

Anael Dominguez (Planning)

From: Jeff Benefield <jeffbenefield@kw.com>
Sent: Saturday, July 2, 2022 4:22 PM
To: David Webb (Planning)
Cc: Johnny Free; Michelle Yang (Planning); Randi Doveton (Planning); Anael Dominguez (Planning); Gibson Carolyn
Subject: Rezoning of 4610 and 4616 Winder Hwy

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

Mr. Webb & Associates,

I am writing in regard to the rezoning application for 4616 and 4610 Winder Hwy and in particular the email written by Courtney Smith on behalf of the father Terrel Strickland who resides at 4606 Winder Hwy. For the sake of full disclosure, I am the son of and listing agent for Bobby Benefield (B.H. Enterprises) , the owner of 4616 Winder Hwy. I also serve as the Buying Agent on both 4610 and 4616 Winder Hwy on behalf of Johnny Free and Ponderosa Land Holdings LLC. The purpose of my email is to address item #1 of Ms. Smith's email on behalf of her father Terrel Strickland. Susan Strickland, the titled owner of 4610 Winder Hwy, and her husband Mark Strickland, brother of Terrel Strickland, have never granted a perpetual ingress/egress easement to Terrel Strickland or anyone else associated with 4606 Winder Hwy. I spoke personally with Mark and Susan Strickland on the morning of July 2nd to verify this fact. When the estate of Wiley and Virginia Strickland was being divided between their two sons, Terrel Strickland attempted to get his brother Mark Strickland to grant this easement quite possibly for just such a moment as this. Mark Strickland refused, and nothing has changed since Susan Strickland has been listed as the titled owner of 4610 Winder Hwy.

In Mr. Free's due diligence, no recorded easement was ever found, because the statement that said easement exist is categorically false according to Mark and Susan Strickland. There is a drawing floating around showing this proposed easement, but as I stated earlier, according to Mark and Susan Strickland, no such easement was ever agreed upon, granted or recorded. It would seem to me that the burden of proof that such an easement exist would fall upon Terrel Strickland, and according to our title search and discussions with Mark and Susan Strickland that easement does not exist. I believe we would all agree that the burden of proof is higher than an assertion in an email. Ms. Smith and her father Terrel Strickland could have easily provided that proof in their email if there was any.

I hope, in the absence of recorded evidence provided by Terrel Strickland, this issue can be put to rest and waste no more time of the Planning and Zoning Staff or Board. Everything I have stated in the email is true and accurate to the best of my knowledge and Mr. Free's research on title of 4610 Winder Hwy. I thank you for your time and look forward to working with you to help this quality and much needed development move forward in Hall County. I am always available for any other assistance I can provide.

Respectfully,

Jeff Benefield



JEFF BENEFIELD REALTOR®

✉ jeffbenefield@kw.com

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REALTY TEAM



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David Webb (Planning)

From: Courtney Smith <courtneysmith44@yahoo.com>
Sent: Wednesday, June 29, 2022 10:52 PM
To: David Webb (Planning); adomingez@hallcounty.org; Randi Doveton (Planning)
Subject: 4610 & 4616 Winder Hwy PRD Ponderosa Land Holdings, LLC
Attachments: Winder Hwy Easement.pdf

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 Hall County Planning Commissioners,

Thank you for taking time to read some of my questions and concerns regarding Ponderosa Land Holdings's proposal. Some of the items on the Site Plan do not match up with the PRD ordinances in the Official Code of Hall County. I just wanted to bring these to your attention so I can get some clarity and understanding. Also, there are a few things on the Site Plan that are not correct.

1. We have a recorded easement. It was left off of the Site Map. There are lots blocking and using this easement.
2. On the Site Map adjacent to the proposed subdivision our property at 4606 Winder Hwy. is listed as Doug Magnus being the owner. It should be Terrel Strickland
3. How will the deceleration lane affect our driveway at 4606 Winder Hwy. and the recorded easement at 4610 Winder Hwy? Our driveway is already very steep due to the Hwy 53 expansion years ago. We have to come to an almost complete stop to turn in and go up. We can't tell from the Site Map if our easement driveway will be included as part of their deceleration lane. If it is, this will make it even steeper than our driveway and make it unusable.
4. A concern I have is during the afternoon when World Language Academy is releasing, the traffic is backed up all the way to my driveway. This will become worse with more homes this close to the school. Is there anyway DOT can look into this?
5. There is an error in the staff recommendations. I think they are trying to copy language about PRD from the county code but it isn't correct. On page 6 under setbacks, one of the recommendations states that there should be a minimum setback of 25 feet from the centerline of the road to the house. The PRD ordinance says it should be a minimum of 25 feet setback from the front of the property line to the house.
6. The PRD Ordinance says there should be a 50 ft. planted buffer "along the perimeter of all property boundaries adjacent to residential and/or non-residential zoning districts." Neither the Site Map nor the proposal have this on the application. The proposal states, "adjoining properties will be mitigated by 25 foot vegetated zoning buffers." Page 1
7. Per the PRD Ordinance there should be a cluster mailbox unit with 4 parking spaces when there are between 50-78 houses. The applicant does not show a place for the mailboxes or a place to park.
8. I noticed there is no mention of trees either being planted or preserved in the site plan and application. The county code calls for two per lot.
9. Where did the definition for Gross Density come from? I checked with the planning office and they have no official definition. How can this be used in your wording if it cannot be defined?

