



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoukas
County Manager

October 19, 2021

Mr. Laurenso Williams
Mr. Jeffrey Gumenick
c/o Gumenick Properties
4901 Libbie Mill East Blvd, Suite 200
Richmond, VA 23230

Re: Rezoning Case REZ2021-00042

Dear Sirs:

The Board of Supervisors at its meeting on October 12, 2021, approved your request to conditionally rezone from R-3 One-Family Residence District to UMUC Urban Mixed Use District (Conditional) Parcels 772-740-7798, 772-741-6201, -6408, -6715, -7023, -7440, -7848, -7905, -8137, -8211, -8357, -8419, -8836, -8968, -9348, -9573, -9839, 773-741-0179, -0354, -0565, -0945, -1360, -1654, and -2048 containing 8.047 acres located on the north and south lines of Argus Lane at its intersection with Spencer Road. The Board of Supervisors also amended proffers accepted with Rezoning cases REZ2015-00018 and REZ2018-00044 on Parcels 771-740-8005, -9118, 772-740-0431, -1137, -1743, -2229, -2836, 773-739-3547, -3784, -9074, 773-740-4815, -5180, -9572, 774-739-2373, 774-740-0192, -0448, -0863, -3781, -4456, -4637, -4716, -4802, -5174 and Part of Parcel 774-740-0801 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 between the east line of Spencer Road and west line of Staples Mill Road (U.S. Route 33) along the south line of Bethlehem Road. The rezoned area is described as follows:

LOTS 1 - 12 BLOCK B, SECTION A, WESTBOURNE AND LOTS 13 - 16 BLOCK 3, SECTION D, WESTBOURNE

Beginning at a point being the intersection of the eastern line of Libbie Avenue and the intersection with the northern line of Argus Lane; thence from northern line of Argus Lane along the eastern line of Libbie Avenue N20°28'26"E, a distance of 199.43' to a point; thence along a curve to the right having a radius of 583.69' and a length of 342.22' to a point; thence N54°04'11"E, a distance of 50.00' to a point; thence along a curve to the right having a radius of 15.00' and a length of 23.56' to a point being the intersection of the eastern line of Libbie Avenue and the southern line of Bethlehem Road; thence from the eastern line of Libbie Avenue along the southern line of Bethlehem Road S35°55'49"E, a distance of 441.63' to a point being the intersection of the southern line of Bethlehem Road and the northern line of Spencer Road; thence from the southern line of Bethlehem Road along the northern line of Spencer Road along a curve to the right having a radius of 15.00' and a length of 26.23' to a point; thence S64°15'11"W, a distance of 363.86' to a point being

a common point in the northern line of Argus Lane; thence from said common point with Argus Lane along the northern line of Argus Lane along a curve to the right having a radius of 226.41' and a length of 248.27' to a point; thence N52°55'09"W, a distance of 26.24' to a point being the intersection of the eastern line of Libbie Avenue being the point and place of beginning, containing 4.453 acres.

LOTS 7 - 14 BLOCK A, A PORTION OF WESTBOURNE SECTION A

Beginning at a point being the intersection of the eastern line of Libbie Avenue and the southern line of Argus Lane; thence from the eastern line of Libbie Avenue and the southern line of Argus Lane along a curve to the right having a radius of 15.00' and a length of 27.91' to a point; thence along the southern line of Argus Lane along a curve to the left having a radius of 286.41' and a length of 270.91' to a point; thence along a curve to the right having a radius of 15.00' and a length of 33.40' to a point in the western line of Spencer Road; thence along the western line of Spencer Road S20°28'36"W, a distance of 317.02' to a point; thence from the western line of Spencer Road N69°31'24"W, a distance of 210.00' to a point; thence S20°28'12"W, a distance of 31.82' to a point; thence N69°31'24"W, a distance of 150.00' to a point in the eastern line of Libbie Avenue; thence along the eastern line of Libbie Avenue N20°28'36"E, a distance of 298.84' to a point being the point and place of beginning, containing 2.086 acres.

