

City of Charlottesville
CRITICAL SLOPES WAIVER REQUEST SUPPLEMENT

Please review city zoning ordinance section 34-1120(b) “Critical Slopes” and submit a completed Waiver Application Form, Critical Slopes Waiver Request Supplement and a Critical Slope Exhibit*.

Applicant: Botanical Garden of the Piedmont

Property Owner: City of Charlottesville

Project Description: What are you proposing to do on this site?

Development of a botanical garden with associated pavilion, visitor center, and maintenance buildings

Existing Conditions:

The property is currently undeveloped.

Total Site Area:

Total parcel area: 155.833 AC (City of Charlottesville) & 3.932 AC (Albemarle County)
Limits of disturbance (LOD): +/- 9.33 AC

Zoning (if applying for rezoning-please note existing and intended change):

CV (Civic)

Percentage of Area that is made up of critical slopes - meets criteria set forth in Sec. 34-1120(b)(2) *Definition of critical slope*: greater than or equal to 25% slopes and a) a portion of the slope has a horizontal run of greater than twenty (20) feet and its area is six thousand (6,000) square feet or greater; and b) a portion of the slope is within two hundred (200) feet of any waterway:

Total Critical Slope Area:

The LOD is 9.33 AC. There are 0.48 AC of critical slopes located within the LOD.

Critical Slope Area Disturbed:

0.48 acres of the total critical slope area identified above will be disturbed, or 100 % of the total critical slope area. Proposed critical slope area to be disturbed is 5.1 % of the site area.

**Critical Slope Exhibit:* Survey indicating location and area of critical slopes and what portions of critical slopes are proposed to be disturbed. Survey should be prepared, sealed, signed and dated by a professional engineer or land surveyor licensed to practice within the Commonwealth of Virginia.

This application should be used to explain how the proposed project meets some or all of the requirements as described in Section 34-1120(6) “Modification or waiver.” The applicant is expected to address finding #1 and/or finding #2 and justify the finding by utilizing the “critical slope provisions” as a guide. Completing this application will help staff make their recommendation to the Planning Commission and City Council.

City Council may grant a modification or waiver, upon making one or more of the following findings:

Finding #1: The public benefits of allowing disturbance of critical slope outweigh the public benefits of the undisturbed slope(public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes)

The proposed garden provides a net environmental gain by replacing unmanaged slopes with a stabilized landscape of deep-rooted native plantings and engineered stormwater management solutions. These improvements will actively reduce both stormwater velocity and quantity. This project transforms an underutilized hillside into a managed public asset with accessible paths, educational opportunities, and gathering spaces. It is being thoughtfully designed to mitigate erosion and improve an existing undeveloped area while minimizing impervious surfaces to the largest extent practical.

Finding #2. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions 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 existing topography effectively prohibits its use as a functional public park under a literal interpretation of the critical slope provisions. To provide ADA-compliant access to this public amenity, grading is a physical necessity. Strictly adherence would result in the continued degradation of the site through erosion and the proliferation of invasive species. This waiver allows for a design that works with the terrain to create a stable, accessible, and high-functioning botanical landscape. By allowing this targeted disturbance, the property can be successfully reused as a safe and educational public resource.

Please address how Finding #1 and/or Finding #2 will be met utilizing the “critical slope provisions” noted below.

1. Erosion affecting the structural integrity of those features.

Erosion and sediment control measures will be employed as necessary to protect undisturbed areas during construction with a particular focus on the restored stream adjacent to the LOD.

Sediment traps and basins are thoughtfully located within the footprint of permanent stormwater measures to limit the overall disturbance. Silt fence, super silt fence, and tree protection fencing are proposed to provide a layer of protection around the perimeter of the site. Thoughtful consideration is being given to what trees are to remain and be protected throughout the LOD.

2. Stormwater and erosion-related impacts on adjacent properties.

The project utilizes bioretention systems, as well as an irrigation cistern and pond, to protect water quality and reduce the overall stormwater runoff quantity exiting the site when compared to the pre-developed condition. E&SC measures will be employed to ensure adjacent properties are not impacted by stormwater runoff during construction.

3. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.

