



City of Lawrence

CITY MANAGER'S OFFICE

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CITY COMMISSION

MAYOR
MIKE AMYX

COMMISSIONERS
LESLIE SODEN
STUART BOLEY
MATTHEW J. HERBERT
LISA LARSEN

January 12, 2016

The Board of Commissioners of the City of Lawrence met in regular session at 5:45 p.m., in the City Commission Chambers in City Hall with Mayor Amyx presiding and Commission members Boley, Herbert, Larsen and Vice Mayor Soden present.

A. STUDY SESSION:

1. City Commission General Discussion on Economic Development

B. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaim the week of January 17 – 22, 2016 as Dr. Martin Luther King, Jr. Week
2. Proclaim the month of January, 2016 as Lawrence Transit Month

C. CONSENT AGENDA

It was moved by Vice Mayor Soden, seconded by Commissioner Boley, to approve the consent agenda as below. Motion carried unanimously.

1. Approve City Commission meeting minutes from 10/20/15 and 10/27/15.
2. Receive minutes from various boards and commissions:
Affordable Housing Advisory Board meeting of 11/04/15
3. Approve claims to 150 vendors in the amount of \$926,874.17.
4. Approve licenses as recommended by the City Clerk's Office.

Drinking Establishment

Expiration

Jackpot Bar
Jackpot Bar LLC
943 Massachusetts St.

December 11, 2015

Oread Inn
Oread Inn LC
1200 Oread Ave.

January 5, 2016

8th Street Tap Room

January 9, 2016



Louise's Inc.
801 New Hampshire St.

West Coast Saloon
PAC Ltd.
2222 Iowa St. January 11, 2016

Louise's West
Louise's West LTD
1307 West 7th St. January 11, 2016

Henry's on Henry Street
Henrys on Henry Street LLC
11 E. 8th St. January 11, 2016

Yacht Club
(reopening)
On Air Group 3 LLC
530 Wisconsin New

Cereal Malt Beverage Renewals

Dickey's Barbecue Pit, AAS Industries LLC, 721 Wakarusa Dr. Suite 104
Orchards Golf, Cobblestone LLC, 3000 Bob Billings Pkwy.

5. Approve appointments as recommended by the Mayor.

Douglas County Senior Services Advisory Board:

Appoint Hank Booth (785.865.4426) to an additional term that would expire 12/31/18.

Homeless Issues Advisory Committee:

Reappoint Cary Strong (785.843.5173) to an additional term that would expire 12/31/18.

6. Bid and purchase items:

- a) Approve the purchase of a 2016 Land Pride RC5615-2 15-foot flex wing mower for the Public Works Department to use for airport maintenance, from McConnell Machinery for \$15,474.92, utilizing the National Joint Powers Alliance cooperative purchasing contract.
- b) Authorize the Interim City Manager to execute a Professional Services Agreement in the amount of \$95,295 with UtiliWorks Consulting, LLC for Advanced Metering Infrastructure Assessment, Project No. UT1507.
- c) Authorize the Interim City Manager to sign the ESRI Small Government Enterprise License Agreement renewal for the period from January 22, 2016 to January 21, 2019 and approve a purchase order in the amount of \$51,500.00 for annual payment to ESRI for Geographic Information systems (GIS) software, support and training.

7. Adopt on second and final reading, the following ordinances:

- a) Ordinance No. 9193, to rezone (Z-15-00522) approximately 5,500 SF from IG (General Industrial) District to CS (Strip Commercial) District, located at 239 Elm Street and 311 N. 3rd Street. (PC Item 1; approved 8-0 on 12/14/15)
 - b) Ordinance No. 9194, to rezone (Z-15-00523) approximately 1.04 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential-Office) District, located at 4111 W. 6th Street (PC Item 2; approved 8-0 on 12/14/15)
8. Approve the purchase of a one Dodge Ram 5500 Chassis, equipped with a Knapheide sign body and hydraulic system, from the low bidder, Davis-Moore Auto Group, for \$79,412 and adopt Resolution No. 7149, declaring the City's intent to reimburse certain costs from the proceeds of a lease purchase agreement.
 9. Approve a request to annex, A-15-00525 (Westwood Hills), approximately 3 acres, located at 1041 N 1700 Road. Submitted by BG Consultants on behalf of Wedman Construction Inc., property owner of record. Adopt on first reading, Ordinance No. 9196, to annex (A-15-00525) approximately 3 acres, located at 1041 N 1700 Road (Westwood Hills). *Initiated by City Commission on 10/27/15.*
 10. Approve a request to rezone, Z-15-00524 (Westwood Hills), approximately 3 acres from County A (Agricultural) District to RS10 (Single-Dwelling Residential) District, located at 1041 N 1700 Road. Submitted by BG Consultants on behalf of Wedman Construction Inc., property owner of record. Adopt on first reading, Ordinance No. 9195, to rezone (Z-15-00524) approximately 3 acres from County A (Agricultural) District to RS10 (Single-Dwelling Residential) District, located at 1041 N 1700 Road (Westwood Hills). (PC Item 3A; approved 8-0 on 12/14/15)
 11. Authorize staff to negotiate an agreement with BG Consultants for engineering services for the Bob Billings Corridor Improvements Project.
 12. ~~**Item was withdrawn at the applicant's request.** Approve a Street Event Temporary Use of Public Right-of-Way Permit for the Kansas Food Truck Festival, allowing the closure of the 800 block of Pennsylvania Street from 8th to 9th Streets, the 600 block of E. 9th Street, and the 600 block of E. 8th Street on Saturday, May 7, 2016 from 12:00 p.m. to 11:59 p.m. Adopt on first reading, Ordinance No. 9186, allowing the possession and consumption of alcohol in the 800 block of Pennsylvania, the 600 block of E. 9th Street, and the 600 block of E. 8th Street on Saturday, May 7, 2016, from 12:00 p.m. to 11:59 p.m. during this event.~~
 13. Authorize the Mayor to sign a sanitary sewer easement agreement and accept dedication of sanitary sewer easement for the KU Tennis Facility at Rock Chalk Park.
 14. Authorize staff to enroll for the Facilities Conservation Improvement Program hosted by the Kansas Corporation Commission Energy Division to initiate an energy savings program for city buildings and facilities.
 15. Authorize staff to apply for a Kansas Health Foundation Recognition Grant to offer onsite exercise and fitness classes at select subsidized housing locations.

16. **REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.** Authorize staff to implement the Tobacco-Free Parks policy by April 1, 2016, as recommended by the Parks and Recreation Advisory Board.
17. Approve sale of surplus equipment on GovDeals.
18. Authorize staff to solicit Request for Proposals for professional services for credit card processing, collection services, investment advisor, and financial advisor.

Items removed for separate vote:

16. **Authorize staff to implement the Tobacco-Free Parks policy by April 1, 2016, as recommended by the Parks and Recreation Advisory Board.**

Commissioner Larsen removed from the consent agenda item no. 16, authorizing staff to implement the Tobacco-Free Parks policy by April 1, 2016, as recommended by the Parks and Recreation Advisory Board, for separate discussion.

Commissioner Larsen: I think it's a really good policy. I just had some people email me and I wanted to clarify that this is a policy and not a law. I just wanted to make sure on that.

Mark Hecker:
Assistant Director of Parks
and Recreation Yes that's correct. What we're working towards is the ability for our staff the ability to control smoking, especially gathering places like band concerts, in a stadium environment where people gather and stuff. We're looking for a policy that allows us to do that. It's just basically to keep some of the smoking products away from the kid's area, especially.

Commissioner Larsen: Okay, that was it. That was the question I had.

Mayor Amyx: Any other questions of Mark while he's here? Okay. Thanks Mark. Any public comment on this item? Okay, back to the Commission. Thank you for asking that question Lisa. Just so everybody understands that that is the case that it's policy and not law.

Moved by Commissioner Larsen, seconded by Commissioner Herbert, to authorize staff to implement the Tobacco-Free Parks policy by April 1, 2016, as recommended by the Parks and Recreation Advisory Board. Motion carried unanimously.

D. CITY MANAGER'S REPORT:

Diane Stoddard, Interim City Manager, presented the report regarding the 9th Street, Emery Road to Mississippi Street Corridor Crash History Analysis; the Affordable Housing Advisory Board Meeting Schedule; the Surface Transportation Funding; the 2015 Common Grounds Program Highlights; the Planning & Development Services Monthly Project Report; the Arts & Economic Prosperity 5; and, the Update on Skydiving/Parachuting activities at Lawrence Municipal Airport.

E. PUBLIC COMMENT: None

F. REGULAR AGENDA ITEMS:

1. **Consider the appeal of the Historic Resources Commission's determination per 20-308(g) of the Land Development Code for the installation of a metal arch associated with the sidewalk dining area located in the public right-of-way adjacent to Jazz, A Louisiana Kitchen located at 1012 Massachusetts Street.**

Lynne Braddock Zollner, Historic Resources Administrator, asked the City Commission would disclose any ex parte communication on this agenda item.

Vice Mayor Soden: I haven't had any ex parte communications.

Commissioner Larsen: None.

Mayor Amyx: I haven't had any.

Commissioner Boley: I just talked to Dennis Brown and asked him if he was going to be here tonight.

Commissioner Herbert: None, whatsoever.

Lynne Braddock Zollner, Historic Resources Administrator, presented the staff report.

Vic Allred:
Owner
Jazz Louisiana Kitchen

Just very briefly, since it's been a little bit of time. I would recommend no. 3 obviously. I want to just very quickly make you aware. Again, the arch remains a very integral part of our concept and I want to thank Lynne for those beautiful drawings because if you could see how easily that arch slips right into the center of the fence. I think for anybody in this room to be able to say we have upgraded that area significantly and tried to bring it up to the standard of the Historical Commission, I don't think there's any argument that we have and I think we've done a great job. I really think that the additional arch is just going to enhance the value of our store front. I just wanted to also maintain that the arch is not a fence. I think we've found some grey area within the regulations here and this is not a fence, this is an entry way. Although it's been treated as a fence, it's not a fence. I think there's a legal remedy there. Third, I think there's been a little bit of conflict with the Historic Commission and perhaps that's been 100% my fault. I wrote some very flowery language about how I wanted to be able to transport a person to the sounds and a smells, and sights of New Orleans and that's what we want to do. That's what any Italian concept wants to do or any Mexican food restaurant wants to do. You want to bring that person to the experience of what you're having through both the aura of your atmosphere as well as the quality of your food, the uniforms that your employees wear. So the exterior of our concept is no different than anything that we have. It's an integral part of concept and

I think because there's been some miss-interpretation that somehow I want to turn Massachusetts Street into Bourbon Street and this is not my intention. My intention is just simply to say, we have this small store front. We're a New Orleans Style French Quarter Café and we want it to look like one. I don't think that's out of the extraordinary. I apologize if for any reason there's been a misconception on my part that I wanted to somehow change the historical nature on Massachusetts Street because it's a great street. Lastly, I really do think that the sky has not fallen and I do not think that you're going to get inundated with a million people that are now going to try and change their applications for a permit or somehow install some other type of art or another arch. I really think that's overplay. I don't think that you're going to see that as a big problem. Lastly, I've been open for 3 months, we've invested a good number of dollars and resources in your community, in your street and I simply ask that you make that return investment in me. Thank you.