PORTIONS OF SPENCER ROAD AND ARGUS LANE WESTBOURNE, SECTION A

Beginning at the intersection of the southern line of Spencer Road and the western line of Bethlehem Road; thence from the western line of Bethlehem Road along the southern line of Spencer Road along a curve to the left having a radius of 25.00' and a length of 34.13' to point; thence S64°15'11"W a distance of 142.16' to a point; thence along a curve to the left having a radius of 160.75' and a length of 122.82' to a point; thence S20°28'39"W, a distance of 47.54' to a point; thence from the southern line of Spencer Road N69°31'24"W, a distance of 60.00' to a point in the northern line of Spencer Road; thence along the northern line of Spencer Road N20°28'36"E, a distance of 317.02' to a point; thence along a curve to the left having a radius of 15.00' and a length of 33.40' to a point at the intersection of southern line of Argus Lane; thence along the southern line of Argus Lane along a curve to the right having a radius of 286.41' and a length of 270.91' to a point; thence along a curve to the left having a radius of 15.00' and a length of 27.91' to a point at the intersection of the west line of Libbie Avenue; thence along the western line of Libbie Avenue N20°28'36"E, a distance of 93.92' to a point at the intersection of the northern line of Argus Lane; thence along the northern line of Argus Lane along a curve to the left having a radius of 15.00' and a length of 19.21' to a point; thence S52°55'09"W, a distance of 26.84' to a point; thence along a curve to the left having a radius of 226.41' and a length of 248.27' to a point, a common point in the northern line of Argus Lane and the northern line of Spencer Road; thence along the northern line of Spencer Road N64°15'11"E, a distance of 363.86' to a point; thence along a curve to the left having a radius of 15.00' and a length of 26.23' to a point at the intersection of the western line of Bethlehem Road; thence along the western line of Bethlehem Road S35°59'09"E, a distance of 99.07' to a point being the point and place of beginning containing 1.508 acres.

The Board of Supervisors accepted the following new and amended proffered conditions dated, October 4, 2021, 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, as amended by REZ2018-00044, and as further amended hereby, shall be applicable to the development areas and parcels that are the subject of this rezoning request. As a result, the parcel descriptions submitted with REZ2015-00018 and REZ2018-00044 are hereby revised to include the development areas and parcels that are the subject of this rezoning request and this expanded parcel description shall be made a part of REZ2015-00018, as amended by REZ2018-00044, and shall be bound by the proffers applicable thereto, as amended hereby.
2. Condition 2 of REZ2018-00044 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" dated August 15, 2015 (the "Pattern Book") with replacement pages 19 and 26 filed herewith (see case file), unless otherwise requested and specifically approved by the Planning Director at the time of Plan of Development, which illustrations and information are conceptual in nature and may vary in detail.
3. Condition 3 of REZ2018-00044 is hereby amended and restated as follows:

Overall Density. Including those approved with Case No. REZ2015-00018, as amended by REZ2018-00044, there shall be no more than 2,114 residential units developed on the Property, of which no more than 1,470 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 14 of REZ2018-00044 is hereby amended and restated as follows:

Building Height. Buildings within eighty-five (85) feet of the existing right-of-way of Bethlehem Road or Libbie Avenue shall be limited to eighty-five (85) feet in height.
5. Condition 16 of REZ2018-00044 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director 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, or with the architectural themes of buildings constructed within the project.
6. Condition 24.b of REZ2018-00044 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director 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, or with the architectural themes of buildings constructed within the project.

7. Condition 25.b of REZ2018-00044 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director 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, or with the architectural themes of buildings constructed within the project.

8. Condition 26.b of REZ2018-00044 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director 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, or with the architectural themes of buildings constructed within the project.

9. Condition 27.b of REZ2018-00044 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director 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, or with the architectural themes of buildings constructed within the project.

10. Condition 29 of REZ2018-00044 is hereby amended and restated as follows:

Architecture. Unless otherwise requested and specifically approved by the Planning Director 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, or with the architectural themes of buildings constructed within the project.

11. Condition 38 of REZ 2018-00044 is hereby amended by deleting "Planning Commission" and replacing it with "Planning Director."

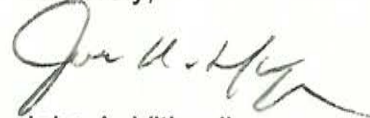
APPLICABLE TO AREA BETWEEN SPENCER ROAD AND LIBBIE AVENUE

Two new proffered conditions are added that are applicable only to the approximately 8 acres of Property between Spencer Road and Libbie Avenue that is the subject of this zoning request ("Additional Land").

