

R-3 to UMUC  
2.247 Ac.

SUBJECT PROPERTY

NOT INCLUDED

NOT INCLUDED

**REZ2022-00012**  
**Zoning**  
 Rezone and Amend Proffered Conditions  
 (REZ2015-00018 & REZ2018-00044 and REZ2021-00042)  
 Brookland District  
 500  
 PS January 2022 Ref: 773-740-5043



John A. Vithoukas  
County Manager

May 17, 2022

Gumenick Properties:  
4901 Libbie Mill East Blvd, Suite 200  
Richmond, VA 23230

Re: Rezoning Case REZ2022-00012

Dear Sirs:

The Board of Supervisors at its meeting on May 10, 2022, approved your request to conditionally rezone from R-3 One-Family Residence District to UMU-PD Urban Mixed-Use - Planned Development District Parcels 772-740-3867, -4462, -4982, -5677, -5788, -6095, -6273, -7287, and -7493 containing 2.247 acres located on the north and south lines of Indigo Road and its intersection with Libbie Avenue, described as follows:

Parcel "D":

Commencing at the intersection of the northern line of Indigo Road and the western line of Spencer Road. Thence along the western line of Spencer Road in a northern direction for a distance of 245.98' to a point, being the place and point of beginning (P.O.B. parcel "D"). Thence along the western line of Spencer Road N 20°28'36" E, for a distance of 130.00' to a point. Thence leaving the western line of Spencer Road S 69°31'24" E, for a distance of 60.00' to a point on the eastern line of Spencer Road. Thence along the eastern line of Spencer Road S 20°28'36" W, for a distance of 130.00' to a point. Thence leaving the eastern line of Spencer Road N 69°31'24" W, for a distance of 60.00' to a point on the western line of Spencer Road. Being the place and point of beginning (P.O.B. parcel "D"). Said Parcel "D" contains 0.179 acre.

Parcel "E":

Commencing at the intersection of the northern line of Indigo Road and the eastern line of Libbie Avenue being the place and point of beginning (P.O.B. Parcel "E"). Thence along the eastern line of Libbie Avenue in a northern direction along a curve to the left with a radius of 598.17' with an arc length of 173.35' subtended by a chord of N 28°46'43" E for a distance of 172.75' to a point. Thence N 20°28'36" E, for a distance of 55.68' to a point. Thence leaving the eastern line of Libbie Avenue S 69°31'24" E, for a distance of 150.00' to a point. Thence N 20°28'12" E, for a distance of 31.82' to a point. Thence S 69°31'24" E, for a distance of 150.00' to a point on the western line of Spencer Road. Thence along the western line of Spencer Road S 20°28'36" W, for a distance of 130.00' to a point. Thence leaving the western line of Spencer Road N 69°31'24" W, for a distance of 150.00' to a point. Thence S 20°28'12" W, for a distance of 63.70' to a point. Thence S

61°26'49" E, for a distance of 81.76' to a point. Thence S 37°04'51" W, for a distance of 139.18' to a point on the northern line of Indigo Road. Thence along the northern line of Indigo Road N 52°55'09" W, for a distance of 215.00' to a point. Thence along a curve to the right with a radius of 15.00' with an arc length of 23.56', subtended by a chord of N 7°55'09" W for a distance of 21.21' to a point on the eastern line of Libbie Avenue. Being the place and point of beginning (P.O.B. Parcel "E"). Said Parcel "E" contains 1.619 acres.

Parcel "F":

Commencing at the intersection of the eastern line of Libbie Avenue and the southern line of Indigo Road being the place and point of beginning (P.O.B. Parcel "F"). Thence along the southern line of Indigo Road in a northern direction along a curve to the right with a radius of 15.00' with an arc length of 21.48' subtended by a chord of N 86°03'31" E for a distance of 19.69' to a point. Thence along the southern line of Indigo Road S 52°55'09" E, for a distance of 146.95' to a point. Thence leaving the southern line of Indigo Road S 37°04'51" W for a distance of 139.18' to a point. Thence N 52°55'09" W, for a distance of 182.36' to a point on the eastern line of Libbie Avenue. Thence along the eastern line of Libbie Avenue N 45°02'11" E, for a distance of 148.51' to a point. Being the place and point of beginning (P.O.B. Parcel 11 "F"). Said Parcel "F" contains 0.628 acre.

The Board of Supervisors accepted the following proffered conditions, dated March 24, 2022, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **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") (see case file) with replacement pages 19 and 26 filed herewith, 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.
2. **Storm Water Management Facilities.** Any above-ground wet stormwater management facilities located on the Property shall be designed and utilized as a water feature amenity and/or designed and landscaped to make it an integral part of the development and shall be aerated.
3. **Overall Density.** Including those approved with Case No. REZ2015-00018, as amended by REZ2018-00044 and REZ2021-00042, there shall be no more than 2,123 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. **Road Certification.** Prior to the issuance of the first permanent certificate of occupancy in a given phase of development, the Owner shall provide the Planning Department with certification from a licensed engineering firm that the roadways within that phase of development were constructed according to the approved Plan of Development and in compliance with Henrico County road design standards and specifications, to include proper compaction of the sub-base soils, utility trenches, base stone and asphalt surface but excluding road widths and turning radii.
5. **Pedestrian Access.** A pedestrian access system shall be provided connecting the major project areas of the development.
6. **Restrictive Covenants/Homeowners' Association.** A document shall be recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia setting forth controls on the development and maintenance of such portions of the Property. In addition, there shall be an Owners' Association(s) that shall be responsible for the enforcement of the restrictive covenants, including, but not limited to, maintenance of the common areas and limitations on the parking and storage of boats, RVs, campers and trailers.
7. **Road Improvements.** The improvements outlined in the letter of Monte Lewis, P.E. to Tim Foster, Henrico County Public Works, dated January 3, 2007, shall be made by the developer of the Property as may be required by the Director of Public Works.
8. **Curb and Gutter.** Curb and gutter shall be used on all streets and shall be designed to meet the current County standard for either "roll top" curb and gutter which shall measure not less than three (3) feet from edge of pavement to back of curb, or six (6) inch standard curb and gutter.
9. **Burning on Site.** There shall be no burning of construction debris, materials or vegetation on the Property, except to provide warmth to workmen using drums not exceeding fifty-five (55) gallons.
10. **Satellite Dishes.** Satellite dishes larger than that permitted by Federal law without restriction shall be prohibited on the Property.
11. **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.



12. **Severance.** The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.
13. **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.
14. **Building Height.** Buildings within eighty-five (85) feet of the existing right-of-way of Libbie Avenue shall be limited to eighty-five (85) feet in height.
15. **PD Terms and Conditions.** The Libbie Mill UMU-PD Terms and Conditions submitted with this request shall be the PD Terms and Conditions for the Property pursuant to Section 24-2305 of the Henrico County Zoning Ordinance.

Applicable to apartment (rental development and multifamily (for sale) condominiums

16. **Square Footage.** Studio units shall be a minimum of four hundred fifty (450) square feet of finished floor area in size, one bedroom units shall be a minimum of five hundred (500) square feet of finished floor area in size, two bedroom units shall be a minimum of eight hundred (800) square feet of finished floor area in size, and three bedroom units shall be a minimum of one thousand one hundred (1,100) square feet of finished floor area in size. The number of studio units shall be limited to no more than twenty percent (20%) of all units.
17. **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.
18. **Exterior Materials.** Buildings shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, marble or granite, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block. Soffit and exterior ceiling materials shall be constructed using non-combustible material.
19. **Sound Suppression.** Interior dwelling unit separation walls between units, floor/ceiling assemblies between units, and/or floor/ceiling assemblies between office/commercial and residential units in Buildings shall be designed to have a minimum sound transmission coefficient rating of 54 as evidenced by a cross-sectional detail, reviewed and approved by a certified architect or engineer as to the

approved assembly accomplishing the sound coefficient rating, which shall be included in the building permit application.

Applicable to all townhomes (for sale) and applicable to all stacked townhome-style (for sale) condominiums ("townhomes")

20. **Exterior Materials.** Townhomes shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block. Soffit and exterior ceiling materials shall be constructed using non-combustible material.
21. **Building Height.** Townhomes shall not exceed fifty (50) feet in height as measured consistent with the definition of "building height" as set forth in the Henrico County Zoning Ordinance.
22. **Sound Suppression.** Interior dwelling unit separation walls between units in Townhomes shall be designed to have a minimum sound transmission coefficient rating of 54 as evidenced by a cross-sectional detail, reviewed and approved by a certified architect or engineer as to the approved assembly accomplishing the sound coefficient rating, which shall be included in the building permit application.
23. **Fences.** Any fences greater than forty-two (42) inches in height shall be constructed of vinyl, finished masonry or constructed with a combination of masonry piers and aluminum, metal or cast iron pickets. No wooden stockade-type fences or chain link fences shall be permitted.
24. **Limitation on Development.** Areas labeled "residential neighborhoods" as shown on the Conceptual Master Plan shall only be developed for Townhomes.

