

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 15, 2021
Action Required:	Consideration of an application for a Critical Slope Waiver
Presenter:	Brian Haluska, Principal Planner, Neighborhood Development Services
Staff Contacts:	Brian Haluska, Principal Planner, Neighborhood Development Services
Title:	P20-00008 – Lyman Street Residences, request for a Critical Slope Waiver

Background:

Kurt Keesecker of BKKW, LLC, owners of Tax Map 59 Parcels 289.2 and 358E (“Subject Property”) has requested a Critical Slope Waiver for the Subject Property to permit construction of a development of three single-family residential units and associated improvements. The Subject Property is currently zoned R-2 Residential and is subject to a Special Use Permit.

Existing critical slope areas located on this Property include 2,415 square feet or 28% percent of the project site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, and (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, and (b) a portion of the slope is within 200 feet of a waterway. See Section 34-1120(b)(2).

Discussion:

The Planning Commission considered this application on the consent agenda at their meeting on October 21, 2021.

Alignment with City Council’s Vision and Strategic Plan:

The City Council Vision of *Quality Housing Opportunities for All* states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers. We have revitalized public housing neighborhoods that include a mixture of income and housing types with enhanced community amenities. Our housing stock is connected with recreation facilities, parks, trails, and services.” The applicant proposes new residential units in close proximity to the Downtown Mall, downtown amenities, and Tonsler Park.

Community Engagement:

In line with Section 34-1120(b)(6)(b), property owners and occupants within 500-feet of the subject property, as well as neighborhood association leaders, were notified of the Planning Commission’s meeting. No members of the public spoke at the meeting.

One (1) community member provided comments to the Planning Commission and City Council via email in opposition to the entire development project.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of this Critical Slope Waiver.

Recommendation:

Staff recommends the application be approved with conditions. The Planning Commission voted unanimously to recommend the application be approved with conditions as proposed by staff.

Alternatives:

City Council has several alternatives:

- (1) by motion, approve the requested Critical Slope Waiver as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Resolution included in our agenda materials, granting this Critical Slope Waiver within P20-00008, based on a finding that due to unusual physical conditions, or the existing development of the property, compliance with the City’s critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii).”

- (2) by motion, request changes to the attached resolution, and then approve the Critical Slope Waiver;
- (3) by motion, take action to deny the Critical Slope Waiver;

Or

- (4) by motion, defer action on the Critical Slope Waiver.

Attachment:

- A. Proposed Resolution
- B. The staff report and supporting documentation presented to the Planning Commission can be found starting at page 122 at the following link:
<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/88308af0-9131-4142-890e-fe1aeafce85f.pdf?sv=2015-12-11&sr=b&sig=sgbVE4YocpAXU6x6XErPjN83ZsjTvpYoZ2G38RHap80%3D&st=2021-11-02T18%3A09%3A26Z&se=2022-11-02T18%3A14%3A26Z&sp=r&rsc=cache&rsct=application%2Fpdf>

**RESOLUTION APPROVING THE REQUEST TO WAIVE
THE CRITICAL SLOPE REQUIREMENTS
OF CITY CODE SECTION 34-1120(b) FOR THE DEVELOPMENT PROJECT
IDENTIFIED AS “LYMAN STREET RESIDENCES”**

WHEREAS BKKW, LLC, as the owner of City Real Estate Tax Map 59, Parcels 289.2 and 358E (the “Property”) requested a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with construction of a development of three single-family dwelling units and public street improvements on Lyman Street (the “Lyman Street Residences Project”); and

WHEREAS the Planning Commission considered and unanimously approved this application at their October 21, 2021 meeting, subject to conditions set forth within the staff report;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, hereby approves a Waiver of the Critical Slopes requirements for the Lyman Street Residences Project, subject to the following two (2) conditions:

- (1) the Site Plan for the Lyman Street Residences Project (VESCP Plan component) shall include, at a minimum, four (4) stages/phases of erosion and sediment control, the first of which shall be “Initial/Preliminary Controls” and outfall construction and the second of which (if required) shall include the establishment of a sediment trap and associated conveyances; and
- (2) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified within the Site Plan (VESCP component).