

**B-1 to UMUC
.754 Ac.**

NOT INCLUDED

**O-2 to UMUC
.305 Ac.**

NOT INCLUDED

NOT INCLUDED

SUBJECT PROPERTY

REZ2018-00044
Zoning
 Mixed Use
 & Amend Proffered Conditions
 (REZ2015-00018)
 Brookland District
 400 Feet

PS September 2018 Ref: 773-740-5043



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vitoulkas
County Manager

January 29, 2019

Midtown Land Partners, LLC
LM Office/Retail North, LLC
c/o Wayne Chasen
Gumenick Properties
4901 Libbie Mill East Blvd, Suite 200
Richmond, VA 29230

Re: Rezoning Case REZ2018-00044

Dear Sir:

The Board of Supervisors at its meeting on January 22, 2019, approved your request to conditionally rezone from B-1 Business District and O-2 Office District to UMUC Urban Mixed Use District (Conditional) Parcels 774-740-5174 (.754 acres) and 771-740-8005 (.305 acres) located at the southwest intersection of Staples Mill Road (U. S. Route 33) and Bethlehem Road and the east line of Libbie Avenue approximately 185' north of its intersection with W. Broad Street (U.S. Route 250). The Board of Supervisors also amended proffers accepted with Rezoning case REZ2015-00018 on Parcels 771-740-9118, 772-740-0431, -1137, -1743, -2229, -2836, 773-739-3784, -9074, 773-740-4815, -5180, 774-739-2373, -5672, 774-740-0804, -4456, -4637, -4716, and -4802 located on the east line of Libbie Avenue approximately 310' north of W. Broad Street (U. S. Route 250) at its intersection with N. Crestwood Avenue, then along the east line of Spencer Road to the south line of Bethlehem Road and the west line of Staples Mill Road (U. S. Route 33), described as follows:

LEGAL DESCRIPTION LIBBIE MILL MIDTOWN AREA "A"

Commencing at a point at the intersection of the southern line of Bethlehem Road and the western line of Staples Mill Road (U.S. Route 33). Being the place and point of beginning area "A" (P.O.B. "A"); thence along the western line of Staples Mill Road (U.S. Route 33) S 33°19'13" E, for a distance of 28.16' to a point; thence along a non-tangent curve to the left with a radius of 1487.39' and an arc length of 210.88', subtended by a chord S 0°51'39" W, for a distance of 210.71' to a point; thence S 3°12'04" E, for a distance of 36.79' to a point; thence S 8°11'51" W, for a distance of 61.22' to a point; thence S 3°12'04" E, for a distance of 293.99' to a point; thence S 66°42'38" E, for a distance of 14.32' to a point; thence along a non-tangent curve to the left with a radius of 2919.79' and an arc length of 51.53', subtended by a chord S 4°58'30" E, for a distance of 51.53' to a point; thence S 0°24'57"

