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PLANNING COMMISSION REGULAR MEETING
APPLICATION FOR A SPECIAL EXCEPTION PERMIT
APPLICATION NUMBER: PL-26-0063
DATE OF MEETING: June 9, 2026

DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES STAFF REPORT

Project Planner: Dannan O'Connell

Date of Staff Report: June 1, 2026

Applicant: Jacob Bender, Setty and Associates; Gerry Martin, Charlottesville Public Works

Current Property Owner: City of Charlottesville, Albemarle County

Application Information

Property Street Address: 1138 Rose Hill Drive ("Subject Property")

Tax Map & Parcel/Tax Status: 440030200

Total Square Footage/ Acreage Site: Approx. 2.54 acres (110,642 sq. ft.)

Comprehensive Plan (General Land Use Plan): Neighborhood Mixed Use Node

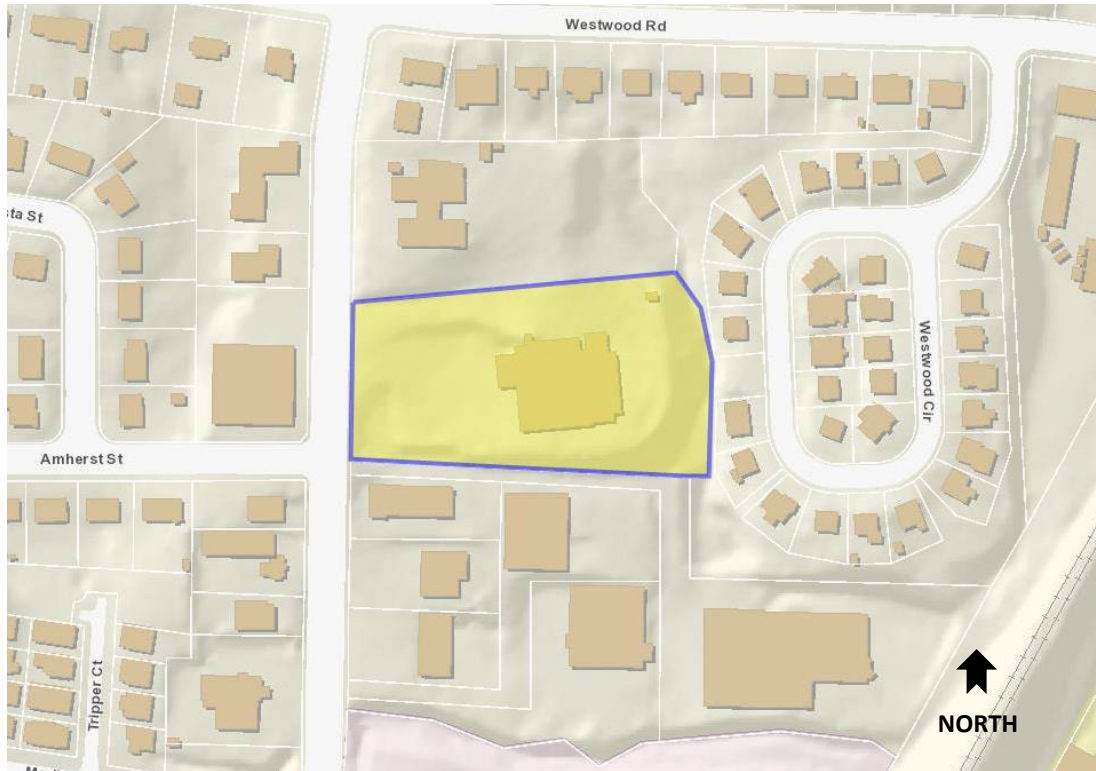
Current Zoning Classification: NX-3

Overlay District: None

Applicant's Request (Summary)

Jacob Bender of Setty and Associates and Gerry Martin with Charlottesville Public Works (applicants) have requested a Special Exception Permit (SEP) pursuant to City Code Section 34-4.7.4.C.4 for site element screening. The applicant wishes to replace and expand ground-mounted mechanical equipment located in the front yard of the above-referenced property (Subject Property). Site element screening requirements prohibit ground-mechanical equipment in front yards. The intent of these requirements is "[to facilitate] the creation of a convenient, attractive, and harmonious community by minimizing effects on surrounding properties and visibility from the public realm of site elements including mechanical, electrical, or utility requirement and waste receptacles;" per Section 34-4.7.4.A. Existing ground-mounted equipment located in this area is considered non-conforming, and may not be expanded by-right per Sec. 34-5.3.1.B.2.

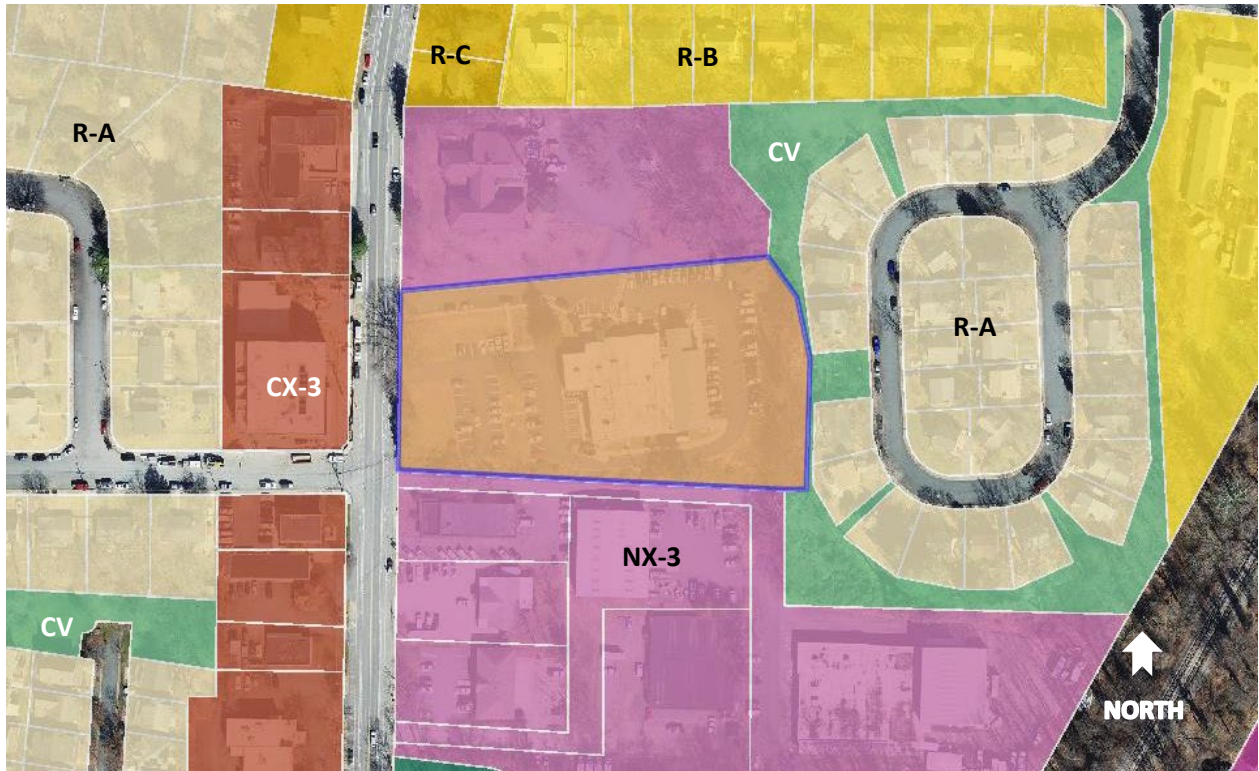
Vicinity Map



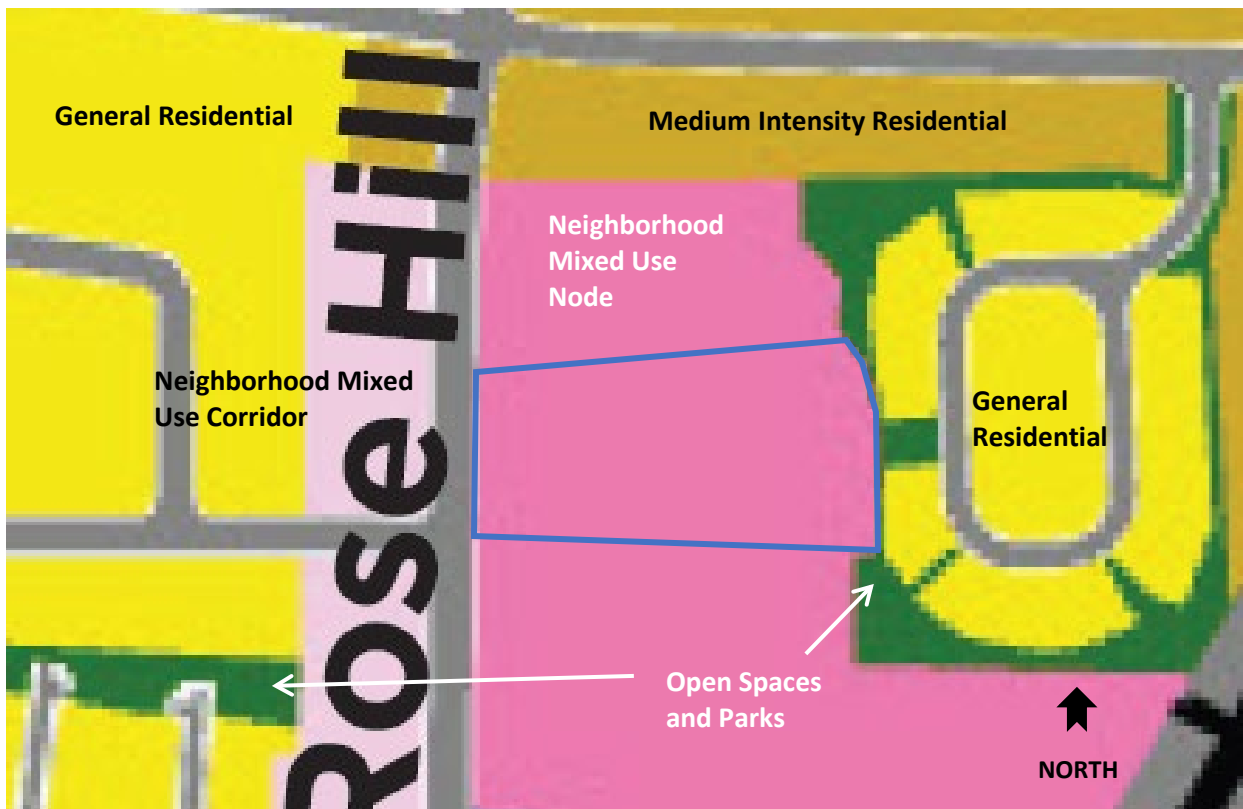
Context Map 1



Context Map 2- Zoning Classifications



Context Map 3- Future Land Use Plan, 2021 Comprehensive Plan



Standard of Review

City Council may grant an applicant a Special Exception Permit (SEP), giving consideration to a number of factors set forth within Zoning Ordinance Section 34-5.2.15.D. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SEP approval. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to (i) whether or not Council should approve a proposed SEP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the proposed development.

Section 34-5.2.15.D of the City's Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed SEP. Following below is staff's analysis of those factors, based on the information provided by the applicant. The applicant's analysis of their request can be found in Attachment A.

(1) Whether the proposed modifications to physical dimensional standards will be harmonious with existing and approved patterns of development on the same or an opposing block face or abutting property;

The applicant proposes to expand an existing screened mechanical equipment area located in the front yard of the Subject Property to accommodate new HVAC equipment. The new equipment area will be screened with an opaque wooden fence that is expected to meet all screening requirements specified in Section 34-4-4.7.4.C.4. Site location and dimensions can be found on an exhibit from the applicant's submitted site plan (Attachment B).

Staff Analysis: Rose Hill Drive is currently developed with general retail, office and restaurant uses adjacent to the Subject Property. One-family residential uses are to the east and of the Subject Property, developed as part of a Planned Unit Development surrounded by landscaped open space. Additional one-family residential uses are located further away to the west, north and south. Jackson P. Burley Middle School is also located along Rose Hill Drive to the south.

Most of the commercial parcels adjacent to the Subject Property are non-conforming structures. Several contain unscreened mechanical equipment similar in character to what is proposed. The screened area proposed on the Subject Property is less impactful than these existing unscreened areas. The development is therefore harmonious with the existing patterns of development within this area.

(2) Whether the proposed modification supports the goals and strategies of the Comprehensive Plan;

Below are specific areas of the Comprehensive Plan for which the development is in compliance:

Chapter: Land Use, Urban Form, and Historic & Cultural Preservation

Goal 3: Protect and enhance the existing distinct identities of the city's neighborhoods and places while promoting and prioritizing infill development, housing options, a mix of uses, and sustainable reuse in our community.

Strategy 3.4: Encourage sustainable, energy efficient building designs and low impact development as complementary goals to historic preservation, including through support for adaptation, reuse, and repurposing of the built environment.

Comprehensive Plan- Staff Analysis:

The Future Land Use Plan of the 2021 Comprehensive Plan designates the Subject Property and surrounding properties as Urban Mixed-Use Node, described as *urban mixed use districts that support community housing, employment, and commercial development*. The proposed mechanical equipment will not significantly expand the footprint of the existing civic use and will allow continued reuse of the existing office structure. Staff finds the proposed improvement supports the goals and strategies of the Comprehensive Plan.

(3) Whether, with conditions, the Special Exception Permit is consistent with the public necessity, convenience, general welfare, and good zoning practice.

As the application aligns with existing patterns of development along Rose Hill Drive, as well as the Development Code's emphasis on sustainable reuse, staff finds granting the Special Exception Permit would be consistent with good zoning practice and general public welfare.

Public Comments Received

Staff has received no public comments on this Special Exception request at the publishing of this report.

Staff Recommendation

Staff recommends approval of this Special Exception Permit to alter the required outdoor amenity space.

Recommended Conditions

Staff does not recommend any conditions be placed on this Special Exception Permit.

Suggested Motions

1. I move to recommend approval of this application for a Special Exception Permit in the NX-3 Node Mixed Use district at 1138 Rose Hill Drive to permit the construction of an expanded mechanical equipment area in the front yard.
 - a. [condition(s) proposed by Planning Commission]

OR,

2. I move to recommend denial of this application for a Special Exception Permit in the NX-3 Node Mixed Use district at 1138 Rose Hill Drive to permit the construction of an expanded mechanical equipment area in the front yard.

Attachments

- A. Special Exception Request Letter received April 28, 2026
- B. Site Plan Exhibit received March 10, 2026