

Ebony Preservation Group (EPG) Response To Board of Supervisors 1/29/2020 Vote

*Supervisors Abandon Land Management Governance, Vote to Marginalize
Historic Ebony, VA and Brunswick County as a Whole – What’s Wrong With This Picture?*

Shocked, Disheartened, Disappointed, and Disturbed

On January 29, 2020, the Brunswick County Board of Supervisors passed a 3-2 vote that rezones historic, rural-residential-agricultural land at the heart of historic Ebony, VA, to become home to yet another Dollar General. Not only is this not a fit for the Ebony area, but also it opens the doors for future commercial development directly alongside Prospect Cemetery/Church – a historic landmark. 75% of those in attendance in a packed room left the meeting shocked, disheartened, disappointed, and disturbed.

Meherrin District Supervisor, John Zubrod, supported by Supervisor Jones (Red Oak), who opposed rezoning was clearly shocked that he was abandoned by all three of these Supervisors: Tyler, Seward, Harris (Chair) who broke the tie that cinched the vote – especially given all the negative implications that had been laid out. Since the meeting, we have heard from many more with the same shock and disbelief.

75% of the attendees were staunchly against it and aligned with strong public sentiment. Speakers provided substantive comments that considered the big picture implication showing there would not be a net benefit to the Ebony community and County when you consider all the negative side effects. Most importantly it was not compliant with zoning governance enforcement for the County that is legislated in the Code of Virginia and the responsibility of the Board of Supervisors.

How This Happened

First, the application should never have made it passed the Planning Commission at the Nov 2019 meeting. The initial motion to deny was proper and seconded because it was not aligned with the Comprehensive Plan. Due to procedural disruption, the vote was tabled. It passed 8-1 at the Dec meeting.

Which brings us to the Board of Supervisors. In essence, the three Supervisors mentioned above deviated from the responsibilities of their position that requires them to enforce the Comprehensive Plan and Zoning Ordinances. Since this responsibility is legislated in the Code of Virginia, the vote is essentially illegal. They abandoned Meherrin District leadership to pave the way for Dollar General with all the destructive side effects to the Ebony community in the Meherrin District. They abandoned their responsibility to preserve and protect the County’s most important asset – land and its use – which is foundational for all drivers of economic development and the future of Brunswick County.

Business development location and impacts must be considered. By approving Ebony, they imposed irrevocable negative consequences to the community as a treasured destination for many and to the lives and homes of residents and multigenerational families. Any added “convenience and cheaper price” business will be offset by the business that will be lost by impacts to existing businesses and because Ebony will have lost the appeal of its rare unspoiled country setting — that sustains local stores with the seasonable Lake Gaston uptick and tourists. Furthermore, the current and future land use maps **do not** designate the Ebony community for any form of business development.

There may be places appropriate for Dollar General, even in Brunswick County, but Ebony is NOT one.

Economic Development Is a Moot Point If We Compromise Brunswick County's Most Valuable Features and Attraction: Rural Character and Historic Preservation

All economic growth is dependent first and foremost on Brunswick County achieving and sustaining itself as a place that attracts others – as a place to call home, a vacation destination, or an escape to an unspoiled place off the beaten path – and even a place to locate a new business.

If the leadership of the County chooses not to follow a path to protect and preserve what is most valuable that attracts others – **scenic rivers and lakes, serene rural landscapes, and beautiful farmlands** – while making economic development decision, then economic development is a moot point.

Why Did County Leadership Outside the Meherrin District Abandon Land Management Statues to Accommodate Dollar General?

Dollar General's aggressive business model to build stores 10 miles apart across the country is targeting rural America in particular, in part because of lax or no land use management. **Brunswick County has strong land use management tools to make a decision that ensures the best for Brunswick County and individual communities—now and the future.**

Why was so much effort put into circumventing these tools and purpose to accommodate Dollar General? Why didn't more than one other Supervisor (Bernard Jones - Red Oak) choose to support the leadership from the Meherrin District who was opposed because of the overall negative consequences?

Ultimately a staged voice of Dollar General supporters was used as justification for the three Supervisors – Seward, Tyler, and Harris (Chair) – who voted to ensure the rezoning passed. They effectively ignored all negative consequences including the fact that their deviation from the legislated statutes made this vote illegal. They made an enormous decision with a very narrow and isolated frame of reference.

Irrevocable Harmful Consequences for Community and Its Citizens

The three Supervisors who forced rezoning to pass do not align with Meherrin's leadership position, yet they have imposed irrevocable harmful consequences in the Meherrin district:

- Devastating impacts to lives and homes of citizens across multiple generation and all generations to come – the place many of us (EPG and extended community) call “home”
- To the Ebony community and region as a whole: the special community that is treasured not only by locals but also by Lake Gaston residents and vacations, and others seeking “unspoiled off the beaten path destinations; appreciate and support Ebony as a pure unspoiled example of “country life” they want to experience

Grim Implication for the County as a Whole

While this current case is about Ebony and Dollar General, the same scenario will continue to play out across the County – be it Dollar General or another aggressive, influential corporate entity targeting rural America.

The only way to accommodate their “corporate requirements” is with B-1 Business classification which circumvents intended business development protections associated with A-1 classifications. This protection is also paramount to two another strategic sectors: sustained agriculture and development of tourism. This rezoning vote is a defining moment on many levels and suggests a grim and marginalized future for the County and its rural, agricultural integrity.

