

February 4, 2016

PRESENT: G. A. Coyner, II, Chairman  
T. H. Byerly, Vice Chairman  
D. A. Brown  
S. F. Shreckhise  
J. D. Tilghman  
J. R. Wilkinson, Zoning Administrator & Secretary  
Pat Morgan, County Attorney

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 4, 2016, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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**VIEWINGS**

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **JAMES POTTER, AGENT FOR REDEEMING LIFE MINISTRIES - SPECIAL USE PERMIT**
- **RICK SHUFFIELD, AGENT FOR LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC. - SPECIAL USE PERMIT**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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Chairman

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Secretary

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Pat Morgan, County Attorney  
J. R. Wilkinson, Zoning Administrator & Secretary  
B. Cardelicchio-Weber, Executive Secretary

ABSENT: None

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, February 4, 2016, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Vice Chairman Byerly moved that the minutes from the January 7, 2016, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**JAMES POTTER, AGENT FOR REDEEMING LIFE MINISTRIES - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by James Potter, agent for Redeeming Life Ministries, for a Special Use Permit to have a day care operation within a church on property it owns, located in the eastern quadrant of the intersection of Hammond Lane and Christians Creek Road, in the Beverley Manor District.

Mr. James Potter stated they have proposed to build a church with a day care operation. He would like to provide a service for children of the church and the community. He noted they are in the site plan process now. He stated the site plan does include parking and the building will be handicapped accessible.

Chairman Coyner asked if they currently meet somewhere else?

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Mr. Potter noted they currently meet at 106 Rowe Road.

Ms. Brown asked how many children would there be in the day care operation?

Mr. Potter stated they are requesting one hundred (100) children.

Ms. Brown asked how many employees would the applicant have?

Mr. Potter stated as the day care grows they would add employees for the children.

Ms. Brown asked what the hours of operation would be?

Mr. Potter stated they would operate Monday – Friday and during church.

Ms. Brown asked if they would offer food?

Mr. Potter stated they will not provide food. He stated the families will need to bring lunch for the children.

Ms. Tilghman asked what will the age of the children be?

Mr. Potter stated they would like to accommodate six weeks up to five or six years old.

Vice Chairman Byerly asked if the day care would be staffed with church parishioners?

Mr. Potter stated yes.

Chairman Coyner asked if the entire campus would be built at the same time?

Mr. Potter stated yes.

Chairman Coyner asked how soon will this project be completed?

Mr. Potter stated they would like to get started as quickly as possible.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed.

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Chairman Coyner stated the Board visited the site this morning.

Vice Chairman Byerly stated there is a need in the community for this type of facility. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.
2. Obtain Health Department approval and provide a copy to Community Development.
3. Provide a copy of the license from the Department of Social Services.

**Operating Conditions:**

1. Be permitted to have a day care operation with up to one hundred (100) children, as determined by Social Services.
2. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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**RICK SHUFFIELD, AGENT FOR LOVE'S TRAVEL STOPS AND COUNTRY STORES, INC. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Rick Shuffield, agent for Love's Travel Stops and Country Stores, Inc., for a Special Use Permit to have a travel plaza and truck stop, tire shop, convenience store, and restaurant on property owned by Augusta County Company, LLC, c/o Ramsey Enterprises, located on the north side of Pilot Truck Drive, in the northwest quadrant of the intersection of Pilot Truck Drive and Lee Jackson Highway (Route 11), in the Riverheads District.

Mr. Rick Shuffield, Vice President of Real Estate Development for Love's, stated he is very pleased to be able to get to this point. He stated Love's is proposing to have a truck travel center at this site which would be similar to Pilot. He noted with him today are several different technical experts: Kevin Cole, Traffic Engineer, with CDM Smith, Mike Hill, Civil

