

Jennifer Rivera (Administration)

From: Beth Garmon (CDI: Planning)
Sent: Tuesday, October 8, 2024 11:08 AM
To: Jennifer Rivera (Administration)
Subject: FW: Opposition Letter regarding Proposed subdivision off JM Turk/Stanley/Guth Road - Mark Faul
Attachments: Opposition to the Stanley Road and Guth Road Properties_100824.pdf

Jennifer,

Would you please add the email and attached comments to the JM Turk rezoning 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 <arrowquest@gmail.com>
Sent: Tuesday, October 8, 2024 10:43 AM
To: Randi Doveton (CDI: Planning) <rdoveton@hallcounty.org>; Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>; Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>; 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 JM Turk/Stanley/Guth Road - Mark Faul

Some people who received this message don't often get email from arrowquest@gmail.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) for the following reasons.

- **Extreme Negative Impact to quality of life:** The proposed subdivision EMBEDS two properties I own (4567 & 4555 Stanley Road) within the proposed high-density Subdivision. Residents living on Stanley Road will have to compete with 2,800 car trips to exit from their properties.
- **A County Commissioner is a Real Estate Agent on the proposed high-density subdivision:** The proposed property is in District 1 and the citizens are not going to get proper representation.
- **Water Detention Ponds will not likely work in the area due to the steep terrain.**
- **The proposed High-Density development is inconsistent with the rural area.**
- **Excessive request for variances and overall rezoning.**
- **Negative Impact of local Property Values**
- **Flawed Traffic Analysis:** It is outdated, includes only one day of data (taken during Covid) and does not consider developments already approved by Hall County in the near area (Alpaca farm - 148 Units and Union Grove Subdivision)
- **Violations of existing regulatory rules:** (Hall County Guidance on PRDs, comprehensive Development plan of Hall County, Fire Code Standards on entrances and ignores administrative procedures associated with the partial abandonment of Stanley Road).

Please let me know if you have any questions. **No one ever buys rural property, and expects to be EMBEDDED within a high-density subdivision.** I pray that you deny this rezoning request and any high density housing proposed in this area.

Mark Faul, PhD
678-472-6327



Virus-free. www.avg.com

Mark Faul. PhD
4567 Stanley Road, Flowery Branch, Georgia 30542

8 October 2024

Hall County Planning and Development
2875 Browns Bridge Road
(Attn: Randy Doveton, Kathy Cooper, County Commissioner, Richard Higgins, County Commissioner, Billy Powell, County Commission, Gregg Poole, County Commissioner, Jeff Stowe, County Commission)
Gainesville, GA 30504

Dear Randi Doveton, and County Commissioners:

I have two properties on Stanley Road (4567 and 4555 Stanley Road) that are severely impacted by the re-proposed high-density development with one entrance on Stanley Road. This Planned Residential Development was proposed in during the late summer of 2023 and withdrawn during April of 2024, because of a lack of support from Hall County staff, the Planning Commission and presumedly the Board of Commissioners. This new proposal has not changed much and continues to receive denial recommendations from Hall County Staff, the Planning Commission and the public. This letter is to document some of my opposition to the Stanley Road and Guth Road Properties, which follows:

- 1) **This proposed development EMBEDS my properties within a high-density subdivision.** None of the maps provided by applicant shows this, nor is it discussed by the applicant. Please see Image 1 and 2, that shows how I will have to drive through a high-density subdivision with an expected traffic flow of 2,800 cars per day (per the traffic study dated May 23, 2023 revised January 24, 2024) There is only one planned entrance for traffic in this high-density subdivision. This is the definition of poor planning by the applicant. **Please note, no one buys 20 acres of agricultural land only to be EMBEDDED within, and ADJACENT to, a high-density subdivision, which is grossly inconsistent with the surrounding area.** Lots that are 1/8 of an acre and smaller will be next to an active working farm of 20 acres. Approval of this high-density subdivision violates the implied promise of adherence to normal growth consistent with the zoning in the area, development commensurate with the area, Hall County's comprehensive plan (https://www.dca.ga.gov/sites/default/files/hall_co_compplan_2017.pdf) and Hall County's written guidance on PRD (<https://www.hallcounty.org/DocumentCenter/View/3830/PZPublication>) and simple respect for existing neighbors and future residents of the area.
- 2) A County Commissioner in District 1, Kathy Cooper is listed is the real estate agent on this proposed PRD, which is in District 1. Please see her conflict on interest form as image 3. As

indicated in the document (image 3), Ms. Cooper helped create this proposed high-density subdivision and stands to directly benefit from the project. Meanwhile, there are strong and consistent community opposition to the proposed high-density project. These actions warrant the Board of Commissioners voting down the high-density subdivision. Please see “ABUSE OF OFFICE, CONFLICTS OF INTEREST, AND ETHICAL STANDARDS, 2022 Association County Commissioners of Georgia (ACCG)”, page 20 (<https://www.accg.org/docs/handbook/Abuse%20of%20Power.pdf>) and the court case Montgomery v. Atlanta.