W, for a distance of 100.29' to a point; thence along a non-tangent curve to the left with a radius of 2931.79' and an arc length of 184.49', subtended by a chord S 9°14'00" E, for a distance of 184.46' to a point; thence S 51°14'08" E, for a distance of 18.51' to a point; thence S 8°47'28" E, for a distance of 62.94' to a point; thence S 77°27'15" W, for a distance of 7.47' to a point; thence along a non-tangent curve to the left with a radius of 2930.79' and an arc length of 11.25', subtended by a chord S 12°39'21" E, for a distance of 11.25' to a point; thence N 77°14'03" E, for a distance of 6.71' to a point; thence S 8°47'28" E, for a distance of 93.82' to a point; thence along a non-tangent curve to the left with a radius of 2871.52' and an arc length of 83.41', subtended by a chord S 15°24'01" E, for a distance of 83.41' to a point; thence along a curve to the left with a radius of 2871.52' and an arc length of 126.71', subtended by a chord S 17°29'48" E, for a distance of 126.70' to a point; thence S 9°59'13" E, for a distance of 69.83' to a point; thence S 19°06'39" W, for a distance of 48.28' to a point; thence S 70°53'21" E, for a distance of 16.00' to a point; thence N 68°49'57" E, for a distance of 29.81' to a point; thence S 21°10'03" E, for a distance of 28.56' to a point; thence N 69°07'14" E, for a distance of 12.30' to a point; thence along a non-tangent curve to the left with a radius of 2919.79' and an arc length of 57.05', subtended by a chord S 22°04'58" E, for a distance of 57.05' to a point; thence S 22°38'34" E, for a distance of 37.28' to a point; thence S 30°29'15" W, for a distance of 25.00' to a point; thence S 22°38'34" E, for a distance of 35'± to a point in the former center of Jordan's Branch; thence leaving the western line of Staples Mill Road (U.S. Route 33) in a westerly direction along the former center of Jordan's Branch for a distance of 1658'± to a point; thence leaving the former center of Jordan's Branch N 45°16'39" W, for a distance of 593'± to a point; thence N 85°28'56" E, for a distance of 187.76' to a point on the western line of Libbie Lake West Street; thence along the western line of Libbie Lake West Street N 4°31'04" W, for a distance of 45.18' to a point; thence N 50°38'51" E, for a distance of 20.95' to a point; thence N 4°31'04" W, for a distance of 311.53' to a point on the southern line of Mason's Lane; thence along the southern line of Mason's Lane S 85°28'56" W, for a distance of 88.13' to a point; thence leaving the southern line of Mason's Lane N 4°31'04" W, for a distance of 48.10' to a point on the northern line of Mason's Lane; thence along the northern line of Mason's Lane N 85°28'56" E, for a distance of 88.13' to a point on the western line of Libbie Lake West Street; thence along the western line of Libbie Lake West Street N 4°31'04" W, for a distance of 145.62' to a point on the southern line of Libbie Mill West Boulevard; thence along the southern line of Libbie Mill West Boulevard S 85°28'56" W, for a distance of 241.92' to a point; thence N 4°31'04" W, for a distance of 3.40' to a point; thence S 85°28'56" W, for a distance of 8.00' to a point; thence S 4°31'04" E, for a distance of 3.40' to a point; thence S 85°28'56" W, for a distance of 22.08' to a point; thence N 84°35'15" W, for a distance of 52.88' to a point; thence N 77°36'03" W, for a distance of 180.53' to a point; thence N 89°28'41" W, for a distance of 5.53' to a point; thence N 64°12'42" W, for a distance of 188.09' to a point; thence N 42°00'09" W, for a distance of 12.79' to a point; thence leaving the southern line of Libbie Mill West Boulevard N 53°16'04" E, for a distance of 108.56' to a point on the northern line of Libbie Mill West Boulevard; thence along the northern line of Libbie Mill West Boulevard S 59°52'42" E, for a distance of 15.97' to a point; thence along a curve to the left with a radius of 714.50' and an arc length of 414.70' subtended by a chord S

77°53'25" E, for a distance of 408.90' to a point; thence N 85°28'56" E, for a distance of 110.52' to a point; thence leaving the northern line of Libbie Mill West Boulevard N 4°31'04" W, for a distance of 10.69' to a point; thence N 85°28'56" E, for a distance of 65.67' to a point; thence N 4°31'04" W, for a distance of 507.62' to a point; thence S 85°28'56" W, for a distance of 65.67' to a point; thence N 84°04'28" W, for a distance of 30.06' to a point; thence S 85°28'56" W, for a distance of 197.04' to a point on the eastern line of Spencer Road; thence along the eastern line of Spencer Road N 20°28'36" E, for a distance of 245.21' to a point; thence N 20°28'36" E, for a distance of 205.51' to a point; thence along a curve to the right with a radius of 160.75' and an arc length of 122.82', subtended by a chord N 42°21'54" E, for a distance of 119.85' to a point; thence N 64°15'11" E, for a distance of 231.87' to a point, thence along a curve to the right with a radius of 25.00' and an arc length of 34.13', subtended by a chord S 76°38'20" E, for a distance of 31.54' to a point on the southern line of Bethlehem Road; thence along a curve to the left with a radius of 640.00' and an arc length of 203.51', subtended by a chord S 46°38'26" E, for a distance of 202.65' to a point; thence S 56°18'06" E, for a distance of 109.35' to a point; thence along a curve to the left with a radius of 740.00' and an arc length of 178.40', subtended by a chord S 64°09'12" E, for a distance of 177.97' to a point; thence S 71°03'36" E, for a distance of 890.36' to the place and point of beginning area "A" (P.O.B. "A"). Being Henrico County Parcel IDs: 773-740-5180; 774-740-5174; 774-740-4456; 774-740-4637; 774-740-4716; 774-740-0804; 774-740-4802; 774-739-5672; 774-739-2373; 773-739-9074; 773-739-3784 and 773-740-4815. Less and except all that property conveyed to the County of Henrico, Virginia by deed recorded July 29, 2014 in Deed Book 5281, Page 261.