Why Ebony (Meherrin District) Is Not the Place for Dollar General

There may be appropriate places for Dollar General where the benefits outweigh the known risks, even in Brunswick County, however the Ebony community is simply NOT one.

1. NOT ALIGNED WITH STATE AND COUNTY ZONING MANAGEMENT STATUTES
2. WILL DESTROY the historic integrity and existing character of this 100+ year old rural-residential-agricultural community that has been intentionally preserved by landowners
3. NOT NEEDED as there are two Dollar Generals within 10 miles, plus Family Dollar, Food Lion, Ace Hardware, and DrugCo just 6.5 miles away
4. POSES UNSAFE TRAFFIC CONDITIONS although VDOT disagrees and has approved the design
5. WILL DO HARM to a special community in an A-1 Agricultural District that is zoned to be protected by careful management of business development
6. WILL DO HARM to community business, families, properties and Ebony's recognition and attraction as a rare shining example of Brunswick County's authentically rural character
7. NEGATIVE SIDE EFFECTS and RISKS OF DOLLAR GENERAL are well documented and reflected in 100's of articles and videos online
8. NEGATIVE IMPACT OF THE PROLIFERATION OF NEARBY DOLLAR STORES means that they compete with each other and will more likely transfer business rather than experience a significant gain in tax base
9. SETS A DESTRUCTIVE PRECEDENT for all of Brunswick County's serene rural-residential agricultural landscapes, historic preservation, and scenic beauty – the county's most valuable asset that is promoted as its distinction and attraction

What Are the Legislated Land Management Practices That Are Being Ignored?

First and foremost, Supervisors who voted for rezoning and Dollar General – Tyler, Seward, and Harris (Chair) – are not upholding the legislated responsibilities of their position. Specifically, The Board of Supervisors is ultimately responsible by legislated Code of Virginia statutes to **approve and enforce the comprehensive plan and zoning ordinances.**

These responsibilities are also highlighted on the Board of Supervisors web page describing their accountabilities. The context of both roles is defined in the Code of Virginia and further specified by Brunswick County's Zoning Ordinances and Comprehensive Plan (Plan).

The first sentence of the Board of Supervisors **Vision for 2035** aligns with the accountability and highlights what is of primary concern for the County: *“Brunswick County, noted for its scenic rivers and lakes, serene rural landscapes and beautiful farmlands distinguishes itself as one of the Commonwealth's most progressive communities.”*

Inconsistencies with the Comprehensive Plan and Zoning Ordinances:

- The introduction in Section 1.4 of the **Comprehensive Plan (Plan)** – non-arbitrary roadmap, framework, foundation, and source of alignment for decision-making and the future – reads: “To achieve the 2037 Vision for Brunswick County, the following community directives **shall** guide County growth, public investment **and land use decisions.**”
 - Neither Current nor Future land use maps associate the Ebony area for Business development
 - The Plan offers a “Community Business” though not in the Ordinances, which is an expansion yet still controlled for A-1 Districts
 - Dollar General's proposal does not align

- **Zoning Ordinances Impacts:**

- A-1 Agricultural District is for unincorporated areas of the County
 - Encompasses and protects rural-residential, agriculture, forestry, open space, lakes, parks, rural integrity of Business County
- B-1 Business District is for incorporated areas of the County
 - Designated for Business Development; Ebony is unincorporated (A-1)
- **Inconsistencies:**
 - A-1 zoning ordinances clearly state that a Conditional Use Permit (CUP) – not rezoning to open-ended business – is used to manage any business proposals to ensure there is no harm to the character of the A-1 community
 - There is no Conditional Use Permit defined in the ordinances that would accommodate Dollar General; the defined General Store CUP does not fit
 - B-1 zoning is for incorporate areas of the County; Ebony is A-1 and unincorporated
 - B-1 rezoning within an A-1 district is considered illegal spot-zoning
 - Discovered that spot-zoning B-1 properties in the Ebony A-1 community has already been used and was offered to justify this rezoning request
 - One of the nearby B-1 zoned properties is now being rezoned back to A-1

Our Sincere Thanks

We wish to thank all who took a stand to oppose rezoning and Dollar General for the Ebony community. In particular we want to recognize, Supervisors John Zubrod (Meherrin – home district) and Bernard Jones (Red Oak) and Planning Commissioner, Michael Grimm (Meherrin), and Planning Commission Chair, Jay Warfel (Meherrin)

The four noted demonstrated the leadership required to achieve the vision and bright future for Brunswick County. They aligned with the County’s land management governance tools and considered the whole picture.

It is sad and disturbing that Supervisors Tyler, Seward, and Harris (Chair) seem to have deviated from the responsibilities of their position with such an unfortunate vote and its consequences.

About EPG Background and Opposition Platform Context

Given the significant negative implications to Ebony associated with rezoning the subject land and bringing in Dollar General, the Ebony Preservation Group organized to pool and coordinate our time and talent to fight it and to create a communication platform.

We are pro-economic development that considers all impacts and trade-offs, ensures the business is aligned with the character of the setting and does no harm. We oppose unchecked Dollar General proliferation with their goal of building a store 10 miles apart in any direction. The only way to control it is by local leadership exercising land management governance that considers all the tradeoffs – instead of giving in to Dollar General’s persuasive approach.

Keep in Touch

If you think Ebony (and the rest of Brunswick County’s rural character and unique special places) should be protected and preserved as an equally important consideration with economic development pursuits, take a public stand. We invite you to learn more about our group, platform, and actions. Join us. Please visit KeepEbonyCountry.org. We aren’t going anywhere.