Mayor Amyx:

Thank you. Do you have a question, Matt?

Commissioner Herbert:

I'm reading the staff denial letter, dated September 14th, and it specifically points out two guidelines that Mr. Allred has failed to meet. Guideline No. 2, Railings and barriers shall be constructed of ornamental metal, wrought iron or other compatible materials. What part of that is he in violation of?

Lynne Braddock Zollner:
Historic Resources
Administrator

I think Commissioner if you read down a little bit, not just in the letter, but in the downtown design guidelines, it talks about compatibility also.

Commissioner Herbert:

So it's not the actual materials, it's the compatibility?

Lynne Braddock Zollner:
Historic Resources
Administrator

Correct.

Commissioner Herbert:

Okay.

Mayor Amyx:

Any other questions. Was there any other new public comment

K.T. Walsh:

Is this open public comment? I was misunderstanding.

Mayor Amyx:

Open public comment.

K.T. Walsh:

Is that what this is?

Mayor Amyx:

Yeah, new information on this application.

K.T. Walsh:

I just have public comment.

Mayor Amyx:

Okay, come on.

K.T. Walsh:

Okay, I'm misunderstanding. I went to Jazz, it's great. The food's great, the staff is friendly, the music is perfect, but I would also ask you to remember, when the noodle shop went in at 8th and Mass on the northwest corner, there chain of restaurants always has a giant red frying pan on top of their restaurant, that's what they always have and we ask them to adhere to our design guidelines and say we do it a little differently in Lawrence Kansas. It's a national historic district. I think that the ambiance is there, they've done it. I think that this is going to...I'm afraid it's going to set precedence. Some people are going to come with all kinds of archways and it could be wacky and wonderful, but I think we should slow down and look at our code and our rules for outdoor dining. I think that's what needs to be looked at. Thank you.

Mayor Amyx:

Thanks K.T. Anyone else? (None) Back to the Commission.

Commissioner Larsen:

You know Mike when this came before, I had the inclination to allow it at that time, but I read through the documents and I really feel I need to follow the staff's recommendation on this, the HRC recommendation for denial.

Mayor Amyx:

Okay, anyone else?

Commissioner Boley:

I support the HRC recommendation and I maintain that.

Commissioner Larsen:

Yeah, I think that we should go with number 1, which is to uphold the HRC determination.

Mayor Amyx:

Matthew, anything new?

Commissioner Herbert:

I'm just looking at the two things that we're denying them on and I'm having a hard time agreeing with either one. I don't think it's a railing, I don't think it's a barrier; I don't think its fence. You can walk through it, it's not a fence and then item 4.4, railings and barriers shall be constructed of ornamental metal, wrought iron or other compatible materials and shall reflect the character of the area. The fence he has around the seated area is constructed of the exact same material that he wants to construct the entry way of and no one had a problem with that. It's constructed of the exact same material that Buffalo Wildwings constructed their fence up, that no one had a problem with. I think it's compatible with what's been there. I can count people and I know I'm not winning this one, but I don't think the reasons we're denying go against our

Downtown Guidelines.

Mayor Amyx:

Okay. One of the things I looked at Mr. Allred and I want to say, I appreciate your investment downtown. Like you, I have a great deal of love for downtown, not only Massachusetts Street, but all of downtown. One of the things that I wanted to make for sure is that after the comments the Planning Director made, several weeks ago, was we need to be careful on these guidelines which had been established for a reason and to be followed. One of the things I did notice and was brought up again was the railing shall not be higher than 45 inches. It's recommended at 36, but this obviously, to me, is higher, there in the middle than 45 inches. Matthew, I don't disagree with all the material that was used here and all of that, but I think we allow the use of public right-of-way and that's what this is all about, it's the use of public right-of-way for additional dining or service space and such, but we all this and for doing that we ask for specific standards that I think has to be followed and I think that's all this is at this point. As much as I would love to support it, I think the truth of the matter is, we have to have standards that are in place to do that and I believe the 45 inch railing height shall be that maximum height and I think those are the rules that have been established and work pretty well. So with that, if there are no other questions or comments, it's the recommendation of the City Commission to concur with the HRC's determination and deny the project as it does not meet the intent or the goals of the downtown guidelines.

Moved by Vice Mayor Soden, seconded by Commissioner Boley, to uphold the Historic Resources Commission's determination and deny the project as it does not meet the intent or goals of the Downtown Design Guidelines and Guidelines Part 3: 4.2 and 4.4 (HRC option number 1). Aye: Commissioner Larsen, Vice Mayor Soden, Mayor Amyx, Commissioner Boley; Nay: Commissioner Herbert. Motion carried.

2. **Consider a request to rezone, Z-15-00471, approximately .972 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 1021 E 31st Street for a proposed gun range. Submitted by Richard G. Sells on behalf of Spirit Industries Inc., property owner of record. (PC Item 7; denied 4-2-2 on 11/16/15).**

Scott McCullough asked the Commission to disclose ex parte communications that was not in the record.

Commissioner Larsen:

I spoke to Mr. Sells and emails from citizens, that's it.

Vice Mayor Soden:

I spoke to him as well and I had two emails which I'm happy to relay. It looks like Michael Kelly and I think David Schnieder was the other one.

Mayor Amyx: We all got those, didn't we?

Vice Mayor Soden: It doesn't show all our names, so I want to make sure to say that.

Mayor Amyx: I talked to Mr. Sells yesterday and I received a call from Shannon Kimball and I'm sure it was reiterating the letter that the School Board sent.

Commissioner Boley: I met with Mr. Sells.

Commissioner Herbert: I met with Mr. Sells. I also had a phone conversation with Ms. Kimball for the School board so in full public disclosure, I work for the school district, which the School Board had sent a letter regarding this issue so I've also had conversation with fellow staff members, these aren't anybody that are in the inside of the issue, by any means, but just people that stopped by my classroom to give me their two cents. These would include my administrators, basically pull up the Lawrence High School staff list and circle all of them. They didn't have any insider information that you guys wouldn't have

Mayor Amyx: Okay

Commissioner Larsen: One more Mike, I did get an email from Melinda Henderson regarding this issue.

Mayor Amyx: We got that also.

Commissioner Larsen: Did everybody get that? I didn't see everybody's name on it.

Katherine Simmons, Planner, presented the staff report.

Mayor Amyx: Questions

Commissioner Herbert: The shoot range that the City maintains in the Community Building right now, roughly how many feet away from St. John's is that?

Katherine Simmons: I didn't measure it, but I believe it's between 500 to 700 feet. It is very close.

Planner

Commissioner Herbert: Closer than the proximity of the applicants.

Katherine Simmons: Yes

Planner

Scott McCullough: Mayor, I need to clarify Katherine did a great job of presenting this issue, but I want to make sure that neither our reading of the Federal Act or the local codes, prohibits a gun range in retail

Planning & Development Services Director

shop from locating within a 1,000 feet of the school. The Federal Act tends to exempt it on private property, not associated with the school. I believe with our discussions with Mr. Sells, he's looking to give a lot of weight to the district and their concern for being within 1,000 feet so he's looking at alternate locations that are outside of that buffer zone. I think one of the things weighed among staff as well, given how many places he could locate, anyone could locate a gun range should that be part of the discussion about the proposal before you tonight, in this industrial park district compared to some of these alternate locations. That's my clarification statement.

Mayor Amyx: So the only areas of location are in the new requested zoning district or in a commercial district.

Katherine Simmons: Planner
Simmons: It is permitted in commercial district. This would be going from industrial to industrial, so it's industrial general to industrial light.

Scott McCullough: Planning & Development Services Director
I believe the IL; the IBP may allow it and several of the commercial districts.

Mayor Amyx: Okay.

Katherine Simmons: Planner
And that map that you had showed all districts that it would be allowed in not just industrial commercials.

Mayor Amyx: Okay. Other questions? Okay, Mr. Sells.

Rick Sells: Applicant
First of all I want to thank you all for letting me come here tonight and talk to you. I also want to thank all five of you for taking time out of your day, sit down with me, and give me the time to explain what I was doing. Not that I was trying to rally you to my side or the team or anything, but I just wanted you to know everything that was going on in the whole nine yards. Everybody here has talked pretty much about everything you have to do. One of the things that I've told some of you that I didn't tell everything is it's hard to find a building that, because I have to have a building that's at least 100 feet long to make this work. I preferred to have it at 90 to 110 feet wide if I can because it makes it easier for me to get a classroom and everything else in there. There are a lot of things I have to do like having a concrete floor. I have to pour concrete walls in the whole nine yards. To find a building away from the school, when you bring in the parochial schools and the private schools, and you saw the map, it's pretty hard to find a place to move into. It makes it kind of hard, so that's the first obstacle you run into; and then the second obstacle you run into is you have to talk to the landlord and tell him you want to build a building inside his building so that you build this cube that's safe enough, which

basically so people will understand, I have to have a concrete floor that's six inches thick. I have to pour a rectangle inside this building with eight-inch thick walls, 11-feet tall, and then when I buy the ranges from the company, they're going to send out three 8-inch, what they call AR plate armor-resisted plate, that goes in the ceiling. Basically you're in a box with ... Basically I've never heard of a bullet getting out of them, so you're making a safe zone there. When you tell that to a landlord, it takes all of them buildings that you saw up there and it brings it down to two and possibly the third one. In talking to you, I want you to know I took on a lot of insight. You gave me a lot of ideas. Mike kick me upside the head, kind of woke me up a little bit and I will talk. The gun-free school zone act is a good act. I used to be a schoolteacher and I'm not against that act. Like most laws or acts that they do, they tend to put loopholes in it. The loopholes say that you can't have a gun or discharge a gun within a thousand foot of a school, and I understand that. I don't know why anybody would go up to a school and do that. What I'm doing is a little different; I'm trying to confine it inside a building. What it says is you can't have a gun or discharge a gun inside that thousand-foot circle that she showed you up there all in red lines and that. It goes on to say that if the property you're on that's adjacent to that school and lies within that thousand-foot area, if it's private, then you can do that, they'll let you do that. It also goes on to say that if you're an on-duty police officer, you're allowed to carry a gun in that area. The last one is if you're a licensed agent of the federal government, which I am, I have an FFL which is a federal firearms license which allows me to shoot guns or sell guns, I mean. I also have an SOT and a couple of other licenses. Between the private property and the fact that I'm a licensed agent, it basically says, and I don't want you to take this wrong, it basically says I can open up a gun range anywhere in Lawrence, that's what the federal law says. If you go to the state law which is as I told some of you, I think, needs to be re-looked at, but I basically can walk up to the front door of the school with a gun on my hip or a gun down the side of my pants, and as long as that sticker's on the door, I can't go in, but if that sticker's not on the door, I can waltz right in. By state law, I'm legal to be in that school with a gun. Now the federal law overrides that because the minute you walk up to a school, the federal law, they're going to throw you in jail. I want you to know that the fine for that is \$50,000 fine and automatic five years in the pen. I guess you'd have to look real hard at that to want to do it, but people want to do it. The gun-free school zone act, I understand it's there, and I understand why it's there. To say that it is involved in this really isn't because the federal people said it doesn't matter. I've tried to look up online to see if anyone had ever been convicted of this law, and I could not find even one person have. You'd be surprised how many people don't even know about this law. I was telling a gentleman about it the other day, and he said, "Well, I take both my daughters to

school every morning, and I have my gun stuck down the back of my pants; and I drive right up to the front door of the school." He said, "I didn't even know there was such a law." I think it's one of those laws that probably needs to get out there more because like he said, "I won't carry anymore up to the school." I don't think people know about that law. I think it's something that needs to be looked at and needs to be brought out to the public because I'm all about educating people about guns. I've been shooting guns since I was five years old, they don't scare me. What scares me is the other guy that got them in his hands, that's what's a little scary, and you can't control that. The three buildings that they talked about I will tell you the one we're talking about tonight 1021 East 23rd Street was the one. The other one's in the mall shopping center. To answer your question, it is 1,053 feet from the property line to that building so it lies outside the thousand-foot. The one I talked a year ago was Bill and them down at Anderson Rental when they started on their project, it's 1,140 feet away. One of the commissioners said, "Rick, you could do this and you could do this. Why this building? Why this building?" I'll tell you why. First of all, if you look at all of the locations I have, it is by far the best location. Now other than the fact it sits by a school, it's the best location. It sits out there by itself. There are five other industrial businesses there, not one of them has said a word. In fact they all keep saying, "Hurry up and open up, we want to come shoot. We want to shoot at the lunch hour, blah-blah-blah-blah." The biggest concern is the school and I really understand what the school is trying to do, but I wonder if they've looked at the big picture. Something that I found out today is seven tenths of a mile from that school on the corner of 23rd Louisiana, there's a pawnshop, and guess what they sell? Guns and ammunition. If the issue is that that school is afraid to be close to any place that they could sell guns and ammunition, they probably should have looked at the site a little bit better before they moved into that location because the pawnshop was there long before they ever built the school. I know a lot of people here tonight are going to say or might step up and say something about having gun sales in Lawrence, Kansas. I understand where they're coming from. I'm a big boy, I can take the beating. My question to them is, "Did they all stand on their soapbox when the two pawnshops opened up in town and started selling guns and ammunition? Did they get on their soapbox when the two Walmart's opened up? They sell guns and ammunition. Did they get on their soapbox when Dick's Sports opened up? They sell guns and ammunition." I just want to do what's already been allowed to be done by other businesses here in town. I think that's something that needs to be taken into consideration. I've had some people say that they don't think we need a gun range here in town. For those that don't know, there's been one here for 40 years and it's in the bottom of the community building. Some of the guys I know that go down there and shoot say it's

the best kept secret in Lawrence, Kansas. They really like it and they want to stay there. When I look at the whole picture of this whole deal, I'm asking for a zone change. The federal, the state, the county, and the city law say I can do it. There is no code anywhere out there that says I can't do it. When I look at the whole area and I look at what people throw at me as the reasons why they don't want it to be done. For instance, "We don't want a gun place in that area." Well, you got one right up the street. They don't shoot guns, but they sell guns and they sell bullets. It's hard for me to understand when everything says that it's available and I can do it. I don't know why I got voted down. I was reading some stuff this afternoon. You know your staff says that I meet the comprehensive plan. They say I meet the golden factors. I meet everything that I'm supposed to meet. I'm speechless; I don't know where to go from there. I know I have some alternatives. I'm working on them also. I'm hoping that you'll look at this tonight and say, "Maybe I don't like what he is doing, but when you look at the big picture, he has picked the best location." Edge of town, away from housing, in an industrial area, across the street's going to be industrial, it just fits. Can I go to the other places? Yeah, but I think the school district, if you look at the side, 7-Eleven or in the mall shopping center over there, I can go there. Centennial School, Lawrence High, Broken Arrow, South Junior High, I just planted myself in the middle of four schools and legally can do it because I don't need a zoning change. I got to send out some letters and I move in in 20 days and I'm up and I'm going. If you're worried about the kids, I think there's a far greater challenge to worry about four schools full of kids which I don't know if they have schools or kids at Centennial or not, but at least three schools full of kids as to what you have out there on the hill. I know you guys have all munched on this all week. I know you've guys have met, and you've talked, and you probably made your mind at what you're going to do, but I really hope you'll look at this. One of the commissioners said, "Rick, how bad you want to do this?" I said, "I want to do it." I can do it. He said, "Well, maybe you ought to look at another location and just go there and do it, be done with it." Again, I told him, "That's fine, I can do that. I can open up and be ready to go on four to five months, but is it the right location?" Is it the proper location? Not just for the school district, but for the city of Lawrence. The other two locations that I have are basically in the middle of the city. Other than that, that's about all I got to say. I've talked to you and you know how I feel. I tend to wear my heart on my sleeve when it comes to this topic. If you have any questions, I'll be more than glad to answer them.

Mayor Amyx:

Questions?

Commissioner Larsen:

I have a question. Rick, could you tell me, are there age restrictions to your gun club? Age restrictions as to who can

come in there.

Rick Sells:
Applicant

Most gun clubs will let kids under ... They don't allow any kids under 12 years of age. My deal is 18 years of age. If you're under 18, you're going to have to come with your dad and get a safety course. You're going to have to get a gun safety course. You're going to have to take a, what we call, a range etiquette course so you know how to act in the range because once you get in the range, there's some rules. For instance, you don't just load your gun up outside and walk in. No gun should ever be loaded until you're on the range, looking down the range ready to pull the trigger, and that's when you load your guns. We do plan on teaching classes. I haven't talked to the gentleman who's a police officer here in town that teaches gun safety, concealed carry, hunter safety. I haven't talked to him. I did talk to the chief of police, and wondered if he would be upset if Max came there. I think Max needs to keep doing what he's doing because people knowing he's wanting to do what I want to do. As I told you all, I think kids get out of school and they go home, and get on their Xbox and they play games, and they push buttons, and shoot 150, 200 people then Mom says, "Let's eat supper," and then it's time for homework, and then the bed, and then they go to school the next day, and they come back and hit the reset button, and all the people jump up and they shoot them all down again. I think kids need to know that that's not the way it works. When you point that gun and you pull that trigger, there is a consequence that goes along with that that it's not on that Xbox so I want kids to learn.

Commissioner Larsen:

Do you do background checks?

Rick Sells:
Applicant

Yeah, when I met with the planning commission, I told them that I was going to try to use the NICS Background Check. What the NICS Background Check is it's through the ATF, and it's what you use if you want to buy a gun, I have to run a NICS check on you. NICS has told me they won't allow me to do that, but I found two companies that I can pay so much a month and they'll do the same thing so I will do background checks. The reason why I have to do background checks is I'm not allowed to let a felon in my club. I'm not allowed to let a felon use a gun. I'm not allowed to say, "Here, rent this from me." It's catchy, most clubs don't. Most shooting ranges don't. You walk in, you shoot, and they don't know.

Commissioner Larsen:

There's no requirement to have a background check or?

Rick Sells:
Applicant

Not just to shoot. I want a background check on anyone that comes in, number one. Number two, I've lived through a breathalyzer too because if I think somebody's been drinking, I'm going to ask him to blow, he would need to leave. Same with drugs, I'm not going to put up with it. A lot of people say, "How

are you going to stop it?" Well, you just have to do it. It's in the rules and regulations, so they know before they every get there that they shouldn't be on drink. I've had people say, "Are you going to put a bar in there?" I'm like, "Yeah, that's what I need, alcohol and ammunition." I'm not.

Commissioner Herbert:

Rick, can you talk a little bit about some of the EPA requirements for the facility? Can you relate that to ... My only frame of reference is that the gun range that Lawrence currently has which is frankly somewhat antiquated. Can you compare your structure to the current city range?

Rick Sells:
Applicant

I will but I don't want you to use it to beat up on them. The gun range I'm putting in, the company will not sell it to you unless you buy their HEPA filtration system. The way it works is for every lane you have that you're going to shoot down, you have to have approximately one ton of air-conditioning or a ton of some kind of fresh air coming in there that starts above the people's head then it blows downstream; that air has to move at 75 feet per minute. The reason why it has to do that, and the only way they can make it work is on the other end of it is this filtration system. There's a set of filters that are closures or vents that pull it out and then the traps that you actually shoot into, they're hooked up to it also; that air picks up all the gun smoke, any gun powder, all the lead contaminants, anything, I guess, bad for you, poisons. It takes it through this HEPA filtration system. It has filters in the front and it has filters in the back. The ones in the front, they have to be changed every 30 days. The one in the back have to be changed every 90 days. To do a 90-day turnaround of them is about \$1,800, so you're looking \$8,000 a year just to keep the air clean. When the air goes back out into the air or outside, it's 97.5% pure, which is probably more pure than the air outside right now. The system they have in the gun range here is a squirrel fan, I don't know if you know what that is, and an eight-inch tube and it runs down the wall and it got a vent end on it down there, and that's how they pull stuff up. I doubt if they've got 75 feet of air per minute moving down through there. It's scary because if it's not pure then, forgive me, you're opening people up to lead poisoning. The other thing that I haven't talked about is harvesting of the lead. I know that sounds like some song somebody wrote. In my club, the way the traps are, you shoot the bullet. The bullet goes in the trap. It goes to the back of the trap. It goes round and round and round. As it loses centrifugal force, it will drop in a five-gallon bucket. At the end of the night, we open that up. We pour that lead into a container to keep it sealed away. Other clubs don't do that. I don't know how they harvest the lead up there. I don't know how often they harvest it. I just know that lead's a no-no. You have to do what the EPA tells you to do with it; but that's the difference in the two. Like I said, I don't want you to hold that against them and beat them up on it.

Mayor Amyx:

Public comment?

