



USE ON REVIEW REPORT

▶ **FILE #:** 4-G-21-UR

AGENDA ITEM #: 36

AGENDA DATE: 4/8/2021

▶ **APPLICANT:** JENNIFER MOORE-PITTS (TENANT)

OWNER(S): Wilma Jean Cardin / Robert Vaughn

TAX ID NUMBER: 62 210 & 21101

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 8537 Asheville Hwy. (8535 Asheville Hwy.)

▶ **LOCATION:** North side of Asheville Hwy, west of Arms Rd.

▶ **APPX. SIZE OF TRACT:**

SECTOR PLAN: East County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Asheville Hwy, a four-lane major arterial street with a divider median within 150 ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Lyon Creek

▶ **ZONING:** OB (Office, Medical, and Related Services)

▶ **EXISTING LAND USE:** O (Office)

▶ **PROPOSED USE:** Recovery housing

HISTORY OF ZONING: N/A

SURROUNDING LAND USE AND ZONING: North: Single detached dwelling -- A (Agricultural zone)

South: Single detached dwelling -- A (Agricultural zone)

East: Express towing -- CA (General business zone)

West: Hair salon, HVAC contractor -- A (Agricultural zone)

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.

STAFF RECOMMENDATION:

▶ **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.**

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.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.