

SEARCY PLANNING COMMISSION

NOVEMBER 2021 MINUTES

SEARCY, AR

The regularly scheduled monthly meeting of the Planning Commission of and for the City of Searcy, Arkansas, was held by Zoom ID 617 815 0816, at 12:00 pm on Tuesday November 2, 2021, pursuant to proper public notice. Attending the call were Chairman Steven Jordan and Commission members: Jamie Mobley, Bill Patton, Jim House, Larry DeGroat, Mike Cleveland, Lisa Wray, and Jim Wilbourn. Also attending the call: City Planner Jim VonTungeln, Recording Secretary Jeri Leonard, and Code Enforcement Officers Jeff Webb and Phil Watkins.

Chairman Steven Jordan called notice of quorum.

The next item on the agenda was the approval of minutes from the monthly September meeting. Commissioner Patton moved that the minutes be approved. Commissioner DeGroat seconded the motion. The motion was passed unanimously.

Chairman presented a conditional use permit request has been brought forward. Tillman Infrastructure has requested this permit for a cell tower on Honey Hill Road. City Planner, Jim VonTungeln explained this will be a 190 foot cell tower located on the east side of Honey Hill Road. VonTungeln explained the City's staff wanted clarification on initial height of the tower but also if more antennas will be added to the tower which would allow the tower to be this height. Tillman Infrastructure is represented today by their attorney, Jimmy Simpson. Simpson explained Tillman Infrastructure plans to build the proposed tower for and on behalf of AT&T and the tower is asked to be constructed at 190 feet with the ability to add other tenants in the future. Simpson stated a representative of SBA is on the call which owns the tower across the street west of Honey Hill Road. Simpson continues to explain the lease between AT&T and SBA has expired and AT&T no longer wishes to be involved with SBA. Tillman Infrastructure and Simpson gathered from the technical review with City's staff the tower could go over 100 feet with maximum of 200 feet with multiple tenants immediately. AT&T plans to be the only tenant on the tower for the time being but also provide a first responders system which will give any emergency responders priority if a natural disaster is to occur.

At this time, Chairman Jordan opened the public hearing. Jonathan Prazak attended the call. Prazak is the attorney for SBA Properties. Prazak explains SBA does own the current tower across the street and the towers will be .0755 of a mile from each other. Prazak reads from the Searcy Zoning Code Article 5-5-12, which is to minimize the number of new towers needed by encouraging the use of existing towers. Tillman Infrastructure will have to address six factors about colocation and financial factors do not fall within those six factors. Prazak provided

pictures of towers that share the similar distance as the ones proposed and he also provided radio frequency maps that show how similar the coverage will be. Prazak ask the Commissioners to ignore the financial interest AT&T has proposed to them but realize how undesirably close these towers will be next to each other. Prazak pointed out the tower is proposed to be too tall unless other tenants occupy the tower, but also with the lighting rod the tower will end up being 194 foot tall as well as the setback requires 50% of the tower's height. After no further comments or questions from the public, Chairman Jordan closed the public hearing.

Chairman Jordan questioned Jim VonTunglen on the regulation of minimizing multiple towers in one area. Simpson added that the setback requirements Prazak spoke about were not correct and the architect, Patrick Erwin could speak more about the tower. VonTunglen shared that the setback requirements will be required at the building permit stage. Commissioner Cleveland asked if the surrounding property owners were notified of the proposed tower. Recording Secretary confirmed to Chairman and Commissioners that all property owners within two hundred feet of the propose project have been notified. Building Inspector, Phil Watkins informed the Chairman and Commissioners that the zoning code reads "the applicant demonstrates that there are other limiting factors that render existing towers unsuitable." Watkins concluded that the inability to come to a contract will be considered in that. Simpson stated the inability to agree on a contract is not the only issue, but they also can not add new equipment on the existing tower which harms the residents of Searcy. Chairman Jordan wanted assurance that this tower was going between the existing church and cemetery and Simpson assured him it was. Chairman Jordan also was curious if they planned to take the old church down but the Pastor for the church informed everyone they do not plan to tear down the church. Commissioner DeGroat pointed out the tower on Beebe Capps that was brought before the planning commission required so many feet around the base of the tower. VonTunglen again spoke of the setback requirements will be handled at the building permitting stage. Commissioner DeGroat also discussed the current cell tower is in the county not city so how will this affect the proposed tower since the previous tower holds no connections to city's regulations. Chairman Jordan and Mark Lane informed Commissioner DeGroat the conditional use permit will be needed no matter the height of the tower proposed, cell towers are not allowed in this zone without a conditional use permit. Commissioner DeGroat moved to be approved subject to height limitation as expressed in the Zoning Code until additional providers are added. Commissioner Wilbourn seconded the motion. The motion was passed unanimously.

