



June 15, 2011
**PUBLIC HEARING MEETING
OF THE
BENTON COUNTY PLANNING BOARD
M I N U T E S**

Call to Order: Chairman Lane Gurel

Roll Call: Lane Gurel, Ken Knight, Jim Cole, John Pate, Mark Curtis, Starr Glenn, and Cindy Jones were present.

Staff was represented by Elizabeth Bowen, Harmony Linten and Donna Fallin.

Minutes of 5/18/2011 – Accepted unanimously

No Reports of Planning Board members

General Public Comment – There was no general public comment

New Business: No New Business

Old Business

A. End of the Road Acres: A Commercial Large Scale Development Permit and Variance request presented at the 6/1/2011 T.A.C. meeting. The project is located at 21401 Sloan Hollow, Garfield, AR 72732. Parcel Number 18-01345-004. Presented by Barbara and Bruce Sloan, 21401 Sloan Hollow Road, Garfield, AR (**JP District 01**)

- **Chairman Lane Gurel** stated the Board had two items to consider:
 - 1.) approval of the Commercial Large Scale Development
 - 2.) The request for a variance to waive the Large Scale Development Fee.
- **Staff (Harmony Linton)** stated that she received a complaint letter from a neighbor with adjoining property. The neighbor was concerned about the noise and the posting of signs regarding shooting on her property.
- **Lane Gurel**—Asked Mr. and Ms. Sloan if they would move the signs if they were on their neighbor's property and they agreed to do that. Mr. Gurel also asked if a bullet had ever exited the property during the time the business had been in operation.
- **Bruce Sloan** said that had never happened. The Indoor Shooting Range is enclosed and bullets fired from the Long Range site are fired into a mountain.
- **Mr Curtis** commented that the applicants seem to have gone above and beyond the required safety regulations and he thought it was a good project.
- **Mr Gurel** addressed the sound issue, even though the indoor range is insulated, the sound can be heard outside. Neighbors have heard the sound across the cove on the lake and the outdoor range is much louder. The Board asked about setting some time limitations on shooting.
- **Mr Sloan** stated that they never shoot after dark on the outside range.
- **The Board** suggested the hours of operation be during daylight.
- Regarding the request to waive the LSD fee, Ms. Sloan reminded the Board they waived the LSD fee for a business last month, with no discussion of "hardship."

PUBLIC COMMENT

- Mr. Warren Fields- lives in Siloam Springs but owns property directly above the shooting range. His Sister-In-Law, Mrs. Netherly is the neighbor who complained about

the signs being posted on her property. Mr. Fields stated that the day he visited the property, the shooting was very noisy. He wanted to go on record stating that it was his opinion that in a residential area a shooting range is not that valuable. He was representing himself, Mrs. Netherly, his Sister-In-Law and Mary Kay Crowley, who is a property owner in the area.

