

## **Resolution B**

### **RESOLUTION OVERRULING THE PLANNING COMMISSION'S DECISION IN ITS CODE OF VIRGINIA, § 15.2-2232 REVIEW OF PUBLIC FACILITIES IN THE 0 EAST HIGH STREET PROPOSED DEVELOPMENT**

**WHEREAS**, less than 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, the Appellant argues that the Planning Commission has “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). City Council does not believe this argument is well taken, it 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, 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. In this vote, the Planning Commission also determined the 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 certified by recorded vote a Resolution, promulgating its findings with written reasons for its determination which was communicated to City Council;

**NOW THEREFORE, BE IT RESOLVED** that the Council of the City of Charlottesville, Virginia, expressly overrules any “deemed” approval by the Planning Commission; and

**BE IT FURTHER RESOLVED** that after considering the decision of the Planning Commission on August 8, 2023, City Council hereby overrules the decision of the 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 substantially in accord with the Charlottesville Comprehensive Plan.

Approved as to form:

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Jacob P. Stroman  
City Attorney