

CITY OF CHARLOTTESVILLE
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PLANNING COMMISSION REGULAR MEETING

APPLICATION FOR A SPECIAL EXCEPTION PERMIT

APPLICATION NUMBER: PL-26-0084

DATE OF MEETING: August 11th, 2026

DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES STAFF REPORT

Project Planner: Benjamin Koby

Date of Staff Report: July 27, 2026

Applicant: Brian Jones, 323 Owner LLC

Applicant's Representative(s): Brian Jones

Current Property Owner: 3TWENTY3 OWNER, LLC

Application Information

Property Street Address: 323 2nd St SE ("Subject Property")

Tax Map & Parcel/Tax Status: 280113001

Total Square Footage/ Acreage Site: Approx. 0.73 acres (31800 square feet)

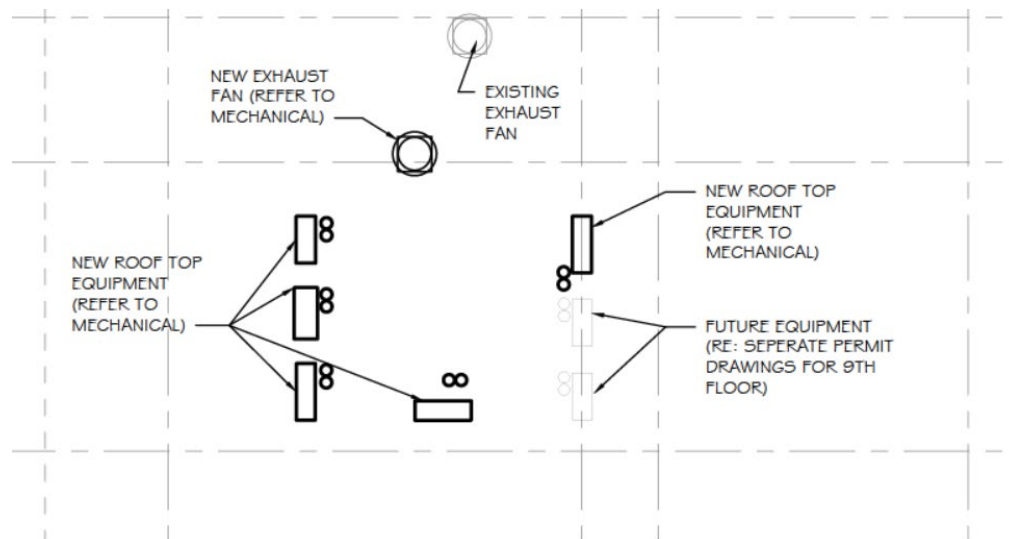
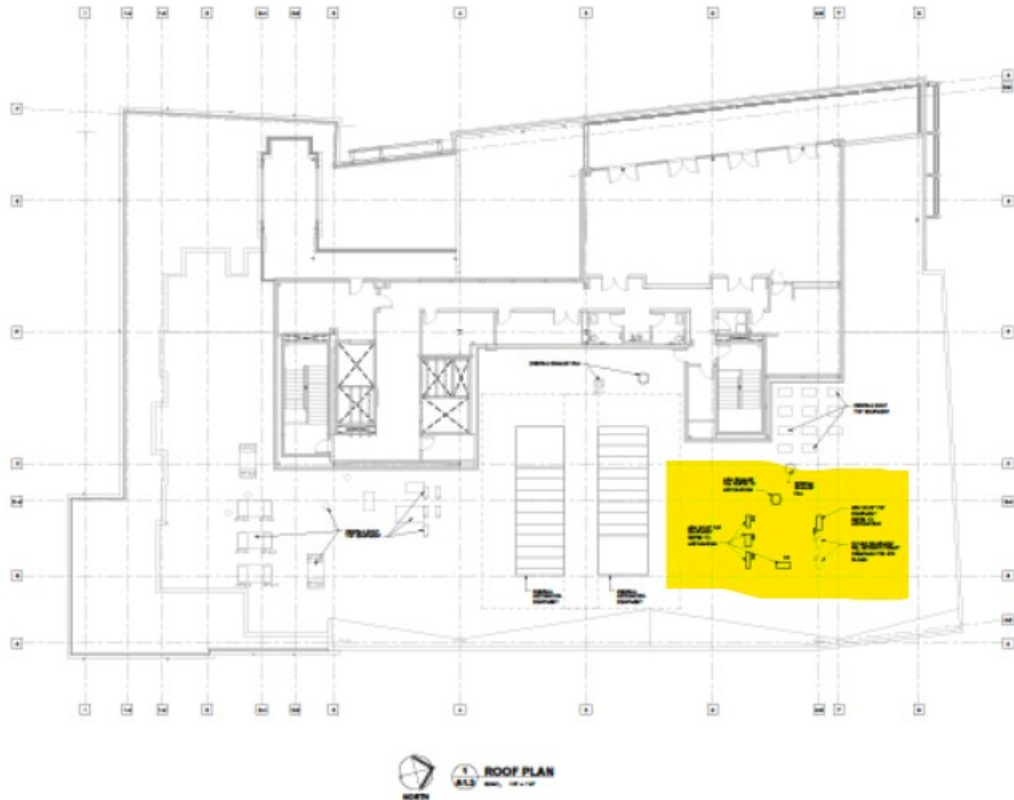
Comprehensive Plan (General Land Use Plan): Urban Mixed Use Node

Current Zoning Classification: NX-10 Node Mixed Use 10

Overlay District: N/A

Applicant's Request (Summary)

The applicant is requesting a Special Exception Permit (SEP) pursuant to City Code Sections 34-4.7.4.C.2. (Roof Mounted Equipment Screening) and 34-5.2.15, which states a SEP may be granted to alter physical dimensional standards. The applicant is proposing to install new mechanical equipment on the roof and utilize existing screening that is insufficient under current regulations. Current regulations state that new roof-mounted equipment "must be screened on the roof edge side by a parapet wall or other type of screening that is at least six (6) inches higher than the topmost point of the equipment being screened." (34-4.7.4.C.2.a).



The applicant applied for two tenant upfit permits for their building (BC-26-0035 and BC-26-0037) for renovations of the eighth and ninth floors respectively. The desired interior renovations necessitated the addition of seven (7) exhaust fans on the roof. The subject building has an existing parapet wall of 48" in height ringing the entirety of the rooftop, but the proposed mechanical equipment will be 64" in height which exceeds the height of the parapet by 16". Therefore, as proposed, they will not be meeting the screening requirements for roof

top mounted mechanical equipment. As proposed, the mechanical equipment will be setback from the parapet wall by 16'. The Special Exception will reduce the screening requirement to 48" in height to match the existing parapet wall on the roof.