LEGAL DESCRIPTION LIBBIE MILL MIDTOWN AREA "B"

Commencing at a point at the intersection of the northern line of Libbie Mill West Boulevard and the eastern line of Spencer Road; thence along the eastern line of Spencer Road N 37°43'46" E, for a distance of 223.04' to a point; being the place and point of beginning area "B" (P.O.B. "B"); thence N 37°43'46" E, for a distance of 77.63' to a point; thence along a curve to the left with a radius of 524.37' and an arc length of 157.90', subtended by a chord N 29°06'11" E, for a distance of 157.30' to a point; thence leaving the eastern line of Spencer Road S 4°31'04" E, for a distance of 301.36' to a point; thence S 85°28'56" W, for a distance of 45.25' to a point; thence N 69°16'20" W, for a distance of 113.48' to a point; thence N 51°18'42" W, for a distance of 21.06' to a point; thence N 21°01'51" E, for a distance of 55.52' to a point. Being the place and point of beginning area "B" (P.O.B. "B"). Being Henrico County Parcel ID: 773-740-5180. Said parcel contains 0.599 acre.

LEGAL DESCRIPTION LIBBIE MILL MIDTOWN AREA "C"

Commencing at a point at the intersection of the southern line of Libbie Mill West Boulevard and the western line of Spencer Road. Being the place and point of beginning "C" (P.O.B. "C"); thence along the western line of Spencer Road along a curve to the right with a radius of 26.50' and an arc length of 45.34', subtended by a chord S 3°51'24" E, for a distance of 40.01' to a point; thence S 45°09'46" W, for a distance of 4.62' to a point; thence S 44°45'41" E, for a

distance of 1.50' to a point; thence S 45°09'46" W, for a distance of 112.38' to a point; thence N 44°48'14" W, for a distance of 134.80' to a point; thence S 45°09'46" W, for a distance of 396.11' to a point; thence S 44°48'14" E, for a distance of 13.85' to a point; thence S 45°09'46" W, for a distance of 93.33' to a point; thence N 44°48'14" W, for a distance of 148.85' to a point on the eastern line of Libbie Avenue; thence along the eastern line of Libbie Avenue N 45°09'46" E, for a distance of 385.14' to a point; thence N 49°29'24" E, for a distance of 68.26' to a point; thence along a curve to the right with a radius of 193.75' and an arc length of 159.03'; subtended by a chord N 73°00'13" E, for a distance of 154.60' to a point; thence along a curve to the right with a radius of 141.50' and an arc length of 75.59', subtended by a chord S 68°10'45" E, for a distance of 74.69' to a point on the southern line of Libbie Mill West Boulevard; thence along the southern line of Libbie Mill West Boulevard S 52°52'33" E, for a distance of 93.07' to the place and point of beginning (P.O.B. "C"). Being Henrico County Parcel ID: 772-740-2836; 772-740-2229; 772-740-1743; 772-740-1137; 772-740-0431; 771-740-9118; 771-740-8005. Said parcel contains 2.206 acre.

The Board of Supervisors accepted the following amended proffered conditions dated, December 4, 2018, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

APPLICABLE TO ALL

1. The proffers applicable to the respective development areas and parcels set forth in REZ2015-00018 shall be applicable to the development areas and parcels as amended hereby so as to have the effect of revising the parcel descriptions submitted with REZ2015-00018 as though such revised descriptions had been a part of such case and thereby bound by the proffers applicable thereto.

2. Condition 1 of REZ2015-00018 is hereby amended and restated as follows:

Pattern Book. The Property shall be developed in general conformance with the illustrations and information set forth in the "Libbie Mill - Midtown Pattern Book" (the "Pattern Book") (see case file) filed herewith, with replacement pages 19 and 26, unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development, which illustrations and information are conceptual in nature and may vary in detail.

3. Condition 3 of REZ2015-00018 is hereby amended and restated as follows:

Overall Density. Including those approved with Case No. REZ2015-00018, there shall be no more than 2,090 residential units developed on the Property, of which no more than 1,096 may be rental units. In order to meet changing market demands, but subject to the foregoing limits, the Owner reserves the right to adjust upward (other than the number of rental units) and/or downward, the number of each type of unit. The Owner shall maintain a cumulative record of the number and types of units being developed and provide such record to the County with each Plan of Development for residential units.

4. Condition 11 of REZ2015-00018 is hereby amended and restated as follows:

All Retail Uses. All retail uses (excluding health clubs, theaters and performing arts centers) shall be open to the public only between the hours of 5:00 a.m. and 12:00 midnight Sunday through Wednesday and 5:00 a.m. and 1:00 a.m. Thursday, Friday and Saturday.

5. Condition 13 of REZ2015-00018 is hereby amended and restated as follows:

Parking Garages. No parking garages (other than individual garages serving individual units) shall be built within twenty (20) feet of the right-of-way of Bethlehem Road and Spencer Road.

6. Condition 14 of REZ2015-00018 is hereby amended and restated as follows:

Building Height. The height of buildings within the "residential and/or commercial" area at the corner of Libbie Avenue and Libbie Mill West Boulevard shall be limited to a maximum of sixty (60) feet. Subject to the foregoing, buildings within eighty-five (85) feet of the existing right-of-way of Bethlehem Road shall be limited to eighty-five (85) feet in height.

APPLICABLE TO APARTMENT (RENTAL) DEVELOPMENT AND MULTIFAMILY
(FOR SALE) CONDOMINIUMS

7. Condition 16 of REZ2015-00018 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development, buildings shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.

APPLICABLE TO TOWNHOMES (FOR SALE)

8. Condition 24.b. of REZ2015-00018 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development, Townhome A shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.

9. Condition 25.b. of REZ2015-00018 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development, Townhome B shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.

10. Condition 26.b. of REZ2015-00018 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development, Townhome C shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.

11. Condition 27.b. of REZ2015-00018 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development, Townhome D shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.

APPLICABLE TO STACKED TOWNHOME-STYLE ·OR SALE
CONDOMINIUMS (TYPE E)

12. Condition 29 of REZ2015-00018 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development, Type E units shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.

APPLICABLE TO COMMUNITY BUILDING

13. Condition 31 of REZ2015-00018 is hereby amended and restated as follows:

Square Footage. The Community Building shall have a minimum of three thousand five hundred (3,500) square feet of finished floor area.

14. Condition 32 of REZ2015-00018 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Commission at the time of Plan of Development, the Community Building shall be in general conformance with the architectural themes displayed in the Pattern Book (see case file), which illustrations and information are conceptual in nature and may vary in detail.

APPLICABLE TO COMMERCIAL/OFFICE DEVELOPMENT

15. Condition 34 of REZ2015-00018 is hereby amended and restated as follows:

Prohibited Uses. The following uses shall be prohibited on the Property:

- a. automotive filling and service stations including towing service;
- b. billiard, bagatelle, video game or a bingo parlor, unless accessory to a permitted use;
- c. flea markets or antique auctions;
- d. billboards;
- e. recycling facilities;
- f. funeral homes, mortuaries, crematories and/or undertaking establishments;
- g. dance halls;
- h. truck stops;
- i. gun shop, sales and repair;
- j. sign painting shops;
- k. communication towers, not to include small cells;
- l. general hospitals, sanitoriums and charitable institutions for human care;
- m. adult businesses as defined by Section 24-3 of the Henrico County Code;
- n. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections);
- o. car title loan operations;
- p. fuel pumps associated with permitted uses; and
- q. motels or motor lodges.

16. Condition 37 of REZ2015-00018 is hereby amended and restated as follows:

Outdoor Music. Outdoor music shall not be permitted on the Property after 12:00 midnight Sunday through Wednesday and 1:00 a.m. Thursday, Friday, and Saturday. Any outside speakers or sound system shall comply with the following standards:

- a. Sound systems shall be equipped with controls permitting full volume adjustment.
- b. Sound from the system shall not be audible beyond the property lines of the development.

