

April 14, 2021

VIA US MAIL

Lioneld Jordan, Mayor
Fayetteville City Council
113 W. Mountain Street
Fayetteville, Arkansas 72701

Re: RPZD-2021-003 - Dead Horse Mountain Road

Dear Mayor Jordan and Council Members:

I represent neighbors impacted by the above referenced RPZD that will be before you for a first reading on April 20, 2021. The Planning Commission voted 5-3 (and one abstention) to forward this to you. First and foremost I would ask you to hold it on a first reading to give my clients time to meet with the Applicant and to determine if all of the concerns I am going to list below can be addressed by the applicant. Here are the concerns:

1. The current Bill of Assurance (which I wrote when I represented the prior land owner, Mr. Massey) is at a density of 2.5 acres. This is not some outdated Bill of Assurance that doesn't make sense with today's times; it's only five years old and some of you were on the Council that voted to accept that Bill of Assurance to ease the density issues that have not changed today. Both my client and neighbor Jason Teague (spoke at Planning Commission Meeting) purchased their properties based upon the 2.5/acre restriction.
2. Water services are questionable as the RPZD would require a waterline easement over my client's property.
3. There should be a traffic study as this dense RPZD puts a lot of pressure on Dead Horse Mountain Road and on the intersection of Stonebridge and Huntsville Roads.
4. Your own Future Land Use Map of 2040 calls this out to be Rural Residential, which the Bill of Assurance at 2.5/acre compliment much more than this RPZD. 2.5/acre is also more compatible with the homes already built around the golf course.

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5. The RPZD contemplates using land that is owned by my clients not the Applicant (see attached plats and legal description taken from, Council packet and Applicant's March 15 PZD Booklet).

6. Your Staff's Report second finding indicates that "the proposed zoning is not necessarily justified to accommodate development of this area." The 2.5 per acre from the Bill of Assurance is much more in line with the sensitivities of this area.

7. Your Staff's finding number three that rezoning the property "will significantly alter the potential population density in this area...utility extensions or upgrades are likely required especially with regards to current water service to this site..."

8. Staff finding number five wrestles with the question of whether the zoning is justified or necessitated by a peculiar circumstance such as would it be impractical to use the land for any of the uses permitted under the existing zoning classifications. It **absolutely would not be impractical** to use the land as it is currently permitted.

9. Regarding the sewer, it is our opinion that the easements and the existing sewer is not adequate for this development as the current easement going across the golf course is too narrow to accommodate the existing forced main that would have to go through there along with a new gravity main. The City's engineering staff agrees with that and the applicant doesn't have any enlarged easement.

10. Lastly, the Applicant calls this subdivision "Meadows at Stonebridge" ...Applicant does not own this name, my clients do.

With all that said I would ask you to, at a minimum, leave this at the first reading or if you are so inclined to take it to three readings then vote the RPZD down. I thank you for your consideration and please feel free to contact me if you have any questions about anything in this letter.

Sincerely yours,

Hall, Estill, Hardwick, Gable, Golden
& Nelson, P.C.



Robert K. Rhoads

RKR:slt

Cc: Kit Williams
Client
Applicant's Representative
Jonathan Curth

PZD-2021-000003

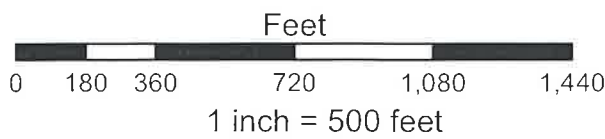
Meadows at Stonebridge SD

EXHIBIT 'A'
PZD-2021-000003

Close Up View



- Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Hillside-Hilltop Overlay District
- Fayetteville City Limits
- Planning Area



