New Kent
COUNTY · VIRGINIA
COMMUNITY DEVELOPMENT

NEW KENT COUNTY
PLANNING COMMISSION -- REGULAR MEETING
NOVEMBER 16, 2015, AT 6:30 PM
COUNTY ADMINISTRATION BUILDING BOARDROOM
AGENDA

ITEM	DESCRIPTION

1. CALL TO ORDER

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

   OCTOBER 19, 2015

5. CITIZEN COMMENT PERIOD

   COMMENTS ARE LIMITED TO THOSE ON PLANNING RELATED ISSUES THAT ARE NOT SCHEDULED FOR A PUBLIC HEARING LATER ON THE AGENDA. PLEASE SIGN UP ON THE SHEET AT THE BACK OF THE ROOM PRIOR TO THE START OF THE MEETING.

6. PRESENTATION

7. UNFINISHED BUSINESS

8. PUBLIC HEARING

   7:00 PM OR AS SOON THEREAFTER AS POSSIBLE. SPEAKERS ARE LIMITED TO THREE MINUTES EACH AND SHOULD COME TO THE PODIUM AND STATE THEIR NAME AND ADDRESS.

   A. **APPLICATION CUP-02-15, LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC.:** LOVE'S TRAVEL STOPS AND COUNTY STORES, INC. HAS APPLIED FOR A CONDITIONAL USE PERMIT TO DEVELOP A TRAVEL CENTER ON EMMAUS CHURCH ROAD, SOUTH OF INTERSTATE 64. THE REQUEST COVERS APPROXIMATELY 18 ACRES OF A LARGER PARCEL (74.1 ACRES), WHICH IS IDENTIFIED AS TAX MAP & PARCEL NUMBER 21-88 (GPIN #J12-1740-0776).

9. NEW BUSINESS

10. CHAIRMAN'S REPORT

11. RRPDC REPORT

12. COMMISSIONER'S REPORTS

13. STAFF REPORTS

14. MEETING SCHEDULE

    A. THE PLANNING COMMISSION'S NEXT REGULAR MEETING IS SCHEDULED FOR MONDAY, DECEMBER 21, 2015 AT 6:30 PM IN THE BOARDROOM

15. ADJOURNMENT

New Kent
COUNTY · VIRGINIA
COMMUNITY DEVELOPMENT

NEW KENT COUNTY
PLANNING COMMISSION - REGULAR MEETING
MONDAY, OCTOBER 19, 2015, AT 6:30 PM
COUNTY ADMINISTRATION BUILDING BOARD ROOM
MINUTES

THE REGULAR MEETING OF THE NEW KENT COUNTY PLANNING COMMISSION WAS HELD ON THE 19TH DAY OF OCTOBER IN THE YEAR TWO THOUSAND FIFTEEN IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:30 PM.

IN RE: CALL TO ORDER

Chairwoman Townsend called the meeting to order at 6:32 pm.

IN RE: MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Chairwoman Townsend led the Moment of Silence and Pledge of Allegiance.

IN RE: ROLL CALL

Attendance:

Ms. Katherine Butler	Present
Mr. Jack Chalmers	Present
Mr. Richard Kontny	Present
Mrs. Charna Moss-Gregory	Present
Mr. John Moyer	Present
Mr. Edward Pollard	Present
Ms. Laura Rose	Absent
Dr. Joanne Schmit	Present
Mr. Clarence "Tommy" Tiller	Present
Mrs. Joyce Williams	Present
Mrs. Patricia Townsend	Present

Chairwoman Townsend established that there was a quorum.

Also Attending:

Mr. Jeff Gore, County Attorney
Mr. Rodney Hathaway, County Administrator
Mr. Matthew Smolnik, Director of Community Development
Ms. Kelli L. Z. Le Duc, Planning Manager
Ms. Sheri Wood, Recording Secretary

IN RE: APPROVAL OF MINUTES

A. September 21, 2015 – Regular Planning Commission Meeting Minutes

A motion was made by Mr. Chalmers to approve the minutes as presented.

The members were polled:

Ms. Katherine Butler	Aye
Mr. Jack Chalmers	Aye
Mr. Richard Kontny	Abstained, not present last month
Mrs. Charna Moss-Gregory	Aye
Mr. John Moyer	Aye
Mr. Edward Pollard	Aye
Ms. Laura Rose	Absent
Dr. Joanne Schmit	Aye
Mr. Clarence "Tommy" Tiller	Aye
Mrs. Joyce Williams	Aye
Mrs. Patricia Townsend	Aye

The motion carried with a 9:0:1 roll call vote.

IN RE: CITIZEN COMMENT PERIOD

Comments are limited to those on planning related issues that are not scheduled for public hearings later on the agenda. The comment sign-up sheet is located at the back of the room and citizens are required to sign up prior to the start of the meeting.

None

IN RE: PRESENTATIONS

Love's Travel Stop and Country Store personnel presented their Power Point Presentation to the Planning Commissioners and handed out a printed copy as well. Those present were William Gleason, Jeremy Reese, John Riley and John J. Swartz. Ms. Le Duc informed the Planning Commissioners that the Board of Supervisors would also hear this presentation in November and the Love's application would be presented to the Planning Commissioners in December.

Chairwoman Townsend thanks Love's for their presentation.

IN RE: UNFINISHED BUSINESS

None

IN RE: PUBLIC HEARINGS

Chairwoman Townsend opened the public hearing for ZM-02-15 at 7:45 PM and asked Ms. Butler to review the proceedings.

Ms. Butler reviewed the public hearing procedure stating speakers are limited to three minutes each and should come to the podium and state their name and address. When the timer sounds please conclude with your closing remarks.

A. APPLICATION ZM-02-15, PHILBATES PROFFER REPEAL REQUEST AND CUP-01-15 PHILBATES/NEW KENT COUNTY FIRE & RESCUE, REQUEST THAT THE FOUR PROFFERS ASSOCIATED WITH TAX PARCEL 26-87F BE REPEALED.

Planning Manager Kelli Le Duc stated this was a follow up and reminded the Commissioners these proffers are associated with rezoning request ZM-06-09 and restrict uses on the property. These proffers are no longer applicable to the property and its proposed use as a public safety training/vehicle extrication facility.
After reviewing her staff memo she stated that staff recommended approval of both CUP-01-15 and ZM-02-15.

Mrs. Philbates reminded Commissioners about the tax payer savings and reiterated how the vehicles would be put away after the exercises.

Chief Opett of New Kent County Fire & Rescue stated he had nothing further to add from last months' comments but he supported the efforts and both applications.

The Public Hearing was opened and closed by Ms. Butler since there was no one signed up to speak.

Chairwoman Townsend asked if the Commissioners had any other questions or discussion.

Mr. Kontny asked how long the Conditional Use Permit would last and Ms. Le Duc indicated it would be for thirty (30) years. It would stay in effect until they came forth to amend it.

Ms. Butler made a motion to adopt PC-21-15 to send applications CUP-01-15 and ZM-02-15 with a favorable recommendation to the Board of Supervisors.

The members were polled:

Ms. Butler	Aye
Mr. Chalmers	Aye
Mr. Kontny	Aye
Mrs. Moss-Gregory	Aye
Mr. Moyer	Aye
Mr. Pollard	Aye
Ms. Rose	Absent
Dr. Schmit	Aye
Mr. Tiller	Abstain
Mrs. Williams	Aye
Mrs. Townsend	Aye

The motion carried with a 9:0:1 roll call vote.

IN RE: CHAIRWOMAN'S REPORT

Chairwoman Townsend gave no report but asked that the boardroom clock be repaired. The recording secretary so noted.

IN RE: RRPDC REPORT

Mr. Pollard said the RRPDC had a great presentation and talked about Charles City and New Kent County's community broad band service. With broad band being expanded in the area it help many businesses stay in the industrial area at Roxbury and helped to keep the jobs there. Because of a case study other businesses and localities are interested in this as well. It will help expand businesses and bring more jobs to New Kent.

It was also noted that Barhamsville has no access to the New Kent County Cox Cable Channel 48 and wanted to know what could be done. Mr. Chalmers wondered if it could be opened up to satellite access. Mr. Hathaway said there may be some cost associated with that. The state has a grant to do a study of this and is hopeful we could participate in the grant funded study and may also look into portions of route 60 and route 106.

IN RE: COMMISSIONERS REPORTS

Mr. Tiller reminded everyone two weeks from tomorrow is Election Day, please vote.

Mr. Chalmers reminded everyone that Halloween is coming and be very careful. Watch out for children.

IN RE: STAFF REPORTS

Kelli Le Duc was sad to report that Kyle Flanders gave his notice to go back to his roots in Richmond.
He will be greatly missed and hard to replace.

She also noted there are no new applications or hearings for November and thinks Love's will be ready for December 21st meeting. We will also have our holiday fare then. She will discuss with Chairwoman Townsend if the meeting will be canceled or not. Ms. Townsend reminded everyone about daylight savings time change.

IN RE: MEETING SCHEDULE

The Planning Commission's next regular meeting is scheduled for Monday, November 16, 2015 at 6:30PM in the Boardroom.

IN RE: ADJOURNMENT

A motion to adjourn was made by Mr. Pollard and all so moved. Meeting was adjourned at 8:06PM.

Respectfully submitted by: Sheri Wood, Recording Secretary

NEW KENT COUNTY
PLANNING COMMISSION - REGULAR MEETING
MONDAY, SEPTEMBER 21, 2015, AT 6:30 PM
COUNTY ADMINISTRATION BUILDING BOARD ROOM
MINUTES

THE REGULAR MEETING OF THE NEW KENT COUNTY PLANNING COMMISSION WAS HELD ON THE 21ST DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND FIFTEEN IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:30 PM.

IN RE: CALL TO ORDER

Chairwoman Townsend called the meeting to order at 6:30 pm.

IN RE: MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Chairwoman Townsend led the Moment of Silence and Pledge of Allegiance.

IN RE: ROLL CALL

Attendance:

Ms. Katherine Butler	Present
Mr. Jack Chalmers	Present
Mr. Richard Kontny	Absent
Mrs. Charna Moss-Gregory	Present
Mr. John Moyer	Present
Mr. Edward Pollard	Present
Ms. Laura Rose	Absent
Dr. Joanne Schmit	Present
Mr. Clarence "Tommy" Tiller	Present
Mrs. Joyce Williams	Present
Mrs. Patricia Townsend	Present

Chairwoman Townsend established that there was a quorum.

Also Attending:

Mr. Rick Opett, New Kent Fire Chief
Mr. Jeff Gore, County Attorney
Mr. Rodney Hathaway, County Administrator
Mr. Matthew Smolnik, Director of Community Development
Ms. Kelli L. Z. Le Duc, Planning Manager
Ms. Sheri Wood, Recording Secretary

IN RE: APPROVAL OF MINUTES

A. June 15, 2015 – Regular Planning Commission Meeting Minutes

A motion was made by Mr. Chalmers to approve the minutes as presented. Mr. Pollard noted a correction on page 10 from Ms. Gore to Mr. Gore. The recording secretary so noted.

The members were polled:

Ms. Katherine Butler	Aye
Mr. Jack Chalmers	Aye
Mr. Richard Kontny	Absent
Mrs. Charna Moss-Gregory	Aye
Mr. John Moyer	Aye
Mr. Edward Pollard	Aye
Ms. Laura Rose	Absent
Dr. Joanne Schmit	Aye
Mr. Clarence "Tommy" Tiller	Aye
Mrs. Joyce Williams	Aye
Mrs. Patricia Townsend	Aye

The motion carried with a 9:0:0 roll call vote to approve with noted correction.

IN RE: CITIZEN COMMENT PERIOD

Comments are limited to those on planning related issues that are not scheduled for public hearings later on the agenda. The comment sign-up sheet is located at the back of the room and citizens are required to sign up prior to the start of the meeting.

None

IN RE: PRESENTATIONS

None

IN RE: UNFINISHED BUSINESS

None

Chairwoman Townsend called for a brief recess prior to beginning the public hearings.

Chairwoman Townsend called the meeting back to order at 7:00PM.

IN RE: PUBLIC HEARINGS

Ms. Butler reviewed the public hearing procedure stating speakers are limited to three minutes each and

should come to the podium and state their name and address. When the timer sounds please conclude with your closing remarks.

A. **APPLICATION CUP-01-15, PHILBATES/NEW KENT COUNTY FIRE & RESCUE:** REBECCA PHILBATES AND NEW KENT COUNTY FIRE & RESCUE HAVE APPLIED FOR A CONDITIONAL USE PERMIT TO OPERATE A VEHICLE EXTRICATION TRAINING/PUBLIC SAFETY TRAINING FACILITY LOCATED ON NEW KENT HIGHWAY, ACROSS THE STREET FROM PHILBATES AUTO WRECKING AND TOWING (16238 NEW KENT HIGHWAY). THE PROPERTY IS IDENTIFIED AS TAX PARCEL 26-87F (GPIN #J27-1002-0745).

Planning Manager Kelli Le Duc began her staff overview of CUP-01-15 indicating that there is no definition in the code for "vehicle extrication training" therefore a conditional use permit is required for the operation in question.

The property was rezoned from A-1 to business in December of 2009 and four proffers were involved. A repeal of the proffers will be presented to the Planning Commission at the October 19th meeting. Staff will also bring forward a draft resolution to incorporate both the repeal of the proffers and action on CUP-01-15.

The proposed conditions are as follows being guided by Section 98-744 of the New Kent County Zoning Ordinance:

1. Training activities shall occur no more than six (6) times in a calendar quarter.
2. No more than six (6) vehicles shall be permitted per training activity.
3. All vehicles shall be drained of fluids prior to the training activity.
4. Vehicles may be stored on site for no more than forty-eight (48) hours prior to the training activity.
5. Vehicles shall be removed no more than twenty-four (24) hours after the training activity.
6. No training activity shall occur on the property between the hours of 10:00PM and 7:00AM.
7. New Kent Fire & Rescue will be responsible for all clean up including any spills.
8. The Conditional Use Permit will expire on the thirtieth (30th) anniversary of its issuance.

She recommended that the Commission defer action on this as noted above until the October 19th meeting.

Mrs. Philbates addressed the Commissioners by saying how her husband had always served the county and he let them use the wrecked cars. They had donated land for fire station 3 to be built and suggested they have saved tax-payers and the county money. Many citizens have spoken highly of the exercises.

Mr. Opett addressed the Commissioners letting them know vehicle extraction has occurred there in the past but just recently came to his knowledge that this use was not in the county code. This issue was visited before by his predecessors but nothing came to pass on it. These exercises reinforce the class room training his staff receives and offers them a higher proficiency in their skills. They can demonstrate what they have learned in class. Technical training of this nature is valuable to our county as well as surrounding localities they offer mutual aid to.

Chairwoman Townsend asked if they do safety checks to see if the ground on the property has settled.

Mr. Opett said they perform safety checks but not of the ground. It was his guess that the ground there has been settled for ten years now. Heavy rescue vehicles will be present on site and support vehicles will be off to the side.