39. **Additional Road Improvements.** Unless otherwise approved at the time of Plan of Development, the developer shall provide the following transportation improvements prior to the 100th certificate of occupancy issued within the Additional Land. In the event of dedication, but no construction of the associated improvement within fifteen years of the date of dedication, the dedicated land shall be conveyed back to the owner of the adjacent land.
- a. A five foot (5') sidewalk shall be constructed along the Property's frontage on Libbie Avenue.
 - b. Re-stripe the existing, uninterrupted, on-street parking along the Property's entire Libbie Avenue frontage between Indigo Road and Bethlehem Road, with curb extensions at intersections, maintaining the existing intersection at Leigh Circle as a right-in/right-out and providing a new fourth leg for the Westbourne Drive intersection. The provision of the on-street parking along the entire existing frontage on Libbie Avenue in this manner is in furtherance of the Department of Public Work's plan for on-street parking along the eastern side of Libbie Avenue as shown in Attachment 1 attached hereto (see case file).
40. **Additional Amenity.** After approval of this rezoning request and prior to the issuance of the certificate of occupancy a residential building north of Libbie Lake, an additional amenity shall be substantially completed to provide an additional outdoor activity area within the overall project that will include improvements for child and adult enjoyment. These improvements could include traditional playground equipment, or non-traditional improvements that encourage imaginative and/or creative play, or other types of improvements that foster activity.

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

Sincerely,



John A. Vithoukas
County Manager

pc: Jeffrey P. Geiger
Midtown Land Partners, LLC
LM Office Retail A, LLC
LM Mixed Use 5001, LLC
PQ Retail, LLC
LM Office/Retail North, LLC

Gumenick Properties

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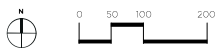
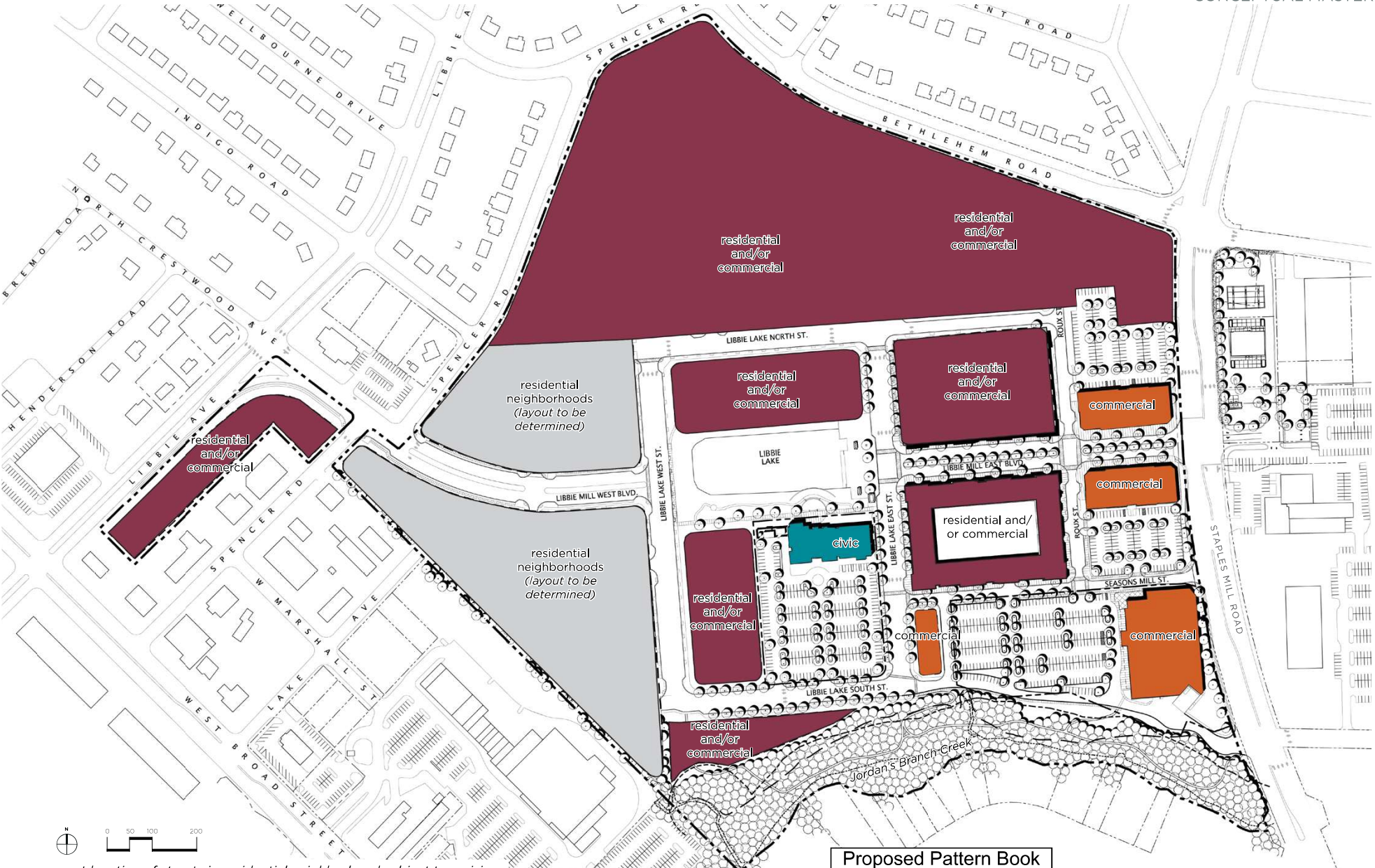
LM Corner Shops, LLC

