



**AGENDA
CITY OF ALLEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, NOVEMBER 7, 2017 – 7:00 P.M.
CITY COUNCIL CHAMBERS
ALLEN CITY HALL
305 CENTURY PARKWAY
ALLEN, TEXAS 75013**

Call to Order and Announce a Quorum is Present

Pledge of Allegiance

Directors Report

1. Action taken on the Planning & Zoning Commission items by City Council at the October 24, 2017, regular meeting.

Consent Agenda (*Routine P&Z business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Commission member or member of staff.*)

2. Approve minutes from the October 17, 2017, regular meeting.

Regular Agenda

3. Public Hearing – Conduct a Public Hearing and consider a Replat for Lot 1R, Block 1, Cyrus One Allen; generally located east of Chelsea Boulevard and north of Allen Commerce Parkway. (PL-102417-0020) [Cyrus One Allen]
4. Public Hearing – Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a Gymnastics and Sports Training Facility use for an approximately 5,300± square foot portion of a building located on Lot 2, Block A, Greenwood Valley Commercial Addition; generally located south of Main Street and west of Allen Heights Drive (and commonly known as 1210 E. Main Street). (SUP-092017-0005) [CrossFit Ammo]
5. Public Hearing – Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a Medical or Dental Office use for an approximately 1,947± square foot portion of a building located on Lot 1R, Block A, The Reading Ranch Addition; generally located north of Exchange Parkway and east of Twin Creeks Drive (and commonly known as 1420 W. Exchange Parkway, Building 2, Suite 170). (SUP-102517-0006) [Allen Smile Design]
6. 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]

Executive Session *(As Needed)*

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

Adjournment

This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, November 3, 2017, at 5:00 pm.

Shelley B. George, City Secretary

Allen City Hall is wheelchair accessible. Access to the building and special parking are available at the entrance facing Century Parkway. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 214-509-4105.

Director's Report from 10/24/2017 City Council Meeting

- The request to conduct a Public Hearing and adopt an Ordinance amending the Planned Development No. 45 zoning district to a base zoning of Shopping Center and to adopt Development Regulations, a Concept Plan, Open Space Plan, Sub-Area Plan, Phasing Plan, Sign Plan, Fire Lane Plan, and Building Elevations for a 79± acre tract of land generally located at the southwest corner of Stacy Road and US Highway 75, for Stacy Green, was approved.
- The request to conduct a Public Hearing and adopt an Ordinance amending the Development Regulations of a portion of District D-1 of Planned Development No. 108 for all of The Village at Twin Creeks Phase Two and a 23.067± acre tract of land generally located south of Exchange Parkway and east of Bray Central Drive, for The Village at Twin Creeks Ph. 2 & 3, was approved.



PLANNING AND ZONING COMMISSION

Regular Meeting

October 17, 2017

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

City Staff Present:

Marc Kurbansade, AICP, Director of Community Development
Lee Battle, AICP, LEED AP, Assistant Director of Community Development
Joseph Cotton, PE, Assistant Director of Engineering
Brian Bristow, RLA, Assistant Director of Parks and Recreation
Madhuri Mohan, AICP, Senior Planner
Hayley Angel, Planner
Nicole Corr, City Attorney

Call to Order and Announce a Quorum is Present:

With a quorum of the Commissioners present, 1st Vice-Chair Trahan called the meeting to order at 7:00 p.m. in the City Hall Council Chambers Room at Allen City Hall, 305 Century Parkway.

Directors Report

1. Action taken on the Planning & Zoning Commission items by City Council at the September 26, 2017, regular meeting and the October 10, 2017, regular meeting, attached.

Election of Officers

2. Elect a Chair, First Vice-Chair and Second Vice-Chair.

1st Vice-Chair Trahan opened the floor for nominations for Planning and Zoning Commission Chairman.

Motion: **Upon a motion by 2nd Vice-Chair Platt, and a second by Commissioner Ogrizovich, the Commission voted 6 IN FAVOR, and 0 OPPOSED to appoint Mr. Ben Trahan to the Planning and Zoning Commission Chair position.**

The motion carried.

Chairman Trahan opened the floor for nominations for Planning and Zoning Commission 1st Vice-Chair Position.

Motion: **Upon a motion by Chairman Trahan, and a second by Commissioner Ogrizovich, the Commission voted 6 IN FAVOR, and 0 OPPOSED to appoint Mr. Stephen Platt, Jr. to the Planning and Zoning Commission 1st Vice-Chair position.**

The motion carried.

Chairman Trahan opened the floor for nominations for Planning and Zoning Commission 2nd Vice-Chair Position.

Motion: **Upon a motion by Commissioner Ogrizovich, and a second by Commissioner Metevier, the Commission voted 6 IN FAVOR, and 0 OPPOSED to appoint Mr. Michael Orr to the Planning and Zoning Commission 2nd Vice-Chair position.**

The motion carried.

Consent Agenda (*Routine P&Z business: Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Commission member or member of staff.*)

3. Approve minutes from the September 19, 2017, regular meeting.
4. Capital Improvement Program (CIP) Status Report.

Motion: **Upon a motion by 1st Vice-Chair Platt, and a second by Commissioner Metevier, the Commission voted 6 IN FAVOR, and 0 OPPOSED to approve the Consent Agenda.**

The motion carried.

Regular Agenda

5. Public Hearing – Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a Medical Office use for an approximately 1,500± square foot portion of a building located on Lot 1R, Block A, The Reading Ranch Addition; generally located north of Exchange Parkway and east of Twin Creeks Drive (and commonly known as 1420 W. Exchange Parkway, Building A, Suite 120). (SUP-092017-0004) [Vitals Family Medicine]

Ms. Hayley Angel, Planner, presented the item to the Commission. She stated that the item is a Specific Use Permit for Vitals Family Medicine. She stated that the property is generally located north of Exchange Parkway and east of Twin Creeks Drive (and commonly known as 1420 W. Exchange Parkway, Building A, Suite 120). The properties to the north are zoned Planned Development PD No. 53 Single-Family Residential SF. The property to the east is zoned Planned Development PD No. 53 Community Facilities

CF. The properties to the south (across Exchange Parkway) are zoned Planned Development PD No. 54 Single-Family Residential SF. The property to the west (across Twin Creeks Drive) is zoned Community Facilities.

Ms. Angel stated that the applicant is proposing to tenant a 1,500± square foot portion in an existing building for a Medical Office use. She noted that the property is currently zoned Planned Development PD No. 53 Community Facilities CF. The Allen Land Development Code requires a Specific Use Permit (SUP) for a Medical Office use within the CF zoning district.

Ms. Angel stated that the applicant submitted a business summary in conjunction with the SUP application. She stated that general business hours would be 8 a.m. to 5 p.m. Monday through Friday and 8 a.m. to 12 p.m. on Saturdays.

Ms. Angel stated that parking on site complies with the Allen Land Development Code standards.

Ms. Angel stated that there are no proposed changes to the exterior of the building.

The Specific Use Permit request has been reviewed and meets the standards of the Allen Land Development Code.

1st Vice-Chair Platt asked how many patients would be seen at the office.

Ms. Angel stated that there would be approximately three to four patient rooms. She noted that for detailed information about the anticipated number of patients a day, she could ask the applicant to respond.

1st Vice-Chair Platt asked if it would be reasonable to expect three to four cars parked at any given time.

Ms. Angel confirmed that this assumption is correct.

Commission Metevier asked if the parking on site complied with the stricter requirements of a Medical Office use.

Ms. Angel noted that the entire site is parked at one parking space for every 250 square feet, which is the requirement for Medical Office uses.

Chairman Trahan opened the public hearing.

Chairman Trahan noted that there was one letter received:

- James Hogan, 1207 Twin Creeks Drive, Allen, TX, SUPPORT

Chairman Trahan closed the public hearing.

Motion: **Upon a motion by 1st Vice-Chair Platt, and a second by 2nd Vice-Chair Orr, the Commission voted 6 IN FAVOR, and 0 OPPOSED to recommend approval of a Specific Use Permit for a Medical Office use for an approximately 1,500± square foot portion of a building located on Lot 1R, Block A, The Reading Ranch Addition; generally located north of Exchange Parkway and east of Twin Creeks Drive (and commonly known as 1420 W. Exchange Parkway, Building A, Suite 120).**

The motion carried.

Chairman Trahan moved Agenda Item #7 prior to Agenda Item #6 due to the large number of citizens present for this item.

7. 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 Koeboson, 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 Thirumogun, 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.

6. Public Hearing – Conduct a Public Hearing and consider a request to amend the Development Regulations of a portion of District D-1 of Planned Development “PD” No. 108 being all of The Village at Twin Creeks Phase Two and 23.067± acres out of the Catharine Parsons Survey, Abstract No. 711; generally located south of Exchange Parkway and east of Bray Central Drive. (ZN-092917-0010) [The Village at Twin Creeks Ph. 2 & 3]

Ms. Madhuri Mohan, Senior Planner, presented the item to the Commission. Ms. Mohan stated that the item is PD Amendment for The Village at Twin Creek Ph. 2 & 3. She stated that the property is generally located south of Exchange Parkway and east of Bray Central Drive. The property to the north is zoned Planned Development PD No. 108 Single Family Residential SF. To the west (across Bray Central Drive), the properties are zoned Planned Development PD No. 54 Multi-Family MF and Planned Development PD No. 54 Single Family Residential R-7. To the south, the properties are zoned Planned Development PD No. 54 Multi-Family MF-18. To the east (across Watters Road), the properties are zoned Planned Development PD No. 54 Industrial Technology IT.

Ms. Mohan stated that a Planned Development for PD-108 encompassing seven districts and mixed-uses was originally adopted by City Council in October 2011. She noted that a subsequent PD Amendment was approved for one of the districts in January 2014 which created The Village at Twin Creeks, and includes a variety of single-family product types. She stated that the applicant is now requesting to amend and add to the existing development regulations to provide greater flexibility for the single-family products.

Ms. Mohan clarified that there were no proposed changes to the uses in this District and that it will remain single-family. She stated the request is was only a text amendment and reviewed a summary of the proposed changes, which are as follows:

1. Change the Side Yard setback for Product Types B and C to 5' and 5' (currently required at 3' and 7').
2. Add an option for driveways to be “salt finished concrete” (in addition to the currently required “stamped concrete”).
3. Allow AC units to be placed within the 5' side yard setback and encroach into the 3' drainage easement provided that the AC units are placed on an approved cantilever pad, approved by the Building and Code Department.
4. Allow curb inlets to be placed within 5' of a proposed residential driveway (currently required at 10') for two lots.

