

**P-8-11**  
**Zoning**  
Farmers' Market  
Amend Hours of Operation  
(P-3-10)  
Tuckahoe District  
400  
PS March 2011 Ref: 732-751-4078



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

June 21, 2011

West End Farmers Market, LLC  
C/O Mrs. Kristine Riley  
12321 Morning Creek Road  
Glen Allen, VA 23059

Re: Provisional Use Permit P-8-11

Dear Mrs. Riley:

The Board of Supervisors at its meeting on June 14, 2011, granted your request to amend Conditions 1 and 3 approved with Provisional Use Permit P-3-10, on 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) Market season — beginning the first Saturday in April, and ending the 2<sup>nd</sup> Sunday in December;
  - b) Market days — maximum of three days per week, only on Wednesday, Saturday, and Sunday;
  - c) Hours of operation —
    - Regular season (beginning of market season thru 2<sup>nd</sup> Wednesday in September)
      - Wednesday (3:00 p.m. — 7:00 p.m.)
      - Saturday (8:00 a.m. — 12:00 noon)
      - Sunday (10:00 a.m. — 2:00 p.m.);
    - Mid season (after 2<sup>nd</sup> Wednesday in September thru last market day in October)
      - Wednesday (3:00 p.m. — 6:00 p.m.)
      - Saturday (8:00 a.m. — 12:00 noon)
      - Sunday (10:00 a.m. — 2:00 p.m.);
    - Late season (first market day in November thru end of market season)
      - Wednesday (market closed, except for holiday market)
      - Saturday (8:00 a.m. — 12:00 noon, except for holiday market)
      - Sunday (10:00 a.m. — 2:00 p.m., except for holiday market);
    - Three holiday markets (4<sup>th</sup> Wednesday of November, and 1<sup>st</sup> Saturday/Sunday of December or 2<sup>nd</sup> Saturday/Sunday of December in case of weather cancellation)
      - Wednesday, Saturday, and Sunday (10:00 a.m. — 4:00 p.m.).

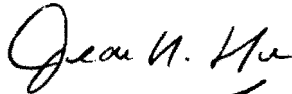
2. The farmers market shall be no greater than 13,600 square feet in size and shall be located on the site as shown in Exhibit A (see case file). All market-related services shall take place only within this market boundary.
3. Market operations shall abide by all rules and regulations set forth in Exhibit C, entitled "West End Farmers Market Rules & Regulations" and dated April 8, 2011 (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. 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 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 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 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, 2013. The Director of Planning shall review the operation of the farmers market at the end of each market 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.

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".

Virgil R. Hazelett, P.E.  
County Manager

pc: The Wilton Company  
Director, Real Estate Assessment  
Provisional Use Permit Index



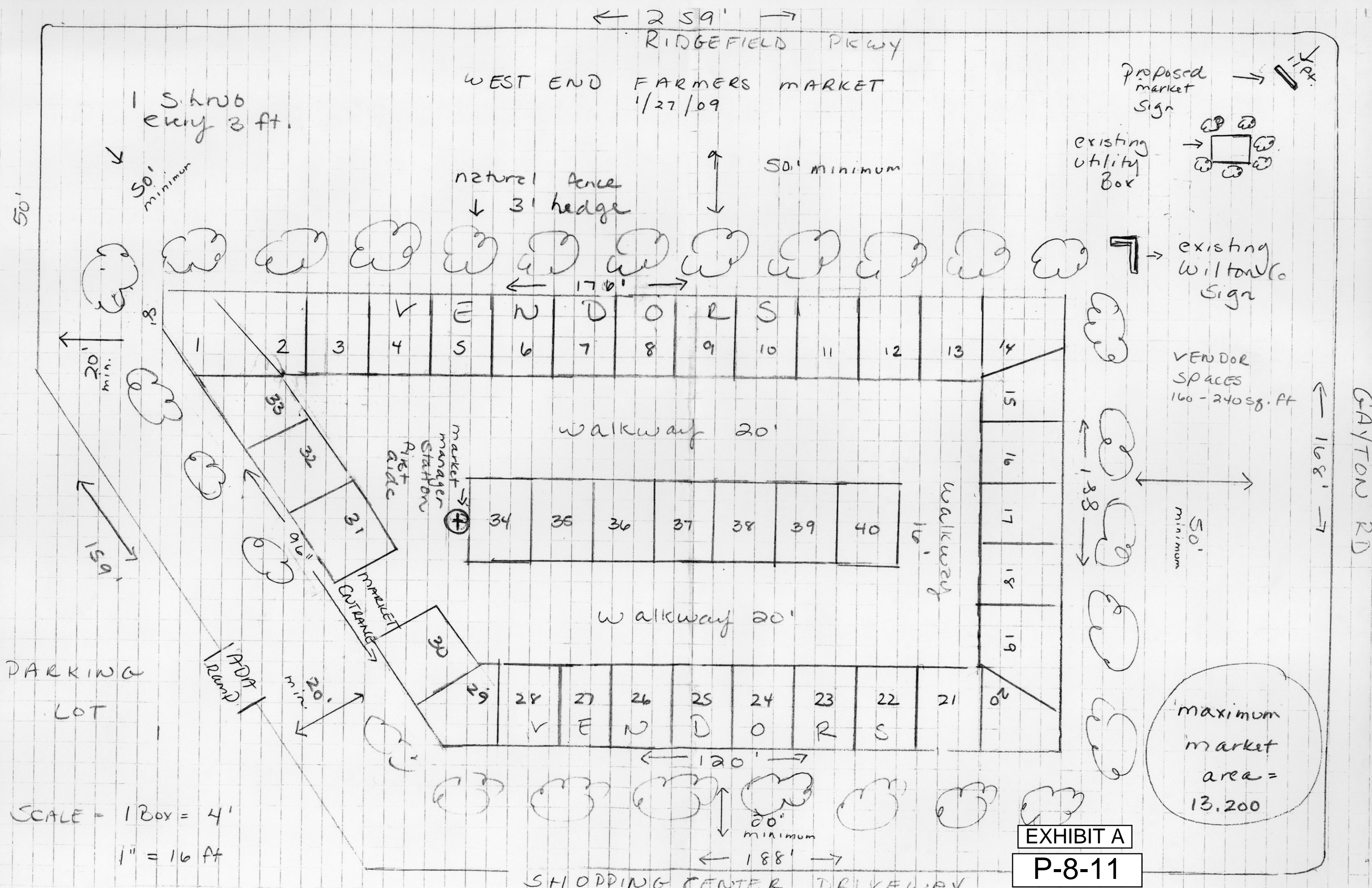


EXHIBIT A  
P-8-11



2011



# West End Farmers Market Vendor Application Packet



Send Correspondence to:

Kris Riley

Owner, West End Farmers Market

Mailing Address:

12321 Morning Creek Road

Glen Allen, VA 23059

804.564.9989

EXHIBIT C

P-8-11

Revised April 8, 2011

Please read this packet thoroughly. If you wish to become a vendor, complete all three pages of the application below and return it to Kris Riley. Permanent vendors also need to complete and return the Permanent Vendor Contract.

## Vendor Application

Business Owner

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Farm/ Business Name

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Mailing Address

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

Web-site \_\_\_\_\_ Email \_\_\_\_\_

Sales Tax Number

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(Attach a copy of your certificate)

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

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EXHIBIT C

P-8-11

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

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Do you produce your own products?

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Where are your products produced?

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

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

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Please Read and Sign:

I request permission to sell at the West End Farmers' Market, LLC during the 2011 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)

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Vendor Signature

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Date

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Please check all that apply:

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

Saturday \_\_\_\_\_

Sunday \_\_\_\_\_

Wednesday \_\_\_\_\_

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 pre-payment (include your check with your application) or 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:

## 2011 West End Farmers' Market Permanent Vendor Contract

I wish to become a permanent vendor of West End Farmers' Market for the 2011 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 on Saturday & Sunday. Wednesday vendors may take advantage of discount pricing by pre-paying a fee of \$300 per tent space per season. 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!!!!

Vendor Name (print)

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Vendor Signature

---

Business Name

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Date

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## **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, seafood and many other delicacies. Our market has a wide array of other vendors including original works of art, handmade merchandise, and jewelry and other interesting, one-of-a-kind items.

