

**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
WITH REZONING OF 114.147 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M  
Turk Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III  
(AR-III) to Planned Residential Development (PRD) | on a 114.147± acre tract located on  
the east side of J M Turk Road at its intersection with Guth Road | Zoned AR-III; Tax  
Parcels 15043 000027, 000201, 000128 & 15044 000035, 15044 000127, 15043 000109 &  
15044 000035B, 000043, 000100 | Proposed Use: 256-unit residential development | \*\*  
Commission District 1 | Steven P. Gilliam, applicant**

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

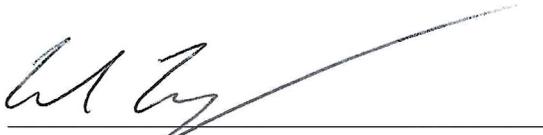
Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983 grants the Board of Commissioners the power to zone and rezone. That power must be fairly exercised. Based on this element of fairness, the Zoning Ordinance for Hall County, Georgia and violate Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983.

Any limitation on the time for presentation of the issues before the governing authority who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph Six of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

Respectfully submitted,

  
Eric K. Conley

Address

4621 Stanley Rd  
Flower Branch GA 30542

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□ Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

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Respectfully submitted,

  
Kathleen Conley

Address

4621 Stanley Rd  
Flowery Branch, GA 30542

I have property on Stanley Road (4621 Stanley Road) that is negatively impacted by the re-proposed development (Stanley & Guth Road). This letter is to document some of my opposition to the Stanley Road and Guth Road Properties, which follows:

- Excessive request for variances, along with a rezoning request.
- Negative impacts on surrounding and nearby properties in terms of lifestyle and property values.
- A flawed and outdated traffic analysis.
- Violations of important regulatory rules and ordinances (i.e., inconsistency with the area and the Hall County Development plans and written Hall County Guidance, the critical need for a usable secondary entrance to avoid 3,000 daily car trips in front of my properties on Stanley Road, failure to follow the regulatory rules for the regarding fire access distances from multiple entrances, abandonment of part of Stanley Road).
- Inconsistency with large agricultural operations in the immediate area.
- Inability of traditional retention ponds to manage the excessive runoff of water produced by the non-compliant proposed subdivision. Currently, there is a lot of erosion and flooding in the area.

Zoning guidelines are in place to protect property owners from this exact situation. They have asked for multiple exceptions, and some are just not safe for the public. Exceptions are for circumstances where there is a little consideration needed and is accepted by everyone that it effects. This is not the case.

When my neighbors and my family purchased our property, it was because we had some space away from the rest of the world. Twelve acres is not that much in the grand scheme of things, but it was our sanctuary. Now they are proposing about twenty-five homes surrounding half of my property. These homes will be on one-eighth-acre sites, which is not characteristic for the area at all.

The traffic that this will bring will overload J M Turk Rd, and the surrounding roads. The traffic analysis that was done was for one day, during Covid times. There were so few people active at this time that is not even close to being accurate. The road is considered a rural road and was not designed for this type of traffic.

The plan only has one entrance and exit, which is a clear violation of code. It is clear that a neighborhood of this size is required to have at least two entry/exits. It would be disastrous if an emergency took place with that many people trying to exit.

The area is home to Hall county's largest vineyard. There are multiple large tracks zoned for agriculture in the area as well. Several of my neighbors have tractors including myself which utilize the immediate roads.

The retention ponds planned will bring unwanted bugs to the area. This could be devastating to the local winery and its business. Not to mention the runoff will

overwhelm the local streams causing flooding downstream. Erosion has already been a problem in the area due to the previous growth in the area.

This proposal has been voted against once, please vote it down again. We have no local representation with the commissioners due to a conflict of interest with Ms. Cooper's seat and her being the realtor on the transaction. Please help keep Hall County rural, the way it was intended to be.

Regards,

Erik Conley

4621 Stanley Rd

678-898-1365

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Proposed Use: 256-unit residential development | \*\* Commission District 1 | Steven P. Gilliam,  
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Respectfully submitted,

  
09/16/2024

Address

4567 STANLEY ROAD, FLOWER Y BRANCH GA 305  
4555 STANLEY ROAD, FLOWER Y BRANCH GA

305

**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
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Respectfully submitted,

Rachael Faul

 (9-16-24)

Address

4567 Stanley Rd. Flowerg  
Branch, Ga 30542

## **Kaitlyn Elliott (Planning)**

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**From:** Beth Garmon (CDI: Planning)  
**Sent:** Monday, September 16, 2024 8:54 AM  
**To:** Chris Braswell; Chris Braswell (Planning); Frank Sosebee; Frank Sosebee (Planning); Gina Pilcher; Gina Pilcher; Johnny Varner; Johnny Varner; Stan Hunt; Stan Hunt  
**Cc:** Katie L. Greenway (CDI: Planning); Kristie Turner (Planning); Kaitlyn Elliott (Planning)  
**Subject:** FW: Re-zoning Application-Guth Rd, Stanley Rd, JM Turk Rd

Good morning,

Please see email below with comments regarding the JM Turk rezoning application that is on tonight's agenda.

Kaitlyn, please add the comments to the file and print copies for the board and staff for tonight's meeting.

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

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

From: Whitney Pimentel <[whitp13@gmail.com](mailto:whitp13@gmail.com)>  
Sent: Friday, September 13, 2024 5:48 PM  
To: Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org  
Cc: Walt Pimentel <[wwpimentel@gmail.com](mailto:wwpimentel@gmail.com)>; Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
Subject: Re-zoning Application-Guth Rd, Stanley Rd, JM Turk Rd

[Some people who received this message don't often get email from [whitp13@gmail.com](mailto:whitp13@gmail.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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.

Dear Members of the Hall County Planning Commission,

I am writing to share my thoughts on the proposed rezoning application off of Guth Rd, Stanley Rd, and JM Turk Rd in Flowery Branch, GA.

This application requests a change from Agricultural Residential III to Planned Residential Development. I am not opposed to responsible development and growth here in Hall Co, but I believe this particular plan is a detriment not only to my backyard, Quailwood Subdivision, as well as this very quaint area of Flowery Branch.

This proposal directly impacts my property as my backyard is up against the proposed development on the site plan. I have some strong concerns about the negative environmental impact this will have regarding removal of trees and hard surface runoff. This runoff will overflow into the creek and will flood the creek into my yard. This will cause erosion and will disrupt natural drainage systems already in place.

The proposed development is not compatible with the surrounding subdivisions. The size, density, and design of this proposal are not in line with the existing neighborhoods and would create an imbalance in the land use patterns. This area has been established for years and one of the reasons we chose to live here was because of the spacious lots and very little traffic in this area. As you are aware with the addition of apartment complexes and many warehouses the traffic has definitely increased. JM Turk Rd and surrounding areas will not be able to sustain traffic for an additional 140+ homes. What will this do to the existing overcrowding issue in our schools?

The noise from existing properties and businesses already travels up the hill to my house. This proposal will only increase the noise due to tearing down the trees, added traffic, construction, and people.

We request that the Hall Co Planning Commission recommend denial of this rezoning application. The developer should be able to submit something that is better for our existing subdivisions and neighbors as well as protect our environment.

Thank you for your attention to this matter and I trust and pray that you will make a thoughtful and informed decision that benefits this county and those of us that have worked hard to maintain this area.

Have a blessed day!

Walt & Whitney Pimentel  
4928 Deer Creek Ct.  
Flowery Branch, GA 30542  
whitp13@gmail.com  
602-373-9897

**Print**

**Planning Commission Comments - Sept. 16, 2024 - Submission #99952**

**Date Submitted: 9/15/2024**

Comments completed in the form below will be submitted into the record for the Sept. 16, 2024 meeting of the Hall County Planning Commission.

**First Name\***

**Last Name\***

William & Kimberly

Walker

**Address1\***

4820 J M Turk Road

**Address2**

**City\***

**State\***

**Zip\***

Flowery Branch

GA

30542

**Zoning Item for Comment\***

0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk Road & 4590, 4601, 4610 Stanley Road | Rezone

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

**Your Comments\***

The curves on JM Turk Road are not able to handle the traffic from this development. It is dangerous now. The sewer does not need to do down JM Turk Road to Cash Road. This is not good for the environment and it opens up more high density development in one of the last rural areas in South Hall. Schools are already overcrowded. This development does not belong on JM Turk Road. It should be on a road more suitable for traffic such as Atlanta Hwy, 211, Spout Springs or 53. Clearing the land will increase flooding at our property. The bridge at our property will flood much more often!! This will close JM Turk Road. The erosion from the floods will be significant. The erosion from development in the area has already drastically impacted Mulberry Creek. Especially at our property and Eli Valley.

Please write your comments in the box above.

**File Upload**

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If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

**Would you like follow-up communication?**

Kimwalker966@gmail.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.



## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:39 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Elah Vally HOA - Opposition to re-proposed Stanley and Guth Road Subdivision (114 acres - 254 houses and townhomes)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kaitlyn,

Please add the email below to the file for JM Turk/Steve Gilliam which goes before the Planning Commission today. Hard copies should also be printed and provided to each commissioner as well as me, Katie, Kristie, and Vamsee.

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](mailto:bgarmon@hallcounty.org)

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---

**From:** Bill Doucher <[bdoucher@att.net](mailto:bdoucher@att.net)>  
**Sent:** Monday, September 2, 2024 11:07 PM  
**To:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>; Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org; Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>; Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>  
**Subject:** Re: Elah Vally HOA - Opposition to re-proposed Stanley and Guth Road Subdivision (114 acres - 254 houses and townhomes)

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.

As President of the Elah Valley Homeowners Association, I am presenting this email as opposition to this re-proposed subdivision representing all homeowners of the Elah Valley subdivision.....again...

There have been minor changes to this proposal since the last go round. The total number of homes since the last version of this proposal are reduced by a little, but still does not meet the the 2 homes per acre standard. The actual physical lot sizes proposed are tiny. The cottages/townhomes absolutely do not fit the surrounding housing character on J M Turk Road and negatively impacts our subdivision and the surrounding community. This re-proposal does not meet the PRD definition. All the same objections raised by the Planning Commission to the previous proposal still apply to this re-proposal - when it was unanimously voted by the Planning Commission to recommend denial of approval for this proposal.

Do we really have to go thru this all over again?..... wasting time of the Hall County residents in this community negatively impacted and wasting the time of the Hall County Planning Commission and Board of Commission as well. Recall how many months the last round took with the many last minute withdrawals by the developer immediately before the Planning Commission meetings.

Having the previous proposal withdrawn just before the Hall County Board Of Commissioners meeting gave us concern that it would be back. I had corresponded with Beth Garmon about my concern at that time.

We have had a recent increase in new housing on J M Turk Rd over the last 3 years that provided property owners with market value land purchases and new homes built that meet the character and density of the surrounding area. This is the type of development that is consistent with this community and have the full support of the residents. We welcome you to drive down J M Turk and it will be obvious.

We will be at the Planning Commission meeting on Sept 3rd to voice our opposition.....again.....

Thank you for your consideration,  
Bill Doucher  
President, Elah Valley HOA  
770-329-7723

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:38 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Rezoning Application- Guth Rd, Stanely Rd, & J M Turk Rd 9/3/2024

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kaitlyn,

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Thank you,  
Beth

### Beth Garmon

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---

**From:** Darlene Long <darlelong@bellsouth.net>  
**Sent:** Monday, September 2, 2024 1:06 PM  
**To:** Chris Braswell (Planning) <cbraswell@hallcounty.org>; Stan Hunt <shunt@hallcounty.org>; Johnny Varner <jvarner@hallcounty.org>; Gina Pilcher <gpilcher@hallcounty.org>; fsosebee@hallcounty.org  
**Cc:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>  
**Subject:** Re: Rezoning Application- Guth Rd, Stanely Rd, & J M Turk Rd 9/3/2024

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Dear Members of the Hall County Planning Commission,

I am writing to express my strong opposition to the rezoning application off of Guth Rd, Stanley Rd, J M Turk Rd, Flowery Branch, GA, which requests a change from Agricultural Residential III to Planned Residential Development (PRD). While I understand the importance of responsible development & growth in Hall county, I believe this particular proposal is deeply flawed & should not be approved for several reasons.

First and foremost, the proposed PRD is not compatible with the surrounding subdivisions. The character of this area has been established over the years, and introducing a PRD would disrupt the harmonious nature of our community. The size, density, and design of the PRD are not in line with the existing neighborhoods and would create an imbalance that is inconsistent with the current zoning and land use patterns. The proposed use is not consistent with the Hall Co Comprehensive Plan recommended maximum density of TWO dwellings per acre which leads to many problems.

