

# Site Approval Toolkit

Strategies For Retailers  
Seeking Zoning Approvals

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**NACS**<sup>®</sup>

## Site Approval Toolkit Strategies For Retailers Seeking Zoning Approvals

### CONTENTS

The Approval Process	2
Strategic Preparation	6
The Timeline	12
Checklists	14
Showcasing Business Values	16
Post-Approval Strategies	19
Glossary of Terms	21
Defining Organizational Values	24
Additional Resources	27



This toolkit is designed to help convenience retailers—whether a onestore operator or chain looking to grow store count or modernize a site’s operations—better understand the planning process and address community concerns.

## Introduction

The 154,000-plus convenience stores in the United States are part of the fabric of nearly every community across the country. But like many businesses these days, it is becoming increasingly difficult to expand operations.

NIMBY (Not In My Back Yard) concerns raised in zoning approval hearings have made the zoning approval process increasingly complex and difficult to navigate for retailers looking to remodel existing locations or add new locations. In many areas, NIMBY concerns—opposition by residents to a proposed new development because it is close to them, who often believe that the developments are needed but should be further away—are a big part of the site approval process.

This toolkit describes typical participants in the planning process and general “nuts and bolts” that comprise the framework of local planning. It also looks at how communities guide their physical growth and development through local planning, which can cover a wide array of activities, ranging from new development on vacant land to the adaptation of existing structures for new uses, as well as the redevelopment of individual and adjacent parcels with new buildings and facilities. Each stage of the process is examined and broad strategies and ideas are provided to consider in the development of a site approval plan. While each approval process is admittedly unique, the toolkit will help retailers navigate the process in a more streamlined manner.

# The Approval Process

Understanding the approval process helps retailers best prepare for it, whether in front of a zoning or land use board.

Before a retailer can prepare for the approval process, it's important to understand how the process works—and the difference in terminologies for what is required. The first step is to review the land use and development guide (sometimes referred to as a “master plan”), the community’s policy document intended to help guide growth and development decisions.

**A land use and development guide** is *not* a rigid or static set of rules. The objectives and recommendations are intended to allow flexibility in light of new information or opportunities. The guide is an attempt to record the basic, core community development values and principles that citizens share and to use them as guideposts in future decisions concerning growth, development and improvement in the community. It guides deliberations involving land development and land use regulations.

**Zoning** regulates where residential, business and industry can be located in communities, creating their look and feel. Zoning also dictates density, land use intensity (commercial, manufacturing, industrial uses) and aesthetics (how dwellings or structures are placed on a lot, what the structures look like and whether trails, parks or open space requirements are appropriate). Local officials and residents use a collaborative process to determine the location, character, level and intensity of development that will be permitted or encouraged throughout their community, as well as the areas to be conserved and protected from development.

Most zoning ordinances or laws are designed to ensure that development will:

- + Preserve air quality
- + Conserve open space and natural resources
- + Provide for recreational needs
- + Provide protection from floods, landslides and other natural disasters
- + Provide for harmonious development compatible with the surrounding area



Before buying property, it is always beneficial to understand that property’s current zoning—and zoning and land use plans for the surrounding area. Zoning regulations control the dimensional characteristics and use of buildings.

Zoning regulations address questions such as:

- + How may the property be used?
- + How much of the property may be covered with a building?
- + How far back must the building be from property lines and the street?
- + What is the maximum footprint of the building?
- + How tall can the building be?
- + Is the property residential, commercial or industrial, and what density and/or type of use should be assigned to it?



Zoning regulations are designed to protect the health, safety and general welfare of the citizens. It is also used to ensure that incompatible uses are not placed next to each other or that measures are taken to mitigate impacts caused by incompatible development.

There is often confusion between the roles of a zoning and planning board. Generally speaking, a planning board is responsible for the master plan, which does not dictate the timing of development. The master plan sets forth recommendations for what types of land uses can be established, where they can be established and under what conditions they can be established. Also, generally speaking, the zoning board is the only board that can grant a variance from the zoning ordinance involving uses. For example, if you wanted to use a residential property for a professional office, and if the zoning ordinance does not allow it, then only the zoning board can grant you an approval, or variance, from the ordinance.

A planning board generally deals with commercial real estate construction and subdivisions of lots to create additional lots. A zoning board can hear the same matters that a planning board hears if a use variance is also involved with the application.

In speaking of these differences, note the use of the phrase “generally.” There are many and local governments that deviate from this, and in some cases planning and zoning boards have been merged into one entity.



## The Power To Plan

Local agencies derive their authority to shape their communities through planning and land use from federal and state constitutions. In most states, this authority is broad and elastic and allows cities and counties to take actions to protect the public’s general health, safety and welfare. However, in most cases local regulations may not conflict with overriding state laws.

### PARTICIPANTS IN THE PLANNING PROCESS

Local officials play a number of roles in land use matters. Within their jurisdictions, local officials typically act in three capacities:

- 1. Legislative:** Adopting policies governing development, such as general plans, zoning ordinances and fee schedules.
- 2. Quasi-judicatory:** Applying policies and state law to specific projects.
- 3. Enforcement:** Taking steps to assure that approved projects comply with the applicable laws and requirements.

Local officials are typically selected or appointed to serve on the governing boards of regional or city agencies. In some cases the members of the governing board or zoning commission may be directly elected by voters or serve in another public capacity. For example, one or more city council members may also serve on the local zoning commission depending on the jurisdiction.

### ROLES AND FUNCTIONS IN THE PLANNING PROCESS

To understand and navigate the planning and development process, it is essential to understand the various roles and functions of the respective officials and staff.

#### The City Council or County Board of Supervisors

evaluates staff analyses, recommendations and decisions by advisory bodies, and agency goals in making final decisions on land use plans and proposals. The Council or Board may act as appellate (appeals) body on entitlement decisions.

#### The Planning Commission or Planning Board

considers staff analyses, including agency goals and policies, along with community input. The Commission makes recommendations and decisions based on findings of fact when applying general policies to specific situations such as use permits and tentative maps. This body may also make recommendations to the governing body (Council) on policy matters such as the general plan, zoning ordinances and development agreements.

**Planning staff** act as technical staff and support to the governing body, planning commission or other planning advisory bodies. The staff prepares local plans and ordinances, identifies relevant local regulations for plans and project applications and organizes hearings and meetings on plans and project proposals as authorized by local officials. Staff members also will work with applicants to ensure that a project complies with community policies and standards and state and federal law.

Staff also fulfill a number of other key functions in the planning process. These employees coordinate with other professional departments and agencies to incorporate comments and technical recommendations into a proposed plan or project. They also prepare professional analyses and recommendations on the project throughout the planning process, and monitor project implementation and compliance with planning policies and conditions of approval.

Other officials and bodies in the planning process include:

The **Agency Counsel** who may also serve as the City Attorney or County Legal Counsel. The Counsel advises officials on legal process requirements for decision-making, and answers questions about applicable law and how the law applies in particular situations. This attorney also may represent local government in legal issues and disputes.

The **Board of Zoning, Zoning Commission or Zoning Administrator** is a body or hearing officer authorized to consider requests for variances to zoning requirements, created by ordinance and appointed by the governing body.

The **Zoning Appeals Board** is an optional appointed body that hears and decides matters relating to the application of the zoning ordinance and considers appeals of the zoning administrator's decisions.

The **Building Officer** is an appointed agency official responsible for the administration and enforcement of building and construction codes and requirements

The **Design Review Commission or Architectural Review Board** is an optional commission appointed by the governing body to review development proposals to determine consistency with local adopted design guidelines, standards and ordinances.

The **Community Development Manager** promotes redevelopment by linking land use planning, economic development and other internal governmental functions.

The manager works with property owners, businesses, neighborhood groups and government agencies to promote capital investment in the assemblage, development and/or reuse of vacant underutilized buildings and properties.



## ZONING CHANGE REQUEST

The current zoning on a property may or may not be the same as the proposed land use. When an applicant decides that the current zoning will not support development plans for that parcel of land, a zone change can be requested. If a property owner wants to change the zoning, the land use plan suggests what appropriate uses could be approved.

