



C-34C-06

Zoning

Therapeutic Massage & Wellness Center

Tuckahoe District

400

Feet



PS May 2006

Ref: 752-744-2461



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

August 29, 2006

Disco Sports, Inc.
8813 Three Chopt Road
Richmond, VA 23229

Re: Conditional Rezoning Case C-34C-06

Dear Sir:

The Board of Supervisors at its meeting on August 22, 2006, granted your request to conditionally rezone from R-6C General Residence District (Conditional) to B-2C Business District (Conditional), part of Parcel 752-744-2461, described as follows:

All that certain piece or parcels of land, together with the improvements thereon, lying and being situated in Tuckahoe District, Henrico County, Virginia, containing 0.403 acres, designated as Parcel 2 on a plat made by J. K. Timmons & Associates, Inc., Engineers - Surveyors - Planners, dated October 7, 1981, entitled "Plat Showing 0.403 Acres of Land Lying West of Starling Drive in the Tuckahoe District of Henrico County, Virginia", a print of which plat is attached hereto (see case file) as a part hereof, to which plat reference is hereby made for a more particular description of the property, and more particularly described as follows.

Beginning at a 3/4" iron rod found on the northerly property line, said rod lying approximately 232.03' W of the Westerly Right-of-Way of Starling Drive; from said point of beginning, run S 18°3'40" W, for 185.88', to a nail set; thence run westerly along the arc of a nontangential curve to the left of radius of 246.00' for 4.15' to a P.K. nail found; thence run N 14°06'01" W, for 25.95' to a point; thence run N 71°29'35" W, for 34.00' to a P.K. nail set; thence run S 18°30'25" W, for 16.88' to a P.K. nail set; thence run N 71°29'35" W, for 57.06' to a P.K. nail found; thence run N 18°30'25" E, for 135.00' to a point; thence run S 79°21'25" E, for 25.00' to a P.K. nail found; thence run N 10°38'35" E, for 33.00' to a 1/2" rod found; thence run S 79°21'25" E, for 87.68' to the point of beginning.

The Board of Supervisors accepted the following proffered conditions, dated July 18, 2006, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

- 1) **Use Restrictions:** The Property shall not be used for the establishment thereon of:
 - a) Businesses employing or subcontracting massage therapists without certifications granted by the Commonwealth of Virginia Board of Nursing
 - b) Funeral home, crematorium, mortuary, and/or undertaking establishment
 - c) Child care centers, baby sitting services, and adult day care services
 - d) Bank with drive-thru service
 - e) Restaurant with drive-thru service
 - f) Private club, lodge, meeting hall or fraternal organization
 - g) Automotive filling station, service station, towing business or washing facility
 - h) Establishments whose primary business is check cashing and/or the making of payday loans as defined by Sections 6.1-432 et seq. and 6.1-444 et seq. of the Code of Virginia (1950), in effect as of the date of the approval of these proffers (the foregoing shall not preclude banks, savings and loans, or similar financial institutions that are not regulated by the foregoing Virginia Code sections)
 - i) Drapery making and furniture upholstering shop
 - j) Gun shop, sales, and repair
 - k) Hotels, motels, and motor lodges
 - l) Communication tower
 - m) Radio and television stations and studios or recording studios
 - n) Public dancehall
 - o) Permanent on-site recycling collection facility
 - p) Self-storage facility
 - q) Off-track betting parlor
 - r) Sewer/water pump station
 - s) Billboards
 - t) Truck stops
 - u) Parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use)
 - v) Recreation facility, indoor, including theaters, bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis, model racing tracks, electronic video game rooms, bingo halls, archery ranges, rifle, or pistol range, and similar activities
 - w) Any adult businesses as defined by Henrico County Code
 - x) Indoor or outdoor auctions or flea markets

- 2) **Architectural Treatment:** Building elevations and a list of quality external building materials shall be submitted to and approved by the Planning Commission during Plan of Development review.

3. **Signage:** Signage shall be consistent with the applicable Henrico County Ordinances. No internally lit signs, inflatable attention getting devices, or any sign intended to attract attention by sound or by movement of any part of the sign shall be permitted.
4. **Hours of Operation:** The hours of operation shall only be 7:00 a.m. - 9:00 p.m seven days a week.
5. **Screening:** Trash receptacles, HVAC, and dumpsters shall be screened from public view using quality building materials consistent with the external materials of the building to be constructed on the property or as approved by the Planning Commission during the Plan of Development.
6. **Hours of Lot Maintenance and Trash Removal:** Lot maintenance and trash removal shall be scheduled to ensure that the property shall always be maintained in a clean and acceptable manner. Trash removal, maintenance, and cleaning shall not be scheduled before 8:00 a.m. or later than 6:00 p.m. Monday through Saturday, and shall not occur on Sundays.
7. **Landscaping and Lighting:** A landscaping and lighting plan shall be submitted to and approved by the Planning Commission during Plan of Development. All lighting shall be produced from concealed sources of lights. Parking lot lighting shall not exceed twenty (20) feet in height, shall be of low intensity, shall be positioned in such a manner as to minimize the impact of such light on adjacent residential areas, and shall be reduced to a minimum level necessary for security purposes following the close of business conducted on the property.
8. **Access and Parking:** Access to the Property from Starling Drive shall continue over, along, across, and through the private road along the southern line of the property pursuant to the cross access agreement recorded in deed book 1841 page 1827. A shared parking agreement between the Property and existing B-2C portion currently of the same tax parcel shall be provided. By the agreement titled "Disco Sports/ Wellness Village at Starling Shared Parking Agreement," dated July 7, 2006, (see case file) sufficient parking shall be provided for each business on the subject parcel as required by Henrico County Code.
9. **Underground Utility Lines:** All utility lines on the Property shall be underground except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company.

The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Disco Sports, Inc.
August 29, 2006
Page 4

Sincerely,


Virgil R. Hazelett, P.E.
County Manager

pc: Mr. Michael Haurand
Sliding Home, L.L.C
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal, Director, Research and Planning