

Memorandum

To: Metropolitan Planning Commission
From: Michael A. Brusseau, Senior Planner
Date: December 2, 2014
File #: 11-D-14-OB
Subject: Similar Use Determination –
‘Private club’ in the I-3 (General Industrial) zone

Request:

The City of Knoxville Building Inspections and Permitting Department referred the applicant to MPC for the purpose of determining if a ‘private club’ is appropriate as a permitted use in the I-3 (General Industrial) zoning district, on the basis that it could be deemed a similar use to ‘eating and drinking establishments,’ which are listed as a permitted use in the I-3 zoning district.

Authority:

MPC is given the authority to make this similar use determination by the City of Knoxville Zoning Ordinance. The uses permitted section of the I-3 (General Industrial) zone, (Article 4, Section 2.3.2, B, 4 of the Knoxville Zoning Ordinance) includes a statement that reads, “Other uses of the same general character as those listed in this section as permitted uses and deemed appropriate by the planning commission.” The similar use determination application is the most appropriate process for MPC to make this determination.

Background:

This application was submitted by Alex Lozano, so that MPC could consider the appropriateness of allowing a ‘private club’ in the I-3 zoning district. The property that is being proposed for this use is 1201 Hilton Rd. (CLT# 107AC013), located at the south end of Hilton Rd., south of Middlebrook Pike. It should be noted, however, that approval of this use determination would apply not only to this particular property, but would establish a ‘private club’ as a permitted use within any I-3 or I-4 zoning district within the City Limits of Knoxville.

Findings:

It is the opinion of staff that a ‘private club’ is not appropriate within the I-3 zoning district, as a permitted use or use permitted on review. This application was accepted on the applicant’s premise that a ‘private club’ is a similar use to ‘eating and drinking establishments’, which are listed as permitted uses in the I-3 zone. ‘Eating and drinking establishments’ are not specifically defined in the zoning ordinance. But ‘restaurants’, which are the most similar use to eating and drinking establishments, are defined as ‘establishments where food and drink is prepared, served and consumed primarily within the principal building.’ Restaurants are also generally open to the public, not just for members. The applicant’s attached use description states that there will not be a full kitchen (all food brought in from elsewhere) and the club will be for members only or for rental events, which could lead to an interpretation that the use be classified as an event facility, which is also not permitted in the I-3 zone.

A ‘private club’ is defined in the Zoning Ordinance as follows; “An organization catering exclusively to members and their guests, or premises and building for recreational or athletic purposes which are not conducted primarily for gain, providing that any vending stands, merchandising or commercial activities are conducted only as required generally for the membership of such club.” MPC staff is in agreement with the City that the proposed use is most appropriately classified as a ‘private club.’ Since a ‘private club’ is clearly defined in the ordinance and is specifically listed as a permitted use in the O-1, O-2, C-2, C-3, C-4 and C-6 zones, staff is of the opinion that the intent of the ordinance regulations is to distinguish between a ‘private club’ and an ‘eating and drinking establishment.’, therefore the policy established by the zoning ordinance is that a ‘private club’ should be located on a property within one of the six zoning districts that does clearly permit the use.

It should be noted that the I-4 zone lists “Any use permitted in the I-3 zoning district” as a permitted use in that zone. So, I-3 permitted uses would also be permitted in the I-4 zone.

Staff Recommendation:

DENY a “private club”, as a permitted use in the I-3 (General Industrial) zone.

The above factors lead MPC staff to conclude that a ‘private club’ should not be classified as an appropriate similar use to ‘eating and drinking establishments’ and should therefore not be permitted in the I-3 zone.