Ms. Mohan then reviewed each of the four proposed changes in more detail.

Ms. Mohan noted that four different product types were approved with this zoning district, with Product Type B and Product Type C having side yard setbacks of 3' and 7'. She stated that the developer is requesting to change this side yard setback to 5' and 5', which maintains the 10' separation between buildings and allows the products to be centered on the lots.

Ms. Mohan then showed pictures of the current and proposed driveway finishes. She stated that stamped concrete driveways are currently required and that the developer is requesting to add the option of a salt finished concrete driveways. She stated that staff feels the option of a salt finished concrete still meets the intent of the original Development Regulation as both driveway options provide an enhanced front entry, while at the same time, offering flexibility to the developer.

Ms. Mohan then addressed the third proposed change which addresses AC unit location. She stated that the Allen Land Development Code currently states that AC units should be 3' from the property line so as not to encroach on a 3' drainage easement. She stated that this regulation codifies that AC units can be in a 5' side yard setback and can encroach into the 3' drainage easement provided that the unit is placed on an approved cantilever pad and is approved by the Building and Code Department. She noted that the Engineering Department has reviewed the exhibit and is comfortable with the proposal if it does not impede drainage. She noted that the cantilever pad will not impede drainage.

Ms. Mohan noted that the draft ordinance presented to the Planning and Zoning Commission for this item included a requirement for the AC units to be screened as shown in the exhibit but that the exhibit did not show any screening. She requested that the Commission remove the language in their motion, when they make one, to prevent any confusion.

Ms. Mohan noted that the last proposed change relates to curb inlets. She stated that the Allen Land Development Code requires stormwater curb inlets to be a minimum of 10' from the end of driveway radii. She showed a plat which highlighted two lots that would not be able to meet this standard due to grade changes and building orientation. She stated that the Engineering Department has reviewed this request and is comfortable reducing this requirement to five feet from the end of the driveway radii for these two lots.

Ms. Mohan then summarized the four proposed changes to the Development Regulations.

Commissioner Ogrizovich asked Ms. Mohan to restate the modification to the motion that she requested.

Ms. Mohan asked for the phrase "the located and screening requirements shown in" under C(7) to be removed. She reiterated that she is asking for it to be removed because there are no screening requirements shown in the exhibit.

Commissioner Metevier asked if this phrase was part of the original ordinance.

Ms. Mohan stated that it was not.

Commissioner Ogrizovich asked Ms. Mohan if she was requesting to remove the portion that states "is shown in Exhibit."

Ms. Mohan stated that she is requesting the removal of the phrase before that, specifically "the located and screening requirements shown in."

1st Vice Chair Platt asked Ms. Mohan to specify the beginning word and ending word.

Ms. Mohan stated that the phrase begins with "the located and screening requirements," and ends with "shown in," and that the rest of the phrase can remain.

Commissioner Autrey asked to see the PowerPoint slide that specifically outlines the requirements for the driveway materials. He confirmed that the regulation does state “stamped concrete or salt-finished concrete,” ensuring that it is an option for the developer.

1st Vice-Chair Platt asked if it was just the two lots listed in the Development Regulations that would have issues with the curb inlet placement.

Ms. Mohan confirmed that it was only the two lots listed in the Development Regulations that would have the issue with curb inlet placement.

1st Vice-Chair Platt stated that, as a homebuilder, he had some questions about the AC unit cantilever. He stated that, while the Exhibit shows what the system will look like, it does not specify the building material that will be used for the cantilever. He asked for more information about how it was planned to be constructed, including whether it was attached to the house and how the footings would be placed in the ground.

Ms. Mohan stated that the diagram looks a little more dramatic than what will be built.

1st Vice-Chair Platt stated that he felt it was a good idea but that he just had questions about how it would function.

Josh Millsap, the Applicant, 12222 Merit Drive, Dallas, TX, stated that he did not have the exact materials yet but that they are having conversations with their contractor to determine the materials.

Chairman Trahan opened the public hearing.

Chairman Trahan closed the public hearing.

Chairman Trahan noted that the Commission received three letters:

- Kenneth and Delva Lento, 765 Davids Way, Allen, TX, OPPOSE
- Jason and Laura Woods, 763 Mission Court, Allen, TX, OPPOSE
- Lisa Inglis, 805 Otto Drive, Allen, TX, SUPPORT

Chairman Trahan asked if the motion can be read with “the wording adjustments as suggested by the Senior Planner” as opposed to the exact verbiage to be removed from the proposed ordinance.

Nicole Corr, City Attorney, stated that the motion can be read as suggested so long as the record is clear about what constitutes the wording adjustment. She noted that the wording adjustment had been clarified several times and that she believes that the record is clear.

Motion: **Upon a motion by Commissioner Ogrizovich, and a second by Commissioner Autrey, the Commission voted 6 IN FAVOR, and 0 OPPOSED to recommend approval of the request to amend the development regulations of a portion District D-1 of Planned Development “PD” No. 108; generally located south of Exchange Parkway and east of Bray Central Drive, for The Village at Twin Creeks Ph. 2 & 3 with the wording adjustments as presented by staff.**

The motion carried.

Executive Session (As Needed)

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

Adjournment

The meeting adjourned at 9:26 p.m.

These minutes approved this _____ day of _____ 2017.

Ben Trahan, Chairman

Hayley Angel, Planner

Director's Report from 9/26/2017 City Council Meeting

- The request to conduct a Public Hearing and adopt an ordinance to establish Planned Development No. 131 for Shopping Center SC, and adopt Development Regulations, a Concept Plan, and Building Elevations for an 8.472± acre tract of land; generally located at the southwest corner of the intersection of Bethany Drive and Greenville Avenue, for Bethany Greenville Retail Center, was approved with the condition that retail building height not to exceed 25 feet and the storage units not to exceed four stories or 44 feet in height.
- The request to conduct a Public Hearing and adopt an Ordinance amending the Development Regulations for Planned Development No. 45 for Shopping Center SC, and adopting a Concept Plan, Open Space Plan, Sub-Area Plan, Phasing Plan, Sign Plan, Fire Lane Plan, and Building, for an approximately 79± acre tract of land; generally located at the southwest corner of the intersection of Stacy Road and US Highway 75, for Stacy Green, was continued to the October 10, 2017, City Council regular meeting.

Director's Report from 10/10/2017 City Council Meeting

- The request to conduct a Public Hearing and adopt an Ordinance amending the Development Regulations for Planned Development No. 45 for Shopping Center SC, and adopting a Concept Plan, Open Space Plan, Sub-Area Plan, Phasing Plan, Sign Plan, Fire Lane Plan, and Building, for a 79± acre tract of land; generally located at the southwest corner of the intersection of Stacy Road and US Highway 75, for Stacy Green, was continued to the October 24, 2017, City Council regular meeting.
- The request to conduct a Public Hearing and adopt an Ordinance for Specific Use Permit No. 156 for a Minor Automotive Repair use for an approximately 4,744± square foot portion of a building; generally located south of Allen Drive and east of US Highway 75 (and commonly known as 600 N. Central Expressway), for Allen Car Care Center, was approved.

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| PLANNING & ZONING COMMISSION AGENDA COMMUNICATION |
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AGENDA DATE: November 7, 2017

SUBJECT: Conduct a Public Hearing and consider a Replat for Lot 1R, Block 1, Cyrus One Allen; generally located east of Chelsea Boulevard and north of Allen Commerce Parkway. (PL-102417-0020) [Cyrus One Allen]

STAFF RESOURCE: Hayley Angel
Planner

PREVIOUS COMMISSION/COUNCIL ACTION: Planned Development No. 128 – Approved May, 2017
Combination Plat – Approved July, 2017

LEGAL NOTICES: None.

BACKGROUND

The property is generally located east of Chelsea Boulevard and north of Allen Commerce Parkway. The properties to the north (across Ridgeview Drive) are zoned Agriculture Open Space AO and Planned Development PD No. 24 Office O and Light Industrial LI. The properties to the west (across Chelsea Boulevard) are zoned Agriculture Open Space AO, Planned Development PD No. 130 Single-Family Residential R-5 and R-6, Planned Development PD No. 92 Single-Family Residential R-7, and Planned Development PD No. 36 Industrial Technology IT. To the south (across Allen Commerce Parkway), the property is zoned Planned Development PD No. 102 Corridor Commercial CC. The properties to the east are zoned Community Facilities CF and Planned Development PD No. 124 Corridor Commercial CC.

The property is zoned Planned Development PD No. 128 Corridor Commercial CC. A Site Plan for Phase 1 of the Cyrus One Data Center was approved on September 2017. A Site Plan for Phase 2 of the Cyrus One Data Center is currently under review. Platting the site is the last step in the development process.

A Combination Plat for the property was approved in July 2017. A replat is submitted to primarily establish various easements for the first phase of the development and to dedicate right-of-way. The Replat shows one lot at approximately 65.599± acres, and includes two (2) access points into the development; one (1) on Allen Commerce Parkway and one (1) on Chelsea Boulevard.

The Replat has been reviewed by the Technical Review Committee and meets the standards of the Allen Land Development Code.

STAFF RECOMMENDATION

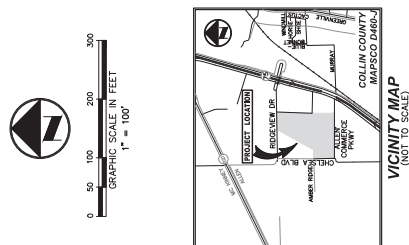
Staff recommends approval.

MOTION

I make a motion to approve a Replat for Lot 1R, Block 1, Cyrus One Allen; generally located east of Chelsea Boulevard and north of Allen Commerce Parkway.

