



# Planning Commission Meeting

June 3, 2026 | 12:00 PM

## Planning Commission

- I. Call to Order
- II. Notice of a Quorum
- III. Approval of Minutes
- IV. Rezone – U-T to C-4 – Hwy 367 and the off-ramp of I-57 – Davison Engineering **(Public Hearing)**
- V. Rezone – R3 to PUD – 103 South Greer – Austin Riley **(Public Hearing)**
- VI. Conditional Use Permit – Antenna in R-3 – 140 Longleaf Drive – Freddie Rixie **(Public Hearing)**
- VII. Nonconforming Boundary Street Improvement Request – Rand Property on Park Lane – Davidson Engineering
- VIII. Adjournment

## Board of Zoning Adjustment

- IX. Call to Order
- X. Notice of a Quorum
- XI. Variance Request – Sign – David’s Burgers – Race Avenue – ACE Sign Company
- XII. Adjournment

Steve Jordan (Chairman)  
Amy Cox

Larry DeGroat (Vice Chairman, Secretary)  
Casey Cullipher

Matt Boyd  
Charles Green

Andrew Ingle

Jamie Mobley

Todd Sparks



## PLANNING REPORT

TO: Planning Commission, City of Searcy  
FROM: Richard Stafford, Planning & Development Director  
SUBJ: June 3, 2026 Planning Commission Meeting  
DATE: May 27, 2026

There are 4 actionable items scheduled for the upcoming Planning Commission meeting and 1 item for the Board of Zoning Adjustment.

**Note:** *I apologize for the lengthy report this month. I will not be at this Commission meeting. Mark Lane, who is retiring, will also not be at the meeting this month. I wanted to provide some additional information to this month's report. The remaining staff members including Gabi – Planning, Phil – Building, as well as Guy & John – Fire Department have all been a part of these discussions and should be able to answer questions.*

### Planning Commission

#### 1. Rezone – U-T to C-4 – Hwy 367 and the off-ramp of I-57 – Davison Engineering

This is a proposed rezone from U-T to C-4 of the vacant property just north of Bowerman Trucking. The properties to the south along the Hwy are also zoned C-4 and the Bowerman Trucking property is zoned I-2. The staff has no issues with the submission.

#### 2. Rezone – R3 to PUD – 103 South Greer – Austin Riley

This is a proposed rezone from R-3 to PUD on property off of South Greer. This is situated just north of Beebe Capps near O'Reilly Auto Parts. They are proposing a climate controlled self-storage unit. There is currently a storage facility across the street. The property is also surrounded to the north by R-3.

The comprehensive land use plan says the area to be corridor commercial. If debating commercial vs. residential, I think there is a good case made for the commercial with the dead-end street that leads to existing storage and what appears to be duplexes there as well and it's in-line with the comprehensive land use plan.

I believe the PUD is being requested to get relief from the setbacks in order to get more units on the property.

As a reminder, the Planning Commission has the authority to go from the PUD request to a standard commercial zone if the applicant wishes or requests it. So if the Commission isn't in favor of the PUD, but is ok with a standard commercial zone (I would recommend C-2) you can do that without another public hearing or meeting.

For review, I have attached PUD requirements as EXHIBIT A

#### 3. Conditional Use Permit – Antenna in R-3 – 140 Longleaf Drive – Freddie Rixie

Mr. Rixie is requesting to install a radio antenna in a R-3 zone. His house is located in Pinewood Estates. A complaint was called in from a neighbor that Mr. Rixie was installing this tower. He was

informed that this would require a conditional use permit. Mr. Rixie has complied with all the requirements for the conditional use permit.

For review, I have attached the standards of review for Conditional Use Permits as EXIBIT B

**4. Non-Conforming Boundary Street Improvement Request – Rand Property on Park Lane – Davidson Engineering**

This is the PUD housing development for which the zoning plan was recently approved. During the development of the construction plans it has been brought to our attention that the road profile is so flat the both sides of the street would have to be reconstructed to get the required drainage. They are requesting the Commission grant them the in-lieu of fee instead of constructing the half-street.

If approved, their plan is to go to the City Council and request to waive the requirement entirely and, if waived, instead reconstruct the ditch in order for it to hold more water, which would help the drainage in the area significantly.

Both Mark Lane and myself are good with this scenario and think this design could improve the overall drainage in an area that has a lot of issues.

**Board of Zoning Adjustment**

**1. Variance Request – Sign – David’s Burgers – Race Avenue – ACE Sign Company**

This is the sign that includes Planet Fitness, David’s Burgers, and Dollar Tree. They would like to add two additional tenant signs to the pole. The square footage would exceed the maximum allowed in the zoning code. They are requesting a variance to allow them to construct these panels.

For review, I have attached the finding of fact list in order to approve a variance as EXIBIT C

**EXHIBIT A – PUD (I have removed all standards regarding residential PUD's):**

1. Development Standards:
  - A. Uses Permitted: Permitted uses within a PUD shall conform to the permitted uses within the existing zoning district in which the PUD is being proposed or shall be consistent with the general character of the land use classification of subject property in the city's Comprehensive Plan.
  - B. Development Density: The development plan shall clearly depict the proposed density by land use category.
  - C. Setbacks: Building setbacks will be designed in such a manner that they create a harmonious grouping of buildings, allow all maintenance of streets and utilities, do not violate any safety codes including the Arkansas State Fire Prevention Code, is in compliance with the visibility requirements of Article 5-7 of this code, and do not restrict the provision of emergency or public services.
  - D. Lot Size and Area Requirements: No minimum lots sizes are established. Housing and development can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of natural features and topography.
  - E. Open Space Reservation: Land not used by buildings, accessory structures, yards, streets, or drainage, shall be maintained as common usable open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment.

**EXHIBIT B – CONDITIONAL USE:**

The following standards will govern the review of a proposed Conditional Use.

1. The proposed Conditional Use shall be consistent with the goals and provisions of the city's Comprehensive Plan; the provisions of this code and other applicable city, state, and federal codes; and shall protect the health, safety, welfare, and morals of the community;
2. The proposed Conditional Use is planned and designed to be in harmony with other property in the immediate vicinity for the purposes already permitted:
3. The establishment of the Conditional Use will support the normal or orderly development and improvement of the surrounding property for uses permitted in the district;
4. The proposed land use is compatible with other area properties;
5. The proposed Conditional Use will be in conformance with all off-street parking and loading requirements; and ingress and egress, and pedestrian ways will be adequate;
6. Landscaping and screening of the proposed Conditional Use shall be in accordance with this Code;
7. Proposed Conditional Use signs shall be in accordance with this Code;
8. Open spaces located on the proposed Conditional Use shall be maintained by the owner/developer;
9. The size and shape of the site as well as the size, shape and arrangement of proposed structures are in accordance with this Code.
10. The design of the proposed Conditional Use will include safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor.

**EXHIBIT C – VARIANCE:**

1. Finding of Fact: For the Board of Zoning Adjustment to approve an application for any proposed Variance, a majority of the entire Board must find that each of the following facts exist with respect to the application:
  - A. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict letter of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.
  - B. The conditions upon which a petition for a Variance are based are unique to the property for which the Variance is sought and are not applicable, generally, to other property within the same zoning classification.
  - C. The purpose of the Variance is not based exclusively upon a desire to increase the value or income potential of the property.
  - D. The alleged difficulty or hardship is caused by this Code and has not been created by any persons presently having an interest in the property or by any predecessor in title.
  - E. The granting of the Variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
  - F. The proposed Variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood;
  - G. The proposed Variance complies with the spirit and intent of restrictions imposed by this Code.

**Searcy Planning Commission  
Meeting Minutes  
May 6, 2026**

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This regularly scheduled meeting of the Planning Commission was held in the City Hall Chambers at 12:00 Noon.

**Commission Members Present:**

Steve Jordan, Chairman  
Matt Boyd  
Casey Cullipher  
Charles Green  
Andrew Ingle  
Jamie Mobley  
Todd Sparks

**City of Searcy Staff Present:**

Richard Stafford, City Planner  
Gabrielle Swain, Recording Secretary  
Mark Lane, City Engineer  
Guy Grady, Fire Inspector  
Phil Watkins, Building Inspector

**Commission Members Not Present:**

Larry DeGroat, Vice Chairman/Secretary

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**Chairman Jordan called the meeting to order and noted that a quorum was present.**

**Approval of Minutes**

The first item on the agenda was the approval of the April Planning Commission minutes. **Commissioner Green made a motion to approve the minutes as presented. Commissioner Boyd seconded the motion. The motion passed unanimously.**

**Conditional Use Permit – Sign in R3 Zone (Existing CUP: Institutional Small Scale) – 910 W Arch – Fuller Properties**

The next item on the agenda was a request for a modification of an existing Conditional Use Permit to allow a permanent sign at 910 W Arch in front of the small scale institutional business that Jason and Lisa Fuller received prior authorization to operate in a residential zone. Mr. and Mrs. Fuller represented this request; they presented an image of the proposed sign, clarified that the sign was not lighted, and stated that their intent was to help patrons locate their business.

**Chairman Jordan opened the Public Hearing.**

**Chairman Jordan closed the Public Hearing.**

**Commissioner Green made a motion to approve a modification to the existing Conditional Use Permit at 910 W Arch to include authorization to display the specific sign depicted in the included application materials. Commissioner Mobley seconded the motion. The motion passed unanimously.**

**Rezone – R-4 to R-1 – 1201 Skyline – Davidson Engineering**

The next item on the agenda was a request to rezone 1201 Skyline from R-4 to R-1. Bear Davidson represented this agenda item; he said that the shape of the parcel and the raw land cost make the area

hard to develop as it is currently zoned, and that multi-family development would be an appropriate use. Mr. Davidson explained that R-1 has historically been used as a buffer between commercial zones and less dense residential zones, and outlined four examples of such use in Searcy.

Mr. Davidson stated that granting the requested rezone would not constitute spot-zoning, and cited the River Oaks subdivision as an indicator that such a rezone would not decrease surrounding property values. Mr. Davidson stated that existing infrastructure could support multi-family development, citing large-diameter water and sewer mains. Mr. Davidson stated that traffic demands would not be unmanageable because future development would necessitate half-street improvements.

**Chairman Jordan opened the Public Hearing.**

Julie Pratt of Western Hills spoke in opposition to the proposed rezone on the basis of neighborhood compatibility, precedent-setting concerns, traffic impacts, and drainage and infrastructure concerns.

Martin Haven of 114 Cherokee spoke in opposition to the proposed rezone on the basis of traffic impacts and traffic safety concerns.

Mark Lercher of Western Hills spoke in opposition to the proposed rezone on the basis of density concerns, stormwater drainage concerns, and traffic impacts.

Frederick Stubey of Western Hills spoke in opposition to the proposed rezone on the basis of neighborhood compatibility, property values, traffic, and impacts on the mental health of residents.

Randy Dodson of 202 Western Hills spoke in opposition to the proposed rezone on the basis of property values.

Marcus Warren of 26 Whippoorwill spoke in opposition to the proposed rezone on the basis of noise, light, and traffic impacts.

Patricia Derrick of Skyline spoke in opposition to the proposed rezone on the basis of traffic, parking, and pedestrian safety concerns.

Rosa Roberts of Skyline spoke in opposition to the proposed rezone on the basis of her ownership interest in the subject property and concerns regarding the impact of the proposed development on neighboring residents.

Garrett McGilvray of 6 Stoneybrook Lane spoke in opposition to the proposed rezone on the basis of bicycle and pedestrian safety concerns.

Mike Cleveland of 36 Foxboro spoke in opposition to the proposed rezone on the basis of his preference for single-family residential development in that area.

Ocean Hills of 132 Western Hills spoke in opposition to the proposed rezone on the basis of comprehensive planning concerns, traffic, property values, and neighborhood stability.

Emily Dodson of 202 Western Hills spoke in opposition to the proposed rezone on the basis of neighborhood compatibility, public safety concerns, traffic, pedestrian safety, and the condition and management of existing apartment developments in Searcy.

Robert Spiker of 102 Seminole Circle spoke in opposition to the proposed rezone on the basis of decreased quality of life.

Jean Ann Birdwell of 112 Cherokee spoke in opposition to the proposed rezone on the basis of neighborhood compatibility, traffic, property values, safety, and stability.

Janet Haven of 114 Cherokee spoke in opposition to the proposed rezone on the basis of neighborhood compatibility, property values, and the condition and management of rental properties.

**Commissioner Mobley exited the meeting.**

Brian Baker of 100 and 104 Western Hills spoke in opposition to the proposed rezone on the basis of public safety and neighborhood compatibility.

Dan Davis of 1 Cherokee spoke in opposition to the proposed rezone on the basis of public safety.

Jeremy Carpenter of 1201 Skyline spoke in support of his neighborhood and neighbors.

**Chairman Jordan closed the Public Hearing.**

City Planner Richard Stafford confirmed the submitted application complied with all administrative requirements. He explained that Searcy's Land Use Plan should be reviewed and considered when evaluating rezone requests, but noted that it is outdated and that the Commission should be guided by the highest and best use of the property.

Mr. Stafford stated that the staff recognizes the concerns voiced about the road condition of Skyline; he explained that the Active Transportation Plan and Infrastructure Plan identify Skyline as a low-volume collector in need of roadway and pedestrian infrastructure improvements, but that such improvements are preceded by twenty-one items on a list of priority infrastructure improvements. City Engineer Mark Lane confirmed Skyline is not scheduled for improvements at this time. Mr. Stafford also explained that any future development would be required to comply with applicable development regulations, including infrastructure improvements, stormwater drainage, detention, and sidewalks.

Mr. Davidson requested that the Commission table the request until the next meeting so that he could return with development plans in an effort to alleviate public concerns regarding the quality of the proposed development. That request was denied on the basis that the zoning decision is independent of and not bound to specific development plans. **Commissioner Sparks made a motion to recommend the proposed rezone to City Council for approval. Commissioner Cullipher seconded the motion. The motion failed, with all commissioners voting in opposition.**

**Zoning Recommendation for Proposed Annexation – C-4 – 2901 Eastline – Davidson Engineering**

The next item on the agenda was a request to recommend application of the C-4 zone to 2901 Eastline, contingent on annexation. Bear Davidson represented this agenda item; Mr. Davidson explained that

property owner Brad Allen's intent is to construct a restaurant next to Elite Duck Calls. Mr. Allen is pursuing annexation in order to access city services at the planned restaurant.

**Chairman Jordan opened the Public Hearing.**

**Chairman Jordan closed the Public Hearing.**

**Commissioner Green made a motion to recommend City Council apply the C-4 zone to 2901 Eastline, contingent upon annexation of the property. Commissioner Cullipher seconded the motion. The motion passed unanimously.**

**Large Scale Development – Restaurant Next to Elite Duck Calls – 2901 Eastline – Davidson Engineering**

The next item on the agenda was a large scale development at 2901 Eastline, contingent on annexation. Bear Davidson represented this agenda item, which he described as a restaurant next to Elite Duck Calls with the capacity to host large events. Mr. Davidson presented the plans, which included asphalt curb and gutter, as well as design features inspired by grain bins.

City Planner Richard Stafford explained that the staff has received and reviewed required materials for large scale development approval, including drainage, utility, and landscape plans. Mr. Stafford stated that façade plans had not been submitted; if the façade plans are not in compliance with the façade ordinance, the applicant may apply for Commission approval a nonconforming façade at a later date.

**Commissioner Green made a motion to approve the large scale development at 2901 Eastline, contingent upon annexation of the property. Commissioner Boyd seconded the motion. The motion passed unanimously.**

**Nonconforming Façade – Searcy Wintemp – 208 E Pleasure – Jim Carr**

The next item on the agenda was a request for approval of a nonconforming façade at Searcy Wintemp, located at 208 E Pleasure. Jim Carr represented this agenda item; he stated that he intends to demolish a Wintemp building adjacent to the main Wintemp building, and, in its place, erect a 2000 square foot metal building adjoined to the main Wintemp building. Dr. Carr explained that erecting a metal building would result in significant cost savings for him, and added that the area has relatively low traffic and limited exposure to passersby.

City Planner Richard Stafford explained that 208 E Pleasure is located within the Downtown Overlay District, which has more restrictive façade requirements. The Commission discussed that the nonconforming façade request would not be necessary if an additional building were constructed to screen the proposed metal building from view. The Commission also discussed concerns regarding establishing precedent for noncompliance with the façade ordinance based on cost savings, and noted that compliance with code is typically more costly for developers.

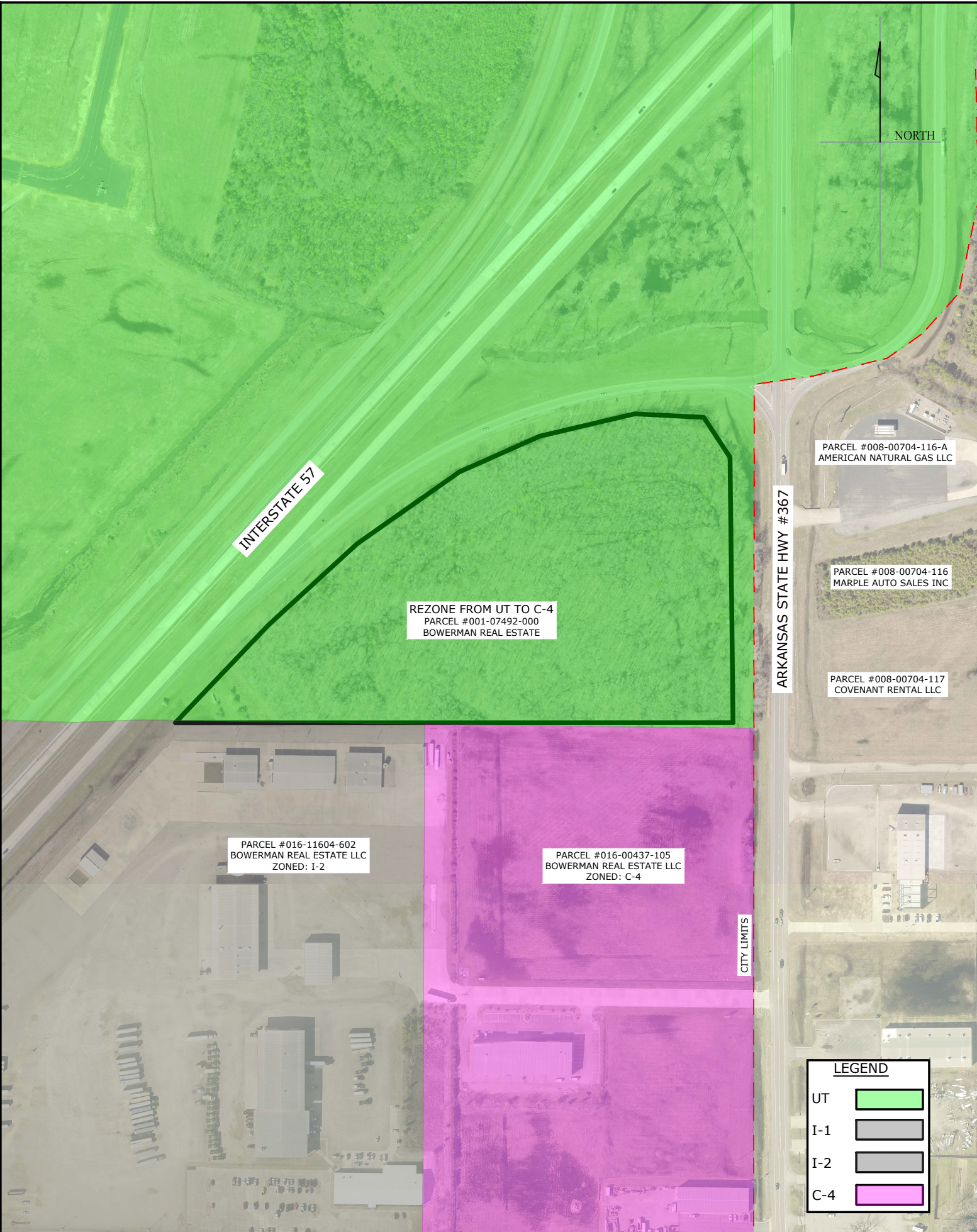
Commissioner Green stated that the proposed development would improve the current appearance of the property. Commissioner Sparks stated that the Commission should consider the long-term vision for downtown and broader benefits to the City, rather than comparing proposals to existing conditions.

**Commissioner Cullipher made a motion to approve the nonconforming façade as presented. Commissioner Green seconded the motion. Commissioner Green voted in favor of the motion. Commissioners Boyd, Cullipher, Ingle, and Sparks voted in opposition. Chairman Jordan did not vote. The motion failed.**

**Adjournment**

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Larry DeGroat, Secretary



NORTH

INTERSTATE 57

REZONE FROM UT TO C-4  
 PARCEL #001-07492-000  
 BOWERMAN REAL ESTATE

ARKANSAS STATE HWY # 367

PARCEL #008-00704-116-A  
 AMERICAN NATURAL GAS LLC





PARCEL #008-00704-116  
 MARPLE AUTO SALES INC

PARCEL #008-00704-117  
 COVENANT RENTAL LLC

PARCEL #016-11604-602  
 BOWERMAN REAL ESTATE LLC  
 ZONED: I-2

PARCEL #016-00437-105  
 BOWERMAN REAL ESTATE LLC  
 ZONED: C-4

CITY LIMITS

LEGEND	
UT	
I-1	
I-2	
C-4	



**WHITLOW ENGINEERING SERVICES, INC.**  
**121 KERRYVILLE DRIVE**  
**SEARCY, ARKANSAS 72143**  
**(501) 593-7552 • (501) 279-3698 FAX**

May 7, 2026

Richard Safford, ASLA, PLA  
Searcy Planning & Development Director  
300 W Arch Ave  
Searcy, AR 72143

RE: Proposed Planned Unit Development  
103 S Greer Drive

Dear Mr. Stafford:

Attached you will find the supporting documents to accompany the Zoning Plan for a requested Planned Unit Development located on a 0.62 ac existing lot at 103 S Greer Drive. The applicant is seeking to rezone the subject property from R-3 to PUD to allow a 16,240± sf interior accessed, climate-controlled storage complex along with an operations office. The applicant believes this would be an exceptional use for the subject infill parcel considering the unique nature of Greer Drive. Greer Drive's only use is to access the existing mini-storage complex west of the subject site and (3) single family residences to the north (one of which appears to be used as a two-family dwelling). Self-Storage facilities typically generate significantly less automobile trips per day than other potential uses such as multi-family or commercial. For example, self-storage typically generates 7 trips per day per 100 units vs 6 trips per day for one multi-family dwelling unit. Even a single-family residence generates 7-10 trips per day. Since this facility is proposed to have 104 units, it is anticipated to generate less trips per day than either a single family residence or a single multi-family dwelling unit. As such, the applicant believes the attached development plan will provide the most productive use of the subject property. If you need any additional information, please don't hesitate to contact my office.

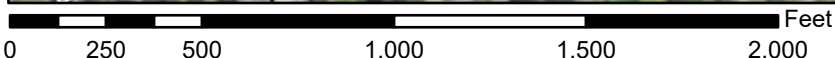
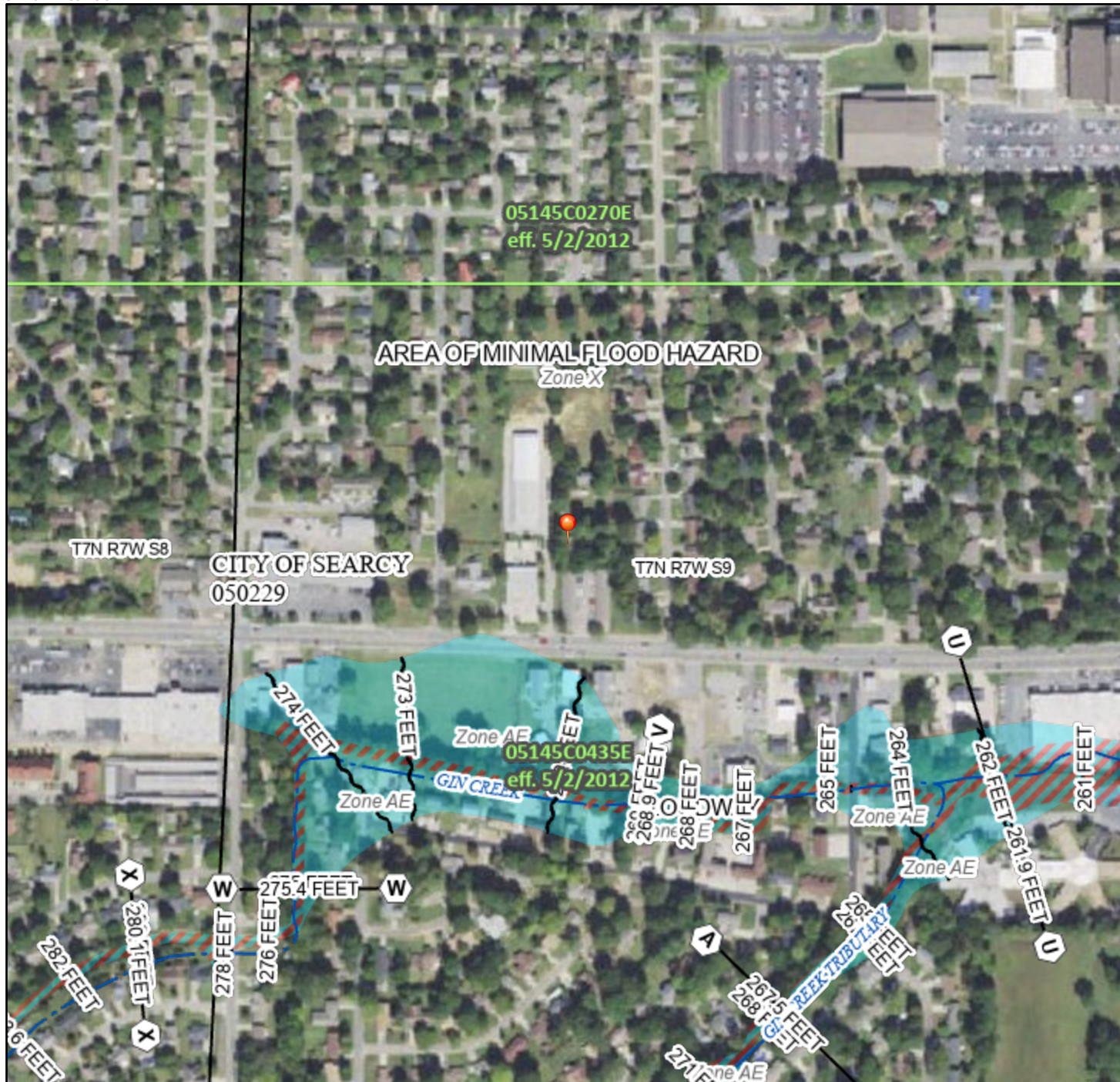
Sincerely,

Adam Whitlow, P.E., P.S., CFM

# National Flood Hazard Layer FIRMMette



91°46'7"W 35°15'8"N



1:6,000 91°45'30"W 35°14'38"N

Basemap Imagery Source: USGS National Map 2023

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- |   |   |
|---|---|
| <p><b>SPECIAL FLOOD HAZARD AREAS</b></p>  | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #e0ffff; border: 1px solid black; margin-right: 5px;"></span> Without Base Flood Elevation (BFE)<br/><i>Zone A, V, A99</i></li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #e0ffff; border: 1px solid black; margin-right: 5px;"></span> With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i></li> <li><span style="display: inline-block; width: 15px; height: 15px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, red 2px, red 4px); border: 1px solid black; margin-right: 5px;"></span> Regulatory Floodway</li> </ul>   |
| <p><b>OTHER AREAS OF FLOOD HAZARD</b></p> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #ffcc99; border: 1px solid black; margin-right: 5px;"></span> 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i></li> <li><span style="display: inline-block; width: 15px; height: 15px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, gray 2px, gray 4px); border: 1px solid black; margin-right: 5px;"></span> Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i></li> <li><span style="display: inline-block; width: 15px; height: 15px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, gray 2px, gray 4px); border: 1px solid black; margin-right: 5px;"></span> Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i></li> <li><span style="display: inline-block; width: 15px; height: 15px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, gray 2px, gray 4px); border: 1px solid black; margin-right: 5px;"></span> Area with Flood Risk due to Levee <i>Zone D</i></li> </ul>          |
| <p><b>OTHER AREAS</b></p>                 | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #e0e0e0; border: 1px solid black; margin-right: 5px;"></span> NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i></li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 2px solid blue; margin-right: 5px;"></span> Effective LOMRs</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #ffe0cc; border: 1px solid black; margin-right: 5px;"></span> Area of Undetermined Flood Hazard <i>Zone D</i></li> </ul>   |
| <p><b>GENERAL STRUCTURES</b></p>          | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Channel, Culvert, or Storm Sewer</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed gray; margin-right: 5px;"></span> Levee, Dike, or Floodwall</li> </ul>  |
| <p><b>OTHER FEATURES</b></p>              | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid black; margin-right: 5px;"></span> <b>B</b> 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid black; margin-right: 5px;"></span> 17.5 Coastal Transect</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Base Flood Elevation Line (BFE)</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid red; margin-right: 5px;"></span> Limit of Study</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid yellow; margin-right: 5px;"></span> Jurisdiction Boundary</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Coastal Transect Baseline</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Profile Baseline</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Hydrographic Feature</li> </ul> |
| <p><b>MAP PANELS</b></p>                  | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #e0e0e0; border: 1px solid black; margin-right: 5px;"></span> Digital Data Available</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #e0e0e0; border: 1px solid black; margin-right: 5px;"></span> No Digital Data Available</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Unmapped</li> </ul>   |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/8/2026 at 12:33 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



Proposed Rezone  
from R-3 to PUD

1 inch = 150 feet

Created By anonymous on 5/1/2026 3:50:45 PM

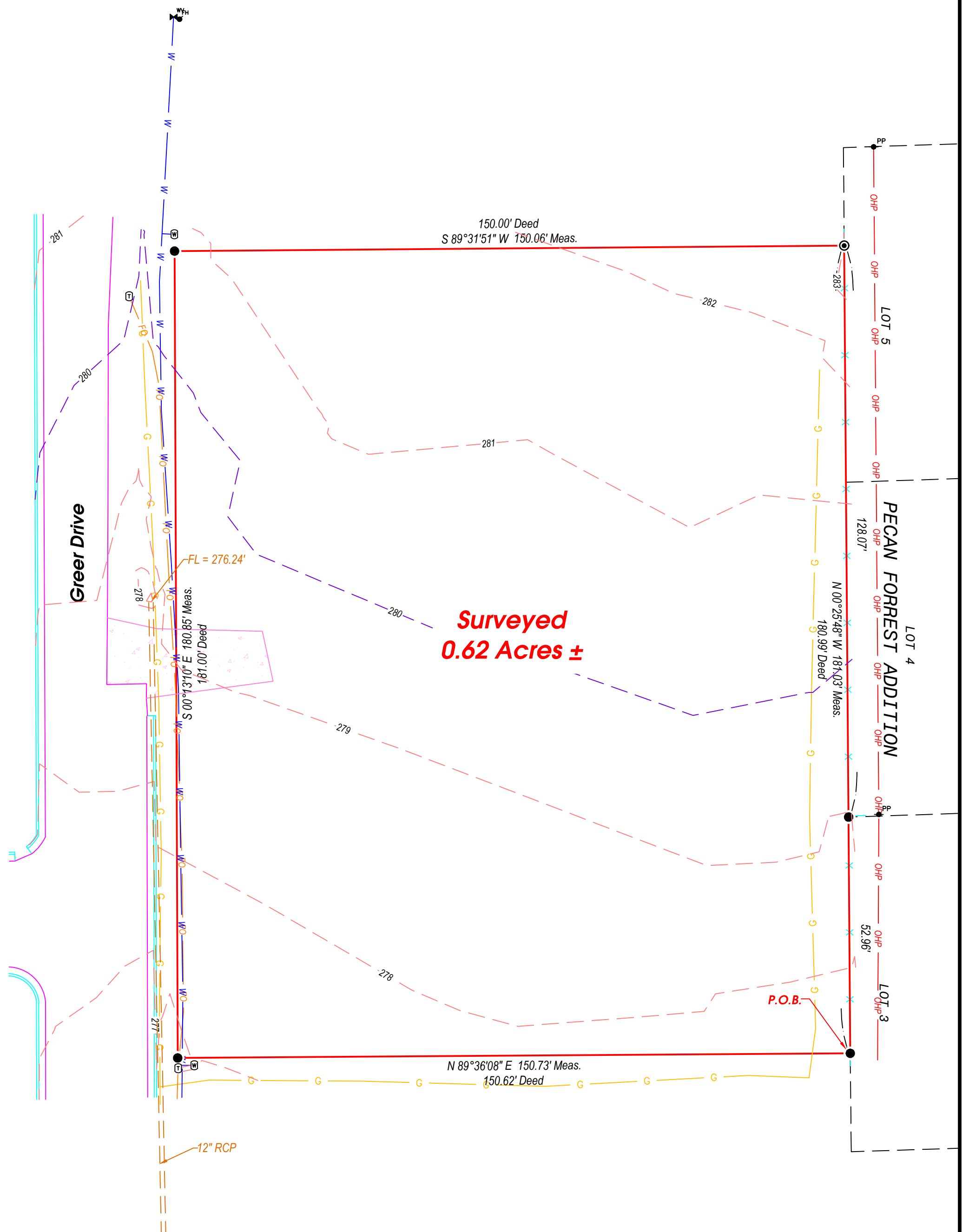
via DataScout OneMap®



## Property Description

FURNISHED (Book 2013, Page 1330):

Commencing at the center corner of Section Nine (9), Township Seven (7) North, Range Seven (7) West, and thence North 446 links to the center of the Searcy Valley Road (NOW State Hwy #36); thence West along the center of said road 2367 1/2 links; thence North 00 degrees 22 minutes 00 seconds West 225.61 feet for the POINT OF BEGINNING; thence continuing North 00 degrees 22 minutes 00 seconds West along the West line of Pecan Forrest Addition to the City of Searcy, 180.99 feet; thence South 89 degrees 33 minutes 52 seconds West 150.00 feet to the East line of Greer Drive; thence South 00 degrees 10 minutes 00 seconds East along said East line 181.00 feet; thence North 89 degrees 33 minutes 52 seconds East 150.62 feet to the point of beginning. Subject to all existing easements and right of ways for roads and other purposes.



## Certification

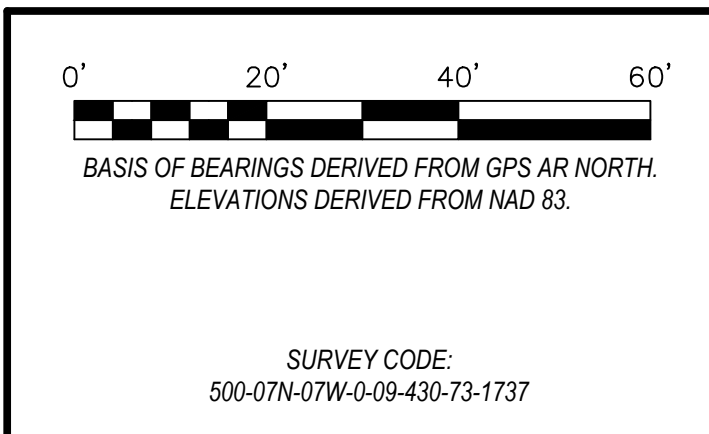
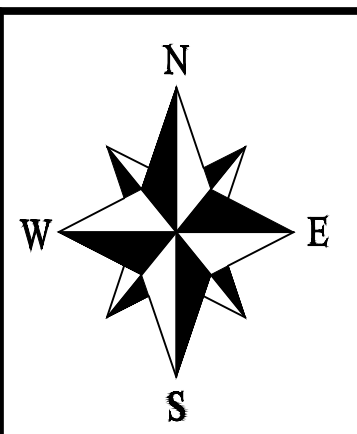
I certify that this plat represents a survey in February, 2026, by me or under my supervision from existing monuments and plats in the area, meets applicable Relative Positional Accuracy Standards, and is true and correct based on existing monuments at the time of completion.

**NOTES:**

1. This survey is a re-tracement of a parcel listed in Deed Book 2013, Page 1330.
2. This survey and certification is the property of the surveyor and is intended for the use and benefit of the surveyor and the clients listed.
3. The certification of this survey expires ninety days from the date of the surveyor's signature for the purpose of new or revised financing.
4. All iron pins set are 1/2" Rebar, unless noted otherwise.
5. Only copies with surveyor's signature in blue ink are valid copies.
6. This research completed for this survey includes the description furnished by clients (Book 2013, Page 1330), and previous surveys by PS #300, PS #1273 and the recorded plat of Pecan Forrest Addition.
7. Surveyor has made no investigation or independent search for easements of record, Encumbrances, restrictive covenants, ownership, title evidence, or any other facts that an Accurate and current title search may disclose.

## Legend

- Found 1/2" Rebar (unless noted)
- Found Pipe
- Set 1/2" Rebar (capped #1737)
- △ Calculated Point
- ⊕ Water Valve
- ⊕ Fire Hydrant
- ⊕ Water Meter
- ⊕ Sanitary Sewer Manhole
- ⊕ Telephone Pedestal
- ⊕ Power Pole
- SS — Sanitary Sewer Line
- W — Water Line
- OHP — Overhead Power Line
- T — Telephone Line
- G — Gas Line
- X — Fence Line
- S — Storm Pipe
- Gravel Area



**BOUNDARY &  
TOPOGRAPHIC  
SURVEY FOR:**

**Austin Riley**

No.	Revisions	Date	By

**QUATTLEBAUM  
SURVEYING, LLC**  
BOUNDARY • TOPO • CONSTRUCTION

301 EAST LINCOLN AVE.  
SEARCY, ARKANSAS 72143  
(501) 268-2174 (501) 279-3698 FAX

DRAWN BY <b>JDC</b>	DATE <b>2/18/26</b>	APPROVED <b>AWW</b>	DATE <b>2/18/26</b>
PROJECT <b>26-048 (9-7-7) Riley</b>	SCALE <b>1" = 20'</b>	SHEET <b>1 of 1</b>	



USE: THERE ARE TWO SINGLE FAMILY DWELLINGS BEYOND THIS POINT

USE: TWO-FAMILY DWELLING R-3

USE: COMMERCIAL MINI-STORAGE C-2

USE: SINGLE-FAMILY R-3

SUBJECT DEVELOPMENT: CLIMATE CONTROLLED STORAGE & OPERATIONS OFFICE (PROP PUD)

USE: SINGLE-FAMILY R-3

USE: SINGLE-FAMILY R-3

USE: COMMERCIAL O'REILLY AUTOPARTS C-4

USE: MULTI-FAMILY R-1

North Ring = 275.28'  
FL (Out) = 268.68'  
Floor = 269.48'

North Ring = 274.02'  
FL (Out) = 270.11'

North Ring = 275.80'  
FL (Out) = 264.34'  
Floor = 265.92'



# Property Description

FURNISHED (Book 2013, Page 1330):

Commencing at the center corner of Section Nine (9), Township Seven (7) North, Range Seven (7) West, and thence North 446 links to the center of the Searcy Valley Road (NOW State Hwy #36); thence West along the center of said road 2367 1/2 links; thence North 00 degrees 22 minutes 00 seconds West 225.61 feet for the POINT OF BEGINNING; thence continuing North 00 degrees 22 minutes 00 seconds West along the West line of Pecan Forrest Addition to the City of Searcy, 180.99 feet; thence South 89 degrees 33 minutes 52 seconds West 150.00 feet to the East line of Greer Drive; thence South 00 degrees 10 minutes 00 seconds East along said East line 181.00 feet; thence North 89 degrees 33 minutes 52 seconds East 150.62 feet to the point of beginning. Subject to all existing easements and right of ways for roads and other purposes.

**Original**

OWNER:  
Debra Kent

OWNER:  
Devoreteam, Inc.

OWNER:  
O'reilly Automotive, Inc.

OWNER:  
Dewayne Hicks

OWNER:  
Monica & Jared Cross

OWNER:  
Ellon & Edward Ham

**PROPOSED BUILDING**

16,240 SF TOTAL  
OFFICE - 240 SF  
(30) 10x20 UNITS  
(30) 10x15 UNITS  
(20) 10x10 UNITS  
(14) 5x10 UNITS  
(10) 5x5 UNITS

**Surveyed**  
**0.62 Acres ±**  
(27,212 sf ±)

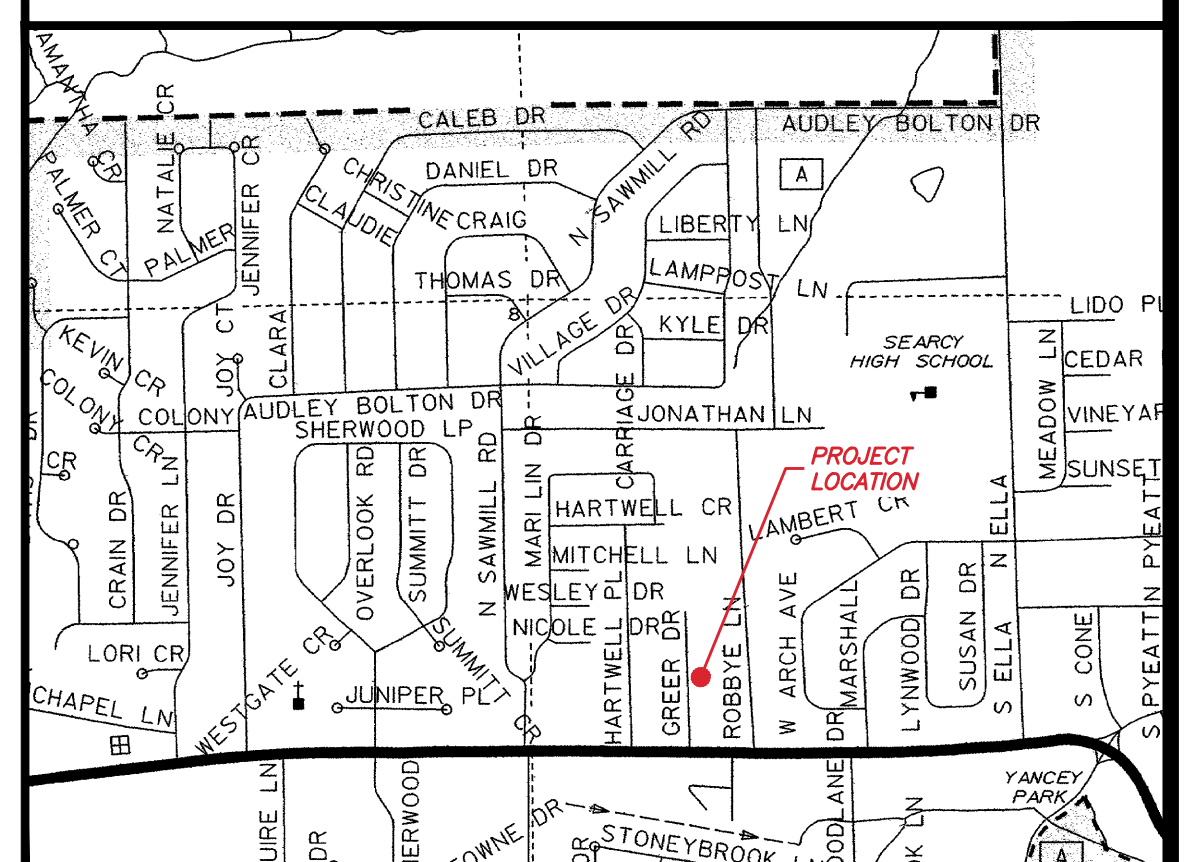
## Legend

- Found 1/2" Rebar (unless noted)
- Found Pipe
- Set 1/2" Rebar (capped #1737)
- △ Calculated Point
- ⊕ Water Valve
- ⊕ Fire Hydrant
- ⊕ Water Meter
- ⊕ Sanitary Sewer Manhole
- ⊕ Telephone Pedestal
- ⊕ Power Pole
- Sanitary Sewer Line
- Water Line
- Overhead Power Line
- Telephone Line
- Gas Line
- Fence Line
- Storm Pipe

**REQ'D LANDSCAPING TABLE**  
TOTAL PLANTINGS: 27,212 / 2,000 = 13.6 - **14 Total**  
TREES: 0.25\*14 = 3.5 - **4 Total**  
SHRUBS: **10 (or 9 Shrubs & 10 Perennials)**

**BUILDING & SITE DETAILS**  
OFFICE PARKING: 3 TOTAL  
2 STANDARD  
1 ADA (VAN ACCESSIBLE)  
BUILDING COVERAGE: 59.7%

## VICINITY MAP: 1" = 1000'

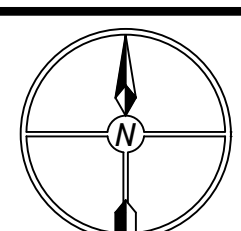


**CERTIFICATE OF ENGINEERING ACCURACY:**  
I, ADAM W. WHITLOW, HEREBY CERTIFY THAT THIS PLAN CORRECTLY REPRESENTS A PLAN MADE BY ME, OR UNDER MY SUPERVISION.  
DATE: 5/7/2026  
ADAM W. WHITLOW, REGISTERED PROFESSIONAL ENGINEER NO. 11431 ARKANSAS



Prepared By:  
**WHITLOW ENGINEERING SERVICES, INC.**  
121 KERRYVILLE DRIVE  
SEARCY, ARKANSAS 72143  
(501) 593-7552 • adamwhitlow@gmail.com

Prepared For:  
Pia Quiroga, LLC  
C/O Austin Riley  
139 Country Garden Ln  
Searcy, AR 72143-9476



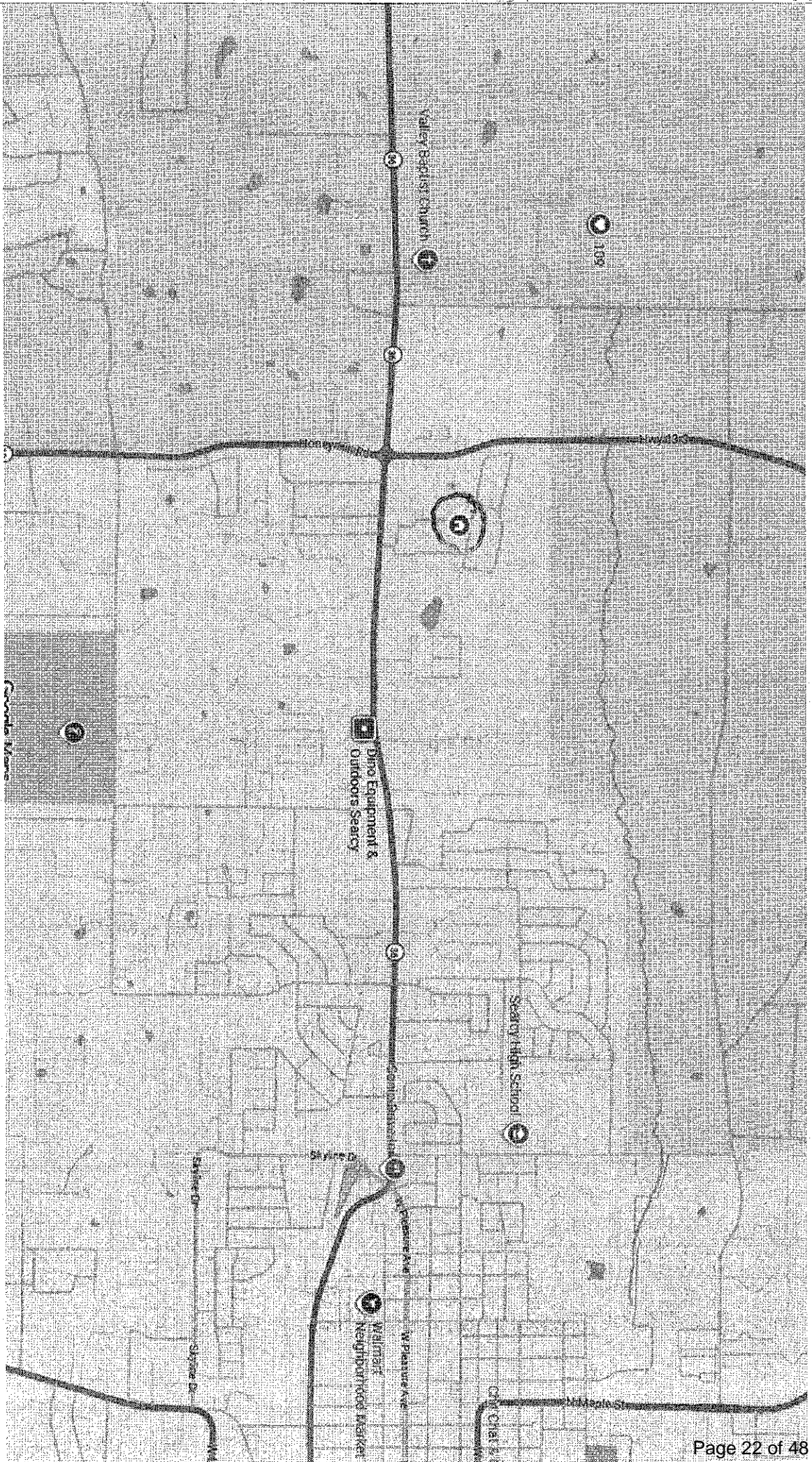
**ZONING DEVELOPMENT PLAN**  
**PROPOSED PLANNED UNIT DEVELOPMENT**  
103 S GREER DR  
SEARCY, ARKANSAS

## PROJECT SUMMARY

Installation of a Rohn 40 ft 45g tower, four (4) feet from the back of my home to hold up a Hex Beam for Amateur radio use. I have been an Amateur Radio Operator for forty-nine (49) years.

Amateur Radio Operators have been helping with Fire and Police communications in disasters all over the country for many years.





Valley Baptist Church

109

Dino Equipment & Outdoor's Search

Scary High School

Walmart Neighborhood Market

Fw: Subject: Urgent Support for Amateur Radio Tower Installation – 140 Longleaf Dr, Searcy, AR

From: freddie rixie (w9tb@yahoo.com)

To: kn4jx@yahoo.com; ka1jy@nctc.com

Date: Monday, April 20, 2026 at 01:05 PM CDT

Support letter from local club  
Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Monday, April 20, 2026, 12:44 PM, Jon W. Reynolds <KI5UCZ@jonwreynolds.com> wrote:

Date: April 20, 2026

To: Mayor Mat Faulkner City of Searcy Council Chambers, City Hall Searcy, AR 72143

Cc: Searcy Planning Commission Freddie E. Rixie, W9TB 140 Longleaf Dr Searcy, AR 72143

Dear Mayor Faulkner and Members of the Planning Commission,

I am writing in my capacity as Secretary of the North Central Arkansas Amateur Radio Service (NCAARS), representing a community of licensed amateur radio operators dedicated to public service, emergency communications, and technical education within White County and beyond.

We are writing to express our unequivocal support for Mr. Freddie Rixie (FCC Issued Callsign: W9TB) regarding his proposed installation of a 40 ft tall amateur radio tower at his residence at 140 Longleaf Drive. ~~We understand that a dispute has arisen with a neighboring property owner, leading to a scheduled planning meeting.~~ We urge the City of Searcy to recognize the critical importance of this infrastructure and to uphold the legal protections afforded to amateur radio operators, which are currently being reinforced by new federal legislation.

The FCC has codified, in 47 CFR §97.15(b), that reasonable accommodation must be afforded licensed amateur radio stations:

§97.15 Station antenna structures. (b) Except as otherwise provided herein, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. (State and local regulation of a station antenna structure must not preclude amateur service communications. Rather, it must

reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose.)

Public safety is imperative for the amateur radio service as it is not merely a hobby, but a licensed radio service defined in the International Radio Regulations and is a vital, non-commercial emergency communication resource. The FCC also states in 47 CFR §97.1(a) that a basis and purpose of the amateur radio service is "(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications." When cellular networks fail, power grids go down, or internet infrastructure is compromised—as frequently happens during severe weather events in Arkansas—amateur radio remains the only reliable link for first responders and citizens.

Mr. Rixie's proposed tower is essential for him to effectively participate in SkyWARN and AUXCOMM networks, providing "ground truth" reports to the National Weather Service and supporting local emergency management. Restricting his ability to erect a functional antenna directly diminishes the City of Searcy's resilience and its ability to receive real-time data during crises.

#### Federal Legislative Protection: The Amateur Radio Emergency Preparedness Act

It is crucial to note that the rights of amateur radio operators are not just protected by existing FCC Preemption Rule 1 (PRB-1), but are currently being strengthened by active federal legislation.

In February 2025, the Amateur Radio Emergency Preparedness Act (H.R. 1094 in the House and S. 459 in the Senate) was introduced. This bipartisan legislation is designed to:

- Prohibit private land-use restrictions (including those raised by neighbors or HOAs) that prevent or severely limit the installation of amateur radio antennas.

- Grant amateur operators the same rights to install antennas as users of satellite dishes, wireless internet, and flagpoles.

- Ensure that local zoning cannot unreasonably restrict the ability of operators to communicate.

While this bill is currently pending, its introduction signals a clear national consensus: local obstruction of amateur radio infrastructure is contrary to public safety interests. The City of Searcy has the opportunity to align itself with this forward-looking federal policy by approving Mr. Rixie's request based on objective engineering standards rather than subjective neighbor disputes.