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Engineer, with Summit Engineering, John Rasnick, Manager of Augusta County Company, LLC (current landowner), and Greg St. Ours who is their Land Use Attorney. He noted that the property is currently under contract. He stated they have been working with staff about a year on completing their preliminary design. He has provided the Board with background information on Love's and is happy to answer any questions regarding the company. He noted they will develop the twelve (12) acres of property with ten (10) acres being for the travel center and the rest as buffer zones and for stormwater standards. He also hopes to develop a hotel to the immediate left of the site. He does work with Hampton, Marriott, Wyndham, and Choice hotels. He has estimated spending about \$10,000,000 on the project. He stated this would increase food and sales tax for the County. He stated they will hire about 50-70 employees with about 7 in management, 6-7 tire technicians, 4-6 shift leaders and administrative assistants, 10-12 cashiers, 5-8 in maintenance, and 20-25 in the restaurant. He stated they are having discussions with McDonalds for the restaurant. He stated if that deal does not go through they have dealings with IHOP, Hardees, or a few others. He stated they prefer to hire full time shifts and they provide benefits including life and health insurance as well as 401K. He noted they try to offer more to the employees to reduce turnover and have a happy work environment. He mentioned that they will utilize the same access but will have improvements to the road. He mentioned that there will be a right turn lane for cars. He noted the entrances for the cars and trucks will be separate. He explained the preliminary site plan for the Board and is confident that the site plan will handle all of the criteria requested by staff. He stated they are planning on constructing an 11,000 square foot building. He stated in the building there would be a convenience store, gift shop, oversized restroom facilities, and a restaurant. He stated McDonalds would require the largest footprint. He stated they will have 16 fueling points with 8 pumps. He stated both sides can be fueled at the site time. He stated they will have parking for 84 cars, 8 RVs, and in the back lot for 80 trucks. He has worked closely with staff and the Virginia Department of Transportation (VDOT) on the proposed improvements. He stated they will have a new access point further down south which will create another way to circulate traffic. He stated they plan on constructing the new roadway as part of their approval process. He noted that this will open options for additional development along the roadway. He stated the closest residential site is 2,000' away. He stated they have a 100' setback from their property lines. He stated the travel center will not be seen southbound. He stated they are happy to plant more trees on the northbound side. He stated the site will be graded down to at least thirty (30') feet below the Interstate at grade level. He stated the site will have 17' light fixtures that will be shielded to adhere to the Lighting Ordinance requirements. He stated the lights will not stand out because of the grade. He noted they plan on using LED lighting. He has read through all of the staff recommendations and they are in agreement with all of them.

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Chairman Coyner asked if eight (8) fueling pumps and eighty (80) parking spaces is a formula that works for Love's?

Mr. Shuffield stated they used to be happy with fifty (50) parking spaces for the trucks but they had to add more because of the increase in trucks on the road. He stated many trucks have the electronic log and they need to shut down after a certain amount of time of being on the road.

Mr. Shreckhise asked if Love's hires security personnel?

Mr. Shuffield stated about 5-6 years ago they started the tire shops at their locations. He stated they do not handle any major repairs like engines in the tire shop. He stated they handle safety repairs which include tires, bulbs, etc. He stated there is not a lot of volume with this end of the business but they still need to have staff onsite 24 hours a day. He stated with this benefit they have someone there on the lot at all times. He noted because the employee in the tire shop has so much down time, they have enhanced the cleanliness of the site dramatically. He mentioned that they do have security at other locations closer to the urban areas. He stated at this site, there are other security measures in place such as security cameras and live data feeds.

Mr. Shreckhise asked about patrolling and cleanup of the site?

Mr. Shuffield stated staff in the tire shop will handle the patrolling and cleanup of the site during their down times.

Vice Chairman Byerly hoped that the applicant will find that Augusta County has a low crime rate.

Mr. Shuffield felt that Augusta County is very rural and the community has good hard working people. He stated this is a great staff location.

Vice Chairman Byerly asked about any future expansion?

Mr. Shuffield stated unless the County changes the code they are locked into the area that they are proposing for this site. He stated they have tried to minimize the impact within the floodplain area.

Vice Chairman Byerly stressed the importance of providing employee benefits to their staff.

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Mr. Shreckhise stated the applicant should provide screening from the Interstate.

Mr. Shuffield stated his preference is to be visible but they will have plantings/landscape that is attractive. He stated they had the opportunity to meet with VDOT and discussed their concerns. He noted this is not a great entry point into the community. He stated they will be grading the site and will have nicer plantings as well as a new fence. He hoped to pursue these matters with VDOT.

Ms. Tilghman asked if eight (8) service pumps is the normal range?

Mr. Shuffield stated 6-10 is their usual range of service pumps. He preferred to have more because the additional pumps will help with the speed of service. He noted with having more it helps the truck companies pump their fuel and get moving down the road.

Ms. Tilghman asked where is the closest Love's location?

Mr. Shuffield stated the closest Love's location is in Toms Brook. He stated they have had a site in Wytheville for the last fourteen (14) years.

Ms. Tilghman stated the new road is the most important thing to us because it will alleviate a lot of congestion problems. She stated without the road improvements the property owner is at a standstill to add anything else because of problems with the road.

Mr. Shuffield mentioned that he was in agreement with Ms. Tilghman. He noted that if you cannot deal with ingress or egress on a project then you are destined to fail eventually. He stated the road improvements will open up a lot of opportunity. He noted this will also benefit Pilot.

