CITY OF CHARLOTTESVILLE
Department of Neighborhood Development Services
City Hall Post Office Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182
Fax 434-970-3359
www.charlottesville.gov

PLANNING COMMISSION REGULAR MEETING

APPLICATION FOR A CRITICAL SLOPE SPECIAL EXCEPTION

APPLICATION NUMBER: PL-26-0113

DATE OF MEETING: November 10, 2026

Project Planner: Carrie Rainey, AICP
Date of Staff Report: November 3, 2026

Applicant: John Wilson, Timmons Group
Current Property Owner: Charlottesville Redevelopment and Housing Authority

Application Information

Property Street Address: 338 Hardy Drive ("Subject Property")
Tax Map & Parcel/Tax Status: 310145000 (real estate taxes paid current – Sec. 34-5.2.1.C.3.e)
Total Project Area (Limits of Disturbance): 10.20 acres
Total Area of Critical Slopes on Parcels: 0.78 acres | 7.8%
Area of Proposed Critical Slope Disturbance: 0.78 acres| 7.8% of total site area | 100% of total critical slopes area on parcel
Comprehensive Plan (General Land Use Plan): Higher-Intensity Residential
Current Zoning Classification: RX-5
Overlay District: None

Applicant's Request (Summary)

John Wilson (applicant), representing Charlottesville Redevelopment and Housing Authority (property owner), wishes to improve the Subject Property with 252 new affordable residential units, amenity spaces, and parking lots. The proposed improvements will impact critical slopes on-site as defined by Section 34-4.10.1.B.1. Per Sections 34-4.10.1.D, and 34-5.2.16.C.3, a request for a critical slope special exception must be heard by the Planning Commission before these improvements can be permitted.

Improvements specific to areas where critical slopes would be impacted should the waiver be approved are shown on the Critical Slopes Exhibit **(Attachment B)** and the Final Site Plan **(Attachment C)** Improvements include multifamily residential buildings, site stairs and walls, a parking lot, and associated land disturbance/grading. Existing critical slope areas located on this Property total approximately 0.78 acres or 7.8% percent of the site. The applicable definition of "critical slope" is as follows:

1. A grade of 25% or greater;
2. A portion of the slope has a horizontal run of greater than 20 feet;
3. An area of 6,000 square feet or greater; and
4. A portion of the slope is within 200 feet of any waterway protected by the Standard and Design Manual or Chapter 10 of the Charlottesville Code of Ordinances, or shown on the map entitled "Properties Impacted by Critical Slopes", maintained by the Neighborhood Development Services. (Sec. 34-4.10.1.B.2)

Based on the information presented within the application materials, Staff verifies that the area for which this waiver is sought meets all of the above-referenced components of the definition of "critical slope".

Vicinity Map



Critical Slopes per the Zoning Ordinance



Standard of Review

Per Sec. 34-5.2.16, The Planning Commission will review the application and report its findings and recommendations to the City Council. City Council may then grant a Critical Slopes Special Exception when it finds that:

a. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, the requirements of 4.10.1. Critical Slopes would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties; or
b. The public benefit of the proposed encroachment outweighs the public benefit of protecting the area of slope proposed to be impacted.

City Council will review an application for a Critical Slopes Special Exception according to the following criteria:

a. Whether the amount of impact has been limited to the greatest extent possible;

b. Whether sufficient mitigation has been proposed to limit the impact of the proposed encroachment;
c. Whether steps have been taken to limit or prevent impacts to portions of the sloped area with environmental or scenic value or vulnerability to disturbance; and
d. Whether the proposed project is consistent with the zoning district and Comprehensive Plan.

Project Review and Analysis

A Critical Slopes Exhibit has been provided by the applicant **(Attachment B)**, along with the applicant's Narrative **(Attachment A)** and Final Site Plan **(Attachment C)**.

Staff Analysis 34-5.2.16.D.1, Criteria A:
Planning Department: Critical slopes areas are located along the length of the southern and eastern boundaries of the Subject Property. The Narrative **(Attachment A)** states no environmentally sensitive areas such as wetlands or streams exist on the Subject Property. The applicant proposes redeveloping the Subject Property with 252 residential units, parking lots, and outdoor amenity spaces as required by Sections 34-2.3.3.A.3 and 34-2.10.4.C. The Narrative **(Attachment A)** states the critical slope area will be largely stabilized by the proposed multifamily housing buildings. Staff finds the requirements of Section 34-4.10.1 would unreasonably restrict the redevelopment of the Subject Property.

Staff Analysis 34-5.2.16.D.1, Criteria B:
Planning Department: The subject property is designated Higher-Intensity Residential by the Comprehensive Plan's Future Land Use Map. Higher-Intensity Residential areas are described as areas which *provide opportunities for higher density, multi-family focused development. Incentivize affordability and increased intensity to meet Affordable Housing Plan goals.* Several goals of the Comprehensive Plan focus on expanding access to housing, supporting a wide range of housing options, promoting redevelopment and infill development, and providing amenities such as parks and recreational facilities to lower-income households. The applicant proposes to redevelop the Subject Property with 252 affordable housing residential units, providing a variety of units types and amenity spaces such as playgrounds, sports courts, and landscaped open areas. The proposed improvements are consistent with the Comprehensive Plan. Staff finds the public benefit of the proposed encroachment outweighs the public benefit of protecting the critical slopes area to be impacted.

Staff Recommendation

Staff recommends the Planning Commission consider the following when making a recommendation to City Council:

Purpose and Intent of the Critical Slope Provisions

The purpose and intent of the critical slope provisions in Section 34-4.10.1 are to protect and maintain the environmental quality in the City by limiting development and disturbance of steeply sloped areas near waterways, adjacent properties, and environmentally sensitive areas and to protect those steeply sloped areas and waterways from the negative impacts of erosion and stormwater as well as preserve their ecological value.

Recommended Conditions

Staff has no recommendations for conditions related to this project and recommends approval of this Critical Slopes Special Exception.

Suggested Motions

1. "I move to recommend approval of the critical slope special exception for Tax Map and Parcel 310145000 as requested, with no reservations or conditions, based on a finding that [*reference at least one*]:
    - Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, the requirements of Section 34-4.10.1 would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties."
    - The public benefit of the proposed encroachment outweighs the public benefit of protecting the area of slope proposed to be impacted."
2. "I move to recommend denial of the critical slope special exception for Tax Map and Parcel 310145000."

Attachments

A. Project Narrative and Description
B. Critical Slopes Exhibit
C. Final Site Plan Under Review