Marcel Harmon:
Vice President
USD 497 Board of Education

I appear before you this evening on behalf of the Board of Education of Lawrence Public Schools in opposition to the rezoning request. The Board has previously submitted a letter of opposition to the Planning Commission and Shannon Kimball, Board member, gave formal testimony in opposition at the Planning Commission meeting in which they voted not to recommend the rezoning. I'm here to again express our opposition and briefly reiterate our reasons for doing so. Last August, the school district opened our new College and Career Center at 31st and Haskell, across the intersection from the property at issue in the applicant's request. It's approximately ... It's under 1000 feet from property line to property line. Our District has invested over 6 million dollars in the facility. The City and County have invested substantial additional dollars in our partner facility at this location, Peaslee Tech, for the purpose of creating a College and Career Training campus that in partnership with the Boys and Girls Club will be serving children as young as 10 years old in the future. The safety and security of our students and faculty at our school facilities is of the utmost importance and concern and drives our opposition to this rezoning request. We believe that rezoning this parcel will detrimentally affect our neighboring school site and that the gun sales outlet is not in fact a use that is compatible with the educational use of the School District's property. Regardless of whether a portion or all of the proposed site falls within the Gun Free School Zone Act's 1000 foot gun free buffer around our property, we believe that there will still be instances of guns being moved between personal vehicles and the facility outside of a locked case. In certain very, very rare cases, they can even be loaded. While acknowledging that responsible well-trained gun owners rarely act negligently with respect to firearms, formal training requirements to own firearms are no longer required by the State law. Nor is the level of responsibility equal among all gun owners. Even responsible gun owners find themselves in a hurry and distressed, tired, and for whatever reason make mistakes. Otherwise, we would never hear of accidental discharges or other shooting accidents. Our staff, students and their parents shouldn't have this additional concern placed on them. Coming at this from another angle, one could ask if the Board of Education would have approved building the College and Career Center at its current location if the gun shop and range was already a proposed site. Just too briefly respond to the pawn shop that is 7/10 of a mile away, that's about a little less than 4000 feet, just to put it in comparison with the 1000 foot perimeter. I can say that I probably would have voted no. Shannon Kimball has stated that she would have voted no. Excuse me. Randy Masten, who's a previous Board member, has also stated he would have voted no. I haven't asked the

other Board members this specific hypothetical question, but given our previous submitted letter of opposition to the Planning Commission at the Board, it's likely they would have voted no to this hypothetical as well. As elected officials, we make decisions within the political, economic and general social cultural context of the day. We live in a State where one may openly and conceal carry a firearm without a permit or license, with limited background checks and training requirements. In addition, the ability of local governments to restrict firearms is almost nonexistent now. Our States ability to provide effective mental health, oftentimes shootings that we hear in the news is under increasing stress. In October of 2015, there'd been 31 shootings in US Pre-K through 12 school settings that are three a month on average. Given that this is the state of our world, the Kansas that we live, the nation that we live in now, it would seem that locating a gun shop/shooting range adjacent to a school is simply a bad idea. That's too much of a risk to our staff and students, both actual and perceived. I am willing to admit that the risk is probably a greater perception of risk as opposed to actual risk from a statistical standpoint. But nevertheless, we know that even a perception of a risk can manifest itself as stress, negatively impacting performance and health. For these reasons, I strongly urge you to reject this rezoning request. Please support and respect the District's need to provide safe, secure and healthy environments for our schools, for our staff and for our community's children. Thank you for your time.

Mayor Amyx:

Thank you. Other comment?

Ken Easthouse:

Good evening Commissioners. I am a resident of the Prairie Park District and have spoken too many of my neighbors, many of my friends, many people who work in the vicinity. I also happen to represent, I'm the election official for the Prairie Park District so I get to know a lot of the community very, very well. The area that this proposed shooting range would be in. To start off with, I'd like to kind of set some parameters of how I'm going to discuss this topic. I have absolutely no interest in discussing the viability of the gun range, the proximity of the school, debating second amendment rights or debating any other public uses for the property. What I would like to highlight to you is the current City Zoning and Planning in the area in regards to the Horizon 2020 and the Revised Southern Development Plan and how this does not actually fit into any Plan currently set in motion. A little background, the Revised Southern Development Plan borders extend all the way to 31st Street as its northern side with East 1500 Road and Haskell Avenue maintaining the eastern border. This was maintained prior to the construction which shifted Haskell from one side to the other of this property. At the time that the Southern Development Plan was enacted, this property was actually outside of the borders of that plan. Now it's currently inside the borders of the Southern

Development Plan. That shift can be highlighted here directly where Haskell Avenue is going through with 31st Street right next to it, the red dot at the area in question. If you look at the map in the Southern Development Plan, the entire area up until that area is listed as open space. Now, I don't think anyone actually honestly believes that with that shift that we can backdate and say that entire area with the other industrial areas really should be green space. If we're using the zoning boundaries indicated by the Southern Development Plan, all areas south of 31st Street and East of Haskell should be reserved for open space and any rezoning would actually violate that plan as outlined in Horizon 2020. If we presume that, due to the previous commercial activity in the Southern Development Plan, it needs to be updated to reflect the new boundaries, it kind of needs to happen outside of a single individual request, as we highlighted in last week's meeting where an individual request. If we're updating a Plan, we need to update the Plan first and then take a look at the request. In short, there is no specifically stated Plan for what would be a significant intersection here within the next five years. If we go back to how it currently is, the interchange is going to be getting off right next to this property. It should be highlighted that this cross-hatch area directly to the west is where the Southern Development Plan is. This cross-hatch area over to the east is where the Southeast Development Plan is. I could find absolutely nothing in Horizon 2020 or in any other economic development plan for any area south of 31st in between O'Connell Road and Haskell Avenue. In short, taking direction from previous decisions that the City Commission has made, if there's no Plan, we need to have a Plan first before we approve sort of zoning changes or any development in the area. I certainly wish Mr. Sells best of luck. I am not a gun enthusiast myself. I would actually like to go shoot a gun at some point in a safe environment and he seems like one of the safer gun owners and sellers that I've actually ever encountered. But, to be consistent with every other request that we've had, if there's no Economic Development Plan for an area, we need to address the Plan first and then go forward to see what we can do to incentivize the area.

Commissioner Herbert:

Given that there's already a building there, a vacant building. What would your recommendation be for the use of that building?

Ken Easthouse:

To be honest, I don't know. Right now we have a lot of things that are going to happen here in the next two to three years that will change that area dramatically. There's going to be a lot of new potential tenants to be there. Auto related, commercial would be nice because there's going to be an interchange right there for a gas station and there's not a gas station for a couple miles until you get to 23rd and Haskell. I anticipate there's going to be a lot of traffic in that area. That's just one even proposed

idea. Anything else, we need to have a community discussion for what we want planned in that area and there is none at this point in time that I can tell.

Mayor Amyx: Questions? Okay, thanks again.

Ken Easthouse: Thank you.

Commissioner Larsen: I have a question for Scott.

Mayor Amyx: Sure.

Commissioner Larsen: When he's talking about where the Southern Development Plan ends but now it's been changed.

Scott McCullough:
Planning & Development
Services Director

It's a function of ... When the Plan was adopted we didn't know the specifics of any interchange modifications to Haskell. We didn't even know what interchange would be part of the SLT. The SLT was still in sort of a status of delay and waiting. We knew the SLT would be there, so we took the boundary over there to what we knew of Haskell alignment. We don't see it as a Plan conflict necessarily. It's going from industrial to industrial. It's all existing development there. There's not a Comp Plan amendment that we required of this application to go from IG to IL. It's really just a function of that timing of the SLT relative to the timing of adopting the Revised Southern Development Plan.

Commissioner Larsen: This location's in the Southern Development, is that correct?

Scott McCullough:
Planning & Development
Services Director

I don't know that we have the same map in our ...

Commissioner Larsen: I'm sorry. I was looking at the one that just highlighted the outline of the property.

Scott McCullough:
Planning & Development
Services Director

I don't know that we have the Southern Development Plan area in our report. It wasn't one of the golden factors that we weighed heavily in this case because it's existing development. It's zoned industrial. Let me try to find that answer out for you Commissioner Larsen. I don't believe it's in the Plan. I'll double check. This is just east of Haskell?

Ken Easthouse: It's now just west of Haskell.

Scott McCullough:
Planning & Development
Services Director

This is just east of the former Haskell alignment, which at the time that's how we understood the boundaries of the roads setting up. We didn't know that that would shift the Haskell alignment to the east as part of the SLT project.

Commissioner Larsen: By shifting Haskell, does that shift the ...

Scott McCullough:
Planning & Development
Services Director

No. It shifted the street. It didn't shift the boundaries of the revised Southern Plan which stopped at Haskell.

Commissioner Larsen:

Okay. What Plan is this part of now?

Scott McCullough:
Planning & Development
Services Director

This particular property is not in one of our Sector Plans. There's a gap between the two. Primarily, because it is developed, it is mainly right of way for major street systems and developed with the industrial uses here.

Commissioner Larsen:

But by changing to this zoning, the IL, it actually kind of decreases or lowers the ... Because you can't use intense. They would not be able to do intense in industrial now, is that correct?

Scott McCullough:
Planning & Development
Services Director

It is considered a lesser district, yes.

Commissioner Larsen:

A lesser district.

Scott McCullough:
Planning & Development
Services Director

Correct.

Commissioner Larsen:

Okay.

Scott McCullough:
Planning & Development
Services Director

We've had a little bit of a series of this type of application for recreation uses because things like courts and field houses and things tend to need the bigger buildings that have taller roofs. We've done two or three over the last five years of rezoning from IG to IL, because the IL District supports the participant sport that's part of this.

Commissioner Herbert:

Scott, while we have you on the hot seat, is Mr. Sells' statement he made earlier where he said that if this were to fail tonight, then he has two other proposed locations that because they are 1058 and 1130 or whatever it was. Because they fall outside that buffer, is the correct in stating that he could literally open this at the Mall's location without Commission approval?

Scott McCullough:
Planning & Development
Services Director

The maps that Katherine showed were areas that would ... Any applicant would need to go through a site plan process and building permits, signed permits, those sorts of things. Site plans do come with notice provisions or 200 foot boundary notice. But it would be, per our development code, a use permitted by right so there would be no rezoning required. Essentially what this application is the rezoning to accommodate it. All of the areas in green have the zoning to accommodate it so it's a site plan application with notice and there's that ability to appeal to the

City Commission by a stakeholder. But whether it's in that 1000 foot buffer of a school or not, Mr. Sells would have that ability to make that application.

Commissioner Herbert: Is it an exaggeration then to say that perhaps our decision tonight is not whether or not Mr. Sells opens the gun range, but where?

