

**PUP2014-00007**

**Zoning**

**Farmer's Market**

**Tuckahoe District**

400

Feet

PS December 2013

Ref: 732-751-4078



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

John A. Vithoulkas  
County Manager

March 18, 2014

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

Re: Provisional Use Permit PUP2014-00007

Dear Ms. Riley:

The Board of Supervisors at its meeting on March 11, 2014, 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 to allow the continued operation of an existing farmers' market on parts of Parcels 732-751-4078, -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 2nd 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 2nd Wednesday in September)
    - Wednesday (3:00 pm - 7:00 pm)
    - Saturday (8:00 am - 12:00 noon)
    - Sunday (10:00 am - 2:00 pm);
  - **Mid season** (after 2nd 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** (first market day in November thru end of market season)
    - Wednesday (market closed, except for holiday market)
    - Saturday (8:00 am - 12:00 noon, except for holiday market)
    - Sunday (10:00 am - 2:00 pm, except for holiday market);
  - **Three holiday markets** (4th Wednesday of November, and 1st Saturday/Sunday of December or 2nd Saturday/Sunday of December in case of weather cancellation)
    - Wednesday, Saturday, and Sunday (10:00 am - 4:00 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. 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 Application Packet".
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 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 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

Ms. Kristine Riley

March 18, 2014

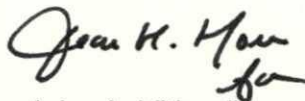
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barrier to discourage unauthorized access into the vendor area and to provide safe and orderly pedestrian access to and from the market.

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,

A handwritten signature in black ink, appearing to read "John A. Vithoulkas", with a stylized flourish at the end.

