

Lonesome Oak Guns & Range (fka Nighthawk Custom Training Academy)  
LSD Amendment - May 20<sup>th</sup>, 2015

**Benton County Planning  
Board**

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**Benton County Development  
Department**

**Planning Division**

905 NW 8<sup>th</sup> Street  
Bentonville, AR 72712  
Phone: (479) 271-6166  
Fax: (479) 464-6170  
Email: [Taylor.Reamer@bentoncountyar.gov](mailto:Taylor.Reamer@bentoncountyar.gov)

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**LARGE SCALE DEVELOPMENT – AMENDMENT  
PLANNER’S PUBLIC HEARING REPORT**

2106 W. Centerton Blvd., Centerton AR

**EXECUTIVE SUMMARY**

The applicants, Kenneth Swank and Kathleen Kinyon, propose to amend the hours of operation for Lonesome Oak Guns & Range (fka Nighthawk Custom Training Academy). The applicants propose hours of operation for recreational shooters shall be from 7:00am to 10:00pm seven (7) days a week and hours of operation for law enforcement personnel shall be from 7:00am to 12:00 am seven (7) days a week.

On April 21<sup>st</sup>, 2015, applicants met with Planning Staff and Administrator of General Services to discuss the proposal of amending the hours of operation for the existing shooting range.

On April 22<sup>nd</sup>, applicant provided a cover letter detailing the proposed hours of operation for the shooting range, under the business name ‘Lonesome Oak Guns & Range’.

On May 6<sup>th</sup>, 2015 the applicants attended the Benton County Planning Board Technical Advisory Committee meeting to discuss the proposal with the Board.

**To date, the following items are outstanding:**

1. None

## **PROJECT INFORMATION**

**Applicant:** Kenneth Swank and Kathleen Kinyon

**Property Owner:** Swank Revocable Living Trust

**Project Name:** Lonesome Oaks Guns & Range (fka Nighthawk Custom Training Academy)

**Address of subject property:** 2106 W. Centerton Blvd., Centerton AR

**Parcel ID:** 18-10022-000

**Parcel Size:** 15.06 acres (6.2 acres - shooting range portion of site)

**Current Land Use:** Commercial sport shooting range – see previously approved LSD

**Proposed Land Use:** Commercial (continued)

**Attachments:** The following drawings and documents are attached:

1. Cover Letter provided by applicant – Proposed Land Use
2. Site Graphic
3. Vicinity Graphic
4. Centerton Planning Commission – via Centerton Planning IDR

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## **PLANNING ANALYSIS**

### **Description of Property and Surrounding Area:**

The 15.06 acre subject property is located on the north side of W Centerton Blvd., adjacent to the City Limits of Centerton. The property is currently improved with seven (7) existing storage facilities. Primary vehicular access is provided via an existing paved drive from W. Centerton Blvd. that extends into the subject property. The access drive extends north to the site of the outdoor shooting range. The subject property is bordered to the east, west, and south by the city limits of Centerton. The northern property line abuts unincorporated agricultural land. The subject property directly abuts C-2 zoned property to the east and west; property inside the city limits of Centerton, and also directly abuts I-2 and I-1 zoned property to the south and west, respectively. The property is not located within the FEMA 100-yr. floodplain, or in a County designated MS4 area.

### **Background information:**

The site was the subject of an initial Commercial/Industrial Large Scale Development proposal (LSD 12-187) to allow for the continued development and operation of a shooting range and training facility. The subject property consists of two uses; the front portion of the property (south) was, and is currently, used for existing, commercial storage catering to small business and individuals for storage of equipment and personal items. The 6.2 acre, rear portion of the property (north), has been developed into the shooting range/outdoor training facility, which includes the outdoor shooting range and associated parking areas. Upon its June 6<sup>th</sup>, 2012 review, the Benton County Planning Board denied the project (LSD 12-187) based upon; 1.) Land use incompatibility; 2.) Lack of noise mitigation from the proposed use; 3.) Lack of safety mitigation.

