

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

**R-35-14 (R1)**

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 29<sup>th</sup> day of October, 2014:

<u>Supervisor:</u>	<u>Vote:</u>
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W.R. Davis, Jr.	Nay
Thomas W. Evelyn	Aye

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Motion was made by Mr. Stiers, which carried 4:1, to adopt the following resolution:

**A RESOLUTION TO APPROVE CONDITIONAL USE PERMIT  
APPLICATION CUP-01-14, PILOT TRAVEL CENTERS LLC,  
TO ALLOW THE CONTINUATION OF THE EXISTING  
OPERATION LOCATED AT 6721 EMMAUS CHURCH ROAD  
(TAX MAP & PARCEL 31-72 AND GPIN #I12-2338-5377)**

WHEREAS, Pilot Travel Centers LLC (property owner) and Jack Wilson (agent) have submitted a "Conditional Use Permit Application" dated July 16, 2014; and

WHEREAS, said application requests a conditional use permit to continue the existing use of a travel plaza/truck stop (as defined by the New Kent County Zoning Ordinance) at 6721 Emmaus Church Road, a parcel identified on the New Kent County digital map as GPIN #I12-2338-5377 (Tax Map and parcel 31-72); and

WHEREAS, said application was considered by the New Kent County Planning Commission (the "Planning Commission") in accordance with applicable procedures at a formal and duly advertised public hearing on September 15, 2014, where they carefully considered the public comment received and voted 8:0:1 to forward a recommendation of approval to the Board of Supervisors; and

WHEREAS, within the timeframes established by the Code of Virginia and New Kent County Code, the Board of Supervisors scheduled and conducted a formal and duly advertised

public hearing on October 14, 2014, and carefully considered the comments received, the application and conditions; and

WHEREAS, the Board of Supervisors has evaluated the application based on the current zoning of the parcel, which is Economic Opportunity, the Conditional Use Permit and other County Ordinances, and the proposed conditions in the staff memo; and

WHEREAS, with regard to this application the Board of Supervisors finds that the existing Pilot Travel Plaza is a use that was brought into conformance with County Ordinances by obtaining a Conditional Use Permit (R-42-08(R)) that expires at the end of 2014; and

WHEREAS, with regard to this application the Board of Supervisors finds that a modification by the zoning administrator was granted pursuant to New Kent County Code Section 98-870 for this specific use after the approval of R-42-08(R); and

WHEREAS, the Board of Supervisors finds that adding conditions to this use is appropriate to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health safety, and general welfare of the citizens in the County; and

NOW THEREFORE, BE IT RESOLVED that on this, the 29<sup>th</sup> day of October, 2014, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-01-14 submitted by Pilot Travel Centers LLC (property owner), and Jack Wilson (agent), be, and it hereby is, approved, subject to the following conditions:

1. Use limitations. The property identified as GPIN I12-2338-5377 on the New Kent County Digital Map (Tax Map & Parcel number 31-72), 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 (tractor-trailers)
  - c. Convenience store
  - d. Fast food restaurant
  - e. Shower facilities that do not exceed four (4) 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 (tractor-trailer) scales
  
2. Prohibited Uses. The following uses shall be prohibited on the property identified as GPIN I12-2338-5377 (Tax Map & Parcel number 31-72), 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
3. Subdivision. Future subdivision or resubdivision of the parcel shall not alter the use prohibitions. All other uses permitted as a 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.
  4. Parking.
    - a. All parking on the site shall be in designated, defined, and marked spaces.
    - b. No vehicle parking shall be permitted to occur along or parallel to the entrance road/driveway.
    - c. No vehicle parking shall be permitted to occur on adjacent public right-of-ways.
    - d. A site plan showing an increase of parking spaces shall be submitted to the County within 6 months of this Conditional Use Permit being approved.
    - e. After one year of implementation of the increased parking, the Community Development Director shall review the Pilot site for functionality and determine whether or not a traffic circulation study of the site should occur with the recommended changes to be implemented.
    - f. Should an additional "Truck Stop" or "Travel Center" be constructed and opened on highway 106 with two miles, the Community Development Director shall review the area and determine whether or not a traffic impact analysis study should be completed. This should occur one year after the certificate of occupancy for this operation is approved and if changes are recommended in the study Pilot shall implement the recommended changes.
  5. Buffer. The property owner shall reinstall and maintain buffer that provides the equivalent screening of a Type B Buffer Screen as defined in Section 98-1062 (c) of the Zoning Ordinance.
  6. 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.
  7. Outdoor Storage. Outdoor storage areas, including dumpster sites, shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways.
  8. Safety and Security. Within 90 days of the approval of this use permit, the property owner shall develop an updated 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.

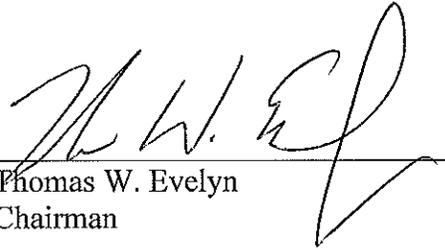
- a. A contact person at the Pilot on the site shall be designated and their contact information given to County staff and the Sheriff's Office. This contact person shall be responsible and responsive to the daily safety and security issues on the site.
  - b. As part of the security plan, the property owner shall work with the Sheriff's Office to share information and directives/training that staff at the Pilot is given regarding how to handle an armed robbery, shoplifting, assaults, etc. The plan shall also discuss how to obtain suspect descriptions, vehicle descriptions, mode of travel, direction of travel, witness information, etc.
  - c. As part of the security plan, a protocol for gas drive-offs and accidents that occur in the parking lot shall be developed.
9. Signage and pavement markings shall be maintained continuously and replaced or refreshed as needed.
- a. Where required by the Fire Code Official, approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
  - b. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in the VA Statewide Fire Prevention Code shall be maintained at all times.
  - c. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with the VA Statewide Fire Prevention Code, and an unobstructed vertical clearance of not less than 13 feet 6 inches.
10. Monitoring of Site. Staff (or the contact person as identified in accordance with Condition 8) will routinely walk around the interior and exterior of the entire site to identify missing signage, lighting issues, traffic issues, parking issues, and ensure cleanliness of the site, as well as be responsive to the Sheriff's Office requests.
11. 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.
12. Within 30 days of the approval of this use permit, the property owner/applicant shall submit a written request to the Zoning Administrator to evaluate the applicability of Performance Standards in Section 98-874 (d) of the New Kent County Code.

13. This Conditional Use Permit shall expire on the 10<sup>th</sup> anniversary of date of approval by the Board of Supervisors.



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Rodney A. Hathaway  
County Administrator



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Thomas W. Evelyn  
Chairman