Purchaser bought approximately 31 acres

Open Space is set for 15 acres

Add in roads

This property has water/stream running through it and will also need a retention pond.

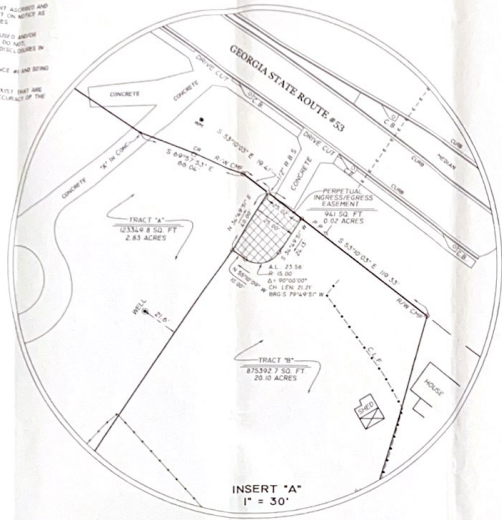
With all of this it would put this subdivision at four+/- houses per acre. This is why I want to know where you came up with Gross Density.

Thank you for reading my concerns and questions. I look forward to seeing you at the meeting on July 5th.

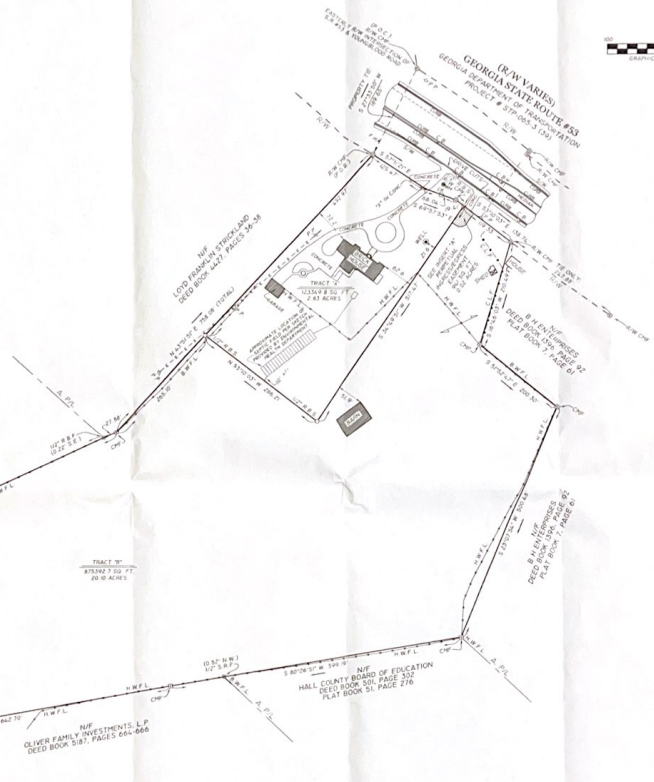
Terrel Strickland

770-967-6442

THE PURPOSE OF THE CLIENT'S ORDER AND THE SURVEYOR'S OBLIGATION IS TO ACCURATELY LOCATE THE PROPERTY LINES AND CORNERS THEREON AND TO PREPARE A PLAT THEREOF. THE SURVEYOR'S OBLIGATION IS NOT TO GUARANTEE THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT NOR TO GUARANTEE THE ACCURACY OF THE PLAT. THE SURVEYOR'S OBLIGATION IS TO PROVIDE A PLAT THAT IS ACCURATE TO THE BEST OF HIS ABILITY AND TO PROVIDE A PLAT THAT IS ACCURATE TO THE BEST OF HIS ABILITY.



INSERT "A"
1" = 30'



- SURVEY REFERENCES:**
- 1.) BOUNDARY SURVEY FOR THE ESTATE OF VIRGINIA STROCKLAND DATED 11-29-2004, 22.927 ACRES, PREPARED BY HENRIE B. ASSOCIATES, INC., JEFFERSON, GEORGIA. (JOB NUMBER 0818)
 - 2.) DEED BOOK 848, PAGES 343-354
 - 3.) PLAT BOOK 10, PAGE 98
 - 4.) PLAT BOOK 14, PAGE 52
 - 5.) DEED BOOK 147, PAGES 34-38
 - 6.) DEED BOOK 174, PAGES 541-551
 - 7.) DEED BOOK 174, PAGES 550-543
 - 8.) PLAT SLIDE 333, PAGE 73-A
 - 9.) DEED BOOK 174, PAGE 62
 - 10.) PLAT BOOK 7, PAGES 40-41
 - 11.) DEED BOOK 100, PAGE 202
 - 12.) PLAT BOOK 31, PAGE 276
 - 13.) DEED BOOK 147, PAGES 34-38
 - 14.) DEED BOOK 147, PAGES 34-38
 - 15.) DEED BOOK 147, PAGES 34-38
 - 16.) DEED BOOK 147, PAGES 34-38
 - 17.) DEED BOOK 147, PAGES 34-38
 - 18.) DEED BOOK 147, PAGES 34-38
 - 19.) DEED BOOK 147, PAGES 34-38
 - 20.) DEED BOOK 147, PAGES 34-38

AREAS:
TRACT "A" = 2.83 ACRES
TRACT "B" = 20.10 ACRES
OVERALL = 22.93 ACRES

CLOSURES:

TRACE 'A':
THIS TRACT OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 103,324 FEET.

TRACE 'B':
THIS TRACT OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 643,634 FEET.

OVERALL:
THIS TRACT OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 342,288 FEET.

FLOOD NOTE:

ACCORDING TO THE FLOOD MAP FOR HALL COUNTY, GEORGIA, COUNTY PANEL NUMBER USGA-017-A, NUMBER USGA-017-A, DATED 8/20/2008, NO PORTION OF THIS PROPERTY LIES WITHIN A FLOOD ZONE.

CLOSURE NOTE:

THE FIELD DATA ON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE (1) IN 100,000 FEET AND AN ANGULAR ERROR OF 3.0 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE WILSON-COOPER METHOD. THE FIELD DATA ON WHICH THIS MAP OR PLAT IS BASED WAS CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 103,324 FEET (OVERALL).

THIS PLAT WAS PREPARED IN CONFORMANCE WITH THE HIGHEST STANDARDS AND REQUIREMENTS OF LAW, GEORGIA LAWS 978, AND IS SUITABLE FOR RECORDING.

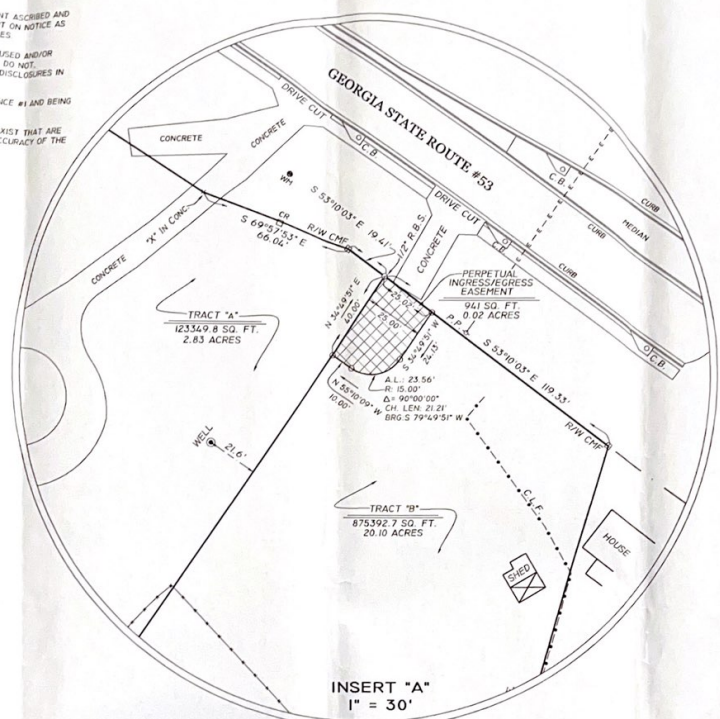
TYPE OF EQUIPMENT: TOPCON S 1 S 553
DATE OF FIELD WORK: 8/13/2008

D PURPOSE OF THE CLIENT ASSIGNED AND
 3 ARE SUBSEQUENTLY PUT ON NOTICE AS
 IS PLAT BY THIRD PARTIES.