3) Water detention ponds – The ponds are not visually done properly and do not control flooding or mosquito populations in dense areas.

- Detention ponds are not flood control – they all have overflow systems to allow excess water to be discharged into streams and wet land areas. Elah Valley has experienced extreme flooding from the recent development. The additional impervious space, which includes the footprint of a house, all the sidewalks and the roads, in the proposed development is extreme. The manmade ponds could not be designed properly on absorb all of the water runoff created by this project.
- The Topography on Stanley Road is very steep – water will not soak into the ground, but rather head directly into the detention pond systems and the overflow mechanisms resulting in flooding.
- There has been 5 feet of erosion on one of my properties (4567 Stanley Road - 17 acres) since the Grandview development. **A small creek on my property forms when it rains heavy.**
- Elah valley reports increased flooding after every major development.
- **Approximately 20% of the development includes impervious land such as sidewalks and roads. Once calculated properly, the re-proposed subdivision does not meet the proper required green space percentages.**
- Ponds will be a major source of mosquitoes to residents in the area. **If approved please require the developer to have underground detention ponds to control for mosquitoes.** This would minimize the direct impact on the nearby winery and the people living in the area.

4) Rural area zoned agricultural III. Regular houses can go in on this current zoning consistent with AR-III zoning. People are not opposed to that. There are many farms in the area, and thus, **the State of Georgia placed a Cautionary Tractor sign on JM Turk Road, about 60 feet from the proposed development (Image 4).**

- Tractor traffic in the area – at least 4 people have tractors within a ½ mile area.
- Winery operations at 4555 Stanley Road will be hampered due to 2,800 car trips a day on Stanley Road

- Largest vineyard in Hall County just 350 feet from Stanley Road.
- Doesn't fit the area at all and is dangerous to truck and tractor access using Stanley Road.

5) Approximately seven – fourteen variances requested is excessive. - Why have rules if Hall County is going to grant approximately 7-14 exemptions to the rules (documented by Hall County staff). Such a submission makes a mockery of established review systems. If Hall County approves this extreme proposal, what wouldn't they approve?

7) Negative Impact on property values:

- One version of this proposal results in diminished property value loss to the residents on 4621 Stanley Road, which will have 24 homes on 1/8 acre lots around his 11 acres. This is extreme.
- The residents of 4567 Stanley Road) will be looking at the back side of 5 houses from his front porch.
- There is no 50 foot buffer from the subdivision from Lots 2 and 3 for the residents of 4567 Stanley Road. While there is a modified Stanley Road Street there, there is no 50 foot buffer and the residents of 4567 and 4555 Stanley Road will be shining his car lights into the back windows of homes are night. This will disturb potential neighbors and be a source of many problems for everyone.
- Many adjacent home owners will have high-density housing around them and it will harm existing values.
- The modified Stanley Road in this proposal will cause residents of 4567 and 4555 Stanley Road to have to make an additional turn to get out of the subdivision. This will cause a decrease in property value. This proposal EMBEDS my properties within a high-density Subdivision. How can it not damage property values?
- According to the traffic analysis by conducted by SEI Engineering, Inc and Acampora Traffic LLC on May 23, 2023, and revised January 24, 2024 there will 2,800 car trips produced by the re-proposed high density subdivision. ALL OF THIS TRAFFIC WILL BE IN FRONT OF MY TWO PROPERTIES. I will have a difficult time getting out of my driveway, and my property values will be substantially decreased. If approved, please have another exit out of this highly dense subdivision. *I did not buy a rural property with substantial acreage to have major problems (2,800 car trips a day) with getting out of my personal dwellings.* This re-proposed subdivision does not fit the area.

