



CITY OF POQUOSON

PLANNING DEPARTMENT

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662-1996
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June 27, 2016

To: The Honorable City Council

Through: City Manager

From: Kevin M. Wyne, Planner

Subject: **Amendment to a Conditional Use Permit for the Allowance of Residential on the Third Floor of a Mixed Use Building in the Village Commercial District- Tax Parcel No. 27-10-4**

Presented for a public hearing and your consideration is a request from Fountains of Poquoson, LLC, applicant and property owner, to amend their existing conditional use permit, issued on May 14, 2012, for an extension to allow for additional construction time. The applicant has not specified how much additional time is needed to finish the project as proposed. The project is located at 200 Fountains Lane (off of Alphas Street) and is further identified as Tax Map Parcel No. 27-10-4. The property is zoned VC, Village Commercial district and the initial Conditional Use Permit was needed to allow for a third floor of residential for the three (3) mixed use buildings proposed for the site. As of this report, the first building is near completion; two (2) more like buildings are proposed.

The Planning Commission held a public hearing on this item at their Monday, June 20, 2016 meeting and has recommended their approval by a vote of 7-0. The Planning Commission has recommended an extension that will expire on June 27, 2019.

This application was advertised for public hearing by legal notice appearing in the Daily Press on June 3 and June 10, 2016. Adjacent property owners were notified by letters mailed on June 1, 2016.

KMW

RESOLUTION NO. _____

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.

ADOPTED: _____

TESTE: _____

City Clerk

RESOLUTION NO. _____

A RESOLUTION DENYING 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 reviewed.

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 denied.

