



SPECIAL USE REPORT

▶ **FILE #:** 11-A-22-SU

AGENDA ITEM #: 19

AGENDA DATE: 11/10/2022

▶ **APPLICANT:** **STEPS HOUSE, INC.**
OWNER(S): Jody McClurg Steps House, Inc.

TAX ID NUMBER: 109 G C 007 [View map on KGIS](#)

JURISDICTION: City Council District 1

STREET ADDRESS: 1133 E MOODY AVE

▶ **LOCATION:** **West side of E. Moody Ave, south of Davenport Rd.**

▶ **APPX. SIZE OF TRACT:** **20319 square feet**

SECTOR PLAN: South City

GROWTH POLICY PLAN: N/A (Within City Limits)

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.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Baker Creek

▶ **ZONING:** **RN-5 (General Residential Neighborhood)**

▶ **EXISTING LAND USE:** **Multifamily Residential**

▶ **PROPOSED USE:** **Halfway house in RN-5 district**

DENSITY PROPOSED: N/A

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Single family residential - RN-2 (General Residential)

South: Single family residential - RN-2 (General Residential)

East: Single family residential - ROW (Right-of-Way)

West: Single family residential - RN-2 (General Residential)

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.

STAFF RECOMMENDATION:

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

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.

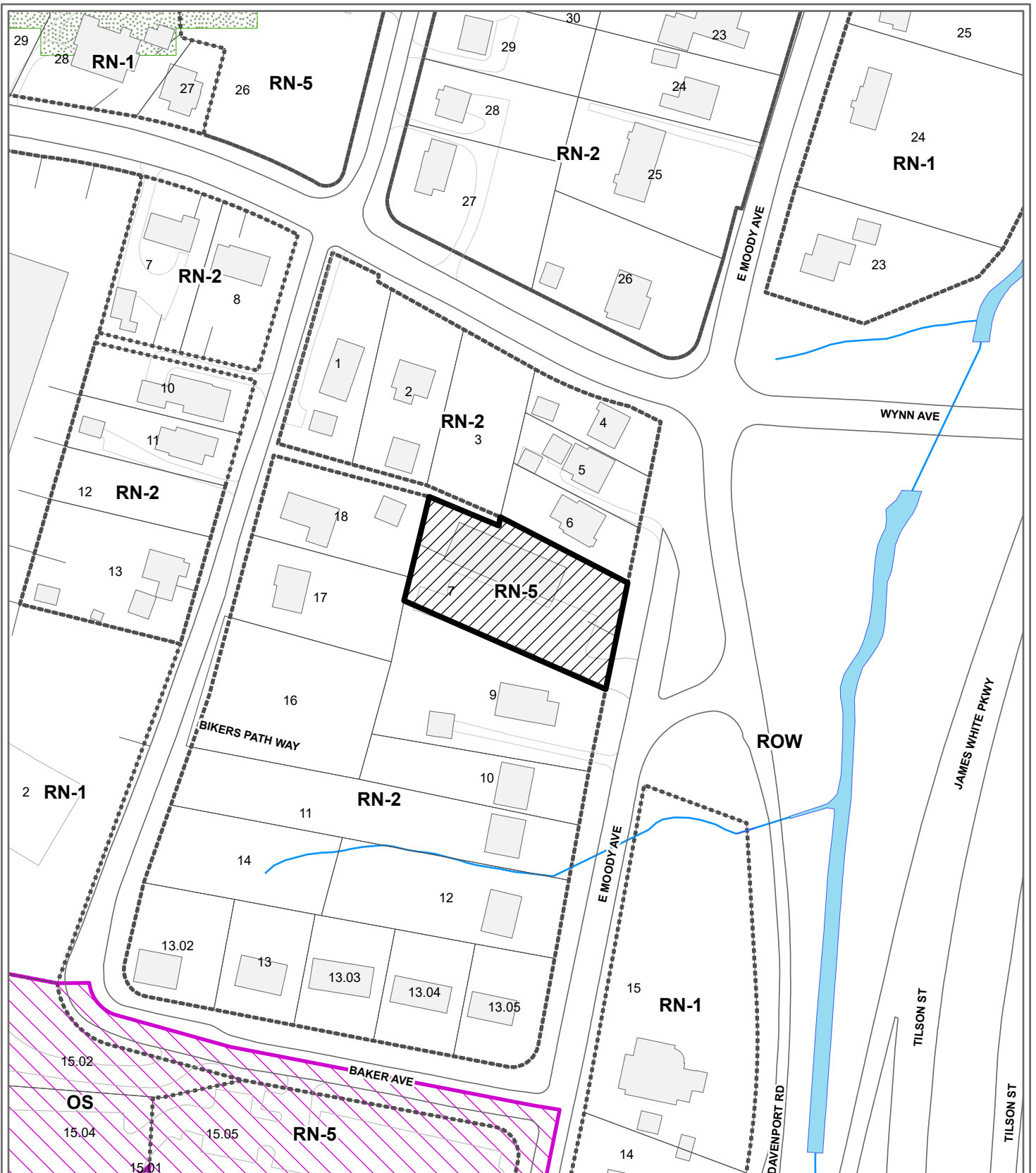
6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