### **Location:**

The farmers market is located on the trendy far west end of Henrico County near thousands of high income homes. You'll find us on the one acre field at the Gayton Centre Shopping Center at the intersection of Gayton Road and Ridgefield Parkway. Our address is 12496 Gayton Rd., Henrico, VA 23238.

### **Hours and Selling Season:**

Market Season: The 1st Saturday in April and ending the 2<sup>nd</sup> Sunday in December.

Market Days: Maximum of three days per week, only on Wednesdays, Saturdays and Sundays (starting June 12<sup>th</sup>, 2011 pending approval by Henrico County Board of Supervisors).

Hours of Operation:

Regular Season (beginning of market thru 2<sup>nd</sup> Wednesday in September)

Wednesday (3:00 pm – 7:00 pm)  
Saturdays (8:00 am -12 noon)  
Sundays (10:00 am -2:00 pm)

Mid season (after 2<sup>nd</sup> Wednesday in September thru last market day in October)

Wednesday ( 3:00 pm – 6:00 pm)  
Saturday (8:00 am – 12:00 noon)  
Sunday (10:00 am – 2:00 pm)

Late Season (after last market day in October thru end of market season)

Wednesday (closed except for the holiday market)  
Saturday (8:00 am – 12:00 noon, except for the holiday market)

Sunday (10:00 am – 2:00 pm, except for the holiday market)

Holiday Markets: 10:00 am – 4:00 pm on these days:

- Wednesday before Thanksgiving.
- First Saturday in December.
- First Sunday 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 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 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 or those of a political nature 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.

### **Reservations:**

- Reservations are required for all markets.

### Rental Fee's:

#### Saturday & Sunday Markets:

- 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 for the Saturday & Sunday markets. 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. 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.**

#### Wednesday Market (New Pricing!):

- Wednesday spaces are rented by the season for a discounted fee of \$300 per spot (about \$13 per market day). The fee is payable, in full, prior to the start of the season. Fees should be submitted with your application.
- Large farms and CSA's requiring more than 1 space will be required to pay \$300 per space (or tent) needed.
- Those vendors who become vendors mid-season will receive a pro-rated fee. Occasional vendors will not receive the discounted rate and will be assessed a full price rental fee of \$25 per market day.

### 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. Please note that there are no “bad” spaces. People generally walk the entire marketplace and visibility of all spaces is very good.
- Spaces are approximately 160 square feet and accommodate one 10’ by 10’ tent.

### **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 5 markets per season and 10 days advance notice is required (see contract). **It is NOT necessary for permanent vendors to pay in advance for the Saturday & Sunday markets. Payments will be made on a week by week basis.**

However, permanent vendors may opt to prepay the discounted Wednesday market fee. You may elect to be a permanent vendor on Wednesday, Saturday or Sunday or all days. After 30 days as a vendor, permanent vendors will be given 2 “RAINY DAY FREE RENT” days to be used on a day where the weather may have adversely affected sales. In lieu of payment, simply submit a slip of paper with the date, name of your business and “Rainy Day Free Rent Day” written on it. On all other market days, 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.** 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.**
- 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. 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.
- Vendors must bring their own tables and tents. All tents must be secured with weights (**stakes are NOT acceptable**). **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.** 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.

## **E-Newsletter:**

All vendors have the opportunity to submit a special of the week 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 [KrisRiley@comcast.net](mailto:KrisRiley@comcast.net) no later than 9:00 pm on the Monday 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 [KrisRiley@comcast.net](mailto:KrisRiley@comcast.net). 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. 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 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. It is recommended that vendors keep no more than \$50 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. 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 at the “manager’s station” and can offer assistance and first aid. In the event of an extreme medical emergency, please call 911 before locating the manager. The market manager will be on duty one hour before the market opens to the public 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. You may check the weather hotline (804.364.8213) by 6:00 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 contact the market manager:

Kris Riley  
804.564.9989  
[krisriley@comcast.net](mailto:krisriley@comcast.net)

Mailing Address:

Kris Riley  
West End Farmers Market, LLC  
12321 Morning Creek Rd.  
Glen Allen, VA 23059