)

## PLAN INFORMATION (where applicable)

**Current Plan Category:**  
**Requested Plan Category:**

## **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.:

## **MPC ACTION AND DISPOSITION**

Planner In Charge:

Dan Kelly

Staff Recomm. (Abbr.):

APPROVE the development plan for a medical facility (80 occupant drug and alcohol rehabilitation center) in the O-1 zoning district, subject to 4 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Department of Engineering.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Meeting all applicable requirements of the Knox County Health Department.
4. Meeting all applicable licensing requirements of the State of Tennessee.

With the conditions noted above, this request meets all requirements for approval in the O-1 zone, as well as other criteria for approval of a use on review.

Comments:

After approval by MPC in 2004 the applicant converted an existing office building fronting on E. Magnolia Ave. for use as a drug and alcohol rehabilitation center for up to 64 occupants. At that time, the City of Knoxville Building Inspection Bureau had determined this use to be a "medical facility" that requires use on review approval from MPC. The R-2 zone allows medical facilities with use on review approval. The O-1 zone allows any use permitted on review in the R-2 zone to also be permitted on review in the O-1 zone.

The applicant is now requesting permission to expand the capacity of the facility by adding sixteen new beds for female patients. The first floor of this building will be renovated for the proposed use. No exterior changes are proposed. Parking for the facility is located on a separate parcel to the northeast, across Myrtle St. The Zoning Ordinance allows parking on a separate parcel, as long as it is within 400 feet of the building or complex it is intended to serve. The parking lot is within 150 feet from the building in this case. The applicant has provided a detailed description of the nature of the use, as well as some explanation of the renovation plans.

### **EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE**

1. The request will not place any additional demands on schools and streets. Public water and sewer utilities are in place to serve the site.
2. The proposal is compatible with the scale and intensity of the surrounding development and zoning pattern.
3. The building is currently used for the proposed use and it is adjacent to a major arterial street, so the impact on surrounding properties should be minimal.

### **CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE**

1. The proposal meets all requirements of the O-1 zoning district and the Knoxville Zoning Ordinance, as well as other criteria for approval of a use on review.
1. The proposed drug and alcohol rehabilitation center is consistent with the following general standards for uses permitted on review: The proposal is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

### **CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. Both the City of Knoxville One Year Plan and the Central City Sector Plan propose commercial uses for this site. The sector plan proposes office uses for the parking lot on parcel 3. The proposal is consistent with the plan designations.

**Action:** Approved

**Meeting Date:** 11/8/2012

**Details of Action:**

1. Meeting all applicable requirements of the Knoxville Department of Engineering.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Meeting all applicable requirements of the Knox County Health Department.
4. Meeting all applicable licensing requirements of the State of Tennessee.

With the conditions noted above, this request meets all requirements for approval in the O-1 zone, as well as other criteria for approval of a use on review.

**Summary of Action:**

APPROVE the development plan for a medical facility (80 occupant drug and alcohol rehabilitation center) in the O-1 zoning district, subject to 4 conditions

**Date of Approval:**

11/8/2012

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

Knoxville City Council

**Date of Legislative Action:**

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**