

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 4-G-21-UR **Related File Number:**
Application Filed: 2/22/2021 **Date of Revision:**
Applicant: JENNIFER MOORE-PITTS

PROPERTY INFORMATION

General Location: North side of Asheville Hwy, west of Arms Rd.
Other Parcel Info.:
Tax ID Number: 62 210 & 21101 **Jurisdiction:** County
Size of Tract:
Accessibility: Access is via Asheville Hwy, a four-lane major arterial street with a divider median within 150 ft of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: O (Office)
Surrounding Land Use:
Proposed Use: Recovery housing **Density:**
Sector Plan: East County **Sector Plan Designation:** MU-SD ECO-3
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The subject property is located on the north side of Asheville Hwy in an area with a mix of commercial and low density residential uses in the CA, OB and A zones.

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

Street: 8537 Asheville Hwy.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: OB (Office, Medical, and Related Services)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: N/A

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.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge:

Mike Reynolds

Staff Recomm. (Abbr.):

APPROVE the request for a recovery housing facility for substance abuse treatment for a maximum of 40 residential clients, limited to the individuals seeking treatment voluntarily and are not compelled by court order or other involuntary action, subject to 6 conditions.

Staff Recomm. (Full):

1. Revising the neighborhood communications plan to state who will receive notification of significant changes in operation and that emergency contact information will be included with these communications. This shall be reviewed and approved by Planning Commission staff before a certificate of occupancy is issued.
2. Providing a site plan that shows the location of the outdoor exercise area and perimeter fencing or screening. This shall be reviewed and approved by Planning Commission staff before a certificate of occupancy is issued.
3. Meeting all applicable requirements of the Knox County Health Department.
4. Meeting all applicable requirements of the Tennessee Department of Health.
5. Meeting all applicable requirements of the Knox County Department Public Works and Engineering.
6. Meeting all applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted above, this request meets all requirements for approval in the OB zoning district, as well as the criteria for approval of a use on review.

Comments:

This proposal is for a supportive recovery housing facility for substance abuse treatment that is a minimum of 12 months long. The facility will have a maximum of 40 residential clients and there will be 10-20 employees. The target population for this facility are individuals between 18 and 64 years of age that are seeking treatment for abuse of alcohol and/or other drugs. The individuals go into treatment voluntarily. The operator is a faith-based ministry.

Recovery housing facilities must meet the requirements of Article 4, Section 4.105 (Standards for use-on-review of recovery housing) in the Knox County Zoning Ordinance. This requires that there be no recovery housing facility within 1,320 feet. To the knowledge of staff and the applicant, there is not another facility within this distance. The standards also require that the facility be within 1,320 feet of a bus transit route or as an alternative, the facility must submit a transit plan describing how the target population will be transported to and from the site. The facility is not within 1,320 feet of a transit route so they will provide all transportation needed by the patients.

The subject site (8537 Asheville Hwy) will primarily be used for housing the clients in the program. The adjacent property (8535 Asheville Hwy) will be used for their daytime treatment program and ministry. The adjacent property is currently zoned A (Agricultural) and has requested a rezoning to OB (Office, Medical, and Related Services) (4-L-21-RZ). The applicant does intend to seek approval for the recovery housing use for this property as well if the rezoning is approved. Under the current A zoning, churches are a permitted use so the operator can use the structure for its daytime treatment programs which are based on faith-based ministry.

Additional information about the facility and how it will operate are provided in the documentation provided by the applicant and attached to this report.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The property is designated MU-SD ECO-3 (Carter Town Center) which recommends mixed use development, including LDR (Low Density Residential), MDR (Medium Density Residential) and a mix

of pedestrian-oriented uses.

B. The recovery housing facility will be located in the basement level of the existing office facility. Access to the basement level is the rear of the building and is not visible from the street.

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

A. The OB (Office, Medical, and Related Services) zone is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent herein is to provide centralized, compact locations for business offices, clinics, medical, and dental offices near residential neighborhoods.

B. "Recovery housing" is a use permitted on review in the OB zone and must meet the supplementary regulations for approval of recovery housing in section 4.105. With the recommended conditions, this proposal meets the minimum requirements of the zoning regulations and the standards for recovery housing.

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. The buildings are existing and will not be expanded.

B. The medical office is on the main level of the subject building.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The property is located at the intersection of Asheville Hwy and Andrew Johnson Hwy which includes a mix of office, commercial and residential uses.

B. The proposed recovery housing facility is focused on serving individuals that go into treatment voluntarily and are not compelled by court order or other involuntary action.

C. There are mature trees between the subject site nearby residential uses to the north and northeast. The adjacent property to the west is being leased by the applicant and is currently being considered for rezoning to OB (Office, Medical, and Related Services) zone (4-L-21-RZ). They intend to use the house structure for their program but will not have sleeping quarters in the adjacent house.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. The development will have direct access to Asheville Hwy which is a major arterial street.

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 known uses in the area that could be a potential hazard or create an undesirable environment for the proposed recovery housing use.

Action: Approved

Meeting Date: 4/8/2021

Details of Action:

Summary of Action: APPROVE the request for a recovery housing facility for substance abuse treatment for a maximum of 40 residential clients, limited to the individuals seeking treatment voluntarily and are not compelled by court order or other involuntary action, subject to 6 conditions.

Date of Approval: 4/8/2021

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: Action Appealed?:

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Board of Zoning Appeals

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: