


SUBJECT PROPERTY

PUP2019-0005

Zoning
 Farmers Market
 Tuckahoe District
 400

400 Feet





COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukas
County Manager

June 18, 2019

Mr. Jonathan Bremer
1701 Winding Ridge Drive
Richmond, VA 23238

Re: Provisional Use Permit PUP2019-00005

Dear Mr. Bremer:

The Board of Supervisors at its meeting on June 11, 2019, 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 to allow the continued operation of an existing farmers' market with expanded vendor operations on part of Parcels 732-751-4078, -0561 and 731-751-8088 located at the southwest intersection of Gayton Road and Ridgefield Parkway, subject to the following conditions:

1. The farmers' market shall not operate outside of the following parameters:
 - a) Market Seasons -
 - Spring-Summer-Fall Market Season - beginning of May through end of November;
 - Winter Market Season - beginning of December through end of April;
 - b) Market Days - maximum of two days per week, only on Tuesday and Saturday;
 - c) Market Hours -
 - Spring-Summer-Fall Season
 - Tuesday (4:00 pm - 7:00 pm);
 - Saturday (8:00 am - 12:00 noon);
 - Winter Season
 - Saturday (1:30 pm - 4:30 pm).
2. The farmers' market shall be no greater than 13,600 square feet in size and shall be located on the site as shown in Exhibit A (see case file). All market-related services shall take place only within this market boundary.
3. Market operations shall abide by all rules and regulations set forth in Exhibit C, entitled "West End Farmers Market Vendor Packet" (see case file).
4. The applicant shall designate a Market Manager to be in charge of the farmers' market operations, including vendor selection and implementation of the

- conditions of this permit. The Market Manager shall be responsible for ensuring market compliance with all applicable local, state and federal regulations.
5. Other than temporary stands and canopies/tents for vendor sales or for the Market Manager, no structures shall be erected on the property. All canopies/tents shall be solid in color, and neither text nor logo displays shall be permitted on any canopy/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.
 6. No market-vendor sales or outside storage shall be permitted except in designated vendor spaces during market hours.
 7. Vehicles shall not be permitted on the grass area of the parcel identified as GPIN 732-751-4078 for any reason.
 8. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
 9. Generators (except those supporting food trucks), portable toilets, outside live music performances, or use of public address systems (including megaphones) shall not be permitted on the site.
 10. On-site food preparation and distribution of prepared meals shall be permitted for a maximum of 8 vendors.
 11. The sale or consumption of alcohol shall be prohibited.
 12. The operation of the farmers' market shall not cause loitering, criminal assaults, public nuisance, or unsafe conditions for the adjacent area.
 13. 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.
 14. Prior to each season, the Market Manager shall submit any necessary Plan of Development (POD) revisions to the Department of Planning for approval. The POD shall delineate the vendor sales areas, specific landscaping information for the proposed perimeter hedge, and details of any temporary canopy/tent structures, pedestrian walkways, drive aisles, and parking areas for the site. The perimeter of the vendor area shall be clearly defined by a barrier to discourage unauthorized access into the vendor area and to provide safe and orderly pedestrian access to and from the market.

Mr. Jonathan Bremer

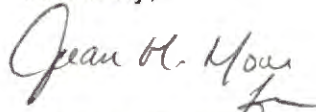
June 18, 2019

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15. If the Director of Planning finds 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.

Sincerely,



John A. Vithoukas
County Manager

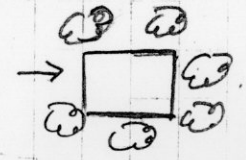
pc: The Wilton Companies
Director, Real Estate Assessment
Police, Special Services

WEST END FARMERS MARKET
1/27/09

← 259' →

RIDGEFIELD PKWY

Proposed market Sign



existing utility Box

existing Wilton Co Sign

1 shrub every 3 ft.

