

Jennifer Rivera (Administration)

From: Beth Garmon (CDI: Planning)
Sent: Thursday, March 28, 2024 5:26 PM
To: Billy Powell (County Commission); Gregg Poole (County Commissioner); Jeff Stowe (County Commission); Kathy Cooper (County Commissioner); Richard Higgins (County Commissioner)
Cc: Zachary Propes (Administration); Casey Ramsey (Administration); Jennifer Rivera (Administration)
Subject: FW: JM Turk and Guth Road Rezoning
Attachments: COMMUNITY MEETING REPORT(70105444.1).pdf

Good evening,

Please see the email below, which is the response from Bill Diehl to Mark Faul regarding the JM Turk rezoning request.

Jennifer, would you please add this to the file for the item?

Thank you,
Beth

Beth Garmon

Assistant Director of Planning and Development
Hall County Community Development and Infrastructure
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(direct) 770-297-2626
bgarmon@hallcounty.org

All **ZONING**, **PLAT**, and **BUILDING PERMIT** submittals may be submitted online through [Accela](#). Plat inquiries may be submitted to plats@hallcounty.org. Zoning and general inquiries may be submitted to planning@hallcounty.org.



From: Diehl, William <wdiehl@sgrlaw.com>
Sent: Thursday, March 28, 2024 12:22 PM
To: Kathy Cooper (County Commissioner) <kcooper@hallcounty.org>; Richard Higgins (County Commissioner) <rhiggins@hallcounty.org>; Billy Powell (County Commission) <bpowell@hallcounty.org>; Gregg Poole (County Commissioner) <gpoole@hallcounty.org>; Jeff Stowe (County Commission) <jstowe@hallcounty.org>
Cc: Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>; Ellis Still (CDI: Planning) <estill@hallcounty.org>
Subject: RE: JM Turk and Guth Road Rezoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

WARNING: This communication has been detected as containing an attachment - Proceed with caution

Good afternoon, Commissioners,

I wanted to respond to Mr. Faul's email and to clearly layout the developments in this rezoning. I've taken Mr. Faul off this email to avoid an unnecessary back and forth. The issues Mr. Faul raises below have been openly and thoroughly discussed with him multiple times. We believe that his email is, at best, a misrepresentation of the events that have occurred during this process. Given the amount of attention we have paid to project's impact on Mr. Faul, the acquisition that we have mislead anyone is disheartening. Here are only a few of the items that we believe Mr. Faul has misconstrued here:

- Claiming the density of this project when you claimed the houses were the same size as adjacent subdivisions.

We have never misrepresented the density or home sizes of the homes in this project. We have made comparisons between our project and Grand View and Quailwood, particularly concerning the estate lots that were included in earlier iterations of the plan. Both neighborhoods are adjoining (or close) subdivisions with similar zoning districts (R-1(c)). They should absolutely be discussed in connection with our application. There are similarities, but we have also publicly acknowledged that there are distinctions between our project and those neighborhoods—no two neighborhoods are the same.

- Claiming that your proposal did not landlock my property (4555 Stanley and 4567 Stanley Road). You did this twice in public meetings even though the drawing did landlock my properties. Resending attached letter from an attorney.

The first site plan that we presented showed Stanley Road relocated and did not reflect the location where Mr. Faul's driveway attached to the roadway. This was an oversight on our end that we have taken responsibility for since discovered. It was *never* our intent to landlock Mr. Faul's property and we noted at the public hearings that we would not and could not landlock Mr. Faul. Ultimately, the decision was made to leave Stanley roughly in its existing configuration, with improvements only to the road's access to J M Turk Road. His driveway will remain in its current location and the existing configuration with Stanley Road will remain. This configuration has been shown to Mr. Faul since at least December.

- Claiming that I would be provided an easement in a public after proposing abolishing a road I live on (never discussed with me).

Again, we have been clear that the original relocation of Stanley Road was not intended to landlock Mr. Faul. Since then, we have provided Mr. Faul with site plans showing Stanley Road's existing configuration at his access point. He has had those plans for at least four months.

- Claiming no impact on property values for surrounding homes and property when the home sizes are 50-25% of the home sizes of the major land owners in the area

We do not believe that there will be any negative affect on surrounding home values as a result of this project. As I noted at the community meeting, similar developments in Hall County have overwhelmingly correlated with adjacent home values increasing.

- Implying that the Dec 18th and 21st meeting with the public were conciliatory in nature. Everyone in the meetings voted against the subdivision during those meetings, no one was in favor during these well attended public meetings. You offered few answers to anything raised in those meetings.

The community meeting report (attached) that we provided to county staff never described the meetings as conciliatory. We truthfully disclosed concerns that were raised and how we responded to those concerns. That said, for neighbors who were willing to have productive dialogue, we agreed to proffer conditions to address those concerns, particularly concerning planted buffers as our development adjoins Quailwood. Mr. Faul was unwilling to have any dialogue and, instead, insisted that the current agricultural zoning remain. Mr. Faul has no obligation to agree with us or make concessions and we've never insisted that he should. However, it is unfair to accuse the development team of being unwilling to listen or communicate in this circumstance. Further, we have not ignored Mr. Faul's concerns; in fact, we have reduced the Development's impact on Mr. Faul's property each time a revision has been made.

- Claiming that there is no ordinance requiring a separate road for access to the proposed subdivision (beyond emergency access). Please see Fire code Regulation, dated 2018. Two PUBLIC entrances are required.

We have worked with staff and the planning commission since this application was submitted to address the secondary access issues and to determine what would be required of us and what capability we have on this site to meet code requirements. When it was discovered that a variance was necessary to address those requirements, we amended the application to make the variance request.

- Claiming that there is no farming in the area, when there is the largest vineyard in Hall County 400 feet from Stanley Road. It is a GEORGIA approved agritourism site.

Confusingly, Mr. Faul has repeated this acquisition since our December community meetings. He inaccurately remembers the statement that I made. I stated that there is no agricultural use *on our property*. Mr. Faul stated that his property is being used for an agricultural use, which I acknowledged. We have never denied that he operates a vineyard from his property, he absolutely does. Our site plan amendments, again, have been very conscious of his vineyard and the development has been oriented to minimally impact his property.

- Claiming that detention ponds are a form of flood control and that "every drop of water" was accounted for to prevent flooding. Meanwhile, every detention pond designed has overflow devices to allow for flooding downstream.

The stormwater standards set by the State of Georgia require us to restore the developed property to the predeveloped stormwater flows. That means that our detention ponds must be designed to match or reduce the stormwater run off to the flow rates that currently exist. To the extent that there is any overflow (in a 100 year rain event, for example), that overflow would be, at a minimum, the same amount of overflow that exists currently. These are not standards that are asking for relief from. Our property will have modern stormwater detention systems built to current code. Currently, no such system exists.

Again, Mr. Faul has the right to oppose our project and to express his concerns. We have never prevented him from doing that and do not intend to. However, he has taken his opposition outside of any degree of professional or productive dialogue. He sued Thompson, O'Brien, the applicant, for filing this rezoning. That case was ultimately voluntarily dismissed by Mr. Faul. Despite this, we have not ignored his comments on the project. Essentially every amendment that we have made has reduced the project's impact on his property. Mr. Faul's acquisitions in the email below, are misleading and incorrect and we felt the need to correct the record.

We look forward to continuing our work and discussions with the County.

William (Bill) Diehl
Associate

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From: Mark Faul <arrowquest@gmail.com>
Sent: Thursday, March 28, 2024 7:52 AM
To: Diehl, William <wdiehl@sgrlaw.com>
Cc: kcooper@hallcounty.org; rhiggins@hallcounty.org; bpowell@hallcounty.org; gpoole@hallcounty.org; jstowe@hallcounty.org; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>; Ellis Still (CDI: Planning) <estill@hallcounty.org>
Subject: Re: JM Turk and Guth Road Rezoning

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Diehl and esteemed County Commissioners:

Request you withdraw this application for the following reasons:

Mr. Diehl, has been untruthful or uninformed about the following:

- Claiming the density of this project when you claimed the houses were the same size as adjacent subdivisions.
- Claiming that your proposal did not landlock my property (4555 Stanley and 4567 Stanley Road). You did this twice in public meetings even though the drawing did landlock my properties. Resending attached letter from an attorney.
- Claiming that I would be provided an easement in a public after proposing abolishing a road I live on (never discussed with me).
- Claiming no impact on property values for surrounding homes and property when the home sizes are 50-25% of the home sizes of the major land owners in the area
- Implying that the Dec 18th and 21st meeting with the public were conciliatory in nature. Everyone in the meetings voted against the subdivision during those meetings, no one was in favor during these well attended public meetings. You offered few answers to anything raised in those meetings.