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

ESTIMATED TRAFFIC IMPACT: Not required.

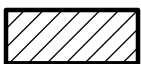
ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed.



**11-A-22-SU
SPECIAL USE**

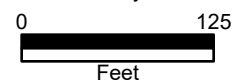
Petitioner: Steps House, Inc.



halfway house in RN-5 district in RN-5 (General Residential Neighborhood)

Map No: 109
Jurisdiction: City

Original Print Date: 10/17/2022 Revised:
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902





11-A-22-SU
11.3.22

Liz Albertson <liz.albertson@knoxplanning.org>

Fwd: 1133 Moody Ave. Floor Plan

Jody McClurg <jodymcclurg8596@gmail.com>
To: "liz.albertson@knoxplanning.org" <liz.albertson@knoxplanning.org>

Thu, Oct 27, 2022 at 2:05 AM

Liz Albertson,
Please see the attached files for a special use permit for The Steps House Inc.
thanks for all your help on this subject.

Jody L McClurg
CEO / Residential Program Director
Steps House Inc.
[712 Boggs Ave. Knoxville, TN 37920](#)
865-237-2827 Cell
865-573-7152 Office

----- Forwarded message -----

From: **Julie Sutter** <sutter.julie@gmail.com>
Date: Thu, Oct 27, 2022 at 1:50 AM
Subject: Fwd: 1133 Moody Ave. Floor Plan
To: Jody McClurg <jodymcclurg8596@gmail.com>

A Special Use Permit was filed with Knox Planning to allow 1133 Moody Avenue to be used as a Halfway House, which is an allowable use under R5 zoning.

Steps House has been providing sober living housing in the 37920 zip code for over 30 years. Steps has housing contracts with the Department of Veterans Affairs, Tennessee Department of Corrections, and Tennessee Department of Mental Health and Substance Abuse Services. We recently purchased 1133 Moody Avenue, a 10 unit apartment complex, which is located .8 miles from our administrative offices. 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.

Our proposed housing plan is to house 3 resident staff on site, all who will share 1 of the apartments. There will be 2-4 residents living in the other 9 units, with an anticipated average of 30 occupants. Residents in our programming, residing at this location are required to attend program activities, held at our administrative offices on Boggs Ave. Program activities include our 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 6-8 PM on Boggs Ave. Almost all residents residing at 1133 Moody Ave. will need to be transported to and from our administrative offices on Boggs Ave. 1- 2 times per day as most do not have any means of transportation. It is anticipated that the 3 resident staff members will have vehicles and we will be parking 1 of our 12 passenger vans at this location as well.

Our 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.

Due to the fact that our administrative offices are located in a school zone, none of our program participants/residents can be on the sex offender registry and this includes resident occupants at 1133 Moody Ave.

Should 1133 not be approved for the Halfway House zoning designation our alternate plan is to license the property as a Recovery Residence through the state and Tennessee Association of Recovery Residences. Recovery Residences are allowed to exist without Special Use permit approval in R1-R7. This license will allow us to put up to 4 residents in each of the 10 units. If we are forced to take this route, we will continue to house felons, however we will not have resident staff on site, nor will all of these residents be required to attend day time program activities at our administrative offices.

Additionally, not all of these residents housed by an approved Recovery Residence will necessarily be on probation, thus limiting our ability to supervise these residents as closely as we would be able to supervise residents who are living in a Halfway House.