There are two different types of zoning change applications:

- 1. Conforming (or area) zone change:** Applications that comply with the requirements of the current land use plan. The requirements can pertain to residential density (how many houses per acre) or in the case of convenience stores, nonresidential intensities (what sort of commercial use is allowed on the parcel, minimum setbacks from the property line, minimum floor areas etc.).
- 2. Non-conforming (or use) zone change:** Applications that are submitted to change the zoning on a parcel that does not comply with the requirements of the current land use guide. The applicant must demonstrate how approval of a non-conforming zone change benefits the existing community. In many



# Beyond Zoning

There may be other groups to consider engaging beyond the traditional zoning groups. Consider contacting the local police or liquor board to learn their views and possibly gain their assistance.

## ZONING CHANGE

Public Hearing: April 7, 2011; 6:15 PM  
2332 Royal Dr, Ft Mitchell

Present Zone: **NSC**  
Proposed Zone: **R-1D1**

**PUBLIC NOTICE**  
 THE NORTH EAST TOWNSHIP SUPERVISORS  
 WILL HOLD A MEETING ON  
**TUESDAY SEPTEMBER 3, 2013**  
 AT 7:30PM AT THE NORTH EAST TOWNSHIP BUILDING,  
 10300 WEST MAIN ROAD, NORTH EAST, PA

TO CONSIDER A  
**CHANGE IN ZONING**  
 FROM **B-1 COMMERCIAL** TO  
**R-2 RESIDENTIAL**

PROPERTY INDEX 37-5-6-41.03 & 41.05  
 LOCATED ON 3 ACRES OFF SUNSET BEACH ROAD  
 SUSAN SPRAGUE, ZONING ADMINISTRATOR

cases, applicants are required to hold a neighborhood meeting prior to the presentation to the local planning or zoning board. Even if it is not required, it is highly recommended that you do. The planning board often makes a recommendation to the zoning board regarding such changes.

If your application meets the requirements of the particular ordinance, the board must approve the subject application. There is no basis whatsoever for denying a site plan or subdivision application unless a specific requirement of that ordinance is not satisfactorily fulfilled by the applicant.

If a proposal does not meet the current zoning requirements, the applicant will need to seek a variance. The reality is that most projects rarely meet every element of the ordinance, which requires approval of the variance from the zoning board. The zoning board is the board of “non-permitted uses.” Variances are based upon the individual municipality’s zoning ordinance.

The zoning ordinance establishes specific requirements for a land area within a municipality and regulates not only the uses permitted, but the size of the parcels, setbacks required, parking, signs, conditional uses and numerous other regulations.

### REGARDING PRECEDENTS

Changing the zoning on a parcel, regardless of how that change comes about, sets a precedent. Precedents—good or bad—are a firm base to justify future changes. Future zoning applications will refer to the precedent, as will the approval or denial recommendation by the town or county advisory board.

Also, planning commissioners and the board of county commissioners, in some cases, consider precedents when making decisions.

# Strategic Preparation

Prep work can get a project approved—work that begins well before the hearing.

The planning process can appear challenging for even the most successful businessperson or real estate professional, especially when working with local officials, politicians and citizens groups to obtain approval for new a development. Although the development process can be as simple as presenting the proper information to the planning commission staff or a zoning administrator, the potential for opposition or conflict is apparent.

Using local knowledge and political expertise can help grow community support and avoid the pitfalls that hamper many proposed projects.

## Do The Homework

There are a number of steps to consider in preparing for a project:

- + Review the deed for restrictions.
- + Obtain the seller's full support. The seller has the most to lose if the proposal is not approved, because the property may not be rezoned for a substantial period.
- + Create a development budget for the project, especially if a zoning change is required. Many times, buyers obtain zoning at a steep price only to find that the development is too financially strapped to yield a return on investment.
- + Consider a lobbyist or local land use attorney to handle the case. That said, if a project doesn't appear to be controversial, a lobbyist is an unnecessary expense. If a lobbyist is necessary, look for a professional planner who has worked with the local planning staff. Attorneys who specialize in rezoning also are effective lobbyists.
- + Research the community growth plan and objectives (see below).
- + Share the plan and gather support.

If a proposed development and/or rezoning are viable options, buyers should further develop their plan and gather community support. This can be accomplished with a few simple strategies.

**+ Schedule meetings ahead of the public hearing.** To ensure a successful rezoning, schedule a pre-planning conference with the planning commission staff since they will be presenting the petition. Make the presentation brief; listen and negotiate with them on their modification ideas. Their opinions typically reflect the desires of the planning commission—the final approving body.

**+ Meet the community and listen to neighbors.** Schedule meetings with adjoining property owners, homeowners and business association groups, as well as neighborhood activists and local elected officials. Since these constituents can muster opposition, listen to their suggestions and comments. If possible, obtain letters supporting the proposed project. Testimonials from homeowners or business associations can negate the impact of vocal opponents (NIMBYs) at the public hearing.

**+ Identify and ask for support from third-party advocates and partners.** Having others speak positively on behalf of the project and its merits is important to mitigating potential opposition and critics. Third-party advocates may be local business groups, community or charitable partners—or even current management.

In preparing for a proposal, consider three possible reactions: The residents surrounding the proposed site (1) support it, (2) definitely do not support it or (3) possibly could support it with some changes or conditions.

## USING A PROFESSIONAL FIRM

Because of the misperceptions about the convenience retailing industry—either those that exist or could be raised at a hearing—it may be difficult to get approval for a project on your own, with standard supporting documents. Consider working with a firm that has experience getting approvals.

For those with the means to do so, there are a number of firms who specialize in obtaining approvals who can assist in formulating a defined proposal strategy that includes developing a strategic team, positioning before the submittal, developing a proposal theme that sets you



apart and communicates your differences — and then carries that into a successful project interview. They can also provide assistance on items such as neighborhood perception surveys, market research, marketing and positioning strategies, proposal preparation or review and presentation strategy and coaching.

While these services add to the expenses, they may ultimately reduce the opportunity cost of having your property unused for an extended period of time—or minimize the costs associated with unnecessary changes to your approval.

### SEEKING APPROVAL YOURSELF

If the budget does not allow for these types of expenditures, you can strategically approach the approval process yourself by following specific guidelines. First and foremost, know how the area is currently zoned and “master planned,” and how the project meets those requirements.

### Preparatory Steps

Re-examine construction plans and determine if there is any way that they can be revised so that a variance is not necessary. If plans can be modified so that they conform to the local zoning ordinances, the obstacle of applying for a variance can be avoided. In addition, if plans can be “easily” changed to comply with the zoning laws they are not likely to be approved for a variance. Conversely, be prepared to defend any changes that will be proposed to be “easy” if they are critical to the successful operation of the project.

Review the local jurisdiction’s requirements for a variance. In general, a variance will only be granted if the following four criteria are met:

1. Compliance with the zoning laws would cause undue hardship on the landowner.
2. The proposed construction is necessary for reasonable use of the property.
3. The proposed construction would not alter the essential character of the neighborhood.
4. The proposed construction represents the least intrusive solution possible.

### Meetings With Local Officials

Meet with the local ranking political authority to discuss the project. In most cases, this is the mayor and/or the town manager. DO NOT meet with a deputy mayor or other subordinate.

The mayor and council members are elected, so they often look at a project based on the sheer numbers of voters opposed to a project. Because there are many other considerations in a project, seek to raise these considerations before a hearing. In addition, these meetings can help learn how to make the project be viewed more favorably when seeking approval. Sometimes this guidance will be very direct, but other times it’s more of a “feel them out” process to what it might take to get approval.



## Making Connections

To get a sense of the types of variances granted and the types steadfastly denied, attend zoning meetings before the application is submitted. It helps to meet a few board members and begin the process of talking about the potential need to apply for a variance. Personal relationships, especially in small communities, are a plus.