Dr. Schmit asked to clarify if they were doing this there before without a permit. Mr. Opett explained that they were but now wants a proper permit to cover what was lacking before.

The Public Hearing was opened and closed by Ms. Butler since there was no one signed up to speak.

Chairwoman Townsend asked if the Commissioners had any other questions or discussion.

Mr. Chalmers asked Kelli to review the proffer situation again. Kelli reviewed by saying that the Conditional Use Permit approved for a mini-storage facility has expired, but the proffers associated with that property do not expire. This is why we are presenting the Conditional Use Permit now to allow Fire and Rescue operations instead. Next month the proffer repeal will be presented.

Mr. Pollard asked if Fire & Rescue would clean up the exercise site and Chief Opett confirmed that their department would.

Mr. Chalmers made a motion to defer action on application CUP-01-15 until the October 19th meeting.

The members were polled:

Ms. Butler	Aye
Mr. Chalmers	Aye
Mr. Kontny	Absent
Mrs. Moss-Gregory	Aye
Mr. Moyer	Aye
Mr. Pollard	Aye
Ms. Rose	Absent
Dr. Schmit	Aye
Mr. Tiller	Abstain
Mrs. Williams	Aye
Mrs. Townsend	Aye

The motion carried with an 8:0:1 roll call vote.

B. **APPLICATION CUP-03-15 HORSLEY TREOLO HOLDING/DENNIS' TRUCK & AUTO REPAIR:** HORSLEY TREOLO HOLDINGS & DENNIS GENTRY HAVE APPLIED FOR A CONDITIONAL USE PERMIT TO OPERATE A TRUCK AND TRAILER REPAIR SHOP AT 6570 EMMAUS CHURCH ROAD. THE PROPERTY IS IDENTIFIED AS TAX PARCEL 31-2B (GPIN #I12-0892-3687).

Kelli Le Duc explained there is no definition in the code for truck repair or trailer repair therefore a CUP is required for this operation. There is an existing permitted use for auto repair by Mr. Gentry. The property is currently zoned and planned for the future as Economic Opportunity.

She highlighted her staff memo and explained that the following conditions be considered in accordance with Section 98-744 of the New Kent County Zoning Ordinance:

1. All motor vehicles that are repaired or stored on the property shall be placed behind the privacy fence.
2. The Conditional Use Permit shall expire on the thirtieth (30th) anniversary of its issuance.

Kelli introduced Mr. Gentry to the Planning Commission.

Mr. Gentry of Dennis' Truck & Auto Repair, Inc. accepted questions from the Commissioners.

Mr. Chalmers asked how extensive the repairs were going to be and wanted to know if he was going to be changing engines and transmissions.

Mr. Gentry said the repairs would be minor in nature such as fan belt replacements, lights, tires, brakes and towing services for now.

He has future plans of bringing on State and County vehicle maintenance and that he was currently towing for New Kent County Police. He has taken a TIMS Class and understands the importance of clearing the roads as quickly and safely as possible. He also intends on helping New Kent Fire & Rescue.

Ms. Butler opened the public hearing.

Mr. Fred Shaia of SPF, Investor and Manager of adjacent property, New Kent City Center, came to speak stating that he had concerns the application lacked detail.

He questioned why five (5) acres needed to be included and asked why the minor repairs were not listed in the application. He felt operations could not be properly enforced without such detail.

He mentioned the fence specifications were lacking and that you could see over it from the road because the land slopes down to back of lot from the road. He was worried the property may begin to look like a junk yard.

He pointed out there was no mention of future showers or bathing facilities and questioned whether or not the operation would be required to hook up to public utilities.

Mr. Shaia stated the traffic impact was not discussed and that serious consideration should be given and that an easement be obtained for the widening of Emmaus Church Road. This will occur sometime in the future and having the easement in place now would avoid future conflict.

In his closing statement He said he was concerned that the County may not be able to enforce the conditions of this action without more details.

Mr. Gentry expressed that he took great pride in his operation and never wants the place to look or feel like a junk yard. He will keep everything behind the fence. He has wrecked cars picked up within a week as soon as he gets the titles to have them scrapped elsewhere.

Ms. Butler closed the public hearing with no one else signed up to speak.

Chairwoman Townsend asked the Commissioners if they had questions.
Mr. Pollard commented that the application noted well and septic currently on the property and wanted to know the status of public utility service.

Mr. Smolnik indicated that public utilities stopped at the southern end of Burger King currently and service is not currently available at Dennis'. Dennis' Truck & Auto Repair would have the option to connect in the future if the lines are extended.

Mr. Tiller asked if they would be required to connect and Mr. Smolnik said connection for this corridor is optional not required at this time.

Chairwoman Townsend asked if anyone wanted to address any of Mr. Shaia's concerns.

Mr. Smolnik stated that any future construction/expansion would require a full development and site plan review, that five acres are permitted to be developed per the county standards and that VDOT had no comment on traffic volume at this time. His staff is getting a traffic study for the 106 corridor and future right-of-ways and once received the Board of Supervisors will consider it.

Chairwoman Townsend asked if road work would be done by the State or Individuals or the County.
Mr. Smolnik said Kimley-Horn who is doing the traffic study, would make those recommendations and thought maybe 10 to 15 foot easements, curb and gutter and possible multi-use paths may be suggested but didn't know for sure.

Mr. Chalmers said Mr. Gentry built a car repair business there by right and now he is trying to do the right thing by asking for the conditional use to grow his business with New Kent County. He could do business elsewhere.

Mr. Pollard said we need to plan for the future to open those lanes up more and we should consider the road improvements to take place.

Mr. Smolnik said the structure is set far back on the parcel and way in back of the lot.

Mr. Chalmers thought a decision on the road issues could be made once the Kimley-Horn Study arrived.

Chairwoman Townsend thought this was a much needed service for our citizens and our community.

Mr. Moyer said he could tell by looking at the current business operations that he could see Mr. Gentry trying to do better and help more people.

Chairwoman Townsend said Mr. Moyer's point was well taken.

A motion was made by Mr. Chalmers to adopt Resolution PC-22-15 and send a favorable recommendation to the Board of Supervisors.

The members were polled:

Ms. Butler	Aye
Mr. Chalmers	Aye
Mr. Kontny	Absent
Mrs. Moss-Gregory	Aye
Mr. Moyer	Aye
Mr. Pollard	Aye
Ms. Rose	Absent
Dr. Schmit	Aye
Mr. Tiller	Abstain
Mrs. Williams	Aye
Mrs. Townsend	Aye

The motion carried with an 8:0:1 roll call vote.

IN RE: NEW BUSINESS

None

IN RE: CHAIRWOMAN'S REPORT

Chairwoman Townsend expressed a concern about the parking at the old high school now that the fire lane striping has been done out front. Mr. Smolnik is looking into it and thinks additional parking is in the works now that Rappahannock Community College is there. Chairwoman Townsend thought it would be a good idea to reach out to some of the athletic and school organizations to let them know ahead of time that those fire lanes will be enforced shortly so that people don't get towed away or ticketed. Chairwoman Townsend presented Mr. Smolnik a written list of potentially alternate parking locations for his consideration.

IN RE: RRPDC REPORT

Mr. Pollard explained at the RRPDC there was a presentation by Town of Ashland council woman, Faye Prichard to discuss concerns about people living in hotels/motels within the Town and other localities. Police have been putting people out and local churches have been asked to help find places for people to live that can't afford conventional leases.
The question is how does our county regulate this issue and what are the solutions?
Our welfare department has some statistics on transient housing and we should investigate further.

Chairwoman Townsend recalled a recent house fire family that stayed about 90 days at the Star Motel and thought the hotel management staff handled it well.
Mr. Chalmers thought maybe changes in the eviction process would help.

Ms. Moss-Gregory stated that many can't qualify to rent an apartment due to credit checks even though apartment rent would be cheaper than renting a hotel room.

Both Mr. Pollard and Mrs. Williams have seen children get off school buses at some of our local hotels.

Mr. Pollard wanted everyone to think about what type of housing was taking place in New Kent for these people and for the elderly and that the RRPDC is looking for viable solutions as well.

IN RE: COMMISSIONERS REPORTS

Mr. Moyer will attend the Virginia Certified Planning Commissioner's program and he appreciates the County's support.

Ms. Townsend said he'd get a lot of valuable experience and Mr. Chalmers encouraged all Commissioners to take the class; it is very informative.

IN RE: STAFF REPORTS

Kelli Le Duc reported that Love's will give a presentation at the October meeting.

IN RE: MEETING SCHEDULE

A. The Planning Commission's next regular meeting is scheduled for Monday, October 19, 2015 at 6:30PM in the Boardroom.

IN RE: ADJOURNMENT

The meeting was adjourned at 7:36PM.

Respectfully submitted by: Sheri Wood, Recording Secretary

New Kent
COUNTY · VIRGINIA
A GREAT PLACE TO GROW

MEMORANDUM

DATE: November 16, 2015

TO: New Kent County Planning Commission

SUBJECT: Application Number CUP-02-15, Love's Travel Center

REQUEST

Representatives from Love's Travel Stops and Country Stores, Inc. have applied for a Conditional Use Permit to develop a Travel Center on Emmaus Church Road, south of Interstate 64, at Exit 211. The request covers approximately 18 acres of a larger parcel. The project is proposed to consist of development of an approximate 7,300 square foot convenience store and service center with gasoline pumps providing 22 fueling stations (14 for passenger vehicles and 8 for trucks), development of a 3,150 square foot fast food restaurant with drive through, a 1,500 square foot interior fast food restaurant, and an 8,000 square foot tire service building with 2 pull through bays. Approximately 90 tractor trailer parking spaces are proposed for the site, and the development will be open 24/7/365.

CUP-02-15 Aerial

PUBLIC HEARINGS

Planning Commission:	November 16, 2015, 7:00 p.m., County Boardroom
Board of Supervisors:	Tentatively scheduled for December 14, 2015 7:00 p.m., County Boardroom

GENERAL INFORMATION

Tax Parcel: Portion of 21-88

GPIN: Portion of J12-1740-0776

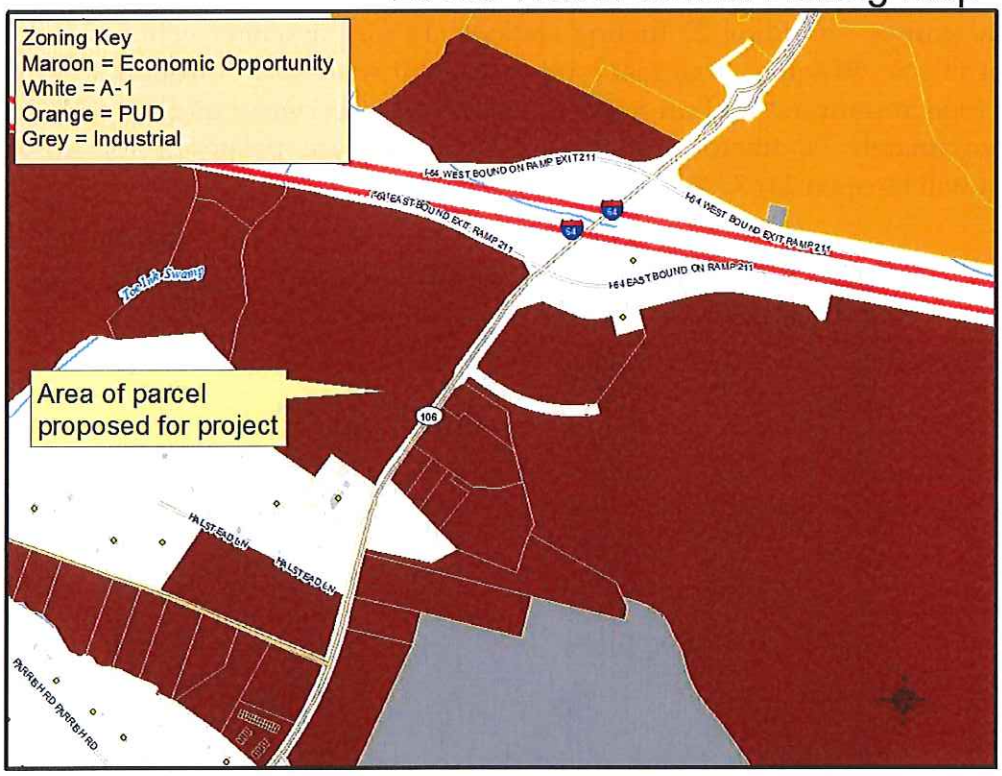
Size: Parcel is 74 acres in size. Proposed area to be used is 18 acres.

Owner: Theater Square LLC

Applicant: Love's Travel Stops and County Stores, Inc.

Zoning: Economic Opportunity. A conditional use permit is required for a "truck stop" in the Economic Opportunity zoning classification.

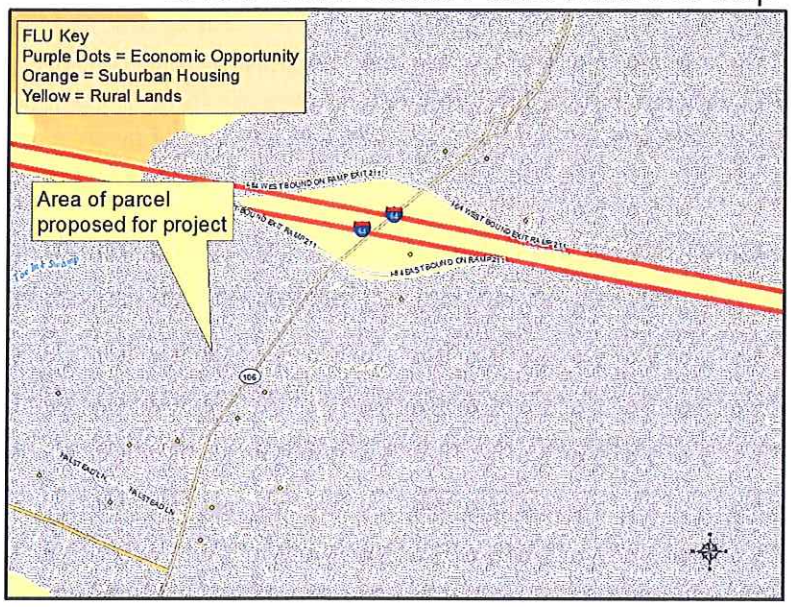
Loves Travel Center Zoning Map



Adjacent Zoning: I-64 and Economic Opportunity to the North, Economic Opportunity to the East and South (of the project area)

Comprehensive Plan Future Land Use Designation: Economic Opportunity

Love's Travel Center Future Land Use Map



CONSIDERATIONS

- The New Kent County Zoning Ordinance defines a "truck stop" as follows: *Truck stop means a commercial facility that provides fuel, parking, scales, and usually food and other services to long-haul trucks. In addition to functions normally associated with a convenience store or restaurant, the presence of any one of the following will be sufficient to classify the entire use as a truck stop:*
    - *Diesel on-road grade fueling station with bays wide and tall enough for modern tractor/trailer rigs*
    - *Fueling bays capable of filling trucks from both sides simultaneously*
    - *A parking area large enough to accommodate at least five tractor-trailer trucks or other heavy vehicles*
    - *A large vehicle scale*
    - *Offering goods and services principally for use by the over-the-road or long haul trucking industry*

- A conditional use permit is required for a "truck stop" in the Economic Opportunity Zoning Classification.