Midtown Land Partners, LLC
LM Office/Retail North, LLC
January 29, 2019
Page 8

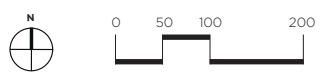
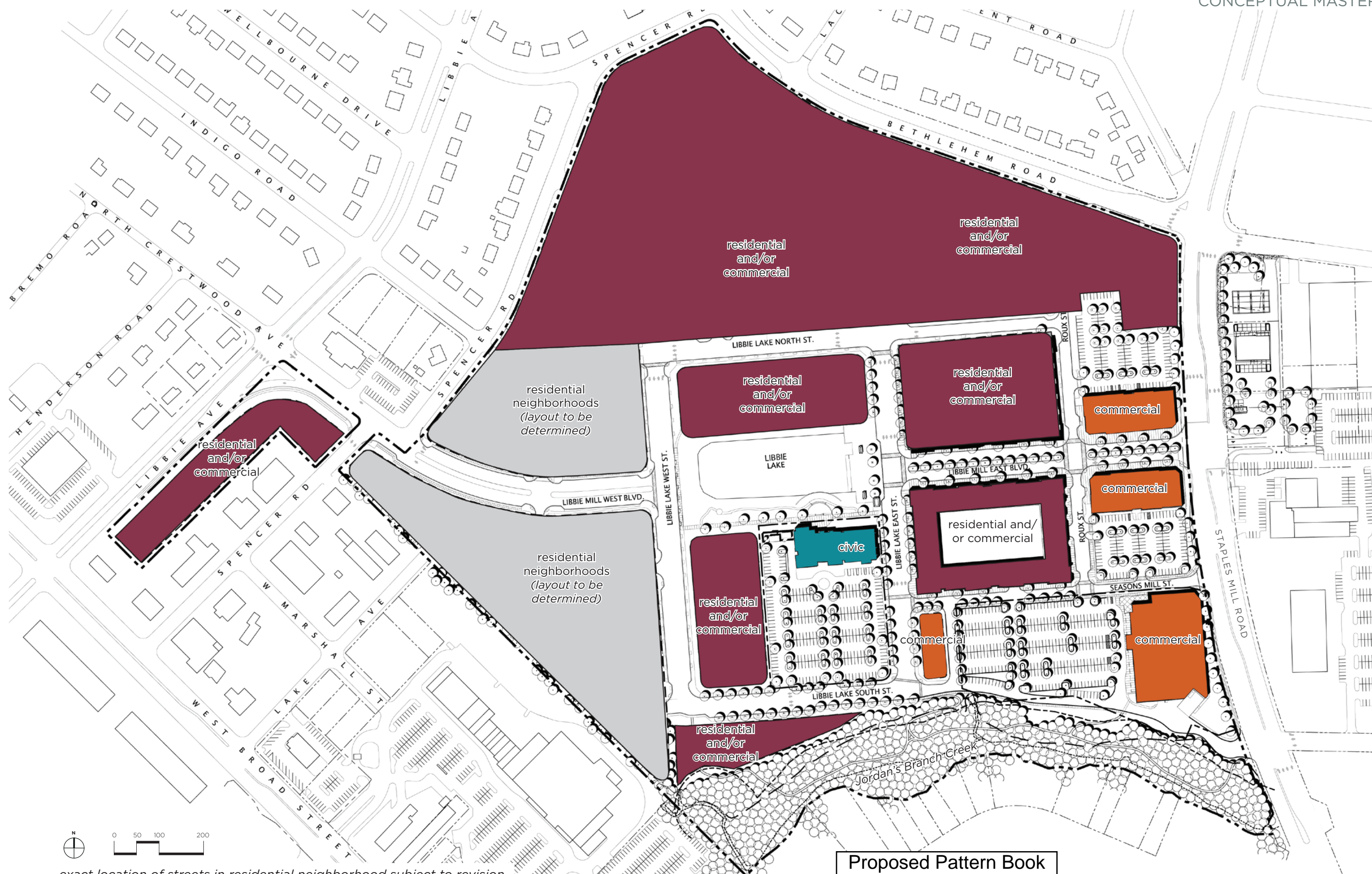
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,

A handwritten signature in blue ink, appearing to read "John A. Vithoulikas".

John A. Vithoulikas
County Manager

pc: James W. Theobald, Esquire
Director, Real Estate Assessment
Mr. Chris Sorenson – Schools
Mr. Justin Briggs – Schools



exact location of streets in residential neighborhood subject to revision.

Proposed Pattern Book

REZ2018-00044

120618



SCALE
relative size or extent



HEIGHT
measurement from base to top



MATERIALS
the style or treatment of minor decorative features



4901 East Libbie Mill Blvd. rendering.



MASS
main proportions within a work



DETAILS
the style or treatment of minor decorative features



FENESTRATION
the arrangement of windows and doors on the elevations of a building

The buildings at Libbie Mill - Midtown are designed to evoke a familiarity with the historic character of the downtown urban and industrial districts of Central Virginia. The use of authentic materials, quality construction, and traditional detailing define a contemporary architectural interpretation to the area's prominent

Pre-Civil War Federal and Post-Civil War Industrial styles. Careful attention has been given to the buildings' mass, scale and height as they interact with the surrounding streetscape, allowing the built environment to shape a vibrant and inspiring experience at Libbie Mill - Midtown.

Approved Pattern Book

REZ2015-00018

4901 LIBBIE MILL EAST BLVD./4900 LIBBIE MILL EAST BLVD.



Above: 4901 Libbie Mill East Blvd from intersection of Roux St. and Libbie Mill East Blvd. Below: 4900 Libbie Mill East Blvd. from intersection of Staples Mill Rd. and Libbie Mill East Blvd.

