



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of November 17, 2012

**DATE:** November 9, 2012

**SUBJECT:** U-3327-12-1 USE PERMIT AMENDMENT to amend the permitted months of operation and to revise the layout of the market to include Reed School property for Westover Farmers' Market, located at 1671 McKinley Rd (RPC# 10-022-030), and parts of the McKinley Rd. right-of-way.;

**Applicant:**

Robert Swennes  
Field To Table, Inc.  
6101 22<sup>nd</sup> St N.  
Arlington, VA. 22205-2103

**C.M. RECOMMENDATION:**

Approve the subject use permit amendment, subject to all previous conditions and amended Conditions #1, 6, and 7, with a County Board review in one (1) year (November 2013).

**ISSUES:** The applicant is requesting a use permit amendment for a revised layout for the summer farmers' market that incorporates the Reed School property, as well as a revision to the months of operation for the market to operate year-round, with a smaller market from December through April that is almost entirely on the school property. No issues have been identified.

**SUMMARY:** The applicant is requesting a use permit amendment for a revised layout for the summer farmers' market that would be largely sited on the Reed School property, as well as a revision to the months of operation for the market to permit it to operate in the new location year-round, with a smaller market from December through April that is almost entirely on the school property. The applicant's proposed use permit amendment will accomplish the goal of moving the the smaller sellers of the market to the Reed School property. The reduced months of operation of the summer market will result in more of McKinley Road being open to traffic

County Manager:

*BMD/GA*

County Attorney:

*[Handwritten signatures]*

Staff: Peter Schulz, DCPHD, Planning Division

PLA-6302

**9. A.**

for more of the year, and the proposed winter market will not have a significant negative impact on traffic, the use of the School and park facilities, and the surrounding neighborhood. Therefore, staff recommends approval of the subject use permit amendment, subject to all previous conditions and amended Conditions #1, 6, and 7, as shown in the staff report, with a County Board review in one (1) year (November 2013).

**BACKGROUND:** The applicant, Field To Table, Inc, has operated the Westover Farmers' Market since May 2012. The use permit for an open-air market from April to November was approved by the County Board on April 21, 2012. At that time, the market was approved to be located in the right-of-way of the 1700 block of North McKinley Road, with the understanding by all parties that this was to be a temporary situation until the applicant could move most, if not all, of the market on to the Reed School property for the 2013 market season. In addition, since the start-up of the market, it has become a success in attracting vendors and shoppers, and the applicant is requesting a use permit amendment to add a smaller wintertime market. (A review of the original use permit was scheduled for January 2013, but this use permit amendment pre-empts that review).

**The following provides additional information about the site and location:**

Site: The proposed market is at the site of Reed School and the McKinley Road right-of-way in the Westover Village neighborhood. The majority of the proposed winter farmer's market will be on the property of the Reed School, with approximately 11 vendors to be set up on the public sidewalk along the school. The street will not be closed for the Winter market. The revised layout of the Summer market will be partially in the street and partially on school property.



Zoning: The Subject property is zoned [“S-3A” Special Districts](#), and open-air markets are permitted by special exception use permit.

Land Use: The subject property is generally designated on the General Land Use Plan as “Public: Parks (*Local, regional, and federal*). Schools (*public*). Parkways, major unpaved rights-of-way. Libraries and cultural facilities.”

Neighborhood: The subject property is located on the border of the Highland Park-Overlee Knolls and Westover Village Civic Association areas, and one-half block from the Tara-Leeway Heights Civic Association area. All of the Civic Associations were sent copies of the application and backing materials, and to date there has been no comment from any of the associations.

**DISCUSSION:** The applicant is making multiple requests with this use permit amendment: A request for a revised location of the summertime Westover Farmers’ Market, and a request to revise the months of operation of the summer market from May (instead of April) to November and a request to operate a “wintertime” market from December-April, with a smaller layout. In April 2012 the County Board approved a use permit for a Farmers’ Market to operate from April-November in the McKinley Road right-of-way, closing it to traffic. At the time of original approval of the Westover Farmers’ Market, County staff and the Board gave strong direction that the market should be relocated on the Reed School property for the 2013 season, subject to obtaining an agreement with Arlington Public Schools for the use of the property. The applicant has obtained such an agreement, and the license for the use of the school property is anticipated to be approved by the School Board at their November 2012 meeting.

The applicant therefore proposes a new layout of the summertime Farmers’ Market wherein the majority of the market will be on the Reed School property. Due to the growth of the market, and to accommodate future growth, the street configuration during the summer will remain essentially the same as the past year. Smaller vendors will be on the school property. The applicant has complied with the requirements of Condition #7 to keep points of access open to the Westover Shopping Center. Staff is not aware of any complaints about how the market has operated in the street during the past year.

At the same time, the growth and success of the market has led the applicant to request permission for a smaller “wintertime” market to operate from December to April, and to adjust the permitted start of the larger summer market to May 1 (the summer market will maintain the same hours, 8 a.m. to noon). The proposed winter market will operate between the hours of 9 a.m. to 1 p.m. The proposed hours will not conflict with Department of Parks and Recreation (DPR) activities except for perhaps the last two (2) weeks of April, when some activities begin around 12:30. However, DPR believes there will not be significant conflicts for those two (2) weeks, and by May 1 the market’s summer hours will begin, and the market will close at noon.

The proposed layout of the winter market will be almost entirely on the property of the Reed School, with a few larger vendors operating from the public sidewalk. Adequate clear space will be maintained for pedestrians on the public sidewalk. McKinley Road will be fully open to two-

way traffic during the December-April winter market, and no points of access to the Westover Shopping Center will be blocked. However, parking will be restricted on the west side of the street in front of the school for vendors to park their vehicles. The School/Library parking lots will be available for patrons to park, and public parking on McKinley road will be generally open except for the above mentioned reserved parking in front of the school.

However, during operation of the Farmer's Market staff has become aware of illegal signs placed by the applicant, advertising the Farmer's Market. During a meeting between staff and the applicant on July 18, 2012 staff verbally advised the applicant that their signs were not in compliance with the Sign Ordinance. There is also a pending Zoning Enforcement case regarding the signs, since some illegal signs for the market have continued to be placed. Therefore, staff recommends adding to condition #6 requiring compliance with the Sign Ordinance as a more specific condition of approval.

**CONCLUSION:** The applicant's proposed use permit amendment will accomplish the goal of moving smaller market sellers to the Reed School property. The reduced months of operation of the summer market will result in more of McKinley Road being open to traffic for more of the year, and the proposed winter market will not have a significant negative impact on traffic, the use of the School and park facilities, and the surrounding neighborhood. Therefore, staff recommends approval of the subject use permit amendment, subject to all previous conditions and amended Conditions #1, 6, and 7, with a County Board review in one (1) year (November 2013).

Proposed Amended Conditions:

1. The applicant agrees that the hours of operation for the Summer open-air market will be limited to Sundays from 8 a.m. to 12 p.m., ~~April~~ For purposes of this approval, the summer market will be the operations during the months of May through November. For the summer market, the applicant agrees that vendors will be permitted to begin set-up on Sunday no earlier than 7 a.m., and vendors must complete clean-up and depart from the site no later than 12:30 p.m. Vendor spaces for the summer market shall be laid out generally in accordance with the applicant's exhibit attached to this report entitled "Westover Farmers Market—Summer" and dated February 2012. The applicant further agrees that the hours of operation for the winter market will be limited to Sundays from 9 a.m. to 1 p.m. The winter market shall be all open-air market operations during the months of December through April. The applicant agrees that vendors will not be permitted to begin set-up on Sunday earlier than 8 a.m., and vendors must clean up and depart from the site no later than 1:30 p.m. Vendor spaces for the winter market shall be laid out generally in accordance with the applicant's exhibit attached to this report entitled "Westover Farmers Market—Winter" and dated February 2012.
6. The applicant agrees to comply with the requirements of all applicable laws, ordinances and regulations, including by way of illustration and not limitation, the County's Noise Ordinance, ~~and the Zoning Ordinance regulations for signs.~~ The applicant specifically agrees, by way of illustration and not limitation, that it will not place A-frame signs in the public rights of way, or on or adjacent to sidewalks.

7. ~~The applicant agrees to lay out the vendor spaces generally in accordance with the attached Westover Market Vendor and Parking Plan.~~ The applicant agrees that Aat least two (2) driveways to the Westover Shopping Center parking lot and one (1) exit from the bank ATM drive-through shall be maintained at all times from McKinley Road.

PREVIOUS COUNTY BOARD ACTIONS:

April 21, 2012

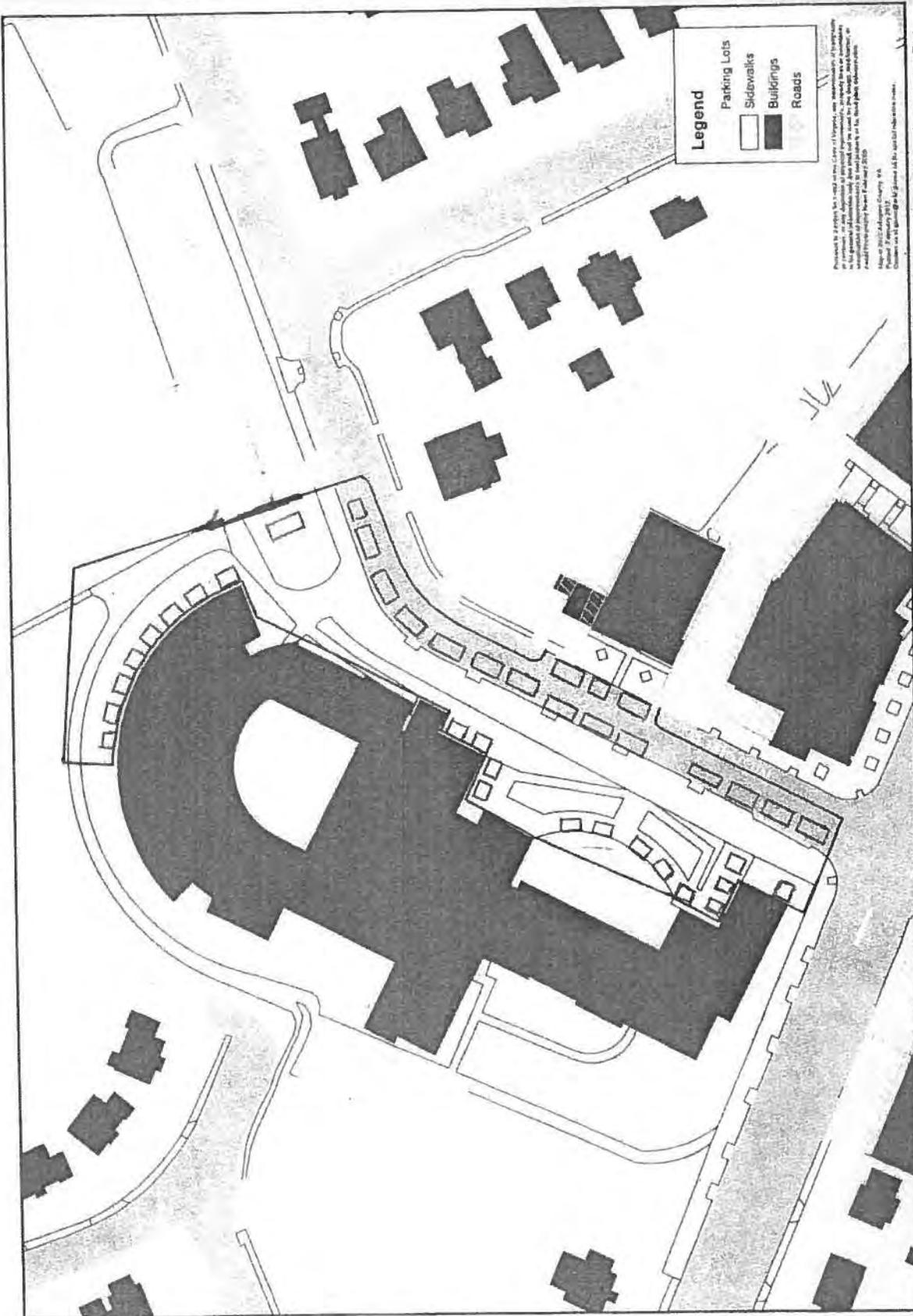
Approved a use permit for an open-air market (U-3327-12-1), subject to conditions, with a County Board review in January 2013.