Applicable to townhomes (for sale)

25. Townhome Type A.
  - a. **Square Footage.** Units shall be a minimum of one thousand two hundred (1,200) square feet of finished floor area in size.
  - b. **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.

26. Townhome Type B.
- a. **Square Footage.** Units shall be a minimum of one thousand five hundred (1,500) square feet of finished floor area in size.
  - b. **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.
27. Townhome Type C.
- a. **Square Footage.** Units shall be a minimum of one thousand eight hundred (1,800) square feet of finished floor area in size.
  - b. **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.
28. Townhome Type D.
- a. **Square Footage.** Units shall be a minimum of two thousand (2,000) square feet of finished floor area in size.
  - b. **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.

Applicable to stacked townhome-style (for sale) condominiums (Type E)

29. **Square Footage.** Units shall be a minimum of one thousand two hundred (1,200) square feet of finished floor area in size.
30. **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.

Applicable to community building

31. **Amenities.** Prior to the issuance of three hundred (300) certificates of occupancy for owner-occupied residences, a Community Building for use by homeowners shall be provided and include, at a minimum, a business center, meeting space and a swimming pool.
32. **Square Footage.** The Community Building shall have a minimum of three thousand five hundred (3,500) square feet of finished floor area.
33. **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.
34. **Exterior Materials.** The Community Building shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, architectural precast concrete, cementitious or composite-type siding, stone, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block. Soffit and exterior ceiling materials shall be constructed using non-combustible material.

Applicable to commercial/office development

35. **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; funeral homes, mortuaries, crematories and/or undertaking establishments; 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, sanitariums 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.
36. **Architecture.** The 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.
37. **Exterior Materials.** The buildings shall have exposed exterior front, rear and side walls (above finished grade) primarily of brick, glass, split face block, architectural precast concrete, cementitious or composite-type siding, stone, marble or granite, or a combination of the foregoing or other material(s) of similar quality. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block. Soffit and exterior ceiling materials shall be constructed using non-combustible material.
38. **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.
39. **Restaurant Ventilation.** The developer shall install an adequate restaurant ventilating and exhaust system to minimize smoke, odors, and grease vapors. The plans and specifications shall be included with the building permit application for review and approval. If, in the opinion of the County, the type system provided is not effective, the Planning Director retains the rights to review and direct the type of system to be used.

Applicable to area between Spencer Road and Libbie Avenue

40. **Additional Road Improvements.** Unless otherwise approved at the time of Plan of Development, the developer shall restripe and construct the following transportation improvements prior to the 100th certificate of occupancy issued within the Property. 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, with curb extensions at intersections. 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 included with REZ2021-00042.

41. **Additional Amenity.** After approval of REZ2021-00042 and prior to the issuance of the certificate of occupancy for 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. For clarity, this proffered condition repeats the obligation contained in REZ2021-00042 and is not an obligation to create a second amenity.

The Board of Supervisors also approved your request to amend proffers accepted with Rezoning cases REZ2015-00018, REZ2018-00044, and REZ2021-00042 on Parcels 771-740-8005, -9118, 772-739-8575, 772-740-0431, -1137, -1743, -2229, -2836, -4017, -7798, -8502, -8536, 772-741-6201, -6408, -6715, -7023, -7440, -7848, -7905, -8137, -8211, -8357, -8419, -8836, -8968, -9348, -9573, -9839, 773-739-3547, -3784, -9074, 773-740-4815, -5180, -9572, 773-741-0179, -0354, -0565, -0945, -1360, -1654, -2048, 774-739-2373, 774-740-0192, -0448, -0863, -3781, -4456, -4637, -4716, -4802, -5174 and 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 Board of Supervisors accepted the following proffered conditions, dated April 12, 2022, which further regulate the above-described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. Condition 2 of REZ2021-00042 is hereby amended and restated as follows:

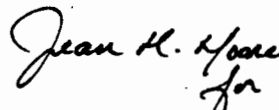
**Pattern Book.** The Property shall be developed in general conformance with the Illustrations and information set forth in the "Libbie Mill - Midtown Pattern Book" dated August 15, 2015 (the "Pattern Book") (see case file) with replacement pages 19 and 26 filed herewith, unless otherwise requested 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.

