

ZONING BOARD OF APPEALS MEETING

February 17, 2022

6:00 PM

The meeting was called to order by Chairperson Kathy Taylor at 6:03 PM. Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

Kathy Taylor, Chairperson

Bob Faynor

Ernie Rivera

Donna Gilfus

John Yurco, Alternate

Craig Coleman arrived during the presentation.

Also in attendance: Bill Gabak, Jr., Zoning Officer
Bob Gage of GBT Realty Corp (parent company
of Franklin Land Associates LLC)
Mark Driscoll

Bob Faynor made a motion to approve the minutes of January 20, 2022, seconded by Ernie Rivera. Approved AYES 5-0.

The purpose of this meeting was to hear the following request:

Franklin Land Associates LLC, on behalf of Merrifield Farms, 5678 South Street Road, tax map #129.00-1-23.1, is requesting a variance to Section 11-4A(6) of the Fleming Zoning Code, reducing the required parking spaces from 107 to 34 for a proposed Dollar General store at that location.

Bob Gage appeared on behalf of the applicant, Franklin Land Associates LLC. They are proposing a 10,640 sq ft Dollar General store and, according to Fleming's Zoning Code, they are required to have 106.4 parking spaces, which is 1 per 100 square feet of gross floor area. These stores will generate between 10-12 cars per hour from the time they open until the time they close, seven days a week, 365 days a year. Typically, on this size store, they build 35 parking spaces. They are requesting a reduction from 107 to 34 parking spaces. They don't need any extra. They are trying to reduce their footprint on every project they do. The more asphalt they put down, the bigger storm water runoff there will be which affects everything down the line, all the design and everything. Normally, whenever they come into cities or towns like this, they always request a reduction in parking, as the spots are just not used.

The store will start out employing 12 people, typically 3 on at a time that will be split up into 3 different shifts, with about 12-15 customers per hour. They would not even use the 34 parking spots. The store might have a rush now and then with Christmastime and special days, but he has never seen a Dollar General that has filled up a parking lot of 34 cars. He stated that it might seem odd that they can make any money with 10 customers per hour, but they do. Every store will generate a minimum of 1.2 million dollars in gross sales per year. His company has been working with Dollar General since 2008 and they have just completed their 807th Dollar General store within 39 states. GBT is Dollar General's largest developer. Based on past experience and the requirements that are put on them, they don't need more than 34 parking spaces.

Tractor trailers for delivery will come in and nose across the front of the store and back up to the delivery doors. They envisioned the design with wider drive aisles so that the tractor trailer can come in and make all of its maneuvers even if every parking space is full. They can do it without running into any cars or getting off the asphalt. This is the basic design for all the stores. The tractor trailers come once a week. They try to come first thing in the morning on Mondays. The rest of the week they will have sporadic deliveries with smaller box trucks

Bob Faynor asked if the property line that is outlined on the site plan currently is Merrifield Farms and did they buy any adjoining property. Mr. Gage indicated that the little notch out the back, they did some soil testing and couldn't find a location that worked with the septic. They needed that extra property so they are currently in negotiations with that property owner to purchase that piece. Bob Faynor also asked about that property owner's existing right of way going back to his property. Mr. Gage responded that they are going to provide him with access through the parking lot back to his shed. So, as proposed, they have not purchased that other land yet. They wanted to see if they could get the 34 parking spots approved before they proceed.

The Board questioned the Zoning Officer whether there was any issue with the order of things, as they are proposing something for which they don't own the land yet. Bill Gabak explained that they need the variance first. Then, at that point, they will proceed to the septic system issue. There is currently not enough property behind the building to install a leach field and tank that would be adequate. Mr. Gage stated that the Health Department will require them to have a backup area as well. They would need a primary spot and a backup spot, so that's why they have a little bit more property back there than what they need, that additional piece. They will likely have two areas there. One is just a backup in case the primary fails.

Mr. Gage stated that this project has to go through DOT but they normally classify an access for this type of store as low volume. They don't normally need to put in turn lanes or traffic lights or anything like that. It's basically the lowest scale on DOT's radar. The road cut is existing but it will have to be reclassified, so it has to go through their review to make sure there are no issues.

Chairperson Taylor reviewed the five criteria for granting the area variance with the Board Members.

Bob Faynor made a motion to approve the variance request reducing the required parking spaces from 107 to 34, seconded by Ernie Rivera. Roll call vote was taken by the Board:

Donna Gilfus	YES
Ernie Rivera	YES
Bob Faynor	YES
John Yurco	YES
Chairperson Taylor	YES
MOTION APPROVED	

There being no further business, Chairperson Taylor made a motion to adjourn the meeting, seconded by Donna Gilfus. Time was 6:16 PM.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals