

## RESOLUTION

### CASE NO. SUP-23-06. VOLUNTEER FIRE DEPARTMENT FLEA MARKET

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

WHEREAS, Mr. Bill Apperson has applied on behalf of the James City-Bruton Volunteer Fire Department for an SUP to allow for a flea market on approximately .5 acres of land on a parcel zoned B-1, General Business; and

WHEREAS, the proposed market site is shown on a conceptual layout, entitled "Volunteer Fire Department Flea Market" and dated August 2006; and

WHEREAS, the property is located on land zoned B-1, General Business, and can be further identified as a portion of James City County Real Estate Tax Map/Parcel No. (12-3)(1-8); and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 6, 2006, recommended approval of this application by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 23-06 as described herein with the following conditions:

1. The Property shall be developed generally as shown on the master plan entitled "Volunteer Fire Department Flea Market" and dated August 2006 (the "Master Plan"), with only changes thereto that the Planning Director determines do not change the basic concept or character of the development.
2. The main market structure shall consist of a wood-framed structure, similar to the structure shown in the photograph which is attached as exhibit "A," with design, materials, and colors to be approved by the Planning Director.
3. One freestanding sign shall be permitted on the site. The sign shall be ground-mounted and shall not exceed a cumulative size of 16 square feet in size and shall not be taller than six feet and approved by the Planning Director. The sign shall not be illuminated.
4. Any and all merchandise to be sold at the James City-Bruton Volunteer Fire Department Flea Market shall be sold underneath or behind (between the parking area and the structure) the wood-framed structure, designated as the "market" on the Master Plan. No merchandise shall be sold within 25 feet of the front or sides of the property or 50-feet from the rear of the property.
5. The following items may not be sold as a part of this "flea market": Antiques/statuary, books, carpet, coins, furniture, hardware/building supplies, automobile parts, home appliances, household items, paint, animals, shoes, sporting goods, upholstery, wearing apparel, used goods, boats, and wheeled vehicles.
6. Hours of operation for the market shall be limited to from dawn until dusk.

7. Parking shall only be on the areas designated as “parking area” on the Master Plan. Such parking areas shall be graveled or paved. All non-paved areas shall be flagged and shall be labeled with “No-parking” signs.
8. After the market has been open for 60 operating days, in coordination with the County, a parking analysis shall be performed to determine the adequacy of the parking area, which will require the approval of the Planning Director. If parking is deemed insufficient by the Planning Director, additional parking spaces shall be provided or the number of booths in the market shall be reduced based on the findings of the study.
9. The site plan shall include a landscaping plan in accordance with the County Ordinance, or shall include equivalent design features such as a combination of landscaping, picnic tables, benches, and a sitting area, with the design to be approved by the Planning Director.
10. Should new exterior lighting be installed for the flea market, such fixtures shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director which indicates no glare outside the property lines. “Glare” shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the street or adjoining residentially designated property.
11. If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
12. Upon notification from the County that a shared access to Forge Road becomes available, the applicant shall abandon the Property’s existing access to Forge Road and shall use only the shared access.
13. This SUP is not severable. Invalidation of any word, phrase, clause, sentences, or paragraph shall invalidate the remainder.

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Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of November, 2006.

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