

Motion and  
Statement of Consistency with Comprehensive Plan  
F-1555

I move that the following statement be adopted in support of a **Motion to Approve** Zoning Map Amendment F-1555:

The proposed special use zoning map amendment with its added conditions is consistent with the Legacy Comprehensive Plan and the Northeast Rural Area Study (2012) and is reasonable and in the public interest because:

1. The subject property is located at the intersection of a major thoroughfare and a minor thoroughfare, both of which have excess capacity;
2. The subject property is located across the road from a nonconforming convenience store and a church; and
3. The zoning request is consistent with the purpose statement of the requested Limited Business Special Use (LB-S) zoning district and the proposed retail store would serve the daily convenience needs of the neighboring residents.

Based on the foregoing Statement, I move adoption of F-1555 and approval of the Special Use District Permit and Site Plan.

Second:

Vote:

Motion and  
Statement of Consistency with Comprehensive Plan  
F-1555

I move that the following statement be adopted in support of a **Motion to Deny** Zoning Map Amendment F-1555:

The proposed special use zoning map amendment with its added conditions is consistent with the Legacy Comprehensive Plan and the Northeast Rural Area Study (2012), however, it is not reasonable or in the public interest because:

1. The proposed new retail store will increase traffic and turning movements at the intersection of NC65 and Pine Hall Road; and
2. Approval of the requested rezoning may lead to other non-residential rezoning requests.

Based on the foregoing Statement, I move denial of F-1555.

Second:

Vote:

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** November 23, 2015 **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A. Public Hearing on Zoning Petition of Camille Graves from AG to LB-S (Retail Store; and Access Easement, Off Site): Property is Located on the North Side of NC 65 at the Intersection of Pine Hall Road (Zoning Docket F-1555)
- B. Ordinance Amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina
- C. Approval of Special Use District Permit
- D. Approval of Site Plan

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

See attached staff report.

After consideration, the Planning Board recommended denial of the rezoning petition.

**ATTACHMENTS:-**  YES  NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
County Manager

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Camille Graves, Docket F-1555

AN ORDINANCE AMENDING  
THE FORSYTH COUNTY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE COUNTY OF FORSYTH,  
NORTH CAROLINA

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BE IT ORDAINED by the Board of County Commissioners of the County of Forsyth as follows:

Section 1. The Zoning Ordinance of the *Unified Development Ordinances* of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from AG to LB-S (Retail Store; and Access Easement, Off Site) the zoning classification of the following described property:

PIN #6971-61-7883

Section 2. This Ordinance is adopted after approval of the site plan entitled Dollar General, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to Camille Graves.

Section 3. The Board of Commissioners hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Dollar General. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

COUNTY, SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Forsyth County  
Board of Commissioners

The Forsyth County Board of Commissioners issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Camille Graves (Zoning Docket F-1555). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for LB-S (Retail Store; and Access Easement, Off Site), approved by the Forsyth County Board of Commissioners the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_" and signed, provided the property is developed in accordance with requirements of the LB-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances* of the County Code, the Erosion Control Ordinance, and other applicable laws, and the following conditions be met:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  - a. Developer shall obtain a driveway permit from NCDOT.
  - b. Developer shall obtain a Watershed Permit.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  - a. An engineered lighting plan shall be submitted to the Inspections Division for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candle along all property lines.
  - b. The proposed building shall be in substantial conformance with the submitted elevations as shown on "Elevation A" as verified by Planning staff. No rooftop HVAC equipment shall be visible from NC 65.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Lighting shall be installed per approved lighting plan and certified by an engineer.
  - b. Developer shall install all requirements of the NCDOT driveway permit.
  - c. Building shall be constructed in substantial conformance with the approved building elevations as approved by Planning staff.
  - d. Developer shall record a 25 foot wide access and utilities easement in the Register of Deeds to serve PIN 6971-61-6629 as shown on site plan.

- **OTHER REQUIREMENTS:**

- a. Freestanding signage shall be limited to one sign with a maximum height of eight (8) feet and a maximum copy area of thirty-two (32) square feet.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket #</b>	F-1555		
<b>Staff</b>	Gary Roberts, Jr. AICP		
<b>Petitioner(s)</b>	Camille Graves		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	PIN #6971-61-7883		
<b>Address</b>	7291 Highway 65		
<b>Type of Request</b>	Special use rezoning from AG to LB-S		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> AG (Agricultural district – 40,000 sf minimum lot size) <b>to</b> LB-S (Limited Business – special use zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Retail Store; and Access Easement, Off Site</li> </ul>		
<b>Neighborhood Contact/Meeting</b>	See Attachment B regarding the developer’s neighborhood outreach efforts.		
<b>Zoning District Purpose Statement</b>	<p>The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts. This district is intended for application in GMAs 2, 3, 4, and 5.</p>		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>		
	Yes, the site is located at the intersection of a major thoroughfare and a minor thoroughfare within the Rural GMA 5 adjacent to low density residential zoning.		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	North side of NC 65 at the intersection of Pine Hall Road		
<b>Jurisdiction</b>	Forsyth County		
<b>Site Acreage</b>	± 4.51 acres		
<b>Current Land Use</b>	A single family home is currently located on the site.		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	AG	Undeveloped property
	East	AG	Undeveloped property

	South	AG	Neighborhood scale church and a nonconforming convenience store	
	West	AG	Single family homes	
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
	In general, the proposed use of a Retail Store is not compatible with the use of detached single family homes. However, the surrounding AG district permits agricultural activities as well as homes on large lots, and the site is currently across the street from a nonconforming convenience store and a church (see additional comments in the Analysis of Conformity to Plans and Planning Issues section below).			
<b>Physical Characteristics</b>	The partially developed site has a moderate to steep slope downward in all directions from the high point on the site located in the southeast corner. A small pond is located on the northern portion of the site.			
<b>Proximity to Water and Sewer</b>	Neither public water or sewer is available to the site.			
<b>Stormwater/ Drainage</b>	A stormwater management area is located in the northern portion of the site.			
<b>Watershed and Overlay Districts</b>	The site is located within the secondary "Balance of Watershed Area" of the Dan River Water Supply Class IV Watershed. Projects which do not use curb and gutter may have up to 36% built upon area. The proposed development indicates 17% impervious surface.			
<b>Analysis of General Site Information</b>	In addition to the watershed information above, the site will need to obtain well and septic system approval from the Forsyth County Health Department as neither public sewer nor public water is available.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
NC 65	Major Thoroughfare	78'	4,600	15,800
<b>Proposed Access Point(s)</b>	The site has access directly onto NC Highway 65 at its intersection with Pine Hall Road.			
<b>Trip Generation - Existing/Proposed</b>	<u>Existing Zoning: AG</u> $4.51 \times 43,560 / 40,000 = 4 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 38 \text{ Trips per Day}$  <u>Proposed Zoning: LB-S</u> $9,100 / 1,000 \times 53.13 \text{ (Free-Standing Discount Store Trip Rate)} = 483 \text{ Trips per Day}$			
<b>Sidewalks</b>	There are no sidewalks in the general area.			
<b>Transit</b>	Not available.			



<b>Analysis of Site Access and Transportation Information</b>	<p>The proposed retail store would generate approximately 483 trips per day, a considerable increase over the 38 trips that could be estimated under the current zoning. However, it appears that NC 65 has excess capacity. A NCDOT driveway permit will be required.</p> <p>The approach to the site from the east on Highway 65 requires the driver to traverse an uphill curve to the right. The site is located at the crest of the hill. NCDOT was consulted concerning any traffic concerns that this development poses for motorists passing through the area, or for patrons accessing the site. See Attachment D regarding comments from NCDOT.</p> <p>The site includes an access easement along the southwestern property line which will continue to provide access to the adjacent single family home which is zoned AG.</p>
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy 2030 GMA</b>	Growth Management Area 5 - Rural Area
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Promote new, convenient commercial and business services to support neighborhood needs.</li> <li>• Identify appropriate areas of the county to locate rural commercial/services areas. Analyze uses appropriate to those locations and develop design standards that will relate to the surrounding rural character.</li> <li>• Carefully review commercial uses that, due to scale and function, may be inappropriate for a rural setting.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>Northeast Rural Area Study (2012)</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The <i>Northeast Rural Area Study</i> does not include site specific recommendations. However, the study generally recommends considering limited commercial uses at suitable locations to provide basic retail services to the local community and users of the area's recreational amenities.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	The site is not located along a growth corridor.
<b>Site Located within Activity Center?</b>	The site is not located within a designated activity center as shown in <i>Legacy 2030</i> .
<b>Other Applicable Plans and Planning Issues</b>	The County Attorney is of the opinion that if challenged in a Court based on the current interpretation of the law, the proposed rezoning would successfully withstand a legal challenge and that the proposed rezoning would <u>not</u> constitute an illegal spot zoning (see Attachment C).
<b>Addressing</b>	There are no addressing or street naming concerns.

<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>
	No
<b>Analysis of Conformity to Plans and Planning Issues</b>	<b>(R)(4) - Is the requested action in conformance with <i>Legacy 2030</i>?</b>
	Yes
	<p>The subject request for LB-S zoning would permit the construction of a 9,100 square foot retail building. The site is currently zoned AG and contains a single family residence.</p>
	<p>The site is located within the Rural Growth Management Area where <i>Legacy 2030</i> generally discourages rezoning to more intense districts. However, both <i>Legacy 2030</i> and the <i>Northeast Rural Area Study</i> recognize the need for limited commercial uses at suitable locations in order to provide basic retail services to the local community.</p> <p>The site is located at the intersection of a major thoroughfare and a minor thoroughfare, and as previously mentioned, the site is located across the street from a nonconforming convenience store and a church. Therefore, Planning staff sees this particular location as being suitable for a modest scale retail business, if NCDOT safety and traffic movement concerns are satisfactorily addressed. The only requested uses are Retail Store and Access Easement, Off Site, the latter of which is needed to serve an adjacent single family home. The scale of the one story building is generally not out of character with the overall rural setting and the developer has volunteered building elevations which indicate enhanced brick facades on the south and the west building faces which will be most visible (see Elevation A). The petitioner has also volunteered a lighting condition which will help to reduce the lighting impacts on the adjacent properties and for motorists traveling along NC 65. A signage condition has also been volunteered. The proposed LB district normally allows for a thirty-five (35) foot tall sign with a maximum copy area of seventy-five (75) square feet. The proposed freestanding sign would be eight (8) feet tall with a maximum copy area of thirty-two (32) square feet.</p> <p>Because the surrounding area is uniformly zoned AG, the County Attorney was contacted to render a spot zone opinion. In summary, the opinion is that if the rezoning was approved and then challenged in a Court, the request would not constitute an illegal spot zoning (see Attachment B) based on current case law.</p> <p>While the subject property is not located within a rapidly growing portion of Forsyth County, staff sees the benefit of providing a greater degree of retail services in closer proximity to the residents in the surrounding area. This may in turn reduce the drive time required to access many daily convenience items.</p>

<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1549	RS40 to GI	Approved 3-23-15	1.65 miles to the southeast	.92	Approval	Approval
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>						
<b>Building Square Footage</b>	<b>Square Footage</b>		<b>Placement on Site</b>			
	9,100		Southeastern portion of the site			
<b>Parking</b>	<b>Required</b>		<b>Proposed</b>			
	30 spaces		31 spaces			
<b>Building Height</b>	<b>Maximum</b>		<b>Proposed</b>			
	40'		One story			
<b>Impervious Coverage</b>	<b>Maximum</b>		<b>Proposed</b>			
	36%		17%			
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Chapter B, Article II, Section 2-1.3 (G) Limited Business District</li> <li>Chapter C, Article IV, Section 4-5.2 (C) Requirements for WS-IV Watersheds</li> </ul>					
<b>Complies with Chapter B, Article VII, Section 7-5.3</b>	<b>(A) Legacy 2030 policies:</b>		Yes			
	<b>(B) Environmental Ord.</b>		Yes			
	<b>(C) Subdivision Regulations</b>		NA			
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	The proposed site plan is for a 9,100 square foot retail store and associated parking. A stormwater management area is located in the northern portion of the site and a 15' Type II bufferyard is shown along all four property lines which are adjacent to AG zoned property.					
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>						
<b>Positive Aspects of Proposal</b>			<b>Negative Aspects of Proposal</b>			
The site is located at the intersection of a major thoroughfare and a minor thoroughfare, both of which have excess capacity.			The proposed new retail store will increase traffic and turning movements at the intersection of NC 65 and Pine Hall Road.			
The site is located across the street from a nonconforming convenience store and a church.			Approval of the requested rezoning may lead to other non-residential rezoning requests.			
The proposed retail store would be neighborhood serving for the daily convenience needs of the nearby residents.						
The request is consistent with the purpose statement of the proposed LB district.						
The County Attorney is of the opinion that if challenged, the request would not be considered illegal spot zoning.						

**SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  - a. Developer shall obtain a driveway permit from NCDOT.
  - b. Developer shall obtain a Watershed Permit.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  - a. An engineered lighting plan shall be submitted to the Inspections Division for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candle along all property lines.
  - b. The proposed building shall be in substantial conformance with the submitted elevations as shown on "Elevation A" as verified by Planning staff. No rooftop HVAC equipment shall be visible from NC 65.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Lighting shall be installed per approved lighting plan and certified by an engineer.
  - b. Developer shall install all requirements of the NCDOT driveway permit.
  - c. Building shall be constructed in substantial conformance with the approved building elevations as approved by Planning staff.
  - d. Developer shall record a 25 foot wide access and utilities easement in the Register of Deeds to serve PIN 6971-61-6629 as shown on site plan.
  
- **OTHER REQUIREMENTS:**
  - a. Freestanding signage shall be limited to one sign with a maximum height of eight (8) feet and a maximum copy area of thirty-two (32) square feet.

**STAFF RECOMMENDATION: Approval**

**NOTE:** These are **staff comments** only; **final recommendations** on projects are made by the City-County Planning Board, with **final decisions** being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR F-1555  
SEPTEMBER 10, 2015**

Gary Roberts presented the staff report.