Schedule face-to-face meetings and hold them in a relaxed social setting, for example, over lunch, or some other informal setting. At such a meeting:

- + **Make sure the conversation is two-way.** This is an opportunity to learn how to gain approval—not an opportunity to try to sell the project. The goal is to enlist an ally who will help sell the project on its merits at the appropriate time. Listen and act on any recommendations that make sense.
- + **Explain the vision.** Talk about the overall vision for the project, as well as the company's values and community engagement so that community leaders understand how the community's interests fit into the bigger picture.
- + **Make it interesting and focused.** Plan your conversation and be imaginative. Share examples of how a similar project worked in another community.
- + **Be honest.** Communicate both the positives and negatives associated with the project. Any potential downsides will ultimately be communicated, so it is best to raise them early and with the proper context.
- + **Know that it's okay to not have all the answers.** Make it clear that follow-up answers to questions will be provided and specify the timeline when it will be available.
- + **Ask for recommendations on local professional firms.** Firms that have successfully navigated local zoning hearings have instant credibility with local officials and are more likely to have projects approved. Consider working with these firms—even if you have internal professionals—and have both groups work together. This is not a good time to save a few dollars.

Key considerations that should be addressed before such a meeting:

- + **Possibly support the local political parties.** However, be very aware of the timing of such support, as elections occur and change the landscape, and what was once viewed as favorable can over the course of an election cycle be viewed unfavorably.
- + **Sponsor local organizations, but avoid any that could be controversial.** Recommended organizations include any that deal with youth sports or education. Sponsorship should take the form of something that residents can see and talk about, and local sponsorships are much more favorably perceived than those of a national scope.



- + **Support local animal shelters.** It shouldn't be surprising that this is viewed positively by many people.

- + **Support local volunteer fire or ambulance organizations, if appropriate.** Financial support of these organizations is looked upon very positively, as they have many members, are social organizations in addition to the service they provide the community and are high influencers regarding projects within a community.

Next, consider meeting with the planning board at one of its work sessions. Board members are more amenable to changes, as they are more concerned with the general well-being of the municipality in question and can offer guidance and assistance in preparation of meeting with a zoning board. The planning board's essential duties are to deal with policy (the master plan) and implement that policy through the zoning, site plan and subdivision ordinances. These ordinances establish a series of ground rules to be met by an applicant. Also, the planning board is a body appointed by some elected official or grouping of them (mayor and/or council/commissioners). They are not elected, but beholden to their appointer(s).

A common error that some applicants make is in not bringing up or addressing potential issues upfront, for fear of "adding fuel to the fire." However, a common strategy that opponents to a zoning change will use is to learn any zoning principles and take every opportunity to show off their sophistication. They understand that some commissions and councils can be intimidated when citizens actually know what they are talking about. For those seeking approvals, it is equally important to understand the process and communicate that level of understanding in meetings with officials.

## Meetings To Understand Public Concerns

For most people, their home is the largest single asset they own. The risk of devaluation of this asset is their greatest fear, and as a result, prospective homeowners are smart shoppers. They know that if conditions deteriorate in their neighborhood, they will be stuck having paid a lot for an asset that they can sell only at a loss. The prospect of such a loss influences homeowners' behavior after they have bought the property and moved in. It makes them pay close attention to local government land-use policies, and look at possible changes with a very wary eye.

It is very important to keep this in mind when attempting to receive approval for site development. The negative views that are irrationally held regarding the convenience store industry are only exacerbated by the fear of unknown effects on their investment. As such, it is critical to develop trusting relationships with these neighbors.

Attend any neighborhood meetings to understand all the neighbors' concerns. (Do not, however, look to address them at this time, but rather seek to understand their motivation.) If neighbors are not holding such meetings, consider holding a "Meeting with the Public" before the official hearing to resolve issues prior to its being held. This is the best time to discuss issues like fences, landscaping, etc., with neighbors so that they don't become issues of uncertainty or controversy later on during the hearing. Do all that can be done to make the hearing run as smoothly as possible. Identify and prioritize the most important points to address—they don't all need to be addressed at this point.

This is an opportunity to learn who has the strongest objections and where their interests lie—and to meet with them privately to negotiate how to get their support. The neighbors in closest proximity to the site are the most critical ones to get on board at a hearing. If residents of a community are concerned about traffic generated, the hearing will go much more favorably if those neighbors abutting your property say that they are not concerned and support the project. If there is neighborhood opposition that cannot be overcome, share that the neighbors were approached in a conciliatory way (i.e., plans to plant new shrubs to block the view of the site, etc.).

## Approval Hearings

An applicant is never entitled to a variance. An applicant must meet specific criteria by satisfying certain legal standards of proof, and the burden is upon the applicant to show that he/she is entitled to the specific relief requested. Merely making an application to a board and paying the required fees is not sufficient. Depending upon the type of variance requested, you will need to prove special reasons, a balancing of the benefits, hardship, etc. The most important thing to keep in mind is to be prepared to defend the reasons that the project must be located on a specific parcel of property.

Some other hints:

- + **Gather factual information that supports the reasoning behind the proposal.** This will help counter opposing statements like "I just don't like it!" Do not present this information at neighborhood meetings, as it will seem combative, but save it for use at the hearing.
- + **Prepare architectural plans for the proposed project.** Check with the municipality or county to see what level of detail is required.
- + **File the application for the variance.** This includes submitting your survey, your architectural drawings, a written statement of intent and possibly a separate application required by the jurisdiction. At this time, all property owners within a small radius from the property of the proposed change (the local jurisdiction may actually specify the length of this radius) will also need to be notified.

There is nothing standard, average or easy in obtaining approval for site variances. The process of successfully obtaining approval for a project can take anywhere from three to nine months—or sometimes much longer. Ultimately, the time spent will be positively affected by advance planning. Make sure that you include the following elements.

## Preparing For The Public Hearing

**+ Develop a detailed plan.** Renderings (not necessarily blueprints) should be detailed and in color. Land planners create excellent renderings. All written materials should be clear with diagrams and pictures if necessary to present the case. Bring enough copies for all of the decision makers and staff.

**+ Consider the timing of the proposal.** Timing is crucial when it comes to the public hearing before the planning commission. Figure out when the petition will be considered. If it is near an election, schedule the petition before July or after the election in November. If rescheduling isn't an option, consider asking for a 60- to 90-day deferral.

**+ Always be present and have adequate representation for all hearings to answer questions or concerns.**

Be prepared for a full presentation with pictures and drawings; also be ready for a rebuttal, if necessary. Allow time for third-party advocates and supporters to speak.

**+ If allowed by local and state law, meet with officials during the period between the hearing and the vote.**

The most critical vote of support will come from the district representative or an at-large member who lives and works within the area in which the project will be located. However, some officials may not want to meet outside a public forum or those meeting may be prohibited under state and local laws.

In some cases you may be required to go to a hearing before your variance is approved, in which all nearby property owners will be allowed to attend and ask you questions, even if you have already done so as recommended above. Don't look at this as a reason not to have already held it, as this will just be a formality to go through as you have already done the necessary work ahead of time.

Applications for variances are reviewed at public meetings where local residents come to voice approval or petition the board for denial. This will generally be performed at your local city or town hall. The reality is that opposition groups will use any argument against any variance request not because of their concern with the particular variance, but because of an emotional reaction to the commercial development proposed "in their neighborhood." Bring pictures or drawings of the project to the hearing so that emotional descriptions of a proposed project can be countered by a realistic view of the project.



Opposition groups aim to have as many people as possible attend planning board meetings, but they are aware that the planning board is not as likely to respond to numbers as is the city council.

Be prepared to negotiate at the hearing. You do not want second or third meetings. Be ready to negotiate on many aspects of your plan, whether fences, signs, lighting, colors, signs, landscaping or paving—anything that is negotiable.

Zoning and land use disputes are emotionally charged and can be make for some drama, both in the hearing itself and in the local news covering the hearing. It is essential to prepare for hearings with supporting data. The challenge is to both acquire factual data and address emotional issues that may or may not be supported by fact.

Reasonable considerations include:

**+ Does the proposed change meet the desires in the neighborhood?** Find out what the neighborhood desires and values. What does this mean? Inherently, all neighborhoods look to ensure the same thing: that the property values will not decrease. However, how they view that decrease as potentially occurring can differ from project to project. Understand what motivates the neighborhood to help shape proposed changes to meet the least amount of resistance possible. For example, if noise-related concerns are raised, plan to include buffer areas, landscaping or

sound barriers to allay those concerns. If concerns are raised about trash blowing off the property, the landscaping plan should take this into account to minimize any effect.