7) Flawed Traffic Analysis – During the last submission, one of the Planning Commissioners asked for a more accurate traffic analysis during the Fall of 2023. Yet, no new data was collected or analyzed. According to the traffic analysis conducted by SEI Engineering, Inc and Acampora

Traffic LLC on May 23, 2023, and revised January 24, 2024 there will 2800 car trips produced by the re-proposed high density subdivision. There are many problems with this analysis:

1) The traffic data collected was on one day only: 23 May of 2023. The data is outdated and likely an underestimate of traffic flow patterns.

2) One day of traffic is not representative of the true situation. More data points in time are needed, particularly since the data collection was done during COVID times, when some people were encouraged to work from home.

3) The data does not include future approved developments such as the housing development replacing the old Alpaca Farm (148-units) a few miles from this proposed development or the Union Grove Subdivision in South Hall County and other developments currently being constructed. These housing developments will put strain on the roads and were not included in the analysis.

8) Violation of regulatory rules. The re-proposed subdivision is in conflict with established regulatory rules, which follows:

A) The plan is inconsistent with Hall County Guidance (Planning & Zoning Rezoning Variances Special Uses <https://www.hallcounty.org/DocumentCenter/View/93/Guide-to-Planning-and-Zoning>, which states:

- Page 10: “Planned Residential Development (PRD) A Planned Residential Development may allow for a more flexible placement, arrangement and orientation of residential structures, the accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types (single-family, two-family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development should make maximum use of natural features and, through proper site planning measures, it should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts, which might result from a higher density development.” Image 5.

This re-proposed subdivision has lot sizes of 5,000 sq feet, or 1/8th of an acre. Meanwhile consists of multi-acre tracks. The proposal is not consistent with the existing character of an established winery and large acreage tracks. Further, the proposal does not protect existing residential uses from adverse impacts, such as changing the configuration of Stanley Road and the excessive traffic of 2,800 cars per day. Approval of this rezoning request would clearly violate Hall County’s written policy.

B) The proposed development is not consistent with existing growth plans for Hall County. Please see the Opinion of Hall County Planning Staff.

Mark Faul, PhD
4567 Stanley Road, Flowery Branch, Georgia 30542

C) Second entrance needed and distances re-proposed is not complaint with current fire standards – Ga. Comp. R. & Regs. r. 120-3-3-.04 State Minimum Fire Safety Standards with Modifications Georgia Administrative Code Department

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.

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 (See Image 6).

Point one – Common Sense suggests that a subdivision of 120 homes needs two entrances for general safety and to reduce congestion. This re-proposed second entrance that is for emergency vehicles only is only useful during an emergency.

Point two - The overall diagonal dimension is about 3,675 and ½ that distance is about 1,838 feet. Thus, the entrances need to be at least 1,838 feet from one another (enclosure 1). None of the plans adequately address this safety and regulatory mandate.

D) The partial Abandonment of Stanley Road requires a separate process not conducted. After talking with Hall County traffic expert, Mr. Scott Puckett, he said any movement of the Stanley Road would invoke a regulatory procedure (12.20.050. - Procedure for road abandonment). The re-proposed design of the road creates an additional turn for residents of 4567 and 4555 Stanley Road to simply exit the properties and exposes me to the full traffic load of the entire subdivision (2,800 cars), plus traffic from another street.

Thank you for considering my comments and concerns. The developer's re-request is very aggressive and inappropriate for the area. The planned 10 October meeting represents the 12th meeting on this proposed high-density subdivision. It has negatively impacted the morale of nearly everyone in the area. No one in the area wants this re-proposed development. It simply doesn't fit the area and will cause harm to local folks and a local business. If approved, I will oppose this rezoning action legally in the most vigorous way possible. I can be reached at 678-472-6327 if you have any questions.

Sincerely:



Mark Faul, PhD

6 enclosures

Image 1

ts/Stanley_Road_Development/Guth Rd J M Turk Rd Stanley Rd - Final_082624-map.pdf