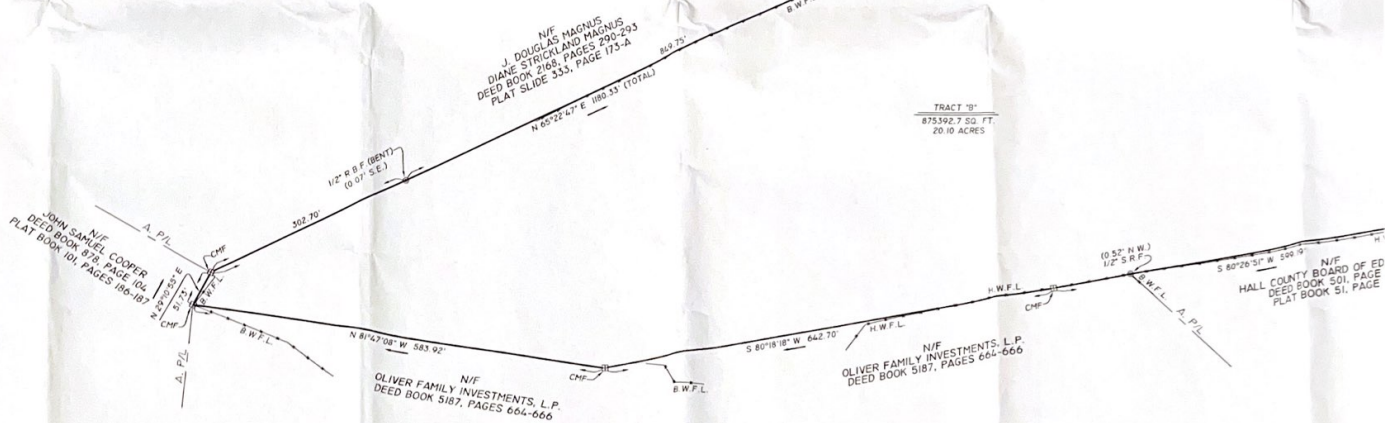
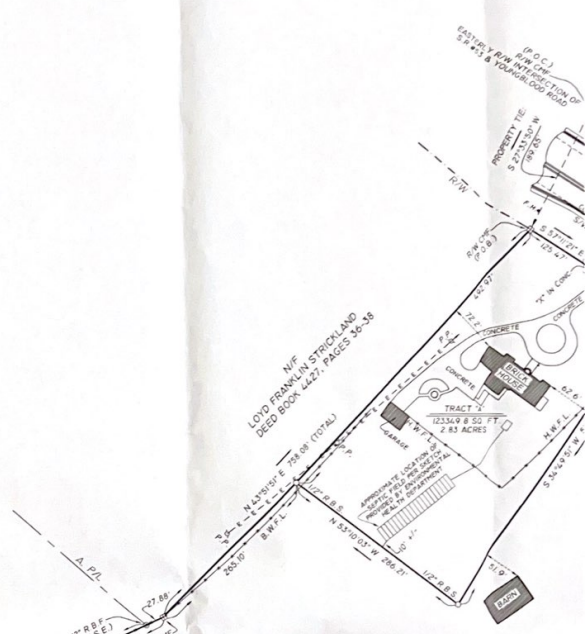
PLAT ARE ONLY THOSE USED AND/OR
 RTY. THEY ARE NOT, AND DO NOT,
 SUBJECT TO ANY AND ALL DISCLOSURES IN

SED ON SURVEY REFERENCE #1 AND BEING

GROUND UTILITIES MAY EXIST THAT ARE
 IS NOT WARRANT THE ACCURACY OF THE
 SHOWN, HEREON.



INSERT "A"
 1" = 30'



SURVEY REFERENCES:

- 1) BOUNDARY SURVEY FOR THE ESTATE OF VIRGINIA STRICKLAND DATED 12-30-2008, 22.922 ACRES, PREPARED BY VENABLE & ASSOCIATES, INC., JEFFERSON, GEORGIA. (JOB NUMBER 0818)
- 2) DEED BOOK 688, PAGES 353-354
- 3) PLAT BOOK 41, PAGE 86
- 4) PLAT BOOK 46, PAGE 102
- 5) DEED BOOK 4427, PAGES 36-38
- 6) DEED BOOK 768, PAGES 567-571
- 7) DEED BOOK 268, PAGES 790-793
- 8) PLAT SLIDE 333, PAGE 173-A
- 9) DEED BOOK 1598, PAGE 92
- 10) PLAT BOOK 7, PAGES 60-61
- 11) DEED BOOK 501, PAGE 302
- 12) PLAT BOOK 31, PAGE 276
- 13) DEED BOOK 817, PAGES 664-666
- 14) DEED BOOK 4859, PAGES 103-127
- 15) DEED BOOK 4890, PAGES 299-306
- 16) DEED BOOK 503, PAGES 150-155
- 17) GEORGIA D O T PLANS-STP-065-3 (39) SHEETS 22-23-A
- 18) DEED BOOK 878, PAGE 104
- 19) PLAT BOOK 101, PAGES 186-187

AREAS:

TRACT "A" = 2.83 ACRES
 TRACT "B" = 20.10 ACRES
 OVERALL = 22.93 ACRES

CLOSURES:

TRACT "A"
 THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 151,734 FEET.

TRACT "B"
 THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 643,638 FEET.

OVERALL
 THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 342,288 FEET.