Libbie Mill-Midtown Master POA, Inc

GGC Associates, LLC

Director, Real Estate Assessment

Mr. Justin Briggs – Schools



exact location of streets in residential neighborhood subject to revision.

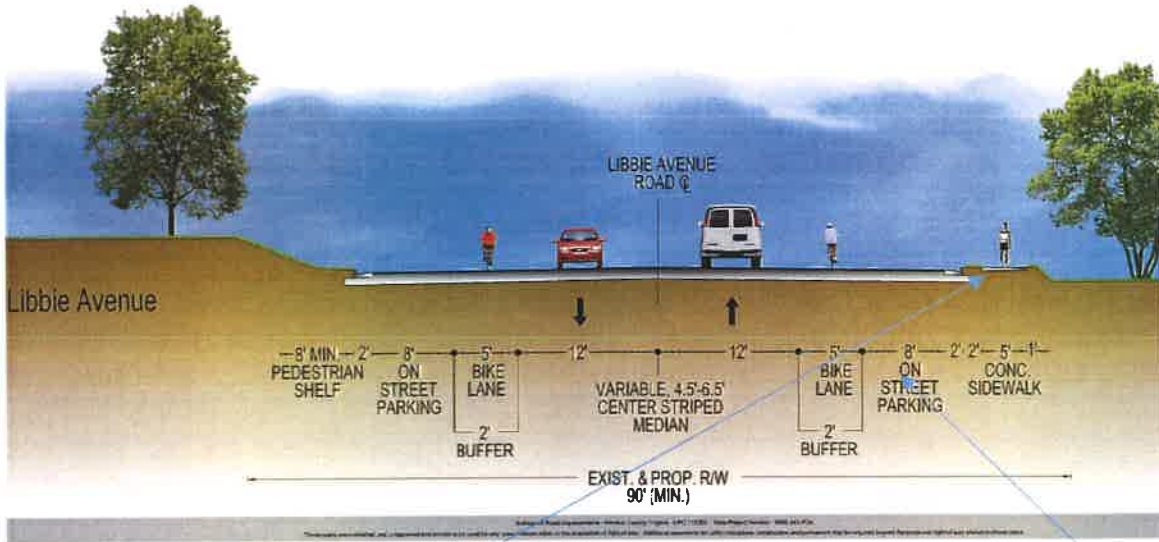
Proposed Pattern Book

REZ2018-00044

120618

ATTACHMENT 1

80' (MIN)



Location of applicant provided sidewalk.

On-street parking to be stripped by applicant without taper, deceleration and channel lanes.

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