- The subject property is approximately 74 acres in size. Approximately 18 acres are proposed for the Loves Travel Center

.

- The subject property and adjacent properties are zoned Economic Opportunity. The Comprehensive Plan designates the entire area around the I-64 interchange as Economic Opportunity. Economic Opportunity refers to mixed use centers of commerce, including

retail, office, lodging, research and development, distribution, recreational and resort-type uses, and possibly also including age-restricted housing where it would complement the other uses and not conflict with them.

- The application states *"The project is proposed to consist of development of an approximate 7,300 square foot convenience store and service center with gasoline pumps providing 22 fueling stations (14 for passenger vehicles and 8 for trucks), development of a 3,150 square foot fast food restaurant with drive through, a 1,500 square foot interior fast food restaurant, and an 8,000 square foot tire service building with 2 pull through bays. Approximately 90 tractor trailer parking spaces are proposed for the site. The proposed development will be operational and staffed 24 hours a day/365 days a year. The project's impact on the surrounding community and adjacent parcels will be minimal."*

- Access to the property is proposed to be provided by development of a new public local access road from Emmaus Church Road. This access will run from the intersection of Emmaus Church Road to approximately the last entrance into the site. There are three points of access for the site along this new road including an entrance for passenger vehicles and an entrance and exit for truck traffic. A Traffic Impact Analysis Chapter 527 has been prepared for this development and approved by VDOT. Please see the attached VDOT approval letter.

- The total capital improvement for the project is estimated to be approximately $10 million with complete build out. In addition, 30-40 jobs are expected to be available during the construction period as well as providing employment for between 45-50 people for the intended uses within the project.

- The development of this project will contribute to the County's tax base through real estate, business, meals, and sales taxes without increasing the cost for school infrastructure and other residentially related County services.

COMMENTS FROM REVIEWING AGENCIES

Staff sent the conditional use permit application and information to all reviewing agencies and received comments which are attached to this staff report. Reviewing agencies' concerns are addressed in the proposed conditions.

STANDARDS FOR REVIEW

The standards for review of Conditional Use Permits are set forth in Section 98-744 of the New Kent County Zoning Ordinance:

1. *The proposed use shall not be prejudicial to the character of the neighborhood.*

2. *The proposed use shall not adversely affect the general plans for the physical development of the county as embodied in the comprehensive plan.*

3. *The proposed use shall not be detrimental to the use or development of adjacent properties or the general neighborhood nor impair the value of buildings or property in surrounding areas.*

4. *The proposed use shall not unreasonably restrict an adequate supply of light, water, or air to adjacent property nor produce undue congestion in the street.*

5. *The proposed use shall adequately provide for access facilities for the estimated traffic.*

6. *The proposed use shall be subject to any applicable site planning or performance standards enumerated in article XXII of this chapter.*

7. *The proposed use shall be reasonable in terms of the logical, efficient, and economical extension of public services and facilities serving the county, such as water, sewer, streets, police and fire protection, transportation, recreation, and public schools.*

The Zoning Ordinance also lists specific restrictions for conditional use permits. Restrictions on any conditional use may include, but are not limited to the following:

1. Hours of operation

2. Access to and from the subject property

3. Protection of surface and groundwater

4. Lighting of the site, including the intensity and shielding so as to not adversely affect adjacent or nearby property owners

5. Adequate sewer and water supply

6. Sound limitation as needed to ensure peaceful enjoyment of neighboring property

7. Location, size, height, design of buildings, walls, fences, landscaping, and buffer yards

8. Covenants and/or homeowners associations for maintenance of applicable restrictions

9. Timing or phasing of development

10. Type and placement of utilities including underground placements

11. Controls for smoke, dust, and odors

12. Requirements for performance guarantees ensuring that all conditions are met and plans are implemented

13. Any other conditions deemed necessary to protect the health, safety, and general welfare of the public.

OVERALL ANALYSIS AND RECOMMENDED DRAFT CONDITIONS (please be advised that the Conditions are subject to change prior to Board of Supervisors approval of the permit)

Staff has reviewed this conditional use permit application in the same manner as other zoning change applications and has found that the following proposed conditions will assist in addressing, protecting, and promoting health, safety, and the general welfare of New Kent County citizens.

1. The following conditions shall apply to the portion of Tax Map & Parcel number 21-88 (GPIN J12-1740-0776) as described in the following legal description:

   BEGINNING AT A POINT APPROXIMATELY 977' SOUTHEAST FROM THE INTERSECTION OF INTERSTATE 64 AND ROUTE 609 - EMMAUS CHURCH ROAD EXTENDED;

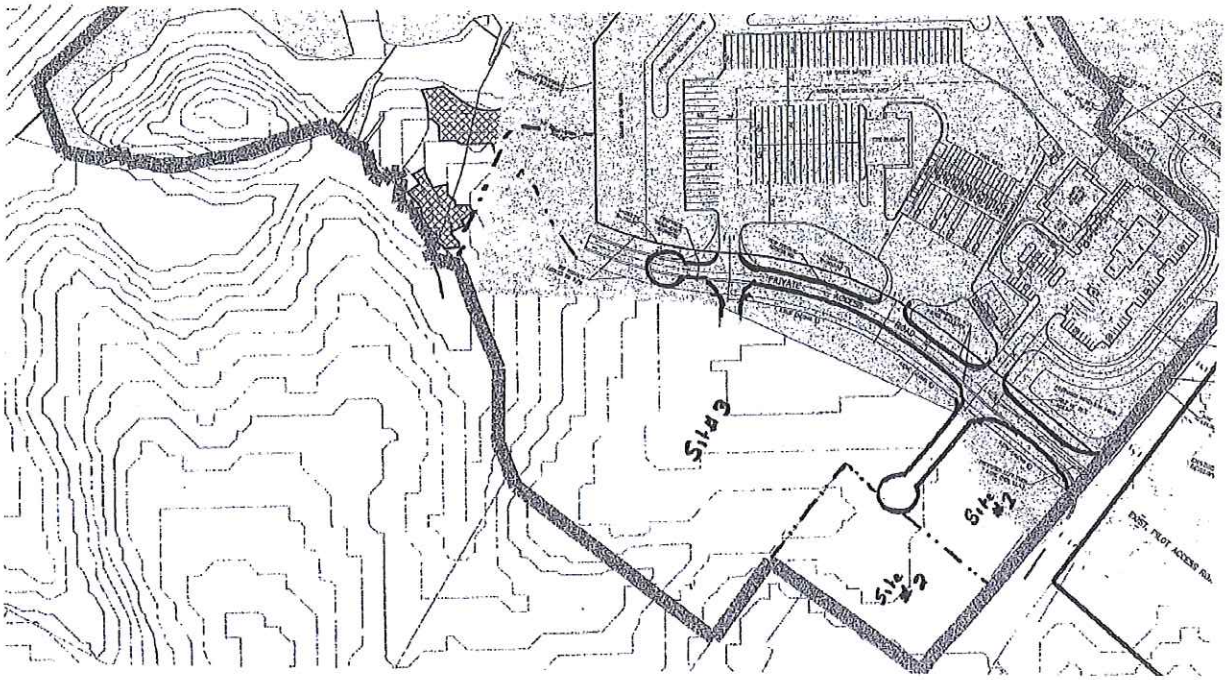
   THENCE S36°43'29"W 494.00'; THENCE N53°16'31"W 368.00'; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 800.00', AN ARC LENGTH OF 504.06', A CHORD BEARING OF N71°19'32"W, AND A CHORD DISTANCE OF 495.76'; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 720.00', AN ARC LENGTH OF 262.75', A CHORD BEARING OF N78°55'17"W, AND A CHORD DISTANCE OF 261.29'; THENCE N03°29'59"W 346.69'; THENCE N36°52'23"E 266.77'; THENCE N86°30'01"E 637.10'; THENCE S33°05'51"E 308.75'; THENCE S53°16'31"E 103.73'; THENCE S36°43'29"W 75.69'; THENCE S53°16'31"E 418.14' TO THE POINT AND PLACE OF BEGINNING, AND CONTAINING 17.9 ACRES OF LAND.

2. Development of the site shall be in substantial accord with the "Conditional Use Plan" dated 11-4-15 and submitted with the Conditional Use Permit application (CUP-02-15).

3. Transportation. The applicant shall construct a new public local access road that will connect to Emmaus Church Road at the existing intersection with the Pilot Travel Center access road making the existing 3 way intersection a 4 way intersection.

4. Local Access Road. Upon recordation of the subdivision plat for the development site, the local access road shall be dedicated for public use.

5. Local Access Road Cul de sac. The local access road to serve the Love's Travel Stops and Country Stores, Inc. site and sites #1, #2, and #3 as shown on the conceptual overall layout entitled "Proposed Lots and Road Layout" dated October 21, 2015 shall terminate with a cul de sac immediately past the most distant site entrance for Love's Travel Stops and Country Stores, Inc. from Route 106 as generally shown on this exhibit:



Proposed Lots and Road Layout

October 21, 2015

6. Transportation. For vehicles entering the project from the north, the applicant shall construct a right turn lane from Emmaus Church Road to the new public access road.

7. Transportation. For vehicles entering the project from the south, the applicant shall construct a left turn lane from Emmaus Church Road to the new public access road.

8. Transportation. For vehicles exiting the project from the west, the applicant shall construct a left turn lane from the new public access road to Emmaus Church Road.

9. Right of Way dedication. Love's Travel Stops and Country Stores, Inc. shall dedicate public right of way at no cost to the Virginia Department of Transportation to accommodate the roadway improvements identified in the approved Route 106 Access Management Plan. Right of way dedication shall occur along the entire property frontage on Route 106 and shall not exceed sixty (60) feet in width measured from the current centerline of Route 106.

10. Traffic Signal. A traffic signal shall be installed at the expense of Love's Travel Stops and County Stores, Inc. at the intersection of the local access road and Route 106. The traffic signal shall be installed and be operational prior to the issuance of a final Certificate of Occupancy for the facility. The signal shall be designed to accommodate future travel lanes identified in the Route 106 Access Management Plan, and shall be reviewed and approved by New Kent County and the Virginia Department of Transportation.

11. Prohibited Uses. The following uses shall be prohibited on the property (as identified by the legal description in Condition 1):

    a. Massage parlors
    b. Tattoo parlors
    c. Adult businesses
    d. Businesses whose principal purpose is the cashing of checks
    e. Pay day loan businesses
    f. Auto body and painting

12. 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.

13. Parking. No vehicle parking shall be permitted to occur along or parallel to the local access road. "No Parking" signs shall be posted along this road.

14. 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.

15. 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-way.

16. Signage. The property owner/applicant shall submit a signage and pavement marking plan to the New Kent County Community Development Department as part of the site plan approval process. 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.
    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.

17. Safety and Security. Within 90 days of the approval of this use permit, the property owner/applicant 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.

a. A contact person at the Love's site shall be designated and their contact information given to 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 Love's 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.

18. Monitoring of Site. Staff will routinely walk around the interior and exterior of the entire site to identify missing signage, lighting issues, traffic issues, and ensure cleanliness of the site.

19. Public Utilities. The project is within the designated water and sewer service area and therefore connection to public utilities is required. All utility design shall be in accordance with the latest edition of the *New Kent County Utility Design Standards.*

20. Landscaping. All landscaping shall be of a water conserving design and should minimize irrigation from the public water supply. Irrigation system must be approved by the Department of Public Utilities. Private irrigation wells are not approved.

21. Water Conservation and Management Plan. A site-specific water conservation and management plan, as well as a grease trap management plan, will be required by the Department of Public Utilities.

22. Expansion of Facility and Use. No expansion of this use or enterprise beyond the boundaries of the subject parcel (as identified by the legal description in Condition 1) as it exists on the date of approval of the permit shall be permitted.

23. This Conditional Use Permit shall expire on the thirtieth anniversary of it issuance if it is not renewed prior to that date.

SUGGESTED MOTIONS

1. In order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County, I move to adopt Resolution No. PC-23-15 to forward Application CUP-02-15 to the New Kent County Board of Supervisors with a favorable recommendation.

or

2. I move to forward Application CUP-02-15 to the New Kent County Board of Supervisors with an unfavorable recommendation for the following reasons:

   a. _____

   b. _____

   c. _____

Attachments:

- Reviewing Agencies comment letters
- Application CUP-02-15
- Advertisement & Adjacent Property Owners List
- Resolution, PC-23-15

Copies to:

- Applicant
- File

PLANNING COMMISSION
COUNTY OF NEW KENT
VIRGINIA

PC-23-15

At the regular meeting of the Planning Commission of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 16th day of November, 2015:

Present:	Vote:
Katherine Butler	
Jack Chalmers	
Joanne Schmit	
Laura Rose	
Charna Moss - Gregory	
Richard Kontny, Jr.	
John Moyer	
Edward Pollard	
Tommy Tiller	
Patricia Townsend	
Joyce Williams	

Motion was made by _____, which carried _____, to adopt the following resolution:

A RESOLUTION TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT APPLICATION CUP-02-15, THEATER SQUARE LLC AND LOVES TRAVEL STOPS AND COUNTRY STORES, INC, TO AUTHORIZE THE CONSTRUCTION OF A TRAVEL CENTER LOCATED ON A PORTION OF TAX MAP 21-88 (GPIN #J12-1740-0776)

WHEREAS, Theater Square LLC (property owner) and representatives from Love's Travel Stops and Country Stores, Inc. (applicant), have submitted a "Conditional Use Permit Application" dated June 24, 2015; and

WHEREAS, said application requests a conditional use permit to construct a truck stop (as defined by the New Kent County Zoning Ordinance) on a portion of a parcel identified on the New Kent County digital map as GPIN #J12-1740-0776 (Tax Map and parcel 21-88); 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 has evaluated the application based on the current zoning of the parcel, which is Economic Opportunity, the standards set forth in the Conditional Use

Permit Provisions of the Zoning Ordinance (Article XIX, § 98-741 et seq.), and the proposed conditions in the staff memo; and

WHEREAS, the Commission finds that approval of CUP-02-15 with the conditions stated herein 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;

NOW THEREFORE, BE IT RESOLVED that on this, the 16th day of November, 2015, by the New Kent County Planning Commission, that Conditional Use Permit Application CUP-02-15 submitted by Theater Square LLC (property owner) and Love's Travel Stops and Country Stores, Inc. (applicant), be forwarded to the New Kent County Board of Supervisors with a recommendation of approval with the following conditions:

1. The following conditions shall apply to the portion of Tax Map & Parcel number 21-88 (GPIN J12-1740-0776) as described in the following legal description:

   BEGINNING AT A POINT APPROXIMATELY 977' SOUTHEAST FROM THE INTERSECTION OF INTERSTATE 64 AND ROUTE 609 - EMMAUS CHURCH ROAD EXTENDED;

