

Jennifer Rivera (Administration)

From: Beth Garmon (CDI: Planning)
Sent: Monday, October 7, 2024 6:49 PM
To: Jennifer Rivera (Administration)
Subject: Fw: Opposition Letter regarding Proposed subdivision off of JM Turk/Stanley/Guth Road - Mulberry Springs Winery
Attachments: MSW_development_opposition_100724.pdf

Hi Jennifer.

Please see email below and attached comments regarding the rezone application for JM Turk Road. Please add these comments to the zoning file.

Thank you,
Beth

Beth Garmon

Director of Planning and Zoning
Hall County Community Development and Infrastructure
(office) 770-531-6809
(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: Mark Faul <mark@mulberrysprings.com>
Sent: Monday, October 7, 2024 4:36:57 PM
To: Randi Doveton (CDI: Planning) <rdoveton@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; Ellis Still (CDI: Planning) <estill@hallcounty.org>
Cc: 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>
Subject: Opposition Letter regarding Proposed subdivision off of JM Turk/Stanley/Guth Road - Mulberry Springs Winery

Some people who received this message don't often get email from mark@mulberrysprings.com. [Learn why this is important](#)

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Dear Hall County Employees and Esteemed Commissioners.

Please accept my letter of Opposition to the Proposed subdivision (entrance Stanley Road, no known rezoning number).

Mulberry Springs Winery is a State of Georgia approved agricultural tourism farm. It is a beloved facility that adds charm to Hall County. The agricultural property (zoned AR-3) is being used exactly as the zoning suggests. The winery represents a significant investment to the community, pays large licensing fees, taxes and employs people. The proposed subdivision will significantly impair winery operations and may result in the closure of the winery due to the following:

- **Extreme Negative Impact to Winery Operations:** The proposed subdivision EMBEDS 4555 Stanley Road within the proposed Subdivision, which houses some of the operations for the winery. Tractors and Trucks will compete with the expected traffic of 2,800 cars produced by the high-density housing.
- **Views of Mulberry Springs are amazing – rezoning will destroy the views:** Few public places are as peaceful as the winery in South Hall County. The high-Density Housing will significantly hurt the views of the winery and will result in fewer customers.
- **The plan has excessive housing density, beyond allowable rules:** This high-density housing with 1/4 acre lots will be EMBEDDED and ADJACENT to a 20 acre farm. Excessive traffic within one entrance will conflict with winery operations. Further, noise issues from the public and/or the winery are expected because the high-density proposed subdivision is so near the winery.
- **Retention Ponds will create a breeding ground for mosquito:** The proposed high density is on property with significant topographic issues. Very little rainwater will be able to soak into the ground, meaning the detention ponds will always be full and serve as a nesting ground for mosquitos. This will hurt winery participation.
- **Property Value Destruction.** The proposed subdivision will significantly lower property values in the entire area due to an extreme imbalance in zoning and density and will significantly harm winery operations. It will also ruin a large financial investment in the winery.

I plead with you to deny this application for rezoning and the entire project. Please let me know if you have any questions.

Mark Faul, PhD

Mulberry Springs Vineyard and Winery

<https://www.mulberrysprings.com/>

[678-472-6327](tel:678-472-6327)



Mulberry Spring Vineyard & Winery
4567 Stanley Road, Flowery Branch, Georgia 30542

5 October 2024

Hall County Planning and Development
2875 Browns Bridge Road
(attn: Randi Doveton, Director of Planning and Development)
Gainesville, GA 30504

Dear Randi Doveton:

Mulberry Springs Vineyard and Winery, which is a Farm House winery. Farm wineries are allowed on AGRICULTURAL- RESIDENTIAL III (AR-3) zoning and are very popular with the public. Farm Wineries were also encouraged by the State of Georgia to promote Georgia Agriculture and employment. Hall County Commissioners granted approval of Mulberry Springs Vineyard and Winery on 5 May 2021. Mulberry Springs Vineyard and Winery and has a role in providing the following positive attributes to the Hall County Community:

- A google 4.9 star out of 5-star average review (image 1)
- Last Years we received 27,431 views on Google Maps.
- The Largest Vineyard in Hall County.
- Overwhelming support on Facebook with thousands of likes and/or and support from the Community.
- Active sponsor of local charity events.
- "Hidden gem" – description of many.
- Member of Georgia Agrotourism – supported by Road signs.
- Employs people and helps the economy.
- Provides a fantastic view for guests and helps create a positive image of Hall County.

