

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	November 7, 2022
Action Required:	Consideration of an application for a Critical Slope Waiver
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	Considering a Critical Slope Waiver request at 1003 - 1005 Carlton Avenue, 0 Walnut Street, 730 - 732 Walnut Street, 735 Walnut Street, and 0 Cherry Street (1 reading)

Background

Belmont & Carlton Holdings, LLC (owner) has submitted a Critical Slope Waiver application prior to submitting a final site plan for a proposed mixed use development near the intersection of Carlton Avenue and Garden Street and identified as Tax Map and Parcels 570020000, 570002100, 570004000, 570006000, 570007100, 570007300, 570007500, 570007700, 570007900, 570002000, 570003000, 57005000, 570007000, 570007200, 570007400, 570007600, 570007800, 570010000. The proposed by-right development would include one-hundred and thirty (130) residential units, eight-thousand seven-hundred and fifty (8,750) square feet of commercial space, new private street, reconfiguration of Holly Street, new City streets, a connection to Spruce Street, and open space. The application also indicated that 5% of the residential units will be affordable for a total of seven (7) units. It should be noted that nothing in the application materials currently available indicates a level of affordability, timeframe, or enforcement mechanism. To construct the mixed use development as presented in the application, the developer will need to disturb 86.4% of the critical slopes on the site. Of that, 86.4%, 65.3% needs a waiver from City Council. The remaining percentage of critical slopes is exempt per Section 34-1120(b)(7)(c).

Discussion

The Planning Commission held a hybrid virtual and in-person meeting on October 11, 2022 where this application was deliberated. During their discussions the following points were raised:

- Details of how the stormwater and E&S plan would work.
- How the affordable housing units shown on the plan could be memorialized.
 - The applicant stated during the meeting the units would be available for persons making up to 80% AMI and affordable for 10 years. They did not indicate which units within the development would be affordable. It should also be noted that the information provided to the Planning Commission in the meeting is not stated within the application or supporting documents.
- Pre-impervious surfaces vs post-impervious surfaces.

- Past iterations of the plan.
- Removal of existing trees and outfall locations.

The Planning Commission heard a presentation from the applicant and a detailed overview of stormwater and E&S regulations from the City's Engineer. In addition to what is listed above, the Planning Commission stated they liked the revised plan as it related to street connectivity, stormwater treatment (onsite), and civic open space for the development and surrounding community. The Planning Commission did state they wished the affordable aspect of the proposal could be better defined and memorialized with the Critical Slope Waiver.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 02:54 mark.

[Link to Recording of October 11, 2022 Planning Commission Meeting](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 119.

[Link to Application and Staff Report from the October 11, 2022 Planning Commission Meeting](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the Critical Slope Waiver Application, the project could contribute to Goal 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation, and the City Council Vision of Quality Housing Opportunities for All.

Community Engagement

Under the City's Zoning Code, a Critical Slope Waiver Application does not require a Public Hearing or community engagement meeting, but public engagement for this project has been achieved through other methods such as meetings related to the site plan(s), emails, and phone calls. Many members of the public have reached out directly to the Planning Commission and City Council to voice their concerns. In addition, seven (7) members of the public spoke during Matters to be Presented by the Public not on the formal Agenda at the October 11, 2022 meeting and had the following comments:

- Concerned a site plan has not been fully developed prior to submitting a Critical Slope Waiver application.
- Development of the site will negatively impact the surrounding neighborhood.
- The proposed street connection to Spruce Street will have a negative impact on bicycles and pedestrians.
- Stormwater discharge from the site will create problems.
- The proposed new street that will connect to Spruce Street will be good for the neighborhood.
- Carlton Avenue cannot handle a development of this size.
- Too many unanswered environmental concerns.

Budgetary Impact

This has no impact on the General Fund.

Recommendation

The Planning Commission voted 6-0 to recommend the application be approved.

Alternatives

City Council may deny or indefinitely defer the requested Critical Slope Waiver:

- (1) Denial: "I move to deny the Critical Slope Waiver requested with application P22-0039"
- (2) Deferral: "I move to defer Council action on Critical Slope Waiver P22-0039"

Attachments

1. Resolution_2022-10-19 CSW RES - Belmont Condos Oct 2022