

6.21.23

FROM: Dennis Boyer

1969 Dowell Rd.

Tontitown, AR 72762

TO: Tontitown Planning Commission

235 E. Henri D. Tonti Blvd.

Tontitown, AR

RE: Arbor Acres/Dowell Rezoning Request, June 27 PC Meeting

Dear Planning Commissioners:

I would like to provide the following input regarding the above rezoning application, requesting that it be denied. While I obviously do not know the particulars of what exactly would go in there, I believe the following issues must be considered.

1. **The Dowell/Arbor intersection is already an overly-congested**, confusing, and cluttered disaster with WM-related trucks turning there hundreds, perhaps thousands, of times a day, plus the blind dip coming from WM to Dowell on Arbor, makes a left turn off Dowell onto Arbor perilous. Any added traffic there is unthinkable, especially if they are non-industrial civilian drivers. Creating any ingress/egress for a development near that corner, whether it be driveways or roads, would be irrational from a traffic safety perspective. Obviously any inlet/outlet on Arbor itself would invite DIRECT head-on collisions with trucks going to/coming from the dump. If I were to come out of a road or driveway on Arbor in that area, and I or my family was hit, I'd be thinking lawsuit against the city for creating an inherently unsafe situation.

2. As no safe ingress/egress is possible near that corner on either side, **emergency response routes** (fire trucks, etc.) would have to be situated elsewhere...perhaps on a NEW road going straight to Kelly through someone's property on that side? Is the developer going to buy that land and build that emergency lane? Or the city?

3. **I would think that any city zoning policy changes 'having the effect of' increasing housing there, next to the dump, would directly contradict the City Council's already approved Resolutions opposing Eco-Vista.** How can the city say on the one hand, that that area is unacceptably polluted and nuisance-laden, yet on the other hand say, gee, it's not really all that bad if we feel compelled to please a developer and at the same time pocket some extra property tax dollars. That's talking out of both sides of one's policy mouth and **WM lawyers will rip our legal challenges against them to shreds in any adjudicative proceeding. Instant game over for us.**

4. **Allowing development there would knee-cap the current—and any future—legal action/s the city may wish to undertake regarding ALL present and future WM expansion plans. Approving increased density there would logically/legally constitute a legal GREEN LIGHT for**

WM to expand indefinitely in any and all directions, as the city's entire justification/basis for opposing the WM site would have been nullified.

5. Unfortunately, there is no legal requirement in Arkansas for realtors or sellers to disclose to potential homebuyers pollution, noise, debris, sickening odors or anything emanating from landfills. On the plus side, I would say that legislators have perhaps wisely chosen to leave such matters—and the responsibilities that go with them—up to local municipal decision-makers. **Given that the city knows full well the environmental defects associated with THIS SPECIFIC PARCEL, upping the density there, I believe, would be disingenuous and constitute a terrible disservice to future potentially unaware home buyers. What kind of public policy would that be?**

6. Why that corner, perhaps one of the worst in all of NWA? Aren't there other, far safer, less morally questionable, and less legally problematic parcels to build on than right there at ground zero for a decades long battle between the citizens, the city, WM, ADEQ, EPA, and all the other players?

7. We should all reflect on our Fire Chief's chilling statement at the May 26, 2023 ADEQ public hearing, as it was reported to me (because I was away), who reportedly stated that he cannot ensure the safety of citizens who live near the landfill as he hasn't the manpower and equipment needed to deal with a major fire event there.

8. No offense to anyone but I think a simple reality track record check is in order. Let's look at real road/traffic mitigations in the past that vex us today. The most recent one: South Pointe. Have you driven on Bausinger, the connector road from that development/s to 412? It's a narrow, pot-holed disaster, not to mention that crazy 3-way stop corner (it's weird thus hard to describe) that's just waiting for a T-bone to happen. Zero developer mitigation there. Zero city road fixing. (Also not to mention the huge flooding issue.) That mess pales in comparison to what may be in store for citizens at or around the Dowell/Arbor intersection, or those simply driving down Arbor or Dowell. I have no idea how either the city or the developer would have the money to mitigate the 'unmitigated disaster' that awaits on this one.

9. A general point: Some argue that unless we allow developments in, how is Tontitown ever going to have the money to fix its roads. My answer to that is simple: Review the total revenue already banked from all existing 'new developments', and list the road improvements that have gone in as a result. Case in point: If road improvements result from developments, then what happened (didn't happen) on Bausinger. Road improvements do not occur commensurate with developments, and in fact, I submit that they just put more strain on existing roads and leave the town even further behind in keeping up with demand. **In short, from what I've seen, I believe there is 'negative correlation' between developments and roads.**

10. While on the topic of mitigations, let's examine WM's mitigation of Arbor right in front of their landfill plant. Another 'unmitigated' pot-holed disaster with metal, glass, nails and other

debris. Not to mention all the mud, sludge, bags, debris and who knows what else strewn all the way from Arbor to 412.

11. I would ask that you seriously consider this one litmus test question:

Who would benefit from this rezone?

- **The developer?** Yes.
- **The city's legal case(s) against WM?** No. All current and future city claims against Eco-Vista completely deep-sixed.
- **Waste Management?** Yes, a straight flush victory now and ever after. The path for unlimited present and future expansion guaranteed, as the city's rationale for objection would be completely neutered.

The City Council and Planning Commission have shown their support for the citizens in the recent past and I am hopeful they will continue to do so in this matter.

Respectfully,

Dennis Boyer