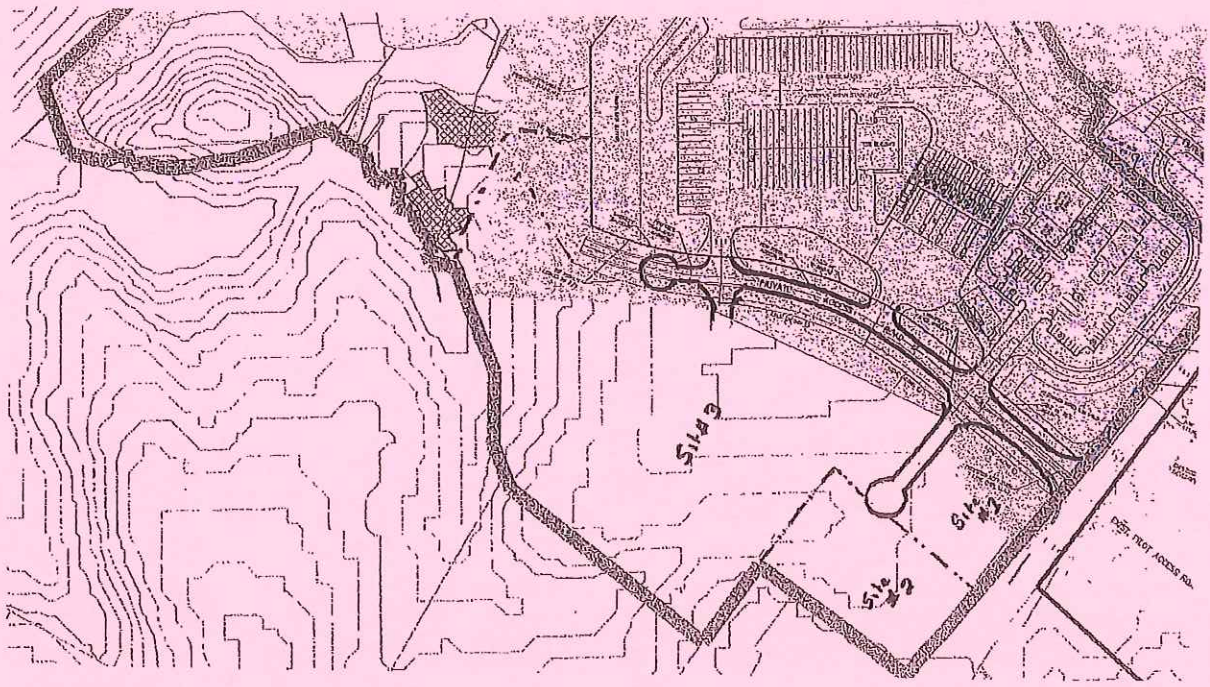
   THENCE S36°43'29"W 494.00'; THENCE N53°16'31"W 368.00'; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 800.00', AN ARC LENGTH OF 504.06', A CHORD BEARING OF N71°19'32"W, AND A CHORD DISTANCE OF 495.76'; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 720.00', AN ARC LENGTH OF 262.75', A CHORD BEARING OF N78°55'17"W, AND A CHORD DISTANCE OF 261.29'; THENCE N03°29'59"W 346.69'; THENCE N36°52'23"E 266.77'; THENCE N86°30'01"E 637.10'; THENCE S33°05'51"E 308.75'; THENCE S53°16'31"E 103.73'; THENCE S36°43'29"W 75.69'; THENCE S53°16'31"E 418.14' TO THE POINT AND PLACE OF BEGINNING, AND CONTAINING 17.9 ACRES OF LAND.

2. Development of the site shall be in substantial accord with the "Conditional Use Plan" dated 11-4-15 and submitted with the Conditional Use Permit application (CUP-02-15).

3. Transportation. The applicant shall construct a new public local access road that will connect to Emmaus Church Road at the existing intersection with the Pilot Travel Center access road making the existing 3 way intersection a 4 way intersection.

4. Local Access Road. Upon recordation of the subdivision plat for the development site, the local access road shall be dedicated for public use.

5. Local Access Road Cul de sac. The local access road to serve the Love's Travel Stops and Country Stores, Inc. site and sites #1, #2, and #3 as shown on the conceptual overall layout entitled "Proposed Lots and Road Layout" dated October 21, 2015 shall terminate with a cul de sac immediately past the most distant site entrance for Love's Travel Stops and Country Stores, Inc. from Route 106 as generally shown on this exhibit:



Proposed Lots and Road Layout

October 21, 2015

6. Transportation. For vehicles entering the project from the north, the applicant shall construct a right turn lane from Emmaus Church Road to the new public access road.

7. Transportation. For vehicles entering the project from the south, the applicant shall construct a left turn lane from Emmaus Church Road to the new public access road.

8. Transportation. For vehicles exiting the project from the west, the applicant shall construct a left turn lane from the new public access road to Emmaus Church Road.

9. Right of Way dedication. Love's Travel Stops and Country Stores, Inc. shall dedicate public right of way at no cost to the Virginia Department of Transportation to accommodate the roadway improvements identified in the approved Route 106 Access Management Plan. Right of way dedication shall occur along the entire property frontage on Route 106 and shall not exceed sixty (60) feet in width measured from the current centerline of Route 106.

10. Traffic Signal. A traffic signal shall be installed at the expense of Love's Travel Stops and County Stores, Inc. at the intersection of the local access road and Route 106. The traffic signal shall be installed and be operational prior to the issuance of a final Certificate of Occupancy for the facility. The signal shall be designed to accommodate future travel lanes identified in the Route 106 Access Management Plan, and shall be reviewed and approved by New Kent County and the Virginia Department of Transportation.

11. Prohibited Uses. The following uses shall be prohibited on the property (as identified by the legal description in Condition 1):

a. Massage parlors
b. Tattoo parlors
c. Adult businesses
d. Businesses whose principal purpose is the cashing of checks
e. Pay day loan businesses
f. Auto body and painting

12. 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.

13. Parking. No vehicle parking shall be permitted to occur along or parallel to the local access road. "No Parking" signs shall be posted along this road.

14. 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.

15. 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-way.

16. Signage. The property owner/applicant shall submit a signage and pavement marking plan to the New Kent County Community Development Department as part of the site plan approval process. 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.
    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.

17. Safety and Security. Within 90 days of the approval of this use permit, the property owner/applicant 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.

a. A contact person at the Love's site shall be designated and their contact information given to 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 Love's 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.

18. Monitoring of Site. Staff will routinely walk around the interior and exterior of the entire site to identify missing signage, lighting issues, traffic issues, and ensure cleanliness of the site.

19. Public Utilities. The project is within the designated water and sewer service area and therefore connection to public utilities is required. All utility design shall be in accordance with the latest edition of the *New Kent County Utility Design Standards.*

20. Landscaping. All landscaping shall be of a water conserving design and should minimize irrigation from the public water supply. Irrigation system must be approved by the Department of Public Utilities. Private irrigation wells are not approved.

21. Water Conservation and Management Plan. A site-specific water conservation and management plan, as well as a grease trap management plan, will be required by the Department of Public Utilities.

22. Expansion of Facility and Use. No expansion of this use or enterprise beyond the boundaries of the subject parcel (as identified by the legal description in Condition 1) as it exists on the date of approval of the permit shall be permitted.

23. This Conditional Use Permit shall expire on the thirtieth anniversary of it issuance if it is not renewed prior to that date.

Attested:

_____

Patricia Townsend, Chair
New Kent County Planning Commission

Print Form

CONDITIONAL USE PERMIT (CUP) APPLICATION

County of New Kent, Virginia
Planning Department
Web site: www.co.new-kent.va.us/planning

New Kent County ♦ Community Development Department-Planning ♦ P O Box 50 ♦ New Kent, VA 23124 ♦ Phone 804-966-9690 ♦ Fax 804-966-8531
Use P O Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY

DESCRIPTION OF PROPERTY

Tax Map Parcel Number(s): 21-88 Total Lot Area (Acres): 74.1
GPIN: J12-1740-0776
Property street address: Emmaus Church Road
Current Zoning: EO Proposed Zoning: EO
Current Use: Vacant Proposed Use: Travel Center
Does proposed zoning/use include entire property? [ ] YES [X] NO
If no, how much will be used for proposed use? 18 Acres

OFFICE USE ONLY *DO NOT WRITE IN THIS BOX*

Application No: -
AFD Status:
Date Received:
Tax Receipts: Yes No
Fee Amount: $
Staff Initials:

PROPERTY OWNERS INFORMATION

Name: Theater Square LLC (Fred T. Shaia - Manager)
Address: 403 E. Grace Street
City: Richmond State: VA Zip: 23219
Telephone: Work: 804-225-0923 Home:
Cellular/Pager: Fax: 804-649-3643
E-mail Address:

APPLICANT'S INFORMATION

Name: Love's Travel Stops and Country Stores, Inc. (William H. Gleason - Real Estate Project Manager)
Address: P.O. Box 26210
City: Oklahoma City State: OK Zip: 73126
Telephone: Work: 405-302-6570 Home:
Cellular/Pager: 940-597-5966 Fax:
E-mail Address: william.gleason@loves.com

AGENTS INFORMATION

Name: Chipola Engineering Group, Inc. (Stacy A. Pippin - President)
Address: 4440 Lafayette Street, Suite F
City: Marianna State: FL Zip: 32446
Telephone: Work: 850-372-4045 Home:
Cellular/Pager: 850-933-1219 Fax:
E-mail Address: spippin@chipolaeg.com

WATER/SEWER SUPPLY

☑ Public Water ☑ Public Sewer ☐ Well ☐ Septic
☐ Other:

As part of the submission, the following questions must be answered in detail in narrative form. Answers of "Yes" or "No" are **NOT ACCEPTABLE** and the application is not complete until 25 copies of this narrative have been submitted.

1. Describe in detail, the proposed use(s) of the property.
2. Describe in detail, how the proposed use may impact surrounding properties. Please relate your response to the existing zoning and land uses in the area, plus the characteristics of the proposed use—hours of operation, activity levels, appearance, etc.
3. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.
4. Describe the environmental impact of the proposed development and the efforts to be undertaken to abate air, water, noise, stormwater, and other environmental impacts during and after construction.
5. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 1,000 vehicle trips per day or more.
6. Describe the impact of the proposed use on New Kent County's Schools.
7. Describe the impact of the proposed use on New Kent County public services—water service, wastewater disposal, solid waste disposal, fire, rescue, law enforcement, libraries, etc.
8. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.
9. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.
10. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the County.

For those plans requiring review by the Planning Commission, the applicant shall, in addition to the plan sheets required above, submit an overall plan on one (1) or more eleven inch by seventeen inch (11" x 17") reproducible sheets and shall provide sufficient copies of larger plan sheets as required for the Planning Commission distribution list of twelve (12). In addition, the applicant shall provide electronic copies of all applicable documents.

I/We as the property owner/applicant/agent give permission for County personnel to enter subject properties in relation to the administration of this application and to any applicable New Kent County, State of Virginia or U.S. Federal Government regulations. Additionally, if the County Planning Department deems it necessary for an outside agency or organizations review any technical part of this application, I/we agree to reimburse the County for all costs associated with such outside reviews and consultation within 15 business days of being billed by the County.

Property Owner Signature: _____ Date: 5/8/15

Property Owner Signature: _____ Date: _____

Property Owner Signature: _____ Date: _____

Applicant/Agent Signature: _____ Date: 6/3/15

Applicant/Agent Signature: _____ Date: 6/2/15

All property owners must sign the application

FEES

The fees for this application consist of an application fee and a Map Maintenance fee (*see below for calculations*). The fee for this application is ***$1600.00 plus $40.00 per acre/fraction.*** Make checks payable to *Treasurer of New Kent County.* **Fees must be submitted at time of application.**

Fee:	$ 1600.00
+ $40.00 per acre(fraction),	
Number of acre(fraction): 18 x $40=	$ 720
Map Maintenance Fee:	$ 35.00
+ $10.00 per acre(fraction),	
Number of acres(fraction): 18 x $10=	$ 180
Total Due:	$ 2535

CHIPOLA ENGINEERING GROUP

CIVIL ENGINEERING - DESIGN - PLANNING - ENVIRONMENTAL PERMITTING - CONSTRUCTION SERVICES

850 372-4045 | 4440 LAFAYETTE STREET, SUITE F, MARIANNA, FL. 32446

Proposed Love's Travel Stops and Country Stores, Inc.
New Kent County, Virginia
June 3, 2015 (Revised November 4, 2015)

Love's Travel Stops and Country Stores, Inc. (the "**Applicant**") submits this application for Conditional Use Permit (**CUP**) for a commercial development (the "**Project**"). We are requesting approval of the CUP to allow the development of a Travel Center that will access Emmaus Church Road.

The proposed property included in the CUP request consists of approximately 18.0 acres that is a portion of a larger 74.1 acre tract located in New Kent County, Virginia, west of Emmaus Church Road and south of Interstate 64 (the "**Property**") as shown on the Conditional Use Map dated 5/7/15. The property Tax Map Parcel is 21-88 and the current zoning of the Property is EO, Economic Opportunity.

Project Description

The project will consist of the following:

a)	Convenience Store:	7,273 s.f.
b)	Fast Food Restaurant with drive-through:	3,153 s.f.
c)	Interior Fast Food Restaurant:	1,506 s.f.
d)	Tire Service Building with 2 pull through bays:	7,959 s.f.
e)	Auto Area Fueling Stations:	7/14
f)	Auto Area Parking Spaces:	73
g)	Truck Area Fueling Stations:	8
h)	Truck Area Parking Spaces:	89

The information provided above is approximate and subject to minor adjustments during the final planning and plan preparation for the project.

Surrounding Property

The Property for this development is a portion of a large tract that has been zoned for economic development. Surrounding property is as described below:

North: Larger portion of EC zoned tract /Interstate 64
West: Larger portion of EC zoned tract/Toe Ink Swamp
East: Emmaus Church Road / Pilot Travel Center
South: Larger portion of EC zoned tract/New Private Access Road

The proposed development will be operational and staffed 24 hours a day/365 days a year. The Project's impact on the surrounding community and adjacent parcels will be minimal.

Utilities:

Sewer service will be provided from the existing New Kent County gravity system that is located along Emmaus Church Road. The existing gravity main discharges to an existing pump station adjacent to the Interstate 64 right of way.

Water service will be provided from the existing New Kent County water main that is located along Emmaus Church Road.

Environmental Impact

The total Project site boundary area is 17.91 acres. Of the 17.91 acre site 8.63 acres will be impervious surfaces. The remaining 9.59 acres will be pervious surfaces that include buffer areas, retention areas, and grassed open areas. The proposed Impervious Surface Ratio (ISR) is 48 percent which is well below the allowed maximum of 70 percent.

