

# CASE SUMMARY

**APPLICATION TYPE: OTHER BUSINESS**

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building  
4 0 0 M a i n S t r e e t  
Knoxville, Tennessee 37902  
8 6 5 • 2 1 5 • 2 5 0 0  
F A X • 2 1 5 • 2 0 6 8  
w w w • k n o x m p c • o r g

**File Number:** 11-D-14-OB  
**Application Filed:** 10/6/2014  
**Applicant:** ALEX LOZANO

**Related File Number:**  
**Date of Revision:**

## PROPERTY INFORMATION

**General Location:**

**Other Parcel Info.:**

**Tax ID Number:** 999 999

**Jurisdiction:**

**Size of Tract:**

**Accessibility:**

## GENERAL LAND USE INFORMATION

**Existing Land Use:**

**Surrounding Land Use:**

**Proposed Use:**

**Density:**

**Sector Plan:**

**Sector Plan Designation:**

**Growth Policy Plan:**

**Neighborhood Context:**

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:**

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:** Consideration of Similar Use Determination for a private club in the I-3 (General Industrial) zone district.

## ZONING INFORMATION (where applicable)

**Current Zoning:**

**Former Zoning:**

**Requested Zoning:**

**Previous Requests:**

**Extension of Zone:**

**History of Zoning:**

## PLAN INFORMATION (where applicable)

**Current Plan Category:**

**Requested Plan Category:**

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:                      No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:    Consideration of Similar Use Determination for a private club in the I-3 (General Industrial) zone district.

**MPC ACTION AND DISPOSITION**

Planner In Charge:            Michael Brusseau

Staff Recomm. (Abbr.):        DENY a "private club", as a permitted use in the I-3 (General Industrial) zone.

Staff Recomm. (Full):        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.

Comments:                      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.

MPC Agenda Item # 40

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.

Action:                            Denied

Meeting Date:    12/11/2014

**Details of Action:**

**Summary of Action:** DENY a "private club", as a permitted use in the I-3 (General Industrial) zone.

**Date of Approval:** **Date of Denial:** 12/11/2014 **Postponements:** 11/13/14

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

***LEGISLATIVE ACTION AND DISPOSITION***

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:**

**Date of Legislative Action, Second Reading:**

**Ordinance Number:**

**Other Ordinance Number References:**

**Disposition of Case:**

**Disposition of Case, Second Reading:**

**If "Other":**

**If "Other":**

**Amendments:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**