

**November 7, 2017 Planning and Zoning Commission Meeting Minutes**

Tabled/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. He stated that the item is a PD Zoning for Texas Legends Gun Range and that this item is continued from the last meeting. He stated that the property is generally located at the southwest corner of the intersection of Curtis Lane and US Highway 75.

Mr. Kurbansade stated that there are two access points along Curtis Lane and that the Engineering Department has reviewed these access points. He noted that the building is just under 100 feet from the western property line and that the setback to the south (the Tru by Hilton property) is three feet.

Mr. Kurbansade presented the elevations and rendering of the proposed building.

Mr. Kurbansade noted that the applicant provided an acoustic study, and that while staff reviewed it, they did not have a professional on staff that was able to review it in depth. He noted that the City reviews sound from a code compliance perspective.

Mr. Kurbansade stated that the landscape buffer is being shortened due to the right-of-way but that the landscaping will be redistributed throughout the site.

Mr. Kurbansade stated that the request is before the Commission for two reasons. He stated that the use requires a zoning action in Corridor Commercial and that the setbacks deviate from the base zoning of Corridor Commercial.

Mr. Kurbansade stated that staff is recommending approval but that he encouraged the Commission to consider setbacks and proximity to neighboring commercial as these deviations are a drastically different from what is required by the Allen Land Development Code.

Greg Taggart, the Applicant, 1905 Pirate’s Cove Drive, Plano, TX, stated that they have expanded the presentation to answer questions from the previous meeting. He stated that they would like to bring a modern gun range to Allen, not pollute the air, be a hotbed of criminal activity, or be noisy. He noted the shape of the site and the 100’ ONCOR easement. He stated that they specifically selected this site because it would not be easily developed for any other use and that this recommendation was given to him by someone who is no longer at the City. He stated that customers will drive from across DFW to be at this location.

Mr. Taggart noted that he is joined by the architectural project manager who would be able to answer questions about the acoustic design of the building. He stated the 7 ¼” thick concrete walls and acoustic treatment to prevent leaking noise. He noted that other gun ranges aren’t comparable. He stated that the business will be required and wants to meet the local noise ordinance. He stated that he can demonstrate that the air the facility emits will be cleaner than what comes in off of US Highway 75.

Mr. Taggart stated that the safety and education that is provided is important to the community. He stated that estimated sales tax and property tax would offset the cost of a police officer. He noted that they will comply with federal, state law, and the Allen Land Development Code.

Mr. Taggart noted that they specifically designed this facility in ways that others have not, including the addition of tactical firearm training and league competitions. He reiterated that they will comply with the ordinance. He noted a bullet will not penetrate out of the wall.

Mr. Taggart noted that they will not be a large traffic generator, as their use will generate about 40% of other allowed uses.

Mr. Taggart stated that a properly run facility will not attract criminals. He stated that in four years, Frisco Police got eight calls of service that generated a report at the gun range. He stated that Lewisville Police got eight complaint calls at their gun range. He stated that accidental discharges in the parking lot or retail area will not occur because it is prohibited and firearms shall be concealed or in a case. He noted that these areas will be monitored by camera.

Mr. Taggart stated that gun ranges with crumb rubber backstops do burn, but this facility will not utilize crumb rubber backstops and will use armored steel with concrete and a sprinkler system.

Mr. Taggart noted that he could not find research that supported the conclusion that a properly run indoor gun range which is not noisy creates a damaging impact on property values.

Commissioner Ogrizovich asked staff to show the aerial of the property. He asked if PD-54 to the south was where the hotel was approved to be developed.

Mr. Kurbansade confirmed.

Commissioner Ogrizovich asked if staff or the applicant was able to meet with the hotel owner and if they have altered their opposition to the project.

Mr. Kurbansade stated that he has spoken with the owner and that the owner is not open to changing his view point.

Commissioner Ogrizovich noted that the properties that were notified of the proposal included the property to the north, across Curtis Lane, and asked if staff had heard a stance from that property.

Mr. Kurbansade stated that he did not remember a response from them but would check to confirm.