There are no proposed environmental impacts planned with the development with respect to wetlands, resource protection areas or any other environmentally sensitive areas. The wetlands areas of Toe Ink Swamp exist along the western boundary line but no impacts are planned with the Project. The plan includes a 100' resource protection area (RPA) to ensure protection of the wetlands. The wetland limits were delineated and RPA areas established by Envirodata, Inc.

The property is currently covered by natural growth pines and hardwoods. The general topography of the property slopes from Emmaus Church road to the wetland areas of Toe Ink Swamp on the west side of the property. Water quality and water quantity runoff from this development will be handled through the use of Best Management Practices (BMP). These BMP's will provide compliance with County and State regulations and will include structural measures to control runoff from the site. During construction and land disturbing activities standard erosion control devices will be utilized to minimize erosion on the site and downstream siltation.

Traffic

The general scope of the proposed roadway improvements for the Project will consist of:

a) Construction of a new public access road that will connect to Emmaus Church Road at the existing intersection with the Pilot Travel Center access road making the existing 3 way intersection a 4 way intersection.
b) For vehicles entering the Project from the north, we will construct a right turn lane from Emmaus Church Road to the new public access road.
c) For vehicles entering the project from the south we will construct a left turn lane from Emmaus Church Road to the new public access.
d) For vehicles exiting the Project from the west, we will construct a left turn lane from the new public access road to Emmaus Church Road.
e) We expect that the public access road intersection with Emmaus Church Road will require signalization.

The traffic impact analysis has been approved by the Virginia Department of Transportation.

School Impacts

There are no impacts to schools with this development.

Public Services

We do not anticipate any adverse impacts to County services for the Project beyond the normal and customary services that would be provided for a retail development of this nature.

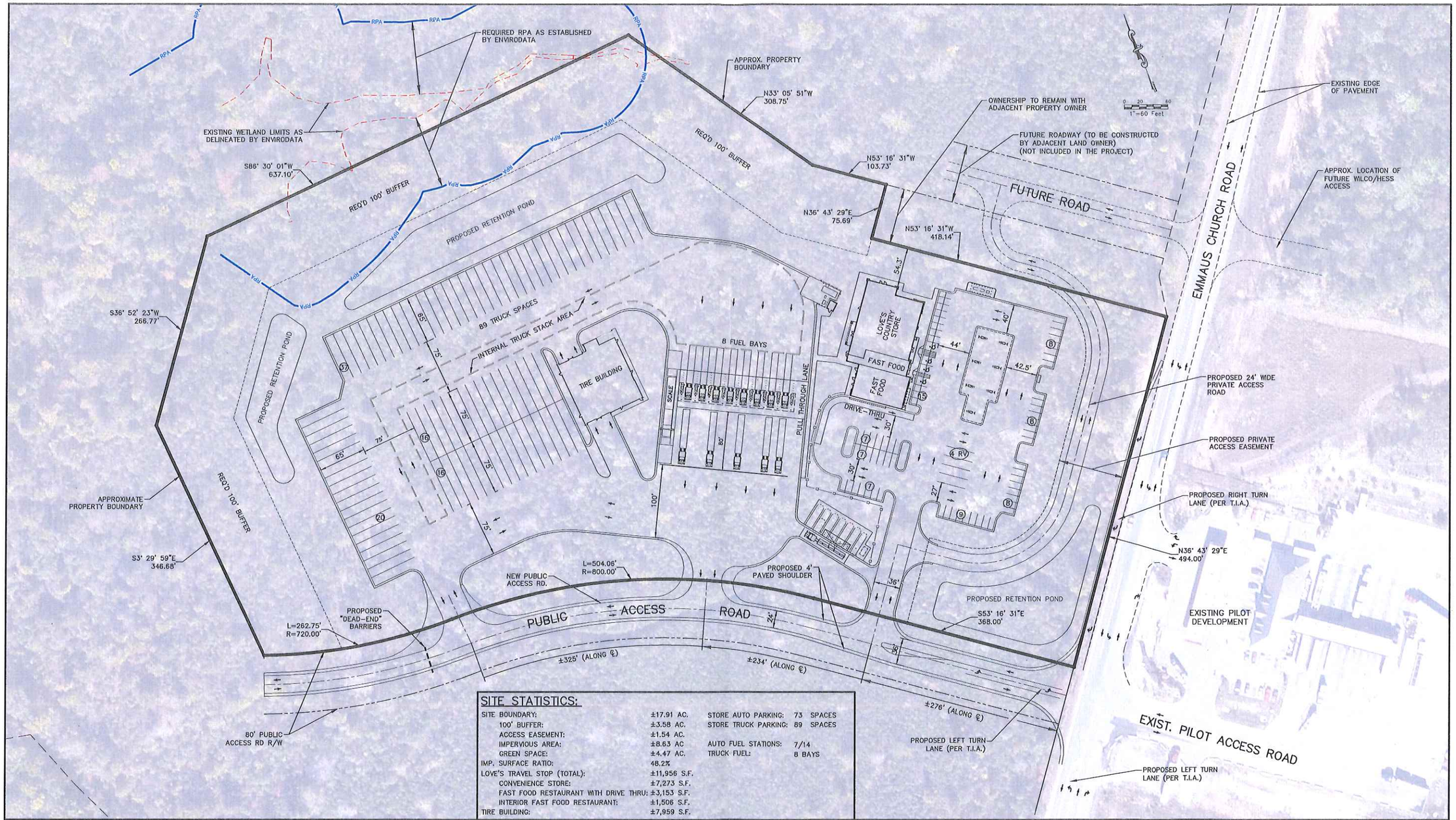
Other Impacts

We do not anticipate any impacts to historic sites or structures with this development or within the vicinity of this development. Likewise we do not know of any impacts to any rare, endangered, or irreplaceable species or natural areas that would be affected by this development. The layout of the site for this development includes landscaping along the property perimeters as well as other internal areas to enhance and minimize any impacts to the natural beauty of the County.

Economic Contributions

The total capital improvement for the Project is estimated to be approximately $10 million when completely built out. In addition, we expect 30-40 jobs to be available during the construction period as well as providing employment for between 45 to 50 people for the intended use within the Project.

The development of this project will also contribute to the County's tax base through real estate, business and sales taxes without increasing the cost for school infrastructure and other residential related County services.



SITE STATISTICS:

SITE BOUNDARY:	±17.91 AC.	STORE AUTO PARKING:	73 SPACES
100' BUFFER:	±3.58 AC.	STORE TRUCK PARKING:	89 SPACES
ACCESS EASEMENT:	±1.54 AC.		
IMPERVIOUS AREA:	±8.63 AC	AUTO FUEL STATIONS:	7/14
GREEN SPACE:	±4.47 AC.	TRUCK FUEL:	8 BAYS
IMP. SURFACE RATIO:	48.2%		
LOVE'S TRAVEL STOP (TOTAL):	±11,956 S.F.		
CONVENIENCE STORE:	±7,273 S.F.		
FAST FOOD RESTAURANT WITH DRIVE THRU:	±3,153 S.F.		
INTERIOR FAST FOOD RESTAURANT:	±1,506 S.F.		
TIRE BUILDING:	±7,959 S.F.		

FOR PERMITTING ONLY

Chipola Engineering Group, Inc.

CIVIL ENGINEERING, DESIGN, PLANNING, ENVIRONMENTAL PERMITTING, & CONSTRUCTION SERVICES
4440 LAFAYETTE STREET, STE. F, MARIANNA, FL 32446
PHONE (850) 372-4045
CERTIFICATE OF AUTHORIZATION NO. : 30579

DRAWN BY : BRH	DATE : 11/4/15
CHECKED BY : SAP	DATE : 11/4/15
DESIGNED BY : SAP	CAD NAME : 2013004-CUP
SCALE : 1"=60'	PLOT DATE : 11/4/15

REVISIONS

DESCRIPTION	INT.	DATE

CLIENT : LOVE'S TRAVEL STOPS & COUNTRY STORES

PROJECT : NEW KENT, VA

SHEET TITLE : CONDITIONAL USE PLAN (11/4/15)

SEAL

NOT VALID UNLESS EMBOSSED

PROJ. NO. : 2013004.00

SHEET NO. : 1

COMMONWEALTH of VIRGINIA

Charles A. Kilpatrick
COMMISSIONER

DEPARTMENT OF TRANSPORTATION
523 N. WASHINGTON HIGHWAY
ASHLAND, VA 23005
Virginiadot.Org

September 21, 2015

Ms. Kelli LeDuc
Planning Manager
New Kent County
12007 Courthouse Circle
P.O. Box 50
New Kent, VA 23124

RE: Loves Truck Stop Supplemental Letter

Dear Ms. LeDuc:

In accordance with §15.2-2222.1 of the Code of Virginia and the Virginia Traffic Impact Analysis Regulations, 24 VAC 30-155 (also known as Chapter 527), a revised traffic impact analysis was prepared by Bowman Consulting on the conditional use permit for the proposed development project entitled Loves Travel Stop & Country Store submitted by Love's Travel Stop & Country Stores - Mr. William Gleason.

We have evaluated this traffic impact analysis and find the report conforms to the requirements of Chapter 527 in regard to the accuracy of the methodologies, assumptions and conclusions presented in the analysis.

If you have any questions, feel free to contact me at 752-5522.

Sincerely,

Robert Butler, P.E.
North Area Land Use Engineer
Richmond District - VDOT

cc: John D. Riley, Bowman Consulting
Scott Gagnon, Transportation & Land Use Director, Planning & Investment Management, Richmond District

NEW KENT COUNTY
FIRE MARSHAL OFFICE

Office (804) 966-9618
Fax (804) 966-2903

12007 Courthouse Circle, Suite 100
P.O. Box 209, New Kent, VA 23124

www.nkfr.net
Dispatch (804) 966-9500

Plans Review
Matthew B. Rice Sr., Assistant Fire Marshal

Date of Review: 7-16-15

Application Number: CUP-02-15

Application Type: Conditional Use Permit

Developer/Owner(s): Theater Square LLC Love's Travel Stops and County Stores, Inc.

Comments:

Plans submitted have been reviewed and approved as they meet all requirements of the Statewide Fire Prevention Code.

New Kent
COUNTY
VIRGINIA

Department of Public Utilities
7051 Poindexter Road
New Kent, VA 23124
Phone 804-966-9678
Fax 804-966-7135

Date: July 7, 2015

To: Mr. Kyle T. Flanders, Planner I

From: Mike Lang, Asst. Director of Public Utilities

Re: CUP-02-15
Theater Square LLC
Love's Travel Stops & County Stores, Inc.

I have reviewed the above-referenced Conditional Use Permit application as requested, and the Department of Public Utilities offers the following comments at this time:

- The parcel is within the designated water & sewer service areas and therefore connection to public utilities is required. All utility design shall be in accordance with the latest edition of the *New Kent County Utility Design Standards.*
- All landscaping should be of a water conserving design and should minimize irrigation from the public water supply. Irrigation system must be approved by the Department of Public Utilities. Private irrigation wells are not approved.
- A site-specific Water Conservation & Management Plan, as well as a Grease Trap Management Plan, will be required.

If you have any questions, please feel free to contact me.

NEW KENT COUNTY SHERIFF'S OFFICE

Farrar W. Howard, Jr., Sheriff

12001 COURTHOUSE CIRCLE
P.O. BOX 186, NEW KENT, VIRGINIA 23124

SECRETARY (804) 966-9502
FAX (804) 966-5050

DISPATCHER (804) 966-9500
EMERGENCY 911

July 13, 2015

To: Kyle Flanders

From: Lt. L.S. Bailey

Ref: CUP-02-15

Upon review the following had the following questions or comments

Lt. L.S. Bailey

1. Concerns regarding a signal study. If the signal is not warranted. What will the plan be at that time? I have concerns with the amount of large truck traffic entering and exiting on opposing sides of the same intersection along with the normal traffic travelling on Rt. 106.

2. I would suggest that areas be clearly posted regarding Fire Lanes and No Parking Zones and the plan to maintain them.

Lt. Hamby

1. No Issues at this time

If you need anything further please feel free to contact me.

Regards,

Lee S Bailey

Lt. Lee S. Bailey

Bowman
CONSULTING

July 15, 2015

Mr. Robert Butler, PE
North Area Land Use Engineer
VDOT – Richmond District
523 North Washington Highway
Ashland, VA 23005

COMMONWEALTH OF VIRGINIA
JOHN D. RILEY
Lic. No. 037772
7/15/2015
PROFESSIONAL ENGINEER

Re: Love's Travel Stop & Country Store
Traffic Impact Analysis
New Kent County, Virginia
Bowman Project #009406-01-001

Dear Mr. Butler:

Bowman Consulting Group (BCG) was retained by Love's Travel Stops & Country Store (the Applicant) to prepare this letter revision to the previously-approved traffic impact analysis (TIA) for a proposed gas and convenience store (the Project) with a fast-food restaurant located generally southwest of the Interstate 64 and Emmaus Church Road (VA Rte 106) interchange (Exit 211) in New Kent County, Virginia. The original TIA for the Project was prepared and submitted in December 2013, and a full revision (dated 3/31/14) was then re-submitted in April 2014. The April 2014 resubmittal was approved by VDOT on July 27, 2014; however, due to access issues, the Applicant proposes to construct the Project on a new site further south along VA Rte. 106. The new location is shown generally on **Figure 1.1** (see **Appendix A**). It is noted that all figures presented in this update are included in **Appendix A** and are numbered in accordance with those in the approved April 2014 TIA, but with the suffix "**.1**" to denote an update. It is further noted that some figure numbers have been skipped in this update for those figures that were not substantially changed from the approved TIA.

The relationship of the site to the existing New Kent County zoning map is shown on **Figure 2.1**. A more detailed illustration of the site is shown on the updated Conditional Use Plan (CUP), dated 5/7/15 (see **Appendix B**). As shown in the updated CUP, the Project will have a single, full-movement entrance along the west side of VA Rte. 106 directly opposite the existing Pilot South entrance. The Project's entrance road will be private, and the Project will have the potential for future Interparcel connections with undeveloped land to the north and west as depicted on the updated CUP.

The Project as it is currently proposed will occupy a 17.91 acre portion of the approximately 74.1 acre parcel (Tax Map Parcel 21-88). The Applicant's updated CUP depicts the Project as having approximately 7,268 S.F. of a convenience market with 8 truck fueling station and 14 automobile fueling stations, along with a 2,527 S.F. fast-food restaurant with a drive-thru window. (Note: Although these uses are slightly different from those analyzed in the previously-approved TIA, the uses in the approved TIA are projected to generate slightly higher traffic volumes and are again used in this updated TIA to be conservative.) In addition, the development will also include a tire repair shop and 89 truck parking spaces, both of which are

ancillary uses. The new Project location is part of the same overall parcel (zoned EO, Economic Opportunity) as the site evaluated in the previously-approved TIA, and this zoning continues to accommodate the proposed use, subject to approval of the CUP. The approved TIA scope of work were included in the previous submittals of the TIA; however, given the amount of time that has passed since the last TIA submittal, the following updated assumptions were agreed upon with County and VDOT staff:

1. The existing analysis year has been adjusted from 2013 to 2015

2. 2013 existing traffic data from the previously approved TIA was grown at 2% / year (compounded) to derive existing 2015 traffic counts (note: 2% = same background growth rate as used the previously-approved TIA)

3. The new near-term Total Future horizon year was changed from 2015 to 2016 to reflect the current projected timeline for build-out of the Project

4. Background development assumptions from the approved TIA remain unchanged, including:
    a. Wilco-Hess (W-H) – even though the W-H site plan approval had not yet occurred at the time of this letter, the W-H development is still included in the updated near-term (2016) and long-term (2021) Background and Total Future analyses
    b. Farms of New Kent (FONK) – the anticipated FONK traffic continues to be included only in the 2021 Background and Total Future analyses

5. The 2021 Total Future scenario was not adjusted given that it continues to provide a useful evaluation of traffic well beyond build-out of the Project and given that VDOT and the County are currently directing a long-range Access Management Plan (APM) that is studying the same section of Va. Route 106, but with a much longer (20+ year) planning horizon. It is noted that VDOT Chapter 527 guidelines allows flexibility in the choice of horizon years analyzed beyond build-out of the site (see relevant highlighted text in **Appendix C**).