Approved Conditions:

1. The applicant agrees that the hours of operation for the open-air market will be limited to Sundays from 8 a.m. to 12 p.m., April through November. Vendors will be permitted to begin set-up on Sunday no earlier than 7 a.m., and vendors must depart no later than 12:30 p.m.
2. The applicant agrees to identify a person who will serve as liaison to the community throughout the operation of the use. The liaison's name shall be submitted to the Zoning Administrator and shared with the Westover Village, Tara-Leeway Heights and Highland Park-Overlee Knolls Civic Associations prior to the issuance of a certificate of occupancy for the farmer's market.
3. The applicant agrees to meet all applicable County requirements and work cooperatively with the Police Department, the Fire Department, the Community Code Enforcement Office, the Department of Environmental Services and the Department of Public Works in doing so, including obtaining, where applicable, right-of-way permits and licenses from the Department of Environmental Services Real Estate Division.
4. The applicant agrees to provide all vendors associated with the Market with a document that lays out the preferred approach routes for vehicles and that identifies major arterial roadways to avoid the use of neighborhood residential streets. This document shall be provided to the Zoning Administrator before issuance of the Certificate of Occupancy.
5. The applicant agrees that the Market shall take all practical measures to encourage the use of public transportation and also to encourage customer parking in adjacent parking facilities as designated in the required parking plan. The applicant agrees that such measures will include, but will not be limited to signage adequate to inform patrons of available parking, verbal instructions provided by Market representatives and written documents (including maps) directing patrons to public transportation access points and to the public parking areas designated in the plan. The applicant agrees to encourage market patrons to park in the Reed School parking lots, or in the public street parking along Washington Boulevard and not park in residential streets or the lots of neighboring businesses or apartments. Such information shall at a minimum be placed in any market advertising (and on a website if the market has one), and on on-site signage. Prior to commencement of operations the applicant shall submit to the County Manager, and obtain approval of, a revised parking plan addressing each of the foregoing items.
6. The applicant agrees to comply with the requirements of the County's Noise Ordinance.
7. The applicant agrees to lay out the vendor spaces generally in accordance with the attached Westover Market Vendor and Parking Plan. At least two (2) driveways to the Westover Shopping Center parking lot and one (1) exit from the bank ATM drive-through shall be maintained at all times from McKinley Road.

