

RESOLUTION
GRANTING A CRITICAL SLOPE WAIVER FOR A RESIDENTIAL DEVELOPMENT REFERRED TO AS
“VERVE CHARLOTTESVILLE PUD”

WHEREAS Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC (“Landowner”) is the owner of certain land identified within the City of Charlottesville Real Estate Assessor’s records as Real Estate Parcel Identification Nos. Parcel Number: 160008000, 160005000, 160004000, 160003000, 160002000, 160001000, said parcels having current street addresses of 106 – 114 Stadium Road, 409 Stadium Road, 104 Stadium Road, 102 Stadium Road, and 100 Stadium Road (collectively, the “Subject Property”); and

WHEREAS the Subject Property contains critical slopes, over and within an area of approximately 0.47 acre, which is approximately 14% of the combined area of the various parcels that constitute the Subject Property, and Landowner is requesting a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6)(b), in connection with the Owner’s plan to construct a residential development on the Subject Property (the “Project”); and

WHEREAS the Project is described in more specific detail within the application materials submitted in connection with waiver application no. P23-0055, as required by City Code Sec. 34-1120(b)(6) (collectively, the “Application Materials”); and

WHEREAS the Planning Commission considered and recommended approval of this application at their October 10, 2023 meeting, subject to conditions proposed within the Staff Report and modified as discussed in the meeting; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a waiver is hereby granted of the critical slopes requirements for the Project, to allow for the residential development as described within the Application Materials, subject to the following conditions:

1. The applicant shall work with the City’s Urban Forester to identify, remove, and mitigate invasive plant materials within the Critical Slopes.
2. The applicant will work with a local arborist to study and document trees within the Critical Slope area to determine if any can be preserved.
 - a. These documents shall be provided to the City’s Urban Forester and the Neighborhood Development Services’ Planner.
 - b. Should the study identify any tree(s) for preservation, the applicant shall work with the City’s Urban Forester during site plan review to create a tree protection/preservation plan. The applicant shall perform all protection/preservation measures as identified in this plan. The tree preservation/protection plan will include a monitoring program to ensure compliance throughout the construction period. The plan shall also include provisions, such as easements, deed restrictions, or other legally binding measures to ensure preservation of the trees in perpetuity.
3. Any tree with a six inch or greater caliper that is removed from the Critical Slope area shall be replaced at a 3:1 ratio. The replacement tree(s) shall:

- a. Have a two inch or greater caliper at planting.
- b. Be in the general area from where the original tree was removed. Allowances for alternative locations may be granted by the Site Plan Agent if:
 - i. The planting location will interfere with fire safety as identified by the Assistant Fire Marshal; or
 - ii. The planting location will restrict establishment of a healthy mature tree canopy as determined by the City's Urban Forester.

The applicant will provide a document, within the final site plan, illustrating how the requirements of condition #3 are fulfilled.