CITY OF CHARLOTTESVILLE
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PLANNING COMMISSION REGULAR MEETING

APPLICATION FOR A SPECIAL EXCEPTION PERMIT

APPLICATION NUMBER: PL-26-0114

DATE OF MEETING: November 10, 2026

DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES STAFF REPORT

Project Planner: Carrie Rainey

Date of Staff Report: November 3, 2026

Applicants: Ashley Davies, AHG, LLC and Colin Arnold, Arnold Design Studio

Current Property Owner: Charlottesville Redevelopment and Housing Authority

Application Information

Property Street Address: 338 Hardy Drive ("Subject Property")

Tax Map & Parcel/Tax Status: 310145000

Total Square Footage/ Acreage Site: Approx. 10.01 acres (approximately 436,035 sq. ft.)

Comprehensive Plan (General Land Use Plan): Higher-Intensity Residential

Current Zoning Classification: RX-5

Overlay District: None

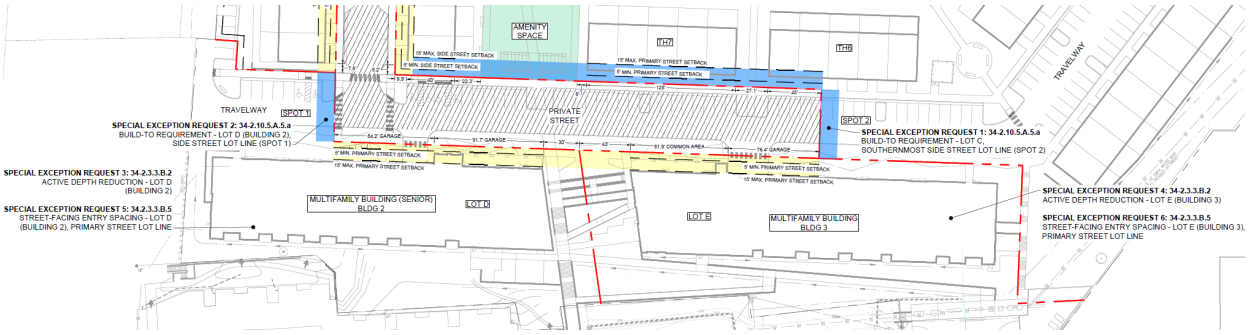
Applicant's Request (Summary)

Ashley Davies of AHG, LLC and Colin Arnold of Arnold Design Studio (applicants) have requested a Special Exception Permit (SEP) pursuant to Sections 34-2.10.6, 34-2.10.10.B, 34-2.10.13, and 34-5.2.15 to redevelop the Subject Property as proposed on the Final Site Plan **(Attachment C)**. The applicant proposes to redevelop the Subject Property with 252 affordable housing residential units, providing a variety of unit types and amenity spaces such as a recreation center, community rooms, playgrounds, sports courts, and landscaped open areas.

The proposed lots fronting upon the private streets must meet requirements applicable on the primary and side street lot lines, including Build-To (Sections 34-2.3.3.A.5 and 34-2.10.6), Active Depth (Sections 34-2.3.3.B.2 and 34-2.10.10.B), and Street-Facing Entry Spacing (Sections 34-2.3.3.B.5 and 34-2.10.13). Required elements such as Active Depth apply to buildings and are only applicable when a building is proposed or required on the primary or side street lot line

due to requirements such as Build-To minimums. The applicant requests the following modifications to the physical dimensional standards of the referenced code sections. Please see the Zoning Plan Exhibit **(Attachment B)** for Lot and Spot locations.

Snippet from Zoning Plan Exhibit (Attachment B)



Request 1: Side street Build-To reduction for Lot C at Spot 2 from 45% to 0%

Sections 34-2.3.3.A.5 and 34-2.10.6

The Subject Property has limited existing public street frontage and the project proposes new private streets within the Subject Property. Due to the proposed lot configuration for the project, the terminations of the proposed private streets connect with proposed accessways through the lots, creating a connected network and consistent experience for pedestrians, bicyclists, and motorists. However, the lot frontages along the termination points must meet the requirements applicable to a side street lot line per Section 34-2.10.1.C. Section 34-2.3.3.A.5 requires a building be placed within the minimum and maximum setback for the RX-5 Residential Mixed Use District for 45% of the side street lot line length at Spot 2. The applicant requests the requirement be reduced to 0% to permit the project as shown.