ATTACHMENTS

Replat



| | |
|------------|--|
| IRS | 5/8"-INCH IRON ROD W/ "PACHCO KOCH" CAP SET |
| RF | 5/8"-INCH IRON ROD W/ "PACHCO KOCH" CAP FOUND |
| (C.M.) | CONTROLLING MONUMENT |
| --- | PROPERTY LINE |
| --- | EASEMENT LINE |
| --- | SETBACK LINE |
| --- | ABSTRACT LINE |
| P.R.C.C.T. | PUBLIC RECORDS OF COLLIN COUNTY, TEXAS |
| P.C.C.T. | PUBLIC RECORDS OF COLLIN COUNTY, TEXAS |
| P.R.C.C.T. | PLAT RECORDS OF COLLIN COUNTY, TEXAS |

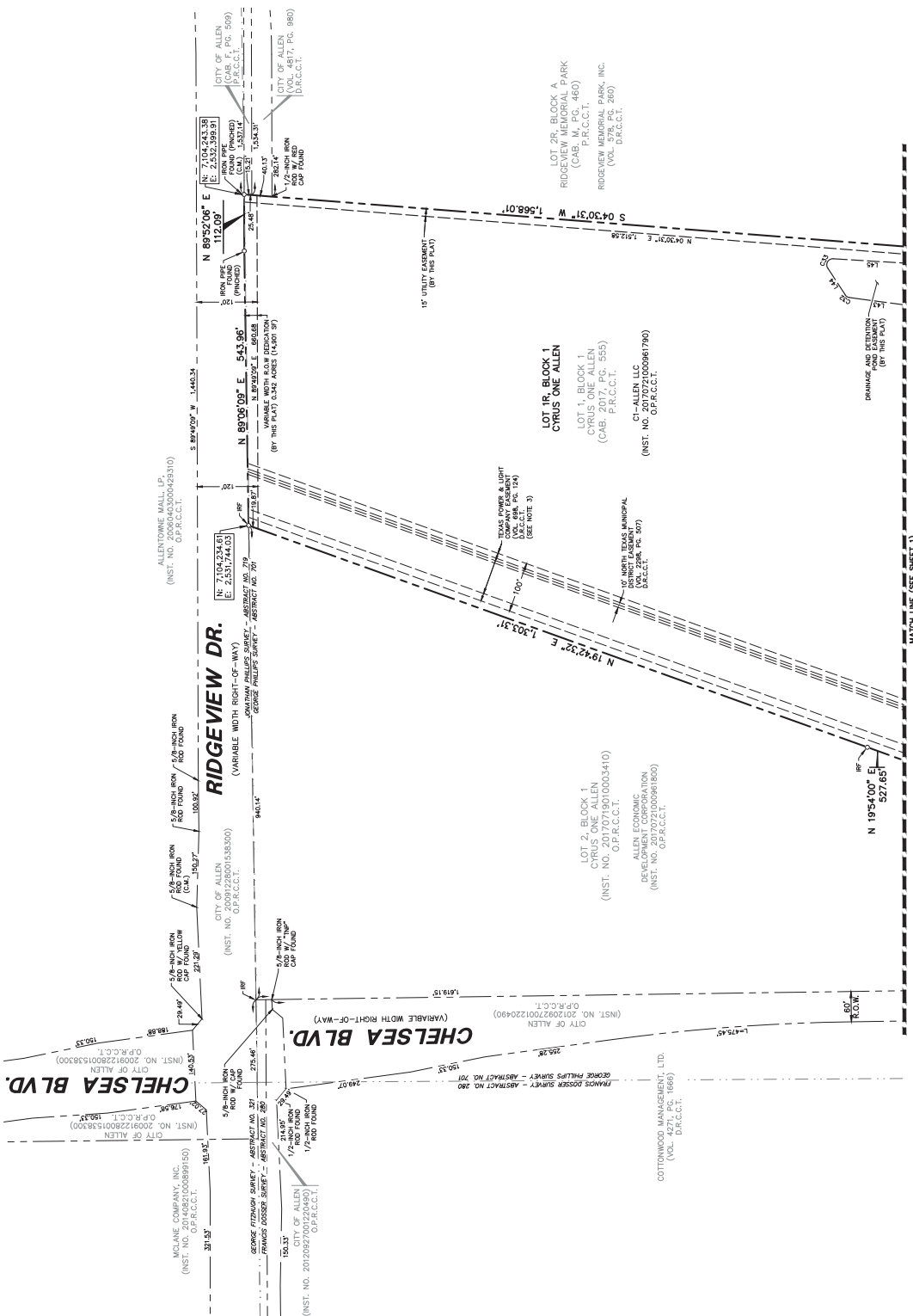
| AREA TABLE | | |
|--------------------------------------|--------|-----------|
| DESCRIPTION | ACRES | SF |
| GROSS AREA | 65.599 | 2,857,485 |
| ALLEN COMMERCE PKWY - ROW DEDICATION | 1.071 | 46,661 |
| CHELSEA BLVD - ROW DEDICATION | 0.680 | 29,627 |
| RIDGEVIEW DRIVE - ROW DEDICATION | 0.342 | 14,901 |
| NET AREA | 63.505 | 2,766,296 |

SHEET 2 OF 3

LOT 1R, BLOCK 1
CYBIUS ONE ALLEN

BEING 65.599 ACRES (2,857.485 SF)
2.094 ACRES (91,189 SF) TO BE DEDICATED
FOR RIGHT-OF-WAY
LOCATED IN THE CITY OF ALLEN, TEXAS
AND BEING OUT OF THE
GEORGE PHILLIPS SURVEY, ABSTRACT NO. 701,
COLLIN COUNTY, TEXAS

| | |
|---------------------------|---|
| Pacheco Koch | 7557 RAMBLER ROAD, SUITE 1400 DALLAS, TX 75231 972.235.3031 TX REG. ENGINEERING F#-14439 TX REG. SURVEYING F#-10193005 |
| DRAWN BY CO/DHM | CHECKED BY KCH |
| SCALE 1"=100' | DATE NOV. 2017 |
| JOB NUMBER | 3926-17.053 |



- [illegible]

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

| | |
|--|--|
| AGENDA DATE: | November 7, 2017 |
| SUBJECT: | Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a Gymnastics and Sports Training Facility use for an approximately 5,300± square foot portion of a building located on Lot 2, Block A, Greenwood Valley Commercial Addition; generally located south of Main Street and west of Allen Heights Drive (and commonly known as 1210 E. Main Street). (SUP-092017-0005) [CrossFit Ammo] |
| STAFF RESOURCE: | Hayley Angel Planner |
| PREVIOUS COMMISSION/COUNCIL ACTION: | Final Plat Approved – November, 1982 Planned Development No. 33 Approved - August, 1985 |
| PUBLIC NOTICE: | Public Hearing Sign Installed – October 6, 2017 Public Hearing Letters Mailed – October 6, 2017 and October 12, 2017 |
| ANTICIPATED COUNCIL DATE: | November 14, 2017 |

BACKGROUND

The property is generally located south of Main Street and west of Allen Heights Drive (and commonly known as 1210 E. Main Street). The properties to the north are zoned Planned Development PD No. 33 Shopping Center SC. The properties to the east (across Allen Heights Drive) are zoned Planned Development PD No. 2 Single-Family Residential R-5. The properties to the south and west are zoned Planned Development PD No. 33 Single-Family Residential R-1.

The applicant is proposing to tenant a 5,300± square foot portion in an existing building for a Gymnastics and Sports Training Facility use.

The property is zoned Planned Development PD No. 33 Shopping Center SC. The Allen Land Development Code requires a Specific Use Permit (SUP) for a Gymnastics and Sports Training Facility use within the SC zoning district.

The applicant submitted a business summary in conjunction with SUP application. The following is a general summary of the proposed business operations:

- Business Hours:
 - 5:00-10:00a.m. and 4:30-7:30p.m., Monday through Friday
 - 8:00-10:00a.m., Saturday

Parking on site complies with the Allen Land Development Code standards.

There are no proposed changes to the exterior of the building.

The Specific Use Permit request has been reviewed and meets the standards of the *ALDC*.

STAFF RECOMMENDATION

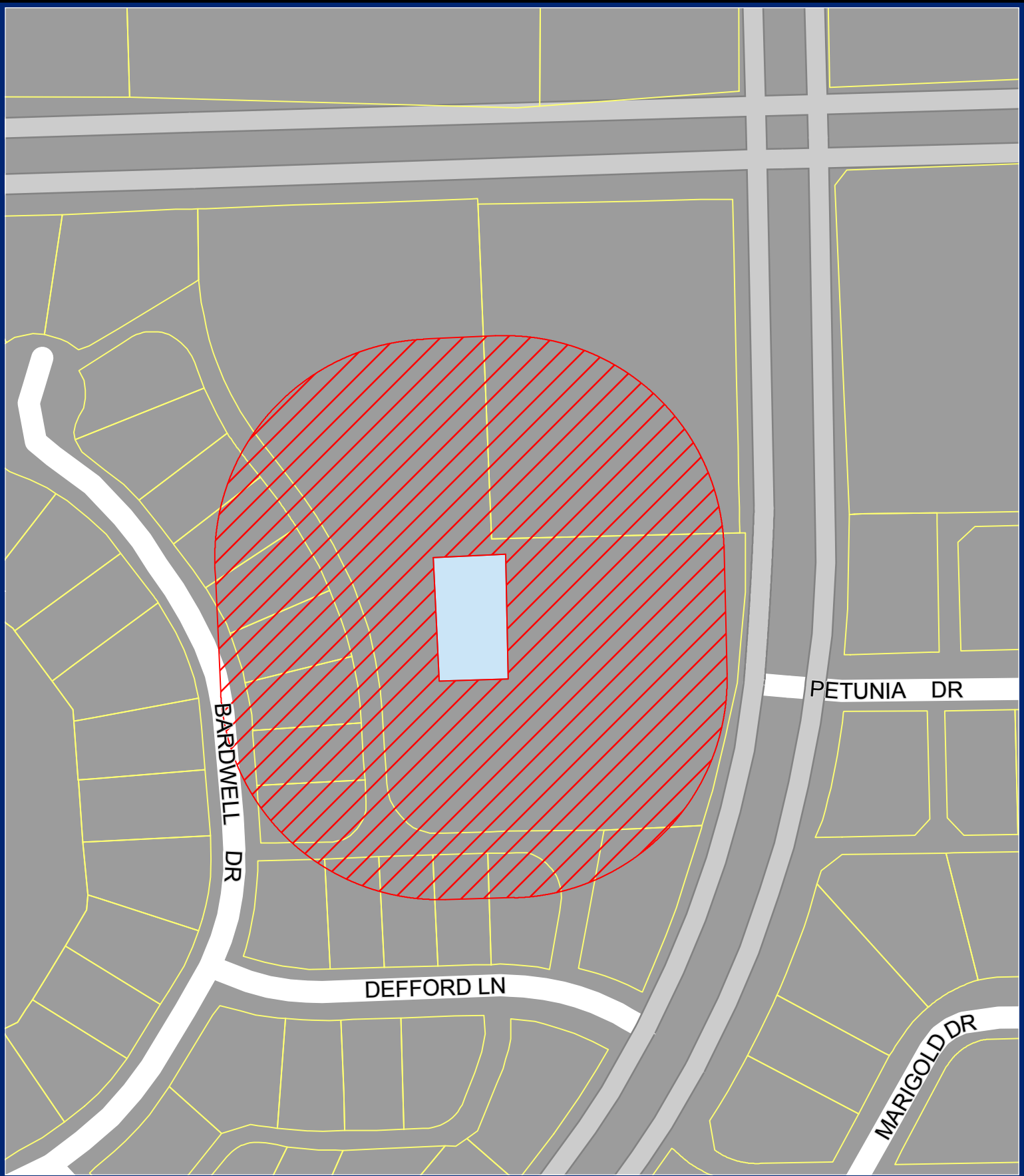
Staff recommends approval.