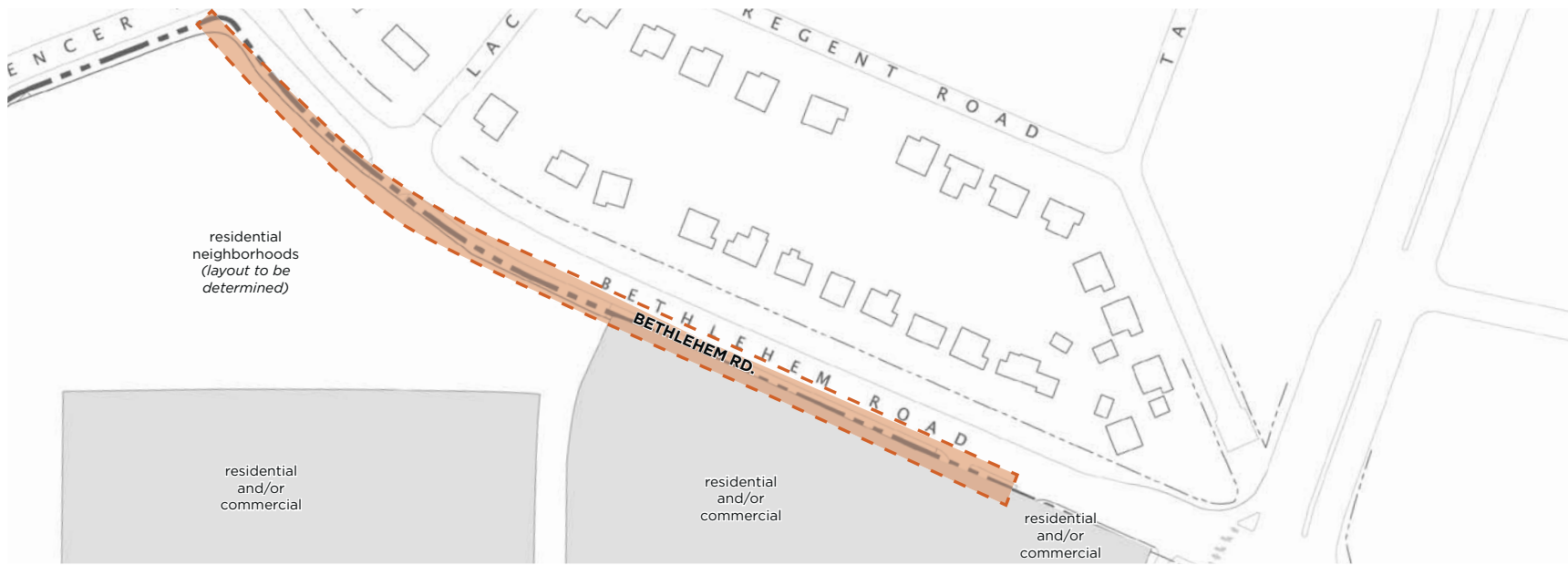


5001 Libbie Mill East Blvd. rendering (from Libbie Lake plaza)

Approved Pattern Book

REZ2015-00018

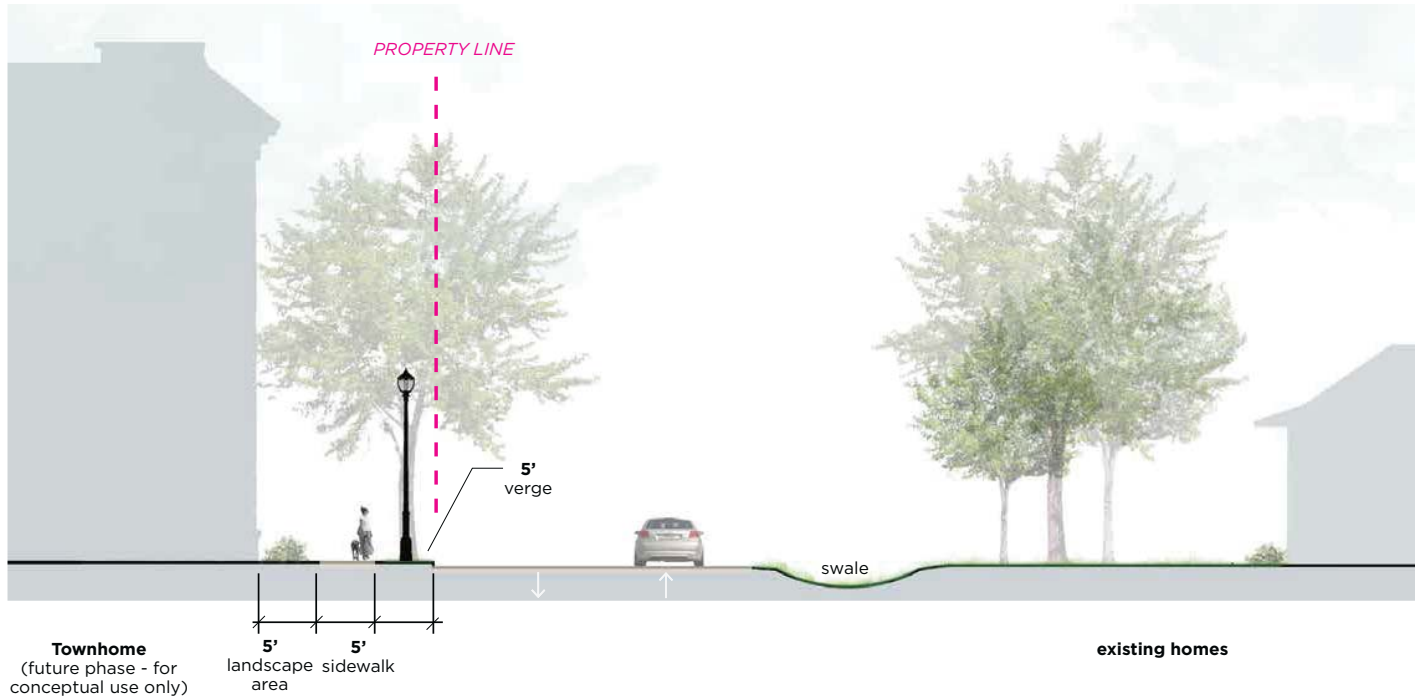
PERIMETER (TYPE 2): BETHLEHEM RD.