The project utilizes bioretention systems, as well as an irrigation cistern and pond, to protect water quality and reduce the overall stormwater runoff quantity exiting the site when compared to the pre-developed condition. E&SC measures will be employed with a focus on protecting the restored stream adjacent to the LOD.

4. Increased stormwater velocity due to loss of vegetation.

Stormwater velocity is anticipated to decrease due to the development of the Botanical Gardens. An abundance of native vegetation is being introduced to the site due to the proposed use. Additionally, a large portion of the stormwater runoff from the site is being reused for irrigation through the use of an irrigation cistern and pond.

5. Decreased groundwater recharge due to changes in site hydrology.

The botanical garden use will convert existing unmanaged soil (and invasive species) with high-quality soil, native plantings, and bioretention practices to handle a large portion of the proposed impervious area. Decreased groundwater recharge is not anticipated as a result.

6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.

The botanical gardens will result in a beautification of an undeveloped area within the City, providing important habitat areas for local animals and an increased tree canopy.

Please list all attachments that should be viewed as support to the above explanations.

Critical Slopes Exhibit

Please sign the following statement.

I certify that, to the best of my knowledge, the information I have provided above is based on sound engineering and surveying data and that this site has been carefully inspected and reviewed for the purposes of completing this application accurately. I certify that as the property owner/applicant I have not given false information that may affect the decisions made regarding this development.

Property Owner

Applicant

Please do not write below this line. For office use only.
Planner's Comments/Recommendations:

Engineer's Comments/Recommendations:

CRAIG KOTARSKI
 principal in charge
JOHN WILSON
 project manager
KIM ROESER
 BROCK WARE
 project team

LANDSCAPE ARCHITECT OF RECORD
 Watershed Studio
 802 East Jefferson Street, Suite 3, Charlottesville, VA 22902
 T (434) 295 8177

CIVIL ENGINEER, GEOTECH. & ENVIRONMENTAL
 Timmons Group
 608 Preston Ave, Suite 200, Charlottesville, VA 22903
 T (434) 295 5624

IRRIGATION DESIGNER
 Aquarius
 1 Dundee Park Drive, Suite 10, Andover, MA 01810
 T (978) 470 1695

SOILS DESIGNER
 Tellus Consulting
 564 Rainbow Acres Lane, Radiant, VA 22732
 T (434) 981 2885

WATER FEATURE CONSULTANTS
 CMS Collaborative
 404 Little River Way, Sacramento, CA 95831
 T (831) 425 3743

MEP ENGINEER
 Inversly Consulting Engineers
 250 Wydecross Commons, Suite 102, Midlothian, VA 23113
 T (804) 977 0403

STRUCTURAL ENGINEER
 Dunbar
 1025 Boulders Parkway, Suite 310, Richmond, VA 23225
 T (804) 323 0656

LIGHTING DESIGNER
 LAM PARTNERS
 3307 M Street NW, Suite 301, Washington, DC 20007
 T (703) 829 0548

ENVIRONMENTAL GRAPHICS
 Design by Hyphen
 240 North Madison Street, Staunton, VA 24401
 T (540) 830 8806
 consultants

**BOTANICAL GARDEN
OF THE PIEDMONT**
 project name

BOTANICAL GARDEN OF THE PIEDMONT
 client

950 MELBOURNE RD, CHARLOTTESVILLE, VA 22901
 project address
**100% CONSTRUCTION
DOCUMENTS - PHASE 0**
 project phase

MARCH 6, 2026
 issue date

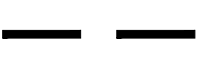


revisions

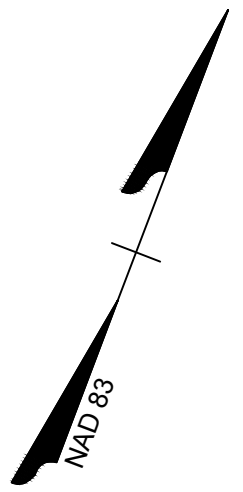
**CRITICAL SLOPES
EXHIBIT**

sheet title

EX-1
 sheet number

LEGEND

-  LIMITS OF DISTURBANCE
-  EXISTING CRITICAL SLOPES
-  PROPOSED CRITICAL SLOPES
DISTURBANCE (±0.48 ACRES)


 SCALE 1"=50'
