

**BRISTOL, VIRGINIA PLANNING DEPARTMENT**  
**STAFF REPORT**



**To:** Planning Commission

**From:** Jay Detrick, Interim Director Community Development and Planning

**Date:** July 6, 2022

**RE:** Special Use Permit Request #01-2021 for multi-family residential in a B-3 zoning district.  
(Parcel #225-4-23)

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<b>1) Applicant/Agent:</b>	<b>2) Property Owner:</b>	<b>3) Property Address</b>
Falls Development LLC. 700 Montgomery Hwy Ste 186 Birmingham, AL 35216	same	Falls Blvd. Parcel #225-4-23

**4) Property Zoning:** *General Business District, (B-3)*

**5) Location Map:**



6) Zoning Map



7) *Property Photos:*



Looking west from Hobby Lobby



Panoramic view looking north from Lowe's

**8) Request:** Falls Development LLC has submitted an application for a special use permit to allow multi-family residential in a B-3 General Business District zoning district. Bristol City Code Section 50-32 lists the permitted uses for this zoning district and multi-family is only allowed with a special use permit. Density and yard requirements for a permit allowing multi-family in a B-3 would be in accordance with the R-3 requirements. This is not a rezoning request. The special use permit allows for a specific use to occur without changing the zoning district. The site is in the Falls Development and is located between Falls Blvd and Merchant Trace (formerly Cabela Drive). The property is currently vacant.

**9) Background and Existing Conditions:** The property is currently vacant but is a part of the Falls Development. The property was transferred to the current owners in 2017.

**10) Project Description:**

The proposed multi-family development consists of approximately 180 rental units with a mixture of 1, 2 and 3 bedroom units located in six buildings within the remainder of Lot 23 at the southwest intersection of Falls Boulevard and Merchant Trace (Cabela Drive). Each of the six multi-family buildings will be basically identical in size and shape. A +/-3,500 square foot “Club House/Leasing Office”, providing common space amenities for all six buildings, is proposed along the access drive connecting Falls Boulevard and Merchant Trace (Cabela Drive). The common green area will also include a playground and amenities area.

Parking is distributed throughout the site with approximately 369 parking spaces proposed within the development. Access will be provided around each of the properties via minimum 24-foot wide, 2-way access driveways. Handicapped-accessible parking will also be provided on each building site. In addition, sidewalks are proposed throughout the site to allow for easy pedestrian access to all buildings and parking areas. Bike rack areas will be provided with each building.

**11) Previous Planning Commission Actions:** None

**12) Authority to Act:** Virginia Code §15.2-2286 (A) (3) provides the authority to City Council to grant special use permits “under suitable regulations and safeguards.” The process for granting a special use permit is largely left to the local ordinance or code to define. City Code §50-186 (f) stipulates that a special use permit may be granted following due consideration of eight (8) particular questions regarding the impact of the proposed use and the availability of local services for the planned use. A complete application is required along with the applicable fee.

The Planning Commission is required to provide a positive or negative recommendation to the City Council following a joint public hearing of the Council and the Planning Commission. The joint public hearing must be advertised in accordance with Virginia Code with two public notices in the newspaper and letters to adjoining property owners. The applicant pays the cost of the public notices.

The City Council, after hearing comments from the public and receiving the recommendation of the Planning Commission, shall decide to grant or deny the request based on the facts and evidence presented by the staff, the Planning Commission and the public. Conditions may be attached to the granting of a special exception to address impacts of the proposed use.

**13) City and State Code Requirements:** City Code §50-186 (f) stipulates that a special use permit may be granted following due consideration of eight (8) particular questions regarding the impact of the proposed use and the availability of local services for the planned use. The Planning Department has circulated a summary of the application and solicited responses from the various departments responsible for providing services and evaluated the request based on the following criteria:

1. The sufficiency of streets and public ways to accommodate increased traffic flow, the considered opinion of the City Engineer and of any certified traffic engineer being given particular weight by the council. *Transportation Planner Melanie Fleenor commented “Residential development does not generate as much traffic as commercial development so traffic shouldn’t be an issue for the project.”*
2. The sufficiency of electrical, sewer and water services for the proposed project, the considered opinion of the general manager of the utility board being given particular weight by the council. *Richard Adkins, electric, from BVU “has no issues” with the project and Phillip King, water and sewer, had no comments on the project.*
3. The sufficiency of fire, police, garbage, and other services of the City to meet the needs of the proposed project, the opinion of the department head of each department providing such City service being given particular weight. *Transportation Planner Melanie Fleenor commented “The proposed multi-family residential construction would be on the City’s Transit bus route.” There were no comments from police. Fire Marshal Eric Blevins commented “The location has hydrant access and flow rates that are above hydrant flow rates normally found in residential areas, so fire protection levels for this type of development are acceptable. The roads from a width and weight limit standard exceed what is normally found in residential areas so vehicle accessibility in this area is acceptable. Site would be acceptable for this type of project.”*
4. The adequacy of protection to adjoining properties and to the air and water of the commonwealth from noise, odor, pollution and health hazards, the opinion of the state health department, state air pollution control board, state water quality control board, being given particular weight by the council. *There are no anticipated impacts from noise, odor, pollution, or health hazards.*
5. The impact of the proposed project upon the property values of contiguous property owners as evidenced by the testimony or written opinion of the city's Economic Development Committee Director, a certified property appraiser, or opinion of a realtor licensed by the Commonwealth and regularly listing and selling properties within the City. *Mack Chapman, the City’s Economic Development Specialist, had no comment on the project.*
6. Whether the natural topography, natural screening or proposed screening to be put in place by the applicant is sufficient to promote the health, safety and general welfare of the community, to protect and conserve the value of contiguous properties and to encourage the most appropriate use of contiguous properties. *The project must comply with the Falls landscaping requirements. Public Works Director Wallace McCulloch commented “The overall layout needs some work. The proposed new street will need to line up with the Aldi’s entrance instead of being offset as proposed. I think there should be some perimeter landscaping along Merchant Trace (Cabela Dr), Falls Blvd and Lot 15.” Additional comments from public works are “Who is going to own the access street?” Also, there are comments regarding entrances that would be addressed during the site plan process if the project is approved.*
7. Any other factor materially affecting the health, safety and general welfare of other citizens. *GIS Coordinator Kelly Miller commented “Roads will need names to be approved by GIS/911. Cabela Dr has been changed to Merchant Trace and the plan needs to be updated.” Fire Chief Mike Armstrong commented “My main concern is the expected increase in EMS calls to include traffic incidents. There have been eight vehicle crashes in that area in the past twelve months (Lee Hwy from Exit 5 to Pals. With 180 apartment units multiplied by the number of new tenants in each unit, I would expect a dramatic increase to our annual EMS calls. I believe our current Fire/EMS system would be quickly over-taxed trying to keep up with the increase in EMS call volume. I would predict our EMS call volume will increase by roughly 102 additional medical calls each year. Bottom line is while I welcome all new development in the City, I am worried about the demands being placed on the Fire Department’s resources now and in the coming years with new development.”*
8. If the project is to construct a parking garage or a parking lot as a primary use of a property in the B-2 district, certain additional requirements must be met, as defined in section 50-131. *N/A*

Additional comments were offered by City Staff that do not necessarily fall into the eight categories:

From City Surveyor Chuck Brewster *“Apartments will not generate the sales and property tax revenue that the Falls was constructed for. What about other requirements that may be in the restrictive covenants for the Falls?”*

From Former Public Works Director Wallace McCulloch *“The proposed residential development is out of place in the middle of a commercial development. I am concerned that residents of this development would complain about their commercial neighbors. If it is decided to allow the residential development a better location might be the south end of Lot 22. This site would require more site work but would move it farther away from the commercial area.*

#### ***14) Staff Analysis:***

Staff has reviewed the circumstances surrounding the application for a special use permit at the above referenced location and has the following analysis:

*Consistency with the Comprehensive Plan:* The proposed location is in the original Phase III of the Falls Development, which opened its first business, Cabela’s, in 2014 with the intent on becoming a development of regional impact. The Future Land Use Map in the 2017 Comprehensive Plan shows Phases 1-4 as commercial with Phase 5 to be more mixed use. The Comprehensive Plan does provide flexibility in its land use plan by stating that the plan should “remain flexible enough to allow for creative approaches to land development that are consistent with the policies and guidelines included in the Comprehensive Plan.” The Zoning Ordinance permits this flexibility by allowing Multi-Family Residential in a B-3 with a special use permit. Under the Land Use Category Multi-Family, the Comprehensive Plan states that “As with Single Family Attached uses, Multi-Family uses are scattered throughout the community but should be encouraged within or near major commercial areas, corridors or Downtown.” The proposed use of Multi-Family in this area is not inconsistent with this objective, even though it was not the primary purpose of the Falls.

*Compatibility with Surrounding Uses:* The immediate surrounding uses are commercial with more commercial uses planned. The existing type of commercial uses; fitness center, grocery store, nail salon, craft store and restaurant would all stand to benefit from a residential development within walking distance. While multi-family is different than the commercial uses in the Falls, it should be seen as complimentary as opposed to incompatible.

*Housing Needs:* Camoin Associates, a firm that provides economic development, economic research and commercial and residential market analysis has completed a housing needs assessment for the City of Bristol. In this report, information on existing and projected housing are identified:

- From 2011 to 2021 vacancy rates for housing has dropped from 6.3% to 2.5% (5% is considered a healthy rate). This decrease reflects a need for increased supply.
- A review of rentals from commercial websites in 2021 revealed no available apartments in Bristol. Having no listings on searchable websites will make it extremely difficult if people are considering moving into the area for a new employment opportunity.
- 82% of Bristol Virginia’s workforce commutes to work.
- With predominately single-family housing, 67%, Bristol is likely missing an opportunity to provide housing to those that do not need the space nor the upkeep of a single-family home.

- The expected jobs in Bristol from the Hard Rock Casino and Amazon will put pressure on the housing market, especially the rental market.

### ***15) Conclusion***

Following the evaluation of the application, staff finds that the proposed use would not negatively impact the surrounding since residential is a less intense use than what is allowed by right in a B-3 District. Since the opening of the Cabela's store in 2014, development in the Falls has been slow with approximately 10 parcels being occupied with commercial uses. Cabela's, which was planned as the anchor store in the development, was purchased by Bass Pro Shops and closed in January of 2020. Since that time, there have been two business openings, Planet Fitness and Texas Roadhouse. There are other businesses currently under construction but not yet open.

The proposal addresses a demonstrated need in Bristol, housing, and could provide a catalyst for future commercial development in the Falls. It is expected that the Casino and Amazon will create 2,000+ new jobs in the next 2 to 4 years and without new housing in Bristol those who come to the area will choose to live outside of the City. While it is true that an increase in population as a result of this proposal would put more of a strain on City services such as EMS and schools, that would be true of any housing development in an area already zoned for multi-family. At the July 19, 2021 meeting, the Planning Commission voted to recommend the request by a vote of 5-2. Planning staff recommends that City Council grant the special use permit for multi-family residential in a B-3 District.