

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



PLANNING COMMISSION REGULAR MEETING
APPLICATION FOR A CRITICAL SLOPE SPECIAL EXCEPTION
APPLICATION NUMBER: PL-26-0044
DATE OF MEETING: May 12, 2026

Project Planner: Dannan O’Connell, AICP
Date of Staff Report: April 20, 2026

Applicant: John Wilson, Timmons Group
Current Property Owner: City of Charlottesville

Application Information

Property Street Address: 950 Melbourne Road, 0 Melbourne Road, 345 US 250 Bypass

Tax Map & Parcel/Tax Status: 460002000, 460001200, 450001000

Total Project Area (Limits of Disturbance): 406,400 sq. ft.

Total Area of Critical Slopes on Parcels: 887,829 sq. ft. | 13.1%

Area of Proposed Critical Slope Disturbance: 14,645 sq. ft. | 3.56% of total site area | 1.65% of total critical slopes area on parcel

Comprehensive Plan (General Land Use Plan): Open Spaces and Parks

Current Zoning Classification: CV

Overlay District: None

Applicant’s Request (Summary)

John Wilson (applicant), representing the Botanical Gardens of the Piedmont (developer), wishes to improve the above-referenced City properties with a public botanical garden complex. The proposed improvements will impact critical slopes on-site as defined by Section 34-4.10.1.B.1. Per Section 34-4.10.1.D 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 a Critical Slope Exhibit (**Attachment B**) and include pedestrian pathways, a pedestrian footbridge, and associated land disturbance/grading for pathways and utilities. Critical slope areas are shown by the applicant in the Critical Slope Exhibit.

Existing critical slope areas on these properties total approximately 887,829 square feet or 13 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 concept plan of the proposed botanical garden complex and proposed critical slope impacts has been provided by the applicant (**Attachment B**), along with a narrative statement describing the proposed impacts and mitigation measures (**Attachment A**).

Staff Analysis 34-5.2.16.D.1, Criteria A:

Planning Department: The subject property is designated Open Spaces and Parks by the Comprehensive Plan's Future Land Use Map. No additional dwelling units are proposed for the subject property. The existing use and proposed improvements are consistent with the Comprehensive Plan.

Staff finds that due to the topography of the area, the requirements of Sec. 34-4.10.1 would unreasonably restrict the use of the subject property. The critical slope area to be disturbed is minimal and limited to areas necessary to provide ADA-compliant path connections to McIntire Park and utility and stormwater upgrades necessary for the Botanical Gardens complex.

Staff Analysis 34-5.2.16.D.1, Criteria B:

The subject property is located within McIntire Park and is currently undeveloped. The proposed development would establish a botanical garden as a public amenity, connected to existing trails within McIntire Park and existing pedestrian and bike infrastructure along Melbourne Road. Staff finds that the public benefit of the botanical gardens outweighs the public benefit of keeping the existing critical slopes undisturbed.

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 Special Exception.

Suggested Motions

1. "I move to recommend approval of the critical slope special exception for Tax Map and Parcel 460002000, 460001200, and 450001000 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 460002000, 460001200, and 450001000."

Attachments

- A. Critical Slope Special Exception Narrative
- B. Critical Slope Exhibit