



USE ON REVIEW REPORT

▶ **FILE #:** 1-H-19-UR

AGENDA ITEM #: 40

AGENDA DATE: 1/10/2019

▶ **APPLICANT:** BERNARDO HOLDING, LLC

OWNER(S): Bill Bernardo

TAX ID NUMBER: 59 026.11

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 3200 Knoxville Center Dr

▶ **LOCATION:** Southwest side of Knoxville Center Dr., north side of North Mall Rd.

▶ **APPX. SIZE OF TRACT:** 5.92 acres

SECTOR PLAN: North City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Knoxville Center Dr., a private street that loops around the adjacent mall, and North Mall Rd., a one-way west major collector street with 50' of pavement width within the large I-640 right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

▶ **ZONING:** PC-2 (Retail and Distribution Park)

▶ **EXISTING LAND USE:** Vacant retail building

▶ **PROPOSED USE:** Change of use from retail to warehouse facility

HISTORY OF ZONING: Property was rezoned from SC-3 to PC-2 in 2018 (5-B-18-RZ) with a condition that any change of use will require UOR development plan approval prior to the new use being established on the site.

SURROUNDING LAND USE AND ZONING: North: Parking lot, mall, apartments / SC-3 (Regional Shopping Center) & RP-1, RP-2 (Planned Residential) at up to 35 du/ac

South: North Mall Rd. right-of-way / SC-3 (Regional Shopping Center)

East: East Towne Rd., church / SC-3 (Regional Shopping Center)

West: Bank and residences / C-6 (General Commercial Park)

NEIGHBORHOOD CONTEXT: The building on this mall out parcel was formerly occupied by Toys R Us and Fowler's Furniture. It is surrounded by residential and commercial uses, under SC-3, C-6, RP-1 and RP-2 zoning.

STAFF RECOMMENDATION:

▶ **APPROVE the use of the existing building (approximately 46,000 square feet) for a warehouse / distribution business, and the associated development plan, subject to 8 conditions.**

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the City of Knoxville Department of Engineering.

3. Meeting all requirements of the Knox County Health Department.
4. Maintaining the existing trees in the yards so as to be in compliance with the landscaping requirements of the PC-2 (Retail and Distribution Park) standards.
5. Installing the landscaping along East Towne Rd. and in the southwest corner of the property, as shown on the development plan, within six months of issuance of the occupancy permit.
6. Installing all signs in accordance with Article 8 (Signs, billboards, and other advertising structures) of the City of Knoxville Zoning Ordinance.
7. No outdoor storage of product or materials, or outdoor display, is allowed without review and approval by Planning Commission staff to determine the location and screening meet the PC-2 (Retail and Distribution Park) standards, or any new standards that have been adopted as of the date of the request.
8. Any further development of the site shall be in compliance with the adopted zoning standards at the time of application for permits or Planning Commission review, whichever is applicable.

With the conditions noted above, this request meets all requirements for approval in the PC-2 zone, as well as other criteria for use-on-review approval.

COMMENTS:

This proposal is to reuse a retail building (former Toys R Us) for a warehouse / distribution business that specialized in rubber products. This property was rezoned from SC-3 (Regional Shopping Center) to PC-2 (Retail and Distribution Park) in June 2018 (5-B-18-RZ) with a condition that the Planning Commission approve a use-on-review development plan prior to permitting to establish a new use on the site. This condition was a recommendation by staff because of the potential impact that uses permitted in the PC-2 zone could have on the established retail shopping center, and the nearby single- and multi-family residential, and office uses.

While large shopping centers and retail buildings are designed to accommodate large trucks for deliveries, the truck traffic is infrequent and usually during the off hours of when most customers are present. The proposed warehouse / distribution will have more large trucks entering and leaving the site during the day, estimated to be approximately five 18-wheelers per day. The business owner does not propose any outdoor storage or semi-trailer parking on the site.

