

24 April 2025

To: Chris Braswell, Stan Hunt, Johnny Varner, Shannon Davidson, Frank Sosebee; Planning and Zoning, and David Gibbs, Kathy Cooper, Billy Powell, Gregg Poole and Jeff Stowe; Commissioners

RE: 5 May 2025 meeting and our community opposition to the Cook Communities PRD zoning application for the "Estates at Yellow Creek," 6266 Yellow Creek Road, Murrayville

Planners and Commissioners-

We ask the Planners (and subsequently the Commissioners) to deny this zoning application in its entirety, primarily for the four reasons shown below:

1. It fails to meet the criteria established in Hall County Code of Ordinances, Sec 6.1/6.1.1, Planned Development Districts, and several criteria under Sec 6.1.6, Planned Residential Development (PRD). Details are on succeeding pages.
2. The proposed development represents a substantial, undesired, and damaging precedent-setting departure from the Future Land Use strategies, plans and zoning, detailed in the Comprehensive Plan Update, just adopted on December 9, 2024. It represents a bad "spot zoning" precedent, and dressing up such an action with labels such as "flexibility" and "floating zone" does not make it less egregious.
3. Given the property's location and Rural Neighborhood designation, a PRD zoning is inconsistent with both the letter of the Murrayville/Sardis Future Land Use & Zoning Compatibility table and the spirit of the Murrayville/Sardis Vision. R1-L remains appropriate given the region's decades-long history of and on-going rural-character, single-family, and large lot development.
4. The applicant has failed to make their case with the community for approval of South Hall-style "suburbanization" in the midst of our long-established, steadfastly defended, rural character, rural neighborhood community. Frankly, given the clear intent and specifics of the Future Land Use Strategy to the contrary of approval, AND our ongoing, steadfast and reasoned opposition to growth when said growth is demonstrably out of character, we hold the position that the burden of proof should be on the applicant to demonstrate why such a zoning change request should be approved. Simply presenting a properly formatted suburban-style plan is inadequate cause to support the abandonment of the County's plan for Yellow Creek, ignore precedent, **and** act in direct defiance of the residents' wishes. We are not opposed to growth; we simply want it to be the right kind. We expect and welcome the growth of R1-L or R1-L with reasonable variances within our community, and for this property in particular, without opposition.

We thank you for the excellent stewardship of the future of Hall County and look forward to your continuing the trend by voting to deny this PRD application, much as you did last month for the Yellow Creek Campground.

Very respectfully,



Greg Rutledge (and the entire ad-hoc Yellow Creek community resident working group)
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Support for our positions and opinions follow

1. Applicant's application fails to meet the criteria established in Hall County Code of Ordinances --
 - Sec 6.1. Planned Development Districts, specifically
 - 6.1.1.A.2&3,¹
 - Applicant has not presented evidence that this zoning change and this development are in the best interest of Hall County in terms of its long range plans.
 - Our position is that the burden of proof is on the developer to demonstrate why this is 'the right thing to do' given available options that align to current character, code and future plans.
 - Furthermore, it is not the community's burden to prove why the area's current use and character along with the future land use and zoning in the Comprehensive Plan are the preferred course forward. The County made and makes that case in the Comprehensive Plan, and applicant bears the burden of demonstrating why 'they know better' and their exception is warranted.
 - In fact applicant has presented a zoning change and development plan that is demonstrably incompatible with current and prior uses and current and future zoning.
 - 6.1.2.B.3.b.v,²
 - Applicant has not presented plans and methods for protection of adjacent properties, given their current and prior use.
 - During applicant's 14 April public seminar at the Murrayville library, applicant spoke to an anticipated under-construction period approaching eight years. Eight years of construction traffic, noise, mud and runoff into Yellow Creek and Lake Lanier.
 - Imagine being the residents who purchased 54 farmland acres bordering this property (18 months ago) who are on the cusp of completing their horse farm residence there. Do you think they bought their notably rural property thinking "it'll be great for the horses and kids to have eight years of construction disruption next to us," followed by the realities of high-density "attainable" suburbia next door. How does this development and its potential PRD zoning even begin to protect the horse farms which border it east and west, and the operating chicken farm along its northwest border? A 75 – 100 foot buffer is sleeves from the vest for the land given flood plain locations, and not enough distance to mitigate noise and light pollution.
 - How about no street lights like the rest of the area?

¹ "To permit for the development of property which: (2) is in the best interest of Hall County in terms of its long-range development plans; and (3) encourages a mix of uses which without proper design and planning might not be compatible with surrounding uses or zoning districts."

² "Plans and methods for protection of adjacent properties."

