

CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



File Number: 11-A-22-SU **Related File Number:**
Application Filed: 9/13/2022 **Date of Revision:**
Applicant: STEPS HOUSE, INC.

PROPERTY INFORMATION

General Location: West side of E. Moody Ave, south of Davenport Rd.
Other Parcel Info.:
Tax ID Number: 109 G C 007 **Jurisdiction:** City
Size of Tract: 20319 square feet
Accessibility: Access is via E Moody Avenue, a local street with a pavement width of 25-ft within a right-of-way width that extends across the adjacent Davenport Road and James White Parkway.

GENERAL LAND USE INFORMATION

Existing Land Use: Multifamily Residential
Surrounding Land Use:
Proposed Use: Halfway house in RN-5 district **Density:** N/A
Sector Plan: South City **Sector Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: N/A (Within City Limits)
Neighborhood Context: This area is mix of single family residential, duplexes and multi-family residential within the James White Parkway corridor area and is served by transit.

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

Street: 1133 E MOODY AVE
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RN-5 (General Residential Neighborhood)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted.

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential)
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.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Liz Albertson

Staff Recomm. (Abbr.):

Approve the request for a halfway house within an existing 10-unit apartment building, subject to two conditions.

Staff Recomm. (Full):

- 1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance, including but not limited to the residential occupancy standards in section 4.2.C.
- 2. Meeting all applicable requirements of Knoxville Department of Engineering

With the conditions noted, this plan meets the criteria for special use approval of a halfway house in the RN-5 zoning district.

Comments:

The applicant is proposing to utilize an existing 2 story, 10 unit apartment building for a halfway house. The applicant has provided a plan of operations and a floor plan for the apartments (See Exhibit A).

The applicant notes that "this location is intended for use with Tennessee Department of Corrections residents who are being released from prison. These residents will be on supervised probation, meaning they are subject to random home visits by their probation officers and are subject to random drug screens numerous times per week. Most of these residents are involved with Knox Drug Court, 8th Judicial Drug Court and the Daily Reporting Center, which require attendance at these programs 1-4 days per week."

The applicant is proposing to house 3 resident staff on site in one of the apartments and 2 to 4 residents in the program will reside in the other 9 units, with an "anticipated average of 30 occupants." Residents in the program, "residing at this location are required to attend program activities, held at [their] administrative offices on Boggs Ave. Program activities include [their] Day Program, which takes place from 8 AM to 2 PM for all residents who are not yet working. Evening group recovery meetings occur 6 days per week from 6 to 8 PM," also at the administrative offices.

The applicant notes that "almost all residents residing at 1133 Moody Ave. will need to be transported to and from our administrative offices 1 to 2 times per day as most do not have any means of transportation." The applicant also notes that the 3 resident staff members will have vehicles and [the program] will be parking one of [their] 12-passenger vans at this location as well.

The Steps House, Inc notes that "program case managers and resident staff members are Licensed Alcohol and Drug Abuse Counselors (LADAC), Certified Peer Recovery Specialists (CPRS) or are in supervision for one or both of these licenses/certifications." The applicant also goes on to note that "none of our program participants/residents can be on the sex offender registry and this includes resident occupants at 1133 Moody Ave."

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2.)

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. The proposed use of a halfway house in an existing small apartment building is consistent with the LDR (Low Density Residential) land use designation in the South City Sector Plan and the One Year Plan.

B. The use does not conflict with the General Plan or any other adopted plans for the area.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. The subject property is zoned RN-5 (General Residential Neighborhood), which is intended to

accommodate medium density residential neighborhoods in the City of Knoxville comprising a heterogeneous mix of single-family, two-family, townhouse, and multi-family dwellings. The proposed use would utilize the existing two-story, 10-unit apartment building, which meets the intent of the zone district.

B. The zoning ordinance defines a halfway house as "a residential facility for persons who have been institutionalized for criminal conduct and who either: 1) require a group setting to facilitate the transition to society; or 2) have been ordered to such facilities by the court as a condition of parole or probation." The Steps House is proposing to house residents that have been released from prison by the Tennessee Department of Corrections and are on supervised probation.

C. The organization submitted a plan of operations that notes that three resident staff will be housed on site in one unit, while the other 9 units will have 2 to 4 residents housed in each unit that are participating in the Steps House programming.

1. Section 4.2.C of zoning code provides standards for residential occupancy. These standards require a minimum of 150 square feet of floor space for each occupant, including at least 50 square feet of bedroom floor space for each occupant thereof. The floor space shall be calculated on the basis of total enclosed habitable space within the dwelling. Each existing apartment unit is approximately 648 square feet, however, the bedroom size, as represented by the applicant, demonstrates an approximate 175 square foot area, which would limit the number of residents to 3 per unit (See Exhibit A).

D. The applicant's plan of operations notes that while the 3 on-site resident staff will likely have personal cars, residents of the program will not typically have cars and will rely on a 12-person passenger van kept on site for residents in the program travelling to the Steps House administrative offices on Boggs Avenue (within approximately 0.8 miles) and public transportation. The subject property is connected via sidewalk to a bus route stop within 300-ft of the apartment building at the corner of E. Moody Avenue and Wynn Avenue.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. This 10-unit apartment building is located within a neighborhood that has a mix of single family, duplexes and multi-family residences. Dogwood Elementary is located within approximately 800-ft of the proposed halfway house. The City of Knoxville Cecil Webb Park and Recreation Center, as well as the Urban Wilderness Gateway Park is also located within approximately 600-ft of the subject property. Because of the proximity to schools and parks, residents of the proposed halfway house cannot be listed on the sex offender registry. An assisted living and memory care center is also within 500-ft of the existing apartment building.

B. No changes are proposed to the size and location of the existing building.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. The applicant is not proposing to make modifications to the existing structure at this time and the halfway house will be managed by Steps House, Inc., which employee licensed and/or certified counselors and the residents are considered to be under supervised probation, meaning they are subject to random home visits by their probation officers and are subject to random drug screens numerous times per week."

B. The applicant has also stated that "most of these residents are involved with Knox Drug Court, 8th Judicial Drug Court and the Daily Reporting Center, which require attendance at these programs 1-4 days per week"

C. Steps House, Inc. intends to have a contract with the Tennessee Department of Corrections to house individuals who are being released from prison.

D. The subject property is within an area that is primarily residential and a halfway house is defined as a "residential facility."

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Because most residents will not have personal vehicles the use of a halfway house at this location is not anticipated to generate substantial additional traffic.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no nearby developments that would jeopardize the proposed use on the subject property.

Action: Approved **Meeting Date:** 11/10/2022

Details of Action:

Summary of Action: Approve the request for a halfway house within an existing 10-unit apartment building, subject to two conditions.

Date of Approval: 11/10/2022

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: Action Appealed?:

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

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: