



SPECIAL USE REPORT

► **FILE #:** 8-B-22-SU

AGENDA ITEM #: 34

AGENDA DATE: 8/11/2022

► **APPLICANT:** BERNARDO HOLDINGS, LLC

OWNER(S): William Bernardo Bernardo Holdings, LLC

TAX ID NUMBER: 59 02611

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 3200 KNOXVILLE CENTER DR

► **LOCATION:** West side of Knoxville Center Dr, north of North Mall Rd and I-640

► **APPX. SIZE OF TRACT:** 6.08 acres

SECTOR PLAN: North City

GROWTH POLICY PLAN: N/A (within City limits)

ACCESSIBILITY: The nearest access point to this portion of the Knoxville Center Mall property is off of N. Mall Road, a major collector that runs parallel to I-640 and that is located just to the north of the interstate. It is contained within the I-640 right-of-way, which varies widely in width depending on the measurement point, but is always greater than 500 feet. N. Mall Road has a pavement width of approximately 24 feet.

UTILITIES: Water Source: KUB WATER

Sewer Source: KUB SEWER

WATERSHED: Love Creek

► **ZONING:** I-MU (Industrial Mixed-Use) (C)

► **EXISTING LAND USE:** Small warehouse/distribution facility

► **PROPOSED USE:** Removal of the previously approved planned district (C) designation (PC-2, Retail and Distribution Park)

HISTORY OF ZONING: Rezoned from SC-3 (Regional Shopping Center) to PC-2 (Retail and Distribution Park) in June 2018 (5-B-18-RZ) with a condition (k).

SURROUNDING LAND USE AND ZONING: North: Single family residential, multifamily residential, office, and vacant land - RN-1 (Single-Family Residential Neighborhood), RN-6 (Multi-Family Residential Neighborhood), and O (Office) Districts

South: I-640 right-of-way

East: Distribution center (under construction) - I-G (General Industrial) District

West: I-640 right-of-way

NEIGHBORHOOD CONTEXT: This property occupies an out-parcel to the side of the former Knoxville Center Mall site. The general area includes a mix of uses including commercial, multifamily residential, office, and single family residential uses. I-640 is nearby to the south.

STAFF RECOMMENDATION:

- ▶ **Approve the request to remove the previously approved planned district (C) designation from this parcel.**
 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.

With the conditions noted, this plan meets the requirements for removal of the previously approved planned district designation and the other criteria for approval of a special use.

COMMENTS:

Prior to adoption of the new zoning code, the property was zoned PC-2 (k) (Retail and Distribution Park District, with a condition) as of a 2018 rezoning case (Case 5-B-18-RZ). The former PC-2 zoning allowed flexibility in the types of commercial uses that could be considered (ranging from those found in regional shopping centers to those found in distribution/light warehousing parks). The condition was for the Planning Commission to approve a use-on-review development plan prior to the permitting process to establish a new use on the site.

Upon the adoption of the new City Zoning Ordinance on January 1, 2020, this property was assigned the I-MU (Industrial-Mixed Use) District but retained the previously approved planned district (C) designation. Per Article 1.4.G. (Previously Approved Planned Districts) of the City of Knoxville Zoning Ordinance, all previously approved planned districts remain in effect and are subject to all plans, regulations, and/or conditions of their approval. The previously approved plans for this PC-2 District consisted of reusing a vacant retail building (former Toys R Us) for a warehouse/distribution business specializing in rubber products.

If the former PC- 2 zoning is removed from the site, the existing I-MU zoning would apply to any proposed development. Before plans can be approved for a change to the site or use, the “C” designation must be removed from the site via approval of a special use.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the One Year Plan, and by the following general standards:

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. Removal of the previous planned district is not a use in and of itself. The land where the C designation exists would be subdivided and developed, and the determination of the use in the zone and its consistency with the One Year Plan and North City Sector Plan would be applicable at that time.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. The City of Knoxville Zoning Ordinance describes the I-MU General Industrial Zoning District as intended to “provide for a mix of light industrial uses and a variety of compatible commercial uses such as entertainment, amusement and retail establishments. This mix is designed to promote the reuse of older, character-giving structures that may no longer be suitable for their original industrial purposes, but that can accommodate a variety of alternative types of uses...”

B. Removal of the previously approved plan district designation would not cause nonconformance with the City of Knoxville Zoning Ordinance.

C. Any proposed development will be required to be consistent with the general purpose and intent of the zoning code.

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 special use request is for the removal of a former planned district designation that exists on a side parcel at the former site of Knoxville Center Mall. Since the request is not for a specific use, it is not out of compliance with this section of the zoning ordinance.

B. The suitability of the intended use will be determined as such time as a use is put forward.

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. Removal of the previous planned district is not a use in and of itself. As such, the removal of the designation will not significantly injure the value of adjacent property.

B. All properties are required to comply with the Article 10 of the City of Knoxville Zoning Ordinance, which regulates the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Removal of the previous planned district is not a use in and of itself. As such, the removal of the designation will not draw 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 known uses in the area that could be a potential hazard or create an undesirable environment for future development anticipated to occur on this site.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 9/6/2022 and 9/20/2022. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.

B. All properties are required to comply with the Article 10 of the City of Knoxville Zoning Ordinance, which regulates the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

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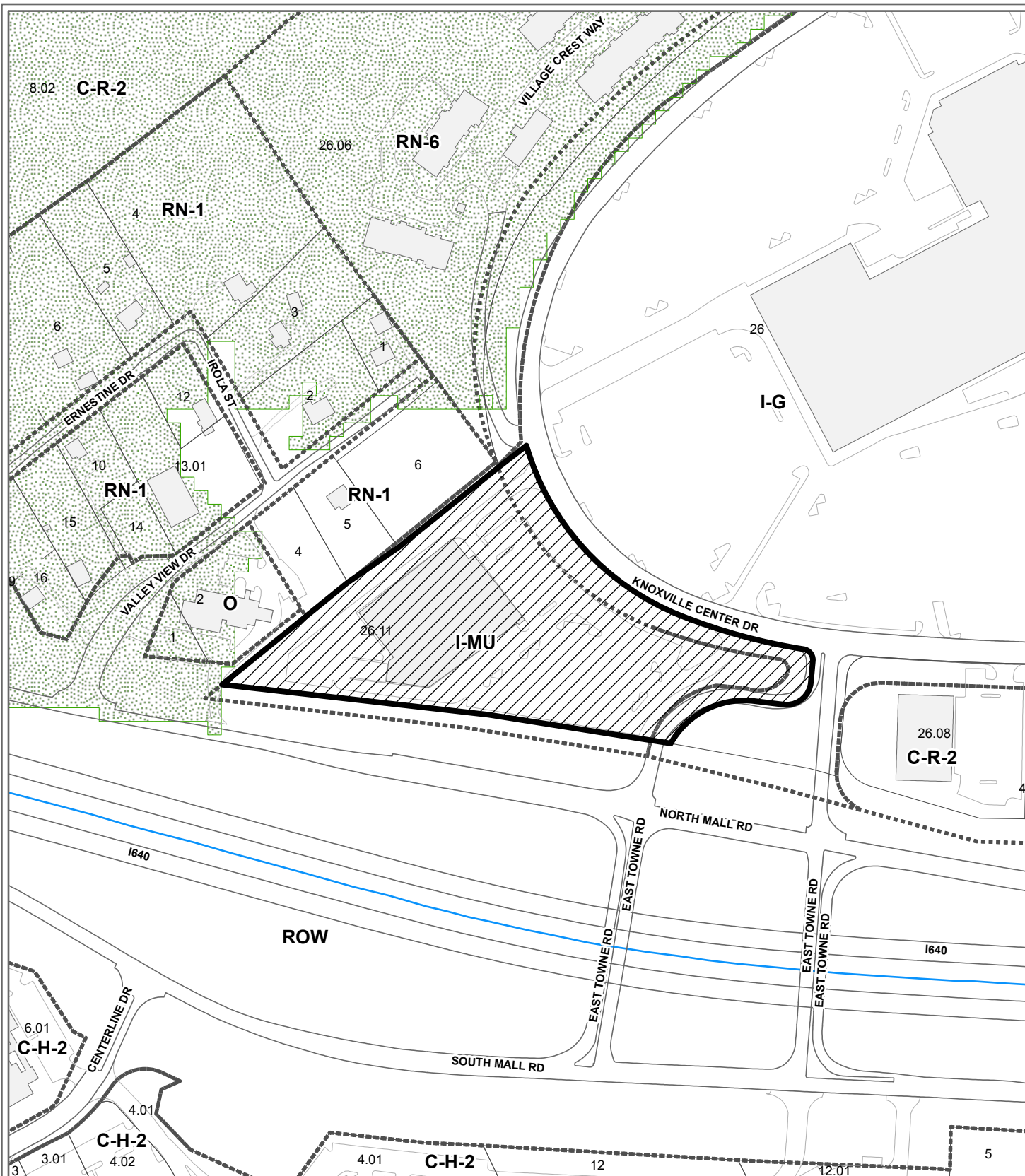
6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

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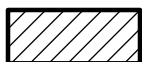
ESTIMATED TRAFFIC IMPACT: Not required.

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



**8-B-22-SU
SPECIAL USE**



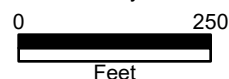
Removal of the previously approved planned district "C" designation (PC-2, Planned Commercial) in I-MU (Industrial Mixed-Use) (C)

Original Print Date: 7/18/2022
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Bernardo Holdings, LLC

Map No: 59
 Jurisdiction: City





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

Bernardo Holdings, LLC

Applicant Name

6/27/2022

Date Filed

8/11/2022

Planning Commission
Meeting (if applicable)

9/6/2022(Knoxville City Council)

Legislative Meeting (if applicable)

8-B-22-SU

File Number(s)

CORRESPONDENCE

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

Richard Graves Frantz, McConnell & Seymour, LLP

Name / Company

550 W Main St Ste 500 Knoxville TN 37902

Address

865-546-9321 / rgraves@fmsllp.com

Phone / Email

CURRENT PROPERTY INFO

William Bernardo Bernardo Holdings, LL 1330 Holmes Rd Elgin IL 60123

Owner Name (if different)

Owner Address

Owner Phone / Email

3200 KNOXVILLE CENTER DR

Property Address

59 026.11

Parcel ID

6.08 acres

Tract Size

Part of Parcel (Y/N)?

KUB SEWER

Sewer Provider

KUB WATER

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Knoxville Center Dr, north of North Mall Rd and I-640

General Location

☒ City

Council District 4

I-G (General Industrial)

Commercial

☐ County District

Zoning District

Existing Land Use

North City

Planning Sector

MU-RC (Regional Mixed Use Center)

Sector Plan Land Use Classification

N/A (within City limits)

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input checked="" type="checkbox"/> Development Plan Hillside	Planned Development	<input checked="" type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Protection COA Home		<input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Occupation (specify) _____			
Other (specify) Removal of the previously approved planned district "C" designation (PC-2, Planned Commercial)			

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

STAFF USE ONLY

PLAT TYPE	Fee 1	Total
<input type="checkbox"/> Staff Review <input type="checkbox"/> Planning Commission	\$1,500.00	
ATTACHMENTS	Fee 2	
<input type="checkbox"/> Property Owners / Option Holders <input type="checkbox"/> Variance Request	Fee 3	
ADDITIONAL REQUIREMENTS		
<input type="checkbox"/> COA Checklist (Hillside Protection)		
<input type="checkbox"/> Design Plan Certification (Final Plat)		
<input checked="" type="checkbox"/> Site Plan (Development Request)		
<input type="checkbox"/> Traffic Impact Study		
<input type="checkbox"/> Use on Review / Special Use (Concept Plan)		

AUTHORIZATION

By signing below, I certify that I am the property owner, applicant, or owner's authorized representative.

William Bernardo Bernardo Holdings, LLC, 1330 Holmes Rd Elgin IL 60123	6/27/2022
Application Authorized By	Date

Phone / Email

Staff Signature	Please Print	Date Paid
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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

Bernardo Holdings, LLC

Owner

Applicant Name

Affiliation

6/27/22
Date Filed

8/11/2022
Meeting Date (if applicable)

File Number(s)
~~8-B-22-UR~~
8-B-22-SU

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

Richard E. Graves o/b/o Bernardo Holdings, LLC

Frantz, McConnell & Seymour, LLP

Name

Company

550 West Main Street, Suite 500

Knoxville

TN

37902

Address

City

State

ZIP

865-546-9321

rgaves@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

Bernardo Holdings, LLC

1330 Holmes Road, Elgin, IL 60123

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

3200 Knoxville Center Drive

059 02611

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

☒ City ☒ County 2
District

1A/1-mu
Zoning District

Existing Land Use

Council
Planning Sector

mu-RC/LI?
Sector Plan Land Use Classification

Growth Policy Plan Designation

November 22, 2021

DEVELOPMENT REQUEST

- ☐ Development Plan ☒ Use on Review / Special Use ☐ Hillside Protection COA
☐ Residential ☐ Non-Residential

Related City Permit Number(s)

Home Occupation (specify) _____

See attached sheet.

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name

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

☐ Other (specify) _____☐ Attachments / Additional Requirements**ZONING REQUEST**

Pending Plat File Number

☐ Zoning Change
Proposed Zoning

☐ Plan Amendment Change
Proposed Plan Designation(s)

Proposed Density (units/acre)

Previous Rezoning Requests

☐ Other (specify) _____**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

Applicant Signature

Bernardo Holdings, LLC

6-23-22

Please Print

Date

Phone Number

847-531-9500

Email

bbernardo@elbcoinc.com

Property Owner Signature

William Bernardo

6-23-22

Please Print

Date

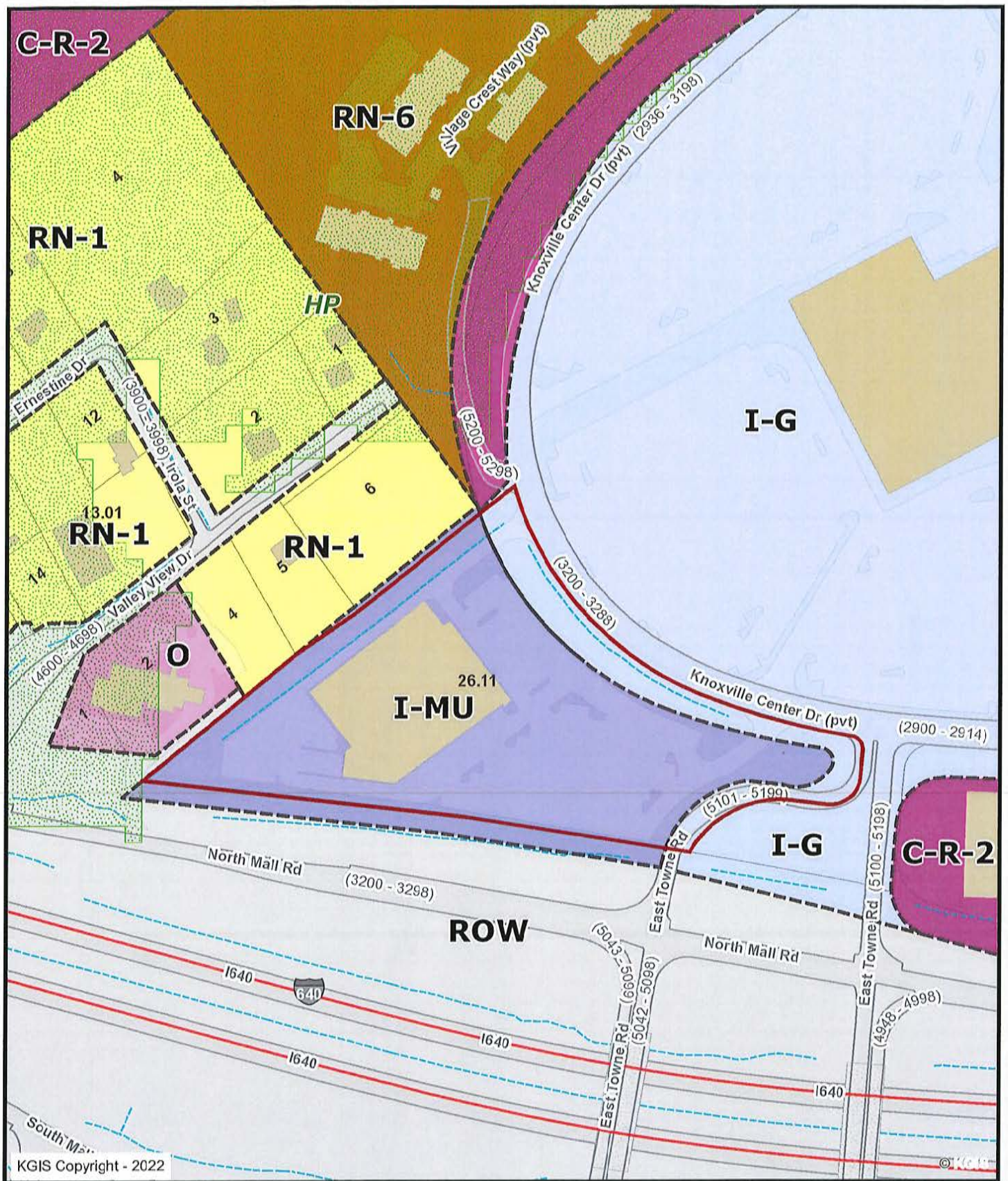
MMP (acceptor)

(Attachment to Special Use/PC Overlay Removal for Bernardo Holdings, LLC)

This is a request to remove a prior PC-2 overlay on 3200 Knoxville Center Drive/Parcel 059 02611 (the "Subject Property"). The Subject Property is situated on the outside of the ring road surrounding the former East Towne Mall/current Amazon distribution facility site.

In 2018, the Subject Property was rezoned from SC-3 (Regional Shopping Center) to PC-2 (Retail Distribution Park) to enable a change in use from the prior Toys-R-Us retail store to a warehouse. The rezoning occurred by way of File Number 5-B-18-RZ, and a related Use on Review approval of the Subject Property's current warehouse facility occurred by way of File 1-H-19-UR.

The Subject Property's current zone is I-MU (Industrial Mixed-Use) as a result of Recode Knoxville, but the prior PC-2 overlay continues pursuant to Knoxville Zoning Ordinance, Section 1.4(G)(1). Applicant is applying for removal of the PC-2 overlay pursuant to Knoxville Zoning Ordinance, Section 1.4(G)(3), which provides requests for removal of prior planned district designations be made by way of a special use application.

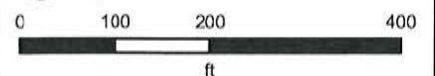


3200 Knoxville Center Dr

Knoxville - Knox County - KUB Geographic Information System

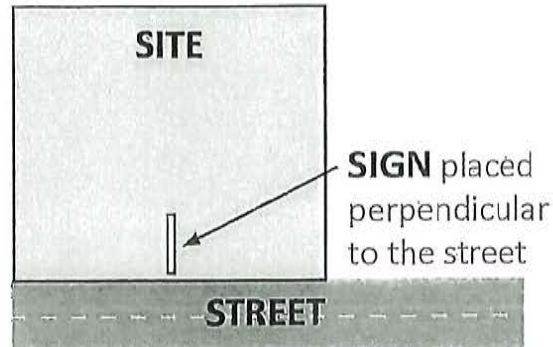


Printed: 6/27/2022 at 11:33:51 AM



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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:

July 27, 2022 and Aug. 13, 2022
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Bernardo Holdings

Date: 6/27/2022

File Number: B-E-22-SU

☐

Sign posted by Staff

☒

Sign posted by Applicant