- STREET WIDTH:** existing
- STREET PARKING:** no
- SIDEWALK WIDTH:** min. 5'
- STREET TREES:** canopy tree (deciduous)
- BUILDING TYPE:** residential
- STREET LIGHTS:** yes

Approved Pattern Book

REZ2015-00018



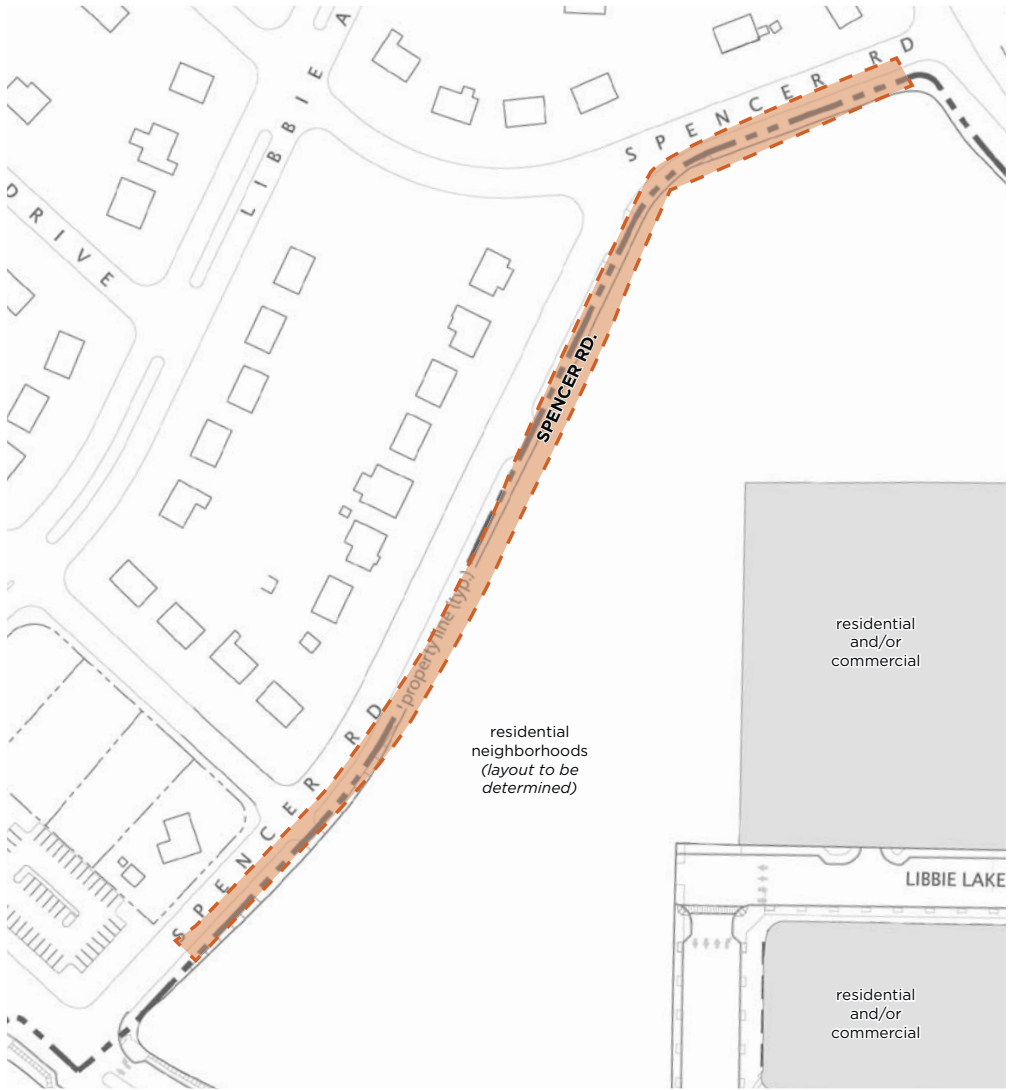
SAMPLE STREET SECTION

ALL DIMENSIONS VARY BASED ON USE.

Approved Pattern Book

REZ2015-00018

PERIMETER (TYPE 3): SPENCER RD.



residential neighborhoods (layout to be determined)