Unfortunately, the proposed subdivision on Stanley Road in Flowery Branch GA will directly hurt all winery operations and may result in the closure of the winery. The proposed subdivision, is actually an urban island in a rural area, involving approximately 14 variances, which are exceptions to existing Hall County rules. This request is overly aggressive and will negatively impact the Mulberry Springs Vineyard and Winery in numerous ways. We encourage you to deny the rezoning request of PRD from AR-3 Stanley Road for the following reasons:

Negative impact on Winery Operations at 4555 Stanley Road. The proposal, if approved, an estimated 2,800 cars will be added to Stanley Road, where some winery operations occur (image 2) and agricultural equipment is stored (image 3) and an image of the massive vineyard (image 4). The winery uses an outbuilding on 4555 Stanley Road (image 5). This excessive proposed density using one road will severely damage the winery operations and alternatives for space will be dramatically more expensive. Any reconfiguration to allow winery truck and machine access will compete with subdivision traffic of about 2,800 car trips a day. This is a rural area – there is even a County Tractor Sign a few feet from Stanley Road (image 6). THERE WILL BE ANGRY RESIDENTS WHEN SLOWER TRUCK AND FARM EQUIPMENT COMPETES WITH ROAD SPACE. There should be 2 traffic functional entrances into the proposed subdivision, and those entrances should be about 1,800 feet apart, which is consistent with fire code regulations (Ga. Comp. R. & Regs. r. 120-3-3-.04 State Minimum Fire Safety Standards with



*Mulberry Spring Vineyard & Winery
4567 Stanley Road, Flowery Branch, Georgia 30542*

Modifications Georgia Administrative Code Department, Appendix D 107.1 and Appendix D 107.2) (image 7). Vehicles from the winery will struggle to depart from 4555, by having extra turns and competing with 2,800 automobiles a day.

Views of Mulberry Springs are amazing – rezoning will destroy the views. People come to the winery to relax and get something they can't get at home, which is beautiful vistas and peacefulness. In an age of excessive warehouses, the winery location was specifically chosen for its views and the limited growth possibility on Stanley Road due to its odd triangular shape the likely impossibility of building houses on the Road, given typical Hall County setback rules. **However, the proposed plan will allow houses to be seen from the winery.** This will hurt the views of the largest Vineyard in Hall County and help destroy a valuable asset to the community. Further, the State of Georgia has declared Mulberry Springs Vineyard and Winery an official "Georgia Grown Agritourism site". This helps Georgia Tourism. This subdivision proposal is inconsistent the State of Georgia agritourism designation (image 8).

The plan has excessive housing density, beyond allowable rules, which may result in noise complaints. Part of the vineyard lies 350 feet from Stanley Road. The current plan is to move Stanley Road and have houses backup to 4567 Stanley Road, with limited setbacks. Thus, people may hear wine drinkers have conversations and wine drinkers may be bothered by dense subdivision noise. It goes both ways. **The excessive density and movement of Stanley Road puts winery operations at risk of receiving noise complaints and diminished winery patronage.** Please note the current AR-3 density is manageable and consistent with the entire rural area and is allowed by the State of Georgia. However, PDR zoning is incompatible with winery operations and is setting up the winery for noise complaints. The decision to allow anything other than AR-3 zoning will severely injure the winery sales.

Retention Ponds will create a breeding ground for mosquitos. Mulberry Springs winery built an underground water detention pond that costs about \$50,000. This was to avoid the mosquito problems in an area where there are outdoor activities. The proposed high-density subdivision has many detention above ground detention ponds. **These ponds will result in a breeding ground for disease (ie, West Nile virus, Zika...) and will likely severely hamper winery operations.** The academic literature on this is significant (image 9). If the proposed subdivision is approved, request the detention ponds be placed underground to protect the public and the winery.

Property Value Destruction. Mulberry Springs Winery is an approved agricultural tourism farm by the State of Georgia and is a beloved facility that adds charm to the residents of Hall County. The agricultural property (zoned AR-3) is being used exactly as the zoning suggests. The winery represents a significant investment to the community, pays large licensing fees, taxes and employs people. The proposed subdivision will significantly destroy property values in the entire area due to an extreme imbalance and a difficulty in conducting transactions.

