



## 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 22, 2019

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

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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 you will recall, Mr. Moses was unavoidably detained due to work-related matters and was therefore unable to attend the City Council meeting on the April 8<sup>th</sup>. Since Mr. Moses was unable to answer any questions or to give his PowerPoint presentation, this Public Hearing was continued by the City Council to April 22, 2019.

As with the Planning Commission hearing, Mr. Robert Moses intends to be in attendance to answer questions and make his own presentation in support of this request at the April 22, 2019 City Council public hearing.

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**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**, a public hearing to receive public comments and review the request was held before the Planning Commission on March 18, 2019 and the City Council on April 8, 2019 and continued by Council until April 22, 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