#### Our Recommendation

We respectfully request that the City of Searcy:

- Recognize Federal Intent:** Acknowledge that the pending Amateur Radio Emergency Preparedness Act reflects a national priority to protect amateur radio infrastructure from unreasonable local restrictions.

- Focus on Objective Standards:** Evaluate the tower based on standard engineering safety codes (height, structural integrity, wind load) and existing Searcy zoning ordinances, rather than subjective aesthetic objections.

- Prioritize Public Safety:** View this installation as a critical asset to the community's emergency preparedness, not a nuisance.

The North Central Arkansas Amateur Radio Service stands ready to provide technical guidance, engineering documentation, or testimony regarding the necessity of this equipment should the Commission require it. We hope for a swift and favorable resolution that allows Mr. Rixie to continue his service to our community.

Thank you for your time and for your leadership in fostering a safe and communicative Searcy.


Respectfully,

Jon Reynolds, KI5UCZ Secretary North Central Arkansas Amateur Radio Service (NCAARS) 501-388-1836  
KI5UCZ@jonwreynolds.com

Jon  
KI5UCZ

# KNOW YOUR RIGHTS: HAM RADIO ANTENNAS & TOWER ZONING

## PRB-1 IS YOUR FEDERAL SHIELD



### PRB-1 — YOUR FEDERAL SHIELD

PRB-1 (47 CFR §97.15) states that a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications.

State and local regulation must not preclude amateur service communications — it must reasonably accommodate them and be the minimum practicable regulation to accomplish the authority's legitimate purpose.

- PRB-1 is binding in all states.
- It supersedes conflicting local ordinances but leaves interpretation to municipalities.




### WHAT LOCAL GOVERNMENTS CAN REGULATE

Local governments can zone for height, safety and aesthetic concerns — but restrictions cannot be so prohibitive that they become overly restrictive.

Common local requirements include:

- Anti-climb devices on towers or fences around them
- Minimum distances from high voltage power lines
- Minimum distances from property lines
- Regulations pertaining to structural soundness of the antenna installation

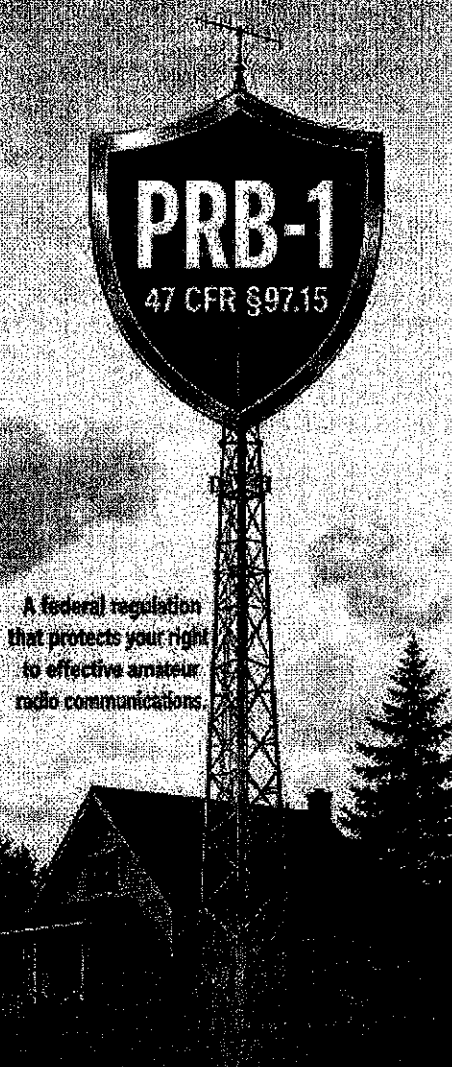


### WHAT THEY CANNOT DO


A "balancing of interests" approach is not appropriate — the FCC has already done the balancing. The local authority may not weigh community interests against those of the amateur operator.

Local authorities also cannot consider potential RF interference to home electronic equipment or public service communications as grounds for denial — interference falls within the FCC's exclusive jurisdiction.

**PRB-1 PROTECTIONS ARE STRONG. KNOW THEM. USE THEM.**




A federal regulation that protects your right to effective amateur radio communications.



### THE HOA PROBLEM


PRB-1 traditionally only applies to government zoning — HOAs and deed restrictions are a separate fight. The Amateur Radio Parity Act has been proposed to extend PRB-1 protections to HOAs, but it has not yet become law.

If you're dealing with an HOA, that's a trickier battle requiring legal counsel.

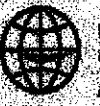


### PRACTICAL TIPS

ARRL strongly encourages hams facing zoning difficulties to contact an ARRL Volunteer Counselor — lawyers who are also hams — before taking any action.



Also consult Volunteer Consulting Engineers (registered professional engineers who are hams) for technical support and documentation.



Find ARRL resources, counsel, contacts, and more at [ARRL.ORG/ADVOCACY](http://ARRL.ORG/ADVOCACY)



# Memorandum Opinion and Order in PRB-1

Before the  
Federal Communications Commission  
Washington, DC 20554

FCC 85-506  
36149

In the Matter of )  
 )  
Federal preemption of state and ) **PRB-1**  
local regulations pertaining )  
to Amateur radio facilities. )

## MEMORANDUM OPINION AND ORDER

Adopted: September 16, 1985 ; Released: September 19, 1985

By the Commission: Commissioner Rivera not participating.

### Background

1. On July 16, 1984, the American Radio Relay League, Inc (ARRL) filed a Request for Issuance of a Declaratory Ruling asking us to delineate the limitations of local zoning and other local and state regulatory authority over Federally-licensed radio facilities. Specifically, the ARRL wanted an explicit statement that would preempt all local ordinances which provably preclude or significantly inhibit effective reliable amateur radio communications. The ARRL acknowledges that local authorities can regulate amateur installations to insure the safety and health of persons in the community, but believes that those regulations cannot be so restrictive that they preclude effective amateur communications.

2. Interested parties were advised that they could file comments in the matter.<sup>1</sup> With extension, comments were due on or before December 26, 1984,<sup>2</sup> with reply comments due on or before January 25, 1985.<sup>3</sup> Over sixteen hundred comments were filed.

### Local Ordinances

3. Conflicts between amateur operators regarding radio antennas and local authorities regarding restrictive ordinances are common. The amateur operator is governed by the regulations contained in Part 97 of our rules. Those rules do not limit the height of an amateur

antenna but they require, for aviation safety reasons, that certain FAA notification and FCC approval procedures must be followed for antennas which exceed 200 feet in height above ground level or antennas which are to be erected near airports. Thus, under FCC rules some antenna support structures require obstruction marking and lighting. On the other hand, local municipalities or governing bodies frequently enact regulations limiting antennas and their support structures in height and location, e.g. to side or rear yards, for health, safety or aesthetic considerations. These limiting regulations can result in conflict because the effectiveness of the communications that emanate from an amateur radio station are directly dependent upon the location and the height of the antenna. Amateur operators maintain that they are precluded from operating in certain bands allocated for their use if the height of their antennas is limited by a local ordinance.

4. Examples of restrictive local ordinances were submitted by several amateur operators in this proceeding. Stanley J. Cichy, San Diego, California, noted that in San Diego amateur radio antennas come under a structures ruling which limits building heights to 30 feet. Thus, antennas there are also limited to 30 feet. Alexander Vrenios, Mundelein, Illinois, wrote that an ordinance of the Village of Mundelein provides that an antenna must be a distance from the property line that is equal to one and one-half times its height. In his case, he is limited to an antenna tower for his amateur station just over 53 feet in height.

5. John C. Chapman, an amateur living in Bloomington, Minnesota, commented that he was not able to obtain a building permit to install an amateur radio antenna exceeding 35 feet in height because the Bloomington city ordinance restricted "structures" heights to 35 feet. Mr. Chapman said that the ordinance, when written, undoubtedly applied to buildings but was now being applied to antennas in the absence of a specific ordinance regulating them. There were two options open to him if he wanted to engage in amateur communications. He could request a variance to the ordinance by way of a hearing before the City Council, or he could obtain affidavits from his neighbors swearing that they had no objection to the proposed antenna installation. He got the building permit after obtaining the cooperation of his neighbors. His concern, however, is that he had to get permission from several people before he could effectively engage in radio communications for which he had a valid FCC amateur license.

6. In addition to height restrictions, other limits are enacted by local jurisdictions—anti-climb devices on towers or fences around them; minimum distances from high voltage power lines; minimum distances of towers from property lines; and regulations pertaining to the structural soundness of the antenna installation. By and large, amateurs do not find these safety precautions objectionable. What they do object to are the sometimes prohibitive, non-refundable application filing fees to obtain a permit to erect an antenna installation and those provisions in ordinances which regulate antennas for purely aesthetic reasons. The amateurs contend, almost universally, that "beauty is in the eye of the beholder." They assert that an antenna installation is not more aesthetically displeasing than other objects that people keep on their property, e.g. motor homes, trailers, pick-up trucks, solar collectors and gardening equipment.

### **Restrictive Covenants**

7. Amateur operators also oppose restrictions on their amateur operations which are contained in the deeds for their homes or in their apartment leases. Since these restrictive

covenants are contractual agreements between private parties, they are not generally a matter of concern to the Commission. However, since some amateurs who commented in this proceeding provided us with examples of restrictive covenants, they are included for information. Mr. Eugene O. Thomas of Hollister, California, included in his comments an extract of the Declaration of Covenants and Restrictions for Ridgemark Estates, County of San Benito, State of California. It provides:

No antenna for transmission or reception of radio signals shall be erected outdoors for use by any dwelling unit except upon approval of the Directors. No radio or television signals or any other form of electromagnetic radiation shall be permitted to originate from any lot which may unreasonably interfere with the reception of television or radio signals upon any other lot.

Marshall Wilson, Jr. provided a copy of the restrictive covenant contained in deeds for the Bell Martin Addition #2, Irving, Texas. It is binding upon all of the owners or purchasers of the lots in the said addition, his or their heirs, executors, administrators or assigns. It reads:

No antenna or tower shall be erected upon any lot for the purposes of radio operations.

William J. Hamilton resides in an apartment building in Gladstone, Missouri. He cites a clause in his lease prohibiting the erection of an antenna. He states that he has been forced to give up operating amateur radio equipment except a hand-held 2 meter (144-148 MHz) radio transceiver. He maintains that he should not be penalized just because he lives in an apartment.

Other restrictive covenants are less global in scope than those cited above. For example, Robert Webb purchased a home in Houston, Texas. His deed restriction prohibited "transmitting or receiving antennas extending above the roof line."

8. Amateur operators generally oppose restrictive covenants for several reasons. They maintain that such restrictions limit the places that they can reside if they want to pursue their hobby of amateur radio. Some state that they impinge on First Amendment rights of speech. Others believe that a constitutional right is being abridged because, in their view, everyone has a right to access the airwaves regardless of where they live.

9. The contrary belief held by housing subdivision communities and condominium or homeowner's associations is that amateur radio installations constitute safety hazards, cause interference to other electronic equipment which may be operated in the home (television, radio, stereos) or are eyesores that detract from the aesthetic and tasteful appearance of the housing development or apartment complex. To counteract these negative consequences, the subdivisions and associations include in their deeds, leases or by-laws, restrictions and limitations on the location and height of antennas or, in some cases, prohibit them altogether. The restrictive covenants are contained in the contractual agreement entered into at the time of the sale or lease of the property. Purchasers or lessees are free to choose whether they wish to reside where such restrictions on amateur antennas are in effect or settle elsewhere.

## **Supporting Comments**

10. The Department of Defense (DOD) supported the ARRL and emphasized in its comments that continued success of existing national security and emergency preparedness telecommunications plans involving amateur stations would be severely diminished if state and local ordinances were allowed to prohibit the construction and usage of effective amateur transmission facilities. DOD utilizes volunteers in the Military Affiliate Radio Service (MARS),<sup>4</sup> Civil Air Patrol (CAP) and the Radio Amateur Civil Emergency Service (RACES). It points out that these volunteer communicators are operating radio equipment installed in their homes and that undue restrictions on antennas by local authorities adversely affect their efforts. DOD states that the responsiveness of these volunteer systems would be impaired if local ordinances interfere with the effectiveness of these important national telecommunication resources. DOD favors the issuance of a ruling that would set limits for local and state regulatory bodies when they are dealing with amateur stations.

11. Various chapters of the American Red Cross also came forward to support the ARRL's request for a preemptive ruling. The Red Cross works closely with amateur radio volunteers. It believes that without amateurs' dedicated support, disaster relief operations would significantly suffer and that its ability to serve disaster victims would be hampered. It feels that antenna height limitations that might be imposed by local bodies will negatively affect the service now rendered by the volunteers.

12. Cities and counties from various parts of the United States filed comments in support of the ARRL's request for a Federal preemption ruling. The comments from the Director of Civil Defense, Port Arthur, Texas, are representative:

The Amateur Radio Service plays a vital role with our Civil Defense program here in Port Arthur and the design of these antennas and towers lends greatly to our ability to communicate during times of disaster.

We do not believe there should be any restrictions on the antennas and towers except for reasonable safety precautions. Tropical storms, hurricanes and tornadoes are a way of life here on the Texas Gulf Coast and good communications are absolutely essential when preparing for a hurricane and even more so during recovery operations after the hurricane has past.

13. The Quarter Century Wireless Association took a strong stand in favor of the Issuance of a declaratory ruling. It believes that Federal preemption is necessary so that there will be uniformity for all Amateur Radio installations on private property throughout the United States.

14. In its comments, the ARRL argued that the Commission has the jurisdiction to preempt certain local land-use regulations which frustrate or prohibit amateur radio communications. It said that the appropriate standard in preemption cases is not the extent of state and local interest in a given regulation, but rather the impact of the regulation on Federal goals. Its position is that Federal preemption is warranted whenever local government regulations relate adversely to the operational aspects of amateur communication. The ARRL maintains that localities routinely employ a variety of land use devices to preclude the installation of effective amateur antennas, including height restrictions, conditional use permits, building setbacks and dimensional limitations on antennas. It sees a declaratory ruling of Federal preemption as necessary to cause municipalities to accommodate amateur operator needs in land use planning efforts.

15. James C. O'Connell, an attorney who has represented several amateurs before local zoning authorities, said that requiring amateurs to seek variances or special use approval to erect reasonable antennas unduly restricts the operation of amateur stations. He suggested that the Commission preempt zoning ordinances which impose antenna height limits of less than 65 feet. He said that this height would represent a reasonable accommodation of the communication needs of most amateurs and the legitimate concerns of local zoning authorities.

### **Opposing Comments**

16. The City of La Mesa, California, has a zoning regulation which controls amateur antennas. Its comments reflected an attempt to reach a balanced view.

This regulation has neither the intent, nor the effect, of precluding or inhibiting effective and reliable communications. Such antennas may be built as long as their construction does not unreasonably block views or constitute eyesores. The reasonable assumption is that there are always alternatives at a given site for different placement, and/or methods for aesthetic treatment. Thus, both public objectives of controlling land use for the public health, safety, and convenience, and providing an effective communications network, can be satisfied. A blanket to completely set aside local control, or a ruling which recognizes control only for the purpose of safety of antenna construction, would be contrary to...legitimate local control.

17. Comments from the County of San Diego state:

While we are aware of the benefits provided by amateur operators, we oppose the issuance of a preemption ruling which would elevate 'antenna effectiveness' to a position above all other considerations. We must, however, argue that the local government must have the ability to place reasonable limitations upon the placement and configuration of amateur radio transmitting and receiving antennas. Such ability is necessary to assure that the local decision-makers have the authority to protect the public health, safety and welfare of all citizens.

In conclusion, I would like to emphasize an important difference between your regulatory powers and that of local governments. Your Commission's approval of the preemptive requests would establish a "national policy." However, any regulation adopted by a local jurisdiction could be overturned by your Commission or a court if such regulation was determined to be unreasonable.

18. The City of Anderson, Indiana, summarized some of the problems that face local communities:

I am sympathetic to the concerns of these antenna owners and I understand that to gain the maximum reception from their devices, optimal location is necessary. However, the preservation of residential zoning districts as "liveable" neighborhoods is jeopardized by placing these antennas in front yards of homes. Major problems of public safety have been encountered, particularly vision blockage for auto and pedestrian access. In addition, all communities are faced

with various building lot sizes. Many building lots are so small that established setback requirements (in order to preserve adequate air and light) are vulnerable to the unregulated placement of antennas. ...the exercise of preemptive authority by the FCC in granting this request would not be in the best interest of the general public.

19. The National Association of Counties (NACO), the American Planning Association (APA) and the National League of Cities (NLC) all opposed the issuance of an antenna preemption ruling. NACO emphasized that federal and state power must be viewed in harmony and warns that Federal intrusion into local concerns of health, safety and welfare could weaken the traditional police power exercised by the state and unduly interfere with the legitimate activities of the states. NLC believed that both Federal and local interests can be accommodated without preempting local authority to regulate the installation of amateur radio antennas. The APA said that the FCC should continue to leave the issue of regulating amateur antennas with the local government and with the state and Federal courts.

### **Discussion**

20. When considering preemption, we must begin with two constitutional provisions. The tenth amendment provides that any powers which the constitution either does not delegate to the United States or does not prohibit the states from exercising are reserved to the states. These are the police powers of the states. The Supremacy Clause, however, provides that the constitution and the laws of the United States shall supersede any state law to the contrary. Article III, Section 2. Given these basic premises, state laws may be preempted in three ways: First, Congress may expressly preempt the state law. See *Jones v. Rath Packing Co.*, 430 U.S. 519, 525 (1977). Or, Congress may indicate its intent to completely occupy a given field so that any state law encompassed within that field would implicitly be preempted. Such intent to preempt could be found in a congressional regulatory scheme that was so pervasive that it would be reasonable to assume that Congress did not intend to permit the states to supplement it. See *Fidelity Federal Savings & Loan Ass'n v. de la Cuesta*, 458 U.S. 141, 153 (1982). Finally, preemption may be warranted when state law conflicts with federal law. Such conflicts may occur when "compliance with both Federal and state regulations is a physical impossibility," *Florida Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 142, 143 (1963), or when state law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress," *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941). Furthermore, federal regulations have the same preemptive effect as federal statutes, *Fidelity Federal Savings & Loan Association v. de la Cuesta*, supra.