- Mrs. Holly Fields- said that besides the signs, there are two deer feeding stations and a hunting blind visible on the 2011 county GIS map. The blind is on the Sloan property but she believes the posted signs are on her sister's property. Mrs. Fields stated that this is definitely a residential area, houses are numerous and all lots are in a platted subdivision called Hoot Owl Hollow Estates.
- Clyde Bower, 13437 Holly Lane – Lives directly above Bruce Sloan's house. The noise is a big bother to his family and pets. He is concerned that pointing guns upward could be a danger to him and his family.
- Guy Howe, 12 Goldsbey Drive—Mr. Howe has been a certified AR State Police concealed carry instructor since 1995 and he teaches classes with Bruce. He stated that Bruce is extremely safety conscious. Addressing Mr. Bower's concern about firearms being pointed upward, he stated that only empty guns are pointed up in the air. Safety issues are nonexistent at the Sloan's shooting range.
- Ryan Butler, 13122 Shaffer Road—The noise from the shooting is very apparent, not muffled—it is totally apparent. The noise was really bad early one Sunday morning. This is an area of houses/homes not industry or commercial business.
- DeWayne Taylor, 21535 Sloan Hollow Road- Printed off Benton County Regulations, Standards and specifications for subdivisions and pointed out the following concerns:
 1. Page 34, #2, Access Roads—Roads have to be up to county standards to operate a Business, however the road to the shooting range is a private drive.
 2. Page 36 Section D, Solid Waste – they are firing ammunition into the hillside—that could possibly contaminate his ground water because he is on a well.
 3. Page 36 # 4, Compatibility – Development patterns must be consistent with the environment. There are no businesses in this area. It is all single family homes.
 4. Page 37 section B, Offsite nuisances' must be mitigated. (Noise)
 5. Page 45 – Private Drive - Private driveways shall not be used for public traffic. Traffic going to and from the business is a danger for his kids.
- Kelley Craddock, Rogers, AR – Teaches classes with Bruce, and feels Bruce is a safe instructor. He is very thorough and concerned with safety.
- Todd Butler, 51666 Indian Creek Road – Noise is a big issue especially on the weekends. Most of the shooting is done on the weekend and many people come to the lake for the weekend. Mr. Butler would like the business to operate during the week when most of the neighbors are at work and kids are at daycare.
- Tonya Cramer, 21407 High Street – Ms. Cramer's property joins the Sloan property and she has no issue with the shooting range. The noise is noticeable but does not cause a problem for her because she thinks the noise means students are learning to shoot a weapon safely.
- Janice Howard, 13374 Indian Bow Circle—Was concerned that neighbors had not approached Bruce about their issues. The noise of weed eaters, chainsaws and lawn mowers is more bothersome to her than the sound of shooting. The sound of the shooting range makes her feel safe because she lives alone. Ms. Howard feels that neighbors should go see Bruce's business before they complain about it.
- Art Allen, 21570 Indian Creek Drive—Lives in a Fern Hollow Cottage, his retirement home, which is about 400 yards from Bruce's house and business. Mr. Allen feels property value could be devalued in the area because of the shooting range. The noise has been going on for a couple of years. Bruce has a good reputation for safety, but Mr. Allen is retired and the last thing he wants to hear is guns shooting when he is on his dock.
- Bill Newman, Venturis Rd Garfield – Mr. Newman is a retired law officer who takes classes from Bruce. He stated it was hard to hear the indoor range noise because the building is

insulated although the outdoor range does make noise. He stated the business is a good thing for the community to teach hunters and others to be safe with firearms.

- Brooke Taylor, 21525 Sloan Hollow- Ms. Taylor pointed out that the business is not only a shooting range but they sell guns and ammunition at their home as well. The traffic generated by the classes and sales is generally casual, but it could be dangerous to small children.
- **Cindy Jones** asked how often classes are held on weekends. She stated that most classes are on the weekend mainly Saturdays.
- **Ms. Sloan** stated that there are other noise issues in the area like, jet skis and boats.
- **Mark Curtis** asked if they had thought about one day a week of silence with no shooting. Ms. Sloan stated that most days during the week there are no classes.
- **Ken Knight made a motion to approve the project with no stipulations.**
- **Cindy Jones** seconded the motion
- **The project was approved by a vote of 4 to 3.** Mr. Cole – No, Mr. Curtis – Yes, Ms. Glenn –Yes, Mr. Gurel – No, Ms. Jones – Yes, Mr. Knight – Yes, Mr. Pate – No.
- **Bruce Sloan** – offered to establish a day with no shooting if the community would like to even though he is not required to do so.
- **Ken Knight moved to approve the variance to waive fee** – but there was no second so the motion failed. Mr. Sloan must pay the fee at Planning Office.
- **Ken Knight** also stated that the Board is working on adjusting fees according to size of businesses, but for now all businesses pay the same fee.