**+ How will the change in use impact the character of the neighborhood or community?** Be prepared to build the case for the positive impacts of the project.

**+ How will the change affect the neighborhood's property values?** Generally speaking, data indicates that it will affect it in a positive manner. That is not to say that there may not be a parcel that could be affected negatively.

**+ Is the scale of the project extensive?** With scale comes increased opportunity for neighborhood concerns.

**+ Does the change pose a "threat" to the health and safety of the neighborhood?** Traffic is always one of the biggest health and safety concerns cited, not just for neighbors, but for local officials. If a road has 5,000 cars per hour, but is designed to handle 10,000 cars per hour, there will still be a public concern if the project increases traffic to 6,000 cars per hour. Generally, the best approach is to have a traffic engineer with whom the municipality is familiar do a report for the application and appear at the hearing.

**+ Is there a financial hardship to justify the requested change?** The case for the project is stronger in these instances.

**+ Does the project conform to the land use plan?**

Setbacks, lot size, building size and lot coverage, if within certain parameters, usually can be granted a variance or waived by the Planning Board. Building height usually requires a letter from the Fire Department officer in charge of that area in order to be granted a variance.

**+ Is it a compatible use?** A "Use Variance" must generally be granted by the Zoning Board.

**+ What other similar developments have been approved near the proposed project?**

Precedence is important. In any controversial application, look at all of the applications from the past five or more years. Bring them up during the hearing if necessary. Every Board knows that they carry a lot of weight if an applicant files an appeal. Generally, judges are quite liberal with land use decisions, especially if a precedent has been set.

Finally, in a worst-case scenario, accept defeat graciously so as to try for approval again through available appeals processes or at a later time when a different group of citizens serves on the zoning/planning board. Sometimes, once the seeds of development or redevelopment are planted in a community, events may occur outside the boundaries of a subject parcel that can lead to reevaluation and eventual approval of the project. Sometimes visionary concepts for a community just take time to gain acceptance. When that happens, any previous experience with the zoning and planning boards will prove to have been a worthwhile investment.





# The Timeline

The preparation process will take two to three months if things go well— and possibly longer if things do not go well.

Unfortunately, it is nearly impossible to present a standard approval process timeline because all municipalities, even when complying with state guidelines, exert “home rule” exceptions to their own process. This is partially due to the fact that municipalities often have different internal structures, different forms of government and different geographical issues (oceans, streams, forests, etc.).

To sufficiently execute the strategies outlined within this document, it will require a timeline of 60 to 90 days. After making that investment, it is time to go through the formal process of obtaining approval.

The following chart gives an approximate expectation of what one can expect in a normal to best-case scenario. In this example, the process can be expected to take from 60 to 90 days.

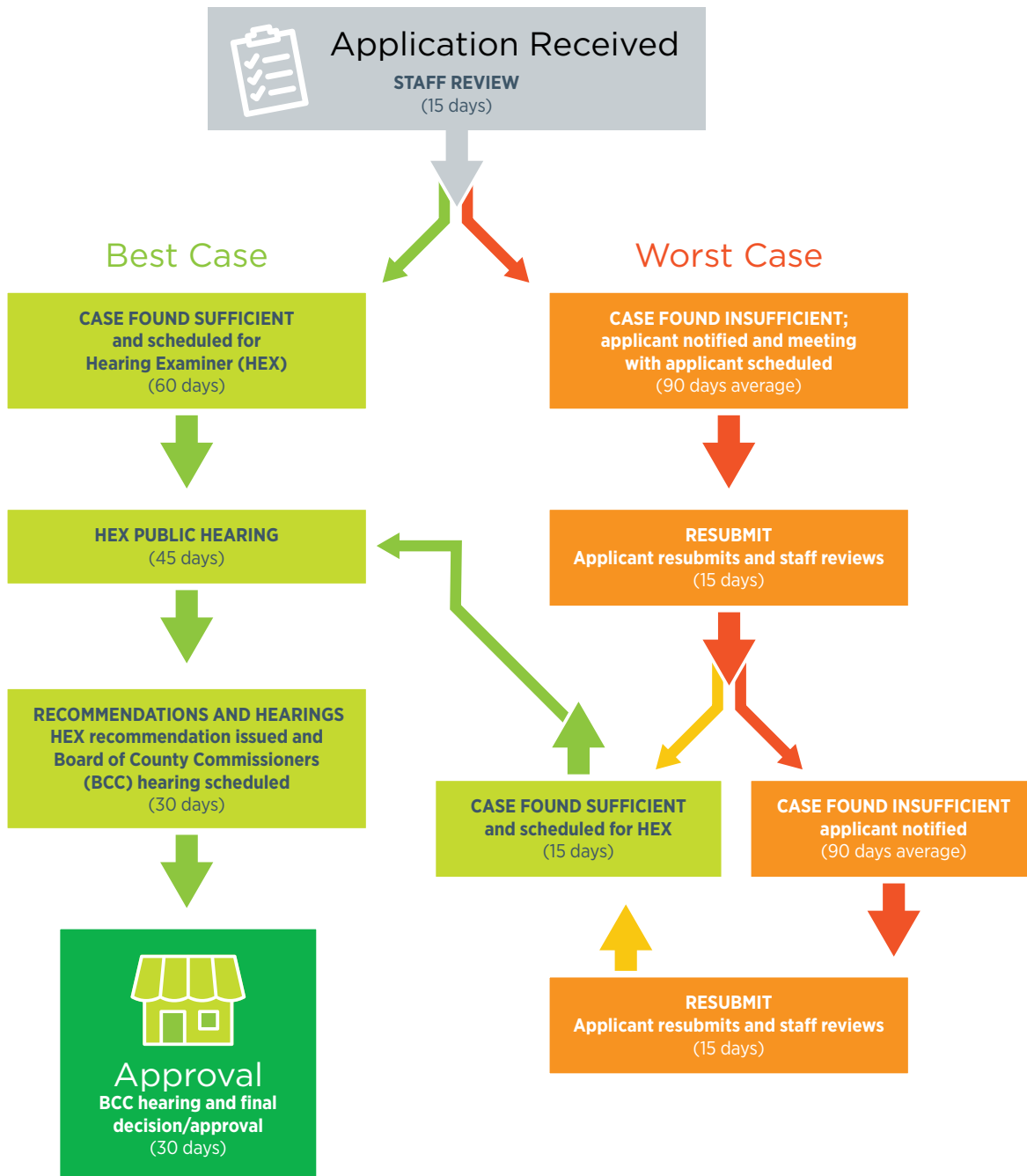
## TIMELINE EXPECTATIONS FOR SITE APPROVAL PROCESS

1	Application	<b>Application:</b> All necessary information is included in the application: site plan, legal description, picture(s) of the sign(s) and fees.
2	Notification Letters	<b>Notification Letters:</b> Notifications containing a letter, map and agenda are prepared and sent out to the citizens located within the Notification area (300 ft. radius of proposed rezoned site).
3	Commission Meeting	<b>Planning Advisory Commission Meeting (PAC):</b> PAC then hears the case and recommends either approval or denial.
4	Case Preparation	<b>Planning Department Prepares Case and Includes Recommendations:</b> The Planning Department then recommends approval or denial on the application.
5	Memo to Council	<b>Memo Sent to Council:</b> The Planning Department sends a memo to Council advising of upcoming case.
6	Legal Ad	<b>Legal Ad:</b> Ad is run for 15 days prior to Council meeting but no more than 45 days prior.
7	Notification Letters	<b>Notification Letters:</b> Notifications containing a letter, map and agenda are prepared and sent out to the citizens located within the notification area (300 ft. radius of proposed rezoned site).
8	1st Reading	<b>1st Reading (City Council):</b> The application is then taken before the City Council to be heard. This first meeting is the 1st Reading and is the public hearing.
9	2nd Reading	<b>2nd Reading (City Council):</b> There is no public hearing and the case is voted approved, approved with conditions or denied.

However, most experts and local government officials will say that the best-case scenario is also very optimistic. In Lee County, Florida, they advise that typically it takes nine months to go through a rezoning process.

And the key word is “typical.” As can be seen from the following flowchart that they provide, it is possible to get trapped in an endless loop of resubmission.

**PLANNED DEVELOPMENT REZONING** (typical timeframe is 9 months)



# Checklists

Plan to address a number of community concerns that may be raised during the process.

## Understanding The Community's Growth Plan And Objectives

In recent years, many mayors and local governing bodies have outlined their vision for growth and development in their respective communities. Community growth plans have become a cornerstone of local campaigns and a favored talking point for elected officials. Moreover, community growth plans are often referenced before and during planning and zoning hearings.

Deviations from these plans are likely to encounter opposition from both governing bodies and the local community. As such, it is important to research and understand a community's growth and development plan and provide context of how the project meets those parameters. Many community development plans can be found at websites for the city, county and the respective civic leaders.

## Understanding Trends In Retail And Commercial Development

The current trend in retail development is moving away from large strip centers and toward village centers or mixed-use developments. Both of these can be challenging, since most retail developers have very specific parking requirements. Retailers' signage and visibility needs also are difficult to negotiate. In addition, community planners favor breaking up shopping centers to make room for detention ponds, fountains and other landscaping elements. A business's willingness to harmonize design with the existing properties and integrate it into the neighborhood is critical.

Also, many neighborhood groups strongly oppose lighting and noise issues associated with retail and convenience stores. Retail developers can offer some incentives to win approval. Trees, pocket parks and greenway donations are popular with decision makers. Reduced signage and controlled lighting—which provides safety but is not unattractive and is focused or shaded to not disturb the neighbors—are a must. Providing good security, competitive pricing and additional jobs in the area are arguments that help many retailers win approval.

## Bringing In A Professional Firm

For those not using the services of a professional firm, or who are only in the exploratory stage of a project and gauging neighborhood interests and local officials points of view, it's important to have workable knowledge of certain aspects of the project. The following are some basic community-focused questions to consider addressing:

### + How does your proposal benefit the community?

Address some higher-level topics related to the community that go beyond the specific parcel.

### + What successful examples do you have from other jurisdictions that support your proposal?

Address how your approach is similar to something that met with success in other areas.

### + What are the existing property conditions?

Look at specifics related to the proposal, both the parcel and the infrastructure that is affected by it/supporting it such as:

- + The current zoning requirements
- + Surrounding land uses
- + Location of buildings and facilities on butting properties
- + Location of curbs, sidewalks, driveways, utility poles, fire hydrants and street trees on the road abutting and immediately adjacent to the parcel
- + Existing buildings and existing buildings to be demolished
- + Existing trees and other vegetation
- + Regulatory flood line
- + Existing natural features (i.e., streams, steep slopes)
- + Existing fences

- + Existing transit facilities
- + Existing services (sanitary storm sewers and water)

**+ What are the site development requirements?**

Look at specifics related to services and other related operations, such as:

- + Required road allowance
- + Driveway location and width
- + Fire route and fire hydrants
- + Parking facilities and dimensions
- + Pedestrian sidewalks
- + Building entrance facilities
- + Night lighting facilities
- + Garbage storage facilities
- + Easements and/or rights-of-way
- + Grading and drainage
- + Disposal of waste water
- + Landscaping design/details

**+ What conditions are negotiable to get the project approved?** Consider what could be added to a proposal to make it more attractive—looking at both what could be negotiable and what is off the table, including issues related to:

- + Traffic patterns (entrances into property, whether curb cuts or other additions)
- + Sidewalks, bike paths or other trails
- + Landscaping and landscaping buffering
- + Aesthetic (visual) view to adjacent neighbors
- + Installing fences, or specific fence-types
- + Open-space preservation
- + Architectural standards (building design, color, height, elevations)
- + Low-level lighting
- + Time limits for construction hours and total construction time
- + Signage (crosswalks to schools, traffic lights)
- + Adequacy of existing roads to support the site
- + Restricted hours of operation





# Showcasing Business Values

After examining community concerns, focus on telling your company's story.

Telling the story of what your company stands for and how it will be a valuable member of the local community is vital to the zoning process. It's not always enough to run a great business that is a benefit to the community—the story has to be told in a compelling manner.

## Build A Positive Narrative

The approval of a development project greatly depends on whether the proposal meets local zoning and community planning guidelines. However, the increased sophistication of local opposition and NIMBY groups has strongly influenced commercial growth across the country.

Opposition can extend beyond the merits of a particular project to the parent company or even attacks on the convenience retailing industry itself. Local opponents can claim that a new project will hurt local businesses, offer low-skilled or low-paying jobs, or increase criminal activity in the area.

When considering a development project that will require public hearings, company leadership should be prepared to speak on the benefits that both the company—and the industry as a whole—can offer the community. In other words, don't let the opposition define the project and the business.

Positive messaging can be created by developing a narrative around:

- + How many years the company has operated in the community or area.
- + What local groups or causes the company supports (i.e., Little League teams, United Way, local food banks).
- + How many full- or part-time jobs will be created by the project.
- + How the project will serve the needs of the community/customers and how the project fits within the community development plan.



- + What positive impact will the project have on the local economy? Is it taking place in a greyfield or brownfield area? Proactively communicate with adjacent property owners, elected officials and business groups regarding the project.

Other positive messages to consider:

- + The contribution the project will offer to the local tax base. This is especially poignant when the buyer or developer is not seeking a REIT (Real Estate Investment Trust) or other tax credit as part of the project.
- + How convenience retailers offer speed of service to time-starved consumers who want to get in and out of the store quickly. Convenience stores offer competitive employment opportunities for those entering the workforce, as well as for experienced managers and employees. (See the Resources section on page 27.)

Language is important, and words should be carefully chosen. Instead of using words like “consumers” or “customers” consider using the phrase “the members of the community that you wish to be part of.” Instead of the word “employees,” refer to them instead as “associates,” “coworkers,” “team members,” etc.—which are, after all, words that most businesses use already.

The following topics should be addressed in a document that details your plans.

## Culture

- + What is your mission statement—and how does that benefit the local community?
- + How would you describe your company culture?

## Employment

- + How many jobs will you provide?
- + What types of jobs will you provide? Can you provide a breakdown of full- and part-time employees?
- + How does your organization show that you value your associates/provide for growth? Can you share stories of advancement through the organization, continuing education opportunities, benefit packages, etc.?
- + What job skills will your associates obtain at your location?
- + What policies and procedures do you expect your associates to follow (highlight those that exemplify your “good neighbor” values)?
- + How do you expect them to dress? Will they be expected to wear uniforms?
- + How do you expect them to carry themselves?
- + How might you reach out to non-traditional workers (retirees, people with disabilities)?



## The Location

- + Why are you proposing this specific site?
- + How many households are within a two-mile radius?
- + What existing locations—if any—are your competition?
- + How many cars currently pass by this site? Can you show that you don't you expect any significant increase in traffic?
- + What will you bring to this site that does not exist in the neighborhood—or does not exist in sufficient quantities?

## Hours Of Operation

- + Why does this community need a store with latenight operations?
- + What is the demographic makeup of this community (blue-collar, white-collar, shift workers)? How will your site serve them?
- + What other 24-hour businesses operate within this community? What 24-hour businesses operate in the surrounding area?
- + Who are the shift workers living in this community that will, as a result, benefit from this site?)
- + Who are the police, fire department, EMTs and other first responders in this community? How many of them work on the overnight shift? How do they benefit by your site creation?

## Our Offer

- + How do you provide quick service?
- + What is your expectation regarding the time of an average transaction?
- + What products do you carry that enable community members to fill their basic needs quickly?
- + What fresh products do you currently offer? What are your plans regarding adding fresh products in the future?
- + Why are you not just another “gas station”? What plans do you have regarding alternative fuels that may be needed by community members in the future?

## Community Focus

- + How do you ensure that you safely sell regulated legal items? Do you require IDs for everyone 30 and younger?
- + What will you specifically do to support this community?
- + What local charities will you support/do you support?
- + What local community organizations will you support/ do you support?
- + How will the approval of your site improve safety in this community?
- + How will you improve this neighborhood and keep it clean?
- + How will you set an example for other businesses to “step up their game”?

## Tax Generator

- + What do you expect to contribute in sales tax?
- + What do you expect to contribute in income tax?
- + What will you contribute in property taxes, and how does this benefit the residents of this community?
- + Are you able to also quantify the other taxes that you collect—fuel taxes, tobacco taxes, alcohol taxes, etc.



## Safety Concerns

- + How do you plan on ensuring the safety of community members who shop at your site?
- + What security practices do you employ at your stores to minimize the likelihood that you are a target of crime? (Look at both cash management solutions and technologies/practices to deter/apprehend potential criminals.)
- + How does the addition of your site increase police presence in this neighborhood? How does this benefit this neighborhood?
- + How do you ensure the safety of your sales associates?
- + How might you work with local crime prevention officers on developing security/loss prevention training?

## Environmental Concerns

- + Will you install new state-of-the-art underground storage tanks?
- + Will you install state-of-the-art monitoring systems?
- + Will your employees be fully trained to handle any situation regarding fuel?
- + Will your local environmental agency or fire marshal support your plans?
- + What systems will your forecourt have in place to protect the environment?
- + What environmentally friendly systems are you planning inside your store?
- + What recycling programs are you following?
- + Will your trash be handled inside or outside the building? What steps are you taking to ensure this is done in a responsible manner?
- + What “green” policies or initiatives does your organization follow?

# Post-Approval Strategies

Once the project is approved, a number of considerations should still be addressed to ensure that the new store is successful.

Congratulations! The project has been approved. But this does not mean that the journey is over. You will begin the construction phase of your project, and be looking to run a successful operation. This is an opportunity to perform public relations functions that will ensure your community embraces your presence, visits your store and, more importantly, serves as an example for future site approval processes.

The first step to take is to record lessons learned from the process. Examine what worked—and what didn't work. Develop a plan for future approval processes based on these lessons learned.

Also, make sure that you communicate your appreciation, even if it was not always a smooth or enjoyable process. Simply expressing thanks for listening to you in the approval process goes a long way in building stronger relationships in the community. This could be simply asking for time at a future hearing to provide an update on the process as you get closer to a store opening. Let them know that you are a positive force in the community.

Before you open your store for business, you also should look at a number of ways to hold a “soft opening” and let the community know that you will be open for business. Some ways to build this excitement are:

**Press releases:** These are quick and easy to get out. Write a short press release about particular aspects of your store, your product offer or the value of your brand. Don't forget the free, weekly publications. They are the publications most read by those who have an interest in your community. Also consider how it might be part of a larger article related to a business trend piece.

**Public events:** These should include store openings. Can you offer special invitations to tours of the new store? Also, plan beyond your opening and consider developing a calendar of opportunities. Involve prominent members of the community such as the police department, the fire department, local schools, local charities, etc. Show how you are eager to be part of the community rather than just selling product to them.

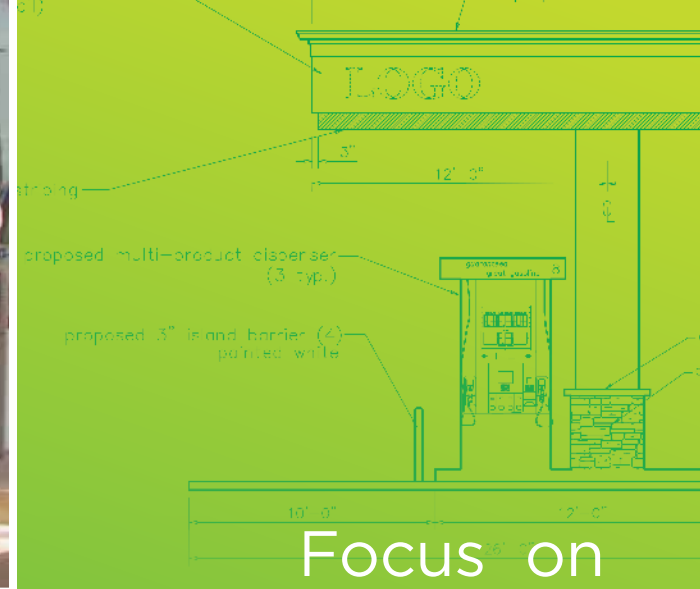


**Direct mail:** A direct mail program can be implemented that can include coupons for your products, information about grand opening specials, etc. However, don't fall into the trap of just marketing products. This is a great public relations opportunity to share your values and educate others as to who you are, which creates loyalty and affinity, and can make customers choose you over others offering similar products. Think about how you might select values that you wish to showcase.

**Recognition programs:** Consider a program that recognizes local “heroes.” You may define these heroes as groups that support the community, individuals who have done outstanding work for the community, etc. Consider implementing a breakfast, lunch or dinner event where you bring together a variety of your customers to celebrate the hero, or hold a public event in which the hero or group is presented with a donation from your organization.

**Develop a community calendar:** Know the community that you serve. Develop and continually update a calendar of upcoming events in the community—local festivals, high school sports, school graduations and vacations, etc. Have your store team make plans to anticipate customer traffic and create targeted messages or offers recognizing events.





## Focus on Community

By developing a strategy that holistically focuses how you will serve the community's interests, you will increase the likelihood of success in getting your project approved.



### Preparing For Future Success

Obtaining approval for any project, particularly a convenience store project, is more than having a superior offer, a beautiful building and the best intentions. The winning strategy is the one that focuses on building relationships, protecting property values and integrating the product offer and business into the community's fabric.

And while there is no fast-and-simple template for success, this information can help guide your strategic thinking in terms of what tactics you need to take to enhance your likelihood of success.

This guide was developed based on the input of a number of local officials. In all instances, they advised that successful applicants not only focus on how the project will grow your business, but also how it will grow the community. By developing a strategy that holistically focuses how you will serve the community's interests, you will increase the likelihood of success in getting your project approved.

# Glossary Of Terms

## A Glossary Of Zoning Terms

Language provides the means to understand and communicate complex ideas. This is no different in the field of planning and zoning with its glossary of terms and meanings that are as unique and complex as the process itself. Understanding the meanings of basic land use terminology will aid any business owner navigating the planning process. Important terms and phrases to understand include:

**Annex (v.):** To incorporate a land area into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

**Architectural Review:** Regulations and procedures requiring the exterior design of structures to be in keeping with the general appearance, historic character and/or style of surrounding areas. A process used to exercise control over the design of buildings and their settings.

**Automobile-intensive Use:** A use of a retail area that depends on exposure to continuous auto traffic.

**Blight:** Physical and economic conditions within an area that cause a reduction of or lack of full utilization of that area. A blighted area is one that has deteriorated or has been arrested in its development by physical, economic or social forces.

**Board of Appeals:** An appointed board that hears appeals on variances and exceptions.

**Board of Supervisors:** A county's legislative body in Arizona, California, Iowa, Mississippi, Virginia and Wisconsin, as well as 16 counties in New York. There are equivalent agencies in other states. Board members are elected by popular vote and are responsible for enacting ordinances, imposing taxes, making appropriations and establishing county policy. The board adopts the general plan, zoning and subdivision regulations.

**Brownfield:** Abandoned industrial site likely to have groundwater or soil pollution that is a deterrent to redevelopment.

**Buffer Zone:** An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other. For example, a screen of planting or fencing to insulate the surroundings from the noise, smoke or visual aspects of an industrial zone or junkyard.

**Community Benefits:** In planning and land use, this refers to developer exactions that are required as a condition of development. Some benefits will affect project operations, such as wage requirements or traffic management rules. Other benefits will be completely separate from the project, such as money devoted to a public art fund, or support for existing job-training centers.

**Conditional Use Permit:** Pursuant to a zoning ordinance, a conditional use permit (CUP) may authorize uses not routinely allowed on a particular site.

**Covenants, Conditions, and Restrictions:** A term used to describe restrictive limitations that may be placed on property and its use, which usually are made a condition of holding title or lease.

**Density, Employment:** A measure of the number of employed persons per specific area (for example, employees per acre).

**Developable Land:** Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

**Easement:** Usually the right to use property owned by another for specific purposes or to gain access to another property. For example, utility companies often have easements on the private property of individuals to be able to install and maintain utility facilities.