21. The situation before us requires us to determine the extent to which state and local zoning regulations may conflict with federal policies concerning amateur radio operators.

22. Few matters coming before us present such a clear dichotomy of view point as does the instant issue. The cities, counties, local communities and housing associations see an obligation to all of their citizens and try to address their concerns. This is accomplished through regulations, ordinances or covenants oriented toward the health, safety and general welfare of those they regulate. At the opposite pole are the individual amateur operators and their support

groups who are troubled by local regulations which may inhibit the use of amateur stations or, in some instances, totally preclude amateur communications. Aligned with the operators are such entities as the Department of Defense, the American Red Cross and local civil defense and emergency organizations who have found in Amateur Radio a pool of skilled radio operators and a readily available backup network. In this situation, we believe it is appropriate to strike a balance between the federal interest in promoting amateur operations and the legitimate interests of local governments in regulating local zoning matters. The cornerstone on which we will predicate our decision is that a reasonable accommodation may be made between the two sides.

23. Preemption is primarily a function of the extent of the conflict between federal and state and local regulation. Thus, in considering whether our regulations or policies can tolerate a state regulation, we may consider such factors as the severity of the conflict and the reasons underlying the state's regulations. In this regard, we have previously recognized the legitimate and important state interests reflected in local zoning regulations. For example, in *Earth Satellite Communications, Inc.*, 95 FCC 2d 1223 (1983), we recognized that

...countervailing state interests inhere in the present situation... For example, we do not wish to preclude a state or locality from exercising jurisdiction over certain elements of an SMATV operation that properly may fall within its authority, such as zoning or public safety and health, provided the regulation in question is not undertaken as a pretext for the actual purpose of frustrating achievement of the preeminent federal objective and so long as the non-federal regulation is applied in a nondiscriminatory manner.

24. Similarly, we recognize here that there are certain general state and local interests which may, in their even-handed application, legitimately affect amateur radio facilities. Nonetheless, there is also a strong federal interest in promoting amateur communications. Evidence of this interest may be found in the comprehensive set of rules that the Commission has adopted to regulate the amateur service.<sup>5</sup> Those rules set forth procedures for the licensing of stations and operators, frequency allocations, technical standards which amateur radio equipment must meet and operating practices which amateur operators must follow. We recognize the amateur radio service as a voluntary, noncommercial communication service, particularly with respect to providing emergency communications. Moreover, the amateur radio service provides a reservoir of trained operators, technicians and electronic experts who can be called on in times of national or local emergencies. By its nature, the Amateur Radio Service also provides the opportunity for individual operators to further international goodwill. Upon weighing these interests, we believe a limited preemption policy is warranted. State and local regulations that operate to preclude amateur communications in their communities are in direct conflict with federal objectives and must be preempted.

25. Because amateur station communications are only as effective as the antennas employed, antenna height restrictions directly affect the effectiveness of amateur communications. Some amateur antenna configurations require more substantial installations than others if they are to provide the amateur operator with the communications that he/she desires to engage in. For example, an antenna array for international amateur communications will differ from an antenna used to contact other amateur operators at shorter distances. We will not, however, specify any particular height limitation below which a local government may not regulate, nor will we suggest the precise language that must be contained in local ordinances,

such as mechanisms for special exceptions, variances, or conditional use permits. Nevertheless, local regulations which involve placement, screening, or height of antennas based on health, safety, or aesthetic considerations must be crafted to accommodate reasonably amateur communications, and to represent the minimum practicable regulation to accomplish the local authority's legitimate purpose.<sup>6</sup>

26. Obviously, we do not have the staff or financial resources to review all state and local laws that affect amateur operations. We are confident, however, that state and local governments will endeavor to legislate in a manner that affords appropriate recognition to the important federal interest at stake here and thereby avoid unnecessary conflicts with federal policy, as well as time-consuming and expensive litigation in this area. Amateur operators who believe that local or state governments have been overreaching and thereby have precluded accomplishment of their legitimate communications goals, may, in addition, use this document to bring our policies to the attention of local tribunals and forums.

27. Accordingly, the Request for Declaratory Ruling filed July 16, 1984, by the American Radio Relay League, Inc., IS GRANTED to the extent indicated herein and in all other respects, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION  
William J. Tricarico  
Secretary

#### Footnotes

<sup>1</sup>Public Notice, August 30, 1984, Mimeo. No. 6299, 49 F.R. 36113, September 14, 1984.

<sup>2</sup>Public Notice, December 19, 1984, Mimeo. No. 1498.

<sup>3</sup>Order, November 8, 1984, Mimeo, No. 770.

<sup>4</sup>MARS is solely under the auspices of the military which recruits volunteer amateur operators to render assistance to it. The Commission is not involved in the MARS program.

<sup>5</sup>47 CFR Part 97.

<sup>6</sup>We reiterate that our ruling herein does not reach restrictive covenants in private contractual agreements. Such agreements are voluntarily entered into by the buyer or tenant when the agreement is executed and do not usually concern this Commission.



United States of America  
Federal Communications Commission



AMATEUR RADIO LICENSE

**W9TB**

**Freddie E Rixie**

140 Longleaf Dr  
Searcy, AR 72143-9407

FCC Registration Number (FRN) 0014918361

Special Conditions/Endorsements

NONE

Grant Date	Effective Date	Print Date	Expiration Date
02-19-2026	02-19-2026	02-19-2026	04-29-2036
Operator Privileges		Station Privileges	
Amateur Extra		PRIMARY	

**THIS LICENSE IS NOT TRANSFERABLE**

*Freddie E Rixie*  
\_\_\_\_\_  
(Licensee's Signature)

FCC 660 - May 2007

This display reproduction courtesy of WSVI Licensing Services Inc.

May 28, 2026

Mark Lane, PE and Richard Stafford, ASLA, PLA  
City of Searcy  
300 West Arch Ave.  
Searcy, AR 72143

RE: Parkway Meadows Addition  
E. Park Ave. – Boundary Street Improvements

Mark and Richard,

Thanks for visiting with me yesterday regarding the Parkway Meadows project and the associated boundary street improvement implications along E. Park Avenue. I wanted to summarize some of the items we discussed and outline the procedure we are proposing in light of the existing site conditions.

As you know, development of the subdivision triggers approximately 925 linear feet of boundary street improvements along E. Park Avenue.

However, standard boundary street improvements along E. Park — including curb and gutter, underground drainage, and sidewalks — are not feasible without major reconstruction of the roadway at this location. Similar to the situation encountered at June Drive two years ago, the roadway not only lacks these standard improvements, but also does not meet the minimum running slope necessary to provide adequate roadway drainage without reconstructing the street profile itself.

Our survey indicates that this 925-foot segment of E. Park Avenue currently has only approximately 0.20% longitudinal fall. To construct boundary street improvements in accordance with city standards, the roadway would need to be fully reconstructed to establish sufficient rise and fall along the centerline to achieve the minimum 0.50% roadway slope necessary for proper drainage. This effort would also require the City to reconstruct the opposite half of the roadway concurrently. Based on current estimates, the cost of the boundary street improvements attributable to our project is approximately \$519,000. It is likely the City's cost to reconstruct the opposite half of the roadway would greatly exceed that amount due to the need to encounter and design around the existing rail spur located along the south side of E. Park Avenue.

For these reasons, we are proposing to request that the Planning Commission approve an in-lieu payment for the required half-street improvements. Similarly, the storage facility immediately east of our project was previously approved for in-lieu fees along E. Park Avenue.

Additionally, we believe the most beneficial use of these funds would be toward improving drainage along E. Park Avenue, which has experienced persistent flooding issues for some time.

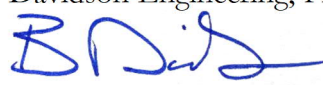
If the Planning Commission approves the in-lieu payment request, we intend to subsequently request that the City Council waive the associated in-lieu fees in exchange for the developer performing drainage improvements along E. Park Avenue. Specifically, the developer would widen the roadside ditch along approximately 925 linear feet of E. Park Avenue to a 15-foot bottom width, increasing the ditch capacity to accommodate approximately 110% of the runoff generated by a 25-year storm event.

Additionally, the proposed detention ponds within the subdivision will reduce post-development runoff rates in comparison to existing pre-development conditions.

Based on the unlikelihood of the City reconstructing this segment of E. Park Avenue in the foreseeable future, we respectfully request that the City waive the required boundary street improvements along E. Park Avenue and instead allow the developer to complete open ditch drainage improvements that directly address the existing drainage deficiencies in this corridor.

I have attached a cost estimate for the boundary street improvements, a summary of our drainage calculations, and a drawing showing the proposed ditch improvements.

Mark, since you will be retiring prior to the next meeting cycle, I would appreciate any comments you may have regarding our findings or if you concur with the approach and conclusions outlined above. Please let us know if there is anything additional you believe we should address as part of this request.

Thank you,  
Davidson Engineering, PLLC  
  
Bear Davidson, PE

Attached:      Cost Estimate for Boundary Street Improvements  
                    Summary of Drainage Calculations  
                    Proposed Ditch Improvements Drawings



Park Avenue Development  
 Half Street Improvements  
 05.26.2026  
 By: Davidson Engineering  
 DE#24-127

Item No.	Description	Units	Estimated Quantity	Unit Cost	Subtotal
1	Unclassified Excavation	CY	65	\$22.00	\$1,430.00
2	Compacted Select Fill	CY	2,200	\$28.00	\$61,600.00
3	2" ACHM Surface Course	TON	135	\$165.00	\$22,275.00
4	18" PCC Curb & Gutter	LF	925	\$30.00	\$27,750.00
5	4" Concrete Sidewalk	SY	515	\$60.00	\$30,900.00
6	Compacted Class 7 Gravel Base	TON	520	\$32.00	\$16,640.00
7	60" HDPE	LF	1,850	\$180.00	\$333,000.00
8	60" Diameter Curb Inlets	EA	4	\$6,500.00	\$26,000.00
				<b>SUBTOTAL</b>	<b>\$519,595.00</b>



May 20, 2026

Mark Lane, P.E.  
City Engineer  
City of Searcy  
1615 Eastline Road  
Searcy, AR 72143

**RE: Park Avenue Drainage**

Mr. Lane,

Following is an initial drainage evaluation for the existing ditch located along Park Avenue. The purpose of this evaluation was to determine the conveyance capacity of the existing roadside ditch for the 25-year storm event and assess potential improvements required to adequately convey runoff from the contributing watershed.

**ARTICLE 1 – BASIN DELINEATION AND HYDROLOGIC ANALYSIS**

The contributing drainage basin was delineated utilizing USGS quadrangle mapping, GIS data, supplemental survey information, and recent aerial imagery to establish the approximate drainage area and flow characteristics. Based on this evaluation, the contributing basin encompasses approximately 79 acres with an estimated time of concentration of 36 minutes. Utilizing these basin characteristics, the calculated peak discharge for the 25-year storm event is approximately 160.20 cubic feet per second (cfs).

**ARTICLE 2 – EXISTING DITCH CAPACITY**

Hydraulic capacity of the existing ditch was evaluated utilizing Manning's conveyance equation. The existing channel can generally be approximated as a triangular section with an average maximum conveyance depth of approximately 4 feet. The existing longitudinal slope is relatively flat at approximately 0.10%, which significantly limits the overall conveyance efficiency of the ditch system.

Under existing conditions, the ditch is estimated to convey approximately 115 cfs at the maximum 4-foot flow depth. This indicates the existing channel does not provide sufficient capacity to fully convey the estimated 25-year peak discharge of 160.20 cfs.

**ARTICLE 3 – RECOMMENDED CHANNEL IMPROVEMENTS**

Analysis indicates that conveyance of the full 25-year peak flow at a 4-foot depth would require modification of the existing ditch section to a trapezoidal configuration with an approximate 3.5-foot bottom width. However, to provide more efficient long-term conveyance and improve hydraulic performance, a widened channel section is recommended.

Increasing the channel bottom width to approximately 15 feet with 1:1 side slopes would substantially improve conveyance while generally maintaining the existing top-of-bank limits. Under this configuration, the channel would convey the 25-year storm event at an approximate flow depth of 3.15 feet and would increase the total conveyance capacity at a 4-foot depth to approximately 241 cfs.

This improvement represents an approximate 110% increase in conveyance capacity compared to existing conditions and would provide additional freeboard and hydraulic resiliency during larger storm events.

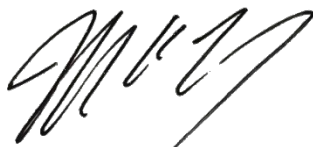
**ARTICLE 4 – CLOSED CONVEYANCE CONSIDERATIONS**

Based on the existing grade and hydraulic conditions, conveyance of the 25-year storm event through a closed storm drainage system would require installation of two 60-inch culverts to achieve equivalent conveyance capacity.

**ARTICLE 5 – ROADWAY DRAINAGE CONSTRAINTS**

Park Avenue currently has an existing longitudinal roadway grade of approximately 0.20%, which is relatively flat for effective curb-and-gutter drainage design. Due to the limited slope available, installation of curb and gutter along Park Avenue is not considered feasible without substantial roadway reconstruction and regrading to establish sufficient longitudinal slope for positive drainage conveyance.

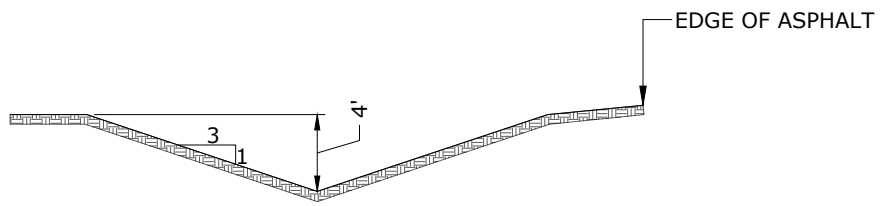
Thank you,  
Davidson Engineering, PLLC



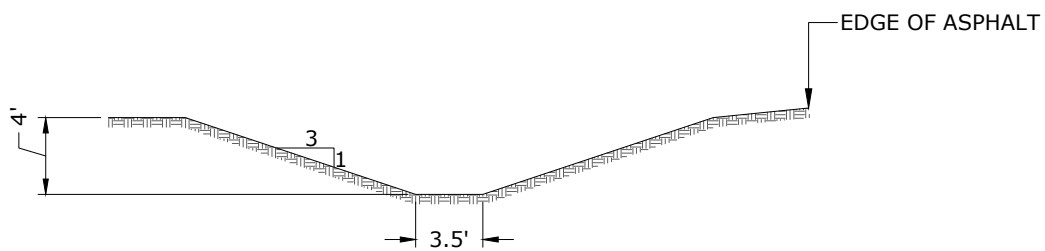
Jeffrey H. Nichols, Jr., EI



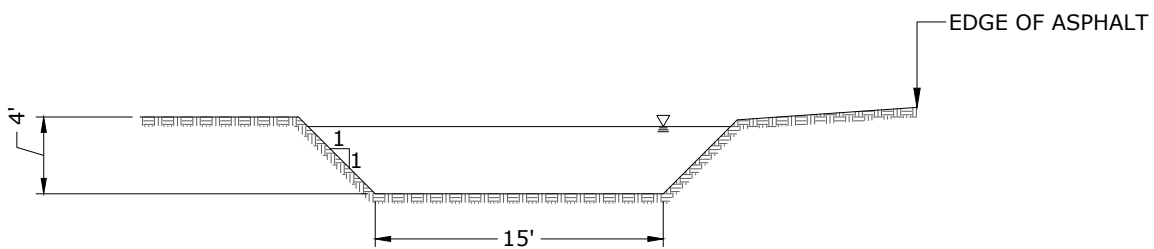
Bear Davidson, PE



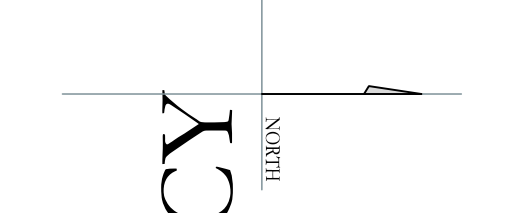
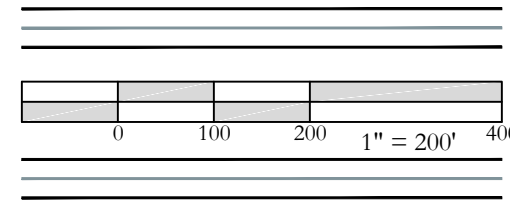
EXISTING



REQUIRED @  
4' DEPTH



PROPOSED TO CARRY  
25% ABOVE @ 3.5'



**LOTS 1-189 PARKWAY MEADOWS  
ADDITION TO THE CITY OF SEARCY**

**PARK AVENUE  
SEARCY, AR 72143**



REVISIONS:

PROJECT NUMBER:  
DE24-127  
DATE:  
MARCH 9, 2026

**EX1.0**

DRAINAGE BASIN

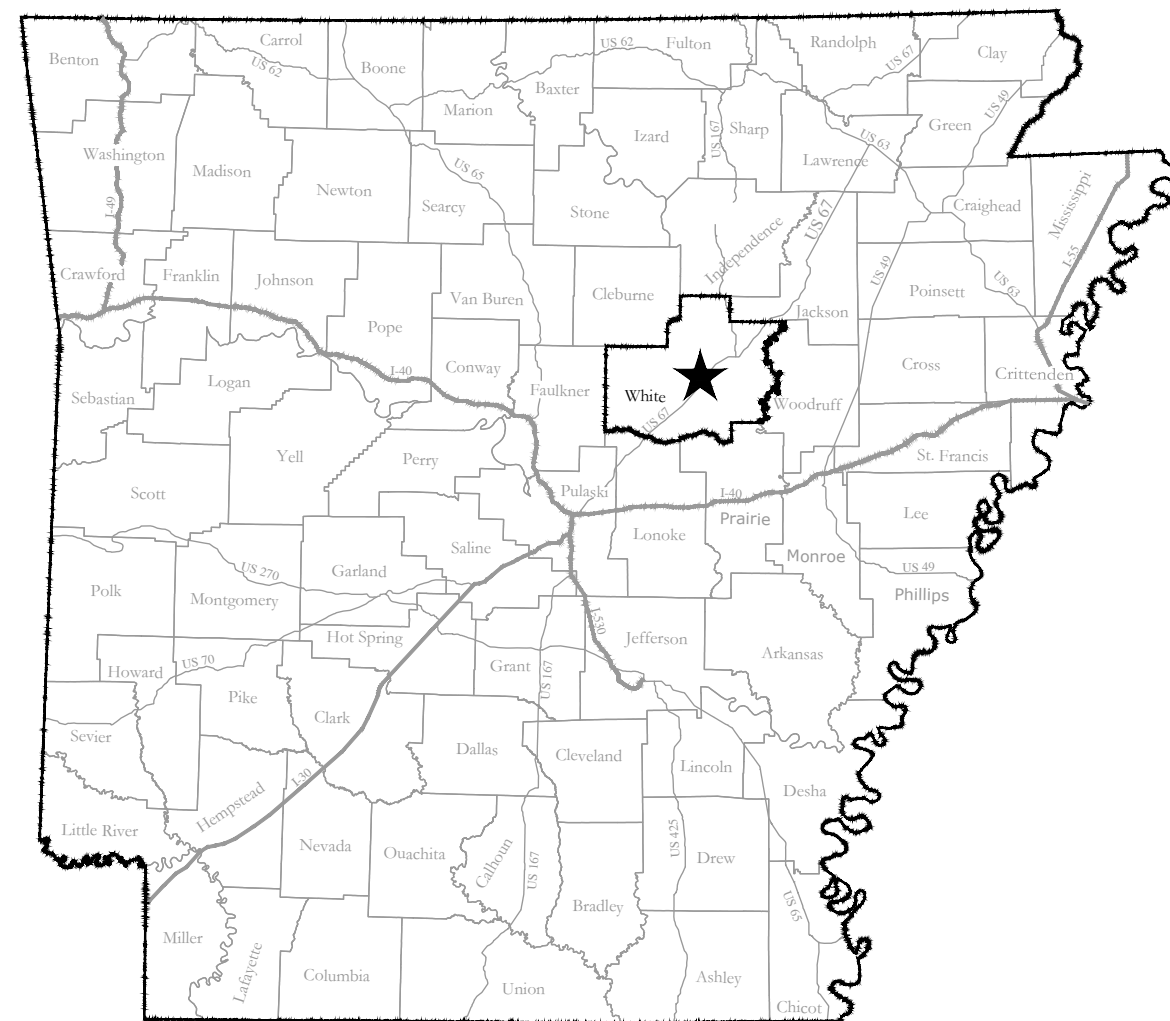
# SHEET INDEX

- C1.0 WEST SIDE DRAINAGE
- C2.0 EAST SIDE DRAINAGE
- C3.0 CROSS SECTIONS

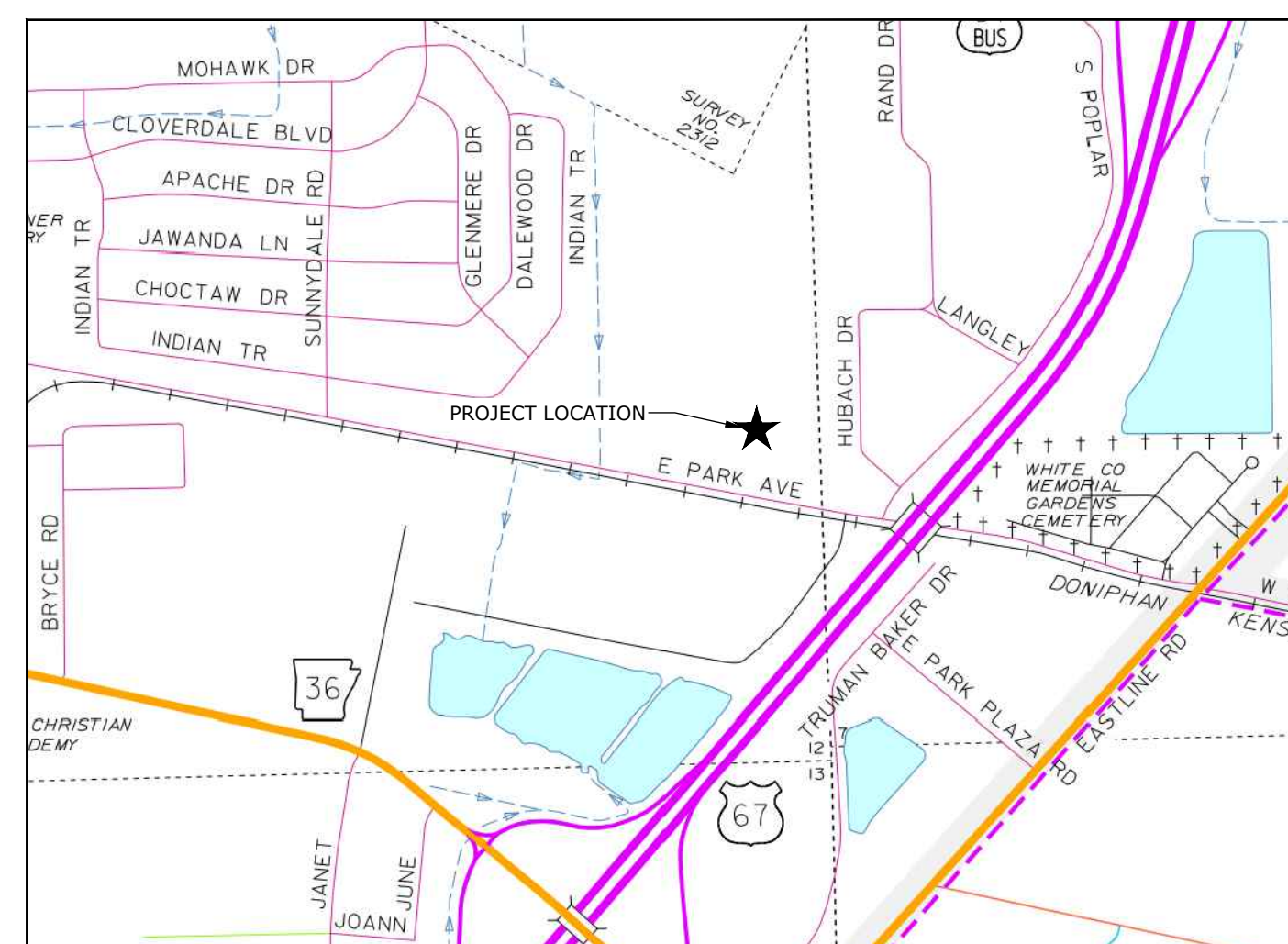
# PARK AVENUE DITCH AGH HOLDING

PARK AVENUE  
SEARCY AR, 72143

MAY 21, 2026  
DE PROJECT NO. 24-127

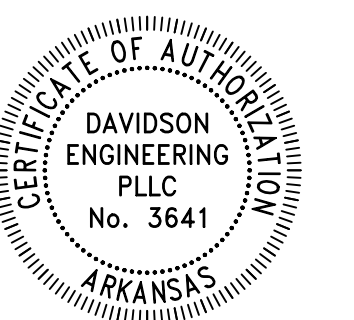
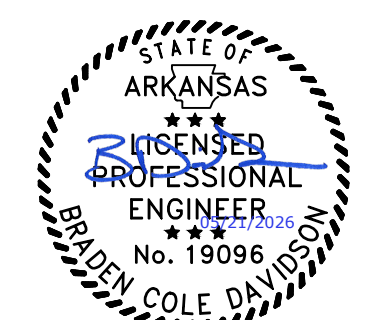


LOCATION MAP

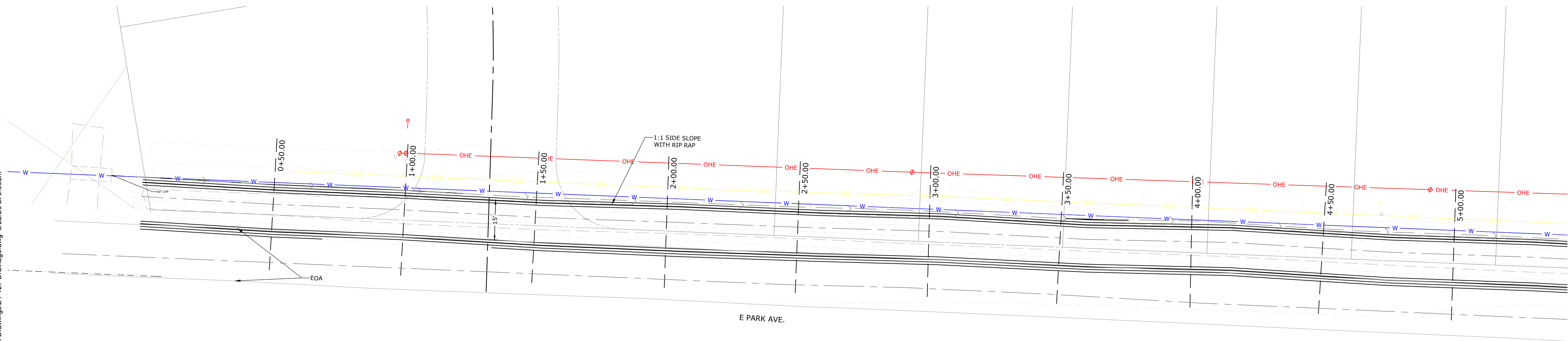
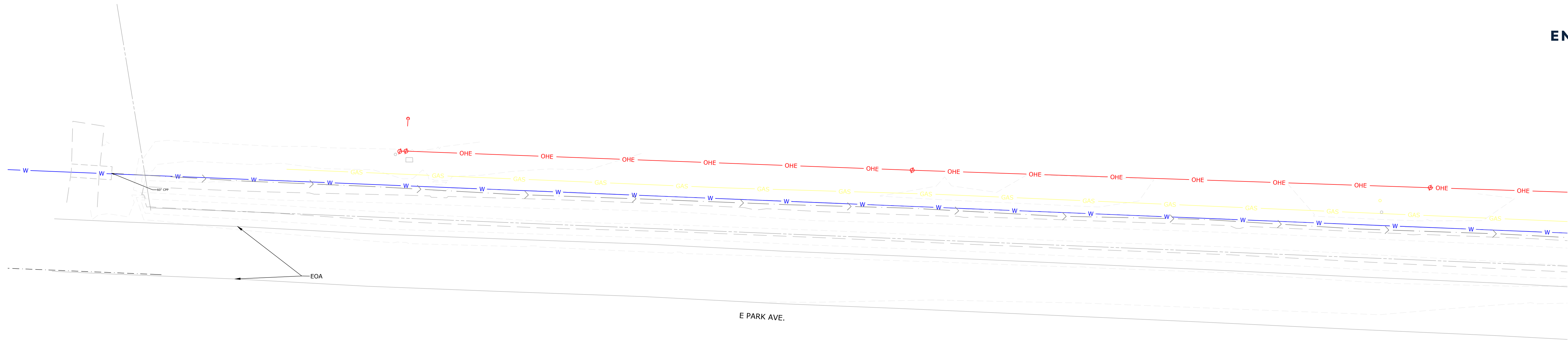
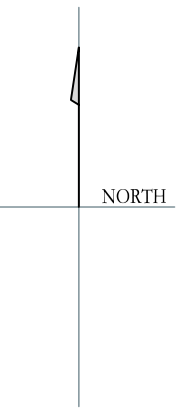
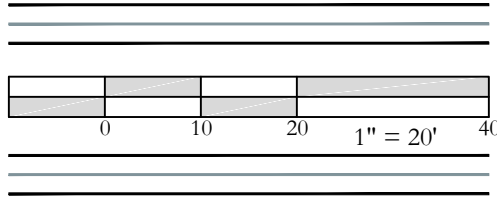


VICINITY MAP

**DAVIDSON  
ENGINEERING**



4-0024-127 - Park Avenue Development - Jim RandDesign Drawings24-127 Drainage.dwg 5/22/26 at 9:58am



**PARK AVENUE DITCH  
AGH HOLDING**

PARK AVENUE  
SEARCY, AR 72143



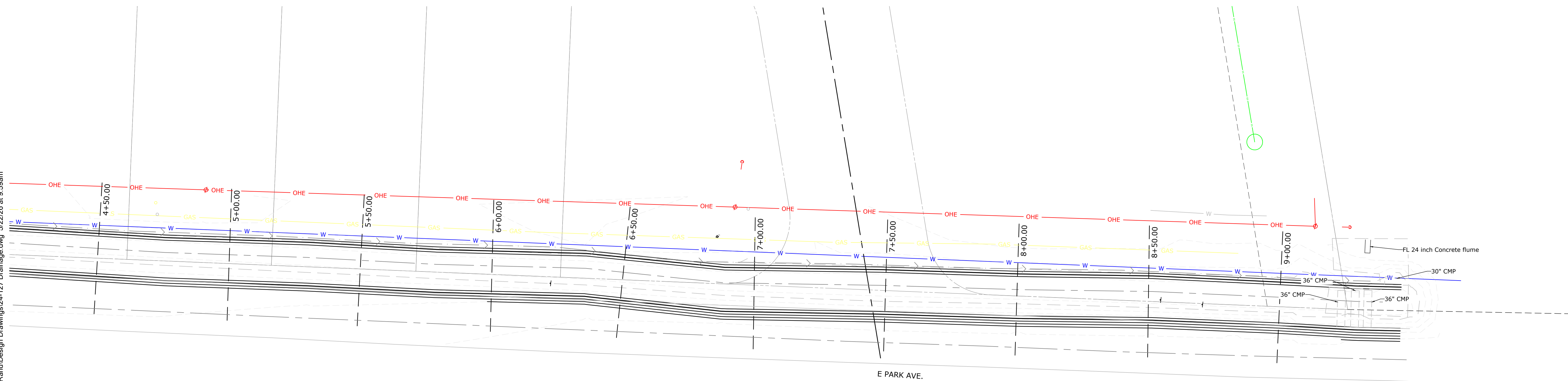
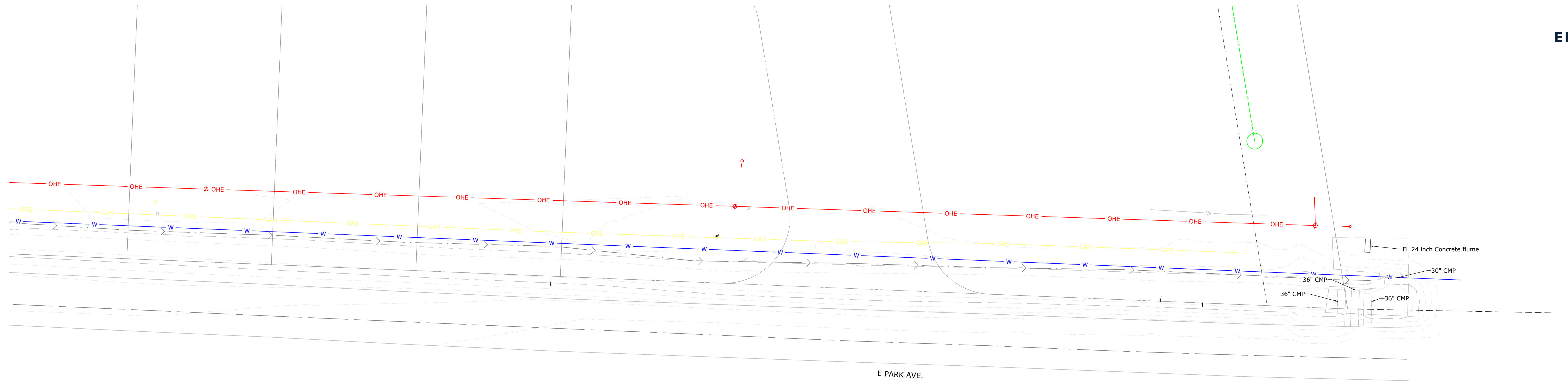
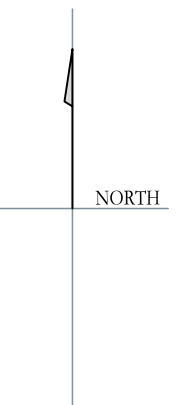
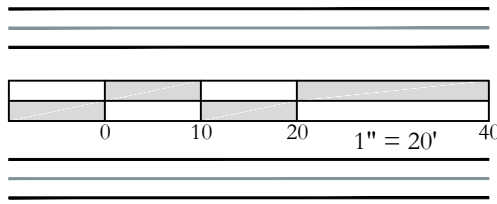
REVISIONS:

PROJECT NUMBER:  
DE24-127  
DATE:  
MAY 20, 2026

**C1.0**

WEST SIDE DRAINAGE

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**PARK AVENUE DITCH  
AGH HOLDING**