- Residential-Agricultural
- RSF-2
- RSF-4

EXHIBIT 'B'
PZD-2021-000003

PART OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST AND ALL OF TRACT 3, PER PREVIOUS SURVEY BY RLS56, DATED: 01/28/2005 (WASHINGTON COUNTY DOCUMENT NO.: 2005-00015573), ALSO BEING PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24 AND PART OF THE NORTHEAST QUARTER (NE 1/4). PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4), AND PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25, ALL IN TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING STONE WITH A SET MAG NAIL IN CENTER MARKING THE NORTHWEST CORNER OF NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 25;
THENCE N86°50'10"W, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 24, 1000.37 FEET TO A SET MAG NAIL IN THE CENTERLINE OF DEAD HORSE MOUNTAIN ROAD;
THENCE LEAVING THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 24, N03°03'03"E, ALONG THE CENTERLINE OF SAID DEAD HORSE MOUNTAIN ROAD, 596.08 FEET TO A SET MAG NAIL;
THENCE LEAVING THE CENTERLINE OF SAID DEAD HORSE MOUNTAIN ROAD AND ALONG THE NORTHERLY AND EASTERLY LINE OF SAID TRACT 3, PER PREVIOUS SURVEY BY RLS56 AND ALONG THE SOUTHERLY AND WESTERLY LINE OF TRACT 4 OF SAID PREVIOUS SURVEY BY RLS56, THE FOLLOWING COURSES (BEARING AND DISTANCES):

S86°59'55"E, 66.12 FEET TO AN EXISTING REBAR (RLS56);
S56°33'59"E, 339.52 FEET TO AN EXISTING REBAR (RLS56);
S81°25'27"E, 630.67 FEET TO AN EXISTING REBAR (RLS56);
S33°49'14"E, 271.57 FEET TO AN EXISTING REBAR (RLS56);
N88°15'09"E, 161.28 FEET TO AN EXISTING REBAR (RLS56);
S42°11'24"E, 488.85 FEET TO AN EXISTING REBAR (RLS56);
S04°36'57"E, 927.99 FEET TO AN EXISTING REBAR (RLS56);
S16°00'18"W, 713.43 FEET TO AN EXISTING REBAR (RLS56);
S70°36'59"W, 185.39 FEET TO AN EXISTING REBAR;
S32°38'47"W, 422.43 FEET TO AN EXISTING REBAR;

THENCE LEAVING THE NORTHERLY AND EASTERLY LINE OF SAID TRACT 3, PER PREVIOUS SURVEY BY RLS56, N87°05'30"W, 222.74 FEET TO AN EXISTING REBAR MARKING THE SOUTHEAST CORNER OF A PREVIOUS SURVEY BY RLS56, FILED DATE: JULY 5, 1972;

THENCE ALONG THE SOUTHERLY, WESTERLY, AND NORTHERLY LINES OF SAID PREVIOUS SURVEY BY RLS56, FILED DATE: JULY 5, 1972, THE FOLLOWING COURSES (BEARING AND DISTANCES):

N87°05'30"W, 213.89 FEET TO AN EXISTING REBAR;
N02°34'53"E, 1275.30 FEET TO AN EXISTING REBAR;
S73°22'04"W, 818.85 FEET TO A SET 1/2" REBAR;
N02°34'53"E, 42.23 FEET TO A SET 1/2" REBAR ON THE NORTHERN RIGHT-OF-WAY OF THE OLD RAILROAD RIGHT-OF-WAY;
N73°22'04"E, ALONG THE NORTHERN RIGHT-OF-WAY OF THE SAID OLD RAILROAD RIGHT-OF-WAY, 1045.35 FEET TO AN EXISTING 12" WOOD FENCE CORNER POST MARKING THE NORTHEAST CORNER OF SAID PREVIOUS SURVEY BY RLS56, FILED DATE: JULY 5, 1972 AND ON THE WEST LINE OF SAID NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 25, ALSO BEING THE WEST LINE OF SAID TRACT 3, PREVIOUS SURVEY BY RLS56;

EXHIBIT 'B'
PZD-2021-000003

THENCE LEAVING THE SOUTHERLY, WESTERLY, AND NORTHERLY LINE OF SAID PREVIOUS SURVEY BY RLS56, FILED DATE: JULY 5, 1972, N02°34'53"E, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 25, ALSO BEING THE WEST LINE OF SAID TRACT 3, PREVIOUS SURVEY BY RLS56, 842.69 FEET TO THE POINT OF BEGINNING, CONTAINING 51.325 ACRES, MORE OR LESS, BEING SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY AND ANY EASEMENTS OF RECORD, ACCORDING TO A SURVEY BY ANDERSON SURVEYING, INC., RLS1272, JOB# 17-01-11.