John A. Vithoulkas  
County Manager

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

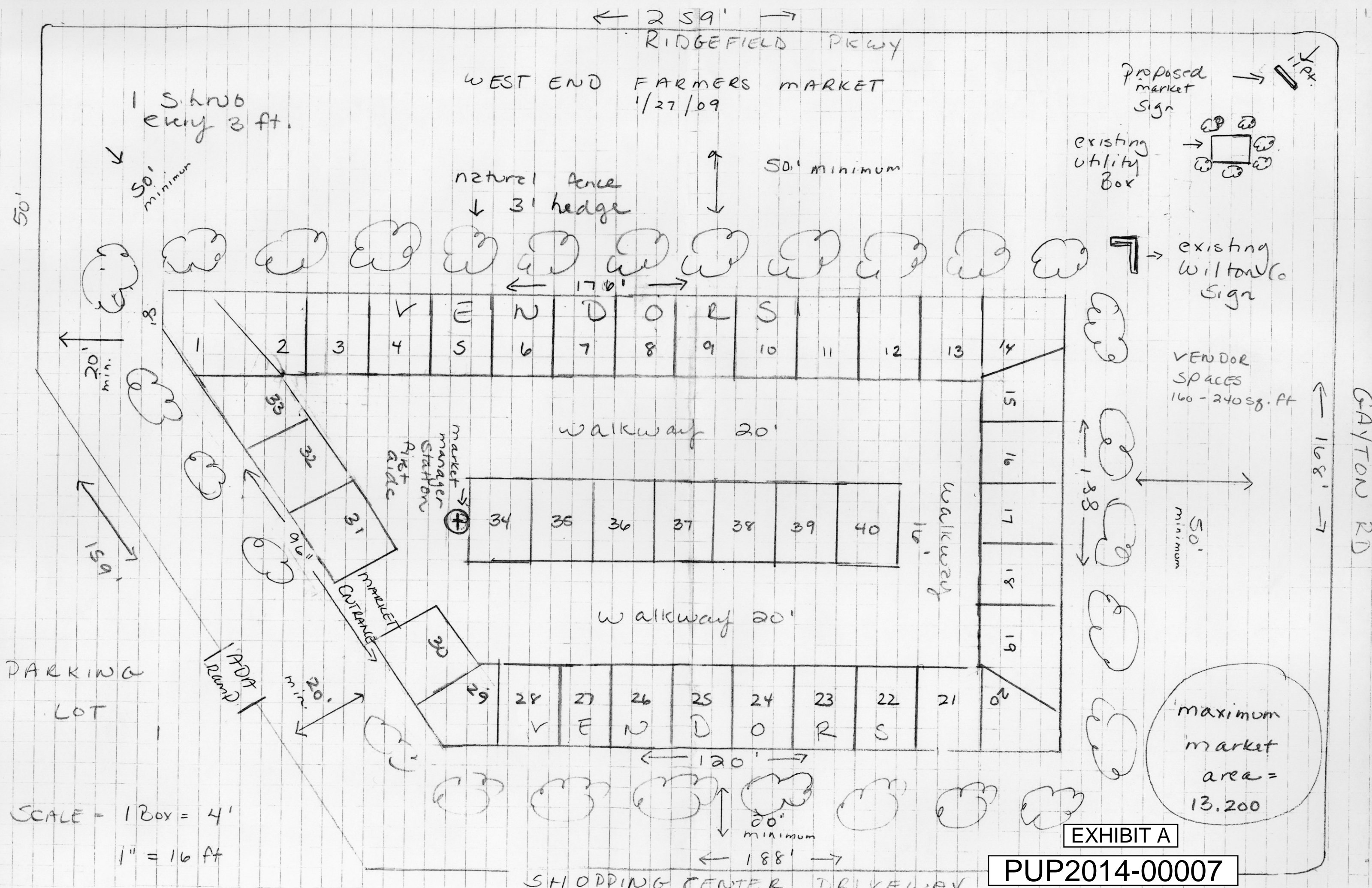


EXHIBIT A

PUP2014-00007

## West End Farmers' Market Vendor Application Packet

Please send correspondence to:

Kris Riley  
12321 Morning Creek Road  
Glen Allen, VA 23059  
Market manager 804.564.9989  
Website: [www.westendfarmersmarket.com](http://www.westendfarmersmarket.com)

This packet include the following

1. Vendor Application
2. Permanent Vendor Contract
3. Market Rules and Regulations

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 \_\_\_\_\_

EXHIBIT C

PUP2014-00007

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

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? \_\_\_\_\_

\_\_\_\_\_

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 Farmers' Market, LLC during the 2014 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) \_\_\_\_\_

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

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:

## 2014 West End Farmers' Market Permanent Vendor Contract

I wish to become a permanent vendor of West End Farmers' Market for the 2014 season of April 26th, 2014 through December 13, 2014. In choosing to be a permanent vendor, I realize I will be guaranteed a booth at the farmers market each week 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 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 manager 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)

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Vendor Signature

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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, jewelry and other interesting and 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 one the one acre field at the Gayton Centre Shopping Center at the intersection of Gayton Road and Ridgefield Parkway, Henrico, VA 23238.

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

#### *Regular Market Days/Hours:*

The market will be open from 8:00 am to 12:00 noon on Saturdays during the selling season of April 26<sup>th</sup>, 2014 to December 13<sup>th</sup>, 2014.

#### *Holiday Markets:*

Thanksgiving Market: November 26<sup>th</sup>, 2014 from 10:00 am – 2:00 pm

### **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.

### **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.
- Electricity is not available and generators are not permitted. There are restrooms in the shopping center that are available for public use.
- Reservations for participation in the market are required. 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 contract with the West End Farmers 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 (see contract). **It is NOT necessary to pay in advance at the West End Farmers Market. Payment will be made on a week by week basis.** You may elect to be a permanent vendor on Wednesday, Saturday or both days.

### **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, made by permanent or non-permanent vendors, 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 at 7:00 am. 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.
- 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 5-gallon plastic trash can for public use.

- Vendors must bring their own tables and tents. All tents must be secured with weights or stakes 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.
- 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, 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.

### **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 manager will be on duty from 7:00 am to 1:30 pm.

### **Weather Policy:**

The market is open rain or shine and vendors are expected to participate. In the event of extreme weather conditions such as high winds or hurricane conditions, all vendors will receive an email by 5:00 am if the market will be closed.

### **Questions:**

If you have questions regarding these policies, please call the market manager:

Kristine Riley  
804.564.9989  
krisriley@comcast.net