Lonesome Oak Guns & Range (fka Nighthawk Custom Training Academy)  
LSD Amendment - May 20<sup>th</sup>, 2015

On July 30, 2012, the applicant appealed the Planning Board's denial of LSD 12-187. The applicant's project proposal was approved by the Appeal Board (appointed by the Benton County Judge) conditioned upon meeting the following stipulations:

1. Applicant must provide letter from the Bentonville and Centerton Fire Departments indicating that they have access to the property such as to provide emergency medical services in case of an event requiring such service at the property.
2. The hours of operation for the shooting range shall be limited to 8:00am to 5:00pm.
3. All berms used for shooting shall conform in design and construction with the NRA Range Source Book specifications for berm design.
4. Planning staff to work with applicant to develop a noise mitigation plan though landscaping or physical barriers within the next ninety (90) days of the decision by the Appeal Board.
5. Applicant required to follow the lead management plan submitted to the Board.

On April 9<sup>th</sup>, 2015, Benton County Planning Staff issued a Letter of Completion to applicant stating all five (5) stipulations set forth by the Appeal Board in July 2012 had been satisfied. This includes stipulation number four (4) regarding landscaped/physical barriers to mitigate noise impacts by County Staff.

On April 21<sup>st</sup>, 2015, applicants met with Planning Staff and Administrator of General Services to discuss the proposal of amending the hours of operation for the existing shooting range.

On April 22<sup>nd</sup>, applicant provided a cover letter detailing the proposed hours of operation for the shooting range Lonesome Oak Shootings & Range.

On April 23, 2015, an inter-departmental review form was sent to the following agencies: Planning Division, Health Dept., Road Dept., Arkansas Highway and Transportation Dept. (AHTD), Building Safety Div., Fire Marshal, Administrator of General Services, Benton County 911 Administration, and City of Centerton Planning Department.

The City of Centerton submitted inter-departmental review comments, **furnished by the Centerton Planning Commission**, to Benton County on May 4<sup>th</sup>, which was past the May 1<sup>st</sup> due date requested by County Planning Staff for inclusion in the May 6<sup>th</sup> Technical Advisory Report. Therefore, it is hereby noted in this public hearing report that the Centerton Planning Commission has provided formal comments to the Benton County Planning Division (*see with attachments*).

On May 6<sup>th</sup>, 2015 the applicants attended the Benton County Planning Board Technical Advisory Committee meeting to discuss the proposal with the Board.

### **COMPLAINTS FILED**

The Benton County Planning Division received multiple emails from property owners regarding after hours shooting at Lonesome Oak Guns & Range. Upon instruction from the Benton County Planning Board, the property owners filed five (5) email complaints concerning shooting after 5:00pm at Lonesome Oak Guns & Range. The complaints were filed May 7, 2015 from the times of 6:24pm to 6:52pm by property owners reporting shooting after 5:00pm at the subject property.

## **TECHNICAL REVIEW OF SITE PLAN**

### **Parcel Information:**

Upon Staff research, the subject property is improved with seven (7) storage unit buildings (southern portion) and the outdoor sport shooting range (northern portion). The total parcel acreage is 15.06 acres encompassing both uses.

### **Noticing Requirements:**

On May 6, 2015 the applicant submitted to Staff USPS certified mail receipts showing that written notice was sent to surrounding property owners regarding the May 20, 2015 public hearing, as well as date stamped photograph(s) verifying that the required public hearing notice signage along the properties frontage with W. Hwy. 102 (Centerton Blvd.) has been conspicuously posted.

### **Berm Construction:**

On April 9, 2015, Planning Staff issued a Letter of Completion to Mr. Swank stating all five (5) stipulations set forth by the Appeal Board had been met. This included all berm construction standards and fulfillment of the landscaping agreement.

### **Lead Removal Plan:**

The applicant provided a letter dated May 4, 2015 stating Lonesome Oak Guns & Range will honor the previously agreed upon Lead Removal Plan between Benton County Planning and Nighthawk Custom Training Academy. The original agreement was submitted to the Planning Board June 6, 2012. The agreement follows the EPA Best Management Practices for Outdoor Ranges.