Commissioner Ogrizovich asked if the individual to the south of the subject property owned the land to the north of the subject project.

Stan Itzcowkitz, Dallas, TX, stated that he is the broker of the subject property and that the subject property and the property to the north, across Curtis Lane, are owned by the same individual. He stated that the owner to the north, who is selling the subject property, is in favor of the property.

Commissioner Metevier summarized the conversation, stating that the owner of the land zoned Corridor Commercial to the north of the subject property is selling the subject property to the Applicant. He noted that there is a different owner for the property to the south zoned PD-54 Corridor Commercial.

Chairman Trahan opened the public hearing.

Chairman Trahan noted that three letters were received:

- Rita Barnard, 1316 Gardenia Drive, Allen, TX, SUPPORT
- Jeff Cocking, 24 Buckingham Lane, Allen, TX, SUPPORT
- Michael Partridge, Allen, TX, OPPOSED

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

- E. Amy Travis, 7609 Spring Valley Road, Dallas, TX, SUPPORT
- David Meredith, 803 Bedell Lane, Allen, TX, SUPPORT
- Dean Boyers, 1312 Bethany Creek Boulevard, Allen, TX, SUPPORT
- Kelly Cunningham, 705 Bray Central Drive #720, Allen, TX, SUPPORT
- Sekar Shanmugam, 827 Birdie Drive, Allen, TX, OPPOSED
- Nivi Sekar, 827 Birdie Drive, Allen, TX, OPPOSED
- Bobby Patel, 1408 Luckenbach Drive, Allen, TX, OPPOSED
- Amey Deshpande, 1444 Pebble Way, Allen, TX, OPPOSED
- Amarjet Singh, 1448 Pebble Way, Allen, TX, OPPOSED
- Gita Mani, 823 Birdie Drive, Allen, TX, OPPOSED
- Aditya Sharma, 823 Birdie Drive, Allen, TX, OPPOSED
- Surendran Nagaraj, 719 Hawk Drive, Allen, TX, OPPOSED
- Priya Sivaraj, 719 Hawk Drive, Allen, TX, OPPOSED
- Fahad Makhdoomi, 824 Birdie Drive, Allen, TX, OPPOSED
- Prasad Gaikwad, 705 Callaway Drive, Allen, TX, OPPOSED
- Chong Zhou, 707 Callaway Drive, Allen, TX, OPPOSED
- Stephanie Peterson, 614 Ansley Way, Allen, TX, OPPOSED
- Jennifer Partridge, 1420 Guthrie Lane, Allen, TX, OPPOSED

John Travis, 605 Windsor Drive, Allen, TX, stated that he looks forward to having a range to teach his kids how to shoot in a safe environment. He noted that exposing people to firearms and ensuring they understand safety and training is important. He stated that he likes the different types of classes to be offered at this proposed facility.

Mr. Travis noted that he doesn't want the property to be used as any other commercial use because it is so oddly shaped. He stated that he thought property values could only increase and bring tax revenue. He stated that he supports this item.

Daniel Kern-Ekins, 757 Pulitzer Lane, Allen, TX, stated that he and his son went to Bullet Trap in Plano. He stated that in Texas, people will be exposed to guns and it can be a safety issue. He noted that he felt it would be important to learn about firearms. He stated that he and his son started at the rifle range and moved to the handgun range. He noted that they always had staff watching to ensure guns were handled properly and packaged correctly on and off the range. He stated that his wife noted that when he and his son came home, they were bouncy and excited. He stated that he looks forward to having fun and meeting other people there. He stated that he supports this item.

Stacy Travis, 605 Windsor Drive, Allen, TX, stated that there are over 1,200 signatures on an online petition in favor of the agenda item. She then showed a video of a gentleman outside a gun range in Frisco at 4:30pm on a Saturday. The man in the video stated that he was thirty yards away from building to demonstrate the noise. The man in the video noted it was noisy from cars.

Ms. Travis stated that the petition includes comments about a need for a safe, educational environment to handle firearms. She noted that people outside the City are excited about being able to come to Allen for

not just shooting, but also shopping and dining. She noted that one comment expressed excitement at the prospect of having a gun range walking distance from their front door.

Anamika Das, 715 Callaway Drive, Allen, TX, stated that she is an Ansley Meadows resident. She stated that she wanted to reiterate that nothing has changed since the last meeting and that this facility would be one of the closest to residential districts in the region. She reiterated that the Commission would still be taking the word of the business and that she was still unsure of any proactive oversight of the business. She noted that a gun range in this proximity to a residential district would impact families with lead and noise.

Ms. Das stated that she tried to find out how the owners would be held liable for any regulation violations, but it is only once something is reported to OSHA that the agency would become involved. She stated that it is only self-evaluation and that this is the time to be proactive.

Heera Khan, 1414 Guthrie Lane, Allen, TX, stated that she is within the 200 foot radius of the property. She stated that she is opposed to a gun range in this location. She noted that it is important to teach firearm safety and that it is needed in the community. However, she stated that she did not want it in her backyard. She noted that on evening walks, she is within 100 feet of the proposed range. She noted that she and other residents feel like the plan is coming after they committed to homes in a safe neighborhood with children and that the proposal does not feel right with the proximity to a residential district.

Yasar Awan, 1414 Guthrie Lane, Allen, TX, stated that he is against the range. He noted that his research has revealed that gun ranges more than 200 feet away negatively affected housing prices. He stated that his research found realtors saying people did not want to buy in proximity to a gun range. He noted that he can see the property from his bedroom. He reminded the Commission that it is only the applicant's word that there will be no sound and that there has been no scientific proof that he will not hear it.

John Dewey, 1208 E. Northgate Drive #205, Irving, TX, stated that he has known the applicant for a while and that they are straightforward, advanced people. He noted that he is a professor of business education and that we live in world in which one balances risk and return. He stated that fear clouds that judgement. He stated that he felt education is the foundation of making clear, long-range, and sensible decisions. He noted that when fear guides those decisions, we do not make the best decisions. He noted that he is not a gun owner but looks forward to becoming educated on firearm safety. He stated that he is in support of the agenda item for benefit of the City.

Alan Peterson, 614 Ansley Way, Allen, TX, stated that he is a resident of Ansley Meadows and had presented several examples from new construction indoor ranges at the last meeting. He stated that he has a new example that summaries his main concerns. He showed a video of a gun range in Trussville, Alabama, in which residents voiced concerns about noise to their local City Council. He noted that the gun range in the video was built last year. He noted that the Council was assured by the gun range developers that it would not produce noise. He state that the range in Alabama was 600 feet away from the neighborhood, much further away than the one proposed in Allen. He noted that all facilities he has presented were said to be state of the art. He stated that residents should not be subjected to listening to gun shots in their homes. He is in opposition.

Heather Hale, 814 Soapberry Drive, Allen, TX, stated that she understood the concerns, but that citizens in opposition have not presented current research about the specific technology proposed at the facility. She stated that the technology of other businesses is unknown and that one cannot compare them. She noted that she hears feelings and fears, but not facts. She stated that she loves Allen and that she wants to patron businesses in Allen. She stated that she and her husband go on date nights to gun ranges. She noted that safety is her biggest concern, so the classes at the proposed facility appeal to her.

Gary Stocker, 1305 Cassandra Lane, Allen, TX, stated as he was reviewing the agenda for the meeting, he realized that he did not necessarily support gymnastic and training facilities because he would not visit that kind of business. He stated that he did not oppose this item. He also noted that he hate going to dentist but that he did not oppose that item. He noted that he looked at the next item on the agenda, the gun range. He noted that it was a zoning change due to the fact that the use requires a SUP and there are setback changes. He noted that the Commission can view it as a zoning issue. He also stated that the soundproofing at the high school works very well and that soundproofing is possible. He stated that he supports this zoning change.

Li Jiang, 707 Callaway Drive, Allen, TX, stated she is an Ansley Meadows resident. She stated that she is aware of the petition online in favor of the item and that she is aware that after the last meeting, some of those people changed their minds.

Ms. Jiang showed a picture of the sound study submitted by the applicant and stated that the red numbers represent the highway noises. She stated the noise drops about ten decibels in 500 feet. She compared this to the acoustic schematic. She pointed out that Point B, outside of building, is at 85 decibels. She stated that in three feet, it is at 55 decibels. She questioned how that drop in decibel readings was possible. She stated that she used the method cited in the plan to determine the change in decibel readings over three feet and got 81 decibels. She noted that the reading of 81 decibels is more consistent with the readings along the highway. She reminded the Commission that this a higher decibel level than allowed by the Code.

Ms. Jian then showed the schematic and highlighted the calculation of decibel loss through the building materials. She noted that her research shows that STC ratings cannot be added. With this information, she stated that she did not believe that the proposed noise reduction from the building material is accurate. She noted the data source does not reference the correct wall material and that the hyperlink is not active.

Louise Lynn, 1851 Holford Road, Garland, TX, stated that she is an instructor at a college and is a real estate broker. She stated that any tool used incorrectly will be dangerous. She noted that with training, any tool can become useful and safe. She stated that this facility would be educating families through various courses. She noted that safe handling of firearms is hard for families to practice due to time and distance to travel to a facility. She stated that this facility would be more convenient for families in Allen.

Ms. Lynn stated that after reading the material provided by Texas Legends Gun Range, there would be no issue of air pollution. She stated that she shoots at ranges in Frisco and Garland and does not hear shots in the parking lot. She noted that soundproofing is achievable.

Ms. Lynn noted that her real estate clients would love to be close to a gun range. She reiterated the importance of education on firearm safety. She noted that folks who come to use the range will want to shop and eat afterwards and the City will benefit from taxes. She stated that access to US Highway 75 allows for advertisement and that people driving by may utilize the facility.

James Zerban, 13423 Shahan Drive, Farmers Branch, TX, stated that he has been looking for a good place to shoot. He stated that he has been a firearms instructor for 44 years and is a police shotgun and pistol instructor among other qualifications. He noted that he has built police academies and ranges in three countries, specifically South Sudan, Iraq, and Afghanistan. He stated that he grew up on a farm and that he was a hunter. He noted that firearm safety is what good shooters see as their primary focus and that friendly fire is never a good thing. He stated that he has known the Applicants for a while and that they have a very good plan. He stressed that he has seen good and bad ranges and that he has worked with Army Corps of Engineers on gun ranges. He is in support.

Jim Longley, 209 Exchange Place, Allen, TX, stated that he discovered tonight that the Applicant is building a tactical range in this facility. He noted that he is excited about this as he is certified in training tactical shooting, among other certifications, and having a facility close by will be nice.

Mr. Longley stated that he took sound readings on the property of about 64 decibels while facing away from traffic and 74 decibels when facing traffic. He stated that he then went to the hospital to take sound measurements and it read at about 75 decibels. He noted that he went to the pool at a hotel and it read at about 78 decibels. He noted that he assumes that a PE drew up the sound plans and that if it is even close to accurate, the noise would be okay.

Mr. Longley stated that he was speaking to his friend Ken, who noted that the Exide battery facility in Frisco was built in the 1960s. Mr. Longley also noted that the lead pollution was admittedly huge at this facility. He stated that there are 21 pounds of lead in car battery and that it would take 1,250 shots to generate the same amount of lead as a single car battery.

Mr. Longley stated the video of the gun range in Alabama, Sheepdog, was interesting and that he wondered where they took the sound readings. He noted that when people spoke, he heard no shots and that when parked in front of building, there were no shots.

Craig Carroll, 804 Heritage Court, Allen, TX, stated that he has lived in Allen since 2001. He noted that he is a licensed carry and tactical defense instructor among other certifications. He made note of what happened Sunday in Texas when there was a church shooting. He noted that the gunman stopped because of a good guy with a gun. Mr. Carroll stated that the neighbor tactically shot the gunman by aiming around armor. He noted that proper training is critical.