Scott McCullough:
Planning & Development
Services Director I think the applicant has sort of allowed you to frame it that way because he is looking at alternative locations. He has submitted a site plan application today for the Mall Shopping Center and has advised us that that's his backup location if this fails.

Commissioner Herbert: Okay, thank you.

Mayor Amyx: Duane

Duane LaFrenz:
Charity Board
Boys & Girls Club Mayor, Commissioners. I'm here tonight to express concerns on the Board's behalf of Mr. Sells proposed shooting range. We cannot achieve our mission at the Boys and Girls Club without the financial support of both, community members, businesses and government. The foundation of that support is the expectation that we provide a safe, positive place for kids. Though we admire Mr. Sells entrepreneurial spirit, his intentions to provide education and training on the safety and use of firearms. The fact is that there is simply too many what "ifs" that Mr. Sells, the School District or the Boys and Girls Club cannot control and make the safety an issue. We realize that the chances of a tragic incident happening as a result of this business opening are very slim. However, we must recognize the perception, the issue that we will have to overcome with regards to public trust. If this new Teen Center project is going to be successful, there can be no doubt that this campus is a safe and positive place for teens. Ultimately, we are uncomfortable with having a gun retail shop and shooting range so close to our proposed site for our new Teen Center. We ask the Commission to please deny this request. Thank you for your time.

Mayor Amyx: Other public comment?

Chris Lane: Hi. Thanks for letting me come tonight. I grew up in Lawrence, Kansas. I got my Hunters Safety Course when I was in sixth grade. I've been around guns. I've hunted all my life. I recently was able to go out to my grandparents farm and shoot; because that was the only place I knew of to shoot in town. They got old and couldn't maintain the farm. They sold it. I now have no place to go shooting. When you look at the City from a gun owner, from knowing other gun owners, we don't like to draw attention to ourselves because we don't like to really upset people who are against guns. We respect that. If you look at all the

locations, people who go to shoot at a range would rather be towards the outside of town, because we don't want to draw attention to ourselves by going to a big shopping center or going to another location in the center of town. But if we have to we will because we like to shoot guns. We prefer it to be out on the outskirts of town in an area that's already industrial as it sits. You don't have to bulldoze it down. You don't have to go through all the permits and everything else to change it all again. It's less work. Also another point of that, with the 1000 feet, there has only been ... There are at least three or four gun places in town that's already within 1000 feet of a school zone. One which occurred two years ago because it was able to get through because it was on a private property already zoned and everything else. One's already passed through two years ago within 1000 feet of a school zone. Another thing about that is when you look at the actual site itself. Where the school is located and the Boys and Girls Club would be located is on top of a hill surrounded by trees. Nowhere ... When you drive by there and you sit in that parking lot, you cannot see the shooting range. If you go down to the shooting range, you cannot see the school. From a zoning point ... Also if you rezoned it, later on if it moves out, somebody else can move in and open up a gym in there. You guys don't have to revisit this issue. Our main issue tonight is to see should we rezone this for an indoor sports activity or should we not. It's not really about gun laws, but because it is, because it's such a hot topic, that's kind of what's been out to be. That's what I have for tonight.

Mayor Amyx:

Thanks Chris. Other comment?

Randy Masten:

I just want to say that I'm not hostile towards guns or gun owners. I was raised in a family of police officers. I've owned and fired firearms since I was about 5. I still own numerous firearms. I also served more than 20 years on active duty in the United States Army, both in the Infantry and Aviation Units, typically referred to as Combat Arms. I also served on the School Board here in Lawrence until July of this year when my term was up. All that being said, I cannot express how against Mr. Sells proposal, I am. We're taking and intentionally, if he gets his way, putting a gun shop, a gun repair shop, and a firing range within 1000 meters, within 1000 feet of a school. He said that we should have considered that with that pawn shop. 0.7 miles Mr. Sells is 3500 feet away, three times. Okay, sorry. By putting it in there, to begin with, the School Board would not have approved it. I was on there. There was mention that I said I would not have voted for it had it been within 1000 feet of a gun range, there's no way I would have voted for that. While Mr. Sells says that he is able to come within that 1000 foot circle because a license he carries, his customers and his clientele do not possess those same licenses nor are they required to and he's very unlikely to require other people with that same

licensing level to use his facility to go out and get that license. It's just unruly and it wouldn't be an effective business model. While he can carry in that distance, if a person drives up, unless there is a large sign posted somewhere that says you are within 1000 feet of a school and even then saying this is in violation of a Federal Law if you're open carry in this space, anyone coming and going from that location is very likely to be in violation of a Federal Law. He may not agree with the Federal Law. He may believe that it's under enforced. That doesn't change the fact that it is a Federal Law and we are now enticing people to come and violate that law. Also, he says that he wants to educate these people and that they would be knowledgeable. That's fine. But prior to entering his facility and receiving the proposed education, he has no control over those people outside of his facility. If they are arriving and they are violating a Federal Law, it's just not a good idea. Besides that, we're creating the perception among potential students and the parents more importantly of those students out there that this is not a safe place to be. We, the School Board invested, and the staff particularly invested a considerable amount of time and energy in picking the location and then a considerable amount of money in buying location, having it built for the College and Career Center. Anything that detracts from that is against the stated business interest of the community because they asked for it to be there. This is just not a good idea. I ask that you vote it down. Also, as for other locations, while he may be able to file to build his facility inside the location out there at the Mall next to Epic Laser Tag and Pet World, two locations also filled with a lot of children that would be open for public comment when that time comes. So don't think that by voting this down today you're approving his building it in another child intensive area. Thank you.

Mayor Amyx: Thank you. Other public comment? Anyone else? Back to the Commission.

Commissioner Larsen: I had a question for Toni or Randy.

Toni Wheeler:
City Attorney Is it regarding the application of that Federal Law?

Commissioner Larsen: Yeah, the Federal Law.

Toni Wheeler:
City Attorney I'll ask Randy

Commissioner Larsen: Could you just talk about the Federal Law, because there seemed to be some conflict as to what was being said?

Randy Larkin:
Senior City Attorney Yes. The Gun Free School Zone Act of 1990 was part of ... Basically was a war on drugs type of thing. What happened was

it allowed the Federal Government another opportunity to tack on penalties for drug sales involving guns and within a school zone. There is a 1000 foot boundary, but it's kind of a red herring if it's involving private property because it doesn't apply if it happens on private property. It only applies if it's on public property within 1000 feet of the school zone. If this was private property, the 1000 foot area has no applicability to it. Now if this were some other type of thing where it's Federally owned or State owned or a State owned public park or something else then the 1000 foot would apply. But in this situation, the 1000 foot barrier is somewhat of red herring. Does that make sense?

Commissioner Larsen: Are there some requirements as to how people can carry guns onto the property or how they are supposed to? Locked or ...

Randy Larkin:
Senior City Attorney Basically it is yes. The law requires people who are within 1000 feet on public property to have them in a locked container. That would apply just as you drive down the road because the roadway is public right of way. Once they enter private property then they're outside the Gun Free School Zone Act and it has no application at that point. As they drive down the street, they have to be locked up. As soon as they pull into the parking lot, they would be okay.

Commissioner Herbert: How do we have a shooting range in a public community building that's within 1000 feet of a school?

Randy Larkin:
Senior City Attorney That's something we're looking into.

Commissioner Herbert: I mean seriously?

Randy Larkin:
Senior City Attorney I did not know about that until just a little while ago.

Commissioner Larsen: It's been there since I've been in Lawrence.

Commissioner Herbert: It's been there longer than I've been alive.

Commissioner Boley: It's been there forever.

Randy Larkin:
Senior City Attorney It's been there forever as far as I know, but I don't know what ...

Commissioner Herbert: I went and visited this afternoon. There's a big ole No Guns sticker on the front door where you have to walk in with your gun. How does anyone ever get a gun into there?

Randy Larkin:
Senior City Attorney It's hard.

Commissioner Herbert: You telling me the sticker doesn't work?

Mayor Amyx: Any other questions for Randy?

Commissioner Larsen: Yeah. Everything about what he is proposing to do is legal by law, is that correct?

Randy Larkin:
Senior City Attorney Yes. There's no State Law. There's no Federal Law. There is no local law that would prohibit a gun range on that property. Now there might be reasons to approve it or deny it for rezoning reasons, but just legally there's no law that would...

Commissioner Boley: What about the other locations?

Randy Larkin:
Senior City Attorney They would be on private property as well, so there would be no applicability of that act.

Commissioner Boley: Okay.

Mayor Amyx: Who had questions? Thanks Randy. Scott, again Mr. Sells goes to the Malls. He files necessary site plan and everything that he needs to file on this piece of property, administrative approval?

Scott McCullough:
Planning & Development
Services Director Correct.

Mayor Amyx: So we never see it again.

Scott McCullough:
Planning & Development
Services Director Unless it's appealed by a stakeholder with standing.

Mayor Amyx: Okay. A stakeholder with standing is somebody within the 200 feet?

Scott McCullough:
Planning & Development
Services Director Correct or a Neighborhood Association.

Mayor Amyx: Okay. Tell me the Neighborhood Associations in that area.

Commissioner Herbert: Malls might be Indian Hills.

Scott McCullough:
Planning & Development
Services Director Scott: Probably.

Person from the audience Centennial.

Commissioner Herbert: Centennial. That's right by Indian Hills though. Because where

we put that crosswalk, that was Indian Hills and that's three blocks to the South.

Commissioner Boley: Does Centennial go south of 23rd Street?

Mayor Amyx: Centennial doesn't go south of 23rd.

Randy Larkin:
Senior City Attorney: Centennial's just north of 23rd Street.

Commissioner Boley: That's not within 200 feet.

Mayor Amyx: It's not 200 feet barrier.

Someone from the audience: 350.

Scott McCullough:
Planning & Development
Services Director: They would have standing to bring the appeal to you. Typically a site plan appeal is based upon an appeal of site plan standards, not necessarily use. If it has enough parking and it has enough setback. This situation is going into an existing space, a tenant space.

Mayor Amyx: I was going to say, the determination of the use is already established by our own ordinance, correct?

Scott McCullough:
Planning & Development
Services Director: By the zoning, correct.

Mayor Amyx: So somebody that is appealing number of parking places or anything else, number of trees or whatever it may be.

Scott McCullough:
Planning & Development
Services Director: Correct.

Mayor Amyx: Those are the items that the appeal would be about right?

Scott McCullough:
Planning & Development
Services Director: Correct, by our code, yes.

Commissioner Herbert: Parking lot's already there?

Mayor Amyx: Parking lot's there, yeah.

Commissioner Herbert: Scott, let me ask you this. I'm going to ask you to speak on behalf of the Planning Department. You've heard Mr. Sells three proposed locations. We know that two of them would require administrative approval only. Based upon your experience in Planning and Development, which of those three locations is the

best location for what he proposes?

