

Parcels or Portions thereof identified on this sheet are within the West Broad Street Overlay District and are subject to Special Regulation

P-6-10
Zoning
 Community Garden &
 Outdoor Produce Display
 Three Chopt District
 400

PS May 2010 Ref: 744-760-7007



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

August 17, 2010

West Broad Village, LLC
Attn.: Mark Kukoski
4191 Innslake Drive
Glen Allen, VA 23060

Re: Provisional Use Permit P-6-10

Dear Mr. Kukoski:

The Board of Supervisors at its meeting on August 10, 2010, granted your request for a Provisional Use Permit in order to allow a farmers' market, a community/demonstration gardens and production farm on part of Parcels 743-760-2155 and 744-760-7007, subject to the following conditions:

Farmers' Market:

1. The operation of the Whole Foods Farmers' Market shall comply with the following standards and shall not operate outside of the following parameters:

Market Season: Beginning on the fourth Thursday of April and ending on the third Thursday in October.

Hours of Operation: Market hours are every Thursday during the Market Season, from 4:00 PM until 7:00 PM.

2. 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. Market operations shall abide by all rules and regulations set forth in Exhibit B (see case file) entitled "Whole Foods Market Vendor Information and Rules and Regulations," dated July 13, 2010.
3. The farmers' market shall be no greater than 2,500 square feet in size and shall be located only along the southern and eastern façades of the Whole Foods Market grocery store.

4. Other than temporary stands for vendors or the Market Manager, no structures or tents shall be erected on the property. All tents shall be solid in color, and neither text nor logo displays shall be permitted on any tent or similar temporary structure. No later than one hour after the closing of each market, any stands shall be removed from the site and the subject parcels shall be completely cleared of all market-related items and debris.
5. Only produce and those processed foods that are regulated by the Virginia Department of Agriculture and Consumer Services shall be permitted for sale. Artisans are allowed to vend non-edible products. These vendors shall not exceed 25% of the total market area. Artisans must produce their own products. Food sampling shall be allowed in accordance with the Virginia Department of Agriculture and Consumer Services food safety regulations. Under no circumstances shall samples be sold.
6. Generators, portable toilets, or use of public address systems (including megaphones) shall not be permitted on the site.
7. No outside live music performances or outdoor speaker systems shall be permitted on the site. One musician with one non-electric, non-amplified, musical instrument and musical performances shall be permitted within the 2,500 square foot farmers' market area. To be consistent with other vendors, each musician must complete a vendor application and shall perform within the operating hours of the farmers' market. The music shall not be audible beyond the property line of the site.
8. The Director of Planning shall review the operation of the outdoor farmers' 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 or Village Garden 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.

Community/Demonstration Gardens and Production Farm:

9. The operator of the Whole Foods Village Garden shall comply with the following conditions:

Use: The Village Garden is for the specific use of: a demonstration garden, a community garden and a production farm and associated educational programming. No sales or vending is permitted, except that produce grown and harvested on the production farm component of the property may be sold to Whole Foods Market.

Hours of Operation: The Village Garden will be open from dusk to dawn.

10. The community/demonstration gardens and production farm will be developed in substantial conformance with Exhibit D (see case file), entitled Whole Foods Garden, dated July 14, 2010.
11. All activities in the community/demonstration garden and production farm will be in compliance with the "Garden Layout and Design Proposal" (see case file) as submitted with this application.
12. The area of the community/demonstration gardens and production farm will be as shown on Exhibit D (see case file), and will encompass an area approximately .86 acres. The gardens and production farm will not exceed the area shown on Exhibit D (see case file) unless written permission is obtained from the Director of Planning in advance of any changes to the area. A revised economic impact analysis for the West Broad Street Village project may be required prior to any authorized expansion of the community/demonstration gardens and production farm.
13. The gravel path providing access to the site will be rolled to provide a more stable walking surface.
14. No vehicles will be allowed on-site with the exception of a Backyard Farmer vehicle. All vehicles must park in one of the paved lots between the Whole Foods Market and the Village Garden.
15. A gate will be installed to prevent unauthorized access to the site. A fence, to secure the perimeter of the site, will also be installed around the entire Village Garden area.
16. Signage indicating the hours of operation should be posted to limit trespassing after hours.
17. The Provisional Use Permit for the Village Garden will be effective for a period of 24 months. After 24 months, the applicant shall apply to the Planning Commission for a reissuance of the PUP.