Furthermore, one of the most concerning aspects of this proposal is the potential environmental negative impact, particularly regarding hard surface runoff. Our county is already grappling with environmental issues, including water quality concerns, and the addition of a PRD with increased hard surface areas would only exacerbate these problems. Hard surface runoff is known to contribute to water pollution, erosion, and can disrupt natural drainage systems. This poses a significant threat to the local environment, our water resources, and the overall quality of life in the area. In light of these concerns, I urge the Hall County Planning Commission to carefully consider the long-term consequences of this rezoning application. It is imperative that you take into account the potential negative impacts on the community's character and the environment when making your decision.

I request that the Hall Co Planning Commission recommend denial of this rezoning application. Surely the developer can submit something else that better aligns with the current neighborhood/homes on the JM Turk Rd area and prioritize environmental sustainability. It is our collective responsibility to protect our community and its natural resources for future generations.

Thank you for your attention to this matter. I trust that you will make a thoughtful and informed decision that truly benefits our county.

Respectfully,

Gary and Darlene Long  
Quailwood Subdivision

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:39 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Rezoning Application- Guth Rd, Stanely Rd, & J M Turk Rd 9/3/2024

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Beth

### Beth Garmon

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Hall County Community Development and Infrastructure  
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(direct) 770-297-2626  
[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)

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**From:** Janet Myers <[jmm\\_cmc@hotmail.com](mailto:jmm_cmc@hotmail.com)>  
**Sent:** Monday, September 2, 2024 8:50 PM  
**To:** Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Subject:** Rezoning Application- Guth Rd, Stanely Rd, & J M Turk Rd 9/3/2024

Some people who received this message don't often get email from [jmm\\_cmc@hotmail.com](mailto:jmm_cmc@hotmail.com). [Learn why this is important](#)

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.

Dear Members of Hall County Planning Commission,

We are writing to express our ardent opposition to the rezoning application adjacent to Guth Rd, Stanley Road, J M Turk Rd, Flowery Branch, GA, which requests a change from Agricultural Residential III to Planned Residential Development (PRD). While we understand the importance of responsible development & growth in Hall county, we fervently believe this proposal is deeply flawed & should not be approved for numerous reasons.

First and foremost, the proposed PRD is clearly not compatible with surrounding subdivisions. The character of this area has been established over the years, and introducing a PRD would disrupt the harmonious nature of our community. The size, density, and design of the PRD are not in line with the existing neighborhoods and would create an imbalance that is inconsistent with the current zoning and land use patterns. The proposed use is not consistent with the Hall County Comprehensive Plan recommended maximum density of **TWO** dwellings per acre which leads to many problems.

Furthermore, one of the most concerning aspects of this proposal is the potential environmental negative impact, particularly regarding hard surface runoff. Our county is already grappling with environmental issues, including water quality concerns, and the addition of a PRD with increased hard surface areas would only exacerbate these problems. Hard surface runoff is known to contribute to water pollution, erosion, and can disrupt natural drainage systems. This poses a significant threat to the local environment, our water resources, and the overall quality of life in the area. Another egregious concern is the increase in traffic congestion and potential for impairment of resident/citizen personal safety. It is well known the JM Turk Road is a substandard residential road. Additional traffic will be a serious consequence of this development and in addition to its negative impact on personal safety will potentially increase liability for Hall County. Due to these concerns, we urge the Hall County Planning Commission to carefully consider the long-term consequences of this rezoning application. It is imperative that the Commission contemplate the potential short- and long-term negative effects on the character of surrounding communities and fragile ecosystems when rendering a decision regarding this proposal.

We respectfully request that the Hall County Planning Commission recommend a definitive denial of this rezoning application. The developer could submit developmental plans for housing options that better aligns with the current neighborhood/homes on the JM Turk Rd area and demonstrates the importance of environmental preservation. It is our collective responsibility to protect our community and its natural resources for future generations.

Thank you for your attention to this matter. We trust that you will make a thoughtful and informed decision that truly benefits Hall County and the residents that reside within it.

Respectfully,

Janet and Steve Myers  
Quailwood Subdivision

## Katie L. Greenway (CDI: Planning)

---

**From:** Katie L. Greenway (CDI: Planning)  
**Sent:** Friday, August 9, 2024 11:26 AM  
**To:** Mark Faul  
**Cc:** Beth Garmon (CDI: Planning)  
**Subject:** RE: Reposposed Subdivision - JM Turk Road

Good morning,

Thank you for your email. We will make sure all of your concerns are added to the record.

Thank you,

**Katie Greenway**  
Planning and Zoning Administrator  
Hall County Government  
Office: 770-297-2649  
Website: [www.hallcounty.org](http://www.hallcounty.org)



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**From:** Mark Faul <arrowquest@gmail.com>  
**Sent:** Friday, August 9, 2024 9:30 AM  
**To:** Katie L. Greenway (CDI: Planning) <klgreenway@hallcounty.org>  
**Cc:** Beth Garmon (CDI: Planning) <bgarmon@hallcounty.org>  
**Subject:** Re: Reposposed Subdivision - JM Turk Road

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Thank you Katie. This is helpful. As a matter of practice though, I do think the residents of Hall County should have access to the Hall County's staff determinations of the proposal at least 30 days before the Planning Commission Meeting. The submission date of the development application was 2 July 2024 and there was ample time to get a County determination of the key issues associated with the very high density project. This seems like more than enough time for Hall County Staff to comment on the package. The Citizens do not have the benefit of those comments until the later part of the comment process.

I have placed a phone call to Mr. Scott Puckett and will follow up with an email to help understand traffic regulations better.

I am very disappointed to see this high density project get proposed again from the same developer. Folks in this area have been through enough on this matter.

Mark Faul  
678-472-6327

On Thu, Aug 8, 2024, 11:24 AM Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)> wrote:

Good morning,

Thank you for your email. Below I have provided a response or a contact for someone who may assist you.

1. Hall County follows a standard process for reviewing applications. Initially, tentative packets are provided to staff and the public for their review. Following this, staff will provide feedback on the application to the Planning Department, after which a Staff Report is drafted. This report, along with the full packet and all comments, will be published 10 days prior to the Planning Commission meeting. The staff's assessment of the application will be available on our website on August 23rd, in the form of a staff report that includes all departmental comments at the end of the packet.
2. For Planned Development requests, variances do not need to be specifically highlighted unless they pertain to standards associated with the engineering department. Staff will carefully review the request and will identify any deviations from baseline standards in the staff report.
3. The process for road abandonment is handled by the Board of Commissioners. For further information, I recommend reaching out to Scott Puckett in the Engineering Department at [spuckett@hallcounty.org](mailto:spuckett@hallcounty.org), who can guide you through the process.
4. All traffic assessments are determined by the Hall County Traffic Engineer and the Board of Commissioners. Planning requires the submission of a traffic study, which will be reviewed and evaluated by Scott Puckett. Should you have any questions or concerns regarding this matter, please feel free to contact him directly at [spuckett@hallcounty.org](mailto:spuckett@hallcounty.org).
5. Unfortunately, this is outside the scope of Planning. For assistance, please reach out to the Hall County Traffic Engineer at [spuckett@hallcounty.org](mailto:spuckett@hallcounty.org).
6. The development has proposed a 50-foot buffer to help minimize its impact on neighboring properties. However, staff is unable to comment on the potential effects on property values without a comprehensive market analysis. Various factors, such as construction types, proposed uses, and ongoing maintenance, can influence property values. Often, the full impact of a development on adjacent properties can only be assessed once the project is completed.

Please let me know if you have any additional questions.

Thank you,

**Katie Greenway**

**Planning and Zoning Administrator**

**Hall County Government**

Office: 770-297-2649

Website: [www.hallcounty.org](http://www.hallcounty.org)

---

**From:** Mark Faul <[arrowquest@gmail.com](mailto:arrowquest@gmail.com)>  
**Sent:** Wednesday, August 7, 2024 11:53 AM  
**To:** Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>  
**Subject:** Reposposed Subdivision - JM Turk Road

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.

Hello. I found this application on the Hall County Website:  
<https://www.hallcounty.org/DocumentCenter/View/13452/Guth-Rd-J-M-Turk-Rd-Stanley-Rd---Tentative?bidId=>

Regarding the public's ability to properly review the package, I have some questions:

1) There is no comment or assessment from Hall County staff determinations the proposed subdivision. Shouldn't the public see this by now to have adequate time to prepare a response? Apparently there is a planning Commission Meeting on Sept 3rd, which is less than 30 days for the public to review this important missing information. Is there a regulation on incomplete submitted applications?

2) There is no specific request for variances in the application that I see. Should that be made clear in this application? Is there a regulation on partial submitted applications?

3) Part of Stanley Road is proposed to be abandoned. Did Hall County or the applicant go through the proper procedures abandon part of Stanley Road? Can you please direct me to the appropriate regulation regarding Public Road abandonment?

4) The traffic analysis data was based on a 2023 road test. While the traffic report was edited in 2024, it is based on old data from May of 2023. This outdated underestimate of traffic does not include new high density subdivisions going in on Cash Road and other locations. Is there any regulatory information governing the data timeliness for this proposal?

5) Is there any regulation regarding how many cars can go in front of a house? This traffic analysis indicates that that 2,800 trips will be added a day to Stanley Road (page 14). Currently, there are about 20 car trips a day that pass my house. Is there a regulation that governs how many cars can be in front of a house within a two lane road within a subdivision?

6) Finally, according to this plan, my house will be looking at the back end of houses and my car headlights will be shining directly into planned homes at night. Further, this plan destroys my property value. What are the regulations governing these matters, if any.

Thank you:

Mark Faul, PhD

678-472-6327

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:38 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Opposition to re-proposed Stanley and Guth Road Subdivision (~ 114 acres - 254 houses and townhomes)  
**Attachments:** Opposition to the Stanley Road and Guth Road Properties\_090224.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kaitlyn,

Please add the email below to the file for JM Turk/Steve Gilliam which goes before the Planning Commission today. Hard copies should also be printed and provided to each commissioner as well as me, Katie, Kristie, and Vamsee.

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](mailto: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](mailto:plats@hallcounty.org). Zoning and general inquiries may be submitted to [planning@hallcounty.org](mailto:planning@hallcounty.org).



---

**From:** Mark Faul <[arrowquest@gmail.com](mailto:arrowquest@gmail.com)>  
**Sent:** Monday, September 2, 2024 1:24 PM  
**To:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>; Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>; Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>  
**Subject:** Opposition to re-proposed Stanley and Guth Road Subdivision (~ 114 acres - 254 houses and townhomes)

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

Please consider this letter of opposition from Arrowquest Services Inc, doing Business as Mulberry Springs Vineyard and Winery. As re-proposed, the subdivision will cause substantial harm to the personal property located at 4567 & 4555 Stanley Road.

My opposition is based on:

- Inability of traditional retention ponds to manage the excessive runoff of water produced by the non-compliant proposed subdivision. Currently, there is a lot of erosion and flooding in the area.
- Inconsistency with large agricultural operations in the immediate area.
- Excessive request for variances, along with a rezoning request.
- Negative impacts on surrounding and nearby properties in terms of lifestyle and property values.
- A flawed and outdated traffic analysis.
- Violations of important regulatory rules and ordinances (ie, inconsistency with the area and the Hall County Development plans and written Hall County Guidance, the critical need for a usable secondary entrance to avoid 3,000 daily car trips in front of my properties on Stanley Road, failure to follow the regulatory rules for the regarding fire access distances from multiple entrances, abandonment of part of Stanley Road).

Thank you for your careful consideration on this very important topic, in advance.

Mark Faul, PhD  
4567 Stanley Road  
4555 Stanley Road  
678-472-6327

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

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

1 September 2024

Dear Randi Doveton:

I have two properties on Stanley Road (4567 and 4555 Stanley Road) that are negatively impacted by the re-proposed development (Stanley & Guth Road). This letter is to document some of my opposition to the Stanley Road and Guth Road Properties, which follows:

1) 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 to 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.
- 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.

2) Rural area zoned agricultural III. Regular houses can go in on this current zoning consistent with AR-III zoning. There are many farms in the area.

- 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 3,000 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.

3) Approximately Seven variances requested is excessive. - Why have rules if Hall County is going to grant approximately 7 exemptions to the rules. Such a submission makes a mockery of established review systems. **If Hall County approves this extreme proposal, what wouldn't they approve?**

4) 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 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.
- 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 repropoed 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 (3,000 car trips a day) with getting out of my personal dwellings.** This re-proposed subdivision does not fit the area.

5) 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 repropoed 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.

6) 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 1.

This re-proposed subdivision has lot sizes of 5,000 sq feet, or 1/8<sup>th</sup> 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 3,000 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.

**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

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.

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 (See Image 2).

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.

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

Point two - The overall diagonal dimension is about 3,675 and  $\frac{1}{2}$  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 repropoed 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 (nearly 3,000 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. No one in the area wants this repropoed 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:

A handwritten signature in black ink that reads "Mark Faul". The signature is written in a cursive, somewhat stylized font.