Similar Use Determination



Name of Applicant: Alex Loreano
Date Filed: 10/6/14 Application Accepted by: B. Mussean
Fee Amount: \$200 Meeting Date: Nov 13, 2014 File Number: 11-D-14-05

PROPERTY INFORMATION

Address: 1201 Hilton Rd.
General Location: SE end of Hilton Rd S of S Middlebrook Plz
Tract Size: +16800sf No. of Units: 1
Zoning District: I-3 (pending)
Existing Land Use: Vacant building
Planning Sector: Northwest City
Sector Plan Proposed Land Use Classification: Light Industrial
Growth Policy Plan Designation: Inside City
Census Tract: 38.01
Traffic Zone: 1SG
Parcel ID Number(s): _____
Jurisdiction: City Council 2nd District
 County Commission _____ District

PROPERTY OWNER/OPTION HOLDER

PLEASE PRINT
Name: Alex Loreano
Company: The Hideaway
Address: 1201 Hilton Rd
City: Knoxville State: TN Zip: 37921
Telephone: 865-208-8671
Fax: _____
E-mail: loranoval.alex@gmail.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:
PLEASE PRINT
Name: Same as above
Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____
Fax: _____
E-mail: _____

USE REQUESTED

- ATTACH AS A SEPARATE DOCUMENT:
- A detailed description of the proposed specific use. Including: number of employees, hours of operation, products made or sold, services performed, special equipment used.
 - A statement indicating how the various permitted uses listed in the zoning regulations are similar in nature, operations, and character to the proposed use in this application and how they would be compatible.
 - Floor/site plan factors. Details regarding limitations (such as maximum floor area or site area) on building and site development for the following: office areas, warehousing areas, manufacturing areas, showroom/retail areas.

APPLICATION AUTHORIZATION

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, whose signatures are included on the back of this form.

Signature: Alex Loreano
PLEASE PRINT
Name: Alex Loreano
Company: The Hideaway
Address: 1201 Hilton Rd
City: Knoxville State: TN Zip: 37921
Telephone: 865-208-8671
E-mail: loranoval.alex@gmail.com



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11-D-14-OR

Similar Use Determination Document

We are asking MPC to define our business as an "eating and drinking establishment" in order for it to be allowed in an I-3 Zone.

This private membership club is geared towards members that want to relax in the evenings and weekends in an environment that they can socialize, watch sports and or movies, on several TV's throughout the club. The club will also act as a banquet hall for members that want to rent it out for private parties. The Club also has a billiard room for guests to play and relax in. We will employ a staff of between 8 to 15 full time employees depending on volume and seasonality.

Hours of operation are:

Wednesday – Saturday, 5pm – 11pm

Additionally, Club members will enjoy lunch and dinner on the weekends and dinner only during the week from a variety of restaurants throughout Knoxville that will cater their particular cuisine to the club. Examples of the restaurants that will cater to us are: La Cabana, Wild Wing Café, Irish Times, Don Gallo, Wrights Café, Nama, as well as many other Restaurants. The club will have a heated buffet table, plates and silverware, refrigeration for beer and or soft drinks.

An agreement has been signed with Coca – Cola as our exclusive beverage vendor. Alcoholic drinks are welcome as part of our BYOB program to our club members. These will be served by our staff and will remain on premise as our members so choose to do. Non - alcoholic beverages will be provided by us and served with soft drinks, juices, energy drinks, water and coffee all included in our membership fees. Based on the information provided, and the fact that the club will be an eating and drinking establishment on a daily basis, we feel that this club meets the requirements of an I-3 zoning based on article 2B stating that the club is an eating, drinking, brew pub establishment. Article 2B does not state whether the club must have a full size kitchen and cook on premise in order for it to be an eating establishment, nor does it state that alcoholic/non-alcoholic beverages must be sold in order for it to be a drinking establishment.

Changes to the building are mostly cosmetic with the exception of plumbing. The restrooms were outdated, run down and did not meet city code. We are updating the restrooms to meet code, including ADA, as well as modernizing both restrooms. All other changes are painting, new light fixtures.

We feel that our business model is not clearly classified in the Definitions section of the Zoning Regulations. We are mainly an "eating and drinking establishment", but because we are for members only, it could be interpreted that we are a "Private Club". Club La Conte would be a great example as a business that falls into this same ambiguity. Club La Conte is clearly an "eating and drinking establishment", but it is for members only. Our business is very similar to Club La Conte, with the only differences being; that our cuisine will be catered in from area restaurants as described earlier.

Thus, we would appreciate you support in determining that we are an "eating and drinking establishment" allowing us to open our business in an I-3 Zone.