 **pdf-file-0.pdf**
487K

108 feet

Top Level

30 feet

Apt. 6

Apt. 7

Apt. 8

Apt. 9

Apt. 10

2 Levels; 5 Apartments on each level

10 Unit Apartment Complex

Bottom Level

Apt. 5

Apt. 4

Apt. 3

Apt. 2

Apt. 1

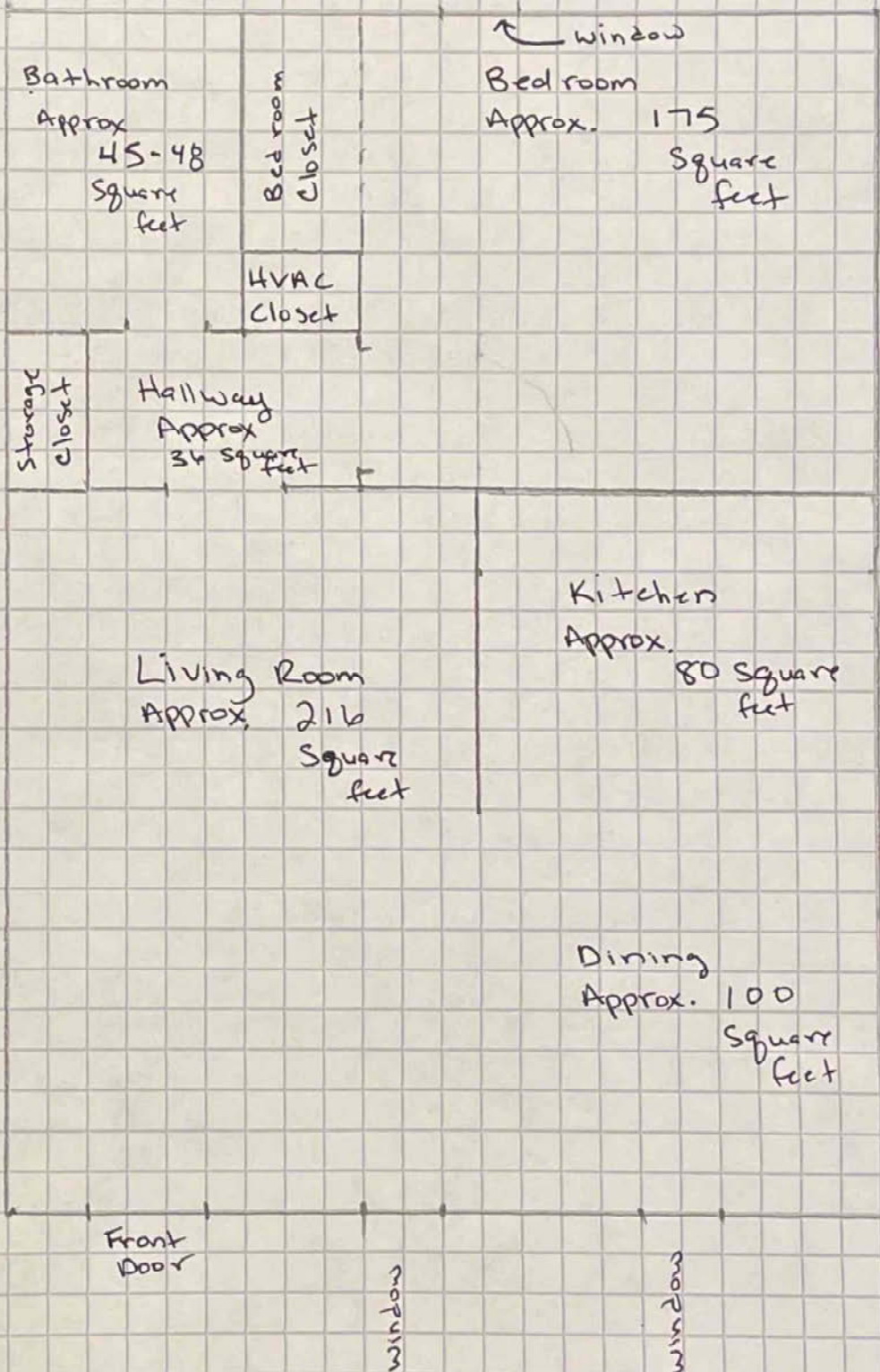
1133 Moody Ave. Knoxville, TN 37920

Apartment
Floor Plan

21.5 feet wide

29 feet deep

Each unit approximately 623.5 square feet





Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Steps House, Inc.

Applicant Name

Affiliation

9/13/2022

Date Filed

11/10/2022

Meeting Date (if applicable)

11-A-22-SU

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Jody McClurg Steps House, Inc.