50' minimum

natural fence
↓ 3' hedge

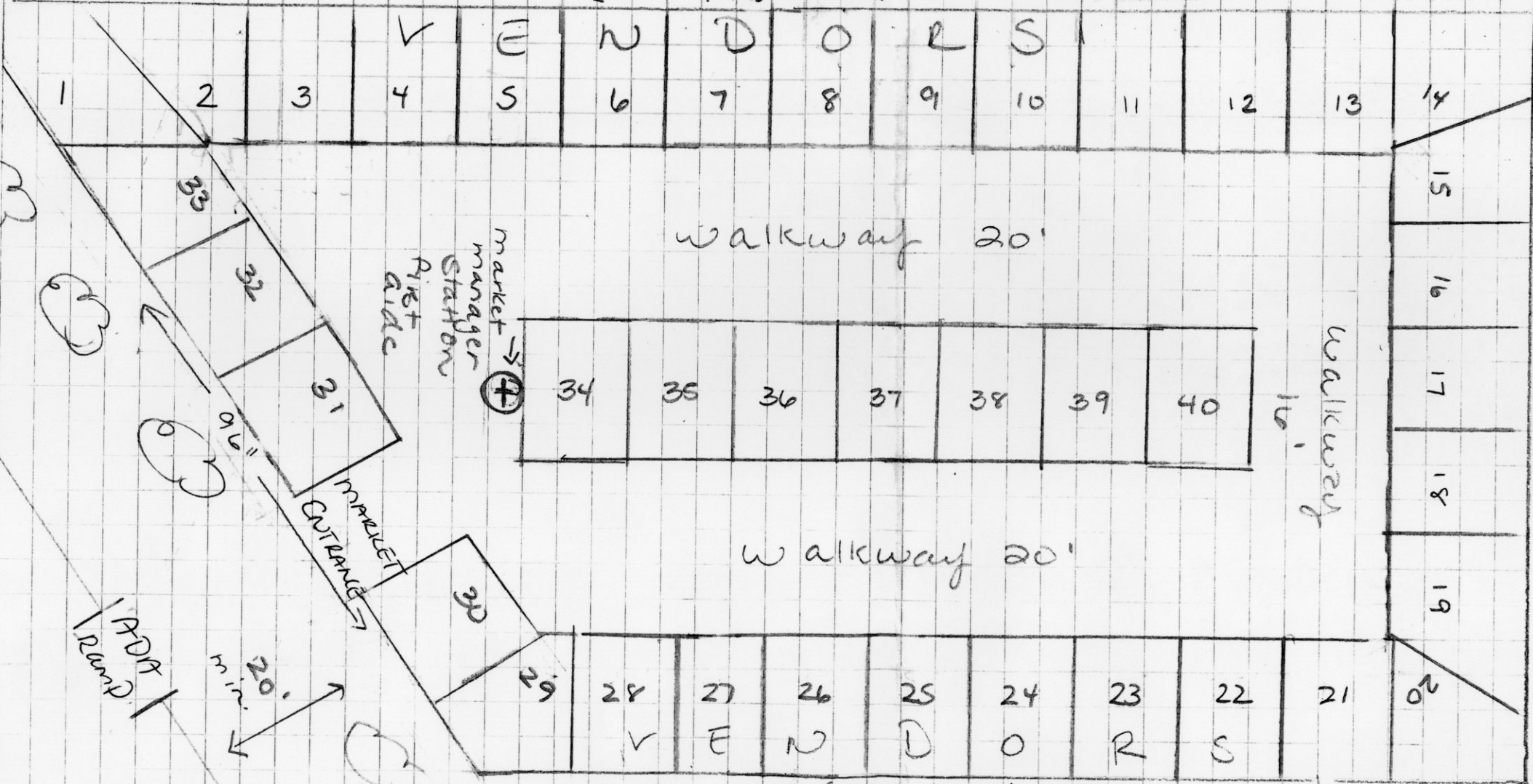
50' minimum

50'

20' min.

8'

← 176' →



VENDOR SPACES
160 - 240 sq. ft

← 168' →
GAYTON RD

50' minimum

← 138' →

Walkway 20'

← 120' →

20' minimum

← 188' →

SHOPPING CENTER DRIVEWAY

maximum market area = 13,200

PARKING LOT

SCALE - 1 Box = 4'

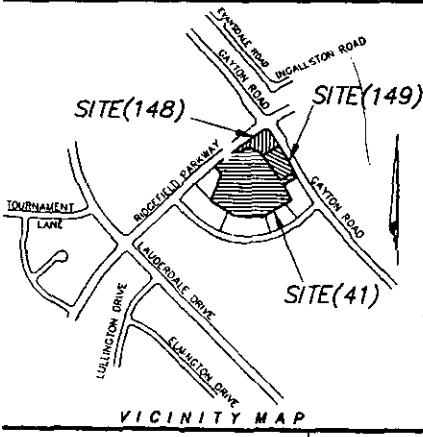
1" = 16 ft

ADOT Ramp

20' min.

EXHIBIT A

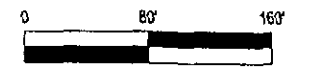
PUP2019-00005



NOTES:
 -All building areas are ground floor.
 -5/8" IR's set at all corners without existing monumentation.

SYMBOL LEGEND

- IRON ROD FOUND
 - IRON ROD SET
 - GAS DRIP
 - GAS TEST
 - ⊗ GAS VALVE
 - ⊗ GAS METER
 - ⊙ SAN. SEWER MANHOLE
 - SIGN
 - POWER POLE
 - ELECTRICAL BOX
 - ⊗ WATER METER
 - ⊗ WATER VALVE
 - ⊕ FIRE HYDRANT
 - ⊕ GRATE INLET
 - OH ELECTRIC LINE
 - UG ELECTRIC LINE
 - TELEPHONE LINE
 - SAN. SEWER LINE
- SCALE: 1" = 80'



This survey was made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by the American Land Title Association and the American Congress on Surveying and Mapping in 1999, and meets the accuracy requirements of a Class A survey as defined therein.

CURVE TABLE 148

CURVE	LENGTH	RADIUS
C2	46.42	4573.76
C3	154.69	4565.76
C4	132.52	1886.63

PARCEL 148 LINE TABLE (COMPUTED)

LINE	LENGTH	BEARING
L16	174.41	N76°57'13"W
L17	23.50	N10°44'27"E
L18	136.00	N21°19'30"W
L19	93.81	N70°18'49"W
L20	34.50	N08°10'43"E
L21	108.27	S78°14'48"E
L22	38.90	S30°46'02"E
L23	28.78	S07°02'59"W

PARCEL 148 LINE TABLE (DEED)

LINE	LENGTH	BEARING
L16	174.41	N77°00'58"W
L17	23.50	N10°40'42"E
L18	136.00	N21°23'15"W
L19	93.81	N70°22'34"W
L20	34.50	N08°06'58"E
L21	106.27	S76°18'33"E
L22	38.90	S30°49'47"E
L23	28.78	S08°59'14"W

CURVE TABLE 149

CURVE	LENGTH	RADIUS
C5	170.71	1886.63

PARCEL 149 LINE TABLE (COMPUTED)

LINE	LENGTH	BEARING
L24	150.00	N74°04'29"W
L25	277.48	N08°59'54"E
L26	174.41	S76°57'13"E
L27	113.81	S19°55'31"W

PARCEL 149 LINE TABLE (DEED)

LINE	LENGTH	BEARING
L24	150.00	N74°08'14"W
L25	277.48	N08°56'09"E
L26	174.41	S77°00'58"E
L27	113.81	S19°51'46"W

CURVE TABLE 41

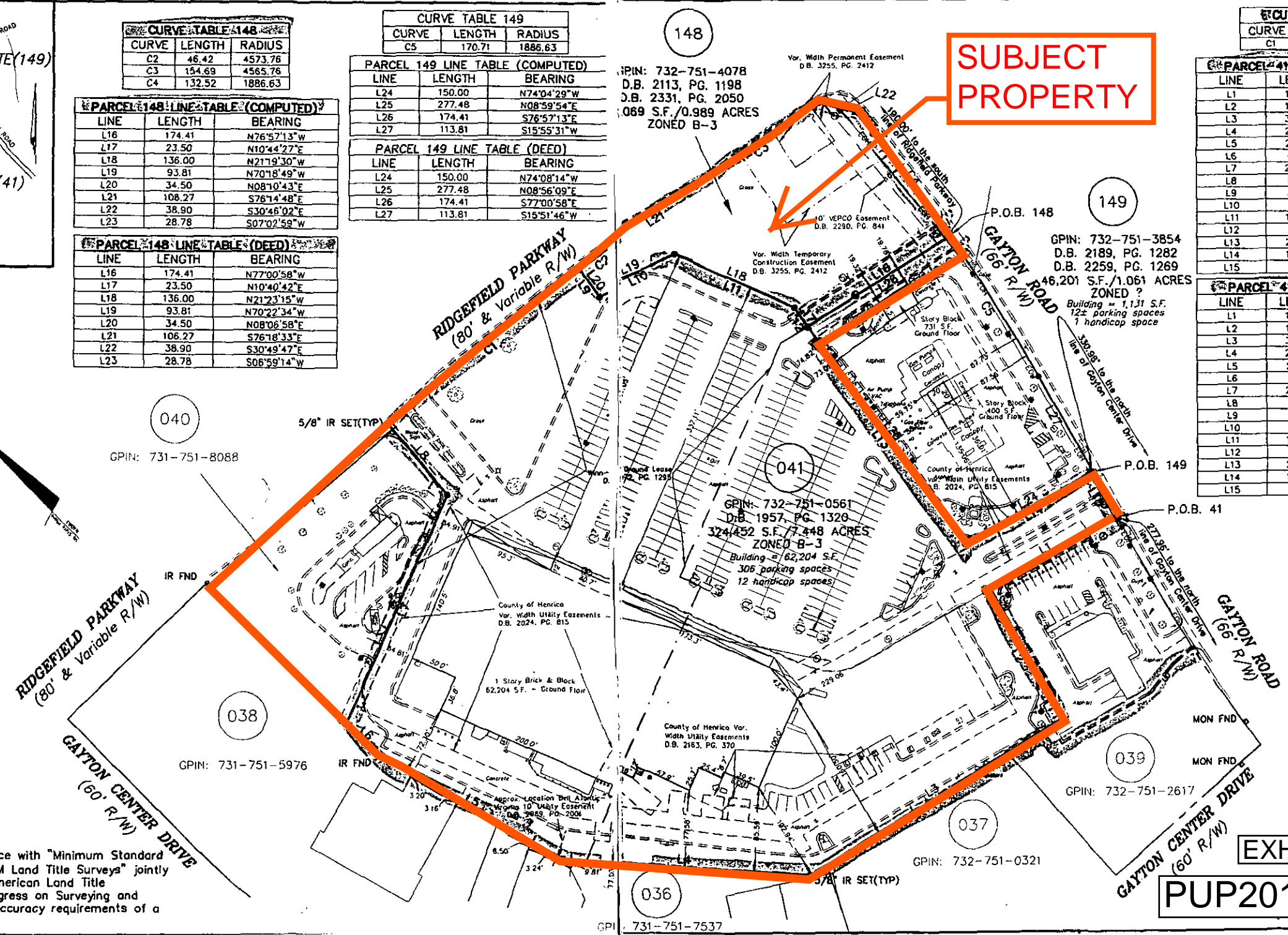
CURVE	LENGTH	RADIUS
C1	254.99	4573.76

PARCEL 41 LINE TABLE (COMPUTED)