The development plan does not propose any external changes to the building or the site at this time, so the Planning Commission is primarily reviewing whether the proposed use is appropriate for this site. The property is located on the southwest corner of the Knoxville Center Mall shopping center and the only access to the site is via Knoxville Center Dr, which is the private road that loops around the mall. There is an existing apartment complex to the north that has its only driveway access to Knoxville Center Dr. about 40' away from the northern access point to the warehouse / distribution facility. In addition, the mall parking lot to the north of the subject site was rezoned to RP-2 < 35 du/ac in June 2017 (7-E-17-RZ), which, if developed, will add up to 315 more nearby dwellings that use Knoxville Center Dr. in this area.

The PC-2 zone has landscaping and screening standards that staff is recommending and which the applicant has shown on the development site plan. Along the Knoxville Center Dr. frontage there are 8 existing trees that have been identified and will be maintained. The property owner has begun clearing the undergrowth along this frontage and trimming the trees. Ten new white pine trees will be planted to screen portions of the site; three trees to the East Towne Rd. frontage to screen the large parking lot, and three trees along the southwest property line to screen the service area of the building.

EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE

1. The proposed warehouse/distribution facility will have little impact on the surrounding commercial and residential development. All storage is to be maintained within the building.
2. With the additional landscaping proposed, the property will meet the landscaping and screening standards of the PC-2 zone.
3. The facility will access a major collector street via the private roadways within the Knoxville Center Mall development, so there should be minimal impact on the road system.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE CITY OF KNOXVILLE ZONING ORDINANCE

1. The proposed church is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and One Year Plan. The

use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

2. The proposal meets all relevant requirements of the PC-2 zoning district, as well as other criteria for approval of a use-on-review.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

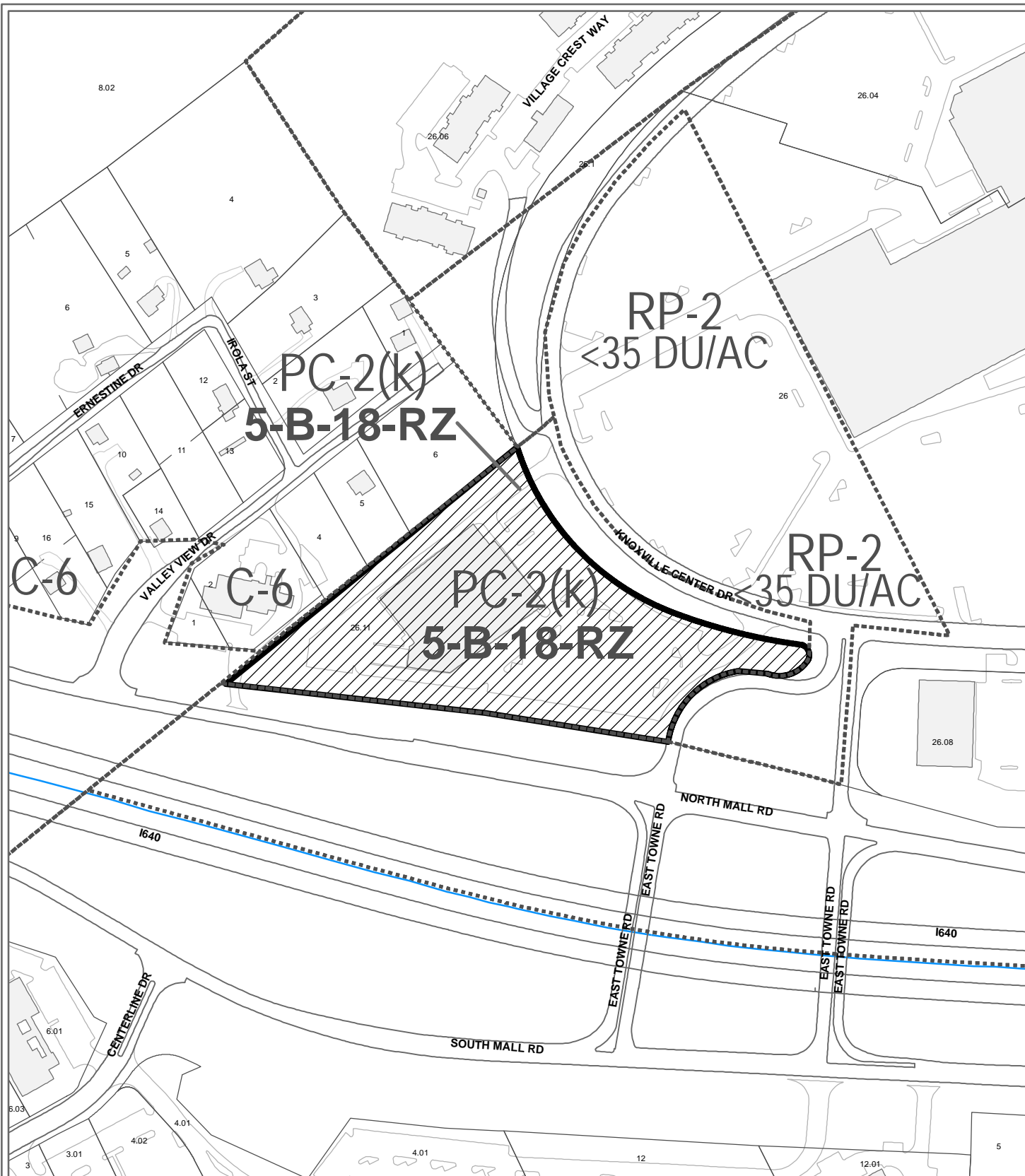
1. The use is in conformity with the One Year Plan and the North City Sector Plan, which propose MU-RC (Regional Mixed Use Center) uses for the site. Warehousing and distribution centers are a permitted use within the PC-2 zone.

