

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	October 7, 2024
Action Required:	Approval of a Resolution for a Special Exception Permit
Presenter:	Carrie Rainey, Urban Designer/City Planner
Staff Contacts:	Carrie Rainey, Urban Designer/City Planner
Title:	Resolution for a Special Exception Permit at 113 West Main Street

Background

Adrienne Stronge of Gaines Group Architects, acting as agent for West Mall, LLC (the “Owner”) has submitted an application pursuant to City Code Sections 34-2.5.6.B.6, 34-4.8.1, and 34-5.2.15 seeking a Special Exception Permit (SEP) for 113 West Main Street (Tax Map Parcel 330259000) (the “Subject Property”) to install perimeter fencing in the front yard on West Market Street to create a courtyard for resident use. The DX Downtown Mixed Use district does not permit fencing in front yards (or side street yards) unless a SEP is granted. The Subject Property has frontage on West Main Street (the Downtown Mall) and West Market Street and is located within the Downtown Architectural Design Control District. A SEP allows Council to grant modifications to specific physical dimensional standards in code, giving consideration to factors set forth within 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.

Discussion

The Planning Commission considered this application at their public meeting on September 10, 2024. The Commission considered the Certificate of Appropriateness granted by the Board of Architectural Review on May 21, 2024 and the factors set forth in Section 34-5.2.15.D:

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;
2. Whether the proposed modification 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.

The Planning Commission did not identify any concerns with the application. The staff report and supporting documentation presented to the Planning Commission can be found starting at page 290 at the following link: <https://charlottesvilleva.portal.civicclerk.com/event/1964/files/agenda/5079>

Alignment with City Council’s Vision and Strategic Plan

This application aligns with Strategic Outcome Area Recreation, Arts, Culture: Charlottesville provides, encourages, and supports a wide range of recreation, green space, arts, and cultural programs and opportunities.

Community Engagement

Staff has received no public comments at the publishing of this report.

Budgetary Impact

No budgetary impacts are anticipated.

Recommendation

The Planning Commission voted 6-0 to recommend approval of the Special Exception Permit.

Alternatives

City Council has several alternatives:

1. by motion, approve the requested Special Exception Permit as recommended by the Planning Commission;
2. by motion, request changes to the attached resolution, and then approve the Special Exception Permit;
3. by motion, take action to deny the Special Exception Permit; or
4. by motion, defer action on the Special Exception Permit.

Attachments

1. 113 West Main SEP Resolution
2. 113 West Main SEP Application Materials