

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**R-42-08(R)**

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 8<sup>th</sup> day of December, 2008:

Present:	Vote:
D. M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

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Motion was made by Mr. Sparks, which carried 5:0, to adopt the following resolution:

**A RESOLUTION TO APPROVE A  
CONDITIONAL USE PERMIT APPLICATION  
CUP-02-08 AUTHORIZING THE  
OPERATION OF A TRUCKSTOP,  
KNOWN AS THE PILOT TRAVEL CENTER,  
IN THE M-1 ZONING DISTRICT**

WHEREAS, Pilot Travel Center, LLC has submitted an "Application for Conditional Use Permit" dated 26 September 2008; and

WHEREAS, said application requests a conditional use permit to operate a truck stop in the location of an existing convenience store known as the Pilot Travel Center, located on property identified on the New Kent County digital map as GPIN# I12-2338-5377; and

WHEREAS, the operation of a truck stop at that location does not conform to the County's Comprehensive Land Use Plan, Vision 2020; and

WHEREAS, Pilot Travel Center, LLC has represented that it desires to relocate its operations within New Kent County to a site that does conform to the County's Comprehensive Land Use Plan, Vision 2020; and

WHEREAS, New Kent County wishes to facilitate the continued operation of a valuable business partner during the transition to a new location that conforms to the Comprehensive Land Use Plan, Vision 2020; and

WHEREAS, Pilot Travel Center, LLC wishes to operate shower facilities for use by over-the-road truck drivers at its facility; and

WHEREAS, New Kent County wishes to offer public water and sewer services to Pilot Travel Center, LLC; and

WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing, carefully considering the public comment received; and

WHEREAS, the Planning Commission voted 7:2:1 to forward the subject application to the New Kent County Board of Supervisors ("the Board of Supervisors") with a favorable recommendation; and

WHEREAS, this application has been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, in order to assure compliance with §15.2-2286.A.7 of the Code of Virginia, it is stated by the Board of Supervisors that the public purpose for this Resolution is to further public necessity, convenience, general welfare and good zoning practices in the County of New Kent and that its approval will further these public purposes; and

NOW THEREFORE BE IT RESOLVED this, the 8<sup>th</sup> day of December 2008, by the New Kent County Board of Supervisors that application CUP-02-08 be, and it hereby is approved, subject to the following conditions:

1. Transportation. The property owner shall extend the left turn lane at least 200 feet to accommodate the existing tractor-trailer traffic. If deemed acceptable by the Virginia Department of Transportation, a shorter distance may suffice.

2. Use limitations. The property identified as GPIN I12-2338-5377 on the New Kent County Digital Map, which is the site of the existing Pilot Travel Center shall only include the following uses:

- a. Fueling facilities for automobiles
- b. Fueling facilities for trucks
- c. Convenience store
- d. Fast food restaurant

e. Shower facilities that do not exceed three (3) shower stalls, of which at least one shall be compliant with the Americans with Disabilities Act building regulations. There shall be no on-site or off-site advertising signage of these facilities, although on-site direction signs, (i.e., "Showers this way.") are permitted.

f. Game Room/Arcade that does not exceed one tenth of the total floor area.

g. Truck Scales

3. Prohibited uses. The following uses shall be prohibited on the property identified as GPIN I12-2338-5377, which is the site of the existing Pilot Travel Center:

a. Truck service facilities (Oil changing, tire changing, cleaning, repair, and maintenance), this does not include emergency onsite repair.

b. Massage parlors

c. Tattoo parlors

d. Adult businesses

e. Businesses whose principal purpose is the cashing of checks

f. Pay day loan businesses

g. Auto body and painting

4. Subdivision. Future subdivision, or resubdivision, of the parcel shall not alter the use prohibitions. All other uses permitted as matter of right or by use permit shall be permitted in the manner specified by the Zoning Ordinance as it may be amended from time to time.

5. Public Utilities. When the New Kent County Director of Public Utilities determines that public water service is available south of Interstate Highway 64 (I-64) at the Talleyville exit, mile marker 211, the owner must connect the property identified as GPIN I12-2338-5377, which is the site of the existing Pilot Travel Center, to public water service within ninety (90) days. Once this facility is connected to public water, the existing well is to be abandoned in accordance with the requirements of the State Health Department. The use of irrigation meters is prohibited.