**Economic Development Commission (or agency or authority):** An agency charged with seeking economic development projects and economic expansion at higher employment densities. A possible ally for bringing in businesses such as grocery and convenience stores to underserved areas.

**Environmental Impact Report:** A report required of general plans in some states and municipalities that assesses the environmental characteristics of an area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action

**Fiscal Impact Report:** A report projecting the public costs and revenues that will result from a proposed program or development.

**Greenfield:** Farmland and open areas where there has been no prior industrial or commercial activity, and therefore where the threat of contamination is lower than in urbanized areas.

**Greyfield:** A blighted area—often a failed shopping center—that is ripe for redevelopment.

**Impact Fee:** A fee, also called a development fee, levied on the developer of a project by a city, county or other public agency as compensation for otherwise unmitigated impacts the project will produce.

**Infill Development:** Development of vacant land (usually individual lots or leftover properties) within areas that are already largely developed.

**Land Use:** The occupation or utilization of land or water area for any human activity or any purpose defined in the general plan.

**Leapfrog Development:** New development separated from existing development by substantial vacant land. The development pattern created is sometimes referred to as sprawl.

**Level of service:** A scale that measures the traffic capacity of a roadway or at the intersection of roadways.

**Mixed-use:** Zoning that permits various uses, such as office, commercial, institutional, light industrial and residential, to be combined in a single building or on a single site in an integrated development project. A building with shops at street level and dwelling units above is an example of mixed use.

**Moratorium:** A halt to new development or the issuance of permits. Moratoria are often imposed while a new general plan or zoning ordinance is written or when infrastructure (water, sewer) facilities are inadequate to accommodate additional growth.

**National Environmental Policy Act:** An act passed in 1974 establishing federal legislation for national environmental policy, a council on environmental quality and the requirements for environmental impact statements.

**Neighborhood Resident Association:** A Neighborhood Resident Association (NRA) is an organization of residential property owners, typically a voluntary, ad hoc political body. An NRA is organized to allow residents of a neighborhood to participate in local land use debates with the political power and voice of a group.

**New Urbanism:** A design philosophy intended to create a strong sense of community by incorporating features of traditional small towns. Compact, walkable neighborhoods with active streets are a few of the hallmarks of new urbanism.

**NIMBY:** Not In My Backyard. NIMBY groups oppose development based on its proximity to their residential area, schools, primary traffic areas and other factors—often to the detriment of the actual benefits of the project itself.

**Nonconforming Use:** A use that was valid when brought into existence but does not meet current zoning requirements.

**Planning Commission:** A body, usually having five or seven members, made up of residents appointed by the city council, the mayor or the board of supervisors to consider land use matters. The commission's duties and powers are established by the local legislative body and might include hearing proposals to amend the general plan or rezone land, initiating planning studies and taking action on proposed specific projects and subdivisions. Planning commissions have broad discretionary power; their decisions can be appealed to the legislative body within the jurisdiction (the city council or board of supervisors).

**Redevelopment:** The renewal and improvement of older commercial and residential areas through actions or programs that encourage and facilitate private and public investment.

**Right-of-way:** A strip of land occupied or intended to be occupied by certain transportation and public use facilities, such as roadways, railroads and utility lines.

**Setback:** A minimum distance required by zoning to be maintained between two structures or between a structure and property lines.

**Smart Growth:** A broad concept that describes a series of principles that encourage development that better serves the economic, environmental and social needs of communities than do many of the principles that have guided development in the post-World War II period. The U.S. Environmental Protection Agency identified the following ten principles of smart growth:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty and critical environmental areas
7. Strengthen and direct development toward existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair and cost effective
10. Encourage community and stakeholder collaboration in development decisions

**Spot Zoning:** Rezoning of a lot or parcel of land to permit a use incompatible with surrounding zoning and land uses. Spot zoning confers special privileges and benefits upon the owner of the rezoned parcel, and is inconsistent with comprehensive planning and with zoning. Because zoning must be consistent with a community's general plan, spot zoning is legally vulnerable.

**Sprawl:** The process in which the spread of development across the landscape far outpaces population growth. The landscape sprawl creates has four characteristics: a population that is widely dispersed in lowdensity development; rigid separation of uses, so that homes, commerce and workplaces are segregated from one another; a network of roads laid out to separate land into huge blocks and offering poor access; and a lack of well-defined, thriving activity centers, such as downtowns and town centers. Most of the other features usually associated with sprawl—a lack of transportation

choices, relative uniformity of housing options and difficulty walking from place to place—result from these conditions.

**Sustainable Development:** Development that maintains or enhances economic opportunity and confers well-being while protecting and restoring the natural environment upon which people and economies rely. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

**Tax Increment Financing:** A redevelopment agency's powerful tool to issue bonds against the anticipated additional revenue of the tax increment. The additional tax revenues result from increases in property values within a development area. State laws permits the tax increment to be earmarked for redevelopment purposes but requires a designated percentage to be used to increase and improve the community's supply of very low- and low-income housing.

**Traffic Model:** A mathematical representation of traffic movement within an area or region based on observed relationships between the kind and intensity of development in specific areas.

**Urban Design:** The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass and design of various urban components and combines elements of urban planning, architecture and landscape architecture.

**Use Permit:** The discretionary and conditional review of an activity or function or operation on a site or in a building or facility.

**Variance:** A departure from any provision of the zoning requirements for a specific parcel, except use, without changing the zoning ordinance or the underlying zoning of the parcel. Variances are granted as limited waivers from the requirements of the zoning ordinance.

**Zoning:** The division of a city or county by legislative regulations into areas, or zones, which specify allowable uses for real property and size restrictions for buildings within these areas; a program that implements policies of the general plan.

# Defining Organizational Values

Here is an example of how a fictitious company named “Reddi Kwik” highlights its organizational values. This can be a guide for your own document.

## Reddi Kwik Organizational Values

Page 1

### Defining Organizational Values

Here is an example of how a fictitious company named “Reddi Kwik” highlights its organizational values. This can be a guide for your own document.

#### OUR CULTURE

At Reddi Kwik, we believe strongly in our mission statement, which states: We will provide our customers with their choices and needs in a way that saves them time at the lowest price possible.

At Reddi Kwik, we feel strongly about treating our teams like our family, which is why everyone from the owner on down is on a first-name basis.

#### EMPLOYMENT

The store we are proposing at the intersection of Main Street and Juliet will employ about 20 people, half will be full-time employees and the other half part-time. Other than the store manager and two assistant managers who we are relocating from other sites, we plan on hiring the remainder of the team from the local community. This is because we don't see our store as just being there to sell products to the community, we see it as part of the fabric of the community.

The reason the management team is coming from other stores is simply a great example of our culture. We value our store associates, and provide them opportunities for growth in our organization. This includes training, tuition reimbursement and use of the company's self-development resources such as books and computer-based training. In fact, the store manager who will manage the store started as a cashier herself, and worked her way up to assistant manager and then became a store manager. Besides offering them a competitive wage, we also have a program that each store shares its success with the entire team, where



a portion of the profits are given to employees who have been with us all year, and a larger percentage is given of the improvement over prior year's profitability. This encourages everyone to share an interest in providing excellent service to the community they came from, and help us find more efficient ways to run the store.

New employees that we hire will learn more than just providing excellent customer service. They will learn how to be successful business people themselves. As part of the Reddi Kwik family, we expect our associate family to be polite, good Samaritans and ambassadors of both Reddi Kwik and visitors to the city that stopped in at Reddi Kwik. We feel a professional look is very important, so we ask that they all refrain from wearing jeans and that they wear a collared shirt or something similar that looks professional. We provide them with our standard Reddi Kwik apron to keep their clothes clean.

#### THE LOCATION

We are proposing this site at the intersection of Main Street and Juliet Street because there are no small grocers in the area, meaning that the



community is underserved. Many people think that a convenience store attracts a lot of traffic to a neighborhood, but our studies show that Reddi Kwiks generally pull their customers from a two-mile radius of the store.

In this neighborhood, this means we will be able to serve the needs of about 2,800 families and 200 businesses. Studies show that there is about 10,000 cars a day that drive through this intersection, and most of them are coming from the local area. Our experience is that the amount of traffic probably won't change because of our store. In fact, where we have built the other four Reddi Kwik stores, traffic did not go up any higher than normal growth experienced on other local roads. This is the important reason why we chose this site.