Recommended Conditions Applicable to Farmers' Market and Village Garden:

18. On-site food preparation and distribution of prepared meals shall not be permitted.
19. The sale or consumption of alcohol shall be prohibited.
20. Trash receptacles shall be provided and properly 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.

West Broad Village, LLC

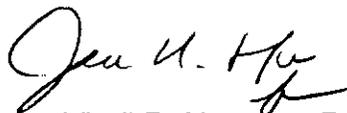
August 17, 2010

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21. The operation of the farmers' market and Village Garden shall not cause loitering, criminal assaults or public nuisance or unsafe conditions for the surrounding area.
22. Prior to the installation of any structures or alterations to the farmers' market or Village Garden area, the Market Manager shall submit any necessary Plan of Development (POD) revisions to the Department of Planning for approval. The POD shall delineate the specific vendor areas and details of 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.

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,

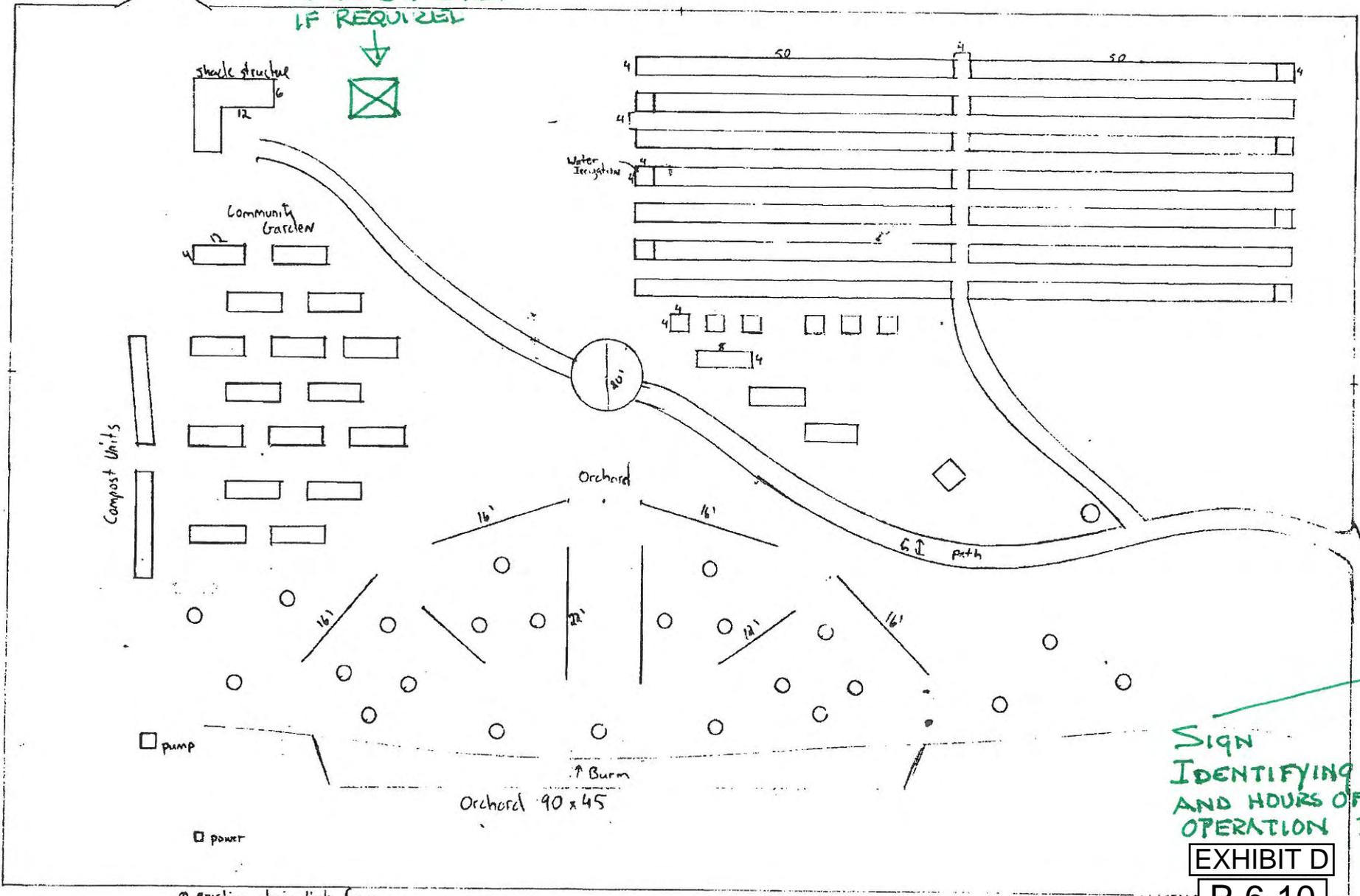


Virgil R. Hazelett, P.E.
County Manager

pc: West Broad Village, LLC
Director, Real Estate Assessment
Provisional Use Permit Index