- Claiming that the estate lots were true estate houses, when the home size and land size of these estate lots are a small fraction of what is present in modern day subdivisions.
- Claiming that there is no ordinance requiring a separate road for access to the proposed subdivision (beyond emergency access). Please see Fire code Regulation, dated 2018. Two PUBLIC entrances are required.
- Claiming that there is no farming in the area, when there is the largest vineyard in Hall County 400 feet from Stanley Road. It is a GEORGIA approved agritourism site.
- Failure to accommodate farm tractor and truck traffic currently on Stanley Road. There will be clashes between cars and tractors in the area.
- Claiming that detention ponds are a form of flood control and that "every drop of water" was accounted for to prevent flooding. Meanwhile, every detention pond designed has overflow devices to allow for flooding downstream.
- Claiming no knowledge that a County Commissioner was the real estate agent on the properties in question.
- All the merit based reasons that have raised by the public, and the severe impact to the established business entity in the area.

Alternatively, it is hoped that the County Commissioners will deny this application for the following reasons:

- This public process has been going on for more than 6 months. This has caused much turmoil in the area.
- Requesting 7 variances to the rules and a rezoning request is proof that the project does not fit the area.
- Hall County staff has recommended denial.
- The Planning Commission voted 5 to 0 denying the project.
- The public overwhelmingly requests denial.
- There have been at least 24 versions submitted that have been unacceptable.

Another tabling of the project is just another opportunity for yet another plan to not be directly reviewed by the public and is unfair to all owners in the area. Given the track record of statements, Mr. Diehl's presentations require extra scrutiny and examination. To date, the public has not seen the most recent proposed plan.

Sincerely:
 Mark Faul, PhD
 678-472-6327

On Wed, Mar 27, 2024 at 11:59 AM Diehl, William <wdiehl@sgrlaw.com> wrote:

Good afternoon,

I wanted inform you that we will be requesting that the JM Turk and Guth Road rezoning be tabled to the April 23rd meeting. We are asking that the item be tabled so that we can analyze revisions to the plan.

The request will be made at the public hearing tomorrow and we expect that the item will not be heard. Please note, however, that although we are requesting that the item be tabled, that decision is up to the board of commissioners and we have no control over whether the item moves forward or is tabled.

Please let me know if you have any questions.

Thank you,

William (Bill) Diehl
Associate

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From: Diehl, William <wdiehl@sgrlaw.com>
Sent: Monday, December 11, 2023 12:14 PM
To: Diehl, William <wdiehl@sgrlaw.com>
Subject: Community Meeting // JM Turk and Guth Road Development

Dear Neighbor,

You are receiving this communication because you expressed concerns to the planning department about the proposed development off of JM Turk Road. I represent the developer in this rezoning process.

Please let this serve as an invitation to one of the meetings discussed below. We have sent post card invitations to neighbors in the surrounding area, inviting them to the meeting. However, we encourage you to share this email with others that might also have concerns or questions about this project.

Understanding that the holidays are approaching and that scheduling can be difficult during this time, we will host two meetings at the Mulberry Creek Community Center & Park (JM Turk Road, Flowery Branch, Georgia 30542). We have scheduled meeting rooms on **December 18 & 21** at 6:00 PM to 7:30 PM. Please come at your convenience.

I have also attached a conceptual plan regarding road improvements on Stanley Road and Guth Roads. *Please note, these designs are conceptual only and will require additional county approval even if this zoning is approved.* Designs elements may be required to change as we move through the permitting process.

Should you have any questions about this rezoning proposal, please feel free to contact me at this email address or by phone at (404) 815-3627.

Thank you,

William (Bill) Diehl
Associate

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COMMUNITY MEETING REPORT

TO: Hall County Planning Department
FROM: William J. Diehl, Smith, Gambrell & Russell, LLP
DATE: January 16, 2024

Applicant held two community meetings in connection with the rezoning requests, those being on December 18 and 21, 2023. The meetings were held at the Mulberry Creek Community Center, which is less than a half of a mile from the subject property. About thirty to forty people were in attendance at each meeting.

At the meeting, the applicant displayed revised site plans showing Stanley Road being reconfigured to better preserve its existing location. The site plan showed Guth Road being an emergency exit only.

The following concerns were commonly raised by the community:

- Density of homes in the development;
- Impact the development will have on traffic on JM Turk Road;
- Secondary entrance to the development on Guth Road;
- Stanley Road reconfiguration and access;
- Compatibility with existing architectural styles;
- Site lines from the Quail Wood neighborhood;
- Stormwater runoff to the surrounding creek; and
- Sewer connectivity and capacities;

The Applicant described connectivity plans and the use of Guth Road as an emergency exit, or, alternatively, as an improved road providing a second entrance. The Applicant committed to providing an updated traffic study and discussed how those studies are made. The Applicant discussed improving landscaping where the property abuts Quail Wood. The Applicant discussed designed standards and the pattern of development in the area.