Mr. Carroll stated that he currently drives to Lewisville every weekend and that it would be great to have a gun range here. He stated that it would be nice not just to prevent the long drive, but also because of the confidence inspired in people after they learn proper firearm handling skills. He noted that because of scheduling, it is hard to give the proper amount of training time to safely own a firearm and having a range in the area will make this easier.

Scott Codie, 710 Rockcrossing Lane, Allen, TX stated that he has lived in the area for 20 years and that he spoke at the last meeting. He noted that he was originally in support of the range but after the meeting, he stated that he was against the proposed facility because of the close distance to homes. He noted that Allen used to have a gun range near Bethany Lakes and that it was a massive lead clean up effort. He stated that he worked for Texas Instruments and they got rid of their gun range because ranges went out of style. He stated that Allen has learned lots of lessons in the past.

Mr. Codie reiterated that only being 90 feet away from the homes is too close. He stated that wanting a range is not a fair reason if it is at the expense of other citizens. He added that he has never seen property values rise from being next to a gun range.

Lance Gayle, 303 Tonkawa Trail, Corsicana, TX, stated that he plans to move to Allen. He stated that he is one of the owners of the gun range and that he is the equipment manufacturer and is responsible for dust collection, ventilation equipment, and lead recovery equipment. He stated that this will be the most sophisticated gun range in the country. He stated that the bullets are shredded and fall into an auger above the ground. He stated that all the lead particulates and dust are removed and that the larger particulates, namely the bullets, are moved through the auger under negative pressure into a sealed, 55 gallon EPA and OSHA approved barrel. He noted that these barrels are not in the ground.

Mr. Gayle stated that the ventilation equipment is a 0.5-micron filtration system that should last about five years. He stated that after this filtration system, there is a secondary HEPA filter that takes the particulates down to submicron particulates. He stated that both filters are monitored for breakage and that if the secondary filter breaks, it would shut down.

Mr. Gayle stated that the entire system is interlocked, meaning that one cannot shut down the filtration system because everything must be on to be functional. He stated that the ventilation system is closed loop and only exhausting up to 20% of air out of the range. He noted that if the business fails at any of these things, they will get reprimanded. He noted that the EPA monitors air quality, not OSHA, and that the business needs a permit from the state to operate the dust collection units. He noted that the state spot monitors these readings as well.

Mr. Gayle stated that to help with noise reduction, the equipment sits in between two 7 ¼" walls so there would not be a hum from fans. He noted that there will be slight noise from air conditioning units on the roof. He stated that as an owner and manufacturer of the equipment, if there is an issue with noise, it will be addressed. He noted that the noise measurements have been done scientifically, but if it does make noise, they will address the issue.

Chairman Trahan closed the public hearing.

Commissioner Ogrizovich stated that the Commission has listened to this case twice and that it is somehow being positioned as yes or no to a gun range in Allen and that is not the case. He stated that he is in favor of a gun range in Allen but that he has not changed his position from two weeks ago because it is not a good location. He stated that he understands why the Applicant would like the location but that if you look at the map, the US Highway 75 corridor still looks like it is open space. He noted that this is not the last piece of land where the gun range could be built. He stated that he remains opposed because of the proposed location.

Commissioner Metevier stated that he agrees with Commissioner Ogrizovich. He stated that a lot of time was spent on talking about Stacy Green and the US Highway 75 corridor. He stated that the corridor has restaurants, hospitality, and shopping and that he does not think that this location makes sense. He stated that the close proximity to the homeowners and the three-foot setback to the south would drastically prohibit use by the property owner to the south. He stated that he is in opposition for these three reasons.

2<sup>nd</sup> Vice-Chair Orr stated that the presentation was great, that building is beautiful, and that the technology is state of the art. He noted that the location is the problem and the lack of setback to the south presents a problem as he considers approval.

Commissioner Hollingsworth stated that he had a question for the architect.

Darko Mijic, the Applicant, 715 Bethany Lake Boulevard, Allen, TX, stated that he is responsible for project management and that Mr. Taggart used to be a Civil Engineer and worked on the sound calculations.

