

October 17, 2017 Planning and Zoning Commission Meeting Minutes

Public Hearing – Conduct a Public Hearing and consider a request to establish a Planned Development zoning district with a base zoning of Corridor Commercial “CC”, and to adopt Development Regulations, a Concept Plan, and Building Elevations relating to the use and development of 1.610± acres out of the L.K. Pegues Survey, Abstract No. 702; generally located at the southwest corner of the intersection of Curtis Lane and US Highway 75. (ZN-062617-0005) [Texas Legends Gun Range]

Mr. Marc Kurbansade, Director of Community Development, presented the item to the Commission. Mr. Kurbansade stated the item is PD Zoning for Texas Legends Gun Range. He stated that the property is generally located at the southwest corner of the intersection of Curtis Lane and US Highway 75. The property to the north (across Curtis Lane) is zoned Corridor Commercial CC. The properties to the west are zoned Planned Development PD No. 118 Single Family Residential R-7. To the south, the properties are zoned Planned Development PD No. 54 Corridor Commercial CC. To the east (across US Highway 75), the property is zoned Community Facilities CF.

Mr. Kurbansade noted that the property is currently zoned Corridor Commercial CC. The applicant is requesting to change the zoning by creating a Planned Development with a base zoning of Corridor Commercial CC for a Target Range use, and adopting Development Regulations, a Concept Plan, and Building Elevations for the property.

Mr. Kurbansade stated that the property is approximately 1.610± acres. He presented the Concept Plan and the proposed 21,232± square foot Target Range facility. He stated that there are two points of access into the property; both on Curtis Lane. He noted that driveway throat depths will be modified as indicated on the Concept Plan, which has been reviewed by the Engineering and Fire Departments.

Mr. Kurbansade stated that the building will be one story with a maximum height of 35 feet. Primary building materials include concrete and stone. He then showed a rendering of the building to demonstrate how the building will look in a three-dimensional perspective.

Mr. Kurbansade stated that the applicant has conducted two meetings with residents in the neighboring Ansley Meadows Homeowners Association and that a few concerns arose from those meetings. He stated that an acoustic study was conducted to determine the impact of noise on the surrounding properties. He noted that the study demonstrated that the predominant noise on site was from US Highway 75. He then focused on the readings closest to the adjacent neighborhood. He stated that, at the existing wall, noise readings due to the facility will be at about 20 decibels in comparison to the existing conditions of approximately 67 decibels.

Mr. Kurbansade stated that building section cuts were also provided by the applicant in response to the concerns expressed by the Ansley Meadows Homeowners Association. He noted that these section cuts demonstrate the baffling and wall thickness being proposed at this location.

Mr. Kurbansade noted that the Allen Land Development Code requires a 10 feet landscape buffer along Curtis Lane. He stated that, due to site constraints, four feet of the buffer will be on the property and the remaining six feet of the buffer will be within the right-of-way. He noted that, as the entire 10 feet buffer requirement is not on the site, the Development Regulations require that six feet of landscaping within the right-of-way will be accounted for on the property with enhanced landscaping, subject to the Parks and Recreation Department.

Additionally, Mr. Kurbansade noted that to accommodate the building on the site, the northern (front) and southern (rear) setbacks will be modified as shown on the Concept Plan. He stated that the northern (front) setback is being reduced from 50 feet to 25 feet and that the southern (rear) setback is being reduced from 25 feet to three feet. To the south, the property is being developed as a hotel.

Mr. Kurbansade stated that just prior to the beginning of this Planning and Zoning Commission meeting, staff learned that the property owner to the south had submitted a letter in opposition to the proposed zoning, with the property owner stating that he was not comfortable with the reduced setback. He stated that while there is rarely complete consensus between adjacent property owners for zoning cases, staff strives to ensure that adjacent properties and subject properties can happily cohabitate. He noted that staff will still recommend approval but with the note that the rear setback and the concerns of the property owner to the south will need to be addressed prior to the case going to City Council.

Mr. Kurbansade stated that the request has been reviewed by the Technical Review Committee.

Chairman Trahan asked staff to reiterate the variations from the submitted materials.

Mr. Kurbansade reiterated that staff is not proposing variations from the submitted materials. He stated that staff wanted the Commission to be aware of the additional opposition and that staff would be engaging with both the applicant and the property owner to the south regarding the concerns with the proposed rear setback.

Chairman Trahan asked for confirmation that they would be voting on the materials as presented.

Mr. Kurbansade confirmed that they would be voting on the materials as presented.

Commissioner Metevier asked for clarification about the information received just prior to the Planning and Zoning Commission meeting. He stated that he would not be comfortable voting on a proposal that staff has not had time to fully review.

Mr. Kurbansade clarified by stating that it was only the opposition from the property owner to the south that was received just before the meeting. He noted that staff was under the assumption that both property owners agreed on the proposed reduction to the rear setback. He stated that staff will have further conversations with both property owners moving forward and wanted the Commission to be aware of the opposition. He also noted that he would welcome suggestions from the Commission for an alternative solution.

Chairman Trahan asked what is in the Commission's purview to recommend and if there were any deadlines to state opposition.