residential and/or commercial

residential and/or commercial

SPENCER RD.

STREET TYPE: Perimeter (Type 3)

STREET WIDTH: approx. 36' (existing)

STREET PARKING: yes

SIDEWALK WIDTH: min. 5'

STREET TREES: canopy tree (deciduous)

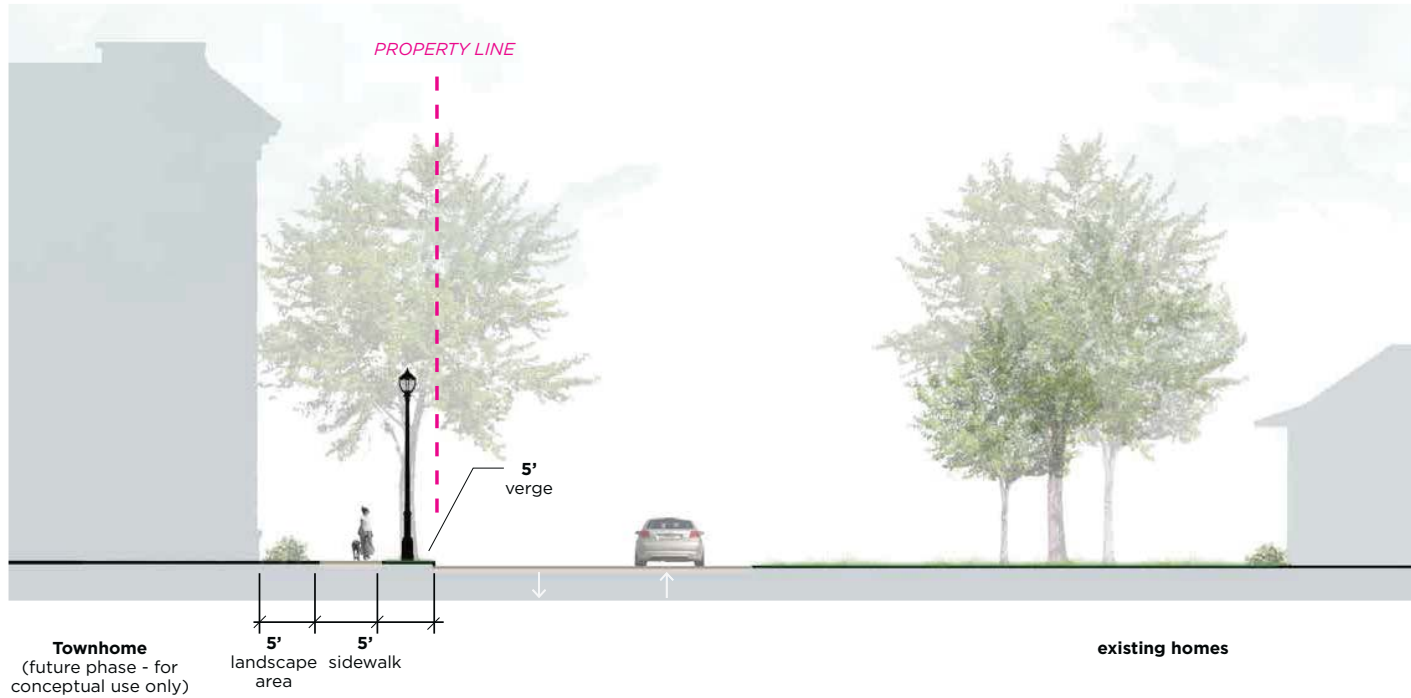
BUILDING TYPE: residential

STREET LIGHTS: yes

Approved Pattern Book

REZ2015-00018





SAMPLE STREET SECTION

ALL DIMENSIONS VARY BASED ON USE.