**PARK AVENUE  
SEARCY, AR 72143**

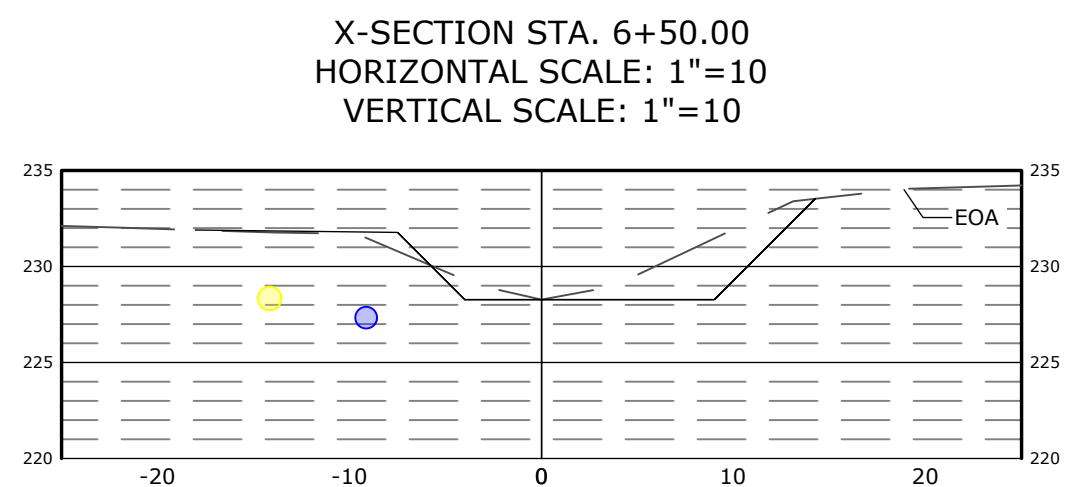
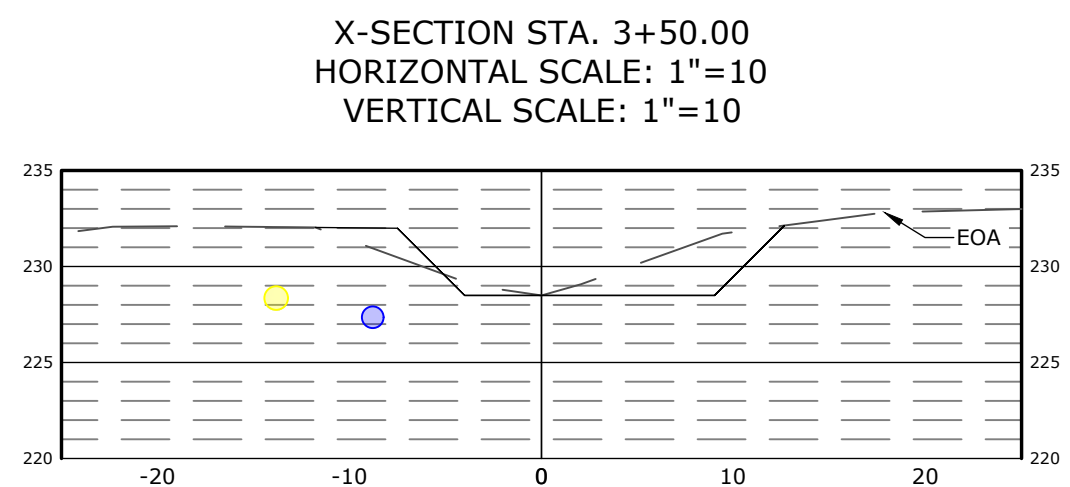
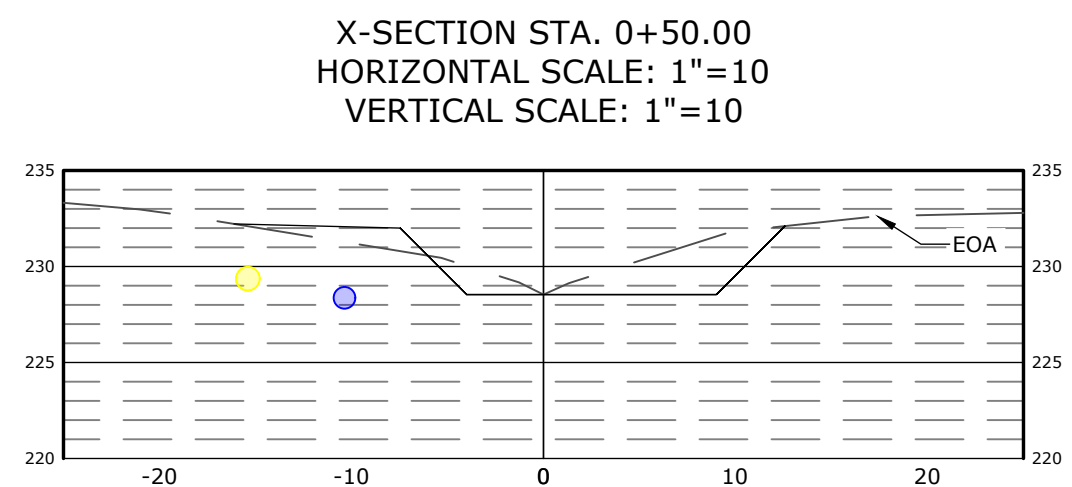
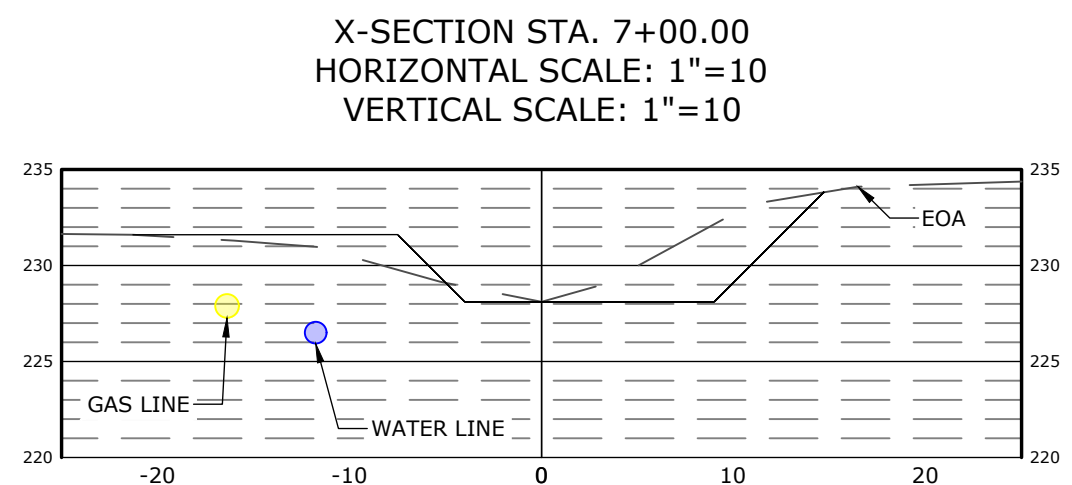
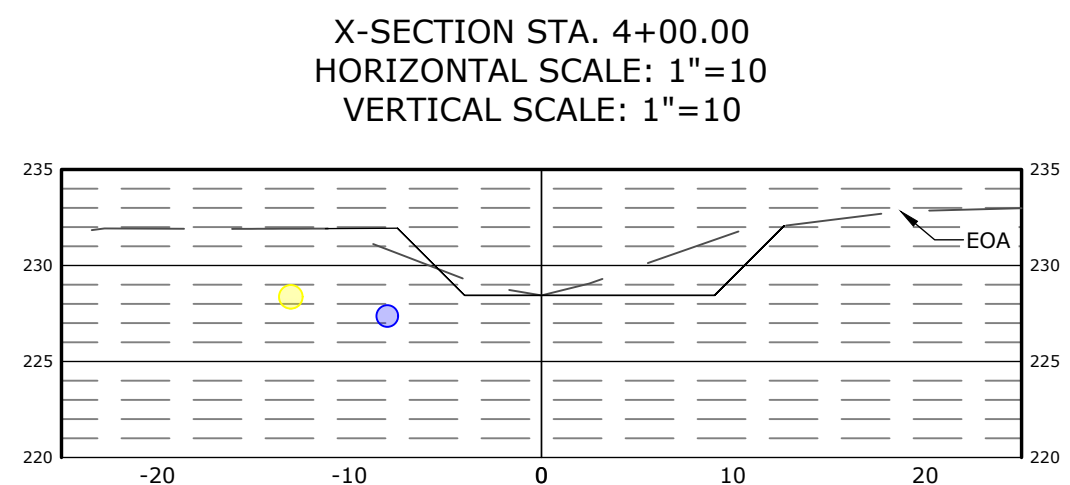
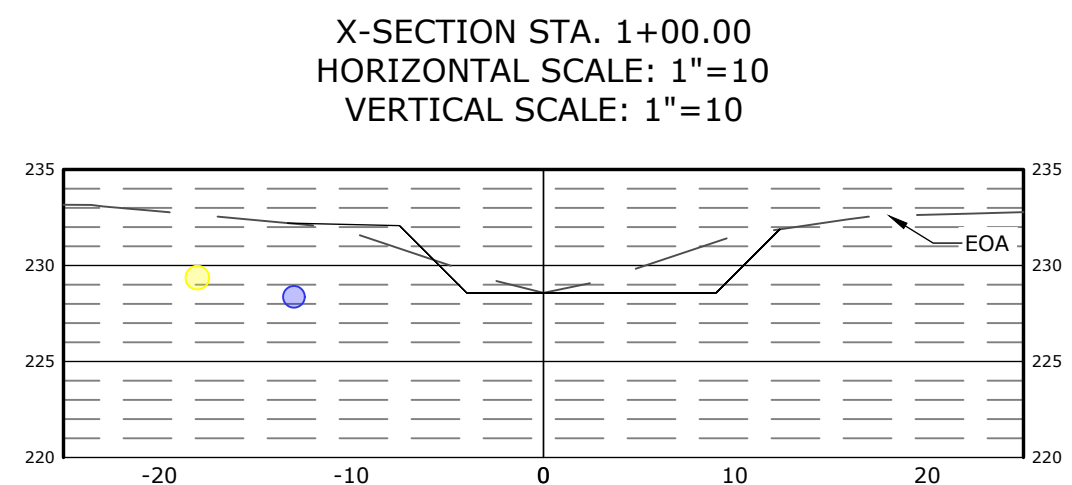
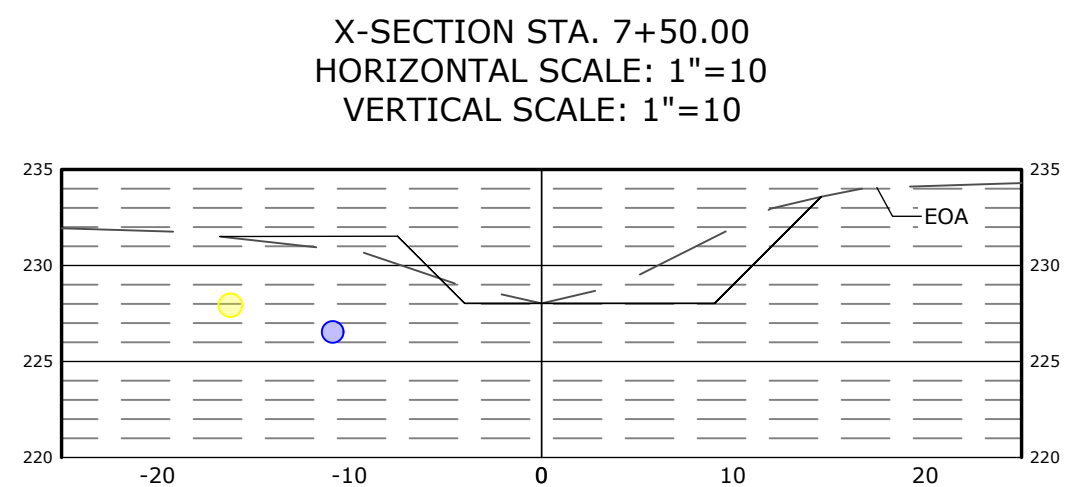
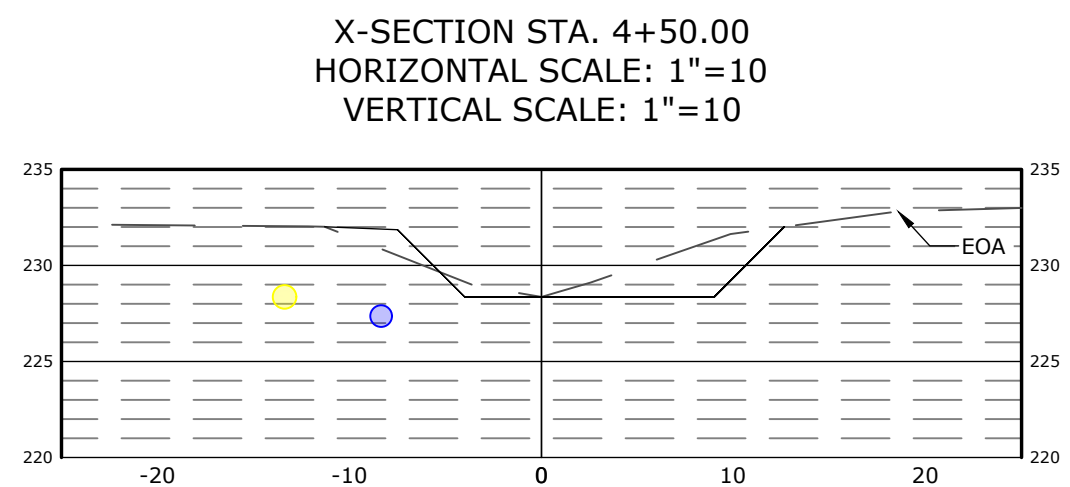
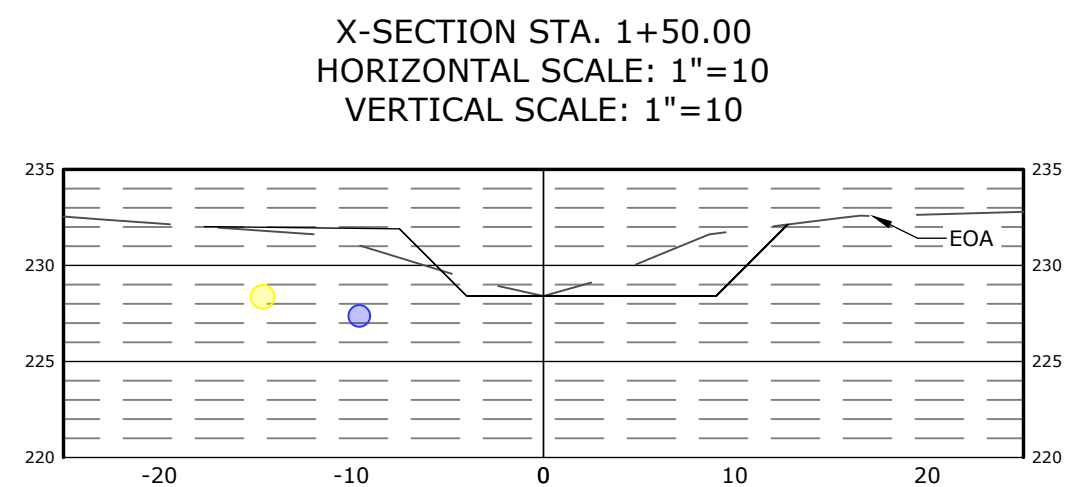
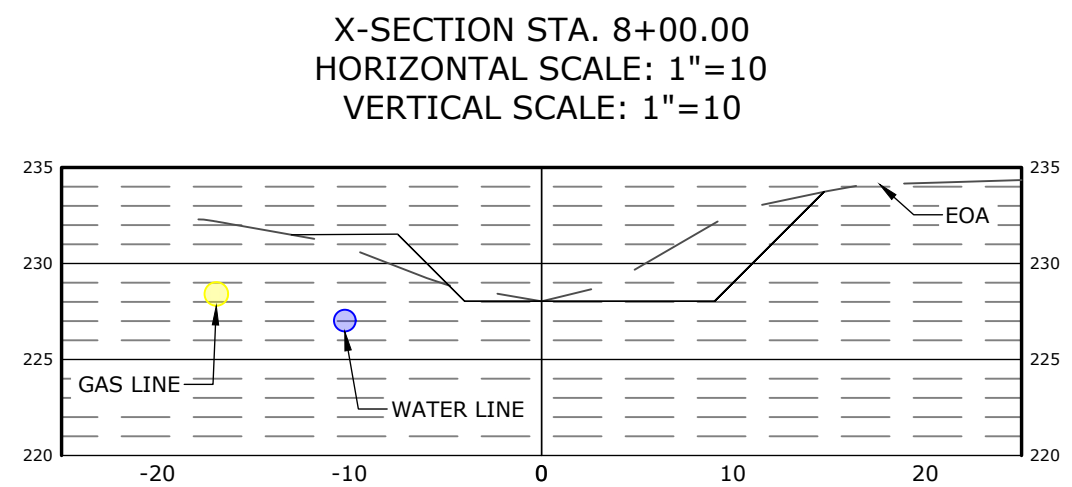
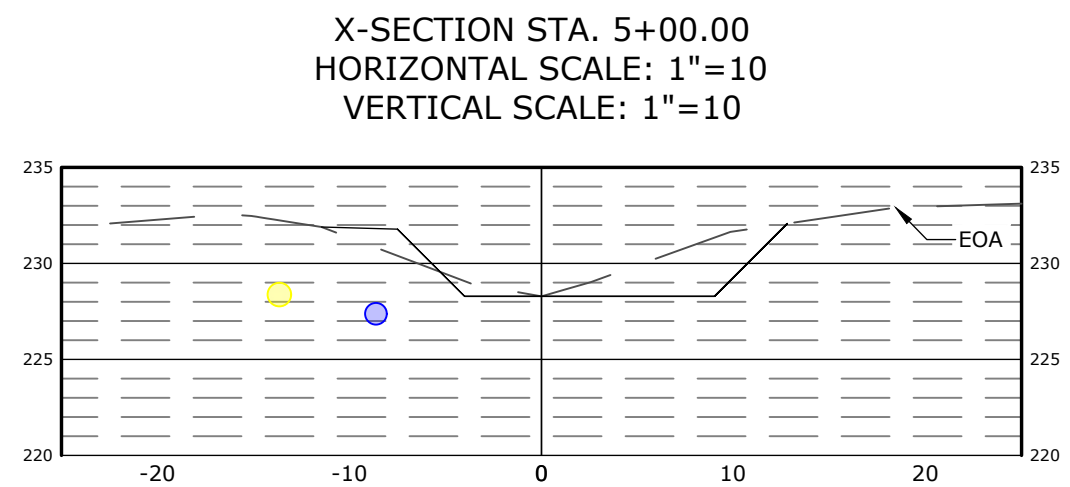
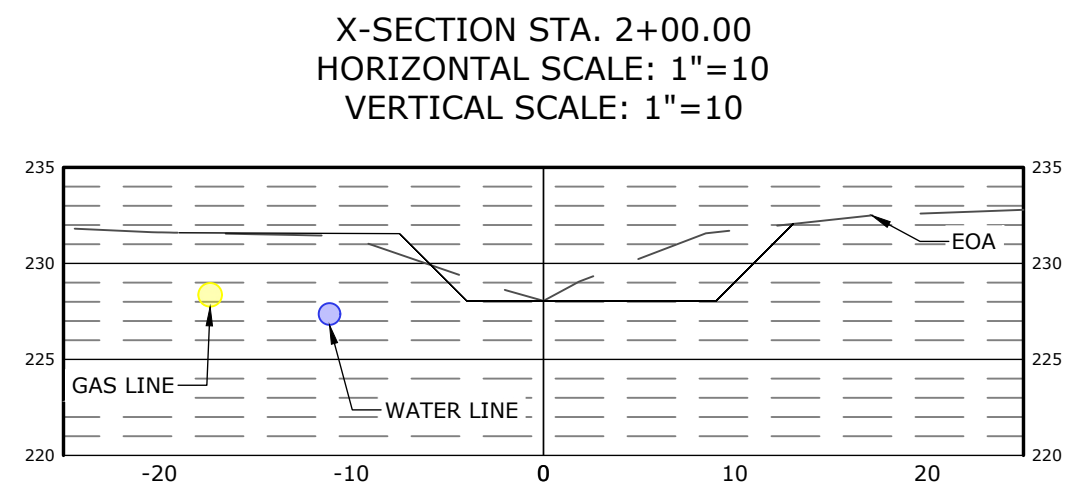
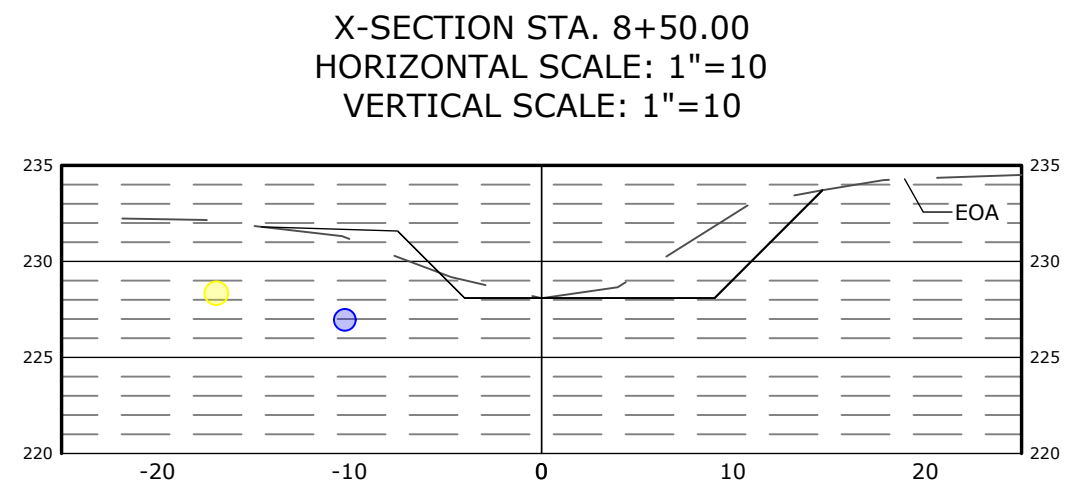
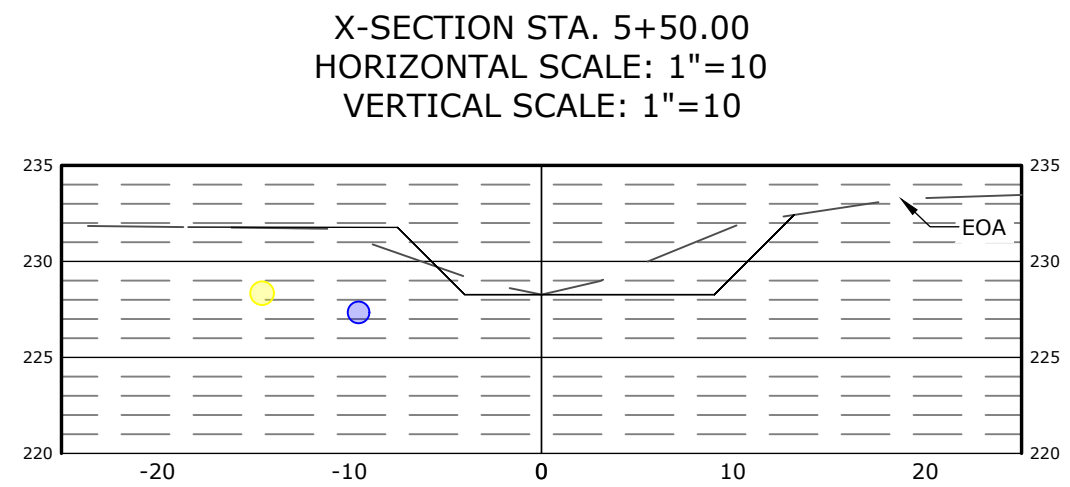
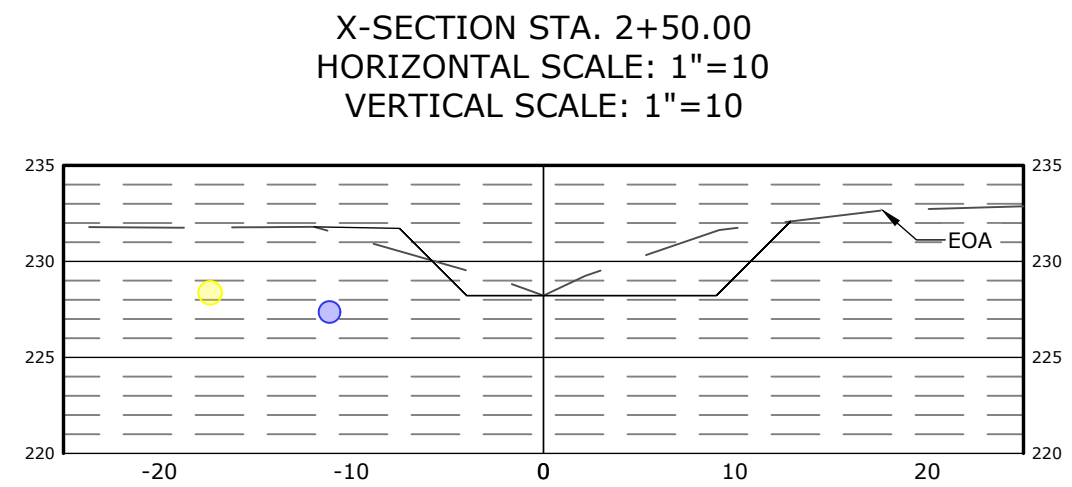
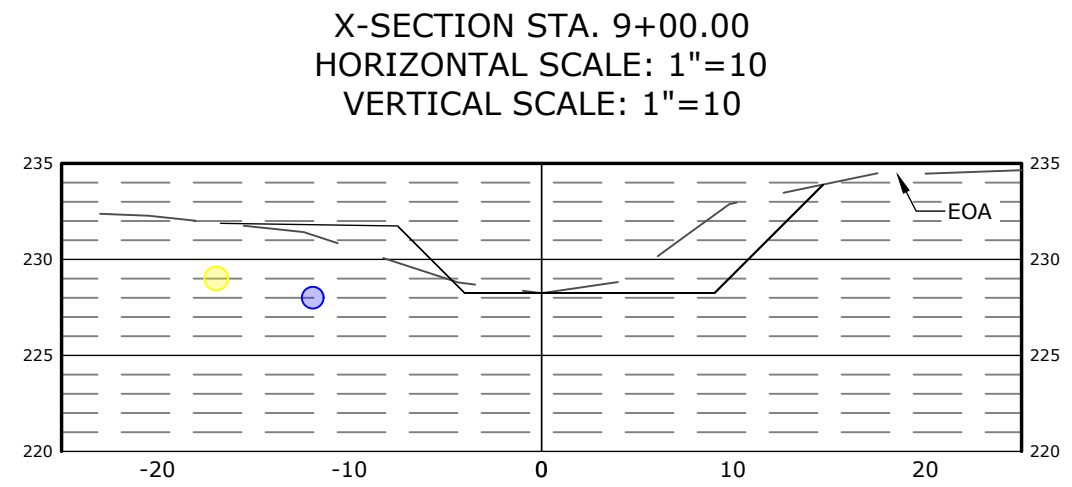
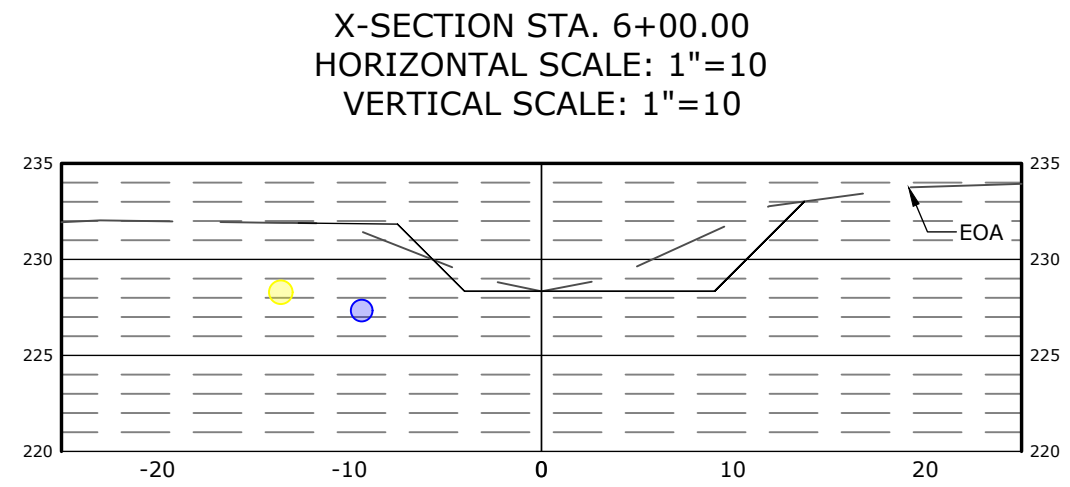
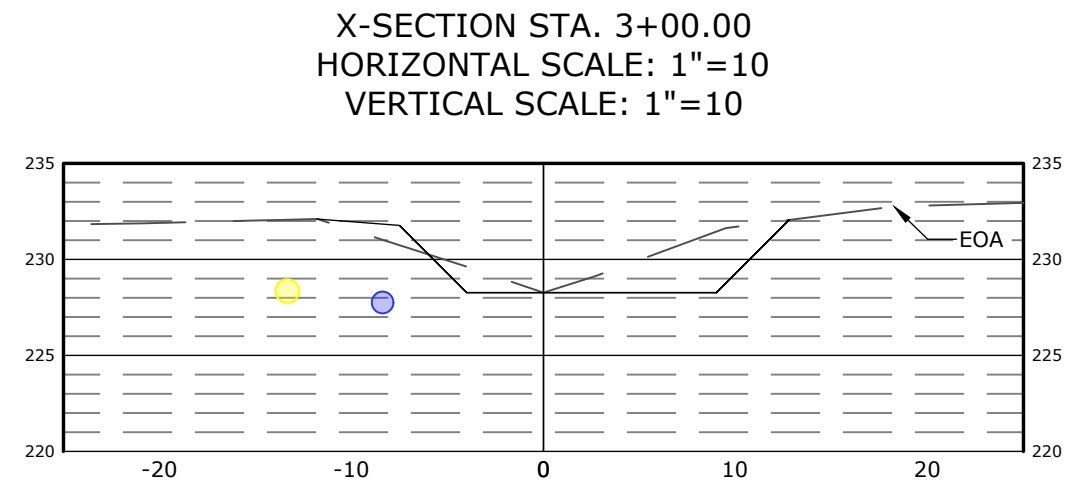
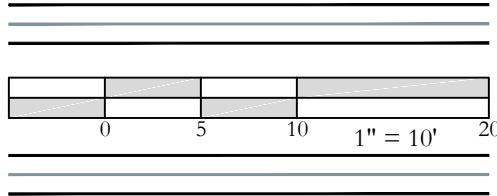