MOTION

I make a motion to recommend approval of a Specific Use Permit SUP request for a Gymnastics and Sports Training Facility use for CrossFit Ammo, generally located south of Main Street and west of Allen Heights Drive (and commonly known as 1210 E. Main Street).





ATTACHMENTS

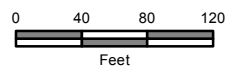
Property Notification Map
SUP Site Plan



Property Ownership Notification
CrossFit Ammo

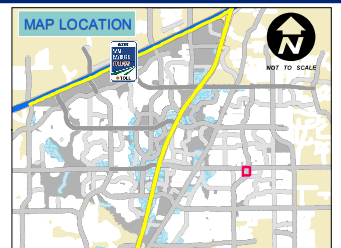
Map Legend

-  Public Rezone
-  200' Notification Buffer
-  Railroad
-  CollinCAD Parcels



Planning & Development - GIS
Date: 10/3/2017

NOTE: This map is only for illustration purpose only, please contact the City of Allen Planning & Development Department for specific rules and regulations.



ALLEN HEIGHTS RETAIL FACILITY

EAST MAIN & ALLEN HEIGHTS DRIVE, ALLEN, TEXAS

JAL
Architect
Group

1000 N. Main Street
Suite 100
Allen, Texas 75009
Phone: 972.366.1111
Fax: 972.366.1112

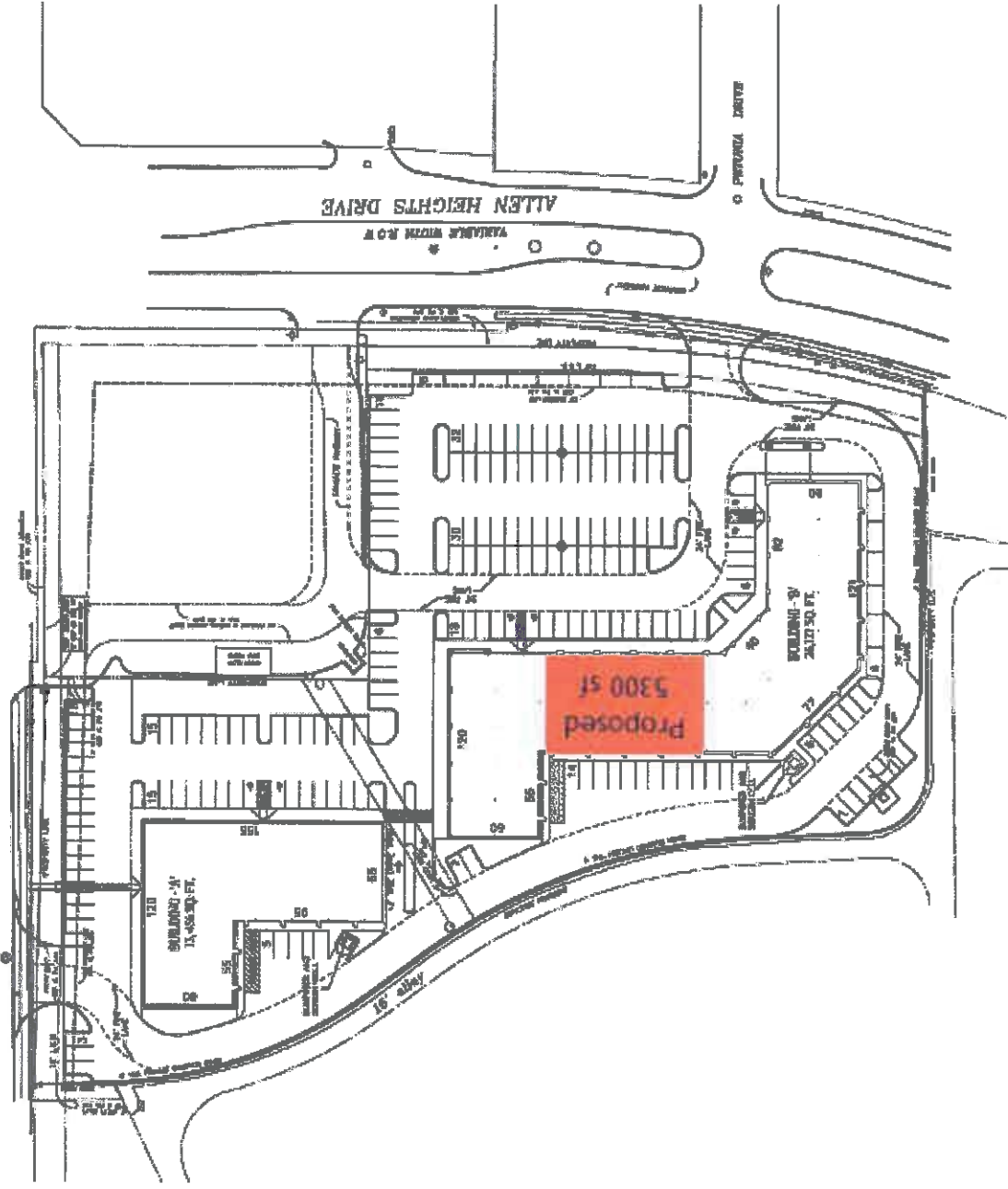
© 2000 JAL Architect Group, Inc.
All Rights Reserved
Project No. 000000
Issue Date: 08/24/00

SITE PLAN

A1.0

01 SITE PLAN
Scale: 1" = 40'

EXISTING 24' WIDE AL-80111
EXISTING 12' WIDE AL-80111
EXISTING 12' WIDE AL-80111
EXISTING 12' WIDE AL-80111



EAST MAIN STREET

VARIABLE WIDTH ROW

ALLEN HEIGHTS DRIVE

VARIABLE WIDTH ROW

PLANNING & ZONING COMMISSION AGENDA COMMUNICATION

AGENDA DATE: November 7, 2017

SUBJECT: Conduct a Public Hearing and consider a request for a Specific Use Permit SUP for a Medical or Dental Office use for an approximately 1,947± square foot portion of a building located on Lot 1R, Block A, The Reading Ranch Addition; generally located north of Exchange Parkway and east of Twin Creeks Drive (and commonly known as 1420 W. Exchange Parkway, Building 2, Suite 170). (SUP-102517-0006) [Allen Smile Design]

STAFF RESOURCE: Hayley Angel
Planner

PREVIOUS COMMISSION/COUNCIL ACTION: Planned Development No. 53 – Approved May, 1993
Planned Development No. 53 – Approved December, 1997
Planned Development No. 53 – Approved January, 2007
Preliminary Plat – Approved April, 2007
Final Plat – Approved May, 2007
Planned Development No. 53 – Approved May, 2008

PUBLIC NOTICE: Public Hearing Sign – Installed October 6, 2017
Public Hearing Letters – Mailed October 27, 2017

ANTICIPATED COUNCIL DATE: November 14, 2017

BACKGROUND

The property is generally located north of Exchange Parkway and east of Twin Creeks Drive (and commonly known as 1420 W. Exchange Parkway, Building 2, Suite 170). The properties to the north are zoned Planned Development PD No. 53 Single-Family Residential SF. The property to the east is zoned Planned Development PD No. 53 Community Facilities CF. The properties to the south (across Exchange Parkway) are zoned Planned Development PD No. 54 Single-Family Residential SF. The property to the west (across Twin Creeks Drive) is zoned Community Facilities CF.

The applicant is proposing to tenant a 1,947± square foot portion in an existing building for a Medical or Dental Office use. The property is currently zoned Planned Development PD No. 53 Community Facilities CF. The Allen Land Development Code requires a Specific Use Permit (SUP) for a Medical or Dental Office use within the SC zoning district.

The applicant submitted a business summary in conjunction with the SUP application. Business operation hours will generally be: Monday through Friday, 8:00 a.m. – 5:00 p.m.

Parking on site complies with the Allen Land Development Code standards.

There are no proposed changes to the exterior of the building.

The Specific Use Permit request meets the standards of the *ALDC*.

STAFF RECOMMENDATION

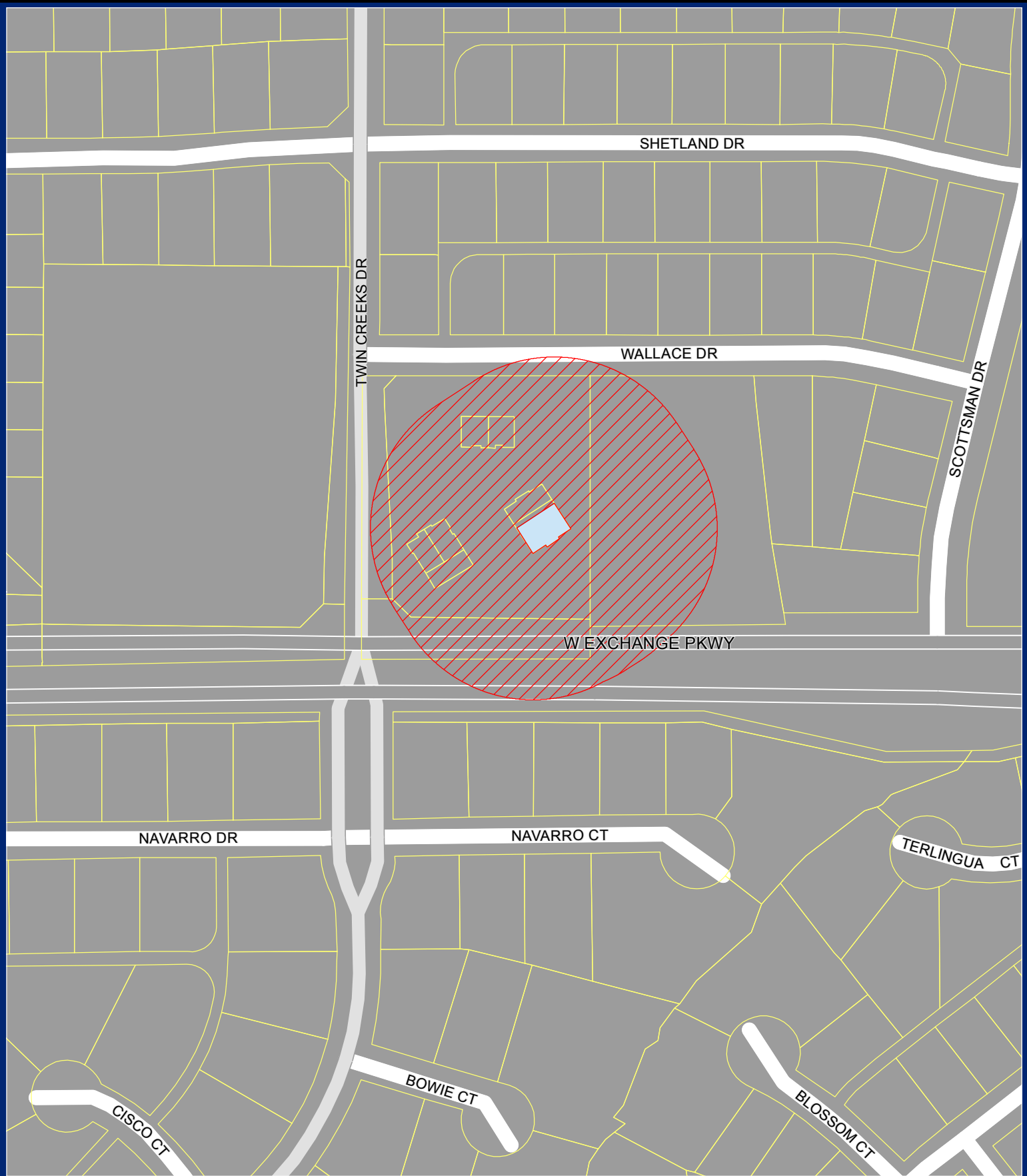
Staff recommends approval.