Please deny the zoning request. Homes could be built on the existing AR-3 zoning. No one rejects development on the current zoning of AR-3. However, this plan is grossly overly aggressive and hurts the look and feel of this valued rural area. It will also severely injure the Winery Operations and activities. According to a study done by the University of Georgia, the number one reason people visit wineries to for the views and to connect with nature (Economic Contribution of Georgia Wineries and Vineyards, Prepared by: Kent Wolfe, Sharon P. Kane, and Karen Stubbs, University of Georgia, Center for



Mulberry Spring Vineyard & Winery
4567 Stanley Road, Flowery Branch, Georgia 30542

Agribusiness and Economic Development, Center Report: CR-13-06, dated Sept 13th 2013 - <https://caed.uga.edu/content/dam/caes-subsite/caed/publications/center-reports/economic-contribution-wineries-georgia.pdf>). Specifically, "scenery" is listed as the number 1 reason people go to wineries (table #1.6). Further, in 2013, it was documented that the impact of Georgia Wineries on the State economy was "sectors, along with visitor spending contributes up to \$81.6 million in output, 655.6 jobs throughout the state's economy, and \$4.1 million in state and local tax revenue". It is probably double that now due to the winery growth in the North Georgia Mountains and due to inflation within the last 10 years since the report was written. This very dense subdivision proposal will undoubtedly hurt the winery due to a loss of "scenery" and gross congestion on a small country road in Hall County. It will severely hamper winery operations and promote future noise complaints all for the purpose maximizing lots of land on a proposed future movement of Stanley Road. Many people like the winery location because it saves them from driving long distances to visit other wineries. This proposal is so aggressive and inappropriate for a rural area, I have been in communication with my State Representative's office.

For these reasons (harm to an established winery with good community support, hampered winery operations, destruction of valuable scenery, loss of rural area that helps people's well being, possible increase of noise complaints, possible economic loss to Hall County and an increase in mosquitos)) this rezoning request should be denied. Also, the proposal is inconsistent with the Hall County comprehensive Land Use Plan for this area and is counter to the quality of life for current and future homeowners and agri-businesses in the area, I urge the denial of the proposal of moving Stanley road and any rezoning change to an established rural area within Hall County. A non AR-3 zoning request would substantially hurt Mulberry Springs Vineyard and Winery. I can be reached at 678-472-6327.

Mark Faul, PhD

Mulberry Springs Vineyard & Winery

4 enclosures

Copy Furnished: Representative Derrick McCollum, 30th District 612-E Coverdell, Legislative Office Building, Gainesville, GA 30503



Mulberry Spring Vineyard & Winery
4567 Stanley Road, Flowery Branch, Georgia 30542

