SUBJECT PROPERTY

Zoning districts and labels:
R-3, R-4, R-2, R-5, R-6, R-6C, O-2, C-1, B-1, B-2, B-3C, B-2C, B-1C

Place names / neighborhoods:
Colonial Gardens, Ginter Gardens, Chilgath, Hilliard Park, Church View, Waldo Ln, Elmay Crest, Parker Ridge, Hermitage Club Terrace, Court St, Hermitage Court, Lakeside Place, Orchard Dell, Winston Heights, Hermitage Park, Hermitage Court Add, Flemington

Streets:
LAFAYETTE AVE, MINTER AVE, PROSPECT AVE, HERMITAGE RD, LAKESIDE AVE, LAKESIDE AVE, CLUB RD, TANYA AVE, TERRACE AVE, HILLIARD RD., HILLIARD RD, LAWRENCE AVE, WALDO LN, CEDAR CROFT ST, FLEET AVE, BURNLEY AVE, WILLIAMS ST, KENWOOD AVE, EDGEMORE ST, MAPLEWOOD RD, PARKSIDE AVE, INGLESIDE AVE, TIMBERLAKE AVE, OVER LN, ELLIS AVE, OAK ST, COURT ST

P-18-07

Zoning

Outdoor Farmers Market

Fairfield District

400 Feet

PS   August 2007   Ref: 780-749-9410

Virgil R. Hazelett, P.E.
County Manager

December 18, 2007

Lakeside Town Center, LLC
C/O Mr. Peter L. Francisco
7517 N. Pinehill Drive
Richmond, VA 23228

Re: Provisional Use Permit P-18-07

Dear Mr. Francisco:

The Board of Supervisors at its meeting on December 11, 2007, granted your request for a Provisional Use Permit under Sections 24-62.2(g), 24-120, and 24-122.1 of Chapter 24 of the County Code to operate a farmers' market permitted under the category of an outdoor commercial flea market within a 4,500 square foot area, on Parcel 780-749-9410, subject to the following conditions:

1.   The operation of the outdoor farmers' market shall adhere to all proffers accepted with rezoning case C-55C-07 (see case file).

2.   The maximum area of the outdoor farmers' market shall be 4,500 square feet. Other than temporary stands and tents for vendors, no structures shall be erected. Any temporary tents used for vendors shall be uniform in design. Any stands and temporary tents shall be removed at the end of each day of operation. No outside storage shall be permitted.

3.   The operation of the outdoor farmers' market shall comply with the following standards:

   a.   The market shall only be in operation a maximum of 2 days a week and between May 1st through November 30th of each year.

   b.   Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m. during Eastern Daylight Saving Time and from 7:00 a.m. to 5:30 p.m. during Eastern Standard Time.

      c.   Only produce and those processed foods that are regulated by the Virginia Department of Agriculture and Consumer Services shall be permitted for sale. No arts and crafts or prepared foods shall be permitted.

      d.   The sale or consumption of alcohol shall be prohibited.

4.   The applicant shall designate a Market Manager to be in charge of the farmers' market operations, including vendor selection, and responsible for compliance with the conditions of this Provisional Use Permit. The Market Manager shall be responsible for complying with all local, state and federal regulations.

5.   Prior to operation, the Market Manager shall submit a Plan of Development to the Department of Planning for approval. The POD shall delineate the specific vendor area and details of any temporary tent structures, pedestrian walkways, drive aisles and parking stalls for the site. The vendor area shall be secured to prevent unauthorized access into the vendor area and to provide safe pedestrian access to and from the market.

6.   Prior to operation, the surface parking lot shall be restriped in accordance with Henrico County parking standards.

7.   Trash receptacles shall be provided and property serviced to control litter generated by this use. All refuse including produce, boxes, etc. shall be removed from the premises at the end of each sales day. The parking lot shall be cleaned of trash and debris at least twice a week.

8.   No outside live music performances or outdoor speaker system shall be permitted on the site.

9.   The operation of the farmers' market shall not cause loitering, criminal assaults or public nuisance or unsafe conditions for the surrounding area.

10.   The Director of Planning shall review the operation of the outdoor farmers' market annually for a period of 36 months to ensure compliance with the conditions imposed with this Provisional Use Permit. If the Director finds, based upon his review, that the permit holder has failed to comply with any of the conditions or that the operation of the outdoor farmers' market is having a deleterious effect on the surrounding area, then the Director shall initiate a show cause hearing on revocation of the permit pursuant to the provisions of Section 24-122.1(b) of the County Code.

The Planning Department has been advised of the action of the Board of Supervisors and requested to revise its records and to place a copy of this notification in the Provisional Use Permit Index.

Sincerely,

Virgil R. Hazelett, P.E.
County Manager

pc.   Director, Real Estate Assessment
       Provisional Use Permit Index