

**P-4-09**  
**Zoning**  
Farmers' Market  
Tuckahoe District

400 Feet

PS December 2008 Ref: 732-751-4078



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

March 17, 2009

West End Farmers' Market, LLC  
Attn: Mrs. Kristine L. Riley  
12321 Morning Creek Road  
Glen Allen, VA 23059

Re: Provisional Use Permit P-4-09

Dear Mrs. Riley:

The Board of Supervisors at its meeting on March 10, 2009, 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 in order to operate a farmers' market and related parking, on parts of Parcels 732-751-4078, 732-751-0561, and 731-751-8088, subject to the following conditions:

1. The farmers' market shall not operate outside of the following parameters:
  - a) Maximum of two days per week, from 8:00 a.m. to 12:00 p.m.
  - b) Beginning the 3<sup>rd</sup> Saturday in April, and ending the 2<sup>nd</sup> Saturday in December.
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 Rules & Regulations" and dated January 27, 2009 (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 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. By the end of the designated 1:30 p.m. takedown time for each market day, 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 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, 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 not be permitted.
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 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 operation, the Market Manager shall submit a Plan of Development (POD) 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 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.
15. This Provisional Use Permit shall expire on December 31, 2010. The Director of Planning shall review the operation of the farmers' market at the end of its first season 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.

West End Farmers' Market, LLC  
March 17, 2009  
Page 3

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,

A handwritten signature in black ink, appearing to read "Virgil R. Hazelett", written over a horizontal line.

Virgil R. Hazelett, P.E.  
County Manager

pc: Mr. Hunter Cockrell  
Director, Real Estate Assessment  
Provisional Use Permit Index



