



SUBJECT PROPERTY

SUBJECT AREA

PUP2016-00006

Zoning

Farmers Market

Three Chopt District

400



Ref: 755-744-0869

PS June 2016



John A. Vithoukas
County Manager

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

September 20, 2016

Mr. Joe Oley
8903 Three Chopt Road
Henrico, VA 23229

Re: Provisional Use Permit PUP2016-00006

Dear Mr. Oley:

The Board of Supervisors at its meeting on September 13, 2016, approved 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 in order to operate a farmers' market on part of Parcel 755-744-0869 located at the northwest intersection of Three Chopt and Eastridge Roads, subject to the following conditions:

1. The operation of the outdoor farmers' market shall adhere to all proffers accepted with rezoning case REZ2016-00025.
2. The maximum area of the outdoor farmers' market shall not exceed 7,000 square feet, shall not take up more than 25 parking spaces, and shall be located on the site as shown in Exhibit A (see case file). The farmers' market shall meet the 50 foot setback requirement from the property boundary lines.
3. The vendor area and vehicles shall be secured by a temporary barrier, similar to the self-standing split-rail fence shown in Exhibit B (see case file). The barrier shall prevent unauthorized access into the vendor area and provide safe pedestrian access to and from the market. Such barrier shall be approved by the Director of Planning prior to its use.
4. Other than temporary stands, tents for vendors and barrier fencing, no structures shall be erected. Any temporary tents used for vendors shall be uniform in design. Any stands, temporary tents and barriers shall be removed at the end of each day of operation. No outside storage shall be permitted.
5. Except for one temporary banner or board sign for market identification (no greater than 25 square feet in size), any other signage or attention-getting devices related to the market shall be prohibited. Temporary individual vendor signage shall be permitted, but it shall not be attached to vendor canopies/tents, shall only be placed to face the interior of the market sales area, and must be removed at the close of each market.

6. The operation of the outdoor farmers' market shall comply with the following standards:
 - a. The market shall only be in operation a maximum of 1 day per week between August 1st and December 31st of each year.
 - b. Hours of operation shall be between 3:00 p.m. to dusk.
 - c. The sale or consumption of alcohol shall be prohibited.
 - d. Artisan vendors shall not exceed 20% of the total market area.
7. 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 and shall abide by the rules set forth in the "Westbury Farmers' Market" Handbook.
8. 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.
9. Portable toilets, outside live music performances, or use of public address systems (including megaphones) shall not be permitted on the site.
10. The operation of the farmers' market shall not cause loitering, criminal assaults or public nuisance or unsafe conditions for the surrounding area.
11. This 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.
12. The Market Manager shall submit a site plan to the Planning Department for administrative review prior to opening of each market season to include the barrier as described in Condition #3 (see case file).

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The Planning Department has been advised of the action of the Board of Supervisors and requested to revise its records.

Sincerely,

John A. Vithoukas
County Manager

pc: Westbury Properties, LLC
Director, Real Estate Assessment
Police, Special Services