Vice Chairman Byerly stated the road addresses all of their public safety concerns.

Chairman Coyner asked about traffic counts?

Mr. Shuffield stated it would depend on the restaurant option. He stated Interstate 81 has one of the highest percentages of truck traffic. He stated McDonalds has higher volumes but it does peak during breakfast times. He mentioned that Love's has steady traffic. He stated they receive 3-4 times as many cars than they have trucks coming to their locations. He noted they could have above average with 400-500 trucks and 1,500-1,800 car trips at the site. He stated 10% of their customers stop primarily to use their restroom facilities. He stated they always invest a lot in their restroom facilities.

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Chairman Coyner asked how much is contracted out with the trucking companies and how much is regular trucks?

Mr. Shuffield stated 63% of their sales is with fleet sales. He noted that Pilot and Love's share a lot of the same customers.

Chairman Coyner asked if Love's will employ local people?

Mr. Shuffield stated yes. He noted they will bring in an experienced manager or someone that has just earned a promotion to the area. He stated they do ask their existing employees if anyone would like to relocate to the area but most of the hiring will be done locally. He stated they would hire an administrative assistant sooner and take them to the location to learn the process first hand. He stated the maintenance position would not take much training. He stated the diesel clerk would be hired and then trained accordingly. He mentioned that McDonalds handles their own training. He stated if McDonalds ends up coming in, they will also have a Godfather's Pizza or Chester's Chicken that Love's will operate.

Ms. Brown asked if the trucks fuel both sides at the same time?

Mr. Shuffield stated yes and explained the process. He stated by the tractor trailers being able to fill up both sides it speeds the process up. He stated they may not fill both sides all of the time because it would depend on the load that they are carrying.

Chairman Coyner asked how long on average does it take to fill up?

Mr. Shuffield stated it would take 5-8 minutes on average to fill up. He stated if they have a RFID or Smart Fuel they can start fueling right away. He stated once their ticket is generated after fueling, we ask that they pull forward and park if they need to come inside. He stated this solves the problem and keeps the trucks moving.

Mr. Kevin Cole, CDM Smith, stated they have submitted the Traffic Impact Analysis for the site and have spoken with VDOT on the proposed improvements. He stated the proposed site plan shows the loop road. He noted that VDOT asked them to look at the future of a potential business park when doing this study. He stated the loop road provides a second chance for a driver to turnaround. He stated with the existing traffic in this area the study rated this site as a "C" with an acceptable average delay. He noted they looked at the Greenville Pilot and another Pilot on Interstate 81 as well as two new Love's locations that generate a high volume and high sales and averaged the traffic count. He noted after running the analysis, they are confident with their numbers that there would be too much



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traffic if nothing is done to improve the traffic flow. He stated with the right turn overlap they would be back to a level "C" service. He stated another improvement would be the right turn lane into Love's Auto Drive and Pilot Truck Lane with three lanes that are striped. He noted by doing all of the improvements necessary, the flow of traffic will be improved.

Ms. Tilghman asked if the road improvement changes are not done, would the site fail the test?

Mr. Cole stated it would fail without adding the right turn overlap with the additional traffic of Love's.

Ms. Tilghman asked if it is failing currently?

Mr. Cole stated it is a level "C" or "D" now.

Ms. Tilghman asked if Mr. Cole used the retail space or the office space when conducting their analysis?

Mr. Cole stated they chose a business park which includes offices or manufacturing and warehouse opportunities as well. He noted the office space would give the biggest impact and the most stress during the peak hours.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Ms. Cynthia Williams, 326 McClures Mill Road, Greenville, stated her primary concern is about lighting issues. She asked if the applicant will be required to comply with the Lighting Ordinance? She stated that in the ordinance it states that they shall comply.

Mr. Wilkinson stated the applicant is required to comply with the Lighting Ordinance. He stated once the site plan is submitted, a Lighting Plan is a required part of that process. He noted it will not pass if there is not a Lighting Plan.

Ms. Williams stated an engineer designs the plans and County employees approve the plans. She asked once construction happens who would assure that the lights meet the criteria of the County?

Mr. Wilkinson stated the plans are submitted and stamped by an engineer. He stated these plans are required for any business site and the professional engineer will put their stamp on the plans. He said should there be a complaint, staff will investigate. He stated

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shielded lighting is installed so that the lights are on the parking lot and not in the sky. He stated it was new to us 15-20 years ago but now people are using this type of lighting all across the United States.

Ms. Williams stated she can see the lights from Pilot from her home. She stated this ordinance was not in effect when Pilot was built. She hoped that the site be kept neat and orderly. She stated the previous business was not neat and orderly. She asked what assurances do we have about that?