LINE	LENGTH	BEARING
L1	150.00	N74°04'29"W
L2	152.77	S15°55'31"W
L3	307.38	N76°08'39"W
L4	259.93	N41°09'31"W
L5	221.93	N15°39'41"W
L6	44.23	N00°00'24"W
L7	256.69	N68°40'30"E
L8	96.48	N04°59'03"E
L9	34.50	S08°10'43"W
L10	93.81	S70°18'49"E
L11	136.00	S21°19'30"E
L12	23.50	S10°44'27"W
L13	277.48	S08°59'54"W
L14	150.00	S74°04'29"E
L15	53.00	S15°55'31"W

PARCEL 41 LINE TABLE (DEED)

LINE	LENGTH	BEARING
L1	150.00	N74°08'14"W
L2	152.77	S15°51'46"W
L3	307.38	N76°12'24"W
L4	259.93	N41°13'16"W
L5	221.93	N15°43'28"W
L6	44.23	N00°04'09"W
L7	256.69	N68°36'45"E
L8	96.48	N04°55'18"E
L9	34.50	S08°06'58"W
L10	93.81	S70°22'34"E
L11	136.00	S21°23'15"E
L12	23.50	S10°40'42"W
L13	277.48	S08°56'09"W
L14	150.00	S74°08'14"E
L15	53.00	N15°51'46"E



SUBJECT PROPERTY

EXHIBIT B

PUP2019-00005

PUP Application Form: Description of Request

Proposed Use: Farmer's Market

Proposed Hours: April-October, Saturday 8:00AM-12:00PM
(setup and take down 7:00AM-1:00PM)
April-October, Tuesday 4:00PM-7:00PM
(setup and take down 3:00PM-8PM)
November-April, Saturday 1:30PM-4:30PM
(setup and take down 12:30PM-5:30PM)

Proposed Market Dates: Year Round

Proposed Market Description: Traditional farmer's market with local farmer's and vendors gathering to sell their handmade or homegrown products to the community. Proposed products include fresh produce, herbs, flowers, homemade pies, baked goods, and artisan works.

Proposed Signage: Request for 5 X 5 wooden, hand painted sign advertising market days and times.

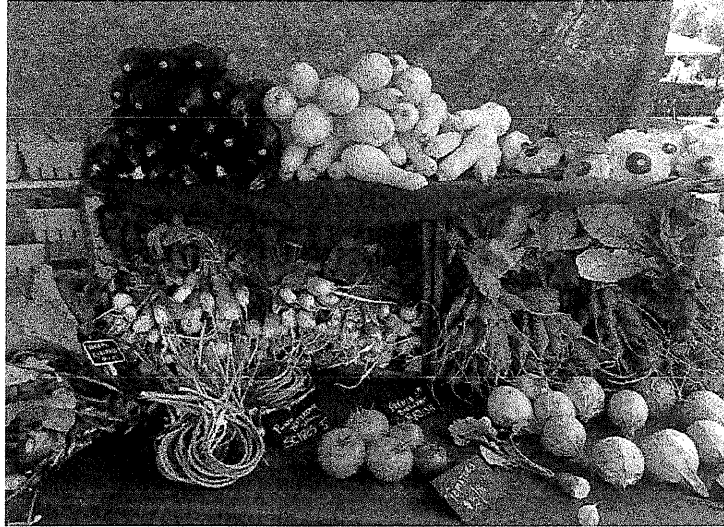
Proposed Structures: No permanent structures are requested. Request that vendors be permitted to use tents and tables to be removed at the closing of each market day.

Proposed Management: Market owner and manager will be on site to inspect merchandise, ensure an orderly marketplace, and oversee the proper disposal of trash and removal of temporary structures.

Prohibited Merchandise: Alcohol, Tobacco, Weapons, Pornography.

EXHIBIT C

PUP2019-00005



West End Farmers Market 2019 Vendor Packet

Please read this packet thoroughly. If you wish to become a vendor...

1. Complete application online OR print pages 2-5 and return to
West End Farmers Market, 17857 Jefferson Highway, Montpelier, VA 23192
2. Pay application fee of \$25 on our website www.westendfarmermarket.com through PayPal or mail check with
application. The fee will be refunded if your application is not accepted.
3. Complete Permanent Vendor Contract and mail or bring to market (permanent vendors only)

2019 Vendor Application

Business Owner

Farm/ Business Name

Mailing Address

Best phone number(s) to reach you _____

Website

Email

Sales Tax Number (Attach certificate)

Type of products you wish to sell & materials used

(Answer if applicable) What type of farming practices do you use (example: organic, low-pesticide, standard)?

Do you produce your own products, and if so where are they produced?

Please list the types of licenses, permits and certifications that your business has including dates (attach a copy):

Do you have liability Insurance? If so, how much and who is your carrier?

Please include a description of your business and products to be included on our website and for promotions

EXHIBIT C

PUP2019-00005

Please Read and Sign:

I request permission to sell at the West End Farmers' Market, LLC during the 2019 Season. I have read and understand the Vendor Guidelines and agree to the terms and conditions outlined therein. I agree to adhere to all Market Rules & Regulations. Further, I shall indemnify, keep, and hold harmless the West End Farmers' Market, LLC and the Wilton Companies, LLC from any and all claims and demands, whether for injuries to persons, or loss of life, or damage to property, on or off the premises, arising out of the use or occupancy of the premises by Vendor and shall defend at Vendor's own expense any action brought against the West End Farmers' Market, LLC, or its agents or employees, as a result of the Vendor's acts or omissions.

Vendor Name (please print) _____

Vendor Signature _____

Date _____

Please select one:

I wish to apply to be a permanent vendor (sign Permanent Vendor Contract) _____
_____ Tuesday
_____ Saturday
_____ Tuesday and Saturday

I wish to apply to be a non-permanent vendor & reserve space on a week by week basis. **I realize these spaces can be reserved only by prepayment** (include your check with your application or pre-pay via PayPal on our website.) These spaces may be offered 5 days prior to the market day if space is still available. _____

If reserving on a weekly basis, please list the dates you wish to participate:

2019 West End Farmers' Market Permanent Vendor Contract

I wish to become a permanent vendor of West End Farmers' Market for the 2019 season. In choosing to be a permanent vendor, I realize I will be guaranteed a booth at the farmers market for a fee of \$25 per market day. Permanent vendors may choose their own booths, based on availability, and it will be **permanently** assigned to them. If spots are available, permanent vendors may change their booths by making the request to the market manager.

I understand that in becoming a permanent vendor, I may be absent a total of 3 markets during the season and must notify the market manager 10 days prior to my absence. Additional absences shall only be granted if the market manager has a suitable replacement on the day of your request. If a permanent vendor is absent in excess of 3 times, without prior permission, the manager reserves the right to terminate your permanent vendor agreement. So as to not disappoint our customers, absences, WITH payment, are strongly discouraged!

Vendor Name (print) _____

Vendor Signature _____

Business Name

Date

West End Farmers Market Rules & Regulations

The West End Farmers' Market, LLC is a seasonal, open air market which sells fresh produce, herbs, flowers, baked goods, meats, and many other delicacies. Our market has a wide array of other vendors including original works of art, handmade merchandise, jewelry and other interesting, one-of-a-kind items.

Location:

Gayton Centre Shopping Center (intersection of Gayton Rd & Ridgefield Pkwy)

Address: 12450 Gayton Rd., Henrico, VA 23238

Hours and Selling Season:

Saturdays: April - October - 8am - Noon
Tuesdays: April - October - 4pm - 7pm
Saturdays: November - April - 1:30pm - 4:30pm

Vendors:

- Only producers may sell at this Market. The term "Producer" as used in these rules and regulations means the grower or maker, to include immediate family members, legal partner(s), and/or their direct employees.
- Production of all goods sold at the market must take place within a 100-mile radius of the market and within the Commonwealth of Virginia, with the exception of seafood, which must be a product of Virginia, Maryland or North Carolina.
- All products sold must be produced, prepared or raised by the Producer. Selling of items purchased from or provided by another producer, wholesaler, or market is not permitted. Producers found in violation of this rule shall be prohibited from further participation in the market and will forfeit any fees paid. No warnings shall be given. Complaints by a Producer of known or suspected violations of this rule must be submitted in written form, signed by the complainant, to the market manager. The market manager may schedule a site visit to the suspected producer's farm or home. Producers refusing to allow a site visit and inspection will be removed from the market.
- The market manager reserves the right to inspect Producers' farms, etc., including any leased property to verify compliance with the "Producer only" rule after receiving a written complaint and notifying the suspected violator.
- Producers who are found to be in non-compliance with the "Producer only" rule may be expelled from the market.
- Products may include (but are not limited to) fruits, vegetables, cider, honey, cut flowers, potted and bare root plants, baked goods, jams, jellies, canned fruits and vegetables, eggs, cheese, poultry & fresh meat, seafood, cured and prepared meats, and frozen meats.
- All food items must comply with all applicable rules and regulations required by the Food Inspection Service of the Virginia Department of Agriculture and Consumer Services, or any department or division thereof, and the United States Department of Agriculture.
- It is the sole responsibility of each Producer (and their employees) to be familiar with and abide by all state and federal regulations pertaining to the production, harvest, preparation, preservation, labeling, and safety of products brought to the market.
- Producers are liable for their own products. Product liability insurance is highly recommended and is the sole responsibility of the producer.
- Further, artisans may be considered a producer. An artisan is defined as a skilled person in an applied art. All artisan products must be handmade by the producer using high quality materials, must be in good taste and meet with the approval of the market manager. Space for artisan producers of non-edible products is limited to 25% of the total market vendors. Examples of acceptable artisan works include wreaths, iron works, paintings, handmade jewelry, and quilts. No craft or flea market items or those of a political nature are permitted. The sale of tobacco products, as well as livestock is prohibited at the market. Animals, including pets, are strictly prohibited.

Applications:

Each Producer will be required to complete a vendor application packet. Based on your application, the market manager will make a determination about the suitability of your product for the market.

Reservations:

Reservations are required for all markets.

Rental Fee:

- Spaces rent for \$25 per market day. The **West End Farmers' Market does NOT take a percentage of your sales.** Spaces will be assigned by the market manager.
- Permanent vendors will not need to pre-pay. Payment is required by cash or check the day of the market. It is your responsibility to locate the market manager before 11:00 am to make your payment. **Space may be limited so reserving early is recommended.**

EXHIBIT C

PUP2019-00005

Site/Space Information:

- Electricity is not available and generators are not permitted.
- There are restrooms in the shopping center that are available for public use.
- A space is defined as the area between 2 painted lines. (Spaces are approximately 160 square feet and accommodate one 10' by 10' tent.) There are no "bad" spaces. People generally walk the entire marketplace and visibility of all spaces is very good.

Permanent Vendors:

Permanent Vendors are those who have opted to sign a contract with the West End Farmers Market. **This is recommended if you wish to be guaranteed a space on a seasonal basis.** Permanent vendors shall be permitted to miss 3 markets per season and 10 days advance notice is required (see contract). **Payments will be made on a week by week basis.** Payment is required rain or shine.

Non-permanent Vendors:

These vendors prefer not to commit to a regular schedule and recognize that space may be unavailable on the day of their choice. **Non-permanent vendors must prepay for their spaces by check or PayPal on our website.** They shall submit a list of requested dates along with payment in full with their application (please see page 3 of the vendor application). Should the date requested be unavailable, a refund or alternative date will be offered. Depending on availability, "last minute" requests may be honored. Contact the market manager for availability.

Appearance:

Proper and clean attire is required for the market. Shirts & shoes must be worn at all times and all vendor space must be kept tidy.

