

**Morristown Board of Zoning Appeals
August 13, 2019**

Members Present

Chairman Jack Kennerly
Secretary Robert (Bob) Garrett
Mayor Gary Chesney
Board Member Wanda Neal
Board Member Ventrus Norfolk
Board Member Frank McGuffin
Board Member Bill Thompson

Others Present

Steve Neilson, Community Development Director
Lori Matthews, Senior Planner
Josh Cole, Planner
Tina Allison, Admin. Asst. Planning
Pat Penland
Ed Ohlinger
Kaissen Carr
Rick Armstrong

I. Chairman Jack Kennerly called for approval of the May 14th, 2019 minutes.

Board Member Frank McGuffin made a motion for approval of the May 14th, 2019 minutes seconded by Board Member Bill Thompson.

Upon voice votes, all Ayes. Motion carries.

II. Old Business:

None

III. New Business:

**UORV-2316: Use on Review for Proposed Medical Clinic in HI
(Heavy Industry District) 230 Bowman Street**

Senior Planner Lori Matthews discussed an application submitted by Mr. Lee Dilworth on behalf of applicant ReVIDA Recovery Centers, P. C. to be located at 230 Bowman Road. Ms. Matthews stated the applicant was seeking permission to operate a medical clinic within an HI (Heavy Industrial) zoned district. Medical clinics are land uses not allowed by right under current zoning regulations, however, should they meet the necessary use requirements, approval may be given by the Board of Zoning Appeals.

The subject property is located along the west side of Bowman road at its intersection with West Morris Boulevard just west of Hyde Eye Clinic. Situated on just over one acre, the existing office building measures just under 10,000 square feet and is currently occupied by the property owner Dr. Zain. The entire area west of Bowman Road to East Economy north to West 1st Street has been zoned for industrial uses since at least 1975. Originally platted in 1992, this area currently consists of medical office, warehousing, a call center, pawn shop, nail salon and a construction equipment leasing business.

As there already exists medical and professional offices within the subject area, Staff would normally recommend approval however the applicant is an OBOT or an office based opiate

treatment center. A use that has and is defined by City Zoning Ordinance and a use that incurs different requirements than that of a simple medical office.

Ms. Matthews stated that by City Zoning a definition of Methadone Treatment Clinic or Facility shall mean a licensed facility for the counseling of patients and the distribution of methadone, suboxone, or similar drug for outpatient, non-residential purposes only. As the use is defined by our Zoning Ordinance as a treatment facility, and, as the attached letter from founder Mr. Dilworth clearly states, their clinics are to be licensed as office based opiate treatments (OBOT) clinics. The applicant is obligated to meet the requirements found under Section 14-1403 in order to operate within an HI zoned district. These requirements include:

- The consideration for approval by the Board of Zoning Appeals of a methadone treatment clinic or facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee. The Planning Department has not received copies of appropriate license or certificate.
- Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use of Review approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal. These items were not submitted by the applicant. City Staff completed a map to show these boundaries.
- The clinic or facility shall be located on and have access to a Principal Arterial street. The applicant has met that criteria.
- The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church, mortuary or hospital. The applicant has not met that criteria. There are two churches within 1,000-foot buffer.
- The clinic or facility shall not be located within one thousand (1,000) feet of any establishment that sells alcoholic beverages for either on- or off- premises consumption. The applicant has bet that criteria.
- The clinic or facility shall not be located within one thousand (1,000) feet of any area devoted to public recreation activity. The applicant has bet that criteria.
- The clinic or facility shall not be located within one thousand (1,000) feet of any amusement catering to family entertainment. The applicant has bet that criteria.
- The site shall not be less than one thousand (1,000) feet of any residentially zoned property at the time of approval. Staff feels applicant does not meet that criteria. Two properties residentially zoned fall within 1,000-foot buffer.
- The site shall comply with off-road parking requirements. Staff is uncertain as to how much parking will be needed since parking is based on amount of space being used in the 10,000 square foot building.

Ms. Matthews concluded by stating as the proposed use fails to meet all the use on review conditions as listed under Section 14-1403.57 of the City's Zoning Ordinance, City Staff recommends denial of this application at this time. The buffer area created by Staff includes 56 different properties including two churches and possibly portions of two residentially zoned properties. Per regulations, no facility may be located within 1,000 feet of a church

nor may they be located at same distance from a residentially zoned areas, therefore, the applicant does not comply with the City's Zoning Ordinance.

Board Member Bill Thompson made a motion to approve Use on Review subject to variance to church and residential buffer Board Member Frank McGuffin seconded motion.

Ed Ohlinger, Chief Operating Officer, ReVIDA Recovery, spoke in favor of applicant.

Paul Hyde, Executive Director, Hamblen County Substance Abuse Coalition, spoke in favor of applicant.

Rick Armstrong, TCI Group – Lowry & Foster, spoke as realtor representing ReVIDA Recovery Centers.

Pat Penland, Hamblen Pediatrics, spoke against the applicant.

Voting results: 6 no, 1 yes. Motion Failed

No further business, meeting is adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bob Garrett', written over a horizontal line.

Bob Garrett, Secretary

BG/ta