Mr. Wilkinson stated the Community Development Department enforces these ordinances. He stated if any of the neighbors are aware of a problem, they can call the office. He stated if a citizen has an issue, staff will investigate the site, and contact the property owner if there is an issue.

Chairman Coyner asked if there was anyone else wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner asked the applicant to speak in rebuttal.

Mr. Shuffield stated they will comply with all ordinances. He stated the lighting issue is a typical procedure for them and they will comply with the Lighting Ordinance to the County. He stated the lighting will be installed the way it is shown on their plans. He noted if the lighting were to be deficient, then they would take them down and put in the proper fixtures. He stated proper fencing and operating procedures will take care of the majority of any trash issue. He stated they have procedures in place in order for their staff to do a good job in keeping the site clean and orderly. He stated they make sure they change trash cans on a regular basis. He also welcomes any calls if there are issues.

Vice Chairman Byerly stated this is a family operation that is well respected. He asked if noise would be a factor with the hotel?

Mr. Shuffield stated up to this point, they have had no issues related to noise with the hotels they have in other locations. He stated in some areas they have constructed berms and other design features as well as, enhanced glass, or thicker wall sections on the building.

Vice Chairman Byerly stated modern trucks are a little quieter.

Mr. Shuffield stated there is small background noise with the trucks because they have a smaller muffler system now.

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Chairman Coyner declared the public hearing closed.

Ms. Tilghman stated this is a very reasonable request with the recommended staff conditions. She stated these conditions are established to make sure things are done right. She stated the number one issue is that the perimeter road be done. She stated this property cannot be developed unless there is a better road system. She stated there already is a truck stop there. She stated with the numerous businesses and industries that require the use of tractor trailers, we need to provide nice, well run travel centers for them to use. She stated Interstate 81 is the highest truck traveled road in the United States. She stated this will be a lot of tax revenue generated for the County by this truck stop. She stated this site is in a good area and there are no homes right on top of this property. She stated lighting requirements have greatly been improved. She noted that Pilot has the old lighting which this Board cannot do anything about.

Chairman Coyner stated the applicant is agreeable in constructing the road. He stated this site is located near the Interstate and is a good location for this type of business.

Chairman Coyner asked what is the timetable should this move forward?

Mr. Shuffield stated there is quite a bit of permitting that is required. He hoped to get started March 2017. He stated it would take 7-8 months for the construction of the building.

Ms. Brown asked what is the material of the road?

Mr. Shuffield stated they would meet all County road requirements. He stated they would like to construct the road out of asphalt.

Ms. Tilghman moved that the request be approved with the following conditions:

**Pre-Conditions:**

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies.
2. All recommendations listed in the approved Traffic Impact Analysis (TIA) prepared by CDM Smith dated November 2015, must be completed and approved by VDOT.

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- 3. The proposed second entrance and access road shown on the preliminary site plan dated January 8, 2016, will be completed **before** a Certificate of Occupancy can be issued for the travel center/truck stop or convenience store.
- 4. Applicant obtain FEMA approval of a Floodplain Study regarding construction or any development in the floodplain and provide a copy to Community Development.
- 5. Love's will submit a Spill Prevention Control and Countermeasure Plan to be approved by Augusta County's Chief of Fire and Rescue.

**Operating Conditions:**

- 1. Be permitted to have eight (8) diesel fueling positions for trucks and sixteen (16) automobile fueling positions.
- 2. All tractor trailer traffic will be confined to the truck area except for fuel drops.
- 3. Site be kept neat and orderly.
- 4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 5. Any new outdoor lights over 3,000 lumens require site plan submittal and must meet the ordinance requirements of Article VI.A Outdoor Lighting.

Mr. Shreckhise seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 15-13 David or Catherine Marie Riccioni
- 15-14 Waynesboro Church of the Nazarene
- 15-15 Andrey Kunitsa
- 15-16 Dominion Assets, LLC

Mr. Wilkinson stated the applicant has not completed the handicapped ramp for SUP#15-13. He stated the pre-conditions are not complete for SUP#15-14. He stated staff has sent a letter asking if the applicants will need an Extension of Time. He noted there were less than 20 dogs onsite for SUP#15-15. He stated staff has received

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complaints from a neighbor regarding the dogs wandering onto their property. He mentioned that he has spoken with Ms. Kunitsa regarding this issue. He stated SUP#15-16 is in compliance.

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Mr. Morgan discussed the court cases with the Board.

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There being no further business to come before the Board, the meeting was adjourned.

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Chairman

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Secretary