Name / Company

712 Boggs Ave Knoxville TN 37920

Address

865-237-2827 / jodymcclurg85956@gmail.com

Phone / Email

CURRENT PROPERTY INFO

Jody McClurg Steps House, Inc.

Owner Name (if different)

712 Boggs Ave Knoxville TN 37920

Owner Address

865-237-2827 / jodymcclurg859

Owner Phone / Email

1133 E MOODY AVE

Property Address

109 G C 007

Parcel ID

20319 square feet

Tract Size

Part of Parcel (Y/N)?

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of E. Moody Ave, south of Davenport Rd.

General Location

City

Council District 1

RN-5 (General Residential Neighborhood)

Multifamily Residential

County District

Zoning District

Existing Land Use

South City

Planning Sector

LDR (Low Density Residential)

Sector Plan Land Use Classification

N/A (Within City Limits)

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input checked="" type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) halfway house in RN-5 district	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Total Number of Lots Created	
Additional Information _____	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input type="checkbox"/> Zoning Change	Proposed Zoning	Pending Plat File Number
<input type="checkbox"/> Plan Amendment		
Proposed Plan Designation(s)		
Proposed Density (units/acre) Previous Zoning Requests		
Additional Information _____		

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

ATTACHMENTS

- Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)
 Design Plan Certification (Final Plat)
 Site Plan (Development Request)
 Traffic Impact Study
 Use on Review / Special Use (Concept Plan)

Fee 1	Total
\$450.00	
Fee 2	
Fee 3	

AUTHORIZATION

Applicant Signature: **Steps House, Inc.** Date: **9/13/2022**
Please Print

Property Owner Signature: **Jody McClurg Steps House, Inc.** Date: **9/13/2022**
Please Print

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - OYP
- Rezoning

Jody McClurg for Steps House, Inc.

CEO

Applicant Name

Affiliation

9/7/2022

Date Filed

Meeting Date (if applicable)

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Jody McClurg

Steps House, Inc.

Name

Company

712 Boggs Avenue

Knoxville

TN

37920

Address

City

State

ZIP

865 237-2827

jodymcclurg8596@gmail.com

Phone

Email

CURRENT PROPERTY INFO

Steps House, Inc. (501C3 Non-Profit)

712 Boggs Avenue

865-573-7152

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

1133 E. Moody Avenue

109GC007

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

Development Plan Use on Review / Special Use Hillside Protection COA
 Residential Non-Residential
 Home Occupation (specify) Halfway House

Related City Permit Number(s)

Other (specify) _____

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Related Rezoning File Number

Unit / Phase Number Combine Parcels Divide Parcel Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Zoning Change Proposed Zoning _____

Pending Plat File Number

Plan Amendment Change Proposed Plan Designation(s) _____

Proposed Density (units/acre) _____ Previous Rezoning Requests _____

Other (specify) This property is already zoned R5

STAFF USE ONLY

PLAT TYPE

Staff Review Planning Commission

ATTACHMENTS

Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

Design Plan Certification (*Final Plat*)
 Use on Review / Special Use (*Concept Plan*)
 Traffic Impact Study
 COA Checklist (*Hillside Protection*)

Fee 1	Total
Fee 2	
Fee 3	

AUTHORIZATION


 Applicant Signature

Jody McClurg for Steps House, Inc.
 Please Print

9/7/2022
 Date

865-924-3179
 Phone Number

jodymcclurg8596@gmail.com
 Email

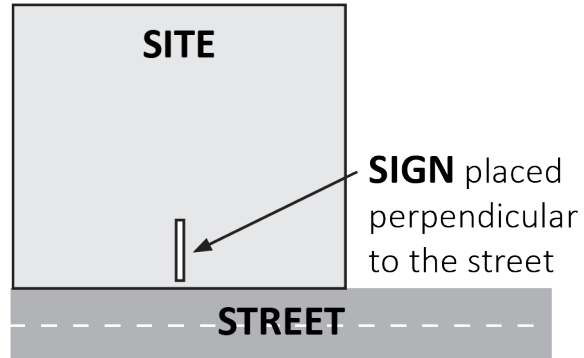

 Property Owner Signature

Jody McClurg, CEO
 Please Print

9/7/2022
 Date

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ and _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: _____

Date: _____

File Number: _____

- Sign posted by Staff
- Sign posted by Applicant