Mark Faul, PhD

Image 1



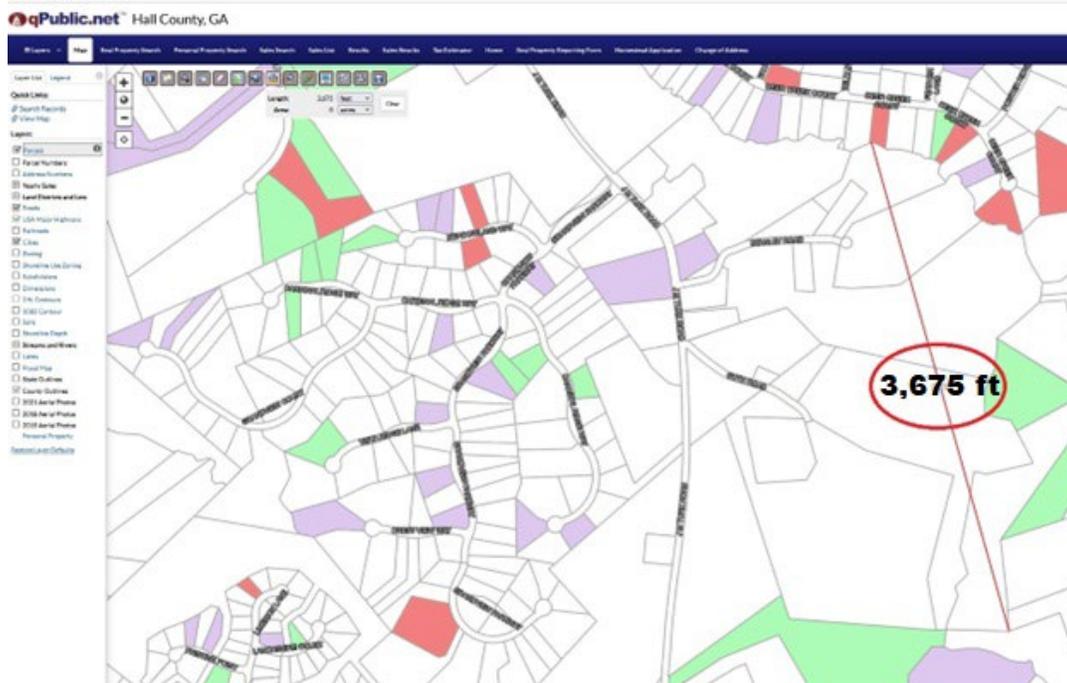
## **PLANNED DEVELOPMENT DISTRICTS**

### **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 2

The overall diagonal dimension is about 3,675 and  $\frac{1}{2}$  that distance is about 1,838 feet. Thus, the entrances need to be at least 1,838 feet from one another. The re-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.**



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

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:39 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Mulberry Springs Winery - Opposition to re-proposed Stanley and Guth Road Subdivision (~ 114 acres - 254 houses and townhomes)  
**Attachments:** arrowquest\_services\_inc\_development\_opposition\_090224.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kaitlyn,

Please add the email below to the file for JM Turk/Steve Gilliam which goes before the Planning Commission today. Hard copies should also be printed and provided to each commissioner as well as me, Katie, Kristie, and Vamsee.

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](mailto: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](mailto:plats@hallcounty.org). Zoning and general inquiries may be submitted to [planning@hallcounty.org](mailto:planning@hallcounty.org).



---

**From:** Mark Faul <[arrowquest@gmail.com](mailto:arrowquest@gmail.com)>  
**Sent:** Monday, September 2, 2024 1:25 PM  
**To:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>; Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>; Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>  
**Subject:** Mulberry Springs Winery - Opposition to re-proposed Stanley and Guth Road Subdivision (~ 114 acres - 254 houses and townhomes)

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

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

Please accept this letter of opposition from Arrowquest Services Inc, doing Business as Mulberry Springs Vineyard and Winery. As re-proposed, the subdivision will cause substantial harm to the existing business that exists on 4567 & 4555 Stanley Road.

Please note that Mulberry Springs Vineyard and Winery maintains the largest Vineyard in Hall County and employs about 8 people. Our opposition is based on:

- Extreme negative impacts on Winery Operations (3,000 daily car trips competing with trucks and farm equipment on Stanley Road)
- Harm a "park-like" atmosphere that Hall County does not maintain and yet collects taxes and fees on
- Destruction of views that winery customers enjoy.
- The Excessive housing density is inconsistent with the area and written regulatory limits.
- Retention ponds will create a mosquito haven and drive away outdoor wine enthusiasts.

Mark Faul, PhD  
Mulberry Spring Vineyard and Winery Owner  
678- 472-6327



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

1 September 2024

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

Dear Randi Doveton:

This is in regards to the rezoning request from Agricultural to a Proposed Planned residential Development on Stanely, Guth and JM Turk Road, dated 1 July 2024. **As a Business Owner, I urge denial of the proposed high density subdivision.**

Mulberry Springs Vineyard and Winery 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
- Within the last 6 months we received 25,010 views on Google Maps (image 1).
- The Largest Vineyard in Hall County providing an immersive experience for residents.
- Overwhelming positive support on Facebook with thousands of likes and/or and support from the Community.
- Member of Georgia Agrotourism (Dept of Agriculture, State of Georgia) – supported by Department of Transportation Road signs.
- Employs 8 people and helps the economy.
- Provides a fantastic view for guests and helps create a positive image of Hall County.
- Provides a Park-like setting for residents; meanwhile, the County does not maintain this “park”, and also collects substantial fees and taxes from the winery.

Unfortunately, the proposed subdivision on Stanley Road in Flowery Branch GA will directly hurt winery operations and may result in the closure of the winery. The re-proposed subdivision, is actually an urban island in a rural area, where the developers are requesting approximately 7 variances (which are exceptions to existing Hall County ordinances and rules). This high-density subdivision request is overly aggressive and will negatively impact the Mulberry Springs Vineyard and Winery in numerous ways. We strongly encourage you to deny the rezoning request of PRD from AR-3 Stanley Road for the following reasons:

**Negative impact on Winery Operations and access at 4555 Stanley Road.** The proposal, if approved, channels nearly 3,000 cars a day to use a small called Stanley Road, where some winery operations occur (image 2). 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 3,000 car trips a**



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

day (source = traffic analysis provided by the applicant). This is unreasonable. If this subdivision is approved a second usable entrance is needed. This is a rural area – there is even a Department of Transportation Tractor Sign a few feet from Stanley Road (image 3). There will be angry residents when slower truck and farm equipment competes with road space.

**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. The winery location was specifically chosen for its views and the limited growth possibility near 4567 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 and will destroy some of the pristine views that is becoming a rarity in Hall County.** This will hurt the views of the largest Vineyard in Hall County and help destroy a valuable asset provided 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, and as a known landmark, it strengthens the image of Hall County. This subdivision proposal, with an average lot size of 5,000 square feet is grossly inconsistent with the State of Georgia agritourism designation of the nearby winery (image 4).

**The plan has excessive housing density, beyond allowable rules, which may result in noise complaints.** Part of the vineyard lies 400 feet from Stanley Road. The current plan is to move and abandon Stanley Road and have houses back up 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. **Please note the current AR-3 density is manageable and consistent with the surrounding 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 jeopardize the future of the winery and will desecrate the \$800,000 investment in this beloved community gathering. Construction of a main tasting room is ongoing (permit: HCNEW24-0012) (Image 5). Approval of this re-zoning request is incompatible with the surrounding rural area and the established and successful winery.

**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 6.



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

This re-proposed subdivision has lot sizes of 5,000 sq feet, or 1/8<sup>th</sup> of an acre. Meanwhile the surrounding residents live on 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 3,000 cars per day. **Approval of this rezoning request would directly violate Hall County's written policy.**

**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 3 above ground detention ponds. **These ponds will result in a breeding ground for disease (ie, West Nile virus, Zika...) and will severely contaminate the winery experience and hamper winery operations.** The academic literature on this is significant (image 7). If the proposed subdivision is approved, **request the detention ponds be placed underground to protect the public and the winery.**

**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. 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 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 Agribusiness and Economic Development, Center Report: CR-13-06, dated Sept 13<sup>th</sup> 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 high density subdivision proposal will undoubtedly diminish the winery due to a loss of "scenery". It will severely impair 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. Thus, attendance at this winery is safer, more affordable and helps keep tax dollars in Hall County. 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, this re-proposed development request should be denied:

- 1) harm to an established winery with good community support
- 2) hampered winery operations
- 3) destruction of valuable scenery
- 4) destruction of property value and investments made consistent with a rural area.
- 5) loss of rural area that helps people's well being,



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

- 6) a possible increase of noise complaints
- 7) possible economic loss to Hall County and an increase in mosquitos.
- 8) Violations of County rules, standards and reasonable traffic loads

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.

Thank you for your consideration. I can be reached at 678-472-6327.