ESTIMATED TRAFFIC IMPACT: 169 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

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. Appellants have 15 days to appeal a Planning Commission decision in the City.



**1-H-19-UR
USE ON REVIEW**



Change of use from retail to warehouse facility, in PC-2 (Retail and Distribution Park)

Petitioner: Bernardo Holding, LLC

Map No: 59

Jurisdiction: City



Original Print Date: 12/17/2018

Revised:

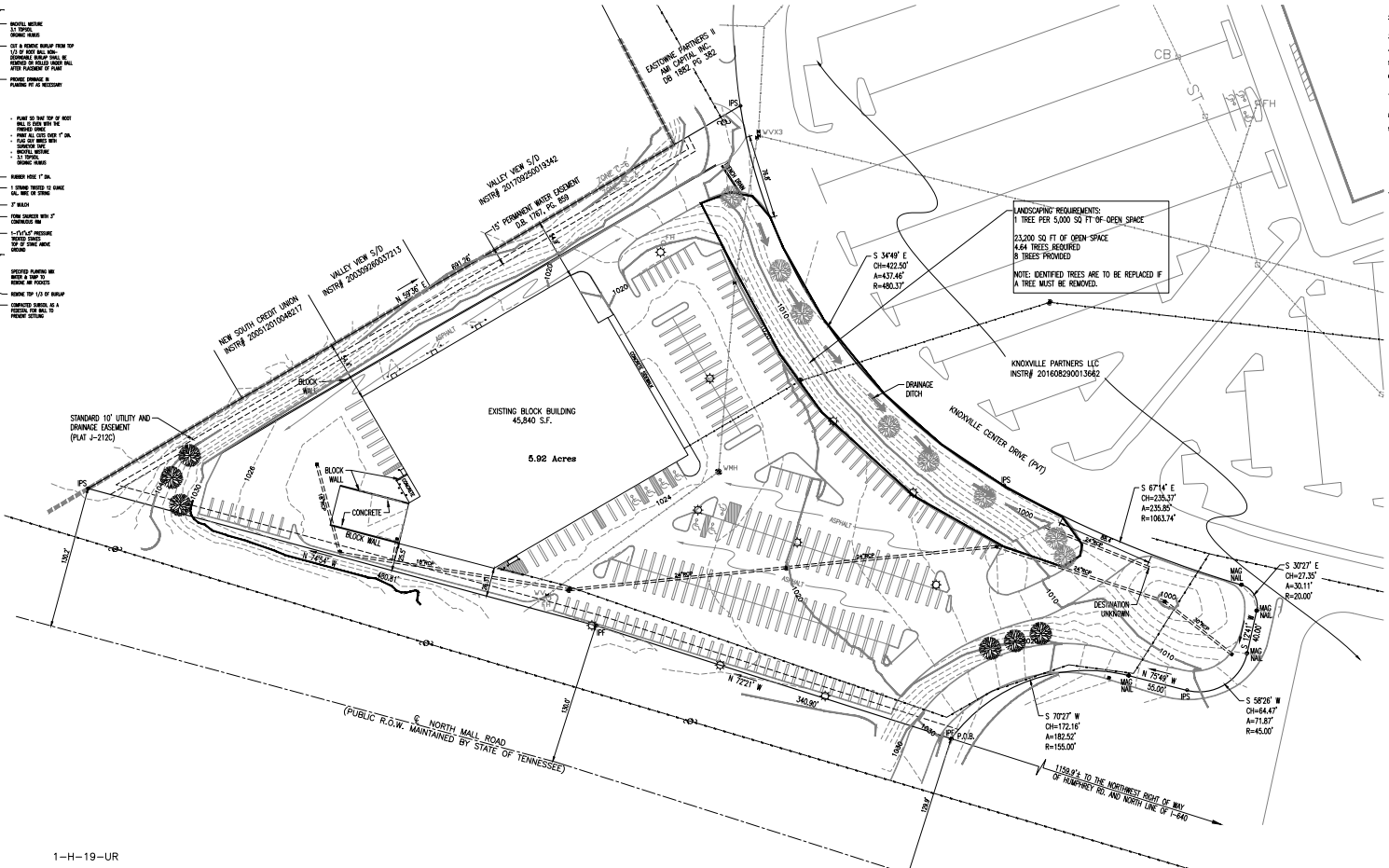
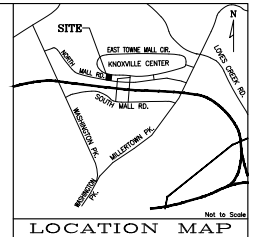
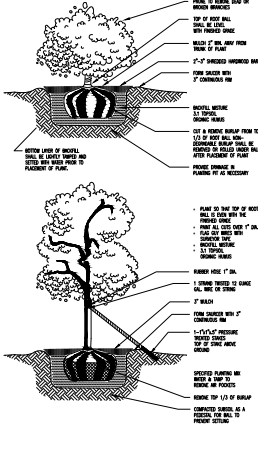
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

SHRUB AND TREE LEGEND
(X) 2-1/2" PINUS STROBUS (EASTERN WHITE PINE) CANOPY (WP)

1. The building contractor to locate and mark all underground utilities and grade site to proper elevations before landscaping begins.
2. Soil conditions to be added to topsoil for all plantings.
3. Barkup to be removed from top of trees and shrubs where needed.
4. Trees to be secured with stakes.
5. Mulch will consist of pine needles, wood mulch or rock, or any combination of such.
6. All trees and plant materials are to be disease free and healthy at time of installation.
7. Plant materials will be guaranteed and maintained by the property owner.
8. Bermuda Holding, LLC, to maintain the quality of the design, reserves the right to make any changes necessary to the original design if plant material becomes unavailable at time of installation. Any changes will be of equal quality or better.
9. Sod to be installed as noted within the property boundary. There will be an approx. 10' ribbon of sod around all curbs within the property lines. The remainder will be seeded with a quality fescue blend grass seed, fertilized and strawed.
10. Irrigation system to be installed by building contractor or contractor if needed.
11. Depending upon time of year and seasonal conditions, if viability of sodding is in question, then sods will be seeded instead, using a quality fescue grass mix and straw mulch.
12. Rained irrigation is optional.

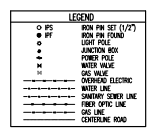
Optional: Rained Irrigation System
RAINED IRRIGATION SYSTEM w/WIRELESS RAIN CHECK
1" 3/32" BS Backflow Preventer ASCE approved
Rained Outdoor ESP Control Box
1" Water meter

PLANTING DETAILS



- NOTES:
1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES, EASEMENTS AND OTHER ENCUMBRANCES WHICH MAY AFFECT THIS PROPERTY NOT COVERED IN THE BASE DEED.
 2. HIGH PINS FOUND (HPF) SHOWN ON SURVEY. ALL OTHERS SET BY B/MAP, UNLESS NOTED OTHERWISE ON SURVEY.
 3. THIS PROPERTY CONTAINS 5.92 ACRES.
 4. THIS PROPERTY IS ZONED PD-200.
 5. QUALITY OF NORTH IS BASED ON PLAT J212C.
 6. UTILITY AND DRAINAGE EASEMENT OF 10' RESERVED INSIDE ALL EXTERIOR BOUNDARY AND ROAD LINES.
 7. 15' UTILITY EASEMENT EITHER SIDE OF WATER AND/OR SEWER LINES AS NOTED.
 8. PROPERTY ADDRESS IS 3200 KNOXVILLE CENTER DRIVE.
 9. PARKING SPACES REQUIRED (BASED ON WAREHOUSE AND DISTRIBUTION FACILITY):
MINIMUM 23 SPACES (23 SPACES/1,000 SQFT)
MAXIMUM 22 SPACES (2 SPACES/1,000 SQFT)
ACCESSIBLE: 2 SPACES
PARKING SPACES PROVIDED:
STANDARD SPACES: 240
ACCESSIBLE SPACES: 2
TOTAL SPACES: 242
 10. THIS BUSINESS WILL FUNCTION AS A PRIMARY DISTRIBUTION CENTER FOR HUNTER PRODUCTS. TEN EMPLOYEES WILL WORK AT THE BUILDING AND THERE WILL BE APPROXIMATELY 8-10 WHEELCHAIR SPACES. THE FACILITY HAS NO OUTDOOR STORAGE IS ANTICIPATED. NO SEMI-TRAILER PARKING WILL BE ALLOWED.

LANDSCAPING REQUIREMENTS:
1 TREE PER 5,000 SQ FT OF OPEN SPACE
23,200 SQ FT OF OPEN SPACE
4.64 TREES REQUIRED
8 TREES PROVIDED
NOTE: IDENTIFIED TREES ARE TO BE REPLACED IF A TREE MUST BE REMOVED.



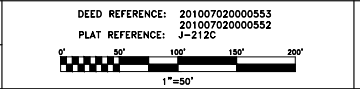
USE ON REVIEW
CHANGE BUILDING USE FROM A RETAIL ESTABLISHMENT TO A WAREHOUSE FACILITY. BUILDING EXTERIOR AND PARKING LAYOUT TO REMAIN UNCHANGED.

1-H-19-UR
Revised: 1/3/2019

OWNER/DEVELOPER
BERNARDO HOLDING LLC
C/O: ERCO, INC.
1330 HOLMES RD
KNOXVILLE, TN 37923
PHONE: (841) 532-9901

BATSON, HIMES, NORVELL & POE
REGISTERED ENGINEERS & LAND SURVEYORS
4334 PAPERMILL DRIVE
KNOXVILLE, TENNESSEE 37909
PHONE: (865) 588-6472
FAX: (865) 588-6473
email@bh-n-p.com

DESIGNED	DMP					SCALE	1" = 50'
DRAWN	SEW					DATE	11/21/18
CHECKED	DMP	1	8-14-18	REVISED PER MPC COMMENTS			
		2	1-2-19	REVISED ROAD NAME			
				REVISION	APPR.	NO.	DATE

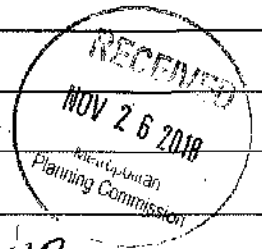


DEED REFERENCE: 20100702000553
PLAT REFERENCE: J-212C
DEVELOPMENT SITE PLAN FOR
BERNARDO HOLDING LLC
CLT MAP 59 PARCEL 26.11
DISTRICT 7, KNOX COUNTY, TENNESSEE
CITY BLOCK 33970, 33TH WARD, CITY OF KNOXVILLE