MOTION

I make a motion to recommend approval of a Specific Use Permit SUP for a Medical or Dental Office use for an approximately 1,947± square foot portion of a building; generally located north of Exchange Parkway and east of Twin Creeks Drive, for Allen Smile Design.

ATTACHMENTS





Property Notification Map
SUP Site Plan

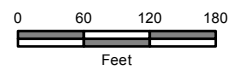


Property Ownership Notification

Allen Smile Design
1420 W. Exchange Pkwy #170

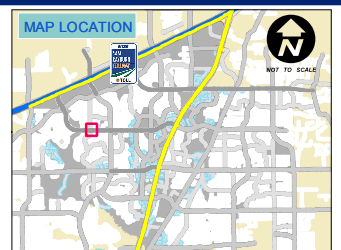
Map Legend

-  200' Notification Buffer
-  Railroad
-  CollinCAD Parcels
-  Public Rezone



Planning & Development - GIS
 Date: 10/25/2017

NOTE: This map is only for illustration purpose only, please contact the City of Allen Planning & Development Department for specific rules and regulations.



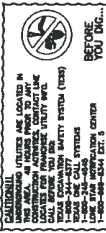


This Concept plan is associated with Allen Smile Design, being approximately 1,947 ± square feet located at 1420 W. Exchange Parkway, more commonly described as Building 2, Suite 170.

This plan is intended to indicate the suite location only.

- PARKING TABULATION:**
- PARKING RATIOS:
MEDICAL OFFICE: 1 SPACE / 250 SF
PROPOSED BUILDINGS:
OFFICE: 11,200 SF TOTAL
FAR: 11,200 SF / 80,830 SF
= 0.1373
- REQUIRED PARKING:
11,200 SF / 250 SF = 45
TOTAL REQUIRED PARKING = 45
- PARKING PROVIDED:
1. 100 SPACES
2. HANDICAPPED PARKING SPACES
48 TOTAL PARKING SPACES PROVIDED

NOTE:
ALL DIMENSIONS ARE FROM BACK OF CURB TO BACK
OF CURB, UNLESS OTHERWISE NOTED.



BENCH MARK LIST.

BENCHMARK #1
SQUARE CUT AT SOUTHWEST CORNER OF TRANSFORMER PAD LOCATED AT
SOUTH SIDE OF WALLACE DRIVE 307'± EAST FROM CENTERLINE OF
COUNTY ROAD 148
ELEVATION = 673.83

THE SEAL APPEARING ON THIS DOCUMENT WAS
AUTHORIZED BY RICHARD P. POSEY, FIC, DUTY AS
ATTORNEY AT LAW, IN CONNECTION WITH THE
ACQUISITION OF A SEAL DOCUMENT
BY THE TEXAS DEPARTMENT OF THE ARMY
ON 10-10-68

DEVELOPER
TONEBRIAR CONSTRUCTION, INC.
13237 MONTFORT, SUITE 335
DALLAS, TEXAS 75240
MR. MICHAEL EIKELBARNER
(214) 514-6163 PHONE
(214) 547-1347 FAX

OWNER
HARD JONES-TORSTEN HOLMES
WEST McDERMOTT, SUITE 10
ALLEN, TEXAS 75013
MR. TORSTEN HOLMES
(972) 747-7560 PHONE

[illegible]

| | |
|-------------------------|--|
| <p>SITE PLAN</p> | <p>TWIN CREEKS PROFESSIONAL BLOCK A, LOT 1R, THE REAL MARY STANDIFER SURVEY, ABS</p> |
|-------------------------|--|

| |
|---|
| PLANNING & ZONING COMMISSION AGENDA COMMUNICATION |
|---|

AGENDA DATE: November 7, 2017

SUBJECT: **TABLED** – 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]

STAFF RESOURCE: Marc Kurbansade, AICP
Director of Community Development

PREVIOUS COMMISSION/COUNCIL ACTION: Preliminary Plat – Approved February, 2015

LEGAL NOTICES: Public Hearing Sign – October 6, 2017
Public Hearing Notices – October 6, 2017

ANTICIPATED COUNCIL DATE: November 28, 2017

BACKGROUND

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.

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.

The property is approximately 1.610± acres. The attached Concept Plan shows a 21,232± square foot Target Range facility. The facility will include a total of 30 range lanes (at 50 yards, 25 yards, and 15 yards), an office/administrative area, two classrooms, and a retail component.

To accommodate the building on the site, the northern (front) and southern (rear) setbacks will be modified as shown on the Concept Plan. A 10’ landscape buffer is required along Curtis Lane. 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. As the entire 10’ buffer requirement is not on the site, the six feet within the right-of-way will be accounted for on the property with enhanced landscaping, subject to the Parks and Recreation Department.

Parking and Landscaping meet ALDC standards. A 5’ sidewalk exists along US Highway 75 and is proposed along Curtis Lane.

There are two (2) points of access into the property; both on Curtis Lane. Driveway throat depths will be modified as indicated on the Concept Plan.

The building will be one (1) story with a maximum height of 35'. Primary building materials include concrete and stone.

The attached development regulations include design standards to establish the Planned Development, including the additional permitted use, setbacks, landscape buffer, driveway throat depths, and detention requirements.

The applicant has conducted two meetings with residents in the neighboring Ansley Meadows HOA. Attached is the applicant's response to the concerns raised at these meetings. Building section cuts and an acoustic study are also attached to supplement the response to these concerns.

The request has been reviewed by the Technical Review Committee.

The item was tabled at the October 17, 2017, Planning and Zoning Commission meeting. The applicant has made no changes since that meeting.

STAFF RECOMMENDATION

Staff recommends approval.

MOTION

I make a motion 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.

ATTACHMENTS

Property Notification Map
Development Regulations
Concept Plan
Rendering
Color Elevations
Memo – Summary of Concerns

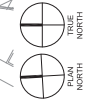
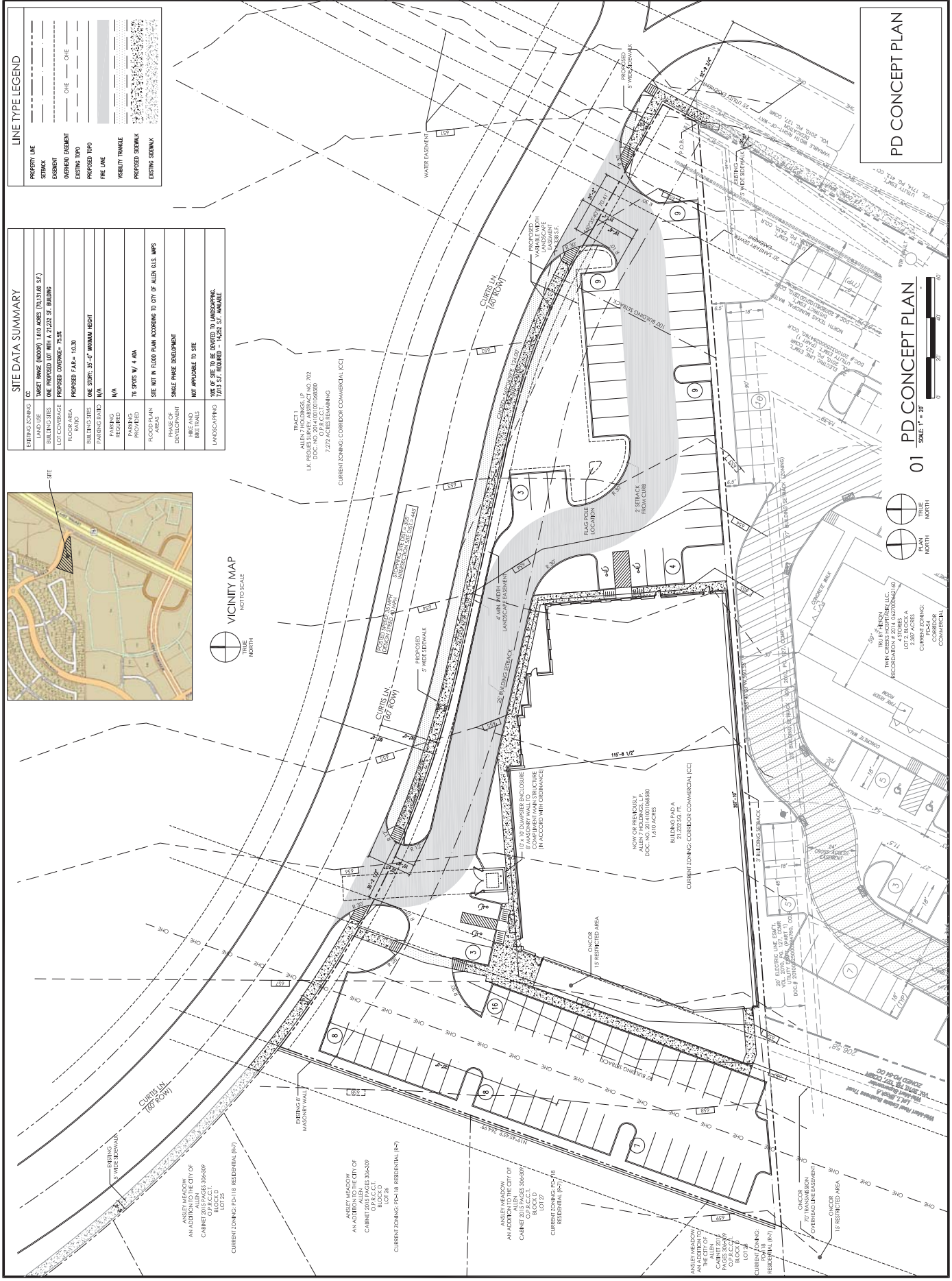
DRAFT OF PROPOSED DEVELOPMENT REGULATIONS FOR
TEXAS LEGENDS GUN RANGE

