

NOT INCLUDED

SUBJECT PROPERTY

NOT INCLUDED

NOT INCLUDED

UMUC

PUP2018-00016

Zoning

Mixed Use Development

Brookland District

400



PS September 2018 Ref: 773-740-5043



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

John A. Vithoukas  
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: Provisional Use Permit PUP2018-00016

Dear Sir:

The Board of Supervisors at its meeting on January 22, 2019, approved your request for a Provisional Use Permit under Sections 24-32.1(a, i, n, s, w, z, aa), and 24-122.1 of Chapter 24 of the County Code to amend conditions of PUP2015-00006 for the mixed-use development on Parcels 771-740-8005, -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, -4802, and -5174 located on the east line of Libbie Avenue approximately 185' north of W. Broad Street (U. S. Route 250) to 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), subject to the following conditions:

1. **Height Limitations.** Height limitations shall be as follows, unless otherwise permitted during the Plan of Development for such building or restricted by proffered condition:
  - One building may be up to a maximum of 250 feet in height;
  - Two 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.
  
2. **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.

3. **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.
4. **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.
5. **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.
6. **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.

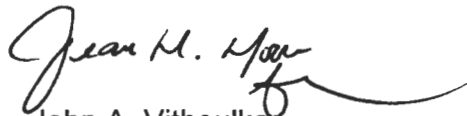
The emergency responder radio coverage system installation and components shall also comply with all applicable federal regulations including, but not limited to, FCC 47 CFR Part 90.219. All new in-building solutions installed must be registered with the FCC per the public notice DA 14-15 January 7, 2014.

7. **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.
8. **Fire Protection.** All structures, including parking structures, other than open, standalone parking garages, shall be fully sprinkled for fire protection.
9. **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.
10. **Proffered Conditions.** All proffered conditions accepted with case REZ2018-00044 shall be made a part of this Provisional Use Permit.
11. **Separation Between Townhouse Buildings.** Any two rows of townhouse buildings shall be separated by a distance of not less than five (5) feet.
12. **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.
13. **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.

14. **Parking Garages.** Parking garages shall be allowed with no associated ground floor retail uses/useable floor space for residential or nonresidential uses along any facade 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.
15. **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.
16. **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 1,096 units.

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

Sincerely,



John A. Vithoukas  
County Manager

pc: James W. Theobald, Esquire  
Director, Real Estate Assessment  
Police, Special Services