

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	December 6, 2021
Action Required:	Consideration of an application for a Critical Slope Waiver
Presenter:	Dannan O’Connell, City Planner, Neighborhood Development Services
Staff Contacts:	Dannan O’Connell, City Planner, Neighborhood Development Services
Title:	<b>P21-0106 – 0 Coleman Street, request for a Critical Slope Waiver</b>

**Background:**

Daniel Hyer of Line and Grade Engineering, acting as agent for Greater Charlottesville Habitat for Humanity, owners of Map 49, Parcels 112 and 112.2 (“Subject Property”) has requested a Critical Slope Waiver for the Subject Property to permit construction of one residential duplex development with 2 single-family attached residential units and associated access and utility improvements. The Subject Property is currently zoned R-2, Two-Family Residential.

Existing critical slope areas located on this Property include 0.52 acres or 60.6% 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 at their meeting on November 9, 2021. Their discussion centered on:

- The consolidation of the site from six parcels to two via a boundary line adjustment approved on October 29, 2021. The applicants chose to reduce the number of parcels on-site to better accommodate a smaller number of new housing units, and to avoid more extensive engineering work and the extension of a public road.
- Why more housing units were not proposed on the Subject Property. City staff clarified that the parcels are difficult to develop given the lack of frontage and extensive critical slopes, and that the developers reduced their proposal down to a single duplex across two lots to better suit the conditions of the site and avoid further disturbance.

**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 two new residential units to be constructed in partnership with low-income families to further their goal of building affordable mixed-income communities.

**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 on the application.

One (1) community member provided comments to City staff over the phone. Noted concerns include the narrow frontage of the lots on Coleman Street and the ability to provide safe vehicular and pedestrian access through the area.

**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 7-0 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 P21-0106, 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 42 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/ad9a4a0b-1035-41bf-8368-5a4ae75a5304.pdf?sv=2015-12-11&sr=b&sig=P2caY5pt1Q2C74OH2aosKlfVNpDcO4wgZuPY%2Fmaq8pc%3D&st=2021-11-10T15%3A23%3A36Z&se=2022-11-10T15%3A28%3A36Z&sp=r&rsc=no-cache&rsc=application%2Fpdf>

**RESOLUTION APPROVING THE REQUEST TO WAIVE  
THE CRITICAL SLOPE REQUIREMENTS  
OF CITY CODE SECTION 34-1120(b) TO ALLOW CONSTRUCTION OF A DUPLEX  
AT 0 COLEMAN COURT (CITY TAX MAP 49, PARCELS 112 AND 112.2)**

**WHEREAS** Greater Charlottesville Habitat for Humanity (“Landowner”) is the record owner of certain land identified on City Real Estate Tax Map 49 as Parcels 112 and 112.2, together currently addressed as “0 Coleman Court” (the “Property”), and the Landowner is requesting a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with Landowner’s plan to construct a duplex on the Property; and

**WHEREAS** existing Critical Slopes located on the Property include 0.52 acres, or approximately 60.6 percent of the area of the parcels; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their November 9, 2021 meeting, subject to conditions set forth within the staff report prepared for that meeting;

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, hereby approves a Waiver of the Critical Slopes requirements for the Property, to allow construction of a duplex by the Landowner, subject to the following conditions:

- (1) the limits of disturbance shall be staked in the field by a Professional Surveyor as a preliminary step, prior to installation of perimeter controls,
- (2) “Super Silt Fence” (chain linked backing) shall be installed along the entire limits of disturbance, where there is not existing or proposed impervious surfaces, and
- (3) The limits of disturbance (“LOD”) for the construction site, as established within the erosion and sediment control (E&S) plan for the construction, shall be expanded to provide for typical construction methods, or notes shall be provided within the E&S Plan describing limitations on modern construction equipment that will ensure that access will be within designated areas identified within the E&S plan for the construction (as depicted within the Landowner’s current plans, construction access from the front of the Property (the edge of the public right of way) to the rear boundary of the Property is provided only by 3 feet, between the limits of disturbance (LOD) and the building on the north side of the Property and 4.5 feet (with a 20% grade) on the south side of the Property, and there is a minimal 4.5 feet of area in the rear of the Property).