

P-4-10
Zoning
 Amend Conditions
 (P-6-09)
 Fairfield District
 400

PS March 2010 Ref. 780-749-9410



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

June 15, 2010

Mr. Peter L. Francisco
7517 N. Pinehill Dr.
Richmond, VA 23228

Re: Provisional Use Permit P-4-10

Dear Mr. Francisco:

The Board of Supervisors at its meeting on June 8, 2010, granted your request to amend Conditions 3 and 8 approved with Provisional Use Permit P-6-09, on part of Parcel 780-749-9410, subject to the following conditions:

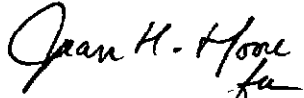
1. The operation of the outdoor farmers' market shall adhere to all proffers accepted with rezoning case C-55C-07 (see case file).
2. The maximum area of the outdoor farmers' market shall be 4,500 square feet. Any permanent structure for the farmers' market use shall be in substantial conformance with Exhibits A - E (see case file). No other temporary stands or tents shall be erected. No outside storage shall be permitted. Any column protectors or bollards shall be approved by the Director of Planning prior to installation.
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 between April 1st through December 31st of each year, except during peak season, May 1st through August 31st, the market shall be allowed to operate up to 4 days a week.
 - b. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m.
 - c. 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.

- d. The sale or consumption of alcohol shall be prohibited.
 - e. On-site food preparation and distribution of prepared meals shall not be permitted.
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 the installation of any structures or alterations to the market 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 area 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.
 6. The surface parking lot shall be maintained in accordance with Henrico County parking standards.
 7. 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. The parking lot shall be cleaned of trash and debris at least twice a week, and four times a week during peak market season.
 8. One musician with one non-electric, non-amplified musical instrument and musical performances shall be permitted within the 4,500 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. No public address systems are allowed.
 9. The operation of the farmers' market shall not cause loitering, criminal assaults or public nuisance of 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.

Mr. Peter L. Francisco
June 15, 2010
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". The signature is written in a cursive style with a large initial "V" and "H".

Virgil R. Hazelett, P.E.
County Manager

pc: Lakeside Town Center, LLC
Director, Real Estate Assessment
Provisional Use Permit Index