

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 5-H-21-UR **Related File Number:**
Application Filed: 3/17/2021 **Date of Revision:**
Applicant: JENNIFER MOORE-PITTS

PROPERTY INFORMATION

General Location: North side of Asheville Hwy., east of Cedar Ridge Rd.
Other Parcel Info.:
Tax ID Number: 62 21101 **Jurisdiction:** County
Size of Tract: 1.78 acres
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: Residential
Surrounding Land Use:
Proposed Use: Recovery housing for men **Density:**
Sector Plan: East County **Sector Plan Designation:** MU-SD / Eco-3
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This area consists primarily of transistional uses, such as office, between the low density residential area and the commercial node at the Asheville Highway and Andrew Johnson Highway intersection.

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

Street: 8535 Asheville Hwy.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: OB (Office, Medical, and Related Services) pending
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property is currently being considered for rezoning from A to OB (4-L-21-RZ).

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 combined maximum of 40 residential clients per condition number six (6), limited to individuals seeking treatment voluntarily and are not compelled by court order or other involuntary action, subject to 7 conditions.

- Staff Recomm. (Full):**
1. Meeting all applicable requirements of the Knox County Health Department.
 2. Meeting all applicable requirements of the Tennessee Department of Health.
 3. Meeting all applicable requirements of the Knox County Department Public Works and Engineering.
 4. Meeting all applicable requirements of the Knox County Zoning Ordinance.
 5. Obtaining approval for OB (Office, Medical, and Related Services) zonin on the property from Knox County Commission.
 6. The recovery housing facility, which includes both the subject property at 8535 Asheville Highway and the adjacent property at 8537 Asheville Highway that was approved in April 2021 (4-G-21-UR), shall not have more than 40 clients that reside and/or are treated at any given time. The Use on Review approval for these two properties shall be considered as one and not split into two separate recovery housing facilities with different operators.
 7. [ADDED 6/9/2021] Providing a letter from the State of Tennessee stating how the proposed use is such that the state does not require a license per Section 4.105 (Standards for use-on-review approval of recovery housing) of the Knox County Zoning Ordinance. This shall be provided to Planning Commission staff and the Knox County Codes Administration and Enforcement before building permits are issued or, if building permits are not required, the use occupies the site.

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

Comments:

REVISION (6/9/2021) -- Condition #7 was added to specifically require the applicant to provide a letter from the state stating that the proposed facility does not require licensing, as required by the supplemental regulations for recovery housing (Section 4.105.F.). This must be provided to staff before building permits are issued or, if building permits are not required, the use occupies the site. If the state determines that licensing is required, then a new use on review approval will be required because the use will not be consistent with the recovery housing facility as proposed.

This proposal is for a supportive recovery housing facility with a 12-month long substance abuse treatment program. In April 2021, the Planning Commission approved a recovery house facility for the same operator, Soul Savage Ministries, at the adjacent property to the east, 8537 Asheville Highway. At that time, it was known that the applicant was also going to request that the subject site be used for the recovery housing program but the property had to first be rezoned to OB (Office, Medical, and Related Services). In May 2021, the Planning Commission recommended approval of the rezoning application (4-L-21-RZ) and the Knox County Commission will hear the request at their June meeting. If the Planning Commission approves this Use on Review request, it is conditioned upon Knox County Commission approving the rezoning.

The recovery housing facility, which includes both 8535 and 8537 Asheville Highway, is being considered as one facility. The zoning standards for recovery housing (Section 4.105) do not allow two facilities to be located closer than 1,320 feet to each other, so it is not possible to operate two separate recovery housing facilities on these two properties without violating the zoning standards. The standards also require that facilities be located 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 site is not within 1,320 feet of a transit route so the operator will provide all transportation needed by the clients.

The facility will have a maximum of 40 residential clients and there will be 10-20 employees. The target population is 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 applicant/operator provided a letter on May 28, 2021 (attached), that clarifies how the two properties will be used; both properties will contain offices and residential/staff housing, and 8535 Asheville Highway (subject site) will also contain classrooms.

Additional information about the facility and how it will operate are provided in the documentation from 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 (Mixed Use Special District, 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 use on the subject site (8535 Asheville Highway) is proposed in a structure with a residential design and the use on the adjacent site (8537 Asheville Highway) is in the basement level of the existing office facility with access to the rear of the building.

- 2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.
 - A. If the property is rezoned as recommended by the Planning Commission, 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 of the Knox County Zoning Ordinance. 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 surrounding uses include a medical office, drive-in restaurant, retail strip center, and towing service along Asheville Highway, and single-family residential uses along the side streets.
 - C. There are mature trees between the subject site nearby residential uses to the west, north, and east.

- 4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.
 - A. The property is located at the intersection of Asheville Highway and Andrew Johnson Highway 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. Staff will be on-site 24 hours a day.

- 5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.
 - A. The development will have direct access to Asheville Highway 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: 6/10/2021

Details of Action:

Summary of Action: APPROVE the request for a recovery housing facility for substance abuse treatment for a combined maximum of 40 residential clients per condition number six (6), limited to individuals seeking treatment voluntarily and are not compelled by court order or other involuntary action, subject to 7 conditions.

Date of Approval:

Date of Denial:

Postponements: 5/13/2021

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

Ordinance Number:

Disposition of Case: Other

If "Other": OB rezoning requested DENIED (4-L-21-RZ)

Amendments:

OB rezoning requested DENIED (4-L-21-RZ)

Date of Legislative Appeal:

Date of Legislative Action, Second Reading:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: