

Resolution A

RESOLUTION UPHOLDING THE PLANNING COMMISSION’S DECISION THAT PURSUANT TO CODE OF VIRGINIA § 15.2-2232 PUBLIC FACILITIES INCLUDED IN THE 0 EAST HIGH STREET DEVELOPMENT ARE NOT SUBSTANTIALLY IN ACCORD WITH THE CITY’S COMPREHENSIVE PLAN

WHEREAS, less than sixty (60) days have elapsed between the submission of a Code of Virginia, § 15.2-2232 application to the Planning Commission and its recorded vote on August 8, 2023, and

WHEREAS, the Petitioner Seven Development LLC (“Petitioner”) argues that the Planning Commission is “deemed” to have approved all the public facilities as presented in such application on August 1, 2023 in accordance with Code of Virginia, § 15.2-2232(B), and Council does not believe this argument is well taken, it expressly overrules any such “deemed” approval by the Planning Commission on August 1, 2023; and

WHEREAS, on August 8, 2023, after notice given as required by law, the Planning Commission conducted a public hearing to determine whether the proposed public facilities in the 0 E. High St. application as submitted on August 1, 2023, were substantially in accord with the Charlottesville Comprehensive Plan or part thereof in accordance with Code of Virginia, § 15.2-2232; and

WHEREAS, on August 8, 2023, after the public hearing had concluded and the Planning Commission had deliberated a duly presented motion, the Planning Commission by recorded vote unanimously determined that the following proposed public facilities were in substantial accord with the Comprehensive Plan or part thereof: Widening of Caroline & Fairway Avenue, Lot A, and Lot B excluding the Parking Lot. The Planning Commission further determined that following proposed public facilities were not in substantial accord with the Comprehensive Plan or part thereof: Public Road A, Public Road B, and the Lot B Parking Lot; and

WHEREAS, on September 12, 2023, the Planning Commission adopted a resolution delineating its findings with written reasons therefor, which was transmitted to City Council; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that after considering the Petitioner’s Appeal, Council expressly overrules any “deemed approval” of the public facilities, and

BE IT FURTHER RESOLVED that City Council hereby upholds the decision of Planning Commission in accordance with Code of Virginia, § 15.2-2232(B), determining that the public facilities as presented in the submission to the Planning Commission on August 1, 2023, are not substantially in accord with the Charlottesville Comprehensive Plan

Approved as to form:

Jacob P. Stroman

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City Attorney