6. Parking.

a. All parking on the site shall be in designated, defined, and marked spaces.

b. The subject property shall contain no more than 30 parking spaces designated for tractor-trailers and large commercial vehicles.

c. No vehicle parking shall be permitted to occur along or parallel to the entrance road/driveway.

d. No vehicle parking shall be permitted to occur on adjacent public right-of-ways.

e. All parking shall be associated with uses constructed on the property. There shall be no remote parking area established for use in conjunction with this property.

7. Buffer. The property owner shall install and maintain buffer that provides the equivalent screening of a Type B Buffer Screen as defined in §98-1062 (c) of the Zoning Ordinance.

8. Mechanical equipment. Mechanical equipment shall be screened from public view at ground level. Screening material will be a minimum of six (6) inches higher than the mechanical equipment.

9. Outdoor Storage. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways.

10. Safety and Security. Within 90 days of the approval of this use permit, the property owner shall develop a security plan and submit that plan for review by the New Kent County Sheriff's Office and Fire and Rescue Department for approval, which shall not be withheld unreasonably. Such plan shall fully address the physical and operational methods to be utilized to ensure the safety and security of the patrons of the site and the adjoining properties as well as the prevention of illegal and illicit activities from occurring on the site and adjoining properties. That plan may include, among other components, the hiring of a private security guard or special police, as that term is used in § 19.2-13 of the Virginia Code, as amended. The site may not operate as a truck stop without an approved safety and security plan and said plan shall be updated and re-approved by the Sheriff's Office at least annually. The property owner shall conduct a traffic study of both the traffic patterns on State Route 106 and on the parcel and submit that study for review by New Kent County and the Virginia Department of Transportation. The property owner and New Kent County will confer and will implement those recommendations of the study that are mutually determined by Pilot and New Kent County to be economically feasible within the duration of this conditional use permit. This traffic study will be conducted by a traffic engineer and shall be completed within six months. A plan to implement the agreed upon recommendations will be completed within 90 days after Pilot and New Kent County agree on the specific recommendations.

11. Signage. The property owner shall submit a signage and pavement marking plan to the New Kent Community Development Department within two (2) months from the date of approval. All site improvements must be completed within three (3) months of the date of approval of the signage plan. The signage plan shall address parking and loitering on the property, as well as ensuring that all fire lanes are kept clear at all times. Signage and pavement markings shall be maintained continuously and replaced or refreshed as needed.

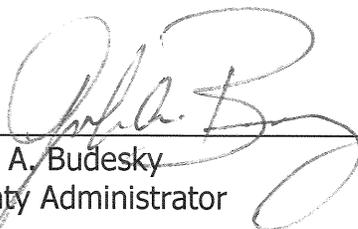
12. Scales. The property owner shall use its best efforts to require the company operating the truck scale to install equipment at the scales that accepts

payment, issues weight tickets, and provides receipts in order to minimize the need for trucks to sit unattended and idling, when such technology is commercially available.

13. Turning Radii. Subject to approval by the Virginia Department of Transportation, the property owner shall reconstruct the turning radii at the entrances to the site to provide radii of sufficient length to permit the largest design vehicles using the site to enter and exit the property without encroaching on any travel lane of Route 106 or on the site other than the lane into which the vehicle is turning (e.g.: prevent the need to take "wide turns").

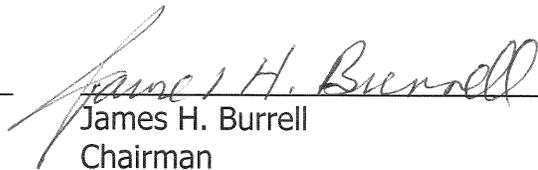
14. Expansion of Facility and Use. No expansion of this use or enterprise beyond the boundaries of the subject parcel as it exists on the date of approval of the permit shall be permitted.

15. This Conditional Use Permit shall expire on the sixth anniversary of its issuance.



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John A. Budesky  
County Administrator



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James H. Burrell  
Chairman