The study area intersections analyzed herein are the same as those analyzed in the approved TIA.

Existing Conditions

No new traffic counts were collected for this updated analysis. Instead, the existing traffic conditions analyzed in the previously approved TIA were adjusted from 2013 to 2015 by growing the Va. Route 106 through movement volumes and all turning movements at the Va. Route 106/I-64 EB and WB ramp intersections by 2% / year (compounded). The updated volumes are shown in **Figure 8.1**. The lane uses for the Existing conditions are unchanged from the previously approved TIA.

Updated existing peak hour levels of service (LOS) and 95th percentile queuing were analyzed using the Synchro/SimTraffic methodologies described in the previously approved TIA. The updated LOS and queuing results are summarized in **Table 1**, and the analysis worksheets are included in **Appendix E**. The updated LOS is illustrated graphically on **Figure 9.1**.

It is noted that a 12-hour weekday turning movement count was conducted in December 2013 at the VA Route 106/Pilot South entrance. These counts were collected in anticipation of the potential need to evaluate traffic signal warrants for the updated Project entrance; however, they were not utilized or evaluated in the previously approved TIA. The counts that were collected are included in **Appendix C**, and are discussed further below in the Traffic Signal Warrant Analysis section.

Background Future Traffic Conditions (2016)

For this updated analysis, 2016 background traffic conditions reflect 2% / year annual growth from 2015 to 2016, which is reported in **Figure 11.1**. The 2016 background traffic conditions also include the addition of the approved/unbuilt W-H development (which are included in the Total Background Traffic Forecasts in **Figure 12.1**), located in the southeast quadrant of the I-64/Va. Route 106 interchange. These assumptions are both consistent with the approved TIA. The lane uses for the 2016 Background conditions are unchanged from the previously approved TIA.

Updated 2016 Background peak hour levels of service (LOS) and 95th percentile queuing were analyzed using the Synchro/SimTraffic methodologies described in the previously approved TIA. The updated LOS and queuing results are summarized in **Table 1**, and the analysis worksheets are included in **Appendix F**. The updated LOS is illustrated graphically on **Figure 13.1**.

[THIS SPACE INTENTIONALLY LEFT BLANK]

Table 1 – Analysis Summary of All Conditions

Intersection	Control	Lane Group	Available Storage[1]	Existing 2015 AM Peak Hour Lane LOS	Existing 2015 AM Peak Hour Lane Delay (sec/veh)	Existing 2015 AM Peak Hour SimTraffic Queue[3] (ft)	Existing 2015 PM Peak Hour Lane LOS	Existing 2015 PM Peak Hour Lane Delay (sec/veh)	Existing 2015 PM Peak Hour SimTraffic Queue[3] (ft)	Background 2016 AM Peak Hour Lane LOS	Background 2016 AM Peak Hour Lane Delay (sec/veh)	Background 2016 AM Peak Hour SimTraffic Queue[3] (ft)	Background 2016 PM Peak Hour Lane LOS	Background 2016 PM Peak Hour Lane Delay (sec/veh)	Background 2016 PM Peak Hour SimTraffic Queue[3] (ft)	Total Future 2016 AM Peak Hour Lane LOS	Total Future 2016 AM Peak Hour Lane Delay (sec/veh)	Total Future 2016 AM Peak Hour SimTraffic Queue[3] (ft)	Total Future 2016 PM Peak Hour Lane LOS	Total Future 2016 PM Peak Hour Lane Delay (sec/veh)	Total Future 2016 PM Peak Hour SimTraffic Queue[3] (ft)
1. VA Route 106 (N-S)/		NBTL	~	A	4.5	30	A	3.1	26	A	5.6	50	A	4.7	50	A	6.1	63	A	5.5	65
I-64 WB On/Off Ramp (E-W)	Stop	WBTL	1,125	A	8.6	84	B	13.3	100	C	19.0	119	C	22.6	136	E	41.3	142	F	85.3	228
		WBR	100	B	12.7	-	A	8.9	-	A	8.6	-	A	9.0	-	A	8.7	-	A	9.1	-
Four-leg Roundabout Intersection[4]		NBLT	~	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		SBT	~	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		SBR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		WBLT	1,125	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		WBR	~	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Overall Instersection LOS																					
2. VA Route 106 (N-S)/		SBL	~	A	1.7	28	A	0.6	16	A	1.4	51	A	0.5	25	A	1.3	70	A	0.4	45
I-64 EB On/Off Ramp (E-W)/	Stop	EBLTR	1,200	B	11.3	81	B	11.2	73	B	12.8	96	B	13.7	97	C	15.5	123	C	18.5	148
Four-leg Roundabout Intersection[4]		NBT	~	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		NBR	~	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		SBTL	~	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		EBLT	1,200	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		EBR	~	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Overall Intersection LOS																					
3. VA Route 106 (N-S)/		SBL	250	-	-	-	-	-	-	A	8.6	76	A	8.5	73	A	9.1	88	A	9.4	106
Wilco-Hess Entrance (E-W)/	Stop	WBLT	~	-	-	-	-	-	-	C	19.3	59	C	20.3	54	B	14.8	58	D	32.9	61
	Stop	WBR	100							B	11.1	94	B	11.3	109	B	14.8	100	B	13.6	123
With Traffic Signalization		SBL	250	-	-	-	-	-	-	-	-	-	-	-	-	A	1.9	90	A	3.4	117
		SBT	~	-	-	-	-	-	-	-	-	-	-	-	-	A	1.6	60	A	3.1	135
		NBT	~	-	-	-	-	-	-	-	-	-	-	-	-	A	7.9	138	B	11.0	176
	Signal	NBR	200	-	-	-	-	-	-	-	-	-	-	-	-	A	5.3	38	A	7.0	45
		WBLT	~	-	-	-	-	-	-	-	-	-	-	-	-	D	49.4	60	B	17.9	55
		WBR	100	-	-	-	-	-	-	-	-	-	-	-	-	B	11.9	99	A	9.3	139
Overall Intersection LOS				-	-	-	-	-	-	-	-	-	-	-	-	A	6.3		A	7.0	
4. VA Route 106 (N-S)/		SBL	200	A	7.7	24	A	7.7	24	A	7.7	27	A	7.7	29	A	8.1	35	A	8.2	34
North Pilot Entrance (E-W)/	Stop	WBL	~	B	12.1	30	B	12.1	33	B	12.1	32	B	12.4	34	B	14.1	30	B	14.9	37
		WBR	~	A	9.6	49	A	9.6	57	A	9.7	60	A	9.7	52	B	11.2	55	B	11.5	58
5. VA Route 106 (N-S)/		SBL	160	A	8.8	48	A	8.9	56	A	8.9	45	A	8.9	61	-	-	-	-	-	-
South Pilot Entrance (E-W)/	Stop	WBL	~	B	11.7	25	B	12.1	28	B	11.7	30	B	12.4	29	-	-	-	-	-	-
		WBR	~	B	10.6	82	B	10.7	99	B	10.7	93	B	10.7	96	-	-	-	-	-	-
Proposed Site Entrance (E-W)		NBL	200	-	-	-	-	-	-	-	-	-	-	-	-	A	1.1	42	A	8.5	34
Intersection Modifications		SBL	160	-	-	-	-	-	-	-	-	-	-	-	-	A	8.9	52	A	8.9	67
	Stop	EBLT	~	-	-	-	-	-	-	-	-	-	-	-	-	C	18.5	96	D	25.0	117
	Stop	EBR	200	-	-	-	-	-	-	-	-	-	-	-	-	A	9.5	37	A	9.7	53
	Stop	WBLT	~	-	-	-	-	-	-	-	-	-	-	-	-	B	13.2	31	B	14.3	26
	Stop	WBR	100	-	-	-	-	-	-	-	-	-	-	-	-	B	10.6	86	B	10.7	99
With Traffic Signalization		SBL	160	-	-	-	-	-	-	-	-	-	-	-	-	A	6.6	76	A	7.1	97
		SBT	~	-	-	-	-	-	-	-	-	-	-	-	-	A	8.3	73	A	9.2	79
		SBR	200	-	-	-	-	-	-	-	-	-	-	-	-	A	7.7	65	A	8.7	76
		EBL	200	-	-	-	-	-	-	-	-	-	-	-	-	C	26.9	114	C	33.0	138
	Signal	EBTR	~	-	-	-	-	-	-	-	-	-	-	-	-	B	18.8	35	B	19.5	50
		NBL	200	-	-	-	-	-	-	-	-	-	-	-	-	A	7.3	42	A	8.5	46
		NBT	~	-	-	-	-	-	-	-	-	-	-	-	-	A	9.0	75	B	10.2	79
		NBR	300	-	-	-	-	-	-	-	-	-	-	-	-	A	7.5	28	A	8.8	28
		WBL	~	-	-	-	-	-	-	-	-	-	-	-	-	C	25.8	28	C	25.4	28
		WBTR	100	-	-	-	-	-	-	-	-	-	-	-	-	C	25.3	82	C	25.6	100
Overall Intersection LOS				-	-	-	-	-	-	-	-	-	-	-	-	B	13.0		B	15.2	

Notes:
(1) ~ Indicates a continuous lane. For I-64 Off-Ramps, distances shown are from existing stop bar to gore area.
(2) Queues are 95th percentile queues as reported by SIDRA.
(3) Queues are average 95th percentile queues as reported by SimTraffic after 10 runs of 15 minute intervals.
(4) For roundabouts, two LOS criteria are shown. The HCM criteria uses the STOP sign delay thresholds to assign LOS grades. The SIDRA criteria uses the SIDRA roundabout thresholds to assign LOS grades.
ERR Indicates control delay is greater than 999.9 seconds.
Indicates scenario remains the same from previous, approved, TIA submission dated March 31, 2015.