Request 2: Side street Build-To reduction for Lot D at Spot 1 from 45% to 0%

Sections 34-2.3.3.A.5 and 34-2.10.6

As noted above under Request 1, the lot frontages along the termination points of the private streets must meet the requirements applicable to a side street lot line per Section 34-2.10.1.C. Section 34-2.3.3.A.5 requires a building be placed within the minimum and maximum setback for the RX-5 Residential Mixed Use District for 45% of the side street lot line length at Spot 1. The applicant requests the requirement be reduced to 0% to permit the project as shown.

Request 3: Active Depth modification for Building 2 on Lot D from 9-ft to 0-ft

Sections 34-2.3.3.B.2 and 34-2.10.10.B

Sections 34-2.3.3.B.2 and 34-2.10.10.B.2.b require all stories of Building 2 to provide active spaces within the first 9-ft along the street-facing façade. The structured parking proposed on a portion of the ground story of Building 2 does not qualify as active space per Section 34-7.2 and

does not meet the active depth requirements of Sections 34-2.3.3.B.2 and 34-2.10.10.B.3. The applicant requests to reduce the requirement to 0-ft in portions of the ground story to permit the project as shown.

Request 4: Active Depth modification for Building 3 on Lot E from 9-ft to 0-ft

Sections 34-2.3.3.B.2 and 34-2.10.10.B

Sections 34-2.3.3.B.2 and 34-2.10.10.B.2.b require all stories of Building 3 to provide active spaces within the first 9-ft along the street-facing façade. The structured parking proposed on a portion of the ground story of Building 3 does not qualify as active space per Section 34-7.2 and does not meet the active depth requirement s of Sections 34-2.3.3.B.2 and 34-2.10.10.B.3. The applicant requests to reduce the requirement to 0-ft in portions of the ground story to permit the project as shown.

Request 5: Street-Facing Entry Spacing modification for Building 2 on Lot D from 40-ft to 110-ft

Sections 34-2.3.3.B.5 and 34-2.10.13

Sections 34-2.3.3.B.5 and 34-2.10.13.A.2.a require pedestrian street-facing entries on the ground story of Building 2 spaced no more than 40-ft along the street-facing façade. Two street-facing pedestrian entries meeting the criteria of Section 34-2.10.13.A.3.c are proposed. Additional pedestrian entries are proposed for Building 2 to provide access from the proposed structured parking area to the proposed sidewalk north of Building 2 but do not meet the requirements of street-facing entries. The applicant requests the requirement be modified to 110-ft to permit the project as shown.

Request 6: Street-Facing Entry Spacing modification for Building 3 on Lot E from 40-ft to 90-ft

Sections 34-2.3.3.B.5 and 34-2.10.13

Sections 34-2.3.3.B.5 and 34-2.10.13.A.2.a require pedestrian street-facing entries on the ground story of Building 3 spaced no more than 40-ft along the street-facing façade. Two street-facing entries meeting the criteria of Section 34-2.10.13.A.3.c are proposed. Additional pedestrian entries are proposed for Building 3 to provide access from the proposed structured parking area to the proposed sidewalk north of Building 3 but do not meet the requirements of street-facing entries. The applicant requests the requirement be modified to 90-ft to permit the project as shown.

Request 7: Bicycle Parking Space Dimension modifications for Building 2 on Lot D from 2-ft 6-in wide to 1-ft 1-in wide and from 3-ft spacing from obstacles to 1-ft

Section 34-4.5.2

Section 34-4.5.2.C.2.a requires bicycle parking spaces to be a minimum of 2.5-ft wide and placed at least 3-ft from all obstacles such as walls to provide clear and maneuverable access.

The applicant requests to modify the requirements for the long-term bicycle spaces provided within the building in order to utilize a space-saving rack system.

Request 8: Bicycle Parking Space Dimension modifications for Building 3 on Lot E from 2-ft 6-in wide to 1-ft 1-in wide and from 3-ft spacing from obstacles to 1-ft

Section 34-4.5.2

Section 34-4.5.2.C.2.a requires bicycle parking spaces to be a minimum of 2.5-ft wide and placed at least 3-ft from all obstacles such as walls to provide clear and maneuverable access. The applicant requests to modify the requirements for the long-term bicycle spaces provided within the building in order to utilize a space-saving rack system.

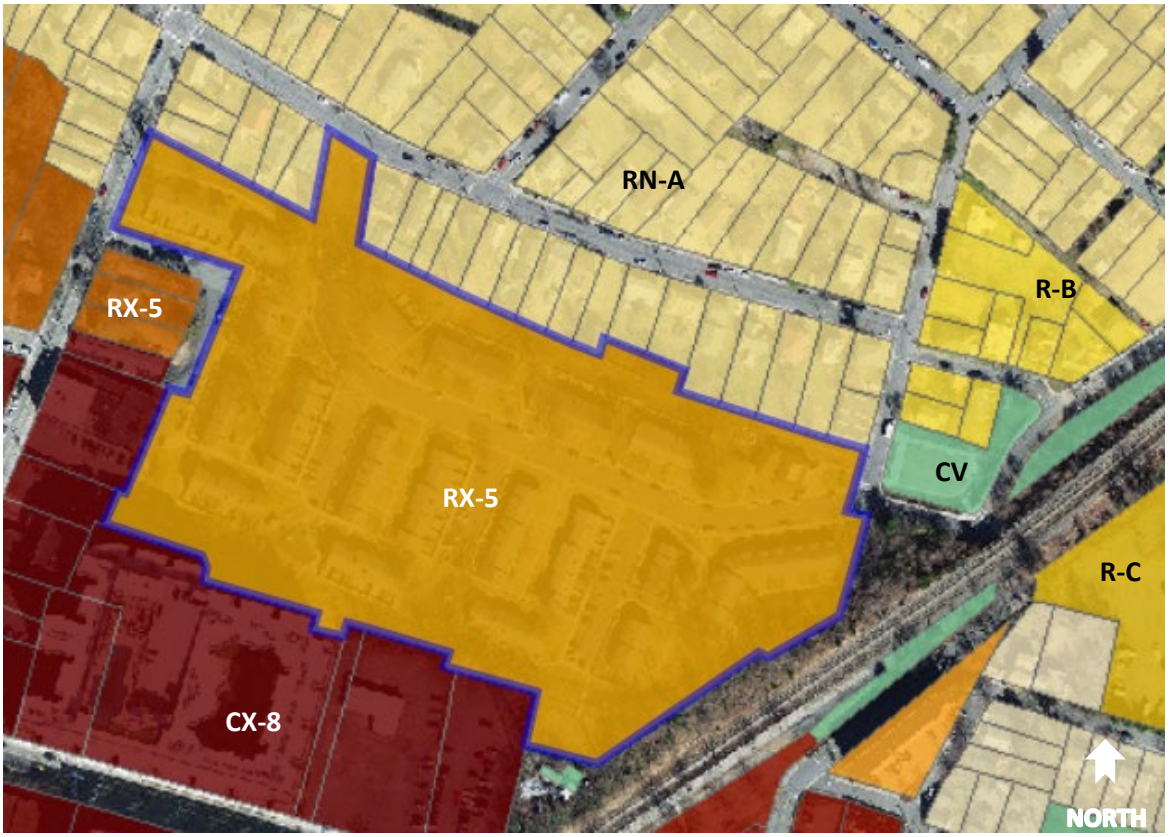
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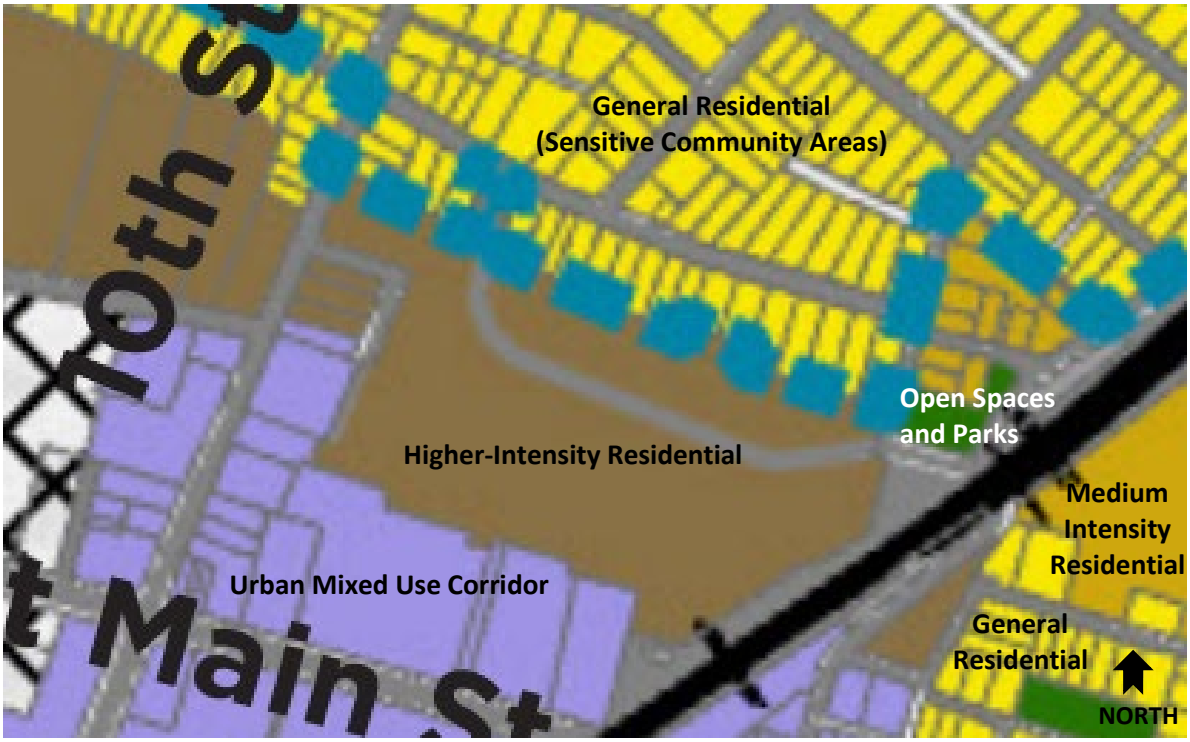
Context Map 1