Mark Faul, PhD

Mulberry Springs Vineyard & Winery

7 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

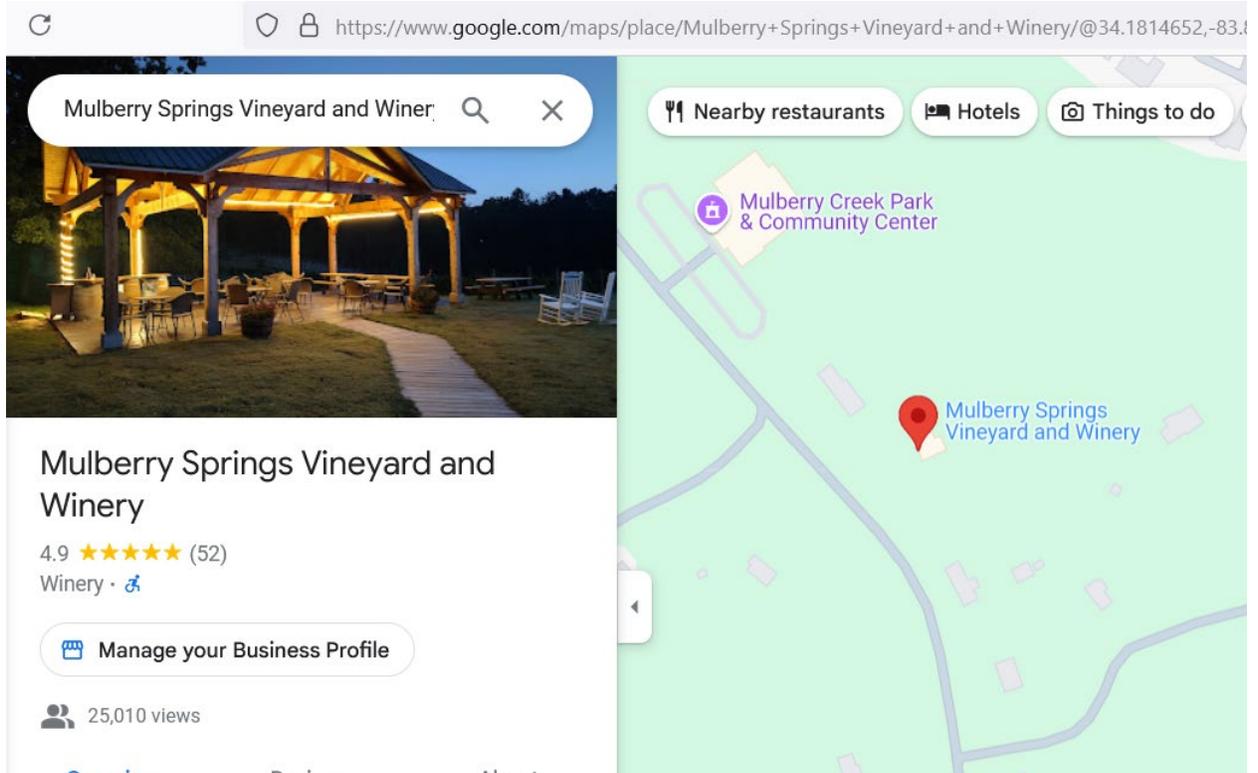


Image 2

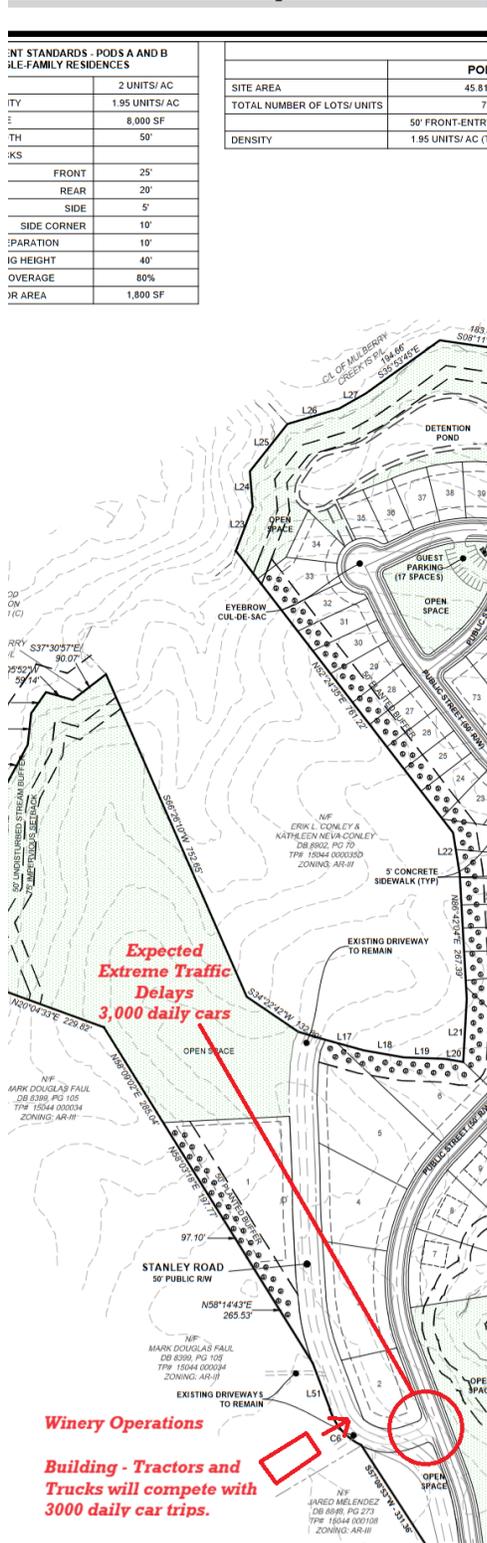


Image 3



Image 4





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

Image 5

Home Gainesville Gville Code Complaint Hall County Hall Code Complaint Oakwood

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Hall County

Showing 1-3 of 3 | Add to collection | Copy Record

<input type="checkbox"/>	Date	Record Number	Record Type	Description	Project Name	Expiration Date	Status	Action	Short Notes
<input type="checkbox"/>	01/16/2024	<a href="#">HCNEW24-0012</a>	H - Commercial New Construction Permit	Plans are for a 2,400 SQFT Tasting Room/Building for customers to sample wine. As an established winery with a large vineyard, we currently only have a Pavilion. Thus, the business does not do well during cold weather. The plans include a two customer bathrooms, one staff bathroom (wine making is messy), an open area for customers and storage area for wine downstairs.	Tasting Room 4527 J M TURK ROAD	02/14/2025	Inspection Phase		



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

Image 6



## 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 7



## **Mosquitoes Associated with Stormwater Detention/ Retention Areas <sup>1</sup>**

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G. F. O'Meara<sup>2</sup>

### **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.

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- 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.

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 9:22 AM  
**To:** Chris Braswell; Chris Braswell (Planning); Frank Sosebee; Frank Sosebee (Planning); Gina Pilcher; Gina Pilcher; Johnny Varner; Johnny Varner; Stan Hunt; Stan Hunt  
**Cc:** Katie L. Greenway (CDI: Planning); Kristie Turner (Planning); Kaitlyn Elliott (Planning)  
**Subject:** FW: JM Turk Road Proposed Development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning, Commissioners.

Please see the email below regarding the application for rezoning at JM Turk which is scheduled to go before you today.

Kaitlyn, please add the email to the file also.

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](mailto:bgarmon@hallcounty.org)

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---

**From:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>  
**Sent:** Tuesday, September 3, 2024 9:11 AM  
**To:** Tommy Channell <[tommy.channell@outlook.com](mailto:tommy.channell@outlook.com)>  
**Cc:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Subject:** RE: JM Turk Road Proposed Development

Mr. Channell,  
Beth Garmon, Planning and Zoning Director, copied hereon, will add these concerns to the file.

Randi Doveton  
Development Services Director  
Community Development and Infrastructure  
(770) 297-5544 | [www.hallcounty.org](http://www.hallcounty.org)



---

**From:** Tommy Channell <[tommy.channell@outlook.com](mailto:tommy.channell@outlook.com)>  
**Sent:** Tuesday, September 3, 2024 8:45 AM  
**To:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>  
**Subject:** JM Turk Road Proposed Development

You don't often get email from [tommy.channell@outlook.com](mailto:tommy.channell@outlook.com). [Learn why this is important](#)

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.

Randi,

Good morning. I want to let you know that I stand in opposition to the J M Turk Road development for many reasons. First, I have major environmental concerns with it's close proximity to the Mulberry River. Second, the development doesn't match the ambiance of the area which is full of multi-million dollar estate homes. Third, there is an issue with the hammerhead cul-de-sacs within the development and the housing density. Fourth, how is the development human waste going to be handled? The developer mentioned something about building a pumping station on Cash Road? The only area is in a Mulberry River flood zone.

We, the residences of J M Turk have so many questions that haven't been answered either by the new attorney or the last.

I would like to ask you to stand in opposition to this development and deny the application. Your help in this matter is greatly appreciated.

Regards,

Tommy Channell  
4737 J M Turk Road

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Tuesday, September 3, 2024 8:39 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Elah Vally HOA - Opposition to re-proposed Stanley and Guth Road Subdivision (114 acres - 254 houses and townhomes)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kaitlyn,

Please add the email below to the file for JM Turk/Steve Gilliam which goes before the Planning Commission today. Hard copies should also be printed and provided to each commissioner as well as me, Katie, Kristie, and Vamsee.

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](mailto:bgarmon@hallcounty.org)

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---

**From:** Bill Doucher <[bdoucher@att.net](mailto:bdoucher@att.net)>  
**Sent:** Monday, September 2, 2024 11:07 PM  
**To:** Randi Doveton (CDI: Planning) <[rdoveton@hallcounty.org](mailto:rdoveton@hallcounty.org)>; Chris Braswell (Planning) <[cbraswell@hallcounty.org](mailto:cbraswell@hallcounty.org)>; Stan Hunt <[shunt@hallcounty.org](mailto:shunt@hallcounty.org)>; Johnny Varner <[jvarner@hallcounty.org](mailto:jvarner@hallcounty.org)>; Gina Pilcher <[gpilcher@hallcounty.org](mailto:gpilcher@hallcounty.org)>; fsosebee@hallcounty.org; Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>; Katie L. Greenway (CDI: Planning) <[klgreenway@hallcounty.org](mailto:klgreenway@hallcounty.org)>  
**Subject:** Re: Elah Vally HOA - Opposition to re-proposed Stanley and Guth Road Subdivision (114 acres - 254 houses and townhomes)

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.

As President of the Elah Valley Homeowners Association, I am presenting this email as opposition to this re-proposed subdivision representing all homeowners of the Elah Valley subdivision.....again...