REVISIONS:

PROJECT NUMBER:  
DE24-127  
DATE:  
MAY 20, 2026

**C1.0**

WEST SIDE DRAINAGE



**PARK AVENUE DITCH  
AGH HOLDING**  
PARK AVENUE  
SEARCY, AR 72143



REVISIONS:

PROJECT NUMBER:  
DE24-127  
DATE:  
MAY 20, 2026

**C3.0**

CROSS SECTIONS

**From:** [Mark Lane](#)  
**To:** [Bear Davidson](#); [Richard Stafford](#)  
**Cc:** [jeffrey@davidsonengineers.com](mailto:jeffrey@davidsonengineers.com); [Gabrielle Swain](#); [Adam Hart](#); [Wes Martin](#); [Patsy Cox](#)  
**Subject:** RE: Park Ave. - Parkway Meadows - Boundary Street Improvements  
**Date:** Thursday, May 28, 2026 10:22:35 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Bear,

After our conversation yesterday and a review of the document provided I would have to say that I agree with your assessment of the situation.

Park Avenue would need a full reconstruction to provide even the minimum slopes for proper drainage. The pipes that flow under Park Avenue and the DK&S railroad will likely need to be enlarged as well. Furthermore, should this enlargement take place, I believe that the areas downstream of this improvement, areas that are already at maximum capacity in a large rainfall event, could be inundated and adversely affected. Those areas include several car lots, a convenience store, the current site of the Searcy Street Department as well as several other locations. We already have problems during heavy rains there. Should the city council opt to make these improvements it would be my recommendation to make improvements to the drainage system all the way to the east side of Eastline Road. I do not have an estimate of those costs but they will be significant.

Mark Lane, P.E.  
City Engineer

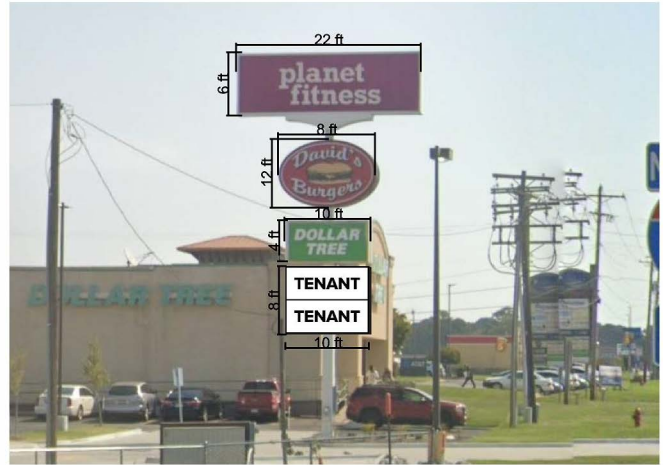
(501) 279-1092  
1615 Eastline Road  
Searcy, AR 72143  
[mlane@cityofsearcy.org](mailto:mlane@cityofsearcy.org)  
[www.cityofsearcy.org](http://www.cityofsearcy.org)



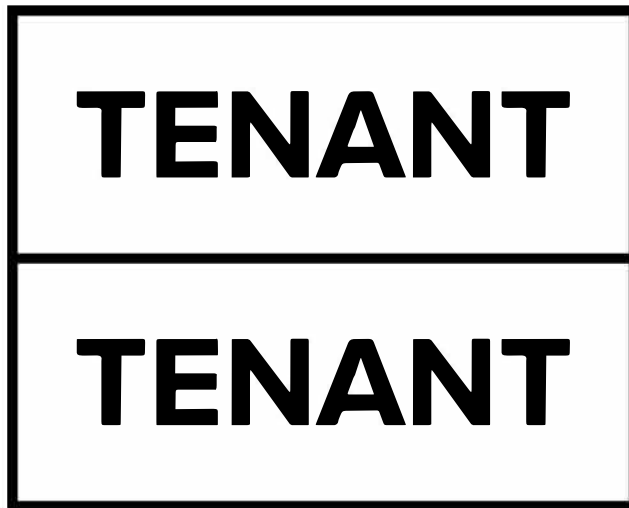
EXISTING



PROPOSED



RENDERINGS NOT TO SCALE



(2) H4' x W10' Tenant Panels  
 Overall Dimension: H8' x W10'  
 Existing Signage 268 Sq Ft  
 Proposed Signage 80 Sq Ft  
 \*Survey required before production

- PANTONE WHITE
- PANTONE BLACK

	<b>PROPERTY BRAND/EXTENSION:</b> David's Burger	<b>PROPERTY LOCATION:</b> 3502 E Race Avenue Searcy, AR 72143	<b>PROPERTY CODE:</b> TBD
	<b>DATE:</b> 01/30/26	<b>SALES REP:</b> Tonya Hulett	<b>PREPARED BY:</b> Kayla Roy
<small>©2022 ACE Company &amp; Ace Signs of Arkansas, LLC. All Rights Reserved. This design is the property of ACE Company and are the result of original work of its employees. They are submitted to your company for the purpose of consideration to purchase from ACE Company, a project according to this design. Exhibition to anyone other than employees of your company or use of this design or to create a design that is similar without written approval from ACE Company is a violation of copyright. In the event that such violation occurs, ACE Company shall be paid for the full amount of any project using a similar design. The colors and dimensions are approximate and may vary from the actual product. Customer must Sign and Date for artwork approval to confirm they are ready for production. Please double check colors, sizes, placement, description, and spelling errors before signing. After payments and signed approval, the artwork is now owned by the customer.</small>			<b>INITIALS:</b> _____