2. Condition 3 of REZ2021-00042 is hereby amended and restated as follows:

**Overall Density.** Including those approved with Case No. REZ2015-00018, (as amended by REZ2018-00044 and, REZ2021-00042 and this REZ2022-00012), there shall be no more than 2,123 residential units developed on the Property, of which no more than 1,470 may be rental units. For purposes of this condition, the term "developed" includes units actually constructed or shown on an approved plan of development. 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

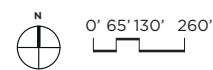
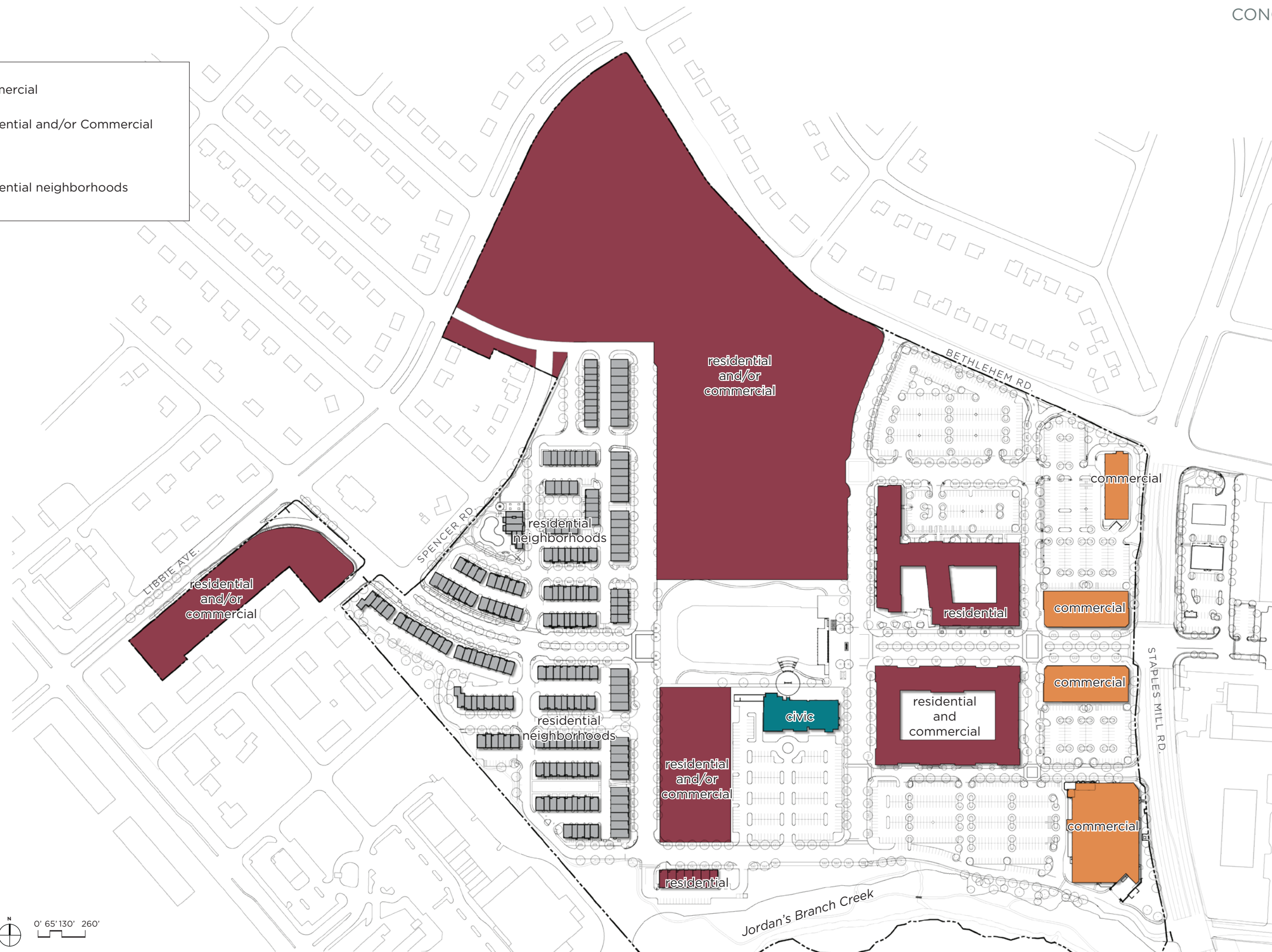
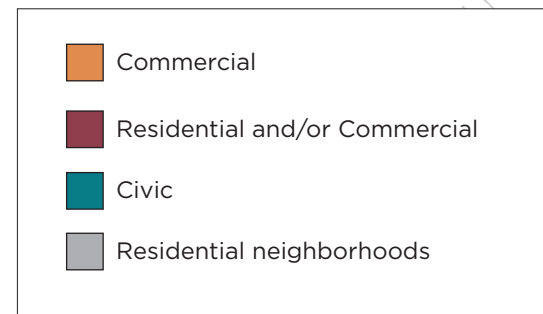
The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,