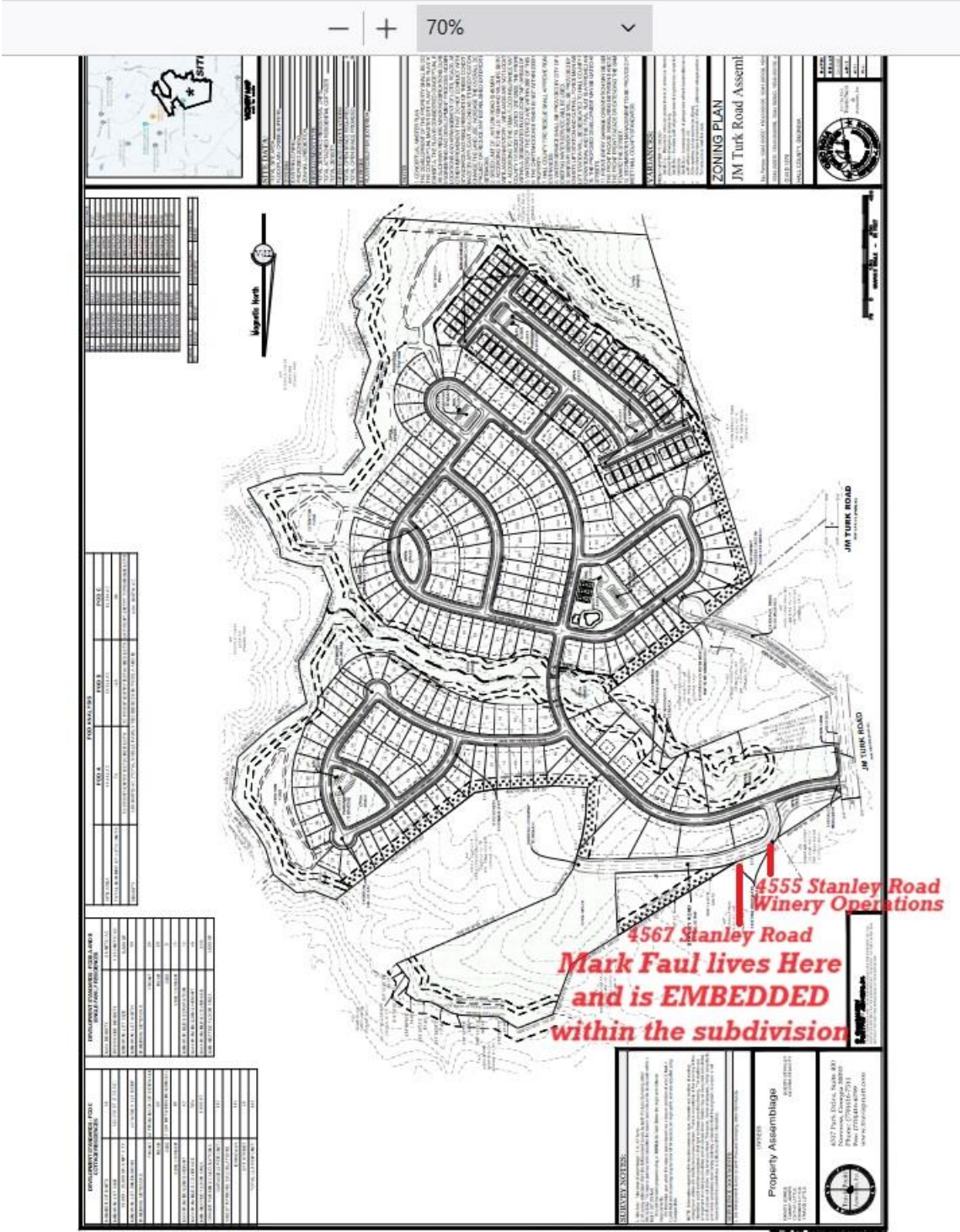


Image 2

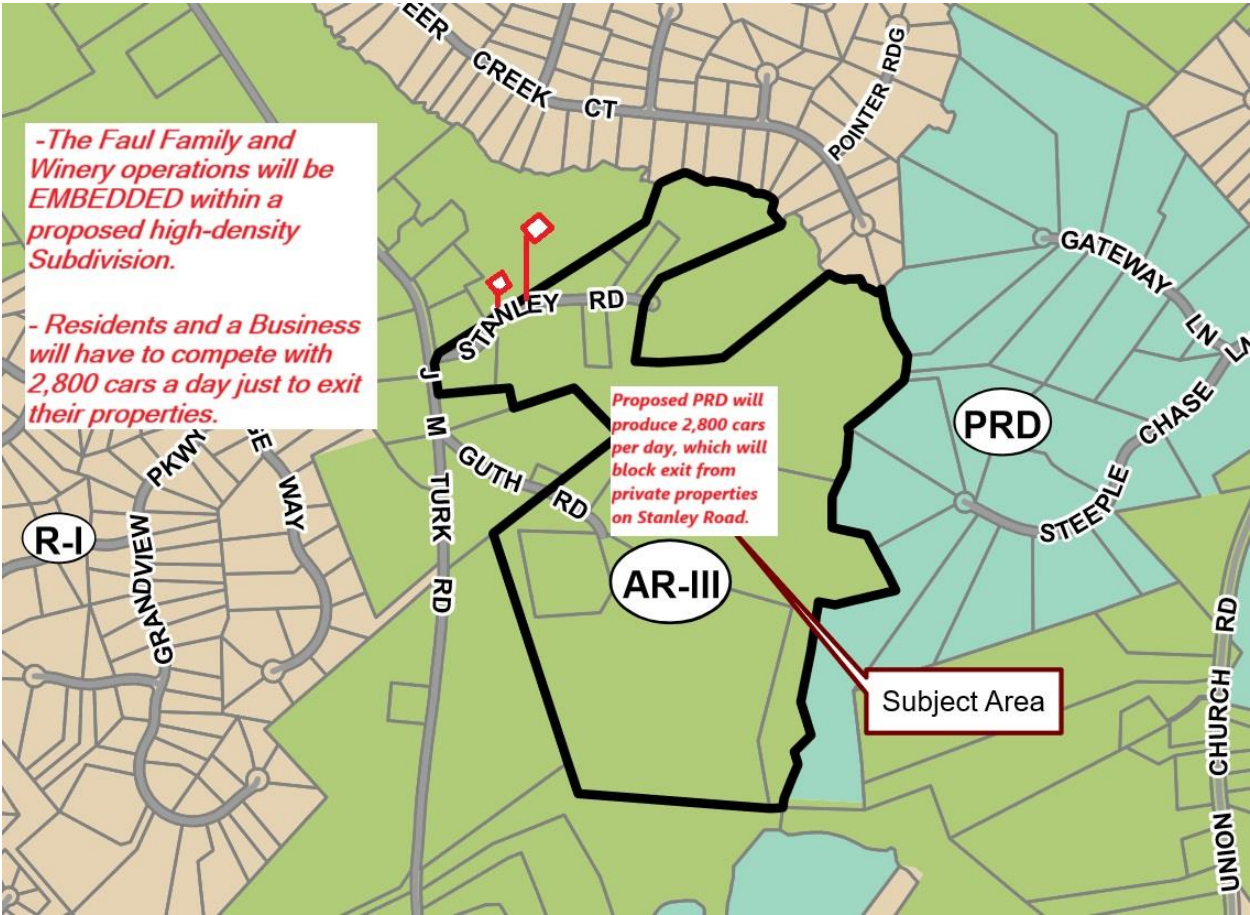


Image 3



Conflict of Interest Disclosure

I, Hashy Cooper am a member of the Hall County Board of Commissioners.

The Hall County Board of Commissioners will consider the following issue:

removing 4611, 4621, 4561, 4613 JMTurk Bl
4590 4601 4610 Stanley Road

I have a conflict of interest in that I am a agent in the
transaction

and hereby notify the Board of such conflict, and recuse myself from the consideration and discussion of the above mentioned issue and request that this disclosure be made part of the records of the Hall County Board of Commissioners.

Printed Name: Hashy Cooper
Signature: [Handwritten Signature]
Date: 4-22-24



Image 4



Image 5

Source: <https://www.hallcounty.org/DocumentCenter/View/3830/PZPublication>



PLANNED DEVELOPMENT DISTRICTS

Planned Residential Development (PRD)

A Planned Residential Development may allow for a more flexible placement, arrangement and orientation of residential structures, the accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types (single-family, two-family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development should make maximum use of natural features and, through proper site planning measures, it should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts, which might result from a higher density development.

Image 6

Source: Ga. Comp. R. & Regs. r. 120-3-3-.04 State Minimum Fire Safety Standards with Modifications Georgia Administrative Code Department, Appendix D 107.1 and Appendix D 107.2:

The overall diagonal dimension is about 3,675 and ½ that distance is about 1,838 feet. Thus, the entrances need to be at least 1,838 feet from one another. The rep-proposed entrances are about 300 feet from one another. Thus, the emergency entrance does not meet fire regulations. **It is dangerous to approve re-proposed rezoning request without a proper distance appropriate secondary entrance.**