B. Osage Creek Pavilion and Performing Arts Center- Project Update, LSD Site Plan Revision, Progress on Stipulations. Project is located on Logan Cave Road in Benton County, AR. Presented by Greg Smith (**JP District 13**)

- **Mr. Gurel** updated the Board on the fact that since the 6/1/11 TAC meeting he had worked with staff to go through the project file because there was some confusion about the evolving nature of the project and exactly what was approved on 11/17/10. Because Osage Creek is requesting to revise the Phase I approval – Mr. Gurel asked Mr. Smith to go through the list of questions/requirements. The issues discussed are below:
- Site Plan of South side now shows the floodplain.
- South side parking is now shown on Site Plan. Phase I Parking is not located in the floodplain. There could be a total of 4,782 parking spaces in phase I with out parking in the floodplain.
- New Site Plan shows the distance from the proposed parking to the Floodplain.
- ADEQ SWPP permits for both North and South sites have been approved and all requirements have been satisfied. Osage Creek responded in time regarding the violation on the south side.
- Flood statement is now included on the Site Plan and Topo survey. (Boundary survey separate)
- There are two surveys – Topo and Boundary. Mr. Gurel asked if there is a requirement in our regulations that the two surveys be on one document. There is not. The Floodplain information is on Topo survey staff received today.
- The easement Letter from Carroll Electric was received and verified by staff. It listed a specific location and was not a blanket easement. Mr. Sorey stated that the easement is not on survey because they just received it from Carroll. He went on to point out that they cannot add to document – The easement happened after the fact --the letter from Carroll should stand alone separate from survey because when survey was done there was no easement. An easement coming in after the fact will be recorded as a separate instrument. The next survey will include the easements and they will be recorded.
- Board was satisfied that there is now an easement.
- **Harmony Linton** stated that our Ordinance states that all easements existing or proposed must appear on Large Scale Plan. The utility easements should be on the Site Plan and also on the utility plan.
- Tim Sorey will add the easements to the Site Plan.
- Building setbacks—Tim Sorey stated that no setbacks exist, therefore they cannot be shown.

This property was not subdivided – so there is only one setback from the road. On the Phase I Site Plan there is a dashed line (road setback). According to Tim Sorey, there are no setbacks for undivided land in the county--you can build all the way to the boundary line. Staff will clarify which setback(s), if any are required, as for the project, this item will not be an issue going forward.

- **Elizabeth Bowen** stated the County Road Department has verified that the right-of-way easements are complete. According to Greg Smith, Steve Douglas of the Road Department estimates the paved road from Steward Road to Gailey Hollow Road should be completed in mid-July.
- The new Phase I Site Plan includes approval from the Health Department for portable toilets and shows them on the document.
- The Mass Gathering Permit has been obtained for the July event, which has now been cancelled.
- **Mr. Gurel** asked if Osage Creek would agree to apply for a Mass Gathering permit for each event.
- **Mr. Smith** does not want to apply for a permit for each event. He stated that was not the the agreement and there is a substantial fee with each application.
- Lane Gurel was concerned that if Osage Creek does not apply for the Mass Gathering permit for each event, the County or Board might be responsible for ensuring the requirements were met.
- One of the main reasons Osage Creek is seeking a revised Phase I approval is because the bathrooms have been removed from the plan. This season they will use portable toilets and the bathrooms will be added in Phase II.
- Buffering – Buffering was addresses by the Landscaping plan on the original submittal.
- In regard to the Fire Marshall's comments, Mr. Smith stated that the Island in the entryway drive has been removed on the new plan and the Fire Marshall's concerns have all been resolved.
- **Harmony Linton** confirmed that there is a letter from both the Highfill and Gallatin Fire Departments in the file.
- Regarding a detailed traffic control plan in writing, Greg Smith stated that the State Police under Lance King will be responsible for traffic on State highways from where old Hwy 68 meets Hwy 412 both East and West and Hwy 12. Sherriff Ferguson will be responsible for traffic on The arterial roads. Osage Creek will use flashing signs to aid in traffic control. Additionally, Mr. Smith told the Board that some of the of-duty police officers he will be hiring are EMT certified. There will be a medical tent set up which requires two EMTs to be onsite at all times during an event. Osage Creek has hired an independent ambulance company out of Siloam Springs.
- Regarding the requirement that all plans must be signed and sealed by the engineer preparing them, the revised Phase I Site Plan will take care of this as it is signed and sealed. The seating supplier has provided plans for the seats.
- As to clarification, of the total number of occupants approved for Phase I, Mr. Smith told the Board that the initial agreement was for 5,000 ticket sales not 5,000 total occupants.
- Handicapped parking – The ADA requires 2% of total parking be allocated to handicapped spaces. There are no handicapped spaces on the Site Plan.
- Mr. Smith stated that there would be a valet parking service offered to all handicapped vehicles. The revised proposal does not show the required 34 handicapped spaces. On the site plan there is a place for 34 spaces – can this be handicapped area? Must have stall and cross-hatched area. Must depict it on the plan and show justification– Tim Sorey agreed to add the required handicapped parking to the new Site Plan according to ADA requirements.
- Mr. Sorey stated that although the function of the facility remains exactly the same, the new Phase I Plan minimizes buildings (they have removed the permanent bathrooms and concession Buildings), and the walk, ramping configuration and parking has changed. He stated that he did not believe the new Requested Phase I approval – should not be compared to initial approval.