AREA OF FUTURE
PORTABLE POTTY
TO BE SCREENED
IF REQUIRED

260'



Sign
IDENTIFYING FARM
AND HOURS OF
OPERATION DAWN TO
DUSK

EXHIBIT D

P-6-10

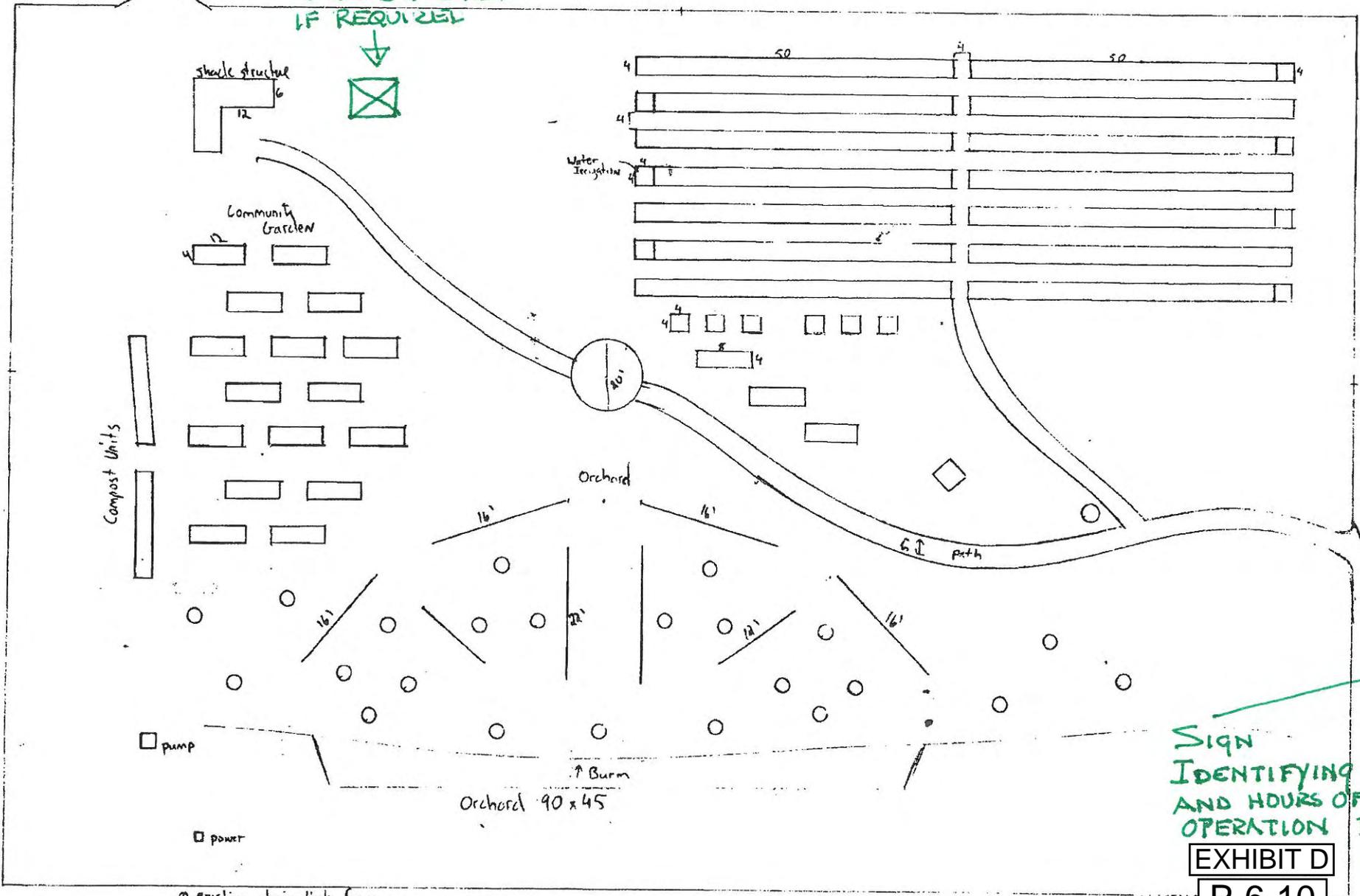
071410