The Property shall be developed and used in accordance with the provisions of the Allen Land Development Code, as amended, ("ALDC") except to the extent modified by the Development Regulations set forth below:

- A. **BASE ZONING DISTRICT:** The Property shall be developed and used in accordance with Corridor Commercial "CC" zoning regulations except as provided herein.
- B. **ADDITIONAL PERMITTED USES:** In addition to the uses permitted within the Corridor Commercial "CC" zoning district, the Property may be used and developed for a Target Range.
- C. **CONCEPT PLAN:** The Property shall be developed in general conformance with the Concept Plan attached hereto as Exhibit "A" and incorporated herein by reference ("Concept Plan"). Minor modifications to streets/driveways that do not alter the general alignment shown on the Concept Plan may be made at the time of site planning.
- D. **BUILDING ELEVATIONS:** The Property shall be developed in general conformance with the Building Elevations attached hereto as Exhibit "B", and incorporated herein by reference.
- E. **BUILDING SETBACKS:**
 - (1) Rear Yard Setback (south side of Property): Three feet (3.0')
 - (2) Front Yard Setback (north side of Property): Twenty-five feet (25.0').
- F. **LANDSCAPE BUFFER:**
 - (1) Notwithstanding anything to the contrary in ALDC Section 7.05.3.4.d., the ten foot (10.0') landscape buffer adjacent to Curtis Lane may be located on the Concept Plan with not greater than six foot (6.0') of the buffer being located in the right-of-way. The owner of the Property shall at all times be responsible for maintaining all plant materials planted within said landscape buffer. Trees to be planted within the landscape shall be shown on the landscape plan required by paragraph F(2), below, and planted in a manner approved by the Director of Engineering or designee to reasonably protect any City existing improvements located within the Curtis Lane right-of-way from damages for the tree root systems.
 - (2) A landscape plan shall be submitted concurrently with the application for the site plan relating to development of the Property, which landscape plan shall provide for an area of approximately 2,500 square feet of the Property to be landscaped with plant materials. The landscaping required by this Paragraph F(2) shall be in addition to the minimum landscaping requirements set forth in ALDC Section 7.05.
- G. **DRIVEWAY THROAT DEPTHS:** The minimum driveway throat depth on the western driveway shall be as indicated on the Concept Plan.
- H. **DETENTION:** Detention shall be provided in accordance with the requirements of the City Design Standards; actual location shall be determined at the time of civil site design and plan review, to be determined and accepted by the Director Engineering or authorized designee.

| SITE DATA SUMMARY | |
|---------------------------|--|
| EXISTING ZONING | QC |
| LAND USE | TRAILER PARK (MOORE) 1,610 ACRES (21,110 S.F.) |
| LANDING SITE | ONE PROPOSED LOT WITH A 71,232 S.F. BUILDING |
| LOT COVERAGE | PROPOSED COVERAGE: 75.5% |
| PROPOSED FAS# | 10-30 |
| FLOOD HAZARD | NO |
| BUILDING TYPE | ONE STORY, 35'-0" MAXIMUM HEIGHT |
| PARKING RATIO | N/A |
| PARKING REQUIRED | N/A |
| PARKING PROVIDED | 78 SPOTS 8' X 4M |
| FLOODPLAIN | SITE NOT IN FLOOD PLAIN ACCORDING TO CITY OF ALLEN G.L.S. MAPS |
| ASBESTOS | NO |
| ENVIRONMENTAL DEVELOPMENT | SINGLE PHASE DEVELOPMENT |
| WETLANDS | NOT APPLICABLE TO SITE |
| WETLANDS BUFFER ZONES | NOT APPLICABLE TO SITE |
| UNOCCUPYING | 100% OF SITE TO BE DEDICATED TO UNOCCUPANCY 100% OF SITE REQUIRED - 14,250 S.F. AVAILABLE |

| LINE TYPE LEGEND | |
|---------------------|-----|
| PROPERTY LINE | --- |
| SETBACK | --- |
| EASEMENT | --- |
| OVERHEAD EXHAUST | --- |
| ONE | ONE |
| ONE | --- |
| EXISTING TPO | --- |
| PROPOSED TPO | --- |
| FIRE LINE | --- |
| VISIBILITY TRIANGLE | --- |
| PROPOSED SIDEWALK | --- |
| EXISTING SIDEWALK | --- |





OWNER
 ALLIANT HOLDINGS, LP
 5005 Keller Springs, Suite 500
 Dallas, Texas 75244
 214.478.1777

DESIGNER
 TEXAS LEGENDS REALTY, LLC
 1801 N. WORTHEN RD. SUITE 100
 ALLEN, TEXAS 75009
 972.279.8972

CONSULTANTS
 STRUCTURAL ENGINEERING
 1801 N. WORTHEN RD. SUITE 100
 ALLEN, TEXAS 75009
 972.255.1774

ARCHITECT
 MCCALLA DESIGN GROUP
 ARCHITECTURE, P.L.L.C.
 7801 N. WORTHEN RD. SUITE 100
 ALLEN, TEXAS 75009
 972.421.8277 (Ext)

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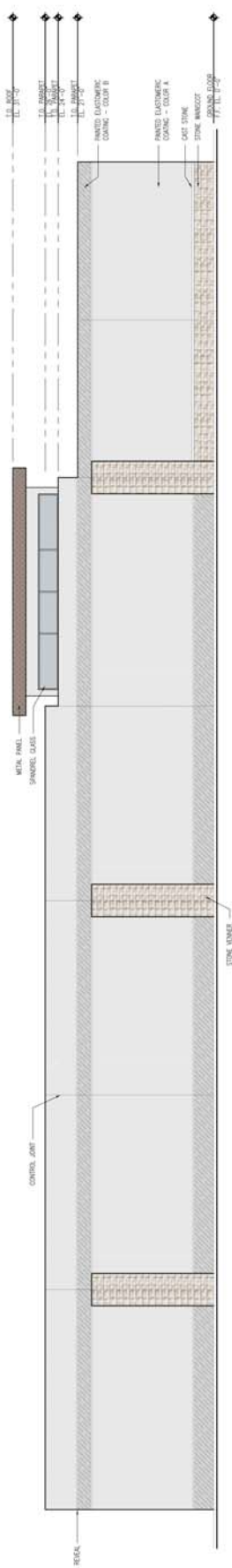
INTERIM REVIEW DOCUMENT
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TEXAS LEGENDS
 TRAINING CENTER AND RANGE
 ALLEN, TEXAS

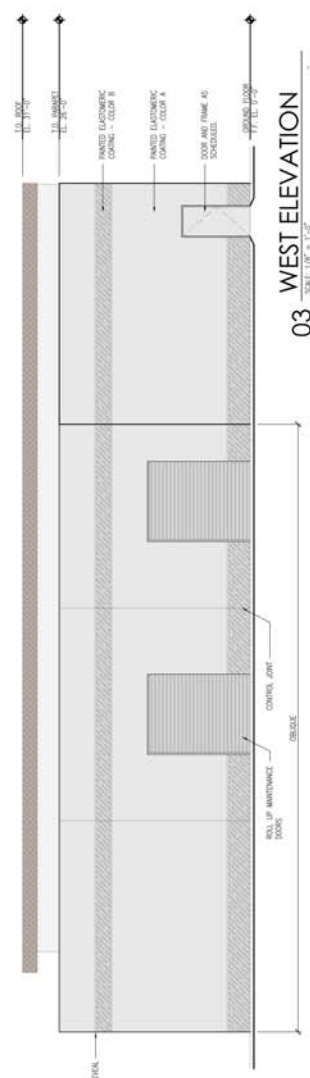
REPORTS
 L&L ACCTE TRACT
 L&L ACCTE TRACT, ALLEN, TEXAS
 L&L ACCTE TRACT, ALLEN, TEXAS
 L&L ACCTE TRACT, ALLEN, TEXAS

Issue Date:
 04 OCTOBER 2017
Project No:
 17038A
Sheet Title:
 PD CONCEPT
 ELEVATION

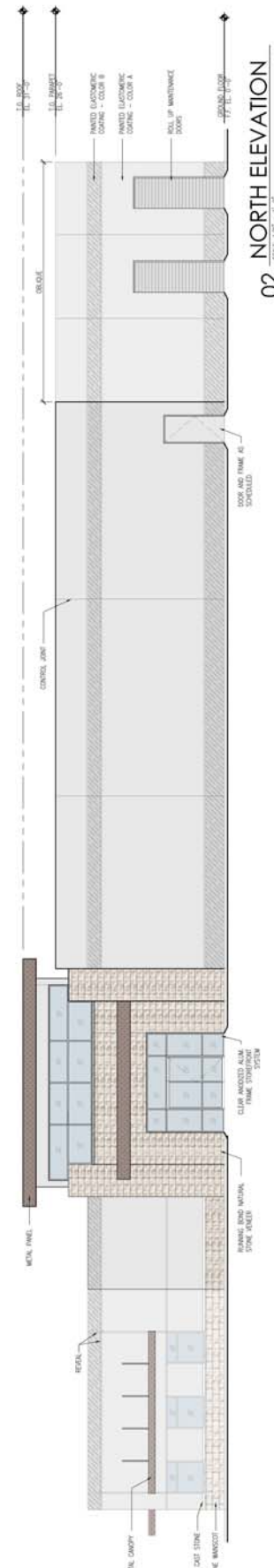
Sheet No:
 A4.01



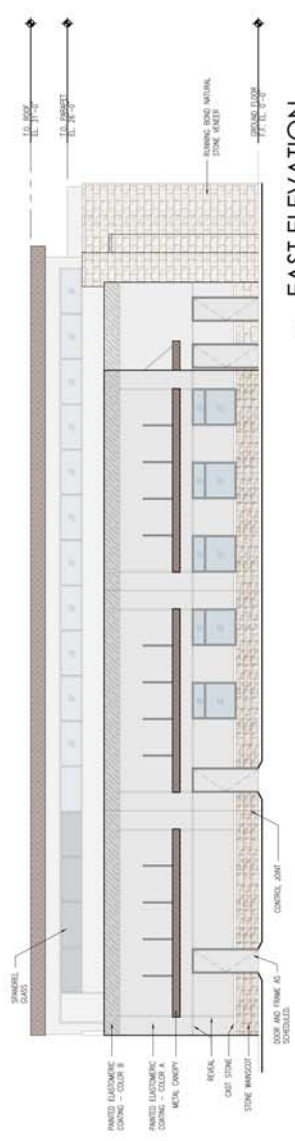
04 SOUTH ELEVATION
 SCALE 1/8" = 1'-0"