Scott McCullough:
Planning & Development
Services Director

We've had some good discussions about this. Given that this is a bit of a controversial land use.

Commissioner Herbert:

A little bit.

Scott McCullough:
Planning & Development
Services Director

I think, part of this reminds me of some of our cell tower discussions where you're trying to solve an issue for one part of the neighborhood and you're taking it to another part. In this particular case, the alternate options are much denser and have higher activity area. They've got a lot more residential use around it. I completely respect and appreciate the District's position on this. But I think you might want to also consider just the type of schools that are nearby. Elementary versus High School versus a College and Career Tech Center and the age of those students and the maturity levels and the harm frankly that is potentially there. All those things considered, I think our conclusion is that this is the most appropriate place. The subject

Commissioner Herbert:

...
The industrial location?

Scott McCullough:
Planning & Development
Services Director

The subject location, the industrial location. Probably if we were to choose where we would want an archery range or a shooting range or something of this matter, we've looked to these industrial parks.

Commissioner Herbert:

Does the Boys and Girls Club currently own property out there Mr. LaFrenz?

Duane LaFrenz:
Charity Board
Boys & Girls Club

No. We're not currently there.

Commissioner Boley:

Do you want to come to the microphone please?

Duane LaFrenz:
Charity Board
Boys & Girls Club

No, we are not currently there. We are in the process with the School District of doing all the legal to sign in on a lease agreement.

Commissioner Larsen:

Where is the property that you're looking to buy?

Duane LaFrenz:
Charity Board
Boys & Girls Club

Our property will be in conjunction to the new College Career Center. We'll actually be connected together by the breezeway between the two lots.

Mayor Amyx:

Thanks. Scott, one of the things that I'm having a tough time with, at the time that the College and Career Center and Peaslee Tech, now the Boys and Girls Club, the Teen Center there, specifically the College and Career Center. I know we

visited time with members of the School Board in trying to get them to locate adjacent to Peaslee Tech that was the other part of the building. They were looking at a location, and School Board members can refresh my memory, they were looking at a location at Holcom Park. We made a decision to work with the School District and everybody go together on the site where it's at now. I guess my question comes in, did we not change that neighborhood by taking College and Career Center, Peaslee Tech and in the future Boys and Girls Club. One of the things I noticed in the staff report was talking about the character of the neighborhood, item #3. The applicant's response talks about the six industrial lots, but did we not... Before it was like all industrial around that area. Did we not change the character of that neighborhood by all of this going to that site and putting public institutional buildings in there?

Scott McCullough:
Planning & Development
Services Director

Yeah I think an argument can certainly be made for that Mayor, that we did and we brought a different use. We brought a school use to the property, no doubt. That area has changed. I think if it's a matter of relativity though, of different spots in the city. You could argue both sides with this one because of the way the transportation systems, layout and access and direct relationship and indirect relationship and we've worked hard, the city has, with the school district, to make Peaslee Center successful, to make College and Career Tech. We don't want to bring harm to that either. But I think the commission needs to direct us on what the expectation is and how important this thousand foot boundary is, because another 50 ft. in the same industrial park and we're out of the thousand foot zone. We're still in the industrial park, but we're out of the thousand foot zone and so as Mr. Larkin mentioned how much weight do we give this, the value and intent to the federal law. I'm not answering your question I know, but it's been a complicated ... It was a tough case for the planning commission to decide, I think, because they see all those different issues and in the end, they're findings based on golden factors was that it would bring more harm than good to the very uses, Mayor, that you point out.

Mayor Amyx:

Well, the hardest part about this is looking at the two sites and let's faces it we're considering two sites because we are looking at, well three. After talking to Mr. Sells yesterday I think we're talking primarily about two. You can go to a mall shopping center tomorrow, sign lease, whatever it's going to be. Is it smarter to place this use on a zoning change property at 31st and Haskell versus ultimately The Mall shopping center? This is after I helped encourage the school district to locate at 31st and Haskell with their college and career center. Boy did I mess up.

Scott McCullough:
Planning & Development

Yeah I think that what's helped us consider this is the intent of the gun free zone act and it certainly intended to keep harm

Services Director away from school zones and all the different, very bad, elements that can happen. I think though that you have to believe that this use has this element and is going to bring harm there and I think that's a matter of opinion. It depends on what your personal experiences are and if we believe that a gun shop and shooting range has the potential to bring harm to a school district then it has potential to bring harm to a neighborhood or a commercial shopping center, or an industrial park, or any number of areas.

Mayor Amyx: Okay.

Commissioner Herbert: Can I ask a question? Any of the school boards, Marcel, Brandy. If Mr. Sells Proposal had not involved the retail component, if it was purely recreational shooting, would the school board have written an opposition letter?

Marcel Harmon:
Vice President
USD 497 Board of Education Yes. I would have.

Mayor Amyx: Please, come to the microphone.

Marcel Harmon:
Vice President
USD 497 Board of Education Well, I think for some that probably would have eased some concerns. I think in the end we still would have written the opposition letter just because you're still going to have people bringing weapons to the facility. Which have potential of being-

Commissioner Herbert: Mr. Sells if you end up, if you're rejected tonight and you end up moving to The Mall's location. Which I'm seeing is like that Hume Music building or what used to be Hume Music. Would that have the retail component as well?

Rick Sells:
Applicant It will when I go in, but it's kind of like opening up an ice cream store and not having ice cream. That's why people are going to come there.

Mayor Amyx: Please come to the microphone.

Rick Sells:
Applicant Sorry. I think that the people that are going to come there are going to come there because they want to ... I would be willing to say that 80% of people are going to shoot guns. That's what they want to do. It's like the guy that gets off work on Thursday and goes and hits a bucket of balls to relax. That doesn't do anything for me but ripping off a couple clips does. I would go in with that. There's also, right now I'm selling out of my house and mostly on the internet and that's one of the things that would make it work. I'm not opposed to working this out if that's what it takes to get things worked out. I just...

Commissioner Herbert: I'm just trying to pin point the opposition specifically. I want to make sure we don't vote on a motion tonight. I want to make

sure we have a specific point and when we talk about the community building shooting range I guess the fundamental difference between your shooting range and the community building shooting range, which is five to seven hundred feet from a school and about 100 ft. away from a place that serves alcohol, for the record. About five feet from it?

Rick Sells:
Applicant

Five places.

Commissioner Herbert:

Five places. I guess the fundamental difference would be the retail component, because I can't buy a gun at the community building. That's why I asked Marcel the question. Is that the sticking point?

Rick Sells:
Applicant

That's why I said if that needs to go out that way I can still sell guns out of my house. I mean you have to understand there's probably 10 or 15 other FFL's in town that are selling guns. It's not just the 5 places that I wrote up. I know a veterinary here in town that sells guns.

Mayor Amyx:

Okay. Any other questions to Mr. Sells or anyone else?

Marcel Harmon:
Vice President
USD 497 Board of Education

Can I clarify the school board's position?

Mayor Amyx:

Please.

Marcel Harmon:
Vice President
USD 497 Board of Education

We never had a discussion whether retail versus shooting and so the decision was ... I have no actual basis to confirmation one way or the other. My feeling is that in the end we probably still would have written the letter of opposition. Just because there will still be guns that are being... to and from the place. Again I don't know for sure because we never had that specific discussion.

Commissioner Boley:

Marcel, can you comment on the other two few locations that we discussed tonight?

Marcel Harmon:
Vice President
USD 497 Board of Education

For me personally those two ... tonight's the first I've really had a chance to see those. I admit I'm not too happy about those locations either from a school district standpoint. Again, as a board, we have not had a discussion of anything else but this particular site.

Mayor Amyx:

Okay. Well folks ...

Commissioner Larsen:

This is a perfectly legal operation. From talking, hearing Randy, what Randy had to say? There's nothing illegal about it. I think with this obsession we have with guns these days that the one

thing that's sorely lacking is education and training and learning respect for guns. This is a business that would offer that and I have all respect for the School District's position on this, but technically I don't know how we cannot let him be there, on the edge of town, in an industrial park, in an IL designation.

Mayor Amyx: Okay.

Commissioner Boley: I'm very impressed with Mr. Sells and his proposals. I really appreciate your interest in education and safety. That's so important especially for the young people that will be learning about shooting and guns. On the other side of that I'm very concerned about the ability of the Boys and Girls Club to raise the money to build that facility that is so important to our community, and which needs to be located by the career center. I'm really torn on this one and I guess The Malls may be the better place even though it's denser. Again my concern about the Boys and Girls Club is what leads me to that conclusion.

Mayor Amyx: Okay, anything?

Commissioner Herbert: I guess I'll go next. This is a really hard one for me for a lot of reasons. I was talking with Mayor Amyx that up until about 24 hours ago I was looking for a way out of this vote. When your boss writes a letter to the commission it's hard to open your mouth one way or another. Without if you open your mouth one way people say, "Oh that's a conflict of interest." If you open your mouth the other way you look for a job the next day. I've done a lot of thinking on this and where I'm at is the reason I'm sitting here today, and I am going to make a vote. I think it's my responsibility to take a stand. I think that people don't elect you to see your way out of votes and so one consequence or another for how I vote tonight I guess I live with. For me I have a really big problem with governmental double standards. We had this conversation, I think this might even have been before Lisa came on the commission, but when we were dealing with advertising in Rock Chalk Park and the issue came up of we were going to grant a permit to Rock Chalk Park to do something that a normal citizen wouldn't have been able to do. I spoke against it at the time and I'll tell you what I have a real big problem with us as a governing body telling Mr. Sells that he can't do something that literally our city government does. We operate a shooting range less than 700 ft. from a school. We have people bring guns into a public building with a big old, 'Don't bring your guns' sign on the door and they walk right into that door into a city owned firing range with a 40 year old ventilation system that probably doesn't meet any sort of EPA standard what so ever. When I walked by there today you've got kids inside there ... That's a dangerous situation and yet when I've talked to people about it I get the same response I got from Mr. Larkin, "I didn't even know it was there." I'm thinking what

does it mean that no one knows it's there and to me, and somebody can correct me if I'm wrong, but that would leave me to believe we've never had an incident. We've never had a problem with it being 500 ft. from a school. We've never had St. Johns parents come before our city commission telling us to shut this thing down. I'm going to have a real hard time telling Mr. Sells he can't do this when we are literally doing it ourselves. Every part of me wants to reject this because I teach at Lawrence High School. I teach kids. Kid's safety is my number one priority every single day but I don't think that putting it at The Mall makes us any safer. In fact it puts it closer to me every day. I don't think it makes us any safer from a school standpoint. It's in a densely populated area. I don't think it makes our neighborhoods any safer putting it at The Malls. I frankly think as far out of town as you can put something like this the better it will be and this is literally about as far out of town as we can put something with it still in city limits. If it's got to be this, The Malls, Anderson Rentals, I think you put it here every single time. Stuart, I understand what you're saying about Boys and Girls club. I'm a big supporter of Boys and Girls Club, but they don't own that land. It's kind of like me telling you I don't want you doing something with your front yard because I might buy your neighbor's house. I don't own your neighbor's house. They don't own that land. We cannot really let them dictate policy on land they don't own.