### **Parking:**

Based on the 2012 Site Plan, the applicant provided two (2) grass parking areas for shooting range activities per Staff recommendations. The applicant stated any handicapped vehicle would be allowed to park next to the event bay that would be application to their visit.

Comment: Applicant to confirm parking areas are clearly marked or delineated from the event space. Based on aerial photography, the proposed parking areas shown on plans submitted with LSD 12-187, are not oriented in the same fashion today. Revise site plan to clearly show where accessible parking will be located.

Applicant submitted current site plan showing all existing improvements on the subject site.

### **Landscape Buffer:**

Required: The 2012 agreement between NCTA included the installation of landscape and physical barriers to act as a buffer for surrounding land owners and sound abatement.

Comment: In the April 2015 Letter of Completion, Planning Staff affirmed the owner's fulfillment of item number 4 concerning noise mitigation on site.

**Access Driveways:**

Required: The design and construction shall be in accordance with the standards as presented in the Benton County Road Plan.

Comment: The site fronts along an AHTD maintained roadway. There is one (1) existing paved access drive from E Hwy 102 that extends to the existing buildings on site. AHTD representative provided 'no comment' on this project.

**Site Services - Drainage/ Stormwater Management Plan:**

Comment: The subject property is not located in an MS4 area. As part of LSD 12-187 review, the applicant's engineer provided a letter stating no issues have been identified with stormwater runoff from the site. As part of this review, the applicant is not proposing any new impervious surfaces on site.

**Site Services - Solid Waste Disposal:**

Comment: Current site plan does not show a dumpster on site. The location of trash receptacles are detailed on site plan at each shooting station. Applicant submitted service letter dated May 4, 2015 from Waste Management stating the site will be serviced for solid waste. In the same letter, the applicant states the property owner hauls the trash generated on site to the landfill weekly.

**Site Services - Sewage Disposal:**

Required: Regardless of development size, a state-approved septic disposal method is required of all commercial and industrial developments. All disposal system criteria must meet or exceed septic requirements as established by the Arkansas Department of Health (ADH) in accordance with Act 402 of 1977 as amended.

Comment: Based on the previous approved site plan, the applicant utilizes portable toilets to service the shooting range. The applicant submitted a service confirmation letter dated April 27, 2015 from Arkansas Portables NW stating the portable toilet on site is serviced weekly.

**Site Services - Fire & EMS:**

Benton County E-911 Administration verified the existing structure as 2106 W. Centerton Blvd., Centerton.

Required: Applicant submitted a service confirmation letter from Centerton Fire Department and Benton County Fire Marshal stating both agencies have received codes for gate access to the subject site.

**OUTSTANDING ITEMS:**

None

**CONCLUSION:**

The proposed amendment to the previously approved Large Scale Development (LSD 12-187) of the hours of operations was reviewed by Planning Staff. The applicants propose the following as the amended hours of operation; Hours of operation for recreational shooters shall be from 7:00am to 10:00pm seven (7) days a week; Hours of operation for law enforcement personnel shall be from 7:00am to 12:00 am seven (7) days a week.

**CONSIDERATIONS FOR THE BOARD:**

Approval of the Large Scale Development – Amendment (case #15-051)

**Prepared by:** Taylor Reamer, Planning Manager

**Reviewed by:** Kevin M. Gambrill, AICP, Planning Director

Cover Letter provided by Applicant

## Lonesome Oak Guns & Range

PO Box 338  
2106 West Centerton Blvd  
Centerton, AR 72719

April 21, 2015

Benton County Development Department,

Though the Benton County Planning Committee has already approved this Large Scale Development (Case 12-187), formally leased for three years, and formally known as Nighthawk Custom Training Academy, we are now asking for extending hours of operations on this gated Outdoor Gun Range.