Mr. Gurel pointed out that there were several statements on the Site Plan calling for "FUTURE" features, like restrooms, dressing rooms, etc. that should be removed unless the Board was

being asked to approve future items. Mr. Sorey agreed.

- Mr. Knight made a motion to approve the revised Phase I Plan with the following stipulations:
 - Clarify the ADA requirements for Handicapped Parking and how a valet service might affect those requirements and add the spaces to the Site Plan.
 - Remove all references on the Phase I Site Plan of "FUTURE" project components.
 - Add setback dimensions from the road and from the property line to the buildings
 - Add Electrical Easement
- **Mr. Gurel called for Public Comment** – Mr. Smith shared with the Board that he was sorry that they had to cancel their first scheduled event, but the weather made it impossible for him to meet the construction timeline.
- The motion was seconded and the project passed unanimously. Mr. Smith stated that they would try to deliver the revised Site Plans by Friday, June 18th.
- Staff was asked to provide a list of action items along with a list of the initial stipulations from November 2010. **SEE BELOW**
- **Mr. Curtis** – Requested copies of the comments staff had received to date on updating the Planning Regulations.
- **Elizabeth Bowen** stated that she would email that input to all of the Planning Board members and when the final draft document was completed she would have staff provide a "scratch" document which would show the old verbiage and the proposed new verbiage.

C. Adjournment: 8:40

OSAGE CREEK ACTION ITEMS---BOARD REQUESTS 6/15/2011

Revise Phase I Site Plan to include:

- 1.) Electrical Easement**
 - 2.) Clarify ADA, requirements and add Handicapped Parking**
 - 3.) Add setback dimensions**
 - 4.) Remove all future items, not included in Phase I**
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Osage Creek Stipulations for Phase I Approval as submitted on 11/17/2010

- Applicant is required to show phases of the project on the site plan.
- Board requests Staff obtain requirements for toilet facilities (Dept of Health) & parking requirements (County ordinances).
- Applicant must submit Health Department mass gathering approval.
- Owner's desire to achieve Mass Gathering requirements must be in writing.
- Applicant must agree to provide 45 day notice to the planning office prior to every event.
- Applicant must submit a copy of ADEQ approval to Board.
- Applicant must submit architectural plans of stage to Board.
- Health Department approval of public well & septic must be submitted to Board.
- Additional paving on the South side would require applicant come back before the Board.
- Applicant must pay \$300.00 Large Scale Development fee.
- Phase I is approved for 5,000 occupants.
- ADA Regulations must be met for 5,000 occupants.