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 redevelopment of the Subject Property for 252 residential units within 3 multifamily apartment style buildings and 10 multifamily townhouse style buildings as shown in the Final Site Plan **(Attachment C)**.

Staff Analysis: The Subject Property is currently developed as multifamily housing and is adjacent to other multifamily housing uses, one-family residential uses, and commercial uses such as restaurants and offices. The Final Site Plan proposes townhouse style units and outdoor amenity spaces adjacent to one-family residential uses while larger multifamily buildings are proposed adjacent to existing larger multifamily buildings on W Main Street. 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

Objectives for Mixed-Use Areas Provide opportunities to develop a variety of housing options near employment and community services.

Strategy 2.1 Through City-led efforts and private development, expand community access to housing, as well as amenities and services that improve quality of life.

Chapter: Housing

Goal 2 Support a wide range of rental and homeownership housing choices that are integrated and balanced across the city, and that meet multiple City goals including community sustainability, walkability, bikeability, ADA accessibility, public transit use, increased support for families with children and low-income households, access to food, access to local jobs, thriving local businesses, and decreased vehicle use.

Staff Analysis: The Future Land Use Plan of the 2021 Comprehensive Plan designates the Subject Property as Higher-Intensity Residential, described as areas which *provide opportunities for higher density, multi-family focused development. Incentivize affordability and increased intensity to meet Affordable Housing Plan goals*. The project proposes 252 affordable residential units along with amenity spaces such as a recreation center, community rooms, playgrounds, sports courts, and landscaped open areas. The project

proposes new private streets and accessways which provide connections within the Subject Property and to areas beyond the project limits.

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

The code sections from which the applicant requests relief seek to facilitate the creation of a convenient, attractive, and harmonious community by requiring buildings to frame the public realm with a consistent pattern of development (Section 34-2.10.6); by minimizing the impact of inactive spaces on the public realm (Section 34-2.10.10.B); by providing visual interest along the public realm, and promote greater use and activation of the public sidewalk by limiting distance without physical connections between the public realm and the interior of a building (Section 34-2.10.13); and by facilitating transportation by promoting bicycling as an alternative to motor vehicle transportation and help ensure safe, secure, accessible, and convenient storage of bicycles for all users (Section 34-4.5.2).

The project provides outdoor amenity spaces along the proposed private streets which provide visual interest and activation of the sidewalks. A pedestrian accessway between Buildings 2 and 3 connects a proposed private street to a proposed sports court and to off-site locations, creating additional connection and visual interest. The project proposes providing long-term bicycle parking spaces through space-saving vertical racks which minimizes space impacts to the project while providing all required spaces. As the application aligns with the Comprehensive Plan, existing patterns of development, and the Development Code's emphasis on active spaces and visual interest along the public realm, staff finds granting the Special Exception Permit is 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 reduce Build-To, Active Depth, Street-Facing Entry spacing, and Bicycle Parking Space requirements for Lots C, D, and E as identified on the Zoning Plan Exhibit **(Attachment B).**

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 RX-5 Residential Mixed Use district for Tax Map and Parcel 310145000 to permit the project as requested, with no reservations or conditions:
    a. Reduce the side street Build-To requirement of Section 34-2.3.3.A.5 for Lot C, as identified on the Zoning Plan Exhibit, from 45% to 0%,
    b. Reduce the side street Build-To requirement of Section 34-2.3.3.A.5 for Lot D, as identified on the Zoning Plan Exhibit, from 45% to 0%,
    c. Reduce the primary street ground story active depth requirement of Section 34-2.3.3.B.5 for Lot D, as identified on the Zoning Plan Exhibit, from 9-ft to 0-ft,
    d. Reduce the primary street ground story active depth requirement of Section 34-2.3.3.B.5 for Lot E, as identified on the Zoning Plan Exhibit, from 9-ft to 0-ft,
    e. Modify the street-facing entry spacing requirement of Section 34-2.3.3.B.5 for Lot D, as identified on the Zonin Plan Exhibit, from 40-ft to 110-ft,
    f. Modify the street-facing entry spacing requirement of Section 34-2.3.3.B.5 for Lot E, as identified on the Zoning Plan Exhibit, from 40-ft to 90-ft,
    g. Modify the Bicycle Parking Space requirements of Section 34-4.5.2.C.2.a for Lot D, as identified on the Zoning Plan Exhibit, from 2-ft 6-in wide to 1-ft 1-in wide and from 3-ft spacing from obstacles to 1-ft spacing from obstacles, and
    h. Modify the Bicycle Parking Space requirements of Section 34-4.5.2.C.2.a for Lot E, as identified on the Zoning Plan Exhibit, from 2-ft 6-in wide to 1-ft 1-in wide and from 3-ft spacing from obstacles to 1-ft spacing from obstacles.

OR,

2. I move to recommend denial of this application for a Special Exception Permit in the RX-5 Residential Mixed Use district for Tax Map and Parcel 310145000 to permit the modification of the standards of Sections 34-2.3.3.A.5, 34-2.3.3.B.2, and 34-2.3.3.B.5.

Attachments

A. Special Exception Permit Request Letter
B. Special Exception Permit Exhibits
C. Please see Attachment C of Application PL-26-0113 (Westhaven Critical Slopes Special Exception) for Final Site Plan Under Review