**PUBLIC HEARING**

FOR:

Don Nielsen, 100 N. Cherry Street, Winston-Salem, NC 27101

- In her spot zoning opinion, the County Attorney found there is a reasonable basis for this rezoning based on several factors.
- The rezoning could provide needed neighborhood shopping on a small scale.
- The UDO specifically provides for small business in rural areas.
- The *Northeast Rural Area Study* and *Legacy 2030* support small scale, neighborhood oriented businesses to serve the needs of the surrounding communities.
- The plan exceeds LB requirements and provides additional features to enhance the community.
- This is basically a modern version of the general store.
- The primary objection we have heard is based on the competition to the existing, non-conforming store located across the street.
- The two stores will not be the same. They will offer different products and different styles.
- Zoning cannot be used to limit economic competition or to promote one business over another business. Zoning is based on public plans not private purposes.
- A small retail store here fits very well into the County's adopted plans.

Marty Koon, P. O. Box 843, Wilkesboro, NC 28697

- Mr. Koon referred to quotes from various plans for this area. He showed pictures of the area as well as the site plan and elevations.
- The corner entry to our building is aligned with Pine Hall Road.
- He discussed primary competitors for Dollar General and their proximity to this location, noting that some are located outside Forsyth County.
- This would allow neighbors to purchase items locally instead of having to drive to other counties, hence supporting Forsyth County's tax base.
- We are providing more enhancements than are required in order to fit in well with the neighborhood and be a good corporate citizen.

Justin Church, 126 Executive Drive, Suite 220, Wilkesboro, NC 28697

- We are the Civil Engineer for this project.
- Mr. Church reviewed the traffic patterns for the site.
- We talked with the District Engineer's office and made changes to our initial draft plan based on their recommendations.
- The current capacity of Hwy 65 is significantly higher than the current average daily traffic count (ADT).
- According to State traffic statistics; within the last five years there have been three traffic accidents in this vicinity and zero within the last two years.

NOTE: Tommy Hicks arrived during Mr. Church's comments.

Chairman King noted that the 12 minutes for the proponents have been used. However, Ms. Graves was permitted to speak with the understanding that those in opposition would be given the equivalent amount of time over their 12 minute limit.

Camille Graves, 2700 Reynolda Road, Unit 208, Winston-Salem, NC 27106

- The house on the property has lost its value as a residence. This is my chance to be able to sell it for a good price.
- Owning this property is a burden and I ask you to help me get rid of this burden.

Approximately one minute extra was used so the opponents will be given 13 minutes to speak instead of 12 minutes.

AGAINST:

Kathy Smith, 7231 NC Hwy 65, Belews Creek, NC 27009

- There are three of these stores within seven miles of this site so all three counties are already getting tax revenues off of these stores.
- There are no fire hydrants here.
- Over the 20 years I've been a member of the Belews Creek Volunteer Fire and Rescue there have been a large number of bad wrecks at this intersection.
- We have a Duke Power steam station behind us and those ash trucks come through there 24 hours a day.
- People drive much too fast in this area. I'm concerned for their safety.

Naida White, 7570 NC Hwy 65, Belews Creek, NC 27009

- I'm the owner of the store across the street from this site.
- I've served the needs of this community for a long time and certainly do not want this type of store across the road from me.
- There are plenty of other sites they could use and there is no reason they should pick out a site near another small business and build right there. We can't get corporate prices to compete with these corporations.
- This is a dangerous intersection.
- Please do not rezone this for another business out of my livelihood and wellbeing.
- Neither of the adjoining property owners want the Dollar General here. Neither could attend this meeting.

Santane Ford, 7627 NC Hwy 65, Belews Creek, NC 27009

- Submitted petition signed by over 1,000 people in opposition to this request.
- Approximately 100 ash trucks access the Duke Power facility daily. They are starting a project in October which will increase the traffic.
- Traffic is a significant problem.
- There are plenty of Dollar Generals which are close to this site.
- This wouldn't help our community.

### WORK SESSION

During discussion by the Planning Board, the following points were made:

The entrance to this site is directly across from Pine Hall so you can cross directly over Highway 65.

Staff explained how the North Carolina Department of Transportation (NCDOT) conditions alter the site plan.

The area in the middle of the road at this intersection will be striped to allow traffic to turn. There will not be a physical median.

Dollar General made provisions for the adjacent property owner to share access to their property so the roads would align.

One of NCDOT's concerns was stacking. The house sharing the access point has very few trips per day and Dollar General has stacking for at least three vehicles so Justin Church stated that he has no concerns.

George Bryan: When I asked NCDOT about accidents at this intersection, they told me there had been eight. Justin Church stated that his data was from the Traffic Safety Systems in Raleigh. It was dated January 1, 2010 through July 31st 2015. He talked with Chris Oliver who shared the data.

George Bryan: Visibility is already very bad. Adding traffic will create a safety risk. Knowing how bad the visibility is here, safety is my number one concern.

Justin Church stated that he had spoken with several people at NCDOT including Mr. Wright Archer who supervises the position recently vacated by Steven Jones. No one expressed safety concerns especially with the amount of road improvements we are going to do here. If NCDOT has safety concerns they will ask for a Traffic Impact Study (TIS) which is a very localized study with real-time traffic counts. I have asked several people in the division and no one has enough safety concerns to warrant that. I personally don't have concerns and wouldn't participate in the project if I did.

George Bryan: I guess I had a different conversation with him then because it wasn't as clear.

Staff noted that they contacted NCDOT who said they would have a representative here today. George Bryan stated that we are both at a disadvantage without the opportunity for direct talk and it makes me reluctant to rule on this today without that.

Clarence Lambe: We are currently at 25% traffic capacity on Highway 65 and this project would raise it to 30%, which is still well below 100% capacity.

George Bryan: Traffic capacity isn't the issue. Safety is.

Brenda Smith: Regardless of how well this fits in with traffic count and how it contributes to the neighborhood, I'm concerned with sight distance and speed as well as the written comments which say there are some concerns.

Justin Church: The road improvements you are seeing are in response to these concerns.

Melynda Dunigan: Has NCDOT approved the driveway permit? Justin Church: We have not technically applied for it yet. Typically we talk with NCDOT when we begin a project, but wait on applying for the permit until after the zoning is in place since it would be a moot point if the zoning were not approved.

Darryl Little asked Santane Ford to repeat the figures she had presented about nearby stores. At a request from George Bryan she explained that signatures for the petition were obtained on-line and in two nearby businesses.

Neighbors met with the developer and expressed their concerns. The only response they got was to come to this meeting and tell the Planning Board. To their knowledge nothing was changed as a result of the meeting.

Melynda Dunigan: My thinking is that the best argument the petitioners have put forward is that this would provide needed convenience to local people yet we're confronted with a room full of people who are opposed to it who live in the area. That concerns me. I understand the argument that this is not an illegal spot zone, but is this an appropriate location, is it compatible, and is the rezoning a good idea? I question the argument that this is compatible because of the existing business across the street because it is nonconforming. I would hate to see that as a precedent we set. Normally something which is nonconforming doesn't fit with what the community wants to have there. We don't really know how much this will change the safety aspect but there will be an increase in risk because of the turning movements. It's not a rezoning I would support.

George Bryan: I could just as soon say to continue this to have NCDOT here to talk about some of the safety concerns and have the petitioner address that. However, what I'm hearing is that almost 1/3 of the people who Mr. Koon says would use this store have signed some kind of petition against it. The thing that bothers me is the competition piece. I don't look at this as to whether it's competition or not because competition is fair and good. But what we're being asked to do is change agricultural to business. There was a reasonable expectation of the people who live here that this would be an agricultural area. If the petitioner had convinced the residents that this would provide services which were not already being met that would certainly be a different factor.



Brenda Smith: There are signatures from all over and we don't know where they live in relation to this site. There's a lot of through-traffic in this area so we don't know how many of the residents don't want this here. The immediate neighbors may not want this but many others may. Typically a company is not going to place a business where they won't have customers. People will use this. I don't think you can say 1/3 of people won't use it. But if 2/3 do use it, is that enough?

Paul Mullican: If there is a problem there, something needs to be done regardless of whether or not we rezone this. This would be local traffic. I don't think it's that big a deal. Competition is good. I can appreciate everyone being here. I really wish we could work this out on the intersection because that really means a lot. I think the 483 projected trips to be generated is high and it's probably going to be more like 80 or 100. I hate to turn this down because it does create a good service.

Tommy Hicks: In any case, issues and concerns for safety should always outweigh bringing about more business in the community. I grew up along US Highway 311 and watched it become more and more business oriented. That brought more and more accidents and people in my own community lost their lives, both pedestrians and those riding in vehicles. Not even one life lost would be worth having more business in this community.

Allan Younger: I like to hear what people have to say so I appreciate this public input process. In addition to the large number of people who are not in support of this, the word "problematic" stuck out to me when I was reading the letter from Mr. Jones (Steven Jones, former Assistant District Engineer, NCDOT). I'm not sure what more I would need to hear to feel this was not problematic. Safety is a big issue to me in addition to people not seeming to want this store for whatever reason.

George Bryan: In looking at the petition, some of the signatures are labeled as truck driver so even they know this is an issue. It isn't just civilians.

MOTION: George Bryan moved denial of the zoning petition and certified that the site plan (including staff recommended conditions) meets all code requirements if the petition is approved.

SECOND: Melynda Dunigan

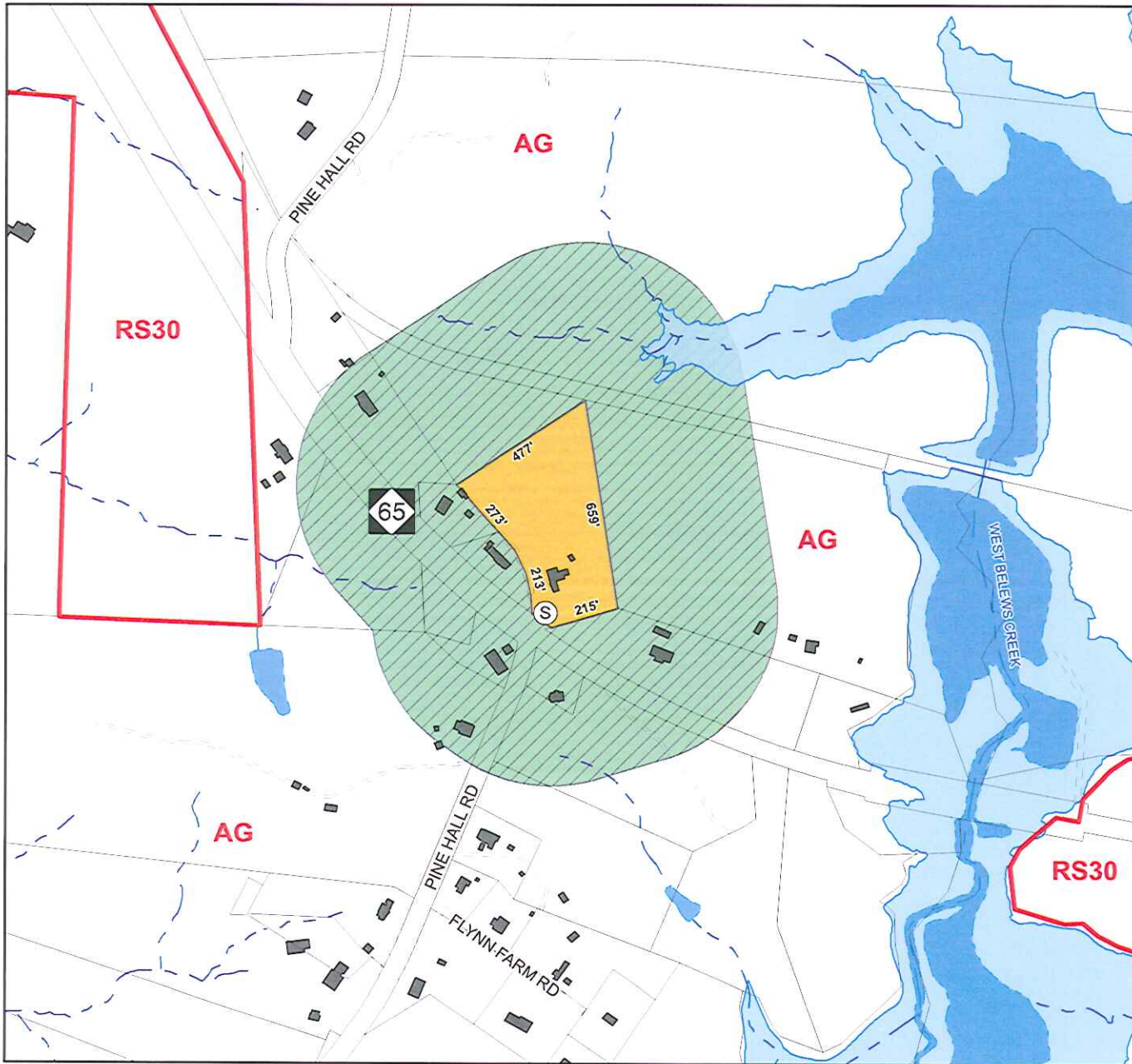
VOTE:

FOR DENIAL OF THE REQUEST: George Bryan, Melynda Dunigan, Tommy Hicks, Darryl Little, Allan Younger

AGAINST DENIAL OF THE REQUEST: Arnold King, Clarence Lambe, Paul Mullican, Brenda Smith

EXCUSED: None

According to information furnished by the Office of the Tax Assessor on September 23, 2015, the subject property was in the name of Camille Graves.





**DOCKET #:** F1555

**PROPOSED ZONING:**  
LB-S

**EXISTING ZONING:**  
AG

**PETITIONER:**  
Camille Graves

-  Property included in zoning request.
-  500' mail notification radius. Property not in zoning request.

