



CITY OF POQUOSON

PLANNING DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA

23662-1996

(757) 868-3040 TELEPHONE (757) 868-3105 FAX

To: The Honorable City Council

Through: City Manager

From: Wally Horton, Director of Community Development

Date: April 8, 2019

Subject: **Conditional Use Permit Amendment for Phase II of the Fountains of Poquoson, LLC, Robert Moses – Applicant.**

The Fountains of Poquoson, LLC, property owner, is requesting a Conditional Use Permit amendment to extend the June 27, 2019 deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-4, Zoned VC (Village Commercial). The new deadline is proposed to be September 12, 2021, which is the deadline for the entire development. This would further amend Condition #4 of the original permit to read as follows:

4. If the project is not constructed and fully operational by ~~June 27, 2019~~ September 12, 2021, the Conditional Use Permit shall become null and void.

The Planning Commission, at its March 18, 2019 meeting, recommended approval of this request by a vote of 5-0. During the public hearing, Mr. Robert Moses made a PowerPoint presentation outlining the reason for the extension, the area affected and the estimated time of completion for Phase II of the Fountains of Poquoson.

As with the Planning Commission hearing, Mr. Robert Moses intends to make his own presentation in support of this request at the April 8, 2019 City Council public hearing.

CWH

RESOLUTION _____

**A RESOLUTION APPROVING A MODIFICATION OF AN EXISTING
CONDITIONAL USE PERMIT FOR THE MIXED USE DEVELOPMENT LOCATED
AT 200 FOUNTAINS LANE, TAX MAP PARCEL NO. 27-10-4**

WHEREAS, a request was submitted by Fountains of Poquoson, LLC, applicant and property owner, for an amendment to its existing amended Conditional Use Permit to extend the deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-4, Zoned VC (Village Commercial); and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on March 18, 2019 and the City Council on April 8, 2019; and

WHEREAS, careful and thorough consideration was given the request.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Poquoson, Virginia:

Section 1: That the request of Fountains of Poquoson, LLC, applicant and property owner, for an amendment of its existing amended Conditional Use Permit to extend the deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-4, is approved with the following amendment to Condition #4 of the original permit:

4. If the project is not constructed and fully operational by ~~June 27, 2019~~ September 12, 2021, the Conditional Use Permit shall become null and void.

Section 2: That this resolution shall be in effect on and after its adoption.

ADOPTED: _____

TESTE: _____

City Clerk



City of Poquoson
500 City Hall Avenue
Poquoson, Virginia 23662
(757) 868-3040

APPLICATION FOR A
CONDITIONAL USE
PERMIT

CITY OF POQUOSON
PAID

FEB 19 2019

To the Planning Commission/City Council
of the City of Poquoson:

TREASURER #3

I/We, Fountains of Poquoson, LLC

the undersigned owner(s) of the described property:

Phase 2, Fountains Development

hereby apply for a conditional use permit ^{extension} for the following reasons:

To bring deadline of existing CUP
for Phase 2 to the same deadline
as the CUP of Phases 3 & 4.

(CONTINUED)

I HEREBY AUTHORIZE CITY REPRESENTATIVES TO HAVE ACCESS TO THE PROPERTY DURING REASONABLE HOURS.

SIGNATURE OF PROPERTY OWNER(S):

X Robert Moses

X _____

NAME: Robert Moses

ADDRESS: 89 Sandy Bay Dr

TELEPHONE: 757 218 7144

SIGNATURE OF PERSON REPRESENTING APPLICATION:
(IF OTHER THAN OWNER)

X Robert Moses

NAME: Robert Moses

ADDRESS: _____

TELEPHONE: _____

INCLUDE WITH THIS APPLICATION:

1. A \$572 FEE TO COVER ADVERTISING COST. MAKE CHECK PAYABLE TO "CITY OF POQUOSON".
2. A SURVEYED PLAT OF THE PROPERTY.

RESOLUTION

A RESOLUTION RECOMMENDING APPROVAL OF A MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT FOR THE MIXED USE DEVELOPMENT LOCATED AT 200 FOUNTAINS LANE, TAX MAP PARCEL NO. 27-10-4

WHEREAS, a request was submitted by Fountains of Poquoson, LLC, applicant and property owner, for an amendment to its existing amended Conditional Use Permit to extend the deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-4, Zoned VC (Village Commercial); and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on March 18, 2019; and

WHEREAS, careful and thorough consideration was given the request.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Poquoson, Virginia:

Section 1: That the request of Fountains of Poquoson, LLC, applicant and property owner, for an amendment of its existing amended Conditional Use Permit to extend the deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-4, is recommended for approval with the following amendment to Condition #4 of the original permit:

4. If the project is not constructed and fully operational by ~~June 27, 2019~~ September 12, 2021, the Conditional Use Permit shall become null and void.

Section 2: That this resolution shall be in effect on and after its adoption.

ADOPTED: March 18, 2019

TESTE: Karen W. Holloway
Clerk, Planning Commission

RESOLUTION NO. 4031**A RESOLUTION APPROVING A MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT FOR THE MIXED USED DEVELOPMENT LOCATED AT 200 FOUNTAINS LANE, POQUOSON TAX MAP PARCEL NO. 27-10-00-0004**

WHEREAS, a request was submitted by the Fountains of Poquoson, LLC, applicant and property owner, for an amendment to its existing Conditional Use Permit to extend the deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-00-0004, Zoned VC (Village Commercial); and

WHEREAS, public hearings to receive public comments and review the request were held before the Planning Commission on June 20, 2016 and before City Council on June 27, 2016; and

WHEREAS, the request was carefully and thoroughly considered.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Poquoson, Virginia:

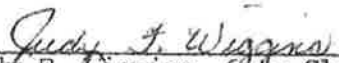
Section 1: That the request of the Fountains of Poquoson, LLC, applicant and property owner, for an amendment to its existing Conditional Use Permit to extend the deadline for full construction/operational completion of the mixed use development on property located at 200 Fountains Lane, Tax Map Parcel No. 27-10-00-0004 is hereby approved with the following amendment to Condition #4 of the original permit:

4. If the project is not constructed and fully operational ~~within five (5) years~~ of the ~~issuance of this permit~~ by June 27, 2019, the Conditional Use Permit shall become null and void.

Section 2: That this resolution shall be in effect on and after its adoption.

ATTESTE:

ADOPTED: June 27, 2016



 Judy F. Higgins, City Clerk



 W. Eugene Hunt, Jr., Mayor