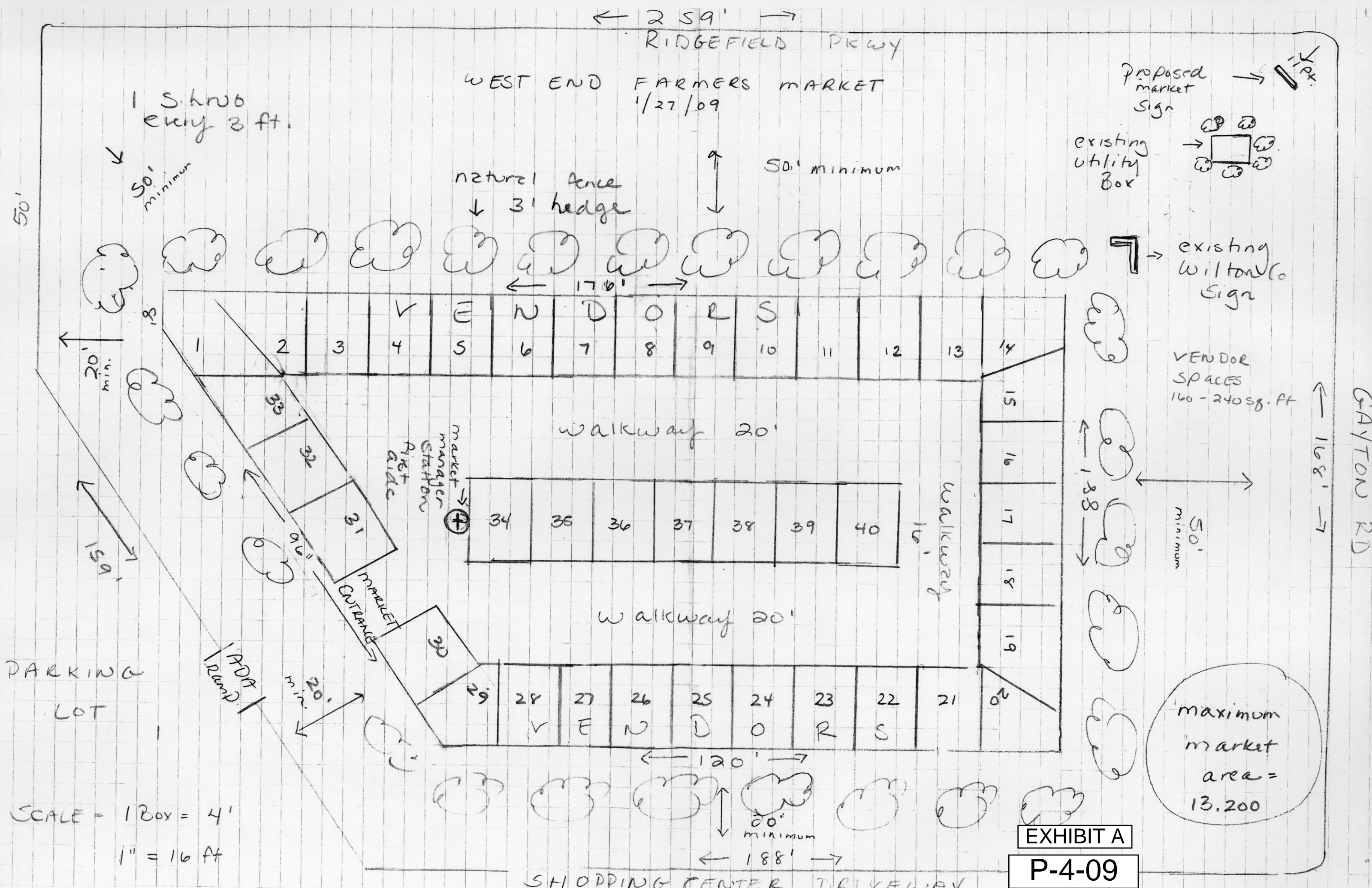


EXHIBIT A  
P-4-09

## West End Farmers Market Rules & Regulations

### Location:

The farmers market is located on the far west end of Henrico County. You'll find us at Gayton Centre Shopping Center at the intersection of Gayton Road and Ridgefield Parkway, Henrico, VA 23238.

### Hours and Selling Season:

The market will be open from 8:00 am to 12:00 noon on Wednesdays and Saturdays during the selling season of the 3rd Saturday in April to the second Saturday in December.

### 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

Page 1  
1/27/09

EXHIBIT C

P-4-09

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, ect., 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 not in 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 baked goods 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. Baked goods must be wrapped and labeled. Labels must show all ingredients, proper weight or measurement, and baker's name and address. Products that require refrigeration, including frozen products, 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 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. It is the responsibility of the Producer to make sure any and all employees are aware of all the rules and regulations that govern the market, and that they are expected to comply with them.

\*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 are permitted. The sale of alcohol and tobacco products, as well as livestock is prohibited at the market. Animals, including pets, are strictly prohibited from the market.

### Applications:

\*Each Producer will be required to complete a vendor application packet. It will be necessary to include detailed information about your product and how it is produced. Based on your application, the market manager will make a determination about the suitability of your product for the market.

### Space Rental:

\*Spaces rent for \$25 per day and include an area between 160 to 240 square feet. **West End Farmers Market does NOT take a percentage of your sales.** Spaces will NOT be assigned, except in the case of a



permanent vendor, and are first come, first serve. A space is defined as the area between 2 painted lines. Please note that there are no "bad" spaces. People generally walk the entire marketplace and visibility of all spaces is very good.

\*Sorry, electricity & restrooms or portable toilets are NOT available. Generators are not permitted.

\*Reservations are required and must be made 5 days prior to the market. Payment in full is required by cash or check **by 8:00 am on market day**, no exceptions. It is your responsibility to locate the market manager to make your payment. Further, all payments should be in an envelope with the date and name of your business clearly indicated on the front. **Space is limited so reserving early is recommended.**

#### Permanent Vendors:

\*Permanent Vendors are those who have opted to sign a year long contract with the West End Farmer's Market and shall be guaranteed a permanent space of their choice. **This is recommended if you wish to be guaranteed a space. Permanent vendors shall be permitted to miss 5 markets per season and 10 days advance notice is required.**

#### 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 at 7:00 am. You may pull your car to the curb for

unloading, but it must be promptly removed to area marked vendor parking.

\*You may NOT pull onto the grass for unloading or any other reason.

\*Vendors are required to stay for the entire market and may not leave early, unless the market manager closes the market.

\*Vendors providing food must also provide a 32 gallon plastic trash can for public use.

\*Vendors must bring their own tables and tents. All tents must be secure and will be inspected by the market manager. Vendors are responsible for any damage caused by tents. All tents must be solid in color and have no writing or logos on them.

\*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.

### Closing and Clean Up:

\* Vendors are required to be packed and spaces vacated by 1:30 pm, unless the market manager decides to close the market earlier.

