

▶ **FILE #:** 11-A-12-UR

AGENDA ITEM #: 22

AGENDA DATE: 11/8/2012

▶ **APPLICANT:** MIDWAY REHABILITATION CENTER

OWNER(S): Steve McNish

TAX ID NUMBER: 82 P L 021

JURISDICTION: City Council District 6

▶ **LOCATION:** North side of E. Magnolia Av., west side of Myrtle Av.

▶ **APPX. SIZE OF TRACT:** 0.37 acres

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

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.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **ZONING:** O-1 (Office, Medical, and Related Services)

▶ **EXISTING LAND USE:** Medical facility / Rehabilitation center

▶ **PROPOSED USE:** Medical facility

HISTORY OF ZONING: 64 bed rehab center approved in 2004 (7-E-04-UR)

SURROUNDING LAND USE AND ZONING: North: Business offices / O-1 office

South: General commercial / C-3 commercial

East: Business offices / O-1 office

West: Business offices / O-1 office

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.

STAFF RECOMMENDATION:

▶ **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**

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.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**11-A-12-UR
USE ON REVIEW**

Petitioner: Midway Rehabilitation Center

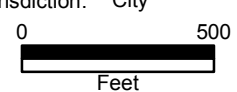


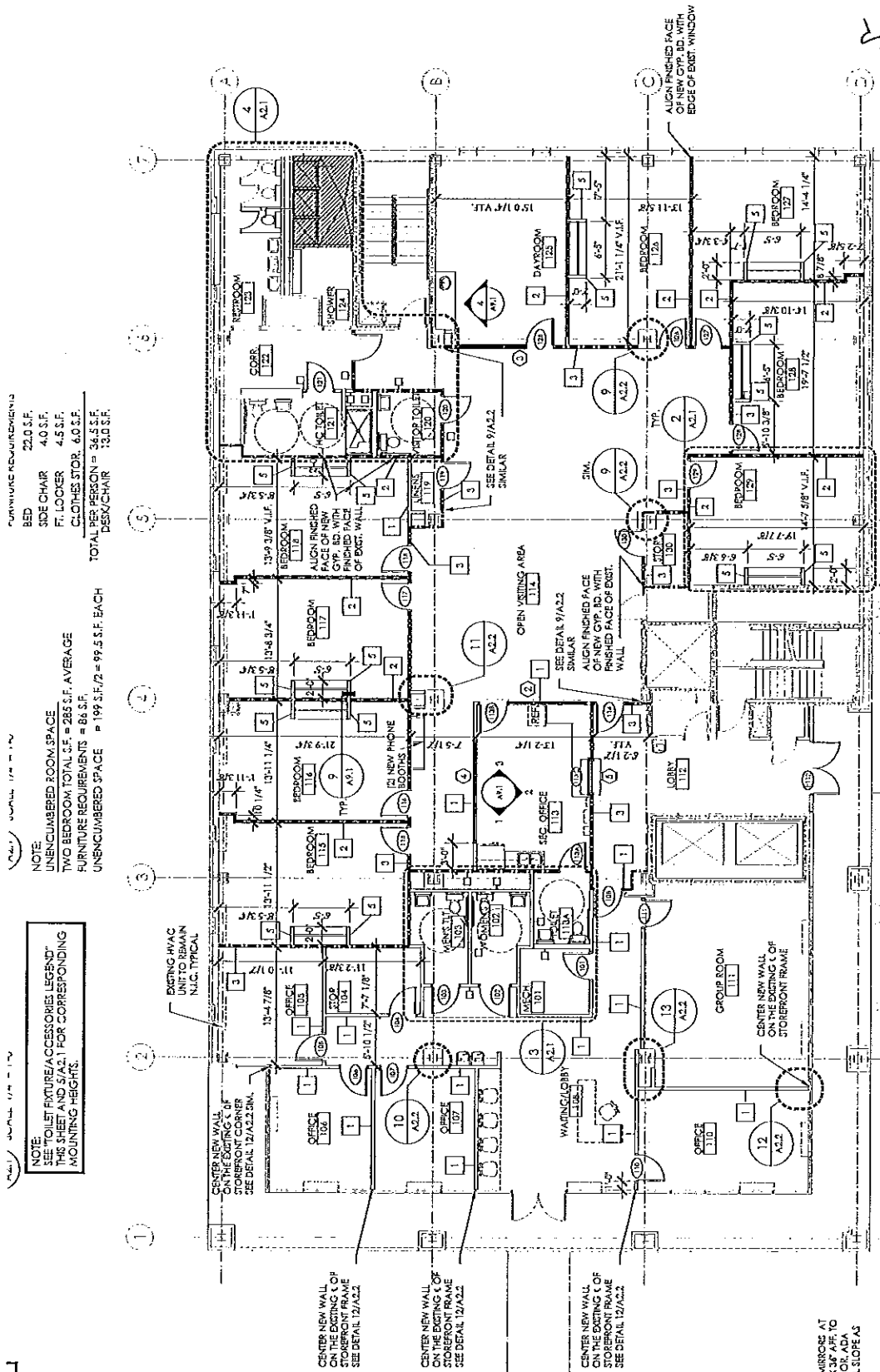
Medical facility in O-1 (Office, Medical, and Related Services)

Map No: 82

Jurisdiction: City

Original Print Date: 10/25/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





FURNITURE REQUIREMENTS
 BED 22.0 S.F.
 SIDE CHAIR 4.0 S.F.
 FT. LOCKER 4.5 S.F.
 CLOTHES STOR. 6.0 S.F.
 TOTAL PER PERSON = 36.5 S.F.
 DESK CHAIR 38.0 S.F.

