

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	January 3, 2022
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>P21-0126 – Park Street Christian Church PUD, request for a Critical Slope Waiver</b>

**Background:**

Piedmont Housing Alliance, acting as agent for Park Street Christian Church, owners of Tax Map 47 Parcel 212 (“Subject Property”) has requested a Critical Slope Waiver for the Subject Property to permit construction of a multifamily residential development with 50 apartment units and associated access and utility improvements. This waiver is presented in conjunction with a rezoning request (ZM21-0004) to Planned Unit Development (“PUD”) to accommodate the multifamily units. The Subject Property is currently zoned R-1, Single-Family Residential.

Existing critical slope areas located on this Property include 2.83 acres or 38.1% 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 December 14, 2021. The discussion centered on:

- General support for affordable housing units as proposed in the project.
- Discussion of drainage and utility infrastructure placement as shown on the conceptual plan. The applicants have proposed drainage and utility line placements within critical slope areas, although slope disturbance and tree clearing is minimized relative to the site.

**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 fifty new residential units to be offered exclusively as affordable housing for senior citizens. A public trail easement is included in the proposed proffers to provide pedestrian access through the Subject Property from Park Street and Cutler Lane to the nearby Rivanna Trail.

**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.

The Planning Commission held a joint public hearing with City Council on this matter, along with the associated rezoning request for the property, on December 14, 2021. Several members of the public spoke on the rezoning; however, no specific concerns were noted regarding the Critical Slope Waiver.

**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 5-0 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 P21-0126, 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 155 at the following link:  
<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/06b9b5aa-8d35-4dfb-9491-66f6dd1078ae.pdf?sv=2015-12-11&sr=b&sig=P95LHU%2FHWpyxzhOTGFD54fc85jMCYq%2BtFa%2By4I6%2F2cQ%3D&st=2021-12-21T14%3A41%3A51Z&se=2022-12-21T14%3A46%3A51Z&sp=r&rscc=no-cache&rsct=application%2Fpdf>

**RESOLUTION APPROVING THE REQUEST TO WAIVE  
THE CRITICAL SLOPE REQUIREMENTS  
OF CITY CODE SECTION 34-1120(b) TO ALLOW CONSTRUCTION OF A PLANNED  
UNIT DEVELOPMENT AT 1200 PARK STREET (CITY TAX MAP 47, PARCEL 212)**

**WHEREAS** Park Street Christian Church (“Landowner”) is the record owner of certain land identified on City Real Estate Tax Map 47 as Parcel 212, currently addressed as “1200 Park Street” (the “Property”), and together with the Piedmont Housing Alliance (the “Applicant”), the Landowner is requesting a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with the plan to construct a Planned Unit Development on the Property; and

**WHEREAS** existing Critical Slopes located on the Property include 2.83 acres, or approximately 38.1 percent of the area of the parcels; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their December 14, 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) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of Erosion and Sediment (“E&S”) controls. The first phase shall include “Initial/Preliminary Controls”. Outfalls from any proposed traps shall be established with rigorous independent E&S controls, early in the sequence, prior to the establishment of a sediment trap and associated conveyances.
- 2) Any channels/diversions that convey ‘clear’ water shall be stabilized with sod on the ‘clear water’ side immediately after installation.
- 3) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
- 4) Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other “same day stabilization”).
- 5) At no time shall concentrated water be directed toward the critical slopes without adequate conveyance down and beyond the slopes to an acceptable outfall.