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

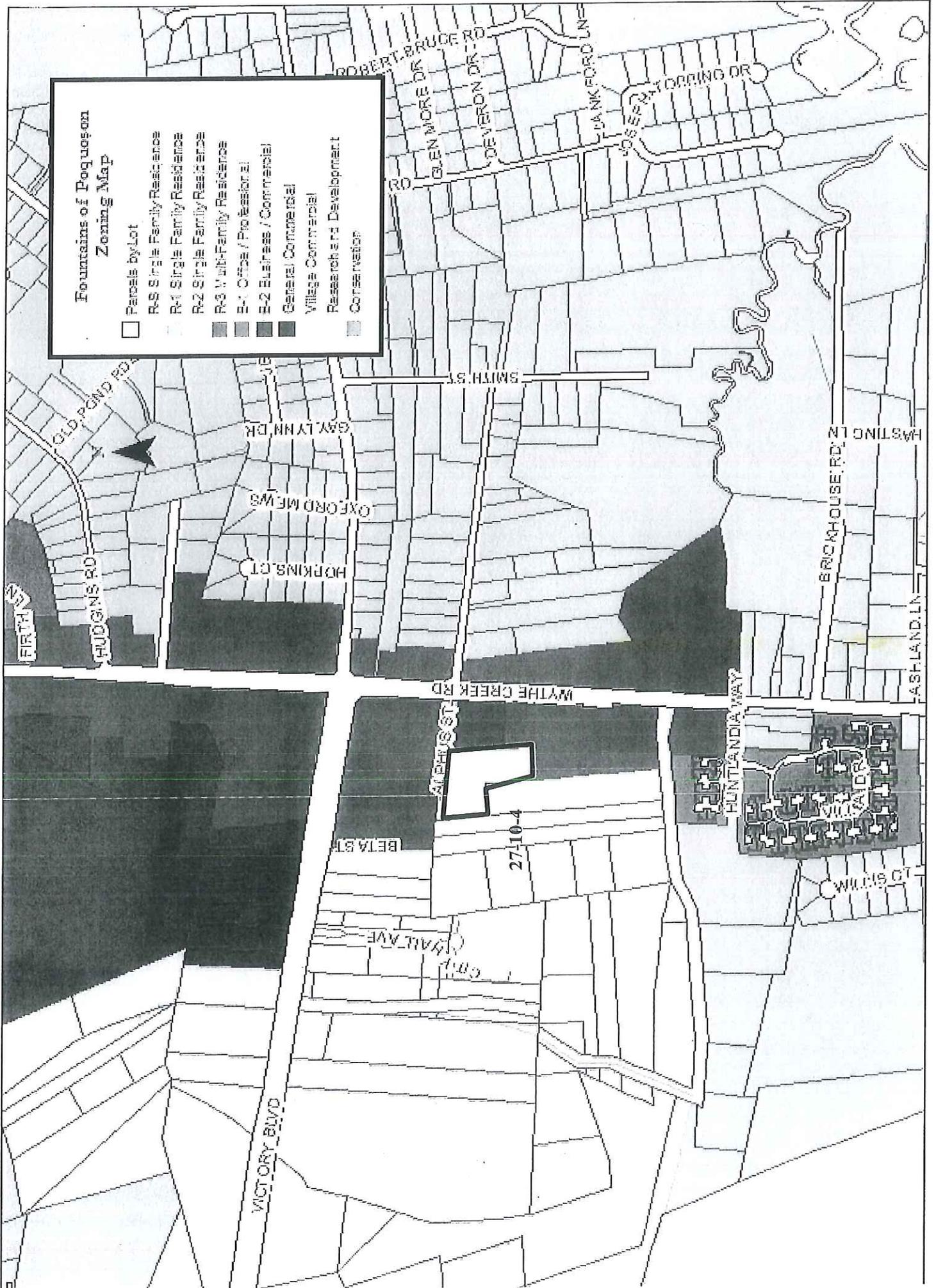
ADOPTED: _____

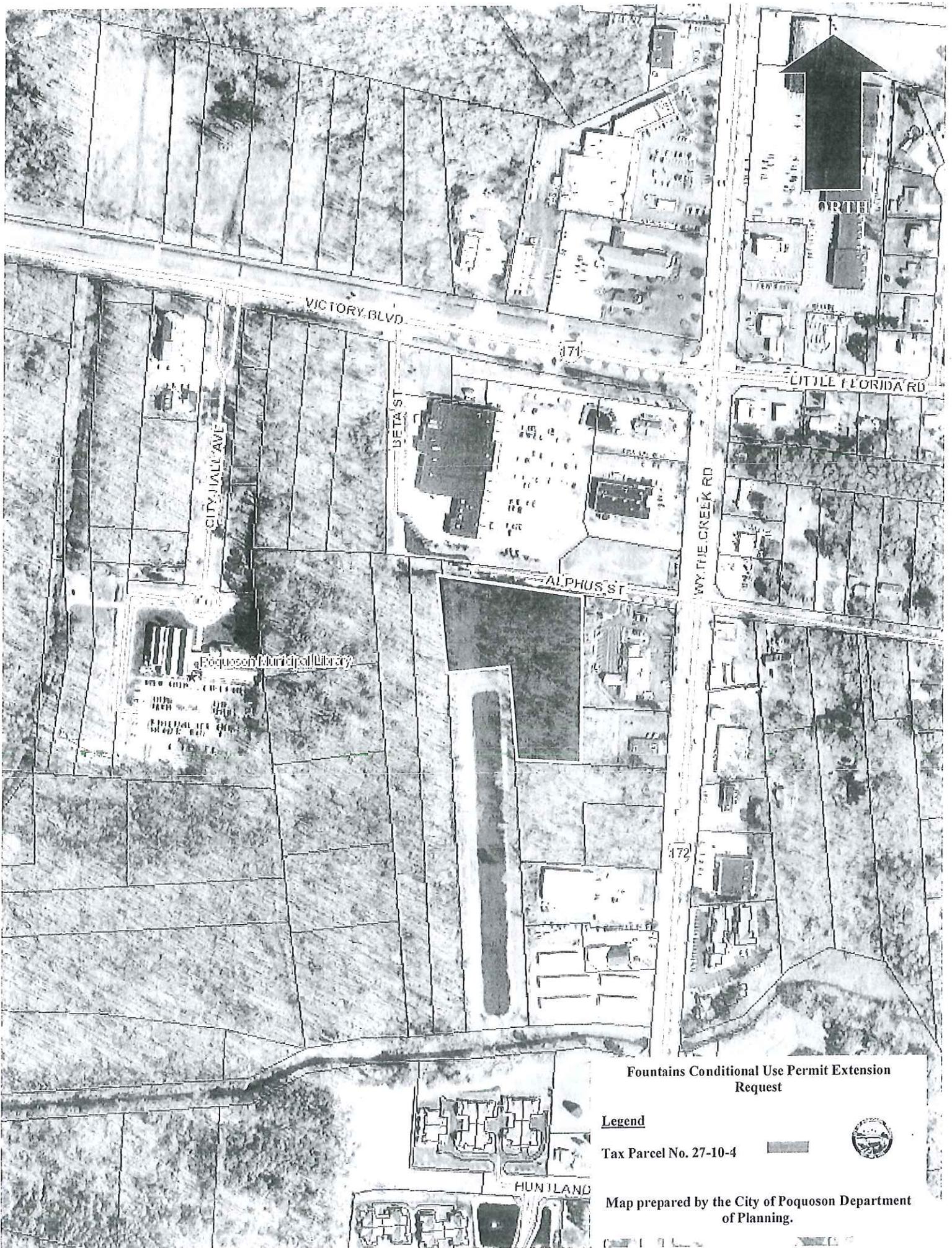
TESTE: _____

City Clerk

Fountains of Poquoson
Zoning Map

- Parcels by Lot
- R-S Single Family Residence
- R-1 Single Family Residence
- R-2 Single Family Residence
- R-3 Multi-Family Residence
- E-1 Office / Professional
- E-2 Business / Commercial
- General Commercial
- Village Commercial
- Research and Development
- Conservation





Fountains Conditional Use Permit Extension Request

Legend

Tax Parcel No. 27-10-4



Map prepared by the City of Poquoson Department of Planning.

RESOLUTION NO. 3780**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW RESIDENTIAL DWELLINGS ABOVE THE SECOND FLOOR IN THE VILLAGE COMMERCIAL DISTRICT ON PROPERTIES SPECIFICALLY IDENTIFIED AS TAX MAP PARCEL NOS. 27-(10)-4, 27-(10)-4A & A PORTION OF 27-(10)-3**

WHEREAS, a request was submitted by Robert Moses, contract purchaser and G. Curtis Dailey, Sandra Graham and John Graham, property owners, for a Conditional Use Permit in order to allow residential dwellings above the second floor in the Village Commercial District on properties specifically identified as Tax Map Parcel Nos. 27-(10)-4, 27-(10)-4A and a portion of 27-(10)-3; and

WHEREAS, a public hearing to receive public comments and review the request was held before the Planning Commission on April 16, 2012 and the request was reviewed by City Council in a work session held on April 23, 2012 and a public hearing on May 14, 2012; and

WHEREAS, careful and thorough consideration was given the request.

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

Section 1: That the request of Robert Moses, contract purchaser and G. Curtis Dailey, Sandra Graham and John Graham, property owners, for a Conditional Use Permit to allow residential dwellings above the second floor on properties specifically identified as Tax Map Parcel Nos. 27-(10)-4, 27-(10)-4A and a portion of 27-(10)-3 is hereby approved with the following conditions:

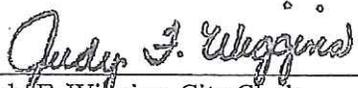
1. Approval of the Architectural Review Board shall be required on all buildings, including the residential component, prior to site plan approval.
2. All utilities are required to be placed underground.
3. Exterior recreational, display or storage areas are prohibited.
4. If the project is not constructed and fully operational within five (5) years of the issuance of this permit, the Conditional Use Permit shall become null and void.
5. This Conditional Use Permit is for the establishment of residential uses on the third floor. If at any time a portion of the third floor of each of the proposed structures is not utilized for residential purposes, the Conditional Use Permit shall be null and void.
6. The development shall not yield any more than 12 dwelling units per acre.
7. Any development of the subject parcels that occurs in conjunction with any development of the parcel immediately adjacent to the west shall require a shared entrance off of Alphas Street.

8. All large, shared trash containers shall not be visible from public right-of-ways and shall be screened in accordance with City Site Plan and Zoning Ordinance requirements.
9. The development shall utilize the regional storm water management pond owned by the City's Economic Development Authority and provide for pond aeration through the use of fountains as determined by the City Engineer.
10. If at any time traffic impacts, resulting from said development, create demand that exceeds the capabilities of the existing transportation network, the developer shall, at his/her expense, have a Traffic Impact Assessment conducted by a licensed transportation engineer and shall provide mitigation in accordance with the findings of said study.

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

ATTESTE:

ADOPTED: May 14, 2012



 Judy F. Wiggins, City Clerk



 W. Eugene Hunt, Jr., Mayor

The foregoing resolution was adopted by the affirmative roll call vote of a majority of the members in attendance, the ayes and nays recorded in the minutes of the meeting as shown below:

Councilman Green	YES	Councilman Vernall	YES
Councilman Kreiger	YES	Councilwoman Crawford	YES
Mayor Hunt	YES		