○ 6.1.6.A.1

- Applicant has failed to demonstrate their plan and accompanying zoning request “make maximum use of natural features and ... conform to the existing character and development pattern of the surrounding area.”
- Demonstrably this proposed development and zoning stands in stark contrast to the existing character and development pattern of the surrounding area.
 - Regarding conforming to the existing character ... of the surrounding area
 - For a Rural Neighborhood designation, which covers this region of Yellow Creek Rd³, a PRD zoning is inconsistent with both the letter of the Murrayville/Sardis Future Land Use & Zoning Compatibility table⁴ and the spirit of the Murrayville/Sardis Vision which reminds potential developers⁵ the community “strongly values its rural identity and seeks to maintain it ... to retain the peaceful and rustic feel that drew them to the area.” Furthermore “development ... in Murrayville/Sardis should avoid the urban sprawl that has occurred in other parts of the county ... while preserving the aspects of community character that residents enjoy...”⁶ Additionally by “concentrating growth exclusively along SR60/Thompson Bridge Road, ... the County can preserve the rural character that is important to the residents.”⁷
 - Regarding the existing development of the area--
 - There are four horse farms in the Yellow Creek Community.
 - All recent (prior 10+ years) development and existing home sites built along and adjacent to Yellow Creek Rd are all single-family homes on large lots. (includes the in-progress Hathaway ‘horse farm’ with home.)
 - With one exception (Lee), all recent Yellow Creek Rd (and adjacent/fronting) are built on lots exceeding one acre – in other words, R1-L. For example:
 1. Singleton, 6641 Yellow Creek Rd, 11.76 acres.
 2. Singleton, 6673 Yellow Creek Rd, 1.57 acres.
 3. Tate, 662 H Abercrombie/Yellow Creek driveway, 37.95 acres (house and outbuilding)
 4. Black, 6624 Yellow Creek, 4.2 acres (house and outbuildings)
 5. Hathaway, 6384 Yellow Creek, 54.37 acres (house and ‘horse farm’)
 6. McCrary, 6067 Walden Rd/Yellow Creek frontage, 4.74 acres

³ Hall County Forward | Comprehensive Plan, Future Land Use Strategy, page 175

⁴ Hall County Forward | Comprehensive Plan, Future Land Use Strategy, page 176

⁵ Hall County Forward | Comprehensive Plan, Executive Summary – “Developers will use this plan to determine if new development meets the goals outlined in this document ...”

⁶ Hall County Forward | Comprehensive Plan, Future Land Use Strategy, page 174

⁷ Hall County Forward | Comprehensive Plan, Future Land Use Strategy, page 174

7. Fauscett, 6645 Abercrombie, 3.24 acres
 8. Baker, 6657 Abercrombie, 3.24 acres
 9. Sykes, 6677 Abercrombie, 1.53 acres
 10. Warneke, 6689 Abercrombie, 1.63 acres
 11. Romero, 6701 Abercrombie, 2.21 acres
 12. Lee, 6035 Yellow Creek, .86 acres.
- Applicant has failed to demonstrate they have made “every effort ... to preserve and protect any existing residential uses from adverse impacts which might result from a higher density development.” [repeating from 6.1.2.B.3.b.v above...]
 - During applicant’s 14 April public seminar at the Murrayville library, applicant spoke to an anticipated under-construction period approaching eight years. Eight years of construction traffic, noise, mud and runoff into Yellow Creek and Lake Lanier.
 - Imagine being the residents who purchased 54 farmland acres bordering this property (18 months ago) who are on the cusp of completing their horse farm residence there. Do you think they bought their notably rural property thinking “it’ll be great for the horses and kids to have eight years of construction disruption next to us,” followed by the realities of “affordable/attainable” high-density suburbia next door.
 - How does this development and its potential PRD zoning even begin to protect the horse farms which border it east and west, and the operating chicken farm along its northwest border? A 75 – 100 foot buffer is sleeves from the vest for the land given flood plain and creek locations, and not enough distance to mitigate noise and light pollution.
 - How about no street lights like the rest of the area?
 - If we read the traffic memo in the application correctly, the development would increase daily trips by roughly 50%. That’s quite the impact for a country road with residents used to driving and encountering 4-wheelers on the road, and children on bikes.
- 6.1.6.A.6.a⁸
 - Applicant’s site plan shows two entrances, per code. Per GDOT and Brent Cook, County Engineer, the minimum sight distance for these entrances is 500 feet. Until final plans are submitted and approved by Hall County engineers, those of us who drive daily on Yellow Creek have doubts whether a 500 foot sight distance is present for either entrance, particularly the one further east.
 - It’ll be interesting to see if the site and its development plan can meet sight distance requirements for one or both entrances.
 - See illustration below, from Google Earth Pro imagery.
 - Continuing ... since the developer is quite limited as to where the two entrances can be placed due to the location of the Yellow Creek itself and the Corps of Engineers buffers, we have doubts they can locate two entrances with adequate line of sight. For example, we looked at Google

⁸ “Any PRD with 150 or more lots must include at least two vehicular entrances with access to a city, state or county maintained public right-of-way.”

Earth imagery and used the ruler tool to show 500' lines from the planned placement of entrances, and that reinforced our doubts.

- For westbound traffic, there seems to be nowhere close to 500' of visibility to the secondary entrance (the more easterly entrance). For westbound traffic the road is a decline in a fairly sharp, reduced speed curve.
- For eastbound traffic the corresponding issue seems to exist for the primary, more western entrance, but not as bad. Your engineers will course have the final say, after they receive and review the sealed sight distance certification from the developer's engineer, .

While entrance location is approximate, the white lines, indicating 500' each are fairly accurate. For illustration purposes only. (paper copies provided are grey scale).



Google Earth Pro imagery, with ruler tool lines for 500 feet.

NOTE WELL – this image is greyscale in the printed copies but color in the PDF submitted for the public record.

End Notes

ⁱ Sec 6.1.2.B.3.b.v – Applicant does not provide “for protection of adjacent properties,” For example the previously purchased (2023) and largely constructed horse farm adjacent to the western boundary of the planned 70 foot frontage lots along the western border. For example-

- i. Applicant’s plans, which show a 75-foot western-side buffer (with flexibility for more than 75, up to 100 feet) is inadequate to protect the rural quality of life and environment for the family, horses and planned activities.
- ii. The property owners likely did not invest in a rural 54 acre property plus now adding their own development funds to their new home for a house and fenced horse farm, just to see suburbia get approved NEXT DOOR.
- iii. The horse farm represents the fourth horse farm in the Yellow Creek Community (Powell, Hathaway, Humble and Cushard)