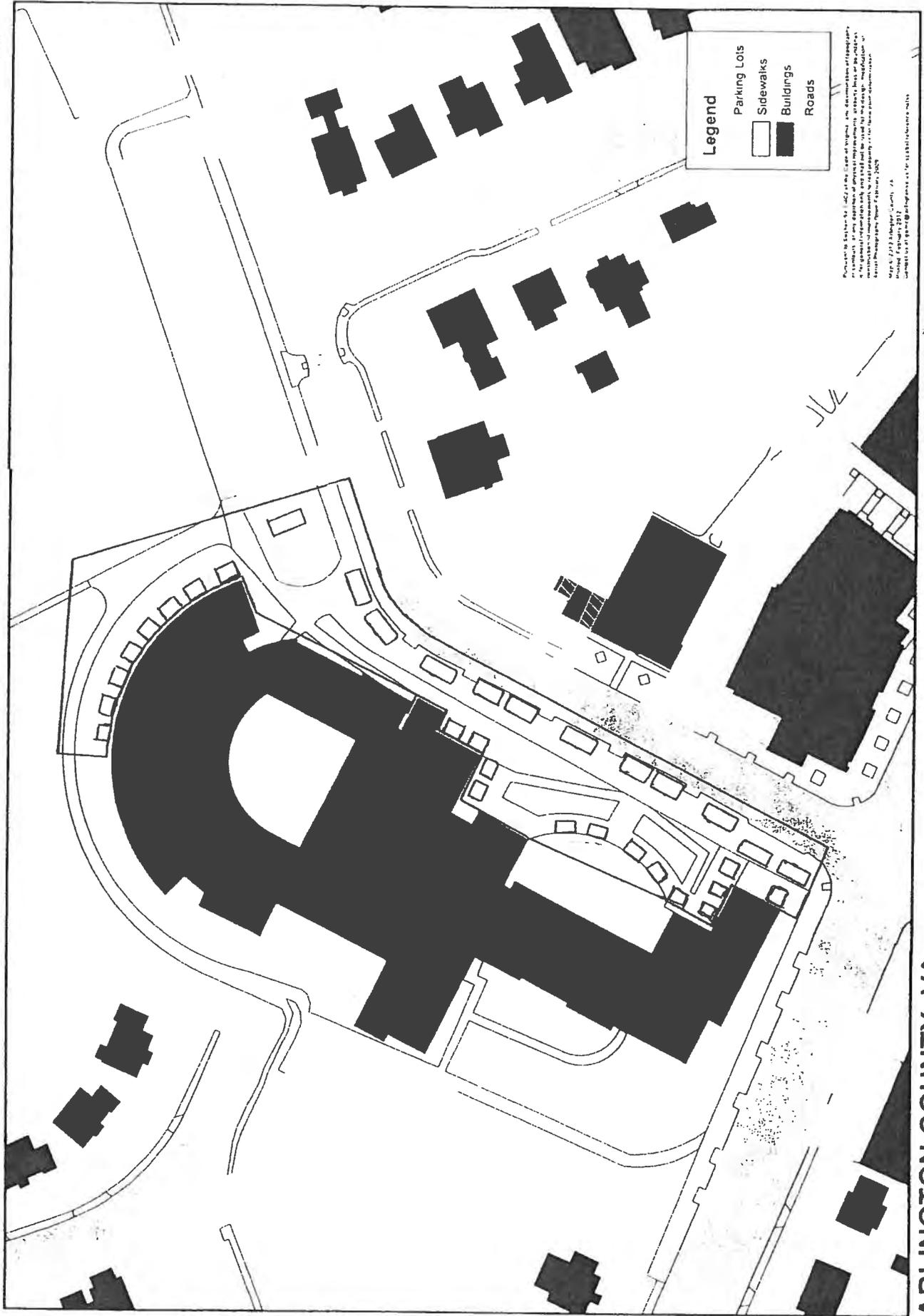
8. The applicant agrees to maintain a minimum five (5) feet of clear sidewalk space in a straight line along North McKinley Road.