Setting Up and Parking:

- Setup begins no earlier than 1 hour prior to the market opening to the public. You may pull your vehicle to the curb for unloading, but you must promptly move it to the designated parking area. Parking MUST be in a parking space in the lot and never alongside the curb. Please do NOT park in the spaces closest to the market as these spaces are reserved for our customers.
- Vendors are required to stay for the entire market and may not leave early. In the event that you sell out, you may vacate your space by removing your supplies and carrying them outside the perimeter of the market (NOT along the walkways designated for customer use). You may not pull your vehicle to the curb for loading during market hours.
- Vendors providing food must also provide a plastic trash can for public use.
- Aisles must be kept open so booths are accessible to customers. All merchandise must be confined to only your booth and may not encroach on your neighbor's space, the exterior of the market or the parking lot. No boxes or debris should be left in the parking lot or outside your assigned area. Absolutely no sales outside the market sales area.

Tents:

- Vendors must bring their own tables and tents. All tents must be secured with weights (stakes are NOT acceptable).
- All tents MUST use ONLY weighted sand bags that attach to each leg of the tent. We recommend: Eurmax Weight Bags for Pop up Canopy Outdoor Shelter, Instant shelter Leg Canopy Weights, Sand Bags, Set of 4 which can be purchased at www.amazon.com. You will need to fill the bags with sand.
- Every tent will be inspected each market day. Any tent which is not properly weighted must be removed for the safety of our vendors and customers.
- The market manager may require all vendors to take down their tents mid-market in the event of high winds. Vendors are responsible for any damage caused by tents. All tents must be solid in color and have no writing or logos on them.

E-Newsletter:

All vendors have the opportunity to submit information to be included in our weekly e-newsletter. Thousands of our regular customers subscribe to the newsletter, and it is an excellent marketing tool. This is a FREE service and all vendors are encouraged to participate. All specials should be submitted via email to westendmkt@aol.com no later than 7:00 pm on the Wednesday before your upcoming market.

Vendor Referrals:

Vendors who refer new vendors to the market will receive a \$50 credit toward their market fees. It will be necessary for the referred vendor to sign a permanent vendor contract and for them to indicate on their application who referred them. Space for new vendors may be limited so not all referrals will result in immediate acceptance to the market.

Scheduling Changes:

All scheduling request and changes must be made via email to westendmkt@aol.com. The market manager will NOT be able to take scheduling requests during market hours. Please phone in your requests ONLY if you do not have access to email.

Closing and Clean Up:

- Vendors are required to be packed and spaces vacated within 1 hour of the closing of the market.
- Vendors must take all trash with them. Local trash receptacles are for the general public only and using dumpsters behind the shopping center is strictly prohibited. Please leave your space clean upon departure.

Radios and Public Address Systems:

Radios may be played quietly for your own personal use, but not in a manner as to disturb your neighbor or customers. Public address systems, such as megaphones, will not be permitted.

Sales tax & business license:

- Vendors are required to collect Virginia sales tax on all items unless sold to dealers with a tax ID number.
- Vendors are required to provide a copy of a valid Virginia business license if required by your county.

Prohibited Behavior:

Prohibited behavior includes abusive conduct, smoking within the market boundaries, drinking alcohol, use of profanity, inappropriate attire, untidy area, failure to dispose of trash, and the sale of prohibited merchandise. The market manager reserves the right to refuse to rent to any vendor exhibiting this behavior.

Cash Control Measures:

All vendors are encouraged to follow cash control safety procedures, for their own protection. Do NOT leave your cash drawers unattended.

Emergencies:

In the event of an emergency, (i.e. lost child or injury) the market manager can be located at the market entrance and can offer assistance and first aid. In the event of a medical emergency, please call 911 before locating the manager. The market manager will be on duty one hour before the market until the markets closes.

Inclement Weather Policy:

The market is open rain or shine. In the event of extreme inclement weather, such as hail or high winds, the market manager may decide to close the market for the day. Should the market be closed, you will not be charged for the day. However, if the market is open and you have reserved a space, you will be charged for the day even if you choose not to show up.

Questions:

If you have questions regarding these policies, please contact us at westendmkt@aol.com.

EXHIBIT C

PUP2019-00005