Image 1

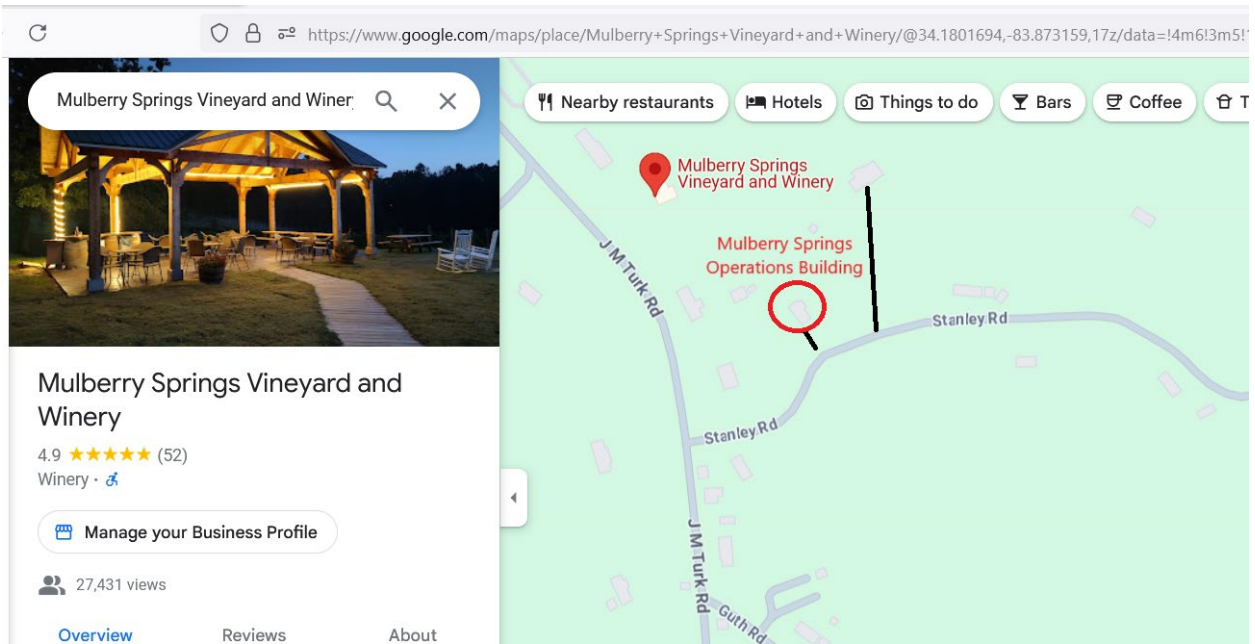


Image 2

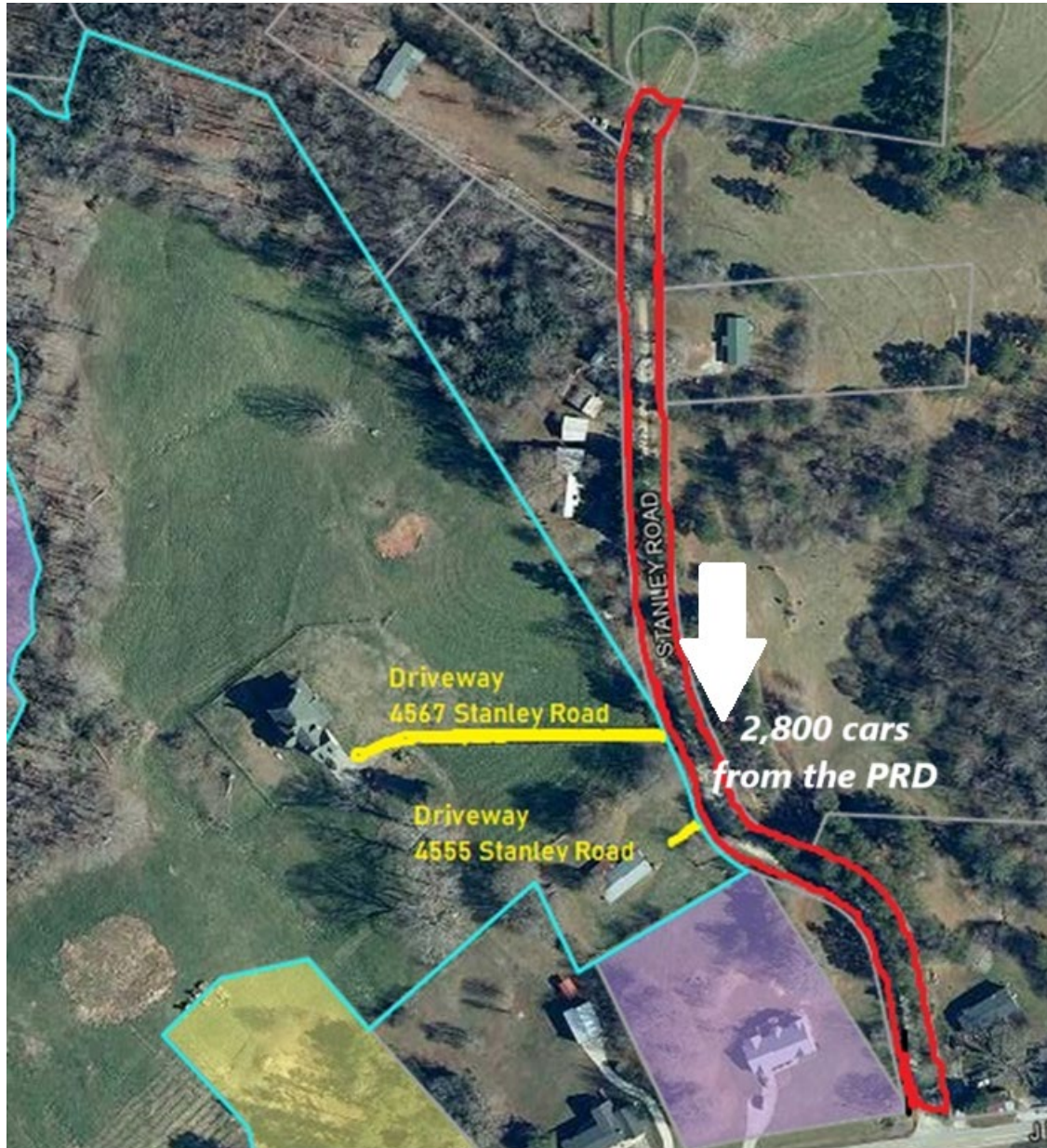


Image 3





Mulberry Spring Vineyard & Winery
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Image 4