THE MEADOWS AT STONEBRIDGE

PLANNED ZONING DISTRICT

FAYETTEVILLE, ARKANSAS

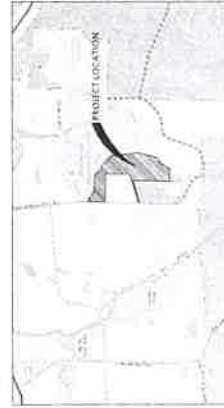
VICINITY MAP ZONING



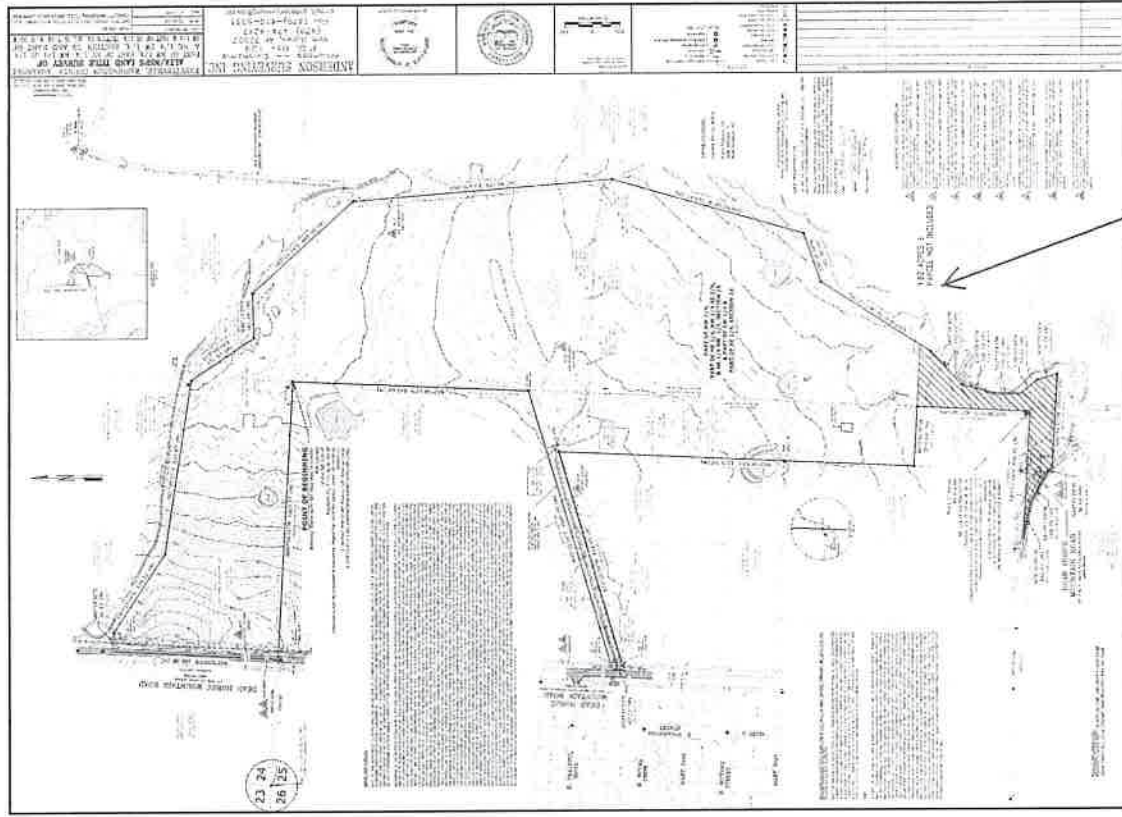
VICINITY MAP CITY OF FAYETTEVILLE PLAT PAGE



VICINITY MAP MASTER STREET PLAN



CURRENT ZONING
 PROPOSED ZONING
 SITE OWNER
 P.E.#
 207 500-1111
 FOR DATE, 4/2006



Crafton Tull
 A Division of
 THE STONE ISLAND GROUP, INC.

THE MEADOWS AT
 STONEBRIDGE
 FAYETTEVILLE, AR

PRELIMINARY
 PLANS
 AND MAILED
 RECORDS

CRAFTON SHEET & SURVEY
 C-001

Hatched area indicates this is not part of PZD, but legal includes it.