Table 1 (cont'd) – Analysis Summary of All Conditions

Intersection	Control	Lane Group	Available Storage[1]	Background 2021 - Wilco-Hess Only: AM Peak Hour Lane LOS	AM Peak Hour Lane Delay (sec/veh)	AM Peak Hour SimTraffic Queue[3] (ft)	PM Peak Hour Lane LOS	PM Peak Hour Lane Delay (sec/veh)	PM Peak Hour SimTraffic Queue[3] (ft)	Total Future 2021 - Wilco-Hess Only: AM Peak Hour Lane LOS	AM Peak Hour Lane Delay (sec/veh)	AM Peak Hour SimTraffic Queue[3] (ft)	PM Peak Hour Lane LOS	PM Peak Hour Lane Delay (sec/veh)	PM Peak Hour SimTraffic Queue[3] (ft)	Background 2021 - Wilco-Hess & Farms of New Kent: AM Peak Hour Lane LOS HCM	AM Peak Hour Lane LOS SIDRA	AM Peak Hour Lane Delay (sec/veh)	AM Peak Hour SimTraffic Queue[3] (ft)	PM Peak Hour Lane LOS HCM	PM Peak Hour Lane LOS SIDRA	PM Peak Hour Lane Delay (sec/veh)	PM Peak Hour SIDRA[2] Queue (ft)	Total Future 2021 - Wilco-Hess & Farms of New Kent: AM Peak Hour Lane LOS HCM	AM Peak Hour Lane LOS SIDRA	AM Peak Hour Lane Delay (sec/veh)	AM Peak Hour SIDRA[2] Queue (ft)	PM Peak Hour Lane LOS HCM	PM Peak Hour Lane LOS SIDRA	PM Peak Hour Lane Delay (sec/veh)	PM Peak Hour SIDRA[2] Queue (ft)
1. VA Route 106 (N-S)/ I-64 WB On/Off Ramp (E-W)		NBTL	~	A	5.6	42	A	4.7	42	A	6.1	73	A	5.6	53	A	-	4.4	133	A	-	5.4	154	A	-	6.5	159	A	-	8.4	217
	Stop	WBTL	1,125	C	21.2	106	D	26.1	210	F	57.5	158	F	124.4	253	F	-	Err	382	F	-	Err	1738	F	-	Err	1485	F	-	Err	1351
		WBR	100	A	8.7	-	A	9.1	-	A	8.8	-	A	9.2	-	F	-	51.7	323	F	-	195.2	1712	F	-	55.7	1773	F	-	210.2	1366
Four-leg Roundabout Intersection[4]		NBLT	~	-	-	-	-	-	-	-	-	-	-	-	-	A	A	5.0	SIDRA[2] Queue (ft) 0	A	A	4.8	SIDRA[2] Queue (ft) 0	A	A	5.4	SIDRA[2] Queue (ft) 0	A	A	5.3	SIDRA[2] Queue (ft) 0
		SBT	~	-	-	-	-	-	-	-	-	-	-	-	-	A	A	6.2	123	A	A	8.1	176	A	A	9.5	200	C	B	16.4	341
		SBR	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	5.2	0	A	A	5.2	0	A	A	5.2	0	A	A	5.2	0
		WBLT	1,125	-	-	-	-	-	-	-	-	-	-	-	-	C	C	23.8	93	D	C	30.0	156	D	C	29.6	166	E	C	42.0	284
		WBR	~	-	-	-	-	-	-	-	-	-	-	-	-	A	A	5.3	0	A	A	5.4	0	A	A	5.3	0	A	A	5.4	0
Overall Instersection LOS																A	A	6.8		A	A	7.8		A	A	8.6		B	B	11.6	
2. VA Route 106 (N-S)/ I-64 EB On/Off Ramp (E-W)/		SBL	~	A	1.5	48	A	0.5	24	A	1.4	57	A	0.5	44	A	-	9.6	567	A	-	7.8	421	B	-	11.6	1362	A	-	9.9	1208
	Stop	EBLTR	1,200	B	13.5	101	B	14.6	119	C	16.9	150	C	21.0	132	F	-	Err	1415	F	-	Err	1324	F	-	Err	1457	F	-	Err	1427
Four-leg Roundabout Intersection[4]		NBT	~	-	-	-	-	-	-	-	-	-	-	-	-	B	B	10.7	SIDRA[2] Queue (ft) 120	B	B	12.5	SIDRA[3] Queue (ft) 132	B	B	13.6	SIDRA Queue (ft) 190	C	B	17.4	SIDRA Queue (ft) 228
		NBR	~	-	-	-	-	-	-	-	-	-	-	-	-	A	A	5.2	0	A	A	5.2	0	A	A	5.2	0	A	A	5.2	0
		SBTL	~	-	-	-	-	-	-	-	-	-	-	-	-	A	A	7.7	0	A	A	7.0	0	A	A	7.3	0	A	A	6.7	0
		EBLT	1,200	-	-	-	-	-	-	-	-	-	-	-	-	C	B	17.1	70	C	C	21.3	139	C	B	19.6	94	D	C	27.9	208
		EBR	~	-	-	-	-	-	-	-	-	-	-	-	-	A	A	5.3	0	A	A	5.3	0	A	A	5.3	0	A	A	5.5	0
Overall Intersection LOS																A	A	9.9		B	B	11.2		B	B	10.5		B	B	13.8	
3. VA Route 106 (N-S)/ Wilco-Hess Entrance (E-W)/		SBL	250	A	8.7	70	A	8.7	126	A	9.1	89	A	2.6	55	A	-	9.9	88	A	-	9.6	85	B	-	10.7	65	B	-	10.6	72
	Stop	WBLT	~	C	18.8	47	C	20.3	49	D	28.3	67	E	35.7	66	E	-	35.1	44	E	-	38.4	42	F	-	68.6	69	F	-	83.5	60
	Stop	WBR	100	B	11.4	106	B	11.6	104	B	12.8	102	B	14.0	121	C	-	15.5	115	B	-	14.4	126	C	-	19.1	144	B	-	18.3	136
With Traffic Signalization		SBL	250	-	-	-	-	-	-	A	2.0	94	A	2.1	100	-	-	-	-	-	-	-	-	A	-	3.6	62	A	-	5.6	81
		SBT	~	-	-	-	-	-	-	A	1.6	58	A	1.7	73	-	-	-	-	-	-	-	-	A	-	1.7	36	A	-	4.8	139
		NBT	~	-	-	-	-	-	-	A	8.1	156	A	8.4	172	-	-	-	-	-	-	-	-	A	-	9.9	61	B	-	15.1	244
	Signal	NBR	200	-	-	-	-	-	-	A	5.2	36	A	5.1	41	-	-	-	-	-	-	-	-	A	-	4.2	125	A	-	6.7	39
		WBLT	~	-	-	-	-	-	-	E	55.2	61	E	56.8	62	-	-	-	-	-	-	-	-	E	-	59.0	171	C	-	21.6	50
		WBR	100	-	-	-	-	-	-	B	12.5	103	B	12.7	111	-	-	-	-	-	-	-	-	B	-	16.4	34	B	-	12.5	141
Overall Intersection LOS				-	-	-	-	-	-	A	6.5		A	6.5		-	-	-	-	-	-	-	-	A	-	7.6		A	-	9.3	
4. VA Route 106 (N-S)/ North Pilot Entrance (E-W)/		SBL	200	A	7.8	33	A	7.8	34	A	8.1	36	A	8.2	34	A	-	8.3	36	A	-	8.5	32	A	-	8.8	32	A	-	8.7	34
	Stop	WBL	~	B	12.5	28	B	12.9	39	B	14.2	31	C	15.3	35	C	-	17.9	30	C	-	22.6	31	C	-	20.0	30	D	-	25.3	38
		WBR	~	A	9.8	58	A	9.8	59	B	11.2	51	B	11.7	58	B	-	11.3	58	B	-	12.1	60	B	-	13.8	54	C	-	15.7	66
5. VA Route 106 (N-S)/ South Pilot Entrance (E-W)/		SBL	160	A	9.0	43	A	9.0	48	-	-	-	-	-	-	A	-	9.8	54	B	-	10.4	82	-	-	-	-	-	-	-	-
	Stop	WBL	~	B	12.0	24	B	12.8	27	-	-	-	-	-	-	C	-	17.1	23	C	-	22.2	32	-	-	-	-	-	-	-	-
		WBR	~	B	10.8	78	B	10.9	87	-	-	-	-	-	-	B	-	12.8	85	B	-	14.1	105	-	-	-	-	-	-	-	-
Proposed Site Entrance (E-W) Intersection Modifications		NBL	200	-	-	-	-	-	-	A	8.4	34	A	8.5	35	-	-	-	-	-	-	-	-	A	-	9.0	30	A	-	9.5	34
		SBL	160	-	-	-	-	-	-	A	8.9	56	A	9.0	61	-	-	-	-	-	-	-	-	A	-	9.8	28	B	-	10.4	50
	Stop	EBLT	~	-	-	-	-	-	-	C	18.5	103	D	27.3	129	-	-	-	-	-	-	-	-	F	-	56.6	111	F	-	261.9	183
	Stop	EBR	200	-	-	-	-	-	-	A	9.5	39	A	9.8	43	-	-	-	-	-	-	-	-	B	-	11.0	44	B	-	12.0	128
	Stop	WBLT	~	-	-	-	-	-	-	B	13.2	25	B	14.8	24	-	-	-	-	-	-	-	-	C	-	21.2	25	D	-	29.6	32
	Stop	WBR	100	-	-	-	-	-	-	B	10.3	92	B	10.8	105	-	-	-	-	-	-	-	-	B	-	12.7	92	B	-	14.4	107
With Traffic Signalization		SBL	160	-	-	-	-	-	-	A	6.6	76	A	7.1	94	-	-	-	-	-	-	-	-	A	-	7.0	38	A	-	8.5	59
		SBT	~	-	-	-	-	-	-	A	8.5	75	A	9.4	77	-	-	-	-	-	-	-	-	B	-	10.4	79	B	-	12.9	121
		SBR	200	-	-	-	-	-	-	A	7.7	71	A	8.7	76	-	-	-	-	-	-	-	-	A	-	7.7	51	A	-	6.7	63
		EBL	200	-	-	-	-	-	-	C	26.9	122	C	33.0	140	-	-	-	-	-	-	-	-	C	-	26.9	115	C	-	33.0	129
	Signal	EBTR	~	-	-	-	-	-	-	B	18.8	32	B	19.5	40	-	-	-	-	-	-	-	-	B	-	18.8	39	B	-	19.5	42
		NBL	200	-	-	-	-	-	-	A	7.3	40	A	8.5	44	-	-	-	-	-	-	-	-	A	-	7.2	42	A	-	8.5	53
		NBT	~	-	-	-	-	-	-	A	9.2	86	B	10.3	88	-	-	-	-	-	-	-	-	A	-	11.2	104	B	-	13.7	137
		NBR	300	-	-	-	-	-	-	A	7.5	33	A	8.8	31	-	-	-	-	-	-	-	-	B	-	7.4	32	A	-	8.5	31
		WBL	~	-	-	-	-	-	-	C	25.8	28	C	25.4	24	-	-	-	-	-	-	-	-	A	-	25.8	28	C	-	25.4	32
		WBTR	100	-	-	-	-	-	-	C	26.3	86	C	25.6	104	-	-	-	-	-	-	-	-	C	-	25.3	90	C	-	25.6	102
Overall Intersection LOS				-	-	-	-	-	-	B	12.9		B	15.0		-	-	-	-	-	-	-	-	B	-	12.9		B		15.3	

Notes:
(1) – Indicates a continuous lane. For I-64 Off-Ramps, distances shown are from existing stop bar to gore area.
(2) Queues are 95th percentile queues as reported by SIDRA.
(3) Queues are average 95th percentile queues as reported by SimTraffic after 10 runs of 15 minute intervals.
(4) For roundabouts, two LOS criteria are shown. The HCM criteria uses the STOP sign delay thresholds to assign LOS grades. The SIDRA criteria uses the SIDRA roundabout thresholds to assign LOS grades.
ERR Indicates control delay is greater than 999.9 seconds.
Indicates scenario remains the same from previous, approved, TIA submission dated March 31, 2015.

Site Traffic

The current concept plan shown in **Appendix B** has changed from the one analyzed in the approved TIA as follows:

1. It's primary entrance has been moved further south along Va. Route 106 to align opposite the Pilot South entrance
2. The number of car fueling pumps has been reduced from 16 to 14
3. The SF of the fast-food restaurant with drive-thru has been reduced slightly (from 2,550 SF to 2,527 SF)

As part of this analysis, an updated trip generation calculation check was performed on the updated concept plan (using the same assumptions for pass-by and internal capture trip adjustments), and the updated concept plan was found to generate slightly less traffic in the AM peak, PM peak, and the Total daily traffic scenarios compared to the trip generation in the approved TIA. Given that the trip generation in the approved TIA is slightly higher than for the updated concept (and therefore slightly more conservative) and given the substantial amount of time and effort expended in the previously approved analysis, it was decided not to change the site trip generation for the analyses herein from that which was approved. This decision allows the previously approved 2021 Total Future horizon analyses to remain unchanged from the approved TIA; however, the 2016 Total Future analyses were updated due to the change in analysis year, which changes the background traffic growth. (These results are discussed below.)

The overall directional distribution of the site's trips remains the same; however, the distribution of trips through each of the study area intersections has changed due to the Project's new access location. The updated site directions of approach percentages are shown in **Figure 14.1**.

The primary and pass-by site generated trip values for the Project remain the same as in the previously approved TIA; however, they are assigned differently to the network given the change in the Project's access location on Va. Route 106. The updated site generated primary and pass-by trips are shown in **Figure 15.1** and **Figure 16.1**, respectively.

Total Future Traffic Conditions (2016)

2016 total future traffic forecasts with the Project traffic were developed by adding the primary and pass-by site trips to the Total Background Traffic Forecasts (2016) shown on **Figure 12.1** to yield the Total Future Traffic Forecasts (2016) which are shown on **Figure 17.1.** The 2016 future lane uses are unchanged from the previously approved TIA, with the exception of laneage adjustments resulting from the relocation of the Project entrance on Va. Route 106. These changes are reflected in **Figure 6.1**.

2016 Total Future peak hour levels of service (LOS) and 95th percentile queuing were analyzed using the Synchro/SimTraffic methodologies described in the previously approved TIA. The 2016 Total Future LOS and queuing results are summarized in **Table 1**, and the analysis worksheets are included in **Appendix G**. The 2016 Total Future LOS is illustrated graphically on **Figure 18.1**.

Background Future Traffic Conditions (2021)

For this updated analysis, 2021 Background traffic conditions (including lane uses) remain unchanged from those reported in the approved TIA. It is noted that these volumes were derived

with continued 2% background growth (compounded), and that the 2021 Background traffic was analyzed with W-H trips included. 2021 Background analysis scenarios were included both with and without FONK, with and without roundabouts at the I-64 ramps. For comparative purposes, the LOS and 95th percentile queueing results are again summarized in this update in **Table 1**. [Note: Because the results are unchanged, there are no Synchro/SimTraffic worksheets for these scenarios in the Appendices.]

Total Future Traffic Conditions (2021 – No FONK)

2021 total future traffic forecasts with the Project traffic, background growth, and W-H (but without FONK) were developed by adding the primary and pass-by site trips to the Total Background Traffic Forecasts (2021) shown on **Figure 20** (from the previously approved TIA, see **Appendix A**) to yield the 2021 Total Future Traffic Forecasts (without FONK), which are shown on **Figure 22.1.** It is noted that the volumes at the Va. Route 106 intersections with the I-64 ramps do not change from those reported in the previous TIA; only the volumes at the southern three (3) study area intersections change. Further, it is noted that the 2021 future lane uses (without FONK) also remain unchanged from the previously approved TIA, with the exception of laneage adjustments resulting from the relocation of the Project entrance on Va. Route 106. These changes are reflected in **Figure 6.1**.

2021 Total Future (without FONK) peak hour levels of service (LOS) and 95th percentile queuing were analyzed using the Synchro/SimTraffic methodologies described in the previously approved TIA. The 2021 Total Future LOS and queuing results (without FONK) are summarized in **Table 1**. The analysis worksheets without FONK are included in **Appendix H**.

The 2021 Total Future LOS (without FONK) is illustrated graphically on **Figure 23.1**.

Total Future Traffic Conditions (2021 – with FONK)

FONK traffic was added to the traffic forecasts in **Figure 22.1** to generate 2021 Total Future Traffic forecasts (with FONK), and these forecasts are shown on **Figure 27.1**. Similar to the scenario without FONK, it is again noted that the volumes at the Va. Route 106 intersections with the I-64 ramps with FONK do not change from those reported in the previous TIA; only the volumes at the southern three (3) study area intersections change. Similarly, the 2021 future lane uses (with FONK) are unchanged from the previously approved TIA, with the exception of laneage adjustments resulting from the relocation of the Project entrance on Va. Route 106. These changes are reflected in **Figure 7.1**.

2021 Total Future (with FONK) peak hour levels of service (LOS) and 95th percentile queuing were analyzed using the Synchro/SimTraffic methodologies described in the previously approved TIA. The 2021 Total Future LOS and queuing results (with FONK) are summarized in **Table 1**. The analysis worksheets with FONK are included in **Appendix I.**

The 2021 Total Future LOS (without FONK) is illustrated graphically as follows:

- Scenario with No Roundabouts at I-64 Ramps – not included herein (please refer to Figure 28 from the approved TIA)
- Scenario with Roundabouts at I-64 Ramps – see **Figure 29.1**

Traffic Signal Warrant Analysis

An updated traffic signal warrant analysis was prepared for the new Project entrance on Va. Route 106, which aligns with the existing Pilot South entrance. The analysis was performed for projected 2016 Total Future traffic volumes. These volumes were developed using weekday 12-hour turning movement counts (7am – 7pm, see **Appendix D**) collected in December 2013 and factored to 2016 background levels by growing the NB and SB Va. Route 106 through movements (only) at 2% / year (compounded) for three years. Hourly background traffic from the approved/unbuilt W-H development was added to the NB and SB Va. Route 106 through movements, and hourly Project site traffic was added to complete the development of the projected 2016 hourly Total Future turning movements.

The traffic signal warrant analysis was performed in a manner consistent with the methodologies and assumptions utilized in the approved TIA, which included:

- Use of HCS 2010 software
- Traffic signal thresholds based on MUTCD Criteria for following warrants:
  - Warrant 1 – Eight Hour Vehicular Warrant
  - Warrant 2 – Four Hour Vehicular Warrant
  - Warrant 3 – Peak Hour Warrant
- Use of historical car and truck diurnal rates on the I-64 mainline (near Va. Route 106) to develop 12-hour traffic profile for car and truck traffic at the Project entrance and at the Pilot entrance, as well as for W-H background traffic
- Speed limit on Va. Route 106 is 45 mph; scenarios were run with and without the 45 mph speed limit factoring for 70% volume thresholds
- The VA Rte. 106 approaches were coded with shared through/left-turn lanes in the NB and SB directions
- Right-turn lanes and volumes for all four (4) approaches were removed from all the analyses
- Truck volumes for all approaches were converted to car equivalents using a factor of 1.82, as documented in the approved TIA

The worksheets to develop the hourly traffic forecasts for the signal warrant analysis are included in **Appendix J** along with the results of the analysis.