25105-SP
SHEET 1 OF 1 SHEET
G:\25105\25105-SP-DWG

Use on Review **Development Plan**

Name of Applicant: Bernardo Holding, LLC
 Date Filed: 11/26/18 Meeting Date: 1/10/19
 Application Accepted by: Mike Reynolds
 Fee Amount: _____ File Number: Development Plan
 Fee Amount: \$1,500⁰⁰ File Number: Use on Review 1-H-18-UR



PROPERTY INFORMATION

Address: 3200 Knoxville Center Dr
 General Location: SW side Knoxville Center Dr, West of East Towne Rd
 Tract Size: 5.92 ac No. of Units: _____
 Zoning District: PC-2
 Existing Land Use: Commercial
 Planning Sector: North City
 Sector Plan Proposed Land Use Classification: MU-RC
 Growth Policy Plan Designation: Urban Growth
 Census Tract: 43
 Traffic Zone: 136
 Parcel ID Number(s): Map 59 Parcel 26.11
 Jurisdiction: City Council 4th District
 County Commission _____ District

PROPERTY OWNER/OPTION HOLDER

PLEASE PRINT
 Name: Bill Barnardo
 Company: Bernardo Holding, LLC
 Address: 1330 Holmes Rd
 City: Elgin State: IL Zip: 60123
 Telephone: (841) 532-9501
 Fax: _____
 E-mail: bbarnardo@ebcoinc.com

APPLICATION CORRESPONDENCE

All correspondence relating to this application should be sent to:
 PLEASE PRINT
 Name: David Harbin
 Company: Batson Himes Norvell & Poe
 Address: 4334 Papermill Dr.
 City: Knoxville State: TN Zip: 37909
 Telephone: 588-6472
 Fax: 588-6473
 E-mail: harbin@bhn-p.com

APPROVAL REQUESTED

Development Plan: Residential Non-Residential
 Home Occupation (Specify Occupation) _____
 Other (Be Specific)
Change building use from a retail establishment to a warehouse facility
Building exterior and parking layout to remain unchanged.

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: David Harbin
 PLEASE PRINT
 Name: David Harbin
 Company: Batson Himes Norvell & Poe
 Address: 4334 Papermill Dr.
 City: Knoxville State: TN Zip: 37909
 Telephone: 588-6472
 E-mail: 588-6473

SIGNATURES OF ALL PROPERTY OWNERS INVOLVED OR HOLDERS OF OPTION ON SAME MUST BE LISTED BELOW:

Please Sign in Black Ink:

(If more space is required attach additional sheet.)

Name	Address	City	State	Zip	Owner	Option
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Bernardo Holdings, LLC