**SCALE:** 1" represents 500'

**STAFF:** Roberts

**GMA:** 5

**ACRES:** 4.51

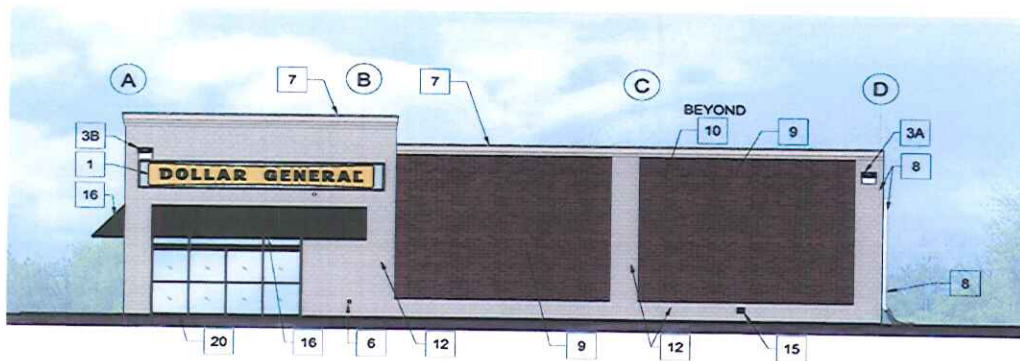
**NEAREST BLDG:** 0' west

**MAP(S):** 6971.04

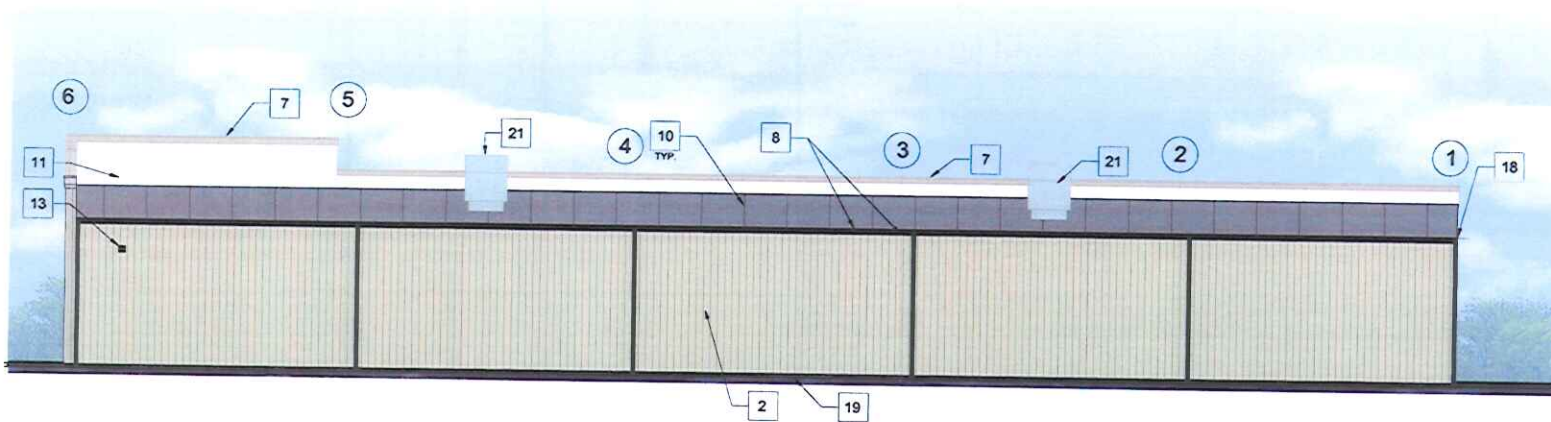


Printed: 8/14/2015





**NORTH ELEVATION**  
3/16" = 1'-0"



**WEST ELEVATION**  
3/16" = 1'-0"

**GENERAL NOTES**

1. G.C. TO CAULK AND SEAL ALL PENETRATIONS
2. G.C. TO CAULK METAL PANELS ON EXTERIOR AT BOTTOM TRACK
3. ADDRESS NUMBERS TO BE SHOWN ABOVE MAIN DOOR ENTRY
4. G.C. TO INSTALL KNOX BOX PER LOCAL JURISDICTIONAL REQUIREMENTS. SURFACE OR FLUSH MOUNT.

**KEYED NOTES**

1. SIGN FURNISHED AND INSTALLED BY DOLLAR GENERAL CORP. WITH CIRCUIT AS NOTED ON ELECTRICAL PLAN. SIGN TO BE CENTERED ON FRONT OF BUILDING. CONTRACTOR IS TO PROVIDE ADEQUATE BLOCKING AS REQUIRED BY SIGN MANUFACTURER TO SUPPORT SIGN HEIGHT OF UP TO 1,450 LBS. EXTERIOR CANOPY SIGN SHALL BE SUPPORTED BY THE FACE OF CANOPY. COORDINATE THE PROPER SIGNAGE TO BE USED WITH DOLLAR GENERAL. REFER TO SHEET A-7.
2. METAL PANEL. SEE THIS SHEET FOR COLOR.
- 3A. WALL PACK. 18'-0" A.F.F. TO TOP OF WALL PACK. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
- 3B. WALL PACK. 18'-3" A.F.F. TO TOP OF WALL PACK. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
4. SIDEWALK TO BE TAPERED AND LEVEL WITH FFE AT DOOR LOCATION.
5. ADDRESS ABOVE DOOR MOUNTED ON CENTER PANE OF GLASS. ADDRESS TO BE 10"-12" VINYL CUT NUMBERS. COLOR: BLACK WITH WHITE OUTLINES.
6. RECEIPTACLE. REFER TO ELECTRICAL DRAWING E1 FOR ADDITIONAL INFORMATION.
7. EIFS CORNICE. SEE THIS SHEET FOR COLOR.
8. GUTTER AND DOWNSPOUT - SEE THIS SHEET FOR COLOR.
9. ENDURAMAX WALL SYSTEM. GLEN GERRY BRICK. COLOR: AUTUMN OAK.
10. STANDING SEAM METAL ROOF. GALVALUME FINISH.
11. FASCIA PANEL. SEE THIS SHEET FOR COLOR.
12. ENDURAMAX WALL SYSTEM. MORENCY STONE. COLOR: LIGHT GRANITE.
13. VENT FOR BATHROOM EXHAUST. REFER TO MECHANICAL DRAWING M1 FOR ADDITIONAL INFORMATION.
14. DOOR SLICER. REFER TO ELECTRICAL DRAWING E-1 FOR ADDITIONAL INFORMATION.
15. WALL HYDRANT. REFER TO PLUMBING DRAWING P-1 FOR ADDITIONAL INFORMATION.
16. STEEL FRAMED AWNING WITH ALUMINUM COVER. COLOR: BLACK. REFER TO SHEET A-3B FOR DETAILS.
17. OUTSIDE AIR TEMP. SENSOR MOUNTED OVER RECEIVING DOORS @ 8'-0" A.F.F.
18. MINIMUM EAVE HEIGHT IS 14'-0".
19. FINISH GRADE AT EXTERIOR WALLS SHALL BE A MINIMUM OF 6" BELOW FINISHED FLOOR AT ALL NON PAVED AREAS.
20. HARD SURFACE AT EXTERIOR WALLS SHALL BE A MINIMUM OF 2" BELOW FINISHED FLOOR AT PAVED AREAS.
21. HVAC UNITS MOUNTED ON ROOF. REFER TO MECHANICAL SHEET M-1 FOR FURTHER INFORMATION.

**DOLLAR GENERAL**

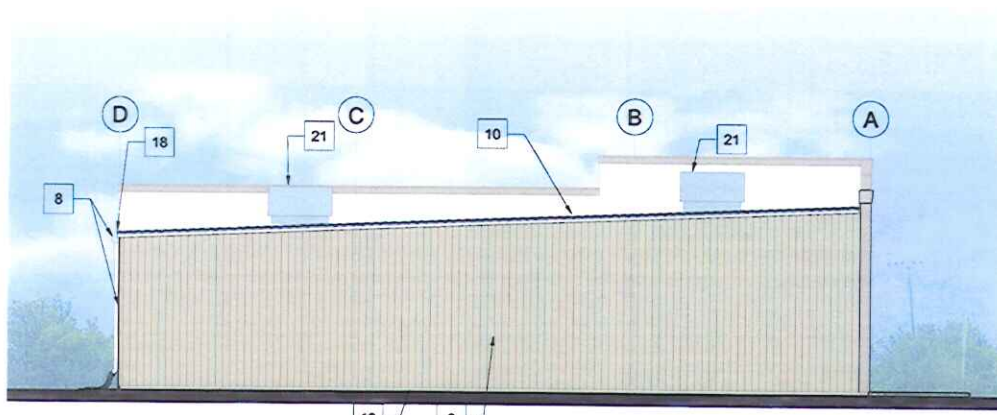
**DOLLAR GENERAL**  
Belews Creek, NC

THE COLORS SHOWN IN THIS RENDERING ARE CLOSE APPROXIMATIONS. DUE TO INK VARIATIONS AND DIFFERENCES IN PAPER, EXACT COLOR MATCH CANNOT BE ACHIEVED. THE VIEWER IS ADVISED TO USE THIS RENDERING AS A GUIDELINE FOR THE ARRANGEMENT OF COLORS ON THE BUILDING, AND TO THEN REFER TO THE ACTUAL COLOR OR MATERIAL SAMPLES PROVIDED.

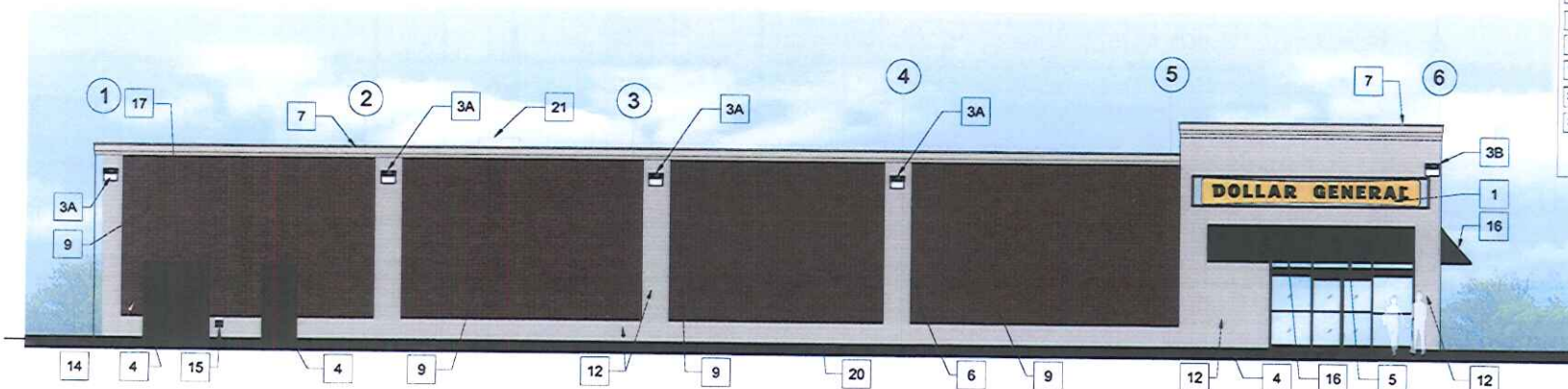


F1555 Elevations A





**SOUTH ELEVATION**  
3/16" = 1'-0"



**EAST ELEVATION**  
3/16" = 1'-0"

**GENERAL NOTES**

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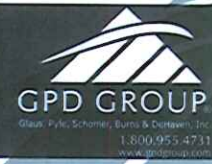
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6. RECEPTACLE. REFER TO ELECTRICAL DRAWING E1 FOR ADDITIONAL INFORMATION.
7. EIFS CORNICE. SEE THIS SHEET FOR COLOR.
8. GUTTER AND DOWNSPOUT - SEE THIS SHEET FOR COLOR.
9. ENDURAMAX WALL SYSTEM. GLEN GERY BRICK. COLOR: AUTUMN OAK.
10. STANDING SEAM METAL ROOF. GALVALUME FINISH.
11. FASCIA PANEL. SEE THIS SHEET FOR COLOR.
12. ENDURAMAX WALL SYSTEM. MORENCY STONE. COLOR: LIGHT GRANITE.
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14. DOOR BUZZER. REFER TO ELECTRICAL DRAWING E-1 FOR ADDITIONAL INFORMATION.
15. WALL HYDRANT. REFER TO PLUMBING DRAWING P-1 FOR ADDITIONAL INFORMATION.
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**DOLLAR GENERAL**

**DOLLAR GENERAL**  
Belews Creek, NC

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F. 1555 Elevations B

# INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: F-1555

## PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS

**Note:** City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. Further, please note that additional information may be forthcoming from Departments that indicate "See Emailed Comments" or other similar phrase. A list of recommended conditions from this Interdepartmental Review will be sent to you via e-mail generally by the end of the business day on Friday the week prior to the Planning Board Public Hearing.

**PROJECT CASE NUMBER:** F-1555 **PROJECT TITLE:** Dollar General **DATE:** August 26, 2015

**PROJECT DESCRIPTION:** North side if NC 65 at the intersection of Pine Hall Road

**NCDOT- Phone # - 336.747.7900 Email:** warcher@ncdot.gov

- Obtain NCDOT driveway permit
- Put widening dimensions and proposed pavement structure on plans submitted for D/W permit

**WSDOT- Phone # - 336.747.6872 Email:** conniej@cityofws.org

Check sight distance for Driveway. 10' X 70' Sight triangle easement at entrance.  
7 foot sidewalks where parking abuts or 5 foot with wheel stops.

**City Engineer- Phone # - 336.747.6846 Email:** albertcg@cityofws.org

No comments

**Inspections (Zoning)- Phone # - 336.727.2626 or 336.747.7427**

**Email:** donnagb@cityofws.org or desmondc@cityofws.org

- Label drive aisle width in the western parking area
- Show required large variety trees and label tree island square footage
- Proposed ground sign is shown inside the 10' x 70' sight triangle
- Proposed delivery area does not meet dimensional requirements
- Label dumpster screening type and height
- Label proposed retaining wall(s)
- Add Access Easement, Off-site as a proposed use
- Label access easement for the neighboring residential use
- Include zoning districts of adjacent properties

**Erosion Control - Phone # - 336.747.7453 Email:** matthewo@cityofws.org

An Environmental Grading and Erosion Control Permit will be required if more than 10,000 square feet is to be disturbed during any potential construction. An Erosion and Sedimentation Control plan must be submitted and approved before the permit can be issued. Please submit this plan at least 30 days prior to the intended start date of construction.

The proposed project is within the Dan River Watershed Protection Area which is a WS IV watershed per Winston-Salem/Forsyth County UDO Chapter C, Article IV – Watershed Protection. This project must comply with the Winston-Salem/Forsyth County UDO Chapter C, Article IV – Watershed Protection

# INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: F-1555

requirements and provisions. Compliance with this ordinance requirement must be shown on the Erosion and Sedimentation Control Plan. The Environmental Grading and Erosion Control Permit will not be issued until compliance with the Watershed Protection requirements have been verified and a Watershed Protection Permit has been approved.

