

RESOLUTION

CASE NO. SUP-18-0010. OUTDOOR FLEA MARKET AT 6623 RICHMOND ROAD

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, B & L of NC, LLC (the "Owner") owns property located at 6623 Richmond Road and further identified as James City County Real Estate Tax Map Parcel No. 2430100035A; and

WHEREAS, on behalf of the Owner, Mr. David Otey, of Otey Smith & Quarles, has applied for an SUP to allow for the operation of an outdoor flea market as shown on the Master Plan titled: "Outdoor Flea Market at 6623 Richmond Road" and dated August 21, 2018; and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. SUP-18-0010; and

WHEREAS, the Planning Commission, following its public hearing on September 5, 2018 recommended approval of this application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve Case No. SUP-18-0010, as described herein with the following conditions:

1. Master Plan. This SUP shall be valid for a year-round outdoor flea market of no more than 20 vendors and accessory uses thereto (the "Flea Market") on property located at 6623 Richmond Road, further identified as James City County Tax Map No. 2430100035A (the "Property"). The Flea Market shall only operate on that portion of the Property designated as the "Special Use Permit Area" as shown on the Master Plan titled "Outdoor Flea Market at 6623 Richmond Road" and dated August 21, 2018 (the "Master Plan"). Development of the Flea Market shall be generally in accordance with the Master Plan, with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance.
2. Operating Hours. The Flea Market shall only operate between the hours of 6 a.m. and 4 p.m. on Saturdays and Sundays. All vendor tables and materials associated with the Flea Market shall be removed by the end of hours of operation of the Flea Market.
3. Flea Market Area. The location of the Flea Market, as shown on the Master Plan, will be roped off along its perimeter to separate the Flea Market area from the remaining parking lot during hours of operation in a manner as approved by the Director of Planning.
4. Landscape and Screening Plan. As part of the required site plan, a landscape and screening plan shall be submitted for the review and approval of the Director of Planning or designee. Landscaping shall be installed in the northern corner of the Property and the center island adjacent to Richmond Road. The landscaping shall

serve to screen the Flea Market from the road. Additional landscaping shall also be installed along the northern side yard to supplement the existing landscaping and to screen the parking lot from the adjacent property. All landscaping in these areas shall consist of upright evergreen trees and shrubs that meet the requirements for numbers and size contained in Section 24-96 of the Zoning Ordinance. Prior to the start of the Flea Market, the screening shown on the approved site plan shall either be installed or guaranteed in a manner acceptable to the County Attorney's Office. If a guarantee is provided for any required screening material, such screening material shall be installed within six months of the start of the Flea Market.

- 5. Fire Extinguishers. At least two fire extinguishers shall be provided on the site of the Flea Market during all hours of operation. The type and location of the fire extinguishers shall be approved by the Fire Department prior to final site plan approval.
- 6. Public Restrooms. Indoor bathrooms shall be open to provide public restrooms during the hours of operation of the Flea Market. The planned location of the indoor bathrooms open to the public and any additional information necessary to demonstrate compliance with the building code shall be approved by the Director of Building Safety and Permits prior to final site plan approval.
- 7. Site Plan. A site plan shall be required for the Flea Market. Final approval of the site plan shall be obtained within 12 months of issuance of this SUP or the SUP shall become void.
- 8. Parking Verification. Starting with the date of approval of this SUP and prior to any new tenant occupying part of the building located on the Property, a change of use or an application to verify parking availability shall be submitted to the Director of Planning or designee for review. This information will be used to calculate parking needs for the Flea Market, ensuring the availability of parking for all tenants and customers of the Flea Market year-round.
- 9. Severability. This SUP is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Ruth M. Larson

Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellow
Teresa J. Fellow
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	✓	—	—
ICENHOUR	✓	—	—
SADLER	✓	—	—
HIPPLE	✓	—	—
LARSON	✓	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of October, 2018.