Mr. Kurbansade stated that the opposition is tied to the City Council vote and that there is no deadline prior to that meeting. He stated that the opposition has the potential, per state law, to require a super majority vote at City Council. He noted that if twenty percent of surrounding land owners are in opposition, it constitutes a zoning protest, which requires a super majority vote at City Council.

Chairman Trahan stated that he wanted to confirm the deviations from the Allen Land Development Code. He noted the rear yard setback of three feet and the southern setback of three feet.

Mr. Kurbansade stated the PD zoning process allows the Commission, essentially, to create a new zoning district as an amendment to the Allen Land Development Code. He noted that this means the Commission can recommend approval of different setbacks and any other standards in the Allen Land Development

Code. He noted that, to make a PD less intensive, a base zoning is adopted to allow the standards to default to the base zoning when not explicitly outlined in the PD. He stated that this property would have a rear yard setback of 25 feet if it were to be developed under strict Corridor Commercial zoning district standards but that the PD allows deviation. He noted that the southern property line is defined as the rear yard, meaning that the rear yard setback and southern setback are the same setback.

Chairman Trahan stated that the Planning and Zoning Commission is quasi-judicial and that, for this specific agenda item, the Commission serves as a recommending body for City Council. He noted that City Council will also hold a public hearing on the item.

Mr. Kurbansade reminded the Commission that it is always within their purview to ask for more information from an applicant or to allow staff to have further conversations with an applicant.

Chairman Trahan stated that he had considered that option but noted that several concerned citizens made time to speak on the topic. He stated that he felt they should have an opportunity to speak on the topic evening.

Commissioner Metevier asked staff to review the deviations from the Allen Land Development Code as only the rear yard setback had been discussed.

Mr. Kurbansade stated that the applicant is requesting to reduce the front yard setback from 50 feet to 25 feet. He stated that a 10-foot landscape buffer is required along Curtis Lane and that the applicant is requesting four feet of the buffer to be on the property and six feet to be in the right-of-way. He noted that the six feet of buffer in the right-of-way equates to approximately 2,500 square feet. He stated that this additional landscaping would be accommodated elsewhere on the property in addition to the minimum landscaping standards.

Commissioner Metevier asked if the City had an audio engineer review the acoustic study submitted by the applicant.

Mr. Kurbansade stated that the City does not have that kind of specialist on staff and that staff accepted what was submitted by the applicant.

Commissioner Metevier asked for the distance between the US Highway 75 service road and the closest driveway entrance to the site. He stated that he was concerned by how close it was to the service road. He also asked for the standard distance between driveway entrances and public streets.

Mr. Joseph Cotton, Assistant Director of Engineering, stated that Curtis Lane is a collector level street which requires a driveway separation of 90 feet. He stated that this distance is measured from the outside of the driveway to the adjacent roadway. He noted that there is a dimension shown, though not visible on the PowerPoint, of approximately 52 feet to the property line and an additional 30 feet from the property line to the adjacent roadway. He stated that the driveway separation is at least the required 90 feet. He noted that speed of the road, curvature of the road, and other considerations impact this required distance.

Commissioner Autrey asked if the stone on the building façade met the requirements of the Allen Land Development Code.

Mr. Kurbansade confirmed that the elevations do meet the 100% masonry requirement outlined in the Allen Land Development Code.

1st Vice-Chair Platt asked about the proposed hours of operation for the facility.

Mr. Kurbansade said that he would defer to the applicant to respond to that question.

Chairman Trahan opened the public hearing.

Chairman Trahan noted that the Commission received twenty-nine letters:

- Chris Paladino, 1104 Brookview Drive, Allen, TX, SUPPORT
- Sarah Stephens, 1121 Shadow Lakes Boulevard, Allen, TX, SUPPORT
- Bobby Patel, 1553 N Central Expressway, Allen, TX, OPPOSED
- Alan Peterson, 614 Ansley Way, Allen, TX, OPPOSED
- Stephanie Peterson, 614 Ansley Way, Allen, TX, OPPOSED
- Yasar Awan, 1414 Guthrie Lane, Allen, TX, OPPOSED
- Fahad Makhdoomi, 824 Birdie Drive, Allen, TX, OPPOSED
- Vikas Damodaran, 839 Birdie Drive, Allen, TX, OPPOSED
- Reshmi Naron Thataliyath, 839 Birdie Drive, Allen, TX, OPPOSED
- Meritage Homes of Texas LLC, 707, 705, 703 Hawk Drive, Allen, TX, OPPOSED
- Michelle Massi Tanner, 1216 Cordova Drive, Allen, TX, OPPOSED
- Rashmi Santhosh, Allen, TX, OPPOSED
- Santhosh Rajarthinam, Allen, TX, OPPOSED
- Madhavan Harikumar, Allen, TX, OPPOSED
- Aditya Sharm, Allen, TX, OPPOSED
- Gita Mani, Allen, TX, OPPOSED
- Savita Sharma, Allen, TX, OPPOSED
- Shyam Sharma, Allen, TX, OPPOSED
- Vijay Bellamkonda, Allen, TX, OPPOSED
- Lakshmi Malraj, Allen, TX, OPPOSED
- Surendran Nagaraj, Allen, TX, OPPOSED
- Ambr Dev, Allen, TX, OPPOSED
- Anamika Das, Allen, TX, OPPOSED
- Linda Jarrett, Allen, TX, SUPPORT
- Heather Hale, Allen, TX, SUPPORT
- Jerry Thiel, Allen, TX, SUPPORT
- Pam Montague, SUPPORT
- Sandy Hunter, SUPPORT
- Loraine M Whetten, SUPPORT

Chairman Trahan noted that the Commission received comment cards from citizens who did not wish to speak:

- William Ward, 1106 Grimsworth Lane, Allen, TX, SUPPORT
- Michael D. Reagan, 1108 Grimsworth Lane, Allen, TX, SUPPORT
- J. A. Thomas, 7301 Paul Calle, Plano, TX, SUPPORT
- Heather Hale, 814 Soapberry Drive, Allen, TX, SUPPORT
- James F. Longley, 209 Exchange Place, Allen, TX, SUPPORT
- Matt Koebosen, 1102 Haley Court, Allen, TX, SUPPORT
- Kelly Cunningham, 705 Bray Central Drive #7207, Allen, TX, SUPPORT
- Sharlene J. Barns, 551 Guadalupe Drive, Allen, TX, SUPPORT
- Mark Cummins, 553 Guadalupe Drive, Allen, TX, SUPPORT
- Enedina Cummins, 553 Guadalupe, Allen, TX, SUPPORT
- Gary Stocker, 1305 Cassandra Lane, Allen, TX, SUPPORT
- LeeAnne Koehrsen, 1102 Haley Court, Allen, TX, SUPPORT
- James Stephens, 1121 Shadow Lakes, Allen, TX, SUPPORT

- Sarah Stephens, 1121 Shadow Lakes Boulevard, Allen, TX, SUPPORT
- Mickey Perdue, 917 New Bedford Lane, Allen, TX, SUPPORT
- Arthur Perdue, 917 New Bedford Lane, Allen, TX, SUPPORT
- Niveptha Revathi Thirumoguran, 827 Birdie Drive, Allen, TX, OPPOSED
- Dhanasekar Shanmugam, 827 Birdie Drive, Allen, TX, OPPOSED
- Vijay Rellomkonda, 825 Birdie Drive, Allen, TX, OPPOSED
- Heera Khan, 1414 Guthrie Lane, Allen, TX, OPPOSED
- Saady Hussain, 833 Birdie Drive, Allen, TX, OPPOSED
- Surendran Nagaraj, 719 Hawk Drive, Allen, TX, OPPOSED
- Michael Partridge, 1420 Guthrie Lane, Allen, TX, OPPOSED
- Jennifer Partridge, 1420 Guthrie Lane, Allen, TX, OPPOSED
- Narendra Alluri, 802 Birdie Drive, Allen, TX, OPPOSED
- Sridhar Ramakrishnam, 807 Callaway Drive, Allen, TX, OPPOSED
- Savita Sharma, 823 Birdie Drive, Allen, TX, OPPOSED
- Aditya Sharma, 823 Birdie Drive, Allen, TX, OPPOSED
- Gita Mani, 823 Birdie Drive, Allen, TX, OPPOSED
- Debbie Cosgrove, 1309 Lighthouse Lane, Allen, TX, OPPOSED
- Prasad Gaikwad, 705 Callaway Drive, Allen, TX, OPPOSED
- Jason Woods, 763 Mission Court, Allen, TX, OPPOSED

Fahad Makhdoomi, 824 Birdie Drive, Allen, TX, stated that he opposed the proposal. He stated that the City of Allen provides a certain level of safety and security and that he does not feel this proposal will contribute to the safety and security of the community.

Maddy Harikumar, 820 Birdie Drive, Allen, TX, stated that he lives in the Ansley Meadows neighborhood. He stated that his family moved from Salt Lake City, Utah, and chose the City of Allen for its green initiatives, safety, and security. He stated that he is concerned about the lead and harmful gases used in gun powder and the potential for accidents regardless of the regulations in place. He stated that the time required to react and resolve will allow harmful gases into the air.

Mr. Harikumar also stated that he is concerned with the potential noise from the facility. He acknowledged that the neighborhood already has noise from US Highway 75, but that the highway noise is a linear, flat noise that does not create irritations. He noted that some backyards face the wall that separates the proposed facility from the neighborhoods and that children playing in these yards will hear the noise from the facility.

Finally, Mr. Harkikumar stated that he is concerned with waste disposal. He stated that, though he is sure the facility has plans to dispose of the waste in an orderly manner, he is concerned with who will maintain and look over the disposal. He noted that his online research showed that maintenance is an issue with similar facilities. He stated that his concern is greater now that there is a possibility of a facility less than one hundred feet from his wall. He stated that he opposes the proposal.

Bobby Patel, 1408 Luckenbach Drive, Allen, TX, stated that he owns the property to the south of the proposed development. He stated that in a few months, he will be breaking ground on a \$10 million-dollar hotel. He noted that his customers will be looking for a place to unwind, relax, and sleep. He stated that having a shooting range 30 feet from his building will not be good. He stated his concern that noise will be heard from the parking lot, outdoor patio, and the outdoor swimming pool. He stated that he went to the Frisco Gun Club over the weekend and parked his car 60 feet away. He stated that it sounded like bombs bursting in the background. He stated that the noise disturbance that will be created by the facility will negatively impact his business and lower the value of his property.

Carla R. Smith, 1110 Fairlawn Street, Allen, TX, stated that she came to target shooting late in life. She stated that she has a great respect for all the City of Allen has done in her 18 years living here. She acknowledged that a lot of concerns have been expressed but that she would like to see her tax dollars stay in the City. She also expressed her desire to have a safe place to go to practice target shooting. She stated that she feels like it is a good opportunity and that she does not want to travel outside of Allen. She acknowledged that the City of Allen has always taken great concern and caution over what they have chosen to do in the past and she hopes this continues. She stated that she is in support of this item.

Scott Cote, 710 Rockcrossing Lane, Allen, TX, stated that he has lived in Allen for 22 years. He stated that he and his wife came to Allen because of the parks, schools, and the pleasant, calm lifestyle that the City offers. He stated he saw City take the time to review the impacts of alcohol when it was introduced to the society here and noted that a whole section of the City is dedicated to regulating it. He stated that he has seen great control in regulating big box stores and interest in preserving land owners' rights. He stated that he was originally in support of the gun range and came to the meeting open minded. He stated he was unaware that so many homeowners and land owners felt their concerns were not being addressed. He noted that while he felt Allen needed a gun range, he did not feel that this was the place to put it. He agreed with the previous speaker and stated that he wanted to keep his tax dollars in Allen as well. He stated that he would also like to teach his children how to shoot a gun. He stated that he did not feel like it was his right to infringe on other landowners' rights. He stated that he considered buying a property in Garland but chose not to because he discovered a landfill was proposed nearby. Instead, he chose to move to Allen. He asked the Commission to consider this prior to approving something for future landowners without the consideration of current landowners. He asked if this was an appropriate forum to ask about interior regulations for gun ranges, such as whether minors would be allowed to shoot at the range without an adult present or if someone could go to a bar and then wander over to shoot at the range.

Chairman Trahan stated that those questions would be for the federal agency, the Bureau of Alcohol, Tobacco, and Firearms.

Yasar Awan, 1414 Guthrie Lane, Allen, TX, stated that he was one of the few homeowners within 200 feet of the proposed facility. He stated that he is opposed to this development. He stated that he moved to the City of Allen because of the quiet, suburban environment. He noted that he is not against gun ranges in general but is concerned about the noise that will be generated at the facility. He noted that the acoustic study did not show zero decibels at the property line. He acknowledged the noise pollution from US Highway 75 but stated that it is more linear than the noise coming from a gun range. He stated that he is also concerned about a loss in property values. He noted that he would not reiterate but agreed with the health concerns expressed by other residents. He stated that he opposes this proposal because he did not feel this was an appropriate location.

Stacy Travis, 605 Windsor Drive, Allen, TX, stated that she is present to represent the 1,155 individual signatures on a petition in favor of the proposal. She stated that residents are excited for the recreational use of the range and for the sense of safety and security it brings to the City. She noted that it creates a generous amount of revenue for the City and that residents have expressed excitement to spend tax dollars in Allen as opposed to a neighboring city. She stated that she has had several residents connected to Allen High School come out in support of the facility because it will allow students to stay in Allen to practice shooting. She stated that she has received little negative feedback and that residents overall seem to be in favor of the proposal.

Chris Ekart, 714 Birdie Drive, Allen, TX, stated that he is a resident of Ansley Meadow and that he is in support of the proposal. He stated that when he originally heard of the proposal, he was in opposition. He noted that several exchanges with the applicant made him feel more positive towards the proposal. He stated that he wished to publicly thank the applicant for all the applicant has done to reach out to the

community. He stated that he wanted to make the Commission aware of a few traffic issues with the area. He did acknowledge that this beyond the consideration of this facility but wanted to bring attention to the issues. He noted that staff should look at the street lighting along Stockton Drive and that he is concerned that people traveling to this facility may be traveling on a dark road. He stated that he is also concerned about people leaving the facility and exiting onto US Highway 75. He noted his concern that people will cut across the double white lines to access the on-ramp for US Highway 75.

Alan Taggart, 2402 Hogan's Hill, McKinney, TX, stated that his last name is unrelated to the applicant. He noted that while he lives in McKinney, he owns property in Allen. He stated that he wanted the Commission to know that him and thousands of other people are excited to drive into Allen every weekend to spend money at this facility. He stated that he works at the Collin County Courthouse and that several judges will be interested in visiting this facility. He stated that he spends approximately \$100 dollars a month at a facility in Frisco. He stated that he believes the facility is clean and well set up and that this facility will likely be better.

Mr. Alan Taggart also noted that he had done some research and found that a typical bowling alley produces about 82 decibels and that a dishwasher produces 60 decibels. He stated that he understood the City's ordinance regulated that the maximum level is 65 decibels. He stated that he can see no negative impact to the public. He noted that he works with several real estate brokers and agents who say that gun ranges are like golf courses. He noted that people who use the facility will consider living close to an amenity. He noted that the property is currently zoned to allow a funeral home without a variance.

Eileen Canavan, 1431 Rogers Court, Allen, TX, stated that she is in opposition to the gun range. She noted that she did a lot of research on the lead involved with gun ranges. She stated that the City of Allen was named the second-best place to live by Money Magazine and the number one best place in Texas. She noted that the entire Planning and Zoning Commission and the City government is to be applauded for this accolade. She asked the Commission what legacy they would be known for in the future of the City. She stated that in 1994, Planning and Zoning Commissioners, City Councilmembers, and the City of Frisco Mayor allowed Exide to operate in their downtown. She suggested that if they knew then what they know now, they likely would not have allowed Exide to operate. She stated that research on lead has proven it to be a neurotoxin and an environmental hazard. She noted that it is not easily remediated or treated and that the cleanup is paid for by the taxpayers. She stated that the Exide lead smelter was monitored by Texas Commission on Environment Quality and the Environmental Protection Agency. She noted that regardless of this regulation, 200 pounds of lead a year were emitted.

Ms. Canavan stated that a typical indoor firing range emits 25,000 to 500,000 pounds of lead a year. She noted that Frisco was recently classified as a non-attainment area for high levels of lead and that this is quite the opposite of the positive title that Allen currently holds. She stated that Exide could self-regulate, self-monitor, and self-report until the extent of the environmental impact was revealed. She emphasized that the same model of self-regulation, self-monitoring, and self-reporting would be applicable to any indoor gun range. She stated that she has confirmed with Texas Commission on Environmental Quality that there are no laws or regulations for indoor gun ranges nor will any of these agencies monitor the facility. She asked the Commission if they had considered what kind of back stop or sound barriers should be installed, what kind of blood tests will be administered to employees, or how lead would be transported and contained.

Ms. Canavan reiterated that there are no laws or regulations in place to protect humans from lead in the gun range industry. She stated that Planning and Zoning Commission has the authority to allow a gun range to operate but that the City government is powerless after a gun range opens and problems are discovered. She stated that the Texas Commission on Environmental Quality considers recycled lead a scrap metal, lead shot is not considered a hazardous material by the Resource Conservation and Recovery

Act at the time it is discharged as it has been used for its intended purpose, and that it falls under municipal hazardous material management. She stated that transportation of these materials could allow transmission outside. She stated that once a problem is discovered, it is too late. She reiterated her concern for the impact of lead on health that the next few citizens would share.

Chong Zhou, 707 Callaway Drive, Allen, TX, stated that he lives in the Ansley Meadows neighborhood. He stated that lead is a major health threat to the human body as it causes irreversible damage. He stated that lead can enter the body through food, the air, or contact, and once it enters the body, it does not leave and concentrates in organs. He noted that this is especially harmful for children, as no level of lead is safe for children. He then showed a short video of how the gunshot residue leaves the gun during each shot. He stated that this then leaves lead residue on the individual, table, and floor. He stated that the lead in the air can only be effectively remediated when the air filtration is being strictly used.

Mr. Zhou then reviewed the regulations from the Occupational Safety and Health Administration and how they protect the employees through regulation of personal hygiene, setting a permissible exposure limit of lead, but he noted that it does not regulate the surrounding environment or the public. He stated that the enforcement of these regulations is low with approximately only three percent of commercial indoor gun ranges inspected. He noted that in the small amount of commercial indoor gun ranges inspected, there were just under 2,000 violations found and that 75% of these violations were lead related. He stated that only 11 gun ranges in Texas were inspected and that none of them passed.

Mr. Zhou asked the Commission if they could trust the business owner for their best practices. He cited a Seattle Times article that follows a gun range opened in 1996 where the owner stated that they were the cleanest gun range in the state. He noted that, according to the Seattle Times, five workers at this facility were poisoned by lead. He also stated that over 40 workers were contaminated with lead during a renovation of the gun range. He stated that there is no remediation being done on the site. He reiterated that there are no regulations to protect the public living nearby.

Anamika Das, 715 Callaway Drive, Allen, TX, stated that she is a resident of Ansley Meadows. She stated that her family chose the City of Allen because they saw a promising future for her children. She stated that this proposal makes her concerned for her future. She stated that she will focus on the cost that is ultimately paid by the City and taxpayers when gun ranges become dysfunctional.

Ms. Das noted that the decision tonight could lead the City of Allen to become a statistic, such as the impact of a Sacramento gun range where lead was found in 11 nearby homes. She referenced a gun range near Mangan Park in Sacramento, which was less than 500 feet from nearby homes and a park. She reminded the Commission that 500 feet was a greater distance than what is proposed by Texas Legends. She noted that the City of Sacramento owned the facility by Mangan Park and that, after an environmental test, 38 out of 39 samples found hazardous levels of lead. She noted that the test found hazardous levels of lead on the roof on an exhaust fan. She referenced a quote from a patron of the facility who stated that the facility was likely state of the art when it was built but that it fell on hard times.

Ms. Das noted there is little federal oversight for indoor gun ranges and that the Environmental Protection Agency only circulates best practices on how to manage lead from gun ranges. She stated that there needs to be an acknowledgement that the gun range's primary goal is to make a profit and that safety is a cost. She noted that if a gun range closes and cannot cover the cost of remediation, then taxpayers must pay the cost. She referenced a San Francisco Gun Club whose cleanup was \$22 million dollars, another cleanup that cost \$1 million dollars, and several others. She reiterated that the residents were not against the business entity but simply that a gun range should not be in this close of proximity to a residential area.

Alan Peterson, 614 Ansley Way, Allen, TX, and Stephanie Peterson, 614 Ansley Way, Allen, TX, stated that they were new residents to the Ansley Meadows neighborhood. Mr. Peterson stated he was concerned about the potential noise pollution with the proposal. He referenced a state law that pushes regulation of noise from gun ranges specifically to municipalities. He stated that this means that there is no regulation at the state level. He noted that if a gun range were to be established in the City of Allen, it would be subject to one ordinance only, which is outlined in Article 7.08 of the Allen Land Development Code.

Mr. Peterson stated that the only recourse once a violation occurs is to file a report to the Code Compliance Division at the City of Allen. He stated that there are no other visible mechanisms to curtail the violation or expedite the process. He noted that when he last spoke to the applicant, there was no plan to complete a noise abatement study. He did acknowledge that he did learn, through staff's presentation, that an acoustic study was done but that he was unsure of the difference between the studies. He also noted that the City has not been able to do their own study. He emphasized the need to confirm that the provided study was accurate. He stated that once the facility is built, it will be too late for the City to intervene. He stated that noise from gun fire is impulsive in that it is not a continuous sound, which is more damaging than a continuous sound at the same level of energy. He provided an example of a gun range in Fresno, California, that was within 100 feet of a residential neighborhood.

Li Jiang, 707 Callaway Drive, Allen, TX, stated that she is a resident of Ansley Meadows. She asked the Commission to consider how far away a commercial indoor range should be from a home. She stated that she had reviewed indoor gun ranges in nearby cities. She stated that Plano Bullet Trap in Plano, Texas, was about 715 feet from single family homes. She stated that Plano Texas Archery in Plano, Texas, was about 2,000 feet away from single family homes. She also referenced a range in Frisco about 1,500 feet away and a range in Garland about 4,900 feet away from single family residences. She showed the Concept Plan submitted for this property and reminded the Commission that the property shares a wall with the Ansley Meadows neighborhood and abuts some of the neighborhoods' backyards. She noted that the distance from the proposed building to the wall of Ansley Meadows is less than ninety feet. She stated that there are ninety feet between a home and neighbor across the street. She stated that surrounding cities are keeping the ranges and their impacts farther away.

Ms. Jiang stated that she reviewed all indoor ranges within a one hundred and twenty mile radius of the City of Allen and found only twenty-six indoor gun ranges. She stated that the average distance from a range to single family residential was approximately 1600 feet and that no ranges were less than one hundred feet from single family residential. She noted that, currently, the closest indoor gun range is about one hundred and twenty feet away from single family residential in Mesquite. She then referenced a newspaper article about a suicide attempt by a teen at this range. She noted that she agrees with previous comments about lead and noise impacts and believes this proposal does not make the City of Allen green and beautiful. She stated that she respectfully requests further investigation from the Commission.

Greg Taggart, 1905 Pirate's Cove Drive, Plano, TX, the Applicant, stated that he is the Director of Training and Education for Texas Legends. He stated his office will be very close to the range and that he intends to make it a state of the art facility.

Darko Mijic, 1715 Bethany Lakes Boulevard, Allen, TX, the Applicant, stated that he is the architect on the project.

Mr. Taggart stated that Mr. Mijic and his associates have spent time designing the building to prevent noise and other forms of pollution. He stated that the team is dealing with concerns scientifically at the design stage. He noted that when someone visits another gun range, the other ranges are designed differently, either with older technology or in accordance with surroundings. He stated that this range would be a modern, clean, and safe facility. He noted that the property abuts a large ONCOR power

easement. He stated that they had showed a conceptual plan to the City and that the City said that they would work with the Applicant.

Mr. Taggart stated that criminal behavior will not be a concern. He stated that there will be over seven inches of reinforced concrete wall and ceilings to contain noise. He noted that they had submitted over 100 pages of information on the requirements for indoor gun range design, including the lead filtration system, to the City. He stated that the lead filtration system helps comply with the Clean Air Act and Clean Water Act which is instituted on the federal level. He noted that implementing the lead filtration system will also make them good neighbors. He stated that turning off this system would be a criminal act and that they intend to fully comply with the law. He stated that classes will foster safe use.

Mr. Taggart stated that the addition of the business will bring many benefits to the City of Allen. He noted that sales tax will contribute approximately the same as the cost of a newly sworn in police officer. He stated that there has already been \$6 million dollars invested in the project. He noted that they will provide jobs for 10 people.

Mr. Taggart stated that bullets will not leak out of the building. He stated that they are building a concrete box inside a concrete box and will install steel plates. He then displayed a list of the specifications for the gun range and reiterated the previously mentioned mitigation techniques. He stated that the facility will allow private citizens and any police officers an opportunity to practice and learn gun handling in a safe environment. He noted the range will offer "move and shoot" and "draw from holster" practice spaces. He stated that the proposed facility hopes to offer league shooting and host conferences and competitions.

Mr. Taggart noted that the previously discussed gun range in the City of Frisco did not use the same type of acoustic design. He stated that the standards used in developing the proposed facility are easily accessible. According to a traffic study by Dynamic Traffic Engineering, the proposed facility will generate 40% of the traffic that would be generated by other uses that would be allowed by right. He also noted that ammunition does not explode and that the proposed facility will be fire sprinkled.

Mr. Taggart stated that he could not find anything to suggest that property values will be reduced because the homes are next to a clean, well run indoor gun range.

Mr. Taggart reiterated the need to comply with federal law for lead pollution mitigation.

Mr. Taggart noted that guns are just tools. He stated that people in Allen have guns and like to practice. He stated that the location was attractive because it faces the busiest freeway.

Mr. Taggart stated that the acoustic report, which measures existing and proposed noise, can be difficult to interpret because sound is measured on a logarithmic scale. He noted that even with the noise from the freeway, the noise will be below the maximum outlined in the City's ordinance. He stated that the ordinance sets the maximum level at 65 decibels and that noise after development will be at 64 decibels at the greatest. He stated that neighbors will not be able to tell that the facility is there and that this is scientifically shown in the report. He noted that City staff has substantially checked all the material provided to them.

Mr. Taggart stated that operating hours would be from ten in the morning to nine at night, which are standard hours for an indoor gun range. He stated the business would be open seven days a week.

Mr. Taggart stated that the now closed City of Sacramento range was owned by City of Sacramento. He stated that it was built in 1962, prior to the Clean Water Act and Clean Air Act, and that the City of Sacramento was not following their own laws.

Mr. Taggart noted that there have been concerns about enforcement of the noise regulation. He stated that if the proposed facility did not meet the noise ordinance, they could be cited, sued, or lose their Certificate of Occupancy. He noted that the facility could design another layer for sound proofing but that they should not need to. He also noted that turning the air filters off would be criminal.

Mr. Taggart stated that the proposed facility will be operated by him and the Chief Operating Officer. He stated that no one could enter the range if inebriated or if a minor without adult. He noted that a legal state ID and questionnaires are required and that all patrons will be on camera.

Mr. Taggart noted that Exide Battery was smelting lead and developed in 1963, before the Clean Air Act and the Clean Water Act. He noted that this proposed facility would follow modern law and practices.

Chairman Trahan asked if anybody who had not filled out a card and would like to speak.

Gary Stoker, 1305 Cassandra Lane, Allen, TX, stated that Planning and Zoning Commissioners do not need to be lead experts, sound experts, or any other kind of experts. He stated that it was their role to focus on this zoning case and if it meets current regulations. He stated that the Commissioners can ignore everything else.

Chairman Trahan closed the public hearing.

Commissioner Ogrizovich stated that he had no question that this would be a state of the art facility. He stated that it was a good looking building and noted that the applicant had done a lot of work. However, he stated that it is in the wrong place in the City. He agreed that the City should have a gun range facility, but not in this location. He stated that he could not support the proposed development for this reason.

2nd Vice-Chair Orr asked the applicant if they had considered other sites.

Mr. Taggart stated that they did consider other locations but that the appeal of the freeway and input from staff suggested this would be a good location. He noted that it is an oddly shaped piece of property with limited freeway frontage but that the site met the proposed facility's needs for space and had limited appeal to others because of ONCOR easement. He stated that the proposed facility would be the functional equivalent of a Barnes and Noble.

2nd Vice-Chair Orr asked the applicant if the sound study been conducted using the noise generated from hand guns or high velocity rifles.

Mr. Taggart stated that different firearms create different levels of noise and the sound study utilized these specific levels in the math equations. He reminded the Commission that a 150-decibel noise and a 150-decibel noise do not generate a total of 300 decibels because sound is measured on a logarithmic scale. He stated that the current readings on the site, prior to the development of the property, are in the mid-60s at the screening wall abutting the single-family homes. He stated that by the time the noise generated from the facility travels out of the building's reinforced concrete wall and travels for 85 feet, it will have faded to approximately 22 decibels. He reminded the Commission that a running fridge produces 69 to 70 decibels.

Commissioner Metevier asked for more information about the monitoring and regulation of the Clean Air Act and Clean Water Act.

Mr. Taggart stated that if they violated either federal act, someone will report it. He stated that if these laws are purposefully violated, he would be put in jail. He stated that they will take their own samples to monitor pollution levels and that they will be tested by third party facilities.

Commissioner Metevier asked staff if it was true that the Certificate of Occupancy can be pulled.

Mr. Kurbansade stated that should the proposed facility not be in compliance with Code, the facility can be cited. He stated that there are limits to values of those citations but they can be issued every day that the facility is not in compliance. He noted that the City could potentially pull a Certificate of Occupancy. He stated that this is similar to how the City can pull a Certificate of Occupancy if a restaurant does not meet health code.