Image 5



Image 6





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Image 7

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Subject 120-3-3 RULES AND REGULATIONS FOR THE STATE MINIMUM FIRE SAFETY STANDARDS

Rule 120-3-3-.01 Promulgation and Purpose

- (1) These rules and regulations of the Safety Fire Commissioner entitled, "Rules and Regulations for the State Minimum Fire Safety Standards" are promulgated to establish the State's minimum fire safety standards as specified in the Official Code of Georgia Annotated, (O.C.G.A.) Section [25-2-4](#).
- (2) A primary purpose of these rules and regulations is to establish the state minimum fire safety standards and requirements for the prevention of loss of life and property from fire, panic from fear of fire, explosions or related hazards in all buildings, structures and facilities with the exception of one- and two- family dwellings, one- and two-family row houses (townhouses) separated by a 2-hour fire wall and two- family townhouses separated by a 2-hour fire wall.

Rule 120-3-3-.02 Application

- (1)
 - (a) Pursuant to O.C.G.A. [25-2-4](#), rules and regulations adopted by the Safety Fire Commissioner shall have the force and effect of law and shall have statewide application as being the state minimum fire safety standards and shall not require adoption by a municipality or county. The governing authority of any municipality or county in this state is authorized to enforce the state minimum fire safety standards on all buildings and structures except one-family and two-family dwellings, one- and two-family row houses (townhouses) separated by a 2-hour fire wall and two-family townhouses separated by a 2-hour fire wall, and those buildings and structures listed in O.C.G.A. [25-2-13](#), except as may be required or permitted by O.C.G.A. [25-2-12](#) and [25-2-12.1](#).
 - (b) Pursuant to O.C.G.A. [25-2-13\(f\)](#), the municipal governing authority in any incorporated area or the county governing authority in any unincorporated area of the state shall have the authority to enact such ordinances as it deems necessary to perform fire safety inspections and related activities for those buildings and structures not covered by O.C.G.A. [25-2-13](#).
- (2) Whenever the provisions of this chapter of the Rules and Regulations of the Safety Fire Commissioner offer alternatives, as far as fire safety requirements are concerned, that were not permissible under previous editions of any Rules and Regulations of the Safety Fire Commissioner covering the same subject matter, the provisions of this chapter may be used by the authority having jurisdiction in determining whether a building is in compliance with the provisions of O.C.G.A. Title 25, Chapter 2, and the rules and regulations promulgated there under.

Rule 120-3-3-.03 Definitions

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510.2 In-building emergency responder communication enhancement systems shall comply with the design, installation, testing, inspection, and maintenance requirements in Chapter 18 of NFPA 1225 as adopted in the Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-3.

7. **Add a new section, Appendix D 107.1, as follows:**

Developments of one- or two-family dwellings where the number of dwelling units exceeds 120 shall be provided with two separate and approved fire apparatus access roads.

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Recommendations for modifications to the plan. If the 30-day time frame is not met, the plans submitted shall be deemed to be approved.

Add a new section, Appendix D 107.2, as follows:

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

Image 8



Image 9



Mosquitoes Associated with Stormwater Detention/ Retention Areas ¹

G. F. O'Meara²

Water Quality and Supply

Florida's extensive drainage and flood control systems have eliminated many wetland areas that

under drought conditions. Often, during the rainy season the water levels in these ponds remain at or near the outflow structures. Under these conditions, storm water entering a detention area displaces an

Citation: O'Meara, G. F. (1997). *Mosquitoes associated with Stormwater Detention/retention areas*. University of Florida Cooperative Extension Service, Institute of Food and Agriculture Sciences, EDIS.

- Gingrich, Jack B., et al. "**Stormwater ponds, constructed wetlands, and other best management practices as potential breeding sites for West Nile virus vectors in Delaware during 2004.**" *Journal of the American Mosquito Control Association* 22.2 (2006): 282-291.

- Irwin, Patrick, et al. "**Urban wet environment as mosquito habitat in the upper midwest.**" *EcoHealth* 5 (2008): 49-57.

- Harbison, Justin E., et al. "**The need for collaboration among government agencies to reduce mosquito production in mandated stormwater treatment structures.**" *Journal of the American Mosquito Control Association* 26.2 (2010): 198-204.