There have been minor changes to this proposal since the last go round. The total number of homes since the last version of this proposal are reduced by a little, but still does not meet the the 2 homes per acre standard. The actual physical lot sizes proposed are tiny. The cottages/townhomes absolutely do not fit the surrounding housing character on J M Turk Road and negatively impacts our subdivision and the surrounding community. This re-proposal does not meet the PRD definition. All the same objections raised by the Planning Commission to the previous proposal still apply to this re-proposal - when it was unanimously voted by the Planning Commission to recommend denial of approval for this proposal.

Do we really have to go thru this all over again?..... wasting time of the Hall County residents in this community negatively impacted and wasting the time of the Hall County Planning Commission and Board of Commission as well. Recall how many months the last round took with the many last minute withdrawals by the developer immediately before the Planning Commission meetings.

Having the previous proposal withdrawn just before the Hall County Board Of Commissioners meeting gave us concern that it would be back. I had corresponded with Beth Garmon about my concern at that time.

We have had a recent increase in new housing on J M Turk Rd over the last 3 years that provided property owners with market value land purchases and new homes built that meet the character and density of the surrounding area. This is the type of development that is consistent with this community and have the full support of the residents. We welcome you to drive down J M Turk and it will be obvious.

We will be at the Planning Commission meeting on Sept 3rd to voice our opposition.....again.....

Thank you for your consideration,  
Bill Doucher  
President, Elah Valley HOA  
770-329-7723

**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
WITH REZONING OF 114.147 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk  
Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III (AR-III) to  
Planned Residential Development (PRD) | on a 114.147± acre tract located on the east side of J M  
Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201,  
000128 & 15044 000035, 15044 000127, 15043 000109 & 15044 000035B, 000043, 000100 |  
Proposed Use: 256-unit residential development | \*\* Commission District 1 | Steven P. Gilliam,  
applicant**

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983 grants the Board of Commissioners the power to zone and rezone. That power must be fairly exercised. Based on this element of fairness, the Zoning Ordinance for Hall County, Georgia and violate Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983.

Any limitation on the time for presentation of the issues before the governing authority who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph Six of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

Respectfully submitted,

Meghan Dickey  
4912 Deer Creek Ct Flowery  
Branch GA  
30542

Address

## Kaitlyn Elliott (Planning)

---

**From:** Beth Garmon (CDI: Planning)  
**Sent:** Monday, September 23, 2024 10:14 AM  
**To:** Kaitlyn Elliott (Planning)  
**Subject:** FW: Constitutional Objection to Rezoning Application for 256-units residential development - Guth Road, JM Turk Road and Stanley Road - Steven P. Gilliam, applicant

Kaitlyn,

Please see below. This comment will need to be added to those for JM Turk (BOC 10/10) and HCAM updated.

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](mailto:bgarmon@hallcounty.org)

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---

**From:** Steven Cornelison <[scornelison@smf-law.com](mailto:scornelison@smf-law.com)>  
**Sent:** Monday, September 23, 2024 10:04 AM  
**To:** Beth Garmon (CDI: Planning) <[bgarmon@hallcounty.org](mailto:bgarmon@hallcounty.org)>  
**Cc:** Jeff Stowe (County Commission) <[jstowe@hallcounty.org](mailto:jstowe@hallcounty.org)>; Kathy Cooper (County Commissioner) <[kcooper@hallcounty.org](mailto:kcooper@hallcounty.org)>; Gregg Poole (County Commissioner) <[gpoole@hallcounty.org](mailto:gpoole@hallcounty.org)>; Billy Powell (County Commission) <[bpowell@hallcounty.org](mailto:bpowell@hallcounty.org)>; Richard Higgins (County Commissioner) <[rhiggins@hallcounty.org](mailto:rhiggins@hallcounty.org)>  
**Subject:** Constitutional Objection to Rezoning Application for 256-units residential development - Guth Road, JM Turk Road and Stanley Road - Steven P. Gilliam, applicant

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Ladies and Gentlemen – I am an adjoining property owner to the proposed development which is seeking approval of the above-referenced rezoning of 114.147 acres at 0, 4611, 4627 Guth Road, and 0, 4561, 4613 J M Turk Road & 4590, 4601, and 4610 Stanley Road. My residence address which adjoins this proposed development is 5104 Deer Creek Court, Flowery Branch, GA 30542.

I respectfully submit that an approval of this rezoning request, which you should be aware is opposed by many citizens, is inappropriate to the character of the Mulberry Creek community, and would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power, as bearing no substantial relationship to the public health, safety, morality or general welfare of the public. In addition, approval of the rezoning request would substantially harm adjoining property owners, such as myself, in violation of my due process and equal protection rights under the federal and state constitutions.

Steven A. Cornelison – owner and resident of 5104 Deer Creek Court, Flowery Branch, GA 30542.

**My normal office hours are Monday through Thursday.**

**Steven A. Cornelison**

200 Main Street, Suite 600, Gainesville, GA 30501

P.O. Box 3280, Gainesville, GA 30503

[scornelison@smf-law.com](mailto:scornelison@smf-law.com)

770-536-0101 Fax: 678-207-2041

Direct: 678-207-2031



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**PRESERVATION OF CONSTITUTIONAL RIGHTS IN CONNECTION  
WITH REZONING OF 114.147 ACRES ON 0, 4611, 4627 Guth Road & 0, 4561, 4613 J M Turk  
Road & 4590, 4601, 4610 Stanley Road | Rezone | from Agricultural Residential-III (AR-III) to  
Planned Residential Development (PRD) | on a 114.147± acre tract located on the east side of J M  
Turk Road at its intersection with Guth Road | Zoned AR-III; Tax Parcels 15043 000027, 000201,  
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Proposed Use: 256-unit residential development | \*\* Commission District 1 | Steven P. Gilliam,  
applicant**

As an owner of property adjoining the Subject Property, I respectfully submit that approving the zoning request would constitute an arbitrary, irrational abuse of discretion and an unreasonable use of the zoning power because the approval bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the adjoining property owners in violation of the due process and equal protection rights of said adjoining property owners guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, I respectfully submit that approving the rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Allowance of the development as proposed is not based upon any clear and articulable standards and is an unreasonable exercise of discretion resulting in an unlawful exercise of delegated authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983 grants the Board of Commissioners the power to zone and rezone. That power must be fairly exercised. Based on this element of fairness, the Zoning Ordinance for Hall County, Georgia and violate Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia - 1983.

Any limitation on the time for presentation of the issues before the governing authority who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph Six of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

Respectfully submitted,

Robert Carlson

Address

4904 Deer Creek Ct Flowery Branch