03 WEST ELEVATION
 SCALE 1/8" = 1'-0"



02 NORTH ELEVATION
 SCALE 1/8" = 1'-0"



01 EAST ELEVATION
 SCALE 1/8" = 1'-0"

PD CONCEPT

FINISH KEY

| | | |
|--|---|--|
| MASONRY | PT1 - 1/2" UP CONCRETE PANEL - PAINTED ELASTOMERIC COATING - COLOR A | COMPOSITE METAL PANEL - COMPOSITE METAL PANEL - COLOR T.B.S. |
| PT2 - 1/2" UP CONCRETE PANEL - PAINTED ELASTOMERIC COATING - COLOR B | INSULATED GLASS SYSTEM - GL-1 - 1" SYSTEM - 1/4" PPG SOLARGRAY SOLARBAN 60 (2), 1/2" AIR, 1/4" CLEAR, - TEMPERED. | GL-2 - 1" SPANDREL SYSTEM - TO MATCH GL-1, - TEMPERED. |
| ST1 - NATURAL STONE VENEER - RUNNING BOND | | FRT COLOR TO BE SELECTED. |

Material Breakdown

| ELEVATION | WALL AREA | PAINTED ELASTOMERIC COATING - COLOR A | PAINTED ELASTOMERIC COATING - COLOR B | STONE VENEER | SPANDREL GLASS | METAL PANEL |
|-----------------|-----------|---------------------------------------|---------------------------------------|-----------------|-----------------|----------------|
| EAST ELEVATION | 3,519 SF | 1,706 SF (48.5 %) | 222 SF (6.3 %) | 645 SF (18.3 %) | 292 SF (8.3 %) | 292 SF (8.3 %) |
| NORTH ELEVATION | 3,309 SF | 3,243 SF (97.9 %) | 651 SF (19.4 %) | 660 SF (19.7 %) | 619 SF (18.6 %) | 156 SF (4.7 %) |
| WEST ELEVATION | 3,006 SF | 2,201 SF (73.2 %) | 553 SF (18.4 %) | 252 SF (8.4 %) | 0 SF | 0 SF |
| SOUTH ELEVATION | 3,333 SF | 3,811 SF (114.3 %) | 950 SF (28.5 %) | 436 SF (13.1 %) | 60 SF (1.8 %) | 76 SF (2.3 %) |

MEMO

TO: Madhuri Mohan, AICP, Senior Planner, City of Allen

FROM: Greg Taggart, RPLS, Applicant for Texas Legends Gun Range

DATE: October 12, 2017

SUBJECT: *Response to Expressed Concerns*

During the application review process for Texas Legends Gun Range, I met with homeowners of the Ansley Meadows neighborhood to understand their concerns about the zoning change I am proposing. They expressed nine major concerns. I intend to address both through exhibits provided to you and through the direct response below.

1. Noise Levels

The range facility is designed with modern methods and proper insulation applied to 7-1/4" thick reinforced concrete. Range filter machinery and dust collectors have been located by design inside the building to reduce noise. A sound study was conducted of existing range facilities. Built with "old school" methods, the study shows they produce noise levels at a measured 75 feet from the facility of 75 decibels (dB). How is this helpful? In Texas Legends case, the closest approach of any residential structure is substantially more than 100 feet from the building. Sound reduces by the "inverse square law"; noise levels will be significantly lower at 100 feet. Considering the careful modern acoustic design of our range, we will be much quieter than the comparable older facilities. A new study at this site finds existing North Central Expressway rush hour noise readings of 78.3 dB; the proposed Texas Legends building, by functioning as a physical sound block, will potentially even reduce noise levels in the residential areas immediately behind our facility. See the attached acoustic report and sound study.

2. Projectile Leakage-Bullets Leaving the Building

The range areas where firing takes place are essentially a 7-1/4" thick reinforced concrete walled box divided into a series of smaller concrete boxes, the firing bays. At the end of each firing lane is an armor steel AR-400 (or equivalent) bullet trap; it cannot be penetrated by small arms ammunition. Behind the bullet traps at the west side of the building is a 7-1/4" thick reinforced concrete exterior wall. Range side walls on the north and south are constructed of the same material. The range area rear observation wall is constructed of 7-1/4" thick reinforced concrete as well; observation windows are constructed of Underwriters Laboratories (UL) -Level 8 bullet resistant glass. Armor plate steel baffles deflect errant shots down and into the concrete range floor or bullet

trap; in the unlikely event that any slip by the baffles, the range area roof cannot be penetrated. It too, is constructed of reinforced concrete panels. No firing or handling of loaded firearms is permitted outside of the range firing areas.

3. Lead Contamination of Surroundings

Firing ranges are not allowed to contaminate their surroundings with lead particulate emissions. That is a civil and criminal violation of the Clean Air Act of 1970 as well as the Clean Water Act. Texas Legends will filter lead particulates out of all range exhaust air through a two- stage filtration system engineered and constructed by a contractor that has provided clean air filtration systems to various government entities as well as NASA. Air will be filtered to 0.3 microns – by comparison, a human hair is 50 microns in diameter. Air exhausted from the range will be cleaner than intake air. Filter system technical specifications are available for review.

4. Traffic Volumes Generated

According to a traffic engineering analysis performed by Dynamic Traffic Engineers, the proposed range facility will generate traffic volumes on Curtis Lane at a substantially lower rate when compared to “by-right” uses specifically allowed in CC Zone; less than 42% percent according to the report. Weekday trip generation is expected to be 457/day, with a peak of 630/day on Saturday. This compares with a use of a similar size “Shopping Center” generating a traffic count of 2480 trips/3481trips, or a “Discount Store” of 1215 trips/1509 trips respectively. City staff has been supplied with a copy of the engineering report.

5. Criminal Attraction or Activity

A properly run gun range does not attract criminal activity. Shooters as a group are very law-abiding; felons and domestic violence misdemeanants cannot even legally touch a firearm or ammunition without committing a Federal felony offense. Every range visitor is required to provide valid government issued identification and a permanent record of entry is kept. Firearms retail operations and record-keeping are meticulously inspected on an annual basis by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) and they may also conduct surprise inspections at any time as well. Among our expected patrons will be police officers from several local, state and federal agencies, both on and off duty- criminals would prefer to be elsewhere. This is borne out by local experience- Call/Incident Logs from Frisco PD (Frisco Gun Club) and Lewisville PD (Eagle Gun Range) confirm that “criminal activity” is not rampant in the vicinity of a properly functioning gun range facility; a gun range is not a “crime magnet”. In a 4 year period from 8/01/2113 to 8/01/2017, Frisco PD reports 8 calls for service involving the range facility during operating hours and producing an Offense Report. These calls included one “gunshot” and 4 thefts; there were also three auto burglaries on-site. The burglaries were all reported on one day; these obviously did not involve the range. Not generating a report, there were also three unsubstantiated “gunshot” complaints, two “harassment” complaints, and 13 “suspicious person or vehicle” complaints. In the same 4 year period, during operating hours Lewisville PD answered 8 complaint calls to Eagle Gun Range regarding “suspicious persons”, with no report filed. There was 1 theft

complaint, no report filed; and an intentional self-inflicted gunshot wound. Two officers reported taking their lunch break at the gun range. Criminals and criminal acts simply do not propagate around gun ranges.

6. Accidental Discharges by Visitors in Parking Areas

All parking areas will have signage prohibiting handling of uncased or un-holstered firearms and requiring that all firearms brought into the building be encased or holstered; the prohibition will be reiterated in the published range rules. The parking areas will be camera monitored to enforce this rule.

7. Fire Hazards

Texas Legends has been designed to be fire safe. The 7-1/4" thick walled reinforced concrete building is fully equipped with a fire sprinkler system in accord with the Allen Fire Code and industry best practices. A common source of fuel for range fires, namely crumb rubber bullet back stops, has been completely eliminated from our range by the use of armor steel bullet traps. The range firing area is constructed entirely of concrete and steel. There is little to burn, except for targets, soft goods retail stocks and sporting ammunition packaged for retail sale. About sporting ammunition packed for retail sale – according to the video “Sporting Ammunition and the Fire Fighter” prepared by the US Sporting Arms and Ammunition Manufacturers Institute (SAAMI) with the assistance of the International Association of Fire Chiefs, sporting ammunition packed for retail sale does not “... explode, or propagate, and does not pose a hazard substantially different from other common commodities...”.

8. Real Estate Values - Damaged by Proximity to Gun Range?

There has been a concern expressed that the mere presence of a modern, environmentally friendly and clean indoor shooting range in an attractive building constructed in a commercial zone and facing North Central Expressway – the busiest freeway in north Texas, will perhaps devalue homes in proximity and make them harder to sell. Is such a fear reasonable? It is suggested that simply driving by the concrete building on Curtis Lane will frighten potential buyers; these same potential buyers will not notice the 135,000 Volt Oncor Electric transmission lines or the massive 100' tall steel towers which support them. An article at homeguides.sfgate.com reports research that found that homes next to power lines lost an average of 6.3% of their value. If the view of the power line is open- “...unobstructed, the price of homes as far away as one-quarter of a mile away can be affected.” According to a 2013 article in Realtor.Com, real home value detractors include proximity to a school (except for families with small children), being next to a busy street, lack of downstairs bedroom, a swimming pool, a small backyard and tile flooring. A similar article in May 2016 by real estate researcher Yuqing Pan found that hospitals depressed home prices in their immediate area by 3.2%. Outdoor shooting ranges, as illustrated in the article, were credited with 3.7% negative effect; but no conclusions were provided for indoor ranges. Since properly designed and operated

indoor ranges are completely contained and do not affect the surrounding environment at all, it is likely that their negative impact is negligible, if any at all. A funeral home, a use permitted by right in CC zone, was reported to depress home prices 6.5%. Examining another modern indoor firing range, the Plano police indoor range is less than 450 feet from a residential subdivision- there is no evidence that the range has damaged home values or sales. Frisco has a new high end mixed residential development featuring luxury town homes and single- family residences on Eldorado Parkway less than 1200 feet from an indoor gun range-Frisco Gun Club. The presence of the range does not seem to deter development.