Existing chain link fence

64 on Ramp

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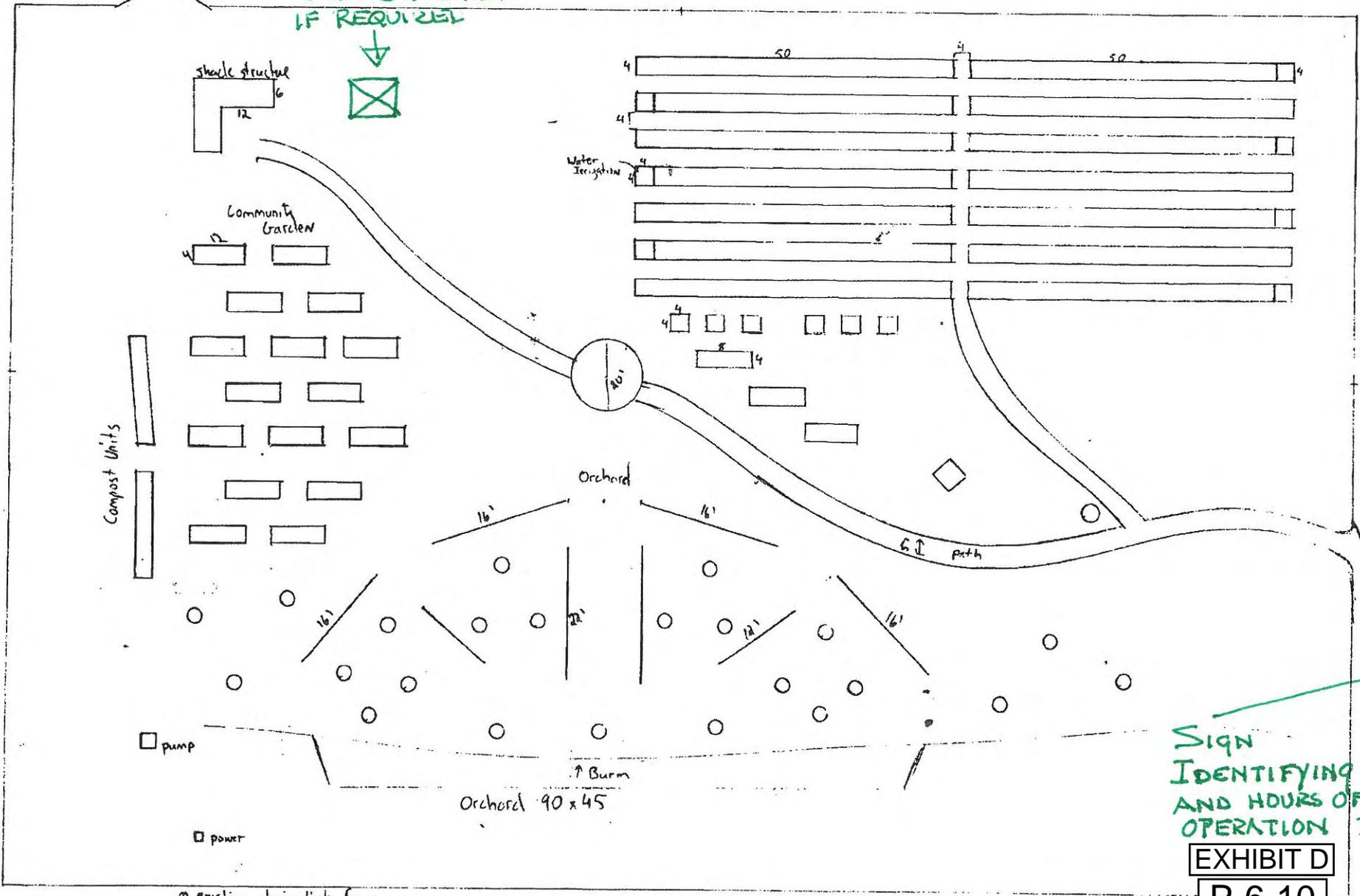
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