Mayor Amyx:

Thanks Matt.

Vice Mayor Soden:

I guess I have to go now. This is certainly something that I've struggled with as well. When I met with Mr. Sells, I remembered in elementary school, in Topeka, Shawnee Heights. We had BB Gun. That's what we did in school, on stage, in the cafeteria. But these aren't, we're not talking about BB Guns. We're talking about Guns. I also come from a family from all up by the Nebraska border and they all have guns. I shot BB Guns outside of school as well, but I'm not talking about BB Guns. I'm talking about actual guns right now. I think the thousand foot rule is very important. The one thing I haven't heard mentioned yet about the thousand foot rule from schools is that by putting something inside of that thousand feet, thinking of the spirit of the law where it had to do with the drug wars and they could add crimes on to someone who might be selling drugs near a school and happen to have a gun and so that's just an extra offense that you can put on there. I kind of worry about us actually, I don't want to say entrapping, anyone. But if we're putting one within the thousand feet and saying, "Hey bring your guns to this area within one thousand feet of a school." I mean, that seems like an odd scenario for us to put other people in as well. I don't know, maybe that's just me that strike me as a little odd. But I think that the thousand feet is really important. I'm trying really hard not to be distracted by the other locations that we could or

could not be looking at. It sounds like the school district needs time to think about that as well. I kind of wonder if we could almost differ this so that Mr. Sells could investigate these other areas as well. Perhaps talk to the school district more somehow. I don't know. The community building that's clearly something of an issue, but does that mean we have to close down the gun range at the community building. That does sound like it does have some serious issues with it. I just keep going around and around in a circle as well but I think the thousand foot rule is important. Yes it's on the edge of town. That would be a better, ideal, scenario. But it's a thousand feet from the school. I would say no because of that. I'm not anti-gun. I think education is really important. I was taught education when I was younger, under 18. I don't know I just ... I can't approve it, but I can't deny it. I'm just going to have to err on the side of caution and go with deny, I guess, is basically what I'm saying. I think we need to work with them for another location though, somehow, somewhere.

Commissioner Larsen: In a dense neighborhood?

Vice Mayor Soden: I don't know.

Commissioner Herbert: Next to Lawrence High School and an Elementary School.

Vice Mayor Soden: I don't know. I think it's important to not drag this into a 'What if' scenario. We're not looking at the 'What if's' right now. We're looking at this location.

Commissioner Herbert: But from the long term planning ... Maybe not even long term, from a very short term planning, when he leaves here tonight with a denial there's going to be unintended consequences of our decision tonight. I think we do need to look at what his next play is and Mr. Sells has already told us what his next play is. His next play is The Malls.

Rick Sells:
Applicant I filed it today.

Commissioner Herbert: He's already filed the paperwork it's ... We're putting it in The Malls or we're putting it on the edge of town.

Mayor Amyx: Okay. You know it is ... You weigh all these options. Lisa, you're right it's legal. Matt, you're right, does it make more sense to place it at the edge of town than it does The Malls. I agree those comments right there. One of the things is I look at the golden criteria established and here again the character of the neighborhood. The effect the influence that I might have had in working with the school district in moving. Asking them to be a partner with the city, the county, and others on the new buildings that are out there, the educational buildings that are there. I

think that we established that character, and we changed a lot of that character too. Once we brought the educational component there. I think that ... Man. I suppose a little bit like the Vice Mayor if you're going to err you're on the side of safety every time. But I'm just not sure that's the smartest way to do it. I sit there and I think from time to time, in the last couple of hours, Matthew if you would have come to me and given me the opportunity for taking a pass. It would have been one of those times I might have done it.

Vice Mayor Soden:

What are our options?

Mayor Amyx:

Yeah, the options that we have are ...

Vice Mayor Soden:

Can we put those up on the board?

Commissioner Herbert:

Well I mean it's pretty apparent that we don't have four yes's. I think what we need to look at is what-

Katherine Simmons:
Planner

Our options again are four to overturn the denial recommendation from the planning commission. Three to ... or Three to pass it back down to the planning commission for reconsideration with specific direction as to what you want them to-

Commissioner Herbert:

Why don't we pass it down ... Realizing that there aren't four yes votes? That puts in the three no vote category. Or potentially three yes. Then we get the majority votes yes and it fails the situation which is always fun to work with. What about the notion of sending it back to planning? That would be the three votes to return, and specifically asking them to work with the School Board and identifying whether or not The Malls location or the Haskell Industrial location is more fitting. Because it seems like, particularly Vice Mayor, your comments that that thousand feet matters to you and I respect that. The Malls location we're at one thousand fifty three, fifty eight, and thousand... We exceed a thousand. How much of a difference a couple hundred feet makes realistically, I don't know. But if that one thousand foot marker is that critical what about the idea of sending it back to planning commission and saying, "Let's work on an alternative location." Because like Lisa, the first thing ... Commissioner Larson you made the comment. I think we need to reiterate is, there is nothing illegal about his proposal.

Mayor Amyx:

No there's not.

Commissioner Herbert:

We don't have, in my opinion, a ton of respectable options to turn him away. We can work with him on finding a more suitable location. There's not a whole lot of ways that we can do this the right way in saying no.

Commissioner Larsen: It's an industrial area. Where else would you want something like this? Other than...

Commissioner Herbert: That's where I would want it.

Commissioner Larsen: Other than out in the middle of nowhere.

Commissioner Boley: I hear what you're saying Matthew, but I think Boys and Girls Club has to be part of this conversation. They are looking at getting land from the school district as I understand it, for their center, which is to be right connected with the career center. That's a really important thing for our community. I think that the Boys and Girls Club has to be part of this conversation.

Vice Mayor Soden: I think we should perhaps differ this and then let's just work on The Malls location. Let's put that through the process. See what happens with that. We keep forecasting what may or may not happen. Let's just put it through the process and see what does actually happen.

Mayor Amyx: So differ this item, or table this item, I suppose.

Commissioner Herbert: But then you're asking him to propose a second location without being turned down on his first.

Mayor Amyx: Right.

Scott McCullough:
Planning & Development
Services Director We understand that this is again his first desired location. So what I'm seeing right now is you don't have four votes to overturn the planning commission and approve it. So you're left with three to two to deny or three to two to send it back. I might be able to help here in that there is some new information that you are seeing that the planning commission didn't and that's the site plan submitted today on an alternate location. At the time it was more theoretical that there could be alternate locations. Now that's kind of firmed up a little bit and so if you have that question and others that you want the planning commission to ponder then it may be beneficial to send this back to the planning commission in this instance.

Mayor Amyx: Vice Mayor that would give you that opportunity to have the alternate location looked at if that is your desire. To be able to work with Mr. Sells there and get some kind of decision made on the alternate location at The Malls and then, before you have to make final decision on this one.

Scott McCullough:
Planning & Development
Services Director Because in the meantime we will start processing that and the notice and do a parallel process.

Commissioner Boley: We could also have them take a look another look at the

character of the neighborhood, which is what you're worried about.

Scott McCullough:
Planning & Development
Services Director

We can. It also gives the School District some time to look at these alternate locations and determine if they have a position or opinion on those locations.

Mayor Amyx:

Okay. So Matt you're recommending sending it back?

Commissioner Herbert:

Yeah. I just think that's the best option that we have available to us given the vote count. If our concern is safety it seems pretty counter intuitive to move it to a more dense location.

Mayor Amyx:

Okay.

Commissioner Larsen:

Yeah, at a minimum send it back. That's what I would ...

Commissioner Herbert:

If that's what we're thinking is the most responsible thing to do.

Mayor Amyx:

As I understand the Vice Mayor, you're talking about exactly what Scott is saying is parallel look at an alternate location, Which is The Mall shopping center, and have the planning commission re-look at this item with the things specific to this site. Whether it is character of the neighborhood and also the additional information of The Malls secondary location.

Vice Mayor Soden:

Which is outside of the thousand feet, not by a lot, but it is.

Commissioner Larsen:

Magic number, yeah?

Vice Mayor Soden:

I know.

Commissioner Larsen:

It's important I realize that, it is important.

Mayor Amyx:

Okay so you want to make a motion to send it back?

Vice Mayor Soden:

I guess I don't. For some reason it seems odd to say this, I just don't have the fear of putting it in The Malls versus having fear at the industrial. I fear both locations. But there is a 1000 ft. rule at the industrial location, that there is not at The Malls. To me it doesn't really have to do with density. Like I said though, I'm the kid who did BB Gun practice and competitions inside of my school. I don't have that fear component. It's just that thousand feet seems to be important. It's important to the School District. I think we should differ the thousand feet and look at The Malls. It doesn't scare me that it's in a more dense location.

Commissioner Herbert:

How's that going to align with your character of the neighborhood argument. I think if you ask the guy who owns The Malls barbershop he might tell you that's a problem with the character of the neighborhood.

Commissioner Larsen: Or the housing right behind it.

Commissioner Herbert: You might ask Jim Lewis what he thinks...

Commissioner Boley: It's already zoned.

Commissioner Herbert: Okay.

Vice Mayor Soden: I used to live behind there.

Mayor Amyx: You want to send it back?

Commissioner Boley: I move to send it back.

Commissioner Larsen: Second.

Mayor Amyx: Okay. I have a motion made and a second to send it back for the specific reasons of, spell them out. Give me one.

Commissioner Herbert: How about we send it back for a comparative look at two locations?

Mayor Amyx: You have an application that's been filed for a site plan by Mr. Sells on The Mall shopping center and you're saying that you're going to run these things parallel while the Planning Commission's looking at whatever direction that we send back to them. At the same time there's going to be ... You guys are going to go through staff, look at the site plan that's been submitted so that when eventually it comes back to us we're going to have the opportunity to look at both of them?

Commissioner Herbert: Now are we ruling out ... Because that Anderson Rentals location was mentioned?

Mayor Amyx: I think he signed a deal though.

Commissioner Herbert: I think that Pinckney neighborhood might ...

Mayor Amyx: He filed an application though with the city on the site plan for The Malls-

Scott McCullough:
Planning & Development
Services Director

We cannot lose site that we have a pending application for re-zoning in front of us. We have right now a pending application that's just started today on a site plan process. Theoretically that site plan process could be done fairly quickly. From our standpoint it's not much of a site plan process it's ...