**Stormwater Division- Phone # - 336.747.6961 Email: [josephf@cityofws.org](mailto:josephf@cityofws.org)**

No comment

**Fire (County)- Phone # - 336.703-2550 Email: [smithbj@forsyth.cc](mailto:smithbj@forsyth.cc)**

**Utilities- Phone # - 336.747.7309 Email: [jackf@cityofws.org](mailto:jackf@cityofws.org)**

No Comments, public water and sewer not available.

**Planning- Phone # - 336.747.7043/747.7068 Email: [aaronk@cityofws.org](mailto:aaronk@cityofws.org)**

Add the use Access Easement, Off-Site to the list of proposed uses; extra buffering to the house to the southwest might be helpful; staff would recommend a sign height limit of eight feet; provide minimum 25' wide access easement width to adjacent residential property; show existing adjacent homes on site plan; provide additional contour labels; label retaining wall height; label FFE for building; provide 7' wide sidewalks where parking abuts sidewalk.

**Street Names/Addresses -336.747.7048 Email: [benfs@cityofws.org](mailto:benfs@cityofws.org)**

No addressing or street naming concerns.

**F-1555 ATTACHMENT A**  
**EXISTING AG USES ALLOWED**  
**Forsyth County Jurisdiction Only**

**USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)**

Adult Day Care Home  
Agricultural Production, Crops  
Agricultural Production, Livestock  
Agricultural Tourism  
Animal Feeding Operation  
Child Day Care, Small Home  
Church or Religious Institution, Neighborhood  
Family Group Home A  
Fish Hatchery  
Kennel, Outdoor  
Police or Fire Station  
Recreation Facility, Public  
Residential Building, Single Family  
Swimming Pool, Private  
Transmission Tower (see UDO)

**USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)**

Cemetery  
Church or Religious Institution, Community  
Golf Course  
Landfill, Land Clearing/Inert Debris, 2 acres or less  
Library, Public  
Planned Residential Development  
School, Private  
School, Public  
Utilities

**USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)**

Borrow Site  
Campground  
Child Day Care, Large Home  
Dirt Storage  
Fishing, Fee Charged  
Habilitation Facility A  
Manufactured Home, Class A  
Manufactured Home, Class B  
Manufactured Home, Class C  
Nursing Care Institution



**F-1555 ATTACHMENT A**  
**EXISTING AG USES ALLOWED**  
**Forsyth County Jurisdiction Only**

Park and Shuttle Lot  
Recreational Vehicle Park  
Riding Stable  
Shooting Range, Outdoor  
Transmission Tower

**USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED**

**BODY (E)**

Access Easement, Private Off-Site  
Landfill, Land Clearing/Inert Debris, greater than 2 acres

**From:** Nielsen, Don [<mailto:dnielsen@belldavispiitt.com>]  
**Sent:** Tuesday, September 08, 2015 2:34 PM  
**To:** Chris Frye  
**Cc:** Aaron King; Gary Roberts  
**Subject:** Zoning Case # F1555

Re: Zoning Docket #: F1555 /NC 65 and Pine Hall Road  
Dear Planning Board Members:

I am writing on behalf of Camille Graves and the developer, Venture Properties, who are proposing a small retail store, a Dollar General, at the intersection of NC 65 and Pine Hall Road in Northeast Forsyth County. The purpose is to provide basic goods to area residents who otherwise must leave their community and travel significant distances, often to neighboring Guilford and Stokes counties, to purchase necessities. The surrounding zoning and relevant County plans are consistent with Dollar General's goals and experience of providing small communities and rural areas with basic items at reasonable prices. Dollar General is not an "everything is a dollar" store but seeks to be the equivalent of a modern "General Store" complementary to surrounding areas.

The County Attorney found that the proposed zoning would not be unreasonable or improper spot zoning and Planning Staff recommends approval of the proposed LB-S zoning. Their analyses are based in large part on applicable UDO provisions and County plans:

--The UDO specifically provides for small business in rural areas, including LB, which is "intended for application" in GMA 5, Rural Area. As recommended for LB districts, the proposed store is located near the intersection of a collector street or thoroughfare. LB is also recommended as a buffer between more intense commercial zoning and residential properties.

--There is no small area plan, but the Northeast Rural Area Study, prepared in 2012, concludes that the County should "Consider limited commercial uses at suitable locations to provide basic retail services to the local community and users of the area's recreational amenities." (p. 14)

--Chapter 12 of Legacy, Rural Character, confirms that "small scale, neighborhood serving commercial and office uses are needed resources in rural communities. Locally-oriented services allow residents of the Rural Area to access basic services without having to drive great distances to large activity nodes." (p. 201)

As shown on the site plan, this proposed investment in the community more than meets LB standards and includes significant landscape buffers, a reduction in allowed road signage, road improvements to meet NCDOT requests, significant exterior upgrades, and lighting conditions.

We understand that customers of the nearby convenience store have been asked to sign a petition against Dollar General. We do not know whether folks signed it out of courtesy or what facts they were given. Some opponents have expressed concern about maintaining country living. This proposal is designed for a rural community. There is no danger of sprawl or commercial clutter at this location, due to the small area population, significant development constraints on this property in particular and in northeast Forsyth County generally (see Northeast Rural Area Study) and due to the fact that any additional zoning proposals will have to serve a recognized need in a rural community. The proposed rezoning is not a harbinger of sprawl but should be judged on its own in relation to the needs expressed in Legacy and the Northeast Rural Area Study.

A second concern has been traffic. NC 65 has excess capacity and the developer is providing substantial upgrades to NC 65 which will be a significant improvement to the intersection. Venture Properties will continue to work with NCDOT to address any traffic issues.

The major concern of opponents has not been the proposed store itself but the potential impact of competition with the existing nonconforming convenience store. The two stores will not be the same and will offer different products and choices, and no one can predict the future for either store. As you know, however, zoning cannot be used to limit economic competition or promote the welfare of one business over another. Zoning covers many areas, but does not regulate economic competition.

In sum, the proposed rezoning will meet the needs of the community as set forth in existing plans and ordinances, and Ms. Graves and Venture Properties respectfully request your support. Please do not hesitate to contact us if you have any questions.

Best Regards,

Don Nielsen  
714-4116



**Donald M. Nielsen**

Bell • Davis • Pitt

[dnielsen@belldavispitt.com](mailto:dnielsen@belldavispitt.com)

Main: 336.722.3700

Direct: 336.714.4116

Fax: 336.714.4101

[www.belldavispitt.com](http://www.belldavispitt.com)

100 N. Cherry Street, Suite 600

Winston-Salem, NC 27101

P.O. Box 21029

Winston-Salem, NC 27120

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Donald M. Nielsen  
dnielsen@beldavispitt.com  
t 336.714.4116  
f 336.714.4101

**Bell·Davis·Pitt**  
Attorneys and Counselors at Law  
WINSTON-SALEM, NORTH CAROLINA  
336.722.3700

MAILING ADDRESS  
PO Box 21029  
Winston-Salem, NC  
27120-1029

August 14, 2015

Aaron King  
Principal Planner  
Planning Department  
City of Winston-Salem  
101 N. Main Street  
Winston-Salem, NC 27101

Re: Case F-1555 Spot Zoning Analysis

Dear Aaron:

Attached please find a spot zoning analysis for the above-referenced case. I understand you will share the memorandum with County Attorney Davida Martin. We believe there is a strong case that the proposed zoning would not be considered an illegal spot zone. If you or Davida have any questions, or would like any additional information, please do not hesitate to contact me.

Thank you very much for your assistance.

Sincerely,

BELL, DAVIS & PITT, P.A.

Donald M. Nielsen

cc: Martin D. Koon

## MEMORANDUM

TO: Aaron King, City-County Planning Department

FROM: Don Nielsen on behalf of Venture Properties VII, LLC

DATE: August 14, 2015

RE: Zoning Case F-1555/Spot Zoning Analysis for retail store at NC 65 and Pine Hall Road

Venture Properties VII, LLC, submits this memorandum on spot zoning issues for the above-referenced zoning from AG to LB-S retail store at the intersection of NC 65 and Pine Hall Road. For the reasons set forth below, including Legacy's support for small scale commercial resources in rural communities, we conclude that the proposed zoning, if it is considered spot zoning, is reasonable, compatible with the area, and would not constitute illegal spot zoning.

### BACKGROUND

Venture Properties proposes to place a small general store (Dollar General) at the intersection of NC 65 and Pine Hall Road to provide basic goods to area residents who otherwise must leave their community and travel long distances, often in neighboring Guilford and Stokes counties, to purchase necessities. Located on a state highway at a relatively busy rural crossroads, the proposed site and the great majority of the surrounding property are zoned AG. The surrounding zoning is consistent with the placement of a small store to provide basic goods and with Dollar General's goals and experience of providing small communities and rural areas with shopping necessities at reasonable prices.<sup>1</sup>

The proposed site is on 4.31 acres of property used now for residential purposes, across the street from an apparently non-conforming convenience store. The proposed zoning is LB-S, Limited Business, Special Use. As noted in the UDO, LB is intended for shopping close to residential areas, typically located near the intersection of a collector street or thoroughfare, and is "intended for application in GMAs 2, 3, 4 and 5." GMA 5, Rural Area, encompasses the proposed site. The UDO further states that LB districts are for smaller business locations, up to 10 acres in size in rural areas, and can often serve as a transition between residential and more intensely-zoned areas.

As shown on the site plan, the proposed site more than meets LB standards which include minimums of a 40' setback and a 15' bufferyard. The developer has further proposed:

---

<sup>1</sup> Dollar General is not an "everything is a dollar store" and seeks to provide convenience and quality brands at low prices.

- Significant landscape buffers
- A reduction in allowable road signage
- A monument road sign instead of a pylon figured road sign
- Road improvements to meet NCDOT requests
- Extension of parapet walls to cover HVAC equipment
- Significant exterior upgrades on both visible sides (see renderings)
- Reduction in allowable building signage for primary wall (from 192 Sq. ft to 50 sq. ft.)
- Elimination of building signage on secondary wall
- Installation of light pollution free site lighting

Dollar General frequently seeks out appropriate rural locations to complement and serve the surrounding community as the equivalent of a modern “General Store.” Dollar General serves many rural markets in the counties surrounding and including Forsyth County, as shown by the attached maps. As confirmed in Legacy as well as the Northeast Rural Area Study, small stores supplying basic goods are not inconsistent with rural areas, but complementary and appropriate.

## ZONING ANALYSIS

### Spot Zoning

The North Carolina Supreme Court has defined spot zoning as:

A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the small tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected[.]

*Blades v. City of Raleigh*, 280 N.C. 531, 549, 187 S.E.2d 35, 45 (1972). In North Carolina, spot zoning “is a descriptive term merely, rather than a legal term of art, and . . . spot zoning practices may be valid or invalid depending upon the facts of the specific case.” *Chrismon v. Guilford Cnty.*, 322 N.C. 611, 626, 370 S.E.2d 579, 588 (1988). As such, “the practice is not invalid per se but, rather . . . it is beyond the authority of the municipality or county and therefore void *only* in the absence of a clear showing of a reasonable basis therefor.” *Id.* at 627, 370 S.E.2d at 589 (emphasis in original).

The existence of a reasonable basis for spot zoning is determined by evaluating (1) the compatibility of the disputed zoning action with an existing comprehensive zoning plan; (2) the benefits and detriments resulting from the zoning action for the owner of the newly zoned

property, his neighbors, and the surrounding community; and (3) the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts. *Id.* at 628, 370 S.E.2d at 589. These factors are non-exclusive, flexible, and fact-specific. *Id.*

A. Is the Proposed Rezoning Spot Zoning?

Spot zoning singles out a relatively small tract owned by a single person. As David Owens notes, "no specific minimum or maximum size of an area constitutes spot zoning" and "[t]he size of the tract must be considered relative to the surrounding area." Owens, *Land Use Law in North Carolina* (2<sup>nd</sup> ed. 2011), p. 118. A review of the zoning map shows that the tract is not relatively small, especially in comparison with adjacent and nearby tracts on NC 65 and Pine Hall Road. The tract in question is several times the size of these smaller tracts.<sup>2</sup>

The site and surrounding areas are in GMA 5 and primarily zoned AG. As noted in the UDO and Legacy, it is appropriate to service rural areas with small commercial business providing basic goods and services. LB-S and AG restrictions are different but, as explained below, the districts are acknowledged by County ordinance and policy to be complementary.

B. Even if Considered a Spot Zone, there is a Reasonable Basis.

As noted above, spot zoning is not invalid per se, but "only in the absence of a clear showing of a reasonable basis." *Chrismon*, 322 N.C. at 627, 370 S.E.2d at 588-89. Applying this balancing test to the facts and circumstances of the present case, if the proposed zoning is a spot zone, it is legal because it is supported by a reasonable basis.

1. Specific Language in the UDO, Legacy, and the Northeast Rural Study show that the proposed rezoning is compatible with existing comprehensive plans.

The UDO specifically provides for small business in rural areas, including both NB (Neighborhood Business) and LB (Limited Business) districts. Both districts are "intended for application" in GMA 5, Rural Area. These districts are for smaller businesses, and the proposed LB zoning is appropriate for "smaller business locations up to ten (10) acres in size in rural areas." As recommended for LB districts, the proposed store is located near the intersection of a collector street or thoroughfare, and LB zoning is also recommended as buffer between residential and more intense commercial zoning, which shows the limited impact on neighboring properties.

---

<sup>2</sup> While the property in question is now owned by a single person, it is worth noting that this is due to the death of the property owner's brother. Were the brother still living, or were the property owned by more than a single person for other reasons, it is clear under the recent case of *Good Neighbors of Oregon Hill v. County of Rockingham* (COA15-121, 21 July 2015) that the proposed rezoning would not be considered spot zoning ("the definition of spot zoning requires a single owner of property," p. 11).

There is no small area plan covering northeast Forsyth County, but the site is within Growth Management Area (GMA) 5, Rural Area, and covered by Chapter 12 of Legacy, Rural Character. Legacy confirms, with the UDO, that small commercial ventures are in no way intended to be excluded from rural areas and in fact are needed by the local population. Perhaps most importantly Legacy explains that:

*[S]mall scale, neighborhood serving commercial and office uses are needed resources in rural communities. Locally-oriented services allow residents of the Rural Area to access basic services without having to drive great distances to larger activity nodes. (p. 201)*

The proposed rezoning fills this need. The intent, which Dollar General has realized in many similar locations in North Carolina (see attached maps), is a modern version of a rural general store so that neighbors do not have to travel great distances for the necessities of life.