Through the years at this approved development, we see the need to extend the hours for recreational shooting for future members to shoot after work, which basically means after 5:00 pm. These members will have either a conceal weapons permit or will have a background check by calling NICS. These extended hours are also needed for several Law Enforcement Departments to conduct night time training. They include the Benton County Sheriff's Department, Benton County Prosecutors Department and the Springdale Swat Team. This outdoor range is also used by other Law Enforcement Departments around the area to qualify their officers. Everyone will have their own security code to enter the premises.

We are asking for the hours of operations to be extended to 7:00 am to 10:00 pm, basically sun up to sun down. However, with the exception of any Law Enforcement Departments or Agencies that would need even longer night time training to protect the citizens of Benton County and other surrounding counties, we are asking that their cut off hours to be at 12:00 pm midnight. We thank you in advance for your consideration.

Sincerely,

*Kathleen Kunyan*  
Lonesome Oak Guns & Range

Lonesome Oak Guns & Range (fka Nighthawk Custom Training Academy)  
LSD Amendment - May 20<sup>th</sup>, 2015



VICINITY GRAPHIC



Lonesome Oak Guns & Range (fka Nighthawk Custom Training Academy)  
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**Benton County, AR  
Development Department - Planning**

**Interagency Review Comment Form**

**APPLICATION TYPE – Large Scale Development – Major Amendment**

**DEPARTMENT/ AGENCIES CONTACTED**

Health Department: Caroline Eastman, Environmental Health Specialist	Planning Director: Kevin Gambrill	
Road Department: Jeff Clark, Jared Peters, Trevor Messbarger	Administrator of General Services: John Sudduth	
Chief Building Official: Glenn Tracy	Benton County 911 Admin: Judi Frigon	
Fire Marshal: Marc Trollinger	Administrator of Public Safety: Marshal Watson	
Arkansas Highway Transportation Dept: Bobby Keaton	City of Centerton: Lorene Burns	

**PROJECT INFORMATION**

**DATE:** 04/23/2015  
**OWNER:** Swank Revocable Living Trust  
**APPLICANT:** Kenneth Swank and Kathleen Kinyon  
**PROJECT NAME:** Lonesome Oaks Guns and Range (fka Nighthawk Custom Training Academy)  
**LOCATION/ADDRESS:** 2106 W. Centerton Blvd., Centerton  
**PARCEL ID:** 18-10022-000  
**PROJECT DESCRIPTION:**

This site was previously reviewed by Benton County Planning Board and subsequently approved by a JP appointed Appeals Board under to Project name 'Nighthawk Custom Training Academy'. In April 2015, the property owner fulfilled the stipulations set forth by the Appeal Board and received a 'Letter of Completion' from Planning Staff on April 9<sup>th</sup>, 2015. Currently hours of operation are 8:00am-5:00pm 7 days a week, as previously approved. The property owner now wants to amend the hours of operation as follows: 7:00am-10:00pm, for RECREATIONAL shooters; extended hours of 7:00am-12:00 midnight for LAW ENFORCEMENT personnel, with both time frames open 7 days a week.

NOTE: The purpose of this form is to allow County Departments and Agencies with an interest in the development application to provide questions and comments to supplement Planning Division staff review. Please take the time to review the attached application and provide comments by e-mail. Attach additional pages if necessary. If you have no comments, *please indicate by checking the* “no comment” box below. Thank you very much for your assistance with this process.

**NAME OF REVIEWER:** Lorene Burns, Planning Director - City of Centerton

☐ No Comments

The following comments are from the Centerton Planning Commission. This

☒ Comments item was discussed as an agenda item at the regular meeting held on 4/28/15.

Issue 1: Concerns for safety and noise disturbance during later hours for the area residents (in/out of City)

Issue 2: Hours of operation seem excessive for 7-day operation. Recommend leaving hours as they are currently and to deny the extension of operational hours.

Issue 3: Should the extended hours be granted, recommend improvements to lighting with no illumination extending beyond the property boundary.

Other Comments: This comment form is to replace previous one sent on 5/4/15 via email.