John A. Vithoukias  
County Manager

pc: Midtown Land Partners, LLC  
LM Office Retail A, LLC  
LM Mixed Use 5001, LLC  
PQ Retail, LLC  
LM Office/Retail North, LLC  
LM Corner Shops, LLC  
Libbie Mill-Midtown Master POA, Inc.  
GGC Associates, LLC  
Jeffrey P. Geiger - Hirschler  
Director, Real Estate Assessment  
Mr. Justin Briggs – Schools



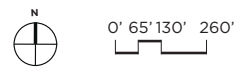
exact location of streets in future development subject to revision.

REZ2021-00042



USE DIAGRAM

- Commercial
  - ① 4900 Libbie Mill East Blvd. (Tanner Row)
  - ② 4901 Libbie Mill East Blvd. (Emmer Row)
  - ③ 4901 Bakers Mill Ln. (Bakers Mill building)
  - ④ 2363 Roux St. (Corner Shops)
  
- Residential and/or Commercial
  - ⑤ 5000 Libbie Mill East Blvd. (The Wellsmith)
  - ⑥ 5001 Libbie Mill East Blvd. (Penstock Quarter)
  - ⑦ Future residential and/or commercial use
  - ⑧ Pad 8 - Future Apartment Building
  
- Civic
  - ⑨ Libbie Mill Library
  
- Residential neighborhoods



## 2022 UMU-PD Terms and Conditions

1. **Development Standards.** The property rezoned to UMU-PD in this case (the “Property”) will be developed in accordance with the development standards and requirements for the UMU Zoning District, as set forth in Article VIII of the prior Henrico County Zoning Ordinance (“UMU Ordinance”) (see Chapter 24 of Henrico County Ordinance in effect on August 30, 2021 (the “Prior Ordinance”), together with the development requirements applicable to the UMU Zoning District in the Prior Ordinance, such as parking lot design, so that the Property is a part of the larger development of the land subject to REZ2015-00018, as amended by REZ2018-00044, as amended by REZ2021-00042, and as further amended by REZ2022-00012 (the “Prior Libbie Mill Zoning Cases”). The intent of this 2022 UMU-PD Terms and Conditions is for the Property to be developed under the same zoning ordinance requirements and development requirements as the land subject to the Prior Libbie Mill Zoning Cases.

In the UMU Ordinance, the requirements could be changed by the issuance of a Provisional Use Permit. The Prior Libbie Mill Zoning Cases were granted a Provisional Use Permit to modify the following sections of the UMU Ordinance subject to conditions set out in the Provision Use Permit (the last one being PUP2021-00015): Sections 24-32.1(a), 24-32.1(i), 24-32.1(n), 24-32.1(s), 24-32.1(w), 24-32.1(z), and 24-32.1(aa). For the Property, the same sections of the UMU Ordinance are hereby modified subject to the conditions below:

2. **Height Limitations.** Height limitations shall be as follows, unless otherwise permitted during the Plan of Development for such building or restricted by proffered condition:
  - Three buildings may be up to a maximum of 175 feet in height; and
  - The remainder of all buildings, other than townhouses or two-over-two stacked condominiums, may be up to a maximum of 100 feet in height.
3. **Floor Area Limitations.** The maximum square footage of any use other than an office building, parking garage, hotel or multi-unit residential use shall not exceed 25,000 square feet in floor area, except that:
  - A fitness center/health club and a food hall may be permitted up to 60,000 square feet of floor area;
  - A theater may be permitted up to 50,000 square feet of floor area;
  - A grocery store and/or gourmet food store shall each be permitted up to 65,000 square feet of floor area; and
  - A public library may be permitted up to 65,000 square feet of floor area.
4. **Vendor Areas.** Areas of the Property may be designated on the Master Plan, as may be revised from time to time, or a Plan of Development, for the preparation of food or beverages or the sale or display of merchandise conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts, vehicles or other spaces which are rented or otherwise made available to such vendors. Such activities may include a market, sale of merchandise as part of a permitted festival or other similar special event, or the outdoor display or sale by a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises. Clearance areas next to outdoor vending areas shall not be



reduced to less than four (4) feet, except to accommodate a permitted festival or other similar special event. Convenience trash receptacles shall be provided for each block that contains an outdoor vending area.