Since the goal of the rezoning is to be complementary to rural life it will not detract from preserving and protecting the character and quality of this generally rural area. The proposed site is not farmland and the proposed small store will not detract from the character and quality of the area around it but provide basic goods and services to existing neighbors. The actual store and parking will take only about an acre of the 4-acre site and the rest will be open space, well-buffered with a significant setback. No lighting will go beyond the property lines

Consistent with Legacy, the Northeast Rural Area Study, prepared in 2012, provides general information on rural northeast Forsyth County and concludes that the County should

*Consider limited commercial uses at suitable locations to provide basic retail services to the local community and users of the area's recreational amenities. (p. 14)*

The proposed rezoning is contemplated by the UDO definition of LB and responsive to specific goals in Legacy and the Northeast Rural Area Study. Under the County's land use ordinances and policies there is more than a "reasonable basis" for finding the proposed zoning legal spot zoning.

2. The proposed rezoning provides a substantial public benefit.

The court in *Chrismon* made clear that "the true vice of illegal spot zoning is in its inevitable effect of granting a discriminatory benefit to one landowner and a corresponding detriment to the neighbors or the community *without adequate public advantage or justification.*" 322 N.C. at 628-29, 370 S.E.2d at 589 (emphasis added). It is "not the advantage or detriment to particular neighboring land owners, but rather the effect upon the entire community as a social, economic and political unit." 322 N.C. at 629, 370 S.E.2d at 590. Adopted county policy is that small neighborhood-serving commercial uses are needed resources in rural communities. The proposed store will provide basic services at a state highway intersection so residents will not have to drive great distances. This is a benefit to the entire community.



While a small “general store” will benefit the entire community by saving time and the expense of travel, there is little or no detriment. As noted above, the store will be small, well-buffered with lots of open space, and without light pollution. The expected hours of operation are 8 a.m. to 10 p.m. The purpose is to provide basic goods to a somewhat scattered population at a convenient location. There is no danger of sprawl or commercial clutter at this location, due to the small area population, significant development constraints on this property in particular and in northeast Forsyth County generally (see Northeast Rural Area Study) and due to the fact that any additional zoning proposals will have to go through staff, Planning Board and the Elected Body and meet the standard of providing a recognized need to a rural community. This rezoning is not a harbinger of sprawl or clutter but should be judged on its own in relation to the needs expressed in Legacy and the Northeast Rural Area Study.

3. The proposed rezoning is compatible with the surrounding area.

The facts previously discussed show that the proposed rezoning would be compatible with the surrounding area—it is intended to meet the needs of the community in conjunction with existing plans and at the same time be buffered, provide open space and meet the standards for LB zoning, which is compatible next to less intense zoning. An apparently non-conforming business is nearby. If, as Legacy promotes, rural areas need small scale commercial resources, the intersection of NC 65 and Pine Hall Road could not be more appropriate.

### CONCLUSION

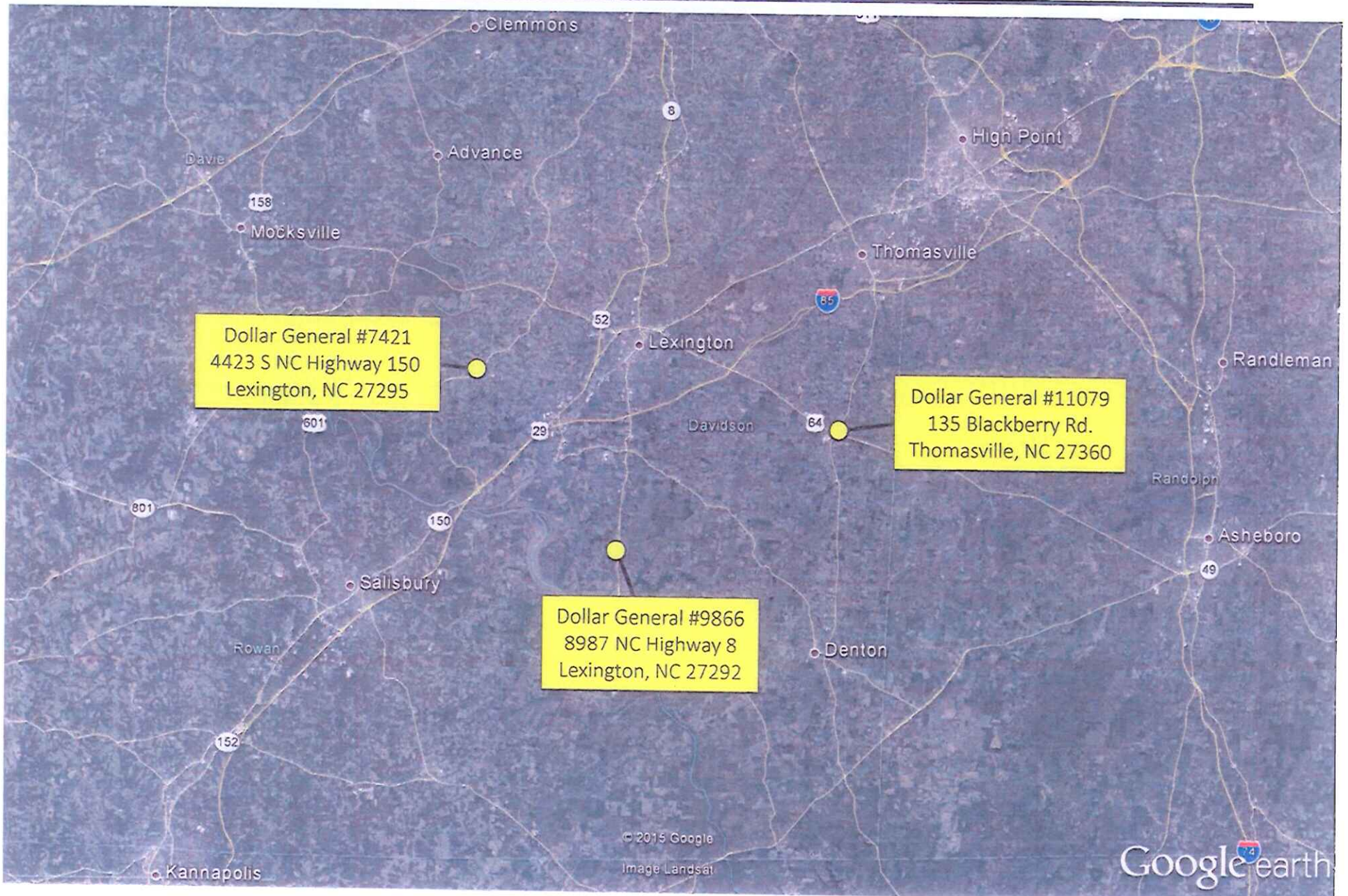
Even if the rezoning is considered a spot zone, it would be illegal only if it lacked a reasonable basis. The proposed zoning is consistent with the UDO and Legacy, compatible with surrounding uses, and provides a community benefit recognized in Legacy and the Northeast Rural Area Study beyond any potential detriment to neighbors.

657007



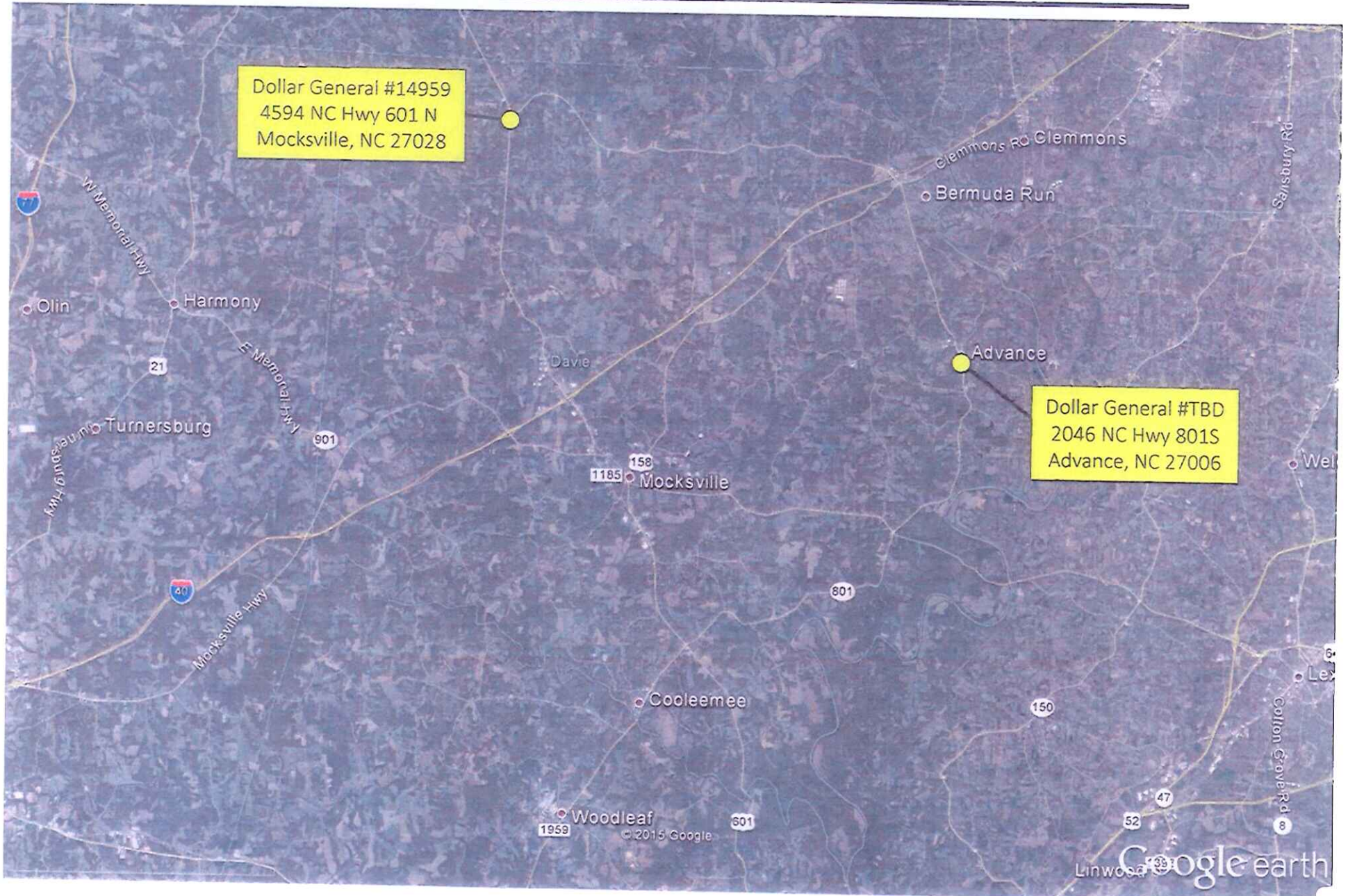


# Davidson County, North Carolina



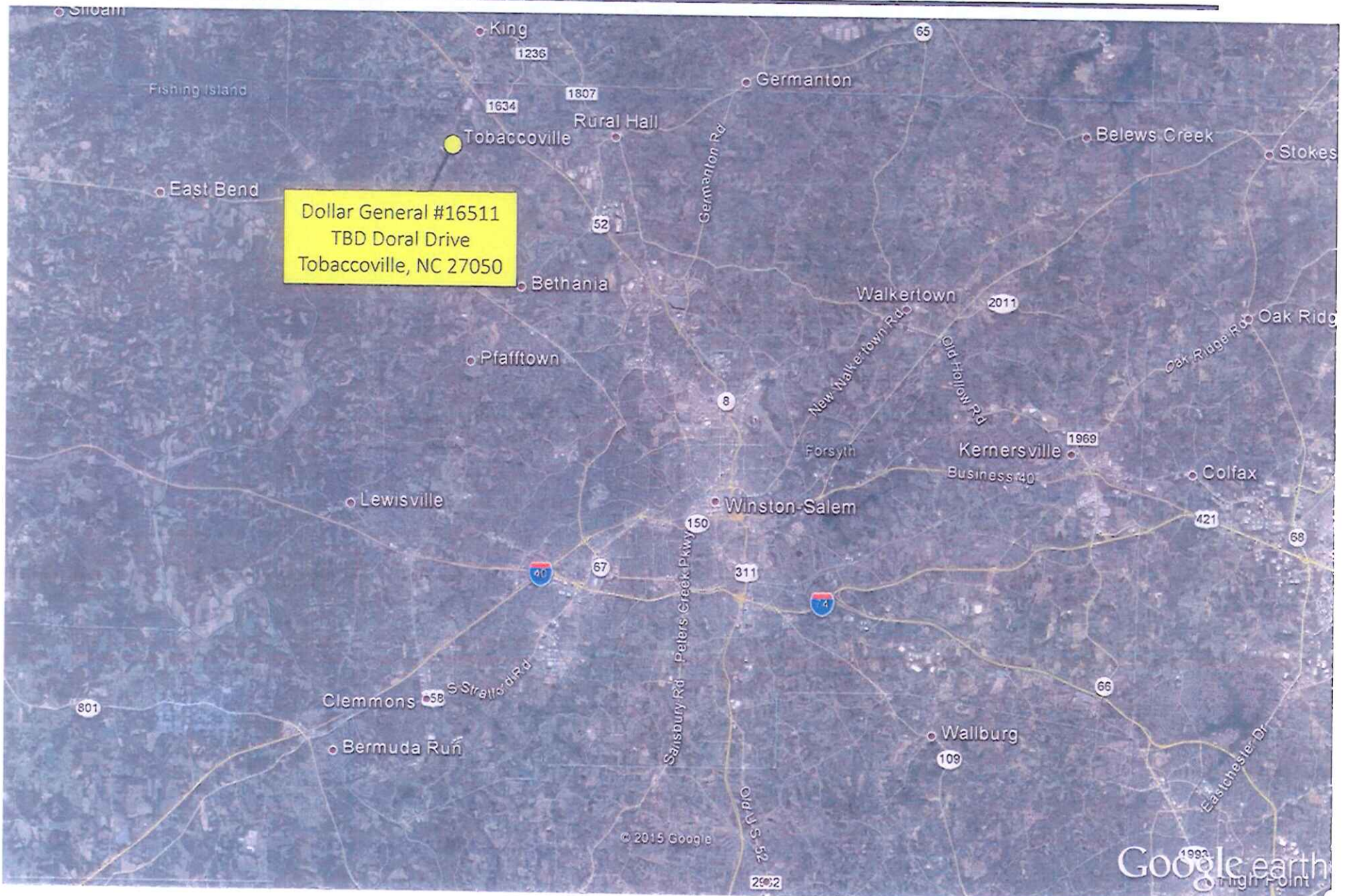


# Davie County, North Carolina



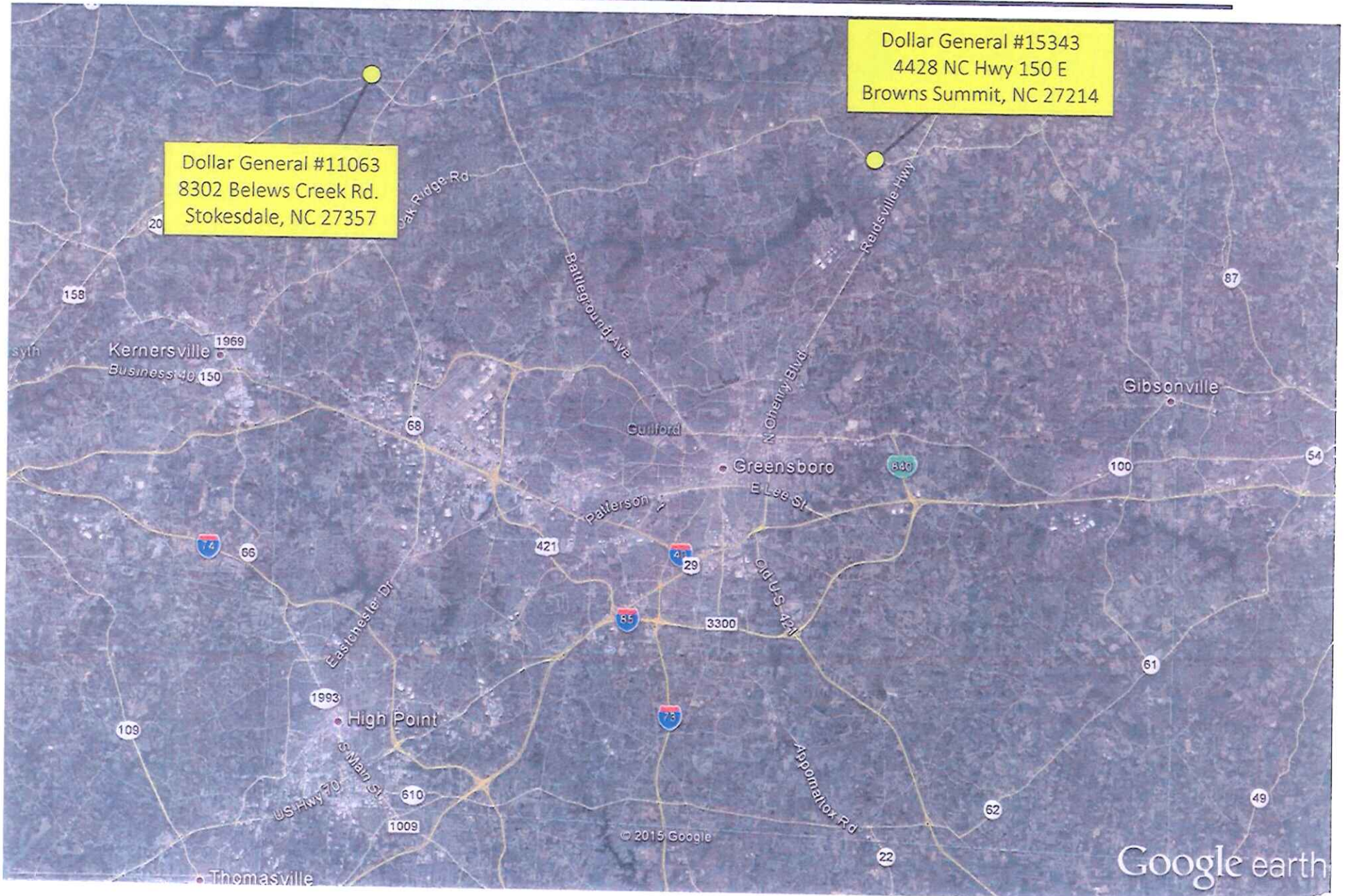


# Forsyth County, North Carolina



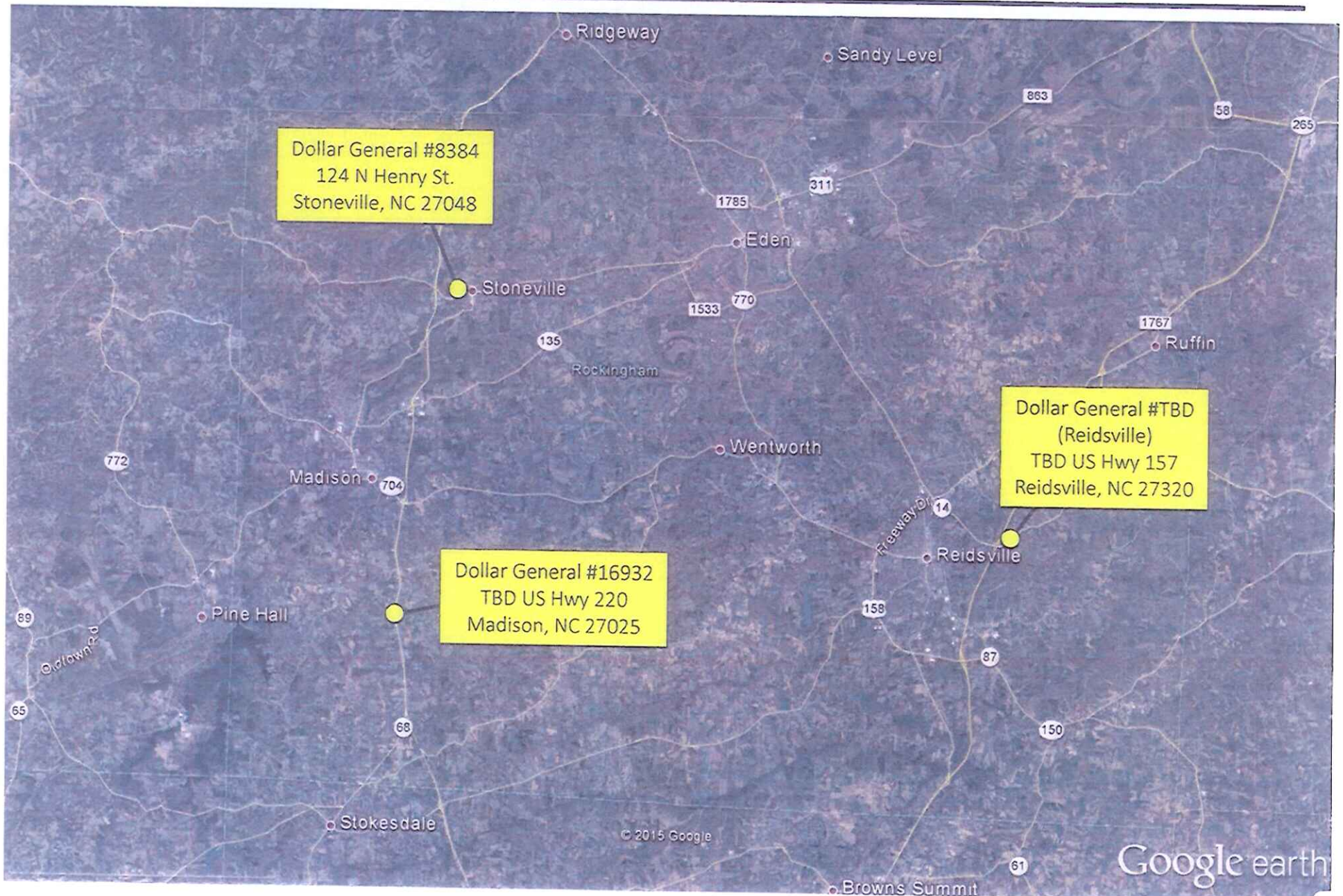


# Guilford County, North Carolina



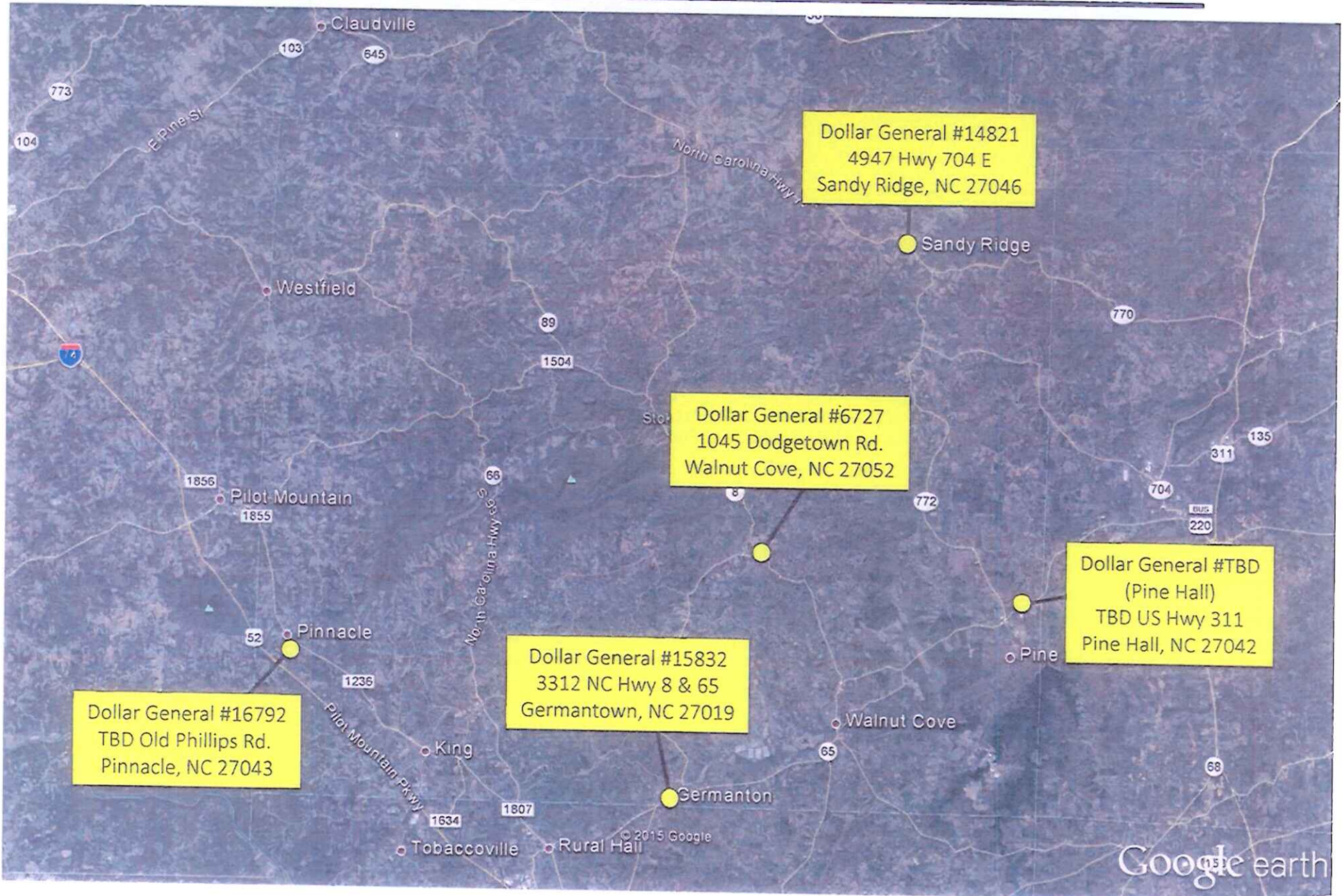


# Rockingham County, North Carolina



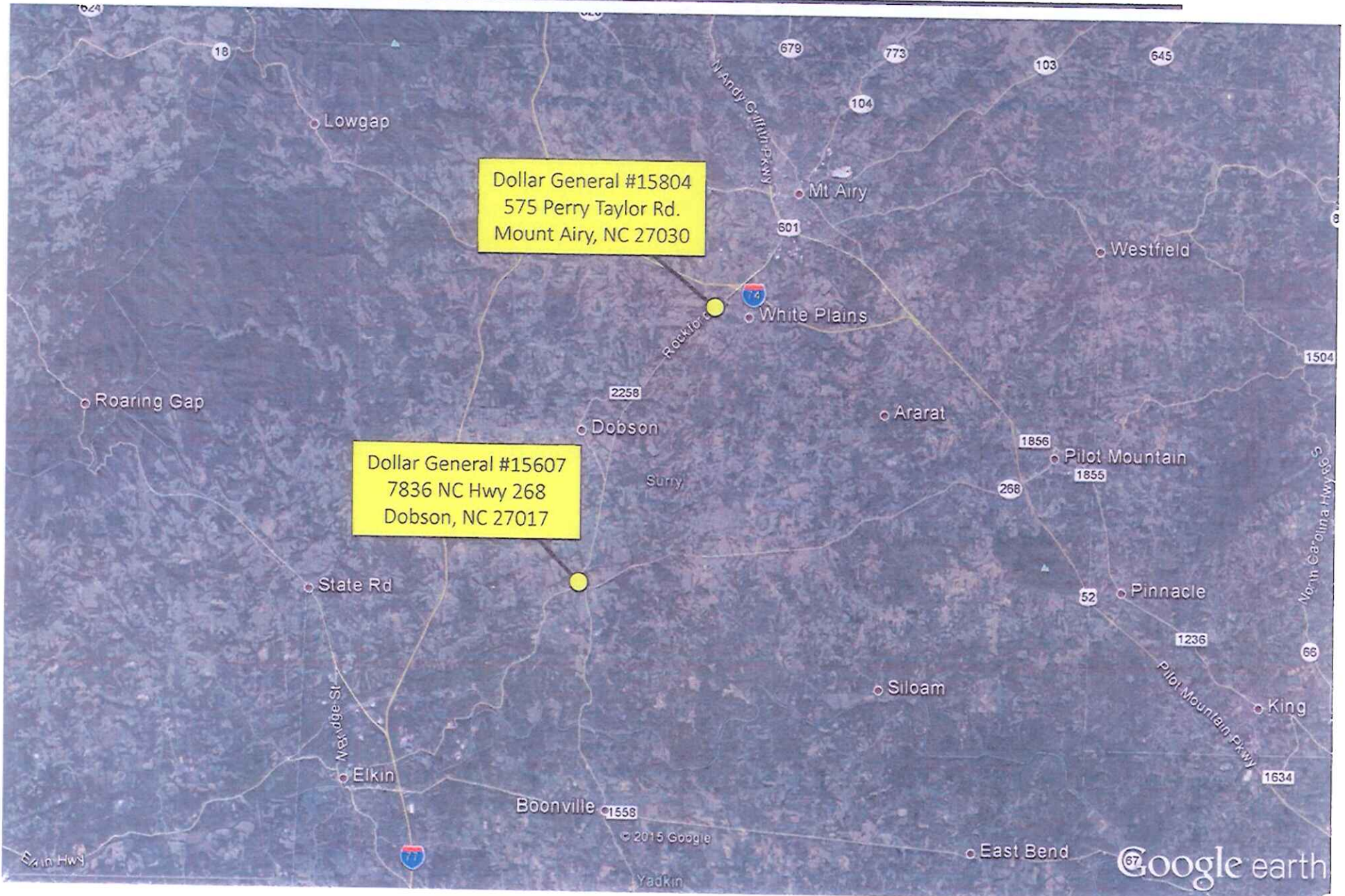


# Stokes County, North Carolina



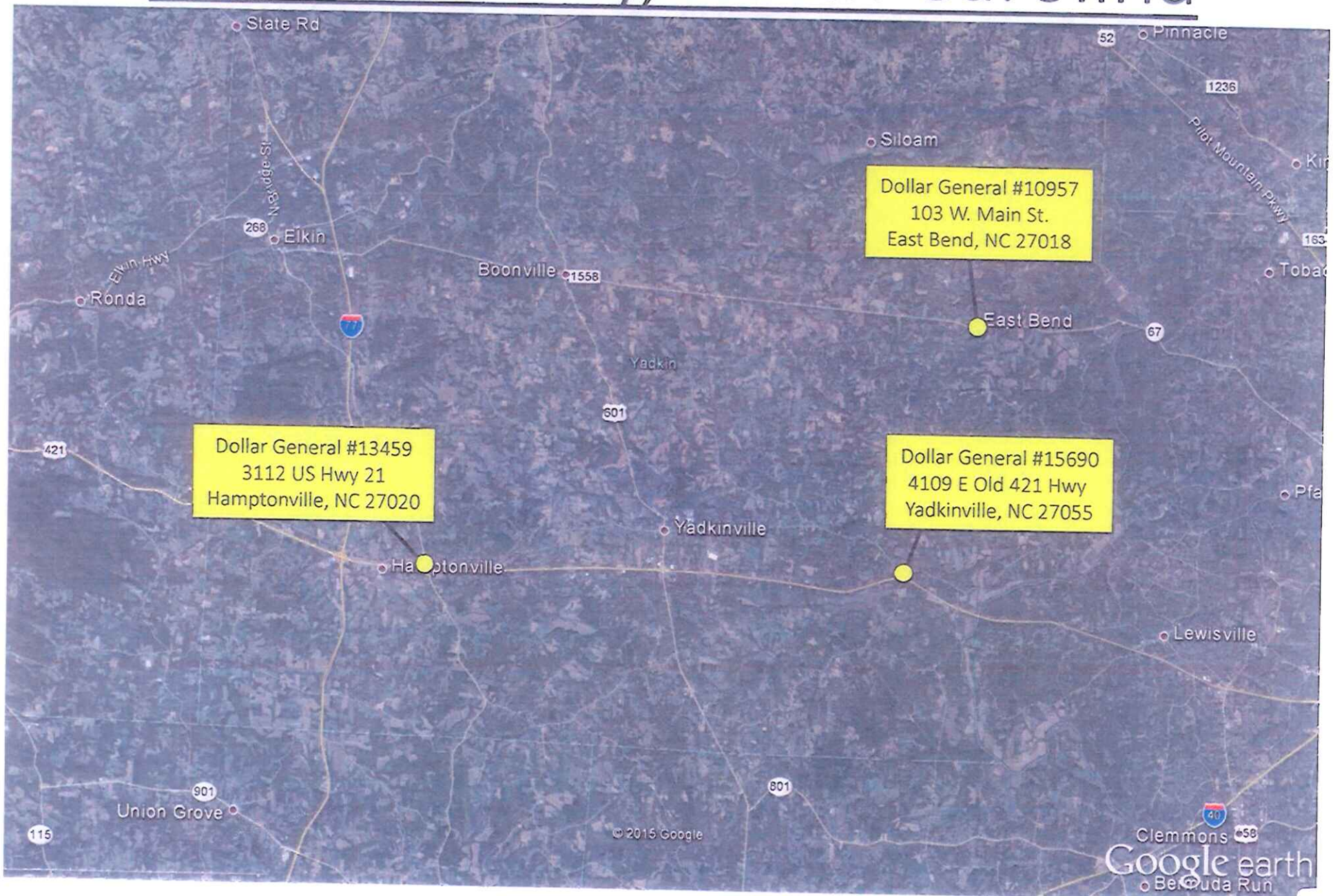


# Surry County, North Carolina





# Yadkin County, North Carolina



F-1555 Attachment B Developer's Neighborhood Outreach Efforts

All – I recall an email asking for a description of the community efforts to date. Feel free to modify as necessary. Today August 13<sup>th</sup>, I visited the following folks:

Mary Price (immediate neighbor) – I visited and reviewed with her the proposed site plan and elevations. She was glad to know what the plans were and she and 3 of her friends made several comments about how convenient the store would be. I told her we would pave our driveway connection and tie her driveway into it. She had no driveway concerns.

Roger Hawkins (immediate neighbor) – We had a portion of Roger's land under contract but watershed requirements removed his land from consideration. I stopped by his house and left a card (no one home). Upon my return to the office, I emailed him the proposed site plan and elevations.

Naida White (neighbor across Highway 65 & operator/owner of gas station) – I stopped by her store and spoke with the attendant (who stated Ms. White was not present). I left a set of the proposed site plan and a business card and invited Ms. White to call me with any questions/comments/concerns.

Church – I stopped by the church, no one was present.

Ben & Cynthia Crisler (neighbor adjacent to Mary Price) – I stopped by and met Ben. I gave him my business card and the proposed site plan and elevations. He thought the store would be very convenient. He believes his shed encroach on our property. I told him I did not think it affected anything and not to be concerned over the matter.

In addition, we will invite the immediate area neighbors to a community meeting at a date to be determined.

Marty Martin D. Koon  
Venture Properties  
P.O. Box 843  
Wilkesboro, NC 28697

Telephone: (336) 667-8000, extension 113 Cell: (336) 984-0516  
Fax: (336) 667-8001  
Email: martykoon@vpdevelopment.com Website:  
www.vpdevelopment.com

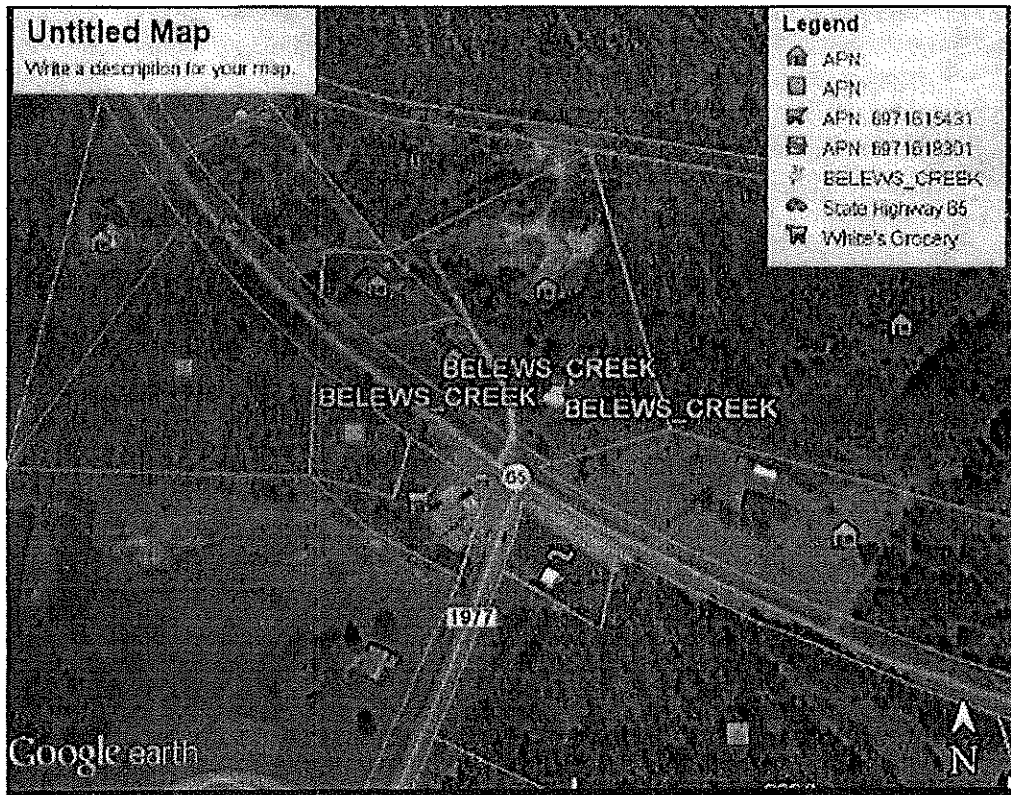
F-1555 Attachment B Developer's Neighborhood Outreach Efforts

Gary,

Venture Properties conducted a voluntary public information meeting for the proposed Dollar General at the intersection of NC Hwy 65 and Pine Hall Road on Thursday, August 28, 2015 at 4:00 pm. The meeting was held at the proposed project site. Adjacent landowners identified and enumerated on the attached map and list were notified by mail of the meeting time and location. A notification sign was also posted on site. The intent of the meeting was to explain the project to the invited parties and note any reasonable concerns that we could address. Twenty people attended the meeting (see attached roster), the majority of whom were there at the behest of Mrs. White who owns the convenience store across the road from the proposed site. Two concerns were raised repeatedly. The biggest concern was the impact of the competition from Dollar General on White's Grocery. The other concern was that of traffic and safety. Mr. Koon and I advised the attendants that they should bring their concerns before the upcoming planning board and commissioner's meetings. We hear these concerns at many sites we develop. I assured everyone that we would meet all NCDOT requirements to provide a safe access and that the preliminary feedback from NCDOT indicates we will be required to install a center turn lane at considerable cost. As for the desire to prevent competition for White's Grocery, I trust planning staff and the requisite boards realize this is not germane to our rezoning request. Please let me know if I can provide further information.

Thanks.

/Justin Church





F-1555 Attachment B Developer's Neighborhood Outreach Efforts

Dollar General Belows Creek Conditional Rezoning Meeting		
Sign In Sheet		
Name		Contact Information
First	Last	Telephone
Dike	Shell	608-8323
Naila	Blankenship	594-4622
Martin	William B.	399-3145
Christina	McBride	336-501-5379
Jim	McBride	336-501-5349
T.J.	McBride	336-497-8798
Travis Smith		336-591-9772
Chris McBride	McBride	336-9341-7927
St. McBride	McBride	336-341-7927
April	Hill	336-529-9346
Santana	Ford	336-323-4188
Chava	Josue	336-591-7971
Lave	Josue	336-692-2891
Shene	Erwin	
Kevin	Erwin	
Quinn	Bogardus	336-(616)-2140
Shelli	Lincoln	336-754-4307
J-SSA	White	336-830-4226
Mary	White	336-595-9503
Lawrence	White	336-548-6773

**F-1555 Attachment C**

MEMORANDUM

TO: Gary Roberts, City-County Planning Department

FROM: Davida W. Martin, Forsyth County Attorney

DATE: August 24, 2015

RE: Zoning Opinion on F-1555

This is in response to your request for a spot zoning opinion in the above referenced case. Based upon the information provided regarding the proposed rezoning, the surrounding properties, and map and comprehensive plan information as well as the applicable ordinances and law, I conclude the following:

The subject property fits the North Carolina Supreme Court definition of a spot zoning in that it seeks a zoning ordinance or amendment which "singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to ... relieve the small tract from restrictions to which the rest of the area is subjected."

According to the law, a spot zoning per se is not invalid and, if there exists a reasonable basis for the spot zoning, it is legal and valid. In order to determine whether there is a reasonable basis, the Court directs that we look at several factors, including but not limited to the following:

- a. The size of the tract in question;
- b. The compatibility of the disputed action with an existing comprehensive zoning plan;
- c. The benefits and detriments for the owner, his neighbors and the surrounding community; and
- d. The relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts.

This case involves a relatively small tract of land consisting of 4.51 acres, which is surrounded by a much larger area (hundreds of acres) uniformly zoned Agricultural (AG) and Residential (RS-30), in examining a one half mile radius around the subject property. The vast majority of the land immediately surrounding the subject site is uniformly zoned as stated above. In my opinion, this factor does not provide a reasonable basis for the spot zoning.

The second factor is the compatibility of the proposed rezoning with the existing comprehensive zoning plan. The subject site is located in Growth Management Area 5, which is the Rural area. The Growth Management Plan states that the Rural Area is intended to remain very low density residential and agricultural in character. In this case, the subject property is currently zoned AG. The AG District is primarily intended to accommodate uses of an agricultural nature, to discourage scattered commercial and industrial land uses, and concentrate urban development in and around urbanized areas. The proposed rezoning of the subject property would be from AG to LB-S,

Limited Business-Special Use, for the use of Retail Store, more specifically a Dollar General Store. The UDO states that the Limited Business District is intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The LB district is established to provide locations for businesses which serve nearby neighborhoods. The LB District is intended for application in Growth Management Areas 2, 3, 4 and 5. This proposed Limited Business-Special Use zoning in an agricultural area is only consistent with the Legacy Comprehensive Zoning Plan, the Northeast Forsyth County Area Study, and the Unified Development Ordinances (UDO) if it is intended to provide basic retail services to the local community and users of the area's recreational amenities and at a suitable location for this purpose within the current zoning district. Therefore this factor can provide a reasonable basis for the spot zoning.

The third factor relates to the benefits and detriments for the property owner, the neighbors and the surrounding community. The information available shows that the benefit to the owner is that the proposed rezoning would allow the owner to operate a limited highway business use on property currently zoned Agricultural. The benefit that rezoning this tract of land will provide to the neighbors and the surrounding community is that it could provide needed neighborhood shopping on a small scale. No information has been provided as to whether the proposed rezoning would generate any new jobs, impact neighboring property values or provide other benefits or detriments to the surrounding community. The law is clear that in determining the existence of a reasonable basis for spot zoning based upon this factor, the exclusive and preferential benefit to a particular landowner, with no relation to the community as a whole, is not a valid exercise of sovereign power. The law looks at benefits, such as jobs or services provided, which specifically benefit the community as a whole. In the case of Good Neighbors of South Davidson, et. al vs. Town of Denton, 355 N.C. 254, 559 S.E.2d 768(2002), the North Carolina Supreme Court stated that a "reasonable basis" is established when a zoning authority "clearly shows" that the potential benefits to the property owner, the neighbors and/or the surrounding community outweigh the potential detriments to those neighbors and/or the surrounding community as a whole. In this case, based on the information provided, the potential benefits to the neighbors and the surrounding community seem to outweigh the detriments. Therefore, I conclude that this factor would provide a reasonable basis for the spot zoning.

The fourth and final factor to be considered is the relationship between the uses envisioned under the proposed rezoning and the uses currently present in adjacent tracts. The use envisioned under the proposed LB-S zoning of the subject site, small Retail Store, can be consistent with the surrounding agricultural and residential development uses currently present in adjacent and surrounding tracts, if the proposed location is an area intended for and suitable for such limited commercial use. This factor, therefore, would support a reasonable basis for the spot zoning.

In conclusion, based upon the analysis herein, it is my opinion that there is a reasonable basis for the spot zoning. Therefore, if challenged in a Court based on the current interpretation of the law, I believe the proposed rezoning would successfully withstand a legal challenge. In summary, I believe that the proposed rezoning would not constitute an illegal spot zoning.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY  
GOVERNOR

NICK TENNYSON  
SECRETARY

September 1, 2015

Forsyth County

*Subject: NC 65 – Dollar General*

Mr. Gary Roberts  
City of Winston-Salem Planning  
PO Box 2511  
Winston-Salem, NC 27101

Dear Mr. Roberts:

In response to our discussion on August 28, 2015, NCDOT has a legal obligation to provide driveway access for the Dollar General site on NC 65, denoted as planning board case F-1555. NCDOT has had discussions with the developers to mitigate the impact of this site. NCDOT's first request was that the driveway line up with Pine Hall Road to provide for offset left turns. NCDOT also required a left turn lane and preliminarily required a right-turn lane. The developer informed us of property ownership concerns that would not allow for them to legally construct the right-turn lane, so NCDOT could not require the right turn lane.

As we discussed on the phone, the sight distance and high speed of the roadway make this driveway location problematic. Safety concerns could result from the placement of the drive, and NCDOT reserves the right to modify the driveway as needed to alleviate these concerns. The construction of the widening may prove to be problematic as well given the existing topography and proximity of the existing convenience store and its appurtenances to the roadway. As we have not approved the driveway permit, it is difficult to see the full impacts of the proposed widening.

If you have any questions, I can be reached at (336) 747-7900.

Sincerely,

A handwritten signature in black ink, appearing to read "S.K. Jones".

Steven K. Jones  
Assistant District Engineer

SKJ/rnc

Attachment



-----Original Message-----

From: Rita Bowman [<mailto:ladybug8372@triad.rr.com>]

Sent: Friday, August 28, 2015 10:28 AM

To: Gary Roberts

Subject: STOP THE BUILDING OF DOLLAR GENERAL

To whom it may concern,

As a 20+ year resident of the Pine Hall Road area, all of us in this area are taking a stand that we do NOT want nor need a dollar general. We moved out of the city for the country life, and want it to stay that way. From my home, we have TWO dollar generals within 6 miles of us already. This would also knock a private business owner (whites grocery) out of business. Due to the tremendous growth taking place in Walkertown, we have already seen substantial amount of traffic on what USED to be a nearly dead road. We dont want any growth in this area. We want it to stay rural and country. Stop letting these businesses ruin farm lands, trees, wildlife, etc. We want these businesses to leave our area!!!!. Thank you!

-----Original Message-----

From: Lesa White [mailto:lyw082661@yahoo.com]

Sent: Sunday, August 30, 2015 9:11 PM

To: Gary Roberts

Subject: Dollar General Building in Belews Creek

Mr. Roberts,

My name is Lesa White, and I wanted to talk to you about the Dollar General that's proposing to be built Hwy 65 And Pinehall. I do not want this Dollar General built. My #1 reason is my mother Naida White , is the owner of White's Grocery which would be right across the street. My mother has been in this store for 45 years and this would be devastating for her business. Also this location is very dangerous also. There is blind spots both ways and there has been numerous accidents at this location. I would like for you to please consider this before making a decision.

Thank you for your time.

Les White

Sent from my iPad

**From:** The McBride's [mailto:whatstheword26@gmail.com]  
**Sent:** Sunday, August 30, 2015 7:32 PM  
**To:** Gary Roberts  
**Subject:** Dollar General Build in Belews Creek

I am a resident of Belews Creek, actually live about a 1/4 mile from where the proposed build is supposed to take place. I am against this build and would love to take the steps needed to completely change the plans all together. This is the country and it should stay that way. The road there is very busy, though in the country, and we have had many many wrecks over the years and this would only make things worse travel wise. We as a community love our little mom and pop store on the corner, White's Grocery, and would hate for this company just to move in and destroy her business which is what will happen. We have many dollar General stores within just a couple of minutes from us now and we just don't need the store to go up there. Please, take all steps in researching this area, community and property, before voting yes to this store. Thank you for your time. Christina McBride

From: trey [mailto:blkdrn\_x@hotmail.com]  
Sent: Sunday, August 30, 2015 10:43 AM  
To: Gary Roberts  
Subject: No Dollar General

Please do not build a commercial building for Dollar General on Hwy 65 in Belews Creek.  
A.R. Martin III (registered voter)  
8370 Belews Creek rd  
Belews Creek, NC 27009

Thank you.

From: pwhalh040108 [mailto:pwhalh040108@hotmail.com]  
Sent: Monday, August 31, 2015 6:31 PM  
To: Gary Roberts  
Subject: Dollar general

I live on Hwy 65 and there is too much traffic now. We don't need a Dollar General. We have had three tractors and trailers wrecked on Hwy 65 and Pine Hall Road in the past year and last winter there were three trailers and trailers that wrecked on Hwy 65 on the hill before Pine Hall Road. So we don't need to add to the traffic and the well-being of the people that travel the road where you all won't put the Dollar General at. We also would like to keep it country living. Hwy 65 and Pine Hall Road is a bicycle route. We have 100 plus bicycle and motorcycle riders every weekend on these roads. So I feel that it would be a bad decision to build the Dollar General in this area.

Thank you!!  
April Hill

From: S F [mailto:sanann4@kittymail.com]  
Sent: Tuesday, September 01, 2015 9:06 PM  
To: Gary Roberts  
Subject: the build of dollar general

This email is to inform you of my personal opinion on the build of dollar general. I would like to inform you that the build of the store is on the road I live on. We already have enough traffic and traffic accidents on nc hwy 65. This build will put the great citizens of Belews creek and The people who travel this road daily at a higher risk to be involved in a traffic accident. We already have 14 Dollar General's at 12 mile radius of the location in which they want to build and furthermore there are 27 and a 17 mile radius of where they want to build. I would also like to inform you the location in which they would like to build is across from a store that has been in business for over 40 years. Personally I think we need to build our local businesses instead of put them in harms way of being closed down. So basically I would to inform you that I am completely against the building Dollar General at the intersection of Pine Hall and NC Highway 65. Thank you and have a blessed day.

**From:** Sherry Draughn [mailto:sherryt753@yahoo.com]  
**Sent:** Wednesday, September 02, 2015 8:05 AM  
**To:** Gary Roberts  
**Subject:** Dollar General

Hi I am Sherry Draughn! I am sending this message to oppose a Dollar General being put on Highway 65 Blues Creek/Walkertown NC across from Whites store.

**From:** Jim Robinson [mailto:jrhd2@msn.com]  
**Sent:** Tuesday, September 01, 2015 9:45 PM  
**To:** Gary Roberts  
**Subject:** No on the Dollar General.

I drive by Whites store everyday to work and back I think it's a really bad ideal to put a business at that intersection. Coming from the 65 south of Pine Hall rd there is a big blind spot coming up the hill just drive it you will see what I mean. There are to many Dollar General's in the area anyway. Please do the right thing no on the DG!

jim robinson



**From:** Lorian Eades [mailto:lorian.eades@gmail.com]  
**Sent:** Thursday, September 03, 2015 8:02 AM  
**To:** Gary Roberts  
**Subject:** F-1555 Zoning notice

I am writing to protest the rezoning request for a Dollar General retail store to be located at the intersection of Pine Hall Rd and Hwy 65.

I reside at 6820 Pine Hall Rd and cannot find justification for additional traffic towards Hwy 65 for a Dollar General when a one is available within 10 miles in either direction towards Stokesdale and Walnut Cove. A retail store at this rural location will most likely fail and leave a vacant building and parking lot long after this protest was registered.

Sincerely,

Lorian Eades

**From:** Kayla Bogardus [mailto:kaylabogardus@gmail.com]  
**Sent:** Thursday, September 03, 2015 9:31 AM  
**To:** Gary Roberts  
**Subject:** STOP the Sollar General build in Belews Creek

Hello!

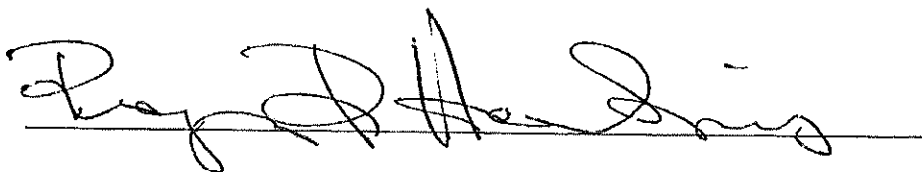
My name is Kayla Bogardus, i am the grand-daughter of Naida White.. the owner of Whites Grocery. I am emailing you to express my thoughts on the builing of the Dollar General. For one and most importantly this will be built across from my grandmothers convience store in which she has owned for 44 years! Its all she has and has ever had. If that dollar general is built she will see her business go down the drain in the matter of no time. And that is simply unfair. Shes been through too much to Watch that happen, and there are 4 dollar generals within 5 miles of Belews Creek in seperate ways!

Secondly Belews Creek is an amazing place.. i have grew up here and im still here raising my three girls bc its quiet, homey, and we are all family! If i wanted to live in a city i would. And i fear that if we let this come up there will be more and more. And that breaks my heart! So i am totally and utterly AGAINST this building of something that will ruin my grandmothers business as well as my hometown. We simply cannot let this happen!

Thank you for your time!  
Kayla Bogardus

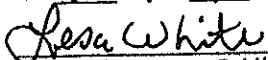
August 31, 2015

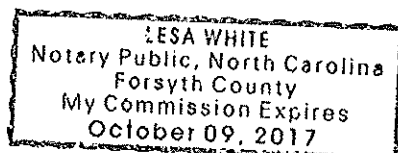
I, Roger Hawkins will not be able to attend this meeting. I want it on record that I do not want a Dollar General built at this location of Highway 65 and Pine Hall Road. This will be next to my property line and will almost me in my back yard. The traffic is a problem also at this location and I believe this would make matters worse. I work out of town sometimes and this is the reason I cannot be here in person.

A handwritten signature in cursive script, appearing to read "Roger Hawkins", is written over a horizontal line.

STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

Sworn to (or affirmed) and subscribed before me  
this 7 day of Sept, 2015, by Roger Hawkins

  
Lesa White Notary Public  
My Commission Exp. October 09, 2017

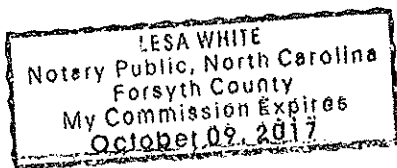


August 25, 2015

To whom it may concern:

I, Mary Price , am 98 years old and can not be at the meeting on August 27<sup>th</sup> at 4:00pm. But I want it known that I do not want a Dollar General near my home at PineHall Road and Highway 65. I don't want the congestion from the public nor the unsafe access at the current intersection.

Mary Price Mary Price



STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

Sworn to (or affirmed) and subscribed before me  
this 25 day of Aug, 2015, by MARY PRICE

Lesa White  
Lesa White Notary Public

My Commission Exp. October 09, 2017

**Please help our community stop the build of Dollar General in our small home town. Dollar General is trying to place a store at the end of Pine Hall Rd across from White's grocery. The placement of this store will put a family owned and operated business out of business. White's Grocery has been at its location for over 40 years. We as a community need to help our local business grow not harm them. White's Grocery has provided the small town of Belews Creek with convenience and southern hospitality.**

**In regards to the location Dollar General is trying to place a store there is a heavy flow of traffic. Where Pine Hall Rd and NC Hwy 65 meet has already been four tractor and trailer accidents. Can you imagine what it would be like if Dollar General was to place a store in this location? It would raise the risk of traffic accidents and put the great people who travel NC Hwy 65 on a daily basis at risk for their well-being.**

**To conclude our petition we would like you to know there are already fourteen Dollar General in a twelve mile radius of the location they are trying to build. In our small town you have to go to one of the three neighboring towns to buy groceries which all have Dollar general. So our question to you is what purpose does a Dollar General serve to our small town? Please help us keep out small town safe from big business like Dollar General.**

**If you would like to send something to the planning board here is the information**

**ATTN: Gary Roberts**

**PO BOX 2511**

**Winston Salem, NC 27102**

**call (336)747-7069**

**EMAIL: [garyr@cityofws.org](mailto:garyr@cityofws.org)**