

RESOLUTION OVERRULING THE PLANNING COMMISSION’S CODE OF VIRGINIA, § 15.2-2232 DETERMINATION ON AUGUST 8, 2023

WHEREAS, while it does not appear that 60 days have elapsed between the submission of a Code of Virginia, § 15.2-2232 application to the Planning Commission and their 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). While City 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. 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 therefor for its determination on August 8, 2023, which was communicated to City Council on the same day; and

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that after considering these findings of the Planning Commission on October 2, 2023, City Council hereby overrules the action of Planning Commission in accordance with Code of Virginia, § 15.2-2232(B), determining that the all 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 or part thereof.