

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



<b>Agenda Date:</b>	January 3, 2023
<b>Action Required:</b>	Consideration of an application for a Critical Slope Waiver
<b>Presenter:</b>	Matthew Alfele, City Planner
<b>Staff Contacts:</b>	Matthew Alfele, City Planner
<b>Title:</b>	<b>Critical Slope Waiver Application request at 0, 208-210, 228 Monte Vista Avenue, and 0 Belleview Street (Azalea Springs Subdivision) (1 reading)</b>

**Background**

Stanley Martin Companies, LLC (owner) has submitted a Critical Slope Waiver application in conjunction with a final subdivision and site plan for a development that would include up to forty-five (45) single-family detached dwellings, point six (0.6) acres of community open space and supporting infrastructure. The proposed development is referred to as Azalea Springs. The applicant is proposing to replat the existing eight-eight (88) plus lots along with additional dedication of right-of-way to accommodate a City standard road and to bring the existing lots closer to current regulations in regard to square footage and road frontage requirements. The proposed development is located between Azalea Drive and Monte Vista Avenue and has access from a stub out section of right-of-way from Azalea Drive and is identified as Tax Map and Parcels 200142000, 200126000, 200147000, 200131200, 200125000, 200146000, 200130001, 200122000, 200145000, 200129000, 200121000, 200144000, 200127001, 200148000, and 200143000. To construct the development as presented in the application, the developer will need to disturb 93.1% of the critical slopes on site. Of that 93.1%, 63.7% needs a waiver from City Council. The remaining percentage of critical slopes is exempt per Section 34-1120(b)(7)(c). The Subject Properties are zoned R-1S (Single-family Small Lots) and have a future land use designation as General Residential.

**Discussion**

The Planning Commission held a hybrid virtual and in-person meeting on December 13, 2022 where this application was deliberated. During their discussions the following points were raised:

- Stormwater and how undergrounding the spring could impact properties downstream.
- Preservation of trees.
- Connection of the proposed development to Jefferson Park Avenue through the existing alley.
- Improvements to the City's sewer system in Monte Vista Avenue.

The Planning Commission heard a presentation from the applicant and detailed overview of the history of the site as it relates to existing nonconforming lots of records. Planning Commission talked through the complexity of the site but felt comfortable with the stormwater management and E&S measures that would be used. Planning Commission wanted to know if the applicant had considered alternatives for the site such as rezoning or SUP. The applicant stated they had, but the proposal they are bring forward is the best use of the site. The applicant also stated they could develop the

site without impacting critical slopes, but that scenario would result in fewer trees being preserved. The fact that development will be on the City's sanitation system was also a topic of conversation.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 05:42:00 mark.

[Link to recording of Planning Commission](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 57.

[Link to application and background materials](#)

### **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 Planning Commission and City Council to voice their concerns. In addition, many members of the public spoke during Matters to be Presented by the Public not on the formal Agenda at the December 13, 2022 meeting and had the following comments:

- Concerned with environmental impacts developing the site will have.
- Concerned with removal of so many trees from the site and the loss of a mature tree canopy.
- Traffic impact to the neighborhood this development will have.

### **Budgetary Impact**

This has no impact on the General Fund.

### **Recommendation**

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

***Suggested Motion: "I move the RESOLUTION approving a critical slopes waiver for the Azalea Springs Subdivision>"***

### **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 P20-00008"
- (2) Deferral: "I move to defer Council action on Critical Slope Waiver P20-00008"

### **Attachments**

1. RES - critical slopes waiver