\* 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:

Page 5  
1/27/09

EXHIBIT C

P-4-09

- \* Radios may be played quietly for your own personal use, but not in a manner as to disturb your neighbor or customers. In the event of a complaint, you will be asked to turn off your radio.

- \* 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 sold unless sold to dealers with a tax ID number.

- \* Vendors are required to provide a copy of a valid Virginia business license.

#### **Prohibited Behavior:**

Prohibited behavior includes abusive conduct, 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. It is recommended that vendors keep no more than \$30 in cash in a fanny pack kept on their person. As cash accumulates, it is recommended that the extra money be removed and placed in a discrete & secure location, preferably a locked car or safe.

### Emergencies:

In the event of an emergency, (i.e. lost child or injury) the market manager can be located at the market entrance at the "manager's station" and can offer assistance and first aide. In the event of an extreme medical emergency, please call 911 before locating the manager. The manager will be on duty from 7:00 am to 1:30 pm.

### Inclement Weather Policy:

In the event of inclement weather, the market manager may decide to close the market for the day. You may check the weather hotline (804.364.8213) by 5:30 am the day of the market. 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 call the market manager who will be glad to help.

Kristine Riley  
804.564.9989  
krisriley@comcast.net

office phone & weather hotline  
804.364.8213



## West End Farmers Market Vendor Application Packet

Please complete all three pages of this application and return to the market manager in the green self addressed envelope.

Business Owner \_\_\_\_\_

Farm/ Business Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

\_\_\_\_\_

Business Phone \_\_\_\_\_ Cell \_\_\_\_\_ Home \_\_\_\_\_

Web-site \_\_\_\_\_ E-mail \_\_\_\_\_

Sales Tax Number \_\_\_\_\_

(attach a copy of your certificate)

Type of products you wish to sell & materials used. \_\_\_\_\_

\_\_\_\_\_

Describe the method in which you produce or make your products:

\_\_\_\_\_

\_\_\_\_\_

Where are your products produced? \_\_\_\_\_

page 1  
1/27/09

EXHIBIT C

P-4-09

How will your products be displayed? (please include a drawing or photo if you have one). \_\_\_\_\_

\_\_\_\_\_  
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 Read and Sign:

I request permission to sell at the West End Farmer's Market, LLC during the 2009 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 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 check all that apply:

I wish to apply to be a permanent vendor (sign enclosed contract) \_\_\_\_\_

Saturdays only \_\_\_\_\_ Wednesdays only \_\_\_\_\_ Wednesdays & Saturdays \_\_\_\_\_

I wish to apply to be a weekly vendor & reserve a space on a weekly basis. I understand that I need to notify the market manager, each week, 5 days prior to the market day. Further, I understand that space at the market is extremely limited, and that in choosing this option, a space may not be available. \_\_\_\_\_

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

2009

january 2009

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					1	2
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

february 2009

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22	23	24	25	26	27	28

march 2009

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

april 2009

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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

may 2009

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24	25	26	27	28	29	30
31						

june 2009

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july 2009

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august 2009

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september 2009

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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

october 2009

S	M	T	W	T	F	S
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

november 2009

S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

december 2009

S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Please send correspondence to:

Kris Riley  
12321 Morning Creek Road  
Glen Allen, VA 23059

Office phone  
Market manager  
Weather hotline

804.364-8213  
804.564.9989  
804.364-8213

## 2009 West End Farmers' Market Permanent Vendor Contract

I wish to become a permanent vendor of West End Farmers Market for the 2009 season of April 25th, 2009 through December 12, 2009. In choosing to be a permanent vendor, I realize I will be guaranteed a booth at the farmers market each week. I understand that I must request to be a permanent vendor on Wednesdays only, Saturdays only, or Wednesdays and Saturdays. 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 5 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 5 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, is strongly discouraged!!!!

Further, I acknowledge that if I wish to terminate this agreement, I must provide the market manger 60 days advanced notice, in writing. Should I choose this option, I understand that I may be prohibited from participation in future markets.

Vendor Name (print) \_\_\_\_\_

Vendor Signature \_\_\_\_\_

Business Name \_\_\_\_\_

Date \_\_\_\_\_

1/27/09  
Page 4

EXHIBIT C

P-4-09