Commissioner Hollingsworth asked Mr. Mijic if he has worked on other gun ranges in the metroplex.

Mr. Mijic stated that he has not.

Commissioner Hollingsworth asked if any of the individuals working on the facility have worked on other gun ranges in the metroplex

Mr. Taggart stated that the project is not at the final acoustic design stage and the information provided to date are the result of standard architectural techniques. He stated that later in the process, they would add more detail to the acoustic treatment necessary to reduce noise.

Mr. Mijic stated standard design criteria for gun ranges only recommend 6" thick concrete walls for acoustics and that this project uses more than that. He also noted that the structural and civil engineers on staff have been involved in other gun ranges.

Commissioner Hollingsworth stated he went to several different gun ranges. He stated that he went inside businesses to talk to people. He noted that at the new gun range in Addison, he walked around the building and even called to make sure people were shooting but did not hear anything. He stated that he also went to the Bullet Trap in Plano. He noted that it is an older facility and that he could hear the shots. He noted that the businesses nearby did not have issues. He stated that in Plano, he went to speak with neighbors in an apartment complex that is about 100 feet away. He noted that none of the residents had complaints. He stated that apartments are not built as sturdy as homes.

Mr. Mijic stated that the Bullet Trap in Plano only accounted for the transmission of sound and not the vibration of sound through their structure. He stated that this allows sound to penetrate through the building.

Commissioner Autrey stated that the Commission has heard the same information from two weeks ago. He noted that as a gun owner, he would have enjoyed a range in Allen but that as a homeowner, he can understand the homeowners' point of view. He stated that he was hoping to hear that the Applicant found a location along State Highway 121, as this would resolve his concerns. He stated that he could not recommend approval of this proposal.

1<sup>st</sup> Vice-Chair Platt stated that he did not believe there were safety issues concerning a firearm being discharged. He stated that noise can be heard next to the Bullet Trap in Plano but that the building was retrofitted into a gun range and not built from the ground up. He stated that he has confidence that noise produced by the facility will be less than the noise generated by traffic. He stated that the air exhaust, lead, and potential for contamination has been his primary concern. However, he noted that hearing from the manufacture of the systems made him feel better that there is little potential for contamination. He stated that he does not think that this is a bad location for a gun range.

Chairman Trahan asked staff if there was a zoning protest in place.

Mr. Kurbansade stated that staff has not tabulated the formal request but has simply looked at people who have expressed opposition. He stated that property owners would need to file a formal request with the City Secretary. He noted that staff has assumed, based on the available information, that over twenty percent of the land area is in opposition, but that the City Secretary would need to confirm that.

Chairman Trahan asked if there was a process to determine noise levels during the construction process and inspection.

Mr. Kurbansade stated that the City would not be able to monitor potential noise from a functioning facility during the construction process and that the City relies on the applicant to provide material complied by a licensed professional.

Chairman Trahan stated that if City Council approves the request and the facility is built, citizens can call the City to report a noise complaint.



**Motion:** Upon a motion by Commissioner Hollingsworth, and a second by 1<sup>st</sup> Vice-Chair Platt, the Commission voted 3 IN FAVOR, and 4 OPPOSED to recommend approval of the 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; generally located at the southwest corner of the intersection of Curtis Lane and US Highway 75, for the Texas Legends Gun Range.

The motion failed to carry.

**Motion:** Upon a motion by Commissioner Ogrizovich, and a second by Commissioner Metevier, the Commission voted 4 IN FAVOR, and 3 OPPOSED to recommend denial of the 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; generally located at the southwest corner of the intersection of Curtis Lane and US Highway 75, for the Texas Legends Gun Range.

The motion carried.

**ATTENDANCE:**

**Commissioners Present:**

Ben Trahan, Chair  
Stephen Platt, Jr., 1<sup>st</sup> Vice-Chair  
Michael Orr, 2<sup>nd</sup> Vice-Chair  
Dan Metevier  
Gene Autrey  
John Ogrizovich  
Luke Hollingsworth

**Absent:**

None