The next item on the agenda is a Final Plat for The Fairways represented by Whitlow Engineering Services. Adam Whitlow with Whitlow Engineering Services explained this is a re-plat of lots one thru eleven of The Fairways and that these lots will face Moore Street. Whitlow added this is simply a lot line adjustment for the lots listed in order to meet the building foot prints. Whitlow explained the staff brought up the water line comes further back into the lot on lot eleven and the concern of how close the foot prints are to that water line. This issue is not necessarily relevant to the plat but it will come up again in the building permitting phase.

Chairman Jordan explained the Planning Commission previously approved a Planned Unit Development (PUD) for this project but the developer had three years in which to do it and that did not happen which makes the previous PUD irrelevant. Chairman questioned if the city has the building blue prints in which Adam Whitlow explained some were submitted for the staff technical review but they are not the final versions of blue prints. Mark Lane pointed out the plans show the building will be outside the setbacks and a thirty foot ingress egress easement but it is being utilized for parking outside of the units which results in only ten feet of ingress egress. Commissioner DeGroat said he noticed the staff pointed out the limiting of ingress egress for emergency vehicles and sanitation trucks and there is not a cul-de-sac either. Chairman Jordan feared the Planning Commission does not have enough information to make a decision today. Commissioner DeGroat questioned if this will be rear accessed garages in which Whitlow assured him it was. The developer, Scott Coleman, assured Whitlow he intended to have sanitation picked up from Moore Street. Bear Davidson, representative for Searcy Water, requested to review the building permit for this residential project since the blue prints of building are so close to the water main. Commissioner DeGroat is curious if there will be sidewalks going all the way out to Moore Street and how the owner of the middle unit will get his trash to the front of the house rather than walking completely around four-plex. Mark Lane stated the City will need to note the drive behind the developments will not be used by sanitation. Phil Watkins also brought to the Chairman and Commissioners attention that there will not be room for visitors due to one car blocking the ten foot drive and the no parking on Moore Street but the units do meet the requirements of two parking spaces. Commissioner Patton moved to push this plat till next month upon further review. Commissioner DeGroat second the motion. With no objects, this item has been tabled to next month.

The last item on the agenda is a variance for the finished floor level above base flood elevation presented by Davidson Engineering. This new construction will take place at the corner of Beebe Capps Expressway and Pecan Street. Bear Davidson with Davidson Engineering explained this property is in a FEMA designated flood zone and Searcy has an ordinance requiring buildings to be two feet above the hundred year flood elevation. The hundred year flood elevation at this location is 244' and the proposed floor elevation is 244' so the development does not meet that ordinance that requires it to be two feet above. Davidson stated typically they would make sure to meet that ordinance requirement but they have some site conditions in which make it impossible. The ADA requirements and hundred year flood elevation are difficult to meet at this location which is why this variance is brought before the Commission. Commissioner DeGroat questioned if this project is proposed at the base finished floor at the flood zone. In which Davidson assured he was which is at the hundred year flood elevation. Mark Lane shared he has discovered the flood elevation is actually at 243.8 which indicates it is 2/10th above the base flood elevation. Commissioner DeGroat points out that the development on plans does appear to be over the property line. Davidson was aware and shared how the drive on the south is also on their property line so they do overlap. Chairman expressed his concern if the building floods then becomes abandoned. Davidson explained

FEMA hundred year flood elevation threshold is used by several lenders to determine if flood insurance is needed or not which this project does meet that FEMA threshold but not the City of Searcy's two feet standard. Commissioner Patton explained for the bank's sake even if the development was twenty feet above the base flood elevation, you will still be required to have flood insurance because the development is in that zone. Phil Watkins explained that the existing building next to that property is lower than the proposed project therefore if a flood may happen, the existing building is at risk too. Commissioner Mobley is curious to how far the flow of the waterway is to the previous variances approved by the Commission and could this potential building cause chance of flooding to the existing buildings since the proposed building is possibly higher. Mark Lane explained this is such an unpredictable situation, there is no possible way to tell. Chairman questioned what business will be in this propose project. Davidson responded a convenience store with a drive thru and the project plans will not take up any of the existing drive. Mark Lane assured Commissioner Mobley if any water does flow toward the existing building, it would be a very small amount. Commissioner DeGroat moved to approve the proposed building if the base floor is six inches above base flood elevation. Commissioner Cleveland second the motion. The motion was passed unanimously.

There being no further business before the Commission, the meeting was adjourned

Jim Wilbourn, Secretary