NOTE:
 UNENCUMBERED ROOM SPACE
 TWO BEDROOM TOTAL S.F. = 285 S.F. AVERAGE
 FURNITURE REQUIREMENTS = 86 S.F.
 UNENCUMBERED SPACE = 199 S.F. / 2 = 99.5 S.F. EACH

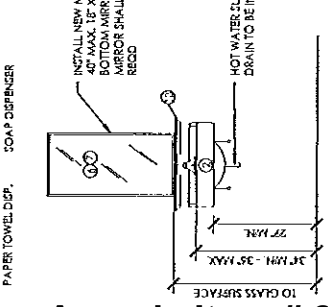
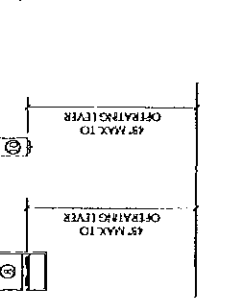
NOTE:
 SEE "TOILET FIXTURE/ACCESSORIES LEGEND"
 THIS SHEET AND S/A2.1 FOR CORRESPONDING
 MOUNTING HEIGHTS.

DORMITORY S.F. = 5,150 S.F.
 OFFICE/REHAB S.F. = 2,060 S.F.
 TOTAL RENOVATION S.F. = 7,210 S.F.

1 FLOOR PLAN
 SCALE 1/8" = 1'-0"

NOTE:
 SEE SHEET S/F FOR WORK REQUIRED FOR
 STRUCTURAL SLAB AT DUMPMSTER

GENERAL NOTES
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES AND ORDINANCES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES AND ORDINANCES.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES AND ORDINANCES.



LAVATORY
 FRONT ELEVATION

Midway

REHABILITATION
CENTER

1515 Magnolia Avenue
P.O. Box 3364
Knoxville, TN 37927

(865) 522-0301 Phone
(865) 522-6394 Fax

September 13, 2012

Mark Donaldson
MPC Executive Director
City/ County Building
400 Main Street, Suite 403
Knoxville, TN 37902

Re: Proposed increase in residential beds from 64 to 80 at 1515 Magnolia Avenue

Dear Mr. Donaldson:

Midway Rehabilitation Center occupied the 1515 Magnolia Avenue building in 2005 after a Use of Review was passed by the MPC. Midway is a Tennessee licensed residential substance abuse treatment center and we were consolidating our multiple facilities to one building. Prior to the 2005 opening of the building, the building was remodeled and all the floors were built out. There were two residential floors with 32 beds each, an administrative/counseling floor and the basement served as the cafeteria/kitchen area. This left the first floor unused in our four story brick building. We are now wanting to build out this floor to accommodate 16 beds for our female residents. Presently the females are housed on the second floor with other male residents. This creates problems that can easily be rectified if the females were relegated to their own floor. This floor will consist of eight two person rooms, bathrooms, TV lounge, visitation area and a staff office manned 24 hours per day.

The entire building is equipped with a fire sprinkler system and a central smoke detector system. No doors are locked in the facility except the administrative/counseling floor when not in use and storage areas. Our residents voluntarily enter our program and can likewise exit. The residents are required to work while in the program unless they have a documented disability. The program is highly structured with the residents not being allowed to freely roam outside the building until they have earned a level that allows four hours of personal time. Even on this level, they must sign out and go to the location they have specified and is approved by staff.

Residents are required to attend weekly individual sessions with their respective counselors and attend groups on substance abuse and life skills. Our counselors all have masters degrees and there is a social worker and a psychologist that deal with various aspects of clients main streaming back into society. This agency has been in existence since 1974 as a Tennessee licenced substance abuse center offering residential and outpatient services to individuals trying to remain alcohol and drug-free. We do not provide medical services other than first aid in emergency situations.

Residents' medications are centrally stored and staff supervise the clients taking their medications as prescribed.

Our program is very structured and highly supervised since our clientele have substance abuse histories and frequently criminal backgrounds. The majority of our referrals are from the Federal Bureau of Prisons or the U.S. Probation Office. Consequences for not successfully completing our program sometimes means a return to jail. We have been fortunate over the years to have a 80-85% success rate. Those program failures are primarily the result of alcohol/drug use because the agency has zero tolerance for this as well as being unaccountable in the community. We understand that there is some liability with the community with the clientele we treat. Our top priority is to safeguard community to the best of our ability. We accomplish this through the procedures we have in place and fortunately since our arriving at the 1515 Magnolia Avenue building we have had no incidents with the surrounding neighborhood. Our focus is intervening with our clients to change their behaviors and to help them re-establish themselves into the community they will eventually return to. We assist them with job placement, housing, family reunification and other community resources so their potential for success is enhanced.

We feel that the addition of sixteen females beds on the first floor would be beneficial to the daily running of this treatment center. The addition of male beds on the old coed second floor would allow other referral agencies to place individuals for treatment.

Thank you for your time and assistance on this project. I hope to talk to you in the near future and if any additional information is needed, please contact me.

Sincerely,



Steve McNish, Executive Director