Turn Lane Warrant Analysis

Updated right-turn and left-turn lane warrant analyses were prepared for the 2016 Total Future traffic volumes at the new Project entrance on Va. Route 106. The results of the analysis are included in **Appendix K.**

Access Management Compliance

The new Project entrance along the west side of Va. Route 106 meets all current VDOT Access Management spacing guidelines between interchange ramps, signalized intersections, and adjacent entrances, and therefore does not require an Access Management Exception (AM-E) from VDOT. This assessment is based on the following spacing requirements for minor arterials with a posted speed limit of 45 mph as set forth in the VDOT Road Design Manual (Appendix F):

Spacing from Interchange Ramp: Figure 2-10 of VDOT Road Design Manual Appendix F requires a minimum distance of 1,320' from the end of the nearest interchange off-ramp terminal to the first four legged intersection along a 2-lane crossroad. The distance from the I-64 EB Ramp's intersection with Va. Route 106 to the proposed Project entrance (opposite Pilot South) is approximately 1,500'.

Spacing Between Signalized Intersections: The minimum spacing between signalized intersections is 1,050'. The nearest traffic signal along Va. Route 106 is over 2.5 miles (12,000'+) to the south at its intersection with US Route 60. (Note: The spacing would also be met if a future traffic signal were constructed at the I-64 EB Off-Ramp intersection with Va. Route 106 to the north.)

Spacing Between Full Access Entrance and Any Other Full Access Intersection: The minimum spacing between a full access entrance and any other full access intersection on the same side of a roadway is 470'. Along the west side of Va. Route 106, the closest full access entrance to the Project entrance is approximately 540' south (existing church gravel entrance).

Evaluation of Entrance Offset: The VDOT Access Management guidelines recommend avoiding the construction of entrances that are on the opposite side of a road and closely off-set; however, no minimum required offset distance is specified other than that which might be required to develop necessary turn lanes along the mainline roadway to which the entrances connect. The Project entrance would be located approximately 240' south of the existing Pilot North full movement entrance. Based on a review of the information contained in Appendix F of the Road Design Manual, this offset distance is not deemed to be close enough to cause operational issues for traffic traveling between the entrances.

Corner Clearance: The VDOT Access Management guidelines recommend a minimum corner clearance distance of 225' between the edge of the major street and the first internal intersection on a commercial entrance. This distance is increased if queue lengths stacking at the approach to the mainline exceed 225' or if the intersection with the mainline is signalized or anticipated to be signalized, which is the case for the Project entrance at Va. Route 106. The first site driveway from the Project entrance would be located approximately 276' from the edge of the Va. Route 106 mainline (measured from the edge of the proposed southbound right-turn lane to serve the Project entrance – see Concept Plan in **Appendix B**).

[THIS SPACE INTENTIONALLY LEFT BLANK]

Results and Conclusions

Based on the analysis results presented in this TIA letter revision, we offer the following:

- When compared with the previously approved TIA, the three southernmost intersections in the study area are affected by the adjustments in traffic while the two northernmost intersections (the I-64 EB and WB Ramps at VA Route 106) are not.

- VA Route 106 and Pilot South / Proposed Loves Entrance Intersection:

  - *Traffic Signal Warrants* – Under projected 2016 Total Future conditions, traffic volumes at the proposed Loves entrance opposite the Pilot South access on VA Route 106 satisfy 8-hour traffic signal Warrant 1A and 4-hour Warrant 2 when VA Route 106 is analyzed as a 45 mph roadway with 70% volume factoring per MUTCD criteria. When analyzed as a 40 mph roadway (which VA Route 106 is not), the unfactored volumes at the intersection do not satisfy MUTCD traffic signal warrants for Warrant 1 or 4. It is noted that the above traffic signal warrant analysis results are the same as those reported in the approved TIA, when the Loves entrance was further north (opposite the W-H entrance).

  - *Signalized Operations* – With signalization, the intersection operates with overall LOS B under projected 2016 and 2021 Total Future conditions (both AM and PM peak hours), with all movements operating with LOS C or better. 95th percentile queues are accommodated within the mainline VA Route 106 left-turn lanes (assuming construction of a northbound left-turn lane; see additional discussion below).

  - *Unsignalized Operations* – Without signalization, in 2016 the intersection's critical movements will operate with LOS C or better, with the exception of the eastbound (exiting) left-turn movement for the proposed Loves entrance, which will operate with LOS D. (This result assumes build-out of the approved/unbuilt Wilco-Hess development.) Under projected 2021 Total Future conditions (with W-H, but without FONK), these results hold for unsignalized conditions. In the 2021 Total Future scenarios with W-H and FONK, the projected side street approaches for both Loves and Pilot South deteriorate significantly, with the exiting left-turn from the Loves entrance operating at a severe LOS F, the exiting right-turn from Pilot South operating at LOS F, and the exiting left-turn from Pilot South reducing to LOS D.

  - *Turn Lane Warrants* – Under projected 2016 Total Future conditions, a southbound right-turn lane (200' storage x 200' taper) is warranted along VA Route 106 to serve the Loves entrance. The projected 2016 and 2021 Total Future traffic volumes for the northbound left-turn movement into the proposed Loves do not satisfy left-turn lane warrants. However, consideration should be given to constructing a northbound left-turn lane (200' storage x 200' taper) as part of the Loves access improvements to provide improved throughput for northbound traffic along VA Route 106 and to provide the option for protected left-turn phasing for northbound lefts into the site.

- VA Route 106 and Pilot North Intersection:

  - Under all scenarios analyzed herein, the critical movements at this intersection will operate with LOS C or better (consistent with the previously approved TIA), with one exception being the exiting (westbound) Pilot left-turn movement, which will reduce to a high LOS D during the PM peak hour (only) under projected 2021 Total Future conditions with assumed build-out of both W-H and FONK.

- VA Route 106 and Proposed Wilco-Hess Entrance:

  - *Unsignalized Operations* – Under projected 2016 Background conditions, the critical movements at this intersection are anticipated to operate at LOS C or better. Under projected 2016 Total Future conditions, the intersection's critical movements are expected to operate at LOS C or better with the exception of the westbound (exiting) left-turn during the PM peak (only), which is expected to operate at LOS D.

    Under projected 2021 Background conditions (no FONK), the critical movements at this intersection are anticipated to operate at LOS C or better. Under projected 2021 Total Future conditions (no FONK), the intersection's critical movements are expected to operate at LOS C or better, with the exception of the westbound (exiting) left-turn, which is expected to operate at LOS D/E during the AM/PM peak hours, respectively.

    Under projected 2021 Background conditions (with FONK), the critical movements at this intersection are anticipated to operate at LOS C or better, with the exception of the westbound (exiting) left-turn, which is expected to operate at LOS E during the AM and PM peak hours, respectively. Under projected 2021 Total Future conditions (with FONK), the intersection's critical movements are expected to operate at LOS C or better with the exception of the westbound (exiting) left-turn, which is expected to operate at LOS F during the AM and PM peak hours.

  - *Signalized Operations* – Signalized operations of this intersection were considered in this TIA under Total Future conditions (only) to be consistent with the previously approved TIA and to understand the potential operations should signalization (for which funding was proffered by W-H) be constructed.

    Under projected 2016 Total Future conditions, the intersection is anticipated to operate at overall LOS A with all turning movements operating at LOS C or better with the exception of the AM westbound left-turn (LOS D).

    Under projected 2021 Total Future conditions (no FONK), the intersection is anticipated to continue to operate at overall LOS A with all turning movements operating at LOS C or better with the exception of the AM and PM westbound left-turn (LOS E).

    Under projected 2021 Total Future conditions (with FONK), the intersection is anticipated to continue to operate at overall LOS A with all turning movements operating at LOS C or better with the exception of the AM westbound left-turn only (LOS E).

- VA Route 106 and I-64 EB and WB Ramp Intersections:

  The results of the operational analysis at these interchange intersections remain essentially unchanged from the previously approved TIA. The intersections' critical movements will function at LOS C or better (with only a few exceptinos) under projected 2021 Total Future AM and PM peak hour conditions (with W-H and with FONK).

- Access Management:

  The proposed Loves entrance location evaluated herein results in significantly improved spacing from the I-64/VA Route 106 interchange when compared to the Loves entrance evaluated in the previously approved TIA. Based on our review of the current VDOT Access Management spacing guidelines, the proposed entrance location evaluated herein does not require a VDOT Access Management Exception (AM-E) for spacing from an interchange, signalized intersection spacing, unsignalized intersection spacing, or corner clearance.

In closing, BCG appreciates VDOT's ongoing assistance and cooperation in the revisions to this TIA, and we look forward to

Should you have any questions or comments, please contact our office at (804) 616-3240.

Sincerely,
BOWMAN CONSULTING GROUP, LTD.

John D. Riley, PE, PTOE
Senior Project Manager / Team Leader

NEW KENT COUNTY
Notice of Mailing

Applicant Name: Love's Travel Stop
Application Number: CUP-02-15
Public Hearing Date: Monday, November 16, 2015

STATE OF VIRGINIA
COUNTY OF NEW KENT, to wit

I, Kelli L. Z. Le Duc, of the New Kent County Planning Division, do make oath that notices as required by Section 15.1-431 of the Code of Virginia, 1950, as amended, were mailed on the 5th day of November 2015, by first class mail, postage prepaid, to the persons whose names and addresses are attached.

Kelli LeDuc
Signed

Subscribed and sworn to before me this 5th day of November, 2015.

Sheri Lynn Wood
Notary Public

SHERI LYNN WOOD
NOTARY PUBLIC
REG # 224610
MY COMMISSION EXPIRES 12/31/2015
COMMONWEALTH OF VIRGINIA

My commission expires: December 31, 2015.

§ 15.2-2302. SAME; AMENDMENTS AND VARIATIONS OF CONDITIONS.

A. Subject to any applicable public notice or hearing requirement of subsection B but notwithstanding any other provision of law, any landowner subject to conditions proffered pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 may apply to the governing body for amendments to or variations of such proffered conditions provided only that written notice of such application be provided in the manner prescribed by subsection H of § 15.2-2204 to any landowner subject to such existing proffered conditions. Further, the approval of such an amendment or variation by the governing body shall not in itself cause the use of any other property to be determined a nonconforming use.

B. There shall be no such amendment or variation of any conditions proffered pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 until after a public hearing before the governing body advertised pursuant to the provisions of § 15.2-2204. However, where an amendment to such proffered conditions is requested pursuant to subsection A, and where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing (i) under this section and (ii) under any other statute, ordinance, or proffer requiring a public hearing prior to amendment of such proffered conditions.

C. Once amended pursuant to this section, the proffered conditions shall continue to be an amendment to the zoning ordinance and may be enforced by the zoning administrator pursuant to the applicable provisions of this chapter.

D. Notwithstanding any other provision of law, no claim of any right derived from any condition proffered pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 shall impair the right of any landowner subject to such a proffered condition to secure amendments to or variations of such proffered conditions.

E. Notwithstanding any other provision of law, the governing body may waive the written notice requirement of subsection A in order to reduce, suspend, or eliminate outstanding cash proffer payments for residential construction calculated on a per-dwelling-unit or per-home basis that have been agreed to, but unpaid, by any landowner.

1978, c. 320, § 15.1-491.6; 1997, c. 587; 2009, c. 315; 2012, cc. 415, 465; 2013, c. 513.

§ 15.2-2204. ADVERTISEMENT OF PLANS, ORDINANCES, ETC.; JOINT PUBLIC HEARINGS; WRITTEN NOTICE OF CERTAIN AMENDMENTS.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

Code 1950, § 15-961.4; 1962, c. 407, § 15.1-431; 1964, c. 632; 1968, cc. 354, 714; 1973, cc. 117, 334; 1974, cc. 100, 570; 1975, c. 641; 1976, c. 642; 1977, c. 65; 1982, c. 291; 1990, c. 61; 1992, cc. 353, 757; 1993, cc. 128, 734; 1994, c. 774; 1995, c. 178; 1996, cc. 613, 667; 1997, c. 587; 2001, c. 406; 2002, c. 634; 2004, cc. 539, 799; 2005, c. 514; 2007, cc. 761, 813; 2011, c. 457; 2012, c. 548; 2013, cc. 149, 213.

Theatre Square LC
9400 Charter Crossing B
Mechanicsville, VA 23116

CUP-02-15

Michael & Annette Suarez
6600 Halstead Lane
Providence Forge, VA 23140

John Page
6800 Halstead Lane
Providence Forge, VA 23140

Emmaus Baptist Church
Trustees
PO Box 533
Quinton, VA 23141

CCJ LLC
423 N. Boundary Street #100
Williamsburg, VA 23188

Pilot Travel Centers LLC
Attn: Tax Department
PO Box 54470
Lexington, KY 40555

Horsley Treolo Holdings, LLC
6339 Pocahontas Trail
Providence Forge, VA 23140

SPF Investments LLC
403 East Grace Street
Richmond, VA 23219

WILCOHESS LLC
c/o Property Tax Dept.
539 S Main Street
Findlay, Ohio 45840

Bev & Sherry Heath
PO Box 276
Barhamsville, VA 23011

PUBLIC NOTICE
NEW KENT COUNTY PLANNING COMMISSION

Notice is hereby given that the following public hearing will be held on Monday, November 16, 2015 at 7:00 PM or as soon thereafter as possible in the Boardroom of the New Kent County Administration Building located in New Kent, VA, where the Planning Commission of the County of New Kent may or may not take action on the following:

1. **Application CUP-02-15 Love's Travel Stops and Country Stores, Inc.:** Love's Travel Stops and Country Stores, Inc. has applied for a Conditional Use Permit to develop a Travel Center on Emmaus Church Road, south of Interstate 64. The request covers approximately 18 acres of a larger parcel (74.1 acres), which is identified as Tax Map & Parcel Number 21-88 (GPIN #J12-1740-0776).

Questions concerning the public hearing may be directed to the Department of Community Development at 804-966-9690. All interested persons may appear and present their opinions at the above time and place. If a member of the public cannot attend the hearing, comments may be submitted in writing to the New Kent County Department of Community Development, P.O. Box 150, New Kent, VA 23124; by fax to 804-966-8531, or by email to planning@newkent-va.us. Comments received by 12:00 P.M. on the day of the hearing will be distributed to Planning Commission members and made a part of the public record. Copies of applications, proposed resolutions, and staff reports may be viewed approximately one week prior to the hearings in the New Kent County Department of Community Development at 12007 Courthouse Circle, New Kent, VA 23124 during regular business hours or at http://www.co.new-kent.va.us/index.aspx?NID=143. Anyone needing assistance or accommodation under the provisions of the Americans with Disabilities Act should call the County Administrator's Office at (804)966-9683 at least 24 hours in advance of the hearing. If a meeting cannot be held due to inclement weather, the meeting will be held on the next business day that the New Kent County offices are open.

PLANNING COMMISSION