Commissioner Herbert: It's there.

Scott McCullough: But we're going to do it. We're going to; if it ends up that ... I

Planning & Development Services Director think we've got a friendly applicant in Mr. Sells. He wants to see this thing work through the system. If I'm reading our conversations this is your preferred site. I think even if he gets a determination of approval at The Malls. I'm not sure you want to act on that until you hear what their decision on this rezoning is. I think what might be beneficial ... What the planning commission didn't do is a comparative analysis between the characteristic of the two location neighborhoods, the intensities at each, the surrounding usage and it's relationship within the city itself. All those sorts of items I think is what I'm hearing you want a report back from the planning commission that would help you in your decision.

Commissioner Boley: The public would have a chance to comment on the new information?

Scott McCullough: Correct.
Planning & Development Services Director

Commissioner Boley: Then I'd like to have them take a look at the character of that neighborhood again as the mayor pointed out.

Scott McCullough: Got that. As I mentioned this, when we look at the character of the neighborhood it's for IL Zoning it's not for specific use in IL Zoning. We're looking at all the uses of IL. It's context of within IG. That's how we land on finding that it's compatible with the neighborhood.

Commissioner Herbert: We just got done putting an IL in the middle of a neighborhood didn't we?

Mayor Amyx: We did, we did. Okay. I guess ...

Vice Mayor Soden: Was that a motion?

Mayor Amyx: Yeah, we got a motion and a second to ... To send it back. I'm not real comfortable with doing that, but anyway. I got a motion and a second and a lot of comment. You've got specific direction to take the planning commission and what the expectation of the commission is. Okay?

Moved by Commissioner Boley, seconded by Commissioner Larsen, to return the proposed project rezoning (Z-15-00471), of approximately .972 acres from IG (General Industrial) District to IL (Limited Industrial) District, located at 1021 E 31st Street for a proposed gun range to the Planning Commission for further consideration of the characteristics of the neighborhood adjacent to the proposed location at 1021 E 31st Street compared to the neighborhood adjacent to The Malls Shopping Center located at 711 W 23rd Street. Aye: Commissioner Boley, Commissioner Herbert, Commissioner Larsen, and Vice Mayor Soden, Nay: Mayor Amyx. Motion carried.

The City Commissioner recessed at 7:58 pm for 5 minutes

The City Commission reconvened at 8:03 pm

3. **Consider the following items related to the 2016 Art Tougeau Parade and Final Friday event and the 2016 Lawrence Buskerfest street event:**

- a) **Conduct a public hearing regarding a distance limitation waiver request for the 2016 2016 Art Tougeau Parade and Final Friday Event to be held Friday, May 27, 2016, at 12:00 p.m. to Saturday, May 28, 2016, at 2:00 p.m. and find that the proximity of the temporary sale of alcoholic liquor for the event is not adverse to the public welfare or safety and a grant distance limitation waiver. The public hearing would apply to the 900 block of New Hampshire Street portion of the event.**
- b) **Consider adopting on first reading, Ordinance No. 9191, allowing the sale, possession and consumption of alcohol on the public right-of-way in the 900 block of New Hampshire Street during the Art Tougeau event.**
- c) **Consider approving a street event permit for the 2016 Art Tougeau Parade and Final Friday Event on Friday, May 27, 2016, to Saturday, May 28, 2016, for the closure of the 900 block of New Hampshire Street.**

Mark Thiel presented the staff report.

Moved by Commissioner Herbert, seconded by Commissioner Boley, to open the public hearing. Motion carried unanimously.

Mayor Amyx called for public comment. There was no public comment.

Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to close the public hearing. Motion carried unanimously.

- d) **Conduct a public hearing regarding a distance limitation waiver request for the 2016 Buskerfest event to be held Friday, May 27, 2016, to Sunday, May 29, 2016 and find that the proximity of the temporary sale of alcoholic liquor for the event is not adverse to the public welfare or safety and a grant distance limitation waiver. The public hearing would apply to the 900 block of New Hampshire Street portion of the event from Saturday, May 28, 2016, at 2:00 p.m. to Sunday, May 29, 2016, at 7:00 p.m.**
- e) **Consider adopting on first reading, Ordinance No. 9185, allowing the sale, possession and consumption of alcohol in the public right-of-way in the 100 block of east 8th Street, and the 900 block of New Hampshire Street during the Buskerfest event.**

- f) **Consider approving a street event permit for the 2016 Lawrence Busker Fest for Friday, May 27, 2016, to Sunday, May 29, 2016. The event will be held in the 100 block of east 8th Street, the 900 block of New Hampshire Street, and in front of the US Bank (not in the right of way).**

Moved by Commissioner Boley, seconded by Commissioner Larsen, to open the public hearing. Motion carried unanimously.

Mayor Amyx called for public comment. There was no public comment.

Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to close the public hearing. Motion carried unanimously.

Moved by Vice Mayor Soden, seconded by Commissioner Larsen, to find that the proximity of the temporary sale of alcoholic liquor for the event is not adverse to the public welfare or safety and a grant distance limitation waiver. Motion carried unanimously.

Moved by Commissioner Boley, seconded by Commissioner Larsen, to adopt on first reading, Ordinance No. 9191, allowing the sale, possession and consumption of alcohol in the public right-of-way in the 900 block of New Hampshire Street. Motion carried unanimously.

Moved by Vice Mayor Soden, seconded by Commissioner Larsen, approve street event permit for the 2016 Art Tougeau Parade and Final Friday Event on Friday, May 27, 2016, to Saturday, May 28, 2016, for the closure of the 900 block of New Hampshire Street. Motion carried unanimously.

Moved by Commissioner Herbert, seconded by Commissioner Boley, to find that the proximity of the temporary sale of alcoholic liquor for the event is not adverse to the public welfare or safety and a grant distance limitation waiver; and, adopt on first reading, Ordinance No. 9185, allowing the sale, possession and consumption of alcohol in the public right-of-way in the 100 block of east 8th Street, and the 900 block of New Hampshire Street. Motion carried unanimously.

Moved by Larsen, seconded by Vice Mayor Soden, to approve the street event permit for the 2016 Lawrence Busker Fest for Friday, May 27, 2016, to Sunday, May 29, 2016. The event will be held in the 100 block of east 8th Street, the 900 block of New Hampshire Street, and in front of the US Bank (not in the right of way). Motion carried unanimously.

4. **Conduct a public hearing and consider recommendations from the Historic Resources Commission to designate the following properties as Landmarks on the Lawrence Register of Historic Places:**

- a) **L-15-00075: 1345 West Campus Road, Chi Omega House**
- b) **L-15-00385: 1005 Sunset Drive, Fuller House**
- c) **L-15-00429: 304 and 302 Indiana Street, Zimmerman House and Zimmerman Carriage House**
- d) **L-15-00501: 1624 Indiana Street, Beal House**

Lynne Braddock Zollner, Historic Resources Administrator, presented the staff report.

Moved by Commissioner Boley, seconded by Commissioner Larsen, to open the public hearing. Motion carried unanimously.

Mayor Amyx: Public hearing is open. Is there any public comment on these items?

Dennis Brown:
President
Lawrence Preservation
Alliance

Just a couple of comments. The first three properties are already listed on the state and national registers of historic places. The Lawrence register was formed in 1988 so we're still trying to catch up with some of the properties that jumped the Lawrence register and went on to stay the national fame. Now we're saying, "Yeah we agree." Here in little old Lawrence and we want them on our Lawrence register too. The fourth property, the bill house, that's been nominated by the current owner, John Charleton, Betty-Joe's son. Working with a group called Lawrence Modern. I think you folks are probably pretty familiar with Lawrence Modern, Tom Harper, Dennis Domer and some of those folks, have really done a great job and we have a lot of mid-century modern architecture here in Lawrence Kansas. The other thing I think is interesting about that is there's a 50 year bench mark to be listed on these historic registered. The mid-century moderns are just getting into that arena where they can be considered for listing. To me the interesting part about that is these registers are, in a sense when you think about it, a challenge. They're looking in the past and saying, "Wow, Mr. Beal what a job you did 50 some-odd years ago." But it's also a challenge to people who are building today. Builders or owners of new properties, are you building something that could be considered for a historic register 50 years from now? You won't get to decide. Your children will get to decide. Thanks.

Mayor Amyx: Thanks Dennis. Other public comment? Good evening.

John Charlton: I own the Beal house now. My parents bought it in the 1971 and both lived in it until they died. My mother died the summer before last and she'd always intended to nominate it for the registries, various registries, and just didn't get around to it. It had to be at least 50 years old. I wrote the nomination and submitted it to the state and it's now waiting to hear from the national registry and so that's why I thought it ought to be on the city registry too and so I would like to see that. I just want to let you know.

Mayor Amyx: John we appreciate you doing that.

John Charlton: Thanks.

Mayor Amyx: Thank you. Other public comment?

Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to close the public hearing. Motion carried unanimously.

Moved by Commissioner Boley, seconded by Vice Mayor Soden, to adopt on first reading, Ordinance No. 9187, for landmark designation of 1345 West Campus Road; Ordinance No. 9188, for landmark designation of 1005 Sunset Drive; Ordinance No. 9189, for landmark designation of 304 and 302 Indiana Street; and Ordinance No. 9190, for landmark designation of 1624 Indiana Street. Motion carried unanimously.

5. **Consider motion to recess into executive session for approximately 30 minutes for the purpose of discussing non-elected personnel matters. The justification for the executive session is to keep non-elected personnel matters confidential at this time. The City Commission will resume its regular meeting in the City Commission Room at the conclusion of the executive session.**

Moved by Vice Mayor Soden, seconded by Commissioner Larsen, to recess into executive session at 8:20 pm for approximately 30 minutes for the purpose of discussing non-elected personnel matters. The justification for the executive session is to keep non-elected personnel matters confidential at this time. The City Commission will resume its regular meeting in the City Commission Room at the conclusion of the executive session. Motion carried unanimously.

Upon returning to the City Commission's regular session at approximately 8:50 pm, Mayor Amyx announced that negotiations with the selected candidate have been very productive and the Commission expects to make an announcement about the City's next City Manager very soon.

G. FUTURE AGENDA ITEMS:

Casey Toomay, Assistant City Manager, outlined potential future agenda items.

H: COMMISSION ITEMS:

I: CALENDAR:

Casey Toomay, Assistant City Manager, reviewed calendar items

J: CURRENT VACANCIES – BOARDS/COMMISSIONS:

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

Moved by Vice Mayor Soden, seconded by Commissioner Herbert, to adjourn at 8:55 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON FEBRUARY 23RD, 2016.



Brandon McGuire, Acting City Clerk