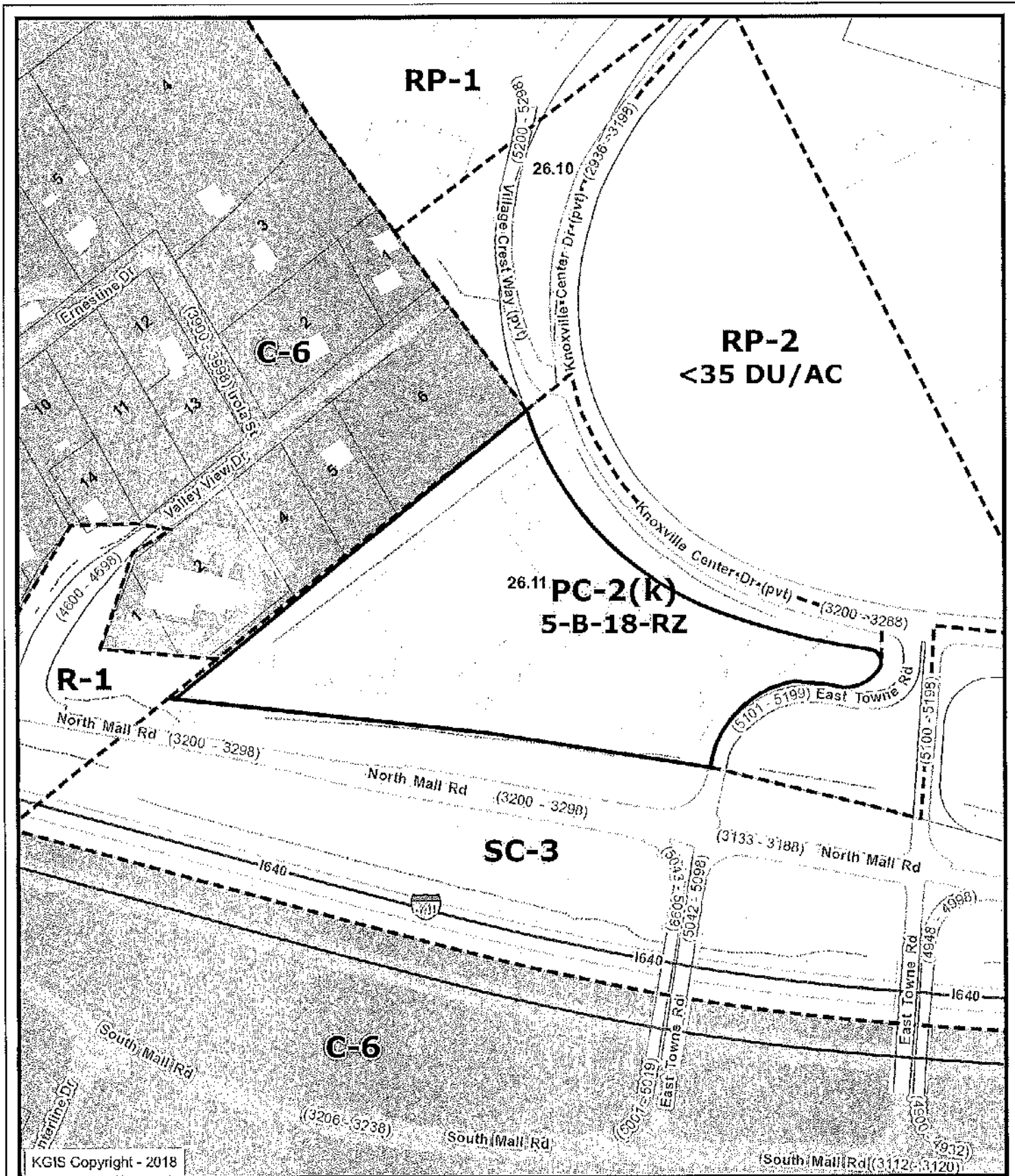
1330 Holmes Rd



c/o Bill Bernardo

Elgin, IL 60123





Letter Portrait

Knoxville - Knox County - KUB Geographic Information System

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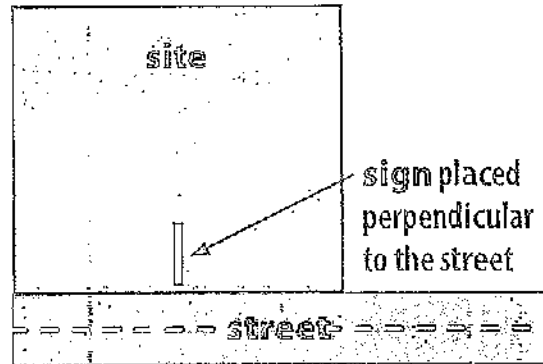
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted MPC Administrative Rules and Procedures.

At the time of application, MPC staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the MPC offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

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



TIMING

The sign(s) must be posted 15 days before the scheduled MPC 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 15 days before the next MPC meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

December 26, 2018

(15 days before the MPC meeting)

and January 11, 2019

(the day after the MPC meeting)

Signature: Kaity Patterson

Printed Name: KAITY PATTERSON

Phone: 865-588-6472

Email: kpatterson@bhn-p.com

Date: 11/20/18

MPC File Number: 1-H-19-OR