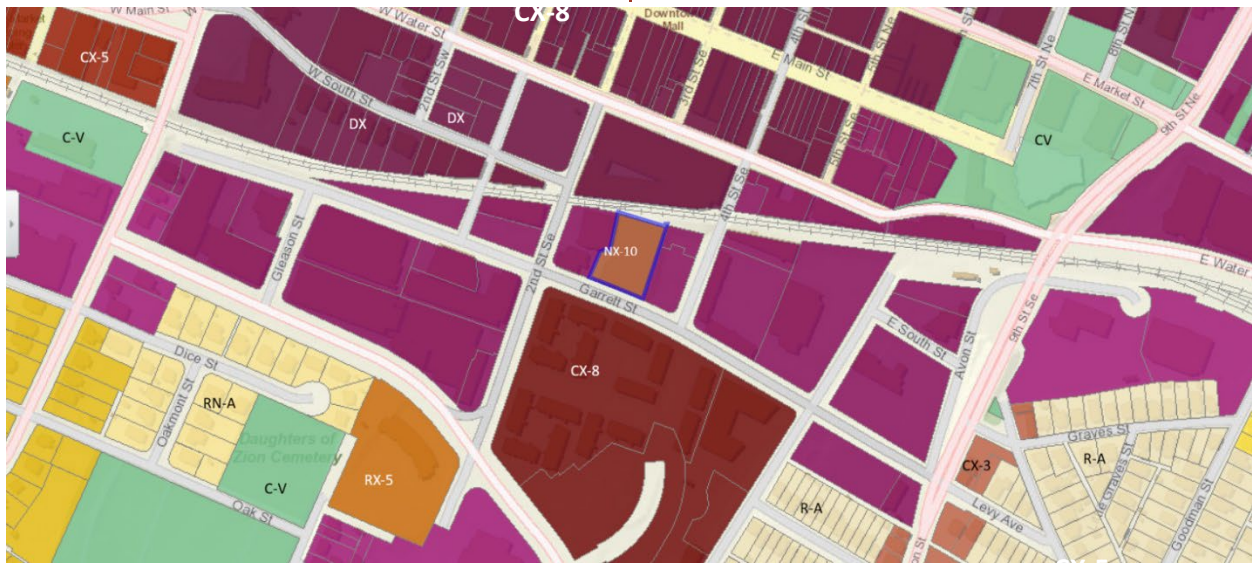
Vicinity Map



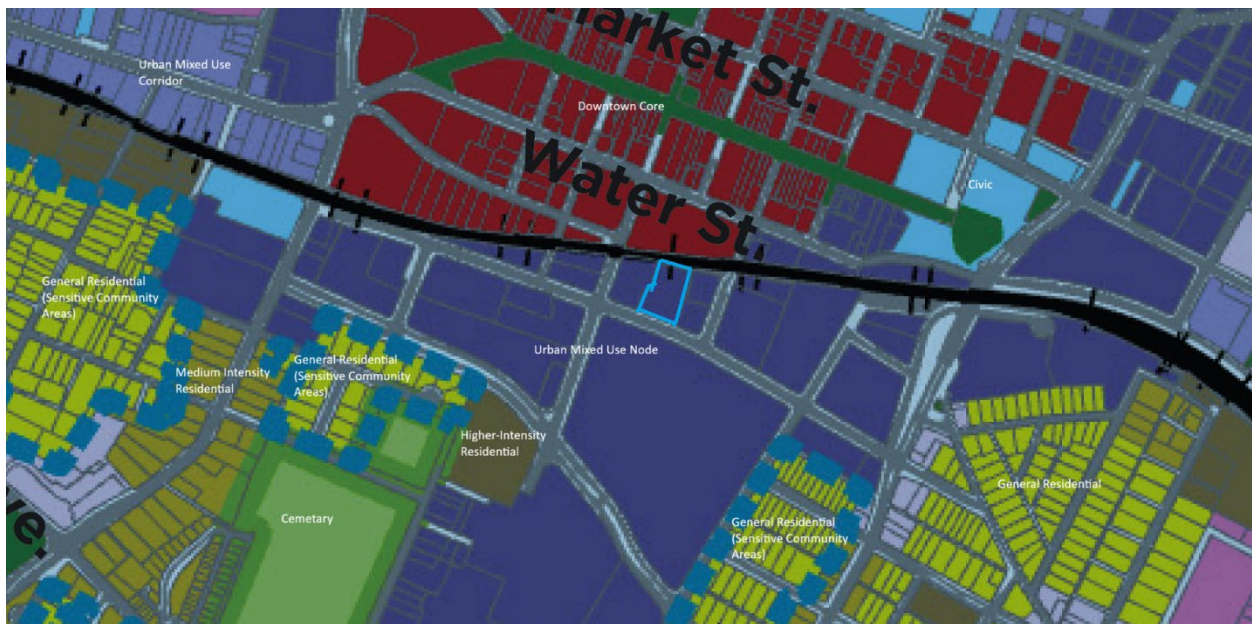
Context Map 1



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 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;

Staff analysis:

The subject building is nine (9) stories tall with a vertical roof top appurtenance. Functionally the rooftop is ten stories above street level. The neighboring apartment buildings complexes, those who will be impacted the most, do not exceed 4 stories in height. The new proposed mechanical equipment will be located on the northeastern corner of their building, directly abutting the railroad and their own parking lot. Considering the impact of the proposed equipment on the neighboring parcels will be] negligible, there will be no adverse impact to the neighboring buildings or public realm.

View from Water St Garage Roof:



The height of the equipment, height of the existing parapet wall, distance of the equipment from the edge of the roof, and the site-specific considerations will prevent

the mechanical equipment from being visible to neighboring buildings and the public realm.

The subject property is not within a design control overlay district nor an entry corridor, so additional restrictions are not warranted.

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

Relevant guiding principles:

Chapter 4 Goal 3. 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.

Staff Analysis:

Allowing for a tenant upfit within an existing building is in line with the goals of the comprehensive plan. Allowing businesses flexibility to make spaces function to their needs with little to no disruption to the neighbors is positive and beneficial to the community.

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

Extra conditions are not warranted. Approval of the Special Exception as requested is appropriate.

Public Comments Received

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

Staff Recommendation

Based on the height of the equipment, height of the existing parapet wall, distance of the equipment from the edge of the roof, and the site-specific considerations related to existing development, prevents the mechanical equipment from being visible from surrounding properties and the public realm. Staff recommends approval of the Special Exception Permit with no additional conditions beyond adherence to the current Building Permit applications.

Suggested Motions

1. I move to recommend approval of application PL-26-0084 to allow the installation of rooftop-mounted mechanical equipment by granting a modification to City Code Section

34-4.7.4.C.2, reducing the required screening height from six (6) inches above the tallest point of the equipment to the height of the existing 48-inch parapet wall, subject to the following condition(s):

- a. The size and location of the equipment will be consistent with the materials submitted in application BC-26-0035 and BC-26-0037 dated March 4th, 2026, and March 5th, 2026, respectively.
- b. [condition(s) proposed by Planning Commission]

OR,

- 2. I move to recommend denial of application PL-26-0084.

Attachments

- A. Special Exception Request Letter & Relevant Zoning Exhibits