We could've chosen a site anywhere if it was possible to attract people to it. But the phrase "build it and they will come" really only worked best in the movie *Field of Dreams*. Convenience stores and small grocers save people time, so in order to help save time, they like to shop where they already are. Also, there are no local gas stations unless you drive for 10 miles. That means local residents have to spend a couple of dollars in gasoline just driving to get it. Our convenience means their savings.

## HOURS OF OPERATION

It is no secret that our Reddi Kwik stores are open 24 hours a day. This is so we can be more convenient for the community we are part of. We have looked at the demographics of the area, and apparently many residents work at the local hospital, and there are firemen and police officers in this neighborhood also. There is the cigar factory on the other end of Juliet Street, and the factory runs 24 hours a day also. So, many of these people work the late-night shift, and when they get done with work, they either have to wait till a time of day that other businesses are open, or fill their needs on their days off. Reddi Kwik wants to be there when they need us.

We learned that there is a regular police patrol in this area, and in speaking to some of the officers, they are apparently thrilled to be able to get fresh, hot coffee while they are working the late shift.

## OUR OFFER

At Reddi Kwik, we understand convenience. And nothing is more convenient than giving our customers quick service. In this day and age, we are all strapped for time, and no one wants to wait on a long line not being productive. To ensure our customers get served quickly, we have a rule that the checkout is never unattended.

On average, our customers can come in, satisfy their needs and get in and out in less than four minutes. Those needs can range from getting cough drops, a cup of coffee or a sandwich. We try to make sure that all the basic needs of the community can be met in our stores, and we tell her what products we carry to meet the unique needs of the community. All of our customers can ask the store manager to carry items, and if there is a sustainable need for that product, it will be made a permanent part of the store. We know that convenience stores have been known for hot dogs and snacks for a long time, because that was mainly what customers wanted. But in keeping with our family atmosphere, we certainly want our families to be healthy. That is why Reddi Kwik looking at how we can offer choices that are nutritious and healthy in addition to products that can be considered treats.

## COMMUNITY FOCUS

Reddi Kwik is proud to be part of the “*We Card*” program. We are proud to say that by following this program, Reddi Kwik is never been cited for selling beer or cigarettes to underage customers. We allow each store, as part of the family nature, to decide what local community charities and organizations that they support. Some they do as a special project for a year, others do it every year. All four of our existing locations regularly support the local volunteer fire departments by volunteering their time at their fundraising events. One store has bake sales to support a local abused children organization. Another collects donations for the local food bank, and the employees take turns making deliveries to it, and volunteer their time once a month working at.

Again, we see ourselves as part of the community, and that means actively supporting it and making it strong. Since the employees come from this community, we trust that they will identify what this community needs in terms of support. After all, we live here, too.

Unfortunately, we understand that sometimes people will shop in our stores and accidentally drop trash that doesn’t make it into a trashcan. To address this, we make sure that three times a day we clean our parking lots and properties to make sure it doesn’t blow into the neighborhood. Also, three times a week we will go into the neighborhood and make sure there is no trash that may have blown there. We know that all businesses don’t have policies like this, and we hope to encourage the business community to join us in stepping up the game.

## TAX GENERATOR

Another way we give back to our communities is in tax generation. We expect that the store will generate \$200,000 a year in sales tax, \$50,000 year in property taxes and almost a half million dollars a year in gasoline taxes. These taxes will help maintain roads, support important local programs and, most importantly, relieve some of the burden on the local residents’ property taxes.

## SAFETY CONCERNS

Being a family focused community organization, safety is another aspect that we feel strongly about. That is why the site we are proposing will utilize a design that ensures open floor plans, well-directed lighting and other security measures.

Our associates drop all \$20 bills into an inaccessible safe, which also makes them less of a target for potential criminals. And the fact that we offer complimentary beverages or coffee (depending on department policies) to all police officers and firemen on duty is not just a testimony to how we appreciate their service, it also means that they are frequently in our stores, making these stores even less of a target.

## ENVIRONMENTAL CONCERNS

Being part of the community means not just looking out for the welfare of the residents, but making sure we are good stewards of the environment. At our proposed site, we will be installing fuel storage tanks underground and pipes that are double-hulled with a salt solution in between whose pressure is constantly monitored. This means that any possibility of a leak of fuel into the environment is practically impossible, because a drop in pressure of the saline solution would immediately signal that there was some degradation of the inner or outer hull.

Our store associates all go through training provided by the local fire marshal to ensure that they are fully knowledgeable regarding safe fuel handling procedures, and are able to respond to any situation. We have already spoken to the local fire marshal, and he informed us that we have some of the best programs that he has ever encountered, and is looking forward to working with us.

Many businesses store trash dumpsters on their properties.

At Reddi Kwik, we have a special room inside where we compact all of our trash, which is then picked up three times a week. By doing this, we don’t have an unsightly or smelly dumpster taking away from the clean look of our site. We are proud to say that we recycle three quarters of our trash stream.

# Additional Resources

There are a number of resources available to assist those in the convenience retailing industry.

## NACS

The NACS reFresh initiative provides valuable insights about the contributions convenience stores are delivering to the communities they serve. The following toolkits can be found at [convenience.org/refresh](http://convenience.org/refresh):

### **How Convenience Stores Work**

The primer addresses common industry issues to allow retailers to tell their stories in their communities.

### **Public Relations Toolkit**

An overview of how to effectively make public relations work for your business.

### **Building the Business Case for Produce Sales at Convenience Stores:**

An analysis of industry and consumer trends with practical ideas to develop an enhanced produce offering in stores.

### **Community Toolkit**

An online guide providing ideas and for numerous community-focused areas that retailers of all sizes can implement.

### **A Guide to Reducing Litter, Managing Trash and Encouraging Recycling at Convenience Stores**

A comprehensive guide developed by Keep America Beautiful experts to help the environment and customers.

## Other Resources

There are a number of other resources to assist in planning for zoning approvals.

### **American Planning Association**

APA brings together practicing planners, citizens and elected officials on a range of planning issues, with chapters in most states.

[planning.org](http://planning.org)

### **The NIMBY Clearinghouse**

It provides information about the history and the evolution of the term, as well as some of the problems inherent in the use of the term.

[TheNIMBYClearinghouse.Wordpress.com](http://TheNIMBYClearinghouse.Wordpress.com)

### **Why Are There NIMBYs?**

Dartmouth Professor William Fischel looks at the sociology behind NIMBY.

[dartmouth.edu/~wfischel/Papers/00-04.PDF](http://dartmouth.edu/~wfischel/Papers/00-04.PDF)

# Refreshing Our Image

Through its reFresh initiative, NACS is addressing ongoing concerns about industry image by providing retailers with the tools to both evolve their in-store offer and to elevate their image.

**The reFresh initiative is currently focused on three distinct elements:**

- + **Creating tools for retailers** to use to address NIMBY (not in my backyard) issues by educating stakeholders about the contributions convenience stores make to their communities;
- + **Forming partnerships/relationships** with credible nutrition- and community-focused groups to accelerate the evolution of in-store offers; and
- + **Sharing credible facts/data** to demonstrate the evolution of the industry and to correct an outdated reputation. This report and other industry toolkits and resources can be found at [convenience.org/refresh](http://convenience.org/refresh).

NACS advances the role of convenience stores as positive economic, social and philanthropic contributors to the communities they serve. The U.S. convenience store industry, with more than 154,000 stores nationwide selling fuel, food and merchandise, serves 160 million customers daily—half of the U.S. population—and has sales that are 10.8% of total U.S. retail and foodservice sales. NACS has 2,100 retailer and 1,750 supplier members from more than 50 countries.

**For more information, please contact:**

**Jeff Lenard**  
*Vice President,  
Strategic Industry Initiatives*  
703.518.4272  
[jlennard@convenience.org](mailto:jlennard@convenience.org)

**Carolyn Schnare**  
*NACS Director,  
Strategic Initiatives*  
703.518.4248  
[cschnare@convenience.org](mailto:cschnare@convenience.org)