9. Guns – Morbid Fear of Inanimate Objects.

A large percentage of Texans own guns; according to study by the University of Texas, that number was perhaps as high as 61% in 2013. Even that number may be low; for obvious reasons many people are reluctant to admit to a researcher on the phone that they own a firearm. The current ownership indoor number may be still higher, having likely increased in the past several years as more citizens have made first-time purchases of firearms for recreation; personal security or simply to celebrate a civil right. The Texas DPS reports that new License To Carry a handgun (LTC) applications in Allen totaled **1676** in 2016 ALONE. Expand the circle to a 3 -mile radius of the Texas Legends site and the figure rises to more than 2300 new LTC applications in one year. In that same 3 mile radius, DPS records indicate that there are more than **9900** active LTC 's. It is abundantly clear- Texans own and carry guns. Allen's citizens own, and many carry, guns. They need a place to safely practice, have fun and receive proper firearms operation and safety instruction. Texas Legends is the place. Sadly, some residents find the prospect of a safe, clean, modern, environmentally conscious indoor firearms training facility a threat to their sense of well-being. Their fears prompt them to raise objections about noise, about traffic, about pollution, about crime. They fear that friends will refuse to visit if it requires driving by an indoor range. They even express the fear that visitors to the range will shoot at passing cars or neighborhood houses; ultimately they are simply afraid of guns and must also fear their neighbors who have guns. All of the reports and studies and traffic analyses and statistics and information about the safety, security and operation of the facility are meaningless because some people simply cannot get that far; their fear stumbles on the concept of "GUNS". We at Texas Legends can and will teach, we can and will educate, we can and will inform, but we cannot overcome bald, un- reasoning fear. Believing that the cure for fear is knowledge, we extend an open invitation to anyone who would like to safely learn about firearms and shooting to contact us.

Sincerely,
Greg Taggart, RPLS



Sound Survey Site Report @ Curtis & Central Expressway Allen, TX - Commercial

Survey Type Current Sound Level Study on Empty Lot
Location Allen, TX 75013

Date: Sunday Oct 1st, 2017

ATTN: Greg Taggart

Address SW corner of Curtis Lane & I-75 Service Road
Company Texas Legends
Weather Warm, slightly humid
82.0 F 58 % Relative Humidity Wind N 11 mph

Phone 979.255.1774
Email gtaggart@texaslegendsguns.com
Date Testing: Weds Sept 27th, 2017
Time 4:45 PM - 6 PM CST

Noise Sources Primary noise sources were traffic from I-75 (Central Expressway) and the service road, with the traffic noise of Curtis Lane becoming more predominant with intermittent passing traffic. (4 - 6 X a minute) Average Max levels tended to remain because the average speed of traffic increased the further West you moved from the intersection. Traffic noise maximums varied according to type of vehicle, speed and exhaust system. (motorcycle 83.4 dBA)

Testing: Sound level readings taken along Curtis Lane to determine current noise levels from present ambient sources
Average Max sound levels reflect the general average of sound level peaks - usually as traffic is passing by.

| Area of Test | | Avg. Level | Avg Max Sound Level |
|---------------------|--------------------------|------------|---------------------|
| By Freeway | at Curtis & Service Road | 73.1 dBA | 78.3 dBA |
| Along Curtis | 100' from I-75 | 71.5 dBA | 73.9 dBA |
| Along Curtis | 200' from I-75 | 69.9 dBA | 72.0 dBA |
| Along Curtis | 300' from I-75 | 68.6 dBA | 71.8 dBA |
| Brick Wall * | 400' from I-75 | 66.9 dBA | 67.6 - 69.6 dBA |

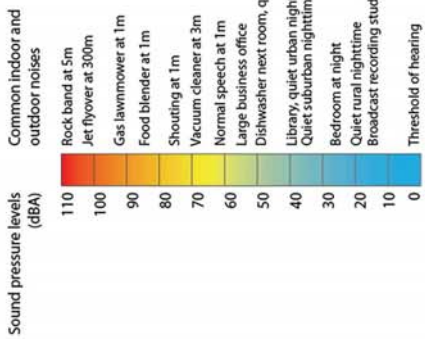
***Secondary noises near the entrance to the Ansley Meadows community included the sound of nailguns, construction and the flag ropes hitting the metal poles. (two flagpoles)**

| Sound pressure levels (dBA) | Common indoor and outdoor noises | |
|-----------------------------|---|--|
| 110 | Rock band at 5m | |
| 100 | Jet flyover at 300m | |
| 90 | Gas lawnmower at 1m | |
| 80 | Food blender at 1m | |
| 70 | Shouting at 1m | |
| 60 | Vacuum cleaner at 3m | |
| 50 | Normal speech at 1m | |
| 40 | Large business office | |
| 30 | Dishwasher next room, quiet urban daytime | |
| 20 | Library, quiet urban nighttime | |
| 10 | Quiet suburban nighttime | |
| 0 | Bedroom at night | |
| | Quiet rural nighttime | |
| | Broadcast recording studio | |
| | Threshold of hearing | |

Overview These are outdoor levels and do not reflect what occupants in homes will hear. There are three main attenuating (noise reduction) factors to consider: increasing distance from the property in question, the muffling of noise due to structures such as the bordering 8' high brick wall, other homes, etc. and the construction of the home itself. In addition, exterior noise is masked by interior sounds such as HVAC, conversation, A/V equipment, etc.
*NOTE - Sound levels are measured along a logarithmic scale - not a linear one. Adding two identically loud sound sources will reflect a 3 dB increase. For example 60 dBA + 60 dBA = 63 dBA. See online for noise source calculator.

Consultant Joel-Anthony Gray B.S.E.E.

Signed JAG



**Secondary Noises -
Construction Nailguns &
Flagpole Ropes Hitting Pole**

**Predominant Noise -
Curtis Lane Traffic
Max 74.8 - 83.4 dBA
4 - 6 X per minute**

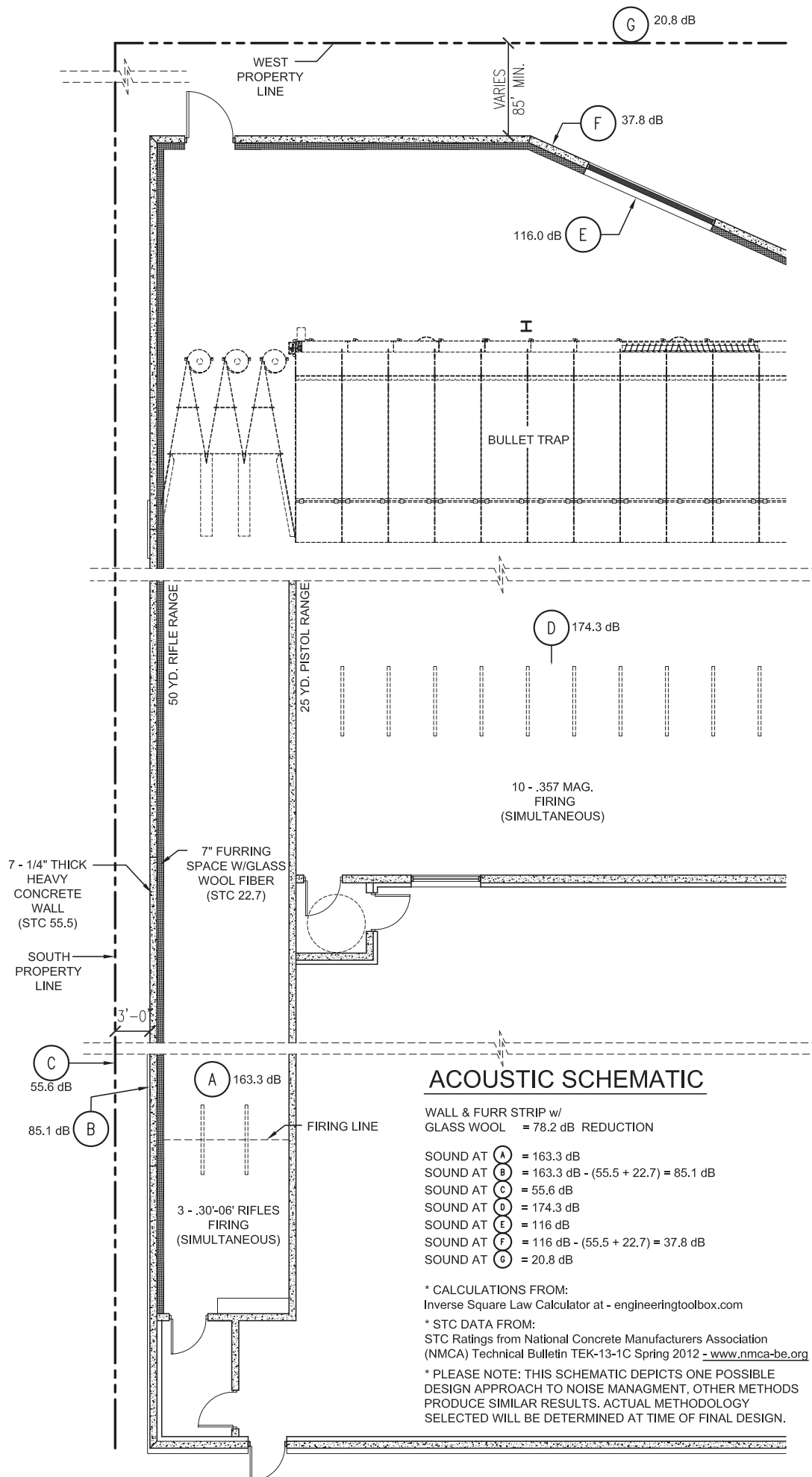
**Predominant Noise -
Freeway & Service Road Traffic**

**Brick Wall 8' +
Running SSW
Nearest House 100' +**

Average Maximum sound level readings in decibels. (dBA)

**Readings taken Weds Sept 27th 2017 @ 5 PM
ScanTech Technical Consulting
SW Corner Curtis & I-75 Service Road Allen, TX 75013**

PD CONCEPT PLAN
SUBMITTED JUNE 23, 2017



PD CONCEPT