# Westover Farmers' Market *Summer*



ARLINGTON COUNTY, VA

# Westover Farmers Market -- *winter*

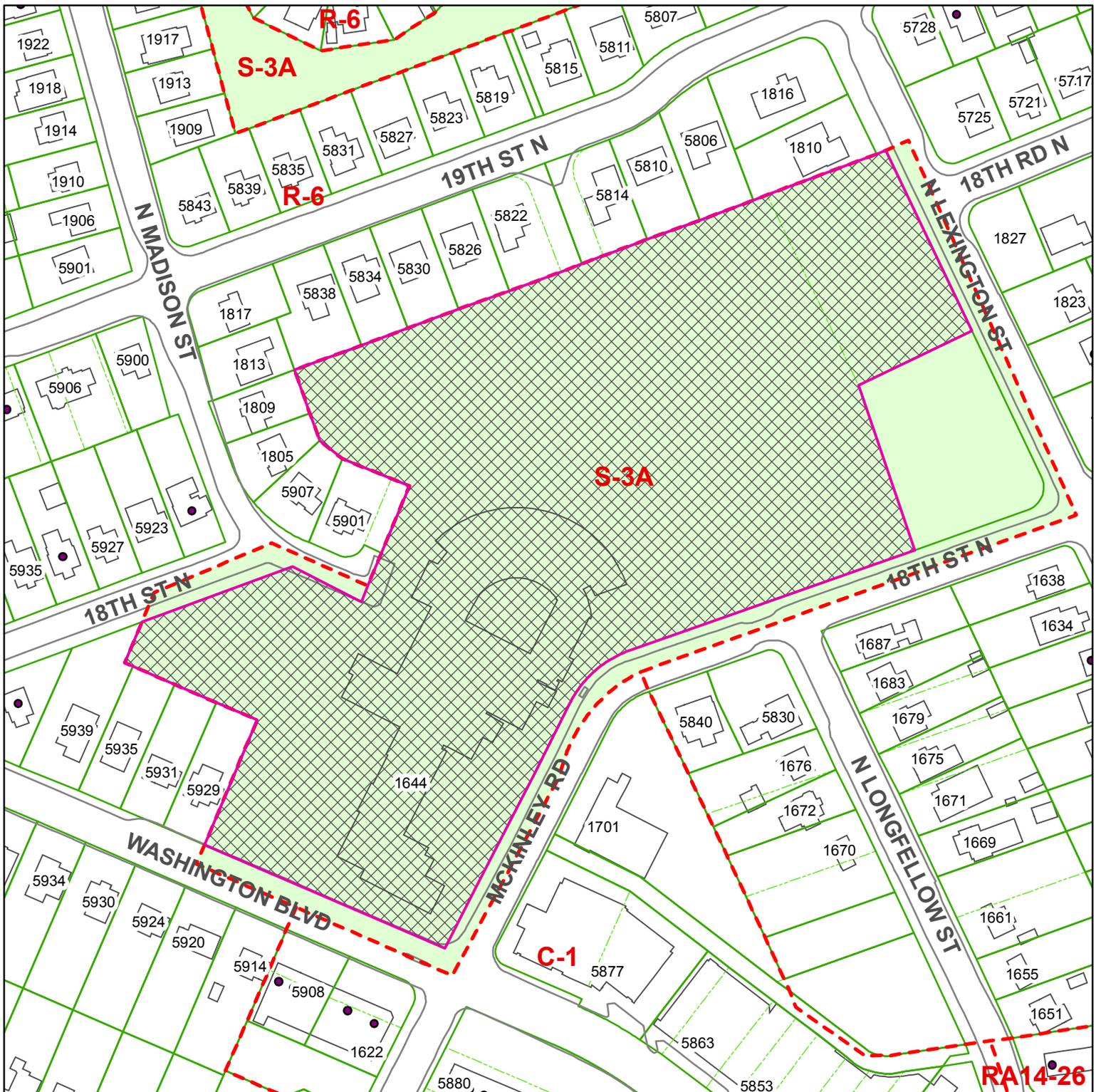


**Legend**  
Parking Lots  
Sidewalks  
Buildings  
Roads

Prepared by the City of Arlington, Virginia, Department of Planning and Economic Development, in cooperation with the Department of Public Works, Office of the City Engineer, and the Department of Public Works, Office of the City Engineer, for the Westover Farmers Market. The map was prepared in accordance with the provisions of the Arlington County Code, Chapter 25A, Section 25A-10. The map was prepared on February 1, 2007.

0 40 80 160 Feet

ARLINGTON COUNTY, VA



U-3327-12-1

1671 McKinley Rd.

RPC# 10-022-030

Note: These maps are for property location assistance only.  
They may not represent the latest survey and other information.

Department of Community Planning, Housing and Development



 Case Location(s)  
Scale: 1:1,800

Planning Division