5. **Drive-Through Service.** Drive-through service windows for specialty coffee, specialty beverage or pastry, banks, drug stores, and dry cleaner uses shall be the only drive through services permitted on-site.
6. **Outdoor Dining.** Outdoor dining areas shall be designated on an approved Plan of Development and shall not reduce the adjacent sidewalk width to less than five (5) feet, unless otherwise approved by the Director of Planning.
7. **Emergency Communication Systems.** This condition shall apply to every new building and any subterranean parking or storage area except the following:
  - Above grade single-story buildings of less than 20,000 square feet;
  - Elevators; and
  - Stairwells.

All new buildings shall have approved radio coverage for emergency responders within the building based upon the County's existing public safety communication systems coverage levels at the exterior of the building. This shall not require improvement of the existing public safety communication systems.

Buildings and structures that cannot be constructed to provide the minimum coverage specifications shall be equipped with an amplification system or an active device that complies with the following criteria or any other system approved in writing by the Henrico County Communications Systems Manager.

The owner of any building or structure to which this condition applies shall be responsible for all costs including design, purchase, installation, periodic testing and maintenance associated with the in-building solution.

Buildings and structures which cannot support the required level of radio coverage shall be equipped with a radiating cable system, a distributed antenna system with Federal Communications Commission (FCC)-certified signal boosters, or other system approved by the County of Henrico Communications Systems Manager, in order to achieve the required adequate radio coverage.

Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC shall not be installed without prior coordination and approval of the Henrico County Communications Systems Manager. The in-building solution shall be capable of modification or expansion in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC.

The emergency responder radio coverage system installation and components shall also comply with all applicable federal regulations including, but not limited to, FCC 47 CFR Part 90.219. All

new in-building solutions installed must be registered with the FCC per the public notice DA 14-15 January 7, 2014.

8. **Fire Protection-Structured Parking.** A 3" standpipe for fire protection shall be provided within all structured parking at approximately 200' intervals. The exact location of these improvements will be determined by the Division of Fire during Plan of Development review.
9. **Fire Protection.** All structures, including parking structures, other than open, standalone parking garages, shall be fully sprinkled for fire protection.
10. **Crime Prevention.** Prior to occupancy of any structure containing commercial or office uses, the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security survey of the property. The applicant shall implement mutually agreed upon security recommendations.
12. **Separation Between Townhouse Buildings.** Any two rows of townhouse buildings shall be separated by a distance of not less than five (5) feet.
13. **Parking Plan.** Required parking shall be determined utilizing a combination of the Parking Demand Ratios, the Mixed-Use Ratios and the Modal Split percentages to arrive at the initial parking demand. Season Factor and Time of Day Factors shall be applied to identify the effective peak demand which will generate the total parking requirement for each land bay considered for improvement and submitted for POD and/or Subdivision Review. Capitalized terms used herein are as defined in the Libbie Mill Shared Parking Study dated August 11, 2014, as updated (see Case File), prepared by Walter P. Moore.
14. **Signage Plan.** Signage provided throughout the development shall be consistent with the Libbie Mill Signage Guidelines dated June 2014, or with the UMU Ordinance if the UMU Ordinance is less restrictive at the time of sign permit application, unless otherwise approved by the Director of Planning.
15. **Parking Garages.** Parking garages shall be allowed with no associated ground floor retail uses/useable floor space for residential or nonresidential uses along any façade facing a street. Such parking garages shall be predominately finished with brick, glass, architectural precast concrete, cementitious or composite-type siding, stone, stone veneer, split face block, architectural-grade metal panels, or a combination of the foregoing or other material(s) of similar quality, unless otherwise approved by the Planning Commission through the Plan of Development process. No building shall be covered with or have exposed to view any unadorned or unfinished concrete block or industrial-grade metal, unless otherwise approved by the Planning Commission through the Plan of Development process. Soffit and exterior ceiling materials shall be constructed using non-combustible material, unless otherwise approved by the Planning Commission through the Plan of Development process.
16. **Commercial/Office Square Footage.** Commercial and office square footage shall be allowed to be less than 25 percent of the total building square footage of the UMU district, but in no case less than 10 percent.

17. **Multifamily Residential Percentage.** The number of for-lease multifamily dwelling units shall be allowed to exceed 30 percent of the total dwelling units of the UMU district, but in no case shall exceed 1,470 units.

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