Commissioner Metevier stated that he sat through the City Council meetings on Stacy Green and heard that the Council wanted the US Highway 75 corridor to be right. He stated that he was in agreement with the other Commissioner that this proposed facility is not the right location, as there would be a gun range in the midst of entertainment and hospitality. He stated that he could not support a distance of only 100 feet from residential development. He also noted that the three-foot setback will impact the southern property owners' ability to build and use the property.

1st Vice-Chair Platt asked if the indoor and outdoor tests would be completed by a third party.

Mr. Taggart stated that it was in the rule book for gun range management.

1st Vice-Chair Platt asked how frequently they planned to test the range for lead.

Amy Travis, the Applicant and CEO of Texas Legends Gun Range, stated that the filters will make a blaring noise if the filters reach a level that is deemed unacceptable. She noted that the equipment blows air past the shooter so that the dust does not come back onto the individual. She stated that it is also sucked down range. She stated that she will work there, that she hopes her children work there, and that she hopes her grandchildren shoot there. She noted that it is important for the range to be safe. She stated that employees will have blood tests monitored by OSHA. She stated that she believed the blood tests occur every six months unless an employee started to show symptoms, which would require an immediate blood test.

1st Vice-Chair Platt asked how the spent rounds are recycled cleaned and removed from building.

Mr. Taggart stated that there are two recycling streams, one being spent cartridge cases and the other being spent bullets. He stated that bullets wind up in the bullet trap. He noted that lead particulates end up in the bullet in trap or filter depending on the particulate's size. He stated that the trap has a system to dump them into sealed plastic containers. He noted that once the plastic container is one-tenth full, it will be capped. He stated that the lead recycler buys these containers and pick it up at least once a week.

1st Vice-Chair Platt stated that the process sounds pretty self-contained.

Ms. Travis stated that the portion of the range cannot be swept and that it must be squeegeed. She stated that there are quite a few other rules.

Mr. Taggart stated that air that comes out of the building will be measurably cleaner than the air found from the highway.

Commissioner Autrey stated that he can understand both sides. He stated that as a gun owner and a person who has fired in the past, he can see the benefit for citizens and for the police department. He stated that he can also see concerns of citizens. He stated that he would love to see the business, tax revenue, and the facility here in the City, but that the location is wrong. He stated that he cannot support it.

Chairman Trahan asked where the exact decibel level would be measured on the property if there was a code compliance complaint.

Mr. Kurbansade stated that he wanted to check the Code but that he was fairly certain it was measured at the property line.

Chairman Trahan stated that it sounded similar to light pollution regulations.

Commissioner Metevier stated that he was a part of on the Capital Improvement Program Committee that recently went to bond election. He stated that City residents approved the expenditure of \$8 million dollars for a firearms training center for the police. He noted that this has been approved. Additionally, he stated that if staff is not fully behind what was presented or had a chance to fully review, that he did not feel comfortable presenting something to Council that has not been vetted by city staff.

Chairman Trahan asked if the property owner to the south's opposition has triggered any administrative procedures.

Mr. Kurbansade stated that it is estimated that over 20% of land owners are in opposition which is considered a zoning protest. He noted that those in opposition will have to go through a process and file the appropriate petition with the City Secretary so that staff can verify the amount of opposition. He noted that a zoning protest would require a super majority at City Council to approve the item.

Chairman Trahan clarified that if the item were approved tonight, then it would require a super majority at Council. He asked staff to explain a super majority.

Mr. Kurbansade stated that a super majority is defined as six votes. He stated that it is based on the number of elected officials, not who is present at the meeting. He stated that it is possible to have a quorum at City Council but not have enough Councilmembers present to pass the item with a super majority of six votes in favor.

Chairman Trahan reminded the Commission that Commissioners do not have to make a motion as written and can make a different motion. He stated that tabling the item and continuing the public hearing may allow the applicant time to review the application with staff.

Mr. Taggart stated that he would like to request a brief recess.

Nicole Corr, City Attorney, stated that they would need to vote to move to recess.

Upon a motion by 1st Vice-Chair Platt and a second by 2nd Vice-Chair Orr, the Commission voted 5 IN FAVOR, and 1 OPPOSED to move to a brief recess.

Chairman Trahan reconvened the meeting.

Mr. Taggart stated that they would like the option to table the item until the next Planning and Zoning Commission meeting.

Chairman Trahan re-opened the public hearing.

Motion: Upon a motion by 1st Vice-Chair Platt, and a second by Commissioner Autrey, the Commission voted 6 IN FAVOR, and 0 OPPOSED to continue the Public Hearing for a request to establish a Planned Development zoning district with a base zoning of Corridor Commercial “CC”, for 1.610 acres; generally located at the southwest corner of the intersection of Curtis Lane and US Highway 75, for the Texas Legends Gun Range, to date certain November 7, 2017, Planning and Zoning Commission meeting.

The motion carried.

ATTENDANCE:

Commissioners Present:

Ben Trahan, Chair
Stephen Platt, Jr., 1st Vice-Chair
Michael Orr, 2nd Vice-Chair
Dan Metevier
Gene Autrey
John Ogrizovich

Absent:

Luke Hollingsworth